

**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

IN THE MATTER OF A  
SUSPENDED MEMBER OF  
THE STATE BAR OF ARIZONA,

**DAVID K. ROSEN,**  
**Bar No. 018589**

Respondent.

**PDJ 2019-9001**

**FINAL JUDGMENT AND  
ORDER**

[State Bar Nos. 18-1712, 18-2205, 18-  
2270, 18-2337, 18-2695 & 18-2795]

**FILED APRIL 19, 2019**

This matter was heard by the Hearing Panel, which rendered its Decision and Order Imposing Sanctions (Decision and Order) on March 27, 2019. No appeal having been filed and the time for appeal having passed,

**IT IS ORDERED** Respondent, **DAVID K. ROSEN, Bar No. 018589**, is disbarred from the State Bar of Arizona and his name is stricken from the roll of lawyers effective March 27, 2019, as ordered in the Hearing Panel's Decision and Order. Mr. Rosen is no longer entitled to the rights and privileges of a lawyer but remains subject to the jurisdiction of the Court.

**IT IS FURTHER ORDERED** Mr. Rosen shall immediately comply with the requirements relating to notification of clients and others and provide and/or file all notices and affidavits required by Rule 72, Ariz. R. Sup. Ct.

**IT IS FURTHER ORDERED** Mr. Rosen shall pay restitution, with interest at the legal rate, to the following individuals in the following amounts:

Count Two: \$9,745.00 to Complainant Gloria Biggs;

Count Four: \$24,500.00 to Norman Miller; and

Count Five: \$3,500.00 to Robert Yen.

**IT IS FURTHER ORDERED** Mr. Rosen shall pay costs and expenses of the State Bar of Arizona in the amount of \$2,400.00 as ordered by the Presiding Disciplinary Judge. There are no costs or expenses of Presiding Disciplinary Judge's Office in this matter.

**DATED** this 19<sup>th</sup> day of April, 2019.

*William J. O'Neil*  
\_\_\_\_\_  
**William J. O'Neil, Presiding Disciplinary Judge**

Copies of the foregoing mailed/emailed this 19<sup>th</sup> day of April, 2019, to:

Hunter F Perlmeter  
Senior/Staff Bar Counsel  
State Bar of Arizona  
4201 N 24<sup>th</sup> Street, Suite 100  
Phoenix, Arizona 85016-6266  
Email: [LRO@staff.azbar.org](mailto:LRO@staff.azbar.org)

David K. Rosen  
Rosen Law Firm PLLC  
15849 N 71st St Ste 100  
Scottsdale, AZ 85254-2179  
Email: [davidrosen@rosenlawaz.com](mailto:davidrosen@rosenlawaz.com)  
Respondent

by: AMcQueen

**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

IN THE MATTER OF A SUSPENDED  
MEMBER OF THE STATE BAR OF  
ARIZONA,

**DAVID K. ROSEN,**  
**Bar No. 018589**

Respondent.

**PDJ 2019-9001**

**DECISION AND ORDER  
IMPOSING SANCTIONS**

[State Bar No. 18-1712, et al.]

**FILED MARCH 27, 2019**

In three separate matters Mr. Rosen converted settlement funds owed to his clients. In another he accepted fees, failed to perform the contracted services and abandoned his client. In two Superior Court matters he engaged in the unauthorized practice of law after being suspended from the practice of law. In each of those matters he fraudulently and surreptitiously used the identity of two attorneys to file pleadings. In each matter he either failed to respond or failed to cooperate with the State Bar's investigation. The hearing panel orders David K. Rosen disbarred from the practice of law.

The aggravation mitigating hearing was scheduled for and heard on March 27, 2019 at 10:00. The Hearing Panel (Panel), comprised of Terri Rowe, volunteer attorney member, Thomas C. Schleifer, volunteer public member, and the Presiding Disciplinary Judge William J. O'Neil, ("PDJ") considered the testimony and

evidence. Senior Bar Counsel Hunter F. Perlmeter appeared on behalf of the State Bar of Arizona. Mr. Rosen did not appear. Exhibits 1-40 were admitted. The State Bar sought disbarment.

### **PROCEDURAL HISTORY**

The State Bar of Arizona (“SBA”) filed its complaint on January 14, 2019. Mr. Rosen was served pursuant to Rules 47(c) and 58(a) (2), Ariz. R. Sup. Ct. A notice of default issued on February 12, 2019. The default became effective on March 5, 2019.

### **FINDINGS OF FACT**

Upon entry of effective default “the allegations in the complaint shall be deemed admitted.”<sup>1</sup> The 40 admitted exhibits support the complaint allegations. The State Bar made an offer of proof and had witnesses available to testify.

