



# Wisconsin Court System

## Wisconsin Supreme Court

*The Wisconsin Supreme Court, the state's highest court, consists of seven justices who are elected to 10-year terms in statewide nonpartisan elections. As Wisconsin's court of last resort, the Supreme Court has appellate jurisdiction over all Wisconsin courts and has discretion to determine which appeals it will hear. The Supreme Court may also hear cases that begin in the high Court, known as original actions. In addition, the Supreme Court has superintending and administrative authority over all courts in Wisconsin. The chief justice of the Supreme Court is the administrative head of the judicial system and exercises administrative authority according to procedures adopted by the Supreme Court.*

### History of the Supreme Court

When Wisconsin joined the union in 1848, the constitution divided the new state into five judicial districts. The five judges who presided over those circuit courts were directed by the constitution to meet at least once a year as a "Supreme Court." In 1853, the Legislature formally instituted the Supreme Court, to be composed of three justices – a chief and two associates – each elected statewide.

There currently are seven justices on the Court. An 1877 state constitutional amendment increased the size of the Court to five, and in 1903 it was increased to seven. In 1889, another amendment established a system whereby the justice who has served the longest on the Court becomes chief justice. In 2015, the constitution was amended to allow the Supreme Court to select its own chief justice.

The Supreme Court was the state's only appellate court until 1978, when the Wisconsin Court of Appeals was established.

### Case-deciding Function

A primary function of the Supreme Court is to ensure independent, open, fair and efficient resolution of disputes in accordance with the federal and state constitutions and laws. The Supreme Court has appellate jurisdiction over all Wisconsin courts and has discretion to determine which cases it will review. Cases come to the Supreme Court in a number of ways:

- a party who has lost a case in the Court of Appeals may file a petition for review;
- any party may ask the Supreme Court to bypass the Court of Appeals and take a case;
- the Court of Appeals may ask the Supreme Court to take a case by certification; or
- a party may begin a case of statewide significance in the Supreme Court (these are called original actions).

When the Court agrees to decide a case, it receives written arguments (called briefs) from all sides and schedules oral argument (carefully timed presentations by attorneys, punctuated by frequent questions from the

justices). The Court publishes its decision in virtually every case it agrees to decide.

The Wisconsin Supreme Court has established and published Internal Operating Procedures (included in Wisconsin Supreme Court rules) describing its procedures for deciding cases.

### Administrative Function

The Court's administrative function include:

- Budgeting.** During the biennial budget process the Supreme Court, assisted by its advisory committees and the Director of State Courts Office, prepares a judicial branch budget request and submits it to the governor. The proposal is monitored as it moves through the process.
- Long-range planning.** In 1990, the Wisconsin Supreme Court established the Planning and Policy Advisory Committee (PPAC) to help chart a course for the future of the courts. PPAC advises the Court and the Director of State Courts office on planning initiatives, the administrative structure of the court system and the expeditious handling of judicial matters. Chaired by the chief justice, PPAC functions as the court system's long-range planning committee.
- Information technology strategies.** The Supreme Court is committed to fostering the use of automation to improve the operation of the courts. Under the court system's in-house technology service, known as the Consolidated Court Automation Programs (CCAP), circuit court software for management of cases, juries and finances have been streamlined, making Wisconsin courts some of the most fully automated in the country. The Court continues to explore and take advantage of new technologies, including videoconferencing, which have the potential to make court procedures more efficient and effective.
- Rules of Pleading and Practice.** As part of its administrative function, the Supreme Court adopts rules under Wis. Stat. § 751.12 to regulate pleading, practice and procedure in judicial proceedings in all Wisconsin courts. Rules adopted under this authority

simplify proceedings and promote the speedy and just resolution of disputes.

- ❑ **Security and facilities management.** In 1995, the Supreme Court established security, facilities and staffing standards for the circuit courts. The Wisconsin Security Training Project inspired a Courthouse Security Training Manual, which has been used in training programs statewide.

The court system has enabled online reporting of security incidents, which greatly improves the ability to gather information on safety threats.

In January 2012, the Supreme Court amended SCR 70.38 and 70.39 governing court security to create web-based sharing of security information among counties, expand the responsibility of courthouse security committees to make recommendations, and make security entrance and equipment recommendations, including bullet-proof material on the bench and the clerk and court reporter stations.
- ❑ **Juror use and management.** In 1997, the Supreme Court adopted rules on juror use and management in an effort to help clerks and judges. Since then, the Director of State Courts and Committee of Chief Judges' Subcommittee on Juror Treatment and Selection have sponsored a number of initiatives to improve the jury trial process both for courts and jurors. In 2006, the group issued a comprehensive report on the status of jury reform in Wisconsin. Initiatives have included a shortened term of service with a longer period of exception from service once served, revised statistical and management reports, establishment of a standard jury year, a new juror orientation DVD, judicial education programs on best jury management practices, increased privacy for juror personal information, mechanisms to ensure full representation of the community on jury lists, the designation of September as Juror Appreciation Month, and a manual to help clerks perform the required annual evaluation of their jury systems.
- ❑ **Court-connected alternative dispute resolution.** Resolving disputes through processes other than litigation may be less costly and may improve consumer satisfaction with the justice system. The Supreme Court has adopted a rule authorizing Wisconsin circuit courts to use certain means of "court-connected" alternative dispute resolution. For example, small-claims disputes are mediated by trained volunteers in appropriate cases. The Court is conducting a review and evaluation of court-connected techniques for alternative dispute resolution.

