

SUPREME COURT OF WISCONSIN

Office of Lawyer Regulation v. Christopher Stephen Petros

351 Wis. 2d 775 (2014) · No. 2013AP2089-D · Decided January 3, 2014

SUMMARY

The Wisconsin Supreme Court reviewed a stipulation between the Office of Lawyer Regulation and Christopher Stephen Petros concerning reciprocal discipline based on a 90-day suspension imposed by the Minnesota Supreme Court. The court accepted the stipulation and suspended Petros's Wisconsin law license for 90 days, effective February 3, 2014, without assessing costs.

CASE DETAILS

COURT	Supreme Court of Wisconsin
WRITING FOR THE COURT	Per curiam
JURISDICTION	Wisconsin
DECIDED	January 3, 2014
DOCKET	2013AP2089-D
DISPOSITION	other
PROCEDURAL POSTURE	The Wisconsin Supreme Court reviewed a stipulation under SCR 22.12 in which the Office of Lawyer Regulation and Attorney Christopher Stephen Petros jointly requested reciprocal discipline identical to discipline imposed by the Minnesota Supreme Court.
STANDARD OF REVIEW	Independent review of the stipulation and the proposed discipline.
PRECEDENTIAL VALUE	Published state supreme court opinion
PARTIES	Office of Lawyer Regulation v. Christopher Stephen Petros

TOPICS

appellate procedure

PRACTICE AREAS

legal ethics

attorney discipline

professional responsibility

QUESTIONS PRESENTED

1. Whether the Wisconsin Supreme Court should accept the parties' stipulation under SCR 22.12.

2. Whether reciprocal discipline identical to the 90-day Minnesota suspension should be imposed under SCR 22.22.

HOLDINGS

1. The court accepted the stipulation under SCR 22.12 after independently reviewing the matter.
2. The court imposed a 90-day suspension of Petros's Wisconsin law license as reciprocal discipline identical to the suspension imposed by the Minnesota Supreme Court.
3. No costs were assessed because the matter was resolved by stipulation and no referee was appointed.

KEY QUOTATIONS

“Based upon our independent review of the matter, we conclude that the SCR 22.12 stipulation should be accepted and that Attorney Petros's license to practice law in Wisconsin should be suspended for 90 days as reciprocal discipline identical to that imposed by the Minnesota Supreme Court.” (¶ 6)

FACTUAL BACKGROUND

Attorney Christopher Stephen Petros was admitted to practice law in Wisconsin in 2009. The Minnesota Supreme Court suspended his Minnesota license for 90 days after finding that he submitted false evidence, made false statements to disciplinary authorities, failed to notify a client of a hearing, caused and failed to correct misrepresentations to a court, failed to notify clients of appeal rights, and failed to diligently pursue a client's case, communicate with the client, and timely return client property. Petros and the Office of Lawyer Regulation stipulated to reciprocal 90-day suspension in Wisconsin.

PROCEDURAL HISTORY

The Minnesota Supreme Court suspended Petros's Minnesota law license for 90 days based on multiple instances of professional misconduct. The Wisconsin Office of Lawyer Regulation then filed a complaint seeking reciprocal discipline under SCR 22.22. Petros stipulated to the facts, misconduct, and requested discipline, and the Wisconsin Supreme Court accepted the stipulation without appointing a referee.

DISPOSITION

other

OPINION

PER CURIAM.

2014 WI 1 SUPREME COURT OF WISCONSIN CASE NO.: 2013AP2089-D COMPLETE TITLE: In the Matter of Disciplinary Proceedings Against Christopher Stephen Petros, Attorney at Law: Office of Lawyer Regulation, Complainant, v. Christopher Stephen Petros, Respondent. DISCIPLINARY PROCEEDINGS AGAINST PETROS OPINION FILED: January 3, 2014 SUBMITTED ON BRIEFS: ORAL ARGUMENT: SOURCE OF APPEAL: COURT: COUNTY:

JUDGE: JUSTICES: CONCURRED: DISSENTED: NOT PARTICIPATING: ATTORNEYS:
2014 WI 1 NOTICE This opinion is subject to further editing and modification.

The final version will appear in the bound volume of the official reports. No. 2013AP2089-D
STATE OF WISCONSIN: IN SUPREME COURT In the Matter of Disciplinary Proceedings
Against Christopher Stephen Petros, Attorney at Law: Office of Lawyer Regulation, FILED
Complainant, JAN 3, 2014 v. Diane M. Fremgen Clerk of Supreme Court Christopher Stephen
Petros, Respondent.

ATTORNEY disciplinary proceeding. Attorney's license suspended. ¶1 PER CURIAM. We review
a stipulation filed by the Office of Lawyer Regulation (OLR) and Attorney Christopher Stephen
Petros pursuant to SCR 22.12.1 The stipulation requests 1 SCR 22.12 provides as follows:
Stipulation.

(1) The director may file with the complaint a stipulation of the director and the respondent to the
facts, conclusions of law regarding misconduct, and discipline to be imposed. The supreme court
may consider the complaint and stipulation without the appointment of a referee. No.
2013AP2089-D this court to suspend Attorney Petros's license to practice law in Wisconsin as
reciprocal discipline identical to that imposed by the Minnesota Supreme Court. ¶2 Attorney
Petros was admitted to practice law in Wisconsin in 2009.

