

WISCONSIN SUPREME COURT CALENDAR AND CASE SYNOPSES MARCH 2026

The cases listed below will be heard in the Supreme Court Hearing Room, 231 East, State Capitol. The cases listed below originated in the following counties:

Polk
Racine
Waukesha

TUESDAY, MARCH 10, 2026

9:45 a.m.	2024AP1390	Waukesha County v. R. D. T.
11:00 a.m.	2025AP813-FT	Racine County v. R. P. L.

WEDNESDAY, MARCH 11, 2026

9:45 a.m.	2022AP431	Wisconsin State Legislature v. Josh Kaul
11:00 a.m.	2024AP1019-D	Office of Lawyer Regulation v. Gary W. Thompson

Note: The Supreme Court calendar may change between the time you receive it and when a case is heard. It is suggested that you confirm the time and date of any case you are interested in by calling the Clerk of the Supreme Court at (608) 266-1880. If your news organization is interested in providing any type of camera coverage of the Supreme Court oral argument, you must contact media coordinator Jason Cuevas at WISC-TV, (608) 277-5241. The synopses provided are not complete analyses of the issues presented.

WISCONSIN SUPREME COURT

March 10, 2026

9:45 a.m.

2024AP1390

Waukesha County v. R. D. T.

This is a review of a decision by the Wisconsin Court of Appeals, District II (headquartered in Waukesha), which dismissed as moot an appeal from orders for recommitment and involuntary medication entered in the Waukesha County Circuit Court, Judge Cody J. Horlacher presiding. The case examines whether an appeal from a recommitment order is moot when the order has expired but the committed individual remains subject to certain collateral consequences, including statutory liability for costs of care, firearms ban, and the stigma of being involuntarily committed. The case also examines whether the circuit court erroneously relied on hearsay when ordering the recommitment.

R.D.T. was first involuntarily committed under WIS. STAT. ch. 51 in 2021 and then recommitted (a term used to denote the commitment was extended after a hearing) in 2022 and 2023. Waukesha County filed another petition for extension in September of 2023 alleging that the subject needed continued treatment because of his history of stopping medication and decompensating when not under a court order. The court held a hearing on September 26, 2023. The court heard testimony from a social worker and a psychiatrist and admitted the psychiatrist's report subject to a hearsay objection from R.D.T. The court approved the County's requested extension of R.D.T.'s commitment. R.D.T. appealed and while the appeal was pending the recommitment order subject to the appeal expired and R.D.T.'s commitment was again extended.

The court of appeals determined that R.D.T.'s appeal was moot because the subject recommitment order had expired and R.D.T. was subject to a new recommitment order. The court of appeals further explained that no claimed collateral consequences of the order—such as liability for costs of care or being subject to a firearms ban—rendered the claim not moot. Finally, the court of appeals determined that any claimed errors by the circuit court were harmless.

Before the supreme court, R.D.T. argues that the appeal is not moot under this court's guidance in *Sauk County v. S.A.M.*, 2022 WI 46, which recognized statutory liability for costs of care as a collateral consequence that renders an appeal not moot. R.D.T. also argues that the circuit court improperly relied on inadmissible hearsay in the expert psychiatrist's report when ordering R.D.T.'s recommitment. The county responds that the appeal is moot and that *Sauk County v. S.A.M.* is distinguishable. The county further argues that the circuit court is allowed to rely on R.D.T.'s treatment records and summaries thereof when making commitment decisions and, therefore, did not erroneously rely on any inadmissible hearsay.

The Wisconsin Supreme Court granted review to address the following issues:

- 1) Is R.D.T.'s appeal from his recommitment moot where the commitment has expired, but he remains liable for the costs of care and [is] subject to a firearms ban?
- 2) Did the circuit court make sufficient factual findings – grounded in admissible evidence – to support R.D.T.'s recommitment?

WISCONSIN SUPREME COURT

March 10, 2026

11:00 a.m.

2025AP813-FT

Racine County v. R. P. L.

This is a review of a decision by the Wisconsin Court of Appeals, District II (headquartered in Waukesha), which affirmed a Racine County Circuit Court order, Judge Timothy D. Boyle presiding, continuing an adult's protective placement under Wis. Stat. ch. 55. The case examines whether the County presented sufficient evidence at the annual review hearing to satisfy the statutory criteria for continued protective placement and least restrictive placement, and whether the appeal is moot in light of a subsequent annual review order.

Racine County petitioned to continue protective placement following an annual review under Wis. Stat. § 55.18. The circuit court received an examiner's report and testimony describing the individual's diagnosed impairments, functional limitations, care needs, and current placement. The court found that the statutory criteria for protective placement under Wis. Stat. § 55.08(1) were met, including that the condition is permanent or likely permanent, that the individual has a primary need for residential care and custody, and that the individual is so totally incapable of providing for his or her own care that there is a substantial risk of serious harm. The court also concluded that the placement identified was the least restrictive setting consistent with the individual's needs and entered an order continuing protective placement.

The court of appeals affirmed. It concluded that the circuit court applied the correct legal standards under Wis. Stat. §§ 55.08 and 55.18 and that the findings were supported by the record. The appellate court rejected challenges to the sufficiency of the evidence and upheld the determination that the identified setting satisfied the least restrictive requirement.

