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WISCONSIN SUPREME COURT ANNUAL STATISTICAL REPORT

2014-2015 TERM

This annual statistical report presents information about the work of the Wisconsin Supreme Court in its judicial and rulemaking functions from September 1, 2014 through August 31, 2015. 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 117 cases¹ during the 2014-2015 term.

| | <u>2014-15</u> | <u>2013-14</u> |
|---|----------------|----------------|
| Total number of cases resolved by opinion | 117 | 122 |
| Attorney discipline cases | 48 | 52 |
| Judicial discipline cases | 0 | 0 |
| Bar admission cases | 1 | 1 |
| Civil cases | 34 | 39 |
| Criminal cases | 34 | 30 |

¹ 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. There were 53 authored opinions for this term.

Petitions for Review

A total of 732 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 2014-2015 term, the Supreme Court disposed of 836 petitions for review, of which 52 petitions were granted. At the end of the term, the Court had 192 petitions for review pending.

| | <u>2014-15</u> | <u>2013-14</u> |
|--|----------------|----------------|
| Petitions for Review filed | <u>732</u> | <u>792</u> |
| Civil cases | 364 | 381 |
| Criminal cases | 368 | 411 |
| Petition for Review dispositions | <u>836</u> | <u>860</u> |
| Civil cases (petitions granted)..... | 408 (30) | 421 (28) |
| Criminal cases (petitions granted) | 428 (22) | 439 (37) |

Petitions for Bypass

This term, the Supreme Court received 13 petitions for bypass and disposed of 20 petitions for bypass, of which 6 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>2014-15</u> | <u>2013-14</u> |
|---|----------------|----------------|
| Petitions for Bypass filed | <u>13</u> | <u>24</u> |
| Civil cases | 11 | 20 |
| Criminal cases | 2 | 4 |
| Petition for Bypass dispositions..... | <u>20</u> | <u>16</u> |
| Civil cases (petitions granted)..... | 17 (6) | 12 (0) |
| Criminal cases (petitions granted) | 3 (0) | 4 (0) |

Requests for Certification

During the 2014-2015 term, the Supreme Court received 6 requests for certification and disposed of 6 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 0 requests for certification pending.

| | <u>2014-15</u> | <u>2013-14</u> |
|---|----------------|----------------|
| Requests for Certification filed..... | <u>6</u> | <u>3</u> |
| Civil cases | 4 | 2 |
| Criminal cases | 2 | 1 |
| Request for Certification dispositions..... | <u>6</u> | <u>7</u> |
| Civil cases (requests granted) | 4 (4) | 4 (4) |
| Criminal cases (requests granted) | 2 (2) | 3 (1) |

Regulatory Matters, Supervisory Writs, and Original Actions

During the 2014-2015 term, a total of 69 matters within the regulatory jurisdiction of the Court (bar admission, lawyer discipline, and judicial discipline) were filed. The Supreme Court also received 54 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. Six 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 35 regulatory matters and 9 petitions for supervisory writ pending.

| | <u>2014-15</u> | <u>2013-14</u> |
|---|----------------|----------------|
| <u>Filings</u> | | |
| Attorney discipline..... | 68 | 63 |
| Judicial discipline..... | 0 | 0 |
| Bar admission..... | 1 | 1 |
| Petitions for Supervisory Writ | 54 | 73 |
| Other (including Original Actions)..... | 6 | 6 |
| <u>Dispositions by Order</u> | | |
| Attorney discipline..... | 3 | 4 |
| Judicial discipline..... | 0 | 0 |
| Bar admission..... | 0 | 0 |
| Petitions for Supervisory Writ | 58 | 76 |
| Other (including Original Actions)..... | 9 | 10 |

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 4 rules hearings and convened 9 open administrative conferences at which 20 petitions were discussed. During the term, the Court issued 9 orders, 6 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 12-07: In the matter of the amendment of Supreme Court Rules 70.03 and 70.12(1)(c)3. and the creation of Supreme Court Rules 70.12(5), 70.12(6) and 70.16, relating to the Supreme Court Finance Committee. On July 6, 2012, petition filed by J. Roggensack and after receiving written comments, an amended petition was filed on December 10, 2012. After discussion, on February 5, 2014 the court voted 6:0 to approve and adopt the amended petition, as drafted, with Chief Justice Abrahamson abstaining and writing separately. The Supreme Court Rules 70.03 and 70.12 (1m) (c) are amended. Supreme Court Rules 70.12 (5), 70.12 (6) and 70.125 are created. Order filed February 16, 2015, effective February 16, 2015.

Petition 12-09: In the Matter of Publication of Supreme Court Orders - creation of rules under Supreme Court Rules Ch. 80 and amendment of Supreme Court Rule 98.07. Petition filed on September 7, 2012 by the Publication Review Committee, convened by Chief Justice Abrahamson. A public hearing was held on January 15, 2013. On February 26, 2015 the petition was again discussed and The court voted to adopt the revised proposal, Chief Justice Abrahamson wrote separately. The title of Chapter 80 of the Supreme Court Rules (SCR) is amended and SCR 80.002 and SCR 80.003 are created and SCR 98.07 is amended. The comments to SCR 80.003 and SCR 98.07 are not adopted, but will be published and may be consulted for guidance in interpreting and applying the rule. The rule changes adopted pursuant to this order shall apply to all proceedings commenced after the effective date of this rule and, insofar as is just and practicable, in all proceedings pending on the effective date. Order filed August 7, 2015, effective August 7, 2015.

