

## SUPREME COURT OF WISCONSIN

# In the Matter of Disciplinary Proceedings Against John R. Dade, Attorney at Law

345 Wis. 2d 646 (2013) · No. 2012AP2318-D · Decided February 21, 2013

### SUMMARY

The Wisconsin Supreme Court approved a stipulation in a disciplinary proceeding against Attorney John R. Dade and suspended his license to practice law for 60 days. The misconduct arose from failures to meet court-ordered filing deadlines and to respond to a divorce client's requests concerning a trial date, resulting in dismissal of the client's divorce case. The court imposed no costs and required compliance with Wisconsin Supreme Court Rule 22.26.

### CASE DETAILS

|                       |                                                                                                                                                                                                    |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Wisconsin                                                                                                                                                                         |
| WRITING FOR THE COURT | Per Curiam; Shirley S. Abrahamson, Chief Justice; Ann Walsh Bradley, Justice; Justice Prosser; Justice Roggensack; Justice Ziegler; Justice Gableman; Justice Crooks                               |
| JURISDICTION          | Wisconsin                                                                                                                                                                                          |
| DECIDED               | February 21, 2013                                                                                                                                                                                  |
| DOCKET                | 2012AP2318-D                                                                                                                                                                                       |
| DISPOSITION           | other                                                                                                                                                                                              |
| PROCEDURAL POSTURE    | Attorney disciplinary proceeding based on a stipulation between the Office of Lawyer Regulation and Attorney John R. Dade concerning professional misconduct in the handling of one client matter. |
| STANDARD OF REVIEW    | The court independently reviewed the disciplinary stipulation and the stipulated facts and conclusions of law.                                                                                     |
| PRECEDENTIAL VALUE    | precedential                                                                                                                                                                                       |
| PARTIES               | Office of Lawyer Regulation v. John R. Dade                                                                                                                                                        |

### TOPICS

family law

divorce

civil procedure

### PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether the Wisconsin Supreme Court should approve the parties' stipulation under SCR 22.12.
2. Whether a 60-day suspension of Attorney Dade's Wisconsin law license was an appropriate sanction for the stipulated professional misconduct.
3. Whether costs should be imposed when the parties submitted a comprehensive stipulation that obviated the need for a referee and a full disciplinary proceeding.

## HOLDINGS

1. The court approved the comprehensive stipulation, adopted the stipulated facts and conclusions of law, and accepted the parties' agreement regarding discipline.
2. Attorney Dade committed professional misconduct by failing to act with reasonable diligence and promptness, knowingly disobeying obligations imposed by the tribunal, and failing to promptly comply with reasonable client requests for information.
3. A 60-day suspension of Attorney Dade's license to practice law in Wisconsin was an appropriate sanction.
4. No costs were imposed.

## KEY QUOTATIONS

*“Upon careful consideration, we adopt the stipulated facts and agree that a 60-day suspension is an appropriate sanction.”* (345 Wis. 2d at 647-648)

*“Because Attorney Dade entered into a comprehensive stipulation under SCR 22.12, thereby obviating the need for the appointment of a referee and a full disciplinary proceeding, we accede to the OLR's request that no costs be imposed in this matter.”* (345 Wis. 2d at 652)

## FACTUAL BACKGROUND

Attorney Dade represented N.B. in a divorce and related domestic-abuse-injunction matter. He failed to timely file required financial disclosures and a trial brief and failed to respond to N.B.'s repeated requests to adjourn the trial date. N.B. did not appear at trial, and the circuit court dismissed the divorce action for lack of diligent prosecution; after Dade's license was suspended in an unrelated matter, successor counsel handled a new divorce action that resulted in a default judgment.

## PROCEDURAL HISTORY

The Office of Lawyer Regulation filed a disciplinary complaint alleging three counts of misconduct. The parties filed a comprehensive stipulation under SCR 22.12, agreeing to the facts, misconduct conclusions, and a 60-day license suspension. The Wisconsin Supreme Court reviewed and approved the stipulation without appointing a referee, imposed the suspension, and declined to impose costs.

## DISPOSITION

other

## CASES CITED

- In re Disciplinary Proceedings Against Dade, 2007 WI 66, 301 Wis. 2d 67, 732 N.W.2d 433
- In re Disciplinary Proceedings Against Ermert, 2007 WI 10, 298 Wis. 2d 622, 726 N.W.2d 250
- In re Disciplinary Proceedings Against Anderson, 2010 WI 39, 324 Wis. 2d 627, 782 N.W.2d 100

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