



Supreme Court of Wisconsin

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WISCONSIN SUPREME COURT MONTHLY STATISTICAL REPORT

June 2017

This statistical report presents information about the case filings and dispositions of the Wisconsin Supreme Court during the month of June 2017 and to date for the term that began on September 1, 2016.

Opinions Issued by the Court

The Supreme Court issued opinions involving 20 cases in June. Information about these opinions, including the Court's dispositions and the names of the authoring justices, can be found on the attached table.

	<u>June 2017</u>	<u>Term to Date</u>
Total number of cases resolved by opinion	<u>20</u>	<u>77</u>
Attorney disciplinary cases	3	28
Judicial disciplinary cases.....	0	0
Bar admission cases.....	1	1
Civil cases	8	25
Criminal cases	8	23

Petitions for Review

A total of 71 petitions for review were filed during the month. A petition for review asks the Supreme Court to review the decision of the Court of Appeals. The Supreme Court's jurisdiction is discretionary, meaning that review is granted in selected cases only. In June, the Supreme Court disposed of 52 petitions for review, of which 6 petitions were granted. The Supreme Court currently has 164 petitions for review pending.

	<u>June 2017</u>	<u>Term to Date</u>
Petitions for Review filed	<u>71</u>	<u>576</u>
Civil cases	27	269
Criminal cases	44	307

Petition for Review dispositions	<u>52</u>	<u>644</u>
Civil cases (petitions granted).....	20 (3)	300 (30)
Criminal cases (petitions granted)	32 (3)	344 (32)

Petitions for Bypass

In June 2017, the Supreme Court received 4 petitions for bypass and disposed of 1 petition for bypass. In a petition for bypass, a party requests that the Supreme Court take jurisdiction of an appeal or other proceeding pending in the Court of Appeals. A matter appropriate for bypass is usually one which meets one or more of the criteria for review by the Supreme Court and one the Supreme Court concludes it will ultimately choose to consider regardless of how the Court of Appeals might decide the issues. A petition for bypass may also be granted where there is a clear need to hasten the ultimate appellate decision. The Supreme Court currently has 6 petition for bypass pending.

	<u>June 2017</u>	<u>Term to Date</u>
Petitions for Bypass filed	<u>4</u>	<u>11</u>
Civil cases	2	7
Criminal cases	2	4
Petition for Bypass dispositions.....	<u>1</u>	<u>7</u>
Civil cases (petitions granted).....	1 (1)	6 (2)
Criminal cases (petitions granted)	0 (0)	1 (0)

Requests for Certification

During June 2017, the Supreme Court received 2 requests for certification and disposed of no requests for certification. In a request for certification, the Court of Appeals asks the Supreme Court to exercise its appellate jurisdiction before the Court of Appeals hears the matter. A request for certification is decided on the basis of the same criteria as a petition to bypass. The Supreme Court currently has 3 requests for certification pending.

	<u>June 2017</u>	<u>Term to Date</u>
Requests for Certification filed.....	<u>2</u>	<u>5</u>
Civil cases	1	2
Criminal cases	1	3
Request for Certification dispositions.....	<u>0</u>	<u>3</u>
Civil cases (requests granted)	0 (0)	2 (1)
Criminal cases (requests granted)	0 (0)	1 (0)

Regulatory Matters, Supervisory Writs, and Original Actions

During the month, there were 10 matters filed within the regulatory jurisdiction of the Court (bar admission, lawyer discipline, and judicial discipline) and no such cases were reopened. The Supreme Court also received 2 petitions for supervisory writ, which ask the Supreme Court to order the Court of Appeals or a circuit court to take a certain action in a case. One original action was filed. An original action is a petition asking the Supreme Court to take jurisdiction over a particular matter. When an opinion is issued in these cases, the disposition is included in “Opinions Issued by the Court” above; otherwise, the case is disposed of by order and is included in the totals below. The Supreme Court currently has 34 regulatory matters and 8 petitions for supervisory writ pending.

	<u>June 2017</u>	<u>Term to Date</u>
<u>Filings</u>		
Attorney discipline (including reopened cases).....	10	51
Judicial discipline.....	0	0
Bar admission.....	0	0
Petitions for Supervisory Writ	2	35
Other (including Original Actions).....	1	1
 <u>Dispositions by Order</u>		
Attorney discipline.....	0	4
Judicial discipline.....	0	0
Bar admission.....	0	0
Petitions for Supervisory Writ	1	29
Other (including Original Actions).....	1	4

**DECISIONS BY THE
WISCONSIN SUPREME COURT**

OPINIONS ISSUED DURING June 2017

<u>Docket No.</u>	<u>Title</u>	<u>Date</u>
2015AP675-D	Office of Lawyer Regulation (OLR) v. Matthew R. Schwitzer License Suspended Per Curiam ¹	06/01/2017
2016AP1770-D	OLR v. Carl J. Schwedler License Suspended Per Curiam <u>Concur</u> : A. W. Bradley, J. joined by Abrahamson, J.	06/01/2017
2016AP1776-BA	Charles A. Nichols v. Board of Bar Examiners Decision of the Board of Bar Examiners is reversed and cause remanded. Per Curiam <u>Concur</u> : Abrahamson, J., joined by A.W. Bradley, J.	06/02/2017
2016AP737-D	OLR v. Philip A. Shepherd Public Reprimand Per Curiam <u>Concur/Dissent</u> : Abrahamson, J., joined by A. W. Bradley, J.	06/23/2017

