

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

JOHN M. SKINNER,

DETERMINATION

a Justice of the Columbia Town Court,
Herkimer County.

THE COMMISSION:

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

APPEARANCES:

Robert H. Tembeckjian (Cathleen S. Cenci and Kathleen E. Klein, Of
Counsel) for the Commission

Honorable John M. Skinner, *pro se*

Respondent, John M. Skinner, a Justice of the Columbia Town Court,
Herkimer County, was served with a Formal Written Complaint (“Complaint”)

dated August 27, 2025 containing three charges. Charge I of the Complaint alleged from in or about November 2023 to in or about March 2024, in connection with his handling of *People v B.G.* and *People v B.G.*, respondent engaged in and considered unauthorized *ex parte* conversations with the defendants; dismissed the charges without notice to or consent of the prosecution, contrary to Sections 170.45 and 210.45 of the Criminal Procedure Law (“CPL”); summoned the complaining witness to appear before him after dismissing the case, without legal authority to do so; and failed to mechanically record the proceedings, in violation of Section 30.1 of the Rules of the Chief Judge (22 NYCRR §30.1) and Administrative Order 245/08. Charge II alleged that from in or about December 2023, to in or about January 2024, in connection with three traffic matters – *People v T.N.*, *People v B.M.* and *People v D.K.* – respondent engaged in improper *ex parte* communications and in two of the matters dismissed the charge without notice to or consent of the prosecution, as required by CPL Sections 170.45 and 210.45. Charge III alleged that notwithstanding that respondent has been a judge since 2009, and was censured by the Commission in 2018 for, *inter alia*, failing to comply with, be faithful to and maintain professional competence in the law, in testimony before the Commission on April 10, 2025, respondent demonstrated a lack of understanding of basic legal principles and the proper role of a judge. Respondent did not file a verified Answer.

By motion dated December 2, 2025, the Administrator of the Commission moved for summary determination pursuant to Sections 7000.6(b) and (c) of the Commission’s Operating Procedures and Rules and asked that the Commission render a determination that respondent engaged in judicial misconduct and should be removed from judicial office. Respondent did not submit a response to the motion. On January 29, 2026, the Commission granted the Administrator’s motion for summary determination. Thereafter, the Commission considered the record of the proceeding and made the following findings of fact.

1. Respondent became a Justice of the Columbia Town Court, Herkimer County in 2009. Respondent is not an attorney. His most recent term would have expired on December 31, 2028. The Columbia Town Supervisor forwarded to the Commission respondent’s handwritten notice of retirement dated November 13, 2025 effective December 31, 2025.¹

As to Charge I of the Formal Written Complaint

2. In 2018, respondent was censured by the Commission for failing to be faithful to the law and maintain professional competence in it, in that, *inter alia*, he: “(A) unduly delayed holding a hearing and failed to decide the defendant’s

¹ Pursuant to Judiciary Law §47, the Commission has jurisdiction to file a removal determination with the Court of Appeals “within one hundred twenty days after receipt by the chief administrator of the courts of the resignation of such judge.” This section also provides, “Any determination by the court of appeals that a judge who has resigned should be removed from office shall render such judge ineligible to hold any other judicial office.”

request for a jury trial until after he rendered judgment; (B) failed to direct his court clerk to prepare minutes of the proceeding and to file a return with the County Court pursuant to Section 1704 of the Uniform Justice Court Act; and (C) failed to mechanically record any appearances in the matter, in violation of Section 30.1 of the Rules of the Chief Judge (22 NYCRR §30.1) and Administrative Order 245/08.”

3. On or about November 14, 2023, R.G. was issued three appearance tickets under the name “B” G, directing him to appear in the Columbia Town Court on November 21, 2023, for violating Section 2010-01(5) of the Dog Licensing and Control Law for the Town of Columbia (Local Law 2010-01, Section 5). The complainant in the matter was Mr. G’s neighbor, J.T.

