

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Disciplinary Action No. 21-DP-1

COMMITTEE ON CONDUCT,

v.

Complainant,

RICHARD P. LIEBOWITZ,

Respondent.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

MAY 23 2022

JEFFREY P. COLWELL
CLERK

ORDER GRANTING RESPONDENT'S ADMISSION OF MISCONDUCT IN EXCHANGE
FOR A STIPULATED FORM OF DISCIPLINE UNDER D.C.COLO.LAttyR 7(g)

Before the Disciplinary Panel of the United States District Court for the District of Colorado are the "Proposed Stipulation, Conditional Admission of Misconduct under D.C.COLO.LAttyR 7(g), and Declaration by Respondent," signed by both Respondent, Richard P. Liebowitz, and the Chair for the Committee on Conduct, Peter Goldstein, and the unanimous "Recommendation" by the Committee on Conduct that the Disciplinary Panel accept the proposed, stipulated admission of misconduct under D.C.COLO.LAttyR 7(g) in exchange for the suspension of Respondent's license to practice in this Court until at least November 25, 2024.


Having reviewed the Proposed Stipulation, the Conditional Admission of Misconduct, Respondent's Declaration, the Committee on Conduct's Recommendation, and other documents filed in this case, the Disciplinary Panel concurs with the Committee's recommended discipline in exchange for the Respondent's admission of misconduct under D.C.COLO.LAttyR 7(g) .

Accordingly, it is

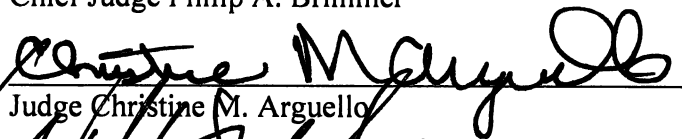
ORDERED that Respondent, Richard P. Liebowitz, is suspended from the practice of law before the United States District for the District of Colorado until November 25, 2024, and until further order of the court in the event that Respondent applies for reinstatement in full compliance with D.C.COLO.LAttyR 11(a), D.C.COLO.LAttyR 3(a), and D.C.COLO.LAttyR 3(d)(3).

Dated at Denver, Colorado this 18 day of ^{May with}~~April~~, 2022.

BY THE DISCIPLINARY PANEL OF THE COURT:



Chief Judge Philip A. Brimmer



Judge Christine M. Arguello



Judge William J. Martinez

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

COMMITTEE ON CONDUCT V. RICHARD P. LIEBOWITZ
Disciplinary Action Number 21-DP-1

**** CERTIFICATE OF SERVICE ****

A true and correct copy of the Disciplinary Panel's Order Granting Respondent's Admission of Misconduct in Exchange for Stipulated Form of Discipline under D.C.COLO.LAttyR 7(g), dated May 18, 2022, was served by depositing the same in the U.S. Mail, postage prepaid, addressed to:

Richard P. Liebowitz, Esq.
Liebowitz Law Firm, PLLC
11 Sunrise Plaza
Suite 305
Valley Stream, NY 11580-6111

James Harris Freeman, Esq.
Counsel for Richard P. Liebowitz
Sanders Law Group
100 Garden City Plaza
Suite 500
Garden City, NY 11530

A true and correct copy of the Disciplinary Panel's Order Granting Respondent's Admission of Misconduct in Exchange for Stipulated Form of Discipline under D.C.COLO.LAttyR 7(g), dated May 18, 2022, was delivered electronically to:

Michael S. Ross, Esq., New York counsel for Richard P. Liebowitz
American Bar Association, Center for Professional Responsibility
All members of the Committee on Conduct
Richard P. Liebowitz, Esq.
James Harris Freeman, Esq.

DATED: June 1st, 2022.

JEFFREY P COLWELL, CLERK

BY Mark J. Fredrickson
Mark Fredrickson, Deputy Clerk
Secretary, Committee on Conduct

United States District Court for the District of Colorado
Committee on Conduct
Alfred A. Arraj U.S. Courthouse
901 19th Street
Denver, Colorado 80294

April 21, 2022

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

APR 22 2022

JEFFREY P. COLWELL
CLERK

The Hon. Philip A. Brimmer, Chief Judge
The Hon. Christine M. Arguello, District Judge
The Hon. District Judge William J. Martinez
Disciplinary Panel, U.S. District Court
Alfred J. Arraj U.S. Courthouse
901 19th Street
Denver, CO 80294

Re: Richard P. Liebowitz
Disciplinary Case No. 21-DP-1
Proposed Admission of Misconduct Under
D.C.COLO.LAttyR 7(g)

Dear Members of the Disciplinary Panel:

The Committee on Conduct for the U.S. District Court for the District of Colorado (“Committee”) recommends that the Disciplinary Panel (“Panel”), under D.C.COLO.LAttyR 7(g) grants the conditional admission of misconduct proffered by Richard P. Liebowitz.

Recommendation: suspension from law practice before the U.S. District Court for the District of Colorado until November 25, 2024. The Respondent must apply for reinstatement after his suspension is served under D.C.COLO.LAttyR 11(a), D.C.COLO.LAttyR 3(a), and D.C.COLO.LAttyR 3(d)(3).

Committee vote

On March 4, 2022, the Committee voted unanimously at its monthly meeting to recommend the suspension of Respondent’s license to practice in this Court through November 25, 2024.

Framework for Respondent’s suspension

The Committee submits the following negotiated conditional admission of misconduct executed by Respondent on April 7, 2022, for the Panel’s consideration under D.C.COLO.LAttyR 7(g). The Respondent’s conditional admission contains a brief procedural history, stipulations of facts and rule violations, a brief analysis of the American Bar Association

Standards for Imposing Lawyer Sanctions (“ABA Standards”), and the Respondent’s Declaration.

Additional Context

The Committee and Respondent attach three exhibits to Respondent’s conditional admission of misconduct for context and background. *Exhibit 1* is this Panel’s April 13, 2021, charging order and charges of professional misconduct. *Exhibit 2* is the amended statement of charges filed against Respondent on April 22, 2021, by the Committee on Grievances of the U.S. District Court for the Southern District of New York. Finally, *Exhibit 3* is the opinion and order dated November 3, 2021, from New York state’s licensing authority, ordering an indefinite suspension of Respondent’s license to practice law in the State of New York.

The Committee agrees to the proposed discipline and understands that this Panel may accept or reject the negotiated proposed discipline.

Sincerely,

A handwritten signature in black ink, appearing to read "P. B. Goldstein", written in a cursive style.

Peter B. Goldstein,
Committee on Conduct, Chair

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

APR 22 2022

JEFFREY P. COLWELL
CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Disciplinary Action No. 21-DP-1

COMMITTEE ON CONDUCT,

Complainant,

v.

RICHARD P. LIEBOWITZ

Respondent.

**PROPOSED STIPULATION, CONDITIONAL ADMISSION OF MISCONDUCT UNDER
D.C.COLO.LAttyR 7(g), AND DECLARATION BY RESPONDENT**

On this 21st day of April 2022 Complainant, the Committee on Conduct ("Committee") who is represented by Peter B. Goldstein, Chair of the Committee, Brooke Meyer, Vice-Chair of the Committee, and Valeria Spencer, member of the Committee, and Respondent, Richard P. Liebowitz, who is represented in this matter by James Freeman, enter into the following Stipulation and Declaration Containing the Respondent's Proposed Conditional Admission of Misconduct ("Stipulation") to the Disciplinary Panel ("Panel") pursuant to D.C.COLO.LAttyR 7(g) for their consideration.

