

NEW YORK STATE ASSEMBLY
COMMITTEE ON THE JUDICIARY
PUBLIC HEARING
ON
COMMISSION ON JUDICIAL CONDUCT

State Office Building
Tuesday, September 22, 1987
10:00 a.m.

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2 permitted this thing to go before the judge
3 when they should have stopped it right in
4 the beginning. There was no action in the
5 court but the judges went right along with
6 it and I called their attention it, but
7 they kept going.

8 ASSEMBLYMAN KOPPELL: All
9 right, can you provide us -- I think it's
10 impossible within the time we have here to
11 examine the details of your case, but if
12 you provide us with a copy of your file, we
13 will review what action was taken and see
14 whether we think it's appropriate. Did the
15 Commission on Judicial Conduct get this
16 matter before it?

17 MR. KUHNLE: Yes, and I have
18 a letter here from Mr. Lawrence, and I
19 don't think he appeared here today.

20 ASSEMBLYMAN KOPPELL: He
21 didn't speak.

22 MR. KUHNLE: No, I don't know
23 him by sight. Lo and behold, on July 24th
24 I received a letter, "The State Commission
25 on Judicial Conduct has reviewed your

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2 letters of complaint concerning several
3 judges." You might think this is the root
4 of this complaint, but it's not. "The
5 Commission has asked me to advise you that
6 it has dismissed the complaint. Upon
7 careful consideration, the Commission
8 concluded that there was no indication of
9 judicial misconduct upon which to base an
10 investigation of the judges." In other
11 words, they didn't do anything.

12 "The Commission is not a court
13 of law and does not have appellate
14 authority to review the merits of matters
15 within the judge's discretion, such as the
16 rulings and decisions in a particular
17 case." I'm well aware of that.

18 ASSEMBLYMAN KOPPELL: I think
19 what they're saying is that your complaint
20 is really that the judge misapplied the law
21 and the judge misapplying the law is not
22 within the jurisdiction of the Commission.

23 MR. KUHNLE: That might be
24 so, but you see, the case -- it should not
25 have even been before the court, because,

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2 to begin with, the initial affidavit --

3 ASSEMBLYMAN KOPPELL: But
4 with all respects, and this is a
5 complicated subject, but the proper redress
6 is an appeal.

7 MR. KUHNLE: Of course, which
8 will be followed. Now, I wrote a letter
9 after receiving this letter from Mr.
10 Lawrence, I wrote a letter to him in
11 Albany, having been up there and nobody was
12 there, "Dear Mr. Lawrence, Received the
13 enclosed letter from your office and I am
14 hereby requesting the following informa-
15 tion. I made a visit to your office on
16 Thursday, July 30th, 1987, was informed
17 that you were on vacation:

18 1. On what date did the
19 Commission on Judicial Conduct meet to come
20 to the conclusion expressed in your letter
21 to me dated July 24, 1987.

22 2. At what location did this
23 meeting take place and room designation.

24 3. Of the eleven members on
25 this Commission, how many of them took part

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2 in the evaluation of my complaints?

3 4. Please name the members
4 of the Commission who physically took part
5 and arrived at the conclusion expressed in
6 your letter of July 24th, 1987.

7 5. Were there any Commission
8 members who disagreed with the conclusion
9 expressed in your letter?

10 6. What members were on
11 vacation and not present at the meeting, if
12 there was one?

13 7. What is the official
14 title of Mr. John McBride, assigned to
15 your office in Albany, New York."

16 Since then I found out Mr.
17 McBride is an investigator.

18 "Your prompt response will be
19 appreciated."

20 I received a letter from Mr.
21 Lawrence, and that will be the end of my
22 presentation. It's dated August 27th.
23 "This is in response to your letter of
24 August 3rd, 1987, concerning the
25 Commission's position of your complaint.

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2 Your complaint was considered by the
3 Commission on July 17, 1987 at its New York
4 office. Mrs. Rowe, Mr. Bohwah and Mr.
5 Bromberg did not participate. To the best
6 of my knowledge, Mr. McBride was the
7 investigator.

8 The Commission records are
9 confidential pursuant to Section 45 of the
10 Judiciary Law, and I am unable to provide
11 any other information that you seek."

12 Now, before I finish, my
13 complaint was against a justice in the Town
14 of Liberty. I have my gut feeling about
15 him and I did a lot of research. I just
16 discovered he was not born in the U.S.A.
17 He didn't declare how he got his citizen-
18 ship, if he ever has one, and he was
19 sitting on a bench of justice. That's
20 through an investigation by the County
21 Attorney up in Sullivan County.

22 One Supreme Court Judge, the
23 resident judge of Sullivan County, has
24 disqualified himself from sitting on any
25 case that comes before him in the County of