



**BEFORE THE BOARD OF DISCIPLINARY APPEALS
APPOINTED BY
THE SUPREME COURT OF TEXAS**

**IN THE MATTER OF
MARC G. ROSENTHAL
STATE BAR CARD NO. 17281450**

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CAUSE NO. 53873

JUDGMENT OF DISBARMENT

On the 29th day of April, 2016, the Board of Disciplinary Appeals heard the Motion for Entry of Judgment of Disbarment filed in the above case by Petitioner, Commission for Lawyer Discipline of the State Bar of Texas, against Respondent, Marc G. Rosenthal. Petitioner appeared by counsel and announced ready. Respondent was duly served with the motion by personal service and had notice of the hearing but did not appear. Respondent's counsel represented to the Board that Respondent did not oppose the entry of final judgment of disbarment.

The Board finds that:

- (1) It has continuing jurisdiction of this matter pursuant to Texas Rules of Disciplinary Procedure 8.05 ("TRDP").
- (2) The United States Court of Appeals for the Fifth Circuit affirmed Respondent, Marc G. Rosenthal's, criminal conviction in Case No. 13-41329 and entered a Judgment Issued as Mandate indicating that the decision was final on or about November 5, 2015.
- (3) Petitioner filed its Motion for Entry of Judgment of Disbarment on or about March 4, 2016, and served same on Respondent in accordance with TRDP 8.05.

- (4) Respondent's conviction for the commission of Intentional Crimes as defined by TRDP 1.06(T), for which he was sentenced in the United States District Court for the Southern District of Texas, Holding Session in Brownsville, has become final and is not subject to further direct appeal.
- (5) Respondent's criminal sentence was not fully probated.
- (6) Petitioner's Motion for Entry of Judgment of Disbarment should be granted.

Interlocutory Suspension

On the 11th day of April 2014, the Board of Disciplinary Appeals entered an Agreed Interlocutory Order of Suspension, which included the following findings of fact and conclusions of law:

- (1) Respondent, Marc G. Rosenthal, whose State Bar Card number is 17281450, is licensed but not currently authorized by the Supreme Court of Texas to practice law in the State of Texas.
- (2) On or about August 16, 2011, Respondent was charged by Indictment with Count 1 – Conspiracy to Participate in Conduct and Affairs of a Criminal Enterprise, the Activities which Affected Interstate and Foreign Commerce, through a Pattern of Racketeering Activity, in violation of 18 U.S.C. §1962(d), Count 2 – Mail Fraud and Aiding and Abetting, in violation of 18 U.S.C. §§1341 and 2, Count 3 - Mail Fraud and Aiding and Abetting, in violation of 18 U.S.C. §§1341 and 2, Count 4 - Mail Fraud and Aiding and Abetting, in violation of 18 U.S.C. §§1341 and 2, Count 5 - Mail Fraud and Aiding and Abetting, in violation of 18 U.S.C. §§1341 and 2, Count 6 - Mail Fraud and Aiding and Abetting, in violation of 18 U.S.C. §§1341 and 2, Count 7 - Tampering with Witness and Aiding and Abetting, in violation of 18 U.S.C. §§ 1512(b)(1) and 2, Count 8 - Tampering with Official Proceeding by False Affidavit, in violation of 18 U.S.C. §§ 1512(c)(2) and 2, Count 9 - Tampering with Official Proceeding by Perjured Testimony, in violation of 18 U.S.C. §§ 1512(c)(2) and 2, Count 10 - Extortion (Under Color of Official Right) and Aiding and Abetting, in violation of 18 U.S.C. §§ 1951 and 2, Count 11 - Honest Services Mail Fraud and Aiding and Abetting, in violation of 18 U.S.C. §§1341, 1346, and 2, Count 12 - Honest Services Mail Fraud and Aiding and Abetting, in violation of 18 U.S.C. §§ 1341, 1346, and 2, and Count 13 - Honest Services Mail Fraud and Aiding and Abetting, in violation of 18 U.S.C. §§1341, 1346, and 2, in Cause No. B-11-743, styled *United States of America v. Marc Garrett Rosenthal*, in the United States District Court for the Southern District of Texas, Brownsville Division.

