SUPREME COURT OF WISCONSIN

OFFICE OF LAWYER REGULATION

Public Reprimand with Consent

2012-OLR- 18

Ronald J. Thompson,
Former Attorney at Law

Ronald J. Thompson ("Thompson"), 59, formerly practiced law in Madison, Wisconsin. This reprimand is based on his conduct in two matters.

FIRST MATTER

In or about April of 2010, Thompson subscribed to an internet-based lawyer referral service and authorized the referral service to withdraw its monthly fee of $835.00 - $890.00 from his client trust account. Between June and September of 2010, Thompson deposited $3,640.00 in personal funds to the trust account to cover the monthly deductions of the referral service. No personal funds were deposited in October, and on November 1, 2010, an $885.00 electronic check, generated by the referral service, was returned due to insufficient funds.

In an unrelated matter, on or about October 15, 2010, a man hired Thompson to represent him in a bankruptcy proceeding and paid him $475.00. Thompson deposited the check to his trust account and simultaneously disbursed a $400.00 check to his landlord, leaving a balance of $91.29 in the account. Four days later, Thompson paid another personal obligation from the trust account, a $57.64 on-line payment to a local utility company. On October 29, 2010, with a balance of $33.65 in the trust account, Thompson made a second on-line payment of $185.43 to the utility company. These disbursements, along with $70.00 in NSF fees, resulted in an overdraft totaling $267.78.

Just before the overdraft occurred, Thompson had mailed a $299.00 check from his bankruptcy client to the bank for deposit to his trust account. The client identified that check as his filing fee. However, all but $31.22 of that $299.00 filing fee was depleted to cover the overdraft. Within a day of mailing the $299.00 deposit to the bank, Thompson disbursed a $299.00 check to the Bankruptcy Court, and gave it to his client. On November 19, 2010, the client filed the bankruptcy petition himself and gave the check to the Clerk's office. When that check was presented for payment, there was another overdraft on the trust account and the check was returned unpaid. It was presented and returned a second time, but ultimately paid on December 20, 2010 with funds belonging to Thompson that had been deposited to the trust account.

On November 4, 2010, Thompson deposited $544.00 to the trust account from an unknown individual, and over the following two weeks, disbursed three checks from the trust account to pay $221.32 in personal expenses. Two of the checks were to grocery stores and the third was to the telephone company.

Thompson denies that he used the trust account as a personal account; however, bank records for the trust account reveal that, between April 29, 2010 and November 5, 2010, Thompson made 24 payments from the trust account, totaling $9,741.48, for expenses that included rent, telephone bills, utility bills, and referral fees. With respect to these payments, Thompson stated: ". . . I thought it was proper to pay bills directly out of the trust account with funds I had already earned rather than transfer them to my personal account and write the checks on it." Thompson did not send invoices to his clients prior to disbursing the earned fees from his trust account to pay his personal and business expenses.

Between May and July of 2010, Thompson also disbursed nine checks to himself from the trust account, totaling $485.00, without identifying the purpose of the check or the client matter to which it related.

In addition, Thompson did not maintain a transaction register or client ledgers and did not reconcile the trust account. He "only had about four clients at any one time, and [he] kept track of it in [his] head."

Thompson violated SCR 20:1.15(b)(1) by failing to hold his bankruptcy client's $299.00 filing fee in trust.

Thompson violated SCR 20:1.15(b)(3) by depositing personal funds to his trust account.

Thompson violated SCR 20:1.15(b)(3) by paying personal and business expenses directly from earned fees that were in the trust account.

Thompson violated SCR 20:1.15(f)(1)e.1. by disbursing checks to himself from the trust account, without identifying the client matter and reason for the disbursement.

Thompson violated SCR 20:1.15(e)(4)c. by disbursing funds to telephone, utility and cable companies from his trust account via internet transactions and by authorizing a referral service to withdraw its fees from his trust account.

Thompson violated SCR 20:1.15(g)(1) by failing to send invoices to clients before withdrawing earned fees from his trust account.

Thompson violated SCR 20:1.15(f)(1)a., b. and g. by failing to maintain a transaction register and client ledgers, and by failing to perform monthly trust account reconciliations.

SECOND MATTER

Based on his Wisconsin license to practice law Thompson was admitted to practice before the federal district court for the Western District of Wisconsin. On October 31, 2010, Thompson's Wisconsin license was suspended for failure to pay his annual bar dues and mandatory assessments for fiscal year 2010-2011. Pursuant to SCR 10.03(6), a person whose bar membership is suspended for nonpayment of dues may not practice law during the suspension. SCR 22.26(1) requires that upon suspension of his license to practice law, regardless of whether the suspension is disciplinary or administrative, an attorney must notify all clients and courts of the suspension. In addition, SCR 22.26(2) prohibits a suspended lawyer from engaging in the practice of law in this state.

Despite the suspension of his license and the requirements of SCR 10.03(6) and SCR 22.26, Thompson continued representing two clients in bankruptcy matters in the United States Bankruptcy Court for the Western District of Wisconsin. For one client he filed a notice of conversion of the client's bankruptcy from chapter 13 to chapter 7 on November 4, 2010 and signed the document as "attorney for debtor." For the same client, on December 27, 2010, Thompson filed a reaffirmation agreement, which included a "Certification by Debtor's Attorney" that Thompson had signed. On behalf of another client, Thompson prepared a petition initiating a bankruptcy proceeding, which the client filed on November 10, 2010. Thompson had not informed the court or either of his clients that his license was administratively suspended effective October 31, 2010.

Thompson violated SCR 22.26 by failing to comply with the notice requirements of the Rule. In addition, by engaging in the practice of law while suspended, Thompson violated SCR

10.03(6) and SCR 22.26(2). These rules are enforced via SCR 20:8.4(f), which provides that it is misconduct for a lawyer to violate a supreme court rule regulating the conduct of lawyers.

Thompson has no prior discipline.

In accordance with SCR 22.09(3), Ronald J. Thompson is hereby publicly reprimanded for his misconduct in the foregoing matters.

Dated this 10th day of December, 2012.

SUPREME COURT OF WISCONSIN

/s/

Jonathan Goodman, Referee