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CLERK OF SUPREME COURT
OF WISCONSIN

STATE OF WISCONSIN

IN SUPREME COURT

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST BRIDGET E.
BOYLE, ATTORNEY AT LAW

CASE CODE 30912

OFFICE OF LAWYER REGULATION,

CASE NO.

MAP 272 D

Complainant;

BRIDGET E. BOYLE,

Respondent.

PETITION FOR REVOCATION BY CONSENT

TO: THE HONORABLE JUSTICES OF
THE WISCONSIN SUPREME COURT

Pursuant to SCR 22.19, Attorney Bridget E. Boyle
hereby petitions the Court as follows:

1. I was admitted to the practice of law in the
State of Wisconsin on May 22, 1995.

2. My current mailing address for the purpose
of this Petition is 2051 W. Wisconsin Avenue,
Milwaukee, Wisconsin 53233-2003.

3. I am currently the subject of seven Office
of Lawyer Regulation (OLR) grievance investigations in
which the Preliminary Review Committee (PRC) found
cause to proceed as to multiple counts of misconduct,

although the disciplinary complaint to date, has not been filed by OLR. I am also the subject of seven additional pending OLR grievance matters that have not yet been fully investigated by OLR or brought to the PRC.

4. A summary of the misconduct allegations in the fourteen pending OLR investigative matters is attached hereto as Appendix A.

5. I am also the subject of *Disciplinary Proceedings Against Bridget Boyle*, Case No. 2012AP2423, currently on appeal before the Supreme Court of Wisconsin, in which the referee found that I engaged in twenty-two counts of misconduct in four grievance matters. The referee recommended the suspension of my Wisconsin law license for eighteen months. A copy of the referee's *Finding of Fact, Conclusions of Law and Recommendation for Discipline* is attached as Appendix B.

6. In addition, I am the subject of *Disciplinary Proceedings Against Bridget Boyle*, Case No. 2013AP1592, in which the OLR has alleged that I

engaged in fifteen counts of misconduct in five grievance matters. OLR is asking that my Wisconsin law license be suspended for one year. A copy of the disciplinary complaint is attached as Appendix C.

7. I ask that the Supreme Court consolidate all pending matters against me, including Case Nos. 2012AP2423 and 2013AP1592 for purposes of this Petition.

8. I acknowledge that I cannot successfully defend myself against the professional misconduct as alleged in Appendices A through C and, therefore, petition this Court for the revocation of my Wisconsin law license. I am requesting that the revocation commence on January 30, 2014, the effective date of my six month license suspension imposed in *Disciplinary Proceedings Against Boyle*, 2013 WI 103.

9. I agree that I should be ordered to make the appropriate restitution to the grievants and/or the State Bar of Wisconsin Lawyers' Fund for Client Protection, in the following amounts and matters:

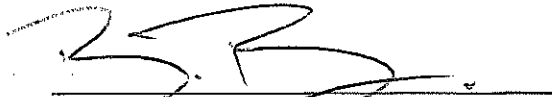
- \$2,000 to Jessie Townsend
- \$10,000 to Prince Key

- In the Lamar Walton matter, in the amount of the result of the State Bar of Wisconsin fee arbitration decision.
- \$5,000 to Dorothy Howard

10. I am freely, voluntarily and knowingly filing this Petition. By doing so, I know that I am giving up my right to further contest each misconduct allegation referenced in Appendices A through C. I have been given the opportunity to consult with counsel in this matter.

ACCORDINGLY, I, Bridget E. Boyle, hereby petition this court for revocation of my license to practice law in the State of Wisconsin, pursuant to SCR 22.19.

Dated this 4th day of February, 2014.



Bridget E. Boyle
Petitioner
Wisconsin Bar No. 1024879

Mailing Address:
(address and phone number of former law office)
2051 W. Wisconsin Avenue
Milwaukee, WI 53223-2003
Phone: (414) 343-3300

STATE OF WISCONSIN

IN SUPREME COURT

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST BRIDGET E.
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OFFICE OF LAWYER REGULATION,

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Complainant;

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APPENDIX A:

**OFFICE OF LAWYER REGULATION'S SUMMARY OF MISCONDUCT
ALLEGATIONS IN PENDING INVESTIGATIVE MATTERS,
NOT PUBLICLY CHARGED**

Attorney Bridget E. Boyle (Boyle) is currently the subject of fourteen Office of Lawyer Regulation (OLR) investigations, exclusive of and in addition to the misconduct allegations OLR publicly charged in Sup. Ct. Case Nos. 2011AP1767-D and 2012AP2423-D.

In December of 2013, the Preliminary Review Committee (PRC) reviewed OLR's investigative reports in seven of the pending investigations and found cause to proceed as to thirty misconduct counts. However, based on new information received by OLR after the PRC's findings, OLR determined not to pursue one of the counts.

OLR has not concluded its investigations in the seven remaining pending grievance matters.

This document summarizes all misconduct allegations being investigated in the fourteen pending OLR investigations.

Summary of misconduct allegations, not yet publicly charged, for which the PRC found cause to proceed in December of 2013

Anzia Grievance, OLR File No. 2012MA1620

In December 2011, Beth Anzia (Anzia) hired Boyle to represent her in a criminal matter. Boyle accepted a \$3,000 advanced fee (via credit card) from Anzia, but placed the fee directly into her operating account instead of her client trust account. Boyle took multiple affirmative steps on Anzia's behalf over the next few months. However, on February 6, 2012, Boyle was late for a scheduled pre-trial conference, leaving Anzia in court without counsel. Tired of waiting for her lawyer, Anzia terminated Boyle's representation. Thereafter, Anzia sought a refund of the advanced fee paid to Boyle. Boyle only offered to refund \$325 of her fee claiming she earned the majority of her fee. In response to a grievance filed by Anzia alleging professional misconduct and requesting a refund of the advanced fee, Boyle informed OLR that she did not believe the advanced fee needed to be placed in a trust account. In addition, Boyle claimed her office assistant was the individual in charge of handling fees paid to the firm, deflecting blame for her own conduct.

The PRC found cause to proceed against Boyle for alleged violations of SCR 20:1.15(b) (4) and SCR 20:5.3.

Bealin Grievance, OLR File No. 2012MA1627

Darice Ivory-Bealin (Bealin) operated two childcare facilities in Milwaukee and received funds from the Wisconsin Shares program. The local administrative arm of the Department of Children and Family Services ("DCF") sent notices to Bealin claiming she had overcharged for her child care services and violated Wisconsin Shares rules. Bealin hired Boyle to represent her on the administrative actions being taken against her and her childcare facilities. Bealin paid Boyle \$3,000 for the representation, which Boyle promptly deposited into her business operating account instead of her client trust account. While Boyle filed an appeal of the overcharge notices, she failed to appeal a suspension notice from the Wisconsin Shares program, resulting in Bealin's suspension from the program and the closing of Bealin's childcare centers. Later, Boyle withdrew Boyle's appeal of the overcharge matters, allowing the pending administrative actions to become final. DCF thereafter sought to suspend Bealin's childcare license, at which time Bealin hired new counsel. Boyle did not inform Bealin of the status of the administrative actions, advise her of the consequences of the withdrawal of one of the appeals, and refused to refund any fees to Bealin. Boyle furthermore failed to fully cooperate in OLR's investigation of the matter. Subsequently, Boyle made restitution to Bealin.

The PRC found cause to proceed against Boyle for alleged violations of SCR 20:1.1, SCR 20:1.3, SCR 20:1.4(a)(3), SCR 20:1.4(b), SCR 20:1.5(a), SCR 20:1.15(b)(4), SCR 20:1.16(d), SCR 20:8.4(c), and SCR 22.03(2), SCR 22.03(6), as enforced through SCR 20:8.4(h).

Heath Grievance, OLR File No. 2013MA789

Following revocation of his probation for a criminal conviction, Michael Heath (Heath) hired Boyle. Heath paid Boyle \$8,000 for the representation, which Boyle immediately placed in her firm's operating account instead

of her client trust account. Boyle filed a post-conviction motion on Heath's behalf, as well as an appeal, both of which were summarily denied. Boyle then filed a petition for writ of habeas corpus. However, Boyle failed to verify her petition or have the petition, along with a signed judicial order, served on the respondent. Boyle also failed to communicate with Heath, who was unable to learn the status of the petition, including the transfer of the petition to another county. Later, when the respondent sought to dismiss the petition, Boyle failed to appear at the court hearing, claiming she was unaware that the petition had been transferred. Notices from the court showed that Boyle had been informed of the transfer of the petition. Boyle refused to refund any fees to Heath, who hired new counsel to continue his post-conviction efforts.

The PRC found cause to proceed against Boyle for alleged violations of SCR 20:1.1, SCR 20:1.3, SCR 20:1.4(a)(3), SCR 20:1.4(a)(4), SCR 20:1.15(b)(4), and SCR 20:1.16(d).

Montalvo-Borrero Grievance, OLR File No. 2012MA1029

Jose Montalvo-Borrero (Montalvo) was charged in state court with fleeing, second degree recklessly endangering safety, cocaine possession, and heroin possession with intent to deliver. In April 2011, Montalvo and his spouse hired Boyle for representation on the state matters. Boyle accepted an advanced fee of \$10,000, which she deposited directly into her firm operating account instead of her client trust account. After appearing on Montalvo's behalf in state court and after appearing on behalf of a second client in unrelated state court charges, Boyle also agreed to represent the second client, who belonged to the same drug organization as Montalvo, regarding federal charges. On July 26, 2011, Montalvo and the second client were indicted on federal drug charges. Based on the federal indictment, the state court charges against Montalvo were dismissed. During the pendency of the state court charges, Boyle made numerous nonsubstantive appearances on behalf of Montalvo, received extensive discovery from the state, and engaged in some trial preparation. Boyle began representing the second client in federal court. Boyle did

not obtain Montalvo's consent to the representation of the second client. Later, Boyle entered into a plea agreement on behalf of the second client. There is a dispute between Montalvo and Boyle as to whether Boyle was to have continued representation of Montalvo regarding the federal drug charges. Boyle did not continue representing Montalvo in the federal case. Boyle did not return Montalvo's file, refund any fees to Montalvo, or provide an itemization of her work to Montalvo, notwithstanding multiple requests. Boyle also failed to cooperate with OLR's inquiries.

