

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

VIRGINIA STATE BAR EX REL
FIFTH DISTRICT COMMITTEE, SECTION I

v.

Case No. 22-04387
VSB Docket No. 20-051-119124

JAY ARTHUR ROSENBERG

CONSENT TO REVOCATION ORDER

On July 5, 2022, came Respondent Jay Arthur Rosenberg and presented to the Clerk of the Virginia State Bar Disciplinary System an Affidavit Declaring Consent to Revocation (hereinafter "Affidavit") pursuant to Part 6, Section IV, Paragraph 13-28 of the Rules of Court. By tendering the Affidavit at a time when this Disciplinary Proceeding is pending, the nature of which is specifically set forth in the attached Affidavit, Respondent acknowledges the material facts upon which this Disciplinary Proceeding is predicated are true.

The three-judge circuit court panel having considered the Affidavit, and Bar Counsel having no objection, the three-judge circuit court panel accepts the Consent to Revocation.

Upon consideration whereof, it is therefore ORDERED that Respondent Jay Arthur Rosenberg is hereby excluded from seeking admission to, or exercising any privilege to, practice law in the Commonwealth of Virginia, and all such privileges are hereby REVOKED.

It is further ORDERED that Respondent Jay Arthur Rosenberg must comply with the notice and other requirements of Part 6, Section IV, Paragraph 13-29 of the Rules of Court with respect to all clients for whom he is currently handling Virginia-based real estate transactions or other legal matters.

It is further ORDERED that the Clerk of this Court provide an attested copy of this order by regular mail to: 1) Respondent's counsel: M. Jarrad Wright, Esq., DiMuroGinsberg, PC, 1101 King Street, Suite 610, Alexandria, Virginia 22314; and Daniel Schumack, Esq.,

Schumack Law Firm PLLC, 3900 Jermantown Rd Ste 300, Fairfax, Virginia 22030-4900;
2) Muriel-Theresa Pitney, Clerk, Supreme Court of Virginia, 100 N. 9th Street, 5th Floor, Richmond,
VA 23219; 3) M. Brent Saunders, Assistant Bar Counsel, Virginia State Bar, 1111 East Main
Street, Suite 700, Richmond, Virginia 23219-0026; and 4) Joanne Fronfelter, Clerk of the
Disciplinary System, 1111 East Main Street, Suite 700, Richmond, Virginia 23219-0026.

This case is hereby closed and stricken from the active docket of this Court.

IT IS SO ORDERED.

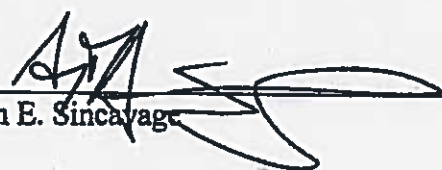
Entered this 6th day of July 2022.

By



Daniel S. Fiore, II
Chief Judge

By



Stephen E. Sincavage
Judge

By

William E. Glover
Judge

Schumack Law Firm PLLC, 3900 Jermantown Rd Ste 300, Fairfax, Virginia 22030-4900;
2) Muriel-Theresa Pitney, Clerk, Supreme Court of Virginia, 100 N. 9th Street, 5th Floor, Richmond,
VA 23219; 3) M. Brent Saunders, Assistant Bar Counsel, Virginia State Bar, 1111 East Main
Street, Suite 700, Richmond, Virginia 23219-0026; and 4) Joanne Fronfelter, Clerk of the
Disciplinary System, 1111 East Main Street, Suite 700, Richmond, Virginia 23219-0026.


This case is hereby closed and stricken from the active docket of this Court.

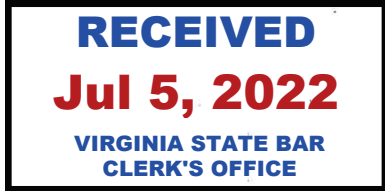
IT IS SO ORDERED.

Entered this ____ day of July 2022.

By _____
Daniel S. Fiore, II
Chief Judge

By _____
Stephen E. Sincavage
Judge

By  _____
William E. Glover
Judge



VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

VIRGINIA STATE BAR EX REL
FIFTH DISTRICT COMMITTEE, SECTION I

v.

Case No. 22-04387
VSB Docket No. 20-051-119124

JAY ARTHUR ROSENBERG

AFFIDAVIT DECLARING CONSENT TO REVOCATION

Jay Arthur Rosenberg, after being duly sworn, states as follows:

1. Respondent is licensed to practice law in Ohio, Kentucky, South Dakota, Oregon, Washington, Wisconsin, Minnesota, Missouri, Tennessee, Texas, Georgia, North Carolina, Iowa, Pennsylvania, and the District of Columbia, but has never been licensed or authorized to practice law generally in the Commonwealth of Virginia;

2. Respondent submits this Affidavit Declaring Consent to Revocation pursuant to Part 6, Section IV, Paragraph 13-28 of the Rules of Court;

3. Respondent's consent to Revocation is freely and voluntarily rendered, he is not being subjected to coercion or duress, and he is fully aware of the implications of consenting to Revocation and the exclusion from his admission to, or the exercise of any privilege to, practice law in the Commonwealth of Virginia;

4. Respondent is aware he is the subject of a pending Disciplinary Proceeding, the Case Number and VSB Docket Number for which are referenced above and the specific nature of which is set out in the in the Subcommittee Determination (Certification) issued on February 8, 2022, which asserts, inter alia:

The investigation on this Docket was brought to Virginia Bar Counsel's attention in a 2020 bar complaint alleging unauthorized practice of law relating to a deed that Respondent's firm prepared for a transaction involving real estate in Fairfax, Virginia.

