

APPELLATE COURTS

Children's Court Improvement
Program (CCIP)

Sam Christensen
Clerk of the Supreme Court
& Court of Appeals

- Appellate Courts
 - What do they look like
 - What do they do
- Clerk's office
- Differences between Courts
- Types of Appeals
- Resources
- Questions

Agenda

APPELLATE COURT

What do they look like? & What do they do?

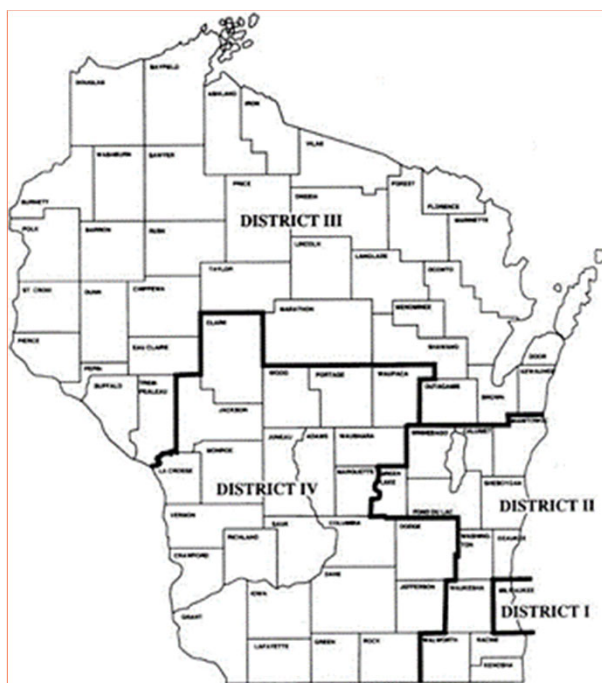
Judicial Branch
in Wisconsin

**SUPREME
COURT**

Court of
Appeals

Circuit Courts

Municipal
Courts



Court of Appeals

State's Intermediate Appeals Court

1 Chief Judge

- Deputy Chief

4 Appellate Districts

- Presiding Judge in each

16 Judges

- Elected District Wide

- 6 Year Terms

Court of Appeals

Consists of:

Court of Appeals Judges

- 16 Judges
- Judicial Assistants
- Law Clerks

Staff Attorneys

- 14 Staff Attorneys
- Chief Staff Attorney

Clerk of the Court of Appeals

Handles:

- Pre-Appeal Motions
- Appeals from Circuit Court Decisions
- Supervisory Writs



Supreme Court

Court of Last Resort

- Chief Justice
 - 2 year term
- 7 Supreme Court Justices
 - Elected for 10 year terms
 - Only 1 elected in any year

