

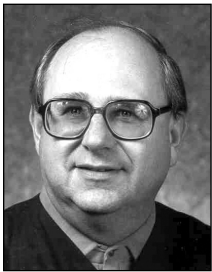
Brash, Konkol affirmed 16 times in 2008

BY DAVID ZIEMER,

david.ziemer@wislawjournal.com



Brash



Konkol

Three Wisconsin circuit court judges — all from Milwaukee County — led the courts in facing review on appeal without being reversed once in 2008.

Judges William W. Brash, III, and Daniel L. Konkol were both reviewed 16 times in 2008, and affirmed 16 times, without blemish.

Judge Brash joked that he is sure it's only a temporary situation.

"But it's nice to know, after you put lots of time to reach

decisions in cases, that the Court of Appeals agrees," Brash said.

The only other judge to face double-digit reviews without any reversals was their colleague, Timothy M. Witkowiak, who was affirmed 11 times without reversal.

In fact, Judge Witkowiak has never been

"It's nice to know, after you put lots of time to reach decisions in cases, that the Court of Appeals agrees."

Hon. William W. Brash III, affirmed 16 times

reversed. Since taking the bench in 2002, he has been affirmed 22 times without reversal, currently the longest streak among circuit court judges.

For sheer volume of reviews, four other Milwaukee County judges were reviewed more than 20 times in 2008.

Judge M. Joseph Donald was affirmed 21 times, with three reversals; Judge Timothy G. Dugan was affirmed 20 times, with only one reversal; Judge Dennis P. Moroney was affirmed 22 times, with two reversals; and Judge Jeffrey A. Wagner was affirmed 27 times, with three reversals.

Judge Wagner has long been the most frequently reviewed judge in the state. Since *Wisconsin Law Journal* began keeping track starting Jan. 1, 2000, he has been affirmed 136 times, and reversed 13 times, a 91 percent affirmed rating.

Only one other judge, Dugan, has been affirmed more than 100 times during that period. Since 2000, Dugan has been affirmed 108 times, and reversed 25.

included on the Wisconsin Court System's Web site are counted, not summary decisions by the Wisconsin Court of Appeals.

Also, despite efforts to avoid such errors, a judge could be listed in the decision as the presiding judge being reversed, even if he merely entered an order consistent with the law of the case as established by another judge; or a judge could be reversed in the Court of Appeals, and ultimately be affirmed in the Supreme Court, but the earlier reversal would nevertheless remain counted as a reversal in the Court of Appeals.

And, of course, the law changes; a judge's holding could be entirely consistent with binding precedent at the time it was issued, and be reversed only because a subsequent decision changed the law.

The process is also very labor-intensive, and despite utmost care, human error is possible.

Nevertheless, the project has been continued over the last nine years in the belief that the effect of potential occasional errors in the methodology in any given year will be minimal relative to individual judges' performance over an extended period of time.

The accompanying charts show not only how the state's circuit court judges fared when their decisions were reviewed in the Court of Appeals, but how circuit court judges fared if their decisions were ultimately reviewed by the Wisconsin Supreme Court in 2008.

Of Wisconsin circuit court judges with cases ultimately considered by the Wisconsin Supreme Court, four judges were reviewed twice and affirmed both times: Milwaukee County Circuit Court judges Clare L. Fiorenza and John Franke; Kenosha County Circuit Court Judge Wilbur W. Warren, III; and Ozaukee County Circuit Court Judge Thomas R. Wolfram.

Judge Fiorenza was also reviewed in the Supreme Court twice in 2007, and affirmed in both cases.

Methodology

The methodology for this project is admittedly not perfect: only full decisions

Court reverses out-state judges more often

During the nine years that the *Wisconsin Law Journal* has reviewed trial court reversals, one thing has remained constant; the judges in Milwaukee County get reversed less than out-state judges.

In 2008, for example, all three judges with double-digit affirmances, and no reversals were from Milwaukee County. In both the previous two years, it was another Milwaukee judge, David Hansher, who had the most affirmances without a reversal.

