

# Index

---

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

Record on review, 28.16

Respondent, 28.12

Scope of review, 28.17–.23, 28.25

Service, 28.12, 28.14, 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, 19.29

### Advancement of Cases, 15.2

*See also* Expedited Appeals

### Affidavits

Filing date, 4.20, 5.14

Indigency, 21.27

Of service, not required, 5.15, 18.5

### Agreed Statement

*See* Stipulations

### Amicus Curiae

Generally, 6.13

Briefing, 11.26–.28

Supreme court internal operating procedures, 27.20

### Appeal as of Right, chs. 4, 5

Criminal appeals, ch. 19

Due process, 1.2

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, 19.25  
 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,  
 19.24, 19.26

**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, 18.8  
 Claimed as costs, 16.4

Frivolous appeals, 16.5  
 Standard of review, 3.13

**Attorney General**

Criminal appeals, 18.5, 19.15  
 Motion for three-judge panel, 20.7

**Attorneys**

Appointment, 19.11, 19.24, 19.26  
 Continued representation  
     —civil appeals, 18.11  
     —criminal and Wis. Stat. § 809.30  
         appeals, 19.4, 19.8  
 Counsel on appeal, generally, 18.11  
 Penalties, 18.9  
 Withdrawal, 18.11, 19.4, 19.28

**Audiovisual Aids**

Oral argument, 12.4

**B**

**Bad Faith**, 16.5

**Bail**, 19.18–.22

**Binding of Papers**

Generally, 18.6  
 Briefs and appendix, 11.2, 11.18,  
     11.29  
 Motions, 13.3

**Bindover**, 19.25

**Bonds and Undertakings**

Costs, recoverable, 16.4  
 Eviction, stay of, 20.2  
 Municipal-ordinance violations,  
     20.2  
 Release on bond, 19.18–.22  
 Traffic regulation, stay of  
     execution, 20.2  
 Worker's compensation appeal,  
     28.26

- Briefs and Appendix**, ch. 11
- Generally, 11.1–.2
- Amicus curiae, 6.13, 11.26–.28, 27.20
- Appellant’s, 11.3–.18, 11.29
- Appendix, 11.18, 11.21
- Argument
- generally, 11.14
  - effective writing, 11.33
  - headings, 11.10, 11.14
  - oral. *See* Oral argument, statement on, *this heading*
  - respondent’s brief, 11.22
- Authorities
- additional, 11.31, 15.2
  - adverse, 11.14
  - form of citation, 11.14
  - table of, 11.10
- Binding, 11.2, 11.18, 11.29
- Brevity, 11.33
- Caption, 11.7
- Case, statement of, 11.13
- Certification
- as to contents of appellant’s appendix, 11.18
  - as to form, 11.2, 11.16
- Characterizations, 11.11
- Citation
- cases, statutes, authorities, 11.10, 11.14, 11.33
  - record, 11.13
  - string, 11.33
- Conclusion, 11.15
- Confidentiality, 11.17
- Contents
- appellant’s brief and appendix, 11.8–.18
  - expedited appeals, 11.29
  - respondent’s brief, 11.21
- Copies and duplicates
- amicus curiae, 11.27
  - appellant, 11.6
  - copying process, 11.2
  - expedited appeals, 11.29
  - indigent parties, 11.6
  - letter of additional authorities, 11.31
  - one-judge appeals, 11.6
  - respondent, 11.21
  - self-represented parties, 11.30
  - supreme court, 11.6
- Costs, 16.4
- Covers
- amicus curiae, 11.27
  - appellant’s appendix, 11.18
  - appellant’s brief, 11.7
  - cross-appeals, 11.25
  - guardian ad litem, 11.28
  - reply brief, 11.23
  - respondent’s, 11.21
- Cross-appeals, 11.25
- Defects
- newly discovered authorities, 11.31
  - self-represented parties, 11.30
- Expedited appeals, 11.29, 15.11
- Extensions, generally, 11.32
- Facts, statement of, 11.13
- Failure to file, 11.20, 18.9
- Filing
- See also* Time and date *this heading*
  - electronic, 18.4
  - paper, 18.3
- Font, 11.2
- Footnotes, 11.33
- Format, general requirements, 11.2
- Guardian ad litem, 11.28
- Indigent parties, 11.6, 20.2
- Issues, statement of, 11.11
- Joint appellants, 8.2
- Length. *See* Page limits and pagination *this heading*
- Margins, 11.2
- Multiple-parties, 11.24
- Number. *See* Copies and duplicates *this heading*
- One-judge appeals, 11.6, 20.2
- Oral argument, statement on, 11.12

