



Supreme Court of Wisconsin

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WISCONSIN SUPREME COURT MONTHLY STATISTICAL REPORT

JULY 2009

This statistical report presents information about the case filings and dispositions of the Wisconsin Supreme Court during the month of July 2009 and to date for the term that began on September 1, 2008.

Opinions Issued by the Court

The Supreme Court issued opinions resolving 29 cases in July. Information about these opinions, including the Court's dispositions and the names of the authoring justices, can be found on the attached table.

	<u>July 2009</u>	<u>Term to Date</u>
Total number of cases resolved by opinion	<u>29</u>	<u>87</u>
Attorney disciplinary cases	6	23
Judicial disciplinary cases	0	0
Civil cases	21	43
Criminal cases	2	21

Petitions for Review

A total of 69 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 July, the Supreme Court disposed of 62 petitions for review, of which 2 petitions were granted. The Supreme Court currently has 225 petitions for review pending.

	<u>July 2009</u>	<u>Term to Date</u>
Petitions for Review filed	<u>69</u>	<u>718</u>
Civil cases	35	363
Criminal cases	34	355

Petition for Review dispositions	<u>62</u>	<u>690</u>
Civil cases (petitions granted).....	25 (0)	346 (28)
Criminal cases (petitions granted)	37 (2)	344 (16)

Petitions for Bypass

In July, the Supreme Court received 2 petitions for bypass and disposed of 2 petitions for bypass, of which 1 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. The Supreme Court currently has 2 petitions for bypass pending.

	<u>July 2009</u>	<u>Term to Date</u>
Petitions for Bypass filed	<u>2</u>	<u>7</u>
Civil cases	1	5
Criminal cases	1	2
Petition for Bypass dispositions.....	<u>2</u>	<u>11</u>
Civil cases (petitions granted).....	1 (0)	8 (0)
Criminal cases (petitions granted)	1 (1)	3 (1)

Requests for Certification

During July 2009, the Supreme Court received 2 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 2 requests for certification pending.

	<u>July 2009</u>	<u>Term to Date</u>
Requests for Certification filed.....	<u>2</u>	<u>10</u>
Civil cases	0	7
Criminal cases	2	3
Request for Certification dispositions.....	<u>0</u>	<u>10</u>
Civil cases (requests granted)	0 (0)	8 (6)
Criminal cases (requests granted)	0 (0)	2 (2)

Regulatory Matters, Supervisory Writs, and Original Actions

During the month, a total of 4 matters within the regulatory jurisdiction of the Court (bar admission, lawyer discipline, and judicial discipline) were filed. The Supreme Court also received 8 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. One original action was 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 34 regulatory matters and 17 petitions for supervisory writ pending.

	<u>July 2009</u>	<u>Term to Date</u>
<u>Filings</u>		
Attorney discipline.....	4	46
Judicial discipline.....	0	1
Bar admission.....	0	1
Petitions for Supervisory Writ	8	62
Other (including Original Actions).....	2	10
 <u>Dispositions by Order</u>		
Attorney discipline.....	0	19
Judicial discipline.....	0	0
Bar admission.....	0	0
Petitions for Supervisory Writ	3	52
Other (including Original Actions).....	1	12

**DECISIONS BY THE
WISCONSIN SUPREME COURT**

OPINIONS ISSUED DURING JULY 2009

ATTORNEY DISCIPLINE CASES

<u>Docket No.</u>	<u>Title</u>	<u>Date</u>
2007AP000869-D	Office of Lawyer Regulation (OLR) v. Thomas J. Molinaro 60 Day Suspension Per Curiam ¹ Bradley, J. did not participate.	07/01/2009
2008AP003016-D	OLR v. James T. Winch Three Year Suspension Per Curiam	07/03/2009
2007AP002135-D	OLR v. Neil R. McKloskey 60 Day Suspension Per Curiam	07/07/2009
2006AP001191-D and 2007AP001908-D	OLR v. Willie J. Nunnery Three Year Suspension Per Curiam	07/21/2009
2007AP2935-D	OLR v. Jeffrey Reitz 90 Day Suspension Per Curiam	07/23/2009

