

SUPREME COURT OF WISCONSIN
OFFICE OF LAWYER REGULATION

Public Reprimand With Consent

2025-OLR-02

Danny Garcia
Attorney at Law

Attorney Danny Garcia was admitted to the bar of the Supreme Court of Wisconsin on January 21, 2016, State Bar No. 1097007. Garcia practices in Eau Claire, Wisconsin and his license is active and in good standing.

FIRST MATTER

On or about May 29, 2019, Garcia began representing a client in a family matter regarding visitation with the client's son.

The client told OLR that during the representation Garcia was "drunk on the job" and they believed Garcia to be noticeably impaired by alcohol.

At the initial client meeting with both the client and the client's mother, the client stated that Garcia, "... had a very strong stench of Whiskey or hard liquor on his person."

According to the client, at a Motion to Enforce Physical Placement Order hearing, Garcia failed to take action on the client's behalf, was unprepared, and failed to submit multiple letters of recommendation to the court. The client again smelled the stench of alcohol on Garcia. Shortly after the motion hearing, the client terminated Garcia's representation. On or about July 6, 2020, the client hired successor counsel to represent him in the proceeding.

On July 22, 2020, the client filed a grievance against Garcia with OLR. On November 30, 2020, OLR sent a letter via certified mail to Garcia at his last known place of business as listed

with the State Bar of Wisconsin requesting that he submit a written response on or before December 23, 2020, as required by SCR 22.03(2). On January 5, 2021, the letter was returned to OLR by the Post Office as unclaimed.

On January 21, 2021, OLR sent a letter to Garcia by regular U.S. mail to his address requesting that he submit a written response on or before February 15, 2021, informing him of his duty to cooperate, and warning him that a failure to respond could result in the suspension of his law license pursuant to SCR 22.03(4). Garcia did not respond. The letter was not returned to OLR's office as undelivered.

On March 3, 2021, OLR sent a letter to Wisconsin Process Service requesting that they personally serve Garcia with a letter from OLR dated March 3, 2021, and a copy of the letter OLR had sent to him on January 21, 2021.

Additionally, OLR's March 3, 2021 letter to Garcia was sent to him via regular U.S. mail to his address and via email to his email address on file with the State Bar of Wisconsin. The letter sent by regular U.S. mail was not returned to OLR's office as undelivered and the email sent was not returned as undeliverable. On August 11, 2021, the process server submitted to OLR an affidavit, which detailed his unsuccessful efforts to serve Garcia.

On August 19, 2021, OLR filed a Motion Requesting Approval for OLR to Use Alternate Method of Effectuating Service in an Investigative Matter. *Office of Lawyer Regulation v. Danny Garcia*, Case No. 2021XX647-D.

In a September 14, 2021 Order, the Wisconsin Supreme Court stated:

IT IS ORDERED that, given the particular circumstances of this case, the OLR may use the procedure set forth in SCR 22.13(1) to effectuate service of the notice under SCR 22.03(4)(a) on Attorney Garcia. That is, the OLR may accomplish service of the notice on Attorney Garcia by sending the notice by certified mail to the most recent address furnished by Attorney Garcia to the State Bar.

On September 17, 2021, pursuant to the September 14, 2021 Order, OLR served Garcia with a notice demanding his response to the client's grievance and informing him of his duty to cooperate and warning him that a failure to respond could result in the suspension of his law license pursuant to SCR 22.03(4).

In an October 8, 2021 Notice of Suspension to Garcia, OLR stated, "You did not comply with any of the alternatives listed above. Therefore, pursuant to SCR 22.03(4), your license in Wisconsin is automatically suspended, effective 12:01 a.m. on October 8, 2021."

On December 9, 2021, OLR received a letter from Garcia dated December 6, 2021, responding to the client's grievance. On December 10, 2021, Garcia's license to practice law in Wisconsin was reinstated from his October 8, 2021 suspension.

Garcia acknowledges he had a problem with alcohol dependency at the time he was representing the client and he simply could not recall whether he was intoxicated at the times the client alleged in the grievance.

