

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
FRED T. SANTUCCI, JJ.

1995-09901

DECISION & ORDER ON MOTION
FOR REINSTATEMENT

In the Matter of Shmuel B. Klein, admitted
as Shmuel Berel Klein, a disbarred attorney.

(Attorney Registration No. 2205763)

Motion by the respondent for reinstatement to the Bar as an attorney and counselor-at-law. The respondent was admitted to the bar at term of the Appellate Division of the Supreme Court in the Second Judicial Department on June 29, 1988, under the name Shmuel Berel Klein. By opinion and order of this court dated June 30, 1997, he was suspended from the practice of law for period of five years. By decision and order on motion of this court dated July 30, 1997, his motion for reargument or for leave to appeal to the Court of Appeals was denied, and on the court's own motion, the effective date of his suspension was adjourned until August 13, 1997. He subsequently moved in the Court of Appeals for leave to appeal to that court, which was denied on September 23, 1997, and for renewal and/or reargument, which was denied on December 22, 1997. He then petitioned the United States Supreme Court for a writ of certiorari, which was denied on June 26, 1998. His first application for reinstatement was denied as premature by a decision and order on application of this court dated April 26, 1999. By a subsequent decision and order on motion of this court dated April 23, 2002, his second application for reinstatement was denied with leave to renew upon submission of a proper application duly served on both the Grievance Committee and the Lawyers' Fund for Client Protection. His third application for reinstatement was withdrawn, and he attempted to resign from the Bar at that time. By a decision and order on application of this court dated February 14, 2003, the purported resignation was rejected with leave to submit an affidavit in proper form, and the respondent was referred to 22 NYCRR § 691.9 and Judiciary Law § 90(6-a). A second resignation was denied by decision and order on application of this court dated April 2, 2003, on the same ground.

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

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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.

PRUDENTI, P.J., MASTRO, RIVERA, SPOLZINO and SANTUCCI, 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