

SUPREME COURT OF WISCONSIN

Office of Lawyer Regulation v. Scott E. Selmer

761 N.W.2d 6 (2009) · No. 2008AP2868-D · Decided February 17, 2009

SUMMARY

The Wisconsin Supreme Court imposed reciprocal discipline on Scott E. Selmer after the Minnesota Supreme Court publicly reprimanded him and ordered one year of unsupervised probation. Because Selmer did not respond and did not establish any exception under Wisconsin's reciprocal-discipline rule, the court ordered a public reprimand and noted his separate failure to timely notify the Office of Lawyer Regulation.

CASE DETAILS

COURT	Supreme Court of Wisconsin
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Wisconsin
DECIDED	February 17, 2009
DOCKET	2008AP2868-D
DISPOSITION	other
PROCEDURAL POSTURE	The Office of Lawyer Regulation filed a complaint and motion requesting reciprocal discipline identical to a public reprimand imposed on Selmer by the Minnesota Supreme Court. The Wisconsin Supreme Court ordered Selmer to show cause why reciprocal discipline should not be imposed; Selmer did not respond.
PRECEDENTIAL VALUE	Published Wisconsin Supreme Court opinion; precedential.
PARTIES	Office of Lawyer Regulation v. Scott E. Selmer

TOPICS

administrative law

appellate procedure

PRACTICE AREAS

legal ethics

attorney discipline

reciprocal discipline

professional responsibility

QUESTIONS PRESENTED

1. Whether Wisconsin should impose reciprocal discipline identical to the public reprimand imposed by the Minnesota Supreme Court.
2. Whether Selmer's failure to notify the Office of Lawyer Regulation of the Minnesota discipline within 20 days constituted misconduct under SCR 22.22(1).

HOLDINGS

1. Wisconsin must impose discipline identical to that imposed by another jurisdiction unless one of the exceptions in SCR 22.22(3) applies; because Selmer did not allege that any exception applied, reciprocal public reprimand was warranted.
2. An attorney's failure to notify the director of public discipline imposed by another jurisdiction within 20 days of the effective date constitutes misconduct under SCR 22.22(1).

KEY QUOTATIONS

"SCR 22.22(3) provides that this court "shall impose the identical discipline or license suspension unless ... [t]he procedure in the other jurisdiction was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process" violation; "there was such an infirmity of proof establishing the misconduct ... that [this court] could not accept as final" the other jurisdiction's misconduct finding; or "the misconduct justifies substantially different discipline" here." (§ 5)

FACTUAL BACKGROUND

Selmer was licensed to practice law in Wisconsin and Minnesota. The Minnesota Supreme Court publicly reprimanded him and imposed one year of unsupervised probation for failing to comply with probation terms, failing to file timely individual income tax returns, and a fifth-degree assault conviction. Selmer did not notify the Wisconsin Office of Lawyer Regulation of the Minnesota discipline within 20 days and did not respond to the Wisconsin complaint or show-cause order.

PROCEDURAL HISTORY

The Minnesota Supreme Court publicly reprimanded Selmer and imposed one year of unsupervised probation. The Office of Lawyer Regulation then sought reciprocal discipline in Wisconsin and alleged that Selmer failed to notify the OLR of the Minnesota discipline within the required 20-day period. After Selmer failed to respond to the complaint and show-cause order, the Wisconsin Supreme Court imposed identical reciprocal discipline.

DISPOSITION

other

CASES CITED

- In re Disciplinary Proceedings Against Selmer, 195 Wis. 2d 687, 538 N.W.2d 252 (1995)
- In re Disciplinary Proceedings Against Selmer, 227 Wis. 2d 85, 595 N.W.2d 373 (1999)

