2026 WI 31

Supreme Court of Wisconsin

IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST
STEPHANIE G. RAPKIN, ATTORNEY AT LAW

OFFICE OF LAWYER REGULATION,
Complainant,
v.
STEPHANIE G. RAPKIN,
Respondent.

No. 2024AP2265-D
Decided September 17, 2026

ATTORNEY DISCIPLINARY PROCEEDING

¶1 PER CURIAM. We review Referee Edward E. Leineweber's report recommending that the court declare Attorney Stephanie G. Rapkin in default and suspend her license to practice law in Wisconsin for one year as a sanction for six counts of professional misconduct. The referee also recommends that Attorney Rapkin pay the full costs associated with this proceeding, which total $3,164.77 as of September 9, 2025.

¶2 Neither party has appealed from the referee's report, so we review this matter pursuant to Supreme Court Rule (SCR) 22.17(2).[1] After

[1] Supreme Court Rule 22.17(2) states, "If no appeal is filed timely, the supreme court shall review the referee's report; adopt, reject or modify the

completing our review, we approve the referee's findings and conclusions. We also agree with the referee that a one-year suspension is in order for Attorney Rapkin's misconduct. We order Attorney Rapkin to pay the full costs of this proceeding. The Office of Lawyer Regulation (OLR) does not seek restitution, so we award none.

¶3 Attorney Rapkin was admitted to practice law in Wisconsin in 1982. She has no disciplinary history. According to the State Bar of Wisconsin website, her license is subject to administrative suspensions for failure to pay State Bar of Wisconsin dues and failure to file a trust account certification.

¶4 On November 5, 2024, the OLR filed the complaint underlying this matter. The first four counts of misconduct alleged in the complaint arose out of Attorney Rapkin's work for the estate and trust of N.H.B. following N.H.B.'s death. N.H.B.'s will named Attorney Rapkin as the personal representative of N.H.B.'s estate.

¶5 The OLR's complaint alleged that, following N.H.B.'s death, Attorney Rapkin charged both the estate and the trust thousands of dollars without a valid written fee agreement in place. Her bills encompassed a combination of services to the estate and the trust without identifying which services related to which entity. Her bills also included many charges at her attorney rate for non-legal services.

¶6 The OLR's complaint also alleged that Attorney Rapkin failed to diligently carry out her duties as personal representative and attorney for the estate. The estate languished for two years before the probate court removed her as personal representative for failing to timely close the estate.

¶7 The OLR's complaint also alleged that Attorney Rapkin failed to keep the trustee informed about the status of the probate proceedings. Attorney Rapkin eventually ceased responding altogether to the trustee's requests for information, forcing the trustee to turn to the probate court for relief and information.

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referee's findings and conclusions or remand the matter to the referee for additional findings; and determine and impose appropriate discipline."

¶8 The OLR's complaint also alleged that, after being removed as personal representative, Attorney Rapkin filed a claim against the estate for approximately $6,500 in services. The probate court denied this claim. It also ordered Attorney Rapkin to repay the trust almost $19,000 in improper fees. Attorney Rapkin appealed this order; we note that this appeal remains pending as of this writing.

¶9 The OLR's complaint alleged the following counts of misconduct with respect to Attorney Rapkin's work for the estate and trust of N.H.B.:

COUNT ONE

> By failing to communicate in writing the scope of representation, rate, and basis for fees for services to be provided to the Trust and/or the Trustee, Rapkin violated SCR 20:1.5(b)(1) and (2).[2]

[2] SCR 20:1.5(b)(1) states, "The scope of the representation and the basis or rate of the fee and expenses for which the client will be responsible shall be communicated to the client in writing, before or within a reasonable time after commencing the representation, except when the lawyer will charge a regularly represented client on the same basis or rate as in the past. If it is reasonably foreseeable that the total cost of representation to the client, including attorney's fees, will be $1000 or less, the communication may be oral or in writing. Any changes in the basis or rate of the fee or expenses shall also be communicated in writing to the client."

SCR 20:1.5(b)(2) states, "If the total cost of representation to the client, including attorney's fees, is more than $1000, the purpose and effect of any retainer or advance fee that is paid to the lawyer shall be communicated in writing."

