



Supreme Court of Wisconsin

OFFICE OF THE CLERK

110 E. MAIN STREET, SUITE 215

P.O. BOX 1688

MADISON, WISCONSIN 53701-1688

Shirley S. Abrahamson
Chief Justice

Telephone (608) 266-1880

TTY Users: Call WI TRS at 1-800-947-3529; request (608) 266-1880

Fax (608) 267-0640

Web Site: www.wicourts.gov

A. John Voelker
Director of State Courts
and
Acting Clerk of Supreme Court

WISCONSIN SUPREME COURT MONTHLY STATISTICAL REPORT

FEBRUARY 2011

This statistical report presents information about the case filings and dispositions of the Wisconsin Supreme Court during the month of February 2011 and to date for the term that began on September 1, 2010.

Opinions Issued by the Court

The Supreme Court issued opinions resolving 10 cases in February. Information about these opinions, including the Court's dispositions and the names of the authoring justices, can be found on the attached table.

	<u>February 2011</u>	<u>Term to Date</u>
Total number of cases resolved by opinion	<u>10</u>	<u>30</u>
Attorney disciplinary cases	3	17
Judicial disciplinary cases	0	0
Civil cases	5	9
Criminal cases	2	4

Petitions for Review

A total of 48 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 February, the Supreme Court disposed of 68 petitions for review, of which 5 petitions were granted. The Supreme Court currently has 233 petitions for review pending.

	<u>February 2011</u>	<u>Term to Date</u>
Petitions for Review filed	<u>48</u>	<u>409</u>
Civil cases	19	209
Criminal cases	29	200

Petition for Review dispositions	<u>68</u>	<u>371</u>
Civil cases (petitions granted).....	29 (2)	192 (31)
Criminal cases (petitions granted)	39 (3)	179 (14)

Petitions for Bypass

In February, the Supreme Court received no petitions for bypass and disposed of 2 petitions 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 2 petitions for bypass pending.

	<u>February 2011</u>	<u>Term to Date</u>
Petitions for Bypass filed	<u>0</u>	<u>7</u>
Civil cases	0	5
Criminal cases	0	2
Petition for Bypass dispositions.....	<u>2</u>	<u>9</u>
Civil cases (petitions granted).....	2 (0)	6 (0)
Criminal cases (petitions granted)	0 (0)	3 (0)

Requests for Certification

During February 2011, 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 2 requests for certification pending.

	<u>February 2011</u>	<u>Term to Date</u>
Requests for Certification filed.....	<u>0</u>	<u>4</u>
Civil cases	0	3
Criminal cases	0	1
Request for Certification dispositions.....	<u>1</u>	<u>4</u>
Civil cases (requests granted)	0 (0)	2 (1)
Criminal cases (requests granted)	1 (1)	2 (2)

Regulatory Matters, Supervisory Writs, and Original Actions

During the month, 4 matters within the regulatory jurisdiction of the Court (bar admission, lawyer discipline, and judicial discipline) were filed and no cases (disciplinary) were reopened. The Supreme Court also received no 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 33 regulatory matters and 9 writs pending.

February 2011 Term to Date

Filings

Attorney discipline (including reopened cases).....	4	37
Judicial discipline.....	0	0
Bar admission.....	0	0
Petitions for Supervisory Writ (other writs)	0	23
Other (including Original Actions).....	0	2

Dispositions by Order

Attorney discipline.....	0	3
Judicial discipline.....	0	0
Bar admission.....	0	0
Petitions for Supervisory Writ (other writs)	4	27
Other (including Original Actions).....	2*	8

* 2009AP1337 and 2009AP1338 Order: Voluntary dismissal; case dismissed.

**DECISIONS BY THE
WISCONSIN SUPREME COURT**

OPINIONS ISSUED DURING FEBRUARY 2011

ATTORNEY DISCIPLINE CASES

<u>Docket No.</u>	<u>Title</u>	<u>Date</u>
2009AP1830-D	Office of Lawyer Regulation (OLR) v. William J. Grogan 60 Day Suspension. Per Curiam ¹ Prosser, J. did not participate.	02/04/2011
1997AP3058-D 1999AP2223-D	OLR v. Charles Glynn License Reinstated. Per Curiam Prosser, J. did not participate.	02/15/2011

CIVIL AND CRIMINAL CASES

<u>Docket No.</u>	<u>Title</u>	<u>Date</u>
2008AP0322	Nestle USA, Inc. v. Wisconsin Dep't of Revenue Affirmed. <u>Majority Opinion:</u> Gableman, J.	02/02/2011
2008AP1559	Boerst v. Opperman Affirmed. <u>Majority Opinion:</u> Abrahamson, C.J.	02/03/2011
2010AP0321	Brown County DHS v. Brenda B. Affirmed. <u>Majority Opinion:</u> Bradley, J.	02/04/2011
2008AP1296-CR	State v. Conner Affirmed. <u>Majority Opinion:</u> Crooks, J. <u>Dissent:</u> Abrahamson, C.J. joined by Bradley, J.	02/09/2011

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

2008AP2045 2009AP2322	Werner v. Hendree Reversed. <u>Majority Opinion</u> : Ziegler, J. <u>Dissent</u> : Bradley, J. joined by Abrahamson, C.J.	02/16/2011
2009AP0567-CR	State v. Marinez Reversed. <u>Majority Opinion</u> : Crooks, J. <u>Dissent</u> : Abrahamson, C.J. joined by Bradley, J.	02/23/2011