



# Supreme Court of Wisconsin

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## WISCONSIN SUPREME COURT MONTHLY STATISTICAL REPORT

### MAY 2011

This statistical report presents information about the case filings and dispositions of the Wisconsin Supreme Court during the month of May 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 May. Information about these opinions, including the Court's dispositions and the names of the authoring justices, can be found on the attached table.

|   | <u>May 2011</u> | <u>Term to Date</u> |
|---|-----------------|---------------------|
| Total number of cases resolved by opinion ..... | <u>10</u>       | <u>48</u>           |
| Attorney disciplinary cases .....               | 1               | 19                  |
| Judicial disciplinary cases .....               | 0               | 0                   |
| Civil cases .....                               | 7               | 21                  |
| Criminal cases .....                            | 2               | 8                   |

#### Petitions for Review

A total of 54 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 May, the Supreme Court disposed of 79 petitions for review, of which 4 petitions were granted. The Supreme Court currently has 179 petitions for review pending.

|                                  | <u>May 2011</u> | <u>Term to Date</u> |
|----------------------------------|-----------------|---------------------|
| Petitions for Review filed ..... | <u>54</u>       | <u>592</u>          |
| Civil cases .....                | 24              | 295                 |
| Criminal cases .....             | 30              | 297                 |

|  |           |            |
|--|-----------|------------|
| Petition for Review dispositions .....   | <u>79</u> | <u>608</u> |
| Civil cases (petitions granted).....     | 39 (2)    | 323 (41)   |
| Criminal cases (petitions granted) ..... | 40 (2)    | 285 (20)   |

### Petitions for Bypass

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

|  | <u>May 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>0</u>        | <u>11</u>           |
| Civil cases (petitions granted).....     | 0 (0)           | 7 (0)               |
| Criminal cases (petitions granted) ..... | 0 (0)           | 4 (1)               |

### Requests for Certification

During May 2011, the Supreme Court received 2 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 4 requests for certification pending.

|   | <u>May 2011</u> | <u>Term to Date</u> |
|---|-----------------|---------------------|
| Requests for Certification filed.....       | <u>2</u>        | <u>8</u>            |
| Civil cases .....                           | 1               | 6                   |
| Criminal cases .....                        | 1               | 2                   |
| Request for Certification dispositions..... | <u>1</u>        | <u>6</u>            |
| Civil cases (requests granted) .....        | 1 (1)           | 4 (3)               |
| Criminal cases (requests granted) .....     | 0 (0)           | 2 (2)               |

Regulatory Matters, Supervisory Writs, and Original Actions

During the month, 8 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 6 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 43 regulatory matters and 12 writs pending.

|   | <u>May 2011</u> | <u>Term to Date</u> |
|---|-----------------|---------------------|
| <u>Filings</u>                                      |                 |                     |
| Attorney discipline (including reopened cases)..... | 8               | 64                  |
| Judicial discipline.....                            | 0               | 0                   |
| Bar admission.....                                  | 0               | 0                   |
| Petitions for Supervisory Writ (other writs) .....  | 6               | 47                  |
| Other (including Original Actions).....             | 0               | 2                   |
| <br><u>Dispositions by Order</u>                    |                 |                     |
| Attorney discipline.....                            | 1               | 8                   |
| Judicial discipline.....                            | 0               | 0                   |
| Bar admission.....                                  | 0               | 1                   |
| Petitions for Supervisory Writ (other writs) .....  | 11              | 47                  |
| Other (including Original Actions).....             | 0               | 8                   |

**DECISIONS BY THE  
WISCONSIN SUPREME COURT**

**OPINIONS ISSUED DURING MAY 2011**

**ATTORNEY DISCIPLINE CASES**

| <b><u>Docket No.</u></b> | <b><u>Title</u></b>   | <b><u>Date</u></b> |
|--------------------------|---|--------------------|
| 2007AP1281-D             | Office of Lawyer Regulation (OLR) v.<br>Michael F. Hupy<br>Public Reprimand.<br>Per Curiam <sup>1</sup><br>Gableman, J. did not participate.<br><u>Dissent</u> : Roggensack, J. joined by Ziegler, J. | 05/27/2011         |

**CIVIL AND CRIMINAL CASES**

| <b><u>Docket No.</u></b> | <b><u>Title</u></b>   | <b><u>Date</u></b> |
|--------------------------|---|--------------------|
| 2009AP0806-CR            | State v. Marvin L. Beauchamp<br>Affirmed.<br><u>Majority Opinion</u> : Crooks, J.<br><u>Concurrence</u> : Abrahamson, C.J.  | 05/03/2011         |
| 2009AP1252-CR            | State v. Shantell T. Harbor<br>Affirmed.<br><u>Majority Opinion</u> : Bradley, J.   | 05/10/2011         |
| 2009AP0956-CR            | State v. Donovan M. Burris<br>Reversed and remanded to the Court of Appeals.<br><u>Majority Opinion</u> : Crooks, J.<br><u>Concurrence</u> : Prosser, J.<br><u>Dissent</u> : Abrahamson, C. J.  | 05/17/2011         |
| 2009AP2973               | In re the termination of parental rights to Gwenevere T., a<br>person under the age of 18: Tammy W-G. v. Jacob T.<br>Affirmed.<br><u>Majority Opinion</u> : Roggensack, J.<br><u>Dissent</u> : Abrahamson, C. J.<br><u>Dissent</u> : Bradley, J., joined by Abrahamson, C. J. | 05/17/2011         |

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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.

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|------------|--|------------|
| 2009AP1714 | <p>Emjay Investment Company v. Village of Germantown<br/>         Affirmed.<br/> <u>Majority Opinion</u>: Ziegler, J.</p>  | 05/17/2011 |
| 2008AP1139 | <p>State v. Omer Ninham<br/>         Affirmed.<br/> <u>Majority Opinion</u>: Ziegler, J.<br/> <u>Dissent</u>: Abrahamson, C. J., joined by Bradley, J.</p>   | 05/20/2011 |
| 2009AP0688 | <p>Susan Foley-Ciccantelli and Dr. Mark J. Ciccantelli v.<br/>         Bishop's Grove Condominium Association, Inc. and State<br/>         Farm Fire &amp; Casualty Company<br/>         Order of the circuit court reversed and cause remanded.<br/> <u>Majority Opinion</u>: Abrahamson, C. J.<br/> <u>Concurrence</u>: Prosser, J.<br/> <u>Concurrence</u>: Roggensack, J., joined by Ziegler, J. and<br/>         Gableman, J.</p>   | 05/24/2011 |
| 2009AP1669 | <p>Roger H. Fischer, Sr. and Sandra J. Fischer v. Pamela A.<br/>         Steffen and Wilson Mutual Insurance Co., Kohler<br/>         Company and Medicare Secondary Payer Recovery<br/>         Contractor<br/>         Affirmed.<br/> <u>Majority Opinion</u>: Abrahamson, C. J.<br/> <u>Dissent</u>: Bradley, J.<br/> <u>Dissent</u>: Prosser, J.</p>   | 05/24/2011 |
| 2009AP1422 | <p>Jessica L. Siebert, by her Guardian ad Litem, D. J. Weis<br/>         and Lynette A. Siebert, Steve Albrecht, Jr., by his<br/>         Guardian ad Litem, Thomas W. Kyle, Steven Albrecht,<br/>         Sr., Kari Sosnowski, by her Guardian ad Litem, Thomas<br/>         W. Kyle and Cyndi Anderson, Oneida County Department<br/>         of Social Services v. Wisconsin American Mutual<br/>         Insurance Company, Interstate Brands Corporation, ACE<br/>         American Insurance Company and Ryan Friberg<br/>         Reversed.<br/> <u>Majority Opinion</u>: Ziegler, J.<br/> <u>Dissent</u>: Crooks, J., joined by Abrahamson, C. J. and<br/>         Bradley, J.</p> | 05/24/2011 |

2009AP2784

Mark Klemm and Jeanne Klemm v. American  
Transmission Company, LLC  
Reversed.  
Majority Opinion: Abrahamson, C. J.

05/26/2011