

Complaints Against Court Personnel

Complaints Against New York State Court Judges

If you have been involved in a lawsuit, you may have disliked certain actions taken by the judge. This may be particularly true if you have lost the case! In general, the remedy in such an instance is to appeal the judge's decision to a higher court or seek other review in court. Your lawyer will advise you on what may be done.

However, judges in New York State courts are held to high standards of ethics, both on and off the bench, as set forth in the Rules Governing Judicial Conduct of the Chief Administrator of the Courts. If you think the judge may have violated these standards, you may complain to a state agency that has the power to discipline judges.

Kinds of Complaints

Judges may be disciplined for a wide range of misconduct that violates the ethical rules. Many complaints fall into the following categories:

Improper Demeanor

The judge should maintain order and decorum in the courtroom. The judge should be patient, dignified and courteous to all people with whom he or she deals in an official capacity.

Bias

The judge should not convey the impression, nor permit others to convey the impression, that anyone is in a special position to influence him or her.

Conflict of Interest

The judge should not allow family or social or other relationships to influence him or her.

Ex Parte Communications

Except in special instances authorized by law, the judge should not initiate or participate in ex parte communications. That means that the judge should not communicate with only one side.

The Complaint Process

There are two ways to file a complaint with the New York State Commission on Judicial Conduct. You may either fill out a complaint form, which can be found on their website, <http://www.scjc.state.ny.us>, or write and sign a detailed letter explaining the alleged misconduct. Be sure to include:

1. The name of the judge;
2. The complaint in as much specific detail as possible. (For example, don't simply say, "The judge insulted me." Instead, for example, say, "The judge insulted me by calling me a liar."); and
3. Your signature.

Mail the complaint to:

**New York State Commission on
Judicial Conduct**

61 Broadway, Suite 1200

New York, NY 10006

Phone: (646) 386-4800

Fax: (646) 458-0037

The Commission on Judicial Conduct is composed of judges, lawyers and non-lawyers. The Commission reviews every complaint and decides whether to investigate. If the Commission decides there is no basis for beginning an investigation, it will send you a letter within two months.

If the Commission decides there may be a violation of ethical standards, it will investigate. Typically, the Commission's investigation may include reviewing relevant records, interviewing witnesses, and obtaining a response from the judge. Ultimately, if the judge is found to have violated the applicable standards, he or she may be disciplined. However, you should know that any action by the Commission will not change the outcome of your case, nor does the Commission have the power to transfer your case to another judge if the case is still pending. If you are dissatisfied with the judge's action or decision in your case, your lawyer will have to take whatever steps are available to appeal the decision or to have the case transferred to another judge.

Complaints Against Housing Court Judges

If you have been involved in a lawsuit in Housing Court and believe the Housing Court judge presiding over your case failed to act fairly or to demonstrate proper judicial demeanor, you may send a complaint in letter form to the supervising judge of the Housing Court within that county. The addresses of the county supervising judges are as follows:

For New York County (Manhattan):

Supervising Judge

New York County Housing Court
111 Centre Street
New York, N.Y. 10013
646-386-5590

For Bronx County:

Supervising Judge

The Bronx County Housing Court
1118 Grand Concourse
Bronx, N.Y. 10456
718-466-3117

For Kings County (Brooklyn):

Supervising Judge
Kings County Housing Court
141 Livingston Street
Brooklyn, N.Y. 11201
347-404-9060

For Queens County:

Supervising Judge
Queens County Courthouse
89-17 Sutphin Boulevard
Jamaica, N.Y. 11435
718-262-7300

For Richmond County (Staten Island):

Supervising Judge
Richmond County Courthouse
927 Castleton Avenue
Staten Island, N.Y. 10310
718-390-5426

Complaints Against Other State Court Personnel

In addition to judges, other court personnel in New York State courts, such as court clerks, court officers, court aides and assistants, are held to appropriate standards. If you think that any of these people have acted in a way that is corrupt, criminal, seriously incompetent, or ill-mannered you may complain to the Office of Court Administration:

Inspector General
Office of Court Administration
25 Beaver Street
New York, NY 10004
(646) 386-3500

There is no form for complaining about court personnel. You may call or write to the Office of Court Administration and you will receive a call. After the telephone conversation, you will

be referred to any other agencies that might be appropriate (such as the District Attorney if it appears that there has been criminal activity) and, if it sounds as though you may have a valid complaint, the Office will set up an appointment to meet with you. Following an investigation, the Office may recommend disciplinary action.

If your complaint is regarding bias or discrimination, you should contact the Office of the Special Inspector General for Bias Matters. The Office has the power to investigate allegations of bias based on race, color, creed, sex (including sexual harassment), sexual orientation, age, marital status, disability, national origin and religion. For assistance or more information, please contact:

Managing Inspector General for Bias Matters

Office of Court Administration
25 Beaver Street
New York, NY 10004
(646) 386-3507

Complaints Against Judges and Other Court Personnel in Federal Court

Judges

If you have a complaint against a judge in a federal court in New York City, you should contact:

Clerk of the United States Court of Appeals for the 2nd Circuit
United States Courthouse, Room 1702
40 Foley Square
New York, NY 10007
(212) 857-8533

The Clerk's office will tell you the procedure for filing a written complaint.

Other Court Personnel

If you have a complaint against court personnel in a federal court, write a letter to the Chief Judge of that court. You may simply address the letter to the Chief Judge at the address of the courthouse, even if you do not know the name of the Chief Judge.

Contacting All Relevant Agencies

All of the agencies described in this pamphlet are fully aware of each other and each one will refer you to any other agencies that may help you instead of or in addition to itself. However, you don't need to wait for a referral and you don't need to contact agencies one at a time. You may file a complaint at any agency where you think your complaint may be heard.