

New York State Commission on Judicial Conduct

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Legal Authorities

Constitution: *Art. VI, §22*

Judiciary Law: *§§40-48*

Rules Governing Judicial Conduct:

22 NYCRR Part 100

Commission Operating Procedures & Rules:

22 NYCRR Parts 7000, 7001

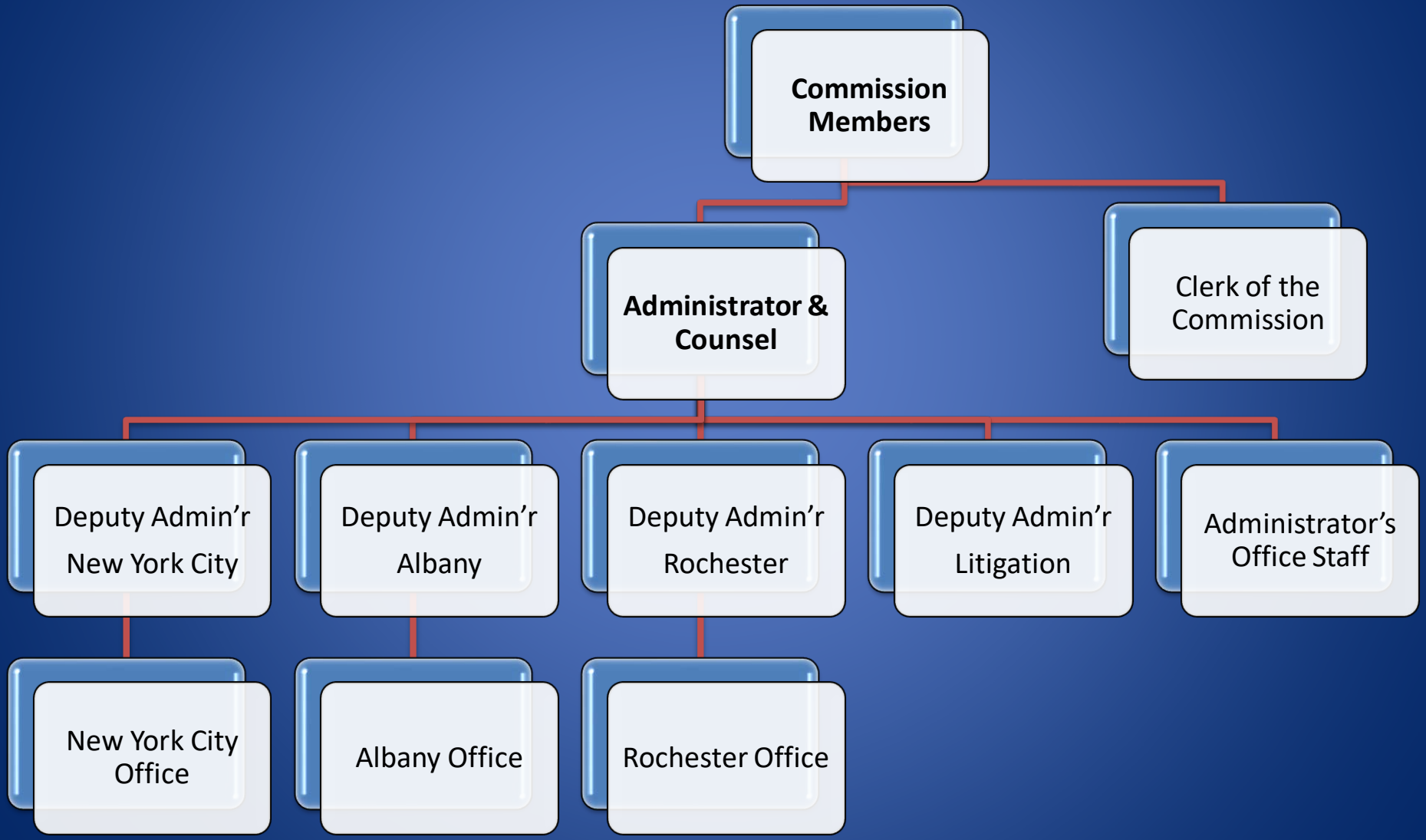
Commission Policy Manual

Appointment to the Commission

11 Commission Members

Governor **(appoints 4 members)**	• 1 must be a judge • 1 must be a lawyer • 2 must be non-lawyers
Chief Judge **(appoints 3 judge members)**	• 1 must be from Appellate Division • 1 must be a town or village justice
Four Legislative Leaders (each appoint one member)	• May be a lawyer or non-lawyer • May not be a judge or former judge

Table of Organization



Jurisdiction



The Commission has jurisdiction over 3,400 Judges and Justices of the State Unified Court System

No jurisdiction over:

- Administrative Law Judges
- Judicial Hearing Officers
- NYC Housing Court Judges
- Non-judges
- Federal Judges



Quick Overview of Complaint & Disciplinary Process



Confidentiality

Judiciary Law Sections 44 & 45

- All proceedings are confidential unless:
  - Judge waives confidentiality
  - Commission determines to publicly discipline a judge



