



# Supreme Court of Wisconsin

DIRECTOR OF STATE COURTS

P.O. BOX 1688

MADISON, WISCONSIN 53701-1688

Randy R. Koschnick  
Director of State Courts

16 East State Capitol  
Telephone 608-266-6828  
Fax 608-267-0980

Tom Sheehan  
Court Information Officer

## CONTACT:

Tom Sheehan  
Court Information Officer  
(608) 261-6640

## FOR IMMEDIATE RELEASE

## Supreme Court brings *Justice on Wheels* to Monroe County

**Madison, Wis.** (Sept. 7, 2018) – The Wisconsin Supreme Court will arrive in Sparta on Oct. 12 to hear oral argument in three cases at the Monroe County Justice Center as part of the Court's *Justice on Wheels* outreach and education program.

Monroe County marks the 29<sup>th</sup> county outside Dane where the Supreme Court has held argument since the *Justice on Wheels* program began in 1993. *Justice on Wheels* gives people outside the Madison area, including students, teachers, and the general public, an opportunity to observe the Court at work, without having to travel to Madison.

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.

Before each argument, an attorney from the Monroe County Bar Association will discuss with the audience the role of the courts in interpreting the law, the process used to decide a case, and the legal issues involved. The Court accepts for review only cases that present novel legal questions of statewide importance.

Seats to observe oral argument at the Monroe County Justice Center are free and open to the public. However, space is limited. Registration is recommended and 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. 1. Area high school teachers and students are highly encouraged to attend.

The Monroe County Justice Center is located at 112 S. Court St., Sparta. 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 1:30 p.m.

A brief description of the issue involved in each case is listed below. Prior to hearing the first case, the Court is scheduled to open its visit with a welcome ceremony attended by local judges, other officials and community leaders at 9 a.m.

Also as part of *Justice on Wheels*, the Supreme Court sponsors a civic education contest, involving a creative project for local fifth graders. The contest is a fun way for students to learn about the Wisconsin and U.S. constitutions. Contest rules have been sent to Monroe County fifth-grade teachers. If you would like more information, contact Supreme Court Marshal Tina Nodolf at [tina.nodolf@wicourts.gov](mailto:tina.nodolf@wicourts.gov).

Since 1993, the Wisconsin Supreme Court has held arguments in the following counties: Brown, Eau Claire, Marathon, Milwaukee, La Crosse, Douglas, Rock, Kenosha, Sauk, Dodge,

Oneida, Outagamie, Portage, Racine, Fond du Lac, Walworth, Waushara, St. Croix, Winnebago, Iowa, Washington, Columbia, Green, Sheboygan, Waukesha, Grant, Bayfield, and Jefferson.

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 each 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?