



Supreme Court of Wisconsin

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WISCONSIN SUPREME COURT MONTHLY STATISTICAL REPORT

FEBRUARY 2022

This statistical report presents information about the case filings and dispositions of the Wisconsin Supreme Court during the month of February, 2022 and to date for the term that began on September 1, 2021.

Opinions Issued by the Court

The Supreme Court issued opinions resolving 5 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>February 2022</u>	<u>Term to Date</u>
Total number of cases resolved by opinion	<u>5</u>	<u>26</u>
Attorney disciplinary cases	1	6
Judicial disciplinary cases.....	0	0
Bar Admissions	0	0
Civil cases	2	14
Criminal cases	2	6

Petitions for Review

A total of 38 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 53 petitions for review, of which 2 petitions were granted. The Supreme Court currently has 166 petitions for review pending.

	<u>February 2022</u>	<u>Term to Date</u>
Petitions for Review filed	38	269
Civil cases	17	118
Criminal cases	21	151

Petition for Review dispositions	53	325
Civil cases (petitions granted).....	25 (2)	139 (22)
Criminal cases (petitions granted)	28 (0)	186 (12)

Petitions for Bypass

In February, the Supreme Court received no petitions for bypass and disposed of no 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 5 petitions for bypass pending.

	<u>February 2022</u>	<u>Term to Date</u>
Petitions for Bypass filed	0	9
Civil cases	0	8
Criminal cases	0	1
 Petition for Bypass dispositions.....	 0	 7
Civil cases (petitions granted).....	0 (0)	7 (5)
Criminal cases (petitions granted)	0 (0)	0 (0)

Requests for Certification

During February 2022, the Supreme Court received no requests for certification and disposed of 3 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>February 2022</u>	<u>Term to Date</u>
Requests for Certification filed	0	<u>3</u>
Civil cases	0	2
Criminal cases	0	1
 Request for Certification dispositions.....	 <u>3</u>	 <u>4</u>
Civil cases (requests granted)	2 (1)	3 (2)
Criminal cases (requests granted)	1 (1)	1 (1)

Regulatory Matters, Supervisory Writs, and Original Actions

During the month, a total of 2 matters within the regulatory jurisdiction of the Court (bar admission, lawyer discipline, and judicial discipline) were 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 106 regulatory matters and 14 petitions for supervisory writs pending.

February 2022 Term to Date

Filings

Attorney discipline (including reopened cases).....	2	9
Judicial discipline.....	0	0
Bar admission.....	0	0
Petitions for Supervisory Writ	4	24
Other (including Original Actions).....	0	3

Dispositions by Order

Attorney discipline.....	0	1
Judicial discipline.....	0	0
Bar admission.....	0	0
Petitions for Supervisory Writ	5	23
Other (including Original Actions).....	1	1

**DECISIONS BY THE
WISCONSIN SUPREME COURT
OPINIONS ISSUED DURING FEBRUARY 2022**

<u>Docket No.</u>	<u>Title</u>	<u>Date</u>
#2019AP1320	<u>Elliot Brey v. State Farm Mutal Automobile Ins. Co.:</u> THE DECISION OF THE COURT OF APPEALS IS REVERSED. REBECCA GRASSL BRADLEY, J., delivered the majority opinion for a unanimous Court.	02/15/2022
#2019AP1832-CR #2019AP1833-CR	<u>State v. Christopher W. Yakich:</u> THE DECISION OF THE COURT OF APPEALS IS AFFIRMED. ZIEGLER, C.J., delivered the majority opinion of the Court, in which ROGGENSACK, REBECCA GRASSL BRADLEY, HAGEDORN, and KAROFKY, JJ., joined. DALLET, J., filed a dissenting opinion, in which ANN WALSH BRADLEY, J., joined.	02/16/2022
#2021AP1297-D	<u>Office of Lawyer Regulation v. B. C. Fischer.</u> PER CURIAM IT IS ORDERED that the license of B.C. Fischer to practice law in Wisconsin is suspended for a period of 120 days, effective the date of this order, as discipline reciprocal to that imposed by the Minnesota Supreme Court. IT IS FURTHER ORDERED that B.C. Fischer shall comply with the terms of the October 20, 2020 order of the Minnesota Supreme Court. Accordingly, before the 120-day disciplinary suspension imposed above is lifted, in addition to complying with the requirements of SCR 22.28(2), B.C. Fischer shall also have complied with the conditions imposed by the Minnesota Supreme Court in	02/22/2022

its October 20, 2020 order that must be fulfilled in order to have his license to practice law in Minnesota reinstated.

IT IS FURTHER ORDERED that the administrative suspensions of B.C. Fischer's license to practice law in Wisconsin, due to his failure to pay mandatory bar dues, his failure to complete his trust account certification, and his failure to comply with CLE reporting requirements, will remain in effect until each reason for the administrative suspension has been rectified, pursuant to SCR 22.28(1).

IT IS FURTHER ORDERED that, to the extent he has not already done so, B.C. Fischer 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.

#2019AP2090

Claudia B. Bauer v. Wisconsin Energy Corporation

02/24/2022

THE DECISION OF THE COURT OF APPEALS IS AFFIRMED.

KAROFSKY, J. delivered the majority opinion for a unanimous Court.