

New York State Commission on Judicial Conduct

Relation to Core Mission (H/M/L)	Program/Activity	Spending Category (SO, ATL, CAP)	3/31/09 FTEs (All Funds)	General Fund Disbursements (\$000s)			State Special Revenue Funds Disbursements (\$000s)			Capital Projects Funds Disbursements (\$000s)			
				2006-07 Actual	2007-08 Actual	2008-09 Plan	2006-07 Actual	2007-08 Actual	2008-09 Plan	2006-07 Actual	2007-08 Actual	2008-09 Plan	
High	Comm on Judicial Conduct	PS	51	2015	2589	3771	N/A	N/A	N/A	N/A	N/A	N/A	N/A
High	Comm on Judicial Conduct	NPS		661	1294	1236	N/A	N/A	N/A	N/A	N/A	N/A	N/A

NYS Commission on Judicial Conduct – Program Information Sheet Attachment C

Name of Program

Commission on Judicial Conduct

Mandate

NYS Constitution, Article 6, Section 22
NYS Judiciary Law, Sections 40-48

Mandated Funding Level

None

Description/History/Background

The Commission on Judicial Conduct is the sole state agency responsible for receiving, initiating, investigating and conducting trials with respect to complaints of misconduct or disability against judges and justices of the New York State Unified Court System, which is comprised of approximately 3,500 judges and justices. Where appropriate, at the end of such proceedings, the Commission has authority to render disciplinary decisions of confidential caution, public admonition, public censure, removal or retirement from office.

The Commission was originally created legislatively in 1974, began operations in January 1975 and expanded its authority as a result of constitutional and statutory amendments that took effect in April 1978 and remain in effect to the present.

The agency handles over 1,550 complaints per year; last year, a record number: 1,711.
The agency conducts over 600 preliminary and full-scale investigations per year; last year, 605.
The agency publicly disciplines approximately 23 judges per year; last year, 27.

The agency also handles its own appellate caseload. By law, disciplined judges have the right of review in the New York State Court of Appeals. The agency also handles much of its own outside litigation, such as when judges or complainants commence lawsuits attempting to enjoin the Commission from investigating or prosecuting complaints.

Presently, the agency is authorized for 55 FTEs.

Issues

1. The agency has only one program, *i.e.* its core constitutional mission. With their varying responsibilities, all agency staff – lawyers, investigators, administrative – are deployed and devoted to fulfilling the agency's sole and core mission: disposing of complaints that judges have engaged in misconduct.

2. The Commission is in the final stage of a major staff and physical plant expansion, associated with the first significant increase in its budget and staffing in over 20 years in FY 2007-08. Commitments have been made pursuant to an expansion plan painstakingly designed over the better part of a year and implemented over two fiscal years (07-08 and 08-09) in cooperation with the Division of Budget and the Office of General Services. While significant costs have already been borne for this project from current FY funds, not all NPS charges have been paid for, and substantial charges are outstanding. Any significant reduction in the agency's budget would severely compromise its ability to pay for the concluding phase of its expansion.
3. The agency has already agreed to defer indefinitely the hiring of four (4) full-time staff. Thus, notwithstanding its allotment of 55 FTEs, it will operate with 51 FTEs.

Population Served

19 million, *i.e.* the entire state population, including anyone with access or potential access to the courts (*e.g.* litigants, lawyers, witnesses, court personnel, police officers and victims), anyone whose interests may directly or indirectly be affected by judges in the exercise of their duties, and anyone who may have official or unofficial interaction with a judge outside the courtroom or otherwise off the bench.

Performance Measures

Performance Measure	2007	5-Year Average
Complaints received, analyzed and processed	1,711	1,557
Preliminary investigations conducted	413	393
Full-scale investigations	192	242
Formal and informal depositions	750	716
Hearings & related formal disciplinary proceedings	33	29
Public disciplines rendered	27	23
Confidential cautions rendered	25	37
Appeals Taken/Upheld	1/1	3/3

In addition, in its annual survey of statistics among the nation's judicial conduct commissions,¹ the American Judicature Society consistently ranks New York as the busiest in terms of both complaints handled and dispositions rendered.

¹ There are judicial conduct agencies in all 50 states and the District of Columbia.