

The Lawyer Regulation System

FY 2022-23
Annual
Report



Photo: Samuel Li

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**“A lawyer should strive to attain the highest level of skill, to improve the law and the legal profession and to exemplify the legal profession’s ideals of public service.”
SCR Ch. 20, preamble, cmt. 7**

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Message from Timothy Samuelson, OLR Director

FY 2022-23 was a year of change at the Office of Lawyer Regulation (OLR). We have a new management team, improved office space, revised intake procedures, and an amended trust account rule.

Director Keith Sellen retired in 2021. This fiscal year saw a wave of retirements, including General Counsel Bill Weigel and other senior staff.

We now have a new leadership team: Julie Spoke, Frank Sullivan, and Krissi Lee. Julie has served at OLR since 2002; Krissi and Frank bring different professional experiences. We have the best of both worlds: the institutional knowledge of a trusted colleague coupled with fresh perspectives from external hires.

Our offices were renovated. We have modernized office space with a smaller footprint and decreased leasing costs. Julie's Intake team rolled out new procedures that will streamline operations and decrease the time we take to respond to grievances. And the Supreme Court granted our rule petition regarding trust accounts, which more freely allows electronic transactions.

We continued our emphasis on outreach and presented in 26 different counties, in venues ranging from Milwaukee's Pfister Hotel to the Tomah Rotary Club. This coming year, we'll resume our trust account seminar – free of charge – and reimagine our ethics school continuing legal education seminars.

We took big steps in FY 2022-23. Thanks to the dedication and professionalism of my OLR colleagues and support from the Supreme Court, Board of Administrative Oversight (BAO), and other lawyer regulation system participants, I'm optimistic for the year to come.

Message from Denis Donohoe, BAO Chair

As I enter my second year as BAO chairperson, our purpose has never been more important as OLR improves its programming, education, and solutions. I think of BAO and OLR as one team, best in class, working towards these goals. A team that provides abundant opportunities to investigate, learn, teach, mentor, and continue improving the organization and execution of OLR.

I am proud of OLR's successes over the last year, particularly in providing more opportunities for meaningful engagement of State Bar members and the public, introducing innovative programming formats and topics, and providing professional outreach opportunities. I am also proud of the BAO's participation in studying relevant issues such as recidivism, lawyer well-being, and permanent revocation.

In the year ahead, we will continue with initiatives and provide OLR with tools and oversight to continue its path forward. Thank you, Board members and Director Samuelson for your continued participation and enthusiasm, and for your incredible support and advice.

Executive Summary

This is OLR's annual report for fiscal year 2022-23, which is the period beginning July 1, 2022, and ending June 30, 2023. The annual report summarizes OLR's activities and provides an overview of Wisconsin's lawyer regulation system. Here are some of the highlights:

- The lawyer regulation system's FY 2022-23 budget was \$3,586,000. This amount included one-time costs for a comprehensive office renovation that reduced office space by 25% resulting in decreased lease obligations. Expenditures were \$3,625,833, which exceeded the budget by \$39,833 (1.1%). (p. 5)
- Of Wisconsin's 20,022 full-dues-paying-equivalent lawyers in FY 2022-23, 5.5% were the subject of grievances. OLR opened 1,640 new matters, a 10% increase from FY 2021-22. (p. 11)
- The most common type of grievance was lack of diligence (20.8%), followed by lack of communication (12.2%). Criminal law remained the most commonly grieved practice area (44.2%), followed by family law (17.1%). (p. 12)
- Intake's average processing time for a new matter decreased from 99 days to 95 days. Intake referred 55 matters for formal investigation. (p.14)
- OLR's Trust Account Program received 44 reports of overdrafts on trust and fiduciary accounts and referred 13 percent for formal investigation. (p.19)
- OLR filed 24 disciplinary complaints with the Wisconsin Supreme Court. The Court imposed discipline in 18 cases, including 11 cases in which the respondent lawyer was suspended. The six remaining cases are still pending before the Court. (p.18)
- OLR entered into 43 diversion agreements in FY 2022-23, which is a decrease from the previous year's 54 diversion agreements. (p. 13)

The Office of Lawyer Regulation

Under the Wisconsin Constitution, the Supreme Court has “superintending and administrative authority over all courts,” which includes the “power to discipline and disbar attorneys.” *See* Wis. Const. Art. VII, § 3(1); *In re Stolen*, 193 Wis. 602, 610 (1927). The Court created OLR in October 2000, to “carry out the supreme court’s constitutional responsibility to supervise the practice of law and protect the public from misconduct by persons practicing law in Wisconsin.” SCR, Ch. 21, preamble. OLR regulates the practice of law by evaluating and investigating allegations of professional misconduct and medical incapacity and, where appropriate, prosecuting violations of the Supreme Court rules.

Who We Are

OLR realigned its organizational structure in FY 2022-23. Our core management team now consists of Timothy C. Samuelson, director; Julie M. Spoke, deputy director (Intake); Francis X. Sullivan, deputy director (Litigation); and Krissi Lee, executive staff assistant.

OLR Leadership Team



Timothy C. Samuelson, Indiana University Robert H. McKinney School of Law, 1998

The Supreme Court appointed Samuelson to serve as OLR director in August 2021. He was formerly the civil chief assistant United States attorney in the Western District of Wisconsin, an assistant attorney general with the Wisconsin Department of Justice and a Dane County Circuit Court judge. Before joining the Wisconsin DOJ, Samuelson worked in private practice as a civil litigator in Chicago.



Julie M. Spoke, William Mitchell College of Law, 1996

Spoke is OLR's deputy director (Intake). She joined OLR in 2002 as the agency's first assistant litigation counsel. Spoke was promoted to director of central intake in 2017 and, again, in 2022, to deputy director (Intake), where she serves as part of OLR's core management team. She was recently elected to serve as Director-at-Large for the National Organization of Bar Counsel. Before joining OLR, Spoke served as a staff attorney and court commissioner in Marathon County, held a judicial clerkship, and worked in private practice as a civil litigator in Wausau.



Francis X. Sullivan, University of Wisconsin Law School, 2000

Sullivan is OLR's deputy director (Litigation). He joined OLR in 2022 after 17 years with Wisconsin DOJ, where he served as the director of the Consumer Protection and Antitrust Unit and Medicaid Fraud Control and Elder Abuse Unit. He also served as deputy director of the Civil Litigation Unit and counsel to the Division of Law Enforcement Services. Before joining the Wisconsin DOJ, Sullivan held a judicial clerkship and worked in private practice in Madison.



Krissi Lee, Globe University (Paralegal), 2012

Lee is OLR's executive staff assistant. She joined OLR in 2023, after serving in the Wisconsin court system as the Fifth Judicial District Administrative Assistant. Lee has experience working as a legal assistant, legal department coordinator, and quality control specialist. She is responsible for managing OLR administrative operations.

Budget

Lawyer licensure fees are the primary source of funding for the lawyer regulation system. In FY 2022-23, the Supreme Court authorized an annual assessment of \$150 for all full-dues-paying-equivalent lawyers. This is the same amount as in recent years; annual assessments have not increased appreciably in 15 years¹ and Wisconsin's assessment is lower than the comparable border states of Illinois (\$210) and Iowa (\$200).

The State Bar estimated 20,022 full-dues-paying-equivalent lawyers in Wisconsin for FY 2022-23, which is a slight decrease from the previous year, where it reported 20,190 full-dues-paying-equivalent lawyers.

In addition to lawyer licensure fees, OLR also receives revenue from several other sources. Under SCR 22.24(1), the Supreme Court may assess costs against lawyers disciplined in Supreme Court proceedings and other matters. OLR also receives fees for petitions for law license reinstatement, *see* SCR 10.03(3) & (5), and when out-of-state lawyers file *pro hac vice* applications. *See* Wis. Stat. § 20.680(3)(h). In FY 2022-23, these revenue sources generated \$101,583. This amount is down slightly from the previous year, when OLR received \$105,545.

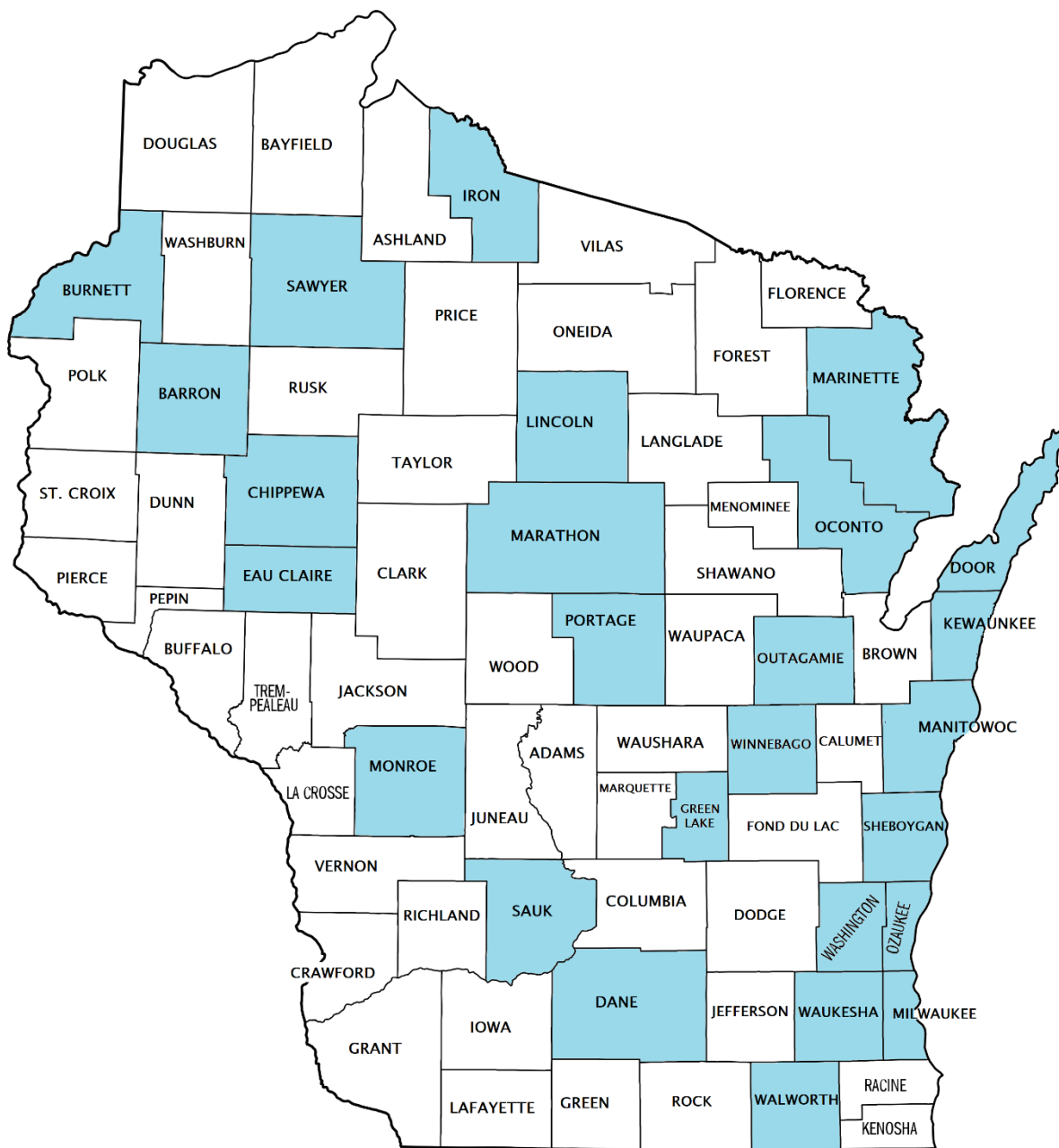
The Supreme Court approves the lawyer regulation system's budget. Procedurally, under Supreme Court Rules 21.03(6)(m) and 21.10(2)(h), OLR prepares an annual budget and submits it to BAO for review, presentation, and proposal to the Supreme Court. The FY 2022-23 budget was \$3,586,000, which was a 10.5% increase over the previous year, resulting from one-time costs associated with OLR's office modification and renovation. *See infra*. The total expenditures and commitments for FY 2022-23 were \$3,625,833, which exceeded the budget by \$39,833 (1.1%). The excess expenditures were solely attributable to costs associated with the office renovation project that exceeded estimates. The FY 2023-24 budget is \$3,508,850; it was approved by the Court in April 2023. This budget was decreased by nearly 3% as compared to the previous year, despite a Court System-wide 2% general wage adjustment for all employees. The lawyer regulation system remains on a solid fiscal footing with a sufficient reserve fund balance.

¹ The annual assessment for lawyers was raised to \$148 in FY 2008-09.

Developments and Initiatives

Outreach, Education & Publications

OLR prioritizes outreach and education. By the end of this calendar year, OLR staff will have appeared as featured speakers in at least 60 programs held in 26 Wisconsin counties since the beginning of the past fiscal year. We're re-instituting our trust account seminar – at no charge – and re-imagining an in-person ethics school where OLR will travel to several counties outside of the Madison and Milwaukee metro areas. In addition, both deputy directors presented seminars addressing professional ethics and lawyer well-being before national audiences and served as faculty for national trial advocacy programs.



OLR staff is active in the State Bar. We served on committees, including the Wisconsin Lawyers Assistance Program (WisLAP), Leadership Development, Professional Ethics, and Lawyers' Fund for Client Protection. We presented at conferences, including the Annual Meeting, Family Law Workshop, and Solo & Small Firm Conference. We published articles in the *Wisconsin Lawyer* magazine and *Inside Track* newsletter. And, for the first time, we participated in the Diversity Clerkship Program. OLR's outreach, education, and publications are detailed in Appendix 1.

Modernized Trust Account Rules

OLR filed [Rule Petition 22-05](#) and a [supporting memorandum](#) to allow electronic transactions in lawyer trust accounts. Before filing, OLR consulted with BAO and other leaders in the Wisconsin legal and banking communities; we received broad support for our proposal. Samuelson and Trust Account Program Administrator Travis Stieren presented the petition to the Court at a public hearing on February 24, 2023. The Court granted the petition in an [order](#) dated March 30, 2023, with amendments effective July 1, 2023.

Since then, Samuelson and Stieren have publicized the rule changes and encouraged compliance by writing articles in the [Wisconsin Lawyer](#) and [Inside Track](#), giving presentations both in-person and online – and providing free reference materials on OLR's trust account program website. On September 22, 2023, Stieren hosted a four-hour [CLE seminar](#) addressing trust account basics, best practices for electronic banking, and other topics. The seminar was free of charge and presented online to nearly 200 Wisconsin lawyers.



Travis Stieren presenting at WILMIC's Summer Program.
August 24, 2023
Photo: Travis Stieren

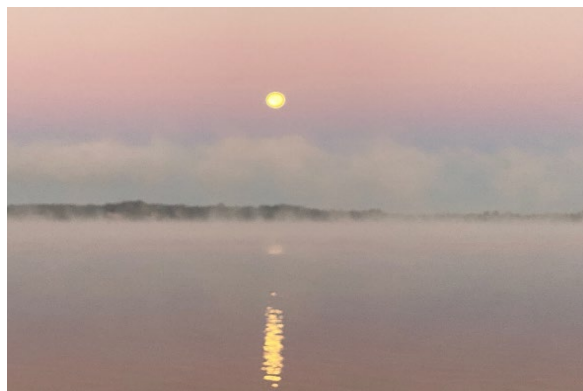
Intake process changes

OLR prioritizes timely and professional grievance evaluation. Effective May 1, 2023, OLR implemented a new intake process to decrease overall processing times in preliminarily evaluating grievances under SCR 22.02. The new process contemplates two steps. First, investigative staff screen grievances to ensure they present credible information that a lawyer has engaged in misconduct warranting discipline. If a grievance lacks a credible allegation of misconduct, it is closed. If not, further evaluation occurs before recommending case disposition.

This revised procedure allows intake staff to more expeditiously triage grievances, quickly addressing straightforward cases while preserving resources for more complex matters. We anticipate the intake processing time will significantly decrease processing times and reduce the number of older open cases.

Wellness

OLR's commitment to public protection includes promoting well-being within the legal profession. Deputy Director Spoke has taken a leadership role in presenting educational seminars on stress management, self-care, mindfulness, and healthy lifestyles. BAO formed an Attorney Wellness Subcommittee, and, on June 15, 2023, submitted a report to the Court that discussed its priorities in addressing recommendations from the [Task Force on Lawyer Wisconsin Well-Being](#); OLR continues to work with the State Bar and other stakeholders on implementation. And, OLR continues to offer, in appropriate cases, diversions to alternatives to discipline programming to address the underlying cause of misconduct and prevent future harm. BAO's Attorney Wellness Subcommittee's report dated June 15, 2023, is included as Appendix 2.



Nature can generate many positive emotions, such as calmness, joy, and creativity.
Super moon over Rock Lake
Photo: Julie Spoke

OLR office modification & renovation

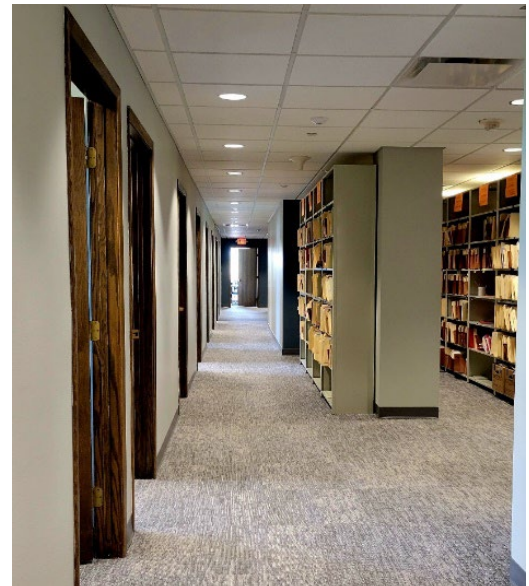
In FY 2022-23, the Wisconsin Court System reduced the office space for its administrative agencies as part of a cost savings measure. As a result, OLR's office space was reduced by 25%, which decreased its lease obligations. As part of this initiative, OLR's office suite was renovated for the first time in many years. The project, completed in March 2023, created a modernized workspace, is expected to support employee engagement and performance, help attract and retain talent, and enhance the agency's overall effectiveness.