RECOMMENDATION: Suspension of Respondent's law license to November 25, 2024.

I. JURISDICTION AND PROCEDURAL HISTORY

1. Respondent was admitted to practice law in the state of New York on August 19, 2015, Attorney Registration No. 5357702.
2. Respondent was also admitted to the bar of this District Court for the District of Colorado on August 6, 2018, and is registered upon the official records of this Court.

3. Under Local Rule D.C.COLO.LAttyR 2, attorneys practicing before this Court must adhere to the Colorado Rules of Professional Conduct, with limited exceptions, as standards of professional responsibility in the United States District Court for the District of Colorado.

4. Respondent consents to the jurisdiction of this Court in these disciplinary proceedings under D.C.COLO.LAttyR 3(b)(1). Respondent certifies he is familiar with the local rules of the practice of this Court and certifies familiarity with the Standards of Professional Conduct adopted by this Court under D.C.COLO.LAttyR 3(b)(2) and D.C.COLO.LAttyR 3(b)(3).

5. On May 12, 2020, the Clerk of the Court forwarded a complaint to the Committee for investigation, as required under D.C.COLO.LAttyR 6.

6. The Complainant conducted its investigation and then prepared and submitted formal charges of professional misconduct to the Panel pursuant to D.C.COLO.LAttyR 7(e)(3).

7. On April 13, 2021, the Panel ordered the Charges of Professional Misconduct filed, charging Respondent with five counts of violations of the Colorado Rules of Professional Conduct: RPCs 3.3(a)(1), 3.4(c), 8.4(c), 1.1, and 8.4(d). (Attached, Exhibit 1).

8. On April 22, 2021, the United States Court for the Southern District of New York Grievance Committee filed amended formal charges of professional misconduct against Respondent. (Attached, Exhibit 2).

9. On September 1, 2021, the Panel appointed Magistrate Kato Crews to preside over discovery and pre-hearing matters in this Court's disciplinary matter pursuant to D.C.COLO.LAttyR 7(f).

10. On November 4, 2021, this Court held a scheduling conference and issued a scheduling order in this disciplinary matter.

11. No hearing date has been set in this disciplinary matter in this Court.

12. On November 3, 2021, the licensing authority for the State of New York indefinitely suspended Respondent's license to practice law. (Attached, Exhibit 3).

13. On December 28, 2021, Respondent submitted a declaration to the Committee on Grievances for the United States Court for the Southern District of New York consenting to suspension of his license to November 25, 2024. Respondent's declaration is based on amended formal charges filed against Respondent on April 22, 2021, by the Committee on Grievances, in the U.S. District Court for the Southern District of New York.

II. STIPULATION AND CONDITIONAL ADMISSION OF MISCONDUCT

14. Under D.C.COLO.AttyR 7(g), "[a] Respondent against whom formal charges have been made may tender to the Committee a conditional admission to the charges . . . in exchange for a stated form of discipline."

15. The Committee and Respondent acknowledge that the Panel may or may not approve of this Stipulation and Conditional Admission of Misconduct to impose the agreed-to discipline offered by the parties under D.C.COLO.LAttyR 7(g).

16. Respondent understands his rights to process under the Local Rules of Practice of the United States District Court for the District of Colorado ("Local Rules"). He enters into this Stipulation and Conditional Admission of Misconduct willingly, voluntarily, and of his own free volition and right and waives the right to a hearing, appeal, and the proof requirements under the Local Rules and the Colorado Rules of Professional Conduct.

17. By executing the Conditional Admission of Conduct, Respondent stipulates to the adoption of the findings of facts and conclusions of law in this Panel's April 13, 2021 Charges of Professional Misconduct and Formal Charging Order.

18. Specifically, Respondent admits to violating Colorado Rules of Professional Conduct 3.3(a)(1), 3.4(c), 8.4(c), 1.1, and 8.4(d) in this disciplinary matter.

19. Respondent acknowledges that he will not be eligible to seek reinstatement before the Bar of this Court until he has been reinstated or readmitted to practice before the State of New York's licensing authority and the Bar of the United States District Court for the Southern District of New York's licensing authority.

20. Respondent further acknowledges that he must satisfy all requirements of the Local Rules in this Court, including specifically, D.C.COLO.LAttyR 11, before he can be reinstated to the practice of law in this Court.

III. ANALYSIS

21. Based on Respondent's stipulation to findings of fact and conclusions of law in the April 13, 2021, formal Charging Order, the Panel should examine the following factors in considering the level of discipline, generally:

22. Pursuant to American Bar Association Standards for Imposing Lawyer Sanctions 1991 and Supp. 1992 ("ABA Standards"), § 3.0, the Panel should consider:

a. The duty violated: Respondent violated his duties to the profession and the legal system.

b. The Lawyer's mental state: Respondent acted knowingly concerning the claims that he advanced, the statements that he made, his actions contrary to courts' orders, and concerning his continued interference with the administration of justice.

c. The actual or potential injury caused by the lawyer's misconduct: Respondent caused financial harm to the parties involved in the litigation he pursued, for the attorney's fees and costs they expended. Respondent caused the parties and this Court to spend significant time and valuable judicial resources defending against and resolving the lawsuits Respondent filed.

23. In addition, the Panel should consider the existence of aggravating and mitigating factors. Factors in aggravation that are present include ABA *Standards* § 9.22:

- (a) prior disciplinary offenses;
- (b) dishonest or selfish motive;
- (c) a pattern of misconduct;
- (d) multiple offenses;
- (g) refusal to acknowledge the wrongful nature of his conduct.

24. Factors in mitigation that are present include ABA *Standards* § 9.32:

- (k) imposition of other penalties or sanctions.

25. Several ABA Standards apply to the conduct at issue here. ABA *Standards* § 6.22 applies to the violations of Colo. RPC 3.4(c) and 8.4(d). It states, “[s]uspension is generally appropriate when a lawyer knows that he or she is violating a court order or rule, and causes injury or potential injury to a client or party, or causes interference or potential interference with a legal proceeding.”

26. ABA *Standards* § 6.12 applies to Respondent’s violation of Colo. RPC 3.3(a)(1). It states, “[s]uspension is generally appropriate when a lawyer knows that false statements or documents are being submitted to the court or that material information is improperly being withheld, and takes no remedial action, and causes injury or potential injury to a party to the legal proceeding, or causes an adverse or potentially adverse effect on the legal proceeding.”

27. ABA *Standards* § 5.13 applies to Respondent’s violations of 8.4(c), stating “[r]eprimand is generally appropriate when a lawyer knowingly engages in any other conduct that involves dishonesty, fraud, deceit, or misrepresentation and that adversely reflects on the lawyer’s fitness to practice law.”

28. Finally, ABA *Standards* § 4.52 applies to the violations of Colo. RPC 1.1. It states, “[s]uspension is generally appropriate when a lawyer knowingly engages in an area of practice in

which the lawyer knows he or she is not competent and causes injury or potential injury to a client.”

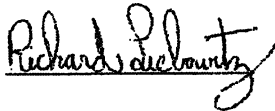
29. Considering all of the factors described above as stipulated in this matter, the Committee recommends, and Respondent agrees to a suspension from practicing law in this Court until November 25, 2024.

IV. PRAYER FOR RELIEF

WHEREFORE, the parties recommend that a suspension up to and including November 25, 2024, be imposed upon Respondent. Respondent consents to the imposition of discipline of a suspension up to and including November 25, 2024. The parties request that the Panel approve the stipulation and conditional admission of misconduct and order that the effective date of such discipline is immediate.

