



# Supreme Court of Wisconsin

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## WISCONSIN SUPREME COURT MONTHLY STATISTICAL REPORT

### JULY 2008

This statistical report presents information about the case filings and dispositions of the Wisconsin Supreme Court during the month of July 2008 and to date for the term that began on September 1, 2007.

#### Opinions Issued by the Court

The Supreme Court issued opinions resolving 35 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 2008</u>	<u>Term to Date</u>
Total number of cases resolved by opinion .....	<u>35</u>	<u>108</u>
Attorney/Judicial disciplinary cases .....	8	34
Civil cases .....	19	49
Criminal cases .....	8	25

#### Petitions for Review

A total of 72 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 60 petitions for review, of which 5 petitions were granted. The Supreme Court currently has 184 petitions for review pending.

	<u>July 2008</u>	<u>Term to Date</u>
Petitions for Review filed .....	<u>72</u>	<u>755</u>
Civil cases .....	38	436
Criminal cases .....	34	319

Petition for Review dispositions .....	<u>60</u>	<u>750</u>
Civil cases (petitions granted).....	29 (1)	415 (41)
Criminal cases (petitions granted) .....	31 (4)	335 (26)

### Petitions for Bypass

The Supreme Court received 2 petitions for bypass and disposed of 2 petitions for bypass this month. 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 2008</u>	<u>Term to Date</u>
Petitions for Bypass filed .....	<u>2</u>	<u>12</u>
Civil cases .....	1	8
Criminal cases .....	1	4
Petition for Bypass dispositions.....	<u>2</u>	<u>11</u>
Civil cases (petitions granted).....	2 (0)	8 (0)
Criminal cases (petitions granted) .....	0 (0)	3 (0)

### Requests for Certification

During July 2008, the Supreme Court received no requests for certification and disposed of 2 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 4 requests for certification pending.

	<u>July 2008</u>	<u>Term to Date</u>
Requests for Certification filed.....	<u>0</u>	<u>13</u>
Civil cases .....	0	7
Criminal cases .....	0	6
Request for Certification dispositions.....	<u>2</u>	<u>20</u>
Civil cases (requests granted) .....	1 (1)	10 (4)
Criminal cases (requests granted) .....	1 (0)	10 (6)

Regulatory Matters, Supervisory Writs, and Original Actions

During the month, a total of 6 matters within the regulatory jurisdiction of the Court (bar admission, lawyer discipline, and judicial discipline) were filed (including 2 reopened cases). The Supreme Court also received 4 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 8 petitions for supervisory writ pending.

	<u>July 2008</u>	<u>Term to Date</u>
<u>Filings</u>		
Attorney/Judicial disciplinary and bar admission.....	6	69
Petitions for Supervisory Writ .....	4	50
Other (including Original Actions).....	0	2
 <u>Dispositions by Order</u>		
Attorney/Judicial disciplinary and bar admission.....	4	20
Petitions for Supervisory Writ .....	10	44
Other (including Original Actions).....	0	14

**DECISIONS BY THE  
WISCONSIN SUPREME COURT**

**OPINIONS ISSUED DURING JULY 2008**

**ATTORNEY DISCIPLINE CASES**

<b><u>Docket No.</u></b>	<b><u>Title</u></b>	<b><u>Date</u></b>
2007AP002270-D	Office of Lawyer Regulation (OLR) v. Terrence J. Woods 90 Day Suspension Per Curiam <sup>1</sup>	07/01/2008
2007AP000208-D	OLR v. R. L. McNeely 60 Day Suspension Per Curiam Butler, Jr., J. did not participate.	07/15/2008
2006AP002629-D	OLR v. Kristin J. Gernetzke Reinstatement Granted Upon Conditions Per Curiam	07/17/2008
2008AP000181-D	OLR v. Maureen B. Fitzgerald 60 Day Suspension Per Curiam	07/17/2008
2007AP000588-D	OLR v. Joan M. Boyd 5 Month Suspension Per Curiam	07/18/2008
2006AP002430-D	OLR v. Carlos A. Gamiño 18 Month Suspension Per Curiam	07/30/2008
2008AP000553-D	OLR v. Michael F. Swensen License Revoked Per Curiam	07/31/2008
2008AP000570-D	OLR v. Eric L. Crandall 30 Day Suspension Per Curiam	07/31/2008

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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.

