

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT
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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. :
-----X

B e f o r e:

Joseph W. Belluck, Esq., Chair
Taa Grays, Esq., Vice Chair
Honorable Fernando M. Camacho
Stefano Cambareri, Esq. (via videoconference)
Brian C. Doyle, Esq.
Honorable John A. Falk
Honorable David Fried
Robin Chappelle Golston (via videoconference)
Nina M. Moore, Ph.D. (via videoconference)
Honorable Peter H. Moulton
Marvin Ray Raskin, Esq.
Commission Members

P r e s e n t:

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Honorable Joseph F. Kasper

A l s o P r e s e n t:

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ORAL ARGUMENT

Commission Office
61 Broadway, Suite 1200
New York, NY 10006

June 18, 2026
1:22 PM

1 MS. ZAHNER: Good afternoon, Mr.
2 Belluck and members of the Commission. This
3 is the oral argument in the Matter of *Joseph F.*
4 *Kasper*, a Judge of the New York City Civil
5 Court. Judge Kasper is appearing with his
6 attorneys Mr. Emery and Ms. Mayat. Mr.
7 Stromes and Mr. Arnone are appearing for the
8 Commission.

9 MR. BELLUCK: Thank you. Good
10 afternoon. And also, thank you for your efforts
11 to get here today. We appreciate it.

12 In the *Matter of Joseph F. Kasper*, a Judge
13 of the New York City Civil Court, this is the oral
14 argument with respect to what an appropriate
15 sanction shall be.

16 Counsel will each have 30 minutes for their
17 argument. Counsel for the Commission may
18 reserve a portion of his time for rebuttal. After
19 the initial presentations, the judge may, if he
20 wishes, make a presentation to the Commission
21 not to exceed ten minutes. Counsel for
22 respondent may reserve time to speak after the
23 judge, but prior to the rebuttal. The judge and
24 counsel are subject to questioning by the
25 Commission at any time during their

1 presentation. And counsel are advised that their
2 argument should be kept to the record and
3 statements outside the record will be disregarded.

4 You will notice that there are lights on the
5 podium to indicate your time. The green light
6 means your time has not elapsed, the yellow
7 light means that there are two minutes left and
8 the red light means that you should stop your
9 argument. Please silence your cellphones and
10 electronic devices and disable any Wi-Fi
11 connections to prevent interference with the
12 recording of the proceeding.

13 You will notice that we have three
14 members, Mr. Cambareri, Ms. Golston and Dr.
15 Moore, who are appearing remotely. They will
16 be able to ask questions as if they were here in
17 person. If there are any technical issues related
18 to the remote appearances, we will pause the
19 argument, and no time will be counted against
20 your presentation.

21 Are you ready to proceed, Mr. Stromes?

22 MR. STROMES: I am.

23 MR. BELLUCK: Thank you.

24 MR. STROMES: Good afternoon, Mr.
25 Belluck, members of the Commission. Mr.

1 Belluck, with your permission, I'd like to reserve
2 eight minutes for rebuttal please?

3 MR. BELLUCK: Okay. Thank you.

4 MR. STROMES: From the day he took the
5 bench four years ago, respondent has
6 demonstrated that he couldn't care less about his
7 ethical responsibilities. During that time, he's
8 continued to practice law for more than two
9 years, spanning nearly a dozen matters, and even
10 initiated a new matter after he became a judge.
11 He permitted his former paralegal, Janice Bar, to
12 practice law herself without a license and let her
13 use the resources of his former law office to do
14 so. He retained control of tens of thousands of
15 dollars of client funds that should have been
16 promptly disbursed. He remained the attorney of
17 record on a number of matters even after one of
18 them came before him as a judge. He failed to
19 file multiple financial disclosure statements as
20 required. And he failed to cooperate with the
21 Commission's investigation into his finances by
22 refusing to answer questions. And now, in his
23 briefs to the Commission, he makes clear that he
24 fails to accept responsibility for his actions.
25 Based on the totality of that misconduct,

1 respondent should be removed from office.

2 Most egregiously, in permitting Miss Bar's
3 unlicensed practice of law and facilitating it,
4 respondent committed not only a fraud upon his
5 former clients and the courts, but arguably a
6 crime as well. And that alone is disqualifying.
7 But combine that with the remainder of his
8 misconduct and the demonstrated pattern of
9 deceit and sheer disinterest in seeing to his
10 ethical responsibilities and removal is the only
11 appropriate sanction.

12 Now, the record in this matter should be
13 clear and straightforward given that the
14 administrator, respondent and his counsel signed
15 a detailed agreed statement of facts.
16 Nevertheless, in his brief, respondent repeatedly
17 strays from the record making assertions of
18 purported facts that are not supported by the ASF
19 and in many instances that directly contradict it.
20 At the same time, respondent accuses
21 Commission staff of misrepresenting the record,
22 which is not true.

23 JUDGE MOULTON: So, Mr. Stromes,
24 with respect to charge II it was stipulated that
25 respondent knew or should have known that

1 Miss Bar was practicing law and or performing
2 legal work for such clients. That's a stipulated
3 fact.

4 MR. STROMES: That is a stipulated fact,
5 your honor.

6 JUDGE MOULTON: Okay. But what he
7 says in his brief is that he thought that Miss Bar
8 was just closing down his legal practice. So
9 those two inconsistent?

10 MR. STROMES: Those two are in fact
11 inconsistent. And his assertion in his brief that
12 as to his subjective state of mind, not part of the
13 record, if that was testimony that he wanted to
14 give the forum for that was to exercise his right
15 to a hearing rather than sign an ASF where such
16 a statement would have been cross examined,
17 would have been subject to rebuttal testimony,
18 and a referee would have made credibility
19 findings. And that's only one of about two dozen
20 such statements of purported facts that are
21 contained within his briefs that have no basis at
22 all in the record. Should any of you today have
23 any questions about record support for any of the
24 assertions that we make or form the basis of our
25 arguments, I do stand ready to provide that.

1 Now, respondent seems –
2 JUDGE FRIED: – One of the issues that
3 you raised is the fact that there was a failure to
4 comply with financial disclosure requirements,
5 correct?
6 MR. STROMES: Correct.
7 JUDGE FRIED: And at the same time,
8 there were indications of financial dealings
9 relevant to the law practice post assuming
10 judicial office. Is there anything in the record
11 that indicates that the failure to file financial
12 disclosure was a result or motivated by the
13 financials associated with the law practice?
14 MR. STROMES: There is not, your
15 honor.
16 JUDGE FRIED: Okay.
17 MR. STROMES: If we had proof
18 connecting those, I think this would be a very
19 different kind of case. What we do have is we
20 do have a failure to cooperate with the
21 Commission's investigation, which was its own
22 charge and the subject matter of the questions in
23 the Commission's October 7th letter, which is in
24 the record, all dealt with respondent's finances.
25 We might have more clarity if respondent had in

1 fact cooperated with the investigation. But those
2 questions remain unanswered to date.