That is not always the case; there have been several years when the judge who topped the charts was not from Milwaukee. Even those, however, generally come from larger counties in southeast Wisconsin.

A review of the total numbers collected since 2000 shows that Milwaukee County judges get reversed less than out-state judges. In fact, judges in counties covered by the District III Court of Appeals in Wausau, get reversed 50 percent more often.

Among active circuit court judges, since 2000, those in District I (Milwaukee County) have been affirmed 1,960 times and reversed 424 times, an 82 percent affirmance rate.

In contrast, trial judges in District III have been affirmed 1,275 times, and reversed 480 times, only a 73 percent affirmance rate.

Examining the state by judicial district shows similar patterns. District I (Milwaukee County), at 82 percent is tied for the highest percentage of affirmance with District 4 (Sheboygan, Fond du Lac, Winnebago, Calumet, and Manitowoc Counties). Next highest, at 80 percent is District II (Racine, Walworth, and Kenosha Counties).

Meanwhile, the district with the lowest percentage of affirmance is District 10 in the far northwest part of the state — 69 percent. Second lowest are District 9 (north central) and District 7 (southwest), both at 72 percent.

Institutional advantages in the larger

counties in Districts I and II likely explain the disparity.

Judges in more populous counties have specialized court calendars, hearing the same types of cases day in and day out. A judge who is the only judge in the county will hear every type of case.

Marathon County Judge Gregory E. Grau, chief judge for the 9th District (Florence, Forest, Iron, Langlade, Lincoln, Marathon, Menominee, Oneida, Price, Shawano, Taylor and Vilas counties), acknowledged that the diversity of a one-judge county's calendar may explain the difference.

"Conversations come up with judges in single-judge counties, in which everyone has a general case load, and they may only see a particular legal issue once in their careers," Grau said. "I have heard many judges say that these are the types of cases that tend to get reversed."

"A judge may have expertise in some areas of the law, but none in another area. When a case in that area comes up, I've heard judges say that's when they have difficulty," Grau added.

To assist new judges, Grau said, the court system has a mentoring program, in which new judges spend weeks sitting on the bench with veteran judges. The program is set up to try to expose them to different types of cases. The state also has judicial education in the first year, and a weeklong judicial college.

David E. Sunby, an attorney in Habush Habush & Rottier S.C.'s Wausau office, agrees that judges in one-judge counties are more likely to be reversed, because of the nature of their calendars.

Such judges may only preside over one civil jury trial a year, Sunby said, and when a novel issue arises, they have to "reinvent the wheel" for themselves.

Sunby said that almost all of his appeals presented an issue of first impression for the trial judge hearing the case.

He also noted that many attorneys in rural areas are general practitioners, rather than

Court of Appeal Districts			
Circuit court judges in Milwaukee were affirmed more often by the Wisconsin Court of Appeals than any other district. The chart below indicates how many times trial judges in each Court of Appeals district were affirmed or reversed since 2000.			
District	Affirmed	Reversed	% Affirmed
Dist. I	1,960	424	82%
Dist. II	1,708	451	79%
Dist. III	1,275	480	73%
Dist. IV	1,652	534	76%

Judicial Administrative Districts			
The chart below shows how many times circuit court judges in each administrative district were affirmed or reversed when reviewed by the Court of Appeals since 2000.			
District	Affirmed	Reversed	% Affirmed
Dist. 1	1,960	424	82%
Dist. 2	656	168	80%
Dist. 3	641	190	77%
Dist. 4	471	101	82%
Dist. 5	805	256	76%
Dist. 6	459	142	76%
Dist. 7	377	147	72%
Dist. 8	490	145	77%
Dist. 9	295	117	72%
Dist. 10	441	199	69%

specialists. Because Sunby does nothing but personal injury law, he said he doesn't face that many new issues, but a general practitioner is more likely to be addressing any given issue for the first time.

Sunby further noted the background of most rural judges, who he said generally come from a criminal law background, either as prosecutor or defense attorney, or

from a county's corporation counsel office. "Even if they are good judges, they are generally not familiar with civil personal injury law."

Sunby practiced for seven years in Milwaukee and Dane counties, and has practiced in Habush's Wausau office for the last 17.