Copy/mail room
Photo: OLR



Kitchen/break area with conference room
Photo: OLR



Intake filing cabinets and hallway
Photo: OLR

Plans for FY 2023-24

Looking forward, OLR plans the following initiatives as part of its efforts toward continuous improvement:

- We are re-imagining an OLR ethics school where our leadership and staff will travel across the state to present, at nominal charge, continuing legal education classes to inform lawyers, advance professionalism, promote lawyer wellness, and increase compliance with the Rules of Professional Conduct.
- We are working with the Court System's Consolidated Court Automation Programs (CCAP) to identify, purchase, and implement a new electronic practice management software system that will systematize document and case management, automate administrative tasks, reduce paper records, and improve the accuracy of our data analytics.
- We will be evaluating our record-keeping obligations under the public records laws, SCR Ch. 22, and the Court System's record disposition agreements.
- We will be scrutinizing internal policies and procedures and considering new case processing standards to prioritize resources for cases that put the public most at risk.



OLR staff at diversity clerkship program reception, July 2023
Photo: Shannon Green, State Bar of Wisconsin

Intake

Deputy Director
Julie M. Spoke
J.D., William Mitchell, 1996

Intake Investigators

Kathryn Galarowicz
Lead Investigator
J.D., Wisconsin, 2012

Kori Anderson
B.A., Minnesota, 2005

Kenneth E. Broderick
J.D., Syracuse, 1999

Cathe J. Hahn
J.D., Delaware, 2000

Beth M. Kugler
J.D., Wisconsin, 1998

Michael M. Shull
J.D., Marquette, 2011

Joel R. Witt
J.D., Wisconsin, 2016

Jonathan S. Zeisser
J.D., Wisconsin, 2000

Program Assistants

Janet Byrne
Program Associate

Annette Smith
Program Assistant

The professional staff in OLR's Intake division analyze allegations of professional misconduct – referred to as grievances – to determine whether they present sufficient legal bases or factual information to proceed with further investigation or discipline.

Grievances regarding Wisconsin lawyers are relatively few. Although our state has 25,669 members of the bar – including 20,022 of whom are active and in good standing – only about 5.75% of active lawyers were the subject of grievances in FY 2022-23. Specifically, OLR received 1,640 new matters this year, a 10% increase from FY 2021-22 (1,480) and up nearly 20% from FY 2020-21 (1,375). Two hundred forty-six lawyers received multiple grievances in FY 2022-23. A table reporting the volume of grievances received by OLR in recent years is included as Appendix 3.

Intake preliminarily evaluates grievances to determine whether a grievance presents sufficient evidence of lawyer misconduct that potentially warrants discipline. If so, Intake staff may further address the grievance or refer it to Formal Investigation. If the grievance lacks sufficient evidentiary support or does not present a legal basis for professional misconduct, it is closed. A grieving party may request review of Intake's closure decision.

Grievances are most commonly made by clients (49.4%) and adverse parties (22.9%) but also by individuals (16.2%), other lawyers (2.0%), judges (0.6%), or interested parties against a guardian ad litem (5.6%). OLR-initiated inquiries accounted for 3.3% of

new grievances. A table reporting grievance sources is included as Appendix 4.

Lack of diligence (20.8%) was the most common primary grievance allegation this year, followed by lack of communication (12.2%) and misrepresentation (11.4%). This is generally consistent with the recent past: lack of diligence has been the most common allegation in each of the past five years, and lack of communication has been in the top three. A table reporting primary grievance allegations is included as Appendix 5.

In FY 2022-23, the most common practice area to receive grievances was criminal law (44.2%) followed by family law (17.1% of grievances). This, too, is consistent with the recent past: criminal law has been the most prevalent practice area in each of the last five years, followed by family law. A table of grievances categorized by practice area is included as Appendix 6.

Intake's average processing time was 95 days, which represents a slight improvement over the previous year (99 days). In about half of the matters evaluated, Intake completed its work in 90 days or less; it resolved nearly 20% of matters in fewer than 30 days. OLR expects Intake processing times to decrease further next year following implementation of new evaluation procedures that will increase timeliness and efficiency.

Intake Resolutions

The overwhelming majority of grievances are resolved at Intake. After preliminary evaluation, Intake's professional staff may forward the grievance to another agency, attempt to reconcile a minor dispute, or close the grievance if it lacks sufficient factual or legal bases. If the grievance presents sufficient factual information of lawyer misconduct, Intake may refer the matter for investigation, diversion, or consensual reprimand. A table of Intake resolutions is included as Appendix 7.

Closure

Intake closes more than 75% of grievances because the grievances lack sufficient factual or legal support. An additional 6% of grievances that support – at most – evidence of a *de minimis* violation of the Rules are closed with the issuance of educational language to the lawyer. Nearly 8% are closed after the grieving party withdraws their allegation, declines to participate in the evaluation, or resolves their dispute. Others are closed because OLR lacks jurisdiction and the grievance would more appropriately be handled by another regulatory entity.

If Intake closes an investigation, either outright or with educational language, the grieving party may request review. After review, OLR either affirms closure or grants the appeal and returns the matter to Intake for additional evaluation. If closure is affirmed, the grievant receives a brief written statement of the reasons for affirmation. In FY 2022-23, grievants appealed 193 closure decisions. Of those, 188 were affirmed after review. Of the five matters where the request was granted and further evaluation resulted, three were later closed for insufficient evidence and two closed as *de minimis*.

Diversion to Alternatives to Discipline Program

In appropriate cases, OLR may offer a lawyer a diversion agreement to address the underlying causes of a violation. Instead of receiving professional discipline, the lawyer can agree to participate in programming to improve their legal or practice management skills or to address underlying medical, mental health, or substance abuse issues. Programming includes the State Bar's Practice411 and Lawyers Assistance programs, as well as continuing legal education seminars and OLR's trust account seminar.

Participation in diversion is voluntary, and the lawyer must pay any costs associated with the programming. If the lawyer agrees to participate, they enter into a diversion agreement, and OLR holds the underlying matter in abeyance. If the lawyer successfully completes the program, OLR closes the matter outright. Diversions, like all other closures and dismissals, are subject to expungement rules under SCR 22.45. If the lawyer fails to complete the program, OLR may terminate the agreement and proceed with further investigation or discipline.

OLR entered into 41 diversion agreements after Intake evaluation in FY 2022-23; two diversions were offered after Formal Investigations. Although this represents a reduction from the 54 diversion agreements in FY 2021-22, OLR continues to prioritize diversion agreements because they protect the public while allowing otherwise competent lawyers to continue practicing.

Lawyers who successfully complete diversion programming are less likely to reoffend than lawyers who are disciplined. In 2022, BAO's Recidivism Subcommittee, chaired by Attorney Linda Burke, studied data relating to lawyers disciplined or diverted from 2013-2016 and their subsequent disciplinary outcomes from 2017-2021. After analyzing the available data, the subcommittee concluded that a correlation exists between diversion programming and a decrease in the rate of subsequent lawyer discipline. In short, diverted lawyers are significantly less likely

to violate the Rules of Professional Conduct than disciplined lawyers. BAO's Recidivism Subcommittee's report dated November 18, 2022, is included as Appendix 8.

Consensual Reprimands

Effective January 1, 2021, the Supreme Court amended SCR 22.02(2)(d) to allow OLR to offer consensual reprimands to lawyers at the Intake stage. Reprimands – whether public or private – are the lowest level of professional discipline. If OLR and the lawyer agree on a reprimand, the Supreme Court appoints a referee to evaluate and impose the parties' proposed written reprimand. This is unlike other forms of discipline, which the Supreme Court imposes itself.

This amendment to SCR 22.02(2)(d) allowed OLR to reduce the time spent processing reprimands. The previous version of the Rule had essentially required a referral to Formal Investigation before OLR could offer a consensual reprimand. In FY 2022-23, the first full year of the amended rule, OLR entered into 15 consensual private reprimands and one consensual public reprimand after Intake evaluation and without referral to Formal Investigation.

Referral to Formal Investigation

If a grievance warrants further investigation or involves allegations of serious misconduct, the matter is referred for Formal Investigation. In FY 2022-23, Intake referred 55 grievances (3.3% of all matters) to Formal Investigation.

Formal Investigation

Deputy Director
Francis X. Sullivan
J.D., Wisconsin, 2000

Formal Investigators

Sarah Peterson
Lead Investigator
J.D., Wisconsin, 2000

Lorry Eldien
J.D., Wisconsin, 1989

Rita Knauss
J.D., Wisconsin, 1996

Emily Kokie
J.D., Richmond, 1998

Program Associate

Jackson McAndrew

If the director determines that a grievance presents sufficient information to support a possible finding of cause to proceed, he initiates an investigation by referring the grievance to Formal Investigation. Supreme Court Rule 22.03 lays out OLR's investigative powers and duties.

Once a matter is referred to Formal Investigation, the respondent attorney has a duty to cooperate with the investigation. Generally, an investigator will notify the respondent attorney of the grievant's allegations that are being investigated and request a response within 20 days.

When the investigation is finished, OLR may present the investigation to the Preliminary Review Committee (PRC) for determination that there is cause to proceed to litigation or use any of the dispositions available during the Intake stage. In FY 2022-23, about 67% of formal investigations were presented to the PRC and eventually resulted in litigation. Roughly 15% were dismissed – either outright or with educational language – 12% resulted in private or public consensual reprimands, and 6% were diverted to alternatives to discipline programming.

If a respondent attorney fails to cooperate with the investigation, OLR may summarily suspend their law license. In FY 2022-2023, OLR suspended four lawyers' licenses for non-cooperation; three were reinstated almost immediately.

Tables of Formal Investigation resolutions are included as Appendices 9 and 10.

When OLR presents a matter to the PRC, it submits investigative reports – including all relevant incupulatory

and exculpatory information – to one of PRC’s two seven-member panels. An explanation of the PRC’s responsibilities and list of current members appears as Appendix 11.

The PRC panel meets confidentially, in closed session, to review each matter. If at least four panel members determine there is cause to proceed, OLR may move the matter to its Litigation division to file and prosecute a complaint alleging professional misconduct before the Supreme Court. If the panel does not find cause to proceed, OLR may dismiss the matter or continue the investigation and resubmit the matter to a different panel.

Litigation

Deputy Director
Francis X. Sullivan
J.D., Wisconsin, 2000

Litigators

Jonathan Hendrix
J.D., Wisconsin, 2006

Kim Kluck
J.D., Florida State, 1994

Tom Laitsch
J.D., Chicago-Kent, 1990

John Payette
J.D., Wisconsin, 1995

Legal Assistant

Melissa Chicker

Once the PRC determines that OLR has established cause to proceed in a matter, the Litigation team prepares and files a complaint with the Supreme Court that alleges misconduct or medical incapacity. Once OLR files proof of service, the Supreme Court appoints a referee to preside over the litigation. A fuller discussion of the referees' authority and biographies of current referees appear in Appendix 12.

The Supreme Court-appointed referee presides over the case with the powers of a judge trying a civil action. Both OLR and the respondent attorney are able to use civil discovery tools, including written discovery and depositions. Either party may file dispositive motions. If the matter proceeds to hearing, the referee conducts the hearing as the trial of a civil action to the court. OLR has the burden of proving misconduct or medical incapacity by clear, satisfactory, and convincing evidence. The referee may – but is not required to – order post-hearing briefing from the parties.

After the hearing and any subsequent briefing, the referee files a report with the Supreme Court that sets forth proposed findings of fact, conclusions of law, and a recommendation for dismissal or discipline. Either party may appeal the referee's report. If neither party appeals, the Supreme Court reviews the referee's report and determines appropriate discipline in cases of misconduct or appropriate action in cases of medical incapacity. If either party appeals the referee's report, the Supreme Court orders briefing and may order oral argument. In FY 2022-23, OLR did not have any Supreme Court oral arguments.

In FY 2022-23, Litigation filed 24 disciplinary complaints with the Supreme Court. The Court imposed discipline in 18 cases during this period, including 11 cases where the respondent lawyer was suspended. Several cases filed in the previous fiscal year remain pending. The average time for resolution was 455 days, which is a decrease from FY 2020-21 (521 days) but an increase from FY 2021-22 (303 days).

In FY 2022-23, Litigation focused on using available procedural tools that have been historically underused. For example, the Supreme Court Rules permit OLR to petition for a temporary suspension of an attorney's license if it appears that the attorney's continued practice of law poses a threat to the interests of the public and the administration of justice. In late 2022, a circuit court judge notified OLR that an attorney had been behaving erratically. An OLR investigation determined that the attorney likely was suffering from a serious mental illness that was significantly affecting their ability to practice competently. Within 30 days, OLR moved to temporarily suspend the attorney's license pursuant to SCR 22.21(1). After the attorney responded, the Supreme Court granted OLR's motion and, in early 2023, suspended the attorney's license.

OLR also has begun to seek, where appropriate, summary license suspension based on an attorney's conviction of a crime that is either a felony or a crime that reflects adversely on the attorney's fitness to practice law. In early 2022, for example, OLR learned that an attorney had been convicted of two major felonies and moved for a summary license suspension based on SCR 22.20(1). The Court suspended the attorney's license in mid-2022. The attorney eventually petitioned for consensual revocation of his license and, in late 2022, the Court granted the petition and revoked the attorney's license.

In addition to prosecuting violations of the Rules of Professional Conduct, OLR's Litigation team anticipates further exploring existing procedural tools to efficiently supervise the practice of law and protect the public.

Trust Account Program

Trust Account Program
Administrator
Travis J. Stieren
J.D., Notre Dame, 1998

Lawyers in private practice are generally required to maintain a trust account in an approved Wisconsin financial institution which agrees to report any overdraft of funds to the Trust Account Program. OLR evaluates all overdraft notifications and grievances regarding trust account issues.

In FY 2022-23, the Trust Account Program received 44 reports of overdrafts on trust and fiduciary accounts, which was more than FY 2021-22 (37) but less than FY 2020-21 (52). Although the existence of an overdraft may be a violation of SCR 20:1.15(b)(1), OLR resolves most overdraft reports by emphasizing compliance, issuing educational language, or offering diversion programming intended to protect the public by helping attorneys improve their accounting and trust account practices.

Of the 44 overdraft reports received in FY 2022-23, the Trust Account Program closed approximately 80% of the reports by issuing *de minimis* closures with educational advice or diverting the attorney to an alternative to discipline program. Nearly 7% were closed after the Trust Account Program determined the report resulted from bank error or the real estate exception under SCR 20:1.15(f)(4)b applied. The remaining overdraft reports were referred to Formal Investigation.

Wisconsin had been the only state that generally prohibited electronic transactions in trust accounts. On July 15, 2022, OLR asked the Court to update the trust account rule – SCR 20:1.15 – by filing [Rule Petition 22-05](#), a [supporting memorandum](#), and [appendices](#). The

director and trust account administrator presented the petition to the Court on February 24, 2023. The Court issued its final amended [order](#) granting the petition on March 30, 2023, and the amended rule became effective on July 1, 2023. The State Bar has prepared a graphic illustrating electronic payment options under the new rules that is included as Appendix 13.

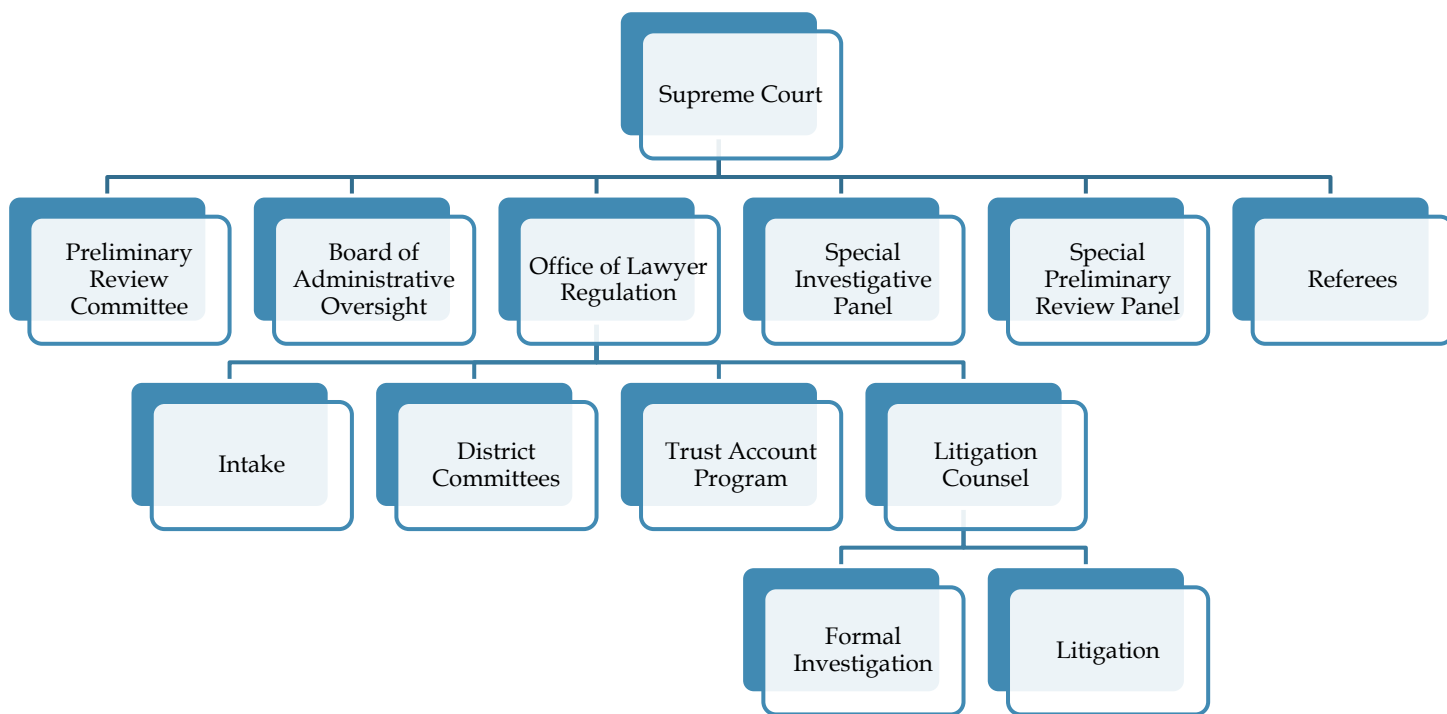
After the Court granted the Rule Petition, OLR took steps to educate members of the bar. OLR staff wrote articles for the State Bar's *Inside Track* newsletter – [Electronic Payments and Lawyer Trust Accounts: What to Know](#) (Apr. 5, 2023) – and the *Wisconsin Lawyer* magazine – [2023 Amendments to the Trust Account Rule: Electronic Transactions Permitted](#) (June 2023). In partnership with the State Bar, the trust account program administrator presented three CLE seminars focusing on the amendments: [Concrete Answers to Trust Account Questions](#) (Apr. 26, 2023), [Lawyer Trust & Fiduciary Account Basics 2023](#) (May 23, 2023), and [Fee Agreements, Credit Card Payments & Trust Account Obligations 2023](#) (June 6, 2023). Each seminar is available for replay on the [State Bar website](#). The director also presented two seminars on July 11, 2023, in Stevens Point and Wausau: *Practical Resources for Navigating Amended Trust Account Rules*. The Trust Account Program has also updated its [website](#) and online educational materials to reflect the amendments. Information and materials are available to the public at no charge.

