

Overview of the Court System

The Big Picture

The court system in Wisconsin has the following structure:

- 240 municipal judges in 237 municipal courts in towns and cities across the state
- 249 circuit court judges in 72 counties, each with a clerk of court and one or more circuit judges with at least one part-time commissioner for family matters, many with more than one commissioner
- 10 administrative districts each with a chief judge and 1 district court administrator who has an assistant
- 16 appellate judges in 4 appellate districts
- 7 justices in the Supreme Court

Counties

With the exception of 6 counties that are paired together, each county is a circuit with one or more circuit court judges. The paired counties are: Buffalo and Pepin; Florence and Forest; and Shawano and Menominee. Menominee County is a federal reservation and both judges for this circuit are located in Shawano County

Judicial Administrative Districts

Districts range in size and geography from District 1, consisting of Milwaukee County alone with its 47 judges to District 10 encompassing 13 counties with 23 judges covering 12,633 square miles.

Within each district there is a chief judge appointed by the Supreme Court. The chief judge, who may serve up to three consecutive 2-year terms, supervises and directs the administration of the district. A District Court Administrator (DCA) who is an employee of the Director of State Courts is located in each district, and assists the chief judge. The chief judge and DCA work with the Director of State Courts to identify issues, resolve problems and suggest new policies and procedures to improve the management of the courts.

Court Structure

Wisconsin cities, counties and tribal reservations are reflected in the structure of the state court system. Each part of the court system has its own area of responsibility, its own jurisdiction. Keep in mind that the state court system is separate from the federal court system.

Tribal Court

There are 11 federally recognized tribes in Wisconsin and ten of the tribes have justice systems called courts. The Oneida Tribe does not call its system a court but it functions as a court. The Ho-Chunk Nation, in addition to a Western-style court, also has a traditional court based on the clan system.

The jurisdiction between tribal and state courts is complicated and sometimes concurrent. Generally, tribal courts have jurisdiction over civil matters and matters of tribal law involving members or taking place on tribal land. State Courts have jurisdiction over criminal matters.

Municipal Court

Municipal courts have exclusive jurisdiction over ordinance violations. The majority of municipal court cases involve traffic, parking, and ordinance matters, including first-time drunken driving offenses. Juvenile matters, such as truancy, underage drinking, drug offenses and curfew violations are also a significant part of

municipal court caseloads. The laws governing municipal courts include Wisconsin Statutes Chapter 800, Municipal Court Procedure and Wisconsin Statutes Chapter 755, Municipal Court. Common cases heard in municipal court include:

- Traffic
- First offense drunk driving
- Underage alcohol
- Parking
- Building code violations
- Disorderly conduct
- Trespass
- Health code violations
- Animal control violations
- Truancy

In municipal court, there are no jury trials; all cases are decided by a judge. However, a person charged with a first drunken driving offense may seek a jury trial in circuit court within ten days of an initial municipal court appearance on OWI/PAC (Operating While Intoxicated/Prohibited Alcohol Content); all other defendants must wait until the municipal court renders judgment. An appeal to circuit court will be a review of the record unless either party requests a new trial before a judge. The appealing party may also request a six-person jury trial. If a municipality does not have a municipal court, ordinance violations are heard in circuit court. Cities, villages, and towns are authorized to establish municipal courts.

Circuit (or Trial) Court

The circuit courts are divided into branches with at least one branch in every county, with the exception of six counties that are paired off and share judges. Circuit courts are funded with a combination of state and county money.

Circuit court judges are attorneys who are elected to 6-year terms in countywide, non-partisan April elections. Vacancies are filled by gubernatorial appointment and the appointee is required to stand for election to a full six-year term the following spring. There are currently 249 circuit court judges in the state.

Circuit courts are considered courts of general jurisdiction which means they hear all types of cases from traffic to murder, divorce to medical malpractice

It is in the circuit courts where parties, with or without counsel, subpoena or call witnesses to testify, where exhibits are placed into evidence, where oral motions are made and written briefs are filed, and where matters in dispute are resolved. This means guilt or innocence in a criminal matter and the liability or responsibility in a civil matter.

The circuit court is a court of record, which means everything said in court is either taken down by a court reporter or recorded. Transcripts, the written version of what is said in court in English, can be purchased from the court reporter

The circuit court maintains court files with the history of everything that happens in a case, including interpreter appointment. Filing fees to start a case and the fees, fines, penalties assessed as court costs at the end of a case are paid to the circuit court. The circuit court is the only court in the entire system where jury trials occur.

