



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

MAY 2020

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

Opinions Issued by the Court

The Supreme Court issued opinions resolving 9 cases in May. Information about these opinions, including the Court's dispositions and the names of the authoring justices, can be found on the attached table.

	<u>May 2020</u>	<u>Term to Date</u>
Total number of cases resolved by opinion	<u>6</u>	<u>58</u>
Attorney disciplinary cases	3	23
Judicial disciplinary cases.....	0	1
Bar Admissions	0	0
Civil cases	6	41
Criminal cases	0	17

Petitions for Review

A total of 53 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 May, the Supreme Court disposed of 43 petitions for review, of which 4 petition was granted. The Supreme Court currently has 196 petitions for review pending.

	<u>May 2020</u>	<u>Term to Date</u>
Petitions for Review filed	53	422
Civil cases	17	125
Criminal cases	36	297

Petition for Review dispositions	43	377
Civil cases (petitions granted).....	10 (2)	113 (16)
Criminal cases (petitions granted)	33 (2)	264 (15)

Petitions for Bypass

In May, the Supreme Court received no 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 one petition for bypass pending.

	<u>May 2020</u>	<u>Term to Date</u>
Petitions for Bypass filed	0	9
Civil cases	0	8
Criminal cases	0	1
Petition for Bypass dispositions.....	1	11
Civil cases (petitions granted).....	1 (0)	10 (0)
Criminal cases (petitions granted)	0 (0)	1 (0)

Requests for Certification

During May 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>May 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 cases were 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. 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 97 regulatory matters and 14 petitions for supervisory writ pending.

	<u>May 2020</u>	<u>Term to Date</u>
<u>Filings</u>		
Attorney discipline (including reopened cases).....	2	30
Judicial discipline.....	0	0
Bar admission.....	0	1
Petitions for Supervisory Writ	3	34
Other (including Original Actions).....	1	6
 <u>Dispositions by Order</u>		
Attorney discipline.....	3	5
Judicial discipline.....	0	0
Bar admission.....	0	0
Petitions for Supervisory Writ	2	25
Other (including Original Actions).....	1	12

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

<u>Docket No.</u>	<u>Title</u>	<u>Date</u>
#2020AP765-OA	<p>Wisconsin Legislature v. Andrea Palm: PALM’S EMERGENCY ORDER 28 IS DECLARED UNLAWFUL, INVALID AND UNENFORCEABLE.</p> <p>Roggensack, CJ, delivered the majority opinion of the Court, in which Ziegler, Rebecca Grassl Bradley, and Kelly, JJ., joined. Roggensack, C.J., filed a concurring opinion. Rebecca Grassl Bradley, J., filed a concurring opinion, in which Kelly, J. joined. Kelly, J., filed a concurring opinion, in which Rebecca Grassl Bradley, J., joined. Ann Walsh Bradley, J., filed a dissenting opinion, in which Dallet, J., joined. Dallet, J., filed a dissenting opinion, in which Ann Walsh Bradley, J., joined. Hagedorn, J., filed a dissenting opinion, in which Ann Walsh Bradley, and Dallet, JJ., joined with respect to ¶¶198-258.</p>	05/13/2020
#2018AP1165	<p>Jose M. Correa v. Woodman’s Food Market: THE DECISION OF THE COURT OF APPEALS IS REVERSED.</p> <p>Kelly, J., delivered the majority opinion for a unanimous Court. Ann Walsh Bradley, J., withdrew from participation.</p>	05/19/2020
#2018AP458	<p>Emer’s Camper Corral, LLC v. Michael A. Alderman: THE DECISION OF THE COURT OF APPEALS IS AFFIRMED.</p> <p>Kelly, J. delivered the majority of the Court, in which Ann Walsh Bradley, Ziegler, Rebecca Grassl Bradley, Dallet and Hagedorn, JJ., joined. Roggensack, C.J. filed a dissenting opinion</p>	05/21/2020

#2016AP2522-D

Office of Lawyer Regulation v. Peter J. Kovac

05/27/2020

PER CURIAM

IT IS HEREBY ORDERED that the license of Peter J. Kovac to practice law in Wisconsin is suspended for a period of five months, effective July 8, 2020. IT IS FURTHER ORDERED that within 60 days of the date of this order, Peter J. Kovac shall pay to the Office of Lawyer Regulation the costs of this proceeding, which are \$7,401.87 as of December 11, 2019. IT IS FURTHER ORDERED that Peter J. Kovac shall comply with the provisions of SCR 22.26 concerning the duties of an attorney whose license to practice law has been suspended. IT IS FURTHER ORDERED that compliance with all conditions of this order is required for reinstatement. See SCR 22.28(2). Dallet, J., filed a dissenting opinion.

#2019AP1175-D

Office of Lawyer Regulation v. Diane R. Casperi.

05/28/2020

PER CURIAM

IT IS HEREBY ORDERED that the license of Diane R. Casperi to practice law in Wisconsin is suspended for a period of 90 days, effective July 9, 2020. IT IS FURTHER ORDERED that within 60 days of the date of this order Diane T. Casperi shall pay to Dr. David Thompson the sum of \$4,862.50. IT IS FURTHER ORDERED that Diane R. Casperi 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).

**Office of Lawyer Regulation v. Robert C.
Menard**

PER CURIAM

IT IS ORDERED that the license of Robert C, Menard to practice law in Wisconsin is revoked, effective the date of this order.

IT IS FURTHER ORDERED that within 60 days of the date of this order, Robert C. Menard shall make restitution to the following clients:

- To C.M. the sum of \$459.58
- To B.W. the sum of \$5,000.32
- To J.B. the sum of \$12,648.44
- To J.L.-M. the sum of \$4,346.57
- To P.D. the sum of \$1,100
- To J.S. the sum of \$74,137.58 (less any or all of the \$5,395.72 amount which Attorney Menard can demonstrate was paid on behalf of J.S. for legitimately due and owing medical expenses.

IT IS FURTHER ORDERED that within 60 days of the date of this order, Robert C. Menard shall pay to the Office of Lawyer Regulation the costs of this proceeding, which are \$18,191.42 as of October 25, 2019. IT IS FURTHER ORDERED that the restitution specified above is to be completed prior to paying costs to the Office of Lawyer Regulation. IT IS FURTHER ORDERED that, to the extent he has not already done so, Robert C. Menard shall comply with the provisions of SCR 22.26 concerning the duties of an attorney whose license to practice law has been revoked. IT IS FURTHER ORDERED that the temporary suspension of Robert C. Menard's license to practice law, which was issued on March 20, 2020, is hereby lifted.

Dallet, J. did not participate.