

In the Matter of Disciplinary Proceedings
Against Michael J. Hicks, Attorney at Law:

Case Code: 30912

OFFICE OF LAWYER REGULATION,

Complainant,

14AP7-D

-v-

Case No. 2013AP-_____D

MICHAEL J. HICKS,

Respondent.

RECEIVED

COMPLAINT

JAN 02 2014

CLERK OF SUPREME COURT
OF WISCONSIN

TO: THE HONORABLE JUSTICES OF THE
SUPREME COURT OF WISCONSIN:

Now comes the Office of Lawyer Regulation of the Supreme Court of Wisconsin (OLR),
by Retained Counsel, Attorney Gregg Herman, and alleges as follows:

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

2. Michael J. Hicks (Hicks) was admitted to the practice of law in Wisconsin on
June 19, 1984, State Bar No. 1006573. The most recent address furnished by Hicks to the State
Bar of Wisconsin is 3306 S. 119th Street, Milwaukee, Wisconsin 53227-3915.

3. Hicks' disciplinary history consists of a Court-imposed 2012 public reprimand for
nine counts of misconduct: neglect, failing to communicate with clients, and failing to cooperate
with OLR in each of three separate client matters. *Disciplinary Proceedings Against Hicks*, 2012
WI 11, 338 Wis.2d 558, 809 N.W.2d 33.

Regarding Denord Seals

4. On or about June 20, 2011, Hicks was appointed to represent Denord Seals (Seals) in *State of Wisconsin vs. Denord Seals*. (Milwaukee County Case Number 2011CF002390).

5. During an October 10, 2011 scheduling conference, the court ordered Hicks to file Seals' motion to suppress by October 17, 2011 and scheduled a hearing on the motion to suppress for November 9, 2011.

6. Although Hicks sent a copy of the motion to suppress to opposing counsel prior to November 9, 2011, Hicks did not file *Defendant's Motion to Suppress Fruits of Search of Premises* with the court until November 9, 2011, the day of the motion hearing.

7. Prior to November 9, 2011, Hicks had not discussed with Seals that he would not include a number of arguments proposed by Seals in the motion to suppress, and that he would not conduct any further investigation into the validity of the search warrant or affidavit.

8. On November 9, 2011, the hearing was adjourned until January 26, 2012 at the request of both parties, because the State's witness was not present and because Seals requested Hicks to subpoena more witnesses for the hearing, including officers involved in the searches or arrest of Seals.

9. On November 10, 2011, Seals sent Hicks a letter asking Hicks to file an amended motion to include numerous additional arguments and requested copies of the State's response to the motion and hearing transcripts. Seals also asked Hicks to investigate an allegedly faulty affidavit which Seals felt could prove wrongdoing by the police supporting his motion to suppress. Hicks did not respond.

10. Hicks did not communicate with Seals between November 16, 2011 and January 26, 2012, and did not subpoena any of the police officers involved in the searches or arrest of Seals.

11. By letter dated December 24, 2011, Seals filed a grievance with OLR in which he asserted a number of instances of misconduct by Hicks.

12. On January 26, 2012, Hicks filed a motion to withdraw as Seals' counsel, which was granted by the court.

13. By letter dated February 9, 2012, OLR notified Hicks of the investigation of Seals' grievance and required Hicks' response by March 5, 2012. Hicks did not respond.

14. On April 19, 2012, OLR addressed a second request for a response to Hicks, which was personally served on Hicks on May 10, 2012. Hicks never responded to the April 19, 2012 letter.

15. On June 14, 2012, OLR filed a *Notice of Motion and Motion Requesting an Order to Show Cause* why Hicks' license to practice law in Wisconsin should not be suspended for non-cooperation. The Supreme Court of Wisconsin issued an *Order to Show Cause* requiring Hicks to respond to the Court's order by July 5, 2012. *Office of Lawyer Regulation v. Michael J. Hicks*, Sup. Ct. Case No. 2012XX720-D.

16. On July 17, 2012, Hicks filed a partial response to OLR's February 9, 2012 letter. That same day, OLR notified Hicks that his response failed to fully and fairly respond to all of OLR's requests for information.

17. On July 25, 2012, OLR filed a status report with the Supreme Court, noting Hicks' incomplete response and requesting that the Court hold the motion for temporary suspension in abeyance until August 7, 2012 to allow Hicks time to fully respond. The Court did so.

18. By letter dated August 6, 2012, Hicks requested an extension until August 9, 2012 to provide the requested information and documents. On August 7, 2012, OLR filed another status report noting Hicks' request for additional time to respond and requesting that the Court hold the motion in abeyance until August 9, 2012. The Court did so.

19. As of August 13, 2012, Hicks still had not provided the outstanding information and records. OLR filed a status report noting Hicks' failure to fully comply with OLR's requests for information and documents. On September 27, 2012, the Supreme Court of Wisconsin issued an order suspending Hicks' license to practice law in Wisconsin.

20. On October 10, 2012, Hicks finally filed an adequate response to Seals' grievance, and OLR asked the Supreme Court reinstate Hicks' Wisconsin law license. On October 16, 2012, the Supreme Court of Wisconsin reinstated Hicks' license to practice law in Wisconsin.

COUNT ONE

21. By failing to subpoena any of the police officers involved in the searches and arrest of Seals to appear at the hearing on the motion to suppress, **Hicks violated SCR 20:1.3¹**

COUNT TWO

22. By: (i) failing to communicate in any way with Seals between November 16, 2011 and January 26, 2012; (ii) failing to explain to Seals that he would not include a number of arguments proposed by Seals in the motion to suppress; (iii) failing to explain to Seals that he would not conduct any further investigation into the validity of the search warrant or affidavit; and/or (iv) failing to provide Seals with the documents and information requested in his

¹ SCR 20:1.3 provides: "A lawyer shall act with reasonable diligence and promptness in representing a client."

November 10, 2011 letter, Hicks violated SCR 20:1.4 (a)(2), (3) and (4)² and SCR 20:1.4(b)³.

COUNT THREE

23. By failing to timely file a response to Seals' grievance, doing so only after OLR obtained an *Order to Show Cause* and his temporary suspension for noncooperation, Hicks violated SCR 22.03(2) and (6)⁴ via SCR 20:8.4(h)⁵.

Regarding Marcellous W.

24. In late 2011, Hicks was appointed to represent Marcellous W. (MW) in a Chapter 980 petition for discharge from commitment. Milwaukee County Case No. 96CF963471.

25. By letter dated December 20, 2011, MW filed a grievance against Hicks with OLR.

26. By letter dated February 9, 2012, OLR notified Hicks of the investigation of MW's grievance, and required Hicks to provide a written response by March 5, 2012. Hicks did not respond.

