

# REGULATION OF THE LEGAL PROFESSION IN WISCONSIN

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FISCAL YEAR 2005-2006

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## Report of the Lawyer Regulation System



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ANNUAL REPORT  
FISCAL YEAR 2005-2006

## **Introduction**

Pursuant to Supreme Court Rule (SCR) 21.03(6)(n) and 21.10(2)(e), the Office of Lawyer Regulation and Board of Administrative Oversight are filing this fiscal year 2005-2006 report on the lawyer regulation system. This report is the sixth report filed under the new regulation system, which became effective on October 1, 2000. This past year, the system reduced the number of pending matters. Processing times were slightly longer than the previous year as many older matters were completed. Progress was made on several important policy issues: the Supreme Court revised policy regarding costs assessments in disciplinary cases, and has nearly finished its review of the Ethics 2000 proposals for changes to the ethics rules; the Office of Lawyer Regulation and State Bar completed revisions to the trust account rule and filed a petition with the Supreme Court.

## **Composition of the Lawyer Regulation System**

“The lawyer regulation system is established to carry out the Supreme Court’s constitutional responsibility to supervise the practice of law and protect the public from misconduct by persons practicing law in Wisconsin.” SCR Chapter 21, Preamble. The composition and organization of the lawyer regulation system is depicted in Appendix 1. The persons currently serving in these organizations are identified in Appendix 2. Following is a description of the components.

### *Supreme Court*

The Supreme Court supervises the lawyer regulation system, determines attorney misconduct and medical incapacity, and imposes discipline or directs other appropriate action in proceedings filed with the Court.

### *Office of Lawyer Regulation*

The Office of Lawyer Regulation (OLR) consists of the Director, investigative and support staff, litigation counsel, and retained counsel. The office has the following duties.

- To receive and to respond to inquiries and grievances relating to attorneys.
- To investigate allegations of attorney misconduct or medical incapacity.
- To divert matters into an alternative to discipline program.
- To prosecute misconduct or medical incapacity proceedings.
- To investigate license reinstatement petitions.

### *District Committees*

District Committees exist in each of the sixteen state bar districts, and consist of lawyers and public members appointed by the Supreme Court. District Committees perform the following duties under the supervision of the Director.

- To educate the bar and the public about the legal profession and ethical practice of law.
- To refer to the Director possible misconduct or medical incapacity matters.

- To assist in the investigation of possible misconduct or medical incapacity.
- To recommend to the Director the appropriate disposition of matters it investigated.
- To monitor an attorney's participation in an alternatives to discipline program or an attorney's compliance with conditions on practice.
- To assist in resolving minor disputes between an attorney and a client.

#### *Preliminary Review Committee*

The Preliminary Review Committee consists of fourteen members, nine lawyers and five public members appointed by the Court. The Committee is comprised of two seven-member panels, each having at least four lawyers and at least two public members. The panels have the following duties.

- To review the results of OLR and District Committee investigations and to determine whether there is cause to proceed in the matter.
- To review, upon request by a grievant, decisions by the Director to dismiss a grievance after investigation.
- To confer with the Board of Administrative Oversight and to suggest improvements in the operation of the Committee and its panels.

#### *Board of Administrative Oversight*

The Board of Administrative Oversight consists of twelve members, eight lawyers and four public members appointed by the Court. The Board has the following duties.

- To monitor the fairness, productivity, effectiveness, and efficiency of the system.
- To monitor the implementation of new procedures.
- To assess public and bar perceptions of the integrity of the system.
- To report its findings to the Supreme Court.
- To review the operation of the system with the Court, and to file an annual report.
- To propose substantive and procedural rules.
- To inform and educate the public and bar about the system.
- To propose an annual budget.

#### *Special Investigative Panel*

The Special Investigative Panel is composed of lawyers appointed by the Supreme Court who are not currently participating in the lawyer regulation system. The Director refers allegations of misconduct against attorneys currently participating in the system to a special investigator. In a referred matter, the special investigator performs the functions that the Director would normally perform, which may include evaluating, investigating, dismissing, diverting, or prosecuting the matter.

#### *Special Preliminary Review Panel*

The Special Preliminary Review Panel is composed of four lawyers and three public members appointed by the Supreme Court. In matters involving allegations against current participants in the lawyer regulation system, the panel reviews the special investigator's decision to close a matter without investigation or dismiss a matter after investigation, and reviews an investigative report to determine whether there is cause to proceed.

## *Referees*

Referees are attorneys or reserve judges appointed by the Supreme Court to perform the following duties.

- To conduct hearings in proceedings alleging misconduct or medical incapacity.
- To conduct hearings on petitions for license reinstatement.
- To review consensual public or private reprimands submitted by the Director.
- To review, upon the request of a grievant, determinations by Preliminary Review Panels of no cause to proceed.

## **Overview of the Lawyer Regulation System**

The Wisconsin Supreme Court created the lawyer regulation system to carry out the Court's constitutional responsibility to supervise the practice of law and protect the public from misconduct by persons practicing law in Wisconsin. The Court has adopted standards of professional conduct for attorneys. The Court confers the privilege to practice law on an attorney conditioned on his or her compliance with those standards. SCR 21.15(2). A failure to comply with the Court's standards may constitute misconduct or may be evidence of a medical problem.

The Director of the Office of Lawyer Regulation (OLR) is required to investigate any possible misconduct or medical incapacity of an attorney licensed to practice in the State of Wisconsin. SCR 21.03(6)(a). Communications with OLR alleging lawyer misconduct are privileged, and no lawsuit predicated on those communications may be instituted against any grievant or witness. SCR 21.19. Attorneys and grievants may consult with and be represented by counsel at any stage of an investigation. Prior to the filing of a formal complaint or petition, all papers, files, transcripts and communications in an OLR investigation must be kept confidential by OLR. SCR 22.40(1). OLR may, however, provide relevant information to the respondent and the grievant. SCR 22.40(2). Although the Supreme Court Rules provide no sanction for disclosure of a grievance by the respondent or the grievant, OLR requests that those involved in an OLR investigation keep confidential all documents generated by the investigation.

Initially, OLR staff screens all inquiries and grievances concerning attorney conduct. If the allegations made are not within OLR's jurisdiction, or if the allegations are not supported by a sufficient factual basis, staff will close the file. The grievant may make a written request for the Director's review of the closure. The Director's decision is final. After preliminary evaluation, staff may also forward the matter to another agency; attempt to reconcile the matter between the grievant and attorney if it is a minor dispute; or refer the matter to the Director for diversion or investigation. Before or after investigation, the Director may divert the matter to an alternatives to discipline program, providing that nothing more than minor misconduct is involved, the respondent agrees, and the respondent is eligible to participate. Alternatives to discipline are usually educational programs or monitoring arrangements designed to assist an attorney in improving the quality of his or her practice.

If the grievance sets forth sufficient information to support an allegation of a violation of Chapter 20 of the Supreme Court Rules, OLR staff may initiate an investigation. OLR staff will send a letter to the respondent enclosing the grievance and requesting a response within 20 days. In most instances, staff will forward the attorney's

response to the grievant for comments. When OLR staff has completed the preliminary investigation, the Director will determine whether: (a) an uncontested violation exists; (b) the grievance should be dismissed for lack of merit; (c) further staff investigation is needed; or (d) the matter should be assigned to a district investigative committee for further investigation, pursuant to SCR 22.04(1).

If the grievance is further investigated by staff or a district committee, the respondent and the grievant will be kept advised about the investigation. The committee chairperson can assign the matter to one of the committee's investigators. Pursuant to SCR 22.04(2), the respondent may request a substitution of a district committee investigator within 14 days of receiving notice of the assignment of the investigator. The respondent shall be granted one such substitution as a matter of right, and any other requests for substitution shall be granted by the committee chairperson for good cause shown. If the committee decides to take sworn testimony regarding a grievance at an investigative meeting, the respondent and the grievant will receive timely notice of the meeting. Committee members elicit pertinent information from witnesses at such a meeting. In any matter referred to committee, the committee will prepare a report summarizing the facts and potential disciplinary violations. That report will be sent to the respondent and grievant for comment.

After the investigation is completed by staff and/or a committee, the Director may dismiss the matter for lack of sufficient evidence of cause to proceed, divert the matter to an alternatives to discipline program, obtain respondent's consent to a private or public reprimand, or present the matter to the Preliminary Review Committee for a determination of whether there is cause to proceed. In those cases in which the Director dismisses, the grievant has 30 days after receiving written notice of the dismissal to make a written request for review of the decision by the Preliminary Review Committee. The decision of the Preliminary Review Committee is final.

If, after the investigation is completed, the Director does not dismiss the grievance, seek a consent reprimand, or divert the matter, OLR staff will prepare an investigative report and provide a copy to the grievant and to the respondent for comment. [In cases in which a district committee investigates a matter, its report will serve as the investigative report.] The grievant and the respondent may submit a written response to the report no later than ten days following receipt of the report.

The Director may then submit the results of the investigation to the Preliminary Review Committee. The Preliminary Review Committee determines whether the evidence presented supports a reasonable belief that an attorney has engaged in misconduct or has a medical incapacity that may be proved by clear, satisfactory and convincing evidence. SCR 22.001(2). If the Preliminary Review Committee dismisses the matter, the grievant has 30 days after being notified of the dismissal to file a written request for review of that decision. The Supreme Court will select a referee to review the matter, and the referee's decision is final.

If the Preliminary Review Committee determines that the Director has established cause to proceed, the Director may file a complaint with the Supreme Court alleging misconduct. OLR, rather than the grievant, is the complainant in such a matter. If the Director files a complaint, an answer is required within 20 days of service of the complaint. Upon proof of service, the Supreme Court appoints a referee to hear the matter pursuant to SCR 22.13(3). The referee holds a scheduling conference to define

the issues and to determine the extent of discovery. The referee then presides at a public hearing which is conducted as a trial of a civil action to the court. SCR 22.16. OLR must prove misconduct or medical incapacity by clear, satisfactory and convincing evidence. SCR 22.38.

