2026 WI 34

Supreme Court of Wisconsin

IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST
JEREMIAH W. MEYER-O'DAY, ATTORNEY AT LAW

OFFICE OF LAWYER REGULATION,
Complainant,
v.
JEREMIAH W. MEYER-O'DAY,
Respondent.

Nos. 2024AP1795-D & 2025AP70-D
Decided October 22, 2026

ATTORNEY DISCIPLINARY PROCEEDINGS

¶1 PER CURIAM. We review Referee Valerie Bailey-Rihn's report recommending that the court declare Attorney Jeremiah W. Meyer-O'Day in default and suspend his license to practice law in Wisconsin for sixty days as a sanction for six counts of professional misconduct. The referee also recommends that Attorney Meyer-O'Day pay the full costs associated with this proceeding, which total $4,144.60 as of August 29, 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 sixty-day suspension is in order for Attorney Meyer-O'Day's misconduct. We order Meyer-O'Day to pay the full costs of these proceedings. The Office of Lawyer Regulation (OLR) does not seek restitution, so we impose none.

¶3 Attorney Meyer-O'Day was admitted to practice law in Wisconsin in 2013. He has a history of prior discipline. In 2018, Meyer-O'Day was publicly reprimanded for professional misconduct, including practicing law while suspended, failing to keep a client reasonably informed about the status of a case, and failing to take steps to protect a client's interest. Public Reprimand of Jeremiah Meyer-O'Day, No. 2018-6. In 2021, Meyer-O'Day was privately reprimanded for failing to keep a client reasonably informed in a criminal appellate matter and for failing to timely refund $4,000 of an advanced fee. Private Reprimand, No. 2021-16.

¶4 On September 3, 2024, the OLR filed the first of two complaints underlying these proceedings. The four counts of misconduct alleged in the complaint arose out of Attorney Meyer-O'Day's handling of four criminal cases. The first OLR complaint alleged that Meyer-O'Day failed to timely pay a forensic expert hired to analyze evidence in a homicide case. Despite being reimbursed by the Office of the State Public Defender (SPD), Meyer-O'Day did not pay the expert witness fees for more than two years.

¶5 The first OLR complaint also alleged that, even after receiving numerous extensions of time from the court of appeals, Attorney Meyer-O'Day failed to file a postconviction motion in client N.I.'s criminal case. The SPD eventually removed Meyer-O'Day from the case and filed a habeas corpus petition asserting that Meyer-O'Day provided constitutionally deficient performance by permitting the appeal deadline to pass.

¶6 The first OLR complaint alleged that, following Attorney Meyer-O'Day's removal from N.I.'s case, he failed to respond to emails and telephone calls from successor counsel requesting the client file. Approximately one year after successor counsel was appointed, Meyer-

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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."

O'Day provided her with a portion of N.I.'s file and directed successor counsel to obtain the remaining materials from trial counsel.

¶7 The first OLR complaint also alleged that Attorney Meyer-O'Day took a $10,000 flat fee to represent client S.M. in postconviction proceedings in two matters. When Meyer-O'Day advised S.M.'s father that there were no arguments to support a request for a plea withdrawal or a sentencing claim, Meyer-O'Day was terminated. Meyer-O'Day did not respond to successor counsel's request for the client file or to S.M.'s father's request for a partial refund of $5,000.

¶8 The OLR's first complaint alleged the following counts of misconduct with respect to Attorney Meyer-O'Day's work on the above-mentioned cases:

COUNT ONE

By failing to disburse $700 for over two years after Meyer-O'Day had received from the SPD for payment of K.B.B.'s expert services, Meyer-O'Day violated SCR 20:1.15(e)(1).[2]

[2] SCR 20:1.15(e)(1) states:

(e) Prompt notice and delivery of property.
(1) Notice and delivery. Upon receiving funds or other property in which a client has an interest, or in which a lawyer has received notice that a 3rd party had an interest identified by a lien, court order, judgment, or contract, the layer shall promptly notify the client or 3rd party in writing. Except as stated in this rule or otherwise permitted by law or by agreement with the client, the lawyer shall deliver to the client or 3rd party any funds or other property that the client or 3rd party is entitled to receive.

