## References are to sections, not pages.

#### A

#### Abortion

Waiver of parental consent, 15.7, 20.3, 27.15

## **Abuse of Discretion**

See Discretion

Administrative Appeals, ch. 28 Appeal to court of appeals, 28.25, 28.26, 28.27 Certification from Dane County, preference on appeal, 15.5 Certiorari, 28.27 Concepts and doctrines, 28.2-.6 Decisions reviewable, 4.7, 28.7, 28.26 Discretion, administrative, 28.22, 28.26 Disposition, 28.23 Findings of fact, 28.21, 28.26 Initiating review, 28.9-.14, 28.26 Intervention, 28.14 Jurisdiction. See Jurisdiction Motion to dismiss, 28.14 Notice of appearance, 28.14 Order terminating review, appealability, 4.7, 28.25 Petition for judicial review, 28.9-.14 Preserving issues for appeal, 3.4 Questions of law, 3.17, 28.20, 28.26

Standards of review, 3.15, 3.17, 28.17–.22, 28.26 Standing, 28.8, 28.26 Temporary relief, 28.24 Unemployment insurance, 28.26 Venue, 28.11, 28.26 Worker's compensation, 28.26

## **Adoption Cases**

Notice of intent, 5.4, 20.3 Preference on appeal, 15.5 Time for appeal, 19.30

## Advancement of Cases, 15.2 See also Expedited Appeals

#### **Affidavits**

Filing date, 4.20, 5.15 Indigency, 21.27 Of service, not required, 5.16, 18.7

## **Agreed Statement**

See Stipulations

## **Amicus Curiae**

Generally, 6.13
Briefing, 11.26–.28
Supreme court internal operating procedures, 27.23

## Appeal as of Right, chs. 4, 5 Class-action certifications and decertifications, 1.2, 2.3, 4.4, 5.4, 14.2 Criminal appeals, ch. 19

Criminal appeals, ch. 1 Due process, 1.2

Scope of review, 28.17–.23, 28.25 Service, 28.12, 28.14, 28.26

Record on review, 28.16

Respondent, 28.12

Electronics and information technology manufacturing zone, 1.2, 2.3, 4.4
Finality requirement, 4.3–.15
Jurisdiction, 2.3
Matters reviewable incident to appeal, 4.21
Notice. *See* Notice of Appeal
Postdisposition motion, 19.5
Prerequisites, ch. 4
Procedure, ch. 5
Supreme court, 2.6

Appeal by Permission, ch. 9 Criminal appeals, 19.5, 19.24 Criteria for, 9.2–.6 Petition for leave to appeal. *See* Petitions Policy disfavoring, 9.5 Postdisposition motion, 19.5

Relief pending petition for leave to appeal, 9.12
Supervisory writ as alternative remedy, 10.2

## **Appellate Mediation**, 15.12

Appellate System, ch. 1 Circuit court primacy, 3.2 Court of appeals' function, 22.2 History, 1.2–.3 Supreme court primacy, 1.3 Supreme court's function, 22.2

## **Appendix**

See Briefs and Appendix

**Appointment of Counsel**, 19.11, 19.23, 19.25

## **Argument of Counsel**

Briefs and appendix. *See* Briefs and Appendix Motions, contents, 13.2 Oral. *See* Oral Argument

Petition for leave to appeal, contents, 9.9 Petition for review, 23.11

## **Assignment of Cases**

See Submission of Appeals

## **Attorney Fees**

Appeal for purpose of delay, 18.10 Claimed as costs, 16.4 Frivolous appeals, 16.5 Standard of review, 3.13

## **Attorney General**

Criminal appeals, 19.15 Motion for three-judge panel, 20.7

#### **Attorneys**

Appointment, 19.11, 19.23, 19.25
Continued representation
—civil appeals, 18.13
—criminal and Wis. Stat. § 809.30
appeals, 19.8
Counsel on appeal, generally, 18.13
Penalties, 18.11
Pro hac vice admission, 18.13
Withdrawal, 18.13, 19.8, 19.28

#### **Audiovisual Aids**

Oral argument, 12.4

В

Bad Faith, 16.5

Bail, 19.18-.21

Bindover, 19.24

## **Bonds and Undertakings**

Costs, recoverable, 16.4
Eviction, stay of, 20.2
Municipal-ordinance violations, 20.2

Release on bond, 19.18–.21	Contents
Traffic regulation, stay of	—appellant's brief and appendix,
execution, 20.2	11.8–.18
Worker's compensation appeal,	—expedited appeals, 11.29
28.26	—respondent's brief, 11.21
	Copies and duplicates
Briefs and Appendix, ch. 11	—appellant, 11.6
Generally, 11.1–.2	—letter of additional authorities,
Amicus curiae, 6.13, 11.26–.28,	11.31
27.23	—respondent, 11.21
Appellant's, 11.3–.18	Costs, 16.4
Appendix, 11.18, 11.21	Covers
Argument	—appellant's appendix, 11.18
—generally, 11.14	—appellant's brief, 11.7
—effective writing, 11.33	—party designation, 11.7
—headings, 11.10, 11.14	—reply brief, 11.23
—oral. See Oral argument,	—respondent's brief, 11.21
statement on, this heading	—supreme court, 11.7
—respondent's brief, 11.22	Cross-appeals, 11.25
Authorities	Defects, self-represented parties,
—additional, 11.31, 15.2	11.30
—adverse, 11.14	Expedited appeals, 11.29, 15.11
—form of citation, 11.14	Extensions, generally, 11.32
—table of, 11.10	Facts, statement of, 11.13
Brevity, 11.33	Failure to file, 11.20, 18.11
Caption, 11.7	Filing
Case, statement of, 11.13	See also Time periods this
Certification	heading
—as to compliance with appendix	—electronic, 18.3
contents and confidentiality	—paper, 11.2, 18.4
requirements, 11.18	Font, 11.2
—as to form and length, 11.2,	Footnotes, 11.33
11.16	Format, general requirements, 11.2
Characterizations, 11.11	Guardian ad litem, 11.28
Citation	Handwriting, 11.2, 11.15, 11.30
—cases, statutes, authorities, 11.10,	Issues, statement of, 11.11
11.14, 11.33	Joint appellants, 8.2
—record, 11.13	Length. See Page limits this
—string, 11.33	heading
—unpublished opinions, 11.18,	Margins, 11.2
17.4	Multiple-parties, 11.24
Conclusion, 11.15	Multiple parties, respondents' and
Confidentiality, 11.17	reply briefs, 11.24
—appendix, 11.18	Number. See Copies and duplicates
	this heading
	One-judge appeals, 20.2

Oral argument, statement on, 11.12 Page limits -amicus curiae briefs, 11.27 —appellant's brief, 11.5 —appendix, 11.18 -cross-appeals, 11.25 —extensions, 11.32 —expedited appeals, 11.29 -reply briefs, 11.23, 11.29 -respondent's brief, 11.21, 11.29 Pagination -appendix, 11.18 —brief, 11.2 Paper size, 11.2 Production process, 11.2 Publication, statement on, 11.12 Question-and-answer format, 11.11 Relief sought, 11.15 Reply briefs -generally, 11.23 —expedited appeals, 11.29 -waiver, 15.2 Respondent's, 11.19-.22 —expedited appeals, 11.29 —failure to file, 11.20, 18.11 —Self-represented parties, 11.6, 11.30 Service of appellant's brief, 11.6 Size of document and margins, 11.2 Statement of case, 11.13 Statement of facts, 11.13 Statement of issues, 11.11 Statement on oral argument, 11.12 Statement on publication, 11.12 Supplemental, 11.31 Supreme court use of, 23.14, 27.16

expedited appeals, electronics
and information technology
manufacturing zone, 11.29
guardian ad litem, 11.28

