

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST THOR TEMPLIN,
ATTORNEY AT LAW.

CASE CODE 30912

OFFICE OF LAWYER REGULATION,
Complainant;

CASE NO. 2015AP 284-D

THOR TEMPLIN,

Respondent.

RECEIVED

FEB 12 2015

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. Attorney Thor Templin (Templin) is a Wisconsin
attorney (Member ID 1056783). On information and belief,
Templin's business address is 230 W. Wells Street, Suite
201, Milwaukee, Wisconsin 53203. The Wisconsin Supreme
Court licensed Templin to practice law in the State of
Wisconsin on May 19, 2008.

3. Templin's disciplinary history consists of a
consensual private reprimand for failing to act

diligently and communicate appropriately in a client matter. *Private Reprimand of Templin*, 2011-04.

**Regarding Mark Sherlock
(OLR Matter Number 2013MA669)
COUNTS 1-5**

4. On April 18, 2007, the Joan Sherlock vs. Mark F. Sherlock divorce action was commenced in Kenosha County. A Judgment of Divorce was granted on July 31, 2008.

5. On or about December 30, 2008, Templin commenced representation of Joan Sherlock.

6. On August 17, 2011, approximately three years following the Judgment, Templin filed a *Notice of Motion and Motion for Relief from the Judgment of Divorce or, in the Alternative, to Set Aside the Judgment of Divorce for Fraud on the Court*. Templin's motion challenged Mark Sherlock's financial disclosures including, among other things, his representations relating to loans received from his parents.

7. On October 10, 2011, Mark Sherlock's then-attorney sent a letter to Templin, including a *Motion for Sanctions*, requesting that Templin withdraw his "frivolous" pleadings. The motion was based on legal

grounds that included Wis. Stat. §806.07, requiring a motion for relief from judgment to be filed within one year of a judgment.

8. On October 25, 2011, Templin filed an *Amended Notice of Motion and Motion for Relief from the Judgment of Divorce or to Set Aside the Judgment of Divorce for Fraud on the Court or in the Alternative to Create a Trust under Wis. Stat. 767.125(5)*.

9. On November 1, 2011, a hearing was conducted before Kenosha County Family Court Commissioner James Fitzgerald. He determined that Templin's motion was not timely filed; that at least one of Templin's arguments involved "great leaps of reasoning that did not make sense;" and that there was no basis in fact for most of the allegations made by Joan Sherlock and that such allegations were frivolous. Templin's *Amended Motion* was dismissed with prejudice.

10. On November 11, 2011, Templin filed a *Request for a De Novo Hearing*, and, on March 27, 2012, a hearing was conducted before Judge Wilbur Warren III. On August 23, 2012, Judge Warren issued a decision denying the *Motion to Reopen the Judgment* and also denying the imposition of

a constructive trust. He found that Joan Sherlock's failure to object to late filings or financial review in the underlying divorce was inappropriate, and he denied her request to revise the property division and support. He also found the claims for relief to be frivolous.

11. In a September 10, 2012 order, Judge Warren ordered Joan Sherlock and/or Templin to pay \$6,526.22 attorney's fees to Mark Sherlock.

12. On May 31, 2013, Mark Sherlock's then-attorney filed an *Order to Show Cause for Contempt* relating to the failure to pay the fees ordered by Judge Warren.

13. Multiple hearings were scheduled and rescheduled relating to the contempt motion; the hearing was ultimately scheduled for April 21, 2014.

14. On April 20, 2014, Joan Sherlock filed for a Chapter 7 bankruptcy. She attempted to discharge the September 10, 2012, "attorney fees" sanction. Templin's firm, Lagmann, Inc., through Kyle Jesinski (Jesinski), represented Joan Sherlock.

15. Through his new attorney, Mark Sherlock advised Jesinski that the attorney fee obligation was not a dischargeable debt under bankruptcy laws. Attorneys for

both of the Sherlocks accused one another of filing frivolous motions.

16. On or about August 28, 2014, Joan Sherlock sent the bankruptcy court a letter indicating she relied on Templin to follow the law and that he did not explain to her the concept of "joint and several liability" as it related to the obligation on attorney's fees. She expressed confusion as to what constituted frivolous legal proceedings.

17. On September 26, 2014, Joan Sherlock requested Templin withdraw from further representation. The Court advised that she and Templin were obligated to pay the attorney fee obligation ordered on September 10, 2012.

18. Mark Sherlock filed a grievance against Templin with OLR.

19. On July 8, 2013, OLR sent Templin a notice of formal investigation requiring Templin to respond on or before August 5, 2013 to allegations that he may have violated supreme court rules during his representation of Joan Sherlock. Templin did not respond.

