

**Instructions for Filing a
Financial Disclosure Statement
For Calendar Year 2009 For Judicial
Candidates Filing Pursuant to 22 NYCRR Section
100.5(A)(4)(g)**

State of New York
Ethics Commission
for the Unified Court System
25 Beaver Street, Room 875
New York, NY 10004
(212) 428-2899
Intranet address: UCS Home Page under
"Topics A to Z"
Internet address: www.nycourts.gov/ip/ethics
Email: EthicsComm@courts.state.ny.us

WHO MUST FILE

You must file a financial disclosure statement for calendar year 2009 pursuant to section 100.5(A)(4)(g) of the Chief Administrator's Rules Governing Judicial Conduct if you are a candidate for public election to judicial office, other than in town and village courts. Candidates for judicial office in town and village courts do not have to file.

Compliance under this rule is not necessary if you are or were required to file a financial disclosure statement for the preceding calendar year pursuant to Part 40 of the Rules of the Chief Judge.

WHERE TO FILE

New York State Ethics Commission
for the Unified Court System
25 Beaver Street, Room 875
New York, NY 10004

WHEN TO FILE

You must file your financial disclosure statement for calendar year 2009 within 20 days following the date on which you become a candidate.

Your statement is filed when it is received at the Commission offices at the address indicated above.

Extension of Time to File

The Ethics Commission for the Unified Court System may grant an additional period of time to file, not to exceed fifteen (15) days, on the grounds of justifiable cause or undue hardship.

GENERAL INFORMATION

•If you received a financial disclosure statement with a pre-addressed label, and the information on the label is incorrect, please correct it. The address which appears on the label **WILL NOT BE AVAILABLE FOR PUBLIC INSPECTION**.

•You must respond to each and every part of every question. All responses should be typed or printed in blue or black ink. If the answer to any question is "NONE", check the appropriate box. "Not applicable" is not an acceptable response except in the case of single persons, without unemancipated children, answering questions 4b and 5b. Sign and date the statement at the end.

•**DO NOT ATTACH TAX RETURNS; DO NOT ATTACH STATEMENTS REGARDING IRAs OR OTHER RETIREMENT ACCOUNTS; DO NOT ATTACH STATEMENTS REGARDING MONEY MARKET ACCOUNTS** to your financial disclosure statement. You must report the requisite information regarding those accounts in the response area for the appropriate question in your financial disclosure statement. **DO NOT ATTACH UNIFORM GIFTS TO MINORS ACCOUNT STATEMENTS**. These accounts do not have to be reported.

•**YOU MAY ATTACH BROKERAGE STATEMENTS REGARDING ACCOUNTS OTHER THAN RETIREMENT AND MONEY MARKET ACCOUNTS**. If you do so, all information in these statements

becomes part of your financial disclosure statement and all information other than monetary values and amounts will be made available for public inspection. We recommend that you delete from brokerage statements all information that is not required to be reported, including but not limited to home addresses, social security numbers, birth dates, account numbers, and names of brokers.

•All information must be provided following the format of the statement. If you need additional space to respond to any question, complete your response on extra sheets of paper following the format of the disclosure statement and attach them to your statement. All extra sheets will be available for public inspection.

•Dollar values or amounts should be indicated by Category only. The categories of value or amount WILL NOT BE AVAILABLE FOR PUBLIC INSPECTION.

The Categories are:

Category A—under \$5,000.00

Category B—\$5,000 to under \$20,000

Category C—\$20,000 to under \$60,000

Category D—\$60,000 to under \$100,000

Category E—\$100,000 to under \$250,000

Category F—\$250,000 and over.

Deletions

A request that certain information reported on the financial disclosure statement be deleted from public inspection must be filed with your financial disclosure statement. The grounds for such request are that the information will have no material bearing on the official discharge of your duties, should you be elected. A deletion request will not be considered unless it is filed with a complete financial disclosure statement including the information you seek to have deleted.

