



September 25, 2018

ANTITRUST DETERMINATION 2018-0003

A. Authority

This determination is made pursuant to California Supreme Court Administrative Order 2017-09-20 (“State Bar Antitrust Policy”), which mandates that the State Bar Office of General Counsel provide a determination on issues submitted to it for resolution of potential antitrust concerns.

B. Issues Presented

On May 11, 2018, the State Bar received a letter entitled “Mother’s Day Antitrust Complaint - Santa Clara County” from Susan Bassi (“Requestor”). Requestor’s submission is attached hereto as Appendix 1. Requestor raises her concerns about the conduct of attorneys and judges in Santa Clara County, and appears to assert in this context alleges that the State Bar is in violation of antitrust laws.¹

Requestor alleges that the State Bar’s policies, procedures, and training of its employees regarding the investigation and prosecution of attorney misconduct, and the conduct of specific State Bar employees violates the antitrust laws; however, Requestor does not identify which specific policies or procedures allegedly violate antitrust laws, except the purported “policy and practice of the State Bar for disciplining attorneys without consideration for Marsy’s Law² and other victims’ rights . . .”

Requestor’s allegations about the conduct of specific State Bar employees are similarly vague, stating only that individuals “engaged in conduct” without describing the alleged acts. Requestor’s allegations of “conduct” by State Bar employees relate to two areas of responsibility for State Bar employees: attorney discipline, and responses to requests under the California Public Records Act.³

C. Analysis

1. State Bar Actions Must Potentially Impact Commerce to Raise Antitrust Concerns.

In order to raise antitrust concerns, the actions or policies at issue must have some impact on the market for legal services. “If the action or proposed action does not affect competition or has only a de minimis impact, the antitrust laws are not implicated. Courts have held that individualized decisions on admissions or discipline do not impact overall competition in the market to sufficiently raise antitrust concerns.” (State Bar Antitrust Policy, p. 4.) An action may raise antitrust concerns when, for example,

¹ Requestor named State Bar General Counsel Vanessa Holton and State Bar Assistant General Counsel Suzanne Grandt, State Bar Assistant General Counsel, among the State Bar employees she accused of antitrust violations. Neither Ms. Holton nor Ms. Grandt had any role in the consideration of the response to Requestor or drafting of this Antitrust Determination.

² (Victims’ Bill of Rights Act of 2008 (Proposition 9) [amending Cal. Const., art. I, § 28].)

³ (Gov. Code, § 6250 et seq.)

that action raises prices, reduces output, diminishes quality, limited choices, or creates, maintains, or enhances market power.

Requestor's allegations of antitrust violations stemming from the State Bar's responses to requests under the California Public Records Act fail to raise antitrust concerns because there is no discernable impact to the market for legal services. Requestor claims that a State Bar attorney attempted to use harassment and threats in order to intimidate Requestor to force her to sign an untrue affidavit. Even if Requestor's allegations were true (which issue is beyond the scope of this Antitrust Determination), there is no plausible connection between such actions and competition in the market for legal services.

Similarly, to the extent Requestor alleges antitrust violations arising out of the actions taken by State Bar employees in specific discipline matters, such allegations fail to raise antitrust concerns because these would be based on individualized decisions which do not impact competition in the legal services market.⁴

Finally, Requestor's generic references to the State Bar's "training," "policies," "practices," and "procedures" do not include any allegations that the State Bar's actions impact competition in the market for legal services. In any event, as discussed below, the State Bar's attorney discipline functions fall under the state action doctrine, and therefore are not prohibited by antitrust laws.

2. Attorney Discipline Is State Action Immune From Antitrust Prohibitions.

The U.S. Supreme Court has held that the antitrust laws do not apply to state legislative enactments, regardless of anti-competitive intent or effect. (*See, e.g., Parker v. Brown* (1943) 317 U.S. 341, 350-51 ["We find nothing in the language of the Sherman Act or in its history which suggests that its purpose was to restrain a state or its officers or agents from activities directed by its legislature."]; *Hoover v. Ronwin* (1984) 466 U.S. 558, 568-69 ["When the conduct is that of the sovereign itself . . . the danger of unauthorized restraint of trade does not arise. Where the conduct is that of the state legislature or supreme court, we do not need to address the issues of clear articulation and active supervision."].) This immunity is known as the state action doctrine.

