

Dutchess County Bar Association

UNIFORM JUDICIAL QUESTIONNAIRE

CONFIDENTIAL

1. Full Name: Robert S. Cypher Jr.

Have you ever been known by any other name (other than a recognizable nickname)? ___Yes No

If yes, specify the name(s) and year(s) of name change and/or the years during which the other name or names were used:

2. Date, place of birth and country of citizenship: 4/7/1954 White Plains, NY United States

3. Current residence address: 75 Orchard Lane Rye, NY 10580 4. Current home telephone: (914) 837-4671

Number of years at current address: 27 _____ If less than one year, previous address(es) during past year:

5. Do you rent, other than for a season, or own any additional homes? ___Yes No If yes, please list address(es):

6. Current business address: 1 Barker Ave White Plains NY 10601

7. Current business telephone: (914) 948-4500 x142

8. Identify the Court or public office and, where applicable, Judicial Department, Judicial District, County, or Court District for which you are a candidate and state whether you are a candidate for election or for appointment:
Supreme Court, 9th Judicial District

9. (*For elective offices*) Political party or parties which are supporting your candidacy, or of which you are seeking nomination:
Republican

10. Did you serve in the armed forces? Yes ___No If yes, please give the following information:

Dates of Service:

Branch of Service:

Nature of Discharge:

1973 – 1996

United States Marine Corps

Retired

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11. List in reverse chronological order all employment and periods of unemployment since graduation from law school. (If law school attendance did not commence within a few months following completion of undergraduate course study, list also all employment and periods of unemployment between college and law school.) Continue on additional page, if necessary.

Name of Firm or Employer	Address	Name of Supervisor	Dates of Employment (Month /Year)	Reason for Leaving
O'Connor McGuinness Conte Doyle Oleson Watson & Loftus	1 Barker Ave. White Plains, NY	Richard Oleson	2019 - Present	
Havkins Rosenfeld Ritzert & Varriale	170 Hamilton Ave. White Plains, NY	Tara Fappiano	2017-2019	Closure of White Plains office
White & McSpedon	875 6 th Ave. New York, NY	Joe McSpedon	2016-2017	Lack of Work
Darger Errante Yavitz & Blau	116 East 27 th St. New York, NY	Craig Blau	2014-2016	Travel requirements
Law Offices of Charles J. Siegel	125 Broad St. New York, NY	Charles Siegel	2006-2014	Corporate restructuring
Smith Abbot	3 New York Plaza New York, NY	Edward Abbot	2003-2006	Loss of client
Sarcone & Cypher	140 Grand Street White Plains, NY	Partner	2002-2003	Dissolution of partnership
Pilkington & Leggett	140 Grand St. White Plains, NY	Dennis Vernoia	1998-2002	Start own practice
Law offices of Francis W. Turner	1 Liberty Plaza New York, NY	Frank Turner	1993-1998	Left to work near home
Garbarini & Scher	114 6 th Ave. New York, NY	Deceased	1992-1993	Conflict with Military duty
Bower & Gardner	110 East 59 th St. New York, NY	Richard Caplan	1986-1992	Dissolution of firm
Queens District Attorney	25-01 Queens Blvd. Kew Gardens, NY	Judge David Everett	1985-1986	Offer for private practice
US Marine Corps	Various US locations and Japan	Most recent: William Bubsey	1980 -1996	Retired

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12. (a) Have you ever held public or political office, elected or appointed, other than ones listed in answer to Question II above?
X Yes No If yes, please state position held, dates of service and whether the office was attained by election or appointment:

Elected to Rye City Council. Served 2001 – 2005.