² SCR 20:1.4(a)(2), (3) and (4) provides: "A lawyer shall... (2) reasonably consult with the client about the means by which the client's objectives are to be accomplished; (3) keep the client reasonably informed about the status of the matter; (4) promptly comply with reasonable requests by the client for information..."

³ SCR 20:1.4(b) provides: "A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation."

⁴ SCR 22.03(2) and (6) provide: "(2) Upon commencing an investigation, the director shall notify the respondent of the matter being investigated unless in the opinion of the director the investigation of the matter requires otherwise. The respondent shall fully and fairly disclose all facts and circumstances pertaining to the alleged misconduct within 20 days after being served by ordinary mail a request for a written response. The director may allow additional time to respond. Following receipt of the response, the director may conduct further investigation and may compel the respondent to answer questions, furnish documents, and present any information deemed relevant to the investigation..." and "(6) In the course of the investigation, the respondent's wilful failure to provide relevant information, to answer questions fully, or to furnish documents and the respondent's misrepresentation in a disclosure are misconduct, regardless of the merits of the matters asserted in the grievance..."

⁵ SCR 20:8.4(h) provides: "It is professional misconduct for a lawyer to... fail to cooperate in the investigation of a grievance filed with the office of lawyer regulation as required by... SCR 22.03(2), SCR 22.03(6)..."

27. On April 19, 2012, OLR addressed to Hicks a second request for a response. While OLR's April 19, 2012 letter was out for service, on May 9, 2012, Hicks sent a letter to OLR that was only partially responsive to OLR's February 9, 2012 letter. On May 10, 2012, OLR's second request was personally served on Hicks. Hicks did not respond to OLR's April 19, 2012 letter.

28. On June 14, 2012, OLR filed a *Notice of Motion and Motion Requesting an Order to Show Cause* why Hicks' license to practice law in Wisconsin should not be suspended for non-cooperation. The Supreme Court of Wisconsin issued an *Order to Show Cause* requiring Hicks to respond to the Court's order by July 5, 2012. *Office of Lawyer Regulation v. Michael J. Hicks*, Sup. Ct. Case No. 2012XX720-D.

29. On July 17, 2012, Hicks filed a response with the Court asserting as to MW's grievance, "I sent my response to OLR by fax on May 9, 2012. I resent the response to them again today."

30. By letter to Hicks dated July 17, 2012 OLR acknowledged receipt of the May 9, 2012 letter, explained that it did not fully and fairly respond to OLR's February 9, 2012 letter, and requested that Hicks provide certain information and documents to OLR by August 1, 2012. OLR filed a status report with the Court asking the Court to hold the motion for temporary suspension in abeyance until August 7, 2012 to allow Hicks time to respond in this and other matters. The Court did so.

31. By letter dated August 6, 2012, Hicks requested an extension until August 9, 2012 to provide the requested information and documents. On August 7, 2012, OLR filed another status report with the Court asking the Court to hold the motion for temporary suspension in

abeyance until August 13, 2012. The Court issued an order granting OLR's request. On August 13, 2012, OLR reported to the Court that Hicks had failed to file a response.

32. On September 27, 2012, the Court suspended Hicks' law license.

33. On October 9, 2012, Hicks finally filed an adequate response to MW's grievance. On October 11, 2012, after Hicks had filed correspondence substantially responsive in all of the matters related to the September 27, 2012 suspension, OLR filed a report with the Court, and the Court reinstated Hicks' law license on October 16, 2012.

COUNT FOUR

34. By failing to timely file a response to MW's grievance, doing so only after OLR obtained an *Order to Show Cause* and his temporary suspension for noncooperation, **Hicks violated SCR 22.03(2) and (6) via SCR 20:8.4(h).**

Regarding Thomas T.

35. In November 2010, Hicks was appointed to represent Thomas T. (TT) in Milwaukee County Case No. 2010CF4474.

36. On February 8, 2012, TT filed a grievance against Hicks with OLR.

37. By letter dated April 19, 2012, OLR notified Hicks of the investigation of TT's grievance and required Hicks to provide a written response by May 11, 2012. On May 10, 2012, OLR's April 19, 2012 letter was personally served on Hicks. Hicks did not respond to OLR's April 19, 2012 letter.

38. On June 14, 2012, OLR filed a *Notice of Motion and Motion Requesting an Order to Show Cause* why Hicks' license to practice law in Wisconsin should not be suspended for non-cooperation. On June 14, 2012, the Supreme Court of Wisconsin issued an *Order to Show*

Cause requiring Hicks to respond to the Court's order by July 5, 2012. *Office of Lawyer Regulation v. Michael J. Hicks*, Sup. Ct. Case No. 2012XX720-D.

39. On July 17, 2012, Hicks filed a response with the Court asserting that as to TT's grievance "I sent my response to OLR by fax on April 15, 2012. I resent the response to them again today."

40. By letter to Hicks dated July 18, 2012, OLR acknowledged receipt of the April 15, 2012 letter received again on July 17, 2012, stated that the April 15, 2012 letter did not fully and fairly respond to OLR's April 19, 2012 letter, and requested that Hicks provide certain information and documents to OLR no later than August 1, 2012. OLR filed a status report with the Court asking the Court to hold the motion for temporary suspension in abeyance until August 7, 2012 to allow Hicks time to respond in this and other matters. The Court did so.

41. By letter dated August 6, 2012, Hicks requested an extension until August 9, 2012 to provide the requested information and documents. On August 7, 2012, OLR filed another status report with the Court asking the Court to hold the motion for temporary suspension in abeyance until August 13, 2012. The Court issued an order granting OLR's request.

42. On August 13, 2012, OLR reported to the Court that Hicks had failed to file a response. On September 27, 2012, the Court suspended Hicks' license to practice law.

43. On October 10, 2012, Hicks filed an adequate response with OLR. On October 11, 2012, after Hicks had finally filed correspondence substantially responsive in all of the matters related to the September 27, 2012 suspension, OLR filed a report with the Court, and the Court reinstated Hicks' law license on October 16, 2012.

COUNT FIVE

44. By failing to timely file a response to TT's grievance, doing so only after OLR obtained an *Order to Show Cause* and his temporary suspension for noncooperation, **Hicks violated SCR 22.03(2) and (6) via SCR 20:8.4(h).**

Regarding Catrina Nelson/ U.S. Court of Appeals

45. In the fall of 2011, Hicks was appointed to represent Catrina A. Nelson (Nelson) in *United States of America vs. Catrina A. Nelson* in an appeal from the United States District Court for the Eastern District of Wisconsin. (Case No. 2:09-cr-00123-CNC). Nelson's opening brief was due by November 14, 2011. Hicks did not file a brief.

