



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

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Ulster County Town Justice Should Be Censured for Social Media Posts

The New York State Commission on Judicial Conduct has determined that Terry B. Elia, a Justice of the Lloyd Town Court, Ulster County, should be censured for making inappropriate LinkedIn posts and for serving as a “peer support member” of the Ulster County Sheriff’s Office’s Critical Incident Stress Management Team.

Judge Elia agreed to the censure.

For nearly a year between 2020-21, Judge Elia listed several groups related to law enforcement as “interests” on his public LinkedIn page, and he “liked” at least 12 posts, comments or articles supporting law enforcement. For around 10 years, Judge Elia worked with the Ulster County Sheriff’s office, providing counseling to first responders. He also “liked” six partisan political posts or comments.¹

The Commission found that “By aligning himself with law enforcement personnel both through his public LinkedIn activity and through his

¹ The posts are appended to the [Agreed Statement of Facts](#).

association with the Ulster County Sheriff's Office, [Judge Elia], a judge in Ulster County, undermined public confidence in the judiciary and cast doubt on his ability to act impartially when he presided over matters which involved law enforcement personnel." The Commission noted that Judge Elia acknowledged that his conduct was improper and warranted public discipline.

Judge Elia, who is not an attorney, has been a Justice of the Lloyd Town Court since 1998. His current term expires on December 31, 2025.

Statement by Commission Administrator

Commission Administrator Robert H. Tembeckjian made the following statement.

"A judge must be and appear impartial, or public confidence in the integrity of the courts may be compromised. Extra-curricular alignments with law enforcement entities, even in a good cause, can be problematic. So, too, must a judge avoid partisan politics, except when running for judicial office."

The Commission Proceedings

Judge Elia was served with a Formal Written Complaint dated April 4, 2022, containing two charges.

On September 6, 2022, the Administrator of the Commission, Judge Elia, and his attorney, entered into an Agreed Statement of Facts, stipulating to the facts and sanction and waiving further submissions and oral argument.

The Commission accepted the Agreed Statement on September 22, 2022.

The Commission Determination

The Commission filed a determination dated September 28, 2022, in which ten members concurred: Taa Grays, Esq. (the Vice Chair), Judge Fernando M. Camacho, Jodie Corngold, Judge John A. Falk, Judge Angela M. Mazzarelli, Judge Robert J. Miller, Marvin Ray Raskin, Esq., Ronald J. Rosenberg, Esq., Graham B. Seiter, Esq., and Akosua Garcia Yeboah.

Joseph W. Belluck, Esq. (the Commission Chair), did not participate.

Court of Appeals Review

The Commission transmitted its determination to the Acting Chief Judge of the Court of Appeals, pursuant to Judiciary Law Section 44, subdivision 7. The Commission was notified on October 4, 2022, that Judge Elia had received the determination. Consequently, the matter is now public.

A judge may either accept the Commission's determination or, within 30 days from receipt, make a written request to the Acting Chief Judge for a review of the determination by the Court of Appeals.

Pursuant to Judiciary Law Section 44, subdivision 7, if Judge Elia does not request review by the Court of Appeals, the Commission will censure him in accordance with the determination.

If a Commission determination is reviewed by the Court of Appeals, the Court may accept the determined sanction, impose a different sanction including admonition, censure or removal, or impose no sanction.

Statistics Relating to Prior Determinations

Since 1978, the Commission has issued 345 determinations of censure against judges in New York State. The Commission has issued 178 determinations of removal and 280 determinations of admonition.

The Court of Appeals has reviewed 101 Commission determinations. The Court accepted the Commission's sanctions in 85 cases (76 of which were removals, six were censures and three were admonitions). Of the remaining 16 cases, two sanctions were increased from censure to removal, and 13 were reduced: nine removal determinations were modified to censure, one removal was modified to admonition, two censures were modified to admonition, and one censure was rejected and the charges dismissed. The Court remitted one matter to the Commission for further proceedings.

Counsel

Judge Elia was represented by Deborah A. Scalise of Scalise and Hamilton, P.C., 111 Brook Street, Suite 202, Scarsdale, New York 10583, (914) 725-2801.

The Commission was represented by Deputy Administrator Cathleen S. Cenci, Senior Attorney S. Peter Pedrotty and Investigator Laura Misjak.

Background Information on Judge Elia

First Took Office:	1998
Current Term Expires:	December 31, 2025

Members of the Commission

The Commission members serve four-year terms. A list of members is appended.

The Public File

The determination and other records are available on the Commission's website: www.cjc.ny.gov.

MEMBERS OF THE STATE COMMISSION ON JUDICIAL CONDUCT

Member	Appointing Authority	Term End
Joseph W. Belluck, Esq., Chair	Former Governor Andrew M. Cuomo	March 31, 2024
Taa Grays, Esq., Vice Chair	Senate President Pro Tem Andrea Stewart-Cousins	March 31, 2023
Hon. Fernando M. Camacho	Former Chief Judge Janet DiFiore	March 31, 2024
Jodie Corngold	Former Governor Andrew M. Cuomo	March 31, 2023
Hon. John A. Falk	Former Chief Judge Janet DiFiore	March 31, 2025
Hon. Angela M. Mazzarelli	Former Chief Judge Janet DiFiore	December 31, 2022 ²
Hon. Robert J. Miller	Governor Kathy Hochul	March 31, 2026
Marvin Ray Raskin, Esq.	Assembly Speaker Carl E. Heastie	March 31, 2026
Ronald J. Rosenberg, Esq.	Former Senate Minority Leader John J. Flanagan	March 31, 2024
Graham B. Seiter, Esq.	Assembly Minority Leader William A. Barclay	March 31, 2025
Akosua Garcia Yeboah	Former Governor Andrew M. Cuomo	March 31, 2025

² Judge Mazzarelli's term on the Commission will end upon her retirement from judicial office on December 31, 2022.