

FOR IMMEDIATE RELEASE
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OWN Files OLR Complaint Against Gableman for Potential Professional Misconduct

Dozens of Calls Around Fundraiser Made from Office Phone of Former DA

Milwaukee – One Wisconsin Now has filed an official grievance with the state Office of Lawyer Regulation requesting a formal investigation of Supreme Court Justice-elect Mike Gableman for potential professional misconduct regarding dozens of phone calls made from the state phone of then-Ashland County District Attorney to the phone numbers of people who donated in the weeks surrounding a fundraiser Gableman hosted for then-Gov. Scott McCallum.

“The people of Wisconsin deserve accountability from our public officials and this potential professional misconduct deserves investigation,” said Scot Ross, Executive Director of One Wisconsin Now. “We are asking OLR to investigate because two district attorneys, the Attorney General and the Government Accountability Board have been unwilling to look further into this matter.”

In June 2002, Gableman was the host of a fundraiser for McCallum. Phone records posted on the OWN website and included in the complaints filed show that in less than two months, Gableman’s taxpayer-financed Ashland County District Attorney’s office phone and government cell phone were used to make dozens of calls in advance of the fundraiser, including:

- Eleven calls to Mary Stitt, a fundraiser for McCallum. Stitt also raised funds for Van Hollen’s 2006 campaign and for Gableman.
- Ten calls to Laura Gralton, a fundraiser for McCallum and the listed contact for the McCallum June 2002 fundraiser.
- Twenty-one calls to nine individuals who made contributions to McCallum in the weeks adjacent to the June 2002 fundraiser.
- Five total calls to the McCallum for Governor campaign and the Republican Party of Wisconsin.
- Eight calls to the campaign of then-Attorney General candidate Vince Biskupic.

A comprehensive chart documenting the entire catalog of questionable calls from Gableman’s office and cell phones, as well as the recipients of those calls and their consequent contributions to the McCallum campaign is available at <http://www.OneWisconsinNow.org/GablemanChart>.

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The Government Accountability Board said it couldn't investigate activity that occurred more than three years ago. The Burnett County and Ashland County District Attorneys said they didn't have the authority, while the Attorney General stated he did not have statutory authority to investigate or prosecute, nor the authority to appoint a special prosecutor to investigate the matter. The Attorney General stated that any investigation request should be directed to the appropriate District Attorney.

Ross said OLR was an ideal body for the investigation because it retains full authority to investigate the matter for a full ten years, unlike the three- and six-year statutes of limitations cited by the other investigative bodies. In addition, although Gableman has not been charged with or convicted of any of these possible offenses, an attorney's criminal act can support a violation of the rules of professional conduct prohibiting a lawyer from committing a criminal act even if the lawyer is never charged or convicted of that crime (In re Inglimo, 2007 WI 126, 305 Wis. 2d 71, 740 N.W.2d 125.)

"These phone calls strongly suggest that Gableman may have violated the penal provisions of the Wisconsin Statutes in a manner that reflects adversely on his honesty, trustworthiness and fitness as a lawyer," said Ross. "No lawyer should be allowed to violate the Supreme Court Rules and remain outside the regulatory process applicable to all lawyers. Conducting an investigation into these phone calls would allow us to know more about Mike Gableman's honesty, trustworthiness and fitness as a lawyer as well as ensuring that as a public official, he is held to the highest of ethical standards."

Potential sanctions from OLR, which received OWN's complaint Wednesday, could range from public or private reprimand. If the matter is referred by OLR to the Supreme Court, it could result in law license suspension or disbarment, which would prevent him from serving on the state's highest court. Gableman was elected to the Court in April 2008.

"Given that Mike Gableman said in May that he can't recall 'the exact content of conversations six years ago,' we urge OLR to investigate further," said Ross. "We can then learn what the other parties to the phone calls remember about their discussions with Mike Gableman and the McCallum fundraiser."

A copy of the letter sent by One Wisconsin Now to the Office of Lawyer Regulation is available at <http://www.OneWisconsinNow.org/OLRLetter>.

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