

# Wisconsin Supreme Court: Some seating still available for Oct. 12

## Supreme Court oral argument in Sparta

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**Madison, Wis.** (Oct. 1, 2018) – Some seating is still available for the public to observe oral argument before the Wisconsin Supreme Court at the Monroe County Justice Center in Sparta on Oct. 12.

The Court is holding argument in three cases as part of the Court's longstanding outreach and public education program, *Justice on Wheels*. Monroe County is the 29<sup>th</sup> county outside Dane where the Supreme Court has held argument since the program began in 1993.

Argument in each case is expected to last about an hour, with attorney-provided introductions starting at approximately 9:30 a.m., 10:30 a.m. and 1:15 p.m. A 9 a.m. opening ceremony is also open to the public and will include recognition of local officials and fifth-grade students who competed in a civics education project contest.

During oral argument, lawyers present the strong legal reasons for the Court to decide in their client's favor. Justices have an opportunity to respond or ask questions directly of the lawyers during carefully timed presentations. A brief description of the issues involved in each case is included below.

Seating to observe oral argument is free and open to the public. However, space is limited. Registration may be made by calling the Supreme Court at (608) 266-1298 or e-mailing Anna Yarish, [anna.yarish@wicourts.gov](mailto:anna.yarish@wicourts.gov) by Oct. 5.

Additional educational materials for teachers, students, and others interested in learning about the judicial branch of government can be found on the Wisconsin court system website at: [www.wicourts.gov/courts/resources/index.htm](http://www.wicourts.gov/courts/resources/index.htm)

**Tentative** schedule for Oct. 12 *Justice on Wheels* visit to Sparta (attorneys from the Monroe County Bar Association are scheduled to introduce each case 15 minutes before argument begins):

**9:45 a.m.**

17AP1261-CR                    State v. Justin A. Braunschweig

**Supreme Court case type:** Petition for Review

**Court of Appeals:** District IV

**Circuit Court:** Jefferson County, Judge Randy R. Koschnick, affirmed

**Issues presented:** Whether an expunged prior OWI conviction can be used to support a conviction for OWI, second offense.

**10:45 a.m.**

2018AP203-W                    Ezequiel Lopez-Quintero v. Michael A. Dittmann

**Supreme Court case type:** Petition for Writ

**Court of Appeals:** District II

**Circuit Court:** Kenosha County, Judge David P. Wilk; Court of Appeals denied petition for a writ of habeas corpus

**Issues presented:** Can the Court of Appeals apply an irrebuttable presumption of prejudice and deny ex parte a sufficiently pled petition for writ of habeas corpus solely for untimeliness, under Wis. Stat § 809.51(2)?

**1:30 p.m.**

2017AP631                    Christopher Kleninger v. Crown Equipment Corp.

**Supreme Court case type:** Petition for Review

**Court of Appeals:** District IV

**Circuit Court:** Dane County, Judge Ellen K. Berz, reversed and cause remanded for further proceedings

**Issues presented:**

- Must Wisconsin courts consider the federal Employee Commuting Flexibility Act (“ECFA”), which clarified the Portal-to-Portal Act, 29 U.S.C. § 254(a), in the analysis of Wisconsin wage and hour law claims, specifically as it relates to the compensability of commuting time for employees who voluntarily elect to commute using their employer’s vehicle?
- If the application of ECFA is not mandatory, may Wisconsin courts nevertheless consider ECFA in the analysis of Wisconsin wage and hour claims, specifically as it relates to the compensability of commuting time for employees who voluntarily elect to commute using their employer’s vehicle?