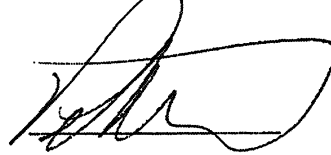
Respectfully submitted,

RESPONDENT



Richard P. Liebowitz

COMMITTEE ON CONDUCT



Peter Goldstein, Chair

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Disciplinary Action No. 21-DP-1

COMMITTEE ON CONDUCT,

Complainant,

v.

RICHARD P. LIEBOWITZ

Respondent.

DECLARATION OF RICHARD P. LIEBOWITZ

**BEFORE THE DISCIPLINARY PANEL OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

1. I am an attorney admitted to practice law before the United States District Court for the District of Colorado, and I am currently *not in good standing* with this District Court pursuant to D.C.COLO.AttyR 3(c).

2. I make this Declaration in connection with the April 13, 2021, Formal Charging Order in *Committee on Conduct v. Richard P. Liebowitz*, Disciplinary Action No. 21-DP-1 (the "Charging Order") ordered by the Disciplinary Panel for the United States District Court for the District of Colorado.

3. This District downgraded my license to *not in good standing* based on the November 25, 2020, Order of Interim Suspension from the United States District Court, Southern District of New York, and as amended on November 30, 2020.

4. I have not practiced law nor directed or supervised anyone else in the practice of law in the District of Colorado since my license was deemed not in good standing.

5. Because I admit to violating the Colorado Rules of Professional Conduct set forth in this Panel's April 13, 2021, Formal Charging Order; RPCs 3.3(a)(1), 3.4(c), 8.4(c), 1.1, and 8.4(d), I would like to resolve this disciplinary matter without further litigation.

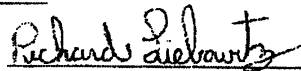
6. I understand that I have a right to process under the Local Rules of Practice of the United States District Court for the District of Colorado ("Local Rules"). I enter into this stipulation willingly, voluntarily, and of my own free volition and right. I waive the right to a hearing, appeal, and the proof requirements under the Local Rules and Colorado Rules of Professional Conduct.

7. I acknowledge that I will not be eligible to seek reinstatement before the Bar of this Court until I have been reinstated or readmitted to practice law by the State of New York licensing authority and the licensing authority of the United States District Court for the Southern District of New York.

8. I also acknowledge that I am required to satisfy all requirements of the Local Rules in this Court, including specifically, D.C.COLO.LAityR 11, before I can be reinstated to the practice of law in this Court.

9. I declare under penalty of perjury that my preceding statements are true and correct.

Executed on this 7th day of April, 2022.



RICHARD P. LIEBOWITZ

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

APR 22 2022

JEFFREY P. COLWELL
CLERK

Disciplinary Action No. 20-CC-1

COMMITTEE ON CONDUCT,

Complainant,

v.

RICHARD P. LIEBOWITZ,

Respondent.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

APR 16 2021

JEFFREY P. COLWELL
CLERK

CHARGING ORDER FOR DISCIPLINARY ACTION NO. 20-CC-1

Before the Disciplinary Panel of the District Court for the District of Colorado are Disciplinary Charges tendered by the Committee on Conduct under D.C.COLO.LAttyR 7(e)(3) against Respondent, Richard P. Liebowitz.

IT IS ORDERED that the Clerk of the Court shall file the Charges of Professional Misconduct, assign a Disciplinary Panel case number, and issue a summons commanding the Respondent to answer within the prescribed time allowed under D.C.COLO.LAttyR 7(e)(3).

IT IS FURTHER ORDERED that Clerk of the Court shall serve a true and correct copy of the Charges of Professional Misconduct on the Respondent, Richard P. Liebowitz, by certified mail, return receipt requested, with a courtesy copy by email, addressed to counsel for Respondent, Michael T. McConnell, at the following addresses on record with the Court:

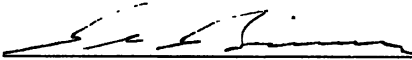
Richard P. Liebowitz
Liebowitz Law Firm, PLLC
11 Sunrise Plaza
Suite 305
Valley Stream, NY 11580
RL@LiebowitzLawFirm.com
Respondent

Mr. Michael T. McConnell
McConnell Van Pelt
4700 S. Syracuse Street
Suite 200
Denver, CO 80237
mike@mvplegal.com
Attorney for Respondent

EXHIBIT
1

DATED at Denver, Colorado this 13 day of April, 2021.

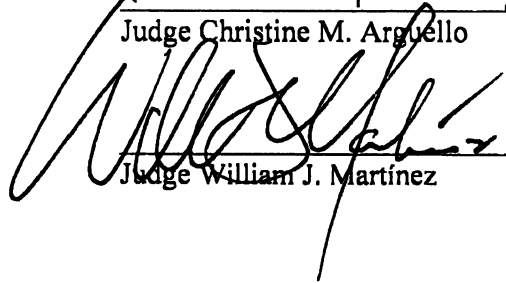
BY THE DISCIPLINARY PANEL OF THE COURT:



Chief Judge Philip A. Brimmer



Judge Christine M. Arguello



Judge William J. Martinez

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Disciplinary Action No. 20-CC-01

COMMITTEE ON CONDUCT,

Complainant,

v.

RICHARD P. LIEBOWITZ,

Respondent.

CHARGES OF PROFESSIONAL MISCONDUCT

The Committee on Conduct of this Court (“Committee”), under D.C.COLO.LAttyR 7(e)(3), hereby charges Richard P. Liebowitz (“Mr. Liebowitz” or “Respondent”) with professional misconduct based on his violation of the Local Rules of Practice of the United States District Court for the District of Colorado—under D.C.COLO.LAttyR 7(b)(1) and, as outlined below.

I. INTRODUCTION

1. This attorney discipline matter involves the misconduct of Mr. Liebowitz, a lawyer licensed to practice law in the State of New York, whose representation of plaintiffs in thousands of copyright lawsuits has reached the pinnacle of repeated and blatant disregard for basic court procedures and deadlines, deliberate non-compliance with court orders, and repeated intentional false statements to courts. The Committee’s initial investigation stems from Mr. Liebowitz’s professional misconduct in this District Court’s Civil Action No. 19-cv-1437, *Mondragon v.*

Nosrack LLC, where Mr. Liebowitz failed to follow basic court procedures and disregarded the Court's orders. The Committee's investigation quickly uncovered numerous orders documenting Mr. Liebowitz's misconduct including *Stelzer v. Lead Stories, LLC*, Civil Action No. 19-cv-473 Doc. No. 19 (PAB) (KMT) (D. Colo. June 11, 2019), *Miller v. Bahakel Communications, Ltd.*, Civil Action No. 20-cv-0791 (WJM) (KMT) Doc. No. 39 (D.Colo. March 3, 2020), and in other federal courts around the country—with sanctions ranging from hefty monetary sanctions levied against him and dismissal of lawsuits—to a show cause order requiring Mr. Liebowitz to establish why he should not be incarcerated for his repeated dishonesty to a court about the date that his grandfather died. Mr. Liebowitz also failed to timely report his suspensions from other jurisdictions to this District Court. Above all, the Committee's investigation confirmed that Mr. Liebowitz falsely testified to the Court under oath during the May 7, 2020 hearing in *Mondragon*, and subsequently failed to correct his dishonest statements to the Court. The Committee seeks disbarment for Mr. Liebowitz's continued disregard of court orders, failure to adhere to basic court procedures, and his false testimony to the Court in *Mondragon*.