Public Inspection

The information reported in a financial disclosure statement is available for public inspection, except all categories of value or amount, the names of unemancipated children, and any information deleted by the Commission pursuant to a filer's request. However, an unredacted copy of a financial disclosure statement may be released in compliance with a subpoena. Note that information on a label affixed by the Commission to a statement is not available for public inspection.

Procedures and Applications

Commission Procedures regarding filing extensions, deletions and public inspection, as well as all the other Commission Procedures, can be obtained from the Commission website. The addresses are at the top of the first page of these instructions.

Applications for requesting extensions and deletions, as well as all the other Commission forms, can also be obtained from the website.

If you do not have access to a computer, you can obtain Commission Procedures or Applications by contacting the Commission at the telephone number or address given at the top of the first page of these instructions.

Judiciary Law §211(4) and 22 NYCRR Part 40 establish a strong public policy favoring disclosure. Thus applicants otherwise required to file, who have requested deletions, must demonstrate that an exception to this policy is warranted.

Question by Question Instructions

A Quick Filing Guide is at the end of these instructions.

Question 1 – Name

Report your complete name including middle name or initial.

Question 2 – Employment

2(a) Report your current employment.

2(b) Report your current work address including street address, city, state and zip code.

2(c) Report your complete office telephone number, including area code and extension.

Question 3 – Family

3(a) Report your marital status, during 2009, as “married,” “single, or “separated”, or “domestic partner”. If you are married, report the name of your spouse. If you report your status as “domestic partner”, you do not have to report any information pertaining to your partner.

Separated means living apart with the intention of terminating the marriage or remaining permanently separated. Report the name but no other information about a separated spouse, if you were separated throughout all of 2009. In this case, you must file a statement of marital status with your financial disclosure statement. You can obtain that form from the Commission. A new statement of marital status must be filed each year. If you lived with your spouse for any part of 2009, you must report your marital status as married and report all required spousal information.

3(b) “Unemancipated child” means a son, daughter, stepson, or stepdaughter who was under age 18 and unmarried at any time during 2009. Names of unemancipated children are not available for public inspection.

Question 4 – Positions

Report positions held during 2009. 4(a) refers to you and 4(b) refers to your spouse or unemancipated child.

Report

- Any paid or unpaid position, including trustee, partner, director, president, vice president, secretary, treasurer, member of a board, executive committee or other committee, in a firm, corporation (whether a for-profit or not-for-profit), association, general or limited partnership, family charitable foundation, or

other organization or entity.

- Indicate whether such entity was licensed or regulated by a state or local agency, or had matters before or did business with a state or local agency. If you do not know whether the entity was licensed or regulated by, or did business with any state or local agency, you must indicate that you do not know.

Do not report

- Membership in an organization when you hold no office or position in the organization.
- Uncompensated honorary positions.
- Do not list your position as trustee of a trust for the benefit of family members.
- Political party and political organization positions. Report these in Question 7.

Question 5 – Employment

Report employment during 2009;

5(a) refers to you, 5(b) refers to your spouse or unemancipated child.

5(a) Report and briefly describe any employment, occupation, trade, business or profession in which you engaged other than the employment reported in question 2(a). If such activity was licensed or regulated by a state or local agency, or did significant business with a state or local agency, identify the agency.

5(b) Report employment, occupations, trades, businesses or professions engaged in by your spouse or unemancipated child, only if the activity, employment or business was licensed or regulated by a state or local agency, or had matters before any state or local agency as a regular and significant part of the business or activity. Identify the agency.

Question 6 – Contracts With State or Local Agencies

Report any interest, in excess of \$1,000, in a contract with a state or local government agency in 2009. Indicate whether the interest was held by you, your spouse or your child.

Report any ownership, right, claim or legal share in a contract with a state or local agency when the value or amount owned exceeded \$1,000 and the contract was owned or controlled by either:

- You, your spouse or your emancipated child.
- A partnership of which you, your spouse, or your unemancipated child is a member (whether general or limited partner).
- A corporation in which you, your spouse or

unemancipated child own or control ten (10%) percent or more of the stock.

Do not report

- A contract on which final payment was made during the reporting year and all obligations were fully performed.

Question 7 – Political activities

List any positions you held during 2009 as an officer, district leader or committee member of any political party or organization. You must identify the name of the political party or organization.