4. On or about December 19, 2023, Mr. G and his cousin, B.G., appeared in court. Respondent did not notify the prosecution or Mr. T of the appearance, and neither was present for the proceeding.

5. During the appearance, respondent engaged in an extensive *ex parte* discussion with Mr. G and B.G. regarding their version of the events underlying the tickets, and he viewed photographs they had brought to court. Although respondent determined that the defendant was guilty of the charge, he nevertheless dismissed it with a warning that the defendant should keep his dogs off Mr. T’s property.

6. Respondent did not notify the prosecution or Mr. T of his *sua sponte* dismissal of the charges in the *G* matter.

7. On or about December 18, 2023, Mr. T filed another dog-at-large complaint against R.G.

8. On or about December 20, 2023, Mr. G was issued two additional appearance tickets following the new dog-at-large complaint by Mr. T. These tickets directed Mr. G to appear at the Columbia Town Court on January 9, 2024, for violating Local Law 2010-01, Section 5.

9. On or about December 26, 2023, respondent reviewed the complaint form signed by Mr. T on December 18, 2023, and marked it dismissed as follows: “12/26/23...APPEARED 12/19/23...DISMISSED JMS.”

10. On or about December 31, 2023, Mr. T signed an information alleging that B.G. committed the violation of Trespass in contravention of Section 140.05 of the Penal Law. On or about January 1, 2024, Trooper Flynn filed the information in respondent’s court and asked respondent to issue a criminal summons for B.G.

11. On or about January 9, 2024, having been advised by R.G and B.G. during an *ex parte* discussion that Mr. T was illegally harvesting deer, respondent made a note on the complaint form dated December 18, 2023, as follows: “1/9/2024 DEER CARCAS [*sic*] IN NEIGHBORING YARD...T[...]

HARVESTED DEER?” and “ON HOLD...RESCH. 3/19/24.” Respondent made this note notwithstanding that Mr. T was a complaining witness against the Gs and not a defendant in respondent’s court.

12. On or about January 9, 2024, respondent orally advised Trooper Flynn that his request for a summons for B.G. was denied. Respondent then dismissed the trespass charge against B.G. and noted the court’s file: “CRIMINAL SUMMONS DENIED...JUDGE SKINNER...CASE CLOSED.”

13. In or about February 2024, Mr. T confronted respondent at a town board meeting regarding his handling of the *G* matters. At that time, respondent orally directed Mr. T to appear in court on March 5, 2024, in connection with the cases, notwithstanding that he lacked the jurisdiction or authority to do so.

14. On or about March 5, 2024, Mr. T appeared in court, as directed by respondent, who told Mr. T that he had been “invited” to court as a “courtesy,” “to listen” to respondent’s explanation of what he had done in the *G* matters.

15. During the appearance, respondent admitted to engaging in *ex parte* discussions with the *G* defendants, viewing their photographs, and dismissing the charges against them based upon those communications. When Mr. T attempted to explain that the charges involved multiple incidents and that the Gs misled respondent about the deer during their *ex parte* conversation, respondent continually interrupted him. Respondent advised Mr. T that the charges against R.

G. and B.G. had been dismissed because “They brought in pictures of deer that apparently the dogs went and ate on.” He added, “Admittedly, [the dogs] were on adjacent property-- and reputedly, that is your land. That’s my understanding of the event.” Respondent also admitted that Mr. T’s interests were unrepresented during the proceeding, stating, “That’s what occurred, nobody was here at the time that-- in your-- representing your part of it. All I did was listen to-- you have the written charges on the document. You have the written charges and I had them present in court telling what occurred.” Respondent further admonished Mr. T, “I suggest that you work in harmony with your neighbor and get along with your neighbor.”

16. Respondent testified before the Commission on April 10, 2025.

17. When asked about hearing and viewing evidence presented by unsworn defendants, respondent was unable to identify the nature of the proceeding and repeatedly referred to it as an “evaluation.”