Appointed Judge Rye City Court. Served 2014 - 2020

- (b) Do you or any members of your family hold any memberships (other than voter registration) in political organizations or engage actively in any political activities? Yes X No If yes, please describe:

- (c) Are you related by blood or marriage to, or do you have a significant relationship with anyone involved in the appointing or nominating process with respect to the position you are seeking? Yes X No If yes, please give name, position and relation:

- (d) Are you related by blood or marriage to, or do you have a significant relationship with any attorney or judge, or any other person whose employment, position, affiliation or activity may reasonably create, with respect to your carrying out the duties of the office you are seeking, the appearance of a conflict of interest? Yes X No If yes, please supply name, relation and employment, position, affiliation or activity:

13. Have you ever been engaged, on your own account or with others, in any business or profession, part-time or full-time, other than those listed in your answer to Question 11 above? ___ Yes X No

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Type of Business or Profession	Name of Employer	Address	Position Held	Dates (Mo./Yr.)	Reason for Termination of Business

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14. (a) Have you ever been issued a license, other than a marriage license, license to practice law, license as a notary public or a driver's license? *Yes* No X If yes, please describe the license, and list the dates of its initial issuance and its last renewal:

(b) Has any license, including a license to practice law, a license as a notary public, or a driver's license, ever been revoked or suspended? *Yes* No X If yes, please describe the circumstances:

15. College and professional schools (other than law schools) attended:

<u>School</u>	<u>Location</u>	<u>Degree</u>	<u>Honors</u>	<u>Dates Attended</u>	<u>Date of Graduation</u>
Fairfield University	Fairfield, CT	B.A.	Deans List	1972 – 1976	1976

16. Law Schools attended:

<u>School</u>	<u>Location</u>	<u>Degree</u>	<u>Honors</u>	<u>Dates Attended</u>	<u>Date of Graduation</u>
Fordham	New York, NY	J.D.		1976 – 1979	1979

17. (a) List the post-law school continuing legal education courses in which you have participated within the past four years (in reverse chronological order) that qualified for mandatory continuing legal education credit:

<u>Description of Course</u>	<u>Date</u>	<u>Sponsor</u>	<u>Number of Hours</u>
NY State Guard	2021	NY State Guard	6
NY State Judges School	2019	OCA	24
NY State Judges School	2018	OCA	24
NY State Judges School	2017	OCA	24

(b) List all judicial training courses in which you have participated within the past four years (in reverse chronological order):

<u>Description of Course</u>	<u>Date</u>	<u>Sponsor</u>	<u>Number of Hour</u>
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SEE ABOVE

Robert S. Cypher Jr

(c) For your most recent biennial registration period, did you satisfy New York State's mandatory continuing legal education requirement? X Yes No If no, please describe the circumstances:

(d) FOR ATTORNEYS: Have you complied with all registration requirements for lawyers in the State of New York and any other jurisdiction in which you are licensed to practice law? X Yes No If no, please describe the circumstances:

FOR JUDGES: Have you attended the mandatory Judicial Ethics Training courses offered at the Judicial Institute? X Yes No If yes, please provide dates and location of all such courses attended. If no, please provide the dates and location of any such courses for which you are registered in the future. Judicial Institute at Pace Law School

18. State all courts in which you are admitted or have ever been admitted to practice, together with dates of admission:

(a) New York (give Judicial Department):2d Date of Admission:1980

(b) All other Federal and State Courts: Dates of Admission: 1988 SDNY, EDNY

(i):Massachusetts 1993

(ii):U.S, Supreme Court 1998

(iii):

(iv):

19. State all areas of law in which you have concentrated or have had substantial experience for any sustained period of time:

- Military Justice, Law of Armed Conflict 1980-1996
Criminal Law 1980-86, 2012-14
Guardianship 2012-14
General Liability Defense 1994-2022
Medical Malpractice 1986-2022
Judiciary 2014-2020

20. (a) Have you ever resigned from a position as, or for other reasons, ceased to be a member of the bar or bench of any state or court in any jurisdiction? Yes No X If yes, please describe the circumstances:

(b) Have you ever resigned from a position as, or for other reasons, ceased to be a member of a governmental body, a hearing officer or magistrate or an occupant of any other similar position? Yes No X If yes, please describe the circumstances:

