

Wisconsin Supreme Court and Court of Appeals Case Access

Wisconsin Judicial Commission v. Leonard D. Kachinsky

Appeal Number 2018AP000628 - J

Supreme Court

CASE HISTORY

Status	Court	Filing Date	Anticipated Due Date	Activity
OCCD	SC	09-09-2019		Remittitur
Comment: T/J				
OCCD	SC	07-09-2019		Cites
930 N.W.2d 252				
OCCD	SC	07-09-2019		Cites
387 Wis. 2d 823				
OCCD	SC	07-09-2019		Opinion/Decision
Judge Panel: Roggensack, Abrahamson, Bradley, Ziegler, Bradley, Kelly, Dallet				
Opinion: Per Curiam				
Decision: Suspended Pages: 44				
Order Text: IT IS ORDERED that Leonard D. Kachinsky is suspended from eligibility for appointment as a reserve municipal court judge for a period of three years, commencing July 3, 2018.				
IT IS FURTHER ORDERED that before Leonard D. Kachinsky may request appointment as a reserve municipal court judge by the chief judge of the applicable judicial administrative district under Wis. Stat. 800.065, he must first file a petition with this court and demonstrate through appropriate evidence his fitness to serve as a reserve municipal court judge.				
Comment: Opinion/Decision				
OCCD	SC	07-08-2019		Public Domain Citation
Comment: PDC No: 2019 WI 82				
OCCD	SC	03-25-2019		Other Brief
Other Brief				
Filed By: Jeremiah Van Hecke				
Comment: WJC brief (ordered 3/14/19)				
OCCD	SC	03-22-2019		Other Brief
Other Brief				
Filed By: Leonard Kachinsky				
Comment: Kachinsky Brief (ordered 3/14/19)				

OCCD SC	03-19-2019	Fee Paid
Comment: Invoice No: 18988; Receipt No: 19R 000736		
OCCD SC	03-19-2019	Invoice Issued
Comment: Invoice No: 18988		
OCCD SC	03-13-2019	Other Brief Other Brief
Filed By: Jeremiah Van Hecke Comment: Wisconsin Judicial Commission Brief Regarding Sanctions		
OCCD SC	03-12-2019	Motion for Miscellaneous Relief
Filed By: Leonard Kachinsky Submit Date: 3-12-2019 Decision: (G) Grant Decision Date: 3-14-2019 IT IS ORDERED that the motion is granted. Both parties shall file a response brief or a statement that no response brief will be filed by March 25, 2019. Any party filing a response brief shall, at the same time as the brief is filed, serve a copy of the brief on the opposing party via hand delivery, facsimile transmission, or other electronic means that results in immediate delivery. Comment: MXT to file responsive brief due 3/18/19		
OCCD SC	03-12-2019	Other Brief Other Brief
Filed By: Leonard Kachinsky Comment: Kachinsky's Brief Regarding Judicial Conduct Panel Report		
OCCD SC	03-04-2019	Fee Paid
Comment: Invoice No: 18992; Receipt No: 19R 000582		
OCCD SC	03-04-2019	Invoice Issued
Comment: Invoice No: 18992		
OCCD SC	02-26-2019	Sua Sponte
Filed By: Supreme Court Supreme Court Submit Date: 2-26-2019 Decision: (O) Other Decision Date: 7-9-2019 Per Curiam issued 7/9/19 Comment: CA Panel Decision		
OCCD SC	02-26-2019	Report of Judicial Conduct Panel Filed
OCCD SC	02-15-2019	Hearing Transcript(s) Filed
Comment: February 7, 2019 and February 8, 2019		

