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Judicial Conduct Organizations Share Complaint Data

The results of the Center for Judicial Conduct Organizations' annual survey of the fifty-one state judicial conduct organizations appear on pages 2-3 of this issue of the *Judicial Conduct Reporter*. (The table regarding budgets and staffing will be in the next issue of the *Reporter*.) The Center greatly appreciates the efforts of the judicial conduct organizations in responding to this survey.

Caution is necessary in trying to compare judicial conduct organizations based on the information provided because there are considerable differences among them. Differences in state population and the number of judges, for example, affect a judicial conduct organization's caseload and must be considered in reviewing the table. In addition, judicial conduct organizations differ in structure, authorized sanctions, staffing, and

record-keeping and reporting methods, all of which affect the statistics reported.

As the table indicates, most complaints filed with judicial conduct commissions — generally more than 90% each year — are dismissed. The reasons for the high dismissal rate are explained in the *1999 Annual Report of the Texas State Commission on Judicial Conduct*; an excerpt is reprinted in the article below. 

Commissions Dismiss Cases for a Variety of Reasons

[The following article is an excerpt from the *1999 Annual Report of the Texas State Commission on Judicial Conduct*. In 1999, of the 855 cases disposed of by the Commission, 754 were dismissed.]

Cases Dismissed

Although the majority of complaints filed with the [Texas State Commission on Judicial Conduct] result in a determination that no misconduct has in fact occurred, the Commission must fully investigate every allegation. Every complaint that is filed with the Commission is thoroughly re-

viewed and analyzed by legal staff as well as the 11 Commissioners. This procedure is an essential safeguard to the integrity of and public confidence in the judicial process.

[The Commission dismissed 28 cases because the judge took action to correct possible misconduct after receiving a letter of inquiry from the Commission.] In addition to the 28 cases dismissed for corrective action, the Commission dismissed complaints for a variety of reasons. Along with the dismissals discussed below, the Commission dismissed one case as "moot" and dismissed seven "without

prejudice."

No Misconduct

During FY 99, 467 cases were dismissed with a finding of "no misconduct." Examples of the type of complaints dismissed for "no misconduct" include:

- An inmate in the state prison said that the judge had been prejudiced against him in his felony trial because she had once been married to him. Investigation revealed that the judge had never

(continued on page 5)

