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CLERK OF SUPREME COURT
OF WISCONSIN

STATE OF WISCONSIN

IN SUPREME COURT

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST ERIC L.
CRANDALL, ATTORNEY AT LAW.

CASE CODE 30912

OFFICE OF LAWYER REGULATION,

Complainant;

CASE NO. 2014AP 2487-D

ERIC L. CRANDALL,

Respondent.

COMPLAINT

NOW COMES the Wisconsin Supreme Court - Office of
Lawyer Regulation (OLR), by its retained counsel, Wayne A.
Arnold, and alleges as follows:

1. The OLR was established by the Wisconsin Supreme
Court and operates pursuant to Supreme Court Rules. This
complaint is filed pursuant to SCR 22.11(1).

2. Eric L. Crandall (Crandall) is an attorney
admitted to the practice of law in Wisconsin on

September 19, 1991, State Bar ID 1001833. The most recent address for Crandall listed with the Wisconsin State Bar is: Atty. Eric L. Crandall, Crandall Law Offices SC, 1237 Knowles Ave. N, P.O. Box 24, New Richmond, WI 54017-0024.

Disciplinary History

3. Crandall's disciplinary history in Wisconsin is as follows:

- (a) Effective February 20, 2006, Crandall's Wisconsin law license was suspended for three (3) months as reciprocal discipline to that imposed by the Minnesota Supreme Court for neglect of client matters, failure to communicate with clients, failure to appear at court hearings, failure to comply with discovery rules and failure to cooperate with the disciplinary investigation. *Disciplinary Proceedings Against Crandall*, 2006 WI 6.
- (b) On March 4, 2008, the Supreme Court of Wisconsin publicly reprimanded Crandall for advancing a frivolous claim, failing to file a client's affidavit or a brief in opposition to a summary judgment motion, failing to keep clients reasonably informed, failing to return client's files in a timely manner and failing to cooperate with OLR's investigation. *Disciplinary Proceedings Against Crandall*, 2008 WI 14.
- (c) Effective September 2, 2008, Crandall's Wisconsin law license was suspended for thirty (30) days as reciprocal discipline to that imposed by the Minnesota Supreme Court for failure to act with diligence and

promptness, failure to communicate with clients, engaging in conduct involving dishonesty and misrepresentation, and failure to cooperate with the Minnesota disciplinary investigation. *Disciplinary Proceedings Against Crandall*, 2008 WI 112.

- (d) Effective May 31, 2011, Crandall's Wisconsin law license was suspended for five (5) months for failing to hold advance fees in trust, failing to refund unearned fees, and three (3) counts of failing to cooperate with OLR's investigation. *Disciplinary Proceedings Against Crandall*, 2011 WI 21.

Payday Loan Store v. Mount matter

OLR Matter No. 2011MA1863

Counts 1 - 2

4. On April 26, 2011, the Supreme Court of Wisconsin issued an order suspending Crandall's license to practice law in Wisconsin for a period of five months, effective May 31, 2011. The order also mandated that Crandall comply with the requirements of SCR 22.26 pertaining to the duties of an attorney whose license has been suspended.

5. In April and May of 2011, *Payday Loan Store of Wisconsin v. Mount*, App. Ct. Case No. 2010AP2298 appeal was before the Court of Appeals, which certified the appeal to the Supreme Court. A briefing schedule was in

place and Crandall was listed as attorney of record for J. Mount in the appeal.

6. On September 27, 2011, in *Payday v. Mount*, the Supreme Court of Wisconsin issued an order addressing the motion of one of the parties, J. Mount, for an extension of time to file a response brief. Ms. Mount's motion had advised the Court that she had only recently learned that her attorney of record, Crandall, had been suspended by the Court. The Court granted Ms. Mount's motion and granted the substitution of new counsel.

Count 1

7. By failing to send, on or before the effective date of his suspension, written notice of his suspension by certified mail to client J. Mount, **Crandall violated SCR 22.26(1) (a) and (b)¹.**

¹ **SCR 22.26(1)(a) and (b) provide:** "On or before the effective date of license suspension or revocation, an attorney whose license is suspended or revoked shall do all of the following: (a) Notify by certified mail all clients being represented in pending matters of the suspension or revocation and of the attorney's consequent inability to act as an attorney following the effective date of the suspension or revocation. (b) Advise the clients to seek legal advice of their choice elsewhere."

Count 2

8. By failing to send, on or before the effective date of his suspension, written notice of his suspension to the court of appeals, Attorney Eric L. Crandall violated **SCR 22.26(1)(c)**².

Court of Appeals Matters
OLR Matter No. 2012MA22

Counts 3 - 4

9. In January of 2012, Crandall continued to be identified, during Crandall's period of suspension, as the attorney of record in the following appellate cases:

- (a) *Kirk vs. Credit Acceptance Corp.*,
Case No. 10AP2573
- (b) *Credit Acceptance Corp. vs. Shepherd*,
Case No. 11AP2249
- (c) *Cottonwood Financial, Ltd. vs. Estes*,
Case No. 09AP760.