46. On November 30, 2011, the Court of Appeals issued an order directing Hicks to show cause why Nelson's appeal should not be dismissed for want of prosecution. Hicks did not respond.

47. On December 27, 2011 the Court of Appeals issued another *Order to Show Cause*. Hicks did not respond.

48. In an order dated April 19, 2012, the Court of Appeals wrote that "The opening brief is now more than five months overdue. As far as we can see, Hicks has not lifted a finger on his client's behalf. And he has ignored two orders from this court directing him to explain his inaction."

49. On April 19, 2012, Chief Judge Frank H. Easterbrook discharged Hicks as appointed counsel for Nelson and ordered Hicks to show cause why he should not be censured, fined, suspended, or disbarred for abandoning his client and defying this court's orders. Hicks failed to respond to the April 19, 2012 *Order to Show Cause*.

50. By order dated May 8, 2012, the United States Court of Appeals for the Seventh Circuit disbarred Hicks from appearing before the Court.

51. OLR notified Hicks of its investigation of the Nelson/Court of Appeals matter, and required Hicks to provide a written response by June 28, 2012. Hicks did not respond.

52. On July 24, 2012, OLR addressed to Hicks a second request for a response, which was served on Hicks on July 26, 2012. Hicks' deadline to respond was August 6, 2012.

53. By letter dated August 6, 2012, Hicks requested an extension until August 9, 2012 to provide the requested information and documents. However, Hicks did not respond after his August 6, 2012 letter.

54. On October 22, 2012, OLR addressed to Hicks a third request, which was served on Hicks on October 29, 2012. Hicks' deadline to respond was November 5, 2012.

55. On November 27, 2012, Hicks faxed a letter to OLR in which he asserted that he was "working on putting together the information and documents [OLR] requested" but that his trial schedule had prevented him from completing his responses. He further stated that he had "limited time to work on the grievances" and would "continue to work on them and will try to complete the work as soon as I can." He provided no proposed date on which he would provide the responses.

56. On November 29, 2012, OLR filed a *Notice of Motion and Motion Requesting an Order to Show Cause* why Hicks' license to practice law in Wisconsin should not be suspended for non-cooperation. On December 5, 2012, the Supreme Court of Wisconsin issued an *Order to Show Cause*, requiring Hicks to respond to the Court's order by December 26, 2012. Hicks did not respond. *Office of Lawyer Regulation v. Michael J. Hicks*, Sup. Ct. Case No. 2012XX1457-D.

57. By order dated February 12, 2013, the Court suspended Hicks' license to practice law. On February 19, 2013, Hicks finally filed his response to the above grievance matter. On February 27, 2013, after Hicks had filed correspondence substantially responsive in all of the matters related to the February 12, 2013 temporary suspension, OLR reported Hicks' cooperation to the Court and requested that Hicks' license be reinstated. On March 11, 20123, the Court reinstated Hicks' law license.

COUNT SIX

58. By failing to timely file Nelson's opening brief, file a motion for an extension of time in order to file her opening brief, or to timely close the case, file a no-merit report or withdraw from the case so that Nelson could represent herself, hire counsel, or seek other appointed counsel to represent her appeal, **Hicks violated SCR 20:1.3.**

COUNT SEVEN

59. By failing to respond to the Court of Appeals' orders to show cause in the Nelson appeal, **Hicks violated SCR 20:3.4(c)⁶.**

COUNT EIGHT

60. By failing to timely file a response in OLR's investigation of the Nelson/U.S. Court of Appeals matter, doing so only after OLR obtained an *Order to Show Cause* and his temporary suspension for noncooperation, **Hicks violated SCR 22.03(2) and (6) via SCR 20:8.4(h).**

⁶ SCR 20:3.4(c) provides: "A lawyer shall not...knowingly disobey an obligation under the rules of a tribunal, except for an open refusal based on an assertion that no valid obligation exists..."

Regarding Raymond Cowan/State Court of Appeals

61. Hicks was appointed to represent Raymond Cowan (Cowan) with regard to an appeal or post-conviction relief following Cowan's conviction after a jury trial in Milwaukee County Case No. 2003CF2082.

62. Hicks took no action on the case, failed to have any contact with Cowan, failed to file a post-conviction motion or direct appeal, or to file a no-merit appeal and allowed Cowan's appeal rights to expire without Cowan's consent.

63. In 2010, because Hicks had failed to act in Cowan's case, the State Public Defender's office assigned Cowan new counsel.

COUNT NINE

64. By failing to timely pursue Cowan's post-conviction or appellate interests, or to timely close the case, file a no-merit report or withdraw from the case so that Cowan could represent himself, hire counsel, or seek other appointed counsel to represent, **Hicks violated SCR 20:1.3.**

COUNT TEN

65. By failing to properly communicate in any way with Cowan during the representation, **Hicks violated SCR 20:1.4 (a)(2), (3) and (4) and SCR 20:1.4(b).**

Grievance of Leon Banks

66. On or about July 16, 2012, Hicks was appointed by Milwaukee County to represent Leon Banks (Banks) in post-conviction matters following Banks' convictions in *State of Wisconsin vs. Leon Banks*, Milwaukee County Case Number 2008CF3041.

67. By order dated July 30, 2012, the court ordered Hicks to file a post-hearing brief in support of Banks' post-conviction motion on or before September 4, 2012. Hicks failed to file the brief as ordered, and failed to file a motion for an extension of time in which to file the brief.

68. By letter dated September 7, 2012, Banks filed a grievance against Hicks. In his letter Banks asserted that he wrote to Hicks on August 24, 2012 requesting information regarding the status of his case but Hicks had not responded. Banks also asserted that Hicks had not kept him informed regarding the status of the representation and Banks knew that the deadline for filing his brief had passed, but did not know the status of the case and whether a brief was filed. Banks asserted that as of September 7, 2012, Hicks had not consulted with Banks regarding the objectives of the representation.

69. Hicks did not communicate to Banks that he would be requesting additional time in which to file Banks' brief or that he had spoken with the court regarding an extension.

70. On September 27, 2012, in connection with other matters, the Supreme Court of Wisconsin issued an order suspending Hicks' license to practice law in Wisconsin and directed Hicks to comply with SCR 22.26.

71. Hicks failed to notify Banks, opposing counsel, or the court in Case No. 2008CF3041 of his suspension in the manner required by SCR 22.26.

72. On October 16, 2012, the Supreme Court of Wisconsin reinstated Hicks' license.

73. By letter dated October 22, 2012, OLR notified Hicks of the investigation of this matter and requested certain information and documents from Hicks.

