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WISCONSIN SUPREME COURT ANNUAL STATISTICAL REPORT

2015-2016 TERM

This annual statistical report presents information about the work of the Wisconsin Supreme Court in its judicial and rulemaking functions from September 1, 2015 through August 31, 2016. 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 106 cases¹ during the 2015-2016 term.

	<u>2015-16</u>	<u>2014-15</u>
Total number of cases resolved by opinion	<u>106</u>	<u>117</u>
Attorney discipline cases	45	48
Judicial discipline cases	0	0
Bar admission cases	1	1
Civil cases	41	34
Criminal cases	19	34

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 41 authored opinions for this term.

Petitions for Review

A total of 642 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 2015-2016 term, the Supreme Court disposed of 600 petitions for review, of which 50 petitions were granted. At the end of the term, the Court had 232 petitions for review pending.

	<u>2015-16</u>	<u>2014-15</u>
Petitions for Review filed	<u>642</u>	<u>732</u>
Civil cases	295	364
Criminal cases	347	368
 Petition for Review dispositions	 <u>600</u>	 <u>836</u>
Civil cases (petitions granted).....	296 (29)	408 (30)
Criminal cases (petitions granted)	304 (21)	428 (22)

Petitions for Bypass

This term, the Supreme Court received 6 petitions for bypass and disposed of 8 petitions for bypass, of which 2 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 2 petitions for bypass pending.

	<u>2015-16</u>	<u>2014-15</u>
Petitions for Bypass filed	<u>6</u>	<u>13</u>
Civil cases	5	11
Criminal cases	1	2
 Petition for Bypass dispositions.....	 <u>8</u>	 <u>20</u>
Civil cases (petitions granted).....	7 (2)	17 (6)
Criminal cases (petitions granted)	1 (0)	3 (0)

Requests for Certification

During the 2015-2016 term, the Supreme Court received 10 requests for certification and disposed of 9 requests for certification, of which 7 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 1 request for certification pending.

	<u>2015-16</u>	<u>2014-15</u>
Requests for Certification filed.....	<u>10</u>	<u>6</u>
Civil cases	5	4
Criminal cases	5	2
Request for Certification dispositions.....	<u>9</u>	<u>6</u>
Civil cases (requests granted)	4 (4)	4 (4)
Criminal cases (requests granted)	5 (3)	2 (2)

Regulatory Matters, Supervisory Writs, and Original Actions

During the 2015-16 term, a total of 67 matters within the regulatory jurisdiction of the Court (bar admission, lawyer discipline, and judicial discipline) were filed. The Supreme Court also received 36 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. Two 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 32 regulatory matters and 15 petitions for supervisory writ pending.

	<u>2015-16</u>	<u>2014-15</u>
<u>Filings</u>		
Attorney discipline.....	66	68
Judicial discipline.....	0	0
Bar admission.....	1	1
Petitions for Supervisory Writ	36	54
Other (including Original Actions).....	2	6
<u>Dispositions by Order</u>		
Attorney discipline.....	6	3
Judicial discipline.....	0	0
Bar admission.....	0	0
Petitions for Supervisory Writ	26	58
Other (including Original Actions).....	8	9

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 7 rules hearings and convened 11 open administrative conferences at which 20 petitions were discussed. During the term, the Court issued 17 orders, 8 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 08-17A: In the matter of Review of the Creation of an Access to Justice Commission. On July 5, 2009, the court issued an order creating Supreme Court Rule Ch. 14, establishing a statewide Access to Justice Commission ("Commission"). This order established an evaluation "(s)ix months before the State bar's three-year funding ends". The court discussed and ordered that the Access to Justice Commission shall continue in effect until further order of the court. Order filed July 19, 2016.

Petition 14-03: In the matter of the Petition to Create Wisconsin Statute § 801.18. Petition filed on October 31, 2014 by the Committee of Chief Judges ("Committee"). The court discussed the petition on November 17, 2014 and a public hearing was held on March 17, 2015. After extensive discussion at the ensuing open administrative conference, the court voted to discuss the matter again at an open conference in June 2015. On May 21, 2015, the Committee filed a letter advising the court that it was exploring alternative models with reduced start-up costs and requesting that the court postpone any follow-up conference on the rule petition until further notice. The court agreed. On December 23, 2015, the Committee filed an amended petition. A public hearing was conducted on February 23, 2016 and the court discussed the matter in open administrative conference. On March 10, 2016, a draft order, marked to reflect proposed changes from the language set forth in the amended petition was posted on the court rules website and provided to the court for its consideration and review. The court discussed the draft order on March 17, 2016 and the majority of the court voted 5:2 (Justice Abrahamson and Justice Ann Walsh Bradley) to approve the order as drafted. Order filed April 28, 2016, effective July 1, 2016. Corrected order, 14-03A, issued on August 17, 2016, effective the date of the order.