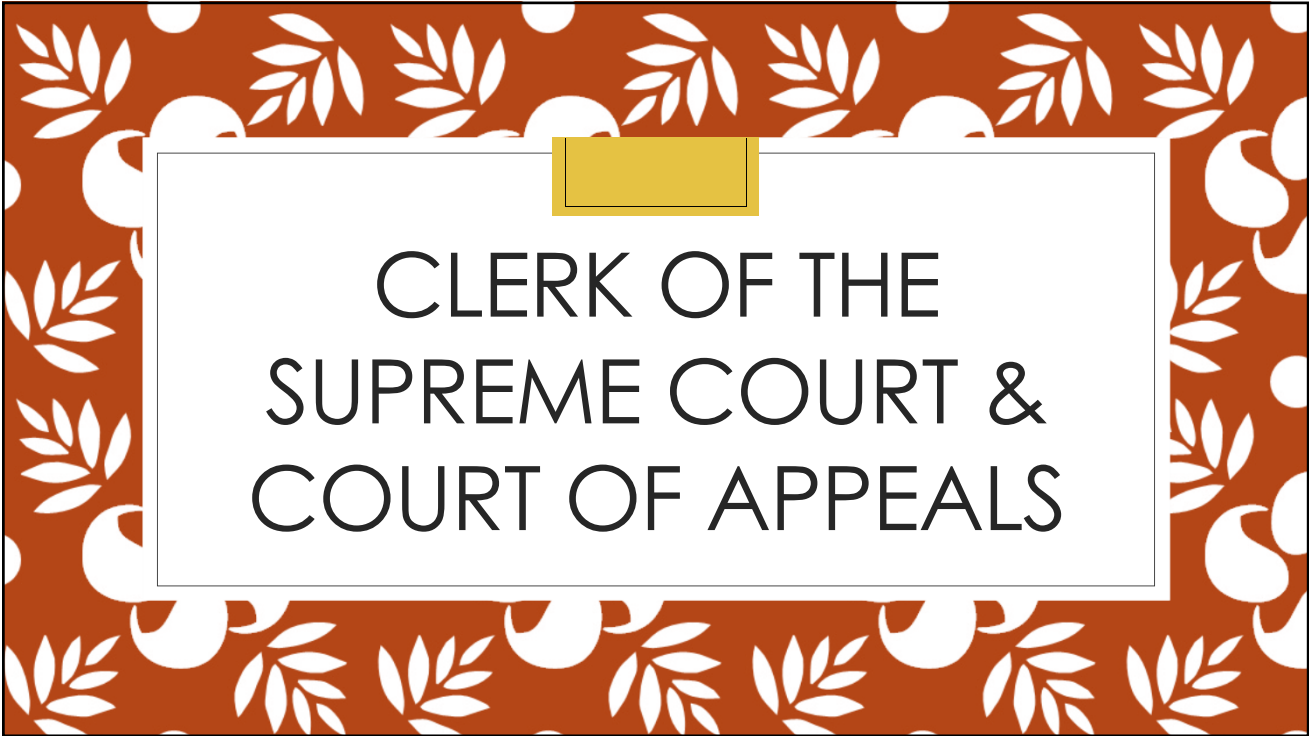
Supreme Court

Consists of:

- Supreme Court Justices
 - 7 Justices
 - Law Clerks/Judicial Assistants
- Supreme Court Commissioners
 - 4 Commissioners
 - Support staff
- Marshal's Office
- Clerk of the Supreme Court

Handles:

- Petitions for Review/Bypass
- Petitions for Certification
 - Supervisory Writs
 - Original Actions
- Attorney Regulation
- Judicial & Attorney Discipline
 - Court Rules



CLERK OF THE SUPREME COURT & COURT OF APPEALS

Office Contacts

- District I
- District II
- District III
- District IV
- Leaves/Writs
- Intake

Sheelah Guild, Chief Deputy
Abby Self & Alex Ketner
Brittany Weiland & Justin Vargas
Braden Baumann & Alex Ketner
Jamie Hustad & Justin Vargas
Carrie Janto & Gabriel Noel
Eimear Cunningham & Eric Angell

USPS address: PO Box 1688, Madison WI 53701-1688
3rd Party Carrier: 110 E. Main Street, Suite 215, Madison, WI 53703

Clerk's Office: 608-266-1880 or Clerk@wicourts.gov

DIFFERENCES BETWEEN THE COURTS

Case Types

- AP – Appellate Cases
- XX – Pre-Appeal Motions
- Suffixes
 - CR - Criminal
 - CRNM –Criminal No Merit
 - NM – No Merit
 - LV - Leaves
 - D – Disciplinary
 - J – Judicial Discipline
 - W – Writs
 - OA – Original Actions
 - FT – Fast Track

Other 'differences'

- We have 1 filing fee
- 80% of our cases are started in a different court
- We *REALLY* like briefs
- We reject filings for deficiencies
- Clerk's office issues orders
- We publish orders
- Majority of our cases are not confidential & are online
 - *even if they are confidential in the Circuit Court*

APPEALS



An Appeal

A case in which a party asks a higher court (the appellate court) to review a trial court's decision.



"appeals" but not "Appeals"