Question 8 – Professional and Business Activities

8(a) If, in 2009, you practiced law, were licensed as a real estate broker, or practiced a profession licensed by the Department of Education,¹ give a general description of the principal area of practice but do not list individual clients, customers or patients. If you did not actually engage in such practice, report the license and state that you did not engage in such practice.

Judges and justices should report that they were licensed to practice law, as should attorneys. An attorney or part-time judge with a practice outside of his or her UCS employment should so indicate.

8(b) Report any business activities in which you or your spouse had an investment of \$1,000 or more in 2009. List the business name and address and briefly describe the nature of the business.

Do not report

- Interest in real property. Report that in Question 17.
- Investments in stocks or other securities. Report them in Question 16.
- Interest in a limited partnership. Report that in Question 16.

Question 9 – Gifts to you and your family

Report gifts to you, your spouse or your child, received in 2009, when the gift is valued at more than \$1,000. In calculating the value of a gift, aggregate the value or amount of all gifts from a single donor to a single recipient during the calendar year. A gift is a voluntary transfer of something of value for less than fair consideration.

Indicate whether the gift was to you, your spouse or your child.

Do not report

- An inheritance.

- Gifts from relatives. A relative is a spouse, parent, sibling, child, stepchild, stepparent, grandparent or any person who is a direct descendant of the grandparents of the filer or his or her spouse.

Question 10 – Reimbursements

Report reimbursements of more than \$1,000 in the aggregate from each source, that you received in 2009. You must identify and briefly describe each source. "Reimbursement" means any travel-related expense provided by a non-governmental source for activities whether related or not to your duties.

Do not report

- Gifts, campaign expenditures, and expenditures reimbursed by UCS.

Question 11 – Retirement plans, trusts and estates

Report a right, claim or legal share you held in 2009, with a value in excess of \$1,000, in a trust or estate, certain retirement plans, or any other beneficial interest.

The fact that you are not receiving benefits now or that you may not have exercised your rights under the trust or estate does not exempt the reporting of the interest.

The bank or financial institution where your interest was held must be identified, as well as the nature of that interest, e.g., IRA.

Report

- The NYS deferred compensation plan.
- Other pensions or deferred compensation plans, including plans established by yourself or a former employer.
- Individual retirement accounts (IRAs), Keogh retirement plans and annuities.
- 401K, 403(b) and 457 plans.

¹The professions licensed by the Department of Education are: medicine, physician's assistants and specialist's assistants, chiropractic, dentistry, dental hygiene, veterinary medicine, animal health technology, physical therapy, physical therapy assistants, pharmacy, nursing, podiatry, optometry, ophthalmic dispensing, engineering, land survey, architecture, landscape architecture, public accountant, shorthand reporting, psychology, social work, massage, occupational therapy, speech-language pathology and audiology.

Do not report

- NYS or NYC retirement plans.
- An interest established by or for, or in the estate of, a relative.
- Deferred income in the nature of delayed compensation. Report it in Question 14.
- The cash surrender value of a life insurance policy.
- Your spouse's interests in trusts, estates, certain retirement plans or other beneficial interests. Report these in Question 16.

Question 12 – Employment agreements

12(a) Report the parties and terms of any contract, promise or other agreement, in effect during 2009, for future employment.

12(b) Report the parties and terms of any agreements, in effect in 2009, established by a former employer, for continuation of benefits or payments to you or on your behalf in excess of \$1,000. This includes contributions to a pension fund; interest in a profit-sharing plan; maintenance of life or health insurance; buy-out agreements and severance payments.

Question 13 – Income received by you or your spouse

Report all income received by you or your spouse in 2009, in excess of \$1,000, from any source, including the employment you reported in question 2a. Indicate whether the income was received by you or your spouse.

If your spouse was employed by the Unified Court System in 2009, and she or he earned income in excess of \$1000, you must report that income whether or not your spouse is required to file a financial disclosure statement.

