



## OFFICE OF THE CLERK

**Supreme Court of Wisconsin**

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May 21, 2025

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

No. 2022AP11-D

Office of Lawyer Regulation v. Steven D. Johnson

This matter returns to the court following the parties' filings in response to the court's April 10, 2025 order. As explained in that order, the court is tasked with reviewing a November 21, 2024 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 the six-month disciplinary suspension that we imposed in In re Disciplinary Proceedings Against Johnson, 2023 WI 73, 409 Wis. 2d 220, 996 N.W.2d 517 ("Johnson"). See Supreme Court Rule (SCR) 22.33(3).<sup>1</sup>

As part of this court's own review of Attorney Johnson's disciplinary status, the court learned that on November 4, 2024, Referee Edward Leineweber issued a consensual public reprimand of Attorney Johnson related to his misconduct in two client matters during the course of 2021. See Public Reprimand of Steven D. Johnson, 2024-09. We described this misconduct in detail in our April 10, 2025 order. This misconduct occurred after the misconduct at issue in Johnson took place in 2018-2020, but before the Office of Lawyer Regulation (OLR) filed its

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<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."

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disciplinary complaint in Johnson in January 2022, and obviously before this court's ultimate decision in Johnson in November 2023.

Both the fact of Attorney Johnson's consensual public reprimand and the conduct underlying it are relevant here. This is so because, as we explained in our April 10, 2025 order, the criteria for reinstatement<sup>2</sup> "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 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). The fact that Attorney Johnson recently agreed that he committed misconduct in 2021 in addition to the 2018-2020 misconduct that we considered in Johnson is clearly relevant to whether he can now safely be reinstated to the practice of law in this state.

Because of the relevance of the consensual public reprimand matter to the reinstatement determination, and because, by rule, Referee Leineweber issued the reprimand without the court's involvement, see SCR 22.09, it was incumbent on the parties to be forthcoming about the public reprimand matter throughout the course of this reinstatement proceeding. This has not occurred; the matter went unmentioned and unconsidered until this court's April 10, 2025 order.

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<sup>2</sup> 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.

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We benefit from a referee's findings, conclusions, and analysis in reinstatement matters. See In re Disciplinary Proceedings Against Parks, 2021 WI 10, ¶7, 395 Wis. 2d 500, 953 N.W.2d 873. Here, because the parties failed to disclose the consensual public reprimand matter during proceedings before Referee Tobin, he did not have the opportunity to consider it when he issued his November 21, 2024 report. We therefore remand this matter to Referee Tobin with instructions to file a supplemental report that takes Attorney Johnson's consensual public reprimand matter into consideration. On remand, Referee Tobin may consider the parties' responses to this court's April 10, 2025 order and conduct additional proceedings as he sees fit.

IT IS ORDERED that this matter is remanded to Referee Tobin with instructions to file a supplemental report consistent with this order.

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Samuel A. Christensen  
Clerk of Supreme Court