Page limits and pagination  
—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  
Paper size, 11.2  
Printing, 11.2, 16.4  
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, 18.9  
Self-represented parties, 11.6,  
11.30  
Service of appellant’s brief, 11.6  
Size of paper, type, 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, 27.15  
Tables, 11.10, 11.18  
Time and date  
—amicus curiae, 6.13, 11.27  
—appellant’s brief, 11.4, 11.29  
—cross-appeals, 11.25  
—extensions, generally, 11.32  
—expedited appeals, 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  
Typewriting, 11.2  
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, 27.16, 27.36  
Petition for leave to appeal,  
reviewability, 9.6, 24.3  
Statistics, 15.4, 24.1

## **C**

### **Certification**

As to contents of appellant’s  
appendix, 11.18  
As to form of brief, 11.2, 11.16  
Service of process, 5.15, 18.5, 23.3

### **Certification to Supreme Court by Court of Appeals, ch. 24, 27.16**

### **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, 19.27  
 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, 19.21  
 —relief pending appeal, 14.2  
 —supreme court review, 23.9  
 Findings  
 —appendix contents, 11.18  
 —standard of review, 3.14  
 Habeas relief, 19.25  
 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  
 Location, app. B  
 Notice of appeal, 5.14  
 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, generally, 18.3  
 Location, app. A  
 Notice of appeal, 5.17, 19.15  
 Office, 1.7, 18.3, 27.5  
 Penalties payable to, 18.9

**Co-appeals, 8.2**

*See also* Consolidated Appeals

**Conclusions of Law**

*See* Questions of Law

**Confidentiality**

Briefs and appendix, 11.17, 11.18  
 Papers, generally, 18.6  
 Presentence investigation report, 11.17  
 Presubmission conference, 15.10, 21.32

**Consent**

Withdrawal of counsel, 18.11

**Consolidated Appeals, 8.4**

*See also* Co-appeals

**Constitutional Law**

Constitutional facts, 3.19  
 Double jeopardy, 9.6  
 Habeas corpus challenge, 19.25  
 Harmless error, 3.22  
 Plain error, 3.8  
 Postconviction motions under Wis. Stat. § 974.06, 19.26  
 Right to assistance of counsel, no-merit reports, 19.28

**Contempt Proceedings**, 4.10

**Contracts**

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

**Copies and Duplicates**, 18.6

*See also individual papers* (e.g., Motions, Petitions, etc.)

**Coram Nobis**, 19.26

**Costs and Expenses**

Generally, 16.3–.5  
 Decision to appeal, 3.23  
 Delay, 18.8  
 Filing fees. *See* Filing  
 Frivolous appeals, 11.30, 16.5  
 Indigent parties, 5.19  
 Statement of costs, 16.4  
 Taxing, 16.4  
 Transcript, criminal appeal, 19.11  
 Undertaking for, pending appeal, 14.2  
 Voluntary dismissal, 5.21

**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, 19.29  
 —oral argument, grant or denial, 12.2  
 —personal jurisdiction, 3.9  
 —rules violations, 18.9  
 —waived or forfeited issues, 3.8  
 Discretionary decisions, reviewability, 23.9

