FILED

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CLERK OF SUPREME COURT
OF WISCONSIN

IN THE SUPREME COURT
OF THE STATE OF WISCONSIN

IN THE MATTER OF JUDICIAL
DISCIPLINARY PROCEEDINGS AGAINST
THE HONORABLE SCOTT C. WOLDT

CASE NO. 2026-AP-1772-J

WISCONSIN JUDICIAL COMMISSION,

Complainant,

v.

THE HONORABLE SCOTT C. WOLDT,

Respondent.

BRIEF IN SUPPORT OF THE HONORABLE SCOTT C. WOLDT'S MOTION FOR A MORE DEFINITE STATEMENT

The complaint filed by the Wisconsin Judicial Commission (the "Commission") alleges that the Honorable Scott C. Woldt ("Judge Woldt") committed multiple violations of the Wisconsin Code of Judicial Conduct. To meaningfully respond to these allegations, Judge Woldt must be able to determine what specific conduct is alleged to constitute each alleged violation so that he may accurately admit, deny, or otherwise respond. However, the complaint does not provide the necessary clarity and specificity for Judge Woldt to do that.

Although the complaint describes a series of separate events involving different individuals, it identifies numerous central participants only by initials. More importantly, when addressing the alleged violations themselves, the complaint broadly incorporates entire groups of factual allegations without identifying which specific acts or statements constitute the alleged violations. As a result, the complaint does not allow Judge Woldt to meaningfully and accurately

respond without speculating because it does not give sufficient notice of the facts and alleged misconduct at issue.

Fortunately, Wis. Stat. § 802.06(5) provides a mechanism to address precisely this problem. Where a pleading is "so vague or ambiguous that party cannot reasonably be required to frame a responsive pleading," the responding party may move for a more definite statement. Judge Woldt therefore respectfully requests that the Commission be required to replead the complaint to provide the necessary specifics so that he may meaningfully and accurately respond.

LEGAL STANDARD

Wis. Stat. § 802.06(5) provides:

> If a pleading to which a responsive pleading is permitted is **so vague or ambiguous that a party cannot reasonably be required to frame a responsive pleading**, the party may move for a more definite statement before interposing a responsive pleading. The motion shall point out the defects complained of and the details desired. If the motion is granted and the order of the court is not obeyed within 10 days after notice of the order or within such other time as the court may fix, the court may strike the pleading to which the motion was directed or make such order as it deems just.

(emphasis added). Thus, the relevant question is whether the complaint provides sufficient clarity for the responding party to reasonably frame an appropriate responsive pleading. Here, clarification is warranted because the Commission seeks findings of specific willful misconduct while leaving Judge Woldt uncertain as to the identity of certain participants and, more importantly, the precise conduct alleged to establish each violation.

ARGUMENT

I. THE COMPLAINT NEEDS TO IDENTIFY THE INDIVIDUALS WHOSE ALLEGED INTERACTIONS FORM THE BASIS OF THE ALLEGED VIOLATIONS.

Throughout the complaint, the Commission identifies individuals who are central to the allegations solely by their initials. These initials include "L.H.," "N.M.," "M.G.," "M.L.," "J.L." and "M.B." *See* Compl. The identity of these individuals is not collateral to the allegations. Rather, their alleged interactions with Judge Woldt form the factual basis for the entire complaint. Therefore, while Judge Woldt may be able to determine by surmise, guessing or speculation as who these individuals are, he needs to be certain so that he can accurately admit, deny, or otherwise respond to the allegations concerning particular conversations and interactions. Otherwise, Judge Woldt is at a significant risk of responding inaccurately.

In addition, we seen no need for the coyness of the complaint. Why are the identities of the several claimed witnesses shielded? If, as the complaint would suggest, their knowledge is central to the claims against Judge Woldt, will they not be required to testify at a public hearing on the claims asserted? There is no reason for Judge Woldt to be subjected to even the slightest of uncertainty about the allegations against him or the witnesses supposedly supporting them given the need of those witnesses to testify.

Judge Woldt therefore requests that the Commission provide the full names of the individuals presently identified only by their initials.