- Post-Conviction Motions
- Motions to Reconsider
- DeNovo Reviews

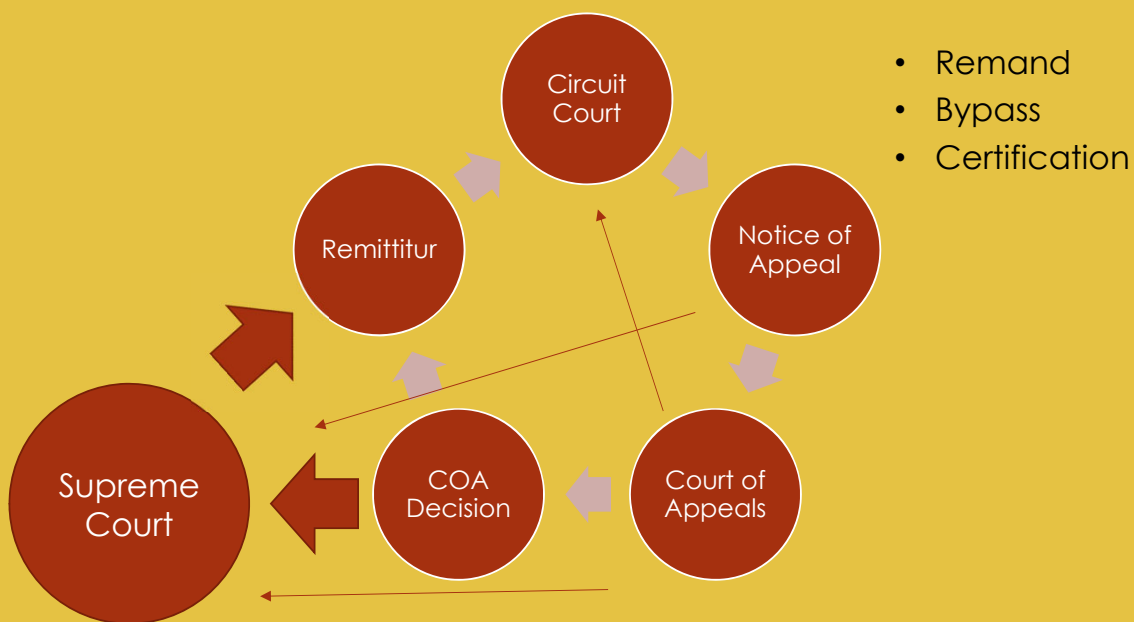
Starting an Appeal

Receive

- Notice of Appeal (NOA)
- COA Filing Fee (\$195)
- CC Transmittal Fee (\$15)
- Docketing Statement (DDS)
- Motions (M3J, MCO)
- Statement on Transcript (SOT)

TRANSMIT (in 3 Days)

- Notice of Appeal (NOA)
- Court Record Card/ Record Events (NAT)
 - NO TRANSMITTAL CERTIFICATE ☺
- COA Filing Fee (\$195)
- Docketing Statement (DDS)
- Motions (M3J, MCO)
- Statement on Transcript (SOT)





“CRIMINAL” & “CIVIL APPEALS”

“Normal” Appeals

“CRIMINAL” PROCEDURE §809.30

Criminal appeal procedures apply to felonies, mental commitments, misdemeanors, protective placements, and juvenile cases.

“CIVIL” PROCEDURE §809.10

Civil appeal procedures apply to civil cases, small claims, family/paternity, probate, guardianship, adoption, criminal appeals by the State (974.05), and some postconviction motions (974.06, sentence modification).

“Normal” Appeals

“CRIMINAL” PROCEDURE
§809.30

Notice of Intent
to Pursue
Postconviction/
Postdisposition
Relief (NIPPR)

