



Supreme Court of Wisconsin

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WISCONSIN SUPREME COURT MONTHLY STATISTICAL REPORT

MARCH 2021

This statistical report presents information about the case filings and dispositions of the Wisconsin Supreme Court during the month of March 2021 and to date for the term that began on September 1, 2020.

Opinions Issued by the Court

The Supreme Court issued opinions resolving 16 cases in March. Information about these opinions, including the Court's dispositions and the names of the authoring justices, can be found on the attached table.

	<u>March 2021</u>	<u>Term to Date</u>
Total number of cases resolved by opinion	9	45
Attorney disciplinary cases	4	25
Judicial disciplinary cases.....	0	0
Bar Admissions	0	0
Civil cases	4	11
Criminal cases	1	9

Petitions for Review

A total of 47 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 March, the Supreme Court disposed of 52 petitions for review, of which 5 petitions were granted. The Supreme Court currently has 142 petitions for review pending.

	<u>March 2021</u>	<u>Term to Date</u>
Petitions for Review filed	47	342
Civil cases	15	123
Criminal cases	32	219

Petition for Review dispositions	52	366
Civil cases (petitions granted).....	20 (4)	144 (19)
Criminal cases (petitions granted)	32 (1)	222 (17)

Petitions for Bypass

In March, the Supreme Court received one petition for bypass and disposed of one petition 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 March 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>March 2021</u>	<u>Term to Date</u>
Petitions for Bypass filed	1	9
Civil cases	0	2
Criminal cases	1	7
Petition for Bypass dispositions.....	1	9
Civil cases (petitions granted).....	0 (0)	3 (0)
Criminal cases (petitions granted)	1 (0)	6 (1)

Requests for Certification

During March 2021, the Supreme Court received 2 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 2 requests for certification pending.

	<u>March 2021</u>	<u>Term to Date</u>
Requests for Certification filed.....	2	<u>4</u>
Civil cases	2	2
Criminal cases	0	2
Request for Certification dispositions.....	<u>0</u>	<u>5</u>
Civil cases (requests granted)	0 (0)	2 (1)
Criminal cases (requests granted)	0 (0)	3 (3)

Regulatory Matters, Supervisory Writs, and Original Actions

During the month, a total of 2 matters within the regulatory jurisdiction of the Court (bar admission, lawyer discipline, and judicial discipline) was filed and one such case was reopened. The Supreme Court also received 2 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 one 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 102 regulatory matters and 6 petitions for supervisory writs pending.

	<u>March 2021</u>	<u>Term to Date</u>
<u>Filings</u>		
Attorney discipline (including reopened cases).....	3	18
Judicial discipline.....	0	0
Bar admission.....	0	2
Petitions for Supervisory Writ	2	21
Other (including Original Actions).....	2	17
 <u>Dispositions by Order</u>		
Attorney discipline.....	0	0
Judicial discipline.....	0	0
Bar admission.....	0	0
Petitions for Supervisory Writ	5	26
Other (including Original Actions).....	2	16

**DECISIONS BY THE
WISCONSIN SUPREME COURT
OPINIONS ISSUED DURING MARCH 2021**

<u>Docket No.</u>	<u>Title</u>	<u>Date</u>
#2016AP1288-D	Office of Lawyer Regulation v. Daniel W. Morse: PER CURIAM. IT IS ORDERED that the license of Daniel W. Morse to practice law in Wisconsin is reinstated, effective the date of this order. IT IS FURTHER ORDERED that within 60 days of the date of this order, Daniel W. Morse shall pay to the Office of Lawyer Regulation costs of this proceeding, which are \$5,448.81 as of December 15, 2020.	03/02/2021
#2019AP1690-D	Office of Lawyer Regulation v. Heather Downs Russell: PER CURIAM. IT IS ORDERED that Heather Downs Russell is publicly reprimanded for her professional misconduct. IT IS FURTHER ORDERED that within 60 days of the date of this order, Heather Downs Russell shall pay to the Office of Lawyer Regulation the costs of this proceeding, which are \$5,235.37 as of October 27, 2020.	03/02/2021
#2015AP2303-CR	Office of Lawyer Regulation v. Scott E. Selmer: PER CURIAM. IT IS ORDERED that the license of Scott E. Selmer to practice law in Wisconsin is reinstated, effective the date of this order, upon the following conditions: (1) Scott E. Selmer shall, promptly upon reinstatement and prior to his resumption of the practice of law, identify an attorney approved by the Office of Lawyer Regulation who shall be appointed	03/03/2021

to serve as a mentor to Attorney Selmer and to oversee his practice of law for a period of 18 months, and who shall provide written quarterly reports to the Office of Lawyer Regulation commencing three months after Attorney Selmer's reinstatement, and continuing for a period of 18 months thereafter; and

(2) Scott E. Selmer shall, promptly upon reinstatement, enter into a written agreement with the Office of Lawyer Regulation to repay costs related to his prior Wisconsin disciplinary proceedings together with any costs imposed related to this proceeding, commensurate with his ability to pay. This agreement shall require that Attorney Selmer provide the OLR with financial information upon request to facilitate review of his ability to repay these costs.

