



*State of New York
Court of Appeals*

*Lisa Le Cours
Chief Clerk and
Legal Counsel to the Court*

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

October 13, 2022

Cerio Law Offices
Attn: Michael Root, Esq.
407 South Warren Street, 5th Floor
Syracuse, NY 13202

Robert H. Tembeckjian, Esq.
Administrator and Counsel
State Commission on Judicial Conduct
61 Broadway, 12th Floor
New York, New York 10006

RECEIVED

**Re: Matter of Hon. Robert J. Putorti
JCR 2022-00010**

OCT 17 2022

Dear Counselors:

NYS COMMISSION ON
JUDICIAL CONDUCT NYC

I acknowledge receipt on October 13, 2022 of petitioner's request, dated October 11, 2022, for Court of Appeals review of the State 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 October 11, 2022.

Briefing Schedule

Pursuant to section 530.2 of the Rules, petitioner shall serve and file the papers for review by November 10, 2022 (*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 supplemental 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).

October 13, 2022

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-2022-00010** 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: **MatterofPutortivSCJC-pet- Putorti-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: **MatterofPutortivSCJC-res-SCJC-brf.pdf**. Petitioner's reply brief, if any, shall have the following name: **MatterofPutortivSCJC-pet-Putorti-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 [REDACTED] or Margaret Wood at [REDACTED].

Very truly yours,



Lisa LeCours

LL/MNW

NEW YORK STATE COURT OF APPEALS

Technical Specifications and Instructions for Submission of Briefs and Record Material in Digital Format

1. Digital submissions shall be transmitted to the Clerk's Office by uploading them to the Court of Appeals Public Access and Search System (Court-PASS).
2. To upload digital submissions to Court-PASS, New York attorneys must be registered with the New York State Unified Court System's Attorney Online Services. Filers who are not New York attorneys must use "guest" login credentials, which will be provided by the Clerk's Office.
3. All digital submissions to the Court of Appeals shall be in text searchable portable document format (PDF). Filers are encouraged to submit documents in archival format (PDF/A).
4. The digital submissions shall be named in accordance with the conventions provided by the Clerk's Office.
5. Filers must complete the Court's confidential and sensitive materials attestation form when uploading digital submissions to Court-PASS. The form is intended to ensure compliance with the Court's sealing and redaction requirements.
6. Digital submissions may not exceed a file size of 100 megabytes. Filers are permitted to upload up to five documents per uploading session.
7. Removing metadata from digital submissions is the filer's responsibility.
8. To ensure effective redaction, the filer must use redaction methods that permanently remove sensitive content from all metadata and all document layers. Some PDF editing programs as well as specialized redaction tools can help ensure thorough redaction.
9. If a document does not conform to the Court's requirements, including sealing and redaction requirements, the Clerk's Office will direct the filer to resubmit the document. Such resubmission is mandatory and must be accomplished within the time set by the Clerk's Office.

10. A filer who has not been directed to resubmit a document, but wishes to do so, must obtain prior approval from the Clerk's Office.

11. Uploading digital submissions to Court-PASS does not satisfy the filing due dates set by the Clerk's Office in a scheduling letter or by operation of the Court's Rules of Practice. The filer is responsible for meeting applicable due dates by filing the required number of paper documents with the Clerk's Office. A document is "filed" with the Clerk's Office on the date of receipt of the paper document. The digital submissions shall be uploaded to Court-PASS no later than the filing due date for paper documents.

12. By uploading documents to Court-PASS, a filer attests that the digital submissions being uploaded are identical to the filed original printed material, except that the digital submissions do not contain an original signature.

NEW YORK STATE COURT OF APPEALS

Naming Conventions for Briefs and Record Material

The appropriate title of the action can be found in the briefing letter sent to parties.

These naming conventions use the parties' designation in the Court of Appeals (i.e. role), not the court of original instance or the intermediate appellate court.