The PRC found cause to proceed against Boyle for alleged violations of SCR 20:1.5(b)(3), SCR 20:1.9, SCR 20:1.15(b)(4), SCR 20:1.16(d), and SCR 22.03(2), SCR 22.03(6), as enforced through SCR 20:8.4(h). The PRC also found cause to proceed on an alleged violation of SCR 20:1.5(a); however, based upon new information received by OLR after the PRC's findings, OLR determined not to charge Boyle with violating SCR 20:1.5(a).

Moreland Grievance, OLR File No. 2012MA1779

In April 2012, Timothy Moreland (Moreland) hired Boyle to represent him in a probation revocation matter. Boyle placed Moreland's \$1,000 advanced fee into the firm's petty cash, not her client trust account.

The PRC found cause to proceed against Boyle for an alleged violation of SCR 20:1.15(b)(4).

Simms Grievance, OLR File No. 2012MA1487

In January of 2011, Donald Simms (Simms) hired Boyle to represent him following an order of remand issued by the 7th Circuit Court of Appeals. Boyle accepted an advanced fee of \$7,500 for the representation, and placed the fee in her business operating account instead of her client trust account. Thereafter, Boyle refused to cooperate with OLR's investigation.

The PRC found cause to proceed against Boyle for alleged violations of SCR 20:1.15(b)(4), SCR 22.03(2) and SCR 22.03(6), as enforced through SCR 20:8.4(h).

Walton Grievance, OLR File No. 2013MA33

In 2009, Lamar Walton (Walton) hired Boyle to represent him in federal and state cases involving drug charges. Walton, already serving extended supervision for a prior state court drug conviction, was charged in federal court with drug trafficking. Boyle agreed to represent Walton for \$10,000. Walton initially paid Boyle \$4,300, which Boyle immediately deposited into her business operating account and not her client trust account. Boyle negotiated a guilty plea in the federal case, at which point state authorities revoked Walton's extended supervision in state court and sentenced him to prison. As part of his guilty plea in the federal case, Walton cooperated with law enforcement, which resulted in the government obtaining new indictments against Walton and 17 of Walton's criminal associates. Boyle agreed to represent Walton in the second federal case, but failed to prepare a written fee agreement. Boyle negotiated a second guilty plea on Walton's behalf. Before sentencing, Walton received money from the government for his cooperation in the federal cases. Boyle placed those funds in her trust account, and pursuant to her initial fee agreement took \$5,700 out of those funds in payment for the balance remaining on her original \$10,000 fee. However, Boyle then withdrew an additional \$7,500 for her representation in the second federal matter without a written fee agreement with Walton. Thereafter, Boyle performed little meaningful work on Walton's behalf during his sentencing in the second federal case. In November of 2013, Walton and Boyle participated in a State Bar of Wisconsin fee arbitration hearing, and the parties are currently awaiting the arbitrator's decision.

The PRC found cause to proceed against Boyle for alleged violations of SCR 20:1.5(a), SCR 20:1.5(b)(1), SCR 20:1.15(b)(4), and SCR 20:1.15(g)(1).

Summary of grievance matters that OLR has not fully investigated that may or may not have merit

Johnson Grievance, OLR File No. 2014MA19

In January of 2013, Boyle agreed to represent Levora Johnson's son, Lavarray Johnkin (Johnkin), in a homicide case, Milwaukee County #12-CF-5841. Ms. Johnson alleges that Johnkin's brother paid Boyle a \$15,000 advanced/flat fee. On December 20, 2013, Johnkin was found guilty and after a jury trial and on January 27, 2014, Boyle was allowed to withdraw from the case. Ms. Johnson alleges that Boyle failed to represent her son with reasonable diligence and failed to communicate with him.

OLR is investigating allegations that Boyle's conduct may have violated SCR 20:1.3, SCR 20:1.4(a)(2), SCR 20:1.4(a)(3), SCR 20:1.4(a)(4), SCR 20:1.4(b), and SCR 20:1.16(d).

Howard Grievance, OLR File No. 2013MA1304

Boyle agreed to represent Derrick Howard (Howard) in a post-conviction matter. On March 14, 2012, Dorothy Howard, Howard's mother, paid Boyle \$5,000 for the purpose of pursuing a "Motion to Modify Sentence." Howard alleges that Boyle has filed nothing on his behalf since that time despite making multiple promises to do so. Howard also claims that Boyle has not responded to any of his calls or letters seeking information about his case. Ms. Howard is seeking a refund of the \$5,000 advanced fee she paid Boyle.

OLR is investigating allegations that Boyle's conduct may have violated SCR 20:1.2(a), SCR 20:1.3, SCR 20:1.4(a)(2), SCR 20:1.4(a)(3), SCR 20:1.4(a)(4), SCR 20:1.4(b), SCR 20:1.5(a), SCR 20:1.15(b)(4), SCR 20:1.15(b)(4m), SCR 20:1.16(d), and/or SCR 20:8.4(c).

Hawkins Grievance, OLR File No. 2014MA91

Boyle represented Craig Hawkins (Hawkins) regarding a first degree homicide charge, entered on February 8, 2001. Hawkins asserts that Boyle misrepresented the terms of his plea and sentencing, failed to complete work on his sentencing modification, and failed to respond to his recent requests, in 2013, for discovery materials from his file.

OLR is investigating allegations that Boyle's conduct may have violated SCR 20:1.2(a), SCR 20:1.3, SCR 20:1.4(a) (4).

Hechimovich Grievance, OLR File No. 2014MA96

On September 16, 2013, Andy Hechimovich (Hechimovich) retained Boyle to represent him regarding a first offense OWI, operating with PAC, and fee/eluding charges. Hechimovich states that Boyle was supposed to contact the Department of Transportation for a phone interview for a notice of administrative review and failed to do so. As a result, Hechimovich's CDL and personal license were suspended. Hechimovich alleges that he informed Boyle that he wanted to plead not guilty to the charges, however, Boyle entered a no contest plea on Hechimovich's behalf, without his consent.

OLR is investigating allegations that Boyle's conduct may have violated SCR 20:1.2(a), SCR 20:1.3, SCR 20:1.4(a) (2), SCR 20:1.4(b), and SCR 20:1.5(a).

Day Grievance, OLR File No. 2014MA138

Boyle was attorney of record for David Day (Day) regarding a petition for review. Although Attorney Gerald Boyle also represented Day on his petition for review, Boyle was the attorney of record. Day claims that Boyle failed to provide him with copies of proposed court filings, untimely filed motions for reconsideration with the Wisconsin Supreme Court, and failed to file a notice of appeal in the U.S. Court of Appeals for the Seventh Circuit.

OLR is investigating allegations that Boyle's conduct may have violated SCR 20:1.2, SCR 20:1.3, SCR 20:1.4(a) and SCR 20:3.4(c).

Cates Grievance, OLR File No. 2014MA158

In August 2011, Ladmarald Cates (Cates) retained Boyle to represent him. Cates asserts that he paid Boyle a \$25,000 retainer fee. Cates purports that Boyle failed to communicate with him, abandoned his case, and failed to inform him of her discipline.

OLR is investigating allegations that Boyle's conduct may have violated SCR 20:1.4(a)(3), SCR 20:1.5(a) and SCR 22.26(1).

Good Grievance, OLR File No. 2014MA197

In June or July 2013, Courtney Good (Good) retained Boyle to reopen his case for a sentence modification and to take a deposition. Good paid Boyle a \$700 retainer fee. Boyle took the deposition but, despite continual promises, allegedly failed to file a motion for sentence modification. In January 2014, Boyle promised to refund Good's retainer fee. Boyle has stopped communicating with Good and has failed to return his retainer.

OLR is investigating allegations that Boyle's conduct may have violated SCR 20:1.2(a), SCR 20:1.5(a), SCR 20:1.5(b)(3), and SCR 20:1.16(d).

Dated this 4 day of FEBRUARY, 2014.

OFFICE OF LAWYER REGULATION

By: 

WILLIAM J. WEIGEL
Litigation Counsel
State Bar No. 1010549

110 East Main Street, Room 315
Madison, WI 53703
Telephone: (608) 267-2024

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST BRIDGET CASE CODE 30912
BOYLE, ATTORNEY AT LAW.

OFFICE OF LAWYER REGULATION, CASE NO. 12 AP 2423-D

Complainant;

BRIDGET BOYLE,

Respondent.

FILED

SEP 17 2013

CLERK OF SUPREME COURT
OF WISCONSIN

FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION
FOR DISCIPLINE

BACKGROUND

On November 7, 2012, the Office of lawyer Regulation ("OLR"), by Retained Counsel, Attorney Robert Krohn, filed an Order to Answer and a twenty-four count disciplinary Complaint against Attorney Bridget Boyle ("Boyle"), who practices law in Milwaukee, Wisconsin. Boyle appeared pro se.

Boyle is an attorney licensed to practice law in the State of Wisconsin. Boyle's work address is 2051 West Wisconsin Avenue, Milwaukee, Wisconsin 53233-2003.

Boyle admitted service of OLR's Complaint and filed an Answer on December 6, 2012.

On February 4, 2013, the undersigned was appointed referee in this matter.

A hearing on this matter was held on June 17, 2013 at the Law Offices of Urban and Taylor, S.C., in Milwaukee, Wisconsin.

FINDINGS OF FACT

1. The OLR was established by the Wisconsin Supreme Court and operates pursuant to Supreme Court Rules. The Complaint was filed pursuant to SCR 22.11.

