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NYS COMMISSION ON
JUDICIAL CONDUCT - NYC LEGAL

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

In the Matter of the Proceeding
Pursuant to Section 44, subdivision 4,
of the Judiciary Law in Relation to

JOSEPH F. KASPER,

ANSWER

a Judge of the New York City Civil Court,
Queens County.

Joseph F. Kasper, by his attorney Emery Celli Abady Brinckerhoff Ward & Maazel LLP,
Answers the Second Formal Written Complaint of Robert H. Tembeckjian as follows on
knowledge or otherwise on information and belief:

1. Respondent lacks knowledge or information sufficient to admit or deny the allegations
set forth in Paragraph 1 of the Second FWC.
2. Admit.
3. Respondent lacks knowledge or information sufficient to admit or deny the allegations
set forth in Paragraph 3 of the Second FWC.
4. Admit that the allegations would state in whole or in part acts of judicial misconduct.
5. Admit.

As to Charge IV

6.
 - a. Deny the allegations as to the failure to cooperate. Respondent's former attorney
Deborah Scalise, Esq. resigned on or about December 17, 2024, leaving

Respondent unrepresented. Respondent is entitled to be represented by Counsel, and Respondent due to the holidays and worsening health issues, culminating in emergency [REDACTED] surgery on January 28, 2025, despite many attempts to do so, was not able to retain competent and willing counsel until on or about the first week of April, 2025. On January 7, 2025 Respondent wrote to Mark Levine at the Commission indicating that he was rigorously seeking counsel to assist, had consulted with multiple counsel, one of whom had authorized me to indicate he was reviewing my case (Jonathan Edelstein, Esq.), that I was scheduled for surgery [REDACTED] on January 14, 2025, to be followed by [REDACTED] on January 24, 2025 which turned into [REDACTED] surgery on January 28, 2025, following [REDACTED] on January 24, 2025 following the January 24, 2025 [REDACTED].

- b. A copy of the January 7, 2025 letter to the committee with attached medical documentation (Exhibit 98 to the Second FWC).
- c. The CJC responded by letter dated January 9, 2025 (attached to their Second FWC as Exhibit 99) acknowledging the scheduled medical procedures, but stating “these procedures have been planned and do not appear to be emergencies;” and that “We have confirmed with your administrative superiors not only that you have been fulfilling your Courthouse duties, but also that you have volunteered to take on additional judicial duties.” So despite Respondent’s serious medical issues, and that he was working to do his Judicial duties diligently, the CJC denied him further adjournment but stated:

“Under the circumstances, at its meeting of January 30th, 2025, the Commission may authorize a Formal Written Complaint against you for failing to cooperate with its inquiry. If you retain counsel and respond to our substantive inquiries prior to that date, the Commission would take that into consideration.”

- d. So despite the CJC's statement it would not issue a FWC until January 30, 2025 and give Respondent some opportunity to retain counsel and act to cooperate, the CJC issued a FWC with Notice dated January 14, 2025, and served by substituted service on or about January 25, 2025 at Respondent's residence while Respondent was in St. Francis Hospital awaiting life saving surgery, and dealing with [REDACTED] [REDACTED].
- e. Following notification to the CJC that Respondent was having [REDACTED] surgery and needed to convalesce, the CJC granted an extension to answer the FWC, Respondent retained present counsel, and answered the FWC.

7. Admit.

8. Admit.

9. Admit.

10. Admit.

11. Admit.

12. Admit.

13. Admit.

- 14. Admit, with the clarification the [REDACTED] scheduled for November 8, 2024 was rescheduled that day at the direction of Dr. [REDACTED] to November 15, 2024, following which Respondent was informed of the need for surgery to remove [REDACTED].

15. Admit.

16. Admit.

17. Admit.

18. Admit.

19. Admit, with the clarification set forth above in Paragraphs 6a through 6e.

20.

a. Admit in part, with the clarifications set forth above in Paragraphs 6a through 6e.

Respondent, based in the CJC's January 9, 2025 letter, was of the understanding the CJC would not issue the first FWC until January 30, 2025, and that if Respondent retained counsel and answered the inquiries the CJC "would take that into consideration." The CJC in fact issued the FWC by notice dated January 14, 2025, more than 2 weeks before the referenced January 30, 2025 date rendering moot immediate response to pre-FWC discovery. Following Respondent's [REDACTED] surgery and convalescence, Respondent was able to retain counsel and respond to the FWC. In the following months the CJC made no further request for pre-FWC discovery.

b. Respondent was deposed extensively by the CJC at its 61 Broadway offices on 12/15/23, 2/15/24, 3/19/24, and 4/23/24, in the course of which Respondent was extensively questioned about his attorney escrow accounts. Respondent responded with full transparency, and subsequently provided hundreds of pages of escrow statements going back decades, with accompanying copies of checks ledgers and registers.

- c. Respondent remains ready to respond to all questions regarding his escrow accounts and address the Committee's other inquiries, as appropriate for further CJC discovery and investigation under CJC Rules post FWC.

21. Deny.

Dated: New York, New York

October 9, 2025

By: ____/s/____

Richard D. Emery
EMERY CELLI BRINCKERHOFF
ABADY WARD & MAAZEL LLP

One Rockefeller Plaza, 8th Floor
New York, NY 10020

(212) 562-5880
Attorneys for Respondent

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

In the Matter of

JOSEPH F. KASPER

VERIFICATION

a Judge of the New York City Civil Court
Queens County

STATE OF NEW YORK)

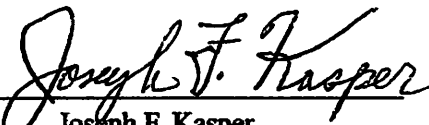
) ss:

COUNTY OF QUEENS)

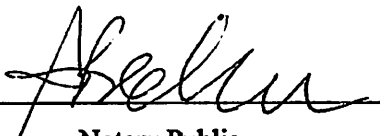
JOSEPH F. KASPER, being duly sworn, deposes and says:

1. I am the Respondent in the above-captioned matter.
2. I have read the foregoing Answer to the Second Formal Written Complaint in the matter
and, upon information and belief, all matters stated therein are true.
3. The basis for said information is in the files and records maintained by me and Exhibits and
information provided by the State Commission on Judicial Conduct.

Dated: October 9th, 2025


Joseph F. Kasper

Sworn to before me
this 9th day of October 2025


Notary Public

SHARMELA BACHU
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 02BA5085725
Qualified in Queens County
Commission Expires November 2, 2025