

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

In the Matter of the Proceeding
Pursuant to Section 44, subdivision 4,
of the Judiciary Law in Relation to

DANIEL L. SEIDEN,

a Judge of the Binghamton City Court,
Broome County.

DETERMINATION

THE COMMISSION:

Joseph W. Belluck, Esq., Chair
Taa Grays, Esq., Vice Chair
Honorable Fernando M. Camacho
Stefano Cambareri, Esq.
Brian C. Doyle, Esq.
Honorable John A. Falk
Honorable Robert J. Miller
Nina M. Moore, Ph.D.
Marvin Ray Raskin, Esq.
Honorable Anil C. Singh
Akosua Garcia Yeboah

APPEARANCES:

Robert H. Tembeckjian (Cathleen S. Cenci and S. Peter Pedrotty, Of
Counsel) for the Commission

Hon. Daniel L. Seiden, *pro se*

Respondent, Daniel L. Seiden, a Judge of the Binghamton City Court,

Broome County, was served with a Formal Written Complaint (“Complaint”) dated February 4, 2025 containing one charge. The Complaint alleged that from April 2023 to February 2025, respondent failed to be dignified and courteous with court staff and senior court officials, failed to cooperate with other judges and court officials in the administration of court business, and otherwise contributed to a hostile work environment at the Binghamton City Court, in that he:

- A. Raised his voice to the chief clerk and deputy chief clerk and made rude and discourteous comments to them, such as “Stay out of my shorts”;
- B. Made discourteous comments about the Administrative Judge for the Sixth Judicial District and the Office of Court Administration, in connection with the court’s implementation of a new criminal case-tracking system;
- C. Made gratuitous and disparaging comments about the chief clerk and his administrative judge in subsequent emails about the court’s transition to a paperless filing system to which respondent objected;
- D. Failed to abide by Administrative Judge Eugene D. Faughnan’s directive that respondent address all issues concerning the clerk’s office and administrative policies with him rather than the chief clerk or her staff; and
- E. Sent an email to multiple senior court officials about his reassignment to another court, in which he made discourteous and insubordinate remarks to them, including *inter alia* that their “arrogance is breathtaking,” they were “utterly out of control and intoxicated by power and privilege,” and they used “administrative sleight of hand,” which he found “[s]ickening.”

On February 26, 2025, the Administrator and respondent entered into an Agreed Statement of Facts (“Agreed Statement”) pursuant to Section 44, subdivision 5, of the Judiciary Law, stipulating that the Commission make its determination based upon the agreed facts, recommending that respondent be censured and waiving further submissions and oral argument.

On March 13, 2025, the Commission accepted the Agreed Statement and made the following determination:

1. Respondent was admitted to the practice of law in New York in 1991. He has been a Judge of the Binghamton City Court, Broome County, since June 2008. Although respondent’s current term expires on December 31, 2034, he will turn 70 years of age in 2028 and therefore must retire on December 31, 2028.

As to Charge I of the Formal Written Complaint

Respondent’s Conduct in Connection with the Binghamton City Court’s Implementation of a New Form for Tracking Criminal Case Activity

2. At all times relevant to the material facts herein, Jennifer Katz was the Chief Clerk of the Binghamton City Court and Marta Foster was the Deputy Chief Clerk of the court. Both clerks were employees of the Office of Court Administration (“OCA”), and the Binghamton City Court judges had no authority to hire, fire or supervise the clerks. Supreme Court Justice Eugene D. Faughnan was respondent’s Administrative Judge.

3. Throughout 2023, respondent's co-judges were Binghamton City Court Judges William C. Pelella and Sophie A. Bergman. Judge Bergman, who was appointed to the office in January 2023, was succeeded on January 1, 2024, by Debra J. Gelson, who had been elected in November 2023.

4. In January and February 2023, Judge Bergman was trained by a judge of the Cortland City Court, which used a "check-the-box" style form to track the procedural history of criminal cases.

5. In March 2023, after Judge Bergman began her judicial duties at Binghamton City Court, the court's judges and staff – including respondent, Judges Pelella and Bergman, Chief Clerk Katz and Deputy Chief Clerk Foster – started discussing the idea of replacing the court's longstanding system for tracking activities in criminal cases. Specifically, they discussed replacing the existing "tri-fold" system with a "check-the-box" style form such as the one used at Cortland City Court, ahead of the transition to an anticipated paperless filing system. Respondent opposed the change and, on one or more occasions, expressed his opposition to it to Ms. Katz and/or Ms. Foster.