COUNT TWO

By charging an unreasonable fee for services provided to the Estate and/or the Trust, Rapkin violated SCR 20:1.5(a).[3]

COUNT THREE

By failing to keep the Trust reasonably informed about the Trust administration and distribution, including the status of the probate case, Rapkin violated SCR 20:1.4(a)(3).[4]

COUNT FOUR

By failing to diligently carry out duties as personal representative and attorney for the Estate and failing to close the Estate in a timely manner, Rapkin violated SCR 20:1.3.[5]

¶10 The OLR's complaint next alleged that on June 6, 2020, Attorney Rapkin "spat in the face of an African-American teenager who was taking part in a protest in Shorewood, Wisconsin." This incident led to Attorney Rapkin being convicted, following a jury trial, of misdemeanor disorderly conduct. *See State v. Stephanie G. Rapkin*, Milwaukee County Case No. 2020CF2126. The OLR's complaint alleged the following counts of misconduct with respect to this incident:

[3] SCR 20:1.5(a) states, "A lawyer shall not make an agreement for, charge, or collect an unreasonable fee or an unreasonable amount for expenses."

[4] SCR 20:1.4(a)(3) states that a lawyer shall "keep the client reasonably informed about the status of the matter[.]"

[5] SCR 20:1.3 states, "A lawyer shall act with reasonable diligence and promptness in representing a client."

COUNT FIVE

> By engaging in the conduct leading to her conviction for disorderly conduct, in violation of WIS. STAT. § 947.01(1), Rapkin violated SCR 20:8.4(b).[6]

COUNT SIX

> By engaging in the conduct leading to her conviction for disorderly conduct, in violation of WIS. STAT. § 947.01(1), Rapkin violated SCR 20:8.4(g) and SCR 40.15.[7]

¶11 The OLR personally served Attorney Rapkin with its complaint. Attorney Rapkin did not file an answer. The OLR filed a motion for default. The referee emailed the parties to discuss scheduling matters related to the OLR's motion. In response, Attorney Rapkin sent an email to OLR counsel stating: "My reply is that I am retired and I have not renewed my bar dues and am no longer a member. Thus, I believe you have no jurisdiction over me."[8] In his report, the referee notes that this email is the

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[6] SCR 20:8.4 states that it is professional misconduct for a lawyer to "commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects[.]"

[7] SCR 20:8.4(g) states that it is professional misconduct for an attorney to "violate the attorney's oath[.]"

SCR 40.15, entitled "Attorney's Oath," is required to qualify for admission to the practice of law in Wisconsin and states in pertinent part:

> I will abstain from all offensive personality and advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which I am charged[.]

[8] This assertion is incorrect. *See In re Disciplinary Proceedings Against Wortley*, 126 Wis. 2d 58, 374 N.W.2d 898 (1985) (holding that an attorney could not halt a disciplinary action against him by changing his State Bar membership status from active to inactive and by retiring from the practice of law). We also note that, months before Attorney Rapkin made this assertion in her email to the OLR, this court dismissed without prejudice a petition for voluntary license resignation filed

only communication from Attorney Rapkin that the referee is aware of, despite his consistently having included her in emails and letters to the parties.

¶12 The referee held a hearing on the OLR's motion for default judgment. Only counsel for the OLR appeared at the hearing. Attorney Rapkin failed to appear despite prior notice.

¶13 The referee issued a report recommending that this court grant the OLR's motion for default judgment. In so doing, the referee deemed the allegations in the OLR's complaint to be established. The referee also recommended a one-year suspension of Attorney Rapkin's law license. Regarding her work for the estate and trust of N.H.B., the referee reasoned that a suspension is an appropriate sanction because Attorney Rapkin's billing improprieties were "almost certainly" intentional, and her long-term failure to communicate adequately with her client and exercise reasonable diligence "cannot be said to have been merely negligent but must be taken to have been 'knowing.'" With regard to the spitting incident, the referee reasoned that "[i]ntentionally spitting in someone's face clearly breaches any reasonable standard of expected lawyer behavior" and "warrant[s] suspension every bit as much as the earlier counts."

¶14 Attorney Rapkin did not appeal from the referee's report and recommendation. Thus, we proceed with our review of the matter pursuant to SCR 22.17(2). We review a referee's findings of fact subject to the clearly erroneous standard. *See In re Disciplinary Proceedings Against Eisenberg*, 2004 WI 14, ¶5, 269 Wis. 2d 43, 675 N.W.2d 747. We review the referee's conclusions of law de novo. *Id*. We determine the appropriate level of discipline independent of the referee's recommendation. *See In re Disciplinary Proceedings Against Widule*, 2003 WI 34, ¶44, 261 Wis. 2d 45, 660 N.W.2d 686.

