Supreme Court of Wisconsin

NO. 2024AP2045-D OFFICE OF LAWYER REGULATION V. ANGELA W. DEBOSE

July 14, 2026

The Court, by its Commissioners, has entered the following order:

On June 17, 2026, this court issued an order vacating Referee L. Michael Tobin's March 6, 2025 report and remanding this matter to Referee Tobin for further proceedings on the Office of Lawyer Regulation's (OLR) disciplinary complaint against Attorney Angela W. DeBose.

On June 18, 2026, the OLR filed a "Motion for Substitution of Referee." The motion stated, in its entirety: "NOW COMES the Director of the Office of Lawyer Regulation, by Assistant Litigation Counsel John T. Payette, and moves for substitution of referee in this matter, pursuant to Wis. Stat. §§ 801.58(7) and 809.63."[1]

[1] WISCONSIN STAT. § 801.58(7) is a rule of civil procedure that provides a right to substitution of a trial judge when further circuit court proceedings are necessary after remand from an appellate court. WISCONSIN STAT. § (Rule) 809.63 is a rule of appellate procedure that provides that once this court takes jurisdiction of a matter, the rules governing procedures in the court of appeals apply here unless this court orders otherwise.

The reason for the OLR's citation to WIS. STAT. § (Rule) 809.63 is unclear. As noted, WIS. STAT. § 801.58(7) is a rule of civil procedure. WISCONSIN STAT. § (Rule) 809.63 does not import rules of civil procedure, such as § 801.58(7), into proceedings in this court; it imports court of appeals procedures.

We assume that the OLR intends to invoke SCR 22.16(1), which provides that "[t]he rules of civil procedure and evidence shall be followed" in proceedings before a referee. *See also In re Disciplinary Proceedings Against Kovac*, 2025 WI 41, ¶48, 417 Wis. 2d 576, 24 N.W.3d 579 (stating

On June 30, 2026, Attorney DeBose filed an opposition to the OLR's motion, citing, among other things, the "procedural inefficiencies" of appointing a substitute referee at this stage of the proceedings.

On July 6, 2026, Referee Tobin filed a document titled "Order for Substitution of Referee," purporting to grant the OLR's motion and requiring the clerk of this court to "request that the Court appoint a successor referee in this proceeding."

IT IS ORDERED that the clerk of this court shall take no action on Referee Tobin's "Order for Substitution of Referee." Referee Tobin's order regarding substitution is advisory only; it is ultimately up to the court to resolve a motion for substitution of a referee. *See* SCR 22.13(4)[2]; *see also In re Disciplinary Proceedings Against Marcus*, 98 Wis. 2d 258, 295 N.W.2d 752 (1980).

IT IS FURTHER ORDERED that the OLR shall file a reply to Attorney DeBose's response by July 24, 2026. The reply shall include a discussion of: (1) why WIS. STAT. § 801.58(7) should apply rather than the substitution procedure set forth in SCR 22.13(4); and (2) if the court determines that only SCR 22.13(4) applies, whether there is "good cause" for the substitution of the referee in this case.

Samuel A. Christensen
Clerk of Supreme Court

Distribution List:
L. Michael Tobin (U.S. Mail)
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that "a referee has the authority of a circuit court judge in a civil action pursuant to SCR 22.16(1), such that the general rules of civil procedure apply to disciplinary proceedings.")

[2] SCR 22.13(4) states that "[w]ithin 10 days after notice of appointment of the referee, the director and the respondent each may file with the supreme court a motion for substitution of the referee. The filing of the motion does not stay the proceedings before the referee unless ordered by the supreme court. One timely motion filed by the director and one timely motion filed by the respondent shall be granted as a matter of right. Additional motions shall be granted for good cause."