### **GENERAL FINDINGS**

1. Mr. Rosen was a lawyer licensed to practice law in Arizona having been first admitted to practice in Arizona on October 18, 1997.
2. Mr. Rosen was suspended from the practice of law for six (6) months, effective September 19, 2016, for his misconduct in PDJ 2016-9028.
3. On April 19, 2017, Mr. Rosen was reinstated to the practice of law.

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<sup>1</sup> Rule 58(d), Ariz. R. Sup. Ct.

4. In PDJ 2018-9008 Mr. Rosen was suspended from the practice of law, this time for two years, effective June 25, 2018.

**COUNT ONE (File no. 18-1712/Dekova)<sup>2</sup>**

5. In early 2018, Daniela Dekova hired Mr. Rosen for representation in two matters. The first involved potential litigation against a car dealer for selling her a defective vehicle. The second matter was a diminution of value claim involving property damage to her vehicle. Mr. Rosen agreed to handle the first matter on a contingency fee basis. Dekova paid \$500 to Mr. Rosen to represent her in the second matter.

6. When Mr. Rosen failed to return Devoka's phone calls regarding the status of her cases, Dekova contacted Geico Insurance. She learned that her property damage case had settled months earlier. Geico had issued a check for \$4,400 in both Mr. Rosen's name and Dekova's name, and the check had been cashed.

7. Mr. Rosen never informed Dekova that the case had settled for \$4,400, never informed her that a check had issued, and never obtained Dekova's signature to cash the check.

8. Mr. Rosen caused Devoka's signature to be forged on the check.

9. After Dekova filed a bar charge, Mr. Rosen sent her \$4,400.

10. Mr. Rosen has failed to respond to the SBA's screening letter.

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<sup>2</sup> See Exhibits 1-13.

11. In count one, Mr. Rosen violated ERs 1.15 and 8.4(c).

**COUNT TWO (File no. 18-2205/Biggs)<sup>3</sup>**

12. On March 23, 2016, Gloria Biggs hired Mr. Rosen to represent her daughter and her in a personal injury case following a car accident.

13. On June 17, 2016, Mr. Rosen settled Gloria Biggs claim for \$9,745. He never resolved the outstanding liens on those funds and distributed none of the proceeds to Biggs.

14. Having effectively stolen the money Mr. Rosen stopped communicating with Biggs altogether in March of 2017.

15. Mr. Rosen failed to respond to the SBA's investigation.

16. In count two, Mr. Rosen violated ERs 1.15, 8.4(c) and 8.4(d).

**COUNT THREE (File no. 18-2270/Burz)<sup>4</sup>**

17. In 2014 Diana Burz hired Mr. Rosen to file a dental malpractice claim on her behalf.

18. During the pendency of the representation, Mr. Rosen was suspended from the practice of law effective September 19, 2016. Mr. Rosen failed to inform Ms. Burz of the suspension.

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<sup>3</sup> See Exhibits 14-19.

<sup>4</sup> See Exhibits 20-24.

19. On December 22, 2016, while suspended, Mr. Rosen engaged in the unauthorized practice of law and committed fraud. He filed a complaint in Superior Court in Maricopa County case CV2016-016575 under the name and bar number of attorney Edwin Hsu. He forged Hsu's electronic signature on the complaint.

20. Mr. Hsu was unaware that Mr. Rosen was making use of his identity.

21. Mr. Rosen abandoned Ms. Burz's case and her case was dismissed for lack of prosecution.

22. In count three, Mr. Rosen violated ERs 5.5, 8.4(b), 8.4(c) and 8.4(d).

**COUNT FOUR (File no. 18-2337/Miller)<sup>5</sup>**

23. On February 23, 2014, Norman Miller was injured in a traffic accident. He hired Mr. Rosen to represent him.

24. On August 24, 2015, Mr. Rosen settled Miller's claim for \$24,500. That day, Mr. Rosen emailed Miller's son apprising him of the settlement amount and forwarding a release for signature.

25. Miller signed the release and returned it, but Mr. Rosen never distributed funds.

26. On October 12, 2016, the son emailed Mr. Rosen:

What is going on with the case? My father is circling the drain financially... . Over a year ago you said there was a dispute about the Tricare bill, and you needed to work on that. Four months ago you had to refile and substitute

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<sup>5</sup> See Exhibits 25-30.

names, and you were working on a settlement. He celebrated his 92<sup>nd</sup> birthday 2 weeks ago, and for obvious reasons we need prompt closure of the second case.

27. The last communication between Mr. Rosen and Miller took place on January 30, 2017 regarding distribution of funds. Mr. Rosen suggested the need to interplead the funds and indicated that he would provide an update later in the week.

28. The evidence established his intent. Mr. Rosen disbursed none of the funds to Miller, did not file an interpleader, and has failed to return Miller's phone calls inquiring about distribution of the settlement.

