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## Judges Present Range of Part-Time Job Requests in Pursuit of Extra Pay

A judge can race motorcycles, coach basketball and captain a sightseeing boat without creating a conflict with his primary judicial role or compromising its dignity. But requests from four judges have so far been turned down.

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ALBANY - A judge can race motorcycles, coach basketball and captain a sightseeing boat without creating a conflict with his primary judicial role or compromising its dignity.

Those are a few of the determinations court administrators have made since last fall when they relaxed prohibitions against judicial moonlighting in light of the fact that judges have not received a raise since 1999.

Relatively few of the state's 1,300 judges have seized the opportunity, however. Only 14 applications for approval to engage in outside paid work have been received, with 10 being accepted ([NYLJ, Oct. 18, 2010](#)).

In each case, Office of Court Administration Counsel John W. McConnell has written that administrators "perceive no objectionable conflict" between judges' proposed second jobs and their full-time duties, but has added reminders of the standards judges are to uphold.

Family Court Judge and Surrogate John Lambert in Otsego County has returned to coach basketball at his alma mater, Cooperstown High School.

"I don't know if that is necessarily what they had in mind when they said judges could take on a second job, but it's been great," said Judge Lambert, who will make an extra \$3,000 coaching.

Judge Lambert said he asked both his wife and Michael V. Coccoma ([See Profile](#)), the deputy chief administrative judge for courts outside New York City, what they thought of a judge patrolling the sidelines as a JV coach.

"They both said they would be proud," Judge Lambert said. "I don't want to diminish from the integrity of the judiciary. You have to make sure you avoid conflict. You can't use your judicial position in any way."

Judge Lambert said he has been careful to keep his temper in encounters with referees to maintain the dignity of his office.

Onondaga County Court Judge William B. Walsh ([See Profile](#)) said he took up motocross racing, in which participants race around a bumpy dirt track on motorcycles, when he was in his 40s. At the time, he also was still flying F-16 fighters with the National Guard.

Now 66, Judge Walsh said he does not expect to make much money, if any, racing against competitors who are sometimes half his age or less. But he said he welcomes the diversion from the bench that racing provides.

"Everything else is just gone, you are so focused on trying not to kill yourself," he said.

As far as making money, Judge Walsh said, "I would absolutely kill for a \$5 plastic trophy."

Judge Walsh said he was not sure how court administrators would regard his request to race motorcycles.

"I was curious as to whether they had a sense of humor or not," he said. "I am a little long in the tooth. I am pretty good on the bike, though."

While approving Judge Walsh's activity, Mr. McConnell cautioned him to avoid sponsorship of his racing motorcycle by a law firm or a bar association, as that would be a conflict of interest. Judge Walsh had inquired whether such sponsorship was permitted.

Acting Supreme Court Justice Alan Honorof in Nassau County ([See Profile](#)), who has a Coast Guard license that allows him to operate

sailboats up to 200 miles offshore, had been offered a job as captain of an excursion boat.

Justice Honorof said he runs the sightseeing trips on weekends and at night. He did not foresee any conflicts, and wrote that "the employment does not appear to rely on the prestige of my office."

Mr. McConnell approved the request but reminded Justice Honorof, as he did several other judges, that "the provision of services to the public raises special concerns, with which we assume you are familiar."

Thus, he advised that the judge should "assiduously avoid services" to attorneys or parties with contacts to the court.

District Court Judge G. Ann Spelman in Suffolk County ([See Profile](#)) received approval to sell jewelry, antiques and collectibles on consignment through a cooperative.

Justice Spelman said she has had a "fascination with old things since I was young." But, she added, she does not expect to get rich.

"Mostly, it is an enjoyable sideline. Once we get our raise, I don't know what our rule [on outside employment] will be moving forward," she said. "This is something I discovered I would like to do after I retire, at least part-time."

The proposal of Family Court judge and Acting Supreme Court Justice Mark Meddaugh in Sullivan County ([See Profile](#)) to act as a certified lay speaker at a church when clergy is not available was also approved.

But Mr. McConnell cautioned that "we are compelled to observe that principles of separation of church and state recommend that such activities be conducted with caution and prudence."

The "conflicts approvals" from the court system expire after one year and judges must reapply to continue in their second jobs. In no case are the 1,300 sitting judges allowed to practice law or act as arbitrators or mediators.

Judges seeking permission to take second jobs were not required to say how much they anticipated making in additional income.

#### Requests Rejected

Requests from four judges have so far been turned down, according to the OCA materials available to the public under the state Freedom of Information Law.