74. On November 6, 2012, the Court terminated Hicks' representation of Banks.

75. On November 27, 2012, Hicks faxed a letter to OLR in which he asserted that he was “working on putting together the information and documents [OLR] requested” but that his trial schedule had prevented him from completing his responses. He further stated that he had “limited time to work on the grievances” and would “continue to work on them and will try to complete the work as soon as I can.” He provided no proposed date on which he would provide the responses.

76. On November 29, 2012, OLR, filed with the Supreme Court of Wisconsin a Notice of Motion and Motion Requesting an *Order to Show Cause* why Hicks' license to practice law in Wisconsin should not be suspended for non-cooperation. On December 5, 2012, the Supreme Court of Wisconsin issued an *Order to Show Cause* why Hicks' license to practice law should not be suspended. Hicks did not respond. *Office of Lawyer Regulation v. Michael J. Hicks*, Sup. Ct. Case No. 2012XX1457-D.

77. By order dated February 12, 2013, the Court suspended Hicks' license to practice law.

COUNT ELEVEN

78. By failing to timely file a written request for an extension of time in which to file Banks' motion, **Hicks violated SCR 20:1.3.**

COUNT TWELVE

79. By failing to communicate with Banks regarding the status of his case, delays in filing his brief, Hicks' communications with the court regarding the filing of the brief, and regarding the objectives of the representation and the means by which Hicks intended to pursue Banks' objectives, **Hicks violated SCR 20:1.4(a)(2), (3) and (4) and SCR 20:1.4(b).**

COUNT THIRTEEN

80. By failing to notify Banks of his September 27, 2012 law license suspension, **Hicks violated SCR 22.26(1)(a) and (b) and SCR 20:3.4(c).**

COUNT FOURTEEN

81. By failing to provide notice to the court and opposing counsel in Milwaukee County Case No. 2008CF003041 that his license to practice law had been suspended on September 27, 2012, **Hicks violated SCR 22.26(1)(c) and SCR 20:3.4(c).**

COUNT FIFTEEN

82. By failing to respond to Banks' grievance, and doing so only after the Court issued an *Order to Show Cause* and suspended his license to practice law, **Hicks violated SCR 22.03(2) and (6) via SCR 20:8.4(h).**

Regarding ██████████

83. On or about August 9, 2012, Hicks, was appointed by the State Public Defender's office (the SPD) to represent Mr. ██████████ in *State of Wisconsin vs. Ennis Lee Brown*, Milwaukee County Case No. 2012CF3796.

84. On June 14, 2012, the Supreme Court of Wisconsin issued an *Order to Show Cause* why Hicks' license to practice law should not be suspended for his failure to cooperate with OLR in matters unrelated to ██████████'s grievance. On September 27, 2012, the Supreme Court of Wisconsin issued an order suspending Hicks' license to practice law in Wisconsin and ordering him to comply with SCR 22.26.

85. On October 16, 2012, following Hicks' cooperation in the relevant matters, the Court reinstated his license to practice law in Wisconsin.

86. Hicks failed to properly notify [REDACTED], opposing counsel, or the court in Case No. 2012CF3796 of his September 27, 2012 law license suspension in the manner required by SCR 22.26.

87. On August 9, 2012, Hicks misrepresented to [REDACTED] that Hicks had already hired an investigator for Brown's case.

88. Hicks failed to provide [REDACTED] with copies of all discovery materials and Hicks failed to communicate with [REDACTED] or respond to [REDACTED]'s calls requesting information regarding his case.

89. [REDACTED] attempted to terminate Hicks' representation prior to November 12, 2012, but when Hicks appeared in court to represent [REDACTED] on that day, Hicks did not advise the court of Brown's desire for new counsel.

90. On February 12, 2013, the Supreme Court again suspended Attorney Hicks' license to practice law in Wisconsin due to his willful failure to cooperate with investigations concerning his conduct unrelated to [REDACTED] grievance and ordered him to comply with SCR 22.26. Following Hicks' cooperation in the relevant matters, the Court reinstated his law license on March 11, 2013.

91. Hicks did not notify [REDACTED] opposing counsel, or the court in Case No. 2012CF3796 of his February 12, 2013 law license suspension in the matter as required by SCR 22.26.

92. By letter dated April 4, 2013, OLR notified Hicks of its investigation of this matter and requested information and documents from Hicks. OLR's letter was served on Hicks on April 19, 2013. Hicks did not respond.

COUNT SIXTEEN

93. By failing to communicate with ██████ regarding the status of his case, case developments, and the means by which Hicks intended to pursue ██████ objectives, and by failing to provide ██████ with all requested discovery materials, Hicks violated SCR 20:1.4(a)(2), (3) and (4) and SCR 20:1.4(b).

COUNT SEVENTEEN

94. By telling ██████ on August 9, 2012 that he had hired an investigator for Brown's case when he had not yet done so, Hicks violated SCR 20:8.4(c).

COUNT EIGHTEEN

95. By failing to notify ██████ of his September 27, 2012 and February 12, 2013 law license suspension, Hicks violated SCR 22.26(1)(a) and (b) and SCR 20:3.4(c).

COUNT NINETEEN

96. By failing to provide notice to the court and opposing counsel in Milwaukee County Case No. 2012CF003796 that his license to practice law had been suspended on September 27, 2012 and February 12, 2013, Hicks violated SCR 22.26(1)(c) and SCR 20:3.4(c).

COUNT TWENTY

97. By failing to respond to ██████ grievance, Hicks violated SCR 22.03(2) and SCR 22.03(6) via SCR 20:8.4(h).

Regarding Vernell Bullock

98. On or about December 3, 2011, Hicks was appointed to represent Mr. Vernell Bullock (Bullock), in *United States of America vs. Vernell Bullock*, United States District Court for the Eastern District of Wisconsin, Case Nos. 09-CR-254 and 08-CR-293.

99. By letter to the court dated February 18, 2012, Bullock asserted that Hicks had not communicated with him regarding the case or preparation for the sentencing except for an initial December 3, 2011 letter informing Bullock of his appointment. Bullock asserted that he had written Hicks requesting he set up a conference call, and that Bullock and his family had been trying to contact Hicks for almost two months, without any response from Hicks.

100. By letter to the court dated February 27, 2012, Hicks requested an adjournment of Bullock's sentencing scheduled to begin on February 28, 2012. He stated that the reason he was requesting adjournment was because he was scheduled to represent another client in a jury trial at the same time. Further, Hicks stated, "Second, Mr. Bullock has expressed some concerns about my representation of him, and I would like the opportunity to spend more time with Mr. Bullock to discuss his case and address his concerns."

101. As of February 27, 2012, Hicks had not spent any time discussing the sentencing with Bullock, and had made no appreciable effort to prepare for Bullock's sentencing.

102. Hicks did not correspond with Bullock following Bullock's February 18, 2012 letter to the court except to send Bullock a letter dated February 27, 2012, received by Bullock after the scheduled February 28, 2012 sentencing regarding the request for an adjournment.

