

STATE OF WISCONSIN

IN SUPREME COURT

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST
STEVEN D. JOHNSON,
ATTORNEY AT LAW.

CASE CODE 30912

OFFICE OF LAWYER REGULATION,

Complainant,

CASE NO. 2022AP____-D

STEVEN D. JOHNSON,

Respondent.

FILED

JAN 03 2022

COMPLAINT

**CLERK OF SUPREME COURT
OF WISCONSIN**

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

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

2. Respondent Steven D. Johnson (Johnson) is an attorney who was admitted to the State Bar of Wisconsin on July 18, 2005, State Bar No. 1048934. The most recent address Johnson furnished to the State Bar of Wisconsin is 715 W. Parkway Boulevard B, Appleton, Wisconsin 54914-2646.

3. Johnson's disciplinary history consists of the following:

a) In August 2008, Johnson received a private reprimand for being convicted of misdemeanor battery that stemmed from a domestic incident involving his wife. *Private Reprimand of Steven D. Johnson*, 2008-21.

b) In May 2010, Johnson received a public reprimand for being convicted of one count of felony child abuse - recklessly causing harm, that related to an incident occurring at Johnson's home involving his 12 year old son. *Public Reprimand of Steven D. Johnson*, 2010-4.

Regarding Williams
OLR Matter No. 2020MA348
Counts 1-3

Office Conduct

4. In August 2018, Falon Williams (Williams) began working at Johnson's office as a paralegal.

5. In or about May 2019, Johnson began to engage in abusive and harassing behavior toward his employees.

6. In June 2019, Williams informed Johnson that she was considering quitting due to his abusive behavior. After Williams confronted Johnson about his behavior, Johnson promoted Williams to the position of office manager in June 2019. Despite Johnson's assurances at that time to Williams that he would no longer yell and swear at staff, Johnson's behavior did not improve.

7. During Williams' employment, Johnson yelled at Williams every day that he was in the office, which was approximately three times a week. Williams continued to speak to Johnson about her concerns with his behavior.

8. In addition to abusive behavior, Johnson asked Williams to prepare, sign and file documents with courts on his behalf, without Johnson having reviewed the documents. On the occasions that she refused to do so, Johnson yelled at Williams and instructed another non-lawyer in the office to do it.

9. Johnson called Williams and other employees "fucking retarded" and "stupid bitches" on multiple occasions.

10. In July 2019, Johnson yelled at all of the employees that he wished they would all die and that their children would die also. Melissa Ali (Ali) was one of the employees present when Johnson made the statement. Ali subsequently quit her employment with Johnson, citing to his comment wishing all the employees' children would die as her reason for doing so.

11. As the office manager, the only person in a position of authority that Williams could express concerns to about Johnson's verbally abusive behavior was Johnson.

12. On September 30, 2019, Johnson asked Williams to prepare the direct and cross examination questions and *voir dire* questions for one of Johnson's upcoming trials. Williams refused to do so because she did not feel qualified to do so. Johnson became angry with Williams and yelled and swore at her for two hours for her refusal. His verbally abusive comments to Williams

included that she did not know how to do her "fucking" job and that it was not his "fucking" job to do paperwork.

13. On October 1, 2019, Williams gave notice to Johnson that she was quitting her employment there and that her last day would be October 15, 2019.

14. On October 3, 2019, Williams attempted to discuss Johnson's verbally abusive behavior toward her and other employees. Johnson yelled at Williams and belittled her for four hours, sometimes in the presence of a new employee. Johnson told Williams he could not wait until she was gone.

15. In the days that followed Williams' two week notice, Johnson's verbally abusive and harassing conduct escalated and, on October 4, 2019, Williams advised Johnson that October 4, 2019 would be her last day instead of October 15, 2019. Williams informed Johnson that her reason for quitting was Johnson's abusive and harassing treatment toward herself and other employees.

Small Claims Actions Against Williams

16. In August 2018, Johnson agreed to represent Williams' husband, Mal Williams, *pro bono* in a paternity matter. An issue in the paternity matter was whether a signature on a custody document had been forged. In the summer of 2019, a check for

\$1,500 was drawn on Johnson's business account to pay a retainer fee to a handwriting expert. Johnson contends that Williams used his signature stamp without his permission to write the check.

