

SUPREME COURT OF WISCONSIN
OFFICE OF LAWYER REGULATION

Public Reprimand With Consent

2020-OLR-3

Crystal L. Saltzwadel
Attorney at Law

Crystal L. Saltzwadel is a Wisconsin-licensed attorney who practices in Oak Creek, Wisconsin. Saltzwadel engaged in misconduct in six matters investigated by the Office of Lawyer Regulation (OLR).

Matter No. 1

On or about September 25, 2017, the State Public Defender's office appointed Saltzwadel to represent a client in a Revocation of Extended Supervision proceeding before the State of Wisconsin Division of Hearings and Appeals. Following a 2006 criminal conviction in Milwaukee County Circuit Court and a period of imprisonment, the client had been released on extended supervision on August 11, 2015. On August 21, 2017, the client was placed on a supervision hold and admitted to a Milwaukee area secure detention facility.

Saltzwadel met with her client on the day before the scheduled October 18, 2017 hearing in the matter and informed him there would be ten business days to file an appeal of the decision. Following the October 18, 2017 hearing, a decision was rendered in the revocation matter on October 20, 2017. The appeal deadline was November 3, 2017. On or about October 25, 2017, the client received a copy of the decision and attempted to contact Saltzwadel about filing an appeal, but Saltzwadel failed to respond. After hearing nothing from Saltzwadel, the client sent a

letter dated October 31, 2017 to the Division of Hearings and Appeals, stating he had not heard from his lawyer and requesting an extension of time to file an appeal on his own behalf.

On November 2, 2017, Saltzwadel met with her client to discuss filing an appeal. The only appeal ever received by the Division of Hearings and Appeals, however, was a handwritten one filed by the client himself. Saltzwadel's failure to actually file an appeal was compounded by her failure to accurately inform her client as to case status and to respond to his inquiries.

Saltzwadel provided an initial response to the client's grievance, but failed to respond to subsequent letters from OLR requesting additional information. In response to a Supreme Court Order to Show Cause, on February 19, 2019, Saltzwadel submitted a supplemental response to the Wisconsin Supreme Court, but still did not provide OLR with copies of documents she referred to in her earlier response to OLR.

By failing to file an appeal in the client's revocation matter, Saltzwadel violated SCR 20:1.3, which states, "A lawyer shall act with reasonable diligence and promptness in representing a client."

By failing to accurately inform the client regarding the status of any appeal filed in the matter of the revocation decision, and by failing to respond to his requests for information regarding case status, Saltzwadel 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 willfully failing to respond to OLR's requests for additional information relating to the client's grievance, Saltzwadel violated 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(6) is enforced under the Rules of Professional conduct via 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 21.15(4), SCR 22.001(9)(b), SCR 22.03(2), SCR 22.03(6) or SCR 22.04(1)."

Matter No. 2

On December 15, 2017, Saltzwadel became the second attorney appointed by the State Public Defender's office to represent a client on criminal charges filed in Milwaukee County Circuit Court. On December 22, 2017, Saltzwadel appeared at a status conference in the matter. Thereafter, the court scheduled a final pre-trial for January 17, 2018, with a jury trial set for January 24, 2018. On January 17, 2018, Saltzwadel appeared at the pre-trial hearing and informed the court she had been unable to meet with her client due to difficulty locating him in the prison system. The court adjourned the final pre-trial for March 9, 2018, with a jury trial set for April 18, 2018.

On March 9, 2018, Saltzwadel appeared at the pre-trial hearing with her client. Saltzwadel made a motion to adjourn the April 18, 2018 jury trial. The court scheduled a final pre-trial in the matter for July 23, 2018, with a jury trial set for August 20, 2018. The client wrote to Saltzwadel on May 9, 2018, complaining of a lack of any contact and communication with Saltzwadel since the March 9, 2018 court appearance.

On June 6, 2018, the client filed a grievance with OLR alleging Saltzwadel had failed to return his calls or respond to his letters regarding the status of his case, and the only communication he had with Saltzwadel since her appointment was for a few minutes before his

March 9, 2018 court appearance. The client specifically wanted to find out whether evidence and discovery had been obtained for his upcoming trial.

