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WISCONSIN SUPREME COURT ANNUAL STATISTICAL REPORT

2019-2020 TERM

This annual statistical report presents information about the work of the Wisconsin Supreme Court in its judicial and rulemaking functions from September 1, 2019 through August 31, 2020. 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 81 cases¹ during the 2019-2020 term.

| | <u>2018-2019</u> | <u>2019-2020</u> |
|-------------------------------------------------|------------------|------------------|
| Total number of cases resolved by opinion | <u>89</u> | <u>81</u> |
| Attorney discipline cases | 27 | 29 |
| Judicial discipline cases | 2 | 1 |
| Bar admission cases | 0 | 0 |
| Civil cases | 58 | 52 |
| Criminal cases | 23 | 23 |

Petitions for Review

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.

A total of 558 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 2019-2020 term, the Supreme Court disposed of 558 petitions for review, of which 45 petitions were granted. At the end of the term, the Court had 165 petitions for review pending.

| | <u>2018-2019</u> | <u>2019-2020</u> |
|--------------------------------------------|------------------|------------------|
| Petitions for Review filed | <u>609</u> | <u>558</u> |
| Civil cases | 183 | 212 |
| Criminal cases | 426 | 346 |
| Petition for Review dispositions | <u>712</u> | <u>544</u> |
| Civil cases (petitions granted)..... | 200 (24) | 203 (23) |
| Criminal cases (petitions granted) | 512 (29) | 341 (22) |

Petitions for Bypass

This term, the Supreme Court received 9 petitions for bypass and disposed of 11 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 one petition for bypass pending.

| | <u>2018-2019</u> | <u>2019-2020</u> |
|-------------------------------------------|------------------|------------------|
| Petitions for Bypass filed | <u>13</u> | <u>9</u> |
| Civil cases | 9 | 8 |
| Criminal cases | 4 | 1 |
| Petition for Bypass dispositions..... | <u>13</u> | <u>11</u> |
| Civil cases (petitions granted)..... | 7 (6) | 10 (0) |
| Criminal cases (petitions granted) | 6 (1) | 1 (0) |

Requests for Certification

During the 2019-2020 term, the Supreme Court received 2 requests for certification and disposed of one request for certification, of which none 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 1 request for certification pending.

| | <u>2018-2019</u> | <u>2019-2020</u> |
|---------------------------------------------|------------------|------------------|
| Requests for Certification filed..... | <u>5</u> | <u>2</u> |
| Civil cases | 3 | 0 |
| Criminal cases..... | 2 | 2 |
| Request for Certification dispositions..... | <u>5</u> | <u>1</u> |
| Civil cases (requests granted) | 3 (3) | 0 (0) |
| Criminal cases (requests granted) | 2 (1) | 1 (0) |

Regulatory Matters, Supervisory Writs, and Original Actions

During the 2019-2020 term, a total of 40 matters within the regulatory jurisdiction of the Court (bar admission, lawyer discipline, and judicial discipline) were filed. The Supreme Court also received 51 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. Twelve original actions were filed and no certified questions. 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 100 regulatory matters and 15 petitions for supervisory writ pending.

| | <u>2018-2019</u> | <u>2019-2020</u> |
|-----------------------------------------|------------------|------------------|
| <u>Filings</u> | | |
| Attorney discipline..... | 46 | 38 |
| Judicial discipline..... | 3 | 1 |
| Bar admission..... | 1 | 1 |
| Petitions for Supervisory Writ | 56 | 51 |
| Other (including Original Actions)..... | 11 | 12 |
| <u>Dispositions by Order</u> | | |
| Attorney discipline..... | 27 | 6 |
| Judicial discipline..... | 1 | 0 |
| Bar admission..... | 1 | 0 |
| Petitions for Supervisory Writ | 46 | 39 |
| Other (including Original Actions)..... | 20 | 13 |

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 6 rules hearings and convened 13 administrative conferences at which 36 petitions were discussed. During the term, the Court issued 20 orders, all of which were 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 19-07 In the Matter of Petition of the OLR Process Review Committee's Subcommittee on Confidentiality for an Order Amending Supreme Court Rules 21.18(1), 21.19, 22.21 (2) and (3), 22.34 (12), and 22.40 (1), Renumbering and Amending Supreme Court Rule 22.001(6) , and Creating Supreme Court Rules 22.001(6) (b), 22.03 (2g) and (2r), 22.03 (5)(c), 22.21 (2m), 22.34 (12m), and 22.40 (1g), (1m), and (8) (OLR Confidentiality) On October 10, 2019, the court ordered that effective July 1, 2020, the Petition is granted in part and denied in part. The court held in abeyance SCRs chs. 10, 20, 21, 22 and 31 pending the resolution of the remaining Office of Lawyer Regulation Procedure Review Committee petitions.