	Complaints pending at beginning of period	Complaints received	Complaints dismissed w/o informal or formal action	Approximate % of dispositions that were dismissals	Informal action taken	Judge vacated office during investigation	Private censure, admonition, or reprimand	Public censure, admonition, or reprimand	Suspension as final action	Fine imposed	Judge removed from office	Recommendations pending	Other	Complaints pending at end of period
Alabama# FY 99	37	215	203	94%	11	2	NA	0	0	NA	1	1	0	44
Alaska 99	14	48	42	79%	2	0	1	0	0	NA	0	1	0	9
Arizona 98	54	291	261	88%	37	1	37	1	3	NA	0	0	3*	46
Arizona 99	46	260	225	79%	30	0	30	2	1	NA	0	1	1*	50
Arkansas 98	157	233	239	98%	3	1	NA	1	0	NA	0	0	0	146
Arkansas 99	160	243	232	96%	1	0	NA	6	0	0	1*	1	3*	162
California# 98	108	1,125	1,021	94%	53	2	3	9	NA	NA	0	1	1*	120
Colorado 99	0	143	142	99%	0	0	1	0	NA	0	0	0	0	0
Connecticut FY99	8	77	63	84%	x	x	0	1*	0	NA	0	1	11*	10
Delaware 98	3	16	19	100%	0	0	0	0	0	*	0	0	0	0
Delaware 99	0	10	7	100%	0	0	0	0	0	*	0	0	0	3
D.C. FY99	2	14	14	100%	0	0	0	0	NA	NA	0	0	0	2
Florida FY99	6	454	392	87%	13	0	NA	0	NA	0	0	4	5*	10
Hawaii FY99	14	34	31	84%	6	0	1	0	0	NA	0	0	0	11
Idaho 99	5	195	185*	95%	3	0	2	0	0	0	0	0	0	10
Illinois FY99	223	447	483	82%	105	2	NA	0	0	NA	0	NA	0	78
Indiana*	0	231	183	85%	20*	0	0	4*	1	0	0	0	0	15
Kansas 98	11	322	296	91%	3*	0	2*	0	NA	*	0	0	1*	9
Kansas 99	9	305	276	90%	10*	0	1	0	NA	*	0	0	1*	6
Kentucky # FY98	18	170	150	86%	20	0	3	0	0	0	0	0	2*	13
Kentucky # FY99	13	218	206	94%	12	0	6	1	2	0	0	0	1*	3
Louisiana 98	85	426	255	63%	22	1	3*	2	1	NA	0	2	4*	105
Louisiana 99	105	427	279	68%	11	0	2*	2	0	NA	0	1	2*	120
Maine 98	5	37	33	100%	0	0	0	0	0	0	0	0	0	9
Maine 99	9	41	40	100%	3	0	0	0	0	0	0	0	0	10
Maryland FY 00	36	96	91	98%	5	1	1	0	NA	NA	0	0	0	39
Michigan 99	177	650	639	87%	10	5	10	0	1	*	0	5	0	152
Minnesota 98	5	106	93	99%	5	0	NA	3	0	0	0	0	0	17
Minnesota 99	17	144	132	94%	8	1	NA	1	0	1	0	0	0	20
Mississippi # 98	46	328	289	89%	14	1	6	3	1	2	2	3	0	34
Mississippi # 99	34	336	294	84%	24	0	9	2	0	1	0	5	11*	36
Missouri FY99	46	210	197	94%	11*	2	11*	0	0	NA	0	0	0	46
Montana 99	6	39	32	94%	1	0	1	1	0	NA	0	0	0	11
Nebraska 98	14	92	96	99%	NA	0	NA	0	0	NA	1	0	0	9
Nebraska 99	9	78	80	100%	NA	0	NA	0	0	NA	0	0	2*	7
Nevada 99	41	143	138	96%	3	0	NA	0	NA	0	0	1	4*	40
New Hampshire 98	30	53	56	76%	0	0	5	0	0	*	0	0	0	9
New Jersey FY99	63	249	257	93%	3	0	14	1	0	NA	1	0	2*	35
New Mexico FY99	24	94*	67	68%	18	8	11*	1	0	0	1	0	82	20
New York 99	178	1424	1283*	90%	54	20	NA	14	NA	NA	4	2	1*	183
North Carolina#	25	347	318	90%	0	1	20	1	NA	NA	0	1	13*	17
North Dakota 98	11	67	68	100%	4	0	0	0	0	NA	0	0	0	10
North Dakota 99	10	92	62	93%	0	1	0	0	1*	NA	0	0	1*	35
Ohio 98	20	697	545	83%	NA	0	NA	0	2*	0	1	1	1*	61
Oregon 99	3	137	131	98%	3	0	NA	0	0	NA	0	0	1*	7
Pennsylvania 99	9	522	444	93%	31	0	NA	0	0	NA	1*	1	1*	43
Rhode Island 98	3	33	25	83%	4	2	2	0	0	NA	0	0	0	6
Rhode Island 99	6	21	20	83%	2	0	1	0	0	NA	0	0	0	6
South Carolina# FY99	60	198	140	71%	50	0	1	5	NA	NA	0	0	4*	60
South Dakota FY99	1	16	11	92%	1	0	0	0	0	0	0	0	0	5
Texas FY98	348	922	815	90%	35	11	15*	3*	1	NA	1	2	16*	360
Texas FY99	360	776	729	85%	28	2	16	11	1	NA	1	1	11*	281
Utah FY99	66	125	122	82%	17	0	9	5	0	NA	0	1	42*	42
Vermont 99	5	66	44	73%	NA	0	NA	1	0	NA	0	0	0	11
Virginia FY99	NA	47	42	x	0	0	NA	0	NA	NA	0	0	0	10
Washington FY99	167	318	313	92%	NA	1	NA	8	2	NA	1	3	0	146
West Virginia 99	28	252	252	99%	0	0	NA	3	0	0	0	0	4*	26
Wisconsin 98	10	434	431	99%	3	0	NA	1	0	NA	0	3	2	13
Wyoming 99	7	17*	21*	100%	1	0	0	0	NA	NA	0	0	0	3

Judicial Conduct Organizations' Complaint Dispositions, 1998–1999

Footnotes

States not included on the table did not respond to the survey.

