COURT OF APPEALS
DECISION
DATED AND FILED

May 9, 2000

Cornelia G. Clark
Clerk, Court of Appeals
of Wisconsin

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. *See* WIS. STAT. § 808.10 and RULE 809.62.

Nos. 99-0384
99-0490
99-0610

STATE OF WISCONSIN **IN COURT OF APPEALS**
DISTRICT III

NO. 99-0384

IN THE MATTER OF THE CONSERVATORSHIP & GUARDIANSHIP OF MABEL A.O.:

BARNEY O. II,

APPELLANT,

V.

CONSERVATORSHIP OF MABEL A.O., MARY SCRIVNER, CONSERVATOR, AND KAREN ROLOFF,

RESPONDENTS.

NO. 99-0490

IN THE MATTER OF THE CONSERVATORSHIP & GUARDIANSHIP OF MABEL A.O.:

MABEL A.O.,

APPELLANT,

V.

CONSERVATORSHIP OF MABEL A.O., MARY SCRIVNER, CONSERVATOR, AND KAREN ROLOFF,

RESPONDENTS.

NO. 99-0610

IN THE MATTER OF THE CONSERVATORSHIP & GUARDIANSHIP OF MABEL O.A.:

MARTHA J. CRUNK,

APPELLANT,

V.

CONSERVATORSHIP OF MABEL A.O., MARY SCRIVNER, CONSERVATOR, AND KAREN ROLOFF,

RESPONDENTS.

APPEALS from a judgment and orders of the circuit court for Vilas County: JAMES B. MOHR, Judge. *Affirmed.*

Before Cane, C.J., Hoover, P.J., and Peterson, J.

¶1 PER CURIAM. This case arises from conservatorship and guardianship proceedings of Mabel A.O. In 1995, Martha Crunk filed a petition for guardianship of her mother, Mabel, that was later converted to a conservatorship.

¶2 Mabel appeals a judgment and orders approving the final account and requiring the conservatorship to pay attorney fees. Mabel argues that (a) her temporary guardian is not entitled to an award of attorney fees because her appointment did not comply with statutory procedure; (b) if the appointment did comply with statutory procedure, the statute is unconstitutional; (c) her conservator is not entitled to attorney fees due to the attorney's conflict of interest; and (d) the judgment fails to credit Mabel with $3,202.58 paid by the conservator.

¶3 Martha appeals the judgment and orders assessing remedial sanctions of $20,425 against Martha and $10,256.46 jointly and severally against Martha and her brother Barney O. Martha argues that (a) the trial court improperly found Martha and Barney in contempt and (b) none of the attorney fees incurred by the temporary guardian or the conservator should have been paid by Mabel's estate.

¶4 Barney O., Mabel's son, also appeals the judgment and orders assessing remedial sanctions for contempt. He joins in Martha's brief and makes essentially the same arguments that she does. We reject their arguments and affirm the judgment and orders.[1]

[1] The guardian ad litem filed a separate brief arguing that the order should be affirmed. Because our opinion resolves the issues the guardian ad litem argues, we do not specifically address them on appeal. *See* ***Norwest Bank Wisconsin Eau Claire, N.A. v. Plourde***, 185 Wis. 2d 377, 383 n.1, 518 N.W.2d 265 (Ct. App. 1994).

BACKGROUND

¶5 Mabel, born in 1919, suffers from Alzheimer's Dementia. She has four children, Barney O., David O., Martha Crunk and Karen Roloff. David is not involved in these proceedings. In 1995, Martha filed a petition in Vilas County alleging that her mother was in need of a guardian because she was incompetent. Mabel objected and hired attorney John Danner to contest the petition.

¶6 The parties reached a compromise and Martha withdrew her petition. Pursuant to their compromise, the court proceeded on Mabel's counterclaim and ordered a conservatorship. Because the compromise called for a neutral third party to marshal Mabel's assets and assist her as needed, the court appointed Mary Scrivner, an accountant, as conservator. The trial court found that Mabel stated that it was her desire to treat her children equally.

