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September 4, 2018

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You are hereby notified that the Court has entered the following order:

2003AP3348-D, 2004AP2633-D,
2007AP2653-D, 2011AP584-D

Office of Lawyer Regulation v. Michael D. Mandelman

On August 1, 2014, this court revoked Michael D. Mandelman's license to practice law in Wisconsin. In re Disciplinary Proceedings Against Mandelman, 2018 WI 56, 381 Wis. 2d 628, 912 N.W.2d 847. That decision was the culmination of Mr. Mandelman's seventh formal disciplinary proceeding. The revocation was imposed retroactive to May 29, 2009, the date of a prior license suspension. Accordingly, court rules allowed Mr. Mandelman to seek reinstatement immediately. Four days after this court revoked his law license, Mr. Mandelman filed a petition for reinstatement, which this court denied. On March 21, 2017, Mr. Mandelman again sought reinstatement. On May 24, 2018, this court again denied Mr. Mandelman's petition for reinstatement.

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2003AP3348-D, 2004AP2633-D,
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On June 13, 2018, Mr. Mandelman filed a "Motion for Reconsideration or Remand." On June 22, 2018, the Office of Lawyer Regulation filed a response to the motion, opining that reconsideration is not warranted.

Upon consideration of the foregoing,

IT IS ORDERED that the motion for reconsideration or remand is denied. Nothing in Mr. Mandelman's motion for reconsideration establishes that this court erred in denying his reinstatement petition.

Mr. Mandelman appears to believe that the court is obligated to reinstate his license to practice law or to provide him with a specific list of tasks that, if completed, will guarantee his reinstatement. This is incorrect. A lawyer whose license to practice law has been revoked by this court has no right to reinstatement. Lathrop v. Donohue, 10 Wis. 2d 230, 237, 102 N.W.2d 404, 408 (1960) (observing that the practice of law is not a right but a privilege). See also S. Ct. Order 10-04, In the matter of the petition for establishment of standards and procedures for permanent revocation, 2011 WI 11 (issued Feb. 22, 2011) (declining to adopt a rule for permanent revocation, noting that "no lawyer whose license has been revoked has a right to reinstatement.").

Mr. Mandelman's breathtakingly extensive disciplinary history prevents the court from concluding that he has the good moral character and fitness to make him eligible for reinstatement. As we explained in our recent decision, "the primary justification for the moral character requirement embodied in our reinstatement rules is to protect the public, the courts, and the legal profession. Any doubt concerning a lawyer's moral character should be resolved in favor of protecting the public by denying the petition for reinstatement." Mandelman, 2018 WI 56, ¶30. To be clear, this order is not a ruling that Mr. Mandelman may never be reinstated to the practice of law in Wisconsin. While Mr. Mandelman cannot change his past conduct, he can ensure that his present and future conduct show good moral character and the fitness to practice law. However, the utter scope, breadth, and duration of Mr. Mandelman's professional misconduct was so extensive that a long period of exemplary conduct will be required before the court might consider reinstatement appropriate.

IT IS FURTHER ORDERED that Mr. Mandelman's alternative request for remand is denied.

ANN WALSH BRADLEY and REBECCA FRANK DALLET, JJ., did not participate.

Sheila T. Reiff
Clerk of Supreme Court