



# Supreme Court of Wisconsin

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## WISCONSIN SUPREME COURT MONTHLY STATISTICAL REPORT

### MAY 2018

This statistical report presents information about the case filings and dispositions of the Wisconsin Supreme Court during the month of May 2018 and to date for the term that began on September 1, 2017.

#### Opinions Issued by the Court

The Supreme Court issued opinions resolving 22 cases in April. Information about these opinions, including the Court's dispositions and the names of the authoring justices, can be found on the attached table.

	<u>May 2018</u>	<u>Term to Date</u>
Total number of cases resolved by opinion .....	<u>22</u>	<u>82</u>
Attorney disciplinary cases .....	8	36
Judicial disciplinary cases .....	0	1
Bar Admissions .....	0	0
Civil cases .....	17	49
Criminal cases .....	5	19

#### Petitions for Review

A total of 67 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 May, the Supreme Court disposed of 50 petitions for review, of which 1 petition was granted. The Supreme Court currently has 195 petitions for review pending.

	<u>May 2018</u>	<u>Term to Date</u>
Petitions for Review filed .....	67	531
Civil cases .....	31	239
Criminal cases .....	36	292

Petition for Review dispositions .....	50	598
Civil cases (petitions granted).....	24 (1)	273 (27)
Criminal cases (petitions granted) .....	26 (0)	325 (10)

### Petitions for Bypass

In May, the Supreme Court received 2 petitions for bypass and disposed of 0 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 4 petitions for bypass pending.

	<u>May 2018</u>	<u>Term to Date</u>
Petitions for Bypass filed .....	2	14
Civil cases .....	0	7
Criminal cases .....	2	7
Petition for Bypass dispositions.....	0	14
Civil cases (petitions granted).....	0 (0)	7 (1)
Criminal cases (petitions granted) .....	0 (0)	7 (2)

### Requests for Certification

During May 2018, the Supreme Court received 1 requests for certification and disposed of 0 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 5 requests for certification pending.

	<u>May 2018</u>	<u>Term to Date</u>
Requests for Certification filed.....	1	<u>6</u>
Civil cases .....	1	4
Criminal cases .....	0	2
Request for Certification dispositions.....	<u>0</u>	<u>5</u>
Civil cases (requests granted) .....	0 (0)	1 (1)
Criminal cases (requests granted) .....	0 (0)	4 (4)

Regulatory Matters, Supervisory Writs, and Original Actions

During the month, a total of 3 matters within the regulatory jurisdiction of the Court (bar admission, lawyer discipline, and judicial discipline) were filed and 1 such cases were reopened. The Supreme Court also received 3 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 28 regulatory matters and 9 petitions for supervisory writ pending.

	<u>May2018</u>	<u>Term to Date</u>
<u>Filings</u>		
Attorney discipline (including reopened cases).....	4	45
Judicial discipline.....	0	1
Bar admission.....	0	2
Petitions for Supervisory Writ .....	3	35
Other (including Original Actions).....	1	4
 <u>Dispositions by Order</u>		
Attorney discipline.....	1	4
Judicial discipline.....	0	0
Bar admission.....	0	0
Petitions for Supervisory Writ .....	3	36
Other (including Original Actions).....	0	6

**DECISIONS BY THE  
WISCONSIN SUPREME COURT  
OPINIONS ISSUED DURING MAY 2018**

<u>Docket No.</u>	<u>Title</u>	<u>Date</u>
2015AP2265	State v. Anthony Jones Affirmed. <u>Majority Opinion</u> : Ziegler, J. <u>Concurrence</u> : Bradley, R. G., J., Abrahamson, J. and Kelly, J.	05/04/2018
2015AP001970 & 2016AP2528	Donald J, Thoma and Polk Properties, LLC v. Village of Slinger Affirmed. <u>Majority Opinion</u> : Bradley, R. G., J. <u>Dissent</u> : Roggensack, C. J. and Ziegler, J. Kelly, J. did not participate.	05/10/2018
2015AP2627	Mark McNally v. Capital Cartage, Inc. d/b/a Capital Cartage Moving & Storage, Mary R. Hermanson Reversed. <u>Majority Opinion</u> : Bradley, A. W., J. <u>Dissent</u> : Ziegler, J.	05/10/2018
2015AP2356	Archie Talley v. Mustafa Mustafa, d/b/a Burleigh Liquor and Adams Foods, LLC, Auto Owners Insurance Co. Reversed. <u>Majority Opinion</u> : Bradley, R. G., J. <u>Dissent</u> : Bradley, A.W., J., Abrahamson, J., and Kelly, J. <u>Dissent</u> : Kelly, J., Abrahamson, J. and Bradley, A. W., J.	05/11/2018
2015AP829	Penny L. Spring v. Nohl Electric Reversed. <u>Majority Opinion</u> : Kelly, J. <u>Dissent</u> : Abrahamson, J. and Bradley A. W., J.	05/15/2018

2016AP1259-D	Office of Lawyer Regulation v. Michael R. Bauer License Suspended. Per Curiam <sup>1</sup>	05/16/2018
2017AP2540-D	Office of Lawyer Regulation v. Phillip M. Kleinsmith License Revoked. Per Curiam	05/16/2018
2015AP2328-CR	State v. Shaun M. Sanders Affirmed. <u>Majority Opinion</u> : Gableman, J. <u>Concurrence</u> : Bradley, A. W., J. and Abrahamson, J.	05/18/2018
2016AP740-CR	State v. DeAnthony K. Muldrow Affirmed. <u>Majority Opinion</u> : Gableman, J.	05/18/2018
2016AP897-CR	State v. Lamont D. Sholar Affirmed. <u>Majority Opinion</u> : Bradley, R. G., J. <u>Dissent</u> : Abrahamson, J.	05/18/2018
2014AP2498	Wingra Redi-Mix Inc. v. Burial Sites Preservation Board Affirmed by equally divided Court. Per Curiam <u>Concurrence</u> : Abrahamson, J. Kelly, J. did not participate.	05/22/2018
20156AP1632 & 2015AP1844	Wingra Redi-Mix Inc. v. State Historical Society of Wisconsin Affirmed by equally divided Court. Per Curiam <u>Concurrence</u> : Abrahamson, J. Kelly, J. did not participate.	05/22/2018

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<sup>1</sup> “Per Curiam” means “by the court.” Opinions issued per curiam are handed down by the court as a whole.

<p>2003AP3348-D  2004AP2633-D  2007AP2653-D  2011AP584-D</p>	<p>Office of Lawyer Regulation v. Michael D. Mandelman  Reinstatement Denied.  Per Curiam  <u>Dissent</u>: Abrahamson, J.  Bradley, A. W., J. did not participate.</p>	<p>05/24/2018</p>
<p>2016AP1496</p>	<p>Federal National Mortgage Assoc. v. Cory  Thompson  Affirmed.  <u>Majority Opinion</u>: Abrahamson, J.</p>	<p>05/24/2018</p>
<p>2011AP48-D</p>	<p>Office of Lawyer Regulation v. James M. Schoenecker  Reinstatement Denied.  Per Curiam  <u>Concurrence</u>: Abrahamson, J.  <u>Concurrence</u>: Ziegler, J. and Abrahamson, J.</p>	<p>05/25/2018</p>
<p>2016AP883-CR</p>	<p>State v. Jamal L. Williams  Reversed in part and Affirmed in part.  <u>Majority Opinion</u>: Bradley, R. G., J.  <u>Concurrence</u>: Abrahamson, J.  Roggensack, C. J. and Bradley, A. W., J did not  participate.</p>	<p>05/30/2018</p>