The clerk of court in each county is an elected official. The clerk is responsible for maintaining the files, managing fees and fines paid to the court and supervising court staff. A party who is not satisfied with the decision of a court commissioner may request a new hearing before a circuit court judge. Appeals taken from a circuit court judge are sent to the court of appeals.

Appellate Court

The appellate court is called the intermediate court of appeals because Wisconsin also has a Supreme Court. Some states only have one level of appellate court, Wisconsin has two levels.

The court is composed of 16 judges from 4 districts headquartered in Milwaukee (District I), Waukesha (District II), Wausau (District III), and Madison (District IV). Each district handles appeals of rulings from the lower courts in a county or group of counties.

Judges are elected to 6-year terms in district wide non-partisan April elections. Vacancies are filled by gubernatorial appointment and the appointee is required to stand for election to a full 6-year term the following spring. The Court of Appeals reviews all appeals brought before it.

The Court of Appeals does not re-try a case, although it can order the circuit court to do so. There are no witnesses or testimony given in appellate court; most appeals are decided by a panel of 3 judges after reviewing the transcript and evidence. In some cases oral arguments are allowed.

The use of interpreters is extremely rare in appellate court, although on limited occasions requests for translation of written documents may be made

A party not satisfied with the decision of the appellate court may file an appeal with the Supreme Court

Supreme Court

The Supreme Court is Wisconsin's highest court and is composed of 7 justices. Justices are elected to 10-year terms in statewide, non-partisan April elections. The Chief Justice is the justice with the most seniority. The chief justice, who is the justice with the most seniority, is the administrative head of the judicial system and exercises administrative authority according to procedures adopted by the Supreme Court.

As Wisconsin's court of last resort, the Supreme Court has appellate jurisdiction over all Wisconsin courts and has discretion to determine which appeals to hear.

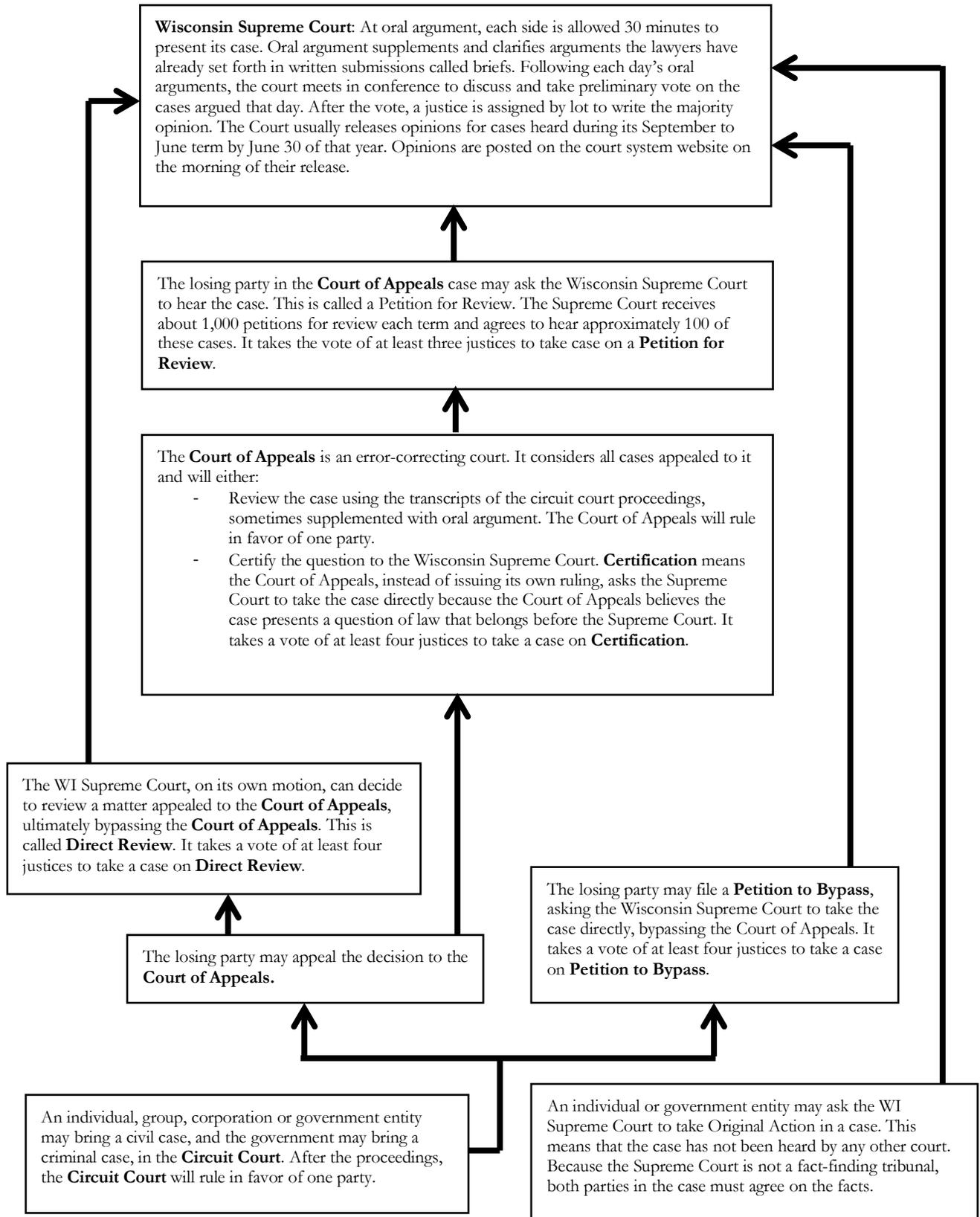
The Supreme Court reviews approximately 1,000 petitions yearly and hears between 100-120 cases each session (September-June). The court has the discretion to decide what cases it will hear; it is not an automatic appeal as it is from municipal to circuit and from circuit to appellate. After the Supreme Court makes a decision, the only possible appeal is to the US Supreme Court.