II. PROCEDURAL BACKGROUND

2. On May 12, 2020, United States Magistrate Judge N. Reid Neureiter submitted a complaint and sanctions order to the Committee, alleging that Mr. Liebowitz violated the rules of professional conduct in *Mondragon v. Nosrack LLC*, No. 19-cv-1437(CMA) (NRN), Doc. No. 51 (D. Colo. May 11, 2020), Exhibit 1.
3. On May 12, 2020, the Committee learned of Mr. Liebowitz's sanctions order and obligations to complete CLEs for managing a small law firm. *See Order Imposing Sanctions, Chevrestt v. Barstool Sports*, No. 20-cv-1949 (VEC) Doc. 20 (S.D.N.Y. May 8, 2020), Exhibit 2.

4. The Committee's investigation led to the discovery of the United States District Court, Northern District of California's "Order of Disbarment" issued against Mr. Liebowitz on October 7, 2019. *See In re Liebowitz*, No. 19-mc-80228 (JD), Doc. No. 3 (N.D.Cal. Oct. 7, 2019), Exhibit 3.

5. The Order of Disbarment originated from the Northern District of California's discovery that Mr. Liebowitz did not meet the qualifications to file lawsuits in that jurisdiction. Mr. Liebowitz was not licensed to practice law in the State of California nor did he successfully move for *pro hac vice* admission in the approximately 40 lawsuits he filed. The Northern District in California issued an Order to Show Cause on September 20, 2019, requiring Mr. Liebowitz show cause for his conduct and why he should not be disbarred. *See Liebowitz*, Doc. No. 1 (N.D.Cal. Sept. 20, 2019), Exhibit 4.

6. Mr. Liebowitz filed a short "Response to Order to Show Cause" stating, "[m]y membership in the bar of the United States District Court for the Northern District of California should not be terminated . . ." *See Liebowitz*, Doc. No. 2 ¶ 1 (N.D.Cal. Oct. 4, 2019), Exhibit 5.

7. Mr. Liebowitz failed to self-report this Order of Disbarment under D.C.COLO.LAttyR 4(a)(2), which states in part, "[a]n order of suspension or disbarment that is stayed or appealed must be reported."

8. After the Northern District of California ordered his disbarment, Mr. Liebowitz filed a "Motion to Correct or Otherwise Vacate the Court's Order, Dated October 7, 2019 Respecting Use of the Term 'Disbarment.'" *See Liebowitz*, Doc. No. 5 ¶ 5 (N.D.Cal. Oct. 4, 2019), attached as Exhibit 6.

9. On May 13, 2020, the Committee notified Mr. Liebowitz of a complaint of misconduct filed to the Committee from Magistrate Judge Neureiter by letter, sent Certified Mail/Return Receipt #7014 3490 0001 5489 2584, with a demand for a response within 21 days, Exhibit 7.
10. On May 23, 2020, the Court automatically downgraded Mr. Liebowitz's bar status to "not in good standing" based on the Order of Disbarment, under D.C.COLO.LAttyR 3(c).
11. On June 2, 2020, Mr. Liebowitz, through counsel, requested—and was granted—an extension to July 24, 2020, to file an answer to the Committee's complaint.
12. On June 9, 2020, Mr. Liebowitz, through counsel, filed "Liebowitz Response to June 3, 2020 Advisory Notice" along with Mr. Liebowitz's Declaration and a portion of the California Local Rules in Mr. Liebowitz's open cases in the District of Colorado. *See* Exhibit 8.
13. On June 12, 2020, the Northern District of California issued an order stating that Mr. Liebowitz was not a member of the state bar of California and that he did not correctly move for *pro hac vice* admission even though he had filed numerous lawsuits. *See* Order, *Liebowitz*, Doc. No. 17 (N.D.Cal. Sept. 20, 2019), attached as Exhibit 9.
14. On June 22, 2020, Mr. Liebowitz challenged his "not in good standing" status and moved for a "Request on Relief From the Rule of Good Standing." *In re Liebowitz*, No. 20-CC-1, (D.Colo. May 12, 2020).
15. On June 26, 2020, the Committee learned of additional sanctions levied against Mr. Liebowitz for his willful violations of court orders and repeated false misrepresentations to the court in the United States District Court for the Southern District of New York in *Usheron v. Bandshell*. *See* No. 19-CV-06368 (JMF) (S.D.N.Y. June 26, 2020). The Sanctions Order contains

an Appendix listing over forty sanctions issued against Mr. Liebowitz in federal district courts across the country.

16. On July 6, 2020, this Court granted Mr. Liebowitz's motion for relief from the rule of good standing and deemed him "in good standing" in this District.

17. On July 27, 2020, Mr. Liebowitz responded to this Committee's complaint pursuant to D.C.COLO.LAttyR 7(d), under oath, through counsel Michael T. McConnell. *See* Exhibit 10.

18. On August 18, 2020, this Committee offered Magistrate Neureiter an opportunity to respond to Mr. Liebowitz's answer to the May 12, 2020 complaint filed with the Committee.

19. On August 25, 2020, Magistrate Judge Neureiter responded to Mr. Liebowitz's July 27, 2020 answer to the Committee. *See* Exhibit 11.

20. Magistrate Judge Neureiter referenced a letter for the Committee's review, from Mr. Liebowitz's counsel Richard A. Greenberg, that was filed in *Berger v. Imagina Consulting, Inc.* *See* Civil Action No. 18-CV-8956 (CS), Doc. No. 61 (S.D.N.Y. November 11, 2019). *See* Exhibit 12.

21. The Committee forwarded Magistrate Judge Neureiter's response by email to Michael T. McConnell, counsel for Mr. Liebowitz.

22. On December 5, 2020, the Committee requested Mr. Liebowitz identify complaints or investigation into his law license by any bar or legal licensing authority including "the identity of the bar or legal licensing authority; the date the complaint was made or investigation commenced; the name of the complainant; the case or matter number; the nature of the complaint; and the status or outcome," and any documentation, by December 30, 2020. *See* Exhibit 13.

23. On December 15, 2020, this Court received Mr. Liebowitz’s notice of discipline imposed by other jurisdictions—including the orders from each jurisdiction— attached to his notice, from counsel Michael S. Ross. *See* Exhibit 14. Under oath, Mr. Liebowitz verified three jurisdictions that imposed discipline: the United States District Court for the Southern District of New York, the United States District Court for the Eastern District of New York, and the United States District Court for the Middle District of Tennessee.

24. Specifically:

- a. On November 30, 2020, the Committee on Grievances for the United States District Court for the Southern District of New York, issued an interim suspension against Mr. Liebowitz pending the outcome of disciplinary proceedings and investigation. *See In re Richard Liebowitz*, M-2-238 (S.D.N.Y. investigation filed August 5, 2020).
- b. On December 2, 2020, Mr. Liebowitz received a reciprocal suspension from the United States District Court for the Eastern District of New York, in *In re Richard Liebowitz*, 20-mc-02894 (AMD) (E.D.N.Y. December 2, 2020);
- c. On December 2, 2020, Mr. Liebowitz’s *pro hac vice* admission was automatically suspended by the United States District Court for the Middle District of Tennessee.

25. Mr. Liebowitz, through counsel, stated that he would not report further reciprocal discipline “[u]nless [Respondent] hear[s] otherwise from this Court” *Id.* at 2.

26. On December 30, 2020, Mr. Liebowitz responded to this Committee’s request that he identify complaints or investigation into his law license by any bar or legal licensing authorities

in other jurisdictions. In his sworn Declaration to the Committee, Mr. Liebowitz listed complaints and investigations from legal licensing authorities with attached exhibits labeled A-S. *See* Declaration of Richard P. Liebowitz, Exhibit 15.

