

2023 WI 78

SUPREME COURT OF WISCONSIN

CASE No. : 2023AP1294-D

COMPLETE TITLE: In the Matter of Disciplinary Proceedings
Against Peter James Nickitas, Attorney at Law:

Office of Lawyer Regulation,
Complainant,

v.

Peter James Nickitas,
Respondent.

DISCIPLINARY PROCEEDINGS AGAINST NICKITAS

OPINION FILED: December 15, 2023

SUBMITTED ON BRIEFS:

ORAL ARGUMENT:

SOURCE OF APPEAL:

COURT:

COUNTY:

JUDGE:

JUSTICES:

Per curiam.

ATTORNEYS:

2023 WI 78

NOTICE

This opinion is subject to further editing and modification. The final version will appear in the bound volume of the official reports.

No. 2023AP1294-D

STATE OF WISCONSIN

:

IN SUPREME COURT

**In the Matter of Disciplinary Proceedings
Against Peter James Nickitas, Attorney at Law:**

Office of Lawyer Regulation,

Complainant,

v.

Peter James Nickitas,

Respondent.

FILED**DEC 15, 2023**

Samuel A. Christensen
Clerk of Supreme Court

ATTORNEY disciplinary proceeding. *Attorney's license suspended.*

¶1 PER CURIAM. This is a reciprocal discipline matter. On July 21, 2023, the Office of Lawyer Regulation (OLR) filed a complaint and motion, pursuant to Supreme Court Rule (SCR) 22.22, asking this court to suspend Attorney Peter James Nickitas's license to practice law in Wisconsin for a period of 120 days, as discipline reciprocal to that imposed by the Supreme Court of Minnesota.

No. 2023AP1294-D

¶2 On September 19, 2023, in response to OLR's motion, this court issued an order directing Attorney Nickitas to show cause, in writing, within twenty days, why the imposition of discipline reciprocal to that imposed in Minnesota would be unwarranted. On October 3, 2023, Attorney Nickitas filed a response to this court's motion. Attorney Nickitas does not object to the imposition of reciprocal discipline, but he requests that the 120-day suspension be applied retroactively so as to run coterminous with the term of his Minnesota suspension. On October 11, 2023, OLR filed a response opposing a retroactive suspension. Upon review of the matter, we decline to make the 120-day suspension retroactive.

¶3 Attorney Nickitas was admitted to practice law in Wisconsin in 1991. He is also admitted to practice law in Minnesota. His most recent address on file with the State Bar of Wisconsin is in Saint Paul, Minnesota.

¶4 Attorney Nickitas's professional disciplinary history in Wisconsin consists of a 90-day suspension imposed in 2006, reciprocal to a suspension in Minnesota, see In re Disciplinary Proceedings Against Nickitas, 2006 WI 20, 289 Wis. 2d 18, 710 N.W.2d 464, and a 30-day suspension imposed in 2014, also reciprocal to a suspension in Minnesota. See In re Disciplinary Proceedings Against Nickitas, 2014 WI 12, 352 Wis. 2d 641, 843 N.W.2d 438.

¶5 On January 11, 2023, the Supreme Court of Minnesota suspended Attorney Nickitas's Minnesota law license for 120 days for using profane, abusive, and obscene language while

No. 2023AP1294-D

communicating with court staff, making false and disparaging comments about a judge, and attempting to exert improper influence on a judge. Attorney Nickitas timely notified OLR of the Minnesota suspension.

¶6 Supreme Court Rule 22.22(3) provides that this court "shall impose the identical discipline or license suspension unless . . . [t]he procedure in the other jurisdiction was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process"; "[t]here was such an infirmity of proof establishing the misconduct . . . that the supreme court could not accept as final the conclusion in respect to the misconduct . . ."; or "[t]he misconduct justifies substantially different discipline in this state."

¶7 Attorney Nickitas has not claimed that any of these three exceptions exist and, as noted, he does not oppose the imposition of reciprocal discipline. His only argument is that the 120-day suspension in Wisconsin should be made retroactive to the term of the Minnesota suspension because he says he was not practicing law in Wisconsin during that time.

¶8 In opposing the request for a retroactive suspension, OLR notes that Attorney Nickitas made an identical request when reciprocal discipline was last imposed in 2014. OLR says that Attorney Nickitas's purported voluntary cessation of the practice of law in Wisconsin during the term of his Minnesota suspension does not warrant retroactive application of the suspension imposed by this court. As in 2014, we agree with OLR's reasoning. Suspensions are generally not imposed

No. 2023AP1294-D

retroactively, and there are no special circumstances present in this case that would warrant a retroactive suspension.

¶9 IT IS ORDERED that the license of Peter James Nickitas to practice law in Wisconsin is suspended for a period of 120 days, effective January 19, 2024.

¶10 IT IS FURTHER ORDERED that Peter James Nickitas shall comply with the provisions of SCR 22.26 concerning the duties of a person whose license to practice law in Wisconsin has been suspended.

¶11 IT IS FURTHER ORDERED that compliance with all conditions of this order is required for reinstatement. See SCR 22.28(2).

