



F I L E D

Jun 27 2024

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

THE BOARD of DISCIPLINARY APPEALS
Appointed by the Supreme Court of Texas

IN THE MATTER OF
MANFRED MAX STERNBERG,
STATE BAR CARD NO. 24125421

§
§
§

CAUSE NO. 69413

MANFRED MAX STERNBERG'S
RESPONSE TO PETITION FOR RECIPROCAL DISCIPLINE
AND ORDER TO SHOW CAUSE

Allison Standish Miller
Texas Bar No. 24046440
amiller@beckredde.com
Thomas E. Ganucheau
Texas Bar No. 00784104
tganucheau@beckredde.com
Cassie R. Maneen
Texas Bar No. 24120989
cmaneen@beckredde.com
BECK REDDEN LLP
1221 McKinney Street, Suite 4500
Houston, Texas 77010
Telephone No. (713) 951-3700
Facsimile No. (713) 951-3720
**ATTORNEYS FOR RESPONDENT
MANFRED MAX STERNBERG**

June 27, 2024

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Introduction/Requested Relief

This is a reciprocal discipline proceeding in which the proposed discipline would result in grave injustice. Substantially different discipline from that imposed out-of-state is also warranted here.

Respondent Manfred Max Sternberg, State Bar Card No. 24125421 (“Sternberg”), acknowledges that the Supreme Court of Louisiana, where he is not licensed, ordered that he be prohibited from applying for admission to the Louisiana State Bar (the “Louisiana Bar”) for one year.¹ Louisiana imposed this discipline having found that Sternberg practiced law in Louisiana without a license.

Sternberg was a newly-licensed Texas lawyer when his supervising attorneys instructed him to assist with matters in Louisiana, where he was not licensed. Fully aware of his ethical duties, Sternberg took careful steps to ensure that the work would not constitute practicing law in Louisiana. The supervising attorneys assured him it would not; unfortunately, the Louisiana Attorney Disciplinary Board (the “LADB”) disagreed.

¹ Sternberg voluntarily reported the discipline to the Chief Disciplinary Counsel in accordance with the Texas Disciplinary Rules. See Tex. Disciplinary R. Prof'l Conduct 8.03(f).

Sternberg cooperated with the LADB's investigation, which despite finding that Sternberg practiced law in Louisiana without a license, also found multiple mitigating circumstances. These included Sternberg's good character, cooperation, expression of remorse, and lack of prior discipline.

Sternberg at all times took steps to act ethically, diligently, and in accordance with Texas and Louisiana law and the Texas and Louisiana disciplinary rules. Yet his supervising attorneys failed to properly advise him when he sought to confirm with them that his actions were proper. While Sternberg acknowledges and accepts that a penalty must be levied here, the punishment proposed by the Chief Disciplinary Counsel (the "CDC") is neither just nor warranted. Accordingly, Sternberg requests that the discipline the Board ultimately assesses be no greater than a one-year probated suspension.

Defenses Asserted

Sternberg asserts the following defenses pursuant to Rule 9.04 of the Texas Disciplinary Rules of Procedure:

- C. That the imposition by the Board of Disciplinary Appeals of discipline identical, to the extent practicable, with that imposed by the other jurisdiction would result in grave injustice; and
- D. That the misconduct established in the other jurisdiction warrants substantially different discipline in this state.

Tex. R. Disciplinary P. 9.04.C, D. These defenses are established by clear and convincing evidence as described below.

Factual Background

Sternberg is a Houston native and a 2018 graduate of Tulane University in New Orleans with a Bachelor of Science in Finance and a minor in History. Exhibit 1, Declaration of Manfred Max Sternberg. Sternberg subsequently earned his Juris Doctor in 2021 from the LSU Paul M. Hebert Law Center, graduating *magna cum laude* and Order of the Coif. *Id.*

During law school, Sternberg served as a Senior Associate for the Louisiana Law Review and completed a judicial externship under the Honorable Brian A. Jackson at the United States District Court for the Middle District of Louisiana. *Id.* He is currently an associate at Burns Charest LLP. *Id.*

Immediately following law school, Sternberg took and passed the Texas bar in 2021, becoming licensed on October 8, 2021. *Id.* Just a few months before, in early August, Sternberg had started work at Egenberg Trial Lawyers (the “Egenberg Firm”), a New Orleans-based personal injury/plaintiffs’ firm, on their Texas litigation docket. *Id.* The plan was for Sternberg to train in the Louisiana office and eventually move to the Texas location. *Id.*

At all relevant times, the Egenberg Firm letterhead specifically identified Sternberg as being licensed in Texas only:

EGENBERG

TRIAL LAWYERS

BRADLEY EGENBERG*
BENJAMIN ROBERTS***
BLAKE CORLEY*
EMILY PADGETT*

BENJAMIN BERMAN*
ALEXANDRIA WALKER*
MAX STERNBERG**

AARON HURD*
DANIELLE MACKIE*
MICHAEL SIPOS*
TANNER CHOATE*

* * *

Please reply to the Louisiana office

LOUISIANA	TEXAS
650 Poydras St., Ste. 2000 New Orleans, LA 70130 P: (504)-229-5700 F: (504)-617-7911	5252 Westchester St., Ste. 210 Houston, TX 77005 P: (281)-789-8218 F: (281)-810-7674

Licensed in Louisiana only* Licensed in Texas only** Of Counsel, Licensed in Texas only***

Exhibit 2 (emphasis added).

On August 29, 2021, Hurricane Ida devastated southeastern Louisiana, and the Egenberg Firm began accepting hurricane claims shortly thereafter. Exhibit 1. Due to the overwhelming volume of Hurricane Ida claims, Louisiana-licensed Egenberg Firm attorneys asked Sternberg to assist them with some of their caseload. *Id.*

The attorneys made it clear to Sternberg from the outset that the work would be temporary, and that as soon as the workload eased on the Hurricane Ida docket, he would return to working solely on matters in Texas. *Id.* Even though he was not licensed in Louisiana, and had only recently been licensed in Texas, Sternberg took

steps to educate himself about the Louisiana Rules of Professional Conduct (the “Louisiana Rules”) regarding practicing law without a license. *Id.*

Sternberg understood that pursuant to Rule 5.5(c)(1) of the Louisiana Rules, he was authorized to provide legal services **on a temporary basis** under the following conditions:

- (c) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services **on a temporary basis** in this jurisdiction that:
 - (1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;

Appendix 1, Louisiana R. Prof'l Conduct 5.05(c) (emphasis added); *see also* Exhibit 1.

Sternberg also discussed the matter with Egenberg Firm name partner Bradley Egenberg (“Egenberg”), who told Sternberg that his assistance on the matters was permissible under the Louisiana Rules if his work was temporary. *Id.*

Sternberg therefore felt comfortable with the task of assisting the Egenberg Firm attorneys on some of the Hurricane Ida claims given that it would be on a temporary basis, and he would be working directly under the supervision of lawyers admitted to and in good standing with the Louisiana bar. Exhibit 1.

Sternberg began providing limited services for certain of the Egenberg Firm’s Hurricane Ida clients in the fall of 2021, but at all times took care to ensure that he did so under the supervision of more senior Louisiana counsel who actively participated in the representation, including Egenberg and attorney Aaron Hurd (“Hurd”). *Id.* During this time, Sternberg did not sign any fee agreements for the

firm, sign any pleadings, endorse any checks, or make any court appearances in the cases with which he was assisting. *Id.*

One of the clients for whom Sternberg provided limited services was a woman named Ruth Franklin, who retained the Egenberg Firm in November 2021 to represent her on her Hurricane Ida claims related to her home. *Id.* At all times with respect to Ms. Franklin’s case, Hurd—an attorney in good standing with the Louisiana bar—supervised Sternberg and actively participated in the Egenberg Firm’s provision of legal services to Ms. Franklin. *Id.* Hurd’s office was only a few doors away from Sternberg’s, and at each step in Ms. Franklin’s case with which Sternberg assisted, Sternberg consulted with Hurd. *Id.*

Sternberg met with Ms. Franklin to obtain information about her claim and provide information concerning the claims process. *Id.* Sternberg then—again acting at the direction and under the supervision of Hurd—corresponded with Ms. Franklin and her insurance adjuster, and assisted in the resolution of Ms. Franklin’s insurance claim. *Id.*

The Louisiana Proceeding

Ms. Franklin became dissatisfied with her settlement, and filed a grievance against Sternberg in April 2022. *Id.* At the exact same time, the LADB was being bombarded with complaints concerning attorneys from McClenny Moseley & Associates PLLC (“McClenny Moseley”), a Texas firm that had filed thousands of Hurricane Ida claims in Louisiana. *Id.*; *see also* Exhibit 3 at p. 1; Exhibit 4. It came to light that many of the pleadings were incorrect or duplicates of prior pleadings,

and some of them were potentially filed without the clients' knowledge or consent. Exhibit 3 at p. 8 (discussing frivolous and erroneous pleadings); Exhibit 4 at p. 2 (referencing "erroneous filings, client complaints, and 'mass settlements.'").²

Based on comments the LADB made to Sternberg and his Louisiana disciplinary attorney, it appears that the LADB was highly sensitive to and suspicious of Texas attorneys and firms filing Hurricane Ida claims, and was thus resolved to prosecute and punish them to the fullest extent permitted, even if—like Sternberg—they had no association at all with McClenny Moseley. Exhibit 1.

Sternberg filed his response to Franklin's grievance in July 2022, and a supplemental response the following month. *Id.* After summoning Sternberg and other witnesses for an initial round of sworn statements, the LADB contacted Sternberg in July 2023—nearly two years after Sternberg first met with Ms. Franklin and more than a year after he was notified of the grievance—and asked him to appear to give yet another sworn statement. Exhibit 1; *see also* Exhibit 5, July 18, 2023 Letter from LADB.

At that point, ready to put the matter behind him, eager to proceed with his legal career, and frustrated with the length of time that had already passed, Sternberg retained disciplinary counsel and began negotiations with LADB for consent discipline. *Id.*

² Among other things, the firm's filing of over 1600 petitions in one day caused a shutdown of the payment system for the Western District of Louisiana, drawing the ire of a federal judge and special attention from disciplinary authorities. *Id.* ("I'm telling you, don't ever come back to my court," Judge Cain told [McClenny Moseley attorney] Huye at an October hearing. "God forbid we ever have another hurricane, but I do not ever want to see this again. Hear me. Tell your partners in Houston stay the frick out of my court with this kind of trash.").

The LADB cleared Sternberg of any misconduct with respect to his work on Ms. Franklin's claim specifically, but determined that Sternberg should be punished for practicing law in Louisiana without a license. *Id.* Importantly, the LADB stipulated to the following facts:

- o. The owner of Egenberg Trial Lawyers, Bradley Egenberg, advised the respondent that his help was required to assist in handling the claims associated with Hurricane Ida.
- p. Even though Mr. Egenberg knew that the respondent was only licensed to practice law in Texas, he advised the respondent that his assistance on these hurricane claims was permissible under the Louisiana Rules of Professional Conduct if the representation was *temporary*.
- q. The respondent conducted his own research and believed that Mr. Egenberg's interpretation of Rule 5.5 permitted him to assist in handling Hurricane Ida claims from the New Orleans office if the representation was temporary.

- r. After completing his own independent research, the respondent once again spoke with Mr. Egenberg, who again confirmed that the respondent's assistance in these first-party hurricane claims would not violate the Rules of Professional Conduct.
- s. The respondent did not volunteer to assist with these Hurricane Ida claims.
- t. The respondent agreed to assist with these Hurricane Ida claims based on the request and subsequent representations made by his employer, Bradley Egenberg.
- u. Mr. Egenberg is a Louisiana-licensed lawyer and was the respondent's supervisor.

* * *

- bb. The respondent did not sign any pleadings or make any court appearances concerning the cases he was assisting.
- cc. After learning that his interpretation of Rule 5.5 was mistaken, the respondent immediately ceased handling any cases involving Louisiana claims.

Exhibit 6, Stipulated Facts, p. 3.

The LADB also found that multiple mitigating factors existed, including:

1. No prior discipline;
2. Cooperation with ODC;
3. Good character;
4. Remorse; and
5. Inexperience in the practice of law.

Id. The LADB also stipulated that Sternberg’s actions “did not cause actual harm to any client.” *Id.*, p. 4.

Yet the LADB would agree to nothing less than a five-year prohibition from being able to apply for admission in Louisiana. *Id.*; *see also* Exhibit 7, Motion for Consent Discipline. By then, disappointed and upset with the poor advice and direction he had received there, Sternberg had left the Egenberg Firm and joined Burns Charest LLP as an associate. *Id.* Feeling he had no choice and upon the advice of counsel, Sternberg agreed to the five-year penalty. *Id.*

The Louisiana Supreme Court, however, determined that a five-year prohibition from applying for the Louisiana bar was too long, and *sua sponte* informed Sternberg and the LADB that the prohibition should be reduced to **only one year**. *See* Exhibit 1. Sternberg and the LADB thus submitted a Revised Motion for Consent Discipline in November 2023. Exhibit 8, Revised Motion for Consent Discipline. The Louisiana Supreme Court approved the motion and entered the one-year prohibition against Sternberg on January 17, 2024. Exhibit 9, LASC Order.

The Texas Proceeding

Upon receiving the signed order from the Louisiana Supreme Court, Sternberg immediately informed the CDC, which subsequently initiated this proceeding. Exhibit 10, January 31, 2024 Letter from Allison Standish Miller to CDC; *see also* May 10, 2024 Petition for Reciprocal Discipline (the “Petition”). This body subsequently issued its Order to Show Cause on May 20, 2024 (the “Order”).

In the Petition, the CDC requests that the Board of Disciplinary Appeals (the “BODA”) discipline Sternberg with a one-year active suspension. *Id.* But this is not reciprocal discipline “to the extent practicable” given the circumstances. Sternberg regrets the entire incident. Exhibit 1. While he again acknowledges that some discipline must be imposed, the discipline proposed would result in grave injustice, and warrants substantially different discipline here. *See, e.g.*, Exhibits 1, 11.

For all of the reasons we discuss next, Sternberg respectfully requests that the BODA enter discipline in the range of a public reprimand up to no greater than a one-year **probated** suspension.

Argument and Evidence in Support of Defenses

Reciprocal Discipline in Texas

Rule 9.03 of the Texas Rules of Disciplinary Procedure requires that if an attorney files a response to a petition for reciprocal discipline, the BODA “shall proceed to determine the case upon the pleadings, the evidence, and the briefs, if any.” Tex. R. Disciplinary P. 9.03. In this response, Sternberg presents clear and convincing evidence in support of his defenses in order “to avoid discipline identical, to the extent practicable, with that directed by the other jurisdiction.” *Id.* at 9.04. This evidence includes the exhibits referenced above, along with the Affidavit of Billy Shepherd, a distinguished Houston attorney who has spent his career representing lawyers in disciplinary and malpractice matters. Exhibit 11, Affidavit of Billy Shepherd.

As a preliminary matter, because Sternberg *is not* licensed in Louisiana and *is* licensed here, a one-year active suspension from the practice of law in Texas is not “discipline identical, to the extent practicable, with that directed by the judgment of the other jurisdiction.” In fact, a one-year suspension here would frustrate the purpose of discipline in Louisiana, which is presumably so that Sternberg may build a record of good conduct and compliance with the rules in Texas before applying to practice in Louisiana (if he so chooses). But he cannot do this if he is suspended in Texas. Instead, a one-year probated suspension or even a lesser sanction would accomplish the same goal: allowing Sternberg—a new lawyer—to practice, gain experience, and create a clean record.

Grave Injustice Would Result from Imposing the Proposed Discipline

The imposition by this tribunal of a one-year active suspension—which as described above is not identical discipline to the extent practicable with that imposed by Louisiana—would result in grave injustice. *See* Tex. R. Disciplinary P. 9.04.C.

As a member of this body recently recognized:

No Texas judicial decision has defined the term “grave injustice,” but it seems to refer to a decision that would be particularly inequitable given the facts and law in a particular case.

When the government takes away someone’s ability to earn a living. . .it can destroy a person’s life. That is a grave matter.

Judgment of Partially Probated Suspension, Cause No. 67623, *In the Matter of Nejla Kassandra Keyfli Lane*, at p. 16 (Boatright, Member, dissenting) (citing *Caldwell v. Barnes*, 975 S.W.2d 535, 539 (Tex. 1998)).

Sternberg’s ability to earn a living is not the only thing at stake here: his ability to serve justice through the legal profession is as well. Sternberg is a recent Texas licensee who graduated from law school with distinction, and is at the very beginning of what should be a lengthy and distinguished career. *See* Exhibit 1. He had been licensed for approximately one month when he first took the actions **on a temporary basis** that ultimately resulted in discipline in Louisiana, despite his fastidious efforts to comply with both the Texas and the Louisiana Rules, and the assurance of the supervising Louisiana attorneys that he was following those rules.

Id.

The LADB cleared him of misconduct in Ms. Franklin's case with respect to her settlement, but sought to make an example out of Sternberg, apparently in light of the ongoing McClenny Moseley debacle. *See, e.g.*, Exhibits 3, 4. The Louisiana Supreme Court, however, recognized the inequity of the LADB's proposed harsh punishment, and reduced the length of the prohibition from applying to practice there from five years to one. *See* Exhibits 8, 9.

In addition to the one-year penalty in Louisiana and the potential imposition of discipline in Texas, Sternberg has suffered other negative impacts. *See* Exhibits 1, 11. For example, due to the pendency of this and the Louisiana proceeding, he has been prevented from applying for full or *pro hac vice* admission in other jurisdictions. *Id.* His future ability to be admitted to other courts, either fully or *pro hac vice*, is potentially impacted as well. *Id.* Sternberg must also now take the bar in certain jurisdictions should he ever desire to apply; he would not have been required to do so had this proceeding been concluded within the three-year window of his passing the bar in Texas given his high score on the Uniform Bar Examination. *Id.*

Even in light of these difficult circumstances, and as found by the Louisiana authorities, Sternberg has continued to demonstrate his good character by cooperating in good faith with the process and expressing remorse throughout this difficult time. *See, e.g.*, Exhibit 6, p. 3. Imposing a one-year active suspension (or, for that matter, any greater punishment) would result in grave injustice. Exhibits 1, 11.

From a pure public policy perspective, if nothing else, Sternberg's inexperience at the time should be taken into account as well. Exhibit 11. Young attorneys who try to do what is right based not only on direction from their superiors but also independent research, as Sternberg did here, should not be punished any more than absolutely necessary to help them on their path to becoming productive, upstanding members of the legal profession. *Id.*

The Disciplinary Rule charging more senior attorneys with the duty of supervising junior ones is indicative of this policy goal. *See, e.g.,* Tex. Disciplinary R. Prof'l Conduct 5.01(a). Comment 6 to Rule explicitly states that:

Wholly aside from the dictates of these rules for discipline, a lawyer in a position of authority in a firm or government agency or over another lawyer should feel a moral compunction to make reasonable efforts to ensure that the office, firm, or agency has in effect appropriate procedural measures giving reasonable assurance that all lawyers in the office conform to these rules.

Id., Cmt. 6.

The McClenny Moseley situation is extremely unfortunate. In addition to harming members of the public, it damages the reputation of the legal profession. *See e.g.,* Exhibits 3, 4. Someone should certainly pay the price, but that person should not be Sternberg, who has now spent the majority of the time he has been licensed dealing with this matter. *See* Exhibit 1.

Again, Sternberg acknowledges that some discipline must be imposed, but respectfully requests that the BODA follow the Louisiana high court's lead in reducing the proposed discipline to avoid a grave injustice. *See* Tex. R. Disciplinary P. 9.04.C.

This Case Warrants Substantially Different Discipline

Sternberg's punishment in Louisiana warrants substantially different discipline here for several reasons. *See* Tex. R. Disciplinary P. 9.04.D.

First, as described in part above, a one-year active suspension from practicing in Texas is drastically different from a one-year suspension from being able to apply for admission in Louisiana. Sternberg should be allowed to practice in Texas while he is serving out his prohibition from applying for admission to Louisiana. During that time, he will be (and indeed has been) working diligently and ethically, learning how to practice law generally and represent clients in personal injury matters specifically. Exhibit 1. If he is suspended for one year, that will stop, and interrupt his ability not only to develop his professional skills but also to apply for admission in other jurisdictions, including Louisiana, if he so desires. Exhibits 1, 11.

Second, Sternberg has already been punished quite substantially for his regrettable actions in accepting the Louisiana work. Exhibits, 1 11. He has had this matter drag on for going on two years; he has been unable to apply for *pro hac vice* admission in other states; he has even had to change firms.³ *Id.* Further, the discipline was publicized in the Louisiana Bar Journal and elsewhere on the internet. Exhibits 12-14. Sternberg's one mistake in abiding by the instructions and advice of the senior attorneys he relied on to guide him as a recent law school

³ While moving to a new firm was a net positive given the Egenberg Firm's failure to properly advise Sternberg, having to do so is not an ideal situation for any new lawyer.

graduate and brand-new Texas licensee will follow him for perhaps the rest of his career.

Third, this case will have an impact beyond just this matter. Other young, inexperienced attorneys who get caught in unfortunate circumstances should not have this precedent set for them when they have acted in good faith and tried to do what is right—especially when told to do so by their supervising attorneys. *See, e.g.,* Exhibit 1.

Finally, a fully-probated suspension of no more than one year—or any lesser discipline down to a public reprimand—would be more appropriate given all of the mitigating factors described above. *See, e.g.,* Exhibits 1, 6, 11. Most importantly, the interests of the public would be protected given that Sternberg would be under the supervision of the disciplinary authorities, while continuing to learn how to practice law with diligence and competence. *See* Exhibit 11.

For all of these reasons, substantially different discipline is warranted here. *See* Exhibits 1, 11; *see also* Tex. R. Disciplinary P. 9.04.D. Sternberg thus respectfully requests that the CDC's request for entry of a one-year active suspension be denied, and that the BODA sanction him with no more than a one-year probated suspension.

The Kennard Matter Is Not an Appropriate Comparison

Sternberg anticipates that the CDC will use the matter of Alfonso Kennard (“Kennard”) to argue that the same discipline issued out-of-state should be levied here. See Exhibit 15, Judgment of Suspension, Cause No. 65861, *In the Matter of Alfonso Kennard, Jr.* In that case, the Minnesota Supreme Court entered an order suspending Kennard for 30 days for practicing law without a license “even though he was not licensed in Minnesota.” *Id.* at pp. 1, 3. The BODA subsequently issued reciprocal discipline against Kennard in the form of an active 30-day suspension. *Id.* at p. 5.

Facially, Kennard’s case is similar to Sternberg’s: both were prohibited from applying to practice in foreign jurisdictions in which they were not licensed as punishment for practicing law without a license. See Exhibits 9, 15. But the similarities stop there.

Unlike Sternberg, Kennard failed to file a response or otherwise cooperate with the Minnesota disciplinary authorities: “The Petition also alleged that [Kennard] violated MRPC 8.1(b) by failing to respond to the Director of the Office of Lawyers Professional Responsibility **despite numerous requests to do so.**” *Id.* at p. 2 (emphasis added). Here, Sternberg was expressly found to have cooperated with the LADB. Exhibit 6, p. 3.