18. When respondent was asked if he had retained the defendant’s photographs for the court’s file, he indicated the photographs he had relied upon in dismissing the charges were not retained.

19. When respondent was asked if he had dismissed the dog-at-large case against R.G., he at first indicated, “No. I give them -- I don’t think that’s dismissing. That’s giving them a specific instruction by virtue of what occurred.”

When respondent was shown where he noted the file with the word “dismissed,” he testified, “It was dismissed with the instructions to keep the dog at home.”

20. Respondent testified that he did not know what his statutory authority was for dismissing the dog-at-large charges and that he dismissed them notwithstanding that the defendants had done something “inappropriate” in permitting their dogs to run loose on Mr. T’s property.

21. Respondent testified that he sees nothing wrong with how he handled the case of *People v B.G.*, stating, “No. I clearly indicated that there is definite complaint, and they clearly indicated why the dog was on the property.”

22. Respondent failed to mechanically record any of the proceedings involving R.G. and B.G., as required by Section 30.1 of the Rules of the Chief Judge (22 NYCRR §30.1) and Administrative Order 245/08.²

As to Charge II of the Formal Written Complaint

23. In 2018, respondent was censured by the Commission, *inter alia*, for failing to be faithful to the law and maintaining professional competence in it.

People v T.N.

24. On or about December 26, 2023, respondent presided over *People v T.N.*, in which the defendant was charged with speeding at 75 MPH in a 55-MPH zone, in violation of Vehicle and Traffic Law (“VTL”) §1180-b.

² Respondent did record the March 5, 2024, appearance of Mr. T.

25. During the appearance, and outside the presence of the prosecution, respondent permitted the defendant to address the court regarding the facts and circumstances underlying the charge against him. The defendant stated he had no points on his license, worked for a medical device company which provided aortic grafts, and was speeding because he was delivering equipment to a hospital under emergency circumstances.

26. Based at least in part upon the defendant's physical appearance and unsworn representations, respondent dismissed the speeding charge, without notice to or consent of the prosecution. Respondent later explained to his clerk that the defendant was "dressed very professionally," and "It was nice of him to come-- You know, coming the day after Christmas, and taking care of it." He added, "and I guess I believed him. He was actually doing what he said."

People v B.M.

27. On or about January 30, 2024, respondent presided over *People v B.M.*, in which the defendant was charged with moving from a lane unsafely, in violation of VTL §1128(a).

28. During the appearance, and outside the presence of the prosecution, respondent solicited and received *ex parte* information from the defendant regarding the circumstances underlying the charge against him. Respondent repeatedly asked questions of the defendant and permitted him to disclose that,

while on his way to work, he had been seriously injured in a motor vehicle accident associated with the ticket. The defendant further advised that he had not been speeding and that his driving record was “good.” The defendant asserted that he was head of security at [REDACTED] in Oneonta, he had been previously employed as a sheriff’s deputy in Massachusetts, his brother was Chief of Probation in Worcester, Massachusetts, and his nephew was Chief of Police in Montcalm, New Hampshire.

29. Based at least in part upon the defendant’s unsworn representations, respondent *sua sponte* dismissed the charge, without notice to or consent of the prosecution.

People v D.K.

30. On or about January 30, 2024, respondent presided over *People v D.K.*, in which the defendant was issued a ticket for using a mobile telephone to engage in a call while such vehicle is in motion, in violation of VTL §1225-c(2)(a).

31. The defendant, who spoke primarily Ukrainian and only limited English, appeared without an attorney, but with an unidentified man who offered to translate for her. Without an official interpreter or the prosecution present, respondent spoke to the defendant through the unidentified man, who did not speak Ukrainian himself, but stated that he was able to translate because he spoke

Russian. At one point, respondent explained to the defendant, “I’m half Ukrainian, so I understand some stuff.”

