



OFFICE OF THE CLERK

Supreme Court of Wisconsin

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December 15, 2022

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

In the Amended Petition for Reinstatement of Attorney Tim Osicka
Case nos. 2012AP60-D & 2013AP434-D

Pending before the court is Attorney Tim Osicka's amended petition for reinstatement of his license to practice law in Wisconsin. On June 11, 2018, this court issued an order taking no action on Attorney Osicka's original petition until the bankruptcy court had issued a declaration on whether the disciplinary costs judgment assessed against Attorney Osicka and/or the restitution order entered against him in 2009 were discharged in the 2011 bankruptcy proceeding. Attorney Osicka's license to practice law in Wisconsin was administratively suspended on June 6, 2011 for failure to report the required CLE credits and on February 20, 2012, for failure to pay dues and for failing to file a trust account certification. His license was also suspended for sixty days, in two separate matters, effective June 6, 2014, as the result of misconduct. See *In re Disciplinary Proceedings Against Osicka*, 2014 WI 33, 353 Wis. 2d 656, 847 N.W.2d 343, and *In re Disciplinary Proceedings Against Osicka*, 2014 WI 34, 353 Wis. 2d 675, 847 N.W.2d 333.

On October 13, 2022, Attorney Osicka filed an amended petition for reinstatement from the suspensions. With the amended petition he provided rulings from the federal courts declaring that the 2011 bankruptcy proceeding did not discharge the disciplinary costs judgment and/or the

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restitution order entered against him in 2009. On November 16, 2022, Attorney Osicka filed a motion to expedite the reinstatement proceedings.

On November 18, 2022, this court ordered the Office of Lawyer Regulation (OLR) and Attorney Osicka to confer and inform this court, in writing, as to whether they have been able to come to an agreement on either a waiver of costs and restitution or a payment plan for costs and restitution. In addition, the OLR was directed to inform the court whether it had any objection to Attorney Osicka's amended petition for reinstatement.

By letter received November 28, 2022, OLR represented that it does not object to the amended petition, provided that Attorney Osicka adheres to the payment plan set forth below in order for him to pay costs and make restitution for his disciplinary cases:

1. Attorney Osicka will pay to OLR 5% of all gross revenue he receives from the practice of law, either in private practice or as an employee; said payments to begin at the end of the first quarter after he initiates practice.
2. Attorney Osicka will provide to OLR a financial statement prepared on a quarterly basis together with each such payment. OLR will provide the form of the financial statement. Osicka will include on the financial statement both law-derived income/assets and non-law-derived income/assets.
3. The parties will review this payment plan every 12 months to determine whether an upward adjustment is manageable.
4. Said payments shall continue until the debt of \$12,500.64 is fully paid.

By memorandum received December November 28, 2022, the State Bar of Wisconsin notes that in order for Attorney Osicka to reinstate to active status from CLE and bar dues suspensions, Attorney Osicka owes \$1003.00 in bar dues, assessments, and fees.

By memorandum received November 11, 2022, the Board of Bar Examiners (BBE) states that on the basis of the information Attorney Osicka has submitted in support of the amended reinstatement petition, Attorney Osicka is currently in compliance with the continuing legal education (CLE) and ethics and professional responsibility (EPR) requirements necessary for reinstatement to the practice of law in Wisconsin. The BBE notes that if reinstatement occurs prior to December 31, 2022, Attorney Osicka will be required to comply with the 2021-2022 CLE requirement by reporting an additional 30.0 approved credit hours, including 3.0 credit hours EPR or, if applicable, by electing the exemption available under SCR 31.04(2) or (3) on the CLE Form 1 that will be due for the 2021-2022 reporting period. The BBE further notes that if reinstatement does not occur prior to December 31, 2022, the course that Attorney Osicka has taken will no longer be valid and he would be required to take and report an additional 60.0 CLE credits including 6.0 EPR credit hours.

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As of the date of this order, Attorney Osicka has provided sufficient evidence for this court to grant the amended petition for reinstatement. However, Attorney Osicka must satisfy the requirements relating to bar dues, assessments, and fees before being eligible for reinstatement to active status and reinstatement from CLE and dues suspensions. Therefore, the court will hold the amended petition for reinstatement in abeyance for a period of twenty days to permit Attorney Osicka the opportunity to pay bar dues, assessments, and fees or to seek a waiver from the State Bar of Wisconsin. Therefore,

IT IS ORDERED that the motion to expedite is granted; and

IT IS FURTHER ORDERED that Attorney Tim Osicka's amended petition for reinstatement is held in abeyance for a period of 30 days to permit Attorney Osicka the opportunity to pay bar dues, assessments, and fees, or to seek a waiver from the State Bar of Wisconsin, as well as to file a trust account certification; and

IT IS FURTHER ORDERED that within 30 days of the date of this order, Attorney Tim Osicka shall provide evidence to this court that the obligations with respect to State Bar dues, assessments, and fees have been satisfied or that a waiver from the State Bar of Wisconsin has been obtained as well as provide this court proof that he has filed a trust account certification. Upon the court's receipt of proof that these requirements have been satisfied, the court will issue an order granting reinstatement to active status; and

IT IS FURTHER ORDERED that while Attorney Osicka's amended petition for reinstatement is held in abeyance, he shall be deemed to be in compliance with current CLE and EPR requirements, even if his law license is not reinstated prior to December 31, 2022. Attorney Osicka has completed all requirements for reinstatement except for paying State Bar dues. The fact that he may not be able to pay bar dues or obtain a waiver until after December 31, 2022 should not obligate him to report additional CLE/EPR credits until after his license to practice law has been reinstated.

ANN WALSH BRADLEY, J., did not participate.

Sheila T. Reiff
Clerk of Supreme Court