



## OFFICE OF THE CLERK

**Supreme Court of Wisconsin**

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](http://www.wicourts.gov)

April 10, 2025

**To:**

Referee L. Michael Tobin

Kim M. Kluck  
Francis X. Sullivan  
Office of Lawyer Regulation  
110 E. Main Street, Ste. 315  
Madison, WI 53703Stacie H. Rosenzweig  
Sherre K. Chevalier  
Halling & Cayo  
320 E. Buffalo Street #700  
Milwaukee, WI 53202Steven D. Johnson  
Johnson Law Firm, SC  
715 W Parkway Blvd, Suite A  
Appleton, WI 54914-2645

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

No. 2022AP11-D

Office of Lawyer Regulation v. Steven D. Johnson

We review a report filed by Referee L. Michael Tobin, recommending the court grant Steven D. Johnson's petition to reinstate his license to practice law in Wisconsin following a six-month disciplinary suspension. No appeal has been filed from the referee's report and recommendation, so our review proceeds pursuant to Supreme Court Rule (SCR) 22.33(3).<sup>1</sup> For the reasons stated below, the court requires additional information from the parties before it can resolve this matter.

Attorney Johnson was licensed to practice law in Wisconsin in July 2005 and has practiced in Appleton during his entire legal career. He has a disciplinary history. In August 2008, he received a private reprimand for engaging in acts leading to a conviction of one count of misdemeanor battery as a domestic abuse incident. Private Reprimand, No. 2008-21. In May 2010, he received a public reprimand for engaging in acts leading to a conviction of one count of felony child abuse (recklessly causing harm), which related to an incident occurring at Attorney

---

<sup>1</sup> SCR 22.33(3) provides: "If no appeal is timely filed, the supreme court shall review the referee's report, order reinstatement, with or without conditions, deny reinstatement, or order the parties to file briefs in the matter."

Page 2

April 10, 2025

No. 2022AP11-D

Office of Lawyer Regulation v. Steven D. Johnson

Johnson's home involving his 12-year-old son. Public Reprimand of Steven D. Johnson, No. 2010-4.

On November 2, 2023, this court suspended Attorney Johnson's license to practice law for six months for professional misconduct consisting of one count of engaging in offensive personality in violation of Supreme Court Rule (SCR) 20:8.4(g) and SCR 40.15; one count of failing to adequately supervise nonlawyer staff members in violation of SCR 20:5.3(a) and (b); two counts of violating the duty of candor toward a tribunal in violation of SCR 20:3.3(a)(1); and one count of failing to properly communicate with his client in violation of SCR 20:1.4(b). See In re Disciplinary Proceedings Against Johnson, 2023 WI 73, 409 Wis. 2d 220, 996 N.W.2d 517. The misconduct in question took place from late 2018 to late 2020. Id., ¶6.

The litigation in that case consumed the better part of two years—the OLR filed its disciplinary complaint in January 2022; the parties litigated the case before a referee for about a year; Attorney Johnson appealed the referee's report and recommendation in January 2023; and this court issued a decision agreeing with the referee's report and recommendation on November 2, 2023. In our decision, after noting Attorney Johnson's disciplinary history and the "blatant" nature of the misconduct at issue, we stated that "the fact that a six-month suspension will require him to go through a formal reinstatement proceeding is a plus, not a minus. See SCR 22.28(3). For the benefit of the public and the bar, it is important that Attorney Johnson be fully vetted before being allowed to practice law again." Id., ¶41.

About four months after the issuance of our decision, on March 11, 2024, Attorney Johnson filed a reinstatement petition. On May 24, 2024, the Office of Lawyer Regulation (OLR) filed a response stating that it did not oppose Attorney Johnson's reinstatement petition. See SCR 22.30(4). On May 30, 2024, the OLR filed a stipulation for reinstatement and a supporting memorandum. See SCR 22.30(5)(a).

Pursuant to SCR 22.30(5)(b), Attorney Johnson's reinstatement petition and the stipulation for reinstatement were submitted for the court's consideration without the appointment of a referee. By order of August 2, 2024, the court rejected the stipulation and referred the petition to a referee for a hearing. See SCR 22.30(5)(b). The court later appointed Referee Tobin to preside over the matter.

On October 18, 2024, Referee Tobin held an evidentiary hearing on Attorney Johnson's reinstatement petition. The parties submitted pre- and post-hearing briefs in early October and mid-November 2024, respectively. At the evidentiary hearing and in its briefing to Referee Tobin, the OLR did not oppose Attorney Johnson's reinstatement.