103. By letter to the court dated March 7, 2012, Bullock requested that the court appoint him new counsel. Bullock also pointed out that had Hicks reviewed any of the materials related to his case prior to February 2012, Hicks would have noticed that he had inadvertently been appointed with regard to only one of the two relevant cases.

104. As of March 7, 2012, Hicks had still not met with Bullock or communicated with him regarding the substantive issues involved in his sentencing, and still did not know

whether the prosecutor had turned over documents that the court had ordered to be turned over to Bullock on November 8, 2011.

105. By correspondence dated March 18, 2012, the court notified Bullock and Hicks that the court would address Bullock's motion for new counsel at the sentencing hearing scheduled for April 11, 2012.

106. By letter dated April 10, 2012, the day before the scheduled sentencing, Hicks again asked for an adjournment of Bullock's sentencing due a conflicting trial. He did so without any prior communications with Bullock or notice to Bullock, and without any appreciable preparation for Bullock's sentencing. Hicks failed to disclose to the court that he had yet to meet with his client and was not prepared to proceed.

107. The court scheduled a status conference for April 19, 2012. By letter sent to the court on April 19, 2012, Hicks attempted to adjourn the status conference. However, the status conference was held on April 19, at which time the court removed Hicks as counsel for Bullock and appointed new counsel.

108. During the representation, Hicks had never met with or spoken to Bullock; Hicks failed to return numerous phone calls from Bullock and his family members regarding the status of his case; and Hicks failed to timely notify Bullock or his family of Hicks' intent to seek an adjournment of Bullock's sentencing scheduled for February 28, 2012 or to seek an adjournment of the adjourned sentencing date of April 11, 2012. Further, Hicks never sought to withdraw as Bullock's counsel.

109. By letter dated July 24, 2012, OLR notified Hicks of its investigation of Bullock's grievance and requested information and documents from Hicks. By letter dated August 6, 2012, Hicks requested an extension until August 9, 2012 to provide the requested

information and documents. Hicks did not respond to OLR in the Bullock grievance matter after his August 6, 2012 letter, until after his law license was suspended for his failure to cooperate in OLR's investigation.

110. On October 22, 2012, OLR addressed to Hicks a second request for a response. Hicks' deadline to respond was November 5, 2012. Hicks did not timely respond. On November 27, 2012, Hicks faxed a letter to OLR in which he asserted that he was "working on putting together the information and documents [OLR] requested" but that his trial schedule had prevented him from completing his responses. He further stated that he had "limited time to work on the grievances" and would "continue to work on them and will try to complete the work as soon as I can." He provided no proposed date on which he would provide the responses.

111. On November 29, 2012, OLR filed with the Supreme Court of Wisconsin a Notice of Motion and Motion Requesting an *Order to Show Cause* why Hicks' license to practice law in Wisconsin should not be suspended for non-cooperation. On December 5, 2012, the Supreme Court of Wisconsin issued an *Order to Show Cause* why Hicks' license to practice law should not be suspended. Hicks did not respond to the *Order to Show Cause*. By order dated February 12, 2013, the Supreme Court suspended Hicks' license to practice law.

112. On February 21, 2013, Hicks filed his response with OLR in the Bullock matter.

COUNT TWENTY ONE

113. By failing to either: (i) take the actions necessary between December 3, 2011 and April 19, 2012 to prepare for and proceed with Bullock's sentencing; or (ii) file a motion to withdraw as counsel for Bullock due to his inability to take the actions necessary to advance Bullock's interests between December 3, 2011 and April 19, 2012, allowing appointment of

counsel for Bullock who was able to devote the time and effort necessary to advance his interests, **Hicks violated SCR 20:1.3.**

COUNT TWENTY TWO

114. By: (i) failing to communicate with Bullock prior to February 27, 2012 regarding his intention to seek an adjournment of Bullock's sentencing hearing scheduled for February 28, 2012; (ii) failing to communicate with Bullock prior to April 10, 2012 regarding his intention to seek an adjournment of Bullock's sentencing hearing scheduled for April 11, 2012; (iii) failing to respond to Bullock's requests for information; and/or (iv) failing to communicate with Bullock regarding the means by which he intended to represent Bullock at his sentencing and the arguments and witnesses he intended to present, **Hicks violated SCR 20:1.4(a)(2), (3) and (4) and SCR 20:1.4(b).**

COUNT TWENTY THREE

115. By: (i) asserting in his February 27, 2012 and April 10, 2012 letters to the court that he was unable to appear for Bullock's sentencing hearings scheduled for February 28, 2012 and April 11, 2012 because of conflicts, without also advising the court that he had not yet discussed the sentencing with his client and was, therefore, not prepared to proceed; and/or (ii) stating in his February 27, 2012 letter to the court that "... I would like the opportunity to spend more time with Mr. Bullock to discuss his case and address his concerns..." when Hicks had not yet spent any time with Bullock or in preparing for the sentencing hearing, **Hicks violated SCR 20:8.4(c).**

COUNT TWENTY FOUR

116. By failing to timely file a response to Bullock's grievance, and by doing so

only after OLR obtained an *Order to Show Cause* and his temporary suspension for noncooperation, **Hicks violated SCR 22.03(2) and (6) via SCR 20:8.4(h).**

Regarding Jackie Mason

117. On or about May 15, 2012, Hicks was appointed by the State Public Defender's office (the SPD) to represent Mr. Jackie D. Mason (Mason), in *State v. Mason*, Milwaukee County Cases Nos. 12CF228 and 12CF229. On December 19, 2012 Case No. 12CF229 was dismissed on motion of the State.

118. Hicks represented Mason during a November 2012 jury trial in Case No. 12CF228, which resulted in Mason's conviction on five counts. Hicks represented Mason at the sentencing on February 1, 2013, and through the filing of Mason's Notice of Intent to Pursue Post-Conviction Relief on February 13, 2013.

119. On September 27, 2012, the Supreme Court of Wisconsin issued an order temporarily suspending Hicks' license to practice law in Wisconsin for his failure to cooperate in investigations unrelated to Mason's grievance. The Court ordered Hicks to comply with SCR 22.26.

120. Hicks appeared on behalf of clients in several matters between September 27, 2012 and October 16, 2012, including on Mason's behalf on October 4, 2012. On October 4, 2012, Hicks appeared before Milwaukee Circuit Court Judge Ellen R. Brostrom in Case No. 2012CF228, and then later in the day before Judge Stephanie G. Rothstein in Case No. 2012CF229.

121. Hicks did not properly notify Mason of his September 27, 2012 law license suspension.

122. On October 16, 2012, following Hicks' cooperation in the relevant OLR grievance investigations, the Court reinstated his license to practice law in Wisconsin.