— David Ziemer

How Circuit Court judges fared in Court of Appeals

Judge	County	2008			2000-08 total			Judge	County	2008			2000-08 total		
		Affirmed	Reversed	% Affirmed	Affirmed	Reversed	% Affirmed			Affirmed	Reversed	% Affirmed	Affirmed	Reversed	% Affirmed
Abbott, Steven L.	Monroe	0	2	0%	14	6	70%	Erwin, Jacqueline R.	Jefferson	4	0	100%	35	3	92%
Albert, John	Dane	7	2	78%	49	26	65%	Evenson, James	Sauk	5	0	100%	38	7	84%
Amato, Dominic S.	Milwaukee	1	1	50%	11	15	42%	Faragher, Patrick	Washington	1	1	50%	23	11	68%
Anderson, John	Bayfield	1	0	100%	9	7	56%	Fiedler, Patrick J.	Dane	5	1	83%	44	15	75%
Ashley, Carl	Milwaukee	2	0	100%	18	3	86%	Fiorenza, Clare L.	Milwaukee	4	3	57%	46	18	72%
Atkinson, William M.	Brown	3	2	60%	31	10	76%	Fisher, Michael S.	Kenosha	1	0	100%	42	5	89%
Babler, James	Barron	1	1	50%	15	2	88%	Flanagan, David T.	Dane	6	0	100%	51	22	70%
Bain, Dorothy L.	Marathon	3	2	60%	22	5	81%	Flanagan, Mel	Milwaukee	12	1	92%	78	16	83%
Barry, Dennis J.	Racine	1	0	100%	18	7	72%	Flancher, Faye	Racine	2	1	67%	17	4	81%
Bartell, Angela	Dane	6	0	100%	52	3	95%	Fleishauer, Frederick	Portage	2	0	100%	26	8	76%
Bastianelli, David M.	Kenosha	3	0	100%	34	9	79%	Flugaur, Thomas	Portage	3	1	75%	17	4	81%
Bates, R. Alan	Rock	3	1	75%	11	1	92%	Foley, Christopher	Milwaukee	8	0	100%	54	2	96%
Beer, James R.	Green	3	0	100%	24	7	77%	Foster, Kathryn W.	Waukesha	7	0	100%	45	13	78%
Bischel, Sue E.	Brown	4	0	100%	34	9	79%	Foust, C. William	Dane	8	2	80%	57	9	86%
Bissonnette, Andrew	Dodge	2	0	100%	34	13	72%	Fox, Douglas T.	Price	1	0	100%	25	9	74%
Bolger, James J.	Sheboygan	2	0	100%	41	3	93%	Fox, Jerome L.	Manitowoc	0	1	0%	2	1	67%
Borowski, David	Milwaukee	1	0	100%	8	2	80%	Franke, John	Milwaukee	10	4	71%	85	14	86%
Bourke, Terence	Sheboygan	5	0	100%	14	1	93%	Gableman, Michael	Burnett	0	2	0%	12	7	63%
Brady, Patrick	Marathon	2	2	50%	19	10	66%	Gabler, William M.	Eau Claire	3	1	75%	29	6	83%
Brash, William	Milwaukee	16	0	100%	37	2	95%	Gage, Michael W.	Outagamie	0	1	0%	23	5	82%
Brennan, Kitty K.	Milwaukee	1	0	100%	52	7	88%	GaleWyrick, Molly	Polk	2	0	100%	9	3	75%
Brennan, Michael B.	Milwaukee	8	3	73%	73	14	84%	Gaylord, Shelley	Dane	1	0	100%	8	2	80%
Brunner, Edward R.	Barron	1	1	50%	24	10	71%	Gempeler, Mark	Waukesha	0	3	0%	31	11	74%
Byron, Michael J.	Rock	2	0	100%	19	4	83%	George, Daniel S.	Columbia	4	0	100%	26	10	72%
Cameron, Roderick A.	Chippewa	3	0	100%	26	6	81%	Gibbs, Michael S.	Walworth	6	1	86%	40	17	70%
Carlson, Gary L.	Taylor	3	1	75%	22	8	73%	Glonek, George	Douglas	4	0	100%	14	2	88%
Carlson, James L.	Walworth	7	0	100%	53	14	79%	Gonring, Andrew	Washington	2	1	67%	13	5	72%
Carver, William H.	Winnebago	1	0	100%	24	5	83%	Gonzalez, Ramona	La Crosse	3	2	60%	25	9	74%
Christenson, Karen E.	Milwaukee	7	2	78%	44	12	79%	Grau, Gregory E.	Marathon	1	1	50%	21	3	88%