Abbreviations:

appellant: app	amicus or amici brief: amicbrf
respondent: res	appendix: appdx
amicus or amici: amic	supplemental appendix: suppappdx
brief: brf	Appellate Division brief: ADbrf
reply brf: replybrf	Appellate Division reply brief: ADreplybrf
record on appeal: Rec	Appellate Division Record: ADRec
	Brief in response to amicus brief: BrfRspAmic

PDF File Naming Conventions:

Briefs: title of action-role-name-brf.pdf

Reply Briefs: title of action-role-name-replybrf.pdf

Appendices: title of action-role-name-appdx.pdf

Court of Appeals Records: title of action-role-name-Rec.pdf

Multiple Volumes (if more than one volume of a record is filed, each volume should be a separate file): title of action-role-name-Rec-voll.pdf

Letter Briefs (for Rule 500.11 appeals): title of action-role-name-SSMltrbrf.pdf

Appellate Division materials:

title of action-role-name-ADbrf.pdf

title of action-role-name-ADreplybrf.pdf

title of action-role-name-ADRec.pdf

Examples

Title of Action: Smith v Jones (as found in briefing schedule letter from Clerk's Office)

Appellant: Smith

Respondents: Jones and Brown

Amici: Concerned Citizens et al.

Smith files a brief and a 4 volume record.

The PDF files would be named:

SmithvJones-app-Smith-brf.pdf

SmithvJones-app-Smith-Rec-vol1.pdf

SmithvJones-app-Smith-Rec-vol2.pdf

SmithvJones-app-Smith-Rec-vol3.pdf

SmithvJones-app-Smith-Rec-vol4.pdf

Jones files a brief.

The PDF file would be named:

SmithvJones-res-Jones-brf.pdf

Brown files a brief and supplemental appendix.

The PDF files would be named:

SmithvJones-res-Brown-brf.pdf

SmithvJones-res-Brown-suppappdx.pdf

Concerned Citizens et al. files an amici brief.

The PDF file would be named:

SmithvJones-amic-ConcernedCitizens-amicbrf.pdf

CHECKLIST FOR NORMAL COURSE APPEAL FILINGS

Before filing a **brief** on a normal course appeal, the filer should ensure that the following requirements have been satisfied. This list is not exhaustive, but addresses the most common issues with briefs.

- The brief is signed and dated.
- The formatting complies with Rule 500.1.
- A word count certification is included (see Rule 500.13[c]).
- The cover page displays, in the upper right hand corner, the arguing attorney's full name and the time requested for oral argument.
- A corporate disclosure statement, if applicable, is included (see Rule 500.1[f]).
- Citations are to record or appendix pages (see Rule 500.13(a)).
- Citations in the Table of Authorities are to the official reporter, if available.
- Unpublished cases are attached to the brief as an addendum.
- Any cited material that is not readily available is provided in a separately bound filing (typically denominated a "Compendium of Authorities Cited in [party's] Brief").

If the filing is an Appellant's opening brief, the filer should also confirm the following:

- The \$315 fee pursuant to CPLR 8022 is included (check made out to "State of New York, Court of Appeals"). If exempt, include a letter to the Clerk explaining the basis for the exemption.
- Record material has been supplied in accordance with Rule 500.14.
 - The record or appendix includes (1) the statement required by CPLR 5531 and (2) a certification pursuant to CPLR 2105 or stipulation pursuant to CPLR 5532.
 - If filing an appendix, the appellant has either (1) subpoenaed the original file from the clerk of original instance (Rule 500.14[a][1]), unless appellant is represented by assigned counsel or has established indigency, or (2) filed one copy of the reproduced record used at the intermediate appellate court (Rule 500.14[a][2]).

For all filings (briefs, records, appendices, compendiums), ensure the following:

- The cover displays the letter/number combination listed on the subject line of the scheduling letter (e.g. APL 2017-00000; CTQ 2017-00000; JCR 2017-00000).
- An original and nine copies have been filed and three copies have been served on each other party.
- An affidavit of service is included (affixed to the inside of the back cover of the filing), indicating service of three copies on each other party.
- If the filing is confidential, the document cover is marked "CONFIDENTIAL" and a letter has been supplied to the Clerk, copied on all other parties, stating the basis for the confidentiality of the filing.
- A digital version of the filing has been uploaded to the Court-PASS system.
 - The filing complies with the Court's Technical Specifications (enclosed with scheduling letter and available at <http://www.courts.state.ny.us/ctapps/techspecs.htm>)
 - The filing uses the proper naming conventions (provided in the scheduling letter)



State of New York
 Court of Appeals
 20 Eagle Street
 Albany, New York 12207-1095
www.nycourts.gov/courts/appeals

2023

January

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February

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June

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August

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September

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October

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