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STATE BAR COURT CLERK'S OFFICE
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11 STATE BAR COURT

12 HEARING DEPARTMENT - SAN FRANCISCO

14 In the Matter of:) Case Nos. 12-O-17036, 12-O-17255,
15 RODNEY KENT WORRELL,) 12-O-17493, 12-O-18164, 12-O-18234,
No. 51857,) 13-O-10067, 13-O-10159
16) NOTICE OF DISCIPLINARY CHARGES
17 A Member of the State Bar)

18 NOTICE - FAILURE TO RESPOND!

19 IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE
20 WITHIN 20 DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT
THE STATE BAR COURT TRIAL:

- 21 (1) YOUR DEFAULT WILL BE ENTERED;
- 22 (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU
WILL NOT BE PERMITTED TO PRACTICE LAW;
- 23 (3) YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN
THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION
AND THE DEFAULT IS SET ASIDE, AND;
- 24 (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.
SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE
25 OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN
ORDER RECOMMENDING YOUR DISBARMENT WITHOUT
26 FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ.,
RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.

28 The State Bar of California alleges:



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COUNT TWO

Case No. 12-O-17036
Rules of Professional Conduct, rule 3-700(D)(2)
[Failure to Refund Unearned Fees]

9. Respondent wilfully violated Rules of Professional Conduct, rule 3-700(D)(2), by failing to refund promptly any part of a fee paid in advance that has not been earned, as follows:

10. The allegations of Count One are incorporated by reference herein.

11. Respondent provided no services of value to Murray. Respondent did not earn any of the advanced fees paid by Murray.

12. To date, Respondent has not refunded any portion of the \$12,795 paid by Murray in advanced attorney fees.

13. By not refunding any portion of the \$12,795 in advanced attorney fees paid by Murray, Respondent failed to refund promptly any part of a fee paid in advance that has not been earned.

COUNT THREE

Case No. 12-O-17036
Business and Professions Code, section 6068(m)
[Failure to Respond to Client Inquiries]

14. Respondent wilfully violated Business and Professions Code, section 6068(m), by failing to respond promptly to reasonable status inquiries of a client in a matter in which Respondent had agreed to provide legal services, as follows:

15. The allegations of Count One are incorporated by reference herein.

16. Between in or about July 2012, and September 2012, Murray called and left multiple voicemail messages for Respondent, requesting the status of the patent application. Respondent received the voicemail messages.

17. At no time did Respondent return the voicemail messages left by Murray between in or about July 2012, and in or about September 2012, or provide an update on the status of the patent application.

1 18. By failing to respond to Murray's telephone messages regarding the status of the
2 patent application, Respondent failed to respond promptly to reasonable status inquiries of a
3 client in a matter in which Respondent had agreed to provide legal services.

4 COUNT FOUR

5 Case No. 12-O-17036
6 Business and Professions Code, section 6068(i)
[Failure to Cooperate in State Bar Investigation]

7 19. Respondent wilfully violated Business and Professions Code, section 6068(i), by
8 failing to cooperate and participate in a disciplinary investigation pending against Respondent, as
9 follows:

10 20. The allegations of Count One are incorporated by reference herein.

11 21. On or about October 9, 2012, the State Bar opened case number 12-O-17036, based
12 on the complaint filed by Murray.

13 22. On or about October 25, 2012, a State Bar Investigator sent a letter to Respondent
14 regarding the Murray Matter. The October 25, 2012 letter requested that Respondent respond in
15 writing to the specified allegations of misconduct being investigated by the State Bar in the
16 Murray matter. Respondent received the letter but did not respond to the investigator's letter or
17 otherwise communicate with the investigator.

18 23. To date, Respondent has failed to respond to the allegations of misconduct in the
19 Murray matter.

20 24. By failing to provide a written response to the State Bar, Respondent failed to
21 cooperate and participate in a disciplinary investigation pending against Respondent.

22 COUNT FIVE

23 Case No. 12-O-17255
24 Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

25 25. Respondent wilfully violated Rules of Professional Conduct, rule 3-110(A), by
26 intentionally, recklessly, or repeatedly failing to perform legal services with competence, as
27 follows:
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1 matter. Respondent received the letter, but did not respond to the investigator's letter or
2 otherwise communicate with the investigator.

3 45. To date, Respondent has failed to respond to the allegations of misconduct in the
4 Bradshaw matter.

5 46. By failing to provide a written response to the State Bar, Respondent failed to
6 cooperate and participate in a disciplinary investigation pending against Respondent.

7 COUNT NINE

8 Case No. 12-O-17493
9 Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

10 47. Respondent wilfully violated Rules of Professional Conduct, rule 3-110(A), by
11 intentionally, recklessly, or repeatedly failing to perform legal services with competence, as
12 follows:

13 48. On or about August 17, 2010, Norman Bitter and Donald Diebert ("Mr. Bitter and
14 Mr. Diebert"), employed Respondent to prepare, file, and prosecute a United States Patent
15 Application (the "patent application"). On that same date, Mr. Bitter and Mr. Diebert paid
16 Respondent \$4,000 in advanced legal fees.

