



# Supreme Court of Wisconsin

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## WISCONSIN SUPREME COURT MONTHLY STATISTICAL REPORT

### JULY 2013

This statistical report presents information about the case filings and dispositions of the Wisconsin Supreme Court during the month of July 2013 and to date for the term that began on September 1, 2012.

#### Opinions Issued by the Court

The Supreme Court issued opinions resolving 31 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 2013</u>	<u>Term to Date</u>
Total number of cases resolved by opinion .....	<u>31</u>	<u>98</u>
Attorney disciplinary cases .....	1	42
Judicial disciplinary cases.....	0	0
Civil cases .....	18	31
Criminal cases .....	12	25

#### Petitions for Review

A total of 79 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 3 petitions for review, of which 1 petition was granted. The Supreme Court currently has 390 petitions for review pending.

	<u>July 2013</u>	<u>Term to Date</u>
Petitions for Review filed .....	<u>79</u>	<u>758</u>
Civil cases .....	41	363
Criminal cases.....	38	395

Petition for Review dispositions .....	<u>3</u>	<u>655</u>
Civil cases (petitions granted).....	2 (1)	310 (29)
Criminal cases (petitions granted) .....	1 (0)	345 (20)

### Petitions for Bypass

In July, the Supreme Court received 5 petitions for bypass and disposed of 2 petitions for bypass. 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 3 petitions for bypass pending.

	<u>July 2013</u>	<u>Term to Date</u>
Petitions for Bypass filed.....	<u>5</u>	<u>14</u>
Civil cases .....	4	10
Criminal cases .....	1	4
Petition for Bypass dispositions.....	<u>2</u>	<u>17</u>
Civil cases (petitions granted).....	2 (0)	14 (2)
Criminal cases (petitions granted) .....	0 (0)	3 (0)

### Requests for Certification

During July 2013, the Supreme Court received 2 requests for certification and disposed of 0 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 3 request for certification pending.

	<u>July 2013</u>	<u>Term to Date</u>
Requests for Certification filed.....	<u>2</u>	<u>9</u>
Civil cases .....	1	4
Criminal cases .....	1	5
Request for Certification dispositions.....	0	<u>11</u>
Civil cases (requests granted) .....	0 (0)	8 (6)
Criminal cases (requests granted) .....	0 (0)	3 (3)

Regulatory Matters, Supervisory Writs, and Original Actions

During the month, a total of 9 matters within the regulatory jurisdiction of the Court (bar admission, lawyer discipline, and judicial discipline) were filed and 0 such cases were reopened. The Supreme Court also received 6 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. No original actions were 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 38 regulatory matters and 25 petitions for supervisory writ pending.

	<u>July 2013</u>	<u>Term to Date</u>
<u>Filings</u>		
Attorney discipline (including reopened cases).....	9	65
Judicial discipline.....	0	0
Bar admission.....	0	0
Petitions for Supervisory Writ .....	6	59
Other (including Original Actions).....	0	4
<u>Dispositions by Order</u>		
Attorney discipline.....	0	5
Judicial discipline.....	0	0
Bar admission.....	0	0
Petitions for Supervisory Writ .....	0	43
Other (including Original Actions).....	0	5

**DECISIONS BY THE  
WISCONSIN SUPREME COURT**

**OPINIONS ISSUED DURING July 2013**

**ATTORNEY DISCIPLINE CASES**

<b><u>Docket No.</u></b>	<b><u>Title</u></b>	<b><u>Date</u></b>
2011AP1049-D	Office of Lawyer Regulation (OLR) v. Sharon A. Riek Complaint dismissed Per Curiam <sup>1</sup>	07/23/2013

**CIVIL AND CRIMINAL CASES**

<b><u>Docket No.</u></b>	<b><u>Title</u></b>	<b><u>Date</u></b>
2011AP788	Christopher T. Beidel v. Sideline Software, Inc. Court of Appeals decision affirmed. <u>Majority Opinion</u> : Crooks, J. <u>Concur</u> : Ziegler, J. joined by Roggensack, J. <u>Dissent</u> : Gableman, J. Prosser, J. did not participate.	07/02/2013
2010AP3158	Park Bank v. Roger E. Westburg Court of Appeals decision affirmed. <u>Majority Opinion</u> : Bradley, J. <u>Concur</u> : Roggensack, J. joined by Ziegler, J. and Gableman, J.	07/03/2013
2011AP1044-CR 2011AP1105-CR	State v. Dale R. Neumann State v. Leilani E. Neumann Circuit Court judgment and orders affirmed. <u>Majority Opinion</u> : Abrahamson, CJ. <u>Dissent</u> : Prosser, J.	07/03/2013
2011AP2864-CRAC	State v. Samuel Curtis Johnson, III Court of Appeals decision modified and affirmed, as modified, remanded to circuit court. Per Curiam Prosser, J. and Gableman, J. did not participate.	07/03/2013

