

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF
BRIAN JEFFREY ROSENBERG

VSB DOCKET NO. 23-000-126587

RULE TO SHOW CAUSE
AND
ORDER OF SUMMARY SUSPENSION AND NOTICE OF HEARING

It appearing to the Board that Brian Jeffrey Rosenberg was licensed to practice law within the Commonwealth of Virginia on October 16, 2014, and,

It further appearing that Brian Jeffrey Rosenberg has been indefinitely suspended from the practice of law in the State of Maryland by Order dated August 10, 2022.

It further appearing that such disciplinary action has become final.

It is ORDERED, pursuant to Rules of Court, Part Six, Section IV, Paragraph 13-24, that the license of Brian Jeffrey Rosenberg to practice law within the Commonwealth of Virginia be, and the same is, hereby suspended effective September 2, 2022.

It is further ORDERED that Brian Jeffrey Rosenberg appear before the Virginia State Bar Disciplinary Board at the State Corporation Commission – Courtroom B, Second Floor, Tyler Building, 1300 East Main Street, Richmond, Virginia, 23219, at 9:00 a.m. on September 23, 2022, to show cause why the same discipline that was imposed in the other jurisdiction should not be imposed by the Board. Pursuant to Part Six, Section IV, Paragraph 13-24.C of the Rules of the Supreme Court of Virginia. Brian Jeffrey Rosenberg has 14 days from the date of this Rule to Show Cause and Order of Summary Suspension and Hearing to file a written response with the Clerk of the Disciplinary System, which shall be confined to argument and exhibits supporting one or more of the grounds for dismissal or imposition of a lesser discipline specified in paragraph 13-24.C. Failure to file a written response within 14 days may result in the Disciplinary Board's refusal to consider during the hearing in this matter any evidence or argument supporting the existence of one or more of

the grounds specified in Paragraph 13-24.C.

It is further ORDERED that Brian Jeffrey Rosenberg must comply with the requirements of Part 6, Section IV, Paragraph 13-29 of the Rules of the Supreme Court of Virginia. The Respondent shall forthwith give notice by certified mail of the Suspension of his license to practice law in the Commonwealth of Virginia, to all clients for whom he is currently handling matters and to all opposing Attorneys and presiding Judges in pending litigation. The Respondent shall also make appropriate arrangements for the disposition of matters then in his care in conformity with the wishes of his clients. The Respondent shall give such notice immediately and in no event later than 14 days of the effective date of the Suspension, and make such arrangements as are required herein as soon as is practicable and in no event later than 45 days of the effective date of the Suspension. The Respondent shall also furnish proof to the Clerk of the Disciplinary System of the Virginia State Bar within 60 days of the effective date of the Suspension that such notices have been timely given and such arrangements have been made for the disposition of matters.

It is further ORDERED that if the Respondent is not handling any client matters on the effective date of the Suspension, he shall submit an affidavit to that effect within 60 days of the effective date of the Suspension to the Clerk of the Disciplinary System at the Virginia State Bar. The Board shall decide all issues concerning the adequacy of the notice and arrangements required herein. The burden of proof shall be on the Respondent to show compliance. If the Respondent fails to show compliance, the Board may impose a sanction of Revocation or additional Suspension for failure to comply with the requirements of subparagraph 13-29.

It is further ORDERED that a copy of the Order entered August 10, 2022, by the Court of Appeals of Maryland, No. COA-AG-0100-2021, and the Joint Petition of the Attorney Grievance Commission of Maryland, in Misc. Docket AG No. 100, September Term, 2021, be attached to this Rule to Show Cause and Order of Summary Suspension and Hearing and made a part hereof.

It is further ORDERED that an attested copy of this Rule to Show Cause and Order of Summary Suspension and Hearing, with attachments, shall be mailed to Brian Jeffrey Rosenberg by electronic, regular and certified mail at his address of record with the Virginia State Bar, 11309 Broad Green Dr., Potomac, MD 20854, and by electronic mail to Elizabeth K. Shoenfeld, Senior Assistant Bar Counsel.

ENTERED THIS 26th DAY OF AUGUST, 2022

VIRGINIA STATE BAR DISCIPLINARY BOARD



Carolyn V. Grady
Chair Designate



**ATTORNEY GRIEVANCE COMMISSION
OF MARYLAND**

* **IN THE**
* **COURT OF APPEALS**
* **OF MARYLAND**
* **Misc. Docket AG No. 100**
* **September Term, 2021**

v.

BRIAN JEFFREY ROSENBERG

ORDER

Upon consideration of the Joint Petition of the Attorney Grievance Commission of Maryland and the Respondent, Brian Jeffrey Rosenberg, to indefinitely suspend the Respondent from the practice of law with the right to petition for reinstatement after 90 days, it is this 10th day of August, 2022

ORDERED, by the Court of Appeals of Maryland, that the Respondent, Brian Jeffrey Rosenberg, be, and he hereby is, indefinitely suspended from the practice of law in the State of Maryland with the right to petition for reinstatement after 90 days, for violations of Rules 19-301.1, 19-301.4, and 19-308.4 (c) and (d) of the Maryland Attorneys' Rules of Professional Conduct; and it is further

ORDERED, that the Clerk of this Court shall remove the name of Brian Jeffrey Rosenberg from the register of attorneys in this Court, and certify that fact to the Trustees of the Client Protection Fund of the Bar of Maryland and all Clerks of all judicial tribunals in this State in accordance with Maryland Rule 19-761(b).

