

FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary
Action against HUGH D. JAEGER,
a Minnesota Attorney,
Registration No. 49529.

**PETITION FOR
DISCIPLINARY ACTION**

TO THE SUPREME COURT OF THE STATE OF MINNESOTA:

Upon the approval of a Lawyers Professional Responsibility Board Panel Chair, the Director of the Office of Lawyers Professional Responsibility, hereinafter Director, files this petition pursuant to Rules 10(d) and 12(a), Rules on Lawyers Professional Responsibility (RLPR). The Director alleges:

Respondent was admitted to practice law in Minnesota on April 15, 1977. Respondent was admitted to practice law before the United States Patent and Trademark Office ("USPTO") on August 26, 1974. As set forth more fully below, by order filed August 11, 2011, respondent was suspended from the practice of law in the State of Minnesota, effective 10 days from the date of that order, and prohibited from engaging in the practice of law in any jurisdiction after August 31, 2011.

Respondent has committed the following unprofessional conduct warranting public discipline:

DISCIPLINARY HISTORY

Respondent's history of prior discipline consists of an August 11, 2011, Supreme Court order suspending respondent from the practice of law for neglecting multiple

client matters, signing documents without consent, failing to return client files and failing to cooperate with the disciplinary investigation.

FIRST COUNT

Failure to Notify Clients of Suspension

1. By order filed August 11, 2011, respondent was suspended from the practice of law in the State of Minnesota effective 10 days from the date of that order (Ex. 1). The Supreme Court's suspension order also provided:

Respondent shall terminate his law practice by August 31, 2011.
Respondent shall not engage in the practice of law in Minnesota or in any other jurisdiction, or act as an attorney or agent based on authority granted by the United States Patent and Trademark Office, after August 31, 2011, except that respondent may work as an employee or agent of the Patent and Trademark Office.

(Bold added.) (Ex. 1.)

2. Rule 26(e), RLPR, requires a suspended lawyer to file with the Director's Office copies of all notices of the lawyer's suspension sent to clients pursuant to Rule 26(a), RLPR, together with the proof of mailing required by Rule 26(c), RLPR.

3. Respondent failed to comply with Rule 26(e), RLPR. Although respondent provided to the Director an affidavit stating that he had notified his clients of his suspension, respondent did not provide copies of any notice letters and did not provide any proof of mailing by certified mail.

4. Respondent's failure to comply with Rule 26, RLPR, violated Rules 3.4(c) and 8.4(d), Minnesota Rules of Professional Conduct (MRPC).

SECOND COUNT

Unauthorized Practice of Law and Failure to Comply with Court Order

5. Before September 1, 2011, respondent was a practitioner registered to practice patent law before the USPTO (Registration Number 27.270) and is subject to the USPTO Disciplinary Rules set forth at 37 C.F.R. § 10.20 et. seq.

6. While respondent was authorized to practice in Minnesota, he filed a number of patent and trademark applications and was the attorney of record in those patent and trademark matters.

7. After respondent's Minnesota license was suspended, respondent:

a. Failed to notify the USPTO Office of Enrollment and Discipline ("OED") in a timely fashion of his suspension from the practice of law in Minnesota. *See* 37 C.F.R. § 10.23(c)(14);

b. Failed to notify OED that he was no longer an attorney "who is a member in good standing of the highest court of any State, including an individual who is in good standing of the highest court of one state" as defined in 37 C.F.R. § 11.1 and as required under 37 C.F.R. § 11.14 to represent clients in trademark matters before the USPTO; and

c. Failed to change his status from registered patent attorney to registered patent agent as required by 37 C.F.R. § 10.23(c)(14).

8. When respondent became suspended in Minnesota, he was no longer authorized to act as an attorney before the USPTO. 37 C.F.R. 11.14.

9. Although respondent had entered into a stipulation in which he agreed not to practice law after August 31, 2011, the Supreme Court had issued an order prohibiting respondent from engaging in the practice of law after that date, and respondent was no longer authorized to practice before the USPTO after that date, respondent nevertheless represented multiple clients in multiple matters before the USPTO. Each of these actions constituted the unauthorized practice of law and violated the Supreme Court's August 11, 2011, order.

a. Respondent represents Select Food Products, Inc. ("Select Food") in trademark serial number 85232343. On September 6, 2011, the USPTO sent to respondent a notice of allowance. The notice was sent to respondent because he

continued to identify himself as attorney for Select Food. On or about September 20, 2011, respondent filed with the USPTO a transmittal form. Respondent signed the transmittal form as attorney for Select Food.

b. Respondent represents Premier Marine, Inc. ("Premier Marine") in trademark serial number 85440724. Respondent filed the application on or about October 6, 2011. Respondent identified himself as attorney for Premier Marine and as the person on behalf of Premier Marine to whom correspondence should be sent.

c. Respondent represents Select Food in trademark serial number 85440922. Respondent filed the trademark application on or about October 6, 2011. Respondent identified himself as attorney for Select Food and the person to whom correspondence about the matter should be sent.

d. Respondent represents Thomas C. Prager regarding patent application number 13/066, 309. On or about October 6, 2011, respondent sent a fax to the USPTO enclosing a rescission of previous nonpublication request.

e. Respondent represents Select Food in trademark serial number 85232284. (This matter had been filed before August 31, 2011.) On or about November 10, 2011, respondent filed an amendment regarding the application. Respondent signed the amendment as attorney for Select Food.

f. Respondent represents Select Food in trademark serial number 85175413. On or about December 12, 2011, respondent filed with the USPTO a transmittal form. Respondent signed the transmittal form as attorney for Select Food.

