

# 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>.

## Disciplinary Proceeding against Vladimir M. Gorokhovsky

On March 5, 2025, the Wisconsin Supreme Court revoked the law license of Vladimir M. Gorokhovsky, effective April 16, 2025. The court also ordered Gorokhovsky to pay restitution totaling \$5,850 to two clients and to pay the \$14,358 cost of the disciplinary proceeding. *Disciplinary Proc. Against Gorokhovsky*, 2025 WI 17.

Gorokhovsky engaged in 18 counts of misconduct. Seven of the counts relate to Gorokhovsky's conduct in cases in which he was a self-represented plaintiff or defendant. In those matters, Gorokhovsky failed to abide by local court rules, in violation of SCR 20:3.4(c); falsely certified that his brief met certain requirements and that his paper briefs were identical to his e-filed briefs, in violation of SCR 20:3.3(a)(1); left the pages of his brief unnumbered, causing the clerk's office to believe the brief met the page limit, in violation of SCR 20:8.4(c); represented a client before a court when he had been denied permission to do so, in viola-

tion of SCR 20:5.5(a)(1); failed to submit initial disclosures and failed to comply with discovery orders, in violation of SCR 20:3.4(c); failed to comply with discovery requests, in violation of SCR 20:3.4(d); and misrepresented that his health prevented him from meeting certain deadlines, in violation of SCR 20:8.4(c).

Eight counts of misconduct relate to Gorokhovsky's representation of a woman in a divorce. In that matter, Gorokhovsky undertook and continued to represent the client when there was a significant risk that the representation would be materially limited by his own interest in pursuing a relationship with the client, in violation of SCR 20:1.7(a); failed to hold the client's advance fee payment in trust until earned, in violation of SCR 20:1.5(f); made electronic transfers from his trust account, in violation of SCR 20:1.15(f)(3); failed to provide the client competent representation, in violation of SCR 20:1.1; sent sexually suggestive and flirtatious messages to the client, pressured her to initiate a sexual relationship, and sent messages berating her when she spurned his advances, in violation of SCR 20:8.4(g) and SCR 40:15; failed to withdraw from the representation after creating a concurrent conflict of interest with the client, in violation of SCR 20:1.16(a)(1); charged the client an unreasonable fee for a representation that lasted three weeks, in violation of SCR 20:1.5(a); and failed to maintain and preserve complete trust account records, in violation of SCR 20:1.15(g)(1).

The final three counts of misconduct relate to Gorokhovsky's representation of a client in criminal matters.

Gorokhovsky failed to deposit and hold an advance payment of fees in trust, in violation of SCR 20:1.5(f); charged the client an unreasonable fee for representation in which he performed little meaningful work, in violation of SCR 20:1.5(a); and misrepresented through his fee agreement and an invoice sent to the client and the Office of Lawyer Regulation (OLR) that the advance fee would be deposited and was held in trust, in violation of SCR 20:8.4(c).

Gorokhovsky previously had two private reprimands, a public reprimand, and a 60-day suspension.

## Public Reprimand of Douglas Pessefall

The OLR and Douglas Pessefall 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 Jan. 7, 2025, pursuant to SCR 22.09(3).

Within approximately 13 months, Pessefall committed three operating-while-intoxicated (OWI) offenses, leading to convictions on charges of OWI (first offense), which is an ordinance violation in Wisconsin; OWI (second offense); and OWI (third offense), as well as first- and second-offense operating with a prohibited alcohol concentration. He also was convicted of operating after revocation and misdemeanor bail jumping after being pulled over by law enforcement officers for running a red light while his driving privileges were revoked. By engaging in the conduct resulting in the criminal convictions, Pessefall in each instance violated SCR 20:8.4(b).

Pessefall had no prior discipline and undertook voluntary treatment to address the underlying causes of his offenses, both of which mitigated the sanction. **WL**





# Private 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.

## Criminal Act Reflecting Adversely on Fitness to Practice

### Violation of SCR 20:8.4(b)

An attorney violated SCR 20:8.4(b) by engaging in conduct leading to a criminal conviction of second-offense operating while intoxicated (OWI).

A police officer responded to a call related to a subject who had been passed out behind the wheel of a vehicle with the car running. Upon arrival, the officer tapped on the driver's-side window until the driver, the attorney, woke up and then opened the driver's-side door. The officer observed the odor of intoxicants emanating from the attorney and the vehicle. The attorney stumbled multiple times while attempting to walk to the front of the squad car and had bloodshot and glassy eyes. After administering field-sobriety tests, officers attempted to obtain a preliminary breath test but were unsuccessful. The attorney was placed under arrest for OWI. The attorney consented to providing an evidentiary sample of blood at a local hospital, which showed .116 grams of alcohol per 100mL of the attorney's blood.