32. Before asking the defendant how she pled to the charge, respondent engaged in an *ex parte* conversation with the defendant and attempted to solicit an explanation of the circumstances of her cell phone use on the day in question. Respondent stated, “The court understands that you were on the phone with your doctor” and asked, “What hospital was the doctor from?” and “the purpose of the call again, was?” The defendant declined to elaborate on the substance of the conversation with her doctor and opted to plead guilty to the charge to avoid having to return to court. Respondent accepted the defendant’s guilty plea and assessed a fine.

As to Charge III of the Formal Written Complaint

33. Notwithstanding that respondent has been a judge since 2009, and was censured by the Commission in 2018 for, *inter alia*, failing to respect, comply with, be faithful to and maintain professional competence in the law, in testimony before the Commission on April 10, 2025, respondent demonstrated a lack of understanding of basic legal principles and the proper role of a judge, as follows:

- A. When asked who handles the prosecution of traffic tickets in his court, respondent asked “[w]hat is defined as the prosecution of traffic tickets?” When asked who “prosecutes” traffic tickets, he testified, “Me. I prosecute them.”

- B. Notwithstanding the requirement that all town and village court proceedings be mechanically recorded,³ respondent disputed the necessity of doing so because he takes notes that he believes are “intricately detailed” and “indicate exactly what occurred” during appearances.
- C. When asked about his failure to provide audio recordings requested by the Commission, respondent testified that he cannot tell whether the recording device is working and that he requires additional training.
- D. Respondent did not appear to know the statutory requirement that dismissal of a criminal charge must be in writing and on notice to the prosecution. When asked whether a judge should be faithful to a statutory requirement, respondent said, “I think that the Judge is faithful to the wellbeing and harmony within the community.”
- E. Respondent testified that he is able to judge the credibility of litigants based upon their physical appearance and the “thousand cases” he has handled.
- F. Respondent failed to understand the impropriety of questioning a defendant about the facts of a case without a defense attorney or prosecutor present, and he failed to grasp the distinction between an admission of guilt by the defendant during colloquy and a guilty plea.
- G. Respondent testified that if something is written on a traffic ticket by a law enforcement officer, “[t]hat makes it a fact.” When asked if the facts of a case have to be proven in court, Respondent said he relies on information written by law enforcement officers on traffic tickets.

Upon the foregoing findings of fact, the Commission concludes as a matter of law that respondent violated Sections 100.1, 100.2(A), 100.3(B)(1),

³ Section 30.1 of the Rules of the Chief Judge (22 NYCRR §30.1) and Administrative Order 245/08.

100.3(B)(4) and 100.3(B)(6) of the Rules Governing Judicial Conduct (“Rules”) and should be disciplined for cause, pursuant to Article VI, Section 22, subdivision a, of the New York State Constitution and Section 44, subdivision 1, of the Judiciary Law. Charges I through III of the Formal Written Complaint are sustained and respondent’s misconduct is established.

The Rules require judges to maintain high standards of conduct and to “act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.” (Rules, §§100.1, 100.2(A)) Judges are required to “be faithful to the law and maintain professional competence in it.” (Rules §100.3(B)(1)) The Rules, with limited exceptions not applicable here, prohibit judges from initiating, permitting or considering *ex parte* communications about a pending matter and require judges to “accord to every person who has a legal interest in a proceeding . . . the right to be heard according to law.” (Rules, §100.3(B)(6)) Respondent violated these Rules when he engaged in improper *ex parte* communications, dismissed charges without the required notice to or consent of the prosecution, failed to record the *G* proceeding as required, summoned a complainant to court without authority to do so after the matter was dismissed and failed to maintain professional competence in the law.

