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

Decided and Entered: May 19, 2016 D-29-16

In the Matter of SHAMAI LEIBOWITZ,
a Suspended Attorney.

COMMITTEE ON PROFESSIONAL STANDARDS,
Petitioner;

MEMORANDUM AND ORDER

SHAMAI LEIBOWITZ,
Respondent.

(Attorney Registration No. 4611232)

Calendar Date: May 2, 2016

Before: McCarthy, J.P., Egan Jr., Rose, Clark and Aarons, JJ.

Monica A. Duffy, Committee on Professional Standards, Albany (Michael K. Creaser of counsel), for petitioner.

Litman, Asche & Gioiella, LLP, New York (Richard M. Asche of counsel), for respondent, and respondent pro se.

Per Curiam.

Respondent was admitted to practice by this Court in 2008 and currently resides in Silver Springs, Maryland. In December 2009, respondent pleaded guilty to the federal felony of disclosure of classified information, in violation of 18 USC § 798 (a) (3), and admitted to providing classified information gained in his role as an FBI linguist to an individual who hosted a public Internet blog. This Court determined that respondent had committed a "serious crime" (see Judiciary Law § 90 [4] [d]; 72 AD3d 1190 [2010]) and, by decision entered October 21, 2010, suspended respondent from the practice of law for a period of

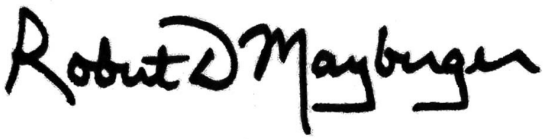
three years (77 AD3d 1167 [2010]). By application sworn to December 9, 2015, respondent now applies for reinstatement. By letter with enclosures dated March 31, 2016, petitioner advises that it opposes respondent's application, to which respondent has replied.

Upon review of the submissions and in consideration of the circumstances in the record before us, we conclude that respondent has not established by clear and convincing evidence that he has fully complied with the provisions of the order suspending him (see Rules of App Div, 3d Dept [22 NYCRR] § 806.12 [b]; see also Rules of App Div, 3d Dept [22 NYCRR] § 806.9 [a], [e]). Accordingly, we deny his application for reinstatement.

McCarthy, J.P., Egan Jr., Rose, Clark and Aarons, JJ., concur.

ORDERED that the application for reinstatement is denied.

ENTER:



Robert D. Mayberger
Clerk of the Court