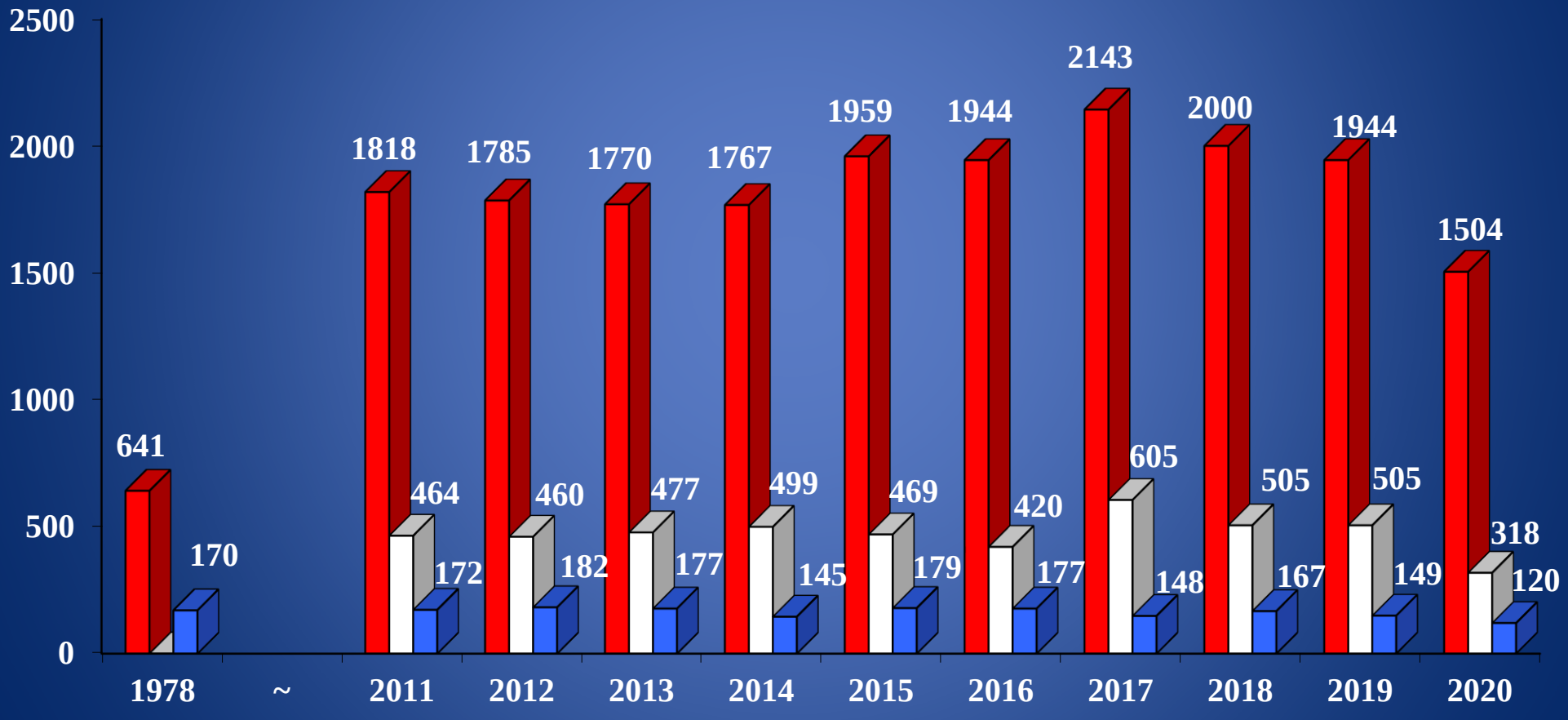
Incoming Complaints



- Staff analyzes incoming complaints, conducts initial review and inquiry where necessary (*e.g.* interviews, document review)

The Commission receives over 1,900 complaints per year

10-Year Overview of Complaints



Commission Review of Complaints

- Commission reviews all incoming complaints, including results of initial reviews & inquiries

- Considers complaints on its own motion and directs Administrator to file complaint