—letter of additional authorities, 11.31

-reply briefs, 11.23, 11.29

-respondent's brief, 11.20, 11.29

—self-represented parties, 11.30

Title, 11.7 Writing style, 11.33

## **Burden of Proof**

See Presumptions and Burden of Proof

Bypass, ch. 24
Generally, 24.1
Criteria, 24.2
Expediting appeals, method of, 15.4
Jurisdiction, 2.6
Motion sua sponte, 24.1
Petition
—generally, 24.3
—response, 24.3
—supreme court internal operating procedures, 27.18, 27.41
Petition for leave to appeal, reviewability, 9.6, 24.3
Statistics, 15.4, 24.1

## $\mathbf{C}$

#### Certification

As to compliance with appendix contents and confidentiality requirements, 11.18
As to form and length
—of brief, 11.2, 11.16
—of no-merit report, 19.28
Service of process, 5.16, 18.7, 23.3

Tables, 11.10, 11.18

—cross-appeals, 11.25

—amicus curiae, 6.13, 11.27

—appellant's brief, 11.4, 11.29

-extensions, generally, 11.32

—expedited appeals, 11.29

Time periods

## Certification to Supreme Court by Court of Appeals, ch. 24, 27.18

## Certiorari

Administrative appeals, 28.27 Criminal matters, 19.5 Tax assessments, 15.5

## Chambers Locations, 1.5, app. A

#### **Children and Minors**

Confidentiality, 11.17 Indigency determination, 19.10, 19.11, 19.26 Waiver of parental consent for abortion, 15.7, 20.3, 27.15 Waiver to adult court, appealability, 9.6

#### **Circuit Court**

Clerk. See Clerk of Circuit Court Conclusions of law, standard of review, 3.17

Discretion

- -generally, 3.20
- —primary-jurisdiction doctrine, administrative appeals, 28.5
- -release upon appeal, 19.20
- —relief pending appeal, 14.2
- —supreme court review, 23.9

Findings

- -appendix contents, 11.18
- -standard of review, 3.14

Habeas relief, 19.24

Jurisdiction, 2.9, 14.2

Notice of right to postconviction relief and representation, 19.4

Postconviction or postdisposition relief, 19.16

Primacy of, 3.2

Proceedings on remand, 16.7

Relief pending appeal, 14.2-.3

Relief pending petition for leave to

appeal, 9.12

Two-tiered system replaced, 1.2-.3

Vacating order or judgment, 14.2 Venue, 1.6

#### Citation

Cases, statutes, authorities, 11.10, 11.14, 11.33
Record, 11.13
String, 11.33
Unpublished opinions, 17.4

## **Claim Preclusion**

Unpublished opinion, citation, 17.4

#### **Clerk of Circuit Court**

Entry of judgment, 4.20
Filing of appellate documents, 5.18
Location, app. B
Notice of appeal, 5.14, 5.15, 19.15
Notice of intent to pursue
postconviction or
postdisposition relief, 19.9
Postconviction or postdisposition
relief order, 19.16
Record, 7.3, 19.12
Sentence-modification order, 19.17
Small claims, notice of entry, 20.2

## Clerk of Court of Appeals and Supreme Court

Generally, 1.7, 21.7, 27.5
Filing
—electronic, 18.3
—paper, 18.4
Location, app. A
Notice of appeal, 5.18, 19.15
Office, 1.7, 18.4, 27.5
Penalties payable to, 18.11

#### Co-appeals, 8.2

See also Consolidated Appeals

#### **Conclusions of Law**

See Questions of Law

## Confidentiality

Appendix, 11.18 Briefs, 11.17 Documents, generally, 18.8 Presentence investigation report, 11.17 Presubmission conference, 15.10, 21.32 Record, 18.8

#### Consent

Withdrawal of counsel, 18.13

## Consolidated Appeals, 8.4

See also Co-appeals

#### **Constitutional Law**

Constitutional facts, 3.19 Double jeopardy, 9.6 Habeas corpus challenge, 19.24 Harmless error, 3.22 Plain error, 3.8 Postconviction motions under Wis. Stat. § 974.06, 19.25 Right to assistance of counsel, nomerit reports, 19.28

## Contempt Proceedings, 4.10

#### Contracts

Beneficiary to, as appellant, 6.2 Standard of review, 3.18

Coram Nobis, 19.25

## **Costs and Expenses**

Generally, 16.3–.5 Decision to appeal, 3.23 Delay, 18.10 Filing fees. See Filing Frivolous appeals, 11.30, 16.5 Indigent parties, 5.20 Statement of costs, 16.4 Taxing, 16.4 Transcript, criminal appeal, 19.11 Undertaking for, pending appeal, Voluntary dismissal, 5.22

#### Counsel

See Appointment of Counsel; Argument of Counsel; Attorneys

#### **Court of Appeals**

Bypass by certification, ch. 24, 27.16 Clerk. See Clerk of Court of Appeals and Supreme Court Decision conference, 15.11, 21.18 Decisions, internal operating procedures, 21.18-.19

Discretion

- —appeal by permission, 2.3, 9.6
- -extensions, 11.32, 19.30
- -oral argument, grant or denial, 12.2
- —personal jurisdiction, 3.9
- —rules violations, 18.11
- -waived or forfeited issues, 3.8

Discretionary decisions, reviewability, 23.9

Districts, 1.5, app. A

Filing. See Filing

Findings, 16.5, 18.10, 19.24

Hearing locations, 1.5, 12.2

History, 1.2-.3

Internal operating procedures, ch. 21

Judges. See Judges of Court of Appeals

Jurisdiction. See Jurisdiction

Opinions. See Opinion of Court

Oral argument. See Oral Argument

Personnel, 1.7, 21.2-.13

Screening, 21.15

Structure, 1.4-.7

Supervisory relief, ch. 10

Unified nature, 1.5, 21.1

Venue, 1.6

#### **Court Reporters**

Expediting appeals, 15.2 List of, 19.9 Sanctions, 7.2 Transcript preparation and filing. See Transcript

## Criminal Appeals, ch. 19

See also more specific headings (e.g., Notice of Appeal) Appointment of counsel, 19.10-.11 Civil appellate rules, applicability, 19.15 Enlargement of time, 19.30 Expedited disposition, ineligibility, 15.7 Frivolous, 16.5, 19.28-.29 Interlocutory appeal, policy disfavoring, 9.5 Juveniles, 9.6 Postconviction relief. See Postconviction or Postdisposition Relief Preference on appeal, 21.16 State's appeals, 19.26 Withdrawal from representation, 19.8, 19.28

## Cross-appeals, 8.3

Briefs and appendix, 11.25 Criminal, time, 19.30 Docketing statement, 15.9 State's appeals, 19.26 Voluntary dismissal, 5.22

D

#### **Deadlines**

See Time and Date

**Death of Party**, 5.4, 6.14

**Decision Conference**, 15.11, 21.18

## **Decision to Appeal**, 3.23

#### **Decisions**

Administrative, reviewability, 4.7, 28.7, 28.26
Court of appeals internal operating procedures, 21.18–.19
Finality and appealability, 4.2–.15
Memorandum. *See* Memorandum Opinions and Decisions
Oral, 21.19