OLR also has engaged stakeholders in legal and financial services to provide guidance regarding the rule changes. In June 2023, the trust account program sent guidance letters to the Wisconsin Trust Account Foundation (WisTAF) and the Wisconsin Bankers Association explaining the new rules, which were in turn provided to participating financial institutions across the state. The trust account program administrator also presented a seminar to the Wisconsin Lawyers Mutual Insurance Company, *E-Banking: Modernizing Trust Account Rules*, on August 24, 2023.

On September 22, 2023, OLR presented its annual half-day trust account management [CLE seminar](#). The seminar – available by videoconference at no cost – focused on the rule amendments as well as best practices for trust account management and financial record keeping. It was available to lawyers and their administrative staff, and is eligible for 4.0 CLE credits. Nearly 200 Wisconsin lawyers attended.

The Lawyer Regulation System

The lawyer regulation system is more than just the Office of Lawyer Regulation. The system was designed to provide a series of checks and balances to better protect the public and supervise the practice of law. The system is overseen by a Board of Administrative Oversight composed of lawyers and public members. Before a complaint is filed against a lawyer, an independent panel composed of lawyers and public members, the Preliminary Review Committee, must find probable cause to proceed against the lawyer. If a complaint is dismissed, the complainant can seek the Committee’s review of the dismissal. If a complaint is filed, a Supreme Court-appointed referee determines the facts and whether violations have occurred, and recommends discipline. Then, the Supreme Court ultimately establishes the facts, the violation, and the discipline.



The Office of Lawyer Regulation is one component of Wisconsin’s lawyer regulation system. This section briefly describes the other parts of the system, what they do, and who they are. In large part, Wisconsin’s lawyer regulation system relies on volunteers from the legal community and the public. More information about volunteering for a board or committee is

community and the public. More information about volunteering for a board or committee is available at [*Committees & Boards Established by the Wisconsin Court System*](#).

Wisconsin Supreme Court

The Supreme Court supervises the lawyer regulation system, determines attorney misconduct, and imposes discipline or directs other appropriate action in proceedings that OLR files. A list of the current members of the Court appears in Appendix 14.

Board of Administrative Oversight (BAO)

The Supreme Court appoints eight lawyers and four public members to serve on the Board of Administrative Oversight. The members are volunteers who receive no compensation for their work. They serve for three years and may not serve more than two consecutive three-year terms. Biographies of current BAO members appear in Appendix 15. Among other functions, BAO monitors the lawyer regulation system and reports its findings to the Supreme Court. BAO also proposes OLR's annual budget and changes to the Supreme Court rules. A complete list of the BAO's responsibilities appears in SCR 21.10.

To fulfill its oversight responsibilities, BAO meets quarterly with OLR staff to review its actions, review changes to procedures, and discuss potential rule changes. On April 20, 2023, BAO met jointly with the Preliminary Review Committee, Special Preliminary Review Panel, and the Justices of the Supreme Court to discuss the lawyer regulation system.

Preliminary Review Committee (PRC)

The Supreme Court appoints nine lawyers and five public members to serve on the Preliminary Review Committee. The members are volunteers who receive no compensation for their work. They serve for three years and may not serve more than two consecutive three-year terms. Biographies of current PRC members appear in Appendix 11.

The PRC meets at least quarterly. It is divided into two panels, each of which is responsible for reviewing the results of OLR investigations of medical incapacity and attorney misconduct and determining whether there is cause for OLR to proceed to litigation. The PRC also confers annually with BAO to review operations of the PRC. A complete list of the PRC's responsibilities appears in SCR 21.07.

On April 20, 2023, the PRC met jointly with the BAO, Special Preliminary Review Panel, and the Justices of the Supreme Court to discuss the lawyer regulation system.

Referees

The Supreme Court appoints lawyers and reserve judges to serve as referees. Referees serve for four years and may be reappointed to serve consecutive terms. Biographies of current referees appear in Appendix 12.

The Supreme Court appoints a referee to preside over and conduct hearings in proceedings alleging misconduct or medical incapacity. The Supreme Court also appoints a referee to conduct hearings on petitions for license reinstatement and to review consensual public or private reprimands. A complete list of the referees' responsibilities appears in SCR 21.08.

Special Investigators

The Supreme Court appoints attorneys to a panel of special investigators. The special investigators are volunteers who receive no compensation for their work. A list of current special investigators appears in Appendix 16.

If there is an allegation of misconduct against a participant in the lawyer regulation system, a special investigator takes the place of OLR and evaluates, investigates, dismisses, diverts, or prosecutes the matter. A complete list of the special investigators' responsibilities appears in SCR 22.25.

Special Preliminary Review Panel (SPRP)

The Supreme Court appoints four lawyers and three public members to serve on the Special Preliminary Review Panel. The members are volunteers who receive no compensation for their work. A list of current SPRP members appears in Appendix 17.

If there is an allegation of misconduct against a participant in the lawyer regulation system, the SPRP reviews the special investigator's decision to close a matter without investigation or dismiss a matter after investigation. The SPRP also reviews the special investigator's investigative reports to determine whether there is cause to proceed to litigation. A complete list of the SPRP's responsibilities appears in SCR 22.25.

District Committees

The Supreme Court appoints lawyers and public members to district committees in each of the 16 state bar districts. The members are volunteers who receive no compensation for their work. They serve for three years and may not serve more than three consecutive three-year terms. A list of current district committee members appears in Appendix 18.

District committees are responsible for educating lawyers and the public about the legal profession and the ethical practice of law. They may refer allegations of possible misconduct or medical incapacity to OLR. At OLR's request, a district committee may assist in investigating allegations of misconduct or medical incapacity, and it may resolve or adjust certain attorney-client disputes. At OLR's request, a district committee also may help to monitor attorneys who have been diverted to an alternatives to discipline program or who are required to comply with conditions imposed on their practice of law. A complete list of the district committees' responsibilities appears in SCR 21.06.

Appendices

Appendix 1a Educational outreach and meetings

OLR Outreach 7/1/22 – 6/30/23

Date	Presenter	Event
8/10/22	Tim	CLE presentation, Understanding and Navigating the OLR Disciplinary Process, Manitowoc County Bar Association
8/10/22	Tim	Outreach and networking event with the Door County Bar Association, Egg Harbor
8/11/22	Tim	CLE presentation, Wisconsin Lawyers Assistance Program and Well-Being, Kewaunee County Bar Association
8/11/22	Tim	CLE presentation, Understanding and Navigating the OLR Disciplinary Process, Marinette County Bar Association
8/11/22	Tim	Outreach and networking event with the Oconto County Bar Association, Shawano
8/12/22	Tim	CLE presentation, Encrypting Your Law Firm, Sheboygan County Bar Association
8/16/22	Tim	CLE presentation, What to do When a Grievance is Filed, State Bar, Madison
8/23/22	Julie	CLE presentation, Attorney Wellness, State Bar, Madison
9/13/22	Tim	CLE presentation, Attorney Wellness, Sheboygan County Bar Association
10/4/22	Julie	CLE presentation, Attorney Wellness, Waukesha County Bar Association
10/6/22	Julie	CLE presentation, Lawyer Well-Being, State Bar, Madison
10/6/22	Tim	CLE presentation, Legal Ethics 2022: Policies & Procedures for a Successful Practice, State Bar, Madison
10/7/22	Tim	CLE presentation, Legal Ethics 2022: Policies & Procedures for a Successful Practice, State Bar, Madison
10/13/22	Tim	CLE presentation, Wisconsin Department of Workforce Development, Bureau of Legal Affairs Conference, Madison
10/13/22	Frank	CLE presentation, Wisconsin Clerk of Courts Conference, Green Lake
10/14/22	Tim Julie	CLE presentation, American Academy of Matrimonial Lawyers
10/14/22	Travis	CLE presentation, Common Trust Account Problems, Law Firm of Bakke Norman
10/17/22 - 10/21/22	Julie	Trial advocacy faculty member, NOBC-Litigation Skills Training, Chicago

10/19/22	Frank Sarah	CLE presentation, Paralegal Association of Wisconsin, Madison
10/19/22	Tim	CLE presentation, Washington County Bar Association, West Bend
10/27/22	Tim	CLE presentation, State Bar Solo & Small Firm Conference, Lake Geneva
10/28/22	Julie	CLE presentation, State Bar Solo & Small Firm Conference Presentation on Attorney Self-Care: Why it Matters to Solo and Small Firm Practitioners, Baraboo
11/2/22	Tim Emily	CLE presentation, Wisconsin Judicare
11/3/22	Tim	CLE / Judicial Education presentation, Wisconsin Judicial Conference, Elkhart Lake
11/4/22	Tim Julie Lorry	CLE presentation, State Public Defender's Annual Conference, Milwaukee
11/7/22	Tim	CLE presentation, Best Practices for Avoiding Common OLR Grievances, Chippewa County Bar Association, Chippewa Falls
11/7/22	Tim	Outreach and networking event with the Burnett County Bar Association, Siren
11/7/22	Tim	CLE presentation, Best Practices for Avoiding Common OLR Grievances, Sawyer County Bar Association, Hayward
11/8/22	Tim	CLE presentation, Best Practices for Avoiding Common OLR Grievances, Iron County Bar Association, Hurley
11/8/22	Tim	Outreach and networking event with Lincoln County Bar Association, Merrill
11/17/22	Tim Frank Julie Travis	CLE presentation, Waukesha County Bar Presentation
12/8/22	Tim Julie	CLE presentation, Wisconsin Crime Victims' Rights Board, Madison
2/10/23	Julie	CLE presentation, NOBC, mid-year meeting, New Orleans, LA
2/11/23	Frank	CLE presentation, NOBC, mid-year meeting, New Orleans, LA
3/24/23	Tim Frank	CLE presentation, Wisconsin Lawyers Mutual Insurance Company
4/4/23	Frank	Trial advocacy faculty member, National Association of Attorneys' General Training & Research Institute (NAGTRI), Deposition Skills Training, Atlanta, Georgia
4/5/23	Tim Travis	Article, <i>Electronic Payments and Lawyer Trust Accounts: What to Know</i> , State Bar's <i>Inside Track</i> newsletter (Apr. 5, 2023)
4/12/23	Tim	CLE presentation, Outagamie County Bar Association
4/14/23	Frank	CLE presentation, Wisconsin Defense Counsel, 2023 spring conference, Kohler

4/18/23	Tim	Tomah Rotary Club, featured speaker
4/21/23	Julie	State Bar's G. Lane Ware Leadership Academy, presenter, Madison
5/3/23	Julie	Article, <i>Lawyer Well-being: It's Good to Know You're Not Alone</i> , State Bar's <i>Inside Track</i> newsletter (May 3, 2023).
5/12/23	Tim	CLE presentation, State Prosecutor's Education & Training (SPET) conference, Pewaukee
5/23/23	Tim	CLE presentation, Women Lawyers of the North, ethics CLE presentation, Cumberland, Wisconsin
5/23/23	Tim	CLE presentation, Eau Claire & Chippewa County Bar Associations, joint meeting, Eau Claire
6/8/23	Travis	Article, <i>2023 Amendments to the Trust Account Rule: Electronic Transactions Permitted</i> , <i>Wisconsin Lawyer</i> (June 2023).
6/16/23	Tim	CLE presentation, State Bar Annual Meeting & Conference, Milwaukee, Wisconsin
6/17/23	Julie	Article, <i>Attorney Self-Care: The Morning Reset</i> , State Bar WisLAP's <i>WellNEWS</i> newsletter (June 17, 2023)
7/11/23	Tim	CLE presentation, Portage County Bar Association, Stevens Point
7/11/23	Tim	CLE presentation, Marathon County Bar Association, Wausau
7/11/23	Tim	Outreach and networking event with the Sauk County Bar Association, Baraboo
7/11/23	Julie	CLE presentation, Department of Workforce Development, Madison
7/20/23	Tim	Article, <i>Get a Free Check-up: Complete the Updated Law Firm Assessment</i> , <i>Wisconsin Lawyer</i> (July / Aug. 2023)
7/20/23	Tim Julie Frank	State Bar's Diversity Clerkship recognition reception, Madison. See <i>Diversity Clerkship Program Jump-starts Legal Careers</i> , State Bar's <i>Inside Track</i> newsletter (Aug. 2, 2023)
8/2/23	Tim	CLE presentation, State Bar's Law Firm Self-Assessment CLE presentation, Madison
8/4/23	Julie Frank	CLE presentation, NOBC, annual meeting, CLE presentation, "Direct Examination Skills," Minneapolis, MN
8/4/23	Julie	Elected to NOBC Board of Directors
8/12/23	Tim	CLE presentation, State Bar's Door County Family Law Workshop, Sturgeon Bay
8/16/23	Travis	Article, <i>Trust Account Rule Changes: Here's Where to Learn the Best Practices for Accepting Electronic Payments</i> , State Bar's <i>Inside Track</i> newsletter (Aug. 16, 2023)

8/24/23	Travis	CLE presentation, Wisconsin Lawyers Mutual Insurance Company
9/6/23	Julie	CLE presentation, State Bar's Public Records, Open Meetings, Madison
9/19/23	Tim Frank	CLE presentation, State Bar's Administrative and Local Government, Madison
9/22/23	Travis	CLE presentation, OLR's Trust Account Management Seminar
10/5/23	Tim Julie	CLE presentation, State Bar's Annual Ethics Update, Madison
10/12/23	Julie	CLE presentation, WisLAP volunteer training, Lawyer Well-being and Resiliency, State Bar, Madison
10/19/23	Katie Mike	CLE presentation, Winnebago County, Oshkosh
10/20/23	Tim Frank	CLE presentation, State Bar's Small & Solo Firm Conference, Lake Delton
10/24/23	Tim	CLE presentation, Wisconsin DOJ, Madison
11/1/23	Tim	CLE presentation, Ozaukee County Bar Association, Port Washington
11/3/23	Tim	CLE presentation, SPET fall conference, Elkhart Lake

Appendix 1b
Lawyer Regulation System Meetings
2023

2/3/23	Special Preliminary Review Panel (Zoom)
3/3/23	Board of Administrative Oversight
3/17/23	Preliminary Review Committee
4/20/23	Joint Meeting of Lawyer Regulation System and Wisconsin Supreme Court Justices, Concourse Hotel, Madison, Wisconsin
5/5/23	Special Preliminary Review Panel (Zoom)
6/2/23	Board of Administrative Oversight
6/9/23	Preliminary Review Committee
8/11/23	Special Preliminary Review Panel (Zoom)
9/8/23	Board of Administrative Oversight
9/15/23	Preliminary Review Committee
11/3/23	Special Preliminary Review Panel (Zoom)
12/1/23	Joint Meeting, Board of Administrative Oversight & Preliminary Review Committee
4/17/24	Joint Meeting of Lawyer Regulation System and Wisconsin Supreme Court Justices, Madison, Wisconsin



Supreme Court of Wisconsin

Lawyer Regulation System
Board of Administrative Oversight

Chairperson: Mr. Denis Donohoe, Burlington
Vice Chairperson: Attorney Deanne Koll, New Richmond

Board Members:

Attorney Linda U. Burke, Milwaukee
Mr. Samuel Christensen, Racine
Ms. Tierney Gill, Milwaukee
Attorney William R. Jones, Madison
Attorney Nancy Kallgren, Marinette

Attorney Rene L'Esperance, Hortonville
Attorney Kathleen A. Pakes, Madison
Attorney Marissa A. Reynolds, Wausau
Attorney Michael D. Rust, Oshkosh
Mr. Peter Sorce, Germantown

June 15, 2023

VIA EMAIL ONLY

Chief Justice Annette Kingsland Ziegler
Justice Ann Walsh Bradley
Justice Patience D. Roggensack
Justice Rebecca Grassl Bradley
Justice Rebecca Frank Dallet
Justice Brian Hagedorn
Justice Jill J. Karofsky

16 East, State Capitol
P.O. Box 1688
Madison, WI 53701-1688

Re: Board of Administrative Oversight, Attorney Wellness Subcommittee

Dear Chief Justice and Justices:

In 2020, the State Bar of Wisconsin, with support from the Wisconsin Supreme Court, convened the Task Force on Wisconsin Lawyer Well-Being. The Task Force was chaired by Hon. Todd Bjerke (La Crosse County) and consisted of a diverse group of stakeholders including judges, attorneys, and representatives from the Board of Bar Examiners, Office of Lawyer Regulation, and others. The Task Force was charged with developing recommendations to improve the overall well-being of the legal profession in Wisconsin.

The Task Force was divided into seven subcommittees, including a Regulators Subcommittee, where former OLR Director Keith Sellen served. The Regulators Subcommittee developed 15 recommendations to improve the well-being of lawyers and the legal profession in Wisconsin. These recommendations, along with those developed by other subcommittees, were published in the Task Force's final report titled "Lawyer Well-Being: Changing the Climate of Wisconsin's Legal Profession," released in December 2021.

The Wisconsin State Bar's Board of Governors approved the Task Force's final report at its April 2022 meeting. After approval, each subcommittee was asked to address implementing the proposed recommendations for their respective groups. The Regulators Subcommittee implementation group included Judge Bjerke, State Bar ethics counsel Aviva Kaiser, former Wisconsin Lawyers Assistance Program (WisLAP) manager Dr. Julia Persike, and from OLR, Director Timothy Samuelson and Deputy Director Julie Spoke.

However, the Task Force was dissolved by the State Bar and Supreme Court in November 2022. Although participants in the Task Force were encouraged to continue their efforts to independently implement recommendations, there was no specific process or vehicle for doing so.

At its December 2, 2022 meeting, BAO unanimously voted to form a subcommittee to address attorney wellness and implement the Task Force and Regulators Subcommittee recommendations. The BAO Attorney Wellness Subcommittee consists of BAO Chairperson Denis Donohoe, Vice-chairperson Deanne Koll, and Attorney Kathy Pakes.