- (3) On or about February 13, 2014, a Judgment in a Criminal Case was entered in Case No. 1:11CR00743-001, styled *United States of America v. Marc Garrett Rosenthal*, in the United States District Court for the Southern District of Texas, Holding Session in Brownsville, wherein Respondent was found guilty of Count 1 - Conspiracy to Participate in Conduct and Affairs of a Criminal Enterprise, the Activities which Affected Interstate and Foreign Commerce, through a Pattern of Racketeering Activity, Count 2 - Mail Fraud and Aiding and Abetting, Count 3 - Mail Fraud and Aiding and Abetting, Count 4 - Mail Fraud and Aiding and Abetting, Count 5 - Mail Fraud and Aiding and Abetting, Count 7 - Tampering with Witness and Aiding and Abetting, Count 8 - Tampering with Official Proceeding by False Affidavit, Count 9 - Tampering with Official Proceeding by Perjured Testimony, Count 10 - Extortion (Under Color of Official Right) and Aiding and Abetting, Count 11 - Honest Services Mail Fraud and Aiding and Abetting, and Count 12 - Honest Services Mail Fraud and Aiding and Abetting, and was committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of two hundred forty (240) months on each count, to be served concurrently. Respondent was ordered upon release from imprisonment to be on supervised release for three (3) years on each count, to be served concurrently, ordered to perform 200 hours of community service, ordered to pay an assessment of \$1,100.00 and restitution of \$13,288,984.50.
- (4) Respondent, Marc G. Rosenthal, is the same person as the Marc Garrett Rosenthal who is the subject of the criminal case described above.
- (5) Respondent has appealed the criminal conviction.
- (6) This Board has jurisdiction to hear and determine this matter. Tex. R. Disciplinary P. 7.08(G).
- (7) Respondent, Marc G. Rosenthal, having been convicted of Conspiracy to Participate in Conduct and Affairs of a Criminal Enterprise, the Activities which Affected Interstate and Foreign Commerce, through a Pattern of Racketeering Activity; Mail Fraud and Aiding and Abetting; Mail Fraud and Aiding and Abetting; Mail Fraud and Aiding and Abetting; Mail Fraud and Aiding and Abetting; Tampering with Witness and Aiding and Abetting; Tampering with Official Proceeding by False Affidavit; Tampering with Official Proceeding by Perjured Testimony; Extortion (Under Color of Official Right) and Aiding and Abetting; Honest Services Mail Fraud and Aiding and Abetting; and Honest Services Mail Fraud and Aiding and Abetting, has been convicted of Intentional Crimes as defined by TRDP 1.06(T).

- (8) Respondent has also been convicted of Serious Crimes as defined by TRDP 1.06(Z).
- (9) Having been found guilty and convicted of Intentional and Serious Crimes and having appealed such conviction, Respondent, Marc G. Rosenthal, should have his license to practice law in Texas suspended during the appeal of his criminal conviction. TRDP 8.04.
- (10) The Board retains jurisdiction to enter a final judgment in this matter when the criminal appeal is final.

Disbarment

The Board has determined that Respondent, having been convicted of Intentional Crimes and having been sentenced to a term of imprisonment, should be disbarred. It is, therefore, accordingly, **ORDERED, ADJUDGED, and DECREED** that Respondent, Marc G. Rosenthal, State Bar No. 17281450, be and he is hereby **DISBARRED** from the practice of law in the State of Texas, and his license to practice law in this state be and is hereby revoked.

It is further **ORDERED, ADJUDGED and DECREED** that Respondent, Marc G. Rosenthal, is hereafter permanently prohibited, effective immediately, from practicing law in Texas, holding himself out as an attorney at law, performing any legal service for others, accepting any fee directly or indirectly for legal services, appearing as counsel in any proceeding in any Texas court or before any Texas administrative body, or holding himself out to others or using his name, in any manner, in conjunction with the words "attorney," "counselor," or "lawyer."

It is further **ORDERED** that Respondent, Marc G. Rosenthal, not later than thirty (30) days from the date of the entry of this judgment, shall notify in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court, if any, in which Respondent has any legal matter pending, if any, of his disbarment, of the style and cause number of the pending matter(s), and of the name, address, and telephone number of the client(s)

Respondent is representing in that court. Respondent is also **ORDERED** to mail copies of all such notifications to the Office of the Chief Disciplinary Counsel, Statewide Compliance Monitor, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

It is further **ORDERED** that Respondent, Marc G. Rosenthal, shall immediately notify each of his current clients and opposing counsel, if any, in writing, of his disbarment. In addition to such notification, Respondent is **ORDERED** to return all files, papers, unearned fees paid in advance, and all other monies and properties which are in his possession but which belong to current or former clients, if any, to those respective clients or former clients within thirty (30) days after the date on which this Judgment is signed by the Board. Respondent is further **ORDERED** to file with the Office of the Chief Disciplinary Counsel, Statewide Compliance Monitor, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711, within the same thirty (30) days, an affidavit stating that all current clients and opposing counsel have been notified of his disbarment and that all files, papers, unearned fees paid in advance, and all other monies and properties belonging to clients and former clients have been returned as ordered herein. If Respondent should be unable to return any file, papers, money or other property to any client or former client, Respondent's affidavit shall state with particularity the efforts made by Respondent with respect to each particular client and the cause of his inability to return to said client any file, paper, money or other property. Respondent is also **ORDERED** to mail copies of all notification letters to clients to the Office of the Chief Disciplinary Counsel, Statewide Compliance Monitor, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

It is further **ORDERED** that Respondent, Marc G. Rosenthal, if he has not already done so, immediately surrender his Texas law license and permanent State Bar Card to the Office of the Chief Disciplinary Counsel, Statewide Compliance Monitor, State Bar of Texas, P. O. Box 12487, Austin, Texas 78711, for transmittal to the Clerk of the Supreme Court of Texas.

Signed this **2** day of May 2016.

A handwritten signature in black ink, appearing to read "Jennifer K. Kuhn", written over a horizontal line.

CHAIR PRESIDING