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WISCONSIN SUPREME COURT ANNUAL STATISTICAL REPORT

2017-2018 TERM

This annual statistical report presents information about the work of the Wisconsin Supreme Court in its judicial and rulemaking functions from September 1, 2017 through August 31, 2018. Included are statistics on case filings, opinions, and dispositions issued by the Court and information about the creation or amendment of rules governing pleading, practice and procedure in judicial proceedings in all Wisconsin courts.

Opinions Issued by the Court

The Supreme Court issued opinions resolving 113 cases¹ during the 2017-2018 term.

	<u>2016-17</u>	<u>2017-18</u>
Total number of cases resolved by opinion	<u>86</u>	<u>113</u>
Attorney discipline cases	30	41
Judicial discipline cases	0	1
Bar admission cases	1	0
Civil cases	27	42
Criminal cases	28	27

¹ The number of authored opinions for the term may differ from the number of cases resolved by opinion for the term; multiple cases resolved by one opinion (consolidated cases) and *per curiam* opinions (by the court as a whole) account for this difference. There were 50 authored opinions for this term.

Petitions for Review

A total of 737 petitions for review were filed during the term. 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. During the 2017-2018 term, the Supreme Court disposed of 707 petitions for review, of which 24 petitions were granted. At the end of the term, the Court had 250 petitions for review pending.

	<u>2016-17</u>	<u>2017-18</u>
Petitions for Review filed	<u>734</u>	<u>737</u>
Civil cases	338	315
Criminal cases	396	422
Petition for Review dispositions	<u>704</u>	<u>748</u>
Civil cases (petitions granted).....	329 (32)	302 (29)
Criminal cases (petitions granted)	375 (33)	407 (21)

Petitions for Bypass

This term, the Supreme Court received 15 petitions for bypass and disposed of 16 petitions for bypass, of which 3 were granted. 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. At the end of the term, the Court had 3 petitions for bypass pending.

	<u>2016-17</u>	<u>2017-18</u>
Petitions for Bypass filed	<u>12</u>	<u>15</u>
Civil cases	7	8
Criminal cases	5	8
Petition for Bypass dispositions.....	<u>11</u>	<u>16</u>
Civil cases (petitions granted).....	9 (3)	8 (2)
Criminal cases (petitions granted)	2 (0)	8 (0)

Requests for Certification

During the 2017-2018 term, the Supreme Court received 7 requests for certification and disposed of 10 requests for certification, of which 7 was granted. 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. At the end of the term, the Court had 4 requests for certification pending.

	<u>2016-17</u>	<u>2017-18</u>
Requests for Certification filed.....	<u>6</u>	<u>7</u>
Civil cases	2	4
Criminal cases.....	4	3
Request for Certification dispositions.....	<u>3</u>	<u>10</u>
Civil cases (requests granted)	2 (1)	5 (4)
Criminal cases (requests granted)	1 (0)	5 (5)

Regulatory Matters, Supervisory Writs, and Original Actions

During the 2017-18 term, a total of 56 matters within the regulatory jurisdiction of the Court (bar admission, lawyer discipline, and judicial discipline) were filed. The Supreme Court also received 45 petitions for supervisory writ, which ask the Supreme Court to order the Court of Appeals or a circuit court to take a certain action in a case. Four original actions were filed and 1 certified question. An original action is a petition asking the Supreme Court to take jurisdiction over a particular matter. Opinions disposing of cases in these categories are included in “Opinions Issued by the Court” above; statistics on dispositional orders are listed below. At the end of the term, the Court had 13 regulatory matters and 10 petitions for supervisory writ pending.

	<u>2016-17</u>	<u>2017-18</u>
<u>Filings</u>		
Attorney discipline.....	55	62
Judicial discipline.....	0	2
Bar admission.....	0	2
Petitions for Supervisory Writ	44	45
Other (including Original Actions).....	4	5
<u>Dispositions by Order</u>		
Attorney discipline.....	4	5
Judicial discipline.....	0	0
Bar admission.....	0	0
Petitions for Supervisory Writ	36	43
Other (including Original Actions).....	5	6

Rules Petitions

Each term, the Court notices and holds public hearings on petitions for the creation or amendment of rules governing pleading, practice and procedure in judicial proceedings in all courts, provided that the Court deems the petition to have arguable merit. In the term just ended, the Court held 5 rules hearings and convened 8 open administrative conferences at which 14 petitions were discussed. During the term, the Court issued 14 orders, 8 of which were amendments or new rules governing practice and procedure in Wisconsin.

