



# Supreme Court of Wisconsin

OFFICE OF THE CLERK

110 E. MAIN STREET, SUITE 215

P.O. BOX 1688

MADISON, WISCONSIN 53701-1688

Patience Drake Roggensack  
Chief Justice

Sheila T. Reiff  
Clerk of Supreme Court

Telephone (608) 266-1880

TTY Users: Call WI TRS at 1-800-947-3529; request (608) 266-1880

Fax (608) 267-0640

Web Site: [www.wicourts.gov](http://www.wicourts.gov)

## WISCONSIN SUPREME COURT MONTHLY STATISTICAL REPORT

### MAY 2021

This statistical report presents information about the case filings and dispositions of the Wisconsin Supreme Court during the month of May 2021 and to date for the term that began on September 1, 2020.

#### Opinions Issued by the Court

The Supreme Court issued opinions resolving 12 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 2021</u>	<u>Term to Date</u>
Total number of cases resolved by opinion .....	<u>12</u>	<u>66</u>
Attorney disciplinary cases .....	2	29
Judicial disciplinary cases.....	0	0
Bar Admissions .....	0	0
Civil cases .....	9	26
Criminal cases .....	1	11

#### Petitions for Review

A total of 57 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 58 petitions for review, of which 2 petitions were granted. The Supreme Court currently has 145 petitions for review pending.

	<u>May 2021</u>	<u>Term to Date</u>
Petitions for Review filed .....	57	455
Civil cases .....	26	168
Criminal cases .....	31	287

Petition for Review dispositions .....	58	476
Civil cases (petitions granted).....	20 (1)	184 (24)
Criminal cases (petitions granted) .....	38 (1)	292 (19)

### Petitions for Bypass

In May, the Supreme Court received one petition for bypass and disposed of one 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 one petition for bypass pending.

	<u>May 2021</u>	<u>Term to Date</u>
Petitions for Bypass filed .....	1	11
Civil cases .....	1	3
Criminal cases .....	0	8
Petition for Bypass dispositions.....	1	11
Civil cases (petitions granted).....	1 (0)	4 (1)
Criminal cases (petitions granted) .....	0 (0)	7 (2)

### Requests for Certification

During May 2021, the Supreme Court received no requests for certification and disposed of 2 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 one requests for certification pending.

	<u>May 2021</u>	<u>Term to Date</u>
Requests for Certification filed.....	0	<u>6</u>
Civil cases .....	0	2
Criminal cases .....	0	4
Request for Certification dispositions.....	<u>2</u>	<u>8</u>
Civil cases (requests granted) .....	0 (1)	3 (2)
Criminal cases (requests granted) .....	2 (0)	5 (3)

Regulatory Matters, Supervisory Writs, and Original Actions

During the month, a total of no matters within the regulatory jurisdiction of the Court (bar admission, lawyer discipline, and judicial discipline) was filed and no such case was reopened. The Supreme Court also received 4 petitions 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. There were no original actions 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 91 regulatory matters and 8 petitions for supervisory writs pending.

	<u>May 2021</u>	<u>Term to Date</u>
<u>Filings</u>		
Attorney discipline (including reopened cases).....	0	20
Judicial discipline.....	0	0
Bar admission.....	0	2
Petitions for Supervisory Writ .....	4	29
Other (including Original Actions).....	0	17
 <u>Dispositions by Order</u>		
Attorney discipline.....	5	6
Judicial discipline.....	0	0
Bar admission.....	0	0
Petitions for Supervisory Writ .....	2	29
Other (including Original Actions).....	0	16

