



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

ROBERT H. TEMBECKJIAN
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PUBLIC RECORDS OFFICER

NEWS RELEASE

April 27, 2021

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Town Justice in Wayne County Resigns While Under Investigation For Engaging in Unauthorized Out-of-Court Communications

Larry D. Hartwell, a Justice of the Lyons Town Court, Wayne County, resigned while under investigation by the New York State Commission on Judicial Conduct.

In March 2021, the judge was apprised that the Commission was investigating complaints alleging that he engaged repeatedly in unauthorized *ex parte* communications and gave the appearance of bias in a small claims matter.

Judge Hartwell, who left office on April 9, 2021, agreed never to seek or accept judicial office at any time in the future. The Commission accepted a stipulation to that effect signed by the judge and the Commission's Administrator and closed its investigation.¹

¹ The Stipulation was signed on April 5, 2021. The Commission accepted it and issued an order closing the matter on April 22, 2021.

Judge Hartwell waived the statutory provision of confidentiality applicable to Commission proceedings, to the limited extent that the stipulation and Commission's order accepting it and closing the case would be public.

Judge Hartwell, who is not an attorney, had been a Justice of the Lyons Town Court, since 2012. His current term would have expired on December 31, 2023.

The stipulation and the Commission's order closing the case can be found on the Commission's website: www.cjc.ny.gov.

Statement by Commission Administrator

Commission Administrator Robert H. Tembeckjian made the following statement.

“The integrity of the court is compromised when a judge has and is influenced by unauthorized substantive private conversations with one side in a case, to the exclusion of the other. Public confidence in the court's impartiality is undermined when a judge is or appears to be biased against a litigant.”

Statistics Relating to Prior Commission Decisions

The Commission has accepted 104 such stipulations since the procedure was instituted in 2003.

Since 1978, the Commission has issued 278 determinations of admonition against judges in New York State, 338 determinations of censure and 175 determinations of removal.

The Court of Appeals has reviewed 101 Commission determinations. The Court accepted the Commission's sanctions in 85 cases (76 of which were removals, six were censures and three were admonitions). Of the remaining 16 cases, two sanctions were increased from censure to removal, and 13 were reduced: nine removal determinations were modified to censure, one removal was modified to admonition, two censures were modified to admonition, and one censure was rejected and the charges dismissed. The Court remitted one matter to the Commission for further proceedings.

Counsel

In the proceedings before the Commission, Judge Hartwell represented himself.

The Commission was represented by Robert H. Tembeckjian, Administrator and Counsel to the Commission; John J. Postel, Deputy Administrator in Charge of the Rochester office; and Senior Attorney David M. Duguay. Senior Investigator Vanessa Mangan was assigned to the case.

Background Information on Judge Hartwell

First Took Office:	2012
Current Term Expires:	December 31, 2023

Members of the Commission

The Commission members serve four-year terms. A list of members is appended.

The Public File

The stipulation and order are attached. They are also available for inspection during regular business hours at the Commission's three offices:

61 Broadway Suite 1200 New York, New York 10006	Corning Tower, Suite 2301 Empire State Plaza Albany, New York 12223	400 Andrews Street Suite 700 Rochester, New York 14604
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MEMBERS OF THE STATE COMMISSION ON JUDICIAL CONDUCT

Member	Appointing Authority	Term End
Joseph W. Belluck, Esq., Chair	Governor Andrew M. Cuomo	March 31, 2024
Taa Grays, Esq., Vice Chair	Senate President Pro Tem Andrea Stewart-Cousins	March 31, 2023
Hon. Fernando M. Camacho	Chief Judge Janet DiFiore	March 31, 2024
Jodie Corngold	Governor Andrew M. Cuomo	March 31, 2023
Hon. John A. Falk	Chief Judge Janet DiFiore	March 31, 2025
Hon. Angela M. Mazzarelli	Chief Judge Janet DiFiore	March 31, 2022
Hon. Robert J. Miller	Governor Andrew M. Cuomo	March 31, 2022
Marvin Ray Raskin, Esq.	Assembly Speaker Carl E. Heastie	March 31, 2022
Ronald J. Rosenberg, Esq.	Former Senate Minority Leader John J. Flanagan	March 31, 2024
Akosua Garcia Yeboah	Governor Andrew M. Cuomo	March 31, 2025
Vacant	Assembly Minority Leader William A. Barclay	March 31, 2025

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