

PUBLIC MATTER

1 STATE BAR OF CALIFORNIA
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FILED

JUN 08 2015

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

13 In the Matter of:) Case No. 13-O-14986
 14 DANIEL ALAN BERNATH)
 No. 116636,) NOTICE OF DISCIPLINARY CHARGES
 15)
 16 A Member of the State Bar)
 17)
 18)

NOTICE - FAILURE TO RESPOND!

IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE WITHIN 20 DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT THE STATE BAR COURT TRIAL:

- 22 (1) YOUR DEFAULT WILL BE ENTERED;
- 23 (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU WILL NOT BE PERMITTED TO PRACTICE LAW;
- 24 (3) YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION AND THE DEFAULT IS SET ASIDE, AND;
- 25 (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE. SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN ORDER RECOMMENDING YOUR DISBARMENT WITHOUT FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ., RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.

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1 The State Bar of California alleges:

2 JURISDICTION

3 1. Respondent Daniel Alan Bernath was admitted to the practice of law in the State
4 of California on December 3, 1984, was a member at all times pertinent to these charges, and
5 is currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 13-O-14986

8 Business and Professions Code section 6068(a)
9 [Failure to Comply With Laws – Unauthorized Practice of Law]

10 2. In or about July 2013 through in or about October 2013, Respondent held himself
11 out as entitled to practice law when Respondent was not an active member of the State Bar,
12 by:

- 13 a. Posting items on the Yelp Conversations Message Board representing
14 himself to be a lawyer;
- 15 b. Publishing a LinkedIn job posting for “Law firm getting you paid for the
16 reviews you wrote on Yelp!”;
- 17 c. Setting up two pages on Facebook for “Yelp Memphis” and “Yelp Los
18 Angeles” where he states, “We will ask the court to award approximately
19 \$100 per review”;
- 20 d. Sending an email to the Securities and Exchange Commission claiming he
21 was “drafting a complaint against Yelp, Corp. for not paying wages for its
22 93 million hereto now free reviews”;
- 23 e. Publishing an advertisement on Facebook entitled "Yelp Victims, Yelp
24 Complaints, Yelp Reviews" in which he stated he was a "CLASS
25 ACTION lawyer suing Yelp. . . . I'm filing a class action lawsuit so
26 that Yelp [sic] be forced to pay \$273 to each reviewer, good or bad”;
27 and
28

1 f. Sending an email with a subject line "Hello from lawyers suing Yelp",
2 stating that "[w]e are filing a class action so that the non-wage paid
3 employees will be paid for their labors (in other than bling, etc.)
4 Nancy Ny is one of our clients and she suggested we talk with you. Is
5 there a time that we could talk? Dan Bernath, Yelp Class Action Law
6 Firm 503 367 4204"

7 in violation of Business and Professions Code sections 6125 and 6126, and thereby
8 Respondent wilfully violated Business and Professions Code section 6068(a).

9 COUNT TWO

10 Case No. 13-O-14986

11 Business and Professions Code section 6106

12 [Moral Turpitude]

13 3. In or about July 2013 through in or about October 2013, Respondent held himself
14 out as entitled to practice law when Respondent knew, or was grossly negligent in not
15 knowing, that he was not an active member of the State Bar, by:

- 16 a. Posting items on the Yelp Conversations Message Board representing
17 himself to be a lawyer;
18 b. Publishing a LinkedIn job posting for "Law firm getting you paid for the
19 reviews you wrote on Yelp!";
20 c. Setting up two pages on Facebook for "Yelp Memphis" and "Yelp Los
21 Angeles" where he states "We will ask the court to award approximately
22 \$100 per review";
23 d. Sending an email to the Securities and Exchange Commission claiming he
24 was "drafting a complaint against Yelp, Corp. for not paying wages for its
25 93 million hereto now free reviews";
26 e. Publishing an advertisement on Facebook entitled "Yelp Victims, Yelp
27 Complaints, Yelp Reviews" in which he stated he was a "CLASS
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ACTION lawyer suing Yelp. . . . I'm filing a class action lawsuit so that
Yelp [sic] be forced to pay \$273 to each reviewer, good or bad"; and
f. Sending an email with a subject line "Hello from lawyers suing Yelp,"
stating that "[w]e are filing a class action so that the non-wage paid
employees will be paid for their labors (in other than bling, etc.) Nancy
Ny is one of our clients and she suggested we talk with you. Is there a
time that we could talk? Dan Bernath, Yelp Class Action Law Firm 503
367 4204"

and thereby engaged in acts involving moral turpitude, dishonesty or corruption in wilful
violation of Business and Professions Code section 6106.

NOTICE - INACTIVE ENROLLMENT!

**YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE
BAR COURT FINDS, PURSUANT TO BUSINESS AND
PROFESSIONS CODE SECTION 6007(c), THAT YOUR CONDUCT
POSES A SUBSTANTIAL THREAT OF HARM TO THE INTERESTS
OF YOUR CLIENTS OR TO THE PUBLIC, YOU MAY BE
INVOLUNTARILY ENROLLED AS AN INACTIVE MEMBER OF
THE STATE BAR. YOUR INACTIVE ENROLLMENT WOULD BE
IN ADDITION TO ANY DISCIPLINE RECOMMENDED BY THE
COURT.**

NOTICE - COST ASSESSMENT!

**IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC
DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF
COSTS INCURRED BY THE STATE BAR IN THE INVESTIGATION,
HEARING AND REVIEW OF THIS MATTER PURSUANT TO
BUSINESS AND PROFESSIONS CODE SECTION 6086.10.**

Respectfully submitted,

THE STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL



Erin McCowen Joyce
SENIOR TRIAL COUNSEL

DATED: June 8, 2015

By: _____
Erin McCowen Joyce
SENIOR TRIAL COUNSEL

DECLARATION OF SERVICE

by
U.S. FIRST-CLASS MAIL / U.S. CERTIFIED MAIL / OVERNIGHT DELIVERY / FACSIMILE-ELECTRONIC TRANSMISSION

CASE NUMBER(s): 13-O-14986

I, the undersigned, am over the age of eighteen (18) years and not a party to the within action, whose business address and place of employment is the State Bar of California, 845 South Figueroa Street, Los Angeles, CA 90017-2515, declare that:

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

NOTICE OF DISCIPLINARY CHARGES

- By U.S. First-Class Mail: (CCP §§ 1013 and 1013(a))
By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))
By UPS Delivery: (CCP §§ 1013(c) and 1013(d))
By Fax Transmission: (CCP §§ 1013(e) and 1013(f))
By Electronic Service: (CCP § 1010.6)

- (for U.S. First-Class Mail) in a sealed envelope placed for collection and mailing at Los Angeles, addressed to: (see below)
(for Certified Mail) in a sealed envelope placed for collection and mailing as certified mail, return receipt requested, Article No.: 9414 7266 9904 2010 0724 16 at Los Angeles, addressed to: (see below)
(for Ground Delivery) together with a copy of this declaration, in an envelope, or package designated by UPS, Tracking No.: addressed to: (see below)

Table with 4 columns: Person Served, Business-Residential Address, Fax Number, Courtesy Copy to. Row 1: Daniel Alan Bernath, 1319 Kingswood Ct Fort Myers, FL 33919, Electronic Address, Ussyorktowncvsl0@yahoo.com

via inter-office mail regularly processed and maintained by the State Bar of California addressed to:

N/A

I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service, and overnight delivery by the United Parcel Service ('UPS').

I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed at Los Angeles, California, on the date shown below.

DATED: June 8, 2015

SIGNED:

Juli Finnila signature
JULI FINNILA
Declarant