On November 21, 2024, Referee Tobin filed a report recommending that the court grant Attorney Johnson's reinstatement petition. As noted above, this report is now before the court for its review pursuant to SCR 22.33(3).

Important to our discussion here, the litigation regarding Attorney Johnson's reinstatement petition was not the only disciplinary-related litigation concerning Attorney Johnson that occurred

Page 3

April 10, 2025

No. 2022AP11-D

Office of Lawyer Regulation v. Steven D. Johnson

in 2024. Also in 2024, Attorney Johnson and the OLR reached an agreement for the imposition of a public reprimand for misconduct he committed after the misconduct underlying his six-month suspension. See SCR 22.09 (“Consensual private and public reprimands”). In October 2024, the OLR requested and this court appointed a referee (Reserve Judge Edward Leineweber) to review the parties’ agreement for a consensual public reprimand. See SCR 22.09(2). On November 4, 2024, Referee Leineweber approved the parties’ agreement and issued the public reprimand. See SCR 22.09(3); see also Public Reprimand of Steven D. Johnson, No. 2024-09.

As the parties are aware, this consensual public reprimand concerned Attorney Johnson’s misconduct in two client matters during the course of 2021. The first client matter involved Attorney Johnson’s representation of a client in a divorce matter from September 2021 until December 2021. Throughout the representation, Attorney Johnson’s paralegal handled all communication with the client and performed all the work in the client’s case. Attorney Johnson charged the client his attorney rate of \$425 per hour for all the work done by the paralegal. The monthly bills sent to the client did not specify the person performing the tasks. Over a three-month period, the bills totaled approximately \$13,000, and the case was not yet concluded. The client terminated Attorney Johnson’s representation and hired new counsel. When the client’s new counsel challenged the amount and manner of Attorney Johnson’s billing, Attorney Johnson acknowledged that his paralegal had conducted all office meetings and phone calls with the client, but asserted that his charging the paralegal’s time at the attorney rate of \$425 per hour was justified because the paralegal “had real time access to me at all times through our office chat.” The client had no recollection of any contact with Attorney Johnson in writing, over the phone, or in person at any time during the representation; instead his entire contact with the firm was via Attorney Johnson’s paralegal. In the consensual public reprimand approved and issued by Referee Leineweber, the OLR and Attorney Johnson agreed that by charging the client an hourly attorney rate of \$425 per hour for work performed by nonlawyer staff, Attorney Johnson charged an unreasonable fee in violation of SCR 20:1.5(a).

The second client matter involved in Attorney Johnson’s November 2024 consensual public reprimand involved his representation of a criminal client in 2021. Throughout the representation, Attorney Johnson’s nonlawyer staff performed much of the legal work outside of court appearances, including plea negotiations and analysis of the evidence, and handled nearly all communication with the client. After several conversations mostly with Attorney Johnson’s nonlawyer staff, the client agreed to accept a plea offer. Prior to the plea hearing, Attorney Johnson’s staff reviewed written plea questionnaires with the client. The questionnaire filed with the circuit court contained errors in the description of the elements of one of the offenses to which the client agreed to plead guilty. The firm’s records did not show that Attorney Johnson personally reviewed the questionnaire with the client. After sentencing, the client’s appellate counsel filed a motion to withdraw the plea based on ineffective assistance of counsel. Appellate counsel informed Attorney Johnson of the motion and that he would have the opportunity to testify at a Machner<sup>2</sup> hearing. Attorney Johnson, without his client’s or the court’s permission, filed a document opposing the motion that revealed information relating to his representation of the client, including the discussions his firm had with the client, and argued that the court should deny the

---

<sup>2</sup> State v. Machner, 92 Wis. 2d 797, 285 N.W.2d 905 (Ct. App. 1979).

Page 4

April 10, 2025

No. 2022AP11-D

Office of Lawyer Regulation v. Steven D. Johnson

client's motion. In the consensual public reprimand approved and issued by Referee Leineweber, the OLR and Attorney Johnson agreed that Attorney Johnson had failed to explain the elements of the crimes to which the client was pleading guilty in violation of SCR 20:1.1 and SCR 20:1.4(b); revealed information relating to the representation of a former client without the client's informed consent in violation of SCR 20:1.6(a) and SCR 20:1.9(c)(2); and used information related to the representation of the former client to the disadvantage of the client in violation of SCR 20:1.9(c)(1).

