

# Litigator of the Week: The Greenberg Traurig Lawyer Who Freed Britney

Mathew Rosengart, who has been dubbed ‘Rosengod’ by certain fans of Britney Spears, last week got a ruling suspending and removing the pop icon’s father as conservator of her estate, a position that had given him an outsized role in her life and finances for a decade-plus.

By Ross Todd  
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#freebritney.

Now, it’s more like #freedbritney.

Los Angeles County Superior Court Judge Brenda Penny last week suspended and removed the father of pop icon Britney Spears as conservator of her estate, a position that gave him an outsized role in her life and finances for the past decade-plus.

Since July, **Mathew Rosengart** of **Greenberg Traurig**, our Litigator of the Week, has represented Spears in her conservatorship battle. The wins he’s gotten along the way, from being allowed in the case in the first place to last week’s ruling removing her father as conservator, have led the former federal prosecutor-turned-Hollywood-litigator to develop a bit of a cult following of his own. Certain fans have **dubbed him “Rosengod.”** Spears herself **took to Instagram** this week to call Rosengart “an amazing attorney” who has helped change her life.

**Litigation Daily: How did you get involved in this case and why did you decide to take it on?**

Mathew Rosengart: I won’t get into the specifics about the referral, but I was honored to have been asked, although I had some initial hesitancy because I had a jury trial in an art fraud case set for July 26 and I knew this matter would be all-consuming. Putting everything else aside, however, there were many legal and other issues that were both disturbing and very compelling.

For example, why was a 39-year old woman who was functioning at the highest-level as a performer and



Photo: Chris Pizzello/AP

Britney Spears’ attorney, Mathew Rosengart speaks outside the Stanley Mosk Courthouse, Wednesday, Sept. 29, 2021, in Los Angeles. A judge on Wednesday suspended Britney Spears’ father from the conservatorship that has controlled the singer’s life and money for 13 years, saying the arrangement “reflects a toxic environment.”

had earned hundreds of millions of dollars—while a conservatee—in such a controlling, long-term conservatorship at all? Were there other, less restrictive alternatives than state intervention, for 13 years? Why was Britney’s estate worth only \$60 million? There were concerns that Britney’s father had stripped her of certain basic rights and civil liberties, potentially for his own financial benefit, and that was obviously troubling. Did her father and his team have financial or other conflicts of interest? It also seemed wrong that Britney’s father was taking significant percentages

of her earnings as a performer while rendering no entertainment-based services to her, and it seemed perverse that his numerous lawyers and others were profiting from her estate, without Britney's knowledge or direct consent. Also, was the fact that Britney was a woman relevant to the situation she had been placed in? Would this have happened to a man? And closer to home as a former prosecutor: Why, when even a criminal defendant accused of a heinous crime has the right to her own counsel, had Britney previously been deprived of the right to choose her own, personal attorney?

It was only later that even more serious and deeply concerning allegations were revealed, which according to excellent reporting by *The New York Times*, involved allegations that Britney's father and others were involved in placing a **secret listening device** in Britney's bedroom capturing private and highly intimate communications as well as monitoring her phone and text messages, evidently including attorney-client communications.

**Coming into this, what did you know about the law around conservatorships? How much did that matter?**

I knew very little about conservatorship law, but as some of my colleagues and others have observed, that has actually turned out to be an asset. Britney wanted a strategist and someone who would act quickly and aggressively. I was trained as a trial lawyer at the Justice Department and then became a commercial litigator, and I think most litigators would agree that those skill sets are transferable to different subject matter areas.

