

## **AGENDA FOR ETHICS SEMINAR**

### **PRESENTED BY THE WINNEBAGO COUNTY BAR ASSOCIATION**

December 19, 2013

- I. 1:00 to 1:50 p.m.  
File Retention – How long do we have to keep all these files!?? Presented by Katya Kunzke and Tom Watson from WILMIC.
- II. 2:00 to 2:50 p.m.  
Issues presented by electronic communications Presented by Hon. Mark McGinnis, Outagamie County Circuit Court, Branch 1. There will be a Power Point presentation, as well as a hard copy of the presentation.
- III. 3:00 to 3:50 p.m.  
Ethical Traps for the Unwary Presented by Tim Pierce, State Bar of Wisconsin.

Traps for the Unwary:  
Wisconsin Trust Account Rule

- What to do when holding money or property in trust and a dispute exists between individuals/parties regarding ownership of the property.
- How do you identify whether a dispute exists between parties over property held in trust.
- Documentation of property held in trust and precautions to be taken regarding the trust property.
- Determining the amount of attorney money that can be held in a trust account to cover for banking expenses.
- Determining when family assets should or should not be held in the lawyer trust account.
- Complying with the recordkeeping requirements for individual client records.
- Withdrawing earned fees from the trust account and documenting payments to the lawyer.
- Appropriate naming of a trust account and individual client accounts.
- Determining when to place funds in an individual client account rather than the pooled trust account.
- Determining compliance requirements for fiduciary trust accounts and determining what is a fiduciary trust account.
- Determining whether to report a trust account violation to the Office of Lawyer Regulation.
- Determining how to respond to an overdraft notice and correcting an overdraft deficiency.
- Missing client/third party owners.
- Use of trust account for purposes outside of representation.
- Non-fungibility of trust account funds (i.e. the Strnad case).
- Supervisory responsibility.
- NO ELECTRONIC TRANSFERS!
- Common scams.
- Single check with trust and non-trust funds.
- Credit card trust accounts.
- Trust accounts and 8.5 – i.e. Minnesota lawyer with a Wisconsin case, or Wisconsin lawyer working in another jurisdiction.
- Rationales for trust accounts – General Principles