2. Respondent, Bridget Boyle (Boyle), is an attorney licensed to practice law in the State of Wisconsin. Boyle's work address is 2051 West Wisconsin Avenue, Milwaukee, Wisconsin 53233-2003.

3. Boyle's disciplinary history is:

(a) *Private Reprimand of Attorney Bridget Boyle, 08-09.* Boyle delayed the filing of a writ for eleven months and did not respond to a client's telephone calls, emails, and letters for more than twenty months after filing the writ. She was found to have failed to act with reasonable diligence and promptness in representation of a client, in violation of SCR 20:1.3, and to have failed to promptly comply with reasonable requests for information and to explain a matter to the extent reasonably necessary to permit the client to make informed decisions, in violation of former SCR 20:1.4(a) and (b).

(b) In 2012, the Court suspended Boyle's law license for sixty days based upon a finding that Boyle had engaged in eleven counts of misconduct with regard to three different clients and failed to cooperate with OLR's investigation. *Disciplinary Proceedings Against Boyle, 2012 WI 54, 341 Wis. 2d 92, 813 N.W.2d 215.*

(c) Two additional disciplinary proceedings alleging misconduct are currently pending against Boyle, to-wit: *Disciplinary Proceedings Against Bridget E. Boyle*, Sup. Ct. Case No. 2011AP1767-D and *Disciplinary Proceedings Against Bridget E. Boyle*, Sup. Ct. Case No. 2012AP2423-D.

JESSIE TOWNSEND MATTER

4. On February 9, 2000, Jessie Townsend ("Townsend") was convicted of robbery with use of force and false imprisonment. The Court sentenced Townsend to prison for twelve years. *State of Wisconsin v. Jessie Townsend*, Milwaukee County Circuit Court Case No. 1999 CF 529.

[Complaint, Ex. 16 p. 5]

5. On July 13, 2010, Townsend was released from prison and placed on parole. While under supervision, Townsend violated the terms of his parole. The Department of Corrections petitioned for the revocation of Townsend's parole for failure to comply with his supervision requirements. [Complaint, Ex. 16, pg. 5]

6. Prior to the scheduled revocation hearing, Townsend's friend, Cynthia Davis ("Davis"), contacted Boyle and asked her to represent Townsend at the revocation hearing. Davis signed a Fee Agreement on March 2, 2011, and paid Boyle an advanced fee of \$2,000. [Ex. 1, Ex. 16, pg. 9]

7. Boyle did not deposit the \$2,000 into her trust account and instead deposited the funds into her firm's operating account. [Hearing transcript pp. 19-20]

8. Boyle did not provide Townsend, or Davis any of the notices required by SCR 20:1.15(b)(4m). [Hearing transcript pp. 29-30]

9. On March 20, 2011, Boyle wrote Townsend and enclosed a copy of the revocation packet she had received from Townsend's parole agent. Boyle stated that she would "be over in the very near future". [Ex. 2, Ex. 16 p. 9, 10]

10. On April 5, 2011, Boyle appeared on Townsend's behalf at the revocation hearing. In a decision dated April 7, 2011, Townsend's parole was revoked, and he was ordered to return to prison. [Ex. 6]

11. Boyle wrote Townsend a letter dated April 8, 2011, and stated, "I have calendared the appeal deadline for this matter and I will send in an appeal to Madison". [Ex. 3]

12. Boyle prepared an appeal on Townsend's behalf (dated April 18, 2011) but did not submit the appeal to the State of Wisconsin Division of Hearings and Appeals. [Ex. 5, Ex. 11, Hearing transcript p. 29]

13. Davis wrote Boyle shortly after and requested an accounting of Boyle's time in the matter. Boyle did not

respond to Davis' request. [Ex. 4, Hearing transcript pp. 30-31]

14. On August 5, 2011, Townsend filed a grievance against Boyle, alleging that Boyle "failed to appeal my case" and "did not provide counsel in person and failed to assist me in a timely manner". [Ex. 7, Ex. 16 pp. 41-42]

COUNT ONE

15. By failing to file an appeal of the revocation decision in a timely manner after agreeing to do so, Boyle failed to act with reasonable diligence and promptness in representing a client, in violation of SCR 20:1.3¹.

COUNT TWO

16. By failing to inform Townsend that she had failed to file an appeal of the revocation decision and thereby not keeping him informed of the status of his case, Boyle violated SCR 20:1.4(a)(3)².

¹SCR 20:1.3 provides: "A lawyer shall act with reasonable diligence and promptness in representing a client."

²SCR 20:1.4(a)(3) provides: "(a) A lawyer shall:(3) keep the client reasonably informed about the status of the matter."

COUNT THREE

17. By accepting a \$2,000 fee for representation that she did not complete, Boyle charged an unreasonable fee, in violation of SCR 20:1.5(a)³.

COUNT FOUR

18. By failing to deposit the \$2,000 into her trust account and instead depositing the money into her law firm operating account with no evidence she intended to utilize the alternative fee placement permitted by Supreme Court Rules, Boyle violated SCR 20:1.15(b)(4)⁴.

COUNT FIVE

19. By failing to refund a portion of the \$2,000 in advanced fees received from Townsend after failing to file an appeal of a revocation decision, Boyle violated SCR 20:1.16(d)⁵.

³ SCR 20:1.5(a) provides: "(a) A lawyer shall not make an agreement for, charge, or collect an unreasonable fee or an unreasonable amount for expenses."

⁴ SCR 20:1.15(b)(4) provides: "Unearned fees and cost advances. Except as provided in par. (4m), unearned fees and advanced payments of fees shall be held in trust until earned by the lawyer, and withdrawn pursuant to sub. (g). Funds advanced by a client or 3rd party for payment of costs shall be held in trust until the costs are incurred."

⁵ SCR 20:1.16(d) provides: "Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred. The

PRINCE KEY MATTER

20. On July 22, 2004, a jury convicted Prince D. Key (Key) of one count of 1st Degree Intentional Homicide. *State of Wisconsin v. Prince Key*, Milwaukee County Circuit Court Case No. 2004CF1372. The Court sentenced Key to life imprisonment. [Complaint, Ex. 18 p. 6]

21. Following denial by the Supreme Court of Key's petition for review, Key filed a notice of appeal. [Ex. 18 p. 7, Hearing transcript p. 32]

22. On or about February 20, 2008, Key hired Boyle to continue the appeal. As stated in the written fee agreement signed by Key's mother, Boyle's representation included "the appeal of the 974.06 Motion and/or any other post-conviction proceedings before the trial court". Key's mother paid Boyle a \$10,000 advanced fee for the representation. [Ex. 8, Ex. 18 pp. 8-9, Hearing transcript p. 38]

23. Boyle did not deposit the \$10,000 into her trust account and instead deposited the funds into her firm's operating account. [Hearing transcript p. 38]

lawyer may retain papers relating to the client to the extent permitted by other law."

24. Boyle did not provide Key or his mother any of the notices required by SCR 20:1.15(b)(4m). [Hearing transcript p. 38]

25. On September 19, 2008, Boyle filed a motion to voluntarily dismiss Key's appeal. [Ex. 15, Ex. 18 pp. 11-13, 33]

26. The Court of Appeals dismissed Key's appeal on September 25, 2008. [Complaint, Ex. 18 p. 13]

27. Boyle filed no further pleadings on Key's behalf. [Ex. 18 p. 13, Hearing transcript p. 47]

28. Boyle did not file any motions for post-conviction relief with the trial court. [Hearing transcript p. 47]

29. On September 21, 2011, Key wrote Boyle and indicated that unless he received some "better results" he would need a refund so he could hire an attorney who had the time to represent him. [Ex. 9, Ex. 18 p. 13]

30. Boyle did not respond to Key's letter or his request for a refund. [Ex. 18 pp. 13, 18]

31. On November 3, 2011, Key filed a grievance against Boyle, claiming that Boyle had failed to communicate with him or take any meaningful action on his behalf. [Ex. 10]

COUNT SIX

32. OLR voluntarily dismissed this count.

COUNT SEVEN

33. By failing to file any post-conviction motion with the trial court or otherwise take any meaningful action on Key's behalf over a four-year time period, **Boyle violated SCR 20:1.3.**

COUNT EIGHT

34. OLR voluntarily dismissed this count.

COUNT NINE

35. By accepting a \$10,000 fee for representation that she did not complete and for which no meaningful action was taken on Key's behalf, **Boyle charged an unreasonable fee, in violation of SCR 20:1.5(a).**

COUNT TEN

36. By failing to deposit the \$10,000 into her trust account and instead depositing the money into her law firm operating account with no evidence she intended to utilize the alternative fee placement permitted by Supreme Court Rules, **Boyle violated SCR 20:1.15(b)(4).**

COUNT ELEVEN

37. By failing to respond to Key's request for a refund and failing to refund unearned fees, Boyle violated SCR 20:1.16(d).

COUNT TWELVE

38. By accepting fees of \$10,000 for Key in February of 2008 and taking no meaningful action on Key's behalf over a period of four years, Boyle engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation, in violation of SCR 20:8.4(c)⁶.

JESSIE BESTER AND ESHA BOYD MATTER

39. On March 18, 2011, Jessie Bester (Bester) was charged with one count of marijuana possession and one count of resisting or obstructing an officer. *State of Wisconsin v. Jessie Bester*, Milwaukee County Circuit Court Case No. 2011CF1246. Bester had two previous convictions for cocaine delivery and was on extended supervision for those convictions. The Department of Corrections sought to revoke Bester's probation.

40. Bester hired Boyle to represent him in both the open criminal matter as well the probation revocation matter.

⁶SCR 20:8.4(c) provides: "It is professional misconduct for a lawyer to, (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation".