3 But the place I'd like to focus with your
4 permission is permitting Miss Bar to practice law
5 without a license. Because respondent seems to
6 understand that if you in fact find that he
7 facilitated her unlicensed practice of law,
8 removal is a foregone conclusion. And this is
9 really clearly encapsulated by her work on the
10 *R*█████, *A*█████ and *Perez* matters.

11 *R*█████ is as clear cut as it is incriminating.
12 In that case, Mr. *R*█████, one of respondent's
13 former clients, came to him and said hey, can
14 you do my divorce for me? And he said I can't.
15 But he actually referred him to Miss Bar.
16 Thereafter, he engages Miss Bar for \$1,200 to do
17 his divorce. Miss Bar files the summons and
18 complaint and other documents related to the
19 divorce using respondent's NYSCEF account
20 with respondent's permission and authority, this
21 is from the ASF, and using respondent's credit
22 card as well. Respondent even pays for this and
23 once the divorce is complete, Miss Bar gets her
24 cash. There's no mistaking what happened there.
25 But it's only the beginning of a pattern.

1 We can look at the A■■■■ matter. There is
2 a hearing in May of 2023, almost a year and a
3 half now after respondent took the bench, where
4 Miss A■■■■ has a hearing and respondent goes
5 with her to the courthouse and sends her up to
6 the courtroom. All this time, Miss A■■■■, the
7 client is texting respondent. They're about to call
8 the case. No one's here. Respondent is texting
9 her back. I'm in front of the building. Janice is
10 on her way up. Janice is coming. Is Janice there
11 with you yet? Well, when Janice gets there, they
12 call the case, counsel, state your appearance,
13 Janice Bar for Miss A■■■■. Janice Bar then
14 conducts the examination just as a lawyer would
15 and calls respondent afterward on the phone and
16 says, I conducted the examination myself.
17 What's the reaction? There's no surprise.
18 There's no oh no, there's no we have to set the
19 record straight, we have to apologize to the
20 court. It was, It's a good thing you were there.
21 Respondent engineered this and it went just as he
22 expected it to go.

23 And then you look at the *Lopez* matter,
24 where in November of 2022, eleven months after
25 respondent took the bench, he appears before a

1 federal magistrate to discuss a settlement
2 agreement that's still being worked out. And the
3 judge says, you know, your client's really going
4 to need an attorney, and I know you've become a
5 judge. This isn't going to work without an
6 attorney. And he said, the next court appearance,
7 I'll send an attorney. Who appears at the next
8 court appearance? It's Janice Bar, Esq., And
9 that's A45 and A70 of the record.

10 Respondent wants to make excuses or
11 have answers for these sort of piecemeal the way
12 he talks about them in his brief. But when you
13 look at the totality of, the totality of all that, it's
14 impossible to miss the pattern.

15 There's documentary evidence aside from
16 that to support that respondent knew and
17 facilitated Miss Bar's practice of law.
18 Respondent sent Miss Bar, excuse me, Miss Bar
19 sent respondents 37 emails and they are Exhibits
20 A1 to A37 of the record that identified her via
21 the signature block as Janice Bar, attorney at
22 law. If you flip to page 15 of my brief, you will
23 see exactly what that looks like. And again, A1
24 to A37, it's in all of those exhibits. And what's
25 important there, and by the way, I'm sorry,

1 respondent admitted in the ASF that he received
2 and read all of those emails. So, we know that
3 he read them.

4 What's important about those is not simply
5 that he knew that Miss Bar was holding herself
6 out to be a lawyer, maybe to him, maybe this
7 was isolated, some of those emails forwarded
8 communications that she had with clients, with
9 the opposing counsels and with the court that
10 included the same signature block. So, he is
11 seeing the emails that she is sending to other
12 lawyers, to clients, to the court, identifying
13 herself as an attorney, holding herself out as an
14 attorney. And on top of that, afterward, he still
15 continues to let her use his NYSCEF routinely,
16 and with his authorization to file the documents,
17 the E-documents on NYSCEF, to use the law
18 office email account, to communicate using the
19 physical law office space he's continuing to rent
20 and paying a lot of the filing fees himself. This
21 is a wholesale facilitation of her practice of law,
22 and it is itself disqualifying.

23 There's another major facet of
24 respondent's misconduct –

25 JUDGE MOULTON: – Counsel, sorry to

1 stop you –

2 MR. STROMES: – Not at all.

3 JUDGE MOULTON: But with respect to
4 the use of NYSCEF, was there something
5 specific in the ASF about that?

6 MR. STROMES: Paragraph 15 of the
7 ASF, respondent admits that every single use of
8 every single time Miss Bar used NYSCEF,
9 respondent pre-approved or subsequently
10 authorized the use. So, there is no mistaking
11 respondent has admitted that he pre-approved or
12 subsequently authorized each and every one of
13 her uses of his NYSCEF account.

14 The other facet of this case that devolved
15 that involves, deserves really serious attention is
16 respondent's unlicensed practice of law.
17 Respondent wants to play this off that he was
18 winding down his law practice. That simply
19 cannot be true. The S [REDACTED] matter proves that
20 proves this almost instantly. That was a matter
21 that was filed after respondent took the bench.
22 No doubt Miss Bar filed it. That's not an
23 uncommon thing. We've seen that in our past.
24 In the *Ramich* matter, in the *Intemann* matter
25 where a former secretary or clerk was doing the

1 actual filing. But Miss Bar filed this using
2 respondent's NYSCEF account. So again, with
3 his permission and authorization, respondent
4 paid for the filing, and it listed this respondent as
5 the attorney of record both in the summons and
6 complaint and in the RJI. So, there's no doubt
7 that this new matter that's not winding anything
8 down.

9 You look at the A[REDACTED] matter, that's
10 something that he says is winding down. It was
11 essentially settled. That was 18 months of
12 negotiation after respondent took the bench
13 before there was finally a resolution. And during
14 that time, respondent repeatedly consulted with
15 the client, respondent reviewed court decisions,
16 respondent negotiated with opposing counsel
17 extensively over the language of the settlement
18 agreement, specifically advocated for the
19 inclusion of confidentiality clauses and an
20 indemnification clause that would further his
21 client's interest. And he ultimately hand
22 doctored the version of the settlement agreement
23 that his client eventually signs. There's no way
24 to pass that off as winding down the practice,
25 and there's no reasonable way that respondent

1 could have thought that that was going on.