¶7 The trial court determined Barney and Martha thwarted Mabel's intentions. Barney had transferred Mabel's home without authority to do so, requiring the court to void the conveyance. In 1996, while the petition for guardianship was pending, Barney sold securities belonging to Mabel using a power of attorney that had been revoked eighteen months earlier, and then refused to turn over the remaining stock certificates.

¶8 The trial court found Barney in contempt for failing to comply with the court's order to turn over Mabel's remaining stock certificates. The court found that in order to obtain Mabel's securities from Barney, the conservatorship had to retain counsel in Illinois, resulting in $4,638.25 attorney fees and $1,307.16 stock reissue expense. The court stated: "[Barney] is responsible for those fees, that they were expended solely because [Barney] refused to follow the directions

of the court, and then after expending the money, [he] voluntarily turned over the stock certificates that caused these fees."

¶9 In addition, the trial court found that Martha would not cooperate with the conservator; that Martha claimed the house belonged to the children, not Mabel, and that Martha refused to memorialize a loan that she had obtained from Mabel. Because Martha refused to obey the court's orders to memorialize the loan, and to cooperate with turning Mabel's property over to the conservator, the court found Martha in contempt of court. The court found that Martha was responsible to repay $20,425, reflecting the loan balance.

¶10 Mabel's daughter, Karen, had been given health care power of attorney. In May 1997, due to Mabel's deteriorating mental health, Karen placed her mother in an assisted living environment close to Karen's Illinois home. In December, Karen recommenced the Vilas County guardianship proceedings, and the court appointed a guardian ad litem for Mabel. A doctor at the facility where Mabel was living indicated to the court that the children were causing major problems and making it impossible for Mabel to adjust. The court appointed Karen temporary guardian. It also entered a restraining order against Martha for harassment.

¶11 Shortly after Karen was appointed temporary guardian, Barney had his associate, Monica Sadler, C.A., remove Mabel from the assisted living facility through an emergency exit and take her to Barney's Illinois residence to live. This was done without approval of the staff or the guardian. Barney refused to cooperate with the pending Vilas County guardianship proceedings and filed for guardianship in Illinois. The Illinois court dismissed the guardianship petition.

Karen's appointment as temporary guardian in Wisconsin subsequently expired by operation of law. *See* WIS. STAT. 880.15(1).[2]

¶12 Sadler brought another guardianship proceeding in Illinois that was eventually approved. As a result, the Wisconsin proceedings were dismissed, but the trial court was required to approve the final account and close out the existing conservatorship, order payment of outstanding estate obligations and transfer the remaining assets to the Illinois guardian.

¶13 The court found that in her role as temporary guardian, Karen legitimately incurred attorney fees on behalf of Mabel defending the Illinois guardianship proceeding. As a result, the court ordered that Karen was entitled to reimbursement from Mabel's estate. Also, under WIS. STAT. § 785.01(1), as remedial sanctions for contempt, the court required Barney to reimburse the estate for Karen's attorney fees. It further required Barney and Martha to reimburse the estate for expenses incurred in attempting to obtain Mabel's assets. Additionally, the court entered judgment against Martha for her default on the loan. The court approved the final account of the conservatorship subject to payment of all its expenses and approved sale of securities to pay outstanding debts of the estate. Mabel, Martha and Barney appeal the judgment and orders.

[2] All statutory references are to the 1997-98 edition.

DISCUSSION

I. Mabel's appeal[3]

A. Karen's attorney fees

1. Objections to statutory procedure

¶14 Mabel argues that because Karen was unlawfully appointed, she is not entitled to recover her expenses incurred as Mabel's temporary guardian. Mabel alleges a number of statutory violations. She contends that the order appointing Karen was obtained ex parte and that the petition for temporary guardianship was not served until two days after the order was entered. In addition, she complains that the letters of guardianship and an order for the competency exam were also issued ex parte on the same day the petition was filed.

