

Public Discipline

The Wisconsin Supreme Court permits the Office of Lawyer Regulation (OLR) to publish, for educational purposes, a summary of facts and professional conduct rule violations in matters in which the OLR imposed private reprimands. The summaries do not disclose information identifying the reprimanded attorneys. The summaries of selected private reprimands are printed to help attorneys avoid similar misconduct problems.

Disciplinary Proceedings Against Thomas W. Batterman

On Feb. 24, 2023, the Wisconsin Supreme Court revoked the law license of Thomas W. Batterman, Wausau, following Batterman's petition for consensual license revocation. *Disciplinary Proc. Against Batterman*, 2023 WI 13.

Batterman was admitted to practice law in Wisconsin in 1982. He has not practiced law since 1985, does not maintain a law office, and has no clients.



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On July 19, 2022, the Office of Lawyer Regulation (OLR) filed a complaint against Batterman alleging four counts of misconduct. Thereafter, Batterman filed a petition for consensual license revocation.

In his petition, Batterman acknowledged that he could not successfully defend himself against the allegations in the complaint. The OLR filed a memorandum recommending that Batterman's petition be granted and that his Wisconsin law license be revoked.

Batterman is the founder, registered agent, and principal of Financial Fiduciaries and the president and majority shareholder of WTC Inc., the sole member of Financial Fiduciaries.

By engaging in conduct that amounted to a breach of trust in *In re [J.G.] Revocable Trust*, Batterman violated SCR 20:8.4(c). By misrepresenting to the American Cancer Society that a trust donor wished to remain anonymous and that the funds came from a discretionary trust, Batterman violated SCR 20:8.4(c). By causing Financial Fiduciaries' violations of sections 206(2), 206(4), and 207 of the Advisors Act in *In re Financial Fiduciaries LLC & Thomas Batterman*, SEC Admin. Proc. File No. 3-18385, Batterman violated SCR 20:8.4(c).

In addition, on April 10, 2018, Batterman was pulled over while driving 46 miles per hour in a 35-mile-per-hour zone. During the traffic stop, the police officer detected a strong odor of intoxicants coming from Batterman and

observed that Batterman had glassy eyes and slurred speech. Based on the field-sobriety tests, the officer arrested Batterman for second-offense operating while intoxicated. Batterman submitted to a blood draw and the blood test showed a blood-alcohol content of 0.124, in excess of the legal limit in Wisconsin. On Oct. 19, 2021, a jury found Batterman guilty of second-offense operating with a prohibited alcohol concentration (PAC). He was sentenced to 15 days' confinement in the Marathon County jail, 13 months' driver's license revocation, and 12 months' ignition-interlock-device installation on his car. By engaging in conduct leading to a criminal conviction of second-offense operating with a PAC (see *State v. Batterman*, No. 2018CM752 (Marathon Cnty. Circuit Ct.)), Batterman violated SCR 20:8.4(b).

The Wisconsin Supreme Court determined, "The seriousness of Attorney Batterman's misconduct demonstrates that it is appropriate to revoke his law license in order to protect the public, the courts, and the legal system from repetition of his misconduct; to impress upon him the seriousness of his misconduct; and to deter other attorneys from engaging in similar misconduct." The court granted the petition and revoked Batterman's license to practice law in Wisconsin.

Batterman had no prior discipline.

Public Reprimand of Lauren L. Otte

In February 2022, a woman hired Lauren L. Otte to represent her in her divorce. When Otte was hired, a hearing for the case had already been scheduled, for April 6, 2022.

On April 6, 2022, the court scheduled a contested divorce hearing for April 20, 2022. Otte submitted to the court a letter dated April 15, 2022, requesting that the court reschedule the April 20, 2022, hearing; in the letter, Otte stated that she would be out of town because of the unexpected death of her grandfather. Otte's statement to the court was untrue; her grandfather had

not recently died. Instead, Otte wanted an adjournment because she had not adequately prepared for the contested divorce hearing.