Conen, Jeffrey A.	Milwaukee	3	1	75%	57	10	85%	Grimm, Peter L.	Fond du Lac	5	0	100%	26	6	81%
Constantine, Charles	Racine	1	2	33%	20	12	63%	Gritton, Thomas J.	Winnebago	3	2	60%	21	9	70%
Counsell, Jon	Clark	2	2	50%	14	10	58%	Grover, Thomas G.	Shawano	1	4	20%	31	18	63%
Curry, George S.	Grant	7	1	88%	30	8	79%	Guolee, Michael	Milwaukee	3	1	75%	32	18	64%
Daley, James P.	Rock	3	1	75%	24	5	83%	Habeck, James	Menominee	3	1	75%	18	3	86%
Damon, John A.	Trempeleau	3	3	50%	24	13	65%	Hanrahan, William E.	Dane	2	0	100%	2	0	100%
Davis, J. Mac	Waukesha	3	3	50%	37	16	70%	Hansher, David	Milwaukee	5	1	83%	74	10	88%
DeChambeau, Robert	Dane	1	0	100%	62	21	75%	Harrington, Eugene D.	Washburn	4	3	57%	38	24	61%
Deets, Darryl W.	Manitowoc	3	0	100%	21	3	88%	Hassin, Donald J.	Waukesha	2	1	67%	35	17	67%
Delforge, Richard	Oconto	2	2	50%	10	5	67%	Haughney, Patrick C.	Waukesha	2	0	100%	28	11	72%
DesJardins, John A.	Outagamie	3	1	75%	30	13	70%	Hazlewood, Fred H.	Manitowoc	1	0	100%	17	3	85%
Dietz, Richard J.	Brown	3	1	75%	31	7	82%	Henderson, Frederick	Rusk	1	3	25%	27	11	71%
Dillon, Daniel T.	Rock	2	1	67%	22	7	76%	Hinkfuss, Timothy A.	Brown	1	2	33%	1	2	33%
Diltz, Peter C.	Door	2	1	67%	23	5	82%	Horne, Scott L.	La Crosse	2	1	67%	2	1	67%
DiMotto, Jean	Milwaukee	9	1	90%	71	9	89%	Howard, Vincent K.	Marathon	1	0	100%	20	17	54%
DiMotto, John	Milwaukee	2	1	67%	49	3	94%	Huber, Gregory B.	Marathon	3	1	75%	8	2	80%
Donald, M. Joseph	Milwaukee	21	3	88%	76	21	78%	Huber, Raymond	Waupaca	2	2	50%	7	5	58%
Donegan, Thomas P.	Milwaukee	2	2	50%	29	10	74%	Hue, William F.	Jefferson	1	1	50%	19	8	70%
Doyle, Timothy M.	Barron	1	0	100%	1	0	100%	Johnston, William	Lafayette	1	1	50%	9	5	64%
Dreyfus, Lee S., Jr.	Waukesha	2	0	100%	38	8	83%	Judge, Michael T.	Oconto	4	1	80%	6	1	86%
Dugan, Timothy	Milwaukee	20	1	95%	108	25	81%	Kahn, Charles	Milwaukee	8	2	80%	46	14	77%
Duket, Tim A.	Marinette	2	0	100%	18	6	75%	Kawalski, Fred W.	Langlade	4	1	80%	4	1	80%
Dutcher, Guy D.	Wausara	4	0	100%	7	0	100%	Kelley, Kendall	Brown	3	0	100%	20	4	83%
Duvall, James J.	Buffalo/Pepin	3	0	100%	4	0	100%	Kennedy, Robert A., Jr.	Florence	2	1	67%	19	14	58%
Dwyer, Michael J.	Milwaukee	2	0	100%	16	4	80%	Kennedy, Robert J.	Walworth	3	0	100%	45	16	74%
Dyer, Dee R.	Outagamie	4	0	100%	43	11	80%	Key, Barbara H.	Winnebago	3	0	100%	32	4	89%
Dyke, William D.	Iowa	2	0	100%	31	13	70%	Kieffer, James R.	Waukesha	4	2	67%	42	17	71%
Eaton, Robert E.	Ashland	2	1	67%	17	3	85%	Kinney, Robert E.	Oneida	0	3	0%	22	7	76%
Ebert, Steven D.	Dane	2	3	40%	52	17	75%	Kirchman, Michael	Crawford	2	2	50%	24	8	75%
Ehlers, D. Todd	Door	2	0	100%	19	4	83%	Kirk, Philip M.	Waupaca	3	0	100%	18	4	82%
English, Dale	Fond du Lac	3	0	100%	29	3	91%	Klossner, Daniel W.	Dodge	4	0	100%	33	5	87%

