

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

K. FELICIA PITTS-DAVIS,

a Judge of the Syracuse City Court,
Onondaga County.

DETERMINATION

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 David Fried
Robin Chappelle Golston
Nina M. Moore, Ph.D.
Honorable Peter H. Moulton
Marvin Ray Raskin, Esq.

APPEARANCES:

Robert H. Tembeckjian (John J. Postel and David M. Duguay, Of
Counsel) for the Commission

Robert F. Julian, P.C. (Robert F. Julian) for respondent

Respondent, K. Felicia Pitts-Davis, a Judge of the Syracuse City Court,

Onondaga County, was served with a Formal Written Complaint (“Complaint”) dated July 17, 2025 containing one charge. Charge I, filed subsequent to a thorough investigation by the Commission, alleged that in November 2024, respondent created the appearance of impropriety and bias against same-sex couples in that on the day before it was scheduled to occur, she asked court staff to reschedule the marriage of a same-sex couple to a different day so that she would not have to officiate, notwithstanding that she officiated the marriage of an opposite-sex couple scheduled for the same day.

On February 23, 2026, 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 censured and waiving further submissions and oral argument.

On March 12, 2026, the Commission accepted the Agreed Statement and made the following determination:

1. Respondent was admitted to the practice of law in New York in 1994. She has been a Judge of the Syracuse City Court, Onondaga County, since 2021. Respondent’s term expires on December 31, 2030.

Background

2. It is a practice of the Syracuse City Court to assign one of the judges of the court on a rotating basis to preside on Saturdays over arraignments or other official proceedings, including the solemnization of marriages in the courtroom. Any couple may request being added to the court's calendar for that purpose, and the judge who is assigned to Saturday arraignment duty officiates the scheduled marriages as well.

3. Prior to November 2024, respondent had officiated at a number of marriage ceremonies at the courthouse, including two that involved same-sex couples: one in June 2024 and one in August 2024.

4. Notwithstanding having officiated over same-sex marriages in June and August 2024, in November of that year, respondent was engaged in what for her was a profound re-evaluation of her religious beliefs on the propriety of same-sex marriages. While the national governing body of her church was opposed to same-sex marriages, her local church had not taken a formal position on the matter. Respondent spent considerable time studying the bible and interpretive literature on the subject of same-sex marriage before coming to the conclusion that, as a matter of religious principle, it should not be sanctioned.

5. Respondent is aware and accepts that the fundamental right to marry is guaranteed to same-sex couples under the United States Constitution, as decided

by the United States Supreme Court decision in *Obergefell v Hodges*, 574 US 644 (2015), and under New York’s Domestic Relations Law §10-A. Respondent now also believes that, consistent with her sincerely held religious beliefs, she should not be compelled to officiate over a same-sex marriage ceremony.

6. In May 2025 respondent presided over a small claims matter involving an estranged same-sex couple. Both parties advised the Commission in interviews that respondent treated them fairly and courteously.

7. Respondent avers, and the Administrator accepts, that pursuant to 22 NYCRR 100.3(A), which directs that a judge’s judicial duties take precedence over all her other activities, respondent would in the future solemnize a same-sex marriage on the court’s calendar if she were on duty and there were no other judges available to do so – as she did in the afore-mentioned same-sex marriages she solemnized in June and August 2024. Respondent avers that in such a situation, she would prioritize her judicial obligations over her personal beliefs, because she believes it would be unfair to a couple to postpone their marriage simply because no other judge was available to officiate. Respondent acknowledges and regrets she did not do so with regard to the November 2024 same-sex marriage that was on the court’s calendar.

8. Respondent avers that, to avoid even the appearance of bias in the future, she will henceforth perform no marriage ceremonies, regardless of the

status of the couple, and she will ask court staff not to put any marriages on her individual calendar. Respondent also avers, as noted above, that were she on duty and were no other judge available, she would officiate over any marriage with proper licenses on the court's calendar, in deference to her obligations as a judge and out of fairness to the parties.