CIVIL AND CRIMINAL CASES

<u>Docket No.</u>	<u>Title</u>	<u>Date</u>
2007AP000308	Tywanda F. Luckett v. Aaron C. Bodner, M.D. Court of Appeals decision affirmed. <u>Majority Opinion</u> : Abrahamson, C.J. <u>Concurrence</u> : Ziegler, J., joined by Roggensack and Gableman, J.J.	07/07/2009

¹ “Per Curiam” means “by the Court.” Opinions issued *per curiam* are handed down by the Court as a whole.

	<p><u>Dissent</u>: Prosser, J. Bradley, J. did not participate.</p>	
2007AP000541	<p>Estate of Robert V. Genrich v. OHIC Insurance Company Court of Appeals decision affirmed. <u>Majority Opinion</u>: Roggensack, J. <u>Concurrence/Dissent</u>: Bradley, J., joined by Abrahamson, C.J. and Crooks, J. <u>Dissent/Concurrence</u>: Crooks, J., joined by Abrahamson, C.J. and Bradley, J.</p>	07/07/2009
2006AP002910	<p>Kenneth J. Behrendt v. Gulf Underwriters Insurance Co. Court of Appeals decision affirmed. <u>Majority Opinion</u>: Crooks, J. <u>Concurrence</u>: Abrahamson, C.J. <u>Concurrence</u>: Roggensack, J., joined by Ziegler and Gableman, J.J.</p>	07/09/2009
2007AP001754	<p>Glen D. Hocking v. City of Dodgeville Circuit court order affirmed. <u>Majority Opinion</u>: Ziegler, J. <u>Concurrence</u>: Abrahamson, C.J., joined by Bradley, J. Crooks, J. did not participate.</p>	07/09/2009
2007AP001799	<p>Douglas Osborn v. Harold Dennison Court of Appeals decision affirmed. <u>Majority Opinion</u>: Prosser, J.</p>	07/09/2009
2007AP002382-CR	<p>State v. Jason L. McClaren Court of Appeals decision reversed and remanded. <u>Majority Opinion</u>: Crooks, J. <u>Dissent</u>: Bradley, J. Abrahamson, C.J. did not participate.</p>	07/09/2009
2006AP002599	<p>Gregory G. Phelps v. Physicians Insurance Company of Wisconsin, Inc. Court of Appeals decision reversed and cause remanded to the circuit court. <u>Majority Opinion</u>: Roggensack, J. <u>Dissent</u>: Bradley, J., joined by Abrahamson, C.J.</p>	07/10/2009

2007AP001992	<p>The Farmers Automobile Insurance Association v. Union Pacific Railway Company Court of Appeals decision affirmed. <u>Majority Opinion</u>: Gableman, J. <u>Dissent</u>: Bradley, J., joined by Abrahamson, C.J.</p>	07/10/2009
2006AP002670	<p>Ruben Baez Godoy v. E.I. du Pont de Nemours and Company Court of Appeals decision affirmed. <u>Majority Opinion</u>: Bradley, J. <u>Concurrence</u>: Bradley, J., joined by Abrahamson, C.J. <u>Concurrence</u>: Crooks, J., joined by Abrahamson, C.J. and Bradley, J. <u>Concurrence</u>: Prosser, J., joined by Ziegler and Gableman, J.J. Roggensack, J. did not participate.</p>	07/14/2009
2006AP002933	<p>Kara Horst v. Deere & Company Court of Appeals decision affirmed. <u>Majority Opinion</u>: Gableman, J. <u>Concurrence</u>: Crooks, J. <u>Concurrence</u>: Gableman, J., joined by Prosser and Roggensack, J.J. <u>Dissent</u>: Bradley, J., joined by Abrahamson, C.J. Ziegler, J. did not participate.</p>	07/14/2009
2007AP000617	<p>Star Direct, Inc. v. Eugene Dal Pra Court of Appeals decision affirmed in part, reversed in part, and remanded. <u>Majority Opinion</u>: Gableman, J. <u>Concurrence/Dissent</u>: Bradley, J., joined by Abrahamson, C.J. <u>Dissent</u>: Abrahamson, C.J.</p>	07/14/2009
2007AP001638	<p>Christine L. Tensfeldt v. F. William Haberman Circuit Court order affirmed in part, reversed in part, and cause remanded. <u>Majority Opinion</u>: Bradley, J. <u>Concurrence/Dissent</u>: Roggensack, J., joined by Ziegler, J. Gableman, J. did not participate.</p>	07/14/2009

