

New York Law Journal
Volume 212, Number 54
Copyright 1994 by the New York Law Publishing Company

Friday, September 16, 1994

IRREGULARITY LED TO PRIVATE REPRIMAND

By Matthew Goldstein

MANHATTAN Housing Court Judge Arthur R. Scott Jr., an 11-year veteran of the Housing Court bench, was privately reprimanded by court administrators for apparent procedural irregularities in his handling of a landlord-tenant case, according to a number of court officials and housing attorneys.

The court system's admonishment, which included a warning to Judge Scott and the removal of about 30 pending cases from his docket, stemmed from a written complaint filed by a Manhattan attorney on June 23, 1993, with State Supreme Court Justice Jacqueline W. Silbermann, the administrative judge for the New York City Civil Courts, who oversees the Housing Court system.

Allegations in the complaint suggest that the standard Housing Court procedure for issuing an eviction warrant against a tenant was not followed by Judge Scott in the case, which effectively shortened the time for a landlord to get a warrant from about one month to one week.

Meanwhile, in a move that may or may not be related to the allegations in the June 1993 complaint, the Manhattan District Attorney's Office has been investigating Judge Scott since late last year, several court officials and law enforcement sources have confirmed. Officials have declined to discuss the status or scope of the District Attorney's probe.

Gerald McKelvey, the chief spokesman for the Manhattan District Attorney, said he could not comment on the status or subject of the investigation.

The admonishment, which was imposed late in the summer of 1993, came less than a year after Judge Scott's reappointment to a third five-year term in January 1993, despite concerns that had been raised by some court officials about his repeated absences from the bench.

David Rosenberg, a partner with Marcus, Borg, Rosenberg & Diamond, who chairs the Housing Court Advisory Council, a panel which reviews housing court judicial nominees, said his committee was aware of problems with Judge Scott's court attendance when he came up for reappointment in late 1992, but declined to comment further on the counsel's actions.

9/16/94 N.Y.L.J. 4, (col. 4)

City Housing Court judges, who earn \$95,000 a year, are appointed by the chief administrative judge of the courts.

Bias Asserted

In an interview conducted several weeks ago, Judge Scott, 47, charged there is a double standard in the way court administrators treat complaints lodged against minority versus non-minority judges. While not directly addressing the allegations in the June 1993 complaint, Judge Scott, who is black, said "We're treated differently. They don't give us the same kind of consideration that white judges get."

Judge Scott said he was unaware of any criminal investigation surrounding his activities.

Top court administrators, including Justice Silbermann and Chief Administrative Judge E. Leo Milonas, declined to comment on the incident or on the court system's handling of the matter. A court official, however, confirmed that a private reprimand and warning had been issued to Judge Scott.

A copy of the complaint, signed by the tenant's attorney, William J. Gribben, a partner with **Himmelstein**, McConnell & Gribben, was obtained by the Law Journal. The complaint concerned a Brooklyn landlord-tenant case, 180 Prospect Place Realty v. Johnson, that was still pending before Judge Scott when he was transferred to Manhattan from Brooklyn Housing Court in February 1993.

Mr. Gribben complained after learning that a 72-hour notice of eviction had been served on his client, even though he had not received an order from Judge Scott finalizing the eviction.

A number of housing attorneys and court personnel, interviewed over the past several weeks, said the procedural irregularities, if true, could be seen as having given preferential treatment to the owner of the residential building, which was in the hands of a court-appointed receiver when the eviction warrant was issued.

A separate review of the court file and documents in the case by the Law Journal showed the following:

- . the eviction warrant, obtained from the City Marshal's office, was signed personally by Judge Scott, rather than by a warrant clerk;
- . there was no record of the eviction warrant having been requested or issued;
- . the eviction warrant was issued one week after Judge Scott's final decision in the case, instead of the usual one month which would have occurred under the court system's first-in, first-out policy.

Judge Scott's handling of the case apparently was serious enough that it prompted court officials to reassign the case to Brooklyn Housing Judge Laurie L. Lau, who stayed Judge Scott's eviction order and subsequently reduced the monthly rent for

9/16/94 NYLJ 4, (col. 4)

Page 3

9/16/94 N.Y.L.J. 4, (col. 4)

the apartment from \$1,350 to \$200.

9/16/94 NYLJ 4, (col. 4)

END OF DOCUMENT