



FILED

APR 15 2015

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Daniel A. Bernath, Attorney at Law
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State Bar Court
Hearing Department Los Angeles

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

Respondent has filed this Answer on April 8, 2015 because it was only on April 3, 2015 where an employee of the State Bar Trial Counsel stated that there was "no difference between the filed copy of the Notice of Disciplinary Charges (enclosure as stated) and the one sent "via certified mail" which did not get served on Respondent.

Bar member Bernath admits:

Para. 1 jurisdiction

Bar member Bernath denies:

Para 2,

Respondent denies that he held himself out to practice law by (reference to line 11) setting up and publishing a website; representing that that he was "The 13th Amendment Law Firm"; publishing posts on Facebook identifying himself as a CLASS ACTION

28 lawyer suing YELP; sending emails and other communications to potential claimants;
29 and sending substitution of counsel forms to the claimants in the Yelp lawsuit filed on
30 October 22 13CV07805 for a time when he was not permitted to do so; respondent was
31 not involuntarily inactive at all times relevant; did not hold himself out as able to
32 practice, nor practiced at and for a time when he was not permitted to do so;

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

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

39

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

43 Complaining Bar member Randy Rosenblatt alleges that Bernath was unlawfully acting
44 as an attorney at law, lawyer or holding himself out as an attorney at law, etc..

45 Rosenblatt was well aware of Bernath's status at all times and as such Randy Rosenblatt
46 is stating that he was in partnership with a "non-lawyer" in violation of the California
47 Rules or Professional Conduct 1-310.

48 Para 3

49 Bar member Bernath admits:

50 Para 3. Respondent incorporates all preceding relevant statements. Admits that he
51 submitted documents to the US District Court judge pursuant to his employment.

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

55 Para 4. Respondent recalls filing a complaint against California Bar member Randy
56 Rosenblatt for stealing several hundred thousand dollars from his client Martha Wong
57 and himself, Plaintiffs.

58 Without waiving any attorney client privilege, respondent recalls that plaintiffs filed
59 complaints, wrote letters, emails and made telephone calls to the US District Court
60 judge after Randy Rosenblatt was fired by these victims and other victims of Rosenblatt
61 and after Rosenblatt stated that he "felt" like just dismissing their US District Court
62 complaint. Indeed Rosenblatt failed to file on behalf of the Yelp plaintiffs, any response
63 to numerous motions to dismiss his clients. Said negligence of Cal Bar member
64 Rosenblatt resulted in his complaint being dismissed by the US District Court.

65 Respondent notes from the evidence cited by the State Bar that many complaints
66 regarding Rosenblatts malpractice and ultimate dismissal of their claim was made either
67 by Respondent personally or by Bernath as attorney **for clients** before the State Bar.
68 Respondent has a recollection that he urged and felt confident that his clients had filed
69 complaints about their case being dismissed because Rosenblatt "felt" like "just
70 dismissing" the case and did not in fact file any opposition to motions to dismiss, thus
71 causing Rosenblatt victims to have their complaint dismissed . Purported letter to State

72 Bar from attorney for victims of Randy Rosenblatt: "(please locate my many urgent
73 requests that your office quickly move on this issue")and correspondence from
74 California State Bar that complaints against Rosenblatt were being investigated and as
75 such, Respondent denies para 4.

76

77 Para 5, and incorporated into all paragraphs of this Answer: Respondent denies sending
78 statement to any person or entity whereby he sought employment or was an attorney at
79 law of a state bar or agency where he did or could not practice or would or could
80 represent any person before any agency or court when he was not authorized to do so
81 and/or pro hoc vice or with a class action where a plurality of victims were located in
82 California and at a time when said statement was not true and therefore denies this
83 paragraph.

84 Respondent has been the victim of persons misrepresenting Respondent's identity,
85 account hacked, identity theft, hoaxes, impersonation, "sock puppet", "False Flag",
86 "*ruse de guerre*" "strawman", "meat puppet", "Astroturf", "cat-fishing", tactics and
87 misleading uses of online identities by persons claiming to be Respondent. This
88 paragraph is incorporated into each Answer where it is relevant. Terrence B. Hoey, for
89 example, has stated that he will "destroy" me "personally" and "professionally."

