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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 cases<sup>1</sup> 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

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<sup>1</sup> 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>2016-17</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 3 rules hearings and convened 9 open administrative conferences at which 19 petitions were discussed. During the term, the Court issued 15 orders, 9 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. On January 11, 2017, a rule petition was filed asking the court to amend SCR Chapter 60 (Judicial Code) to change the standards for which judicial recusal or disqualification is required, based on campaign contributions or assistance to the judge from a party, lawyer or through an organization making an independent expenditure. The petition also sought Supreme Court Assistance in obtaining amendments of the Wisconsin Constitution so that the Court of Appeals judges or retired Supreme Court justices could replace Supreme Court justices who were required to recuse or were disqualified under the proposed amendments to SCR Chapter 60. The petition was originally placed on the court's March 16, 2017 open rules conference agenda. The matter was removed and on March 21, 2017, a letter was sent to all interested parties scheduling a new date of April 20, 2017. The court met in open administrative rules conference to discuss the petition on April 20, 2017. Justice Abrahamson moved to schedule a public hearing, seconded by Justice Ann Walsh Bradley. The court discussed the motion and it failed on a 5:2 vote. Justice Ann Walsh Bradley moved to adopt the petition without holding a public hearing, and seconded by Justice Abrahamson. The moved failed on a 5:2 vote. Justice Annette Kingsland Zieler moved to deny the petition, second by Justice Rebecca Grassl Bradley, which motion was based in part on constitutional concerns caused by the petition's proposed amendment to the Wisconsin Constitution over which the court has no control; the real potential that granting the petition could preclude Supreme Court review in some cases. After an hour of discussion, the court denied the petition by a vote of 5:2. Order filed June 30, 2017.