² **SCR 22.26(1)(c)** provides: "On or before the effective date of license suspension or revocation, an attorney whose license is suspended or revoked shall do all of the following: (c) Promptly provide written notification to the court or administrative agency and the attorney for each party in a matter pending before a court or administrative agency of the suspension or revocation and of the attorney's consequent inability to act as an attorney following the effective date of the suspension or revocation. The notice shall identify the successor attorney of the attorney's client or, if there is none at the time notice is given, shall state the client's place of residence."

10. Upon information and belief, Crandall did not properly provide his clients, nor the Court of Appeals, with the notices required by SCR 22.26 in the three cases identified in paragraph 9 of this disciplinary Complaint.

Count 3

11. By failing to send, on or before the effective date of his suspension, written notice of his suspension by certified mail to the three clients in appeals, Attorney Eric L. Crandall violated **SCR 22.26(1)(a) and (b)**.

Count 4

12. By failing to send, on or before the effective date of his suspension, written notice of his suspension to the Court of Appeals in the three cases, **Crandall violated SCR 22.26(1)(c)**.

Failure to Cooperate
OLR Matter No. 2012MA356

Count 5

13. In February of 2012, OLR received a grievance from a staff member of a State agency concerning Crandall.

14. In a letter sent on April 18, 2012 (inadvertently dated January 17, 2012), OLR requested that Crandall submit a written response to the grievance. OLR's letter informed Crandall he was required to provide a written response that fully and fairly disclosed all facts and circumstances pertaining to the alleged misconduct within twenty days of his receipt of the letter. The letter further advised Crandall of his duty to cooperate with the investigation under §CR 21.15(4), 22.001(9)(b), 22.03(2) and 22.03(6). Crandall did not respond.

15. On June 6, 2012, OLR sent Crandall a second letter in this grievance matter, noting that his response had not been received and instructing Crandall to submit a response by June 18, 2012. OLR's June 6, 2012 letter was sent via certified and first class mail to Crandall's address of record with the State Bar of Wisconsin: P.O. Box 27, New Richmond, WI 54017-0027. Crandall signed for the certified letter. Further, the first class letter was not returned to OLR. Crandall did not submit a response to this letter nor did Crandall contact OLR to request additional time to respond.

16. On September 12, 2012, OLR sent another letter by first class and certified mail to Crandall requesting that he submit a written response in this grievance investigation no later than September 30, 2012. OLR's third letter further indicated that in the absence of a response, OLR would begin the process of seeking a temporary suspension of Crandall's Wisconsin law license based on his failure to cooperate. The certified receipt was returned to OLR. The first class letter was not returned to OLR. Crandall did not respond to OLR's third investigative letter in this grievance matter.

17. On October 17, 2012, OLR filed a SCR 22.03(4) *Motion Requesting an Order to Show Cause* why Crandall's license should not be suspended for his willful failure to cooperate in this OLR investigation. On October 18, 2012, the Supreme Court issued an order requiring Crandall to show cause why his license should not be suspended for failing to cooperate in OLR's investigation.

18. On November 7, 2012, Crandall filed his response to the *Order to Show Cause*, indicating that he would send in a response to the grievance investigation immediately.

Over two weeks later, on November 23, 2012, OLR finally received Crandall's response to the investigation. OLR then requested that its temporary suspension motion be withdrawn, and the Court dismissed the temporary suspension motion on November 29, 2012.

Count 5

19. By his failure to timely respond to OLR's request for a response to a grievance investigation in OLR Matter No. 2012MA356, doing so only after being issued an order to show cause by the Supreme Court of Wisconsin, **Crandall violated SCR 22.03(2), SCR 22.03(6), enforced via SCR 20:8.4(h)**³.

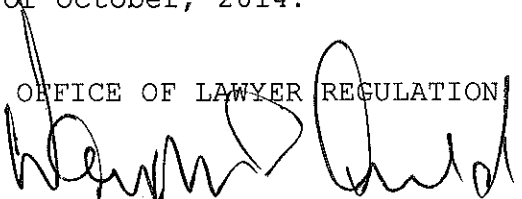
WHEREFORE, the Office of Lawyer Regulation asks that Attorney Eric L. Crandall be found in violation of the Supreme Court Rules as alleged herein, that for discipline

³ SCR 22.03(2), SCR 22.03(6) and SCR 20:8.4(h) provide: "SCR 22.03(2). 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. SCR 22.03(6) In the course of the investigation, the respondent's willful 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. SCR 20:8.4(h) 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 21.15(4), SCR 22.001(9)(b), SCR 22.03(2), SCR 22.03(6), or SCR 22.04(1)."

the Court impose a Public Reprimand and order such other and further relief as may be just and equitable, including an award of costs against Crandall.

Dated this 23rd day of October, 2014.

OFFICE OF LAWYER REGULATION



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