OCCD SC	02-01-2019	Other Papers
Comment: WJC's Exhibit List (modified version)		
OCCD SC	02-01-2019	Other Papers
Comment: Kachinsky's 2nd Amended List of Witnesses and Summary of Testimony, Reply to WJC's response to Kachinsky's Motion, Exhibit 212		
OCCD SC	01-25-2019	Motion for Miscellaneous Relief
Filed By: Jeremiah Van Hecke Submit Date: 1-28-2019 Decision: (N) No Action Decision Date: 2-7-2019 ORD - No action - motion withdrawn at 2/7/19 hearing Motion Response Filed By: Leonard Kachinsky Submit Date: 2-1-2019 Comment: motion to compel - subm to CA Panel		
OCCD SC	01-25-2019	Other Papers
Comment: WJC's Response to Pre-Hearing Motions and Motions in Limine; Commissions motion to Compel production of Witnesses Statements; Commission's Rebuttal Witness List		
OCCD SC	01-18-2019	Court Order
ORD that order paragraph 6 of the January 4, 2019 scheduling order is amended to read as follows: 6. Any pre-hearing motions by the Hon. Leonard kachinsky shall be filed by January 18, 2019, and any response to his motions shall be filed by January 25, 2019. Any Pre-hearing motions by the WJC shall be filed by January 25, 2019, and any response to its motions shall be filed by February 1, 2019.		
OCCD SC	01-17-2019	Other Papers
Comment: Resp. Amended List of Witnesses and Summary of Testimony, Pre-Hearing Motions, List of Exhibits and Exhibits		
OCCD SC	01-17-2019	Motion for Miscellaneous Relief
Filed By: (Wisconsin Judicial Commission) Submit Date: 1-17-2019 Decision: (G) Grant Decision Date: 1-18-2019 ORD that order paragraph 6 of the January 4, 2019 scheduling order is amended to read as follows: 6. Any pre-hearing motions by the Hon. Leonard Kachinsky shall be filed by January 18, 2019, and any response to his motions shall be filed by January 25, 2019. Any Pre-hearing motions by the WJC shall be filed by January 25, 2019, and any response to its motions shall be filed by February 1, 2019. Comment: Motion to Amend Judicial Conduct Panel's 1/4/19 Order		
OCCD SC	01-14-2019	Other Papers
Comment: WJC's Witness List - provided same witness list as filed 10/15/18		

OCCD SC 01-11-2019
Comment: WJC Exhibits 1-95

Exhibit(s)

OCCD SC 01-07-2019 Court Order

ORD that order paragraph 1 of the January 4, 2019 scheduling order is amended to read as follows:
1) The evidentiary hearing shall commence Thursday, February 7, 2019, at 9:45 a.m., in the Branch 4 courtroom (second floor) of the Winnebago County Courthouse, 415 Jackson Street, Oshkosh, WI. The hearing shall continue on Friday February 8, 2019, at 9:00 a.m., and may be continued thereafter as necessary.

OCCD SC 01-04-2019 Court Order

ORD that paragraph 9, of the 1-4-2019 scheduling order is amended to read as follows:
9. The rules of SCR Ch. 61, governing electronic media and still photographic coverage of judicial proceedings, are applicable to these proceedings. Media interested in any type of camera coverage must contact the Media Coordinator, Brian Kerhin, at WLUK-TV Fox 11, 787 Lombardi Avenue, Green Bay, WI 54304, 920-490-1407. It may be that pool feed coverage will be required. The media coordinator will be responsible to the Panel regarding all media, in accordance with the Supreme Court Rules.
Comment: AMENDED as to paragraph 9.

OCCD SC 01-04-2019 Court Order

Continued.
8. This order shall control the course of the proceedings in this matter. To the extent that this order alters the rules applicable to civil actions, the Panel deems the pertinent civil procedure rules not practical for these proceedings. WIS. STAT. 757.85(7). The parties may not amend this order by stipulation. This order may only be amended by order of the Panel on its own motion or on a motion filed by either party showing good cause.
9. The rules of SCR Ch. 61, governing electronic media and still photographic coverage of judicial proceedings, are applicable to these proceedings. Media interested in any type of camera coverage must contact the Media Coordinator, Ed Berthiaume, at The Post Crescent. It may be that pool feed coverage will be required. The media coordinator will be responsible to the Panel regarding all media, in accordance with the Supreme Court Rules.
10. The Clerk of the Supreme Court shall provide the WJC and the Honorable Leonard Kachinsky a copy of this order electronically and by mail.

Comment: 3 of 3

OCCD SC 01-04-2019 Court Order

Continued.
4. By January 18, 2019, the Honorable Leonard Kachinsky shall file an exhibit list that assigns a number and description to any exhibit that has not been marked as an exhibit by the WJC that he intends to introduce at the hearing, and he shall file four copies of the marked document exhibits, including photographs, with the Clerk of the Supreme Court. Judge Kachinsky shall serve the WJC, electronically and by mail, with one copy of the exhibit list and one copy of the marked document exhibits, including photographs. Judge Kachinsky shall utilize numbers 200-300 for his exhibits. The original marked exhibits shall be produced at the hearing.
5. By January 11, 2019, the WJC shall file a witness list identifying each witness it may call at the hearing and summarizing in detail the witness testimony. By January 18, 2019, the Honorable Leonard Kachinsky shall file a witness list identifying each witness he may call at the hearing and summarizing in detail the witness testimony. By January 25, 2019, the WJC may file a list of an additional or rebuttal witnesses it intends to call and summarizing in detail the witness testimony.
6. Any pre-hearing motions shall be filed by January 18, 2019, and any response to the motion shall be filed by January 25, 2019.

