



Date: December 9th, 2017

The Commission Of Judicial Conduct

Re: Judge Matthew F. Cooper

Complaints

New York New York

10006

I am a litigant in front of Judge Matthew F. Cooper for a divorce custody case, Marcilio v. Hennessy Index #314626/2012.

On December 6th 2017 there was hearing for a cross-motion on support modification in front of Judge Cooper. At that hearing and apparently on the record I asked Judge Cooper why he had not informed the court about his close family relationship with Hunter College where the other party works. Judge Cooper's son Sam Cooper was in the graduate school of Hunter College, where the defendant is a tenured professor.

Perhaps there is no issue with regards to this association, but I feel that this should have been made known to the court at the onset of the trial, just to avoid the appearance of impropriety; this was never done.

This however is not my principal concern. My concern is the way Judge Cooper dealt with this question. Rather than simply state that this "was not a concern", he exploded in a personal tirade against me. He screamed and threatened me, this all in front of a crowded courtroom. Judge Cooper did not maintain any remote semblance of decorum in the proceedings.

My cross-motion was denied without me being allowed a single word in the defence of that motion in court. It was denied solely for the reason that I asked Judge Cooper about a potential conflict of interest.

This December 6th 2017 incident is a gross violation of *Section 100.3 A judge shall perform the duties of judicial office impartially and diligently.*

(3) A judge shall be patient, dignified and courteous to litigants, jurors, witnesses, lawyers and others with whom the judge deals in an official capacity, and shall require similar conduct of lawyers, and of staff, court officials and others subject to the judge's direction and control.

I was not dealt with in a way that could remotely be considered patient, dignified and courteous. In fact I was dealt with in a way that was obviously undignified, thoroughly discourteous, and extremely impatient. I was ridiculed and threatened by Judge Cooper.

Nicholas Marcilio



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Judge Cooper indicated his bias against me in the proceedings by saying that I would be put in jail at the next hearing, this before any evidence was heard, or arguments made. On several previous occasions Judge Cooper has stated, “*You will never see the kids ever again*” (June 12th 2013 Transcript Page 12 line 10). He has also said in open court that I should “save the motion fee because whatever motion I made it would be denied”.

Matthew Cooper does not have the temperament to deal with the cases that are in front of him.

Further to this complaint Judge Cooper’s court have conveniently lost and misplaced documents and not entered orders into the record of the trial, even going so far as to completely remove a motion I made from the record of the case.

Although the record of motion SEQ# 005 being denied remains on the record, the actual motion has been completely lost from the record.

43	09/06/2013	ORDER IAS PART 51 SEQ #005 MOTION IS DENIED FOR REASONS STATED ON THE RECORD IN OPEN COURT ON 9/4/2013
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Motion SEQ#005 was made to allow me to take my children to visit their grandparents in Canada, and was denied in order to extort money from me to pay the court ordered Forensic Evaluator.

Also entirely missing from the record are a “Notice of Issue” and “Verified Complaint”, duly served on the defendant, and filed in the court. On September 17th 2015. Being that Judge Cooper allowed the defendant 3 years to file a verified answer and counterclaim contravening the CPLR. I was within my rights to amend my Verified Complaint within 30 days, which I did, yet this properly served and filed document is completely excised from the record.

Judge Matthew Cooper has not conducted his courtroom with impartiality or dignity and further top this has at the least not maintained the records of the proceedings, and at worst purposely tampered with those records in order to further his bias.

Your Earliest Attention to these serious matters would be appreciated.

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