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WISCONSIN SUPREME COURT ANNUAL STATISTICAL REPORT

2007-2008 TERM

This annual statistical report presents information about the work of the Wisconsin Supreme Court in its judicial and rulemaking functions from September 1, 2007 through August 31, 2008. 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 109 cases during the 2007-2008 term.

| | <u>2007-08</u> | <u>2006-07</u> |
|-------------------------------------------------|----------------|----------------|
| Total number of cases resolved by opinion | <u>109</u> | <u>110</u> |
| Attorney discipline cases | 34 | 45 |
| Judicial discipline cases | 1 | 1 |
| Bar admission cases | 0 | 0 |
| Civil cases | 49 | 47 |
| Criminal cases | 25 | 17 |

Petitions for Review

A total of 824 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 2007-2008 term, the Supreme Court disposed of 812 petitions for review, of which 71 petitions were granted. At the end of the term, the Court had 191 petitions for review pending.

| | <u>2007-08</u> | <u>2006-07</u> |
|--------------------------------------------|----------------|----------------|
| Petitions for Review filed | <u>824</u> | <u>810</u> |
| Civil cases | 470 | 457 |
| Criminal cases | 354 | 353 |
| Petition for Review dispositions | <u>812</u> | <u>826</u> |
| Civil cases (petitions granted)..... | 456 (45) | 479 (54) |
| Criminal cases (petitions granted) | 356 (26) | 347 (21) |

Petitions for Bypass

The Supreme Court received 16 petitions for bypass and disposed of 14 petitions for bypass this term. 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>2007-08</u> | <u>2006-07</u> |
|-------------------------------------------|----------------|----------------|
| Petitions for Bypass filed..... | <u>16</u> | <u>29</u> |
| Civil cases | 11 | 27 |
| Criminal cases | 5 | 2 |
| Petition for Bypass dispositions..... | <u>14</u> | <u>31</u> |
| Civil cases (petitions granted)..... | 11 (0) | 27 (0) |
| Criminal cases (petitions granted) | 3 (0) | 4 (0) |

Requests for Certification

During the 2007-2008 term, the Supreme Court received 14 requests for certification and disposed of 23 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. At the end of the term, the Court had 2 requests for certification pending.

| | <u>2007-08</u> | <u>2006-07</u> |
|---------------------------------------------|----------------|----------------|
| Requests for Certification filed..... | 14 | 21 |
| Civil cases | 7 | 14 |
| Criminal cases | 7 | 7 |
| Request for Certification dispositions..... | 23 | 14 |
| Civil cases (requests granted) | 12 (6) | 11 (8) |
| Criminal cases (requests granted) | 11 (7) | 3 (2) |

Regulatory Matters, Supervisory Writs, and Original Actions

During the 2007-2008 term, a total of 75 matters within the regulatory jurisdiction of the Court (bar admission, lawyer discipline, and judicial discipline) were filed. The Supreme Court also received 53 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. In addition, two certified questions were received from the U.S. Court of Appeals for the Seventh Circuit. 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 42 regulatory matters and 7 petitions for supervisory writ pending.

| | <u>2007-08</u> | <u>2006-07</u> |
|-----------------------------------------|----------------|----------------|
| <u>Filings</u> | | |
| Attorney discipline..... | 73 | 58 |
| Judicial discipline..... | 1 | 0 |
| Bar admission..... | 1 | 1 |
| Petitions for Supervisory Writ | 53 | 41 |
| Other (including Original Actions)..... | 4 | 2 |

Dispositions by Order

| | | |
|-----------------------------------------|----|----|
| Attorney discipline..... | 19 | 13 |
| Judicial discipline..... | 0 | 0 |
| Bar admission..... | 1 | 2 |
| Petitions for Supervisory Writ | 48 | 29 |
| Other (including Original Actions)..... | 15 | 13 |

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 11 rules hearings and convened 14 open administrative conferences at which 25 petitions were considered. During the term, the Court adopted 19 amendments or new rules governing practice and procedure in Wisconsin.

New and Amended Rules

The Court adopted the following new and amended rules during the term:

Petition 04-08 (In the matter of: Proposed Amendments to Wis. Stat. ss. (Rule) 809.30, 809.32 and 809.62). Issued July 30, 2008, this rule amendment makes a number of changes to the appellate rules, including allowing a notice of intent to pursue postconviction or postdisposition relief that is filed too early to be deemed filed on the date that a judgment and sentence or other final adjudication is filed. Effective 01-01-09.

Petition 05-06 (In the matter of Proposed Amendment to Wis. Stat. s. 887.26). Issued April 29, 2008, this rule amendment relates to requirements for oral and written depositions conducted outside the state of Wisconsin. Effective 07-01-08.

Petition 06-06 (In the matter of Petition of the State Bar of Wisconsin to Amend Chapter 20 of the Supreme Court Rules). Issued July 30, 2008, this rule amendment pertains to the temporary practice of law by lawyers not licensed to practice in the state of Wisconsin as well as changes to the rules governing admission pro hac vice. Effective 01-01-09.

Petition 06-07 (In the matter of the Creation of a Court Rule Authorizing Use of Electronic Signatures by Court Officials). Issued May 1, 2008, this rule order creates a new Supreme Court rule (SCR 70.42) authorizing the use of electronic signatures by court officials. Effective 05-01-2008.