## Regulatory Function

The Supreme Court also regulates the Wisconsin judiciary through the Judicial Code of Conduct. Through the Office of Judicial Education, the Court administers the requirement that judges attend educational programs. The state Constitution gives the Court authority to discipline judges according to procedures established by the Legislature.

## The Seal of the Supreme Court of Wisconsin

*by the late Roland B. Day,*

*Chief Justice Wisconsin Supreme Court*

The seal of the Supreme Court of Wisconsin is rich in symbolism. It shows a scale of justice, but it is not held by the blindfolded Greek Goddess Themis, but by a human hand and arm. Thus, it recognizes that justice is in human hands.

Above the scale is the ancient symbol of the all-seeing eye of deity.

The seal was created sometime after August 12, 1848, when a joint resolution of the legislature provided that Edward H. Rudd be employed to engrave "a great seal for the state of Wisconsin and seals for the circuit courts and judges of probate of the several counties and supreme court of the state."

The resolution instructed Rudd to follow an existing pattern for seals currently in use, replacing the word "territory" with "state."

Seven months later, Governor Nelson Dewey signed into law a bill that authorized the secretary of state to "employ a competent and skillful engraver to engrave a seal for the supreme court, and the great seal of the state..."

The new law, Chapter 202, further authorized the secretary of state "to procure a good and substantial seal press for the use of the state and the supreme court," and provides that the costs will be paid out of the state treasury.



## Supreme Court Initiatives

*In addition to its case-deciding, administrative and regulatory functions, the Supreme Court and the chief justice have initiated programs designed to improve the effectiveness of the court system. Following are brief descriptions of some recent initiatives.*

### Children's Court Improvement Program

The Children's Court Improvement Program (CCIP) is a federal grant program approved for Wisconsin in 1995 that focuses on improving the handling of child welfare cases and related issues in the courts. CCIP is required to implement approaches for continuous quality improvement (CQI) to ensure that child welfare proceedings promote due process, high quality legal representation, and timely and thorough court hearings.

In 2013, the Wisconsin Indian Child Welfare Act (WICWA) CQI project was developed to improve adherence to WICWA in the child welfare and circuit court systems through onsite reviews and technical assistance.

In 2013–2014 and 2017–2018, CCIP and the Department of Children and Families (DCF) staff conducted onsite reviews for the WICWA CQI project in counties with the highest number of circuit court cases subject to WICWA.

The CCIP E-Learning Project, an innovative online training program, was released in December 2013. It is a resource that judges, court commissioners, and other individuals can use at any time to obtain information on conducting key court hearings in child welfare cases. Each learning activity includes applicable statutory requirements, case law, and recommended best practices.

### Public Outreach and Input

The Wisconsin Supreme Court seeks to foster court-community collaboration by engaging in a variety of public outreach activities (*see Public Outreach and Education handout*) and by involving the public in the work of the courts.

Since 1996, decisions of the Supreme Court and Court

of Appeals have been released electronically. They are now available, along with circuit court records and a variety of other information on the court system's website at [www.wicourts.gov](http://www.wicourts.gov). Audio of oral arguments are also streamed live through [wicourts.gov](http://wicourts.gov).

### Collaboration with the Legislative and Executive Branches

The three branches of our state government have a common goal—to serve the public. Although separate and independent, the three branches must find ways to work together to the end of serving the people of Wisconsin. The court system continues to seek new opportunities for better communication, cooperation and collaboration with its partners in the legislative and executive branches of state government and also with its partners in county and local government. A few examples follow:

- ❑ **Meetings with Legislative Committees.** In 1997, the Supreme Court for the first time held a series of meetings with legislative committees, including the Assembly and Senate Judiciary Committees and the Assembly Criminal Justice Committee. The purpose of these informal meetings was to identify issues of mutual concern and to discuss questions each group had about the other.
- ❑ **Orientation of New Legislators.** Since January 1999, the Supreme Court has participated in the Pre-session Conference for New Legislators, an orientation program for new legislators that has been hosted by the Legislative Council for more than 30 years.