

## SUPREME COURT OF WISCONSIN

### Office of Lawyer Regulation v. Joe E. Kremkoski

Kremkoski, 2006 WI 59 (Wis. 2006) · No. 2005AP2565-D · Decided June 2, 2006

#### SUMMARY

The Wisconsin Supreme Court publicly reprimanded attorney Joe E. Kremkoski for professional misconduct in two client matters. The misconduct included failing to act with reasonable diligence and promptness and failing to keep clients informed, in violation of SCR 20:1.3 and SCR 20:1.4(a).

#### CASE DETAILS

|                       |                                                                                                                                                                                                                            |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Wisconsin                                                                                                                                                                                                 |
| WRITING FOR THE COURT | Per Curiam                                                                                                                                                                                                                 |
| JURISDICTION          | Wisconsin                                                                                                                                                                                                                  |
| DECIDED               | June 2, 2006                                                                                                                                                                                                               |
| DOCKET                | 2005AP2565-D                                                                                                                                                                                                               |
| DISPOSITION           | other                                                                                                                                                                                                                      |
| PROCEDURAL POSTURE    | The Wisconsin Supreme Court reviewed a referee's report and the parties' stipulation concerning an attorney's admitted professional misconduct and determined the appropriate sanction.                                    |
| STANDARD OF REVIEW    | The court adopts a referee's findings of fact unless they are clearly erroneous and reviews conclusions of law de novo. The court may impose any sanction it deems appropriate regardless of the referee's recommendation. |
| PRECEDENTIAL VALUE    | Published Wisconsin Supreme Court opinion; precedential.                                                                                                                                                                   |
| PARTIES               | Office of Lawyer Regulation v. Joe E. Kremkoski                                                                                                                                                                            |

#### TOPICS

administrative law

#### PRACTICE AREAS

legal ethics

attorney discipline

professional responsibility

#### QUESTIONS PRESENTED

1. Whether the referee's findings of fact and conclusions of law concerning Kremkoski's admitted professional misconduct should be adopted.
2. Whether a public reprimand was an appropriate sanction or whether the misconduct warranted suspension.

## HOLDINGS

1. The referee's findings of fact were not clearly erroneous, and the court adopted the findings and agreed with the referee's conclusions of law.
2. A public reprimand was an appropriate sanction for Kremkoski's admitted misconduct.

## KEY QUOTATIONS

*“This court will adopt a referee's findings of fact unless they are clearly erroneous. Conclusions of law are reviewed de novo.”* (291 Wis. 2d 9)

*“The court may impose whatever sanction it sees fit regardless of the referee's recommendation.”* (291 Wis. 2d 10)

*“While this court generally adheres to the practice of progressive discipline, after careful review of the record and the OLR's response to the order to show cause, we conclude that a public reprimand is an appropriate sanction for Attorney Kremkoski's admitted misconduct.”* (291 Wis. 2d 10)

## FACTUAL BACKGROUND

Kremkoski represented two clients in separate matters. In the first, he delayed filing suit, failed to serve the defendants, failed to respond to the client's inquiries, and allowed the action to be dismissed without prejudice. In the second, he failed to conduct adequate discovery and trial preparation and failed to keep the client informed, resulting in withdrawal shortly before trial and financial consequences for the client. Kremkoski had previously received a private reprimand and a public reprimand for unrelated misconduct.

## PROCEDURAL HISTORY

The Office of Lawyer Regulation filed a four-count disciplinary complaint against Kremkoski. Kremkoski admitted the allegations, and the parties stipulated to a public reprimand. The appointed referee adopted the stipulation and recommended a public reprimand. After the supreme court ordered the parties to show cause why a suspension should not be imposed, it accepted the referee's findings and conclusions and ordered a public reprimand.

## DISPOSITION

other

## CASES CITED

- In re Disciplinary Proceedings Against Eisenberg, 2004 WI 14, 269 Wis. 2d 43, 675 N.W.2d 747

- In re Disciplinary Proceedings Against Widule, 2003 WI 34, 261 Wis. 2d 45, 660 N.W.2d 686
- In re Disciplinary Proceedings Against Kremkoski, 2004 WI 150, 277 Wis. 2d 83, 690 N.W.2d 430

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