

SUPREME COURT OF WISCONSIN

In the Matter of Disciplinary Proceedings Against Thad M. Gegner

373 Wis. 2d 192 (2017) · No. 2015AP1971-D · Decided February 17, 2017

SUMMARY

The Wisconsin Supreme Court granted Thad M. Gegner's petition for consensual license revocation and revoked his Wisconsin law license. The court ordered him to pay specified restitution, reimburse the Wisconsin Lawyers' Fund for Client Protection, and pay the full costs of the disciplinary proceeding.

CASE DETAILS

COURT	Supreme Court of Wisconsin
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Wisconsin
DECIDED	February 17, 2017
DOCKET	2015AP1971-D
DISPOSITION	other
PROCEDURAL POSTURE	Attorney disciplinary proceeding on a petition for consensual license revocation. The referee recommended revocation, restitution, and full costs, and no appeal was filed; the Wisconsin Supreme Court reviewed the matter under SCR 22.17(2).
STANDARD OF REVIEW	The court affirms a referee's findings of fact unless clearly erroneous, reviews conclusions of law de novo, and determines the appropriate discipline independently while benefiting from the referee's recommendation.
PRECEDENTIAL VALUE	Published Wisconsin Supreme Court opinion
PARTIES	Office of Lawyer Regulation v. Thad M. Gegner

TOPICS

[appellate procedure](#) [standard of review](#) [restitution](#) [remedies](#)

PRACTICE AREAS

[legal ethics](#) [attorney discipline](#) [professional responsibility](#) [appellate procedure](#)

QUESTIONS PRESENTED

1. Whether the court should accept Gegner's petition for consensual revocation of his Wisconsin law license.
2. Whether revocation, rather than a lesser sanction, was the appropriate discipline for the admitted misconduct.
3. Whether Gegner should be ordered to pay restitution to former clients and the Wisconsin Lawyers' Fund for Client Protection, including a later Fund payment not addressed in the revocation petition.
4. Whether Gegner should be ordered to pay the full costs of the disciplinary proceeding.

HOLDINGS

1. The court granted Gegner's petition for consensual license revocation after determining that the record established clear, satisfactory, and convincing evidence of the alleged professional misconduct and that Gegner knowingly and voluntarily waived his right to contest the allegations.
2. Revocation of Gegner's Wisconsin law license was warranted because the widespread and serious misconduct harmed clients, demonstrated an inability or unwillingness to conform to professional standards, and required protection of the public and court system.
3. Gegner was required to pay specified restitution to former clients, American Family Mutual Insurance Company, and the Wisconsin Lawyers' Fund for Client Protection, including \$1,000 reimbursing the Fund for its payment to Michelle A.
4. Gegner was required to pay the full costs of the proceeding, \$2,019.58 as of October 31, 2016.
5. A referee's factual findings are reviewed for clear error, legal conclusions are reviewed de novo, and the Supreme Court independently determines the appropriate discipline.

KEY QUOTATIONS

“Anything less than a revocation of his law license would unduly depreciate the seriousness of his misconduct, fail to protect the public and the court system from further misconduct, and inadequately deter similar misbehavior by other attorneys.” (¶15)

FACTUAL BACKGROUND

Gegner was admitted to practice law in Wisconsin in 2003 and had no prior disciplinary history, but his license had been suspended since April 17, 2015, for noncooperation with the Office of Lawyer Regulation. The charged misconduct involved 47 counts across 11 client matters and practicing law after suspension, including failures to communicate and perform legal work, misrepresentations to clients and courts, misuse and conversion of client funds, failure to account, and repeated noncooperation with investigations. Gegner also acknowledged misconduct described in four additional investigative matters that had not yet been publicly charged.

PROCEDURAL HISTORY

The Office of Lawyer Regulation filed an initial complaint alleging 24 counts of misconduct and practicing law while suspended, then filed an amended complaint alleging 47 counts involving 11 client matters. While the

proceeding was stayed for settlement discussions, Gegner filed a petition for consensual license revocation under SCR 22.19, acknowledging that he could not successfully defend against the charged misconduct and four additional pending investigative matters. The referee recommended accepting the petition, revoking Gegner's license, ordering restitution, and imposing full costs. The Supreme Court accepted the recommendation, with an additional restitution order for a later Wisconsin Lawyers' Fund for Client Protection payment.

DISPOSITION

other

CASES CITED

- In re Disciplinary Proceedings Against Inglimo, 2007 WI 126, ¶5, 305 Wis. 2d 71, 740 N.W.2d 125
- In re Disciplinary Proceedings Against Widule, 2003 WI 34, ¶44, 261 Wis. 2d 45, 660 N.W.2d 686