Petition 19-06 In the Matter of Repealing and Recreating Supreme Court Rule 22.30, Amending Supreme Court Rules 10.03(6m) and (7), 22.12 (1), 22.33 and 31.11(1m) and (4), Creating Supreme Court Rule 22.29 (4x) and 22.305, and Repealing Supreme Court Rule 22.31 (OLR Reinstatements) Effective July 1, 2020, Rule Petition 19-06, was granted, subject to issuance of a further order by the court, and the court ordered that the court's final order setting forth changes to SCRs chs. 10, 20, 21.22 and 31 were held in abeyance pending the court's resolution of the remaining Office of Lawyer Regulation Procedure Review Committee petitions;

Petition 19-18 In the Matter of the Petition to amend Supreme Court Rule 10.05(4)(m)(1). (LRIS) Effective on December 10, 2019, Supreme Court Rule 10.05(4)(m)(1) was amended.

Petition 19-12 In the Matter of the Petition of the OLR Process Review Committee's for an Order amending Supreme Court Rules 20:1.8(h)(3) and 20: 8.3 (Reporting Misconduct) Effective July 1, 2020, rule petition 19-12 is granted in part and denied in part, subject to issuance of a further order by this court. The court's final order setting forth changes to SCR ch.20 is held in abeyance pending the court's resolution of the remaining Office of Lawyer Procedure Review Committee petitions.

Petition 19-11 In the Matter for an Order Creating Supreme Court Rules 22.02(6)(d), 22.05 (1)(e) , and 22.11 (2)(b) and (c), Repealing Supreme Court Rule 22.10(7)(b) and (c), Amending Supreme Court Rules 22.02(4) and (6)(a), 22.05 (2), and 22.10 (4) and Renumbering and Amending Supreme Court Rules 22.10(7)(a) and 22.11 (2) (OLR Charging) Effective July 1, 2020, rule petition 19-11 is granted, subject to issuance of a further order by this court. It is further ordered that the court's final order setting forth changes to SCRs chs. 10, 20, 21, 22 and 31 are held in abeyance pending the court's resolution of the remaining OLR Regulation Procedure Review Committee petitions.

Petition 19-10: In the Matter of Amending Supreme Court Rules Pertaining to Permanent Revocation of a License to Practice Law in Attorney Disciplinary Proceedings (Permanent Revocation). On December 18, 2019, the Court voted to add a comment to SCR 21.16 (Discipline) to clarify that revocation under SCR 21.16 is not permanent in Wisconsin. The court then voted to deny the petition. Dissent: Ziegler, J. and joined by Rebecca Grassl Bradley and Brian Hagedorn, J.J..

Petition 19-09 In the Matter of Creating Supreme Court Rule 22.185 and Amending Supreme Court Rules 22.24(1) and 22.38, Relating to the Charging Process in Attorney Disciplinary Proceedings (Enforcement of Orders). Effective July 1, 2020, rule petition 19-09 is granted subject to issuance of a further order by this court. The court further ordered that the final order setting forth changes to SCRs chs. 10, 20, 21, 22 and 31 are held in abeyance pending the court's resolution of the remaining OLR Procedure Review Committee petitions.

Petition 19-08: In the Matter for an Order Amending Supreme Court Rules 22.02(2)(d), 22.25(2) and (4) (intro), and 22.26, Repealing and Recreating Supreme Court Rule 22.03(4), and Creating Supreme Court Rules 21.01(1)(bg), 22.02(6)(d), and 22.25 (3m) (OLR Process). Effective July 1, 2020, Rule petition 19-08 is granted in part, subject to issuance of a further order by this court. The court's final order is held in abeyance pending the court's resolution of the remaining Office of Lawyer Regulation Procedure Review Committee petitions.