Currently, Garcia is a government attorney and has maintained complete sobriety since late 2021.

By attending a meeting with the client and appearing in court while he was noticeably impaired due to alcohol consumption, Garcia violated SCR 20:1.1, which states, "A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation."

By failing to timely provide OLR with a written response to the grievance, Garcia violated the following Rules of Professional Conduct for Attorneys:

SCR 22.03(2), which states, "Upon commencing an investigation, the director shall notify the respondent of the matter being investigated unless in the opinion of the director the investigation of the matter requires

otherwise. The respondent shall fully and fairly disclose all facts and circumstances pertaining to the alleged misconduct within 20 days after being served by ordinary mail a request for a written response. The director may allow additional time to respond. Following receipt of the response, the director may conduct further investigation and may compel the respondent to answer questions, furnish documents, and present any information deemed relevant to the investigation.”

and SCR 22.03(6), which states, “In the course of the investigation, the respondent’s willful failure to provide relevant information, to answer questions fully, or to furnish documents and the respondent’s misrepresentation in a disclosure are misconduct, regardless of the merits of the matters asserted in the grievance.”

SCR 22.03(2) and 22.03(6) are enforced under the Rules of Professional Conduct for Attorneys through SCR 20:8.4(h), which states, “It is professional misconduct for a lawyer to fail to cooperate in the investigation of a grievance filed with the office of lawyer regulation as required by...SCR 22.03(2), SCR 22.03(6)...”

SECOND MATTER

On or about June 10, 2019, a husband and his wife hired Garcia’s former law firm to represent them in a contractor dispute and Garcia handled the representation. On September 26, 2019, Garcia filed a summons and complaint on behalf of the clients.

On November 21, 2019, Garcia left his former firm and began working at a new law firm. On the same date, the clients informed Garcia’s former firm that they would be continuing with Garcia at his new firm.

In July 2020, Garcia left the new firm to open his own law office.

In a July 17, 2020 letter sent via email to the clients, Garcia stated he moved to his own firm, Garcia Law Offices, and confirmed the clients had elected to move with him. Garcia also attached a new fee agreement for the clients to sign and return. Garcia asked that the clients complete this by July 31, 2020. In a July 17, 2020 email to Garcia, the clients stated, “Looking

over all this. It looks as if the fee [fee] is significantly higher than what we initially discussed. I don't quite understand how we started this case with an agreement we signed and it's ever changing. Can you help us understand?" Garcia did not respond.

On July 22, 2020, the clients sent an email to Garcia asking if he had received the clients' July 17, 2020 email questioning the new fee agreement. Garcia did not respond.

On September 14, 2020, the clients sent a text message to Garcia stating, "Can you tell us what's going on?" Garcia did not respond. On September 19, 2020, the clients sent another follow-up email to Garcia. Garcia did not respond.

On October 5, 2020, Garcia did not appear for a telephone status conference in the case. On May 4, 2021, Garcia did not appear for a telephone status conference in the case and the court directed a 20-day dismissal. On May 26, 2021, the court dismissed the case without prejudice.

On May 25, 2021, the husband filed a grievance against Garcia with OLR. The husband stated that Garcia abandoned his representation of them resulting in the dismissal of their case.

On June 25, 2021, OLR sent a letter to Garcia by regular U.S. mail to his address requesting that he submit a written response on or before July 19, 2021, informing him of his duty to cooperate, and warning him that a failure to respond could result in the suspension of his law license pursuant to SCR 22.03(4). Garcia did not respond. The letter was not returned to OLR's office as undelivered.

On July 15, 2021, the husband filed an Application for Reimbursement with the Wisconsin Lawyers' Fund for Client Protection (Fund).

On September 27, 2021, OLR sent a letter to Wisconsin Process Service requesting that they personally serve Garcia with a letter from OLR dated September 27, 2021, and a copy of the letter OLR had sent to him on June 25, 2021.