17. In November 2019, a month after Williams quit her employment with Johnson, Johnson filed a small claims action (First Lawsuit) against Williams and her husband for the \$1,500. *Steve D. Johnson v. Mal Williams, et.al*, Outagamie County Case No. 2019SC3521. A default judgment was entered against the Williamses in December 2019 in the amount of \$1,573.50.

18. In February 2020, Johnson filed another small claims action (Second Lawsuit) against the Williamses after he received an invoice from the handwriting expert for an additional \$2,900. *Steve D. Johnson v. Mal Williams, et. al.*, Outagamie County Case No. 2020SC785.

19. On October 6, 2020, a contested hearing was held before a court commissioner in the Second Lawsuit. On that date, in his sworn testimony, Johnson stated that he had paid the \$2,900 invoice from his account. In fact, Johnson had filed a claim with his business insurance carrier alleging employee theft and the insurance company had paid Johnson's claim for both the \$2,900 invoice and the \$1,500 retainer fee. The court

commissioner dismissed the Second Lawsuit based on that information.

20. On April 13, 2021, Williams filed a motion to reopen the First Lawsuit based on the fact that Johnson's insurance carrier had paid \$1,500 to Johnson for the retainer fee. In a letter to the court commissioner, Johnson acknowledged that the debt had been paid by his insurance carrier and that he did not oppose dismissal of the First Lawsuit.

21. On May 10, 2021, the court commissioner granted the motion to reopen the First Lawsuit and dismissed it.

Regarding Kohel
OLR Matter No. 2020MA346
Counts 1-2

22. In September 2019, Shandi Kohel (Kohel) began working as a paralegal at Johnson's law office.

23. Beginning in approximately January 2020, Kohel observed Johnson being verbally abusive to staff, including calling staff members "fucking idiots," "retarded," and "fucking bitches." This type of verbal abuse occurred on a weekly basis. On one occasion, Johnson stated to staff that he wished their children would die.

24. On April 6, 2020, Kohel called Johnson to inform him that an employee's boyfriend had symptoms of COVID-19 and to ask

what precautions should be taken until the boyfriend got tested. Johnson yelled at Kohel in a demeaning manner. He then told her that something was wrong with her when she began to cry. Johnson later texted Kohel with ideas for mitigating COVID-19 risks at the office.

25. Johnson was infrequently in the office to supervise staff. Johnson had staff meet with clients to discuss plea deals. Clients complained to staff about Johnson's lack of communication. Johnson stated to Kohel in a text that it is the paralegal's job to do all of the paperwork for the attorney.

26. Johnson rarely reviewed work performed by the staff and did not have procedures in place for reviewing documents drafted by staff prior to the documents being filed. Paralegals drafted and e-filed discovery demands, plea waiver questionnaires, preliminary hearing waivers, and various motions without Johnson's review. Johnson also had a signature stamp at the office which was available for the employees to use.

27. On one occasion, Johnson used the "n" word at the office. Kohel texted Johnson the next day about his use of the "n" word. Johnson responded via text that he was frustrated not being able to speak even under his breath in his own office.

Johnson then stated that his use of the "n" word is kind of a term of endearment between minority men and a quote from a movie.

28. In April 2020, Johnson terminated Kohel's employment at the firm, citing to insubordination as the reason.

COUNT 1

29. By engaging in verbally abusive behavior toward his staff, including, but not limited to, yelling, cursing, name-calling, and the use of racial epithets, and by continuing that behavior after being confronted about it, **Johnson violated SCR 40.15, enforceable via SCR 20:8.4(g)**¹.

COUNT 2

30. By failing to have a system in place whereby he reviewed documents prepared by his staff prior to those documents being filed with the court, and by failing to have in place a system whereby he ensured that his staff was adequately supervised, trained, and qualified to perform the tasks he asked them to perform, **Johnson violated SCR 20:5.3(a) and (b)**.²

¹ **SCR 40.15, enforceable via SCR 20:8.4(g) provides: SCR 40.15** "I will abstain from all offensive personality." **SCR 20:8.4(g)** "It is professional misconduct for a lawyer to violate the attorney's oath."