The BAO Attorney Wellness Subcommittee met via Zoom on February 1, 2023, and April 27, 2023. It considered the Task Force's final report, as well as a similar report developed by the American Bar Association. Deputy Director Spoke discussed attorney wellness initiatives that are being advanced in other jurisdictions.

After considering and discussing the task force reports and other information, the Attorney Wellness Subcommittee recommended BAO focus on addressing recommendations 14 and 15 of the Wisconsin Task Force's final report:

14. Modify confidentiality rules to allow one-way sharing of lawyer well-being information from regulators to lawyer assistance programs (LAPs).
15. Adopt diversion programs and other alternatives to discipline that have been proven to be successful in promoting well-being.

Although implementing recommendation 14 will likely require an amendment to the Supreme Court Rules, Chapter 21 (e.g., SCR 21.03(9) & 21.19), a framework for implementing recommendation 15 already exists within the Rules (*see* SCR 22.10).

OLR continues to work with State Bar staff regarding potential Rule changes and will report periodically to BAO. If OLR proposes Rule amendment(s), Samuelson and Spoke will notify the Board and request it consider supporting a Rule Petition.

The BAO Attorney Wellness Subcommittee discussed its work, recommendations, and this memo at the BAO's June 2, 2023, meeting. The full-panel BAO approved this memo for submission to the Court.

Chief Justice and Justices

June 15, 2023

Page 3

The Subcommittee is able to discuss or respond to any questions that the Court may have. Thank you for your consideration.

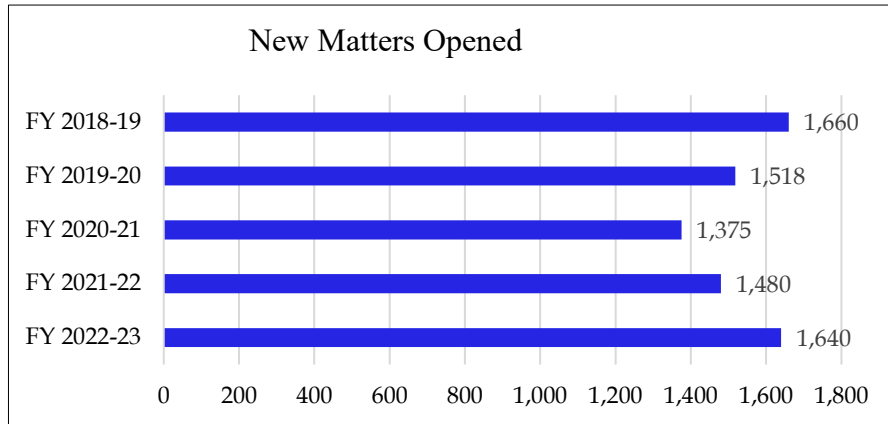
Respectfully,

/s/ Denis Donohoe

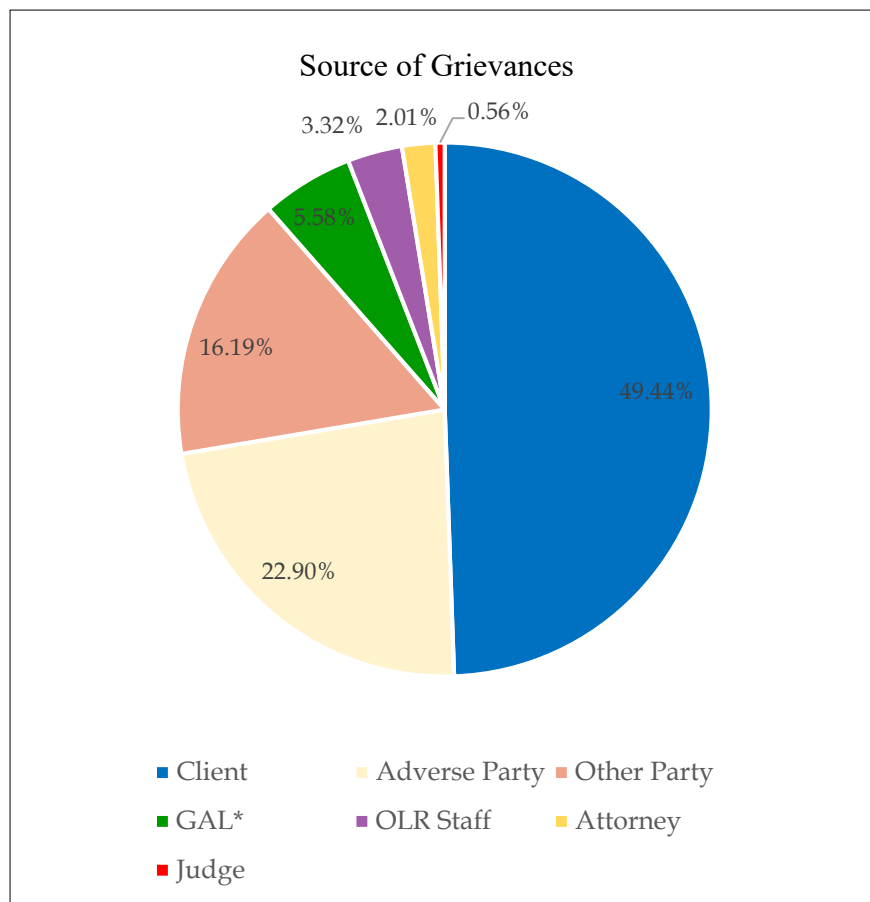
Denis Donohoe
Chairperson, Board of
Administrative Oversight, Attorney Wellness
Subcommittee

cc: Timothy C. Samuelson, Director
Julie M. Spoke, Deputy Director
Randy Koschnick, Director of State Courts
Board of Administrative Oversight

Appendix 3
Volume of grievances received



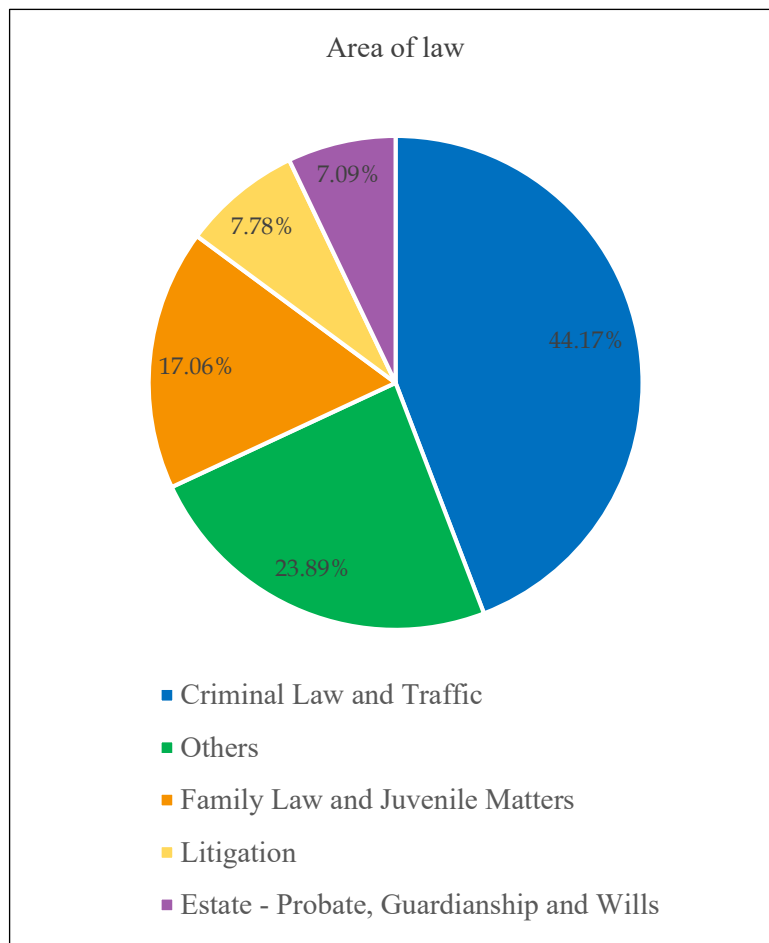
Appendix 4
Grievance sources



Appendix 5
Primary grievance allegations

Primary Grievance Allegation	
Lack of Diligence	20.83%
Lack of Communication	12.17%
Misrepresentation / Dishonesty	11.36%
Improper Advocacy	9.41%
Incompetence	6.09%
Other	40.17%

Appendix 6
Grievances categorized by area of law



Appendix 7
Intake resolutions

Intake Resolutions - Fiscal Year 2022-23		
Closed for Insufficient Evidence	1247	75.30%
Closed as De Minimus	102	6.16%
Withdrawn by Grievant	79	4.77%
Referred to Formal Investigation	55	3.32%
Other	55	3.32%
Closed for No Contact	41	2.48%
Diverted	39	2.36%
Inquiries Falling Outside the Rules	35	2.11%

Memorandum

SUPREME COURT OF WISCONSIN
OFFICE OF LAWYER REGULATION



DATE: November 18, 2022

TO: Chief Justice Annette Kingsland Ziegler
Justice Ann Walsh Bradley
Justice Patience D. Roggensack
Justice Rebecca Grassl Bradley
Justice Rebecca Frank Dallet
Justice Brian Hagedorn
Justice Jill J. Karofsky

CC: Randy Koschnick, Director of State Courts

FROM: Linda Burke, Chairperson, Recidivism Subcommittee, Board of Administrative Oversight
Timothy C. Samuelson, Director

SUBJECT: Lawyer Recidivism Studies: attorneys diverted or disciplined from 2013-2016 and their subsequent outcomes from 2017-2021

Background. The Board of Administrative Oversight's Recidivism Subcommittee and the Office of Lawyer Regulation have, for several years, studied the recidivism rate for Wisconsin lawyers who have received professional discipline or diversions to alternatives to discipline pursuant to Supreme Court Rule 22.10. The Subcommittee and OLR retained Dr. Michael F. Thompson to study data relating to lawyers disciplined or diverted from 2013-2016 and their subsequent disciplinary outcomes from 2017-2021; he prepared reports dated September 13, 2021 and August 5, 2022, both of which are attached.

Dr. Thompson has a Ph.D. and M.A. in Sociology, Political Economy, and Statistics from Indiana University; he has a B.A. in Sociology from Yale. He previously served as Director of Research and Justice Statistics for the Wisconsin Court System and currently works as a Research Scientist for Meta (f/k/a Facebook).

Before consulting with Dr. Thompson, BAO and OLR previously worked with Professors Leslie C. Levin (University of Connecticut) and Susan Saab Fortney (Texas A&M) to analyze data relating to the lawyers who received OLR grievances between 2013-2016. The object of their study was to better understand the substance of grievances (e.g., primary allegation, secondary allegations, practice area) as well as the demographics of lawyers receiving grievances (e.g., geography, age, gender).

The Recidivism Subcommittee and OLR retained Dr. Thompson in early 2021 to study the lawyers investigated by OLR from 2013-2016 and consider their prior disciplinary or diversion

history, as well as their specific violations of the Rules of Professional Conduct. In mid-2022, the Subcommittee and OLR requested Dr. Thompson perform additional study to consider recidivism trends for the lawyers who were disciplined or diverted from 2013-2016; he then evaluated additional data regarding these same lawyers but for the 2017-2021 period.

Diversions. Supreme Court Rule 22.10 (Diversion of alternatives to discipline program) authorizes the OLR Director to offer an attorney, subject to certain limitations enumerated in SCR 22.10(3), the opportunity to participate in an alternatives-to-discipline program. Diversion programming “may include ... fee arbitration, law office management assistance, evaluation and treatment for alcohol and other substance abuse, ... [and] continuing legal education.” SCR 22.10(2).¹ OLR’s practice of offering diversion agreements as an alternative to discipline has increased significantly in recent years.²

September 13, 2021 report (“Lawyer Prior Violations Study”). Dr. Thompson first studied Wisconsin lawyers who were investigated by OLR from 2013-2016 and looked backward, focusing on their prior Rule violations (e.g., specific Rule violations, number of violations, etc.). One of Dr. Thompson’s findings was unexpected: although the overwhelming majority of Wisconsin lawyers disciplined or diverted from 2013-2016 had not previously been disciplined or diverted (78.7%), of those who had previously been diverted or disciplined, more than two-in-five (40.6%) had previously received diversion agreements. Given the prevalence of diversion as an alternative to discipline, and Dr. Thompson’s finding regarding recidivism following diversion programming, the Recidivism Subcommittee and OLR requested Dr. Thompson perform additional study and analysis to see what happened in the 2017-2021 period to aid its monitoring of the fairness and effectiveness of diversion agreements and programming. *See* SCR 22.10(2).

August 5, 2022 report (“Lawyer Recidivism Study: Subsequent Outcomes of Attorneys Diverted or Disciplined in 2013-2016”). For this subsequent study, Dr. Thompson studied the same pool of Wisconsin lawyers, limiting his focus to those disciplined or diverted between 2013-2016, and then looking forward to consider what, if anything, happened during the 2017-2021 period.

Specifically, Dr. Thompson considered and compared the outcomes for lawyers after they were diverted (section 1) versus those who were disciplined (Section 2). His analysis shows that lawyers who were diverted to alternatives-to-discipline programming re-offended about half as often as those who were disciplined.³

¹ Common examples of diversion programming include referral to the State Bar’s Practice411 Program which offers resources to help lawyers manage the business aspects of their practices, including the use of technology, business and financial planning, and personnel, facilities, and operations management; Wisconsin Lawyers Assistance Program (WisLAP); and the Fee Arbitration Program. Additional information relating to Practice411, WisLAP, and Fee Arbitration are available online at <https://www.wisbar.org>.

² In FY19-20, OLR offered 31 diversion agreements. In FY20-21, OLR offered 44 diversion agreements. In FY21-22, OLR offered 54 diversion agreements.

³ Only 16.7% of lawyers who received diversions between 2013-2016 committed additional violations. On the other hand, 29% of lawyers who received discipline between 2013-2016 committed additional violations.

Conclusions. The Recidivism Subcommittee and OLR have reached two general conclusions following Dr. Thompson’s studies and reports.

First, an exceptionally small percentage of Wisconsin lawyers have received professional discipline.⁴ This presents a significant contextual backdrop: Dr. Thompson’s studies focus on the very few lawyers who have committed Rule violations or stipulated to participating in diversion programming. The overwhelming majority of Wisconsin lawyers have not been disciplined, diverted, or found to have engaged in professional misconduct.

Second, a correlation exists between diversion programming and a decrease in the rate of subsequent attorney discipline. Stated conversely, the data suggests a significantly greater likelihood that a lawyer who is disciplined will reoffend as compared to one who is referred to, and successfully completes, remedial diversion programming.

Under SCR 21.10(2)(a)-(h), BAO is charged with monitoring the fairness and effectiveness of the lawyer regulation system, proposing substantive and procedural regulatory rules and amendments to existing rules, and reporting its findings to the Supreme Court. Here, after studying OLR’s diversion and discipline practices and policies, and evaluating Dr. Thompson’s studies and findings, BAO and the Subcommittee recommend that the Court take no action; neither BAO nor the Subcommittee recommend any new Supreme Court rules or amendments to existing Rules, or that OLR modify its existing practices.

The Subcommittee has now completed its charge and will conclude its work.

Contemporaneous with this memo, the Recidivism Subcommittee is providing its findings and Dr. Thompson’s studies to BAO’s Permanent Revocation Subcommittee which will continue evaluating the appropriateness of whether “there may be rare and unusual cases that would warrant the permanent revocation of an attorney’s license to practice law.” *See, e.g., Disciplinary Proceedings Against Matthew R. Meyer*, 2022 WI 39 (Ziegler, J., dissenting); S. Ct. Order 19-10 (issued Dec. 18, 2019) (Ziegler, J., dissenting).

⁴ In FY21-22, less than 0.1% of Wisconsin lawyers were disciplined or diverted. Of the 25,555 members of the State Bar of Wisconsin, 15 were publicly disciplined, 22 privately reprimanded, and 54 diverted to alternatives to discipline programs.

Lawyer Prior Violations Study

Requested by Office of Lawyer Regulation, Wisconsin Court System

Michael F. Thompson, Ph.D., Consultant

September 13, 2021

Introduction and Comments

This report addresses concerns about the possible recidivism of lawyers found in violation of conduct allegations under the jurisdiction of the Office of Lawyer Regulation (OLR). Director Keith Sellen requested this study to focus on prior violations within the State of Wisconsin for lawyers investigated by OLR between 2013-2016. This report also serves as a follow up to an earlier “Making a Difference Study” based on the same dataset conducted by Professors Leslie Levin of Connecticut and Susan Fortney of Texas A&M that focused primarily on current allegations.

Based on my doctoral training in sociology and statistics and prior role as Director of Research and Justice Statistics for the Wisconsin Court System, the OLR Director asked me to serve as a consultant to process and analyze these data to respond to four areas of inquiry through 19 specific sets of questions. He provided a dataset of information about current and prior cases for each lawyer – one row per case – with a unique respondent number for each lawyer to protect his or her identity. Director Sellen and chair of the Board of Administrative Oversight (BAO) Lori Kornblum met with me on two occasions to provide context and share additional information. I processed the data extensively using statistical software and prepared descriptive statistics in response to the questions posed.

The following is a summary of my findings and I have also included two PDF attachments with detailed spreadsheets illustrating violation timelines by lawyer (in response to questions within Parts A and Part D). Ideally, a full recidivism study would follow a complete cohort of lawyers (or a large random sample of lawyers) – not just violators – and make comparisons on their frequency and types of offenses in light of their demographic and professional backgrounds over an extended period (e.g. 2011 to 2021). That said, the findings in this report do give a useful picture of attorneys’ violations between 2013 to 2016 in relation to their past violations and sanctions. It also addresses concerns OLR staff and BAO members had regarding recently admitted lawyers, and lawyers whose offenses included trust account violations and fee violations.

I am happy to discuss these findings with you and through staff or subcommittee meetings and to advise you on possible follow up studies using the tremendous resources you may have available through the new Data Warehouse team within the Wisconsin Court System.

