

FILED**APR 30, 2021****STATE OF WISCONSIN SUPREME COURT****CLERK OF SUPREME COURT
OF WISCONSIN****IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST DONALD J PETERSON, ATTORNEY AT LAW****Sup. Ct. Case No. 2005AP2490-D****OFFICE OF LAWYER REGULATION**

Complainant,**DONALD J. PETERSON,****Petitioner.**

REVISED ORDER FOLLOWING SCHEDULING CONFERENCE

On January 21, 2021, a telephonic scheduling conference was held in this matter pursuant to SCR 22.15. The Office of Lawyer Regulation (OLR) appeared by Attorney Jonathan E. Hendrix. The Petitioner, Donald J. Peterson, appeared in person. Previously, three informal progress conferences were held (September 3, 2020, October 15, 2020, December 10, 2020) while the parties waited for completion of the Office of Lawyer Regulation's investigation. At this conference, a hearing was scheduled for April 16, 2021.

On April 12, 2021, the OLR submitted its hearing exhibits, which included a psychological report from an independent medical examiner. Based on this report, the OLR stated in a letter dated April 13, 2021, it was taking the position that OLR could not recommend Attorney Peterson for reinstatement. Because this appeared to be a significant departure from this referee's and Mr. Peterson's previous understanding of OLR's position on the matter, Mr. Peterson's unopposed motion for a postponement was granted.

On April 22, 2021, another telephonic scheduling conference was held. The OLR again appeared by Attorney Hendrix and the Petitioner appeared in person.

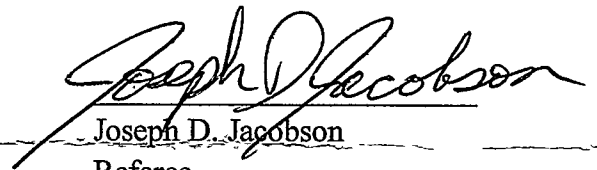
Based upon the statements, discussions, and arguments that occurred during these progress conferences and the telephonic scheduling conference,

IT IS ORDERED;

- (1) The hearing in this matter will commence on June 18, 2021 at 10:00 a.m. at a location to be determined and secured by mutual cooperation of the parties. Once the location is secured, the time, date, and location will be publicized by the Office of Lawyer Regulation, pursuant to SCR 22.30.
- (2) The Office of Lawyer Regulation will submit any addendums to its response to Mr. Peterson's petition for reinstatement no later than May 21, 2021.
- (3) The parties will cooperate in obtaining an updated report from the Board of Bar Examiners regarding Mr. Peterson's compliance with attendance and reporting requirements necessary for reinstatement to the State Bar.
- (4) The complainant shall file a list of witnesses on or before May 21, 2021. The petitioner shall file his list of witnesses on or before May 28, 2021.
- (5) The discovery deadline and deadline for any pre-hearing dispositive motions is June 4, 2021.
- (6) On or before June 10, 2021, each party shall file with the Referee a complete marked copy of all exhibits to be used at the hearing. OLR's exhibits shall be marked beginning with Exhibit 1. Petitioner's exhibits shall be marked beginning with exhibit 500. Each party shall place their exhibits in a 3-ring binder in chronological order and supply both the Referee and opposing counsel with a binder containing copies of all exhibits. In the alternative, the parties may agree upon a joint exhibit presentation, which shall be marked and placed in a binder. NOTE: This referee is already in possession of the original binder and exhibits submitted prior to the originally scheduled hearing. Only updated or additional exhibits, along with an updated exhibit list, need be submitted under this paragraph.
- (7) Any pre-hearing motions shall be in writing. The moving party shall arrange for a three-way telephonic conference at which time the motion will be heard. Opposing counsel (or party) and the Referee should be consulted in advance as to an acceptable date and time for the telephonic conference.

- (8) Hearing briefs are optional but are due on or before June 10, 2021.
- (9) The scheduling conference is adjourned until 3:00 p.m. on June 10, 2021, at which time a final telephonic scheduling conference shall take place.
- (10) Telephonic conferences in this case will not be recorded unless a written request is made by a party.
- (11) The parties are reminded that the Referee will make a recommendation based upon the record and that he will not be aware of prior discipline, other pending matters, or other evidence, unless presented as part of this case. Also, the parties are reminded to verbally highlight, during the hearing, relevant portions of lengthy exhibits or depositions which they wish to bring to the attention of the Referee.
- (12) The parties are reminded of the need to file all original documents and correspondence with the Supreme Court, with the copies to the Referee and opposing counsel (or party). Also, each party shall provide the Referee and opposing counsel with copies by way of e-mail (with attachments) followed by copies by way of U.S. Mail.

Dated at Madison, Wisconsin, this 25th day of April, 2021


Joseph D. Jacobson
Referee