



Supreme Court of Wisconsin

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FOR IMMEDIATE RELEASE

Wisconsin Supreme Court accepts three new cases

Madison, Wis. (Sept. 6, 2019) – The Wisconsin Supreme Court has voted to accept three new cases, and the Court acted to deny review in a number of other cases. The case numbers, counties of origin, and the issues presented in granted cases are listed below. More detailed synopses will be released at a later date. More information about pending appellate cases can be found on the Wisconsin Supreme Court and Court of Appeals Access [website](#). Published Court of Appeals opinions can be found [here](#), and the status of cases pending in the Supreme Court can be found [here](#).

2018AP1350-CR

State v. Ulanda M. Green

Supreme Court case type: Petition for Review

Court of Appeals: District I

Circuit Court: Milwaukee County, Judge Thomas R. Wolfgram, affirmed

Long caption: State of Wisconsin, Plaintiff-Respondent, v. Ulanda M. Green, Defendant-Appellant

Issues presented:

1. Did police violate Ms. Green's right to be free from self-incrimination when they interrogated her before informing her of her right to remain silent?
2. Did police violate Ms. Green's right to be free from self-incrimination when they continued interrogating her after she unambiguously invoked her right to remain silent?

2018AP168

Waukesha County v. J.J.H.

Supreme Court case type: Petition for Review

Court of Appeals: District II, dismissed the appeal

Circuit Court: Waukesha County, Judge Lloyd Carter

Long caption: In the matter of the temporary guardianship and protective placement of J.J.H.: Waukesha County, Petitioner-Respondent, v. J. J. H., Respondent-Appellant-Petitioner

Issues presented:

1. Whether the mootness doctrine should apply to an appeal from a commitment order?
2. Whether the circuit court violated due process under the 5th and 14th Amendments when it held a Chapter 51 probable cause hearing, which resulted in a 30-day

- temporary guardianship and temporary protective placement or services, without providing J.J.H., the subject of the proceeding who is deaf, sign language interpreters?
3. Whether the circuit court erred by entering a § 51.67 conversion order: (a) at the probable cause stage of a Chapter 51 commitment hearing, and (b) without making any of the statutorily-required findings for such an order?
 4. What is the mechanism for appealing a § 51.67 order of conversion to temporary guardianship and temporary protective placement and/or services?
- Justice Brian K. Hagedorn did not participate.*

2017AP1616

London Scott Barney v. Julie Mickelson, MD

Supreme Court case type: Petitions (2) for Review

Court of Appeals: District I

Circuit Court: Milwaukee County, Judge Timothy M. Witkowski, reversed and remanded

Long caption: London Scott Barney a minor, by David P. Lowe, his guardian ad litem and Raquel Barney, Plaintiffs-Appellants, State of Wisconsin Department of Health and Family Services, Involuntary-Plaintiff, United Health Care of Wisconsin, Inc., Intervenor, v. Julie Mickelson, MD, Columbia St. Mary's Hospital Milwaukee, Inc. and Injured Patients and Families Compensation Fund, Defendants-Respondents-Petitioners

Issues presented:

Julie Mickelson, M.D., & Columbia St. Mary's Hospital:

1. Should Miller v. Kim be reversed by this Court in order to permit a jury to consider alternative methods of treatment or diagnosis standard of care evidence at trial?
2. Should this Court clarify and resolve the different interpretations of the alternative methods paragraph between different Court of Appeals panels?
3. Should this Court clarify the application of the alternative methods paragraph in Wis [JI—]Civil 1023?

Injured Patients and Families Compensation Fund:

1. Where multiple experts testified at trial that there were several recognized methods of monitoring fetal heart tones during labor, one of which is the use of an external fetal heart monitor, was the optional "alternative methods" jury instruction under Wis [JI—]Civil 1023 properly given by the trial court?
2. Does Miller v. Kim, 191 Wis. 2d 187, 528 N.W.2d 72 (Ct. App. 1995) supply the proper rule for analysis where there was expert testimony at trial that there were several accepted alternative methods of assessing fetal heart tones during labor, one of which was external fetal monitoring?
3. Does the ruling from Miller v. Kim, where all experts agreed on the only diagnostic method to rule out meningitis, apply to electronic fetal monitoring of a fetus in labor, where despite its widespread use in labor, experts acknowledge that the efficacy of electronic fetal monitoring is controversial as a diagnostic tool to prevent brain damage and cerebral palsy from occurring during labor and delivery?

Milwaukee

17AP1452 Jacobson v. Commonwealth Mortgage Group, LLC

17AP1781-1782-CR State v. Simmons
Justice Ann Walsh Bradley and Justice Rebecca Frank Dallet dissent.

17AP2269 Myers v. Hayes
Justice Rebecca Frank Dallet did not participate.

17AP2454-CR State v. Robinson

18AP316-CR State v. Rizvi

18AP1054-CR State v. Graun

18AP1069-CR State v. Gee

18AP1549-CR State v. Golden

18AP1676 State v. Poff

18AP1695-CR State v. Cooper

18AP1900 State v. Eppenger

18AP2447-W Griffin v. Foster

19AP1036-W Long v. Foster

Racine

18AP1107-CR State v. Carey

18AP1474-CR State v. Galvan
Justice Brian K. Hagedorn did not participate.

Rock

17AP2339-CR State v. Wells

18AP663-CR State v. Jones

18AP1219-CR State v. Pearson

Sauk

15AP1113-CR State v. Hawley

Shawano

18AP436 Frederickson Trucking v. Wagner

Waukesha

17AP2349

Key v. Meisner

Justice Brian K. Hagedorn did not participate.

19AP608-W

Puchner v. Circuit Court of Waukesha County

Justice Brian K. Hagedorn did not participate.

19AP1301-W

UW Medical Foundation v. Court of Appeals, Dist. II