

Spargo Inquiry Proceeds

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Relying on the general principle established by the Supreme Court that federal courts should not interfere in proceedings conducted by the States (*Younger v. Harris*, 401 U.S. 37 (1971)), the U.S. Court of Appeals for the Second Circuit has vacated the decision of District Court Judge David N. Hurd in *Spargo v. New York State Commission on Judicial Conduct*, 03-7250 (see NYLJ, December 12, 2003, page 18). Judge Hurd's decision had declared portions of the New York Code of Judicial Conduct unconstitutional and had enjoined enforcement of those portions by the Commission on Judicial Conduct. The decision by the Circuit Court enables the Commission to proceed with its investigation of complaints against Supreme

Court Judge Thomas J. Spargo for violation of the Code.