

STATE OF WISCONSIN

IN SUPREME COURT

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IN THE DISCIPLINARY PROCEEDINGS AGAINST  
JOHN P. BURAN, ATTORNEY AT LAW.

CASE CODE 30912

OFFICE OF LAWYER REGULATION,

CASE NO. 2023AP1760-D

Complainant;

**FILED**

JOHN P. BURAN,

MAY 07 2024

Respondent.

CLERK OF SUPREME COURT  
OF WISCONSIN

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**DECISION AND ORDER FOR SUMMARY JUDGMENT**

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**NATURE OF THE CASE**

This is a disciplinary action by the Wisconsin Supreme Court--Office of Lawyer Regulation (hereinafter "OLR"). It was commenced by the filing of a Complaint on September 21, 2003. Attorney Buran (hereinafter "Buran") filed his Answer on November 1, 2023. He is not represented by counsel. On March 19, 2024, OLR filed a Notice of Motion and Motion for Summary Judgment and Brief in Support of that Motion. The Motion pertains to all three counts of the Complaint.

The Complaint alleges the following violations of the Wisconsin Supreme Court Rules:

**Count ONE** (OLR Matter 2022MA13): **SCR 20:8.4(c). Misconduct.** It is alleged Buran forged a witness signature on two wills he drafted for Allen John Koudelka in 2016 and 2021.

**Count TWO:** (OLR matter 2022MA124): **SCR 20:8.4(C). Misconduct.** It is alleged Buran forged the signature of his employee, Penny Fabian (hereinafter "Fabian") on the wills of seven (7) separate clients between September 25, 2008 and August 12, 2020.

**Count Three: SCR 20:3.3(a)(1). Candor toward the tribunal.** It is alleged Buran filed six wills for probate with the Wisconsin Circuit Court upon which he had forged a witness signature and that he failed to inform the court of his forged signatures. It is alleged these occurred between 2010 and 2022.

On April 8, 2024, I emailed the parties asking that Buran notify me no later than noon on April 12, 2024 whether he intended to oppose the Summary Judgment Motion. I wrote I would establish a briefing schedule if there was opposition. I also wrote I would assume Buran does not oppose the Motion if I did not hear from him by the deadline.

Buran sent an email to me on April 11, 2024 at 2:32 p.m. Because he did not copy OLR, I forwarded a copy to them. Buran asked for time to “further review some of the case law cited in OLR’s brief as well as just try to find something a bit more similar to my circumstances.” He acknowledged “that may not exist and if that is the case I would withdraw any opposition.” I sent an email to both parties on April 12 indicating I did not believe a formal Briefing Order was necessary. Instead, Buran was required to submit a Letter Brief by email no later than 5:00 p.m. on April 26 and provide a copy to OLR. I explained I believed that was sufficient time as OLR filed its Summary Judgment Motion 3.5 weeks earlier. Buran is also required to present his original to the Clerk for filing by the same deadline.

I received an email from Buran on April 26 at 3:46 p.m. informing me he did not intend to oppose the Summary Judgment Motion.

#### **UNDISPUTED FACTS**

The facts in this matter are summarized in the Complaint and supported by the Affidavit of Travis J. Stieren (hereinafter “Stieren”), an Investigator and Trust Account Program Administrator with OLR. Attached to Stieren’s Affidavit are the Last Will and Testament of eight (8) individuals. According to Stieren, Buran sent all of those documents to OLR.

The Complaint contains 20 paragraphs alleging facts to support the three alleged violations. In his Answer, Buran admits, without comment, the allegations contained in the following paragraphs: 1, 2, 4, 8, and 18. Buran asserts he is without information sufficient to form as belief as to the allegations in

paragraph 9, 19 and 20. As to paragraph 3, Buran admits the allegation regarding his employee Fabian but believes her employment with Buran ended in 2008 rather than 2007 as alleged. Regarding paragraphs 5, 6 and 7, Buran admits he signed Fabian's name with out her consent to both wills he drafted for his client, Allen Koudelka, in 2016 and 2012. As to paragraph 10, Buran again admits the information regarding Fabian's employment but believes her employment may have ended in 2009 rather than 2007 as alleged. Regarding paragraphs 11, 12, 14, 15, 16 and 17, Buran admits he signed Fabian's signature without her consent to each of the wills mentioned in each paragraph.

The only potential disputes of fact pertain to paragraphs 9, 19 and 20 of the Complaint. Each of those paragraphs allege that Buran's forging of a witness' signature violated one of the SCR's that form the basis of the three Counts in this matter. In his Answer, Buran does not deny the forgeries are a violation of the SCR's; he merely states he is without sufficient information to form a belief in that regard.