“CIVIL” PROCEDURE
§809.10

No NIPPR

“Normal” Appeals

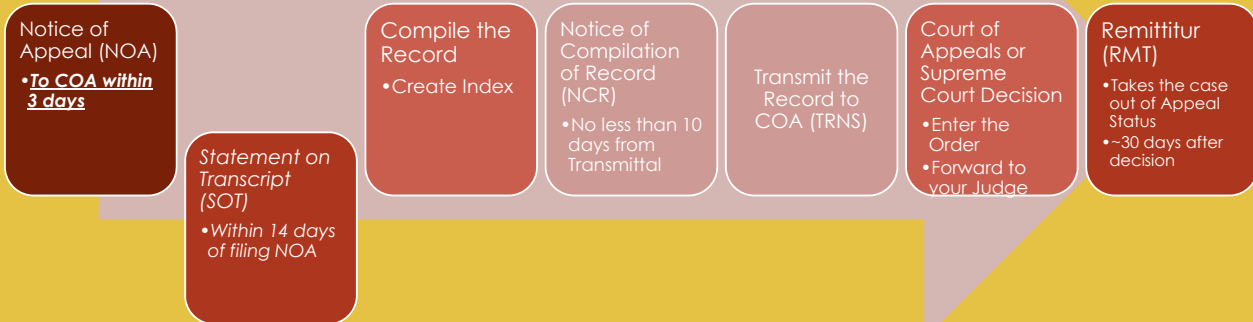
“CRIMINAL” PROCEDURE
§809.30

Transmittal 40
days after the
Notice of
Appeal

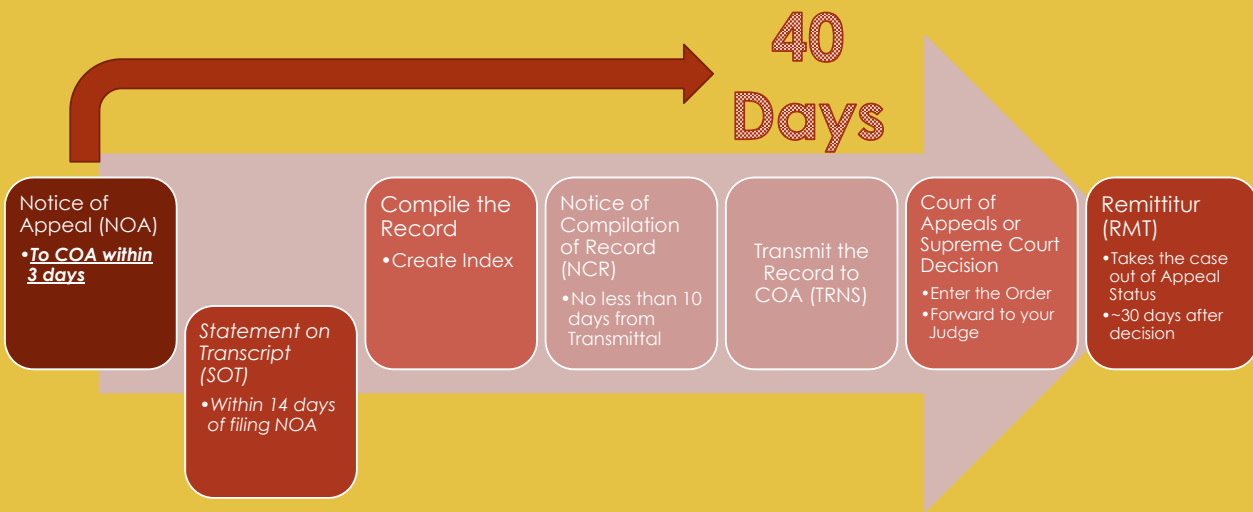
“CIVIL” PROCEDURE
§809.10

Transmittal 20
days *after the
filing of the last
transcript*

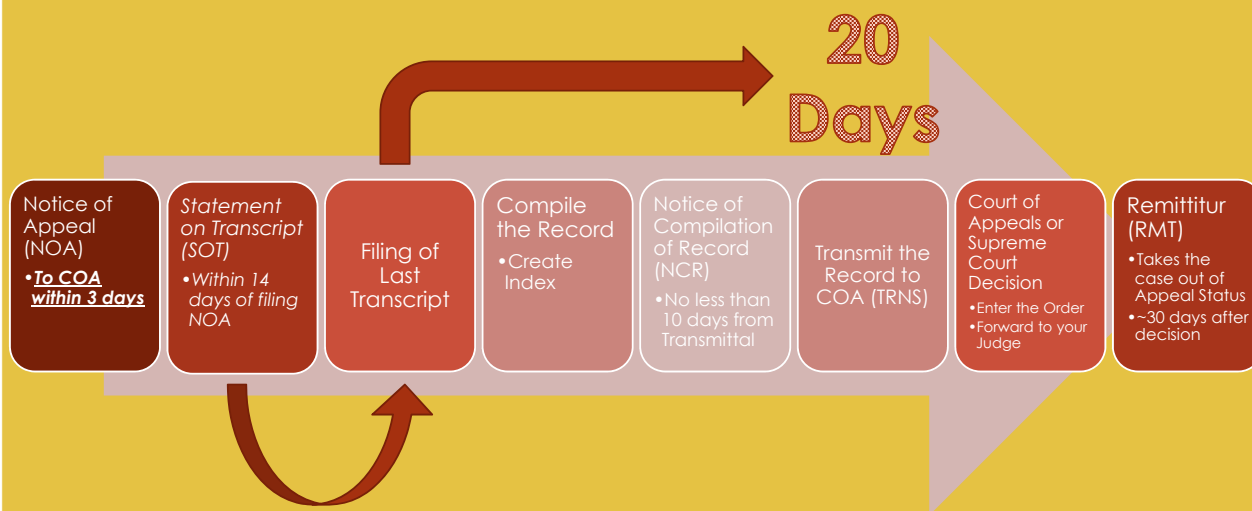
'Normal' Procedure



'Normal' "Criminal" Procedure



'Normal' "Civil" Procedure



When in doubt....

