

SUPREME COURT OF WISCONSIN

Office of Lawyer Regulation v. Jeffrey A. Reitz

360 Wis. 2d 638 (2015) · No. 2010AP1576-D & 2011AP1764-D · Decided February 4, 2015

SUMMARY

The Wisconsin Supreme Court granted Jeffrey A. Reitz's petition for reinstatement to practice law after a ten-month license suspension. Reinstatement was conditioned on two years of trust-account monitoring by the Office of Lawyer Regulation and payment of \$2,701.40 in proceeding costs.

CASE DETAILS

COURT	Supreme Court of Wisconsin
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Wisconsin
DECIDED	February 4, 2015
DOCKET	2010AP1576-D & 2011AP1764-D
DISPOSITION	other
PROCEDURAL POSTURE	Attorney Jeffrey A. Reitz petitioned for reinstatement of his Wisconsin law license after a ten-month suspension. The Supreme Court of Wisconsin reviewed a referee's report and recommendation.
STANDARD OF REVIEW	The court adopts a referee's findings of fact unless they are clearly erroneous and reviews conclusions of law de novo.
PRECEDENTIAL VALUE	Published Wisconsin Supreme Court opinion
PARTIES	Jeffrey A. Reitz v. Office of Lawyer Regulation

TOPICS

appellate procedure

standard of review

PRACTICE AREAS

legal ethics

attorney discipline

professional licensing

QUESTIONS PRESENTED

1. Whether Reitz established by clear, satisfactory, and convincing evidence that he satisfied Wisconsin's statutory and rule-based requirements for reinstatement of his law license.

2. Whether reinstatement should be conditioned on trust-account monitoring and additional attorney supervision or bankruptcy-practice monitoring.
3. Whether Reitz should be assessed the full costs of the reinstatement proceeding.

HOLDINGS

1. Reitz established by clear, satisfactory, and convincing evidence that he satisfied all requirements for reinstatement of his Wisconsin law license.
2. Reinstatement was properly conditioned on monitoring of Reitz's trust account by the Office of Lawyer Regulation for two years after he resumed practice; additional attorney supervision or bankruptcy-practice monitoring was unnecessary.
3. Reitz was properly assessed the full costs of the reinstatement proceeding because no extraordinary circumstances justified reducing the costs.
4. In reviewing a referee's report and recommendation, factual findings are adopted unless clearly erroneous and legal conclusions are reviewed de novo.

KEY QUOTATIONS

“Specifically, the petitioner must show by clear, satisfactory, and convincing evidence that he or she has the moral character to practice law, that his or her resumption of the practice of law will not be detrimental to the administration of justice or subversive to the public interest, and that he or she has complied with SCR 22.26 and the terms of the order of suspension.” (§15)

“When we review a referee's report and recommendation, we will adopt the referee's findings of fact unless they are clearly erroneous. Conclusions of law are reviewed de novo.” (§16)

“It is this court's general practice to assess the full costs of a proceeding against a respondent.” (§10)

FACTUAL BACKGROUND

Jeffrey A. Reitz had practiced law in Wisconsin since 1981 and was suspended for ten months beginning May 3, 2013, based primarily on misconduct involving trust accounts and client funds. He had previously been disciplined twice. During the suspension, he did not practice law, complied with the suspension order, maintained his legal competence, and exhibited exemplary conduct. The referee found that he satisfied the requirements for reinstatement and that two years of monitoring of his trust account was an appropriate condition.

PROCEDURAL HISTORY

Reitz filed a reinstatement petition on February 11, 2014. After a public hearing, referee Christine Harris Taylor recommended reinstatement. The Office of Lawyer Regulation did not oppose reinstatement but recommended additional conditions. The Supreme Court adopted the referee's recommendation, reinstated Reitz's license subject to trust-account monitoring, and assessed the full proceeding costs against him.

DISPOSITION

other

CASES CITED

- In re Disciplinary Proceedings Against Eisenberg, 2004 WI 14, ¶5, 269 Wis. 2d 43, 675 N.W.2d 747

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