27. The exhibits and sworn Declaration include investigations into Mr. Liebowitz's misconduct from the State Bar of California, the State of New York's Grievance Committee for the Tenth Judicial District, and an initial investigation from the Southern District of New York.

28. Mr. Liebowitz's Declaration, Exhibit Q, is a letter dated May 4, 2020, that he received from the Office of the Chief Trial Counsel for the State Bar of California, requesting a response to allegations of unauthorized law practice for failure to seek proper admission to the court in thirteen lawsuits he filed in the Northern District of California. *See* Exhibit 16.

29. Mr. Liebowitz's Declaration, Exhibit N, is a letter dated August 17, 2020, to Mr. Liebowitz from the State of New York Grievance Committee for the Tenth Judicial District, initiating an investigation into his misconduct dated August 17, 2020. *See* Exhibit 17.

30. Mr. Liebowitz's Declaration, Exhibit A, is a compilation of orders and charges from the Committee on Grievances for the Southern District of New York, notifying Mr. Liebowitz on August 5, 2020, of its investigation and formal charges of misconduct. *See* Exhibit 18.

31. On January 7, 2021, the Committee requested Mr. Liebowitz's full compliance with the reporting requirements in D.C.COLO.LAttyR 4, regarding subsequent reciprocal discipline imposed by other jurisdictions. *See* Exhibit 19.

32. On February 9, 2021, this Committee requested that Mr. Liebowitz provide emails accompanying the State Bar of California's May 4, 2020 investigation letter and any other emails he received or sent to that same bar authority.

33. On February 19, 2021, the Court in this District granted the defendant's motion for sanctions against the plaintiff and his counsel, Mr. Liebowitz, for bringing a lawsuit in an improper venue and for making frivolous arguments in responding to the motion for sanctions. *See Miller v. Bahakel Communications, Ltd.*, Civil Action No. 20-cv-0791 (WJM) (KMT) Doc. No. 39 (D.Colo. March 3, 2020). The Court ordered Mr. Liebowitz to show cause by March 10, 2021, why the Court should not impose sanctions for Mr. Liebowitz's "bad faith and vexatious conduct."

34. On February 23, 2021, the Court received Mr. Liebowitz's response to this Court's request for full compliance with reciprocal discipline reporting requirements. Mr. Liebowitz reported that the United States Court of Appeals for the Tenth Circuit ordered his name struck from the attorney admission roster. *See Order, In re Richard Liebowitz*, No. 21-800 (10th.Cir. Feb. 2, 2021). *See Exhibit 20.*

35. Mr. Liebowitz also reported that the United States District Court for the Southern District of Georgia provisionally suspended his law license effective January 26, 2021, and issued a show-cause order for his disbarment. *See Order, In re Richard Liebowitz*, Case No. 121-mc-00003 (JRH) (S.D.Ga. Jan. 26, 2021). *See also, Exhibit 20.*

36. On March 9, 2021, Mr. Liebowitz provided emails accompanying the State Bar of California's May 4, 2020 investigation letter to him and any other emails he received or sent to that same bar authority. *See Letter from Michael McConnell*, attached as Exhibit 21.

37. Significantly, on May 4, 2020, Mr. Liebowitz received an email from investigator Jeannette Alcon, notifying Mr. Liebowitz of the State Bar of California's investigation against him for unauthorized practice of law. *See email from investigator Alcon*, Exhibit 22.

38. Mr. Liebowitz also produced an email dated May 8, 2020, from his counsel Ellen Pansky to investigator Alcon. *See* email from Ellen Pansky to investigator Alcon, dated May 8, 2020, Exhibit 23.

39. On March 10, 2021, Mr. Liebowitz responded to the Court's show cause order in this District. *See Miller*, Doc. No. 40 (D.Colo. March 10, 2020). The Court requested that the defendant respond to Mr. Liebowitz's March 10 response. The matter is currently pending.

40. Based on its review of Magistrate Judge Neureiter's complaint to the Committee, and the additional information in these Charges, and following deliberations among its members, the Committee charges Mr. Liebowitz with professional misconduct.

III. FACTUAL BACKGROUND

41. The Committee's charges of professional misconduct arise from Mr. Liebowitz's disregard of court orders and false testimony given during his representation of the plaintiff in a copyright lawsuit, *Mondragon v. Nosrack LLC*, Civil Action No. 19-cv-1437.

Mr. Liebowitz disregards Court orders and deadlines in *Mondragon*.

42. On February 26, 2020, the Court held a scheduling conference with Mr. Liebowitz present. At the conference, all parties agreed to revise the scheduling order. The Court directed Mr. Liebowitz to file a revised scheduling order by March 5, 2020, incorporating the dates and discovery limits determined and agreed upon by all parties at the scheduling conference. The Court also ordered Mr. Liebowitz to explain the plaintiff's computation of damages and provide Initial Rule 26(a) Disclosures to defendants by March 17, 2020. *See Mondragon*, Doc. No. 35.

43. Mr. Liebowitz did not submit the revised scheduling order on March 5, 2020.

44. Mr. Liebowitz did not electronically serve Rule 26 Initial Disclosures on defendants by the March 17, 2020 deadline.
45. Mr. Liebowitz did not submit a more detailed computation of damages.
46. Mr. Liebowitz did not ask the Court for an extension of the above deadlines.
47. On April 24, 2020, the defendant moved to dismiss with prejudice for failure to prosecute. *See Mondragon*, Doc. No. 42.
48. On April 27, 2020, the Court ordered Mr. Liebowitz to serve his Initial Rule 26 Disclosures on defendants electronically, submit the revised scheduling order, and respond to the motion to dismiss by May 1, 2020.
49. On April 29, 2020, Mr. Liebowitz emailed opposing counsel at 10:45 p.m., demanding a response within 45 minutes to his new and unilateral changes to the scheduling order. Opposing counsel did not respond.
50. On April 30, 2020, Mr. Liebowitz submitted a proposed scheduling order with the Court that did not contain changes discussed and agreed to at the February scheduling conference. *See* Doc. No. 46.
51. Mr. Liebowitz did not meaningfully confer with opposing counsel regarding the proposed changes before submitting the proposed revised scheduling order.
52. Mr. Liebowitz changed the scheduling order deadlines. He changed the discovery cut-off to October 30, 2020, from the agreed-upon deadline of August 28, 2020. He changed the deadline for joinder of parties and amendment of pleadings to July 17, 2020, previously set for April 10, 2020. He changed the dispositive motions deadline to November 13, 2020, from the previous deadline of September 25, 2020.

53. Mr. Liebowitz also failed to change the discovery limitations imposed at the scheduling conference, did not provide a more detailed basis for the plaintiff's statement of claims and defenses, and did not provide a more precise computation of damages as specifically ordered by the Court.

54. On May 5, 2020, the Court issued a show-cause order and set a hearing for May 7, 2020, to discuss the defendant's motion to dismiss and the Court's order for Mr. Liebowitz to associate with an experienced Colorado federal practitioner as a condition of continuing to prosecute the case. *See* Doc. No. 49.

Mr. Liebowitz provides false testimony to the Court on May 7, 2020, in *Mondragon*.

55. On May 7, 2020, the Court conducted a telephonic hearing regarding the defendant's motion to dismiss and the Court's show cause order.

56. During this hearing, the Court questioned Mr. Liebowitz about procedures in place at his law firm because of his inability to meet deadlines. The Court placed Mr. Liebowitz under oath and then asked him about his practice management abilities and whether he was under current investigation by disciplinary or bar authorities.

