

**COURT OF APPEALS  
DECISION  
DATED AND FILED**

**December 19, 2006**

Cornelia G. Clark  
Clerk of Court of Appeals

**NOTICE**

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See WIS. STAT. § 808.10 and RULE 809.62.

**Appeal No. 2004AP1644**

Cir. Ct. No. 2004CV526

**STATE OF WISCONSIN**

**IN COURT OF APPEALS  
DISTRICT I**

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**PATRICIA L. GUY,**

**PLAINTIFF-APPELLANT,**

**V.**

**LEONARD BRADY,**

**DEFENDANT-RESPONDENT.**

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APPEAL from an order of the circuit court for Milwaukee County:  
DANIEL A. NOONAN, Judge. *Affirmed.*

Before Fine, Curley and Kessler, JJ.

¶1 PER CURIAM. Patricia L. Guy appeals from an order dismissing her independent action against Attorney Leonard Brady, and awarding Brady a

\$1,350 judgment against her for being compelled to defend this action.<sup>1</sup> We conclude that the independent action essentially seeking Brady's removal as special administrator of the Estate of Mary E. Guy ("Guy Estate") and claiming malpractice against him, should have been (and essentially was) fully litigated in the probate proceeding, and that Guy has not established standing to sue Brady for malpractice. We further conclude that Guy has not shown that the trial court's findings regarding the \$1,350 in costs and attorney's fees were clearly erroneous. Therefore, we affirm.

¶2 Guy is the daughter of Mary E. Guy who died June 10, 2003. There has been an ongoing battle over the probate of Guy's Estate pending in one of the probate branches of the Milwaukee County Circuit Court ("probate court"). The probate court granted letters of special administration to Brady to arrange the decedent's burial and funeral, to collect and preserve the Estate's assets, and to administer the Estate through closing.<sup>2</sup>

¶3 Guy commenced the current action in the civil branch of the Milwaukee County Circuit Court, essentially seeking Brady's removal and alleging malpractice against him. Brady moved to dismiss that action. The circuit court conducted a motion hearing and confirmed with Guy personally that "the two main things you're concerned about.... [were] remov[al] ... as administrator of the estate, and you're suing [Brady] for malpractice. That's generally why you're here." Guy responded, "[y]es, sir." After affording Guy, Brady, and

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<sup>1</sup> Both parties appear *pro se*. Brady, however, is an attorney-at-law; Guy is not.

<sup>2</sup> Guy had originally acted as the Estate's special administrator, but the probate court removed her and appointed Brady in her stead when there was a dispute regarding burial and a \$5,000 withdrawal by Guy from the Estate's account.

Attorney Emmett A. Gambrel (who was representing two heirs in the Guy Estate) ample opportunity to explain their positions, the circuit court was told that Brady's performance as special administrator had been litigated and decided adversely to Guy by the probate court.

¶4 The circuit court stated:

I[t] understand[s] the issues [Guy] raised. It all goes back to [Brady's] performance as special administrator. All [Guy's] objections and complaints are noted. [The circuit court] can do what only needs to be done here. What the estate has distributed to [Guy] financially and all those issues need to be brought in front of the probate judge.

The circuit court then dismissed Guy's independent action against Brady.

¶5 Brady had originally moved for \$2,500 plus costs, which he reduced to \$1,500 for ten hours of work for "unnecessary costs dealing with the various different objections [Guy]'s raised and the different courts which have not gone anywhere." The circuit court then explained to Guy that it was inclined to dismiss her action and asked her why Brady should not be awarded \$1,500 as a judgment against her. Guy responded with numerous complaints about Brady's administration of the Guy Estate. Despite the circuit court's attempt to enable Guy to maintain focus on its specific inquiries, Guy continued complaining about Brady's handling of the Guy Estate. Ultimately, the circuit court concluded that

[it is] trying to be [as] civil and respectful as possible. This lawsuit[, however] does not have merit. There's no reason why [the circuit court] shouldn't impose cost[s] on the motion itself and [the trial court] will and reasonable attorney[']s fees. That Attorney Brady has indicated he has got at least nine hours, approximately ten hours at \$150 an hour. That comes to, if it's nine hours ... about \$1,350.

¶6 The circuit court again explained its rulings:

\$1,350 cost[s] will be imposed upon Ms. Guy for bringing in really essentially a lawsuit which is the subject of this motion. It is dismissed.

As [the circuit court] indicated, Ms. Guy, you need to bring such a lawsuit in front of Judge Brennan, who is the presiding judge over your estate that you have an interest in, not here or any other judge.

All the issues that you raised today concerning Mr. Brady and all the issues concerning your financial affairs in the estate have to be litigated and decided upon by one judge. That is the probate judge.

¶7 On appeal, Guy advances no contentions that demonstrate that the circuit court’s dismissal of her independent action was erroneous; she merely continues her criticisms of Brady’s handling of the Guy Estate. *See Reiman Assocs., Inc. v. R/A Adver., Inc.*, 102 Wis. 2d 305, 306 n.1, 306 N.W.2d 292 (Ct. App. 1981) (issues not argued or briefed are deemed abandoned). She does not show that the trial court’s findings of \$1,350 are clearly erroneous; she merely demands \$3,260,000 in damages and legal fees for Brady’s “violat[ions of] the law of The Wisconsin Supreme Court in the Estate of Mary E. Guy. As well, as the siblings[’s] rights in having authority over the[i]r[] parent[’s] estate.” In affirming the circuit court’s dismissal of Guy’s action, we also conclude that there is no appellate basis for her damage demand. *See id.*

[Guy]’s brief is so lacking in organization and substance that for us to decide h[er] issues, we would first have to develop them. We cannot serve as both advocate and judge. In light of [Guy]’s inadequate briefing of these remaining issues, we decline to address them. *See* Rule 809.83(2), Stats.

*State v. Pettit*, 171 Wis. 2d 627, 647, 492 N.W.2d 633 (Ct. App. 1992) (footnote omitted). We affirm the circuit court’s order dismissing Guy’s action against Brady, and its \$1,350 judgment against Guy in Brady’s favor.

*By the Court.*—Order affirmed.

This opinion will not be published. See WIS. STAT. RULE  
809.23(1)(b)5. (2003-04).