¶15 We reject Mabel's arguments because they fail to recognize the distinctions between the procedure for appointing a temporary guardian under WIS. STAT. § 880.15 and the procedure for appointing a "permanent" guardian under WIS. STAT. § 880.12.[4] Mabel's arguments present questions of statutory

[3] Mabel's brief was not filed by a guardian ad litem or a general guardian. It is not clear whether the guardian ad litem was appointed to act on Mabel's behalf in this appeal. The record indicates that Mabel is incompetent due to Alzheimer's Dementia and presently may be under a guardianship in Illinois. WISCONSIN STAT. § 803.01(3) provides: "A guardian ad litem shall be appointed in all cases where the … incompetent has no general guardian of property, or where the general guardian fails to appear and act on behalf of the … incompetent, or where the interest of the … incompetent is adverse to that of the general guardian." Nonetheless, because no party has raised the application of this statute in this appeal, we do not address it. *See* ***Reiman Assocs., Inc. v. R/A Adver., Inc***., 102 Wis. 2d 305, 306 n.1, 306 N.W.2d 292 (Ct. App. 1981) (issues not briefed are deemed abandoned).

[4] We use the term "permanent" in a relative sense because the guardianship is subject to review under WIS. STAT. § 880.34.

construction, an issue of law we review without deference to the trial court. *See* ***In re Estate of Warner***, 161 Wis. 2d 644, 651, 468 N.W.2d 736 (Ct. App. 1991). We construe a statute according to the ordinary and accepted meaning of its language. *See* ***id***.

¶16 The record establishes that the appropriate statutory procedure was followed. To appoint a temporary guardian, WIS. STAT. § 880.15(1) provides: "If, after the consideration of a petition for temporary guardianship, the court finds that the welfare of … an alleged incompetent requires the immediate appointment of a guardian of the person or of the estate, or of both, it may appoint a temporary guardian for a period not to exceed 60 days unless further extended for 60 days by order of the court." The court may extend the appointment just once. *See* ***id***. The petitioner shall provide notice of the petition to the alleged incompetent "before or at the time the petition is filed or as soon thereafter as possible" and include notice of the right to counsel and the right for reconsideration or modification of the temporary guardianship. WIS. STAT. § 880.15(1s).

¶17 Accordingly, Mabel's contention that the statutory procedure "forbids an ex parte temporary guardianship order entered without **advance** notice to the defendant" is wrong. The plain language of WIS. STAT. § 880.15 provides for an immediate appointment of a temporary guardian when the alleged incompetent's welfare requires one. The record establishes that a guardian ad litem was appointed for Mabel the same day that the petition and letters of temporary guardianship were filed. Copies of the petition, letters and various orders were served on Mabel within forty-eight hours of their filing. The record establishes that the requisite statutory procedure for appointing a temporary guardian was followed.

¶18 Mabel erroneously argues that WIS. STAT. § 880.08 requires a hearing on a temporary guardianship petition and that WIS. STAT. § 55.06 protective placement procedures apply.[5] By its plain terms, § 880.08 applies to petitions filed under WIS. STAT. § 880.07 relating to permanent guardianships. The statutory language demonstrates that the legislature intended different procedures for temporary and permanent guardianships. To the extent that § 880.08 conflicts with WIS. STAT. § 880.15 governing temporary guardianships, § 880.15 controls. *See* ***AFSCME Local 1901 v. Brown County***, 146 Wis. 2d 728, 735, 432 N.W.2d 571 (1988) (In an apparent conflict, the more specific statute controls.).

¶19 Mabel relies on the following cases to support her interpretation of the statutes: ***Claus v. Lindemann***, 45 Wis. 2d 179, 183, 172 N.W.2d 643 (1969); ***Bryn v. Thompson***, 21 Wis. 2d 24, 30, 123 N.W.2d 505 (1963); and ***Leinwander v. Simmons***, 236 Wis. 305, 294 N.W. 821 (1940). None of these cases suggest that they relate in any fashion to temporary guardianship procedure. As a result, they fail to support Mabel's argument.

¶20 Mabel also complains that there were four "hearings or orders" in which no one appeared on her behalf. She first cites the minutes to a telephone scheduling conference on January 28, 1998. She next cites an order following a status conference, dated February 20, at which Mabel's guardian ad litem appeared on her behalf. Next, Mabel cites a March 18 order for preparation of transcripts at the request of Barney and Martha and, last, she cites a March 19 order following a status conference at which her guardian ad litem appeared on her

[5] Mabel does not indicate that she made this argument to the trial court. *See* ***Evjen v. Evjen***, 171 Wis. 2d 677, 688, 492 N.W.2d 361 (Ct. App. 1992).

behalf. Because the record demonstrates that Mabel's guardian ad litem appeared on her behalf, or that when he did not appear the matter in question did not concern substantive rights, Mabel's arguments fail to demonstrate reversible error. *See* WIS. STAT. § 805.18.

