



FILED
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STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

1 Daniel A. Bernath, Attorney at Law
2 Calif. Bar #116636
3 1319 Kingswood Ct
4 Ft Myers FL 33919
5 (503) 367 4204
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8 State Bar Court
9 Hearing Department Los Angeles

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in re Daniel A. Bernath 116636) Cases 13-0-14986 14-0-00699
California Bar Association Member) 14-0-01941
) ANSWER TO CHARGES
Specific admissions or specific denials

17 Bar member Bernath admits:

18 Para. 1 jurisdiction

19 Bar member Bernath denies:

20 Respondent denies that he held himself out to practice law by (reference to line 11)
21 setting up and publishing a website; representing that that he was "The 13th Amendment
22 Law Firm"; publishing posts on Facebook identifying himself as a CLASS ACTION
23 lawyer suing YELP; sending emails and other communications to potential claimants;
24 and sending substitution of counsel forms to the claimants in the Yelp lawsuit filed on
25 October 22 13CV07805 for a time when he was not permitted to do so; respondent was
26 not involuntarily inactive at all times relevant; did not hold himself out as able to
27 practice, nor practiced at and for a time when he was not permitted to do so;

28 Respondent was at all times relevant an attorney, counsellor at law(sic), counselor, legal
29 counsel, attorney, lawyer, representative, advocate, accredited (legal) agent, and the
30 like.

31 Respondent did not state that he was an active member of bar(s) or would represent
32 any person at any time when he was not an active member of bar(s) and therefore he
33 denies all allegations made by the California State Bar to the contrary.

34
35 Bernath admits that he directed the California State Bar to change his status from his
36 voluntary inactive status to active status prior to events of which are the subject of this
37 Trial Counsel complaint.

38 Complaining Bar member Randy Rosenblatt alleges that Bernath was unlawfully acting
39 as an attorney at law, lawyer or holding himself out as an attorney at law, etc..
40 Rosenblatt was well aware of Bernath's status at all times and as such Randy Rosenblatt
41 is stating that he was in partnership with a "non-lawyer" in violation of the California
42 Rules or Professional Conduct 1-310.

43 Respondent is a journalist and comments he is alleged to have made that the State Bar
44 interprets as violations may be First Amendment protected activities of news gathering
45 and reporting.

46 Respondent recalls filing a complaint against California Bar member Randy Rosenblatt
47 for stealing several hundred thousand dollars from his client Martha Wong and himself,
48 Plaintiffs.

49 Without waiving any attorney client privilege, respondent recalls that plaintiffs filed
50 complaints, wrote letters, emails and made telephone calls to the US District Court
51 judge after Randy Rosenblatt was fired by these victims and other victims of Rosenblatt
52 and after Rosenblatt stated that he “felt” like just dismissing their US District Court
53 complaint. Indeed Rosenblatt failed to file on behalf of the Yelp plaintiffs, any response
54 to numerous motions to dismiss his clients. Said negligence of Cal Bar member
55 Rosenblatt resulted in his complaint being dismissed by the US District Court.

56 Respondent notes from the evidence cited by the State Bar that many complaints
57 regarding Rosenblatts malpractice and ultimate dismissal of their claim was made either
58 by Respondent personally or by Bernath as attorney **for clients** before the State Bar.
59 Respondent has a recollection that he urged and felt confident that his clients had filed
60 complaints about their case being dismissed because Rosenblatt “felt” like “just
61 dismissing” the case and did not in fact file any opposition to motions to dismiss, thus
62 causing Rosenblatt victims to have their complaint dismissed . Purported letter to State
63 Bar from attorney for victims of Randy Rosenblatt: “(please locate my many urgent
64 requests that your office quickly move on this issue”)and correspondence from
65 California State Bar that complaints against Rosenblatt were being investigated and as
66 such, Respondent denies anything in complaint that is contradictory to that.

