

Date: December 5, 2007  
 To: Court of Appeals Judges, Director of State Courts, Staff Counsel, Clerk's Office Staff  
 From: David R. Schanker, Clerk  
 Re: COURT OF APPEALS MONTHLY STATISTICAL REPORT - NOVEMBER

**Cumulative: January 1, 2007 through November 30, 2007**

| <b>APPELLATE DISTRICT</b>           | <b>I</b>    | <b>II</b>   | <b>III</b> | <b>IV</b>   | <b>TOTAL</b> |
|-------------------------------------|-------------|-------------|------------|-------------|--------------|
| Cases Carried Over from December 31 | <u>702</u>  | <u>453</u>  | <u>376</u> | <u>476</u>  | <u>2007</u>  |
| Civil                               | 309         | 255         | 213        | 294         | 1071         |
| Criminal                            | 393         | 198         | 163        | 182         | 936          |
| Cases Filed                         | <u>731</u>  | <u>630</u>  | <u>566</u> | <u>684</u>  | <u>2611</u>  |
| Civil                               | 318         | 304         | 325        | 410         | 1357         |
| Criminal                            | 413         | 326         | 241        | 274         | 1254         |
| Cases Docketed                      | <u>1433</u> | <u>1083</u> | <u>942</u> | <u>1160</u> | <u>4618</u>  |
| Civil                               | 627         | 559         | 538        | 704         | 2428         |
| Criminal                            | 806         | 524         | 404        | 456         | 2190         |
| Cases Reopened                      | <u>9</u>    | <u>19</u>   | <u>6</u>   | <u>15</u>   | <u>49</u>    |
| Civil                               | 9           | 15          | 5          | 13          | 42           |
| Criminal                            | 0           | 4           | 1          | 2           | 7            |
| Cases Terminated*                   | <u>713</u>  | <u>668</u>  | <u>618</u> | <u>773</u>  | <u>2772</u>  |
| Opinion - Civil                     | 203         | 141         | 127        | 194         | 665          |
| Opinion - Criminal                  | <u>147</u>  | <u>88</u>   | <u>70</u>  | <u>105</u>  | <u>410</u>   |
| Subtotal                            | 350         | 229         | 197        | 299         | 1075         |
| Sum. Disp. – Civil                  | 33          | 86          | 44         | 61          | 224          |
| Sum. Disp. - Criminal               | <u>106</u>  | <u>142</u>  | <u>133</u> | <u>133</u>  | <u>514</u>   |
| Subtotal                            | 139         | 228         | 177        | 194         | 738          |
| Memo Opinion - Civil                | 128         | 109         | 145        | 145         | 527          |
| Memo Opinion - Criminal             | <u>68</u>   | <u>60</u>   | <u>56</u>  | <u>74</u>   | <u>258</u>   |
| Subtotal                            | 196         | 169         | 201        | 219         | 785          |
| Other - Civil                       | 18          | 24          | 36         | 49          | 127          |
| Other - Criminal                    | <u>10</u>   | <u>18</u>   | <u>7</u>   | <u>12</u>   | <u>47</u>    |
| Subtotal                            | 28          | 42          | 43         | 61          | 174          |
| Cases Pending                       | <u>729</u>  | <u>434</u>  | <u>330</u> | <u>402</u>  | <u>1895</u>  |
| Civil                               | 254         | 214         | 191        | 268         | 927          |
| Criminal                            | 475         | 220         | 139        | 134         | 968          |

\* Terminations are adjusted to reflect dispositions by panels assigned to cases filed in other districts and cover the "number of cases" terminated.