Respondent had *ex parte* discussions with defendants in four matters and, based on the information he obtained during those improper conversations, he

dismissed the charges in three matters. In one matter, respondent engaged the defendant, who spoke limited English, in *ex parte* communications and then accepted her guilty plea without an official court interpreter present. It is well-settled that judges are prohibited from engaging in such *ex parte* communications regarding a pending matter. *See, Matter of Bishop*, 2010 Ann Rep of NY Commn on Jud Conduct at 104 (judge initiated *ex parte* communication and used information obtained to issue an order of eviction); *Matter of Marshall*, 2008 Ann Rep of NY Commn on Jud Conduct at 161, 165 (dismissing cases based on “unsubstantiated information” received during *ex parte* conversations “violates fundamental legal principles.”) *aff’d*, 8 NY3d 741 (2007) By his conduct, respondent undermined public confidence in the integrity and impartiality of the judiciary.

In further violation of his ethical responsibilities, respondent failed to be faithful to the law when he failed to comply with Sections 170.45 and 210.45 of the Criminal Procedure Law by dismissing three matters without providing the prosecution notice and opportunity to be heard. *Matter of Arndt*, 2023 Ann Rep of NY Commn on Jud Conduct at 72, 89 (“Respondent failed to comply with the Criminal Procedure Law by taking actions without affording the prosecution the required notice and opportunity to be heard.”); *Matter of Ballagh*, 2008 Ann Rep of NY Commn on Jud Conduct at 85, 87 (“It was improper for respondent to

dismiss two charges against a defendant and reduce a third charge based on *ex parte* discussions with the Army recruiter and without notice to or the consent of the District Attorney's office.”).

Respondent also failed to maintain professional competence in the law. For example, in the *G* matter, after the matter was dismissed, he summoned the complainant to appear in court without any jurisdiction to do so. *See, Matter of Gori*, 2006 Ann Rep of NY Commn on Jud Conduct at 168, 169 (“Any time a judge makes a ‘request,’ it is likely to be interpreted as mandatory, and respondent had no legitimate reason to investigate the license of an individual who was not the subject of any pending or impending matter or otherwise within the court’s jurisdiction.”)

In additional misconduct, respondent failed to mechanically record the *G* proceeding as required. *See, Matter of Olcott*, 2024 Ann Rep of NY Commn on Jud Conduct at 155, 163 (judge “failed to maintain competence in judicial administration when he failed to comply with Section 30.1 of the Rules of the Chief Judge and Administrative Order 245/08 by not mechanically recording Vehicle and Traffic proceedings. . .”).

Regarding the appropriate sanction, respondent’s prior censure in 2018 is an aggravating factor. *See, Matter of Lamson*, 2013 Ann Rep of NY Commn on Jud Conduct at 235, 244; *Matter of Rater*, 69 NY2d 208, 209 (1987).

“[T]he purpose of judicial disciplinary proceedings is ‘not punishment but the imposition of sanctions where necessary to safeguard the Bench from unfit incumbents’.” *Matter of Reeves*, 63 NY2d 105, 111 (1984) (citation omitted) In *Matter of Miller*, 35 NY3d 484, 490 (2020) (citation omitted), in determining that removal was the appropriate sanction, the Court of Appeals held that “[a] judge’s behavior must be considered ‘in the aggregate.’” Here, respondent repeatedly engaged in *ex parte* conversations and then dismissed matters based on information obtained during those improper discussions. He failed to maintain professional competence in the law when he, *inter alia*, dismissed matters without the requisite notice to or consent of the prosecution. Without any authority to do so, he summoned a complainant to appear in court after the matter was dismissed and he failed to mechanically record a proceeding in the *G* matter. Respondent’s array of misconduct, particularly in light of his prior censure, demonstrates that he is unfit for judicial office and warrants his removal to prevent his return to the bench.

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

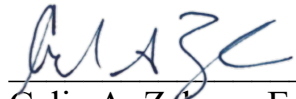
This determination is rendered pursuant to Judiciary Law §47.

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

CERTIFICATION

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

Dated: February 17, 2026



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