Within 30 days after the conclusion of the hearing, the referee will submit his or her report to the Supreme Court, including findings of fact, conclusions of law, and a recommendation of dismissal or imposition of discipline. OLR or a respondent may file an appeal of the referee's report within 20 days after the report is filed. If no appeal is timely filed, the Supreme Court reviews the referee's report and determines appropriate discipline in cases of misconduct and appropriate action in cases of medical incapacity. The Court may, on its own motion, order the parties to file briefs. Either the respondent or OLR may file a motion for reconsideration of the Supreme Court's decision within 20 days of the filing of the decision by the Court. The filing of a motion for reconsideration does not stay enforcement of the judgment. The Supreme Court's final dispositions of disciplinary and medical incapacity proceedings are published in the *Wisconsin Reports* and in *The Wisconsin Lawyer*.

## **The Year in Review**

### *Significant Lawyer Regulation System Developments*

The system reduced its caseload this year. At the end of the fiscal year, there were a total of 817 matters (including 332 formal investigations), down from 855 (including 393 formal investigations) at the end of last year.

The average processing time for intake matters increased from 54 days last year to 59 this year. The average processing time for formal investigations increased from 391 days last year to 399 this year. Overall average processing time increased from 170 days last year to 201 days this year. The percentage of matters completed within 90 days decreased from 71% last year to 63% this year. The percentage of matters completed within 180 days decreased from 81% last year to 76% this year.

The increase in processing time is attributable to the reduction in the number of older matters during the past year. The number of matters over a year old declined from 290 to 236; the number of formal investigations from 393 to 332. The system is adequately resourced to keep pace with new matters. As a result, the system should improve its timeliness during the next year.

The Supreme Court met with the Board of Administrative Oversight, the Preliminary Review Committee, Special Investigators, and the Special Preliminary Review Panel on April 10, 2006, to discuss current developments in the lawyer regulation system. This year, the Court conducted numerous administrative conferences in conjunction with its consideration of a petition by the Wisconsin Ethics 2000 Committee for changes to the Rules of Professional Conduct for Attorneys. The Court is expected to complete its review this fall.

The Preliminary Review Committee re-elected Attorney James Wickhem of Janesville chairperson and Attorney James Friedman of Milwaukee vice chairperson. The Committee met to consider matters on September 9, 2005, December 9, 2005, March 10, 2006, and June 16, 2006. The Committee considered whether cause to proceed existed in 116 matters, and reviewed

the Director's dismissals in 10 matters. The Board and Office of Lawyer Regulation appreciate the Committee's exceptional service this past year. Committee meetings will continue quarterly.

The Board of Administrative Oversight re-elected Attorney William H. Levit, Jr. of Milwaukee chairperson and Attorney Ann Ustad Smith of Madison vice chairperson. The Board held meetings on September 2, 2005, December 2, 2005, March 3, 2006 and June 9, 2006. The Board considered and made recommendations concerning the assessment of costs in disciplinary cases and revisions to the trust account rule. The Board continues to monitor carefully the processing of matters, the effective use of district committees, and other initiatives affecting the fairness and effectiveness of the lawyer regulation system.

The Board assesses perceptions of the regulation system through a questionnaire that is sent to each grievant and each respondent after the grievance is resolved. The response rate is approximately 9% for grievants and 4% for respondents. While perceptions generally relate to the outcome of the grievance, the questionnaire responses provide helpful information. The Board will continue to monitor trends in these perceptions.

The District Committees continue to make a valuable contribution to the system, and are instrumental in resolving matters requiring a depth and breadth of legal and other professional expertise. While referring matters to committee involves a significant commitment of time and talent, the results are beneficial and worth the commitment. Improvements in training and in the management of cases have increased their effectiveness. Processing times have improved each of the past three years. Training sessions were held in Appleton, Madison, and Milwaukee. The chairpersons met with the director in May to discuss further improvements in operations.

Special Investigators and the Special Preliminary Review Panel process matters involving allegations against attorneys who serve with the regular components of the regulation system. During fiscal year 2005-2006, special investigators received 43 matters and resolved 39 matters. The Special Preliminary Review Panel met on September 9, 2005, December 16, 2005, March 17, 2006 and June 9, 2006. The Panel considered 5 matters for cause and 10 matters on review.

The alternative to discipline program provides an effective way to improve an attorney's ability to practice in accordance with high professional standards. Frequently, this is a more effective measure than professional discipline. The Court has authorized diversion to an alternative program in situations where the program will likely benefit the attorney, and where the attorney will not likely harm the public. Alternative programs may include mediation, fee arbitration, law office management assistance, evaluation and treatment for alcohol and other substance abuse, psychological evaluation and treatment, medical evaluation and treatment, monitoring of practice or trust account procedures, continuing legal education, ethics school, and the multi-state professional responsibility examination. During the fiscal year, 95 attorneys were diverted to alternative programs and 96 attorneys completed diversions.

The central intake program provides for the receipt of inquiries and grievances concerning attorney conduct, and for the preliminary evaluation of grievances prior to any formal investigation. Inquiries and grievances may be received by telephone; callers may use a toll free number to contact the Office of Lawyer Regulation. After the preliminary evaluation, the Central Intake staff may forward the matter to another appropriate agency, attempt to reconcile the matter if it is a minor dispute, close the matter if it does not present sufficient information to support an ethical allegation, or refer the matter for investigation or diversion to an alternative to discipline.

Central Intake received 2,061 inquiries and grievances. This is 44 fewer than the prior year, and a continuation of a trend. Of the matters evaluated in Central Intake this past year, approximately eighteen percent (18%) were forwarded for formal investigation. Ten percent (10%) involved the resolution of minor disputes or grievances that were withdrawn. Seven percent (7%) involved diversion programs. The remaining sixty-five percent (65%) were closed for lack of sufficient information to suggest an allegation of potential ethical misconduct.

### **Overdraft Notification Program**

The Overdraft Notification Rule, Supreme Court Rule 20:1.15(h), requires attorneys to authorize their financial institutions to notify the Office of Lawyer Regulation of overdrafts on their client trust accounts and fiduciary accounts. Information regarding the trust account overdraft program is available at the Office of Lawyer Regulation's web page [[www.wicourts.gov/olr](http://www.wicourts.gov/olr)].

During Fiscal Year 2006, 83 overdrafts were reported to the OLR. That number constitutes a 20% decrease from the number of overdrafts reported in 2005 (104). A similar decrease had occurred in 2005, when 21% fewer overdrafts were reported than in Fiscal Year 2004. The reduction in overdrafts may be attributable to regulatory oversight and to efforts to educate lawyers and their staff members regarding proper trust account management.

Overdraft notifications have resulted in the following dispositions this year:

Revocation by Consent	1
Medical Incapacity Suspension	1
Diversion	7
Dismissal after Diversion Program Successfully Completed	17
Dismissal after Investigation	10
Dismissal after Investigation/Advisory Letter	33
Closed without Investigation – Collection Account Exception	4
Closed without Investigation – Real Estate Exception/Advisory Letter	2
Closed without Investigation – Bank Errors	15
Closed without Investigation – Bank Errors/Advisory Letter	1
Closed Pending Reinstatement Proceedings	1

The advisory letters sent during Fiscal Year 2006, some of which included more than one advisory, related to the following issues and record keeping deficiencies:

Availability of Funds for Disbursement	13
Maintenance Account (to cover bank charges)	5
Deposit Slip Issues	3
Inadequate Endorsement	8
Check Drafting Errors	3
Signatory Authority on Trust Accounts	3
Failure to Maintain Canceled/Imaged Checks	8
Transaction Register/Client Ledger Deficiencies <sup>1</sup>	32

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<sup>1</sup> This category includes advisories regarding running balances in the Transaction Register and/or Client Ledgers; advisories regarding the problems inherent to using check stubs to maintain the Transaction Register; advisories

Reconciliation Issues	3
Inadequate Identification of Trust Account	10
Computer Software Deficiencies	6
Prohibition against Electronic Transactions (Credit Card/Telephone/Internet)	2
Other	3

On October 28, 2005 and April 28, 2006, OLR staff presented ½-day seminars on trust account management in conjunction with diversions. Commencing with the April 28, 2006 seminar, OLR offers this training to all lawyers and law office staff members. Trust account management was also one of the topics covered at OLR’s Professionalism Seminar on November 4, 2005. In addition, OLR’s Trust Account Program Administrator presented trust account seminars at the following locations:

<b>Date</b>	<b>Presented to:</b>	<b>Location</b>
9/29/2005	University of Wisconsin Law School	Madison
11/18/2005	Legal Ethics 2005 Seminar Northeast Wisconsin Technical College	Green Bay
5/4/2006	State Bar Sole and Small Practice Section State Bar Convention	Madison

Finally, on May 22, 2006, the OLR and the State Bar filed a joint petition with the Wisconsin Supreme Court, seeking both substantive and ministerial changes to SCR 20:1.15 and related rules. (*In the Matter of the Amendment of SCR 20.1.15 Safekeeping Property; SCR 20.1.0 Definitions; SCR 21.16 Discipline; and SCR 12.04 Wisconsin Lawyers Fund for Client Protection*). A public hearing on the petition has not yet been scheduled.

## **Survey of Matters**

### *Overall Processing*

The pending caseload is 817 matters, down from the prior year, and within the system’s caseload capacity. Processing times were slightly longer than the previous year as many older matters were completed. The average processing time was 201 days. The percentage of matters resolved within 90 days and 180 days decreased from 71% and 81% to 63% and 76% respectively. Progress made this year on completing older cases and reducing the overall caseload should enable the timeliness to improve next year.

### *Grievances*

In an effort to inform the Supreme Court, the Bar, and the public of the source and nature of the grievances received and the areas of practice from which grievances arise, Appendices 8A – 8C break down by category the grievances received between July 1, 2005 and June 30, 2006. In describing the nature of the grievances, only the most serious allegation is reflected. While most grievances allege various acts of misconduct, it is not practical to list all allegations.

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regarding the required content of the Transaction Register and/or Client Ledgers; and advisories regarding the mistaken assumption that a settlement breakdown constitutes a Client Ledger.

The allegations most commonly made in a grievance were lack of diligence by the lawyer entrusted with the legal matter (19.3%), lack of communication with the client (15.5%), and improper advocacy (11.5%). See Appendix 8A. The two areas of practice that produced the largest number of grievances during the year were criminal law and family law (see Appendix 8B). It is important to point out that while clients file the majority of grievances, anyone can file a grievance. Appendix 8C illustrates the sources from which grievances were received during the fiscal year.

