

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,

A Judge of the New York City Civil Court
Queens County.

REPLY MEMORANDUM BY COUNSEL TO THE COMMISSION

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Dated: June 5, 2026

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PRELIMINARY STATEMENT

This memorandum is respectfully submitted by Counsel to the Commission on Judicial Conduct (“Commission Counsel”) in reply to the memorandum of Judge Joseph F. Kasper (“Respondent”), dated May 22, 2026 (“Resp Br”). For the reasons stated in Commission Counsel’s Main Brief, dated May 22, 2026 (“Comm Br”) and below, Respondent should be removed from judicial office.

INTRODUCTION

The briefs submitted by Respondent and Commission Counsel are so dramatically different, it is difficult to reconcile them as depicting the same case. But even a cursory examination reveals why: Commission Counsel’s brief is faithful to the record, while Respondent’s brief invents new “facts” amounting to unsworn testimony, makes brash assertions that contradict the Agreed Statement of Facts he and his attorney signed, and ignores those portions of the record he evidently finds inconvenient to his already incredulous defenses. This continuing pattern of deception and evasion compounds Respondent’s egregious underlying misconduct and bolsters the already compelling case for his removal from judicial office.

ARGUMENT

POINT I

RESPONDENT’S ARGUMENTS IN DEFENSE OF HIS MISCONDUCT AND FOR A LESSER SANCTION LARGELY RELY ON “FACTS” OUTSIDE THE RECORD.

Respondent’s arguments that his misconduct was neither egregious nor removable are largely premised on self-serving, mitigating assertions about his state of mind that are not part of the Agreed Statement of Facts (“ASF”).

Respondent’s reliance on newly minted assertions is manifestly inappropriate. In signing the ASF, Respondent expressly agreed “that the Commission shall make its determination upon the . . . facts and exhibits [in the ASF], which shall constitute the entire record in lieu of a hearing” (ASF, preamble). Had Respondent wished the record to contain the more-than-two-dozen assertions set out below, he could have attempted to negotiate for their inclusion in the ASF or exercised his right to testify at a hearing where their credibility would have been rigorously tested. By instead presenting what amounts to unsworn testimony for the first time in his brief, Respondent is asking the Commission to accept his word on these crucial matters, without giving Commission Counsel the opportunity to cross-examine him, and without the benefit of credibility findings by a referee, who would have been “in a position to evaluate the credibility of the witness[] firsthand.” *Matter of Senzer*, 2020 Ann Rep of NY Commn on Jud

Conduct at 137, 147-48; *see Matter of Going*, 97 NY2d 121, 124 (2001) (“due deference” is accorded to “the credibility determinations of the referee”); *cf People v Anderson*, __ NY3d __, 2026 NY Slip Op 00967 at *1 (Feb 19, 2026) (“those who see and hear the witnesses can assess their credibility and reliability in a manner that is far superior to that of reviewing judges who must rely on the printed record”) (internal quotation marks omitted).

Accordingly, the Commission should disregard Respondent’s unsworn, *dehors* the record assertions that he:

- Continued to work on his clients’ pending cases out of a sense of duty, loyalty or responsibility (Resp Br: 5 [twice], 6 [twice], 21, 22);
- Believed that Ms. Bar performed paralegal work on his former clients’ cases under Mr. Mossa’s supervision (Resp Br: 11, 17), and that he never instructed her to pose as an attorney (Resp Br: 16);
- Thought that Ms. Bar’s work on his former clients’ cases was confined to “wind[ing] down his law practice” (Resp Br: 17);
- Was not aware that Ms. Bar was engaging in the practice of law or holding herself out to be a lawyer (Resp Br: 10, 11, 12 [three times], 15-16);
- “[M]issed” the fact that Ms. Bar’s email signature block labeled her an “Attorney at Law” (Resp Br: 12);
- Did not understand that Ms. Bar was using his NYSCEF account to file documents, and believed she was filing them “as a paralegal, without needing a specific User ID” (Resp Br: 13, 15 [three times]);

- Believed, when he referred Mr. R [REDACTED] to Ms. Bar, that Ms. Bar would merely “connect him with Mossa while assisting as their paralegal” (Resp Br: 13);
- Was unaware that he was required to file a campaign Financial Disclosure Statement (“FDS”) as a candidate (Resp Br: 17); and
- Believed that the Commission’s letter of January 9, 2025, stating that it “may authorize a Formal Written Complaint” if he failed to cooperate meant that it would not do so until after a certain date (Resp Br: 19), and that “any response” to the Commission’s unanswered questions about his escrow account was “mooted” by the Formal Written Complaint and Answer that ensued (Resp Br: 20).