6. On April 25, 2023, after blank copies of the new form were placed in open criminal files, respondent went to Ms. Katz's office while wearing his judicial robes, closed the door behind him, and loudly and angrily criticized the transition to the new form to Ms. Katz and Ms. Foster. Respondent blamed

Judge Bergman, in part, for the court’s implementation of the new form, saying she was too new to the court to implement a new system and questioning whether she should be a judge if she could not understand the established tri-fold system.

7. On April 26, 2023, Ms. Katz and Ms. Foster went to respondent’s office to discuss his concerns about the new form. During that meeting, respondent at times raised his voice and spoke in an agitated manner, stating, *inter alia*, that:

- A. He was “deeply and bitterly offended” that the court would replace the tri-fold system, which the court had been using effectively for the preceding 40 years, with what was, in his opinion, a slower and more complicated system, and which was proposed by a judge who had been on the bench for less than four months;
- B. Sixth Judicial District Administrative Judge Faughnan was a former Republican Election Commissioner who was “an extremely political person and who was primarily motivated by politics”;
- C. The change in forms was a political maneuver to help the career of Judge Bergman – a Republican appointed by a Republican Mayor;
- D. He “hate[s]” OCA;
- E. Ms. Katz was the reason the court lost “good staff,” and she was incompetent at training her staff;
- F. Any changes proposed by Ms. Katz were a *fait accompli*, regardless of respondent’s opinion of such proposals;

- G. He asked Ms. Katz to “just keep it together for the next 20 months”;
 - H. The change was an “offensive intrusion” by administrative staff into his province on the bench and a “change for the sake of change”; and
 - I. The clerks should, “Stay out of my shorts.”
8. On April 27, 2023, Ms. Katz sent respondent an email about what had transpired at the previous day’s meeting. Later that day, respondent replied, making *inter alia* the following statements via email:
- A. “As with many other matters, you decided where you were going with this and then pretended to seek my input”;
 - B. “It seems to me that if the staff were properly trained on how to ‘read’ a trifold this form and its many collateral consequences would not be necessary. So train them”;
 - C. “This IS change just for the sake of change, which will only make my life on the bench more difficult”;
 - D. “If you, Marta and the other clerks were actually trained inside the courtroom and knew what we do in there, and knew how to do it yourselves, we would have no need for a ‘form’ that simply regurgitates information and creates confusion and delay on the bench”;
 - E. “This issue is much bigger than a new form. You have crossed a line when your administrative prerogatives invade the courtroom work that I do ON THE BENCH. You still do not really get this place, Jen. Please stay away from my benchwork and stay in your own lane”; and
 - F. “Do what you want . . . you will anyway.”

9. On May 3, 2023, Administrative Judge Faughnan met with respondent about his conduct toward Ms. Katz and Ms. Foster at the April 26 meeting and his concerns about the form.

10. On May 4, 2023, respondent sent Administrative Judge Faughnan his summary of what occurred at the meeting. The next day, Administrative Judge Faughnan wrote back to “reiterate all of [his] thoughts,” including advising respondent, *inter alia*:

- A. “The Clerks, Court Officers, Resource Coordinators, Court Attorneys in City Court etc. do not work for the judges. They are administrative staff who answer to me and [District Executive] Porter [Kirkwood]”; and
- B. “If there is a problem with any of the above staff, those issues should be brought to me to resolve, not addressed by Judges. A heated or aggressive exchange can only lead to conflict which can give rise to complaints to the CJC or IG.”¹

Later that day, respondent replied by thanking Administrative Judge Faughnan for clarifying matters.

11. As of the date of the Formal Written Complaint, respondent had not apologized to Ms. Katz or Ms. Foster for any of his statements at the meeting on April 26, 2023.

¹ “CJC” refers to the Commission on Judicial Conduct, and “IG” refers to the Inspector General for the Unified Court System.