The Supreme Court accepts written arguments from all parties and allows oral arguments. The Supreme Court sets forth rules and guidelines for attorneys and judges to follow.

The court is very involved with the administration of justice and very interested in continuing to improve the court system, particularly in the area of interpretation and translation. The Supreme Court and the Director of State Courts assign staff and appoint recommendations of these committees as new programs, policies or rules. For example, it was the Committee to Improve Interpreting and Translation in the Wisconsin Courts that led to adoption of the Code of Ethics for Interpreters and the creation of the Court Interpreter Program and made certification of interpreters in Wisconsin a reality

The majority of the work interpreters do will be in circuit courts. Interpreters may also work in municipal courts as well as county jails or court related venues such as the district attorney's office, the public defender's office, for private attorneys, administrative hearings or for law enforcement. In the courts, interpreters will be appointed to interpret in all types of cases both criminal and civil.

How a Case Moves Through the Court System



Who's Who in the Wisconsin Courts

Judge - An elected public official with authority to hear and decide cases in a court of law. Circuit court judges are county trial court judges who have jurisdiction over most kinds of cases. Municipal court judges preside over cases involving local laws and traffic offenses. Appellate judges review the records of trial court proceedings to interpret the law and correct errors made by the trial courts.

Court Commissioner – An appointed judicial officer who exercises many of the functions of a judge, by conducting hearings and making findings and recommendations.

Court Reporter - A person who makes a word-for-word record of what is said in court in English and produces a transcript of the proceedings upon request.

Clerk – An in-court assistant to the judge who keeps track of documents, exhibits, scheduling, and keeps an abbreviated record of court proceedings.

Bailiff - A court officer who keeps order in the courtroom and has custody of the jury. The bailiff may be from the county sheriff's department.

Clerk of Court – An elected county official who receives legal pleadings, issues subpoenas and warrants, enters judgments and collects fines, and keeps records of court proceedings. This office pays for interpreters in circuit court, and in most counties does the scheduling of court interpreters.

Judicial Assistant – An administrative assistant to a judge. In some counties the judicial assistant schedules interpreters.

Interpreter – An officer of the court who interprets court proceedings between English and another language. May work on contract with the court or work as a county employee. Responsible to Wisconsin Supreme Court for obeying the code of ethics for court interpreters.

Register in Probate – A county official who keeps records of court proceedings in probate cases and oversees the administration of estates. Probate cases include wills, trusts, guardianships, and mental health commitment hearings. Similar to the clerk of court and sometimes part of the clerk of courts office.