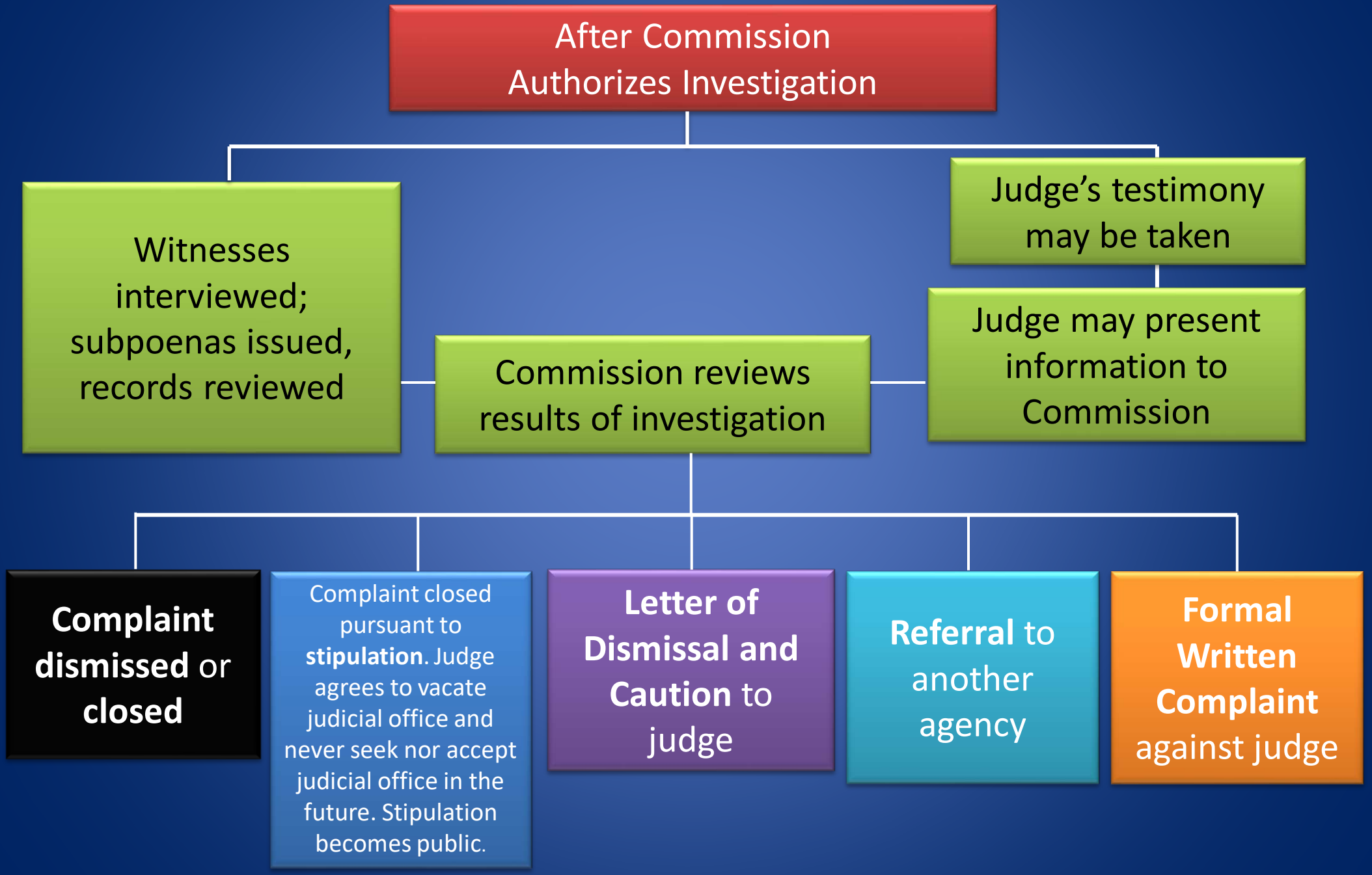
Disposition of New Complaints



Commission may:

- ✓Dismiss complaint
- ✓Refer to another agency (e.g. attorney grievance committee, District Attorney)
- ✓Authorize investigation, including testimony from the judge

