

SUPREME COURT OF WISCONSIN  
OFFICE OF LAWYER REGULATION

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Public Reprimand With Consent

2013-OLR- 14

WARREN LEE BRANDT,  
Attorney at Law.

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Warren Lee Brandt, age 61, is a Wisconsin-licensed attorney, currently of St. Croix Falls, Wisconsin and formerly of Prescott, Wisconsin.

On June 6, 2011, Brandt became ineligible to practice law in Wisconsin for noncompliance with 2009-2010 continuing legal education (CLE) requirements. Brandt was reinstated from that suspension on June 28, 2011.

**Grievance #1**

On June 15, 2011, while his law license was suspended, Brandt attempted to file a Notice of Motion and Motion to Change Venue and for Judicial Transfer on behalf of his client in a child support case pending in circuit court.

In a letter dated June 16, 2011, the presiding circuit court judge notified Brandt that records from the State Bar indicated that Brandt was not licensed to practice law in Wisconsin, and was therefore not authorized to act on behalf of a party in the pending action. The judge further informed Brandt that the notice of motion and motion were being returned to Brandt, with notice to the parties so that they would understand that the documents had not yet been received for filing.

On June 23, 2011, an attorney involved in the child support case provided the Office of Lawyer Regulation (OLR) with copies of the documents Brandt attempted to file in circuit court on June 15, 2011. On July 11, 2011, acting pursuant to SCR 60.04(3)(d), the presiding judge likewise informed OLR of Brandt's attempt to file a notice of motion and motion while suspended.

On August 15, 2011, OLR received a letter from Brandt in another matter, and in his letter Brandt referred in part to his representation of his client in the child support matter. Brandt asserted that his "client's confidence" required that he request a change of venue. Brandt indicated that due to his suspension, he engaged another law firm to prepare a motion and notice of motion (left blank) which were then given to the court commissioner in the matter. Brandt represented to OLR that the court commissioner called to inform him that there was not a date and time available before trial, and since Brandt was suspended, the papers were being returned to him unfiled. Brandt asserted that he, therefore, presented the jurisdictional question orally when he was reinstated. The notice of motion and motion in question, however, was dated June 15, 2011, was signed by Brandt, and began, "The Petitioner...by and through her attorney, Warren L. Brandt, will move the above-named Court for the following . . ."

In responding to the allegation that he practiced law when his license was subject to a CLE suspension, Brandt denied to OLR that the reporting attorney and judge had even alleged misconduct, and asserted that they had done a mandatory report of Brandt's attempt to obtain a date for a notice of motion. Brandt added, "I am guilty of trying to get a date for a notice of motion to be prepared and couldn't. That was something a secretary or anyone could do."

On June 27, 2011, Brandt petitioned the Board of Bar Examiners for reinstatement from his CLE suspension, and his license was reinstated on June 28, 2011.

In the child support matter, by attempting to file a Notice of Motion and Motion for Change in Venue and for Judicial Transfer, bearing his signature and dated June 15, 2011, when his law license was suspended pursuant to SCR 31.10(1) for non-compliance with mandatory continuing legal education requirements, Attorney Warren L. Brandt violated SCR 31.10(1), which states in part, “A lawyer shall not engage in the practice of law in Wisconsin while his or her state bar membership is suspended under this rule.” SCR 31.10(1) is enforced under the Rules of Professional Conduct via SCR 20:8.4(f), which states, “It is professional misconduct for a lawyer to . . . violate a statute, supreme court rule, supreme court order or supreme court decision regulating the conduct of lawyers.”

By asserting to OLR that he had engaged another law firm to prepare a blank notice of motion and motion for change in venue, to be left blank and submitted to the court commissioner so as to avoid practice during suspension while abiding by client objectives, when the notice of motion and motion in question referred to Brandt as the petitioner’s attorney, and was signed and dated in Brandt’s own hand at a time when he was suspended from practice, Brandt violated SCR 22.03(6), which states, “In the course of the investigation, the respondent’s wilful failure to provide relevant information, to answer questions fully, or to furnish documents and the respondent’s misrepresentation in a disclosure are misconduct, regardless of the merits of the matters asserted in the grievance.” SCR 22.03(6) is enforced under the Rules of Professional Conduct via SCR 20:8.4(h), which states in part, “It is professional misconduct for a lawyer to . . . fail to cooperate in the investigation of a grievance filed with the office of lawyer regulation as required by . . . SCR 22.03(6) . . .”

## Grievance #2

On July 1, 2011, the Office of Lawyer Regulation (OLR) received information from a circuit court judge indicating that Brandt, while his law license was suspended for noncompliance with CLE requirements, had appeared in court on June 27, 2011 on behalf of a client at a plea hearing in a criminal traffic matter.

During the June 27, 2011 hearing, Brandt informed the court that his client was prepared to enter a plea. The judge informed Brandt that he had received a notice dated June 7, 2011, indicating that Brandt's law license had been suspended. Brandt then stated to the judge that he was not intending to appear of record in the proceeding but that he had engaged in plea negotiations with the prosecutor and had gone through the plea questionnaire with his client prior to his CLE suspension, and that he was providing a copy of the completed questionnaire to the court. Brandt also informed the court that he had completed the necessary courses to be in CLE compliance, but he had not yet received notice of his reinstatement, and he was aware that he could not appear as his client's attorney. The judge indicated that because Brandt had not yet met the requirements for reinstatement, he was not going to allow Brandt to proceed, nor was he going to allow Brandt's client to proceed on her own at that time. The plea hearing was then rescheduled for a later date.

In a submission to OLR, Brandt asserted that he had apologized to the judge in the matter, and he further indicated that a plea hearing been scheduled when he received notice of his suspension for CLE noncompliance. According to Brandt, in order to meet his responsibilities of zealous representation, he sought immediate compliance with SCR 31.03(1), and paid his fee and reported his credits as required to the Board of Bar Examiners (BBE). According to Brandt, he called BBE before the court proceeding scheduled for June 27, 2011 and