Before the Supreme Court, the ward argues that the appeal is not moot due to potential collateral consequences, including financial liability for costs of care, and contends that the 2024 evidentiary record did not meet the standards of Wis. Stat. § 55.08(1) for continued protective placement. Racine County responds that the appeal is moot because a later 2025 annual review resulted in another order continuing protective placement, which it contends supersedes the 2024 order at issue. The County also maintains that, if the Supreme Court reaches the merits, the evidence at the 2024 annual review satisfied Wis. Stat. § 55.08(1) and that the placement selected was the least restrictive appropriate setting.

The Wisconsin Supreme Court granted review to address the following issues:

- 1) Did the court of appeals apply the correct legal standard to its review of the sufficiency of the evidence?
- 2) Applying the correct legal standard, does the evidence meet the statutory criteria?

WISCONSIN SUPREME COURT

March 11, 2026

9:45 a.m.

2022AP431

Wisconsin State Legislature v. Josh Kaul

This is a review of a decision by the Wisconsin Court of Appeals, District II (headquartered in Waukesha), which reversed a Polk County Circuit Court decision, Judge Jeffery Anderson presiding. The case involves a dispute between the Wisconsin State Legislature and the Attorney General over how money received from legal settlements must be deposited and spent.

In 2017, the Legislature enacted Wis. Stat. § 165.10, which limited how the Attorney General could spend settlement funds that were not already committed to a specific purpose. In 2018, the Legislature amended the statute to require that the Attorney General “deposit all settlement funds into the general fund.”

After the amendment, the Department of Justice continued to deposit certain settlement funds into specific program revenue accounts within the general fund. The Wisconsin State Legislature filed suit, arguing that the statute requires all settlement money to be deposited as general purpose revenue, meaning it could be spent only as directed by the Legislature. The Attorney General and the Department of Administration maintained that depositing settlement money into existing program revenue accounts within the general fund complies with the statute.

The circuit court partially ruled in favor of the Attorney General, concluding that the department’s current practice satisfies the requirement to deposit settlement funds into the general fund. In a 2–1 decision, the Court of Appeals reversed, holding that the statute requires all settlement funds to be treated as general purpose revenue rather than credited to program revenue accounts. The dissenting judge concluded that the statute does not clearly prohibit the department’s approach.

The Legislature argues that the amended statute was intended to ensure legislative control over all settlement funds and that existing budget statutes require those funds to be credited as general purpose revenue. The Attorney General responds that the department is following the plain language of the law and that long-standing appropriations statutes continue to allow settlement funds to be credited to specific program accounts.

The Wisconsin Supreme Court granted review to address the following issues:

- 1) Does Wis. Stat. § 165.10 require the Attorney General to deposit all settlement funds into the general fund as general purpose revenue subject to legislative control?
- 2) If not, may the Department of Justice credit settlement funds to existing program revenue accounts, including the appropriation for “proceeds from services” under Wis. Stat. § 20.455(3)(g)?

WISCONSIN SUPREME COURT

March 11, 2026

11:00 a.m.

2024AP1019-D

Office of Lawyer Regulation v. Gary W. Thompson

This is an attorney disciplinary proceeding before the Wisconsin Supreme Court on appeal from a referee's report. The case examines whether Attorney Gary W. Thompson violated SCR 20:3.4(b) by offering an inducement to a fact witness in connection with an arbitration, whether the rule is unconstitutionally vague as applied, and what discipline and costs, if any, are appropriate.

The Office of Lawyer Regulation commenced this matter by disciplinary complaint. A referee was appointed, an evidentiary hearing was held, and the referee issued written findings of fact, conclusions of law, and a recommendation regarding discipline and costs. The appeal now before the Supreme Court challenges the referee's legal conclusions and recommended sanction under the Supreme Court Rules.

According to the referee's findings, Thompson extended two offers to his client's former employee to assist in preparing for and participating in a pending arbitration: first, \$2,000 plus a contingent \$25,000 bonus if the client prevailed, and later an increased offer of \$5,000 plus the same contingent bonus. The referee concluded that this conduct violated SCR 20:3.4(b), which prohibits offering an inducement to a witness that is prohibited by law, and recommended a public reprimand.

Thompson challenges the application of SCR 20:3.4(b), arguing that the rule is void for vagueness as applied and that his conduct did not constitute an unlawful inducement. He also contests the referee's treatment of a project manager agreement that figured into the contingent bonus theory and disputes the recommended sanction and costs. The Office of Lawyer Regulation responds that the rule provided adequate notice, that the record supports a violation, that a public reprimand is warranted, and that full costs should be imposed.

The Wisconsin Supreme Court granted review to address the following issues:

- 1) Whether SCR 20:3.4(b) is unconstitutionally vague as applied to Thompson.
- 2) Whether Thompson violated SCR 20:3.4(b) by extending an offer of \$5,000, together with a contingent \$25,000 bonus, to a fact witness to assist in preparing for and participating in arbitration.
- 3) Whether the referee correctly concluded that the project manager agreement did not support the contingent bonus theory advanced by Thompson.
- 4) If a violation is found, whether a public reprimand is an appropriate sanction and whether full costs should be assessed.