For purposes of financial disclosure, income means aggregate net income before taxes. Aggregate net income before taxes is gross receipts less all reasonable, ordinary and necessary business expenses as are deductible for federal income tax purposes. Realized capital gains income must be reported if they are reportable for federal income tax purposes.

YOU MUST REPORT YOUR SPOUSE'S INCOME FROM EMPLOYMENT.

If your spouse is self-employed, report the nature of his or her work; if he or she is doing work under another name, report the name. If your spouse has a work address other than your primary

residence, report the address. If the work address is your primary residence so indicate, without reporting your address.

You must report income generated by assets reported in questions 16 and 17.

The bank or financial institution where an income producing account was held must be identified.

If income is received from the sale of a security, the security must be identified.

If income is received from a trust, the name of the trust must be identified.

If income is received from the sale of real property, report the complete address of the property, (number, street, town and state), unless the property sold is your former primary or secondary residence. If it is your former primary or secondary residence, so indicate.

If income is received from the rental of real property, report the complete address of the property unless it is your primary residence. If it is your primary residence, so indicate without reporting the address. For purposes of financial disclosure, you can not receive rental income from a secondary residence since that is defined as a residence from which you received no rental income.

See the Reference Sheet at the end of these instructions for information regarding reporting requirements for specific sources of income.

Question 14 – Income due to you

Report any income in excess of \$1,000 that you earned during 2009 but that will be paid to you subsequent to 12/31/09.

Do not report

- Deferred Compensation or other retirement plans or pensions. Report them in Question 11.

Question 15 – Assignment of income and gifts to others

Report income in excess of \$1,000 that you assigned to someone else in 2009. An assignment is a transfer or giving of income or a right to such income to another.

Report each transfer by you to someone other than a relative during 2009 for less than fair consideration of an interest in a trust, estate or other

beneficial interest, securities or real property, in excess of \$1,000.

You must report the name of the person to whom, or the entity to which, you assigned the income.

Question 16 – Investments

Report securities held by you or your spouse if the securities had a value in excess of \$1,000 as of 12/31/09. Indicate whether the security was owned by you or your spouse.

SEE THE REPORTING EXAMPLES ON PAGE 7

Report

- Stocks.
- Stock Options (report the value of the options if reasonably ascertainable).
- Savings and other bonds, notes, warrants, certificates of deposit, treasury notes and zero coupon bonds.
- Cash management accounts.
- Limited or general partnerships.
- Mutual funds and other investment funds.
- Money market accounts.
- Mortgages in investment funds held by you or your spouse.
- Mortgages related to the purchase/sale of property held by your spouse.
- Obligations, investment interests in partnerships, and those debt instruments and certificates of interest which are usually referred to as securities.

Report percentage of ownership when you or your spouse hold over 5% of publicly traded stock or 10% of stock that is not publicly traded. If you held less than these percentages, you must report the security but are not required to report the percentage.

Do not abbreviate or use symbols in reporting the names of securities.

You must always report the name of the financial institution holding the securities.

In addition:

- You must report the name of a mutual fund held by a brokerage firm, bank or other financial institution offering investment options other than (in addition to) mutual funds. If the financial

institution offers only mutual funds, you are not required to name the fund. See the examples at the end of this Question.

- If the securities are held in a brokerage account, each security with a value in excess of \$1,000 must be itemized and specifically identified. See the example at the end of this Question.

You do not have to itemize individual securities if they are held in a money market account, a retirement account, a cash management account (CMA), or restricted management account (RMA).

You must specify the agency or department that issued a state or local bond. See the examples at the end of this Question.

If you have reported your retirement plans in Question 11, you do not have to repeat that information. However, you must report your spouse's retirement plans in this Question.

In the case of a mortgage held by your spouse, you must report the complete address of the mortgaged property, including number, street, town and state. You do not have to report mortgages held by your spouse where the mortgagor is a relative.

Mortgages held by you which are related to the purchase/sale of property should be reported in Question 18.

In the case where securities are held in a blind trust, you are not required to report the securities held in the trust but you must report the name of the trust and the trustee and indicate that the securities are subject to a non-disclosure agreement or instruction.