Unlike Sternberg, Kennard was found by the foreign jurisdiction’s supreme court to have “knowingly disobey[ed] an obligation under the rules of a tribunal. . . .” *Id.* No such finding was entered against Sternberg, who again was found to have

followed the advice of his supervising attorneys, and who cooperated with disciplinary authorities. Exhibit 6, pp. 2, 3.

Unlike Sternberg, Kennard failed to timely file an answer to the CDC's petition. *Id.* at p. 5. Sternberg, however, takes this matter extremely seriously, hiring Texas counsel to report the Louisiana discipline immediately after it was entered, and to draft and file this response and brief. *See, e.g.*, Exhibit 10.

Finally, unlike Sternberg, Kennard failed to establish any defenses, leaving the BODA no choice under the Rules of Disciplinary Procedure to impose identical discipline to the extent practicable. *Id.* at p. 5; *see also* Tex. R. Disciplinary P. 9.03, 17.05. Sternberg, on the other hand, has established two defenses by clear and convincing evidence as set forth above.

Kennard's discipline was warranted given a host of aggravating factors that are simply not present or applicable here. Yet his discipline—given those multiple aggravating factors—is a mere fraction of what the CDC proposes now. Sternberg thus respectfully requests that the BODA treat the Kennard case as a completely different matter, and disregard any arguments by the CDC to the contrary.

Proof

In support of this response, Sternberg relies on the following exhibits, which are incorporated into the response and attached hereto:

<u>Exhibit No.</u>	<u>Description</u>
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- | | |
|-----|--|
| 1. | Declaration of Manfred Max Sternberg; |
| 2. | Example of Egenberg Firm letterhead; |
| 3. | February 28, 2023 Emergency Petition for Interim Suspension, <i>In re: Confidential Party</i> , Supreme Court of Louisiana; |
| 4. | April 14, 2023 Law360 Article: <i>Houston Storm Firm in Eye of Louisiana Ethics Hurricane</i> ; |
| 5. | July 18, 2023 Letter from Louisiana Attorney Disciplinary Board to Manfred Max Sternberg; |
| 6. | Joint Stipulation of Facts, <i>In re: Confidential Party, Supreme Court of Louisiana</i> ; |
| 7. | Motion for Consent Discipline, <i>In re: Confidential Party, Supreme Court of Louisiana</i> ; |
| 8. | Revised Joint Motion for Consent Discipline, <i>In re: Confidential Party, Supreme Court of Louisiana</i> ; |
| 9. | January 17, 2024 Louisiana Supreme Court Order, No. 2023-B-1345, <i>In re: Manfred Max Sternberg</i> ; |
| 10. | January 31, 2024 Letter from Allison Standish Miller to Chief Disciplinary Counsel, State Bar of Texas; |
| 11. | Affidavit of Billy Shepherd; |
| 12. | Excerpt from Louisiana Bar Journal Volume 71, Number 6, April/May 2024; |
| 13. | January 29, 2024 blog post, ALAB News, https://alabnews.com/attorney-manfred-max-sternberg-barred-from-seeking-admission-to-louisiana-bar-for-one-year-due-to-unauthorized-practice-of-law/ ; |
| 14. | February 6, 2024 blog post, Louisiana Legal Ethics, https://lalegaethics.org/january-2024-discipline/ ; and |
| 15. | Judgment of Suspension, Cause No. 65861, <i>In the Matter of Alfonso Kennard, Jr.</i> |

General Denial

Sternberg has tried diligently to address each of the issues and allegations raised in the Petition and the Order. To the extent that Sternberg has failed to address any issue or allegation, the failure was not intentional or the result of conscious disregard. To the extent that Sternberg has failed to address any issues or allegations, Sternberg specifically denies them, including any claim that the discipline sought to be imposed by the CDC is appropriate here.

Conclusion

Sternberg respectfully requests that the BODA enter discipline against him of no more than a one-year probated suspension. Sternberg requests any other relief to which he is entitled.

Dated: June 27, 2024

Respectfully submitted:

BECK REDDEN LLP

By: /s/ Allison Standish Miller

Allison Standish Miller

State Bar No. 24046440

amiller@beckredde.com

Thomas E. Ganucheau

State Bar No. 00784104

tganucheau@beckredde.com

Cassie R. Maneen

Texas Bar No. 24120989

cmaneen@beckredde.com

1221 McKinney Street, Suite 4500

Houston, Texas 77010

Telephone: (713) 951-3700

Facsimile: (713) 951-3730

**ATTORNEYS FOR RESPONDENT
MANFRED MAX STERNBERG**

Certificate of Service

I hereby certify that a true and correct copy of the foregoing instrument was filed and served on all counsel of record via e-filing/email on Thursday, June 27, 2024.

/s/ Allison Standish Miller

Allison Standish Miller

Appendix

LAW FIRMS AND ASSOCIATIONS

Rule 5.5. Unauthorized Practice of Law; Multijurisdictional Practice of Law (amended 5/14/2005, effective 7/1/2008)

- (a) A lawyer shall not practice law in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.
- (b) A lawyer who is not admitted to practice in this jurisdiction shall not:
 - (1) except as authorized by these Rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or
 - (2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.
- (c) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction that:
 - (1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;
 - (2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized;
 - (3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires *pro hac vice* admission; or
 - (4) are not within paragraphs (c)(2) or (c)(3) and arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice.
- (d) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services in this jurisdiction that:
 - (1) are provided to the lawyer's employer or its organizational affiliates and are not services for which the forum requires *pro hac vice* admission and that are provided by an attorney who has received a limited license to practice law pursuant to La. S. Ct. Rule XVII, §14; or

(2) are services that the lawyer is authorized to provide by federal law or other law of this jurisdiction.

- (e) (1) A lawyer shall not:
 - (i) employ, contract with as a consultant, engage as an independent contractor, or otherwise join in any other capacity, in connection with the practice of law, any person the attorney knows or reasonably should know is a disbarred attorney, during the period of disbarment, or any person the attorney knows or reasonably should know is an attorney who has permanently resigned from the practice of law in lieu of discipline; or
 - (ii) employ, contract with as a consultant, engage as an independent contractor, or otherwise join in any other capacity, in connection with the practice of law, any person the attorney knows or reasonably should know is a suspended attorney, or an attorney who has been transferred to disability inactive status, during the period of suspension or transfer, unless first preceded by the submission of a fully executed employment registration statement to the Office of Disciplinary Counsel, on a registration form provided by the Louisiana Attorney Disciplinary Board, and approved by the Louisiana Supreme Court.
- (2) The registration form provided for in Section (e)(1) shall include:
 - (i) the identity and bar roll number of the suspended or transferred attorney sought to be hired;
 - (ii) the identity and bar roll number of the attorney having direct supervisory responsibility over the suspended attorney, or the attorney transferred to disability inactive status, throughout the duration of employment or association;
 - (iii) a list of all duties and activities to be assigned to the suspended attorney, or the attorney transferred to disability inactive status, during the period of employment or association;
 - (iv) the terms of employment of the suspended attorney, or the attorney transferred to disability inactive status, including method of compensation;
 - (v) a statement by the employing attorney that includes a consent to random compliance audits, to be conducted by the Office of Disciplinary Counsel, at any time during the employment or association of the suspended attorney, or the attorney transferred to disability inactive status; and
 - (vi) a statement by the employing attorney certifying that the order giving rise to the suspension or transfer of the proposed employee has been provided

for review and consideration in advance of employment by the suspended attorney, or the attorney transferred to disability inactive status.

- (3) For purposes of this Rule, the practice of law shall include the following activities:
 - (i) holding oneself out as an attorney or lawyer authorized to practice law;
 - (ii) rendering legal consultation or advice to a client;
 - (iii) appearing on behalf of a client in any hearing or proceeding, or before any judicial officer, arbitrator, mediator, court, public agency, referee, magistrate, commissioner, hearing officer, or governmental body operating in an adjudicative capacity, including submission of pleadings, except as may otherwise be permitted by law;
 - (iv) appearing as a representative of the client at a deposition or other discovery matter;
 - (v) negotiating or transacting any matter for or on behalf of a client with third parties;
 - (vi) otherwise engaging in activities defined by law or Supreme Court decision as constituting the practice of law.
- (4) In addition, a suspended lawyer, or a lawyer transferred to disability inactive status, shall not receive, disburse or otherwise handle client funds.
- (5) Upon termination of the suspended attorney, or the attorney transferred to disability inactive status, the employing attorney having direct supervisory authority shall promptly serve upon the Office of Disciplinary Counsel written notice of the termination.

Rule 5.5. Unauthorized Practice of Law; Multijurisdictional Practice of Law (amended 3/8/2005, effective 4/1/2005)

- (a) A lawyer shall not practice law in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.
- (b) A lawyer who is not admitted to practice in this jurisdiction shall not:
 - (1) except as authorized by these Rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or

- (2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.
- (c) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction that:
 - (1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;
 - (2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized;
 - (3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires *pro hac vice* admission; or
 - (4) are not within paragraphs (c)(2) or (c)(3) and arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice.
- (d) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services in this jurisdiction that:
 - (1) are provided to the lawyer's employer or its organizational affiliates and are not services for which the forum requires *pro hac vice* admission and that are provided by an attorney who has received a limited license to practice law pursuant to La. S. Ct. Rule XVII, §14; or
 - (2) are services that the lawyer is authorized to provide by federal law or other law of this jurisdiction.
- (e)
 - (1) A lawyer shall not:
 - (i) employ, contract with as a consultant, engage as an independent contractor, or otherwise join in any other capacity, in connection with the practice of law, any person the attorney knows or reasonably should know is a disbarred attorney, during the period of disbarment, or any person the attorney knows or reasonably should know is an attorney who has permanently resigned from the practice of law in lieu of discipline; or

- (ii) employ, contract with as a consultant, engage as an independent contractor, or otherwise join in any other capacity, in connection with the practice of law, any person the attorney knows or reasonably should know is a suspended attorney, during the period of suspension, unless first preceded by the submission of a fully executed employment registration statement to the Office of Disciplinary Counsel, on a registration form provided by the Louisiana Attorney Disciplinary Board, and approved by the Louisiana Supreme Court.
- (2) The registration form provided for in Section (e)(1) shall include:
- (i) the identity and bar roll number of the suspended attorney sought to be hired;
 - (ii) the identity and bar roll number of the attorney having direct supervisory responsibility over the suspended attorney throughout the duration of employment or association;
 - (iii) a list of all duties and activities to be assigned to the suspended attorney during the period of employment or association;
 - (iv) the terms of employment of the suspended attorney, including method of compensation;
 - (v) a statement by the employing attorney that includes a consent to random compliance audits, to be conducted by the Office of Disciplinary Counsel, at any time during the employment or association of the suspended attorney; and
 - (vi) a statement by the employing attorney certifying that the order giving rise to the suspension of the proposed employee has been provided for review and consideration in advance of employment by the suspended attorney.
- (3) For purposes of this Rule, the practice of law shall include the following activities:
- (i) holding oneself out as an attorney or lawyer authorized to practice law;
 - (ii) rendering legal consultation or advice to a client;
 - (iii) appearing on behalf of a client in any hearing or proceeding, or before any judicial officer, arbitrator, mediator, court, public agency, referee, magistrate, commissioner, hearing officer, or governmental body operating in an adjudicative capacity, including submission of pleadings, except as may otherwise be permitted by law;

- (iv) appearing as a representative of the client at a deposition or other discovery matter;
 - (v) negotiating or transacting any matter for or on behalf of a client with third parties;
 - (vi) otherwise engaging in activities defined by law or Supreme Court decision as constituting the practice of law.
- (4) In addition, a suspended lawyer shall not receive, disburse or otherwise handle client funds.
- (5) Upon termination of the suspended attorney, the employing attorney having direct supervisory authority shall promptly serve upon the Office of Disciplinary Counsel written notice of the termination.

Rule 5.5. Unauthorized Practice of Law (amended and effective 3/24/2004)

A lawyer shall not:

- (a) practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction;
- (b) assist a person who is not a member of the bar in the performance of activity that constitutes the unauthorized practice of law;
- (c) employ, contract with as a consultant, engage as an independent contractor, or otherwise join in any other capacity, in connection with the practice of law, any person the attorney knows or reasonably should know is a disbarred attorney, during the period of disbarment, or any person the attorney knows or reasonably should know is an attorney who has permanently resigned from the practice of law in lieu of discipline; or
- (d) employ, contract with as a consultant, engage as an independent contractor, or otherwise join in any other capacity, in connection with the practice of law, any person the attorney knows or reasonably should know is a suspended attorney, during the period of suspension, unless first preceded by the submission of a fully executed employment registration statement to the Office of Disciplinary Counsel, on a registration form provided by the Louisiana Attorney Disciplinary Board, and approved by the Louisiana Supreme Court.

The registration form provided for herein shall include:

- (1) The identity and bar roll number of the suspended attorney sought to be hired;

- (2) The identity and bar roll number of the attorney having direct supervisory responsibility over the suspended attorney throughout the duration of employment or association;
- (3) A list of all duties and activities to be assigned to the suspended attorney during the period of employment or association;
- (4) The terms of employment of the suspended attorney, including method of compensation;
- (5) A statement by the employing attorney that includes a consent to random compliance audits, to be conducted by the Office of Disciplinary Counsel, at any time during the employment or association of the suspended attorney, and
- (6) A statement by the employing attorney certifying that the order giving rise to the suspension of the proposed employee has been provided for review and consideration in advance of employment by the suspended attorney.

For purposes of this Rule, the practice of law shall include the following activities:

- (i) Holding oneself out as an attorney or lawyer authorized to practice law;
- (ii) Rendering legal consultation or advice to a client;
- (iii) Appearing on behalf of a client in any hearing or proceeding, or before any judicial officer, arbitrator, mediator, court, public agency, referee, magistrate, commissioner, hearing officer, or governmental body operating in an adjudicative capacity, including submission of pleadings, except as may otherwise be permitted by law;
- (iv) Appearing as a representative of the client at a deposition or other discovery matter;
- (v) Negotiating or transacting any matter for or on behalf of a client with third parties;
- (vi) Otherwise engaging in activities defined by law or Supreme Court decision as constituting the practice of law. In addition, a suspended lawyer shall not receive, disburse or otherwise handle client funds. Upon termination of the suspended attorney, the employing attorney having direct supervisory authority shall promptly serve upon the Office of Disciplinary Counsel written notice of the termination.

Rule 5.5. Unauthorized Practice of Law (repealed and reenacted 1/20/2004, effective 3/1/2004)

A lawyer shall not:

- (a) practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction;
- (b) assist a person who is not a member of the bar in the performance of activity that constitutes the unauthorized practice of law;
- (c) employ, contract with as a consultant, engage as an independent contractor, or otherwise join in any other capacity, in connection with the practice of law, any person the attorney knows or reasonably should know is a disbarred attorney, during the period of disbarment; or
- (d) employ, contract with as a consultant, engage as an independent contractor, or otherwise join in any other capacity, in connection with the practice of law, any person the attorney knows or reasonably should know is a suspended attorney, during the period of suspension, unless first preceded by the submission of a fully executed employment registration statement to the Office of Disciplinary Counsel, on a registration form provided by the Louisiana Attorney Disciplinary Board, and approved by the Louisiana Supreme Court.

The registration form provided for herein shall include:

- (1) The identity and bar roll number of the suspended attorney sought to be hired;
- (2) The identity and bar roll number of the attorney having direct supervisory responsibility over the suspended attorney throughout the duration of employment or association;
- (3) A list of all duties and activities to be assigned to the suspended attorney during the period of employment or association;
- (4) The terms of employment of the suspended attorney, including method of compensation;
- (5) A statement by the employing attorney that includes a consent to random compliance audits, to be conducted by the Office of Disciplinary Counsel, at any time during the employment or association of the suspended attorney, and
- (6) A statement by the employing attorney certifying that the order giving rise to the suspension of the proposed employee has been provided for review and consideration in advance of employment by the suspended attorney.

For purposes of this Rule, the practice of law shall include the following activities:

- (i) Holding oneself out as an attorney or lawyer authorized to practice law;
- (ii) Rendering legal consultation or advice to a client;
- (iii) Appearing on behalf of a client in any hearing or proceeding, or before any judicial officer, arbitrator, mediator, court, public agency, referee, magistrate, commissioner, hearing officer, or governmental body operating in an adjudicative capacity, including submission of pleadings, except as may otherwise be permitted by law;
- (iv) Appearing as a representative of the client at a deposition or other discovery matter;
- (v) Negotiating or transacting any matter for or on behalf of a client with third parties;
- (vi) Otherwise engaging in activities defined by law or Supreme Court decision as constituting the practice of law. In addition, a suspended lawyer shall not receive, disburse or otherwise handle client funds. Upon termination of the suspended attorney, the employing attorney having direct supervisory authority shall promptly serve upon the Office of Disciplinary Counsel written notice of the termination.

Rule 5.5. Unauthorized Practice of Law (4/4/2002, effective 7/1/2002)

A lawyer shall not:

- (a) practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction;
- (b) assist a person who is not a member of the bar in the performance of activity that constitutes the unauthorized practice of law;
- (c) employ, contract with as a consultant, engage as an independent contractor, or otherwise join in any other capacity, in connection with the practice of law, any person the attorney knows or reasonably should know is a disbarred attorney, during the period of disbarment; or
- (d) employ, contract with as a consultant, engage as an independent contractor, or otherwise join in any other capacity, in connection with the practice of law, any person the attorney knows or reasonably should know is a suspended attorney, during the period of suspension, unless first preceded by the submission of a fully executed employment registration statement to the Office of Disciplinary Counsel, on a registration form

provided by the Louisiana Attorney Disciplinary Board, and approved by the Louisiana Supreme Court. The registration form provided for herein shall include:

- (1) The identity and bar roll number of the suspended attorney sought to be hired;
- (2) The identity and bar roll number of the attorney having direct supervisory responsibility over the suspended attorney throughout the duration of employment or association;
- (3) A list of all duties and activities to be assigned to the suspended attorney during the period of employment or association;
- (4) The terms of employment of the suspended attorney, including method of compensation;
- (5) A statement by the employing attorney that includes a consent to random compliance audits, to be conducted by the Office of Disciplinary Counsel, at any time during the employment or association of the suspended attorney; and
- (6) A statement by the employing attorney certifying that the order giving rise to the suspension of the proposed employee has been provided for review and consideration in advance of employment by the suspended attorney.

For purposes of this Rule, the practice of law shall include the following activities:

- (i) Holding oneself out as an attorney or lawyer authorized to practice law;
- (ii) Rendering legal consultation or advice to a client;
- (iii) Appearing on behalf of a client in any hearing or proceeding, or before any judicial officer, arbitrator, mediator, court, public agency, referee, magistrate, commissioner, hearing officer, or governmental body operating in an adjudicative capacity, including submission of pleadings, except as may otherwise be permitted by law;
- (iv) Appearing as a representative of the client at a deposition or other discovery matter;
- (v) Negotiating or transacting any matter for or on behalf of a client with third parties;
- (vi) Otherwise engaging in activities defined by law or Supreme Court decision as constituting the practice of law.

In addition, a suspended lawyer shall not receive, disburse or otherwise handle client funds.

Upon termination of the suspended attorney, the employing attorney having direct supervisory authority shall promptly serve upon the Office of Disciplinary Counsel written notice of the termination.

Rule 5.5. Unauthorized Practice of Law (adopted 12/18/1986, effective 1/1/1987)

A lawyer shall not:

- (a) practice law in a jurisdiction where doing so violates the regulation of the legal profession of that jurisdiction; or
- (b) assist a person who is not a member of the bar in the performance of activity that constitutes the unauthorized practice of law;

EXHIBIT 1

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

**IN THE MATTER OF
MANFRED MAX STERNBERG,
STATE BAR CARD NO. 24125421**

§
§
§

CAUSE NO. 69413

DECLARATION OF MANFRED MAX STERNBERG

1. My name is Manfred Max Sternberg. My Texas Bar Number is 24125421. I am over the age of eighteen and am competent to make this declaration. I am the respondent in this reciprocal disciplinary proceeding.
2. I am a Houston native and a 2018 graduate of Tulane University in New Orleans with a Bachelor of Science in Finance and a minor in History. I earned my Juris Doctor degree in 2021 from the LSU Paul M. Hebert Law Center, graduating *magna cum laude* and Order of the Coif.
3. During law school, I served as a Senior Associate for the Louisiana Law Review and completed a judicial externship under the Honorable Brian A. Jackson at the United States District Court for the Middle District of Louisiana. I am currently an associate at Burns Charest LLP.
4. Immediately following law school, I took and passed the Texas bar in 2021, becoming licensed in Texas on October 8, 2021. Just a few months before, in early August, I had started work at Egenberg Trial Lawyers (the “Egenberg Firm”), a New Orleans-based personal injury/plaintiffs’ firm, on their Texas litigation docket. The plan was for me to train in the Louisiana office and eventually move to the Texas location.
5. On August 29, 2021, Hurricane Ida devastated southeastern Louisiana, and the Egenberg Firm began accepting hurricane claims shortly thereafter. Due to the overwhelming volume of Hurricane Ida claims, Louisiana-licensed Egenberg Firm attorneys asked me to assist them with some of their caseload.
6. The attorneys made it clear to me from the outset that the work would be temporary, and that as soon as the workload eased on the Hurricane Ida docket, I would return to working solely on matters in Texas. Because I was not licensed in Louisiana, and even though experienced Egenberg Firm attorneys including named partner Bradley Egenberg (“Egenberg”) had told me that the assistance that I was being asked to provide the Egenberg Firm’s Louisiana-licensed lawyers would not constitute the unauthorized practice of law in Louisiana because it would be temporary, I took steps to educate

myself about the Louisiana Rules of Professional Conduct (the “Louisiana Rules”) regarding practicing without a license to further confirm what my superiors had told me.

7. I understood that pursuant to Rule 5.5(c)(1) of the Louisiana Rules, I was authorized to provide legal services **on a temporary basis** under the following conditions:
 - (c) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services **on a temporary basis** in this jurisdiction that:
 - (1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;

Louisiana R. Prof'l Conduct 5.05(c) (emphasis added).

8. Based on the foregoing, I felt comfortable with the task of assisting the Egenberg Firm attorneys on some of the Hurricane Ida claims given that it would be on a temporary basis, and I would be working directly under the supervision of lawyers admitted to and in good standing with the Louisiana bar.
9. I then began providing limited services for certain of the Egenberg Firm’s Hurricane Ida clients in the fall of 2021, but at all times took care to ensure that I did so under the supervision of more senior Louisiana counsel who actively participated in the representation, including Egenberg attorney Aaron Hurd (“Hurd”). During this time, I did not sign any fee agreements for the firm, sign any pleadings, endorse any checks, or make any court appearances in the cases with which he was assisting.
10. One of the clients for whom I provided limited services was a woman named Ruth Franklin, who retained the Egenberg Firm in November 2021 to represent her on her Hurricane Ida claims related to her home. At all times with respect to Ms. Franklin’s case, Hurd—an attorney in good standing with the Louisiana bar—supervised me and actively participated in the Egenberg Firm’s provision of legal services to Ms. Franklin. Hurd’s office was a only few doors away from mine, and at each step in Ms. Franklin’s case with which I assisted, I consulted with Hurd.
11. I met with Ms. Franklin to obtain information about her claim and provide information about the claims process. I then, again acting at the direction and under the supervision of Hurd, corresponded with Ms. Franklin and her insurance adjuster, and assisted in the resolution of Ms. Franklin’s insurance claim.

