



Supreme Court of Wisconsin

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WISCONSIN SUPREME COURT MONTHLY STATISTICAL REPORT

FEBRUARY 2020

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

Opinions Issued by the Court

The Supreme Court issued opinions resolving 14 cases in February. Information about these opinions, including the Court's dispositions and the names of the authoring justices, can be found on the attached table.

	<u>February 2020</u>	<u>Term to Date</u>
Total number of cases resolved by opinion	<u>14</u>	<u>38</u>
Attorney disciplinary cases	4	16
Judicial disciplinary cases	0	1
Bar Admissions	0	0
Civil cases	3	20
Criminal cases	7	14

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 February, the Supreme Court disposed of 48 petitions for review, of which 1 petition was granted. The Supreme Court currently has 183 petitions for review pending.

	<u>February 2020</u>	<u>Term to Date</u>
Petitions for Review filed	46	298
Civil cases	11	89
Criminal cases	35	211

Petition for Review dispositions	48	266
Civil cases (petitions granted).....	11 (1)	81 (12)
Criminal cases (petitions granted)	37 (0)	185 (11)

Petitions for Bypass

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

Requests for Certification

During February 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>February 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 2 matters within the regulatory jurisdiction of the Court (bar admission, lawyer discipline, and judicial discipline) were filed and no 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. 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 106 regulatory matters and 15 petitions for supervisory writ pending.

	<u>February 2020</u>	<u>Term to Date</u>
<u>Filings</u>		
Attorney discipline (including reopened cases).....	2	23
Judicial discipline.....	0	0
Bar admission.....	0	1
Petitions for Supervisory Writ	4	26
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	3	23
Other (including Original Actions).....	0	5

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

<u>Docket No.</u>	<u>Title</u>	<u>Date</u>
#2017AP2217	<p>Marathon County v. D. K. THE DECISION OF THE COURT OF APPEALS IS AFFIRMED.</p> <p>Ziegler, J., delivered the majority opinion of the court, with respect to Parts I, II, III, IV.A., IV.B., and IV.C.1, IV A., in which, Roggensack, C. J., and Rebecca Grassl Bradley, Kelly and Hagedorn, JJ., joined, the majority opinion of the court with respect to Part V., in which Roggensack, C. J., Kelly and Hagedorn, JJ., joined, and an opinion with respect to Parts IV.C.2 and IV D, in which Roggensack, C.J., and Hagedorn, J., joined. Rebecca Grassl Bradley, J., filed a concurring opinion, in which Kelly, J., joined. Dallet, J., filed a dissenting opinion, in which Ann Walsh Bradley, J., joined.</p>	02/04/2020
#2017AP1962	<p>Richard A. Mueller v. TL90108, LLC THE DECISION OF THE COURT OF APPEALS IS MODIFIED, AND AFFIRMED AS MODIFIED, AND THE CAUSE IS REMANDED TO THE CIRCUIT COUR FOR FURTHER PROCEEDINGS CONSISTENT WITH THIS OPINION.</p> <p>Hagedorn, J., delivered the majority opinion of the Court in which Roggensack. C. J, Ann Walsh Bradley, Ziegler, Rebecca Grassl Bradley and Kelly, JJ., joined. Dallet, J., did not participate.</p>	02/04/2020

#2019AP1775-D

Office of Lawyer Regulation v. Robert W. Horsch.

02/7/2020

Per Curiam Opinion

IT IS ORDERED that the license of Robert W. Horsch to practice law in Wisconsin is suspended for a period of three years, effective the date of this order. **IT IS FURTHER ORDERED** that if he has not already done so, Robert W. Horsch shall comply with the provisions of SCR 22.26 regarding the duties of a person whose license to practice law in Wisconsin has been suspended.

#2018AP1129

City of Cedarburg v. Ries B. Hansen
THE DECISION OF THE CIRCUIT COURT IS REVERSED.

02/11//2020

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

#2017AP2265-CR

State v. Carrie E. Counihan
THE DECISION OF THE COURT OF APPEALS IS MODIFIED, AND AS MODIFIED, AFFIRMED.

02/13//2020

Ann Walsh Bradley, J., delivered the majority opinion of the court, in which Roggensack, C. J., Ziegler, Dallet and Hagedorn, JJ., joined, and Rebecca Grassl Bradley and Kelly, JJ., joined with respect to ¶¶39-51. Rebecca Grassl Bradley, J., filed a concurring opinion, in which Kelly, J., joined.

#2018AP116

Roger Choinsky v. Germantown School District Board of Edgerton

02/13/2020

THE DECISION OF THE COURT OF APPEALS IS AFFIRMED.

Rebecca Grassl Bradley, 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 dissenting opinion. Hagedorn, J., did not participate.

