

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

DANIEL L. SEIDEN,

**AGREED
STATEMENT OF FACTS**

a Judge of the Binghamton City Court,
Broome County.

Subject to the approval of the Commission on Judicial Conduct:

IT IS HEREBY STIPULATED AND AGREED by and between Robert H. Tembeckjian, Administrator and Counsel to the Commission, and the Honorable Daniel L. Seiden (“Respondent”), that further proceedings are waived and that the Commission shall make its determination upon the following facts and exhibits, which shall constitute the entire record in lieu of a hearing.

1. Respondent was admitted to the practice of law in New York in 1991. He has been a Judge of the Binghamton City Court, Broome County, since June 2008. Although Respondent’s current term expires on December 31, 2034, he will turn 70 years of age in 2028 and therefore must retire on December 31, 2028.

2. Respondent was served with a Formal Written Complaint dated February 4, 2025. He enters into this Agreed Statement of Facts in lieu of filing an Answer.

As to Charge I

3. From April 2023 to February 2025, Respondent failed to be dignified and courteous with court staff and senior court officials, failed to cooperate with other judges and court officials in the administration of court business, and otherwise contributed to a hostile work environment at the Binghamton City Court, in that he:

- A. Raised his voice to the chief clerk and deputy chief clerk and made rude and discourteous comments to them, such as “Stay out of my shorts”;
- B. Made discourteous comments about the Administrative Judge for the Sixth Judicial District (Supreme Court Justice Eugene D. Faughnan), and the Office of Court Administration, in connection with the court’s implementation of a new criminal case-tracking system;
- C. Made gratuitous and disparaging comments about the chief clerk and his administrative judge in subsequent emails about the court’s transition to a paperless filing system to which Respondent objected;
- D. Failed to abide by Administrative Judge Faughnan’s directive that Respondent address all issues concerning the clerk’s office

and administrative policies with him rather than the chief clerk or her staff; and

- E. Sent an email to multiple senior court officials about his reassignment to another court, in which he made discourteous and insubordinate remarks to them, including *inter alia* that their “arrogance is breathtaking,” they were “utterly out of control and intoxicated by power and privilege,” and they used “administrative sleight of hand,” which he found “[s]ickening.”

As to the Specifications to Charge I

Respondent’s Conduct in Connection with the Binghamton City Court’s Implementation of a New Form for Tracking Criminal Case Activity.

4. At all times relevant to the material facts herein, Jennifer Katz was the Chief Clerk of the Binghamton City Court and Marta Foster was the Deputy Chief Clerk of the court. Both clerks were employees of the Office of Court Administration (“OCA”), and the Binghamton City Court judges had no authority to hire, fire or supervise the clerks. Supreme Court Justice Eugene D. Faughnan was Respondent’s Administrative Judge.

5. Throughout 2023, Respondent’s co-judges were Binghamton City Court Judges William C. Pelella and Sophie A. Bergman. Judge Bergman, who was appointed to the office in January 2023, was succeeded on January 1, 2024, by Debra J. Gelson, who had been elected in November 2023.

6. In January and February 2023, Judge Bergman was trained by a judge of the Cortland City Court, which used a “check-the-box” style form to track the procedural history of criminal cases.

7. In March 2023, after Judge Bergman began her judicial duties at Binghamton City Court, the court’s judges and staff – including Respondent, Judges Pelella and Bergman, Chief Clerk Katz and Deputy Chief Clerk Foster – started discussing the idea of replacing the court’s longstanding system for tracking activities in criminal cases. Specifically, they discussed replacing the existing “tri-fold” system with a “check-the-box” style form such as the one used at Cortland City Court, ahead of the transition to an anticipated paperless filing system. A blank copy of the “check-the-box” form is appended as Exhibit A. Respondent opposed the change and, on one or more occasions, expressed his opposition to it to Ms. Katz and/or Ms. Foster.

8. On April 25, 2023, after blank copies of the new form were placed in open criminal files, Respondent went to Ms. Katz’s office while wearing his judicial robes, closed the door behind him, and loudly and angrily criticized the transition to the new form to Ms. Katz and Ms. Foster. Respondent blamed Judge Bergman, in part, for the court’s implementation of the new form, saying she was too new to the court to implement a new system and questioning

whether she should be a judge if she could not understand the established tri-fold system.

9. On April 26, 2023, Ms. Katz and Ms. Foster went to Respondent's office to discuss his concerns about the new form. During that meeting, Respondent at times raised his voice and spoke in an agitated manner, stating, *inter alia*, that:

- A. He was “deeply and bitterly offended” that the court would replace the tri-fold system, which the court had been using effectively for the preceding 40 years, with what was, in his opinion, a slower and more complicated system, and which was proposed by a judge who had been on the bench for less than four months;
- B. Sixth Judicial District Administrative Judge Faughnan was a former Republican Election Commissioner who was “an extremely political person and who was primarily motivated by politics”;
- C. The change in forms was a political maneuver to help the career of Judge Bergman – a Republican appointed by a Republican Mayor;
- D. He “hate[s]” OCA;

- E. Ms. Katz was the reason the court lost “good staff,” and she was incompetent at training her staff;
- F. Any changes proposed by Ms. Katz were a *fait accompli*, regardless of Respondent’s opinion of such proposals;
- G. He asked Ms. Katz to “just keep it together for the next 20 months”;
- H. The change was an “offensive intrusion” by administrative staff into his province on the bench and a “change for the sake of change”; and
- I. The clerks should, “Stay out of my shorts.”

10. On April 27, 2023, Ms. Katz sent Respondent an email about what had transpired at the previous day’s meeting. Later that day, Respondent replied, making *inter alia* the following statements via email:

- A. “As with many other matters, you decided where you were going with this and then pretended to seek my input”;
- B. “It seems to me that if the staff were properly trained on how to ‘read’ a trifold this form and its many collateral consequences would not be necessary. So train them”;
- C. “This IS change just for the sake of change, which will only make my life on the bench more difficult”;

- D. “If you, Marta and the other clerks were actually trained inside the courtroom and knew what we do in there, and knew how to do it yourselves, we would have no need for a ‘form’ that simply regurgitates information and creates confusion and delay on the bench”;
- E. “This issue is much bigger than a new form. You have crossed a line when your administrative prerogatives invade the courtroom work that I do ON THE BENCH. You still do not really get this place, Jen. Please stay away from my benchwork and stay in your own lane”; and
- F. “Do what you want . . . you will anyway.”

A copy of the April 27, 2023, email exchange is appended as Exhibit B.

11. On May 3, 2023, Administrative Judge Faughnan met with Respondent about his conduct toward Ms. Katz and Ms. Foster at the April 26 meeting and his concerns about the form.

12. On May 4, 2023, Respondent sent Administrative Judge Faughnan his summary of what occurred at the meeting. The next day, Administrative Judge Faughnan wrote back to “reiterate all of [his] thoughts,” including advising Respondent, *inter alia*:

- A. “The Clerks, Court Officers, Resource Coordinators, Court Attorneys in City Court etc. do not work for the judges. They are administrative staff who answer to me and [District Executive] Porter [Kirkwood]”; and
- B. “If there is a problem with any of the above staff, those issues should be brought to me to resolve, not addressed by Judges. A heated or aggressive exchange can only lead to conflict which can give rise to complaints to the CJC or IG.”¹

Later that day, Respondent replied by thanking Administrative Judge Faughnan for clarifying matters. A copy of this email exchange is appended as Exhibit C.

13. As of the date of the Formal Written Complaint, Respondent had not apologized to Ms. Katz or Ms. Foster for any of his statements at the meeting on April 26, 2023.

Respondent’s Conduct in Connection with the Court’s Transition to a Paperless Filing System.

