

SUPREME COURT OF WISCONSIN

Office of Lawyer Regulation v. Hicks, 268 Wis. 2d 620

675 N.W.2d 445, 2004 WI 12 (Wis. 2004) · No. 02-2197-D · Decided February 27, 2004

SUMMARY

The Wisconsin Supreme Court publicly reprimanded Attorney Leo Barron Hicks for failing to maintain client funds separately, failing to take reasonable remedial action concerning another lawyer's misconduct, and failing to treat disputed property as trust property pending accounting and severance. The court adopted the referee's findings and ordered Hicks to pay \$1,644.84 in proceeding costs.

CASE DETAILS

COURT	Supreme Court of Wisconsin
WRITING FOR THE COURT	Per curiam
JURISDICTION	Wisconsin
DECIDED	February 27, 2004
DOCKET	02-2197-D
DISPOSITION	other
PROCEDURAL POSTURE	The Wisconsin Supreme Court reviewed a referee's findings and recommendation in an attorney-discipline proceeding. Attorney Hicks stipulated to the factual allegations and pleaded no contest to each alleged violation, but objected to assessment of the proceeding's costs.
STANDARD OF REVIEW	The Supreme Court independently reviews the referee's findings of fact, conclusions of law, and recommended discipline; in this case, it adopted the referee's findings and conclusions.
PRECEDENTIAL VALUE	Published Wisconsin Supreme Court disciplinary opinion; precedential.
PARTIES	Office of Lawyer Regulation v. Leo Barron Hicks

TOPICS

trust administration trustee duties breach of trust trusts appellate procedure

PRACTICE AREAS

legal ethics and professional responsibility attorney discipline trust-account compliance

QUESTIONS PRESENTED

1. Whether Hicks violated SCR 20:1.15(a) by failing to hold client funds in a separate trust account.
2. Whether Hicks violated SCR 20:5.1(c)(2) by failing to take reasonable remedial action after learning of another lawyer's misconduct.
3. Whether Hicks violated SCR 20:1.15(d) by failing to treat disputed property as trust property until accounting and severance of the parties' interests.
4. What discipline and costs should be imposed for the violations.

HOLDINGS

1. Hicks violated SCR 20:1.15(a) by failing to ensure that the client's settlement funds were held in a properly designated trust account separate from the firm's and lawyers' own property.
2. Hicks violated SCR 20:5.1(c)(2) by failing to take reasonable remedial action after learning of Brown-Perry's mishandling of the client's funds.
3. Hicks violated SCR 20:1.15(d) by failing to treat the client's settlement proceeds as trust property until an accounting and severance of the parties' interests.
4. A public reprimand and assessment of the proceeding's costs against Hicks were appropriate sanctions for his professional misconduct.

KEY QUOTATIONS

“Attorney Hicks’ misconduct with respect to the handling of the client’s funds and the mishandling of his firm’s trust account are serious failings.” (¶ 19)

“IT IS ORDERED that Attorney Leo Barron Hicks be publicly reprimanded for his professional misconduct.” (¶ 20)

FACTUAL BACKGROUND

Hicks practiced in association with Attorney Lauren Brown-Perry when a client received a \$4,000 real-estate settlement. The settlement checks were deposited into the firm's business account rather than a client trust account, and the account balance fell below the amount allegedly held for the client while firm and personal checks were paid. The client did not receive timely payment, an accounting, or billing statements, and the firm's handling of the funds ultimately led to a \$5,000 settlement of the client's small-claims action.

PROCEDURAL HISTORY

The Office of Lawyer Regulation filed a disciplinary complaint alleging violations of three Wisconsin Supreme Court Rules. The referee found the allegations proven, concluded that Hicks violated all three rules, and recommended a public reprimand and assessment of costs. The Supreme Court adopted the referee's findings and conclusions, imposed a public reprimand, and ordered Hicks to pay \$1,644.84 in costs.

DISPOSITION

other

CASES CITED

- In re Disciplinary Proceedings Against Brown-Perry, 2003 WI 151, 267 Wis. 2d 184, 672 N.W.2d 287

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