12. Ms. Franklin later became dissatisfied with her settlement, and filed a grievance against me in April 2022. Based on comments the LADB made to me and my Louisiana attorney in the grievance proceeding, it appears that the LADB was sensitive to and suspicious of Texas attorneys and firms filing Hurricane Ida claims, and was thus resolved to prosecute and punish them to the fullest extent permitted. This was true even if, like me, they had no association at all with McClenny Moseley.
13. I filed my response to Ms. Franklin's grievance in July 2022, and a supplemental response the following month. After summoning me and other witnesses for an initial round of sworn statements, the LADB contacted me again in July 2023—nearly two years after I first met with Ms. Franklin and more than a year after I was notified of her grievance—and asked me to appear to give yet another sworn statement.
14. The LADB cleared me of any misconduct with respect to my work on Ms. Franklin's claim specifically, but determined that I should be punished for practicing law in Louisiana without a license.
15. At that point, ready to put the matter behind me, eager to proceed with my legal career, and frustrated with the length of time that had already passed, I retained disciplinary counsel and began negotiations with LADB for consent discipline. By that point, I had left the Egenberg Firm by then, and joined Burns Charest LLP as an associate.
16. Despite later stipulating to multiple mitigating factors in my case, the LADB would agree to punishment for me of nothing less than a five-year prohibition from being able to apply for admission in Louisiana. Upon the advice of counsel, I eventually agreed to the five-year prohibition.
17. The Louisiana Supreme Court, however, determined that a five-year penalty was too long, and *sua sponte* informed me and the LADB that the prohibition from being able to apply to practice in Louisiana should be reduced to **only one year**. The LADB and I thus submitted a Revised Motion for Consent Discipline in November 2023, which was approved in January 2024.
18. I regret the entire incident. In addition to the one-year prohibition from being able to apply to practice in Louisiana and the potential imposition of discipline in Texas, I have suffered other negative impacts. For example, due to the pendency of this and the Louisiana proceeding, I have been prevented from applying for full or *pro hac vice* admission in other jurisdictions. News of the suspension has been published online in multiple places, and is readily discoverable with a simple Google search; this information could follow me my entire career. My future ability to be admitted to other courts, either fully or *pro hac vice*, is potentially impacted as well. I must also now take the

bar exam in certain jurisdictions should I ever desire to apply; I would not have been required to do so had this proceeding been concluded within the three-year window of my passing the bar exam in Texas given my high score on the Uniform Bar Examination.

19. Given all of the factors set forth above, in my opinion, imposing a one-year active suspension (or, for that matter, any greater punishment) would result in grave injustice. Despite this, I have continued to cooperate in good faith with the disciplinary process in both Louisiana and Texas. Additionally, while I am serving out my prohibition from applying to practice in Louisiana, I will be (and indeed have been) working diligently and ethically, learning how to practice law generally and represent clients in personal injury matters specifically. If I am suspended for one year, that will stop, and further impede my ability not only to improve my professional skills but also to apply for admission in other jurisdictions, including Louisiana if I so desire. I thus respectfully request that the Board of Disciplinary Appeals enter discipline against me consisting of no greater than a one-year probated suspension.

My name is Manfred Max Sternberg. My date of birth is August 22, 1995, and my address is 4533 Danneel Street, New Orleans, Louisiana, United States of America. I declare under penalty of perjury that the foregoing is true and correct.

Executed in Orleans Parish, the State of Louisiana, on the 27th day of June, 2024.



Manfred Max Sternberg, Declarant

EXHIBIT 2

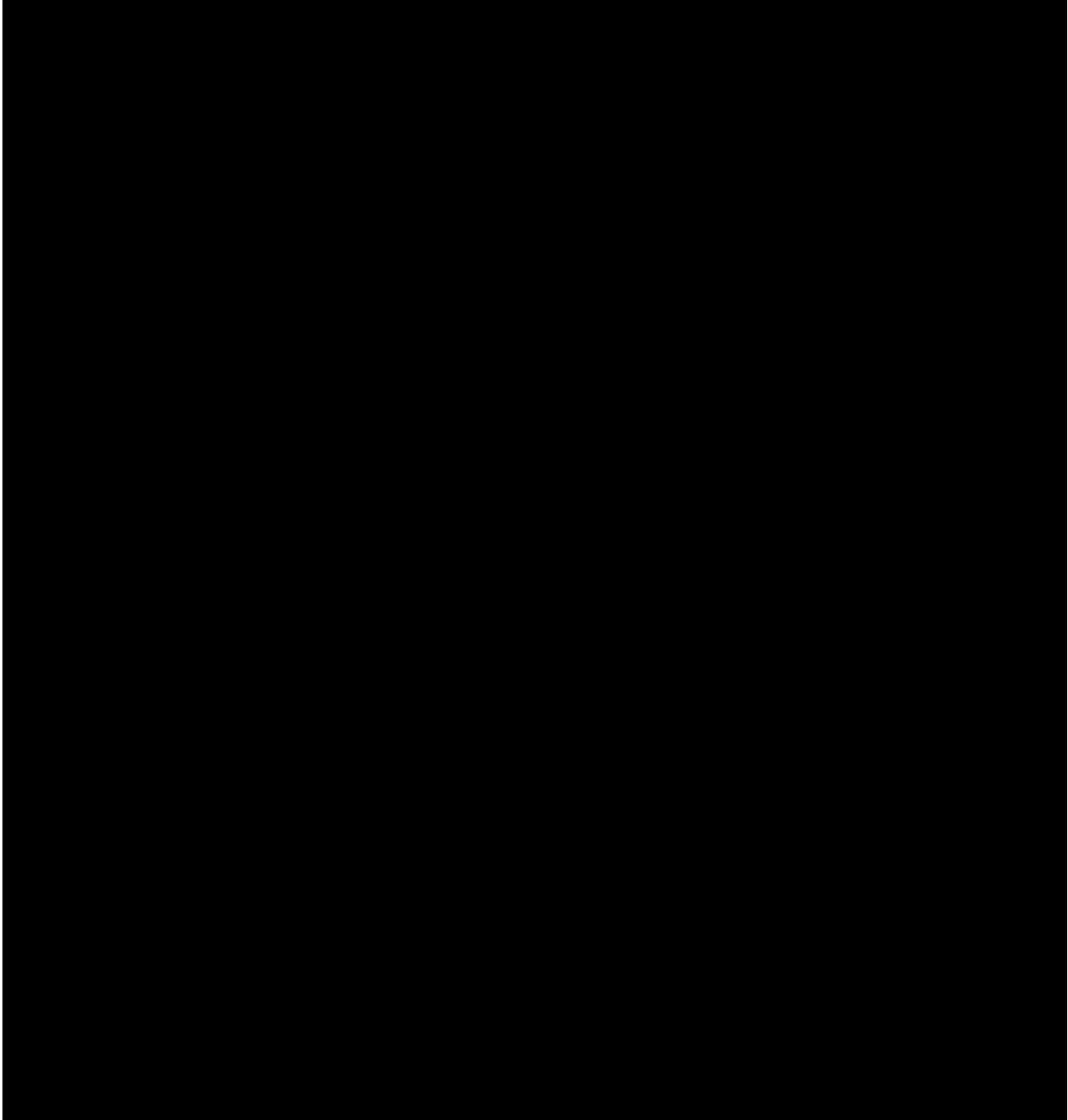
E G E N B E R G

TRIAL LAWYERS

BRADLEY EGENBERG*
BENJAMIN ROBERTS***
BLAKE CORLEY*
EMILY PADGETT*

BENJAMIN BERMAN*
ALEXANDRIA WALKER*
MAX STERNBERG**

AARON HURD*
DANIELLE MACKIE*
MICHAEL SIPOS*
TANNER CHOATE*



Please reply to the Louisiana office

LOUISIANA	TEXAS
650 Poydras St., Ste. 2000 New Orleans, LA 70130 P: (504)-229-5700 F: (504)-617-7911	5252 Westchester St., Ste. 210 Houston, TX 77005 P: (281)-789-8218 F: (281)-810-7674

Licensed in Louisiana only Licensed in Texas only** Of Counsel, Licensed in Texas only****

EXHIBIT 3

SUPREME COURT OF LOUISIANA
NUMBER

IN RE: CONFIDENTIAL PARTY

**EMERGENCY PETITION FOR INTERIM SUSPENSION
PURSUANT TO RULE XIX, SECTION 19.2**

**TO THE HONORABLE CHIEF JUSTICE
AND ASSOCIATE JUSTICES OF THE
SUPREME COURT OF LOUISIANA:**

NOW INTO COURT, through undersigned counsel, comes the Office of the Disciplinary Counsel (“ODC”), and respectfully represents that:

I.

Respondent Mr. Richard William Huye, III, Louisiana Bar Roll Number 38282, a member of the Louisiana Bar, was born in June of 1992 and was admitted to practice law in Louisiana on October 15, 2018. He is the Managing Partner of the Louisiana office for Texas-based McClenny Moseley and Associates, PLLC. Respondent does not have prior discipline; however, he was the subject of a disciplinary hearing on December 12, 2022 (22-DB-037), for allegations related to his firm’s distribution of approximately 1,119,207 unsolicited written communications, which did not contain the required LSBA Registration Number, and failing to disclose, by city or town, a bona fide office location on a billboard and bus advertisement. As of the date of filing this pleading, ODC has not received the report from the hearing committee.

II.

The ODC has received numerous ethical complaints against Respondent such that the ODC currently has thirty-one (31) formal complaints for Respondent in various stages of the investigative/prosecutorial process. Twenty-nine (29) formal complaints are being concurrently investigated by Deputy Disciplinary Counsel. Two complaints have resulted in formal charges and are in active prosecution¹ at this time relative to lawyer advertising violations.

III.

Most complaints against Respondent involve Louisiana home insurance policy holders who sustained damages to their homes from hurricanes that impacted the state during the 2020 and 2021 hurricane seasons. Respondent’s law firm, McClenny Moseley and Associates, PLLC

¹ See 22-DB-037.

("MMA") represented a portion of these complainants directly. Several of those complainants alleged, among other things, that MMA was difficult to contact and did no work on their claims. Other complainants alleged that their claims had been settled by MMA, but MMA had failed to tender the policy funds to them despite a lengthy period having elapsed. The ODC also received complaints alleging that homeowners who already had legal counsel were duped into signing paperwork retaining MMA as their attorneys even after they told representatives for MMA that they already had legal representation for their claims.

IV.

Three federal district courts have become involved in the instant matter. In an Order dated October 21, 2022, United States District Judge James D. Cain, Jr. of the Western District of Louisiana determined that Respondent and MMA had filed suits in matters that had already settled, filed duplicate filings, and filed suits for damages to property outside of the geographical area where reported damages had been caused by Hurricanes Laura and Delta. Judge Cain ordered that Respondent and MMA submit hard copies of the retention and/or engagement contracts for each of their clients for an *in camera* inspection. MMA was also sanctioned \$200.00 for each duplicate suit, each suit already settled, and for any filing for damages that had occurred outside the territorial boundaries of the storm impact area. Judge Cain also stayed all of MMA's litigation pending further order of the court. This order, at the time, affected 1,642 individual cases.

The hearing generating the referenced Order took place the day before, on October 20, 2022. The transcript of the hearing reveals that Judge Cain held concerns about Respondent and MMA, questioning whether MMA actually represented the plaintiffs in the suits they had filed; and if they did represent them, if they actually spoke with the plaintiffs and met with them before suits were filed. Judge Cain also appeared to express concerns about whether MMA had verified the allegations made in their pleadings. He warned that their failure to do so would result in Rule 11 sanctions. He even expressed his opinion, with a stern rebuke, that Respondent and MMA were preying on people. Judge Cain appeared especially concerned about the fact that Respondent and MMA had filed "1,600 cases" in three days.

A motion hearing was held before Judge Cain on December 13, 2022. His rebuke of Respondent and MMA's behavior continued, describing their actions as having "dumped a mess on the Court." Judge Cain was describing Respondent's act of having filed a massive number of suits in a very short period. He seemed especially concerned over the means with which

Respondent was signing up so many clients so quickly. Judge Cain, after reviewing a selection of MMA's contracts, expressed concern that there were multiple versions of their employment contracts and noted that a portion of the ones that he reviewed were not initiated by the firm but by a company in Georgia. Respondent explained to Judge Cain that extensive lawyer advertising generated a large number of clients. Judge Cain advised that he was aware that there were complaints from their clients about lack of contact², suggesting that MMA had taken on so many clients that the firm was unable to adequately represent all of them³. Judge Cain expressed his opinion that Respondent's motivation was not based on helping the victims of the hurricanes, as it should have been, but was financial in nature⁴. He accused Respondent and MMA of having performed no due diligence on their cases, especially with regard to the large number of duplicate suits that appeared to have been filed. Also, of concern to Judge Cain was that at least one suit filed by Respondent had settled the prior year; although Respondent denied to the judge that he was aware of the settlement. Respondent made another claim on behalf of an insured for damages to a home in Lake Charles pursuant to Hurricane Ida in 2021. However, Judge Cain noted that Hurricane Ida did not impact the Lake Charles area. Respondent conceded the filing was a mistake. Judge Cain also expressed concern about numerous Respondent filings he noticed from the Monroe and Ruston areas of Louisiana, and further noting that Respondent was using a damage estimator service (Scope Pros) that was not licensed to do business in Louisiana.

Multiple parties appeared at this hearing. Counsel for a former client of MMA, Darrell Williams, appeared and provided testimony to the court. Attorney Derek Brasher advised Judge Cain that he had filed suit on behalf of Mr. Williams after MMA had been discharged. After the termination, however, MMA still filed suit on behalf of Mr. Williams, creating another duplicate suit. This suit was erroneously filed as a Hurricane Ida claim, despite Mr. Williams being a resident of Lake Charles. According to Mr. Brasher, this was not an isolated case. He expressed concern that MMA was filing claims on behalf of people who were not making the claims themselves. Judge Cain called the suit frivolous⁵. Questions were also raised regarding what appeared to be

² See Rules of Professional Conduct Rule 1.4(a)(b).

³ Judge Cain told Respondent "That's part of your problem. You got too many clients that you can't handle." See transcript of December 13, 2022 hearing, page 17, lines 5-6.

⁴ Judge Cain commented "You've got to understand, this community was devastated by these hurricanes. That is why I put this in place, to help these people get their claims resolved, get them in this court and out as fast as possible. This isn't about dollar signs. I know that's probably what you're seeing, let's sign up a bunch of people, make a bunch of money." *Id.*, page 18, lines 24-25, page 19, lines 1-5.

⁵ Judge Cain commented "But I really don't understand how you filed it where everybody's to bear their own cost. I mean, you filed, to me, a frivolous lawsuit. Why would everybody bear their own cost? You should bear the cost. You filed it inappropriately." *Id.*, page 55, lines 19-24.

MMA's practice of endorsing checks on behalf of mortgage holders. Respondent denied that MMA regularly engaged in the practice, but advised the court that it could if it possessed power of attorney. Judge Cain responded that he had never before seen such a power of attorney granted by a mortgage holder. He also noted that if MMA was engaged in such practices without authorization, it was a violation of law. Kermith Sonnier, a representative for Accord Services Incorporated, was present in court and also provided testimony. Mr. Sonnier had extended homeowner financing to a home buyer, which was memorialized in a promissory note. Allstate (insurer of the property) issued a check in the amount of \$89,522.67 to Accord Services, the home buyer, his wife, and MMA. Despite having his company's name on the check, Mr. Sonnier testified that he had never seen it, nor had he ever given a power of attorney (or any other permission) to MMA to endorse the check on Accord Service's behalf. Mr. Sonnier testified that he never received any portion of funds, even though he was entitled to a percentage of the recovery. When questioned by the court, Respondent was unable to explain what had happened, suggesting only that neither he nor his co-counsel (Mr. Claude Reynaud, also present) had endorsed the check on behalf of Accord. Judge Cain expressed concern that if Respondent and MMA were forging signatures for FDIC mortgage holders, they were committing federal offenses. MMA's own retainer agreement does provide for power of attorney from the client, but the agreement expressly states that it doesn't include negotiable instruments.

V.

Federal District Judge David C. Joseph of the District Court for Western Louisiana held a hearing on December 28, 2022. MMA has filed numerous claims suits in his federal district in the Lafayette area. Judge Joseph admonished MMA because they "sued an insurance company that didn't issue a policy, without doing any investigation into whether there was a policy⁶." MMA, on behalf of client Bobby Dyer, had filed suit against Allied Trust Insurance. However, Mr. Dyer was insured by Allstate, not Allied. Judge Joseph dismissed the suit and ordered MMA to pay attorney fees (\$15,914.00) to Matthew Monson, the attorney for Allied, for MMA having filed the baseless suit. Mr. Monson advised the court of an entity called "Velawcity" which was providing claims leads to MMA. Judge Joseph likened Velawcity to a "runner," a term for a person who illegally recruits insurance claimants. Respondent expressly denied that Velawcity is a runner but, rather, performs advertising functions for MMA.

⁶ *Claims Journal*, Jim Sams, January 23, 2023.

VI.

Federal Magistrate Judge Michael North of the Eastern District of Louisiana held a hearing on February 1, 2023 involving Respondent, MMA, and a plaintiff by the name of Tricia Franatovich whom Respondent had claimed is their client. However, Ms. Franatovich testified at the hearing that she had never spoken to, or even met, Respondent previously. Ms. Franatovich testified that she was at home on April 27, 2022 when a man drove up and asked her if she needed roofing repair work performed. Her roof had sustained storm damage and was in need of repair. During the sales pitch, she was told by the salesman that the roofing company had a law firm that would represent her if she agreed to have the roof repair work done by his company. She told the salesman, multiple times, that she was not interested in legal representation through his company and that she had already retained legal counsel⁷. Her attorney had already made contact with her insurance carrier and a claim had been opened. She was interested only in roof repairs. She signed the paperwork that identified the roofing company as Apex (“Apex”). Ms. Franatovich testified that she signed what she now knows was an assignment of benefits⁸, but she was unaware of it at the time of signing. She appeared clear that she never intended to hire Respondent and MMA to represent her.

Under questioning by Judge North, Respondent admitted that he and MMA represent Apex Roofing. When asked if the legal nature of the relationship between MMA and Apex was disclosed to Ms. Franatovich, Respondent confirmed that it was. However, Respondent could not confirm a method, given that the disclosure was not contained in documentation provided to her. During a sworn statement with ODC on February 27, 2023, Respondent stated that he and his firm relied on Apex to provide notice of the relationship between Apex and MMA to the insured/home owner. Judge North expressed concern about a potential concurrent conflict of interest, which Respondent acknowledged was present. Respondent attempted to portray the matter as a “one-off” issue and not a symptom of a larger problem with the way MMA was obtaining plaintiffs. Judge North asked Respondent directly to identify how many claims related to Hurricane Ida wherein they sent letters to insurance companies on behalf of the insured when they actually represented Apex Roofing, not the insured. Respondent said there had been “several” but denied there had been “hundreds.” Respondent eventually stated that the number was eleven (11) claims. Judge North advised

⁷ Ms. Franatovich was already represented by Daly & Black.

⁸ Respondent, when asked by the court, denied prior knowledge that Ms. Franatovich’s carrier specifically prohibits assignments of benefit provisions.

Respondent that the court intended to find out the exact number and he gave notice of his intention to compel MMA to produce every name of every insured that they had sent a letter on behalf of that they did not actually represent. Judge North continued, stating that MMA was directing insurance companies to tender payment to them on behalf of people they don't represent, likely without the knowledge of the insured. Judge North appeared to become frustrated with the evasive and circular answers he was receiving and pointed out that MMA was "letting some roofing company drive up and down the street, sign up people that you then misrepresent to the insurance company that (they) are your clients."⁹

Respondent was questioned by Judge North about the nature of MMA's relationship with Velawcity. Respondent answered, stating that it's an advertising firm and they also assist MMA in managing a call center for which they are paid a "marketing budget." Respondent denied that Velawcity sends leads to MMA.

Judge North issued an Order the next day, on February 2, 2023. The Order, among other things, compelled Respondent and MMA to produce several records for an *in camera* inspection. The records to be produced included information about its relationship with Velawcity and the identity of claims in which MMA represents Apex Roofing rather than the insured. These records were produced to Judge North on February 10, 2023. The records provided appeared to reveal that the number of claims in which MMA represented Apex (but communicated to insurance carriers that they represent the insured) was not 11 claims as Respondent initially stated, but 856 claims. Those claims were for Hurricane Ida only, not claims on Judge Cain's docket. During his February 27, 2023, sworn statement, Respondent acknowledged that MMA was submitting claims for all damages sustained by the insured/home owner, not just claims for roofing repairs to be addressed by Apex.

A status conference was held by Judge North on February 22, 2023. The hearing was notable in that Respondent was, again, questioned and provided answers regarding MMA's relationship with Velawcity. Respondent acknowledged that Velawcity sends documents to potential clients. The documents include attorney contingency fee contracts. This admission is a deviation of testimony from previous hearings wherein Respondent stated that Velawcity was retained for advertising purposes only. Respondent's February 27, 2023, sworn testimony confirmed that nonlawyer employees of Velawcity were allowed to explain the contract terms to

⁹ See hearing transcript, February 1, 2023, Motion Hearing Proceedings Before The Honorable Michael B. North, United States Magistrate Judge, page 47, lines 17-19.

prospective clients. Judge North noted that the documents he reviewed revealed that MMA had paid Velawcity approximately \$13.9M for services rendered, for which services Respondent has been highly evasive. Judge North questioned Respondent about the telephone number listed on MMA pleadings. Initially, Respondent told him that the number was for his office. When questioned further, Respondent said that the number was for “an office that handles a large number of calls.” Respondent then admitted that the phone number was to a call center. On information and belief, the call center in question is outside of the United States and operated by Velawcity.

On February 23, 2023, Judge North issued another Order, scheduling a follow up hearing for March 3, 2023 to determine sanctions against Respondent and MMA pursuant to Federal Rule of Civil Procedure 11, 28 U.S.C. Section 1927 and the Court’s inherent authority for their conduct in connection with the consolidated cases. The Court also intends to discuss the materials produced pursuant to the Order from the February 1, 2023 hearing.

VII.