Juvenile Clerk – A county official who keeps records of court proceedings in juvenile cases including juvenile delinquency, juveniles in need of protective services, and CHIPS (child abuse and neglect.) Usually the Register in Probate, but sometimes an employee of the clerk of courts office.

Sheriff – An elected county official responsible for law enforcement and public safety. The sheriff serves complaints, subpoenas, and warrants.

Attorney – A trained and licensed advocate, counsel, or agent who handles cases in the courts or manages the legal affairs of a client. Attorneys may be in private practice, work for the government, or work for a business or nonprofit group.

Prosecutor - A trial attorney representing the government in criminal case and forfeiture cases. The prosecutor decides who and when to prosecute. Depending on the offense, cases may be prosecuted by an assistant attorney general who works for the state, by a district attorney elected at the county level, by a municipal attorney for violations of city or county ordinances, or by a corporation counsel who works for the county.

Defense Attorney - An attorney who represents the defendant, usually in a criminal case. A public defender is an attorney employed by the state whose work consists primarily of defending people who cannot afford a lawyer. Defense attorneys may also be private attorneys appointed by the court or paid by the defendant.

Probation Officer – A county official who supervises a criminal defendant placed on probation or extended supervision. The probation officer monitors the progress of a probationer and takes action if the probationer violates the conditions of release.

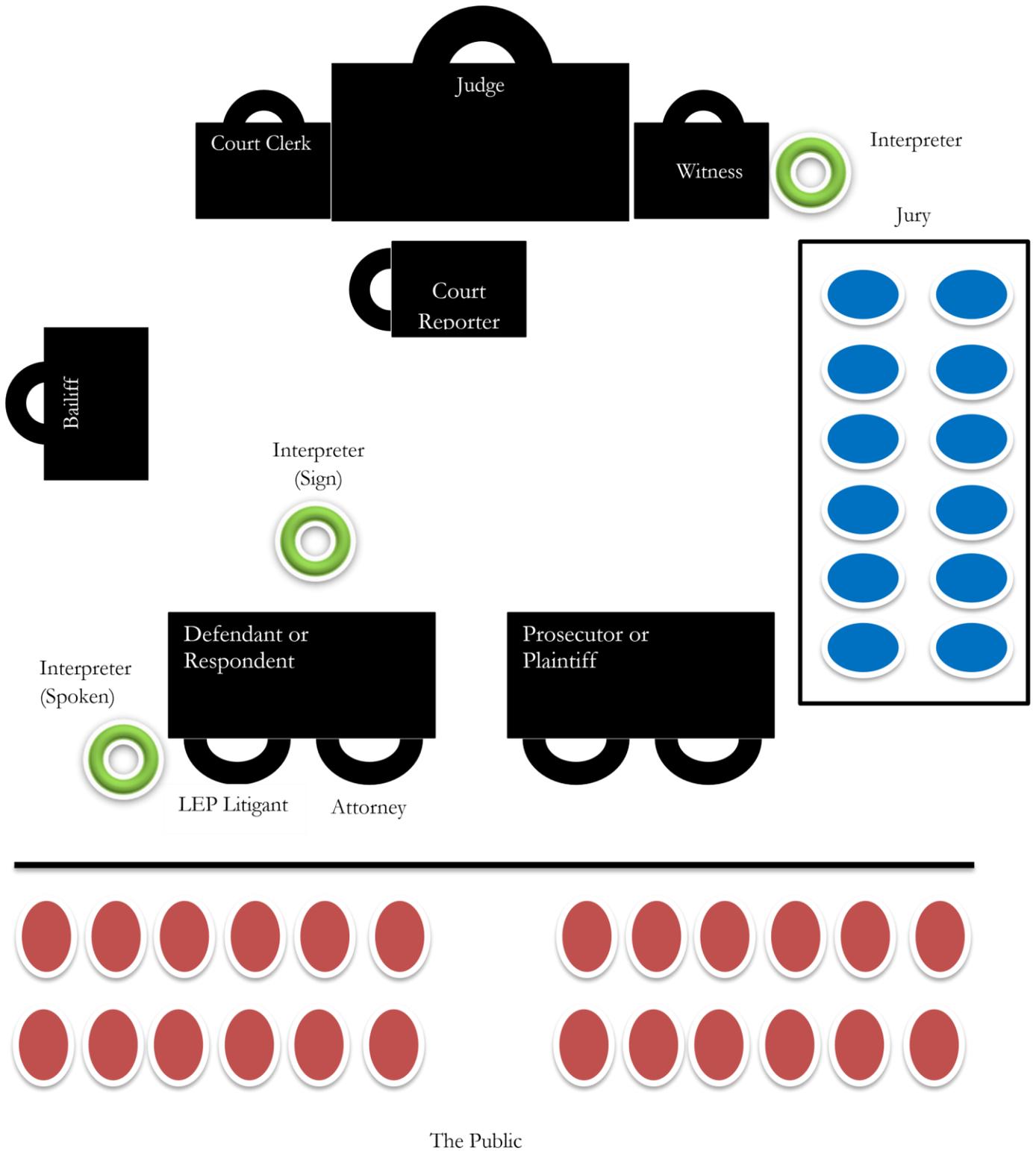
Guardian ad Litem (GAL) – An attorney appointed by the court to represent the best interests of minor children in a court proceeding such as in child abuse and neglect, juvenile delinquency, and divorce cases.