14. By memo dated December 8, 2023, to all three Binghamton City Court Judges, Administrative Judge Faughnan announced that, in order to be “less reliant on paper files” and to “improve[] and standardize[] processes for

¹ “CJC” refers to the Commission on Judicial Conduct, and “IG” refers to the Inspector General for the Unified Court System.

court staff,” the court was going to start implementing a new web-based filing system called “New York Bench.”²

15. Respondent was opposed to using New York Bench. On February 29, 2024, Respondent sent an email to Administrative Judge Faughnan, Ms. Katz and Ms. Foster, in which he copied his co-judges and multiple members of court staff, expressing his concerns about the court’s transition to New York Bench. Respondent concluded by stating, “When I am on the bench, I will be asking the clerks to always give me whatever physical file exists. I hope that they will do so.”

16. Later the same day, Administrative Judge Faughnan wrote back stating, *inter alia*, “As I have explained in the past, decisions about how the clerks perform their jobs and how matters come to you are not within your purview. The court officers and clerk staff do not work for you; they work with you. Decisions regarding the use of NY Bench or any other aspect of the court staff are administrative and as such are within my purview. . . . The file you choose to keep in your chambers is your prerogative. What the clerks will do in preparing cases and imputing data is my determination. Perhaps some day you will be the administrative judge and make these determinations. Until then, the

² New York Bench is also referred to herein as “NY Bench” and “NYB.”

City Courts of the 6th Judicial District will use NY Bench and the clerks and court assistants will perform their work consistent with the use of that platform. No special arrangements will be made for any judge.” A copy of the February 29, 2024, email exchange is appended as Exhibit D.

17. On March 25, 2024, Respondent left a copy of an article by Chief Administrative Judge Joseph A. Zayas, published in the *New York Law Journal*, entitled “A New Collaborative Approach to Leadership at the Unified Court System” on the desk of Ms. Katz and handwrote on the first page, “I hope that you and Judge Faughnan are aware of the new philosophy explored in this article. Thank you.” Additionally, Respondent highlighted and bracketed certain passages, throughout the article. A copy of the article left by Respondent on Ms. Katz’s desk is appended as Exhibit E.

18. On March 28, 2024, Respondent sent an email to Ms. Katz in which he wrote that Elmira City Court Judge Steven Forrest had called him to say that the Elmira City Court was not using New York Bench, which Respondent stated was contrary to a prior statement from Administrative Judge Faughnan that all city courts within the Sixth Judicial District were using the system. Respondent wrote, “it is information and encounters like this that give me so little faith in the current administration of the court system here. It is discouraging and sometimes downright scary.” After noting that he had just learned that he could not use

New York Bench and Microsoft Teams simultaneously on a single computer screen, Respondent wrote, “If you tell me to just use a second screen I think that I might very well faint. So add this to my growing list of complaints about NYB. Jen, this is truly madness. Using NYB under our current structure, or perhaps any structure in this particular court, is judicial malpractice.” A copy of the email is appended as Exhibit F.

19. On May 21, 2024, Respondent sent Ms. Katz an email “to document ongoing issues” with New York Bench, in which he concluded, “Finally, I have sat with your directive to the clerks to not make copies of critical documents that I require for PTCs and VOP conferences.³ There can be no legitimate or objective reason to direct a clerk not to make limited and reasonable copies of critical documents for a judge where necessary. I have little doubt that this last overstep by you was made at the direction of Judge Faughnan as over the years it has been my impression that almost all of your actions here are made with his blessing and his stamp.”

20. Later that day, Ms. Katz responded to Respondent, attempting to address his concerns. Ms. Katz noted that any policies she instituted were to further the goals of the New York State Unified Court System, as directed by the

³ “PTCs” refers to pre-trial conferences. “VOP” refers to violation of probation.

district office. She continued, “I have noticed that you have sent me many emails recently that include statements indicating that I am setting policies with Judge Faughnan with the purpose of sabotaging your ability to conduct work. These emails are disparaging in nature, come across as confrontational, and make me uncomfortable. I would appreciate it if you could please refrain from including commentary of that nature in the future.” Later that day, Respondent replied, “Your words not mine. It is not possible for you or anyone else to defend directing a secretary to a judge not to print prior PTC notes or PSIs for the judge’s review prior to those conferences.⁴ Saying that you will review that policy ‘later this summer’ says it all. And please, don’t try to create the false impression that I have just started using NYB and so I am just not up to speed. That is not true. I have been using the program for several months now along with physical files. Your response proves exactly why it is not possible or productive for me to engage you (or God forbid Judge Faughnan).” A copy of the May 21, 2024, email exchange is appended as Exhibit G.

21. On June 26, 2024, Respondent sent Ms. Katz an email to address some “immediate concerns.” In the email, Respondent asked Ms. Katz’s permission to allow him to take handwritten notes during code cases and to have

⁴ “PSIs” refers to pre-sentence investigation reports.

the clerks input his notes into New York Bench. Respondent added, “Whatever. I hope that these simple and reasonable requests will not require an act of God to accomplish or result in a harangue from your boss.” A copy of the email is appended as Exhibit H.

Respondent’s Emails to Senior Court Officials About When He Will Be Returned to Binghamton City Court.

22. By letter dated July 23, 2024, Deputy Chief Administrative Judge James P. Murphy notified Respondent that the Unified Court System’s Office of the Managing Inspector General for Bias Matters had completed an investigation of a complaint against Respondent concerning his conduct at the April 26, 2023, meeting with Ms. Katz and Ms. Foster and found that the allegations of the complaint were substantiated.

23. By Administrative Order dated July 23, 2024, Deputy Chief Administrative Judge Murphy removed Respondent from all judicial duties in the Binghamton City Court. By Assignment Order dated July 23, 2024, Administrative Judge Faughnan reassigned Respondent to Cortland City Court, indefinitely. Copies of the orders are appended as Exhibit I and J, respectively.

24. By letter dated August 14, 2024, Respondent appealed from the July 23, 2024, administrative orders. By letter dated September 10, 2024, First Deputy Chief Administrative Judge Norman St. George notified Respondent that his appeal was denied.

25. On October 3, 2024, Respondent sent an email to Chief Administrative Judge Zayas, Chief Judge Rowan D. Wilson, Deputy Chief Administrative Judge Murphy and Administrative Judge Faughnan, in which he *inter alia* noted that almost 90 days had passed since his reassignment to Cortland City Court, suggested that a reassignment exceeding 90 days might violate Section 107 of the Uniform City Court Act, and requested to be notified when he would be allowed to return to Binghamton City Court. A copy of this email is included with the appended Exhibit K.

26. On October 11, 2024, Deputy Chief Administrative Judge Murphy responded “on behalf of [Chief Administrative Judge Zayas and] the leadership team” that he had reviewed the matter and concurred with First Deputy Chief Administrative Judge St. George’s conclusion that Respondent’s reassignment was appropriate and that it would continue pending further administrative action and the conclusion of an investigation by the Commission. A copy of this email is included with the appended Exhibit K.

27. On October 15, 2024, Respondent sent an email reply to Deputy Chief Administrative Judge Murphy, Administrative Judge Faughnan, Chief Administrative Judge Zayas and Chief Judge Wilson, in which he wrote, *inter alia*:

- A. “The game that you are playing, using an administrative trick to de facto remove me from my elected position for your own nefarious purposes, is a dangerous one: trying to get in the back door what you will probably never get through the front door, all the while depriving the citizens of Binghamton of their elected official while brazenly violating several state statutes: UCCA Sec. 2104(d), UCCA Sec. 107 and, yes, Penal Law Sec. 195-Official Misconduct. You should take a hard look at these laws. They are laws. You are not above the law”;
- B. “Surely you must realize that no matter how hard you try that position will not hold. Then again, the arrogance is breathtaking”;
- C. “The answer is that you have nothing in your hand except administrative sleight of hand. Sickening”; and
- D. “You and OCA are utterly out of control and intoxicated by power and privilege.”

A copy of this email is included with the appended Exhibit K.

