

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

D23205  
W/kmg

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A. GAIL PRUDENTI, P.J.  
WILLIAM F. MASTRO  
REINALDO E. RIVERA  
ROBERT A. SPOLZINO  
FRED T. SANTUCCI, JJ.

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2007-06498

OPINION & ORDER

In the Matter of Bryan J. Holzberg,  
admitted as Bryan Joel Holzberg,  
a suspended attorney.

Grievance Committee for the Tenth  
Judicial District, petitioner;  
Bryan J. Holzberg, respondent.

(Attorney Registration No. 1924968)

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Motion by the Grievance Committee for the Tenth Judicial District to strike the respondent's name from the roll of attorneys and counselors-at-law, pursuant to Judiciary Law § 90(4), upon his conviction of a felony. By decision and order of this Court dated November 21, 2007, the Grievance Committee for the Tenth Judicial District was authorized to institute and prosecute a disciplinary proceeding against the respondent based on 25 charges of professional misconduct set forth in a verified petition dated July 9, 2007, and the issues raised were referred to the Honorable Stanley Harwood, as Special Referee to hear and report. By decision and order of this Court dated August 11, 2008, the respondent was immediately suspended from the practice of law pursuant to 22 NYCRR 691.4(l)(1)(iii) and the Grievance Committee for the Tenth Judicial District was authorized to serve and file a supplemental petition dated April 21, 2009, containing 17 charges of professional misconduct to be incorporated into the disciplinary proceeding pending before the

June 16, 2009

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MATTER OF HOLZBERG, BRYAN J.

Honorable Stanley Harwood. The respondent was admitted to the Bar at a term of the Appellate Division of the Supreme Court in the Second Judicial Department on October 26, 1983, under the name Bryan Joel Holzberg.

Rita E. Adler, Hauppauge, N.Y. (Michele Filosa of counsel), for petitioner.

Mischel & Horn, New York, N.Y. (Richard E. Mischel of counsel), for respondent.

PER CURIAM. On December 15, 2008, the respondent pleaded guilty before the Honorable James F.X. Doyle, in the County Court, Suffolk County, to one count of possession of a forged instrument in the second degree, a class D felony, in violation of Penal Law § 170.25. Sentence was imposed on February 9, 2009.

The Grievance Committee for the Tenth Judicial District (hereinafter the Grievance Committee) now moves pursuant to Judiciary Law § 90(4)(b) to strike the respondent's name from the roll of attorneys based upon his felony conviction.

By virtue of his felony conviction upon his entry of a plea of guilty, the respondent ceased to be an attorney and counselor-at-law pursuant to Judiciary Law § 90(4)(a) and was automatically disbarred on December 15, 2008. Accordingly, the Grievance Committee's motion to strike the respondent's name from the roll of attorneys is granted.

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

ORDERED that pursuant to Judiciary Law § 90(4)(a), the respondent, Bryan J. Holzberg, admitted as Bryan Joel Holzberg, is disbarred, effective December 15, 2008, and his name is stricken from the roll of attorneys and counselors-at-law, pursuant to Judiciary Law § 90(4)(b); and it is further,

ORDERED that the respondent, Bryan J. Holzberg, admitted as Bryan Joel Holzberg, shall continue to comply with this Court's rules governing the conduct of disbarred, suspended, and resigned attorneys (*see* 22 NYCRR 691.10); and it is further,

ORDERED that pursuant to Judiciary Law § 90, the respondent, Bryan J. Holzberg, admitted as Bryan Joel Holzberg, is commanded to continue to desist and refrain from (1) practicing law in any form, either as principal or as agent, clerk, or employee of another, (2) appearing as an attorney or counselor-at-law before any court, Judge, Justice, board, commission, or other public authority, (3) giving to another an opinion as to the law or its application or any advice in relation

thereto, and (4) holding himself out in any way as an attorney and counselor-at-law; and its is further,

ORDERED that if the respondent, Bryan J. Holzberg, admitted as Bryan Joel Holzberg, has been issued a secure pass by the Office of Court Administration, it shall be returned forthwith to the issuing agency and the respondent shall certify to the same in his affidavit of compliance pursuant to 22 NYCRR 691.10(f).

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive style with a large, stylized initial "J".

James Edward Pelzer  
Clerk of the Court