New and Amended Rules

The Court entered the following rule orders during the term:

Petition 17-01: In re rule for recusal when a party or lawyer has made a large campaign contribution. Issued January 11, 2017. The court denied the petition by a vote of 5:2. Order filed June 30, 2017.

Petition 17-08: In the matter of the amendment to SCR 32.09 (Reserve Judges). The Court, on its own motion, has determined that it is appropriate to amend Supreme Court Rule (SCR) 32.08(2), pertaining to reserve judges. Effective September 15, 2018, a reserve judge is entitled to reimbursement of expenses incurred in attending judicial education programs, as well as in attending the annual meeting of the Wisconsin Judicial Conference, whether or not judicial education credits are claimed. Dissenting: Justice Abrahamson and Justice Ann Walsh Bradley.

Petition 16-09: In the matter of the petition to amend SCR 40.05. On November 25, 2016 a rule petition was filed by Stockbridge-Munsee Community (SMC), asking the court to amend SCR 40.05 to allow any legal services with any federally recognized Indian Tribe be “counted” for purposes of SCR 40.05, the supreme court rule governing admission to practice law in Wisconsin based on an applicant’s admission to practice law and active practice of law in a qualifying jurisdiction. The Court Orders Amendments effective September 27, 2017.

Petition 16-02A: In the matter to amend Wisconsin Statutes § 901.07, 906.08, 906.09 and create § 906.16. On April 19, 2016, a rule petition was filed on behalf of the Wisconsin Judicial Council asking this court to amend § 901.07. Order entered and the effective date of this order is January 1, 2018.

Petition 17-05: In re Wisconsin Statutes § 809.107 and 809.19. On May 4, 2017, a rule petition was filed on behalf of the Wisconsin Judicial Council. The petition asks the court to amend §§809.19 and 809.19. to clarify some ambiguity in the current rules of appellate procedure relating to the site, number and timing of briefs in multiparty cases, including cases involving guardians ad litem. Order are effective July 1, 2018.

Petition 17-03: In re proposed amendments to § 803.08 and 426.110, Wis. Stats. A rule petition was filed on March 16, 2017 on behalf of the Wisconsin Judicial Council asking this court to repeal and replace § 803.08 (Class Actions), create § 426.110 (4m) , (Class Actions); Amendments are effective July 1, 2018.

Petition 17-11: In the matter to amend SCRs 32.001, 32.02 and 32.04 (Continuing Education for Wisconsin Judiciary). The court on its own motion determined that it is appropriate to amend Supreme Court Rules (SCR) 32.001, 32.02 and 32.04 pertaining to continuing education for appellate judges and justices. Issued December 21, 2017. Dissenting: Justice Abrahamson and Justice Bradley, A.W.

Petition 17-07: In re proposed amendments to Wisconsin Statutes §§ 809.30, 809.30, 809.32 and 885.42. Rule Petition denied January 24, 2018. Dissenting: Justice Abrahamson and Justice Bradley, A.W.

Petition 17-10: In the matter of the petition to amend Board of Bar Examiners (BBE) Rule 6.02 (BA 6.02). Rule Petition dismissed. Referred to the BBE for review on March 8, 2018.

Petition 17-09, 08-17: In the matter of petition for amendment to Supreme Court Rule 10.03(4)(b)2 relating to pro hac vice applications. Petition denied March 28, 2018. Dissenting: Justice Abrahamson and Justice Bradley, A.W.

Petition 18-01: In the matter of Repealing Wis. Stat. §§753.06(6) (title) and 757.60(6), and Supreme Court Rule 70.17(6), AMENDING Wis. Stat. §§ 13.525(1)(e), 757.60(3), (4), (5), (7) and (9), and Supreme Court Rules 70.14(1)(c) and 70.17(3), (4), (5), (7) and (9), and RENUMBERING Wis. Stat. §§ 753.06 (3)(a), (5) (a) to (k) and (7) (a). Issued July 31, 2018. Dissenting: Justice Abrahamson and Justice Bradley, A.W.

Petition 17-04: In re Petition to Repeal and Replace SCT 10.03 (5)(b) with SCR 10.03 (5)(b) – € and to Amend SCR 10.03 (6). Petition denied April 12, 2018. Dissenting: Justice Abrahamson.

Petition 18.02: In the matter of the petition to amend Supreme Court Rule Chapter 60, Appendix Section A.(2), Regarding Administration of the Judicial Conduct Advisory Committee. Issued and effective June 18, 2018.

Petition 17-06: In re the Petition to Amend SCT 81.02. Amended and effective January 1, 2020. Concurring in part, dissenting in part: Justice Ann Walsh Bradley. Dissenting: Justice Daniel Kelly and Justice Rebecca Grassl Bradley.