28. By reason of the foregoing, Respondent should be disciplined for cause, pursuant to Article VI, Section 22, subdivision (a), of the Constitution and Section 44, subdivision 1, of the Judiciary Law, in that Respondent failed to

uphold the integrity and independence of the judiciary by failing to maintain high standards of conduct so that the integrity and independence of the judiciary would be preserved, in violation of Section 100.1 of the Rules of the Chief Administrator of the Courts Governing Judicial Conduct (“Rules”); failed to avoid impropriety and the appearance of impropriety, in that he failed to respect and comply with the law and failed to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary, in violation of Section 100.2(A) of the Rules; and failed to perform the duties of judicial office impartially and diligently, in that he failed to be patient, dignified and courteous to court staff and others with whom he dealt in an official capacity, in violation of Section 100.3(B)(3) of the Rules, and failed to cooperate with other judges and court officials in the administration of court business, in violation of Section 100.3(C)(1) of the Rules.

Additional Factors

29. Respondent has been cooperative and contrite with the Commission throughout this proceeding.

30. Respondent recognizes that, notwithstanding his frustration with new administrative protocols implemented by the courts, and his preference for existing systems that were being replaced, it was inappropriate for him to be rude or otherwise discourteous toward his colleagues in discussions about the

protocols or his reassignment to another courthouse. Respondent apologizes to Ms. Katz, Ms. Foster, Judge Faughnan, Judge Bergman, Chief Judge Wilson, Chief Administrative Judge Zayas, and Deputy Chief Administrative Judge Murphy, for his unprofessional remarks to and/or about them. He appreciates that an apology to them at the time would have been appropriate.

31. Respondent avers that, in saying “Stay out of my shorts” to Ms. Katz and Ms. Foster, he meant “stay out of my business as a judge.”

32. Respondent commits himself anew to observing the high standards of behavior required of all judges, and he pledges to work collegially with court staff, fellow judges and court system officials.

33. On February 25, 2025, Respondent voluntarily completed the online programs offered by the Office of Court Administration entitled on “Maintaining Respect and Civility in the Workplace” and “Say What You Mean the Right Way.”

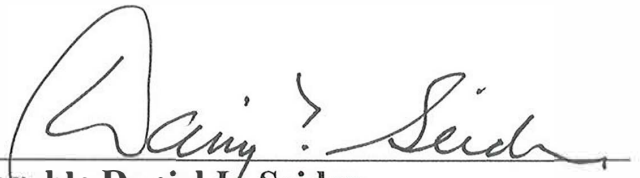
IT IS FURTHER STIPULATED AND AGREED that the parties to this Agreed Statement of Facts respectfully recommend to the Commission that the appropriate sanction is public Censure based upon the judicial misconduct set forth above.

IT IS FURTHER STIPULATED AND AGREED that if the Commission accepts this Agreed Statement of Facts, the parties waive oral


argument and waive further submissions to the Commission as to the issues of misconduct and sanction, and that the Commission shall thereupon impose a public Censure without further submission of the parties, based solely upon this Agreed Statement. If the Commission rejects this Agreed Statement of Facts, the matter shall proceed to a hearing and the statements made herein shall not be used by the Commission, Respondent or the Administrator and Counsel to the Commission.

Dated:

February 25, 2025


Honorable Daniel L. Seiden
Respondent

Dated: February 26, 2025


Robert H. Tembeckjian
Administrator & Counsel to the Commission
(**Cathleen S. Cenci** and **S. Peter Pedrotty**, Of Counsel)

ARRAIGNMENT

Date: _____ Judge: _____
ADA: _____ Defense Attorney: _____
CHARGES: (PLACE DOCKET STICKER(S) HERE) PLEA: (WRITE IN PLEA)

CUSTODY STATUS:

ROR ☐
BAIL ☐ AMOUNT OF BAIL: _____
REMAND ☐ REASON FOR REMAND: _____
PTRP ☐ EM/Other conditions: _____

PRELIMINARY HEARING:

REQUESTED ☐ DATE AND TIME SCHEDULED: _____
RESERVED ☐ WAIVED ☐

ORDER OF PROTECTION:

ISSUED ☐ FAMILY OFFENSE ☐ NON-FAMILY OFFENSE ☐
FULL STAY AWAY ☐ OTHER (Please Describe) ☐ _____

DWI: NYSDL Suspended ☐ Hardship ☐

PD PROVISIONALLY ASSIGNED? YES ☐ NO ☐

ASSIGNED COUNSEL ORDER GIVEN TO DEFENDANT: YES ☐ NO ☐

WARNINGS GIVEN re: FTA, OOP violation, New arrest, PTR violation: YES ☐

APPEARANCE

Date: _____ Judge: _____
ADA: _____ Defense Attorney: _____

DEFENDANT APPEARED: YES ☐ NO ☐ BWI ☐ DLIC SUSPENDED ☐ SCOFF ☐

PROPOSED DISPOSITION/ISSUES/OUTCOME:

SPEEDY TRIAL WAIVED: Yes ☐ NO ☐

PARKER WARNINGS GIVEN? YES ☐ NO ☐

ADJOURNED DATE: _____

CUSTODY STATUS: ROR ☐ BAIL CONTINUED ☐ REMANDED ☐ PTR ☐

DISPOSITION

Date: Judge:

ADA: Defense Attorney:

PLEAD GUILTY
Original Charge(s):
Convicted Charge(s):

PLEA IN SATISFACTION OF ALL CHARGES OPEN THIS DOCKET

PLEA IN SATISFACTION OF DOCKET:

THIS DOCKET COVERED BY CONVICTION ON DOCKET:

CONVICTED AFTER TRIAL

ORDER PSI: YES NO

OUTLEY/PARKER WARNINGS GIVEN: YES NO

SENTENCING DATE:

ACD 6-MONTH

1 YEAR

DISMISSED: REASON/CODE:

ORDER OF PROTECTION:

ISSUED FAMILY OFFENSE NON-FAMILY OFFENSE
FULL STAY AWAY OTHER (Please Describe)

TEMPORARY OOP CONTINUED

CUSTODY STATUS: ROR BAIL CONTINUED REMANDED

SENTENCING

Date: Judge:

ADA: Defense Attorney:

YO ADJUDICATION: YES NO

PROBATION YEARS

CONDITIONAL DISCHARGE UNCONDITIONAL DISCHARGE

INCARCERATION DAYS OR TIME SERVED:

CONCURRENT WITH DOCKET:

CONSECUTIVE TO DOCKET:

SPLIT SENTENCE:

CUSTODY IN DAYS: PROBATION: YEARS
CONDITIONAL DISCHARGE:

RESTITUTION:

RESTITUTION ORDER CIVIL JUDGMENT CONDITION OF PROB/CD/ACD

AMOUNT:

PAYABLE TO WHOM:

DWI RELATED:

IID DDP CVIP

DRIVER'S LICENSE: SUSPENDED d/m/y REVOKED d/m/y 20-day stay

FINES & SURCHARGES:

Amount: Converted to CJ \$

SORA Hearing date: LEVEL (circle): 1 2 3

OOP ISSUED FAMILY OFFENSE NON-FAMILY OFFENSE
FULL STAY AWAY OTHER (Please Describe)

EXHIBIT B

From: [Hon. Daniel L. Seiden](#)
To: [Jennifer Katz](#)
Subject: RE: New Form
Date: Thursday, April 27, 2023 4:49:48 PM

As with many other matters, you decided where you were going with this and then pretended to seek my input. I told you from the start that I was opposed to the idea and I gave you the many reasons why, but it doesn't matter to you. It seems to me that if the staff were properly trained on how to "read" a trifold this form and its many collateral consequences would not be necessary. So train them. This is especially so because the in-court activity is already being entered into the system simultaneously with the court proceedings themselves. This IS change just for the sake of change, which will only make my life on the bench more difficult. You are always asking and soliciting if there is anything we need, just ask. I don't ask. You brought this dispute to me, not the other way around. If you, Marta and the other clerks were actually trained inside the courtroom and knew what we do in there, and knew how to do it yourselves, we would have no need for a "form" that simply regurgitates information and creates confusion and delay on the bench. This issue is much bigger than a new form. You have crossed a line when your administrative prerogatives invade the courtroom work that I do ON THE BENCH. You still do not really get this place, Jen. Please stay away from my benchwork and stay in your own lane. If you insist upon proceeding with your "new form" then I would suggest that it not replace the tri-fold procedure but be added in addition to the trifold so that I can proceed with my benchwork as per usual. Instead of worrying about clerks wasting time folding papers (ridiculous) why don't you just hire good clerks and train them in courtroom procedure. After all, we are a court. Do what you want...you will anyway. DLS

From: Jennifer Katz <[REDACTED]@nycourts.gov>
Sent: Thursday, April 27, 2023 12:27 PM
To: Hon. Daniel L. Seiden <[REDACTED]@nycourts.gov>
Subject: New Form

Judge Seiden,

Yesterday (4/26/23), Marta and I came to speak to you about the concerns you expressed to us on 4/25 regarding the new arraignment form. After sharing some positive information about the civil unit, I tried to address the arraignment form to figure out a way to alleviate some of the frustration you had expressed. I came with suggestions of how we could make the process work better for you including the idea that we could keep them out of the housing files since they tend to move from Judge to Judge, that we would take them out of the files with preexisting trifolds, and that we could attach a plain sheet to for you to write on in lieu of using the form.