Respondent's Conduct in Connection with the Court's Transition to a Paperless Filing System

12. By memo dated December 8, 2023, to all three Binghamton City Court Judges, Administrative Judge Faughnan announced that, in order to be “less reliant on paper files” and to “improve[] and standardize[] processes for court staff,” the court was going to start implementing a new web-based filing system called “New York Bench.”²

13. Respondent was opposed to using New York Bench. On February 29, 2024, respondent sent an email to Administrative Judge Faughnan, Ms. Katz and Ms. Foster, in which he copied his co-judges and multiple members of court staff, expressing his concerns about the court's transition to New York Bench. Respondent concluded by stating, “When I am on the bench, I will be asking the clerks to always give me whatever physical file exists. I hope that they will do so.”

14. Later the same day, Administrative Judge Faughnan wrote back stating, *inter alia*, “As I have explained in the past, decisions about how the clerks perform their jobs and how matters come to you are not within your purview. The court officers and clerk staff do not work for you; they work with you. Decisions regarding the use of NY Bench or any other aspect of the court

² New York Bench is also referred to herein as “NY Bench” and “NYB.”

staff are administrative and as such are within my purview. . . . The file you choose to keep in your chambers is your prerogative. What the clerks will do in preparing cases and imputing data is my determination. Perhaps some day you will be the administrative judge and make these determinations. Until then, the City Courts of the 6th Judicial District will use NY Bench and the clerks and court assistants will perform their work consistent with the use of that platform. No special arrangements will be made for any judge.”

15. On March 25, 2024, respondent left a copy of an article by Chief Administrative Judge Joseph A. Zayas, published in the *New York Law Journal*, entitled “A New Collaborative Approach to Leadership at the Unified Court System” on the desk of Ms. Katz and handwrote on the first page, “I hope that you and Judge Faughnan are aware of the new philosophy explored in this article. Thank you.” Additionally, respondent highlighted and bracketed certain passages, throughout the article.

16. On March 28, 2024, respondent sent an email to Ms. Katz in which he wrote that Elmira City Court Judge Steven Forrest had called him to say that the Elmira City Court was not using New York Bench, which respondent stated was contrary to a prior statement from Administrative Judge Faughnan that all city courts within the Sixth Judicial District were using the system. Respondent wrote, “it is information and encounters like this that give me so little faith in the

current administration of the court system here. It is discouraging and sometimes downright scary.” After noting that he had just learned that he could not use New York Bench and Microsoft Teams simultaneously on a single computer screen, respondent wrote, “If you tell me to just use a second screen I think that I might very well faint. So add this to my growing list of complaints about NYB. Jen, this is truly madness. Using NYB under our current structure, or perhaps any structure in this particular court, is judicial malpractice.”

17. On May 21, 2024, respondent sent Ms. Katz an email “to document ongoing issues” with New York Bench, in which he concluded, “Finally, I have sat with your directive to the clerks to not make copies of critical documents that I require for PTCs and VOP conferences.³ There can be no legitimate or objective reason to direct a clerk not to make limited and reasonable copies of critical documents for a judge where necessary. I have little doubt that this last overstep by you was made at the direction of Judge Faughnan as over the years it has been my impression that almost all of your actions here are made with his blessing and his stamp.”

18. Later that day, Ms. Katz responded to respondent, attempting to address his concerns. Ms. Katz noted that any policies she instituted were to further the goals of the New York State Unified Court System, as directed by the

³ “PTCs” refers to pre-trial conferences. “VOP” refers to violation of probation.

district office. She continued, “I have noticed that you have sent me many emails recently that include statements indicating that I am setting policies with Judge Faughnan with the purpose of sabotaging your ability to conduct work. These emails are disparaging in nature, come across as confrontational, and make me uncomfortable. I would appreciate it if you could please refrain from including commentary of that nature in the future.” Later that day, respondent replied, “Your words not mine. It is not possible for you or anyone else to defend directing a secretary to a judge not to print prior PTC notes or PSIs for the judge’s review prior to those conferences.⁴ Saying that you will review that policy ‘later this summer’ says it all. And please, don’t try to create the false impression that I have just started using NYB and so I am just not up to speed. That is not true. I have been using the program for several months now along with physical files. Your response proves exactly why it is not possible or productive for me to engage you (or God forbid Judge Faughnan).”