The Investigation

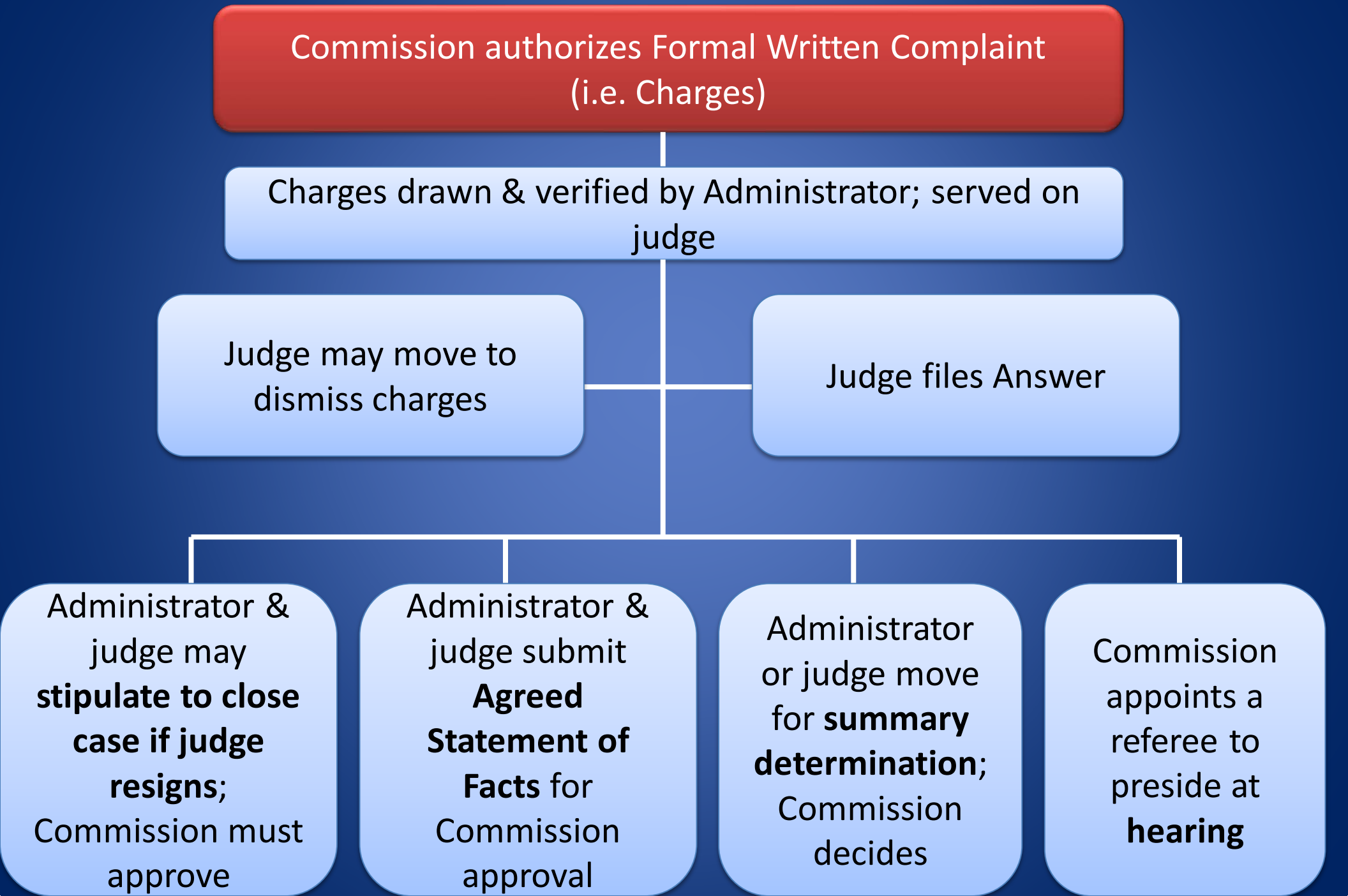


Three Stages of a Formal Disciplinary Proceeding

The following three charts depict the various stages involved in resolving a Formal Written Complaint:

- pleadings and motions
- evidentiary hearing or stipulated agreement
- oral argument and Commission determination
- Court of Appeals review

Formal Written Complaints



Formal Written Complaints

Stipulation

- Judge agrees to vacate office and never seek nor accept judicial office in the future.
- The stipulation, and decision and order closing the matter, become public

Agreed Statement of Facts

- Stipulates as to facts, misconduct, and may include sanction
- If no sanction in Agreed Statement, Commission entertains written and oral argument as to sanction