Sincerely,

Michael F. Thompson, Ph.D.
Email: mftompson@aya.yale.edu

PART A: For each lawyer disciplined

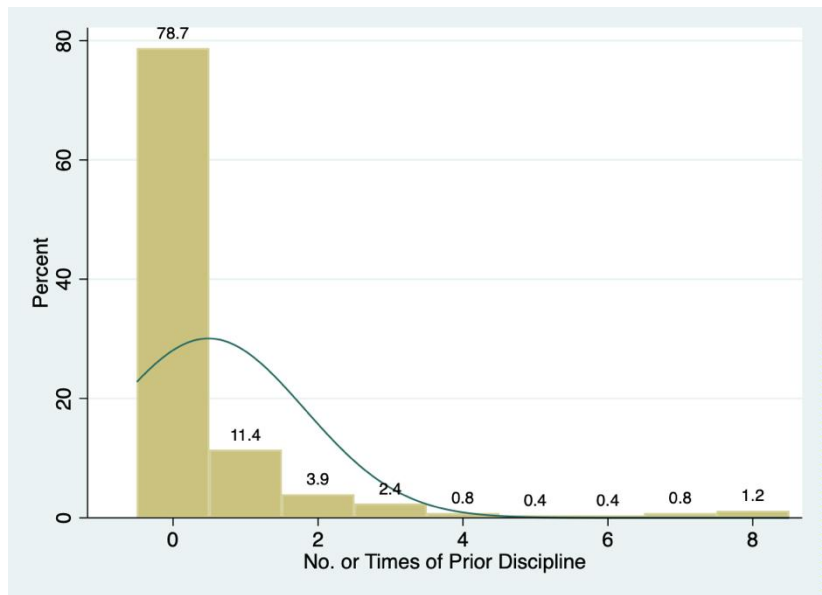
In all there were 254 lawyers disciplined and they each faced between 1 and 15 OLR cases during the 2013-2016 time frame.

<i>Number of Current Allegations Disciplined</i>	<i>No. of Lawyers</i>	<i>Percent of Lawyers</i>
1	211	83.1%
2	32	12.6%
3	5	2.0%
4	4	1.6%
5	1	0.4%
15	1	0.4%
TOTAL:	254	100.0%

1. How many times had the lawyer previously been disciplined?

78.7% of lawyers had not been disciplined before, another 11.4% were disciplined once and the remaining 9.8% had been disciplined between 2 and 8 times before.

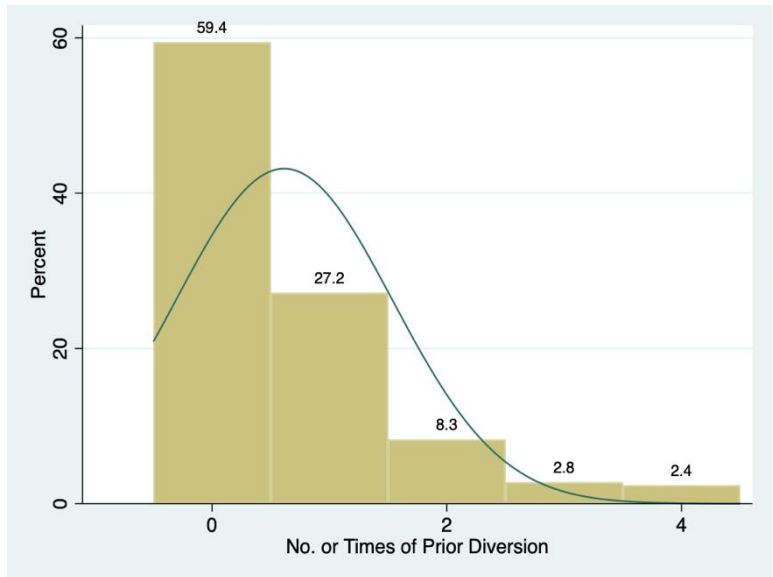
<i>Number of Times Previously Disciplined</i>	<i>No. of Lawyers</i>	<i>Percent of Lawyers</i>
0	200	78.7%
1	29	11.4%
2	10	3.9%
3	6	2.4%
4	2	0.8%
5	1	0.4%
6	1	0.4%
7	2	0.8%
8	3	1.2%
TOTAL:	254	100.0%



2. How many times had the lawyer previously been diverted?

59.4% of lawyers had not been diverted before, another 27% once and the remaining 13.4% had been previously diverted between 2 and 4 times.

Number of Times Previously Diverted	No. of Lawyers	Percent of Lawyers
0	151	59.5%
1	69	27.2%
2	21	8.3%
3	7	2.8%
4	6	2.4%
TOTAL:	254	100.0%



3. What prior sanctions had been imposed?

Most lawyers had not received a prior sanction though 40.6% had received a diversion and 15.4% had received a private reprimand.

Sanction	Percent of Lawyers	No. of Times						
		0	1	2	3	4	5	6
Diversion	40.6%	151	69	21	7	6		
Private Reprimand	15.4%	215	25	7	5	1	1	
Public Reprimand	8.7%	215	25	7	5	1		1
Suspension (less than 6 months)	2.8%	247	5	1			1	
Suspension (6-11 months)	0.8%	252	1		1			
Suspension (12-23 months)	0.8%	252	2					
Suspension (24 months or more)	0.0%							
Suspension - Indefinite	0.4%	253	1					
Revocation	0.4%	253	1					

4. What prior violations were found?

The most frequent type of prior violation was for Fees (code 5) which was the primary violation for 19.3% of lawyers, followed by Lack of Diligence (code 3) for 15.7% of lawyers

Violation	Percent of Lawyers	No. of Times								
		0	1	2	3	4	5	6	7	8
1. Incompetence	3.9%	244	10							
2. Scope of Representation	5.1%	241	13							
3. Lack of Diligence	15.7%	214	24	7	6		1		1	1
4. Lack of Communication	7.9%	234	18	2						
5. Fees	19.3%	205	40	7	2					
6. Revealing Confidences	0.8%	252	2							
7. Conflict of Interest	4.7%	242	9	3						
8. Trust Account Violations	7.1%	236	16	1		1				
9. Improper Termination	2.0%	249	4	1						
10. Frivolous Action/Harassment	0.8%	252	2							
11. Improper Advocacy	2.0%	249	5							
12. Improper Communications	2.8%	247	7							
13. Supervisor/Subordinate Responsibilities	1.6%	250	4							
14. Unauthorized Practice	3.1%	246	7	1						
15. Improper Advertising	1.6%	250	4							
16. Misrepresentation/Dishonesty	0.4%	253		1						
17. Criminal Conduct by Lawyer	2.8%	247	6	1						
18. Statutory Violation	0.8%	252	2							
19. Other	0.4%	253	1							
20. IFOR	0.0%	254								
21. Reciprocal Discipline	0.0%	254								
22. Medical Incapacity	0.4%	253	1							
23. Failure to Refund Unearned Fees	0.8%	252	1		1					
24. Violation of Oath	0.8%	252	2							
25. Neglect	0.0%	254								
26. Violation of Decision	0.0%	254								
27. Unearned Fee (JOIN WITH 23)	0.0%	254								
28. Reinstatement (EXCLUDE)	0.0%	254								
29. False Statement to Tribunal	0.0%	254								
30. Non-Cooperation	0.8%	252	2							

5. How much time lapsed between sanctions?

The total number of prior sanctions (both diversion and discipline) ranged from 0 for half of the lawyers to 10 for two of them

Number of Times Previously Disciplined	No. of Lawyers	Percent of Lawyers
0	127	50.0%
1	69	27.2%
2	19	7.5%
3	16	6.3%
4	13	5.1%
5	2	0.8%
6	2	0.8%
7	1	0.4%
8	3	1.2%
10	2	0.8%
TOTAL:	254	100.0%

Prior Sanction																
1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	Current Cases						
5.6	3.6	3.5	2.1	2.5	3.3	2.3	2.1	0.7	4.6							
Average Time (years) Elapsed between Sanctions																

6. Give a timeline showing all of this (violation A, sanction/diversion, then time elapsed to violation B, sanction/diversion, then time elapsed to violation C, etc.)

Please see attached spreadsheet titled:
 PartA_DisciplinedLawyer_PriorSanctTimeline.pdf
 (The spreadsheet is printable in landscape mode on legal sized paper)

Time elapsed after final prior violation is to first violation in the current 2013-2016 period.

PART B: For lawyers admitted to practice within the five years prior to the grievance filing date

343 lawyers were admitted five years or less before the start of 2013-2016 study period.

Number of Years Since Admitted to Practice	No. of Lawyers	Percent of Lawyers
0	11	3.2%
1	26	7.6%
2	68	19.8%
3	76	22.2%
4	72	21.0%
5	90	26.2%
TOTAL:	343	100.0%

1. What were the allegations?

The most common allegation was Lack of Diligence (46.9%) followed by Lack of Communication (36.2%).

Allegation	Percent of Lawyers	No. of Times												
		0	1	2	3	4	5	6	7	8	9	10	11	
1. Incompetence	10.2%	308	32	2	1									
2. Scope of Representation	25.4%	256	72	10	3	1	1							
3. Lack of Diligence	46.9%	182	108	30	6	8	4	2		2	1			
4. Lack of Communication	36.2%	219	88	21	2	7	1	1		2	2			
5. Fees	14.9%	292	40	8	3									
6. Revealing Confidences	3.8%	330	11	2										
7. Conflict of Interest	9.6%	310	29	2	1	1								
8. Trust Account Violations	5.8%	323	19	1										
9. Improper Termination	10.5%	307	34	2										
10. Frivolous Action/Harassment	2.0%	336	5	2										
11. Improper Advocacy	32.7%	231	88	16	5	2							1	
12. Improper Communications	7.3%	318	24	1										
13. Supervisor/Subordinate Responsibilities	2.9%	333	10											
14. Unauthorized Practice	0.9%	340	3											
15. Improper Advertising	1.5%	338	5											
16. Misrepresentation/Dishonesty	31.5%	235	89	15	2				2					
17. Criminal Conduct by Lawyer	2.3%	335	6	2										

Allegation	Percent of Lawyers	No. of Times												
		0	1	2	3	4	5	6	7	8	9	10	11	
18. Statutory Violation	2.6%	334	9											
19. Other	0.6%	341	2											
20. IFOR	0.6%	341	2											
21. Reciprocal Discipline	0.0%	343												
22. Medical Incapacity	0.3%	342	1											
23. Failure to Refund Unearned Fees	6.4%	321	19	1	1	1								
24. Violation of Oath	6.7%	320	22	1										
25. Neglect	0.0%	343												
26. Violation of Decision	2.0%	336	7											
27. Unearned Fee (JOIN WITH 23)	0.0%	343												
28. Reinstatement (EXCLUDE)	0.0%	343												
29. False Statement to Tribunal	4.1%	329	13	1										
30. Non-Cooperation	0.0%	343												

*the same lawyer could have several allegations stemming from multiple allegations in one case and/or from multiple cases

2. What were the dispositions?

38 (11.1%) of the lawyers received some form of discipline, the most common was diversion for 30 lawyers (8.7%)

Sanction	Percent of Lawyers	No. of Times							
		0	1	2	3	4	5	6	
Diversion	8.7%	313	29		1				
Private Reprimand	0.9%	340	1	2					
Public Reprimand	0.9%	340	1	2					
Suspension (less than 6 months)	0.6%	341			1	1			
Suspension (6-11 months)	0.3%	342			1				
Suspension (12-23 months)	0.3%	342	1						
Suspension (24 months or more)	0.0%	343							
Suspension - Indefinite	0.0%	343							
Revocation	0.3%	342					1		

*the same lawyer could have several dispositions stemming from multiple cases

3. What violations were found?

The most common violations found were for Lack of Diligence and Lack of Communication which occurred for 23 lawyers each (6.7%).

Violations	Percent of Lawyers	No. of Times				
		0	1	2	3	4
1. Incompetence	1.7%	337	6			
2. Scope of Representation	2.0%	336	7			
3. Lack of Diligence	6.7%	320	17	3	2	1
4. Lack of Communication	6.7%	320	18	4		1
5. Fees	3.8%	330	11	2		
6. Revealing Confidences	0.0%	343				
7. Conflict of Interest	0.9%	340	2	1		
8. Trust Account Violations	2.9%	333	10			
9. Improper Termination	1.5%	338	5			
10. Frivolous Action/Harassment	0.3%	342	1			
11. Improper Advocacy	0.9%	340	2	1		
12. Improper Communications	0.6%	341	1	1		
13. Supervisor/Subordinate Responsibilities	0.0%	343				
14. Unauthorized Practice	0.3%	342	1			
15. Improper Advertising	0.6%	341	2			
16. Misrepresentation/Dishonesty	4.7%	327	13	3		
17. Criminal Conduct by Lawyer	0.6%	341	2			
18. Statutory Violation	0.6%	341	2			
19. Other	0.0%	343				
20. IFOR	0.0%	343				
21. Reciprocal Discipline	0.0%	343				
22. Medical Incapacity	0.0%	343				
23. Failure to Refund Unearned Fees	1.5%	338	4		1	
24. Violation of Oath	0.0%	343				
25. Neglect	0.0%	343				
26. Violation of Decision	0.3%	342	1			
27. Unearned Fee (JOIN WITH 23)	0.0%	343				
28. Reinstatement (EXCLUDE)	0.0%	343				
29. False Statement to Tribunal	0.6%	341	2			
30. Non-Cooperation	0.0%	343				

4. Were these one-time offenses or multiple? (get at the same recidivism issue as in the above).

19 (5.5%) of the lawyers had been sanctioned previously – 16 had received a diversion (4.7%).

Sanction	Percent of Lawyers	No. of Times		
		0	1	2
Diversion	4.7%	327	14	2
Private Reprimand	0.6%	341	2	
Public Reprimand	0.3%	342	1	
Suspension (less than 6 months)	0.0%	343		
Suspension (6-11 months)	0.0%	343		
Suspension (12-23 months)	0.0%	343		
Suspension (24 months or more)	0.0%	343		
Suspension - Indefinite	0.0%	343		
Revocation	0.0%	343		

The most common violation was for fees – this occurred for 9 of the 19 previously disciplined lawyers (47.4%)

Violation	Percent of Previously Disciplined Lawyers	No. of Times		
		0	1	2
1. Incompetence	10.5%	17	2	
2. Scope of Representation	0.0%	19		
3. Lack of Diligence	10.5%	17	2	
4. Lack of Communication	5.3%	18	1	
5. Fees	47.4%	10	9	
6. Revealing Confidences	0.0%	19		
7. Conflict of Interest	0.0%	19		
8. Trust Account Violations	0.0%	19		
9. Improper Termination	0.0%	19		
10. Frivolous Action/Harassment	0.0%	19		
11. Improper Advocacy	5.3%	18	1	
12. Improper Communications	5.3%	18		1
13. Supervisor/Subordinate Responsibilities	0.0%	19		
14. Unauthorized Practice	0.0%	19		
15. Improper Advertising	10.5%	17	2	
16. Misrepresentation/Dishonesty	0.0%	19		
17. Criminal Conduct by Lawyer	5.3%	18	1	
18. Statutory Violation	0.0%	19		

Violation	Percent of Previously Disciplined Lawyers	No. of Times		
		0	1	2
19. Other	0.0%	19		
20. IFOR	0.0%	19		
21. Reciprocal Discipline	5.3%	18	1	
22. Medical Incapacity	0.0%	19		
23. Failure to Refund Unearned Fees	0.0%	19		
24. Violation of Oath	0.0%	19		
25. Neglect	0.0%	19		
26. Violation of Decision	0.0%	19		
27. Unearned Fee (JOIN WITH 23)	0.0%	19		
28. Reinstatement (EXCLUDE)	0.0%	19		
29. False Statement to Tribunal	0.0%	19		
30. Non-Cooperation	0.0%	19		

PART C: For all grievances resulting in trust account violations:

78 of the lawyers during the 2013-2016 study period had a trust account violation

1. **What was the nature of the violation?**
4. **What is the comparative frequency of the various types of trust account violations?**

The most common trust account violation was 8c. Disputed Funds/Other Property (41%) followed by 8b. Failure to Account/Deliver

Trust Account Violations	Percent of Lawyers	No. of Times						
		0	1	2	3	4	5	6
8a. Failure to Safeguard	9.0%	71	7					
8b. Failure to Account/Deliver	38.5%	48	29					1
8c. Disputed Funds/Other Property	41.0%	46	31	1				
8d. Trust Account Recordkeeping	1.3%	77	1					
8e. Trust Account Violations-Other	15.4%	66	12					

5. **For each type of trust account violation, what were the dispositions or sanctions?**
6. **For each type of trust account violation, how often was the lawyer subsequently diverted or disciplined?**

The sanctions for each type of trust account violations are as follows. Note that the number for each type of violation may differ from the table above since one lawyer may receive several trust account violations of similar or different type.

