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WISCONSIN SUPREME COURT ANNUAL STATISTICAL REPORT

2010-2011 TERM

This annual statistical report presents information about the work of the Wisconsin Supreme Court in its judicial and rulemaking functions from September 1, 2010 through August 31, 2011. 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 90 cases during the 2010-2011 term.

	<u>2010-11</u>	<u>2009-10</u>
Total number of cases resolved by opinion	<u>90</u>	<u>103</u>
Attorney discipline cases	28	39
Judicial discipline cases	0	1
Bar admission cases	0	0
Civil cases	44	40
Criminal cases	18	23

Petitions for Review

A total of 809 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 2010-2011 term, the Supreme Court disposed of 681 petitions for review, of which 67 petitions were granted. At the end of the term, the Court had 323 petitions for review pending.

	<u>2010-11</u>	<u>2009-10</u>
Petitions for Review filed	<u>809</u>	<u>717</u>
Civil cases	413	360
Criminal cases.....	396	357
 Petition for Review dispositions	 <u>681</u>	 <u>762</u>
Civil cases (petitions granted).....	358 (43)	382 (35)
Criminal cases (petitions granted)	323 (24)	380 (16)

Petitions for Bypass

This term, the Supreme Court received 9 petitions for bypass and disposed of 11 petitions for bypass, of which one was 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 2 petitions for bypass pending.

	<u>2010-11</u>	<u>2009-10</u>
Petitions for Bypass filed.....	<u>9</u>	<u>15</u>
Civil cases	7	12
Criminal cases.....	2	3
 Petition for Bypass dispositions.....	 <u>11</u>	 <u>15</u>
Civil cases (petitions granted).....	7 (0)	12 (1)
Criminal cases (petitions granted)	4 (1)	3 (0)

Requests for Certification

During the 2010-2011 term, the Supreme Court received 13 requests for certification and disposed of 13 requests for certification, of which 11 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 2 requests for certification pending.

	<u>2010-11</u>	<u>2009-10</u>
Requests for Certification filed.....	<u>13</u>	<u>11</u>
Civil cases	9	9
Criminal cases	4	2
Request for Certification dispositions.....	<u>13</u>	<u>10</u>
Civil cases (requests granted)	9 (7)	8 (8)
Criminal cases (requests granted)	4 (4)	2 (0)

Regulatory Matters, Supervisory Writs, and Original Actions

During the 2010-2011 term, a total of 82 matters within the regulatory jurisdiction of the Court (bar admission, lawyer discipline, and judicial discipline) were filed. The Supreme Court also received 58 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. Two original actions were filed. 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 42 regulatory matters and 15 petitions for supervisory writ pending.

	<u>2010-11</u>	<u>2009-10</u>
<u>Filings</u>		
Attorney discipline.....	82	38
Judicial discipline.....	0	2
Bar admission.....	0	1
Petitions for Supervisory Writ	58	66
Other (including Original Actions).....	2	9
<u>Dispositions by Order</u>		
Attorney discipline.....	9	18
Judicial discipline.....	0	1
Bar admission.....	1	0
Petitions for Supervisory Writ	56	74
Other (including Original Actions).....	8	12

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 8 rules hearings and convened 10 open administrative conferences at which 14 petitions were considered. During the term, the Court adopted 10 amendments or new rules governing practice and procedure in Wisconsin.

New and Amended Rules

The Court adopted the following new and amended rules during the term:

Petition 05-01B: In the matter of review of amendments to Supreme Court Rules relating to Cost Assessments in the Lawyer Regulation System. Issued July 6, 2011 the court amended the rules relating to cost assessments to provide that a referee may make a recommendation to the court regarding costs to be assessed against the respondent. Effective 01-01-2012.

Petition 07-11B: In the matter of the petition to create a rule governing the discretionary transfer of cases to tribal court. The original order was issued July 31, 2008, effective 01-01-2009. On July 1, 2009, the court adopted additional amendments. On July 1, 2011 the court issued an order requesting circuit courts, tribal courts, litigants, and attorneys affected by this rule advise the court, in writing, regarding their experience of this rule on or before January 1, 2016.