29. Mr. Rosen also failed to respond to the SBA's screening letter and voicemails from bar counsel.

30. In count four, Mr. Rosen violated ERs 1.3, 1.4, 1.15 and 8.4(c).

#### **COUNT FIVE (File no. 18-2695/Yen)<sup>6</sup>**

31. Complainant Robert Yen, successor counsel to Mr. Rosen in a licensing case against the City of Peoria, filed a civil complaint against Mr. Rosen after learning that Mr. Rosen collected money from his clients and then abandoned them without issuing a refund.

32. Yen's client's hired Mr. Rosen in approximately May of 2018 to defend them in a matter against the City of Peoria. Yen's clients paid Mr. Rosen \$3,500.

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<sup>6</sup> See Exhibits 31-35.

33. In multiple text messages, Mr. Rosen fraudulently misled the clients by telling them he had been negotiating with the Peoria City Attorney concerning their case. Such representations were false. Mr. Rosen had no contact with that office on behalf of those clients.

34. In count five, Mr. Rosen violated ERs 1.5, 1.15, and 8.4(c).

**COUNT SIX (File no. 18-2795/Abbell)<sup>7</sup>**

35. In August of 2018, Mr. Rosen surreptitiously used the identity of attorney Kimberly Abbell without her permission to file multiple pleadings in a Superior Court in Maricopa County, case CV2017-055518.

36. When notified of the filings with her signature by the opposing counsel, Ms. Abbell contacted Mr. Rosen.

37. Mr. Rosen admitted to using Abbell's bar number and name without permission. He told her he did so because he was "in a bind."

38. Ms. Abbell gave Mr. Rosen a deadline to address the issue and report back to her, but he never contacted her again.

39. Mr. Rosen failed to respond to the bar charge.

40. In count six, Mr. Rosen violated ERs 8.4(b) and 8.4(c).

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<sup>7</sup> See Exhibits 36-40.

## CONCLUSIONS OF LAW

Although the factual allegations are deemed admitted by default, there has also been an independent determination by the Hearing Panel that the State Bar has proven by clear and convincing evidence that Mr. Rosen violated the ethical rules.

Based upon the facts deemed admitted and the evidence at the aggravation/mitigation hearing, the Hearing Panel finds by clear and convincing evidence that Mr. Rosen violated: Rule 42, Ariz. R. Sup. Ct., specifically ERs 1.3, 1.4, 1.5, 1.15, 5.5, 8.4(b), 8.4(c) and 8.4(d).

## ABA STANDARDS ANALYSIS

The American Bar Association's *Standards for Imposing Lawyer Sanctions* ("*Standards*") are a "useful tool in determining the proper sanction." *In re Cardenas*, 164 Ariz. 149, 152, 791 P.2d 1032, 1035 (1990). In imposing a sanction, the following factors should be considered: (1) the duty violated; (2) the lawyer's mental state; (3) the actual or potential injury caused by the lawyer's misconduct; and (4) the existence of aggravating or mitigating factors. *Standard 3.0*.

### **Duties violated:**

Mr. Rosen violated his duties to his clients, the profession, and the legal system.

## **Mental State and Injury:**

Mr. Rosen violated his duty to clients, implicating *Standard 4.4*. *Standard 4.41* states:

Disbarment is generally appropriate when:

- (a) a lawyer abandons the practice and causes serious or potentially serious injury to a client;
- (b) a lawyer knowingly fails to perform services for a client and causes serious or potentially serious injury to a client; or
- (c) a lawyer engages in a pattern of neglect with respect to client matters and causes serious or potentially serious injury to a client.

Mr. Rosen abandoned the practice, knowingly failed to perform services for clients and engaged in a pattern of neglect of client matters, all which caused serious or potentially serious injury to clients. Therefore, *Standard 4.41* applies.

Mr. Rosen also violated his duty owed as a professional, which implicates *Standard 7.0*. *Standard 7.1* states, “Disbarment is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional with the intent to obtain a benefit for the lawyer or another and causes serious or potentially serious injury to a client, the public, or the legal system.” Mr. Rosen fraudulently and surreptitiously used the identity of two attorneys to file pleadings during his period of suspension. In other matters Mr. Rosen converted settlement funds owed to his clients.

Mr. Rosen also violated his duty owed to the legal system, which implicates *Standard 6.11*. *Standard 6.11* states, “Disbarment is generally appropriate when a

lawyer, with the intent to deceive the court, makes a false statement submits a false document, or improperly withholds material information, and causes serious or potentially serious injury to a party, or causes a significant or potentially significant adverse effect on the legal proceeding. Mr. Rosen stole the identity of two attorneys to engage in the practice of law while suspended.