Check the website
wscca.wicourts.gov



“QUICK” APPEAL

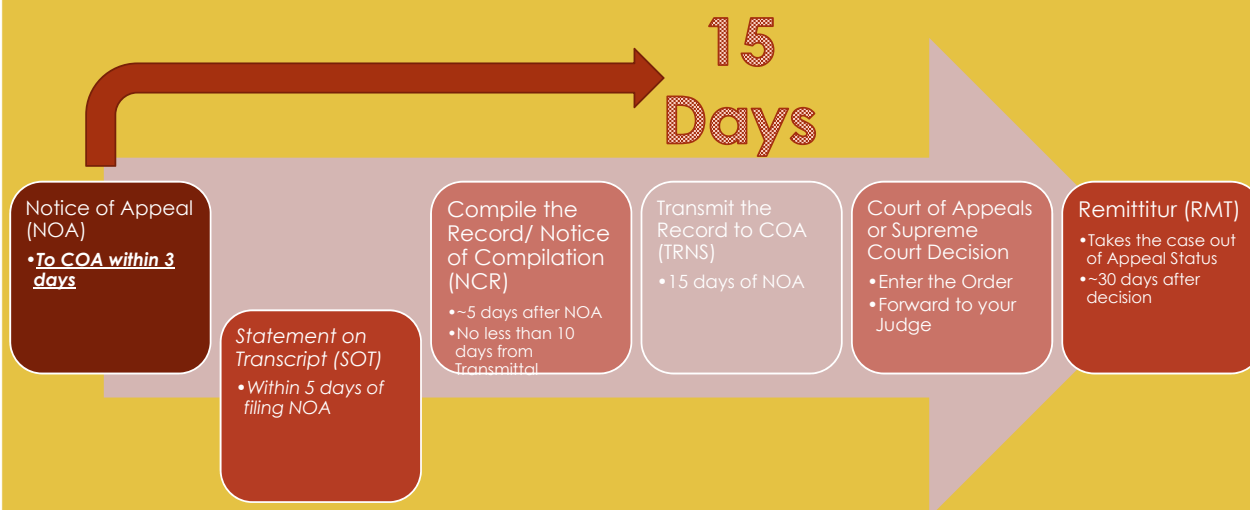
TPR Appeals

“Quick” Appeals

“QUICK” PROCEDURE

Transmittal
15 days after
the NOA

'Quick' or 'TPR' Procedure



Parents' Access to file after Disposition of TPR Case

- No right to view file:
 - s. 48.02(13) indicates a parent whose rights have been terminated does not meet the definition of "parent"
 - s. 48.43(2) states that a TPR order "permanently severs all legal rights and duties" between the parent and child
- No right to receive notice of or participate in post-TPR activities:
 - permanency planning
 - changes in address
 - changes in placement
- Parents **DO** have a right to receive information related to an appeal

Parents' Access to file after Disposition of TPR Case

- Consider waiting a short period of time before removing the parent as a party to allow for:
 - the TPR order to be filed
 - the attorneys to submit bills
 - the parent or parent's attorney to file any Notice of Intent to Pursue Postdisposition or Appellate Relief ([Form CA-100](#)), which must be filed within thirty (30 days) of the TPR order
- 30 day waiting period - corresponds to the due date for filing the Notice of Intent

Appeals - Attorney Access to File after TPR

- When the parent is removed as a party – the attorney is also removed
- The parent's trial attorney can still eFile the Notice of Intent to Pursue Postdisposition or Appellate Relief as a non-party filer after the parent is withdrawn as a party
- Instructions <https://efilinghelp.zendesk.com/hc/en-us/articles/360056733812-Circuit-court-eFiling-eFiling-on-an-existing-case-as-non-party-filer>

Entering Appellate Attorney as “Other” Party

- No "Attorney" or "Appellate Attorney," party type in CCAP
- Use "Other" party for appellate attorney to view the file
 - “Other” party grants access to all of the court records filed up to, and including, the TPR order
 - access should not be open-ended (your time limits are discretionary)
- Documents filed *after* TPR order (e.g., permanency plans) should not be available for viewing – mark as confidential
- No way to restrict access to the court record events
 - Handwrite minutes (i.e. Permanency Hearing) & scan them in and mark the document as confidential and restrict access to that document

Parents' Access to file after Disposition of TPR Case

Q1 - Does your county have a procedure in place for removing the parent as a party from the case once TPR is ordered?