On July 23, 2018, Saltzwadel appeared in court with her client at the final pre-trial, at which time the State requested an adjournment to allow the appearance of an out-of-state witness. A final pre-trial was rescheduled for August 10, 2018, with the trial set for August 20, 2018. Saltzwadel met with her client about his trial on July 24, 2018. In an August 1, 2018 letter to Saltzwadel, the client thanked Saltzwadel for the July 24, 2018 meeting, but asserted a lack of communication from Saltzwadel giving rise to a concern on his part over whether Saltzwadel had taken steps to be ready for trial on August 20, 2018.

On August 1, 2018, Saltzwadel filed a Notice of Motion and Motion to Adjourn the Final Pretrial and Trial in the matter. A hearing on the motion was held on August 7, 2018, and the Court granted the motion. The case was adjourned for a final pre-trial conference on September 6, 2018, with a jury trial set for September 26, 2018.

In correspondence dated August 1, 2018, OLR provided Saltzwadel notice that her client had filed a grievance, and requested a written response. No response was received from Saltzwadel.

On or about August 28, 2018, the client sent Saltzwadel another letter inquiring as to the status of his case and whether all of the evidence had been obtained. On September 6, 2018, Saltzwadel appeared with her client at the final pre-trial hearing and requested an adjournment of the trial date. The Court granted the adjournment and set a final pre-trial for December 18, 2018, with a jury trial set for January 9, 2019.

On December 18, 2018, Saltzwadel appeared without her client at the final pre-trial hearing. The jury trial remained calendared for January 30, 2019. On January 3, 2019, OLR

received correspondence from the client dated December 28, 2018, stating that he had been scheduled to attend the final pre-trial in his case on December 18, 2018, but was not allowed to attend and he still had no communication with Saltzwadel regarding the status of his case.

The client made a written request to the court that Saltzwadel withdraw as counsel, and Saltzwadel made a motion to do so. On January 23, 2019, a hearing was held on Saltzwadel's Motion to Withdraw as counsel. The Court granted the motion and ordered Saltzwadel to inform the SPD that appointment of new counsel was needed. The client's case was adjourned for a status hearing on February 8, 2019. Successor counsel was appointed effective February 18, 2019.

Following her initial failure to provide OLR a response to the August 1, 2019 notice of grievance, and only after the issuance of a Supreme Court Order to Show Cause, on February 19, 2019, Saltzwadel submitted correspondence (dated November 21, 2018) to the Wisconsin Supreme Court responding to the grievance. Saltzwadel's response showed that in the 13 months she represented the client, she had one in-person meeting with him not connected to a court appearance, and responded to one letter, notwithstanding multiple reasonable written inquiries from the client.

By failing to respond to reasonable client status inquiries or otherwise act to keep the client reasonably informed regarding the representation, Saltzwadel 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 willfully failing to provide OLR with a timely response to the client's grievance, Saltzwadel violated 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 wilful 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 SCR 22.03(6) are enforced under the Rules of Professional conduct via 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 21.15(4), SCR 22.001(9)(b), SCR 22.03(2), SCR 22.03(6) or SCR 22.04(1)."

Matter No. 3

Saltzwadel was appointed to represent a client on drug-related criminal charges in Milwaukee County Circuit Court. Saltzwadel appeared at the Preliminary Hearing and the court found probable cause to bind the client over for trial. On July 26, 2017, Saltzwadel appeared at a scheduling conference.

Saltzwadel and her client appeared in court on March 15, 2018, at which time the court set June 6, 2018 as the date for the final pre-trial, and scheduled a jury trial for June 25, 2018. The June 6, 2018 proceedings were converted to a plea and sentencing hearing. Saltzwadel and her client appeared on that date, at which time the client pled guilty to three counts (one as party to a crime) of Manufacturing and Delivery of Heroin. The three remaining counts were dismissed, but read-in. The client received a total sentence of six years in state prison and six years extended supervision.

On July 2, 2018, the client filed a grievance with OLR, stating he had requested information from his case file from Saltzwadel, including copies of discovery and sentencing transcripts so he could pursue appellate remedies, but Saltzwadel had failed to respond to his requests.

By letter dated August 1, 2018, OLR provided Saltzwadel with notice of the grievance and her duty to respond. Saltzwadel failed to respond to OLR. On February 19, 2019, only after issuance of a Supreme Court Order to Show Cause, Saltzwadel filed a response (dated November 20, 2018) to the client's grievance with the Wisconsin Supreme Court. Saltzwadel's response sufficiently addressed the substance of the grievance.