The attorney was convicted of second-offense OWI after entering a guilty plea. The attorney was sentenced to 21 days in jail with Huber privileges with one day of credit. The court ordered license revocation for 14 months, installation of an ignition interlock device for 14 months, and that the attorney undergo an alcohol assessment, provide a DNA sample, and pay fines and costs.

A Wisconsin Supreme Court-appointed referee approved the parties' reprimand agreement, including their stipulation of

facts and proposed violations, and issued a private consensual reprimand pursuant to SCR 22.09(3).

The attorney had been practicing for more than 10 years and had no prior discipline.

## Lack of Diligence and Communication

### Violations of SCR 20:1.3 and SCR 20:1.4(a)(4) and (b)

An attorney violated SCR 20:1.3 by failing to file a no-merit report, request extensions, or take other action on a client's appeal, which resulted in the client losing direct-appeal rights.

A person (the client) pleaded guilty to second-degree recklessly endangering safety, vehicle operator flee/elude officer, OWI (fourth offense within five years),

and operating while revoked. The client was sentenced in 2010, and probation was revoked approximately 10 years later. The attorney was appointed as appellate counsel. The attorney twice filed motions to extend time to file notice of appeal, which the court of appeals granted. Although the attorney determined there were no issues for appeal, the attorney did not file a no-merit report or request an additional extension, allowing the deadline to lapse.

The attorney violated SCR 20:1.4(b) by failing to communicate the attorney's legal opinions to permit the client to make an informed decision and SCR 20:1.4(a)(4) by failing to respond to the client's requests for information.

The attorney scheduled a call with the client after receiving a letter from the State Public Defender's office. The attorney apologized to the client, discussed the status of the appeal, and explained the process to reopen the case. The client informed the attorney of an issue the client wanted the attorney to review. There was no further communication between the attorney and the client. The client subsequently contacted the State Public Defender's office, which contacted the attorney several times concerning the status of the appeal. The attorney did not



Create buzz.  
Go viral.

Write for  
*Wisconsin Lawyer*<sup>™</sup>.

[Wisbar.org/contribute](http://Wisbar.org/contribute)

CP1078\_2a



follow up with the client, send a closing letter, or move to withdraw.

A supreme court-appointed referee approved the parties' reprimand agreement, including their stipulation of facts and proposed violations, and issued a private consensual reprimand pursuant to SCR 22.09(3).

The attorney was a recent law school graduate when appointed and had no prior discipline.

### **Failure to Provide Written Fee Agreement; Failure to Hold Fees in Trust Violations of SCR 20:1.5(b)(1), (2), and (f)**

A lawyer violated SCR 20:1.5(b)(1) and (2) by accepting an advanced flat fee greater than \$1,000 without having a written fee agreement to explain the scope of the representation, the basis or rate of the fee, and the purpose and effect of the advanced fee.

The lawyer also violated SCR 20:1.5(f) by placing the advanced flat fee in the lawyer's business account without complying with the alternative protections for advanced fees not held in trust outlined in SCR 20:1.5(g).

A supreme court-appointed referee approved a consensual private reprimand agreement between the lawyer and the OLR, including their stipulation of facts and proposed violations, and issued a private reprimand pursuant to SCR 22.09(3).

The lawyer had been practicing for more than 15 years. The lawyer had no prior discipline but had previous contacts with the OLR in which education was provided regarding the need to comply with SCR 20:1.5(b) and (f).

### **Lack of Communication and Diligence Violations of SCR 20:1.4(a)(3) and (4) and 20:1.3**

A lawyer violated SCR 20:1.4(a)(3) and (4) by failing to respond to a client's requests for information and by failing to keep the client reasonably informed about the status of the matter for approximately two and a half years. The client hired the lawyer relating to a dispute involving the administration of a trust and the distribution of personal property. The parties reached an informal agreement for the successor trustee to divide and distribute various items of personal property, but the successor trustee ultimately failed to make those distributions. Subsequently, the lawyer began failing to communicate.

The lawyer also violated SCR 20:1.3 by failing to take reasonable steps to advance the client's interests during that approximately two-and-a-half-year period.

A supreme court-appointed referee approved the parties' reprimand agreement, including their stipulation of facts and proposed violations, and issued a private consensual reprimand pursuant to SCR 22.09(3).

The parties considered aggravating and mitigating factors pursuant to the ABA Standards for Imposing Lawyer Sanctions in support of their proposed private reprimand. In aggravation, the attorney's lack of communication and diligence spanned nearly two and a half years. In mitigation, the client maintained the ability to seek further action against the successor trustee.

The lawyer had no prior discipline.

### **Lack of Diligence**

#### **Violation of SCR 20:1.3**

A lawyer in a criminal case violated SCR 20:1.3 by taking nearly eight months to file a motion relating to a client's liberty interests. The factual and legal bases of the motion for sentence credit were known to the lawyer at the time of sentencing. The motion, if granted, would have resulted in the client's immediate release.

