



# Supreme Court of Wisconsin

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## WISCONSIN SUPREME COURT MONTHLY STATISTICAL REPORT

### July 2016

This statistical report presents information about the case filings and dispositions of the Wisconsin Supreme Court during the month of July 2016 and to date for the term that began on September 1, 2015.

#### Opinions Issued by the Court

The Supreme Court issued opinions involving 21 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 2016</u> | <u>Term to Date</u> |
|---|------------------|---------------------|
| Total number of cases resolved by opinion ..... | <u>21</u>        | <u>106</u>          |
| Attorney disciplinary cases .....               | 11               | 45                  |
| Judicial disciplinary cases.....                | 0                | 0                   |
| Bar admission cases.. ..                        | 0                | 1                   |
| Civil cases .....                               | 5                | 41                  |
| Criminal cases .....                            | 5                | 19                  |

#### Petitions for Review

A total of 45 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 4 petitions for review, of which 1 petition was granted. The Supreme Court currently has 171 petitions for review pending.

|                                  | <u>July 2016</u> | <u>Term to Date</u> |
|----------------------------------|------------------|---------------------|
| Petitions for Review filed ..... | <u>45</u>        | <u>575</u>          |
| Civil cases .....                | 17               | 262                 |
| Criminal cases .....             | 28               | 313                 |

|  |          |            |
|--|----------|------------|
| Petition for Review dispositions .....   | <u>3</u> | <u>595</u> |
| Civil cases (petitions granted).....     | 2 (1)    | 293 (29)   |
| Criminal cases (petitions granted) ..... | 1 (0)    | 302 (21)   |

Petitions for Bypass

In July, the Supreme Court received 1 petition for bypass and disposed of 1 petition 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 1 petition for bypass pending.

|  | <u>July 2016</u> | <u>Term to Date</u> |
|--|------------------|---------------------|
| Petitions for Bypass filed .....         | <u>1</u>         | <u>5</u>            |
| Civil cases .....                        | 1                | 4                   |
| Criminal cases .....                     | 0                | 1                   |
| Petition for Bypass dispositions.....    | <u>1</u>         | <u>8</u>            |
| Civil cases (petitions granted).....     | 1 (0)            | 7 (2)               |
| Criminal cases (petitions granted) ..... | 0 (0)            | 1 (0)               |

Requests for Certification

During July 2016, the Supreme Court received no requests for certification and disposed of 1 request 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 no requests for certification pending.

|   | <u>July 2016</u> | <u>Term to Date</u> |
|---|------------------|---------------------|
| Requests for Certification filed .....      | <u>0</u>         | <u>9</u>            |
| Civil cases .....                           | 0                | 4                   |
| Criminal cases .....                        | 0                | 5                   |
| Request for Certification dispositions..... | <u>0</u>         | <u>9</u>            |
| Civil cases (requests granted) .....        | 0 (0)            | 4 (4)               |
| Criminal cases (requests granted) .....     | 0 (0)            | 5 (3)               |

Regulatory Matters, Supervisory Writs, and Original Actions

During the month, a total of 2 matters within the regulatory jurisdiction of the Court (bar admission, lawyer discipline, and judicial discipline) were filed and 2 such cases were reopened. The Supreme Court also received 2 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 10 petitions for supervisory writ pending.

|   | <u>July 2016</u> | <u>Term to Date</u> |
|---|------------------|---------------------|
| <u>Filings</u>                                      |                  |                     |
| Attorney discipline (including reopened cases)..... | 4                | 62                  |
| Judicial discipline.....                            | 0                | 0                   |
| Bar admission.....                                  | 0                | 1                   |
| Petitions for Supervisory Writ .....                | 2                | 30                  |
| Other (including Original Actions).....             | 0                | 2                   |
| <br><u>Dispositions by Order</u>                    |                  |                     |
| Attorney discipline.....                            | 0                | 6                   |
| Judicial discipline.....                            | 0                | 0                   |
| Bar admission.....                                  | 0                | 0                   |
| Petitions for Supervisory Writ .....                | 0                | 26                  |
| Other (including Original Actions).....             | 0                | 8                   |

