

**PUBLIC MATTER**

**FILED**

**DEC 22 2014**

**STATE BAR COURT CLERK'S OFFICE  
SAN FRANCISCO**

1 STATE BAR OF CALIFORNIA  
OFFICE OF THE CHIEF TRIAL COUNSEL  
2 JAYNE KIM, No. 174614  
CHIEF TRIAL COUNSEL  
3 JOSEPH R. CARLUCCI, No. 172309  
DEPUTY CHIEF TRIAL COUNSEL  
4 ROBERT A. HENDERSON, No. 173205  
SUPERVISING SENIOR TRIAL COUNSEL  
5 ESTHER J. ROGERS, No. 148246  
SENIOR TRIAL COUNSEL  
180 Howard Street  
6 San Francisco, California 94105-1639  
Telephone: (415) 538-2258  
7

8 STATE BAR COURT

9 HEARING DEPARTMENT - SAN FRANCISCO

10 In the Matter of: ) Case No. 14-O-04506  
11 )  
12 CARL JOSEPH SCHWEDLER, ) NOTICE OF DISCIPLINARY CHARGES  
No. 244189, )  
13 )  
14 A Member of the State Bar )

15 **NOTICE - FAILURE TO RESPOND!**

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

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

The State Bar of California alleges:

**JURISDICTION**



1. CARL JOSEPH SCHWEDLER ("respondent") was admitted to the practice of law  
in State of California on October 17, 2006, was a member at all times pertinent to these

1 charges, and is currently a member of the State Bar of California.

2 COUNT ONE

3 Case No. 14-O-04506  
4 Rules of Professional Conduct, rule 3-110(A)  
5 [Failure to Perform with Competence]

6 2. On or about September 13, 2013, George Yagi (“Yagi”) employed respondent to  
7 perform legal services, namely to perfect his patent application, which respondent  
8 intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation  
9 of Rules of Professional Conduct, rule 3-110(A), by:

- 10 A) Failing to substitute in as counsel in Yagi’s matter pending before the United States  
11 Trademark and Patent Office (“USPTO”);  
12 B) Failing to file a Response to Office Action with the USPTO;  
13 C) Failing to file a request to continue a scheduled examination; and  
14 D) Permitting Yagi’s patent application to be abandoned.

15 COUNT TWO

16 Case No. 14-O-04506  
17 Business and Professions Code, section 6068(m)  
18 [Failure to Inform Client of Significant Development]

19 3. Respondent failed to keep respondent’s client, George Yagi (“Yagi”), reasonably  
20 informed of significant developments in a matter in which respondent had agreed to provide  
21 legal services, in willful violation of Business and Professions Code, section 6068(m), by  
22 failing to inform Yagi that:

- 23 A) Respondent failed to file the Response to Office Action; and  
24 B) Yagi’s patent application was abandoned.

25 COUNT THREE

26 Case No. 14-O-04506  
27 Rules of Professional Conduct, rule 3-700(D)(1)  
28 [Failure to Release File]

29 4. Respondent failed to release promptly, after termination of respondent’s  
30 employment on or about March 18, 2014, to respondent’s client, George Yagi, all of the

1 client's papers and property following the client's request for the client's file on March 18,  
2 2014 and March 19, 2014, in willful violation of Rules of Professional Conduct, rule 3-  
3 700(D)(1).

4 COUNT FOUR

5 Case No. 14-O-04506  
6 Rules of Professional Conduct, rule 3-700(D)(2)  
7 [Failure to Refund Unearned Fees]

8 5. On or about September 19, 2013, respondent received advanced fees of \$1,500 from  
9 a client, George Yagi, to assist Yagi with the perfection of his patent application. Respondent  
10 failed to take any action to perfect Yagi's patent application, or perform any legal services for  
11 the client, and therefore earned none of the advanced fees paid. Respondent failed to refund  
12 promptly, upon respondent's termination of employment on or about March 18, 2014, any part  
13 of the \$1,500 fee to the client, in willful violation of Rules of Professional Conduct, rule 3-  
14 700(D)(2).

15 COUNT FIVE

16 Case No. 14-O-04506  
17 Business and Profession Code section 6068(i)  
18 [Failure to Cooperate in State Bar Investigation]

19 6. Respondent failed to cooperate and participate in a disciplinary investigation  
20 pending against respondent by failing to provide a substantive response to the State Bar's  
21 letters of September 3, 2014, September 16, 2014 and October 22, 2014, which respondent  
22 received, that requested respondent's response to the allegations of misconduct being  
23 investigated in case no. 14-O-04506, in willful violation of Business and Professions Code,  
24 section 6068(i).

25 NOTICE - INACTIVE ENROLLMENT!

26 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR  
27 COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE  
28 SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL  
THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO THE  
PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN INACTIVE  
MEMBER OF THE STATE BAR. YOUR INACTIVE ENROLLMENT WOULD  
BE IN ADDITION TO ANY DISCIPLINE RECOMMENDED BY THE COURT.**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**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 December 22, 2014 By: *Esther J. Rogers*  
Esther J. Rogers  
Senior Trial Counsel

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**DECLARATION OF SERVICE BY CERTIFIED AND REGULAR MAIL**

**CARL JOSEPH SCHWEDLER**  
**CASE NO.: 14-O-04506**

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 180 Howard Street, San Francisco, California 94105, declare that I am not a party to the within action; that 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; that 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; that I am aware that on motion of 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; and that in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of San Francisco, on the date shown below, a true copy of the within

**NOTICE OF DISCIPLINARY CHARGES**

in a sealed envelope placed for collection and mailing as *certified mail, return receipt requested*, and in an additional sealed envelope as *regular mail*, at San Francisco, on the date shown below, addressed to:

**Article No. 9414 7266 9904 2011 9755 87**

Carl Joseph Schwedler  
Schwedler Law Group  
216 F St., #125  
Davis, CA 95616

in an inter-office mail facility regularly maintained by the State Bar of California addressed to:

N/A

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: December 22, 2014

Signed:   
Dawn Williams  
Declarant