



Supreme Court of Wisconsin

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WISCONSIN SUPREME COURT MONTHLY STATISTICAL REPORT

JANUARY 2009

This statistical report presents information about the case filings and dispositions of the Wisconsin Supreme Court during the month of January 2009 and to date for the term that began on September 1, 2008.

Opinions Issued by the Court

The Supreme Court issued nine opinions in January. Information about these opinions, including the Court's dispositions and the names of the authoring justices, can be found on the attached table.

	<u>January 2009</u>	<u>Term to Date</u>
Total number of cases resolved by opinion	<u>9</u>	<u>18</u>
Attorney disciplinary cases	2	7
Judicial disciplinary cases	0	0
Civil cases	5	8
Criminal cases	2	3

Petitions for Review

A total of 73 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 January, the Supreme Court disposed of 45 petitions for review, of which 1 petition was granted. The Supreme Court currently has 190 petitions for review pending.

	<u>January 2009</u>	<u>Term to Date</u>
Petitions for Review filed	<u>73</u>	<u>307</u>
Civil cases	37	152
Criminal cases	36	155

Petition for Review dispositions	<u>45</u>	<u>310</u>
Civil cases (petitions granted).....	23 (0)	168 (18)
Criminal cases (petitions granted)	22 (1)	142 (8)

Petitions for Bypass

The Supreme Court received one petition for bypass and disposed of 0 petitions for bypass in January. 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>January 2009</u>	<u>Term to Date</u>
Petitions for Bypass filed	<u>1</u>	<u>3</u>
Civil cases	1	3
Criminal cases	0	0
Petition for Bypass dispositions.....	<u>0</u>	<u>6</u>
Civil cases (petitions granted).....	0 (0)	4 (0)
Criminal cases (petitions granted)	0 (0)	2 (0)

Requests for Certification

During January 2009, the Supreme Court received 1 request for certification and disposed of 2 requests for certification, of which 1 request was 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. The Supreme Court currently has 1 request for certification pending.

	<u>January 2009</u>	<u>Term to Date</u>
Requests for Certification filed.....	<u>1</u>	<u>4</u>
Civil cases	0	3
Criminal cases	1	1
Request for Certification dispositions.....	<u>2</u>	<u>5</u>
Civil cases (requests granted)	2 (1)	4 (3)
Criminal cases (requests granted)	0 (0)	1 (1)

Regulatory Matters, Supervisory Writs, and Original Actions

During the month, a total of 5 matters within the regulatory jurisdiction of the Court (bar admission, lawyer discipline, and judicial discipline) were filed. 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. One original action was 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 40 regulatory matters and 11 petitions for supervisory writ pending.

	<u>January 2009</u>	<u>Term to Date</u>
<u>Filings</u>		
Attorney discipline.....	4	16
Judicial discipline.....	0	1
Bar admission.....	1	1
Petitions for Supervisory Writ	4	23
Other (including Original Actions).....	1	5
 <u>Dispositions by Order</u>		
Attorney discipline.....	1	9
Judicial discipline.....	0	0
Bar admission.....	0	0
Petitions for Supervisory Writ	1	19
Other (including Original Actions).....	0	6

**DECISIONS BY THE
WISCONSIN SUPREME COURT**

OPINIONS ISSUED DURING JANUARY 2009

ATTORNEY DISCIPLINE CASES

<u>Docket No.</u>	<u>Title</u>	<u>Date</u>
2008AP000544-D	Office of Lawyer Regulation (OLR) v. Terrence J. Woods 1 Year Suspension Per Curiam ¹	01/21/2009
2008AP000971-D	OLR v. Thomas O. Mulligan Public Reprimand Per Curiam Gableman, J. did not participate.	01/29/2009

CIVIL AND CRIMINAL CASES

<u>Docket No.</u>	<u>Title</u>	<u>Date</u>
2007AP000105-CR	State v. Jeffrey A. Warbelton Court of Appeals decision affirmed. <u>Majority Opinion</u> : Bradley, J.	01/21/2009
2006AP002695	County of Dane v. LIRC Court of Appeals decision affirmed. <u>Majority Opinion</u> : Roggensack, J. <u>Concurrence</u> : Abrahamson, C.J., joined by Bradley, J.	01/23/2009
2007AP000045	Nelly De La Trinidad v. Capitol Indemnity Corporation Court of Appeals decision affirmed. <u>Majority Opinion</u> : Crooks, J.	01/23/2009

¹ “Per Curiam” means “by the Court.” Opinions issued *per curiam* are handed down by the Court as a whole.

2006AP001886	Brittany L. Noffke v. Kevin Bakke Court of Appeals decision affirmed in part and reversed in part. <u>Majority Opinion</u> : Ziegler, J. <u>Concurrence</u> : Abrahamson, C.J., joined by Bradley, J.	01/27/2009
2006AP002662	Jonathan Lisowski v. Hastings Mutual Insurance Company Court of Appeals decision affirmed. <u>Majority Opinion</u> : Crooks, J. <u>Dissent</u> : Bradley, J., joined by Abrahamson, C.J.	01/28/2009
2007AP001834-CR	State v. Todd Lee Kramer Court of Appeals decision affirmed. <u>Majority Opinion</u> : Roggensack, J.	01/29/2009
2008AP000333-CQ	Plastics Engineering Co. v. Liberty Mutual Ins. Co. Certified questions answered and cause remanded. <u>Majority Opinion</u> : Ziegler, J. <u>Concurrence</u> : Abrahamson, C.J. <u>Concurrence/Dissent</u> : Gableman, J.	01/29/2009