

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

**IN THE MATTER OF
KENNETH HANSEN ROSENAU**

VS B DOCKET NO. 16-000-105644

AGREED DISPOSITION MEMORANDUM ORDER

On June 17, 2016, this matter was heard by the Virginia State Bar Disciplinary Board upon the joint request of the parties for the Board to accept the Agreed Disposition signed by the parties and offered to the Board as provided by the Rules of the Supreme Court of Virginia. The panel consisted of Esther J. Windmueller, Chair, Bretta Marie Zimmer Lewis, Thomas O. Bondurant, Jr., William H. Monroe, Jr., and Anderson Wade Douthat, IV, Lay Member. The Virginia State Bar was represented by Elizabeth K. Shoenfeld, Assistant Bar Counsel. Kenneth Hansen Rosenau was present and was not represented by counsel. The Chair polled the members of the Board as to whether any of them were aware of any personal or financial interest or bias which would preclude any of them from fairly hearing the matter to which each member responded in the negative. Court Reporter Tracy J. Stroh, Chandler and Halasz, P.O. Box 9349, Richmond, Virginia 23227, telephone (804) 730-1222, after being duly sworn, reported the hearing and transcribed the proceedings.

WHEREFORE, upon consideration of the Agreed Disposition, Notice of Hearing and Rule to Show Cause and Summary Suspension, and Respondent's Disciplinary Record, the Arguments of the Parties, and after due deliberation,

It is **ORDERED** that the Disciplinary Board accepts the Agreed Disposition and the Respondent shall receive a suspension for thirty days, *nunc pro tunc* to June 1, 2016, as set forth in the Agreed Disposition, which is attached and incorporated in this Memorandum Order.

It is further **ORDERED** that the sanction is effective June 1, 2016.

It is further **ORDERED** that:

The Respondent must comply with the requirements of Part Six, § IV, ¶ 13-29 of the Rules of the Supreme Court of Virginia. The Respondent shall forthwith give notice by certified mail of the Revocation or 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 client. Respondent shall give such notice within 14 days of the effective date of the Revocation or Suspension, and make such arrangements as are required herein within 45 days of the effective date of the Revocation or Suspension. The Respondent shall also furnish proof to the Bar within 60 days of the effective day of the Revocation or Suspension that such notices have been timely given and such arrangements 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 Revocation or Suspension, he shall submit an affidavit to that effect within

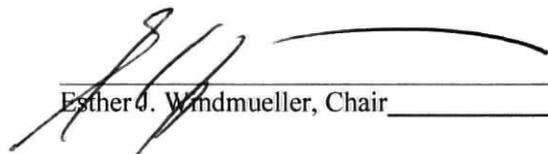
60 days of the effective date of the Revocation or Suspension to the Clerk of the Disciplinary System at the Virginia State Bar. All issues concerning the adequacy of the notice and arrangements required by Paragraph 13-29 shall be determined by the Virginia State Bar Disciplinary Board, which may impose a sanction of Revocation or additional Suspension for failure to comply with the requirements of this subparagraph.

The Clerk of the Disciplinary System shall assess costs pursuant to ¶ 13-9 E. of the Rules.

A copy teste of this Order shall be mailed, certified mail, return receipt requested, to the Respondent, Kenneth Hansen Rosenau, at his last address of record with the Virginia State Bar, Rosenau & Rosenau, 1304 Rhode Island Avenue, NW, Washington, DC 20005-3768, with a copy to: Elizabeth K. Shoenfeld, Assistant Bar Counsel, Virginia State Bar, 1111 East Main Street, Suite 700, Richmond, Virginia 23219-0026.

ENTERED THIS 17th DAY OF JUNE, 2016

VIRGINIA STATE BAR DISCIPLINARY BOARD



Esther J. Windmueller, Chair _____

VIRGINIA:

BEFORE THE DISCIPLINARY BOARD
OF THE VIRGINIA STATE BAR

IN THE MATTER OF
KENNETH HANSEN ROSENAU

VS B Docket No. 16-000-105644

AGREED DISPOSITION
FOR IMPOSITION OF RECIPROCAL DISCIPLINE

Pursuant to the Rules of the Supreme Court of Virginia, Part 6, § IV, Paragraph 13-6.H, the Virginia State Bar, by Elizabeth K. Shoenfeld, Assistant Bar Counsel and Kenneth Hansen Rosenau, Respondent, hereby enter into the following Agreed Disposition arising out of this matter.

I. STIPULATIONS OF FACT

1. At all relevant times, Respondent was licensed to practice law in the Commonwealth of Virginia.
2. On March 3, 2016, the District of Columbia Court of Appeals entered an order suspending Respondent's license to practice law in the District of Columbia for 30 days. The suspension was based on Respondent's admission that he violated Rules 8.4(c) and 8.4(d) of the District of Columbia Rules of Professional Conduct. The Order suspending Respondent is attached as Exhibit 1.
3. On May 25, 2016, the Virginia State Bar Disciplinary Board issued a Rule to Show Cause and Order of Summary Suspension and Hearing against Respondent to show cause why the same discipline imposed in the District of Columbia should not be imposed by the Board. The hearing is set for June 24, 2016.
4. Respondent agrees that the same discipline imposed in the District of Columbia should be imposed by the Board and waives any rights under Part 6, § IV, ¶ 13-24 of the Rules

of the Supreme Court of Virginia and further agrees not to appeal any Order entered by the Board consistent with the Proposed Disposition.