The fact of this consensual public reprimand matter appears to have gone unmentioned and unconsidered in this reinstatement proceeding thus far. We of course do not know when the OLR began its investigation of the misconduct underlying the consensual public reprimand matter, or when the OLR and Attorney Johnson began negotiations over an appropriate sanction. We do know, however, that Attorney Johnson said nothing about the consensual public reprimand matter in his March 11, 2024 reinstatement petition. Neither party disclosed it in the May 30, 2024 stipulation for reinstatement that we rejected in August 2024. The OLR's May 30, 2024 memorandum in support of that stipulation does not mention the matter. Cf. SCR 22.30(5)(a) (requiring that the memo "discuss[] . . . any material issue potentially adverse to the petition and an explanation as to why the director concludes that the issue does not prevent reinstatement"). Neither party appears to have disclosed it to the referee who worked on this reinstatement proceeding from his assignment in August 2024 until his report in November 2024; the hearing transcript, the parties' pre- and post-hearing briefing to the referee, and the referee's report make no mention of it, despite the unquestionable overlap in timing between the two proceedings. And neither party has disclosed any information regarding the consensual public reprimand to this court; the court became aware of it only through its own review of Attorney Johnson's disciplinary status.

We are perplexed by these omissions. Supreme Court Rule 22.305 provides the standard to be met for reinstatement. Specifically, the petitioner must show by clear, satisfactory, and convincing evidence that he or she has the moral character to practice law, that his or her resumption of the practice of law will not be detrimental to the administration of justice or subversive of the public interest, and that he or she has complied with SCR 22.26 and the terms of the suspension. In addition to these requirements, SCR 22.29(4) states related requirements that the petition for reinstatement "shall show." All of these additional requirements are effectively incorporated into SCR 22.305.

These criteria "require us to undertake a comprehensive assessment of the lawyer." In re Disciplinary Proceedings Against Mandelman, 2018 WI 56, ¶25, 381 Wis. 2d 628, 912 N.W.2d 395. Accordingly,

the referee conducting a hearing on the petition for reinstatement must engage in a full and unrestricted evaluation of the petitioner's past, present, and predicted future behavior, as well as any other relevant information going to the issue of whether the petitioner has the moral character to practice law in this state and whether his or her resumption of the practice of law would be detrimental to the administration of justice or subversive to the public interest. We point out that SCR 22.29 lists

Page 5

April 10, 2025

No. 2022AP11-D

Office of Lawyer Regulation v. Steven D. Johnson

the requirements a petition for reinstatement must show. However, SCR 22.30 dealing with the reinstatement procedure itself, as well as the [rule] provisions . . . describing the reinstatement hearing, bolster the conclusion that the reinstatement hearing if necessary can be far-ranging and not limited to addressing the listed petition requirements in SCR 22.29(4).

In re Disciplinary Proceedings Against Penn, 2002 WI 5, ¶8, 249 Wis. 2d 667, 638 N.W.2d 287 (footnotes omitted).

Given the breadth of the required inquiry in this reinstatement proceeding, it is not clear to us why Attorney Johnson and the OLR appear to have viewed his recent consensual public reprimand matter and this reinstatement proceeding as mutually exclusive proceedings. The fact that Attorney Johnson recently agreed that he committed several forms of serious misconduct in 2021 in addition to the 2018-2020 misconduct that we considered in imposing his six-month suspension would certainly appear relevant to whether he can now safely be reinstated to the practice of law in this state. Presumably, extenuating circumstances justified a departure from our policy of progressive discipline such that a consensual public reprimand, rather than an additional suspension, was the appropriate sanction for Attorney Johnson's 2021 misconduct. See generally In re Disciplinary Proceedings Against Dade, 2017 WI 51, ¶9, 375 Wis. 2d 140, 895 N.W.2d 37. But what, if any, extenuating circumstances would justify us closing our eyes to his 2021 misconduct in this reinstatement proceeding—as the parties seem to believe is appropriate—is unclear. Cf. Penn, 249 Wis. 2d 667, ¶8.

In light of the above,

IT IS ORDERED that, within seven calendar days of the date of this order, the Office of Lawyer Regulation shall file in this proceeding all documents submitted to Referee Leineweber in Public Reprimand of Steven D. Johnson, No. 2024-09; and

IT IS FURTHER ORDERED that, within 14 days of the date of this order, the Office of Lawyer Regulation and Attorney Johnson shall each file a written response to this order discussing what impact, if any, the Public Reprimand of Steven D. Johnson, No. 2024-09, should have on the reinstatement petition now before the court.

---

---

Samuel A. Christensen  
Clerk of Supreme Court