19. On June 26, 2024, respondent sent Ms. Katz an email to address some “immediate concerns.” In the email, respondent asked Ms. Katz’s permission to allow him to take handwritten notes during code cases and to have the clerks input his notes into New York Bench. Respondent added, “Whatever.

⁴ “PSIs” refers to pre-sentence investigation reports.

I hope that these simple and reasonable requests will not require an act of God to accomplish or result in a harangue from your boss.”

Respondent’s Emails to Senior Court Officials About When He Will Be Returned to Binghamton City Court

20. By letter dated July 23, 2024, Deputy Chief Administrative Judge James P. Murphy notified respondent that the Unified Court System’s Office of the Managing Inspector General for Bias Matters had completed an investigation of a complaint against respondent concerning his conduct at the April 26, 2023, meeting with Ms. Katz and Ms. Foster and found that the allegations of the complaint were substantiated.

21. By Administrative Order dated July 23, 2024, Deputy Chief Administrative Judge Murphy removed respondent from all judicial duties in the Binghamton City Court. By Assignment Order dated July 23, 2024, Administrative Judge Faughnan reassigned respondent to Cortland City Court, indefinitely.

22. By letter dated August 14, 2024, respondent appealed from the July 23, 2024, administrative orders. By letter dated September 10, 2024, First Deputy Chief Administrative Judge Norman St. George notified respondent that his appeal was denied.

23. On October 3, 2024, respondent sent an email to Chief Administrative Judge Zayas, Chief Judge Rowan D. Wilson, Deputy Chief

Administrative Judge Murphy and Administrative Judge Faughnan, in which he *inter alia* noted that almost 90 days had passed since his reassignment to Cortland City Court, suggested that a reassignment exceeding 90 days might violate Section 107 of the Uniform City Court Act, and requested to be notified when he would be allowed to return to Binghamton City Court.

24. On October 11, 2024, Deputy Chief Administrative Judge Murphy responded “on behalf of [Chief Administrative Judge Zayas and] the leadership team” that he had reviewed the matter and concurred with First Deputy Chief Administrative Judge St. George’s conclusion that respondent’s reassignment was appropriate and that it would continue pending further administrative action and the conclusion of an investigation by the Commission.

25. On October 15, 2024, respondent sent an email reply to Deputy Chief Administrative Judge Murphy, Administrative Judge Faughnan, Chief Administrative Judge Zayas and Chief Judge Wilson, in which he wrote, *inter alia*:

- A. “The game that you are playing, using an administrative trick to de facto remove me from my elected position for your own nefarious purposes, is a dangerous one: trying to get in the back door what you will probably never get through the front door, all the while depriving the citizens of Binghamton of their elected official while brazenly violating several state statutes: UCCA Sec. 2104(d), UCCA Sec. 107 and, yes, Penal Law Sec. 195-Official Misconduct. You should take a hard look at these laws. They are laws. You are not above the law”;

- B. “Surely you must realize that no matter how hard you try that position will not hold. Then again, the arrogance is breathtaking”;
- C. “The answer is that you have nothing in your hand except administrative sleight of hand. Sickening”; and
- D. “You and OCA are utterly out of control and intoxicated by power and privilege.”

Additional Factors

26. Respondent has been cooperative and contrite with the Commission throughout this proceeding.

27. Respondent recognizes that, notwithstanding his frustration with new administrative protocols implemented by the courts, and his preference for existing systems that were being replaced, it was inappropriate for him to be rude or otherwise discourteous toward his colleagues in discussions about the protocols or his reassignment to another courthouse. Respondent apologizes to Ms. Katz, Ms. Foster, Judge Faughnan, Judge Bergman, Chief Judge Wilson, Chief Administrative Judge Zayas, and Deputy Chief Administrative Judge Murphy, for his unprofessional remarks to and/or about them. He appreciates that an apology to them at the time would have been appropriate.

28. Respondent avers that, in saying “Stay out of my shorts” to Ms. Katz and Ms. Foster, he meant “stay out of my business as a judge.”

29. Respondent commits himself anew to observing the high standards

of behavior required of all judges, and he pledges to work collegially with court staff, fellow judges and court system officials.

30. On February 25, 2025, respondent voluntarily completed the online programs offered by the Office of Court Administration entitled on “Maintaining Respect and Civility in the Workplace” and “Say What You Mean the Right Way.”