20. On August 20, 2013, OLR sent Templin a second letter, via first class mail and certified mail,

reminding him of his duty to cooperate with OLR and requesting a response by no later than August 30, 2013. A copy of OLR's July 8, 2013 letter was included in OLR's August 20, 2013, letter.

21. On August 22, 2013, Attorney A. Golden of the Lagmann, Inc. law firm signed the return receipt for OLR's August 20, 2013, letter. The post office did not return OLR's August 20, 2013 letter sent via first class mail. Templin did not respond.

22. On September 4, 2013, OLR sent Templin a third letter, enclosing a copy of the July 8, 2013, notice of formal investigation as well as a copy of the August 20, 2013, letter. This letter directed Templin to submit a response no later than seven days from the time the letter was personally served on Templin. On September 6, 2013, OLR personally served Templin with the letters dated September 4, 2013, August 20, 2013, and July 8, 2013.

23. Templin finally responded on September 12, 2013.

COUNT ONE

24. By filing a motion (and amended motion) for relief from a divorce judgment years after the applicable time limits had passed and advancing arguments devoid of factual or legal support, **Templin violated SCR 20:1.1¹**.

COUNT TWO

25. By knowingly filing a motion (and amended motion) for relief from a divorce judgment years after the applicable time limits had passed and advancing arguments unwarranted under existing law, with no good faith argument existing for an extension, modification, or reversal of existing law, **Templin violated SCR 20:3.1(a)(1)²**.

COUNT THREE

26. By filing a motion (and amended motion) for relief from a divorce judgment years after the applicable time limits had passed and advancing arguments devoid of factual or legal support, by later filing a bankruptcy

¹SCR 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."

²SCR 20:3.1(a)(1) provides: "In representing a client, a lawyer shall not: (1) knowingly advance a claim or defense that is unwarranted under existing law, except that the lawyer may advance such claim or defense if it can be supported by good faith argument for an extension, modification or reversal of existing law."

action on behalf of the client seeking to discharge his own sanction obligations imposed by the trial court, and by filing the bankruptcy action one day prior to a scheduling hearing on a Contempt/Show Cause proceeding on the underlying sanction order, **Templin took multiple actions on behalf of his client when he knew or when it was obvious that such action would serve merely to harass or maliciously injure another, in violation of SCR 20:3.1(a)(3)**³.

COUNT FOUR

27. By failing to comply with the September 10, 2012 trial court sanction order requiring Templin and his client (jointly and severally) to pay \$6,526.22 to the client's former husband within 30 days of the order, **Templin knowingly disobeyed an obligation of a tribunal, in violation of SCR 20:3.4(c)**⁴.

COUNT FIVE

28. By failing to provide relevant information to OLR in a timely fashion, **Templin violated SCR 22.03(2)**,

³ SCR 20:3.1(a)(3) provides: "In representing a client, a lawyer shall not: . . . (3) file a suit, assert a position, conduct a defense, delay a trial or take other action on behalf of the client when the lawyer knows or when it is obvious that such an action would serve merely to harass or maliciously injure another."

⁴ SCR 20:3.4(c) provides: "A lawyer shall not: . . . knowingly disobey an obligation under the rules of a tribunal, except for an open refusal based on an assertion that no valid obligation exists."

which is enforceable under the Rules of Professional Conduct through SCR 20:8.4(h)⁵.

**Regarding Artistis Hall
(OLR Matter Number 2013MA849)**

29. Artistis Hall (Hall) is the father of two children, a daughter and a son. He had custody of his daughter, but in 2009 the State of Wisconsin filed a petition to terminate Hall's parental rights to his son.

30. Following a dispositional court hearing in February 2011, Hall involuntarily lost his parental rights to his son. After an appeal and a subsequent trial on remand, the trial court entered an order terminating Hall's parental rights to his son. Hall appealed this order.

31. Hall's appointed appellate counsel, Attorney Melinda Swartz (Schwartz), reviewed Hall's file and filed a no-merit brief on Hall's behalf on October 24, 2012.

⁵SCR 22.03(2) and 20:8.4(h) provide: "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." SCR 20:8.4(h) states, in relevant part, "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), 22.03(2), 22.03(6) or SCR 22.04(1) . . ."

32. On December 5, 2012, the Court of Appeals entered its order summarily affirming the order of the trial court terminating Hall's parental rights.

