

SUPREME COURT OF WISCONSIN

CASE No.: 2015AP1732-D

COMPLETE TITLE: In the Matter of Disciplinary Proceedings
Against Michael M. Switalski, Attorney at Law:

Office of Lawyer Regulation,
Complainant,

v.

Michael M. Switalski,
Respondent.

DISCIPLINARY PROCEEDINGS AGAINST SWITALSKI

OPINION FILED: November 11, 2015

SUBMITTED ON BRIEFS:

ORAL ARGUMENT:

SOURCE OF APPEAL:

COURT:

COUNTY:

JUDGE:

JUSTICES:

CONCURRED:

DISSENTED:

NOT PARTICIPATING: BRADLEY, A.W., J. and BRADLEY, R.G., J. did not
participate.

ATTORNEYS:

NOTICE

This opinion is subject to further editing and modification. The final version will appear in the bound volume of the official reports.

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STATE OF WISCONSIN

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NOV 11, 2015

Diane M. Fremgen
Clerk of Supreme Court

ATTORNEY disciplinary proceeding. *Attorney's license revoked.*

¶1 PER CURIAM. Attorney Michael M. Switalski has filed a petition for consensual license revocation under Supreme Court Rule (SCR) 22.19.

¶2 Attorney Switalski was admitted to practice law in Wisconsin in 1988. His member status with the State Bar of Wisconsin is inactive and he is not currently engaged in the practice of law in Wisconsin. Attorney Switalski was previously

a school teacher and coach at Newman Catholic High School in Wausau.

¶3 In March 2015, Attorney Switalski entered guilty pleas to ten felony counts of child pornography. An additional 22 counts were dismissed but read in for sentencing purposes. In June 2015, Attorney Switalski was sentenced to ten three-year prison terms, to be served concurrently, each followed by five years of extended supervision. Attorney Switalski is currently in prison.

¶4 Attorney Switalski's petition for consensual license revocation states that he is currently the subject of an Office of Lawyer Regulation (OLR) inquiry involving his possession of child pornography. Attorney Switalski states that he cannot successfully defend himself against the professional misconduct alleged by the OLR. He states that he is filing his petition freely, voluntarily, and knowingly, and understands that he is giving up his right to contest the misconduct alleged by the OLR. He also states that he is represented by counsel in this proceeding.

¶5 The OLR has filed a recommendation on Attorney Switalski's petition, saying that revocation of his license to practice law in Wisconsin is warranted. The OLR notes that there is precedent for the proposition that an attorney's serious criminal conduct merits revocation of his license to practice law in Wisconsin, even when the misconduct is not directly related to the attorney's practice of law. See, e.g., In re Disciplinary Proceedings Against Engl, 2013 WI 36,

347 Wis. 2d 104, 829 N.W.2d 512. The OLR says that consensual revocation is appropriate in this case and is consistent with past precedent.

¶6 We agree that revocation of Attorney Switalski's license to practice law in Wisconsin is warranted. Attorney Switalski pled guilty to multiple counts of possession of child pornography. SCR 20:8.4(b) provides that it is professional misconduct for a lawyer to "commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects." Attorney Switalski has acknowledged that he cannot successfully defend himself against the misconduct allegations. Accordingly, we grant the petition and revoke his license to practice law in Wisconsin.

¶7 IT IS ORDERED that the license of Michael M. Switalski to practice law in Wisconsin is revoked, effective the date of this order.

¶8 IT IS FURTHER ORDERED that, to the extent he has not already done so, Michael M. Switalski shall comply with the provisions of SCR 22.26 concerning the duties of an attorney whose license to practice law has been revoked.

¶9 ANN WALSH BRADLEY, J., and REBECCA G. BRADLEY, J., did not participate.