¶21 Finally, we address Mabel's arguments raised in her reply briefs. The tenor of her arguments escalates as she contends that the ex parte temporary guardianship unlawfully kept Mabel "locked in an Illinois nursing home [in] solitary confinement." First, there is nothing in the record that indicates Mabel was in a locked ward in solitary confinement at a nursing home. The record discloses on July 25, 1996, Mabel executed a health care power of attorney providing her daughter, Karen, with the power to admit her to a nursing home if necessary and nominating Karen to be her guardian. There is no challenge to Mabel's competency at the time she executed this document. The record indicates that pursuant to this document, Mabel resided at an unlocked assisted living facility near Karen's home months before the temporary guardianship petition was filed. Because Mabel was already residing in the assisted living facility when the temporary guardianship petition was filed, the record fails to show that Karen used the temporary guardianship procedure to place her there.

¶22 The record further discloses that at the time Karen petitioned for temporary guardianship, she also petitioned for a permanent guardianship under WIS. STAT. § 880.12 and protective placement under WIS. STAT. ch. 55. However, while these matters were pending, Sadler also petitioned for temporary and permanent guardianship in Illinois and was appointed temporary guardian in May 1998. Thereafter, the Wisconsin proceedings were eventually dismissed.

Thus, we fail to see how temporary guardianship proceedings in Wisconsin were used to deprive Mabel of her liberty.

¶23 In any event, Mabel fails to indicate whether, at the trial court level, she raised the objection that the attorney fees for the temporary guardianship were related to an allegedly illegal placement. "[W]e decline to embark on our own search of the record, unguided by references and citations to specific testimony," to determine whether this issue was addressed by the trial court. ***Tam v. Luk***, 154 Wis. 2d 282, 291 n.5, 453 N.W.2d 158 (Ct. App. 1990). Because there is no indication this matter was presented to the trial court, we do not address it further. *See* ***Evjen v. Evjen***, 171 Wis. 2d 677, 688, 492 N.W.2d 361 (Ct. App. 1992).

2. Constitutional objections

¶24 Mabel further argues that the statutory procedure that permits an ex parte temporary guardian appointment is an unconstitutional deprivation of due process. Mabel's argument does not suggest whether she raised this constitutional issue before the trial court. We are not required to scour the record to determine whether she did so. *See* ***Tam***, 154 Wis. 2d at 291 n.5.

¶25 Generally, "[t]he province of this court is to correct errors of the trial court." ***Chrome Plating Co. v. WEPCO***, 241 Wis. 554, 562, 6 N.W.2d 692 (1942). A basic tenet of appellate practice is that issues not raised before the trial court need not be considered on appeal. *See* ***Evjen***, 171 Wis. 2d at 688. We therefore reject Mabel's constitutional argument.

B. Conservator's attorney fees

¶26 Mabel argues that the conservator, Mary Scrivner, is not entitled to attorney fees. Initially, the conservator's attorney, John Danner, represented Mabel as adversary counsel. Mabel claims that because Danner previously served as Mabel's adversary counsel, he was thereby disqualified from appearing on behalf of the conservatorship.

¶27 Mabel acknowledges that the allowance of a guardian's or conservator's attorney fees is within the trial court's discretion. *See* ***Yamat v. Verma L.B.***, 214 Wis. 2d 207, 212, 571 N.W.2d 860 (Ct. App. 1997). She argues, however, that the trial court erroneously exercised its discretion when it awarded the conservator attorney fees because the conservator's attorney had a potential conflict of interest. Mabel cites ***Tamara L.P. v. County of Dane***, 177 Wis. 2d 770, 782, 503 N.W.2d 333 (Ct. App. 1993), for the proposition that a conservator's interest may conflict with the stated desires of the conservatee.