“#” means any discrepancies in totals are due to multiple or consolidated complaints and/or dispositions. “n/a” means that the sanction is not available in the jurisdiction. “x” means the information was not provided.

Arizona 98

Informal action taken and private censure, admonition, or reprimand: Cases cited are the same for both categories.

Other: 3 interim suspensions.

Arizona 99

Informal action taken and private censure, admonition, or reprimand: Cases cited are the same for both categories.

Other: 1 interim suspension.

Arkansas 99

Removal: 1 judge removed by supreme court in May 2000 based on 2 complaints.

Other: 3 judges allowed to recuse from certain types of cases while criminal charges were pending against them.

California

Other: 1 interim suspension (interim suspension is available after institution of formal proceedings when judge's continued service is causing immediate, irreparable, and continuing public harm).

Connecticut

Public censure, admonition, or reprimand: publication of public censure was delayed by pending appeal.

Other: 1 complaint referred to state-wide grievance committee. 10 complaints were barred by statute of limitations.

Delaware

Fine: Article IV, § 37 of the Delaware Constitution empowers the Court on the Judiciary to “censure, remove or retire” any judicial officer. Case law has made it clear that the power to suspend a judicial officer is inherent in the express powers granted to the Court by art. IV, § 37. *Matter of Rowe*, 566 A.2d 1001 (1989). Whether the Court has the authority to impose other lesser sanctions such as a fine or interim suspension, is not clearly settled.

Florida

Other: 1 judge vacated office after filing of formal charges

Idaho

Complaints dismissed w/o informal or formal action: 138 complaints were closed because they were not verified. 9 complaints were dismissed after initial inquiry. 5 complaints were dismissed after preliminary investigation. 33 complaints were dismissed as presenting cause for appeal.

Indiana

Because the Judicial Qualifications Commission has changed to reporting on a fiscal year basis, the statistics in the table are not from a complete year but only for 8/99 to 6/00.

Informal action taken: 20 private cautions

Public censure, admonition, or reprimand: 2 public reprimands by supreme court (1 of a judge, 1 of a judicial candidate); 2 public admonitions by Commission.

Kansas 98

Informal action: 1 letter of caution. 2 informal advice letters.

Private censure, admonition, or reprimand: 2 private cease and desist orders.

Fine: Although fines are not specifically authorized, argument could be made that supreme court's plenary power “to make such other disposition as justice may require” encompasses imposition of fine.

Other: In 1 case, because canon had not previously been interpreted to prohibit conduct charged, judge was not sanctioned. Judges were advised similar conduct will be subject to sanction in future.

Kansas 99

Informal action: 6 letters of caution. 4 letters of informal advice.

Fine: Although fines are not specifically authorized, argument could be made that supreme court's plenary power “to make such other disposition as justice may require” encompasses imposition of fine.

Other: 1 formal hearing was held regarding 2 notices of formal proceedings. A private cease & desist was issued to judge in 1 matter. He did not accept and notice of formal proceedings was filed. At formal hearing, order was accepted.

Kentucky 98

Other: Supreme court overturned 1 private reprimand. Supreme court ruled Judicial Conduct Commission had no jurisdiction in 1 case.

Kentucky 99

Other: 1 complaint dismissed after hearing

Louisiana 1998

Private censure, admonition, or reprimand: The Judiciary Commission does not impose sanctions, but it does counsel.

Other: Supreme court declined to impose discipline in 1 case. Supreme court found mandatory retirement provision for judges in state constitution not applicable to justices of the peace. 1 interim suspension. 1 judge vacated office after filing of formal charges. Formal charges dismissed in 1 case.

Louisiana 99

Private censure, admonition, or reprimand: The Judiciary Commissions does not impose sanctions, but it does counsel.

Other: Supreme court did not impose discipline in 1 case.

Michigan

Fine: It is not clear if a fine is an available sanction.

Mississippi 98

Other: 1 interim suspension. 4 judges vacated office after formal charges were filed.