On April 20, 2022, Otte met with a partner at the law firm for which she worked at the time. During the meeting, Otte disclosed her misrepresentation. The supervising partner asked what Otte would have done if the court had requested proof of her grandfather's death. Otte showed the supervising partner an obituary she found that she had prepared to present to the court with funeral times matching the date and time of the hearing.

On April 21, 2022, Otte sent a letter to the client, the court, and the opposing party and their counsel, identifying the misrepresentation and apologizing for her actions. Otte was terminated from the law firm as a result of the misrepresentation. Another attorney in the firm took over representation of the client.

By misrepresenting to the court the

reason she was requesting an adjournment, Otte violated SCR 20:3.3(a)(1), which states, "A lawyer shall not knowingly: (1) make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer"; and SCR 20:8.4(c), which states, "It is professional misconduct for a lawyer to ... engage in conduct involving dishonesty, fraud, deceit or misrepresentation."

Otte had no prior discipline.

Disciplinary Proceedings Against Nathan E. DeLadurantey

On March 3, 2023, the Wisconsin Supreme Court publicly reprimanded Nathan E. DeLadurantey, Brookfield. The court also ordered DeLadurantey to pay \$17,570.10 of costs of the disciplinary proceedings. *Disciplinary Proc. Against DeLadurantey*, 2023 WI 17.

During a business trip for depositions in a client matter, DeLadurantey, while

intoxicated, made repeated sexual advances toward an attorney employed by his firm (hereinafter the coworker). The coworker clearly and repeatedly rebuffed the advances.

The court held that DeLadurantey's conduct constituted offensive personality that not only reflected adversely on his professional judgment and fitness to be a member of the legal profession but also reflected adversely on the reputation and integrity of the legal profession generally.

DeLadurantey's offensive conduct in pressuring a coworker to engage in unwanted sexual activity constituted a violation of the Attorney's Oath, SCR 40.15, enforceable via SCR 20:8.4(g). **WL**

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Private Discipline

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Unauthorized Practice of Law While Suspended

Violations of SCR 31.10(1), SCR 22.26(2), and SCR 23.02(1), enforced via SCR 20:8.4(f)

An attorney's Wisconsin law license was suspended for the attorney's failure to comply with mandatory reporting of continuing legal education (CLE) credits. During the suspension, the attorney engaged in multiple instances of the practice of law, including filing court documents and appearing in court on behalf of clients.

Before having actual notice of the suspension, the attorney engaged in at least 17 instances of practicing law. After receiving actual notice of the suspension, the attorney engaged in at least eight additional instances of practicing law. The attorney then submitted a petition for reinstatement asserting that the attorney had included on the petition all instances of the practice of law during the period of ineligibility, but the attorney had only reported a single court appearance. After submitting the petition for reinstatement, the attorney engaged in at least one additional instance of unauthorized practice by filing documents in court before his license was reinstated.

By practicing law in Wisconsin while his Wisconsin law license was suspended, the attorney violated SCR 31.10(1), SCR 22.26(2), and SCR 23.02(1), each of which is enforced via SCR 20:8.4(f).

Lack of Diligence

Violation of SCR 20:1.3

An attorney was hired in 2018 to file an

asylum application on behalf of a client. The client had been in the United States since 2013. The general rule was that application for asylum be filed within one year after entry into the U.S. The attorney filed the client's asylum application on July 25, 2018, noting reasons on the application why the client had not filed within one year.

On Nov. 4, 2020, while the client's case was still pending, the Department of Homeland Security (DHS) reached a settlement in a class action, *Mendez Rojas v. Wolf*, No. 2:16-cv-01024-RSM (W.D. Wash.). The DHS acknowledged that it had not been advising people of the one-year requirement for filing for asylum and agreed that, if an individual filed notice of membership in the class before April 2022, a late-filed asylum application would automatically be considered timely.

