

STATE OF NEW YORK  
COMMISSION ON JUDICIAL CONDUCT

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

LISA R. RANA,

a Justice of the East Hampton Town Court and  
the Sag Harbor Village Court,  
Suffolk County.

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**DETERMINATION**

THE COMMISSION:

Joseph W. Belluck, Esq., Chair  
Taa Grays, Esq., Vice Chair  
Honorable Fernando M. Camacho  
Jodie Corngold  
Honorable John A. Falk  
Paul B. Harding, Esq.  
Honorable Angela M. Mazzarelli  
Honorable Robert J. Miller  
Marvin Ray Raskin, Esq.  
Ronald J. Rosenberg, Esq.  
Akosua Garcia Yeboah

APPEARANCES:

Robert H. Tembeckjian (Mark Levine and Stella Gilliland, Of Counsel)  
for the Commission

Scalise & Hamilton, P.C. (by Deborah A. Scalise) for respondent

Respondent, Lisa R. Rana, a Justice of the East Hampton Town Court and the Sag  
Harbor Village Court, Suffolk County, was served with a Formal Written Complaint

dated January 14, 2021, containing one charge. Respondent entered into an Agreed Statement of Facts in lieu of an Answer. The Formal Written Complaint alleged that from June 2019 to October 2019, respondent engaged in inappropriate political activity in that she (A) edited as many as eight political opinion essays and letters to the editor intended and/or submitted for publication by David Gruber, then a candidate for non-judicial elected office in the Town of East Hampton, and (B) offered written advice to Mr. Gruber regarding issues raised in his proposed submissions.

On March 5, 2021, the Administrator, respondent's counsel and respondent entered into an Agreed Statement of Facts pursuant to Section 44, subdivision 5, of the Judiciary Law, stipulating that the Commission make its determination based upon the agreed facts, recommending that respondent be admonished and waiving further submissions and oral argument.

On March 11, 2021, the Commission accepted the Agreed Statement and made the following determination:

1. Respondent was admitted to the practice of law in New York in 1992. She has been a Justice of the East Hampton Town Court, Suffolk County, since 2004, and a Justice of the Sag Harbor Village Court, Suffolk County, since 2011. Respondent's current terms as East Hampton Town Court Justice and Sag Harbor Village Court Justice expire on December 31, 2023, and June 30, 2023, respectively.

2. Beginning in April 2019, David Gruber was a candidate for East Hampton Town Supervisor, running on the Independence and Libertarian lines. Prior to that time, respondent was a candidate for reelection as East Hampton Town Court Justice, running

on the Republican and Conservative lines as well as the Independence and Libertarian lines.

3. In June 2019, Mr. Gruber began circulating drafts of political opinion essays and letters to the editor that he intended to submit for publication in local newspapers. The drafts were sent via email to members of his campaign staff, his running mates, and his friends, including respondent, whom he invited to edit his submissions.

4. From June 2019 through August 2019, respondent edited at least eight of Mr. Gruber's submissions using Microsoft Word's "Track Changes" feature which, when enabled, displayed all of respondent's proposed changes in demarcated colored text. All the submissions were statements in Mr. Gruber's name alone.

A. Although many of respondent's suggested edits to Mr. Gruber's draft submissions were stylistic, others were substantive and concerned political topics. For example, in a draft article dated August 5, 2019, which was published on August 8, 2019, respondent *inter alia* changed a reference about local political maneuvers from "corrupt bargain" to "backroom deal," and added a new sentence alleging that the Town Board had shown "ineptitude in addressing the emergency communications disaster in the Springs." A copy of the edited article showing the changes is appended as Exhibit 1 to the Agreed Statement of Facts.

B. In another version of the same draft article, respondent *inter alia*

deleted half a page in redline and then rewrote the text, stating that “public officials ha[d] shown their indifference to our residents on many . . . occasions.” A copy of this version of the article showing the changes is appended as Exhibit 2 to the Agreed Statement of Facts.

