

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

other

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