## **Declaratory Judgment**

Supreme court original jurisdiction, 25.3

## **Delay**

See Laches and Delay

## **Development of Law**

Oral argument for cases involving, 12.2 Supreme court focus on, 1.2, 22.2, 23.9, 24.2

## **Director of State Courts**, 1.8, 27.4

#### Discretion, 3.20

See also Circuit Court; Court of Appeals; Supreme Court Administrative, 28.22, 28.26 Misuse or erroneous exercise, 3.20 Reviewability by supreme court, 23.9 Standards of review, 3.20, 28.22, 28.26, app. C

#### **Discretionary Jurisdiction**

See Jurisdiction

## **Discretionary Reversal**, 3.24

#### **Dismissal**

Administrative appeal, 28.14 Double-jeopardy grounds, 9.6

Failure to prosecute, 18.11
Failure to serve, 5.16, 23.3
Jurisdictional defects, 15.3, 21.10
Multiple parties, finality, 4.8, 4.21
Reviewability, 23.2
Rules violations, generally, 18.11
Self-represented parties, procedural defects, 11.30
Statement on transcript, failure to file, 7.2
Summary, 15.3
Voluntary, 5.22, 27.42

## Disposition Rate, 1.2, 15.1

#### **District Attorney**

Redetermination of indigency, 19.10 Service, 19.15

#### Districts, 1.5

Presubmission conference procedures, 15.10

## **Docket Entries**

Appeal based on, 4.19

## **Docketing**

Cases, 5.21 Taxed costs, 16.4

## **Docketing Statement and Response**, 5.19, 9.11, 15.9, 19.1, 21.30

## **Document Size**

Generally, 18.8 Briefs and appendix, 11.2 Motions, 13.3

## **Double Jeopardy**, 9.6

## E

## **Electronic Filing**

See Filing

## Electronics and Information Technology Manufacturing Zone

See also more specific headings (e.g., Appeal as of Right) Statutory preference on appeal, 15.5, 24.2

#### **Eminent Domain**

Statutory preference on appeal, 15.5

## Entry of Judgment, 4.16–.20

Nonfinal judgments, 9.3 Notice of entry, 5.5 —small claims, 20.2 Parties able to cause, 4.2 Waiver by, 3.6

## **Erroneous Exercise of Discretion**

See Discretion

#### **Error**

Allegations of, in brief, 11.14, 11.33 Clearly erroneous standard, 3.14 Correction

—bypass inappropriate for, 24.2

- —court of appeals' responsibility for, 22.2
- —criteria for review, 23.9
- —of errors to support judgment, 8.3, 11.22, 19.26
- -record, defects in, 7.4

Cured, 3.22

Error of fact. *See* Findings of Fact Error of law. *See* Questions of Law Harmless, 3.22

Manifest, 3.5

Plain error, 3.8, 3.22, 19.16

## Prejudicial

-generally, 3.22

—administrative law, 28.19, 28.26 Procedural, administrative law,

28.19

Waiver or forfeiture, 3.3-.10

Writ of, 2.3

## **Estoppel**

See Waiver

#### **Eviction**

Expedited appeal period, 5.4, 20.2

#### **Evidence**

Additional or newly discovered

- —administrative appeals, 28.16
- —postconviction or postdisposition motions, 19.16

Circumstantial, 3.15

Credibility, 3.14, 3.15

Cured error, 3.22

Documentary, 3.13

Erroneously admitted, 3.22

Exhibits. See Exhibits

Failure to object, 3.4

Great-weight standard, 3.14, 3.19

Harmless error, 3.22

Rulings, reviewable incident to

appeal, 4.21

Sufficiency

- —appeal based on, 3.23
- —challenged for first time on appeal, 3.4, 3.5
- —criminal or Wis. Stat. § 809.30 appeals, 19.16
- —postconviction motion (Wis. Stat. § 974.06), 19.25
- -transcript, 7.2

#### Ex Parte Relief, 14.4

## **Exhibits**

Document size, 18.8 Motion, contents, 13.2

Petition for leave to appeal, 9.9

Petition for supervisory writ, 10.3 Record on appeal, 7.3

Expedited Appeals, ch.15, app. D

Assignment and advancement, 15.2

Bypass. See Bypass

Court of appeals internal operating

procedures, 21.28–.32

Exceptions to 45/90 rule, 5.4

Expedited (fast-track) appeals

program, 15.6-.11

- -briefs, 11.29, 15.11
- -criteria, 15.7-.8
- —docketing statement and response, 15.9, 19.1
- —presubmission conference, 15.10, 21.32

Preference, statutory, 5.12, 15.5

Shortened time periods, motion for, 15.2, 15.5

Summary disposition, 15.3

## **Extradition**

Habeas corpus challenge, 19.24

#### $\mathbf{F}$

## **Family Law**

Exercise of discretion, 3.20 Substitution on remand, 16.7

## **Fast-Track Appeals**

See Expedited Appeals

#### Fax

Filing, 5.15, 18.4 Service, 18.7, 18.9

#### **Filing**

See also individual documents Generally, 5.14, 5.15 Certification of service constituted by, 18.7

Circuit court, 5.6, 5.14, 5.15, 5.18, 7.1, 18.3, 19.1

Date, actual, 4.20, 5.14, 5.15

Electronic, 5.6, 5.14, 5.20, 7.1, 11.4, 11.20, 11.23, 13.3, 18.1, 18.3, 18.8, 19.1

Failure to file

- —delinquency proceedings, 21.17
- -docketing statement, 15.9
- -respondent's brief, 11.20, 18.11

Fax, 5.15, 18.4

Fees

- -generally, 5.20
- -costs, recoverable, 16.4
- —electronic filing, 18.3
- —indigent parties, 5.20, 27.40
- —supreme court review, 23.3, 27.40
- -voluntary dismissal, 5.22
- —worker's compensation appeal, 28.26

Guardian ad litem, 18.13

Location

23.3

- —court of appeals, 1.5, 18.4
- —supreme court, 23.3

No-merit petitions for review, 19.29

No-merit reports, 19.28

Mail, 5.6, 5.15, 18.1, 18.4, 23.3

Service required before or simultaneously with, 5.16, 18.7,

Supreme court, generally, 23.3 Time and date. *See* Time and Date

#### **Final Orders and Judgments**

Administrative appeals

- -generally, 28.7
- —order terminating review, 4.7, 28.25

Appeal as of right. See Appeal as of Right

Appealability, ch. 4, 19.5

Defined, 4.1, 4.2, 4.5-.8

Distinguished, 4.2

Docketing statement contents, 15.9

Finality, 4.3–.15 Mandate. *See* Mandate

Other documents constituting, 4.2

Writing and signature requirements, 4.18

## Findings of Fact, 3.12–.15

Administrative, 28.21, 28.26

Appeal based on, 3.23

Contracts, 3.18

Court of appeals, 16.5, 18.10, 19.24

Docketing statement, contents, 15.9

Failure to make, 3.20

Frivolous appeals, 16.5

Mixed questions, 3.19

Release pending appeal, 19.20

Supreme court, 27.17

Undisputed or stipulated facts, 3.18

#### Foreclosure

Finality of judgment, 4.7

#### **Forfeiture**

See Waiver

## **Forfeiture Actions**

Pleas constituting waiver, 3.6

## Form of Documents, 18.8

See also more specific headings (e.g., Briefs and Appendix)