The State Bar is mandated by statute to investigate and recommend to the Supreme Court discipline of attorneys.⁵ The State Bar's role in the attorney discipline process is merely precatory; the Supreme Court retains its inherent authority to regulate the practice of law and attorney discipline can only be

⁴ (*See, e.g., California Attorney General Opinion No. 15-402* at 9 ["suspending the license of an individual license-holder for violating the standards of the profession is a reasonable restraint and has virtually no effect on a large market, and therefore would not violate antitrust laws." (citing *Okansen v. Page Memorial Hospital* (4th Cir. 1999) 945 F.2d 696)].) Courts have continued to affirm this principle after the *North Carolina Dental* decision. (*See, e.g., Petri v. Va. Bd. of Med.* (E.D. Va. Dec. 1, 2014) 2014 U.S. Dist. LEXIS 166228 at 7-8, *aff'd*, 2016 U.S. App. LEXIS 8931 [Virginia Medical Board's discipline of an individual chiropractor did not impact overall competition]; *Robb v. Conn. Bd. of Veterinary Med.* (D. Conn. 2016) 157 F. Supp. 3d 130 [dismissing veterinarian's Sherman Act section 1 antitrust claim against the Connecticut Board of Veterinary Medicine].)

⁵ (Bus & Prof. Code, § 6078 ["After a hearing for any of the causes set forth in the laws of the State of California warranting disbarment, suspension, or other discipline, the board has the power to recommend to the Supreme Court the disbarment or suspension from practice of members or to discipline them by reproof, public or private, without such recommendation."].)

effectuated by order of the Court.⁶ The California Supreme Court has held explicitly that the discipline of California attorneys by the Court, acting on recommendation of the State Bar, is exempt from antitrust laws. (*Lebbos v. The State Bar of California* (1991) 53 Cal. 3d 37, 47 [“Our enforcement of disciplinary rules by suspending or disbaring an attorney is state action and, as such, is immune from Sherman Antitrust Act liability.”].)

D. Conclusion

Based on the foregoing analysis, there is no antitrust violation related to the State Bar’s response to a request made pursuant to the California Public Records Act, or related to the State Bar’s investigation and prosecution of attorney misconduct. To the extent Requestor makes allegations regarding individualized conduct by State Bar employees, such actions do not impact the market for legal services, and therefore do not raise antitrust concerns. To the extent Requestor raises generalized issues regarding the investigation and prosecution of attorney misconduct, the State Bar’s attorney discipline system falls within the immunity of the state action doctrine.

E. Reviewability

The State Bar Office of General Counsel’s determinations on reports of potential antitrust violations may be reviewed *de novo* by the California Supreme Court. Requestor is hereby advised of the right to request review by filing a petition with the Court, pursuant to rule 9.13, subsection (d) through (f), California Rules of Court, within **60 days of the date of this determination.**

⁶ (*In re Rose* (2000) 22 Cal. 4th 430, 436 [93 Cal. Rptr. 2d 298, 302, 993 P.2d 956, 960] [“The State Bar Court exercises no judicial power, but rather makes recommendations to [the Supreme Court], which then undertakes an independent determination of the law and the facts, exercises its inherent jurisdiction over attorney discipline, and enters the first and only disciplinary order.”]; *Brotsky v. State Bar of Cal.* (1962) 57 Cal. 2d 287, 301 [19 Cal. Rptr. 153, 160, 368 P.2d 697, 704] [holding “in matters of discipline and disbarment, the State Bar is but an arm of [the Supreme Court], and that this court retains its power to control any such disciplinary proceeding at any step.”]; Bus & Prof. Code, § 6100 [“For any of the causes provided in this article, arising after an attorney’s admission to practice, he or she may be disbarred or suspended by the Supreme Court. Nothing in this article limits the inherent power of the Supreme Court to discipline, including to summarily disbar, any attorney.”]; State Bar of California Rules of Procedure, rule 5.120 [“Unless the Court orders otherwise, the State Bar court’s final recommendation to suspend or disbar a member and the accompanying record will be sent to the Supreme Court after all applicable cost certificates have been filed, or an additional 30 days has expired, whichever is earlier.”].)

