



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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CONFIDENTIAL

July 12, 2024

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Lisa LeCours, Esq.
Chief Clerk and Legal Counsel to the Court
Clerk's Office
New York State Court of Appeals
20 Eagle Street
Albany, New York 12207-1095

*Re: Matter of Hon. Julie M. Kuck, Justice of the
Lindley Town Court, Steuben County*

Dear Ms. LeCours:

Thank you for your letter of July 11, 2024, regarding the Court's suspension of Lindley Town Court Justice Julie M. Kuck (Steuben County), pursuant to Article VI, Section 22, subdivision f, of the New York State Constitution, and Section 44, subdivision 8, of the Judiciary Law, following her having been charged with a felony. Please accept these comments on whether the suspension should be continued.

Judge Kuck was arrested on June 14, 2024, and charged in the Town of Erwin (Steuben County) with violating Section 1192, subdivision 2AB of the Vehicle and Traffic Law, for "Aggravated DWI – Child in the Car." As of today's date, the charge against her is pending.

The Commission renders no comment on the merits of the criminal charge against Judge Kuck and recognizes that she, as any defendant, is entitled to the presumption of innocence with respect to those charges. At

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the same time, the Commission believes that public confidence in the integrity of the judiciary, the courts and the administration of justice would be undermined were Judge Kuck to exercise the powers of judicial office in one court while contemporaneously defending against serious charges pending against her in another court.

The Commission therefore recommends that, consistent with the Court's precedents, and as authorized by the Constitution and the Judiciary Law, Judge Kuck remain suspended from exercising the powers of judicial office, with pay, until the criminal charges against her are resolved. The Commission also recommends that, should Judge Kuck plead guilty to or be found guilty of the felony charge, the Court continue her suspension without pay, on its own motion without further submissions, pending her mandated removal from office pursuant to Article VI, Section 22(f) of the Constitution.

The Commission notes that, while the filing of felony charges against a judge or justice in this state is rare, it has been the Court's general practice in such cases to suspend the defendant from judicial office, with pay, while the charges are pending, in recognition of the presumption of innocence. *See Matter of Soules*, 40 NY3d 937 (2023) (judge charged in NY with drug-related felonies); *Matter of Ash*, 34 NY3d 941 (2019) (judge charged in SDNY on obstruction charges); *Matter of Cicale*, 31 NY3d 996 (2018) (judge charged in NY with attempted burglary); *Matter of Winchester*, 29 NY3d 1044 (2017) (judge charged in SDNY on false-statement-to-lender and obstruction charges); *Matter of Barto*, 23 NY3d 1032 (2014) (judge charged in NY with, *inter alia*, larceny and falsifying business records); *Matter of Apple*, 19 NY3d 1045 (2012) (judge charged in NY with felony DWI); *Matter of Anderson*, 11 NY3d 894 (2008) (judge charged in NY with felony campaign-finance charges).

Following a guilty plea or criminal conviction, the presumption of innocence no longer applies, and the Commission believes that public confidence in the integrity of the judiciary, the courts and the administration of justice would be undermined were a judge to exercise the powers of judicial office and/or continue to receive a publicly-funded salary after conviction on a serious charge. In the past, this Court has implemented suspensions without pay from the time a judge pleaded guilty or was

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convicted of a felony or crime of moral turpitude until such time as the judge resigned or was removed from office. *See Matter of Ash*, 37 NY3d 1153 (2022); *Matter of Cicale*, 34 NY3d 940 (2019); *Matter of Seedorf*, 34 NY3d 1023 (2019); *Matter of Winchester*, 29 NY3d 1121 (2017).

The Commission respectfully recommends that the foregoing practice be followed here.

Very truly yours,



Robert H. Tembeckjian

cc: Hon. Julie M. Kuck
Judges of the Court of Appeals (via Ms. LeCours)
Hon. Joseph A. Zayas, Chief Administrative Judge