



Supreme Court of Wisconsin

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WISCONSIN SUPREME COURT MONTHLY STATISTICAL REPORT

FEBRUARY 2023

This statistical report presents information about the case filings and dispositions of the Wisconsin Supreme Court during the month of February, 2023 and to date for the term that began on September 1, 2022.

Opinions Issued by the Court

The Supreme Court issued opinions resolving 6 cases in February. Information about these opinions, including the Court's dispositions and the names of the authoring justices, can be found on the attached table.

	<u>February 2023</u>	<u>Term to Date</u>
Total number of cases resolved by opinion	6	21
Attorney disciplinary cases	0	5
Judicial disciplinary cases.....	0	0
Bar Admissions	0	0
Civil cases	5	10
Criminal cases	1	6

Petitions for Review

A total of 46 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 February, the Supreme Court disposed of 52 petitions for review, of which no petitions were granted. The Supreme Court currently has 140 petitions for review pending.

	<u>February 2023</u>	<u>Term to Date</u>
Petitions for Review filed	46	261
Civil cases	16	124
Criminal cases	30	137

Petition for Review dispositions	52	287
Civil cases (petitions granted).....	33 (0)	128 (9)
Criminal cases (petitions granted)	19 (0)	159 (6)

Petitions for Bypass

In February, the Supreme Court received no petitions for bypass and disposed of 2 petitions 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 one petition for bypass pending.

	<u>February 2023</u>	<u>Term to Date</u>
Petitions for Bypass filed	0	10
Civil cases	0	9
Criminal cases	0	1
Petition for Bypass dispositions.....	2	11
Civil cases (petitions granted).....	1 (1)	10 (2)
Criminal cases (petitions granted)	1 (0)	1 (0)

Requests for Certification

During February 2023, the Supreme Court received one request 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 one request for certification pending.

	<u>February 2023</u>	<u>Term to Date</u>
Requests for Certification filed.....	1	<u>1</u>
Civil cases	0	0
Criminal cases	1	1
Request for Certification dispositions.....	<u>0</u>	<u>1</u>
Civil cases (requests granted)	0 (0)	0 (0)
Criminal cases (requests granted)	0 (0)	1 (1)

Regulatory Matters, Supervisory Writs, and Original Actions

During the month, a total of one matter within the regulatory jurisdiction of the Court (bar admission, lawyer discipline, and judicial discipline) was filed and no such case was reopened. The Supreme Court also received 2 petitions for supervisory writ, which asks the Supreme Court to order the Court of Appeals or a Circuit Court to take a certain action in a case. There were no original actions 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 73 regulatory matters and 6 petitions for supervisory writs pending.

	<u>February 2023</u>	<u>Term to Date</u>
<u>Filings</u>		
Attorney discipline (including reopened cases).....	1	9
Judicial discipline.....	0	0
Bar admission.....	0	1
Petitions for Supervisory Writ	2	31
Other (including Original Actions).....	0	1
 <u>Dispositions by Order</u>		
Attorney discipline.....	1	4
Judicial discipline.....	0	0
Bar admission.....	0	0
Petitions for Supervisory Writ	8	46
Other (including Original Actions).....	1	3

**DECISIONS BY THE
WISCONSIN SUPREME COURT
OPINIONS ISSUED DURING FEBRUARY 2023**

<u>Docket No.</u>	<u>Title</u>	<u>Date</u>
#2019AP1987	<p><u>Lowe’s Home Centers LLC v City of Delavan</u> <u>THE DECISION OF THE COURT OF APPEALS IS AFFIRMED.</u> ANN WALSH BRADLEY, J., delivered the majority opinion of the Court, in which ZIEGLER, C.J., ROGGENSACK, DALLET, HAGEDORN, and KAROFISKY, JJ., joined. REBECCA GRASSL BRADLEY, J., filed a concurring opinion, in which ROGGENSACK, J., joined.</p>	02/16/2023
#2020AP32-CR	<p><u>State v. Oscar C. Thomas</u> <u>THE DECISION OF THE COURT OF APPEALS IS AFFIRMED.</u> ROGGENSACK, J., announced the mandate of the Court, and delivered an opinion, in which ZIEGLER, C.J., joined, and the majority opinion of the Court with respect to ¶¶2 and ¶¶12-24, in which ANN WALSH BRADLEY, REBECCA GRASSL BRADLEY, DALLET and KAROFISKY, JJ., joined, and in which HAGEDORN, J., joined with respect to ¶¶12-24. DALLET, J., filed a concurring opinion, which constitutes the majority opinion of the Court, in which ANN WALSH BRADLEY, REBECCA GRASSL BRADLEY, and KAROFISKY, JJ., joined. HAGEDORN, J., filed a concurring opinion.</p>	02/21/2023

#2020AP2166-D

Office of Lawyer Regulation v. Matthew T. Luening:

01/24/2023

PER CURIAM.

IT IS ORDERED that counts one through seven of the complaint filed on December 29, 2020 are hereby dismissed. **IT IS FURTHER ORDERED** that this matter shall be remanded to the referee for the purpose of the referee issuing a revised recommendation as to the appropriate sanction for the remaining counts of misconduct found by the referee.

#2022AP1213-D

Office of Lawyer Regulation v. Thomas W. Batterman:

02/24/2023

PER CURIAM.

IT IS ORDERED that the petition for consensual license revocation is granted. **IT IS FURTHER ORDERED** that the license of Thomas W. Batterman to practice law in Wisconsin is revoked, effective the date of this order. **IT IS FURTHER ORDERED** that Thomas W. Batterman shall comply with the provisions of SCR 22.26 concerning the duties of a person whose license to practice law in Wisconsin has been revoked.

ZIEGLER, C. J. filed a concurring opinion in which **REBECCA GRASSL BRADLEY, HAGEDORN** and **KAROFKY, JJ.**, joined.

#2022AP1221-D

Office of Lawyer Regulation v. Mark Austin

02/24/2023

Cross:

PER CURIAM.

IT IS ORDERED that the license of Mark Austin Cross to practice law in Wisconsin is suspended for a period of 150 days, effective the date of this order. **IT IS FURTHER ORDERED** that Mark Austin Cross is ordered to reimburse the Oregon Client Security Fund for its \$10,000 payment to Attorney Cross's client. **IT IS FURTHER ORDERED** that Mark Austin Cross shall be required to file a formal petition for reinstatement pursuant to SCR 22.29 in the event he wishes to reinstate his Wisconsin law license.

#2022AP1420-D

Office of Lawyer Regulation v. Judy R.

02/24/2023

Moats:

PER CURIAM.

IT IS ORDERED that the license of Judy R. Moats to practice law in Wisconsin is revoked, effective the date of this order. **IT IS FURTHER ORDERED** that, to the extent she has not already done so, Judy R Moats shall comply with the provisions of SCR 22.26 concerning the duties of a person whose license to practice law in Wisconsin has been revoked.