Coroner – A public official who inquires about the causes of any death which occurs under unusual circumstances.

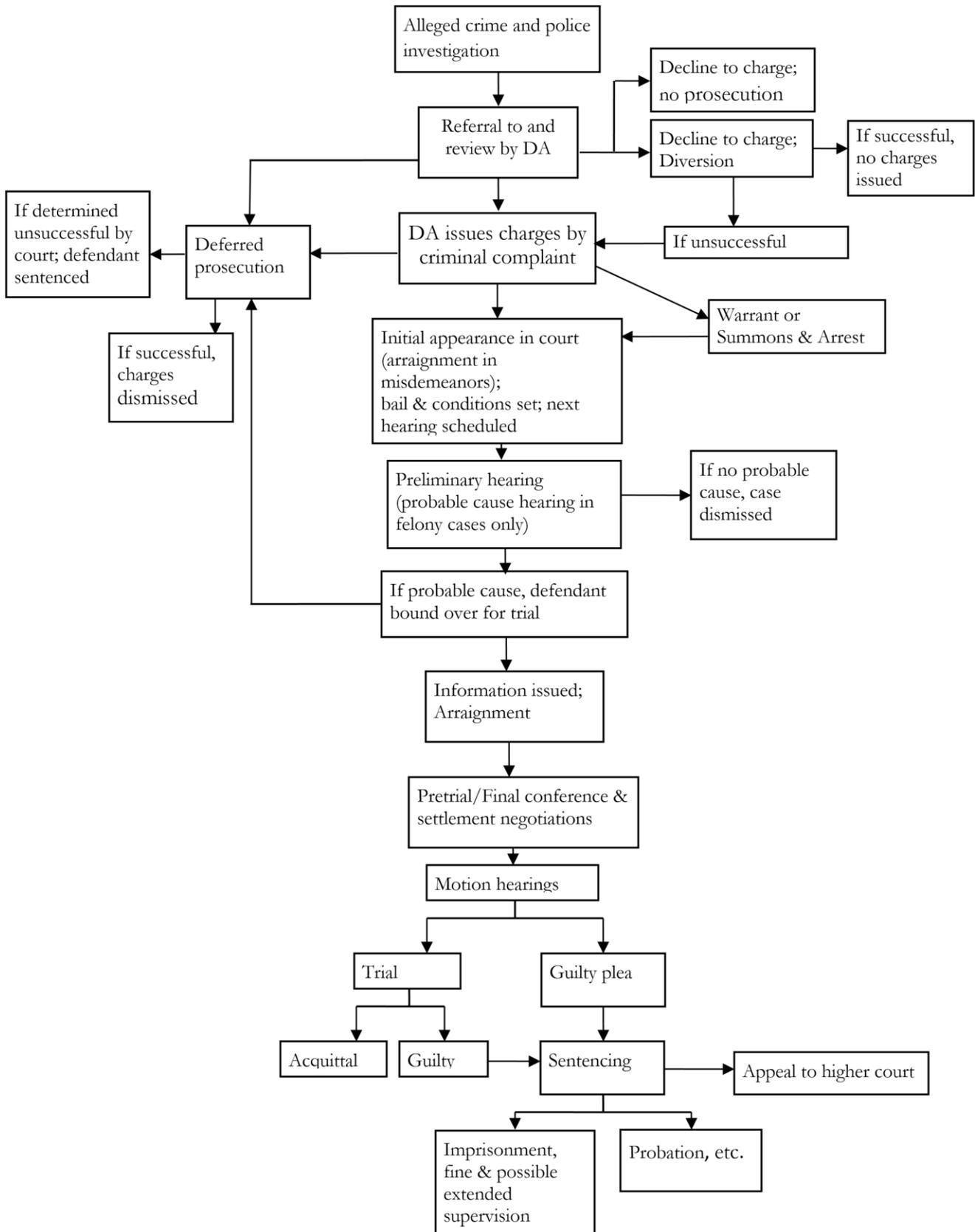
Chief Judge – A judge appointed by the chief justice of the Supreme Court to oversee the administrative activities of a judicial district and provide judicial leadership within the district.