Q2 - How long after the TPR order is filed do you wait to remove the parent as a party?

PERMISSIVE APPEALS

“Permissive” Appeals or “Leaves”
“Interlocutory”

Transmitting the Notice of Appeal for permissive appeals

Receive

- Order Granting Leave for Permission to Appeals (OGLPA*)

Transmit within 3 Days

- Order from the Court of Appeals
- Court Record Card/ Record Events (NAT)



CREATING THE INDEX

Compiling the Record

Creating the 'Record's Index'

The Case: is all of the documents filed with the circuit court.

The Record: is the *substantive* documents filed with the circuit court.

The Index: is the list of the documents of the Record.

Record (substantive documents)

INCLUDES

- Documents that commenced the action
- Proof of service
- Answer or responsive pleadings
- Motions/Briefs/Affidavits
- Jury Instructions
- Verdict, or findings of the court, and order/ Final Judgment
- Orders *relevant to the appeal*
- Exhibits
- Other documents requested by the parties
- Transcripts (at the end of the index)

EXCLUDES*

- Notice of Hearings
- Electronic filing notices
- Miscellaneous correspondence (ie. cover letters)
- Proposed Orders

Exhibits

- Physical exhibits (flash drives, CDs, etc) that are going to be sent to the COA need to be listed on the Index
 - May need a 'placeholder' scanned into the case
- Do not include large physical or unusual exhibits (poster boards, maps, clothing) without permission.
- NEVER forward exhibits with biological material, cash, contraband, or weapons!
- When possible send copies (flash drives, CD, etc.)

Index

1. Documents in order by filing date.
 - a) Documents with same date sorted by logical order (ex. Motion to Dismiss followed by Affidavit/Brief in Support of Motion)
 - b) Notice of Appeal (in most cases will come as last document)
2. Transcripts in order by date of hearing (*not* filed date)
 - a) Please include the type of hearing and hearing date in the document name
 - b) For example: Transcript of Post-Conviction Motion held June 12, 2019
3. Certificate of Transmittal

Documents

Transcripts

Certificate of Transmittal

Court of Appeals Index Application

Case Management - Appeals do: x +

racine-ccap-prod.wicourts.gov/case-mgmt/appealsDocIndex/?F11515868472550RHWIK=...

CCAP Circuit Court Applications Case management Change of Venue Settings Support

APPEALS

Appeals indexes

Search appeal document indexes Default Search Save Search Delete Search

Appellate case number: Status: Has supplemental: Case:

☒ In Progress ☒ Draft

Actions **Reset Filters** **Unhide Rows** **Edit Views** **Sam's View** **Show All** **entries**

Appellate case number	Circuit court case number(s)	Status	Has supplemental index	Created by
2022AP001084	2020TP000049	In Progress	No	SCHRIST
2022AP000925	2021SC0003016	Draft	No	SCHRIST
2022AP000902	2021CV001231	Draft	No	SCHRIST

Showing 1 to 3 of 3 entries

Previous **1** Next

Case Management - Edit - App: x

CCAP Circuit Court Applications Case management Change of Venue Settings Support

Appeals document index

Preview index document Save Submit for public viewing Delete Cancel

Circuit court case number:
2021SC003016 - M.R. Commerce Building, LLC vs. TLM Development LLC c/o Tammy Myers, Registered Agent

Court official:
Clerk of Court

Appellate case number:
2022AP000925 - M.R. Commerce Building, LLC v. TLM Development LLC

View documents not in index Sort by event date

2	11-02-2021	Summons and Complaint 2021SC003016 Pages: 1-30 Filed by Christopher J. Conrad	🔗 ✕
3	11-03-2021	Declaration of nonmilitary service 2021SC003016 Pages: 1-1	🔗 ✕
6	12-09-2021	Notice of Appearance 2021SC003016 Pages: 1-1 Filed by Eric Jon Markusen	🔗 ✕
7	12-10-2021	Answer and Affirmative Defenses 2021SC003016 Pages: 1-2 Filed by Eric Jon Markusen	🔗 ✕
9	12-16-2021	Acknowledgment and Acceptance of Service 2021SC003016 Pages: 1-1 Filed by Christopher J. Conrad	🔗 ✕
16	03-02-2022	Confidential Disclosure of Information to be Sealed or Redacted 2021SC003016 Pages: 1-1 Filed by Christopher J. Conrad	🔗 ✕
12	03-02-2022	Affidavit of Christopher J. Conrad 2021SC003016 Pages: 1-3 Filed by Christopher J. Conrad	🔗 ✕
15	03-02-2022	Motion to Seal or Redact a Court Record 2021SC003016 Pages: 1-1 Filed by Christopher J. Conrad	🔗 ✕
13	03-02-2022	Notice of Motion and Motion to Withdraw 2021SC003016 Pages: 1-1 Filed by Christopher J. Conrad	🔗 ✕

