



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

April 27, 2020

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Town Court Justice in Schenectady County Should Be Censured for Improper Campaign Literature, Facebook Posts

The New York State Commission on Judicial Conduct has determined that Michelle A. VanWoeart, a Justice of the Princetown Town Court, Schenectady County, should be censured for making inappropriate statements in campaign literature and social media posts.

Judge VanWoeart agreed to the censure.

While running for election in September 2018 against incumbent Norman Miller, Judge VanWoeart produced campaign ads and literature indicating that it was a function of the court to generate local revenue, and that revenue under Judge Miller was down compared to when she had previously served as judge.

Judge VanWoeart also endorsed profane and otherwise offensive comments that her supporters posted about Judge Miller to her campaign Facebook page.

The Commission stated that Judge VanWoeart's "advertisement and campaign literature gave the impression that revenue generation for the Town of Princetown would be a factor in her judicial decisions and that part of her responsibility as a judge 'was to raise revenue for the town...to compensate for the absence of a town tax.'" The Commission also found that the judge failed to meet the ethical

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standards required of judges “when she responded favorably to crude social media comments about her judicial opponent.

Prior Discipline

Judge VanWoeart previously served as the Princetown Town Court Justice from 1997 to 2013.

In 2012 Judge VanWoeart was censured for failing to disqualify herself promptly after appearance tickets were issued to her and her sons for violating a local dog ordinance, improperly communicating with the court to which the matters were transferred and failing to keep proper records of the violations.

Statement by Commission Administrator

Commission Administrator Robert H. Tembeckjian made the following statement.

“A judge is obliged to decide every case on the merits, without regard to how much or how little revenue a decision will generate for the local government. It is flat out wrong for a judicial candidate to imply that electing him or her would put money in the local treasury, rather than deliver justice to the litigants and community.”

The Commission Proceedings

Judge VanWoeart was served with a Formal Written Complaint dated October 10, 2019, containing one charge and filed an Answer dated November 7, 2019.

On January 14, 2020, the Administrator of the Commission, Judge VanWoeart 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 January 23, 2020.

The Commission Determination

The Commission filed a determination dated March 31, 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.

Joseph W. Belluck, Esq. (the Commission Chair), was not present.

*April 27, 2020***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 VanWoert received it on April 3, 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 VanWoert 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 333 determinations of censure against judges in New York State. The Commission has issued 175 determinations of removal 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 are pending.

Counsel

In the proceedings before the Commission, Judge VanWoert was represented by John R. Seebold, Esq., 1536 Union Street, Schenectady, New York 12309, (518) 374-2261.

The Commission was represented by Robert H. Tembeckjian, Administrator and Counsel to the Commission; Cathleen S. Cenci, Deputy Administrator in Charge

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of the Albany office; and Senior Attorney S. Peter Pedrotty. Senior Investigator Ryan Fitzpatrick was assigned to the case.

Background Information on Judge VanWoert

Previous Judicial Tenure:	1997-2013
Current Term Began:	January 1, 2019
Current Term Expires:	December 31, 2022

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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*April 27, 2020***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, 2024
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
Ronald J. Rosenberg, Esq. ¹	Senate Minority Leader John J. Flanagan	March 31, 2024
Akosua Garcia Yeboah	Governor Andrew M. Cuomo	March 31, 2021

¹ Ronald J. Rosenberg's term began on April 1, 2020, a day after the determination in this case was filed.