

**SUPREME COURT OF WISCONSIN**

**OFFICE OF LAWYER REGULATION**

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Public Reprimand with Consent

TIMOTHY T. BLANK

2016 – OLR 7

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Attorney Timothy T. Blank (Blank) is a Wisconsin-licensed attorney, admitted to practice on January 7, 1997. On November 12, 2009, Blank's license was temporarily suspended by the Wisconsin Supreme Court for failing to cooperate with multiple OLR investigations. On April 6, 2016, after Blank demonstrated an intention to cooperate with those investigations, Blank's non-cooperation suspension was lifted. OLR's investigations were subsequently resumed and it was established that Blank engaged in misconduct as follows:

First Matter

A client and judge both filed grievances against Attorney Timothy T. Blank regarding his handling of the client's matter.

On January 26, 2009, the client hired Blank to represent her in a three-count criminal case that included a charge of homicide by intoxicated use of a vehicle. That same day, Blank appeared with the client at her initial appearance.

Between January 26, 2009 and March 18, 2009, Blank and the client had sporadic communication. After meeting with him on March 18, 2009, the client was unable to contact Blank. Blank's office phone was disconnected and the voicemail on his cell phone was full. The client went to Blank's office but he was not there. She left a note for him. Blank later explained he had stopped going to the office because of an illness.

Prior to her scheduled April 10, 2009 preliminary hearing, the client called the prosecutor and judge handling her case and explained her inability to contact Blank. The judge indicated he would try to contact Blank.

On April 10, 2009, the client appeared for the preliminary hearing. Blank did not appear. The prosecutor told the court that she had e-mailed Blank but had received no response. The judge was also unable to reach Blank. The court rescheduled the preliminary hearing so that the client could seek new counsel.

With regard to the judge's grievance, on May 21, 2009, OLR sent a letter to Blank informing him of OLR's investigation of this matter and requesting that he submit a written response within 20 days, as required by SCR 22.03(2). Blank did not respond and a second letter was sent on June 29, 2009. Again Blank failed to respond. On July 28, 2009, Blank was personally served with a third request that he submit a written response. Blank still failed to respond to the May 21, 2009 letter.

With regard to the client's grievance, on July 27, 2009, OLR sent Blank a letter requesting information with regard to the grievance. Blank was personally served with a copy of that letter. Blank failed to respond to the July 27, 2009 letter.

Blank's failure to respond to OLR's letters of May 21, 2009 and July 27, 2009 led to the temporary suspension of his license to practice law for failing to cooperate with OLR's investigations.

By failing to provide any services to his client after their meeting on March 18, 2009, including but not limited to failing to attend her preliminary hearing, Blank violated SCR 20:1.3, which states, "A lawyer shall act with reasonable diligence and promptness in representing a client."

By failing to communicate with his client after their meeting on March 18, 2009, including by failing to respond to phone calls, failing to respond to a note left for him, and failing to notify the client that he would not be attending her preliminary hearing, Blank violated SCR 20:1.4(a)(3), which states, "A lawyer shall keep the client reasonably informed about the status of the matter," and SCR 20:1.4(a)(4), which states, "A lawyer shall promptly comply with reasonable requests by the client for information."

By failing to respond to OLR's letter of May 21, 2009, Blank violated SCR 22.03(2), which states in relevant part, "Upon commencing an investigation, the director shall notify the respondent of the matter being investigated...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," and SCR 22.03(6), which states, "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.”

By failing to respond to OLR’s July 27, 2009 request for information, Blank violated SCR 22.03(6).

Violations of SCR 22.03(2) and SCR 22.03(6) are enforced via SCR 20:8.4(h), which states in relevant part, “It is professional misconduct for a lawyer to...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).”

### Second Matter

In October of 2008, a man consulted with Blank regarding an eviction action that had been filed against him. An attorney-client relationship arose, though it was understood that the man would appear on his own behalf at court proceedings.

The man represented himself at a trial to the court later that month. Following the trial, a judgment of eviction was entered against him. The man filed an appeal. Prior to doing so, he again consulted Blank. The man’s appeal was ultimately dismissed.

In late December of 2009, after the dismissal of the appeal, the man’s former landlord filed an amended summons and complaint seeking an award for past-due rent. After receiving the amended summons and complaint, the man met with Blank to discuss the matter. The man attempted to reach Blank again prior to a scheduled hearing before a court commissioner but was unable to do so. Following that initial hearing, at which the commissioner entered a judgment in favor of the landlord, the man requested a court trial. The man attempted to contact Blank prior to the court trial but was unable to do so.

The trial was held in April of 2009. The man represented himself. A judgment of almost \$2,500 was entered against him. That award was \$700 greater than the judgment awarded by the court commissioner. During the past-due portion of the proceedings, the man attempted to raise a defense that had previously been ruled upon in the eviction portion of the proceedings. He was unaware that he could not do so.

After the trial, the man again attempted to contact Blank, this time to discuss a possible appeal of the past-due rent judgment. Again, the man was unable to contact Blank. The man

had attempted to reach Blank both by phone and by visiting his office, where the man left notes taped to the office door.

The man had also previously given Blank \$700 to consult on a potential bankruptcy. Because the man could no longer reach Blank, he could not consult with him about that matter. After the man filed his grievance, Blank returned the \$700 to him.

It was eventually revealed that Blank had closed his law practice after suffering from an illness. The man did not terminate his attorney-client relationship with Blank but assumed Blank had ended the relationship when he abandoned the case.

In meeting with the man regarding the past-due rent proceedings, Blank had not advised the man that he would not be able to revive during the past-due rent portion of the proceedings an argument initially made at the eviction stage and already rejected by the judge. Blank also failed to tell the man that the judge in the court trial was not bound by the amount awarded by the court commissioner. The man felt unprepared for both the hearing before the commissioner and the court trial.

On July 27, 2009, OLR sent Blank a letter requesting information with regard to the man's grievance. Blank was personally served with a copy of that letter. Blank failed to respond to the July 27, 2009 letter, leading to the temporary suspension of his license to practice law for failing to cooperate with OLR's investigation of the grievance.

By failing to take steps to ensure that the man was adequately prepared for court proceedings about which the man had consulted him, Blank violated SCR 20:1.3, which states, "A lawyer shall act with reasonable diligence and promptness in representing a client."

By closing his law practice, effectively terminating his representation of the man, without giving notice to the man and without promptly returning the \$700 advanced in connection with a potential bankruptcy, Blank violated 20:1.16(d), which states in relevant part, "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... and refunding any advance payment of fee or expense that has not been earned or incurred."

By failing to respond to OLR's July 27, 2009 request for information, leading to the temporary suspension of his license to practice law, Blank violated SCR 22.03(6), which states, "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