COUNT TWO

By failing to file a postconviction motion in N.I.'s case, thereby allowing N.I.'s direct appeal deadline to lapse and resulting in a denial of N.I.'s right to appeal, Meyer-O'Day violated SCR 20:1.3.[3]

COUNT THREE

Following his removal from N.I.'s case, by failing to provide the client file to N.I. or successor counsel, Meyer-O'Day violated SCR 20:1.16(d).[4]

COUNT FOUR

Following his termination on January 7, 2022, by failing to provide S.M.'s client file to successor counsel, thereby delaying and jeopardizing S.M.'s postconviction rights, Meyer-O'Day violated SCR 20:1.16(d).

¶9 On January 13, 2025, the OLR filed the second complaint underlying this matter. The additional counts of misconduct alleged in the second complaint arose out of Attorney Meyer-O'Day's work on I.D.'s postconviction case.

¶10 The second OLR complaint alleged that Attorney Meyer-O'Day failed to timely file a postconviction motion for client I.D. The court of appeals granted Meyer-O'Day numerous extensions of time to file the motion. After I.D. filed a letter asking for help contacting his appellate attorney, and Meyer-O'Day ignored the court of appeals' order directing him to respond to I.D.'s letter, the court of appeals sanctioned Meyer-O'Day

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

[4] SCR 20:1.16(d) provides, in pertinent part, that, upon termination of representation, "a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled[.]"

$25 per day for each day a response was not filed. When Meyer-O'Day failed to respond to this order, the court of appeals sanctioned him $775. Meyer-O'Day again failed to respond to the sanction order, so the court of appeals sanctioned him an additional $275 and barred him from practicing in the court of appeals.

¶11 The OLR's second complaint alleged the following counts of misconduct with respect to Attorney Meyer-O'Day's representation of I.D.:

> COUNT ONE
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> By failing to either withdraw from the representation of I.D. after consulting I.D. or to timely file a postconviction motion on behalf of I.D., and only doing so after the Wisconsin Court of Appeals suspended Attorney Meyer-O'Day from practice before that court until such time as he paid $1,050 in sanctions and filed the postconviction motion on behalf of I.D., Attorney Meyer-O'Day violated SCR 20:1.3.
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> COUNT TWO
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> By failing to respond to four orders of the court of appeals (dated February 9, March 11, April 2, and April 12, 2024), requiring him to file a response regarding the status of I.D.'s case, Attorney Meyer-O'Day violated SCR 20:3.4(c).[5]

¶12 Attorney Meyer-O'Day failed to timely file an answer to the OLR's first complaint. The referee held a telephonic hearing on the OLR's motion for default and allowed Meyer-O'Day until March 3, 2025 (approximately six months after the first complaint was filed) to file an answer. When Meyer-O'Day filed a late response on March 10, 2025, he admitted to most of the OLR's substantive allegations but denied the four

[5] SCR 20:3.4(c) provides: "A lawyer shall not: (c) knowingly disobey an obligation under the rules of a tribunal, except for an open refusal based on an assertion that no valid obligation exists."

counts of misconduct.[6] On April 2, 2025, Meyer-O'Day filed a timely answer to the second OLR complaint, admitting to the factual allegations but again not acknowledging that that those facts constituted violations of the rules of professional conduct.

¶13 On April 11, 2025, the referee granted the OLR's motion for default judgment. The referee consolidated the two matters and directed the parties to submit briefs regarding the appropriate sanction. The OLR timely filed a brief but Attorney Meyer-O'Day failed to do so.

¶14 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 complaints to be established. The referee also recommended a sixty-day suspension of Attorney Meyer-O'Day's law license. Regarding his failure to file postconviction motions, the referee explained that there was a need to protect the public, the courts, and the legal system because Meyer-O'Day negatively impacted the quality of justice received by criminal defendants and created additional work for others including the SPD, which had to remove him from the case and assert ineffective assistance of counsel to safeguard N.I.'s constitutional rights. With respect to his failure to abide by court orders, the referee reasoned that Meyer-O'Day's actions showed that he did not understand the importance of deadlines and observed that, even in this matter, he filed a late answer to the first complaint and he never responded to the OLR's sanction motion.

¶15 Attorney Meyer-O'Day 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.

[6] For example, Attorney Meyer-O'Day admitted that he obtained a $10,000 flat fee from S.M.'s father, but stated that this amount covered file review and investigation, but not the filing of a postconviction motion or appeal.