### *Discipline*

In fiscal year 2005-2006, 62 attorneys received a public disciplinary sanction, including 5 revocations, 3 revocations by consent, 28 suspensions, 4 medical suspensions and 11 public reprimands imposed by the Supreme Court and 11 consent reprimands issued by Supreme Court Referees. Additionally, there were 9 temporary suspensions and 6 summary suspensions. At the end of the year, 99 formal disciplinary matters were pending in the Supreme Court, down from 148 last year. Appendix 9 shows the numbers and percentages of attorneys receiving public discipline since fiscal year 1978-1979. Appendix 10 shows the type of misconduct found in public discipline decisions. Appendix 11 shows the areas of practice in which discipline was found in public decisions.

A Referee has authority, under SCR 22.09(3), to issue private reprimands pursuant to an agreement between the Director and the attorney. Typically, a private reprimand is imposed for an isolated act of misconduct that caused relatively minor harm. The Director does not enter an agreement for a private reprimand if public disclosure of the attorney's misconduct is necessary to protect the public. Private reprimands are retained permanently and are available as an aggravating factor on the issue of sanction if the attorney commits subsequent misconduct. As a means of educating the Bar, summaries of private reprimands, without any reference to or identification of the attorney involved, are printed every six months in the *Wisconsin Lawyer* magazine.

During this fiscal year, 16 attorneys received private reprimands. The Supreme Court issued 1 private reprimand. Ninety-five (95) attorneys entered the alternatives to discipline program and ninety-six (96) attorneys completed an alternative program.

Other dispositions included:

- 1522 inquiries that did not warrant investigation. These matters were closed after the initial intake evaluation because there was insufficient information to support an allegation of misconduct.
- 111 dismissals after investigation in cases where there was insufficient evidence of a violation.
- 55 dismissals with an advisory letter. This disposition occurs in cases where the evidence is insufficient to prove a violation, but where practical advice would be helpful to an attorney.
- 67 closed pending petition for reinstatement.

Following is a summary of public discipline cases for fiscal year 2005-2006.

## **SUMMARY OF PUBLIC DISCIPLINE**

### **Office of Lawyer Regulation**

**July 1, 2005 to June 30, 2006**

<b>Attorney</b>	<b>Admitted</b>	<b>Location</b>	<b>Decided</b>	<b>Effective</b>
<u>Revocation</u>				
Teasdale, Clay F.	09/13/1983	Marinette	09/13/2005	09/13/2005
Krombach, Charles K.	08/07/1977	Brookfield	12/22/2005	12/22/2005
Conmey, Edwin W.	02/09/1968	Oconomowoc	12/13/2005	01/24/2006
Ham, David L.	06/21/1994	Madison	04/05/2006	04/05/2006
Koehn, Charles R.	06/22/1977	Green Bay	05/19/2006	05/19/2006
<u>Revocation by Consent</u>				
Erlandson, Lee C.	06/21/1982	Madison	10/19/2005	10/19/2005
Proost, Gerald	06/20/1952	Racine	10/19/2005	10/19/2005
Abbott, Jennifer L.	10/19/1993	Milwaukee	12/28/2005	12/28/2005
<u>Three Year Suspension</u>				
Felli, Jay Andrew	06/27/1994	Mequon	06/22/2006	07/26/2006
<u>Two Year Suspension</u>				
Peterson, Donald J.	06/08/1988	Madison	05/05/2006	05/05/2006
Schaller, Lyle Paul	09/17/1996	Bangor	05/05/2006	06/09/2006
Tully, Michelle L.	08/02/1993	Lake Villa, IL	07/06/2005	08/17/2005
<u>One Year Suspension</u>				
Converse, Mark E.	08/28/1973	Green Bay	01/12/2006	02/23/2006
Hausmann, Charles	02/12/1971	Milwaukee	07/19/2005	08/30/2005
Phillips, Mark A.	05/18/1981	Elm Grove	05/12/2006	05/12/2006
Van Groll, Jeffrey P.	10/14/1986	Milwaukee	10/19/2005	11/18/2005
<u>Nine Month Suspension</u>				
Fadner, Thomas A. III	04/23/1996	Omro	02/23/2006	03/30/2006
Mandelman, Michael D.	01/16/1980	Milwaukee	05/17/2006	07/01/2006
Schuster, Susan	03/10/2000	Stoughton	03/07/2006	04/11/2006
<u>Eight Month Suspension</u>				
Guenther, Arik J.	09/14/1981	Fond du Lac	07/19/2005	08/30/2005
<u>Six Month Suspension</u>				
Danielson, Michelle Lee	05/20/1996	Glendale	04/28/2006	01/11/2005
Gamino, Carlos	05/19/1997	Waukesha	12/20/2005	01/24/2006
Kalal, Ralph A.	06/08/1973	Middleton	10/14/2005	11/01/1005
Morrissey, Lynn E.	06/19/1995	Hartford	12/20/2005	12/20/2005
Scanlan, John Francis	10/22/1997	Fish Creek	05/05/2006	06/07/2006
Semancik, Jolie M.	05/23/1994	Greenfield	10/14/2005	10/14/2005
<u>Three Month Suspension</u>				
Crandall, Eric	09/19/1991	New Richmond	01/20/2006	02/20/2006
Hoffman, Donald A.	08/23/1968	New Orleans, LA	11/11/2005	11/11/2005
Pancratz, James E.	06/29/1992	Chicago, IL	08/29/2005	Retroactive to

10/18/2004

Ninety Day Suspension

Alia, Gino Michael	05/22/1995	Kenosha	02/07/2006	03/14/2006
DenHartigh, David L.	11/23/1982	Salem, OR	11/21/2005	11/21/2005
Fitzgerald, Maureen B.	05/22/1995	Milwaukee	06/02/2006	06/02/2006
Nickitas, Peter James	09/19/1991	Minneapolis, MN	03/07/2006	03/07/2006 Reinstated 06/13/2006

Sixty Day Suspension

Artery, Michael G.	02/07/1989	Delavan	02/07/2006	03/14/2006
Kingsley, Jeffrey A.	07/20/1993	Wisconsin Rapids	01/13/2006	01/13/2006
Krueger, Richard J.	01/12/1956	Oconto	02/22/2006	03/08/2006

Medical Suspension

Chavez, John A.	06/18/1990	Cambridge	12/14/2005	12/14/2005
Ensley, Daniel E.	09/15/1978	Appleton	11/11/2005	11/11/2005
Reilly, Anne Kathleen	06/19/1984	Shawano	03/28/2006	03/28/2006
Reynolds, Charity A.	09/29/2003	Portage	05/09/2006	05/09/2006

Summary Suspension

Arthur, Mary K.	01/18/1977	Lake Geneva	03/17/2006	03/17/2006
Burke, Brian	09/14/1981	Milwaukee	01/03/2006	01/03/2006
Chvala, Charles J.	01/16/1979	Madison	04/10/2006	04/10/2006
Gral, Michael A.	09/27/1985	Fox Point	02/27/2006	02/27/2006
Phillips, Mark A.	05/18/1981	Elm Grove	01/20/2006	01/20/2006
Washington, Hazel Jean	06/09/1988	Menomonie Falls	01/26/2006	02/03/2006

Temporary Suspension

Cassidy, James W.	06/08/1954	Madison	10/14/2005	10/14/2005
Cooper, Patrick M.	09/21/1993	Mequon	12/14/2005	12/14/2005
Fitzgerald, Maureen	05/22/1995	Milwaukee	05/09/2006	05/09/2006
Jones, Leroy	05/22/1972	Milwaukee	05/09/2006	05/09/2006 Reinstated 07/03/2006
Joset, Jenelle London	05/20/1996	Milwaukee	01/20/2006	01/20/2006
Langford, Ronald E.	05/20/1985	Milwaukee	05/12/2006	05/12/2006
Murphy, Patrick J.	04/16/1991	Green Bay	02/27/2006	02/27/2006
Reynolds, Charity A.	09/29/2003	Portage	02/27/2006	02/27/2006
Zajac, Lilah J.	09/28/2001	Wauwatosa	10/14/2005	10/14/2005 Reinstated 10/27/2005

Admitted

Location

Decided

Court Public Reprimand

Backes, Michael J.	05/19/1986	Milwaukee	10/20/2005
Bolte, Richard	06/05/1961	Wauwatosa	07/19/2005
Boyd, Joan Marie	05/22/1989	Shawano	03/30/2006
Engl, Joseph M.	05/20/2002	Milwaukee	07/06/2005
Gamino, Carlos Alberto	05/19/1997	Waukesha	04/28/2006
Hartigan, Seth Patrick	01/23/1998	Minneapolis, MN	12/13/2005

Kremkoski, Joe E.	05/18/1976	Racine	06/02/2006
Miller, Gary A.	08/21/1970	Madison	10/25/2005
Peck, Keith Howard Seth	05/16/1996	Honolulu, HI	05/09/2006
Pierquet, Mark Gerard	09/28/2001	Menasha	10/25/2005
Winkel, David J.	09/18/1984	Neenah	12/19/2005

### **Consent Public Reprimand**

Anderson, Scott F.	05/20/1985	Milwaukee	09/30/2005
Berlin, Jeffrey D.	06/02/1978	Milwaukee	08/08/2005
Cadwell, Barbara A.	03/15/1982	White Lake	09/04/2005
Jaconi, Jevon Jones	09/29/1998	Luxemburg	10/13/2005
Kinney, Ross R.	10/04/1967	Dousman	10/24/2005
Rajek, Michael M.	08/28/1974	Eau Claire	03/21/2006
Roets, Gary	02/09/1968	Portage	10/05/2005
Sinclair, Kathleen A.	05/20/1991	Elm Grove	01/18/2006
Smith, Jane Krueger	06/19/1981	Oconto Falls	03/29/2006
Voss, Frederick J.	08/30/1983	Rhineland	02/04/2006
Williams, Owen R.	09/29/1972	Amery	02/24/2006

### *Reinstatements*

During fiscal year 2005-2006, the Court completed action on 34 reinstatement petitions, 28 administrative and 6 disciplinary. Following is a summary of reinstatements.