The ODC investigation to date has revealed, what purports to be a scheme involving MMA and Apex Construction and Roofing, for which MMA seeks to take as high of a percentage as possible of any recovery that the insured who contracted with Apex are entitled to recover from their individual homeowner’s insurance policies arising from damages sustained during the 2020-2021 Louisiana hurricane seasons. Apex, is not licensed in Louisiana as public adjusters but engaged in an individual door-to-door campaign of signing up repair orders for roof work. Apex instructs, or attempts to instruct, the homeowner to sign an assignment of benefits in favor of Apex for the purpose of Apex receiving direct payment from the insured’s insurance carrier. A demand letter for payment of benefits is sent to the carrier. On information and belief, after the tolling of 30 days, a failure of the insurance carrier to pay policy benefits would result in a 50% penalty levied against the carrier¹⁰. MMA may elect to file suit and can become entitled to attorney fees per statute in addition to whatever recovery is made against the carrier. Runner-based solicitation¹¹ is implicated in this scheme.

If the assignment of benefits is not honored by the carrier (as was the case with Ms. Frantovich), MMA steps into the matter and advises the carrier that they represent the homeowner and that any funds should be directed to them for disbursement. The homeowner typically are unaware that MMA is advising their particular carriers of the alleged representation. The goal of

¹⁰ See LSA R.S. 22:1892 and 22:1973.

¹¹ See Louisiana Supreme Court Rule XIX, Appendix D, Guideline 6.

MMA appears to have been for the policy benefits to be directed to either Apex (if possible) or to MMA directly. This scheme would allow them to take a percentage of the funds, up to 40% of the recovery. Whatever funds are left have not always been disbursed to the homeowner, at least in a timely fashion. The amount of the benefits left over is typically inadequate to complete repairs on the home in question given that MMA and Apex have already taken a considerable portion of the policy proceeds.

Not only is MMA filing suits on behalf of "clients" who have no idea who the firm is (nor were they, in some cases, even aware of any such representation), MMA has filed many duplicitous suits into the various federal dockets. MMA has filed suits before confirming that the homeowner possessed a policy with the defendant carrier. The ODC has been advised that in some cases, the carriers that have been sued have never written policies in Louisiana. Attached as exhibits are copies of several judgments against MMA wherein the presiding Judge has awarded the insurance carriers attorney fees for MMA's frivolous pleadings.

Homeowners have attempted to speak directly to their insurance representatives only to be told that such communication was impossible because they were represented by counsel. MMA contacted the insurance carriers of homeowners and fraudulently communicated to these carriers that they represented policyholders when they did not. This would have undoubtedly caused much frustration and confusion for the homeowners, given they would not have had any idea who MMA was or why the firm would claim to represent them. In many cases, the homeowners were unaware that MMA was, on their behalf, seeking settlements and filing suits. As a result of MMA fraudulently enrolling as counsel for these policyholders, the homeowners' insurance carriers sent claim checks to MMA directly rather than to the homeowner. Some complainants allege that they didn't discover that Respondent and MMA had enrolled on their behalf (and had already received claim benefits) until after they contacted their carrier to inquire about the status of their claims.

VIII.

The investigation has also suggested that there exists a contract between MMA and the Arizona firm called Velawcity which Respondent has described as part of their marketing strategy and the topic of which has frequently arisen in hearings. Attorney Mathew Monson also brought notice of this entity to Judge Joseph. However, despite Respondent's initial representations to the courts that Velawcity merely assists with firm marketing, on information and belief, Velawcity provides signed client contracts to MMA, who, according to the terms of the written agreement

between MMA and Velawcity, then pays a fixed rate of \$3,500.00 for each pre-screened potential client reviewed and delivered. The initial payment from MMA to Velawcity was in the amount of \$3,500,000.00 and specified that this payment was for the first 1,000 leads. In one specific case where there had been a challenge to the federal court jurisdictional limit, MMA produced a summary of the case's value, which included an item under "Costs" for \$3,500.00. This individual plaintiff's name is Nicole McCoy. In a subsequent search on Pacer in the Western District of Louisiana, the ODC was able to locate and obtain a copy of this document, supporting this allegation.

IX.

The fact pattern implicates violations of Louisiana Rules of Professional Conduct including, but not limited to, Rule 1.3 (lack of diligence), Rule 1.4 (lack of communication), Rule 1.7 (conflict of interest), Rule 1.15 (failure to promptly disburse funds belonging to clients or third parties; failure to maintain a trust account in a Louisiana financial institution), Rule 7.7.2(c)(12) (payment to disqualified lawyer referral service), Rule 8.4(b) (commission of a criminal act (runner-based solicitation; unauthorized application of endorsements; insurance fraud; wire fraud)), Rule 8.4(c) engaging in dishonesty, fraud, deceit or misrepresentation (asserting representation of homeowners when that claim was false)), and, Rule 8.4(d) (conduct prejudicial to the administration of justice).

X.

Pursuant to La.S.Ct. Rule XIX Section 19.2, Respondent Richard William Huye, III, Louisiana Bar Roll Number 38282, appears to be actively engaged in a pattern of serious and harmful ethical misconduct involving client fraud, insurance fraud, and deception towards the federal judiciary, reflecting numerous violations of the Rules of Professional Conduct for which an Interim Suspension for Threat of Harm is appropriate pending the final disciplinary decision in the matter(s). Respondent poses a substantial threat of irreparable harm to the public and Interim Suspension is appropriate.

Pursuant to La.S.Ct. Rule XIX, Section 19.2(A)(ii), on February 27, 2023, counsel for Respondent was verbally notified (in person) of the ODC's intent to file this Emergency Petition.

WHEREFORE, Petitioner prays that the Court enter an order of Interim Suspension, suspending Richard William Huye, III, Bar Roll No. 38282, from the practice of law pursuant to

Rule XIX, Section 19.2, and further order that necessary disciplinary proceedings be timely instituted in accordance with Rule XIX, Sections 11 and 19.

Additionally, pursuant to the Court's inherent, plenary and Constitutional authority to regulate the practice of law, Respondent should be ordered by the Court to create in an Excel spreadsheet (or comparable format) a complete listing of the full names, addresses and contact information (including if available telephone number(s), and email addresses) of all clients of McClenny Moseley and Associates PLC in Louisiana associated with the hurricane events identified herein (including Hurricanes Laura, Delta, Zeta and Ida) within 30 days of the date of the order of interim suspension, and provide that listing to the Office of Disciplinary Counsel and to every judge (state and federal) before whom suits have been filed.

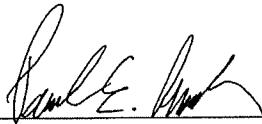
THE OFFICE OF THE DISCIPLINARY COUNSEL

BY: 

PAUL E. PENDLEY
DEPUTY DISCIPLINARY COUNSEL
BAR ROLL NO. 27705
4000 S. Sherwood Forest Blvd., Suite 607
Baton Rouge, LA 70816
Phone: (225) 293-3900

C E R T I F I C A T E

I certify that Respondent, Richard William Huye, III, has been given notice of the filing of this Motion through his counsel of record, Richard C. Stanley, 909 Poydras Street, Ste. 2500, New Orleans, LA 70112 via USPS mail and by email to rcs@stanleyreuter.com this 29th day of February, 2023.



PAUL E. PENDLEY
DEPUTY DISCIPLINARY COUNSEL

SUPREME COURT OF LOUISIANA

NUMBER

IN RE: CONFIDENTIAL PARTY

O R D E R

Premises considered:

IT IS ORDERED that Richard William Huye, III, Bar Roll No. 38282, be and he hereby is, suspended from the practice of law in the State of Louisiana pursuant to Rule XIX, Section 19.2, pending further orders of this Court.

IT IS FURTHER ORDERED that Respondent is to create in an Excel spreadsheet (or comparable format) a complete listing of the full names, addresses and contact information (including if available telephone number(s), and email addresses) of all clients of McClenny Moseley and Associates PLC in Louisiana associated with the hurricane events identified herein (including Hurricanes Laura, Delta, and Ida) within 30 days of the date of the order of interim suspension, and provide that listing to the Office of Disciplinary Counsel and to every judge (state and federal) before whom suits have been filed.

IT IS FURTHER ORDERED that necessary disciplinary proceedings be timely instituted in accordance with Rule XIX, Section 11 and 19.

New Orleans, Louisiana, this _____ day of February, 2023.

SUPREME COURT JUSTICE

ODC'S EXHIBIT LIST
TO EMERGENCY PETITION FOR INTERIM SUSPENSION
PURSUANT TO RULE XIX, SECTION 19.2

- ODC1 – Complaint filed against Respondent Richard William Huye, III (0040140).
- ODC2 – Complaint filed against Respondent Richard William Huye, III (0040154).
- ODC3 – Complaint filed against Respondent Richard William Huye, III (0040167).
- ODC4 – Complaint filed against Respondent Richard William Huye, III (0040251).
- ODC5 – Complaint filed against Respondent Richard William Huye, III (0040305).
- ODC6 – Complaint filed against Respondent Richard William Huye, III (0040306).
- ODC7 – Complaint filed against Respondent Richard William Huye, III (0040323).
- ODC8 – Complaint filed against Respondent Richard William Huye, III (0040324).
- ODC9 – Complaint filed against Respondent Richard William Huye, III (0040330).
- ODC10 – Complaint filed against Respondent Richard William Huye, III (0040336).
- ODC11 – Complaint filed against Respondent Richard William Huye, III (0040345).
- ODC12 – Complaint filed against Respondent Richard William Huye, III (0040365).
- ODC13 – Complaint filed against Respondent Richard William Huye, III (0040385).
- ODC14 – Complaint filed against Respondent Richard William Huye, III (0040414).
- ODC15 – Complaint filed against Respondent Richard William Huye, III (0040429).
- ODC16 – Complaint filed against Respondent Richard William Huye, III (0040449).
- ODC17 – Complaint filed against Respondent Richard William Huye, III (0040480).
- ODC18 – Complaint filed against Respondent Richard William Huye, III (0040537).
- ODC19 – Complaint filed against Respondent Richard William Huye, III (0040542).
- ODC20 – Complaint filed against Respondent Richard William Huye, III (0040550).
- ODC21 – Complaint filed against Respondent Richard William Huye, III (0040596).
- ODC22 – Complaint filed against Respondent Richard William Huye, III (0040597).
- ODC23 – Complaint filed against Respondent Richard William Huye, III (0040608).

ODC24 – Complaint filed against Respondent Richard William Huye III (0040648).

ODC25 – Complaint filed against Respondent Richard William Huye, III (0040650).

ODC26 – Complaint filed against Respondent Richard William Huye, III (0040723).

ODC27 – Complaint filed against Respondent Richard William Huye, III (0040736).

ODC28 – McClenny/Mosley and Associates Attorney/Client Contract.

ODC29 – Lake Charles, Louisiana Newspaper Article.

ODC30 – Proof payment from MMA to Velawcity for \$3,500.

ODC31 – Official Transcript of Motion Hearing Held in Lake Charles, Louisiana before the Honorable James D. Cain, Jr., United States District Judge, December 13, 2022.

ODC32 – Memorandum Ruling and Order signed by James D. Cain, Jr., United States District Judge, *Melissa Rollins versus United National Insurance Company*, United States District Court, Western District of Louisiana, Monroe Division, Case No. 3:22-CV-04895, Judge James D. Cain, Jr., Mag. Judge Kayla D. McClusky, January 26, 2023.

ODC33 – Memorandum Ruling and Order signed by Judge James D. Cain, Jr., United States District Judge, *Sallie Washington versus United National Insurance Company*, United States District Court, Western District of Louisiana, Monroe Division, Case No. 3:22-CV-04902, Judge James D. Cain, Jr., Mag. Judge Kayla D. McClusky, January 26, 2023.

ODC34– Memorandum Ruling and Order signed by Judge James D. Cain, Jr., United States District Judge, *Alvin Davis versus United National Insurance Company*, United States District Court, Western District of Louisiana, Monroe Division, Case No. 6:22-CV-04585, Judge James D. Cain, Jr., Mag. Judge Kayla D. McClusky, January 26, 2023.

ODC35 – Memorandum Ruling and Order signed by Judge James D. Cain, Jr., United States District Judge, *Ronald McClain versus United National Insurance Company*, United States District Court, Western District of Louisiana, Monroe Division, Case No. 3:22-cv-04897, Judge James D. Cain, Jr., Mag. Judge Kayla D. McClusky, January 26, 2023.

ODC36 – Memorandum Ruling and Order signed by Judge James D. Cain, Jr., United States District Judge, *Trahan Melvin versus United National Insurance Company*, United States District Court, Western District of Louisiana, Monroe Division, Case No. 6:22-CV-04540, Judge James D. Cain, Jr., Mag. Judge Kayla D. McClusky, January 26, 2023.

ODC37 - Memorandum Ruling and Order signed by Judge James D. Cain, Jr., United States District Judge, *Shirley Rhine versus United National Insurance Company*, United States District Court, Western District of Louisiana, Monroe Division, Case No. 6:22-CV-04601, Judge James D. Cain, Jr., Mag. Judge Kayla D. McClusky, January 26, 2023.

ODC38 - Memorandum Ruling and Order signed by Judge James D. Cain, Jr., United States District Judge, *Claudia Thomas versus United National Insurance Company*, United States

District Court, Western District of Louisiana, Monroe Division, Case No. 6:22-CV-03993, Judge James D. Cain, Jr., Mag. Judge Kayla D. McClusky, January 26, 2023.

ODC39 - Transcript of Motion Hearings Proceedings Before the Honorable Michael B. North, United States Magistrate Judge, *Tricia Rigsby Franatovich versus Allied Trust Insurance Company*, Docket No. 22-CV-2552 c/w 22-CV-4927, Section "I"(5), New Orleans, Louisiana, February 1, 2023, United States District Court, Eastern District of Louisiana, February 1, 2023.

ODC40 – Letter dated February 13, 2023 to the Honorable Michael B. North, United States District Court, Eastern District of Louisiana, from William B. Gibbens, regarding responses to the Court's Orders of February 1, 2023 and February 3, 2023; *Franatovich v. Allied Trust Ins. Co.*, EDLA, No. 22-2552 c/w 22-4927.

ODC41 – Transcript of Status Conference Heard Before the Honorable Michael B. North, United States Magistrate Judge, February 22, 2023; *Malcolm Rick versus Occidental Fire & Casualty Company of North Carolina*, Civil Action No. 22-4126, Section "H"(1).

ODC42 – Apex Cancellation/Notice of Withdrawal of Representation from McClenny Moseley & Associates/Transcript of Telephone Conversation between Allied Trust Insurance and client Waynette Washington.

ODC43 – Complaint filed against Respondent Richard William Huye, III (0040751)

ODC44 – Complaint filed against Respondent Richard William Huye, III (0040752)

EXHIBIT 4

Houston Storm Firm In Eye Of Louisiana Ethics Hurricane

By **Andrew Strickler**

Law360 (April 14, 2023, 4:58 PM EDT) -- Amid massive Gulf Coast storm damage, a crisis in the Louisiana insurance market, and waves of homeowner suits hitting local courts, the plaintiffs bar and insurance defense counsel in the Pelican State have plenty to fight about.

But McClenny Moseley and Associates PLLC, a once-obscure Texas firm with big ambitions, has managed to bring the traditional opponents together against a common foe: McClenny Moseley itself.

Joining those accusing the firm of adding to the state's considerable troubles are a handful of upset federal judges; the state insurance commissioner; former McClenny lawyers facing bar inquiries; and hundreds of homeowners in need of new representation.

In a recent emergency filing at the state Supreme Court, bar officials accused the firm's Louisiana office lead, R. William Huye III, who graduated from law school in New Orleans just four years ago, of a "pattern of serious and harmful ethical misconduct" to defraud storm-affected clients, insurers and the courts.

With Huye now suspended and the firm barred from operating in one storm-hit area of the state, judges as well as lawyers on both sides of the "V" are scrambling to sort out the mess.

The McClenny scandal has gotten so much attention that Morris Bart LLC, one of Louisiana's most prominent personal injury firms, began running ads last month calling out McClenny Moseley by name and inviting its clients to call a 1-800 number.

"I'm having more productive discussions with colleagues on the defense side in these McClenny matters than I have had in my history as a lawyer," said Morris Bart attorney Austin Marks. He estimated that his firm is now handling 500 homeowner claims against insurers once targeted by McClenny Moseley.

"I think we've all gotten behind the idea that these were people who came into our community, took advantage of our people, and now we're working together to try to pick up the pieces," he said.

A New Player in Louisiana Storm Litigation

Five years ago, most plaintiffs firms in the South working policy-holder cases were focused on the sprawling Florida market. But a string of recent hurricanes in Louisiana – Laura, Delta and Zeta in 2020, followed by the deadly Ida in 2021 that crushed the New Orleans power grid – began changing that dynamic.

The McClenny Moseley firm was opened in Texas in 2016 by two former associates from The Voss Law Firm, an established hail-and-storm firm in Houston. John "Zach" Moseley, a native of Bedford, Texas, studied finance at the University of North Texas and got his law degree at Louisiana State University in 2014 before returning to Houston. In a video promotion last year, his young co-founder, James McClenny, who'd graduated from South Texas College of Law just two years before the launch, called Moseley his "mentor" and trumpeted their hands-on approach and use of outside experts.

Initially focused primarily on Texas and Florida, the firm incorporated in Louisiana in October 2020, four months after Laura struck the southwestern edge of the state. Huye, a recent graduate of Loyola University New Orleans College of Law, was hired as managing partner.

A prominent plaintiff-side insurance attorney in Texas said the firm was an unknown in the policy-holder arena until 2019, when Moseley and his colleagues began attending conferences and talking up their financing and "mass disaster" model.

"They were going around saying 'We have \$100 million from investors, we've generated 50,000 cases,' just all these ridiculous things," said the lawyer, who asked not to be identified due to involvement in related litigation. "But a lawyer in this kind of practice can only handle, maximum, maybe 50 cases, or if they're really efficient, maybe 75. So how was this firm of a few young guys going to do it? It didn't make sense."

A Federal Judge In Storm-Hit Lake Charles

The firm's troubles in Louisiana began in earnest last fall, when U.S. District Judge James D. Cain Jr. in Lake Charles, citing evidence of erroneous filings, client complaints, and "mass settlements," **hit pause** on more than 1,600 McClenny Moseley cases.

In later hearings, Judge Cain, widely considered a "pro plaintiff" judge, skewered Huye for having "dumped a mess" on the court in a massive wave of last-minute filings. Among his many concerns, Judge Cain said, was a firm with more cases than they could handle and parties complaining about being unable to reach lawyers. In at least one instance, the firm had filed duplicative claims against an insurance company for the same client on the same day, the judge said.

"I'm telling you, don't ever come back to my court," Judge Cain told Huye at an October hearing. "God forbid we ever have another hurricane, but I do not ever want to see this again. Hear me. Tell your partners in Houston stay the frick out of my court with this kind of trash."

Judge Cain also took issue with a video posted online in which two men visited the McClenny Moseley office in downtown New Orleans on the eve of a Laura filing deadline last summer. In the video, a handful of people drink daiquiris as Huye appears to brag about filing 1800 storm cases in four days.

The volume "broke" the Western District fee payment system that limited filers to \$24,999 in payments per day. "That number had never been hit before, so the court wasn't aware of that, and we blew it one morning by 7 a.m.," he said.

Moseley, who was also seen in the video, later spoke on camera with a construction-industry "influencer." In the interview, posted on YouTube, Moseley appeared to invoke Facebook founder Mark Zuckerberg in response to the judge's admonishments and said his firm had invested "millions" in legal technology and artificial intelligence, and that he could "mediate 100 individual cases a day."

"I believe it was Zuckerberg that said, change is always met with resistance," he said. "My firm is doing things that have never been done, in quantities that have never been done. We're helping more people than have ever been helped by a plaintiff attorney in the history of storms."

Troubles Pile Up

But Moseley's bravado hasn't stopped a cascading series of damning revelations and sanctions. Judge Cain ultimately issued a 90-day suspension for the firm from practice in the Western District, which includes the coastal areas of Lake Charles and Lafayette. Also named in the order was Huye, both firm founders and three other McClenny Moseley lawyers in Louisiana.

The order cites McClenny Moseley cases filed against insurers who had no policy with the named plaintiff; cases filed on behalf of people who had already settled hurricane claims; claims for properties outside the path of storms; an unlicensed estimator; and allegations of forged signatures on settlement checks.

In a rare move against a law firm, the state's insurance commissioner also issued a cease-and-desist order for the firm. That order cited the firm's recent admissions to another federal judge in New Orleans that they'd misrepresented that they'd been retained by **more than 850 insured people**. Previously, Huye had told the court that just 11 such errors had been made.

In fact, the firm was working under an unusual assignment-of-benefits agreement with Alabama-based Apex Roofing and Restoration, even as it represented to insurers and courts that it was representing claimants directly. As part of a court-ordered filing to a New Orleans federal magistrate, the firm also submitted records showing that they'd agreed to pay Velawcity, an Arizona marketing firm, nearly \$14 million for some 4,200 "prescreened" client leads.

"It's rare for the department to issue regulatory actions against entities we don't regulate, but in this case, the order is necessary to protect policyholders from the firm's fraudulent insurance activity," said Jim Donelon, the state's insurance commissioner, in announcing an investigation of the firm.

The Velawcity and Apex revelations first came to light in January in a court filing by New Orleans insurer defense attorney Matthew Monson. In recent months, Monson has written extensively online about McClenny Moseley. As part of what he calls a "crusade," Monson recruited his wife as a plaintiff in **a class action** alleging the firm, Velawcity and Apex were engaged in illegal barratry and improper solicitations.

Monson told Law360 Pulse that McClenny Moseley's "mass filing" model was part of increasing pressure – both legitimate and illegitimate – on the state's teetering insurance market.

If regulators and the courts fail to take allegations of insurance fraud seriously, "they're rolling out the red carpet for the next McClenny Moseley," Monson said. "This is the biggest takedown in insurance defense history, and I'd say in the history of the country."

In response to the Monson lawsuit, an Apex representative said the company had no knowledge of any wrongdoing, and that its sole purpose in retaining the firm in Louisiana "was to simply advise and represent our company as an assignee of homeowners, which is standard practice within the industry — not to represent individual homeowners."

"As soon as we were informed that they filed pleadings on behalf of some of these homeowners, we immediately took action — including evaluating our relationship with MMA, retaining new counsel, and ultimately deciding not to work with the firm in the future," the company said.

A Dwindling Headcount

Whether McClenny Moseley has a future as a business is unclear. The firm, which once listed more than 15 lawyers on its website, has dwindled to 10. McClenny resigned from the firm following Judge Cain's initial order, according to one former lawyer.

He did not respond to emails, and attempts to reach him were unsuccessful. Moseley also did not respond to multiple messages. When reached by Law360 Pulse on Friday, Huye declined to comment. He has been under an interim suspension in Louisiana since March 3.

As part of that order, the state Supreme Court directed the Office of Disciplinary Counsel to find a trustee to protect the interests of his clients. Huye was also ordered to produce a list with contact information for every firm client in the state and get it to "all judges in Louisiana, state and federal, who are handling the firm's hurricane litigation."

Two Louisiana ethics counsel representing the firm declined to comment.

A representative of an answering service said Thursday she was the firm's "only point of contact."

A Louisiana lawyer who left the firm in recent months said Huye recruited the attorney with a salary offer "of about double what I was making" at a local plaintiff firm.

