

SUPREME COURT OF WISCONSIN

In the Matter of Disciplinary Proceedings Against Michael F. Swensen

754 N.W.2d 499 (2008) · No. 2008AP553-D · Decided July 31, 2008

SUMMARY

The Supreme Court of Wisconsin imposed reciprocal discipline on Michael F. Swensen after the Minnesota Supreme Court disbarred him for misconduct involving client funds, false documents and statements, and improper business transactions with a client. The court approved the parties' stipulation and revoked Swensen's Wisconsin law license, effective July 31, 2008.

CASE DETAILS

COURT	Supreme Court of Wisconsin
WRITING FOR THE COURT	Per curiam
JURISDICTION	Wisconsin
DECIDED	July 31, 2008
DOCKET	2008AP553-D
DISPOSITION	other
PROCEDURAL POSTURE	Reciprocal attorney-discipline proceeding initiated by the Office of Lawyer Regulation under SCR 22.22 after the Minnesota Supreme Court disbarred Swensen. The parties stipulated to revocation of his Wisconsin law license.
PRECEDENTIAL VALUE	Published Wisconsin Supreme Court opinion
PARTIES	Office of Lawyer Regulation v. Michael F. Swensen

TOPICS

administrative law

appellate procedure

PRACTICE AREAS

attorney discipline

professional responsibility

reciprocal discipline

QUESTIONS PRESENTED

1. Whether Wisconsin should impose reciprocal discipline identical to the discipline imposed by the Minnesota Supreme Court.
2. Whether any exception under SCR 22.22(3) warranted imposing discipline different from Minnesota's disbarment.

HOLDINGS

1. The Wisconsin Supreme Court must impose identical reciprocal discipline under SCR 22.22 unless one of the specified exceptions is established; because Swensen stipulated that he did not claim any exception, revocation of his Wisconsin law license was warranted.
2. Failure to notify the Office of Lawyer Regulation within 20 days of the effective date of public discipline imposed by another jurisdiction constitutes misconduct.

KEY QUOTATIONS

“Under SCR 22.22(3), in reciprocal discipline cases, this court shall impose the identical discipline unless three exceptions are shown.” (at 500)

“This court approves the stipulation and imposes the stipulated discipline of revocation of Attorney Swensen's license to practice law in Wisconsin.” (at 501)

FACTUAL BACKGROUND

Swensen was licensed to practice law in Wisconsin and Minnesota. The Minnesota Supreme Court disbarred him for misconduct including converting client funds, inducing a client to transfer property interests to his spouse, making false statements, falsifying documents, and entering unreasonable and undisclosed business transactions with a client. He did not timely notify the Wisconsin Office of Lawyer Regulation of the Minnesota discipline, and he stipulated to the facts, misconduct, and reciprocal revocation.

PROCEDURAL HISTORY

The Minnesota Supreme Court disbarred Swensen on November 15, 2007. The Office of Lawyer Regulation filed a Wisconsin complaint and motion for identical reciprocal discipline on March 5, 2008. After the Wisconsin Supreme Court issued a show-cause order, Swensen and the OLR filed a joint stipulation requesting revocation, which the court approved.

DISPOSITION

other