Do not report

- Assets held under the Uniform Gift to Minors Act.
- Securities you hold, issued by a professional corporation, reported in Question 8a.

EXAMPLES – QUESTION 16

Self/ Spouse	Issuing Entity	Type of Security	Percent Owned Or Controlled	Category Of Value
Spouse	AT&T	Common Stock		A
Self & Spouse	XYZ, Inc.	Preferred Stock	6%	D
Spouse	Ginnie Mae	Notes		B
Spouse	1st National Bank	Certificates of Deposit		B
Self	Fidelity Magellan	Mutual Funds		D
Self & Spouse	Merrill Lynch	Mutual Funds*		C
Self	Merrill Lynch	Stock in ML		B
Spouse	Merrill Lynch	Brokerage Account**		B
Spouse	City of New York, General Obligation	Bonds		A
Self	City of New York, Dormitory Authority	Bonds		F
Spouse	J Savings Bank	IRA		E
Spouse	NYS	Deferred Compensation Plan		E

*Galaxy Fund; Vanguard Index Fund; Templeton Strong Fund.

**AT&T; IBM; Microsoft; NYC General Obligation Bonds.

Question 17 – Real estate

Report the complete address of each real property interest, in excess of \$1,000, held by you or your spouse at any time during 2009. Real estate that must be reported includes, but is not limited to, vacant land, cooperatives, condominiums and investment property. Except as indicated below, you do not have to report your primary and secondary residence.

For purposes of financial disclosure, your primary residence is your principal place of abode.

For purposes of financial disclosure, a secondary residence is a residence where you resided at least occasionally in the reporting year, and from which you received no rental income.

NOTE: for purposes of financial disclosure, a vacation home from which you received rental income IS NOT a secondary residence. A time share is considered a vacation home.

A complete address includes number, street or route, town and state. In the case of vacant land, if there is no number and street address, report the town or county and state where the property is located.

If your primary residence was in a building, which contained two or more rental units from which you received rental payment, you must report the required information regarding your residence, including the

street address of the building. An exact street address is required; you should file a deletion application if you want the Commission to consider deleting the address.

Report the complete address of:

- Property owned by a partnership, other than a limited real estate partnership that is sponsored or sold through a stock brokerage or that is publicly traded, or any entity other than a corporation when one of the partners or members is you and/or your spouse.
- Property owned by a corporation in which you or your spouse owned more than 50% of the stock. Report the name of the corporation.
- Your primary or secondary residence if you have a co-owner who is not a relative.
- Your vacation home if it generated rental income.

Indicate ownership by you, your spouse or a corporation.

Question 18 – Debts owed to you

Report debts owed to you, outstanding as of December 31, 2009, in excess of \$1,000, unless owed by a relative. Debts include, but are not limited to, accounts receivable, promissory notes, loan agreements and mortgages related to the purchase/sale of property. You must report the names of all debtors, including judgment debtors.

In the case of a mortgage, you must report the name of the mortgagor and the complete address of

the mortgaged property, including number, street, town and state.

Question 19 – Debts owed by you or your spouse

Report

- Liabilities in excess of \$5,000 as of the date of filing this statement unless the debt is to a relative. Total all debts to one creditor.
- The name of any individual guaranteeing a debt.

In the case of a mortgage, you must report the name of the mortgagee and the complete address of the mortgaged property, including number, street, town and state.

Do not report

- Mortgage or improvement loans issued by a financial institution for a primary or secondary residence.
- Loans issued by a financial institution for education, purchase of an automobile for personal use, or household furniture or appliances.
- Liabilities to a relative.
- Liabilities incurred in the ordinary course of your or your spouse's trade, business or professional practice.
- Maintenance paid in connection with a matrimonial action, alimony or child support.