The attorney, who denied any knowledge of wrongdoing, said Huye talked up relationships with insurance companies Huye said would allow them to mediate "five or 10 or 15 claims at the same time."

McClenny Moseley's "assembly line" process for filing hurricane claims used "regular" document-generating software, the attorney said, not artificial intelligence.

"The clients in my part of the assembly-line were certainly communicated with," the attorney said. "This is about the most horrible feeling I can imagine professionally. I'm not someone I thought would ever get a bar complaint. It's not how I operate."

Another former McClenny Moseley lawyer in New Orleans, Claude F. Reynaud III, who was among those named in Judge Cain's suspension order, said he'd resigned "after all this came to light."

When asked about the firm's marketing and claim-generating methods, Reynaud said, "I was a foot soldier. I didn't know anything about all these processes." Reynaud referred further questions to an ethics counsel, who declined to comment.

An Insurance Market in Freefall

The McClenny Moseley debacle comes at a crisis moment for the Louisiana insurance market, and a touchy juncture for the insurance industry more broadly.

Following the decimation of the 2020 and 2021 storms, many insurance companies went under or simply stopped writing policies in Louisiana. The local media is replete with stories of low- and middle-income people at risk of losing their homes because they can't pay skyrocketing premiums.

In January, the state's "last resort" insurer, Louisiana Citizens Property Insurance Corp., which had about 120,000 residential policies coming into the year, announced a rate hike of a whopping 63%.

Attorney Steven Badger of Zelle LLP in Dallas, a longtime insurance industry advocate, said the McClenny Moseley affair already came up in the debate about whether Louisiana would follow in the footsteps of Florida.

Last month, Florida Gov. Ron DeSantis signed a **far-reaching tort reform** bill he said was designed in part to decrease frivolous lawsuits. The law shortens the statute of limitations for negligence claims and eliminates a one-way attorney fee provision, which had entitled insureds to attorney fees in a suit which resulted in an award of any size.

"What Scott Stremms and a few others did in Florida in filing thousands of lawsuits necessitated the severe insurance law changes recently enacted by the Florida legislature," Badger said. Stremms, a Miami insurance attorney, was **disbarred** this year over charges that firm attorneys were handling several hundreds of cases each and racking up

court sanctions of up to \$15,000 a week.

"Now what McClenny Moseley has done in Louisiana is being used to explain why similar legislative changes are necessary there as well," Badger said.

Unsurprisingly, advocates for the insured see a different lesson. Douglas Quinn, who heads the American Policyholder Association, said McClenny Moseley "was big on the radar" of the insurance industry. He questioned whether industry lobbyists wanted to distract from recent media reports about insurance companies vastly underpaying claims in Florida.

"Fraud happens on all sides of the claims process, and all fraud should be prosecuted," he said. "But we are concerned that this particular case could be used as leverage and a diversion from the fraud scandal in Hurricane Ian [in 2022] as well as to push anti-consumer, pro-insurer legislation in Louisiana."

--Editing by Alex Hubbard.

EXHIBIT 5



LOUISIANA ATTORNEY DISCIPLINARY BOARD

OFFICE OF THE DISCIPLINARY COUNSEL

4000 S. Sherwood Forest Blvd.
Suite 607
Baton Rouge, Louisiana 70816
(225) 293-3900 • 1-800-326-8022 • FAX (225) 293-3300

July 18, 2023

VIA US MAIL AND E-MAIL

Manfred Max Sternberg
Attorney at Law
5252 Westchester St., Ste. 210
Houston, TX 77005
max.sternberg@egenberg.com

Re: Respondent: Manfred Max Sternberg
Complainant: Ruth Franklin
ODC File No.: 0040124

Dear Mr. Sternberg:

As part of our investigation into the above-referenced matter, our office requests that you provide us with dates in **September 2023 or October 2023** when you are available to appear and give a sworn statement. You must provide these dates within ten calendar days. If we do not receive a response to this request, we will issue a subpoena for your appearance on a date convenient to our schedule.

If you have questions or concerns, please contact my secretary, Keri Lewis. You may provide your available dates via e-mail to Keri at KeriL@ladb.org.

Sincerely,

A handwritten signature in blue ink, appearing to read "GLT", is written over the typed name "Gregory L. Tweed".

Gregory L. Tweed
First Assistant Disciplinary Counsel

GLT/kl

EXHIBIT 6

SUPREME COURT OF LOUISIANA

DOCKET No. 2023-B-_____

IN RE CONFIDENTIAL PARTY (MMS)

JOINT STIPULATION OF FACTS

NOW INTO THESE PROCEEDINGS comes **MANFRED MAX STERNBERG** (Texas Bar Roll No. 24125421), individually and through the undersigned counsel, and the Office of Disciplinary Counsel, through the undersigned First Assistant Disciplinary Counsel, who stipulate the following facts in conjunction with the *Joint Petition for Consent Discipline*:

1.

MANFRED MAX STERNBERG is a twenty-eight-year-old attorney licensed in Texas. The respondent does not maintain a law license in Louisiana.

2.

- a. ODC received a complaint from Ruth Franklin regarding her claim for property damage following Hurricane Ida (ODC File No. 0040124).
- b. Ms. Franklin retained the firm of Egenberg Trial Lawyers in New Orleans to handle her property damage claim.
- c. Ms. Franklin's complaint arose from her confusion regarding the settlement of her property damage claim.
- d. ODC's investigation into the specific issues raised by Ms. Franklin did not establish clear and convincing evidence of a rule violation by the respondent on those issues.
- e. While investigating Ms. Franklin's complaint, ODC learned of communications between Ms. Franklin and the respondent that implicated the Louisiana Rules of Professional Conduct.
- f. The respondent was employed as an Associate Attorney at Egenberg Trial Lawyers.
- g. The respondent graduated from Paul M. Hebert Law Center at LSU in May 2021
- h. The respondent is licensed to practice law in Texas.
- i. The respondent was admitted to practice in Texas on October 8, 2021.
- j. The respondent is not licensed to practice law in Louisiana.

- k. Egenberg Trial Lawyers hired the respondent on August 16, 2021, to handle the firm's Texas cases.
- l. When hired, the respondent was training in the New Orleans office of Egenberg Trial Lawyers.
- m. The plan was for the respondent to eventually move to the firm's office in Houston, Texas.
- n. Following Hurricane Ida on August 29, 2021, Egenberg Trial Lawyers received a large influx of first-party property damage claims resulting from Hurricane Ida.
- o. The owner of Egenberg Trial Lawyers, Bradley Egenberg, advised the respondent that his help was required to assist in handling the claims associated with Hurricane Ida.
- p. Even though Mr. Egenberg knew that the respondent was only licensed to practice law in Texas, he advised the respondent that his assistance on these hurricane claims was permissible under the Louisiana Rules of Professional Conduct if the representation was *temporary*.
- q. The respondent conducted his own research and believed that Mr. Egenberg's interpretation of Rule 5.5 permitted him to assist in handling Hurricane Ida claims from the New Orleans office if the representation was temporary.
- r. After completing his own independent research, the respondent once again spoke with Mr. Egenberg, who again confirmed that the respondent's assistance in these first-party hurricane claims would not violate the Rules of Professional Conduct.
- s. The respondent did not volunteer to assist with these Hurricane Ida claims.
- t. The respondent agreed to assist with these Hurricane Ida claims based on the request and subsequent representations made by his employer, Bradley Egenberg.
- u. Mr. Egenberg is a Louisiana-licensed lawyer and was the respondent's supervisor.
- v. The respondent did not consider any other Associate Attorney at Egenberg Trial Lawyers to be his supervisor.
- w. Mr. Egenberg never advised the respondent that any other Associate Attorney at the firm was to serve as his supervisor.
- x. Mr. Egenberg told the respondent it was permissible for him to meet with clients, explain the terms of the firm's contract to clients, and provide legal assistance to the firm's clients for damages sustained by Hurricane Ida.
- y. Mr. Egenberg was aware that the respondent was meeting with clients and explaining substantive issues of law with the clients, including discussion related to the terms of the retainer agreement and the client's rights under Louisiana law.

- z. The respondent also communicated directly with insurance adjusters about these property damage claims.
- aa. Between October 2021 and September 2022, the respondent assisted Louisiana-licensed lawyers in approximately 161 claims involving Louisiana residents who sustained damage from Hurricane Ida.
- bb. The respondent did not sign any pleadings or make any court appearances concerning the cases he was assisting.
- cc. After learning that his interpretation of Rule 5.5 was mistaken, the respondent immediately ceased handling any cases involving Louisiana claims.
- dd. The respondent has resigned from his position with Egenberg Trial Lawyers.
- ee. This Court has jurisdiction over the respondent in this matter pursuant to Supreme Court Rule XIX, § 6(A) and Rule 8.5 of the Louisiana Rules of Professional Conduct, which together extend this Court's disciplinary authority to lawyers who provide or offer to provide legal services in Louisiana.
- ff. The respondent was negligent in relying on his employer's representation that his actions were permissible under the Louisiana Rules of Professional Conduct.
- gg. The respondent knowingly assisted Louisiana-licensed lawyers in providing legal services to Louisiana residents following Hurricane Ida.
- hh. The respondent acknowledges his misconduct and is remorseful.
- ii. The respondent acknowledges that his conduct violated Rule 5.5 of the Louisiana Rules of Professional Conduct.
- jj. The respondent's violation of Rules 5.5 violated duties owed to the clients and the profession.
- kk. The respondent's actions did not cause actual harm to any client but had the potential to cause significant harm.
- ll. There are no aggravating factors.
- mm. The mitigating factors applicable to the respondent are as follows:
 - 1. No prior discipline;
 - 2. Cooperation with ODC;
 - 3. Good character;
 - 4. Remorse; and
 - 5. Inexperience in the practice of law.

3.

The respondent stipulates to the aforementioned factual allegations. The respondent further stipulates that his conduct violated Rule 5.5 of the Louisiana Rules of Professional Conduct.

4.

To bring about a final, appropriate resolution to these disciplinary proceedings, the respondent agrees with the Office of Disciplinary Counsel and submits the accompanying *Joint Petition for Consent Discipline*, seeking an injunction on his applying to sit for the Louisiana Bar Examination and applying for pro hac vice status for a minimum of five years, as outlined in the accompanying *Joint Petition for Consent Discipline*.

5.

The respondent has consulted in these proceedings with counsel of his choosing.

6.

The consent given by the respondent has been freely and voluntarily given without coercion or duress. The respondent is fully aware of the implications of submitting the attached *Petition for Consent Discipline*.

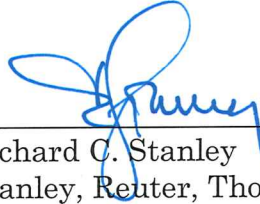
7.

Each of the signatories to this *Joint Stipulation of Facts* has fully and thoroughly read each of the above-numbered paragraphs in detail and stipulates that they are entirely accurate and truthful in all respects.

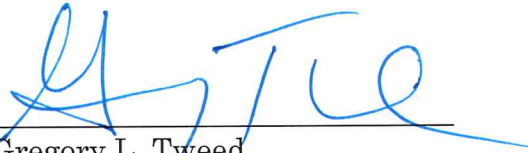
Respectfully submitted,



Manfred Max Sternberg
RESPONDENT
TX Bar Roll No. 24125421
365 Canal Street, Suite 1170
New Orleans, LA 70130-1118
Telephone: (713) 882-8493
msternberg1995@gmail.com



Richard C. Stanley
Stanley, Reuter, Thornton, and Alford, LLC
RESPONDENT'S COUNSEL
Bar Roll No. 08487
909 Poydras Street, Suite 2500
New Orleans, LA 70112-4011
Telephone: (504) 523-1580
rsc@stanleyreuter.com



Gregory L. Tweed
OFFICE OF DISCIPLINARY COUNSEL
First Assistant Disciplinary Counsel
Bar Roll No. 23960
4000 S. Sherwood Forest Blvd., Ste. 607
Baton Rouge, LA 70816
Telephone: (225) 293-3900
gregoryt@ladb.org

EXHIBIT 7

SUPREME COURT OF LOUISIANA

DOCKET NO. 2023-B-_____

IN RE CONFIDENTIAL PARTY (MMS)

JOINT MOTION FOR CONSENT DISCIPLINE
PURSUANT TO RULE XIX, § 20

NOW INTO THESE PROCEEDINGS comes the Office of Disciplinary Counsel, through the undersigned First Assistant Disciplinary Counsel, and the respondent, **MANFRED MAX STERNBERG** (Texas Bar Roll No. 24125421), individually and through his undersigned counsel, under Supreme Court Rule XIX, § 20, the parties respectfully submit this *Joint Motion for Consent Discipline* on the following basis, to wit:

1.

MANFRED MAX STERNBERG is a twenty-eight-year-old attorney licensed in Texas. The respondent does not have a license to practice law in Louisiana.

2.

The *Joint Stipulation of Facts* accompanying this memorandum outlines all the relevant facts about this matter. However, for ease of consideration, a summary of the facts follows.

After graduating from law school in May, during the summer of 2021, the respondent was employed as an associate in a New Orleans-based law firm. Following Hurricane Ida in August 2021, the respondent, while working out of the firm's New Orleans office, assisted Louisiana-licensed attorneys in representing a large number of Louisiana residents with property damage claims caused by the storm. The assistance provided by the respondent included actions that constitute the practice of law. The respondent has never held a license to practice law in Louisiana. The respondent's actions resulted from conversations with the firm's owner, a Louisiana-licensed lawyer, who advised the respondent that such representation was allowed under the Louisiana Rules of Professional Conduct and authorized the respondent to engage in the unauthorized practice of law.

3.

In exchange for imposing the stated discipline, the respondent conditionally admits to having violated Rule 5.5 of the Louisiana Rules of Professional Conduct.

4.

The respondent has consented to the imposition of discipline freely and voluntarily. He has not been the subject of coercion or duress, and he is fully aware of the implications of submitting to the consent discipline.

5.

The respondent has consented to the imposition of discipline because he knows that if ODC were to prosecute the formal charges, he could not successfully defend against them.

6.

Under Rule XIX, § 20, the respondent and the Office of Disciplinary Counsel jointly propose the following sanction as appropriate discipline for the admitted misconduct in this matter: that an injunction be issued prohibiting the respondent from applying to sit for the Louisiana Bar Examination and prohibiting him from applying for *pro hac vice* admission in the state courts of the State of Louisiana for a minimum of five years from the date of the Court's Order accepting the proposed consent discipline. After five years, the respondent may seek relief from the injunction but must comply with the requirements outlined in Louisiana Supreme Court Rule XIX, § 24. The respondent will pay all costs and expenses of the disciplinary proceeding. See La. S. Ct. Rules, Rule XIX, § 10.1.

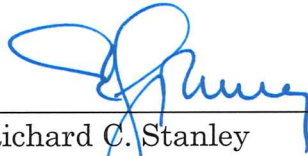
WHEREFORE, the respondent, **MANFRED MAX STERNBERG**, and the Office of Disciplinary Counsel jointly pray that the Louisiana Supreme Court favorably consider and approve this *Joint Motion for Consent Discipline* and render a finding that the discipline appropriate to address this matter is an injunction prohibiting the respondent from applying to sit for the Louisiana Bar Examination and prohibiting him from applying for *pro hac vice* admission in the state courts of the State of Louisiana for a minimum of five years from the date of the Court's Order

accepting the proposed consent discipline. After five years, the respondent may seek relief from the injunction but must comply with the requirements outlined in Louisiana Supreme Court Rule XIX, § 24. The respondent will pay all costs and expenses of the disciplinary proceeding

Respectfully submitted,



Manfred Max Sternberg
RESPONDENT
TX Bar Roll No. 24125421
365 Canal Street, Suite 1170
New Orleans, LA 70130-1118
Telephone: (713) 882-8493
msternberg1995@gmail.com



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Bar Roll No. 23960
4000 S. Sherwood Forest Blvd., Ste 607
Baton Rouge, LA 70816
(225) 293-3900
gregoryt@ladb.org

EXHIBIT 8

SUPREME COURT OF LOUISIANA

DOCKET NO. 2023-B-1345

IN RE CONFIDENTIAL PARTY (MMS)

REVISED JOINT MOTION FOR CONSENT DISCIPLINE
PURSUANT TO RULE XIX, § 20

NOW INTO THESE PROCEEDINGS comes the Office of Disciplinary Counsel, through the undersigned First Assistant Disciplinary Counsel, and the respondent, **MANFRED MAX STERNBERG** (Texas Bar Roll No. 24125421), individually and through his undersigned counsel, under Supreme Court Rule XIX, § 20, the parties respectfully submit this *Revised Joint Motion for Consent Discipline* on the following basis, to wit:

1.

MANFRED MAX STERNBERG is a twenty-eight-year-old attorney licensed in Texas. The respondent does not have a license to practice law in Louisiana.

2.

The *Joint Stipulation of Facts* accompanying this memorandum outlines all the relevant facts about this matter. However, for ease of consideration, a summary of the facts follows.

After graduating from law school in May, during the summer of 2021, the respondent was employed as an associate in a New Orleans-based law firm. Following Hurricane Ida in August 2021, the respondent, while working out of the firm's New Orleans office, assisted Louisiana-licensed attorneys in representing a large number of Louisiana residents with property damage claims caused by the storm. The assistance provided by the respondent included actions that constitute the practice of law. The respondent has never held a license to practice law in Louisiana. The respondent's actions resulted from conversations with the firm's owner, a Louisiana-licensed lawyer, who advised the respondent that such representation was allowed under the Louisiana Rules of Professional Conduct and authorized the respondent to engage in the unauthorized practice of law.

3.

In exchange for imposing the stated discipline, the respondent conditionally admits to having violated Rule 5.5 of the Louisiana Rules of Professional Conduct.

4.

The respondent has consented to the imposition of discipline freely and voluntarily. He has not been the subject of coercion or duress, and he is fully aware of the implications of submitting to the consent discipline.

5.

The respondent has consented to the imposition of discipline because he knows that if ODC were to prosecute the formal charges, he could not successfully defend against them.

6.

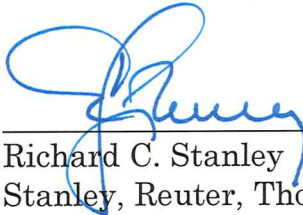
Under Rule XIX, § 20, the respondent and the Office of Disciplinary Counsel jointly propose the following sanction as appropriate discipline for the admitted misconduct in this matter: that an injunction be issued prohibiting the respondent from seeking full admission to the Louisiana bar or seeking admission to practice in Louisiana on any temporary or limited basis for a period of one year. The respondent will pay all costs and expenses of the disciplinary proceeding. See La. S. Ct. Rules, Rule XIX, § 10.1.

WHEREFORE, the respondent, **MANFRED MAX STERNBERG**, and the Office of Disciplinary Counsel jointly pray that the Louisiana Supreme Court favorably consider and approve this *Revised Joint Motion for Consent Discipline* and render a finding that the discipline appropriate to address this matter is an injunction prohibiting the respondent from seeking full admission to the Louisiana bar or seeking admission to practice in Louisiana on any temporary or limited basis for a period of one year. The respondent will pay all costs and expenses of the disciplinary proceeding.

Respectfully submitted,



Manfred Max Sternberg
RESPONDENT
TX Bar Roll No. 24125421
365 Canal Street, Suite 1170
New Orleans, LA 70130-1118
Telephone: (713) 882-8493
msternberg1995@gmail.com



Richard C. Stanley
Stanley, Reuter, Thornton, and Alford, LLC
RESPONDENT'S COUNSEL
Bar Roll No. 08487
909 Poydras Street, Suite 2500
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Telephone: (504) 523-1580
rsc@stanleyreuter.com



Gregory L. Tweed
OFFICE OF DISCIPLINARY COUNSEL
First Assistant Disciplinary Counsel
Bar Roll No. 23960
4000 S. Sherwood Forest Blvd., Ste 607
Baton Rouge, LA 70816
(225) 293-3900
gregoryt@ladb.org

EXHIBIT 9

The Supreme Court of the State of Louisiana

IN RE: MANFRED MAX STERNBERG

No. 2023-B-01345

IN RE: Disciplinary Counsel - Applicant Other; Manfred Sternberg, Jr. - Applicant
Other; Joint Petition for Consent Discipline;

January 17, 2024

Joint petition for consent discipline accepted. See per curiam.

JBM

JLW

JDH

SJC

WJC

PDG

Genovese, J., dissents and assigns reasons.

Supreme Court of Louisiana

January 17, 2024



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

NO. 2023-B-1345

IN RE: MANFRED MAX STERNBERG

ATTORNEY DISCIPLINARY PROCEEDING

PER CURIAM

Respondent is licensed to practice law only in Texas; however, the Office of Disciplinary Counsel (“ODC”) asserts jurisdiction over him in this matter pursuant to Supreme Court Rule XIX, § 6(A) and Rule 8.5 of the Rules of Professional Conduct, which together extend this court’s disciplinary authority to lawyers who provide or offer to provide legal services in Louisiana.

Respondent and the ODC submitted a joint petition for consent discipline, in which respondent acknowledges that he engaged in the unauthorized practice of law. Having reviewed the petition,

IT IS ORDERED that the Petition for Consent Discipline be accepted and that Manfred Max Sternberg shall be enjoined for a period of one year from seeking full admission to the Louisiana bar or seeking admission to practice in Louisiana on any temporary or limited basis, including, but not limited to, seeking *pro hac vice* admission before a Louisiana court pursuant to Supreme Court Rule XVII, § 13 or seeking limited admission as an in-house counsel pursuant to Supreme Court Rule XVII, § 14.

IT IS FURTHER ORDERED that all costs and expenses in the matter are assessed against respondent in accordance with Supreme Court Rule XIX, § 10.1, with legal interest to commence thirty days from the date of finality of this court’s judgment until paid.

EXHIBIT 10

January 31, 2023

Via Certified Mail, Return Receipt Requested

State Bar of Texas
Office of the Chief Disciplinary Counsel
P.O. Box 13287
Austin, Texas 78711

RE: Report of Out-of-State Discipline Pursuant to Disciplinary Rule 8.03(f)
for Manfred Max Sternberg, Texas Bar No. 24125421.

Dear Madam or Sir,

On behalf of our client, Manfred Max Sternberg, we are providing notice to the Office of Chief Disciplinary Counsel that on January 17, 2024, the Supreme Court of Louisiana entered the attached order (the “Order”) enjoining Mr. Sternberg “from seeking full admission to the Louisiana bar or seeking admission to practice in Louisiana on any temporary or limited basis” for a period of one year. *See* Exhibit A. He must also pay the costs and expenses of the disciplinary proceeding. *See id.*

Mr. Sternberg graduated from LSU Paul M. Hebert Law Center *magna cum laude* in 2021. He is not licensed in Louisiana, and—at the time of the conduct in question—had only recently been licensed in Texas.

As is reflected in the Revised Joint Motion for Consent Discipline Pursuant to Rule XIX, § 20, attached hereto as Exhibit B, Mr. Sternberg was found to have violated Rule 5.5 of the Louisiana Rules of Professional Conduct for engaging in the practice of law in Louisiana without a license. *See* Exhibit B.