### **AGGRAVATING AND MITIGATING FACTORS**

The Hearing Panel finds the following aggravating factors are present in this matter:

- *Standard 9.22(a)* prior disciplinary offenses (Mr. Rosen has twice been suspended)
- *Standard 9.22(b)* dishonest or selfish motive (Mr. Rosen stole client funds in three matters and fraudulently and surreptitiously used the identity of two attorneys in two other matters to file pleadings.)
- *Standard 9.22(c)* a pattern of misconduct (Mr. Rosen repeatedly engaged in dishonesty)
- *Standard 9.22(d)* multiple offenses (Mr. Rosen involved six separate matters and multiple rule violations)
- *Standard 9.22(h)* vulnerability of victim (Mr. Rosen's client in Count 4 was in his nineties during the representation).

- *Standard 9.22(i)* substantial experience in the practice of law (Mr. Rosen has practiced for over twenty years).

- *Standard 9.22(j)* indifference to making restitution (Mr. Rosen failed to make restitution to at least 3 clients)

No mitigating factors apply. Disbarment is the appropriate sanction.

### **CONCLUSION**

The Supreme Court “has long held that ‘the objective of disciplinary proceedings is to protect the public, the profession and the administration of justice and not to punish the offender.’” *Alcorn*, 202 Ariz. at 74, 41 P.3d at 612 (2002) (quoting *In re Kastensmith*, 101 Ariz. 291, 294, 419 P.2d 75, 78 (1966)). It is also the purpose of lawyer discipline to deter future misconduct. *In re Fioramonti*, 176 Ariz. 182, 859 P.2d 1315 (1993). It is also a goal of lawyer regulation to protect and instill public confidence in the integrity of individual members of the SBA. *Matter of Horwitz*, 180 Ariz. 20, 881 P.2d 352 (1994).

The Panel orders:

1. Disbarring David K. Rosen effective immediately.
2. David K. Rosen shall pay restitution of:
  - a. \$9,745.00 to Complainant Gloria Biggs in Count Two (Ex. 18).
  - b. \$24,500 to the Complainant Norman Miller in Count 4 (Ex. 29).
  - c. \$3,500 to the Complainant Robert Yen in Count 5 (Ex. 31).

3. David K. Rosen shall pay all costs and expenses incurred by the SBA.

There are no costs incurred by the Office of the Presiding Disciplinary Judge in this proceeding.

A final Judgment and Order will follow.

**DATED** this 27<sup>th</sup> day of March 2019.

*Signature on File*

**William J. O'Neil, Presiding Disciplinary Judge**

*Signature on File*

**Thomas C. Schleifer, Volunteer Public Member**

*Signature on File*

**Terri Rowe, Volunteer Attorney Member**

Copy of the foregoing emailed  
this 27th day of March, 2019, and  
mailed March 28, 2019, to:

Hunter Perlmeter  
State Bar of Arizona  
4201 N. 24<sup>th</sup> St., Suite 100  
Phoenix, Arizona 85016-6266  
Email: LRO@staff.azbar.org

David K. Rosen  
15849 N. 71st St., Ste. 100  
Scottsdale, AZ 85254-2179  
Email: davidrosen@rosenlawaz.com  
Respondent

by: AMcQueen

OFFICE OF THE  
PRESIDING DISCIPLINARY JUDGE  
SUPREME COURT OF ARIZONA

JAN 14 2019

FILED

BY



Hunter F. Perlmeter, Bar No. 024755  
Senior Bar Counsel  
State Bar of Arizona  
4201 N. 24<sup>th</sup> Street, Suite 100  
Phoenix, Arizona 85016-6266  
Telephone (602)340-7278  
Email: LRO@staff.azbar.org

**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

**IN THE MATTER OF A  
SUSPENDED MEMBER OF THE  
STATE BAR OF ARIZONA,**

**DAVID K. ROSEN,  
Bar No. 018589,**

Respondent.

PDJ 2019- 9001

**COMPLAINT**

[State Bar No. 18-1712, 18-2205, 18-2270, 18-2337, 18-2695, & 18-2795]

Complaint is made against Respondent as follows:

**GENERAL ALLEGATIONS**

1. Respondent was first licensed to practice law in the state of Arizona on October 18, 1997.
2. For his misconduct in PDJ 2016-9028, Respondent was suspended from the practice of law for six (6) months effective September 19, 2016.

3. On April 19, 2017, Respondent was reinstated to the practice of law.

4. For his misconduct in PDJ 2018-9008, Respondent was suspended for two years effective June 25, 2018.

**COUNT ONE (File no. 18-1712/Dekova)**

5. In early 2018, Daniela Dekova hired Respondent for representation in two matters. The first involved potential litigation against a car dealer for selling her a defective vehicle. The second matter was a diminution of value claim involving property damage to her vehicle. Respondent agreed to handle the first matter on a contingency fee basis. Dekova paid \$500 to Respondent for representation in the second matter.

6. When Respondent failed to return Devoka's phone calls regarding the status of her cases, Dekova contacted Geico Insurance and learned that her property damage case had settled months earlier. Specifically, Geico had issued a check for \$4,400 in both Respondent's name and Dekova's name, and the check had been cashed.

