

DEC 01 2016

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

**JEFFREY P. COLWELL**  
CLERK

IN THE MATTER OF  
HOWARD WEIL RUBINSTEIN

CASE NO. 16-DP-12

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ORDER DENYING APPLICATION FOR REINSTATEMENT

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Before the Disciplinary Panel of the Court is the recommendation of the Committee on Conduct that the Disciplinary Panel deny the Application for Reinstatement of Howard Weil Rubinstein. Mr. Rubinstein petitioned the District Court for reinstatement pursuant to D.C.COLO.LAttyR 11 on September 2, 2016. Mr. Rubinstein's bar status was previously downgraded to "not in good standing" and his right to practice before this court revoked pursuant to D.C.COLO.LAttyR 3(c) upon his self-reporting a 90-day suspension by the Florida Supreme Court, effective April 21, 2016. Mr. Rubinstein is now active and in good standing in the state of Florida and seeks reinstatement in this Court premised on the return of his good-standing status by the Florida Supreme Court.

Mr. Rubinstein's application was referred to the standing Committee on Conduct pursuant to D.C.COLO.LAttyR 6(c), and assigned by the Committee Chair, Reid Neureiter, to the Subcommittee A for full investigation. Upon investigation Subcommittee A discovered that the United States District Court for the Southern District of Florida disbarred Mr. Rubinstein on October 23, 2015. Mr. Rubinstein failed to report his disbarment as required under the self-reporting requirements of D.C.COLO.LAttyR 4(a)(2), and he remains disbarred by the Southern District of Florida. The fact that he remains disbarred, alone, renders Mr. Rubinstein ineligible for reinstatement under D.C.COLO.LAttyR 11(a)(2) and is independently sufficient to summarily

deny his application for reinstatement. Furthermore, pursuant to D.C.COLO.LAttyR 4(b) the failure of Mr. Rubinstein to self-report his disbarment affords “a separate cause for disciplinary action” by this Court. Compounding matters further, Subcommittee A also uncovered the fact that Mr. Rubinstein failed to inform this Court of prior discipline by the State Bar of Texas on his application, signed under oath on June 11, 2009, for admission to this Court’s bar. This fact also could well be grounds for independent discipline by this Court and potentially a criminal referral. On September 13, 2016, Subcommittee A sent a letter to Mr. Rubinstein informing him of the disturbing facts it had unearthed and providing him an opportunity to respond. No response was received by the October 1, 2016 deadline set by Subcommittee A.

On October 7, 2016, Subcommittee A presented its findings to the full Committee. The Committee voted unanimously to accept the recommendation of Subcommittee A that the Committee recommend to the Disciplinary Panel that Mr. Rubinstein’s application be denied. The Committee duly notified Mr. Rubinstein of the Committee’s recommendation by first class mail to all addresses on record on October 20, 2016, and pursuant to D.C.COLO.LAttyR 11(a)(1) accorded him with twenty days from the date of the Committee’s letter to offer a response for the Disciplinary Panel’s consideration. Mr. Rubinstein again failed to respond within the allotted time.


Given that the effect of this order is that Mr. Rubinstein remains not in good standing and is therefore ineligible to practice before the United States District Court for the District of Colorado, a referral to the Committee, at this time, to consider whether charges should be filed against Mr. Rubinstein is unnecessary.

It is therefore ORDERED that the Application for Reinstatement of HOWARD WEIL

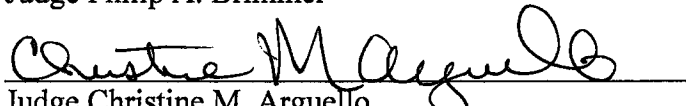
RUBINSTEIN is DENIED.

Dated at Denver, Colorado this 1<sup>st</sup> day of December, 2016.

BY THE DISCIPLINARY PANEL OF THE COURT:

  
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Chief Judge Marcia S. Krieger

  
\_\_\_\_\_  
Judge Philip A. Brimmer

  
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Judge Christine M. Arguello

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

\*\* CERTIFICATE OF SERVICE\*\*

IN THE MATTER OF HOWARD WEIL RUBINSTEIN

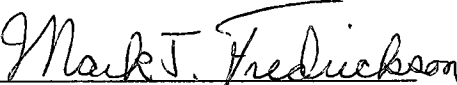
A true and correct copy of the Order Denying Application for Reinstatement dated December 1, 2016 was served by depositing the same in the U.S. Mail, postage prepaid, addressed to:

Howard Weil Rubinstein  
The Law Offices of Howard W. Rubinstein,  
500 South Australian Ave., Suite 600  
West Palm Beach, FL 33401

Howard Weil Rubinstein  
The Law Offices of Howard W. Rubinstein,  
700 Lavaca, Suite 1400  
Austin, TX 78701

DATED: December 1, 2016.

JEFFREY P. COLWELL, CLERK

BY   
Mark Fredrickson, Deputy Clerk  
Secretary to the Committee on Conduct