

SUPREME COURT OF WISCONSIN
OFFICE OF LAWYER REGULATION

Public Reprimand With Consent

09-OLR-14

Lori S. Eshleman,
Attorney at Law

Attorney Lori S. Eshleman, Respondent, practices in the area of Social Security law with a Milwaukee law firm. At the close of business on May 29, 2007, Eshleman was suspended and became ineligible to practice law in Wisconsin because of noncompliance with her 2005-2006 mandatory legal education requirements. Eshleman acknowledges that she received the notices sent to her by the Board of Bar Examiners (“BBE”) and was aware of the suspension. Although Eshleman had taken the required courses to satisfy the requirements, she did not report those courses for a period of seven months, while she continued to routinely practice law. Eshleman did not give any notice to clients, administrative law judges or opposing counsel regarding her suspension status.

Eshleman’s law partner discovered her suspension in December 2007 and confronted Eshleman about the problem. As a result of that confrontation, Eshleman submitted a Petition for Reinstatement that the BBE received on December 27, 2007. The petition acknowledged that Eshleman had practiced law, stating:

All instances of my practice of law during the period of ineligibility consisted of exclusively practice [sic] in the administrative courts of the Social Security Administration. I have practiced consistently since May 29, 2007 only in those courts. I have not practiced in any other courts or venues, nor have I counseled clients other than those Social Security claimants. I appear with clients at their administrative hearings, submit medical records and write letters to the ALJs advocating for my clients’ disability benefits.

Eshleman acknowledges that she is required to have state licensure in order to represent Social Security claimants in the administrative courts and that she was not licensed in any other state jurisdiction. Even after Eshleman submitted her petition for reinstatement, she never ceased practicing law and practiced for another 1½ months while her petition for reinstatement was under consideration by the BBE. She was reinstated on February 15, 2008, approximately 8½ months after her suspension took effect.

After the BBE reported Eshleman's conduct to the Office of Lawyer Regulation ("OLR"), Eshleman was also slow in responding to OLR. In a letter from OLR dated April 21, 2008, Eshleman was advised that her response had to be postmarked no later than May 14, 2008. Because no response had been received by May 29, 2008, OLR sent a second request by both certified and first class mail advising Eshleman that if she did not respond by June 9, 2008, SCR 22.03(4) authorized OLR's Director to seek a temporary suspension for willfully failing to cooperate with the investigation. Eshleman did not respond by the June 9, 2008 deadline, but did submit a response on June 16, 2008. In that response Eshleman acknowledged her misconduct, stating that she was embarrassed and ashamed, and acknowledging that she had no reasonable defense to her actions. Eshleman stated that she had now put in place a good system for recording and reporting continuing legal education courses, and she was certain the problem would never arise again.

By practicing law for a period of 8½ months when she knew that her law license had been suspended, including a period of 1½ months while her petition for reinstatement was pending before BBE, Eshleman violated SCR 31.10(1), which states that a lawyer shall not engage in the practice of law in Wisconsin while his or her state bar membership is suspended for failure to complete with CLE attendance and reporting requirements. SCR 31.10(1) is