#### **SUMMARY OF REINSTATEMENTS**

##### **Office of Lawyer Regulation**

**July 1, 2005 – June 30, 2006**

<b>Attorney</b>	<b>Location</b>	<b>Received</b>	<b>Decided</b>	<b>Outcome</b>
<b><u>Administrative</u></b>				
Bimby, Audrey J.	Kansas City, MO	02/09/2006	05/15/2006	Granted
Brown, Daniel Patrick	Eden Prairie, MN	03/07/2005	09/06/2005	Granted
Carey, Matthew Thomas	Waukesha	11/18/2005	02/13/2006	Granted
Cross, Andrew	St. Louis, MO	04/05/2005	08/17/2005	Granted
Crowley, Michael C.	Rochester, NY	02/27/2006	05/03/2006	Granted
Currie, Patrick T.	Madison	09/08/2005	01/05/2006	Granted
Eckblad, James D.	West Bend	09/30/2005	03/28/2006	Granted
Elliott, Joel T.	West Linn, OR	11/03/2005	03/23/2006	Granted
Fletcher, Robert W.	Louisville, KY	12/09/2005	05/15/2006	Granted
Gagnon, Nancy J.	Madison	06/01/2005	02/15/2006	Granted
Handorf, Karen L.	Washington, DC	11/09/2004	08/08/2005	Granted
Hart, Brian P.	New Orleans, LA	07/22/2005	12/15/2005	Granted
Jackson, Celia M.	Madison	08/31/2005	11/23/2005	Granted
Jochum, James	Washington, DC	03/28/2005	07/07/2005	Granted
LaMothe, Lesley	Washington, DC	08/16/2005	03/16/2006	Granted
Machi, Salvatore	Arlington, TX	12/28/2004	09/06/2005	Granted
Nowick, Joseph A.	Madison	06/01/2005	09/14/2005	Granted
Pridgen, Elaine	Madison	07/15/2005	12/20/2005	Granted
Pump, Sidney	Coral Springs, FL	06/07/2005	08/29/2005	Granted
Roensch, Ronald	Irvine, CA	10/13/2005	06/08/2006	Granted

Salentine, Andrew T.	San Mateo, CA	09/20/2005	02/15/2006	Granted
Schneider, Brian C.	Madison	06/01/2005	11/09/2005	Granted
Shawl, Richard J.	Rhineland	02/21/2006	05/04/2006	Granted
Shelton, Julie	Chicago, IL	03/21/2005	11/09/2005	Granted
Skurulsky, Deborah L.	Milwaukee	08/18/2005	10/17/2005	Granted
Wilson, Laura M.	Arlington, VA	11/14/2005	12/20/2005	Granted
Walker, Bryon Jerome	LaFarge	09/29/2005	01/20/2006	W/Conditions
Abernethy, Durant	Lees Summit, MO	02/07/2005	04/13/2006	Dismissed

### **Disciplinary**

Glasbrenner, Jenelle	Delavan	07/25/2005	05/02/2006	Granted
Sostarich, Mark	Elkhorn	08/22/2005	03/17/2006	Granted
Zablocki, Thomas E.	Franklin	08/27/2004	01/27/2006	Granted
Schwartz, Gerald M.	Milwaukee	11/11/2004	11/23/2005	W/Conditions
Carroll, John M.	Appleton	09/10/2005	07/06/2005	W/Conditions
Hendree, Ronald W.	Milwaukee	08/06/2004	10/19/2005	Denied

### **Finances**

The legal profession is unique in assuming the costs for policing itself. An assessment on every member of the State Bar of Wisconsin pays the costs and expenses of the lawyer regulation system, including all the costs and expenses of the Office of Lawyer Regulation, District Committees, Preliminary Review Committee, and Board of Administrative Oversight. To help offset the costs, the Office of Lawyer Regulation collects costs from attorneys disciplined in formal court proceedings and collects fees on petitions for reinstatement. Collections for fiscal year 2005-2006 were approximately \$219,006.

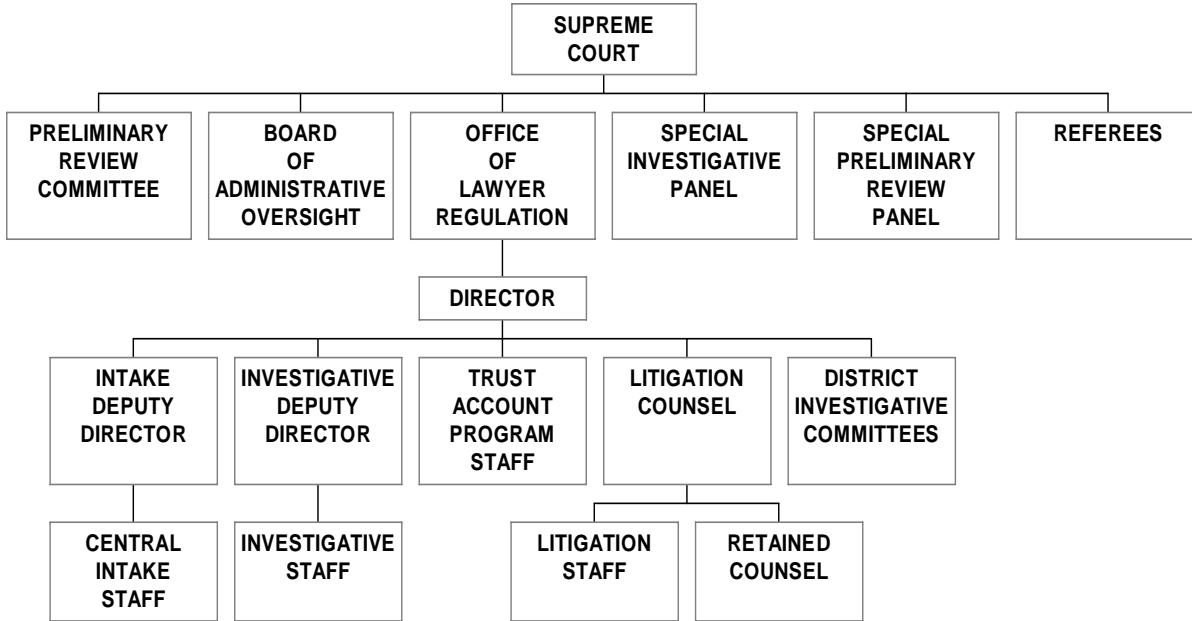
The budget for fiscal year 2006-2007 is \$2,649,000 up from \$2,413,000 last year. The assessment is \$129.00 down slightly from \$132.66 last year. The assessment is in line with those of neighboring jurisdictions (Illinois - \$180; Iowa - \$113; Michigan - \$120; Minnesota - \$122). The assessment is significantly lower than in Colorado (\$163), which has similar programs.

### **The Year Ahead**

The lawyer regulation system made significant progress on its caseload, and can be expected to improve its timeliness next year. Significant work will continue toward improvements in ethics rules and system procedures. During the year, the Supreme Court will likely amend the ethics rules. Special efforts will be made to educate the bar and the public about improvements in the rules.

*APPENDIX 1*

***ORGANIZATIONAL CHART OF THE  
LAWYER REGULATION SYSTEM***



APPENDIX 2

COMPOSITION OF THE LAWYER REGULATION SYSTEM

WISCONSIN SUPREME COURT

Chief Justice Shirley S. Abrahamson  
Justice Jon P. Wilcox  
Justice Ann Walsh Bradley  
Justice N. Patrick Crooks  
Justice David T. Prosser  
Justice Patience D. Roggensack  
Justice Louis B. Butler

OFFICE OF LAWYER REGULATION

Keith L. Sellen, Director

John K. O'Connell, Deputy Director-Investigations  
Elizabeth Estes, Deputy Director-Intake  
William Weigel, Litigation Counsel  
Julie M. Falk, Assistant Litigation Counsel  
Mary Hoeft Smith, Trust Account Program Administrator

Investigative Staff:

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Cathe Hahn  
Ellen B. Healey  
Emily Kokie  
Shawn Leatherwood  
Alice O'Mahar  
Sarah Peterson  
Melody Rader-Johnson  
Cynthia Schally  
Kay Sievers  
Travis Stieren  
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Mary McMillan  
Angelia Pearson  
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Sarah Unruh  
Barbara Schlak  
Susan Stock

FISCAL YEAR 2005-2006 RETAINED COUNSEL

Matthew Anich	Ashland
Thomas Basting	Janesville
Charles Blumenfield	Milwaukee
Gregg M. Herman	Milwaukee
Robert G. Krohn	Janesville
Marc T. McCrory	Janesville
Richard P. Mozinski	Manitowoc
Paul W. Schwarzenbart	Madison
Denis Vogel	Madison

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Oconomowoc  
Waukesha  
Waukesha  
Oconomowoc  
Waukesha  
Germantown  
Dousman

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Wisconsin Rapids  
Wisconsin Rapids  
Wisconsin Rapids  
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Stevens Point  
Wisconsin Rapids  
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Marshfield

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Lancaster  
Janesville  
Platteville  
Janesville  
Beloit  
Dodgeville  
Janesville  
Platteville  
Schaumburg  
Monroe  
Platteville  
Platteville  
Janesville  
Janesville  
Monroe  
Monroe  
Darlington

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Waupun  
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Green Bay  
Oneida  
Green Bay  
Green Bay  
Green Bay  
Green Bay  
Green Bay

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Timothy D. Boyle	Burlington

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*Judy A. Frymark, AIC	Merrill
*Arno William Haering	Wausau
David J. Condon	Woodruff
*Gerald Gibson	Argonne
Dawn R. Lemke	Merrill
Douglas J. Klingberg	Wausau
Jessica Tlusty	Schofield

PRELIMINARY REVIEW COMMITTEE

**Attorney James D. Wickhem, CHAIRPERSON  
Janesville, WI**

Attorney James D. Wickhem is a partner in Meier, Wickhem, Lyons & Schulz in Janesville. He focuses his work on civil litigation, including personal injury, business litigation, products liability, and insurance disputes. Wickhem has been selected as a “Wisconsin Super Lawyer” by *Milwaukee Magazine* in 2005 and 2006. He’s certified as a civil trial specialist by the National Board of Trial Advocacy and has long served as a Director for Wisconsin Association of Trial Lawyers. He previously served on a district professional responsibility committee (part of the lawyer regulation system), and as chair of that committee. Wickhem has been active in his community, serving on the Janesville Police and Fire Commission, the Alcohol License Advisory Committee and on the Board of Directors of Big Brothers/Big Sisters of Rock County.