33. Pursuant to Wis. Stat. §809.24(1), a motion for reconsideration of a Court of Appeals' decision must be filed within 20 days of the Court of Appeals' order. Pursuant to Wis. Stat. §808.10(1), a Petition for Review must be filed with the Supreme Court within 30 days of the Court of Appeals' decision. Failure to comply with this 30-day deadline deprives the Supreme Court of subject matter jurisdiction.

34. On January 4, 2013, Hall met with Templin and paid him \$300 in cash to review his case file for purposes of a possible Petition for Review with the Supreme Court. Hall believed that he had until January 7, 2013, to file a Petition for Review with the Supreme Court. In fact, the filing deadline was January 4, 2013.

35. Templin had accepted the \$300 fee from Hall to review his case on the last day that any appellate action could be taken. Templin failed to advise Hall that subsequent to January 4, 2013, nothing further could be done on Hall's case.

36. Hall attempted to reach Templin in January and February 2013 without success. He frequently left notes at Templin's office and attempted to reach out to Templin.

37. In March 2013, Hall submitted documents to Templin in an attempt to show his continued efforts to see his son, including a timeline. In April 2013, Templin met with Hall, returned his files, and stated that there was nothing further to be done in his case.

38. Templin never prepared any letters, reports, or other documents concerning his case review of the Hall matter. He failed to take any meaningful legal steps on behalf of Hall. He also did not communicate his conclusions to Hall in a timely fashion.

39. Hall filed a grievance with OLR against Templin. OLR requested information from Templin, but Templin did not provide any time or billing sheets and provided no notes, records, logs, or any information demonstrating or documenting what steps he took to review Hall's case or what efforts he took to communicate with Hall.

COUNT SIX

40. By failing to respond promptly to Hall's multiple requests for information regarding his case, **Templin failed to comply with reasonable requests by Hall for information, in violation of SCR 20:1.4(a) (4)**⁶.

COUNT SEVEN

41. By failing to explain to Hall that the deadline for filing a Petition for Review with the Supreme Court, or that all other applicable appellate deadlines, had expired on or before January 4, 2013, **Templin failed to explain matters to Hall in a way that would permit him to make informed decisions about his representation, in violation of SCR 20:1.4(b)**⁷.

COUNT EIGHT

42. By accepting a \$300 fee to review Hall's file for purposes of a potential appeal to the Supreme Court, on the same day as the deadline for filing any kind of appeal or petition for review expired, thereby precluding any meaningful action in the case, **Templin**

⁶SCR 20:1.4(a)(4) provides: "A lawyer shall . . . (4) promptly comply with reasonable requests by the client for information."

⁷SCR 20:1.4(b) provides: "A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation."

charged an unreasonable fee, in violation of SCR 20:1.5(a)⁸.

**Regarding Victoria Kirby
(OLR Matter Number 2013MA1345)**

43. In May 2013, Victoria Kirby (Kirby) retained Templin to commence a divorce action in Racine County.

44. Templin prepared legal papers purportedly for the purpose of commencing the divorce action. He mailed the documents to the Clerk of Courts in Racine County for filing.

45. The Clerk of Courts returned the divorce pleadings, unfiled, to Templin with a note indicating that the Family Court Commissioner would not accept the documents for filing because Templin also needed to file an Order to Show Cause and Affidavit for Temporary Relief along with a Summons and Petition for Divorce.

46. Templin prepared an Order to Show Cause and Affidavit for Temporary Relief. He signed the Affidavit and purportedly mailed a Summons, Petition, Order to Show Cause and Affidavit to the Court for filing. The documents were returned to Templin once again with an

⁸SCR 20:1.5(a) provides: "A lawyer shall not make an agreement for, charge, or collect an unreasonable fee . . ."

indication that he did not properly follow local Racine County Court rules.

47. Thereafter, Templin downloaded the court documents that are accessible online for *pro se* litigants and filled out the information necessary to initiate the divorce action on behalf of Kirby. These forms were submitted to the Clerk of Courts and again rejected by the Clerk.

48. Kirby fired Templin on or about July 22, 2013, by email communication.

COUNT NINE

49. By failing to properly prepare and file Kirby's Petition for Divorce in Racine County Circuit Court, **Templin failed to provide competent representation to his client, in violation of SCR 20:1.1.**

**Regarding Charles Brockmeyer
(OLR Matter Number 2013MA1463)**

50. Charles Brockmeyer (Brockmeyer) is a veteran and had a history of receiving medical care from the Veterans Administration (VA).

