



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

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Acting Supreme Court Justice in Erie County Should be Censured for Engaging in a Street Brawl and for a Conflict of Interest

The New York State Commission on Judicial Conduct has determined that Mark J. Grisanti, a Judge of the Court of Claims and an Acting Justice of the Supreme Court, Erie County, should be censured for engaging in a street brawl with his neighbors, and for participating in cases involving an attorney with whom he had an ongoing financial relationship.

The Commission's Administrator had recommended that Judge Grisanti be removed from office. Six Commission members voted for censure, and four voted to remove the judge.

June 2020 Altercation

On June 22, 2020, Judge Grisanti instigated a verbal and physical altercation with a neighbor and his wife over a parking spot. Upon seeing the neighbors' car parked near his own driveway, Judge Grisanti called 911. Before Buffalo police officers arrived, both Judge Grisanti and his wife confronted and yelled profanities at the neighbors, who responded in kind. During their confrontation, the parties came into rough physical contact with one another.

Upon arriving at the scene, two police officers captured the ensuing events on body cameras. After one officer grabbed Mrs. Grisanti and brought her to the ground attempting to handcuff her, Judge Grisanti shoved him and yelled, “you arrest my f***** wife...you’re going to be sorry,” and “my son...and my daughter are...both police officers.” Judge Grisanti himself was handcuffed and placed in a police car at the scene and continued to drop the names of high-ranking police officials and the Mayor of Buffalo.

Participating in Matters Involving a Lawyer Who Owed Him Money

On becoming a full-time judge in May 2015, Judge Grisanti sold his law practice for \$50,000 to Peter J. Pecoraro and Matthew A. Lazroe, who put \$15,000 down and began making monthly payments of \$730 to satisfy the balance. Nevertheless, Judge Grisanti took judicial action in eight cases involving Mr. Lazroe, either during the time he was receiving the installment payments, or in the two-year period following the last payment. Among other things, Judge Grisanti awarded remunerative case assignments to Mr. Lazroe, did not disclose their relationship on the record of those cases, and failed to report the income earned from the sale on his 2015 Financial Disclosure Statement.

In censuring Judge Grisanti, the Commission stated that:

Although we consider [Judge Grisanti’s] misconduct on June 22, 2020 to be very serious and he displayed especially poor judgment that day, we do not find that removal from judicial office is warranted for this single incident particularly since it occurred in the context of a long-standing dispute between the entire neighborhood and the [neighbors], and involved a legitimate concern by respondent for the physical well-being of his wife as she was being taken to the ground by a police officer.

The Commission also considered several mitigating factors, including that the judge has been attending counseling since the incident.

Status on the Court of Claims and as Acting Supreme Court Justice

Judge Grisanti has been a Judge of the Court of Claims and an Acting Justice of the Supreme Court since 2015. Although his term expired on July 31, 2023, he has been serving as a “holdover” pursuant to Section 2(4) of the Court of Claims Act.

Pursuant to [Section 121.5 of the Rules of the Chief Administrative Judge](#), absent “exceptional circumstances,” a judge may not serve as an Acting Supreme Court Justice for a period of two years after being admonished or censured by the Commission.

Statement by Commission Administrator

Commission Administrator Robert H. Tembeckjian made the following statement.

“Public confidence in the judiciary is seriously damaged when, among other things, a judge engages in a street brawl, shoves an officer and is handcuffed, and makes remunerative appointments and otherwise handles cases involving a lawyer who owes him money. While a bare majority of Commission members disagreed with my recommendation that Judge Grisanti should be removed from office, they made clear that egregious wrongdoing such as his will result in stern public discipline.

“I hope Judge Grisanti appreciates how close he came to being removed, and that his future conduct will exemplify the integrity and dignity required of his high office.”

The Commission Proceedings

Judge Grisanti was served with a Formal Written Complaint dated August 30, 2021, containing three charges, and filed an Answer dated November 17, 2021.

The Commission designated William T. Easton, Esq., as referee to hear and report proposed findings of fact and conclusions of law. A hearing was held on June 13-15, 21, 27-28, 2022 and July 6, 7 and 11, 2022 in Buffalo. The referee filed a report dated May 24, 2023.

The Administrator recommended that the referee’s report be confirmed, that two additional findings be made, and that Judge Grisanti be removed from office. The judge recommended that the referee’s report be confirmed with two exceptions and that a sanction no greater than censure be imposed. On September 7, 2023, the Commission heard oral argument.