Summary Determination

- If granted, Commission entertains written and oral argument as to sanction

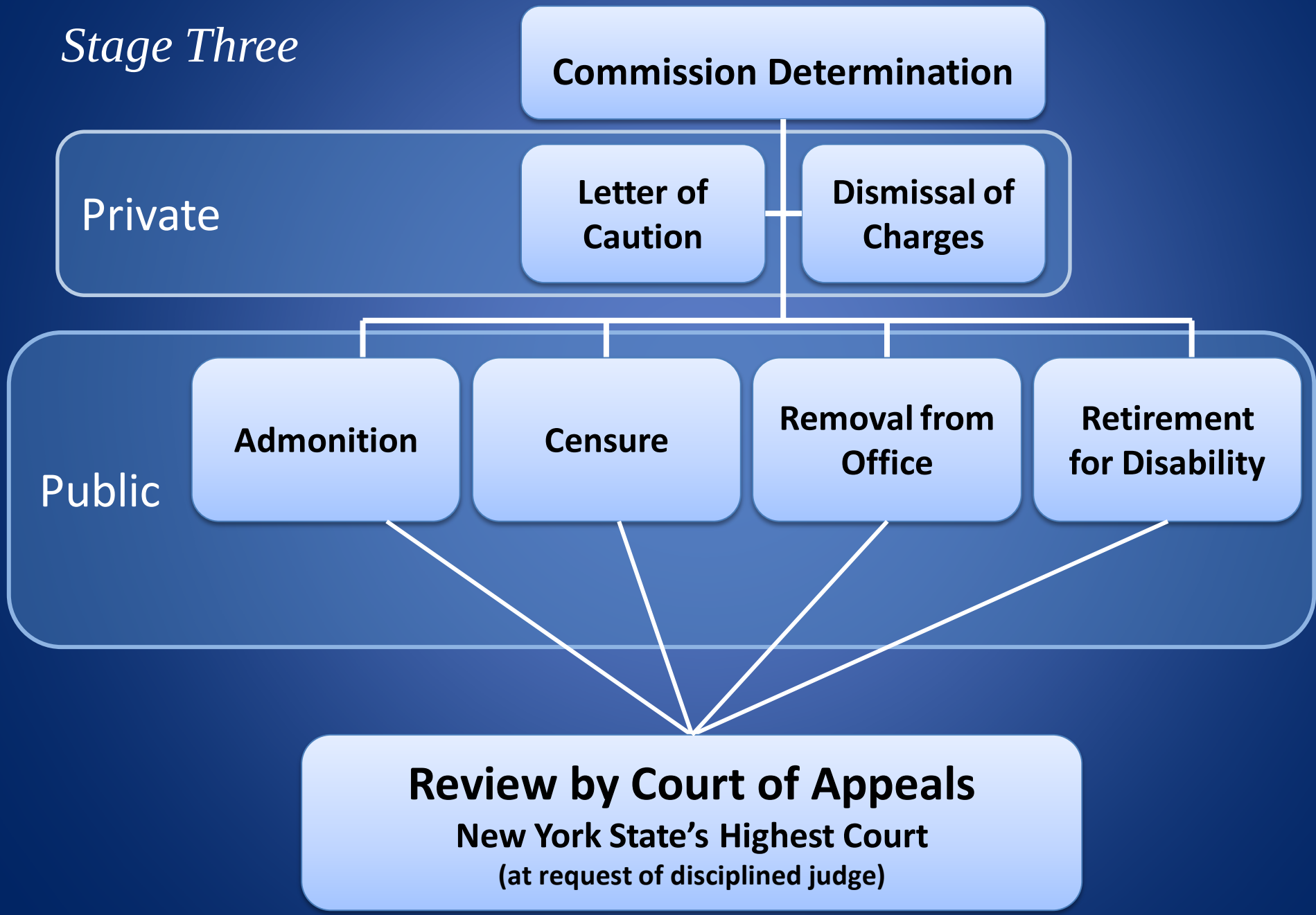
The Hearing

- Referee presides
- Rules of evidence
- Post-hearing briefs to referee
- Referee files report w/ Commission
  - Findings of fact
  - Conclusions of law
- Commission entertains written and oral argument on referee's report, sanction

Commission Renders Determination

Stage Two

Formal Written Complaints



A Brief History



The following pages offer a brief history of the development of the Commission system in New York

Before there was a Commission...



Court on the Judiciary

(Ad hoc court for discipline of higher court judges)

Appellate Divisions

(Discipline of lower court judges)

No permanent judicial disciplinary staff, office or procedures

Temporary Commission (1974)

1974: New York State Legislature created a Temporary State Commission on Judicial Conduct, with limited authority to investigate complaints and recommend action against judges for engaging in misconduct. The Commission's authority was expanded by constitutional amendments in 1976 and 1978 (following pages).



1960: California is first to create a judicial disciplinary commission.

Today: All 50 states and the District of Columbia have a judicial disciplinary commission of some sort.

Constitutional Amendment (1976)

- 9 Commission Members
- Powers:
  - Investigate complaints
  - Privately Admonish Judges
  - Commence Hearings before Court on the Judiciary and Appellate Division
  - Courts decide whether to Censure, Suspend or Remove Judges from office

2nd Constitutional Amendment (1978)

- 11 Commission Members instead of 9
- Powers:
  - Investigate complaints
  - Conduct formal disciplinary hearings
  - Determine that a judge be publicly admonished, censured, removed from office, retired for disability
  - Decisions are final unless disciplined judge seeks review in Court of Appeals



For More Information
Please Visit the Commission's Website:
www.cjc.ny.gov