For about a half hour, you spoke about the fact that you didn't want to change and that the trifolds have been used for at least 40 years in Binghamton City Court. You stated several times that you are deeply and bitterly offended by this new form. You did concede that it can be hard to read handwriting (one of the reasons we want to implement this form) and that you could imagine it would be easier for the staff to stop folding trifolds (another reason we want to implement this form). I said that I did not want the staff to fold trifolds anymore, but that I wanted to work with you to figure out a solution. Your response was that you felt this was a big intrusion on the bench, and

that you would never use this form.

In front of my deputy, you stated that my problem for the last three years is that the changes we make are a “fait accompli.” You indicated the new form is change for the sake of change or for politics. You said it was my fault we have lost “the good staff” and asked me not to implement change, saying things such as: “Can you just keep it together for the next 20 months?” (indicating that I should not implement necessary change for the next 20 months) and “Stay out of my shorts”. These comments were unproductive to the discussion. Feeling uncomfortable with the tone, I ended the meeting by stating that if you think of anything that can make this process better for you, that we could speak then.

There is a district wide push to reduce the use of paper, examine inefficiencies, and use consistent practices throughout the court types. The form was developed based on a template another court uses with the assistance of judges, our court attorney, and court assistants. You were asked for feedback multiple times while the form was being developed. I am always open to a respectful discussion of Binghamton City Court policies and how we can work with your preferences.

Jen

Jennifer L. B. Katz
Chief Clerk
Binghamton City Court

[REDACTED]

[REDACTED] [@nycourts.gov](mailto:[REDACTED]@nycourts.gov)

Please be CAREFUL when clicking links or opening attachments.

EXHIBIT C

From: [Hon. Daniel L. Seiden](#)
To: [Hon. Eugene D. Faughnan](#)
Cc: [Jennifer Katz](#)
Subject: RE: A Loose End
Date: Friday, May 5, 2023 9:06:19 AM
Attachments: [image001.png](#)

Good Morning, Judge. Thank you for that clarification. DLS

From: Hon. Eugene D. Faughnan <[REDACTED]@nycourts.gov>
Sent: Friday, May 5, 2023 8:00 AM
To: Hon. Daniel L. Seiden <[REDACTED]@nycourts.gov>
Cc: Jennifer Katz <[REDACTED]@nycourts.gov>; Porter L. Kirkwood <[REDACTED]@nycourts.gov>; Amanda L. Whalen-Garnar <[REDACTED]@nycourts.gov>
Subject: RE: A Loose End

Judge Seiden,

I reviewed your email and I think you have some of what I said but since you included the Chief Clerk, I will reiterate all of my thoughts.

-The Clerks, Court Officers, Resource Coordinators, Court Attorneys in City Court etc. do not work for the judges. They are administrative staff who answer to me and Porter.

-If there is a problem with any of the above staff, those issues should be brought to me to resolve, not addressed by Judges. A heated or aggressive exchange can only lead to conflict which can give rise to complaints to the CJC or IG.

-There will be procedural changes to all of the courts based upon District Committees and with my approval. In all likelihood the City Courts will be moving to electronic files within the next year or two. The changes will not be optional.

-The proposed form for arraignments is at least one possible bridge to electronic files and is being used in other courts successfully.

-I acknowledge that you do not like the new form and prefer the tri-fold. You

are in a court with three judges; two of whom like the new form.

-For now, you can keep your notes any way you want to. However, the clerk's office will prepare the new form going forward; again, based upon the preference of two of the three judges.

I recognize that change can be difficult. The fact that we have "always done it this way" is no reason to continue to do things. It is this approach that has led to the varying way things are handled throughout the district. This needs to change.

As noted, I do not know if the form, a bi-fold, a tri-fold or a quad-fold is the correct way to go. This is why I have the committees.

Finally, I invited you to provide me with feedback on how the new form could be changed/simplified. That invitation remains open.

Please let me know if you have any questions or concerns regarding the foregoing.

Eugene D. Faughnan
Supreme Court Justice
Administrative Judge, 6th JD
92 Court Street
Binghamton, New York 13901
(607) 240-5950



From: Hon. Daniel L. Seiden <[REDACTED]@nycourts.gov>

Sent: Thursday, May 4, 2023 4:26 PM

To: Hon. Eugene D. Faughnan <[REDACTED]@nycourts.gov>

Cc: Jennifer Katz <[REDACTED]@nycourts.gov>

Subject: A Loose End

Good Afternoon, Judge. I want to be sure that I did not misinterpret an important component of our meeting yesterday. As I understand it, I was not directed to use the new form that we discussed. I was told that this form is now being used in Cortland City Court as a precursor to a pilot project there aimed at paperless files in the future. I was informed that there is a Committee currently evaluating the form and its usage, but that the Committee has not yet reported its findings to Your Honor. I was encouraged to speak with other judges about the issue (Judge Forrest in Elmira was mentioned) and I was encouraged to offer my own suggestions regarding the form itself and the process of using it in my practice. It was my impression that the jury was still out on the matter, in general. Certainly, I will follow your directive regarding this issue if there is one. Thank you again for really listening to the many concerns that I shared with you yesterday. DLS

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EXHIBIT D

From: [Hon. Eugene D. Faughnan](#)
To: [Hon. Daniel L. Seiden](#); [Jennifer Katz](#); [Marta Foster](#)
Cc: [Nicole Johnson](#); [Becky L. Nestoryak](#); [Tina Majeski](#); [Kendra Maslin](#); [Rita Basile](#); [Hon. William C. Pelella](#); [Hon. Debra Gelson](#); [Porter L. Kirkwood](#); [Amanda L. Whalen](#); [Lisa D. Smith](#); [Joshua Shapiro](#)
Subject: RE: NY Bench
Date: Thursday, February 29, 2024 11:43:59 AM
Attachments: [image001.png](#)

Judge Seiden,

Thank you for your input on this issue. As I have explained in the past, decisions about how the clerks perform their jobs and how matters come to you are not within your purview. The court officers and clerk staff do not work for you; they work with you. Decisions regarding the use of NY Bench or any other aspect of the court staff are administrative and as such are within my purview.

I understand that a transition to a new system may be difficult, but it is something that must be done. We cannot have courts within the district operating with different procedures. Currently, Binghamton City Court is the only city court that has not embraced this system. In fact, most of the city courts began to use the system before the initiative to create consistent practices began.

The file you choose to keep in your chambers is your prerogative. What the clerks will do in preparing cases and imputing data is my determination.

Perhaps some day you will be the administrative judge and make these determinations. Until then, the City Courts of the 6th Judicial District will use NY Bench and the clerks and court assistants will perform their work consistent with the use of that platform. No special arrangements will be made for any judge.

Finally, I do not understand why you choose to have these discussions with a large audience. It is definitely helpful in that the staff is clear on the administrative direction they are receiving. But perhaps this is something to think about with future correspondence.