A supreme court-appointed referee approved a consensual private reprimand agreement between the lawyer and the OLR, including their stipulation of facts and proposed violations, and issued a private reprimand pursuant to SCR 22.09(3).

The lawyer had been practicing for more than 15 years and had no prior discipline.

### **Lack of Diligence**

#### **Violation of SCR 20:1.3**

A lawyer, representing a client in a legal separation, violated SCR 20:1.3 by failing to verify the opposing party's representations regarding the opposing party's finances and pension by requiring state-

ments or other documentation; by failing to finalize the division of the pension identified in the marital settlement agreement; and by making several significant errors in drafting the marital settlement agreement and judgment of legal separation, which required successor counsel to amend the documents. Successor counsel filed a motion for contempt, a letter to amend the judgment, and a motion to clarify or to reopen and enforce the judgment.

A supreme court-appointed referee approved the parties' private reprimand agreement, including their stipulation of facts and proposed violation, and issued a private consensual reprimand pursuant to SCR 22.09(3).

The lawyer had been practicing for more than 10 years and had no prior discipline.

### **Failure to Comply with Judge's Order Violation of SCR 20:3.4(c)**

A lawyer, appointed to represent a client in multiple criminal cases, violated SCR 20:3.4(c) by failing to comply with two orders issued by the Wisconsin Court of Appeals directing the lawyer to file a notice of intent to seek postconviction relief in two of the criminal cases.

A supreme court-appointed referee approved the parties' private reprimand agreement, including their stipulation of facts and proposed violation, and issued a private consensual reprimand pursuant to SCR 22.09(3).

The lawyer had been practicing for less than 10 years and had no prior discipline.

### **Lack of Diligence and Communication Violations of SCR 20:1.3 and SCR 20:1.4(a)(1) and (3)**

An attorney violated SCR 20:1.3 by failing to file an asylum application within one year after the client's entry into the U.S.

The client, a foreign national, came to the U.S. in fall 2021. The client hired the attorney's firm in spring 2022 to prepare and file an asylum application with the immigration court. The attorney was aware that asylum applicants generally



must file their application within one year of entering the country but thought the client's application could be filed at their first court hearing, scheduled for late 2022. In November 2022, the attorney realized the client's application was due two months earlier. Knowing an exception applies to the one-year application filing rule if the noncitizen has received ineffective assistance of counsel, the attorney filed the application for asylum.

The attorney violated SCR 20:1.4(a)(1) and SCR 20:1.4(a)(3) by failing to inform the client until late 2023 that the asylum application filing deadline was missed.

A supreme court-appointed referee approved the parties' reprimand agreement, including their stipulation of facts and proposed violations, and issued a private consensual reprimand pursuant to SCR 22.09(3).

The attorney had been practicing for more than 10 years and had no prior discipline.

### **Failure to Protect Advanced Fees; Misrepresentation of Flat Fees**

#### **Violations of SCR 20:1.5(f) and SCR 20:8.4(c)**

A lawyer violated SCR 20:1.5(f) by placing an advanced flat fee in the lawyer's business account without fully complying with the alternative protections for advanced fees not held in trust outlined in SCR 20:1.5(g).

The lawyer also violated SCR 20:8.4(c) by designating an advanced flat fee as "nonrefundable," when SCR 20:1.16(d) requires the return of any unearned portion of a fee.

A supreme court-appointed referee approved a consensual private reprimand agreement between the lawyer and the OLR, including their stipulation of facts and proposed violations, and issued a private reprimand pursuant to SCR 22.09(3).

The lawyer had no prior discipline.

### **Lack of Diligence**

#### **Violations of SCR 20:1.3 and 8 C.F.R. § 1003.102(q)**

A lawyer, representing a client seeking asylum, violated SCR 20:1.3 and 8 C.F.R. § 1003.102(q) by failing to timely file the client's application for asylum with U.S. Citizenship and Immigration Services. The lawyer was aware of the filing deadline and created a case reminder. When the client called to ask about a work permit based on a pending asylum application, the lawyer reviewed the client's file and realized the lawyer had missed the filing deadline.

A supreme court-appointed referee approved the parties' private reprimand agreement, including their stipulation of facts and proposed violation, and issued a private consensual reprimand pursuant to SCR 22.09(3).

The lawyer had been practicing for more than 10 years and had no prior discipline. **WL**



**MINNESOTA LAWYERS MUTUAL**  
INSURANCE COMPANY



**Lawyers' professional liability insurance is all we do.  
As a result of doing one thing, we do that one thing well.**

**Get a no-obligation quote today!**

*At MLM "here today, here tomorrow"  
is more than just a motto and  
our financial strength is your best defense.*



Chris Siebenaler, Esq.  
612-373-9641  
chris@mlmins.com  
[www.mlmins.com](http://www.mlmins.com)

**Protecting Your Practice is Our Policy.®**