

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

SHAWNDYA L. SIMPSON,

STIPULATION

a Justice of the Supreme Court,
2nd Judicial District, Kings County.

THE FOLLOWING IS HEREBY STIPULATED AND AGREED by and between Robert H. Tembeckjian, Administrator and Counsel to the Commission on Judicial Conduct, and the Honorable ShawnDya L. Simpson (“Respondent”), and her attorneys Michael S. Ross and Deborah A. Scalise.

1. Respondent has been a Justice of the Supreme Court, 2nd Judicial District, Kings County, since 2017. She previously served as a Judge of the New York City Civil Court, Kings County, from 2004 through 2016. Her current term expires on December 31, 2030. Most recently, she had been assigned to serve in Bronx County.

2. On October 16, 2019, and on dates thereafter, the Commission apprised Respondent in writing that it was investigating complaints against her, *inter alia*, alleging that her demeanor toward litigants, lawyers, and others had become erratic and at times intemperate, and that she was frequently absent from court, arriving very late and/or leaving very early, or not arriving at all, notwithstanding that litigants and lawyers were waiting for the commencement of proceedings over which she was scheduled to preside. The Commission’s investigation, which had commenced months earlier, involved

interviews with numerous witnesses and the examination of voluminous court records and other documents.

3. In the course of its investigation, the Commission learned that Respondent has been on medical leave for an undisclosed condition since August 2019.

4. On December 6, 2019, the Commission apprised Respondent in writing that it was also investigating a complaint alleging that she was suffering from a physical or mental disability that prevented her from properly performing her judicial duties.

5. On February 27, 2020, after extensive communication between Commission counsel and Respondent's attorneys, her attorneys provided the Commission with medical records revealing that Respondent, who is in her mid-fifties, is suffering from Alzheimer's Disease, which had progressed to an advanced level uncommon to a person of her age. The medical records indicate that her condition had been undiagnosed at the time of the alleged misconduct for which she was originally being investigated.

6. Respondent was served with a Formal Written Complaint dated March 27, 2020, containing one charge: that Respondent should be retired from judicial office, pursuant to Article 6, Section 22, subdivision (a) of the Constitution and Section 44, subdivision 1 of the Judiciary Law, in that Respondent has a mental or physical disability that prevents the proper performance of her judicial duties.

7. Alzheimer's Disease attacks the memory and thinking centers of the brain. There is no known cure. Its effects are irreversible, and its progression is unstoppable. Its characteristics include memory loss, volatile mood swings, difficulty with language, loss of focus and/or comprehension, apathy, and confusion.

8. Respondent alternates at various times of day between apparent cognition and unawareness of her circumstances.

9. In view of the catastrophic and cognitively debilitating nature of Alzheimer's Disease, and in furtherance of the public interest in a judiciary that is both independent and fit to serve, Respondent, her family, her attorneys, and the Commission's Administrator agree that her resignation or early retirement from judicial office, based on disability, is more appropriate than further proceedings. As such, Respondent has notified the Chief Administrative Judge that she is vacating judicial office as of October 31, 2020, and she has filed her retirement papers accordingly. A copy of her letter to the Chief Administrative Judge, dated July 31, 2020, is appended.

10. Pursuant to Section 47 of the Judiciary Law, the Commission has 120 days from a judge's resignation to complete proceedings and, if it so determines, render and file a determination that the judge should be removed from office.

11. Respondent affirms that, after vacating her judicial office, she will neither seek nor accept judicial office at any time in the future.

12. Respondent understands that, should she abrogate the terms of this Stipulation and hold any judicial position at any time in the future, the Commission's investigations of the complaints would be revived, she would be served with a Formal Written Complaint on authorization of the Commission, and the matter would proceed to a hearing before a referee.

13. Upon execution of this Stipulation by the signatories below, this Stipulation will be presented to the Commission with the joint recommendation that the matter be concluded by the terms of this Stipulation, without further proceedings.

14. Respondent waives confidentiality as provided by Section 45 of the Judiciary Law, to the extent that (1) this Stipulation will become public upon being signed by the signatories below, and (2) the Commission's Decision and Order regarding this Stipulation will become public.

15. Both the Administrator and the attorneys for Respondent appreciate the enormous emotional impact a diagnosis of Alzheimer's Disease can have on an individual, a family, and a community of personal friends and professional colleagues, especially where, as here, the disease has already reached an advanced stage in the life of a relatively young and highly accomplished individual. The signatories hope that Respondent and her family will share years of enjoyment in her retirement, that further progression of the disease will be slowed by application of the best available science, and that her legacy will be burnished by her fortitude in revealing her condition and the degree to which this action might de-stigmatize Alzheimer's Disease and inspire others to learn more about how to recognize and cope with it.

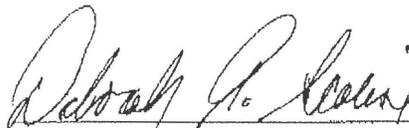
Dated: 7/31/20


Honorable Shawn Dya L. Simpson

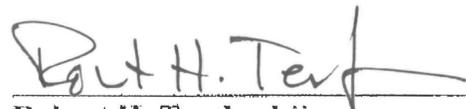
Dated: 7/31/20


Michael S. Ross
Attorney for Respondent

Dated: 7/31/20


Deborah A. Scalise
Attorney for Respondent

Dated: July 31, 2020


Robert H. Tembeckjian
Administrator and Counsel to the Commission
(Mark Levine and Daniel Davis, Of Counsel)

THE HONORABLE SHAWN DYA LUISA SIMPSON

July 31, 2020

PERSONAL AND CONFIDENTIAL

Hon. Lawrence K. Marks
Chief Administrative Judge
25 Beaver Street, 11th Floor
New York, New York 10004

Re: Retirement

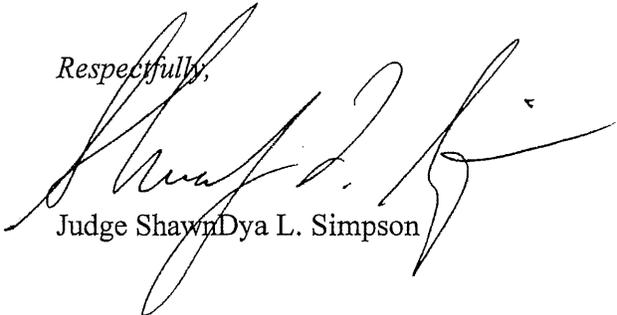
Dear Judge Marks,

As you know, I have been a Justice of the Supreme Court for the Second Judicial District, in Kings County, having been elected in 2017, and, I previously served as a Judge of the New York City Civil Court, Kings County, from 2004 through 2016. My current term expires on December 31, 2030. I am assigned to serve in Bronx County. As you may know, I have been on medical leave since August 2019. Unfortunately, my medical diagnosis is such that I will not be able to fulfill my term. Accordingly, this is to advise that I will be vacating my judicial office and retiring, effective October 31, 2020.

It was my life-long ambition to wear a robe and to serve the judicial system faithfully, as well as with objectivity and integrity. Having achieved this goal, with the will and guidance of God, I must continue to walk in accordance with his plan for me. I have thoroughly enjoyed serving as a Judge for the past sixteen years; your leadership is just but one reason why my career has been so satisfying. Thank you.

In closing, my heart and soul were brought to Chambers and to my Court Part each and every day. I hope the Office of Court Administration, my colleagues and the public will view my career in the spirit that it was intended, in that I served the People of the State of New York with the passion and honor they deserved.

Respectfully,


Judge Shawn Dya L. Simpson