How Circuit Court judges fared in Court of Appeals

Judge	County	2008			2000-08 total		
		Affirmed	Reversed	% Affirmed	Affirmed	Reversed	% Affirmed
Kluka, Barbara	Kenosha	8	2	80%	35	3	92%
Konkol, Daniel L.	Milwaukee	16	0	100%	59	9	87%
Koschnick, Randy R.	Jefferson	5	3	63%	20	7	74%
Kremers, Jeffrey	Milwaukee	12	5	71%	56	19	75%
Kreul, Richard J.	Racine	2	1	67%	20	9	69%
Krueger, Moria	Dane	2	0	100%	38	23	62%
Kuhnmuench, Mary	Milwaukee	3	1	75%	56	10	85%
Laabs, Gerald	Jackson	3	0	100%	14	4	78%
Lamelas, Elsa	Milwaukee	8	2	80%	94	17	85%
Langhoff, Gary	Sheboygan	4	0	100%	36	5	88%
LeGrand, Roger W.	La Crosse	1	2	33%	3	2	60%
Leineweber, Edward E.	Richland	2	1	67%	19	9	68%
Lenz, Paul	Eau Claire	1	2	33%	16	11	59%
Levine, Elliot M.	La Crosse	2	0	100%	2	0	100%
Lucci, Michael T.	Douglas	2	0	100%	12	9	57%
Luebke, Dennis	Outagamie	2	0	100%	22	7	76%
Lundell, Eric J.	St. Croix	1	2	33%	24	13	65%
Madden, Patrick J.	Iron	1	2	33%	16	8	67%
Malloy, Paul	Ozaukee	7	1	88%	29	6	83%
Malmstadt, Michael G.	Milwaukee	1	0	100%	21	8	72%
Mangerson, Mark A.	Oneida	2	0	100%	28	8	78%
Marik, Wayne J.	Racine	1	0	100%	19	5	79%
Martens, Kevin	Milwaukee	7	1	88%	16	3	84%
Martin, James L.	Dane	2	1	67%	9	7	56%
Mason, James M.	Wood	4	2	67%	22	6	79%
Mawdsley, Robert G.	Waukesha	2	0	100%	36	8	82%
McAlpine, Michael J.	Monroe	1	0	100%	17	6	74%
McCormack, Joseph D.	Ozaukee	6	0	100%	30	11	73%
McGinnis, Mark J.	Outagamie	2	0	100%	8	3	73%
McKay, John D.	Brown	2	1	67%	35	19	65%
McMahon, Patricia	Milwaukee	6	1	86%	50	34	60%
McMonigal, William M.	Green Lake	1	1	50%	26	10	72%
Metropulos, Mitchell J.	Outagamie	1	0	100%	1	0	100%
Milisauskas, Anthony	Kenosha	2	1	67%	6	1	86%
Miller, James	Columbia	3	1	75%	28	6	82%
Miron, David	Marinette	4	1	80%	14	4	78%
Moeser, Daniel R.	Dane	6	1	86%	40	7	85%
Moroney, Dennis P.	Milwaukee	22	2	92%	81	14	85%
Mueller, Emily S.	Racine	2	0	100%	29	6	83%
Mulroy, Michael J.	La Crosse	4	1	80%	35	14	71%
Murphy, John B.	Sheboygan	1	0	100%	14	8	64%
Murray, Marshall	Milwaukee	1	0	100%	16	4	80%
Needham, Scott	St. Croix	3	1	75%	29	8	78%
Nicks, Diane	Dane	1	1	50%	16	6	73%
Nielsen, Neal A.	Vilas	5	0	100%	15	2	88%
Niess, Richard D.	Dane	2	2	50%	19	3	86%
Nowakowski, Michael N.	Dane	3	2	60%	50	9	85%
Nuss, Richard	Fond du Lac	2	3	40%	11	7	61%
O'Brien, Sarah	Dane	4	1	80%	46	9	84%
O'Melia, Patrick F.	Oneida	0	2	0%	0	2	0%
Pasell, Dale T.	La Crosse	4	1	80%	24	9	73%
Pekowsky, Robert R.	Green	1	0	100%	6	3	67%
Pocan, William S.	Milwaukee	3	0	100%	4	0	100%
Pollex, Charles	Adams	2	3	40%	8	6	57%
Potter, Gregory	Wood	3	0	100%	10	4	71%
Proctor, Benjamin	Eau Claire	6	2	75%	28	11	72%
