

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST KENNETH P.  
PETERSON ATTORNEY AT LAW.

CASE CODE 30912

CASE NO. 2013AP<sup>2434</sup>-D

OFFICE OF LAWYER REGULATION,  
Complainant;

KENNETH P. PETERSON,  
Respondent.

**RECEIVED**

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**COMPLAINT**

CLERK OF SUPREME COURT  
OF WISCONSIN

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NOW COMES the Wisconsin Supreme Court - Office of  
Lawyer Regulation (OLR), by Assistant Litigation Counsel,  
Sheryl St. Ores, and alleges as follows:

1. OLR was established by the Wisconsin Supreme Court  
and operates pursuant to Supreme Court rules. This  
Complaint is filed pursuant to SCR 22.11.

2. Respondent, Attorney Kenneth P. Peterson  
(Peterson) is a Wisconsin attorney (State Bar No. 1010422)  
admitted to practice law in July 28, 1970 and whose office  
address is currently listed with the Wisconsin State Bar as  
1601 Rublee St., PO Box 1471, La Crosse WI 54602-1471.

3. Peterson has no disciplinary history.

4. In April of 2013, Willie McCoy hired Peterson to represent him on felony drug charges. *State v. McCoy*, La Crosse County Circuit Court Case No. 2012CF0261.

5. McCoy paid Peterson \$1,000 which Peterson deposited into his law firm operating account.

6. At least \$750 of the \$1,000 was an advanced payment of legal fees.

7. Peterson did not enter into a written fee agreement with McCoy.

8. Subsequent to the deposit of the funds into his business account, Peterson has provided no evidence that he provided to McCoy the notices required by SCR 20:1.15(b)(4m).

9. Peterson was asked to provide OLR with a copy of SCR 20:1.15(b)(4m) notices that were given to McCoy. He did not do so.

10. Peterson indicated in a phone call with OLR that he had not provided the required written notices to McCoy.

#### **COUNT ONE**

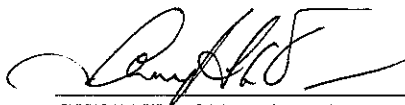
11. Upon receipt of funds from Willie McCoy, specifically in anticipation of providing legal representation to McCoy, by failing to deposit those funds into his trust account, instead depositing the money into

his law firm operating account (and absent any evidence of an intention to make use of the alternative fee placement measures permitted under SCR 20:1.15(b)(4m), **Peterson violated SCR 20:1.15(b)(4)<sup>1</sup>.**

**WHEREFORE,** the Office of Lawyer Regulation asks that Attorney Kenneth P. Peterson be found in violation of the Supreme Court rules as alleged in Counts One of this Complaint, that the Court privately reprimand Attorney Kenneth Peterson, and for such other and further relief as may be just and equitable, including an award of costs.

Dated this 15<sup>th</sup> day of November, 2013.

OFFICE OF LAWYER REGULATION



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SHERYL ST. ORES  
Assistant Litigation Counsel  
State Bar No. 1017028

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608-261-0695

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<sup>1</sup> SCR 20:11.15(b)(4) provides: "Except as provided in par. (4m), unearned fees and advanced payments of fees shall be held in trust until earned by the lawyer, and withdrawn pursuant to sub. (g). Funds advanced by a client or 3rd party for payment of costs shall be held in trust until the costs are incurred."