



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

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Franklin County Town Justice Should Be Removed for Financial Deficiencies and Failing to Cooperate

The New York State Commission on Judicial Conduct has determined that David W. Wilbanks, a Justice of the Fort Covington Town Court, Franklin County, should be removed from office for failing to report and remit funds to the State Comptroller as required and subsequently failing to cooperate with the Commission's investigation.

Judge Wilbanks failed to file mandatory monthly reports to the State Comptroller from December 2022 through May 2023, resulting in his judicial salary being stopped until he filed the reports in July 2023, up to six months late.

Compounding his misconduct, Judge Wilbanks failed to cooperate with the Commission's investigation by not responding to two inquiry letters and not appearing for testimony when summoned. He also failed to answer the resulting ethics charges or otherwise participate in the Commission's disciplinary proceedings against him.

In its removal determination, the Commission stated: "By not reporting and remitting funds to the State Comptroller as required for six months, [Judge Wilbanks] failed to diligently perform his administrative duties," and that his

“failure to respond to the Complaint and participate in the proceedings demonstrated his disdain for the Commission’s important function.”

Judge Wilbanks, who is not an attorney, has served as a Justice of the Fort Covington Town Court since 2021. His current term expires on December 31, 2024.

Statement by Commission Administrator

Commission Administrator Robert H. Tembeckjian made the following statement.

“Town and village court justices are responsible for reporting their cases and promptly remitting all official monies collected by their courts from fines, fees and other sources. The failure to do so, and the associated failure to participate in resulting disciplinary proceedings, undermine public confidence in the integrity of the judiciary.”

The Commission Proceedings

Judge Wilbanks was served with a Formal Written Complaint dated October 26, 2023, containing two charges. He did not file an Answer.

By motion dated December 18, 2023, the Administrator moved for summary determination. The judge did not submit a response. The motion was granted on January 25, 2024, determining that the factual allegations of the Complaint were sustained and that the judge’s misconduct was established.

Counsel to the Commission filed a brief arguing for the judge’s removal and waived oral argument unless the judge was to appear. The judge did not make a submission on the issue of sanction, respond to the administrator’s brief or appear for oral argument.

The Commission Determination

The Commission filed a determination dated April 12, 2024, in which all 11 members concurred: Joseph W. Belluck, Esq. (the Commission Chair), Taa Grays, Esq., (the Vice Chair), Hon. Fernando M. Camacho, Brian C. Doyle, Esq., Judge John A. Falk, Judge Robert J. Miller, Nina M. Moore, Ph.D., Marvin Ray Raskin, Esq., Graham B. Seiter, Esq., Hon. Anil C. Singh 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 Wilbanks received it on April 18, 2024, 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 Wilbanks 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 183 determinations of removal against judges in New York State. The Commission has issued 350 determinations of censure and 283 determinations of admonition.

The Court of Appeals has reviewed 102 Commission determinations. The Court accepted the Commission's sanctions in 86 cases (77 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.

Counsel

In the proceedings before the Commission, Judge Wilbanks represented himself.

The Commission was represented by Deputy Administrator Cathleen S. Cenci, Staff Attorney Shruti Joshi and Senior Investigator Ryan Fitzpatrick.

Background Information on Judge Wilbanks

First Took Office: 2021
 Current Term Expires: December 31, 2024

Members of the Commission

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

The Public File

The determination and other records are available on the Commission's website:
www.cjc.ny.gov.

MEMBERS OF THE STATE COMMISSION ON JUDICIAL CONDUCT

Member	Appointing Authority	Term End
Joseph W. Belluck, Esq., Chair	Governor Kathy Hochul	March 31, 2028
Taa Grays, Esq., Vice Chair	Senate President Pro Tem Andrea Stewart-Cousins	March 31, 2027
Hon. Fernando M. Camacho	Chief Judge Rowan Wilson	March 31, 2028
Brian C. Doyle, Esq.	Senate Minority Leader Robert G. Ort	March 31, 2028
Hon. John A. Falk	Former Chief Judge Janet DiFiore	March 31, 2025
Hon. Robert J. Miller	Governor Kathy Hochul	March 31, 2026
Nina M. Moore, Ph.D.	Governor Kathy Hochul	March 31, 2027
Marvin Ray Raskin, Esq.	Assembly Speaker Carl E. Heastie	March 31, 2026
Graham B. Seiter, Esq.	Assembly Minority Leader William A. Barclay	March 31, 2025
Hon. Anil C. Singh	Chief Judge Rowan Wilson	March 31, 2026
Akosua Garcia Yeboah	Former Governor Andrew M. Cuomo	March 31, 2025