Ptacek, Gerald P.	Racine	9	2	82%	42	6	88%
Race, John R.	Walworth	7	1	88%	47	15	76%
Ramirez, Ralph M.	Waukesha	4	2	67%	17	5	77%
Rasmussen, Robert H.	Polk	3	0	100%	20	10	67%
Rehm, Richard L.	Columbia	2	0	100%	27	4	87%
Reilly, Paul	Waukesha	6	1	86%	19	1	95%
Resheshke, David C.	Washington	9	1	90%	35	6	85%
Reynolds, Guy	Sauk	4	0	100%	26	1	96%
Roemer, John P.	Juneau	2	1	67%	5	2	71%
Rosa, Frederick	Milwaukee	1	0	100%	7	1	88%
Rosborough, Michael	Vernon	2	0	100%	31	16	66%
Sankovitz, Richard	Milwaukee	8	2	80%	71	18	80%
Schmidt, Bruce K.	Winnebago	2	2	50%	41	8	84%
Schroeder, Bruce E.	Kenosha	1	0	100%	52	6	90%
Schwartz, Stuart A.	Dane	5	1	83%	40	9	82%
Seifert, Karen L.	Winnebago	2	1	67%	3	1	75%
Siefert, John	Milwaukee	2	0	100%	37	11	77%
Simanek, Stephen	Racine	5	1	83%	18	4	82%
Smeltzer, Rod W.	Dunn	1	1	50%	18	15	55%
Sosnay, William	Milwaukee	11	2	85%	40	4	91%
Stark, Lisa	Eau Claire	0	1	0%	19	9	68%
Stengel, L. Edward	Sheboygan	2	0	100%	26	7	79%
Stewart, William C.	Dunn	1	2	33%	27	13	68%
Storck, John R.	Dodge	1	2	33%	29	10	74%
Sumi, Maryann	Dane	1	1	50%	34	12	74%
Taggart, Patrick	Sauk	3	0	100%	31	9	78%
Tlusty, Jay R.	Lincoln	2	0	100%	5	0	100%
Torhorst, Allan B.	Racine	2	0	100%	30	10	75%
Triggiano, Mary E.	Milwaukee	0	1	0%	1	1	50%
Troy, Joseph	Outagamie	1	0	100%	12	3	80%
Ullsvik, John M.	Jefferson	4	0	100%	32	7	82%
Van Akkeren, Tim	Sheboygan	2	2	50%	24	5	83%
VanDeHey, Robert P.	Grant	5	1	83%	32	14	70%
VanDeWater, Linda	Waukesha	7	1	88%	17	2	89%
VanGrunsven, Paul R.	Milwaukee	2	0	100%	8	2	80%
Vlack, Edward	St. Croix	2	2	50%	10	7	59%
Wagner, Jeffrey	Milwaukee	27	3	90%	136	13	91%
Wagner, Mary K.	Kenosha	2	0	100%	35	4	90%
Wall, Joseph	Milwaukee	12	1	92%	44	4	92%
Warpinski, Mark	Brown	2	0	100%	33	11	75%
Warren, Wilbur	Kenosha	3	0	100%	24	8	75%
Wasielewski, Francis	Milwaukee	7	1	88%	44	8	85%
Weinke, Steven W.	Fond du Lac	2	1	67%	23	8	74%
Welker, James E.	Rock	0	3	0%	21	24	47%
White, Alan J.	Columbia	1	1	50%	1	1	50%
White, Maxine	Milwaukee	0	1	0%	25	14	64%
Wilk, S. Michael	Kenosha	7	2	78%	30	7	81%
Willis, Patrick L.	Manitowoc	1	0	100%	22	2	92%
Wing, Robert W.	Pierce	4	2	67%	46	15	75%
Wirtz, Robert	Fond du Lac	2	0	100%	31	8	79%
Witkowiak, Timothy	Milwaukee	11	0	100%	22	0	100%
Woldt, Scott C.	Winnebago	7	1	88%	13	4	76%
Wolfgram, Thomas R.	Ozaukee	8	1	89%	34	9	79%
Wright, Richard O.	Marquette	3	0	100%	33	20	62%
Yackel, Norman L.	Sawyer	3	2	60%	17	12	59%
Yamahiro, Glenn H.	Milwaukee	5	0	100%	8	1	89%
Zappen, Edward F.	Wood	2	0	100%	18	6	75%
Ziegler, Annette	Washington	3	0	100%	26	8	76%
Zuidmulder, Donald R.	Brown	2	0	100%	51	7	88%