² **SCR 20:5.3(a) and (b) provides:** "With respect to a nonlawyer employed or retained by or associated with a lawyer: (a) a partner, and a lawyer who individually or together with other lawyers possesses comparable managerial authority in a law firm shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that the person's conduct is compatible with the professional obligations of the lawyer. (b) a lawyer having direct supervisory authority over the nonlawyer shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the lawyer."

COUNT 3

31. By failing to inform the court in both *Steve D. Johnson v. Mal Williams et. al.*, Outagamie County Case No. 2019SC3521 and *Steve D. Johnson v. Mal Williams et. al.*, Outagamie County Case No. 2020SC785 that he had filed a claim with his insurance company regarding the funds paid to the handwriting expert and that his insurance company had honored the claim, **Johnson violated SCR 20:3.3(a)(1).**³

**Regarding Petty
OLR Matter No. 2020MA1113
Counts 4-5**

32. In October 2020, Dontell J. Petty (Petty) hired Johnson to represent him on a felony charge of hit and run involving injury. *State v. Petty*, Winnebago County Case No. 2020CT0482.

33. On October 9, 2020, Petty met with one of the paralegals at Johnson's office. On that date, Petty electronically signed a Defendant's Waiver of Preliminary Examination (Waiver). The date "10/9/2020" appears next to his signature block.

34. On October 9, 2020, Johnson signed the Waiver. The date "10/9/2020" appears next to his signature block. Above Johnson's electronic signature appear the following statements:

³ **SCR 20:3.3(a)(1) provides:** "A lawyer shall not knowingly make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer."

I, Steven Daniel Johnson, state that I am the attorney for the defendant, that I have personally explained and discussed all the matters mentioned in this Waiver of Preliminary Examination with my client, and that I have answered, to the best of my ability, all of his questions regarding this waiver. I believe that my client understands his right to a preliminary examination, the charges indicated above, and the potential penalties for those charges. I further state that I personally observed Dontell J. Petty sign and date this waiver.

35. On October 9, 2020, the Winnebago County Clerk of Circuit Court electronically filed-stamped the Waiver. The date "10-09-2020" appears under the file-stamp by the clerk's office.

36. On October 12, 2020 hearing before Commissioner Bryan Keberlein (Keberlein) the following exchange occurred between Keberlein and Petty (Johnson's client):

KEBERLEIN: Okay. Mr. Petty, do you understand what Attorney Johnson is referring to when he talks about a waiver of a preliminary hearing?

PETTY: Yes, sir.

KEBERLEIN: And have you reviewed this two-page document with Mr. Johnson?

PETTY: Not yet, but like I went to his office last week and (inaudible) one of his paralegals and everything and all. I sent his secretary a copy of that, too, yes, I did.

KEBERLEIN: So the waiver of the preliminary examination, did you discuss that with Mr. Johnson?

PETTY: No, sir. I met with one of his paralegals Friday⁴ last week.

KEBERLEIN: Why don't we do this, Mr. Johnson. Why don't we adjourn this so you can talk with Mr. Petty about the preliminary hearing.

37. The hearing was adjourned to October 29, 2020, at which time the court accepted a waiver from Petty after an extended colloquy, during which Petty and Johnson both stated that they had discussed the waiver.

COUNT 4

38. By failing to discuss the Defendant's Waiver of Preliminary Examination with his client prior to having his client sign the document, **Johnson violated SCR 20:1.4(b)**.⁵

COUNT 5

39. By filing with the court a Defendant's Waiver of Preliminary Examination on which he attested that he had personally explained and discussed the waiver with this client and had answered his questions when, in fact, he had not discussed or met with his client about the waiver, **Johnson violated SCR 20:3.3(a)(1)**.

⁴ The Friday of the previous week was October 9, 2020.

⁵ **SCR 20:1.4(b)** provides: "A lawyer shall explain a matter to the extent reasonable necessary to permit the client to make informed decisions regarding the representation."

WHEREFORE, the Office of Lawyer Regulation asks the Supreme Court of Wisconsin to find Attorney Steven D. Johnson violated Supreme Court rules as alleged in this *Complaint*, to suspend the Wisconsin law license of Attorney Steven D. Johnson for six months, and to grant such other and further relief as may be just and equitable, including an award of costs.

Dated this 3rd day of January, 2022.

OFFICE OF LAWYER REGULATION



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