

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

In the Matter of the Investigation of Complaints
Pursuant to Section 44, subdivisions 1 and 2,
of the Judiciary Law in Relation to

DAVID R. GREEN,

STIPULATION

a Justice of the Colonie Town Court,
Albany County.

IT IS HEREBY STIPULATED AND AGREED by and between Robert H. Tembeckjian, Administrator and Counsel to the Commission on Judicial Conduct, and the Honorable David R. Green and his attorney, James C. Knox, Esq., of Hacker Murphy LLP:

1. David R. Green was admitted to the practice of law in New York in 2002. He has been a Justice of the Colonie Town Court, Albany County, since March 29, 2021. His current term expires on December 31, 2025.

2. Town court justices serve on a part-time basis and, if admitted to the New York bar, are permitted to practice law, with certain limitations set forth in the Rules Governing Judicial Conduct. In addition to serving as a town justice, Judge Green is engaged in the private practice of law.

3. In January 2025, the Commission apprised Judge Green that it was investigating five complaints alleging that:

- A. As an attorney representing a petitioner landlord in Albany City Court, he behaved in an undignified and unprofessional manner toward the respondent and the respondent's attorney;
- B. He appeared as an attorney in the Watervliet City Court (Albany County) before another part-time judge who was permitted to practice law, notwithstanding the prohibition on part-time/lawyer-judges appearing before each other in the counties where they serve;
- C. His law office assistant prepared pleadings for another attorney who subsequently represented the petitioners – who were clients of Judge Green's – in three matters in Colonie Town Court;
- D. While representing a landlord in Albany City Court, he was hostile and rude toward the unrepresented tenant; and
- E. While presiding over proceedings in Colonie Town Court in March 2024, he (i) solicited assistant district attorneys appearing before him to help an individual obtain an internship in the District Attorney's office; (ii) engaged an unrepresented defendant in a substantive discussion about the merits of the case during a hearing to determine whether the defendant could proceed *pro se*; and (iii) made coercive and otherwise inappropriate comments to certain defendants, indicating he had pre-judged their guilt.

4. In March 2025, the Commission apprised Judge Green that it was investigating an additional complaint, alleging that he had engaged in partisan political activity, such as soliciting voters to change their political party affiliations.

5. Judge Green has tendered his letter of resignation, a copy of which is annexed as Exhibit 1, stating that he will vacate judicial office on June 30, 2025.

6. Pursuant to Section 47 of the Judiciary Law, the Commission may continue with proceedings against a judge who has resigned and, if it so

determines, render and file a determination that the judge should be removed from office. Pursuant to Article VI, section 22(h) of the Constitution, a judge who is removed from office "shall be ineligible to hold other judicial office."

7. Judge Green affirms that he will vacate his judicial office at the close of business on June 30, 2025, and that he will neither seek nor accept judicial office at any time in the future.

8. Judge Green understands that, should he abrogate the terms of this Stipulation and hold any judicial position at any time in the future, the Commission's investigation of the complaint would be revived, he would be served with a Formal Written Complaint on authorization of the Commission, and the matter would proceed to a hearing before a referee.

9. Upon execution of this Stipulation by the signatories below, this Stipulation will be presented to the Commission with the joint recommendation that the matter be concluded, by the terms of this Stipulation, without further proceedings.

10. Judge Green waives confidentiality as provided by Section 45 of the Judiciary Law, to the extent that (A) this Stipulation will become public upon being signed by the signatories below, and (B) the Commission's Decision and Order regarding this Stipulation will become public.

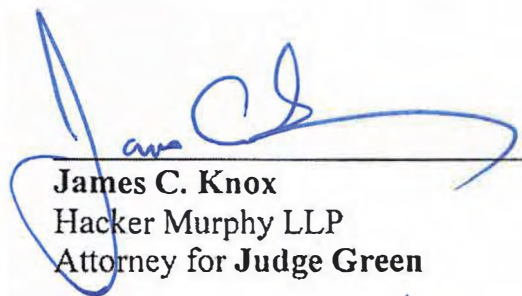
Dated:

4/2/25


Honorable David R. Green

Dated:

4/3/25


James C. Knox
Hacker Murphy LLP
Attorney for Judge Green

Dated: April 4, 2025

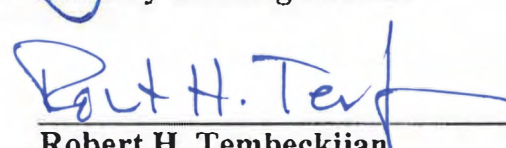

Robert H. Tembeckjian
Administrator & Counsel to the Commission
(Cathleen S. Cenci and S. Peter Pedrotty, Of
Counsel)

EXHIBIT 1

Hon. David R. Green
Justice of the Colonie Town Court
Public Safety Center
312 Wolf Road
Latham, New York 12110

Hon. Joseph Zayas
Chief Administrative Judge
New York State Unified Court System Office of Court Administration
25 Beaver Street
New York, New York 10004

April 2, 2025

Dear Chief Administrative Judge Zayas:

I have decided to retire from the bench, and as required by law, hereby give notice of my resignation from judicial office, effective close of business, June 30, 2025.

Very truly yours,

A handwritten signature in black ink, appearing to be 'D. Green', written over a horizontal line.

Hon. David R. Green
Justice of the Colonie Town Court

cc: Peter G. Crummey
Colonie Town Supervisor