

SUPREME COURT OF WISCONSIN  
OFFICE OF LAWYER REGULATION

---

Public Reprimand With Consent

2013-OLR-4

RONALD C. SHIKORA,  
Attorney at Law

---

The Respondent, Ronald C. Shikora, 69, practices in Milwaukee, Wisconsin. This reprimand is based on the following conduct.

In June 2010, D.C. was charged with felony child abuse. She hired Attorney Shikora to represent her. D.C. intended to offer an alibi defense. Since 2006, Wis. Stat. § 971.23(8) requires the defendant to give the State thirty-days' notice. Attorney Shikora filed the notice of alibi on October 18, 2010, sixteen days before trial. The notice of alibi identified two defense witnesses. On November 3, 2010, the first day of trial, the Assistant District Attorney (ADA) moved to strike the alibi witnesses on the grounds that the notice was not filed 30 days before trial. The court granted the motion and the two witnesses were excluded.

Also on November 3, 2010, the court sequestered witnesses. Attorney Shikora was in court when the court advised counsel that a sequestration order applied to a third defense witness, D.T. The court also advised D.T. specifically that he was not to talk about his testimony with anyone until directed by the court.

After the ADA's opening statement and outside the presence of the jury, the court considered evidentiary matters, including admission of a 911 call made by L.C. and admission of a medical report prepared by Dr. Q.

Attorney Shikora responded to the ADA's request to present a tape recording of L.C.'s 911 call by asserting, "Well, I'm going to object to any testimony by [L.C.] on the grounds that he was not named yesterday – yesterday as a witness. Secondly, the alleged call I have never seen that, and, therefore, I am objecting to any of that type of testimony."

The ADA responded by asserting that the recording had been provided on October 1<sup>st</sup>. The following colloquy occurred on the record:

THE COURT: Mr. Shikora, you have some disks on your table, and I'd ask you to, please, review those to determine what they are labelled.

ATTORNEY SHIKORA: No.

THE COURT: [ADA], if you would like to check the diskettes. As to your understanding, there is a call on one of those diskettes?

[ADA]: I believe the call is right here.

THE COURT: Has two different numbers or phone calls to this residence. I thank that disk would be those calls. I think the officer can verify it.

THE WITNESS: Yeah, I can verify it by seeing the copies.

THE COURT: Officer [C] is reviewing the diskette with defense and counsel to verify which diskette is, in fact, the 9-1-1 disk.

ATTORNEY SHIKORA: I believe it should be this one.

THE COURT: Mr. Shikora, did you play those diskettes?

ATTORNEY SHIKORA: We played all of them. I do not recall any— anyone from [L.C.] do you?

THE DEFENDANT: No.

[ADA]: Perhaps we could check them on a computer right now.

THE COURT: I would suggest—Are you going to be playing it yet this morning, because you're going to need—

[ADA]: I'll need the equipment.

THE COURT: And you need to have the transcripts prepared.

[ADA]: I can wait till after lunch.

THE COURT: Over the lunch hour, the two lawyers can meet and can, in fact, go over and listen to that diskette once again so Mr. Shikora is satisfied that, in fact, that is the 9-1-1 call.

Later that day, the diskette of the 911 call from L.C. was admitted into evidence without objection. Attorney Shikora asserted during the investigation that he had received and listened to the tape, but did not recall why he asserted to the court that he had never seen the call, noting however that there was more than one 911 call relating to the case. He did not provide

documentation of his review of the call. D.C. told OLR that Attorney Shikora had not shown her the 911 call before trial.

After the Court considered the 911 call, Attorney Shikora objected to the admission of Dr. Q's medical report. During the ADA's opening statement, he had informed the jury that they would hear testimony from Dr. Q. The ADA had identified Dr. Q, related the date of her assessment, and quoted from her report.

The transcript states:

ATTORNEY SHIKORA: One other issue. I'm going to object to any evidence by Dr. – is it Win?

[ADA]: Quinn.

ATTORNEY SHIKORA: I have never gotten a report or copy of a report that counsel referred to in his opening statement.

THE COURT: Well, I'll let the State respond. My guess is that she did not do a report, but I could be mistaken.

[ADA]: No, she did a report. It was turned over with our police packets and should have been part of the discovery that was turned over to defense originally with all the police reports.

THE COURT: Why don't you take a look at your discovery.

[ADA]: Towards the very end. The report's there.

ATTORNEY SHIKORA: Oh, it's this one. Okay.

THE COURT: Mr. Shikora and [ADA], can I see you in chambers, please?

(Discussion in chambers off the record.)

(Proceedings held in open court outside the presence of the jury.)

ATTORNEY SHIKORA: We're ready to proceed, Your Honor.

During the exchange, the ADA asked to see Attorney Shikora's file and found the records in Attorney Shikora's file. Immediately, the court held an in-chamber conference out of concern for Attorney Shikora's trial preparation, noting that D.C. appeared very concerned.

Attorney Shikora and D.C. met in a conference room, where the discussion was heated. After the meeting, Attorney Shikora informed the court that D.C. wished to proceed with the

trial. D.C. later informed OLR that she asked Attorney Shikora whether she could obtain another lawyer, and that Attorney Shikora told her “no.”

OLR asked Attorney Shikora why he would not have recognized that the ADA was referring to the report in his file, whether he had reviewed the doctor’s report before trial and to provide any records he had documenting his review, and why he would have thought there might have been any other report on the matter. Attorney Shikora responded that he did not recognize the name of the doctor, that he had read the report on the dates his time sheet showed he reviewed discovery, and that he thought there might be another report because he did not recognize the doctor’s name. He did not provide the time sheets or other documentation of his review of the doctor’s report. D.C. told OLR that Attorney Shikora had not shown her the doctor’s report before trial.

On November 5, 2010, as the trial continued, the ADA observed Attorney Shikora talking with D.T., a defense witness, in the presence of D.C. The ADA heard Attorney Shikora say, “You can’t testify to that, only he can.” The ADA moved to strike the witness’ testimony based upon violation of the sequestration order, which motion was granted. While he acknowledged to OLR that he spoke to D.T. in the presence of his client, Attorney Shikora asserted that he did not believe that witness was subject to the sequestration order.

The result of Attorney Shikora’s failure to provide timely notice of alibi and his violation of the sequestration order was the exclusion of the testimony of three defense witnesses. On November 5, 2010, the jury returned a guilty verdict. On March 21, 2011, D.C. was sentenced to 6 years in prison with confinement of 18 months and extended supervision for 4.5 years.

By failing to provide timely notice of alibi, resulting in a ruling that the defense could not be presented at trial; by violating the trial judge’s sequestration order, resulting in the exclusion

of a favorable defense witness' testimony; and by failing to adequately prepare for trial, evident in his unfamiliarity with principal evidence being offered by the prosecution, Attorney Shikora failed to provide competent representation in violation of SCR 20:1.1.

By discussing the testimony of D. T. in the presence of his client, knowing of the trial judge's sequestration order, Attorney Shikora knowingly disobeyed an obligation under the rules of a tribunal in violation of SCR 20:3.4(c).

In 2003, Attorney Shikora received a private reprimand.

In accordance with SCR 22.09(3), Attorney Ronald C. Shikora is hereby publicly reprimanded.

Dated this 24th day of January, 2013.

SUPREME COURT OF WISCONSIN

/s/  
Honorable Lisa Goldman, Referee