

SUPREME COURT OF WISCONSIN

Office of Lawyer Regulation v. Kimberly A. Theobald

Theobald, 2004 WI 59 (Wis. 2004) · No. 03-1722-D · Decided May 27, 2004

SUMMARY

The Supreme Court of Wisconsin reviewed disciplinary proceedings against attorney Kimberly A. Theobald and adopted the referee's findings that she violated multiple Wisconsin Rules of Professional Conduct, including rules concerning diligence, client communication, file surrender, and cooperation with the Office of Lawyer Regulation. The court imposed a public reprimand and ordered payment of \$3,289.51 in costs.

CASE DETAILS

COURT	Supreme Court of Wisconsin
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Wisconsin
DECIDED	May 27, 2004
DOCKET	03-1722-D
DISPOSITION	other
PROCEDURAL POSTURE	The Supreme Court of Wisconsin reviewed the referee's findings of fact, conclusions of law, and recommended sanctions in an attorney-discipline proceeding under SCR 22.17(2).
STANDARD OF REVIEW	The referee's findings of fact are affirmed unless clearly erroneous, while the referee's conclusions of law are reviewed de novo.
PRECEDENTIAL VALUE	Published Wisconsin Supreme Court opinion
PARTIES	Office of Lawyer Regulation v. Kimberly A. Theobald

TOPICS

- appellate procedure
- standard of review

PRACTICE AREAS

- legal ethics
- attorney discipline
- professional responsibility

QUESTIONS PRESENTED

1. Whether the referee's factual findings were clearly erroneous.
2. Whether the facts found by the referee constituted violations of the specified Wisconsin Rules of Professional Conduct.
3. What discipline and costs were appropriate for Theobald's repeated professional misconduct.

HOLDINGS

1. The referee's findings of fact are affirmed because they were not clearly erroneous.
2. The referee's conclusions of law are reviewed de novo, and the facts found constituted violations of the specified rules in eleven counts.
3. Repeated professional misconduct involving several clients, in the absence of a prior disciplinary history, warranted a public reprimand and payment of \$3,289.51 in costs.

KEY QUOTATIONS

“The standard of review before this court is that the referee's findings of fact are affirmed unless clearly erroneous but conclusions of law are reviewed on a de novo basis.” (§28)

“IT IS ORDERED that Attorney Kimberly A. Theobald is publicly reprimanded for her misconduct.” (§33)

“IT IS FURTHER ORDERED that within 60 days of the date of this order Attorney Theobald shall pay \$3289.51 to the OLR representing the costs of this proceeding.” (§34)

FACTUAL BACKGROUND

Attorney Kimberly A. Theobald represented four clients in separate matters involving bankruptcy, tax returns, an estate-related matter, and child-support issues. The referee found repeated failures to act diligently, communicate with clients, surrender a client file after termination, and respond to the Office of Lawyer Regulation's investigation. Theobald substantially admitted or did not contest most of the alleged conduct, and she had no prior disciplinary history.

PROCEDURAL HISTORY

A referee found that Attorney Theobald committed multiple violations of the Wisconsin Rules of Professional Conduct and recommended a public reprimand and payment of \$3,289.51 in costs. The Supreme Court adopted the referee's findings and conclusions, imposed the public reprimand, and ordered payment of the proceeding's costs.

DISPOSITION

other

CASES CITED

- In re Disciplinary Proceedings Against Kalal, 2002 WI 45, 252 Wis. 2d 261, 643 N.W.2d 466

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