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110 EAST MAIN STREET, SUITE 215

P.O. Box 1688

MADISON, WI 53701-1688

TELEPHONE (608) 266-1880

FACSIMILE (608) 267-0640

Web Site: www.wicourts.gov

December 11, 2024

To:

Osman A. Mirza
OS Mirza Law LLC
757 N. Broadway, Suite 300
Milwaukee, WI 53202

Osman A. Mirza
655 N. Brookfield Rd., Unit B
Brookfield, WI 53045

Osman A. Mirza
Electronic Service to:
osman@osmirzalaw.com

Charles H. Barr
Referee

John T. Payette
Francis X. Sullivan
Melissa Chicker
Office of Lawyer Regulation
110 E. Main Street, Suite 315
Madison, WI 53703

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

No. 2023AP2369-D Office of Lawyer Regulation v. Osman A. Mirza

This case is before the court on an appeal by the Office of Lawyer Regulation (OLR) from the portion of a referee's report recommending a one-year suspension of Attorney Osman Mirza's law license, effective October 30, 2023—the date of this court's order summarily suspending Attorney Mirza's license pursuant to SCR 22.20(1) and (2).

In its December 20, 2023 disciplinary complaint, the OLR alleged the following single count of misconduct:

COUNT 1

By engaging in a course of conduct toward SES that led to him pleading guilty to felony Stalking (Wis. Stat. §940.32(2)) and misdemeanor Criminal Trespass to Dwelling (Wis. Stat. §943.14 (2)), both with the domestic abuse modifier (Wis. Stat. §968.075(1)(a)), and also with charges of:

- a. Count Two - Misdemeanor Battery (Domestic Abuse),

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- b. Count Three - Felony False Imprisonment, (Domestic Abuse),
- c. Count Four - Felony Intimidation of a Victim, (Domestic Abuse),
- d. Count Six - Misdemeanor Disorderly Conduct, (Domestic Abuse),
- e. Count Seven - Misdemeanor Battery, (Domestic Abuse),
- f. Count Eight - Felony False Imprisonment, (Domestic Abuse),
- g. Count Nine - Misdemeanor Disorderly Conduct, (Domestic Abuse),
- h. Count Ten - Misdemeanor Disorderly Conduct, (Domestic Abuse), and
- i. Count Eleven - Misdemeanor Disorderly Conduct, (Domestic Abuse)

being read-in, whereby they were dismissed but Mirza agreed that they could be considered by the Circuit Court for purposes of sentencing, **Mirza violated SCR 20:8.4(b)**.

On pages three and four of the referee's report, the referee wrote that "Attorney Mirza's admissions both in the criminal case and at the evidentiary hearing in the instant case, while arguably not a word-for-word admission of the read-in charges, effectively admit at least in substantial part the factual allegations underlying them." On page five of the referee's report, the referee wrote:

A chronological distillation of Attorney Mirza's conduct, as described in the eleven counts of the amended criminal complaint, is as follows:

- Summer 2018: downloaded an app on S.E.S.'s phone that allowed him to track her location and incoming and outgoing text messages. (Complaint, 16 at 2 and Ex. A at 4.)
- October 20, 2019: twice forcibly entered or attempted to enter a locked room where S.E.S. and their children were sleeping. (*Id.*, Ex. A at 15-16.)
- January-February 2020: showed up at public places and attempted to intimidate men who were socializing with S.E.S. not to date her, stating that he was a lawyer in Milwaukee, and at least on one occasion forcibly grabbed S.E.S.; texted vulgar statements to S.E.S. (*Id.*, Ex. A at 5-6.)
- February 11, 2020: forcibly tried to remove S.E.S. from her vehicle while calling her vile names, and threw his shoes at the vehicle. (*Id.*, Ex. A at 13-14.)

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- March 8, 2020: telephoned S.E.S. with threats of violence and vulgar statements. (*Id.*, Ex. A at 6.)
- Between March 20 and 25, 2020: struck S.E.S. in the mouth, grabbed her wrists, threatened to break her arms, physically restrained her from leaving, told her not to call police or they would both get in trouble, pinned her down, and forced her to repeat vulgar statements. (*Id.*, Ex. A at 6-7.)
- March 30, 2020: entered S.E.S.'s home twice without her consent; exposed his genitals and threatened to "tag team" S.E.S. with another male who was present; sent S.E.S. vulgar texts; called her vulgar names in the presence of others; and flipped her over the back of a couch, causing her to land on her head and neck and resulting in severe headaches and neck pain. (*Id.*, Ex. A at 7-8.)
- April 13, 2020: withheld children from S.E.S. unless she had sex with him; pinned her down by her arms, again threatened to break her arms, prevented her from leaving his home, and forced her to stay the night. (*Id.*, Ex. A at 8.)
- April 30, 2020: texted degrading messages and inappropriate photographs of S.E.S. to their son's phone. (*Id.*, Ex. A at 9.)
- June 15, 2020: phoned S.E.S.'s brother and screamed at him, calling S.E.S. vulgar names and threatening violence against her. (*Id.*, Ex. A at 10.)
- July 17, 2020: texted S.E.S.'s aunt, calling S.E.S. derogatory names, attempting to shame her family for allowing her to seek divorce, and making derogatory statements about S.E.S.'s private life. (*Id.*)
- July 18, 2020: walked around S.E.S.'s home looking into windows late at night without her knowledge or consent. (*Id.*, Ex. A at 11.)

On page three of his appellate brief-in-chief, Attorney Mirza states that he "does not challenge the referee's Finding of Facts concerning Attorney Mirza's conduct between June 2018 and July 18, 2020, as summarized in his Report. (R19 at 5)."

To facilitate this court's review of this matter,

IT IS ORDERED that, on or before January 6, 2025, the OLR and Attorney Mirza shall each file a response showing cause: (1) why all of the acts set forth on pages two and three above should not be deemed admitted for purposes of this matter; and (2) why all of the acts set forth on pages two and three above should not be included in the basis for the SCR 20:8.4(b) violation alleged in Count 1.

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IT IS FURTHER ORDERED that the OLR and Attorney Mirza shall each file a reply on or before January 13, 2025.

Samuel A. Christensen
Clerk of Supreme Court