According to the stipulation, on August 6, 2013, the Minnesota Supreme Court suspended
Attorney Petros's Minnesota law license for 90 days based on misconduct consisting of submitting
false evidence and making false statements to the director of the Minnesota Office of Lawyers
Professional Responsibility; failing to notify a client about a hearing; lying to a court through an
associate and failing to correct the misrepresentations he caused to be made to the court; failing to
timely notify clients of their appeal rights and that he would not file an appeal on their behalf; and
failing to diligently pursue a client's case, communicate with that client, and timely return the
client's property, in violation of Minn. R. Prof.

Conduct 1.3, 1.4, 1.16(d), 3.3(a)(1), 8.1(a), and 8.4(c) and (d). (2) If the supreme court approves a
stipulation, it shall adopt the stipulated facts and conclusions of law and impose the stipulated
discipline. (3) If the supreme court rejects the stipulation, a referee shall be appointed and the
matter shall proceed as a complaint filed without a stipulation.

(4) A stipulation rejected by the supreme court has no evidentiary value and is without prejudice to
the respondent's defense of the proceeding or the prosecution of the complaint. 2 No.
2013AP2089-D ¶3 On September 19, 2013, the OLR filed a complaint alleging that by virtue of
having received discipline imposed in Minnesota for his violations of the Minnesota Rules of
Professional Conduct, Attorney Petros is subject to reciprocal discipline in Wisconsin pursuant to
SCR 22.22.2 2 SCR 22.22 states: Reciprocal discipline.

(1) An attorney on whom public discipline for misconduct or a license suspension for medical incapacity has been imposed by another jurisdiction shall promptly notify the director of the matter. Failure to furnish the notice within 20 days of the effective date of the order or judgment of the other jurisdiction constitutes misconduct.

(2) Upon the receipt of a certified copy of a judgment or order of another jurisdiction imposing discipline for misconduct or a license suspension for medical incapacity of an attorney admitted to the practice of law or engaged in the practice of law in this state, the director may file a complaint in the supreme court containing all of the following: (a) A certified copy of the judgment or order from the other jurisdiction. (b) A motion requesting an order directing the attorney to inform the supreme court in writing within 20 days of any claim of the attorney predicated on the grounds set forth in sub.

(3) that the imposition of the identical discipline or license suspension by the supreme court would be unwarranted and the factual basis for the claim. (3) The supreme court shall impose the identical discipline or license suspension unless one or more of the following is present: (a) The procedure in the other jurisdiction was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process.

3 No. 2013AP2089-D ¶4 In the stipulation, Attorney Petros does not claim that any of the conditions listed in SCR 22.22(3)(a) through (c) prevent the imposition of reciprocal discipline in this case. Attorney Petros and the OLR jointly request that Attorney Petros's license to practice law in Wisconsin be suspended for 90 days. ¶5 The stipulation properly provides that it did not result from plea bargaining.

Attorney Petros says he does not (b) There was such an infirmity of proof establishing the misconduct or medical incapacity that the supreme court could not accept as final the conclusion in respect to the misconduct or medical incapacity. (c) The misconduct justifies substantially different discipline in this state.

(4) Except as provided in sub. (3), a final adjudication in another jurisdiction that an attorney has engaged in misconduct or has a medical incapacity shall be conclusive evidence of the attorney's misconduct or medical incapacity for purposes of a proceeding under this rule.

(5) The supreme court may refer a complaint filed under sub. (2) to a referee for a hearing and a report and recommendation pursuant to SCR 22.16. At the hearing, the burden is on the party seeking the imposition of discipline or license suspension different from that imposed in the other jurisdiction to demonstrate that the imposition of identical discipline or license suspension by the supreme court is unwarranted.

(6) If the discipline or license suspension imposed in the other jurisdiction has been stayed, any reciprocal discipline or license suspension imposed by the supreme court shall be held in abeyance

until the stay expires. 4 No. 2013AP2089-D contest the facts and misconduct alleged by the OLR or the discipline that the OLR's director is seeking in this matter.

Attorney Petros further states that he fully understands the misconduct allegations and the ramifications should this court impose the stipulated level of discipline. He also states he fully understands his right to contest the matter and he understands his right to consult with counsel. Attorney Petros further states that his entry into the stipulation is made knowingly and voluntarily and represents his decision not to contest the misconduct alleged in the OLR's complaint or the level and type of discipline sought by the OLR director. ¶6 Based upon our independent review of the matter, we conclude that the SCR 22.12 stipulation should be accepted and that Attorney Petros's license to practice law in Wisconsin should be suspended for 90 days as reciprocal discipline identical to that imposed by the Minnesota Supreme Court.

Since Attorney Petros entered into a stipulation with the OLR and there was no need to appoint a referee, we agree that no costs should be assessed. ¶7 IT IS ORDERED that the license of Christopher Stephen Petros to practice law in Wisconsin is suspended for a period of 90 days, effective February 3, 2014. ¶8 IT IS FURTHER ORDERED that Christopher Stephen Petros shall comply with provisions of SCR 22.26 concerning the duties of a person whose license to practice law in Wisconsin has been suspended.

5 No. 2013AP2089-D ¶9 IT IS FURTHER ORDERED that compliance with all conditions of this order is required for reinstatement. See SCR 22.28(2). 6 No. 2013AP2089-D 1