IT IS FURTHER ORDERED that the administrative suspension of Scott E. Selmer's license to practice law in Wisconsin, due to his failure to pay mandatory bar dues, for failure to file Office of Lawyer Regulation trust account certification, and for noncompliance with continuing legal 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 the court reserves the question of the payment of costs for this proceeding, pending receipt of additional information; the costs issue will be resolved by separate order.

#2019AP2033

Portage County v. E. R. R.:
PER CURIAM.

03/09/2021

The court of appeals' decision is affirmed by an equally divided court.
ANN WALSH BRADLEY, J. withdrew from participation.

Office of Lawyer Regulation v. Mark M. Ditter:

PER CURIAM.

IT IS ORDERED that, as discipline for his professional misconduct, the license of Mark M. Ditter to practice law in Wisconsin is suspended for a period of 90 days, effective as of the date of this order.

IT IS FURTHER ORDERED that the May 14, 2019 temporary suspension in Case No. 2019XX428-D of Mark M. Ditter's license to practice law in Wisconsin, due to his willful failure to cooperate with the grievance investigation in this matter by the Office of Lawyer Regulation, is lifted.

IT IS FURTHER ORDERED that within 60 days of the date of this order, Mark M. Ditter shall pay to the Office of Lawyer Regulation the costs of this proceeding, which are \$3,896.68 as of August 26, 2020.

IT IS FURTHER ORDERED that, to the extent he has not done so, Mark M. Ditter shall comply with the provisions of SCR 22.26 concerning the duties of a person whose license to practice law in Wisconsin has been suspended. **IT IS FURTHER ORDERED** that the administrative suspension of Mark M. Ditter's license to practice law in Wisconsin, due to his failure to pay mandatory bar dues, his failure to file Office of Lawyer Regulation trust account certification, and his noncompliance with continuing legal 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 compliance with all conditions of this order is required for reinstatement. See SCR 22.28(2).

#2018AP2357-LV

**State v. Anthony James Jendusa:
THE ORDER OF THE COURT OF
APPEALS IS AFFIRMED, AND THE
CAUSE IS REMANDED TO THE
CIRCUIT COURT FOR FURTHER
PROCEEDINGS CONSISTENT WITH
THIS OPINION.**

03/10/2021

**DALLET, J., delivered the majority
opinion of the Court, in which ANN
WALSH BRADLEY, HAGEDORN, and
KAROFISKY, JJ., joined. ZIEGLER, J.,
filed a dissenting opinion, in which
ROGGENSACK, C. J., and REBECCA
GRASSL BRADLEY, J., joined**

#2018AP1239

**Applegate-Bader Farm. LLC v. Dept. of
Revenue:
THE DECISION OF THE COURT OF
APPEALS IS REVERSED AND THE
CAUSE REMANDED TO THE CIRCUIT
COURT WITH INSTRUCTIONS.
ROGGENSACK, C. J., delivered the
majority opinion of the Court, in which
ANN WALSH BRADLEY, REBECCA
GRASSL BRADLEY, DALLET, and
KAROFISKY, JJ., joined. HAGEDORN,
J., filed a dissenting opinion.
ZIEGLER, J., did not participate.**

03/16/2021

#2018AP1952-CR

**State v. Mark D. Jensen:
THE DECISION OF THE COURT OF
APPEALS IS MODIFIED, AND AS
MODIFIED, AFFIRMED.
DALLET, J., delivered the majority
opinion of the Court, in which
ROGGENSACK, C. J., ANN WALSH
BRADLEY, REBECCA GRASSL
BRADLEY, and HAGEDORN, JJ., joined,
and in which ZIEGLER and KAROFISKY,
JJ., joined except for ¶35. KAROFISKY,
J., filed a concurring opinion, in which
ZIEGLER, J., joined.**

03/18/2021

#2020AP1718-OA

**Jere Fabick v. Tony Evers:
RIGHTS DECLARED; RELIEF
GRANTED.**

03/31/2021

HAGEDORN, J., delivered the majority opinion of the Court, in which ROGGENSACK, C. J., ZIEGLER, and REBECCA GRASSL BRADLEY, JJ., joined. REBECCA GRASSL BRADLEY, J., filed a concurring opinion, in which ROGGENSACK, C. J., joined. ANN WALSH BRADLEY, J., filed a dissenting opinion, in which DALLET and KAROFKY, JJ., joined.