The Events of November 15 and 16, 2024

9. On Friday November 15, 2024, respondent learned from one of her siblings that one of their brothers, who had a serious medical condition, had taken a turn for the worse and was near death.¹ Respondent avers, and the Administrator accepts, that this news upset and preoccupied respondent and prompted reflections on her religious faith and particular tenets of her church, including its views on same-sex marriage.

10. On the same day, respondent exchanged text messages with a court clerk about the docket for the following day, Saturday, November 16, 2024, over which respondent was scheduled to preside.

11. Upon learning she was scheduled to preside over a recognizance hearing and two marriages the following morning, respondent asked the clerk if either marriage involved a "same sex" couple. When the clerk replied that one of

¹ Respondent's brother passed away two days later.

them might, respondent said, “based upon my religious beliefs, I would be prohibited from doing same-sex marriages.” Respondent added that:

- A. She did not want any same-sex marriages scheduled until she could “get an opinion from the ethics committee;”
- B. She “would like for this conversation to stay between us until I have an official opinion;” and
- C. She “would like to have any such weddings reschedule[d] so that individuals can be accommodated by a different judge.”

12. Within minutes of that exchange, respondent emailed a request for an opinion to the Advisory Committee on Judicial Ethics, in part to further clarify proper interpretation of previously issued Advisory Opinion 11-87, which addressed the subject of judges officiating over same-sex marriages. However, given the committee’s practice of circulating draft opinions among its members for approval by majority vote, it was not possible for her to get a response in time for the next day’s scheduled marriages.²

13. When the clerk asked respondent to confirm it was the “same sex marriage” that should be rescheduled, respondent said “Yes, please. And if there’s any confusion, then they can just reschedule both to next Saturday.”

² Approximately two weeks later, after a conversation with a representative of the Advisory Committee, respondent withdrew her request for an opinion. Among other things, the committee representative conveyed to respondent that its policy is not to comment on a judge’s past conduct where such conduct is the subject a Commission investigation.

14. The clerk communicated respondent's rescheduling directive to the court employee that schedules marriages, then advised respondent that the same-sex couple's marriage was rescheduled to December 7, 2024. Respondent replied, "Ok thx."

15. However, the same-sex marriage did not in fact end up being rescheduled to another day, because when court staff called the couple to advise them of the postponement, the couple became upset because such a late postponement would disrupt their plans. Later that day, another court clerk discussed the matter with Supervising City Court Judge Mary Anne Doherty, who said she would come to court the following morning to perform the same-sex marriage ceremony, as scheduled. The couple were then advised that the marriage was still on the calendar for November 16.

16. When respondent came to court on Saturday November 16, 2024, she still believed the same-sex marriage had been rescheduled to another day. Respondent officiated the scheduled marriage ceremony for an opposite-sex couple in open court. The same-sex couple were present in the courtroom for the opposite-sex couple's ceremony.

17. At the conclusion of the opposite-sex marriage ceremony, respondent learned that Judge Doherty was on her way to the courtroom, and respondent left the bench.

18. Respondent and Judge Doherty passed one another in the courtroom vestibule while respondent was leaving the courtroom and Judge Doherty was entering. Judge Doherty asked respondent why she would not perform the same-sex marriage ceremony, and respondent said it was based on her “religious beliefs.”

19. Judge Doherty entered the courtroom and solemnized the same-sex couple’s marriage.

The Applicable Advisory Opinion and Other Pertinent Authorities

20. The operative opinion of the Advisory Committee on Judicial Ethics – Opinion 11-87 – states in pertinent part that since officiating over marriages is discretionary, a judge may opt (A) to officiate over *only* the marriages of family and close friends, or (B) to perform no marriages at all. The committee was also asked to determine whether a judge may “ethically refuse to conduct same sex marriages,” refuse to conduct same-sex marriages while “continu[ing] to perform male/female marriages,” and/or “refuse to conduct same sex marriages if [the inquiring judge would] provide the contact information of others . . . who are willing to conduct same sex marriages.” The committee declined to opine on those questions, stating that they “raise serious legal issues relating to statutory and constitutional interpretation, questions which are both unsettled and highly controversial. The Committee is not empowered to answer such questions.”