Mississippi 99

Other: 3 judges vacated office after formal charges were filed. Charges were dismissed against 8 judges after hearing.

Nebraska 99

Other: As non-disciplinary actions, Commission on Judicial Qualifications reviewed and approved 2 voluntary requests for declaration of disability.

Nevada

Other: 3 deferred discipline agreements that require judges to attend ethics course at National Judicial College; upon receipt of certificate of completion of required course, Commission on Judicial Discipline will dismiss complaints. In 1 case, formal charges were dismissed after hearing.

New Hampshire

Fine imposed: It is not clear if a fine is an available sanction..

New Jersey

Other: Formal charges dismissed after 1 part-time judge consented to disbarment for unrelated attorney ethics violation. 1 interim suspension.

New Mexico

Complaints received: 72 unverified complaints were also received. There were 912 inquiries by telephone or in person.

Private censure, admonition, or reprimand: Letters of caution

Other: 1 interim suspension

New York

Complaints dismissed w/o informal or formal action: 1182 complaints dismissed with no investigation; 101 complaints dismissed after investigation

Other: 1 judge vacated office after filing of formal charges

North Carolina

Statistics are for 2 years, January 1, 1998 through December 31, 1999

Other: 13 matters dismissed after preliminary investigation did not disclose cause for instituting formal proceedings.

North Dakota 99

Suspension: 5 complaints against 1 judge who was suspended and disbarred.

Other: 1 judge vacated office after filing of formal charges. 1 interim suspension.

Ohio

Suspension: 1 judge was suspended and disbarred.

Other: 1 disbarment.

Oregon

Other: 1 referral to chief justice to handle as disability

Pennsylvania

Removal: Judge was also disbarred

Other: 1 complaint withdrawn by Judicial Conduct Board and remanded to Board by Court of Judicial Discipline for disposition by Board.

South Carolina

Other: 4 judges signed agreements for discipline by consent, an agreed sanction.

Texas 98

Private censure, admonition, or reprimand: Warning

Other: 14 orders for additional education. 2 judges vacated office after formal charges were voted.

Texas 99

Private censure, admonition, or reprimand: Warning

Other: 9 orders for additional education. 2 judges vacated office after formal charges were voted.

Utah

Other: 5 complaints pending formal hearing. 1 pending supreme court review. 36 under review or investigation.

West Virginia

Other: 2 complaints dismissed after hearing

Wyoming

Complaints received: Number indicates verified complaints received. All complaints must be verified before the Commission on Judicial Conduct and Ethics can act.

Complaints dismissed w/o informal or formal action: Number indicates verified complaints.

Thirteen Judges Removed

Approximately 253 judges had been removed from office as a result of discipline proceedings between 1980 and the last survey of judicial conduct complaint dispositions reported in the winter 1999 issue of the *Judicial Conduct Reporter*. Subsequent to the cases reported in that article, through the end of 1999, an additional 13 judges have been removed. Those 13 cases are summarized below.

- The Alabama Supreme Court affirmed the decision of the Court of the Judiciary to remove a judge who had deposited a \$23,000 personal check in the probate court account after examiners made a charge back, but, during the same transaction, withdrew \$23,000 from the official account and deposited it back into his personal account. The judge showed the slip indicating the \$23,000 deposit into the probate court account to the state examiner's employee to prove that the judge had paid the examiner's charges. The judge also negotiated and cashed eight personal checks from court funds that were returned by the judge's bank because he had insufficient funds in his account and failed to pay them for more than three years; filed his state ethics form for 1996 more than a year late; and failed to properly administer his office. *Boggan v. Judicial Inquiry Commission*, 759 So. 2d 550 (Alabama 1999).
- The California Supreme Court removed a judge from office for 14 findings of conduct prejudicial to the administration of justice and willful misconduct. The court concluded that, although some of

the misconduct might seem relatively minor, much was not, and the record established a persistent pattern of misconduct that reflected a lack of judicial temperament. For example, while several cases were pending before the judge arising out of family and child custody problems, the defendant attended the judge's Bible study class and, at the judge's suggestion, a men's fellowship hosted by the judge that included discussions of personal aspects of the family issues. *Fletcher v. Commission on Judicial Performance*, 968 P.2d 958 (California 1998).

