

**SUPREME COURT OF WISCONSIN**  
**OFFICE OF LAWYER REGULATION**

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Public Reprimand with Consent

2013-OLR-5

Donald C. Dudley  
Attorney at Law

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Respondent, Attorney Donald C. Dudley of Milwaukee, Wisconsin, is an attorney licensed in the State of Wisconsin since September, 2002.

The State Public Defender appointed Respondent in November of 2011 to represent a disadvantaged client in three involuntary termination of parental rights cases filed against her by Milwaukee County. In connection with the representation, the client revealed confidential and intimate details of her life and history to Respondent.

Respondent communicated regularly by email with his client, in some instances confirming appointment and court dates and deadlines. However, in January of 2012, Respondent began sending more personal emails to his client. Eventually, Respondent's emails became sexualized and invited sexual contact. For example, on multiple occasions, Respondent offered to provide his client a "foot rub" to distract her. When his client indicated she was feeling a little under the weather, Respondent said that he wished he could take care of "that wonderful body of yours." In subsequent emails, Respondent indicated that he was willing to be his client's "servant," her "little man" and could be "naughty and inappropriate" with her.

The client showed the emails to her social worker, and the matter was reported to the State Public Defender. After being reported, Respondent withdrew from representation. According to Respondent, he only meant to flirt via email with his client, and had no intention of

pursuing a sexual relationship. However, Respondent acknowledged the wrongfulness of his conduct, and has expressed profound regret for his gross lapse in judgment.

By sending sexually suggestive email messages to his client while representing her in multiple Milwaukee County actions seeking to involuntarily terminate her parental rights to her three children, Respondent engaged in a concurrent conflict of interest, in violation of SCR 20:1.7(a), which provides, “(a) Except as provided in par. (b), a lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if: . . . (2) there is a significant risk that the representation of one or more clients will be materially limited by . . . a personal interest of the lawyer.

By failing to withdraw from the representation after sending sexually suggestive email messages to his client, thereby creating a concurrent conflict of interest with his client, Respondent violated SCR 20:1.16(a), which provides, in relevant part, “Except as stated in par. (c), a lawyer shall not represent a client, or when representation has commenced, shall withdraw from the representation of a client if: (1) the representation will result in violation of the Rules of Professional Conduct or other law . . . .”

By sending sexually suggestive email messages to his client, Respondent violated a Supreme Court decision regulating the conduct of lawyers, contrary to SCR 20:8.4(f), which provides, “It is professional misconduct for a lawyer to : . . . (f) violate a statute, supreme court rule supreme court order or supreme court decision regulating the conduct of lawyers....” A Supreme Court decision with potential application is *Disciplinary Proceedings against Gibson*, 124 Wis. 2d 466, 369 N.W. 2d 695 (1985), wherein the Court stated in part:

We reiterate our determination in *Heilprin* that the public must not be subjected to unsolicited sexual conduct by attorneys in the context of an attorney-client relationship. Frequently, the client is in some difficulty, and as a result, is particularly vulnerable to improper advances made by the attorney . . . The

