

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

DETERMINATION

MELISSA A. LOEHR,

a Judge of the County Court,
Westchester County.

THE COMMISSION:

Joseph W. Belluck, Esq., Chair
Taa Grays, Esq., Vice Chair
Honorable Fernando M. Camacho
Stefano Cambareri, Esq.
Brian C. Doyle, Esq.
Honorable John A. Falk
Honorable Robert J. Miller
Nina M. Moore, Ph.D.
Marvin Ray Raskin, Esq.
Honorable Anil C. Singh
Akosua Garcia Yeboah

APPEARANCES:

Robert H. Tembeckjian (Mark Levine, Brenda Correa and Stella
Gilliland, Of Counsel) for the Commission

Michael S. Ross for respondent

Respondent, Melissa A. Loehr, a Judge of the County Court, Westchester

County, was served with an Amended Formal Written Complaint (“Complaint”) dated August 8, 2024 containing two charges. Charge I alleged that on March 16, 2018, respondent presided over and dismissed a traffic ticket issued to Ashley Johnson, the daughter of her co-judge at the time, Peekskill City Court Judge Reginald J. Johnson, without disclosing that Ms. Johnson was or had been a friend of her daughter. Charge II alleged that on January 13, 2017, respondent called the Cortlandt Town Court and spoke with the deputy court clerk about a traffic case in which her daughter, Zwana Loehr, was the defendant. During the conversation respondent identified herself by name and said, “I don’t know if you know, I’m the judge in Peekskill.” Respondent filed an Answer dated September 23, 2024.

On February 6, 2025, the Administrator, respondent’s counsel and respondent entered into an Agreed Statement of Facts (“Agreed Statement”) pursuant to Section 44, subdivision 5, of the Judiciary Law, stipulating that the Commission make its determination based upon the agreed facts, recommending that respondent be admonished and waiving further submissions and oral argument.

On March 13, 2025, the Commission accepted the Agreed Statement and made the following determination:

1. Respondent was admitted to the practice of law in New York in 2002. She has been a Judge of the County Court, Westchester County, since 2020. Her

term expires December 31, 2029. Respondent previously served as a Judge of the Peekskill City Court, Westchester County, from January 1, 2017, to December 31, 2019.

As to Charge I of the Formal Written Complaint

2. At all times relevant to the matters herein, respondent and Reginald J. Johnson were judges of the Peekskill City Court.

3. Zwana Loehr is respondent's daughter, and Ashley Johnson is Judge Johnson's daughter. Zwana Loehr and Ashley Johnson had been friends during middle school and high school, having been classmates, and having spent time at each other's houses.

4. On April 6, 2017, Ashley Johnson was charged with speeding by a New York State Trooper in Peekskill.

5. On March 16, 2018, respondent presided in Peekskill City Court over a scheduled appearance regarding the *Ashley Johnson* ticket. Ingrid E. O'Sullivan, the Peekskill City Prosecutor, appeared for the prosecution. Ms. Johnson appeared without counsel. Court records indicate this was the only date on which the case was called.

6. Respondent did not make any disclosures on the record about her daughter's relationship with Ashley Johnson, nor did she disclose that Ms. Johnson was the daughter of her co-judge, Reginald J. Johnson. After a very brief colloquy

with City Prosecutor O'Sullivan, respondent dismissed the charge.

As to Charge II of the Formal Written Complaint

7. On December 6, 2015, respondent's daughter, Zwana Loehr, received a traffic ticket for a stop sign violation in the Town of Cortlandt.

8. On January 13, 2017, after having missed several appearance dates, Zwana Loehr appeared in Cortlandt Town Court and was ordered to post bail.

9. Shortly thereafter, Zwana Loehr called respondent from the Cortlandt courthouse and asked for help with bail. Respondent then called the courthouse for the purpose of arranging bail for her daughter. When Deputy Court Clerk Maria Pereira answered the phone, respondent said she was Melissa Loehr and that she was calling about her daughter's traffic case. During the conversation, respondent stated, "I don't know if you know, I'm the judge in Peekskill."

10. On March 16, 2017, Zwana Loehr pleaded guilty to Vehicle and Traffic Law Section 1201(a), a parking violation, and was fined \$100.

Additional Factors

11. Respondent avers that she and Judge Johnson never communicated with each other about the speeding ticket issued to Ms. Johnson, and there is no evidence to the contrary. Nevertheless, respondent acknowledges that she should not have presided over the matter, or that she should have disclosed Ms. Johnson's relationship to her co-judge and friendship with her daughter, even if at the time

that friendship had waned. Respondent recognizes that the failure to make appropriate disclosures suggested favoritism based on personal relationships.