/s/ Matthew J. Fader
Chief Judge



Attorney Grievance Commission of Maryland v. Brian Jeffrey Rosenberg
[Misc. Docket AG, No. 100, September Term, 2021]

Brian Jeffrey Rosenberg has been indefinitely suspended by consent, effective immediately, by an Order of the Court, dated August 10, 2022.

Brian Jeffrey Rosenberg has been indefinitely suspended by consent, immediately, from the further practice of law in the State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761(b)).

ATTORNEY GRIEVANCE COMMISSION
OF MARYLAND
200 Harry S Truman Parkway
Suite 300
Annapolis, Maryland 21401

Petitioner,

v.

BRIAN J. ROSENBERG
11309 Broad Green Drive
Potomac, Maryland 20854

Respondent.

IN THE
COURT OF APPEALS
OF MARYLAND

COA-AG-0100-2021

Misc. Docket AG No. _____
September Term, ~~2022~~

**JOINT PETITION FOR INDEFINITE SUSPENSION BY CONSENT WITH THE
RIGHT TO PETITION FOR REINSTATEMENT AFTER NINETY DAYS**

The Attorney Grievance Commission of Maryland, Petitioner, by Lydia E. Lawless, Bar Counsel, and Erin A. Risch, Deputy Bar Counsel, its attorneys, and Brian J. Rosenberg, Respondent, pursuant to Maryland Rule 19-736, jointly petition this Honorable Court to indefinitely suspend the Respondent from the practice of law in the State of Maryland with the right to petition for reinstatement after 90 days, and in support thereof state:

1. The Respondent, Brian J. Rosenberg, was admitted to the Maryland Bar on June 19, 2013. The Respondent was admitted to the Bar of the District of Columbia on March 10, 2017, and the Virginia Bar in October 2014.

2. At all times relevant hereto, the Respondent was employed as an associate attorney at Lewis Brisbois Bisgaard & Smith, LLP (“the Firm”), and worked in the Firm’s Baltimore office.

3. The Respondent is currently the subject of an investigation by Bar Counsel

arising from the Respondent's representation of a client in an unlawful retainer action.

4. The Respondent is aware of Bar Counsel's pending investigation and submits his consent to an indefinite suspension with the knowledge that, if a hearing were held, sufficient evidence would be produced to establish the following facts:

In July 2020, the Respondent was assigned to pursue an unlawful detainer action on behalf of one of the Firm's clients in the General District Court for Fairfax County, Virginia. On or about July 17, 2020, the Respondent, on behalf of the client, filed a Summons for Unlawful Detainer. The filing included a return date¹ of September 8, 2020. The filing was rejected because the Respondent failed to coordinate the return date with the court as required.

The Respondent failed to advise his supervisor and the client that the filing was rejected. Instead, between August 12, 2020 and September 16, 2020, the Respondent intentionally misrepresented to his supervisor and the client that the case was pending, that he appeared for the first return date in September 2020, and that the matter was continued because the defendant had not been served.

5. The Respondent submits his consent to an indefinite suspension, with the right to petition for reinstatement after 90 days, with the knowledge that, if a hearing were held, sufficient evidence would be produced to establish that the Respondent violated the following Maryland Attorneys' Rules of Professional Conduct: 19-301.1 (competence), 19-301.4 (communication), and 8.4 (c) and (d) (misconduct).

6. The Respondent acknowledges that if a hearing were held the following aggravating factors would be established by clear and convincing evidence: (1) multiple rule violations; and (2) a dishonest or selfish motive.

¹ The return date is the first court appearance in the action.

7. Bar Counsel acknowledges that the Respondent has demonstrated the following mitigating factors: (1) absence of a prior disciplinary record; (2) full and free disclosure to disciplinary board or cooperative attitude toward the proceedings; (3) a physical disability, namely Crohn's disease; (4) unlikelihood of repetition of the misconduct; and (5) remorse. Additionally, the Respondent is not currently practicing law, having stopped in September 2020 after the misconduct occurred.