III. PROPOSED DISPOSITION

Accordingly, Assistant Bar Counsel and the Respondent tender to the Disciplinary Board for its approval the following agreed disposition:

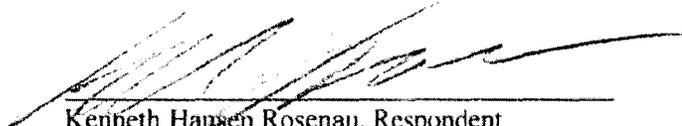
Respondent is suspended from the practice of law in Virginia for 30 days, *nunc pro tunc* to June 1, 2016.

If the Agreed Disposition is approved, the Clerk of the Disciplinary System shall assess an administrative fee.

THE VIRGINIA STATE BAR

By: 

Elizabeth K. Shoenfeld, Assistant Bar Counsel


Kenneth Hapsen Rosenau, Respondent

Notice: This opinion is subject to formal revision before publication in the Atlantic and Maryland Reporters. Users are requested to notify the Clerk of the Court of any formal errors so that corrections may be made before the bound volumes go to press.

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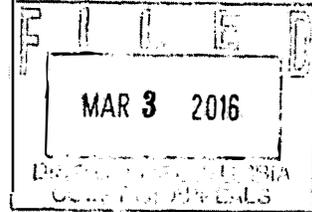
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DISTRICT OF COLUMBIA COURT OF APPEALS

No. 16-BG-35

IN RE KENNETH H. ROSENAU, RESPONDENT.

A Member of the Bar
of the District of Columbia Court of Appeals
(Bar Registration No. 342733)



On Report and Recommendation of Hearing Committee Number Five
Approving Petition for Negotiated Discipline
(BDN-D335-13)

(Decided: March 3, 2016)

Before FISHER and EASTERLY, Associate Judges, and FARRELL, Senior Judge.

PER CURIAM: This decision is issued as non-precedential. Please refer to D.C. Bar R. XI, § 12.1 (d) governing the appropriate citation of this opinion.

In this disciplinary matter, Hearing Committee Number Five ("Committee") recommends approval of a petition for negotiated attorney discipline. The violations stem from respondent Kenneth H. Rosenau's failure to disclose during mediation that his client had died.

A True Copy
Test

John Curiale
Clerk of the District of Columbia Court
of Appeals

BY

Clerk of the District of Columbia Court



Based upon respondent's recognition that he engaged in misrepresentation and that this misrepresentation seriously interfered with the administration of justice, he admittedly violated Rule 8.4 (c) and 8.4 (d) of the District of Columbia Rules of Professional Conduct. The Committee considered the following circumstances in mitigation: (1) respondent's remorse for his actions, (2) his statement that his actions were not for personal gain, and (3) the absence of any prior disciplinary action during thirty-five years of practicing law. As a result, Disciplinary Counsel and respondent negotiated the imposition of discipline in the form of a thirty-day suspension. The Committee reviewed this agreement and concluded, after the limited hearing on the petition, an *ex parte* review of Disciplinary Counsel's files and records, and *ex parte* communications with Disciplinary Counsel, that the petition for negotiated discipline should be approved.

We accept the Committee's recommendation because it properly applied D.C. Bar R. XI § 12.1 (c) to arrive at this conclusion, and we find no error in the Committee's determination. Based upon the record before the court, the negotiated

discipline of a thirty-day suspension from the practice of law is not unduly lenient and is supported by discipline imposed by this court for similar actions.¹

In accordance with our procedures in uncontested disciplinary cases, we agree this case is appropriate for negotiated discipline, and we accept the Committee's recommendation. Accordingly, it is

ORDERED that Kenneth H. Rosenau is hereby suspended from the practice of law in the District of Columbia for the period of thirty days. We also direct respondent's attention to the requirements of D.C. Bar R. XI, § 14 (g) and its effect on his eligibility for reinstatement. *See* D.C. Bar R. XI, § 16 (c).

So ordered.

¹ *See In re Owens*, 806 A.2d 1230, 1230-31 (D.C. 2002) (imposing a thirty-day suspension for misrepresentations, one under oath, to an Administrative Law Judge based on a finding that respondent's "false statements were motivated by her desire to avoid embarrassment to herself and protect her client from any adverse consequences of her misconduct."); *In re Schneider*, 553 A.2d 206, 212 (D.C. 1989) (imposing a thirty-day suspension citing "the absence of motive of personal gain, [and] the otherwise unblemished record over a considerable period of professional life subsequent to the event").