751.01 Terms of justices. The term of office of an elected justice of the supreme court commences on the August 1 next succeeding the justice’s election.

History: 1977 c. 187 s. 74; Stats. 1977 s. 751.01.

751.02 Employees. The supreme court may authorize the employees it considers necessary for the execution of the functions of the supreme court and the court of appeals and the court reporting functions of the circuit courts and may designate titles, prescribe duties and fix compensation. Compensation and benefits of employees should be consistent with that paid to state employees in the classified service for services involving similar work and responsibility. Each justice and court of appeals judge may appoint and prescribe the duties of a judicial assistant and a law clerk to assist the justice or judge in the performance of his or her duties. Each circuit judge may appoint a court reporter to serve primarily in the court or branch of court to which he or she was elected or appointed if the court reporter is certified as qualified by the director of state courts. The chief justice or district court administrator may assign that court reporter to other courts to assure adequate coverage of all reported proceedings. A person appointed by the supreme court or a justice or court of appeals judge or a circuit judge serves at the pleasure of the court or the justice or judge.


751.03 Assignment of judges. (1) The chief justice of the supreme court may assign any active supreme court justice, court of appeals judge or circuit judge to serve temporarily as a judge of the court or branch of court to which he or she was elected or appointed if the court reporter is certified as qualified by the director of state courts. The chief justice or district court administrator may assign that court reporter to other courts to assure adequate coverage of all reported proceedings. A person appointed by the supreme court or a justice or court of appeals judge or a circuit judge serves at the pleasure of the court or the justice or judge.


751.04 Seal. The supreme court may manufacture and cause to be issued a seal of the supreme court. It shall be the duty of the supreme court to maintain and keep records, files, papers, and such other property as is necessary to the proper performance of the duties of the court.

751.05 Appellate jurisdiction. The supreme court may review a decision of an appellate court of this state by discretionary review or by transfer, for the purposes provided in this chapter.

751.06 Discretionary reversal. The chief justice of the supreme court may review a case by discretionary reversal as provided in this chapter.

751.07 Writs. The supreme court may issue writs as provided in this chapter.

751.08 Enforcement of judgments and determinations. The supreme court may enforce judgments and determinations of the supreme court as provided in this chapter.

751.09 Referral of issues of fact and damages. The supreme court may by published order, referred to as a “discretionary reversal”, require a court of appeals to remand a case for further proceedings not inconsistent with the order of the court of appeals.

History: 1977 c. 187 s. 74; Stats. 1977 s. 751.01.

751.10 Decisions to be written; part of record; certification. A justice of the supreme court shall write a decision in cases over which the court has jurisdiction and each justice shall file in the office of the supreme court a certified copy of the decision, which shall be part of the record of the case.

751.11 Wisconsin reports; distribution. The supreme court shall cause the Wisconsin Reports to be published by a printer and sold at the price recommended by the Judicial Council for the benefit of the court.

751.12 Rules of pleading and practice. The supreme court shall prescribe rules of pleading and practice for use in the courts of the state and may prescribe such rules of pleading and practice for use in the courts of the federal government as the supreme court may deem expedient.

751.13 Rules regarding the practice of law; waiver of fee for veterans. The supreme court may by rule require that any adjudication with respect to the practice of law be made with the written consent of the parties and may, by rule, provide that fees of counsel for the defense of a defendant in any case involving a member of the armed forces of the United States shall be waived.

751.15 Rules regarding the practice of law; delinquent support obligors. (a) Any rule prescribed under sub. (3) or s. 801.58. Petitioner v. Evans, 2018 WI App 53, 383 Wis. 2d 669, 917 N.W.2d 218, 17–2297.

751.155 Rules regarding the practice of law; delinquent taxes and unemployment insurance contributions.

751.20 Transfer authority.

CHAPTER 751
SUPREME COURT

751.035 Assignment to a judicial panel; appeals.

(1) Upon receiving notice under s. 801.50 (4m), the supreme court shall appoint a panel consisting of 3 circuit court judges to hear the matter. The supreme court shall choose one judge from each of 3 circuits and shall assign one of the circuits as the venue for all hearings and filings in the matter.

(2) Notwithstanding s. 801.58, no party may move for substitution of any circuit court judge assigned under this section.
751.06 Discretionary reversal. In an appeal in the supreme court, 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 the 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 s. 76; Stats. 1977 s. 751.06.

The court may reverse in the interest of justice even though proper motions or objections appear in the record, if the jury was erroneously not given the opportunity to hear important testimony that bore on an important issue of the case. Under the second prong of the discretionary-reversal statute, the “miscarriage of justice” prong, a court would have to conclude that there would be a substantial probability that a different result would be likely on retrial in order to grant a discretionary reversal. State v. Schumacher, 144 Wis. 2d 388, 424 N.W.2d 672 (1988).