- The Florida Supreme Court removed a judge from office for (1) mishandling an appeal before becoming a judge, (2) back-dating the certificate of service on a brief, (3) making serious and substantial falsehoods in a deposition she gave in the malpractice suit arising out of her mishandling of the appeal, (4) overcharging her client and misrepresenting to her client how much work she performed on the appeal, (5) depositing some of the cash payments from the client into her own operating account and spending the money rather than depositing it into a trust account as a credit against future fees and services, and (6) failing to advise parties when an attorney who represented the judge in pending, personal civil litigation appeared before her. *In re Ford-Kaus*, 730 So.2d 269 (Florida 1999).
- The Florida Supreme Court removed a former judge who had (1) virtually abandoned her law

practice and neglected several client matters during the time she ran for county court judge, (2) gave inaccurate, incomplete, and misleading testimony in a domestic violence proceeding against her ex-husband, and (3) in her dissolution of marriage action, failed to produce tapes about which she had testified when ordered by the court to do so and failed to provide a sufficient reason for her failure. The judge had resigned after the Judicial Qualifications Commission recommended removal. *Inquiry Concerning Hapner*, 718 So. 2d 785 (Florida 1998).

- The Nebraska Supreme Court removed from office a judge who had (1) consistently used intemperate, threatening language over a long period of time; (2) sent a death threat to another judge and ignited firecrackers in that judge's office; (3) used false signatures and odd bond amounts on court documents; and (4) consistently had close contacts with people placed on probation. *In re Jones*, 581 N.W.2d 876 (Nebraska 1998).
- The Michigan Supreme Court removed from office a judge who had made public misrepresentations at a press conference, attempted to introduce a fraudulent letter into evidence in the Judicial Tenure Commission hearing, and, throughout the proceedings, engaged in conduct that was inappropriate, unprofessional, and demonstrated a lack of respect for the proceedings. *In re Ferrara*, 584 N.W.2d 922 (Michigan

(continued on page 6)

Commissions Dismiss Cases for a Variety of Reasons *(continued from page 1)*

been married to the inmate.

- A defendant in a criminal case alleged that the judge had used a racial slur against him at an arraignment. Others present at the arraignment stated that the judge did not use the racial slur, and in fact, had treated the defendant with great courtesy.
- A former employee in the court claimed that a judge had been drinking alcoholic beverages between trials. Investigation revealed that it was the former employee, rather than the judge, who had been drinking alcohol during the workday.
- An individual representing himself complained that the judge failed to follow proper procedure in granting a summary judgment against him. Investigation revealed that it was the individual acting without an attorney who failed to follow proper procedure, not the judge.

No Jurisdiction

Each year the Commission receives numerous complaints against federal judges, prison officials, district attorneys or other individuals over whom the Commission has no jurisdiction. In such cases, the Commission directs the inquiries to the appropriate regulatory authority. However, there are instances where the Commission does have jurisdiction over the individual because such person is currently a Texas judge, but does not have jurisdiction of the specific instance of which the citizen complains. Six complaints fell into this category in FY 99 and were dismissed with the notation "no jurisdiction." Two examples are:

- A county judge, who was acting

in the capacity of county administrator, refused to let a citizen speak at a county commission meeting. This judge was not acting in a judicial capacity.

- A judge was charged with a Class C misdemeanor (fine only) offense 12 years before assuming the bench.

Judge's Discretion

A total of 130 complaints were dismissed as involving matters within the judge's discretion. Oftentimes, litigants are not satisfied with the judge after they have an unpleasant experience at a trial, or they have not prevailed in their lawsuit. They may feel that the judge ruled based upon perjured testimony, or that the judge was simply biased against them, and they point to the ruling as evidence of their claim. Typical scenarios in cases dismissed as within the "judge's discretion" include the following:

- Parents are fighting over the custody of a child. Each parent believes that he or she should have custody, and both parents had expert witnesses testify on their behalf at trial. However, the judge gave primary custody to one parent, and the other parent finds this "unfair."
- The complainant believed that the judge exhibited bias and prejudice against him as part of a conspiracy when the judge committed the complainant to a mental hospital for observation. Complainant explained that the Attorney General was communicating this fact to him through the weather channel on the hospital television.
- A judge granted a new trial after the complainant lost in the first

trial. Thereafter, a second trial was held, and the complainant lost a second time.

