

Second Circuit Miscellaneous Forms  
Notice of Appearance

Short Title: Bernstein et al. v. Appellate Division First Department Disciplinary Committee

Docket No. 08-4873-cv

NOTICE OF APPEARANCE

Proskauder Rose LLP, Kenneth Rubenstein, Steven C. Krane and the Estate of Stephen Rackow Kaye

Appearance for (provide name of party):

Status of Party:

- Appellant/Petitioner
- Appellee/Respondent
- Cross-Appellant/Cross-Petitioner
- Other (Specify):
- Cross-Appellee/Cross Respondent
- Intervenor
- Amicus Curiae

An attorney will argue this appeal.

- Name of attorney who will argue appeal, if other than counsel of record: \_\_\_\_\_
- Date of arguing attorney's admission to this Court (month, day, year): \_\_\_\_\_
- Other Federal/State Bar admissions: (month, day, year): \_\_\_\_\_

- I am a *pro se* litigant who is not an attorney.
- I am an incarcerated *pro se* litigant.

TIME REQUEST

- Oral argument is not desired.
- Oral argument is desired. Party requests \_\_\_\_\_ minutes or multi-co-parties request a total of \_\_\_\_\_ minutes to be apportioned as follows:

If more than 20 minutes per side is requested, set forth reasons:

AVAILABILITY OF COUNSEL/PRO SE LITIGANT

I understand that the person who will argue the appeal must be ready at any time during or after the week of argument which appears on the scheduling order.

- I know of no dates which would be inconvenient.
- I request that the argument of this appeal not be calendared for the following dates, which are inconvenient. I have included religious holidays.

COUNSEL OR PRO SE LITIGANT MUST ADVISE THE COURT IN WRITING OF ANY CHANGE IN AVAILABILITY. FAILURE TO DO SO MAY BE CONSIDERED BY THE COURT IN DECIDING MOTIONS FOR ADJOURNMENT BASED ON UNAVAILABILITY.

RELATED CASES

- This case has not been before this Court previously.
- This case has been before this Court previously. The short title, docket number and citation are: \_\_\_\_\_

Matters related to this appeal or involving the same issue have been or presently are before this Court. The short titles, docket numbers and citations are: \_\_\_\_\_

Signature of counsel of record or *pro se* litigant:

Type or Print Name Gregg M. Mashberg, Esq.

Name of Firm: Proskauder Rose LLP

Address: 1585 Broadway, New York, NY 10036

Telephone: (212) 969-3000

Date 3/3/09

Signature of counsel who will argue the appeal, if different:

Type or Print Name

Telephone:

Date:

*United States Court of Appeals*

FOR THE  
SECOND CIRCUIT

**NOTICE OF APPEARANCE INFORMATION AND FORM**

The form on the reverse side containing appearance, time request, availability, and related case information must be completed by all parties and returned to this office when appellant's brief is due.

**FAILURE TO SUBMIT THIS FORM ON TIME WILL BE CONSIDERED  
IN DECIDING ANY MOTIONS FOR ADJOURNMENT  
BASED ON UNAVAILABILITY.**

Each counsel of record or individual appearing *pro se* must complete this form. If an attorney other than counsel of record will argue the appeal, counsel of record must provide that attorney's name and date of admission to the bar of this Court in the space provided and indicate the dates, if any, when that attorney will be unavailable to argue the appeal.

Counsel of record and counsel who will argue the appeal must be admitted to the bar of this Court or be otherwise eligible to argue an appeal. The Court encourages and prefers **written** *pro hac vice* motions, filed as early as possible. Admission *pro hac vice* will be extended as a matter of course to a member of the bar of a district court within the circuit who has represented a criminal defendant at trial and continues representation on an appeal taken pursuant to the Criminal Justice Act. *See* Local Rule 46. However, counsel are encouraged to apply for general admission to this Court as soon as they meet the qualifications.

For information concerning admissions and admission applications, contact the Clerk's Office at 212-857-8603.

**CERTIFICATE OF SERVICE**

I, Joanna Smith, hereby certify that on March 3, 2009 I caused to be served the attached

Notice of Appearance, by U.S. Mail, on the following parties:

Eliot I. Bernstein  
2753 Northwest 34<sup>th</sup> Street  
Boca Raton, FL 33434  
*Appellant Pro Se*

P. Stephen Lamont  
35 Locust Avenue  
Rye, NY 10580  
*Appellant Pro Se*


Patrick J. Walsh  
Office of the New York Attorney General  
120 Broadway, 25th Floor  
New York, NY 10271  
*Counsel for the New York State Appellees*

Kent K. Anker  
Friedman Kaplan Seiler & Adelman LLP  
1633 Broadway, 46th Floor  
New York, NY 10019  
*Counsel for Foley Lardner, Todd C. Norbitz, Esq. and Anne B. Sekel, Esq.*

John W. Fried, Esq.  
Fried & Epstein LLP  
1350 Broadway, Suite 1400  
New York, NY 10018  
*Counsel for Appellee Raymond Joao*

Richard M. Howard, Esq.  
Law offices of Richard M. Howard  
190 Mineola, NY 11501  
*Counsel for Meltzer Lippe*

Dated: March 3, 2009  
New York, NY

  
\_\_\_\_\_  
Joanna Smith