Additionally, OLR's September 27, 2021 letter to Garcia was sent to him via regular U.S. mail to his address and via email to his email address on file with the State Bar of Wisconsin. The letter sent by regular U.S. mail was not returned to OLR's office as undelivered and the email sent was not returned as undeliverable. Garcia did not respond.

On December 5, 2021, the process server submitted to OLR an affidavit, which detailed his unsuccessful efforts to serve Garcia.

On December 10, 2021, OLR received Garcia's response to the grievance dated December 6, 2021. In his response, Garcia told OLR:

I do not recall receiving any emails or correspondence from them afterwards. There are two contributing factors that also play into this lack of communication. First, given my difficulties with alcohol abuse, I was not regularly checking my emails and correspondences. Second, at the time I left [the firm], the case was at a standstill – the opposing party had filed for bankruptcy. As I could do no more in the case, I thought that the [the clients] had no more use of my services at the time.

With respect to why he did not file a motion to withdraw as counsel, Garcia told OLR, "This was an error on my part. It is an action that should have been taken, but was not."

On January 14, 2022, the Fund informed the husband that the Fund committee met and unanimously voted to deny his claim for reimbursement because they determined the matter was a fee dispute and there was no proof of dishonest conduct by Garcia in a fiduciary capacity.

On November 8, 2022, Garcia acknowledged to OLR that he had a problem with alcohol dependency at the time he was representing the clients, which effected his representation.

Currently, Garcia is a government attorney and has maintained complete sobriety since late 2021.

By failing to appear for court conferences on October 5, 2020 and May 4, 2021, and failing to respond to the court's dismissal order, Garcia violated SCR 20:1.3, which states, "A lawyer shall act with reasonable diligence and promptness in representing a client."

By failing to keep his client reasonably informed regarding the status of the case, and by failing to respond to his client's emails and text message requesting information, Garcia violated SCR 20:1.4(a)(3) and (4), which state, "A lawyer shall...(3) keep the client reasonably informed about the status of the matter; (4) promptly comply with reasonable requests by the client for information..."

By failing to protect his client's interests, to give his client reasonable notice of termination, and to file a motion to withdraw as counsel in the case, Garcia violated SCR 20:1.16(d), which states, "Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred. The lawyer may retain papers relating to the client to the extent permitted by other law."

By failing to timely provide OLR with a written response to the grievance, Garcia violated SCR 22.03(2) and SCR 22.03(6), enforceable via SCR 20:8.4(h).

THIRD MATTER

On March 31, 2021, OLR received a submission from a circuit court judge regarding Garcia's conduct in several cases in which Garcia abandoned his clients. Based on the judge's submission OLR opened an inquiry.

In each case, Garcia stated that he had abandoned his clients' cases because of "medical issues in regards to my alcohol dependency..." Further, he stated, "Due to my alcohol dependency,

I was no longer actively checking my correspondence and email, as I was no longer practicing law.”

In the first case, Garcia was representing a client on felony criminal charges. Prior to a scheduled motion hearing, Garcia filed an ex parte letter to the court stating, “This is Atty. Garcia, regarding today’s court appearance. I hope this letter finds you well. Recently, I have been suffering from particular medical issues. Because of my decision to seek treatment, I will not be appearing in court today, or possibly any time in the near future. In fact, it may be best to withdraw me from the case.” Garcia did not appear for the scheduled motion hearing. Thereafter, Garcia did not appear for the sentencing hearing and the court entered an order terminating Garcia’s representation in the case.

In a second case, Garcia was representing a client and did not appear for a Motion for Postconviction Relief hearing.

In a third case, Garcia was representing a client on felony criminal charges. In a letter to the court, the client stated, “I have tried to call and email Danny Garcia multiple times in regards of this agreement and haven’t heard a response from him.” Garcia did not appear for a plea and sentencing hearing.

