



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

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Supreme Court Justice in Rockland County Resigns After Being Charged with Engaging in Prohibited Political Activity

Supreme Court Justice Robert M. Berliner (Rockland County) has resigned after being served with formal charges by the New York State Commission on Judicial Conduct.

After a lengthy investigation, Judge Berliner was served with a Formal Written Complaint dated April 25, 2022, alleging that in September 2015 and November 2017, he engaged in prohibited political activity on behalf of two candidates for judicial office by accompanying and/or introducing them to three gatherings of community and political leaders in Orange and Rockland Counties.

Judge Berliner agreed to leave office effective September 30, 2022, and never to seek or accept judicial office at any time in the future. The Commission accepted a stipulation to that effect signed by the judge, his attorney, and the Commission's Administrator.¹

¹ The Stipulation was signed on June 8, 2022. The Commission issued an order accepting it on June 16, 2022.

Judge Berliner waived the statutory provision of confidentiality applicable to Commission proceedings, to the limited extent that the stipulation and Commission's order accepting it would be public.

Judge Berliner has served as a Justice of the Supreme Court, 9th Judicial District, since 2008. He previously served as the Rockland County Surrogate from 2006 to 2007. His current term would have expired on December 31, 2028.²

The stipulation and the Commission's order can be found on the Commission's website: www.cjc.ny.gov.

Statement by Commission Administrator

Commission Administrator Robert H. Tembeckjian made the following statement.

“Judges must be and appear unswayed by partisan politics. Prohibiting their involvement in political campaigns, except when running for judicial office themselves, is essential to public confidence in the independence and impartiality of the judiciary. Promoting someone else's candidacy with political leaders is inconsistent with this mandate.”

Statistics Relating to Prior Commission Decisions

The Commission has accepted 117 such stipulations since the procedure was instituted in 2003.

Since 1978, the Commission has issued 280 determinations of admonition against judges in New York State, 342 determinations of censure and 177 determinations of removal.

The Court of Appeals has reviewed 101 Commission determinations. The Court accepted the Commission's sanctions in 85 cases (76 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

² Pursuant to the NYS Constitution, justices of the Supreme Court must retire on the last day of December in the year they reach the age of 70 but may be certificated to serve up to three additional two-year terms, until the age of 76. Judge Berliner turned 70 this year but would have been eligible to serve via certifications through December 31, 2028.

rejected and the charges dismissed. The Court remitted one matter to the Commission for further proceedings.

Counsel

Judge Berliner was represented by Deborah A. Scalise of Scalise & Hamilton, 111 Brook Street, Suite 202, Scarsdale, New York 10583, (914) 725-2801.

The Commission was represented by Robert H. Tembeckjian, Administrator and Counsel to the Commission; Mark Levine, Deputy Administrator in Charge of the New York office; and Senior Attorney Vickie Ma. Investigator Drew Zagami was assigned to the case.

Background Information on Judge Berliner

First Took Office:	2006
Surrogate Court	2006
Supreme Court	2008
Current Term Expires:	December 31, 2028

Members of the Commission

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

The Public File

The stipulation and order are attached.

MEMBERS OF THE STATE COMMISSION ON JUDICIAL CONDUCT

Member	Appointing Authority	Term End
Joseph W. Belluck, Esq., Chair	Former Governor Andrew M. Cuomo	March 31, 2024
Taa Grays, Esq., Vice Chair	Senate President Pro Tem Andrea Stewart-Cousins	March 31, 2023
Hon. Fernando M. Camacho	Chief Judge Janet DiFiore	March 31, 2024
Jodie Corngold	Former Governor Andrew M. Cuomo	March 31, 2023
Hon. John A. Falk	Chief Judge Janet DiFiore	March 31, 2025
Hon. Angela M. Mazzarelli	Chief Judge Janet DiFiore	December 31, 2022 ³
Hon. Robert J. Miller	Governor Kathy Hochul	March 31, 2026
Marvin Ray Raskin, Esq.	Assembly Speaker Carl E. Heastie	March 31, 2026
Ronald J. Rosenberg, Esq.	Former Senate Minority Leader John J. Flanagan	March 31, 2024
Graham B. Seiter, Esq.	Assembly Minority Leader William A. Barclay	March 31, 2025
Akosua Garcia Yeboah	Former Governor Andrew M. Cuomo	March 31, 2025

³ Judge Mazzarelli's term on the Commission will end upon her retirement from judicial office on December 31, 2022.