Sample forms, app. E

#### Frivolous Appeals, 16.5

Delinquent respondent's brief, 18.11

No-merit petitions for review, 19.29

No-merit reports, 19.28

Questions of law, 3.18

Self-represented parties, 11.30

## $\mathbf{G}$

#### **Good Faith**

Notice of appeal, 5.10 Self-represented parties, rules compliance, 11.30 Venue mistake, administrative appeals, 28.11

## **Guardian ad Litem**

Briefs, 11.28 Duties, 18.13

## H

Habeas Corpus, 19.22-.25, 27.20

#### Hearings

Administrative review, 28.18 County of origin, 1.5, 5.18, 12.2, 20.5–.6 Locations, 1.5, 12.2

## History

Appellate system, 1.2-.3

## I

#### **Indigency**

Appointment of counsel, 19.11, 19.23, 19.25
Court of appeals internal operating procedures, 21.27
Determination or redetermination, 19.10, 19.11, 19.26, 21.27, 27.45
In forma pauperis, leave to proceed, 5.20
Notice of right to assistance, 19.4
Supreme court, 27.45

#### **Ineffective Assistance of Counsel**

Appellate counsel, habeas corpus, 19.24 Postconviction counsel, Wis. Stat. § 974.06 motion, 19.24

Initials, 11.17, 18.8

## Initiating Appeal, ch. 5

Administrative appeals, 28.9–.14, 28.26 Criminal and Wis. Stat. § 809.30 appeals, 19.2–.16 Cross-appeals, 8.3 Notice of appeal. *See* Notice of Appeal

## **Injunctions**

Authority, 14.2 Harassment, or domestic abuse protective orders, confidential references, 11.14, 11.17, 18.8 Order denying, appealability, 4.7

## **Instructions to Jury**

See Jury Instructions

## **Interlocutory Appeals**

See Appeal by Permission

## **Internal Operating Procedures**

Court of appeals, ch. 21 Supreme court, ch. 27

## Intervention

Generally, 6.10–.12
Petition
—generally, 6.12, 21.17
—administrative appeals, 28.14
—finality of order denying, 4.10

#### **Issues on Appeal**

Amicus curiae brief, 11.27 Appellant's brief, 11.11, 11.14

Transcript copies, 19.11, 19.15

Artificial or manufactured, not allowed, 4.4
Choice of, 11.14, 11.33
Docketing statement, 15.9
Expedited appeals, 15.9, 15.10
Oral argument, 12.4
Presubmission conference, 15.10
Record on appeal, completeness, 7.3
Reply brief, 11.23
Respondent's brief, 11.22
Supreme court, 23.2, 23.8, 23.13
Waiver or forfeiture, 3.3–.10, 11.14

## J

## Joint Appeals, 8.2 See also Consolidated Appeals

## **Judges of Court of Appeals**

Generally, 1.7
Chief judge, 1.7, 21.3
—term limit, 27.62
Deputy chief judge, 21.4
Motions judge, 21.17
One-judge appeals. See One-Judge
Appeals
Panels. See Three-Judge Panels
Presiding judge, 21.6
Substitution in administrative
appeals, 28.25
Transfer, 1.6

#### Judgment

See Declaratory Judgment; Entry of Judgment; Final Orders and Judgments; Nonfinal Orders and Judgments

## Judicial Notice, 7.5

Jurisdiction, ch. 2 Administrative appeals, 28.5, 28.6, 28.8, 28.12 Circuit court, 2.9, 14.2, 16.6 Court of appeals, 2.2-.4

—after remittitur, 16.6

—discretionary appellate, 2.3, 4.15

—mandatory appellate, 2.3

—original or prerogative, 2.4

—supervisory, 2.4, ch. 10

Defects, jurisdictional

—dismissal for, 15.3, 21.10

—docketing statement, 15.9, 21.30

Defects, nonjurisdictional

-generally, 18.11

—failure to serve, 5.16, 23.3, 28.12

—notice of appeal, 5.10

Habeas corpus challenge, 19.24

Personal, 3.9

Postconviction or postdisposition

decision, 19.16

Postconviction motion (Wis. Stat.

§ 974.06) regarding, 19.25 Relief pending appeal, 2.9, 14.2

Subject matter

—administrative appeals, 28.6, 28.8, 28.12

—pending appeal, 2.9, 14.2

—sua sponte consideration, 3.9

—supreme court original jurisdiction, 25.3

—timeliness, 5.3, 5.6, 23.3

Supreme court, 2.5–.8

—appellate, 2.6, 27.13

—on bypass by certification, 24.3

—original, 2.7, ch. 25, 27.13

-regulatory, 2.8, 27.19

-supervisory, 2.7, ch. 26, 27.20

#### Jury

Extraneous information, harmless error, 3.22 Findings, 3.15

## **Jury Instructions**

Cured error, 3.22 Objections, 3.4, 3.5

#### Juveniles

See Children and Minors

L

#### **Laches and Delay**

Appeal for purpose of delay -penalty, 5.22, 18.10 —release pending appeal, 19.20 Consolidated appeals, 8.4 Delinquency proceedings, court of appeals internal operating procedures, 21.17 Decision to appeal, 3.23 Ex parte relief, 14.4 Expedited appeals. See Expedited Appeals Habeas corpus, 19.24 Mandate, 16.6 Motions -advance submission, 15.2 -summary disposition, 15.3 Record on appeal, filing, 7.3 Standard of review, negative, 3.21

Law Clerks, 1.7, 21.13, 27.12

## Leave to Appeal

See Petitions

## **Limited-Scope Representation**

Generally, 5.11 Briefing, 11.15, 11.30 Withdrawal of counsel, 18.13

#### Location

Chambers, 1.5
Filing
—court of appeals, 1.5, 18.4
—supreme court, 23.3
Oral argument, 1.6, 12.2, 20.6
Service, 18.7
Venue
—court of appeals, 1.6
—administrative appeals, 28.11, 28.26

#### $\mathbf{M}$

## Mail and Mailings

Administrative appeals, 28.12 Filing by, 5.6, 5.15, 18.4, 23.3 Notice of appeal, 5.6, 5.15 Notice of entry, 5.5 Petition for review, 23.3 Service by, 5.5, 18.7, 18.9

Mandamus, 10.2, 16.7, 25.3, 27.20

Mandate, 16.6 Finality, 16.6, 23.2 Refused or misinterpreted, 16.7 Stayed by petition for review, 16.6, 23.3 Supreme court internal operating procedures, 27.40

## **Margins**

Generally, 18.8 Briefs, 11.2 Motions, 13.3

Mediation, 15.12

# Memorandum Opinions and Decisions

Appealability, 4.2, 4.15 Court of appeals internal operating procedures, 21.19 Motions, contents, 13.2