CIVIL AND CRIMINAL CASES

<u>Docket No.</u>	<u>Title</u>	<u>Date</u>
2014AP2360	Dennis A. Teague v. Brad D. Schimel The decision of the court of appeals is reversed and remanded to the circuit court. <u>Majority Opinion</u> : Kelly, J. <u>Separate Writing</u> : Abrahamson, J., joined by A. W. Bradley, J. <u>Concur</u> : Gableman, J., joined by Roggensack, C.J. <u>Dissent</u> : Ziegler, J.	06/08/2017

¹ “Per Curiam” means “by the Court.” Opinions issued *per curiam* are handed down by the Court as a whole.

2016AP46-FT	<p>Waukesha County v. J.W.J. The decision of the court of appeals is affirmed. <u>Majority Opinion:</u> Kelly, J. <u>Separate Writing:</u> Abrahamson, J., joined by A.W. Bradley, J.</p>	06/08/2017
2014AP2701-CR	<p>State v. Robert Joseph Stietz The decision of the court of appeals is reversed and remanded. <u>Majority Opinion:</u> Abrahamson, J. <u>Concur:</u> R. G. Bradley, J., joined by Roggensack, C.J. (except part II) and Kelly, J. <u>Dissent:</u> Ziegler, J., joined by Gableman, J. A.W. Bradley, J. did not participate.</p>	06/13/2017
2015AP1292-CR) 2015AP1293-CR)	<p>State v. Edward J. Zimbal The decision of the court of appeals is reversed and remanded to the circuit court. <u>Majority Opinion:</u> A. W. Bradley, J. <u>Concur:</u> Roggensack, C.J., joined by R. G. Bradley, J. and Kelly, J. <u>Concur:</u> Ziegler, J.</p>	06/14/2017
2015AP1016) 2015AP1119)	<p>Margaret Pulera v. Town of Richmond The orders of the circuit court are reversed and cause remanded. <u>Majority Opinion:</u> Roggensack, C.J. <u>Concur:</u> R. G. Bradley, J. <u>Dissent:</u> A. W. Bradley, J., joined by Abrahamson, J. Kelly, J. did not participate.</p>	06/20/2017
2015AP993-CR	<p>State v. Heather L. Steinhardt The decision of the court of appeals is affirmed. <u>Majority Opinion:</u> Gableman, J. <u>Dissent:</u> Abrahamson, J., joined by A. W. Bradley, J.</p>	06/21/2017
2015AP671-CR	<p>State v. Keimonte Antonie Wilson, Sr. The decision of the court of appeals is reversed and remanded. <u>Majority Opinion:</u> A. W. Bradley, J. <u>Dissent:</u> Ziegler, J., joined by Gableman, J.</p>	06/22/2017

2015AP1877-CR	<p>State v. Lazaro Ozuna</p> <p>The decision of the court of appeals is affirmed.</p> <p><u>Majority Opinion</u>: Gableman, J.</p> <p><u>Dissent</u>: A. W. Bradley, J., joined by Abrahamson, J.</p>	06/22/2017
2015AP2366	<p>Thomas F. Benson v. City of Madison</p> <p>The decision of the court of appeals is reversed and remanded.</p> <p><u>Majority Opinion</u>: Ziegler, J.</p> <p><u>Concur</u>: Kelley, J.</p> <p><u>Dissent</u>: Abrahamson, J., joined by A. W. Bradley, J.</p>	06/22/2017
2016AP275	<p>The Honorable William M. Gabler, Sr. v. Crime Victims Rights Board</p> <p>The decision of the circuit court is affirmed.</p> <p><u>Majority Opinion</u>: R. G. Bradley, J.</p> <p><u>Concur/Dissent</u>: Abrahamson, J.</p> <p>A.W. Bradley, J. did not participate.</p>	06/27/2017
2014AP1623-CR	<p>State v. Raymond L. Nieves</p> <p>The decision of the court of appeals is reversed and remanded.</p> <p><u>Majority Opinion</u>: Roggensack, C.J.</p> <p><u>Dissent</u>: A. W. Bradley, J., joined by Abrahamson, J.</p>	06/29/2017
2015AP231	<p>John Krueger v. Appleton Area School District Board of Education</p> <p>The decision of the court of appeals is reversed and remanded.</p> <p><u>Majority Opinion</u>: Gableman, J.</p> <p><u>Concur</u>: Abrahamson, J., joined by A. W. Bradley, J.</p>	06/29/2017
2015AP1493	<p>The Segregated Account of Ambac Assurance Corporation v. Countrywide Home Loans, Inc.</p> <p>The decision of the court of appeals is reversed and remanded.</p> <p><u>Majority Opinion</u>: R. G. Bradley, J.</p> <p><u>Dissent</u>: A. W. Bradley, J., joined by Abrahamson, J.</p> <p>Kelly, J. did not participate.</p>	06/29/2017

2015AP001989

Tracie L. Flug v. Labor and Industry Review
Commission

06/30/2017

The decision of the court of appeals is reversed.

Majority Opinion: Kelly, J.

Dissent: Roggensack, C.J.

Dissent: A. W. Bradley, J., joined by
Abrahamson, J.