

**VIRGINIA:
BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD**

IN THE MATTER OF
MALCOLM PIERCE ROSENBERG

VSB DOCKET NO. 17-000-108668

OPINION AND ORDER

This matter came to be heard on May 19, 2017, before a duly-convened panel of the Virginia State Bar Disciplinary Board (“Board”) at the Virginia Workers’ Compensation Commission, Courtroom A. The Panel consisted of John A. C. Keith, 2nd Vice Chair, Presiding; Michael A. Beverly; Sandra L. Havrilak; Sandra M. Rohrstaff, and Stephen A. Wannall, lay member.

The Virginia State Bar (“Bar”) was represented by M. Brent Saunders, Senior Assistant Bar Counsel. Respondent Malcolm Pierce Rosenberg was not present. At the request of Mr. Keith, the Clerk called the Respondent’s name in the hallway outside Courtroom A three times, and thereafter reported to the Board that there was no response. Jennifer L. Hairfield, court reporter, Chandler and Halasz, Inc., P.O. Box 9349, Richmond, Virginia 23227, (804) 730-1222, after having been duly sworn, reported the hearing and transcribed the proceeding.

The Chair polled members of the Panel regarding any personal or financial interest or conflict they might have which would preclude them from fairly hearing the matter before them. Each member, including the Chair, responded in the negative.

This matter came before the Board on the Rule to Show Cause and Order of Summary suspension and Hearing entered on April 21, 2017, with an attached copy of the Order entered on March 27, 2016, by the Supreme Court of Pennsylvania approving a recommendation of a three-year suspension imposed in that jurisdiction on the Respondent by the Disciplinary Board of the Supreme Court of Pennsylvania on January 10, 2016, served in accordance with the Rules of the Supreme

Court of Virginia. In accordance with Part 6, § IV, ¶ 13-24 of the Rules of the Virginia Supreme Court (the “Rules”), the purpose of the hearing was to provide the Respondent with an opportunity to show cause, by clear and convincing evidence, why the same discipline that was imposed upon him by the California Supreme Court should not be imposed by this Board. The Rule to Show Cause and Notice were received into evidence collectively as Board Exhibit 1. All legal notices of the date and place were timely sent by the Clerk of the Disciplinary System (Clerk) in the manner prescribed by Part 6, § IV, ¶ 13-12(C) of the Rules of Court.

FINDINGS OF FACT

By clear and convincing evidence, the Board finds the following facts:

1. Respondent was licensed to practice law in the Commonwealth of Virginia on September 8, 1961.
2. Respondent was also licensed to practice law in the Commonwealth of Pennsylvania.
3. The Disciplinary Board of the Supreme Court of Pennsylvania issued its Report and Recommendations to the Supreme Court of Pennsylvania on January 19, 2016, setting forth the History of Proceedings, Findings of Fact, Conclusions of Law and Discussion which formed the basis of its recommendation that Respondent’s license be suspended for three years.
4. By Order entered March 17, 2016, the Supreme Court of Pennsylvania suspended Respondent from practicing law in the Commonwealth for a period of three years, effective that day.

The Respondent did not file a written response to the Rule to Show Cause in accordance with Part 6, § IV, ¶ 13-24(C) of the Rules and did not appear at the hearing. Accordingly, after the Panel accepted into evidence the Board’s Exhibit, considered the arguments of Bar Counsel and duly deliberated on this matter, it found that the Respondent had failed to show cause by

clear and convincing evidence why the Board should not impose the same discipline imposed by the Supreme Court of Pennsylvania.

DISPOSITION

Therefore, by this Opinion and Order, and in accordance with the Summary Order entered on May 19, 2017, the Board finds that Respondent has not met his burden, and it is hereby **ORDERED** that Respondent, Malcolm Pierce Rosenberg, is hereby suspended from the practice law in the Commonwealth of Virginia for three years, effective May 19, 2017.

It is further **ORDERED** in accordance with Part Six, § IV, ¶ 13-29 of the Rules that Malcolm Pierce Rosenberg shall forthwith give notice, by certified mail, return receipt requested, 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 for 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. Respondent shall give such notice within fourteen (14) days of the effective date of the suspension, and make such arrangements as are now required herein within forty-five (45) days of the effective date of this Order. The Respondent shall also furnish proof to the Bar within sixty (60) days of the effective date of the suspension that such notices have been timely given and such arrangements made for the disposition of matters.

It is further **ORDERED** that if Respondent is not handling any client matters on the effective date of the suspension, he shall submit an Affidavit to that effect to the Clerk of the Disciplinary System at the Virginia State Bar. All issues concerning the adequacy of the notice and arrangements required by ¶ 13-29 shall be determined by the Virginia State Bar Disciplinary Board.

It is further ORDERED that pursuant to Part 6, § IV, ¶ 13-9(E) of the Rules, the Clerk of the Disciplinary System shall impose all costs against the Respondent.

It is further **ORDERED** that the Clerk of the Disciplinary System shall mail an attested copy of this Order by certified mail, return receipt requested, to Respondent, Malcolm Pierce Rosenberg, at his Virginia State Bar address of record, 1201 Chestnut Street 13th Fl, Philadelphia, PA 19107-4123, and to 603 Laramie Place, Philadelphia, PA 19115; and hand-delivered to M. Brent Saunders, Senior Assistant Bar Counsel, Virginia State Bar, 1111 East Main Street, Suite 700, Richmond, VA 23219-0026.

ENTERED THIS 15th DAY OF JUNE, 2017

VIRGINIA STATE BAR DISCIPLINARY BOARD

By: John A. C. Keith, 2nd Vice Chair, Presiding