Rule 9.13. Review of State Bar Court decisions

(a) Review of recommendation of disbarment or suspension

A petition to the Supreme Court by a member to review a decision of the State Bar Court recommending his or her disbarment or suspension from practice must be filed within 60 days after a certified copy of the decision complained of is filed with the Clerk of the Supreme Court. The State Bar may serve and file an answer to the petition within 15 days of service of the petition. Within 5 days after service of the answer, the petitioner may serve and file a reply. If review is ordered by the Supreme Court, the State Bar must serve and file a supplemental brief within 45 days after the order is filed. Within 15 days of service of the supplemental brief, the petitioner may serve and file a reply brief.

(Subd (a) amended effective January 1, 2007; previously relettered and amended effective October 1, 1973; previously amended effective July 1, 1968, and December 1, 1990.)

(b) Review of State Bar recommendation to set aside stay of suspension or modify probation

A petition to the Supreme Court by a member to review a recommendation of the State Bar Court that a stay of an order of suspension be set aside or that the duration or conditions of probation be modified on account of a violation of probation must be filed within 15 days after a certified copy of the recommendation complained of is filed with the Clerk of the Supreme Court. Within 15 days after service of the petition, the State Bar may serve and file an answer. Within 5 days after service of the answer, the petitioner may serve and file a reply.

(Subd (b) amended effective January 1, 2007; adopted effective October 1, 1973; previously amended effective December 1, 1990.)

(c) Review of interim decisions

A petition to the Supreme Court by a member to review a decision of the State Bar Court regarding interim suspension, the exercise of powers delegated by rule 9.10(b)-(e), or another interlocutory matter must be filed within 15 days after written notice of the adverse decision of the State Bar Court is mailed by the State Bar to the petitioner and to his or her counsel of record, if any, at their respective addresses under section 6002.1. Within 15 days after service of the petition, the State Bar may serve and file an answer. Within 5 days after service of the answer, the petitioner may serve and file a reply.

(Subd (c) amended effective January 1, 2007; adopted effective December 1, 1990.)

(d) Review of other decisions

A petition to the Supreme Court to review any other decision of the State Bar Court or action of the Board of Governors of the State Bar, or of any board or committee appointed by it and authorized to make a determination under the provisions of the State Bar Act, or of the chief executive officer of the State Bar or the designee of the chief executive officer authorized to make a determination under article 10 of the State Bar Act or these rules of court, must be filed within 60 days after written notice of the action complained of is mailed to the petitioner and to his or her counsel of record, if any, at their respective addresses under section 6002.1. Within 15 days after service of the petition, the State Bar may serve and file an answer and brief. Within 5 days after service of the answer and brief, the petitioner may serve and file a reply. If review is ordered by the Supreme Court, the State Bar, within 45 days after filing of the order, may serve and file a supplemental brief. Within 15 days after service of the supplemental brief, the petitioner may file a reply brief,

(Subd (d) amended effective January 1, 2007, previously amended effective July 1, 1968, May 1, 1986, and April 2, 1987; previously relettered and amended effective October 1, 1973, and December 1, 1990.)

(e) Contents of petition

(1) A petition to the Supreme Court filed under (a) and (b) of this rule must be verified, must specify the grounds relied upon, must show that review within the State Bar Court has been exhausted, must address why review is appropriate under one or more of the grounds specified in rule 9.16, and must have attached a copy of the State Bar Court decision from which relief is sought.

(2) When review is sought under (c) and (d) of this rule, the petition must also be accompanied by a record adequate to permit review of the ruling, including:

(A) Legible copies of all documents and exhibits submitted to the State Bar Court supporting and opposing petitioner's position;

(B) Legible copies of all other documents submitted to the State Bar Court that are necessary for a complete understanding of the case and the ruling; and

(C) A transcript of the proceedings in the State Bar Court leading to the decision or, if a transcript is unavailable, a declaration by counsel explaining why a transcript is unavailable and fairly summarizing the proceedings, including arguments by counsel and the basis of the State Bar Court's decision, if stated; or a declaration by counsel stating that the transcript has been ordered, the date it was ordered, and the date it is expected to be filed, which must be a date before any action is requested from the Supreme Court other than issuance of a stay supported by other parts of the record.

