



Supreme Court of Wisconsin

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WISCONSIN SUPREME COURT MONTHLY STATISTICAL REPORT

MAY 2023

This statistical report presents information about the case filings and dispositions of the Wisconsin Supreme Court during the month of May, 2023 and to date for the term that began on September 1, 2022.

Opinions Issued by the Court

The Supreme Court issued opinions resolving 7 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 2023</u>	<u>Term to Date</u>
Total number of cases resolved by opinion	<u>7</u>	<u>44</u>
Attorney disciplinary cases	0	8
Judicial disciplinary cases.....	0	0
Bar Admissions	0	0
Civil cases	4	25
Criminal cases	3	11

Petitions for Review

A total of 55 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 47 petitions for review, of which no petitions were granted. The Supreme Court currently has 157 petitions for review pending.

	<u>May 2023</u>	<u>Term to Date</u>
Petitions for Review filed	55	423
Civil cases	16	173
Criminal cases	39	250

Petition for Review dispositions	47	433
Civil cases (petitions granted).....	19 (0)	195 (11)
Criminal cases (petitions granted)	28 (0)	238 (7)

Petitions for Bypass

In May, the Supreme Court received no petitions 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 6 petitions for bypass pending.

	<u>May 2023</u>	<u>Term to Date</u>
Petitions for Bypass filed	0	16
Civil cases	0	13
Criminal cases	0	3
Petition for Bypass dispositions.....	1	12
Civil cases (petitions granted).....	1 (0)	11 (2)
Criminal cases (petitions granted)	0 (0)	1 (0)

Requests for Certification

During May 2023, 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 no requests for certification pending.

	<u>May 2023</u>	<u>Term to Date</u>
Requests for Certification filed.....	0	<u>1</u>
Civil cases	0	0
Criminal cases	0	1
Request for Certification dispositions.....	<u>0</u>	<u>2</u>
Civil cases (requests granted)	0 (0)	0 (0)
Criminal cases (requests granted)	0 (0)	2 (2)

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) 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 58 regulatory matters and 8 petitions for supervisory writs pending.

	<u>May 2023</u>	<u>Term to Date</u>
<u>Filings</u>		
Attorney discipline (including reopened cases).....	4	15
Judicial discipline.....	0	0
Bar admission.....	0	1
Petitions for Supervisory Writ	4	42
Other (including Original Actions).....	0	1
 <u>Dispositions by Order</u>		
Attorney discipline.....	0	4
Judicial discipline.....	0	0
Bar admission.....	0	0
Petitions for Supervisory Writ	1	55
Other (including Original Actions).....	1	6

DECISIONS BY THE
WISCONSIN SUPREME COURT
OPINIONS ISSUED DURING MAY 2023

<u>Docket No.</u>	<u>Title</u>	<u>Date</u>
#2021AP1787-FT	<p><u>Allen Gahl v. Aurora Health Care, Inc.</u> The Decision of the Court of Appeals is affirmed. ANN WALSH BRADLEY, J., delivered the majority Opinion of the Court, in which, ZIEGLER, C.J., ROGGENSACK, DALLET, HAGEDORN and KAROFISKY, JJ., joined. Rebecca Grassl Bradley, J., filed a dissenting opinion.</p>	05/02/2023
#2019AP2383-CR	<p><u>State v. Daimon Von Jackson, Jr.</u> PER CURIAM. THE REVIEW OF THE DECISION OF THE COURT OF APPEALS IS DISMISSED AS IMPROVIDENTLY GRANTED. REBECCA GRASSL BRADLEY, J., concurs, joined by ZIEGLER, C.J., and by HAGEDORN, J., except for ¶3. ANN WALSH BRADLEY, J., dissents, joined by DALLET, J.</p>	05/12/2023
#2019AP664-CR	<p><u>State v. Alan S. Johnson</u> THE DECISION OF THE COURT OF APPEALS IS REVERSED, AND THE CAUSE IS REMANDED TO THE CIRCUIT COURT FOR FUTHER PROCEEDINGS CONSISTENT WITH THIS OPINION. DALLET, J., delivered the majority opinion of the Court, in which ROGGENSACK, HAGEDORN, and KAROFISKY, JJ., joined, and REBECCA GRASSL BRADLEY, J., joined with respect to ¶¶2-22 and 25-29. REBECCA GRASSL BRADLEY, J., filed a concurring opinion. KAROFISKY, J., filed a concurring opinion. ANN WALSH BRADLEY, J., filed a dissenting opinion in which ZIEGLER, C.J., joined.</p>	05/16/2023

#2020AP2003

Wisconsin Justice Initiative, Inc. v. Wisconsin Elections Commission
THE JUDGMENT AND ORDER OF THE CIRCUIT COURT IS REVERSED.

05/16/2023

HAGEDORN, J., delivered the majority opinion of the Court, in which ZIEGLER, C.J., ROGGENSACK, and REBECCA GRASSL BRADLEY, JJ., joined, and in which DALLET and KAROFKY, JJ., joined with respect to ¶¶58-59 and 61-65. REBECCA GRASSL BRADLEY, J., filed a concurring opinion in which ZIEGLER, C.J., and ROGGENSACK, J., joined. DALLET, J., filed a concurring opinion in which KAROFKY, J., joined, and in which ANN WALSH BRADLEY, J., joined with respect to ¶¶93-122. HAGEDORN, J., filed a concurring opinion in which DALLET, J., joined with respect to ¶¶137-150. ANN WALSH BRADLEY, J., filed a dissenting opinion.

#2021AP1054

Femala Fleming v. Amateur Athletic Union of the United States, Inc.

05/17/2023

THE DECISION OF THE COURT OF APPEALS IS REVERSED.

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

#2020AP1213-CR

State of Wisconsin v. Corey T. Rector
THE ORDER OF THE CIRCUIT COURT
IS AFFIRMED.

05/23/2023

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

#2021AP635

Pepsi-Cola Metropolitan Bottling Company, Inc. v. Employers Insurance Company of Wausau
PER CURIAM.

05/24/2023

Employers Insurance Company of Wausau (Wausau) petitioned for review of a court of appeals decision, **Pepsi-Cola Metropolitan Bottling Company, Inc. v. Employers Insurance of Wausau, 2022 WI App 45, 404 Wis. 2d 337, 979 N.W.2d 627**, which reversed a circuit court order granting summary judgment for Wausau and denying partial summary judgment for Pepsi. No three justices reach agreement to either affirm, reverse, or affirm in part and reverse in part the court of appeals decision. Because the court did not reach a majority as to the mandate, the decision of the court of appeals is affirmed.

BRIAN HAGEDORN, J., withdrew from participation.

ANNETTE KINGSLAND ZIEGLER, C.J., did not participate.