A proposal from Pauline Mullings ([See Profile](#)), an acting Supreme Court justice in a criminal term in Queens, that she be allowed to get a license as a private security guard and work nights, weekends and holidays when she is not on the bench was rejected. Mr. McConnell said security guards typically have interaction with local law enforcement personnel, which could create the appearance of a conflict for a judge on a criminal court bench.

Brooklyn Acting Supreme Court Justice Alan Marrus' ([See Profile](#)) request to charge more than \$100 to solemnize marriages if extra work is involved to create "unique and special" ceremonies was denied. Mr. McConnell said judges could conceivably be paid for providing ancillary services at a wedding away from court premises, such as catering or photography, but General Municipal Law §805-b expressly limits the fee for performing a ceremony to \$100.

Justice Marrus said judges often spend hours beyond the actual wedding ceremony trying to get to know the couples so they can personalize the service.

"It's unfortunate that judges cannot get compensated for the additional time that we put into performing marriage ceremonies beyond the ceremony itself," Justice Marrus said in an interview. "But since the administration feels that that would violate the current statute, then I feel obligated to follow that decision.... You have to abide by the rules.... There is no one to take an appeal to."

The inquiry of Supreme Court Justice Anthony J. Paris in Onondaga County ([See Profile](#)) as to whether a judge could act as a neutral on an arbitration or mediation panel was rejected, with the court administrators noting it would violate Article VI, §20(b)(4) of the state Constitution.

Justice Paris chafed that judges do not have free rein to find secondary employment, if they can do it within the confines of the Constitution and judicial rules.

"I don't know of any legislator who has to ask permission to do a second job, and they are technically part-time employees," Justice Paris said in an interview. "They say we have to uphold the 'dignity' of the court. Well, that is kind of a disrespectful attitude about other jobs. I'd do landscaping, but I am not sure they would let me. It is unfortunate that a Legislature that has not had a problem disrespecting a separate and distinct branch of government by freezing their salaries for 13 years doesn't have to ask permission to take a second job and we do."

New York City Criminal Court Judge Richard Weinberg's ([See Profile](#)) conflicts check for nine different jobs, including real estate broker and special master to a federal judge, was also rejected. Mr. McConnell had said he needed more specifics on the various employment settings to determine if they posed conflicts.

Justice Weinberg said he has whittled down and resubmitted his request to OCA, asking this time only about the propriety of acting as a real estate broker. He has maintained his real estate license. Mr. McConnell has not yet given his opinion.

"I'm not going to take out ads, I'm not going to go on TV," Justice Weinberg said in an interview. "If somebody that I know is interested in buying or selling property, maybe I can help broker the purchases. I am hopeful that I will get a prompt response [from the OCA] so

that I can do something to supplement my income because that's absolutely essential for my family's financial survival."

"We have had some interesting applications, but I think that we treat each on the merits," Chief Judge Jonathan Lippman said in a recent interview. "I think we will get more as time goes by and people get used to it that we are not so constrained as we had been."

Judge Lippman said the court system's intent is for administrators to interpret rules on outside income more strictly once judges get raises. But he said he would be willing to review the restrictions when the time comes.

"Maybe we can make some of this more ongoing," he said. "We'd have to take a good look. I think it's good that we have this experiment to see if it undermines the judiciary in any way."

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## Moonlighting Judges

Judge	Court	County/City	Second Job
<b>John J. Brunetti</b>	Acting Supreme	Onondaga	Cashier at crafts show business
<b>Alan L. Honorof</b>	Acting Supreme	Nassau	Excursion boat captain
<b>John Lambert</b>	Family Court; Surrogate s	Otsego	High school boy's junior varsity basketball coach
<b>Arnold Lim</b>	Family Court	Kings	Clinical social worker
<b>Theodore H. Limpert</b>	City Court	Syracuse	Commercial pilot
<b>Mark M. Meddaugh</b>	Family Court; Acting Supreme	Sullivan	Certified church lay speaker
<b>Mary Anne Scatteretico-Naber</b>	City Court	Yonkers	Marketing research participant
<b>O. Peter Sherwood</b>	Acting Supreme	New York	Corporate director
<b>G. Ann Spelman</b>	Acting Supreme	Suffolk	Jewelry/collectibles sales
<b>William D. Walsh</b>	County Court	Onondaga	Motocross racer

### Requests Denied

<b>Alan D. Marrus</b>	Acting Supreme	Kings	Earn more than \$100 for weddings
<b>Pauline A. Mullings</b>	Acting Supreme	Queens	Security guard
<b>Anthony J. Paris</b>	County Court	Onondaga	Arbitration/mediation neutral
<b>Richard Weinberg</b>	Criminal Court	New York	Real estate broker, among others

SOURCE: Office of Court Administration

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