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Disciplinary Proceeding Against Kevin R. Rosin

On April 25, 2023, the Wisconsin Supreme Court suspended the law license of Kevin R. Rosin, Cedarburg, for one year effective May 25, 2023. *Disciplinary Proc. Against Rosin, 2023 WI 32.*

Rosin was employed by an intellectual property law firm in Illinois. The terms of Rosin's employment required him to provide and bill all legal and patent-related services through the firm. In May 2021, Rosin formed a Wisconsin limited liability company (LLC) to provide patent law services, without informing anyone at the firm.

Rosin understood that forming the LLC violated the terms of his employment.

In May 2021, Rosin solicited one of the firm's clients to become a client of the LLC. The client hired Rosin to perform patent-related services through the LLC. Rosin did not advise the client to terminate the firm's representation nor did he tell anyone at the firm that he was providing services to the client outside the firm. Between May and November 2021, the client paid the LLC \$82,501 for patent-related services. Rosin did not report or remit any of the fees to the firm.

In October 2021, Rosin spoke with a representative of an entity that was

not a client of the firm about providing intellectual property or patent-related services through the LLC. Rosin sent the entity a proposed engagement letter, but the entity did not hire the LLC.

On Nov. 30, 2021, the founding partners of the firm asked Rosin about information they had received that he was operating the LLC and doing work for at least one firm client outside the firm. Rosin denied filing patent applications for the client. Shortly thereafter, the partners obtained additional information showing that Rosin had filed several patent applications through the LLC, and they asked Rosin additional questions. Rosin admitted that he had filed patent applications for the client through the LLC.

In December 2021, Rosin gave the partners records showing the work he had done through the LLC while employed by the firm. Rosin paid the firm \$36,914.80, which represented what the firm would have collected under Rosin's compensation formula if the work had been performed and billed through the firm.

By forming the LLC to advance his own financial interests while employed by the firm; soliciting a firm client and providing services to that client outside the firm; billing, collecting and retaining for himself legal fees that should have been billed through the firm; soliciting another potential client to provide services outside the firm; and making misrepresentations to the firm when initially confronted with questions about his actions, in each instance Rosin violated SCR 20:8.4(c). Rosin also breached his fiduciary duty to his firm and his duty of honesty in his professional dealings with his firm, in violation of the standard of conduct set forth in *Disciplinary Proceedings Against Shea*, 190 Wis. 2d 560, actionable via SCR 20:8.4(f).

Rosin had no prior discipline. **WL**



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