

These summaries are 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 OLR has offices at 110 E. Main St., Suite 315, Madison, WI 53703; toll-free (877) 315-6941. The full text of items summarized is at [www.wicourts.gov/olr](http://www.wicourts.gov/olr).

### Disciplinary Proceedings Against Steven D. Johnson

On Nov. 2, 2023, the Wisconsin Supreme Court issued an order suspending the law license of Steven D. Johnson for six months, effective Dec. 7, 2023. The court further ordered Johnson to pay the \$33,001.74 cost of the proceedings. *Disciplinary Proc. Against Johnson, 2023 WI 73.*

Johnson committed five counts of misconduct. The first is a violation of SCR 40.15 for failing to refrain from all offensive personality. Johnson repeatedly used demeaning terms when addressing his staff, who were all nonlawyers; yelled at staff, sometimes for extended periods of time; occasionally hit a counter or wall when upset; on one occasion uttered a racial slur that was overheard by staff; and yelled at three staff members, "I hope you and all your [expletive deleted] children die," causing one staff member to quit immediately because she had a child with cancer.

The second count is a violation of SCR 20:5.3(a) and (b) for failing to adequately supervise and train his nonlawyer staff. Johnson allowed his staff to, among other things, draft motions and other documents, affix Johnson's signature to the documents, and file them with the court; negotiate plea deals with prosecutors using Johnson's email; prepare witnesses for trial; and draft demand letters. Johnson did not participate in this work.

The third count is a violation of SCR 20:3.3(a)(1) for Johnson's failing to disclose while testifying in a small claims matter in which he was the plaintiff that he had been reimbursed by his insurance company for the loss he had incurred. The fourth count is a violation of SCR 20:1.4(b) for Johnson's failing to discuss a waiver of preliminary examination form

with a client before having the client sign it. The fifth count is a second violation of SCR 20:3.3(a)(1) for filing with the court a waiver of preliminary examination form, on which Johnson falsely attested that he had discussed the waiver form with a client.

In determining the appropriate level of sanction, the court noted that Johnson's pervasive verbal abuse of his staff alone warranted a "not-inconsequential suspension." The court also noted that in failing to supervise staff members who were not lawyers, he essentially "demanded or encouraged" them to engage in the practice of law. The court also considered Johnson's failure to explain "anything at all" about the waiver of the

preliminary hearing to a client and his lack of candor to a tribunal as a litigant and a lawyer.

Additionally, the court considered the referee's determination that Johnson was untruthful during his disciplinary hearing, had a questionable ability to acknowledge his misconduct, and had prior discipline. In 2008, Johnson received a private reprimand after being convicted of one count of misdemeanor battery as a domestic abuse incident. In 2010, he was publicly reprimanded for being convicted of one felony count of child abuse (recklessly causing harm) for an incident involving a minor family member. **WL**

## Attorney James Hammes Joins Axley

Axley is excited to welcome Attorney James Hammes to our Waukesha Office.

With more than four decades of experience, Attorney Hammes works with municipalities and clients impacted by decisions and approvals required by government bodies and commissions.

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