17 49. On or about September 17, 2010, Mr. Bitter and Mr. Diebert paid Respondent an
18 additional \$4,000 in advanced legal fees, for a total of \$8,000 in advanced attorney fees.

19 50. Between in or about October 2010, and in or about December 2011, Mr. Bitter and
20 Mr. Diebert inquired about the status of the patent application on multiple occasions. Each time,
21 Respondent informed them that the patent application would be completed and filed very shortly.
22 On or about January 17, 2012, Respondent informed Mr. Bitter and Mr. Diebert that the patent
23 application would be filed within two weeks.

24 51. At no time did Respondent complete and file the patent application on behalf of Mr.
25 Bitter and Mr. Diebert.

26 52. Respondent did not provide any legal services of value to Mr. Bitter and Mr. Diebert
27 with respect to the patent application.
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1 53. By not taking any steps to pursue the patent application on behalf of Mr. Bitter and
2 Mr. Diebert, including not completing or filing the patent application, Respondent intentionally,
3 recklessly, or repeatedly failed to perform legal services with competence.

4 COUNT TEN

5 Case No. 12-O-17493
6 Rules of Professional Conduct, rule 3-700(D)(2)
[Failure to Refund Unearned Fees]

7 54. Respondent wilfully violated Rules of Professional Conduct, rule 3-700(D)(2), by
8 failing to refund promptly any part of a fee paid in advance that has not been earned, as follows:

9 55. The allegations of Count Nine are incorporated by reference herein.

10 56. On or about May 23, 2012, Mr. Bitter and Mr. Diebert terminated Respondent's legal
11 services and demanded a refund of the advanced attorney fees they had paid Respondent, by
12 leaving a telephone message for Respondent. Respondent received the telephone message.

13 57. On or about May 25, 2012, Mr. Bitter and Mr. Diebert also terminated Respondent's
14 legal services and demanded a refund of the advanced attorney fees they had paid Respondent,
15 by registered letter. Respondent received the letter.

16 58. Respondent provided no services of value to Mr. Bitter and Mr. Diebert. Respondent
17 did not earn any of the advanced fees paid by Mr. Bitter and Mr. Diebert.

18 59. To date, Respondent has not refunded any portion of the \$8,000 paid by Mr. Bitter
19 and Mr. Diebert in advanced attorney fees.

20 60. By not refunding any portion of the \$8,000 in advanced attorney fees paid by Mr.
21 Bitter and Mr. Diebert, Respondent failed to refund promptly any part of a fee paid in advance
22 that has not been earned.

23 COUNT ELEVEN

24 Case No. 12-O-17493
25 Business and Professions Code, section 6068(m)
[Failure to Respond to Client Inquiries]

26 61. Respondent wilfully violated Business and Professions Code, section 6068(m), by
27 failing to respond promptly to reasonable status inquiries of a client in a matter in which
28 Respondent had agreed to provide legal services, as follows:

1 62. The allegations of Count Nine are incorporated by reference herein.

2 63. Between in or about February 2012, and in or about April 2012, Mr. Bitter and Mr.
3 Diebert called and left multiple voicemail messages for Respondent, requesting the status of the
4 patent application. Respondent received the voicemail messages.

5 64. At no time did Respondent return the voicemail messages left by Mr. Bitter and Mr.
6 Deibert, or provide an update on the status of the patent application.

7 65. By failing to respond to Mr. Bitter and Mr. Diebert's telephone messages regarding
8 the status of the patent application, Respondent failed to respond promptly to reasonable status
9 inquiries of a client in a matter in which Respondent had agreed to provide legal services.

10 COUNT TWELVE

11 Case No. 12-O-17493
12 Business and Professions Code, section 6068(i)
[Failure to Cooperate in State Bar Investigation]

13 66. Respondent wilfully violated Business and Professions Code, section 6068(i), by
14 failing to cooperate and participate in a disciplinary investigation pending against Respondent, as
15 follows:

16 67. The allegations of Count Nine are incorporated by reference herein.

17 68. On or about November 2, 2012, the State Bar opened case number 12-O-17493, based
18 on the complaint made by Mr. Bitter and Mr. Diebert.

19 69. On or about November 29, 2012, and December 11, 2012, a State Bar Investigator
20 sent two letters to Respondent regarding the Bitter/Diebert matter. The November 29, 2012 and
21 December 11, 2012 letters requested that Respondent respond in writing to the specified
22 allegations of misconduct being investigated by the State Bar in the Bitter/Diebert matter.
23 Respondent received the letters but did not respond to the investigator's letters or otherwise
24 communicate with the investigator.