Sanction for 8a: Failure to Safeguard

Sanction	Percent of Lawyers	No. of Times						
		0	1	2	3	4	5	6
Diversion	42.9%	4	2	1				
Private Reprimand	28.6%	5	1	1				
Public Reprimand	0.0%	7						
Suspension (less than 6 months)	14.3%	6			1			
Suspension (6-11 months)	14.3%	6			1			
Suspension (12-23 months)	0.0%	7						
Suspension (24 months or more)	0.0%	7						
Suspension - Indefinite	14.3%	6		1				
Revocation	0.0%	7						

Sanction for 8b: Failure to Account/Deliver

Sanction	Percent of Lawyers	No. of Times						
		0	1	2	3	4	-	15
Diversion	75.9%	7	18	3	1			
Private Reprimand	3.4%	28	1					
Public Reprimand	10.3%	26	1	2				
Suspension (less than 6 months)	0.0%	29						
Suspension (6-11 months)	6.9%	27	1	1				
Suspension (12-23 months)	3.4%	28	1					
Suspension (24 months or more)	0.0%	29						
Suspension - Indefinite	0.0%	29						
Revocation	3.4%	28						1

*Lawyer receiving revocation had several simultaneous severe charges

Sanction for 8c: Disputed Funds/Other Property

Sanction	Percent of Lawyers	No. of Times						
		0	1	2	3	4	5	6
Diversion	93.5%	2	24	4		1		
Private Reprimand	6.5%	29	2					
Public Reprimand	0.0%	31						
Suspension (less than 6 months)	3.2%	30	1					
Suspension (6-11 months)	0.0%	31						
Suspension (12-23 months)	0.0%	31						
Suspension (24 months or more)	0.0%	31						
Suspension - Indefinite	0.0%	31						
Revocation	0.0%	31						

Sanction for 8d: Trust Account Recordkeeping

Sanction	Percent of Lawyers	No. of Times						
		0	1	2	3	4	5	6
Diversion	100.0%	0		1				
Private Reprimand	0.0%	1						
Public Reprimand	0.0%	1						
Suspension (less than 6 months)	0.0%	1						
Suspension (6-11 months)	0.0%	1						
Suspension (12-23 months)	0.0%	1						

Sanction for 8d: Trust Account Recordkeeping

Sanction	Percent of Lawyers	No. of Times						
		0	1	2	3	4	5	6
Suspension (24 months or more)	0.0%	1						
Suspension - Indefinite	0.0%	1						
Revocation	0.0%	1						

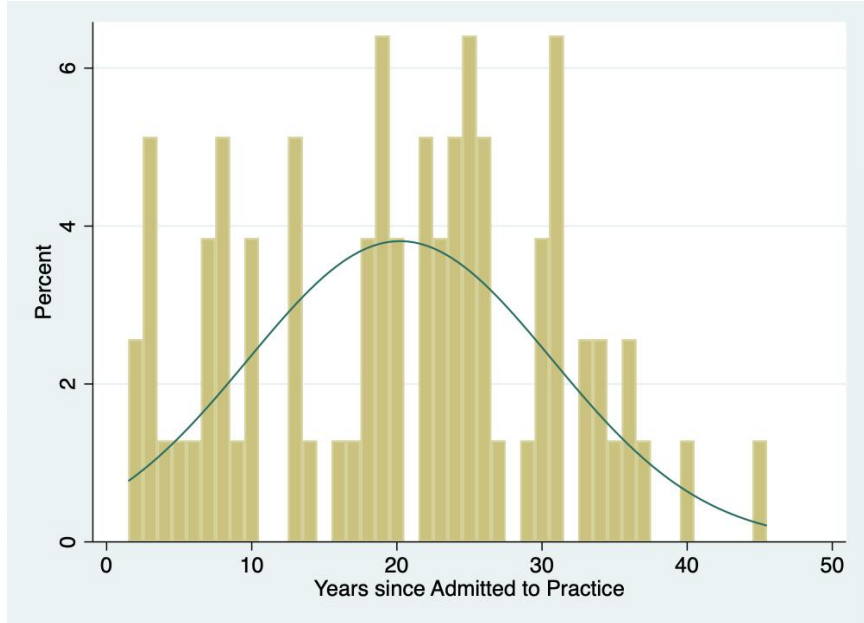
Sanction for 8e: Trust Account Violations-Other

Sanction	Percent of Lawyers	No. of Times						
		0	1	2	3	4	5	6
Diversions	72.7%	3	7	1				
Private Reprimand	9.1%	10	1					
Public Reprimand	18.2%	9	2					
Suspension (less than 6 months)	0.0%	11						
Suspension (6-11 months)	0.0%	11						
Suspension (12-23 months)	0.0%	11						
Suspension (24 months or more)	0.0%	11						
Suspension - Indefinite	0.0%	11						
Revocation	9.1%	10			1			

*Lawyer receiving revocation had several simultaneous severe charges

2. How many years had the lawyer been admitted when the grievance was filed?

There was no clear pattern for how many years the lawyer had been admitted, since there was a wide range from as little as 2 years to as many as 45 years (average 20.2 years, median 22 years)



3. How many times had the lawyer previously been diverted or disciplined for trust account violations? If a lawyer had multiple trust account violation, were they repeat or different? Again, give a timeline.

Prior Trust Account Violations	Percent of Lawyers	No. of Times			Sanction
		0	1	2	
8a. Failure to Safeguard	1.3%	77	1		Private Reprimand
8b. Failure to Account/Deliver	0.0%	78			
8c. Disputed Funds/Other Property	0.0%	78			
8d. Trust Account Recordkeeping	0.0%	78			
8e. Trust Account Violations-Other	1.3%	77		1	Diversions (twice)

Timeline of Prior Trust Violations

Resp. Num	Prior Trust Violation 1			Time Elapsed	Prior Trust Violation 1			Time Elapsed to Current Case
	Alleg.	Date	Sanction		Alleg.	Date	Sanction	
1110	8e	3-3-2004	DIV	0.1	8e	4-6-2004	DIV	12.2
1624	8a	5-27-1999	PVT	14.8				

PART D: For all grievances resulting in fee violations

119 Lawyers had a fee violation during the 2013-2016 period

1. What was the nature of the violation?

The most common type of fee violation was 5d. Excessive or Unreasonable Fee which was the violation for 72 lawyers (60.5%)

Fee Violations	Percent of Lawyers	No. of Times							
		0	1	2	3	4	5	6	7
5a. Failure to Clarify the Scope of Representation	7.6%	110	9						
5b. Failure to Identify the Client	0.0%	119							
5c. Failure to Clarify the Basis and Rate of the Fee	39.5%	72	44	3					
5d. Excessive or Unreasonable Fee	60.5%	47	69	2					1
5e. Fees-Other	5.0%	113	6						

The sanctions for each type of fee violation are as follows. Note that the number for each type of violation may differ from the table above since one lawyer may receive several fee violations of similar or different type.

Sanction for 5a: Failure to Clarify the Scope of Representation

Sanction	Percent of Lawyers	No. of Times				
		0	1	2	3	4
Diversion	85.7%	1	6			
Private Reprimand	14.3%	6		1		
Public Reprimand	0.0%	7				
Suspension (less than 6 months)	0.0%	7				
Suspension (6-11 months)	0.0%	7				
Suspension (12-23 months)	0.0%	7				
Suspension (24 months or more)	0.0%	7				
Suspension - Indefinite	0.0%	7				
Revocation	0.0%	7				

Sanction for 5b. Failure to Identify the Client

Sanction	Percent of Lawyers	No. of Times						
		0	1	2	3	4	5	6
Diversion	-	0						
Private Reprimand	-	0						
Public Reprimand	-	0						
Suspension (less than 6 months)	-	0						
Suspension (6-11 months)	-	0						

Sanction for 5b. Failure to Identify the Client

Sanction	Percent of Lawyers	No. of Times						
		0	1	2	3	4	5	6
Suspension (12-23 months)	-	0						
Suspension (24 months or more)	-	0						
Suspension - Indefinite	-	0						
Revocation	-	0						

Sanction for 5c. Failure to Clarify the Basis and Rate of the Fee

Sanction	Percent of Lawyers	No. of Times				
		0	1	2	3	4
Diversion	77.5%	9	23	8		
Private Reprimand	17.5%	33	7			
Public Reprimand	7.5%	37	3			
Suspension (less than 6 months)	5.0%	38	2			
Suspension (6-11 months)	0.0%	40				
Suspension (12-23 months)	0.0%	40				
Suspension (24 months or more)	0.0%	40				
Suspension - Indefinite	0.0%	40				
Revocation	0.0%	40				

Sanction for 5d. Excessive or Unreasonable Fee

Sanction	Percent of Lawyers	No. of Times						
		0	1	2	3	4	-	15
Diversion	80.6%	13	48	4	1	1		
Private Reprimand	6.0%	63	3	1				
Public Reprimand	6.0%	63	1	3				
Suspension (less than 6 months)	0.0%	67						
Suspension (6-11 months)	3.0%	65	1	1				
Suspension (12-23 months)	1.5%	66	1					
Suspension (24 months or more)	0.0%	67						
Suspension - Indefinite	1.5%	66		1				
Revocation	6.0%	63	1		1	1		1

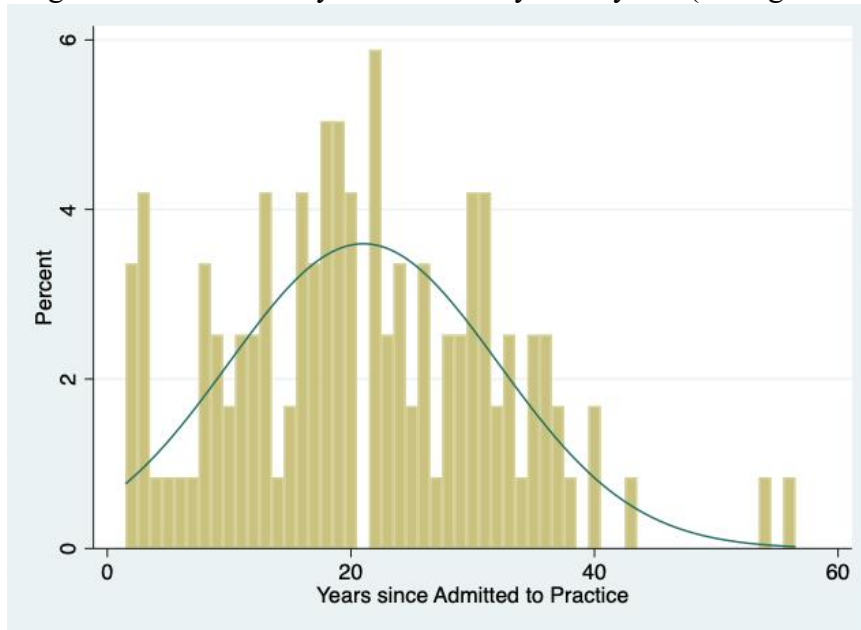
*Lawyer receiving revocation had several simultaneous severe charges

Sanction for 5e. Fees-Other

Sanction	Percent of Lawyers	No. of Times				
		0	1	2	3	4
Diversion	80.0%	1	2	2		
Private Reprimand	0.0%	5				
Public Reprimand	20.0%	4		1		
Suspension (less than 6 months)	0.0%	5				
Suspension (6-11 months)	0.0%	5				
Suspension (12-23 months)	0.0%	5				
Suspension (24 months or more)	0.0%	5				
Suspension - Indefinite	0.0%	5				
Revocation	0.0%	5				

2. How many years had the lawyer been admitted when the grievance was filed?

There was no clear pattern for how many years the lawyer had been admitted, since there was a wide range from as little as 2 years to as many as 56 years (average 21.0 years, median 20 years)



3. How many times had the lawyer previously been diverted or disciplined for trust account violations? If a lawyer had multiple fee violations, were they repeat or different? Again, give a timeline.

Please see attached spreadsheet titled:

PartD_FeeViolationLawyer_PriorSanctTimeline.pdf

(The spreadsheet is printable in landscape mode on legal sized paper)

Time elapsed after final prior fee violation is to first fee violation in current 2013-2016 period.

Lawyer Recidivism Study:
Subsequent Outcomes of Attorneys Diverted or Disciplined in 2013-2016
Requested by Office of Lawyer Regulation, Wisconsin Court System

Michael F. Thompson, Ph.D., Consultant

August 5, 2022

Executive Summary

This study follows attorneys who received diversions or were disciplined by the Office of Lawyer Regulation (OLR) between 2013 and 2016 to determine their recidivism trends during the subsequent 2017-2021 period. OLR and its Board of Administrative Oversight (BAO) requested this study as part of their ongoing effort to identify and reduce commonly occurring grievances to improve professionalism in legal services across Wisconsin. This research follows two prior studies:

- “Making a Difference” Study (August 2020) by Professors Leslie Levin (University of Connecticut) and Susan Fortney (University of Texas A&M) which focused primarily on allegation trends during the 2013 and 2016 period
- Lawyer Prior Violations Study (September 2021) by Michael F. Thompson, Ph.D. (Consultant) which compared current and prior violations (pre-2013) of attorneys who were investigated during the 2013-2016 period

This research relies on new data provided by OLR which tracks 266 attorneys who received sanctions over the 2013-2016 period (Period A) with their disciplinary record over the following 2017-2021 period (Period B). Attorneys whose cases remained pending during Period B were not considered. The consultant examined the data to see what further sanctions, if any, these attorneys received in the subsequent period. He also examined differences in recidivism based on the type of prior sanction and how similar or different were allegations between the periods.

Overall, 55 of the 266 attorneys with violations in Period A received one or more additional sanctions in Period B for a recidivism rate of 19.6%. The recidivism rate was slightly lower for attorneys who received only a diversion in the earlier period (16.7% had violations in Period B) compared to those previously disciplined with at least a private reprimand (29.0% had violations in Period B). There were no significant differences based on gender, age or by comparing the two largest cities – Milwaukee and Madison – and the rest of the state.

SECTION 1: OUTCOMES FOLLOWING DIVERSION

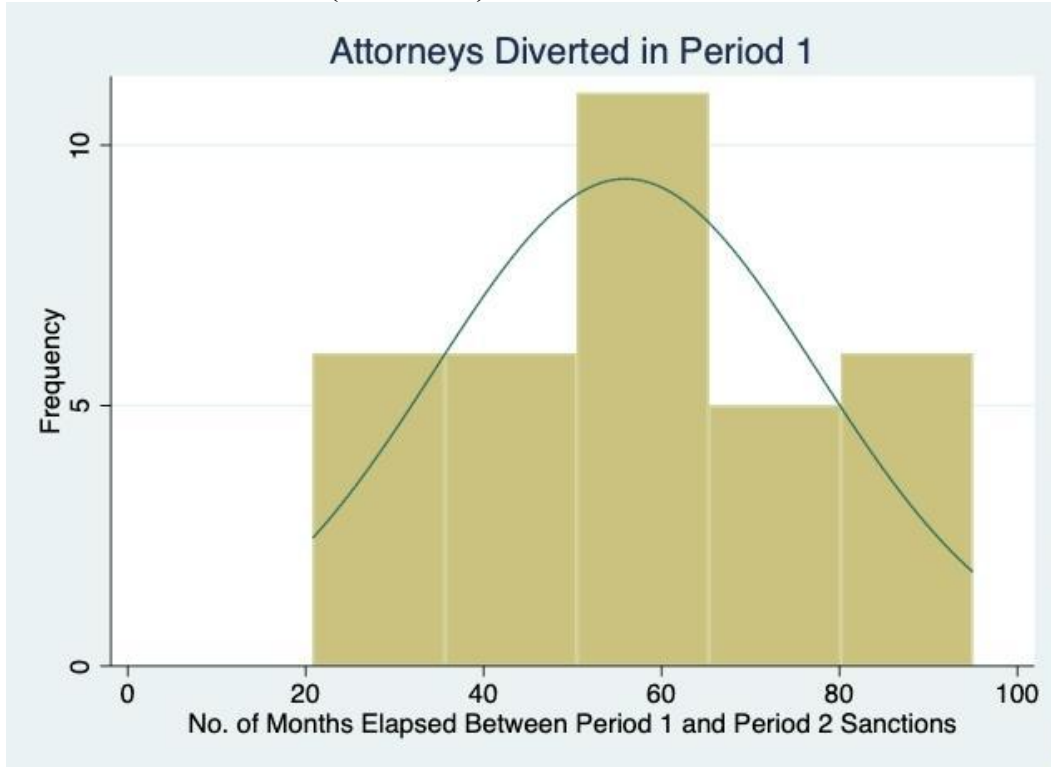
The majority of attorneys who received diversions in Period A did not have additional sanctions in Period B. Only 34 of these 204 attorneys (16.7%) acquired additional violations – usually just a single violation – though two of them had considerably more (See Exhibit 1).

Exhibit 1: Number of Violations for Attorneys Diverted in Period A (2013-2016) with Recidivism in Period B (2017-2021)

Number of New Violations	No. of Lawyers	Percent of Lawyers
1	23	67.7%
2	6	17.7%
3	3	8.8%
10	1	2.9%
38	1	2.9%
Total	34	

On average, the attorneys who received additional sanctions received them 4.5 years later (54 months), though about 3 attorneys violated again within 2 years of their prior offenses. Exhibit 2 tracks the pattern of how much time elapsed between sanctions.

Exhibit 2: Time Elapsed Between Violations for Attorneys Diverted in Period A (2013-2016) with Recidivism in Period B (2017-2021)



The most common allegations of attorneys’ prior diversions in Period A were Lack of Diligence, followed by Lack of Communication and Fee violations (Exhibit 3), and the recidivism rates for attorneys with these violations are approximately 20%. The highest recidivism rates were for less common Period A violations – Failure to Refund Unearned Fees and Revealing Confidences – but these rates were only marginally higher at just above 33%.

Lack of Diligence (73.5%) and Lack of Communication (58.8%) were even more common allegations among the 34 attorneys with additional violations in Period B. Fewer than one-third of recidivating attorneys had violations for any of the other categories.

Exhibit 3: Number of Attorneys and Recidivism Rates by Allegation Category of Diversion in Period A (2013-2016) and Allegation of Diversion or Discipline in Period B (2017-2021)

Allegation Category	Attorneys Diverted in Period A (2013-2016)		Recidivism in Period B (2017-2021)	Attorneys Diverted/Disciplined in Period B (2017-2021)	
	#	Percent	Percent	#	Percent
1. Incompetence	20	9.8	0.0	11	32.4
2. Scope of Representation	30	14.7	26.7	7	20.6
3. Lack of Diligence	117	57.4	21.4	25	73.5
4. Lack of Communication	97	47.5	20.6	20	58.8
5. Fees	89	43.6	20.2	4	11.8
6. Revealing Confidences	6	2.9	33.3	1	2.9
7. Conflict of Interest	23	11.3	4.3	1	2.9
8. Trust Account Violations	60	29.4	25.0	1	2.9
9. Improper Termination	20	9.8	25.0	4	11.8
10. Frivolous Action/Harassment	1	0.5	0.0	0	0.0
11. Improper Advocacy	14	6.9	14.3	1	2.9
12. Improper Communications	12	5.9	0.0	0	0.0
13. Sup./Sub. Responsibilities	4	2.0	25.0	0	0.0
14. Unauthorized Practice	4	2.0	0.0	3	8.8
15. Improper Advertising	3	1.5	0.0	0	0.0
16. Misrepresentation/Dishonesty	34	16.7	14.7	5	14.7
17. Criminal Conduct by Lawyer	1	0.5	0.0	3	8.8
18. Statutory Violation	6	2.9	16.7	2	5.9
22. Medical Incapacity	2	1.0	0.0	0	0.0
23. Failure to Refund Unearned Fees	17	8.3	35.3	6	17.6
24. Violation of Oath	8	3.9	12.5	3	8.8
26. Violation of Decision	1	0.5	0.0	0	0.0
29. False Statement to Tribunal	3	1.5	0.0	3	8.8
Total	204			34	

Note: Since there are often multiple allegations for each case and some attorneys had multiple cases, the sum of all rows is greater than the total

The 34 attorneys diverted in Period A who had further violations in Period B, typically received additional diversions (22 attorneys) and only 5 received suspensions. Exhibit 4 summarizes the outcome of these sanctions.

