



STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

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October 17, 1989

Doris L. Sassower, P.C.
50 Main Street
White Plains, New York 10606

Dear Ms. Sassower:

This is to acknowledge receipt by the State Commission on Judicial Conduct of your complaint dated October 5, 1989.

Your complaint will be presented to the Commission, which will decide whether or not to inquire into it. We will be in touch with you after the Commission has had the opportunity to review the matter.

For your information, we have enclosed some background material about the Commission, its jurisdiction and its limitations.

Very truly yours,

Lee Kiklier
Administrative Assistant

LK:fb
Enclosure

THE COMMISSION'S JURISDICTION

The State Commission on Judicial Conduct receives and reviews written complaints of misconduct against judges in the state unified court system. Upon review of a complaint, the Commission decides whether to investigate or dismiss it.

The types of complaints that may be investigated by the Commission include improper demeanor, conflicts of interest, intoxication, bias, prejudice, favoritism, corruption, prohibited business or political activity, serious financial and records mismanagement and other misconduct on or off the bench. Physical or mental disability may also be investigated.

The Commission does not act as an appellate court. It does not review the merits of a judge's rulings. It does not review alleged errors of law. The Commission does not have the authority, for example, to raise or reduce the amount of bail or change the sentence imposed on a guilty defendant.

The Commission does not issue advisory opinions, give legal advice or represent litigants.

The Commission has jurisdiction to consider complaints and take appropriate action against judges of the unified court system, which includes judges of State, County, Municipal and Town and Village courts.

The Commission's jurisdiction is limited to judges. Complaints against other court personnel or lawyers are not investigated. When appropriate, the Commission refers complaints or complainants to other agencies.

The Commission may decide not to investigate a complaint that alleges misconduct if the matter appears to be minimal.

DISCIPLINARY ACTION

If a complaint is investigated and the allegations are not substantiated, the Commission will dismiss the complaint. If the allegations appear to have merit, the Commission may direct that a formal hearing be held.

After a formal hearing, the Commission may dismiss the complaint or caution the judge privately about the matter. The Commission may also make a determination

that the judge be admonished publicly, censured publicly or removed from office. If a judge is physically or mentally disabled, the Commission may determine that the judge be retired. Determinations to admonish, censure, remove or retire are subject to review by the Court of Appeals at the request of the judge. The Court of Appeals is the highest court in the state. If a judge requests review, the Court, after considering the record before the Commission, may dismiss the complaint or admonish, censure, remove or retire the judge from office.

CONFIDENTIALITY

Commission proceedings are confidential by law. A matter becomes public only if the Commission has determined that the judge be admonished, censured, removed or retired.

The Commission is required to notify the complainant of the disposition of the complaint, and to notify the judge if the judge had been asked to respond to the complaint in the course of the investigation.

ANSWERS TO INQUIRIES

1. Q: Does the Commission have a complaint form?
A: No. A signed letter to the Commission detailing the allegations of misconduct and naming the judge is sufficient.
2. Q: Will the judge know that I have submitted a complaint?
A: Perhaps. If the Commission decides to investigate your complaint, the judge is likely to be asked to respond to the allegations in your complaint.
3. Q: Does the judge have to disqualify himself if I have submitted a complaint.
A: No.
4. Q: Can the Commission direct that the judge be disqualified, or that a new trial be held, or that any other relief be granted?
A: No. The Commission is not a court and has no authority to grant relief to any litigant.
5. Q: Will I hear further from the Commission?
A: The Commission is required by law to inform complainants of any action taken on their complaints.

THE COMMISSION MEMBERS

There are 11 members of the Commission, each serving a four-year term. The Governor appoints four members, including one judge, one lawyer and two people who are neither judges nor lawyers. The Chief Judge of the Court of Appeals appoints three judges as members. Each of the four leaders of the Legislature appoints one person, who may not be a judge. The Commission elects one of its members as chairperson and appoints an administrator and a clerk. The administrator hires and supervises a staff in three offices, located in New York City, Albany and Rochester.

COMMISSION OFFICES

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