

SUPREME COURT OF WISCONSIN

Office of Lawyer Regulation v. Yuri Bernard Nielsen

351 Wis. 2d 708 (2013) · No. 2013AP1720-D · Decided December 20, 2013

SUMMARY

The Supreme Court of Wisconsin reviewed a stipulated reciprocal-discipline matter involving Yuri Bernard Nielsen, who had been disbarred by the Supreme Court of Arizona for professional misconduct involving misappropriation of trust funds and related failures. The court accepted the stipulation and revoked Nielsen's Wisconsin law license effective December 20, 2013, without imposing costs.

CASE DETAILS

COURT	Supreme Court of Wisconsin
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Wisconsin
DECIDED	December 20, 2013
DOCKET	2013AP1720-D
DISPOSITION	other
PROCEDURAL POSTURE	Reciprocal attorney-discipline proceeding arising from the Supreme Court of Arizona's disbarment of Nielsen. The Wisconsin Office of Lawyer Regulation and Nielsen stipulated to imposition of identical discipline in Wisconsin.
STANDARD OF REVIEW	The Wisconsin Supreme Court independently reviewed the reciprocal-discipline matter and the parties' stipulation.
PRECEDENTIAL VALUE	Published Wisconsin Supreme Court opinion
PARTIES	Office of Lawyer Regulation v. Yuri Bernard Nielsen

TOPICS

appellate procedure

PRACTICE AREAS

legal ethics

attorney discipline

professional responsibility

QUESTIONS PRESENTED

1. Whether Wisconsin should impose reciprocal discipline based on Nielsen's disbarment by the Supreme Court of Arizona.
2. Whether the parties' stipulation to reciprocal discipline should be accepted.
3. Whether Nielsen's Wisconsin license to practice law should be revoked.

HOLDINGS

1. An attorney disbarred for professional misconduct in another jurisdiction is subject to reciprocal discipline in Wisconsin, and Wisconsin must impose identical discipline unless one of the exceptions in SCR 22.22(3) applies.
2. The court may accept the parties' stipulation to facts, misconduct conclusions, and discipline and impose the stipulated discipline without appointing a referee.
3. Nielsen's Wisconsin license to practice law must be revoked as reciprocal discipline for his Arizona disbarment.

KEY QUOTATIONS

“By virtue of having been disbarred by the Supreme Court of Arizona for professional misconduct, Attorney Nielsen is subject to reciprocal discipline in Wisconsin pursuant to SCR 22.22.” (at 1)

“Upon our review of the matter, we accept the stipulation and impose discipline identical to that imposed by the Supreme Court of Arizona.” (at 5)

FACTUAL BACKGROUND

Nielsen was admitted to practice law in Wisconsin in 2005 and was also admitted in Arizona. The Supreme Court of Arizona disbarred him for misappropriation of trust funds, failure to provide an accounting of trust accounts, and related client-record violations. Nielsen did not contest the alleged facts or the requested discipline and voluntarily entered into a stipulation with the Office of Lawyer Regulation.

PROCEDURAL HISTORY

The Supreme Court of Arizona disbarred Nielsen on May 2, 2013, for professional misconduct involving misappropriation of trust funds and failure to provide an accounting. The Wisconsin Office of Lawyer Regulation filed a reciprocal-discipline complaint on August 5, 2013. The parties entered a stipulation on September 25, 2013, and the Wisconsin Supreme Court accepted it without appointing a referee.

DISPOSITION

other