57. The following exchange occurred between the Court and Mr. Liebowitz about current investigations into Mr. Liebowitz's professional misconduct:

THE COURT: Have there been any disciplinary proceedings brought against you in any of the courts where you practice?

MR. LIEBOWITZ: No, none at this time.

THE COURT: No disciplinary proceedings are currently going against you at this time? I understand generally disciplinary proceedings are confidential when they're filed, but -- and I don't -- so I'm not asking whether there was any discipline. I'm asking whether there are any pending proceedings going on, as we speak.

MR. LIEBOWITZ: Oh, you know, I don't know what you mean by 'pending.' I mean, you know, obviously, the public record speaks for itself.

THE COURT: No. Those are the -- there are public records. I'm asking you to tell me whether there have been any disciplinary complaints brought against you that are currently pending. The way those usually work is there's a - federal courts around the country have a disciplinary committee or a committee on conduct, there's a complaint brought and you get an opportunity to respond. And then, ultimately, there's a recommendation to impose discipline, which is either disbarment or a suspension or a reprimand. And I -- as far as I can tell, there has not been any discipline issued against you yet. I'm asking you whether there are any currently pending matters against you, complaints that have been opened that you're defending against.

MR. LIEBOWITZ: Not from federal -- you know, no federal complaints. You know

THE COURT: I'm sorry, did you say, No, no federal complaints?

MR. LIEBOWITZ: Yeah. I mean, I -- I had -- there was a -- you know, in California, the Northern District, I have a pending, you know, motion, you know, to vacate a what I feel is an erroneous, you know, disbarment order in the Northern District of California. But, you know, it's erroneous, that case, and I'm dealing with it.

THE COURT: But in no other proceeding -- or no other court, no other grievance committee or disciplinary committee has got a complaint against you where you're defending against the allegations?

MR. LIEBOWITZ: Yeah, not the -- the disciplinary, no --

THE COURT: Didn't Judge Seibel -- didn't Judge Seibel in the contempt matter refer that to the disciplinary committee of the federal court?

MR. LIEBOWITZ: Yeah, but -- yeah, but the -- no, but there was no action.

THE COURT: No action was taken on that?

MR. LIEBOWITZ: No.

THE COURT: Is it still pending? Are they still looking at it?

MR. LIEBOWITZ: I don't know. I mean, you know, things can get referred, but not -- you know, but no action done.

(Transcript of May 7, 2020 Hearing, *Mondragon*, pp. 19-21.)

58. Mr. Liebowitz testified he was not aware of any pending or current complaints or investigations against his law license.

59. Mr. Liebowitz did receive a notice of investigation into his professional misconduct prior to the May 7, 2020 hearing in *Mondragon*.

60. Specifically, on May 4, 2020, investigator Jeanette Alcon, at the Office of Chief Trial Counsel for the State Bar of California, notified Mr. Liebowitz via email that the bar received a complaint and was currently investigating allegations of his professional misconduct. Ms. Alcon sent Mr. Liebowitz notification to his law firm email at RL@liebowitzlawfirm.com. See email from investigator Alcon, Exhibit 22.

61. Mr. Liebowitz promptly obtained counsel for the State Bar of California's investigation. On May 8, 2020, Ellen Pansky entered her appearance on behalf of Mr. Liebowitz in the State Bar of California's investigation. Ms. Pansky requested an extension of time to respond because Mr. Liebowitz and his counsel were "in the process of gathering documents and information to prepare the response." See Exhibit 23.

62. Never, during or after the May 7, 2020 hearing, did Mr. Liebowitz attempt to correct his false testimony in *Mondragon*.

Mr. Liebowitz provides evasive testimony at the May 7, 2020 hearing regarding his ability to manage his caseload and specific procedures in place at his law firm.

63. During the May 7, 2020 hearing, the Court also questioned Mr. Liebowitz about his ability to manage his caseload. Mr. Liebowitz testified that he was licensed to practice law in New York for approximately five years and filed over 2000 lawsuits in federal courts around the country. (Transcript of May 7, 2020 Hearing, *Mondragon*, p. 15.)

64. Mr. Liebowitz testified that he was “in the process now of getting software that could help out with [scheduling] so that things like this do not happen again. . .” but offered that “things do fall through the cracks. . . . You know, no one’s perfect.” (Transcript of May 7, 2020 Hearing, *Mondragon*, p. 15.)

65. Mr. Liebowitz did not specify the timing of new law practice management procedures or the types of systems he would use to improve his firm’s ability to track the high volume caseload.

The *Mondragon* sanctions order expresses concern over the harm inflicted by Mr. Liebowitz.

66. On May 11, 2020, the Court issued a sanctions order in *Mondragon*. The Court denied the defendants’ motion to dismiss but ordered Mr. Liebowitz to:

- a. Associate with a co-counsel with at least five years’ experience;
- b. The co-counsel file an entry of appearance within 21 days of the order;
- c. Mr. Liebowitz pay the attorney’s fees for whomever agreed to associate with him in the prosecution, and
- d. Mr. Liebowitz file a copy of the sanctions order within 14 days “with a cover sheet titled, ‘NOTICE OF ATTORNEY SANCTION,’ in any case pending before the Court and future cases he files spanning the next six months.”

Exhibit 1, Doc. 51, at 31-32.

67. The sanctions order discusses the Court’s concern about the harm inflicted from Mr. Liebowitz’s continued practice of law, stating in part, “Mr. Liebowitz’s continued practice of law represents a clear and present danger to the fair and efficient administration of justice . . .” and that Mr. Liebowitz should not file new lawsuits until he has “demonstrated he has appropriate

systems in place to assure regular compliance with court rules and rules of professional conduct.” Exhibit 1, Doc. 51, at 2.

Mr. Liebowitz’s July 27, 2020 answer to this Committee casts further doubt on his honesty and fitness to practice law.

68. On July 27, 2020, Mr. Liebowitz responded to this Committee and Magistrate Judge Neureiter’s complaint, under oath, through counsel Michael T. McConnell. Exhibit 10.

69. Mr. Liebowitz characterized Magistrate Neureiter’s complaint as a matter of competence and “negligence,” although he denied being incompetent to practice law. *Id.* at 4.

70. He stated that his practice is “unique” and thus was hard to find practice management software. He states that in 2020, his firm started using Clio, and one of Clio’s features, “Court Rules” tracks court deadlines in litigation in all federal courts. *Id.* at 11.

71. Mr. Liebowitz apologized to the Committee and Magistrate Neureiter. He believed that he learned a lesson with this case, “Magistrate Judge Neureiter’s May 11, 2020 Order and the Complaint was a wake-up call I should have heard sooner” and that “[r]eading Magistrate Judge Neureiter’s thoroughly researched May 11 Order was painful and eye-opening for me.” *Id.* at 3.

72. Mr. Liebowitz “respectfully submit[s] that [he] is not a clear and present danger to [his] clients.” *Id.* at 13.

73. Mr. Liebowitz offered several explanations into his actions in *Mondragon*, ranging from his uncertainty of deadlines at the prospect of a third-party complaint; that his firm used Quick Base and Google Calendar at the time; the defendants were *pro se* but then represented by an aggressive pro bono attorney; but it was really his “loss of focus, not on a system, calendaring or staffing problem or deficiency.” *Id.* at 16.

74. Mr. Liebowitz then verified “[he] will be taking the following CLEs within the next 30 days,” listing seven specific continuing legal education courses, with hyperlinks to each course and its title. *Id.* at 17.

