

Judiciary Committee to Hold Hearings on Disciplinary Bodies

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THE SENATE Judiciary Committee will hold hearings about how New York attorneys and judges are disciplined for misconduct, the panel's chairman announced yesterday.

Senator John L. Sampson, D-Brooklyn, said the first of two or three sessions to examine the performance of the Commission on Judicial Conduct and the attorney disciplinary committees of the four Appellate Division departments will be held on June 8 in Albany.

Mr. Sampson, the first-year chairman of the Judiciary Committee, said he has received many complaints about the disciplinary agencies, frequently citing the secrecy surrounding the process.

"There is this cloud of secrecy with respect to those organizations," Mr. Sampson said in an interview. "To do away with the whole issue of the conspiracy theorists," he said, he will hold hearings and examine testimony, "so that

we can come out with a report to determine whether [the allegations] are valid or not valid."

Mr. Sampson said complaints about the grievance process generally have come from attorneys who contend that disciplinary committees were "out to get them" or from members of the public mistrustful of whether charges of misconduct are being investigated rigorously.

Complaints about the Commission on Judicial Conduct were "all over the board," from critics who felt the commission unfairly punished judges to those unhappy that judges were not punished, Mr. Sampson said. A large number have come from judges who felt they were not given a "fair shot" or who complained that "everything was stacked against them" by the time they got before the commission to defend themselves, he said.

"I have been amazed by the complaints I have been receiving from judges with respect to the Commission on Judicial Conduct," he said. "Amazed."
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Mr. Sampson said he would like to hold another hearing in New York City and possibly a third in Buffalo.

He said the hearings will be in keeping with the goal of another set of hearings his committee has been holding on the Commission on Judicial Nomination and the process it uses to nominate candidates for the Court of Appeals (NYLJ, Feb. 4).

The committee had a hearing on nominees for the Court scheduled for 9 a.m. today in Old County Hall, Erie County Legislature, in Buffalo.

Another hearing is scheduled for 2 p.m. on June 5 at the Brooklyn Bar Association. Those wishing to testify may call 518-455-2788.

Mr. Sampson said his office was still formulating a list yesterday of witnesses who will be asked to testify at the June 8 hearing. Oral testimony will be by invitation only.

Mr. Sampson said the hearings are not in response to the complaints of any one individual.

One current high-profile case involves a \$10 million suit filed in U.S. District Court for the Southern District of New York by Christine C. Anderson, who contends she was fired after six years as staff lawyer for the First Department's disciplinary committee because

she complained her superiors were "whitewashing" cases (NYLJ, April 30).

Judge Shira Scheindlin dismissed six other suits filed in the wake of Ms. Anderson's action by litigants who claimed the disciplinary committee had "whitewashed" complaints against lawyers.

Ms. Anderson's attorney, John A. Beranbaum of Beranbaum Menken Ben-Asher & Bierman, said his client would not appear at a hearing like Mr. Sampson's while her litigation against the state is pending.

Another current Southern District case involves John Aretakis, a lawyer serving a suspension recommended by the Third Department's disciplinary committee. He is challenging the committee's ruling in *Aretakis v. Committee on Professional Standards*, 08-cv-9712.

The Judiciary Committee's hearing notice referred to the record 1,923 complaints filed in 2008 against judges with the Commission on Judicial Conduct and the fact that the commission investigated "only" 262 judges.

Robert Tembeckjian, administrator of the Judicial Conduct Commission, said yesterday the agency was proud of the number of cases it investigated, the second-most on record (NYLJ, May 11). The commission has traditionally found that most of the complaints made against judges are groundless. Mr. Tembeckjian said.

"The fact that we have some critics who think we are too aggressive and others who suggest that we are not aggressive enough suggests to me that we've got it just about right," Mr. Tembeckjian said.

He said he had not been asked to appear at the June 8 hearing but would, if called by Mr. Sampson's committee.

A Republican on the Judiciary Committee, Dale Volker of Depew, said the committee has heard complaints for years about both the judicial conduct commission and the attorney disciplinary committees.

"The Judiciary Committee has every right to look into these things and I think [hearings are] a good idea."

The June 8 hearing will be in Meeting Room 6 of the Empire State Plaza in Albany beginning at 10 a.m.

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