5. In addition to editing the articles and letters, respondent also emailed Mr. Gruber separately with additional advice, both substantive and strategic. On August 5, 2019, respondent emailed the following suggestion to Mr. Gruber:

*David, if you start off with DW Wind, you will only reach the same people. This letter isn't about DDW and should not begin with that. If you start off talking about the upcoming election and that there is something new happening, others will start to read it. . . . The letter is about you guys, not 1 political issue. You can touch on these issues briefly but these issue mentions are only there to illustrate how and why you are different.*

A copy of the email is appended as Exhibit 3 to the Agreed Statement of Facts.

6. In an email dated August 25, 2019, respondent wrote to Mr. Gruber:

*We can tighten up the fusion party part. . . . Let me know what issues D[emocrat]s will want to have focused [sic] on. There are a lot of D[emocrat]s in Springs so focusing on Springs issues is important. (Emphasis added.)*

A copy of the email is appended as Exhibit 4 to the Agreed Statement of Facts.

7. In an email dated August 1, 2019, respondent advised Mr. Gruber:

*I agree that quoting Murphy is good but what he has really done in his quote is defined what the current status quo is. So, I noted that.*

*We refer to the status quo several times in the letter so using his words as the definition of what the status quo currently helps - I think. (Emphasis added.)*

A copy of the email is appended as Exhibit 5 to the Agreed Statement of Facts.

8. On August 6, 2019, respondent emailed Mr. Gruber to express her concern that he had submitted an article to a local newspaper with her “Track Changes” edits still visible. Respondent expressed her belief that it would be “very bad...indeed” if her involvement in editing his articles were to be made public. After Mr. Gruber (incorrectly) assured her that he had not made this mistake, respondent continued to edit his submissions. A copy of the email is attached as Exhibit 6 to the Agreed Statement of Facts.

9. On October 17, 2019, a local newspaper revealed that Mr. Gruber had in fact submitted an article with the “Track Changes” feature enabled and showing that edits had been made by a user named “lisa rana.” When reached for comment by the newspaper, respondent did not deny having edited Mr. Gruber’s submissions.

#### Additional Factors

10. It is noted that respondent is charged with engaging in political activity, which is prohibited for other than her own campaign. She is not charged with misbehavior on the bench or with such actionable “deceitful” conduct as a lawyer making misrepresentations to a court or “ghostwriting” submissions for a litigant appearing to be acting *pro se*.

11. In 2005, the Commission confidentially cautioned respondent for personally preparing and approving a radio advertisement for her judicial candidacy that

misrepresented facts about her opponent's reasons for seeking judicial office.

12. Respondent avers that she and Mr. Gruber were friends prior to his decision to run for office in April of 2019.

13. Respondent resides in East Hampton and has long been active in her community. She has been an attorney licensed to practice law in the State of New York and Massachusetts for twenty-eight (28) years. Respondent avers, and the Administrator has no information to the contrary, that she has never been sanctioned by any court in any jurisdiction. She supports many local charities and grew up in the town where she now serves as a local Justice.

14. Respondent has been cooperative and contrite throughout the Commission's inquiry.

15. Respondent avers that she did not edit any political opinion essays and letters to the editor for any other political candidate and will not do so in the future.

16. Respondent has studied and appreciates that the Commission has publicly admonished other judges who have expressed support for political candidates by writing published letters on their behalf. *See Matter of Campbell*, 2005 NYSCJC Annual Report 133, *Matter of Cacciatore*, 1999 NYSCJC Annual Report 85, and *Matter of Decker*, 1995 NYSCJC Annual Report 111.

17. Respondent also appreciates that, as set forth in Opinion 16-85 of the Advisory Committee on Judicial Ethics, prohibited political activity is not rendered permissible by being conducted anonymously.

