

SUPREME COURT OF WISCONSIN

Office of Lawyer Regulation v. Carl H. Creedy

2014 WI 114, 358 Wis. 2d 345 (2014) · No. 2013AP1439-D · Decided October 14, 2014

SUMMARY

The Wisconsin Supreme Court reviewed a disciplinary proceeding against Attorney Carl H. Creedy after he pleaded no contest to several professional misconduct allegations. The court publicly reprimanded Creedy and ordered him to pay one-half of the proceeding's costs, totaling \$17,801.64 as of May 21, 2014.

CASE DETAILS

COURT	Supreme Court of Wisconsin
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Wisconsin
DECIDED	October 14, 2014
DOCKET	2013AP1439-D
DISPOSITION	other
PROCEDURAL POSTURE	Original attorney disciplinary proceeding. The respondent pleaded no contest to specified misconduct allegations under SCR 22.14. No appeal was filed, so the supreme court reviewed the referee's report under SCR 22.17(2), determined the appropriate discipline, and allocated costs.
STANDARD OF REVIEW	Under SCR 22.17(2), when no timely appeal is filed, the supreme court reviews the referee's report, may adopt, reject, or modify the referee's findings and conclusions, may remand for additional findings, and determines and imposes appropriate discipline. The court independently determined the appropriate discipline and exercised discretion in assessing costs.
PRECEDENTIAL VALUE	published Wisconsin Supreme Court opinion
PARTIES	Office of Lawyer Regulation v. Carl H. Creedy

TOPICS

appellate procedure

standard of review

administrative law

PRACTICE AREAS

legal ethics

attorney discipline

professional responsibility

QUESTIONS PRESENTED

1. Whether the referee's findings and conclusions regarding Creedy's violations of SCR 20:1.7(a), SCR 20:1.8(a), and SCR 20:1.8(b) should be adopted.
2. Whether the evidence established violations of SCR 20:5.4(a) and (b) concerning fee sharing and partnership with a nonlawyer.
3. Whether the evidence established violations of SCR 20:5.3(a) and (b) concerning supervision of a nonlawyer.
4. What discipline was appropriate for the proven misconduct.
5. Whether Creedy should pay all or one-half of the costs of the disciplinary proceeding.

HOLDINGS

1. Creedy violated SCR 20:1.7(a) because his representation of a Social Security claimant was directly adverse to Murphy, who was both his business partner and client, and Creedy did not obtain the required written informed consent.
2. Creedy violated SCR 20:1.8(a) by entering a business arrangement with Murphy without written disclosure of the terms, written advice concerning independent counsel, and written informed consent to the transaction and Creedy's role.
3. The evidence did not establish that Creedy violated SCR 20:5.4(a) or (b), and the court accepted the referee's recommendation on those allegations.
4. The evidence did not establish that Creedy failed to make reasonable efforts to supervise Murphy or ensure that Murphy's conduct was compatible with Creedy's professional obligations.
5. Creedy violated SCR 20:1.8(b) by providing information obtained during his representation of Murphy to law enforcement to Murphy's disadvantage without Murphy's informed consent.
6. A public reprimand was sufficient discipline, and Creedy was ordered to pay one-half of the costs of the disciplinary proceeding.

KEY QUOTATIONS

"We approve and adopt the referee's findings and conclusions and we agree that a public reprimand is sufficient discipline for Attorney Creedy's misconduct." (§ 2)

"We agree with the referee's assessment and we direct Attorney Creedy to pay one-half of the costs of this proceeding." (§ 27)

"IT IS ORDERED that Attorney Carl H. Creedy is publicly reprimanded for professional misconduct." (§ 28)

FACTUAL BACKGROUND

Attorney Carl H. Creedy represented Social Security disability claimants in a business arrangement with nonlawyer Joseph Murphy, who operated a company representing disability claimants. Murphy accepted unauthorized advance fees from at least one claimant, and Creedy, who was counsel of record, learned of the problem in March 2010 and promptly refunded the fees. Creedy's relationship with Murphy also involved an undisclosed business transaction and a concurrent conflict of interest, and Creedy later provided information about Murphy to law enforcement without Murphy's informed consent.

PROCEDURAL HISTORY

The Office of Lawyer Regulation filed an eight-count disciplinary complaint seeking a four-month suspension. After an evidentiary hearing, the parties stipulated to dismissal of several counts and Attorney Creedy pleaded no contest to the remaining allegations. Referee James W. Mohr, Jr. found three rule violations, recommended a public reprimand, and recommended that Creedy pay one-half of the costs. The Wisconsin Supreme Court adopted the referee's findings and conclusions, publicly reprimanded Creedy, and ordered him to pay one-half of the proceeding's costs.

DISPOSITION

other