

# COURT WITH CLASS

## This trip to court was Supreme . . .

*Quotes taken from program evaluations and newspaper clippings.*

"It is quite unusual to ask students to evaluate a field trip and have every student say it was 'awesome!' That is exactly what happened after our field trip to the Supreme Court last week."

*Roncalli High School teacher*

"I was gratified that our students were not intimidated. For some people, just coming in this room has a chilling effect."

*Oregon High School teacher*

"The justices explained the details of court many of us were dying to know."

*Eisenhower High School student*

"This was one of the best field trips I ever got involved in. Would I participate again? Definitely yes!"

*Iowa-Grant High School teacher*

"Our class took a straw vote on how they thought the case should go and we will be awaiting the Court's decision with great anticipation. We hope this fine experience will continue to be available in the years to come."

*Wisconsin Heights High School teacher*

## For more information on Court with Class, please contact:

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Public Education Coordinator  
State Bar of Wisconsin  
608/250-6191

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Wisconsin Supreme Court  
608/266-1298

## What is COURT WITH CLASS?

An engaging and interactive learning experience in which students...

- ☐ Visit the Supreme Court Hearing Room at the state Capitol
- ☐ Listen to attorneys present oral argument before the Supreme Court
- ☐ Meet with a justice to discuss the role of the Supreme Court and the process used to decide a case

## Dear Teachers and Students:

Thank you for providing your students with an exceptional educational opportunity - a visit to one of the most beautiful courtrooms in the nation, where the Wisconsin Supreme Court hears oral arguments.

The Court with Class program is designed to make these proceedings understandable and accessible to all high school students in the state.

Since 1996, this joint venture between the Wisconsin Supreme Court and the State Bar of Wisconsin has brought more than 12,500 students statewide to oral arguments and discussions with individual Supreme Court justices.

Prior to the visit, teachers receive information about the court system, including biographies of the justices, a synopsis of the case to be heard and other law-related materials to help students prepare for their day in court. We also encourage you to invite an attorney from your community to discuss the case with your class.

In its first year, the Court with Class program was honored with the 1997 LEXIS-NEXIS Public Service Achievement Award from the National Association of Bar Executives.

We look forward to seeing you in court.

Sincerely yours,



Patience Drake Roggensack  
Chief Justice  
Wisconsin Supreme Court

Kathleen A. Brost  
President  
State Bar of Wisconsin



WISCONSIN  
SUPREME COURT



STATE BAR  
OF WISCONSIN

# How a case comes to the Wisconsin Supreme Court

**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 Web site on the morning of their release ([www.wicourts.gov](http://www.wicourts.gov)).

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.

**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.

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.

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.

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

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 249 circuit courts in Wisconsin.

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.

## Wisconsin Supreme Court: From Petition to Opinion

The Court holds a **petition conference** to review requests from parties for Supreme Court review of a case. For each case accepted, a “reporting justice” is assigned.

At the **pre-argument conference** the reporting justices for that day’s cases brief the other members of the Court on the details and important issues of the cases scheduled to be heard that day.

Attorneys present their cases at **oral argument**. Typically, three cases are heard in one day, each lasting one hour.

The Court holds a post-argument **decision conference** where the reporting justices present their analysis of the cases heard that day and the justices cast tentative votes on the cases. For each case, a justice is assigned by random lot to draft the opinion.

At a later date, the justices meet in an **opinion conference** to discuss and vote on draft opinions. At this point, justices announce their intentions to write concurring or dissenting opinions.

The Clerk of the Supreme Court Office **mandates an opinion** (making the Court’s decision available to the parties and public) when all members of the Court have voted to release it. Concurring and dissenting opinions are released at the same time.

The Court’s official **opinion is published** in *Callaghan’s Wisconsin Reports* as the law of the state.

The Court will **reconsider an opinion** in very rare cases when a party can show that the Court has overlooked controlling legal precedent, important policy considerations, or a significant fact appearing in the record.

# Attending Oral Argument of the Wisconsin Supreme Court

## Oral Argument

When a case is called by the chief justice, counsel are to take their places immediately. The petitioner is to take his or her place at the podium, the respondent to be seated to the right of the podium.

