NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

ROBERT H. TEMBECKJIAN
ADMINISTRATOR & COUNSEL

EDWARD LINDNER
DEPUTY COUNSEL

CORNING TOWER, SUITE 2301
EMPIRE STATE PLAZA
ALBANY, NEW YORK 12223

518-453-4600 TELEPHONE
518-299-1757 FACSIMILE
www.cjc.ny.gov

CARLA FREEDMAN
DEPUTY ADMINISTRATOR
FOR LITIGATION

DENISE BUCKLEY
SENIOR LITIGATION COUNSEL

DAVID P. STROMES
SENIOR LITIGATION COUNSEL

CONFIDENTIAL

July 3, 2025

Via Federal Express and Email: [redacted]@snorth-law.com
Steven E. North, Esq.
1035 5th Avenue
New York, New York 10028
Tracking#: 882473913920

Re: *Matter of Michael H. Plass*

Dear Mr. North:

Please accept this letter-reply to Respondent's post-hearing memorandum ("Resp Mem"), filed on June 20, 2025.

In his submission, which cited no case law or Commission determinations, Respondent admitted that he violated Sections 100.2(A), 100.5(A)(4)(a), 100.5(A)(4)(d)(i), and 100.5(A)(4)(d)(ii) of the Rules Governing Judicial Conduct ("Rules") (Resp Mem: 18). He made no mention of Section 100.1, which he admitted having violated in his hearing testimony (H2 Plass: 111), and he wrongly asserted that the Complaint did not charge a violation of Section 100.2(A) (Resp Mem: 4, 14, 17, 18), which it plainly did (Complaint ¶13).

Respondent asks that you find a number of mitigating factors (Resp Mem: 18), most of which are addressed in Commission Counsel's brief. Several points, though, required additional comment.

Respondent maintains that he only "committed a single campaign ethics violation" (Resp Mem: 18 ¶A), which is simply untrue. Rather, as he disclosed for the first time on the final day of the hearing, Respondent also knowingly and willfully violated AO 23-158 by adjudicating 180 mail-in VTL pleas in direct contravention of the AO's disqualification order. Respondent explicitly conceded that his actions in these 180 cases violated AO 23-158 (H2 Plass: 138).[1]

As set forth in Commission Counsel's main brief (*see* pp 27-30) Respondent's failure to comply with his advisory opinion in this case is a significant aggravating factor. *See, eg*, *Matter of Muller*, 2026 Ann Rep of NY Commn on Jud Conduct at __ (publication forthcoming), *available at* https://cjc.ny.gov/Determinations/M/Muller.Robert.J.2025.03.28.DET.pdf (censuring judge who, *inter alia,* failed to recuse himself after receiving an advisory opinion requiring him to do so).[2]

Moreover, while Respondent correctly asserts that there have been no new complaints against him during his time in office (Resp Mem: 18 ¶O), his violation of the AO might well have warranted a new Administrator's Complaint had the Commission learned of that misconduct before the final day of the hearing. And, even had Respondent's campaign misconduct stood alone, that misconduct has prevented him – and will continue to prevent him – from handling over 90% of the cases filed in his court. All told, Respondent's attempt to minimize his misconduct is aggravating rather than mitigating.

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[1] At the hearing, Commission counsel inadvertently referred to AO 23-158 as AO 13-158 (H2 Plass: 138). It is apparent from the context that Respondent understood that counsel was referring to Exhibit 2, Advisory Opinion 23-158.

[2] Because the facts regarding Respondent's violation of Advisory Opinion 23-158 did not come to light until the final day of the hearing, this conduct was not charged in the Formal Written Complaint and Commission Counsel is not requesting a conclusion of law that processing these VTL matters constituted additional misconduct. Rather, Commission Counsel requests that the Referee make appropriate factual findings, as set forth in the Proposed Findings of Fact, ⁋ 24, and determine that this conduct is an aggravating factor the Commission can consider with respect to the appropriate sanction.

Respondent also seeks a finding of mitigation because he "expressed remorse, and regrets his campaign ethics violation" (Resp Mem: 18 ¶G). But that bald assertion stands in stark contrast to his combative, contradictory and evasive hearing testimony that his campaign pledges were simply "careless" (H2 Plass: 95), or "a mistake made . . . because there was no education for a Judge prior to being elected" (H2 Plass: 97), or that he "do[es]n't know what to think of the mailer anymore . . . it's really killing me" (H2 Plass: 107). Regardless, Respondent has not expressed remorse for willfully violating AO 23-158, and he explicitly testified that he is not remorseful for the outsized burden his misconduct has placed upon Justice McArthur (H2 Plass: 132-33). Thus, once again, a deeper look at Respondent's purported mitigation reveals additional aggravating factors.

Finally, Respondent cites as mitigating the fact that "bail reform has drastically reduced the number of after hours arraignments," and that his court "has no backlog of cases" (Resp Mem: 18 ¶¶K, M). The former is irrelevant: whether Justice McArthur performs one after-hours arraignment a month or one hundred, Respondent's misconduct has forced her to be on call 24 hours a day and seven days a week, which in turn prevents her from ever traveling more than an hour or two from the courthouse (H1 McArthur: 36, 39).[3] As to the latter, if there is no backlog in the Hyde Park Town Court, that is because Justice McArthur worked extraordinarily hard to handle almost 2,000 criminal and traffic cases filed in 2024, while Respondent presided over only 171 civil matters, plus the 180 mail-in traffic pleas he unapologetically adjudicated in violation of AO 23-158.

For the reasons stated, findings of fact and conclusions of law should be made in accordance with those set forth in Commission Counsel's brief, and Respondent's requests concerning the above-discussed mitigating factors should be rejected. Commission counsel further requests findings in accordance with the aggravating factors discussed in its brief and in this letter.

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[3] Respondent contends that "[o]n-call coverage is available from judges in other jurisdictions upon request" (Resp Mem: 18 ¶L), but Justice McArthur testified that, in practice, such requests "f[a]ll on deaf ears" (H1 McArthur: 53-54).

Sincerely,

David Stromes
Senior Litigation Counsel

Robert Tembeckjian, Esq. Edward Lindner, Esq.
Carla Freedman, Esq.
Mark Levine, Esq.
Denise Buckley, Esq.
Eric Arnone, Esq.

cc: Via Federal Express and Email: Steven@lmbesq.com
Steven G. Leventhal, Esq.
Leventhal, Mullaney & Blinkoff, LLP
15 Remsen Avenue
Roslyn, New York 11576
Tracking#: 882474225942