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DISTRICT III

September 29, 2026

To:

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You are hereby notified that the Court has entered the following opinion and order:

2025AP986	Karen Zahran v. Christine Rademacher (L. C. No. 2020CV46)
2025AP987	Robin Zahran v. Jon R. Pinkert (L. C. No. 2022CV144)

Before Stark, P.J., Hruz, and Gill, JJ.

Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. RULE 809.23(3).

Robin Zahran, pro se, appeals from judgments awarding attorney fees in the total amount of \$45,555.75 to Pinkert Law Firm LLP and its clients, Christine Rademacher, Ruth Rademacher, and Greg Seitz. The judgments were entered following remands from this court for: (1) a redetermination of the amount of actual attorney fees awarded as a sanction against Zahran for overlitigation and ad hominem attacks Zahran made during the course of a lawsuit

arising from a real estate transaction between Zahran and his wife on one side and Pinkert's clients on the other; and (2) a determination of the amount of attorney fees reasonably incurred by Pinkert and its clients in defending a frivolous defamation lawsuit by Zahran related to assertions Pinkert made in support of the sanctions award in the real estate lawsuit. Based upon our review of the briefs and record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2023-24). We affirm both awards.

Having been addressed in prior appeals, neither the merits of the underlying lawsuits nor the determinations that sanctions were warranted are before us in these consolidated appeals. Rather, the questions now presented are whether: (1) the circuit court demonstrated bias against Zahran during the hearing on remand; and (2) the court violated Zahran's due process rights by denying him the opportunity to present an expert witness on the reasonableness of the attorney fees or to cross-examine the two attorneys who submitted billing statements for their fees.

A litigant has a due process right to an impartial tribunal. ***State v. Goodson***, 2009 WI App 107, ¶8, 320 Wis. 2d 166, 771 N.W.2d 385. In analyzing a claim of judicial bias, we begin with the presumption that a judge is fair, impartial, and capable of ignoring any biasing influences. ***State v. Gudgeon***, 2006 WI App 143, ¶20, 295 Wis. 2d 189, 720 N.W.2d 114. To overcome that presumption, a party must demonstrate the objective¹ existence of "actual bias" (i.e., that the judge in fact treated the party unfairly) or the "appearance of bias" (i.e., that there are circumstances present under which "a reasonable person—taking into consideration human

¹ Although a judge may also be subjectively biased, that is a determination that can be made only by the judge, and it is therefore not subject to appellate review. ***State v. McBride***, 187 Wis. 2d 409, 415-16, 523 N.W.2d 106 (Ct. App. 1994).

psychological tendencies and weaknesses—[would conclude] that the average judge could not be trusted to ‘hold the balance nice, clear and true’”). *Id.*, ¶¶20-24. Opinions formed by a judge based upon facts introduced or events occurring during the course of a current or prior proceeding involving a party do not constitute the basis for a bias or partiality motion unless they display “a deep-seated favoritism or antagonism that would make fair judgment impossible.” *State v. Rodriguez*, 2006 WI App 163, ¶36, 295 Wis. 2d 801, 722 N.W.2d 136 (citation omitted); see also *Liteky v. United States*, 510 U.S. 540, 555 (1994) (“[J]udicial rulings alone almost never constitute a valid basis for a ... partiality motion.”). We will independently determine, as a question of law, whether a judge has failed to act impartially. *State v. Herrmann*, 2015 WI 84, ¶23, 364 Wis. 2d 336, 867 N.W.2d 772.

Here, Zahran claims that the circuit court judge treated him unfairly at the remand hearing,² demonstrating actual bias against him, by: (1) determining the amounts of the attorney fee awards without taking evidence; (2) characterizing Zahran’s filings as so voluminous as to be “impossible ... to keep ... straight” and as requiring extra time, effort, and research to respond to due to their “challenging” nature; and (3) ordering Zahran to leave the hearing.

First, due process requires that a circuit court provide a litigant with a fair opportunity to challenge the calculation or reasonableness of a claim for attorney fees with counter-affidavits or arguments. *Lucareli v. Vilas County*, 2000 WI App 157, ¶11, 238 Wis. 2d 84, 616 N.W.2d 153. No evidentiary hearing is required, however, if a litigant who has been afforded such an

² To the extent that Zahran also contends that the circuit court’s rulings on the merits of his underlying cases or its imposition of sanctions demonstrate bias, those arguments are defeated by this court’s decisions in Zahran’s prior appeals, and we will not address them further.

opportunity fails to create a material issue of fact.³ *Id.*, ¶12. Given a court’s inherent expertise in evaluating the reasonableness of attorney fees, an itemized bill from counsel submitted by affidavit generally provides a sufficient evidentiary basis to evaluate a claim of attorney fees. *Id.*

Here, Zahran did not provide anything in his prehearing submissions or his argument to the circuit court that created a material issue of fact as to the calculation or reasonableness of the amount of attorney fees claimed by Pinkert and its clients. In particular, although Zahran questioned whether the hourly rate charged by counsel exceeded the local standard, he did not identify an expert witness or provide an affidavit with any other evidence of a different rate. Additionally, this court had already affirmed an award of actual attorney fees incurred by Pinkert’s clients for everything except responding to the motion for summary judgment in the real estate case. By the time of the hearing, the claimed amount had appropriately increased to account for time spent on the appeal and following remand. While Zahran questioned the reasonableness of the amount of time counsel spent on the cases, he did not make a factual challenge to the number of hours counsel actually expended. Thus, the court was left to make discretionary determinations as to the reasonableness of the actual fees incurred, not factual determinations as to how much time was spent. The court’s decision not to hold an evidentiary hearing was therefore based upon its review of the parties’ submissions, and it was not unfair to Zahran.

Second, and likewise, the circuit court’s characterizations of Zahran’s filings were not based upon any personal animus toward Zahran, but rather upon the court’s review of those

³ Zahran’s assertion that this court ordered the circuit court to hold an evidentiary hearing misstates the scope of our remand.

filings. Such a review was not only appropriate, but highly relevant to the court's determination regarding whether the number of hours counsel spent responding to Zahran's filings was reasonable. Our own review of Zahran's filings confirms that they can be difficult to follow and take time to address because Zahran frequently asserts propositions that are not fully supported by the record or the legal authorities he cites.

Third, the record shows that the circuit court warned Zahran that it would order him to be removed and would finish the hearing without him if Zahran continued to speak out of turn. Zahran then stated, "That would be fine." The court responded, "Then leave," and Zahran left without any escort from the bailiff. Disruptive conduct constitutes a forfeiture or waiver by conduct of a litigant's right to be present. *State v. Washington*, 2018 WI 3, ¶27, 379 Wis. 2d 58, 905 N.W.2d 380. The court therefore properly acted within its discretion to maintain order in its courtroom by threatening to expel Zahran based upon his behavior.

In sum, we conclude that Zahran has failed to overcome the presumption that the circuit court acted impartially when it decided the matter without an evidentiary hearing, drew conclusions about how much time it would take to respond to Zahran's pro se submissions, or warned Zahran that he would be removed from the hearing if he continued speaking out of turn. Zahran's additional claim that he was denied his due process right to present and cross-examine witnesses is controlled by our conclusion above that he was not entitled to an evidentiary hearing in the first place.

Upon the foregoing,

IT IS ORDERED that the judgments are summarily affirmed. WIS. STAT. RULE 809.21 (2023-24).

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Samuel A. Christensen
Clerk of Court of Appeals