## **Mental Health**

Appeals under Mental Health Act, ch. 19

## Minors

See Children and Minors

## Mistake

See Error

## Mistrial

See Motions

## **Misuse of Discretion**

See Discretion

#### Modification

See Motions

Motions, ch. 13

See also Petitions

Additional evidence, administrative

appeals, 28.16

Advance submission, 15.2, 15.5

Affirmance, summary, 15.3

Amicus curiae brief, 6.13, 27.23

Appointment of counsel, 4.9

Bail pending appeal, 4.9

Briefing time and page limits,

extension, 11.32

Bypass, sua sponte, 24.1, 27.18

Consolidation of appeals, 8.4

Contents, 13.2

Court of appeals internal operating

procedures, 21.17

Denials of, appealability, 4.9, 4.12,

4.21, 9.3

Dismissal, motion for

-administrative appeals, 28.14

—appeal of order denying, 4.9

—double-jeopardy grounds, 9.6

—failure to serve, 5.16, 23.3

-summary disposition, 15.3

—voluntary dismissal, 5.22

Enlargement of time, 13.3, 18.9, 19.30

—see also individual motions this heading

Ex parte relief, 14.4

Expedited appeal program,

withdrawal from, 15.10

Filing, generally, 13.3

Format, 13.2, 13.3

Further proceedings, 16.7

Granting of, appealability, 4.11

Hearing in county of origin, 5.18,

20.6, 21.26

Join additional defendant, 4.9

Jury array challenge, 4.9

Leave to proceed in forma pauperis, 5.20

Length, 13.2

Mistrial, 3.5

Modification

—appealability, 4.12

—sentence or fine, 19.17

New trial motion, 3.5, 4.11

Postconviction or postdisposition relief (Wis. Stat. § 809.30)

—generally, 19.14, 19.16

—enlargement of time, 18.9

Postconviction relief (Wis. Stat.

§ 974.06), 19.23, 19.25

Posttrial, generally,

—as alternative to appeal, 3.23

—order on, appealability, 4.12,

4.18

—preserving issues for appeal, 3.5

—record, 7.3

Publication, 17.2

Reconsideration by circuit court

-administrative appeal, 28.25

—appealability of order denying, 4.12, 4.18

—preserving issues for appeal, 3.5

-stay of time for appeal, 5.7

Reconsideration by court of appeals

—decision, 16.2, 21.20, 23.3

—expedited appeal, 15.10

—failure to file brief, 18.11

—order on motion, 13.2

—petition for review and response, effect on, 23.3, 23.13

—remittitur stayed by, 16.2, 16.6

—time limit, 13.2, 19.30

Reconsideration by supreme court, 22.5, 27.41

Record, correction of, 7.4

Release pending appeal, 19.19-.20

Relief pending appeal, 14.2–.4,

21.17

—reviewability, 23.2

Relief pending supreme court review, 27.23

Remand, termination of parental rights, 13.1 Reopen judgment, 4.11 Response, 13.2 Reversal, summary, 15.3 Service, 13.3, 13.4 Shortening time periods, 15.2, 15.5 Statement of costs, objection to, Stay of proceedings, 4.9 Stay of time periods, 5.7, 7.4, 13.4 Sua sponte —bypass, 24.1, 27.18 -consolidation of appeals, 8.4 -enlargement, reduction, or waiver of time periods, 18.9, 19.30 —oral argument granted, 13.2 -reconsideration, 16.2, 23.3

—summary disposition, 15.3

—three-judge panel, 20.7

Substitution of counsel, 18.13

Substitution of judge, 4.9 Summary disposition

—generally, 15.3

—supreme court, 23.14

Summary judgment, 9.3

Supplement or correct record, 7.4 Supreme court internal operating

procedures, 27.23

Three-judge panel and response, 20.4-.7, 21.26

Transcript, additional portions, 7.2 Vacate, 4.12, 16.6

Voluntary dismissal, 5.22

Withdrawal from representation, 18.13

## **Motor-Vehicle Violations**

See Traffic Regulation

Multiple Appeals, ch. 8

## **Multiple Issues**

Finality, 4.8

## **Multiple Parties**

Briefing, 11.24

## **Municipal-Ordinance Violations**

Generally, 20.2

Docket entry, appealability, 4.19

#### N

## National Center for State Courts,

1.2

#### New Trial

Circuit court authority, 2.9 Order granting, appealability, 4.11 Preserving issues for appeal, 3.5 Upon remand, 16.7

## **No-Merit Petitions for Review,** 19.29

**No-Merit Reports**, 19.28, 21.25

## **Nonfinal Orders and Judgments**

Administrative appeal, 28.7 Appeal from. See Appeal by Permission Consolidating multiple counts, 4.4 Cross-appeal, 8.3 Defined, 9.3 Denials of motions, 4.9, 4.12, 4.21, Discretionary jurisdiction, 2.3 Entry, 9.3 Granting motions, 4.11 Habeas corpus challenge, 19.24 Injunctions. See Injunctions Interlocutory judgment defined, 4.6 Intermediate order defined, 4.6 Reviewable incident to appeal, 4.21

Notice of Appeal, ch. 5 45/90 rule, 5.4, 5.6

Supreme court review, 23.2

Circuit court jurisdiction, effect on, 2.9

Contents, 5.8–.12, 19.15

Criminal and Wis. Stat. § 809.30 appeals

- —generally, 19.5, 19.14—.15
- -extensions, 19.30
- —following denial of postconviction or postdisposition relief, 19.16
- —no-merit reports and petitions for review, 19.28–.29
- —state's appeals, 19.26

Defects or omissions, 5.10

Documents forwarded by circuit court, 15.18

Eviction cases, 5.4, 20.2

Filed prematurely, 4.19

Filing fee, 5.20, 19.15

Filing, generally, 5.6, 5.14, 5.15

Joint appellants, 8.2

One-judge appeals, 5.12

Petition for leave to appeal serving as, 9.11

Preference, statutory, 5.12, 15.5

Prior final orders or judgments, 4.21

Service, 5.16, 6.14, 19.15

Small claims, 20.2

State as sole defendant, designation of district to hear appeal, 5.9

State's appeals, 19.26

Sua sponte correction, 5.10

Time and date

- -generally, 5.2-.7
- —electronics and information technology manufacturing zone,5.4

## Notice of Appearance, 28.14

#### Notice of Claim, 5.4

## Notice of Cross-appeal, 8.3

## Notice of Dismissal, 5.22

## **Notice of Entry**

Generally, 5.5 Small claims, 20.2

## **Notice of Intent to Pursue**

## Postconviction or Postdisposition Relief

Generally, 19.8

Filing

- -generally, 19.8
- —as commencing appeal, 19.20
- —clerk of circuit court, 19.9
- -trial counsel obligation, 19.4

Sentence-modification motion, 19.17

## Notice of Right to Postconviction Relief, 19.4

#### **Notice of Submission**

Generally, 15.2 Expedited appeals, 15.11 Oral argument announced by, 12.2, 21.16

#### O

## Objections, 3.4–.5

## One-Judge Appeals, ch. 20

Generally, 20.1

Court of appeals internal operating procedures, 21.26

Motion, three-judge panel, 5.18, 5.21, 20.4–.7, 21.26

Notice of appeal, 5.12

Oral argument, county of origin, 12.2, 20.2, 20.5

Petition for leave to appeal, 9.11

Publication not permitted, 17.2

Statistics, 20.1

## **Opinion of Court**

Court of appeals opinions

- —internal operating procedures, 21.19
- -modification, 1.5

Docketing statement, contents, 15.9

Expedited appeals, 15.11

Memorandum opinion,

appealability, 4.2, 4.15

Per curiam

- —court of appeals internal operating procedures, 21.19
- -no-merit appeals, 19.28
- —publication not permitted, 17.2
- —supreme court internal operating procedures, 27.39

Publication. See Publication

Retroactive vs. prospective application, 16.8

Reviewability, 23.2

Supreme court, internal operating procedures

- -circulation dates, 27.29
- —conferences, 27.37
- -holds, 27.36
- -justice declarations, 27.31
- —majority opinion, 27.31–.32, 27.34
- -separate writings, 27.28, 27.30