The investigation revealed that Respondent's law practice is predominantly devoted to the preparation of deeds for residential real estate transactions. He provides those services in multiple states on a high volume, low cost basis pursuant to relationships between his law firm and title companies and lenders. Respondent's firm began providing deed preparation work for Virginia-based real estate in/about 2014.

Respondent stipulated that his firm had prepared approximately 2,000 to 2,200 deeds per year for Virginia-based real estate transactions in years 2018 through 2021.. Respondent was late in providing responses to requests for information about deeds prepared prior to 2018; but ultimately stipulated that his firm prepared approximately 2,000 deeds per year for Virginia-based real estate transactions for years 2014 through 2017.

The investigation revealed that Respondent's firm subcontracted first drafts of most deeds to a firm in India. Randomly sampled deeds reviewed by the Bar's investigator revealed that a significant percentage of deeds produced by Respondent's firm for Virginia-based real estate transactions contained errors in spelling or grammar; and some substantive errors that had not been reviewed by a Virginia licensed attorney before being delivered to clients for recordation. Respondent refused to provide the names of all of his firm's Virginia-based client and refused to submit to a second second random sampling of his firm's deed work.

Respondent's firm had no Virginia licensed employee prior to 2021; instead, deeds prepared prior to 2021 included the name of an external Virginia licensed/based attorney who Respondent's firm paid small monthly retainer to review the India-produced drafts. Respondent's firm began employing a Virginia licensed/based attorney in 2021.

The volume of admitted deed preparation transactions demonstrates that Respondent established a systematic and continuous presence for the practice of law in Virginia. As such, disciplinary jurisdiction exists under Virginia Rules of Professional Conduct ("VRPC") 8.5(a), which provides that "A lawyer not admitted in Virginia is ... subject to the disciplinary authority of Virginia if the lawyer provides, holds himself out, or offers to provide legal services in Virginia."

The above-described conduct violates the following rules:

VRPC 1.1 Competence. A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

VRPC 1.3 Diligence.

(a) A lawyer shall act with reasonable diligence and promptness in representing a client.

VRPC 5.5 Unauthorized Practice Of Law; Multijurisdictional Practice of Law.

(c) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

(d) Foreign Lawyers:

(1) "Foreign Lawyer" is a person authorized to practice law by the duly constituted and authorized governmental body of any State or Territory of the United States or the District of Columbia, or a foreign nation, but is neither licensed by the Supreme Court of Virginia or authorized under its rules to practice law generally in the Commonwealth of Virginia, nor disbarred or suspended from practice in any jurisdiction.

(2) A Foreign Lawyer shall not, except as authorized by these Rules or other law:
(i) establish an office or other systematic and continuous presence in Virginia for the practice of law, which may occur even if the Foreign Lawyer is not physically present in Virginia....

VRPC 8.1. Bar Admission And Disciplinary Matters.

An applicant for admission to the bar, or a lawyer already admitted to the bar, in connection with a bar admission application, any certification required to be filed as a condition of maintaining or renewing a license to practice law, or in connection with a disciplinary matter, shall not:

(c) fail to respond to a lawful demand for information from an admissions or disciplinary authority, except that this Rule does not require disclosure of information otherwise protected by Rule 1.6; or

(d) obstruct a lawful investigation by an admissions or disciplinary authority.

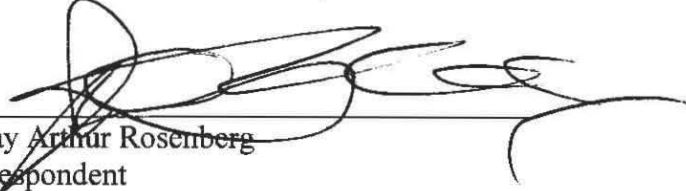
5. Respondent acknowledges the material facts upon which the Disciplinary Proceedings are predicated are true;

6. Respondent submits this Affidavit and consents to Revocation and his exclusion from the admission to, or the exercise of any privilege to, practice law in the Commonwealth of Virginia, because he knows that if proceedings based on the said alleged Misconduct were prosecuted to a conclusion, he could not successfully defend them;

7. Respondent asserts that this is the first time in his legal career, spanning 56 years, that he has been the subject of bar discipline. He further asserts that he had reason to believe that involvement of a Virginia based/licensed lawyer was all that was required to comply with Virginia's RPC 5.5; and

8. Respondent understands that, absent this Consent to Revocation, he would be entitled to argue at trial that his Misconduct would not warrant a disbarment or revocation; and that a substantially lesser sanction might be obtained.

Executed on JULY 5, 2022


Jay Arthur Rosenberg
Respondent

STATE OF ILLINOIS

CITY/COUNTY OF LAKU, to wit:

The foregoing Affidavit Declaring Consent to Revocation was subscribed and sworn to before me by Jay Arthur Rosenberg on July 5, 2022.


Notary Public

My Commission expires: Feb 2, 2026.

[SEAL]

