

How a case moves through the courts



Circuit Court

An individual, group, corporation, or government entity may bring a civil case, and the government may commence a criminal case in the Circuit Court. After the proceedings, the circuit court will rule in favor of one party. There are 72 circuit courts and 261 circuit court judges in Wisconsin.

Original Action

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

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

Petition to Bypass

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

Direct Review

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

Court of Appeals

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

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

Petition for Review

The losing party in the Court of Appeals case may ask the Wisconsin Supreme Court to hear the case. This is called a Petition for Review. The Supreme Court receives about 1,000 petitions for review each term, and agrees to hear approximately 100 of these cases. It takes the vote of at least three justices to take a case on a Petition for Review.

Wisconsin Supreme Court

At oral argument, each side is allowed 30 minutes to present its case. Oral argument supplements and clarifies arguments the lawyers have already set forth in written submissions called briefs. Following each day's oral arguments, the court meets in conference to discuss and take a preliminary vote on the cases argued that day. After the vote, a justice is assigned by lot to write the majority opinion. There are seven justices on the Court. The Court usually releases opinions for all cases heard during its September through June term by June 30 of that year. Opinions are posted on the court system website on the morning of their release.