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

2011AP000583	Marilyn M. Brown v. Acuity, A Mutual Insurance Company Court of Appeals decision reversed and remanded. <u>Majority Opinion</u> : Bradley, J.	07/09/2013
2011AP000450-CR	State v. Julius C. Burton Court of Appeals decision affirmed <u>Majority Opinion</u> : Prosser, J.	07/10/2013
2011AP001451	Amjad T. Tufail v. Midwest Hospitality, LLC Court of Appeals decision reversed and remanded. <u>Majority Opinion</u> : Bradley, J. <u>Dissent</u> : Prosser, J.	07/10/2013
2012AP000500	Dane County v. Sheila W. Court of Appeals decision affirmed Per Curiam <u>Concur</u> : Prosser, J. <u>Dissent</u> : Gableman, J., joined by Roggensack, J. and Ziegler, J.	07/10/2013
2011AP000203	Xcel Energy Services, Inc. v. LIRC Court of Appeals decision reversed and remanded. <u>Majority Opinion</u> : Roggensack, J. <u>Concur</u> : Abrahamson, CJ., joined by Bradley, J. in Part I of concurrence.	07/11/2013
2011AP001770-CR 2011AP001771-CR	State v. Brandon M. Melton Court of Appeals decision reversed. <u>Majority Opinion</u> : Prosser, J. <u>Concur</u> : Ziegler, J., joined by Abrahamson, CJ and Bradley, J.	07/11/2013
2011AP002166	David J. Rosecky v. Monica M. Schissel Circuit Court order reversed and remanded. <u>Majority Opinion</u> : Ziegler, J. <u>Concur</u> : Abrahamson, CJ., joined by Bradley, J.	07/11/2013
2012AP000099	Outagamie County v. Melanie L. Court of Appeals decision reversed. <u>Majority Opinion</u> : Prosser, J. <u>Dissent</u> : Ziegler, J., joined by Roggensack, J. and Gableman, J.	07/11/2013

2012AP000665	Manitowoc County v. Samuel J. H. Circuit Court order affirmed. <u>Majority Opinion</u> : Ziegler, J. <u>Concur</u> : Abrahamson, CJ.	07/11/2013
2010AP000425	State v. Tramell E. Starks Court of Appeals decision affirmed. <u>Majority Opinion</u> : Gableman, J. <u>Dissent</u> : Bradley, J., joined by Abrahamson, CJ. and Crooks, J.	07/12/2013
2011AP000394-CR	State v. Demone Alexander Court of Appeals decision affirmed. <u>Majority Opinion</u> : Gableman, J. <u>Concur</u> : Abrahamson, CJ. <u>Concur</u> : Crooks, J., joined by Abrahamson, CJ. and Bradley, J. <u>Concur</u> : Ziegler, J.	07/12/2013
2011AP000564	Marshall Schinner v. Michael Gundrum Court of Appeals decision reversed. <u>Majority Opinion</u> : Prosser, J. <u>Concur</u> : Crooks, J. <u>Dissent</u> : Bradley, J., joined by Abrahamson, CJ. and Crooks, J. joins Part II of dissent.	07/12/2013
2011AP001566	United Concrete & Construction, Inc. v. Red-D- Mix Concrete, Inc. Court of Appeals decision affirmed in part, reversed in part and remanded. <u>Majority Opinion</u> : Gableman, J. <u>Concur</u> : Abrahamson, CJ., joined by Bradley, J. and Crooks, J.	07/12/2013
2011AP002916-CR	State v. Andrew M. Edler Circuit court order affirmed and remanded. <u>Majority Opinion</u> : Crooks, J. <u>Concur</u> : Abrahamson, CJ. <u>Concur/Dissent</u> : Ziegler, J. Gableman, J. did not participate.	07/12/2013
2008AP001523	Rock-Koshkonong Lake District v. DNR Court of Appeals decision reversed and remanded. <u>Majority Opinion</u> : Prosser, J. <u>Dissent</u> : Crooks, J., joined by Abrahamson, CJ. and Bradley, J.	07/16/2013

2010AP002363-CR 2010AP002364-CR	State v. Richard Lavon Deadwiller Court of Appeals decision affirmed. <u>Majority Opinion</u> : Ziegler, J. <u>Concur</u> : Abrahamson, CJ., joined by Bradley, J. in Part I of concurrence. <u>Concur</u> : Bradley, J. concurs with Section III.B of majority opinion. Gableman, J. did not participate.	07/16/2013
2011AP001176 2011AP001177	Joseph McLeod v. Patricia Mudlaff Patricia Mudlaff v. Joseph McLeod Circuit court order is reversed and remanded. <u>Majority Opinion</u> : Prosser, J. <u>Dissent</u> : Ziegler, J. <u>Dissent</u> : Gableman, J.	07/16/2013
2012AP000805 2012AP000840	Scott N. Waller v. American Transmission Company, LLC Circuit Court judgment affirmed. <u>Majority Opinion</u> : Prosser, J. <u>Dissent</u> : Bradley, J., joined by Abrahamson, CJ. Gableman, J. did not participate.	07/16/2013
2007AP000221 2007AP001440	Bostco LLC v. Milwaukee Metropolitan Sewerage District Court of Appeals decision affirmed in part, reversed in part and remanded. <u>Majority Opinion</u> : Roggensack, J. <u>Concur</u> : Gableman, J. <u>Dissent</u> : Abrahamson, CJ., joined by Bradley, J. Prosser, J. did not participate.	07/18/2013
2011AP001158	Showers Appraisals, LLC v. Musson Bros., Inc. Court of Appeals decision reversed and remanded. <u>Majority Opinion</u> : Roggensack, J. <u>Concur</u> : Crooks, J., joined by Abrahamson, CJ. and Bradley, J.	07/18/2013