

*State of New York
Court of Appeals*

*John P. Ariello
Chief Clerk and
Legal Counsel to the Court*

*Clerk's Office
20 Eagle Street
Albany, New York 12207-1095*

April 28, 2016

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State Commission on Judicial Conduct
61 Broadway, 12th Floor
New York, New York 10006

RECEIVED

Re: Hon. Simon (Alan M.)
JCR 2016-0001

MAY 02 2016

NYS COMMISSION ON
JUDICIAL CONDUCT - NYC

Dear Counselors:

I acknowledge receipt on April 27, 2016, of petitioner's request, dated April 26, 2016, for Court of Appeals review of the Commission on Judicial Conduct determination in this matter. In accordance with section 530.1(b) of the Court's Rules for Review of Determinations of the State Commission on Judicial Conduct (the Rules), this proceeding is deemed commenced as of April 27, 2016.

Briefing Schedule

Pursuant to section 530.2 of the Rules, petitioner shall serve and file the papers for review by May 27, 2016 (see section 530.2 of the Rules). Failure to comply with this due date or such due date as extended pursuant to section 530.7(a) of the Rules shall subject the petitioner to dismissal of the matter (see section 530.7[b] of the Rules).

Respondent Commission on Judicial Conduct shall serve and file a brief and any appendix within 30 days after the date of service of petitioner's papers (see section 530.4 of the Rules). Failure to comply with this due date or such due date as extended pursuant to section 530.7(a) of the Rules shall subject the respondent to preclusion (see section 530.7[c] of the Rules).

Petitioner may serve and file a reply brief within 15 days after the date of service of respondent's brief (see section 530.2 of the Rules).

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Parties are expected to comply with the service and filing dates stated above. "Filed" means receipt of the paper documents by the Clerk's Office. The procedure for requesting an extension, which requires a showing of good cause, is set forth in section 530.7 of the Rules.

Covers and Contents of Filed Documents

Parties should review and comply with all of the general requirements in section 500.1 of the Court of Appeals Rules of Practice (e.g., no plastic covers, no sharp metal fasteners, affidavit of service stapled to inside of back cover of document labeled "original"), as well as the specific requirements for filings set forth in sections 530.2 and 530.4 of the Rules.

In addition, all filed documents shall display on their covers the letter number combination listed under the subject line of this letter. Citations in briefs to testimony, affidavits or exhibits shall be to such material provided to the Court in petitioner's record for review or in respondent's appendix, if filed. The Clerk's Office encourages the filing of any appendix as a separately bound submission.

In preparing briefs and record material, the parties should take careful note of the requirements concerning confidential and sensitive information, and possible sealing or redaction responsibilities (see enclosed notice).

Digital Filing Requirements

Parties also are required to submit digital versions of each paper filing (see section 530.5 of the Rules) by uploading them to the Court of Appeals Public Access and Search System (Court-PASS) accessed through the Court's web site (www.courts.state.ny.us/ctapps). A document containing the Technical Specifications and Instructions for Submission of Briefs and Record Material in Digital Format (including Naming Conventions) is enclosed and is available on the Court's web site.

For Court-PASS, parties to this matter will use **JCR-2016-00001** as the Login Number. Attorneys admitted to practice in New York State must also enter their attorney registration number and password from their New York Unified Court Systems' Attorney Online Service Account. Attorneys who do not have such an account may create one through a link on Court-PASS. Filers who are not registered New York attorneys must call the Clerk's Office at one of the phone numbers below to obtain guest login credentials.

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For uploading purposes, petitioner's digital brief shall have the following file name: **SimonAlanM.vSCJC-pet-Simon-brf.pdf**. Petitioner also shall follow the PDF file naming conventions with respect to the digital submission of record material. All digital record material shall be submitted in separate files. Respondent's digital brief shall have the following file name: **SimonAlanM.vSCJC-res-SCJC-brf.pdf**. Petitioner's reply brief, if any, shall have the following name: **SimonAlanM.vSCJC-pet-Simon-replybrf.pdf**.

The parties are reminded of their obligation to ensure that the contents of the digital submissions are identical to those filed in hard copy, with the exception that the digital version need not contain an original signature (see section 12 of the enclosed Technical Specifications and Instructions for Submission of Briefs and Record Material in Digital Format).

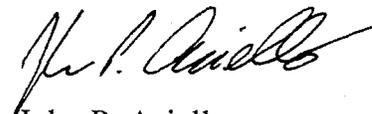
When uploading digital versions of filed documents, the parties will be required to fill out an attestation form regarding confidential and/or sensitive information. A copy of such form may be viewed in the Court-PASS area of the Court's web site.

Scheduling of Argument

A copy of the Court's calendar of upcoming argument sessions is enclosed. The parties should review possible argument dates after the date set for the filing of petitioner's reply brief above, and notify the Clerk's Office as soon as possible of any dates of unavailability. After an argument date is set by the Court, it will not be changed absent good cause.

Questions may be directed to Susan Dautel at (518) 455-7701 or James Costello at (518) 455-7702.

Very truly yours,



John P. Asiello

JPA/jac/ai

cc: Hon. Alan M. Simon