Petition 06-08 (In the matter of the Creation of a Court Rule Governing Electronic Filing in the Circuit Courts). Issued May 1, 2008, this rule order creates a new rule (section 801.17 of the Wisconsin statutes) governing electronic filing in the circuit courts. Justice Louis B. Butler, Jr. dissented from the adoption of subsection (9)(c) of the rule, which permits the immediate destruction of paper copies of filed documents after scanning by the circuit court clerk. Effective 07-01-2008.

Petition 07-01 (In the matter of the Revision of SCR 11.06 Concerning Group and Prepaid Legal Services Plans). Issued November 14, 2007, this rule amendment requires that a group or prepaid legal services plan may not require a client to submit to binding arbitration of any grievance or dispute related to an attorney's professional services. Effective 11-14-07.

Petition 07-02 (In the matter of the Amendment of SCR 10.05(1) Nonresident Lawyer Representation on the State Bar of Wisconsin Board of Governors). Issued November 14, 2007,

this rule amendment increases the number of nonresident lawyer representatives from 3 to 5. Effective 11-14-07.

Petition 07-03 (In the matter of the proposed Amendment to Wis. Stat. Rule s. (Rule) 809.19 (Briefs and Appendix)). Issued November 1, 2007, this rule change adds language regarding appeals from administrative decisions to the rule governing briefs and appendices. Effective 01-01-08.

Petition 07-04 (In the matter of the Amendment of SCR 40.04 Legal Competence Requirement: Bar Examination; SCR 40.04(5) An Applicant). Issued January 17, 2008, this rule amendment deletes SCR 40.04(5), eliminating the limit on the number of times an individual can sit for the Wisconsin bar examination. Effective 01-17-08.

Petition 07-05 (In the matter of the Amendment of Supreme Court Rule 32.09 regarding continuing education for Wisconsin Judiciary). Issued November 1, 2007, this technical rule change corrects language in the rule governing a judge's compliance with judicial education requirements. Effective 01-01-08.

Petition 07-06 (In the matter of the Amendment of SCR 13.015 and SCR 13.045 Governing the Assessment on Attorneys for WisTAF). Issued March 25, 2008, this rule amendment requires judges as well as attorneys to pay an annual assessment to the Wisconsin Trust Account Foundation (WisTAF). Effective 03-25-08.

Petition 07-07 (In the matter of the Amendment of Supreme Court Rule 32.01). Issued December 14, 2007, this rule amendment adds two circuit court commissioners to the Judicial Education Committee. Effective 12-14-07.

Petition 07-08 (In the matter of the Amendment to Supreme Court Rule SCR 31.04 Relating to Creation of a Comity Rule for Continuing Legal Education). Issued January 11, 2008, this rule amendment provides comity for non-resident Wisconsin-licensed attorneys who meet the continuing legal education requirements of their home jurisdiction. Effective 01-11-08.

Petition 07-10/07-13 (In the matter of the Petition for Revision of SCR 10.04 Concerning the Officers of the State Bar of Wisconsin/In the matter of a petition to review State Bar bylaw amendment). Issued February 12, 2008, this rule amendment limits the terms of office of the president and chairperson of the State Bar board of governors each to one term. Effective 02-12-08.

Petition 07-11 (In re discretionary transfer of civil cases to tribal court). Issued July 31, 2008, this rules order creates a new rule (section 801.54 of the Wisconsin statutes) governing the transfer of civil cases from circuit court to tribal court in Wisconsin. Justice Patience Drake Roggensack dissented from the adoption of the rule, joined by Justices David Prosser and Annette Kingsland Ziegler. Effective 01-01-09.

Petition 07-12 (In the matter of the petition to create a rule governing the use of videoconferencing in the courts). Issued May 1, 2008, this rules order creates a new rule

(Subchapter III of chapter 885 of the Wisconsin statutes) governing the use of videoconferencing in Wisconsin's circuit courts. Effective 07-01-2008.

Petition 07-14 (In the matter of the Amendment to SCR 70.14(2) formalizing vice-chairperson position on the Planning and Policy Advisory Committee (PPAC)). Issued April 2, 2008, this rule amendment calls upon the PPAC chairperson to appoint an existing judicial member of the planning and policy advisory committee to serve as vice-chairperson. Effective 04-02-08.

Petition 07-15 (In the matter of the Proposed Amendment to Wis. Stat. sec. (Rule) 809.18 (Voluntary Dismissal)). Issued April 2, 2008, this rule amendment requires parties to a case pending before the Court of Appeals to immediately notify the court that the matter has been compromised or settled. Effective 07-01-08.

Petition 08-01 (In the Matter of the Amendment of Rules of Pleading, Practice and Procedure: Wis. Stats. Ch. 756, Juries). Issued July 17, 2008, this rules amendment improves and clarifies provisions governing the management of jurors in the circuit courts. Effective 01-01-09.

Other Rules Matters

In addition, the Court adopted a revision of its Internal Operating Procedures (10-19-2007); heard testimony and discussed a proposed rule to define the unauthorized practice of law (Petition 07-09, still pending); and heard testimony, discussed, and rejected a proposed rule that would have provided for the licensing and regulation of paralegals (Petition 04-03).

The Court also discussed at length a petition proposing the adoption of procedures for original action cases involving state legislative redistricting (Petition 02-03). This petition was discussed in the Court's open conference on April 8, 2008 and the proposed rule has been assigned to a staff attorney for redrafting.