g. Respondent represents Select Food in serial number 85047474. On or about January 3, 2012, respondent filed with the USPTO a transmittal form. Respondent signed the transmittal form as attorney for Select Food.

h. Respondent represents Premier Marine in trademark serial number 85440724. On or about January 25, 2012, the USPTO mailed to respondent notice of publication under Section 12(a). The notice was sent to respondent as attorney for Premier Marine because he continued to identify himself as attorney for Premier Marine.

i. Respondent represents Select Food in trademark serial number 85232381. On September 6, 2011, the USPTO sent to respondent a notice of allowance. The notice was sent to respondent because he continued to identify himself as attorney for Select Food. On or about March 1, 2012, respondent filed with the USPTO a transmittal form. Respondent signed the transmittal form as attorney for Select Food.

10. Respondent has continued after August 31, 2011, to use the same letterhead he used before he was suspended.

11. Respondent's unauthorized practice of law and failure to comply with the Supreme Court's August 11, 2011, order violated Rules 3.4(c), 5.5(a) and (b), and 8.4(d), MRPC.

THIRD COUNT

Failure to Cooperate

12. On February 15, 2012, the Director mailed to respondent notice of investigation of respondent's effort to hire a law clerk while suspended ("law clerk hiring matter"). The notice requested respondent to provide his complete written response within two weeks of the date of the notice. Respondent failed to respond.

13. Also on February 15, 2012, the Director mailed to respondent notice of investigation of a complaint filed by James M. Ventura against respondent. The notice requested respondent to provide his complete written response within 14 days of the date of the notice. Respondent failed to respond.

14. By letter dated March 1, 2012, the Director informed respondent that the Director had received no response to the notice of investigation of the law clerk hiring matter and requested respondent to provide at that time and in writing his complete written response. Respondent failed to do so.

15. By separate letter dated March 1, 2012, the Director informed respondent that the Director had received no response from respondent to Ventura's complaint and requested respondent to provide at that time and in writing his complete written response to that complaint.

16. Respondent spoke with an Assistant Director on March 5, 2012. During that conversation, respondent stated that he would mail his response regarding the law clerk hiring matter by the end of the day on Friday of that week (i.e., March 9, 2012). Respondent failed to do so.

17. On March 12, 2012, respondent spoke with an Assistant Director by telephone. During the March 5 and 12 conversations, respondent stated that he was in the process of closing his office.

18. On March 12, 2012, respondent sent a fax to the Director. In that letter, respondent stated, "I do not intend to hire a law clerk now." Respondent also stated that he "will be forwarding a letter to [the Director] on Wednesday [March 14, 2012], subject to my health issues." Since that March 12 letter, however, the Director has received no further communication from respondent about the law clerk hiring matter.

19. By letter dated March 22, 2012, the Director requested respondent to provide at that time and in writing all of the information requested in the notice of investigation in the law clerk hiring matter. Respondent failed to do so.

20. On April 2, 2012, respondent sent a fax to the Director's Office regarding Ventura's complaint. The fax did not, however, address the allegations of Ventura's

complaint. The fax addressed other issues and stated, "a formal letter will follow with details."

21. On April 3, 2012, the Director mailed to respondent notice of investigation of respondent's continued practice of law after August 31, 2011. The notice requested respondent to meet with an Assistant Director on April 24, 2012, at 9:00 a.m. at the Director's Office and to bring to that meeting in writing the information, and the documents, requested in the notice of investigation.

22. On April 12, 2012, the Director mailed to respondent notice of investigation of a complaint filed against respondent by the USPTO. The notice requested respondent to provide his complete written response within 14 days of the date of the notice. Respondent failed to respond.

23. Early on the morning of April 24, 2012, respondent sent a fax to the Director's Office. Respondent was scheduled to meet on this day with an Assistant Director about respondent's unauthorized practice of law. Respondent's fax stated in its entirety, "I am taking my daughter to the doctor this morning. I will call you after I get the test results from the doctor." Respondent did not appear for the scheduled meeting and did not provide any of the information or documents requested in the notice of investigation. To date, respondent has not communicated further with the Director.

24. To date, respondent has not provided a response to the USPTO complaint or to the investigation of respondent's unauthorized practice of law. Respondent's responses to the Ventura complaint and in the law clerk hiring matter did not address the substance of the allegations in those matters.

25. Respondent's failure to cooperate violated Rule 8.1(b), MRPC, and Rule 25, RLPR.

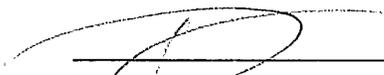
WHEREFORE, the Director respectfully prays for an order of this Court disbarring respondent or imposing otherwise appropriate discipline, awarding costs and disbursements pursuant to the Rules on Lawyers Professional Responsibility, and for such other, further or different relief as may be just and proper.

Dated: May 24, 2012.



MARTIN A. COLE
DIRECTOR OF THE OFFICE OF LAWYERS
PROFESSIONAL RESPONSIBILITY
Attorney No. 148416
1500 Landmark Towers
345 St. Peter Street
St. Paul, MN 55102-1218
(651) 296-3952

and



TIMOTHY M. BURKE
SENIOR ASSISTANT DIRECTOR
Attorney No. 19248x

This petition is approved for filing pursuant to Rules 10(d) and 12(a), RLPR, by the undersigned Panel Chair.

Dated: Month 29, 2012.



RICHARD H. KYLE, JR.
PANEL CHAIR, LAWYERS PROFESSIONAL
RESPONSIBILITY BOARD