The Commission should neither condone nor reward this duplicitous practice and should disregard all of these assertions.¹

POINT II

RESPONDENT’S ARGUMENT THAT MS. BAR PRACTICED LAW WITHOUT HIS KNOWLEDGE OR ASSISTANCE DIRECTLY CONTRADICTS FACTS HE AGREED TO IN THE ASF.

Respondent seems to understand that if he knowingly permitted Ms. Bar to practice law and aided her in that illicit effort, he committed flagrant misconduct and exposed himself to prosecution for a crime (*see* Comm Br, Point II). Given the indisputable evidence of Ms. Bar’s practice of law, Respondent predictably made the only argument he can: that he did not know that Ms. Bar was practicing law or

¹ Respondent also attached to his brief three news articles about his election to judicial office, which he labels Exhibits A-C (Resp Br: 2). These, too, are not part of the negotiated ASF, and thus are outside the record and must be disregarded.

holding herself out to be an attorney (*see* Resp Br, Point II). His arguments are premised on assertions that flatly contradict the ASF, as well as plain common sense.

The thesis of Respondent’s argument is that he “mistakenly believed” that Ms. Bar “was winding down his law practice through activities that fell within a paralegal’s duties” (Resp Br: 10). In support of that argument, he makes the sweeping representations that he “did not authorize or have direct knowledge of Ms. Bar’s misconduct,” was not “aware that Ms. Bar was engaging in impermissible legal activities,” and “never authorized Ms. Bar to appear or present herself as an attorney” (Resp Br: 10-11).

All of those assertions are contradicted by the following facts that Respondent stipulated to in the ASF:

- ASF ¶ 83: Ms. Bar sent Respondent 37 emails containing an email signature that identified her as “Janice Bar, Attorney at Law,” all of which he read; ten of those emails pertained to “Respondent’s former cases that Ms. Bar continued to work on.” In other words, Respondent knew Ms. Bar was holding herself out to be an attorney generally, and as to his former cases in particular.
- ASF ¶ 82: Respondent “permitted Ms. Bar to attend and/or participate in hearings, settlement discussions and/or other court appearances or proceedings,” and “understood that when [she did so], she would be performing tasks typically performed by a lawyer.” Put differently, Respondent sent Ms. Bar to court knowing and expecting that she would perform legal work once there.
- ASF ¶ 15: “Respondent pre-approved and/or subsequently authorized every document Ms. Bar filed using Respondent’s NYSCEF account.”

In other words, Ms. Bar never filed a document on NYSCEF that Respondent did not know about and authorize.

- ASF ¶ 89: When Ms. Bar explicitly told Respondent that she had conducted an examination of a witness in A [REDACTED], his sole response to remark, “It’s a good thing you were there.” Put differently, Respondent gave Ms. Bar his tacit approval of her unlicensed practice of law, both via his express praise and by failing to admonish her.²

In pressing his baseless claims that he was ignorant of Ms. Bar’s improprieties, Respondent conveniently ignores these critical aspects of the record.³

Respondent makes a number of specific assertions denying his complicity in Ms. Bar’s unlicensed practice of law, none of which are any more compelling than the generalizations discussed above. For instance, Respondent unabashedly claims that he “did not know that Ms. Bar continued to use [his] NYSCEF User ID,” nor “authorize [his] use of Respondent’s NYSCEF account or credit card to file materials” (Resp Br: 12-13), despite stipulating to the exact opposite (ASF ¶¶ 15, 40, 133, 136, 140, 155, 159, 173, 175, 178 [detailing fillings for which Ms. Bar used Respondent’s credit card])). Respondent’s contention that Ms. Bar used his credit card without permission is not only unsupported by any fact in the ASF, but

² For these same reasons, as well as his admitted expectation that Ms. Bar would perform the tasks of an attorney during court appearances generally (ASF ¶ 82), Respondent’s current newfound assertion that he “reasonably believed that Mossa would appear as counsel and supervise [Ms. Bar’s] activities” in the A [REDACTED] matter (Resp Br: 11) is no more believable.

³ Should Respondent’s attempt to stray from the ASF be a harbinger of a request that it be withdrawn and the matter proceed to a hearing, the Commission should reject such a request for what it plainly would be: a delaying tactic aimed at preventing a removal determination before his term expires this December.

it makes no sense. Had Respondent objected to Ms. Bar's use of his credit card to e-file documents, he would not have let her continue the practice for 16 months after he became a judge, to the tune of over \$800 in filing fees. *See id.* And, of course, if these uses of Respondent's credit card and NYSCEF account somehow contravened Respondent's expectations of Ms. Bar's duties as his employee, he could have stopped paying her salary of \$600 per week, which continued through April of 2024 – a full year after her final use of his NYSCEF account in April 2023 (ASF ¶¶ 17, 20, 134-36).

