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# A Sex Joke and Other Judicial Bad Behavior

By WILLIAM GLABERSON

One judge who was driving drunk led the police on a half-mile chase, and when he was pulled over, asked for “professional courtesy.”

Another said “good boy” when a man who wanted to file a lawsuit made an insulting comment about Jews.

A third repeatedly jailed people without any trial and talked at length from the bench about how the decoration on a woman’s T-shirt made him think of a male sex organ. “I’m bringing down the house,” said the judge, Gilbert L. Abramson of Family Court in Saratoga County, evidently delighted with his own humor.

Those are a few of the cases that were handled over the last year by a secretive state agency, the New York State Commission on Judicial Conduct, that is at the center of a new dispute about the state’s judicial-discipline system. Last week, the 77,000-member New York State Bar Association called for major changes in the commission’s structure and operations after a Manhattan lawyers’ group criticized the panel as unfair to judges.

The state bar association’s position is expected to set off a campaign in Albany to change the system in ways that could make it more difficult to remove judges, for example by allowing them to question investigators’ witnesses before a hearing. The proposal would also break the commission into two separate agencies, one to prosecute judges and another to rule on the charges. It is also likely to prompt the first detailed review in decades of the way the state handles the roughly 1,800 complaints made against judges every year.

The complaints filed with the 11-member commission vary from nuisance accusations by people who lost cases to sobering claims about judges’ fixing cases and ignoring constitutional rights, the agency’s reports show. Because of the power wielded by the state’s 3,500 full- and part-time judges, any system of policing them would be delicate.

Last year’s cases provide a sample of the kinds of decisions that are now drawing statewide attention. The commission, which operates behind closed doors, removed only one judge in

2010, Judge Abramson of the Saratoga Family Court, who, according to the commission, made comments about the woman's T-shirt that "were ribald and replete with sexual innuendo."

Two judges resigned while under investigation, including the town court justice in western New York who said "good boy" after the derogatory comment about Jews and another town court judge who the commission found had failed to sentence more than 100 convicted people.

Twelve judges were censured or admonished last year, including one who delayed resolving cases for up to five years, another who refused to handle cases until he received a pay increase, and one who threatened a man with jail for being rude to the judge's wife. A Kingston City Court judge, James P. Gilpatric, was admonished after he did not even respond to letters from his administrative judge concerning long delays in deciding cases.

Privately, judges criticize the commission as an arrogant agency willing to destroy careers on flimsy evidence. But cases from last year show that other critics, including some of the commission's own members, say the agency is far too lenient toward judges.

The judge who asked for special consideration when he was caught driving drunk, Gerard E. Maney, the supervising Family Court judge in Albany, was censured. But one of the commission members, Joseph W. Belluck, a Manhattan lawyer, wrote that it was "mind-boggling" that the judge would be left on the bench after making "a calculated effort" to ensure that the law "would not be applied to him personally."

In another case last year, Richard D. Emery, another commission member, wrote that it was "inexplicable" that the commission had left in office a nonlawyer town justice in Clinton County, in northern New York, who, the commission found, had fixed a ticket for a son of his boss in another job, and handled cases involving his own nephews.

In its decision in October leaving the justice, Jeffrey L. Menard, in office, the commission said that in a closed-door hearing, Justice Menard had said he probably should have sent the ticket of one of the nephews to another judge but it "wasn't worth the hassle."

By leaving the justice in office, Mr. Emery wrote, the commission "leaves the public at risk."

In an interview this week, the chairman of the commission, Thomas A. Klonick, criticized as "unfortunate and kind of distressing" the way the Manhattan lawyers' group, the New York County Lawyers' Association, had reached its conclusions that the system was unfair to judges. "I believe they don't understand the process of how the commission works," said Mr. Klonick, a lawyer and part-time town judge in Perinton, N.Y., near Rochester.

The president of the Manhattan lawyers' association, James B. Kobak Jr., said his group had consulted people widely, but "beyond that I really don't care to respond."

But the comments of Mr. Klonick, a Republican appointed to the commission by the state's chief judge, showed that the effort to change the state's judicial-discipline system is likely to meet resistance as the debate begins in Albany.