75. Mr. Liebowitz did not send the Committee verification he enrolled or completed the courses above.

76. The Court in the Southern District of New York, in an unrelated matter, sanctioned Mr. Liebowitz the day after the May 7, 2020 hearing in *Mondragon*. The Court required Mr. Liebowitz to attend training on small practice management before September 1, 2020. *See* Order Imposing Sanctions, *Chevrestt v. Barstool Sports*, No. 20-cv-1949 (VEC) (S.D.N.Y. May 8, 2020).

77. Mr. Liebowitz’s response to the Committee is remarkably similar to his response on November 11, 2019, where his counsel Richard A. Greenberg, in a different matter, says that Mr. Liebowitz had a lapse in judgment that will not be repeated with recommendation to Mr. Liebowitz to enroll in CLEs addressing small firm management and seek mentorship. Counsel ends the letter, “Richard has learned an important lesson. . . . Counsel doubts that the Court will hear about any similar lapses again on the part of Richard Liebowitz.” *Berger v. Imagina Consulting, Inc.*, also *See* Civil Action No. 18-CV-8956 (CS), Doc. No. 61 (S.D.N.Y. November 11, 2019). *See also* Exhibit 12.

Mr. Liebowitz’s mischaracterization of the disciplinary matter in the Northern District of California adversely reflects on his fitness to practice law.

78. Mr. Liebowitz’s answer to this Committee regarding the Northern District of California’s Order of Disbarment is limited to a footnote, stating, “I have never been admitted to the Northern

District of California bar because it requires one be licensed by the State of California and I am not. . . . Consequently I did not believe I could, or had been ‘disbarred.’” Exhibit 10 at note 7.

79. The Court in the Northern District of California originally issued an Order to Show Cause on September 20, 2019, requiring Mr. Liebowitz to explain his “membership” status in the Court given that Mr. Liebowitz had filed several cases in the Northern District of California but the Court could not locate his license to practice law in California. *See Liebowitz*, Doc. No. 1 (N.D.Cal. September 20, 2019). Exhibit 4.

80. The Court cites to Rule N.D.Cal. Civil L.R. 11-1(b), that an attorney must be licensed in the State of California to practice in the federal courts: “[t]o be eligible for admission to and continue membership in the bar of this Court, an attorney must be an active member in good standing of the State Bar of California,” requiring Mr. Liebowitz to show cause “why [his] membership in the bar of this Court should not be terminated. . . .” Exhibit 4.

81. The Court further warned:

If you have exercised, or pretended to be entitled to exercise, any of the privileges of membership in the bar of this Court when you are not in fact entitled to exercise such privileges, you may additionally be referred to the Standing Committee on Professional Conduct for possible sanctions for unauthorized practice of law pursuant to Civil Local Rule 11-8.

Id.

82. Mr. Liebowitz’s October 4, 2019 response to the Order to Show Cause did not correct or clarify to the Court that he was not licensed to practice law in the State of California nor did he state to the Court that he had successfully obtained *pro hac vice* admission in each case before he filed over forty cases in the Northern District of California. *See* Exhibit 5.

83. Mr. Liebowitz, instead, falsely stated to the Court that his “membership” should not be terminated; “[m]y membership in the bar of the United States District Court for the Northern

District of California should not be terminated, because pursuant to Local Rule 11-3, I have obtained local co-counsel, Gregory Goonan, Esq. on the plaintiffs' behalf to file a notice of appearance in every pending case which I have initiated." *Liebowitz*, Doc. No. 2 ¶ 1 (N.D.Cal. October 4, 2019). Exhibit 5.

84. Mr. Liebowitz's response referenced Local Rule 11-3 for *pro hac vice* admission, arguing that he "already filed an application for *pro hac vice*" and that his co-counsel "will file a notice of appearance within no later than thirty (30) days of the granting of said application." Exhibit 5. Mr. Liebowitz did not provide the specific date(s) he filed the application(s), the case(s) where he sought admission in that District, any cases where his application for *pro hac vice* was approved, or any other details demonstrating he followed the Local Rules in the Northern District of California.

85. Local Rule 11-3, contains detailed procedures for seeking admission *pro hac vice* including filing an application in a particular matter, providing a letter of good standing where the applicant is admitted to practice law, and the payment of an admission fee. Once an application is received, an assigned judge in the matter has discretion to approve or deny the application. *See* Rule N.D.Cal. Civil L.R. 11-3.

86. Mr. Liebowitz sought relief from the term "disbarment" by motion on October 21, 2019, where he stated that he was never admitted to the Northern District of California. *See* Exhibit 6.

87. Mr. Liebowitz capitalizes on a singular line from the Northern District of California Court's June 12, 2020 Order as evidence to this District that he committed no misconduct.

88. The Court's singular line is taken directly from Mr. Liebowitz's argument in his motion for relief (which contains no authority for the assumption that a lawyer cannot be disbarred in a

jurisdiction to which [he] is not admitted). *Liebowitz*, Doc. No. 5 ¶ 6 (N.D.Cal. October 21, 2019). Exhibit 6.

89. The Order states in part, “Liebowitz’s motion is correct in one sense: he cannot be ‘disbarred’ from a bar to which he was never admitted in the first place.” *Liebowitz*, Doc. No. 17 ¶2 (N.D.Cal. June 12, 2020).

90. The Order also states:

[Mr.] Liebowitz has falsely held himself out as a member of this Court’s bar on multiple occasions. . . . He did so in this very matter, stating in pertinent part in his response to the Order to Show Cause: ‘My membership in the bar of the United States District Court for the Northern District of California should not be terminated’ Liebowitz has also filed a number of cases here as though he were a member in good standing. . . . He filed the complaints in *Chevrestt v. SFG Media Group, LLC*, Case No. 19-cv-4826-EJD, and *Singer v. Pixel Labs, Inc.*, Case No. 19-cv-4753-LHK, as the sole attorney for plaintiffs, and he did not in those cases apply for admission to the bar on a pro hac basis. . . . He filed complaints in other cases – for example, *Zlozower v. Amoeba Music Inc.*, Case No. 19-cv-4701-PJH; *Tabak v. ABS-CBN International*, Case No. 19-cv-5202-YGR; *Parisienne v. Gatechina, Inc.*, Case No. 19-cv-4827-CRB, and *Harbus v. B3 Media, LLC*, Case No. 19-cv-4829-JST – without filing pro hac vice applications until the Court issued the Order to Show Cause, [Doc. No. 1] in this matter.

[A]s Liebowitz knows, he has never been admitted as a member of the bar of this District. . . . He has falsely held himself out and acted as though he were a member on many occasions, but in fact never has been a member, and is not currently admitted. . . . Liebowitz is ordered to stop any further misrepresentation, whether express or implied, that he is a member in good standing of the bar of this District.

Liebowitz, Doc. No. 17 ¶¶ 3–4 (N.D.Cal. June 12, 2020). *See also* Exhibit 9.

91. Mr. Liebowitz repeats the statement multiple times—that he has never been licensed to practice law in the State of California, thus he is not eligible to be admitted to the Northern District of California—as vindication in this District, including:

- a. In his Response to June 3, 2020 Advisory Notice;
- b. In his Declaration contained in the June 3, 2020 Advisory Notice response;
- c. In all of his open cases in this District; as exemplified in *Adlife v. Kroger*, Civil Action No. 20-cv-00137 (PAB) (SKC) (D.Colo. June 3, 2020).

92. Mr. Liebowitz omits a crucial material fact in his response to the June 3, 2020 Advisory Notice, his Declaration, and in his open cases in this District—he filed cases in the Northern District of California without being admitted to practice law in that jurisdiction.