By willfully failing to provide OLR with a timely response to the client's grievance, Saltzwadel violated 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 wilful 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 SCR 22.03(6) are enforced under the Rules of Professional conduct via SCR 20:8.4(h), which states, "It is professional misconduct for a lawyer to fail to cooperate in an investigation of a grievance filed with the office of lawyer regulation as required by SCR 21.15(4), SCR 22.009(b), SCR 22.03(2), SCR 22.03(6) or SCR 22.04(1)."

Matter No. 4

On or about January 22, 2018, Saltzwadel was appointed by the State Public Defender's (SPD's) office to represent a client on criminal charges filed in Milwaukee County Circuit Court. Saltzwadel was the second SPD-appointed attorney to represent the client.

On January 23, 2018 Saltzwadel appeared with her client at a status conference and requested a hearing date on a bail/bond motion, which was scheduled for February 2, 2018. Saltzwadel appeared at the February 2, 2018 bail hearing and the court denied bail. The court set a pre-trial hearing for March 13, 2018 with a jury trial scheduled for April 16, 2018. On March 13, 2018, Saltzwadel appeared with her client at the final pre-trial and requested an additional pre-trial, which the court set for March 27, 2018, with the jury trial still scheduled for April 16, 2018.

Saltzwadel appeared at the March 27, 2018 final pre-trial with the client's appearance waived. Saltzwadel informed the court the case remained in trial posture and informed the court there were no remaining issues to address. On April 16, 2018, Saltzwadel appeared in court with her client and informed the court she had a trial on another case and needed an adjournment. A final pre-trial was reset for May 17, 2018, with a trial date of June 25, 2018.

On May 17, 2018, Saltzwadel appeared with her client at the final pre-trial and indicated the matter was still in trial posture, with the matter still scheduled for trial on June 25, 2018. On June 25, 2018, Saltzwadel contacted the court regarding her inability to appear in the client's matter due to a family emergency. The court re-set a scheduling conference for July 10, 2018. Saltzwadel attended the July 10, 2018 scheduling conference and was advised to file a bail review, with a bail/bond hearing set for July 16, 2018. On July 16, 2018, Saltzwadel appeared with her client, and the court ordered \$1,000 cash bail with GPS monitoring or if no GPS

available, \$10,000 for bail with level 5 monitoring. The matter was set for jury trial to begin on September 24, 2018.

On September 24, 2018, Saltzwadel appeared with her client for the jury trial. On September 25, 2018, Saltzwadel informed the court her client had requested that she withdraw as counsel. The court denied the request. Saltzwadel continued to represent the client during the remainder of the trial. On September 26, 2018, the client was found guilty as to all counts. Sentencing was scheduled for October 26, 2018. The sentencing hearing was eventually adjourned to February, 2019, to await the outcome of another matter involving the client. Following sentencing, a Notice of Intent to Pursue Postconviction Relief was filed on February 22, 2019.

On September 18, 2018 and October 2, 2018, the client contacted OLR alleging Saltzwadel had failed to keep him informed about his case and failed to fully explain matters that were crucial to his case, missed multiple deadlines, never filed the motions he requested and missed a filing deadline for a motion. The client also alleged Saltzwadel had done little or no investigation on his case, was not prepared for trial, and failed to assist the client in ensuring he received credit for time served.

By letter dated October 31, 2018, OLR provided Saltzwadel with notice of the client's grievance, and requested a response to the grievance. Saltzwadel failed to respond. On February 19, 2019, only after issuance of a Supreme Court Order to Show Cause, Saltzwadel filed a response (dated November 19, 2018) with the Wisconsin Supreme Court. Saltzwadel's response sufficiently addressed the substance of the grievance.

By willfully failing to provide OLR with a timely response to the client's grievance, Saltzwadel violated 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 wilful 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 SCR 22.03(6) are enforced under the Rules of Professional Conduct via 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 21.15(4), SCR 22.001(9)(b), SCR 22.03(2), SCR 22.03(6), or SCR 22.04(1)."

Matter No. 5

On June 29, 2017, Saltzwadel was appointed by the State Public Defender's office to represent a client in a criminal case filed in Milwaukee County Circuit Court, and on July 7, 2017 to represent the same client in a second criminal case, also filed in Milwaukee County Circuit Court. In September, 2017, the charges in the second case were dismissed.

In December, 2017, the client was charged with additional criminal charges in a third case filed in Milwaukee County Circuit Court. On December 4, 2017, Saltzwadel was appointed by the SPD to represent the client in that case as well.

