

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934

Release No. 60545 / August 20, 2009

ADMINISTRATIVE PROCEEDING

File No. 3-13593

In the Matter of

Samuel A. Fishman, Esq.

Respondent.

**ORDER OF FORTHWITH SUSPENSION
PURSUANT TO RULE 102(e)(2) OF THE
COMMISSION'S RULES OF PRACTICE**

I.

The Securities and Exchange Commission deems it appropriate to issue an order of forthwith suspension of Samuel A. Fishman pursuant to Rule 102(e)(2) of the Commission's Rules of Practice [17 C.F.R. 200.102(e)(2)].¹

II.

The Commission finds that:

1. Fishman was an attorney admitted to practice law in New York.
2. On March 14, 2008, the United States Attorney for the Southern District of New York filed a criminal information against Fishman, alleging one count of mail fraud. The information alleged that between 1993 and 2005, Fishman engaged in a "fraudulent scheme" to charge his law firm and "its clients hundreds of thousands of dollars for personal and non-existent business expenses."
3. On March 28, 2008, Fishman entered a plea of guilty to one count of mail fraud.

¹Rule 102(e)(2) provides in pertinent part: "Any attorney who has been suspended or disbarred by a court of the United States or of any State" or "[a]ny person who has been convicted of a felony or misdemeanor involving moral turpitude shall be forthwith suspended from appearing or practicing before the Commission."

4. On June 29, 2009, a judgment was entered by the United States District Court for the Southern District of New York convicting Fishman of mail fraud and sentencing him to 15 months incarceration, a \$10,000 fine, and three years of supervised release.

5. On February 26, 2009, the New York Supreme Court, Appellate Division, First Department (“New York Supreme Court”), ordered that Fishman be struck from New York’s roll of attorneys and counselors-at-law.

III.

In view of the foregoing, the Commission finds that Fishman is an attorney who has been convicted of a felony involving moral turpitude, and has been disbarred by the New York Supreme Court, within the meaning of Rule 102(e)(2) of the Commission’s Rules of Practice.

Accordingly, it is ORDERED, that Samuel A. Fishman is forthwith suspended from appearing or practicing before the Commission pursuant to Rule 102(e)(2) of the Commission’s Rules of Practice.

By the Commission.

Elizabeth M. Murphy
Secretary