

State of New York
Supreme Court, Appellate Division
Third Judicial Department

Decided and Entered: April 1, 2010

D-13-10

In the Matter of SHAMAI
LEIBOWITZ, an Attorney.

COMMITTEE ON PROFESSIONAL
STANDARDS,

Petitioner;

MEMORANDUM AND ORDER

SHAMAI LEIBOWITZ,

Respondent.

(Attorney Registration No. 4611232)

Calendar Date: March 15, 2010

Before: Mercure, J.P., Peters, Spain, Stein and Egan Jr., JJ.

Mark S. Ochs, Committee on Professional Standards, Albany
(Michael K. Creaser of counsel), for petitioner.

Litman, Asche & Gioiella, L.L.P., New York (Richard M.
Asche of counsel), for respondent.

Per Curiam.

Respondent was admitted to practice by this Court in 2008.
He resides in Silver Springs, Maryland.

Respondent was employed by the FBI in Maryland as a
linguist. On December 17, 2009, he pleaded guilty in the United
States District Court for the District of Maryland to an
information charging him with disclosure of classified
information, in violation of 18 USC § 798 (a) (3), a federal
felony. According to the plea agreement, respondent provided

classified information to an individual who hosted a public Internet blog resulting in intelligence sources and methods being compromised.

Petitioner moves pursuant to Judiciary Law § 90 (4) (f) to suspend respondent from the practice of law based upon his conviction of a serious crime, until such time as a final order of discipline is entered after respondent is sentenced in federal court (see Judiciary Law § 90 [4] [g]). Respondent acknowledges that he has been convicted of a serious crime, but requests that his interim suspension be set aside for good cause (see Judiciary Law § 90 [4] [f]).

We grant petitioner's motion. Respondent has been convicted of a serious crime as defined in Judiciary Law § 90 (4) (d) and his interim suspension is required (see Judiciary Law § 90 [4] [f]; see e.g. Matter of Izquierdo II, 56 AD3d 1117 [2008]). Given the nature of respondent's offense, we conclude that allowing him to continue to practice is not "consistent with the maintenance of the integrity and honor of the profession, the protection of the public [or] the interest of justice" (Judiciary Law § 90 [4] [f]), and we therefore deny his request to set aside the interim suspension.

Mercure, J.P., Peters, Spain, Stein and Egan Jr., JJ., concur.

ORDERED that petitioner's motion is granted; and it is further

ORDERED that respondent's request to set aside his interim suspension is denied; and it is further

ORDERED that respondent is suspended from the practice of law, effective immediately, pursuant to Judiciary Law § 90 (4) (f), until such time as a final disciplinary order is made pursuant to Judiciary Law § 90 (4) (g), and until further order of this Court; and it is further

ORDERED that, for the period of suspension, respondent is commanded to desist and refrain from the practice of law in any form, either as principal or as agent, clerk or employee of another; and respondent is hereby forbidden to appear as an attorney or counselor-at-law before any court, judge, justice, board, commission or other public authority, or to give to another an opinion as to the law or its application, or any advice in relation thereto; and it is further

ORDERED that respondent shall comply with the provisions of this Court's rules regulating the conduct of suspended attorneys (see 22 NYCRR 806.9).

ENTER:



Michael J. Novack
Clerk of the Court