



Supreme Court of Wisconsin

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WISCONSIN SUPREME COURT MONTHLY STATISTICAL REPORT

JUNE 2020

This statistical report presents information about the case filings and dispositions of the Wisconsin Supreme Court during the month of June 2020 and to date for the term that began on September 1, 2019.

Opinions Issued by the Court

The Supreme Court issued opinions resolving 12 cases in June. Information about these opinions, including the Court's dispositions and the names of the authoring justices, can be found on the attached table.

	<u>June 2020</u>	<u>Term to Date</u>
Total number of cases resolved by opinion	<u>12</u>	<u>70</u>
Attorney disciplinary cases	4	27
Judicial disciplinary cases	0	1
Bar Admissions	0	0
Civil cases	5	46
Criminal cases	3	20

Petitions for Review

A total of 49 petitions for review were filed during the month. A petition for review asks the Supreme Court to review the decision of the Court of Appeals. The Supreme Court's jurisdiction is discretionary, meaning that review is granted in selected cases only. In June, the Supreme Court disposed of 53 petitions for review, of which 5 petition was granted. The Supreme Court currently has 198 petitions for review pending.

	<u>June 2020</u>	<u>Term to Date</u>
Petitions for Review filed	49	477
Civil cases	20	181
Criminal cases	29	296

Petition for Review dispositions	53	430
Civil cases (petitions granted).....	21 (2)	167 (18)
Criminal cases (petitions granted)	32 (3)	263 (18)

Petitions for Bypass

In June, the Supreme Court received no petitions for bypass and disposed of no petitions for bypass. In a petition for bypass, a party requests that the Supreme Court take jurisdiction of an appeal or other proceeding pending in the Court of Appeals. A matter appropriate for bypass is usually one which meets one or more of the criteria for review by the Supreme Court and one the Supreme Court concludes it will ultimately choose to consider regardless of how the Court of Appeals might decide the issues. A petition for bypass June also be granted where there is a clear need to hasten the ultimate appellate decision. The Supreme Court currently has one petition for bypass pending.

	<u>June 2020</u>	<u>Term to Date</u>
Petitions for Bypass filed	0	9
Civil cases	0	8
Criminal cases	0	1
Petition for Bypass dispositions.....	0	11
Civil cases (petitions granted).....	0 (0)	10 (0)
Criminal cases (petitions granted)	0 (0)	1 (0)

Requests for Certification

During June 2020, the Supreme Court received no requests for certification and disposed of no requests for certification. In a request for certification, the Court of Appeals asks the Supreme Court to exercise its appellate jurisdiction before the Court of Appeals hears the matter. A request for certification is decided on the basis of the same criteria as a petition to bypass. The Supreme Court currently has no requests for certification pending.

	<u>June 2020</u>	<u>Term to Date</u>
Requests for Certification filed.....	0	<u>0</u>
Civil cases	0	0
Criminal cases	0	0
Request for Certification dispositions.....	<u>0</u>	<u>1</u>
Civil cases (requests granted)	0 (0)	0 (0)
Criminal cases (requests granted)	0 (0)	1 (1)

Regulatory Matters, Supervisory Writs, and Original Actions

During the month, a total of 4 matters within the regulatory jurisdiction of the Court (bar admission, lawyer discipline, and judicial discipline) were filed and one such case was reopened. The Supreme Court also received 6 petitions for supervisory writ, which asks the Supreme Court to order the Court of Appeals or a Circuit Court to take a certain action in a case. There was no original action filed. An original action is a petition asking the Supreme Court to take jurisdiction over a particular matter. When an opinion is issued in these cases, the disposition is included in “Opinions Issued by the Court” above; otherwise, the case is disposed of by order and is included in the totals below. The Supreme Court currently has 92 regulatory matters and 14 petitions for supervisory writ pending.

