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WISCONSIN SUPREME COURT ANNUAL STATISTICAL REPORT

2013-2014 TERM

This annual statistical report presents information about the work of the Wisconsin Supreme Court in its judicial and rulemaking functions from September 1, 2013 through August 31, 2014. Included are statistics on case filings, opinions, and dispositions issued by the Court and information about the creation or amendment of rules governing pleading, practice and procedure in judicial proceedings in all Wisconsin courts.

Opinions Issued by the Court

The Supreme Court issued opinions resolving 122 cases¹ during the 2013-2014 term.

	<u>2013-14</u>	<u>2012-13</u>
Total number of cases resolved by opinion	<u>122</u>	<u>98</u>
Attorney discipline cases	52	42
Judicial discipline cases	0	0
Bar admission cases	1	0
Civil cases	39	31
Criminal cases	30	25

¹ The number of authored opinions for the term may differ from the number of cases resolved by opinion for the term; multiple cases resolved by one opinion (consolidated cases) and *per curiam* opinions (by the court as a whole) account for this difference. There were 61 authored opinions for this term.

Petitions for Review

A total of 792 petitions for review were filed during the term. 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. During the 2013-2014 term, the Supreme Court disposed of 860 petitions for review, of which 65 petitions were granted. At the end of the term, the Court had 295 petitions for review pending.

	<u>2013-14</u>	<u>2012-13</u>
Petitions for Review filed	<u>792</u>	<u>807</u>
Civil cases	381	386
Criminal cases	411	421
Petition for Review dispositions	<u>860</u>	<u>732</u>
Civil cases (petitions granted).....	421 (28)	346 (29)
Criminal cases (petitions granted)	439 (37)	386 (20)

Petitions for Bypass

This term, the Supreme Court received 24 petitions for bypass and disposed of 16 petitions for bypass, of which none were granted. 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. At the end of the term, the Court had 16 petitions for bypass pending.

	<u>2013-14</u>	<u>2012-13</u>
Petitions for Bypass filed	<u>24</u>	<u>14</u>
Civil cases	20	10
Criminal cases	4	4
Petition for Bypass dispositions.....	<u>16</u>	<u>17</u>
Civil cases (petitions granted).....	12 (0)	14 (2)
Criminal cases (petitions granted)	4 (0)	3 (0)

Requests for Certification

During the 2013-2014 term, the Supreme Court received 3 requests for certification and disposed of 7 requests for certification, of which 5 were granted. 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. At the end of the term, the Court had 0 requests for certification pending.

	<u>2013-14</u>	<u>2012-13</u>
Requests for Certification filed.....	3	10
Civil cases	2	5
Criminal cases	1	5
Request for Certification dispositions.....	7	11
Civil cases (requests granted)	4 (4)	8 (6)
Criminal cases (requests granted)	3 (1)	3 (3)

Regulatory Matters, Supervisory Writs, and Original Actions

During the 2013-2014 term, a total of 64 matters within the regulatory jurisdiction of the Court (bar admission, lawyer discipline, and judicial discipline) were filed. The Supreme Court also received 73 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. Six original actions were filed. An original action is a petition asking the Supreme Court to take jurisdiction over a particular matter. Opinions disposing of cases in these categories are included in “Opinions Issued by the Court” above; statistics on dispositional orders are listed below. At the end of the term, the Court had 26 regulatory matters and 18 petitions for supervisory writ pending.

	<u>2013-14</u>	<u>2012-13</u>
<u>Filings</u>		
Attorney discipline.....	63	74
Judicial discipline.....	0	0
Bar admission.....	1	0
Petitions for Supervisory Writ	73	64
Other (including Original Actions).....	6	4
<u>Dispositions by Order</u>		
Attorney discipline.....	4	6
Judicial discipline.....	0	0
Bar admission.....	0	0
Petitions for Supervisory Writ	76	49
Other (including Original Actions).....	10	6

Rules Petitions

Each term, the Court notices and holds public hearings on petitions for the creation or amendment of rules governing pleading, practice and procedure in judicial proceedings in all courts, provided that the Court deems the petition to have arguable merit. In the term just ended, the Court held 5 rules hearings and convened 9 open administrative conferences at which 22 petitions were discussed. During the term, the Court adopted 10 amendments or new rules governing practice and procedure in Wisconsin.

New and Amended Rules

The Court entered the following rule orders during the term:

Petition 13-02A: In the matter of the Petition to Create Supreme Court Rule 40.145 relating to the Waiver of Fees for Qualified Veterans. On April 19, 2013, the court created a fee waiver program for qualified veterans. See S. Ct. Order 13-02, 2013 WI 33 (issued Apr. 19, 2013; eff. Apr. 19, 2013). In the interests of implementing the fee waiver program quickly, the court solicited public input after the order was issued and took effect, reserving the right to revisit the rule if public comment identified issues with the rule that warranted the court's attention. The deadline for any comments was July 19, 2013. No comments were filed so this matter is closed. Order filed September 16, 2013, effective September 16, 2013.

Petition 10-09: In the matter of the amended petition to amend various Rules in Chapter 20 of the Supreme Court Rules. After convening a working group, the petitioner filed an amended petition on April 23, 2013, which proposed two amendments to the rules: (1) a change to SCR 20:4.1 (Truthfulness in statements to others), and (2) an additional comment in SCR 20:8.4 (Misconduct). The petitioner presented the petition to the court at public hearing held on September 12, 2013. No other testimony was given. At its ensuing open conference, the court voted to deny the amended petition in part, and to grant the part of the petition relating to the proposed additional comment to SCR 20:8.4, as modified. Order filed October 1, 2013, effective October 1, 2013.

