

SCR CHAPTER 80

PUBLICATION OF OPINIONS AND ORDERS

JUDICIAL COUNCIL COMMITTEE'S NOTE, 1979: The following rules, governing the publication of opinions of the court of appeals and supreme court, were adopted by the supreme court on December 19, 1975, effective January 1, 1976. The rules were originally numbered 2 to 4 and have been clarified and numbered SCR 80.01 to 80.03 for uniformity and convenience and redrafted to reflect the existence of the court of appeals.

SCR 80.001 Definition.

In this chapter, “public domain citation” means the calendar year in which an opinion, rule, order, or other item that is to be published is issued or ordered to be published, whichever is later, followed by the designation of the court issuing the opinion, rule, order, or other item, followed by the sequential number assigned to the opinion, rule, order, or other item by the clerk of the court, in the following form:

2000 WI 14

2001 WI App 9

SCR 80.002 Supreme Court Opinions.

All supreme court opinions shall be published in the official publications designated in SCR 80.01.

SCR 80.003 Supreme Court Orders.

(1) Unless otherwise provided by law, a supreme court order shall be published if the order meets any of the following criteria:

(a) The order disposes of any appeal, review, or proceeding before the supreme court and contains significant discussion or explanation of the grounds for disposition.

(b) The order resolves a motion for reconsideration of a supreme court opinion and contains further explanation, clarification, or modification of the court’s opinion.

(c) The order resolves a bona fide and substantial request for recusal or disqualification of a justice.

(2) Unless otherwise provided by law, orders of the supreme court other than those in sub. (1) may be published if the order meets one or more of the following criteria:

(a) The order concerns a legal, factual, jurisdictional, or procedural issue of significant public interest or importance.

(b) The order contains significant discussion or explanation of the state constitution, or any law, statute, or court rule.

(c) The order enhances access to or transparency of the court's work to the general public.

(3) Publication. (a) A majority of the participating members of the court shall determine whether an order issued by the court satisfies the publication criteria under this rule.

(b) The authoring justice of an order issued by a single justice shall determine whether the order satisfies the publication criteria under this rule.

(c) An order designated to be published under this rule shall include a statement, "This order will be published pursuant to rule ____." This statement will be removed upon publication.

(4) Orders published under this rule shall be published in the official publications designated in SCR 80.01, including the official publishers' online databases, and on the Wisconsin court system's Web site.

COMMENT

1. A supreme court order published under this rule may include orders that provide a scholarly critique of an existing law, statute, or rule or a new interpretation, clarification, or criticism of an existing provision of the statute constitution, statute, or court rule.

2. A concurrence or dissent is considered part of the order to which the publication criteria apply.

3. Publication rules under this chapter govern court orders issued in appeals, reviews, or proceedings before the supreme court. Publication rules governing court orders issued on rule petitions are set forth in Supreme Court Rule Chapter 98.

4. Supreme court opinions include authored and per curiam opinions.

5. A supreme court order includes an order issued by this court including a single justice of this court.

SCR 80.01 Official publications.

(1) The supreme court designates the Wisconsin Reports as published by Lawyers Cooperative Publishing and the Wisconsin Reporter edition of the North Western Reporter published by West Group as official publications of the opinions, rules, and orders of the court of appeals and the supreme court and other items designated by the supreme court. If any authorized agency of this state publishes the opinions, rules, orders, and other matters of the court of appeals and the supreme court in a format approved by the supreme court after January 1, 1979, that publication shall also be designated as an official publication.

(2) The official publication of each opinion, rule, order, and other item of the supreme court issued on or after January 1, 2000, shall set forth the public domain

citation of the opinion, rule, order, or other item and shall include the paragraph numbering of the opinion.

(3) The official publication of each opinion, rule, order, and other item of the court of appeals ordered to be published on or after January 1, 2000, shall set forth the public domain citation of the opinion, rule, order, or other item and shall include the paragraph numbering of the opinion.

SCR 80.02 Proper citation.

(1) The citation of any published opinion of the court of appeals or the supreme court in the table of cases in a brief and the initial citation in a memorandum or other document filed with the court of appeals or the supreme court shall include, in the order set forth, a reference to each of the following:

(a) the public domain citation, if it exists;

(b) the volume and page number of the Wisconsin Reports in which the opinion is published;

(c) the volume and page number of the North Western Reporter in which the opinion is published;

(2) Subsequent citations shall include at least one of the references in sub. (1) and shall be internally consistent.

(3) (a) Citation to specific portions of an opinion issued or ordered to be published prior to January 1, 2000, shall be by reference to page numbers, in the following form:

Smith v. Jones, 214 Wis. 2d 408, 412.

Doe v. Roe, 595 N.W.2d 346, 352.

(b) Citation to specific portions of an opinion issued on or after January 1, 2000, shall be by reference to paragraph numbers, in the following form:

Smith v. Jones, 2000 WI 14, ¶6

Smith v. Jones, 214 Wis. 2d 408, ¶12

Doe v. Roe, 2001 WI App 9, ¶17

Doe v. Roe, 595 N.W.2d 346, ¶27

(c) Citation to specific portions of an opinion issued prior to January 1, 2000, and ordered to be published after January 1, 2000, shall be by reference to paragraph numbers if they exist or to page numbers if paragraph numbers do not exist.

SCR 80.03 Title.

Lawyers Cooperative Publishing is authorized to designate the reports published by it as “Wisconsin Reports” provided that “Callaghan’s” is a prefix to the title.

Amended October 30, 1981; January 19, 1994; June 28, 1999, August 7, 2015.