One of the more interesting cases I've tried was for my client Credit Suisse against the noted billionaire Ronald Lauder, who sued the bank for allegedly failing to employ the type of "sophisticated hedging techniques" Lauder claimed he was promised would protect his money. I knew almost nothing about derivatives, puts, or swaps when I was retained, but by the time of trial I had studied hard and gained enough expertise to cross examine Lauder's "world class" hedging expert and win the case. More recently, I served as lead counsel for Verizon in a

multi-billion dollar False Claims Act case regarding whether Verizon allegedly failed to "optimize" wireless phone services throughout the state. The case optimization of phone lines is a very dense, complicated area, involving complex algorithms, which I had never dealt with before, but I was able to master the facts and law fairly quickly. I initially convinced the California Attorney General's Office to decline to intervene and after a long battle, obtained a very successful resolution of the case. I also thought of **Dan Petrocelli**, a lawyer I admire, who represented Enron's former CEO in a high-profile criminal case without, to my knowledge, having any prior experience in white-collar criminal trials. One of the great things about being a litigator is we get to study and learn and ideally become experts in various areas of the law. At the end of the day, as in any case, it's really just litigation.

I also think a fresh approach was warranted, to investigate some of the questions that initially caught my interest, and we've now seen that the U.S. Congress is taking a look at these very same issues as has the state of California in passing new legislation based on this case and the #freebritney movement. For these reasons, many felt that as an "outsider," I was better suited to take on this case than a longtime probate practitioner who would not have approached the case with the aggressive litigation strategy we employed for Britney.

All of that said, probate court was definitely a new forum for me, with a new statutory scheme and procedural rules. My partner **Matt Gershman** was instrumental in helping me frame certain issues and prepare for the initial July 14 hearing concerning the constitutional right to counsel issue, and my partners and team members **Scott Bertzyk**, **Lisa McCurdy** and **Eric Rowen** are all very talented and experienced in this space and have been essential to Britney's mission, which ultimately is to obtain justice for Britney and perhaps to shine a light on certain systemic issues we've come across. It's worth underscoring again that it's a team effort and I could not have taken on the case without the team and the support of my firm's leadership including **Richard Rosenbaum** and **Brian Duffy**.

**How much did the #freebritney movement and the media scrutiny this conservatorship got before your involvement in the case, including the initial [New York Times documentary](#), impact what you were able to accomplish here?**

As in any case, my focus has been on the law, and in this case it has been on achieving Britney's initial goals under the California Probate Code, namely removing her father as conservator of her estate and then winding down the entire conservatorship so that her dignity and basic human rights could be restored. When I became an assistant U.S. attorney, one of my mentors told me to read "*The Man To See*," the biography of the great trial lawyer Edward Bennett Williams. Williams and his firm took pride in supposedly ignoring the press and doing their litigating solely in court. I was an early adherent of that approach, but in the internet and social media era, especially in a case like this, that approach is not only unrealistic, it does not serve the case or the client. So I've definitely been attuned to the movement and Britney's amazing fans. It is always ultimately about the law and the courtroom, but it would be naïve and wrong to think that they, or the outstanding reporting by the *Times*—particularly [its latest reporting and documentary](#) revealing alleged illicit electronic surveillance—have not had some impact on what we've accomplished so far.

**Are you one of your client's 35 million Instagram followers? If so, do you think her posts and writings there have helped her cause?**

I am not officially on Instagram but since taking on this case, I have obviously been very closely following Britney's posts.

**Why didn't you just let Mr. Spears and his lawyers end the conservatorship as they requested?**

Our approach from the outset was strategic and two-pronged. The initial step was to file quickly to remove Mr. Spears. Britney believed, we believed, and the court has now formally agreed, that he was a toxic presence in Britney's life. We were hired on July 14 and by taking that approach we were able to file our first petition less than two weeks later, consistent with my public pledge to file "aggressively and expeditiously."

An initial petition to terminate the entire conservatorship would have involved a much more protracted process culminating in a lengthy trial, dragging this out for many months or a year, all the while Mr. Spears' toxic presence would have lingered, against Britney's wishes and to her detriment.

The other reason to bifurcate was that under California law, the attorney-client privilege resides with the estate, not the "conservator," meaning in the event Mr. Spears were ousted, a temporary successor fiduciary would become the holder of the privilege of all communications between Mr. Spears and his counsel regarding the estate, whenever those communications occurred. We were always interested in these files because of apparent financial mismanagement issues, but now they are particularly important given the bombshell allegations concerning the illicit surveillance apparatus set up by Mr. Spears and others, including in Britney's bedroom.