Districts, 1.5, app. A

Filing. *See* Filing

Findings, 16.5, 18.8, 19.25

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

Notice of appeal procedures, 5.16–.20

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, 19.29  
 Expedited disposition, ineligibility,  
 15.7  
 Frivolous, 16.5, 19.28  
 Interlocutory appeal, policy  
 disfavoring, 9.5  
 Juveniles, 9.6  
 Postconviction relief. *See*  
 Postconviction or  
 Postdisposition Relief  
 Preference on appeal, 21.16  
 State's appeals, 19.27  
 Withdrawal from representation,  
 19.4, 19.28

**Cross-appeals**, 8.3  
 Briefs and appendix, 11.25  
 Criminal, time, 19.29  
 Docketing statement, 15.9  
 State's appeals, 19.27  
 Voluntary dismissal, 5.21

## 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, 18.9  
 Failure to serve, 5.15, 23.3  
 Jurisdictional defects, 15.3, 21.10  
 Multiple parties, finality, 4.8, 4.21  
 Notice of appeal, nonlawyer  
 signature, 5.11  
 Reviewability, 23.2  
 Rules violations, generally, 18.9  
 Self-represented parties, procedural  
 defects, 11.30  
 Statement on transcript, failure to  
 file, 7.2  
 Summary, 15.3  
 Voluntary, 5.21, 27.42

**Disposition Rate**, 1.2, 15.1

**District Attorney**  
 Redetermination of indigency,  
 19.10  
 Service, 18.5, 19.15

**Districts**, 1.5

**Docket Entries**

Appeal based on, 4.19

**Docketing**

Cases, 5.20

Taxed costs, 16.4

**Docketing Statement and**

**Response**, 5.18, 9.11, 15.9,  
 21.30

**Double Jeopardy**, 9.6

**E**

**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, 19.27

—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), 19.26
- transcript, 7.2

### **Ex Parte Relief**, 14.4

#### **Exhibits**

- Motion, contents, 13.2
- Paper size, 18.6
- 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
  - 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, 19.25

## **F**

#### **Family Law**

- Exercise of discretion, 3.20
- Substitution on remand, 16.7

#### **Fast-Track Appeals**

*See* Expedited Appeals

#### **Fax**

- Filing, 5.14, 18.3
- Service, 18.5, 18.7

#### **Filing**

*See also individual papers*

- Generally, 5.14, 18.3
- Certification of service constituted by, 18.5
- Circuit court, 5.6, 5.14, 7.1, 18.4, 18.6, 19.1
- Copies, 18.6
- Date, actual, 4.20, 5.14
- Electronic, 5.6, 5.14, 5.19, 7.1, 11.4, 18.4, 18.6, 19.1
- Failure to file
  - delinquency proceedings, 21.17
  - docketing statement, 15.9
  - respondent’s brief, 11.20, 18.9
- Fax, 5.14, 18.3
- Fees
  - generally, 5.19
  - costs, recoverable, 16.4
  - indigent parties, 5.19, 27.40
  - supreme court review, 23.3, 27.40
  - voluntary dismissal, 5.21
  - worker’s compensation appeal, 28.26
- Guardian ad litem, 18.11
- Location
  - court of appeals, 1.5, 18.3
  - supreme court, 23.3
- No-merit reports, 19.28
- Mail, 5.6, 18.3, 23.3
- Service required before, 5.15, 18.5, 23.3
- 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, 18.8, 19.25  
 Docketing statement, contents, 15.9  
 Failure to make, 3.20  
 Frivolous appeals, 16.5  
 Mixed questions, 3.19  
 Release pending appeal, 19.21  
 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 Papers**, 18.6  
 Sample forms, app. E

**Frivolous Appeals**, 16.5  
 Delinquent respondent’s brief, 18.9  
 No-merit reports, 19.28  
 Questions of law, 3.18  
 Self-represented parties, 11.30

