

SUPREME COURT OF WISCONSIN

In the Matter of Disciplinary Proceedings Against Eric Leighton Crandall

2006 WI 6, 287 Wis. 2d 102, 708 N.W.2d 690 (Wis. 2006) · No. 2005AP2568-D · Decided January 20, 2006

SUMMARY

The Wisconsin Supreme Court imposed reciprocal discipline on Attorney Eric Leighton Crandall following his indefinite suspension by the Minnesota Supreme Court for professional misconduct. The court suspended Crandall's Wisconsin law license for three months under Wisconsin's reciprocal-discipline rule and required compliance with SCR 22.26.

CASE DETAILS

COURT	Supreme Court of Wisconsin
JURISDICTION	Wisconsin
DECIDED	January 20, 2006
DOCKET	2005AP2568-D
DISPOSITION	other
PROCEDURAL POSTURE	The Office of Lawyer Regulation filed a complaint seeking reciprocal discipline against Attorney Eric Leighton Crandall after the Minnesota Supreme Court indefinitely suspended him, with the right to seek reinstatement after three months.
STANDARD OF REVIEW	Under SCR 22.22(3), the Wisconsin Supreme Court imposes identical reciprocal discipline unless the foreign proceeding lacked due process, the misconduct finding suffers from an infirmity of proof that prevents acceptance as final, or the misconduct warrants substantially different discipline in Wisconsin.
PRECEDENTIAL VALUE	Published Wisconsin Supreme Court opinion
PARTIES	Office of Lawyer Regulation v. Eric Leighton Crandall

TOPICS

administrative law

appellate procedure

standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether reciprocal discipline should be imposed under SCR 22.22 after the Minnesota Supreme Court suspended Crandall for professional misconduct.
2. Whether any SCR 22.22(3) exception barred Wisconsin from imposing reciprocal discipline.
3. Whether a three-month suspension was substantially different from the discipline that Wisconsin would impose for comparable misconduct.

HOLDINGS

1. The Wisconsin Supreme Court imposed reciprocal discipline matching the operative length of the Minnesota discipline by suspending Crandall's Wisconsin law license for three months.
2. None of the three exceptions in SCR 22.22(3) applied because the Minnesota proceeding afforded due process, the misconduct findings were supported sufficiently for acceptance as final, and the misconduct did not justify substantially different discipline in Wisconsin.

KEY QUOTATIONS

“SCR 22.22(3) provides that this court shall impose the identical discipline or license suspension unless the procedure in the other jurisdiction was so lacking in notice or opportunity to be heard as to constitute a due process violation; there was such an infirmity of proof establishing the misconduct that this court could not accept as final the misconduct finding; or the misconduct justifies substantially different discipline here.”
(104)

“We conclude that it is appropriate to impose reciprocal discipline to that imposed by the Minnesota Supreme Court.” (105)

FACTUAL BACKGROUND

Crandall was admitted to practice law in Wisconsin in 1991 and Minnesota in 1988. The Minnesota Supreme Court disciplined him for neglecting client matters, failing to appear at client court hearings, failing to comply with discovery rules, and failing to cooperate fully with disciplinary authorities. The Wisconsin Office of Lawyer Regulation sought reciprocal discipline, and Crandall argued that the Minnesota suspension was excessive and that Wisconsin should not discipline conduct occurring outside Wisconsin.

PROCEDURAL HISTORY

The Minnesota Supreme Court imposed an indefinite suspension on Crandall for professional misconduct. The Wisconsin Office of Lawyer Regulation then petitioned the Wisconsin Supreme Court under SCR 22.22 for reciprocal discipline and separately alleged that Crandall failed to notify the OLR of the Minnesota suspension within the required time. Crandall submitted a letter response, but the Wisconsin Supreme Court found none of the exceptions to reciprocal discipline applicable and ordered a three-month Wisconsin suspension.

DISPOSITION

OPINION

Disciplinary Proceedings Against Crandall 2006 WI 6

PER CURIAM.

287 Wis.2d 102 (2006) 2006 WI 6 708 N.W.2d 690 IN the MATTER OF DISCIPLINARY PROCEEDINGS AGAINST Eric Leighton CRANDALL, Attorney at Law: OFFICE OF LAWYER REGULATION, Complainant, v. Eric Leighton CRANDALL, Respondent. No. 2005AP2568-D. Supreme Court of Wisconsin. Decided January 20, 2006.

*103 The Court entered the following order on this date:

The Office of Lawyer Regulation (OLR) has filed a complaint asking this court, pursuant to SCR 22.22, to suspend Attorney Eric Leighton Crandall's license to practice law in Wisconsin for a period of 90 days as discipline reciprocal to that imposed upon Attorney Crandall in Minnesota. Attorney Crandall was admitted to practice law in Wisconsin in 1991. He was admitted to practice law in Minnesota in 1988. On July 28, 2005, the Minnesota Supreme Court ordered that Attorney Crandall be indefinitely suspended from the practice of law, with the right to seek reinstatement after three months, for professional misconduct consisting of neglecting client matters, failing to appear at his clients' court hearings, failing to comply with the rules of discovery, and failing to cooperate fully with the Director of the Office of Lawyers Professional Responsibility. The OLR's complaint alleges that by virtue of having received public discipline imposed by the Minnesota Supreme Court for his violation of the Minnesota Rules of Professional Conduct, Attorney Crandall is subject to reciprocal discipline in Wisconsin pursuant to SCR 22.22. The complaint also alleges that by failing to notify the OLR of the suspension of his Minnesota law license within 20 days of the effective date of that jurisdiction's imposition of a suspension for professional misconduct, Attorney Crandall violated SCR 22.22(1). SCR 22.22(3) provides that this court shall impose the identical discipline or license suspension unless the procedure in the other jurisdiction was so lacking in *104 notice or opportunity to be heard as to constitute a due process violation; there was such an infirmity of proof establishing the misconduct that this court could not accept as final the misconduct finding; or the misconduct justifies substantially different discipline here. Attorney Crandall filed a letter response to the OLR's complaint on November 29, 2005 stating two reasons why he believes reciprocal discipline to be inappropriate. First, he says the punishment imposed by the Minnesota Supreme Court exceeds the punishment that the court would impose under similar circumstances. He says, "Three months suspension for essentially missing three court appearances is excessive. Additionally two of the seven Minnesota Supreme Court Justices disagreed with the length of the suspension." (Two justices would have allowed Attorney Crandall to seek reinstatement after two months.) Second, Attorney Crandall says he does not believe it is appropriate for this court to impose discipline for acts or omissions outside

the state's borders. None of the three exceptions set forth in SCR 22.22(3) for imposing reciprocal discipline exists here. The documents relating to the Minnesota disciplinary action that are attached to the OLR's complaint indicate that Attorney Crandall had the opportunity to be heard in the Minnesota action. There is no showing that there was such an infirmity of proof establishing the misconduct that this court could not accept as final the misconduct findings made by the Minnesota Supreme court. While Attorney Crandall argues that the misconduct justifies substantially different discipline in Wisconsin, it appears that a 90-day suspension of an attorney's license is consistent with what would be imposed on Wisconsin lawyers for similar misconduct. *105 We conclude that it is appropriate to impose reciprocal discipline to that imposed by the Minnesota Supreme Court. IT IS ORDERED that the license of Attorney Eric Leighton Crandall to practice law in Wisconsin is suspended for three months, effective February 20, 2006, and until the further order of this court; IT IS FURTHER ORDERED that Attorney Crandall shall comply with the provisions of SCR 22.26 concerning the duties of a person whose license to practice law in Wisconsin has been suspended.

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