



# Supreme Court of Wisconsin

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## WISCONSIN SUPREME COURT MONTHLY STATISTICAL REPORT

### DECEMBER 2020

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

#### Opinions Issued by the Court

The Supreme Court issued opinions resolving 7 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 2020</u>	<u>Term to Date</u>
Total number of cases resolved by opinion .....	7	21
Attorney disciplinary cases .....	2	15
Judicial disciplinary cases.....	0	0
Bar Admissions .....	0	0
Civil cases .....	3	3
Criminal cases .....	2	3

#### 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 December, the Supreme Court disposed of 26 petitions for review, of which 2 petitions were granted. The Supreme Court currently has 200 petitions for review pending.

	<u>December 2020</u>	<u>Term to Date</u>
Petitions for Review filed .....	53	203
Civil cases .....	21	77
Criminal cases .....	32	126

Petition for Review dispositions .....	26	169
Civil cases (petitions granted).....	10 (1)	72 (8)
Criminal cases (petitions granted) .....	16 (1)	97 (8)

### Petitions for Bypass

In December, the Supreme Court received 2 petitions for bypass and disposed of 2 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 December also be granted where there is a clear need to hasten the ultimate appellate decision. The Supreme Court currently has no petitions for bypass pending.

	<u>December 2020</u>	<u>Term to Date</u>
Petitions for Bypass filed .....	2	7
Civil cases .....	1	2
Criminal cases .....	1	5
Petition for Bypass dispositions.....	2	7
Civil cases (petitions granted).....	1 (1)	3 (1)
Criminal cases (petitions granted) .....	1 (1)	4 (1)

### Requests for Certification

During December 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>December 2020</u>	<u>Term to Date</u>
Requests for Certification filed.....	0	<u>2</u>
Civil cases .....	0	0
Criminal cases .....	0	2
Request for Certification dispositions.....	<u>0</u>	<u>5</u>
Civil cases (requests granted) .....	0 (0)	2 (1)
Criminal cases (requests granted) .....	0 (0)	3 (3)

Regulatory Matters, Supervisory Writs, and Original Actions

During the month, a total of 3 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 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. There were 3 original actions 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 99 regulatory matters and 13 petitions for supervisory writs pending.

	<u>December 2020</u> <u>Term to Date</u>	
<u>Filings</u>		
Attorney discipline (including reopened cases).....	3	9
Judicial discipline.....	0	0
Bar admission.....	0	2
Petitions for Supervisory Writ .....	4	14
Other (including Original Actions).....	3	14
 <u>Dispositions by Order</u>		
Attorney discipline.....	0	0
Judicial discipline.....	0	0
Bar admission.....	0	0
Petitions for Supervisory Writ .....	0	13
Other (including Original Actions).....	4	11

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

<u>Docket No.</u>	<u>Title</u>	<u>Date</u>
#2019AP1170-D	<p><b>Office of Lawyer Regulation v. Benjamin A. Hanes</b> <b>PER CURIAM.</b> <b>IT IS ORDERED</b> that the license of Benjamin A. Hanes to practice law in Wisconsin is suspended for a period of four years, effective the date of this order. <b>IT IS FURTHER ORDERED</b> that Benjamin A. Hanes' administrative suspensions for failure to pay State Bar dues, noncompliance with continuing legal education requirements, and failure to submit the required trust account certification to the State Bar shall remain in effect until the reason for each such suspension has been rectified. <b>IT IS FURTHER ORDERED</b> that within 60 days of the date of this order, Benjamin A. Hanes shall pay to the Office of Lawyer Regulation the full costs of this proceeding, which are \$7,704.67 as of March 17, 2020. <b>IT IS FURTHER ORDERED</b> that, to the extent that he has not already done so, Benjamin A. Hanes 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. <b>IT IS FURTHER ORDERED</b> that any future reinstatement of Benjamin A. Hanes' law license will be conditioned upon:</p> <ul style="list-style-type: none"><li>• Providing evidence and documentation to the Office of Lawyer Regulation, demonstrating that, at least one year prior to his petition for reinstatement Benjamin A. Hanes participated, at his own expense, in an alcohol and other drug abuse and mental health assessment by a Wisconsin Lawyers Assistance Program approved provider.</li></ul>	12/09/2020

- Providing evidence demonstrating that he has complied and remains compliant with any specific written recommendations for treatment or maintenance as a result of that assessment, including compliance with all monitoring requirements, if any, deemed appropriate by the Wisconsin Lawyers Assistance Program or other monitor designated by the Office of Lawyer Regulation, which may include the requirement to refrain from the consumption of alcohol and any mood-altering drugs without a valid prescription while subject to monitoring.
- Providing signed medical releases of confidentiality for each treatment provider who is providing or has provided to Benjamin A. Hanes within the last two years any treatment, assessment, or services related to alcohol or substance abuse, such releases to remain in effect for two years from the date of signature.
- Acknowledging that any future reinstatement may be subject to further conditions, including monitoring.

#2018AP2104

**State v. Jamie Lane Stephenson**  
**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., ZIEGLER, HAGEDORN, and KAROFSKY, JJ., joined. ANN WALSH BRADLEY, J., filed a dissenting opinion in which DALLET, J., joined.**

12/18/2020

#2019AP90-CR

**State v. George E. Savage**  
**THE DECISION OF THE COURT OF APPEALS IS REVERSED.**  
**ZIEGLER, J.**, delivered the majority opinion for a unanimous Court.

12/23/2020

#2018AP237-D

**Office of Lawyer Regulation v. Jeffery J. Drach**  
**PER CURIAM.**  
**IT IS ORDERED** that Jeffery J. Drach is publicly reprimanded for his professional misconduct. **IT IS FURTHER ORDERED** that within 60 days of the date of this order, Jeffery J. Drach shall pay to the Office of Lawyer Regulation the costs of this proceeding, which are \$26,449.93 as of November 9, 2020. **IT IS FURTHER ORDERED** that the director of the Office of Lawyer Regulation shall advise the court if there has not been full compliance with all conditions of this decision.  
**ANN WALSH BRADLEY, J.** did not participate.

12/23/2020

#2018AP283

**Gail Moreschi v. Village of Williams Bay and Town of Linn ETZ Zoning Board of Appeals**  
**THE DECISION OF THE COURT OF APPEALS IS AFFIRMED.**  
**DALLET, J.**, delivered the majority opinion of the Court with respect to all parts except ¶¶23 and 24, in which **ROGGENSACK, C.J., ANN WALSH BRADLEY, ZIEGLER, and KAROFISKY, JJ.**, joined, and an opinion with respect to ¶¶23 and 24, in which **ANN WALSH BRADLEY and KAROFISKY, JJ.**, joined. **ZIEGLER, J.**, filed a concurring opinion, in which **ROGGENSACK, C. J.**, joined. **REBECCA GRASSL BRADLEY, J.**, filed a dissenting opinion.  
**HAGEDORN, J.**, did not participate.

12/30/2020

