



# Supreme Court of Wisconsin

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## WISCONSIN SUPREME COURT MONTHLY STATISTICAL REPORT

### JUNE 2009

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

#### Opinions Issued by the Court

The Supreme Court issued opinions resolving 19 cases in June. Information about these opinions, including the Court's dispositions and the names of the authoring justices, can be found on the attached table.

	<u>June 2009</u>	<u>Term to Date</u>
Total number of cases resolved by opinion .....	<u>19</u>	<u>58</u>
Attorney disciplinary cases .....	3	17
Judicial disciplinary cases .....	0	0
Civil cases .....	9	22
Criminal cases .....	7	19

#### 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 June, the Supreme Court disposed of 64 petitions for review, of which 1 petition was granted. The Supreme Court currently has 217 petitions for review pending.

	<u>June 2009</u>	<u>Term to Date</u>
Petitions for Review filed .....	<u>73</u>	<u>649</u>
Civil cases .....	43	328
Criminal cases .....	30	321

Petition for Review dispositions .....	<u>64</u>	<u>628</u>
Civil cases (petitions granted).....	31 (0)	321 (28)
Criminal cases (petitions granted) .....	43 (1)	307 (14)

Petitions for Bypass

The Supreme Court received no petitions for bypass and disposed of no petitions for bypass in June. 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 2 petitions for bypass pending.

	<u>June 2009</u>	<u>Term to Date</u>
Petitions for Bypass filed .....	<u>0</u>	<u>5</u>
Civil cases .....	0	4
Criminal cases .....	0	1
Petition for Bypass dispositions.....	<u>0</u>	<u>9</u>
Civil cases (petitions granted).....	0 (0)	7 (0)
Criminal cases (petitions granted) .....	0 (0)	2 (0)

Requests for Certification

During June 2009, 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>June 2009</u>	<u>Term to Date</u>
Requests for Certification filed.....	<u>0</u>	<u>8</u>
Civil cases .....	0	7
Criminal cases .....	0	1
Request for Certification dispositions.....	<u>1</u>	<u>10</u>
Civil cases (requests granted) .....	1 (1)	8 (6)
Criminal cases (requests granted) .....	0 (0)	2 (2)

Regulatory Matters, Supervisory Writs, and Original Actions

During the month, a total of one matter within the regulatory jurisdiction of the Court (bar admission, lawyer discipline, and judicial discipline) was filed. The Supreme Court also received 5 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 39 regulatory matters and 11 petitions for supervisory writ pending.

	<u>June 2009</u>	<u>Term to Date</u>
<u>Filings</u>		
Attorney discipline.....	1	42
Judicial discipline.....	0	1
Bar admission.....	0	1
Petitions for Supervisory Writ .....	5	54
Other (including Original Actions).....	1	8
 <u>Dispositions by Order</u>		
Attorney discipline.....	1	19
Judicial discipline.....	0	0
Bar admission.....	0	0
Petitions for Supervisory Writ .....	6	49
Other (including Original Actions).....	3	11

**DECISIONS BY THE  
WISCONSIN SUPREME COURT**

**OPINIONS ISSUED DURING JUNE 2009**

**ATTORNEY DISCIPLINE CASES**

<b><u>Docket No.</u></b>	<b><u>Title</u></b>	<b><u>Date</u></b>
2007AP000187-D	Office of Lawyer Regulation (OLR) v. Warren Lee Brandt Public Reprimand Per Curiam <sup>1</sup> <u>Dissent</u> : Bradley, J.	06/09/2009
2008AP000804-D	OLR v. Scott E. Hansen Nine Month Suspension Per Curiam	06/18/2009
2008AP000976-D	OLR v. Joan M. Boyd Six Month Suspension Per Curiam	06/26/2009

**CIVIL AND CRIMINAL CASES**

<b><u>Docket No.</u></b>	<b><u>Title</u></b>	<b><u>Date</u></b>
2006AP001573 & 2006AP002290	Henry J. Krier v. Donald N. Vilione Court of Appeals decision reversed. <u>Majority Opinion</u> : Ziegler, J. <u>Dissent</u> : Bradley, J., joined by Abrahamson, C.J.	06/10/2009
2006AP003075	Rudy Nedvidek v. Judith L. Kuipers Petition for Review dismissed. Per Curiam Bradley, J. did not participate.	06/10/2009
2007AP000672-CR	State v. Marchand Grady Court of Appeals decision affirmed. <u>Majority Opinion</u> : Gableman, J.	06/11/2009

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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.

2007AP001526-W	Ira B. Robins v. Patrick J. Madden Court of Appeals decision affirmed. <u>Majority Opinion</u> : Gableman, J. Abrahamson, C.J. did not participate.	06/11/2009
2007AP001985	Ho-Chunk Nation v. DOR Court of Appeals decision affirmed. <u>Majority Opinion</u> : Crooks, J. <u>Dissent</u> : Prosser, J., joined by Abrahamson, C.J. and Bradley, J. as to Part III.	06/16/2009
2007AP002095-CR	State v. Kelly R. Ferguson Court of Appeals decision reversed. <u>Majority Opinion</u> : Roggensack, J. <u>Concurrence</u> : Bradley, J., joined by Abrahamson, C.J. and Crooks, J. <u>Concurrence</u> : Crooks, J., joined by Abrahamson, C.J. and Bradley, J. as to Part II	06/16/2009
2008AP000882-CR	State v. Mitchell A. Lange Court of Appeals decision reversed. <u>Majority Opinion</u> : Abrahamson, C.J. <u>Concurrence</u> : Ziegler, J., joined by Roggensack and Gableman, J.J.	06/16/2009
2007AP000476 & 2007AP000751	PRN Associates LLC v. DOA Court of Appeals decisions affirmed. <u>Majority Opinion</u> : Bradley, J.	06/17/2009
2007AP001198	Kenosha Professional Firefighters v. City of Kenosha Court of Appeals decision reversed and remanded. <u>Majority Opinion</u> : Abrahamson, C.J. <u>Concurrence</u> : Roggensack, J., joined by Ziegler and Gableman, J.J.	06/17/2009
2007AP000519	Baldwin-Woodville Area School Dist. v. West Central Education Assoc. Court of Appeals decision reversed. <u>Majority Opinion</u> : Bradley, J. <u>Dissent</u> : Prosser, J.	06/17/2009
2007AP001114-CR & 2007AP001115-CR	State v. Elandis D. Johnson Court of Appeals decision affirmed. <u>Majority Opinion</u> : Prosser, J.	06/23/2009

Concurrence: Prosser, J.  
Concurrence: Ziegler, J., joined by  
Roggensack and Gableman, J.J.

2007AP001289-CR State v. Christopher Baron 06/23/2009

Court of Appeals decision affirmed.

Majority Opinion: Ziegler, J.

Concurrence: Bradley, J.

Concurrence: Prosser, J.

Abrahamson, C.J. did not participate.

2007AP000079-CR State v. Jennifer L. Ward 06/30/2009

Court of Appeals decision affirmed.

Majority Opinion: Roggensack, J.

Dissent: Crooks, J., joined by Abrahamson,  
C.J. and Bradley, J.