



# Supreme Court of Wisconsin

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## WISCONSIN SUPREME COURT MONTHLY STATISTICAL REPORT

### JULY 2010

This statistical report presents information about the case filings and dispositions of the Wisconsin Supreme Court during the month of July 2010 and to date for the term that began on September 1, 2009.

#### Opinions Issued by the Court

The Supreme Court issued opinions resolving 37 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 2010</u>	<u>Term to Date</u>
Total number of cases resolved by opinion .....	<u>37</u>	<u>97</u>
Attorney disciplinary cases .....	3	34
Judicial disciplinary cases .....	0	0
Civil cases .....	18	40
Criminal cases .....	16	23

#### Petitions for Review

A total of 52 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 101 petitions for review, of which 1 petition was granted. The Supreme Court currently has 180 petitions for review pending.

	<u>July 2010</u>	<u>Term to Date</u>
Petitions for Review filed .....	<u>52</u>	<u>655</u>
Civil cases .....	29	334
Criminal cases .....	23	321

Petition for Review dispositions .....	<u>101</u>	<u>715</u>
Civil cases (petitions granted).....	34 (1)	361 (34)
Criminal cases (petitions granted) .....	67 (0)	354 (16)

### Petitions for Bypass

In July, the Supreme Court received two petitions for bypass and disposed of one petition for bypass. 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 two petitions for bypass pending.

	<u>July 2010</u>	<u>Term to Date</u>
Petitions for Bypass filed .....	<u>2</u>	<u>12</u>
Civil cases .....	1	11
Criminal cases .....	1	1
Petition for Bypass dispositions.....	<u>1</u>	<u>13</u>
Civil cases (petitions granted).....	1 (0)	11 (1)
Criminal cases (petitions granted) .....	0 (0)	2 (0)

### Requests for Certification

During July 2010, the Supreme Court received two requests for certification and disposed of no 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 two requests for certification pending.

	<u>July 2010</u>	<u>Term to Date</u>
Requests for Certification filed.....	<u>2</u>	<u>10</u>
Civil cases .....	1	8
Criminal cases .....	1	2
Request for Certification dispositions.....	<u>0</u>	<u>10</u>
Civil cases (requests granted) .....	0 (0)	8 (8)
Criminal cases (requests granted) .....	0 (0)	2 (0)

Regulatory Matters, Supervisory Writs, and Original Actions

During the month, no matters within the regulatory jurisdiction of the Court (bar admission, lawyer discipline, and judicial discipline) were filed and no such cases were reopened. The Supreme Court also received 7 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 23 regulatory matters and 11 petitions for supervisory writ pending.

	<u>July 2010</u>	<u>Term to Date</u>
<u>Filings</u>		
Attorney discipline (including reopened cases).....	0	35
Judicial discipline.....	0	1
Bar admission.....	0	0
Petitions for Supervisory Writ .....	7	60
Other (including Original Actions).....	0	7
 <u>Dispositions by Order</u>		
Attorney discipline.....	0	15
Judicial discipline.....	0	1
Bar admission.....	0	0
Petitions for Supervisory Writ .....	14	71
Other (including Original Actions).....	2	12

**DECISIONS BY THE  
WISCONSIN SUPREME COURT**

**OPINIONS ISSUED DURING JULY 2010**

**ATTORNEY DISCIPLINE CASES**

<b><u>Docket No.</u></b>	<b><u>Title</u></b>	<b><u>Date</u></b>
2007AP002638-D	OLR v. James W. Frisch Public Reprimand Per Curiam <u>Concurrence/Dissent</u> : Abrahamson, C.J. joined by Bradley, J. and Crooks, J.	07/02/2010
2010AP000726-D	Office of Lawyer Regulation (OLR) v. Leonard V. Brady License Revoked Per Curiam <sup>1</sup>	07/27/2010
2009AP000945-D	OLR v. Maureen B. Fitzgerald 6 Month Suspension Per Curiam	07/28/2010