At oral argument, each side is allowed 30 minutes or such other period of time as the court may grant to present argument supplementing or clarifying arguments set forth in the briefs, to present argument on issues specified by the court prior to oral argument and to discuss developments in applicable law which have occurred subsequent to the filing of the briefs. Requests for additional time for oral argument are to be made in writing to the clerk, but such requests are rarely granted. Oral arguments are streamed live and archived on the court system website (audio only) at [www.wicourts.gov](http://www.wicourts.gov) and on the public affairs network WisconsinEye.org.

The court's marshal monitors the time for oral argument by the use of light signals on the podium.

(a.) **Opening Argument.** A green light signals the beginning of the opening argument of the petitioner or other party having the burden of going forward. Twenty-five minutes is allotted for opening argument, leaving five minutes for rebuttal. Five minutes prior to the expiration of the time allowed for opening argument, the green light goes off and a yellow light comes on. When the time reserved for opening argument has expired, the yellow light goes off and a red light comes on, and attorneys are to terminate their argument immediately.

(b.) **Respondent's Argument.** The same procedure outline above for opening argument is used.

(c.) **Rebuttal.** A yellow light signals commencement of the time for rebuttal argument; five minutes is allotted for rebuttal unless more than 25 minutes has been used in the opening argument. A red light comes on when the time expires and attorneys are to terminate their argument immediately.\*

## Decision Conference

Following each day's oral arguments, the court meets in conference to discuss the cases argued that day. The chief justice presides at the conference, conducts the court's discussion, and calls for the vote on the decision of each case.\*

## Opinions

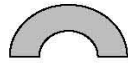
The Wisconsin Supreme Court usually releases opinions for all cases heard during a September through June session by June 30 of that year. Opinions are posted on the court system website on the morning of their release ([www.wicourts.gov/opinions/supreme.jsp](http://www.wicourts.gov/opinions/supreme.jsp)).

\*Information excerpted from Internal Operating Procedures of the Wisconsin Supreme Court.

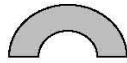
# THE WISCONSIN SUPREME COURT



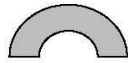
Justice 6



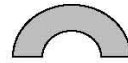
Justice 4



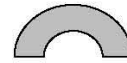
Justice 2



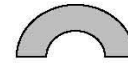
Chief Justice



Justice 3



Justice 5



Justice 7

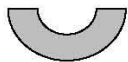
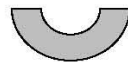
During oral argument of the Wisconsin Supreme Court, the justices often ask questions of the attorneys presenting their cases. The Supreme Court hears cases that relate to the development or clarification of a law or that have statewide legal significance.

## THE BENCH

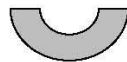
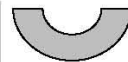
**THE MARSHAL'S DESK**  
The Marshal calls the Court to order, monitors the gavel meter, and maintains the security and decorum of the proceeding.

### THE ATTORNEYS' TABLE

One or two attorneys for each side of the case sit at the attorneys' table. Each side has 30 minutes to present its arguments.



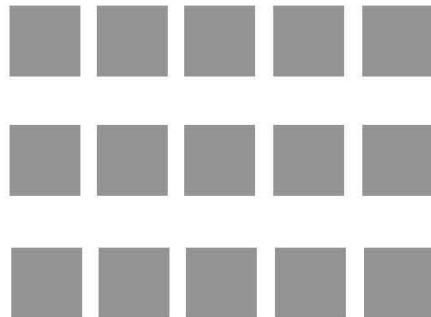
Podium with  
Gavel Meter



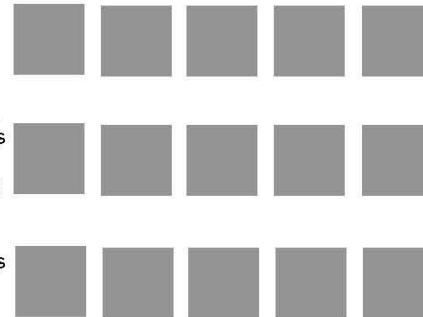
The Gavel Meter tells the attorneys how much time they have to present their arguments. First a green light appears telling the attorney to begin. A yellow light appears when five minutes remain, and a red light appears telling the attorney to stop his/her presentation.