Petition 19-19: In re the Matter of the Proposed Amendment to Wisconsin Statutes § 809.86 (Petitions for Review: Online access). The court voted to grant the petition and to revise the rule as requested, effective July 1, 2020.

Petition 19-24: In re the Amendment of SCR 70.20, Relating to the Authority of the Chief Judge. The court ordered the petition filed on December 13, 2019 by the Committee of the Chief Judges is dismissed.

Petition 19-20: In the Matter of Amending Supreme Court Rule 31, Pertaining to Continuing Legal Education (CLE). Effective January 1, 2021, the Supreme Court Rule 31 is amended.

Petition 16-05A: In re: creation of a pilot project for dedicated trial court judicial dockets for large claim business and commercial cases. The court Rule was amended and effective February 12, 2020.

Petition 19-21: In the Matter of Amending sections 757.60(9) and (10), Wis. Stats., and Supreme Court Rules 70.17(9) and (10), and renumbering section 753.06(9)(d), Wis. Stat. (Judicial District: Iron County)..

On February 13 2020, the Court concluded that transferring Iron County from the ninth judicial district to the tenth judicial district will manage workload disparity, improve administrative efficiency, and reduce administrative costs. The court determined that no public hearing was necessary and voted to grant the petition.

Petition 16-05B: In the matter of the correction of interim commercial court rule. Effective February 20, 2020, Section 10. B) 1 of the Interim Commercial Court Rule is amended to read as follows: A joint petition for transfer of a case under this section shall be submitted to the District Court Administrator for the Eighth Judicial District. The District Eight Court Administrator shall refer the petition to the Chief Judges for the Second, Third, Eighth and Tenth Judicial Districts.

Petition 16-05C: In re: creation of a pilot project for dedicated trial court judicial dockets for large claim business and commercial cases (Dane County). Effective March 13, 2020, the court ordered that the Dane County Circuit Court may commence the pilot project effective the date of this order or as soon thereafter as reasonably practicable.

Petition 20-01: In the matter of the temporary amendment of SCRs 31.02 and 31.05 relating to the continuing legal education requirements: On-demand CLE programming in response to COVID-19. The court ordered that effective March 17, 2020 and until December 31, 2020, that the petition was granted as listed.

Petition 19-16 In the Matter of Amending Wis. Stat. § 802.05(2m) relating to Ghostwriting, a form of Limited Scope Representation. Effective July 1, 2020, the court voted to grant the petition and included comment to s. 802.05(2m). Dissent: Kelly, J. and joined by Rebecca Grassl Bradley, J.

Petition 19-22: In the Matter of Amending Supreme Court Rules 342.002, 32.01, 32.04, 32.05, 32.06, 32.07, 32.08(1), 60.07(2), 75.01, and 75.05(3). Pertaining to Continuing Education for the Wisconsin Judiciary and Circuit Court Commissioners (Judicial Education Requirements). The court accepted the petition in part and denied the petition in part effective July 1, 2020. Dissent: Kelly, and Hagedorn, J.J. on Section 6 of this petition.

Petition 19-04, 19-05, 19-06, 19-07, 19-08, 19-09, 19-10, 19-11, and 19-12 In the Matter of Amending Supreme Court Rules Pertaining to Attorney Disciplinary Proceedings in regard to Supreme Court Rules, chapters 10, 20, 21, 22, and 31 (OLR Procedure Review Committee). On June 30, 2020, the court granted in part, denied in part and added comment. On June 30, 2020, the court ordered that the rules amended pursuant to this order shall apply to all grievances pending or filed on or after the effective date of this order; and to disciplinary, medical incapacity, reinstatement or motion for enforcement proceedings commenced after January 1, 2021. Dissent: Roggensack, C.J., in part to the court's decision on Rule Petition 19-08, joined by Ziegler and Hagedorn, J.J.

Petition 19-13: In the Matter of the Petition to Amend Supreme Court Rule 35.015 (Intro.) and (1), Relating to Qualifications for Appointment as a Guardian ad Litem in an Action Affecting the Family (GAL Qualifications). Effective January 1, 2021, the court granted the petition with modifications. Dissent: Rebecca Grassl Bradley, J. and joined by Kelly and Hagedorn, J.J..