

Commission on Judicial Conduct to Examine Defendant's Right to Witnesses



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Press Release Summary: Judicial conduct issues submitted to the New York State Commission on Judicial Conduct

Press Release Body: New York, February 13, 2008 - **Judicial misconduct** charges were filed with the **New York State Commission on Judicial Conduct** protesting the decision of three New York State judges to deny a defendant all witnesses for his defense. At issue are allegations that these judges ignored constitutional directives and core principles of due process.

In tandem, the judges, including the Chief Judge of the State of New York, refused to grant a defendant physician his right to any and all witnesses for the support of his defense. *"There is a name for hearings and trials that do this,"* the doctor said, *"they're called kangaroo courts,"* adding *"and what is more, as a twist in this case - and undoubtedly hard to believe - is that it was eventually uncovered that one of the judges, for many years, lived at the same residence as that of the plaintiff!"*

Invoking several constitutional points, the physician, speaking generically, said that witnesses have the capacity to provide invaluable testimonies for vindication, instantly dissolving fabrications and exposing perjuries. Challenged on professional issues, however, he was summarily denied that right.

"The complaint with the Commission was filed to support all the New York State doctors long subjected to similar calamities of due process, and there are huge numbers of them," the physician remarked, "in fact, so many, that several bills to address the matter have attempted to make their way through the New York State legislature. Lamentably, they were all vetoed by the former governor of the State of New York."

"The Commission filing is designed to bring awareness for the need for due process rights for every citizen, including physicians. As poignantly, it seeks to stand up for patients who, in many clinical situations, find that the state's perfunctory elimination of their physicians' care is often clearly harmful to their health." He added, "A central question posed to the Commission is the following: If a judge denies a defendant any and all witnesses for his defense, to what extent does this make it judicial misconduct?"

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