Supreme Court of Wisconsin

FILED
08-19-2026
CLERK OF WISCONSIN
SUPREME COURT

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

August 19, 2026

The Court has entered the following order:

On June 17, 2026, this court issued an order vacating a March 6, 2025 report filed by Referee L. Michael Tobin, which recommended that this court dismiss a disciplinary complaint filed by the Office of Lawyer Regulation (OLR) against Attorney Angela W. DeBose for failure to state a claim. The court remanded the matter to Referee Tobin for further proceedings.

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]

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[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 intended 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.

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 proceeding.

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."

On July 14, 2026, this court issued an order directing the clerk of court to take no action on Referee Tobin's order. The order explained that the referee's order was advisory only, as it is ultimately up to the court to resolve a motion for substitution of referee. The order also directed the OLR to file a reply to Attorney DeBose's June 30, 2026 response that would 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.

Also on July 14, 2026, Attorney DeBose filed a "Motion for Relief" from the court's June 17, 2026 order, with a supporting memorandum. That same day, Attorney DeBose filed a "Motion for Reconsideration and to Vacate [Referee Tobin's] Order Granting Substitution of Referee."

On July 21, 2026, the OLR filed a response to Attorney DeBose's "Motion for Relief," as well as a response to the court's questions posed in its July 14, 2026 order.

On July 31, 2026, Attorney DeBose filed a reply in support of her "Motion for Relief" from the court's June 17, 2026 order, an unsolicited reply to the OLR's response to this court's July 14, 2026 order, and a notice of supplemental authority regarding a May 20, 2026 order in *Washington v. United States*, No. 25-10872 (11th Circ. May 20, 2026).

Upon consideration of the foregoing,

IT IS ORDERED that the OLR's "Motion for Substitution of Referee" is denied. Supreme Court Rule 22.13(4) plainly applies here, leaving no justification for the OLR's attempt to import Wis. Stat. § 801.58(7) into this disciplinary proceeding. At this stage of the proceeding, SCR 22.13(4) requires that the OLR establish good cause for its substitution motion. The OLR has failed to do so. Contrary to its claim in its response to the court's July 14, 2026 order, the mere fact that Referee Tobin committed legal error in

his earlier report does not create the appearance of bias. On this record, no good cause exists for Referee Tobin's substitution.

IT IS FURTHER ORDERED that Attorney DeBose's "Motion for Reconsideration and to Vacate [Referee Tobin's] Order Granting Substitution of Referee" is dismissed as moot. As the court explained in its July 14, 2026 order, this submission by the referee was advisory only.

IT IS FURTHER ORDERED that Attorney DeBose's motion for relief from the court's June 17, 2026 order is denied. The court issued the order pursuant to SCR 22.17(2), which provides that "[i]f no appeal is timely filed," as occurred here, "the supreme court shall review the referee's report; adopt, reject or modify the referee's findings and conclusions or remand the matter to the referee for additional findings; and determine and impose appropriate discipline." Consistent with this rule, our June 14, 2026 order rejected Referee Tobin's conclusion that the OLR's disciplinary complaint failed to state a claim, and remanded the matter to Referee Tobin for further findings and recommendations. Nothing in Attorney DeBose's motion warrants a different outcome.

Samuel A. Christensen
Clerk of Supreme Court

Distribution List:
L. Michael Tobin (U.S. Mail)
John T. Payette (Intragovernmental Delivery)
Angela W. DeBose (U.S. Mail)