

## SUPREME COURT OF WISCONSIN

# Office of Lawyer Regulation v. Patrick M. Cooper

2018 WI 22 · No. 2005AP2744-D & 2012AP2334-D · Decided March 30, 2018

### SUMMARY

The Wisconsin Supreme Court conditionally reinstates Patrick M. Cooper's license to practice law after reviewing a referee's recommendation under SCR 22.33(3). The court requires two years of practice monitoring, a written compliance plan, quarterly reports, and payment of reinstatement proceeding costs. The court also maintains an existing administrative suspension until unpaid mandatory bar dues are resolved.

### CASE DETAILS

|                    |                                                                                                                                                                                         |
|--------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT              | Supreme Court of Wisconsin                                                                                                                                                              |
| JURISDICTION       | Wisconsin                                                                                                                                                                               |
| DECIDED            | March 30, 2018                                                                                                                                                                          |
| DOCKET             | 2005AP2744-D & 2012AP2334-D                                                                                                                                                             |
| DISPOSITION        | other                                                                                                                                                                                   |
| PROCEDURAL POSTURE | The Wisconsin Supreme Court reviewed a referee's recommendation to reinstate Patrick M. Cooper's law license under SCR 22.33(3). No party timely appealed the referee's recommendation. |
| STANDARD OF REVIEW | The court adopts the referee's findings of fact unless they are clearly erroneous and reviews conclusions of law de novo.                                                               |
| PRECEDENTIAL VALUE | published                                                                                                                                                                               |
| PARTIES            | Office of Lawyer Regulation v. Patrick M. Cooper                                                                                                                                        |

### TOPICS

appellate procedure administrative law standard of review

### PRACTICE AREAS

legal ethics attorney discipline lawyer-license reinstatement professional responsibility

### QUESTIONS PRESENTED

1. Whether Cooper satisfied the statutory and Supreme Court Rule requirements for reinstatement of his Wisconsin law license.
2. Whether Cooper's reinstatement should be subject to conditions, including attorney monitoring and practice-management requirements.
3. Whether Cooper should be assessed the full costs of the reinstatement proceeding.

#### **HOLDINGS**

1. The court will adopt a referee's findings of fact unless they are clearly erroneous.
2. Cooper met his burden of proving by clear, satisfactory, and convincing evidence that he satisfied the requirements for reinstatement of his Wisconsin law license.
3. Cooper's license should be reinstated conditionally, subject to two years of attorney monitoring, practice-management requirements, cooperation with the monitor, and compliance with all terms of the order.
4. Cooper must pay the full costs of the reinstatement proceeding because no extraordinary circumstances warranted a reduction.

#### **KEY QUOTATIONS**

*"We conclude that the referee's findings together with the record before us, support a conclusion that Attorney Cooper has met his burden to establish by clear, satisfactory, and convincing evidence that he has met all of the standards required for reinstatement and we agree that reinstatement is appropriate, with conditions." (¶ 20)*

*"Patrick M. Cooper shall not begin representing clients until the monitor has been appointed." (¶ 25)*

#### **FACTUAL BACKGROUND**

Cooper was admitted to practice law in Wisconsin in 1993 and primarily practiced workers' compensation law. His license was suspended for three years in 2007 and for an additional two years in 2013 based on numerous instances of misconduct involving client funds, dishonesty, neglect, communication failures, practicing while suspended, and failure to cooperate with disciplinary investigations. He had not practiced law since 2006, completed continuing legal education, paid the costs of the underlying disciplinary proceedings, and presented evidence of rehabilitation, employment, education, and support from professional colleagues. The referee found that he satisfied the reinstatement requirements, although the Office of Lawyer Regulation expressed concerns that he had minimized aspects of his prior misconduct.

#### **PROCEDURAL HISTORY**

Cooper's license was suspended for three years in 2007 and for an additional two years in 2013 based on extensive professional misconduct. After a prior reinstatement petition was dismissed, Cooper filed a new petition on March 30, 2017. Referee Jonathan V. Goodman conducted a public hearing, recommended conditional reinstatement, and assessed the proceeding's costs against Cooper. The Office of Lawyer Regulation did not oppose reinstatement subject to conditions, and the Supreme Court adopted the recommendation with additional detailed monitoring and practice requirements.

## DISPOSITION

other

## CASES CITED

- In re Disciplinary Proceedings Against Cooper, 2007 WI 37, 300 Wis. 2d 61, 729 N.W.2d 206
- In re Disciplinary Proceedings Against Cooper, 2013 WI 55, 348 Wis. 2d 266, 833 N.W.2d 88
- In re Disciplinary Proceedings Against Eisenberg, 2004 WI 14, ¶ 5, 269 Wis. 2d 43, 675 N.W.2d 747

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