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## WISCONSIN SUPREME COURT ANNUAL STATISTICAL REPORT

### 2012-2013 TERM

This annual statistical report presents information about the work of the Wisconsin Supreme Court in its judicial and rulemaking functions from September 1, 2012 through August 31, 2013. 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 98 cases<sup>1</sup> during the 2012-2013 term.

	<u>2012-13</u>	<u>2011-12</u>
Total number of cases resolved by opinion .....	<u>98</u>	<u>102</u>
Attorney discipline cases .....	42	40
Judicial discipline cases .....	0	0
Bar admission cases .....	0	0
Civil cases .....	31	42
Criminal cases .....	25	20

<sup>1</sup> 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. There were 44 authored opinions for this term.

### Petitions for Review

A total of 807 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 2012-2013 term, the Supreme Court disposed of 732 petitions for review, of which 49 petitions were granted. At the end of the term, the Court had 362 petitions for review pending.

	<u>2012-13</u>	<u>2011-12</u>
Petitions for Review filed .....	<u>807</u>	<u>784</u>
Civil cases .....	386	389
Criminal cases.....	421	395
Petition for Review dispositions .....	<u>732</u>	<u>824</u>
Civil cases (petitions granted).....	346 (29)	407 (35)
Criminal cases (petitions granted) .....	386 (20)	417 (16)

### Petitions for Bypass

This term, the Supreme Court received 14 petitions for bypass and disposed of 17 petitions for bypass, of which 2 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 3 petitions for bypass pending.

	<u>2012-13</u>	<u>2011-12</u>
Petitions for Bypass filed .....	<u>14</u>	<u>12</u>
Civil cases .....	10	10
Criminal cases.....	4	2
Petition for Bypass dispositions.....	<u>17</u>	<u>8</u>
Civil cases (petitions granted).....	14 (2)	6 (1)
Criminal cases (petitions granted) .....	3 (0)	2 (0)

**Requests for Certification**

During the 2012-2013 term, the Supreme Court received 10 requests for certification and disposed of 11 requests for certification, of which 9 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 4 requests for certification pending.

	<u>2012-13</u>	<u>2011-12</u>
Requests for Certification filed.....	<u>10</u>	<u>14</u>
Civil cases.....	5	10
Criminal cases.....	5	4
Request for Certification dispositions.....	<u>11</u>	<u>11</u>
Civil cases (requests granted).....	8 (6)	6 (3)
Criminal cases (requests granted).....	3 (3)	5 (5)

**Regulatory Matters, Supervisory Writs, and Original Actions**

During the 2012-2013 term, a total of 74 matters within the regulatory jurisdiction of the Court (bar admission, lawyer discipline, and judicial discipline) were filed. The Supreme Court also received 64 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. Four original actions were filed. 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 41 regulatory matters and 23 petitions for supervisory writ pending.

	<u>2012-13</u>	<u>2011-12</u>
<u>Filings</u>		
Attorney discipline.....	74	69
Judicial discipline.....	0	1
Bar admission.....	0	1
Petitions for Supervisory Writ.....	64	68
Other (including Original Actions).....	4	6
<u>Dispositions by Order</u>		
Attorney discipline.....	6	10
Judicial discipline.....	0	0
Bar admission.....	0	0
Petitions for Supervisory Writ.....	49	72
Other (including Original Actions).....	6	16

## 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 2 rules hearings and convened 9 open administrative conferences at which 17 petitions were discussed. During the term, the Court adopted 7 amendments or new rules governing practice and procedure in Wisconsin.

### New and Amended Rules

The Court adopted the following new and amended rules during the term:

Petition 11-08: In the matter of the petition to amend Supreme Court Rule 40.02(2) and to create Supreme Court Rules 40.055 and 40.14(3)(i) relating to the legal competence requirements of graduates of law schools in other nations; fees. On May 16, 2012, the court held a public hearing and discussed concerns at the ensuing open administrative conference. The court voted unanimously to return the matter to the BBE for further development. The BBE submitted the revised rule petition to the court in the form of a letter on August 15, 2012. The court discussed the revised petition at its open administrative conference on September 19, 2012 and voted unanimously to approve the revised petition, with minor revisions. Order filed November 1, 2012, effective 12-01-2012.