Next, Respondent alleges that Ms. Bar sent emails using his law office email account “which Respondent did not authorize or approve” (Resp Br: 14, 16). However, in signing the ASF, Respondent agreed that when Ms. Bar drafted and sent emails from his law office email account, she did so “at his direction” (ASF ¶ 19). The record contains no evidence that Ms. Bar ever sent an email from that account without Respondent's permission, as he now contends.

Additionally, Respondent – pointing to the *Lopez* case – claims that “[e]ven opposing counsel believed that Ms. Bar was communicating on behalf of Respondent” (Resp Br: 11, citing ASF ¶ 108). What Paragraph 108 in fact makes clear is that the plaintiff's attorney represented on the record that he had exchanged settlement proposals with Respondent himself, rather than Ms. Bar (*id.*). But nothing in that paragraph or any other speaks to that attorney's understanding as to

whether Ms. Bar was an attorney. What Respondent does not mention on this point, though, is that in the *Lema* matter, one of the defense attorneys did believe – based on an email and attendant signature block that Ms. Bar sent – “that Ms. Bar was an attorney at Respondent’s law office” (ASF ¶ 171).

Moreover, Respondent contends that, in referring P [REDACTED] R [REDACTED] to Ms. Bar, he “believed [Ms. Bar] would connect [Mr. R [REDACTED]] with Mossa while assisting as their paralegal” (Resp Br: 13). Once again, that fact is not in the ASF. What is in the ASF, however, is Respondent’s admission that “he told [Mr. R [REDACTED]] about Ms. Bar, whom he described as being knowledgeable about matrimonial matters and filing uncontested matrimonial matters” (ASF ¶ 138, emphasis added). There is no fair reading of that admission other than that Respondent recommended Ms. Bar to handle Mr. R [REDACTED]’s divorce as an attorney would – an inference only reinforced by the additional stipulated fact that Ms. Bar used Respondent’s NYSCEF account to file the related legal paperwork (ASF ¶¶ 139-40), again with his permission and/or approval (ASF ¶ 15).

All told, in advancing his untenable claim that he neither knew Ms. Bar was practicing law nor assisted her in that endeavor, Respondent repeatedly contradicts damning proof in the ASF with unsupported and unsworn assertions of “fact” that he invented out of whole cloth. This disingenuous tactic is far from surprising, as

it perfectly fits the pattern of deceit and dishonesty Respondent has exhibited to date (*see* Comm Br, Point V).

POINT III

RESPONDENT’S REMAINING CONTENTIONS ARE UNPERSUASIVE OR INCOMPATIBLE WITH THE RECORD, AND HIS ATTEMPTS TO CLAIM MITIGATION FALL FLAT.

The remainder of Respondent’s claims require little attention, as they either rely on facts that are incompatible with the ASF or advance arguments for mitigation that are wholly unconvincing.

First, Respondent’s claim that his continued practice of law after his election amounted to mere “poor judgment” in trying to “wind down” his law practice diametrically opposes the record. Respondent repeatedly asserts that he merely sought to “close[] cases that were essentially settled and near-complete,” citing *NYCTL* (“already near it’s end”), *A. v. S.* (“completed before his election”), and *Lopez* (“had been all but resolved”) as examples (Resp Br: 3-6). None of those characterizations are remotely true: *NYCTL* continued for at least 10 months after Respondent became a judge, during which time he helped “negotiate the terms of a resolution” at Columbus Club’s behest (ASF ¶¶ 21B, 31-39; Ex A2); *A. v. S.* remained unresolved for the same period, during which time Ms. Bar sent Respondent an email indicating that he was actively “mak[ing] changes” to a deed before signing a Notice of Settlement and Proposed Findings of Fact and

Conclusions, both of which expressly identified him as “Attorney for Plaintiff” (ASF ¶¶ 15, 61, 158-60); and *Lopez* continued for an astonishing 19 months before Mr. Puri signed a finalized settlement agreement, during which time Respondent reviewed court orders, actively negotiated settlement terms with opposing counsel, and personally discussed updates in the matter with his client (ASF ¶¶ 43-57). To call any of those cases “essentially settled” or “near-complete” is disingenuous at best.