21. Although Opinion 11-87 does not seem to say so explicitly, many judges have interpreted it to mean that, aside from the marriages of relatives or close friends, a judge must opt either to perform no marriages or all marriages, without regard to the genders or sexual orientations of the couples involved.

22. Opinion 11-87 was issued after New York authorized same-sex marriages but before the U.S. Supreme Court legalized it nationally in *Obergefell v. Hodges*, 576 U.S. 644 (2015). After *Obergefell*, the Advisory Committee added the following note to Opinion 11-87:

Since the issuance of Opinion 11-87, certain legal issues relating to statutory and constitutional interpretation, which were previously “unsettled and highly controversial” (*id.*), have been fully settled by the United States Supreme Court. See *Obergefell v. Hodges*, 576 U.S. 644 (2015).

However, *Obergefell* did not raise or address the propriety of a judge’s decision not to officiate over same-sex marital unions.

23. In other states where a judge’s obligations regarding same-sex marriages have been raised, the results have differed. Two years after *Obergefell*, the Wyoming Supreme Court censured a judge for declining on religious grounds to perform same-sex marriages, stating *inter alia* that a judge “must either commit to performing marriages regardless of the couple’s sexual orientation, or cease performing all marriage ceremonies.” *In re Neely*, 390 P3d 728, 753 (Wyo 2017). However, in October 2025, the Texas Supreme Court added this comment to the

Texas Code of Judicial Conduct: “It is not a violation of these canons for a judge to publicly refrain from performing a wedding ceremony based upon a sincerely held religious belief.” *See Umphress v Steel*, __ SW3d __, 2026 WL 73870 (Tex 2026). To date, this issue has not been litigated in New York courts.

Additional Factors

24. Respondent has no prior disciplinary history with the Commission and has been cooperative and contrite throughout its inquiry.

25. Respondent regrets that she unsettled the same-sex couple with her request that their marriage be rescheduled to another day. Further, respondent avers she was unaware that the same-sex couple was present in the courtroom when she performed the opposite-sex marriage ceremony.

26. Notwithstanding her religious belief that she should not officiate over same-sex marriages, respondent realizes and regrets that her conduct on November 15 and 16, 2024 – including her request to reschedule two marriages because one of the couples was same-sex – conveyed the appearance that she was biased against such couples specifically and the broader LGBTQIA+ community.

27. Respondent also acknowledges that, notwithstanding that she was reevaluating her religious views at the time, it was wrong to have asked a court clerk, and would have been unfair to the couples, to postpone one or both of the marriages scheduled for November 16, based on respondent’s personal situation.

28. On reflection, respondent now appreciates that the better course of conduct on November 15, 2024, would have been for her either to (A) officiate the marriage as she had done when previous same-sex marriages had been scheduled, she was on duty, and she was advised that no other judge was available, or (B) make arrangements for another judge to take her place, which in fact is what happened when a court clerk apprised Judge Doherty, who made herself available to officiate in the courtroom on a Saturday.

Upon the foregoing findings of fact, the Commission concludes as a matter of law that respondent violated Sections 100.1, 100.2(A) and 100.3(B)(4), 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. Charge I of the Formal Written Complaint is sustained insofar as it is consistent with the above findings and conclusions and respondent’s misconduct is established.