- A plaintiff in a small claims case was upset when the judge awarded her the damages she asked for in her suit, but refused to award her attorneys fees. Further, the judge would not assist her in collecting the judgment.

Appellate Matter

Fifty-four cases were dismissed because they involved appellate matters; i.e., matters appropriate for review by an appellate body with the power to correct an erroneous judicial ruling. The Commission has no authority to change the ruling of a court, even if that ruling is clearly incorrect. Typical examples of this type of dismissal are as follows:

- A man was convicted of a serious felony and the judge sentenced him to 40 years in prison. However, he complained, the maximum possible sentence set by statute in his case was for only 20 years in prison. The case was on appeal. If the complainant's allegation was correct, the appeals court could review his issue.
- The plaintiff in a small claims suit believed that she had been damaged in the amount of \$3,500 because of a defective toothbrush. The judge ruled her suit was frivolous. The plaintiff has an appellate remedy.
- A judge awarded custody of the parties' children to the father against the great weight of the evidence. The mother was required to pay more than standard child support under the Texas

(continued on page 6)

Commissions Dismiss Cases for a Variety of Reasons *(continued from page 5)*

Family Code. She appealed, and won on at least some of her grounds of error. She believes the fact that the appeals court said the judge ruled incorrectly is clear evidence of judicial misconduct.

Lack of Proof

In 68 cases during FY 99, it was not possible to obtain proof that would support a sanction or removal, even if the allegations were serious. Typical examples of this type of case include the following:

- A judge was allegedly rude and sarcastic over the telephone when a man called to talk about a speeding ticket. The man said the judge used profanity; the judge responded that he never uses profanity. Commission investigation revealed no witnesses to the alleged incident other than the judge and the complainant. Clerks and prosecutors in the


court stated that the judge did not generally use profanity.

- A criminal defendant said the judge commented from the bench that the defendant was a fool for firing his lawyer. The alleged incident occurred a year before the complaint was made. Commission investigation revealed that none of the witnesses who were present in the courtroom at the time could confirm that the judge had made the comment.
- A landlord, who lost his landlord-tenant dispute, alleged that the judge favored the tenant because of the tenant's political activities. However, the landlord failed to show any kind of significant relationship between the judge and tenant that would have impaired the judge's ability to act impartially.

No Longer a Judge

Ten cases were dismissed because the judge was no longer on the bench. It is

not unusual for people to complain about a judge years after the events happened. Since the Commission's ultimate authority is to recommend the removal of a judge, if the judge is no longer on the bench, the complaint may be dismissed. Examples of such situations are:

- The judge was stealing from the county. The matter was discovered, and the judge resigned and pleaded guilty to the theft before the Commission was notified.
- The complainant believed that the judge had been ill to the point of not being able to serve. The judge died the week before the Commission was to consider the matter.
- The complainant believed that the judge ruled against her without cause approximately four years ago. The judge retired and is not sitting as a visiting judge. 

Thirteen Judges Removed *(continued from page 4)*

- 1998).
- The Mississippi Supreme Court removed from office a judge who had (1) used his position to benefit a corporation, engaged in the practice of law, (2) engaged in ex parte communications, and (3) been financially and legally involved in a matter pending before him. *Mississippi Commission on Judicial Performance v. Jenkins*, 725 So. 2d 162 (Mississippi 1998).
- The Mississippi Supreme Court removed a judge who had (1) engaged in ex parte communications, (2) demonstrated outrageous, erratic conduct and hostile

demeanor toward litigants, court staff, witnesses, lawyers, and others; (3) failed to perform his duties, and (4) sexually harassed court staff. *Mississippi Commission on Judicial Performance v. Spencer*, 725 So. 2d 171 (Mississippi 1998).

