



PRESS RELEASE

**New York State
Unified Court System**

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Chief Judge Appoints Members to State's New Commission on Prosecutorial Conduct

NEW YORK—Chief Judge Janet DiFiore today announced the appointments of Hon. Michael J. Obus, Hon. Randall T. Eng and Professor Michael A. Simons, Dean of St. John's University School of Law, to the New York State Commission on Prosecutorial Conduct. Recent state legislation created the Commission as an independent entity dedicated to investigating prosecutorial conduct in New York State, serving to strengthen oversight of New York's prosecutors and holding them to the highest ethical standards in the exercise of their duties.

The New York State Commission on Prosecutorial Conduct will receive, initiate, investigate and hear complaints related to qualifications, conduct, fitness to perform and performance of official duties of any prosecutor in New York State. In carrying out its responsibilities, the Commission may conduct hearings, administer oaths, subpoena and examine witnesses, and require the production of records or other evidence deemed relevant to the investigation. The Commission will produce a factual record, along with recommendations, that will be transmitted to the relevant Appellate Division attorney grievance committee in charge of overseeing the prosecutor charged with misconduct. The attorney grievance committee may then accept or reject the recommended sanction or impose a different sanction.

Additionally, the Commission is authorized to make a recommendation to the Governor that a prosecutor be removed from office for cause—including misconduct as evidenced by departure from obligations under appropriate statute, case law and/or New York Rules of Professional Conduct—and must report annually to the Governor, Legislature and Chief Judge with respect to proceedings in which there has been a final determination.

The fact-finding group is made up of 11 non-salaried members, four appointed by the Governor, two by the State Senate leaders, two by the State Assembly leaders and three by the Chief Judge. Of the Chief Judge's appointees, two must be retired judges, one with significant experience providing public defense services and the other with significant prosecutorial experience; the Chief Judge's third appointee must be a full-time law professor or dean with significant experience in criminal law. The other Commission appointees must include public defense attorneys, defense attorneys and active, former or retired prosecutors.

Judge Obus began his legal career as a staff attorney for the Legal Aid Society of Nassau County, rising through the ranks to become Appeals Bureau Chief. He was first appointed to the New York City Criminal Court in 1986 and was designated an Acting Supreme Court Justice in 1993. From 2009 through 2017, he served as Administrative Judge for the New York State Supreme Court's Criminal Term in New York County. Judge Obus retired from the bench in 2020. He is a member of the New York State Committee on Jury Instructions.

Following law school, Judge Eng became the State's first Asian-American assistant district attorney, serving from 1973 to 1980 in the Homicide Bureau of the Queens County District Attorney's Office. He subsequently worked as Deputy Inspector General, and later Inspector General, for the New York City Department of Correction. He was appointed to the New York City Criminal Court in 1983 and was the first Asian American to sit on the New York State bench. He was later designated an Acting Supreme Court Justice, and in 1990 was elected and re-elected to the New York State Supreme Court bench. He served as Administrative Judge of the Queens County Supreme Court's Criminal Term from 2007 until his elevation in 2008 to the Appellate Division, Second

Department, to which he was named Presiding Justice in 2012. He retired from the bench in 2018 and is currently of counsel to Meyer, Suozzi, English & Klein, P.C. and a member of the Litigation Department, including the Appellate Practice and Criminal Defense groups. He serves on the New York State Judicial Institute on Professionalism in the Law.

Professor Simons joined the St. John's University faculty in 1998 and was appointed Dean of the School of Law in 2009. He teaches courses in criminal law and evidence, has been a frequent lecturer to the bench and bar on both topics, was selected by the St. John's University law students as Professor of the Year in 2000 and 2011, and is actively involved in the University's efforts to promote diversity in the legal profession. His scholarship has focused on sentencing, prosecutorial decision-making, and punishment theory. He began his law career clerking for the Hon. Louis F. Oberdorfer of the U.S. District Court for the District of Columbia, later working as a staff attorney for the Washington Post, an associate at Stillman, Friedman & Shaw, where he practiced criminal defense law, and an Assistant U.S. Attorney in the Southern District of New York. He is a past member of the New York City Mayor's Advisory Committee on the Judiciary.

"We are most fortunate to have three such accomplished and well-regarded candidates as Judge Obus, Judge Eng and Dean Simons to take on this important assignment. They bring vast legal knowledge and experience—along with unassailable integrity and a steadfast commitment to the fair administration of justice—to the newly established Commission on Prosecutorial Conduct. I am thankful to each of them for sharing their time and talents in carrying out the Commission's duties," said Chief Judge DiFiore.

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