Petition 13-03: In the matter of the petition to amend Supreme Court Rules 10.03(3) and (7) relating to inactive members requesting active status and readmission after resignation from the State Bar. The court conducted a public hearing on this rule petition on September 12, 2013. At its ensuing open conference, the court voted unanimously to adopt the petition, with amendments. Order filed October 1, 2013 and effective January 1, 2014.

Petition 13-11: In the matter of the petition for amendment to Supreme Court Rule 10.03(4)(b)2 relating to pro hac vice applications. The court discussed the matter at open conference on September 12, 2013, and voted unanimously to solicit written comments. The court discussed this matter again at an open rules conference on May 27, 2014 and voted 4-3 to decide the matter without a public hearing. Supreme Court Rule 10.03 (4) (b) 2 is amended and a Wisconsin Comment to this rule is created. Order filed June 20, 2014 and effective July 1, 2014.

Petition 13-08: In the matter of the petition of the State Bar of Wisconsin proposing revisions to SCR 10.05(4)(a)(5) and SCR 10.05(4)(g) Board of Governors, Functions; SCR 10.06(2) executive Committee, Powers; SCR 10.09(2) Disbursements; SCR 10.12 Official Publication; Notice to Members; SCR 10.13(2) Amendment, Amendment of Bylaws. The court discussed the petition in open conference on September 12, 2013 and voted unanimously to solicit public comment. At an open rules conference on May 27, 2014, the court reviewed the comments received and voted unanimously to decide the petition without a public hearing. The court then voted unanimously to approve the petition. The Supreme Court Rules are amended. Order filed June 24, 2014 and effective July 1, 2014.

Petition 13-12: In the matter of the Petition to Create Supreme Court Rule 22.21m Relating to Public Notice of Formal Investigations in the Public Interest. The court discussed this petition at open rules conference on December 6, 2013 and voted to schedule a public hearing. The public hearing was conducted on February 24, 2014. The court discussed the petition in open administrative rules conference on May 27, 2014 and voted 4:3 to deny the petition. Order denying petition filed June 24, 2014.

Petition 13-10: In the matter of petition to amend Supreme Court Rule Chapter 20 and Wis. Stat. Chapters 800, 801, 802, and 809 relating to Limited Scope Representation. The court discussed the matter in September 2013; decided to solicit public comment and hold a public hearing. Public hearing was held on March 21, 2014. The court discussed the petition, as amended, in open administrative rules conference on April 4, 2014, and voted unanimously to adopt the petition. Supreme Court Rules and the Wisconsin Statutes are amended. Order filed June 27, 2014 and effective January 1, 2015.

Petition 13-14: In the matter of the petition to amend Supreme Court Rule 60.04. The court held a public hearing on February 24, 2014 and discussed the petition at an open rules conference on May 27, 2014. The court voted 6:1 to approve the petition and adopt the proposed rule, subject to the understanding that it would be revised consistent with the court's discussion. Three years after the effective date of this order the court will evaluate the impact of this rule on the Wisconsin court system. The Supreme Court Rule is amended. Order filed July 1, 2014 and effective July 1, 2014.

Petition 08-28A: In the matter of creation of procedures for lawyer support and monitoring and procedures for referrals from the Office of Lawyer Regulation. On September 19, 2013, the State Bar and the OLR together filed a report with the Wisconsin Supreme Court in response to the May 14, 2010 order requiring the petitioners to provide a report on the impact of the adoption of SCR 10.05(4)(m). The court noted its acceptance of the report at an open rules conference on October 25, 2013, deeming the State Bar and the OLR to have satisfied the three-year reporting requirement set forth in the May 14, 2010 order. Order Filed July 3, 2014.

Petition 13-06: In the matter of the Petition to Amend Supreme Court Rule 22.12 Relating to Stipulations in Lawyer Disciplinary Proceedings. The court discussed the matter at open rules conference on September 12, 2013, and agreed it would discuss and potentially decide the matter without a public hearing following solicitation of public comment. The court again discussed this petition at its open rules conference on May 27, 2014 and voted 6:1 to adopt the petition, re-drafted to address the alternative scenario identified by the Chief Justice and Justice

Bradley. Supreme Court Rule 22.12 (1) is amended. Order filed July 3, 2014 and effective July 3, 2014.

Petition 13-07: In the matter of petition to amend Supreme Court Rules 10.04 and 10.05 relating to Officers and the Board of Governors of the State Bar of Wisconsin.

Petition 13-13: In the matter of the petition to review State Bar Bylaws Amendments. After the two related petitions were filed, the court discussed the matters at an open rules conference on September 12, 2013. The court decided to consider the two matters together at a future public hearing. Public hearings were held on January 21, 2014 and following the public hearing, the court received additional submissions. The court discussed both matters at open conference on April 4, 2014. Rule petition 13-13 is granted and these amendments to the bylaws are rejected. Rule petition 13-07 is granted in part and denied in part. The court declines to adopt proposed amendments to 10.04 (4) and 10.05 (3) of the Supreme Rules. Supreme Court Rule 10.04 (2) (c) is amended. Order filed July 3, 2014.