7. Respondent never informed Dekova that the case had settled for \$4,400, never informed her that a check had issued, and never obtained Dekova's signature in order to cash the check.

8. Upon information and belief, Respondent forged Devoka's signature.
9. After Dekova filed the subject bar charge, Respondent sent her \$4,400.
10. Respondent has failed to respond to the SBA's screening letter.
11. In count one, Respondent violated ERs 1.15, 8.4(c), and Rule 54(d).

**COUNT TWO (File no. 18-2205/Biggs)**

12. On March 23, 2016, Gloria Biggs hired Respondent to represent her and her daughter in a personal injury case following a car accident.

13. On June 17, 2016, Respondent settled Gloria Biggs claim for \$9,745. He never resolved outstanding liens or distributed the recovery to Biggs.

14. In approximately March of 2017, Respondent stopped communicating with Biggs altogether.

15. Respondent failed to respond to the SBA's investigation.

16. In count two, Respondent violated ERs 1.15, 8.4(c), 8.4(d), and Rule 54(d).

**COUNT THREE (File no. 18-2270/Burz)**

17. In 2014 Diana Burz hired Respondent to bring a dental malpractice claim.

18. During the pendency of the representation, Respondent was suspended from the practice of law effective September 19, 2016. Respondent failed to inform Burz of the suspension.

19. On December 22, 2016, while suspended, Respondent continued to practice law by filing his complaint in Maricopa County case no. CV2016-016575 under the name and bar number of attorney, Edwin Hsu. He forged Hsu's electronic signature on the complaint.

20. At all times, Hsu was completely unaware that Respondent was making use of his identity.

21. Burz's case was later dismissed for lack of prosecution.

22. In count three, Respondent violated ERs 5.5 8.4(b), 8.4(c), 8.4(d), and Rule 54(d).

#### **COUNT FOUR (File no. 18-2337/Miller)**

23. On February 23, 2014, Norman Miller was injured in a traffic accident. He hired Respondent to represent him.

24. On August 24, 2015, Respondent settled Miller's claim for \$24,500. That day, Respondent emailed Miller's son apprising him of the settlement amount and forwarding a release for signature.

25. Miller signed the release and returned it, but Respondent never distributed funds.

26. On October 12, 2016, the son emailed Respondent:

What is going on with the case? My father is circling the drain financially... . Over a year ago you said there was a dispute about the Tricare bill, and you needed to work on that. Four months ago you had to refile and substitute names, and you were working on a settlement. He celebrated his 92<sup>nd</sup> birthday 2 weeks ago, and for obvious reasons we need prompt closure of the second case.

27. The last communication between Respondent and Miller took place on January 30, 2017 regarding distribution of funds. Respondent suggested the need to interplead the funds and indicated that he would provide an update later in the week.

28. Respondent never disbursed any of the funds to Miller, did not file an interpleader, and has failed to return Miller's phone calls inquiring about distribution of the settlement.

29. Respondent also failed to respond to the SBA's screening letter and voicemails from bar counsel.

30. In count four, Respondent violated ERs 1.3, 1.4, 1.15, 8.4(c), and Rule 54(d).

**COUNT FIVE (File no. 18-2695/Yen)**

31. Complainant Robert Yen, successor counsel to Respondent in a licensing case against the City of Peoria, filed a civil complaint against Respondent after learning that Respondent collected money from his clients and then abandoned them without issuing a refund.

32. Yen's client's hired Respondent in approximately May of 2018 to defend them in a matter against the City of Peoria. Yen's clients paid Respondent \$3,500.

33. In multiple text messages, Respondent indicated to the clients that he had been negotiating with the Peoria City Attorney concerning their case. Such representations were false as, according to the Peoria City Attorney, Respondent never so much as contacted his office.

34. In count five, Respondent violated ERs 1.5, 1.15, 8.4(c), and Rule 54(d).

**COUNT SIX (File no. 18-2795/Abbell)**

35. In August of 2018, Respondent used the identity of attorney Kimberly Abbell without her permission to file multiple pleadings in Maricopa County case no. CV2017-055518.

36. Abbell contacted Respondent after being notified of the filings by the opposing counsel in the case.

37. During the conversation, Respondent admitted to using Abbell's bar number and name without permission because he was "in a bind."

38. Abbell gave Respondent a deadline to address the issue and report back to her, but he never contacted her again.

39. Respondent failed to respond to the bar charge.

40. In count six, Respondent violated ERs 8.4(b) and 8.4(c), and Rule 54(d).

DATED this 14<sup>th</sup> day of January, 2019.