As is also reflected in the attached Joint Stipulation of Facts, the Louisiana Bar found that Mr. Sternberg engaged in all conduct at issue at the direction of a senior partner at his law firm in connection with his then-employer’s representation of Hurricane Ida claimants. *See* Exhibit C, pp. 4–8.¹ The Louisiana Bar further found Mr. Sternberg at all times cooperated with the Louisiana Bar’s investigation; that no actual harm was caused;

¹ The original joint motion, attached as Exhibit C, reflects that the Louisiana Bar originally requested that Mr. Sternberg agree to a five-year suspension. *See id.* Mr. Sternberg did so in the interest of an expeditious resolution of the matter; however, the Louisiana Supreme Court rejected the joint motion, and requested that it be revised to reduce the suspension to only one year. *See id.* Because the original documents remained on file but are incorporated into the Order, the Joint Stipulation of Facts references the previously-proposed five-year suspension. *See id.*

and that mitigating factors included Mr. Sternberg's good character, his expression of remorse, and his lack of prior discipline. *See id.*

We understand that a reciprocal discipline matter may follow, in which case we welcome the opportunity to formally present Mr. Sternberg's defenses in greater detail.

Please do not hesitate to contact us should you have any questions or require any additional information. Should further proceedings indeed ensue, please direct all correspondence regarding this matter to us.

Thank you in advance.

Very truly yours,



Allison Standish Miller

Exhibits

cc: Tom Ganucheau (Firm)

EXHIBIT A

The Supreme Court of the State of Louisiana

IN RE: MANFRED MAX STERNBERG

No. 2023-B-01345

IN RE: Disciplinary Counsel - Applicant Other; Manfred Sternberg, Jr. - Applicant
Other; Joint Petition for Consent Discipline;

January 17, 2024

Joint petition for consent discipline accepted. See per curiam.

JBM

JLW

JDH

SJC

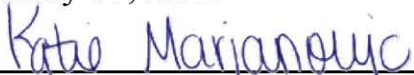
WJC

PDG

Genovese, J., dissents and assigns reasons.

Supreme Court of Louisiana

January 17, 2024



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

NO. 2023-B-1345

IN RE: MANFRED MAX STERNBERG

ATTORNEY DISCIPLINARY PROCEEDING

PER CURIAM

Respondent is licensed to practice law only in Texas; however, the Office of Disciplinary Counsel (“ODC”) asserts jurisdiction over him in this matter pursuant to Supreme Court Rule XIX, § 6(A) and Rule 8.5 of the Rules of Professional Conduct, which together extend this court’s disciplinary authority to lawyers who provide or offer to provide legal services in Louisiana.

Respondent and the ODC submitted a joint petition for consent discipline, in which respondent acknowledges that he engaged in the unauthorized practice of law. Having reviewed the petition,

IT IS ORDERED that the Petition for Consent Discipline be accepted and that Manfred Max Sternberg shall be enjoined for a period of one year from seeking full admission to the Louisiana bar or seeking admission to practice in Louisiana on any temporary or limited basis, including, but not limited to, seeking *pro hac vice* admission before a Louisiana court pursuant to Supreme Court Rule XVII, § 13 or seeking limited admission as an in-house counsel pursuant to Supreme Court Rule XVII, § 14.

IT IS FURTHER ORDERED that all costs and expenses in the matter are assessed against respondent in accordance with Supreme Court Rule XIX, § 10.1, with legal interest to commence thirty days from the date of finality of this court’s judgment until paid.

SUPREME COURT OF LOUISIANA

No. 2023-B-01345

IN RE: MANFRED MAX STERNBERG

Attorney Disciplinary Proceeding

Genovese, J., dissents and would reject the proposed joint petition as too lenient.

EXHIBIT B

SUPREME COURT OF LOUISIANA

DOCKET No. 2023-B-1345

IN RE CONFIDENTIAL PARTY (MMS)

REVISED JOINT MOTION FOR CONSENT DISCIPLINE
PURSUANT TO RULE XIX, § 20

NOW INTO THESE PROCEEDINGS comes the Office of Disciplinary Counsel, through the undersigned First Assistant Disciplinary Counsel, and the respondent, **MANFRED MAX STERNBERG** (Texas Bar Roll No. 24125421), individually and through his undersigned counsel, under Supreme Court Rule XIX, § 20, the parties respectfully submit this *Revised Joint Motion for Consent Discipline* on the following basis, to wit:

1.

MANFRED MAX STERNBERG is a twenty-eight-year-old attorney licensed in Texas. The respondent does not have a license to practice law in Louisiana.

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3.

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6.

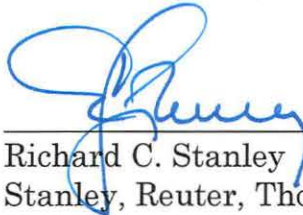
Under Rule XIX, § 20, the respondent and the Office of Disciplinary Counsel jointly propose the following sanction as appropriate discipline for the admitted misconduct in this matter: that an injunction be issued prohibiting the respondent from seeking full admission to the Louisiana bar or seeking admission to practice in Louisiana on any temporary or limited basis for a period of one year. The respondent will pay all costs and expenses of the disciplinary proceeding. See La. S. Ct. Rules, Rule XIX, § 10.1.

WHEREFORE, the respondent, **MANFRED MAX STERNBERG**, and the Office of Disciplinary Counsel jointly pray that the Louisiana Supreme Court favorably consider and approve this *Revised Joint Motion for Consent Discipline* and render a finding that the discipline appropriate to address this matter is an injunction prohibiting the respondent from seeking full admission to the Louisiana bar or seeking admission to practice in Louisiana on any temporary or limited basis for a period of one year. The respondent will pay all costs and expenses of the disciplinary proceeding.

Respectfully submitted,



Manfred Max Sternberg
RESPONDENT
TX Bar Roll No. 24125421
365 Canal Street, Suite 1170
New Orleans, LA 70130-1118
Telephone: (713) 882-8493
msternberg1995@gmail.com



Richard C. Stanley
Stanley, Reuter, Thornton, and Alford, LLC
RESPONDENT'S COUNSEL
Bar Roll No. 08487
909 Poydras Street, Suite 2500
New Orleans, LA 70112-4011
Telephone: (504) 523-1580
rsc@stanleyreuter.com



Gregory L. Tweed
OFFICE OF DISCIPLINARY COUNSEL
First Assistant Disciplinary Counsel
Bar Roll No. 23960
4000 S. Sherwood Forest Blvd., Ste 607
Baton Rouge, LA 70816
(225) 293-3900
gregoryt@ladb.org

EXHIBIT C

SUPREME COURT OF LOUISIANA

DOCKET NO. 2023-B-_____

IN RE CONFIDENTIAL PARTY (MMS)

JOINT MOTION FOR CONSENT DISCIPLINE
PURSUANT TO RULE XIX, § 20

NOW INTO THESE PROCEEDINGS comes the Office of Disciplinary Counsel, through the undersigned First Assistant Disciplinary Counsel, and the respondent, **MANFRED MAX STERNBERG** (Texas Bar Roll No. 24125421), individually and through his undersigned counsel, under Supreme Court Rule XIX, § 20, the parties respectfully submit this *Joint Motion for Consent Discipline* on the following basis, to wit:

1.

MANFRED MAX STERNBERG is a twenty-eight-year-old attorney licensed in Texas. The respondent does not have a license to practice law in Louisiana.

2.

The *Joint Stipulation of Facts* accompanying this memorandum outlines all the relevant facts about this matter. However, for ease of consideration, a summary of the facts follows.

After graduating from law school in May, during the summer of 2021, the respondent was employed as an associate in a New Orleans-based law firm. Following Hurricane Ida in August 2021, the respondent, while working out of the firm's New Orleans office, assisted Louisiana-licensed attorneys in representing a large number of Louisiana residents with property damage claims caused by the storm. The assistance provided by the respondent included actions that constitute the practice of law. The respondent has never held a license to practice law in Louisiana. The respondent's actions resulted from conversations with the firm's owner, a Louisiana-licensed lawyer, who advised the respondent that such representation was allowed under the Louisiana Rules of Professional Conduct and authorized the respondent to engage in the unauthorized practice of law.

3.

In exchange for imposing the stated discipline, the respondent conditionally admits to having violated Rule 5.5 of the Louisiana Rules of Professional Conduct.

4.

The respondent has consented to the imposition of discipline freely and voluntarily. He has not been the subject of coercion or duress, and he is fully aware of the implications of submitting to the consent discipline.

5.

The respondent has consented to the imposition of discipline because he knows that if ODC were to prosecute the formal charges, he could not successfully defend against them.

6.

Under Rule XIX, § 20, the respondent and the Office of Disciplinary Counsel jointly propose the following sanction as appropriate discipline for the admitted misconduct in this matter: that an injunction be issued prohibiting the respondent from applying to sit for the Louisiana Bar Examination and prohibiting him from applying for *pro hac vice* admission in the state courts of the State of Louisiana for a minimum of five years from the date of the Court's Order accepting the proposed consent discipline. After five years, the respondent may seek relief from the injunction but must comply with the requirements outlined in Louisiana Supreme Court Rule XIX, § 24. The respondent will pay all costs and expenses of the disciplinary proceeding. See La. S. Ct. Rules, Rule XIX, § 10.1.

WHEREFORE, the respondent, **MANFRED MAX STERNBERG**, and the Office of Disciplinary Counsel jointly pray that the Louisiana Supreme Court favorably consider and approve this *Joint Motion for Consent Discipline* and render a finding that the discipline appropriate to address this matter is an injunction prohibiting the respondent from applying to sit for the Louisiana Bar Examination and prohibiting him from applying for *pro hac vice* admission in the state courts of the State of Louisiana for a minimum of five years from the date of the Court's Order

accepting the proposed consent discipline. After five years, the respondent may seek relief from the injunction but must comply with the requirements outlined in Louisiana Supreme Court Rule XIX, § 24. The respondent will pay all costs and expenses of the disciplinary proceeding

Respectfully submitted,



Manfred Max Sternberg
RESPONDENT
TX Bar Roll No. 24125421
365 Canal Street, Suite 1170
New Orleans, LA 70130-1118
Telephone: (713) 882-8493
msternberg1995@gmail.com



Richard C. Stanley
Stanley, Reuter, Thornton, and Alford, LLC
RESPONDENT'S COUNSEL
Bar Roll No. 08487
909 Poydras Street, Suite 2500
New Orleans, LA 70112-4011
Telephone: (504) 523-1580
rsc@stanleyreuter.com



Gregory L. Tweed
OFFICE OF DISCIPLINARY COUNSEL
First Assistant Disciplinary Counsel
Bar Roll No. 23960
4000 S. Sherwood Forest Blvd., Ste 607
Baton Rouge, LA 70816
(225) 293-3900
gregoryt@ladb.org

SUPREME COURT OF LOUISIANA

DOCKET No. 2023-B-_____

IN RE CONFIDENTIAL PARTY (MMS)

JOINT STIPULATION OF FACTS

NOW INTO THESE PROCEEDINGS comes **MANFRED MAX STERNBERG** (Texas Bar Roll No. 24125421), individually and through the undersigned counsel, and the Office of Disciplinary Counsel, through the undersigned First Assistant Disciplinary Counsel, who stipulate the following facts in conjunction with the *Joint Petition for Consent Discipline*:

1.

MANFRED MAX STERNBERG is a twenty-eight-year-old attorney licensed in Texas. The respondent does not maintain a law license in Louisiana.

2.

- a. ODC received a complaint from Ruth Franklin regarding her claim for property damage following Hurricane Ida (ODC File No. 0040124).
- b. Ms. Franklin retained the firm of Egenberg Trial Lawyers in New Orleans to handle her property damage claim.
- c. Ms. Franklin's complaint arose from her confusion regarding the settlement of her property damage claim.
- d. ODC's investigation into the specific issues raised by Ms. Franklin did not establish clear and convincing evidence of a rule violation by the respondent on those issues.
- e. While investigating Ms. Franklin's complaint, ODC learned of communications between Ms. Franklin and the respondent that implicated the Louisiana Rules of Professional Conduct.
- f. The respondent was employed as an Associate Attorney at Egenberg Trial Lawyers.
- g. The respondent graduated from Paul M. Hebert Law Center at LSU in May 2021
- h. The respondent is licensed to practice law in Texas.
- i. The respondent was admitted to practice in Texas on October 8, 2021.
- j. The respondent is not licensed to practice law in Louisiana.

- k. Egenberg Trial Lawyers hired the respondent on August 16, 2021, to handle the firm's Texas cases.
- l. When hired, the respondent was training in the New Orleans office of Egenberg Trial Lawyers.
- m. The plan was for the respondent to eventually move to the firm's office in Houston, Texas.
- n. Following Hurricane Ida on August 29, 2021, Egenberg Trial Lawyers received a large influx of first-party property damage claims resulting from Hurricane Ida.
- o. The owner of Egenberg Trial Lawyers, Bradley Egenberg, advised the respondent that his help was required to assist in handling the claims associated with Hurricane Ida.
- p. Even though Mr. Egenberg knew that the respondent was only licensed to practice law in Texas, he advised the respondent that his assistance on these hurricane claims was permissible under the Louisiana Rules of Professional Conduct if the representation was *temporary*.
- q. The respondent conducted his own research and believed that Mr. Egenberg's interpretation of Rule 5.5 permitted him to assist in handling Hurricane Ida claims from the New Orleans office if the representation was temporary.
- r. After completing his own independent research, the respondent once again spoke with Mr. Egenberg, who again confirmed that the respondent's assistance in these first-party hurricane claims would not violate the Rules of Professional Conduct.
- s. The respondent did not volunteer to assist with these Hurricane Ida claims.
- t. The respondent agreed to assist with these Hurricane Ida claims based on the request and subsequent representations made by his employer, Bradley Egenberg.
- u. Mr. Egenberg is a Louisiana-licensed lawyer and was the respondent's supervisor.
- v. The respondent did not consider any other Associate Attorney at Egenberg Trial Lawyers to be his supervisor.
- w. Mr. Egenberg never advised the respondent that any other Associate Attorney at the firm was to serve as his supervisor.
- x. Mr. Egenberg told the respondent it was permissible for him to meet with clients, explain the terms of the firm's contract to clients, and provide legal assistance to the firm's clients for damages sustained by Hurricane Ida.
- y. Mr. Egenberg was aware that the respondent was meeting with clients and explaining substantive issues of law with the clients, including discussion related to the terms of the retainer agreement and the client's rights under Louisiana law.

- z. The respondent also communicated directly with insurance adjusters about these property damage claims.
- aa. Between October 2021 and September 2022, the respondent assisted Louisiana-licensed lawyers in approximately 161 claims involving Louisiana residents who sustained damage from Hurricane Ida.
- bb. The respondent did not sign any pleadings or make any court appearances concerning the cases he was assisting.
- cc. After learning that his interpretation of Rule 5.5 was mistaken, the respondent immediately ceased handling any cases involving Louisiana claims.
- dd. The respondent has resigned from his position with Egenberg Trial Lawyers.
- ee. This Court has jurisdiction over the respondent in this matter pursuant to Supreme Court Rule XIX, § 6(A) and Rule 8.5 of the Louisiana Rules of Professional Conduct, which together extend this Court's disciplinary authority to lawyers who provide or offer to provide legal services in Louisiana.
- ff. The respondent was negligent in relying on his employer's representation that his actions were permissible under the Louisiana Rules of Professional Conduct.
- gg. The respondent knowingly assisted Louisiana-licensed lawyers in providing legal services to Louisiana residents following Hurricane Ida.
- hh. The respondent acknowledges his misconduct and is remorseful.
- ii. The respondent acknowledges that his conduct violated Rule 5.5 of the Louisiana Rules of Professional Conduct.
- jj. The respondent's violation of Rules 5.5 violated duties owed to the clients and the profession.
- kk. The respondent's actions did not cause actual harm to any client but had the potential to cause significant harm.
- ll. There are no aggravating factors.
- mm. The mitigating factors applicable to the respondent are as follows:
 - 1. No prior discipline;
 - 2. Cooperation with ODC;
 - 3. Good character;
 - 4. Remorse; and
 - 5. Inexperience in the practice of law.

3.

The respondent stipulates to the aforementioned factual allegations. The respondent further stipulates that his conduct violated Rule 5.5 of the Louisiana Rules of Professional Conduct.

4.

To bring about a final, appropriate resolution to these disciplinary proceedings, the respondent agrees with the Office of Disciplinary Counsel and submits the accompanying *Joint Petition for Consent Discipline*, seeking an injunction on his applying to sit for the Louisiana Bar Examination and applying for pro hac vice status for a minimum of five years, as outlined in the accompanying *Joint Petition for Consent Discipline*.

5.

The respondent has consulted in these proceedings with counsel of his choosing.

6.

The consent given by the respondent has been freely and voluntarily given without coercion or duress. The respondent is fully aware of the implications of submitting the attached *Petition for Consent Discipline*.

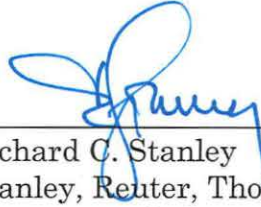
7.

Each of the signatories to this *Joint Stipulation of Facts* has fully and thoroughly read each of the above-numbered paragraphs in detail and stipulates that they are entirely accurate and truthful in all respects.

Respectfully submitted,



Manfred Max Sternberg
RESPONDENT
TX Bar Roll No. 24125421
365 Canal Street, Suite 1170
New Orleans, LA 70130-1118
Telephone: (713) 882-8493
msternberg1995@gmail.com



Richard C. Stanley
Stanley, Reuter, Thornton, and Alford, LLC
RESPONDENT'S COUNSEL
Bar Roll No. 08487
909 Poydras Street, Suite 2500
New Orleans, LA 70112-4011
Telephone: (504) 523-1580
rsc@stanleyreuter.com



Gregory L. Tweed
OFFICE OF DISCIPLINARY COUNSEL
First Assistant Disciplinary Counsel
Bar Roll No. 23960
4000 S. Sherwood Forest Blvd., Ste. 607
Baton Rouge, LA 70816
Telephone: (225) 293-3900
gregoryt@ladb.org

SUPREME COURT OF LOUISIANA

DOCKET NO. 2023-B-_____

IN RE CONFIDENTIAL PARTY (MMS)

JOINT MEMORANDUM IN SUPPORT OF CONSENT DISCIPLINE

MAY IT PLEASE THE COURT, this *Joint Memorandum in Support of Consent Discipline* is filed in these proceedings by the Office of Disciplinary Counsel through the undersigned First Assistant Disciplinary Counsel, and the respondent, **MANFRED MAX STERNBERG** (Texas Bar Roll No. 24125421), individually and through undersigned counsel,

1.

Before formal charges were filed, the respondent expressed a desire to resolve this matter by consent discipline. Therefore, the respondent and the Office of Disciplinary Counsel tender the attached *Joint Petition for Consent Discipline* and *Joint Stipulation of Facts* under Rule XIX, § 20 (as amended) of the Louisiana Supreme Court Rules.

2.

The parties have outlined all relevant facts related to this matter in the *Joint Stipulation of Facts* accompanying this petition; however, a summary of facts follows for ease of consideration.

In the summer of 2021, the respondent was employed as an associate in a New Orleans-based law firm. Following Hurricane Ida in August 2021, the respondent, while working out of the firm's New Orleans office, assisted Louisiana-licensed lawyers in representing a large number of Louisiana residents with property damage claims caused by the storm. The assistance provided by the respondent included actions that constitute the practice of law. The respondent has never held a license to practice law in Louisiana. The respondent's actions resulted from conversations with the firm's owner, who advised the respondent that such representation was allowed

under the Louisiana Rules of Professional Conduct and authorized the respondent to engage in the unauthorized practice of law.

3.

This Court has previously considered the appropriate sanction for attorneys not licensed in Louisiana but violating our Louisiana Rules of Professional Conduct. In the case of *In re Nguyen*, 17-0214 (La. 04/13/17), 215 So. 3d 668, the Court enjoined a Texas attorney from seeking admission to the Louisiana bar or seeking pro hac vice admission before a Louisiana Court for one year. In this deemed admitted matter, the Court's sanction arose from the respondent improperly communicating with a criminal defendant without the permission of the defendant's counsel. Mr. Nguyen also failed to cooperate with ODC's investigation.

In the consent discipline cases of *In re Marcus Spagnoletti*, 20-00605 (La. 07/02/20), 297 So.3d 732, and *In re Francis Spagnoletti*, 20-00712 (La. 07/02/20), 297 So.3d 737, the Court enjoined two Texas attorneys from seeking pro hac vice admission before a Louisiana Court for three years. In both cases, the respondents' conduct included neglect of a legal matter and lack of communication. In the case of Francis Spagnoletti, the misconduct also included the failure to promptly disburse client funds and the failure to supervise a non-lawyer employee.

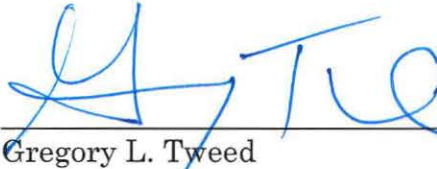
WHEREFORE, the Office of Disciplinary Counsel and the respondent, **MANFRED MAX STERNBERG**, request that the Court favorably consider this *Joint Petition for Consent Discipline* and that **MANFRED MAX STERNBERG** be enjoined from applying to sit for the Louisiana Bar Examination or to apply for *pro hac vice* admission in the state courts of Louisiana for a minimum of five years. The Court should also assess the respondent for all costs of these proceedings.



Manfred Max Sternberg
RESPONDENT
TX Bar Roll No. 24125421
365 Canal Street, Suite 1170
New Orleans, LA 70130-1118
Telephone: (713) 882-8493
msternberg1995@gmail.com



Richard C. Stanley
Stanley, Reuter, Thornton, and Alford, LLC
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Bar Roll No. 08487
909 Poydras Street, Suite 2500
New Orleans, LA 70112-4011
Telephone: (504) 523-1580
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Gregory L. Tweed
OFFICE OF DISCIPLINARY COUNSEL
First Assistant Disciplinary Counsel
Bar Roll No. 23960
4000 S. Sherwood Forest Blvd., Ste 607
Baton Rouge, LA 70816
(225) 293-3900
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SUPREME COURT OF LOUISIANA

DOCKET No. 2023-B-_____

IN RE CONFIDENTIAL PARTY (MMS)

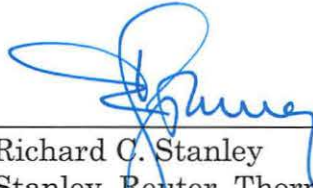
WAIVER OF OPPORTUNITY TO WITHDRAW

NOW INTO THESE DISCIPLINARY PROCEEDINGS comes the respondent, **MANFRED MAX STERNBERG** (Texas Bar Roll No. 24125421), who has submitted a *Joint Petition for Consent Discipline* in the above-numbered and entitled cause. As a specific material consideration for the agreement, consent, and concurrence by the Office of Disciplinary Counsel, the respondent expressly and irrevocably waives any opportunity to withdraw consent before the final disposition of these consent proceedings.