7. The parties shall file the original and four copies of any papers filed in this matter. All papers shall be filed with the Clerk of the Supreme Court.

Comment: 2 of 3

OCCD SC 01-04-2019

Court Order

IT IS ORDERD that

1. The evidentiary hearing shall commence Thursday, February 7, 2019, at 8:30 a.m., in the Branch 4 courtroom (second floor) of the Winnebago County Courthouse, 415 Jackson Street, Oshkosh, WI. The hearing shall continue on Friday February 8, 2019, at 8:30 a.m., and may be continued thereafter as necessary.

2. Court Reporter Holly J. Ford will report the proceeding and shall file an original and one copy of the transcript of the proceeding with the Clerk of the Supreme Court by February 15, 2019. The cost of the transcript shall be billed to Brian Lamprech, Fiscal Officer, 110 E. Main Street, Room 430, Madison, WI 53703. Any party desiring a transcript shall make arrangements for payment and service with the court reporter.

3. By January 11, 2019, the Wisconsin Judicial Commission (WJC) shall file an exhibit list that assigns a number and description to any exhibit the WJC intends to introduce at the hearing, and it shall file four copies of the marked document exhibits, including photographs, with the Clerk of the Supreme Court. The WJC shall serve the Honorable Leonard Kachinsky, electronically and by mail, with one copy of the exhibit list and one copy of the marked document exhibits, including photographs. The WJC shall utilize numbers 1-100 for its exhibits. The original marked exhibits shall be produced at the hearing.

Comment: 1 of 3

OCCD SC 12-19-2018

Court Order

ORD that Judge Kachinsky's December 11, 2018 petition shall be held in abeyance pending further order of the court; and

FRO that the deadline for the Judicial Conduct Panel in In re Judicial Disciplinary Proceedings Against Kachinsky, No. 2018AP628-J, to complete all of its proceedings, including, if necessary, an evidentiary hearing, and to file its report containing findings of fact, conclusions of law, and recommendations for appropriate discipline, if any, shall be extended to March 1, 2019; and

FRO that the parties shall file simultaneous opening briefs in this court regarding the Judicial Conduct Panel's findings of fact, conclusions of law, and recommendations for appropriate discipline, if any, by March 13, 2019. Each party may file a brief in response to the brief filed by the opposing party by March 18, 2019. If a party chooses not to file an opening or responsive brief, it shall file a writing advising that it will not be filing a specific brief. Any party filing an opening or a responsive brief shall, at the same time as the brief is filed, serve a copy of the brief on the opposing party via hand delivery, facsimile transmission, or other electronic means that results in immediate delivery.

OCCD SC 12-18-2018

Letter/Correspondence

Comment: from the Judicial Conduct Pannel requesting until 3-1-2019 to file report.

OCCD SC 12-14-2018

Court Order

ORD that Judge Kachinsky's December 11, 2018 petition shall be held in abeyance pending further order of the court; and

FRO that the Judicial Conduct Panel in In re Judicial Disciplinary Proceedings Against Kachinsky, No. 2018AP628-J, shall complete all of its proceedings, including, if necessary, an evidentiary hearing, and shall file its report containing findings of fact, conclusions of law, and recommendations for appropriate discipline, if any, by January 16, 2019.

OCCD SC	12-14-2018	Response
Comment: status report of Wisconsin Judicial Commission		
OCCD SC	10-26-2018	Other Papers
Comment: Kachinsky's reply to motion for continuance		
OCCD CA	10-24-2018	Sua Sponte
<p>Filed By: Jeremiah Van Hecke</p> <p>Submit Date: 10-24-2018</p> <p>Decision: (G) Grant</p> <p>Decision Date: 10-25-2018</p> <p>ORD that the November 26-27, 2018 fact-finding hearing is adjourned; the deadlines for prehearing motions and submissions of exhibits are also adjourned. FRO that by December 14, 2018, the Wisconsin Judicial Commission shall file a status report on matters relevant to proceeding on the complaint.</p> <p>Comment: to CA Panel - Notice of motion for continuance</p>		
OCCD SC	10-15-2018	Other Papers
Comment: WI Judicial Commission Witness List		
OCCD SC	10-15-2018	Other Papers
Comment: Respondent's List of Witnesses and Summary of Testimony and the Notice of Intent to Offer Learned Treatise into Evidence		
OCCD SC	09-28-2018	Answer Filed
Comment: to Amended Complaint		
OCCD SC	09-14-2018	Amended Complaint
OCCD CA	08-27-2018	Motion for Miscellaneous Relief
<p>Filed By: Leonard Kachinsky</p> <p>Submit Date: 8-27-2018</p> <p>Decision: (D) Deny</p> <p>Decision Date: 8-28-2018</p> <p>ORD the motion for leave to use electronic mail or facsimile for the submission of subpoenas is denied as unnecessary.</p> <p>Comment: Kachinsky request to subpoena by fax/email</p>		
OCCD SC	08-14-2018	Court Order
<p>6. Any pre-hearing motions shall be filed by 10/29/18, and any response to the motion shall be filed by 11/9/18. The panel will make every effort to decide any motion in advance of the hearing.</p> <p>7. The parties shall file the original and four copies of any papers filed in this matter. All papers shall be filed with the Clerk of SC.</p> <p>8. This order shall control the course of the proceedings in this matter. To the extent that this order alters the rules applicable to civil actions, the Panel deems the pertinent civil procedure rules not practical for these proceedings. WIS. STAT. 757.85(7). The parties may not amend this order by stipulation. This order may only be amended by order of the Panel on its own motion or on a motion</p>		

