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Supreme Court of Wisconsin

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January 12, 2022

To:

William J. Weigel
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Office of Lawyer Regulation
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Donald J. Peterson
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Board of Bar Examiners
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Madison, WI 53701-2748

State Bar of Wisconsin
P.O. Box 7158
Madison, WI 53707-7158

Joseph D. Jacobson
P.O. Box 808
New Glarus, WI 53574

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

No. 2005AP2490-D Office of Lawyer Regulation v. Donald J. Peterson

Pending before the court is the motion of Attorney Donald J. Peterson to withdraw his petition for reinstatement, and the recommendation of Referee Joseph D. Jacobson that the court grant Attorney Peterson's motion and impose full costs. We accept the referee's recommendation.

Attorney Peterson was admitted to practice law in Wisconsin in 1988. His license to practice law has been suspended as discipline for professional misconduct since May 5, 2006. In re Disciplinary Proceedings Against Peterson, 2006 WI 41, ¶15, 290 Wis. 2d 74, 713 N.W.2d 101. His license to practice law has also been administratively suspended for failure to pay required bar dues since October 2005.

On July 6, 2020, Attorney Peterson filed a petition for the reinstatement of his license to practice law in Wisconsin. The referee was appointed on July 15, 2020. On June 10, 2021, approximately one week prior to the final hearing on his petition for reinstatement, Attorney Peterson orally advised the referee he would be withdrawing his petition for reinstatement. Attorney Peterson notified this court by letter on July 1, 2021, that he wished to withdraw his petition for reinstatement.

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On July 19, 2021, Referee Jacobson issued a report recommending that the court grant Attorney Peterson's request to withdraw his petition for reinstatement. The Office of Lawyer Regulation (OLR) does not oppose the request to withdraw the petition for reinstatement.

On August 16, 2021, the OLR filed its "final" Statement of Costs. By letter dated August 24, 2021, a copy of which was filed with the clerk of this court, the OLR advised Attorney Peterson that he could file an objection to its statement of costs pursuant to SCR 22.24(2) within 21 days from the August 16, 2021 filing of its final Statement of Costs.

On September 6, 2021, Attorney Peterson sent an email to Referee Jacobson, in which he cited SCR 22.48 for the proposition that the director of the OLR may waive the payment of costs due to hardship. He asserted that the recent expiration of his unemployment benefits created just such a hardship. Attorney Peterson, however, never filed any objection to costs with the clerk of this court, nor did his September 6, 2021 email comply with the requirements for a proper cost objection under SCR 22.24(2). Nonetheless, the referee responded to Attorney Peterson that he would consider Attorney Peterson's September 6, 2021 email to be an objection to the OLR's Statement of Costs.

On September 16, 2021, the OLR filed its response to Attorney Peterson's objection to costs. On September 24, 2021, the referee filed his recommendation that Attorney Peterson pay the full costs of this proceeding.

Upon our review of this matter, we agree that it is appropriate to grant Attorney Peterson's motion to withdraw his reinstatement petition. We further agree with the referee's recommendation that Attorney Peterson should bear the full costs of this reinstatement proceeding, which were \$3,992.38 as of August 16, 2021. Attorney Peterson's citation to SCR 22.48 is inapplicable to this proceeding for the reinstatement of his license following a disciplinary suspension. Further, the court's general practice is to require an attorney seeking reinstatement who has caused the incurring of costs and expenses to pay the full amount of those costs and expenses. The referee determined that the costs and expenses incurred in this reinstatement proceeding were "reasonably and necessarily incurred in preparation for the scheduled hearing in this matter." We find no reason to disagree with that finding and no reason to depart in this matter from our general practice of imposing full costs. If Attorney Peterson is financially unable to pay the costs associated with this reinstatement proceeding, we direct Attorney Peterson to provide financial information to the OLR as requested by it and to attempt to negotiate a payment plan for the payment of the costs over time. Accordingly,

IT IS ORDERED that Donald J. Peterson's motion to withdraw his pending petition for reinstatement is granted; and the petition for reinstatement is dismissed, without prejudice; and

IT IS FURTHER ORDERED that within 60 days of the date of this order, Donald J. Peterson shall pay to the Office of Lawyer Regulation the costs of this proceeding, which are \$3,992.38 as of August 16, 2021; and

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IT IS FURTHER ORDERED the documents submitted to the clerk of this court under seal are deemed confidential, and will be maintained under seal until further order of this court.

Sheila T. Reiff
Clerk of Supreme Court