

## CHAPTER 752

## COURT OF APPEALS

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**752.01 Jurisdiction.** (1) The court of appeals has appellate jurisdiction as provided by law.

(2) The court of appeals has original jurisdiction only to issue prerogative writs.

(3) The court of appeals may issue all writs necessary in aid of its jurisdiction.

History: 1977 c. 187.

**752.02 Supervisory authority.** The court of appeals has supervisory authority over all actions and proceedings in all courts except the supreme court.

History: 1977 c. 187.

**752.03 Number of judges.** There shall be 12 court of appeals judges. Three judges shall be elected from each of the 4 districts specified in ss. 752.13 to 752.19.

History: 1977 c. 187.

**752.04 Elections.** Court of appeals judges shall be elected by district on an at-large basis for terms of 6 years. Terms shall commence on August 1 next succeeding each election and shall terminate on July 31. A court of appeals judge shall reside within the district in which he or she is elected. Only one court of appeals judge may be elected in a district in any year.

History: 1977 c. 187.

**752.05 Administrative headquarters.** The court of appeals shall have administrative headquarters in Madison.

History: 1977 c. 187.

**752.07 Chief judge.** The supreme court shall appoint a court of appeals judge to be the chief judge of the court of appeals for a term of 3 years.

History: 1977 c. 187.

**752.11 Districts.** (1) The court of appeals is divided into districts as follows:

(a) District I consists of the judicial circuit for Milwaukee county.

(b) District II consists of the judicial circuits for Kenosha, Racine, Walworth, Waukesha, Washington, Ozaukee, Sheboygan, Manitowoc, Fond du Lac, Green Lake, Winnebago and Calumet counties.

(c) District III consists of the judicial circuits for Door, Kewaunee, Brown, Oconto, Marinette, Forest and Florence (a combined 2-county circuit), Outagamie, Menominee and Shawano (a combined 2-county circuit), Langlade, Marathon, Lincoln, Oneida, Vilas, Taylor, Price, Iron, Ashland, Bayfield, Sawyer, Rusk, Chippewa, Eau Claire, Trempealeau, Buffalo and Pepin (a combined 2-county circuit), Dunn, Pierce, St. Croix, Barron, Polk, Burnett, Washburn and Douglas counties.

(d) District IV consists of the judicial circuits for Rock, Green, Jefferson, Dodge, Dane, Lafayette, Iowa, Grant, Richland, Crawford, Sauk, Columbia, Marquette, Waushara, Waupaca, Portage, Wood, Adams, Juneau, Jackson, Clark, Monroe, Vernon and La Crosse counties.

(2) The court shall hear cases in any city where it has chambers or where it is specifically required to sit and such other locations as the supreme court may designate by rule for the convenience of litigants.

History: 1977 c. 187, 449.

**752.13 District I.** The court chambers for the court of appeals in district I are located in Milwaukee.

History: 1977 c. 187.

**752.15 District II.** The court chambers for the court of appeals in district II are located in

Waukesha. The court shall also sit in Fond du Lac and Racine.

History: 1977 c. 187.

**752.17 District III.** The court chambers for the court of appeals in district III are located in Wausau. The court shall also sit in Eau Claire, Superior and Green Bay.

History: 1977 c. 187.

**752.19 District IV.** The court chambers for the court of appeals in district IV are located in Madison. The court shall also sit in La Crosse and Stevens Point.

History: 1977 c. 187.

**752.21 Venue.** A judgment or order appealed to the court of appeals shall be heard in the court of appeals district which contains the court from which the judgment or order is appealed.

History: 1977 c. 187.

**752.31 Disposition of cases. (1)** Except as otherwise provided in this section, the court of appeals shall sit in panels of 3 judges to dispose of cases on their merits.

**(2)** Appeals to the court of appeals in the following types of cases shall be heard as specified in sub. (3):

- (a) Cases under ch. 299.
- (b) Municipal ordinance violation cases.
- (c) Cases involving violations of traffic regulations, as defined in s. 345.20 (1) (a).
- (d) Cases under ch. 51.
- (e) Cases under ch. 48.
- (f) Misdemeanors.

**(3)** A case specified under sub. (2) shall be heard by one court of appeals judge, except that any party on appeal may move in writing to the chief judge of the court of appeals that the case be heard by a 3-judge panel. The chief judge may grant or deny the request ex parte. Any appeal which is heard by a single court of appeals judge shall be heard in the county where the case or action originated if any party so requests.

**(4)** If a request for a 3-judge panel is granted under sub. (3), the district attorney handling the case under s. 59.47 (7) shall transfer all necessary files and papers relating to the case to the attorney general.

History: 1977 c. 187.

**752.35 Discretionary reversal.** In an appeal to the court of appeals, if it appears from the record that the real controversy has not been fully tried, or that it is probable that justice has for any reason miscarried, the court may reverse the judgment or order appealed from, regardless of whether the proper motion or objection appears in the record and may direct the entry of the proper judgment or remit the case to the trial court for entry of the proper judgment or for a new trial, and direct the making of such amendments in the pleadings and the adoption of such procedure in that court, not inconsistent with statutes or rules, as are necessary to accomplish the ends of justice.

History: 1977 c. 187.

**752.37 Enforcement of judgments and determinations.** The court of appeals has all power and authority to enforce its judgments and determinations and to exercise its jurisdiction.

History: 1977 c. 187.

**752.39 Referral of issues of fact.** In actions where the court of appeals has taken original jurisdiction, the court may refer issues of fact to a circuit court or referee for determination.

History: 1977 c. 187.

**752.41 Decisions. (1)** In each case, the court of appeals shall provide a written opinion containing a written summary of the reasons for the decision made by the court.

**(2)** Officially published opinions of the court of appeals shall have statewide precedential effect.

**(3)** The supreme court shall determine by rule the manner in which the court of appeals determines which of its decisions shall be published.

History: 1977 c. 187.

**752.61 State assumption of costs.** The state shall pay for all costs of implementation and operation of the court of appeals. Payments shall be made under s. 20.660.

History: 1977 c. 187.