



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

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Schenectady County Family Court Judge Should Be Admonished for Having Court Staff Perform Myriad Personal Tasks

The New York State Commission on Judicial Conduct has determined that Jill S. Polk, a Judge of the Family Court and an Acting Justice of the Supreme Court, Schenectady County, should be admonished (1) for asking and permitting her confidential secretary to perform myriad non-work-related personal tasks, many of them from the courthouse during regular business hours, and (2) for allowing her young daughter on many occasions to walk through the courthouse unsupervised and distract court officers at security checkpoints.

Personal Tasks

From autumn 2015 through May 2016, Judge Polk's confidential secretary – an employee of the court system – provided regular assistance in the planning of the Bat Mitzvah for the judge's daughter. In phone conversations and through court system resources such as email and fax accounts during regular business hours, the judge's secretary engaged in all aspects of the Bat Mitzvah party: vetting various catering and venue options, creating table centerpieces, managing guest RSVPs, making and troubleshooting hotel room reservations for out-of-town guests, etc.

From autumn 2015 through early 2017, Judge Polk's secretary also handled many other personal tasks for the judge, such as scheduling personal appointments for the judge and the daughter, researching vacation rental options, determining

vehicle service options, finding a locksmith for a job at the judge's house, and obtaining price quotes from a landscaper.

The Commission noted that Judge Polk should have known it was improper to use court staff for such personal matters because (A) she was a Commission attorney from 2008 to 2014, when two other judges were publicly disciplined for routinely using court staff for personal purposes, and (B) those cases were covered during her new-judge training in January 2015.¹

Daughter's Presence in Courthouse

From 2015 through early 2017, Judge Polk's then 12- or 13-year-old daughter was at the courthouse, during normal business hours, at least once a week, totaling 50 to 100 times. She frequently spent time at the magnetometer checkpoint, speaking to the court officers. Despite being told by a security captain that this presented a security issue, Judge Polk did not stop the child from being a "regular presence" at the security checkpoint, which the Commission said was "inappropriate and a further instance of [Judge Polk] using the prestige of her office for her personal benefit."

In admonishing Judge Polk, the Commission noted that the judge had no prior disciplinary history and was a new judge at the time of the misconduct.

Statement by Commission Administrator

Commission Administrator Robert H. Tembeckjian made the following statement.

"Although the Commission and I disagreed on the appropriate sanction in this case, the Commission made clear that it was wrong for Judge Polk to have her court-paid secretary perform extensive acts of personal assistance, using court resources, on court time. It was also wrong for Judge Polk to allow a security issue to fester, despite specific notice from a ranking officer that her young child's regular, unsupervised presence at courthouse magnetometers was problematic. Judge Polk knew better, having been an attorney at the Commission when two other judges were publicly disciplined for similar misconduct."

¹ *Matter of Ruhlmann* (<https://cjc.ny.gov/Determinations/R/Ruhlmann.Dandrea.2009.02.09.DET.pdf>) and *Matter of Brigantti-Hughes* (<https://cjc.ny.gov/Determinations/B/Brigantti-Hughes.Mary.2013.12.17.DET.pdf>)

The Commission Proceedings

Judge Polk was served with a Formal Written Complaint dated September 11, 2019, containing one charge, and filed an answer dated October 23, 2019.

The Commission designated Michael J. Hutter, Esq. as referee to hear and report proposed findings of fact and conclusions of law. A hearing was held on November 9, 10, 12 and 13, 2020 via videoconference. The referee filed a report dated June 17, 2021.

The Administrator recommended that the referee's report be confirmed and that Judge Polk be removed from office. Judge Polk's attorney recommended that the referee's report be disaffirmed and that, in any event, a sanction no greater than admonition be imposed. On October 28, 2021, the Commission heard oral argument.

The Commission Determination

The Commission filed a determination dated January 24, 2022, in which all eleven members concurred: Joseph W. Belluck, Esq. (the Commission Chair), Taa Grays, Esq. (the Vice Chair), Jodie Corngold, Judge Fernando M. Camacho, 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 February 22, 2022, that Judge Polk 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 Polk does not request review by the Court of Appeals, the Commission will admonish her 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 279 determinations of admonition against judges in New York State. The Commission has issued 176 determinations of removal and 340 determinations of censure.

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 Polk was represented by Stephen R. Coffey and Cristina D. Comisso, of O'Connell and Aronowitz, 54 State Street, Albany, New York 12207, (518) 462-5601.

The Commission was represented by Robert H. Tembeckjian, Administrator and Counsel to the Commission; Mark Levine, Deputy Administrator in Charge of the New York City office; and Principal Attorney Brenda Correa. Investigator Drew Zagami was assigned to the case.

Background Information on Judge Polk

First took office:	2015
Current Term Expires:	December 31, 2024
Year Admitted to NYS Bar:	1988
Relevant Prior Work History:	January 31, 2008 –
Commission on Judicial Conduct Senior Attorney	December 31, 2014

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	Chief Judge Janet DiFiore	March 31, 2024
Jodie Corngold	Former Governor Andrew M. Cuomo	March 31, 2023
Hon. John A. Falk	Chief Judge Janet DiFiore	March 31, 2025
Hon. Angela M. Mazzarelli	Chief Judge Janet DiFiore	March 31, 2022
Hon. Robert J. Miller	Former Governor Andrew M. Cuomo	March 31, 2022
Marvin Ray Raskin, Esq.	Assembly Speaker Carl E. Heastie	March 31, 2022
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