



Supreme Court of Wisconsin

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WISCONSIN SUPREME COURT MONTHLY STATISTICAL REPORT

FEBRUARY 2019

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

Opinions Issued by the Court

The Supreme Court issued opinions resolving 14 cases in February. Information about these opinions, including the Court's dispositions and the names of the authoring justices, can be found on the attached table.

	<u>Feb 2019</u>	<u>Term to Date</u>
Total number of cases resolved by opinion	9	36
Attorney disciplinary cases	3	16
Judicial disciplinary cases	0	0
Bar Admissions	0	0
Civil cases	8	30
Criminal cases	1	5

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 February, the Supreme Court disposed of 47 petitions for review, of which 2 petitions were granted. The Supreme Court currently has 172 petitions for review pending.

	<u>Feb 2019</u>	<u>Term to Date</u>
Petitions for Review filed	51	312
Civil cases	25	107
Criminal cases	26	205

Petition for Review dispositions	49	390
Civil cases (petitions granted).....	13 (0)	133 (13)
Criminal cases (petitions granted)	36 (2)	257 (12)

Petitions for Bypass

In February, the Supreme Court received 2 petitions for bypass and disposed of 1 petition 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 3 petitions for bypass pending.

	<u>Feb 2019</u>	<u>Term to Date</u>
Petitions for Bypass filed	2	7
Civil cases	1	4
Criminal cases	1	3
Petition for Bypass dispositions.....	1	7
Civil cases (petitions granted).....	1 (1)	3 (1)
Criminal cases (petitions granted)	0 (0)	4 (1)

Requests for Certification

During February 2019, the Supreme Court received no requests for certification and disposed of 1 request 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>Feb 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>1</u>	<u>2</u>
Civil cases (requests granted)	0 (0)	0 (0)
Criminal cases (requests granted)	1 (0)	2 (1)

Regulatory Matters, Supervisory Writs, and Original Actions

During the month, a total of 4 matters within the regulatory jurisdiction of the Court (bar admission, lawyer discipline, and judicial discipline) were filed and no such cases were reopened. The Supreme Court also received 5 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 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 113 regulatory matters and 15 petitions for supervisory writ pending.

<u>Filings</u>	<u>Feb 2019</u>	<u>Term to Date</u>
Attorney discipline (including reopened cases).....	4	20
Judicial discipline.....	0	3
Bar admission.....	0	1
Petitions for Supervisory Writ	5	23
Other (including Original Actions).....	0	1
 <u>Dispositions by Order</u>		
Attorney discipline.....	5	14
Judicial discipline.....	0	0
Bar admission.....	0	1
Petitions for Supervisory Writ	4	20
Other (including Original Actions).....	0	3

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

<u>Docket No.</u>	<u>Title</u>	<u>Date</u>
#2015AP1083-CR	State of Wisconsin v. Gary Lee Wayerski Decision of the Court of Appeals is Modified and as Modified, is Affirmed <u>Majority Opinion:</u> Dallet, J. <u>Concur and Dissent:</u> Ziegler, J. and Roggensack, C.J., Opin filed <u>Concur and Dissent:</u> Kelly, J. Opin filed	02/07/2019
#2015AP1370-D	OLR v. Patrick S. Sweeney License revoked effective the date of this order Comply with restitution order in the amount of \$481,970. Pay OLR \$10,338.75 within 60 days Comply with SCR 22.26 Per Curiam	02/19/2019
#2017AP1413/ #2017AP1414	In re the termination of parental rights to S.M.H., a person under the age of 17: State of Wisconsin v. C.L.K. The Decision of the Court of Appeals is Reversed and the Cause Remanded with Instructions. <u>Majority Opinion:</u> Kelly, J. <u>Dissent:</u> Roggensack, C.J. and Ziegler, J. – Opin filed Dallet, J. did not participate	02/19/2019

#2018AP291-W

St. of Wis. ex rel. CityDeck Landing LLC v.
Circuit Court for Brown County
The Petition for Supervisory Writ is Granted;
The Stay Order is Vacated.
Majority Opinion: Bradley, R. G., J.
Dissent: Bradley, A.W., J, and Abrahamson,
J. – Opin. filed
Dallet, J. did not participate

02/21/2019

#1996AP1300-D
#1996AP3636-D

OLR v. Robert T. Malloy
License is reinstated effective the date of this
order
Is required to attend OLR Trust Account
seminar
Provide quarterly trust account and business
accounting records to OLR for a period of 2
years after the date of reinstatement.
Costs remain under advisement
Administrative suspension remains in effect
due to failure to pay mandatory bar dues and
noncompliance of continuing legal education
requirements until each reason has been
rectified.
Compliance with all the terms of this order
remains a condition of the license to practice
law in Wisconsin
Per Curiam

02/26/2019

#2018AP520-D

OLR v. Melinda Alfredson
License is Suspended for 90 days, effective
April 9, 2019
Shall pay OLR costs of \$2,649.59 within 60
days
Comply with SCR 22.26 and SCR 22.28(2)
Per Curiam

02/26/2019

#2017AP909

West Bend Mutual Insurance Company v.
Ixthus Medical Supply, Inc.
Decision of the Court of Appeals is Affirmed
Majority Opinion: Bradley, J.
Ziegler, J. did not participate

02/28/2019