Exhibit 4: Sanctions for Attorneys Diverted in Period A (2013-2016) with Violations in Period B (2017-2021)

Sanction	No. of Lawyers	Percent of Lawyers
Diversion	22	64.7%
Private Reprimand	5	14.7%
Public Reprimand	2	5.9%
Suspension – less than 6 months	3	8.8%
Suspension – 6 to 11 months	1	2.9%
Suspension – 24 months or more	1	2.9%
Total	34	

SECTION 2: OUTCOMES FOLLOWING DISCIPLINE

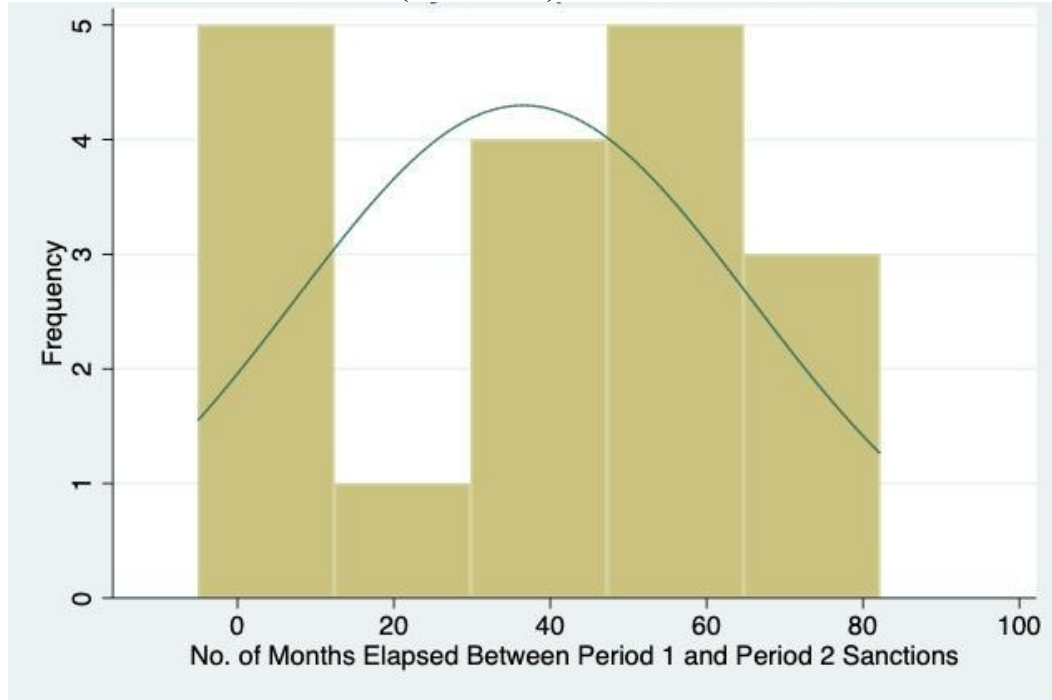
Most of the 62 attorneys disciplined (received at least a private reprimand) in Period A did not have further violations in Period B. However, 18 attorneys (29.0%) had further violations, including one attorney who had 12 further violations (See Exhibit 5).

Exhibit 5: Number of Violations for Attorneys Disciplined in Period A (2013-2016) with Recidivism in Period B (2017-2021)

Number of New Violations	No. of Lawyers	Percent of Lawyers
1	6	33.3%
2	4	22.2%
3	4	22.2%
4	3	16.7%
12	1	5.6%
Total	18	

On average, the attorneys who received additional sanctions received them just over 3 years later (40 months), though 2 attorneys were found in violation of offenses that took place even before the new 2017-2021 period had begun. Exhibit 6 tracks the pattern of how much time elapsed between sanctions.

Exhibit 6: Time Elapsed Between Violations for Attorneys Disciplined in Period A (2013-2016) with Recidivism in Period B (2017-2021)



The most common allegations of attorneys’ discipline in Period A were Lack of Diligence, Lack of Communication and Fee violations (Exhibit 7) with rates of 72.6%, 64.5% and 51.6% respectively. Other common allegations included Misrepresentation/Dishonesty (38.7%) and Trust Account Violations (37.1%).

The highest recidivism rates were generally for uncommon Period A violations, except for Incompetence for which 41.7% of attorneys disciplined for this allegation had an additional violation in Period B. Among the more common allegations, only Fee violations and Trust Account violations had recidivism rates of over 33%.

Lack of Diligence (72.2%), Lack of Communication (61.1%) and Fee violations (72.2%) were the most common allegations among the 18 attorneys with additional violations in Period B. Trust Account violations (50.0%) and Failure to Return Fees (38.9%) were also common.

Exhibit 7: Number of Attorneys and Recidivism Rates by Allegation Category of Discipline in Period A (2013-2016) and Allegation of Diversion or Discipline in Period B (2017-2021)

Allegation Category	Attorneys Disciplined in Period A (2013-2016)		Recidivism in Period B (2017-2021)	Attorneys Diverted/Disciplined in Period B (2017-2021)	
	#	Percent	Percent	#	Percent
1. Incompetence	12	19.4	41.7	4	22.2
2. Scope of Representation	8	12.9	25.0	4	22.2
3. Lack of Diligence	45	72.6	28.9	13	72.2
4. Lack of Communication	40	64.5	27.5	11	61.1
5. Fees	32	51.6	37.5	13	72.2
6. Revealing Confidences	2	3.2	50.0	0	0.0
7. Conflict of Interest	4	6.5	50.0	3	16.7
8. Trust Account Violations	23	37.1	39.1	9	50.0
9. Improper Termination	15	24.2	13.3	1	5.6
10. Frivolous Action/Harassment	1	1.6	0.0	0	0.0
11. Improper Advocacy	4	6.5	0.0	0	0.0
12. Improper Communications	4	6.5	0.0	0	0.0
13. Sup./Sub. Responsibilities	3	4.8	0.0	0	0.0
14. Unauthorized Practice	4	6.5	25.0	3	16.7
16. Misrepresentation/Dishonesty	24	38.7	25.0	4	22.2
17. Criminal Conduct by Lawyer	3	4.8	0.0	0	0.0
18. Statutory Violation	5	8.1	0.0	1	5.6
19. Other	2	3.2	0.0	0	0.0
21. Reciprocal Discipline	1	1.6	0.0	0	0.0
22. Medical Incapacity	2	3.2	50.0	1	5.6
23. Failure to Refund Unearned Fees	9	14.5	33.3	7	38.9
24. Violation of Oath	2	3.2	50.0	1	5.6
29. False Statement to Tribunal	3	4.8	0.0	0	0.0
Total	62			18	

Note: Since there are often multiple allegations for each case and some attorneys had multiple cases, the sum of all rows is greater than the total

The 18 attorneys disciplined in Period A who had further violations in Period B, typically received additional discipline – most often reprimands – with only three receiving a diversion. Exhibit 8 summarizes the outcome of these sanctions.

Exhibit 8: Sanctions for Attorneys Disciplined in Period A (2013-2016) with Violations in Period B (2017-2021)

Sanction	No. of Lawyers	Percent of Lawyers
Diversion	3	16.7%
Private Reprimand	4	22.2%
Public Reprimand	6	33.3%
Suspension – less than 6 months	3	16.7%
Suspension – 12 to 23 months	1	5.6%
Revocation	1	5.6%
Total	18	

Appendix 9
Formal Investigation resolutions

	FY 2022-23
Matters Referred to Formal	55
Formal Matters Resolved	34
Clearance Rate	61.82%
Average # Days to Resolve Matters	397
Open Matters at End of FY	104
Average Age of Open Matters	460

Appendix 10
Formal Investigation Outcomes

	FY 2022-23		
	#	Percent	Avg. Days
Dismissal/Insufficient Evidence	4	11.76%	367
De Minimus (Dismiss w/ Advice)	1	2.94%	545
Diversion	2	5.88%	102
Private Reprimand	2	5.88%	338
Public Reprimand	2	5.88%	426
Revocation w/ Consent		0.00%	
Litigation	23	67.65%	424
Dismissal/Insufficient Evidence	34	100.00%	

Appendix 11

Preliminary Review Committee

The Supreme Court appoints the 14 members of the Preliminary Review Committee (PRC). Nine members are lawyers; the other five are members of the public. PRC members serve staggered three-year terms and may be reappointed to a single consecutive term. The PRC is divided into two seven-member panels, each of which must have at least four lawyers and two public members. The PRC has the duties described in SCR 21.07(3).

Commissioner Barry J. Boline (Chair) has served as an Ozaukee County Court Commissioner since 2012. He earned his J.D. from Drake University Law School in 1994. His term expired September 30, 2023.

Attorney Jean C. Baker (Vice-Chair) was a partner in the Quarles & Brady law firm until she retired in 2020. She earned her J.D. from the University of Wisconsin Law School and her Ph.D. from the University of Georgia. Her term expires September 30, 2026.

Attorney Michael F. Bartz is the director of contracts and ethics officer for Dercos Aerospace, Inc., a wholly-owned subsidiary of Lockheed Martin. He earned his J.D. from Marquette University Law School in 2008. His term expires September 30, 2024.

Attorney Donald A. Daugherty, Jr. is senior litigation counsel for The Institute for Free Speech. He has over 30 years of experience in trial and appellate litigation in private practice and has been a partner at three of Wisconsin's largest law firms. He earned his J.D. from Northwestern University School of Law in 1980. His term expires September 30, 2026.

Attorney Eileen T. Evans is an assistant county attorney in Washington County. She previously had been in private practice for 17 years focusing on criminal defense, juvenile law. She earned her J.D. from Marquette University School of Law in 2003. Her term expired September 30, 2023.

Michael L. "Gunner" Furgal is a public member who retired from the U.S. Marine Corps as a chief warrant officer in 1981. He has been a member of the Green County Board of Supervisors

for the past 32 years. He earned an M.Ed. from Pepperdine University. His term expired September 30, 2023.

Attorney Kristen Hardy is assistant general counsel and assistant secretary at Northwestern Mutual. She has served as secretary of the State Bar of Wisconsin and as a member of the Judicial Selection Advisory Committee. She earned her J.D. from Marquette University Law School in 2014. Her term expires September 30, 2025.

Jon P. Kratochvil is a public member who is a licensed private detective and CEO and President of State Process Service, Inc. He also owns an insurance agency and is a licensed insurance broker. His term expires September 30, 2025.

Attorney Jennifer Lindsley is the director of training and staff attorney for the Wisconsin REALTORS® Association. She earned her J.D. from the University of Wisconsin Law School in 2005. Her term expires September 30, 2024.

Sara MacDonald is a public member who has worked as a social worker in the areas of child protective services, foster care adoptions, long-term care, domestic violence, AODA, and criminal justice. She earned her M.S.W. from University of Wisconsin – Green Bay in 2011. Her term expires September 30, 2025.

Christine Procknow is a public member who serves as a social worker at Columbia Correctional Institution. She has been a public member of the State Bar Board of and a member of the Wisconsin Lawyers' Fund for Client Protection. Her term expired on September 30, 2023.

Attorney John Zwolanek has practiced elder law for more than 27 years. He earned his J.D. from William Mitchell College of Law in 1995. His term expired September 30, 2023.

On July 17, 2023, the Supreme Court appointed five PRC members to terms beginning October 1, 2023. Those members are:

Attorney Duffy Dillon of Janesville.

Gerald Faller of Madison.

Attorney Kelsey Johnson of Madison.

Attorney Chad Lynch of Rhinelander.

David Peterson of Madison.

The lawyer regulation system thanks the following members for their service whose terms expired September 30, 2023: **Commissioner Barry Boline, Attorneys Eileen T. Evans and John Zwolanek, and public members, Mr. Michael L. “Gunner” Furgal and Ms. Christine Procknow.**

The lawyer regulation system also thanks **Attorney Robert Asti**, who served as PRC chairperson for several years; his term expired September 30, 2022.

Appendix 12

Referees

The Supreme Court appoints a referee panel of no more than 15 lawyers and reserve judges. Referees must be members of the State Bar of Wisconsin in good standing. They serve staggered 4-year terms and may be reappointed to serve consecutive terms. Referees function under the supervision of the Supreme Court and have the duties described in SCR 21.08(3).

The **Hon. Valerie Bailey-Rihn** served as a judge of the Dane County Circuit Court from 2016 - 2022. Previously she was an attorney in private practice. Judge Bailey-Rihn earned her J.D. from the University of Wisconsin Law School in 1991. Her term as a referee ends in 2025.

Attorney **Charles Barr** has more than 40 years in private practice. He is currently an arbitrator on the Commercial Arbitration and Consumer Arbitration Panels of the American Arbitration Association. He earned his J.D. from Harvard Law School in 1977. Attorney Barr's term as a referee ends in 2025.

The **Hon. Sue Bischel** served as a judge of the Brown County Circuit Court from 1992 - 2012. She earned her J.D. from the University of Minnesota Law School in 1978. Her term as a referee ends in 2025.

The **Hon. Jean DiMotto** served as a judge of the Milwaukee County Circuit Court from 1997-2013. Previously, she was an administrative law judge and an attorney in private practice. Judge DiMotto earned her J.D. from Marquette University School of Law in 1984. Her term as a referee ends in 2025.

The **Hon. James Evenson** served as a judge of the Sauk County Circuit Court from 1986-2016. Previously he was an attorney in private practice. Judge Evenson earned his J.D. from the University of Wisconsin Law School in 1973. His term as a referee ends in 2024.

Attorney **James Friedman** retired in 2019 after 38 years in private practice. He earned his J.D. from the University of Notre Dame Law School in 1972. His term as a referee ends in 2024.

The **Hon. Joseph Jacobson** served as an administrative law judge for the Social Security Office of Hearings and Appeals. He earned his J.D. from the University of Minnesota Law School in 1994. His term ends in 2025.

The **Hon. Edward Leineweber** served as a judge of the Richland County Circuit Court from 1997-2011. He has more than 30 years' experience in private practice. Judge Leineweber earned his J.D. from the University of Wisconsin Law School in 1976. His term as a referee ends in 2024.

Attorney **David Piehler** has more than 40 years of experience in private practice. He earned his J.D. from the University of Wisconsin Law School in 1980. His term as a referee ends in 2024.

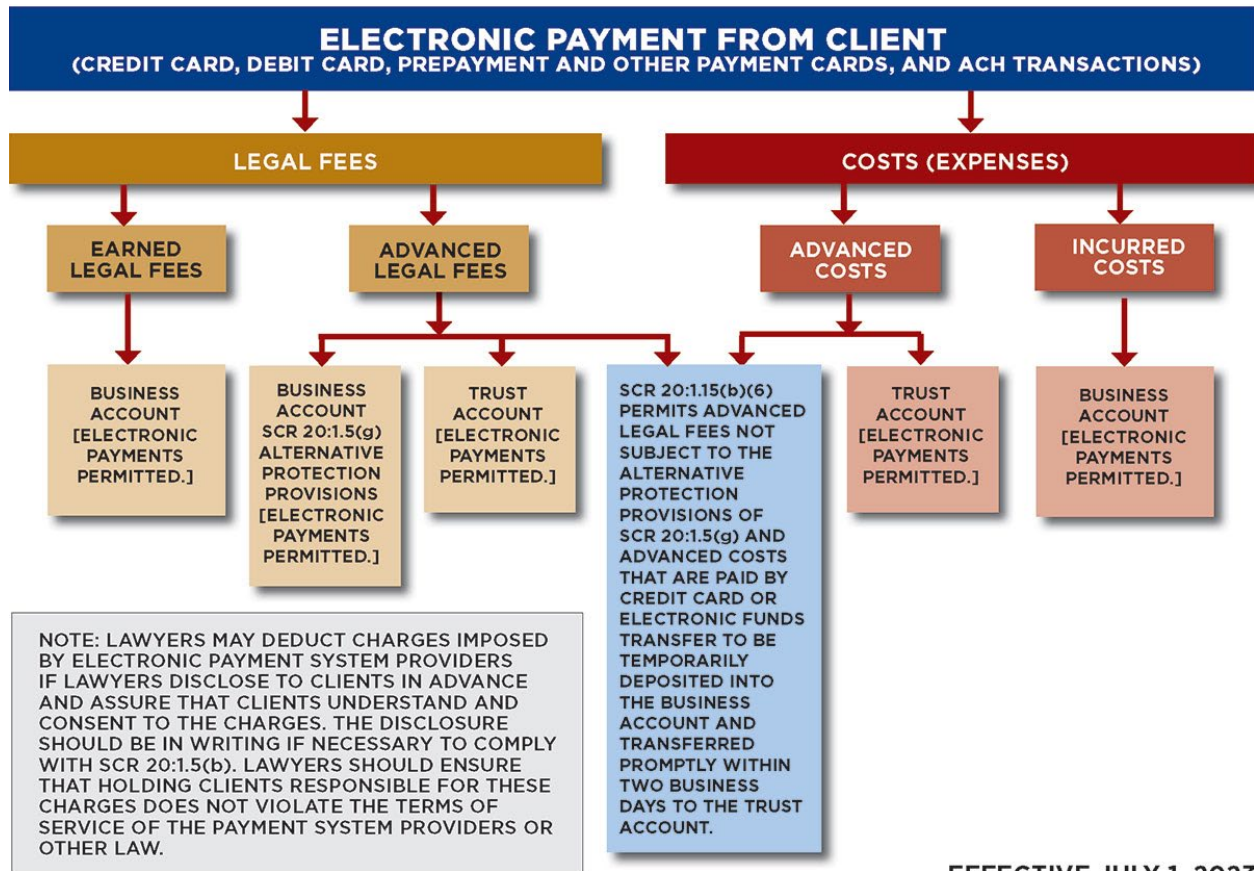
The **Hon. Karen Seifert** served as a judge of the Winnebago County Circuit Court from 2006-21. Previously, she was a Winnebago County court commissioner and assistant corporation counsel. Judge Seifert earned her J.D. from the University of Iowa College of Law in 1987. Her term as a referee ends in 2025.

Attorney **Michael Tobin** retired in 2018 after 32 years with the Wisconsin State Public Defender's Office. He earned his J.D. from the University of Texas in 1977. Attorney Tobin's term as a referee ends in 2024.

Attorney **James Winiarski** has more than 40 years in private practice. He earned his J.D. from the University of Wisconsin Law School in 1974. Attorney Winiarski's term as a referee ends in 2024.

Appendix 13

Illustration of new trust account electronic payment options



EFFECTIVE JULY 1, 2023

Appendix 14

Supreme Court

The Supreme Court supervises the lawyer regulation system, determines attorney misconduct, and imposes discipline or directs other appropriate action in proceedings that OLR files.

Chief Justice Annette K. Ziegler

Justice Ann Walsh Bradley

Justice Rebecca G. Bradley

Justice Rebecca G. Dallet

Justice Brian K. Hagedorn

Justice Jill J. Karofsky

Justice Janet C. Protasiewicz

Justice Patience D. Roggensack (ret. 2023)

Appendix 15

Board of Administrative Oversight

The Supreme Court appoints eight lawyers and four public members to serve on the Board of Administrative Oversight (BAO). The members are volunteers who receive no compensation for their work. A complete list of the BAO's responsibilities appears in SCR 21.10.