## Case Activity During the Month of November 2007

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| <b>APPELLATE DISTRICT</b>         | <b>I</b>  | <b>II</b> | <b>III</b> | <b>IV</b>  | <b>TOTAL</b> |
|-----------------------------------|-----------|-----------|------------|------------|--------------|
| <b>Cases Filed</b>                | <u>66</u> | <u>58</u> | <u>48</u>  | <u>38</u>  | <u>210</u>   |
| Civil                             | 19        | 30        | 33         | 20         | 102          |
| Criminal                          | 47        | 28        | 15         | 18         | 108          |
| <b>Cases Terminated</b>           | <u>57</u> | <u>64</u> | <u>49</u>  | <u>114</u> | <u>284</u>   |
| Opinion - Civil                   | 8         | 17        | 4          | 39         | 68           |
| Opinion - Criminal                | 10        | 11        | 4          | 17         | 42           |
| Sum. Disp. - Civil                | 1         | 7         | 1          | 8          | 17           |
| Sum. Disp. - Criminal             | 21        | 9         | 22         | 17         | 69           |
| Memo Opinion - Civil              | 5         | 11        | 12         | 18         | 46           |
| Memo Opinion - Criminal           | 7         | 6         | 4          | 8          | 25           |
| Other - Civil                     | 1         | 2         | 2          | 4          | 9            |
| Other - Criminal                  | 4         | 1         | 0          | 3          | 8            |
| <b>Cases Reopened</b>             | <u>0</u>  | <u>9</u>  | <u>1</u>   | <u>0</u>   | <u>10</u>    |
| Civil                             | 0         | 9         | 1          | 0          | 10           |
| Criminal                          | 0         | 0         | 0          | 0          | 0            |
| <b>Notices of Appeal Filed:</b>   | <b>I</b>  | <b>II</b> | <b>III</b> | <b>IV</b>  | <b>TOTAL</b> |
| <b>One-Judge Appeals</b>          | <u>7</u>  | <u>13</u> | <u>7</u>   | <u>6</u>   | <u>33</u>    |
| Civil                             | 5         | 8         | 3          | 3          | 19           |
| Criminal                          | 2         | 5         | 4          | 3          | 14           |
| <b>Three-Judge Appeals</b>        | <u>51</u> | <u>40</u> | <u>37</u>  | <u>26</u>  | <u>154</u>   |
| Civil                             | 7         | 19        | 27         | 13         | 66           |
| Criminal                          | 44        | 21        | 10         | 13         | 88           |
| <b>Sup. Writs Filed</b>           | 2         | 1         | 2          | 2          | 7            |
| <b>Sup. Writs Terminated</b>      | <u>0</u>  | <u>0</u>  | <u>3</u>   | <u>10</u>  | <u>13</u>    |
| Granted                           | 0         | 0         | 0          | 0          | 0            |
| Denied, Dismissed, Other          | 0         | 0         | 3          | 10         | 13           |
| <b>Sup. Writs Pending</b>         | 17        | 4         | 3          | 7          | 31           |
| <b>Leave to Appeal Filed</b>      | 8         | 1         | 2          | 2          | 7            |
| <b>Leave to Appeal Terminated</b> | <u>5</u>  | <u>2</u>  | <u>5</u>   | <u>4</u>   | <u>16</u>    |
| Granted                           | 0         | 0         | 2          | 0          | 2            |
| Denied, Dismissed, Other          | 5         | 2         | 3          | 4          | 14           |
| <b>Leave to Appeal Pending</b>    | 25        | 3         | 2          | 8          | 38           |