2 The *NYCTL* case is another matter.
3 Respondent wants credit in that case for getting
4 up after he's elected and telling the judge I'm a
5 judge, so I'm not representing Columbus Club
6 anymore. I'm just appearing *pro se*. I'll have
7 another attorney step in. Thereafter, respondent
8 continues to do lawyer work. He's requesting
9 adjournments. He's involved in the negotiations,
10 and he eventually stands up in court before the
11 judge and says Columbus Club has authorized
12 me to enter the settlement agreement, and here it
13 is. That's still being a lawyer. And there's no
14 way to pass that off as simply winding down.

15 You have examples from *Ramich* and the
16 *Panepinto* matter where a judge was censured for
17 far less. In *Panepinto*, it was giving advice
18 about one case and *Ramich*, I believe a judge had
19 continued to work on four cases. We have
20 nearly triple that here. Plus, we have this
21 element of deceit where respondent is telling the
22 court one thing and then using his paralegal to go
23 ahead and continue practicing law under the
24 table. And that notion of deceit really pervades
25 all of the misconduct. You see it on its face in

1 permitting Miss Bar to practice law, deceiving
2 the courts, deceiving the clients, deceiving
3 opposing counsels. You see it in the way he
4 continued to practice law. You see it in the way
5 he made the representations to the court saying
6 that *Lopez* was essentially settled when you had
7 another 18 months after that; saying in *NYCTL*
8 he's no longer counsel when he is the one
9 ultimately going forward with the settlement
10 agreement. You see it in the way that even when
11 he brought other attorneys into the matters,
12 Mossa and Shanahan, which again he seems to
13 want credit for, they were involved in those cases
14 in name only because even though their names
15 were on the affidavits, it's Miss Bar who's filing
16 them. It's Miss Bar filing them using
17 respondent's NYSCEF account, not Mossa's, not
18 Shanahan's. Once again, respondent is paying
19 for this. If these were Mossa and Shanahan's
20 cases, they'd be footing the bills. And it's Miss
21 Bar's contact information, her phone number, her
22 email address, not Mossa's, not Shanahan's. So
23 again, these are deceitful practices. And then we
24 get here and he writes these briefs that avoid the
25 record, that contradicts the record, that go well

1 outside of the record. Even before the
2 Commission, this deceit is continuing.

3 The Court of Appeals has said repeatedly,
4 and the Commission has echoed it, deception is
5 antithetical to the role of a judge who was sworn
6 to uphold the law and seek the truth. Those
7 words are just as true today as they were when
8 they were first written thirty or forty years ago.

9 The remainder of this – yes, Ms. Grays,
10 I'm sorry.

11 MS. GRAYS: Hello, Mr. Stromes. I
12 have, I guess, two questions. One is under the
13 rules you are allowed as a judge to handle or
14 wind down administrative and ministerial type
15 matters, right?

16 MR. STROMES: Absolutely.

17 MS. GRAYS: And so, in this instance I
18 think that was part of their, of the argument. So,
19 can you explain why this, just make it clear why
20 this doesn't fall into that category?

21 MR. STROMES: None of this was
22 winding down or doing ministerial tasks. When
23 you're actively negotiating a settlement
24 agreement, when you're filing a new matter,
25 when you are advising your client over the

1 course of the case, when you are making
2 substantive changes to a deed before it can be
3 filed, these are just some of the many examples.
4 And none of those could be reasonably construed
5 as the ministerial closing of cases or transferring
6 cases to other attorneys.

7 MS. GRAYS: And then I have a second
8 question –

9 MR. STROMES: – Absolutely –

10 MS. GRAYS: – From a time frame
11 perspective. So, we've seen that sometimes it
12 can take one year, maybe I guess at most two,
13 but how long did this actually take? And it was
14 how, what's the time frame for this compared to
15 what we see what you've seen in other cases?

16 Respondent became a judge in, on January
17 1st of 2022. As of the beginning of 2024, he still
18 had tens of thousands of dollars of client funds in
19 his escrow accounts and he didn't make the sort
20 of bulk of that disclosure, bulk of that
21 disbursement to get it down to I think 17,000
22 until April of 2024. The practice of law went on
23 into the beginning of 2024. The *Lopez* matter I
24 mentioned went on for 18 months of negotiating
25 over language before, before that was closed.

1 The financial disclosure statements which
2 we touched on earlier that he was required as a
3 judicial candidate to file a candidate FDS. He
4 has never filed that. We informed him of that.
5 We informed him via our communication of that
6 lack years ago at this point before there were
7 even charges. And his defense for that continues
8 to be well, I didn't know. He's known for a long
9 time. And his calendar year 2021 financial
10 disclosure statement was two and a half years
11 late before it was complete. So, this is not a
12 short time frame. These are issues that stretched
13 on in terms of the cases that respondent remained
14 the attorney of record on. We had one of those
15 cases come before respondent in I believe it was
16 August of 2022. It took until October for him to
17 remove himself as the attorney of record from
18 that case. You think that would happen
19 immediately. That that should be embarrassing
20 when you're a judge and one of your cases that
21 you're still, let's call it mistakenly, listed as the
22 attorney on comes before you. You're going to
23 be off that case as soon as you're off the bench
24 that afternoon. But it took two months. And the
25 rest of the cases that he was still the attorney of

1 record on it took in, it took in through 2024. So,
2 this was long standing. This went on for
3 unfortunately very long periods of time.

4 MS. GRAYS: Thank you.

5 DR. MOORE: So, I have just one
6 question. Do I understand correctly that all but
7 one of these cases were essentially carryover
8 cases that he already had before he became a
9 judge?

10 MR. STROMES: That's correct. Dr.
11 Moore. The S [REDACTED] case was a new, a brand-new
12 matter that Miss Bar filed and the rest of the
13 cases that he continued to work on, the *Lopez*
14 matter, the *A. v. S.* matter, *NYCTL*, I can list them
15 all, but they're in my brief. The rest of those
16 were indeed cases that clients had engaged him
17 before he became a judge, but that he continued
18 to do substantive non-ministerial work on after
19 he became a judge.

20 DR. MOORE: Thank you.

21 MR. STROMES: You're welcome.

22 If there are no questions further, I'll
23 reserve the remainder of my time. Given the
24 facts of the case, we would ask for removal.

25 MR. BELLUCK: Thank you. Mr. Emery.

1 MR. EMERY: Yes, thank you, Chairman
2 Belluck.

3 MR. BELLUCK: Thank you, sir.

4 MR. EMERY: I think there's a lot we
5 agree on because there's an agreed statement of
6 facts. And the essence of Judge Kasper's defense
7 here is not that he didn't engage in misconduct.
8 We admit that he did. But as the staff has
9 pointed out, they assert that it was deceitful and
10 that is the furthest thing from the truth. And
11 there's nothing in the agreed statement that can
12 lead to that conclusion or inference. There is no
13 element of deceit in this case, I would argue
14 strenuously –

15 JUDGE MOULTON: – Can turning a blind
16 eye be the equivalent of deceit?

17 MR. EMERY: To what end? The question
18 is all of this begs a motive. Deceit in all the cases
19 I'm about to talk to you about has to do with
20 money or influence on a court for a family
21 member or influence for some purpose to benefit
22 the respondent judge in those cases. Here he gets
23 no benefit from anything. There's no explanation
24 for his motive. And the motive is key here. And I
25 hope you will assess motive here because they

1 have completely ignored motive. They don't give
2 you any explanation whatsoever for what his
3 motive it was or is.