Significantly too, in contending that the Formal Written Complaint charged him for mere “misguided effort[s]” to wrap up his existing cases (Resp Br: 3-7), Respondent overlooks the import of the S █████ matter. Ms. Bar – with Respondent’s permission and/or authority – filed that case using his NYSCEF account after he became a judge, and the related RJI she filed in the months that followed expressly identified him as the attorney for the plaintiff, which he remained until November of 2024 (ASF ¶¶ 15, 126-36). Though Respondent attempts to avoid responsibility on this score by claiming that “he did not know that Ms. Bar continued to use [his] NYSCEF User ID when filing materials in the S █████ case” (Resp Br: 12), that “fact” is contradicted by his record admission that he “pre-approved and/or subsequently authorized every document Ms. Bar filed using Respondent’s NYSCEF account” (ASF ¶ 15).

Respondent likewise claims innocent intent in “winding down his law practice” by pointing to the fact that he brought replacement attorneys – Mr. Mossa and Mr. Shanahan – into some of his pending matters (Resp Br: 3-5, 9). But that fact is a double-edged sword on which Respondent has cut himself. As explained previously (*see* Comm Br, Point II), those attorneys apparently acted as fronts to legitimize and facilitate Ms. Bar’s unlicensed practice of law. Indeed, although those attorneys signed various documents filed in the matters, it was Ms. Bar’s contact information that exclusively appeared on the filed documents, and it was Ms. Bar who completing the filings – using Respondent’s NYSCEF account and credit card, no less. And, on the two occasions in which Mr. Mossa or Mr. Shanahan appeared in court on Respondent’s “former” matters, neither participated, instead letting Ms. Bar (in *A* [REDACTED]) or Respondent himself (in *NYCTL*) conduct the appearance (ASF ¶¶ 37, 88). All told, the record contains no indication that Mr. Mossa or Mr. Shanahan performed any substantive work on any of the cases they “took over” from Respondent. Given what the record does contain, the question of why is not difficult to discern.

In seeking to defend his failures to file mandatory Financial Disclosure Statements and cooperate with the Commission, Respondent offers myriad excuses, including that he: made “inadvertent errors as a new judge”; “made his best efforts to disclose all required information”; was “unaware that he was

required to file a disclosure statement . . . when he was a candidate”; was not able to timely submit the supplemental materials [for his 2021 FDS] due to “myriad health concerns”; assumed that failure-to-cooperate charges would not be filed before January 30, 2025, but were in fact filed on January 14 “while Respondent was awaiting triple bypass surgery”; and “believed that any response to the Commission’s October 7, 2024 letter was mooted by the [Formal Written] Complaint [and] Respondent’s Answer” (Resp Br: 17-20).

None of those “facts” are part of the ASF, and even if true, none excuse the misconduct. Any personal difficulties Respondent may have faced notwithstanding, the facts that he never filed his campaign FDS even after being notified of the error, took over 18 months to even attempt to complete his 2021 FDS, and never sought to definitively determine if he was still required to answer the Commission’s outstanding questions regarding his escrow accounts, demonstrate an utter disregard of his ethical responsibilities.

Finally, Respondent claims mitigation based on a number of factors, including that: “his [j]udgment was clouded by his sense of loyalty to his former clients”; he “received no payment” for the attorney work he performed after his election; he “never concealed” the fact that he was a judge while working on his former clients’ cases; and he “openly acknowledged his misconduct” by signing “a

216-paragraph [ASF] primarily prepared by the Administrator” (Resp Br: 5-6, 21-22). None of those factors are mitigating.

Respondent’s claim about his “judgment” being “clouded” must be disregarded as it has no basis in the record (*see* Point I, *supra*), and his related claim of having “received no payment” for that work is dubious at best. While the \$2,000 Respondent received on the *Lopez* and *A* [REDACTED] matters after he became a judge were based on the original retainer agreements in those cases, that money was ultimately paid because – and only because – Respondent (with the illicit assistance of Ms. Bar) finished the legal work he owed on them. At the same time, the fact that for over two years after he became a judge, Respondent both paid Ms. Bar \$2,400 per month and continued to pay the rent on his law office at \$1,400 per month (ASF ¶¶ 6, 9, 17, 20) raises serious questions about how and why he continued to sustain those substantial costs while supposedly earning no associated income.

Respondent’s claim that he never “concealed” his judgeship is irrelevant to this case. He is charged not with concealing his judgeship but with engaging in conduct from which judges are prohibited.

