



**NEW YORK STATE ASSEMBLY
STANDING COMMITTEE ON JUDICIARY
NOTICE OF PUBLIC HEARING**

SUBJECT: State Commission on Judicial Conduct

PURPOSE: To explore the policies, procedures and practices of the New York State Commission on Judicial Conduct.

New York City

Tuesday, September 22, 1987
270 Broadway
10:00 A.M.
11th Floor Hearing Room

The present Commission on Judicial Conduct of the State of New York was created on April 1, 1978 pursuant to Section 42, paragraph 4 of the Judiciary Law.

Since the Commission has been in existence for 10 years, it is appropriate to inquire into the manner in which it is conducting its affairs and to determine whether any changes may be required in its mandate, procedures or operation. It is also important to ascertain whether the public, the bar and the bench believe that judicial conduct is properly monitored and supervised.

There has been some criticism of the Commission, notably by Sol Wachtler, Chief Judge of the State of New York, in commenting upon the Commission's Annual Report this year. The Committee on the Judiciary believes a public hearing is both timely and appropriate.

Persons wishing to present testimony to the Committee at the above hearing should complete and return the reply form by September 11th. It is important that the reply form be fully completed so that individuals may be notified in the event of emergency postponement or cancellation.

Oral testimony will be limited to ten (10) minutes duration. Twenty (20) copies of any prepared testimony should be submitted at the hearing registration desk for distribution to Committee members.

Witnesses are requested to direct their testimony to the questions listed on the reverse side of this hearing notice.

**G. OLIVER KOPPELL
Member of Assembly
Chairman, Committee on Judiciary**

PUBLIC HEARING REPLY FORM

Persons wishing to present testimony at the public hearing on the Commission on Judicial Conduct are requested to complete this reply form by September 11th and return it to:

Rita Gordon
Office of Assemblyman G. Oliver Koppell
270 Broadway - Room 1506
New York, New York 10007
(212) 385-6650

Complete information is essential so that persons may be notified in the event of emergency postponement or cancellation.

NAME: _____
ORGANIZATION: _____
ADDRESS: _____
TELEPHONE: _____

ASSEMBLY STANDING COMMITTEE ON JUDICIARY

PUBLIC HEARING: COMMISSION ON JUDICIAL CONDUCT

QUESTIONS TO WHICH WITNESSES ARE REQUESTED TO DIRECT THEIR TESTIMONY:

1. Do you believe the Commission on Judicial Conduct is properly fulfilling the mandate for which it was created? Please explain.
2. Discuss the positive and negative aspects of the Commission's policies, practices and procedures, including, but not limited to:
 - a) initiating complaints;
 - b) conducting investigations;
 - c) conducting formal hearings; and
 - d) making final determinations.
3. The Commission on Judicial Conduct both prosecutes and adjudicates cases of judicial misconduct. Is this dual role appropriate? Please set forth the rationale for your conclusion.
4. The Judiciary Law allows a respondent-judge 30 days to request review of the Commission's determination by the Court of Appeals. The Court of Appeals may reduce or increase a sanction imposed by the Commission. If the respondent-judge appeals the Commission's determination, should the Court of Appeals have the power to impose a different sanction than that imposed by the Commission? Please explain.
5. How should the Commission deal with part-time, primarily lay judges?
 - a) Should the Commission hold these judges to the same standards as other professional judges? Please explain.
 - b) Do you believe present training of these judges is adequate? Please elaborate.
6. Is the Commission properly applying the rules with respect to political action or activity by judges and court personnel? Please explain.
7. Judicial conduct:
 - a) Are the "Rules Governing Official Conduct," as adopted by the Chief Administrator, appropriate and clearly understood by all judges?
 - b) Is the "Code of Judicial Conduct," as adopted by the New York State Bar Association, appropriate and clearly understood by all judges?
8. Is judicial independence impaired by activities of the Commission? Explain.
9. How has the Commission affected judicial morale?
10. Is inappropriate or improper judicial behavior a serious problem in New York State notwithstanding the Commission?
11. Discuss the Commission's budget:
 - a) Is it spent appropriately?
 - b) What percentage of the budget is devoted to minor charges against lay judges?
- * 12. Should there be an independent audit of the Commission?
 - a) If so, how frequently?
 - b) Which would be the appropriate agency to conduct such an audit?