



# Supreme Court of Wisconsin

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## WISCONSIN SUPREME COURT ANNUAL STATISTICAL REPORT

### 2020-2021 TERM

This annual statistical report presents information about the work of the Wisconsin Supreme Court in its judicial and rulemaking functions from September 1, 2020 through August 31, 2021. 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 97 cases<sup>1</sup> during the 2020-2021 term.

	<u>2019-2020</u>	<u>2020-2021</u>
Total number of cases resolved by opinion .....	<u>81</u>	<u>97</u>
Attorney discipline cases .....	29	33
Judicial discipline cases .....	1	1
Bar admission cases .....	0	0
Civil cases .....	52	44
Criminal cases .....	23	19

### Petitions for Review

<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.

A total of 651 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 2020-2021 term, the Supreme Court disposed of 596 petitions for review, of which 52 petitions were granted. At the end of the term, the Court had 221 petitions for review pending.

	<u>2019-2020</u>	<u>2020-2021</u>
Petitions for Review filed .....	<u>558</u>	<u>651</u>
Civil cases .....	212	244
Criminal cases .....	346	407
 Petition for Review dispositions .....	 <u>544</u>	 <u>596</u>
Civil cases (petitions granted).....	203 (23)	225 (28)
Criminal cases (petitions granted) .....	341 (22)	371 (24)

### **Petitions for Bypass**

This term, the Supreme Court received 16 petitions for bypass and disposed of 13 petitions for bypass, of which 4 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 4 petitions for bypass pending.

	<u>2019-2020</u>	<u>2020-2021</u>
Petitions for Bypass filed .....	<u>9</u>	<u>16</u>
Civil cases .....	8	8
Criminal cases .....	1	8
 Petition for Bypass dispositions.....	 <u>11</u>	 <u>13</u>
Civil cases (petitions granted).....	10 (0)	5 (2)
Criminal cases (petitions granted) .....	1 (0)	8 (2)

## Requests for Certification

During the 2020-2021 term, the Supreme Court received 7 requests for certification and disposed of 9 requests for certification, of which 6 were 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 1 request for certification pending.

	<u>2019-2020</u>	<u>2020-2021</u>
Requests for Certification filed.....	<u>2</u>	<u>7</u>
Civil cases.....	0	3
Criminal cases.....	2	4
Request for Certification dispositions.....	<u>1</u>	<u>9</u>
Civil cases (requests granted).....	0 (0)	4 (3)
Criminal cases (requests granted).....	1 (0)	5 (3)

## Regulatory Matters, Supervisory Writs, and Original Actions

During the 2020-2021 term, a total of 27 matters within the regulatory jurisdiction of the Court (bar admission, lawyer discipline, and judicial discipline) were filed. The Supreme Court also received 41 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. Seventeen original actions were filed and 2 certified questions. 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 81 regulatory matters and 13 petitions for supervisory writ pending.

	<u>2019-2020</u>	<u>2020-2021</u>
<u>Filings</u>		
Attorney discipline.....	38	25
Judicial discipline.....	1	0
Bar admission.....	1	2
Petitions for Supervisory Writ.....	51	41
Other (including Original Actions).....	12	19
<u>Dispositions by Order</u>		
Attorney discipline.....	6	6
Judicial discipline.....	0	0
Bar admission.....	0	0
Petitions for Supervisory Writ.....	39	29
Other (including Original Actions).....	13	20

## 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 9 rules hearings and convened 11 administrative conferences at which 22 petitions were discussed. During the term, the Court issued 12 orders, all 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 20-06** In the Matter of the Modification of the Emeritus Status, Penalties for Late Payment of Dues and Fees, Technical Corrections, and Continuing Education Requirements. Effective July 1, 2021, Supreme Court Rule 10.02 was granted the Petition with certain minor modifications.

**Petition 19-23** In re Amendment of SCR 60.04, Relating to Performing the Duties of Judicial Office Impartially and Diligently. (Amendment of SCR 60.04). The court denied the petition with the following dissents: Anne Walsh Bradley, Rebecca Frank Dallet, JJ. Jill J. Karofsky, J., in part to denying Sections 1 and 3, (amend SCR 60.04(1)(d) and create SCR 60.04(9), to extend a judge's duty to courtesy to include staff and court officials); and Section 4, (create SCT 60.04(10) to add an anti-retaliation clause). Dated March 3, 2021.

**Petition 20-04** In the Matter of the Petition to Repeal and Recreate Supreme Court Rule (SCR) Chapter 50 Regarding the Practical Training of Law Students (Student Practice Petition). Effective July 1, 2021, Supreme Court Rule Chapter 50 is repealed and recreated.

**Petition 19-25** In the Matter of the Petition to Amend Supreme Court Rule (SCR) 12.07(2)(a), Relating to the Annual Assessment of Attorneys for the Wisconsin Lawyers' Fund for Client Protection. The Petition was granted. Effective July 1, 2021, Supreme Court Rule 12.07(2)(a) was amended. Dissents: Rebecca Grassl Bradley and Brian Hagedorn, JJ..

**Petition 20-05** In the Matter of the Proposed Amendment of Wisconsin Statute § 809.85, Relating to the Pro Hac Vice Admission, Substitution, and Withdrawal of Retained Counsel in Appellate Court Proceedings. The petition was granted. Effective July 1, 2021, Wis. Stat. § 809.85 is amended.

**Petition 20-08:** In the Matter of Amending Supreme Court Rule 72.01 (intro), (1), (8), (11), (12), (13), (14), (15), (16), (17), (17g), (18), (19), (20), (20g), (24), (24m), (26), (26m), (29), (32), (38), (42), (42m), (47) and 72.03(4), Renumbering Supreme Court Rule 72.01 (46) (a) and 72.03 (3), and Creating Supreme Court Rule 72.01(46) (b), (46) (c), and 72.03(3) (b). Petition granted as drafted. Effective July 1, 2021.

**Petition 20-07** In re Petition for the Creation of Court Rules Governing Electronic Filing in the Court of Appeals and Supreme Court and Amendments to Circuit Court Electronic Filings.

Petition was granted and amended.

**Petition 13-11D:** In the Matter of the Amendment to the Comment to Supreme Court Rule 10.03(4) (b)(2) Relating to Pro Hac Vice applications. Petition granted and amended. Effective June 1, 2021.

**Petition 20-03:** In re Petition for Proposed Rule to Amend Wis. Stats. § 809.70 (Relating to Redistricting). Petition denied by the court May 14, 2021.

**Petition 20-09:** In re Amendment of SCR 70.19, Wis. Stats. § § 753.24, 753.26, 753.12, 757.14, 757.70, 807.14, 885.52, 885.54, 885.56, 885.58, 885.60, 967.09, and 971.04 Relating to the Location of Court and the Use of Videoconferencing Technology. Petition returned to the petitioner, without action, June 1, 2021.

**Petition 19-02A and 20-07A:** In re Interim Court Rule Governing Electronic Filing in the Supreme Court. Court grants and amends the petitions on June 15, 2021.