



# Supreme Court of Wisconsin

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## WISCONSIN SUPREME COURT MONTHLY STATISTICAL REPORT

### DECEMBER 2019

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

#### Opinions Issued by the Court

The Supreme Court issued opinions resolving 8 cases in December. Information about these opinions, including the Court's dispositions and the names of the authoring justices, can be found on the attached table.

	<u>December 2019</u>	<u>Term to Date</u>
Total number of cases resolved by opinion .....	8	19
Attorney disciplinary cases .....	4	11
Judicial disciplinary cases.....	0	0
Bar Admissions .....	0	0
Civil cases .....	2	2
Criminal cases .....	2	6

#### Petitions for Review

A total of 45 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 December, the Supreme Court disposed of 56 petitions for review, of which 6 petitions were granted. The Supreme Court currently has 165 petitions for review pending.

	<u>December 2019</u>	<u>Term to Date</u>
Petitions for Review filed .....	45	191
Civil cases .....	11	56
Criminal cases .....	34	135

Petition for Review dispositions .....	56	177
Civil cases (petitions granted).....	19 (3)	63 (19)
Criminal cases (petitions granted) .....	37 (3)	114 (8)

### Petitions for Bypass

In December, the Supreme Court received 3 petitions 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 may also be granted where there is a clear need to hasten the ultimate appellate decision. The Supreme Court currently has 7 petitions for bypass pending.

	<u>December 2019</u>	<u>Term to Date</u>
Petitions for Bypass filed .....	3	7
Civil cases .....	3	6
Criminal cases .....	0	1
Petition for Bypass dispositions.....	1	3
Civil cases (petitions granted).....	1 (0)	3 (0)
Criminal cases (petitions granted) .....	0 (0)	0 (0)

### Requests for Certification

During December 2019, 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>December 2019</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 (0)

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 no such cases was reopened. The Supreme Court also received 3 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 109 regulatory matters and 15 petitions for supervisory writ pending.

	<u>December 2019 Term to Date</u>	
<u>Filings</u>		
Attorney discipline (including reopened cases).....	2	13
Judicial discipline.....	0	0
Bar admission.....	0	1
Petitions for Supervisory Writ .....	3	17
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 .....	2	15
Other (including Original Actions).....	0	5

**DECISIONS BY THE  
WISCONSIN SUPREME COURT  
OPINIONS ISSUED DURING DECEMBER 2019**

<u>Docket No.</u>	<u>Title</u>	<u>Date</u>
#2017AP1894-CR	State of Wisconsin v. Stephan I. Roberson – <b>THE DECISION OF THE COURT OF APPEALS IS AFFIRMED.</b> <u>Majority Opinion:</u> Roggensack, C.J. <u>Concur:</u> Bradley, R. G. J., (except ¶¶ 41-42) and Kelly, J. – opin. filed Hagedorn, J. concurs – opin. filed <u>Dissent:</u> Dallet, J. and Bradley, A.W., J – opin. filed.	12/03/2019
2011AP48-D & 2015AP275-D	In the Matter of Disciplinary Proceedings Against James M. Schoenecker, Attorney at Law: Office of Lawyer Regulation v. James M. Schoenecker – <b>IT IS ORDERED</b> that the petition for reinstatement of the license of James M. Schoenecker to practice law in Wisconsin is granted, effective the date of this order. <b>IT IS FURTHER ORDERED</b> that, for a period of three years from the date of this order, James M. Schoenecker shall be required to continue monthly counseling, either with his current counselor or a counselor with similar credentials. The counseling should address not only James M. Schoenecker's gambling addiction, but also other possible causes for his previous misconduct. The counselor shall file semi- annual progress reports with the Office of Lawyer Regulation. <b>IT IS FURTHER ORDERED</b> that, within 60 days of the date of this order, James M. Schoenecker shall pay to the Office of Lawyer Regulation the costs of this proceeding, which are \$14,754.78 as of October 7, 2019. Per Curiam	12/13/2019

#2017AP1720-CR

State of Wisconsin v. Robert James Pope, Jr.  
**THE DECISION OF THE COURT OF APPEALS IS AFFIRMED.**

12/17/2019

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

#2018AP540-D

In the Matter of Disciplinary Proceedings Against Beth M. Bant, Attorney at Law: Office of Lawyer Regulation v. Beth M. Bant – **IT IS ORDERED** that the license of Beth M. Bant to practice law in Wisconsin is suspended for a period of six months, effective January 29, 2020. **IT IS FURTHER ORDERED** that within 60 days of the date of this order, Beth M. Bant shall pay to the Office of Lawyer Regulation the costs of this proceeding, which are \$10,177.91 as of July 11, 2019. **IT IS FURTHER ORDERED** that, to the extent that she has not already done so, Beth M. Bant 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 compliance with all conditions with this order is required for reinstatement. See SCR 22.29(4)(c). Per Curiam

12/18/2019

#2018AP1263-D

In the Matter of the Disciplinary Proceedings Against Donald J. Harman, Attorney at Law: Office of Lawyer Regulation v. Donald J. Harman -- **IT IS ORDERED** that the license of Donald J. Harman to practice law in Wisconsin is suspended for a period of six months, effective January 29, 2020. **IT IS FURTHER ORDERED** that, as a condition of the reinstatement of his license to practice

12/18/2019

law in Wisconsin, Donald J. Harman shall satisfy the \$4,400 judgment entered against him in the Z. divorce case in LaCrosse County. **IT IS FURTHER ORDERED** that Donald J. Harman 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, Donald J. Harman shall pay to the Office of Lawyer Regulation the cost of this proceeding, which are \$7,662.28 as of May 13, 2019. **IT IS FURTHER ORDERED** that compliance with all conditions with this order is required for reinstatement. See SCR 22.29(4). Per Curiam.

#2017AP1823

Lamar Central Outdoor, LLC v. Division of Hearing & Appeals. **THE DECISION OF THE COURT OF APPEALS IS REVERSED AND THE CAUSE IS REMANDED TO THE CIRCUIT COURT.**

12/19/2019

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

#2017AP880-W

Joshua M. Wren v. Reed Richardson. **THE DECISION OF THE COURT OF APPEALS IS AFFIRMED.**

12/26/2019

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