123. By letter dated December 6, 2012, OLR notified Hicks of the investigation of Mason's grievance and requested certain information and documents from Hicks. Hicks did not respond.

124. On February 12, 2013, the Supreme Court again suspended Hicks' license to practice law in Wisconsin due to his willful failure to cooperate with investigations concerning his conduct, unrelated to Mason's grievance. On March 11, 2013, following Hicks' cooperation in the relevant matters, the Court reinstated his law license.

125. Hicks failed to properly notify Mason of his February 12, 2013 law license suspension.

COUNT TWENTY FIVE

126. By failing to notify Mason of his suspensions on September 27, 2012 and February 12, 2013, **Hicks violated SCR 22.26(1)(a) and (b) and SCR 20:3.4(c).**

COUNT TWENTY SIX

127. By appearing on behalf of Mason in Milwaukee County Case Nos. 2012CF228 and 2012CF229 at a time when his license to practice law in Wisconsin was suspended, **Hicks violated SCR 22.26(2) and SCR 20:3.4(c).**

COUNT TWENTY SEVEN

128. By failing to timely respond to OLR's letter dated December 6, 2012, **Hicks violated SCR 22.03(2) and (6) via SCR 20:8.4(h).**

Regarding Matters Pertaining to Hicks' SCR 22.26 Compliance

129. On November 29, 2012, OLR filed with the Supreme Court of Wisconsin a Notice of Motion and Motion Requesting an *Order to Show Cause* why the Court should not suspend Hicks' license to practice law in Wisconsin for non-cooperation in several investigative matters. On December 5, 2012, the Supreme Court issued an *Order to Show Cause* requiring Hicks' response within twenty days. Hicks did not respond to the *Order to Show Cause*. By order dated February 12, 2013, the Supreme Court temporarily suspended Hicks' license to practice law for failure to cooperate with OLR's investigations, and ordered Hicks to comply with the requirements of SCR 22.26.

130. On March 6, 2013, Hicks filed a document with OLR entitled "SCR 22.26 Affidavit." Hicks notarized his own signature on the affidavit. In the affidavit, Hicks asserted that he "notified by mail all of my clients of my suspension, its effective date, that I could not act as their attorney during the suspension, and to seek legal advice of their own choosing elsewhere. I also notified the State Public Defender's Office of the suspension, as nearly all of my clients were appointed by the State Public Defender's office." He further asserted, "I have notified each court in which I have cases pending of the suspension. There are no successor attorneys on the cases as the State Public Defender's office asked that I retain my cases in the event that my suspension was lifted within a short time..." Hicks also provided a list of fourteen clients which he asserted was "a list of all clients and pending court matters..." Hicks asserted, "As of February 27, 2013, I believe that I have complied with all of the requirements of SCR 22.26."

131. On March 11, 2013, the Supreme Court reinstated Hicks law license.

132. Hicks failed to notify Judge J. D. Watts of the Milwaukee County Circuit Court (Branch 15) of Hicks' February 12, 2013 suspension. Hicks appeared in Branch 15 three times during his suspension.

133. Milwaukee County Assistant District Attorney David Feiss (Feiss) was asked by Judge Watts to review Hicks' affidavit and the issues surrounding his license suspension. Feiss and his staff identified additional cases that were pending in Milwaukee County Circuit Court in which Hicks was counsel, which Hicks failed to disclose in his affidavit. Feiss advised OLR that none of the clerks or judges for those courts had been notified of Hicks' suspension.

134. Hicks failed to notify Judge Jeffrey A. Wagner of his suspension. Hicks appeared before Judge Wagner during the suspension.

135. Hicks failed to include in his affidavit at least nine cases in which Hicks was counsel, which were pending as of February 12, 2013.

136. In at least twelve instances Hicks appeared in court on behalf of clients between his February 12, 2013 suspension and his March 11, 2013 reinstatement.

137. On March 8, 2013, in *State of Wisconsin vs. Thomas Bart Kropp*, Milwaukee County Case No. 2012CF1246, Hicks advised the court that he could not appear for a 1:30 p.m. hearing due to illness. According to CCAP's online records Hicks was able to appear at that exact time for a sentencing hearing in *State of Wisconsin vs. Dewon A. McGowan*, Milwaukee County Case No. 2012CF3938. On March 8, 2013, Hicks did not tell the court that his license to practice law was suspended.

138. Hicks did not notify the State Public Defender's Office (SPD) of his February 12, 2013 suspension.

139. Hicks failed to properly notify various clients, opposing counsel and courts of his February 12, 2013 license suspension.

140. On June 14, 2012, the Supreme Court of Wisconsin had issued an *Order to Show Cause* why Hicks' license to practice law should not be suspended for his failure to cooperate with OLR's grievance investigations. On September 27, 2012, the Supreme Court of Wisconsin issued an order suspending Hicks' license to practice law in Wisconsin. On October 16, 2012, following Hicks' cooperation with the relevant investigations, Hicks' license to practice law was reinstated by the Supreme Court.

141. Due to the fact that he had been subject to two prior Supreme Court orders to show cause pursuant to SCR 22.03(4), and had in fact had his law license suspended in September 2012 for failure to file complete and fair responses to OLR's inquiries after an *Order to Show Cause* had been issued, Hicks knew that his license to practice law would be suspended if he did not cooperate in the four matters at issue in OLR's November 29, 2012 SCR 22.03(4) motion. The Supreme Court sent a copy of its December 5, 2012 *Order to Show Cause* to Hicks at his usual address. Hicks failed to respond by December 26, 2012, as required by the order. Therefore, Hicks knew that as of December 26, 2012, he was subject to being suspended if he failed to respond to the Supreme Court and cooperate in OLR's investigations, yet Hicks took no action between December 26, 2012 and February 12, 2013 to respond to the *Order to Show Cause* or to OLR's inquiries.

142. The February 12, 2013 suspension was based on Hicks' failure to cooperate in four matters. Following his suspension, Hicks filed responses in those matters.

143. By letter dated April 4, 2013, OLR notified Hicks of the investigation of his

compliance or lack thereof with SCR 22.26, and OLR requested certain information and documents from Hicks. Hicks did not respond.

