

1 STATE BAR OF CALIFORNIA
2 OFFICE OF THE CHIEF TRIAL COUNSEL
3 JAYNE KIM, No. 174614
4 CHIEF TRIAL COUNSEL
5 JOSEPH R. CARLUCCI, No. 172309
6 DEPUTY CHIEF TRIAL COUNSEL
7 SUSAN I. KAGAN, No. 214209
8 ASSISTANT CHIEF TRIAL COUNSEL
9 JONATHAN CESENA, No. 289721
10 DEPUTY TRIAL COUNSEL
11 180 Howard Street
12 San Francisco, California 94105-1639
13 Telephone: (415) 538-2183

FILED

MAY 27 2014

STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

STATE BAR COURT
HEARING DEPARTMENT - SAN FRANCISCO

12 In the Matter of:) Case Nos. 13-O-15161; 13-O-16623
13 MATTHEW SCOTT ROSENBERG,) NOTICE OF DISCIPLINARY CHARGES
14 No. 265201,)
15 A Member of the State Bar)

NOTICE - FAILURE TO RESPOND!

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

- 20 (1) **YOUR DEFAULT WILL BE ENTERED;**
21 (2) **YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU**
22 **WILL NOT BE PERMITTED TO PRACTICE LAW;**
23 (3) **YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN**
24 **THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION**
25 **AND THE DEFAULT IS SET ASIDE, AND;**
26 (4) **YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.**
27 **SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE**
28 **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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The State Bar of California alleges:

JURISDICTION

1. Matthew Scott Rosenberg ("Respondent") was admitted to the practice of law in the State of California on December 1, 2009, was a member at all times pertinent to these charges, and is currently a member of the State Bar of California.

COUNT ONE

Case No. 13-O-16623
Rules of Professional Conduct, rule 4-200(A)
[Illegal Fee]

2. On or about February 15, 2012 and April 6, 2012, respondent, charged and collected from Mary Jane Seeger, a fee in the total amount of \$4,000 on behalf of the conservatorship of John A. Myers to perform legal services that was illegal because it violated California Probate Code, section 2642 which requires an order fixing and allowing attorney compensation in conservatorship proceedings, in willful violation of the Rules of Professional Conduct, rule 4-200(A).

COUNT TWO

Case No. 13-O-16623
Business and Professions Code, section 6103
[Failure to Obey a Court Order]

3. Respondent disobeyed or violated an order of the court requiring respondent to do or forbear an act connected with or in the course of respondent's profession which respondent ought in good faith to do or forbear by failing to comply with the March 25, 2013 court order requiring respondent to refund a \$4,000 advanced fee to the conservatorship of John A. Myers and pay \$1,414.40 to the estate of John A. Myers by April 29, 2013, in the *Conservatorship of Myers*, in Shasta County Superior Court, case no. PG-12-27103, in willful violation of Business and Professions Code, section 6103.

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COUNT THREE

Case No. 13-O-16623
Business and Professions Code, section 6068(i)
[Failure to Cooperate in State Bar Investigation]

4. Respondent failed to cooperate and participate in a disciplinary investigation pending against Respondent by failing to provide a substantive response to the State Bar's letters of November 18, 2013 and January 21, 2014, which Respondent received, that requested respondent's response to the allegations of misconduct being investigated in case no. 13-O-16623 in willful violation of Business and Professions Code, section 6068(i).

COUNT FOUR

Case No. 13-O-15161
Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

5. On or about December 27, 2012, Heather Edwards employed respondent to perform legal services, namely to modify or vacate a custody and visitation order entered in *Highley v. Edwards*, in Tehama County Superior Court case no. 53392, which respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A), by performing no legal services of value on behalf of the client.

COUNT FIVE

Case No. 13-O-15161
Business and Professions Code, section 6068(i)
[Failure to Cooperate in State Bar Investigation]

6. Respondent failed to cooperate and participate in a disciplinary investigation pending against respondent by failing to provide a substantive response to the State Bar's letters of October 8, 2013 and November 18, 2013, which respondent received, that requested respondent's response to the allegations of misconduct being investigated in case no. 13-O-15161, in willful violation of Business and Professions Code, section 6068(i).

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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

DATED: May 27, 2014

By: Jonathan Cesena
Jonathan Cesena
Deputy Trial Counsel

DECLARATION OF SERVICE

by
U.S. CERTIFIED MAIL and U.S. FIRST-CLASS MAIL

CASE NUMBER(s): 13-O-15161; 13-O-16623

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, 180 Howard Street, San Francisco, California 94105, 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 Overnight 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 San Francisco, addressed to: (see below)
(for Certified Mail) in a sealed envelope placed for collection and mailing as certified mail, return receipt requested, Article No.: 7160 3901 9849 1845 8744 at San Francisco, addressed to: (see below)
(for Overnight 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: Matthew Scott Rosenberg, Respondent; Matthew S. Rosenberg, 16356 N Thompson Peak Pkwy # 2129, Scottsdale, AZ 85260; Electronic Address; (empty)

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). In the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day, and for overnight delivery, deposited with delivery fees paid or provided for, with UPS that same day.

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 San Francisco, California, on the date shown below.

DATED: May 27, 2014

SIGNED: [Signature]
Meagan McGowan
Declarant