Petitions 08-11: In the matter of the amendment of SCR 40.08 relating to adverse determinations of bar applicants' character and fitness. Issued March 1, 2011, SCR 40.08 is repealed and recreated. Effective 04-01-11.

Petition 08-13: In the matter of creation of Supreme Court Rule 40.075 relating to conditional admission to the Bar. Issued June 8, 2011 Supreme Court Rule 40.075 is created. Effective 06-08-11.

Petition 09-01A: In the matter of amendment of Wis. Stat. §§ 802.10, 804.01, 804.08, 804.09, 804.12, and 805.07. The court issued the original order on July 6, 2010, effective 01-01-2011. On November 10, 2010 the court adopted further amendments to Wis. Stat. § 804.01, relating to discovery of electronically stored information. Effective 01-01-11.

Petition 10-05: In the matter of the petition to amend Supreme Court Rule 20:1.15(e)(2)a., relating to trust account insurance and safety requirements. Issued November 5, 2010 the Supreme Court Rules 20:1.15(e)(2)a., its comment, and the comments to SCR 20:1.15(cm)(3) are amended. Effective 01-01-11.

Petition 10-06: In the matter the amendment of Supreme Court Rule 71.01, regarding required court reporting of audio/videotape testimony as adopted by rule petition 09-05. The December 11, 2009, order addressed interpretation of SCR 71.02(2) (Required Court Reporting) and directed the Committee of Chief Judges and District Court Administrators to collaborate

with appellate practitioners and other interested parties to evaluate whether amendments to Wis. Stat. § 885.42(4) may be warranted. This petition addresses the court's questions about possible conflicting language in § 885.42. On November 5, 2010 the court issued an order amending SCR 71.01(2) and Wis. Stat. §§ 885.42(2) and (4). Effective 01-01-11.

Petition 10-07 In the matter of the petition to amend Supreme Court Rules 12.02(6) and 12.03(7) concerning the Lawyers Assistance Corporation. Issued October 6, 2010 Supreme Court Rules 12.02(6) and 12.03(7) are amended. Effective 10-06-10.

Petition 10-10 In the matter of amendment of Supreme Court Rule 12.07 Relating to Assessment of Attorneys for the Wisconsin Lawyers' Fund for Client Protection. Issued April 29, 2011 Supreme Court Rule 12.07 is amended. Effective 01-01-2012.

Petition 10-11 In the matter of amendment of Supreme Court Rules Chapters 70 and 33 relating to administration of municipal courts. Issued April 27, 2011 Chapters 70 and 33 of the Supreme Court Rules are amended. Effective 07-01-11.

Other Rules Matters

In September of 2010, the Court considered a State Bar petition to amend or repeal Supreme Court Rule 40.03, Diploma Privilege (petition 09-09). The court voted unanimously that the petition to amend or repeal Supreme Court rule 40.03 be denied. Order was issued on November 4, 2010.

The Court also considered a petition to amend Supreme Court Rule (SCR) 81.02 by increasing the hourly rate of compensation for court appointed lawyers from \$70 to \$80, indexing that rate to the Consumer Price Index, and specifying that the payment of an hourly rate less than the rate set forth in SCR 81.02(1) for legal services rendered pursuant to appointment by the State Public Defender under Wis. Stat. § 977.08 is unreasonable (petition 10-03). The petition was denied by order issued on July 6, 2011.

The Board of Administrative Oversight and the Preliminary Review Committee filed a joint petition seeking to amend Supreme Court Rules (SCRs) 21.16, 22.19, and 22.29 (petition 10-04). The petition asked the court to establish standards and procedures to permit permanent revocation of lawyer licenses in cases where the seriousness of the lawyer's misconduct and significance of the public interest required it. The petition was denied by order issued February 22, 2011.

On July 6, 2011 the court voted to dismiss the petition filed by Attorneys Steven Levine and James Thiel on February 14, 2011. The petition (petition 11-01) requested the court to amend, repeal or recreate SCR Chapter 10 to create a voluntary State Bar of Wisconsin. The court decided no public hearing would be scheduled and dismissed the petition based on form. The order dismissing was issued July 6, 2011.