The Rules require judges to maintain high standards of conduct, to “act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary” and to “respect and comply with the law.” (Rules, §§100.1, 100.2(A)) Section 100.3(B)(4) of the Rules provides that “[a] judge shall perform judicial duties without bias or prejudice against or in favor of any person. A judge in the performance of judicial duties shall not, by words or conduct, manifest bias

or prejudice, including but not limited to bias or prejudice based upon . . . sexual orientation . . .” Said rules constitute a sacred judicial obligation that rests at the very foundation of justice and applies to all judges of this state as to all persons, in all contexts, at all times. Respondent acknowledged that she exhibited bias based upon sexual orientation by asking court staff to postpone a same-sex wedding and refusing to officiate the same-sex wedding while she did officiate an opposite-sex marriage.

As a threshold issue, the Commission takes this opportunity to affirmatively state that it is misconduct for a judge to discriminate – regardless of the judge’s reason – in the performance of any judicial function and or act including the discretionary officiation of a marriage for persons lawfully entitled to be married in this state.³ Consistent with Article I, §11 – as amended effective January 1, 2025 – of the New York State Constitution, the above-cited Rules and Advisory Opinions 11-87 and 16-56 from the Advisory Committee on Judicial Ethics, a judge may opt (a) to officiate over only the marriages of the judge’s family and close friends, (b) to perform no marriages at all, or (c) to perform all marriages for any persons lawfully entitled to be married in this state

³ As the Advisory Committee on Judicial Ethics noted in Advisory Opinion 16-56, “The statute authorizing a ‘justice or judge of a court of the unified court system’ to solemnize a marriage does not, on its face, appear to require all judges to exercise this authority (Domestic Relations Law §11[3]).”

irrespective of race, color, national origin, gender, gender identity or expression, religion, age, disability, or as applicable here, sexual orientation, and any other protected class. In other words, it is misconduct for a judge to refuse to perform, *inter alia*, same sex marriages, where a judge performs weddings for the general public beyond solely marriages of the judge's family and close friends.⁴

Impartiality is required and expected of all judges. “[T]he perception of impartiality is as important as actual impartiality: Judges must conduct themselves ‘in such a way that the public can perceive and continue to rely upon the impartiality of those who have been chosen to pass judgment on legal matters involving their lives, liberty and property’” *Matter of Duckman*, 92 NY2d 141, 153 (1998) (citations omitted) The Court of Appeals has held, “. . . as a judge, his conduct had to both be and appear to be impartial. This is a particularly high standard” *Matter of Ayres*, 30 NY3d 59, 66 (2017) (citations omitted) Respondent failed to meet this standard.

It is well-settled that bias and the appearance of bias are prohibited and violate the Rules. As the Court of Appeals held in *Matter of Putorti*, 40 NY3d 359, 366 (2023) (citations omitted), “judges have a ‘continuing obligation to avoid

⁴ In this regard, New York State law is consistent with the holding of the Wyoming Supreme Court in *In re Neely*, 390 P3d 728 (Wyo 2017) and incompatible with the holding in *Umphress v Steel*, ___ SW3d ___, 2026 WL 73870 (Tex 2026).

even the appearance of impropriety’ . . . and, here, petitioner acknowledged that his conduct ‘may have created the appearance of racial bias.’ We stress that the ‘appearance of such impropriety is no less to be condemned than is the impropriety itself.’” *See, Matter of Senzer*, 35 NY3d 216, 220 (2020) (citations omitted) (“petitioner’s conduct undermined the dignity and integrity of the judicial system. Moreover, his use of an intensely degrading and ‘vile’ . . . gendered slur to describe a female attorney, as well as petitioner’s demeaning reference to her as ‘eyelashes,’ are especially disturbing . . .”); *Matter of Dye*, 2004 Ann Rep of NY Commn on Jud Conduct at 94, 97 (citations omitted) (“Any statements by a judge that reflect religious or ethnic bias will not be tolerated.”); *Matter of Ain*, 1993 Ann Rep of NY Commn on Jud Conduct at 51, 52 (“Respondent’s hostile and insulting words and gestures were intemperate, inappropriate and conveyed the impression that he was biased against Mr. Saqqal because of his ethnic background.”) Bias on the basis of sexual orientation, such as that displayed by respondent, has no place in a courthouse. When respondent demonstrated such bias, she brought reproach upon the judiciary and severely undermined public confidence in her impartiality.