Mr. Liebowitz failed to timely self-report suspensions to this District Court.

93. Mr. Liebowitz failed to timely self-report the October 7, 2019 Order of Disbarment in the Northern District of California to this District Court.

94. Mr. Liebowitz failed to timely self-report his November 30, 2020, interim suspension in the Southern District of New York to this District Court.

The Committee’s investigation reveals Mr. Liebowitz’s repeated disregard of court orders, civil procedure, and lack of honesty.

95. The Committee’s investigation revealed a litany of monetary and non-monetary sanctions against Mr. Liebowitz across the country. The sanctions imposed by other courts are for similar misconduct he committed in this District Court.

96. This District Court in *Stelzer v. Lead Stories* dismissed the matter because Mr. Liebowitz disregarded court orders and procedures. *See* Civil Action No. 19-cv-000473 Doc. No. 19 (PAB) (KMT) (D. Colo. Jun. 11, 2019). The Court overruled Mr. Liebowitz’s objection to dismissal because Mr. Liebowitz’s “failure to comply with multiple deadlines and court orders evidences not an administrative error, but a pattern of disrespect for the magistrate judge’s authority.” *Stelzer*, Doc. 21 (D. Colo. July 3, 2019).

97. The Committee learned that the Southern District of New York sanctioned Mr. Liebowitz \$103,517.49 for disregarding court orders and “quadruple[ing] down . . .” on his false claims that the mediator consented to Mr. Liebowitz’s client appearing at mediation by telephone. *See Usherson v. Bandshell*, Civil Action No. 19-cv-6368 (JMF) Doc. No. 68 (S.D.N.Y. June 26, 2020).

98. The *Usherson* matter demonstrates Mr. Liebowitz’s disregard and violation of court orders and repeated false statements to courts.

99. The *Usherson* order contains an Appendix that lists over forty sanctions orders against Mr. Liebowitz—a pattern revealing that Mr. Liebowitz has—and will likely—continue to engage in similar misconduct.

100. There are numerous other instances of courts finding that Mr. Liebowitz was not honest to courts. In *Berger v. Imagina Consulting, Inc.*, the Court in the Southern District of New York found that Mr. Liebowitz falsely—and repeatedly—misrepresented that his failure to appear at a conference was due to the death of his grandfather. *See* Civil Action No. 18-CV-8956 (CS), Doc. No. 60 (S.D.N.Y. November 1, 2019). The Court held Mr. Liebowitz in contempt for his refusal to disclose his grandfather’s death certificate, leading to a show cause hearing for Mr. Liebowitz to appear on pain of “arrest by the United States Marshals Service.” Mr. Liebowitz appeared at the show cause hearing, and the Court found that “Mr. Liebowitz willfully lied to the Court and willfully failed to comply with lawful court orders.” *See* 18-CV-8956 (CS), minute entry dated Nov.13, 2019 (S.D.N.Y. Nov. 13, 2019).

101. Mr. Liebowitz’s conduct violates the Colorado Rules of Professional Conduct 3.3(a)(1), 3.4(c), 1.1, and 8.4(c) and (d), which this Court has adopted in D.C.COLO.LAttyR 2(a).

IV. CHARGES

Count I

Knowingly Make False Statements of Material Fact to a Tribunal

102. Mr. Liebowitz violated Colo. RPC 3.3(a)(1) when he made false statements of material fact to the Court in *Mondragon*. Mr. Liebowitz testified under oath to the Court on May 7, 2020, about his ability to practice law and his law license status in other jurisdictions. Mr. Liebowitz stated that he did not know of current investigations against his law license. Contrary to his testimony, Mr. Liebowitz knew that California's State Bar was investigating his misconduct—in an email dated May 4, 2020. Mr. Liebowitz did not correct his false statements to the Court after the May 7, 2020 hearing in *Mondragon*. Mr. Liebowitz's false testimony and failure to update or remediate his false statements undermined the integrity of the Court process.

Count II

Knowingly Disobeying Obligations Under the Rules of a Tribunal

103. Mr. Liebowitz violated Colo. RPC 3.4(c) on multiple occasions, by knowingly and repeatedly disobeying obligations, rules, and court orders in Magistrate Judge Neureiter's complaint and based on the Committee's underlying investigation. Mr. Liebowitz repeatedly violated court orders, rules, and obligations, spanning multiple orders in several matters, which constitutes an abuse of the legal process. Mr. Liebowitz's continual violations caused harm to the defendants, clients, the courts, and the legal process by his repeated serious interference in multiple legal proceedings.

Count III

Engaging in Conduct Involving Dishonesty, Fraud, Deceit, or Misrepresentation

104. Mr. Liebowitz violated Colo. RPC 8.4(c), by engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation. As detailed in Magistrate Judge Neureiter's complaint and

the Committee's underlying investigation, Mr. Liebowitz engaged in dishonest conduct when he knowingly or recklessly made false statements to the Court in *Mondragon* during the May 7, 2020 hearing. Mr. Liebowitz's dishonesty to the Court is a profound reflection of his character and fitness to practice law.

**Count IV
Competence**

105. Mr. Liebowitz violated Colo. RPC 1.1, which provides that a lawyer shall competently represent a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation. As detailed in Magistrate Judge Neureiter's complaint and the Committee's underlying investigation, Mr. Liebowitz violated this rule by failing to prepare adequately for his clients' representation in this District, causing unnecessary delay and harm to clients, the parties, and the courts.

**Count V
Engaging in Conduct that is Prejudicial to the Administration of Justice**

106. Mr. Liebowitz violated Colo. RPC 8.4(d), which provides that it is professional misconduct for a lawyer to engage in conduct prejudicial to the administration of justice. Mr. Liebowitz violated this rule, as outlined in Magistrate Judge Neureiter's complaint and the Committee's underlying investigation. Mr. Liebowitz repeatedly failed to abide by the Courts' Orders in *Mondragon*, *Stelzer*, and *Miller*, committed serious misconduct resulting in the dismissal of the *Stelzer* matter, and was sanctioned in *Mondragon*. Mr. Liebowitz caused the Court to expend valuable judicial resources and the opposing counsel and parties to incur additional fees and costs.

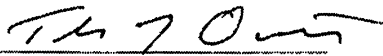
V. PRAYER FOR RELIEF

WHEREFORE, the Committee requests that the Court schedule a hearing, find that Richard P. Liebowitz has engaged in misconduct as described in these charges, and to order his disbarment from the bar of this Court.

Respectfully submitted,

COMMITTEE ON CONDUCT

Dated: April 7, 2021



Thomas J. Overton
Chair, Committee on Conduct

s/ Valeria N. Spencer

Valeria N. Spencer
Committee on Conduct

s/ Brooke H. Meyer

Brooke H. Meyer
Committee on Conduct

s/ Thomas S. Rice

Consulting Expert
Committee on Conduct

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

**** CERTIFICATE OF SERVICE****

IN THE MATTER OF RICHARD P. LIEBOWITZ DISCIPLINARY CASE NO. 20-CC-1

A true and correct copy of the CHARGES OF PROFESSIONAL MISCONDUCT was served on the Respondent, Richard P. Liebowitz, by certified mail, return receipt requested, with a courtesy copy via email, addressed to counsel Michael T. McConnell:

Richard P. Liebowitz
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JEFFREY P. COLWELL, CLERK

Dated: _____

s/ Mark J. Fredrickson
Mark J. Fredrickson
Secretary to the Committee on Conduct