Note: This list only includes circuit court judges who were reviewed by the Court of Appeals in 2008.

Circuit Court judges in the Supreme Court 2008

Judge	County	Affirmed	Reversed	% Affirmed
Fiorenza, Clare L.	Milwaukee	2	0	100%
Franke, John	Milwaukee	2	0	100%
Warren, Wilbur	Kenosha	2	0	100%
Wolfram, Thomas R.	Ozaukee	2	0	100%
Atkinson, William M.	Brown	1	0	100%
Bourke, Terence	Sheboygan	1	0	100%
Brennan, Kitty K.	Milwaukee	1	0	100%
Brennan, Michael B.	Milwaukee	1	0	100%
Duvall, James J.	Buffalo/Pepin	1	0	100%
Faragher, Patrick	Washington	1	0	100%
Flanagan, Mel	Milwaukee	1	0	100%
Foley, Christopher	Milwaukee	1	0	100%
Gableman, Michael	Burnett	1	0	100%
Gaylord, Shelley	Dane	1	0	100%
Harrington, Eugene D.	Washburn	1	0	100%
Kennedy, Robert J.	Walworth	1	0	100%
Klossner, Daniel W.	Dodge	1	0	100%
Lamelas, Elsa	Milwaukee	1	0	100%
Mangerson, Mark A.	Oneida	1	0	100%
Mawdsley, Robert G.	Waukesha	1	0	100%
McAlpine, Michael J.	Monroe	1	0	100%
Ramirez, Ralph M.	Waukesha	1	0	100%
Rehm, Richard L.	Columbia	1	0	100%
Smeltzer, Rod W.	Dunn	1	0	100%
Sosnay, William	Milwaukee	1	0	100%
Wasielewski, Francis	Milwaukee	1	0	100%

