



Supreme Court of Wisconsin

OFFICE OF THE CLERK

110 E. MAIN STREET, SUITE 215

P.O. BOX 1688

MADISON, WISCONSIN 53701-1688

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

Patience Drake Roggensack
Chief Justice

Hon. Randy R. Koschnick
Director of State Courts

Diane M. Fremgen
Acting Clerk of Supreme Court

WISCONSIN SUPREME COURT MONTHLY STATISTICAL REPORT

January 2018

This statistical report presents information about the case filings and dispositions of the Wisconsin Supreme Court during the month of January 2018 and to date for the term that began on September 1, 2017.

Opinions Issued by the Court

The Supreme Court issued opinions involving 9 cases in January. Information about these opinions, including the Court's dispositions and the names of the authoring justices, can be found on the attached table.

	<u>January 2018</u>	<u>Term to Date</u>
Total number of cases resolved by opinion	<u>9</u>	<u>27</u>
Attorney disciplinary cases	1	13
Judicial disciplinary cases.....	0	0
Bar admission cases.....	0	0
Civil cases	4	8
Criminal cases	4	6

Petitions for Review

A total of 75 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 January, the Supreme Court disposed of 57 petitions for review, of which 5 petitions were granted. The Supreme Court currently has 180 petitions for review pending.

	<u>January 2018</u>	<u>Term to Date</u>
Petitions for Review filed	<u>75</u>	<u>287</u>
Civil cases	33	137
Criminal cases.....	42	150

Petition for Review dispositions	<u>57</u>	<u>370</u>
Civil cases (petitions granted).....	30 (5)	173 (15)
Criminal cases (petitions granted)	27 (0)	197 (8)

Petitions for Bypass

In January 2018, the Supreme Court received 2 petitions for bypass and disposed of 4 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 2 petitions for bypass pending.

	<u>January 2018</u>	<u>Term to Date</u>
Petitions for Bypass filed	<u>2</u>	<u>8</u>
Civil cases	1	4
Criminal cases	1	4
Petition for Bypass dispositions.....	<u>4</u>	<u>10</u>
Civil cases (petitions granted).....	1 (1)	4 (1)
Criminal cases (petitions granted)	3 (0)	6 (2)

Requests for Certification

During January 2018, the Supreme Court received 0 requests for certification and disposed of 0 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>January 2018</u>	<u>Term to Date</u>
Requests for Certification filed.....	<u>0</u>	<u>1</u>
Civil cases	0	0
Criminal cases	0	1
Request for Certification dispositions.....	<u>0</u>	<u>4</u>
Civil cases (requests granted)	0 (0)	1 (1)
Criminal cases (requests granted)	0 (0)	3 (3)

Regulatory Matters, Supervisory Writs, and Original Actions

During the month, there were 4 matters filed within the regulatory jurisdiction of the Court (bar admission, lawyer discipline, and judicial discipline) and 0 such cases were 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. 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 33 regulatory matters and 11 petitions for supervisory writ pending.

	<u>January 2018</u>	<u>Term to Date</u>
<u>Filings</u>		
Attorney discipline (including reopened cases).....	4	26
Judicial discipline.....	0	0
Bar admission.....	0	0
Petitions for Supervisory Writ	4	21
Other (including Original Actions and Certified Questions).	0	2
 <u>Dispositions by Order</u>		
Attorney discipline.....	0	1
Judicial discipline.....	0	0
Bar admission.....	0	0
Petitions for Supervisory Writ	3	22
Other (including Original Actions).....	0	4

**DECISIONS BY THE
WISCONSIN SUPREME COURT**

OPINIONS ISSUED DURING JANUARY 2018

<u>Docket No.</u>	<u>Title</u>	<u>Date</u>
2015AP1331	In Re: Partnership Health Plan, Inc. v. Office of the Commissioner of Insurance Decision of the Court of Appeals is affirmed by an equally divided court. Per Curiam ¹ Abrahamson, J. withdrew from participation.	01/05/2018
2016AP238-CR	State v. Michael L. Washington Decision of the Court of Appeals is affirmed. <u>Majority Opinion</u> : Bradley, A. W., J. <u>Concur</u> : Gableman, J. joined by Bradley, R. G., J. and Kelly, J. Abrahamson, J. did not participate.	01/09/2018
2015AP756-CR	State v. Frederick S. Smith Decision of the Court of Appeals is reversed. <u>Majority Opinion</u> : Bradley, R. G., J. <u>Dissent</u> : Bradley, A. W., J. joined by Abrahamson, J. <u>Dissent</u> : Kelly, J. joined by Abrahamson, J. and Bradley, A. W., J.	01/09/2018
2016AP21	Metropolitan Associates v. City of Milwaukee Decision of the Court of Appeals is affirmed. <u>Majority Opinion</u> : Bradley, A. W., J. <u>Dissent</u> : (co-authored) Bradley, R. G., J. and Kelly, J.	01/10/2018
2015AP1530	The Manitowoc Company, Inc. v. John M. Lanning Decision of the Court of Appeals is affirmed. <u>Majority Opinion</u> : Abrahamson, J. <u>Concur</u> : Bradley, R. G., J. joined by Gableman, J. and Kelly, J. <u>Dissent</u> : Roggensack, C. J. joined by Ziegler, J.	01/19/2018

¹ “Per Curiam” means “by the Court.” Opinions issued *per curiam* are handed down by the Court as a whole.

2016AP866-CR	State v. Diamond J. Arberry Decision of the Court of Appeals is affirmed. <u>Majority Opinion</u> : Ziegler, J.	01/19/2018
2017AP1255-D	OLR v. Michael Leslie Cummings License Suspended. Per Curiam	01/19/2018
2015AP583	Jerome Movrich v. David J. Lobermeier Decision of the Court of Appeals is affirmed in part, reversed in part. <u>Majority Opinion</u> : Roggensack, C. J. <u>Concur/Dissent</u> : Abrahamson, J. <u>Concur/Dissent</u> : Bradley, R. G., J. joined by Abrahamson, J. (except for Part II) and Bradley, A. W., J.	01/23/2018
2015AP648-CR	State v. Anton R. Dorsey Decision of the Court of Appeals is affirmed. <u>Majority Opinion</u> : Ziegler, J. <u>Concur</u> : Bradley, R. G., J. joined by Kelly, J. Abrahamson, J. did not participate.	01/25/2018