## CIVIL AND CRIMINAL CASES

<u>Docket No.</u>	<u>Title</u>	<u>Date</u>
2005AP002855	Shannon Below v. Dion R. Norton Court of Appeals Affirmed and Remanded <u>Majority Opinion:</u> Crooks, J. <u>Dissent:</u> Bradley, J., joined by Abrahamson, C.J. and Butler, Jr., J.	07/01/2008
2006AP000405	Gregory A. Liebovich v. Minnesota Insurance Company Court of Appeals Affirmed and, as modified, Cause Remanded <u>Majority Opinion:</u> Butler, Jr., J. Ziegler, J. did not participate.	07/01/2008
2006AP000450	Town of Rhine v. Brock O. Bizzell Court of Appeals Affirmed in Part, Reversed in Part, and Cause Remanded <u>Majority Opinion:</u> Ziegler, J. <u>Concurrence:</u> Abrahamson, C.J.	07/01/2008
2006AP003092	Michael J. Watton v. Nannette H. Hegerty Court of Appeals Reversed <u>Majority Opinion:</u> Roggensack, J. <u>Concurrence:</u> Abrahamson, C.J., joined by Bradley, J.	07/01/2008
2006AP001566	Estate of Dale Otto v. Physicians Insurance Company of Wisconsin, Inc. Court of Appeals Affirmed <u>Majority Opinion:</u> Abrahamson, C.J. <u>Dissent:</u> Roggensack, J., joined by Prosser, J. and Ziegler, J.	07/03/2008
2006AP001859	Walgreen Co. v. City of Madison Court of Appeals Reversed and Remanded <u>Majority Opinion:</u> Butler, Jr., J. <u>Concurrence:</u> Abrahamson, C.J.	07/08/2008

2005AP002935	<p>Taneceia Larry v. Derrick L. Harris  Court of Appeals Affirmed in part, Reversed  in part, and Cause Remanded  <u>Majority Opinion</u>: Roggensack, J.  <u>Concurrence</u>: Abrahamson, C.J.  <u>Concurrence/Dissent</u>: Butler, Jr., J.</p>	07/09/2008
2006AP000974-CR	<p>State v. Ramon Lopez Arias  Circuit Court Reversed and Cause Remanded  <u>Majority Opinion</u>: Roggensack, J.  <u>Dissent</u>: Bradley, J., joined by Abrahamson,  C.J., and Butler, Jr., J.</p>	07/09/2008
2006AP002060-CR	<p>State v. Dwight M. Sanders  Court of Appeals Affirmed  <u>Majority Opinion</u>: Abrahamson, C.J.  <u>Concurrence</u>: Prosser, J., joined by  Roggensack, J. and Ziegler, J.  <u>Concurrence</u>: Butler, Jr., J.</p>	07/09/2008
2006AP002554	<p>Town of Madison v. County of Dane  Court of Appeals Reversed and Remanded  <u>Majority Opinion</u>: Butler, Jr., J.  <u>Concurrence</u>: Abrahamson, C.J.  <u>Dissent</u>: Roggensack, J., joined by Prosser, J.  and Ziegler, J.</p>	07/09/2008
2006AP002744-CR	<p>State v. Alexander Caleb Grunke  Court of Appeals Reversed and Remanded  <u>Majority Opinion</u>: Roggensack, J.  <u>Concurrence</u>: Abrahamson, C.J.  <u>Dissent</u>: Bradley, J. and Butler, Jr., J.</p>	07/09/2008
2006AP002745-CR	<p>State v. Nicholas Owen Grunke  Court of Appeals Reversed and Remanded  <u>Majority Opinion</u>: Roggensack, J.  <u>Concurrence</u>: Abrahamson, C.J.  <u>Dissent</u>: Bradley, J. and Butler, Jr., J.</p>	07/09/2008
2006AP002746-CR	<p>State v. Dustin Blake Radke  Court of Appeals Reversed and Remanded  <u>Majority Opinion</u>: Roggensack, J.  <u>Concurrence</u>: Abrahamson, C.J.  <u>Dissent</u>: Bradley, J. and Butler, Jr., J.</p>	07/09/2008

