

FAQs

Q. Does the Commission have a complaint form that I must use?

A. A signed letter, e-mail, or fax detailing the allegations of misconduct and naming the judge is sufficient. However, we do have a complaint form, which is available on our Web site.

Q. Will the judge know that I submitted a complaint?

A. Perhaps. If the Commission decides to investigate your complaint, the judge is likely to be asked to respond to the allegations you made.

Q. Must the judge disqualify himself or herself from my case if I make a complaint?

A. No.

Q. Can the Commission direct that a judge be disqualified, or that a new trial be held, or that any other relief be granted?

A. No. The Commission is not a court and has no authority to grant relief to litigants.

Q. Will I hear further from the Commission?

A. Yes. The Commission is required to inform complainants of the disposition of their complaints.

**Please Visit Our Web Site
or Send Us an E-mail:**

www.cjc.ny.gov
cjc@cjc.ny.gov

About the Commission Members

There are 11 Commission members, each serving a four-year term. The Governor appoints four members, the Chief Judge of the Court of Appeals appoints three, and each of the four leaders of the State Legislature appoints one. The members serve part-time without compensation. Four of the Commission members are judges, at least one must be a lawyer, and at least two must be non-lawyers. The Commission elects one of its members to serve as chair, and it has a clerk. The Commission appoints an Administrator and Counsel, who serves full-time and hires and directs the staff.

Commission Offices

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State of New York



Commission

on

Judicial Conduct

The Commission's Authority and Jurisdiction

The New York State Commission on Judicial Conduct receives and reviews written complaints of misconduct against judges of the state unified court system, which includes State, County, Municipal, Town and Village Courts. Upon review of a complaint, the Commission decides whether to investigate or dismiss it.

The types of complaints that may be investigated by the Commission include improper demeanor, conflicts of interest, intoxication, bias, prejudice, favoritism, corruption, prohibited business or political activity, serious financial and records mismanagement and other misconduct on or off the bench. Physical or mental disability may also be investigated.

The Commission does not act as an appellate court and does not review the merits of a judge's rulings or alleged errors of law. The Commission does not have the authority, for example, to raise or reduce the amount of bail or change the sentence imposed upon a defendant. The Commission does not issue advisory opinions, give legal advice or represent litigants.

The Commission's jurisdiction is limited to judges. Complaints against other court personnel or lawyers are not investigated. When appropriate, the Commission refers complaints to other agencies.



Disciplinary Action

Investigation of a complaint may entail such measures as interviewing witnesses, analyzing documents and getting the judge's response to the allegations. If a complaint is investigated and the allegations are not substantiated, the Commission will dismiss the complaint. If the allegations appear to have merit, the Commission may direct that formal charges be served against the judge and a formal hearing be held.

After a formal hearing, the Commission may dismiss the complaint or caution the judge privately about the matter. The Commission may also determine that the judge should be publicly admonished or censured, removed from office or, in a case of disability, retired. Determinations to admonish, censure, remove or retire a judge are subject to review by the Court of Appeals, New York State's highest court.

Confidentiality

Commission proceedings are, by law, confidential. A matter becomes public only if the Commission has determined that the judge should be admonished, censured, removed or retired, or if the judge under formal charges has waived confidentiality.

In the course of an investigation, the judge may be given a copy of the complaint and be asked questions about it. If the Commission directs that the matter proceed to a hearing, both the judge and the complainant, as well as other witnesses, may be required to testify.

The Commission is required to notify the complainant of the disposition of the complaint.