8. Bar Counsel and the Respondent have conferred on an appropriate disposition and have agreed that an appropriate disposition here is an indefinite suspension from the practice of law with the right to petition for reinstatement after 90 days. *Att'y Griev. Comm'n of Maryland v. Collins*, 477 Md. 482, 270 A.3d 917 (2022) (cases involving dishonesty and knowingly made false statements are assessed on an individual basis and a sanction less than disbarment may be imposed when there is no intentional misappropriation or harm to the client). In *Attorney Grievance Commission v. Mooney*, the Court indefinitely suspended an attorney, with the right to petition for reinstatement after 90 days, who, in addition to negligently handling several client matters, made knowing misrepresentations to his client's mother with the intent to mislead her and the client regarding the action he had taken in the case. 359 Md. 56, 753 A.2d 17 (2000). The instant case is more serious than the misconduct in *Attorney Grievance Commission v. Singh*, 464 Md. 645, 212 A.3d 888 (2019), where the attorney's knowingly false statement to Bar Counsel during the disciplinary investigation regarding whether he usually deposited certain client funds into his attorney trust account warranted a 60-day suspension. 464 Md. at 675; 212 A.3d at 906. Here, the Respondent made knowingly false statements to a client

about the status of the client's case, including that he attended a hearing that did not take place.

9. The Respondent's conduct in this matter is also distinguishable from cases involving intentional dishonesty in which this Court has imposed an indefinite suspension with the right to petition for reinstatement after a period longer than 90 days. *See Attorney Grievance Comm'n v. Johnson*, 472 Md. 491, 247 A.3d 767 (2021) (indefinite suspension with the right to petition for reinstatement after one year where after discovering that the attorney's employee misappropriated client's funds from the attorney's trust account, the attorney knowingly and intentionally lied to multiple clients to prolong the time in which he had to remit their settlement funds); *Attorney Grievance Comm'n v. Riely*, 471 Md. 458, 242 A.3d 206 (2020) (indefinite suspension with the right to petition for reinstatement after one year where the attorney made a false statement to a government agency at a meeting during the course of representing a client, misled a client about the efforts made on her behalf in a case, and made false statements to Bar Counsel in a letter about the case); *Attorney Grievance Comm'n v. Steinhorn*, 462 Md. 184, 198 A.3d 821 (2018) (indefinite suspension with the right to petition for reinstatement after six months where the attorney, who had previously been disbarred, knowingly included false information in complaint forms filed in collection actions to conceal that he was collecting attorney's fees). Here, the Respondent's misrepresentations were limited to one client, in one case, over a short period of time. Additionally, the Respondent has no prior discipline, was forthcoming with Bar Counsel, demonstrated remorse, and explained that at the time of the misconduct, he experienced a Crohn's disease flare-up and was prescribed steroid medication that affected

his judgment.

10. The Respondent's consent to an indefinite suspension with the right to petition for reinstatement after 90 days is freely and voluntarily rendered, pursuant to the provisions of Maryland Rule 19-736(b)(2) without coercion or duress.

11. The Respondent is fully aware of the implications and effects of submitting his consent to an indefinite suspension.

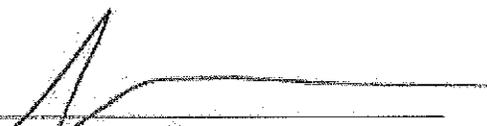
12. The Respondent agrees to pay the costs in this matter totaling \$826.15.

13. The Respondent agrees to comply with Maryland Rule 19-741.

WHEREFORE, the parties pray this Honorable Court:

- A. Order the Respondent indefinitely suspended from the practice of law in Maryland, effective immediately, with the right to petition for reinstatement after 90 days; and
- B. Grant such other and further relief as the Court deems warranted.

Respectfully submitted,



Brian J. Rosenberg
11309 Broad Green Drive
Potomac, MD 20854
CPF ID No. 1306190259
Respondent

/s/ Lydia E. Lawless

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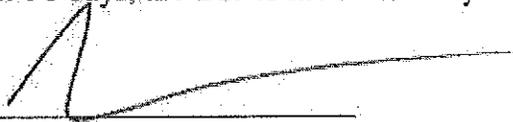
/s/ Erin A. Risch

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Attorneys for the Petitioner

Affidavit

I solemnly affirm under the penalties of perjury that the contents of the forgoing Joint Petition for Indefinite Suspension by Consent, with the right to petition for reinstatement after 90 days, are true to the best of my knowledge, information and belief.



Brian J. Rosenberg

7/25/22

Date

ATTORNEY GRIEVANCE COMMISSION
OF MARYLAND

Petitioner,

v.

BRIAN J. ROSENBERG

Respondent.

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IN THE
COURT OF APPEALS
OF MARYLAND

Misc. Docket AG No. _____
September Term, 2022

ORDER

This matter came before the Court on the Joint Petition of the Attorney Grievance Commission of Maryland and the Respondent, Brian J. Rosenberg, to indefinitely suspend the Respondent from the practice of law with the right to petition for reinstatement after 90 days. The Court having considered the Petition and the record herein, it is this ____ day of _____ 2022;

ORDERED, that, the Respondent, Brian J. Rosenberg, be indefinitely suspended from the practice of law in the State of Maryland with the right to petition for reinstatement after 90 days, for violations of Rules 19-301.1, 19-301.4, and 19-308.4 (c) and (d) of the Maryland Attorneys' Rules of Professional Conduct; and it is further

ORDERED, that the Clerk of this Court shall notify the Trustees of the Client Protection Fund of the Bar of Maryland and all clerks of all judicial tribunals in this State of this Order in accordance with Maryland Rules 19-761.

Senior Judge