Bester paid Boyle \$2,954.96 on August 2, 2011, via a settlement check provided by Bester's former attorney in a civil matter. Boyle deposited the check in the firm's trust account on August 23, 2011. [Hearing transcript p. 59; Ex. 21 letter dated 8/29/11, Gebhard IOLA check #3405, deposit slip to Boyle Client's Trust Account]

41. On August 24, 2011, Boyle wrote a check upon the firm's trust account and transferred \$2,500 to the firm's operating account. On September 8, 2011, Boyle wrote a check upon the firm's trust account to the firm's operating account in the amount of \$454.96 and subsequently transferred those funds to Bester's institutional account. [Exhibit 21, Boyle Client Trust Account check #0957, #0959]

42. In the Bester matter, Boyle did not provide any of the notices required by SCR 20:1.15(b)(4m). [Hearing transcript p. 63]

43. Although Bester signed a fee agreement with Boyle on September 5, 2011 that provided that the cost of the representation would be \$4,000, Boyle agreed to accept the \$2,500 as her fee in this case. [Exhibit 21, Retainer/Fee Agreement dated 08/29/11]

COUNT THIRTEEN

44. By failing to retain the \$2,500 advanced fee in her trust account and instead promptly moving the money into

her law firm operating account with no evidence she intended to utilize the alternative fee placement permitted by Supreme Court Rules, Boyle violated SCR 20:1.15(b) (1) and SCR 20:1.15(b) (4).

OLR INQUIRY MATTER

45. On July 15, 2008, a federal grand jury in the Eastern District of Wisconsin returned a one-count indictment against Candelil Rodriguez (Rodriguez) and charged him with conspiracy to distribute controlled substances, cocaine, and heroin. [Complaint; Hearing transcript pp. 64, 65]

46. Rodriguez hired Boyle's firm to represent him in District Court. Rodriguez paid the firm \$6500. [Hearing transcript pp. 64, 73-74]

47. Boyle does not recall whether or not she set the fee or took it in, however there is no record of a written fee agreement nor did she otherwise communicate in writing the scope of the representation or the basis or rate of the fee. [Hearing transcript pp. 64, 74]

48. Boyle deposited the \$6,500 fee into her business account without providing to Rodriguez any of the notices as required by SCR 20:1.15(b)(4m). [Hearing transcript p. 74]

49. On March 4, 2011, the Court sentenced Rodriguez to 174 months imprisonment, 5 years of supervised release, and a

\$100 special assessment. On March 14, 2011, Boyle filed a notice of appeal with the District Court as well as a docketing statement indicating Rodriguez's intent to appeal his case to the 7th Circuit Court of Appeals. [Hearing transcript p. 65; Exhibit 20]

50. The 7th Circuit Court of Appeals docketed Rodriguez's appeal on March 14, 2011. Filing and docketing fees were due on March 28, 2011. Boyle did not pay the filing and docketing fees. Boyle did not take steps to file a transcript or record. Exhibit 20; Hearing transcript p. 70]

51. From March 14, 2011, until June 21, 2011, Boyle took no meaningful steps on Rodriguez's behalf, filed no pleadings in Rodriguez's appeal, and did not communicate with Rodriguez regarding the appeal or seek leave to withdraw from the representation. [Hearing transcript p. 70; Ex. 20]

52. On June 21, 2011, the 7th Circuit Court of Appeals issued a show cause order directing Boyle to explain her failure to file the required filing and docketing fees and to explain her failure to file a brief. Thereafter, the Court of Appeals issued additional orders to show cause, directing Boyle to explain her failure to file the required appellate filing and docketing fees. In addition, on August 2, 2011, the Court of Appeals issued a second order

directing Boyle to file either a motion to withdraw Rodriguez's appeal or file her opening brief by August 31, 2011. The various deadlines established by the Court of Appeals were extended from time to time. Ultimately, on November 30, 2011, Chief Judge Easterbrook warned Boyle that failure to file a brief would result in a dismissal of the appeal. Chief Judge Easterbrook also ordered Boyle to show cause by December 21, 2011, why she should not be fined, censured, suspended, or disbarred for failure to comply with the Court's previous orders and abandoning her client. [Ex. 20]

53. Boyle did not file a brief on behalf of her client on or before December 2, 2011. [Hearing transcript p. 70; Ex. 20]

54. Rodriguez filed a *pro se* motion with the District Court seeking a sentence reduction. [Complaint]

55. Boyle's encountered physical and mental health issues that should have required her to withdraw and assist Rodriguez in obtaining other counsel. [Hearing transcript pp. 67-69; Ex. 24]

56. On December 7, 2011, the Court of Appeals dismissed Rodriguez's appeal for want of prosecution. [Complaint]

57. Boyle did not advise Rodriguez that his appeal had been dismissed for want of prosecution. [Hearing transcript p. 70]

58. Boyle did not respond to the Court's order requiring her to explain why she should not be fined, censured, suspended, or disbarred. [Ex. 20]

59. The District Court denied Rodriguez's *pro se* motion for sentence relief on January 25, 2012. [Complaint]

60. On February 2, 2012, the Court of Appeals issued a decision disbaring Boyle from practicing before the 7th Circuit Court of Appeals for reasons including abandonment of a client in a criminal case and ignoring orders entered by the Court. [Hearing transcript p. 71; Ex. 20]

61. On February 10, 2012, the Court of Appeals issued an order permitting Rodriguez to file a collateral attack with the District Court seeking relief based upon ineffective assistance of counsel. On March 29, 2012, Rodriguez filed a *pro se* motion with the District Court seeking relief based upon ineffective assistance of counsel. [Complaint]

COUNT FOURTEEN

62. By failing to pay filing and docketing fees after filing a notice of appeal with the 7th Circuit Court of Appeals and by failing to order transcripts and prepare a record or write a brief or otherwise take any meaningful

steps in advance of Rodriguez's appellate rights, Boyle violated SCR 20:1.1⁷.

COUNT FIFTEEN

63. By failing to consult with Rodriguez regarding the objectives of the appeal and what specific issues were to be included in the direct appeal to the 7th Circuit Court of Appeals, Boyle violated SCR 20:1.2(a) and SCR 20:1.4(a)(2).

COUNT SIXTEEN

64. By failing to prosecute Rodriguez's appeal within established timelines, including failure to pay filing and docketing fees, order transcripts, prepare a record, prepare briefs, or otherwise comply with the Court of Appeals' orders, Boyle violated SCR 20:1.3.

COUNT SEVENTEEN

65. By failing to keep Rodriguez reasonably informed regarding the status of appeals, including a Court of Appeals' order dismissing his appeal for want of prosecution, Boyle violated SCR 20:1.4(a)(3).

COUNT EIGHTEEN

66. By failing to respond to multiple requests by Rodriguez for information necessitating the filing by

⁷SCR 20:1.1 provides: "A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation."

Rodriguez of motions with the trial court while he was represented by counsel, Boyle violated SCR 20:1.4(a)(4).

COUNT NINETEEN

67. By accepting a fee from Rodriguez in the amount of \$6,500.00 and by failing to communicate in writing the scope of the representation, the basis or rate of the fee, and the purpose and effect of the advanced fee or retainer, Boyle violated SCR 20:1.5(b)(1)⁸ and SCR 20:1.5(b)(2)⁹.

COUNT TWENTY

68. By failing to deposit the \$6,500 of funds into her trust account and instead depositing the money into her law firm operating account with no evidence she intended to utilize the alternative fee placement permitted by Supreme Court Rules, Boyle violated SCR 20:1.15(b)(4).

COUNT TWENTY-ONE

69. By failing to withdraw from representation of Rodriguez when a medical condition materially impaired her

⁸SCR 20:1.5 (b)(1) provides: "The scope of the representation and the basis or rate of the fee and expenses for which the client will be responsible shall be communicated to the client in writing, except before or within a reasonable time after commencing the representation when the lawyer will charge a regularly represented client on the same basis or rate as in the past. If it is reasonably foreseeable that the total cost of representation to the client, including attorney's fees, will be \$1000 or less, the communication may be oral or in writing. Any changes in the basis or rate of the fee or expenses shall also be communicated in writing to the client."

⁹SCR 20:1.5(b)(2) provides: "If the total cost of representation to the client, including attorney's fees, is more than \$1000, the purpose and effect of any retainer or advance fee that is paid to the lawyer shall be communicated in writing."

ability to represent Rodriguez, Boyle violated SCR 20:1.16(a) (2)¹⁰.

COUNT TWENTY-TWO

70. By abandoning representation of Rodriguez without notice and without giving Rodriguez an opportunity to employ other counsel or otherwise protecting Rodriguez's interests after terminating representation, Boyle violated SCR 20:1.16(d).

COUNT TWENTY-THREE

71. By failing to make reasonable efforts to advance Rodriguez's appeal and instead seeking multiple extensions of time and ultimately failing to file a brief in the case after the passage of almost a year after filing the notice of appeal, Boyle violated SCR 20:3.2¹¹.

COUNT TWENTY-FOUR

72. By failing to obey orders issued by the Court of Appeals, Boyle violated SCR 20:3.4(c)¹².

¹⁰SCR 20:1.16(a) (2) provides: "(a) Except as stated in par. (c), a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if:

(2) the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client".

¹¹ SCR 20:3.2 provides: "A lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client."

¹²SCR 20:3.4(c) provides: "A lawyer shall not (c) knowingly disobey an obligation under the rules of a tribunal, except for an open refusal based on an assertion that no valid obligation exists."

CONCLUSIONS OF LAW

COUNT ONE

73. By failing to file an appeal of the revocation decision in a timely manner after agreeing to do so, Boyle failed to act with reasonable diligence and promptness in representing a client, in violation of SCR 20:1.3¹³.

COUNT TWO

74. By failing to inform Townsend that she had failed to file an appeal of the revocation decision and thereby not keeping him informed of the status of his case, Boyle violated SCR 20:1.4(a)(3)¹⁴.

COUNT THREE

75. By accepting a \$2,000 fee for representation that she did not complete, Boyle charged an unreasonable fee, in violation of SCR 20:1.5(a)¹⁵.

¹³SCR 20:1.3 provides: "A lawyer shall act with reasonable diligence and promptness in representing a client."