According to Garcia, he did not appear at the plea and sentencing hearing because he believed he had withdrawn from the case, despite not filing a motion to withdraw as counsel. Ultimately, the court filed an order terminating Garcia as counsel in the case

In a fourth case, Garcia was representing a client on misdemeanor criminal charges. Prior to a plea and sentencing hearing, Garcia filed an ex parte letter to the court stating, “This is Atty. Garcia, regarding today’s court appearance. I hope this letter finds you well. Recently, I have been suffering from particular medical issues. Because of my decision to seek treatment, I will not be

appearing in court today, or possibly any time in the near future. In fact, it may be best to withdraw me from the case.” Garcia did not appear for the plea and sentencing hearing in the case.

Garcia did not provide any further information to the court, abandoned the representation, and did not file a motion to withdraw as counsel. Ultimately, the court issued an Order Appointing Successor Counsel.

In a fifth case, Garcia was representing a client on felony criminal charges. Garcia filed a Notice of Appeal from a ruling of the circuit court denying his motion to suppress.

In a May 19, 2019 Order, the Wisconsin Court of Appeals, District II determined, “An order or judgment is final if it disposes of the entire matter in litigation between the parties. Section 808.03(1). The denial of a motion to suppress does not dispose of the entire matter in litigation in a criminal proceeding. Non-final orders may be the subject of a Wis. STAT. RULE 809.50(1) petition for leave to appeal (petition for leave to appeal due fourteen days from date of entry of order).” The Court of Appeals ordered, “By the deadline established in this order, the appellant shall show good cause to avoid dismissal of this appeal for lack of jurisdiction.” Garcia did not file the required response by the deadline.

In a June 6, 2019 Opinion and Order, the Court of Appeals concluded, “The appellant has not filed the required response. We conclude that we lack jurisdiction.” The Court of Appeals dismissed the appeal.

On May 28, 2021, OLR sent a letter to Garcia by regular U.S. mail to his address requesting that he submit a written response to the OLR inquiry on or before June 21, 2021, informing him of his duty to cooperate, and warning him that a failure to respond could result in the suspension of his law license pursuant to SCR 22.03(4). Garcia did not respond. The letter was not returned to OLR’s office as undelivered.

On September 27, 2021, OLR sent a letter to Wisconsin Process Service requesting that they personally serve Garcia with a letter from OLR dated September 27, 2021, and a copy of the letter OLR had sent to him on May 28, 2021. The process server submitted to OLR an affidavit, which detailed his unsuccessful efforts to serve Garcia.

Additionally, OLR's September 27, 2021 letter to Garcia was sent to him via regular U.S. mail to his address and via email to his email address on file with the State Bar of Wisconsin. The letter sent by regular U.S. mail was not returned to OLR's office as undelivered and the email sent was not returned as undeliverable. Garcia did not respond.

On November 12, 2021, OLR received a letter from Garcia dated November 9, 2021, responding to the OLR inquiry.

In a November 8, 2022 letter to OLR, Garcia stated, "To begin, I would again like to apologize for my delay in responding to the initial investigation. When I received the initial inquiries, I was suffering from alcohol dependency issues which greatly limited my capacity to cooperate with OLR." Garcia further stated, "At the time of my responses, I had undergone detox, and was planning to enter a rehabilitation program. I wanted to update OLR on the status of this rehabilitation - namely that I have continued with the program, and have been successfully managing my addiction for a year now."

Currently, Garcia is a government attorney and has maintained complete sobriety since late 2021.

By failing to appear for court hearings in four cases, and by failing to file a required response pursuant to a Court of Appeals Order, Garcia violated SCR 20:1.3.

By failing to respond to his client's telephone calls and emails requesting information in a case, Garcia violated SCR 20:1.4(a)(4).

By failing to protect his clients' interests, give them reasonable notice of termination, and file a motion to withdraw as counsel in three cases, Garcia violated SCR 20:1.16(d).

By failing to timely provide OLR with a written response to the OLR inquiry, Garcia violated SCR 22.03(2) and SCR 22.03(6), enforceable via SCR 20:8.4(h).

Attorney Garcia has no prior discipline.

In accordance with SCR 22.09(3), Attorney Danny Garcia is hereby publicly reprimanded.

Dated this 7th day of April, 2025

SUPREME COURT OF WISCONSIN

Hon. Sue E. Bischel
Referee Sue Bischel *Referee*