STATE BAR OF ARIZONA



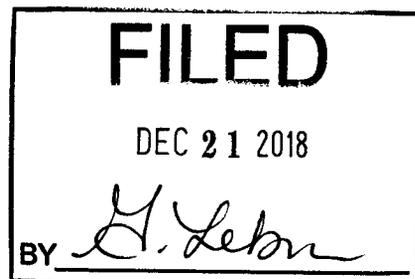
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Hunter F. Perlmeter  
Senior Bar Counsel

Original filed with the Disciplinary Clerk of  
the Office of the Presiding Disciplinary Judge  
of the Supreme Court of Arizona  
this 14<sup>th</sup> day of January, 2019.

by: Margueta Gode  
HFG:mg

**BEFORE THE ATTORNEY DISCIPLINE  
PROBABLE CAUSE COMMITTEE  
OF THE SUPREME COURT OF ARIZONA**



**IN THE MATTER OF A SUSPENDED  
MEMBER OF THE STATE BAR OF  
ARIZONA,**

No. 18-1712

**PROBABLE CAUSE ORDER**

**DAVID K. ROSEN  
Bar No. 018589**

Respondent.

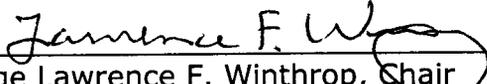
The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ("Committee") reviewed this matter on December 14, 2018, pursuant to Rules 50 and 55, Ariz. R. Sup. Ct., for consideration of the State Bar's Report of Investigation and Recommendation.

By a vote of 8-0-1<sup>1</sup>, the Committee finds probable cause exists to file a complaint against Respondent in File No. 18-1712.

**IT IS THEREFORE ORDERED** pursuant to Rule 55(c) and 58(a), Ariz. R. Sup. Ct., authorizing the State Bar counsel to prepare and file a complaint with the Disciplinary Clerk.

Parties may not file motions for reconsideration of this Order.

**DATED** this 21 day of December, 2018.

  
\_\_\_\_\_  
Judge Lawrence F. Winthrop, Chair  
Attorney Discipline Probable Cause  
Committee of the Supreme Court of Arizona

<sup>1</sup> Committee member Daisy Flores did not participate in this matter.

Original filed this 20<sup>th</sup> day  
of December, 2018, with:

Lawyer Regulation Records Manager  
State Bar of Arizona  
4201 N. 24<sup>th</sup> St., Suite 100  
Phoenix, Arizona 85016-6266

Copy mailed this 26<sup>th</sup> day  
of December, 2018, to:

David K. Rosen  
Rosen Law Firm PLLC  
15849 N. 71st St., Ste. 100  
Scottsdale, Arizona 85254-2179  
Respondent

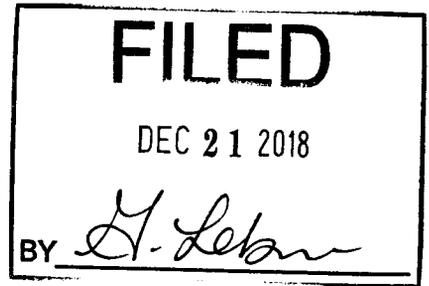
Copy mailed this 26<sup>th</sup> day  
of December, 2018, to:

Attorney Discipline Probable Cause Committee  
Of the Supreme Court of Arizona  
1501 West Washington Street, Suite 104  
Phoenix, Arizona 85007  
E-mail: [ProbableCauseComm@courts.az.gov](mailto:ProbableCauseComm@courts.az.gov)

Lawyer Regulation Records Manager  
State Bar of Arizona  
4201 N. 24<sup>th</sup> St., Suite 100  
Phoenix, Arizona 85016-6266  
E-mail: [LRO@staff.azbar.org](mailto:LRO@staff.azbar.org)

By: Karen E. Calcagno

**BEFORE THE ATTORNEY DISCIPLINE  
PROBABLE CAUSE COMMITTEE  
OF THE SUPREME COURT OF ARIZONA**



**IN THE MATTER OF A SUSPENDED  
MEMBER OF THE STATE BAR OF  
ARIZONA,**

No. 18-2205

**PROBABLE CAUSE ORDER**

**DAVID K. ROSEN  
Bar No. 018589**

Respondent.

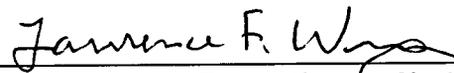
The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ("Committee") reviewed this matter on December 14, 2018, pursuant to Rules 50 and 55, Ariz. R. Sup. Ct., for consideration of the State Bar's Report of Investigation and Recommendation.

By a vote of 8-0-1<sup>1</sup>, the Committee finds probable cause exists to file a complaint against Respondent in File No. 18-2205.

**IT IS THEREFORE ORDERED** pursuant to Rule 55(c) and 58(a), Ariz. R. Sup. Ct., authorizing the State Bar counsel to prepare and file a complaint with the Disciplinary Clerk.

Parties may not file motions for reconsideration of this Order.

**DATED** this 21 day of December, 2018.

  
\_\_\_\_\_  
Judge Lawrence F. Winthrop, Chair  
Attorney Discipline Probable Cause  
Committee of the Supreme Court of Arizona

<sup>1</sup> Committee member Daisy Flores did not participate in this matter.