It was telling that after resisting termination and also resisting his own suspension for years, Mr. Spears did a 180-degree reversal in September, asking the court to preempt his suspension and terminate the entire conservatorship. We believed his true motivation was clear: to avoid the ramifications and stigma of his suspension, including the transfer of his files as well as putting his pending petition for legal fees and costs in jeopardy. We also understood that in contrast to the chaotic approach suddenly urged by Mr. Spears, a more thoughtful, methodical approach and orderly transition would be far more responsible for our client, prior to achieving Britney's ultimate goal of winding it all down.

**What comes next here?**

Mr. Spears and his lawyers are now on record, both in their September 7 petition for termination and during the September 29 court hearing where his counsel very strenuously fought against suspension and argued instead for termination, that termination is appropriate. We have consented and that hearing is set for November 12.

The court has also set a separate evidentiary hearing in December to address outstanding financial issues including Mr. Spears' and his lawyers' requests for fees

including their efforts to charge Britney's estate for about \$540,000 for their own public relations work. We have objected to these requests and will be seeking disgorgement and other remedies. Relatedly, our investigation into alleged wrongdoing by Mr. Spears and others is ongoing.

**You've got an impressive list of A-List clients: Steven Spielberg, Sean Penn, Ben Affleck, Julia Louis-Dreyfus, and, as I've told you before, one that leaves me really starstruck, Pearl Jam frontman Eddie Vedder. But I gather this case has been on a completely different level when it comes to media attention. What has that been like for you?**

I've been involved in several high profile cases during my career. Two that come to mind are the prosecution I handled at DOJ against James Riady, the Indonesian billionaire we convicted for making illegal campaign contributions to President Clinton, which garnered substantial international attention. More recently, in addition to the other clients you mentioned, I've worked very closely with Sean Penn on many matters including a high-profile defamation lawsuit and the fallout after his interview of Joaquín "El Chapo" Guzmán while El Chapo was a fugitive and the most wanted man in the world. I think I was one of Sean's very first calls after he returned from Mexico. I'll never forget prepping Sean for his *60 Minutes* interview, which I attended live and was a bit of a white knuckler. I used to tease Sean that, to his credit and unlike the character in those famous *Dos Equis* beer commercials, *he* (not the character in the commercial), was actually "the most interesting man in the world." But I recently told him that in view of recent events in this case and some of the things I've had to navigate, our prior matters seemed merely "quaint." Yes, this has definitely been next level in many ways, and also, Sean got the joke.

**What do you make of all the attention that you yourself have gotten from your client's fans?**

It's been remarkable but I take it all with a grain of salt. To my mortification, someone sent me the "[RosenZaddy](#)" fan account (I had to look up the word "zaddy") and some of the other tweets as well as the "Rosengod" ones. I sometimes tease the great Eddie Vedder, who is incredibly down to earth and humble, that he is, in fact, a Rock God, which he is. I had the rare opportunity of recently telling Ed that I maybe knew what he felt like for a millisecond, *a very slight millisecond*, which passed very, very quickly. In all seriousness, it is all very flattering but it really is about the work, the law, and achieving justice for Britney, and that has been and will always remain the focus.

**What will you remember most about getting to this point for your client?**

I'm still in the midst of it, and other cases, and haven't had time to reflect on everything yet, but being in a position to work with, get to know, and help Britney has been an amazing privilege. When I worked at the Justice Department, my colleagues and I used to talk all the time about the honor of getting to wear the "white hat" while zealously pursuing the department's mission statement of doing justice. During the most challenging of days over the past months, I always come back to that mantra. Relatedly, getting to the point of suspending Mr. Spears over his lawyer's vehement objection, was very rewarding because I knew in my bones that outcome was in Britney's best interests. She was away at the time and getting to tell her right after the hearing that when she awoke the next morning, after 13 years, her father would no longer be her conservator was an emotional moment, capped only by [her Instagram post](#) a few days later thanking me for being her lawyer.

