

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

In the Matter of the Proceeding
Pursuant to Section 44, subdivision 4,
of the Judiciary Law in Relation to

ROBERT M. BERLINER,

STIPULATION

a Justice Supreme Court, 9th Judicial
District, Rockland County.

IT IS HEREBY STIPULATED AND AGREED by and between Robert H. Tembeckjian, Administrator and Counsel to the Commission on Judicial Conduct (“Commission”), and the Honorable Robert M. Berliner (“Respondent”), who is represented in these proceedings by Deborah A. Scalise, as follows:

1. Respondent served as the Rockland County Surrogate from 2006 to 2007 and has been a Justice of the Supreme Court, 9th Judicial District, Rockland County, since 2008. He was re-elected in November 2021.

2. Pursuant to Article VI, Section 25(b), of the Constitution, a justice of the Supreme Court must retire on the last day of December in the year in which he or she reaches the age of 70 but may be certificated to serve up to three additional two-year terms. A judge who has been certificated may not serve beyond the last day of December of the year in which he or she reaches the age of 76.

3. Respondent turned 70 this year and would be eligible for certification to serve three additional two-year terms beginning January 1, 2023. If so certificated, Respondent would be required to retire from the bench on or before December 31, 2028.

4. After a lengthy investigation, with which Respondent cooperated, the Commission authorized and Respondent was served with a Formal Written Complaint dated April 25, 2022, containing two charges, which alleged, *inter alia*, 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 for the purpose of promoting their candidacies. The Commission has not rendered a determination as to the Complaint.

5. Respondent enters into this Stipulation in lieu of filing an Answer to the Formal Written Complaint.

6. Respondent has tendered his resignation, dated June 7, 2022, and effective September 30, 2022, a copy of which is annexed as Exhibit 1.

Respondent affirms that he will vacate judicial office on September 30, 2022.

7. Pursuant to Section 47 of the Judiciary Law, the Commission has 120 days from a judge's resignation to complete proceedings and, if it so determines,

render and file a determination that the judge should be removed from office.

Pursuant to Article VI, section 22(h) of the Constitution, a judge who is removed from office “shall be ineligible to hold other judicial office.”


8. Respondent affirms that, once having vacated his judicial office, he will neither seek nor accept judicial office at any time in the future.

9. Respondent understands that, should he abrogate the terms of this Stipulation or hold any judicial position at any time, the present proceedings before the Commission will be revived and the matter will proceed to a hearing before a referee.

10. Upon execution of this Stipulation by the signatories below, this Stipulation will be presented to the Commission with the joint recommendation that the matter be concluded, by the terms of this Stipulation, without further proceedings.

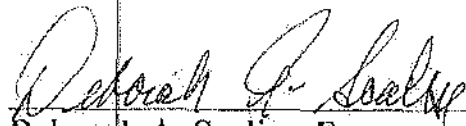
11. Respondent waives confidentiality as provided by Section 45 of the Judiciary Law, to the extent that (1) this Stipulation will become public upon being signed by the signatories below, and (2) the Commission’s Decision and Order regarding this Stipulation will become public.

Dated: 6/8/22



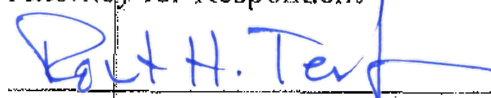
Honorable Robert M. Berliner
Respondent

Dated: 6/8/22



Deborah A. Scalise, Esq.
Scalise & Hamilton, P.C.
Attorney for Respondent

Dated: June 8, 2022



Robert H. Tembeckjian
Administrator & Counsel to the Commission
(Mark Levine and Vickie Ma, Of Counsel)

EXHIBIT 1

STATE OF NEW YORK
ROCKLAND COUNTY SUPREME COURT
JUSTICE ROBERT M. BERLINER
ROCKLAND COUNTY COURTHOUSE
ONE SOUTH MAIN STREET
NEW CITY, NEW YORK 10956
(845) 483-8331

June 7, 2022

Hon. Lawrence K. Marks
Chief Administrative Judge for the State of New York Unified Court System
25 Beaver Street
New York, New York 10004

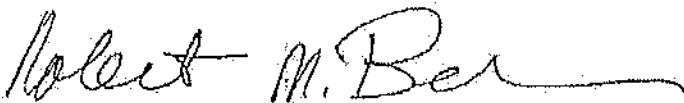
Re: My retirement

Dear Judge Marks:

I am writing to inform you that I have decided to retire from my position as a Justice of the Supreme Court Ninth Judicial District effective September 30, 2022. It has been an honor and a privilege to serve in this position.

Thank you very much for your anticipated courtesies.

Very truly yours,

A handwritten signature in cursive script that reads "Robert M. Berliner". The signature is written in black ink and is positioned above the printed name.

ROBERT M. BERLINER