

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

In the Matter of the Proceeding
Pursuant to Section 44, subdivision 4,
of the Judiciary Law in Relation to

JOHN W. RIORDAN,

A Justice of the Gouverneur Town Court,
St. Lawrence County.

**AGREED
STATEMENT OF FACTS**

Subject to the approval of the Commission on Judicial Conduct

("Commission"):

IT IS HEREBY STIPULATED AND AGREED by and between

Robert H. Tembeckjian, Esq., Administrator and Counsel to the Commission, and
Honorable John W. Riordan ("respondent"), who is represented in this proceeding by
Frederick E. Paddock, Esq., that further proceedings are waived and that the
Commission shall make its determination upon the following facts, which shall
constitute the entire record in lieu of a hearing.

1. Respondent is not an attorney. He has been a Justice of the
Gouverneur Town Court, St. Lawrence County, since January 1996. Respondent's
current term expires December 31, 2013.

2. Respondent was served with a Formal Written Complaint dated July
5, 2011 and filed an Answer dated July 27, 2011.

As to Charge I

3. From fall 2003 until July 2010, as a matter of practice, respondent

regularly held court proceedings in chambers as opposed to the courtroom.

4. Respondent held court proceedings in chambers for his personal convenience.

5. The courtroom, the court clerk's office and respondent's chambers (which is an office) are located on the second floor of a building complex in the Village of Gouverneur.

6. The courtroom is well-equipped and spacious. It can accommodate numerous members of the public who wish to observe court proceedings.

7. In contrast, respondent's office, which he uses as chambers, is much smaller. It is furnished with, *inter alia*, filing cabinets, respondent's desk and only a few chairs. When respondent, the parties and their attorneys were in chambers for court proceedings, no space remained for members of the public to observe the proceedings.

8. A doorway connects chambers to the rear of the courtroom. Although respondent usually left this door open when he conducted proceedings in chambers, it was unlikely that anyone sitting in the courtroom could have heard the events and discussions occurring in chambers.

9. On several occasions between fall 2003 and July 2010, Gouverneur Deputy Court Clerk Irma Ashley, Gouverneur Court Clerk Lauri Andrews and St. Lawrence County Conflict Defender Amy Dona each expressed to respondent their view that he should hold court in the courtroom.

10. In or about July 2009, respondent and the court clerks attended a training session sponsored by the Office of Court Administration. One of the instructors

discussed the need to hold court proceedings in the courtroom. Shortly thereafter, respondent acknowledged to the court clerks that he should hold court in the courtroom, but nevertheless continued to hold court in his chambers until in or about July 2010.

11. In July 2010, after a Commission investigator visited respondent's court to observe where proceedings were being conducted, examine records and interview witnesses, respondent began to hold court proceedings in the courtroom.

12. Respondent acknowledges that Section 4 of the Judiciary Law requires that "the sittings of every court within the state shall be public, and every citizen may freely attend the same."

13. Respondent agrees that he will regularly conduct future proceedings in the courtroom, in accordance with the Judiciary Law.

14. By reason of the foregoing, respondent should be disciplined for cause, pursuant to Article 6, Section 22, subdivision (a), of the Constitution and Section 44, subdivision 1, of the Judiciary Law, in that respondent failed to uphold the integrity and independence of the judiciary by failing to maintain high standards of conduct so that the integrity and independence of the judiciary would be preserved, in violation of Section 100.1 of the Rules; failed to avoid impropriety and the appearance of impropriety in that he failed to respect and comply with the law and to act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary, in violation of Section 100.2(A) of the Rules; and failed to perform the duties of judicial office impartially and diligently, in that he failed to be faithful to the law and maintain professional competence in it, in violation of Section 100.3(B)(1) of the Rules.

Mitigating Factors

15. Since July 2010, respondent has conducted and continues to conduct court proceedings in the courtroom.

Prior Cautions

16. Respondent was cautioned in 2002 and 2005 for conduct unrelated to the subject matter herein.

IT IS FURTHER STIPULATED AND AGREED that respondent withdraws from his Answer any denials or defenses inconsistent with this Agreed Statement of Facts.

IT IS FURTHER STIPULATED AND AGREED that the parties to this Agreed Statement of Facts respectfully recommend to the Commission that the appropriate sanction is a public Admonition based upon the judicial misconduct set forth above.

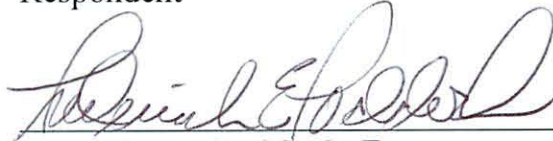
IT IS FURTHER STIPULATED AND AGREED that if the Commission accepts this Agreed Statement of Facts, the parties waive oral argument and waive further submissions to the Commission as to the issues of misconduct and sanction, and that the Commission shall thereupon impose a public Admonition, without further submission of the parties, based solely upon this Agreed Statement. If the Commission rejects this Agreed Statement of Facts, the matter shall proceed to a hearing and the statements made herein shall not be used by the Commission, the respondent or the Administrator and Counsel to the Commission.

Dated: 08/25/11



Honorable John W. Riordan
Respondent

Dated: 8/25/11



Frederick E. Paddock, Esq.
Attorney for Respondent

Dated: 9/19/2011



Robert H. Tembeckjian, Esq.
Administrator & Counsel to the Commission
(S. Peter Pedrotty, Of Counsel)