



# Supreme Court of Wisconsin

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## WISCONSIN SUPREME COURT MONTHLY STATISTICAL REPORT

### MAY 2019

This statistical report presents information about the case filings and dispositions of the Wisconsin Supreme Court during the month of May 2019 and to date for the term that began on September 1, 2018.

#### Opinions Issued by the Court

The Supreme Court issued opinions resolving 17 cases in May. 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 2019</u>	<u>Term to Date</u>
Total number of cases resolved by opinion .....	<u>11</u>	<u>68</u>
Attorney disciplinary cases .....	2	22
Judicial disciplinary cases .....	1	1
Bar Admissions .....	0	0
Civil cases .....	4	44
Criminal cases .....	4	16

#### Petitions for Review

A total of 51 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 65 petitions for review, of which 4 petitions were granted. The Supreme Court currently has 176 petitions for review pending.

	<u>May 2019</u>	<u>Term to Date</u>
Petitions for Review filed .....	51	487
Civil cases .....	13	138
Criminal cases .....	38	349

Petition for Review dispositions .....	65	561
Civil cases (petitions granted).....	23 (1)	161 (19)
Criminal cases (petitions granted) .....	42 (3)	400 (22)

### Petitions for Bypass

In May, 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 1 petition for bypass pending.

	<u>May 2019</u>	<u>Term to Date</u>
Petitions for Bypass filed .....	0	10
Civil cases .....	0	6
Criminal cases .....	0	4
 Petition for Bypass dispositions.....	 2	 12
Civil cases (petitions granted).....	2 (2)	7 (4)
Criminal cases (petitions granted) .....	0 (0)	5 (1)

### Requests for Certification

During May 2019, the Supreme Court received no requests 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 1 request for certification pending.

	<u>May 2019</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)	3 (3)
Criminal cases (requests granted) .....	0 (0)	2 (1)

Regulatory Matters, Supervisory Writs, and Original Actions

During the month, a total of 1 matter within the regulatory jurisdiction of the Court (bar admission, lawyer discipline, and judicial discipline) was filed and no such cases were reopened. The Supreme Court also received 4 petition 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. 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 106 regulatory matters and 15 petitions for supervisory writ pending.

<u>Filings</u>	<u>May 2019</u>	<u>Term to Date</u>
Attorney discipline (including reopened cases).....	1	32
Judicial discipline.....	0	3
Bar admission.....	0	1
Petitions for Supervisory Writ .....	4	38
Other (including Original Actions).....	0	3
 <u>Dispositions by Order</u>		
Attorney discipline.....	3	22
Judicial discipline.....	1	1
Bar admission.....	0	1
Petitions for Supervisory Writ .....	3	33
Other (including Original Actions).....	10	14

**DECISIONS BY THE  
WISCONSIN SUPREME COURT  
OPINIONS ISSUED DURING MAY 2019**

<b><u>Docket No.</u></b>	<b><u>Title</u></b>	<b><u>Date</u></b>
#2017AP141-CR	State v. Dennis Schwind The Decision of the Court of Appeals is Affirmed <u>Majority Opinion:</u> Roggensack, C. J. <u>Concur &amp; Dissent:</u> Dallet, J., and Bradley, A.W., J. – opin. filed. Abrahamson, J., withdrew from participation	05/03/2019
#2017AP2021	Town of Rib Mountain v. Marathon County, et al The Decision of the Court of Appeals is Reversed. <u>Majority Opinion:</u> Bradley, R. G., J. Abrahamson, J., and Bradley, A. W., J. did not participate.	05/16/2019
#2017AP1574	In the matter of the mental commitment of J.W.K. Portage Co. v. J.W.K. – The Decision of the Court of Appeals is Affirmed. <u>Majority Opinion:</u> Bradley, R. G., J. <u>Concur and dissent:</u> Dallet, J., Abrahamson, J. and Bradley, A. W., J. – opin filed.	05/21/2019
#2016AP1288-D	Office of Lawyer Regulation vs. Daniel W. Morse License is suspended for one year, effective July 2, 2019. Pay OLR the costs of proceeding \$11,038.85 within 60 days of this order. Comply with provisions of SCR 22.26. Comply with all conditions of this order as required under SCR 22.29(4)(c) for reinstatement. Per Curiam	05/21/2019

#2018AP1033-J

Wisconsin Judicial Commission v. the  
Honorable Michael J. Piontek  
It is Ordered that Michael J. Piontek is  
suspended from the office of circuit judge  
without compensation, and prohibited from  
exercising any of the powers or duties of a  
circuit judge in Wisconsin for a period of five  
days, commencing June 24, 2019.  
Per Curiam

05/21/2019

#2017AP170

J. Steven Tikalsky v. Susan Friedman a/k/a  
Tikalsky  
The Decision of the Court of Appeals is  
Reversed.  
Majority Opinion: Kelly, J.  
Concur: Ziegler, J., – opin. filed.  
Dissent: Roggensack, C. J. – opin. filed.  
Dissent: Bradley, A.W., J and Abrahamson,  
J., - opin. filed.

05/23/2019

#2014AP2244-D

Office of Lawyer Regulation v. James  
Edward Hammis  
License suspended 3 years effective July 3,  
2019.  
Pay Restitution \$400. first.  
Pay OLR costs of proceeding \$13,160.22  
within 60 days.  
Condition of reinstatement: 1) practicing law  
under supervision of a legal mentor approved  
by OLR for a period of 2 years. 2)  
Prohibition of ever maintaining a trust  
account. 3) Limiting his practice to  
performing legal work for his corporate client  
and assisting family and friends in legal  
matters.  
Comply with SCR 22.26 – duties of person  
whose license is suspended.  
Comply with all conditions of this order as  
required for reinstatement under SCR  
22.28(2).  
Dissent: Ziegler, J. and Bradley, R. G., J. –  
opin. filed.

05/23/2019

#2017AP1142	Cacie M. Michels v. Keaton L. Lyons Order of the Circuit Court is Vacated. <u>Majority Opinion:</u> Dallet, J. <u>Concur:</u> Bradley, R. G., J. and Kelly, J., - opin filed.	05/24/2019
#2018AP203-W	State of Wis. ex rel. Ezequiel Lopez-Quintero v. Michael A. Dittmann The Decision of the Court of Appeals is Reversed and Remanded. <u>Majority Opinion:</u> Bradley, R.G.,J. <u>Concur:</u> Kelly, J. – opin. filed. <u>Dissent:</u> Roggensack, C.J. and Ziegler, J. – opin. filed.	05/29/2019
#2017AP741-CR	State of Wisconsin v. Javien Cajujuan Pegeese The Decision of the Court of Appeals is Affirmed. <u>Majority Opinion:</u> Ziegler, J. <u>Concur:</u> Dallet, J. and Bradley, A.W., J. – opin. filed. Abrahamson, J., withdrew from participation.	05/31/2019
#2017AP1206-CR	State of Wisconsin v. Emmanuel Earl Trammell The Decision of the Court of Appeals is Affirmed. <u>Majority Opinion:</u> Ziegler, J. <u>Concur:</u> Dallet, J., and Bradley, A. W., J. – opin. filed. Abrahamson, J. withdrew from participation	05/31/2019

#2016AP2334

Leight Transfer & Storage Co. v. Pallet  
Central Enterprises, Inc.  
The Decision of the Court of Appeals is  
Affirmed.  
Majority Opinion: Kelly, J.  
Dissent: Bradley, A. W., J. – opin. filed.

05/31/2019