**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, 18.11

**H**

**Habeas Corpus**, 19.23–.26, 27.18

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

**History**  
 Appellate system, 1.2–.3

**I**

**Indigency**  
 Appointment of counsel, 19.11, 19.24, 19.26  
 Briefs, copies of, 11.6, 20.2  
 Court of appeals internal operating procedures, 21.27  
 Determination or redetermination, 19.10, 19.11, 19.27, 21.27, 27.40  
 In forma pauperis, leave to proceed, 5.19  
 Notice of right to assistance, 19.4  
 Supreme court, 27.40  
 Transcript copies, 19.11, 19.15

**Ineffective Assistance of Counsel**  
 Appellate counsel, habeas corpus, 19.25  
 Postconviction counsel, Wis. Stat. § 974.06 motion, 19.25

**Initials**, 11.17, 18.6

**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

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

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

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, 18.9

—failure to serve, 5.15, 23.3, 28.12

—notice of appeal, 5.10, 5.17  
 Habeas corpus challenge, 19.25  
 Personal, 3.9  
 Postconviction or postdisposition  
 decision, 19.16  
 Postconviction motion (Wis. Stat.  
 § 974.06) regarding, 19.26  
 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, 27.12  
 —on bypass by certification, 24.3  
 —original, 2.7, ch. 25, 27.12  
 —regulatory, 2.8, 27.19  
 —supervisory, 2.7, ch. 26, 27.18

**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, 5.21, 18.8  
 —release pending appeal, 19.21  
 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, 19.25  
 Mandate, 16.6  
 Motions  
 —advance submission, 15.2  
 —summary disposition, 15.3  
 Record on appeal, filing, 7.3

**Law Clerks**, 1.7, 21.13, 27.11

**Leave to Appeal**

*See* Petitions

**Limited-Scope Representation**

Briefing, 11.15, 11.30

**Location**

Chambers, 1.5  
 Filing  
 —court of appeals, 1.5, 18.3  
 —supreme court, 23.3  
 Oral argument, 1.6, 12.2, 20.6  
 Service, 18.5  
 Venue  
 —court of appeals, 1.6  
 —administrative appeals, 28.11,  
 28.26

**M****Mail and Mailings**

Administrative appeals, 28.12  
 Filing by, 5.6, 18.3, 23.3  
 Notice of appeal, 5.6, 5.14  
 Notice of entry, 5.5  
 Petition for review, 23.3  
 Service by, 5.5, 18.5, 18.7

**Mandamus**, 10.2, 16.7, 25.3, 27.18

**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, 27.35
- Margins**  
 Generally, 18.6  
 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, 27.20  
 Appointment of counsel, 4.9  
 Bail pending appeal, 4.9  
 Briefing time and page limits, extension, 11.32  
 Bypass, sua sponte, 24.1, 27.16  
 Consolidation of appeals, 8.4  
 Contents, 13.2  
 Copies, 13.3  
 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, 5.15, 23.3  
 —summary disposition, 15.3  
 —voluntary dismissal, 5.21  
 Enlargement of time, 18.7, 19.29  
 —*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, 20.6, 21.26  
 Join additional defendant, 4.9  
 Jury array challenge, 4.9  
 Leave to proceed in forma pauperis, 5.19  
 Length, 13.2  
 Mistrial, 3.5  
 Modification  
 —appealability, 4.12  
 —sentence or fine, 19.17  
 New trial motion, 3.5, 4.11  
 One-judge appeals, 13.3, 18.6  
 Postconviction or postdisposition relief (Wis. Stat. § 809.30)  
 —generally, 19.14, 19.16  
 —enlargement of time, 18.7  
 Postconviction relief (Wis. Stat. § 974.06), 19.24, 19.26

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, 18.9  
 —order on motion, 13.2  
 —petition for review and response, effect on, 23.3, 23.13  
 —remitter stayed by, 16.2, 16.6  
 —time limit, 13.2, 19.29  
 Reconsideration by supreme court, 22.4, 27.36  
 Record, correction of, 7.4  
 Release pending appeal, 19.20–.21  
 Relief pending appeal, 14.2–.4, 21.17  
 —reviewability, 23.2  
 Relief pending supreme court review, 27.20  
 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, 16.4  
 Stay of proceedings, 4.9  
 Stay of time periods, 5.7, 7.4, 13.4  
 Sua sponte  
 —bypass, 24.1, 27.16  
 —consolidation of appeals, 8.4  
 —enlargement, reduction, or waiver of time periods, 18.7, 19.29

