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December 29, 2025

SENT VIA HAND DELIVERY

Samuel Christensen
Clerk of Supreme Court
110 E. Main St., Suite 215
P.O. Box 1688
Madison, WI 53701-1688

Re: Due Process Problems in *Disciplinary Proceedings Against Gableman*
(Case No. 24-AP2356-D)

Dear Chief Justice & Justices:

Given that two justices have denied strong recusal motions in this matter, our client has asked us to convey that this proceeding doesn't comport with due process. *See generally Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009). To quote Justice Dallet's denial order: "What remains is for this court to review the referee's legal conclusions and determine whether the recommended sanction is appropriate." That's no small matter, and it requires unbiased judgment. This Court should seriously consider whether it can provide due process.

Our client has also asked that we remind this Court that he stipulated only that "he cannot successfully defend" against OLR. As the Court knows, the "cannot successfully defend" language is standard boilerplate that many, *many* attorneys have agreed to over the years, given the high costs of defending against an OLR complaint (including substantial costs this Court may impose at the end of an OLR proceeding). In this instance, OLR's original position was that our client shouldn't have the benefit of the "cannot successfully defend" language, but our client successfully insisted on it. That should count for something.

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Referee Winiarski and Attorney Schott will be served this day via e-mail, with the paper copies following by U.S. Mail.

Sincerely,

HURLEY BURISH, S.C.


Skylar R. Croy