

SUPREME COURT OF WISCONSIN
OFFICE OF LAWYER REGULATION

Public Reprimand With Consent

**Benjamin J. Harris,
Attorney at Law**

18-OLR-1

Attorney Benjamin J. Harris (Harris) represented a client in her divorce case. Harris filed the petition for divorce in May 2015. The adverse party did not have counsel.

On March 28, 2016, the contested divorce hearing was held. The Court made findings, including property division pursuant to a Stipulation, and granted the divorce. Wis. Stats. § 767.37(1)(a) required that Harris, as attorney for the petitioner, file the findings of fact, conclusions of law, and judgment of divorce (Judgment) for the Court to sign within 30 days of the divorce hearing.

Harris did not timely file the Judgment and never advised his client that he had failed to do so.

On August 24, 2016, the Clerk of Circuit Court sent a letter to Harris to advise him that the Court had not received the completed Judgment, reminding him that pursuant to Wis. Stats. § 767.37(1)(a) the petitioner is required to file it within 30 days of the final hearing, and informing him the Court would issue an order to show cause if he failed to file the final papers by September 14, 2016. Harris again failed to do so.

The client did not discover that she was still married until October 2016, when she was in the process of selling her condominium property. According to an addendum to the Judgment, the client was to have been awarded all right, title and interest in her condominium, but Harris

had not filed such document as of the time of the sale of the condominium. Shortly before the closing, the client's realtor called the client and informed her there was a problem; because the client was married, her husband would be entitled to half of the proceeds of the sale of the condominium, and he would have to sign off on the sale documents. The client's husband refused to do so unless the client paid him \$1,500. The client paid him and the sale of the condominium proceeded.

On October 19, 2016, the Court scheduled a review hearing for November 29, 2016. On October 21, 2016, Harris sent the Court the Judgment, which the Court modified slightly and signed on November 2, 2016.

Following the final divorce hearing on March 28, 2016, by failing to file the Judgment on behalf of his client until October 21, 2016, Attorney Benjamin Harris violated SCR 20:1.3, which states, "A lawyer shall act with reasonable diligence and promptness in representing a client."

By failing to inform his client that he had not timely filed the Judgment in her case for more than six months after the final divorce hearing, resulting in his client having the mistaken belief that she was no longer married and causing her financial harm when she sold her condominium property, Attorney Benjamin Harris violated SCR 20:1.4(a)(3), which states, "A lawyer shall keep the client reasonably informed about the status of the matter."

Harris' prior discipline consists of a 2007 private reprimand, a 2008 public reprimand, a 60-day suspension imposed in 2010, a 2012 private reprimand, and a five-month suspension imposed in 2013.

