



Supreme Court of Wisconsin

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WISCONSIN SUPREME COURT MONTHLY STATISTICAL REPORT

APRIL 2018

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

Opinions Issued by the Court

The Supreme Court issued opinions resolving 20 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>April 2018</u> | <u>Term to Date</u> |
|---|-------------------|---------------------|
| Total number of cases resolved by opinion | <u>20</u> | <u>60</u> |
| Attorney disciplinary cases | 9 | 28 |
| Judicial disciplinary cases | 0 | 0 |
| Bar Admissions | 0 | 0 |
| Civil cases | 5 | 23 |
| Criminal cases | 6 | 14 |

Petitions for Review

A total of 61 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 April, the Supreme Court disposed of 55 petitions for review, of which 1 petition was granted. The Supreme Court currently has 179 petitions for review pending.

| | <u>April 2018</u> | <u>Term to Date</u> |
|----------------------------------|-------------------|---------------------|
| Petitions for Review filed | 61 | 465 |
| Civil cases | 32 | 209 |
| Criminal cases | 29 | 256 |

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|--|--------|----------|
| Petition for Review dispositions | 56 | 548 |
| Civil cases (petitions granted)..... | 20 (1) | 249 (26) |
| Criminal cases (petitions granted) | 36 (0) | 299 (10) |

Petitions for Bypass

In April, the Supreme Court received 2 petitions for bypass and disposed of 3 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 2 petitions for bypass pending.

| | <u>April 2018</u> | <u>Term to Date</u> |
|--|-------------------|---------------------|
| Petitions for Bypass filed | 2 | 12 |
| Civil cases | 2 | 7 |
| Criminal cases | 0 | 5 |
| | | |
| Petition for Bypass dispositions..... | 3 | 14 |
| Civil cases (petitions granted)..... | 3 (0) | 7 (1) |
| Criminal cases (petitions granted) | 0 (0) | 7 (2) |

Requests for Certification

During April 2018, the Supreme Court received 0 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 4 requests for certification pending.

| | <u>April 2018</u> | <u>Term to Date</u> |
|---|-------------------|---------------------|
| Requests for Certification filed | 0 | <u>5</u> |
| Civil cases | 0 | 3 |
| 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 6 matters within the regulatory jurisdiction of the Court (bar admission, lawyer discipline, and judicial discipline) were filed and 2 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. No original actions were 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 33 regulatory matters and 9 petitions for supervisory writ pending.

| | <u>April 2018</u> | <u>Term to Date</u> |
|---|-------------------|---------------------|
| <u>Filings</u> | | |
| Attorney discipline (including reopened cases)..... | 7 | 41 |
| Judicial discipline..... | 1 | 1 |
| Bar admission..... | 1 | 2 |
| Petitions for Supervisory Writ | 3 | 32 |
| Other (including Original Actions)..... | 0 | 3 |
| <u>Dispositions by Order</u> | | |
| Attorney discipline..... | 0 | 3 |
| Judicial discipline..... | 0 | 0 |
| Bar admission..... | 0 | 0 |
| Petitions for Supervisory Writ | 2 | 33 |
| Other (including Original Actions)..... | 1 | 6 |