**CIVIL AND CRIMINAL CASES**

<b><u>Docket No.</u></b>	<b><u>Title</u></b>	<b><u>Date</u></b>
2008AP000089	Michael Pries v. Raymond McMillon, ABC Insurance Company Affirmed. <u>Majority Opinion</u> : Crooks, J. <u>Concurrence</u> : Abrahamson, C.J. <u>Dissent</u> : Bradley, J. joined by Roggensack, J. and Gableman, J. <u>Dissent</u> : Gableman, J.	07/02/2010
2008AP000921	E-L Enterprises, Inc. v. Milwaukee Metropolitan Sewerage District Court of Appeals decision reversed. <u>Majority Opinion</u> : Ziegler, J. <u>Concurrence</u> : Bradley, J. joined by Abrahamson, C.J. <u>Dissent</u> : Prosser, J.	07/02/2010

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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.

2008AP002812	<p>Glen D. Hocking and Louann Hocking v. City of Dodgeville, Charles C. O'Rourke, Joan R. O'Rourke, American Family Mutual Insurance Company, Amy Crubaugh-Schrank, Shaun Sersch, Wendy Sersch and Germantown Mutual Insurance Company  Court of Appeals decision affirmed.  <u>Majority Opinion</u>: Gableman, J.</p>	07/02/2010
2008AP001700	<p>Maryland Arms Ltd Partnership v. Cari M. Connell and Linda J. Connell  Court of Appeals analysis modified, and, as modified, affirmed.  <u>Majority Opinion</u>: Bradley, J.  <u>Concurrence</u>: Ziegler, J.  <u>Dissent</u>: Prosser, J. joined by Gableman, J.</p>	07/07/2010
2008AP001521-CR	<p>State v. Rashaad A. Imani  Court of Appeals decision reversed.  <u>Majority Opinion</u>: Ziegler, J.  <u>Concurrence/Dissent</u>: Crooks, J. joined by Abrahamson, C.J. and Bradley, J.</p>	07/07/2010
2008AP001546	<p>Robert D. Konneker and Ann M. Konneker v. Robert S. Romano and Francis A. Romano, Norman E. Nelson and Lawrence A. Nelson  Court of Appeals decision reversed and cause remanded.  <u>Majority Opinion</u>: Ziegler, J.  <u>Concurrence</u>: Abrahamson, C.J. joined by Bradley, J.</p>	07/07/2010
2008AP002342-CR	<p>State v. Dwight Glen Jones  Affirmed.  <u>Majority Opinion</u>: Crooks, J.  <u>Concurrence</u>: Bradley, J. joined by Abrahamson, C.J.</p>	07/08/2010
2008AP003135	<p>Society Insurance and James Meyer, Inc. v. Labor &amp; Industry Review Commission and Gary Liska, Work Injury Supplemental Benefit Fund  Order affirmed.  <u>Majority Opinion</u>: Roggensack, J.  <u>Dissent</u>: Crooks, J. joined by Abrahamson, C.J. and Bradley, J.</p>	07/08/2010
2008AP000652-CR	<p>State v. Jim H. Ringer  Court of Appeals decision reversed.  <u>Majority Opinion</u>: Ziegler, J.  <u>Concurrence</u>: Abrahamson, C.J.</p>	07/08/2010