**Attorney James D. Friedman, VICE CHAIRPERSON  
Milwaukee, WI**

Attorney James D. Friedman is a partner in Quarles & Brady LLP in Milwaukee, where he is Chair of the Financial Institutions Practice Group. Friedman is a former member of the Board of Governors and Executive Committee of the State Bar of Wisconsin. He is a director of Partners Advancing Values in Education, Inc., the Weyenberg Public Library Foundation, Inc., Wisconsin’s Equal Justice

Fund, Inc., the Wisconsin Law Foundation, and is listed in *The Best Lawyers in America (10 years)*; *Wisconsin Super Lawyers*; *Who's Who in the World*, *Who's Who in America*, *Who's Who in American Law*, *Who's Who in the Midwest*, and *Who's Who in Finance and Industry* and was selected as one of Wisconsin's leaders in the Law 2006 by the *Wisconsin Law Journal*. He is a Life Fellow of both the Wisconsin Law and American Bar Foundations.

**Attorney Michael S. Anderson**  
**Madison, WI**

Attorney Michael S. Anderson is the Managing Partner of Axley Brynelson, LLP in Madison, where his practice (both trial and appellate) emphasizes commercial and business litigation, insurance coverage disputes, and products liability defense. He was a member of the District 9 Professional Responsibility Committee, which assists the Office of Lawyer Regulation with investigations into possible lawyer misconduct, for nine years. For many years he has been listed in *Who's Who in the World*, *Who's Who in America*, *Who's Who in American Law* and *Who's Who in Finance and Industry*. Anderson is a member of the Bench and Bar Committee of the Wisconsin State Bar, the Boards of Directors of Wisconsin's Equal Justice Fund, Inc., Oakwood Village East (Continuing Case Retirement Communities), and Nehemiah Community Development Corporation, and he serves on the Blackhawk Church Elder Board.

**Mr. Michael S. Ariens**  
**Brillion, WI**

Michael S. Ariens is Chairman of the Board of Ariens Company, a manufacturer of outdoor power equipment that has been located in Brillion since 1933. Ariens has been with the company since 1959. He is also very active in the business community and in the Catholic Diocese of Green Bay.

**Attorney Wayne A. Arnold**  
**Rice Lake, WI**

Atty. Wayne A. Arnold is a trial lawyer with the State Public Defender's Office. He has served as a supervisor overseeing operations at various times in Barron, Burnett, Polk, Sawyer, Washburn and Rusk counties. Arnold has served on the Barron County Board of Supervisors and presently is an alderman for the City of Rice Lake and is a trustee of Lakeview Medical Center.

**Attorney Thomas W. Bertz**  
**Stevens Point, WI**

Attorney Thomas W. Bertz is a partner in Anderson, O'Brien, Bertz, Skrenes and Golla. He began his law career by clerking for Chief Justice Timothy Brown who served on the Wisconsin Supreme Court from 1949 to 1964. Bertz is a member of the Wisconsin State Bar Board of Governors, District 7; president of the Wisconsin Association of Worker's Compensation Attorneys (2006); and past president of the Western District of Wisconsin Bar Association. Bertz is active in his community, serving on the University of Wisconsin – Stevens Point Board of Visitors.

**Attorney John R. Dawson**  
**Milwaukee, WI**

Attorney John R. Dawson was a partner in Foley & Lardner in Milwaukee, where he had practiced since 1970, until his retirement in February, 2005. His practice emphasized commercial litigation and

media law. He is listed in *The Best Lawyers in America* in the areas of business litigation, alternate dispute resolution and First Amendment law. He is an associate adjunct professor at the Marquette University Law School.

**Ms. Patricia Evans**  
**Madison, WI**

Patricia Evans is retired from the University of Wisconsin, Department of Pathology and Laboratory Medicine. She was employed as a senior lecturer in the Clinical Laboratory Science Program. She is a member of the American Society for Clinical Laboratory Science, Wisconsin Society for Clinical Laboratory Science, Madison Area Society for Clinical Laboratory Science, American Association of Blood Banks, American Association for the Advancement of Science, American Society of Clinical Pathologists, American Association of University Women, University of Wisconsin Madison Retirement Association, the YWCA, the Wisconsin Retired Educators Association and State Coordinating Council of AARP Wisconsin.

**Rev. Steven K. Gjerde**  
**Wausau, WI**

Rev. Steven K. Gjerde is pastor at St. John's Lutheran Churches in the Wausau-area communities of Spencer and Riplinger. He has taught ethics at the Luther Seminary in St. Paul, and served in the Department of Chaplain Services at the Mayo Clinic. Gjerde is active in his community, serving as chaplain for the Spencer Fire Department and on the advisory board to the King Food Pantry.

**Ms. Joan Greendeer-Lee**  
**Tomah, WI**

Joan Greendeer-Lee has been a tribal court judge and president of the Wisconsin Tribal Judges Association. Trained as a paralegal, Greendeer-Lee holds a degree in geography. From 1985 to 1999, she served as an assistant manager for the U.S. Census Bureau, where she focused on mapping techniques for identifying American Indian and Alaska Native lands.

**Attorney Bernard T. McCartan**  
**Madison, WI**

Attorney Bernard T. McCartan is Associate General Counsel for American Family Insurance Co., managing the company's Wisconsin regional legal department. He currently serves as Chair of the Legislative Committee of Civil Trial Counsel of Wisconsin following terms as Chair of the CTCW Professional Ethics Committee and as an officer. He is active in the State Bar and in his community, volunteering as counsel to Milwaukee Irish Fest. He has spoken and authored articles on topics related to ethics and other subjects.

**Dr. Thomas W. Radmer, DDS, M.S.**  
**Trevor, WI**

Dr. Radmer is an Oral Maxillofacial Surgeon. He graduated from the University of Wisconsin in 1966, graduated from Marquette School of Dentistry in 1970, and earned a Master's Degree in Oral Maxillofacial Surgery from Marquette University in 1975. Radmer is Board qualified in OMS, and is a fellow at the American Association OMS and the International Association OMS. He is currently the Chairman of Oral and Maxillofacial Surgery at Marquette University School of Dentistry and is on the part-time faculty of the Medical College of Wisconsin.

**Attorney Frank D. Remington**  
**Madison, WI**

Attorney Frank D. Remington is an Assistant Attorney General with the Wisconsin Department of Justice. He began his career as a clerk to Wisconsin Supreme Court Justice Donald W. Steinmetz, who served on the Court from 1980 to 1999. Remington worked in private practice for two years and was appointed an Assistant Attorney General in 1987. In that capacity, Remington has prosecuted criminal and civil complaints and defended the State, its agencies and employees in a variety of areas including civil rights, environmental protection, contracts and eminent domain. Among other activities, he served three terms on a District Professional Responsibility Committee, (part of the lawyer regulation system).

#### BOARD OF ADMINISTRATIVE OVERSIGHT

**Attorney W. H. Levit Jr., CHAIRPERSON  
Milwaukee, WI**

W.H. Levit, Jr. is a partner and Loss Prevention and Claims Counsel for Godfrey & Kahn, where he has worked since 1983. Previously he had been general counsel of a Fortune 250 company and a partner in a Wall Street law firm. He is active in international arbitration, and served as a substitute arbitrator on the Iran-U.S. Claims Tribunal at The Hague from 1984 to 1988. He is a Trustee of the State of Wisconsin Investment Board. He regularly serves as an arbitrator and mediator. Early in his career he was a criminal defense attorney for the Legal Aid Society in New York City. Levit has served as chair of a BAPR District Committee, is former chair of the State Bar's Committee on Resolution of Fee Disputes and is chair of the Milwaukee Bar Association's Fee Arbitration Committee. Levit is a past president of the Seventh Circuit Bar Association and a fellow of the American Bar Foundation and Wisconsin Law Foundation. He is listed under "Business Litigation" in the Best Lawyers in America.

**Attorney Ann Ustad Smith, VICE CHAIRPERSON  
Madison, WI**

Attorney Ann U. Smith is a partner with Michael Best & Friedrich, where she practices bankruptcy, commercial litigation, and constitutional litigation. She is a member of the Ethics Committee, which offers analysis and advice on ethics issues to the firm's attorneys. In 1989, Smith served as staff to the Governor's Blue Ribbon Commission on Ethics and Lobbying Laws. A past member of a BAPR District Committee, Smith also represented BAPR on open records issues in 1999.

**Ms. Claire A. Fowler  
Hubertus, WI**

Claire A. Fowler is the retired owner of Gemini Employee Leasing, Inc., which she founded in 1981. Fowler is very active in her community, and serves on numerous professional boards and committees including the Wisconsin Business Women's Coalition, of which she is a founder. The Coalition recommended her appointment to BAO. Fowler also has served on the State Job Training Coordinating Council and the Women's Advisory Council of the Small Business Administration. She is currently active in SCORE/SBA and Jr. Achievement.

**Ms. Krista L. Ginger  
Madison, WI**

Krista L. Ginger is the State Public Defender Legislative Liaison. Ginger has worked in this capacity for four years. Previously, she worked for the Department of Corrections, where she served as staff to the Governor's Task Force on Corrections. Ginger worked from 1989 to 1994 as a clerk in the Wisconsin Supreme Court and Court of Appeals Clerk's Office.

**Mr. Michael J. O'Neill**  
**Mayville, WI**

Michael J. O'Neill is a mechanical engineer and retired as a project engineer with John Deere in Horicon. He specialized in product safety design and received more than 12 patents. O'Neill began his career in 1958 with the U.S. Army Ordnance Corps and then worked in General Motors' Cadillac Army Tank Division. He is a past member of the Mayville Police and Fire Commission and the Mayville School Board.

