

SUPREME COURT OF WISCONSIN
OFFICE OF LAWYER REGULATION

Public Reprimand With Consent

2019-OLR - 1

Colleen Locke, Attorney at Law

Colleen Locke is a Wisconsin attorney whose State Bar identification number is 1019522. Locke practices law in Jefferson, Wisconsin. Locke was first licensed to practice law in Wisconsin on June 17, 1992.

Locke, on behalf of her client, appealed a circuit court judgment of divorce. The issues raised by Locke in the appeal were custody of a child, a provision allowing the mother to travel with the child to Russia, and a provision regarding the division of spousal debt. In her briefing, Locke failed to follow appellate procedural rules. She failed to cite to the record, in violation of Wis. Stat. § 809.19(1)(e); she failed to provide accurate page numbers in her table of authorities in violation of Wis. Stat. § 809.19(a); she cited virtually no case law and argued facts and theories about how the circuit court should have decided the case – fact-finding issues outside the realm of appellate review. In short, Locke’s briefing of the appellate issues was inadequate and demonstrated a lack of legal understanding and preparation.

In addition, each of the challenged issues raised by Locke in her client’s appeal had previously been settled by the parties’ pretrial stipulation, a stipulation Locke, on behalf of her client, agreed to on the record before the circuit court judge, who then incorporated the stipulation in his judgment of divorce. Locke failed to mention the stipulation in her opening brief. In her reply brief, Locke argued that the stipulation was invalid because she had not

signed it despite her confirming the agreement on the record and raising no objection to the stipulation.

The court of appeals found that Locke had filed a frivolous appeal pursuant to Wis. Stat. § 809.25(3) because she knew or should have known that her appeal lacked any reasonable basis in law or equity and could not be supported by a good faith argument for the extension, modification or reversal of existing law. Accordingly, the court of appeals remanded the matter to the circuit court for the purpose of ordering an award of costs, fees and attorney's fees to opposing counsel. The court of appeals ordered any award be directed to Locke personally and not her client.

The circuit court entered its order for payment of costs, fees and attorney's fees against Locke. Locke subsequently satisfied the judgment for fees.

By failing to follow appellate rules and procedures in her appellate briefing, including raising issues that the parties had already stipulated to and which had been incorporated without objection into the circuit court judgment, Locke violated SCR 20:1.1, which provides, "A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

By filing a frivolous appeal, Locke violated SCR 20:3.1(a), which provides, "In representing a client, a lawyer shall not: (1) knowingly advance a claim or defense that is unwarranted under existing law, except that the lawyer may advance such claim or defense if it can be supported by good faith argument for an extension, modification, or reversal of existing law."

Locke has three prior public reprimands, one received in 2009 and two received in 2013.

In accordance with SCR 22.09, Attorney Colleen Locke of Jefferson, Wisconsin is hereby publicly reprimanded.

Dated this 2nd day of January, 2019.

SUPREME COURT OF WISCONSIN

/s/
Richard M. Esenberg, Referee