¹⁴SCR 20:1.4(a)(3) provides: "(a) A lawyer shall:(3) keep the client reasonably informed about the status of the matter."

¹⁵SCR 20:1.5(a) provides: "(a) A lawyer shall not make an agreement for, charge, or collect an unreasonable fee or an unreasonable amount for expenses."

COUNT FOUR

76. By failing to deposit the \$2,000 into her trust account and instead depositing the money into her law firm operating account with no evidence she intended to utilize the alternative fee placement permitted by Supreme Court Rules, **Boyle violated SCR 20:1.15(b) (4)**¹⁶.

COUNT FIVE

77. By failing to refund a portion of the \$2,000 in advanced fees received from Townsend after failing to file an appeal of a revocation decision, **Boyle violated SCR 20:1.16(d)**¹⁷.

COUNT SIX

78. Dismissed.

79. By failing to file any post-conviction motion with the trial court or otherwise take any meaningful action on Key's behalf over a four-year time period, **Boyle violated SCR 20:1.3.**

¹⁶ SCR 20:1.15(b) (4) provides: "Unearned fees and cost advances. Except as provided in par. (4m), unearned fees and advanced payments of fees shall be held in trust until earned by the lawyer, and withdrawn pursuant to sub. (g). Funds advanced by a client or 3rd party for payment of costs shall be held in trust until the costs are incurred."

¹⁷SCR 20:1.16(d) provides: "Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred. The lawyer may retain papers relating to the client to the extent permitted by other law."

COUNT EIGHT

80. Dismissed.

COUNT NINE

81. By accepting a \$10,000 fee for representation that she did not complete and for which no meaningful action was taken on Key's behalf, Boyle charged an unreasonable fee, in violation of SCR 20:1.5(a).

COUNT TEN

82. By failing to deposit the \$10,000 into her trust account and instead depositing the money into her law firm operating account with no evidence she intended to utilize the alternative fee placement permitted by Supreme Court Rules, Boyle violated SCR 20:1.15(b) (4).

COUNT ELEVEN

83. By failing to respond to Key's request for a refund and failing to refund unearned fees, Boyle violated SCR 20:1.16(d).

COUNT TWELVE

84. By accepting fees of \$10,000 for Key in February of 2008 and taking no meaningful action on Key's behalf over a period of four years, Boyle engaged in conduct involving

dishonesty, fraud, deceit, or misrepresentation, in violation of SCR 20:8.4(c)¹⁸.

COUNT THIRTEEN

85. By failing to retain the \$2,500 advanced fee in her trust account and instead promptly moving the money into her law firm operating account with no evidence she intended to utilize the alternative fee placement permitted by Supreme Court Rules, Boyle violated SCR 20:1.15(b)(1) and SCR 20:1.15(b)(4).

COUNT FOURTEEN

86. By failing to pay filing and docketing fees after filing a notice of appeal with the 7th Circuit Court of Appeals and by failing to order transcripts and prepare a record or write a brief or otherwise take any meaningful steps in advance of Rodriguez's appellate rights, Boyle violated SCR 20:1.1¹⁹.

COUNT FIFTEEN

87. By failing to consult with Rodriguez regarding the objectives of the appeal and what specific issues were to

¹⁸ SCR 20:8.4(c) provides: "It is professional misconduct for a lawyer to, (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation".

¹⁹ SCR 20:1.1 provides: "A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation."

be included in the direct appeal to the 7th Circuit Court of Appeals, Boyle violated SCR 20:1.2(a) and SCR 20:1.4(a) (2).

COUNT SIXTEEN

88. By failing to prosecute Rodriguez's appeal within established timelines, including failure to pay filing and docketing fees, order transcripts, prepare a record, prepare briefs, or otherwise comply with the Court of Appeals' orders, Boyle violated SCR 20:1.3.

COUNT SEVENTEEN

65. By failing to keep Rodriguez reasonably informed regarding the status of appeals, including a Court of Appeals' order dismissing his appeal for want of prosecution, Boyle violated SCR 20:1.4(a) (3).

COUNT EIGHTEEN

89. By failing to respond to multiple requests by Rodriguez for information necessitating the filing by Rodriguez of motions with the trial court while he was represented by counsel, Boyle violated SCR 20:1.4(a) (4).

COUNT NINETEEN

90. By accepting a fee from Rodriguez in the amount of \$6,500.00 and by failing to communicate in writing the scope of the representation, the basis or rate of the fee,

and the purpose and effect of the advanced fee or retainer, Boyle violated SCR 20:1.5(b)(1)²⁰ and SCR 20:1.5(b)(2)²¹.

COUNT TWENTY

91. By failing to deposit the \$6,500 of funds into her trust account and instead depositing the money into her law firm operating account with no evidence she intended to utilize the alternative fee placement permitted by Supreme Court Rules, Boyle violated SCR 20:1.15(b)(4).

COUNT TWENTY-ONE

92. By failing to withdraw from representation of Rodriguez when a medical condition materially impaired her ability to represent Rodriguez, Boyle violated SCR 20:1.16(a)(2)²².

COUNT TWENTY-TWO

²⁰SCR 20:1.5 (b)(1) provides: "The scope of the representation and the basis or rate of the fee and expenses for which the client will be responsible shall be communicated to the client in writing, except before or within a reasonable time after commencing the representation when the lawyer will charge a regularly represented client on the same basis or rate as in the past. If it is reasonably foreseeable that the total cost of representation to the client, including attorney's fees, will be \$1000 or less, the communication may be oral or in writing. Any changes in the basis or rate of the fee or expenses shall also be communicated in writing to the client."

²¹SCR 20:1.5(b)(2) provides: "If the total cost of representation to the client, including attorney's fees, is more than \$1000, the purpose and effect of any retainer or advance fee that is paid to the lawyer shall be communicated in writing."

²²SCR 20:1.16(a)(2) provides: "(a) Except as stated in par. (c), a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if:

(2) The lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client".

93. By abandoning representation of Rodriguez without notice and without giving Rodriguez an opportunity to employ other counsel or otherwise protecting Rodriguez's interests after terminating representation, **Boyle violated SCR 20:1.16(d)**.

COUNT TWENTY-THREE

94. By failing to make reasonable efforts to advance Rodriguez's appeal and instead seeking multiple extensions of time and ultimately failing to file a brief in the case after the passage of almost a year after filing the notice of appeal, **Boyle violated SCR 20:3.2²³**.

COUNT TWENTY-FOUR

95. By failing to obey orders issued by the Court of Appeals, **Boyle violated SCR 20:3.4(c)²⁴**.

SANCTION

96. In recommending to the Court that a particular level of discipline be imposed, I take into account the seriousness, nature and extent of misconduct, the level of discipline needed to protect the public, the courts and the legal

²³ SCR 20:3.2 provides: "A lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client."

²⁴ SCR 20:3.4(c) provides: "A lawyer shall not (c) knowingly disobey an obligation under the rules of a tribunal, except for an open refusal based on an assertion that no valid obligation exists."

system from repetition of the attorney's misconduct, the need to impress upon the attorney the seriousness of the misconduct and the need to deter other attorneys from committing similar misconduct.

- In *Disciplinary Proceedings Against Felli*, 2007 WI 49, 300 Wis. 2d 271, 730 N.W. 2d 892 (2007), Felli's Wisconsin law license was revoked for misconduct consisting of fraudulently writing a \$2500 check drawn on a trust account in which he was a trustee, payable to a business he owned. Although Felli involves a one-count complaint, Felli had an extensive disciplinary history and was currently serving a three-year suspension for similar misconduct. The Court emphasized that, "The seriousness of Attorney Felli's most recent professional misconduct, combined with his disciplinary history, demonstrates that it is necessary to revoke his license to practice law in Wisconsin to protect the public, courts and legal system from repetition of misconduct, as well as to impress upon Attorney Felli the seriousness of his misconduct and deter others from engaging in misconduct."

97. In reviewing existing case law, the following are similar in nature to the present case:

- In *Disciplinary Proceedings Against Kelly*, 2012 WI 55, 431 Wis. 2d 104, 814 N.W. 2d 844, Kelly's Wisconsin law license was revoked for conduct consisting of fifty-one counts of misconduct, including twelve client criminal matters. Similar to the instant matter, Kelly failed to take meaningful action on his client's cases after accepting a flat fee, failed to communicate appropriately with the client or the client's family, and refused to refund unearned fees. Further, Kelly failed to respond to OLR's inquires, an aggravating circumstance not present in Boyle's cases. In revoking Kelly's license, the Court noted that the disciplinary complaint demonstrated "a clear pattern of neglect by Attorney Kelly of his clients' needs and objectives and of disregard for his obligations as an attorney in this state", *Id.* at ¶ 26. The Court ordered restitution of

\$31,541.50 to the Lawyer's Fund for Client Protection ("Fund") and payment of costs.²⁵

- In *Disciplinary Proceedings against Fadner*, 2007 WI 18, 299 Wis. 2d 54, 727 N.W. 2d 20 (2007), the Court revoked Fadner's license for conduct consisting of a forty-five counts of professional misconduct, including ten different civil matters setting forth allegations of lack of competence, lack of diligence, failure to communicate, charging an unreasonable fee, trust account violations, failure to refund unearned fees, failure to prepare written fee agreement, dishonesty, and failure to cooperate with OLR's investigation. Fadner had one prior private reprimand.

98. While revocation is not always warranted for patterns of neglect and multiple counts of misconduct, lengthy suspensions can result.

