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Gavel falls on judges

Albany -- Commission on Judicial Conduct disciplined 26 last year, including eight from Capital Region; watchdog group claims system favors high-ranking figures

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Twice as many judges statewide were disciplined last year compared with the year before, and nearly a third of the judges cited for misconduct were from the Capital Region, according to a new state report.

The state Commission on Judicial Conduct publicly disciplined 26 judges in 2001, up from 13 in 2000. No judges last year were removed from the bench, but instead were censured or publicly admonished for violations such as failing to adhere to the law, making biased remarks or exhibiting conflicts of interest.

Out of the 26 judges disciplined, eight were from the Capital Region. The commission censured state Supreme Court Justice Joseph Teresi of Albany, Grafton Town Court Justice Gary Moore and Moreau Town Court Justice Edward Tracy. Five other town and village justices from the area were admonished.

The commission's chief lawyer, Gerald Stern, said the increase in disciplinary actions does not reflect a rise in misconduct among the state's nearly 3,400 judges, and the rise is not statistically significant.

"To me, it's about the same rate it has been," Stern said. "From one year to another, that doesn't mean anything."

The commission disciplined a total of 18 judges in 1999 and 22 in 2000, according to the commission's annual report released this week. Four were removed in 2000, four in 1999 and three in 1998.

Stern also said there was no explanation for why upstate judges in the Capital Region would face sanctions more often than their downstate counterparts. But critics of the commission pointed to the disparity as evidence that the panel is reluctant to take action against the state's most prominent judges.

"It's because they don't have the influence and the protection that some of the more powerful and politically connected downstate judges have," said Elena Sassower, coordinator for the Center for Judicial Accountability, a watchdog group based in Westchester County. "Connections, that is the name of the game."

Sassower pointed to the commission's failure to remove any judges this year as evidence that it rarely metes out harsh punishments.

Stern said local town and village judges, who are publicly elected and do not have to be lawyers, often bear the brunt of the commission's discipline because they do not have the same level of legal training and support staff as higher-level judges.

The commission received 1,308 complaints last year, conducted 340 preliminary inquiries and fully investigated 208 cases. The majority of complaints are thrown out because people mistakenly raise matters of law that should be brought before an appellate court rather than an allegation of judicial misconduct, Stern said.

Removal is the most severe disciplinary action the commission can take against a judge. Censure and admonishment, although public, do not impair a judge's ability to continue serving on the bench. In less serious cases, the commission can opt for a letter of caution, a disciplinary action which is not made public.

The commission, a 10-member panel appointed by the governor, Legislature and state bar association, is often criticized as ineffective because its annual budget of about \$2.2 million annually is low compared with other states. For example, in California, there are only about 1,950 judges and the judicial conduct commission handles fewer complaints, but it has a budget of \$3.7 million, according to the commission's annual report released this week.

Most judges in New York are publicly elected, and critics say that has allowed the judicial system to become tainted by local politics.

"There are those who say this process has an inherent level of corruption in it and needs to be reformed," said Francis Menton, a Manhattan attorney and head of the state bar association's Committee on Judicial Administration.

"But there is a perfectly reasonable counterview, which is, 'Tell me your alternative process, and how is that any better?' " he said. "Yes, this system is flawed. Is there a better one?"

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