



NEW YORK STATE LEGISLATURE

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Minority Leader
Brian Kolb*

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Senator Helming, Assemblyman Kolb Introduce Bill to Hold Bad Judges Accountable

GENEVA – Senator Pam Helming and Assembly Minority Leader Brian Kolb today announced that she is sponsoring legislation that would reform the process through which the State Commission on Judicial Conduct investigates and removes judges. Specifically, the bill (S.8593/A.10112-A) requires Commission hearings to be made public and provides that judges who are suspended do not receive their salaries.

“We are all familiar with the local case of a judge who was suspended from the bench following her conviction for driving while intoxicated and has not been working for more than 800 days. Yet, she continues to receive her six-figure salary while under investigation by the Commission and despite being involved in several incidents since her initial arrest. This is a disgusting affront to justice and a tremendous outrage to the hardworking taxpayers who are struggling to make ends meet while making an honest living. This is a symptom of a broken system that must be fixed in order to restore integrity in the judiciary. I thank Assemblyman Kolb for his support on this measure, and I am hopeful that our colleagues will agree with this much-needed reform,” Senator Helming said.

Assembly Minority Leader Kolb said, “Our judicial system cannot function without the ironclad integrity of the men and women who administer the rule of law. Rochester Judge Leticia Astacio’s seemingly endless legal issues and removal process represents a rare situation but clearly highlights the need for action. We must provide the State Commission on Judicial Conduct and Court of Appeals greater authority when it comes to disciplining judges who so blatantly disregard appropriate social and moral behavior. It’s time to arm judicial law with the necessary tools to handle cases like this with swift, decisive action.”

The measure requires public hearings by the Commission, as currently hearings are made public only if the judge involved requests so in writing. By the time a hearing takes place, a formal complaint has been filed, thoroughly investigated, and deemed legitimate. Finally, the bill mandates that judges who are suspended from office will not receive their salaries during the suspension period. Currently, only the Court may direct that a judge’s salary be suspended during his or her suspension period.

The New York State Constitution allows the Court of Appeals to suspend a judge who is charged with a crime that involves moral turpitude, but neither the Constitution nor judiciary law currently define moral turpitude. Under Senator Helming’s bill, moral turpitude is defined as “a

misdemeanor or felony that reflects adversely on the judge's honesty, trustworthiness or fitness; any violation of the terms of probation or post-release supervision from a prior felony or misdemeanor conviction; any willful repeated misconduct." Senator Helming's bill also creates a 120-day time frame in which the State Commission on Judicial Conduct must provide a determination in an investigation of a felony or misdemeanor conviction of a judge or justice. There is no limit for investigations initiated by the Commission in the existing law.

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