**Attorney Scott Roberts**  
**Stevens Point, WI**

Attorney Scott Roberts is a Wisconsin native who served as Assistant District Attorney in Rusk County from 1979-1980 and in Rock County from 1980-1982. He served as a State Public Defender in Rock County from 1982-1985, and in Milwaukee County from 1986-1991. He worked as an Assistant District Attorney in Portage County from 1991-2000, and now does criminal defense in solo practice in Stevens Point. He has tried approximately 259 jury trials, and recently prosecuted a shaken baby case that occurred more than 20 years ago. He was a main presenter at the Third National Conference on Shaken Baby Syndrome in 2000.

**Attorney Terry Rose**  
**Kenosha, WI**

Attorney Rose is a partner with Rose & Rose, Attorneys. Rose is a trial lawyer who practices both civil and criminal litigation. He is a graduate of Northwestern University and the University of Wisconsin Law School. Since 1986, he has served as a Kenosha County Board Supervisor and is currently vice-chair of the Board and formerly served as a chairman of the Finance Committee of the Kenosha County Board. In addition, he has been involved in community affairs as former president of the Kenosha County Bar Association, former president of the Kenosha Symphony Association, former president of United Way of Kenosha County, former president of C.Y.C. Youth Center in Kenosha and chair of the Kenosha Airport Commission.

**Attorney Thomas Sleik**  
**LaCrosse, WI**

Attorney Sleik is a partner in the LaCrosse firm of Hale, Skemp, Hanson, Skemp & Sleik. His practice includes personal injury, family law, employment law and business law. He is a past president of the State Bar of Wisconsin, past member and chairman of the Wisconsin Judicial Commission, and he formerly served on his BAPR District Committee. He is currently a member and vice chairman of the LaCrosse Public Library Board; a member of the Board of Trustees of Oktoberfest USA; and a member of the Board of Directors of Franciscan Skemp Healthcare in LaCrosse.

**Attorney Deborah M. Smith**  
**Madison, WI**

Attorney Deborah M. Smith is legal counsel for the State Public Defender's Office. She has held management positions within the office for eight years, and has worked for the Public Defender since her graduation from law school in 1980. Smith helped to start the Dane County Drug Treatment Court, and has served on a variety of courthouse committees and the State Bar's BAPR Study Committee.

**Attorney Harvey L. Wendel**  
**Madison, WI**

Attorney Wendel is of counsel with the Madison law firm of Murphy and Desmond and has over 40 years of experience representing clients in real estate development, financing, including sales and acquisitions. He was ranked as one of the top alternate dispute resolution lawyers in Dane County in a poll of lawyers published by the *Madison Magazine* in January, 2003. Mr. Wendel currently serves as a member of the Board of Directors, Executive and Loan Committees of Wisconsin Community Bank, which is a subsidiary of Heartland Financial USA, Inc., headquartered in Dubuque, Iowa. He is President and a member of the Board of Directors of the Senior Lawyers Division of the State Bar of Wisconsin. He also serves as an arbitrator and is a member of the Panel of Neutrals of the American Arbitration Association Board of Arbitrators.

#### SPECIAL INVESTIGATIVE PANEL

Attorney Eric Becker	Beaver Dam
Attorney Gregory S. Bonney	LaCrosse
Attorney Eileen Brownlee	Fennimore
Attorney John J. Carter	Greenfield
Attorney Michael P. Crooks	Madison
Attorney Victor C. Harding	Milwaukee
Attorney William Pharis Horton	Madison
Attorney Suzanne Kitto	Beloit
Attorney William Kussel, Jr.	Shawano
Attorney Myron E. LaRowe	Reedsburg
Attorney Maria S. Lazar	Milwaukee
Attorney Francis H. LoCoco	Milwaukee
Attorney Mark A. Peterson	Milwaukee
Attorney William Retert	Fond du Lac
Attorney Bruce J. Rosen	Madison
Attorney John D. Varda	Madison

#### SPECIAL PRELIMINARY REVIEW PANEL

Attorney Jane C. Schlicht, Chairperson	Milwaukee
Attorney Kara M. Burgos	LaCrosse
Dennis B. Gorder	Necedah
Dean Helstad	Ettrick
Attorney Lori S. Kornblum	Wauwatosa
Attorney James G. Poulos	West Bend
Attorney Darlo Wentz	Richland Center

#### SUPREME COURT REFEREES

Norman C. Anderson	Madison
Michael Ash	Milwaukee
Linda S. Balisle	Madison
Rose Marie Baron	Milwaukee
Kathleen Brady	Wauwatosa
John R. Decker	Milwaukee
William Eich	Madison
James R. Erickson	Balsam Lake
Richard M. Esenberg	Milwaukee
Henry A. Field, Jr.	Madison

John A. Fiorenza  
Curry First  
Dennis J. Flynn  
David R. Friedman  
Eugene Gasiorkiewicz  
Amy Gentz  
Stanley F. Hack  
Russell L. Hanson  
Charles J. Herro  
William A. Jennaro  
Robert T. McGraw  
Richard Ninneman  
Kim M. Peterson  
Gene B. Radcliffe  
Catherine Rottier  
John N. Schweitzer  
Judith Sperling Newton  
Konrad Tuchscherer  
Timothy L. Vocke  
Cheryl Rosen Weston  
James T. Winiarski

Mequon  
Milwaukee  
Racine  
Madison  
Racine  
Madison  
Milwaukee  
Westby  
Oconomowoc  
Milwaukee  
Waukesha  
Milwaukee  
Oconomowoc  
Black River Falls  
Madison  
Madison  
Madison  
Wausau  
Rhineland  
Madison  
Milwaukee

### APPENDIX 3

#### NEW MATTERS AND DISPOSITIONS, FISCAL YEAR 1998-2006

	<b>FY98</b>	<b>FY99</b>	<b>FY00</b>	<b>FY01</b>	<b>FY02</b>	<b>FY03</b>	<b>FY04</b>	<b>FY05</b>	<b>FY06</b>
Number of Attys	19,581	19,984	20,167	20,551	20,772	21,112	21,518	21,837	22,225
Number Pending at Beg of Fiscal Year	448	500	621	874	1,127	1,313	1,037	738	855
*Adjustments			(14)		(109)	(80)	(93)	(162)	(103)
New Matters	1,396	1,423	1,526	**1,951	2,423	2,261	2,225	2,105	2,061
Dispositions	1,344	1,302	1,287	1,698	2,346	2,617	2,617	2,150	2,202
Pending at Close of Fiscal Year	500	621	874	1,127	1,313	1,037	738	855	817

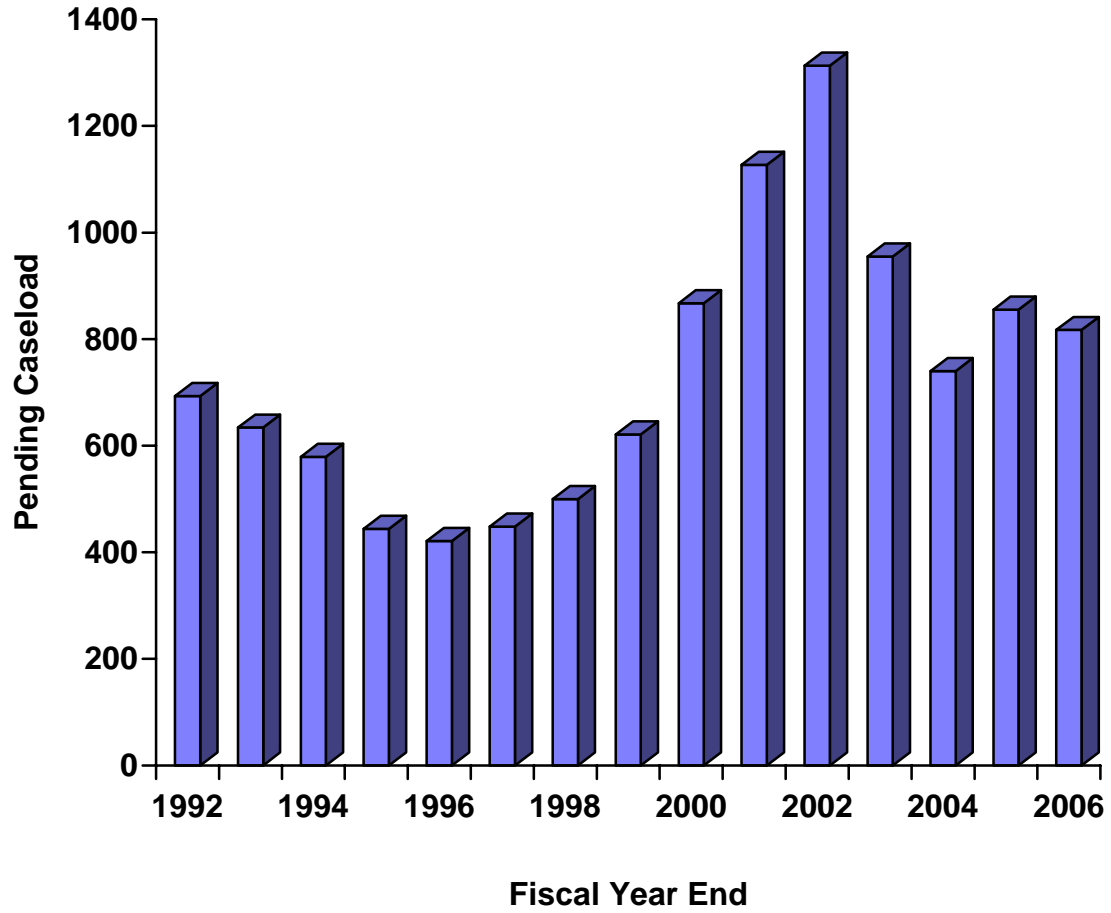
\*Adjustments include appealed matters that are reopened and other administrative changes made during the fiscal year.

\*\*The increase in the number of new matters was due to the telephonic intake program established January 1, 2001.

