

SUPREME COURT OF WISCONSIN

Office of Lawyer Regulation v. Paul G. Belke

362 Wis. 2d 55 (2015) · No. 2014AP41-D · Decided April 24, 2015

SUMMARY

The Wisconsin Supreme Court reviewed disciplinary proceedings against Attorney Paul G. Belke based on 13 counts of misconduct arising from multiple misdemeanor convictions and failures to report those convictions. The court imposed a four-month suspension of his Wisconsin law license, required continued participation in a Wisconsin Lawyers Assistance Program monitoring contract, and assessed the proceeding costs against him.

CASE DETAILS

COURT	Supreme Court of Wisconsin
WRITING FOR THE COURT	Per curiam
JURISDICTION	Wisconsin
DECIDED	April 24, 2015
DOCKET	2014AP41-D
DISPOSITION	other
PROCEDURAL POSTURE	The Wisconsin Supreme Court reviewed a referee's report in an attorney disciplinary proceeding under SCR 22.17(2). The referee recommended a 90-day license suspension, continued monitoring through the Wisconsin Lawyers Assistance Program, and assessment of costs.
STANDARD OF REVIEW	A referee's findings of fact are affirmed unless clearly erroneous; conclusions of law are reviewed de novo. The supreme court may impose whatever sanction it deems appropriate regardless of the referee's recommendation.
PRECEDENTIAL VALUE	Published Wisconsin Supreme Court opinion; precedential.
PARTIES	Office of Lawyer Regulation v. Paul G. Belke

TOPICS

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PRACTICE AREAS

attorney discipline

legal ethics

professional responsibility

appellate procedure

QUESTIONS PRESENTED

1. Whether the referee's findings of fact and conclusions that Belke violated the cited supreme court rules should be adopted.
2. What sanction is appropriate for Belke's 13 counts of professional misconduct.
3. Whether Belke should continue participating in a Wisconsin Lawyers Assistance Program monitoring contract and pay the proceeding's costs.

HOLDINGS

1. The court adopted the referee's findings of fact because no finding was clearly erroneous and agreed with the referee's conclusions that Belke violated the applicable supreme court rules.
2. A four-month suspension of Belke's Wisconsin law license was appropriate for the number and nature of his offenses.
3. Belke was required to continue participating in a WisLAP monitoring contract, comply with its assessment and treatment conditions, pay \$3,316.55 in proceeding costs, and comply with SCR 22.26.

KEY QUOTATIONS

"A referee's findings of fact are affirmed unless clearly erroneous. Conclusions of law are reviewed de novo."
(¶20)

"The court may impose whatever sanction it sees fit, regardless of the referee's recommendation." (¶20)

"We conclude that a four-month suspension of Attorney Belke's license to practice law is more commensurate with the number and nature of offenses at issue than the 90-day suspension recommended by the referee."
(¶24)

FACTUAL BACKGROUND

Belke, a Wisconsin attorney admitted in 1996, accumulated multiple misdemeanor convictions arising from alcohol-related conduct, domestic-abuse-related disorderly conduct, bail jumping, and operating while intoxicated. He also failed to notify the Office of Lawyer Regulation and the clerk of the supreme court of several convictions as required by SCR 21.15(5). He had no prior disciplinary history and had complied with treatment recommendations and substance-abuse monitoring, but the court found that the repeated offenses demonstrated a significant lapse in judgment and a serious disregard for public safety.

PROCEDURAL HISTORY

The Office of Lawyer Regulation filed a 13-count complaint. Belke withdrew his answer and entered a no-contest plea to each allegation, leaving the appropriate sanction for argument before the referee. The referee adopted the stipulated misconduct and recommended a 90-day suspension. The supreme court adopted the

referee's factual findings and legal conclusions but imposed a four-month suspension, continued WisLAP monitoring, and full costs.

DISPOSITION

other

CASES CITED

- In re Disciplinary Proceedings Against Eisenberg, 2004 WI 14, 269 Wis. 2d 43, 675 N.W.2d 747
- In re Disciplinary Proceedings Against Widule, 2003 WI 34, 261 Wis. 2d 45, 660 N.W.2d 686
- In re Disciplinary Proceedings Against Cahill, 219 Wis. 2d 330, 579 N.W.2d 231 (1998)

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