

BEFORE THE BOARD OF PROFESSIONAL CONDUCT
OF
THE SUPREME COURT OF OHIO

FILED

DEC 29 2015

In re:

BOARD OF PROFESSIONAL CONDUCT

Complaint against

William Henry Truax, Esq.
P.O. Box 6433
Columbus, Ohio 43206
Attorney Registration No. (0001923)

No. 15 - 080

Respondent,

COMPLAINT AND CERTIFICATE

(Rule V of the Supreme Court Rules for
the Government of the Bar of Ohio.)

Disciplinary Counsel
250 Civic Center Drive, Suite 325
Columbus, Ohio 43215-7411

Relator.

Now comes the relator and alleges that William Henry Truax, an Attorney at Law, duly admitted to the practice of law in the state of Ohio, is guilty of the following misconduct:

1. Respondent, William Henry Truax, was admitted to the practice of law in the state of Ohio on November 19, 1976. Respondent is subject to the Ohio Rules of Professional Conduct and the Rules for the Government of the Bar of Ohio.
2. On April 15, 2015, respondent began to represent Angelica Hynes in a civil matter.
3. On the same day, respondent received a retainer fee from Hynes of \$1,750.00 and deposited this amount into his IOLTA.
4. At the time respondent deposited Hynes' retainer, his IOLTA had a balance of \$5.22.
5. On April 17, 2015, respondent withdrew \$750.00 from his IOLTA in unearned legal fees.
6. On April 19, 2015, respondent claims to have earned \$43.75 in legal fees.
7. On April 20, 2015, respondent claims to have earned \$175.00 in legal fees.

8. On April 27, 2015, respondent withdrew \$500.00 from his IOLTA.
9. On April 29, 2015, respondent withdrew \$475.00 from his IOLTA.
10. On May 4, 2015, respondent claims to have earned \$78.75 in legal fees.
11. On May 5, 2015, respondent withdrew \$45.00 from his IOLTA causing him to overdraw his account by \$14.78.
12. On the same day, the \$45.00 check was returned unpaid.
13. On May 11, 2015, relator received information from PNC Bank that respondent had overdrawn his IOLTA.
14. On May 12, 2015, respondent withdrew \$20.00 from his IOLTA.
15. As of May 12, 2015, respondent had converted to his own use and benefit at least \$1,452.50 in unearned legal fees from Hynes.
16. On June 30, 2015, relator sent respondent a letter of inquiry.
17. On July 22, 2015, over three months after respondent first converted Hynes' funds, respondent met with Hynes to advise her of the conversion.
18. At this meeting, respondent offered to provide a refund to Hynes of the converted funds or the entire retainer fee.
19. Hynes chose to allow respondent to continue to represent her and to deduct the costs of his legal services from the amount he converted.
20. On July 29, 2015, respondent replied to relator's letter of inquiry.
21. In his reply, respondent acknowledged that he "withdrew funds from the IOLTA account before I had performed sufficient services to be entitled to make the withdrawals."
22. Respondent's conduct as set forth above violates the Rules of Professional Conduct, specifically Prof. Cond. R. 1.15(c) (a lawyer shall deposit into a client trust account legal

fees and expenses that have been paid in advance, to be withdrawn by the lawyer only as fees are earned or expenses incurred) and 8.4(c) (a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation).

CONCLUSION

Wherefore, pursuant to Gov. Bar R. V and the Ohio Rules of Professional Conduct, relator alleges that respondent is chargeable with misconduct; therefore, relator requests that respondent be disciplined pursuant to Rule V of the Rules of the Government of the Bar of Ohio.



Scott J. Drexel (0091467)
Disciplinary Counsel

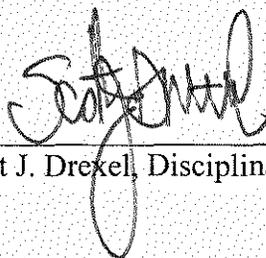


Dionne C. DeNunzio (0082478)
Assistant Disciplinary Counsel
250 Civic Center Drive, Suite 325
Columbus, Ohio 43215-7411
614.461.0256
614.461.7205 – fax
D.DeNunzio@sc.ohio.gov

CERTIFICATE

The undersigned, Scott J. Drexel, Disciplinary Counsel, of the Office of Disciplinary Counsel of the Supreme Court of Ohio hereby certifies that Dionne C. DeNunzio is duly authorized to represent relator in the premises and has accepted the responsibility of prosecuting the complaint to its conclusion. After investigation, relator believes reasonable cause exists to warrant a hearing on such complaint.

Dated: December 29, 2015



Scott J. Drexel, Disciplinary Counsel

BEFORE THE BOARD OF PROFESSIONAL CONDUCT
OF
THE SUPREME COURT OF OHIO

FILED

DEC 29 2015

BOARD OF PROFESSIONAL CONDUCT

In re:

Complaint against

William Henry Truax, Esq.
P.O. Box 6433
Columbus, Ohio 43206
Attorney Reg. No. 0001923

Case No. B5-0972

WAIVER OF DETERMINATION
OF PROBABLE CAUSE

Respondent,

(Rule V(11)(B) of the Supreme Court
Rules for the Government of the Bar
of Ohio)

Disciplinary Counsel
250 Civic Center Drive, Suite 325
Columbus, Ohio 43215-7411

Relator.

Pursuant to the provisions of Rule V(11)(B) of the Supreme Court Rules for the Government of the Bar of Ohio, respondent, **William Henry Truax**, stipulates that there is probable cause for the filing of a Complaint in the above-referenced proceeding and hereby waives the determination of probable cause by a Probable Cause Panel of the Board of Professional Conduct.

Dated: Dec. 18, 2015

By: 
William Henry Truax (0001923)
Respondent *Pro Se*