Respectfully submitted,



Manfred Max Sternberg
RESPONDENT
TX Bar Roll No. 24125421
365 Canal Street, Suite 1170
New Orleans, LA 70130-1118
Telephone: (713) 882-8493
msternberg1995@gmail.com



Richard C. Stanley
Stanley, Reuter, Thornton, and Alford, LLC
RESPONDENT'S COUNSEL
Bar Roll No. 08487
909 Poydras Street, Suite 2500
New Orleans, LA 70112-4011
Telephone: (504) 523-1580
rca@stanleyreuter.com

EXHIBIT 11

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

IN THE MATTER OF	§	
MANFRED MAX STERNBERG,	§	CAUSE NO. 69413
STATE BAR CARD NO. 24125421	§	

AFFIDAVIT OF BILLY SHEPHERD

1. My name is Billy Shepherd. I am over the age of eighteen years, and I am competent and able to make this affidavit. I am able to swear, as I do hereby swear, that all facts and statements contained in this affidavit are true and correct and within my personal knowledge unless stated otherwise. I have been retained as an expert in this matter on behalf of the respondent, Manfred Max Sternberg ("Sternberg"), State Bar Card No. 24125421.

2. I am an attorney licensed to practice in the State of Texas, and have been continuously licensed since I first took and passed the bar examination in 1987. I obtained a B.S. from the University of Virginia's McIntire School of Commerce in 1982; an M.B.A. from Loyola University in 1983; and a J.D. from the University of Texas School of Law in 1987. I earned academic honors at each of these universities.

3. In 1987, I became licensed to practice law in Texas, and joined the trial section of Andrews Kurth LLP. In 1992, I and other members of the trial section left Andrews Kurth LLP to form Cruse, Scott, Henderson & Allen, LLP, which later became known as Shepherd, Scott, Clawater & Houston, LLP. In 2015, I formed my current law firm, Shepherd Prewett PLLC.

4. Since becoming licensed to practice law in 1987, I have practiced civil trial law. My practice has encompassed representing parties in a broad range of civil cases and matters, including representing lawyers in disciplinary proceedings and cases involving reciprocal discipline, alleged unauthorized practice of law, alleged barratry, alleged negligence, alleged breach of fiduciary duty, and many other subjects. I have represented lawyers in hundreds of cases and matters. I have tried many different types of cases, including legal negligence cases, breach of fiduciary duty cases, and other types of cases in which lawyers were parties. I have also handled many appeals of lawyer cases in multiple appellate courts, including the Supreme Court of the United States and the Supreme Court of Texas. I have argued lawyer cases, and other cases, in the United States Court of Appeals for the Fifth Circuit, the Supreme Court of Texas, and various Texas courts of appeals.

5. In have taught trial advocacy at the University of Houston Law Center, and have served as a speaker on legal malpractice and ethics issues at many seminars and conferences. I am admitted to practice in courts that include the Supreme Court of the United States, the United States Court of Appeals for the Fifth Circuit, the United States District Court for the Southern District of Texas, and all Texas state courts. I have also been admitted to practice *pro hac vice* in lawyer cases pending in many states and many courts.
6. I am a member of legal organizations that include the American Board of Trial Advocates, the International Association of Defense Counsel, the Texas Bar Foundation and, of course, the State Bar of Texas.
7. As part of my work in this case specifically, I have reviewed the pleadings in both Texas and Louisiana; Sternberg's response to the Chief Disciplinary Counsel's Petition for Reciprocal Discipline and any exhibits attached thereto; the relevant rules and statutes in both Texas and Louisiana; various opinions and filings from reciprocal discipline proceedings before the Board of Disciplinary Appeals; and articles related to the matters in Louisiana involving the Texas law firm McClenny Moseley & Associates PLLC ("McClenny Moseley").
8. My understanding of the facts in this case, based on information provided to me, is as follows.
 - a) Sternberg is a Houston native and a 2018 graduate of Tulane University in New Orleans with a Bachelor of Science in Finance and a minor in History. He then earned his law degree in 2021 from the LSU Paul M. Hebert Law Center, graduating *magna cum laude* and Order of the Coif. During law school, Sternberg served as a Senior Associate for the Louisiana Law Review and completed a judicial externship under the Honorable Brian A. Jackson at the United States District Court for the Middle District of Louisiana. Sternberg is currently an associate at Burns Charest LLP.
 - b) Immediately following law school, Sternberg took and passed the Texas bar exam in 2021, becoming licensed to practice law in Texas on October 8, 2021. Just a few months before, in early August, Sternberg had started work at Egenberg Trial Lawyers (the "Egenberg Firm"), a New Orleans-based personal injury/plaintiffs' firm, on their Texas litigation docket. At all relevant times, the Egenberg Firm letterhead specifically identified Sternberg as being licensed in Texas only.
 - c) In August 2021, Hurricane Ida devastated southeastern Louisiana, and the Egenberg Firm began accepting hurricane claims shortly thereafter. Due to the overwhelming volume of Hurricane Ida claims, Louisiana-licensed

Egenberg Firm attorneys asked Sternberg to assist them with some of their Hurricane Ida caseload.

- d) The Egenberg Firm attorneys told Sternberg that the work would be temporary, and that as soon as the workload eased on the Hurricane Ida docket, he would return to working solely on matters in Texas. Because Sternberg was not licensed in Louisiana, and even though experienced Egenberg Firm attorneys including named partner Bradley Egenberg (“Egenberg”) had told him that the assistance that he was being asked to provide would not constitute the unauthorized practice of law in Louisiana because it would be temporary and Egenberg Firm Louisiana-licensed lawyers would be actively participating, Sternberg took steps to educate himself about the Louisiana Rules of Professional Conduct (the “Louisiana Rules”) regarding practicing without a license to further confirm what his bosses had told him.
- e) Sternberg understood that pursuant to Rule 5.5(c)(1) of the Louisiana Rules, he was authorized to provide legal services “on a temporary basis” as long as the services were “undertaken in association with a lawyer who is admitted to practice in [Louisiana] and who actively participates in the matter.” Louisiana R. Prof'l Conduct 5.05(c).
- f) Based on the foregoing, Sternberg felt comfortable with the task of assisting the Egenberg Firm attorneys on some of the Hurricane Ida claims given that it would be on a temporary basis, and he would be working directly under the supervision of lawyers admitted to and in good standing with the Louisiana bar.
- g) Sternberg then began providing limited services for certain of the Egenberg Firm’s Hurricane Ida clients in the fall of 2021, but at all times took care to ensure that he did so under the supervision of more senior Louisiana counsel who actively participated in the representation, including Egenberg attorney Aaron Hurd (“Hurd”). During this time, Sternberg did not sign any fee agreements for the firm, sign any pleadings, endorse any checks, or make any court appearances in the cases with which he was assisting.
- h) One of the clients for whom Sternberg provided limited services was a woman named Ruth Franklin, who retained the Egenberg Firm in November 2021 to represent her on her Hurricane Ida claims related to her home. At all times with respect to Ms. Franklin’s case, Hurd—an attorney in good standing with the Louisiana bar—supervised Sternberg and actively participated in the representation of Ms. Franklin. Hurd’s office was a only few doors away from Sternberg’s, and at each step in Ms. Franklin’s case with which he assisted, Sternberg consulted with Hurd.

- i) Sternberg met with Ms. Franklin to obtain information about her claim and provide information about the claims process. He then, again acting at the direction and under the supervision of Hurd, corresponded with Ms. Franklin and her insurance adjuster, and assisted in the resolution of Ms. Franklin's insurance claim.
- j) Ms. Franklin later became dissatisfied with her settlement, and filed a grievance against Sternberg in April 2022. Based on comments the LADB made to Sternberg and his Louisiana attorney in the grievance proceeding, it appeared that the LADB was sensitive to and suspicious of Texas attorneys and firms filing Hurricane Ida claims.
- k) Sternberg filed his response to Ms. Franklin's grievance in July 2022, and a supplemental response the following month. After summoning Sternberg and other witnesses for an initial round of sworn statements, the LADB contacted him again in July 2023—nearly two years after he first met with Ms. Franklin and more than a year after he was notified of her grievance—and asked him to appear to give another sworn statement.
- l) The LADB cleared Sternberg of any misconduct with respect to his work on Ms. Franklin's claim, but determined that he should be punished for practicing law in Louisiana without a license. By that time, Sternberg had left the Egenberg Firm and joined Burns Charest LLP as an associate.
- m) Thereafter, Sternberg through disciplinary counsel began negotiations with LADB. Upon the advice of counsel, Sternberg agreed to the five-year prohibition.
- n) The Louisiana Supreme Court, however, determined that a five-year penalty was too long, and *sua sponte* informed the parties that the prohibition from being able to apply to practice in Louisiana should be reduced to only one year. The LADB and Sternberg thus submitted a Revised Motion for Consent Discipline in November 2023, which was approved in January 2024. As part of the Louisiana disciplinary proceedings, the LADB stipulated to the existence of multiple mitigating factors, including no prior discipline, cooperation with the disciplinary counsel, good character, remorse, and inexperience in the practice of law.
- o) In addition to the one-year prohibition from applying to practice in Louisiana and the potential imposition of discipline in Texas, Sternberg has suffered other negative impacts. For example, due to the pendency of this and the Louisiana proceeding, he has been prevented from applying for full or *pro hac vice* admission in other jurisdictions. His future ability to be admitted to other courts, either fully or *pro hac vice*, is potentially impacted as well. He must also now take the bar exam in certain jurisdictions should he ever

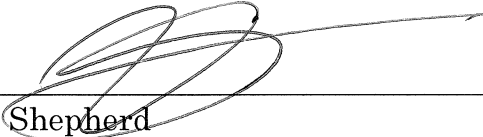
desire to apply. It is my understanding that Sternberg would not have been required to take those exams had this proceeding been concluded within the three-year window of his passing the Texas bar exam given his high score on the Uniform Bar Examination.

- p) Sternberg has stated that he regrets the entire incident, and that he remains eager to proceed with his legal career. His remorse is one of many factors the LABD agrees should mitigate any discipline imposed. Sternberg has continued to cooperate in good faith with the disciplinary process in both Louisiana and Texas. Additionally, it is my understanding that while he is serving his prohibition from applying to practice in Louisiana, he has been working diligently as a Texas lawyer, primarily representing clients in personal injury matters.
9. Based on my education; my years of experience handling professional malpractice and disciplinary matters; my review of the pleadings and other filings in Texas and Louisiana; the above-described facts; and the relevant rules and law, it is my opinion that imposing any active suspension (or any greater punishment) would result in grave injustice to Sternberg. An active suspension of any length would not only take away Sternberg's ability to earn a living as a lawyer at the outset of his legal career, but it would also interrupt his professional development as a member of the State Bar of Texas. Sternberg took careful steps to comply with the relevant Louisiana rules prohibiting practicing law without a license. He ensured that his work would be performed on a temporary basis, and followed the advice of his supervising Louisiana-licensed lawyers who remained actively involved as required at the relevant times.
10. Further, from a pure public policy perspective, Sternberg's inexperience at the time should be taken into account as well. It is the responsibility of more senior lawyers to ensure that young lawyers who work for them are properly counseled, taught, and supervised. Young attorneys who try to do what is right based not only on direction from their bosses but also on independent research, as I believe Sternberg did here, should not be punished any more than absolutely necessary.
11. Sternberg has been punished in Louisiana, and continues to suffer the impact of the occurrences there, including having the news of his suspension memorialized online in news articles and blogs. In my opinion, it would be a grave injustice to punish him further with any active suspension.
12. Based on my education; my years of experience handling professional malpractice and disciplinary matters; my review of the pleadings and other filings in Texas and Louisiana; the above-described facts; and the relevant rules and law, it is also my opinion that Sternberg's punishment in Louisiana

warrants substantially different discipline here. A one-year active suspension from practicing law in Texas, where Sternberg was raised and is licensed, is different from and greater than a one-year prohibition from being able to apply for admission to practice law in Louisiana, a state where Sternberg has never been licensed.

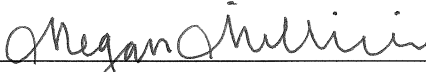
- 13. Finally, it is my opinion that a fully-probated suspension of no more than one year—or any lesser discipline down to a public reprimand—would be more appropriate given all of the factors described above. To the extent that a purpose of attorney discipline in Texas is to protect the interests of the public, it is my opinion that these interests would be protected given that Sternberg could be under the supervision of the disciplinary authorities, while continuing to assist clients in need of quality legal services in Texas.

Further affiant sayeth not.



Billy Shepherd

Subscribed and sworn to before me on June 27, 2024, in Harris County, Texas.



Notary Public in and for the State of Texas



EXHIBIT 12

LOUISIANA BAR JOURNAL

April / May 2024

Volume 71, Number 6



THE FUTURE OF OUR LEGAL PROFESSION

- **La. Code Civ. P. art. 966 – TL,DR:** A Mini Review of the Motion for Summary Judgment
- **How the Boudin Is Made:** Amending Louisiana’s Rules of Professional Conduct
- **Why “Tapping the Brakes” Should Be Part of Your Tech Philosophy**
- **LSBA YLD Signature Projects**
- **LASC Issues Letter Discussing Emergence of Artificial Intelligence Technology**
- **TIP Mentoring Program Revamped**
- **New to the Bar? LSBA’s Essential Guide to Ethics and Professional Discipline**

REPORT BY DISCIPLINARY COUNSEL

Public matters are reported to protect the public, inform the profession and deter misconduct. Reporting date Feb. 1, 2024.

Decisions

Janeane Gorcyca Abbott,
Prairieville, (2023-B-00852)
Suspended for three years by order
of the Louisiana Supreme Court on
Dec. 8, 2023. JUDGMENT FINAL and
EFFECTIVE on Dec. 22, 2023.

Jonathan Andry, Metairie, (2023-
B-0374) **Reciprocal discipline in the
form of a one-year suspension from
the practice of law by the United
States District Court for the Eastern
District of Louisiana** by order of the

Louisiana Supreme Court on Nov.
15, 2023. JUDGMENT FINAL and
EFFECTIVE on Nov. 29, 2023. *Gist:*
The respondent's conduct involved im-
proper referral payments to another at-
torney.

David Band, Jr., New Orleans,
(2023-B-00284) **Suspended for six
months, with all but 30 days deferred.
He must comply with additional or-
ders of the Court before being re-
instated to practice law**, by order of
the Louisiana Supreme Court on Nov.
17, 2023. Rehearing denied on Jan.

25, 2024. JUDGMENT FINAL and
EFFECTIVE on Jan. 25, 2024. *Gist:*
Respondent communicated with a per-
son known to be represented by counsel
and made a false statement to the ODC
during its investigation.

Albert A. Bensabat III, Hammond,
(2023-B-00620) **Suspended from the
practice of law for three years, fully
deferred, subject to probation with
conditions**, by order of the Louisiana
Supreme Court on Dec. 8, 2023.

Continued next page



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LSBA Filing No. LA-22-13379

Leslie J. Schiff

Over 30 Years Experience
Disciplinary Defense Counsel
117 W. Landry Street
Opelousas, Louisiana 70570
Phone (337) 942-9771
Fax (337) 942-2821
leslie@swmethicslaw.com

Julie Brown White

Former Prosecutor,
Disciplinary Counsel ('98-'06)
11715 Bricksome Ave, Suite B-5
Baton Rouge, Louisiana 70816
Phone (225) 293-4774
Fax (225) 292-6579
julie@swmethicslaw.com

Damon S. Manning

Former Investigator, Prosecutor
Disciplinary Counsel ('98-'14)
201 NW Railroad Ave, Suite 302
Hammond, Louisiana 70401
Phone (985) 602-9201
Fax (985) 393-1130
damon@swmethicslaw.com

JUDGMENT FINAL and EFFECTIVE on Jan. 25, 2024. *Gist:* Arrested on charges of DWI and careless operation of a vehicle; and failure to reconcile trust account on a regular basis.

G. Karl Bernard, New Orleans, (2023-B-01134) **Consented to a one-year-and-one-day period of suspension, with all but 30 days deferred, followed by two years of probation**, by order of the Louisiana Supreme Court on Jan. 10, 2024. JUDGMENT FINAL and EFFECTIVE on Jan. 10, 2024. *Gist:* Respondent grossly mishandled his client trust account, resulting in the conversion of client and third-party funds, and represented a party although he realized that doing so would constitute a conflict of interest.

Nicole E. Burdett, New Orleans, (2023-B-1399) **Suspended by consent from the practice of law for two years, with six months deferred, retroactive to Sept. 15, 2022, the date of her interim suspension**, by order of the Louisiana Supreme Court on Dec. 19, 2023. JUDGMENT FINAL and EFFECTIVE on Dec. 19, 2023. *Gist:* Making and subscribing a false tax return; and violating or attempting to violate the Rules of Professional Conduct.

Kevin Matthew Dantzer, Alexandria, (2023-B-0966) **Permanently disbarred from the practice of law** by order of the Louisiana Supreme Court on Dec. 5, 2023. JUDGMENT FINAL and EFFECTIVE on Dec. 19, 2023. *Gist:* Respondent was arrested for issuing worthless checks and twice convicted of possession of illegal narcotics. Respondent also failed to cooperate with the ODC in its investigation.

Clifton M. Davis III, New Orleans, (2023-B-1222) **Suspended by consent for one year and one day from the practice of law** by order of the Louisiana Supreme Court on Dec. 19, 2023. JUDGMENT FINAL and EFFECTIVE on Dec. 19, 2023. *Gist:* Respondent practiced law during several periods in which he was ineligible to do so; mishandled his trust account, resulting in the conversion of client funds; and failed to disburse funds owed to third-party providers. Respondent then failed to cooperate with the ODC in its investigation.

Melissa Michelle Ramsey Eldridge, Walker, (2023-B-01391) **Disbarred from the practice of law** by order of the Louisiana Supreme Court on Jan. 10, 2024. JUDGMENT FINAL and EFFECTIVE on Jan. 24, 2024. *Gist:* Respondent engaged in a pattern of neglect, abandoned her law practice, failed to communicate, failed to return unearned fees and did not cooperate with the ODC in its investigations.

Tim L. Fields, Pass Christian, MS, (2023-B-0343) **Suspended for three years** by order of the Louisiana Supreme Court on Nov. 17, 2023. JUDGMENT FINAL and EFFECTIVE on Dec. 1, 2023. *Gist:* Respondent failed to properly supervise his non-lawyer staff, resulting in the conversion of approximately \$4.2 million belonging to third parties; intentionally continued to convert third-party funds totaling approximately \$1.8 million in order to pay older third-party debts; failed to maintain a trust account for several years; lied on his trust account disclosure statements that he did not handle client funds; allowed non-lawyers to sign trust account checks; charged clients for inappropriate office expenses; settled a client's personal injury claim without the client's knowledge or consent; and lied to the ODC during its investigation. Respondent acted negligently, knowingly and intentionally in violating duties owed to his clients, the public, the legal system and the legal profession. His conduct caused actual and potential harm to his clients, third-party providers and the legal profession.

J. Antonio Florence, Shreveport, (2023-B-0592) **Suspended for one year**

and one day by order of the Louisiana Supreme Court on Dec. 8, 2023. JUDGMENT FINAL and EFFECTIVE on Dec. 22, 2023. *Gist:* Neglected a legal matter; failed to address fee disputes; made false statements and provided false evidence to the ODC during an investigation; was found in contempt of court for challenging a judge's authority during a hearing; and engaged in dishonest conduct.

Tristan P. Gilley, Shreveport, (2023-B-00935) **Suspended from the practice of law for six months, with all but 90 days deferred, subject to a one-year period of probation**, by order of the Louisiana Supreme Court on Dec. 5, 2023. JUDGMENT FINAL and EFFECTIVE on Dec. 19, 2023. *Gist:* Respondent failed to provide competent representation to a client; neglected a legal matter; failed to communicate with a client; failed to make reasonable efforts to expedite litigation; failed to cooperate with ODC in its investigation; misled a client about the status of his matter; and engaged in conduct prejudicial to the administration of justice.

Jim S. Hall, Metairie, (2023-B-00935) **Suspended from the practice of law for a period of four months, deferred in its entirety**, by order of the Louisiana Supreme Court on Dec. 5, 2023. JUDGMENT FINAL and EFFECTIVE on Dec. 19, 2023. *Gist:* Respondent made false statements to a tribunal; failed to submit an advertisement for review by the LSBA; and engaged in other violations of the lawyer advertising rules.

Continued next page

CHRISTOVICH & KEARNEY, LLP
ATTORNEYS AT LAW

DEFENSE OF ETHICS COMPLAINTS AND CHARGES

KEVIN R. TULLY
H. CARTER MARSHALL

(504) 561-5700
601 POYDRAS STREET, SUITE 2300
NEW ORLEANS, LA 70130

DISCIPLINARY REPORT: UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF LOUISIANA

The following is a verbatim report of the matters acted upon by the United States District Court for the Eastern District of Louisiana, pursuant to its Disciplinary Rules. This information is published at the request of that court, which is solely responsible for the accuracy of its content. This report is as of Jan. 31, 2024.

Respondent	Disposition	Date Filed	Docket No.
Ricardo A. Caballero	[Reciprocal] Suspension (partially deferred).	1/29/24	23-2778
Davd L. Coleman II	[Reciprocal] Suspension (fully deferred).	12/6/23	23-2779
Richard Collins Dalton	[Reciprocal] Public reprimand.	12/6/23	23-2781
Shannon Casey Rodriguez	[Reciprocal] Suspension.	1/3/24	23-5293
William A. Roe	[Reciprocal] Suspension.	1/3/24	23-2782
Chester J. Rothkamm, Jr.	[Reciprocal] Suspension (fully deferred).	1/3/24	23-1899
Paul J. Tellarico	[Reciprocal] Suspension (fully deferred).	12/6/23	23-2780

Discipline continued from page 417

Donovan Kenneth Hudson, Opelousas, (2023-B-01261) **Disbarred from the practice of law retroactive to his interim suspension in *In Re: Hudson*, 22-0942 (La. 6/23/22), 340 So.3d 879**, by order of the Louisiana Supreme Court on Dec. 19, 2023. JUDGMENT FINAL and EFFECTIVE on Jan. 2, 2024. *Gist*: Arrested on charges of resisting an officer by force of violence; arrested on two counts of forgery and two counts of presenting forged court orders; failure to communicate with clients; failure to refund an unearned fee; and failure to cooperate with disciplinary proceedings.

Bonnie B. Humphrey, New Orleans, (2023-OB-1268) **Readmitted to the practice of law with conditions** by order of the Louisiana Supreme Court on Dec. 5, 2023. JUDGMENT FINAL and EFFECTIVE on Dec. 5, 2023.

Benji J. Istre, Ragley, (2023-OB-01432) **Voluntarily permanently resigned in lieu of discipline from the practice of law** by order of the Louisiana Supreme Court on Jan. 10, 2024. JUDGMENT FINAL and EFFECTIVE on Jan. 10, 2024.