**DECISIONS BY THE  
WISCONSIN SUPREME COURT  
OPINIONS ISSUED DURING MAY 2021**

<b><u>Docket No.</u></b>	<b><u>Title</u></b>	<b><u>Date</u></b>
#2019AP1767-CR	<b>State v. Mitchell L. Christen THE DECISION OF THE COURT OF APPEALS IS AFFIRMED. ZIEGLER, C. J., delivered the majority opinion of the Court, in which ANN WALSH BRADLEY, ROGGENSACK, DALLET, and KAROFSKY, JJ., joined. HAGEDORN, J., filed a concurring opinion. REBECCA GRASSL BRADLEY, J., filed a dissenting opinion.</b>	05/04/2021
#2019AP2073	<b>Fond du Lac County v. S.N.W. PER CURIAM. THE REVIEW OF THE DECISION OF THE COURT OF APPEALS IS DISMISSED AS IMPROVIDENTLY GRANTED. Ann Walsh Bradley, J. dissents.</b>	05/07/2021
#2018AP2142	<b>State v. Tavodess Matthews THE DECISION OF THE COURT OF APPEALS IS REVERSED AND THE CAUSE IS REMANDED TO THE CIRCUIT COURT. DALLET, J. delivered the majority opinion for a unanimous court.</b>	05/14/2021
#2018AP2383	<b>United America, LLC v. Wisconsin Dept. of Transportation THE DECISION OF THE COURT OF APPEALS IS AFFIRMED. DALLET, J., delivered the majority opinion of the Court, in which ZIEGLER, C.J., ANN WALSH BRADLEY, ROGGENSACK, HAGEDORN, and KAROFSKY, JJ., joined. REBECCA GRASSL BRADLEY, J., filed a dissenting opinion.</b>	05/18/2021

#2018AP1880 &  
#2018AP2371

**David Stroede V. Society Insurance, a Mutual  
Company**

05/18/2021

**THE DECISION OF THE COURT OF  
APPEALS IS REVERSED, AND THE CAUSE  
IS REMANDED FOR FURTHER  
PROCEEDINGS CONSISTENT WITH THIS  
OPINION.**

**KAROFSKY, J., delivered the majority opinion  
of the Court, in which ZIEGLER, C.J.,  
DALLET, and HAGEDORN, JJ., joined.  
REBECCA GRASSL BRADLEY, J., filed a  
dissenting opinion.**

**ROGGENSACK, J., did not participate. ANN  
WALSH BRADLEY, J., withdrew from  
participation.**

#2018AP1782

**Francis G. Graef v. Continental Indemnity  
Company**

05/20/2021

**THE DECISION OF THE COURT OF  
APPEALS IS AFFIRMED.**

**KAROFSKY, J., delivered the majority  
opinion of the Court, in which ZIEGLER, C.J.,  
ANN WALSH BRADLEY, ROGGENSACK,  
DALLET, and HAGEDORN, JJ., joined.  
REBECCA GRASSL BRADLEY, J., filed a  
dissenting opinion.**

#2010AP1939-D

**Office of Lawyer Regulation v. Christopher A.  
Mutschler:**

05/25/2021

**PER CURIAM.**

**IT IS ORDERED that the license of  
Christopher A. Mutschler to practice law in  
Wisconsin is reinstated, effective the date of  
this order. IT IS FURTHER ORDERED that  
within 60 days of the date of this order,  
Christopher A. Mutschler shall pay to the  
Office of Lawyer Regulation the costs of this  
proceeding, which are \$9,028.76 as of March  
29, 2021.**

**KAROFSKY, J. did not participate.**

**Office of Lawyer Regulation v. Joseph M.  
Capistrant  
PER CURIAM.**

05/25/2021

**IT IS ORDERED** that the license of Joseph M. Capistrant to practice law in Wisconsin is suspended for a period of 60 days, effective the date of this order. **IT IS FURTHER ORDERED**, that within 60 days of the date of this order, Joseph M. Capistrant shall make restitution to D.Y. in the amount of \$547. **IT IS FURTHER ORDERED** that, to the extent he has not already done so, Joseph M. Capistrant shall comply with the provisions of SCR 22.26 concerning the duties of a person whose license to practice law in Wisconsin has been suspended. **IT IS FURTHER ORDERED** that compliance with all conditions of this order are required for reinstatement. See SCR 22.28(2). **IT IS FURTHER ORDERED** that the administrative suspension of Joseph M. Capistrant's license to practice law due to his failure to comply with continuing legal education requirements and failure to pay state bar dues and comply with trust account certification requirements shall remain in effect until each reason for the administrative suspension has been rectified, pursuant to SCR 22.28(1).