25 70. To date, Respondent has failed to respond to the allegations of misconduct in the
26 Bitter/Diebert matter.

27 71. By failing to provide a written response to the State Bar, Respondent failed to
28 cooperate and participate in a disciplinary investigation pending against Respondent.

1 82. By not refunding any portion of the \$8,000 in advanced attorney fees paid by Mr.
2 Palm, Respondent failed to refund promptly any part of a fee paid in advance that has not been
3 earned.

4 COUNT FIFTEEN

5 Case No. 12-O-18164
6 Business and Professions Code, section 6068(m)
7 [Failure to Respond to Client Inquiries]

8 83. Respondent wilfully violated Business and Professions Code, section 6068(m), by
9 failing to respond promptly to reasonable status inquiries of a client in a matter in which
10 Respondent had agreed to provide legal services, as follows:

11 84. The allegations of Count Thirteen are incorporated by reference herein.

12 85. During in or about November 2012, Mr. Palm called and left multiple voicemail
13 messages for Respondent, requesting the status of the patent application. Respondent received
14 the voicemail messages.

15 86. At no time did Respondent return the voicemail messages left by Mr. Palm, or
16 provide an update on the status of the patent application.

17 87. By failing to respond to Mr. Palm's telephone messages regarding the status of the
18 patent application, Respondent failed to respond promptly to reasonable status inquiries of a
19 client in a matter in which Respondent had agreed to provide legal services.

20 COUNT SIXTEEN

21 Case No. 12-O-18164
22 Business and Professions Code, section 6068(i)
23 [Failure to Cooperate in State Bar Investigation]

24 88. Respondent wilfully violated Business and Professions Code, section 6068(i), by
25 failing to cooperate and participate in a disciplinary investigation pending against Respondent, as
26 follows:

27 89. The allegations of Count Thirteen are incorporated by reference herein.

28 90. On or about December 4, 2012, the State Bar opened case number 12-O-18164, based
on the complaint made by Mr. Palm.

1 91. On or about January 7, 2013, a State Bar Investigator sent a letter to Respondent
2 regarding the Palm matter. The January 7, 2013 letter requested that Respondent respond in
3 writing to the specified allegations of misconduct being investigated by the State Bar in the Palm
4 matter. Respondent received the letter but did not respond to the investigator's letter or
5 otherwise communicate with the investigator.

6 92. To date, Respondent has failed to respond to the allegations of misconduct in the
7 Palm matter.

8 93. By failing to provide a written response to the State Bar, Respondent failed to
9 cooperate and participate in a disciplinary investigation pending against Respondent.

10 COUNT SEVENTEEN

11 Case No. 12-O-18234
12 Rules of Professional Conduct, rule 3-110(A)
13 [Failure to Perform with Competence]

14 94. Respondent wilfully violated Rules of Professional Conduct, rule 3-110(A), by
15 intentionally, recklessly, or repeatedly failing to perform legal services with competence, as
16 follows:

17 95. On or about January 25, 2012, Maury DeBenedetto ("Mr. DeBenedetto), employed
18 Respondent to prepare, file, and prosecute a United States Patent Application (the "patent
19 application"). On March 13, 2012, Mr. DeBenedetto paid Respondent \$14,000 in advanced legal
20 fees.

21 96. At no time did Respondent complete and file the patent application on behalf of Mr.
22 DeBenedetto.

23 97. Respondent did not provide any legal services of value to Mr. DeBenedetto with
24 respect to the patent application.

25 98. By not taking any steps to pursue the patent application on behalf of Mr.
26 DeBenedetto, including not completing or filing the patent application, Respondent intentionally,
27 recklessly, or repeatedly failed to perform legal services with competence.

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1. 117. On or about January 26, 2011, Mr. Cernosek paid Respondent an additional
2 \$4,000 in advanced legal fees, for a total of \$8,000 in advanced attorney fees.

3 118. Respondent informed Mr. Cernosek that it would take three to four months to
4 complete and file the patent application.

5 119. At no time did Respondent complete and file the patent application on behalf of
6 Mr. Cernosek.

7 120. Respondent did not provide any legal services of value to Mr. Cernosek with
8 respect to the patent application.

9 121. By not taking any steps to pursue the patent application on behalf of Mr.
10 Cernosek, including not completing or filing the patent application, Respondent intentionally,
11 recklessly, or repeatedly failed to perform legal services with competence.

12 COUNT TWENTY-TWO

13 Case No. 13-O-10067
14 Rules of Professional Conduct, rule 3-700(D)(2)
[Failure to Refund Unearned Fees]

15 122. Respondent wilfully violated Rules of Professional Conduct, rule 3-700(D)(2), by
16 failing to refund promptly any part of a fee paid in advance that has not been earned, as follows:

17 123. The allegations of Count Twenty-one are incorporated by reference herein.