Supreme court opinions

- —internal operating procedures, 27.28–.40
- -length, 22.2

## Oral Argument, ch. 12

Audio recordings of, 12.4, 21.18, 27.25

Criteria for granting, 12.2, 21.15

Docketing statement, 15.9

Expedited appeals, 15.9

Format, 12.3, 12.4

Issues, 12.4, 21.18

Location, 1.6, 12.2, 20.6

Motion sua sponte, 13.2

One-judge appeals, 12.2, 20.2, 20.6

Petition for leave to appeal, 9.11

Screening, 21.15 Statement on, 11.12 Statistics, 12.2

Supervisory writ, oral argument on,

10.3

Supreme court

- —generally, 27.25
- —likelihood of oral argument, 12.2, 27.24
- —original actions, 25.3, 27.19

Timing issues, 12.3

## **Oral Decisions**

Court of appeals internal operating procedures, 21.19

Preserving issues for appeal, 3.20

## **Oral Orders**

Appealability, 4.18

#### **Orders**

See Final Orders and Judgments; Nonfinal Orders and Judgments

## **Original Jurisdiction**

See Jurisdiction

## P

## **Page Limits**

Briefs. *See* Briefs and Appendix Fax filings, 18.4

Motions

- -generally, 13.2
- -reconsideration, 16.2
- —summary disposition, 15.3

No-merit petition for review, supplemental petition, 19.29

Petition for review and response,

23.5

#### **Pagination**

Generally, 18.8

Appendix, 11.5, 11.18 Briefs, 11.2 Record on appeal, 7.3, 11.13

#### **Panels**

See Three-Judge Panels

## **Paper Parties**

Briefs, 11.2, 11.6 Costs, 16.4 Motions, 13.3 Service, 18.7

## **Paper Size**

See Document Size

#### Parties, ch. 6

Administrative appeals, 28.8, 28.12, 28.26 Aggrieved, 6.2, 28.8, 28.26 Appellant, generally, 6.2, 6.5 Co-appellant, 6.6, 8.2 Consolidated appeals, 8.4 Cross-appellant, 6.8, 8.3 Cross-respondent, 6.9 Death, 5.4, 6.14 Defined, 6.2–.9

Entry of judgment, ability to cause, 4.2

Finality of order or judgment, 4.8 Joinder

-generally, 8.2

—orders made reviewable by, 4.21 Petition for supervisory writ, 10.3 Presubmission conference, 15.10 Respondent, 6.7, 28.12 Standing, 6.2, 28.8, 28.26 Substitution, 6.14

#### **Penalties**

See Sanctions

## **Permissive Appeal**

See Appeal by Permission

#### **Petitions**

**Bypass** 

- -generally, 24.3
- —criteria, 24.2
- -statistics, 24.1
- —supreme court internal operating procedures, 27.18, 27.41

Court of appeals internal operating procedures, 21.17

Cross-review, 23.13

Habeas corpus, 19.23-.24, 27.20

Intervention

- —generally, 6.12, 21.17
- —administrative appeals, 28.14
- —finality of order denying, 4.10 Judicial review, petition for, 28.9— .14

Leave to appeal, petition for, 9.7–.11

- -generally, 9.8
- —bypass review, 9.6, 24.3
- -contents, 9.9
- —court of appeals internal operating procedures, 21.17
- —criminal and Wis. Stat. § 809.30 matters, 19.5
- —decision time, 9.12
- —interlocutory order on, appealability, 8.3
- —relief pending, 9.12
- —response, 9.10
- —reviewability, 23.2, 24.3
- —supervisory writ, alternative remedy to, 10.2

Mandamus, 10.2, 16.7, 27.20

Original action in supreme court, 25.3, 27.19

Prerogative writs. See Writs

Prohibition, 10.2, 27.20

Review, petition for, ch. 23

- —alternative to supervisory relief, 26.2
- —appendix, 23.12
- -argument, 23.11
- -briefs, 23.14, 27.16
- —contents, 23.4—.12

- -costs taxed regardless of, 16.4
- —copies, 23.5
- -criteria, 22.2, 23.9, 27.16
- -cross-review, 23.13
- —decision process, 23.14, 27.16
- —denial, significance of, 23.14
- —filing, generally, 23.3
- -form, 23.4-.12
- —internal operating procedures, 27.16
- -issues limited by, 23.8, 23.13
- —jurisdiction, 2.6
- —no-merit procedure, 19.29, 23.13
- -orders on, 23.14
- —reconsideration of court of appeals decision, effect of motion on filing, 16.2
- —reconsideration of order denying, 22.5, 27.41
- -remittitur stayed by, 16.6, 23.3
- —response, 23.13
- -service, 23.3
- -statement of case, 23.10
- -statement of criteria, 23.9
- -statement of issues, 23.8
- -statistics, 22.2, 23.1
- —time, 23.3, 23.13

Supervisory writ

- —court of appeals, 10.2–.4, 21.24
- -supreme court, 26.2, 27.20

#### Pleas

Waiver constituted by, 3.6

## Postconviction or Postdisposition Relief, ch. 19

See also Criminal Appeals Defined, 19.7

Maria (W. Cara

Motion (Wis. Stat. § 809.30)

- -generally, 19.14, 19.16
- -enlargement of time, 18.9, 19.16

Motion (Wis. Stat. § 974.06),

19.16, 19.24, 19.26

Notice of intent. *See* Notice of Intent to Pursue Postconviction or Postdisposition Relief

Notice of right to postconviction relief, 19.4

Release on bond pending, 19.18–.21

State's appeal of postconviction judgment or order, 19.26

## Postdecision Procedures, ch. 16

#### Postdisposition Relief, ch. 19

## **Postjudgment Orders**

Appealability, 4.11, 4.12, 4.18, 4.21

## **Posttrial Motions**

See Motions

#### Precedent

Law-of-the-case doctrine, 3.21 Stare decisis, 3.21 Unpublished opinion not citable as, 17.4

## Preference on Appeal, 15.5

Criminal appeals, 21.16

Notice of appeal, 5.12, 15.5

## **Prejudicial Error**

See Error

#### **Prerogative Writs**

See Writs

## Preserving Issues for Appeal,

3.3 - .10

Record on appeal, completeness, 7.3

# Presubmission Conference, 15.10, 21.32

## Presumptions and Burden of Proof

Harmless error, 3.22

Intervention, delay in attempting, 6.12
Proceedings under Wis. Stat. § 974.06, 19.25
Receipt of served papers, 18.7

## **Prisons and Prisoners**

Briefs by self-represented parties, 11.30

## **Pro Se Appeals**

See Self-Represented Parties

## **Probate Proceedings**

Appeal from, 4.10 Filing, 5.15

#### **Probation**

Certiorari review of revocation order, 19.5, 19.24
Habeas corpus challenge to revocation, 19.24
Order, effect on notice of intent, 19.8

**Prohibition, Writ of**, 10.2, 25.3, 27.20

# Protective Placement and Services, 20.1

Publication, ch. 17
Court of appeals internal operating procedures, 21.10, 21.21
Criteria, 17.2
Decision on
—reviewability, 17.2
—procedure, 17.3, 21.21
Docketing statement, 15.9
Expedited appeals, 15.9
Petition for review, influence on, 23.14
Statement on, 11.12

Supreme court opinions, orders, and rules, 17.5 Unpublished opinions, limited citation allowed, 17.4