¶16 We agree with the referee that Attorney Meyer-O'Day should be declared in default. Although Meyer-O'Day disputed the counts charged in the complaints, he admitted the large majority of the factual allegations. The contested allegations were limited to the first complaint and did not dispute the core facts underlying the charged counts. Thus, we agree that the referee properly relied on the allegations of the complaints and that they prove by clear, satisfactory, and convincing evidence that Meyer-O'Day committed all of the counts of misconduct alleged in the complaints. *See In re Disciplinary Proceedings Against Coplien*, 2010 WI 109, ¶¶10-11, 329 Wis. 2d 311, 788 N.W.2d 376.

¶17 We turn now to the appropriate level of discipline to impose. The relevant factors for imposing discipline are: the seriousness, nature, and extent of the misconduct; the level of discipline needed to protect the public; the need to impress upon the attorney the seriousness of the misconduct; and the need to deter other attorneys from similar misconduct. *In re Disciplinary Proceedings Against Zenor*, 2021 WI 77, ¶10, 399 Wis. 2d 326, 964 N.W.2d 775. 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.2d 285.

¶18 Our caselaw supports a finding that a suspension is appropriate. Even where a respondent-attorney has little to no disciplinary history, we have issued suspensions for the neglect of clients and their legal matters, including failure to file timely notices in criminal matters and ignoring court orders.[7] Recently, this court imposed a three-month suspension for an attorney with two prior private misconduct reprimands who failed to appear at multiple court appearances and then failed to comply with the court's order directing him to explain his failures to appear. *In re Disciplinary Proceedings Against Rupich*, 2026 WI 32, 421 Wis. 2d 706, 39 N.W.3d 126.

[7] *See, e.g., In re Disciplinary Proceedings Against Saltzwadel*, 2022 WI 48, 402 Wis. 2d 465, 975 N.W.2d 641 (imposing sixty-day suspension on attorney who failed to file timely notices in criminal matters, failed to respond to client inquiries, and failed to act with diligence and promptness).

¶19 The ABA standards also support suspension. We agree with the referee that, regarding Attorney Meyer-O'Day's failure to file postconviction motions and his delay in turning over client files, Meyer-O'Day failed to adequately protect the constitutional rights of his clients. There is no dispute that this misconduct caused actual injury and potential injury to his clients. On these facts, the ABA Standards 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 6.22 ("suspension is generally appropriate when a lawyer knows that he or she is violating a court order or rule").

¶20 We turn next to the aggravating and mitigating factors under the ABA Standards. The aggravating factors begin with Attorney Meyer-O'Day's pattern of neglect in handling his affairs and commission of multiple offenses. *See* ABA Standards 9.22(c) and (d). Additionally, he has decades of experience in the practice of law, and a history of being sanctioned for similar conduct, both of which establish that he should have known better. *See* ABA Standards 9.22(a) and (i). As a mitigating factor, he has acknowledged the wrongful nature of his conduct by admitting the majority of the factual allegations. *See* ABA Standard 9.22(e).

¶21 Taking all of the above into account, we agree with the referee that a sixty-day suspension is warranted. We trust that this is a sufficient punishment to impose a much-needed deterrent effect, both to Attorney Meyer-O'Day and to other members of the bar. We are also convinced that anything less than a sixty-day suspension would not adequately protect potential clients, the public, and the courts from Meyer-O'Day.

¶22 With respect to costs, which total $4,144.60 as of August 29, 2025, Attorney Meyer-O'Day does not dispute them. As is our normal practice, we deem it appropriate to impose the full costs of this proceeding on him. *See* SCR 22.24(1m).

¶23 Inasmuch as the OLR does not seek restitution, none will be imposed.

¶24 IT IS ORDERED that the license of Attorney Meyer-O'Day is suspended for a period of sixty days, effective as of the date of this order.

¶25 IT IS FURTHER ORDERED that within 60 days of the date of this order, Attorney Meyer-O'Day shall pay to the Office of Lawyer Regulations $4,144.60 as the costs of this proceeding.

¶26 IT IS FURTHER ORDERED that, to the extent he has not already done so, Attorney Meyer-O'Day shall comply with these provisions of SCR 22.26 concerning the duties of an attorney whose license to practice law has been suspended.