

COURTEYE



State v. Tate:
Wisconsin
Supreme Court



STATE BAR
OF WISCONSIN

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.

During oral arguments, 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 tape recorded by the marshal for the court's exclusive use, and the tapes are retained for 120 days following remittitur. Upon prior court approval and as the court may permit, parties or interested persons may arrange with the clerk to listen to or have transcripts made from the tapes.

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 (<http://www.wicourts.gov/opinions/supreme.htm>).

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

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 following spring. The Wisconsin Constitution limits justices to running one at a time.

Current Supreme Court Justices:



Chief Justice
Shirley S.
Abrahamson



Justice
Ann Walsh
Bradley



Justice
N. Patrick
Crooks



Justice
David T.
Prosser, Jr.



Justice
Patience
Drake
Roggensack



Justice
Annette
Kingsland
Ziegler



Justice
Michael J.
Gableman



Chief Justice Shirley S. Abrahamson

Chief Justice Shirley S. Abrahamson was appointed to the Supreme Court by Governor Patrick Lucey in 1976. She was then the only woman to serve on the Court.

She won election to the Court in 1979 and re-election in 1989, 1999, 2009. Before joining the Supreme Court, Chief Justice Abrahamson was in private practice in Madison for 14 years and was a professor at the University of Wisconsin Law School. She is the past president of the National Conference of Chief Justices and past chair of the board of directors of the National Center for State Courts. The chief justice was chair of the National Institute of Justice, National Commission on the Future of DNA Evidence. She is a member of the Council of the American Law Institute and the board of directors of

New York University (NYU) School of Law Institute of Judicial Administration. She also has served on the State Bar of Wisconsin's Commission on the Delivery of Legal Services and American Bar Association's Coalition for Justice.

Born and raised in New York City, Chief Justice Abrahamson received her bachelor's degrees from NYU in 1953, her law degree from Indiana University Law School in 1956, and a doctorate of law in American legal history in 1962 from the UW Law School. She is the recipient of 14 honorary doctor of laws degrees and the Distinguished Alumni Award of the University of Wisconsin-Madison. She is a fellow of the Wisconsin Academy of Arts and Sciences and the American Academy of Arts and Sciences and an elected member of the American Philosophical Society. In 2004, she received the American Judicature Society's Dwight D. Opperman Award for Judicial Excellence. Chief Justice Abrahamson is featured in *Great American Judges: An Encyclopedia* (John R. Vile ed. 2003).

Chief Justice Abrahamson and her husband, Seymour, have a son, Daniel. Her current term expires July 31, 2009.



Justice Ann Walsh Bradley

Justice Ann Walsh Bradley was elected to the Supreme Court in 1995 and re-elected in 2005.

Born in Richland Center, Wisconsin, Justice Bradley received a bachelor's degree from Webster College in St. Louis. She was a high school teacher before entering the University of Wisconsin Law School, where she earned a law degree in 1976.

Justice Bradley was in private practice until becoming a circuit court judge in Marathon County in 1985. She was elected to the Wisconsin Supreme Court in 1995. She is the 2004 winner of the American Judicature Society's Harley Award, a national honor that is reserved for judges whose outstanding efforts and long-term contributions have resulted

in substantial improvements to the justice system.

Justice Bradley is an elected member of the American Law Institute, a former associate dean and faculty member of the Wisconsin Judicial College, a former chair of the Wisconsin Judicial Conference, and a lecturer for the American Bar Association's Asia Law Initiative. She serves as a member of the State Bar of Wisconsin Bench Bar Committee, a member of the Board of Visitors of the University of Wisconsin Law School, a member of the Federal-State Judicial Council, a fellow of the American Bar Foundation, a member of the Wisconsin Judicial Council and a Commissioner of the National Conference on Uniform Laws.

Justice Bradley and her husband, Mark, have four children: Bryn, John, Elizabeth, and Patrick.

Her current term expires July 31, 2015.



Justice N. Patrick Crooks

Justice N. Patrick Crooks was elected to the Supreme Court in 1996 and re-elected in 2006. A native of Green Bay, Wis., Justice Crooks received his bachelor's degree from St. Norbert College in 1960 and his law degree from the University of Notre Dame in 1963.

Before joining the Supreme Court, Justice Crooks served 19 years on the bench in Brown County. From 1964 to 1966, he served as a U.S. Army officer at the Pentagon, in the Office of the Judge Advocate General. He also worked in private practice in 1963, and again from 1966 to 1977. While in private practice, he taught business law at the University of Wisconsin-Green Bay.

