



Supreme Court of Wisconsin

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WISCONSIN SUPREME COURT MONTHLY STATISTICAL REPORT

MARCH 2023

This statistical report presents information about the case filings and dispositions of the Wisconsin Supreme Court during the month of March, 2023 and to date for the term that began on September 1, 2022.

Opinions Issued by the Court

The Supreme Court issued opinions resolving 8 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 2023</u> | <u>Term to Date</u> |
|---|-------------------|---------------------|
| Total number of cases resolved by opinion | <u>8</u> | <u>29</u> |
| Attorney disciplinary cases | 2 | 7 |
| Judicial disciplinary cases..... | 0 | 0 |
| Bar Admissions | 0 | 0 |
| Civil cases | 5 | 15 |
| Criminal cases | 1 | 7 |

Petitions for Review

A total of 46 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 51 petitions for review, of which one petition was granted. The Supreme Court currently has 136 petitions for review pending.

| | <u>March 2023</u> | <u>Term to Date</u> |
|----------------------------------|-------------------|---------------------|
| Petitions for Review filed | 46 | 308 |
| Civil cases | 15 | 139 |
| Criminal cases | 31 | 169 |

| | | |
|--|--------|----------|
| Petition for Review dispositions | 51 | 338 |
| Civil cases (petitions granted)..... | 25 (1) | 153 (10) |
| Criminal cases (petitions granted) | 26 (0) | 185 (6) |

Petitions for Bypass

In March, 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 may 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 2023</u> | <u>Term to Date</u> |
|--|-------------------|---------------------|
| Petitions for Bypass filed | 0 | 10 |
| Civil cases | 0 | 9 |
| Criminal cases | 0 | 1 |
| | | |
| Petition for Bypass dispositions..... | 0 | 11 |
| Civil cases (petitions granted)..... | 0 (0) | 10 (2) |
| Criminal cases (petitions granted) | 0 (0) | 1 (0) |

Requests for Certification

During March 2023, the Supreme Court received no requests for certification and disposed of one request 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>March 2023</u> | <u>Term to Date</u> |
|---|-------------------|---------------------|
| Requests for Certification filed..... | 0 | <u>1</u> |
| Civil cases | 0 | 0 |
| Criminal cases | 0 | 1 |
| | | |
| Request for Certification dispositions..... | <u>0</u> | <u>2</u> |
| Civil cases (requests granted) | 0 (0) | 0 (0) |
| Criminal cases (requests granted) | 1 (1) | 2 (2) |

Regulatory Matters, Supervisory Writs, and Original Actions

During the month, a total of one matter 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 4 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 were no original actions 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 62 regulatory matters and 5 petitions for supervisory writs pending.

| | <u>March 2023</u> | <u>Term to Date</u> |
|---|-------------------|---------------------|
| <u>Filings</u> | | |
| Attorney discipline (including reopened cases)..... | 1 | 10 |
| Judicial discipline..... | 0 | 0 |
| Bar admission..... | 0 | 1 |
| Petitions for Supervisory Writ | 4 | 35 |
| Other (including Original Actions)..... | 0 | 1 |
| <u>Dispositions by Order</u> | | |
| Attorney discipline..... | 0 | 4 |
| Judicial discipline..... | 0 | 0 |
| Bar admission..... | 0 | 0 |
| Petitions for Supervisory Writ | 5 | 51 |
| Other (including Original Actions)..... | 2 | 5 |

