

PUBLIC MATTER

1 STATE BAR OF CALIFORNIA
OFFICE OF CHIEF TRIAL COUNSEL
2 JAYNE KIM, No. 174614
CHIEF TRIAL COUNSEL
3 JOSEPH R. CARLUCCI, No. 172309
DEPUTY CHIEF TRIAL COUNSEL
4 MELANIE J. LAWRENCE, No. 230102
ASSISTANT CHIEF TRIAL COUNSEL
5 RIZAMARI C. SITTON, No. 138319
SUPERVISING SENIOR TRIAL COUNSEL
6 AGUSTIN HERNANDEZ, No. 161625
ACTING SENIOR TRIAL COUNSEL
7 845 South Figueroa Street
Los Angeles, California 90017-2515
8 Telephone: (213) 765-1713

FILED
MAR 02 2016
STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

STATE BAR COURT
HEARING DEPARTMENT - LOS ANGELES

In the Matter of:) Case No. 15-O-13103
STEPHEN L. SCHWARTZ,) NOTICE OF DISCIPLINARY CHARGES
No. 38686,)
A Member of the State Bar)

NOTICE - FAILURE TO RESPOND!

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

- (1) YOUR DEFAULT WILL BE ENTERED;**
- (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU
WILL NOT BE PERMITTED TO PRACTICE LAW;**
- (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;**
- (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.
SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE
OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN
ORDER 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:



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

JURISDICTION

1. STEPHEN L. SCHWARTZ ("Respondent") was admitted to the practice of law in the State of California on June 21, 1966, was a member at all times pertinent to these charges, and is currently a member of the State Bar of California.

COUNT ONE

Case No. 15-O-13103
Rules of Professional Conduct, rule 3-700(D)(2)
[Failure to Refund Unearned Fees]

2. Between on or about February 16, 2015, and on or about March 4, 2015, Respondent received advanced fees totaling \$12,500 to represent a client, Kevin Scott, in a criminal matter titled *People of the State of California v. Kevin Scott*, Los Angeles County Superior Court, Case No. LACBA433593-01. Respondent failed to conduct any investigation, interview witnesses, propound any discovery, or perform any legal services for the client, and therefore earned none of the advanced fees paid. Respondent failed to refund promptly, upon Respondent's termination of employment on or about March 27, 2015 any part of the \$12,500 unearned fee to the client, in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

COUNT TWO

Case No. 15-O-13103
Rules of Professional Conduct, rule 4-100(B)(3)
[Failure to Render Accounts of Client Funds]

3. Between on or about February 16, 2015, and on or about March 4, 2015, Respondent received the sum of \$12,500 as advanced fees for legal services to be performed on behalf of Respondent's client Kevin Scott. Respondent thereafter failed to render an appropriate accounting to the client regarding those funds upon the termination of Respondent's employment on or about March 27, 2015, in willful violation of the Rules of Professional Conduct, rule 4-100(B)(3).

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

COUNT THREE

Case No. 15-O-13103
Rules of Professional Conduct, rule 3-310(F)
[Accepting Fees from a Non-Client]

4. Between on or about February 16, 2015, and on or about March 4, 2015, Respondent accepted a total of \$12,500 from Araminta Salazar as compensation for representing a client, Kevin Scott, without obtaining his client's informed written consent to receive such compensation, in willful violation of the Rules of Professional Conduct, rule 3-310(F).

COUNT FOUR

Case No. 15-O-13103
Business and Professions Code, section 6068(i)
[Failure to Cooperate in State Bar Investigation]

5. Respondent failed to cooperate and participate in a disciplinary investigation pending against Respondent by failing to provide a substantive response to the State Bar's letters of August 13, 2015, and September 9, 2015, which Respondent received, that requested Respondent's response to the allegations of misconduct being investigated in Case No. 15-O-13103, in willful violation of Business and Professions Code, section 6068(i).

NOTICE - INACTIVE ENROLLMENT!

YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE 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.

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

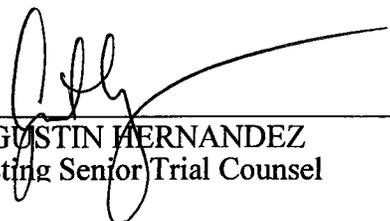
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6086.10.

Respectfully submitted,

THE STATE BAR OF CALIFORNIA
OFFICE OF CHIEF TRIAL COUNSEL

DATED: March 2, 2016

By: 
AGUSTIN HERNANDEZ
Acting Senior Trial Counsel

DECLARATION OF SERVICE

by

U.S. FIRST-CLASS MAIL / U.S. CERTIFIED MAIL / OVERNIGHT DELIVERY / FACSIMILE-ELECTRONIC TRANSMISSION

CASE NUMBER(s): 15-O-13103

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, 845 South Figueroa Street, Los Angeles, California 90017, 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))

- 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 Los Angeles.



By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))



By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))

- I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for overnight delivery by the United Parcel Service ('UPS').



By Fax Transmission: (CCP §§ 1013(e) and 1013(f))

Based on agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed herein below. No error was reported by the fax machine that I used. The original record of the fax transmission is retained on file and available upon request.



By Electronic Service: (CCP § 1010.6)

Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the person(s) at the electronic addresses listed herein below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.



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



(for Certified Mail) in a sealed envelope placed for collection and mailing as certified mail, return receipt requested, Article No.: 9414 7266 9904 2010 0742 50 at Los Angeles, 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)

Person Served	Business-Residential Address	Fax Number	Courtesy Copy to:
Stephen L. Schwartz	10573 W Pico Blvd #830 Los Angeles, CA 90064	Electronic Address	Stephen L. Schwartz 888 N. Alameda St., Apt. 413 East Los Angeles, Ca 90012



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 Los Angeles, California, on the date shown below.

DATED: March 2, 2016

SIGNED:

Kim Wimbish
KIM WIMBISH
Declarant