

SUPREME COURT, APPELLATE DIVISION  
FIRST JUDICIAL DEPARTMENT

Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
Joseph P. Sullivan  
James M. Catterson  
E. Michael Kavanagh, Justices.

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In the Matter of David M. Sheeger,  
(admitted as David Mitchell Sheeger),  
an attorney and counselor-at-law:

Departmental Disciplinary Committee  
for the First Judicial Department,  
Petitioner,

M-4433

David M. Sheeger,  
Respondent.

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Disciplinary proceedings instituted by the Departmental  
Disciplinary Committee for the First Judicial Department.  
Respondent, David M. Sheeger, was admitted to the Bar of the  
State of New York at a Term of the Appellate Division of the  
Supreme Court for the Second Judicial Department on June 1,  
1983.

Thomas J. Cahill, Chief Counsel, Departmental  
Disciplinary Committee, New York  
(Raymond Vallejo, of counsel), for petitioner.

Respondent pro se.

M-4433 - September 18, 2007

In the Matter of David M. Sheeger, An Attorney

PER CURIAM

Respondent David M. Sheeger was admitted to the practice of law in the State of New York by the Second Judicial Department on June 1, 1983. At all times relevant to these proceedings, he maintained an office for the practice of law within the First Judicial Department.

On August 1, 2007, respondent pleaded guilty to offering a false instrument for filing in the first degree (Penal Law § 175.35), a class E felony. Pursuant to a plea agreement, respondent admitted to filing multiple retainer statements with the Office of Court Administration in 2002, in which he failed to acknowledge that the cases involved had been referred from an individual known to him as Jack Peters, whom he later learned to be Jean Phillippe Landi, and instead falsely indicated that the referral was from an advertisement or from some other source. In doing so, respondent admitted, he intended to defraud the Office of Court Administration, and actually profited in the amount of over \$110,000.

The Departmental Disciplinary Committee now petitions this Court for an order striking respondent's name from the roll of attorneys pursuant to Judiciary Law § 90(4)(b), on the ground that he has been automatically disbarred upon his conviction of a

New York State felony, as defined by Judiciary Law § 90(4)(e). Respondent has consented to the relief requested in the petition.

Having been convicted of a criminal offense classified as a felony in New York, respondent automatically ceased to be an attorney by operation of law upon entry of his guilty plea (see *Matter of Samuels*, 309 AD2d 7 [2003]; *Matter of Ashdjian*, 287 AD2d 217 [2001]). Therefore, Judiciary Law § 90(4)(b) mandates that his name be stricken from the roll of attorneys.

Accordingly, the petition to strike respondent's name from the roll of attorneys pursuant to Judiciary Law § 90(4)(b) should be granted, effective nunc pro tunc to August 1, 2007.

All concur.

Order filed.

(October 23, 2007)