2006AP003003	American Family Mutual Ins. Co. v. David Golke Circuit Court order and judgment reversed and cause remanded. <u>Majority Opinion</u> : Gableman, J. <u>Concurrence</u> : Abrahamson, C.J., joined by Bradley, J.	07/15/2009
2007AP001160	Milwaukee Journal Sentinel v. DOA Circuit Court judgment affirmed and cause remanded to the circuit court. <u>Majority Opinion</u> : Roggensack, J. <u>Concurrence</u> : Bradley, J. <u>Dissent</u> : Abrahamson, C.J.	07/15/2009
2007AP002584	Robert Zellner v. Daryl Herrick Appeal dismissed; Circuit Court order affirmed. <u>Majority Opinion</u> : Crooks, J. <u>Dissent</u> : Roggensack, J.	07/15/2009
2006AP002866	City of Milwaukee Post No. 2874 v. Redevelopment Authority of the City of Milwaukee Court of Appeals decision reversed. <u>Majority Opinion</u> : Abrahamson, C.J. <u>Concurrence</u> : Ziegler, J., joined by Gableman, J. <u>Dissent</u> : Prosser, J., joined by Crooks and Roggensack, J.J.	07/17/2009
2006AP000385	Harold Umansky v. ABC Insurance Co. Court of Appeals decision affirmed and remanded. <u>Majority Opinion</u> : Crooks, J. <u>Concurrence</u> : Crooks, J., joined by Prosser, J. <u>Concurrence</u> : Prosser, J., joined by Crooks, J. <u>Dissent</u> : Ziegler, J., joined by Roggensack and Gableman, J.J.	07/17/2009
2007AP001396	Kelly J. Harvot v. Solo Cup Company Circuit Court decision and order affirmed. <u>Majority Opinion</u> : Prosser, J. <u>Dissent</u> : Bradley, J., joined by Abrahamson, C.J.	07/17/2009

2008AP001913-CQ	Bruce A. Tammi v. Porsche Cars North America, Inc. Certified questions from the United States Court of Appeals for the Seventh Circuit answered, in part, and cause remanded. <u>Majority Opinion</u> : Prosser, J.	07/17/2009
2006AP000803	Milton J. Christensen v. Michael J. Sullivan Court of Appeals decision reversed. <u>Majority Opinion</u> : Prosser, J. <u>Dissent</u> : Abrahamson, C.J., joined by Bradley and Crooks, J.J.	07/21/2009
2007AP000496	Coulee Catholic Schools v. LIRC Court of Appeals decision reversed and remanded. <u>Majority Opinion</u> : Gableman, J. <u>Dissent</u> : Crooks, J., joined by Abrahamson, C.J. and Bradley, J.	07/21/2009
2007AP001042-CR	State v. Tony Payano Court of Appeals decision reversed. <u>Majority Opinion</u> : Prosser, J. <u>Dissent</u> : Bradley, J., joined by Abrahamson, C.J.	07/21/2009
2007AP000619	Richard Bubb v. William Brusky, M.D. Court of Appeals decision reversed and the cause remanded to the Circuit Court. <u>Majority Opinion</u> : Prosser, J. Ziegler, J. did not participate.	07/24/2009