4 JUDGE FRIED: Well, then what was it?

5 MR. EMERY: It was –

6 JUDGE FRIED: – What was it?

7 MR. EMERY: Loyalty to his clients.

8 JUDGE FRIED: But his but a client says
9 was that an action that started afterwards –

10 MR. EMERY: – that was not –

11 JUDGE FRIED: – I'm sorry?

12 MR. EMERY: Go ahead. Sorry I
13 interrupted you.

14 JUDGE FRIED: If an action, as the
15 counsel for the Commission is saying, was
16 commenced after taking judicial office, that
17 wasn't a client by definition before.

18 MR. EMERY: It wasn't a client after. It
19 wasn't a client after. The Commission is wrong.
20 And there's nothing in the agreed statement that
21 says he represented that person. That person was
22 referred by a judge who said I'm a judge, I can't
23 represent you. But Miss Bar knows a lot about
24 matrimonial matters. You can go to her, she
25 works with Mossa and the two of them can

1 handle your matter. It wasn't that he never
2 represented this person that the staff
3 mischaracterizes as a client didn't happen.
4 Okay? There was nothing in this record that
5 shows him in any way serving anyone other than
6 his former clients because of his misguided
7 loyalty to those clients.

8 JUDGE FRIED: Was his NYSCEF
9 account used in that action that was started after
10 the fact?

11 MR. EMERY: His NYSCEF account?
12 This leads to another point. But his NYSCEF
13 account, he never used it before he was a judge
14 or after he was a judge. Miss Bar had
15 exclusively used his NYSCEF account.

16 JUDGE FRIED: Well, the rules for
17 NYSCEF –

18 MR. EMERY: – Absolutely –

19 JUDGE FRIED: – Specifically say that if
20 you are a registered user on NYSCEF and you
21 give the authority to someone else to use your
22 account, that you maintain the responsibility.

23 MR. EMERY: And that's absolutely
24 correct and that's why we agreed to paragraph 15
25 in the agreed statement. He is responsible and he

1 takes responsibility. And it was misconduct, not
2 removable misconduct, but it was misconduct for
3 him to allow Bar to use his NYSCEF account.

4 Now, let's say something about Bar first
5 itself, because the staff tries to bootstrap her
6 misuse of his role and his various stationery and
7 other aspects of being a lawyer after he became a
8 judge to argue that he's responsible for that. First
9 of all, there's absolutely no precedent in this
10 Commission or in the Court of Appeals for
11 misconduct of any sort of a judge for failing to
12 supervise somebody who's not court personnel.

13 JUDGE FALK: Is Judge Kasper paying
14 Miss Bar?

15 MR. EMERY: She, he was paying her to
16 wind up his matters. He was paying her as he
17 continued to pay her for taking care of his office.
18 He's allowed under the ethics opinions to wind,
19 to keep an office, to pay rent in an office, to keep
20 a paralegal on staff. Those the, the ethics
21 opinions, they don't dispute that, that paying her
22 is not a violation. The problem is that she did go
23 out and practice law and, and she did it even
24 under the auspices of Shanahan and Mossa. And
25 somebody could have taken them to the

1 grievance committee, or they could have taken
2 the judge to the grievance committee. But that's
3 his failure as a lawyer. That's not his failure as a
4 judge. And as I said, there is no precedent.
5 Zero. Court of Appeals, they reach for
6 precedent.

7 JUDGE FALK: But you just said –

8 MR. EMERY: – Medical cases –

9 JUDGE FALK: – Said, isn't he as you
10 just said a lawyer, so, is he being both a lawyer
11 and a judge at the same time?

12 MR. EMERY: He was act, he admits
13 misconduct that he was acting as a lawyer while
14 he was a judge in certain ways to help former
15 clients because of his loyalty to those clients
16 trying to wind up those matters. Remember here
17 we're talking about three, close to three or four
18 years. There is a group that the staff has put
19 together a group of instances where he acted as a
20 lawyer. In an agreed statement of fact of 40 or
21 50 pages, they're all compressed, they sound like
22 they all happened at once. This was something
23 that happened periodically a month here a piece.
24 He was on the bench the whole time. Nobody
25 has ever alluded to any failures of his conduct on

1 the bench or his use of the bench in any way as a
2 lawyer for his clients.

3 MR. BELLUCK: Mr. Raskin, do you have
4 a question?

5 JUDGE FALK: (INAUDIBLE)

6 MR. BELLUCK: Judge, excuse me, give
7 me one second.

8 JUDGE FALK: I am sorry to interrupt.

9 MR. BELLUCK: Marvin has a question.
10 Then you.

11 MR. RASKIN: Are you done, Joe?

12 MR. BELLUCK: Done.

13 MR. RASKIN: Counselor, are you
14 suggesting that your client had no duty to ensure
15 adequate supervision, supervision of Miss Bar?

16 MR. EMERY: He does as a lawyer, not as
17 a judge.

18 MR. RASKIN: Okay, so as a judge?

19 MR. EMERY: Right, not as a judge.

20 MR. RASKIN: Do you feel, what do you
21 think about whether or not Rule 100.1 and 100.2A
22 is akin to 5.3 of the Rules of Professional Conduct
23 where a lawyer is responsible for his employees,
24 both legal and non-legal? So, whether you're
25

1 arguing as a judge, he didn't have a specific
2 statutory obligation as a lawyer, he did.

3 MR. EMERY: Okay. Imagine this, you
4 pose the exact conundrum here. Imagine he
5 supervised her perfectly and he did. He what
6 made checked everything out. He made sure that
7 the, that she was doing all the right things in
8 representing his former clients. He'd be far more
9 guilty of practicing law if he did that as a judge.
10 The problem here was he was negligently
11 allowing her to go forward and trying to minimize
12 his role in practicing law. And that was
13 instinctually correct because he knew he wasn't
14 allowed to practice law and he was trying not to
15 practice law. But then it got the better of him with
16 his clients and his duty to his clients and going
17 forward in practicing law. He definitely practiced
18 law. But as I'll point out to you, this Commission
19 where practicing law has been an issue, has not
20 removed anybody except in *Intemann*, the one
21 case that was far more work, far worse.