90 To create "sock puppet""False Flag" writing in respondent's name which purportedly
91 violates State Bar Rules would be consistent with Terrence B. Hoey's vow to "destroy"
92 Respondent "professionally." Respondent has directly asked Bar attorney Joyce what

93 the involvement of Terrence B. Hoey is upon these ill-considered charges and she has
94 failed and/or refused to answer.

95 Para. 6 Respondent did not hold himself out as an attorney at law as to any state bar or
96 agency when he was not so entitled to state and at the times stated in the allegation and
97 thus denies Para. 6. And Respondent incorporates previous Answer where relevant to
98 this charge.

99

100 Para 7. Respondent denies paragraph 7.

101 Respondent by agreement with the Social Security Administration had long before
102 severed all ties and did stop practicing before the SSA Respondent sought legal counsel
103 and all aspects of this matter were discussed and examined including California
104 Business and Professions Code § 6068(o)(6). In light of the foregoing legal advice and
105 analysis of law and facts of this matter, (no privileged communication is hereby stated or
106 waived), respondent did not report any *non sequitur* of the Social Security
107 Administration as Respondent was not disciplined.

108 Para. 8 Respondent denies generally this accusation and that words of similar import
109 were not used.

Affirmative Defense

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

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

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

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

State Bar prosecutor Joyce was told by Wong’s attorney, Respondent Bernath, that Joyce’s malfeasance in permitting the rights of the writer-plaintiffs to be violated by

132 Rosenblatt and permitting the ongoing theft of money from Rosenblatt to his client
133 Martha Wong was “**despicable**”.

134 The State Bar and Joyce bring these accusations against Respondent as petty revenge
135 for Respondent pointing out Senior attorney Joyce’s malfeasance as stated herein.

136 Respondent challenged the State Bar and Joyce malfeasance with the clear and
137 convincing evidence of

138 (a) Randy Rosenblatts fraud to plaintiffs Wong and Bernath and theft,

139 (b) the malpractice in not filing oppositions to the multiple motions to strike the writer-
140 plaintiffs’ complaint in US District Court and

141 (c) other ethical misconducts (such as Rosenblatt ignoring urgent pleas that motions to
142 dismiss by Yelp, Inc. be opposed by Rosenblatt, thus causing writer-plaintiffs’ lawsuit to
143 be dismissed)

144 Respondent’s statement to State Bar Senior attorney Joyce that her gross malfeasance
145 was “**despicable**” in taking no action whatsoever to protect the writer-plaintiffs and
146 Martha Wong from the thefts and malpractice of Bar Member Randy Rosenblatt and
147 without probable cause of any ethics violations by Respondent Bernath has thus
148 prompted these charges. (Indeed, when Respondent said that he did not wish to suffer
149 the stress of talking to Joyce on the telephone because he is 100% US Navy service
150 connected disabled, Joyce did mock his US Navy wartime connected disability stating

151 "This (wartime caused injury) would appear to seriously impact your ability to practice
152 law in general."¹.)

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

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

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

163

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- Reply by Daniel A. Bernath to prosecutor¹ Joyce, Erin tauting of US Navy service connected wartime injuries;

"I also must pass a catheter up my penis, past my prostate gland and into my bladder to eliminate urine or I will again become borderline for blood filtering by artificial means (kidney dialysis)-I must do this every 2 hours or so and it can take up to 15 to 20 minutes if it is particularly painful upon that medical procedure.

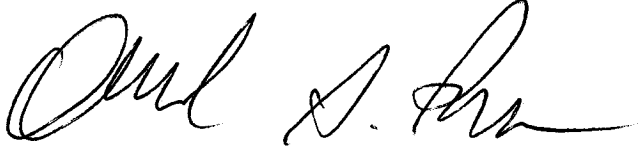
Therefore, you might wish to add that to your complaint about a 100% service connected veteran requiring additional time for this medical procedure during hearings and trials."

Daniel A. Bernath

Attorney at Law

164 Daniel A. Bernath 2.28.2015

165 Unverified Answer

166 
167

DECLARATION OF SERVICE

I, the undersigned, over the age of eighteen, declare that ☐ I am / ☒ am not a party to the within action, in the City and County of Los Angeles, on 4/15/2015, served the following document(s):

Answer to charges (originals)

☒ by personal delivery:

Trial Counsel

Agent for service is Ester Hernandez

Receptionist

Served at - 845 S. Figueroa Ave. Los Angeles, CA 90017

☐ other:

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

Dated:

4/15/2015



LA COUNTY # 7151

Registered

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90006