- In *Disciplinary Proceedings Against Lucius*, 2008 WI 12, 307 Wis. 2d 255, 744 N.W. 2d 605 (2008), Lucius' Wisconsin law license was suspended for two years for conduct consisting of ten counts of professional misconduct involving six client matter and ordered upon reinstatement, Lucius obtain twenty hours of CLE credit in the criminal law area. Lucius' misconduct was limited to allegations involving lack of diligence and failure to communicate with his clients. Although in one matter, Lucius, as in this case, disobeyed obligations under the rules of the tribunal. Lucius had no prior disciplinary history other than an administrative suspension for failure to comply with CLE reporting requirements. Significantly, the Court accepted the referee's recommendation of a two-year suspension over OLR's recommended sanction of six-months, noting that "Indigent, incarcerated persons are a vulnerable group that lacks significant options in terms of alternative representation", *Id.* at ¶ 48.

²⁵ The Referee struck Kelly's answer as a sanction during the litigation, and thus the Court accepted all allegations in OLR's complaint as true.

99. It should be noted that the Lucius case, is anomalous to other suspension orders issued by this Supreme Court. Typically, the Court has suspended an attorney for a year for dilatory or uncommunicative representation, particularly in cases in which the attorney had prior discipline.

- In *Disciplinary Proceedings Against Boyd*, 2010 WI 41, 324 Wis. 2d 688, 782 N.W. 2d 718 (2010), the Court suspended Boyd for one year following her misconduct in four client matters. As part of the Court's reasoning, they took into consideration Boyd's two prior public reprimands and a five-month suspension. The Court concluded that Boyd failed to provide competent representation, and was dilatory in her representation, such as using the wrong form for a habeas corpus case or failing to file a timely appeal or motion, and failing to consult or communicate with her clients. The Court ordered Boyd to pay restitution and obtain twenty hours of CLE ethics credits.
- In *Disciplinary Proceedings Against Carroll*, 2001 WI 130, 248 Wis. 2d 662, 636 N.W. 2d 718 (2001), the Court suspended Carroll's Wisconsin law license for one year for conduct consisting of seven counts of professional misconduct involving four client matters. The misconduct involved failing to act diligently, failing to communicate with clients and trust account violations. Carroll's disciplinary history includes two prior private reprimands and one public reprimand. The Court rejected the referee's recommendation of a six-month suspension, and emphasized Carroll's pattern of deception and misdealing with clients, the need to protect the public, and the evidence that Carroll exhibited a pronounced disregard for the rules of professional conduct, and the importance of sending a message to the bar about professionalism.
- In *Disciplinary Proceedings Against DeGracie*, 2004 WI 44, 270 Wis. 2d 640, 678 N.W. 2d 252 (2004),

DeGracie's Wisconsin law license was suspended for eight months for misconduct involving two clients. DeGracie, who had no prior disciplinary history, was appointed by the State Public Defenders Office to represent two clients and in both matters he neglected to take any action of behalf of the clients, did not respond to numerous telephone calls, and failed to respond to OLR's investigative inquires. In one case, DeGracie blocked telephone calls from his client. In the other client matter, DeGracie lied about filing a motion. The referee noted in his recommendation that, although OLR recommended a six-month suspension, a more severe eight-month suspension was warranted "because the liberty of two of DeGracie's clients was at stake, and because the clients and the public had the right to expect DeGracie to be hones and to perform his duties...."

100. Boyle's misconduct is comprised of not only diligence and communication issues, but in each of the four cases, Boyle engaged in intentional trust account violations, making her conduct serious if not more severe than the cases set forth above.

Boyle intentionally violated client trust account rules when she states,

- "I don't have control of the bank accounts. I am not suggesting that there is no responsibility on my part.
Q: Well, you don't have control of the bank accounts, but you can give the check to Pauline Edwards or somebody and say: Put it in the trust account or put it in the operating account; right? You have that authority?
A: Yes, I do have that authority...There are certain fees, like Mr. Bester, that got deposited per my direction that this one has to go into the trust account. Those are few and far between. [Hearing transcript pp. 62-63]

Boyle also admits that in each instance, she specifically ignored trust account rules requiring that she deposit advanced fees received from her individual clients into her trust account. [Hearing transcript pp. 74-75]

101. Boyle's knowingly and continually fails to follow the alternative fee placement rules, indicating that she does not receive advance fees and that she is relying on information provided to her by other criminal defense attorney's in the community. [Hearing transcript pp. 75-76]

102. In some cases, the court has issued lengthy suspensions for trust account violations.

- In *Disciplinary Proceedings Against Brown*, 2012 WI 51, 340 Wis. 2d 527, 814 N.W. 2d 172, the Court suspended Brown's (stipulated) for two years for ten counts of misconduct involving three client matters. In one case, Brown accepted a \$3,000 advanced fee, and deposited the fees in her business account and not her client trust account. She also failed to correctly account for insurance proceeds received in the course of the representation. In two other matters, Brown deposited advanced fees directly into her business account instead of her client trust account. Brown had two previous private reprimands for unrelated conduct, and notwithstanding the existence of numerous medical conditions that existed during the relevant time period the Court suspended her for two years.

Boyle admits that the issue of how the Boyle Law Office handles advance fees is not unique to the cases involved in this disciplinary proceeding. [Hearing transcript p. 75]

103. In the *Rodríguez* matter, Boyle failed to comply with multiple orders from the 7th Circuit Court of Appeals. The Court of Appeals disbarred Boyle from practicing in its Court, asserting that her conduct in abandoning her client was "reprehensible" and her conduct in ignoring the Court's orders was "inexcusable". [Exhibit 20]

- In *Disciplinary Proceedings Against Martin*, 227 Wis. 2d 349, 595 N.W. 2d 707 (1999), the Court suspended Martin's Wisconsin law license for six months, for misconduct involving client abandonment and in a criminal matter failing to respond to three orders from the Court of Appeals. In a divorce matter, Martin failed to act diligently. Martine, who had not prior discipline, also did not respond to Board inquiries.
- In *Disciplinary Proceedings Against Morrissey*, 2005 WI 169, 286 Wis. 2d 579, 707 N.W. 2d 142, Morrissey stipulated to a six month suspension of her Wisconsin law license relating to eleven counts of misconduct involving four client matters. The misconduct included failure to communicate appropriately with clients, failure to refund unearned fees, and in another matter, failure to comply with court orders. Morrissey had one prior sixty-day suspension.

104. Pursuant to the ABA Standards for Imposing Lawyer Sanctions, after misconduct has been established, aggravating and mitigating circumstances may be considered. In the present disciplinary proceeding, Boyle's misconduct is aggravated by the following factors:

- Prior Disciplinary Offenses: Boyle has a disciplinary history as set forth in ¶ 3 above.

- Pattern of Misconduct: The trust account violations repeat much of the same conduct for with Boyle has been previously sanctioned.
- Multiple Offenses: Boyle's misconduct consists of multiple violations of Supreme Court Rules.
- Vulnerability of Victim: In the criminal context, where a person's life and liberty are at stake, they are in a vulnerable position, relying on the attention and dedication of their attorney. Boyle's inattention spans multiple clients and incorporates multiple counts of misconduct.
- Substantial Experience in the Practice of Law: Boyle was admitted to the State Bar of Wisconsin in 1995.

In the present disciplinary proceedings, Boyle's conduct is mitigated by the following factors:

- Remorse: In the Rodriguez matter, Boyle is extremely apologetic as to her failure to act on his behalf. Although Boyle provided evidence of her medical issues that were occurring at the time, she states, "I couldn't handle it. I am embarrassed. I am sorry that I put this issue out there for Mr. Rodriguez...I failed him, and it is upsetting that I allowed it to

happen, but I have no explanation." [Hearing transcript p. 70]

105. The Supreme Court has advocated the application of progressive discipline in Wisconsin, particularly in cases involving a pattern of similar misconduct. For example, in *Disciplinary Proceedings Against Nussberger*, 2006 WI 111, 296 Wis. 2d 47, 719 N.W. 2d 501 (2006), the Supreme Court Stated:

Moreover, in disciplinary proceedings we have frequently followed the concept of progressive discipline, especially in cases involving a pattern of similar misconduct. See, e.g., *In re Disciplinary Proceedings Against Converse*, 2006 WI 4, ¶ 37, 287 Wis. 2d 72, 707 N.W. 2d 530.

Accordingly, the following is recommended:

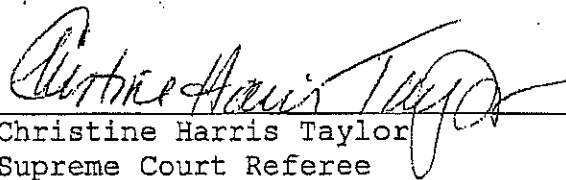
106. Suspension of Boyle's license to practice law in Wisconsin for 18 months.

107. Boyle should pay the costs of these proceedings.

108. It is my recommendation that, in addition to the suspension and imposition of costs, Boyle should return the fees paid by Townsend in the amount of \$2000.00. Boyle's words and actions contradict any claim that she was not hired to file an appeal. The likelihood of success does not negate the need for her to follow through on the appeal, especially when she promised to do so.

109. It is my recommendation that, in addition to the suspension and imposition of costs, Boyle should return the fees paid by Key in the amount of \$10,000.00. It is noted that Boyle, while performing very limited work, did not properly represent her client, and the client, because of his incarceration, was very limited in his ability to retain other counsel or otherwise proceed with his matter.

Dated this 16th day of September 2013.



Christine Harris Taylor
Supreme Court Referee
State Bar No. 1013411

4701 N. Port Washington Road
Fourth Floor
Milwaukee, WI 53212
(414) 302-1950

STATE OF WISCONSIN

IN SUPREME COURT

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST BRIDGET CASE CODE 30912
BOYLE, ATTORNEY AT LAW.

OFFICE OF LAWYER REGULATION, CASE NO. 13AP 1592 D

Complainant;

BRIDGET BOYLE,

Respondent.

RECEIVED

JUL 18 2013

COMPLAINT

CLERK OF SUPREME COURT
OF WISCONSIN

NOW COMES the Wisconsin Supreme Court - Office of
Lawyer Regulation (OLR) by Retained Counsel, Attorney
Robert G. Krohn, and alleges as follows:

1. The OLR was established by the Wisconsin
Supreme Court and operates pursuant to Supreme Court
Rules. This complaint is filed pursuant to SCR 22.11.

2. Respondent, Bridget Boyle (Boyle), is an
attorney licensed to practice law in the State of
Wisconsin. Boyle's work address is 2051 West Wisconsin
Avenue, Milwaukee, Wisconsin 53233-2003.

3. Boyle's disciplinary history is:

(a) *Private Reprimand of Attorney Bridget
Boyle, 08-09.* Boyle delayed the filing of a
writ for eleven months and did not respond to a

APPENDIX C

client's telephone calls, emails, and letters for more than twenty months after filing the writ. She was found to have failed to act with reasonable diligence and promptness in representation of a client, in violation of SCR 20:1.3, and to have failed to promptly comply with reasonable requests for information and to explain a matter to the extent reasonably necessary to permit the client to make informed decisions, in violation of former SCR 20:1.4(a) and (b).

(b) In 2012, the Court suspended Boyle's law license for sixty days based upon a finding that Boyle had engaged in eleven counts of misconduct with regard to three different clients and failed to cooperate with OLR's investigation. *Disciplinary Proceedings Against Boyle*, 2012 WI 54, 341 Wis. 2d 92, 813 N.W.2d 215.

(c) Two additional disciplinary proceedings alleging misconduct are currently pending against Boyle, to-wit: *Disciplinary Proceedings Against Bridget E. Boyle*, Sup. Ct. Case No. 2011AP1767-D and *Disciplinary Proceedings Against Bridget E. Boyle*, Sup. Ct. Case No. 2012AP2423-D.

BRIAN BUERGER MATTER

4. On or about April 15, 2011, the City of Waukesha Police Department arrested Brian J. Buerger (Buerger) for attempting to sell approximately one pound of marijuana to a confidential informant.

5. Following an initial appearance before a Court Commissioner in Waukesha County, Buerger, along with his

parents, hired Boyle. Pursuant to a written "Retainer-Fee Agreement" dated April 25, 2011, the Buergers agreed to pay Boyle \$7,000 for the representation. The agreement noted that the fee was "nonrefundable." The Buergers sent Boyle a \$7,000 credit card check dated April 27, 2011.

6. Boyle did not deposit the \$7,000 into her client trust account and instead deposited the funds into her firm's operating account.

7. Boyle did not utilize the alternative fee placement permitted by SCR 20:1.15(b) (4m).

8. The criminal matter proceeded through the Waukesha County courts following the charging of Buerger with Conspiracy to Commit Manufacture/Deliver THC, a felony; Maintaining a Drug Trafficking Place, a felony; Second Degree Reckless Endangerment, a felony; and Hit and Run - Attended Vehicle, a misdemeanor. After a number of continuances, the criminal matter was eventually set for trial for January 18, 2012.

9. While the criminal case against Buerger was pending, the State of Wisconsin filed a civil forfeiture action against Buerger's 2006 Hummer, claiming that the

vehicle was used to transport for sale controlled substances and therefore was subject to forfeiture under existing law.

10. On December 6, 2011, Buerger terminated Boyle's representation. Buerger requested that Boyle send his file to Attorney Michael Steinle (Steinle) who had agreed to take over the representation. In addition, Buerger requested that Boyle "forward an accounting of your legal services, and refund the balance to Bruce T. Buerger, Sr." The letter was faxed by Steinle to Boyle on December 8, 2011, and included a Stipulation and draft Order for Substitution of Attorney. Steinle also requested a copy of Boyle's file.

11. Boyle did not respond to either Buerger's or Steinle's requests.

12. On January 30, 2012, the Buergers wrote Boyle and again requested that Boyle deliver her file to Steinle and provide them an accounting of her legal services.

13. Steinle wrote Boyle again on February 8, 2012. Boyle's assistant responded to the letter on February 13, 2012, and enclosed a copy of the file.

COUNT ONE

14. By failing to respond promptly to Buerger's specific request for information concerning fees and expenses dated December 6, 2011, as well as the Buerger's request for an accounting dated January 30, 2012, Boyle violated SCR 20:1.5(b)(3)¹.

COUNT TWO

15. By failing to deposit the \$7,000 fee into her trust account and instead depositing the money into her law firm operating account without providing evidence she intended to utilize the alternative fee placement permitted by SCR 20:1.15(b)(4m), Boyle violated SCR 20:1.15(b)(4)².

¹SCR 20:1.5(b)(3) provides: "(3) A lawyer shall promptly respond to a client's request for information concerning fees and expenses."

²SCR 20:1.15(b)(4) provides: "Unearned fees and cost advances. Except as provided in par. (4m), unearned fees and advanced payments of fees shall be held in trust until earned by the lawyer, and withdrawn pursuant to sub. (g). Funds advanced by a client or 3rd party for payment of costs shall be held in trust until the costs are incurred."

COUNT THREE

16. By failing to surrender her file to successor counsel in a timely fashion and by failing to respond to the December 6, 2011, and January 30, 2012, letters seeking information concerning fees and expenses, Boyle violated SCR 20:1.16(d)³.

D'ANDRE DAWSON MATTER

17. On August 6, 2011, D'Andre Dawson (Dawson), while on extended supervision from a prior criminal charge, purportedly robbed a woman at gunpoint. The Milwaukee County District Attorney charged Dawson with one count of felony Armed Robbery. While the new criminal case was proceeding, the Department of Corrections instituted administrative actions to revoke Dawson's parole and have Dawson reconfined for the remainder of his sentence for a prior 2007 robbery.

18. On September 8, 2011, Dawson's grandmother, Maria Stevens (Stevens), met with Boyle and sought her

³SCR 20:1.16(d) provides: "Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred. The lawyer may retain papers relating to the client to the extent permitted by other law."

representation for Dawson's criminal matter as well as his parole revocation proceedings. Boyle agreed to do so and provided Stevens a written "Retainer-Fee Agreement". The cost of the representation was \$5,000. The fee was described in the agreement as "nonrefundable." Stevens paid \$2,500 with a cashier's check, and the remaining \$2,500 remained "due and owing."

19. Over the course of the representation, Stevens paid an additional \$1,750.

20. Boyle deposited the \$2,500 and the remaining payments into her law firm operating account without providing any evidence she intended to utilize the alternative fee placement permitted by SCR 20:1.15(b)(4m).

21. Following a number of court appearances and conferences on both legal matters, Dawson became dissatisfied with Boyle's representation, filed a grievance against Boyle, and requested a new lawyer. Boyle requested leave to withdraw as attorney, and the Court granted that motion on March 14, 2012, and continued the scheduled trial date.

COUNT FOUR

22. By failing to deposit the legal fees into her client trust account and instead depositing the money into her law firm operating account without providing any evidence she intended to utilize the alternative fee placement permitted by SCR 20:1.15(b)(4m), Boyle violated SCR 20:1.15(b)(4).

JAMES LINTOTT MATTER

23. In May of 2009, James Lintott (Lintott) contacted Boyle to see if she would help Lintott's girlfriend, Tracy Rutledge (Rutledge), obtain a pardon. Rutledge had previously been convicted of a felony and wanted a pardon so that she could pursue a career in insurance sales with Lintott.

24. Boyle agreed to represent Rutledge for a fee of \$4,000 which would include any hearing before a Pardon Board.

25. Boyle did not prepare a written fee agreement or otherwise communicate in writing the purpose and effect of any retainer or advance fee paid to either Rutledge or Lintott.

26. Lintott paid the fee on July 14, 2009, via check drawn on his personal bank account.

27. Boyle deposited the \$4,000 advance fee into her law firm operating account and not into a client trust account. Boyle did not provide to the client or Lintott any information that she intended to utilize the alternative fee placement permitted by SCR 20:1.15(b)(4m).

28. As the years passed, Rutledge did not complete her insurance education requirements, nor did Rutledge and Lintott survive as a couple. In April 2011 and many times thereafter, Lintott requested a refund of the fee.

29. In July, 2011 Boyle refunded \$2,000 to Lintott.

COUNT FIVE

30. By failing to prepare a written fee agreement detailing the basis or rate of her fee, Boyle violated SCR 20:1.5(b)(1)⁴.

⁴SCR 20:1.5(b)(1) provides: "The scope of the representation and the basis or rate of the fee and expenses for which the client will be responsible shall be communicated to the client in writing, except before or within a reasonable time after commencing the representation when the lawyer will charge a regularly represented client on the same basis or rate as in the past. If it is reasonably foreseeable that the total cost of representation to the client, including attorney's fees, will be \$1000 or less, the

COUNT SIX

31. By failing to communicate in writing the purpose and effect of any advance fee when the total cost of the representation exceeded \$1,000, Boyle violated SCR 20:1.5(b) (2)⁵.

COUNT SEVEN

32. By depositing the advanced fees into her law firm operating account instead of her client trust account without providing evidence she intended to utilize the alternative fee placement permitted by SCR 20:1.15(b) (4m), Boyle violated SCR 20:1.15(b) (4).

ROSALIND METCALF MATTER

33. Rosalind Metcalf (Metcalf) was implicated in a suspected May 16, 2011 arson. On that same day, Metcalf contacted Boyle for legal services.

34. Boyle informed Metcalf she would represent her for a total fee of \$5,000. Metcalf paid a portion of the fee, and Boyle contacted the assigned assistant

communication may be oral or in writing. Any changes in the basis or rate of the fee or expenses shall also be communicated in writing to the client."

⁵SCR 20:1.5(b) (2) provides: "If the total cost of representation to the client, including attorney's fees, is more than \$1,000, the purpose and effect of any retainer or advance fee that is paid to the lawyer shall be communicated in writing."

district attorney and indicated that she would be representing Metcalf.

35. Boyle did not prepare a written fee agreement or otherwise communicate in writing the purpose and effect of any retainer or advance fee received from Metcalf. Boyle did not provide a receipt to Metcalf indicating the amount paid for the representation.