#2018AP75

State v. Charles L. Neill, IV

02/14/2020

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.

Rebecca Grassl Bradley, J. delivered the majority opinion for a unanimous Court.

#2018AP2162

Town of Wilson v. City of Sheboygan

02/14/2020

THE DECISION OF THE CIRCUIT COURT IS AFFIRMED.

Dallet, J., delivered the majority opinion for a unanimous Court with respect to Parts I., III.C., and III.D, and the majority opinion of the Court with respect to Parts II, III.A., III.B., and IV., in which Roggensack, C.J., Ann Walsh Bradley, Ziegler and Hagedorn, JJ., joined. Rebecca Grassl Bradley, J., filed a concurring opinion, in which Kelly, J., joined. Hagedorn, J., filed a concurring opinion.

#2019AP2271-D

Office of Lawyer Regulation v. Tracey A. B. PER CURIAM

02/19/2020

IT IS ORDERED that, effective the date of this order, the license of Tracey A. Berry to practice law in Wisconsin is suspended for an indefinite period of time due to medical incapacity, based on the Supreme Court of Tennessee order transferring Attorney Berry to disability inactive status for an indefinite period of time. See In Re: Tracey Alice Berry, BPR #023508, case no. M2019-01350-SC-

BAR-BP. **IT IS FURTHER ORDERED** that the administrative suspension of Tracey A. Berry's license to practice law in Wisconsin, due to her failure to pay mandatory bar dues and for failure to file a trust account certification, 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 Tracey A. Berry 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.

#2017AP2435-CR

Office of Lawyer Regulation c. Michael M. Krill

02/20/2020

PER CURIAM

IT IS ORDERED that the license of Michael M. Krill to practice law in Wisconsin is suspended for a period of four and one-half years, commencing the date of his temporary license suspension, August 23, 2017. **IT IS FURTHER ORDERED** that within 60 days of the date of this order, Michael M. Krill shall pay as restitution \$17,500 to R.G. and \$5,400 to J.S. **IT IS FURTHER ORDERED** that as a condition of any future reinstatement, Michael M. Krill shall pay the \$301,412.41 judgment entered against him in favor of Z.H. and S.A. in City of Racine v. AMSAH, LLC, Racine County Circuit Court case no. 2015CV1289. **IT IS FURTHER ORDERED** that within 60 days of the date of this order, Michael M. Krill shall pay to the Office of Lawyer Regulation the full costs of this proceeding, which are \$21,247.90 as of October 23, 2019. **IT IS FURTHER ORDERED** that the restitution specified above and satisfaction of the judgment is to be completed prior to paying costs to the Office of Lawyer Regulation. **IT IS FURTHER ORDERED** that Michael M. Krill 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 of this

order is required for reinstatement. See SCR 22.28(2).

#2018AP1176-D

Office of Lawyer Regulation v. Richard E. Reilly

02/20/2020

PER CURIAM

IT IS ORDERED that the license of Richard E. Reilly to practice law in Wisconsin is suspended for a period of 60 days, effective April 2, 2020. **IT IS FURTHER ORDERED** that Richard E. Reilly shall be required to satisfy any additional financial obligations that may be ordered by the circuit court in the E.M. case. **IT IS FURTHER ORDERED** that Richard R. Reilly 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, Richard E. Reilly shall pay to the Office of Lawyer Regulation, the costs of this proceeding, which are \$15,830.87 as of September 5, 2019. **IT IS FURTHER ORDERED** that compliance with all conditions of this order is required for reinstatement. See SCR 22.28(2).

Ziegler, J. filed a dissenting opinion in which Rebecca Grassl Bradley, J. joined.

#2018AP53-CR

State. v. Dennis Brantner

02/25/2020

THE DECISION OF THE COURT OF APPEALS IS AFFIRMED IN PART, REVERSED IN PART, AND THE CAUSE IS REMANDED TO THE CIRCUIT COURT FOR FURTHER PROCEEDINGS CONSISTENT WITH THIS OPINION.

Kelly, J. delivered the majority opinion of the Court, in which Ann Walsh Bradley, Rebecca Grassl Bradley and Dallet, JJ. joined, and in which Roggensack, C.J., and Ziegler, J. joined as to parts I, II, III.B, III.C and IV. Roggensack, C.J., filed a concurring opinion, in which Ziegler, J., joined.

Hagedorn, J., did not participate.

#2017AP2352

DSG Evergreen Family Limited Partnership v. Town of Perry
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.

02/27/2020

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

#2018AP168

Waukesha County v. J.J.H.
Per Curiam
DISMISSED AS IMPROVIDENTLY GRANTED.

02/27/2020

Ann Walsh Bradley, J. withdrew from participation.

Hagedorn, J. did not participate.

Dallet, J. dissents.

