

NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION

submitted in accordance with Assembly Rule III, Section 1(e)

Bill Number: Assembly: 9252 Senate:

Memo on Original Draft of Bill: Amended bill:

Sponsors: Members of Assembly: KOPPELL
Senate:

TITLE OF BILL:

AN ACT to amend the Judiciary Law, in relation to establishing a State Office of Judicial Inspector General.

PURPOSE OR GENERAL IDEA OF BILL:

To bifurcate the prosecutorial and adjudicative functions of the Commission on Judicial Conduct.

SUMMARY OF SPECIFIC PROVISIONS:

This bill amends Article 2-a of the Judiciary Law to direct the Commission on Judicial Conduct to appoint, for a four-year term, a judicial inspector general. A new article, 2-B is enacted to establish the Office of Judicial Inspector General and to provide for the functions, powers and duties of such office.

JUSTIFICATION:

Presently, the Commission on Judicial Conduct investigates complaints against judges, decides whether charges should be filed, and determines disciplinary sanctions. The Commission exercises its investigative and adjudicative functions through one staff. Although the Commission attempts to prevent members of its staff who investigate or try cases against a judge from later assisting the Commission in rendering its determination, the determination is made by the same entity that previously acted in an adversarial capacity. The present system gives the impression of unfairness. At a public hearing held by the Assembly Judiciary Committee in 1987, a number of judges cited the fact that the Commission acts as judge, jury, and district attorney as an inherent deficiency in the system.

The proposed bill separates the investigative and adjudicative responsibilities of the Commission on Judicial Conduct. By directing