#### LEGAL STANDARD

In its Brief, OLR correctly sets forth the applicable legal standard regarding Summary Judgment in this type of proceeding. In Wisconsin, the rules of civil procedure are applied to lawyer disciplinary proceedings. SCR 22.16 (1). This includes the ordinary Summary Judgment procedure. *See e.g. In re Disciplinary Proceedings Against Selmer*, 227 Wis. 2d 85, 595 N.W. 2d 373 (1999); *In re Disciplinary Proceedings Against Polich*, 279 Wis. 2d 266, 694 Wis. 2d 367, 372, 2005 WI 36, par. 21. Wis. Stat. Sec. 802.08(1) provides that a party may move for Summary Judgment within 6 months of the filing of the Summons and Complaint or within the time established by a Scheduling Order. I did not enter a Scheduling Order and the instant Motion was filed 2 days prior to the 6-month deadline. It is timely.

Sec. 802.08(2), Wis. Stats. Provides that judgment shall be granted as a matter of law where "the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits,

if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." After being satisfied that the Complaint states a claim, the magistrate next examines the Answer to determine whether it presents a material issue of fact. *Grams v. Boss*, 97 Wis. 2d 332, 338 N.W. 2d 473, 476-477 (1980).

When ruling on a summary judgment motion, the Court must determine whether a claim or defense has been stated. *Dziwka v. Vossler*, 149 Wis. 2d 74, 77, 438 N.W. 2d 565 (1989). Next, the court determines whether the moving party has made a prima facie case for summary judgment through affidavits and other proof. All reasonable inference should be drawn in the light most favorable to the non-moving party. *See Grams, supra*. The magistrate must deny the motion only if the opposing party can successfully establish there are disputed issues of material fact and competing inferences surrounding those facts would lead to opposite results.

#### **ANALYSIS**

Buran does not dispute any underlying facts except he proposes OLR has perhaps misstated the year Fabian's employment ended. Any dispute of fact regarding the termination of Fabian's employment is not material to the allegation of misconduct in this case. The issue is whether Buran forged Fabian's signature on numerous occasions and the end of her employment is not only immaterial; it is irrelevant.

Buran asserts he does not have sufficient information to admit or deny paragraphs 9, 19 and 20 of the Complaint. Each paragraph alleges Buran's admitted forgeries violated one of the Supreme Court Rules. I cannot reasonably construe this as a disputed issue of material fact. Buran does not dispute the facts supporting all three violations. His "insufficient information" answers to those three paragraphs do not allow me to conclude, as a matter of law, that the undisputed facts do not rise to the level of violation. Buran has not established there are disputed issues of material fact and competing inferences surrounding those facts that should cause me to deny the Summary Judgment Motion.

Finally, as noted earlier, Buran has ultimately decided not to oppose the Motion.

Nevertheless, I will address whether Buran's conduct violated the Rules of Professional Responsibility.

**Counts 1 and 2:** Buran's forging of will signatures violated SCR 20:8.4(c). This conduct involved fraud, dishonesty, deceit and misrepresentation. OLR correctly points out that a finding of wrongful intent is not necessary to prove such a violation and that carelessness and neglect, or good faith, does not preclude a finding of a violation. *Disciplinary Proceedings Against Mulligan*, 2015 WI 96, 365 Wis.2d 43, 870 N.W..2d 233. Attorneys violate this Rule when they forge documents, even if they do not directly benefit from their forgery. *Disciplinary Proceedings Against Acker*, 2007 WI 117, 305 Wis. 2d 11, 738 N, W. 2d 554.

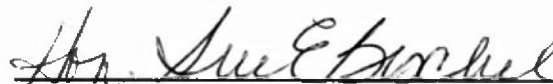
**Count 3:** Buran submitted false documents for probate to the Wisconsin Circuit Court on numerous occasions. This is a violation of SCR 20:3.3 (a)(1) even if Buran had little to personally gain. In the *Acker* case, Acker submitted fabricated closing statements for a pending estate as well as a client receipt. The Court found this violated SCR 20:3.3(a)(1). *Acker, id* at par. 10-19. Similarly, Buran submitted wills he knew contained his own forged witness signatures and did not inform the probate court they were invalid.

#### CONCLUSIONS AND ORDER

For the foregoing reasons, I find OLR is entitled to Summary Judgment on all three Counts of misconduct set forth in the Complaint against Buran, and it h is hereby **ordered**:

The Motion For Summary Judgment filed by OLR is hereby **GRANTED in its entirety**.

Dated at Green Bay, WI this 1<sup>st</sup> day of May, 2024.

  
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Hon. Sue E. Bischel, Referee