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by Attorney Rapkin. In our order, we noted that Attorney Rapkin was the subject of a pending disciplinary investigation, and we explained that "'[i]t would be inappropriate for the court to permit an attorney to resign from the practice of law in order to avoid the imposition of discipline for unprofessional conduct.'" Order of June 20, 2024 (quoting *In re Disciplinary Proceedings Against Snyder*, 127 Wis. 2d 446, 452-53. 380 N.W.2d 367 (1986)).

¶15 We agree with the referee that Attorney Rapkin should be declared in default. Although the OLR effected personal service of its complaint, and although Attorney Rapkin was given notice of the hearing on the motion for default judgment, she failed to appear or present a defense, making it appropriate for us to declare her in default. We also find that the referee properly relied on the allegations of the complaint, which were deemed admitted by virtue of Attorney Rapkin's failure to answer. *See In re Disciplinary Proceedings Against Coplien*, 2010 WI 109, ¶¶10–11, 329 Wis. 2d 311, 788 N.W.2d 376. We thus agree with the referee that the factual allegations of OLR's complaint may be taken as true and that they prove by clear, satisfactory, and convincing evidence that Attorney Rapkin committed all of the counts of misconduct alleged in the complaint.

¶16 We turn now to the appropriate level of discipline to impose. Sources of guidance in determining appropriate sanctions include prior case law and the ABA Standards for Imposing Lawyer Sanctions (ABA Standards), including the aggravating and mitigating factors set forth therein. *See In re Disciplinary Proceedings Against Merry*, 2024 WI 16, ¶¶29-36, 411 Wis. 2d 319, 5 N.W.3d 285.

¶17 Turning first to our own prior case law, we discover that the anomalous mix of misconduct present here makes it very difficult to match the facts of this case with the facts of any previous disciplinary case—a task we undertake to try to align the sanctions imposed for similar misconduct as much as possible. To be sure, the bulk of the misconduct proven by way of Attorney Rapkin's default is of a kind often seen in disciplinary cases—poor communication with a client, billing improprieties, lack of diligence, etc. The remaining misconduct, however, concerns an incident involving uniquely bad judgment—spitting in the face of a teenager who was taking part in a protest. As the referee put it in his report, this is "extreme," "repulsive," and "most repugnant" behavior. It is no surprise, then, that the court is not aware of other cases with the same mix of misconduct present here.

¶18 Nevertheless, our caselaw makes clear that a suspension of some length is in order. Even where a respondent-attorney has modest or no disciplinary history, as does Attorney Rapkin, we have issued

suspensions for the neglect of clients and their legal matters,[9] for billing improprieties,[10] and for behavior underlying a misdemeanor criminal conviction[11]—all of which Attorney Rapkin admitted doing by virtue of her default.

¶19 The ABA Standards support a suspension as well. We agree with the referee that, regarding her work for the estate and trust of N.H.B., there was a knowing nature to Attorney Rapkin's long-term failures to communicate with her client, timely complete tasks, and bill appropriately. There is also no dispute that this misconduct caused injury to her client. On these facts, ABA Standards 4.42(a) and 7.2 suggest that suspension is the appropriate sanction. *See* ABA Standard 4.42(a) (recommending a presumptive sanction of suspension when "a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client"); ABA Standard 7.2 (recommending a presumptive sanction of suspension "when a lawyer knowingly engages in conduct that is a

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[9] *See In re Disciplinary Proceedings Against Danielson*, 2006 WI 33, 290 Wis. 2d 12, 712 N.W.2d 671 (imposing a six-month suspension on an attorney with no prior discipline who failed to take any action on a client matter, failed to respond to the client's inquiries, failed to refund the client's retainer, failed to notify the client of the administrative and temporary suspensions of her law license, failed to submit a post-suspension affidavit as required under SCR 22.26, and failed to cooperate with the OLR's grievance investigation); *see also In re Disciplinary Proceedings Against Avery*, 122 Wis. 2d 653, 363 N.W.2d 228 (1985) (imposing a six-month suspension on an attorney with one prior public reprimand who neglected the probate of two estates and failed to accurately respond to the disciplinary authority's inquiries).

[10] *See In re Disciplinary Proceedings Against Kitchen*, 2004 WI 83, 273 Wis. 2d 279, 682 N.W.2d 780 (imposing a 60-day suspension on an attorney with no disciplinary history who charged unreasonable fees, failed to keep clients reasonably informed, failed to maintain complete records of trust account funds, and failed to provide information to the OLR as requested).