2005AP001287	Robert Stuart v. Weisflog's Showroom Gallery, Inc. Court of Appeals Reversed and Remanded <u>Majority Opinion:</u> Butler, Jr., J. <u>Concurrence:</u> Bradley, J., joined by Abrahamson, C.J. <u>Concurrence:</u> Roggensack, J., joined by Ziegler, J.	07/10/2008
2006AP000939	Estate of James B. Sustache v. American Family Mutual Ins. Co. Court of Appeals Affirmed <u>Majority Opinion:</u> Prosser, J. <u>Concurrence:</u> Bradley, J.	07/10/2008
2004AP003239	Wisconsin Department of Revenue v. Menasha Corporation Court of Appeals Affirmed <u>Majority Opinion:</u> Ziegler, J. <u>Concurrence:</u> Crooks, J., joined by Prosser, J. and Roggensack, J. <u>Dissent:</u> Abrahamson, C.J., joined by Bradley, J. and Butler, Jr., J. <u>Dissent:</u> Bradley, J., joined by Butler, Jr., J.	07/11/2008
2005AP001026	Barbara Sands v. The Whitnall School District Court of Appeals Reversed and Remanded <u>Majority Opinion:</u> Butler, Jr., J. <u>Dissent:</u> Prosser, J.	07/11/2008
2006AP000662	State v. Beaver Dam Area Development Corporation Circuit Court Reversed and Cause Remanded <u>Majority Opinion:</u> Bradley, J. <u>Dissent:</u> Prosser, J., joined by Roggensack, J. Ziegler, J. did not participate.	07/11/2008
2005AP001527	Berner Cheese Corp. v. Lyle A. Krug Court of Appeals Affirmed <u>Majority Opinion:</u> Roggensack, J. <u>Concurrence:</u> Bradley, J., joined by Abrahamson, C.J. and Butler, Jr., J.	07/15/2008

2006AP000102-CR	State v. Nathaniel L. Sumner Court of Appeals Reversed <u>Majority Opinion:</u> Prosser, J.	07/15/2008
2006AP001094	Jeannie Hefty v. Daniel R. Strickhouser Court of Appeals Affirmed and Cause Remanded <u>Majority Opinion:</u> Prosser, J. <u>Dissent:</u> Ziegler, J.	07/15/2008
2006AP001956	Jeannie Hefty v. Daniel R. Strickhouser Court of Appeals Affirmed and Cause Remanded <u>Majority Opinion:</u> Prosser, J. <u>Dissent:</u> Ziegler, J.	07/15/2008
2006AP002254-CR	State v. Carmen L. Doss Court of Appeals Reversed <u>Majority Opinion:</u> Butler, Jr., J.	07/15/2008
2006AP002753-CR	State v. Jonathan J. Hubbard Court of Appeals Reversed <u>Majority Opinion:</u> Prosser, J. <u>Concurrence:</u> Abrahamson, C.J., joined by Bradley, J. and Butler, Jr., J. <u>Concurrence:</u> Butler, Jr., J.	07/15/2008
2006AP000291	Kenneth W. Hornback v. Archdiocese of Milwaukee Court of Appeals Affirmed <u>Majority Opinion:</u> Butler, Jr., J. Prosser, J. did not participate.	07/16/2008
2006AP000818	J. G. v. Deborah S. Wangard Court of Appeals Affirmed <u>Majority Opinion:</u> Prosser, J. <u>Dissent:</u> Bradley, J., joined by Abrahamson, C.J. and Butler, Jr., J. <u>Dissent:</u> Butler, Jr., J., joined by Abrahamson, C.J. and Bradley, J.	07/16/2008
2006AP001521	Hans Rechsteiner v. Hazelden Court of Appeals Affirmed <u>Majority Opinion:</u> Prosser, J. Butler, Jr., J. did not participate.	07/16/2008