

STATE OF NEW YORK  
COMMISSION ON JUDICIAL CONDUCT

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

WILLIAM H. FUTRELL,

**DETERMINATION**

a Justice of the Montezuma Town Court,  
Cayuga County.

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THE COMMISSION:

Joseph W. Belluck, Esq., Chair  
Taa Grays, Esq., Vice Chair  
Honorable Fernando M. Camacho  
Brian C. Doyle, Esq.  
Honorable John A. Falk  
Honorable Robert J. Miller  
Nina M. Moore  
Marvin Ray Raskin, Esq.  
Graham B. Seiter, Esq.  
Honorable Anil C. Singh  
Akosua Garcia Yeboah

APPEARANCES:

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

Hon. William H. Futrell, *pro se*

Respondent, William H. Futrell, a Justice of the Montezuma Town Court,

Cayuga County, was served with a Formal Written Complaint (“Complaint”) dated May 15, 2023 containing two charges. Charge I of the Complaint alleged that in or about April 2022, respondent posted Nazi imagery to his Facebook page. Charge II alleged that in or about 2022, respondent’s “Facebook page displayed “Likes” of other Facebook pages that depicted images of scantily clad and/or partially naked women, many of whom were in sexually suggestive poses, and that included content that demeaned or sexually objectified women.” Respondent did not file an Answer.

By motion dated September 20, 2023, 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. Respondent did not submit a response to the Commission. By decision and order dated October 12, 2023, the Commission granted the Administrator’s motion and determined that the factual allegations of the Complaint were sustained and that respondent’s misconduct was established.

By letter dated October 12, 2023, the Commission set a schedule for briefs and oral argument on the issue of sanction. On November 2, 2023, the Administrator submitted a memorandum which argued for respondent’s removal. The Administrator waived oral argument unless respondent was to appear. Respondent did not make a submission on the issue of sanction, did not respond to

the Administrator’s sanction memorandum, and did not appear for oral argument. Thereafter the Commission considered the record of the proceeding and made the following findings of fact.

1. Respondent is not an attorney. He has been a Justice of the Montezuma Town Court, Cayuga County, since 2020. His current term was set to expire on December 31, 2023. On February 28, 2023, respondent sent an email to the Town of Montezuma Supervisor in which he resigned his judicial office effective that same day.<sup>1</sup>

As to Charge I of the Formal Written Complaint

2. Facebook is an internet social networking website and platform that *inter alia* allows users to post and share content on their own Facebook pages, and to “like” content posted by other users. Facebook users are responsible for managing the privacy settings associated with their accounts. At the option of the account holder, the content of one’s Facebook page – including photographs, textual posts, and “Likes” – may be viewable online by the general public or restricted to one’s Facebook “Friends.”

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<sup>1</sup> It does not appear that respondent submitted a resignation to the Chief Administrator of the Courts, the method for resignation for justices of the unified court system specified in Public Officers Law, Section 31(1)(d), NY CLS Pub O §31(1)(d).

3. In or around April 2022, respondent maintained a Facebook account with approximately 500 Facebook “Friends.” Respondent’s profile listed his name as Bill Futrell.

4. In or around April 2022, respondent posted on his Facebook page an image of a human skull that appeared identical to the Nazi SS/Totenkopf forces insignia utilized during World War II. The letters “*FF*” (“Futrell Firearms”) were emblazoned above the eye sockets of the skull in a style simulating the appearance of the “*SS*” abbreviation of the Nazi Schutzstaffel. Respondent made this image his profile picture. The profile also falsely indicates that respondent “Works at NYS Unified Court System.”

5. In or around July 2022, respondent posted on his Facebook page a meme of Facebook Co-Founder and CEO Mark Zuckerberg dressed in Nazi military garb, including a Totenkopf medal and Schutzstaffel insignia. The meme appeared on respondent’s Facebook page in two forms: on its own and framed with the words, “EXPOSING FRIENDS TO EXTREMIST CONTENT.”

As to Charge II of the Formal Written Complaint

6. In or about 2022, respondent’s Facebook “Likes” page displayed a “Like” for a Facebook page entitled “Only Men Lovers.” That Facebook page consisted of numerous photographs of scantily clad women in sexually provocative and explicit poses.

7. In or about 2022, respondent's Facebook "Likes" page displayed a "Like" for a Facebook page entitled "Psychopathic +21." That Facebook page consisted of numerous photographs of scantily clad and/or partially naked women in sexually provocative poses.

8. In or about 2022, respondent's Facebook "Likes" page displayed a "Like" for a Facebook page entitled "Dirty Biker Trash." That Facebook page consisted of numerous photographs of scantily clad women in sexually provocative poses.

9. In or about 2022, respondent's Facebook "Likes" page displayed a "Like" for a Facebook page entitled "Porngirls." That Facebook page consisted of numerous photographs of scantily clad women in sexually provocative poses.

