

1981 Senate Bill 823

Date published: April 30, 1982

CHAPTER 316 , Laws of 1981

AN ACT to create 809.25 (3) of the statutes, relating to awarding costs for frivolous appeals.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 809.25 (3) of the statutes is created to read:

809.25 (3) FRIVOLOUS APPEALS. (a) If an appeal or cross-appeal is found to be frivolous by the court, the court shall award to the successful party costs and fees under this section.

(b) The costs and fees awarded under par. (a) may be assessed fully against the appellant or cross-appellant or the attorney representing the appellant or cross-appellant or may be assessed so that the appellant or cross-appellant and the attorney each pay a portion of the costs and fees.

(c) In order to find an appeal or cross-appeal to be frivolous under par. (a), the court must find one or more of the following:

1. The appeal or cross-appeal was filed, used or continued in bad faith, solely for purposes of harassing or maliciously injuring another.
 2. The party or the party's attorney knew, or should have known, that the appeal or cross-appeal was without any reasonable basis in law or equity and could not be supported by a good faith argument for an extension, modification or reversal of existing law.
-