[11] *In re Disciplinary Proceedings Against Rollins*, 2012 WI 48, 340 Wis. 2d 361, 811 N.W.2d 814 (imposing a 60-day suspension on an attorney with no disciplinary history for the behavior underlying a misdemeanor criminal conviction, as well as the attorney's failure to report that conviction to the OLR and the clerk of this court, and failure to cooperate with the OLR's investigation).

violation of a duty owed as a professional, and causes injury or potential injury to a client, the public, or the legal system"). We note, too, that ABA Standard 5.12 recommends a presumptive sanction of suspension when a lawyer commits a crime that does not involve certain intentional acts such as fraud or theft and that seriously adversely reflects on the lawyer's fitness to practice law.[12] We have no trouble concluding that Attorney Rapkin's criminal conduct—spitting in the face of a teenager who was taking part in a protest—seriously adversely reflects on her fitness to practice law. *See generally In re Disciplinary Proceedings Against Johns*, 2014 WI 32, ¶38, 353 Wis. 2d 746, 847 N.W.2d 179 (noting that "certain criminal conduct is so revealing of character defects, and so undermines public confidence in the legal profession, that it necessarily reflects adversely on an attorney's fitness as a lawyer"). The incident is an embarrassment to the bar. A period of suspension is clearly in order.

¶20 We turn next to the aggravating and mitigating factors under the ABA Standards. The aggravating factors here are predominant. Attorney Rapkin's overbilling belies a selfish motive. *See* ABA Standard

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[12] More specifically, ABA Standard 5.12 states that suspension is generally warranted when a lawyer knowingly engages in criminal conduct that does not contain the elements listed in ABA Standard 5.11 and that seriously adversely reflects on the lawyer's fitness to practice.

ABA Standard 5.11 states that

> Disbarment is generally appropriate when:
> (a) a lawyer engages in serious criminal conduct a necessary element of which includes intentional interference with the administration of justice, false swearing, misrepresentation, fraud, extortion, misappropriation, or theft; or the sale, distribution or importation of controlled substances; or the intentional killing of another; or an attempt or conspiracy or solicitation of another to commit any of these offenses; or
> (b) a lawyer engages in any other intentional conduct involving dishonesty, fraud, deceit, or misrepresentation that seriously adversely reflects on the lawyer's fitness to practice.

9.22(b). She engaged in a pattern of neglect in handling N.H.B.'s affairs. *See* ABA Standard 9.22(c). She has committed multiple offenses. *See* ABA Standard 9.22(d). She has not acknowledged the wrongful nature of her conduct; indeed, she has scarcely acknowledged these proceedings. *See* ABA Standard 9.22(g). She has decades of experience in the practice of law, and thus should have known better than to act as she did. *See* ABA Standard 9.22(i). The only mitigating factor we observe is her lack of a prior disciplinary record. *See* ABA Standard 9.32(a).

¶21 Taking all of the above into account, and considering the predominance of aggravating factors here, we agree with the referee that a one-year suspension is appropriate. We trust that this is a sufficient period of time to impress upon Attorney Rapkin and other members of the bar that the type of conduct proven here will not be tolerated. We are also convinced that anything less than a one-year suspension would risk compounding the harm Attorney Rapkin's behavior has done to the public's confidence in the integrity of the legal profession.

¶22 We turn now to the issue of costs, which total $3,164.77 as of September 9, 2025. Attorney Rapkin does not dispute them. As is our normal practice, we deem it appropriate to impose the full costs of this proceeding on her. *See* SCR 22.24(1m).

¶23 We note that the OLR does not seek restitution. None is ordered.

¶24 IT IS ORDERED that the license of Attorney Stephanie G. Rapkin to practice law in Wisconsin is suspended for a period of one year, effective as of the date of this order.

¶25 IT IS FURTHER ORDERED that within 60 days of the date of this order, Attorney Stephanie G. Rapkin shall pay to the Office of Lawyer Regulation the costs of this proceeding, which are $3,164.77.

¶26 IT IS FURTHER ORDERED that, to the extent she has not already done so, Attorney Stephanie G. Rapkin shall comply with the provisions of SCR 22.26 concerning the duties of an attorney whose license to practice law has been suspended.

¶27 IT IS FURTHER ORDERED that compliance with all conditions of this order is required for reinstatement. *See* SCR 22.29(4)(c).