I hope this clarifies the situation.

Eugene D. Faughnan
Supreme Court Justice
Administrative Judge, 6th JD
92 Court Street
Binghamton, New York 13901
(607) 240-5950



From: Hon. Daniel L. Seiden <[REDACTED]@nycourts.gov>
Sent: Thursday, February 29, 2024 10:35 AM
To: Hon. Eugene D. Faughnan <[REDACTED]@nycourts.gov>; Jennifer Katz <[REDACTED]@nycourts.gov>; Marta Foster <[REDACTED]@nycourts.gov>
Cc: Nicole Johnson <[REDACTED]@nycourts.gov>; Becky L. Nestoryak <[REDACTED]@nycourts.gov>; Tina Majeski <[REDACTED]@nycourts.gov>; Kendra Maslin <[REDACTED]@nycourts.gov>; Rita Basile <[REDACTED]@nycourts.gov>; Hon. William C. Pelella <[REDACTED]@nycourts.gov>; Hon. Debra Gelson <[REDACTED]@nycourts.gov>
Subject: NY Bench

On 2/26/24 I had a one hour phone conversation with Steve Hicks, the NY Bench guru. I shared my concerns about using the program here in lieu of physical files. I listened more than I talked as I was seeking first to understand. He was very informative and polite, and not at all defensive about the program that he was instrumental in helping to design and implement. The highlights of my conversation are as follows: The program began in Family Court in 2019 because clerks were taking files from judges' chambers and the files were often gone when judges wanted to access them. Then, while Steve was "gone" from the project, New York City criminal judges were introduced to the system by others. Steve said that there are indeed other City Court "users" of the system (Cortland, Norwich, Ithaca, Troy, Yonkers) but he also said that no courts have actually gone "paperless" yet. Yes, other courts and other judges are "using"

the system, but not to the exclusion of paper. Steve was frank in stating that if the program does not help a particular court then that court should not use the program. Steve was clear that no judge should be “forced” to use the program. Quite importantly, Steve readily admitted that the program is problematic in courts, like ours, that do not have a true IAS system (in other words, courts like ours where the files are being handled multiple times by multiple judges) and particularly problematic where there are multiple files involving one litigant. At one point Steve said that “NY Bench is dumb, it does nothing more than display information in a different way.” In other words, it is not designed to take the thinking out of the judicial process. Steve admitted that “his hands are tied” when it comes to displaying information across various files and that the program is not “nuanced enough” to easily allow for that. The program is best used to find something specific that you know you are looking for rather than for holistically reviewing a global circumstance of a particular litigant with multiple files. He admitted that there are many situations/courts, like ours, where paper files do indeed work better and faster than NY Bench. Steve said that if a judge and his clerk(s) are currently using physical files and that system is working, that system should not be changed simply for the sake of using NY Bench. Of interest, Steve said that in developing the program he personally never sat through a criminal arraignment term in any court, and that he relied on information from others about that process as he developed the program. On the bright side, he was proud to note that he knew of one (ONE) judge in NYC who particularly liked the program, but he also said that this particular judge sat in an arraignment term and once the arraignment was over the file(s) were then passed on to another judge never to be seen by the arraignment judge again. Steve was clear that the program is best suited to courts that have a true IAS system not engaged with multiple files: one judge handling one file start to finish. I asked Steve directly if he had any “juice” within OCA to intervene where the use of NY Bench is mandated by administrators. His answer: “Absolutely not.” I have made no secret of my belief that NY Bench is not conducive to the work that we do here in BCC, at least in the criminal arena. Nothing that Steve said has altered my opinion. Furthermore, before we were directed by Judge Faughnan on 12/21/23 that “Judges should utilize NY Bench” I do not recall being asked for any input, I do not recall any real discussion of a roll-out/transition or any

meetings or planning whatsoever that involved the judges who preside here. I want to be on record that I believe that the imposition of NY Bench here could lead to serious mistakes in the courtroom that have real-life consequences for the individuals that come before us and for the community at large. I will of course do my level best to get on board because clearly I have no choice or any real say in the matter. Perhaps one day I will look back on this moment and realize how silly it was to object to “progress” within the court system. I hope so. I am sharing this memo broadly because I believe that we are at a dangerous inflection point (at least for awhile) and because I believe that the voluminous criminal work that we do here will be made more difficult, risky and slow without a physical file containing all of the papers that relate to it. When I am on the bench, I will be asking the clerks to always give me whatever physical file exists. I hope that they will do so. Thank you. DLS

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TO: Jew KATZ
From: DLS
3/25/24

EXHIBIT E

I hope That you & Judge
Faugham are Aware of The
New philosophy Explored in This
Article. Thank you.

DLS

A New Collaborative Approach to Leadership at the Unified Court System

By Chief Administrative Judge Joseph Zayas NY Law Journal January 16, 2024



Chief Administrative Judge Joseph Zayas addresses The New York State Commission on Legislative, Judicial and Executive Compensation on Friday, October 13, 2023 at the New York City Bar Association. (Photo by David Handschuh/OCA)

Anyone who has ever had a boss knows there are many different ways to lead an organization. Some leaders try to get results through an imposing, top-down style, where real debate about the wisdom of the leader's ideas is understood to be verboten. This is the approach we associate with entrepreneurs like Elon Musk, coaches like Bill Parcells, the chef Gordon Ramsay; in its worst manifestations, it involves screaming, tantrums, and even broken clipboards, laptops, and dinner plates.

There are alternatives, of course. Abraham Lincoln famously assembled a team of his political rivals to serve in his cabinet. Asked why he chose to pursue what seemed like such a politically fraught course, Lincoln explained that he needed the strongest, most competent individuals to serve in his cabinet, and these rivals fit the bill. "I had no right to deprive the country of their services," he said. So, Lincoln used his empathy,

emotional intelligence, and keen political instincts to earn his rivals' loyalty and unify them in support of his ideas for how to save the country. Former U.S. Supreme Court Justice Sandra Day O'Connor is a more contemporary example of this leadership style.

O'Connor, a state senator from Arizona before her appointment to the court, was known for using the interpersonal skills and pragmatism that she honed as a politician to persuade her colleagues to join her positions; she was so successful at this that her jurisprudence left a hugely consequential imprint on American life. And, even in the hypercompetitive world of professional sports, the drill-sergeant style that used to be so pervasive has in many cases been abandoned in favor of an approach that focuses on fostering a strong team culture; empowering and supporting others to be the best versions of themselves; encouraging candid, open dialogue; and having the humility to acknowledge that the titular "boss" doesn't always have all of the answers. More Phil Jackson, in other words, than Bobby Knight.

To be clear, though, embracing a more collaborative approach to leadership does not have to mean recalibrating expectations. In fact, it can lead to better morale and, in turn, better results.

Last spring, when Chief Judge Rowan Wilson and I were appointed to lead the Unified Court System, there was a perception among judges that the way the courts were being run had veered too far into the top-down approach. There are some legitimate explanations for how we got to that point. When the COVID-19 pandemic struck New York in March 2020, there was a need for decisive leadership. At the outset of the pandemic, judges and other court employees needed to know whether to report to courthouses (for a while, generally not); which proceedings to prioritize (only the absolutely essential ones); and how to conduct them (mostly virtually, which required a rapid and drastic transformation of the way our courts were used to doing things—that is, in person). During that scary, uncertain time, when there was no established playbook to follow, our predecessors stepped up with aplomb.

Later, as we slowly, deliberately returned to courthouses, we needed to do so safely and in accordance with the latest (and constantly evolving) public health guidance. For those efforts, too, our court leaders needed to articulate, and enforce, clear rules about what we were permitted to do, and what we were not. As the courts reopened, there was a desire on the part of our court administrators to understand, and attempt to quantify, what was happening—how many proceedings were being held, how were they being conducted (virtually or in person), how many cases were being resolved, and so on. Gathering this information made sense, at least initially, but, over time, it became unduly burdensome and felt very “micromanagy” and negatively impacted the morale of our judges.

One of the first orders of business for Wilson and me was to effect a course correction.

