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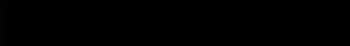
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ROBERT H. TEMBECKJIAN
ADMINISTRATOR & COUNSEL

August 13, 2012



Dear 

In a recent determination of removal involving a judge who engaged in ticket-fixing, the Commission expressed its intention to issue a report on the subject of automobile license plates that identify the vehicle as belonging to a judge. A footnote in *Matter of Schilling*, states as follows:

The Commission has repeatedly evaluated cases of judges attempting to use their judicial office to influence the disposition of traffic violations. This case represents a stark example of this problem and raises a systemic issue of how judicial license plates distort the normal process of enforcing traffic laws and the delicate position faced by law enforcement officers when they stop a vehicle with judicial plates. The Commission has decided that a public report is required to address the issue of whether or not the Rules Governing Judicial Conduct may be violated by the use of judicial license plates in the context of judges, in effect, using their judicial office to avoid the consequences of being stopped for offenses under the Vehicle and Traffic Law.¹

Among other things, the report will examine and compare practices and policies in New York and other states regarding judicial license plates.

¹ The determination is available on the Commission's website: www.cjc.ny.gov.

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The Commission would welcome comments from government and court officials, judicial associations, bar associations and other responsible civic organizations and representatives, who wish to share their perspectives and experiences. Now that *Matter of Schilling* is concluded, the time seems right to solicit such comments.²

Should you choose to express views on the subject, please feel free to submit a letter or memorandum to the Commission, to my attention. The Commission would particularly appreciate any perspectives you may have on the public policy interests served by judicial license plates. For example, what is the purpose of judicial license plates? If identifying vehicles for courthouse parking is a purpose, (A) what provision is made for those judges who choose not to employ judicial license plates, or for court employees, who are not eligible for judicial plates, and (B) might alternatives, such as issuing courthouse parking placards or registering plate numbers with court security personnel, be more appropriate? Are there potential security risks associated with having judicial license plates, particularly when the judge is away from the courthouse? Does the possibility of being accorded favorable treatment, such as when stopped by police for apparent moving violations, outweigh whatever benefits there may be to having judicial license plates?

Thank you very much for your time and consideration. I look forward to receiving and sharing with the Commission whatever comments you wish to submit.

Very truly yours,

Robert H. Tembeckjian
Administrator & Counsel

² The statutory time frame for review of the *Schilling* determination by the Court of Appeals has expired; a request for review was not made by the judge; therefore, an order removing the judge from office was issued by the Court pursuant to Judiciary Law 44(7).