

COURT OF APPEALS

WISCONSIN COURT SYSTEM

On April 5, 1977, Wisconsin voters ratified a constitutional amendment reorganizing the state court system. An integral part of that reorganization was the creation of an “intermediate” appellate court — the Wisconsin Court of Appeals — to hear appeals from circuit courts around the state. The Court’s 16 judges are elected and serve in four districts, with headquarters in Madison, Milwaukee, Waukesha, and Wausau. Like the Supreme Court, the Court of Appeals takes no testimony. Cases are decided based on the trial court record, written briefs, and, in a limited number of cases, oral argument. Any citizen may appeal a final order or judgment of a circuit court to the Court of Appeals. Appeals of non-final orders — those not finally disposing of the case at hand — are taken at the Court’s discretion.

CASELOAD

The Court of Appeals had 2,360 cases filed in 2023 and terminated 2,537 cases. And while the bulk of those dispositions were in the form of summary orders or memorandum opinions, the Court’s 16 judges wrote a total of 694 opinions.

PRECEDENTIAL VALUE OF OPINIONS

Under Rule 809.23, Stats., selected “judge-authored” opinions of the Court of Appeals are published in the official reports *Callaghan’s Wisconsin Reports* and *West’s North Western Reporter*. Published opinions have precedential value and may be cited as controlling law in Wisconsin. An unpublished opinion issued after July 1, 2009, may be cited for its persuasive value but not precedential authority. Rule 809.23 sets forth criteria for publication of Court of Appeals opinions, including whether it enunciates a new rule or modifies; criticizes or clarifies an existing rule of law; whether it resolves a conflict in prior decisions; whether it contributes to the legal literature; and whether it decides a case of substantial and continuing public interest. Under §§ 752.31 (2) and (3), Stats., single-judge, *per curiam*, and “summary” opinions are generally not eligible for publication. Thus, the initial publication decision is made by the deciding panel, which determines, based in large part on the publication criteria, the format an opinion will take — judge-authored, *per curiam*, or summary. In addition, all judge-authored opinions contain a written recommendation by the deciding panel whether to publish or not.

The final publication decision is made by a committee, which meets monthly, and is comprised of one judge from each of the four Court of Appeals districts and chaired by the chief judge. Committee members read and discuss each eligible opinion and, based on the criteria stated in the rule, vote whether to publish. Of the 91 full, three-judge opinions (the only kind eligible for publication) considered for publication by the Court in 2023, 55 were ordered published. That represents 60% of eligible opinions and 9% of all written opinions (three-judge, *per curiam*, and single judge opinions).

COURT AUTOMATION

Keeping up with technological advances, Court of Appeals and Supreme Court opinions were posted on the internet beginning in 1998. Opinions from 1995 to present can be accessed on the state court system’s website at: www.wicourts.gov. Opinions are posted on the morning of their release.

In addition, both the Supreme Court and Court of Appeals have developed plain-English guides to assist litigants. These guides, *Filing a Petition for Review: A Guide to Seeking Review in the Wisconsin Supreme Court* and *Filing an Appeal: A Citizen’s Guide to Filing an Appeal in the Wisconsin Court of Appeals*, are available on the web or by calling the Clerk’s Office at 608-266-1880.

