



HOW A CASE COMES TO THE WISCONSIN SUPREME COURT

Wisconsin Supreme Court: At oral argument, each side is allowed 30 minutes to present its case. Oral argument supplements and clarifies arguments the lawyers have already set forth in written submissions called *briefs*.

Following each day's oral arguments, the Court meets in conference to discuss and take a preliminary vote on the cases argued that day. After the vote, a Justice is assigned by lot to write the majority opinion. There are seven Justices on the Court.

The Court usually releases opinions for all cases heard during its September through June term by June 30 of that year. Opinions are posted on the court system website on the morning of their release (www.wicourts.gov).

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The losing party in the Court of Appeals case may ask the Wisconsin Supreme Court to hear the case. This is called a *Petition for Review*. The Supreme Court receives Petitions for Review each term and agrees on which cases to hear. It takes the vote of at least three Justices to take a case on a Petition for Review.

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The *Court of Appeals* is an error-correcting court. It is made up of four districts and 16 judges. The Court of Appeals considers all cases appealed to it and will either:

1. Review the case, using the transcripts of the circuit court proceedings, sometimes supplemented with oral argument. The Court of Appeals will rule in favor of one party; or
2. Certify the question to the Wisconsin Supreme Court. *Certification* means the Court of Appeals, instead of issuing its own ruling, asks the Supreme Court to take the case directly because the Court of Appeals believes the case presents a question of law that belongs before the Supreme Court. It takes a vote of at least four Justices to take a case on Certification.

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The Wisconsin Supreme Court, on its own motion, can decide to review a matter appealed to the Court of Appeals, ultimately bypassing the Court of Appeals. This is called *Direct Review*. It takes a vote of at least four Justices to take a case on Direct Review.

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The losing party may file a *Petition to Bypass*, asking the Wisconsin Supreme Court to take the case directly, bypassing the Court of Appeals. It takes a vote of at least four Justices to take a case on Petition to Bypass.

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The losing party may *appeal* the decision to the Court of Appeals.

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An individual, group, corporation, or government entity may bring a civil case, and the government may commence a criminal case, in the *circuit court*. After the proceedings, the circuit court will rule in favor of one party. There are 261 circuit courts in Wisconsin.

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An individual, group, corporation, or government entity may ask the Wisconsin Supreme Court to take *Original Action* in a case. This means that the case has not been heard by any other court. Because the Supreme Court is not a fact-finding tribunal, both parties in the case must agree on the facts.