



# Supreme Court of Wisconsin

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## WISCONSIN SUPREME COURT MONTHLY STATISTICAL REPORT

### JANUARY 2023

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

#### Opinions Issued by the Court

The Supreme Court issued opinions resolving 3 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 2023</u>	<u>Term to Date</u>
Total number of cases resolved by opinion .....	<u>5</u>	<u>15</u>
Attorney disciplinary cases .....	1	5
Judicial disciplinary cases.....	0	0
Bar Admissions .....	0	0
Civil cases .....	2	5
Criminal cases .....	2	5

#### Petitions for Review

A total of 43 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 53 petitions for review, of which 2 petitions were granted. The Supreme Court currently has 147 petitions for review pending.

	<u>January 2023</u>	<u>Term to Date</u>
Petitions for Review filed .....	43	215
Civil cases .....	25	108
Criminal cases.....	18	107

Petition for Review dispositions .....	53	235
Civil cases (petitions granted).....	19 (1)	95 (9)
Criminal cases (petitions granted) .....	34 (1)	140 (6)

### Petitions for Bypass

In January, the Supreme Court received 3 petition for bypass and disposed of 2 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 3 petitions for bypass pending.

	<u>January 2023</u>	<u>Term to Date</u>
Petitions for Bypass filed .....	3	10
Civil cases .....	3	9
Criminal cases .....	0	1
Petition for Bypass dispositions.....	2	9
Civil cases (petitions granted).....	2 (0)	9 (1)
Criminal cases (petitions granted) .....	0 (0)	0 (0)

### Requests for Certification

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

Regulatory Matters, Supervisory Writs, and Original Actions

During the month, a total of one matter 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 81 regulatory matters and 9 petitions for supervisory writs pending.

	<u>January 2023</u>	<u>Term to Date</u>
<u>Filings</u>		
Attorney discipline (including reopened cases).....	1	8
Judicial discipline.....	0	0
Bar admission.....	0	1
Petitions for Supervisory Writ .....	4	29
Other (including Original Actions).....	0	1
 <u>Dispositions by Order</u>		
Attorney discipline.....	3	3
Judicial discipline.....	0	0
Bar admission.....	0	0
Petitions for Supervisory Writ .....	9	38
Other (including Original Actions).....	1	2

**DECISIONS BY THE  
WISCONSIN SUPREME COURT  
OPINIONS ISSUED DURING JANUARY 2023**

<b><u>Docket No.</u></b>	<b><u>Title</u></b>	<b><u>Date</u></b>
#2020AP226-CR	<b><u>State v. Jeffrey L. Hineman:</u> THE DECISION OF THE COURT OF APPEALS IS REVERSED. ZIEGLER, C. J., delivered the majority opinion for a unanimous Court. KAROFSKY, J., filed a concurring opinion, in which REBECCA GRASSL BRADLEY, J., joined.</b>	01/10/2023
#2020AP877	<b><u>Rachel Slabey v. Dunn County, Wisconsin:</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, DALLET, and HAGEDORN, JJ., joined. KAROFSKY, J., filed a dissenting opinion, in which ANN WALSH BRADLEY, J., joined.</b>	01/18/2023
#2021AP2119-CR	<b><u>State v. Larry L. Jackson:</u> THE DECISION OF THE COURT OF APPEALS IS AFFIRMED IN PART, REVERSED IN PART, AND THE CAUSE IS REMANDED TO THE CIRCUIT COURT FOR FURTHER PROCEEDINGS CONSISTENT WITH THIS OPINION. DALLET, J. delivered the majority opinion for a unanimous Court. ROGGENSACK, J. did not participate.</b>	01/20/2023

#2022AP1124-D

**Office of Lawyer Regulation v. William E. Fenger:**

01/25/2023

**PER CURIAM.**

**IT IS ORDERED** that the petition for consensual license revocation is granted. **IT IS FURTHER ORDERED** that the license of William E. Fenger to practice law in Wisconsin is revoked, effective the date of this order. **IT IS FURTHER ORDERED** that William E. Fenger shall comply with the provisions of SCR 22.26 concerning the duties of a person whose license to practice law in Wisconsin has been revoked. **ZIEGLER, C. J.**, joined by **REBECCA GRASSL BRADLEY** and **HAGEDORN, JJ.**, filed a concurring opinion.

#2020AP1943

**Lindsey Dostal v. Curtis Strand:**

01/26/2023

**THE DECISION OF THE COURT OF APPEALS IS REVERSED, AND THE CAUSE IS REMANDED TO THE CIRCUIT COURT.** **ANN WALSH BRADLEY, J.**, delivered the majority opinion of the Court, in which **DALLET, HAGEDORN,** and **KAROFSKY, JJ.**, joined. **ZIEGLER, C.J.**, filed a dissenting opinion, in which **ROGGENSACK** and **REBECCA GRASSL BRADLEY, JJ.**, joined.