
Supreme Court of Wisconsin



Oral Argument Procedures

I. Introduction

This guide is intended to assist attorneys in preparing for oral argument before the Wisconsin Supreme Court. It is not a substitute for the Rules of Appellate Procedure, WIS. STAT. ch. 809, or the Court's Internal Operating Procedures, <https://www.wicourts.gov/sc/iopsc.pdf>. Counsel should familiarize themselves with the current versions of both.

Counsel should acknowledge receipt of the oral argument calendar and this guide via email to clerk@wicourts.gov and include the following information:

- Subject Line: Oral Argument (Date of Scheduled Argument);
- Case name and appeal number;
- Name of the attorney appearing for argument and the name of the party or parties they represent; and
- Contact information for that attorney including a cell phone number they can be reached at on the date scheduled for argument.

Approximately two weeks prior to argument, the Clerk's office will confirm the schedule.

II. Oral Argument

Unless otherwise noted on the calendar, oral argument will take place in the Supreme Court's hearing room on the second floor of the East Wing of the State Capitol. The calendar lists those cases to be argued in the morning, typically beginning at 9:45 a.m., and those cases to be argued in the afternoon, typically beginning at 1:30 p.m. On the morning of argument, counsel should check in with the Clerk's office staff member outside the hearing room and provide their name, the case name and appeal number for the case they will be arguing, and the name of the party or parties they represent. Counsel should be present and prepared to argue at the time indicated on the calendar, which is the earliest time at which their case may be called.

Petitioner's counsel is to be seated on the right side of counsels' table. Respondent's counsel is to be seated on the left side of counsels' table. The public is welcome to attend the court's sessions, and all seating is allocated on a first-come, first-served basis.

Argument will be scheduled to last one hour, unless the court directs otherwise. Twenty-five minutes will be allotted for petitioners' opening argument, and five minutes will be reserved for rebuttal. Thirty minutes will be allotted for respondent's argument. The division of time in cases with a cross-appeal is to be agreed to by the parties; no more than five minutes may be reserved for rebuttal. A party may also choose to cede part of its time to an amicus. Such division of time should be communicated to the Clerk's office in writing.

Requests for additional time for oral argument are to be made in writing to the clerk.

If, prior to oral argument, attorneys wish to submit additional authorities that have been reported, issued, or published since the filing of briefs, and which the court should consider, they must do so under WIS. STAT. § (Rule) 809.19(10). To make arrangements for the use of exhibits during oral argument, please contact the Marshal's office or the Clerk's office at least five days before oral argument. No new evidence may be presented.

At the start of each argument, the Chief Justice will call the case and ask the attorneys to state their appearances. The court generally will not question counsel

during the first two minutes of petitioner's opening argument or respondent's argument.

Counsel should speak in front of the podium and into the microphone. The podium may be raised or lowered as necessary using the buttons below. If counsel intends to leave the podium to explain an exhibit, they should make advance arrangements with the Marshal for a handheld microphone.

The argument will be timed electronically. A green light will turn on at the podium at the beginning of each argument. A yellow warning light will turn on when counsel has five minutes remaining. A red light will turn on when the allotted time is up, indicating that counsel should promptly conclude their argument. Live audio of oral arguments can be heard on the court's website, and a live video stream can be viewed on the Wisconsin Eye website: www.wiseye.org. Audio recordings of oral argument are posted to the court's website: www.wicourts.gov.

III. Rescheduling

The court will consider requests for rescheduling of oral argument for good cause based upon the circumstances of each case. If an emergency arises within 72 hours of a scheduled oral argument which prevents an attorney from participating in person, and backup counsel is not available, the attorney must immediately notify all counsel, the Clerk's office, the Marshal, and the Chief Justice's judicial assistant and, with approval from all counsel, formally request rescheduling of the oral argument.

IV. Contact Information

- Clerk's Office: 608-266-1880, clerk@wicourts.gov
- Marshal: 608-266-0231, Supreme Court Marshals@wicourts.gov
- Chief Justice's Judicial Assistant: anna.ganz@wicourts.gov