22 If I may, I'd just like to go through a couple
23 of the cases. In *Ramich*, this Commission without
24 any appeal censured a judge who represented his
25 son and his wife and three clients, used court

1 personnel and court facilities, presided over two
2 cases that were ex, where he had *ex parte* relations
3 with the lawyers and that was a censure. In
4 *Edwards*, the censure was jointly recommended,
5 no appeal obviously. He represented his daughter
6 in three appearances before family court
7 proceedings. He invoked judicial office during
8 these representations. Nothing like that in this
9 case. Nothing of any sort invoking his position or
10 representing clients in front of judges. There's no
11 appearance except in one case in a judge where he
12 says I can't do anything because I'm an elected
13 judge. He told everybody he was an elected
14 judge. He didn't hide it from anybody. There's no
15 deceit here. That's the key point –

16 MR. RASKIN: – Did he not use Miss Bar
17 to facilitate the practice of law?

18 MR. EMERY: He used Miss Bar to –

19 MR. RASKIN: – Facilitate, knowingly,
20 intentionally facilitate?

21 MR. EMERY: He used Miss Bar because
22 he deluded himself, and that's misconduct into
23 believing that she was winding up his cases and
24 doing essentially ministerial matters. But he went
25 over the line. And I don't want to minimize the

1 fact that he went over the line. We've agreed that
2 he would, we've agreed with the staff that he
3 could be censured. It's a removal that is not
4 permissible under the Court of Appeals. Under
5 the Court of Appeals precedent, removal simply is
6 the pres- the underlying presumptions for removal
7 don't exist in this case because they haven't
8 assigned as the Court of Appeals normally does
9 when it removes some a judge from his position,
10 an elected position as it is. The, they assigned
11 some malicious or invidious motive. There has to
12 be some motive that benefits the judge or benefits
13 a family member or has money coming to the
14 judge. Nothing like that here. This is pure
15 commitment to former clients which he hoped to
16 not offend or not he was weak in his capacity as a
17 lawyer and as a judge to put aside his former
18 practice.

19 JUDGE CAMACHO: And what are we to
20 make of the several dozen emails that he read and
21 reviewed that have attorney at law under Miss
22 Bar's name?

23 MR. EMERY: Classic negligence,
24 stupidity. Nobody has ever been removed for that
25 sort of behavior. There's no motive behind it

1 which is in any way aggrandizing or in any way
2 inappropriate other than by pure negligence on his
3 part. The Court of Appeals has repeatedly said
4 mistaken and careless behavior, even very serious
5 careress- careless behavior is not grounds for
6 removal –

7 JUDGE FRIED: – Is it your argument –

8 MR. EMERY: – If you go through the
9 cases –

10 JUDGE FRIED: – Is it your argument –

11 MR. EMERY: – Another one, *Panepinto* is
12 another case of practicing law in this court, in this
13 proceeding where it was a censure, not appealed.

14 MR. BELLUCK: Judge Fried –

15 MR. EMERY: – I'm sorry.

16 MR. BELLUCK: I'm sorry, Judge Fried,
17 did you still have a question? Go ahead.

18 JUDGE FRIED: So, are all of the incidents
19 that are alleged by Commission counsel deemed
20 to be just careless behavior? I mean, so for
21 example, not filing the financial disclosure for the
22 campaign, not filing the mandatory financial
23 disclosures for was it two years or so after it was
24 due once in office. So, do you see that these
25 isolated incidents when added all together, you're

1 saying that we should still apply a standard that
2 it's an isolated careless mistake when it when
3 arguably it exists on multiple fronts all at the same
4 time?

5 MR. EMERY: Remember what was going
6 on in this case, Judge Fried, respectfully. This
7 was COVID. Everybody was operating under
8 different circumstances. You probably all
9 remember lots of things were remote, lots of
10 things were not as organized in the courts and in
11 the, in proceedings as a general proposition during
12 this entire period.

13 JUDGE FRIED: There were extensions
14 given.

15 MR. EMERY: Yes, and that's right. And
16 he got extensions and he was, had health problems
17 which made him specifically, that's in the record,
18 specifically vulnerable to COVID. And he also
19 filed, he ran for office maybe ten times. He ran
20 for every judicial vacancy in Queens. On this
21 case, he happened to win. He couldn't believe he
22 won. And it was certified a month before he took
23 the bench. And he was a Republican in a
24 Democratic district. He beat a very famous
25 person, you know, the son of the head of the City

1 Council Vallone, and he, you know, he was
2 amazed and he was discombobulated. He was
3 completely disorganized. And yes, he never had
4 seen any obligation for filing as a candidate a
5 financial disclosure form. And that's what he
6 failed to do. He filed his disclosure forms as a
7 judge, but then they the Ethics Commission said,
8 yeah, you failed to file it as a candidate for '21.
9 That was the year he was a candidate. And only
10 because he was elected did he have an obligation
11 to file that. When he tried to file it, it didn't
12 attach. They didn't, they didn't attach to the email
13 that he sent. They didn't notify him that they
14 didn't receive it until a year later when he then
15 immediately filed it. So, there was a long delay,
16 and it was certainly partially his responsibility and
17 he we don't deny that, but it's not, that's not again,
18 there's no motive. He didn't hide anything. There
19 was nothing in the financial disclosure form to
20 hide. It was –

21 MR. BELLUCK: – Mr. Doyle, did you
22 have a question?

23 MR. DOYLE: Would wouldn't the judge
24 have an obligation as a judge to notify other
25

1 judges that Miss Bar was appearing in front of that
2 she was a non-lawyer and a convicted felon?

3 MR. EMERY: I don't know what that's,
4 that hasn't been alleged as misconduct. That is not
5 in any way part of this record or an obligation that
6 has that the staff has asserted he had to notify
7 other judges. Their assertion here, which I think
8 is not backed by any precedent or case law except
9 some medical paraprofessionals having worked
10 for doctors and collected fees for doing that.
11 Those are the only two cases they cite, which are
12 criminal cases by the way. But the point here is
13 that he had no capacity to supervise her if he'd, the
14 point here is if they if he had supervised her more,
15 he would have been more on the hook for
16 practicing law. He was trying to minimize
17 everything. He was trying to keep his hands off
18 and he was telling everybody he was elected. He
19 was telling everybody he can't represent them. He
20 was trying to deal with problems that were left
21 over from his practice of law and his moral and
22 otherwise his obligation to clients that he cared
23 about and whose representation he has he had
24 committed to. Commissioner Moore's point is
25 right on the money. He didn't take on any new

1 cases. That case that he referred to Janice Bar a
2 couple of weeks after he took the bench, by the
3 way, when the this person called him up, judges
4 refer cases all the time –

