

SUPREME COURT OF WISCONSIN
OFFICE OF LAWYER REGULATION

Public Reprimand With Consent

2016-OLR-2

Daniel E. Olsen
Attorney at Law

Daniel E. Olsen was admitted to practice law in Wisconsin in 2008. Olsen is also admitted to practice law in Colorado.

First Matter

On August 26, 2013, Olsen was charged with two separate counts of Knowingly Operate Motor Vehicle While Suspended – Cause Great Bodily Harm, in violation of Wis. Stats. § 343.44(1)(a) and (2)(ag)2, a Class I felony. *State v. Olsen*, Jefferson County case no. 2013CF0332. The charges stemmed from a June 30, 2013 automobile accident caused by Olsen in the Town of Jefferson, when Olsen made a left turn into an oncoming vehicle. Olsen was driving with a suspended driver’s license at the time of the accident, a fact he reported to responding sheriff’s deputies. The driver of the other vehicle and a passenger in that vehicle were injured in the accident. As a result of the June 30, 2013 accident, Olsen was also charged with non-criminal failure to yield while making a left turn (resulting in great bodily harm) and operating without insurance in Jefferson County case nos. 2013TR4124 and 2013TR4125, respectively.

At a hearing on April 1, 2015, pursuant to no contest pleas, Olsen was found guilty of two separate amended counts of Reckless Driving – Cause Bodily Harm, in violation of Wis. Stat. § 346.62(3), an unclassified misdemeanor. The remaining non-criminal charges were dismissed on the prosecutor’s motion.

At the subsequent sentencing hearing, the court withheld sentence and placed Olsen on probation for two years on each count, concurrent, conditioned on 30 days in jail per count, consecutive. The jail sentence was stayed. Sentence terms also required Olsen to pay restitution to the passenger in the other vehicle in the amount of \$32,556, to pay court costs and DNA surcharge, to maintain full-time employment, to follow all orders of the bar associations of Wisconsin and Colorado, and to not operate a motor vehicle unless properly licensed and insured.

The Office of Lawyer Regulation (OLR) learned of Olsen's April 1, 2015 criminal conviction from a source other than Olsen. After receiving OLR's April 29, 2015 notice of investigation, Olsen provided notice of his conviction to OLR and the Clerk of the Wisconsin Supreme Court in correspondence dated May 28, 2015.

Knowing that he was driving with a suspended driver's license, by engaging in conduct leading to a misdemeanor conviction of two counts of Reckless Driving – Cause Bodily Harm, in *State v. Olsen*, Jefferson County case no. 2013CF0332, Attorney Olsen violated SCR 20:8.4(b), which states, "It is professional misconduct for a lawyer to...commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects."

By failing to notify in writing OLR and the Clerk of the Supreme Court within five days after his finding of guilt or conviction of a crime, Attorney Olsen violated SCR 21.15(5), which states:

An attorney found guilty or convicted of any crime on or after July 1, 2002, shall notify in writing the office of lawyer regulation and the clerk of the Supreme Court within 5 days after the finding or conviction, whichever first occurs. The notice shall include the identity of the attorney, the date of finding or conviction, the offenses, and the jurisdiction. An attorney's failure to notify the office of lawyer regulation and clerk of the supreme court of being found guilty or his or her conviction is misconduct.

SCR 21.15(5) is enforced under the Rules of Professional Conduct for Attorneys via SCR 20:8.4(f), which states, “It is professional misconduct for a lawyer to...violate a statute, supreme court rule, supreme court order or supreme court decision regulating the conduct of lawyers.”

Second Matter

Effective at 4:30 p.m., on June 1, 2015, Olsen’s Wisconsin law license was suspended pursuant to SCR 31.10(1) due to his noncompliance with the 2013-2014 Wisconsin mandatory continuing legal education (CLE) requirements. The suspension followed notices sent to Olsen at his then-address of record by the Board of Bar Examiners (BBE) concerning his reporting requirements and the automatic law license suspension that would be imposed in the event of noncompliance with those requirements.

Olsen asserts that he was unaware of his failure to comply with CLE reporting requirements and his resultant suspension from practice until June 11, 2015, when a circuit court judge informed him that his law license was suspended.

Olsen took steps to comply with CLE requirements for the 2013-2014 reporting period, and on June 12, 2015, he filed a reinstatement petition with BBE. In his reinstatement petition, Olsen listed at least six instances in which he had practiced law while suspended, including participating in three separate status conferences in Jefferson County, appearing at a divorce hearing in Dodge County, participating in settlement negotiations regarding Jefferson County traffic matters, and communicating with his client and opposing party on multiple occasions in a Jefferson County civil matter.

Upon receipt and review of his phone records, Olsen also discovered that while suspended, he had several phone conversations with his clients and attorneys pertaining to legal matters. Olsen thereafter reported this information to OLR.

On June 12, 2015, Olsen was approved for reinstatement by BBE pursuant to SCR 31.11(1) and (3), and he was reinstated that day.

By practicing law in Wisconsin at a time when his Wisconsin law license was administratively suspended for noncompliance with mandatory CLE requirements, Olsen violated SCR 31.10(1), which states:

If a lawyer fails to comply with the attendance requirement of SCR 31.02, fails to comply with the reporting requirement of SCR 31.03(1), or fails to pay the late fee under SCR 31.03(2), the board shall serve a notice of noncompliance on the lawyer. This notice shall advise the lawyer that the lawyer's state bar membership shall be automatically suspended for failing to file evidence of compliance or to pay the late fee within 60 days after service of the notice. The board shall certify the names of all lawyers so suspended under this rule to the clerk of the supreme court, all supreme court justices, all court of appeals and circuit court judges, all circuit court commissioners appointed under SCR 75.02(1) in this state, all circuit court clerks, all juvenile court clerks, all registers in probate, the executive director of the state bar of Wisconsin, the Wisconsin State Public Defender's Office, and the clerks of the federal district courts in Wisconsin. A lawyer shall not engage in the practice of law in Wisconsin while his or her state bar membership is suspended under this rule.

Violations of SCR 31.10(1) are enforced under the Rules of Professional Conduct via SCR 20:8.4(f), which states, "It is professional misconduct for a lawyer to...violate a statute, supreme court rule, supreme court order or supreme court decision regulating the conduct of lawyers."

Prior Discipline

Olsen was publicly reprimanded in 2011 based upon reciprocal discipline under SCR 22.22(2) following a public censure received in Colorado for failing to timely file a stipulation on behalf of his client, in violation of Colo. PRC 1.3. Olsen received a private reprimand in 2013 for misconduct in two separate matters, the first involving a violation of SCR 10.03(6), enforced via SCR 20:8.4(f) (practicing during dues suspension), and the second involving a violation of SCR 20:1.16(d).