**Members of the media** sit here. Reporters, photographers, and videographers listen to and record oral argument.



**Wisconsin Supreme Court oral arguments are open to the public.** The Court's session runs from September 1 through June 30. During the session, the Court generally hears oral arguments for three days each month, with three cases heard each day.



These seats are reserved for **law clerks**. Law clerks are recent law school graduates who are appointed by a justice for one-year terms. They assist the justices in researching and drafting opinions.







# Wisconsin Court System

## Wisconsin Supreme Court Justices

The Supreme Court is composed of seven justices, elected to 10-year terms in statewide, non-partisan April elections. Vacancies are filled by gubernatorial appointment and the appointee is required to stand for election to a full 10-year term the first spring that no other justice is up for election. The Wisconsin Constitution limits the number of justices running to one per election.

Current Supreme Court Justices:



Chief Justice Patience  
Drake Roggensack



Justice  
Ann Walsh Bradley



Justice Annette  
Kingsland Ziegler



Justice  
Rebecca Grassl Bradley



Justice  
Rebecca Frank Dallet



Justice  
Brian Hagedorn



Justice  
Jill J. Karofsky



# Wisconsin Court System

## Wisconsin Supreme Court Hearing Room

*Written by the late Roland B. Day, Chief Justice, Wisconsin Supreme Court/former Chair, Wisconsin Bicentennial Committee on the U.S. Constitution, 1986-1991*

The Wisconsin Supreme Court Hearing Room is reputed to be the most beautiful of its kind in the country. In addition to the walls and columns of marble from Germany, Italy, France and Maryland, the bronze candelabras, the carved mahogany bench and counsel table, the most striking objects are the four large murals, each nine feet by 18 feet six inches. Each mural depicts a source of Wisconsin law.

Albert Herter (1871-1950), the famous New York muralist, was commissioned to paint the murals. They were painted in New York and later installed in the hearing room. Of special note is the way the colors in the murals complement the colors in the marble panels beneath them.



The mural over the entrance to the Hearing Room depicts an incident in the reign of Caesar Augustus Octavius. The Roman writer Seutonius tells of Scutarius, a Roman legionnaire who was being tried for an offense before the judges seated in the background. The legionnaire called on Caesar to represent him, saying: "I fought for you when you needed me, now I need you." Caesar responded by agreeing to represent Scutarius. Caesar is shown reclining on his litter borne by his servants. Seutonius does not tell us the outcome of the trial but leaves us to surmise that with such a counselor he undoubtedly prevailed.

The mural represents Roman civil law, which is set forth in codes or statutes, in contrast to English common law, which is based not on a written code but on ancient customs and usages and the judgments and decrees of the courts which follow such customs and usages.

Today we are governed by our own common law as well as by codes in the form of statutes passed by the legislature which may change or add to the common law.



The mural on the left of the Hearing Room shows King John of England (1166-1216) sealing and granting Magna Carta (the Great Charter) in June 1215 on the banks of the Thames River at the meadow called Runnymede. His reluctance to grant the Charter is shown by his posture and sullen countenance. But he had no choice. The barons and churchmen led by Stephen Langton, Archbishop of Canterbury, forced him to recognize principles that have developed into the liberties we enjoy today. King John, out of avarice, greed or revenge, had in the past seized the lands of noblemen, destroyed their castles and imprisoned them without legal cause. As a result, the noblemen united against the king.

Most of the articles in Magna Carta dealt with feudal tenures, but many other rights were also included. Article 39 provided:

No freeman shall be seized or imprisoned, or dispossessed, or outlawed, or in any way destroyed, nor will we condemn him, nor will we commit him to prison, excepting by the legal judgment of his peers or by the law of the land.

Article 40 promised: To none will we sell, to none will we deny, to none will we delay right or justice.

