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DISTRICT IV

May 19, 2014

To:

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You are hereby notified that the Court has entered the following opinion and order:

2013AP541

In re the marriage of: Denni Lynn Klisch v. Moeketsi Steins
Molaoli (L.C. # 2012FA220)

Before Blanchard, P.J., Lundsten and Sherman, JJ.

Moeketsi Molaoli appeals a judgment of divorce. Based upon our review of the briefs and record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2011-12).¹ We affirm.

Molaoli's brief groups his arguments under various headings, such as physical custody, children's name change, insurance premiums, child support, and so on. However, most of these arguments appear to consist of fragmentary sub-arguments, none of which are sufficiently developed. They are not developed because they lack sufficient factual background for us to

¹ All references to the Wisconsin Statutes are to the 2011-12 version unless otherwise noted.

understand the issue being raised, or because they lack adequate discussion applying relevant legal authority to the facts, or both.

This court need not consider arguments that are unsupported by adequate factual and legal citations or are otherwise undeveloped. *See Grothe v. Valley Coatings, Inc.*, 2000 WI App 240, ¶6, 239 Wis. 2d 406, 620 N.W.2d 463 (lack of record citations); *State v. Pettit*, 171 Wis. 2d 627, 646-47, 492 N.W.2d 633 (Ct. App. 1992) (undeveloped legal arguments). While we make some allowances for the failings of parties who, as here, are not represented by counsel, “[w]e cannot serve as both advocate and judge,” *Pettit*, 171 Wis. 2d at 647, and will not scour the record to develop viable, fact-supported legal theories on the appellant’s behalf, *see State v. Jackson*, 229 Wis. 2d 328, 337, 600 N.W.2d 39 (Ct. App. 1999). Here, the appellant has not developed his arguments legally or supported them factually. Therefore, we affirm the circuit court on that basis.

However, even if the arguments were more fully developed, and even if we were to attempt to discuss the merits in more detail, it appears unlikely that we would reverse the judgment. It appears that all or nearly all of the decisions that Molaoli is seeking review of were discretionary determinations based on factual findings. As the respondent noted in her brief, factual findings are not overturned unless clearly erroneous, and we apply a deferential standard of review to discretionary decisions. It does not appear that Molaoli would be able to meet the burdens imposed by those tests in this case.

IT IS ORDERED that the judgment appealed is summarily affirmed under WIS. STAT. RULE 809.21.

Diane M. Fremgen
Clerk of Court of Appeals