In March, 2018, the client was found guilty following a jury trial in the two surviving cases, and subsequently sentenced to a total of 26 years imprisonment. On March 29, 2018, the date of the sentencing hearing, the client and Saltzwadel signed a Notice of Right to Seek

Postconviction Relief form. On the Notice of Right to Seek Postconviction Relief form, the client indicated he planned to seek postconviction relief. Saltzwadel also signed the form, which contained an acknowledgement of her duty to file the Notice of Intent to Pursue Postconviction Relief and the 20-day time limit for doing so.

After hearing nothing from Saltzwadel regarding case status or any additional steps to take in connection with the pursuit of postconviction relief, the client, in error, wrote to the United States District Court for the Eastern District of Wisconsin for an update. The federal court forwarded the client's inquiry to the Milwaukee County Clerk of Circuit Court. A staff attorney in the Clerk's office wrote to the client on June 19, 2018, and explained there was no appeal pending in his cases because no notice of intent to pursue postconviction relief had been filed. The client was advised that in order to reinstate his appellate rights, he would need to petition the Wisconsin Court of Appeals for an extension of time to file a Notice of Intent to Pursue Postconviction Relief.

In an August 1, 2018 Order, the Court of Appeals extended the deadline for the client to file the requisite notices to September 14, 2018, and ordered Saltzwadel to assist her client in doing so. A proper Notice of Intent was filed on August 8, 2018.

Saltzwadel's initial failure to file the Notice of Intent to Pursue Postconviction Relief was compounded by her failure to inform her client that the Notice had not been filed.

By letter dated October 31, 2018, OLR provided Saltzwadel with notice of the client's grievance, and requested a response to the grievance. Saltzwadel failed to respond. On February 19, 2019, only after issuance of a Supreme Court Order to Show Cause, Saltzwadel filed a response (dated November 19, 2018) with the Supreme Court. Saltzwadel did not have an explanation for her initial failure to file a Notice of Intent to Pursue Postconviction Relief.

By her initial failure to timely file the Notice of Intent to Pursue Postconviction Relief on behalf of the client, Saltzwadel violated SCR 20:1.3, which states, “A lawyer shall act with reasonable diligence and promptness in representing a client.”

By failing to promptly inform the client that a Notice of Intent had not been timely filed, Saltzwadel violated SCR 20:1.4(a)(3), which states, “A lawyer shall...(3) keep the client reasonably informed about the status of the matter.

By willfully failing to provide OLR with a timely response to the client’s grievance, Saltzwadel violated 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 wilful 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 SCR 22.03(6) are enforced under the Rules of Professional Conduct via 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 21.15(4), SCR 22.001(9)(b), SCR 22.03(2), SCR 22.03(6), or SCR 22.04(1).”

Matter No. 6

On February 1, 2018, Saltzwadel was appointed by the State Public Defender’s Office to represent a client in a criminal matter filed in Milwaukee County Circuit Court.

On February 5, 2018, Saltzwadel appeared in court with her client at which time the court denied Saltzwadel's motion to dismiss and found probable cause to bind the client over for trial. Scheduling conferences were held on February 20, 2018, March 29, 2018, April 26, 2018 and May 24, 2018. The client made a court appearance for the March 29, 2018 status conference. A final pretrial was scheduled for August 27, 2018 with a jury trial set for October 8, 2018. The August 27, 2018 final pretrial was adjourned to September 27, 2018.

On August 15, 2018, OLR received a grievance from the client alleging Saltzwadel had failed to keep him informed about his case, failed to promptly provide him with all of his discovery and failed to file motions in his case.

On September 24, 2018, Saltzwadel filed a Motion to Withdraw as counsel for the client, with the final pretrial still set for September 27, 2018. At the September 27, 2018 pretrial, Saltzwadel informed the court that there had been a breakdown in communication with the client that was irreconcilable. Saltzwadel's motion to withdraw was granted by the court and Saltzwadel was to notify the SPD's office that new counsel needed to be appointed.

In correspondence dated October 31, 2018, OLR provided Saltzwadel with notice of the client's grievance, and requested a response by no later than November 23, 2018. No response was received from Saltzwadel.

On February 19, 2019, only after issuance of a Supreme Court Order to Show Cause, Saltzwadel filed a response (dated November 19, 2018) with the Supreme Court. Saltzwadel's response sufficiently addressed the substance of the grievance.

By willfully failing to provide OLR with a timely response to the client's grievance, Saltzwadel violated SCR 22.03(2) which states:

