



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

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Nassau County Supreme Court Justice Should Be Censured for Demeaning and Discourteous Behavior

The New York State Commission on Judicial Conduct has determined that Diccia T. Pineda-Kirwan, a Justice of the Supreme Court, Nassau County, should be censured for acting in a rude and discourteous manner to attorneys and court system staff.

Judge Pineda-Kirwan agreed to the censure. She acknowledged the following:

- Yelling at the law clerk to Administrative Judge Jeremy Weinstein over administrative directives and case assignments;
- Repeatedly screaming, “You treat me like shit” at a courthouse facility supervisor;
- Yelling at a court employee who was attempting to retrieve an old laptop after providing the judge with a new one;
- On three occasions, yelling at attorneys appearing before her.

Prior Caution

In 2006, after repeatedly behaving heavy-handedly toward the attorneys in a case before her, Judge Pineda-Kirwan was privately cautioned by the Commission to be “patient and courteous” in the future.

Judge Pineda-Kirwan has been a Justice of the Supreme Court, 10th Judicial District, Nassau County, since January 2019, having previously served as a Justice of the Supreme Court, 11th Judicial District, Queens County, from 2010 to 2018, and a Judge of the New York City Civil Court, Queens County from 2003 to 2009. Her current term expires on December 31, 2024.

Statement by Commission Administrator

Commission Administrator Robert H. Tembeckjian made the following statement.

“A judge is obliged to be patient, dignified and courteous toward all with whom she interacts in an official capacity. Had she heeded the Commission’s prior confidential warning to behave temperately, Judge Pineda-Kirwan would have avoided this subsequent public censure for excessively disagreeable demeanor.”

The Commission Proceedings

Judge Pineda-Kirwan was served with a Formal Written Complaint dated August 8, 2019, containing three charges.

On July 20, 2020, the Administrator of the Commission, Judge Pineda-Kirwan and her attorney entered into an Agreed Statement of Facts, stipulating to the facts and sanction and waiving further submissions and oral argument.

The Commission accepted the Agreed Statement on August 6, 2020.

The Commission Determination

The Commission filed a determination dated August 12, 2020, in which all eleven members concurred: Joseph W. Belluck, Esq. (the Commission Chair), Taa Grays, Esq. (the Vice Chair), Jodie Corngold, Judge John A. Falk, Paul B. Harding, Esq., Judge Leslie G. Leach, Judge Angela M. Mazzarelli, Judge Robert J. Miller, Marvin Ray Raskin, Esq., Ronald J. Rosenberg, Esq., and Akosua Garcia Yeboah.

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 Pineda-Kirwan received it on August 15, 2020, 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 Pineda-Kirwan does not request review by the Court of Appeals, the Commission will censure her 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 335 determinations of censure against judges in New York State. The Commission has issued 175 determinations of removal and 274 determinations of admonition.

The Court of Appeals has reviewed 100 Commission determinations. The Court accepted the Commission's sanctions in 84 cases (75 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. One request for review is pending.

Counsel

In the proceedings before the Commission, Judge Pineda-Kirwan was represented by Paul Shechtman of Bracewell, LLP, 1251 Avenue of the Americas, 49th Floor, New York, New York 10020, (212) 508-6107.

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 Senior Attorney Melissa DiPalo. Investigator Drew Zagami was assigned to the case.

Background Information on Judge Pineda-Kirwan**Judicial Tenure:**

New York City Civil Court (Queens): 2003-2009
Supreme Court (Queens): 2010-2018
Supreme Court (Nassau): January 2019
Current Term Expires: December 31, 2024
Year Admitted to NYS Bar: 1988

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

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Joseph W. Belluck, Esq., Chair	Governor Andrew M. Cuomo	March 31, 2024
Taa Grays, Esq., Vice Chair	Senate President Pro Tem Andrea Stewart-Cousins	March 31, 2023
Jodie Corngold	Governor Andrew M. Cuomo	March 31, 2023
Paul B. Harding, Esq.	Former Assembly Minority Leader Brian M. Kolb	March 31, 2021
Hon. John A. Falk	Chief Judge Janet DiFiore	March 31, 2021
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