5 MR. DOYLE: – But not to non-lawyers.

6 MR. EMERY: What? I know. But he told
7 this guy, she knows a lot about matrimonial law.
8 You can go to her and get help. She took it on.
9 It's her, her violation. It's, she was under Mossa
10 and Shanahan throughout most of these cases. It's
11 their violation for not having supervised her. He,
12 the staff acts as if she went to court, which she did
13 and conducted some kind of an inquiry in a
14 marital case, but Mossa was sitting right there
15 with her. He, they omit that. They just ignore it.
16 It's in the agreed statement. It's manipulative to
17 do that. She was under the auspices and under the
18 supervision of a lawyer. She happened to do legal
19 work. She shouldn't have been doing it. But the
20 judge didn't know it when he said, yeah, thank
21 God you were there, he was just thinking about
22 the client. The client would have been left high
23 and dry if she hadn't been there. So, but
24 understand here –
25

1 MR. RASKIN: – Mr. Emery, can you
2 explain why Judge Kasper did not transfer
3 monies in his escrow account –
4 MR. EMERY: – Yes –
5 MR. RASKIN: – After his election until
6 2024? So, if he was transferring the cases and
7 winding down his practice, it would appear
8 reasonable that he might also disburse those
9 monies held in trust to the lawyers that he was
10 referring cases to.
11 MR. EMERY: Well, I'm not sure they
12 were held in trust for fees in those situations –
13 MR. RASKIN: – Whatever they were
14 held for, they were escrowed and he was now a
15 judge –
16 MR. EMERY: – Right –
17 MR. RASKIN: – And maintaining an
18 escrow account –
19 MR. EMERY: – Right. He felt that it was
20 important for him which he delayed and he did
21 not do effectively to make an accounting of his
22 escrow account and do the distributions which he
23 did do. It came, it's down to \$7,000 now from
24 over a hundred and everything was disbursed –
25 MR. RASKIN: – Took two years –

1 MR. EMERY: – That's right, he was, but
2 it's all disbursed. There's no claim by anybody
3 that he took money inappropriately. There's no
4 claim by anybody that he held money, that they,
5 no complaints at all that he held money that was
6 theirs. There is absolutely no, nothing in the
7 record or otherwise that is in any way aspersion
8 on this, an aspersion on this other than what the
9 staff exaggerates hyperbolically. And the fact is
10 he's made a motion to go to the Lawyers Fund
11 and turn over the 7,000 that he can't account for
12 and that no matter how strenuously he's tried to
13 account for it, they can't figure out why it's there.
14 And that's going to go to the Lawyers Fund as
15 the rules anticipate. So, I just –

16 DR. MOORE: – Mr. Emery?

17 MR. EMERY: Yes?

18 DR. MOORE: Did you want to finish that
19 thought? I have a question.

20 MR. EMERY: No, no please. Please,
21 Commissioner.

22 DR. MOORE: Okay. So, thank you for
23 your explanation of each of these allegations.
24 But when you look at them collectively, right,
25 just starting with the failure to return the monies

1 in a more timely fashion, you supervise, do not
2 practice, etcetera, that it's, it's all of it, the whole
3 kit and caboodle together. And if the reaction is
4 he didn't know or the response, the defense is he
5 didn't know any better. He didn't know any
6 better. He was trying. He was doing the best he
7 could. He was caught off guard by winning the
8 election he ran for. That seems to me to be
9 inadequate for a judge whose job it is to know
10 from day one –

11 MR. EMERY: – Commissioner –

12 DR. MOORE: – Could I get you to react
13 to that?

14 MR. EMERY: Sure. Commissioner
15 Moore. There's no, we admit misconduct. We
16 admit he was negligent. We admit he did not
17 uphold his duties as a lawyer primarily because
18 the escrow stuff was his role as a lawyer. But
19 yes, and by the way, the ethic, the Advisory
20 Committee ethics opinions anticipate judges
21 maintaining and dealing with their escrow
22 accounts and fees that were due them beforehand
23 on a regular basis. He admits that he delayed
24 due to technological and also health issues which
25 were profoundly affecting him throughout this.

1 He was on leave from August of '22 till January
2 of '21 for health issues, sorry, January of '23 for
3 surgical, other procedures, [REDACTED] and [REDACTED] and
4 other issues that were prompt very, very much in
5 his life. So, understand, we admit your point and
6 it's not something he's proud of. But if you look
7 at the precedent, if you look at the precedent in
8 the Court of Appeals and in this Commission,
9 this Commission does not remove judges for
10 carelessness. And the staff has totally –

11 DR. MOORE: – (INAUDIBLE)

12 MR. EMERY: – Failed to assign any
13 motive that is deceitful or self-aggrandizing in
14 any way. This is pure hearted. If they can come
15 up with something, I defy him in his eight
16 minutes afterwards to come up with anything
17 that approaches deceit on this record. I defy him
18 to come up with –

19 DR. MOORE: – Okay, so –

20 MR. EMERY: – Oh, sorry, Commissioner
21 Moore –

22 DR. MOORE: – Yeah, I'm sorry to
23 interrupt you, but I just do want to get in my last
24 question. So, if not removal, I mean you cited
25 the precedent that you said is distinguishable

1 from this case in terms of sanctioning with a
2 censure. So what are you thinking is appropriate
3 here? I'm just curious.

4 MR. EMERY: Well, I think –

5 DR. MOORE: – Is an admonition most
6 appropriate here or a censure?

7 MR. EMERY: We agreed to long ago so
8 we could stop the bleeding and the enervation of
9 this man's life, coming here repeatedly and for
10 days at a time and having to hire me and
11 depleting his resources to defend himself and
12 against this Commission, we agreed to a censure.
13 They refused, and they still can. I and I may
14 point it out to them what I'm pointing out to you
15 here today. There is no evidence anywhere in
16 this giant record of deceit, deception or self-
17 dealing or any of the criteria that all of the Court
18 of Appeals on removal cases rely on. You can
19 read them. They're all there. This Commission
20 has been rejected several times when it removed
21 lawyers and the Court of Appeals found that
22 there was no deceit, no deception, no ill motives
23 that it was carelessness, even extreme
24 carelessness is not a basis for removal. They say
25 it over and over and over again in *Mazzei* and

1 other cases. So, it's the problem here is that
2 they're missing a critical element of the law that
3 you have to rely on.

4 JUDGE MOULTON: Counsel does
5 charge IV fill in that blank?

6 MR. EMERY: Excuse me?

7 JUDGE MOULTON: Does charge IV fill
8 in that blank which is the charge that he didn't
9 provide information sought in the October letter?

10 MR. EMERY: No. Because and there's a
11 perfect example of the staff manipulating the
12 facts and doing something which I view is
13 inexcusable. You know, I was on this
14 Commission and I saw this several times, not
15 like, not quite like this that they said to him he
16 might be charged by the end of January. He had
17 two more weeks to submit an, a response to the
18 October 7th letter, which he had several
19 extensions up to that point. He was denied the
20 last extension and then whether he was going to
21 prepare that or not, it's not an issue because then
22 they charged him in the middle of the month
23 long before they said they were going to charge
24 him in a letter to him. They said January 30th, by
25 January 30th, we may charge you in this case.