#### **Public Defender**

See State Public Defender

## **Publici Juris**

Court of appeals, 2.4 Supreme court, 2.7, 25.2, 25.3

## Q

## **Questions of Fact**

See Findings of Fact

Questions of Law, 3.16–.19
Generally, 3.17
Administrative appeals, 3.17, 28.20, 28.26
Consolidation for pronouncement on, 8.4
Decision to appeal, 3.23
Error, as misuse of discretion, 3.20
Mixed questions, 3.19
Reviewability by supreme court, 23.9

**Quo Warranto**, 10.2, 27.20

#### R

## Reconsideration

See Motions

Record, ch. 7
Administrative appeals, 28.16
Agreed statement in lieu of, 7.3, 15.2
Citation to, 11.13
Contents, 7.3
Costs, recoverable, 16.4

Statistics, 17.2

Criminal and Wis. Stat. § 809.30 appeals, 19.11, 19.12, 19.15 -no-merit cases, 19.28 Discretionary acts, 3.20 Docketing statement not part of, 15.9 Electronic, 7.1, 11.4 Filing, -generally, 7.3

- —before motion for summary disposition, 15.3
- -briefing schedule triggered by, 11.4, 19.15
- -criminal and Wis. Stat. § 809.30 appeals, 19.15

Inspection, 7.3

Judicial notice, 7.5

Pagination, 7.3, 11.13

Remittitur, 16.6

Searching, to remedy omission, 3.20

Supplementing or correcting, 7.4– .5

Transcript. See Transcript

Verbatim

- —defined, 7.2
- —retention period, 19.11

## **Records and Recordings**

Entry of judgment. See Entry of Judgment Filings. See Filing Judicial notice of, 7.5

## Reinstatement of Appeal, 5.22

## Release Pending Appeal, 19.18– .21

As restraint on liberty, 19.24

## Relief from Judgment (Wis. Stat. § 806.07)

Circuit court jurisdiction, 2.9, 14.2

## Relief Pending Appeal (Wis. Stat. §§ 808.07, 809.12), ch. 14

Circuit court authority, 2.9, 14.2

Emergency, 14.4

Ex parte, 14.4

Motions

- -generally, 14.2-.4, 21.17
- -contents, 14.3
- —reviewability, 23.2

Postconviction or postdisposition relief. See Postconviction or Postdisposition Relief

Reviewable incident to appeal, 4.21

## **Relief Pending Petitions**

Leave to appeal, 9.12 Original action, 25.3 Supervisory writ, 10.4, 21.24

## **Relief Pending Review**

Judicial, of administrative decision, 28.24 Supreme court, 27.23

#### Remand

To agency, 4.7 To circuit court, 16.7 To court of appeals, 21.23, 22.3, 24.3

#### Remittitur

Generally, 16.6, 21.22 Stayed by motion for reconsideration, 16.2, 16.6 Stayed by petition for review, 16.6, Supreme court internal operating

procedures, 27.42

## Res Judicata

See Claim Preclusion

Retroactivity, of Decisions, 16.8

#### Reversal

See also Summary Disposition of Appeals Discretionary, 3.24

## **Rules of Civil Procedure**

Applicability, 18.12, 22.3

**Rules Violations**, 18.11

#### Rulings

See Nonfinal Orders and Judgments

S

#### **Sanctions**

Generally, for rules violations, 18.11 Briefing violations, 11.13, 11.14 Delay, appeal for purpose of, 5.22, 18.10 Dismissal. See Dismissal Docketing statement, 15.9, 21.30 Failure to file document, 11.20, 18.11 Failure to serve, 5.16, 23.3 Frivolous appeals, 16.5 Newly discovered authorities, 11.31 Self-represented parties, 11.30 Transcript, late filing of, 7.2

## **Self-Represented Parties**

Briefs, 11.2, 11.30 Expedited appeal ineligibility, 15.7 Filing by traditional means, 18.1

## Sentence

Motion to modify, 19.17 Stay, 19.21

## Sentencing

Defined, 19.5, 19.8

Errors, 3.22 Modification, motion for, 19.17, 19.25

Presentence investigation report, confidentiality of, 11.17

#### Service

See also individual documents Administrative appeals, generally, 28.12, 28.14, 28.26 Affidavit of, not required, 5.16, 18.7 Certification of, constituted by filing, 5.16, 18.7, 23.3 Criminal and Wis. Stat. § 809.30 appeals, 19.8, 19.15 Deceased respondent, 6.14 Electronic filing —docketing statement, 15.9, 19.1 —simultaneous, 5.5, 7.4, 18.3, 18.6, 18.8 -supreme court, interim rule, 22.4, app. G Electronic mail (email), service by, 5.5

Failure to perform, 5.16, 23.3, 28.12

Fax, 18.5, 18.9

Initiating documents

- -generally, traditional methods, 18.3, 18.6
- —petition for review, 25.3, 26.2
- -supervisory writ, petition for, 10.3

Mail, service by, 5.5, 18.7, 18.9 Paper parties, 11.2, 18.7

#### Settlement

As alternative to appeal, 3.23

Signature, 5.11, 18.12

Court reporter, "wet" signature, 7.2 Cursive handwriting, 11.2, 18.3 Electronic signature, 5.11, 11.15, 18.3

Termination of parental rights, 5.4, 5.11, 23.5

## **Small-Claims Appeals**

Generally, 20.2

Docket entry, appealability, 4.19

## Special Proceedings, 4.10

Standards of Review, ch. 3, app. C

Generally, 3.11

Any-credible-evidence standard, 3.15

Arbitrary-and-capricious standard, 28.22

Beyond-a-reasonable-doubt standard, 3.15, 3.22

Brief writing, 11.14

Certiorari cases, 28.27

Circuit court primacy in, 3.2

Clearly erroneous standard, 3.14

Discretionary acts, 3.20, 28.22,

28.26

Docketing statement, 15.9

Due-weight deference, 28.20

Findings of fact

- —generally, 3.13
- —administrative findings, 28.21, 28.26
- -circuit court findings, 3.14
- —jury findings, 3.15

Great-weight and clear-

preponderance standard, 3.14, 3.19

Harmless error, 3.22

Issues, choice of, 11.14

Mixed questions, 3.19

Negative standards, 3.21

Plain error, 3.8, 3.22

Procedural error, administrative, 28.19

Questions of law

- —generally, 3.17
- —administrative appeals, 28.20, 28.26

Substantial-evidence standard, 28.21, 28.26, 28.27

## Standing to Appeal

Generally, 6.2

Administrative appeals, 28.8, 28.26

#### **State Public Defender**

Appointing counsel, 19.11, 19.23, 19.25

Indigency determination and redetermination, 19.10, 19.26

Request for assistance, 19.8, 19.9

Sentence modification, 19.17

Transcripts, requesting, 19.11,

19.15

## Statement of Costs, 16.4

## **Statement on Oral Argument,**

11.12

## Statement on Publication, 11.12

## **Statement on Transcript**

See Transcript

## State's Appeals

Generally, 19.26

Petition for review, 23.2

#### **Statutes**

Administrative appeals

- —exclusivity of statutory remedies, 28.3
- -strict compliance, 28.6

Briefs and appendix, table, 11.10

Circuit court competence pending

appeal, 2.9

Constitutional challenge, 3.18

Construction, 3.18

Federal challenge to, expedited

appeal, 5.4, 15.5

Preference on appeal, 5.12, 15.5

#### Stay

Bypass petition, 24.3
Evictions, 20.2
Leave to appeal, petition for, 9.12
Money judgment pending appeal, 14.2
Reconsideration, motion for, 16.2, 16.6
Relief. See Relief Pending Appeal
Remittitur, 16.6, 23.3
Sentence, 19.21
Supervisory writ, petition for, 10.4
Supreme court review, 23.3
Time periods, 5.7, 7.4, 13.4