(3) A petitioner who requests an immediate stay must explain in the petition the reasons for the urgency and set forth all relevant time constraints.

(4) If a petitioner does not submit the required record, the court may summarily deny the stay request, the petition, or both.

(Subd (e) amended effective January 1, 2007; previously repealed and adopted by the Supreme Court effective December 1, 1990, and February 1, 1991; previously repealed and adopted effective March 15, 1991.)

(f) Service

All petitions, briefs, reply briefs, and other pleadings filed by a petitioner under this rule must be accompanied by proof of service of three copies on the General Counsel of the State Bar at the San Francisco office of the State Bar, and of one copy on the Clerk of the State Bar Court at the Los Angeles office of the State Bar Court. The State Bar must serve the member at his or her address under Business and Professions Code section 6002.1, and his or her counsel of record, if any.

(Subd (f) amended effective January 1, 2007; adopted by the Supreme Court effective December 1, 1990; previously amended by the Supreme Court effective February 1, 1991; previously amended effective March 15, 1991.)

Rule 9.13 amended and renumbered effective January 1, 2007; adopted as rule 59 by the Supreme Court effective April 20, 1943, and by the Judicial Council effective July 1, 1943; previously amended and renumbered as rule 952 effective October 1, 1973; previously amended effective July 1, 1976, May 1, 1986, April 2, 1987, December 1, 1990, February 1, 1991, and March 15, 1991.

The address to file your petition with the California Supreme Court is:

CALIFORNIA SUPREME COURT
CLERK'S OFFICE
350 McALLISTER STREET
SAN FRANCISCO, CA 94102

May 11, 2018
By Email and US Mail

Complaint: Mother's Day Antitrust Compliant – Santa Clara County

Dear State Bar Board of Trustees,

As I am sure you are aware, on September 28, 2017, the California Supreme Court issued an order that requires the State Bar to investigate and report any complaint brought by a member of the public claiming Antitrust activity involving members of the State Bar.

Further, I understand that when a complaint includes attorneys employed by the State Bar, that an outside independent investigation is required, as was performed by Munger, Tolles & Olson LLP beginning on August 26, 2014 in response to a July 31, 2014 Report of Improper Activity from the Bar's then Chief Trial Counsel Jayne Kim based on concerns related to the actions by Executive Director Joseph Dunn, Chief Financial Officer Peggy Van Horn (CFO) and General Counsel Thomas Miller (GC) that demonstrated a disturbing pattern and practice at the highest levels of the State Bar organization.

Since 2014 the family law litigants of Santa Clara County have conducted their own independent investigation and have found similar disturbing patterns, with the additional finding of Antitrust activity that includes private and governmental attorneys who have acted in a manner to deprive family law litigants Honest Services in divorce and custody matters and that served to act as "Victim Looting" by converting state and federal grants intended to assist victims, as well as community property, as fees for lawyers and lawyer supported organizations in the Santa Clara County community.

I. Antitrust Activity pervasive in Santa Clara County based on the following:

- 1) Santa Clara County Local Rules: Adoption and Enforcement.
- 2) Santa Clara County's policies and practices related to Domestic Violence and Sexual Assault.
- 3) Santa Clara County's operation and management of Victim – Witness Services out of the offices of the District Attorney, Jeff Rosen.
- 4) Santa Clara County's operation of the IDO for family law litigants charged with criminal complaints or domestic violence.
- 5) Complicity and Indifference of the Santa Clara County's judiciary with regard to attorney discipline under Canon 3D2.
- 6) Prosecutorial Misconduct of Santa Clara County's District Attorney where Business and Professions Code 6101, 6106 and 6128 are concerned.
- 7) State Bar's policies and procedures related to the handling and prosecuting of complaints brought from non- attorneys.
- 8) Santa Clara County's policies and practices of placing judicial officers and attorneys on governmental panels, councils, and committees.
- 9) The training, policies and practices of State Bar employees during the investigation of attorney complaints (Ben Churny and Mr. Munoz).
- 10) The policy and practice of the State Bar for disciplining attorneys without consideration for Marsy's Law and other victims' rights where people have been harmed by private and governmental stories licensed by the State Bar.

