

# LawClips

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Topic for the Month:

## Presenting a Case to the Wisconsin Supreme Court

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# Stellpflug, Janssen, Hammer, Kirschling & Bartels, S.C.

Legal Solutions That Fit.

**The Wisconsin Supreme Court:** Our Supreme Court consists of 7 justices, elected to 10-year terms in statewide non-partisan elections. The presiding Chief Justice is Shirley S. Abrahamson. The courtroom is in our state capital building. Only a limited number of cases are accepted for review by the Supreme Court. This is because the Supreme Court is a court of last resort. The Court has discretion to determine which appeals it will review. The Court selects the cases it will review based on criteria outlined in the Wisconsin statutes. Statistically, the Court reviews approximately 1,000 petitions per year and accepts between 100 - 200 cases for review. After being accepted for review, both sides must submit legal briefs, outlining their positions along with case law in support of those positions. The case is then scheduled for oral argument. During oral argument, each side has approximately 30 minutes to present its case to the justices.

**Our Litigation Team Heads to Madison:** On December 1, 2005, members of our litigation team traveled to Madison to present oral arguments to the Supreme Court. The issue was whether or not there was underinsured motorist (UIM) coverage for our client, who sustained serious injuries when he was involved in a car accident caused by a drunk driver. The insurance policy issued to the drunk driver had low policy limits, which were inadequate to compensate our client for the injuries he sustained. We filed a UIM claim with the company that issued a policy to the parents of our client. The insurance company denied the UIM claim, based on its interpretation of the policy language. Legal action was filed in 2003, followed by a Brown County Circuit Court decision. The case was then appealed to the Wisconsin Court of Appeals and was ultimately accepted for review by the Supreme Court.

**Researching The Legal Issues:** We assembled a team of lawyers to handle different aspects of the appeal. The initial stage of the appeal involved researching existing case law and writing very detailed legal briefs. The format and content of those briefs had to comply with rigid guidelines.

Attorney Christina Peterson conducted extensive legal research and began writing the legal briefs. Researching and finding case law to support our legal theory was only one aspect of preparing superior legal briefs. The cases had to be analyzed and incorporated into a logical argument that was clear and concise.



Christina Peterson

**The Insurance Coverage Issues:** Our litigation team tapped into Attorney Tim Hawley's knowledge of insurance law and insurance policies. Prior to joining our firm, Attorney Hawley had been the general counsel of an Appleton based insurance company. In that position, Attorney Hawley acquired knowledge in the interpretation

and application of liability policies, including UIM provisions. This knowledge was used in our case, to analyze and compare the UIM language in the insurance policy, with existing case law.



Tim Hawley

**Preparing for Oral Arguments:** As in all litigation, preparation is the key. Our litigation team recognized the importance of preparing for the oral argument phase of the appeal. Attorney Robert Janssen was responsible for handling the oral argument. With only 30 minutes available for arguments, it is important to convey a position in a concise and persuasive manner. In reality, the argument time is less than 30 minutes, as justices frequently pose questions to counsel during the oral arguments. Attorney Janssen consulted with Retired Supreme Court Justice William Bablitch. The purpose of this consultation was to gain his insight into analyzing, narrowing and refining the scope of our oral argument. Justice Bablitch provided a wealth of insight into presenting a solid oral argument. As in all litigation we handle, we were prepared.



Bob Janssen

**Fighting For Your Rights:** As in the appeal to the Wisconsin Supreme Court, our firm works as a team to obtain the best results for our clients. We strive to provide legal solutions that fit the needs of our clients. Feel free to call any member of our firm to discuss your legal rights.

**Improvements in Delivery of LawClips:** We are changing the frequency of publication for **LawClips**. Commencing with this issue, **LawClips** will be printed every other month. We want to provide a quality newsletter in not only print media but also via electronic mail.

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