District Court Administrator (DCA) – A court administrator hired by the state to oversee the administrative, non-judicial activities of the courts in each judicial district. The DCA may be the person responsible for coordinating interpreter services within the district.

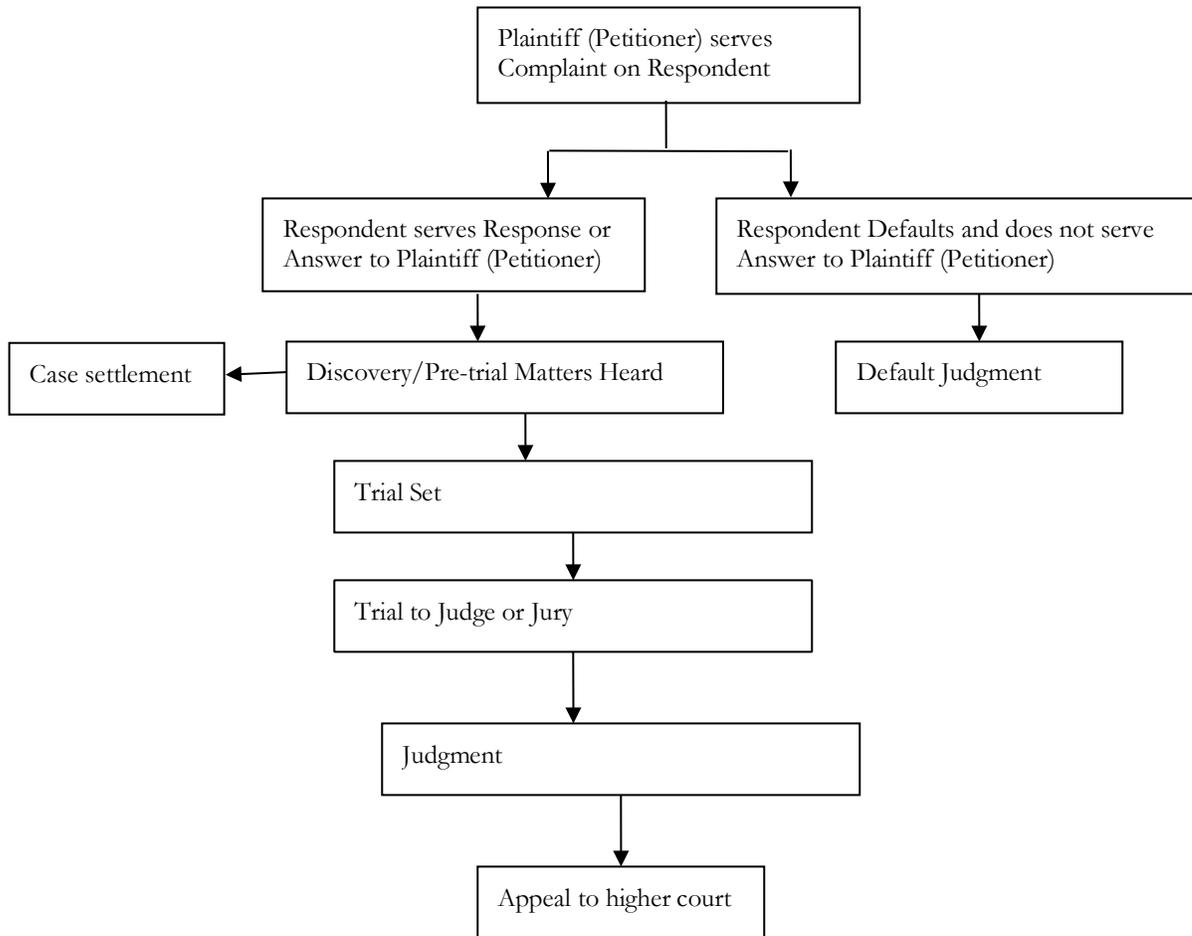
Sample Wisconsin Circuit Courtroom Layout