	<u>June 2020</u>	<u>Term to Date</u>
<u>Filings</u>		
Attorney discipline (including reopened cases).....	4	34
Judicial discipline.....	1	1
Bar admission.....	0	1
Petitions for Supervisory Writ	6	40
Other (including Original Actions).....	0	6
 <u>Dispositions by Order</u>		
Attorney discipline.....	1	6
Judicial discipline.....	0	0
Bar admission.....	0	0
Petitions for Supervisory Writ	5	30
Other (including Original Actions).....	0	12

**DECISIONS BY THE
WISCONSIN SUPREME COURT
OPINIONS ISSUED DURING JUNE 2020**

<u>Docket No.</u>	<u>Title</u>	<u>Date</u>
#2017AP2364-CR	<p>State v. David Gutierrez THE DECISION OF THE COURT OF APPEALS IS AFFIRMED IN PART AND REVERSED IN PART. Dallet, J., delivered the majority opinion for a unanimous Court. Ann Walsh Bradley, J., withdrew from participation. Hagedorn, J., did not participate.</p>	06/03/2020
#2002AP1871-D	<p>Office of Lawyer Regulation v. Elvis C. Banks. PER CURIAM It is Ordered that the license of Elvis C. Banks to practice law in Wisconsin is reinstated, effective the date of this order, subject to compliance with the conditions set forth in this order. Absent such compliance, and absent a showing to this court of his inability to comply with this order, the license of Elvis C. Banks to practice law in Wisconsin shall be suspended until further order of the court. IT IS FURTHER ORDERED that within 60 days of the date of this order, Elvis C. Banks shall pay to the Office of Lawyer Regulation the costs of this proceeding, which are \$4,205.80 as of September 18, 2019, or enter into a payment agreement plan with the Office of Lawyer Regulation for the full payment of costs over a period of time. Kelly, J. dissents. Rebecca Grassl Bradley, J. joins in the dissent.</p>	06/03/2020

#2018AP1209-CR

State v. Mose B. Coffee
THE DECISION OF THE COURT OF APPEALS IS AFFIRMED.

06/05/2020

Roggensack, C. J., delivered an opinion of the court in which Ziegler, J., joined. Kelly, J., filed a concurring opinion. Dallet, J., filed a dissenting opinion, in which Rebecca Grassl Bradley, J., joined. Ann Walsh Bradley, J., withdrew from participation. Hagedorn, J., did not participate.

#2019AP567-W

Milton Eugene Warren v. Michael Meisner
THE DECISION OF THE COURT OF APPEALS IS REVERSED AND THE CAUSE IS REMANDED TO THE COURT OF APPEALS WITH DIRECTIONS.

06/11/2020

Ann Walsh Bradley, J., delivered the majority opinion for a unanimous Court.

#2018AP947

Quick Charge Kiosk, LLC v. Josh Kaul
THE DECISION OF THE COURT OF APPEALS IS AFFIRMED.

06/12/2020

Hagedorn, J. delivered the majority opinion for a unanimous Court.

#2018A2417-D

Office of Lawyer Regulation v. Stanley Whitmore Davis.
PER CURIAM

06/12/2020

IT IS ORDERED that the license of Stanley Whitmore Davis to practice law in Wisconsin is suspended for a period of one year, effective the date of this order. IT IS FURTHER ORDERED that within 60 days of the date of this order, Stanley Whitmore Davis shall pay restitution to G. P. in the amount of \$2,500 and to the Wisconsin Lawyers' Fund for Client Protection in the amount of \$3,750. IT IS FURTHER ORDERED that restitution to client G.P. is to be completed prior to paying restitution to the Wisconsin Lawyers' Fund for Client Protection, and restitution to the Wisconsin

Lawyers' Fund for Client Protection is, in turn, to be completed before paying costs to the Office of Lawyer Regulation. IT IS FURTHER ORDER that within 60 days of the date of this order, Stanley Whitmore Davis shall pay to the Office of Lawyer Regulation the costs of this proceeding, which are \$2,601.62, as of January 15, 2020. IT IS FURTHER ORDERED that, to the extent he has not already done so, Stanley Whitmore Davis shall comply with the provisions of SCR 22.26 concerning the duties of an attorney whose license to practice law has been suspended. IT IS FURTHER ORDERED that the temporary suspension of Stanley Whitmore Davis' license to practice law, entered on August 15, 2018, is hereby lifted. IT IS FURTHER ORDERED that the administrative suspensions of Stanley Whitmore Davis due to his failure to pay mandatory bar dues, failure to file a trust account certification, and failure to comply with continuing education requirements, will remain in effect until each reason for the administrative suspension has been rectified, **pursuant to SCR 22.28(1)**. IT IS FURTHER ORDERED that as a condition of reinstatement of his license to practice law in Wisconsin, Stanley Whitmore Davis will be required to demonstrate he has made full restitution to or settled all claims of all persons harmed by the misconduct that is the subject of this proceeding, as set forth in the second amended complaint.