Denis Donohoe (Chair) is the principal in Celtic Holdings, LLC. His background is in the manufacturing business for operations consulting and information systems support customizations. His term expires September 30, 2025.

Attorney Deanne Koll (Vice Chair) is a partner in the Bakke Norman, S.C. law firm. She earned her J.D. from William Mitchell in 2006. Her term expires September 30, 2026.

Attorney Linda U. Burke worked at the City Attorney's Office for the City of Milwaukee for 14 years before her retirement. She earned her J.D. from St. John's University School of Law in 1979. Her term expires September 30, 2024.

Attorney William Jones is in private practice and the principal in the Jones Law Firm. He earned his J.D. from the University of Tulsa College of Law in 1997. His term expires September 30, 2025.

Commissioner Nancy Kallgren serves as a court commissioner and register in probate in Marinette County. She earned her J.D. from William Mitchell College of Law in 1994. Her term expires September 30, 2025.

Attorney Rene L'Esperance is in private practice and a partner in the L'Esperance & Feidt LLC law firm. He earned his J.D. from William Mitchell College of Law in 2011. His term expires September 30, 2025.

Attorney Kathleen Pakes serves as Assigned Counsel Division Director at the Wisconsin Office of the State Public Defender. She earned her J.D. from Louis D. Brandeis School of Law in 1995.

Her term expires on September 30, 2025.

Attorney Marissa A. Reynolds serves as an Assistant Marathon County Corporation Counsel. She earned her J.D. from the University of Wisconsin Law School in 2016. Her term expires September 30, 2025.

Commissioner Michael D. Rust serves as a court commissioner in Winnebago County. He earned his J.D from Marquette University in 2006. His term expires on September 30, 2025.

Mr. Peter Sorce is a public member who has also served as a Washington County Supervisor and many other Supreme Court boards, including the Medical Mediation Panel and the Planning and Policy Advisory Committee. His term expires September 30, 2026.

The lawyer regulation system thanks former members **Samuel Christensen** and **Attorney Tierney Gill**, whose new professional obligations with the Supreme Court required their recent resignations.

Appendix 16

Special Investigators

The Supreme Court appoints volunteer attorneys to serve as special investigators when allegations of misconduct are made against attorney participants in the lawyer regulation system. Special investigators are not appointed for a specific term and receive no compensation for their services. Their duties and authorities are specified in SCR 22.25. In FY 2022-23, 14 grievances were made regarding attorney participants in the lawyer regulation system.

Deborah A. Asher was appointed as a special investigator in 2020. She practices family law at Asher Law Office in Chippewa Falls. She earned her J.D. from the University of North Dakota School of Law in 2001.

Lucas Bennewitz was appointed as a special investigator in 2021. He is an assistant attorney general with the Wisconsin Department of Justice. He earned his J.D. from Marquette University Law School in 2015.

Peter J. Block was appointed as a special investigator in 2020. He is an assistant city attorney for the City of Milwaukee. He earned his J.D. from DePaul University College of Law in 2002.

Nathaniel Cade Jr., was appointed as a special investigator in 2014. He is the owner of Cade Law Group in Milwaukee. He earned his J.D. from the University of Michigan Law School in 1996.

Robert W. Dean was appointed as a special investigator in 2020. He is an attorney with Fox Communities Credit Union in Appleton. He earned his J.D. from the Columbus School of Law at The Catholic University of America in 1997.

Nicole J. Druckrey was appointed as a special investigator in 2021. She is an attorney with EMCO Chemical Distributors, Inc., in Pleasant Prairie. She earned her J.D. from the University of Minnesota Law School in 2003.

Sarah Troupis Ferguson was appointed as a special investigator in 2016. She is of counsel with the Madison office of Hanson, Reynolds LLC. She earned her J.D. from the University of Notre Dame Law School in 2006.

Gretchen Gerrard was appointed as a special investigator in 2022. She is an attorney with Lawyers at Work, LLC, in La Crosse. She earned her J.D. from Mitchell Hamline School of Law in 2016.

Mark J. Goldstein was appointed as a special investigator in 2014. He is the president of Goldstein Law Group, SC, in Milwaukee. He earned his J.D. from the University of Wisconsin Law School in 1994.

William A. Grunewald was appointed as a special investigator in 2014. He has practiced with the Medford firm of Jenson, Scott, Grunewald & Shiffler, S.C., since 1983. He earned his J.D. from the University of Minnesota Law School in 1983.

Anthony P. Hahn was appointed as a special investigator in 2015. He practices at Devine Hahn SC in Racine. He earned his J.D. from Marquette University Law School in 2000.

Alexander J. Hall was appointed as a special investigator in 2016. He is a claim consultant with Constellation Mutual. He earned his J.D. from Marquette University Law School in 2014.

Victor C. Harding was appointed as a special investigator in 2005. He is an attorney with Warshafsky Law Firm in Milwaukee. He earned his J.D. from Marquette University Law School in 1977.

Thomas W. Harnisch was appointed as a special investigator in 2012. He is the owner of Thomas W. Harnisch Law Office in Neilsville. He earned his J.D. from the University of Minnesota Law School in 1972.

Jay E. Heit was appointed as a special investigator in 2017. He is an attorney with Herrick & Hart, SC in Eau Claire. He earned his J.D. from the University of South Dakota School of Law in 1995.

Krista G. LaFave was appointed as a special investigator in 2022. She is an attorney with Gingras Thomsen & Wachs LLP in Milwaukee. She earned her J.D. from Tulane University School of Law in 2013.

Michael L. Laufenberg was appointed as a special investigator in 2017. He is an attorney with Keberle & Laufenberg LLP in West Bend. He earned his J.D. from Marquette University Law School in 1995.

William (Max) Levins was appointed as a special investigator in 2021. He is an attorney with the Department of Natural Resources in Madison. He earned his J.D. from University of Wisconsin Law School in 2011.

Amy Lonergan was appointed as a special investigator in 2022. She is a partner at Finn & Finn Ltd. in Waukegan, Illinois. She earned her J.D. from Chicago-Kent College of Law in 2007.

Michael S. Maistelman was appointed as a special investigator in 2021. He is the managing member and founder of Maistelman & Associates in Bayside. He earned his J.D. from Franklin Pierce Law Center in 1994.

Maxfield E. Neuhaus was appointed as a special investigator in 2014. He is a partner at Rodli, Beskar, Neuhaus, Murray & Pletcher, S.C. in River Falls. He earned his J.D. from Hamline University School of Law in 2008.

Bryce M. Pierson was appointed as a special investigator in 2020. He is a legal advisor to the Wisconsin Office of Judicial Education in Madison. He earned his J.D. from Southern Illinois University School of Law in 2012.

Ryan Poe-Galvinski was appointed as a special investigator in 2022. She is a clinical assistant professor of law at the University of Wisconsin School of Law in Madison. She earned her J.D. from Quinnipiac University School of Law in 2004.

Bryant Ray was appointed as a special investigator in 2021. He is an assistant vice president and trust officer at the Bank of Sun Prairie. He earned his J.D. from the University of Wisconsin School of Law in 2016.

Ronald S. Stadler was appointed as a special investigator in 2014. He is a founding shareholder at Stadler Sacks LLC in Richfield.

Richard J. Summerfield was appointed as a special investigator in 2015. He is a partner at Kostner-Kostner & Summerfield SC in Bloomer. He earned his J.D. from Hamline University School of Law in 2006.

Johnathan G. Woodward was appointed as a special investigator in 2020. He is an attorney at Houseman & Feind LLP in Grafton. He earned his J.D. from Pepperdine University School of Law in 2006.

Appendix 17

Special Preliminary Review Panel

The Supreme Court appoints the seven members of the Special Preliminary Review Panel (SPRP). Four members are lawyers; the other three are members of the public. SPRP members serve staggered three-year terms and may be reappointed to a single consecutive term. The SPRP has the duties described in SCR 22.25.

Attorney Stuart Mukamal (Chair) served in the Office of the Milwaukee City Attorney until he retired in 2018. He earned his J.D. from Yale University Law School in 1976. His term expires September 30, 2024.

Assistant Attorney General Eliot M. Held works with the Wisconsin Department of Justice. He earned his J.D. from the University of Arizona College of Law in 2009. His term expires September 30, 2026.

Amos Malone serves as a probation parole officer with the Wisconsin Department of Corrections. He earned his B.S. and M.E. from the University of Wisconsin-Whitewater in 2015 and 2017, respectively. His term expires September 30, 2026.

Attorney Bruce Schultz is a partner in the Coyne, Schultz, Becker & Bauer, S.C. law firm. He earned his J.D. from the Indiana University School of Law in 1976. His term expired September 30, 2023.

Monelle Johnson is an Executive Assistant with Aspirus Medford Hospital & Clinic. She earned her B.S. from Mount Senario College in 1984 and her M.S. from Kennedy-Western University in 2000. Her term expires September 30, 2024.

Commissioner Peggy Miller serves as the Oconto County Family Court Commissioner and Register in Probate. She earned her J.D. from Marquette University Law School in 2000. Her term expires September 30, 2024.

Cindy Zahrte served as the Superintendent of the Tomah Area School District until she retired in 2020. She earned her B.S. and M.S. from the University of Wisconsin – Madison in 1979 and 1989, respectively.

On July 17, 2023, the Supreme Court appointed **Attorney Jillian Pfeifer** of Rhinelander to a term beginning October 1, 2023.

The lawyer regulation system thanks **Attorney Bruce Schultz**, whose term expired September 30, 2023.

Appendix 18

District Committee Members

Appointed by the Supreme Court, these 16 committees, each composed of one-third non-lawyers, may assist in the investigation of certain cases involving complaints against attorneys.

District 1 Committee

Counties: Jefferson, Kenosha, and Walworth

<u>Name</u>	<u>Location</u>
Mr. Charles P. Frandson	Fort Atkinson
Attorney Martin Harrison	Whitewater
Attorney Heather Iverson	Kenosha
Attorney Brian A. Schuk	Delavan
Attorney Christine Tomas	Lake Geneva

District 2 Committee

Counties: Milwaukee County

<u>Name</u>	<u>Location</u>
Attorney Paul Bargren	Milwaukee
Mr. Ron Blazel	Milwaukee
Attorney Richard H. Casper	Milwaukee
Attorney Joshua Cronin	Milwaukee
Attorney James Davies	Milwaukee
Attorney Eric D. Defort	Milwaukee
Attorney Donal M. Demet	Milwaukee
Attorney Robert S. Driscoll	Wauawatosa
Ms. Kristina Ehnert	Oak Creek
Attorney Bradley S. Foley	Milwaukee
Attorney Aaron Graf	Milwaukee
Attorney Kevin Haass	Milwaukee
Mr. Bruce M. Harvey	Milwaukee
Attorney David N. Iancu	Milwaukee

Attorney Nathan Imfeld	Milwaukee
Attorney David B. Karp	Milwaukee
Attorney Krysta Kennedy	Wauawatosa
Attorney Christopher J. MacGillis	Wauawatosa
Ms. Barbara J. Miller	Milwaukee
Attorney Geoffrey R. Morgan	Milwaukee
Attorney Robert E. Nailen	Milwaukee
Ms. Deedee Peterson	Milwaukee
Mr. Keith J. Roberts	Greendale
Attorney Joseph W. Siefert	Milwaukee
Mr. Gregory Sustache	Cudahy
Attorney Jordana Thomadsen	Milwaukee
Attorney Daniel Treuden	South Milwaukee
Attorney Roy E. Wagner	Milwaukee

District 3 Committee

Counties: Fond du Lac, Green Lake, and Winnebago

<u>Name</u>	<u>Location</u>
Mr. Paul M. Baker	Winneconne
Ms. Frances C. Garb	Oshkosh
Attorney Sara K. Micheletti	Appleton
Attorney Elizabeth J. Nevitt	Neenah
Attorney Emily E. Parks	Fond du Lac
Attorney David J. Schultz	Oshkosh
Attorney Katherine Seifert	Menasha

District 4 Committee

Counties: Door, Kewaunee, Manitowoc, Calumet, and Sheboygan

<u>Name</u>	<u>Location</u>
Ms. Victoria Cerinich	Sturgeon Bay
Attorney Catherine Q. Delahunt	Kohler

Attorney Kathleen McDaniel	Manitowoc
Attorney Andrew H. Morgan	Sheboygan
Attorney David Van de Water	Sheboygan
Ms. Suzanne J. Wegner	Plymouth

District 5 Committee

Counties: Crawford, La Crosse, Richland, Vernon, Monroe, Trempealeau, Jackson, Clark, Buffalo, and Pepin

<u>Name</u>	<u>Location</u>
Attorney Michael C. Ablan	La Crosse
Mr. David J. Campbell	La Crosse
Attorney Bernardo Cueto	La Crosse
Attorney Daniel S. Diehn	Black River Falls
Attorney Mark Franklin	Independence
Attorney Christopher M. Zachar	La Crosse

District 6 Committee

Counties: Waukesha

<u>Name</u>	<u>Location</u>
Mr. Telemachos P. Agoudemos	Big Bend
Ms. Colleen Merrill Brown	
Attorney Matthew Fernholz	Brookfield
Mr. Gregory J. Ksicinski	Waukesha
Hon. Gregory S. Pokrass	Oconomowoc
Attorney Stephen C. Raymonds	Menomonee Falls
Attorney Rod W. Rogahn	Waukesha
Attorney Ronald A. Troy	Brookfield

District 7 Committee

Counties: Wood, Portage, Waupaca, Waushara, Adams, Juneau, Marquette, Sauk, and Columbia

<u>Name</u>	<u>Location</u>
Ms. Deborah Berndt	Clintonville
Attorney Richard Fuller	Stevens Point
Attorney Erik C. Johnson	Montello
Attorney Brenda Yaskal	Portage

District 8 Committee

Counties: Dunn, Eau Claire, Pierce, and St. Croix

<u>Name</u>	<u>Location</u>
Ms. Kristen Ainsowrth	River Falls
Attorney Kristina M. Bourget	Eau Claire
Ms. Theresa Johnson	Hudson
Ms. Linda Jorgenson	River Falls
Attorney Matthew Z. Kirkpatrick	Menomonie
Ms. Yvonne Larsen	Hudson
Attorney Brian F. Laule	River Falls
Attorney Mark N. Mathias	Eau Claire
Mr. Brad T. Nemec	Somerset
Mr. Gerald Ries	Hudson
Attorney Jenessa Stromberger	Eau Claire

District 9 Committee

Counties: Dane

<u>Name</u>	<u>Location</u>
Attorney Bennett Conard	Madison
Attorney Jon Callaway	Madison
Attorney Andrew C. Cook	Madison
Attorney Karl A. Dahlen	Fitchburg
Attorney Gordon Davenport III	

Attorney Betty Eberle	Madison
Attorney Timothy Edwards	Madison
Attorney Roger S. Flores	Madison
Attorney Jason Hanson	Madison
Mr. Bruce Hutler	Madison
Ms. Kayla A. Johnson	Madison
Mr. Mike Kindschi	Madison
Attorney Jason J. Knutson	Madison
Attorney David S. Kowalski	Madison
Attorney Cathy Lake	
Ms. Lynn M. Leazer	Verona
Attorney Kate Lloyd	Madison
Ms. Barbara S. Mortensen	Madison
Attorney S. Michael Murphy	
Attorney Briane F. Pagel Jr.	Madison
Professor Majid Sarmadi	Madison
Attorney John S. Skilton	
Attorney Anthony Varda	Madison
Judge Christopher D. Washburn	Blue Mounds
Attorney Harvey L. Wendel	Madison

District 10 Committee

Counties: Marinette, Menomonee, Oconto, Outagamie, and Shawano

<u>Name</u>	<u>Location</u>
Mr. James Cotter	
Attorney Leonard D. Kachinsky	Neenah
Attorney Aaron M. Krzewinski	
Attorney Brad A. Markvart	Appleton
Attorney William McKinley	Appleton
Attorney Kyle Sargent	
Attorney Bradley J. Schraven	

Attorney Charles M. Stertz	Appleton
Ms. Catherine C. Stichmann	Town of Stephenson

District 11 Committee

Counties: Douglas, Bayfield, Iron, Ashland, Sawyer, Washburn, Burnett, Price, Polk, Barron, Rusk, Taylor, and Chippewa

<u>Name</u>	<u>Location</u>
Attorney Annette M. Barna	Ladysmith
Mr. John Bennett	Washburn
Attorney Adam Jarchow	Clear Lake
Attorney Parrish J. Jones	Superior
Attorney Timothy T. Semph	

District 12 Committee

Counties: Green, Rock, Lafayette, Iowa, and Grant

<u>Name</u>	<u>Location</u>
Attorney Theresa M. Arrowood	Janesville
Ms. Lori R. Bienema	Janesville
Attorney Jane E. Bucher	Monroe
Attorney Jody L. Cooper	Janesville
Attorney Peter Herman	Madison
Attorney Kelly J. Mattingly	Janesville
Judge Faun M. Phillipson	New Glarus

District 13 Committee

Counties: Dodge, Ozaukee, and Washington

<u>Name</u>	<u>Location</u>
Ms. Claire A. Fowler	Hubertus
Attorney Linda Isnard	Mequon
Attorney Mark Langholz	Cedarburg
Attorney Julie A. Maule	West Bend

District 14 Committee

Counties: Brown

<u>Name</u>	<u>Location</u>
Attorney Jodi L. Arndt Labs	Green Bay
Mr. Patrick J. Buckley	Green Bay
Attorney Melissa Thiel Collar	Green Bay
Attorney Robert J. Janssen	De Pere
Ms. Wendy Scattergood	Green Bay
Mr. David A. Steffens	Green Bay
Attorney Ann Weiss	Green Bay

District 15 Committee

Counties: Racine

<u>Name</u>	<u>Location</u>
Attorney Lincoln K. Murphy	Racine
Attorney Jill A. Rakauski	Racine

District 16 Committee

Counties: Forest, Florence, Langlade, Lincoln, Marathon, Oneida, and Vilas

<u>Name</u>	<u>Location</u>
Attorney Lisa Brouillette	Florence
Attorney James Lonsdorf	Schofield
Attorney Brandon O'Connor	Wausau
Attorney Craig Olafsson	Wausau
Attorney Daniel R. Peters	Wausau
Attorney Robert Pirkola	Iron Mountain
Mr. Monty Raskin	Wausau
Attorney Peter McFadyen Young	Wausau