

Public Discipline

These summaries are based on information provided by the Office of Lawyer Regulation (OLR), an agency of the Wisconsin Supreme Court. The OLR assists the court in supervising the practice of law and protecting the public from misconduct by lawyers. The full text of matters summarized can be located at <https://compendium.wicourts.gov/app/search>.

Public Reprimand of Joseph F. Owens

The Office of Lawyer Regulation (OLR) and Joseph F. Owens entered into an agreement for the imposition of a public reprimand, pursuant to SCR 22.09(1). A Wisconsin Supreme Court-appointed referee approved the agreement and issued the public reprimand on Oct. 11, 2024, pursuant to SCR 22.09(3).

Owens represented a client in several matters. At the end of those representations, Owens asserted that the client owed him \$58,000 in legal fees. The client disputed that amount. Owens and the client came to an agreement whereby the client would lend Owens \$100,000 while they resolved their fee dispute, with some of that money being dispersed to pay fees. Owens signed a one-year promissory note at 9% interest, secured by Owens' interest in a land contract. Owens deposited the funds, which were his personal funds, into his trust account.

The next month, the client hired Owens again, to represent him on drug charges. Owens withdrew from the representation prior to the resolution of the matter. The client died the next year.

Owens' client's daughter, as personal representative of the client's estate, filed this grievance. The estate disputes the amount of legal fees owed to Owens. That dispute has not been resolved.

By accepting a personal loan payment from a client and depositing the funds into his client trust account, Owens violated SCR 20:1.15(b)(3).

Owens had no prior discipline.

Public Reprimand of Stephen M. Clubb

The OLR and Stephen M. Clubb entered into an agreement for the imposition of a public reprimand, pursuant to SCR 22.09(1). A supreme court-appointed referee approved the agreement and issued the public reprimand on Oct. 28, 2024, pursuant to SCR 22.09(3).

Clubb represented a client seeking to enforce her rights as a qualified beneficiary of her mother's trust. Eventually, the client became trustee of the trust and, in that capacity, investigated and audited the administration of the trust since the death of her mother. The trustee believed her sister was in possession of property belonging to the trust. After getting no response to a letter requesting the sister turn over the property, Clubb agreed to file a replevin action on behalf of the client. The client approved a draft complaint for filing.

After hearing nothing from Clubb, the client inquired as to the status of the replevin matter. Clubb told the client a hearing was scheduled but that she need not attend. Clubb told the client the sister had failed to appear for the hearing and that he would seek to have the sister bring the property belonging to the trust to his of-

fice. The client thereafter tried to follow up with Clubb but got no response.

In fact, Clubb had never filed the replevin action.

By failing to file the replevin action, Clubb violated SCR 20:1.3. By telling the client he had filed the action and confirming he attended a hearing that never took place, Clubb violated SCR 20:8.4(c). By failing to respond to the client's inquiries regarding the matter, Clubb violated SCR 20:1.4(a)(4).

Clubb had no prior discipline.

Public Reprimand of Steven D. Johnson

The OLR and Steven D. Johnson entered into an agreement for the imposition of a public reprimand, pursuant to SCR 22.09(1). A supreme court-appointed referee approved the agreement and issued the public reprimand on Nov. 4, 2024, pursuant to SCR 22.09(3).

The public reprimand relates to Johnson's misconduct in two client matters.

In the first matter, Johnson represented a client in the client's divorce. Per their fee agreement, Johnson charged \$425 per hour against the advanced payment of fees the client had made. Johnson's paralegal handled all communication with the client and performed all work on the client's case. Johnson charged the client his attorney rate of \$425 per hour for the work performed by the paralegal. Johnson billed the client \$13,000 over three months, at which point the client terminated the representation before the divorce was concluded. Johnson acknowledged to successor counsel that he had charged his attorney rate for work done by the paralegal, justifying it by stating that the paralegal "had real time access to me at all times through our office chat."

By charging the client an hourly attorney rate of \$425 per hour for work performed by nonlawyer staff, Johnson charged an unreasonable fee in violation of SCR 20:1.5(a).

In the second matter, a client hired Johnson to represent him on several felony charges. Johnson's nonlawyer

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staff performed much of the work on the matter and handled nearly all communication with the client. The client eventually agreed to a plea deal. Johnson's nonlawyer staff reviewed the plea questionnaire with the client. The questionnaire filed with the court contained errors in the description of the elements of one of the offenses. Firm records did not reflect Johnson reviewing the questionnaire with the client.

The client's appellate counsel filed a motion to withdraw the client's plea, asserting ineffective assistance of counsel. Appellate counsel informed Johnson of the motion and that Johnson would have an opportunity to testify at the hearing. Without the permission of the client or the court, Johnson filed a document opposing the motion. The document revealed information relating to the representation and argued that the court should deny the motion.

Because of the errors in the plea questionnaire, the state stipulated to the withdrawal of the plea and the court vacated the conviction.

By providing an inaccurate plea questionnaire to the client via nonlawyer staff, Johnson failed to explain the elements of the crimes to which the client was pleading guilty, in violation of SCR 20:1.1 and SCR 20:1.4(b). Johnson is responsible for the conduct of his nonlawyer staff pursuant to SCR 20:5.3(c).

By filing a document with the court opposing the former client's postconviction motion, which document contained information relating to the representation, Johnson violated SCR 20:1.6(a) and SCR 20:1.9(c)(2). By using information related to the representation of the former client to the disadvantage of the client, Johnson violated SCR 20:1.9(c)(1).

Johnson was privately reprimanded in 2008 and publicly reprimanded in 2010. In 2023, his license to practice law was suspended for six months. **WL**

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