

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

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A. GAIL PRUDENTI, P.J.
WILLIAM F. MASTRO
REINALDO E. RIVERA
ROBERT A. SPOLZINO
RUTH C. BALKIN, JJ.

1995-10952

DECISION & ORDER ON MOTION
FOR REINSTATEMENT

In the Matter of Howard J. Pobiner, admitted
as Howard Joseph Pobiner, a disbarred attorney.

(Attorney Registration No. 1202209)

Motion by the respondent for reinstatement to the Bar as an attorney and counselor-at-law. The respondent was admitted to the Bar at a term of the Appellate Division of the Supreme Court in the First Judicial Department on March 31, 1975, under the name Howard Joseph Pobiner. By opinion and order of this court dated March 2, 1998, the respondent was disbarred based upon 11 charges of professional misconduct. By decision and order on motion of this court dated April 3, 2007, the respondent's motion for reinstatement as an attorney and counselor-at-law was denied with leave to renew upon disbursement of the moneys held in escrow for the purpose of making restitution to former clients. By decision and order on motion of this court dated October 4, 2007, upon renewal, that branch of the respondent's motion which was for reinstatement was denied. By decision and order of this court dated May 7, 2008, his motion for leave to renew or reargue the decision and order of this court dated October 4, 2007, was denied as premature with leave to renew, following the expiration of one year from entry of the October 4, 2007, order.

Upon the papers filed in support of the motion and the papers filed in relation thereto, it is

ORDERED that the motion is held in abeyance and the matter is referred to the Committee on Character and Fitness to investigate and report on the respondent's current fitness to be an attorney, including, but not limited to, the respondent's handling of the Anne Shemler Trust.

PRUDENTI, P.J., MASTRO, RIVERA, SPOLZINO and BALKIN, JJ.

ENTER:



James Edward Pelzer
Clerk of the Court

May 15, 2009

MATTER OF POBINER, HOWARD J.