**APPENDIX 4**

**PENDING CASELOAD**

**Fiscal Years 1992 - 2006**



## APPENDIX 5

### EFFICIENCY AND PRODUCTIVITY

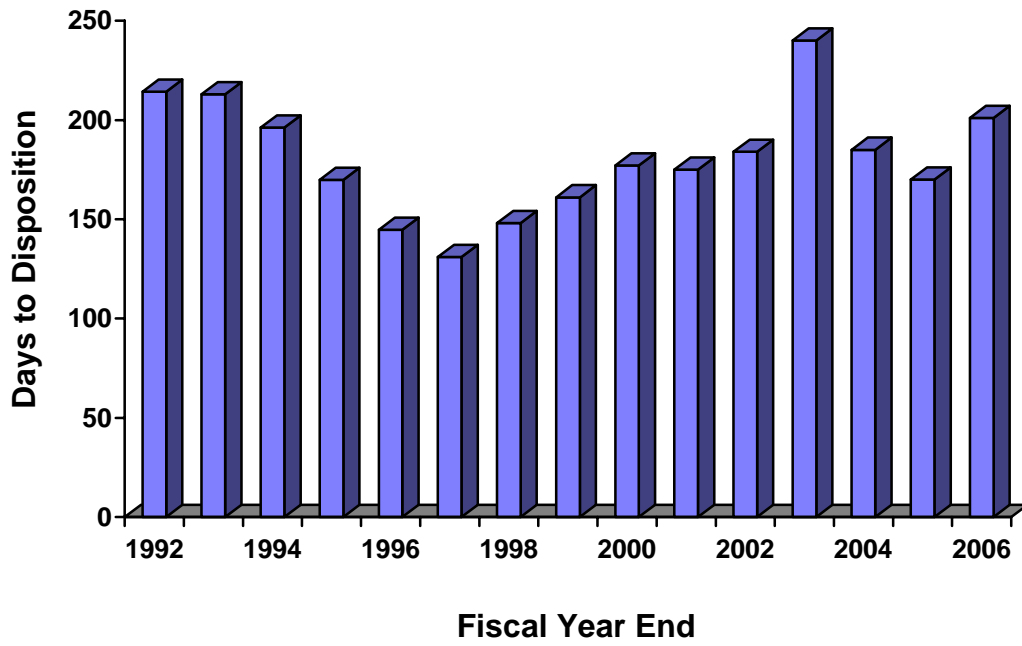
	<b>FISCAL YEAR 2002</b>	<b>FISCAL YEAR 2003</b>	<b>FISCAL YEAR 2004</b>	<b>FISCAL YEAR 2005</b>	<b>FISCAL YEAR 2006</b>
<b>*AVERAGE TIME FOR DISPOSITION</b>	<b>184 DAYS</b>	<b>240 DAYS</b>	<b>185 DAYS</b>	<b>170 DAYS</b>	<b>201 DAYS</b>
<b>MATTERS OVER ONE YEAR OLD</b>	<b>461</b>	<b>293</b>	<b>252</b>	<b>290</b>	<b>236</b>
<b>PERCENTAGE OF MATTERS OVER ONE YEAR OLD</b>	<b>35%</b>	<b>31%</b>	<b>34%</b>	<b>34%</b>	<b>29%</b>
<b>PERCENTAGE OF MATTERS CLOSED WITHIN 90 DAYS</b>	<b>58%</b>	<b>50%</b>	<b>64%</b>	<b>71%</b>	<b>63%</b>
<b>PERCENTAGE OF MATTERS CLOSED WITHIN 180 DAYS</b>	<b>74%</b>	<b>73%</b>	<b>76%</b>	<b>81%</b>	<b>76%</b>

\*Average time for disposition is calculated by averaging length of time it took to process a case and calculates the time for each case when matters are completed.

**APPENDIX 6**

**AVERAGE MATTER PROCESSING TIME**

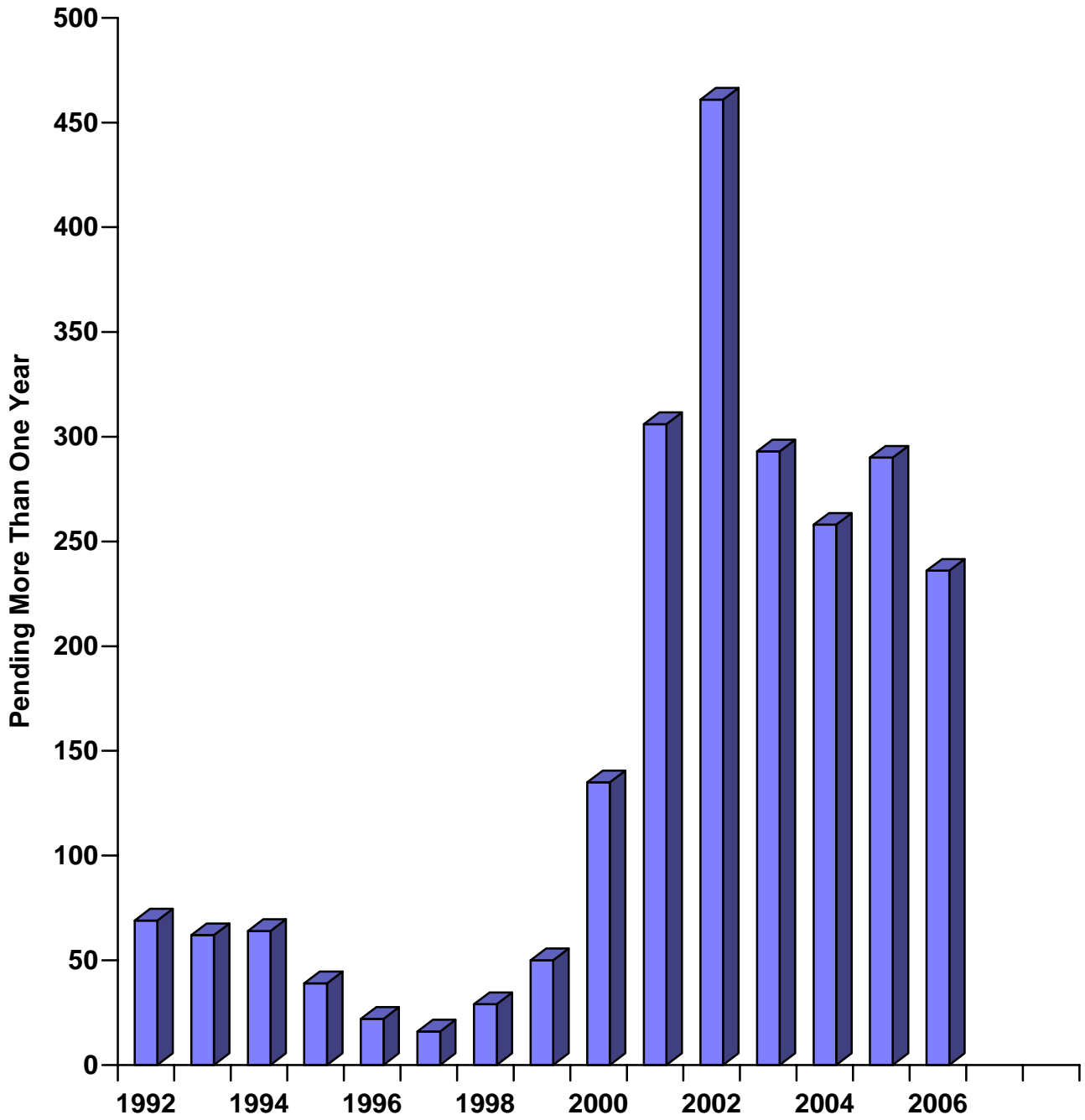
**Fiscal Years 1995 - 2006**



**APPENDIX 7**

**GRIEVANCES PENDING MORE THAN ONE YEAR**

**Fiscal Years 1992 - 2006**



**APPENDIX 8A**

**SURVEY OF GRIEVANCES RECEIVED DURING**

**FISCAL YEAR 2005-2006**

**Categorized by Allegation**

<b>ALLEGATIONS</b>	<b>TOTAL</b>	<b>PERCENTAGE OF TOTAL ALLEGATIONS</b>
Conflict of Interest	103	5.1%
Criminal Conduct	13	0.6%
Failure to Return Property	69	3.4%
Frivolous Action	11	0.5%
IFOR	133	6.5%
Improper Advertising	12	0.6%
Improper Advocacy	228	11.5%
Improper Communications	73	3.6%
Improper Termination	33	1.6%
Incompetence	45	2.2%
Lack of Communication	314	15.5%
Lack of Diligence	387	19.3%
Medical Incapacity	6	0.3%
Misrepresentation/Dishonesty	212	10.5%
Reciprocal Discipline	6	0.3%
Revealing Confidences	10	0.5%
Scope of Representation	16	0.8%
Statutory Violation	4	0.2%
Supervise Subordinates	9	0.4%
Trust Account Violations	87	4.2%
Unauthorized Practice	22	1.1%
Unreasonable Fees	124	6.0%
Violation of Decision	12	0.6%
Violation of Oath	37	1.8%
Other	60	2.9%

**APPENDIX 8B**

**SURVEY OF GRIEVANCES RECEIVED DURING**

**FISCAL YEAR 2005-2006**

**Categorized by Area of Practice**

<b>AREA OF PRACTICE</b>	<b>TOTAL</b>	<b>PERCENTAGE OF TOTAL AREA OF PRACTICE</b>
Administrative & Government Law	43	2.1%
Bankruptcy-Receivership	86	4.2%
Collections, Garnishments	57	2.8%
Contracts, Commercial, Consumer Law	30	1.5%
Corporate-Banking	25	1.2%
Criminal Law	677	33.0%
Estate-Probate, Guardianship & Wills	103	5.0%
Environmental	1	0.1%
Family Law & Juvenile	409	20.2%
Immigration & Naturalization	20	1.0%
Insurance	18	0.9%
Labor, Unemployment Compensation	16	0.8%
Landlord-Tenant	18	0.9%
Litigation	160	8.0%
Patent/Trademark	1	0.1%
Real Property	108	5.3%
Taxation	6	0.3%
Torts/Civil Rights	130	6.4%
Workers Compensation, Soc. Security	43	2.0%
Not Available	40	2.2%
Other	35	2.0%

