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**PUBLIC MATTER**

**FILED**

**FEB 18 2016**

STATE BAR COURT CLERK'S OFFICE  
SAN FRANCISCO

STATE BAR COURT  
HEARING DEPARTMENT - SAN FRANCISCO

In the Matter of: ) Case No. 16-N-10317  
THOMAS MELVIN SWIHART, )  
No. 98564, ) NOTICE OF DISCIPLINARY CHARGES  
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.

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The State Bar of California alleges:

JURISDICTION

1. Thomas Melvin Swihart ("respondent") was admitted to the practice of law in the State of California on June 12, 1981, 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. 16-N-10317  
California Rules of Court, rule 9.20  
[Failure to Obey Rule 9.20]

2. Respondent failed to file a declaration of compliance with California Rules of Court, rule 9.20 in conformity with the requirements of rule 9.20(c) with the clerk of the State Bar Court by October 16, 2015, as required by Supreme Court order no. S213799 in willful violation of California Rules of Court, rule 9.20. (A true and correct copy of the rule 9.20 order is attached hereto as Exhibit 1 and is incorporated by reference.)

NOTICE - INACTIVE ENROLLMENT!

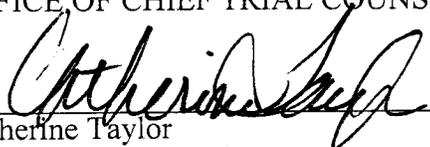
**YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN INACTIVE MEMBER OF THE STATE 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 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: February 18, 2016

By: Catherine Taylor  
Deputy Trial Counsel

(State Bar Court No. 15-PM-11434)

AUG 07 2015

S213799

Frank A. McGuire Clerk

Deputy

**IN THE SUPREME COURT OF CALIFORNIA**

**En Banc**

In re THOMAS MELVIN SWIHART on Discipline

The court orders that the probation of Thomas Melvin Swihart, State Bar Number 98564, is revoked. The court further orders that:

1. Thomas Melvin Swihart is suspended from the practice of law for a minimum of two years, and he will remain suspended until the following conditions are satisfied:
  - i. Thomas Melvin Swihart pays sanctions ordered by the United States Treasury in the amount of \$5,200 and furnishes satisfactory proof to the State Bar's Office of Probation in Los Angeles; and
  - ii. Thomas Melvin Swihart provides proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)
  
2. Thomas Melvin Swihart is given credit towards the two years suspension for the period of involuntary inactive enrollment which commenced on May 21, 2015.

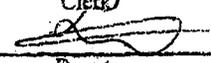
Thomas Melvin Swihart must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

I, Frank A. McGuire, Clerk of the Supreme Court of the State of California, do hereby certify that the preceding is a true copy of an order of this Court as shown by the records of my office.

Witness my hand and the seal of the Court this

7 day of August 2015

By:   
Deputy

**CANTIL-SAKAUYE**

Chief Justice

