

SUPREME COURT OF WISCONSIN

Office of Lawyer Regulation v. Daniel W. Morse

Morse, 2021 WI 17 (Wis. 2021) · No. 2016AP1288-D · Decided March 2, 2021

SUMMARY

The Wisconsin Supreme Court grants Daniel W. Morse's petition for reinstatement of his Wisconsin law license after a one-year suspension. The court adopts the referee's findings and conclusions, reinstates Morse effective March 2, 2021, and orders him to pay \$5,448.81 in proceeding costs.

CASE DETAILS

COURT	Supreme Court of Wisconsin
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Wisconsin
DECIDED	March 2, 2021
DOCKET	2016AP1288-D
DISPOSITION	other
PROCEDURAL POSTURE	Attorney reinstatement proceeding following a one-year suspension of Daniel W. Morse's Wisconsin law license. The Supreme Court reviewed a referee's reinstatement report and recommendation under Supreme Court Rule 22.33(3), with no appeal filed from the referee's report.
STANDARD OF REVIEW	The court does not overturn a referee's factual findings unless they are clearly erroneous. It reviews the referee's legal conclusions, including whether the attorney satisfied the reinstatement criteria, de novo.
PRECEDENTIAL VALUE	Published opinion; precedential
PARTIES	Daniel W. Morse v. Office of Lawyer Regulation

TOPICS

[administrative law](#) [appellate procedure](#) [standard of review](#)

PRACTICE AREAS

[Legal ethics and professional responsibility](#) [Attorney reinstatement](#) [Appellate procedure](#)

QUESTIONS PRESENTED

1. Whether Morse established by clear, satisfactory, and convincing evidence that he satisfied the criteria for reinstatement of his Wisconsin law license.
2. What standards of review govern the Supreme Court's review of the referee's factual findings and legal conclusions in a reinstatement proceeding.
3. Whether the costs of the reinstatement proceeding should be assessed against Morse.

HOLDINGS

1. The Supreme Court reviews a referee's factual findings for clear error and reviews legal conclusions, including whether the attorney satisfied the reinstatement criteria, de novo.
2. Morse established by clear, satisfactory, and convincing evidence that he satisfied all criteria necessary for reinstatement, and his Wisconsin law license should be reinstated.
3. The full costs of the reinstatement proceeding should be imposed on Morse.

KEY QUOTATIONS

“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 to the public interest, and that he or she has complied with SCR 22.26 and the terms of the order of suspension.” (¶ 4)

“We do not overturn a referee's findings of fact unless they are clearly erroneous. On the other hand, we review a referee's legal conclusions, including whether the attorney has in fact satisfied the criteria for reinstatement, on a de novo basis.” (¶ 5)

FACTUAL BACKGROUND

Morse had practiced law in Wisconsin since 1979 and received a one-year Wisconsin license suspension in 2019 for misconduct involving an estate, including failing to advance the estate's interests, failing to deliver documents, violating a probate court order, and misusing more than \$25,000 in estate funds. During the suspension, he did not practice law, complied with the suspension order, maintained legal competence, acknowledged the seriousness of his misconduct, and made prompt restitution. The referee also found that Morse's post-suspension conduct was exemplary and that he was fit to return to practice.

PROCEDURAL HISTORY

Morse petitioned for reinstatement on April 6, 2020. After a hearing on October 13, 2020, Referee Robert E. Kinney issued a report and recommendation on November 24, 2020, finding that Morse satisfied the reinstatement criteria and recommending reinstatement. The Supreme Court adopted the referee's findings and conclusions, granted reinstatement, and assessed the proceeding's costs against Morse.

DISPOSITION

other

CASES CITED

- In re Disciplinary Proceedings Against Jennings, 2011 WI 45, ¶ 39, 334 Wis. 2d 335, 801 N.W.2d 304
- In re Disciplinary Proceedings Against Gral, 2010 WI 14, ¶ 22, 323 Wis. 2d 280, 779 N.W.2d 168
- In re Disciplinary Proceedings Against Morse, 2019 WI 53, 386 Wis. 2d 654, 927 N.W.2d 543

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