51. On June 24, 2008, Brockmeyer was involved in a serious car accident which resulted in him being flown to

Froedtert Memorial Lutheran Hospital (Froedtert). He remained there for approximately three months and was released on September 19, 2008.

52. After payment of certain amounts by the VA, the amount owing from Brockmeyer to Froedtert was \$79,442.07.

53. On August 28, 2012, Froedtert filed a Summons and Complaint against Brockmeyer in the Circuit Court of Milwaukee County.

54. Brockmeyer first met with Templin on September 21, 2012, and discussed the need to file an Answer and also a Third Party Summons and Complaint against the VA.

55. Templin filed an Answer and Affirmative Defenses on September 24, 2012. A pretrial conference took place on November 5, 2012. The Scheduling Order dated November 5, 2012, imposed a deadline of December 5, 2012, to file amendments to the pleadings, including the naming of any additional parties. It imposed a deadline of March 5, 2013, for the parties to file all dispositive motions, imposed deadlines to identify witnesses and damage claims, and imposed a deadline for discovery as well as a deadline to complete mediation.

56. On December 5, 2012, Templin filed a Third Party Summons and Complaint against the VA. Despite apparent efforts to obtain service on the VA, in fact service on the VA was never obtained.

57. Templin never filed a witness list on behalf of Brockmeyer.

58. On March 5, 2013, the plaintiff filed a Motion for Summary Judgment with Supporting Memorandum and Affidavit. Templin did not file any responsive pleadings.

59. On April 22, 2013, Templin sent an email to counsel for Froedtert indicating he never received the Summary Judgment Motion. Another copy was sent to Templin at his listed mailing address.

60. On April 22, 2013, Templin sent a letter request to the judge asking for adjournment of the April 24, 2013 summary judgment motion hearing. Templin's request was denied.

61. The Scheduling Order also required the parties to complete mediation before April 4, 2013. The attorneys never communicated over the subject of mediation.

62. On April 24, 2013, the Court granted plaintiff's Motion for Summary Judgment.

63. On May 6, 2013, an Order was filed granting the plaintiff summary judgment in the amount of \$80,271.07 against Brockmeyer. The Judgment was entered and docketed on May 7, 2013.

64. Templin never adequately advised Brockmeyer about the pending summary judgment motion or various legal options available to him concerning the motion.

65. Brockmeyer did not receive any communication or contact from Templin after April 24, 2013.

66. Ultimately, Brockmeyer ended up filing bankruptcy in 2014, and the judgment in favor of Froedtert was discharged.

COUNT TEN

67. By failing to properly serve the VA; by failing to submit a witness list or detailed damage claims; and/or by failing to respond to the Motion for Summary Judgment filed by the plaintiff in the case, **Templin failed to provide competent representation to his client, in violation of SCR 20:1.1.**

COUNT ELEVEN

68. By failing to secure service on a third-party defendant, file a witness list as required in the Scheduling Order, pursue mediation, or file any dispositive motions, **Templin failed to provide diligent representation to his client, in violation of SCR 20:1.3⁹.**

COUNT TWELVE

69. By failing to advise Brockmeyer of the pending Motion for Summary Judgment, or the subsequent entry of a judgment against him, as well as failing to discuss the options available to him regarding his case, **Templin failed to explain matters to Brockmeyer sufficiently to enable him to make informed decisions regarding his representation, in violation of SCR 20:1.4(b), and failed to keep his client reasonably informed about the status of the matter, in violation of SCR 20:1.4(a)(3)¹⁰.**

WHEREFORE, the Office of Lawyer Regulation asks that Attorney Thor Templin be found in violation of the Supreme

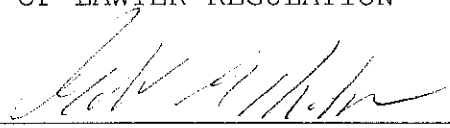
⁹SCR 20:1.3 provides: "A lawyer shall act with reasonable diligence and promptness in representing a client."

¹⁰SCR 20:1.4(a)(3) provides: "A lawyer shall: . . . (3) keep the client reasonably informed about the status of a matter."

Court Rules as alleged in connection with Counts One through Twelve of this complaint and that the Court suspend Templin's license to practice law in Wisconsin for a period of four (4) months, order restitution to Hall (\$300) and Kirby (\$200), and require Attorney Templin to complete six (6) hours of continuing legal education concentrating on civil procedure and/or appellate practice, and approved by OLR, as a precondition to reinstatement. OLR also seeks an order for such relief as may be just and equitable, including assessing the costs of the proceedings.

Dated this 10th day of February, 2015.

OFFICE OF LAWYER REGULATION



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