36. On August 15, 2011, a complaint was filed against Metcalf, and ultimately the Milwaukee County District Attorney filed an Information charging Metcalf with criminal damage to property and arson of a building. A number of pretrial conferences were scheduled and adjourned.

37. According to Metcalf, she paid Boyle the sum of \$5,000. According to Boyle, she received from Metcalf the sum of \$2,500.

38. On July 5, 2012, Metcalf filed a grievance with OLR. OLR opened a formal investigation into the matter. On July 13, 2012, OLR sent Boyle its notice of formal investigation and asked Boyle to respond to allegations that her conduct represented Supreme Court Rule violations. OLR requested that Boyle detail the

accounting for the advance fee and provide copies of trust account records or business account records showing how the funds were deposited and distributed.

39. Boyle responded to the notice of formal investigation on August 6, 2012. Boyle did not provide any records documenting how she accounted for the fees received from Metcalf.

40. On September 10, 2012, OLR sent Boyle a follow-up letter asking her to provide a copy of her business account records showing "the receipt and deposit of the \$2,500 fees received from Ms. Metcalf." Boyle did not respond to OLR's investigative request.

COUNT EIGHT

41. By accepting a fee from Metcalf in the amount of at least \$2,500 in anticipation of providing future legal services and by failing to communicate in writing the scope of the representation, the basis or rate of the fee, and the purpose and effect of any advance fee or retainer, Boyle violated SCR 20:1.5(b)(1) and (b)(2).

COUNT NINE

42. By failing to deposit the advanced fee into her client trust account with no evidence she intended to

utilize the alternative fee placement permitted by SCR 20:1.15(b)(4m), Boyle violated SCR 20:1.15(b)(4).

COUNT TEN

43. By failing to provide relevant information to OLR in a timely fashion, including trust account and business account records for the advanced fees received from Metcalf, after specific requests from OLR seeking such information dated July 13, 2012, and September 10, 2012, Boyle violated SCR 22.03(2) and SCR 22.03(6), which are enforceable under the Rules of Professional Conduct through SCR 20:8.4(h)⁶.

⁶ SCR 22.03(2), SCR 22.03(6), and SCR 20:8.4(h) provide: 22.03(2) "Upon commencing an investigation, the director shall notify the respondent of the matter being investigated unless in the opinion of the director the investigation of the matter requires otherwise. The respondent shall fully and fairly disclose all facts and circumstances pertaining to the alleged misconduct within 20 days after being served by ordinary mail a request for a written response. The director may allow additional time to respond. Following receipt of the response, the director may conduct further investigation and may compel the respondent to answer questions, furnish documents, and present any information deemed relevant to the investigation."

22.03(6) "In the course of the investigation, the respondent's wilful failure to provide relevant information, to answer questions fully, or to furnish documents and the respondent's misrepresentation in a disclosure are misconduct, regardless of the merits of the matters asserted in the grievance."

and

20:8.4 "It is professional misconduct for a lawyer to...(h) fail to cooperate in the investigation of a grievance filed with the office of lawyer regulation as required by SCR 21.15(4), SCR 22.001(9)(b), SCR 22.03(2), SCR 22.03(6), or SCR 22.04(1)."

KEVIN SCHOLZ MATTER

44. In 2009, Kevin Scholz (Scholz) was employed as a police officer with the Big Cedar Lake Police Department and worked part-time as a police officer with the Town of Norway.

45. On April 12, 2009, Scholz was issued three citations, one for operating under the influence of an intoxicant, another for operating with PAC .10 or more, and the third for deviation from a designated lane. Scholz was also given a notice of intent to suspend his operating privileges within thirty days unless he requested an administrative review.

46. Scholz contacted Boyle on April 17, 2009, and Boyle agreed to represent him on the traffic charges as well as to provide representation to Scholz on employment issues dealing with the OWI conviction regarding his police work with the Town of Norway. Boyle quoted a nonrefundable fee of \$1,250 for the representation.

47. A written fee agreement was signed. In the subject heading of the fee agreement, Boyle wrote, "RETAINER/FEE AGREEMENT Milwaukee County OWI 1st Town of

Norway Employment Issues." Boyle deposited the \$1,250 fee into the law firm operating account and not her client trust account. Boyle did not provide notice to Scholz that she intended to utilize the alternate fee placement permitted by SCR 20:1.15(b) (4m).

48. On May 4, 2009, Milwaukee County filed a complaint against Scholz alleging a violation of Wis. Stat. § 346.63(1)(a) (Operating While Under the Influence (1st) for the April 12, 2009 incident.

49. In the weeks after hiring Boyle, Scholz called Boyle multiple times to deal with issues arising from what had become a public matter, specifically how to handle meetings his superiors at work had arranged. Boyle did not return Scholz's telephone calls, nor did she respond to various emails he sent her regarding the employment matters. Facing termination from his job at Big Cedar Lake Police Department, Scholz resigned. Scholz handled the employment issues entirely on his own.

50. On May 6, 2009, a review of the notice of suspension was scheduled before an agent of the Department of Transportation. Boyle failed to appear at

the administrative review, nor did she call to cancel or seek to adjourn the matter. Boyle did not advise Scholz that she would not be attending the hearing. Scholz received a notice from the Department that, because no one appeared at his review hearing, his driver's license would be suspended.

51. After learning of the suspension, Scholz called Boyle approximately six times to determine what happened at the administrative hearing and what his options were regarding his license.. Boyle did not respond to Scholz's requests for information.

52. On May 10, 2009, Scholz sent Boyle a lengthy email asking specific questions about what was happening with his case and expressed frustration about his inability to talk to Boyle or anyone else at the office concerning the issues. Boyle did not respond to the email.

53. Over the course of the next several weeks, Scholz attempted to reach Boyle. Each time, Scholz was told to call back the next week. This happened on approximately seven occasions.

54. In June 2009, Scholz sent multiple emails to Boyle and provided information he believed to be relevant to his defense. His frequent messages were not answered. Ultimately, he met with Boyle on June 26, 2009, and discussed the case.

55. A motion to suppress evidence based upon an inappropriate police stop was to be heard on August 28, 2009. After the hearing, Scholz attempted to reach Boyle to find out the results of the hearing but was unable to learn what happened. He ultimately reviewed CCAP records to learn that the motion was denied.

56. On August 29, 2009, Scholz sent Boyle another lengthy email indicating his dissatisfaction with her representation and threatened to file a grievance against her with OLR. Scholz and Boyle then exchanged emails concerning various aspects of the representation.

COUNT ELEVEN

57. By failing to consult with Scholz regarding the objectives of his employment matters after agreeing to provide necessary legal advice to him, resulting in Scholz handling these matters without the benefit of

counsel, Boyle violated SCR 20:1.2(a) and SCR 20:1.4(a)(2)⁷.

COUNT TWELVE

58. By failing to appear at the Department of Transportation administrative review hearing or otherwise call to cancel or seek to adjourn her appearance; and/or by failing to advise Scholz regarding his options in seeking an occupational license; and/or by failing to address any of the employment issues raised by Scholz after agreeing to provide Scholz legal counsel on such issues, Boyle violated SCR 20:1.3⁸.

COUNT THIRTEEN

59. By failing to keep Scholz reasonably informed regarding the status of his traffic matters, including

⁷SCR 20:1.2(a) and SCR 20:1.4(a)(2) provide: 20:1.2(a) "Subject to pars. (c) and (d), a lawyer shall abide by a client's decisions concerning the objectives of representation and, as required by SCR 20:1.4, shall consult with the client as to the means by which they are to be pursued. A lawyer may take such action on behalf of the client as is impliedly authorized to carry out the representation. A lawyer shall abide by a client's decision whether to settle a matter. In a criminal case or any proceeding that could result in deprivation of liberty, the lawyer shall abide by the client's decision, after consultation with the lawyer, as to a plea to be entered, whether to waive jury trial and whether the client will testify."

and

20:1.4(a)(2) provides, "A lawyer shall...reasonably consult with the client about the means by which the client's objectives are to be accomplished."

⁸SCR 20:1.3 provides: "A lawyer shall act with reasonable diligence and promptness in representing a client."

failing to inform Scholz that she was not going to appear at the Department of Transportation administrative hearing, and by failing to inform Scholz of the consequences of her failure to appear at such hearing and his options for obtaining an occupational license, as well as failing to inform Scholz of the results of the motion to suppress hearing held on August 28, 2009, and otherwise advise Scholz regarding his case status, Boyle violated SCR 20:1.4(a)(3)⁹.

COUNT FOURTEEN

60. By failing to respond to multiple requests by Scholz for information regarding both his OWI case and the employment matters, Boyle violated SCR 20:1.4(a)(4)¹⁰.

COUNT FIFTEEN

61. By depositing the \$1,250 fee into the law office operating account instead of the client trust account with no evidence she intended to utilize the alternative fee placement permitted by SCR 20:1.15(b)(4m), Boyle violated SCR 20:1.15(b)(4).

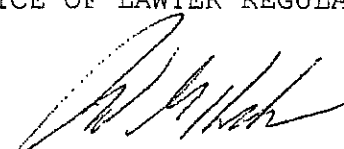
⁹SCR 20:1.4(a)(3) provides: A lawyer shall...“keep the client reasonably informed about the status of the matter.”

¹⁰SCR 20:1.4(a)(4) provides: A lawyer shall...“promptly comply with reasonable requests by the client for information.”

WHEREFORE, the Office of Lawyer Regulation asks that Attorney Bridget Boyle be found in violation of the Supreme Court Rules as alleged in connection with Counts One through Fifteen of this complaint, that the Court suspend Boyle's license to practice law in Wisconsin for a period of one (1) year consecutive to any suspension(s) that may be imposed in pending disciplinary cases against Boyle, and that the Supreme Court of Wisconsin order such other and further relief as may be just and equitable, including assessing the costs of the proceedings.

Dated this 17th day of July, 2013.

OFFICE OF LAWYER REGULATION



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