filed by either party showing good cause

9. The rules of SCR ch. 61, governing electronic media and still photographic coverage of judicial proceedings, are applicable to these proceedings. Media interested in any type of camera coverage must contact the Media Coordinator, Ed Berthiaume, at The Post Crescent. It may be that pool feed coverage will be required. The media coordinator will be responsible to the Panel regarding all media, in accordance with the Supreme Court Rules.

Comment: scheduling order - part 2

OCCD SC 08-14-2018 Court Order

1. The JC may amend its complaint without permission from the panel up to and including 10/4/18.
2. If an amended complaint is filed, the resp shall file an ans to the am comp within 21 of the date of the filing of the am comp.
3. By 10/15/18, each party shall file with the Clerk of the SC a list identifying each witness the party may call at the hearing and summarize in detail his or her testimony. By 10/15/18, the parties shall exchange contact information (address and phone number) of persons named on the filed witness list.
4. By 10/15/18, each party shall serve the other side with a copy of any written statement in the partys possession of named witnesses.
5. By 11/5/18, each party shall file an exhibit list that assigns a number and description to any exh the party intends to introduce at the hearing. The JC shall utilize numbers 1-100 for its exhs; the Hon. Leonard Kachinsky shall utilize numbers 200-300 for his exhs. Each exh shall be marked by the party with the assigned number. By 11/5/18, the parties shall file 4 copies of the marked document exh, including photographs, with the Clerk of SC and serve the other side with one copy of the exh list and one copy of the marked document exhs, including photos. The original marked exhs shall be produced at the hearing and retained for the court record.

Comment: scheduling order - part 1

OCCD SC 07-26-2018 Other Papers
Comment: Complainant's Amended Response

OCCD SC 07-13-2018 Response
Comment: WI Judicial Commissions response to 6/19/18 order

OCCD SC 07-12-2018 Response
Comment: Kachinsky's response to 6/19/18 order

OCCD SC 06-19-2018 Court Order
CA panel ORD that the Judicial Commission and the Hon. Leonard D. Kachinsky shall file a response to the matters set forth above by July 13, 2018.

OCCD SC 04-24-2018 Answer Filed
Comment: Kachinsky's response to judicial complaint

OCCD SC 04-16-2018 Proof of Service

OCCD SC 04-10-2018 Court Order
ORD that the Honorable Leonard D. Kachinsky shall serve and file an answer to the complaint by May 21, 2018. If no answer is timely filed, application for a default judgment may be made.

OCCD SC	04-10-2018	Judicial Conduct Panel
Comment: ORD that the Hon. Joan F. Kessler, Judge of District I, Court of Appeals, the Hon. Mark D. Gundrum, Judge of District II, Court of Appeals, and the Hon. William W. Brash, Judge of District I, Court of Appeals, are appointed members of the panel of judges to hear and review the above entitled matter. FRO that the Hon. Joan F. Kessler is appointed Presiding Judge of the panel.		

OCCD SC	04-06-2018	Referral to CA for Appt of Panel
Comment: ORD that this matter is referred to the chief judge of the court of appeals for selection of the judges to constitute a judicial conduct panel and designation of one of them as presiding judge, pursuant to Wis. Stat. 757.87(3). FRO that, following the designation of the judicial conduct panel and the presiding judge, the matter is referred to the judicial conduct panel for proceedings pursuant to Wis. Stat. 757.89.		

OCCD SC	04-04-2018	Judicial Comm. Complaint Filed
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