



Supreme Court of Wisconsin

OFFICE OF THE CLERK

110 E. MAIN STREET, SUITE 215

P.O. BOX 1688

MADISON, WISCONSIN 53701-1688

Patience Drake Roggensack
Chief Justice

Sheila T. Reiff
Clerk of Supreme Court

Telephone (608) 266-1880

TTY Users: Call WI TRS at 1-800-947-3529; request (608) 266-1880

Fax (608) 267-0640

Web Site: www.wicourts.gov

WISCONSIN SUPREME COURT MONTHLY STATISTICAL REPORT

JANUARY 2020

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

Opinions Issued by the Court

The Supreme Court issued opinions resolving 10 cases in January. Information about these opinions, including the Court's dispositions and the names of the authoring justices, can be found on the attached table.

	<u>January 2020</u>	<u>Term to Date</u>
Total number of cases resolved by opinion	<u>5</u>	<u>24</u>
Attorney disciplinary cases	1	12
Judicial disciplinary cases	1	1
Bar Admissions	0	0
Civil cases	2	17
Criminal cases	1	7

1

Petitions for Review

A total of 56 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 January, the Supreme Court disposed of 41 petitions for review, of which 4 petitions were granted. The Supreme Court currently has 184 petitions for review pending.

	<u>January 2020</u>	<u>Term to Date</u>
Petitions for Review filed	56	251
Civil cases	19	76
Criminal cases	37	175

Petition for Review dispositions	41	218
Civil cases (petitions granted).....	7 (1)	70 (11)
Criminal cases (petitions granted)	34 (3)	148 (11)

Petitions for Bypass

In January, the Supreme Court received one petition for bypass and disposed of 4 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 4 petitions for bypass pending.

	<u>January 2020</u>	<u>Term to Date</u>
Petitions for Bypass filed	1	8
Civil cases	1	7
Criminal cases	0	1
Petition for Bypass dispositions.....	4	7
Civil cases (petitions granted).....	4 (0)	7 (0)
Criminal cases (petitions granted)	0 (0)	0 (0)

Requests for Certification

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

Regulatory Matters, Supervisory Writs, and Original Actions

During the month, a total of 8 matters within the regulatory jurisdiction of the Court (bar admission, lawyer discipline, and judicial discipline) were filed and 1 such case was reopened. The Supreme Court also received 5 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. No original action was 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 118 regulatory matters and 15 petitions for supervisory writ pending.

	<u>January 2020</u>	<u>Term to Date</u>
<u>Filings</u>		
Attorney discipline (including reopened cases).....	8	21
Judicial discipline.....	0	0
Bar admission.....	0	1
Petitions for Supervisory Writ	5	22
Other (including Original Actions).....	0	4
 <u>Dispositions by Order</u>		
Attorney discipline.....	0	1
Judicial discipline.....	0	0
Bar admission.....	0	0
Petitions for Supervisory Writ	5	20
Other (including Original Actions).....	0	5

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

<u>Docket No.</u>	<u>Title</u>	<u>Date</u>
#2017AP2361	<p><u>Chris Hinrichs v. DOW Chemical Company:</u> THE DECISION OF THE COURT OF APPEALS IS AFFIRMED. Ann Walsh Bradley, J. delivered the majority opinion of the court, in which, Roggensack, C. J., Ziegler and Dallet, JJ., joined and Rebecca Grassl Bradley, J., joined with respect to Parts I, II, and III. Rebecca Grassl Bradley, J., filed an opinion concurring in part and dissenting in part. Kelly and Hagedorn, JJ., did not participate.</p>	01/09/2020
#2017AP2292-CR	<p>State of Wisconsin v. Donavinn D. Coffee THE DECISION OF THE COURT OF APPEALS IS AFFIRMED. Ziegler, J., announced the judgment of the Court and delivered the majority opinion of the Court with respect to Parts I through III and Part IV. C and D., in which Roggensack, C. J., Hagedorn, and Kelly, JJ., joined. Kelly, J. filed a concurring opinion in which Rebecca Grassl Bradley, J., joined. ¶¶59 – 63. Ann Walsh Bradley, J., filed a dissenting opinion, in which Rebecca Grassl Bradley and Dallet, JJ., joined.</p>	01/09/2020
#2017AP822	<p>Veritas Steel v. Lund Construction Co. THE DECISION OF THE COURT OF APPEALS IS AFFIRMED. Dallet, J. delivered the majority opinion of the Court, in which Ann Walsh Bradley, Ziegler, Rebecca Grassl Bradley, Kelly and Hagedorn, JJ., joined. Roggensack, C. J., filed a concurring opinion.</p>	01/15/2020

#2017AP666-D

Office of Lawyer Regulation v. Terry L. Constant –

01/28//2020

PER CURIAM

IT IS ORDERED that the license of Terry L. Constant to practice law in Wisconsin is suspended for a period of six months, effective March 10, 2020. **IT IS FURTHER ORDERED** that, as a condition of the reinstatement of his license to practice law in Wisconsin, Terry L. Constant shall be required to successfully complete 12 hours of continuing legal education courses approved in advance by the Office of Lawyer Regulation, at least six of which hours shall be in courses relating to properly managing a trust account. **IT IS FURTHER ORDERED** that, as a condition of the reinstatement of his license to practice law in Wisconsin, Terry L. Constant shall have his trust account monitored by the Office of Lawyer Regulation for a period of two years. **IT IS FURTHER ORDERED** that Terry L. Constant 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 within 60 days of the date of this order, Terry L. Constant shall pay to the Office of Lawyer Regulation the costs of this proceeding, which are \$13,409.63 as of December 10, 2019. **IT IS FURTHER ORDERED** that compliance with all conditions of this order is required for reinstatement. See SCR 22.29(4). **HAGEDORN, J.**, filed a dissenting opinion.

#2019AP199-J

Wisconsin Judicial Commission v. Kenneth W. Gorski –

01/30//2020

PER CURIAM

IT IS ORDERED that the Honorable Kenneth W. Gorski is reprimanded for judicial misconduct established in this proceeding. Hagedorn, J., did not participate.