Petition 12-03: In the matter of the petition to amend Wis. Stats. §§ 804.01, 805.07 and 905.03 relating to inadvertent disclosure of protected or privileged information. On February 20, 2012, the Wisconsin Judicial Council filed the petition. The court scheduled and conducted a public hearing on the petition on September 19, 2012. At its ensuing open administrative conference, the court voted to adopt the petition with the addition of relevant federal advisory committee notes. The Wisconsin Judicial Council filed an amended petition on October 21, 2012, quoting the actual text of those portions of the federal advisory committee notes and statement of congressional intent to aid in understanding the scope and purposes of the rules. Order filed November 1, 2012, effective 01-01-2013.

Petition 12-05: In the matter of the amendment to Supreme Court Rules 72.01, 72.03, 72.04, 72.05, and Wis. Stat. § 801.17, 807.06, and 809.15 relating to record retention and electronically or optically stored records. On May 3, 2012 the petition was filed by the Director of State Courts. Amended petitions were filed on August 7, 2012 to address the court's inquiry dated August 7, 2012, and on September 12, 2012 to address comments received from several registers in probate regarding the 75-year retention period in mental health and guardianship case files. On September 19, 2012, the court held a public hearing on the petition. At the ensuing open administrative conference, the court approved the petition and adopted the proposed rule with minor technical revisions. Order filed November 1, 2012 and effective 01-01-2013.

Petition 12-06: In the matter of the Amendment of Supreme Court Rule 99.01(4)(e), Construction of Supreme Court Rules. The court, on the motion of Chief Justice Shirley S. Abrahamson, amends Supreme Court Rule (SCR) 99.01(4)(e) to correct a statutory reference contained in the rule provision. Order filed on October 16, 2012, effective 10-16-12.

Petition 12-10: In the matter of amendment to Supreme Court Rule 22.24 Relating to Cost Assessments in the Lawyer Regulation System. This rule petition seeks to amend Supreme Court Rule (SCR) 22.24 relating to the cost assessments in the lawyer regulation system. The petition pertains to the timing of the filing of the OLR's supplemental statement of costs in OLR appeals. On September 27, 2012, the court discussed this petition at its open administrative conference and voted unanimously to solicit public comment on the petition. At its November 30, 2012 open administrative conference, the court again discussed the matter and voted unanimously to adopt the petition. Order filed January 23, 2013, effective 01-23-2013.

Petition 13-01: In the matter of the petition to amend Supreme Court Rule 31.05(6). The Preliminary Review Committee (PRC), Special Preliminary Review Panel (SPRP), Board of Administrative Oversight, and Office of Lawyer Regulation petition to amend Supreme Court Rule 31.05(6) to provide continuing legal education credit to lawyer members of the PRC and SPRP. The court initially discussed this petition at its rules conference on February 28, 2013. The court agreed unanimously to solicit public comment and to schedule the matter for further discussion. On April 12, 2013 the court discussed the matter again and agreed to adopt the petition, pending receipt of final comments. No comments opposing the petition were received. Order filed on June 14, 2013, effective 06-14-13.

Petition 13-02: In the matter of the Petition to Create Supreme Court Rule 40.145 relating to the Waiver of Fees for Qualified Veterans. The court considered this matter at an open administrative conference held on February 28, 2013. Prior to the conference, comments were received from Attorney Steven Levine and from the State of Wisconsin Department of Veterans Affairs by its Secretary, John Scocos. On April 12, 2013 the court discussed the petition and voted unanimously to adopt as revised to include the waiver of the bar examination fee for qualified veterans. Order filed on April 19, 2013, effective 04-19-2013.