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Albany Times Union, December 12, 2002 Judicial Oversight has its Limits

The state commission that disciplines judges gets by fairly well, considering a lack of money and resources to process more than 1,300 complaints each year, several attorneys said Wednesday. Limited funds and resources were recurring themes at the State Bar Association's panel discussion on the state Commission on Judicial Conduct.

"One of the problems is there is not enough staff and not enough money," said Stephen Coffey, an Albany attorney who sits on the 11-member commission.

Former member Juanita Bing Newton said the commission examines all complaints filed, but a lack of money means the backlog keeps investigations open for as long as three years.

"We don't want to have judges unnecessarily hanging out in a posture of being under investigation," Newton said.

Last year, the commission commenced 208 new investigations and publicly disciplined 26 judges, according to its annual report. Funding for the commission is hammered out yearly during state budget negotiations.

Retired California Judge John Racanelli, who sat on the panel as an out-of state observer, compared New York's commission to its counterpart in California, the first state in the country to set up a judicial oversight board.

California has 16 attorneys and \$3.7 million to examine about 1,000 complaints a year. New York, however, has just nine attorneys and \$2.23 million, handling about 1,300 complaints annually.

"One thing I find impressive is how the New York state commission can function as well as it does, dealing with the tremendous volume of complaints within the budgetary constraints..."

LawBeat is compiled by staff writer Carol DeMare. Contributing were Andrew Tilghman and Brendan Lyons.

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351 West 54th Street New York, N.Y. 10019
Tel.: 212.541.6741
Fax: 212.541.7301
justice@moderncourts.org