¶28 ***Tamara*** explains that adversary counsel should not serve as guardian ad litem. *See* ***id***. at 781. ***Tamara***, however, does not address the issue of an award of attorney fees to a disqualified conservator or guardian. Therefore, ***Tamara*** does not support Mabel's claim that Scrivner was erroneously awarded reimbursement for attorney fees incurred as a conservator. Mabel cites no authority to support her specific claim of error. Accordingly, we do not develop her argument for her and need not consider it further. *See* ***State v. Shaffer***, 96 Wis. 2d 531, 545-46, 292 N.W.2d 370 (Ct. App. 1980).

C. Alleged overpayment

¶29 Mabel argues that the judgment failed to credit the conservatorship with $3,270.28 paid to "Rodd, Mouw, et al, Attorney" on November 20, 1997.[6] Mabel points out that although the trial court awarded Karen attorney fees while she acted as temporary guardian, it ruled that Karen was not entitled to her attorney fees during the time she acted under a power of attorney. Mabel claims that the conservatorship nevertheless paid $3,270.28 for attorney fees incurred before Karen was appointed temporary guardian. Mabel contends that these fees were incurred when Karen was acting under a power of attorney, that she was not entitled to reimbursement and, therefore, the conservatorship should have been credited with that amount in calculating the attorney fees awarded to Karen.

¶30 To support her contentions, Mabel directs this court's attention to page ten of a thirteen-page document. The document consists of six pages of motions by Barney and Martha and seven pages of exhibits. The exhibits include three pages of an unidentified hearing transcript; a copy of an Illinois order dated May 28, 1998, appointing Barney's associate, Sadler, as Mabel's temporary guardian; and an unidentified copy of what appears to be a check ledger, noting five checks having been written, one of which was to "Rodd, Mouw, et al, Attorney" for $3,270.28.

¶31 On the basis of the unidentified photocopy purporting to be a check ledger, Mabel suggests that we engage in fact finding and rule that an overpayment to Karen has been made. Mabel's argument misperceives the function of an appellate court. It is a trial court, not an appellate court function, to engage in

[6] In her brief, Mabel refers indiscriminately to the sums of $3,202.58" and "$3,270.28." We interpret her argument to mean $3,270.28.

fact finding. *See* ***Barrera v. State***, 99 Wis. 2d 269, 282, 298 N.W.2d 820 (1980). To make factual determinations would usurp the trial court's function, *see* ***id***., and we are prohibited from doing so. Mabel does not suggest that this alleged error was brought to the trial court's attention.[7] Because Mabel does not preserve an appellate argument, we do not address it further. *See* ***Evjen***, 171 Wis. 2d at 688.[8]

II. Martha's and Barney's appeal

A. Contempt findings

¶32 A person may be held in contempt if he or she refuses to abide by an order made by a competent court having personal and subject matter jurisdiction. ***State v. Rose***, 171 Wis. 2d 617, 622-23, 492 N.W.2d 350 (Ct. App. 1992). A finding of contempt rests on the trial court's factual findings. *See* ***id***. The critical findings are that the party was able to comply with the order and that the refusal to comply was willful and with intent to avoid compliance. *See* ***id***. "A trial court's findings that a person has committed a contempt of court will not be reversed by a reviewing court unless they are clearly erroneous." ***Id***.

¶33 Martha first argues that the trial court erroneously found her in contempt for failing to memorialize a loan secured by Mabel's stock. Martha concedes that she was ordered to do so on July 26, 1996. The court found her in contempt on November 20, 1996, but gave her an opportunity to purge the

[7] Mabel's record citations show that this specific allegation of error was not brought to the trial court's attention.

[8] In any event, Martha apparently misperceives the basis of the trial court's ruling. The court ruled that Martha and Barney were responsible for the fees due to their failure to comply with court orders. The trial court stated: "As to the fees of … Rodd, Mouw, it appears that both [Martha] and Barney [were] involved in that interference with the conservatorship and the process of the guardianship so that they both ought to be responsible for those fees."

contempt. Later, when she did not do so, the court imposed as a contempt sanction reimbursement to the conservatorship for the amount of the loan and expenses in the sum of $20,425.