- 11) The policies, practices, and management of the Santa Clara County Bar Association, "SCCBA".
- 12) The personal, professional and social conduct of James Towery, Former Chief Trial Counsel and Past President of the State Bar.
- 13) The conduct of State Bar employees: Suzanne Grandt, Sherrie McLetchie, Vanessa Holton, Leah Wilson and Steven Moawad, Ben Charny and investigator Munoz. The State Bar's management of public records under California's Public Records Act.
- 14) The conduct of former Chief Trial Counsel Gregory Dresser, and who currently serves as the Director for the Commission on Judicial Performance.
- 15) The conduct of former CJP Director Victoria Henley, who is still listed on the State Bar Website as employed by the CJP.
- 16) The practice of appointing private lawyers as minor's counsel, referees, Special Masters and private judges in divorce cases, that serves as a form of advertising in a manner harmful to the public.
- 17) Consistent failures of Santa Clara County private lawyers to comply with State Bar Rules governing disclosure and conflicts to their clients.

II. Government and Private Attorneys Engaged in Antitrust Activity that Deprives Santa Clara County Residents of Honest Services in Divorce and Custody Matters:

A. Governmental attorneys:

1. James Williams, Santa Clara County General Counsel
2. Michael Rossi, Santa Clara County Deputy General Counsel,
3. Jeffery Francis Rosen, Santa Clara County District Attorney
4. John Chase, Santa Clara County District Attorney's Office
5. Admir Alem, Santa Clara County District Attorney's Office
6. Jim Demertzis, Santa Clara County District Attorney's Office
7. James Gibbons- Shapiro, Santa Clara County Victim/Witness Services
8. Allison Filo, Santa Clara County District Attorney's Office
9. David Cortese, Santa Clara County Supervisor
10. Lisa Herrick, Superior Court General Counsel
11. Sherrie McLetchie, State Bar
12. Gregory Dresser, Commission on Judicial Performance
13. Alan Nudelman, former DAO and current criminal lawyer.

Conduct of these individuals constitutes improper governmental activity where government lawyers have acted in a manner outside their official duties to collude with private lawyers and create a culture harmful to the public in Santa Clara County.

B. Private Divorce Lawyers:

Bradford Baugh
Valerie Houghton
Heather Allan
Elise Mitchell
Jessica Huey
Richard Roggia
James McManis
Richard Roggia
Marilyn Moreno
Nat Hales
Sharon Roper
Hector Moreno
Lynne Yates Carter
Rebekah Frye
Lynn Yates Carter
Marilyn Moreno

III. Attorney Conduct Exhibiting Antitrust Activity:

1. Regularly fail to disclose social and professional conflicts to divorce clients.
2. Regularly engage in predatory business practices.
3. Communicate in violation of Antitrust laws, including the Cartwright and Sherman Antitrust acts on issues of staff salaries and office services.
4. Work to deter media coverage in a manner that harms the public's right to know.
5. Regularly engage in secret pricing deals with court appointed CPAs, minors counsel, private judges and other experts.
6. Regularly appear before the same judicial officers and court staff where out-of-area lawyers, and pro se litigants, are left in the dark as to the relationships judges and lawyers engage in that could deprive litigants of fair hearings in divorce and custody matter where 90% of litigants act pro per.
7. Regularly receive favorable pricing and services from court reporters assigned to certain family court judges.
8. Santa Clara County Bar Association (SCCBA) members regularly fail to report and investigate claims of unfairness, sexual harassment and gender bias as Local Administrative Rules require.
9. Engage in predatory billing practices designed to harm vulnerable clients.
10. SCCBA Bar members regularly engage in improper governmental activity when acting in local government positions where violations of the Brown Act, Open Government Act and California's Public Records Act regularly occur.
11. SCCBA members engage in predatory advertising practices, through court appointments, unlawful literature distribution, social media or contacts through the court, and county agencies, funded with state and federal grants.
12. SCCBA members work indirectly by word of mouth at association meetings, local government and court hosted events, to engage in conduct designed to discredit competitors and to disfavor certain litigants before family law judges.