George R. Knox, Lafayette, (2023-B-01675) **Interimly suspended from the practice of law** by order of the Louisiana Supreme Court on Dec. 21, 2023. JUDGMENT FINAL and EFFECTIVE on Dec. 21, 2023.

Timothy James Martinez, Baton Rouge, (2023-B-1590) **Interimly suspended from the practice of law** by or-

der of the Louisiana Supreme Court on Dec. 6, 2023. JUDGMENT FINAL and EFFECTIVE on Dec. 6, 2023.

David J. Motter, Metairie, (2023-OB-01443) **Granted reinstatement to the practice of law** by order of the Louisiana Supreme Court on Jan. 17, 2024. JUDGMENT FINAL and EFFECTIVE on Jan. 17, 2024. *Gist*: Mr. Motter is to be immediately reinstated to the practice of law in Louisiana, subject to an 18-month period of probation with the conditions set forth in the Louisiana Supreme Court order.

Mark Jeffrey Neal, Monroe, (2023-B-0344) **Suspended from the practice of law for a period of one year and one day, with all but six months deferred, subject to probation with conditions**, by order of the Louisiana Supreme Court on Nov. 17, 2023. JUDGMENT FINAL and EFFECTIVE on Dec. 1, 2023. *Gist*: The commission of a criminal act (battery).

John William Norwood IV, New Orleans, (2023-B-01378) **Suspended by consent for six months, followed by a one-year period of probation and successful completion of the LSBA Ethics School**, by order of the Louisiana Supreme Court on Dec. 19, 2023. JUDGMENT FINAL and EFFECTIVE on Dec. 19, 2023. *Gist*: Respondent made false statements of material fact to the ODC and provided the ODC with falsified documentary evidence.

Gerald F. Palmer, New Orleans, (2023-OB-01545) **Readmitted to the practice of law** by order of the Louisiana Supreme Court on Jan.

24, 2024. JUDGMENT FINAL and EFFECTIVE on Jan. 24, 2024.

Andrew Clay Saltamachia, Baton Rouge, (2023-OB-1621) **Transferred to disability inactive status** by order of the Louisiana Supreme Court on Dec. 12, 2023. JUDGMENT FINAL and EFFECTIVE on Dec. 12, 2023.

Maxwell Peter Smitko, Houma, (2023-B-01208) **Suspended from the practice of law for a period of three years** by order of the Louisiana Supreme Court on Dec. 19, 2023. JUDGMENT FINAL and EFFECTIVE on Jan. 2, 2024. *Gist*: Respondent practiced law while ineligible to do so; neglected legal matters; failed to communicate with clients; failed to timely refund unearned fees; and failed to cooperate with the ODC in its investigations.

Cameron Sean Snowden, Baton Rouge, (2023-B-01398) **By consent, suspended for nine months from the practice of law** by order of the Louisiana Supreme Court on Dec. 5, 2023. JUDGMENT FINAL and EFFECTIVE on Dec. 19, 2023. *Gist*: Respondent failed to communicate with clients; neglected legal matters; engaged in dishonest conduct; and engaged in conduct prejudicial to the administration of justice.

Manfred Max Sternberg, Houston, TX, (2023-B-01345) **By consent, enjoined for a period of one year from seeking full admission to the Louisiana Bar or seeking admission to practice in Louisiana on any temporary or limited basis, including, but not limited to, seeking pro hac vice**

admission before a Louisiana court pursuant to Supreme Court Rule XVII, § 13 or seeking limited admission as an in-house counsel pursuant to Supreme Court Rule XVII, §14, by order of the Louisiana Supreme Court on Jan. 17, 2024. JUDGMENT FINAL and EFFECTIVE on Jan. 17, 2024. *Gist:* Respondent engaged in the unauthorized practice of law.

Blake G. Williams, Sr., Bessemer, AL, (2023-OB-01347) **Denied readmission to the practice of law** by order of the Louisiana Supreme Court on Jan. 10, 2024. JUDGMENT FINAL and EFFECTIVE on Jan. 24, 2024.

Marsha A. Willis, Baton Rouge, (2023-OB-01537) **Transferred to disability inactive status** by order of the Louisiana Supreme Court on Nov. 29, 2023. JUDGMENT FINAL and EFFECTIVE on Nov. 29, 2023.

Admonitions

1 Violation of Rule 1.5(a) — (Fees) A lawyer shall not make an agreement for,

charge or collect an unreasonable fee or an unreasonable amount for expenses.

1 Violation of Rule 1.5(f)(3) — (Fees) Payment of fees in advance of services shall remain the property of the client and must be placed in the lawyer's trust account.

1 Violation of Rule 1.5(f)(4) — (Fees) Payment to the lawyer of advance deposit to be used for expenses shall remain the property of the client and must be placed in the lawyer's trust account.

1 Violation of Rule 1.15(a) — (Client-Attorney Relationship) Safekeeping of client or third person's property.

2 Violations of Rule 7.2(a)(1) — (Communications Concerning a Lawyer's Services) Lawyer ran an advertisement that failed to include the full name of at least one lawyer responsible for the content.

3 Violations of Rule 7.2(a)(2) —

(Communications Concerning a Lawyer's Services) Lawyer ran an advertisement that failed to identify the city of a bona fide office location.

5 Violations of Rule 7.2(a)(3) — (Communications Concerning a Lawyer's Services) Lawyer ran an advertisement that failed to include the required LSBA registration number.

1 Violation of Rule 7.2(c)(1)(H) — (Prohibitions and General Rules Governing Content of Advertisements and Unsolicited Written Communications) Lawyer failed to disclose the status of someone as a compensated spokesperson.

4 Violations of Rule 7.7(c) — (Evaluation of Advertisements) Lawyer failed to pre-file an ad with the LSBA.

1 Violation of Rule 8.4(a) — (Misconduct) Violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another.

2024 LSBA ANNUAL MEETING & JOINT LSBA/LJC SUMMER SCHOOL



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EXHIBIT 13



ATTORNEY MANFRED MAX STERNBERG BARRED FROM SEEKING ADMISSION TO LOUISIANA BAR FOR ONE YEAR DUE TO UNAUTHORIZED PRACTICE OF LAW

Posted by **AlabNews Staff Writer** | Jan 29, 2024 | **Louisiana, News, State Level**



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Exponentially Augmenting The Output Of A Lawyer's Time

On January 17, 2024, the Supreme Court of Louisiana ordered that attorney Manfred Max Sternberg be enjoined for a duration of one year from pursuing full admission to the Louisiana bar or seeking permission to practice law in Louisiana on a temporary or restricted basis.

The case is entitled “In the Matter of Manfred Max Sternberg” with case number 2023-B-01345.

Despite Sternberg being licensed only in Texas, the Office of Disciplinary Counsel (ODC) asserted jurisdiction based on Supreme Court Rule XIX, § 6(A), and Rule 8.5 of the Rules of Professional Conduct. These rules extend the court’s disciplinary authority to lawyers offering legal services in Louisiana.

The joint petition for consent discipline acknowledged Sternberg’s engagement in the unauthorized practice of law. The court ordered Sternberg to be enjoined for one year from seeking full admission to the Louisiana bar or seeking admission to practice in Louisiana on any temporary or limited basis. This includes seeking pro hac vice admission before a Louisiana court or limited admission as in-house counsel.

Furthermore, Sternberg is obligated to bear all costs and expenses related to the

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disciplinary proceedings, as per Supreme Court Rule XIX, § 10.1, with legal interest accruing from the date of the court's final judgment until paid.

According to **Avvo**, Mr. Sternberg is a consumer protection attorney. He graduated from Louisiana State University, Paul M. Hebert Law Center, graduating in 2021.

A copy of the original filing can be found **here**.

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Florida Bar Files Petition to Suspend Attorney John Spencer Jenkins for Misappropriating Over \$452K in Client Funds

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Death Row Inmate Argues to Supreme Court for New Trial Due to Lawyer's "Grossly Deficient" Representation

ABOUT THE AUTHOR

AlabNews Staff Writer

EXHIBIT 14

From: <https://lalegaethics.org/january-2024-discipline/>

January 2024 Discipline

POSTED ON **FEBRUARY 6, 2024** BY **CLARE ROUBION**

These lawyers were the subject of Louisiana Supreme Court disciplinary orders of Louisiana Attorney Discipline Board recommendations published during the month of January 2024.

Louisiana Supreme Court



1. [Blake G. William](#). The Court denied the petitioner's petition for readmission to the bar.
2. [Benji J. Istre](#). The Court granted the petition for permanent resignation from the practice of law in lieu of discipline. The ODC had filed formal charges against the respondent alleging that he committed serious attorney misconduct, including neglecting client matters, failing to communicate with clients, and failing to cooperate in a disciplinary investigation. The respondent then sought to permanently resign from the practice of law.
3. [Melissa Michelle Ramsey Eldridge](#). The Court disbarred the respondent. The respondent neglected legal matters, failed to communicate with her clients, failed to refund unearned fees, failed to protect her clients' interests upon abandonment of her law practice, and failed to cooperate with the ODC in its investigations. In doing so, the respondent violated Rules 1.3, 1.4, 1.5, 1.15(a), 1.15(d), 1.16(d), 8.1(b), 8.1(c), 8.4(a), and 8.4(c).
4. [G. Karl Bernard](#). The Court accepted the joint petition for consent discipline and suspended the respondent for one year and one day, with all but 30 days suspended. The ODC had commenced an investigation into allegations that the respondent grossly mishandled his client trust account, resulting in the conversion of client and third-party funds, and represented a party although he realized that doing so would constitute a conflict of interest. Prior to the filing of formal charges, the respondent and the ODC submitted a joint petition for consent discipline.

5. [Karl J. Koch](#). The Court suspended the respondent from the practice of law for one year and one day, deferred in its entirety. The respondent mishandled his client trust account, resulting in commingling of funds. In doing so, the respondent violated Rules 1.15(a), 1.15(b), 1.15(c), 1.15(f), 8.4(a), and 8.4(c).
6. [Manfred Max Sternberg](#). The Court accepted the joint petition for consent discipline and enjoined the respondent for a period of one year from seeking full admission to the Louisiana bar or seeking admission to the practice in Louisiana on any temporary or limited basis. The respondent engaged in the unauthorized practice of law in Louisiana.
7. [David J. Motter](#). The Court granted the petitioner's petition for reinstatement on a conditional basis.
8. [William M. Magee](#). The Court publicly reprimanded the respondent. The respondent instructed his legal assistant to send a settlement counteroffer to opposing counsel after the effective date of his suspension from the practice of law. In doing so, the respondent violated Rule 5.5(a), 5.5(e)(3)(v), and 8.4(a).
9. [Cassie Erin Felder](#). The Court granted the petition to transfer the petitioner to disability inactive status.
10. [Gerald F. Palmer](#). The Court granted the petitioner's petition for readmission to the practice of law.
11. [Christopher D. Granger](#). The Court granted the joint petition for consent discipline and suspended the respondent for six months, deferred in its entirety. The ODC had commenced an investigation into allegations that the respondent neglected a legal matter, failed to communicate with a client, and inappropriately attempted to settle a malpractice claim with a client. Prior to the filing of formal charges, the respondent and the ODC submitted a joint petition for consent discipline.

Louisiana Attorney Discipline Board



1. [Gregory James Sauzer](#). The board recommended that the respondent be suspended from the practice of law for six months, with all but thirty days deferred. The respondent failed to file tax returns for 2015, 2016, 2017, and 2018. In doing so, the respondent violated Rules 8.4(a), 8.4(b), and 8.4(c).
2. [David R. Opperman](#). The board recommended that the respondent be permanently disbarred from the practice of law. The respondent was convicted of

indecent behavior involving juveniles. In doing so, the respondent violated Rules 8.4(a) and 8.4(b).

3. [Robert William Hjortsberg](#). The board recommended that the respondent be suspended for six months, with all but 60 days deferred. The respondent failed to file tax returns for two years and failed to participate in a criminal trial following his clients' voluntary absence from the proceedings. In doing so, the respondent violated Rules 1.3, 8.4(a), 8.4(b), and 8.4(c).

LADB Hearing Committees.

1. [Aaron P. Mollere](#). Hearing Committee #54 recommended that the respondent be disbarred. The respondent converted substantial funds from her parents to fuel her drug use and failed to cooperate with the ODC's investigation, failed to provide competent representation to a client, failed to reasonably communicate with a client, failed to refund an unearned fee or otherwise deposit any amount representing the portion of the fee reasonably in dispute, failed to take steps to protect her client's interests after being terminated as counsel, and converted funds. In doing so, the respondent violated Rules 1.1(a), 1.3, 1.4(a), 1.5(f)(5), 1.15(a), 1.15(d), 1.16(d), 3.2, 8.1(b), 8.1(c), 8.4(a), 8.4(b), 8.4(c), and 8.4(d).
2. [Robert W. Sharp, Jr.](#) Hearing Committee # 3 recommended that the respondent be suspended for six months. The respondent represented multiple parties who all had clear conflicts of interest. In doing so, the respondent violated Rule 1.7 and 8.4(d).

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EXHIBIT 15



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

IN THE MATTER OF §
ALFONSO KENNARD, JR., § **CAUSE NO. 65861**
STATE BAR CARD NO. 24036888 §

JUDGMENT OF SUSPENSION

On the 29th day of April, 2022, the above-styled and numbered disciplinary action was called for hearing before the Board of Disciplinary Appeals. Petitioner appeared by attorney and announced ready. Respondent, Alfonso Kennard, Jr., appeared by and through his attorney of record and announced ready. All questions of fact and all matters of law were submitted to the Board of Disciplinary Appeals for determination. Having considered the pleadings on file, having received evidence, and having heard the argument of counsel, the Board of Disciplinary Appeals is of the opinion that Petitioner is entitled to entry of the following findings, conclusions, and orders:

Findings of Fact. The Board of Disciplinary Appeals finds that:

- (1) Respondent, Alfonso Kennard, Jr., State Bar Card Number 24036888, is licensed and authorized to practice law in the State of Texas by the Supreme Court of Texas.
- (2) On or about September 25, 2020, a Petition for Disciplinary Action was entered in the Minnesota Supreme Court in a matter styled *In Re Petition for Disciplinary Action against Alfonso Kennard, Jr., a Non-Minnesota Attorney*, No. A20-1247, alleging that pursuant to Rule 8.5 of the Minnesota Rules of Professional Conduct (MRPC) Respondent was subject to the MRPC even though he was not licensed in Minnesota. The

Petition further alleged that Respondent violated MRPC 3.4(c) and 5.5(a) when he represented his law firm, Kennard Law, P.C. in a Minnesota court despite not being licensed in Minnesota. The Petition also alleged that Respondent violated MRPC 8.1(b) by failing to respond to the Director of the Office of Lawyers Professional Responsibility despite numerous requests to do so.

- (3) On or about November 13, 2020, a Motion for Summary Relief was entered in the Minnesota Supreme Court in the matter styled *In Re Petition for Disciplinary Action against Alfonso Kennard, Jr., a Non-Minnesota Attorney*, No. A20-1247, based on Respondent's failure to respond to the disciplinary petition.
- (4) On or about November 30, 2020, the Minnesota Supreme Court in the matter styled *In Re Petition for Disciplinary Action against Alfonso Kennard, Jr., a Non-Minnesota Attorney*, No. A20-1247, entered an order deeming the allegations in the Petition admitted based on Respondent's failure to respond to the Petition.
- (5) On or about December 30, 2020, a Director's Memorandum of Law was filed in the Minnesota Supreme Court in the matter styled *In Re Petition for Disciplinary Action against Alfonso Kennard, Jr., a Non-Minnesota Attorney*, No. A20-1247, which recommended a thirty-day suspension of Respondent.
- (6) On or about March 9, 2021, the Supreme Court of the State of Minnesota issued an Order in the matter styled *In Re Petition for Disciplinary Action against Alfonso Kennard, Jr., a Non-Minnesota Attorney*, No. A20-1247, which states in pertinent part:

We permit lawyers not admitted to practice in Minnesota to provide legal services in Minnesota in certain circumstances. See Minn. R. Prof. Conduct 5.5(c)-(d). We also have the authority to discipline a lawyer who provides legal services in Minnesota even when that lawyer is not admitted to practice here. Minn. R. Prof. Conduct 8.5(a) ("A lawyer not admitted in this jurisdiction is also subject to the disciplinary authority of this jurisdiction if the lawyer provides . . . any legal services in this jurisdiction.").

The court has independently reviewed the file and approves the Director's recommended discipline.

Based upon all the files, records, and proceedings herein,

IT IS HEREBY ORDERED THAT:

1. Respondent Alfonso Kennard, Jr., is suspended from the practice of law in Minnesota for a minimum of 30 days, effective 14 days from the date of this order.
2. Respondent shall comply with Rule 26, RLPR (requiring notice of suspension to clients, opposing counsel, and tribunals), and shall pay \$900 in costs pursuant to Rule 24, RLPR.
3. Respondent shall be eligible to have the suspension lifted following the expiration of the suspension period provided that, not less than 15 days before the end of the suspension period, respondent files with the Clerk of the Appellate Courts and serves upon the Director an affidavit establishing that he has complied with Rules 24 and 26, RLPR, and has complied with any other conditions for reinstatement imposed by the court. We expressly waive the reinstatement requirements in Rule 18(e)(4)(1), (f), RLPR, regarding satisfaction of continuing legal education obligations.
4. Within 1 year of the date of this order, respondent shall file with the Clerk of the Appellate Courts and serve upon the Director proof of successful completion of the written examination required for admission to the practice of law by the State Board of Law Examiners on the subject of professional responsibility. See Rule 4.A.(5), Rules for Admission to the Bar (requiring evidence that an applicant has successfully completed the Multistate Professional Responsibility Examination). Failure to timely file the required documentation shall result in automatic suspension, as provided in Rule 18(e)(3), RLPR.

(7) The Minnesota Rules of Professional Conduct that Respondent was found to have violated provide as follows:

3.4(c) Fairness to Opposing Party and Counsel

A lawyer shall not . . . knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists.

5.5(a) Unauthorized Practice of Law; Multijurisdictional Practice of Law

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, except that a lawyer admitted to practice in Minnesota does not violate this rule by conduct in another jurisdiction that is permitted in Minnesota under Rule 5.5(c) and (d) for lawyers not admitted to practice in Minnesota.

8.1(b) Bar Admission and Disciplinary Matters

An applicant for admission to the bar, or a lawyer in connection with a bar admission application or in connection with a disciplinary matter, shall not . . . fail to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter, or knowingly fail to respond to a lawful demand for information from an admission or disciplinary authority, except that this rule does not require disclosure of information otherwise protected by Rule 1.6.

- (8) Respondent, Alfonso Kennard, Jr., is the same person as the Alfonso Kennard, Jr., who is the subject of the Order described above.
- (9) The Order issued by the Supreme Court of the State of Minnesota is final.
- (10) Respondent was personally served with the Petition for Reciprocal Discipline and Order to Show Cause on Petition for Reciprocal Discipline and Hearing Notice on September 22, 2021.
- (11) Respondent's Original Answer and Response to Petition for Reciprocal Discipline was filed on January 19, 2022.

Conclusions of Law. Based upon the foregoing findings of fact, the Board of Disciplinary Appeals makes the following conclusions of law:

- (1) This Board has jurisdiction to hear and determine this matter. TEX. RULES DISCIPLINARY P. R. 7.08(H).
- (2) Respondent's Motion to Dismiss is DENIED.
- (3) Respondent's answer to the Order to Show Cause on Petition for Reciprocal Discipline was due on October 22, 2021. TEX. RULES DISCIPLINARY P. R. 9.02.

- (4) Despite being duly served, Respondent failed to file an answer within 30 days. TEX. RULES DISCIPLINARY P. R. 9.03.
- (5) Because Respondent failed to answer timely, Rule 9.03 requires that the Board enter a judgment imposing reciprocal discipline. TEX. RULES DISCIPLINARY P. R. 9.03, 17.05.
- (6) Pursuant to BODA Internal Procedural Rule 7.03, the Chair exercised discretion to receive testimony and evidence from Respondent despite his failure to file a timely answer.
- (7) Even if Respondent had timely raised defenses, Respondent's testimony and evidence failed to establish any defense under Rule 9.04 by clear and convincing evidence.
- (8) Reciprocal discipline identical, to the extent practicable, to that imposed by the Supreme Court of the State of Minnesota, is warranted in this case. TEX. RULES DISCIPLINARY P. R. 9.03.
- (9) Respondent should be suspended for thirty (30) days.

It is, accordingly, **ORDERED, ADJUDGED, and DECREED** that Respondent, Alfonso Kennard, Jr., State Bar Card No. 24036888, is hereby **SUSPENDED** from the practice of law in Texas for a period of thirty (30) days beginning May 5, 2022, and extending through June 4, 2022.

It is further **ORDERED, ADJUDGED, and DECREED** that Respondent, Alfonso Kennard, Jr., during said suspension is prohibited from practicing law in Texas, and accordingly with respect to practicing law in Texas, holding himself out as a Texas attorney at law, performing any legal service for others in Texas, accepting any fee directly or indirectly for Texas legal services or holding himself out to others using his name, in any manner, in conjunction with the words "attorney," "counselor," or "lawyer" in Texas.

It is further **ORDERED** that Respondent, Alfonso Kennard, Jr., within fifteen (15) days of the date 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 suspension, 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 Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

It is further **ORDERED** that Respondent shall file with the State Bar of Texas, Statewide Compliance Monitor, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701), within fifteen (15) days of the date of this judgment, an affidavit stating that Respondent has notified in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which Respondent has any matter pending of the terms of this judgment, the style and cause number of the pending matter(s), and the name, address, and telephone number of the client(s) Respondent is representing in court.

It is further **ORDERED** that Respondent, Alfonso Kennard, Jr., within fifteen (15) days of the date of this judgment, shall notify each of his current clients and opposing counsel, if any, in writing, of his suspension. 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 or control but which belong to current or former clients, if any, to those respective clients or former clients, or to another attorney designated by such client or former client, within thirty (30) days of the date of this judgment, if requested.

It is further **ORDERED** that Respondent shall file with the State Bar of Texas, Statewide Compliance Monitor, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701), within fifteen (15) days of the date of this judgment, an affidavit stating that all current clients and opposing counsel have been notified of Respondent's suspension and that all files, papers, monies, and other property belonging to all current clients have been returned as ordered

herein. If Respondent should be unable to return any file, papers, money, or other property requested by 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.

It is further **ORDERED** that Respondent, Alfonso Kennard, Jr., within fifteen (15) days of the date of this judgment, surrender his Texas law license and permanent State Bar Card to the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711, for transmittal to the Clerk of the Supreme Court of Texas.

It is further **ORDERED** that a certified copy of the Petition for Reciprocal Discipline on file herein, along with a copy of this Judgment, be sent to the Office of the Chief Disciplinary Counsel of the State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

It is further **ORDERED** that this Judgment of Suspension shall be made a matter of public record and be published in the *Texas Bar Journal*.

Signed this 5th day of May 2022.

A handwritten signature in blue ink, appearing to read "Kevin", with a long horizontal line extending to the right.

CHAIR PRESIDING

Board members Jason Boatright and Cindy Tisdale did not participate in this decision.