A new trial may be ordered in either of two ways: 1) whenever the real controversy has not been fully tried; or 2) whenever it is probable that justice has for any reason miscarried. Separate criteria exists for determining each of these two distinct situations. Situations in which the controversy may not have been fully tried have been divided into two classes. 1) When the jury was erroneously not given the opportunity to hear important testimony that bore on an important issue of the case; and 2) when the jury had before it evidence not properly admitted which so clouded a crucial issue in the case that the jury was not likely to have been accurately instructed as to the law or the case. State v. Hicks, 202 Wis. 2d 150, 549 N.W.2d 435 (1996), 94−2256.

(5) The judicial council shall act in an advisory capacity to assist the court in performing its duties under this section.

History: 1977 c. 187 s. 82; Stats. 1977 s. 751.12; 2001 a. 103; 2015 a. 69.

Separation of constitutional powers and shared legislative and judicial functions relating to pleading and procedure are discussed. In Matter of E.B., 111 Wis. 2d 175, 330 N.W.2d 584 (1983).

The establishment of an effective date does not determine whether a statute will apply retroactively. Salzman v. DNR, 168 Wis. 2d 523, 484 N.W.2d 337 (Ct. App. 1992).

A rule adopted by this court in accordance with this section is numbered as a statute, is printed in the Wisconsin Statutes, may be amended by both the court and the legislature, has been described by this court as a statute promulgated under the court’s rule-making authority, and has the force of law. Rao v. WMA Securities, Inc., 2008 WI 73, 310 Wis. 2d 623, 752 N.W.2d 220, 06–0813

751.15 Rules regarding the practice of law; delinquent support obligors. (1) The supreme court is requested to enter into a memorandum of understanding with the department of children and families under s. 49.857.

(2) The supreme court is requested to promulgate rules that require each person who has a social security number, as a condition of membership in the state bar, to provide the board of bar examiners with his or her social security number, that require each person who does not have a social security number, as a condition of membership in the state bar, to provide the board of bar examiners with a statement made or subscribed under oath or affirmation on a form prescribed by the department of children and families that the person does not have a social security number, and that prohibit the disclosure of that number to any person except the department of children and families for the purpose of administering s. 49.22.

(3) The supreme court is requested to promulgate rules that deny, suspend, restrict or refuse to renew a license to practice law if the applicant or licensee fails to provide the information required under rules promulgated under sub. (2) or fails to comply, after appropriate notice, with a subpoena or warrant issued by the department of children and families or a county child support agency under s. 59.53 (5) and related to paternity or child support proceedings or if the department of children and families certifies that the applicant or licensee has failed to pay court-ordered payments of child or family support, maintenance, birth expenses, medical expenses or other expenses related to the support of a child or former spouse. The supreme court is also requested to promulgate rules that invalidate a license to practice law if issued in reliance upon a statement made or subscribed under oath or affirmation under rules promulgated under sub. (2) that is false.


751.153 Rules regarding the practice of law; waiver of fee for veterans. The supreme court is requested to promulgate a rule that waives, for an individual who is eligible for the veterans fee waiver program under s. 45.44, the initial fee for admission to the state bar or for a license to practice law.

History: 2011 a. 209.

751.155 Rules regarding the practice of law; delinquent taxes and unemployment insurance contributions. (1) The supreme court is requested to enter into a memorandum of understanding with the department of revenue under s. 73.0301, and the supreme court is requested to enter into a memorandum of understanding with the department of workforce development under s. 108.227.

(2) The supreme court is requested to promulgate rules that require each person, as a condition of membership in the state bar, to provide the board of bar examiners with his or her social security number and that prohibit the disclosure of that number to any person except the department of revenue for the sole purpose of making certifications under s. 73.0301 and the department of workforce development for the sole purpose of making certifications under s. 108.227.

(3) The supreme court is requested to promulgate rules that deny an application for a license to practice law or revoke a license to practice law already issued if the applicant or licensee fails to provide the information required under rules promulgated under sub. (2), if the department of revenue certifies that the applicant or licensee is liable for delinquent taxes under s. 73.0301, or if the department of workforce development certifies that the licensee is liable for delinquent unemployment insurance contributions under s. 108.227.


751.20 Transfer authority. Notwithstanding s. 20.680 (2) (a) to (L), the supreme court may transfer money from the appropriations under s. 20.680 (2) (a) to (L) to the appropriation under s. 20.670 (1) (k) for the purposes of the judicial council under s. 758.13.