Upon the foregoing findings of fact, the Commission concludes as a matter of law that respondent violated Sections 100.1, 100.2(A), 100.5(A)(1)(c) and 100.5(A)(1)(d) of the Rules Governing Judicial Conduct (“Rules”) and should be disciplined for cause pursuant to Article 6, Section 22, subdivision (a) of the Constitution and Section 44, subdivision 1 of the Judiciary Law. Charge I of the Formal Written Complaint is sustained insofar as it is consistent with the above findings and conclusions and respondent’s misconduct is established.

Each judge is obligated to “act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary” and must observe high standards of conduct “so that the integrity and independence of the judiciary will be preserved.” (Rules, §§100.1 and 100.2(A)) While judges are permitted to engage in political activity on behalf of their own campaigns for judicial office, the ethical Rules strictly prohibit a judge’s direct and indirect engagement in political activity. (Rules, § 100.5(A)(1)) With exceptions not applicable here, Sections 100.5(A)(1) (c) and (d) of the Rules prohibit judges from “engaging in any partisan political activity” and from “participating in any political campaign for any office. . . .”

In upholding the constitutionality of Sections 100.5(A)(1)(c) and (d) of the Rules, the Court of Appeals held that a judge’s participation in a political party’s “phone bank” in which he made calls to potential voters without giving his name or judicial title, violated these Rules. *In re Raab*, 100 N.Y.2d 305, 310 (2003). The Court held,

the rules are constitutionally permissible because they are narrowly tailored to further a number of compelling state interests, including preserving the impartiality and

independence of our state judiciary and maintaining public confidence in New York State's court system. . . .

Once elected to the bench, a judge's role is significantly different from others who take part in the political process and, for this reason, conduct that would be appropriate in other types of campaigns is inappropriate in judicial elections.

*Id.* at 312, 316. In *Matter of Campbell*, 2005 NYSCJC Annual Report 133, the Commission disciplined a judge for issuing campaign letters in which he endorsed two Town Board candidates. The Commission stated, “[p]articipation by judges and judicial candidates in the political campaigns of other candidates is strictly prohibited; a judge may not even make anonymous telephone calls while participating in a telephone bank on behalf of a candidate for public office.” *Id.* at 134 (citation omitted).

At the time of the misconduct at issue here, Mr. Gruber was running for elected office in East Hampton. Respondent admitted that she participated in prohibited political activity and prohibited campaign activity when she edited candidate Gruber's draft submissions. As respondent acknowledged, even political activity that is anonymous violates the Rules. Respondent also violated the ethical rules when she provided strategic political advice to candidate Gruber.

Respondent, who has been a judge since 2004, should have been aware of the constraints on her political activity. Moreover, in 2005, respondent received a letter of Dismissal and Caution from the Commission which should have caused her to be particularly attentive to her obligation to comply with the Rules. *Matter of Ayres*, 30 N.Y.3d 59, 64 (2017); *Matter of George*, 22 N.Y.3d 323, 331 (2013).

In accepting the jointly recommended sanction of admonition, we have taken into

consideration that respondent has admitted that her conduct warrants public discipline and that she has pledged to fully comply with the Rules. We trust that respondent has learned from this experience and in the future will act in strict accordance with her obligation to abide by all the Rules Governing Judicial Conduct.

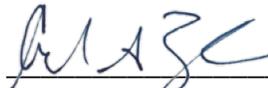
By reason of the foregoing, the Commission determines that the appropriate disposition is admonition.

Mr. Belluck, Ms. Grays, Judge Camacho, Ms. Corngold, Judge Falk, Mr. Harding, Judge Mazzairelli, Judge Miller, Mr. Raskin, Mr. Rosenberg and Ms. Yeboah concur.

#### CERTIFICATION

It is certified that the foregoing is the determination of the State Commission on Judicial Conduct.

Dated: March 19, 2021



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Celia A. Zahner, Esq.  
Clerk of the Commission  
New York State  
Commission on Judicial Conduct