- The New York State Commission on Judicial Conduct determined that removal was the appropriate sanction for a judge who had failed (1) to report dispositions and remit court funds to the comptroller, (2) to maintain a docket of motor vehicle cases, a docket of criminal cases, and a cashbook, (3) to issue duplicate

receipts, (4) to send fine notices to defendants who had pleaded guilty by mail in 111 cases, (5) to schedule trial for defendants who had pleaded not guilty, and (6) to suspend the driving privileges of defendants who had not answered summonses, paid fines, or appeared for trial. *In the Matter of Sohns*, Determination (New York State Commission on Judicial Conduct October 19, 1998) (www.scjc.state.ny.us/recent/html).

- The New York Commission on Judicial Conduct determined that removal was the appropriate sanction for a judge who had (1)


failed for over three years to file reports and remit court funds to the state comptroller within the time set by statute; (2) failed to issue receipts for fines, complete dockets of his cases, or report cases and remit court funds to the comptroller; and (3) in a small claims case, sent a summons to the defendant that stated that a warrant would be issued for his arrest if he did not appear in court in response to the claim. *In the Matter of Kosina*, Determination (New York State Commission on Judicial Conduct November 9, 1999) (www.scjc.state.ny.us/recent/html).

- The New York Court of Appeals removed from office a part-time judge who had (1) made inappropriate, obscene, and sexist remarks about another judge in the course of his judicial duties, (2) neglected his judicial duties by refusing to deal with more than 100 cases over eight months, (3) permitted an attorney with whom he shared office space, a business telephone, and mailing address to appear before him in six criminal cases over five years without disclosing their relationship or inviting objections, (4) permitted a private individual to sit at the

bench and make ex parte recommendations with respect to the sentencing of certain defendants, and (5) represented his former court clerk in her action against the town in which he served as a judge. *In the Matter of Assini*, 720 N.E.2d 882 (New York 1999).

- The New York Commission on Judicial Conduct determined that removal was the appropriate sanction for a judge who had neglected his judicial duties and failed to cooperate in the Commission's investigation. The Commission found that, notwithstanding that he had handled not more than nine cases a month since 1995, the judge had neglected his judicial duties by failing to maintain proper court records, including dockets, case files, a cash-book, bank statements, canceled checks, and a check register. The judge kept court records in an office in his home that he acknowledged was a "shambles" and that included personal records, newspapers, clothing, boxes, tools, garbage, and other litter. When he met with a Commission investigator, the judge was unable to locate many of the records requested,

even after four hours of searching, and continued to be unable to locate the records, even though he was asked to submit them after the interview with the investigator, when examined by staff counsel, and after he gave testimony. From January 1995 to March 1998, the judge failed to report cases and remit funds to the state comptroller within ten days of the month following collection. The judge acknowledged that he failed to remit court funds in early 1995 in order to "get back" at the town board for refusing to give him additional compensation because he was handling additional cases during a period in which he was the only judge of the court. Between December 1995 and September 1997, the judge failed to deposit court funds in his official account within 72 hours of receipt, as required. The judge also failed to respond to 6 letters from staff counsel sent certified mail, return receipt requested. *In the Matter of Gregory*, Determination (New York Commission on Judicial Conduct 1999) (www.scjc.state.ny.us/recent/html).

- The Washington Supreme Court removed a judge from office for (1) continuing to serve after becoming a judge as president of three corporations included in an estate; (2) while an adjustment of the purchase price for one of the assets of the estate was being negotiated, accepting payments of his car loan from the purchaser and failing to disclose the payments to the trustee of the estate; and (3) failing to disclose the payment of the car loan on public disclosure forms. *In the Matter of Anderson*, 981 P.2d 426 (Washington 1999). 

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Members of the American Judicature Society receive:

- *Judicature*, a bi-monthly journal that provides a forum for fact and opinion on improving the justice system
- *AJS Report for Members*, a newsletter on the latest projects and activities of AJS
- a 15% discount on all AJS publications
- *Columns*, a monthly newsletter from the Executive Vice President and Director

Information about AJS membership is available on the web-site (www.ajs.org/mem1.html) or by contacting dsalinas@ajs.org or 312-558-6900 ext.145.

Inside This Issue:

- **Judicial Conduct Organizations Share Complaint Data**
- **Judicial Conduct Organizations Complaint Dispositions, 1998–1999**
- **Commissions Dismiss Cases for a Variety of Reasons**
- **Thirteen Judges Removed**