



HON. BERNARD J. MALONE, JR. (Ret.)

Associate Justice, Appellate Division, 1st and 3rd Departments

Known as “very fair and a talented negotiator” by attorneys who have appeared before him according to the 2014 New York Judge Reviews, Judge Bernard J. Malone, Jr. served from 2005-2012 on the Appellate Division, First and Third Departments, deciding appeals involving a wide variety of complex subject matters. Prior to his gubernatorial appointment to the Appellate Division, Hon. Malone was elected to the Supreme Court of the State of New York where he served from 1998- 2005. While a trial level justice, he settled hundreds of trial ready cases, including tort claims, business disputes and matrimonial matters. He has numerous reported decisions. Praised in the 2014 New York Judge Reviews for his good temperament, professionalism, legal knowledge, and his settlement and negotiating skills, it quotes one attorney who said “No one ever criticizes the legal process after leaving his courtroom.”

For the 15 years prior to his election to the bench, he was an Assistant United States Attorney for the Northern District of New York where he specialized in both civil litigation and criminal prosecution and handled/tried the most complex and high profile cases.

In addition to providing arbitration and mediation services at NAM, he is senior counsel to the firm of Whiteman Osterman & Hanna where he is a member of several teams including, Litigation, Business, Corporate and Commercial, Compliance Investigations and Environmental.

AREAS of EXPERIENCE

- Appellate Practice
- Attorney Malpractice
- Employment Rights/Labor
- Insurance
- Intellectual Property
- International Commercial Law
- International Contracts
- International Law
- International Trade Disputes
- International Transactions
- Legal Ethics/Professional Liabilities
- Matrimonial
- Medical Malpractice
- Negligence
- Oil & Gas
- Personal Injury
- Premises Liability
- Property/Land Law/Leasing
- Torts & Product Liability
- Worker’s Compensation

HONORS and AWARDS

- Recipient of the Distinguished Alumni Award, National Alumni Association-Albany Law School, 2013

JUDICIAL EXPERIENCE

- Appellate Division, Supreme Court of the State of New York, Third Department, 2008-2012
- Appellate Division, Supreme Court of the State of New York, First Department, 2005-2008
- Supreme Court of the State of New York, Albany Co., 1998-2005

LEGAL EXPERIENCE

- Whiteman Osterman & Hanna LLP, Albany, NY, 2013-present
- U.S. Attorney's Office-Albany, NY, 1982-1998
- Hinman, Straub-Albany, NY, 1973-1982
- District Attorney's Office, Albany County, 1971-1973

PROFESSIONAL AFFILIATIONS and ASSOCIATIONS

- Trustee Emeritus, Albany Law School-Albany, New York
- Co-Chair, New York State Bar Association Special Committee on Youth Courts
- Founding Member of Federal/New York State Judicial Advisory Council, Appointed by Chief Judge of New York State
- Member and contributing author of the New York State Supreme Court Bench Book
- Sustaining member, Albany County Bar Association
- Founding Member of the Youth Courts in the Towns of Colonie and Bethlehem

EDUCATION

- CPLR 2013 Advanced Commercial Mediation Training Seminar, Fordham Law School
- International Institute for Conflict Prevention & Resolution Advanced Commercial Mediation
- Albany Law School, J.D., 1972
- Niagara University, B.A., 1965

MILITARY

- United States Army, Active Duty, 1965-1969
- Distinguished Graduate, Infantry Officer Candidate School, Fort Benning, GA
- Awarded Bronze Star and Distinguished Service Medal for Service in Vietnam