



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

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**Sullivan County Acting Supreme Court Justice Should Be Removed from
Office for Wrongfully Jailing and Handcuffing People, Impermissibly
Practicing Law, Misusing Court Staff and Other Misconduct**

The New York State Commission on Judicial Conduct has determined that Michael F. McGuire, a Judge of the County and Surrogate's Courts, an Acting Judge of the Family Court and an Acting Justice of the Supreme Court, Sullivan County, should be removed from office for engaging in numerous acts of misconduct. The Commission found he:

- improperly held litigants in contempt;
 - in two cases he sentenced individuals to 30 days in jail without adhering to mandatory procedures; and
 - in four other matters ordered Family Court litigants to be placed in handcuffs and detained at the courthouse for between 15 minutes and almost two hours.
- practiced law as full-time judge;
 - represented his son in court;

- represented his wife on a speeding ticket charge, despite stating that he was “not permitted to represent” her;
- continued to represent a client whom he had represented prior to becoming a judge on in a personal injury matter; and,
- represented friends in a real estate transaction.
- utilized court staff in private and unauthorized practice of law;
 - improperly had his court secretary speak to an insurance company on behalf of a client and prepare documents in connection with his client’s claim.
- failed to disqualify in cases where he had conflicts;
 - presided over matters in both Family Court and Supreme Court in which his close friend appeared as counsel without disclosing his relationship or disqualifying himself from such matters;
 - failed to disclose that a construction company affiliated with litigants in a pending matter was performing work at his law secretary’s home.
- demonstrated inappropriate demeanor towards litigants, lawyers, staff and others;
 - yelled at his confidential secretary when his computer was not working;
 - screamed at a court officer to close the courtroom door and slammed a door inches away from another officer.
 - in the case *Varner v. Glass* the Appellate Division, Third Department found that he treated the mother in the proceeding with “disdain” and ordered that the matter be heard by another judge; and,
 - in a Family Court matter the judge admonished the parties not to date “a drug addict, a slut.”
- improperly invoked his judicial title by using it in his personal email address “judgemcguire@” which he used for personal matters;
- required his court secretary to work on several Saturdays in connection with pistol permit interviews and did not see that she was compensated for the work; and,
- lacked candor during the Commission proceeding.

The Totality of the Misconduct

In determining to remove Judge McGuire from office, the Commission concluded that “given the seriousness and breadth of [the judge’s] misconduct as well as his lack of candor, we believe that [Judge McGuire] should be removed from the bench.” The Commission found the judge’s “repeated abuse” of the summary contempt power and his representation of clients while a full-time judge, met “the standard of ‘truly egregious’ conduct for which his removal is warranted.”

Judge McGuire has served as a Judge of the County and Surrogate’s Courts and an Acting Judge of the Family Court, Sullivan County since 2011. His current term expires on December 31, 2020.

Statement by Commission Administrator

Commission Administrator Robert H. Tembeckjian made the following statement.

“The breadth of Judge McGuire’s misconduct is stunning. He wrongfully ordered people to jail and handcuffed Family Court litigants; often berated and yelled at court staff and litigants; presided in matters despite having a disqualifying conflict; impermissibly practiced law and used court staff to assist him; and otherwise misused court staff. He compounded it all with untruthful testimony during the Commission’s proceedings. Such egregious misconduct warrants removal from judicial office.”

The Commission Proceedings

Judge McGuire was served with a Formal Written Complaint dated August 27, 2018, containing thirteen charges, and filed an answer dated October 11, 2018.

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 May 6-9, 13-17, and 20-22, 2019 in New York City. The referee filed a report dated November 5, 2019.

Counsel to the Commission submitted a brief with respect to the referee’s report and the issue of sanction. The Commission recommended that the referee’s findings and conclusions be confirmed. The judge relied on briefs submitted to the referee. Counsel to the Commission argued that the judge be removed from office. The judge’s counsel argued that the sanction of censure was appropriate. On January 23, 2020, the Commission heard oral argument.

The Commission Determination

The Commission filed a determination dated March 18, 2020, in which nine members concurred: Paul B. Harding, Esq. (the Vice Chair), Jodie Corngold, Judge John A. Falk, Taa Grays, Esq., Judge Leslie G. Leach, Judge Angela M. Mazzarelli, Judge Robert J. Miller, Marvin Ray Raskin, Esq., and Akosua Garcia Yeboah.

One member, Joseph W. Belluck, Esq. (the Commission Chair) was not present. There is currently one vacancy on the 11-member Commission.

Court of Appeals Review

The Commission transmitted its determination on March 18, 2020, to the Chief Judge of the Court of Appeals, pursuant to Judiciary Law Section 44, subdivision 7. The Court notified the Commission on March 25, 2020, that Judge McGuire had received it. 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 McGuire 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 175 determinations of removal against judges in New York State. The Commission has issued 331 determinations of censure and 272 determinations of admonition.

The Court of Appeals has reviewed 99 Commission determinations. The Court accepted the Commission's sanctions in 83 cases (74 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. Two requests for review is pending.

Counsel

In the proceedings before the Commission, Judge McGuire was represented by Stephen R. Coffey of O'Connell and Aronowitz, 54 State Street, Albany, New York, 12207, (518) 462-5601.

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 former Principal Attorney Pamela Tishman. Investigator Christina Partida was assigned to the case.

Background Information on Judge McGuire

First took office (Family Court):	2011
Current term expires:	December 31, 2020
Year Admitted to NYS Bar:	2002
Salary:	\$210,161

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

MEMBERS OF THE STATE COMMISSION ON JUDICIAL CONDUCT

Member	Appointing Authority	Term End
Joseph W. Belluck, Esq., Chair	Governor Andrew M. Cuomo	March 31, 2020
Paul B. Harding, Esq., Vice Chair	Former Assembly Minority Leader Brian M. Kolb	March 31, 2021
Jodie Corngold	Governor Andrew M. Cuomo	March 31, 2023
Taa Grays, Esq.	Senate President Pro Tem Andrea Stewart-Cousins	March 31, 2023
Hon. John A. Falk	Chief Judge Janet DiFiore	March 31, 2021
Hon. Leslie G. Leach	Chief Judge Janet DiFiore	March 31, 2020
Hon. Angela M. Mazzarelli	Chief Judge Janet DiFiore	March 31, 2022
Hon. Robert J. Miller	Governor Andrew M. Cuomo	March 31, 2022
Marvin Ray Raskin, Esq.	Assembly Speaker Carl E. Heastie	March 31, 2022
Akosua Garcia Yeboah	Governor Andrew M. Cuomo	March 31, 2021
Vacant	Senate Minority Leader	March 31, 2020