Administrative decision, 28.24

## Stipulations

Traffic regulation, 20.2

Briefs, filing time for, stipulated extension not permitted, 11.32 Consolidation of appeals, 8.4 Facts and issues, in lieu of record, 7.3, 15.2 Facts, presenting question of law, 3.18 Record on appeal, 7.3, 7.4 Record on review, abbreviated, 28.16 Venue, administrative appeals, 28.11 Voluntary dismissal, 5.22

## **Subject-Matter Jurisdiction**

See Jurisdiction

## **Submission of Appeals**

Assignment and advancement, 15.2 Court of appeals internal operating procedures, 21.16, 21.18 Expedited appeals, 15.11 Notice. *See* Notice of Submission Statutory preference on appeal, 15.5 Stay of, by petition for bypass, 24.3 Supreme court internal operating procedures, 27.24

## **Substantial Rights**

Plain error, 3.8 Prejudicial versus harmless error, 3.22

#### Substitution

Counsel, 18.13 Deceased party, 6.14 Judge, 4.9, 16.7, 28.25

# Summary Disposition of Appeals (Wis. Stat. § 809.21)

Generally, 15.3
Dismissal. See Dismissal
Reversal
—generally, 15.3
—failure to file respondent's brief,
11.20, 18.11
—granted on petition for leave to
appeal, 9.9
Screening, 21.15

## **Summary Judgment**

Appealability of denial, 9.3

Supreme court, 15.3, 23.14

## **Supervisory Jurisdiction**

See Jurisdiction

## **Supervisory Relief**

See also Writs Court of appeals, ch. 10 Supreme court, ch. 26

## Supreme Court, ch. 22

Appointment process, 27.51–.60
Assignment of cases, 27.27
Bypass, see Bypass
Calendar, 23.14
Chief justice, 1.8, 27.2
Clerk. See Clerk of Court of
Appeals and Supreme Court
Closed conference, 27.50
Commissioners, 27.11
Decision process, 23.14, 27.13–.47

Development-of-law focus, 22.2, 23.9, 24.2 Discretion, 22.2 Electronic filing, interim rule, 23.4, app. G Function, generally, 22.1–.2 Internal operating procedures, ch. 27 Jurisdiction. See Jurisdiction Justices, 1.8 Opinions. See Opinion of Court Oral argument. See Oral Argument Original actions, ch. 25, 27.19 Primacy, 1.3 Procedure generally, 22.3 Publication, of opinions, orders, and rules, 17.5 Recusal and disqualification, 27.44 Review -criteria, 22.2, 23.9 -petition for. See Petitions —sua sponte, 27.18 Rulemaking process, 27.48-.50 Schedule, 27.14 Staff —generally, 1.8, 27.3–.12 —analysis and reporting, 27.15–.23 Summary disposition, 15.3, 23.14 Supervisory relief, ch. 26

## $\mathbf{T}$

#### **Tables**

See Briefs and Appendix

## Termination-of-Parental-Rights Cases

Appeals, generally, 20.3
Briefing, 11.32
Expedited appeal program
ineligibility, 15.7
Filing deadline, 5.4, 19.14
Habeas proceeding, ineffective
assistance of appellate counsel,
19.24
Motion for remand, 13.1

No-merit reports, 19.28 Notice of abandonment of appeal, 19.14 Preference on appeal, 15.5 Signature requirements, 5.4, 5.11, 23.5

## **Testimony**

Additional, administrative appeals, 28.16 Conflicting, 3.14 Inadmissible, cured error, 3.22

## **Three-Judge Panels**

Generally, 1.7 Compared with single judge, 20.6 Motion for, 5.18, 20.4–.7, 21.26

## Three-Strikes Provision, 19.15

#### Time and Date, 18.9

See also individual documents and topics (e.g., Criminal Appeals)

#### Traditional Methods

See Filing; Mail and Mailings; Paper Parties; Service

## **Traffic Regulation**

Generally, 20.2 Docket entry, appealability, 4.19 Habeas corpus, 19.25

**Transcript**Generally, 7.2
Additional

- —criminal and Wis. Stat. § 809.30 appeals, 19.9
- —cross-appeals, 8.3
- -motion to supplement record, 7.4
- —request for, 7.2

Costs, recoverable, 16.4

Criminal and Wis. Stat. § 809.30

appeals

-copies, 19.11, 19.15, 19.16

- —fees, 19.11
- -filing and service, 19.12, 19.14
- —no-merit appeals, 19.28
- —postconviction or postdisposition relief hearings, 19.16
- -request, 19.5, 19.11
- —sentence-modification motion, 19.17
- —statement on transcript, 19.15 Extension of time, 7.2, 19.12 Oral decision, 4.18, 9.9, 13.2

Statement on

- -generally, 7.2
- —criminal and Wis. Stat. § 809.30 appeals, 19.15
- -cross-appeals, 8.3
- —filing in circuit court, 5.18, 19.1

Time

—electronics and information technology manufacturing zone, 7.2

#### **Trial Court**

See Circuit Court

U

#### **Undertakings**

See Bonds and Undertakings

V

## **Vacating Order or Judgment**

Denial of motion, appealability, 4.12 Relief from judgment, 14.2

#### Venue

Administrative appeals, 28.11, 28.26 Court of appeals, 1.6, 5.9

## Verdicts

Failure to object, 3.4

Harmless error, 3.22 Standard of review, 3.15

#### Victims

Confidentiality in briefs, 11.17 Supervisory relief under Marsy's Law, 10.2

Voluntary Dismissal, 5.22, 27.47

#### W

Waiver, 3.3-.10 Docketing statement, 15.9 Exceptions to, 3.7-.10 Filing fee, 5.20 Forfeiture, relationship to, 3.1, 3.4 Issues before supreme court, 23.13 Judicial estoppel, 3.21 Jury instructions, 3.4 Juveniles, 9.6 No-merit report, failure to file response, 19.28 Notice of submission, 15.2 Postconviction or postdisposition motions, 19.16 Preliminary hearing errors, 19.5 Record on appeal, 7.3 Self-represented parties, brief requirements, 11.30 Sentence-modification motion, 19.17 Three-judge panel request, 20.7

## Withdrawal from Representation, 18.13, 19.28

## Worker's Compensation, 28.26

Writs, ch. 10
Certiorari
—administrative appeals, 28.27
—criminal matters, 19.5
—tax assessments, 15.5

Coram nobis, 19.26
Error, writ of, 2.3
Habeas corpus, 19.24, 27.20
Mandamus, 10.2, 16.7, 25.3, 27.20
Nonjudicial bodies, 2.4
Prerogative
—court of appeals, 2.4, 21.24
—supreme court, 2.7, 25.2, 25.3
Prohibition, 10.2, 25.3, 27.20
Quo warranto, 10.2, 27.20
Supervisory
—court of appeals, 10.2–.4, 21.24
—supreme court, 25.3, ch. 26, 27.20

 $\mathbf{Z}$ 

**Zoning**Statutory preference on appeal, 15.5