

**STATE OF WISCONSIN
JUDICIAL COMMISSION**



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RECEIVED

APR 17 2009

CLERK OF SUPREME COURT
OF WISCONSIN

April 17, 2009

David Schanker, Clerk
Wisconsin Supreme Court
110 East Main Street, Suite 215
Madison, WI 53701-1688

Re: WI Judicial Commission v. Michael J. Gableman, #2008AP002458-J

Dear Mr. Schanker:

We are herewith enclosing for filing our Motion to Compel Response to the Judicial Commission's Statement of Facts in the above matter. Copies have been served by mail on counsel.

Very truly yours,

James C. Alexander
Executive Director

JCA/llb
Enclosure

c: Attorney Eric McLeod
Attorney James Bopp, Jr.
Attorney Anita Woudenberg

IN THE SUPREME COURT
OF THE STATE OF WISCONSIN

FILED
APR 17 2009
CLERK OF SUPREME COURT
OF WISCONSIN

In the Matter of Judicial Disciplinary
Proceedings Against the
Honorable Michael J. Gableman

Wisconsin Judicial Commission,
Complainant

**Motion to Compel Response
to the Judicial Commission's
Statement of Facts**
Case No. 2008AP002458-J

v.

The Honorable Michael J. Gableman,
Respondent.

The Wisconsin Judicial Commission (Commission) by its attorney, James C. Alexander, moves the court as follows:

1. To compel Respondent to dispute or not the factual statements set forth in paragraphs 9B, 9C, 9D, 9E, and 9F of the Judicial Commission's Statement of Facts.

Respondent in his response to the above listed paragraphs in the Commission's Statement of Facts states that he disputes the characterization and relevance of these paragraphs "... to the extent they conflict with his proposed Statement of Facts...." This response is no response to the substance of the alleged facts. The Panel and the Commission are left to decipher exactly what the agreed and disputed facts are. The response to these paragraphs does nothing to narrow the factual dispute or facilitate the efficient administration of the case as was ordered by the Panel on January 13, 2009 and January 29, 2009.

Respondent further disputes the facts in paragraphs 9D, 9E, and 9F not because they are false but because the absence of other facts makes the paragraphs

misleading. This response does not address the substance of the alleged facts and does nothing to narrow the factual dispute as ordered by the Panel.

2. To compel the Respondent to dispute or not paragraphs 9P, 9Q, 10B, and 10C in the Judicial Commission's Statement of Facts.

In his response to the above paragraph, the Respondent alleges that he denies knowledge or information sufficient to form a belief as to their truth. By order dated January 29, 2009 the Panel ordered the Respondent to identify those facts that he contends are disputed. The Statement of Facts filed by each party are not intended to be additional pleadings but are submitted to identify and narrow the factual issues. Indeed, Respondent's Statement of Facts in paragraphs 8 and 13(b) indicate he has sufficient knowledge of the facts to dispute or not.

3. To deem the facts contained in paragraphs 7, 10D, and 10E of the Commission's Statement of Facts as undisputed.

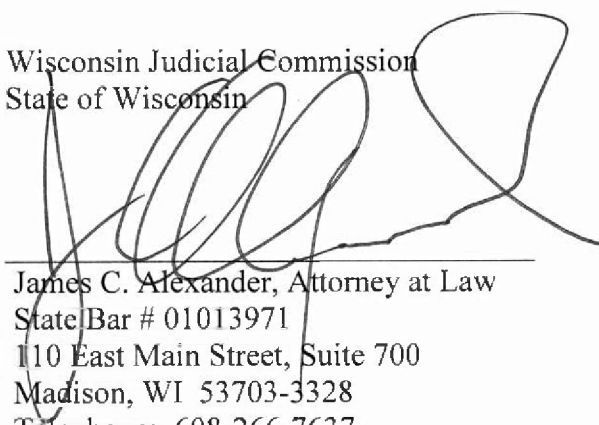
The Respondent makes no response to the substantive facts alleged in paragraph 7 of the Commission's Statement of Facts that the Commission found probable cause to believe that Judge Gableman willfully had violated SCR 60.06(3)(c), Wisconsin Code of Judicial Conduct. The response is merely that Judge Gableman disputes the existence of any factual or legal basis supporting that finding.

The Respondent makes no response at all to paragraphs 10D and 10E and, therefore, they are not disputed and should be deemed admitted by the Panel.

WHEREFORE, the Commission requests the Panel to enter an order requiring the Respondent to dispute or not the substantive factual allegations contained in paragraphs 9B, 9C, 9D, 9E, 9F, 9P, 9Q, 10B, and 10C of the Commission's Statement of Facts. The Commission also requests the Panel to enter an order that it deems paragraphs 7, 10B, and 10E of the Commission's Statement of Facts not disputed.

Dated this 17th day of April 2009

Wisconsin Judicial Commission
State of Wisconsin



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