12. Respondent further acknowledges that, despite her understandable parental interest in helping her daughter post bail in connection with the traffic ticket issued to her in Cortlandt, it was entirely irrelevant and inappropriate to mention her status as a judge when discussing the matter with a representative of the Cortlandt Town Court.

13. Respondent commits herself to a more rigorous adherence to her ethical obligations in the future.

Upon the foregoing findings of fact, the Commission concludes as a matter of law that respondent violated Sections 100.1, 100.2(A), 100.2(B), 100.2(C), 100.3(B)(1), 100.3(B)(4) and 100.3(E)(1) of the Rules Governing Judicial Conduct (“Rules”) and should be disciplined for cause, pursuant to Article VI, Section 22, subdivision a, of the New York State Constitution and Section 44, subdivision 1, of the Judiciary Law. Charges I and II of the Amended Formal Written Complaint are sustained insofar as they are consistent with the above findings and conclusions and respondent’s misconduct is established.

Respondent acted in a manner that was inconsistent with her obligations to maintain high standards of conduct and to “act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.”

(Rules, §§100.1, 100.2(A)) Section 100.3(E)(1) of the Rules provides: “[a] judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned . . .” The Rules further require that “[a] judge shall not lend the prestige of judicial office to advance the private interests of the judge or others . . .” (Rules §100.2(C)) When respondent presided over the ticket issued to her co-judge’s daughter, who had also been friends with respondent’s daughter, without disqualifying herself or making any disclosure of the relationships, she violated her ethical duties. In addition, when respondent told the Cortlandt Town Court deputy court clerk that she was a judge when discussing bail for respondent’s daughter, respondent improperly invoked her judicial office.

Instead of disqualifying herself from the case involving her co-judge’s daughter, who had also been a friend of respondent’s daughter, or disclosing the relationships, respondent dismissed the matter. Given respondent’s relationship to the defendant in the *Johnson* matter, her impartiality could reasonably be questioned. *See, Matter of Doyle*, 23 NY3d 656 (2014) (improper for judge to preside over matters involving the judge’s longtime friend and personal attorney); *Matter of Ridsdale*, 2012 Ann Rep of NY Commn on Jud Conduct at 148 (improper for judge to preside over matter in which the complaining witness was his co-judge and the defendant was his co-judge’s son); *Matter of O’Donnell*, 2010 Ann Rep of NY Commn on Jud Conduct at 201 (improper to preside over a matter

in which the defendant was a friend of the judge's daughter). By presiding over the *Johnson* matter, respondent created the appearance of special consideration based on her personal relationships and she undermined public confidence in the integrity and impartiality of the judiciary.

Furthermore, by invoking her judicial office when communicating with Cortlandt Town Court staff regarding bail for her daughter, respondent brought reproach upon the judiciary and violated her ethical obligations. "The absence of a specific request for favorable treatment or special consideration is irrelevant, and petitioner's 'paternal instincts' do not justify a departure from the standards expected of the judiciary" *Matter of Edwards*, 67 NY2d 153, 155 (1986) (citation omitted); *See, Matter of Ramirez*, 2018 Ann Rep of NY Commn on Jud Conduct at 232, 245 (citation omitted) ("While respondent's judgment may have been clouded by a 'sincere, albeit misguided, desire' to help her son and friend, that does 'not justify a departure from the standards expected of the judiciary' since her communications could be perceived as backed by her judicial power and prestige") Respondent's gratuitous reference to her judicial office created at least the appearance that she was inappropriately seeking special treatment for her daughter.

In accepting the jointly recommended sanction of admonition, we have taken into consideration that respondent has acknowledged that her conduct was

improper and warrants public discipline. We trust that respondent has learned from this experience and in the future will act in strict accordance with her obligation to abide by all the Rules Governing Judicial Conduct.

By reason of the foregoing, the Commission determines that the appropriate disposition is admonition.

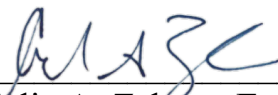
Mr. Belluck, Ms. Grays, Judge Camacho, Mr. Cambareri, Mr. Doyle, Judge Falk, Professor Moore, Mr. Raskin, Judge Singh and Ms. Yeboah concur.

Judge Miller was not present.

CERTIFICATION

It is certified that the foregoing is the determination of the State Commission on Judicial Conduct.

Dated: March 28, 2025



Celia A. Zalmer, Esq.
Clerk of the Commission
New York State
Commission on Judicial Conduct