



Hon. Richard J. Sankovitz, ret.

Milwaukee / Chicago

For 22 years, Judge Sankovitz presided as a circuit court judge in Milwaukee County. His service included two four-year assignments to the civil division and one in the family division. He presided in almost 300 jury trials. He is one of the principal authors of the Local Rules of the First Judicial District. He is among the most experienced and highly regarded former members of the faculty of the state Judicial College.

Judge Sankovitz has won distinction for his efficient, fair management of courtroom proceedings and for thoughtful written decisions. In 2015, the Wisconsin Chapter of the American Board of Trial Advocates named him Trial Judge of the Year.

Twice Judge Sankovitz was recommended to the President by the Wisconsin Federal Nominating Commission and Wisconsin's Senators for nomination to the United States Court of Appeals for the Seventh Circuit and once for nomination to the United States District Court for the Eastern District of Wisconsin.

Before taking the bench he was a shareholder in the law firm of Whyte Hirschboeck Dudek S.C. His practice concentrated in business and commercial litigation. He advocated for clients in state and federal court at both the trial and appellate levels. He litigated a wide variety of disputes on behalf of both plaintiffs and defendants. He counseled and represented clients from across the country in a wide variety of antitrust, distribution, health care, products liability, environmental and municipal disputes. His experience as an advocate ran the gamut from mediation to appeal, including in the United States Supreme Court.

Judge Sankovitz is a contributing author to the State Bar treatise, "Contract Law in Wisconsin," (State Bar CLE Books, 4th ed. 2013); he authored and edits Chapter 5, "Contract Interpretation and the Parol Evidence Rule."

In 2007, Judge Sankovitz presided over the historic five-week jury trial in *Thomas v. Atlantic Richfield Co., et al.*, the first in the nation in which the liability of lead pigment manufacturers was tested under a risk contribution law. For his work in this case, among other accomplishments, he was recognized by the Wisconsin Law Journal as a "Leader in the Law."

In 2007 and 2008, he presided over the approval of settlements in the consolidated antitrust class actions involving Microsoft Corporation, and the ensuing fee dispute; his rulings were upheld on appeal in *Bettendorf v. Microsoft Corporation*, 2010 WI App 13, 323 Wis. 2d 137.

His decisions have won praise from the court of appeals. In *State v. Lipscomb*, 2009 WI App 174, 322 Wis. 2d 573 (unpublished), for example, the court wrote, "We quote the trial court's decision at length because if ever there were a trial court decision that set forth a thorough, thoughtful, reasoned basis for its ruling, it is this one."

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Biography

Resolute Systems, LLC
January 2019 – present

Circuit Court Judge, Milwaukee County Circuit Court
1996 – 2018

Presided in Civil, Family and Criminal Divisions

Whyte Hirschboeck Dudek S.C.
Milwaukee, Wisconsin
1986 -1996
Shareholder

Jenner & Block LLP
Chicago, Illinois
1984 -1986
Associate

Hon. Terence T. Evans
U.S. District Judge, E.D. Wis.
Milwaukee, Wisconsin
1983 -1984
Law Clerk

Education

Marquette University, B.A., 1980
Harvard Law School, J.D., 1983

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Professional Memberships

State Bar of Wisconsin
Milwaukee Bar Association

Mediation Training

Pepperdine University Straus Institute
for Dispute Resolution Advanced
Mediation Training, Eric R. Galton and
Tracy L. Allen, October 2018

Advanced Attorney - Mediator Training,
Association of Attorney – Mediators,
April 2018

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As a lawyer in the 1990's he helped one of Wisconsin's largest construction firms win a \$2.7 million arbitration award in a contract acceleration dispute, and persuaded the panel to reject approximately \$1 million in claims against the firm.

Judge Sankovitz was a member of the *ad hoc* subcommittee of the Wisconsin Judicial Council that proposed the 2011 amendments to Wisconsin's rules of civil procedure governing electronic discovery and the 2012 amendments to Wisconsin's evidence rules regarding inadvertent disclosure of privileged communications. He teaches fellow judges about electronic discovery in a presentation entitled "Electronic Discovery: New Wine in Old Bottles." He was a long-time member of the state courts committee overseeing the operation and development of the statewide IT network (CCAP), including the case management and electronic filing systems and the development of data warehouse and data mining expertise.