Out of these and other provisions came the rights of habeas corpus and trial by jury. Freedom of the church was also guaranteed in the Charter. The barons and churchmen claimed that all of these were ancient rights expressed in earlier charters of Edward the Confessor (1004-1066) and Henry I (1100-1135). This mural commemorates our indebtedness to English common law, brought to these shores by the early British colonists.



The young boy holding the dog was modeled by Christian Herter (1895-1967), son of the artist. He became governor of Massachusetts and secretary of state under President Dwight D. Eisenhower.



The mural above the bench is the signing of the United States Constitution on September 17, 1787, in Philadelphia. George Washington is shown presiding. On the left, Benjamin Franklin is easily recognizable. On the right, James Madison, "Father of the Constitution" is shown with his cloak on his arm. Although he was in France at the time, Thomas Jefferson was painted into the mural because of his great influence on the principles of the Constitution.

The mural's position above the bench is symbolic that the Supreme Court operates under its aegis and is subject to its constraints. The United States Constitution has served us well for more than 200 years. This mural shows our indebtedness to federal law.



The mural on the right wall shows the trial of Chief Oshkosh of the Menominees for the slaying of a member of another tribe who had killed a Menominee in a hunting accident. It was shown that under Menominee custom, relatives of a slain member could kill his slayer. Judge James Duane Doty held that in this case territorial law did not apply:

... it appears to me that it would be tyrannical and unjust to declare him, by implication, a malicious offender against rules which the same laws presume he could not have previously known...

Judge Doty acquitted Chief Oshkosh of the charge.

They became friends.

In 1848 Wisconsin achieved statehood and this mural shows our indebtedness to territorial law. Article XIV of the Wisconsin Constitution of 1848 says the common law in force in the territory and the laws of the territory are part of the law of Wisconsin except as changed by the Constitution or altered or repeated by the legislature.

Thus the four murals show that Roman, English, federal and territorial law are all part of our legal heritage.

In 1836, when Wisconsin became a territory, Doty persuaded the legislature to move the capital from Belmont to the present site to be named Madison after the Father of the Constitution, James Madison. The streets around the Capitol were named after the 39 signers of that document. A watercolor in the Supreme Court reception area by William Dyke, a judge, attorney, artist and former Madison mayor, depicts the Supreme Court and Council House buildings at Belmont.

At the entrance to the Supreme Court Hearing Room are striking busts of two early and highly respected chief justices of this Court. On the left is Luther Swift Dixon, of Portage, who was chief justice of the Wisconsin Supreme Court from 1859 to 1874. On the right is Edward George Ryan, of Milwaukee, who was chief Justice from 1874 to 1880.

#### Luther Swift Dixon

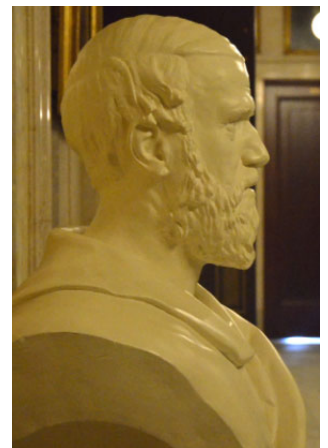
Chief Justice Luther Swift Dixon was 34 years old and had been a lawyer for just nine years when the governor appointed him to replace the late Chief Justice Edward Vernon Whiton, of Janesville.

Born and raised in Vermont, Dixon traveled to Wisconsin and set up a law practice in Portage, which was a thriving frontier town because of its placement between the Fox and Wisconsin Rivers. Dixon was twice elected district attorney of Columbia County and was soon appointed judge of the ninth judicial circuit. He was described in the Wisconsin Bar Association Reports (July 1908, vol. 8) as being

"approachable and companionable, and sociable, thoroughly likeable and of winning personality in every way".

Almost immediately upon joining the state's highest Court, however, Dixon found himself embroiled in controversy and targeted by the Republicans who wanted to see him defeated when he faced election.