Lastly, Respondent’s claimed mitigation for having “openly acknowledged his misconduct” by signing “a 216-paragraph [ASF] primarily prepared by the Administrator” (Resp Br: 22) is troubling on several fronts. For one thing,

Respondent has not truly acknowledged his misconduct. Rather, the mere lip service he gives to regret over having mistakenly or innocently violated the Rules demonstrates his failure to appreciate the gravity of his unethical behavior or accept responsibility for his misconduct (*see* Point IV, *infra*). Respondent also seems to imply something nefarious in alleging that the ASF was “primarily prepared by the Administrator.” The facts surrounding the preparation and negotiation of the ASF are not in the record, and Respondent has made no claim that he signed the ASF out of anything other than a desire to proceed “in lieu of a hearing” (ASF, preamble). In any event, the fact that Respondent chose to proceed by ASF rather than exercise his right to have Commission Counsel test the proof against him at a hearing is not, itself, mitigating in any respect.

POINT IV

RESPONDENT’S BRIEF DEMONSTRATES A FAILURE TO ACCEPT RESPONSIBILITY, WHICH AGGRAVATES HIS MISCONDUCT AND FURTHER NECESSITATES HIS REMOVAL.

The Court of Appeals has repeatedly held that judges aggravate their underlying misconduct by failing to accept responsibility for their actions, failing to appreciate having acted inappropriately, and attempting to minimize the significance of their actions. *Matter of Astacio*, 32 NY3d 131, 136 (2018) (failure to “genuinely accept[] personal responsibility” for misconduct); *Matter of Ayres*, 30 NY3d 59, 66 (2017) (“fail[ure] to appreciate that he acted inappropriately” and

“continues to minimize the import of his actions”); *Matter of Bauer*, 3 NY3d 158, 165 (2004) (“failure to recognize and admit wrongdoing”). Respondent’s brief is rife with examples of such shortcomings, which constitute “significant aggravating factors [that] can be grounds for removal” *Ayres*, 30 NY3d at 64.

While Respondent claims to have “openly acknowledged his misconduct” (Resp Br: 21), in truth he has not. All Respondent has “acknowledged” is that he made a “misguided attempt to wind down his legal practice” (Resp Br: 3), “mistakenly believed” that Ms. Bar was performing paralegal work (Resp Br: 10), and innocently failed to remove himself from his private-practice cases, disburse client funds, file his required Financial Disclosure Statements, and cooperate with the Commission due to health concerns and inadvertent oversights (Resp Br: 9-20). At the same time, he has disclaimed greater responsibility by inventing “facts” that are not in the ASF, made assertions that are contrary to the ASF, and ignored facts in the record that belie his recently invented defenses. In doing so, Respondent has intentionally minimized his misconduct and underscored his failure to accept responsibility for his ethical lapses.

Respondent has further demonstrated a complete lack of appreciation for what he did wrong through his own characterization of the charges against him. Respondent contends that the “essence” of the “allegations concerning Ms. Bar is that she continued to use Respondent’s NYSCEF credentials and credit card”

(Resp Br: 16). Of course, that is far from the “essence” of Charge II. That charge alleges that Respondent knowingly facilitated Ms. Bar’s unlicensed practice of law (Formal Written Complaint ¶¶ 63-66) , which constitutes a misdemeanor under the Judiciary Law and is a blatant fraud on the judiciary (*see* Comm Br, Point II). Respondent’s inability or stubborn refusal to accept and comprehend the nature of the charges against him is further aggravating.

Further, Respondent makes the sweeping assertion that “[n]o client was prejudiced,” and “[n]o cases were compromised,” as a result of Ms. Bar’s unlicensed practice of law and his own attendant complicity (Resp Br: 16). There is no way on this record to know how differently those cases might have been resolved had they been handled by a licensed attorney rather than the convicted felon Respondent hired to work for him. That Respondent knowingly permitted Ms. Bar to assume legal responsibility for the rights of those clients – to their personal detriment and the detriment of the very legal system he is sworn to uphold – is not something he can lightly brush aside.

In sum, in addition to his significant misconduct, Respondent’s “inability to recognize the seriousness of [his] misconduct” is a significant aggravating factor warranting his removal. *See Astacio*, 32 NY3d at 136; *Ayres*, 30 NY3d at 64-66 (2017); *Matter of Bauer*, 3 NY3d at 165.

CONCLUSION

Commission Counsel respectfully requests that the Commission determine that Charges I through IV of the Formal Written Complaints are sustained, that Respondent violated Sections 100.1, 100.2(A), 100.3(C)(1), 100.4(A)(2), 100.4(A)(3), 100.4(A)(4)(g), and 100.4(G) of the Rules, and that he should be removed from judicial office.

Dated: June 5, 2026
Albany, New York

Respectfully submitted,

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