

SUPREME COURT OF WISCONSIN

Office of Lawyer Regulation v. Peter J. Kovac

370 Wis. 2d 388 (2016) · No. 2015AP654-D · Decided July 8, 2016

SUMMARY

The Wisconsin Supreme Court reviewed a referee's recommendation in a disciplinary proceeding against attorney Peter J. Kovac. The court declared Kovac in default, found seven counts of professional misconduct, suspended his Wisconsin law license for 90 days, and ordered him to pay \$1,824.83 in proceeding costs.

CASE DETAILS

COURT	Supreme Court of Wisconsin
WRITING FOR THE COURT	Per curiam
JURISDICTION	Wisconsin
DECIDED	July 8, 2016
DOCKET	2015AP654-D
DISPOSITION	other
PROCEDURAL POSTURE	The Wisconsin Supreme Court reviewed a referee's report and recommendation in an attorney disciplinary proceeding in which the referee declared Kovac in default, found seven counts of professional misconduct, and recommended a 90-day license suspension and assessment of full costs.
STANDARD OF REVIEW	A referee's findings of fact are affirmed unless clearly erroneous; conclusions of law are reviewed de novo; and 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. Peter J. Kovac

TOPICS

[administrative law](#) [appellate procedure](#) [standard of review](#)

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Kovac should be declared in default after failing to answer the disciplinary complaint and participate in the proceeding.
2. Whether the referee's findings that Kovac committed all seven charged violations should be adopted.
3. What sanction was appropriate for Kovac's professional misconduct in light of his prior public reprimands and pattern of noncooperation.
4. Whether Kovac should be required to pay the full costs of the disciplinary proceeding.

HOLDINGS

1. Kovac was properly declared in default because, despite being given opportunities to answer the complaint and present a defense, he failed to do so.
2. The referee's findings that Kovac violated the cited Wisconsin Supreme Court Rules on all seven counts were adopted.
3. A 90-day suspension of Kovac's Wisconsin law license was an appropriate sanction.
4. Kovac was required to pay the full costs of the disciplinary proceeding, totaling \$1,824.83 as of February 2, 2016.

KEY QUOTATIONS

"We agree with the referee that a 90-day suspension is necessary to protect the public, the courts, and the legal system from repetition of Attorney Kovac's misconduct; impress upon the attorney the seriousness of his misconduct; and deter other attorneys from committing similar misconduct." (¶ 22)

FACTUAL BACKGROUND

Kovac represented two criminal defendants, K.R. and A.B. In the K.R. matter, he failed to execute a required written fee agreement, delayed turning over the client file to successor counsel, and failed to cooperate with the Office of Lawyer Regulation investigation. In the A.B. matter, he failed to file a notice of intent to pursue post-conviction relief, failed to provide the client file, failed to comply with court of appeals orders, and again failed to cooperate with the disciplinary investigation. Kovac had previously received two public reprimands for related misconduct.

PROCEDURAL HISTORY

The Office of Lawyer Regulation filed a seven-count disciplinary complaint against Kovac. Kovac failed to answer, participate in the disciplinary proceedings, or timely appeal the referee's report. The referee entered default, found all seven counts proven, and recommended a 90-day suspension and full costs. The Supreme Court denied Kovac's motion to extend the appeal deadline, adopted the referee's findings and legal conclusions, and imposed the recommended discipline.

DISPOSITION

other

CASES CITED

- Public Reprimand of Peter J. Kovac, 2008-OLR-05
- In re Disciplinary Proceedings Against Kovac, 2012 WI 117, 344 Wis. 2d 522, 823 N.W.2d 371
- In re Disciplinary Proceedings Against Eisenberg, 2004 WI 14, ¶5, 269 Wis. 2d 43, 675 N.W.2d 747
- In re Disciplinary Proceedings Against Widule, 2003 WI 34, ¶44, 261 Wis. 2d 45, 660 N.W.2d 686
- In re Disciplinary Proceedings Against Brandt, 2012 WI 8, ¶21, 338 Wis. 2d 524, 808 N.W.2d 687
- In re Disciplinary Proceedings Against Wood, 2014 WI 116, 358 Wis. 2d 472, 854 N.W.2d 844

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