Petition 14-06: In the Matter of the Petition to Amend Supreme Court Rules 22.001(2), 22.02(6)(c), 22.03(1), 22.25(3), and 22.25(4). Petition filed December 15, 2014, by the Office of Lawyer Regulation (OLR), OLR Director Keith Sellen. The court discussed this petition at open rules conference on January 20, 2015. The court conducted a public hearing on the petition on Monday, September 21, 2015. The court discussed the matter at its December 4, 2015 open administrative rules conference, and voted unanimously to adopt the petition in concept. A revised draft order was circulated to the court on January 12, 2016, and was adopted by email vote. Order filed April 21, 2016, effective July 1, 2016.

Petition 14-07: In the Matter of Petition for Amendment to Rules Relating to Electronic Banking. Petition was filed on December 17, 2014, by the Office of Lawyer Regulation (OLR), OLR Director Keith Sellen. The court discussed this petition at an open administrative rules conference on January 20, 2015, and voted to schedule a public hearing. The court conducted a public hearing on the petition on December 4, 2015. The court discussed the matter at some length at its open administrative rules conference on December 14, 2015 and granted the petition. Order filed April 4, 2016, effective July 1, 2016.

Petition 15-02: In the Matter of the Amendment of Rules of Appellate Procedure, Wis. Stat. §§ 809.01, 809.105, 809.11, and 809.15. On June 23, 2015, Diane Fremgen, Clerk of the Wisconsin Supreme Court and Court of Appeals, filed a rule petition asking the court to amend certain sections of Wis. Stat. Chapter 809 related to the transmitting and keeping of appellate records in an effort to permit and facilitate the use of electronic records in appellate matters. The court conducted a public hearing on the petition on Tuesday, October 13, 2015. At open administrative rules conference on November 16, 2015, the court discussed this petition. The court noted the petitioner's letter and the amended proposal submitted by the petitioner. The court then voted unanimously to adopt the petition, as amended. Order filed November 25, 2016, effective July 1, 2016.

Petition 15-03: In the Matter of the Petition for Amendments to Rules of Professional Conduct for Attorneys. On June 30, 2015, the State Bar of Wisconsin (State Bar), by then-President Robert R. Gagan, filed the rule petition on behalf of the State Bar's Standing Committee on Professional Ethics. The court discussed the petition at open rules conference on November 16, 2015 and voted to schedule two public hearings. The first public hearing was held on January 22, 2016, and focused on proposed amendments that are identical to amendments made by the American Bar Association to the Model Rules of Professional Conduct (ABA Model Rules). A second public hearing was held on February 23, 2016. This hearing focused on proposed amendments not identical to or included in changes to the ABA Model Rules. The court discussed the matter at an open administrative rules conference on April 13, 2016 and again on May 12, and voted 6 to 1 to adopt the proposed amendments. Order filed July 21, 2016, effective January 1, 2017.

Petition 15-05: In the matter of the Petition to Amend Supreme Court Rule Chapter 31 and Chapter 10.03. On October 7, 2015, the State Bar of Wisconsin (State Bar), by its President, Ralph M. Cagle, filed this rule petition. The court discussed the petition at open rules conference on December 4, 2015, and held a public hearing on April 13, 2016. At its open rules conference following the hearing the court discussed the proposal and voted, 5-2, to adopt the petition, with the inclusion of language clarifying that CLE credit for pro bono service is not available to lawyers seeking readmission, reinstatement, or reactivation. Order filed July 21, 2016, effective January 1, 2017.

Petition 15-06: In the Matter of the Petition to Amend Wis. Stat. § 803.08 to Allocate a Portion of Unclaimed Class Action Awards to Support the Provision of Legal Services to Low Income and Indigent Persons. On October 9, 2015, the Wisconsin Access to Justice Commission, by David J. Harth and Melody K. Glazer, filed this rule petition asking the court to amend Wis. Stat. § 803.08 to allow the allocation of a portion of unclaimed class action awards to the Wisconsin Trust Account Foundation, Inc. (WisTAF) for the support of legal services to

low-income and indigent persons. The court discussed this petition at open rules conference on December 4, 2015 and on January 22, 2016, and held a public hearing on April 13, 2016. At the ensuing open rules conference, the court discussed the petition and voted unanimously to amend the rule as requested by the petitioner. The petition was granted as amended. Order filed June 24, 2016, effective January 1, 2017.