



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

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Rockland County Town and Village Court Justice Should Be Removed For Bullying Court Staff and Others

The New York State Commission on Judicial Conduct has determined that Alan M. Simon, a Justice of the Spring Valley Village Court and the Ramapo Town Court, Rockland County, should be removed for engaging in a pattern of bullying and otherwise abusive conduct.

The Commission found, between 2009 and 2014:

- Judge Simon “abused his judicial position in order to bully, harass, threaten and intimidate his court staff, his co-judge and other village officials and employees with whom he dealt in an official capacity.”
- Judge Simon unlawfully and “repeatedly threatened such individuals with contempt or arrest over routine personnel or administrative issues in his court.”
- Judge Simon frequently “subjected them to demeaning treatment, insults and angry diatribes in response to perceived disrespect or shortcomings in

the performance of their duties and, in one instance, exhibited a shocking display of physical aggression in the court clerk's office.”

- In what “escalated into a melee,” Judge Simon, who was upset that a student had been hired by the mayor in 2012 without his input or approval, attempted to physically remove the student, after threatening to hold him in contempt or have him arrested for trespassing.
 - Judge Simon told the police that he would hold them in contempt if they did not assist him in removing the student.
 - When his co-judge attempted to intervene, Judge Simon told him to “have a stroke and die.”
 - When the police tried to calm the situation and suggested that he raise the issue with the mayor, Judge Simon responded by “referring to the mayor in profane, vulgar terms and added that he was contemplating holding her in contempt.”
- Judge Simon threatened the chief court clerk with contempt unless she complied with his order regarding the assignment of court officers.
- Judge Simon’s “rude and discourteous manner extended to attorneys when he was acting in an adjudicative capacity.” He mistreated two attorneys from a legal services agency who had assisted an indigent tenant who had been illegally locked out of his apartment and imposed a sanction of \$2,500 against the agency despite the fact that as a town or village justice he lacked the authority to do so.

The Commission also found that in 2013, Judge Simon impermissibly engaged in political activity by providing damaging information about his former co-judge, who was a candidate for county executive.

Finally, the Commission found that Judge Simon’s misconduct was compounded by his false testimony at the hearing and his “continued insistence at the hearing that his actions were appropriate under the circumstances and consistent with the required standards of judicial behavior.”

Judge Simon has served as a Justice of the Spring Valley Village Court since 2005 and as a Justice of the Ramapo Town Court since 2011. His current term in the Spring Valley Village Court expires in 2017 and his term in the Ramapo Town Court expires in 2019.

The Commission Proceedings

Judge Simon was served with a Formal Written Complaint dated December 11, 2013, containing four charges, and filed an answer dated January 14, 2014. The judge was served with a Second Formal Written Complaint dated October 2, 2014, containing two charges, and filed an answer dated October 31, 2014.

The Commission designated Mark S. Arisohn, Esq. as referee to hear and report proposed findings of fact and conclusions of law. A hearing was held on February 17, 18, 19, 20, 23 and 25, 2015; March 30 and 31, 2015; and April 1, 2015, in New York City. The referee filed a report dated July 14, 2015.

The parties submitted briefs with respect to the referee's report and the issue of sanctions. Counsel to the Commission recommended the sanction of removal, and the judge's counsel recommended dismissal of the charges, or if misconduct was found, a sanction less than removal. On February 4, 2016, the Commission heard oral argument.

The Commission Determination

The Commission filed a determination dated March 29, 2016, in which all ten members concurred: Judge Thomas A. Klonick (the Commission Chair), Judge Terry Jane Ruderman (the Vice Chair)¹, Judge Rolando T. Acosta, Joseph W. Belluck, Esq., Joel Cohen, Esq., Jodie Corngold, Richard D. Emery, Esq., Paul B. Harding, Esq., Richard A. Stoloff, Esq., and Judge David A. Weinstein.

Statement by Commission Administrator

Commission Administrator Robert H. Tembeckjian made the following statement.

“A judge is obliged to act with courtesy, patience and dignity. Judge Simon was sorely and consistently lacking in judicial temperament. There is no place on the bench for behavior so routinely bullying, threatening and demeaning as his.”

Press Availability

Mr. Tembeckjian is available throughout the day by telephone: (646) 386-4800.

¹ The vote in this matter was taken on February 4, 2016. Judge Ruderman's term as a member of the Commission expired on March 31, 2015. Judge Ruderman was replaced by Hon. Sylvia G. Ash, who did not participate in this matter.

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 Simon received it on April 4, 2016, 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.

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

If a Commission determination is reviewed by the Court of Appeals, 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 169 determinations of removal against judges in New York State. The Commission has issued 315 determinations of censure and 260 determinations of admonition.

The Court of Appeals has reviewed 95 Commission determinations. The Court accepted the Commission's sanctions in 79 cases (70 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

In the proceedings before the Commission, Judge Simon was represented by Lawrence A. Mandelker of Kantor Davidoff Mandelker Twomey Gallanty & Kesten P.C., 415 Madison Avenue, 16th Floor, New York, New York 10017, (212)

682-8383, x 730; and Joseph A. Maria, 301 Old Tarrytown Road, White Plains, New York, (914) 684-0333.

The Commission was represented by Robert H. Tembeckjian, Administrator and Counsel to the Commission; Mark Levine, Deputy Administrator in Charge of the New York City office; and Principal Attorney Pamela Tishman. Investigator Esther Carpenter assisted in the investigation.

Background Information on Judge Simon

First took office (Spring Valley Village Court):	2005
Current Term Expires:	12/7/2017
First took office (Ramapo Town Court):	2011
Current Term Expires:	12/31/2019
Year Admitted to the New York State Bar:	1968
Judicial Salary (Ramapo Town Court):	\$77,316 (Source: Town of Ramapo 2016 Budget)
Prior Judicial Office:	None

Members of the Commission

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

The Public File

The determination is attached. The record of the proceedings upon which the determination is based is available for inspection by appointment during regular business hours at the Commission's three offices:

61 Broadway Suite 1200 New York, New York 10006	Corning Tower, Suite 2301 Empire State Plaza Albany, New York 12223	400 Andrews Street Suite 700 Rochester, New York 14604
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MEMBERS OF THE STATE COMMISSION ON JUDICIAL CONDUCT

Member	Appointing Authority	Term End
Hon. Thomas A. Klonick, Chair	Former Chief Judge Jonathan Lippman	March 31, 2017
Hon. Rolando T. Acosta	Former Chief Judge Jonathan Lippman	March 31, 2018
Hon. Sylvia G. Ash	Chief Judge Janet DiFiore	March 31, 2020
Joseph W. Belluck, Esq.	Governor Andrew M. Cuomo	March 31, 2020
Joel Cohen, Esq.	Former Assembly Speaker Sheldon Silver	March 31, 2018
Jodie Corngold	Governor Andrew M. Cuomo	March 31, 2019
Richard D. Emery, Esq.	Senate Minority Leader Andrea Stewart-Cousins	March 31, 2020
Paul B. Harding, Esq.	Assembly Minority Leader Brian M. Kolb	March 31, 2017
Richard A. Stoloff, Esq.	Former Senate President Pro Tem Dean Skelos	March 31, 2019
Hon. David A. Weinstein	Governor Andrew M. Cuomo	March 31, 2018
Vacant	Governor	March 31, 2017