



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

ROBERT H. TEMBECKJIAN
ADMINISTRATOR & COUNSEL

CORNING TOWER, SUITE 2301
EMPIRE STATE PLAZA
ALBANY, NEW YORK 12223

MARISA E. HARRISON
PUBLIC INFORMATION OFFICER

518-453-4600 518-299-1757
TELEPHONE FACSIMILE
www.cjc.ny.gov

NEWS RELEASE

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Contact:

*Marisa E. Harrison, Public Information Officer
(518) 288-8658*

Greene County Town Justice Should Be Censured for Asserting His Judicial Office in a Small Claims Matter

The New York State Commission on Judicial Conduct has determined that Raymond J. Kennedy, a Justice of the Durham Town Court, Greene County, should be censured for invoking his judicial office on behalf of his wife when she was sued in a small claims matter, and cross-examining the plaintiff even though he is not an attorney and was not a party to the proceeding.

Judge Kennedy agreed to the censure.

In December 2018, Judge Kennedy's wife entered into a pre-lease agreement with potential tenants for a residence she and the judge jointly owned. The matter went to court in a dispute over \$3,000, where Judge Kennedy appeared on his wife's behalf and gratuitously made references to "[his] court," such as, "Your Honor, I'll state that to the court that it's no secret I'm a judge in another locality..."¹

¹ The trial judge found for the plaintiff in May 2019, and Judge Kennedy's wife was ordered to return the \$3,000. She did not do so, however, until June 2022, shortly before Judge Kennedy agreed to be censured for his misconduct.

In censuring Judge Kennedy, the Commission noted that the judge's actions "created the appearance that he expected special treatment and deference because of his status as a judge."

Judge Kennedy has been a Justice of the Durham Town Court since 2008. His current term expires on December 31, 2024.

Statement by Commission Administrator

Commission Administrator Robert H. Tembeckjian made the following statement.

"Public confidence in the integrity of the judiciary is undermined whenever a judge invokes the prestige of office for a private benefit. It was plainly improper for Judge Kennedy to make references to his judicial position when his wife was sued, and to act as her lawyer in the case when in fact he is not a lawyer."

The Commission Proceedings

Judge Kennedy was served with a Formal Written Complaint dated March 15, 2022, containing one charge, and filed an Answer dated April 14, 2022.

On July 13, 2022, the Administrator of the Commission and Judge Kennedy 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 August 11, 2022.

The Commission Determination

The Commission filed a determination dated August 24, 2022, in which all eleven members concurred: Joseph W. Belluck, Esq. (the Commission Chair), 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.

Court of Appeals Review

The Commission transmitted its determination to the Chief Judge of the Court of Appeals, pursuant to Judiciary Law Section 44, subdivision 7. The Commission was notified on September 6, 2022, that Judge Kennedy 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 Chief Judge for a review of the determination by the Court of Appeals.

Pursuant to Judiciary Law Section 44, subdivision 7, if Judge Kennedy 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 343 determinations of censure against judges in New York State. The Commission has issued 177 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 Kennedy represented himself.

The Commission was represented by Deputy Administrator Cathleen Cenci, Senior Attorney Kathleen Klein and Senior Investigator Ryan Fitzpatrick.

Background Information on Judge Kennedy

First Took Office: 2008

Current Term Expires: December 31, 2024

Members of the Commission

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

The Public File

The determination is attached. The record of the proceedings upon which the determination is based is available for inspection by appointment during regular business hours at the Commission's three offices:

61 Broadway Suite 1200 New York, New York 10006	Corning Tower, Suite 2301 Empire State Plaza Albany, New York 12223	400 Andrews Street Suite 700 Rochester, New York 14604
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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.