**DECISIONS BY THE
WISCONSIN SUPREME COURT**

OPINIONS ISSUED DURING APRIL 2018

| <u>Docket No.</u> | <u>Title</u> | <u>Date</u> |
|--------------------------------|---|--------------------|
| 2016AP474 | CED Properties, LLC v. City of Oshkosh - Reversed and remanded. <u>Majority Opinion</u> : Bradley, R. G., J. <u>Dissent</u> : Abrahamson, J. and Bradley, A. W. J. | 04/03/2018 |
| 2016AP001980-W | Department of Natural Resources v. Wisconsin Court of Appeals, District IV Writ is granted; stay on appeal is lifted; rights declared. <u>Majority Opinion</u> : Kelly, J. <u>Dissent</u> : Abrahamson, J. and Bradley, A.W., J. | 04/03/2018 |
| 2016AP112-D | Office of Lawyer Regulation v. James Toran License Suspended. Per Curiam ¹ | 04/05/2018 |
| 2016AP983 | Robert H. Shugarts, II v. Dennis M. Mohr Reversed and remanded. <u>Majority Opinion</u> : Bradley, A.W., J. | 04/05/2018 |
| 2015AP2667-CR 2015AP2668-CR | State of Wisconsin v. Gerrod R. Bell Affirmed. <u>Majority Opinion</u> : Kelly, J. <u>Concurrence</u> : Ziegler, J. <u>Dissent</u> : Bradley A. W., J. Roggensack, C. J. withdrew from participation. Abrahamson, J. did not participate. | 04/10/2018 |
| 2016AP173-CR | State v. Brian Grandberry Affirmed. <u>Majority Opinion</u> : Gableman, J. <u>Concurrence</u> : Kelly, J. <u>Dissent</u> : Bradley, R. G., J. | 04/10/2018 |

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

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|--------------|---|------------|
| 2016AP2436-D | Office of Lawyer Regulation v. Karene S. Marchan License Suspended. Per Curiam | 04/10/2018 |
| 2017AP1910-D | Office of Lawyer Regulation v. Richard W. Steffes Consensual license revocation granted. Per Curiam <u>Concurrence/Dissent</u> : Abrahamson, J. and Bradley A. W., J. | 04/10/2018 |
| 2014AP2561 | State v. David McAlister, Sr. Affirmed. <u>Majority Opinion</u> : Roggensack, C. J. <u>Concurrence</u> : Kelly, J. <u>Dissent</u> : Bradley, A. W, J. and Abrahamson, J. | 04/17/2018 |
| 2015AP175 | Deutsche Bank National Trust Company v. Thomas P. Wuensch, Heidi Wuensch Reversed. <u>Majority Opinion</u> : Bradley, R. G., J. <u>Dissent</u> : Bradley, A. W., J. and Abrahamson, J. | 04/17/2018 |
| 2017AP2427-D | Office of Lawyer Regulation v. Barry S. Wagner Publicly Reprimanded. Per Curiam | 04/17/2018 |
| 2016AP619 | Winnebago County v. J.M. Affirmed. <u>Majority Opinion</u> : Abrahamson, J. <u>Concurrence</u> : Bradley, A. W., J. | 04/18/2018 |
| 2016AP1890-D | Office of Lawyer Regulation v. Daniel J. Rostollan License Suspended. Per Curiam | 04/18/2018 |
| 2017AP1273-D | Office of Lawyer Regulation v. Linda L. Gray License Suspended. Per Curiam | 04/18/2018 |

| | | |
|--------------|--|------------|
| 2015AP330 | State v. David Hager, Jr. Reversed and Remanded. <u>Majority Opinion</u> : Gableman, J. <u>Concurrence</u> : Kelly, J. and Bradley, R. G., J. <u>Dissent</u> : Abrahamson, J. and Bradley, A. W., J. | 04/19/2018 |
| 2015AP1311 | State v. Howard Carter Affirmed. <u>Majority Opinion</u> : Gableman, J. <u>Concurrence</u> : Kelly, J. and Bradley, R. G., J. <u>Dissent</u> : Abrahamson, J. and Bradley, A. W., J. | 04/19/2018 |
| 2017AP1899-D | Office of Lawyer Regulation v. Brandon Buchanan License Suspended. Per Curiam | 04/19/2018 |
| 2017AP2529-D | Office of Lawyer Regulation v. Holly Lynn Fulkerson Publicly Reprimanded. Per Curiam | 04/20/2018 |
| 2017AP1465-D | Office of Lawyer Regulation v. Amie B. Trupke License Suspended. Per Curiam | 04/24/2018 |