—oral argument granted, 13.2  
 —reconsideration, 16.2, 23.3  
 —summary disposition, 15.3  
 —three-judge panel, 20.7  
 Substitution of counsel, 18.11  
 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, 27.20  
 Three-judge panel and response, 20.4–.7, 21.26  
 Transcript, additional portions, 7.2  
 Vacate, 4.12, 16.6  
 Voluntary dismissal, 5.21  
 Withdrawal from representation, 18.11, 19.4

**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 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, 9.3
  - Discretionary jurisdiction, 2.3
  - Entry, 9.3
  - Granting motions, 4.11
  - Habeas corpus challenge, 19.25
  - Injunctions. *See* Injunctions
  - Interlocutory judgment defined, 4.6
  - Intermediate order defined, 4.6
  - Reviewable incident to appeal, 4.21
  - Supreme court review, 23.2
- Notice of Appeal**, ch. 5
- 45/90 rule, 5.4, 5.6
  - Circuit court jurisdiction, effect on, 2.9
  - Contents, 5.8–.12, 19.15
  - Copies, 5.17
  - Court of appeals procedures, 5.16–.20
  - Criminal and Wis. Stat. § 809.30 appeals
    - generally, 19.5, 19.14–.15
    - extensions, 19.29
    - following denial of postconviction or postdisposition relief, 19.16
    - no merit, 19.28
    - state’s appeals, 19.27
  - Defects or omissions, 5.10
  - Eviction cases, 5.4, 20.2
  - Filed prematurely, 4.19
  - Filing fee, 5.19, 19.15
  - Filing, generally, 5.6, 5.14
  - 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, 5.15, 6.14, 19.15
  - Small claims, 20.2
  - State as sole defendant, designation of district to hear appeal, 5.9
  - State’s appeals, 19.27
  - Sua sponte correction, 5.10
  - Time and date, generally, 5.2–.7
- Notice of Appearance**, 28.14
- Notice of Claim**, 5.4
- Notice of Cross-appeal**, 8.3
- Notice of Dismissal**, 5.21
- 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 and Representation**, 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

Briefs and appendix, 11.6

Court of appeals internal operating procedures, 21.26

Motion

—copies, 13.3

—three-judge panel, 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 cases, 19.28

