

SUPREME COURT OF WISCONSIN

Office of Lawyer Regulation v. Holly Lynn Fulkerson

381 Wis. 2d 124 (Wis. 2018) · No. 2017AP2529-D · Decided April 20, 2018

SUMMARY

The Wisconsin Supreme Court accepted a stipulation between the Office of Lawyer Regulation and Holly Lynn Fulkerson concerning six counts of professional misconduct arising from her representation of a single client in an insurance and medical malpractice matter. The court publicly reprimanded Fulkerson, imposed no restitution, and assessed no costs.

CASE DETAILS

COURT	Supreme Court of Wisconsin
WRITING FOR THE COURT	Per curiam
JURISDICTION	Wisconsin
DECIDED	April 20, 2018
DOCKET	2017AP2529-D
DISPOSITION	other
PROCEDURAL POSTURE	The Wisconsin Supreme Court reviewed a stipulation under Supreme Court Rule 22.12 between the Office of Lawyer Regulation and Attorney Holly Lynn Fulkerson concerning six counts of professional misconduct and the jointly requested sanction of a public reprimand.
STANDARD OF REVIEW	The court independently reviewed the stipulation and the stipulated facts to determine whether to accept the stipulation and impose the requested discipline.
PRECEDENTIAL VALUE	Published Wisconsin Supreme Court opinion; binding precedent regarding the court's treatment of the disciplinary stipulation and sanction in this matter.
PARTIES	Office of Lawyer Regulation v. Holly Lynn Fulkerson, f/k/a Holly Lynn Strop

TOPICS

[health law](#)[insurance coverage](#)[civil procedure](#)

PRACTICE AREAS

legal ethics

attorney discipline

professional responsibility

health law

insurance coverage

QUESTIONS PRESENTED

1. Whether the court should accept the parties' SCR 22.12 stipulation admitting six counts of professional misconduct.
2. Whether a public reprimand was the appropriate discipline for Fulkerson's stipulated misconduct.
3. Whether restitution or costs should be imposed.

HOLDINGS

1. The court accepted the SCR 22.12 stipulation after reviewing the stipulated facts and admissions.
2. A public reprimand was the appropriate sanction for Fulkerson's six counts of professional misconduct.
3. The court imposed no restitution and no costs.

KEY QUOTATIONS

“IT IS ORDERED that Holly Lynn Fulkerson is publicly reprimanded for her professional misconduct.” (¶ 28)

FACTUAL BACKGROUND

Fulkerson represented clients seeking insurance coverage for approximately \$27,000 in denied medical expenses and potentially pursuing medical malpractice claims. She lacked prior medical-malpractice litigation experience, failed to execute a written contingent-fee agreement, deposited a filing-fee payment into her personal account rather than a trust account, and failed to request required medical-malpractice mediation before filing suit. She later failed to timely notify the clients of her new employment and withdrawal, failed to provide successor-counsel names, and failed to advise them of the deadline for refiling, resulting in the claims becoming time-barred.

PROCEDURAL HISTORY

The matter was initially submitted to a referee as a proposed consensual public reprimand under SCR 22.09, but the referee declined to approve it. The Office of Lawyer Regulation then proceeded under SCR 22.12 after the Preliminary Review Committee found cause on six counts, and the parties submitted a stipulation directly to the Wisconsin Supreme Court. The court accepted the stipulation, publicly reprimanded Fulkerson, imposed no restitution, and imposed no costs.

DISPOSITION

other

CASES CITED

- Private Reprimand No. 2015-28

- Public Reprimand of Colleen J. Locke, No. 2013-3
- Public Reprimand of Sarah Clemment, No. 2011-6
- Public Reprimand of Daniel F. Snyder, No. 2016-5
- In re Disciplinary Proceedings Against Moldenhauer, 2016 WI 43, 369 Wis. 2d 1, 879 N.W.2d 605
- In re Disciplinary Proceedings Against Boyle, 2015 WI 110, 365 Wis. 2d 649, 872 N.W.2d 637

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