

Board of Bar Overseers  
Case No.: **Public Reprimand No. 2021-3**  
BBO File No.: **BBO # 687602**  
Parties: **STEFAN J. ROZEMBERSKY**  
Date:

Order (Public Reprimand) entered by the Massachusetts Board of Bar Overseers of the Supreme Judicial Court on May 21, 2021.

By stipulation, the respondent received a public reprimand for misconduct in three matters. In the first, he solicited professional employment from a prospective client in person; in the second, when withdrawing from pending litigation, he filed a motion that failed to comply with both Mass. R. Prof. C. 1.16 and Mass. R. Civ. P. 11(c) and that disclosed client confidential information without seeking impoundment. In this and a related matter, he failed to communicate in writing the scope of his representation and the basis or rate of his fee in two matters.

SUMMARY[1]

COUNT I

On August 14, 2018, "WR," a suspected gang member, was arrested by the Massachusetts State Police. He was accused of firing numerous gunshots into a house where children were present. His arrest was widely publicized by news media outlets beginning that day. Following his arrest, WR was held at the Middleton House of Corrections (HC Middleton). On August 15, 2018, the Essex County Bar Advocates appointed an attorney to represent WR.

As a matter of HC Middleton visitation policy, only counsel of record are permitted to visit inmates. Any other attorneys wishing to meet with inmates about potential representation must notify and obtain the permission of counsel of record. Visitation policy also requires all visitors to sign the facility's Lobby Visitor Log, indicating their agency and the inmates they are visiting.

On the morning of August 16, 2018, the respondent visited HC Middleton. At this time, the respondent knew HC Middleton's visitation policies. He falsely signed in as WR's attorney, even though he did not represent WR (who had never heard of him) and WR had not authorized anyone to contact or retain the respondent on his behalf. Moreover, the respondent did not notify or obtain the permission of WR's appointed counsel of record to meet with WR.

After being admitted to HC Middleton, the respondent met with WR and tried unsuccessfully to persuade WR to retain him as his counsel for a fee.

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[1] Compiled by the Massachusetts Board of Bar Overseers' Office of General Counsel based on the record of proceedings before the board.

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By soliciting professional employment for a fee from a prospective client in person, the respondent violated Mass. R. Prof. C. 7.3(a).

COUNT II

The respondent agreed to represent a client in two unrelated Superior Court civil cases. On August 24, 2018, the respondent entered his appearance in one case and on November 13, 2018, the respondent entered his appearance in the other case. The respondent failed to communicate in writing the scope of his representation and the basis or rate of his fee to the boyfriend in either case.

The respondent agreed to represent another client in a Land Court case. The respondent failed to communicate in writing the scope of his representation and the basis or rate of his fee to the mother.

On or around December 25, 2018, the respondent had an irreconcilable falling out with the lawyer who had referred the above two clients. As a result, the respondent sought to cease representing the clients. On January 10, 2019, the respondent filed a motion to withdraw from one of the cases ("Motion to Withdraw"). The respondent's Motion to Withdraw said that "[w]ithdrawal is for good cause

wherein an irretrievable breakdown in the Attorney-client relationship has occurred and Attorney Rozembersky cannot proceed."

On January 16, 2019, the court issued an order denying the respondent's Motion to Withdraw without prejudice. The January 16th Order noted that the respondent's Motion to Withdraw failed to comply with both Mass. R. Prof. C. 1.16 and Mass. R. Civ. P. 11(c).

On January 30, 2019, the respondent filed a renewed motion to withdraw ("Renewed Motion to Withdraw"). The Renewed Motion to Withdraw restated that "[w]ithdrawal is for good cause wherein an irretrievable breakdown in the attorney-client relationship has occurred and Attorney Rozembersky cannot proceed."

The respondent attached to the Renewed Motion to Withdraw two documents: the "Response to Court's Order of Jan 16" ("Response Letter") and a memorandum. In the filings, the respondent asserted that "continued representation of [the client] would result in Attorney Rozembersky violating the rules of professional conduct"; that the respondent "is already aware of an ethical violation arising from [this case], which will and must be addressed in the multiple pending BBO complaints with the [the referring attorney and the client]," and "[the referring attorney and the client] demands [sic] Attorney Rozembersky continue on with the case and make representations that would violate the rules of professional conduct." In support of these

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assertions, the respondent included additional confidential client information related to his representation of one of the clients.

The memorandum contained confidential client information related to the respondent's representation of the two clients and a number of other clients.

While the respondent wrote "Impounded" below the heading of the memorandum and stated in the first line of the document that the "[t]he Memorandum [was] delivered to this Land Court impounded from the Public and the Opposition parties so as not to cause case detriment or violate confidentiality," he did not file a motion for impoundment pursuant to Mass. Trial Court Rule VIII, Uniform Rules on Impoundment Procedure, Rule 2.

On January 31, 2019, the Land Court issued a docket entry stating that the respondent had not taken the correct steps to impound the filing. On February 14, 2019, the client filed an "Emergency Notice to Impound Attorney Rozembersky's '[Mother] Matter Memorandum.'"

On March 4, 2019, the respondent filed a "Stipulation & Agreement," requesting that the Land Court withdraw both the memorandum and the Response Letter. The Land Court then had both documents stricken from the record.

By failing to communicate in writing the scope of his representation and the basis or rate of his fee in these matters, the respondent violated Mass. R. Prof. C. 1.5(b)(1). By failing to file the Motion to Withdraw in compliance with Mass. R. Prof. C. 1.16 and Mass. R. Civ. P. 11(c), the respondent violated Mass. R. Prof. C. 1.1 and 1.3. By disclosing confidential client information in the Land Court filings and by failing to properly move to impound the memorandum, the respondent violated Mass. R. Prof. C. 1.1, 1.3 and 1.6(a).

On March 22, 2021, bar counsel and the respondent filed a stipulation with the Board of Bar Overseers, recommending that the matter be concluded by a public reprimand. On April 12, 2021, the Board voted to accept the stipulation and issue a public reprimand to the respondent.

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