Upon the foregoing findings of fact, the Commission concludes as a matter of law that respondent violated Sections 100.1, 100.2(A), 100.3(B)(3), and 100.3(C)(1) of the Rules Governing Judicial Conduct (“Rules”) and should be disciplined for cause, pursuant to Article VI, Section 22, subdivision a, of the New York State Constitution and Section 44, subdivision 1, of the Judiciary Law. Charge I of the Formal Written Complaint is sustained insofar as it is consistent with the above findings and conclusions and respondent’s misconduct is established.

The Rules require judges to maintain high standards of conduct and to “act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.” (Rules, §§100.1, 100.2(A)) The Rules also require that judges “be patient, dignified and courteous” to those “with whom the judge deals in an official capacity. . .” and “cooperate with other judges and court officials in the administration of court business.” (Rules, §§100.3(B)(3),

100.3(C)(1)) Respondent acknowledged that he violated the Rules when he was discourteous and made inappropriate comments to the chief clerk and deputy chief clerk and disparaged court officials. Furthermore, respondent did not comply with the directive of his Administrative Judge to address any issues concerning administrative policies to the Administrative Judge and not directly with court staff.

Judges must be courteous and dignified when interacting with court staff and others. *See, Matter of Pineda-Kirwan*, 2021 Ann Rep of NY Commn on Jud Conduct at 282, 296 (“Respondent’s pattern of intemperate and abusive behavior was improper and severely undermined confidence in the judiciary.”); *Matter of Simon*, 2017 Ann Rep of NY Commn on Jud Conduct at 221, 252, *aff’d*, 28 NY3d 35 (2016) (“ . . . respondent 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.”).

Respondent breached his ethical obligations when he failed to be patient and courteous to court staff and senior court officials. For example, on April 25, 2023, while wearing his judicial robes, respondent went to the chief clerk’s office, closed the door and loudly and angrily criticized the transition to a new form in criminal cases. The next day when the chief clerk and the deputy chief clerk went to respondent’s office to discuss his concerns about the new form, respondent at times

raised his voice and made inappropriate statements including telling them to “stay out of my shorts” which statement respondent has acknowledged was improper.

Moreover, respondent made disparaging statements to court staff and about court administrators including telling the chief clerk and the deputy chief clerk that he “hate[s]” OCA. Respondent also wrote to multiple senior court officials that their “arrogance is breathtaking” and “you and OCA are utterly out of control and intoxicated by power and privilege.” Compounding his misconduct, respondent failed to abide by his Administrative Judge’s directive regarding how to address any issues regarding court staff and administrative procedures.

Respondent’s disparagement of court officials and his failure to comply with his Administrative Judge’s instructions violated the Rules and contributed to a difficult work environment. *See, Matter of Kehn*, 2025 Ann Rep of NY Commn on Jud Conduct at 202, 214 (“By writing emails that were derogatory toward the chief clerk and sharing them with the deputy chief clerk, respondent acted in manner unbecoming a judge and undermined the authority of the chief clerk.”); *Matter of Going*, 97 NY2d 121, 126 (2001) (judge was “uncooperative with administrators, and showed a lack of respect for their repeated attempts to address problems he helped create.”)

In accepting the jointly recommended sanction of censure, we have taken into consideration that respondent has acknowledged that his conduct was

improper and warrants public discipline, that he has committed to working collegially with court staff, fellow judges and court system officials and that he voluntarily completed programs offered by the Office of Court Administration regarding appropriate workplace communication.

By reason of the foregoing, the Commission determines that the appropriate disposition is censure.

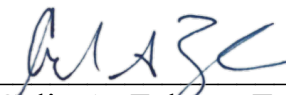
Mr. Belluck, Ms. Grays, Judge Camacho, Mr. Cambareri, Mr. Doyle, Judge Falk, Professor Moore, Mr. Raskin, Judge Singh and Ms. Yeboah concur.

Judge Miller was not present.

CERTIFICATION

It is certified that the foregoing is the determination of the State Commission on Judicial Conduct.

Dated: March 28, 2025



Celia A. Zalmer, Esq.
Clerk of the Commission
New York State
Commission on Judicial Conduct