

SUPREME COURT OF WISCONSIN
OFFICE OF LAWYER REGULATION

Public Reprimand with Consent

Michael F. Bishop
Attorney At Law

20-OLR-4

Michael F. Bishop (Bishop) is a Wisconsin-licensed attorney, whose address of record is 8429 W. Keefe Ave., Milwaukee, Wisconsin 53222-2818.

On July 15, 2019, there was an overdraft in the amount of \$623.05 on the trust account of Bishop at BMO Harris Bank – Mequon, when an item in the amount of \$750.00 was presented and paid. There was a second overdraft totaling \$793.05 on July 16, 2019 when an item in the amount of \$170.00 was presented and paid. There was a third overdraft of \$43.05 on July 30, 2019 when an item in the amount of \$250.00 was presented and paid. BMO Harris did not charge any overdraft fees. The bank statement shows each of the three items giving rise to these overdrafts as “Requested Withdrawal.”

Bishop explained to the Office of Lawyer Regulation (OLR) that he had closed his business account at another bank due to excessive charges and fees. For a short period of time Bishop did not have a business account. Instead, he used his BMO Harris trust account to deposit earned fees paid to him for legal representation. Lawyers are prohibited from depositing and retaining their own funds in a client trust account.

On July 9, 2019, the balance in the trust account was \$1.95. That day, Bishop deposited \$1,925.00 in earned fees to the trust account, bringing the trust account to a

balance of \$1,926.95. On July 10, 2019, Bishop made a cash withdrawal of \$1,000.00, leaving a balance of \$926.95 in the trust account. On July 12, 2019 there was a chargeback of \$800.00 for the return of a client's deposit item in that amount, which chargeback reduced the balance in the trust account to \$126.95.

The first two overdrafts occurred when Bishop made a \$750.00 cash withdrawal on July 15, 2019 and a \$170.00 cash withdrawal on July 16, 2019 while the remaining balance of \$126.95 was insufficient to cover such withdrawals. The trust account remained overdrawn by \$793.05 until July 24, 2019, when Bishop deposited \$4,000.00 in earned fees, leaving the trust account with a balance of \$3,206.95.

Thereafter, Bishop made three cash withdrawals leading to the third overdraft: a \$1,000.00 withdrawal on July 25, 2019; a \$2,000.00 withdrawal on July 26, 2019; and a \$250.00 withdrawal on July 29, 2019. These withdrawals totaled \$3,250.00, exceeding the balance of \$3,206.95 and causing the third overdraft of \$43.05. After learning of the overdrafts, on August 5, 2019 Bishop made a deposit of his own funds in the amount of \$250.00, bringing the balance in the trust account to \$206.95. On August 16, 2019, Bishop made one more cash withdrawal from the trust account in the amount of \$200.00. The ending balance in the trust account after this withdrawal was \$6.95.

Aside from the earned fees there were no other funds in the trust account and no client funds were placed in jeopardy by the overdrafts. Bishop has since opened a new business account where he may properly deposit earned fees and other funds belonging to him.

By depositing to his trust account earned fees belonging to him, and by failing to maintain a business account in which to deposit such earned fees and other funds

belonging to him, Bishop violated SCR 20:1.15(b)(3), which states, “Lawyer funds. No funds belonging to a lawyer or law firm, except funds reasonably sufficient to pay monthly account service charges, may be deposited or retained in a trust account. Each lawyer or law firm that receives trust funds shall maintain at least one draft account, other than the trust account, for funds received and disbursed other than in a trust capacity, which shall be entitled ‘Business Account,’ ‘Office Account,’ ‘Operating Account,’ or words of similar import.”

By making cash withdrawals from his trust account, Bishop violated SCR 20:1.15(f)(2)a., which states, “Cash. No withdrawal of cash shall be made from a trust account or from a deposit to a trust account. No check shall be made payable to "Cash." No withdrawal shall be made from a trust account by automated teller or cash dispensing machine.”

On January 17, 2014, Bishop was publicly reprimanded for violations of Supreme Court Rules governing trust accounts. On October 18, 2016, Bishop’s license to practice law was suspended for 60 days for trust account violations and failing to cooperate with an OLR investigation.

For the above misconduct, and in accordance with SCR 22.09(3), Attorney Michael F. Bishop is hereby publicly reprimanded.

Dated this 19th day of March, 2020.

SUPREME COURT OF WISCONSIN

/s/

Jeffrey Kremers, Referee