

SUPREME COURT OF WISCONSIN
OFFICE OF LAWYER REGULATION

Public Reprimand With Consent

2024-OLR-08

Stephen M. Clubb
Attorney at Law

Stephen M. Clubb (Clubb) was admitted to the practice of law in Wisconsin on May 23, 2005, State Bar No. 1055103. Clubb is an attorney at Rizzo & Diersen, S.C. in Kenosha, Wisconsin.

Marie H. Ratzer (Marie) had four daughters: Karen, Carla, Laura, and Christine. Marie, the original trustee of the Marie H. Ratzer 2003 Revocable Trust, died January 19, 2019. Before Marie's death, Karen succeeded Marie as trustee. Karen died February 1, 2020. Carla was to succeed Karen as trustee pursuant to the terms of the trust.

On May 28, 2020, Laura hired Clubb to enforce her rights as a qualified beneficiary of the trust. Laura was referred to Clubb by her employer's employee assistance program.

Clubb sent a letter dated June 3, 2020, to Carla via certified mail requesting an inventory of all trust property on February 1, 2020, and an accounting of said trust property through the date of the letter.

In response, on behalf of Carla, Attorney Michael W. Rohr (Attorney Rohr) sent a letter dated August 4, 2020, to Clubb advising that Carla neither assumed nor intends to assume the trustee role. Attorney Rohr further advised that any property Carla received upon Karen's death belonged to Karen and not the trust.

Clubb then prepared and Carla signed a declination to serve as trustee confirming that Carla had not served as trustee and was declining to do so.

In late 2020, Laura took over as trustee. Laura used her authority to investigate and audit the administration of the trust from before Marie's death.

Clubb met with Laura in mid-2021, and again in late 2021, to review her findings and discuss recovering personal property from Carla that belonged to the trust. Clubb next met with Laura and Christine on July 5, 2022.

Clubb asserts he sent a letter dated July 26, 2022, to Carla via certified mail requesting that she turn over specific items to Laura within 30 days. When Carla failed to retrieve the letter from the post office, Clubb suggested the parties meet to discuss next steps.

During a conference call with Clubb on October 21, 2022, Laura and Christine agreed to proceed with a replevin action in Racine County. Clubb sent draft complaints to Laura and Christine via email on November 17, 2022 and December 6, 2022. Laura approved a draft complaint for filing.

Laura sent emails to Clubb on January 18, 2023 and February 6, 2023, requesting a status update and stating her desire to close the trust by August 1, 2023. Clubb did not respond to either email. In late February 2023, Clubb called Christine stating a replevin hearing was scheduled for March 7, 2023.

Clubb never initiated a replevin action. Therefore, no replevin hearing was scheduled for March 7, 2023.

Laura sent an email to Clubb on February 28, 2023, on which she copied Christine, asking if she and Christine should attend the March 7, 2023 hearing. Clubb did not respond to the email. Instead, Clubb called Laura stating they did not need to attend the March 7, 2023 hearing.

In a meeting with Laura on May 18, 2023, Clubb confirmed he attended the March 7, 2023 hearing, and that Carla failed to appear. Clubb agreed to contact Attorney Rohr in an attempt to recover personal property from Carla that belonged to the trust. Clubb stated he would request that Carla send the requested items to his law office directly. Clubb stated he would contact Laura when the items were available for her to collect and distribute.

On May 24, 2023, Laura called Clubb for a status update. Clubb assured Laura that he drafted a letter to send to Carla, a copy of which he would provide to Laura. Clubb failed to thereafter communicate with Laura.

Laura sent follow-up emails to Clubb on May 31, 2023 and June 8, 2023, requesting a status update and a copy of the promised letter to Carla. Clubb failed to ever respond.

By failing to file the replevin action, Clubb violated SCR 20:1.3, which states, “A lawyer shall act with reasonable diligence and promptness in representing a client.”

By misrepresenting he filed a replevin action and confirming to his client that he attended a replevin hearing on March 7, 2023, which never in fact took place, Clubb violated SCR 20:8.4(c), which states, “It is professional misconduct for a lawyer to...engage in conduct involving dishonesty, fraud, deceit or misrepresentation.”

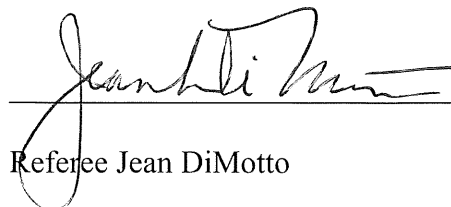
By failing to communicate with Laura after May 2023 when outstanding issues remained regarding closing the trust, Clubb violated SCR 20:1.4(a)(4), which states, “A lawyer shall...promptly comply with reasonable requests by the client for information.”

Clubb has no prior discipline.

In accordance with SCR 22.09(3), Stephen M. Clubb is hereby publicly reprimanded.

Dated this 28th day of October, 2024.

SUPREME COURT OF WISCONSIN

A handwritten signature in black ink, appearing to read "Jean DiMotto", is written over a horizontal line. The signature is fluid and cursive.

Referee Jean DiMotto