Fundamentally, we see the Office of Court Administration’s proper role not as telling judges what to do, but, rather, supporting our judges’ efforts to perform at their very best. To this end, we want the goals we set as court administrators to broadly align with the goals of our dedicated jurists. One way we are trying to achieve this alignment is through our own collaborative decision-making process, which leans heavily on our excellent leadership team — First Deputy Chief Administrative Judge Norman St. George, and Deputy Chief Administrative Judges Edwina Richardson, Deborah Kaplan, and James Murphy—the members of which hailing from different parts of the state and have specialized in different areas of the law and administration. When there is an important decision to be made, the chief judge and I want to hear from everyone on our team because we are well aware that we don’t know everything, and, by getting the team’s input, we are minimizing our blindspots. To be sure, this process is more time consuming than simply deciding things on our own, but we are confident that whatever we sacrifice in terms of efficiency, we more than make up for in terms of overall results.

We expect, moreover, that this approach will be embraced by our administrative judges and supervising judges who lead our courthouses throughout the state. We want them to set high expectations regarding the prompt delivery of justice (an area where our

predecessors were laser-focused and made great gains), but we also want them to achieve their goals by fostering a courthouse culture where judges have the support and resources they need to be successful in delivering quality justice. And we expect that our judges will have a say in the important courthouse-level decisions that affect their work. I can personally attest to the benefits of this style of courthouse leadership because I endeavored to practice it myself, when I was an administrative judge in Queens. I believed then, as I believe now, that we are fortunate in New York to have some of the very best judges in the country. They possess exceptional legal talent and have sworn solemn oaths to uphold the laws of our State and nation, and we must provide them with the trust and support they need to faithfully discharge their duties. Our diverse judges, simply put, are not bean counters who need to be told how to do their jobs. They represent a wide range of backgrounds (both personal and professional), perspectives, and values. Their collective and diverse experiences help our court system achieve what Sherilynn Ifill has called "structural impartiality," which can only be "realized through the interaction of diverse viewpoints on the bench and the resulting decreased opportunity for one perspective to consistently dominate judicial decision making."

At the end of the day, we believe that it is the responsibility of anyone serving in a court-system leadership role to earn the respect and buy-in of everyone in the courthouse that is in their charge. This sort of leadership is admittedly not easy; it requires strong communication skills, empathy, emotional intelligence, humility, and diplomacy. But only through consistently demonstrating to our judges that we value their contributions to our essential work of dispensing fair and efficient justice to all New Yorkers, will the damage to judicial morale that was experienced over the past several years be fully repaired.

Throughout this process, the chief judge and I, along with St. George, Richardson, Kaplan, and Murphy, will do our best to model the leadership that we expect to see—just as the chief modeled it for me on the day I informed him that I was accepting his offer to serve as New York State's 11th chief administrative judge. When I told the chief that I was honored that he had asked me to serve in this capacity and that I would be

honored to serve under him, the chief immediately interrupted: "Wait Joe," he said, "you are not going to be serving under me in this administration; we are going to work side-by-side as we serve the courts."

As I've told my judicial colleagues repeatedly since my appointment, I still consider myself one of them. I know the work they are doing on the ground every day in the trial court and in the Appellate Division—along with the attendant satisfactions and frustrations—and I intend not to forget that throughout my tenure as chief administrative judge.

Joseph Zayas *is the chief administrative judge for the New York Unified Court System.*

EXHIBIT F

From: [Hon. Daniel L. Seiden](#)
To: [Jennifer Katz](#)
Subject: More on NY Bench
Date: Thursday, March 28, 2024 4:33:45 PM

I had a long conversation with Judge Steve Forrest (Elmira) the other night. He asked me to call him about NY Bench. Steve is the District Supervisor of the City Courts. I was quite surprised to learn that not only does Elmira not use NYB, it is apparently not even on their radar. He knows very little about it. On 2/29/24 Judge Faughnan wrote, "Currently, Binghamton City Court is the only city court that has not embraced this system. In fact, most of the city courts began to use the system before the initiative to create consistent practices began." Really? I am not sure who asked Steve to call me or why, and I did not ask, but it is information and encounters like this that give me so little faith in the current administration of the court system here. It is discouraging and sometimes downright scary. Trust...it is important, and it is also lacking.

Elmira is a 2 judge court. Steve said that the judges there do not cross-work the files. They have an arraignment term and a trial term only (I don't know where they put the civil work). As I understood his take on NYB, the only way it could really work is where the files don't get cross-worked (like Elmira or Cortland). Even then, you still have the multiple file problem in a BUSY city court, like ours. Of course, our structure here, with 3 judges and 3 terms is not designed for that. I think I am being fair in saying that Steve seemed to believe that our structure here would need to be re-worked if NYB is going to replace physical files. I agree, though I would much rather just ditch NYB. Square peg-round hole.

Finally, I just had a bunch of pre-trial conferences using Teams. Well, guess what: you can't use NYB and Teams at the same time on only one screen. So, now I am conferencing cases without COCs or Rap Sheets because they have been removed from the files, and I can't access them during the conference. Did anyone think about that? If you tell me to just use a second screen I think that I might very well faint. So add this to my growing list of complaints about NYB. Jen, this is truly madness.

Using NYB under our current structure, or perhaps any structure in this particular court, is judicial malpractice. DLS

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EXHIBIT G

From: [Hon. Daniel L. Seiden](#)
To: [Jennifer Katz](#)
Subject: RE: NYB
Date: Tuesday, May 21, 2024 4:05:21 PM

Your words not mine. It is not possible for you or anyone else to defend directing a secretary to a judge not to print prior PTC notes or PSIs for the judge's review prior to those conferences. Saying that you will review that policy "later this summer" says it all. And please, don't try to create the false impression that I have just started using NYB and so I am just not up to speed. That is not true. I have been using the program for several months now along with physical files. Your response proves exactly why it is not possible or productive for me to engage you (or God forbid Judge Faughnan).

From: Jennifer Katz <[REDACTED]@nycourts.gov>
Sent: Tuesday, May 21, 2024 2:31 PM
To: Hon. Daniel L. Seiden <[REDACTED]@nycourts.gov>
Subject: RE: NYB

Good afternoon Judge,

Thank you for bringing these concerns to my attention. I understand that you have recently started using NYBench, and I strongly recommend using it with the criminal court assistants during this dispo term. While Nicole has worked hard to learn the system, she is only in court once a week with you as the DV/IDV coordinator. The criminal court assistants have been working with our other two Judges in NYBench since January, and they may have some suggestions that will make using NYBench easier.

I will continue to assess the policies I have set regarding the staff printing documents out of NYBench. The reason for the policy was to avoid having the staff recreate physical files while we are working from electronic files. We have been maintaining limited files solely for your benefit, and will continue to do so as promised until June 3rd. Per your request, I will conduct an assessment of my printing policy later this summer.

Any policies I set are for the purpose of furthering the goals of the NYS Court System as directed by the district office. I will continue to assess policies to address concerns you have raised. I agree that you mentioned the issue of identifying "lead files", and I discussed this with the staff. I will look at your calendar today to see if I can identify which one you had a concern with and I will address them again with the staff. That being said, I have noticed that you have sent me many emails recently that include statements indicating that I am setting policies with Judge Faughnan with the purpose of sabotaging your ability to conduct work. These emails are disparaging in nature, come across as confrontational, and make me uncomfortable. I would appreciate it if you could please refrain from including commentary of that nature in the future.

Thank you,
Jen

From: Hon. Daniel L. Seiden <[REDACTED]@nycourts.gov>
Sent: Tuesday, May 21, 2024 11:49 AM
To: Jennifer Katz <[REDACTED]@nycourts.gov>
Subject: NYB

I am continuing to document ongoing issues. This note by no means constitutes all of the prior or cumulative issues or the near daily issues that I encounter.

In multi-file cases that come on for disposition the clerks are still not (and maybe never will) highlight in some manner which file or files are the “lead dog” for purposes of that proceeding. There is no way to distinguish them without either asking the lawyer or the clerk or clicking on each file individually. I believe I spoke with Kendra about this before.