—publication not permitted, 17.2

—supreme court internal operating procedures, 27.34

Publication. *See* Publication

Retroactive vs. prospective

application, 16.8

Reviewability, 23.2

Supreme court, internal operating procedures

—circulation dates, 27.32

—conferences, 27.33

—holds, 27.31

—justice declarations, 27.26

—majority opinion, 27.27, 27.29, 27.32

—separate writings, 27.28, 27.30

Supreme court opinions

—internal operating procedures, 27.24–35

—length, 22.2

**Oral Argument**, ch. 12

Audio recordings of, 12.4, 21.18, 27.22

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, 27.22

—likelihood of oral argument, 12.2, 27.21

—original actions, 25.3, 27.17

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, 18.3

Motions

—generally, 13.2

—reconsideration, 16.2

—summary disposition, 15.3

Petition for review and response,  
23.5

### **Pagination**

Generally, 18.6

Motions, 13.3

Record on appeal, 7.3, 11.13

### **Panels**

*See* Three-Judge Panels

### **Paper Size**

Generally, 18.6

Briefs and appendix, 11.2

Motions, 13.3

### **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, 27.16, 27.36

Court of appeals internal operating  
procedures, 21.17

Cross-review, 23.13

Habeas corpus, 19.24–.25, 27.18

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, 27.18  
 Original action in supreme court, 25.3, 27.17  
 Prerogative writs. *See* Writs  
 Prohibition, 10.2, 27.18  
 Review, petition for, ch. 23  
 —alternative to supervisory relief, 26.2  
 —appendix, 23.12  
 —argument, 23.11  
 —briefs, 23.14, 27.15  
 —contents, 23.4–.12  
 —costs taxed regardless of, 16.4  
 —copies, 23.5  
 —criteria, 22.2, 23.9, 27.15  
 —cross-review, 23.13  
 —decision process, 23.14, 27.15  
 —denial, significance of, 23.14  
 —filing, generally, 23.3  
 —form, 23.4–.12  
 —internal operating procedures, 27.15  
 —issues limited by, 23.8, 23.13  
 —jurisdiction, 2.6  
 —no-merit procedure, 19.28, 23.13  
 —orders on, 23.14  
 —reconsideration of court of appeals decision, effect of motion on filing, 16.2  
 —reconsideration of order denying, 22.4, 27.36  
 —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 and date, 23.3, 23.13  
 Supervisory writ  
 —court of appeals, 10.2–.4, 21.24  
 —supreme court, 26.2, 27.18

## Pleas

Index-18

Waiver constituted by, 3.6

## Postconviction or Postdisposition

### Relief, ch. 19

*See also* Criminal Appeals

Defined, 19.7

Motion (Wis. Stat. § 809.30)

—generally, 19.14, 19.16

—enlargement of time, 18.7, 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–.22

State's appeal of postconviction judgment or order, 19.27

## Postdecision Procedures, ch. 16

## Postdisposition Relief, ch. 19

## Postjudgment Orders

Appealability, 4.11, 4.12, 4.18, 4.21

## Posttrial Motions

*See* Motions

## Precedent

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, 19.26
- Receipt of served papers, 18.5
- Printing**
- Briefs and appendix, 11.2, 16.4
- Prisons and Prisoners**
- Briefs by self-represented parties, 11.30
- Pro Se Appeals**
- See* Self-Represented Parties
- Probate Proceedings**
- Appeal from, 4.10
- Filing, 5.14
- Probation**
- Certiorari review of revocation order, 19.5, 19.25
- Habeas corpus challenge to revocation, 19.25
- Order, effect on notice of intent, 19.8
- Prohibition, Writ of**, 10.2, 25.3, 27.18
- 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
- Statistics, 17.2
- 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, 27.18