The attorney filed class-membership notices for five or six other clients but mistakenly failed to file a class-membership notice for the client at issue in this matter. The attorney described this as a total inadvertent error. After discovering he had missed the deadline, the attorney advised the client to file a grievance with the OLR and assisted the client in submitting a grievance. The client's final asylum hearing has been postponed, and it is unknown whether the client's asylum application will be deemed timely.

By failing to timely file for class membership that would have ensured the client's asylum application was considered timely, the attorney violated

SCR 20:1.3 and 8 C.F.R. § 1003.102(q).

The attorney had no prior discipline.

Lack of Communication and Lack of Diligence

Violations of SCR 20:1.3 and 20:1.4(a)(3)

An attorney appointed by the State Public Defender's Office to represent a client in a criminal case indicated an intent to file a motion to suppress. The attorney waited nearly three months to file the motion, failed to communicate with the client for more than four months, and failed to provide the client with a copy of the motion, in violation of SCR 20:1.4(a)(3).

The state asked the court to deny the motion for lack of particularity. The court directed the attorney to file an amended motion by a specific date and scheduled an evidentiary hearing to be held 60 days after that specific date. The attorney failed to timely file an amended motion, in violation of SCR 20:1.3.

More than one month after the due date for the amended motion, the attorney filed a supplement to the motion. The state requested that it be dismissed. At the hearing, the court accepted the late filing and rescheduled the hearing. At the rescheduled hearing, the court directed the attorney to submit a more detailed motion. Another hearing was scheduled for four months later. The attorney filed an amended motion requesting two weeks to supplement the more detailed motion due to the client's inability to review discovery. Although the court granted an extension, the attorney did not file anything additional.

Six days before the scheduled hearing, the court received correspondence from the client requesting that the hearing be postponed. The attorney had not communicated with the client since the last court hearing. The attorney failed to communicate with the client for more than four months, during which the attorney filed an amended motion and communicated potential need to amend the motion due to the client's inability

to review discovery, in violation of SCR 20:1.4(a)(3).

The attorney had one prior private reprimand.

Lack of Diligence

Violation of SCR 20:1.3

An attorney filed a complaint on behalf of a client in connection with a personal-injury claim. The court issued a scheduling order requiring the parties to designate expert witnesses by a specific date. Despite a stipulated two-month extension, the attorney did not name a vocational expert by the deadline. The attorney filed for enlargement of the time to name and obtain expert opinions and received an additional two-month extension. The attorney failed to name a vocational expert by the extended deadline and was prohibited from presenting any claim for loss of future earning capacity.

By failing to name a vocational expert

to support the client's claim for loss of future earning capacity by three separate deadlines, the attorney violated SCR 20:1.3, which states, "A lawyer shall act with reasonable diligence and promptness in representing a client."

Criminal Act Reflecting Adversely on Fitness to Practice

Violation of SCR 20:8.4(b)

An attorney was charged with a misdemeanor count of third-offense operating while intoxicated (OWI).

A police officer observed a vehicle approaching from the opposite direction with its high beams on. The officer flashed the police vehicle's high beams once to alert the driver (the attorney), but the attorney did not turn off the high beams.

Thereafter, the officer initiated a traffic stop. Upon approach, the officer made contact with the attorney and noticed that the attorney's speech

was slurred and that a strong odor of intoxicants was coming from inside the vehicle and from the attorney. The attorney failed three field-sobriety tests; provided a preliminary breath sample, which measured the attorney's blood-alcohol level as 0.161%; and then was arrested.

Pursuant to a no-contest plea, the attorney was convicted of third-offense misdemeanor OWI. The sentence included 200 days in jail, driver's license revocation and ignition-interlock-device installation for 33 months, completion of an alcohol assessment program, and payment of a fine and costs.

By engaging in conduct leading to a misdemeanor conviction of OWI (3rd), the attorney violated SCR 20:8.4(b).

The attorney has no prior discipline.

WL



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