I discovered today that clicking on the “Alert” function on a particular docket does not actually show you what docket you are then in. So, there may well be “Alerts” on other dockets that do appear, but not on the docket you are actually in, because that docket # does not show on that screen.

I discovered today that “Activity” (entries made by the clerks) does not actually show what charge the D pled guilty to, at least if D has pled to the offense as charged. You have to go back to “Charges” to see that. The plea on this particular file just showed a plea to “Count 1” and not the actual charge.

Needless to say, I am still getting a huge amount of vital information that I need from either the clerk or the prosecuting attorney rather than from NYB. Nearly all of my daily tasks, both in and out of the courtroom, are much more difficult to achieve and are taking much longer to accomplish and I am falling behind in my work because of that. I don’t really expect any relief going forward but I have my reasons for documenting these problems and I will continue to do so from time to time.

Finally, I have sat with your directive to the clerks to not make copies of critical documents that I require for PTCs and VOP conferences. There can be no legitimate or objective reason to direct a clerk not to make limited and reasonable copies of critical documents for a judge where necessary. I have little doubt that this last overstep by you was made at the direction of Judge Faughnan as over the years it has been my impression that almost all of your actions here are made with his blessing and his stamp.

Thank you.

DLS

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EXHIBIT H

From: [Hon. Daniel L. Seiden](#)
To: [Jennifer Katz](#)
Subject: CODE
Date: Wednesday, June 26, 2024 5:01:05 PM

Some immediate concerns, please:

Rossow has said that she and Sophie were told by you that the interim code dates are there so that the arrainging judge can keep the file to conclusion. That is not what we discussed. The interim dates, and I am using them, are for safety/emergency appearances that can not wait until that judge's next term where that particular judge WANTS to keep the file for some particular reason (like familiarity). In other words, your basic compliance adjournment following an arraignment can and SHOULD go to another judge in the interim to keep it moving and to keep the pressure on the D to act quickly. Please clarify this with Corp. Counsel.

We finished code today at 4:15 pm. Thank goodness there were no 3:30 pm custodies. The calendar must be limited to some reasonable #, like 25 tops.

The ONE good thing about NYB is the elimination of the judge's need to take notes, in most cases. The criminal clerks do a great job with that and there is no need to replicate their efforts from the bench. I do not type well or fast. I can not ask the code clerks to read my mind and take down the necessary info to make sense of a code appearance. SO, with your permission, during code I would like to take short notes on a legal pad and have the clerks input those notes after court for each file. The notes will be very cryptic but too hard for me to type: "D ignored Order to Compel and spent \$ on siding instead. Jail time promised if porch not addressed by next date." OR "D paid contractor \$6k and work begins tomorrow." Whatever. I hope that these simple and reasonable requests will not require an act of God to accomplish or result in a harangue from your boss. Please...it is time to start thinking about the needs of the judge and not just the clerks. You have NYB. Let's get back to functionality. Thank you. DLS

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OFFICE OF THE DEPUTY CHIEF ADMINISTRATIVE JUDGE

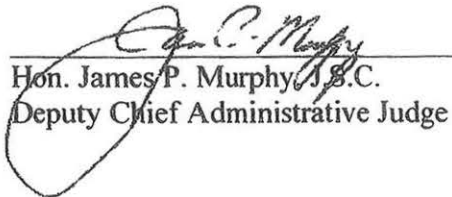
Courts Outside New York City



ADMINISTRATIVE ORDER

Pursuant to the authority vested in me, I hereby direct, effective immediately, that:

(1) all judicial matters currently pending before the Honorable Daniel Seiden, City Court Judge, Binghamton City Court, shall be reassigned to such other judge or judges as the Honorable Eugene D. Faughnan, Administrative Judge of the Sixth Judicial District, shall require; (2) no additional judicial matters of the Binghamton City Court shall be assigned to the Honorable Daniel Seiden; (3) the Honorable Daniel Seiden shall be prohibited from accessing non-public areas of the Binghamton City Court; and (4) the Honorable Daniel Seiden shall be assigned to such other court(s), in accordance with the Uniform City Court Act § 107, as the Honorable Eugene D. Faughnan shall direct. These directives shall remain in effect until further Order of the Deputy Chief Administrative Judge.


Hon. James P. Murphy, J.S.C.
Deputy Chief Administrative Judge

Dated: July 23, 2024

AO/209/2024

Order No. AO/209/2024
distributed to:

Hon. Eugene D. Faughnan, District Administrative Judge
Hon. Daniel Seiden, City Court Judge, Binghamton City Court
Porter L. Kirkwood, Esq., District Executive
Scott Murphy, Chief of Staff, Deputy Chief Administrative Judge Outside NYC



UNIFIED COURT SYSTEM
SIXTH JUDICIAL DISTRICT
THE KILMER BUILDING
31 LEWIS STREET, FIFTH FLOOR
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JOSEPH A. ZAYAS
Chief Administrative Judge

NORMAN ST. GEORGE
First Deputy Chief Administrative Judge

JAMES P. MURPHY
Deputy Chief Administrative Judge
Courts Outside New York City

EUGENE D. FAUGHNAN
District Administrative Judge

PORTER L. KIRKWOOD
District Executive

AMANDA L. WHALEN
Deputy District Executive

ASSIGNMENT ORDER SIXTH JUDICIAL DISTRICT

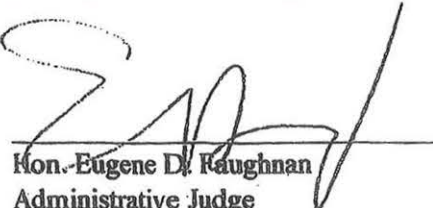
STATE OF NEW YORK

CITY COURT

CITY OF BINGHAMTON

Pursuant to Section 107 of the Uniform City Court Act and the authority designated to me, I do hereby assign the Hon. Daniel L. Seiden, Binghamton City Court, Broome County, to Cortland City Court, Cortland County, from the hours of 8:30 AM until 4:30 PM Monday through Friday on all days when court is in session. This assignment shall also include Saturdays, Sundays and court holidays in a rotating fashion with all judges of the Cortland City Court, as assigned by the Cortland City Court Chief Clerk.

Dated: July 23, 2024
Binghamton, New York


Hon. Eugene D. Faughnan
Administrative Judge
Sixth Judicial District

cc: Hon. James P. Murphy
Hon. Daniel L. Seiden, Binghamton City Court
Hon. Lawrence J. Knickerbocker, Cortland City Court
Jennifer L. B. Katz, Chief Clerk, Binghamton City Court
Diana L. Davis, Chief Clerk, Cortland City Court
Porter L. Kirkwood

EXHIBIT K

From: [Hon. James P Murphy](#)
To: [Robert H. Tembeckjian](#)
Cc: [Hon. Joseph A. Zayas](#); [Hon. Norman St. George](#); [Hon. Eugene D. Faughnan](#)
Subject: FW: Reassignment From Binghamton City Court to Cortland City Court
Date: Tuesday, October 15, 2024 11:00:55 AM
Attachments: [image001.png](#)

Good morning. I have been asked by Chief Administrative Judge Zayas to forward these latest developments to you from Judge Seiden. Consistent with our existing practice, this matter was previously sent to you following a substantiated IG Report. Thank you for your attention to this matter.

From: Hon. Daniel L. Seiden <[REDACTED]@nycourts.gov>
Sent: Tuesday, October 15, 2024 10:29 AM
To: Hon. James P Murphy <[REDACTED]@nycourts.gov>
Cc: Hon. Eugene D. Faughnan <[REDACTED]@nycourts.gov>; Hon. Joseph A. Zayas <[REDACTED]@nycourts.gov>; Wilson Chambers <[REDACTED]@nycourts.gov>
Subject: RE: Reassignment From Binghamton City Court to Cortland City Court

You all may have asked for a CJC review, but to date I have not been notified of an investigation. I may never be notified as the allegations that I am aware of are not exactly egregious. They are petty and pretextual. Even if the CJC decides to pursue this that process could take many months if not years to complete. The game that you are playing, using an administrative trick to de facto remove me from my elected position for your own nefarious purposes, is a dangerous one: trying to get in the back door what you will probably never get through the front door, all the while depriving the citizens of Binghamton of their elected official while brazenly violating several state statutes: UCCA Sec. 2104(d), UCCA Sec. 107 and , yes, Penal Law Sec. 195-Official Misconduct. You should take a hard look at these laws. They are laws. You are not above the law.

