

SUPREME COURT OF WISCONSIN

Office of Lawyer Regulation v. John M. Curtin

357 Wis. 2d 247 (2014) · No. 2013AP2705-D · Decided July 24, 2014

SUMMARY

The Wisconsin Supreme Court reviewed a stipulation between the Office of Lawyer Regulation and John M. Curtin under SCR 22.12. The court imposed a public reprimand as reciprocal discipline for an Arizona reprimand involving inadequate trust-account records and failure to notify Wisconsin authorities of the Arizona discipline within the required period. No costs were assessed because the matter was resolved by stipulation without appointment of a referee.

CASE DETAILS

COURT	Supreme Court of Wisconsin
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Wisconsin
DECIDED	July 24, 2014
DOCKET	2013AP2705-D
DISPOSITION	other
PROCEDURAL POSTURE	Attorney disciplinary proceeding in which the Wisconsin Supreme Court reviewed a stipulation between the Office of Lawyer Regulation and Attorney John M. Curtin seeking reciprocal discipline based on an Arizona Supreme Court reprimand.
STANDARD OF REVIEW	Independent review of the SCR 22.12 stipulation and the proposed reciprocal discipline.
PRECEDENTIAL VALUE	Published Wisconsin Supreme Court opinion
PARTIES	Office of Lawyer Regulation v. John M. Curtin

TOPICS

appellate procedure

standard of review

PRACTICE AREAS

legal ethics

attorney discipline

professional responsibility

QUESTIONS PRESENTED

1. Whether the court should accept the parties' stipulation under SCR 22.12.
2. Whether Curtin should receive reciprocal Wisconsin discipline identical to the reprimand imposed by the Arizona Supreme Court.
3. Whether costs should be assessed when the parties resolved the disciplinary matter by stipulation without appointment of a referee.

HOLDINGS

1. The court accepted the parties' stipulation under SCR 22.12 after independently reviewing the matter.
2. Curtin was publicly reprimanded in Wisconsin as reciprocal discipline identical to that imposed by the Arizona Supreme Court.
3. No costs were assessed because the matter was resolved by stipulation and no referee was appointed.

KEY QUOTATIONS

“IT IS ORDERED that John M. Curtin is publicly reprimanded.” (¶17)

FACTUAL BACKGROUND

Curtin was admitted to practice law in Wisconsin and Arizona. After a staff member falsified, destroyed, and failed to maintain trust-account records to facilitate substantial theft from Curtin's trust account, the Arizona Supreme Court reprimanded Curtin for failing to maintain adequate records and meet required trust-account control and supervision standards. Curtin did not notify the Wisconsin Office of Lawyer Regulation of the Arizona reprimand within 20 days, although he later provided notice.

PROCEDURAL HISTORY

The Arizona Supreme Court reprimanded Curtin for inadequate trust-account recordkeeping and supervision and imposed a reprimand, one year of probation, and participation in a trust-account ethics program. The Office of Lawyer Regulation then filed a Wisconsin complaint alleging that Curtin was subject to reciprocal discipline and had violated SCR 22.22(1) by failing to notify the OLR of the Arizona reprimand within 20 days. The parties stipulated to a public reprimand, and the Wisconsin Supreme Court accepted the stipulation without appointing a referee and imposed the stipulated discipline without assessing costs.

DISPOSITION

other

OPINION

PER CURIAM.

2014 WI 90 SUPREME COURT OF WISCONSIN CASE NO.: 2013AP2705-D COMPLETE
TITLE: Office of Lawyer Regulation, Complainant, v. John M. Curtin, Respondent.

DISCIPLINARY PROCEEDINGS AGAINST CURTIN OPINION FILED: July 24, 2014
SUBMITTED ON BRIEFS: ORAL ARGUMENT: SOURCE OF APPEAL: COURT: COUNTY:
JUDGE: JUSTICES: CONCURRED: DISSENTED: NOT PARTICIPATING: ATTORNEYS:
2014 WI 90 NOTICE This opinion is subject to further editing and modification.

The final version will appear in the bound volume of the official reports. No. 2013AP2705-D
STATE OF WISCONSIN: IN SUPREME COURT Office of Lawyer Regulation, Complainant,
FILED v. JUL 24, 2014 John M. Curtin, Diane M. Fremgen Clerk of Supreme Court Respondent.
ATTORNEY disciplinary proceeding. Attorney publicly reprimanded. ¶1 PER CURIAM.

We review a stipulation filed by the Office of Lawyer Regulation (OLR) and Attorney John M. Curtin pursuant to Supreme Court Rule (SCR) 22.12. The stipulation requests this court to publicly reprimand Attorney Curtin as reciprocal discipline identical to that imposed by the Arizona Supreme Court. ¶2 Attorney Curtin was admitted to practice law in Wisconsin in 1987.

His Wisconsin license is currently in good standing but inactive. Attorney Curtin is also admitted to practice law in Arizona. No. 2013AP2705-D ¶3 According to the stipulation, on May 13, 2013, the Arizona Supreme Court reprimanded Attorney Curtin for failing to maintain adequate trust account records and failing to meet required standards for performance regarding trust account control and supervision after the staff member who maintained Attorney Curtin's trust account records falsified, destroyed, and stopped maintaining some trust account records to enable substantial theft from Attorney Curtin's trust account.

The Arizona Supreme Court found that Attorney Curtin violated ER 1.15(a) of the Arizona Rules of Professional Conduct, Rule 42, Ariz. R. Sup. Ct., and Rules 43(a)(1), (b)(1)(A)-(C), and (b)(2)(A)-(D). Attorney Curtin admitted the allegations and agreed that a reprimand and a year of probation and participation in a trust account ethics program was appropriate.

Attorney Curtin did not notify the OLR of the Arizona reprimand within 20 days of its effective date. The OLR did receive notice from Attorney Curtin on December 11, 2013. ¶4 On December 10, 2013, the OLR filed a complaint alleging two counts of misconduct: [Count One] By virtue of the Arizona reprimand, Curtin is subject to reciprocal discipline in Wisconsin pursuant to SCR 22.22.

[Count Two] By failing to notify OLR of his reprimand in Arizona for professional misconduct within 20 days of the effective date of its imposition, Curtin violated SCR 22.22(1). ¶5 On February 11, 2014, the parties entered into a stipulation whereby Attorney Curtin agreed that it would be appropriate for this court to impose a public reprimand as 2 No. 2013AP2705-D discipline reciprocal to that imposed by the Arizona Supreme Court.

The stipulation properly provides that it did not result from plea bargaining. Attorney Curtin says he does not contest the facts of misconduct alleged by the OLR or the discipline that the OLR's

director is seeking in this matter. Attorney Curtin further states that he fully understands the misconduct allegations and the ramifications should this court impose the stipulated level of discipline.

He also states that he fully understands his right to contest the matter and he understands his right to consult with counsel. Attorney Curtin states that his entry into the stipulation is made knowingly and voluntarily and represents his decision not to contest the misconduct alleged in the OLR's complaint or the level and type of discipline sought by the OLR director. ¶6 Based upon our independent review of the matter, we conclude that the SCR 22.12 stipulation should be accepted and that Attorney Curtin should be publicly reprimanded as discipline identical to that imposed by the Arizona Supreme Court.

Since Attorney Curtin entered into a stipulation with the OLR and there was no need to appoint a referee, we conclude that no costs should be assessed. ¶7 IT IS ORDERED that John M. Curtin is publicly reprimanded. 3 No. 2013AP2705-D 1