Original filed this 21<sup>st</sup> day  
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State Bar of Arizona  
4201 N. 24<sup>th</sup> St., Suite 100  
Phoenix, Arizona 85016-6266

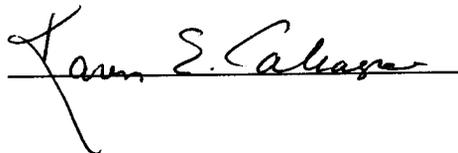
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E-mail: [ProbableCauseComm@courts.az.gov](mailto:ProbableCauseComm@courts.az.gov)

Lawyer Regulation Records Manager  
State Bar of Arizona  
4201 N. 24<sup>th</sup> St., Suite 100  
Phoenix, Arizona 85016-6266  
E-mail: [LRO@staff.azbar.org](mailto:LRO@staff.azbar.org)

By: 

**BEFORE THE ATTORNEY DISCIPLINE  
PROBABLE CAUSE COMMITTEE  
OF THE SUPREME COURT OF ARIZONA**

**FILED**  
DEC 21 2018  
BY *A. Leba*

**IN THE MATTER OF A SUSPENDED  
MEMBER OF THE STATE BAR OF  
ARIZONA,**

No. 18-2270

**PROBABLE CAUSE ORDER**

**DAVID K. ROSEN  
Bar No. 018589**

Respondent.

The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ("Committee") reviewed this matter on December 14, 2018, pursuant to Rules 50 and 55, Ariz. R. Sup. Ct., for consideration of the State Bar's Report of Investigation and Recommendation.

By a vote of 8-0-1<sup>1</sup>, the Committee finds probable cause exists to file a complaint against Respondent in File No. 18-2270.

**IT IS THEREFORE ORDERED** pursuant to Rule 55(c) and 58(a), Ariz. R. Sup. Ct., authorizing the State Bar counsel to prepare and file a complaint with the Disciplinary Clerk.

Parties may not file motions for reconsideration of this Order.

**DATED** this 21 day of December, 2018.

*Lawrence F. Winthrop*  
\_\_\_\_\_  
Judge Lawrence F. Winthrop, Chair  
Attorney Discipline Probable Cause  
Committee of the Supreme Court of Arizona

<sup>1</sup> Committee member Daisy Flores did not participate in this matter.

Original filed this 21<sup>st</sup> day  
of December, 2018, with:

Lawyer Regulation Records Manager  
State Bar of Arizona  
4201 N. 24<sup>th</sup> St., Suite 100  
Phoenix, Arizona 85016-6266

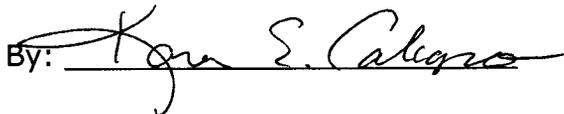
Copy mailed this 26<sup>th</sup> day  
of December, 2018, to:

David K. Rosen  
Rosen Law Firm PLLC  
15849 N 71st St., Ste. 100  
Scottsdale, Arizona 85254-2179  
Respondent

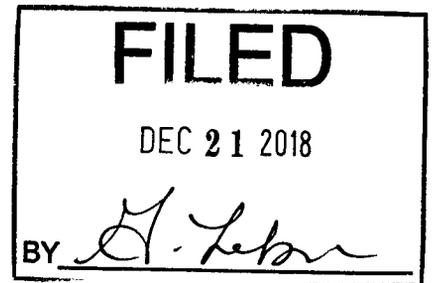
Copy mailed this 26<sup>th</sup> day  
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Attorney Discipline Probable Cause Committee  
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1501 West Washington Street, Suite 104  
Phoenix, Arizona 85007  
E-mail: [ProbableCauseComm@courts.az.gov](mailto:ProbableCauseComm@courts.az.gov)

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E-mail: [LRO@staff.azbar.org](mailto:LRO@staff.azbar.org)

By: 

**BEFORE THE ATTORNEY DISCIPLINE  
PROBABLE CAUSE COMMITTEE  
OF THE SUPREME COURT OF ARIZONA**



**IN THE MATTER OF A SUSPENDED  
MEMBER OF THE STATE BAR OF  
ARIZONA,**

No. 18-2337

**PROBABLE CAUSE ORDER**

**DAVID K. ROSEN  
Bar No. 018589**

Respondent.

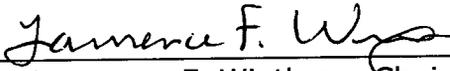
The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ("Committee") reviewed this matter on December 14, 2018, pursuant to Rules 50 and 55, Ariz. R. Sup. Ct., for consideration of the State Bar's Report of Investigation and Recommendation.

By a vote of 8-0-1<sup>1</sup>, the Committee finds probable cause exists to file a complaint against Respondent in File No. 18-2337.

