

SEP 27 2004

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF

LESLIE WAYNE LICKSTEIN, ESQUIRE

VSB DOCKET NUMBER 05-000-0543

ORDER AND OPINION

This matter came before the Virginia State Bar Disciplinary Board on September 20, 2004 upon an Agreement to Imposition of Reciprocal Discipline, as a result of a Rule to Show Cause and Order of Suspension and Hearing entered on August 27, 2004. A duly convened panel of the Virginia State Bar Disciplinary Board consisting of V. Max Beard, lay member, William H. Monroe, Esquire, Russell W. Updike, Esquire, Robert E. Eicher, Esquire, and Peter A. Dingman, Esquire, presiding, heard the matter. Noel D. Sengel, Senior Assistant Bar Counsel, appeared as Counsel to the Virginia State Bar ("VSB"), and David R. Rosenfeld appeared as counsel for the Respondent. Donna T. Chandler, Chandler & Halasz, P.O. Box 9349, Richmond, Virginia 23227, (804) 730-1222.

Having considered the Agreement to the Imposition of Reciprocal Discipline, the Board finds by clear and convincing evidence as follows:

STIPULATIONS OF FACTS

1. At all times relevant hereto, the Respondent, Leslie Wayne Lickstein, Esquire (hereinafter Respondent) has been an attorney licensed to practice law in the Commonwealth of Virginia.

2. On July 2, 2004, the United States Bankruptcy Court for the Eastern District of Virginia, Alexandria Division, entered an order suspending the Respondent's license to practice law in that court for a period of five years based upon an agreed Joint Stipulation of Facts as set forth in that order. The Board hereby adopts the Joint Stipulation of Facts as set forth in the United States Bankruptcy Court's order of July 2, 2004 as the Stipulation of Facts in this Order. The Order of the United States Bankruptcy Court of July 2, 2004 is attached hereto and incorporated herein as Exhibit #1.

STIPULATIONS OF MISCONDUCT

The aforementioned conduct on the part of the Respondent constitutes a violation of the following Rules of Professional Conduct:

RULE 3.3 Candor Toward The Tribunal

- (a) A lawyer shall not knowingly:
 - (1) make a false statement of fact or law to a tribunal;
 - (2) fail to disclose a fact to a tribunal when disclosure is necessary to avoid assisting a criminal or fraudulent act by the client, subject to Rule 1.6;

RULE 4.1 Truthfulness In Statements To Others

In the course of representing a client a lawyer shall not knowingly:

- (a) Make a false statement of fact or law; or
- (b) Fail to disclose a fact when disclosure is necessary to avoid assisting a criminal or fraudulent act by a client.

RULE 8.4 Misconduct

It is professional misconduct for a lawyer to:

- (b) commit a criminal or deliberately wrongful act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer;
- (c) engage in professional conduct involving dishonesty, fraud, deceit or misrepresentation;

Upon consideration of the Agreement to Imposition of Reciprocal Discipline before this panel of the Disciplinary Board, it is hereby ORDERED that, pursuant to Part 6, § IV, ¶ 13(I)(7) of the *Rules of Virginia Supreme Court*, the license of Respondent, Leslie Wayne Lickstein, Esquire, to practice law in the Commonwealth of Virginia shall be, and is hereby, suspended for a period of five (5) years, commencing October 1, 2004.

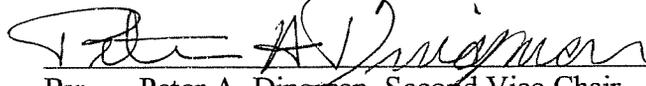
IT IS FURTHER ORDERED that, as directed in the Board's August 27, 2004 Order in this matter, a copy of which was served on the Respondent by certified mail, the Respondent must comply with the requirements of Part 6, § IV, ¶ 13(M) of the *Rules of Virginia Supreme Court*. The time for compliance with said requirements runs from the August 27, 2004, the effective date of the Rule to Show Cause and Order of Suspension. All issues concerning the adequacy of the notice and arrangements required by that Order shall be determined by the Board.

It is FURTHER ORDERED that the Clerk of the Disciplinary System shall send an attested and true copy of this order and opinion by certified mail, return receipt requested, to Respondent, Leslie Wayne Lickstein, Esquire at 4126 Leonard Dr., Fairfax, VA 22030-5118, by regular mail to the Respondent's Counsel, David R. Rosenfeld, Esquire, 118 S. Royal St., 2nd Floor, Alexandria, VA 22314, and to Noel D. Sengel, Senior Assistant Bar Counsel, 100 North

Pitt St., Suite 310, Alexandria, VA 22314.

The Clerk of the Disciplinary System shall assess costs pursuant to Part 6, § IV, ¶
13(B)(8) of the *Rules of Virginia Supreme Court*.

SO ORDERED, this 24th day of September, 2004.


By: Peter A. Dingman, Second Vice Chair