Now that you have finally committed yourself to a ridiculous and unlawful path forward I will make a judicial referral to The Attorney General and their Public Integrity Division and I will provide them with all of the many materials relating to this injustice, including the still unresolved IG complaint against Judge Faughnan. I will also affirmatively contact the CJC rather than wait for them to contact me. If I can, I will try to strike a deal with them to resolve the complaint, and it will most certainly be resolved without a removal from the bench. The Commission is a wagon that hopefully you cannot circle (though I note that Ms. Seiter's husband is a member) and I welcome their inquiry. What you cannot assure me of, however, is a return to Binghamton-ever- no matter what the CJC may or may not find. Surely you must realize that no matter how hard you try that position will not hold. Then again, the arrogance is breathtaking. If what I have done is so bad then why leave me on the bench at all? Why leave me in any courthouse where I might "reoffend" and tell someone else to "stay out of my shorts?" Why not take me off the bench now, especially as I speak truth to power? The answer is that you have nothing in your hand except administrative sleight of hand. Sickening.

You and OCA are utterly out of control and intoxicated by power and privilege. The IG is part of OCA. The Attorney General is not. It may take me some time, but I will expose this travesty and the

players involved for what they are and for their respective roles. We hear a lot these days about the Rule Of Law and whether our democratic institutions are still viable and strong. This dispute may well shed some light on the issue.

Very truly yours,

Daniel L. Seiden
City Court Judge of Binghamton

From: Lauren H. Seiter <[REDACTED]@nycourts.gov> **On Behalf Of** Hon. James P Murphy
Sent: Friday, October 11, 2024 12:37 PM
To: Hon. Daniel L. Seiden <[REDACTED]@nycourts.gov>
Cc: Hon. Norman St. George <[REDACTED]@nycourts.gov>; Hon. Joseph A. Zayas <[REDACTED]@nycourts.gov>; Hon. James P Murphy <[REDACTED]@nycourts.gov>; Wilson Chambers <[REDACTED]@nycourts.gov>; Hon. Eugene D. Faughnan <[REDACTED]@nycourts.gov>; Andria Bentley <[REDACTED]@nycourts.gov>
Subject: RE: Reassignment From Binghamton City Court to Cortland City Court

On behalf of Hon. James P. Murphy, Deputy Chief Administrative Judge for Courts outside NYC:

I received your email correspondence on October 3, 2024. As Chief Administrative Judge Zayas' Chief of Staff indicated on October 4, 2024, Judge Zayas has asked me to respond on behalf of the leadership team.

I have again reviewed the facts and circumstances of this matter (including the substantiated IG report), and I concur with Judge St. George that your reassignment to Cortland City Court was appropriate under the circumstances. Your reassignment to Cortland City Court will continue until such time as any further Administrative Order concerning your assignment is issued.

I understand that the Commission on Judicial Conduct has been asked to review this matter. Any further administrative action will remain pending until the Commission on Judicial Conduct completes its review.

Hon. James P. Murphy, J.S.C.
Deputy Chief Administrative Judge, Courts Outside NYC

Deputy Chief Administrative Judge's Office
Courts Outside New York City
187 Wolf Road, Suite 103

Albany, New York 12205
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From: Hon. Daniel L. Seiden <[REDACTED]@nycourts.gov>
Sent: Thursday, October 3, 2024 3:49:02 PM
To: Hon. Joseph A. Zayas <[REDACTED]@nycourts.gov>; Wilson Chambers
<[REDACTED]@nycourts.gov>
Cc: Hon. James P Murphy <[REDACTED]@nycourts.gov>; Hon. Eugene D. Faughnan
<[REDACTED]@nycourts.gov>
Subject: Reassignment From Binghamton City Court to Cortland City Court

As it relates to my reassignment to Cortland City Court on July 23, 2024, I inquire:

It has been suggested to me by someone whose opinion I trust that I ask the court system to provide me with appropriate counseling/education/rehabilitation to address the core findings of the Inspector General that I used inappropriate language of a sexual nature during an encounter with court clerks in April of 2023. Specifically, I was interviewed and cooperated in an investigation into whether I stated, "Stay out of my shorts" to two court clerks in asking them to stay out of my business as judge. I acknowledged making that statement, I have apologized to Judge Zayas for making it and I understand that I should have used non-offensive language to make my point. I do not want to make that mistake again. I do not want the court system or the two clerks to have concerns that I will use offensive language in the future. Although the court system has not expressly stated that this finding was the basis, or A basis, for my reassignment, it has been strongly implied that it was a basis, both by Judge Murphy and Judge St. George in respective correspondence from them or from their offices. No such services have been offered to me nor has there even been a discussion or an overture to this effect. I am the one asking. I know that the court system offers all sorts of "wellness" type services to judges for issues ranging from mental health problems to addiction, and so it seems logical to presume that this issue could likewise be addressed through counseling type services. I am more than willing to engage in such services. PLEASE RESPOND.

Soon I will be at the 90 day mark of my reassignment. I have made numerous requests of the court system to tell me when, if ever, my reassignment will end and I will be restored to my seat in

Binghamton City Court. I still have not been provided with an answer. As Judges Knickerbocker and Walsh are now fully ensconced in their new positions in Cortland (a 1.5 judge court) there no longer seems to be any real need for my services there. I remind the reader that on November 5th I will be reelected without opposition to another term as Binghamton City Court Judge and that Binghamton (a 3 judge court) deserves to have their elected judge sit in their city court, not some other city court. I also remind the reader that Section 107 of the Uniform City Court Act-specifically cited in Judge Faughnan's Administrative Order of reassignment-strongly suggests that a city court judge reassignment to an adjoining county should not exceed 90 days. As I have stated before, I believe that the refusal by the court system to communicate this basic information to me is unlawful, arbitrary, capricious and just plain cruel. Imagine, for example, if as judge you sentenced a criminal defendant to jail but did not tell him/her how long they would be there? I do not intend to bring an Article 78 proceeding to rectify this matter because I have little faith that I would prevail. Frankly, the summary denial of my Administrative Appeal (with no analysis whatsoever of my argument or my mitigation) leaves me cold. Plans are now being made in the respective courts for January of 2025 and beyond. I need to make plans for myself and for my family. I respectfully ask again: Please let me know when I may expect to be restored to my seat in Binghamton City Court. PLEASE RESPOND.

It would be a moral and legal travesty for the court system to simply leave me in Cortland, in the dark, to play a waiting game and hope that I simply retire thereby eradicating what you see as a problem. I have no intention of retiring. Only the Commission on Judicial Conduct can force the involuntary removal of a judge from office. As judges whose duty it is to fairly and impartially apply and enforce the law I would hope that the court system could do better than that. I have not been contacted by the CJC with regard to any issue related to this saga and I doubt that I will be. Surely the court system is not waiting on the CJC to deal with me? Even if I were served with papers tomorrow we all know that the CJC process would take years to reach fruition...by then, I will be retired. And, with all due respect to the clerks whom I acknowledge offending (Yes, I was wrong) I certainly do not believe that an isolated incident in an otherwise stellar and unblemished 18 year judicial career would equate to even a sanction. Then again, I have been denied access to the investigative materials that you all apparently have, so Lord only knows what they contain. Obviously I can not defend against what I cannot see. I have raised this due process issue before, to no avail.

I hope that I have your response by election day or sooner. Thank you.

Respectfully submitted,

Daniel L. Seiden
City Court Judge of Binghamton

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