(c) Have you ever been the subject of a claim, or received individual counseling from an employer arising from an actual or prospective claim, about discrimination or harassment on the grounds of an individual's actual or perceived age, race, creed, color, gender, sexual orientation, religion, national origin, disability, marital status, socioeconomic status, alienage or citizenship status? Yes No X If yes, please describe the circumstances:

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(d) It is expected that a judge and other public officials shall not, by words or conduct, manifest, or appear to condone, bias or prejudice, including but not limited to bias or prejudice based upon age, race, creed, color, gender, sexual orientation, religion, national origin, disability, marital status, socioeconomic status, alienage or citizenship status and shall require staff, court officials and others subject to his or her direction and control to refrain from such words or conduct. Will you be able to meet this expectation? X *Yes* *No* If no, please describe the circumstances:

21. Are you now, or have you ever been, the subject of any complaint or charge filed with any disciplinary committee, court or supervising judge, government agency or bar association arising out of your official or professional responsibilities during the course of your:

(a) law practice? ___ *Yes* X *No*

(b) public or judicial service? ___ *Yes* X *No*

(c) campaign for public or political party office? ___ *Yes* X *No*

If yes, please describe each complaint or charge and its outcome, including whether the governmental agency or other entity to whom such complaint or charge was made censured you, issued a caution, imposed a sanction or took any other action whatsoever criticizing your conduct, even if the complaint or charge was dismissed:

22. Are you now, or have you ever been the subject of any claim of malpractice, in an action or otherwise? ___ *Yes* X *No*
If yes, please describe the claim and/or proceeding and its outcome. If you are or were a member of a firm or organization that was the subject of any claim of malpractice, please describe the claim if it is related to a case or matter on which you worked and state whether your conduct was the subject of the claim:

23. Have you, your firm, your employer or any of your clients ever been cited for contempt or otherwise had a sanction imposed upon you or them as a result of your conduct in any judicial or administrative proceeding? *Yes* X *No* If yes, please describe, even if the citation or sanction was later withdrawn, suspended or modified:

24. Have you ever been cited for contempt of court, other than on the occasions listed in your answer to Question 23, or been summoned, arrested or charged with any offense or crime other than a non-moving traffic violation (include proceedings in the armed forces), even if the citation, summons, arrest or charge was later withdrawn, voided, vacated or dismissed? *Yes*
X *No* If yes, please describe the nature and outcome of each case:
25. In relation to any conduct, act or omission on your part or done with your knowledge, has any Federal, State, City or other governmental agency, or a grand jury initiated or completed an investigation of you or of any law firm, corporation, business, partnership, joint venture, government agency or other similar entity with which you are, or were at the relevant time, affiliated? *Yes* No X If yes, please describe each investigation and its outcome:
26. Have you ever been involved as a party to any litigation (criminal, civil or administrative), other than an action you have previously identified in answer to Question 22? *Yes* No X If yes, please describe including the disposition of the matter (!Uk, pending, settled, judgment, dismissed):
27. Are there any unsatisfied judgments, tax warrants, tax liens or mechanics' liens outstanding against you or property you own or have an interest in? *Yes* X No If yes, please describe:
28. Are you in default or has any party claimed that you are in default of any court order, including alimony or support decrees?
 Yes X *No* If yes, please describe:

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29. Has any petition in bankruptcy ever been filed by or against you? *Yes* *X No* If yes, please describe:
30. Have you timely filed all required Federal, State and City income tax returns appropriate to your place of residence? *X Yes*
 ___ *No* If no, please describe:
31. Has any Federal, State, City or other taxing authority claimed that you have failed to pay adequate taxes, penalties or other charges for any tax year? *Yes* *X No* If yes, please describe:
32. A judge is expected to be on the bench or otherwise handling legal matters by about 9:30 A.M. for at least seven hours per day, five days per week, and at times, a judge's responsibilities may require him or her to be on the bench or at work into the evenings and on weekends. Are you able to perform these tasks on your own or with reasonable accommodation?
X Yes ___ *No* If no, please describe the circumstances:
33. A judge may be required to handle emergency applications, cope with media scrutiny, issue quick decisions, deal with fractious litigants, recall significant amounts of information, and otherwise respond to extremely stressful situations. Are you able to perform these tasks on your own or with reasonable accommodation? *X Yes* ___ *No* If no, please describe the circumstances:
34. Do you currently use any illegal drugs, abuse alcohol, or abuse any prescription drugs? *Yes* *X No* If yes, please describe:
35. Has an employer or supervisor ever counseled you regarding, or expressed concern about, your absenteeism?
 __ *Yes* __ *No X*
- a. If yes, please describe the frequency of the absenteeism complained of:
- b. Was the situation rectified? If yes, how:

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36. Do you know of any factors that would adversely affect your ability to competently serve as a judge, to comply with a judge's ethical responsibilities, or to complete the day-to-day responsibilities that a judge is required to assume?
 Yes No If yes, please explain:

37. Are you a member of any bar association or professional organization? Yes No If yes, please give the following information for each such association or organization:

<u>Name of Association</u>	<u>Dates of Membership</u>	<u>Committee Service</u>
Westchester County Bar Association	1980-1992, 2022	

38. Describe any significant community activities in which you have engaged:
Rye City Council
Volunteer, Rye City Fire Department
Rye City Judge
Trustee, Rye Historical Society
Lt.Col (ret) NY Naval Militia

39. Have you written articles for publication? Yes No If yes, please give the name and date of the publication and the title of each article:

40. Have you had any teaching experience in law or related fields? Yes No If yes, please describe:

Ethics and Justice, John Jay College of Criminal Justice. 2017 - 2018

41. Have your qualifications for public office previously been reviewed by any bar or other professional association? Yes No If yes, please identify the organization, state the date of the review, and detail all findings by the organization:

Attach the following to this questionnaire.

FOR ATTORNEYS:

1. A list of the last ten trials or appeals in which you have actively and substantially participated in. Please include the title of the case, the index or docket number and the court in which the case was heard and a brief description of the case.
2. A list of the names, addresses, telephone numbers and email addresses of any judges, public officials or attorneys whom you suggest the Committee contact with respect to your candidacy.

See next page.

FOR JUDGES:

1. A list of the last ten opinions, trials or appeals. Please include a citation for each (if published) or a brief description of the nature of the case (if not published).
2. A list of the names, addresses, telephone numbers and email addresses of any judges, public officials or attorneys whom you suggest the Committee contact with respect to your candidacy.

FOR ALL CANDIDATES

Please specify any additional information which is reasonable to expect the Committee would want to know when it considers your qualifications for the office you seek.

..... ,

I acknowledge by my signature that the answers I have given are true and complete and recognize my continuing obligation during the evaluation process to correct and supplement my answers in order to ensure that they remain true and complete.

Robert S. Cypher, Jr.

10/5/22

Signature

Date

For Attorneys: 10 recent trials

1. McGuire v. Esposito Index Number: 12946/18 Columbia County
Failure to diagnose giant cell arteritis.
2. Stefanik v. Kosmolick Index Number: 53906/19 Westchester County
Pedestrian knock down.
3. Perez v. Nizam Index Number: 711077/16 Queens County
Gyn malpractice.
4. Bolorin v. Duarte Index Number: 65918/16 Westchester County
Defend radiologist.
5. Simmonds v. Malak Index Number: 52042/16 Dutchess County
Lead paint.
6. Becker v. Susco Index Number: 1481/12 Dutchess County
Psychiatric malpractice.
7. Mohammed v. Gelbard Index Number: 521506/17 Kings County
Auto accident.
8. Deere v. Ten Broeck Commons Index Number: 2854/19 Ulster County
Nursing Home negligence.
9. Vergopia v. Shah Index Number: 03554/18 Rockland/2d Dept.
Pedestrian knock down.
10. Cogswell v. Paul Index Number: 2771/14 Sullivan County
Emergency Room malpractice.

References:

Hon. David Everett deverett@nycourts.gov

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