Upon the foregoing findings of fact, the Commission concludes as a matter of law that respondent violated Sections 100.1, 100.2(A) and 100.4(A)(2) 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 and II 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)) The Rules also prohibit judges from engaging in extra-judicial activities which “detract from the dignity of judicial office.” (Rules §100.4(A)(2)) Respondent clearly violated these Rules when he posted Nazi imagery on his Facebook page and publicly displayed “Likes” of Facebook pages that denigrated and objectified women.

“Any conduct, on or off the Bench, inconsistent with proper judicial demeanor subjects the judiciary as a whole to disrespect and impairs the usefulness of the individual Judge to carry out his or her constitutionally mandated function . . . .” *Matter of Kuehnel*, 49 NY2d 465, 469 (1980) (citation omitted); *Matter of Senzer*, 35 NY3d 216, 220 (2020) (“[b]ecause judges carry the esteemed office with them wherever they go, they must always consider how members of the public . . . will perceive their actions and statements . . . .” (citation omitted)); *Matter of Lonschein*, 50 NY2d 569, 572 (1980) (“[m]embers of the judiciary should be acutely aware that any action they take, whether on or off the bench, must be measured against exacting standards of scrutiny to the end that public perception of the integrity of the judiciary will be preserved.” (citation omitted)). Respondent’s posts of Nazi imagery are shocking and unconscionable. He made multiple posts using Nazi imagery including using such imagery in his public Facebook profile. The public cannot have any confidence in the integrity, judgment and impartiality of a judge who posts Nazi imagery on social media. By

his conduct, respondent brought reproach upon the judiciary and severely undermined public confidence in the judiciary.

Respondent also engaged in additional misconduct when he promoted content on his public Facebook page that demeaned and objectified women.

*Matter of Stilson*, 2023 Ann Rep of NY Commn on Jud Conduct at 290

(respondent made posts which “objectified and denigrated women” on his public Facebook page); *Matter of Persons*, 2024 Ann Rep of NY Commn on Jud Conduct at \_\_ (respondent made sexually charged comments to and about attorneys and displayed a “Boobies Make Me Smile” bumper sticker on the car he parked at the courthouse).<sup>2</sup>

Furthermore, respondent’s failure to participate in the Commission’s proceedings after the Complaint was served is an aggravating factor which exacerbated his underlying misconduct. He failed to file an Answer to the Complaint as Section 7000.6(b) of the Commission’s Operating Procedures and Rules required, failed to respond to the Administrator’s motion for summary determination, failed to make a submission regarding sanction after summary determination was granted, failed to respond to the Administrator’s memorandum which argued that he should be removed and did not appear for oral argument before the Commission on the issue of sanction. All judges must be attentive to

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<sup>2</sup> Available at: <https://cjc.ny.gov/Determinations/P/Persons.Jeremy.html>

their responsibility to participate in Commission proceedings. *See, Matter of O'Connor*, 32 NY3d 121, 129 (2018) (“ . . . willingness to cooperate with the Commission's investigations and proceedings is not only required -- it is essential.”) Respondent’s failure to respond to the Complaint and participate in the proceedings demonstrated his disdain for the Commission’s important function.

We are mindful that “. . . the extreme sanction of removal is warranted only in the event of ‘truly egregious circumstances’ that extend beyond the limits of ‘even extremely poor judgment’ . . .” *Matter of Putorti*, \_\_ NY3d \_\_, 2023 NY Slip Op 05304 at \*3 (Oct. 19, 2023) (citations omitted). Here, when he posted Nazi imagery on Facebook, including in his Facebook profile, respondent engaged in truly egregious and troubling conduct that warrants removal. He also detracted from the dignity of judicial office when he promoted posts that demeaned women. Moreover, his decision to ignore the Commission’s proceedings aggravated his underlying misconduct.<sup>3</sup>

The Court of Appeals has held that, “the 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

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<sup>3</sup> This finding is consistent with New York attorney grievance proceedings in which nonresponsive attorneys are routinely disbarred. *Matter of Carlos*, 192 AD3d 170 (1<sup>st</sup> Dept. 2021); *Matter of Lovett*, 194 AD3d 39 (2<sup>nd</sup> Dept. 2021); *Matter of McCoy-Jacien*, 181 AD3d 1089 (3<sup>rd</sup> Dept. 2020); *Matter of Shaw*, 180 AD3d 1 (4<sup>th</sup> Dept. 2019).



(1984) (citation omitted) Respondent's usefulness as a judge is irretrievably damaged and he is unfit for judicial office.

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

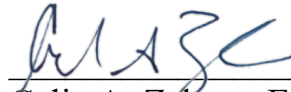
Mr. Belluck, Judge Camacho, Mr. Doyle, Judge Falk, Judge Miller, Ms. Moore, Mr. Raskin, Mr. Seiter, Judge Singh and Ms. Yeboah concur.

Ms. Grays was not present.

CERTIFICATION

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

Dated: December 12, 2023



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