¶34 Martha contends that the court erred because Mabel had forgiven the debt. She argues that the court misinterpreted Mabel's intent and that it was unfair for the court to make her repay her debt but not make her brother David repay his debt. Martha's arguments fail.

¶35 Martha's arguments attack the basis for the court's underlying order. "The person may disagree with the order, but he or she is bound to obey it until relieved therefrom in some legally prescribed way." ***Id***. at 622-23. Here, Martha disagrees with the underlying order because she asserts the facts do not support it. She did not, however, appeal that order and was never relieved in a legally prescribed way from the order to reimburse Mabel's estate for the loan. Thus, the underlying order issued against her was binding and to now argue that the facts do not support it is not a defense to her contempt proceeding. Therefore, we reject her contention.

¶36 Barney argues that the trial court did not obtain the personal jurisdiction necessary to hold him in contempt. He claims that he was served in Illinois with the Vilas County order to turn over stock, and had no duty to comply with a Wisconsin court order. He argues that he did not appear at the initial conservatorship proceedings, but first appeared by his attorney on May 30, 1997, reserving his jurisdictional objections in writing. Accordingly, he contends that because the court had no personal jurisdiction, he had no legal obligation to observe the July 26, 1996, order.

¶37 We conclude that Barney waived his challenges to personal jurisdiction. When a defendant does not object to the jurisdiction over his person, his appearance is equivalent to personal service. *See* ***Artis-Wergin v. Artis-Wergin***, 151 Wis. 2d 445, 452, 444 N.W.2d 750 (Ct. App. 1989). "[W]here an appearance is made and relief is sought on other matters, an objection of lack of personal jurisdiction is waived." ***Lees v. DILHR***, 49 Wis. 2d 491, 499, 182 N.W.2d 245 (1971).

¶38 The record discloses that on May 15, 1996, the Vilas County Circuit Court conducted a hearing on the guardianship and conservatorship issues. Martha and her attorney appeared and withdrew her petition for guardianship and stipulated to the appointment of a conservator. After she testified, the court asked if any others present had anything to say relative to the proceeding. Barney and other relatives responded. Barney stated:

> Your Honor, my name is Barney [O.] I am Mabel's oldest child. I am licensed to practice in front of the Supreme Court of the State of Illinois as well as several other states. Federal District Courts and United States Supreme Court. Practiced in excess of 26 years, predominantly in the State of Illinois. I understand Wisconsin's rules, having had them explained to me by [Martha's attorney] and have read up on them myself. I understand my mother's decision here is a voluntary one. And, I think in that voluntary nature of it, puts you in a rather simple position of agreeing with that as being a voluntary, knowingly-made decision. The comments with respect to my sister, Martha, are totally, in my opinion, uncalled for. Since [my] father[']s untimely death in 1989, if it wasn't for Martha's presence here in the Northwoods to take care of my mother, it would have been very, very difficult for her to continue after my father's sudden death.
>
> I will concur with my mother's wishes so far as Mrs. Scrivner being the interim person to take inventory of her affairs, her property, and, then, as rapidly as possible, having the conservatorship turned over to my younger sister, Martha.

¶39 Barney argues that "mere attendance at a hearing does not, in the circumstances of this case, constitute an appearance which would subject an out-of-state person to the jurisdiction of a Court." Here, however, Barney did more than merely attend the hearing. The transcript indicates that Barney voluntarily interjected himself into the proceedings, agreed to the appointment of Scrivner as initial conservator, and urged the court to accept his sister, Martha, as conservator of his mother's estate "as rapidly as possible." Barney did not at that time reserve any objection to the court's personal jurisdiction. Barney's statements amount to a request for relief from the guardianship proceedings and thus constitute an appearance for purposes of this action.

¶40 Next, Barney and Martha argue that the trial court erred by finding them in contempt for their conduct in the conservatorship. They contend that "any additional conduct claimed to be contemptuous was centered around the perfectly legal activity of pursuing rights in the courts of another state." They argue that Barney's efforts in the Illinois courts are constitutionally protected and to retaliate against one seeking redress in the courts violates federal constitutional rights. We do not address their constitutional arguments because they fail to demonstrate whether these arguments were made before the trial court. *See* ***Evjen***, 171 Wis. 2d at 688.