67
68 Para 5, and incorporated into all paragraphs of this Answer: Respondent denies sending
69 statement to any person or entity whereby he sought employment or was an attorney at
70 law of a state bar or agency where he did or could not practice or would or could
71 represent any person before any agency or court when he was not authorized to do so

72 and/or pro hoc vice or with a class action where a plurality of victims were located in
73 California and at a time when said statement was not true and anything in complaint
74 that is contradictory to that. Respondent has been the victim of persons misrepresenting
75 Respondent's identity, account hacked, identity theft, hoaxes, impersonation, "sock
76 puppet", "False Flag", "*ruse de guerre*" "strawman", "meat puppet", "Astroturf", "cat-
77 fishing", tactics and misleading uses of online identities by persons claiming to be
78 Respondent. This paragraph is incorporated into each Answer where it is relevant.
79 Terrence B. Hoey, for example, has stated that he will "destroy" me "personally" and
80 "professionally."

81 To create "sock puppet" "False Flag" writing in respondent's name which purportedly
82 violates State Bar Rules would be consistent with Terrence B. Hoey's vow to "destroy"
83 Respondent "professionally." Respondent has directly asked Bar attorney Joyce what
84 the involvement of Terrence B. Hoey is upon these ill-considered charges and she has
85 failed and/or refused to answer.

86 Respondent did not hold himself out as an attorney at law as to any state bar or agency
87 when he was not so entitled to state and at the times stated in the allegation and thus
88 denies anything in complaint that is contradictory to that. And Respondent
89 incorporates previous Answer where relevant to this charge.

90

91 Respondent by agreement with the Social Security Administration had long before
92 severed all ties and did stop practicing before the SSA Respondent sought legal counsel
93 and all aspects of this matter were discussed and examined including California

94 Business and Professions Code § 6068(o)(6). In light of the foregoing legal advice and
95 analysis of law and facts of this matter, (no privileged communication is hereby stated or
96 waived), respondent did not report any *non sequitur* of the Social Security
97 Administration as Respondent was not disciplined.

98 Respondent denies generally this accusation and that words of similar import were not
99 used.

100 **Affirmative Defense**

101

102 State Bar Prosecutor **Erin McKeown Joyce** shall be a witness in this action as to the
103 purported evidence, interviews with Respondent or other factors regarding said
104 purported evidence pursuant to Rule of Professional Conduct 5-210 as to her improper
105 bias for bringing these charges in violation of her general duties as an attorney in
106 government service for bringing these frivolous charges without probable cause and as
107 revenge against Respondent in violation of: **Rule 5-110 Performing the Duty of**
108 **Member in Government Service**

109 “A member in government service shall not institute or cause to be instituted criminal
110 charges when the member knows or should know that the charges are not supported by
111 probable cause.”

112 Joyce has brought these accusations as retaliation because Respondent, as a victim of a
113 theft by California Bar Member Randy Rosenblatt and his client Martha Wong had been
114 told that under no circumstances would Rosenblatt’s theft be further investigated
115 and/or the subject of discipline.

116 State Bar prosecutor Joyce also refused to further investigate and inquire of Randy
117 Rosenblatt as to why he did not file responses to the demurrer and/or motions to strike,
118 and thus permitted the case by the writers-plaintiffs to be dismissed by the US District
119 Judge in Dr. Panzer v. Yelp, Inc.

120 State Bar prosecutor Joyce was told by Wong's attorney, Respondent Bernath, that
121 Joyce's malfeasance in permitting the rights of the writer-plaintiffs to be violated by
122 Rosenblatt and permitting the ongoing theft of money from Rosenblatt to his client
123 Martha Wong was "**despicable**".

124 The State Bar and Joyce bring these accusations against Respondent as petty revenge
125 for Respondent pointing out Senior attorney Joyce's malfeasance as stated herein.

126 Respondent challenged the State Bar and Joyce malfeasance with the clear and
127 convincing evidence of

- 128 (a) Randy Rosenblatts fraud to plaintiffs Wong and Bernath and theft,
129 (b) the malpractice in not filing oppositions to the multiple motions to strike the writer-
130 plaintiffs' complaint in US District Court and
131 (c) other ethical misconducts (such as Rosenblatt ignoring urgent pleas that motions to
132 dismiss by Yelp, Inc. be opposed by Rosenblatt, thus causing writer-plaintiffs' lawsuit to
133 be dismissed)

134 Respondent's statement to State Bar Senior attorney Joyce that her gross malfeasance
135 was "**despicable**" in taking no action whatsoever to protect the writer-plaintiffs and
136 Martha Wong from the thefts and malpractice of Bar Member Randy Rosenblatt and
137 without probable cause of any ethics violations by Respondent Bernath has thus

138 prompted these charges. (Indeed, when Respondent said that he did not wish to suffer
139 the stress of talking to Joyce on the telephone because he is 100% US Navy service
140 connected disabled, Joyce did mock his US Navy wartime connected disability stating
141 "This (wartime caused injury) would appear to seriously impact your ability to practice
142 law in general.")