The controversy stemmed from the Booth case, in which the Wisconsin Supreme Court (before Dixon joined the Court) unanimously declared unconstitutional the fugitive slave act, which required northern states to return runaway slaves to their masters. The U.S. Supreme Court





overturned that decision and Wisconsin citizens were outraged.

When it came time to file the mandates from the U.S. Supreme Court, the task fell to Dixon and Justice Orsamus Cole. Cole, who did not believe the U.S. Supreme Court had the power to review judgments of the state Supreme Court, immediately took the position that the mandate upholding the fugitive slave act should not be filed in Wisconsin. Dixon, however, took the opposite view and thus became targeted by the Republicans who were strong believers in states' rights.

Then, as now, justices of the Wisconsin Supreme Court were elected in statewide races. The 1860 election was a heated one and it took two weeks to tabulate the results. During this time, both Dixon and his opponent claimed victory, and each side accused the other of tampering with votes. In the end, Dixon won his seat with less than 400 votes in a vote total of 116,000.

Dixon resigned after 15 years on the bench to return to the practice of law. It was said of him in a eulogy: "His decisions constitute a record imperishable and his enobling influence upon the body of our law will be felt and acknowledged . . . in the long future." Another said of him that he had "the sparkling wit . . . and keen sense of humor so often observable in great lawyers."

### **Edward George Ryan**

Chief Justice Edward George Ryan was appointed to replace Dixon. His appointment surprised observers because he was already 64 years old, had no experience on the bench and was known to have a violent temper. Senator Vilas, in a eulogy, said of Ryan: "(His temper) made him terrible to his friends as well as his enemies; tyrannical, perhaps sometimes cruel . . . violent and hostile where he should have been friendly." Still, his abilities as a litigator, orator and judicial scholar were widely praised.



Justice John B. Winslow, in *Story of a Great Court*, his book about the early years of this Court, said of Ryan's six years as chief justice: "[H]e not only dispelled the doubts which followed his appointment but added vastly to the standing and prestige of (the) Court . . . [H]is opinions on great questions left a monument to his memory more enduring than brass or marble."

Chief Justice Cole, shortly after Ryan's death, said of his reputation for a bad temper: "While engaged in the labor of considering and deciding causes, the deportment of the chief justice towards his associates was uniformly kind, respectful and courteous. No irritating word, no offensive language, fell from his lips while thus employed . . . he listened with attention to whatever anyone had to say adverse to his views and often came to their conclusion when it seemed supported by the better reason or authority".

Ryan was a religious man and had a deep reverence for law and order. After his death, a well-worn prayer written

in his own hand was found among his effects. It read, in part, "Give me grace to bear patiently, to consider diligently, to understand rightly and to decide justly. Grant me due sense of humility, that I be not misled by my wilfulness, vanity or egotism."

Ryan was born in Ireland and emigrated to the United States at age 20. He studied law in New York, and moved to Chicago before settling in Racine and then Milwaukee. He is perhaps best known today for an opinion he wrote in 1875 (39 Wis. 232), when Lavinia Goodell became the first woman to request admission to the bar of the Wisconsin Supreme Court. She had previously been admitted to practice in the circuit court for Rock County.

Ryan denied the application, writing the following for the Court: "There are many employments in life not unfit for female character. The profession of the law is surely not one of these. The peculiar qualities of womanhood, its gentle graces, its sensibility, its tender susceptibility, its purity, its delicacy, its emotional impulses, its subordination of hard reason to sympathetic feeling, are surely not qualifications for forensic strife. Nature has tempered woman as little for the juridical conflicts of the court room, as for the physical conflicts of the battle field. Womanhood is moulded for gentler and better things".

Shortly after, the Wisconsin Legislature passed a bill to admit Goodell to the bar. When her application came before the Supreme Court again, although Ryan dissented, two justices agreed and she was admitted.

Both Dixon and Ryan, having died with very little money, were buried in unmarked graves. Then, in 1909, Justice Roujet D. Marshall of Chippewa Falls, began a campaign through the State Bar of Wisconsin to raise funds for monuments over each grave. Today, Dixon's grave (at Forest Hill Cemetery in Madison) and Ryan's grave (at Forest Home Cemetery in Milwaukee) are marked by tall, white granite obelisks, a fitting tribute to two men so different in temperament but both great jurists.

