



NEW YORK STATE  
COMMISSION ON JUDICIAL CONDUCT

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## NEWS RELEASE

*January 29, 2020*

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### **Supreme Court Justice in Rochester Resigns after Complaint Alleging a Hostile Work Environment**

Supreme Court Justice Matthew A. Rosenbaum (Monroe County), who vacated judicial office as of December 31, 2019, has agreed never to seek or accept judicial office at any time in the future. The Commission on Judicial Conduct accepted a stipulation to that effect signed by the judge, his attorney and the Commission's Administrator, after the judge was advised he was being investigated for abusive personal demands on staff and creating a hostile workplace environment for years.<sup>1</sup>

The complaint against Judge Rosenbaum alleged that, "from 2005 through 2019, he made improper and at times abusive personal demands of court staff, directly or indirectly conveying that continued employment required submitting to such demands, and creating a hostile workplace environment."

Judge Rosenbaum waived the statutory provision of confidentiality applicable to Commission proceedings, to the limited extent that the stipulation and Commission's order accepting it and closing the case would be public.

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<sup>1</sup> The Stipulation was signed on January 13, 2020. The Commission accepted it on January 23, 2020, and thereafter issued an Order closing the matter in view of the resignation and renunciation of future judicial office.

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By law, the Commission has 120 days from a judge's resignation to complete a full-fledged removal proceeding.<sup>2</sup> Removal automatically bars a judge from ever holding judicial office again.<sup>3</sup> A resignation stipulation ensures the same result in an abbreviated timeline.

Judge Rosenbaum had served as a Justice of the Supreme Court in Rochester (Monroe County) from 2005 through 2019. Although he was reelected in November 2019 for a new term scheduled to commence on January 1, 2020, he vacated his chambers and did not return to court or otherwise exercise the duties of office after December 31, 2019.

The stipulation and the Commission's order closing the case can be found on the Commission's website: [www.cjc.ny.gov](http://www.cjc.ny.gov).

### **Statement by Commission Administrator**

Commission Administrator Robert H. Tembeckjian made the following statement.

“A judge may not make abusive personal or professional demands on court staff or otherwise create a hostile workplace environment. The matter against Judge Rosenbaum was of such magnitude that, notwithstanding his resignation, it was important to make sure he would never return to the bench.”

### **Statistics Relating to Prior Commission Decisions**

The Commission has accepted 89 such stipulations since the procedure was instituted in 2003.

Since 1978, the Commission has issued 272 determinations of admonition against judges in New York State, 329 determinations of censure and 173 determinations of removal.

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

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<sup>2</sup> New York State Judiciary Law Section 47.

<sup>3</sup> New York State Constitution Article 6, Section 22(h).

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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 Rosenbaum was represented by Robert F. Julian, Esq., 2037 Genesee Street, Suite 2, Utica, New York 13501 (315) 797-5610.

The Commission was represented by Robert H. Tembeckjian, Administrator and Counsel to the Commission and John J. Postel, Deputy Administrator in Charge of the Rochester office. Investigator Vanessa Mangan assisted in the investigation.

### **Background Information on Judge Rosenbaum**

First took office:	2005
Previous term expired:	December 31, 2019
Year admitted to NYS Bar:	1991

### **Members of the Commission**

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

### **The Public File**

The stipulation and order are attached. They are also available for inspection 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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*January 29, 2020***MEMBERS OF THE STATE COMMISSION ON JUDICIAL CONDUCT**

<b>Member</b>	<b>Appointing Authority</b>	<b>Term End</b>
Joseph W. Belluck, Esq., Chair	Governor Andrew M. Cuomo	March 31, 2020
Paul B. Harding, Esq., Vice Chair	Assembly Minority Leader Brian M. Kolb	March 31, 2021
Jodie Corngold	Governor Andrew M. Cuomo	March 31, 2023
Taa Grays, Esq.	Former Senate Minority Leader Andrea Stewart-Cousins	March 31, 2020
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 President Pro Tem Andrea Stewart-Cousins	March 31, 2023