

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

In the Matter of the Proceeding
Pursuant to Section 44, subdivision 4,
of the Judiciary Law in Relation to

K. FELICIA PITTS-DAVIS,

a Judge of the Syracuse City Court,
Onondaga County.

**AGREED
STATEMENT OF FACTS**

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 K. Felicia Pitts-Davis (“Respondent”), who is represented in this proceeding by Robert F. Julian, that further proceedings are waived and that the Commission shall make its determination upon the following facts and exhibit, which shall constitute the entire record in lieu of a hearing.

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

2. Respondent was served with a Formal Written Complaint dated July 17, 2025. She enters into this Agreed Statement of Facts in lieu of filing an Answer.

As to Charge I

3. Respondent created an appearance of impropriety and bias against same-sex couples in November 2024 in that, on the day before it was scheduled to occur, she asked court staff to reschedule the marriage of a same-sex couple at the Syracuse City Courthouse to a different day, so that she would not have to officiate, notwithstanding that she officiated the marriage of an opposite-sex couple scheduled for the same day.

As to the Specifications to Charge I

Background

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

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

6. Notwithstanding having officiated over same-sex marriages in June and August 2024, in November of that year, Respondent was engaged in what for

her was a profound re-evaluation of her religious beliefs on the propriety of same-sex marriages. While the national governing body of her church was opposed to same-sex marriages, her local church had not taken a formal position on the matter. Respondent spent considerable time studying the bible and interpretive literature on the subject of same-sex marriage before coming to the conclusion that, as a matter of religious principle, it should not be sanctioned.

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

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

9. Respondent avers, and the Administrator accepts, that pursuant to 22 NYCRR 100.3(A), which directs that a judge's judicial duties take precedence over all her other activities, Respondent would in the future solemnize a same-sex marriage on the court's calendar if she were on duty and there were no other judges available to do so – as she did in the afore-mentioned same-sex marriages

she solemnized in June and August 2024. Respondent avers that in such a situation, she would prioritize her judicial obligations over her personal beliefs, because she believes it would be unfair to a couple to postpone their marriage simply because no other judge was available to officiate. Respondent acknowledges and regrets she did not do so with regard to the November 2024 same-sex marriage that was on the court's calendar.

The Events of November 15 and 16, 2024

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

11. On the same day, Respondent exchanged text messages with a court clerk about the docket for the following day, Saturday, November 16, 2024, over which Respondent was scheduled to preside. The entirety of the text message exchange is appended as Exhibit A.

¹ Respondent's brother passed away two days later.

12. Upon learning she was scheduled to preside over a recognizance hearing and two marriages the following morning, Respondent asked the clerk if either marriage involved a “same sex” couple. When the clerk replied that one of them might, Respondent said, “based upon my religious beliefs, I would be prohibited from doing same-sex marriages.” Respondent added that:

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

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

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

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

15. The clerk communicated Respondent’s rescheduling directive to the court employee that schedules marriages, then advised Respondent that the same-sex couple’s marriage was rescheduled to December 7, 2024. Respondent replied, “Ok thx.”

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

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

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

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

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

The Applicable Advisory Opinion and Other Pertinent Authorities

21. The operative opinion of the Advisory Committee on Judicial Ethics – Opinion 11-87 – states in pertinent part that since officiating over marriages is discretionary, a judge may opt (A) to officiate over *only* the marriages of family and close friends, or (B) to perform no marriages at all. The committee was also asked to determine whether a judge may “ethically refuse to conduct same sex marriages,” refuse to conduct same-sex marriages while “continu[ing] to perform male/female marriages,” and/or “refuse to conduct same sex marriages if [the inquiring judge would] provide the contact information of others . . . who are willing to conduct same sex marriages.” The committee declined to opine on

those questions, stating that they “raise serious legal issues relating to statutory and constitutional interpretation, questions which are both unsettled and highly controversial. The Committee is not empowered to answer such questions.”

