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August 2, 2022

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Via email: Timothy.Samuelson@wicourts.gov

Clerk of Courts
Wisconsin Supreme Court
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Via email: sheila.reiff@wicourts.gov

Attn.: Chief Justice Annette Kingsland Ziegler
Justice Ann Walsh Bradley
Justice Patience D. Roggensack
Justice Rebecca Grassl Bradley
Justice Rebecca Frank Dallet
Justice Brian Hagedorn
Justice Jill J. Karofsky

Re: Grievance(s) against Attorney Michael Gableman

Dear Director Samuelson and Justices of the Wisconsin Supreme Court:

The purpose of this letter is to request that either the Director of the Office of Lawyer Regulation or the Supreme Court of its own volition pursuant to Supreme Court Rule (SCR) 22.21(1) bring a motion before the court to temporarily suspend Attorney Gableman's license to practice law in Wisconsin as it appears that Mr. Gableman's continued practice of law poses a clear and present ongoing threat to the interests of the public and the administration of justice.

Specifically, since the filing of my grievance against Mr. Gableman on July 21, 2022, (copy attached) just 12 (twelve) days ago, Mr. Gableman has continued to violate the laws of the State of Wisconsin and therefore his Attorney's Oath in the following respects:

1. The Washington Post on August 2, 2022, published an article in which it is revealed that Attorney Gableman has been pursuing decertification of the 2020 Wisconsin presidential vote outcome despite *his own admission in writing* that decertification was "a practical impossibility" and in direct contradiction of his published March 1, 2022 report calling for decertification. This is *clear and irrefutable evidence* that Attorney Gableman "knowingly advanced a claim or defense that is unwarranted under existing law" on March 1, 2022 when he wrote: "Thus it is clear that the Wisconsin Legislature (acting without the concurrence of the Governor, *see supra*), could decertify the certified electors in the 2020 presidential election."

"The truth was admitted by Gableman in his newly revealed Memorandum: "While decertification of the 2020 presidential election is theoretically possible, it is unprecedented and raises numerous substantial constitutional issues that would be difficult to resolve.

Thus, the legal obstacles to its accomplishment render such an outcome a practical impossibility,” Gableman wrote in a memo to Assembly Speaker Robin Vos.”

<https://www.washingtonpost.com/politics/2022/08/02/wisconsin-trump-decertify-biden-2020/>

2. On July 28, 2022, Dane County Circuit Court Judge Valerie Bailey-Rihn imposed a \$98,000 fine on Gableman for his reckless disregard of the laws relating to the maintenance of records under Wisconsin’s Open Records laws. Vos and Gableman were found to be in contempt of court for refusing to comply with the state's open records law. Quoting Judge Bailey-Rihn in reference to Gableman: “We have absolutely found out from this case, at least my case, that there was absolutely no evidence of election fraud,” said Bailey-Rihn. “We have also found out that apparently the Assembly and some of the leaders of the people of the state believe that they have no obligation to comply with the open records law.”

<https://www.wpr.org/wisconsin-taxpayers-will-pay-attorney-fees-election-review-records-lawsuit>.

“I guess what we found out from this long and torturous road is that, at least for the first part of this investigation, there was no actual work being done,” Bailey-Rihn said. “The taxpayers were paying \$11,000 for somebody to sit at the New Berlin library to learn about election law because they had no experience in election law.”

<https://www.jsonline.com/story/news/politics/2022/08/01/wisconsin-taxpayers-legal-tab-grows-163-000-gableman-cases/10203210002/>

3. On August 1, 2022, “Dane County Judge Frank Remington ruled that former Supreme Court Justice Michael Gableman was responsible for paying \$163,000 in attorneys fees for American Oversight, a liberal group that has repeatedly sued Gableman and Assembly Republicans over request for records.”

<https://www.jsonline.com/story/news/politics/2022/08/01/wisconsin-taxpayers-legal-tab-grows-163-000-gableman-cases/10203210002/>

Additionally, I have discovered since July 21, 2022, that Gableman actively encouraged another individual to engage in the unauthorized practice of law without a law license in Wisconsin.

On February 16, 2022, Gableman sent Clint Lancaster to conduct a deposition of a Kenosha County official. The deposition transcript notes for Appearances: “Special Counsel to the Wisconsin Assembly, by Mr. Clint Lancaster.” Mr. Lancaster is not licensed to practice law in the State of Wisconsin. Mr. Gableman IS licensed to practice law in the State of Wisconsin. SCR 20:8.4 Misconduct states in relevant part:

“It is professional misconduct for a lawyer to: (a) violate or attempt to violate the Rules of Professional Conduct, *knowingly assist or induce another to do so, or do so through the acts of another*; * * * (f) *violate a statute, supreme court rule, supreme court order or supreme court decision regulating the conduct of lawyers*; (g) *violate the attorney's oath*.”