The Commission Determination

The Commission filed a determination dated April 22, 2024, in which six members concurred: Taa Grays, Esq., (the Commission’s Vice Chair), Hon.

Fernando M. Camacho, Judge Robert J. Miller, Marvin Ray Raskin, Esq., Graham B. Seiter, Esq., and Judge Anil C. Singh.

Joseph W. Belluck, Esq. (the Commission's Chair), Judge John A. Falk, Nina M. Moore, Ph.D., and Akosua Garcia Yeboah dissented and voted that removal was appropriate. Mr. Belluck filed a dissenting opinion. Dr. Moore filed a dissenting opinion which Ms. Yeboah joined.

One member, Brian C. Doyle, Esq., did not participate, having been appointed to the Commission after this case was heard. Mr. Doyle succeeded Ronald Rosenberg, who passed away after the parties presented arguments to the Commission as to the appropriate sanction but before the Commission's determination was rendered.

Court of Appeals Review

The Commission transmitted its determination to the Chief Judge of the Court of Appeals, pursuant to Judiciary Law Section 44, subdivision 7. Judge Grisanti received it on April 26, 2024, and the Commission was subsequently notified by the Court of Appeals that service was complete. Consequently, the matter is now public.

A judge may either accept the Commission's determination or, within 30 days from receipt, make a written request to the Chief Judge for a review of the determination by the Court of Appeals. There is no provision in law for the Commission's Administrator to request review, or for the Court of Appeals to initiate review on its own motion.

Pursuant to Judiciary Law Section 44, subdivision 7, if Judge Grisanti does not request review by the Court of Appeals, the Commission will censure him in accordance with the determination.

If a Commission determination is reviewed by the Court of Appeals on request of the disciplined judge, the Court may accept the determined sanction, impose a different sanction including admonition, censure or removal, or impose no sanction.

Statistics Relating to Prior Determinations

Since 1978, the Commission has issued 351 determinations of censure against judges in New York State. The Commission has issued 182 determinations of removal 283 determinations of admonition.

The Court of Appeals has reviewed 102 Commission determinations. The Court accepted the Commission's sanctions in 86 cases (77 of which were removals, six were censures and three were admonitions). Of the remaining 16 cases, two sanctions were increased from censure to removal, and 13 were reduced: nine removal determinations were modified to censure, one removal was modified to admonition, two censures were modified to admonition, and one censure was rejected and the charges dismissed. The Court remitted one matter to the Commission for further proceedings.

Counsel

Judge Grisanti was represented by Terrence M. Connors and Vincent E. Doyle, III of Connors, LLP, 1000 Liberty Building, 424 Main Street, Buffalo, New York 14202, (716) 852-5533.

The Commission was represented by Deputy Administrator John J. Postel, Senior Attorney David M. Duguay and Senior Investigator Vanessa Mangan.

Background Information on Judge Grisanti

First Took Office:	2015
Current Term Expired:	July 31, 2023 ¹
Year Admitted to NYS Bar:	1993

Members of the Commission

The Commission members serve four-year terms. A list of members is appended.

The Public File

The determination and other records are available on the Commission's website: www.cjc.ny.gov.

¹ Although his term expired on July 31, 2023, he has been serving as a "holdover" pursuant to Section 2(4) of the Court of Claims Act.

MEMBERS OF THE STATE COMMISSION ON JUDICIAL CONDUCT

Member	Appointing Authority	Term End
Joseph W. Belluck, Esq., Chair	Governor Kathy Hochul	March 31, 2028
Taa Grays, Esq., Vice Chair	Senate President Pro Tem Andrea Stewart-Cousins	March 31, 2027
Hon. Fernando M. Camacho	Chief Judge Rowan Wilson	March 31, 2028
Brian C. Doyle, Esq.	Senate Minority Leader Robert G. Ort	March 31, 2028
Hon. John A. Falk	Former Chief Judge Janet DiFiore	March 31, 2025
Hon. Robert J. Miller	Governor Kathy Hochul	March 31, 2026
Nina M. Moore, Ph.D.	Governor Kathy Hochul	March 31, 2027
Marvin Ray Raskin, Esq.	Assembly Speaker Carl E. Heastie	March 31, 2026
Graham B. Seiter, Esq.	Assembly Minority Leader William A. Barclay	March 31, 2025
Hon. Anil C. Singh	Chief Judge Rowan Wilson	March 31, 2026
Akosua Garcia Yeboah	Former Governor Andrew M. Cuomo	March 31, 2025