DISCUSSION

**Umbrella Conclusion:** Louis Clark probably will be admitted to the Wisconsin Bar because his one act of plagiarism in law school did not irreparably damage his good moral character, as defined by the Wisconsin Board of Bar Examiners (“Board”).

**General Rule:** Successful Wisconsin Bar applicants must affirmatively prove good moral character and fitness, including “honesty, diligence and reliability,” to insure that they will service their clients well and maintain “high standards in the administration of justice.” SCR 40.06.1.; B.A. 6.01. **Narrower Rule:** Academic misconduct always brings an applicant’s good character into question. B.A. 6.02(b). However, the Board will admit applicants who prove that they have been sufficiently sanctioned and rehabilitated to insure that they do not commit any further acts of misconduct. 6.02.1(b). **Outline of Argument:** Mr. Clark probably will be admitted to the Wisconsin Bar because he has been sanctioned sufficiently for his one act of plagiarism and his post-incident behavior confirms that he will not act dishonestly in the future. Since the sanctions, Mr. Clark has not committed any other acts of academic misconduct, he honestly reported the full extent of his misconduct to the Board, and he demonstrated good will by working to help rehabilitate juveniles while suspended from law school.

**Sufficiently Sanctioned**

**Conclusion 1:** Mr. Clark was sufficiently sanctioned by his law school when he received a failing grade in the class in which he plagiarized and he was suspended from law school for a year. **Rule 1:** An applicant is sufficiently sanctioned when he suffers a demonstrable consequence for his misconduct. In re Zbiegien, 433 N.W.2d 871 (Wis. 1988); In re Lamberis, 443 N.W.2d 549 (Wis. 1982). **Explanation 1:** In In re Lamberis,
Mr. Lamberis matriculated for his LL.M after practicing for ten years. He was expelled from the LL.M program for academic misconduct when he copied large parts of the text of two sources and he failed to cite either source. In re Lamberis, 443 N.W.2d at 549. The court found that the expulsion was sufficiently severe as it effectively barred Mr. Lamberis from entering academia. Id. at 551.

**Explanation 1 refined:** A delay in admission to the bar can be viewed as sufficient sanctions under certain circumstances. In re Zbiegien, 433 N.W.2d at 872. Mr. Zbiegien had to wait over a year for bar admission while his file was being reviewed for academic misconduct. The court found this to be sufficient punishment, especially because the candidate showed extreme remorse. Id. On the other hand, receiving a failing grade in a class without additional sanctions may not be sufficient. In re Widdison, 539 N.W.2d. 671 (Wis. 1995). In In re Widdison, the court found a failing grade insufficient punishment, particularly because the student proceeded to plagiarize in a second class and again was only sanctioned by a failing grade. In re Widdison, 539 N.W.2d. at 671.

**Application 1:** Mr. Clark’s sanction by the law school was similar to that of Mr. Lamberis’s and more severe than that of Mr. Zbiegien’s or Mr. Widdison’s. In addition to having his Bar application scrutinized like Mr. Zbiegien and receiving a failing grade like Mr. Widdison, Mr. Clark was investigated by the law school disciplinary committee and suspended from law school for a year. **Conclusion 1:** The Board is likely to view these sanctions as sufficiently severe so that no additional sanctions are required prior to Bar admission.
Rehabilitation

**Conclusion 2:** Mr. Clark is also eligible for Bar admission because, in addition to suffering severe sanctions prior to his application, he has demonstrated his rehabilitation by his clean record, by honestly disclosing his misdeeds on the Bar application, and by teaching honest behavior in the community. **Rule 2:** Applicants must demonstrate that their rehabilitation efforts insure that no other act of academic or other type of misconduct will occur in the future. BA 6.02.1(b). **Explanation 2:** When a candidate has no additional acts of misconduct on their record, the court is more likely to find in his favor. In re Zbiegien, 433 N.W.2d at 872. The court highlighted the fact that Mr. Zbiegien had no additional blemishes on his record when granting his application for the Bar. Id. Mr. Lamberis had been an attorney for 10 years prior to his plagiarism incident. The court held that because of his stellar record as an attorney with no complaints about honesty or integrity, he would be censured instead of disbarred. In re Lamberis, 443 N.W.2d at 551.

**Explanation refined/counter argument 2:** Conversely, a pattern of dishonesty will be viewed unfavorably. In re Widdison, 539 N.W. 2d at 671; In re Scruggs, 475 N.W. 2d at 160. In both In re Widdison and In re Scruggs, the applicants failed to meet their burden of proving good moral character because of their multiple infractions. Mr. Widdison plagiarized in more than one class and was denied admission to the Bar. In re Widdison, 539 N.W. 2d at 671. Mr. Scruggs was fired from his first firm for falsifying his transcript. He then used the same transcript to obtain employment at a second firm. In re Scruggs, 475 N.W. 2d at 160. The court revoked Scruggs’s attorney’s license for two years due to his persistent dishonesty. Id. In both In re Widdison and In re Scruggs,
the court gave leave for the applicants to reapply provided they could prove their good character. In re Widdison, 539 N.W. 2d at 671; In re Scruggs, 475 N.W. 2d at 160.

**Application 2:** Like Mr. Lamberis and Mr. Zbiegien and unlike Mr. Scruggs and Mr. Widdison, Mr. Clark had only one incident of academic misconduct. Mr. Clark graduated from law school without further incident of dishonesty and demonstrated his honesty by reporting his misconduct to the Board, as required by law.

**Conclusion 2.5:** Mr. Clark’s rehabilitation is further proved by his good work in the community. **Rule 2.5:** The Board considers all rehabilitation efforts when making its final determination. BA 6.02.1(b). One factor the Board and the court take into account is remorse. In re Zbiegien, 433 N.W.2d at 872. **Explanation 2.5:** In In re Zbiegien, the court found that “in dealing with law school officials and when testifying before the Board, the petitioner was filled with genuine remorse and shame. We believe that this conduct will not be repeated.” Id. Doing good deeds to counterbalance misconduct is another factor considered by the court. Mr. Lamberis conducted seminars for lawyers and law students about how to fulfill the good character obligation. In re Lamberis, 443 N.W.2d at 551. The court specifically alluded to these seminars when determining that Lamberis should be allowed to continue practicing law. Id.

**Application 2.5:** Mr. Clark’s work with juvenile delinquents and his honest reporting on his Bar application are similar to Mr. Zbiegien’s and Mr. Lamberis’s rehabilitative efforts proving that their prior misbehavior would not be repeated.

**Conclusion 2:** Mr. Clark’s good work supports his claim that he is of good character and fitness, notwithstanding his one incident of plagiarism.

**Overall Conclusion:** Mr. Clark is of good character and is fit to become a
member of the Wisconsin Bar. Mr. Clark was sufficiently sanctioned for his one incident of academic misconduct. Since the incident, his academic record has been clean. His honest dealings in his final year of law school, his honesty on his Bar application, and his work with youth in the community prove that he is rehabilitated and will not act dishonestly again. Mr. Clark passes the good character test and should be admitted to the Wisconsin Bar.