

1 Gary Lefkowitz
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6 Respondent In Pro Se

FILED

DEC 07 2015

**STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES**

7 **STATE BAR COURT OF THE STATE OF CALIFORNIA**

8 **LOS ANGELES OFFICE**

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11 **In the Matter of:**) Case No.94-C-18520
12)
13 **GARY W. LEFKOWITZ,**) ANSWER TO NOTICE OF HEARING ON
14) CONVICTION
15 **Member No. 77149**)
16 **A Member of the State Bar.**)

17 Gary Lefkowitz hereby files his Answer to the Notice of
18 Hearing on Conviction:

- 19
20 1) Gary Lefkowitz admits he has been convicted of
21 Felonies by the United States District Court.
22
23 2) Except as admitted above, Gary Lefkowitz denies the
24 remaining allegations, if any, in the Notice of Hearing on
25 Conviction.
26
27 3) As and For a First Affirmative Defense. That the
28 Notice of Hearing on Conviction fails to set forth facts

Answer to Notice of Hearing on Conviction
In Re Gary W. Lefkowitz, Case No. 94-C-18520



1 sufficient to constitute a cause of action as against Gary
2 Lefkowitz

3
4 4) As and For a Second Affirmative Defense. That the
5 Notice of Hearing on Conviction fails to set forth facts
6 sufficient to constitute a cause of action for discipline as
7 against Gary Lefkowitz.

8
9 5) As and For a Third Affirmative Defense. That the
10 Notice of Hearing on Conviction is barred by the relevant
11 Statute of Limitations.

12
13 6) As and For a Fourth Affirmative Defense. That the
14 Notice of Hearing on Conviction is barred under the doctrine of
15 Laches.

16
17 7) As and For a Fifth Affirmative Defense. That the
18 Conduct for which this action is brought had nothing to do with
19 the practice of law. That there are no clients involved in the
20 conduct, and there was no client money involved in the conduct.

21
22 8) As and For a Sixth Affirmative Defense. That the
23 provisions of Summary Disbarment on conviction do not apply in
24 this case as to do so would violate the Ex Post Facto laws of
25 both the California and United States Constitutions.

1 9) As and For a Seventh Affirmative Defense. That the
2 time spent on interim suspension of approximately 20 years
3 should be credited as against any ultimate sanction, if any.
4

5 10) As and For an Eighth Affirmative Defense. That the
6 rules as to suspensions and or disbarments in effect at the time
7 this action was brought should control this matter, not newly
8 enacted rules.
9

10 11) As and For a Ninth Affirmative Defense, that the
11 objective of the disciplinary system is not to punish but to
12 protect the public. The conduct at issue occurred some 24 years
13 ago and is not relevant today to the fitness of this member to
14 practice law. Any discipline based upon facts occurring some 24
15 years ago is not relevant for the protection of the public given
16 the rehabilitation of this member.
17

18 12) As and For a Tenth Affirmative Defense, that the
19 State Bar and this court lack jurisdiction in this case.
20

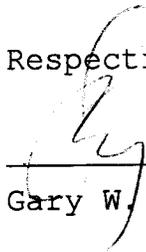
21 13) As and For An Eleventh Affirmative Defense, that
22 the Due Process and Equal Protection Rights of this member have
23 been violated by new procedures applied on an ex post facto
24 basis which will not permit him to resign with charges pending.
25

26 WHEREFORE, Gary Lefkowitz prays that the State Bar receive
27 nothing by way of its Notice of Hearing on Conviction.
28

 Answer to Notice of Hearing on Conviction
 In Re Gary W. Lefkowitz, Case No. 94-C-18520

1 Dated: December 7, 2015

Respectfully Submitted,

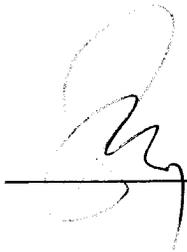
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3 
4 _____
Gary W. Lefkowitz

5 PROOF OF SERVICE

6 On December 7, 2015 I served the following with a copy
7 of this answer by depositing same in the United States Mails,
8 First Class Postage Prepaid and addressed to:

9 State Bar Court, Clerk
10 845 S. Figueroa St.
11 Los Angeles, CA 90017

12 Agustin Hernandez, Attorney
13 Office of Trial Counsel
14 State Bar of California
15 845 S. Figueroa St.
16 Los Angeles, CA 90017

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