

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

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REINALDO E. RIVERA, J.P.
ROBERT A. SPOLZINO
PETER B. SKELOS
STEVEN W. FISHER
CHERYL E. CHAMBERS, JJ.

2000-08962

DECISION & ORDER ON MOTION
FOR REINSTATEMENT

In the Matter of Gary J. Rothman,
a disbarred attorney.

(Attorney Registration No. 2426971)

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 Second Judicial Department on February 21, 1973. By order of this court dated December 10, 1984, the respondent was disbarred based upon a felony conviction. Thereafter, on February 20, 1986, his conviction was reversed and the case was remitted for a new trial (*see Matter of Rothman*, 117 AD2d 535, *aff'd* 69 NY2d 767). By order of this court dated July 28, 1986, the respondent's motion for reinstatement was denied and the Grievance Committee was authorized to institute a disciplinary proceeding against him based, *inter alia*, upon the acts underlying the criminal charges. On January 13, 1988, the respondent pleaded guilty to the crime of conspiracy in the fifth degree, a class A misdemeanor, and was sentenced to pay a \$1,000 fine. By opinion of this court dated August 29, 1988, this court confirmed the Special Referee's report which sustained the charge of professional misconduct, and suspended the respondent from the practice of law for a period of five years, *nunc pro tunc*, as of December 10, 1984. By decision and order on motion of this court dated June 27, 1991, the respondent was reinstated to the bar.

By letter dated July 6, 2000, the respondent advised the court that on May 12, 2000, he pleaded guilty in Supreme Court, New York County, to conspiracy in the fifth degree, a class A misdemeanor, in violation of Pena Law §105.05(1), charges unrelated to his prior conviction. He was sentenced to a conditional discharge and a \$1,000 fine with the understanding that he resign from the bar. By opinion and order of this court dated January 16, 2001, the respondent was disbarred upon his resignation.

Upon the papers submitted to the court, it is

June 11, 2009

MATTER OF ROTHMAN, GARY J.

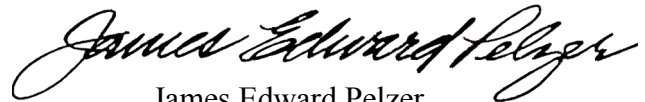
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ORDERED that the motion is denied.

We find that the respondent does not demonstrate the requisite fitness and character to practice law.

RIVERA, SPOLZINO, SKELOS, FISHER and CHAMBERS, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court