Judge	County	Affirmed	Reversed	% Affirmed
Zuidmulder, Donald R.	Brown	1	0	100%
McMahon, Patricia	Milwaukee	2	1	67%
Bartell, Angela	Dane	1	1	50%
Counsell, Jon	Clark	1	1	50%
Flanagan, David T.	Dane	1	1	50%
Gempeler, Mark	Waukesha	1	1	50%
Welker, James E.	Rock	1	1	50%
Gibbs, Michael S.	Walworth	1	2	33%
Albert, John	Dane	0	1	0%
Barry, Dennis J.	Racine	0	1	0%
Curry, George S.	Grant	0	1	0%
Dyer, Dee R.	Outagamie	0	1	0%
Ebert, Steven D.	Dane	0	1	0%
Habeck, James	Menominee	0	1	0%
Howard, Vincent K.	Marathon	0	1	0%
Langhoff, Gary	Sheboygan	0	1	0%
Mohr, James B.	Vilas	0	1	0%
Murray, Marshall	Milwaukee	0	1	0%
Nicks, Diane	Dane	0	1	0%
Noonan, Daniel	Milwaukee	0	1	0%
Rasmussen, Robert H.	Polk	0	1	0%
Wirtz, Robert	Fond du Lac	0	1	0%
Wright, Richard O.	Marquette	0	1	0%
Guolee, Michael	Milwaukee	0	2	0%
Haughney, Patrick C.	Waukesha	0	2	0%

VERDICTS & SETTLEMENTS

CONTACT SARAH MCQUIN, sarah.mcquin@wislawjournal.com.

PERSONAL INJURY: \$209,000

Injuries claimed: Torn biceps tendon muscle on dominant arm.
Court: Milwaukee County
Case name: *Patrick Moore v. Angela Palmer and Safeco Ins.*
Case number: 06CV7198
Judge: John DiMotto
Verdict & settlement: Jury returned plaintiff verdict
Original amount sought: \$80,000
Original offer: \$40,000
Award: \$209,000 net verdict
Date of incident: Aug. 9, 2003
Disposition date: Sept. 11, 2008
Original filing date: July 1, 2006
Plaintiffs attorney (firm): Gregory J. Cook, Greg Cook Law Offices, S.C.
Defendants attorney (firm): Timothy Steinle, Terschan, Steinle & Ness

Insurance carrier: Safeco
Plaintiffs expert witnesses: Kevin Weidemann, M.D.
Defendants expert witnesses: Sean P. Keane, M.D.
Plaintiff counsel's summary of the facts: Plaintiff was a motorcyclist who was cut off by driver turning in front of him. Suffered torn biceps muscle. He worked in property renovation, and injury limited his ability to do his job. Former world class speed skater. Jury found 95 percent fault on part of driver and awarded \$225,000 in damages. Past medical expenses of \$6,154, loss of business earnings of \$12,800. Past pain suffering and disability was \$28,000; future was \$175,000 for 42-year-old man. Key testimony in case was of defense medical examiner who was proven to have lied about his qualifications in this and prior cases. Court gave falsus in uno instruction.

Wisconsin Law Journal invites attorneys to report recent Wisconsin verdicts and settlements. To obtain a reporting form, phone Associate Editor Sarah McQuin at (414) 225-1814 or e-mail her at sarah.mcquin@wislawjournal.com. You may also submit your verdict online at our Web site: www.wislawjournal.com



Specializing in the Placement of Executive, Office, and Legal Personnel Since 1978



Kim Starr
Legal Specialist

We Can Save You Valuable TIME and MONEY BY:

- Filling important positions rapidly
- Preserving client confidentiality
- Eliminating costly advertising expense
- Providing unparalleled customer service
- Presenting only the best candidates
- On-line job posting
- Pre-screening all candidates

- We Place:**
- Legal Secretaries
 - Legal Assistants
 - Paralegals
 - Attorneys

Ask for our client testimonials!



"Our company is a small law office in Madison. Because we are a small office, every person is important. When someone is unable to work or on vacation, we need a person who will be able to fill that spot immediately. For the past 18+ years, we have worked with Drake & Co. and they have acted with the utmost expediency in filling our needs. Thanks Drake & Co. for always being there!"

- Legal Administrator

DRAKE & COMPANY
 660 W. Washington Avenue #300
 Madison, WI 53703
 608-257-2411
 E-mail: central@drakeandcompany.com
 Web site: www.drakeandcompany.com