1 And they ended up charging him on January 12th.
2 And so they jumped the gun and it's in our reply
3 brief. They jumped the gun and they can't then
4 now –

5 JUDGE MOULTON: – Counsel, then
6 what did you admit to in the ASF with respect to
7 charge IV, what's the admission?

8 MR. EMERY: The admission is the facts.
9 The inference is the question you're asking that
10 you're asking for an inference that there was
11 something deceitful or somehow underhanded
12 about him not responding. By the way, the
13 questions were 19 questions or 20 questions
14 about the escrow account. He had provided
15 hundreds of pages of bank statements and other
16 materials to this Commission on the escrow
17 account. He was struggling to figure out exactly
18 what was going on with the escrow account.
19 And he returned several amounts of money in the
20 escrow account during that period. They wanted,
21 they had 20 more questions on top of all the ones
22 in all the documents that they had. And he was
23 struggling with that, along with a lot of health
24 problems and the fact that his lawyer abandoned
25 him. Deborah Scalise abandoned him in

1 December of that year. And so he, he didn't, it
2 wasn't clear. That's in the record. I mean, that's
3 in the, in the exhibits. And you'll see that it's
4 not, it's just simply not fair what the
5 Commission's staff did. They jumped the gun
6 and charged him before he even had an
7 opportunity to answer. Not that he necessarily
8 would have. I'm not saying he would have. I
9 don't know whether he would have or not. But
10 the Commission's behavior precludes them from
11 charging that delay as some kind of a breach. I
12 just, I defy staff. I defy all of you to comb this
13 record and find any iota of dishonesty, deceit,
14 hiding his judgeship while he was practicing law,
15 which we admit in for the reasons we said.

16 MR. CAMBARERI: Mr. Emery, I have a
17 question for you.

18 MR. EMERY: Sure.

19 MR. CAMBARERI: Here's my question
20 for you. Isn't the, isn't knowingly acquiescing to
21 allowing his former paralegal to practice law, the
22 unlawful practice of law, is that not inherently
23 deceitful?

24 MR. EMERY: No, because I –

25 MR. CAMBARERI: – By its nature?

1 MR. EMERY: I say that it isn't because
2 he did not believe that she was practicing law.
3 He definitely takes responsibility for it after the
4 fact here. And he takes responsibility for his
5 mani- for her manipulation of his stationery and
6 his NYSCEF and of his MasterCard. He
7 definitely takes responsibility for that. But that
8 is not deceitful in any way because he believed
9 that she was servicing these clients to wind up
10 the cases. And I, as I say, I defy anybody to look
11 at this record and find any other motive.

12 MR. CAMBARERI: How could she
13 service those clients to finish up those cases
14 without unlawfully practicing law?

15 MR. EMERY: Two lawyers were
16 overseeing her work, Mossa and Shanahan in
17 most, in virtually all of the cases, all but three
18 and the three were very minor. They thought
19 they were going to end. They didn't end as soon
20 as expected. He never, when he said it to a
21 judge, it was essentially settled in January of '22,
22 it was. The amount of money was settled on the
23 claim. The papering of the case was not settled.
24 He believed that she was able to, excuse me,
25 paper the case and that was of course moot,

1 turned out to be much more complicated as often
2 the case when you were practicing law than it
3 appeared to be. So, it was essentially settled. It
4 was the absolute truth and he told the judge that
5 he had been elected. Everybody knew the whole
6 situation here. It wasn't hidden. And again,
7 remember this is three and a half years of various
8 events of Janice Bar and he doing things that
9 were inappropriate and we can see they were
10 inappropriate. You read it in one little
11 condensed form. You think it's every other day.
12 You get the total misimpression. He was on the
13 bench. Nobody has alluded to one action on the
14 bench that was in any way other than performing
15 his job honorably. Nothing about this judge –

16 MS. GRAYS: – Mr. Emery?

17 MR. EMERY: Yes?

18 MS. GRAYS: I have a question –

19 MR. EMERY: – Sure.

20 MS. GRAYS: Just about the timeline. So,
21 he became a judge, which year?

22 MR. EMERY: 2022, January 2022.

23 MS. GRAYS: Okay. And then he was on
24 leave for there was some sort of medical –
25

1 MR. EMERY: – August to, August of
2 ‘22 to the beginning of January of ‘23. He was
3 on leave, medical leave.

4 MS. GRAYS: So, eight months into his
5 term –

6 MR. EMERY: – Yes –

7 MS. GRAYS: – He was out?

8 MR. EMERY: Yes.

9 MS. GRAYS: Does that mean that he
10 wasn't on the bench?

11 MR. EMERY: He was on medical leave.
12 He was still a judge. He was not on the bench
13 taking, handling cases.

14 MS. GRAYS: So, during that time, was
15 he also not managing the wind down of his
16 cases?

17 MR. EMERY: He was trying to to some
18 degree. He was not doing anything in particular.
19 He was very sick.

20 MS. GRAYS: Okay. So, then he returns
21 on to the bench January of 2023.

22 MR. EMERY: That's correct.

23 MS. GRAYS: All right, so that's like
24 three, three and half years ago from now. So,
25 when did everything finish? When did stuff

1 actually get wound down and moved over to
2 another, the other, I'm sorry the other attorney?

3 MR. EMERY: I think, you know, that's an
4 interesting question. I haven't focused on that,
5 but I think realistically it was 2025, 2024
6 somewhere in there. And then before there was,
7 there was some little pieces dribbling on, but
8 virtually all of it was done by 2023. But then
9 there were some other little hanger ons. And all
10 this time he's on the bench handling cases,
11 dealing with litigants, doing a credible job in
12 every way. Unless anybody says other, nobody
13 says otherwise. They don't allege otherwise.
14 And every case that you will look at every
15 precedent that you have to wrestle with that the
16 Court of Appeals in this case will have to wrestle
17 with, if we have to appeal it, will be a case where
18 you have to look at whether there's a motive, a
19 deceitful or manipulative or self-aggrandizing or
20 use of the judgeship improperly, motive –

21 MS. GRAYS: – So –

22 MR. EMERY: – There's none here.

23 MR. BELLUCK: Mr. Emery –
24
25

1 MS. GRAYS: Let me just follow up here.
2 So, he, when did all of this finally conclude 2024
3 or 2025?
4 MR. EMERY: Well –
5 MS. GRAYS: – The last thing?
6 MR. EMERY: They charged him in like
7 ‘24, right? You charged him in, was it ‘25?
8 When did what end, I'm sorry, Miss Grays?
9 MS. GRAYS: When did he finish
10 winding down his cases? And they all went to
11 Mossa and Shanahan and he wasn't dealing with
12 Miss Bar?
13 MR. EMERY: You know something? I
14 don't know the answer to that exactly. You
15 know, I'll tell you in a second. Spring of ‘24, the
16 judge tells me.
17 MS. GRAYS: Okay –
18 MR. BELLUCK: – Okay –
19 MS. GRAYS: – Alright, thank you, Mr.
20 Emery.
21 MR. BELLUCK: Mr. Emery, your time is
22 almost up, but Judge Falk has one final question
23 for you.
24 MR. EMERY: Sure.
25

1 JUDGE FALK: Can you clarify for me
2 the incident where at least money was discussed
3 with a client after he took the bench or was taken
4 from a client?