**DECISIONS BY THE  
WISCONSIN SUPREME COURT**

**OPINIONS ISSUED DURING July 2016**

| <u>Docket No.</u>          | <u>Title</u>  | <u>Date</u> |
|----------------------------|---|-------------|
| 2007AP776-D                | Office of Lawyer Regulation (OLR) v.<br>Godfrey Y. Muwonge<br>Reinstatement Granted<br>Per Curiam <sup>1</sup>  | 07/01/2016  |
| 1999AP62-D<br>2002AP2962-D | Board of Attorneys Professional<br>Responsibility (BAPR) v. Jane A. Edgar<br>OLR v. Jane A. Edgar<br>Reinstatement Granted with conditions.<br>Per Curiam | 07/08/2016  |
| 2014AP2633-D               | OLR v. William J. Spangler<br>License Suspended<br>Per Curiam   | 07/08/2016  |
| 2015AP654-D                | OLR v. Peter J. Kovac<br>License Suspended<br>Per Curiam  | 07/08/2016  |
| 2014AP2150-D               | OLR v. Othman M. Atta<br>Public Reprimand<br>Per Curiam   | 07/14/2016  |
| 2010AP2942-D               | OLR v. John Kenyatta Riley<br>Public Reprimand<br>Per Curiam  | 07/15/2016  |
| 2015AP2303-D               | OLR v. Scott E. Selmer<br>License Suspended<br>Per Curiam   | 07/15/2016  |
| 2016AP617-D                | OLR v. Diane R. Caspari<br>License Suspended<br>Per Curiam  | 07/19/2016  |

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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.

|             |   |            |
|-------------|---|------------|
| 2012AP385-D | OLR v. Mary K. Biester<br>License Suspended<br>Per Curiam | 07/22/2016 |
| 2016AP101-D | OLR v. Matthew H. Marx<br>License Suspended<br>Per Curiam | 07/22/2016 |

**CIVIL AND CRIMINAL CASES**

| <b><u>Docket No.</u></b> | <b><u>Title</u></b>   | <b><u>Date</u></b> |
|--------------------------|---|--------------------|
| 2014AP2238-CR            | State v. Mastella L. Jackson<br>Court of Appeals decision affirmed.<br><u>Majority Opinion</u> : Prosser, J.<br><u>Dissent</u> : Abrahamson., J. joined by A.W. Bradley, J.   | 07/01/2016         |
| 2012AP2578               | Sonja Blake v. Debra Jossart<br>Court of Appeals decision affirmed.<br><u>Majority Opinion</u> : Prosser, J.<br><u>Dissent</u> : Abrahamson., J. joined by A.W. Bradley, J.   | 07/06/2016         |
| 2013AP646-CR             | State v. Leopoldo R. Salas Gayton<br>Court of Appeals decision affirmed.<br><u>Majority Opinion</u> : Prosser, J.<br><u>Concur</u> : A.W. Bradley, J. joined by Abrahamson, J. Roggensack, C.J. did not participate.      | 07/06/2016         |
| 2014AP157                | Dennis D. Dufour v. Progressive Classic Ins. Co.<br>Court of Appeals decision reversed.<br><u>Majority Opinion</u> : Roggensack, C.J.<br><u>Concur/Dissent</u> : Abrahamson, J. joined by A.W. Bradley                    | 07/06/2016         |
| 2014AP2488-CR            | State v. Timothy L. Finley, Jr.<br>Court of Appeals decision affirmed and remanded to the circuit court.<br><u>Majority Opinion</u> : Abrahamson, J.<br><u>Dissent</u> : Ziegler, J.<br><u>Dissent</u> : R.G. Bradley, J. | 07/12/2016         |

|               |  |            |
|---------------|--|------------|
| 2015AP179     | Lands' End, Inc. v. City of Dodgeville<br>Order/Judgment of Circuit Court affirmed.<br><u>Majority Opinion</u> : Abrahamson, J.<br><u>Concur</u> : Ziegler, J.<br><u>Dissent</u> : Prosser, J. joined by Roggensack, C.J.<br>R.G. Bradley, J. did not participate.   | 07/12/2016 |
| 2015AP869     | City of Eau Claire v. Melissa M. Booth<br>Order of the Circuit Court reversed and remanded.<br><u>Majority Opinion</u> : R.G. Bradley, J.<br><u>Dissent</u> : Abrahamson, J. joined by A.W. Bradley, J.  | 07/12/2016 |
| 2011AP2680-CR | State v. Patrick J. Lynch<br>As result of a divided court, the law remains as the<br>court of appeals has articulated it.<br><u>Majority Opinion</u> : Gableman, J.<br><u>Concur</u> : Roggensack, C.J.<br><u>Concur/Dissent</u> : Abrahamson, J. and A.W. Bradley, J.<br><u>Dissent</u> : Prosser, J.<br><u>Dissent</u> : Ziegler, J. | 07/13/2016 |
| 2013AP001724  | Aman Singh v. Paul Kemper<br>Court of Appeals decision affirmed in part/reversed in<br>part.<br><u>Majority Opinion</u> : A.W. Bradley, J.<br><u>Concur</u> : Prosser, J.<br><u>Concur/Dissent</u> : Ziegler, J. joined by Gableman, J.<br><u>Dissent</u> : R.G. Bradley, J. joined by Roggensack, C.J.                                | 07/13/2016 |
| 2015AP157-CR  | State v. Eric L. Loomis<br>Order of the Circuit Court affirmed.<br><u>Majority Opinion</u> : A.W. Bradley, J.<br><u>Concur</u> : Roggensack, C.J.<br><u>Concur</u> : Abrahamson, J.  | 07/13/2016 |