Justice Crooks was named Trial Judge of the Year in 1994 by the Wisconsin Chapter of the American Board of Trial Advocates. He is a member of the American Bar Association and serves as a law school evaluator for the American Bar Association's Legal Education and Admissions Section. He is also a member of the Wisconsin Law Foundation Board, the State Bar of Wisconsin's Media-Law Relations Committee and a past member of the Wisconsin Judicial Council. He is a director of the Notre Dame Law Association, and a member of the James E. Doyle Chapter of the American Inns of Court.

Justice Crooks is married with six children, five of whom are lawyers.

His current term expires July 31, 2016. Justice Crooks is no longer on the court but was at the time of the oral argument in State v. Tate.



Justice David T. Prosser Jr.

Justice David Prosser Jr. was appointed to the Supreme Court by Governor Tommy G. Thompson in 1998, and elected to a 10-year term in 2001.

A Chicago native, Justice Prosser was raised in Appleton, Wis., and received his bachelor's degree from DePauw University in 1965 and his law degree from the University of Wisconsin Law School in 1968.

Before joining the Court, Justice Prosser served on the Wisconsin Tax Appeals Commission where he conducted hearings and issued decisions on a variety of disputes related to Wisconsin taxation.

Justice Prosser was appointed to the Tax Appeals Commission following an 18-year career in the Wisconsin Legislature. Justice Prosser represented the Appleton area in the Assembly from 1979 through 1996. During his tenure, he served six years as Assembly minority leader and two years as Assembly speaker. For 14 years, he was a legislative member of the National Conference of Commissioners on Uniform State Laws.

Prior to his election to the Assembly, Justice Prosser served as Outagamie County district attorney. He also worked in Washington, D.C., first as an attorney/advisor in the Office of Criminal Justice, U.S. Department of Justice, then as administrative assistant to Congressman Harold Froehlich, a member of the House Judiciary Committee during the Watergate impeachment inquiry.

His current term expires July 31, 2011.



Justice Patience Drake Roggensack

Justice Patience Drake Roggensack was elected to the Supreme Court in 2003.

Born in Joliet, Ill., Justice Roggensack received her bachelor's degree from Drake University in 1962, and her law degree from the University of Wisconsin Law School in 1980.

Before joining the Supreme Court, Justice Roggensack was elected to the Court of Appeals in 1996 and re-elected in 2002. Prior to being elected to the Court of Appeals, she practiced law for 16 years.

Justice Roggensack is married and has three children.

Her current term expires July 31, 2013.



Justice Annette Kingsland Ziegler

Justice Annette Kingsland Ziegler was elected to the Wisconsin Supreme Court in 2007.

Born in Grand Rapids, Michigan, Justice Ziegler received her bachelor's degrees in Psychology and Business Administration from Hope College in Holland, Michigan in 1986. She earned her law degree from Marquette University in 1989.

Upon graduation from law school, Justice Ziegler was in private practice where she engaged in civil litigation. She also served as a pro bono special assistant district attorney in Milwaukee County in 1992 and 1996. Immediately prior to serving as a circuit court judge, she was an assistant United States attorney for the Eastern District of Wisconsin.

Before joining the Supreme Court, Justice Ziegler served as a Washington County Circuit Court judge. She was appointed to the bench in 1997, elected in 1998, and reelected in 2004. She was the first female jurist in Washington County. As a circuit court judge, she was the deputy chief judge for the Third Judicial District and served six years as the presiding judge of Washington County. In 1999, Justice Ziegler sat as a Court of Appeals judge in the District II Court of Appeals Judicial Exchange Program. Justice Ziegler was a faculty member at the Wisconsin Judicial College and has served as faculty at other seminars.

She has also been active in her community, volunteering her time for numerous charitable and social welfare organizations.

Justice Ziegler is married and has three children.

Her current term expires July 31, 2017.



Justice Michael J. Gableman

Justice Michael J. Gableman was elected to a 10-year term in 2008.

Justice Gableman was born in West Allis, Wis. He received his bachelor's degree from Ripon College in 1988, and his law degree from Hamline University School of Law in 1993.

Prior to his election to the Court, Justice Gableman served as the circuit court judge for Burnett County. He was appointed to the Burnett County Circuit Court in 2002 by then-Gov. Scott McCallum, and elected in 2003.

Justice Gableman also has served as an administrative law judge for the Wisconsin Department of Workforce Development, district attorney for Ashland County, assistant district attorney for Marathon and Langlade counties, assistant corporation counsel in Forest County, and has worked in private practice. In addition, he served on the State Court/Tribal Court Relations Committee and the Judicial Council.

His current term expires July 31, 2018.

Courtroom Layout



During the 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 Supreme Court is not an error-correcting court.

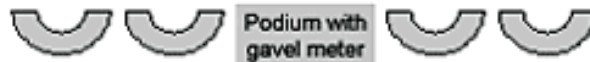
THE BENCH

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 ATTORNEY'S TABLE

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



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.