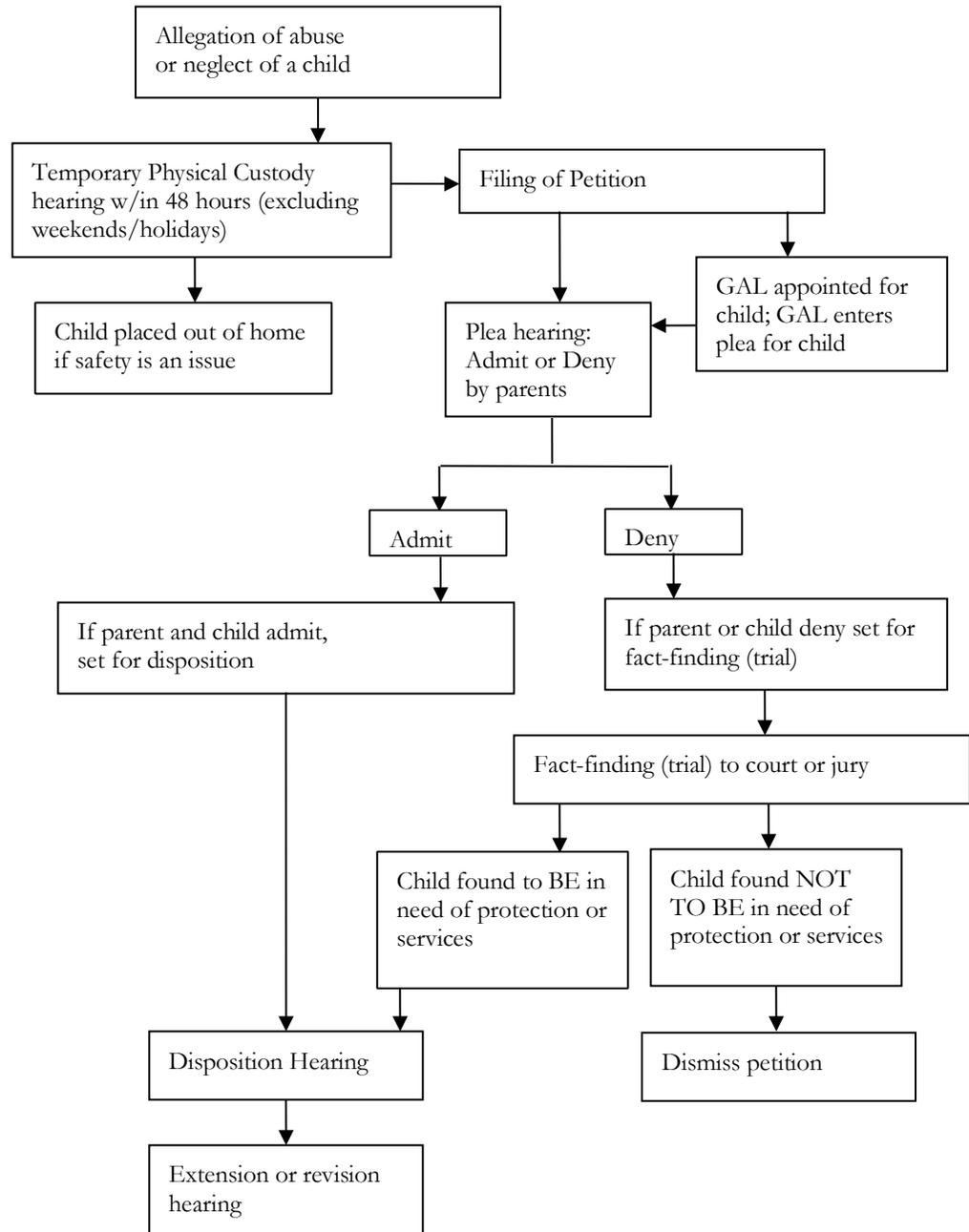
Criminal Case Flow Chart



Civil Case Flow Chart



CHIPS Case Flow Chart



Juvenile Case Flow Chart (Delinquency Only)