¶41 Also, Barney's characterization of the record is incomplete. The record establishes that the trial court did not hold Barney in contempt for merely seeking redress in a court of law. Rather, the court found, in essence, that Barney refused to comply with its lawful order to turn over his mother's securities to the conservator. This resulted in an action filed in Illinois by attorney Danner on

behalf of the conservatorship to recover Mabel's securities.[9] The court found that Barney's groundless refusal to turn over the securities caused Mabel's estate needless expense. These findings are not challenged on appeal.

¶42 Next, Barney and Martha argue that to shift the responsibility for attorney fees onto them is precluded by a logical application of ***Jankowski v. Milwaukee County,*** 104 Wis. 2d 431, 312 N.W.2d 45 (1981), and ***Ethelyn I.C. v. Waukesha County***, 221 Wis. 2d 109, 584 N.W.2d 211 (Ct. App. 1998). They do not develop this one-paragraph argument and simply refer to section III of Mabel's brief. We decline to abandon our neutrality in an attempt to develop their arguments for them. *See* ***State v. Gulrud***, 140 Wis. 2d 721, 730, 412 N.W.2d 139 (Ct. App. 1987). Therefore, their arguments are rejected.

¶43 Barney further claims that the trial court improperly held him in contempt for interfering with Karen's health care agency and temporary guardianship for the reasons stated in section III of his own brief and sections I and II of Mabel's brief. We reject this argument for two reasons: First, references to other briefs or other portions of a brief do not constitute proper argument. *See* ***Calaway v. Brown County***, 202 Wis. 2d 736, 750-51, 553 N.W.2d 809 (Ct. App. 1996). Second, we have previously rejected the arguments contained in the aforementioned sections.

¶44 Barney also complains that he should not be held in contempt for Sadler's actions. However, the trial court found that Barney was directing Sadler's activities. The record supports this finding. Sadler testified that she is

[9] At the Illinois hearing, Barney stated that attorney Danner "is an unscrupulous, incompetent, and unethical lawyer, and he has the assistance of a crooked judge in the State of Wisconsin."

not a lawyer or paralegal but that she works at Barney's office and performs legal research on a number of cases, including Mabel's. Based on her testimony, the trial court could reasonably infer that Barney was directing Sadler's activities on Mabel's case. *See* ***St. Paul Fire & Marine Ins. Co. v. Burchard,*** 25 Wis. 2d 288, 293, 130 N.W.2d 866 (1964) (The trier of facts' reasonably drawn inference is generally an appropriate basis for an unassailable finding of fact.).

¶45 Next, Barney argues that he was not in contempt for failing to comply with a June 1998 order to produce his mother for a medical exam. The trial court found "[Mabel] was taken from the manor by [Barney], remained with [Barney] for several months, then with his associate since then, that [Barney] did have the control and was ordered to turn over [Mabel] [for a medical examination]." The court further found that Barney was represented by counsel, but no one moved the court to have the order modified or changed in any way, and that Barney therefore was in contempt for failing to have his mother available for the examination that was required by the guardianship petition.

¶46 Barney contends that the court's contempt finding was error because Mabel and Sadler, who was then the Illinois guardian, decided not to go to the exam. Implicit in the court's findings is a rejection of this defense. The court attributed Sadler's actions to Barney. The court was entitled to reject this explanation on the basis of credibility. *See* Wis. STAT. § 805.17(2). Also, if Barney could not have complied with the order, he was obligated to bring the matter to the court's attention. He did not do so. He therefore was never relieved from the order in some legally prescribed way. *See* ***Rose***, 171 Wis. 2d at 622-23.

¶47 Finally, Barney complains that he should not be held in contempt because the motion papers stated that the order requiring the exam was dated

February 20, 1998, but the court found him in contempt for failing to obey a June 8, 1998, order requiring an exam. We are unpersuaded. Barney fails to explain how the discrepancy in the dates prejudiced his defense. *See* WIS. STAT. § 805.18. Consequently, his argument is rejected.

By the Court.—Judgment and orders affirmed.

This opinion will not be published. *See* WIS. STAT. RULE 809.23(1)(b)5.