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

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

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

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

24. In other states where a judge’s obligations regarding same-sex marriages have been raised, the results have differed. Two years after *Obergefell*, the Wyoming Supreme Court censured a judge for declining on religious grounds to perform same-sex marriages, stating *inter alia* that a judge “must either commit

to performing marriages regardless of the couple’s sexual orientation, or cease performing all marriage ceremonies.” *In re Neely*, 390 P3d 728, 753 (Wyo 2017). However, in October 2025, the Texas Supreme Court added this comment to the Texas Code of Judicial Conduct: “It is not a violation of these canons for a judge to publicly refrain from performing a wedding ceremony based upon a sincerely held religious belief.” *See Umphress v Steel*, __ SW3d __, 2026 WL 73870 (Tex 2026). To date, this issue has not been litigated in New York courts.

25. 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 she 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 she exhibited bias or prejudice against persons based upon sexual orientation, in violation of Section 100.3(B)(4) of the Rules.

Additional Factors

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

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

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

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

30. On reflection, Respondent now appreciates that the better course of conduct on November 15, 2024, would have been for her either to (A) officiate the marriage as she had done when previous same-sex marriages had been scheduled, she was on duty, and she was advised that no other judge was available, or (B)

make arrangements for another judge to take her place, which in fact is what happened when a court clerk apprised Judge Doherty, who made herself available to officiate in the courtroom on a Saturday.

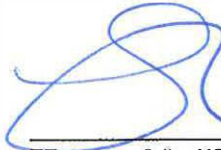
31. Respondent avers that, to avoid even the appearance of bias in the future, she will henceforth perform no marriage ceremonies, regardless of the status of the couple, and she will ask court staff not to put any marriages on her individual calendar. Respondent also avers, as noted above, that were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

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

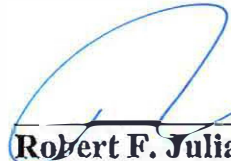
Agreed Statement. If the Commission rejects this Agreed Statement of Facts, the matter shall proceed to a hearing and the statements made herein shall not be used by the Commission, Respondent or the Administrator and Counsel to the Commission.

Dated: Feb 20, 2026



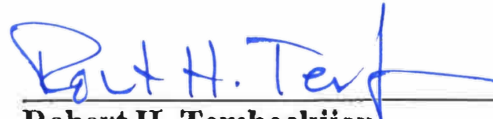
Honorable K. Felicia Pitts-Davis
Respondent

Dated: Feb 20, 2026



Robert F. Julian
Attorney for Respondent

Dated: February 23, 2026



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

12:44

5G 54

EXHIBIT A



Felicia >

Hi Judge. I just wanted to let you know that I am working with you tomorrow. We have a Recog Hearing at 9:00 and two weddings at 9:15. See you tomorrow 😊

1:34 PM

Thanks so much. Are any of the weddings same sex?

1:35 PM

Let me check

1:35 PM

By the looks of the names one of them may be. We are not 100% sure.

1:38 PM

OK because based upon my religious beliefs, I would be prohibited from doing same-sex marriages. And would not want any of them to be scheduled until I can get an opinion from the ethics committee. I

1:43 PM



iMessage





Felicia >

If possible, I would like for this conversation to stay between us until I have an official opinion, but would like to have any such weddings reschedule so that individuals can be accommodated by a different judge

1:45 PM

Ok. No problem. I won't say a word. Just to be clear, you'd like me to have the clerk that schedules the weddings, to reschedule the one that we think is a same sex marriage tomorrow, right?

1:48 PM

Yes, please. And if there's any confusion, then they can just reschedule both to next Saturday

1:48 PM

Ok. Got it

1:49 PM



iMessage



12:45

5G 54



Felicia >

Ok. Got it

1:49 PM

Thanks a bunch

1:52 PM

You're welcome

1:53 PM

There was one same sex couple. The clerk called them and left a message that it was rescheduled to December 7.

2:11 PM

Ok thx

2:13 PM

You're welcome

2:13 PM