



NEW YORK STATE  
COMMISSION ON JUDICIAL CONDUCT

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## NEWS RELEASE

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### **Retiring Warren County Supreme Court Justice Should Be Censured for Conflicts of Interest**

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The New York State Commission on Judicial Conduct has determined that Robert J. Muller, a Justice of the Supreme Court, Fourth Judicial District (Warren County), should be censured for failing to disqualify himself from matters involving attorneys and law firms that hosted fundraisers for his re-election campaign.

Judge Muller agreed to the censure. The Commission's Administrator would have recommended suspension from office, if the Commission had authority to do so.

During his 2022 re-election campaign, Judge Muller presided over more than 40 cases in which one of the lawyers had hosted a fundraiser for him, or in which his campaign's finance chair or co-chair appeared before him. He did so notwithstanding an advisory opinion disqualifying him from such cases, subject to disclosure and remittal – an opinion he withheld from the parties until after election day.

In its determination the Commission stated that the judge’s “multiple failures to disqualify or disclose created at the least the appearance of impropriety and brought reproach upon the judiciary.”

### **Judge Muller’s Impending Retirement**

Judge Muller has been a Justice of the Supreme Court since 2009, and his current term expires on December 31, 2036. However, since he reaches retirement age (70) this year, he must step down on December 31, 2025. Although he would be eligible to seek certification to serve an additional two years, Judge Muller agreed not to do so. He will retire from the bench on December 31.

### **Statement by Commission Administrator**

Commission Administrator Robert H. Tembeckjian made the following statement.

“Public confidence in the integrity of the courts is compromised when a judge presides over matters involving active financial and political benefactors. Withholding a pertinent advisory opinion that says so only makes matters worse. Had the judge not agreed to retire this year, and had suspension from office been available in law, the result here would surely have been more stringent than censure.”

### **The Commission Proceedings**

Judge Muller was served with a Formal Written Complaint dated September 30, 2024, containing three charges, and filed an Answer dated November 18, 2024.

On February 10, 2025, the Administrator of the Commission, Judge Muller and his attorney entered into an Agreed Statement of Facts, stipulating to the facts and sanction and waiving further submissions and oral argument.

The Commission accepted the Agreed Statement on March 13, 2025.

### **The Commission Determination**

The Commission filed a determination dated March 28, 2025, in which the 10 participating members concurred, and one (Judge Robert J. Miller) was absent.<sup>1</sup>

### **Court of Appeals Review**

The Commission transmitted its determination to the Chief Judge of the Court of Appeals, pursuant to Judiciary Law Section 44, subdivision 7. The Commission was notified on April 8, 2025, that Judge Muller had received the determination. Consequently, the matter is now public.

A judge may either accept the Commission's determination or, within 30 days from receipt, make a written request to the Chief Judge for a review of the determination by the Court of Appeals.

Pursuant to Judiciary Law Section 44, subdivision 7, if Judge Muller does not request review by the Court of Appeals, the Commission will censure him in accordance with the determination.

If a Commission determination is reviewed by the Court of Appeals, the Court may accept the determined sanction, impose a different sanction including admonition, censure or removal, or impose no sanction.

### **Statistics Relating to Prior Determinations**

Since 1978, the Commission has issued 354 determinations of censure against judges in New York State. The Commission has issued 183 determinations of removal and 288 determinations of admonition.

The Commission has accepted 149 permanent resignation stipulations, in which the judge has agreed to leave office and never seek or accept judicial office in the future, since the procedure was instituted in 2003.

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<sup>1</sup> Akosua Garcia Yeboah's term as a Commission member ended on March 31, 2025. She was succeeded by Robin Chappelle Golston on April 1, 2025.

The Court of Appeals has reviewed 102 Commission determinations. The results are available on the Commission’s website at “[Appealed Decisions](#).”

### **Counsel**

Judge Muller was represented by Peter J. Moschetti, Jr, of Anderson, Moschetti and Taffany, PLLC, 26 Century Hill Drive, Suite 206, Latham, New York 12110, (518) 802-4974.

The Commission was represented by Deputy Administrator Cathleen S. Cenci, Principal Attorney S. Peter Pedrotty and Senior Investigator Laura Misjak.

### **Background Information on Judge Muller**

First Took Office:	2009
Current Term Expires:	December 31, 2036*
	*Judge Muller will reach the mandatory retirement age of 70 in 2025. While eligible to seek certification to remain on the bench, the judge has agreed to retire on December 31, 2025.
Year Admitted to the NYS Bar:	1979

### **Members of the Commission**

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

### **The Public File**

The determination and other records are available on the Commission’s website: [www.cjc.ny.gov](http://www.cjc.ny.gov).

**MEMBERS OF THE STATE COMMISSION ON JUDICIAL CONDUCT**

<b>Member</b>	<b>Appointing Authority</b>	<b>Term End</b>
Joseph W. Belluck, Esq., Chair	Governor Kathy Hochul	March 31, 2028
Taa Grays, Esq., Vice Chair	Senate President Pro Tem Andrea Stewart-Cousins	March 31, 2027
Hon. Fernando M. Camacho	Chief Judge Rowan D. Wilson	March 31, 2028
Stefano Cambareri, Esq.	Assembly Minority Leader William A. Barclay	March 31, 2029
Brian C. Doyle, Esq.	Senate Minority Leader Robert G. Ort	March 31, 2028
Hon. John A. Falk	Chief Judge Rowan D. Wilson	March 31, 2029
Robin Chappelle Golston	Governor Kathy Hochul	March 31, 2029
Hon. Robert J. Miller	Governor Kathy Hochul	March 31, 2026
Nina M. Moore, Ph.D.	Governor Kathy Hochul	March 31, 2027
Marvin Ray Raskin, Esq.	Assembly Speaker Carl E. Heastie	March 31, 2026
Hon. Anil C. Singh	Chief Judge Rowan D. Wilson	March 31, 2026