**IT IS THEREFORE ORDERED** pursuant to Rule 55(c) and 58(a), Ariz. R. Sup. Ct., authorizing the State Bar counsel to prepare and file a complaint with the Disciplinary Clerk.

Parties may not file motions for reconsideration of this Order.

**DATED** this 21 day of December, 2018.

  
\_\_\_\_\_  
Judge Lawrence F. Winthrop, Chair  
Attorney Discipline Probable Cause  
Committee of the Supreme Court of Arizona

<sup>1</sup> Committee member Daisy Flores did not participate in this matter.

Original filed this 21<sup>st</sup> day  
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Respondent

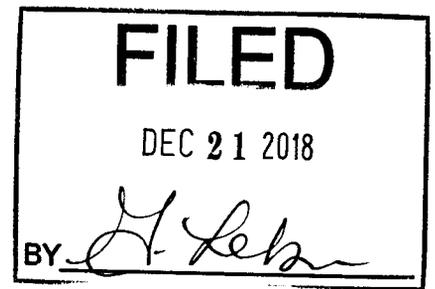
Copy mailed this 26<sup>th</sup> day  
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Phoenix, Arizona 85016-6266  
E-mail: [LRO@staff.azbar.org](mailto:LRO@staff.azbar.org)

By: Karen S. Calcano

**BEFORE THE ATTORNEY DISCIPLINE  
PROBABLE CAUSE COMMITTEE  
OF THE SUPREME COURT OF ARIZONA**



**IN THE MATTER OF A SUSPENDED  
MEMBER OF THE STATE BAR OF  
ARIZONA,**

**DAVID K. ROSEN  
Bar No. 018589**

Respondent.

No. 18-2695

**PROBABLE CAUSE ORDER**

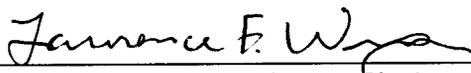
The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ("Committee") reviewed this matter on December 14, 2018, pursuant to Rules 50 and 55, Ariz. R. Sup. Ct., for consideration of the State Bar's Report of Investigation and Recommendation.

By a vote of 8-0-1<sup>1</sup>, the Committee finds probable cause exists to file a complaint against Respondent in File No. 18-2695.

**IT IS THEREFORE ORDERED** pursuant to Rule 55(c) and 58(a), Ariz. R. Sup. Ct., authorizing the State Bar counsel to prepare and file a complaint with the Disciplinary Clerk.

Parties may not file motions for reconsideration of this Order.

**DATED** this 21 day of December, 2018.

  
\_\_\_\_\_  
Judge Lawrence F. Winthrop, Chair  
Attorney Discipline Probable Cause  
Committee of the Supreme Court of Arizona

<sup>1</sup> Committee member Daisy Flores did not participate in this matter.

Original filed this 21<sup>st</sup> day  
of December, 2018, with:

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Respondent

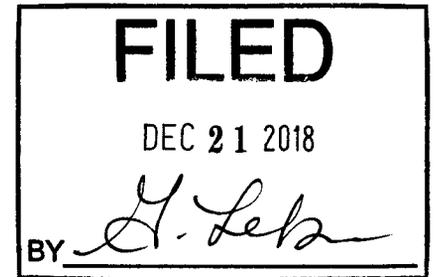
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Phoenix, Arizona 85016-6266  
E-mail: [LRO@staff.azbar.org](mailto:LRO@staff.azbar.org)

By: Karen E. Calcagno

**BEFORE THE ATTORNEY DISCIPLINE  
PROBABLE CAUSE COMMITTEE  
OF THE SUPREME COURT OF ARIZONA**



**IN THE MATTER OF A SUSPENDED  
MEMBER OF THE STATE BAR OF  
ARIZONA,**

No. 18-2795

**PROBABLE CAUSE ORDER**

**DAVID K. ROSEN  
Bar No. 018589**

Respondent.

The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ("Committee") reviewed this matter on December 14, 2018, pursuant to Rules 50 and 55, Ariz. R. Sup. Ct., for consideration of the State Bar's Report of Investigation and Recommendation.

By a vote of 8-0-1<sup>1</sup>, the Committee finds probable cause exists to file a complaint against Respondent in File No. 18-2795.

**IT IS THEREFORE ORDERED** pursuant to Rule 55(c) and 58(a), Ariz. R. Sup. Ct., authorizing the State Bar counsel to prepare and file a complaint with the Disciplinary Clerk.

Parties may not file motions for reconsideration of this Order.

**DATED** this 21 day of December, 2018.

  
\_\_\_\_\_  
Judge Lawrence F. Winthrop, Chair  
Attorney Discipline Probable Cause  
Committee of the Supreme Court of Arizona

<sup>1</sup> Committee member Daisy Flores did not participate in this matter.

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By: *Karen S. Calcasio*