2009AP000003-CR	<p>State v. Travis Vondell Cross  Circuit Court order and judgment affirmed.  <u>Majority Opinion</u>: Gableman, J.  <u>Concurrence</u>: Abrahamson, C.J. joined by Bradley, J.</p>	07/08/2010
2008AP000912	<p>Bank Mutual f/k/a First Northern Savings Bank v. S.J. Boyer Construction, Inc., Steven J. Boyer and Marcy A. Boyer, Pioneer Credit Union  Court of Appeals decision reversed  <u>Majority Opinion</u>: Prosser, J.  <u>Dissent</u>: Abrahamson, C.J. joined by Bradley, J.  Ziegler, J. did not participate.</p>	07/09/2010
2007AP002791	<p>Admanco, Inc. by Michael S. Polsky, Receiver v. 700 Stanton Drive, LLC, M&amp;I Marshall &amp; Ilsley Bank, EBSCO Industries, Inc., Alliance Laundry Systems, Inc.  Court of Appeals decision reversed and cause remanded.  <u>Majority Opinion</u>: Roggensack, J.  <u>Dissent</u>: Crooks, J. joined by Bradley, J.  Abrahamson, C.J. and Ziegler, J. did not participate.</p>	07/13/2010
2008AP001494	<p>Vearl Miller, Wanda Miller and Ross, Dayne, and Wade Miller, by Guardian ad Litem Robert Mubarak v. The Hanover Insurance Company and Massachusetts Bay Insurance Company, Zurich American Insurance Company  Court of Appeals decision reversed and remanded  <u>Majority Opinion</u>: Roggensack, J.  <u>Concurrence</u>: Bradley, J. joined by Abrahamson, C.J.</p>	07/13/2010
2006AP001811-CR	<p>State v. Patrick Carter  Court of Appeals decision modified and, as modified, affirmed.  <u>Majority Opinion</u>: Abrahamson, C.J.  <u>Concurrence</u>: Gableman, J.  <u>Concurrence/Dissent</u>: Roggensack, J.  <u>Dissent</u>: Prosser, J.  <u>Dissent</u>: Ziegler, J.</p>	07/14/2010
2008AP001324	<p>Kevin Blum, Jr. by his Guardian ad Litem, Jason Studinski, WEA Insurance Company v. 1<sup>st</sup> Auto &amp; Casualty Insurance Company  Court of Appeals decision affirmed.  <u>Majority Opinion</u>: Prosser, J.  <u>Concurrence/Dissent</u>: Bradley, J. joined by Abrahamson, C.J.  <u>Concurrence/Dissent</u>: Roggensack, J. joined by Ziegler, J. and Gableman, J.</p>	07/14/2010

2008AP000810-CR	State v. Landray M. Harris Court of Appeals decision reversed. <u>Majority Opinion</u> : Gableman, J. <u>Concurrence</u> : Bradley, J. joined by Abrahamson, C.J. and Crooks, J.	07/14/2010
2008AP000880-CR	State v. Robert L. Artic, Sr. Court of Appeals decision affirmed. <u>Majority Opinion</u> : Prosser, J. <u>Dissent</u> : Abrahamson, C.J. joined by Bradley, J.	07/15/2010
2008AP002231-CR	State v. Michael. R. Hess Court of Appeals decision affirmed. <u>Majority Opinion</u> : Prosser, J. <u>Concurrence</u> : Ziegler, J. <u>Dissent</u> : Gableman, J. joined by Roggensack, J. Crooks, J. did not participate.	07/15/2010
2008AP001204-CR	State v. Juiquin A. Pinkard Court of Appeals decision affirmed. <u>Majority Opinion</u> : Roggensack, J. <u>Dissent</u> : Bradley, J. joined by Abrahamson, C.J. and Prosser, J.	07/15/2010
2008AP000266-CR	State v. Terion L. Robinson Court of Appeals decision affirmed. <u>Majority Opinion</u> : Ziegler, J. <u>Dissent</u> : Bradley, J. joined by Abrahamson, C.J.	07/15/2010
2007AP000900-CR	State v. Michael A. Littlejohn Court of Appeals opinion affirmed and cause remanded. <u>Majority Opinion</u> : Gableman, J. <u>Dissent</u> : Abrahamson, C.J. joined by Bradley, J.	07/15/2010
2007AP001894-CR	State v. David A. Dearborn Court of Appeals decision affirmed <u>Majority Opinion</u> : Gableman, J. <u>Dissent</u> : Abrahamson, C.J. joined by Bradley, J.	07/15/2010
2008AP000967-AC	Karen Schill, Traci Pronga, Kimberly Martin, Robert Dresser and Mark Larson v. Wisconsin Rapids School District and Robert Crist, Don Bubolz Circuit Court order reversed and cause remanded. <u>Majority Opinion</u> : Abrahamson, C.J. <u>Concurrence</u> : Bradley, J. <u>Concurrence</u> : Gableman, J. <u>Dissent</u> : Roggensack, J. joined by Ziegler, J.	07/16/2010

