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June 25, 2025

To:

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You are hereby notified that the Court has entered the following order:

No. 2024AP1511-D

Office of Lawyer Regulation v. Peter J. Kovac

This matter is before the court following referee L. Michael Tobin's January 14, 2025 report and recommendation, in which he concluded that Attorney Kovac was in default for failing to answer the Office of Lawyer Regulation (OLR)'s complaint and failing to respond to its motion for default judgment. Attorney Kovac previously filed an untimely notice of appeal, which the OLR moved to dismiss. By order dated April 10, 2025, this court dismissed the untimely appeal and ordered that this matter would proceed for review under SCR 22.17(2).

On April 30, 2025, Attorney Kovac filed a document captioned "Motion to Reinstitute Regular Appellate Procedures on Account of Medical Disability," asking that "the appeal be reinstated in the interests of justice and compassion" and asserting that he suffers from various medical conditions that interfered with his ability to "compile all the information needed for this appeal and draft the necessary responses." Relatedly, Attorney Kovac filed a separate one-page motion on May 6, 2025 to "Remand to the Referee on Account of Medical Disability." Attorney Kovac argues that a remand to the referee is proper because the referee's report was not based on "complete and accurate" information. This motion also describes certain medical conditions that Attorney Kovac is suffering. The same day, Attorney Kovac filed a document captioned "Corrected Motion to Reinstitute Regular Appellate Procedures on Account of Medical Disability," making corrections to certain dates listed in the original motion.

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The OLR filed responses opposing both motions, including an affidavit and accompanying exhibits. The OLR argues that Attorney Kovac has a long history of dilatory behavior in this case and previous disciplinary proceedings. The OLR argues that the referee repeatedly extended deadlines for answering its complaint and responding to its motion for default judgment and that Attorney Kovac simply ignored those deadlines. As to the medical concerns raised by Attorney Kovac, the OLR notes that Attorney Kovac raised those same issues before the referee but also stated, in no uncertain terms, in an email to the referee: “None of these maladies impair my ability to respond to the current OLR complaint.” The OLR argues that Attorney Kovac has had numerous opportunities to meaningfully join issue in this case and has not taken advantage of them and that his current requests are “unreasonable” and come a month after the court denied his initial request to reinstate his appellate rights in this matter. The OLR also argues that Attorney Kovac’s motions “are substantively baseless.”

Following the filing of the OLR’s response, on May 14, 2025, Attorney Kovac submitted an unattested “physician statement,” indicating that Attorney Kovac is under medical care and stating: “Please excuse him for time off due to a medical concern. We are working to adjust his care so he can resume daily living as he was previously able.” The “physician statement” was provided in response to correspondence by Attorney Kovac requesting his medical provider to “explain[] my condition” and verify that he has been “experiencing medical problems that prevented [him] from doing legal work.” The “physician statement,” dated May 13, 2025, only vaguely references one of the conditions from which Attorney Kovac alleges to be suffering and does not indicate a timeframe for his condition.

The court notes that Attorney Kovac filings do not allege that he was or is suffering from a “medical incapacity,” as defined in SCR 22.001(8), at any point during this matter. Likewise, Attorney Kovac did not assert medical incapacity before the referee or assert that such incapacity “makes the defense of the proceeding impossible.” *See* SCR 22.16(4)(a)-(d). Further, the court notes that Attorney Kovac’s May 6, 2025 “Corrected Motion to Reinstitute Regular Appellate Procedures on Account of Medical Disability” refers to an injury from which he was suffering in March 2025—after Attorney Kovac’s notice of appeal was due. As indicated, the referee’s report was issued in this case on January 14, 2025. Pursuant to SCR 22.17(1), an appeal must be filed within 20 days of the filing of the report. Attorney Kovac did not do so and instead filed an untimely notice of appeal on February 14, 2025. Attorney Kovac’s recent filings, and unattested assertions contained therein, do not identify any specific, medically verified condition from which he was suffering that rendered him unable to timely file a notice of appeal by February 3, 2025, or that prevented him from participating in the proceeding before the referee.

Having considered Attorney Kovac’s filings, the OLR’s response thereto, and the other documents of record in this matter,

IT IS ORDERED that Attorney Kovac’s motions are denied and the court’s opinion in this matter will issue in due course pursuant to SCR 22.17(2); and

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IT IS FURTHER ORDERED that the court will not entertain any additional motions by Attorney Kovac to reinstate his appellate rights, supplement the record, or otherwise delay disposition of this matter.

Samuel A. Christensen
Clerk of Supreme Court