II. THE COMPLAINT DOES NOT IDENTIFY THE PARTICULAR CONDUCT ALLEGED TO CONSTITUTE EACH VIOLATION.

A significant ambiguity concerns the relationship between the factual allegations and the specific violations charged. The complaint describes several distinct episodes. Paragraphs 12 and 13 concerns Judge Woldt's appearance on the "Eye on Oshkosh" program. *See* Compl.

¶¶ 12-13. Paragraphs 14 through 21 concern separate interactions with three attorneys *Id.* ¶¶ 14-21. Paragraphs 22 through 26 concern conduct during a civil commitment proceeding. *Id.* ¶¶ 22-26.

Yet, the Commission does not identify which particular conduct allegedly violates which rule. Instead, paragraph 27 alleges that all conduct described in paragraphs 12 through 26 constitutes willful violations of SCR 60.03(1). Paragraph 28 incorporates the same fifteen paragraphs and alleges that the same collective conduct constitutes willful violations of SCR 60.02. Paragraphs 29 and 30 collectively incorporate paragraphs 22 through 26 as the basis for two additional violations, while paragraph 31 incorporates paragraphs 12 through 21 as another violation.

This method of pleading leaves Judge Woldt to determine for himself which particular statement, act, or interaction the Commission contends satisfies each alleged violation. The ambiguity is particularly consequential in a disciplinary proceeding alleging **willful** violations of the Code of Judicial Conduct.

Judge Woldt cannot meaningfully admit or deny any alleged willful violation without knowing what specific conduct the Commission contends constitutes that violation. Nor should Judge Woldt be required to guess which portions of the multi-paragraph factual narrative the Commission intends to rely upon to establish the elements of each charge. Consequently, Judge Woldt seeks identification of the specific conduct that the Commission alleges constitutes each charged violation. Wis. Stat. § 802.06(5) permits such a clarification.

III. THE ALLEGATIONS CONCERNING THE J.L. MATTER REQUIRE FURTHER CLARIFICATION.

Paragraphs 22 through 26 describe a civil commitment hearing that occurred in June 2023. The Complaint alleges that no interpreter was requested or utilized, that Dr. M.B. stood when

Judge Woldt entered the courtroom, and that Judge Woldt asked Dr. M.B. whether she understood English and had any difficulties hearing before directing her to stand when instructed by the bailiff. *See* Compl. ¶¶ 23-26. The complaint does not identify what aspect of this interaction constitutes the alleged misconduct -- all of it? Some of it? If only some of it, which portions?

It is unclear whether the Commission contends that misconduct arose from Judge Woldt's inquiry concerning Dr. M.B.'s understanding of English, his inquiry into hearing difficulties, his direction concerning compliance with the bailiff's instruction, some combination of those statements, or some other aspect of the interaction.

The distinction matters because the Commission subsequently alleges that paragraphs 22 through 26 constitute willful violations of both SCR 60.04(1)(d) concerning patience, dignity, and courtesy toward persons with whom a judicial official deals in an official capacity, and SCR 60.04(1)(e) concerning bias or prejudice. Judge Woldt should not be required to infer the Commission's theory of misconduct from general factual narrative. A more definite statement is needed to identify the particular conduct alleged to constitute each violation.

CONCLUSION

The Commission has commenced a disciplinary proceeding seeking findings that Judge Woldt willfully violated multiple provisions of the Wisconsin Code of Judicial Conduct. Judge Woldt is entitled to know with reasonable certainty who is involved, what conduct is alleged to constitute misconduct, and which specific conduct forms the basis for each charged violation before he is required to frame a responsive pleading.

Judge Woldt therefore respectfully requests that the Court grant his motion and require the Commission to: (1) identify the individuals presently referred to only by initials; (2) identify the

particular conduct alleged to constitute each violation; and (3) clarify the particular conduct alleged to constitute misconduct in the J.L matter by way of an amended complaint.

Dated at Milwaukee, Wisconsin, this 16th day of September 2026.

von BRIESEN & ROPER, s.c.
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The Honorable Scott C. Woldt

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