2008AP002937	<p>Mercycare Insurance Company and Mercycare HMO, Inc. v. Wisconsin Commissioner of Insurance Circuit Court judgment reversed. <u>Majority Opinion</u>: Bradley, J. <u>Concurrence</u>: Roggensack, J. joined by Ziegler, J. and Gableman, J.</p>	07/16/2010
2007AP000795	<p>State v. Aaron A. Allen Court of Appeals decision affirmed. <u>Majority Opinion</u>: Prosser, J. <u>Concurrence</u>: Abrahamson, C.J. joined by Bradley, J.</p>	07/16/2010
2007AP2827-CRAC	<p>State v. Corey Kleser Court of Appeals decision affirmed in part, reversed in part, and cause remanded. <u>Majority Opinion</u>: Prosser, J. <u>Concurrence/Dissent</u>: Bradley, J. joined by Abrahamson, C.J.</p>	07/16/2010
2007AP002711-CR	<p>State v. Donald J. McGuire Court of Appeals decision affirmed. <u>Majority Opinion</u>: Prosser, J.</p>	07/20/2010
2009AP000728	<p>Wisconsin Medical Society, Inc. and David M. Hoffmann, M.D. v. Michael L. Morgan Circuit Court order reversed and cause remanded. <u>Majority Opinion</u>: Prosser, J. <u>Concurrence</u>: Abrahamson, C.J. joined by Bradley, J.</p>	07/20/2010
2008AP000658-CR	<p>State v. Michael A. Sveum Court of Appeals decision affirmed. <u>Majority Opinion</u>: Roggensack, J. <u>Concurrence</u>: Crooks, J. <u>Concurrence</u>: Ziegler, J. <u>Dissent</u>: Abrahamson, C.J. joined by Bradley, J.</p>	07/20/2010
2008AP002028	<p>Barbara C. Grygiel and Janet M. Nahorn v. Monches Fish &amp; Game Club, Inc., Karl J. Scheife Court of Appeals decision reversed and cause remanded. <u>Majority Opinion</u>: Roggensack, J. <u>Concurrence/Dissent</u>: Abrahamson, C.J.</p>	07/20/2010



2008AP000170	Walter Tatera, deceased, and Vicki Tatera, individually and as special administrator of the estate of Walter Tatera v. FMC Corporation, United Healthcare and American Medical Society, Kelsey-Hayes Company p/k/a K H Corp. Court of Appeals decision reversed. <u>Majority Opinion</u> : Ziegler, J. <u>Dissent</u> : Crooks, J. joined by Abrahamson, C.J. and Bradley, J.	07/20/2010
2008AP000697-CR	State v. Dimitri Henley Circuit Court order reversed and cause remanded for entry of an order denying Henley's motion. <u>Majority Opinion</u> : Gableman, J. <u>Concurrence</u> : Prosser, J. <u>Dissent</u> : Crooks, J. joined by Abrahamson, C.J. and Bradley, J.	07/21/2010
2008AP001144	Borek Cranberry March, Inc. v. Jackson County Court of Appeals decision affirmed and cause remanded. <u>Majority Opinion</u> : Gableman, J. <u>Dissent</u> : Abrahamson, C.J. joined by Bradley, J.	07/21/2010
2008AP001703	Dawn M. Sands v. Menard, Inc. Court of Appeals decision reversed and remanded. <u>Majority Opinion</u> : Gableman, J. <u>Dissent</u> : Abrahamson, C.J. joined by Bradley, J. and Crooks, J.	07/21/2010