### **Partial list of sources**

William Blackstone, *Commentaries on the Laws of England* (Fourth Edition), (The Clarendon Press, Oxford, 1770).

Catherine Cleary, Lavinia Goodell, First Woman Lawyer in Wisconsin, *Wisconsin Magazine of History*, Vol. 74, p. 243 (State Historical Society of Wisconsin, Madison, 1991).

David V. Mollenhoff, *Madison, A History of the Formative Years* (Kendall and Hunt, Dubuque, Iowa, 1982).

Alice Elizabeth Smith, James Duane Doty, *Frontier Promoter* (State Historical Society of Wisconsin, 1954.)

Richard Thomson, *An Historical Essay on the Magna Carta of King John*, (Major and Jennings, London, 1829.)

John Bradley Winslow, *Story of a Great Court* (T.H. Flood & Company, Chicago, 1912).

Wisconsin State Capitol Guide and History, Bicentennial Issue (Thirteenth Edition) (State of Wisconsin Department of Administration, 1975).



# Wisconsin Court System

## Wisconsin Supreme Court

*The Wisconsin Supreme Court, the state's highest court, consists of seven justices who are elected to 10-year terms in statewide nonpartisan elections. As Wisconsin's court of last resort, the Supreme Court has appellate jurisdiction over all Wisconsin courts and has discretion to determine which appeals it will hear. The Supreme Court may also hear cases that begin in the high Court, known as original actions. In addition, the Supreme Court has superintending and administrative authority over all courts in Wisconsin. The chief justice of the Supreme Court is the administrative head of the judicial system and exercises administrative authority according to procedures adopted by the Supreme Court.*

### History of the Supreme Court

When Wisconsin joined the union in 1848, the Constitution divided the new state into five judicial districts. The five judges who presided over those circuit courts were directed by the Constitution to meet at least once a year as a "Supreme Court." In 1853, the Legislature formally instituted the Supreme Court, to be composed of three justices – a chief and two associates – each elected statewide. The Supreme Court celebrated its 150th anniversary in 2003 with a variety of programs, publications, and initiatives – all undertaken without the expenditure of public tax dollars.

There currently are seven justices on the Court. An 1877 state constitutional amendment increased the size of the Court to five, and in 1903 it was increased to seven. In 1889, another amendment established the present system whereby the justice who has served the longest on the Court becomes chief justice.

The Supreme Court was the state's only appellate court until 1978, when the Wisconsin Court of Appeals was established.

### Case-deciding Function

A primary function of the Supreme Court is to ensure independent, open, fair and efficient resolution of disputes in accordance with the federal and state constitutions and laws. Cases come to the Supreme Court in a number of ways:

- ☐ a party who has lost a case in the Court of Appeals may file a petition for review;
- ☐ any party may ask the Supreme Court to bypass the Court of Appeals and take a case;
- ☐ the Court of Appeals may ask the Supreme Court to take a case by certification; or
- ☐ a party may begin a case of statewide significance in the Supreme Court (these are called original actions).

When the Court agrees to decide a case, it receives

written arguments (called briefs) from all sides and schedules oral argument (carefully timed presentations by attorneys, punctuated by frequent questions from the justices). The Court publishes its decision in virtually every case it agrees to decide.

The Wisconsin Supreme Court has established and published Internal Operating Procedures (included in Wisconsin Supreme Court rules) describing its procedures for deciding cases.