Petition 13-04: In the matter of the Petition to Amend Rules Relating to Referees in the Lawyer Regulation System. After public hearing held October 25, 2013, at the ensuing open administrative rules conference, the court granted the petition in part, approving deletion of certain obsolete language in SCR 21.08(1), because SCR 22.07(4) and SCR 22.08 no longer provide for referee review of preliminary review panel determinations. The court voted unanimously to deny the remainder of the proposed changes set forth in the petition. The court discussed and approved this order in open administrative rules conference on February 26, 2015. Supreme Court Rule (SCR) 21.08(1) is amended. Order filed July 6, 2015, effective July 6, 2015.

Petition 13-11A: In the matter of the petition for amendment to Supreme Court Rule 10.03(4)(b)2 relating to pro hac vice applications. The court, on its own motion, amends Supreme Court Rule 10.03(4)(b)2 to permit electronic filing and payment of fees for applications pro hac vice. An electronic filing and payment procedure will not change any of the substantive requirements applicable to seeking admission pro hac vice, but will greatly facilitate the administrative process for lawyers, judges, and court staff. Therefore, Supreme Court Rule (SCR) 10.03 (4) (b) 2 is amended and the Wisconsin Comment to SCR 10.03 (4) (b) 2 of the Supreme Court Rules is amended. The amended comment to SCR 10.03 (4) (b) 2 is not adopted, but will be published and may be consulted for guidance in interpreting and applying the rule. This rule applies to proceedings commenced after March 6, 2015 and, insofar as is just and practicable, proceedings pending on March 6, 2015. Order filed March 6, 2015.

Petition 13-16A: In the matter of the Petition to Amend Wisconsin Statute § 887.24: Depositions and discovery; for use in other states, filed on November 13, 2013 by the Wisconsin Judicial Council. The court received written communications and held a public hearing on September 29, 2014. At the open administrative rules conference on December 5, 2014, the court discussed various aspects of the proposal and voted to return the petition to the Judicial Council for editing and refinements reflecting the court's discussions. The petition was returned to the petitioner. The court may hold further proceedings in this matter following its receipt of an amended rules petition from the Wisconsin Judicial Council. Order filed March 12, 2015.

Petition 14-01: In the matter of the Petition to Create Wisconsin Statute § (RULE) 809.86. On January 21, 2014, the Wisconsin Judicial Council filed an administrative rule petition, pursuant to Wis. Stat. § 751.12, asking the court to create a rule requiring the use of initials in appellate briefs and in appellate court decisions in order to protect the identity of certain crime victims. Public hearing was held on September 22, 2014. After a request for additional information, the court voted 6:1 to adopt the petition, as amended, and to adopt the other changes discussed and decided by the court. Chief Justice Abrahamson writes separately. Wis. Stat. §§ (RULES) 809.19 (1) (g), 809.19 (2) (a), 809.19 (2) (b) and 809.81 (8) are amended. Wis. Stat. § (RULE) 809.86 is created. The Judicial Council note to Wis. Stat. § (RULE) 809.86 is not adopted, but will be published and may be consulted for guidance in interpreting and applying the rule. Order filed March 2, 2015, effective July 1, 2015.

Petition 07-11C and 14-02: This order advises petitioners and interested persons of the status of two separate administrative rule petitions that both relate to Wis. Stat. § 801.54, governing the discretionary transfer of cases to tribal court. Petitioner Amanda Gerondale's request to be dismissed from rule petition 14-02 is granted. The court will conduct a public hearing in the fall of 2015 to review the operation of Wis. Stat. § 801.54. See S. Ct. Order 07-11, 2008 WI 114 (iss. Jul. 31, 2008, eff. Jan. 1, 2009) (Roggensack, J., dissenting), as amended, by S. Ct. Order 07-11A, 2009 WI 63 (Jul. 1, 2009) (Roggensack, J., dissenting). On the same date, it will consider rule petition 14-02: Petition to Amend/Dissolve Wisconsin Statute § 801.54 Discretionary Transfer of Civil Actions to Tribal Court. Order filed March 17, 2015.

Petition 14-04: In the matter of the Petition to Create Wisconsin Statute § 801.19: Protected information in circuit court records. A public hearing was held on April 28, 2015 and on May 29, 2015, the Committee provided the court with a revised draft responsive to the court's directions. It is ordered, §§ 48.396 (2) (ad), 801.19, 801.20, 801.21, 938.396 (2) (b) and 971.027

of the statutes are created. It is further ordered § 938.396 (2) of the statutes is renumbered to 938.396 (2) (a). The rules adopted pursuant to this order shall apply to proceedings commenced after the effective date of this order and, insofar as is just and practicable, to proceedings pending on the effective date. The comments to Wis. Stat. §§ 801.19, 801.20, and 801.21 are not adopted, but will be published and may be consulted for guidance in interpreting and applying the rule. Order filed August 27, 2015, effective July 1, 2016.

Petition 14-05: In the Matter of the Amendment of Supreme Court Rule 20:3.4(a). On November 10, 2014, Attorney Christopher L. Wiesmueller filed a petition asking this court to amend or clarify Supreme Court Rule (SCR) 20:3.4(a). After receiving comments, the court discussed this petition at open rules conference on February 26, 2015, and, persuaded by the comments filed in opposition to the petition, voted to deny the petition without holding a hearing. Order filed July 6, 2015.