COUNT TWENTY EIGHT

144. By signing the notary line and completing the notary information on his affidavit filed with OLR on March 6, 2013, **Hicks violated SCR 20:8.4(c).**

COUNTY TWENTY NINE

145. By advising the court on or about March 8, 2013 in *State of Wisconsin vs. Thomas Bart Kropp*, Milwaukee County Case No. 2012CF1246, that he could not appear for a 1:30 p.m. hearing due to illness, when his license to practice law was suspended on March 8, 2013 and when he appeared in another court at approximately the same time, **Hicks violated SCR 20:3.3(a)(1) and SCR 20:8.4(c).**

COUNT THIRTY

146. With regard to the affidavit Hicks filed with OLR on March 6, 2013, by: (i) asserting, "I have notified by mail all of my clients of my suspension, its effective date, that I could not act as their attorney during the suspension, and to seek legal advice of their own choosing elsewhere..." when he had not notified all of his clients of his suspension on February 12, 2013; (ii) asserting, "I also notified the State Public Defender's Office of the suspension, as nearly all of my clients were appointed by the State Public Defender's office..." when he had not done so; (iii) asserting, "There are no successor attorneys on the cases as the State Public Defender's office asked that I retain my cases in the event that my suspension was lifted within a short time..." when the State Public Defender's Office was unaware of the February 12, 2013 suspension and, therefore, provided him no advice regarding his pending cases; (iv) asserting, "I have notified each court in which I have cases pending of the suspension..." when Hicks had not

notified all of the courts in which he had cases pending; (v) asserting, "The following is a list of all clients and pending court matters, all in Milwaukee County..." when he failed to identify all matters pending as of his suspension; and/or (vi) asserting, "As of February 27, 2013, I believe that I have complied with all of the requirements of SCR 22.26" when he knew that he had not complied with SCR 22.26(1)(a), (b), or (c), and that he had practice law during his suspension in violation of SCR 22.26(2), **Hicks violated SCR 20:8.4(c).**

COUNT THIRTY ONE

147. By failing to notify all of his clients of his suspension on February 12, 2013, **Hicks violated SCR 22.26(1)(a) and (b) and SCR 20:3.4(c).**

COUNT THIRTY TWO

148. By failing to provide notice that his license to practice law had been suspended on February 12, 2013 to all of the courts in which he had client matters pending as of February 12, 2013 and all relevant opposing counsel for those matters, **Hicks violated SCR 22.26(1)(c) and SCR 20:3.4(c).**

COUNT THIRTY THREE

149. By appearing in court on behalf of at least twelve clients at a time when his license to practice law in Wisconsin was suspended, **Hicks violated SCR 22.26(2) and SCR20:3.4(c).**

COUNT THIRTY FOUR

150. By failing to timely respond to OLR's April 4, 2013 investigative correspondence, **Hicks violated SCR 22.03(2) and (6) via SCR 20:8.4(h).**

Regarding Lyons and Williams

151. On or about August 26, 2011, Hicks was appointed to represent Kenneth Lyons (Lyons) in *United States vs. Kenneth Lyons*, United States District Court for the Eastern District of Wisconsin, Case No. 11-CR-151.

152. In an April 19, 2012 order, the United States Court of Appeals for the Seventh Circuit removed Hicks as counsel for a specific defendant and removed Hicks "from the list of attorneys eligible for appointment under the Criminal Justice Act." A May 8, 2012 order disbarred Hicks from practicing before the Seventh Circuit. Neither order, however, removed Hicks as counsel for cases in which he was already appointed or otherwise terminated his eligibility to practice in the United States District Court for the Eastern District of Wisconsin.

153. By letter dated July 25, 2012, Lyons requested that the court advise him of the date and time of his next court appearance. By notice dated August 1, 2012, the court scheduled Lyons' change of plea hearing for September 6, 2012. When Hicks failed to appear in Case No. 11-CR-151 on September 6, 2012, the court appointed successor counsel for Lyons.

154. During the September 6, 2012 hearing, Judge Stadtmueller stated on the record:

Well, I can shed a little bit of light on what has occurred because when Mr. Willenbrink notified me that [Assistant U.S. Attorney Bridget] Domaszek had received some form of communication from Mr. Michael J. Hicks who is and remains Mr. Lyons' counsel of record, that he had been disbarred by the Seventh Circuit, that is true...I have, with the aid of the staff at the Seventh Circuit, received copies of the orders that were issued by that court; it's in a case that was before Judge Clevert, 09-CR-123. Mr. Hicks apparently did not file his appeal brief in the case, and an order to show cause was issued back in April of this year which, apparently, Mr. Hicks simply dissed; and as a result of failing to respond to the Rule to Show Cause, the Seventh Circuit summarily disbarred him from undertaking any representation in any case before that court and at the same time referred the matter to the Office of Lawyer Regulation with the Wisconsin Supreme Court and ostensibly sent copies of these orders to every district in the circuit. Unfortunately, if the clerk's office received these orders, they never found their way to the district

judges before whom Mr. Hicks may have had cases. Now, this is the second time this has happened in cases before this branch of the court; and while the Seventh Circuit orders, frankly, are not as articulate as they should be, the reality is, Mr. Hicks...has not been suspended from the practice of law before the district court or any state court. They, apparently, take the position that the Seventh Circuit order trumps the district court. It doesn't. And at the very least...Mr. Hicks certainly could have, indeed should have, sought some clarification from the district court in which they may have had matters pending. Now, it so happens that this branch of the court has a sentencing hearing scheduled with Mr. Hicks later this morning in case number 08-CR-162, Falandric Williams; and Mr. Williams, over the course of the last several months, has written letters to the Court which are publicly filed indicating that he has been unable to have any communication with his counsel. So against this backdrop, Mr. Stiller, I'm going to ask that your office, with the aid of Kathy Maxwell in the clerk's office, review virtually every matter that Mr. Hicks may be involved in. And we need to get to the bottom of this real quick because this is causing huge disruptions not only with the logistics with the Marshal Service bringing offenders to court but the Court's schedule. And at the very least, Mr. Hicks is going to be on the dime for some expenses associated with this by being totally irresponsible in his obligations as an officer of this court in not communicating not only with the Court but more significantly with his clients.

155. On or about September 26, 2008, Hicks had been appointed to represent Falandric Williams in United States District Court – Eastern District of Wisconsin, Case No. 08-CR-162. Between January 25, 2012 and June 19, 2012, Williams had sent three letters to the court complaining that Hicks was not responsive to Williams' requests for information and consultation regarding his upcoming sentencing, and regarding concerns Williams had for his safety and the safety of his family, that he could not communicate to the prosecutor without Hicks' assistance. Williams requested that he receive new counsel given Hicks' inattention to his case and failure to respond to his inquiries and concerns. By notice dated May 31, 2012, the court scheduled Williams' sentencing hearing for June 11, 2012. By notice dated August 1, 2012, the court rescheduled Williams' sentencing hearing for September 6, 2012. When Hicks

failed to appear in Lyons' case, Case No. 11-CR-151 earlier in the day on September 6, 2012, the court appointed successor counsel for Williams.

156. Hicks did not file a motion to withdraw or otherwise communicate with the court that he believed that he was ineligible to continue representing Williams and Lyons or that he did not intend to appear at their September 6, 2012 hearings.

