

SUPREME COURT OF WISCONSIN

Office of Lawyer Regulation v. Grogan

331 Wis. 2d 341 (2011) · Decided February 4, 2011

SUMMARY

The Wisconsin Supreme Court reviewed a referee's stipulated findings that Attorney William J. Grogan committed six counts of professional misconduct involving improper use and management of a client trust account and failure to cooperate with an investigation. The court imposed a 60-day license suspension, reinstatement conditions, and \$6,425.53 in costs.

CASE DETAILS

COURT	Supreme Court of Wisconsin
JURISDICTION	Wisconsin
DECIDED	February 4, 2011
DISPOSITION	other
PROCEDURAL POSTURE	The Wisconsin Supreme Court reviewed a referee's recommendation for attorney discipline after no appeal was filed from the referee's report.
STANDARD OF REVIEW	When no timely appeal is filed, the Supreme Court reviews the referee's report under SCR 22.17(2), may adopt, reject, modify, or remand the referee's findings and conclusions, and independently reviews the seriousness of the misconduct and the appropriate discipline.
PRECEDENTIAL VALUE	precedential
PARTIES	Office of Lawyer Regulation v. William J. Grogan

TOPICS

trusts appellate procedure remedies standard of review

PRACTICE AREAS

attorney discipline legal ethics trust account compliance appellate procedure

QUESTIONS PRESENTED

1. Whether the referee's stipulated findings and conclusions established six counts of professional misconduct.
2. Whether a 60-day suspension of Grogan's Wisconsin law license was an appropriate sanction for the misconduct.
3. Whether the recommended reinstatement conditions and proceeding costs should be imposed.

HOLDINGS

1. The court approved and adopted the referee's stipulated findings of fact and conclusions of law establishing six counts of professional misconduct involving trust-account violations and failure to cooperate with the Office of Lawyer Regulation.
2. A 60-day suspension of Grogan's license to practice law was warranted by the seriousness of his repeated trust-account violations and failure to cooperate with the disciplinary investigation.
3. The court imposed the recommended reinstatement conditions and ordered Grogan to pay \$6,425.53 in proceeding costs.

KEY QUOTATIONS

"In imposing discipline, we independently review the seriousness of the misconduct as well as the need to protect the public, the courts, and the legal system from repetition of misconduct, to impress upon the attorney the seriousness of the misconduct, and to deter other attorneys from committing similar misconduct." (331 Wis. 2d at 350)

"IT IS ORDERED that the license of William J. Grogan to practice law in Wisconsin is suspended for 60 days, effective March 7, 2011." (331 Wis. 2d at 351)

FACTUAL BACKGROUND

Grogan used a client trust account as both a business and personal account while failing to maintain a separate business account. He deposited unidentified cash, made personal disbursements and cash withdrawals, failed to maintain client ledgers and properly identify deposits, and incurred numerous overdrafts. He also failed to timely provide trust-account records and responses requested by the Office of Lawyer Regulation, producing the records only after the Supreme Court ordered him to show cause.

PROCEDURAL HISTORY

The Office of Lawyer Regulation filed a complaint alleging six counts of professional misconduct involving Attorney Grogan's trust-account practices and failure to cooperate with the investigation. Grogan stipulated that the allegations were established by clear, satisfactory, and convincing evidence. The referee recommended a 60-day license suspension, reinstatement conditions, and costs. Because no appeal was filed, the Supreme Court independently reviewed the referee's report and imposed the recommended discipline and costs.

DISPOSITION

other

CASES CITED

- Public Reprimand of William J. Grogan, 2007-06
- In re Disciplinary Proceedings Against Woods, 2008 WI 79, ¶ 22, 311 Wis. 2d 213, 751 N.W.2d 840
- In re Disciplinary Proceedings Against Thibodeau, 2007 WI 118, 305 Wis. 2d 21, 738 N.W.2d 558
- In re Disciplinary Proceedings Against Springfield-Woodard, 200 Wis. 2d 537, 547 N.W.2d 190 (1996)

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