



Supreme Court of Wisconsin

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WISCONSIN SUPREME COURT MONTHLY STATISTICAL REPORT

JULY 2011

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

Opinions Issued by the Court

The Supreme Court issued opinions resolving 30 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 2011</u>	<u>Term to Date</u>
Total number of cases resolved by opinion	<u>30</u>	<u>89</u>
Attorney disciplinary cases	2	27
Judicial disciplinary cases	0	0
Civil cases	21	44
Criminal cases	7	18

Petitions for Review

A total of 66 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 5 petitions for review, of which none were granted. The Supreme Court currently has 262 petitions for review pending.

	<u>July 2011</u>	<u>Term to Date</u>
Petitions for Review filed	<u>66</u>	<u>738</u>
Civil cases	32	373
Criminal cases	34	365

Petition for Review dispositions	<u>5</u>	<u>671</u>
Civil cases (petitions granted).....	3 (0)	351 (41)
Criminal cases (petitions granted)	2 (0)	320 (21)

Petitions for Bypass

In July, 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 two petitions for bypass pending.

	<u>July 2011</u>	<u>Term to Date</u>
Petitions for Bypass filed	<u>0</u>	<u>9</u>
Civil cases	0	7
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 July 2011, the Supreme Court received 2 requests for certification and disposed of none. 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 5 requests for certification pending.

	<u>July 2011</u>	<u>Term to Date</u>
Requests for Certification filed.....	<u>2</u>	<u>12</u>
Civil cases	0	8
Criminal cases	2	4
Request for Certification dispositions.....	<u>0</u>	<u>9</u>
Civil cases (requests granted)	0 (0)	6 (4)
Criminal cases (requests granted)	0 (0)	3 (3)

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 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 47 regulatory matters and 8 writs pending.

	<u>July 2011</u>	<u>Term to Date</u>
<u>Filings</u>		
Attorney discipline (including reopened cases).....	8	76
Judicial discipline.....	0	0
Bar admission.....	0	0
Petitions for Supervisory Writ (other writs)	0	50
Other (including Original Actions).....	0	2
 <u>Dispositions by Order</u>		
Attorney discipline.....	0	9
Judicial discipline.....	0	0
Bar admission.....	0	1
Petitions for Supervisory Writ (other writs)	2	55
Other (including Original Actions).....	0	8

**DECISIONS BY THE
WISCONSIN SUPREME COURT**

OPINIONS ISSUED DURING JULY 2011

ATTORNEY DISCIPLINE CASES

<u>Docket No.</u>	<u>Title</u>	<u>Date</u>
2010AP1939-D	Office of Lawyer Regulation (OLR) v. Christopher A. Mutschler Per Curiam ¹ License revoked.	07/14/2011
2011AP48-D	Office of Lawyer Regulation (OLR) v. James M. Schoenecker Per Curiam License suspended. <u>Dissent</u> : Bradley, J., joined by Abrahamson, C. J.	07/15/2011

CIVIL AND CRIMINAL CASES

<u>Docket No.</u>	<u>Title</u>	<u>Date</u>
2007AP35	David Rasmussen v. General Motors Corporation Affirmed. <u>Majority Opinion</u> : Roggensack, J. <u>Concurrence</u> : Abrahamson, C.J.	07/01/2011
2008AP3170	Lake Beulah Management District v. DNR Affirmed in part; reversed in part. <u>Majority Opinion</u> : Crooks, J. <u>Concurrence</u> : Ziegler, J.	07/06/2011
2009AP2021	Lake Beulah Management District v. Village of East Troy Affirmed. <u>Majority Opinion</u> : Crooks, J.	07/06/2011