Judge Sankovitz has extensive experience in a wide variety of disputes as a judge and attorney::

Breach of contract	Negligence
Construction contract	Product Liability
UCC contract	Premises Liability
Real estate contract	Construction accidents
Lease	Asbestos litigation
Insurance contract and coverage	Medical malpractice
Insurance bad faith	Wrongful death
Employment contract disputes	Nursing home liability
Employment covenants	
Wrongful termination	Professional liability
Corporate governance and shareholder	Attorney fee disputes
Corporate veil-piercing claims	
Partnership contract	Bankruptcy litigation including preference litigation
Interference with contracts	
	Libel / slander / defamation
Misrepresentation	Civil rights
Fraud	
Securities fraud	Tax assessment disputes
Fraudulent conveyance	
	Divorce
Antitrust	
Fair dealership law	
Trade secret	
Patent infringement	
Trademark and trade dress disputes	
Copyright	



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Notable Cases & Legal Rulings

State v. James Lipscomb, 2009 WI App 174, 322 Wis. 2d 573 (unpublished)

In its decision affirming the denial of the defendant's motion for a new trial based on newly discovered evidence and ineffective assistance of counsel, the court commented, "We quote the trial court's decision at length because if ever there were a trial court decision that set forth a thorough, thoughtful, reasoned basis for its ruling, it is this one."

Russell Brenner v. National Casualty Company, 2015 WI App 85, 365 Wis. 2d 476

The court of appeals analyzed a variety of legal theories for holding a seller of real estate liable for injuries that take place after a new owner takes control of the property. The court of appeals commented on Judge Sankovitz's analysis of one such theory. Quoting his analysis of the issue, the court wrote, "The circuit court, in a thoughtful and well-articulated decision, ruled as follows . . . We absolutely agree."

James N. Kroon v. Wisconsin Central, Ltd., 2009 WI App 77, 319 Wis. 2d 235 (unpublished)

In its decision affirming a jury verdict in favor of a freight conductor injured on a locomotive, the court commented, "[t]he trial court denied each of the Railroad's post-verdict claims in a particularly thorough and well-reasoned analysis."

Gerald Rieder v. Milwaukee County, 2015 WI App 58, 364 Wis. 2d 526 (unpublished)

In its decision affirming Judge Sankovitz's interpretation of a labor agreement concerning whether retirees were entitled to free health insurance, the court commented, "In a thorough, well-reasoned oral decision, the circuit court granted summary judgment to the County."

E-L Enterprises, Inc. v. Milwaukee Metropolitan Sewerage District, 2009 WI App 15, 316 Wis. 2d 280, rev'd, 2010 WI 58, 326 Wis. 2d 82

In its decision affirming Judge Sankovitz's denial of the defendant's post-verdict motions in an inverse condemnation damages case, the court of appeals wrote, "we have been assisted by the circuit court's cogent analyses of the complex issues with which it had to deal."

Maynard Steel Casting Co. v. Michael Sheedy, 2008 WI App 27, 307 Wis. 2d 653

In its decision affirming Judge Sankovitz's decision to order the disgorgement of a portion of a contingent attorney's fee, the court wrote, "We are aided in our review by a thorough, well-reasoned and well-documented decision provided by the trial court."

A.O. Smith Corporation v. SPX Corporation, 2007 WI App 19, 298 Wis. 2d 548 (unpublished)

In its decision affirming summary judgment to the seller in a dispute over whether the indemnification clause of a stock purchase agreement made in 1972 covered asbestos claims that arose decades later, the court wrote, "we first note that although our review is de novo, we find the trial court's analysis of the issue to be very helpful, not only because it is exceptionally thorough, but also because both sides . . . addressed it in great detail."

Numerous times the court of appeals adopted my reasoning as its own, sparing the court from having to write a separate. See, e.g., *State v. Frederick Moore*, 2012 WI App 118, 344 Wis. 2d 520 (per curiam).



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