## 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  
 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

**Records and Recordings**

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

**Reinstatement of Appeal**, 5.21**Release Pending Appeal**, 19.18–.22

As restraint on liberty, 19.25

**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, 27.20

**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, 23.3  
 Supreme court internal operating procedures, 27.37

**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, 18.10, 22.3

**Rules Violations**, 18.9**Rulings**

*See* Nonfinal Orders and  
Judgments

**S****Sanctions**

Generally, for rules violations, 18.9

Briefing violations, 11.13, 11.14

Delay, appeal for purpose of, 5.21,  
18.8

Dismissal. *See* Dismissal

Docketing statement, 15.9, 21.30

Failure to file paper, 11.20, 18.9

Failure to serve, 5.15, 23.3

F frivolous appeals, 16.5

Newly discovered authorities,  
11.31

Self-represented parties, 11.30

Transcript, late filing of, 7.2

**Self-Represented Parties**

Briefs, 11.6, 11.30, 20.2

Expedited appeal ineligibility, 15.7

**Sentence**

Motion to modify, 19.17

Stay, 19.22

**Sentencing**

Defined, 19.5, 19.8

Errors, 3.22

Modification, motion for, 19.17,  
19.26

Presentence investigation report,  
confidentiality of, 11.17

**Service**

*See also individual papers*

Generally, 18.5

Administrative appeals, generally,  
28.12, 28.14, 28.26

Affidavit of, not required, 5.15,  
18.5

Certification of, constituted by  
filing, 5.15, 18.5, 23.3

Criminal and Wis. Stat. § 809.30  
appeals, 19.8, 19.15

Deceased respondent, 6.14

Failure to perform, 5.15, 23.3,  
28.12

Fax, 18.5, 18.7

Mail, service by, 5.5, 18.5, 18.7

Supreme court, generally, 22.3

**Settlement**

As alternative to appeal, 3.23

**Signature**, 5.11, 18.10**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, 19.24,  
19.26  
Indigency determination and  
redetermination, 19.10, 19.27  
Request for assistance, 19.8, 19.9  
Right to assistance, 19.4  
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, 19.27  
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**  
Administrative decision, 28.24  
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, 19.22  
Supervisory writ, petition for, 10.4  
Supreme court review, 23.3  
Time periods, 5.7, 7.4, 13.4  
Traffic regulation, 20.2

**Stipulations**

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, 5.21

**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, 27.21

**Substantial Rights**

Plain error, 3.8  
 Prejudicial versus harmless error,  
 3.22

**Substitution**

Counsel, 18.11  
 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, 18.9  
 —granted on petition for leave to  
 appeal, 9.9  
 Screening, 21.15  
 Supreme court, 15.3, 23.14

**Summary Judgment**

Appealability of denial, 9.3

**Supervisory Jurisdiction**

*See* Jurisdiction

**Supervisory Relief**

*See also* Writs

Court of appeals, ch. 10  
 Supreme court, ch. 26

**Supreme Court, ch. 22**

Appointment process, 27.54–.62  
 Assignment of cases, 27.24  
 Bypass, *see* Bypass  
 Calendar, 23.14  
 Chief justice, 1.8  
 Clerk. *See* Clerk of Court of  
 Appeals and Supreme Court  
 Commissioners, 27.10  
 Decision process, 23.14, 27.12–.42  
 Development-of-law focus, 22.2,  
 23.9, 24.2  
 Discretion, 22.2  
 Filing, 23.3  
 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, 27.17  
 Primacy, 1.3  
 Procedure generally, 22.3  
 Publication, of opinions, orders,  
 and rules, 17.5

Recusal and disqualification, 27.39  
 Review  
 —criteria, 22.2, 23.9  
 —petition for. *See* Petitions  
 —sua sponte, 27.16  
 Rulemaking process, 27.43–.53  
 Schedule, 27.13  
 Staff  
 —generally, 1.8, 27.2–.11  
 —analysis and reporting, 27.14–.20  
 Summary disposition, 15.3, 23.14  
 Supervisory relief, ch. 26

## 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, 19.29  
 Habeas proceeding, ineffective  
 assistance of appellate counsel,  
 19.25  
 No-merit reports, 19.28  
 Notice of abandonment of appeal,  
 19.14  
 Preference on appeal, 15.5

### 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, 20.4–.7, 21.26

### Three-Strikes Provision, 19.15

### Time and Date, 18.7

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

### 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  
 —additional, discovered late, 19.9  
 —copies, 19.11, 19.15, 19.16  
 —fees, 19.11  
 —filing and service, 19.12, 19.14  
 —no-merit cases, 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

### Trial Court

*See* Circuit Court



**Type and Typewriting**

Generally, 18.6  
Briefs and appendix, 11.2

**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

**Voluntary Dismissal**, 5.21, 27.42

**W****Waiver**, 3.3–.10

Docketing statement, 15.9  
Exceptions to, 3.7–.10  
Forfeiture, relationship to, 3.1, 3.4  
Issues before supreme court, 23.13  
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**, 18.11, 19.4,  
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, 19.25, 27.18  
Mandamus, 10.2, 16.7, 25.3, 27.18  
Nonjudicial bodies, 2.4  
Prerogative  
—court of appeals, 2.4, 21.24  
—supreme court, 2.7, 25.2, 25.3,  
27.18  
Prohibition, 10.2, 25.3, 27.18  
Quo warranto, 10.2, 27.18  
Supervisory  
—court of appeals, 10.2–.4, 21.24  
—supreme court, 25.3, ch. 26,  
27.18

**Z****Zoning**

Statutory preference on appeal,  
15.5