Attorney Charbogian knew that it is unlawful for an unlicensed attorney to actively engage in the practice of law in Wisconsin and would have no part of aiding or assisting in the unauthorized practice of law. Gableman, on the other hand, HIRED this unlicensed individual and put him to the task of questioning a witness during a deposition. The fact that Gableman and Lancaster deny that conducting a deposition is engaging in the practice of law in Wisconsin is dumbfounding, especially given the fact of having *just been advised* by Attorney Lancaster that the Ethics Counsel of the Wisconsin State Bar had opined that conducting a deposition is in fact engaging in the practice of law. The transcript reveals:

“MR. LANCASTER: So I have consulted with the Special Counsel, and he and I both disagree with what you perceive to be required to conduct this interview, recorded thing, whatever. But we know -- I cannot admit that I am licensed to practice law in Wisconsin because I am not. I don't believe that I have to be to conduct this, but we don't want to offend the sensibilities and interrupt the nature of the good cooperation we've have with Kenosha, so the Special Counsel will be here in about 20 minutes and he will conduct your interview. That doesn't seem to be remarkably satisfying to you, Bryan. Look, if you want to report me to whoever you want to report me to, I could care less.”

* * *

“MR. LANCASTER: Sure. Let me say this. If you feel compelled or the need to report me to your licensing authority in Wisconsin, you are not going to offend me, okay? I'm not going to be like: Let's go find out where Bryan lives so I can throw eggs at his windshield or his wife's car or whatever. I'm not that kind of person.

<https://www.documentcloud.org/documents/22053647-kenosha-transcript>

Attorney Gableman clearly has no understanding of or appreciation for conducting himself and his hires within the bounds of the rules governing the conduct of attorneys in Wisconsin. With each passing day, his continued licensure allows him to remain in the position of Special Counsel in which he has continued to violate the following Supreme Court Rules governing the conduct of attorneys:

SCR 20:3.1 Meritorious claims and contentions
SCR 20:3.3 Candor toward the tribunal
SCR 20:4.1 Truthfulness in statements to others
SCR 20:4.2 Communication with person represented by counsel
SCR 20:8.2 Judicial and legal officials
SCR 20:8.4 Misconduct

The fact that Mr. Gableman's conduct mirrors and is patterned on similar conduct by former President Trump's personal counsel, Rudy Giuliani, should not be lost on OLR or the court. Mr. Giuliani engaged in virtually identical conduct as that complained of herein by Mr. Gableman.

In New York: The New York State appellate court temporarily suspended Mr. Giuliani's law license on the recommendation of a disciplinary committee after finding he had sought to mislead judges, lawmakers and the public as he helped shepherd Mr. Trump's legal challenge to the election results. For months, Mr. Giuliani, who was Mr. Trump's personal lawyer, had argued without merit that the vote had been rife with fraud and that voting machines had been rigged.

<https://www.nytimes.com/2021/06/24/nyregion/giuliani-law-license-suspended-trump.html>

PER CURIAM

The Attorney Grievance Committee moves for an order, pursuant to Judiciary Law §90(2) and the Rules for Attorney Disciplinary Matters (22 NYCRR) §1240.9(a)(5), immediately suspending respondent from the practice of law based upon claimed violations of rules 3.3(a); 4.1; 8.4(c) and 8.4(h) of the Rules of Professional Conduct (22 NYCRR 1200.0) (Rules of Conduct or RPC). Respondent was admitted to practice as an attorney and counselor at law in the State of New York on June 25, 1969, under the name Rudolph William Giuliani. He maintains a law office within the First Judicial Department. For the reasons that follow, we conclude that there is uncontroverted evidence that respondent communicated demonstrably false and misleading statements to courts, lawmakers and the public at large in his capacity as lawyer for former President Donald J. Trump and the Trump campaign in connection with Trump's failed effort at reelection in 2020. These false statements were made to improperly bolster respondent's narrative that due to widespread voter fraud, victory in the 2020 United States presidential election was stolen from his client. ***We conclude that respondent's conduct immediately threatens the public interest and warrants interim suspension from the practice of law, pending further proceedings*** before the Attorney Grievance."

[https://www.nycourts.gov/courts/ad1/calendar/List_Word/2021/06_Jun/24/PDF/Matter%20of%20Giuliani%20\(2021-00506\)%20PC.pdf](https://www.nycourts.gov/courts/ad1/calendar/List_Word/2021/06_Jun/24/PDF/Matter%20of%20Giuliani%20(2021-00506)%20PC.pdf)

A day after the ruling, disciplinary counsel in D.C. recommended suspending Giuliani's license in D.C. until the New York case is resolved. On Wednesday the D.C. Court of Appeals agreed.

Neither decision is final, but disciplinary proceedings can last for years and could ultimately lead to sanctions including stripping an attorney of their law license. The New York committee found that an interim suspension was warranted because Giuliani's conduct "immediately threatens the public interest."

https://www.washingtonpost.com/local/legal-issues/giuliani-washington-court/2021/07/07/9f7a7f5c-df6a-11eb-9f54-7eee10b5fcd2_story.html

Attorney Michael Gableman poses an ongoing and continuing threat to the administration of justice in Wisconsin. Either the OLR or the Court of its own volition *sua sponte* should bring a motion before the court to temporarily suspend Attorney Gableman's license to practice law in Wisconsin pending the outcome of Judge Remington's grievance against him.

Very truly yours,

/s/ Kevin M. Kelsay
Kevin M. Kelsay

c w/encl.: Michael Gableman via email: Coms@wispecialcounsel.org