157. By order dated September 28, 2012, entered by Chief U. S. District Judge C. N. Clevert, Jr. (Clevert), Hicks was removed from the Eastern District's CJA Panel (from which attorneys are eligible for appointment under the Criminal Justice Act of 1964 to represent indigent defendants in the Eastern District).

158. By letter dated October 22, 2012, OLR notified Hicks of its investigation of Hicks' conduct in these federal court matters and requested certain information and documents from Hicks. The letter was personally served on Hicks on October 29, 2012. On November 27, 2012, Hicks faxed a letter to OLR in which he asserted that he was "working on putting together the information and documents [OLR] requested" but that his trial schedule had prevented him from completing his responses. He further stated that he had "limited time to work on the grievances" and would "continue to work on them and will try to complete the work as soon as I can." He provided no proposed date on which he would provide the responses.

159. On November 29, 2012, OLR filed with the Supreme Court of Wisconsin a Notice of Motion and Motion Requesting an *Order to Show Cause* why Hicks' license to practice law in Wisconsin should not be suspended for non-cooperation in OLR's investigation of Hicks' conduct in these federal court matters, as well as other matters. On December 5, 2012, the Supreme Court of Wisconsin issued an *Order to Show Cause* why Hicks' license to practice law should not be suspended. Hicks did not respond to the *Order to Show Cause*. By order dated

February 12, 2013, the Supreme Court suspended Hicks' license to practice law and ordered him to comply with SCR 22.26.

160. On February 26, 2013, Hicks finally filed his response relative to these federal matters with OLR.

161. Hicks purported that he had developed the belief that he was ineligible to proceed on cases pending before the United States District Court for the Eastern District of Wisconsin as a result of his disbarment in the United States Court of Appeals for the Seventh Circuit.

162. By letter dated February 26, 2013, OLR requested additional information from Hicks regarding the federal matters. Hicks did not respond.

COUNT THIRTY FIVE

163. By failing to file a motion to withdraw or to otherwise communicate to the court and to his clients that he believed that he was no longer eligible to represent Williams and Lyons, **Hicks violated SCR 20:1.16(d).**

COUNT THIRTY SIX

164. By failing to timely respond to OLR's October 22, 2012 investigative correspondence, and doing so only after the Supreme Court issued an *Order to Show Cause* and suspended his license to practice law, **Hicks violated SCR 22.03(2) and SCR 22.03(6) via SCR 20:8.4(h).**

COUNT THIRTY SEVEN

165. By failing to respond to OLR's February 26, 2013 correspondence, **Hicks violated SCR 22.03(6) via SCR 20:8.4(h).**

Regarding Quinton Washington

166. On or about March 12, 2012, Hicks was appointed by the SPD to represent Mr. Quinton Washington (Washington), in *State of Wisconsin vs. Quinton Keith Washington*, Milwaukee County Case No. 2005CI000003.

167. On June 14, 2012, the Supreme Court of Wisconsin issued an Order to Show Cause why Hicks' license to practice law should not be suspended for his failure to cooperate with OLR in matters unrelated to Washington's grievance. Following several orders holding the *Order to Show Cause* in abeyance in order to allow Hicks additional time in which to respond, on September 27, 2012, the Supreme Court of Wisconsin issued an order suspending Hicks' license to practice law in Wisconsin and ordering him to comply with SCR 22.26. On October 16, 2012, following Hicks' cooperation in the relevant matters, the Court reinstated his license to practice law in Wisconsin.

168. In the 11 months that Hicks had been representing Washington, Hicks had sent two letters: one providing notice to Washington that Hicks had been appointed to represent him, and one addressing one of Washington's concerns regarding the evidence being used against him.

169. As of February 1, 2013, Washington did not know the status of his case, as Hicks had failed to keep him informed of case developments, to send specific information requested by Washington, or to respond to four letters that Washington sent Hicks regarding his case.

170. On February 12, 2013, the Supreme Court again suspended Attorney Hicks'

license to practice law in Wisconsin due to his willful failure to cooperate with investigations concerning his conduct unrelated to Washington's grievance. The Court ordered Hicks to comply with SCR 22.26.

171. Hicks failed to notify Washington of his September 27, 2012 or February 12, 2013 suspensions as required by SCR 22.26.

172. Hicks failed to notify opposing counsel or the court in Case No. 2005CI000003 of his suspensions as required by SCR 22.26.

173. On February 20, 2013, Hicks participated in a hearing on a motion filed by Washington seeking for Hicks to withdraw and new counsel to be appointed, even though Hicks' license was once again suspended as of that date. CCAP entries for the February 20, 2013 hearing state, "Respondent [Washington] had wanted new counsel; however, after further speaking with counsel and respondent, court denied request." Neither the court nor Washington were aware that hearing that Hicks' license to practice law was suspended.

174. By letter dated April 4, 2013, OLR notified Hicks of the investigation of Washington's matter and requested certain information and documents from Hicks. Hicks did not respond.

COUNT THIRTY EIGHT

175. By failing to properly communicate with Washington regarding the status of his case, case developments, and the means by which Hicks intended to pursue Washington's objectives, **Hicks violated SCR 20:1.4(a)(2), (3) and (4) and SCR 20:1.4(b).**

COUNT THIRTY NINE

176. By failing to notify Washington of his September 27, 2012 and February 12, 2013 license suspensions, **Hicks violated SCR 22.26(1)(a) and (b) and SCR 20:3.4(c).**

COUNT FORTY

177. By failing to provide notice to the court and opposing counsel in Milwaukee County Case No. 2005CI000003 that his license to practice law had been suspended on September 27, 2012 and February 12, 2013, **Hicks violated SCR 22.26(1)(c) and SCR 20:3.4(c).**

COUNT FORTY ONE

178. By appearing on behalf of Washington in Milwaukee County Case No. 2005CI000003 at a time when his license to practice law in Wisconsin was suspended, **Hicks violated SCR 22.26(2) and SCR 20:3.4(c).**

COUNT FORTY TWO

179. By failing to timely respond to Washington's grievance, **Hicks violated SCR 22.03(2) and SCR 22.03(6) via SCR 20:8.4(h).**

WHEREFORE, the Office of Lawyer Regulation respectfully requests that Attorney Michael J. Hicks be found in violation of the Supreme Court rules as alleged in the forty-two (42) counts of this *Complaint*, that Hicks' license to practice law in Wisconsin be suspended for two years, and that the Court order such other relief as is equitable, including assessing the costs of this proceeding against Attorney Hicks.

Dated at Milwaukee, Wisconsin, this 30th day of December, 2013.

OFFICE OF LAWYER REGULATION

By _____

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