13. SCCBA members regularly engage in sexual harassment, abuse and domestic violence in their personal and professional lives, in a manner that is vastly underreported to the Bar, and that the DA and to the courts (as required by Standing Orders) fail to investigate.
14. SCCBA members regularly benefit from local law enforcement agencies, including the DAs office, governmental lawyers and the judiciary in a manner that demonstrates prosecutorial immunity based on Business and Professions Code 6106, 6128 and Penal Code 115, 117 and 132.
15. Since July 2017, the State Bar's Suzanne Grandt engaged in conduct before a federal judge that constitutes misconduct subject to discipline, engaged in conduct related to a public records request that sought to harass and retaliate against a member of the press and the public who made the request and where Grandt attempted to use intimidation, harassment and threats to get a vulnerable litigant to sign an affidavit Ms. Grandt knew to be untrue.
16. Governmental lawyer Jeff Rosen has used his power and influence to conceal information that he knew could result in unfavorable press coverage during his political campaigns and that he knew served to fail to protect victims from sexual predators working in religious organizations where Mr. Rosen and his family and friends associate.
17. Gregory Dresser, and State Bar investigators and lawyers, including Sherrie McCletchie, engaged in conduct that served to violate privacy of victims lodging complaints with the Bar and acted in a manner that appears to have allowed former Chief Trial Counsel James Towery, to intervene with lawyers who regularly appear in James Towery's family court, and where those lawyers are reportedly in discussions with James Towery's former law firm Hoge Fenton.
18. SCCBA members have regularly engaged in unlawful activity with the local judiciary, the Santa Clara County Sheriffs, the Los Gatos police and state court employees in a manner that constitutes conversion, emoluments.
19. SCCBA members continue to demonstrate a lack of training and understanding on issues related to domestic violence and sexual assault in a manner that provides for protracted abuse and tolerates false claims, where SCCBA members benefit financially.

20. Governmental lawyers in the county, city and DAO, regularly fail to report local lawyers charged with crimes including: domestic violence, DUI, shoplifting and white-collar crimes, as Business and Professions Code 6101 requires.
21. Significant violations of California's Public Records Act has worked to conceal Antitrust Activity in the legal community from the press and the public.

Attachment #1 is a partial list of communications evidencing the basis for this complaint.

Background and Information about Complainant

I have been a Santa Clara County resident for nearly 30 years. I am a publisher, investigative reporter, producer, First Amendment Advocate and Victim's Advocate. I am additionally, a court critic after a 7-year experience in Santa Clara County's family courts.

Over the past 7 years I have had 160 hearings in my personal divorce case, have attended and made media requests in over 200 other cases.

Based on my training, expertise and experience, my associates and I have interviewed thousands of represented and pro se family law litigants and family law attorneys. I have personally researched and reviewed thousands of court files, decisions, and articles.

I have interviewed over 2000 people and have thousands of videos, voice recordings and photos of those interviews. I and my associates are the only media actively investigating global issues pertaining to California's Family Law matters and we have a unique understanding of how to use social media and the internet in order to bring this complaint in a manner that should result in criminal prosecutions.

Based on protections afforded under California's Shield Laws, I have obtained information not available to the State Bar and protected under my

ethical duty as a member of the press, and under my obligations as a support person and advocate under Marsy's Law.

By way of example, please see the attached partial file on victim V. Doe.- Attachment #2 - This victim allegedly suffered as a result of a sexual predator, Rabbi Kaplan, and his complicit Supervisor, Rabbi Aron, who was charged to oversee an organization called Silicon Valley Faces, where several members of the Santa Clara County legal community were highly embroiled and had financial interests.

At the time of these allegations, V Doe sought a sense of belonging through the Shir Hadash congregation after V Doe suffered from parental alienation and loss with V Doe's five children, following a family law matter where Judge Arron Persky presided. The Shir Hadash congregation appeared to then act to privately settle sexual abuse claims, while Rabbi Aron attempted to deter V Doe from perusing criminal complaints that would be damaging to Shir Hadash and Rabbi Aron's career, which was regularly assisted by DA Jeff Rosen, and now supervisor Mike Wasserman. V Doe claims that as the sexual assault occurred, V Doe was pressured into working through Shir Hadash on Mr. Rosen's and Mr. Wasserman's political campaigns. One of the attorneys who represented V Doe in the settlement was Robert Allard, a close friend of Mr. Rosen. Mr. Wasserman is a reported member of the Shir Hadash congregation.

