

STATE OF WISCONSININ SUPREME COURT

In the Matter of Disciplinary Proceedings
Against **Thomas R. Napierala**, Attorney at Law

Case No. 23AP2278-D

The Hon. Jean DiMotto having requested to withdraw from this disciplinary proceeding and will prevent her from continuing to serve as the referee;

IT IS ORDERED that the request is granted.

IT IS FURTHER ORDERED that pursuant to SCR 22.13(3), the Michael Tobin is appointed successor referee in the above matter.

IT IS FURTHER ORDERED that the originals of all papers and pleadings in the above matter shall be filed with the Clerk of the Supreme Court, and copies shall be served on the referee pursuant to SCR 22.13(5). If the referee nonetheless receives the original of any paper or pleading from a party, the referee shall immediately return the original paper or pleading to the party for filing with the Clerk of the Supreme Court or shall forward the original paper or pleading to the Clerk of the Supreme Court for filing, and shall keep a copy for himself/herself. The referee shall also immediately file with the Clerk of the Supreme Court the original of any order or paper generated by the referee. The referee shall not retain originals of any paper or pleading for any purpose. For purposes of this order and SCR 22.13(5), the terms “paper[s]” and “pleading[s]” shall be construed broadly and shall include, without limitation, amended complaints, answers (initial or amended), motions, responses, briefs, memoranda, correspondence, exhibits, transcripts, and similar documents. The terms “paper[s]” and “pleading[s]” shall not include correspondence or discovery materials exchanged between the parties, a courtesy copy of which is sent to the referee (unless the correspondence or discovery material is filed in connection with a motion or marked as an exhibit at a hearing).

IT IS FURTHER ORDERED that the referee shall ensure that a complete and organized record of the hearing in this matter is created and filed with the Clerk of the Supreme Court. The hearing record shall contain all original hearing transcripts, all original exhibits marked or identified at the hearing, whether or not received into evidence, and a completed Exhibit List on Forms GF-102 and GF-103 (blank copies attached) showing which exhibits were offered, received, withdrawn, or denied. (The stipulation and order for return of exhibits on Form GF-102 shall not be used). The hearing-related record shall be filed with the Clerk of the Supreme Court prior to or simultaneously with the filing of the referee’s report and recommendation in this matter.

IT IS FURTHER ORDERED that the referee’s working file, except for any notes that the referee might have created in the course of the disciplinary proceeding,

shall be filed prior to or simultaneously with the filing of the referee's report and recommendation in this matter. The referee's working file shall not be made a part of the public case record in this disciplinary proceeding and shall not be made available for review by the parties or the public, except when specifically ordered by the Supreme Court. The referee's working file shall be maintained by the Clerk of the Supreme Court.

Dated at Madison, Wisconsin, this 29th day of January, 2024.



Annette Kingsland Ziegler
Chief Justice

cc: Office of Lawyer Regulation

Thomas R. Napierala

Michael Crooks

Kim M. Kluck

Francis X. Sullivan

Hon. Jean DiMotto

Michael Tobin