## Additional Matters During the Month of November 2007

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| APPELLATE DISTRICT                         | I         | II        | III       | IV        | TOTAL     |
|--|-----------|-----------|-----------|-----------|-----------|
| <b>Motions Filed</b>                       |           |           |           |           |           |
| Numbered Cases                             | 82        | 76        | 67        | 104       | 329       |
| Extensions of Time                         | 59        | 55        | 31        | 56        | 201       |
| Unnumbered Cases                           | 97        | 57        | 54        | 45        | 253       |
| Sua Sponte Matters                         | <u>18</u> | <u>14</u> | <u>16</u> | <u>35</u> | <u>83</u> |
| Total Motions Filed                        | 256       | 202       | 168       | 240       | 866       |
| <b>Motions Terminated</b>                  |           |           |           |           |           |
| Numbered Cases                             | 82        | 62        | 64        | 114       | 322       |
| Extensions of Time                         | 51        | 53        | 37        | 55        | 196       |
| Unnumbered Cases                           | 80        | 51        | 59        | 40        | 230       |
| Sua Sponte Matters                         | <u>24</u> | <u>11</u> | <u>21</u> | <u>37</u> | <u>93</u> |
| Total Motions Terminated                   | 237       | 177       | 181       | 246       | 841       |
| <b>Motions Pending</b>                     |           |           |           |           |           |
| Numbered Cases                             | 120       | 47        | 26        | 59        | 252       |
| Extensions of Time                         | 18        | 6         | 1         | 11        | 36        |
| Unnumbered Cases                           | 38        | 9         | 2         | 9         | 58        |
| Sua Sponte Matters                         | <u>18</u> | <u>8</u>  | <u>4</u>  | <u>19</u> | <u>49</u> |
| Total Motions Pending                      | 194       | 70        | 33        | 98        | 395       |
| <b>Opinions Circulating:</b>               | 30        | 17        | 6         | 17        | 70        |
| <b>Opinions Approved but not Released:</b> | 11        | 6         | 8         | 0         | 25        |
| <b>Petitions for Bypass Filed</b>          |           |           |           |           |           |
| Civil                                      | <u>0</u>  | <u>0</u>  | <u>0</u>  | <u>0</u>  | <u>0</u>  |
| Criminal                                   | 0         | 0         | 0         | 0         | 0         |
| <b>Certifications Filed</b>                |           |           |           |           |           |
| Civil                                      | <u>0</u>  | <u>0</u>  | <u>0</u>  | <u>1</u>  | <u>1</u>  |
| Criminal                                   | 0         | 0         | 0         | 1         | 1         |
| <b>Petitions for Review Filed</b>          |           |           |           |           |           |
| Civil                                      | <u>19</u> | <u>12</u> | <u>15</u> | <u>15</u> | <u>61</u> |
| Criminal                                   | 11        | 6         | 4         | 10        | 31        |
|  | 8         | 6         | 11        | 5         | 30        |

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## **Wisconsin Court of Appeals**

### **Explanation of Termination Categories**

#### **OPINIONS**

Includes three-judge and one-judge authored opinions and per curiam opinions. All per curiam opinions are assigned to a supervising judge who has the responsibility for approval of the final draft of the opinion after circulation to the panel.

#### **SUMMARY DISPOSITIONS**

Includes opinions issued in the form of a court order after the court has reviewed the briefs and record, and following a screening and decision conference(s). All dispositions in this category are assigned to a supervising judge who is responsible for approval of the final draft of the opinion after circulation to the panel.

#### **MEMO OPINIONS**

Includes opinions issued in the form of a court order prior to a screening and decision conference(s). Examples of memo opinions are: jurisdictional terminations; petitions for writs denied or granted if the order terminates the action; petitions for leave to appeal that are denied; summary disposition of unscreened cases – usually upon a motion; motions to dismiss on the merits that are granted; transfers to circuit court; any other miscellaneous termination of an appeal in which judicial time is expended and a full explication of reasoning is set forth.

#### **OTHER**

Includes miscellaneous orders terminating cases that are issued by the Clerk's Office. Examples of miscellaneous orders are: voluntary dismissals; stipulations to dismiss; failure of an appellant to submit filing fee information.

**Please Note:** Case filings are counted according to the district of origin and tracked through the appellate process in the filing district. Terminations, however, are counted in the district that issued the opinion. For example, a case filed in District IV, but transferred to District III, will be counted as a pending case in District IV until the opinion is issued when adjustments will be made to reflect the termination by District III. In this example, the District III termination will result in one less case pending in District IV.

Page 2 of the Monthly Statistical Report reflects how many cases terminated by a particular district are transfer cases. Page 3 of the report reflects the current status of transfer cases.