In and around this same the Santa Clara County Sheriffs began investigating the suicide of Audrie Pott, a Saratoga High School student. On information and belief, a group of four students were threatened by Jeff Rosen's office for causing the death of Ms. Pott, based on a sexual bullying experience at a Saratoga party. The Potts retained Robert Allard to go after the boys in a civil settlement, where the Potts reportedly gained nearly 2 million dollars, and used the courts to deny Audrie's biological father standing to deal with the case. Through abuse of process, Jeff Rosen used the Potts and Audrie's tragic suicide to advance his political agenda related to cyber bullying, and provided the Potts favorable kickbacks for the Audrie Pott Foundation in return.

As Rosen advanced this false position publicly, he knew he and the local community had ignored domestic violence that was well documented to have occurred between Audrie's mother and step father during a long protracted divorce.

Despite multiple police reports documenting domestic violence, Audrie was never offered services when she was clearly a victim of child abuse and domestic violence, which Judge Dolores Carr recognized but was unsuccessful in addressing based on political pressure she faced from James Towery and his wife, Karyn Sinunu Towery, a former prosecutor who had unsuccessfully campaigned against Carr for the DA position prior to Jeff Rosen being elected.

In and around this same time Ms. Elena Berg made claims of domestic violence against her husband, who was reportedly worth over \$200,000,000. Ms. Berg was represented in her divorce matter by private attorney Bradford Baugh. Jeff Rosen's office, based on Ms. Berg's claims, prosecuted Mr. Berg for domestic violence, where Mr. Berg ultimately obtained a factual finding of innocence. Before Mr. Berg's divorce was complete, he had incurred over \$6,000,000 in legal fees to defend the criminal action, defend a civil domestic violence action, and pay Mr. Baugh's fees and fees for a criminal lawyer for Ms. Berg, in a family law matter. Mr. Berg additionally is reported to have paid the Mc Manis law firm nearly \$500,000 in less than a six-month period. The McManis Law firm was previously investigated by the Bar for predatory billing practices, and it is believed that while working at the Bar, James Towery acted in a manner to protect lawyers such as Mc Manis and Bradford Baugh, and that the protection continues today, as Jeff Rosen's office has ignored a criminal complaint lodged against Mr. Baugh by a former Santa Clara County prosecutor.

Mr. Berg was additionally a victim of attorney Valerie Houghton, where an indictment is currently being pursued by Alem Admir in the DAO. It is believed that Jeff Rosen's office has failed to report this indictment to the State Bar, as BPC 6101 requires. Additionally, it is believed Mr. Rosen's office has misused tax payer funds and denied Mr. Berg, a 79-year-old man undergoing cancer treatments, services of the DAO's victim witness program, including allowing Mr. Berg to designate a support person of his choice.

The culture created by Jeff Rosen in the Santa Clara County District Attorney's office is toxic and harmful to the public.

Under Mr. Rosen's supervision, the DAO attempts discredit, or persecute individuals who potentially seek to expose improper governmental activity, while protecting private and governmental lawyers whom Mr. Rosen favors and associates.

Through my work I have amassed hundreds of files and victims who will come forward only to an independent investigator, the FBI, the Attorney General or the DOJ.

I am asking the Board of Trustees to refer this complaint and allow that information to come forward with an eye to the prosecution of private and governmental lawyers in Santa Clara County who have acted to harm the public and deny divorcing litigants Honest Legal Services, as the State Bar acted as a toothless watchdog and acted in a manner to protect unethical lawyers over protecting the public as the State Bar is obligated to do.

I look forward to your response.

Susan Bassi
Publisher- Investigative Reporter- Victim Advocate- Mom
P.O. Box 2220
Los Gatos, CA 95031
Cell (831)320-6421

Attachments:

- #1 - Emails from the State Bar and Santa Clara County District Attorney
- #2 - Partial Redacted File on Shir Hadash- Jeff Rosen