18 124. Respondent provided no services of value to Mr. Cernosek. Respondent did not
19 earn any of the advanced fees paid by Mr. Cernosek.

20 125. To date, Respondent has not refunded any portion of the \$8,000 paid by Mr.
21 Cernosek in advanced attorney fees.

22 126. By not refunding any portion of the \$8,000 in advanced attorney fees paid by Mr.
23 Cernosek, Respondent failed to refund promptly any part of a fee paid in advance that has not
24 been earned.

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1 received the letter but did not respond to the investigator's letter or otherwise communicate with
2 the investigator.

3 136. To date, Respondent has failed to respond to the allegations of misconduct in the
4 Cernosek matter.

5 137. By failing to provide a written response to the State Bar, Respondent failed to
6 cooperate and participate in a disciplinary investigation pending against Respondent.

7 COUNT TWENTY-FIVE

8 Case No. 13-O-10159
9 Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

10 138. Respondent wilfully violated Rules of Professional Conduct, rule 3-110(A), by
11 intentionally, recklessly, or repeatedly failing to perform legal services with competence, as
12 follows:

13 139. On or about January 11, 2012, Kathleen Crow ("Ms. Crow"), employed
14 Respondent to prepare, file, and prosecute a United States Patent Application (the "patent
15 application"). On that date, Ms. Crow paid Respondent \$4,000 in advanced legal fees.

16 140. On or about January 23, 2012, Ms. Crow paid Respondent an additional \$4,000 in
17 advanced legal fees, for a total of \$8,000 in advanced attorney fees.

18 141. At no time did Respondent complete and file the patent application on behalf of
19 Ms. Crow.

20 142. Respondent did not provide any legal services of value to Ms. Crow with respect
21 to the patent application.

22 143. By not taking any steps to pursue the patent application on behalf of Ms. Crow,
23 including not completing or filing the patent application, Respondent intentionally, recklessly, or
24 repeatedly failed to perform legal services with competence.

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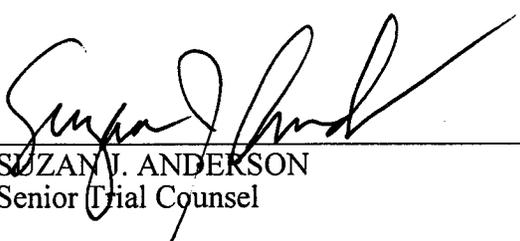
NOTICE - COST ASSESSMENT!

IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6086.10.

Respectfully submitted,

THE STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL

DATED: February 1, 2013

By: 

SUZAN J. ANDERSON
Senior Trial Counsel

DECLARATION OF SERVICE

by
U.S. CERTIFIED MAIL and U.S. FIRST-CLASS MAIL

CASE NUMBER(s): 12-O-17036, 12-O-17255, 12-O-17493, 12-O-18164, 12-O-18234, 13-O-10067, 13-O-10159

I, the undersigned, am over the age of eighteen (18) years and not a party to the within action, whose business address and place of employment is the State Bar of California, 180 Howard Street, San Francisco, California 94105, declare that:

- on the date shown below, I caused to be served a true copy of the within document described as follows:

NOTICE OF DISCIPLINARY CHARGES

- By U.S. First-Class Mail: (CCP §§ 1013 and 1013(a))
By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))
By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))
By Fax Transmission: (CCP §§ 1013(e) and 1013(f))
By Electronic Service: (CCP § 1010.6)

(for U.S. First-Class Mail) in a sealed envelope placed for collection and mailing at San Francisco, addressed to: (see below)

(for Certified Mail) in a sealed envelope placed for collection and mailing as certified mail, return receipt requested,
Article No.: 7196 9008 9111 6623 1705 at San Francisco, addressed to: (see below)

(for Overnight Delivery) together with a copy of this declaration, in an envelope, or package designated by UPS,
Tracking No.: addressed to: (see below)

Table with 4 columns: Person Served, Business-Residential Address, Fax Number, Courtesy Copy Via First Class U.S. Mail to:
Rodney K. Worrell, Rodney Kent Worrel, 2109 West Bullard, #121, Fresno, California 93711-1258, Electronic Address, Rodney Ken Worrel, c/o Mark D. Magness, Esq., Gilmore, Wood, Vinnard & Magness, P.C., 10 Riverpark Place East, Suite 240, Fresno, CA 93720

via inter-office mail regularly processed and maintained by the State Bar of California addressed to:

N/A

I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service, and overnight delivery by the United Parcel Service (UPS). In the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day, and for overnight delivery, deposited with delivery fees paid or provided for, with UPS that same day.

I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed at San Francisco, California, on the date shown below.

DATED: February 1, 2013

SIGNED: Meagan McGowan
Declarant