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

2009AP2315	Joyce Affeldt v. Green Lake County Reversed and remanded. <u>Majority Opinion</u> : Ziegler, J. <u>Dissent</u> : Abrahamson, C. J., joined by Bradley, J.	07/06/2011
2009AP1249-CR	State v. Esteban M. Gonzalez Reversed and remanded. <u>Majority Opinion</u> : Abrahamson, C. J. <u>Concurrence</u> : Prosser, J., joined by Gableman, J. <u>Concurrence</u> : Ziegler, J., joined by Roggensack, J.	07/08/2011
2009AP2433-FT	Patrick A. Topolski v. Ellen J. Topolski Modified and affirmed. <u>Majority Opinion</u> : Abrahamson, C. J. <u>Dissent</u> : Roggensack, J., joined by Prosser, J.	07/08/2011
2009AP1007	BNP Paribas v. Olsen's Mill, Inc. Reversed and remanded. <u>Majority Opinion</u> : Bradley, J. <u>Concurrence</u> : Roggensack, J., joined by Ziegler, J. and Gableman, J. Prosser, J. did not participate.	07/08/2011
2008AP2765-CR	State v. David D. Funk Reversed. <u>Majority Opinion</u> : Roggensack, J. <u>Dissent</u> : Abrahamson, C. J. <u>Dissent</u> : Bradley, J., joined by Abrahamson, C. J. and Prosser, J. (joining Part II) <u>Dissent</u> : Prosser, J.	07/08/2011
2009AP1558	John R. Steffens v. BlueCross BlueShield of Illinois Reversed. <u>Majority Opinion</u> : Roggensack, J. <u>Dissent</u> : Abrahamson, C. J., joined by Bradley, J.	07/08/2011
2009AP564	DeBoer Transportation, Inc. v. Charles Swenson Affirmed. <u>Majority Opinion</u> : Roggensack, J. <u>Dissent</u> : Bradley, J., joined by Abrahamson, C. J.	07/12/2011

2009AP639	Tracy J. McReath v. Timothy J. McReath Affirmed. <u>Majority Opinion</u> : Roggensack, J.	07/12/2011
2009AP538	Steven T. Kilian v. Mercedes-Benz USA, LLC Reversed and remanded. <u>Majority Opinion</u> : Gableman, J. <u>Concurrence</u> : Roggensack, J. Ziegler, J. did not participate.	07/12/2011
2009AP694-CR	State v. Rickey R. Denson Affirmed. <u>Majority Opinion</u> : Ziegler, J. <u>Concurrence</u> : Abrahamson, C. J., joined by Bradley, J.	07/13/2011
2009AP775	E-Z Roll Off, LLC v. County of Oneida Reversed. <u>Majority Opinion</u> : Gableman, J. <u>Dissent</u> : Roggensack, J., joined by Abrahamson, C. J.	07/13/2011
2009AP25-CR	State v. Olu A. Rhodes Reversed and remanded. <u>Majority Opinion</u> : Prosser, J. <u>Dissent</u> : Abrahamson, C. J., joined by Bradley, J.	07/14/2011
2009AP2845-W	Madison Metropolitan School District v. Circuit Court for Dane County Affirmed. <u>Majority Opinion</u> : Prosser, J. <u>Dissent</u> : Crooks, J., joined by Abrahamson, C. J. and Bradley, J.	07/14/2011
2008AP2897	Link Snacks, Inc. v. Jay E. Link Affirmed in part; reversed in part; remanded. <u>Majority Opinion</u> : Gableman, J. <u>Concurrence</u> : Bradley, J., joined by Abrahamson, C. J. <u>Concurrence</u> : Ziegler, J., joined by Crooks, J.	07/14/2011
2006AP1229/ 2006AP2512	Bryan Casper v. American International South Insurance Company	07/19/2011

2007AP369	Affirmed in part; reversed in part; remanded. <u>Majority Opinion</u> : Prosser, J. <u>Concurrence/Dissent</u> : Bradley, J., joined by Abrahamson, C. J.	
2009AP120	Dale Dawson v. Town of Jackson Reversed. <u>Majority Opinion</u> : Prosser, J. <u>Concurrence</u> : Roggensack, J. <u>Dissent</u> : Abrahamson, C. J.	07/19/2011
2009AP472	State v. David J. Balliette Reversed. <u>Majority Opinion</u> : Prosser, J. <u>Dissent</u> : Bradley, J., joined by Abrahamson, C. J.	07/19/2011
2009AP1351-CR	State v. Gregg B. Kandutsch Affirmed. <u>Majority Opinion</u> : Prosser, J. <u>Dissent</u> : Abrahamson, C. J., joined by Bradley, J.	07/19/2011
2009AP1469/ 2009AP1470	Covenant Healthcare System, Inc. v. City of Wauwatosa Reversed. <u>Majority Opinion</u> : Gableman, J. <u>Dissent</u> : Abrahamson, C. J.	07/19/2011
2009AP191	Stupar River LLC v. Town of Linwood Board of Review Affirmed. <u>Majority Opinion</u> : Gableman, J.	07/22/2011
2009AP1579	State v. Edwin Clarence West Affirmed. <u>Majority Opinion</u> : Prosser, J. <u>Dissent</u> : Bradley, J., joined by Abrahamson, C. J.	07/26/2011
2010AP1142	State v. Glen D. Nordberg Affirmed. <u>Majority Opinion</u> : Prosser, J. <u>Dissent</u> : Bradley, J., joined by Abrahamson, C. J.	07/26/2011