#2017AP2132

Timothy W. Miller v. Angela J. Carroll
THE DECISION OF THE COURT OF
APPEALS IS AFFIRMED

06/16/2020

Dallet, J., delivered the majority opinion of the Court, in which Roggensack, C.J. and Ziegler, J., joined; and in which Ann Walsh Bradley, J., joined except for footnote 18. Ann Walsh Bradley, J., filed a concurring opinion. Ziegler, J., filed a concurring opinion. Dallet, J., filed a concurring opinion, in which Hagedorn, J., joined. Hagedorn, J.,

filed a dissenting opinion in which Rebecca Grassl Bradley, and Kelly, JJ., joined except for footnote 1 and ¶¶120-24, but do join footnote 3.

#2018AP623

**David Skindzelewski v. Joseph Smith, Jr.
THE DECISION OF THE COURT OF
APPEALS IS AFFIRMED.**

06/18/2020

Rebecca Grassl Bradley, J., delivered the majority opinion of the Court, in which Roggensack, C.J., Ziegler and Kelly, JJ., joined. Hagedorn, J., filed a concurring opinion. Dallet, J., filed a dissenting opinion. Ann Walsh Bradley, J., withdrew from participation.

#2018AP1872-D

**Office of Lawyer Regulation v. Peter J.
Kovak
PER CURIAM**

06/23/2020

IT IS ORDERED that the license of Peter J. Kovac to practice law in Wisconsin is suspended for a period of five months, effective July 8, 2020, to run concurrent with the license suspension in In re Disciplinary Proceedings Against Kovac, 2020 WI 47, ___ Wis. 2d ___, ___ N.W.2d ___. IT IS FURTHER ORDERED that within 60 days of the date of this order, Peter J. Kovac shall pay to the Office of Lawyer Regulation the costs of this proceeding, which are \$4,403.92 as of December 10, 2019. IT IS FURTHER ORDERED that, to the extent he has not already done so, Peter J. Kovac shall comply with the provisions of SCR 22.26 concerning the duties of an attorney whose license to practice law has been suspended. IT IS FURTHER ORDERED that compliance with all conditions with this order is required for reinstatement. See SCR 22.28(2).

#2018AP1774-CR

State v. Alfonso Lorenzo Brooks
THE DECISION OF THE COURT OF APPEALS IS REVERSED AND THE CAUSE IS REMANDED TO THE CIRCUIT COURT FOR FURTHER PROCEEDINGS CONSISTENT WITH THIS OPINION.

06/25/2020

Kelly, J., delivered the majority opinion for a unanimous Court.

#2019AP1974-BA

David E. Hammer v. Board of Bar Examiners
PER CURIAM

06/25/2020

IT IS ORDERED that the decision of the Board of Bar Examiners declining to certify that David E. Hammer has satisfied the requirements for admission to the practice of law in Wisconsin is affirmed. IT IS FURTHER ORDERED that the documents submitted under seal are deemed confidential and will be maintained under seal until further order of the Court.

#2017AP2525

Town of Delafield v. Central Transport Kriewaldt
THE DECISION OF THE COURT OF APPEALS IS AFFIRMED AND THE CAUSE IS REMANDED TO THE CIRCUIT COURT.

06/26/2020

Hagedorn, J., delivered the majority opinion of the Court, in which Roggensack, C.J., Ann Walsh Bradley, Ziegler and Dallet, JJ., joined. Kelly, J., filed a concurring opinion in which Rebecca Grassl Bradley, J., joined.