**APPENDIX 8C**

**SURVEY OF GRIEVANCES RECEIVED DURING**

**FISCAL YEAR 2005-2006**

**Categorized by Source of Grievance**

<b>SOURCE OF GRIEVANCE</b>	<b>TOTAL</b>	<b>PERCENTAGE OF TOTAL SOURCE OF GRIEVANCE</b>
Adverse Party	337	17%
Attorney	86	4%
Client	1152	57%
Judge	8	0.4%
OLR Staff	127	6%
Other Party	316	15.6%

## APPENDIX 9

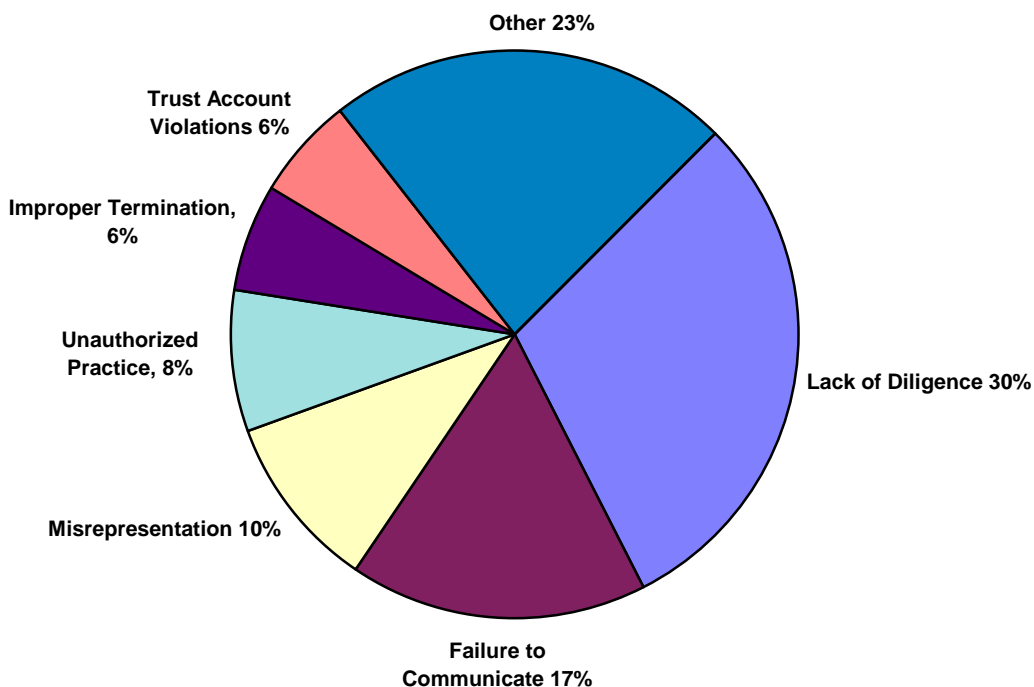
### PUBLICLY DISCIPLINED LAWYERS

#### AS A PERCENTAGE OF TOTAL LAWYER POPULATION

YEAR	NUMBER OF LAWYERS PUBLICLY DISCIPLINED	STATE BAR MEMBERSHIP	PERCENTAGE OF LAWYERS PUBLICLY DISCIPLINED
2005-06	62	22,225	0.3
2004-05	44	21,837	0.2
2003-04	66	21,518	0.3
2002-03	46	21,112	0.2
2001-02	20	20,772	0.1
2000-01	37	20,551	0.2
1999-00	24	20,167	0.1
1998-99	34	19,984	0.2
1997-98	37	19,581	0.2
1996-97	28	19,301	0.1
1995-96	33	18,938	0.2
1994-95	47	18,558	0.3
1993-94	55	17,974	0.3
1992-93	69	17,648	0.4
1991-92	50	17,407	0.3
1990-91	45	16,334	0.3
1989-90	33	15,876	0.2
1988-89	38	15,451	0.2
1987-88	39	14,942	0.3
1986-87	32	14,533	0.2
1985-86	45	14,312	0.3
1984-85	38	14,096	0.3
1983-84	45	13,536	0.3
1982-83	36	13,300	0.3
1981-82	28	12,700	0.2
1980-81	20	12,300	0.2
1979-80	16	11,900	0.1
1978-79	11	11,600	0.1

## APPENDIX 10

### ALLEGATIONS FOR WHICH MISCONDUCT WAS FOUND IN PUBLIC DISCIPLINE DECISIONS Fiscal Year 2005-2006



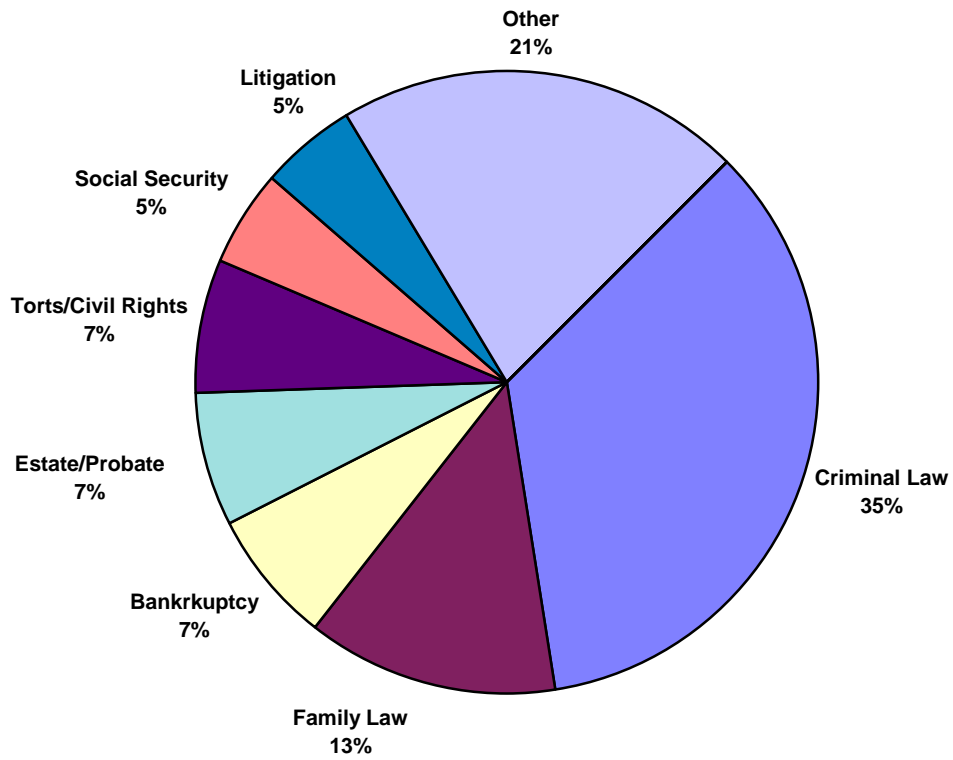
#### OTHER

Conflict of Interest  
Reciprocal Discipline  
Criminal Conduct  
Medical Incapacity  
Violation of Decision or Oath  
Improper Advocacy  
Scope of representation

Failure to Return Property  
Unreasonable Fees  
Incompetence  
Statutory Violation  
Frivolous Action  
Revealing Confidences

APPENDIX 11

AREAS OF PRACTICE IN WHICH MISCONDUCT WAS FOUND  
IN PUBLIC DISCIPLINE DECISIONS  
Fiscal Year 2005-2006



OTHER

Real Property  
Admin/Govt  
Labor/UC  
Collections

Contracts/Consumer  
Insurance  
Landlord/Tenant

**APPENDIX 12**  
**OFFICE OF LAWYER REGULATION**  
**2005-2006**  
**OUTREACH EFFORTS**

DATE	PRESENTER	EVENT
August 4, 2005	Weigel	Current Developments in Lawyer Regulation, Chicago, IL
August 19, 2005	Sellen	Presentation to Family Law Conference Sturgeon Bay
September 19, 2005	Sellen	Corporate Counsel Seminar, Milwaukee
September 30, 2005	Sellen	WisLap Training Ethics Panel Discussion, Madison
September 30, 2005	Sellen O'Connell	Meeting with official from Shanghai regulation office
October 3, 2005	Sellen	Visit District 2 Committee, Milwaukee
October 5, 2005	Sellen	UW Law School Presentation, Madison
October 11, 2005	Sellen	Outagamie County Bar Assn., Appleton
October 27-28, 2005	Sellen	Legal Ethics 2005, Milwaukee & Madison
October 28, 2005	Smith	Trust Account School, Madison
November 4, 2005	Sellen O'Connell Estes Smith	Ethics School, Madison
November 10, 2005	Sellen	Lorman Seminar, Milwaukee
December 3, 2005	Weigel	WI Assn. of Criminal Defense Lawyers, Madison
December 3, 2005	Sellen	WI Assn. of Trial Lawyers, Milwaukee
December 9, 2005	Weigel	Civil Trial Counsel of Wisconsin, Milwaukee
December 9, 2005	Estes	UW Graduate Psychology Class, Madison

January 13, 2006	Sellen	Tri-County Bar Assn., Mondovi
January 30, 2006	Sellen	La Crosse County Bar Assn., La Crosse
February 11, 2006	Weigel	National Organization of Bar Counsel, Chicago, IL
March 1, 2006	Weigel	US Western District Bankruptcy Bar, Madison
March 7, 2006	Sellen	UW Law School Professionalism Class, Madison
March 8, 2006	Estes	Presentation to Brown County Women's Bar Association, Green Bay
March 15, 2006	Sellen	Waupaca County Bar Association, New London
March 23, 2006	Sellen	African-American Bar Association, Milwaukee
March 23, 2006	Weigel	Ethics for Municipal Judges-Judicial Education, Middleton
March 27, 2006	Sellen	Racine County Bar Association, Racine
March 31, 2006	Sellen	Oconto County Bar Association, Oconto
April 7, 2006	O'Connell	New District Committee Member Training, Appleton
April 11, 2006	Sellen	Interview with WFRV TV, Green Bay
April 28, 2006	Smith, et.al.	Trust Account Seminar, Madison
May 5, 2006	Sellen	Ethics/Professionalism Seminar, Bar Convention, Madison
May 5, 2006	O'Connell	District Committee Chairpersons' Meeting, Madison
May 24, 2006	Weigel Falk	Iowa County Bar-Ethics and Wis LAP, Dodgeville
June 23, 2006	Sellen	Lake Superior Region Bar Associations, Ashland