### Administrative Function

Beyond deciding cases, the Supreme Court administers the entire Wisconsin court system. In this capacity, the Court works to ensure that the Wisconsin court system operates fairly and efficiently. The Court's administrative role has many facets including the following:

- ☐ **Budgeting.** During the biennial budget process the Supreme Court, assisted by staff, prepares a judicial branch budget request and submits it to the governor. As the budget moves through the Legislature, the Court meets frequently to refine priorities. The Court invites comments from all judges and staff throughout the budget process.
- ☐ **Long-range planning.** In 1990, the Wisconsin Supreme Court established the Planning and Policy Advisory Committee (PPAC) to help chart a course for the future of the courts. PPAC advises the Court and the Director of State Courts office on planning initiatives, the administrative structure of the court system and the expeditious handling of judicial matters. Chaired by the chief justice, PPAC functions as the court system's long-range planning committee.
- ☐ **Information technology strategies.** The Supreme Court is committed to fostering the use of automation to improve the operation of the courts. Under the court system's in-house technology service, known as the Consolidated Court Automation Programs (CCAP), circuit court software for management of

cases, juries and finances has been streamlined, making Wisconsin courts some of the most fully automated in the country.

## Regulatory Function

Another important function of the Supreme Court is to regulate the legal profession in Wisconsin. In 2006, the Court adopted new Rules of Professional Conduct for attorneys practicing in Wisconsin. The Court has established a Board of Bar Examiners (BBE) that oversees bar admissions and monitors lawyers' compliance with Wisconsin's continuing legal education requirements. The Court also has established the Office of Lawyer Regulation, which investigates and prosecutes grievances involving attorney misconduct or medical incapacity.

The Supreme Court also regulates the Wisconsin judiciary. Through the Office of Judicial Education, the Court administers the requirement that judges attend educational programs. The state Constitution gives the Court authority to discipline judges according to procedures established by the Legislature.

In 1996, the Court adopted a comprehensive revision of the Code of Judicial Conduct. The Court also appointed a Judicial Conduct Advisory Committee to give informal advice to judges and render formal advisory opinions on whether a contemplated action would be appropriate. In order to deal with an area that raises special concerns – campaign conduct – the Court appointed a blue ribbon Commission on Judicial Elections and Ethics in 1997 to propose rules concerning the political and campaign activities of judges and candidates for judicial office. The committee submitted its final report in 1999, and, after

public hearings and lengthy debate, the Court on April 21, 2004, voted 5-2 to adopt changes to the rules governing judicial campaign conduct. The new rules took effect Jan. 1, 2005.

## The Seal of the Supreme Court of Wisconsin

*by the late Roland B. Day, Chief Justice  
Wisconsin Supreme Court*



The seal of the Supreme Court of Wisconsin is rich in symbolism. It shows a scale of justice, but it is not held by the blindfolded Greek Goddess Themis, but by a human hand and arm. Thus, it recognizes that justice is in human hands.

Above the scale is the ancient symbol of the all-seeing eye of deity.

The seal was created sometime after August 12, 1848, when a joint resolution of the legislature provided that Edward H. Rudd be employed to engrave "a great seal for the state of Wisconsin and seals for the circuit courts and judges of probate of the several counties and supreme court of the state."

The resolution instructed Rudd to follow an existing pattern for seals currently in use, replacing the word "territory" with "state."

Seven months later, Governor Nelson Dewey signed into law a bill that authorized the secretary of state to "employ a competent and skillful engraver to engrave a seal for the supreme court, and the great seal of the state..."

The new law, Chapter 202, further authorized the secretary of state "to procure a good and substantial seal press for the use of the state and the supreme court," and provides that the costs will be paid out of the state treasury.

## Online educational resources

**For kids:** [www.wicourts.gov/courts/resources/kid/index.htm](http://www.wicourts.gov/courts/resources/kid/index.htm)

**For teachers:** [www.wicourts.gov/courts/resources/teacher/index.htm](http://www.wicourts.gov/courts/resources/teacher/index.htm)

**Information handouts:** [www.wicourts.gov/courts/resources/handouts.htm](http://www.wicourts.gov/courts/resources/handouts.htm)

**iCivics:** [www.iCivics.org](http://www.iCivics.org)

**Wisconsin State Bar:** [www.wisbar.org/AM/Template.cfm?Section=Law\\_related\\_education](http://www.wisbar.org/AM/Template.cfm?Section=Law_related_education)

**Other resources:** [www.wicourts.gov/courts/resources/teacher/other.htm](http://www.wicourts.gov/courts/resources/teacher/other.htm)