**DECISIONS BY THE
WISCONSIN SUPREME COURT
OPINIONS ISSUED DURING MARCH 2023**

| <u>Docket No.</u> | <u>Title</u> | <u>Date</u> |
|------------------------------|--|--------------------|
| #2020AP1683 | <p><u>Citation Partners, LL v. Wisconsin Department of Revenue</u> The Decision of the Court of Appeals is Affirmed. DALLET, J., delivered the majority opinion of the Court, in which ANN WALSH BRADLEY, HAGEDORN and KAROFSKY, JJ., joined. ROGGENSACK, J., filed a dissenting opinion, in which ZIEGLER, C.J., and REBECCA GRASSL BRADLEY, J., joined.</p> | 03/01/2023 |
| #2020AP1616-D | <p><u>Office of Lawyer Regulation v. Nathan E. DeLadurantey</u> PER CURIAM. IT IS ORDERED that, as discipline for his professional misconduct and violation of SCR 40.15, enforced via SCR 20:8.4(g), Nathan E. DeLadurantey is publicly reprimanded. IT IS FURTHER ORDERED that within 60 days of the date of this order, Nathan E. DeLadurantey shall pay to the Office of Lawyer Regulation \$17,570.10 for the costs of this proceeding. ANN WALSH BRADLEY, J., filed a concurring opinion.</p> | 03/03/2023 |
| #2019AP1728 & #2019AP2063 | <p><u>Marilyn Casanova v. Michael S. Polsky, Esq.</u> THE DECISION OF THE COURT OF APPEALS IS REVERSED. REBECCA GRASSL BRADLEY, J., delivered the majority opinion for a unanimous Court.</p> | 03/16/2023 |

#2019AP1319

**Milwaukee Police Supervisors Organization
v. City of Milwaukee**

03/21/2023

**THE DECISION OF THE COURT OF
APPEALS IS REVERSED.**

**REBECCA GRASSL BRADLEY, J.,
delivered the majority opinion for a
unanimous Court.**

#2020AP1078-FT

**Secura Supreme Insurance Company v. The
Estate of Daniel Keith Huck**

03/22/2023

**THE DECISION OF THE COURT OF
APPEALS IS AFFIRMED.**

ROGGENSACK, J., delivered the majority
opinion of the Court with respect to ¶¶1-2, 4-16,
and 29, in which **ZIEGLER, C.J., ANN
WALSH BRADLEY, DALLET,
HAGEDORN,** and **KAROFSKY, JJ.,** joined,
and an opinion, in which **ZIEGLER, C.J.,**
joined. **DALLET, J.,** filed a concurring
opinion, in which **ANN WALSH BRADLEY,
HAGEDORN,** and **KAROFSKY, JJ.,** joined.
REBECCA GRASSL BRADLEY, J., filed a
dissenting opinion.

#2021AP21-CR

State v. Robert K. Nietzold, Sr.

03/28/2023

**THE DECISION OF THE COURT OF
APPEALS IS REVERSED.**

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

Office of Lawyer Regulation v. Tracy R. Eichhorn-Hicks

PER CURIAM.

IT IS ORDERED that the license of Tracy R. Eichhorn-Hicks to practice law in Wisconsin is suspended for an indefinite period, commencing the date of this order and until further order of the court. If at some point Attorney Eichhorn-Hicks seeks to terminate this suspension, he shall file a petition for reinstatement under SCR 22.36 and shall proceed under that rule. **IT IS FURTHER ORDERED** that Tracy R. Eichhorn-Hicks 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 existing 120-day disciplinary suspension imposed on Attorney Tracy R. Eichhorn-Hicks, see *In re Disciplinary Proceedings Against Eichhorn-Hicks*, 2019 WI 91, 388 Wis. 2d 478, 933 N.W.2d 106, will remain in effect until Attorney Eichhorn-Hicks is reinstated from that suspension pursuant to the requirements of SCR 22.28(2). **IT IS FURTHER ORDERED** that the administrative suspensions of Tracy R. Eichhorn-Hicks's license to practice law in Wisconsin, due to his failure to pay mandatory bar dues, his failure to complete his trust account certification, and his failure to comply with mandatory CLE reporting requirements, will remain in effect until each reason for the administrative suspension has been rectified pursuant to SCR 22.28(1).

State v. Tomas Jaymitchell Hoyle

THE DECISION OF THE COURT OF APPEALS IS REVERSED.

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