We acknowledge the adverse impact respondent’s conduct had on the same-sex couple who initially had their wedding day plans improperly disrupted when, at respondent’s direction, court staff called to reschedule their wedding. Respondent acknowledged that it was wrong for her to have asked the court clerk to postpone

their wedding scheduled for the next day based upon her personal situation. When the same-sex couple observed respondent preside over an opposite-sex marriage and then leave the bench without performing their marriage, respondent sent a biased and intolerable message that decays public trust and confidence in the New York State judiciary. While respondent averred that she was unaware of the presence of the same-sex couple in the courtroom when she performed the opposite-sex marriage, the impact of even an unintended demonstration of bias is unacceptable and seriously undermines confidence in the judiciary.

We recognize respondent's sincerely held religious beliefs as well as the upset caused to respondent when she learned about the grave illness of her brother. However, it was wrong for respondent's personal situation and religious beliefs to have marred the same-sex marriage ceremony at the Syracuse City Court. Given the compelling state interest in an impartial judiciary,⁵ a judge's personal religious beliefs cannot impair her ability to be fair and impartial in performing her judicial activities. *See, Matter of Feiden*, 1993 Ann Rep of NY Commn on Jud Conduct at 64, 66 (judge "made improper statements on three occasions which, he concedes, were prompted by his personal views about religion."). Indeed, there is no obligation upon any person to assume judicial office; those who do, enter into a

⁵ *See, Matter of Raab*, 100 NY2d 305, 312 (2003) ("... compelling state interests, include[e] preserving the impartiality and independence of our state judiciary and maintaining public confidence in New York State's court system.")

public trust that requires unqualified acceptance of the duties of the office and to perform all such duties free of prejudice and bias. We credit respondent's acknowledgement that, as required by Section 100.3(A) of the Rules, her judicial duties must take precedence over all her other activities as well as her regret that she did not prioritize her judicial obligations over her personal beliefs in November 2024. We expect and require that she will comply with her stated commitment to perform a same-sex marriage if there is no other judge available.

Respondent engaged in serious misconduct and severely undermined public confidence in her impartiality. However, we find on the specific facts here, that respondent's conduct, which was influenced by being informed that day that one of her brothers was near death and was also occasioned by her "profound re-evaluation" of her sincerely held religious beliefs, does not warrant removal. We note that respondent's misconduct involved one incident – albeit a very serious one – over the course of two days and that respondent attempted to obtain an opinion from the Advisory Committee on Judicial Ethics.

Respondent has no prior disciplinary history with the Commission. In addition, her judicial conduct does not appear to have included other instances of bias. Yet, it cannot be overstated that even one instance of bias offends the most basic notions of justice and is wholly incompatible with judicial office. It is however noted that prior to November 15-16, 2024, respondent had presided over

at least two same-sex marriages, one in June and the other in August 2024. In addition, it was stipulated that respondent presided over a small claims matter involving an estranged same-sex couple in May 2025 and the parties advised the Commission in interviews that respondent was courteous and fair.

In accepting the jointly recommended sanction of censure, we have taken into consideration that respondent has acknowledged that her conduct was improper and warrants public discipline. She has expressed remorse for her inappropriate conduct. We expect that respondent will comply with her obligation to perform all her judicial duties without bias or the appearance of bias. 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 censure.

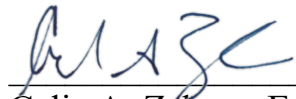
Mr. Belluck, Ms. Grays, Judge Camacho, Mr. Doyle, Judge Falk, Judge Fried, Ms. Golston, Ms. Moore, Judge Moulton and Mr. Raskin concur.

Mr. Cambareri did not participate.

CERTIFICATION

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

Dated: March 16, 2026

A handwritten signature in blue ink, appearing to read 'CAZ', is written above a horizontal line.

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