

SUPREME COURT OF WISCONSIN

In the Matter of Disciplinary Proceedings Against Mark A. Sostarich, Attorney at Law

2005 WI 97 · No. 2004AP1911-D · Decided June 29, 2005

SUMMARY

The Supreme Court of Wisconsin reviewed a referee's recommendation in a lawyer-discipline proceeding arising from Mark A. Sostarich's federal felony conviction. The court found that his conduct violated SCR 20:8.4(b) and imposed an 18-month suspension of his Wisconsin law license, retroactive to May 18, 2004, along with payment of proceeding costs.

CASE DETAILS

COURT	Supreme Court of Wisconsin
WRITING FOR THE COURT	Per curiam
JURISDICTION	Wisconsin
DECIDED	June 29, 2005
DOCKET	2004AP1911-D
DISPOSITION	other
PROCEDURAL POSTURE	The Wisconsin Supreme Court reviewed, pursuant to SCR 22.17(2), a referee's report and recommendation in an attorney-discipline proceeding. The parties did not appeal the referee's report.
STANDARD OF REVIEW	The Supreme Court independently reviewed the referee's report and recommendation under SCR 22.17(2), accepted factual findings supported by satisfactory and convincing evidence, and determined the appropriate discipline.
PRECEDENTIAL VALUE	Published Wisconsin Supreme Court opinion
PARTIES	Office of Lawyer Regulation v. Mark A. Sostarich, Attorney at Law

TOPICS

appellate procedure

remedies

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Sostarich's criminal conduct constituted professional misconduct under SCR 20:8.4(b).
2. What discipline was appropriate for Sostarich's misconduct.
3. Whether the suspension should be retroactive to the date of his summary suspension and whether he should be ordered to pay the proceeding costs.

HOLDINGS

1. Sostarich committed professional misconduct because his criminal conduct resulting in a felony conviction reflected adversely on his honesty, trustworthiness, or fitness as a lawyer.
2. An 18-month suspension of Sostarich's Wisconsin law license was appropriate for the serious felony misconduct, notwithstanding mitigating circumstances.
3. The 18-month suspension was imposed retroactively to May 18, 2004, the date of Sostarich's summary suspension, and Sostarich was ordered to pay the costs of the disciplinary proceeding.

KEY QUOTATIONS

"We also agree with the referee's conclusions of law that Attorney Sostarich engaged in professional misconduct and turn to the question of the appropriate discipline for this misconduct." (§ 8)

"We conclude that the OLR's recommended suspension of 18 months is more appropriate to the serious nature of the underlying conviction, but agree with the referee that the suspension should be imposed retroactive to the date on which Sostarich's license to practice law was summarily suspended based on the criminal conviction." (§ 14)

FACTUAL BACKGROUND

Sostarich, a Wisconsin lawyer admitted in 1978, pleaded guilty in federal court to conspiracy involving federal program funds arising from his improper provision of part of funds received for legal work for the Police Athletic League to former State Senator Gary George. George received more than \$50,000, and the arrangement was not disclosed to other Police Athletic League board members until the matter was under criminal investigation. Sostarich was sentenced to probation, home confinement, restitution of \$42,649, and community service.

PROCEDURAL HISTORY

The Office of Lawyer Regulation filed a disciplinary complaint after Sostarich pleaded guilty in federal court to conspiracy involving federal program funds. The referee found by clear and convincing evidence that Sostarich violated SCR 20:8.4(b) and recommended a one-year suspension retroactive to his prior summary suspension. The Supreme Court agreed that misconduct occurred but imposed an 18-month retroactive suspension and ordered payment of proceeding costs.

DISPOSITION

other

CASES CITED

- United States v. Sostarich, No. 03 CR 260 (E.D. Wis. 2005)
- United States v. George, 403 F.3d 470 (7th Cir. 2005)

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