5 MR. EMERY: Money?

6 JUDGE FALK: Yes. Weren't there an
7 event where he says –

8 MR. EMERY: – Yeah, there were two
9 instances in which he took money that had been
10 a part of a retainer agreement that had not been
11 fully paid for prior work. And I don't think
12 anybody's alleging otherwise. He did take
13 money while he was a judge, but the ethical
14 opinions, the advisory opinions very, very
15 strongly authorize a judge to take prior debts and
16 accept monies for prior work. And these were
17 all in the original retainers that were worked out
18 with these clients.

19 They make an allegation that he pressured
20 a woman, which is totally outrageous because
21 the agreed statement doesn't say that he simply
22 accepted money and required money so he could
23 give it to Mossa because Mossa took over the
24 case once he took the money in that particular
25

1 instance. I forgot the name of the case, but that
2 was one instance. It's highlighted in the briefs.

3 JUDGE FALK: Okay.

4 MR. EMERY: Anything else?

5 MR. BELLUCK: Thank you, Mr. Emery.
6 Does your client wish to address us?

7 MR. EMERY: No.

8 MR. BELLUCK: Okay, thank you. Mr.
9 Stromes.

10 MR. STROMES: Thank you, Mr.
11 Belluck. I'd like to start by just clarifying the
12 record on a few matters. Counsel for respondent
13 seemed to conflate two matters when talking
14 about work that respondent did after taking the
15 bench and conflated really the R [REDACTED] and the
16 S [REDACTED] matters. R [REDACTED] was the matter that
17 respondent referred to Miss Bar to go ahead and
18 do the divorce and he added some new facts that
19 weren't in there that he thought Mossa was going
20 to do it. There's nothing in the ASF about that.
21 The ASF simply says he told R [REDACTED] about Miss
22 Bar, whom he described as being knowledgeable
23 about matrimonial matters and filing uncontested
24 matrimonial matters. I'm at paragraph 138.
25

1 There really are not more than one way to read
2 that.

3 The S [REDACTED] matter is different entirely.
4 And now I'm at paragraph 126. This is a new
5 matter that Miss Bar filed using respondent's
6 NYSCEF and credit card after respondent took
7 the bench, listing respondent as the attorney of
8 record. Is that cut and dry. New matter filed
9 after he took the bench.

10 Let me quickly touch on the timing of the
11 FWC and the allegation that we jumped the gun.
12 These were two different FWCs. We are telling
13 him in January of whatever the year was that if
14 he didn't answer the questions, he might be
15 subject to a charge of failure to cooperate. That
16 is true. Shortly thereafter, we filed a different
17 FWC. We filed the first FWC that charged the
18 practice of law and all the allegations involving
19 Bar and the failure to file financial disclosures.
20 We then waited another ten months and didn't
21 file a failure to cooperate FWC until November
22 of the same year. So that's just factually
23 inaccurate the way respondent presented it.

24 As for Judge Falk's question about money
25 that respondent received after he took the bench,

1 true, the \$2,000 he received \$1,000 in A[REDACTED] and
2 \$1,000 in *Lopez*, were both part of retainers. But
3 that doesn't make it for work that was already
4 completed. And it wasn't. In the A[REDACTED] matter,
5 we know that took 18 months after he took the
6 bench to finally wrap up and Mr. Puri paid him
7 that remaining \$1,000 at the end of the case.
8 Miss A[REDACTED] wanted to do the same and I'm on
9 paragraph 60, 69 of the ASF, 68 and 69, she
10 wants to pay him. He says I want my extra
11 \$1,000 which we agreed on. She said do my
12 divorce first. It's been pending for five years and
13 he said no and I'm on 69 now. Respondent in
14 turn told Miss A[REDACTED] that she had to pay him the
15 \$1,000 first or he would not complete her
16 divorce. That's what he agreed to. That is the
17 fact in the record and there's no way to spin that
18 to say he had already earned this money.

19 Counsel talked a lot about precedent and
20 says there's no precedent for removing a judge
21 without us proving some sort of a nefarious
22 motive. We know that's not true. We know
23 from the from decades of Court of Appeals law
24 that Commission cases are *sui generis*. Each one
25 is decided on its own facts and you don't have to

1 be able to adhere to some other case to find a
2 reason to do this.

3 And what's the motive? I've been
4 challenged to say what it is. I don't know. It's
5 not in the record. I don't have to prove it. But
6 what we have, even without knowing why he did
7 this, is this continued pattern of practicing law
8 himself under the table, of facilitating his
9 paralegal's unlicensed practice of law, and of
10 being completely disinterested in being attentive
11 to his ethical responsibilities. That's not
12 negligence. If you fail to file an FDS once, okay,
13 that may be negligence. Twice we can still have
14 a conversation. But at the same time, you're just
15 not disbursing client funds at the same time that
16 you're continuing to be the attorney of the record
17 on half a dozen cases even after one of them
18 comes before you. At a certain point, it's not
19 negligence, it's just a disinterest in following the
20 rules.

21 And I think that just that Judge Fried and
22 Dr. Moore really hit the nail on the head when
23 they said and I'm going to paraphrase your
24 words, I hope we don't get them wrong, this has
25 to be looked at collectively. You have to look at

1 this all together. Just because respondent can
2 think of a way to explain away any individual act
3 has no bearing on whether when you look at the
4 sum total of the misconduct, you get a very clear
5 picture of repeated rule violations, repeated
6 instances of deceit.

7 And finally, I didn't get to touch on the
8 failure to accept responsibility. I think you heard
9 a lot more of it just a few moments ago. I
10 counted at least a dozen instances in which
11 counsel referred to facts, purported facts that are
12 not in the record just as they did in their briefs,
13 ascribing motives that would have been ripe for
14 testimony had respondent taken the stand and
15 subjected himself to cross examination, which he
16 did not, and continued minimizations calling all
17 of this conduct, which collectively smacks of
18 deceit, simply honest mistakes. That is not
19 taking responsibility for the misconduct. It is the
20 opposite.

21 Unless there are any further questions the
22 Commission asks that respondent be removed
23 from office. Thank you.
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MR. BELLUCK: Thank you, Mr.
Stromes. Thank you, counsel, the judge. And
this will conclude our hearing. Thank you.

(Whereupon the oral argument was
concluded at 2:19 PM.)

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Dated: July 7, 2026

Jocan A

JACQUELINE AYALA