143 Respondent is a journalist and comments he may have made that the State Bar
144 interprets as violations may be First Amendment protected activities of news gathering
145 and reporting.

146 At all times a relevant Respondent was and is an Accredited Attorney, Agent and
147 Representatives before a federal agencies pursuant to preemptive United States law
148 even at times when he may or may not have been an active member of the California Bar
149 Association. Sperry v. Florida 373 U.S. 379 (1963) and United States Constitution
150 Federal preemption over California. And further before various federal courts.

151 Any publication cited is subject to California Civil Code §§ 3425.1-3425.5 and its common
152 law equivalent.

153 
154 Daniel A. Bernath 7.18.2015

155 Unverified Answer

156

157 **DECLARATION OF SERVICE**

158 CASE NUMBER(s): in re Daniel A. Bernath 116636) Cases 14-0-00699

159) 14-0-01941 Case 13-0-14986 13-0-14986

160 I, the undersigned, am over the age of eighteen (18) years and not a party to the within action, whose

161 address 1319 Kingswood Ct, Ft Myers Florida 33919 declare that:

162 on the date shown below, I caused to be served a true copy of the within document described as follows:

163 in re Daniel A. Bernath 116636) Cases 13-0-14986 14-0-00699

164 California Bar Association Member) 14-0-01941

165) ANSWER TO CHARGES

166 Specific admissions or specific denials

167 By U.S. First-Class Mail: (CCP §§ 1013 and 1013(a)) [By U.S. Certified Mail: (CCP §§ 1013 and

168 1013(a))

169 I deposited or placed for collection and mailing in the City and County of Lee and City of Ft Myers on

170 6/18/2015 By UPS Delivery: (CCP §§ 1013(c) and 1013(d))

171 - I am readily familiar with the Law Office of Daniel A. Bernath's practice for collection and processing of

172 correspondence for overnight delivery by the United Parcel Service ("UPS"),

173 By Fax Transmission: (CCP §§ 1013(e) and 1013(1))

174 Based on agreement of the parties to accept service by fax transmission, I faxed the documents to the

175 persons at the fax numbers listed herein below. No error was

176 reported by the fax machine that I used. The Original record of the fax transmission is retained on file and

177 available upon request.

178 By Electronic Service: (CCP § 1010.6)

179 Based on a court order or an agreement of the parties to accept service by electronic transmission, I

180 caused the documents to be sent to the person{s_ at the electronic

181 addresses listed herein below. I did not receive, within a reasonable time after the transmission, any

182 electronic message or other indication that the transmission was unsuccessful.

183 (for U.S. First-Class Mail) in a sealed envelope placed for collection and mailing at Ft Myers

184 Florida, addressed to: **Erin Joyce, Office Chief Trial Counsel California State Bar 845 S**

185 **Figueroa St Los Angeles 90017**

186 I am readily familiar with the Mr. Bernath's practice for collection and processing of correspondence for

187 mailing with the United States Postal Service, and

188 overnight delivery by the United Parcel Service ("UPS"). In the ordinary course of the said practice,

189 correspondence collected and processed by the the office of Daniel A. Bernath would be deposited with

190 the United States Postal Service that same day, and for overnight delivery, deposited with delivery fees

191 paid or provided for, with UPS that same day.

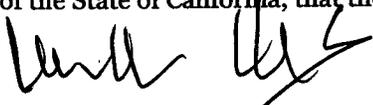
192 I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or

193 postage meter date on the envelope or package is more than one day

194 after date of deposit for mailing contained in the affidavit.

195 I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and

196 correct,

197 DATED: 6/18/2015 SIGNED: MARTHA WONG 

199 **DECLARATION OF SERVICE**