S T O P

AFTER COMPLETING YOUR STATEMENT MAKE SURE YOU HAVE:

- ✓ **ANSWERED EVERY QUESTION**
- ✓ **REPORTED YOUR SPOUSE'S FULL NAME IN QUESTION 3A**
- ✓ **REPORTED YOUR SPOUSE'S INCOME IN QUESTION 13 (INCLUDING INCOME FROM EMPLOYMENT)**
- ✓ **REPORTED IN QUESTION 16 THE VALUE OF THE SECURITIES THAT PRODUCED THE INCOME THAT YOU REPORTED IN QUESTION 13**
- ✓ **REPORTED THE COMPLETE ADDRESS (INCLUDING STREET ADDRESS, CITY AND STATE) OF THE PROPERTY YOU REPORTED IN QUESTION 17**
- ✓ **SIGNED AND DATED YOUR STATEMENT**

Quick Filing Guide

Where to report information on the Annual Statement of Financial Disclosure. Numbers refer to the question on the form. Unless otherwise indicated, do not report holdings unless they are in excess of \$1,000. (NR indicates items that are Not Reported.)

401K, 403(b) and 457 plans.....	11,16	Home – See Residence	Rental income.....	13
Accounts receivable.....	18	Home purchase, improvement loans from financial institution.....	Rental property.....	17
Alimony/maintenance.....	NR	Home purchase, improvement loans from other than a financial institution.....	Residence, primary or secondary.....	NR
Annuities.....	11,16	Honorary positions, not compensated.....	Retirement plans other than State or City of New York....	11,16
Assignments of income other than to a relative.....	15	Honoraria.....	Retirement plan payments, if reportable for federal income tax purposes.....	13
Automatically reinvested interest or dividends.....	13	Income, generally.....	Salary, other than for position reported in 2a.....	13
Bank and bond interest.....	13	Inheritances.....	Savings accounts.....	NR
Bonds.....	16	Insurance death benefits.....	Savings bonds.....	16
Business income.....	13	Interest received from banks and bonds.....	Securities.....	16
Buy out agreements.....	12(b),13	Investments other than securities or real property....	Severance agreement.....	12(b)
Capital gains.....	13	Investments, real property.....	Severance payment.....	13
Car loans from a financial institution.....	NR	Investments, securities.....	Social Security benefits.....	NR
Certificates of deposit.....	16	IRAs.....	Spouse's income.....	13
Child support.....	NR	Keogh plans.....	Spouse, name.....	3(a)
Children under 18, not married.....	3(b)	Lecture fees.....	Stocks.....	16
Compensation for injury/sickness.....	NR	Liabilities over \$5,000.....	Stock Options.....	16
Compensation owed from prior or current employment.....	14	Life Insurance.....	Teaching income.....	13
Condominiums, cooperatives.....	17	Marital status.....	Time share, rented.....	17
Consulting fees.....	13	Money market acct.....	Time share, not rented.....	NR
Contracts with government agencies.....	6	Mortgage, not on primary or secondary residence.....	Tort recoveries.....	NR
Credit card debt in excess of \$5,000.....	19	Mortgage on primary and secondary residence.....	Travel reimbursement paid by source other than UCS.....	10
Debts owed to you.....	18	Mortgage you hold.....	Treasury notes.....	16
Debts you owe to others, in excess of \$5,000.....	19	Mortgage spouse holds.....	Trusts.....	11,16
Deferred compensation plans.....	11,16	Mutual funds.....	Trusts, family.....	NR
Directorships.....	4,13	NYS College Savings.....	Trust income.....	13
Dividends.....	13	Notes (investments).....	Trusteeships.....	4,13
Employment, after leaving current job.....	12(a)	Partnerships, limited.....	Unemployment Insurance.....	NR
Employment, other than listed in 2a.....	5	Partnerships, general.....	Uniform Gift to Minors.....	NR
Employment, UCS.....	2	Pensions.....	Vacation home, rented.....	17
Estates.....	11	Political party committees and offices.....	Vacation home, not rented....	NR
Gifts from relatives.....	NR	Professional practice.....	Veteran's benefits.....	NR
Gifts not from relatives.....	9	Private practice Income.....	Warrants.....	16
Gov't disability benefits.....	NR	Prize of Personal Property Report Fair Market Value.....	Workers compensation.....	NR
		Prize of Cash, Report Value.....	Zero coupon bonds.....	16
		Profit sharing.....		
		Public Assistance.....		
		Real estate.....		