Court record

--Choose action-- Create

Event date	Event
07-05-2022	Transmittal of record to court of appeals Appeals Document Index: 2022AP000866 sent to Court of Appeals by: Samuel A Christensen
07-05-2022	Certificate of transmittal Clerk's Certificate of transmittal of Record
06-23-2022	Index Appeals Document Index saved for: 2022AP000866 by: Samuel A Christensen Index
06-23-2022	Notice of compilation of record Notice of compilation of record
05-24-2022	Statement on transcript All transcripts are on file. Statement on Transcript
05-24-2022	Verification from Court of Appeals Notice of Appeal and Circuit Court Docket Entries Verification from Court of Appeals

STATE OF WISCONSIN		CIRCUIT COURT	RACINE COUNTY	
In re the termination of parental rights to K.S., a person under the age of 18:			Index	
			Case No.:	2020TP000049
			Appeal No.:	2022AP001084
N. D.,	Petitioner-Respondent,			
v.				
E. S.,	Respondent-Appellant.			

No.	Pages	Document	Filed by	Date Filed
2	1-2	Petition for termination of parental rights		12/28/2020
1	1-1	Summons (Termination of Parental Rights)		12/28/2020
4	1-2	Notice and order of hearing (For Publication)		12/28/2020
6	1-5	Order Appointing Guardian ad Litem or Attorney		12/28/2020
3	1-2	Uniform child custody affidavit		12/28/2020
5	1-1	Consent to use mother's name for publication		12/28/2020
9	1-2	Letters/correspondence		01/21/2021
14	1-1	Notice of Retainer	Megan McGee Norris	02/08/2021
15	1-4	Report		02/22/2021
17	1-1	Public Defender Order Appointing Counsel	Gregory A Holdahl	03/01/2021
19	1-1	Order for Release of Discovery	Gregory A Holdahl	03/02/2021
24	1-2	TPR Pre-Trial Order (Grounds Phase)		05/21/2021
26	1-1	Subpoena Duces Tacum	Megan McGee Norris	05/28/2021
28	1-1	Petitioner's Witness List	Megan McGee Norris	06/29/2021
31	1-8	Notice of Motion and Motion for Summary Judgment	Megan McGee Norris	07/23/2021
32	1-3	Summary Judgment Motion Exhibit A		07/23/2021
33	1-14	Summary Judgment Motion Exhibit B		07/23/2021
34	1-40	Summary Judgment Motion Exhibit C		07/23/2021

Certificate of Transmittal (Clerk's Certificate)

- Sample in the Appellate Guide
- Certifies that you've compiled the record and that you're sending it.
- Also tells the Court what you're sending electronically and what you're sending physically in the mail
 - For example, exhibits (CD, thumb drives, etc)
 - Make sure the exhibits sent in the mail are on the Index (you may need to scan in 'placeholder' documents.



CORRECTIONS/SUPPLEMENTS

Index – Corrections/Supplements

BEFORE SENDING RECORD TO COA

- Motion to Correct or Supplement the Record (in the Circuit Court)
 - If parties don't object, then make the correction.
 - If there is an objection, give it to the judge
- The circuit court must decide within 14 days or it is considered denied
- Send an Amended Index to all parties

AFTER SENDING RECORD TO COA

- Motion to Correct or Supplement the Record (to the Court of Appeals)
- COA will Issue an Order
- Circuit Court will create a Supplemental Return

Court of Appeals Index Application

Case Management - Appeals do: x +

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CCAP Circuit Court Applications Case management Change of Venue Settings Support

APPEALS

Search appeal document indexes

Appellate case number: [] Status: [x In Progress x Draft] Has supplemental: [All] Case: [Select Some Options]

Search

Actions [] Reset Filters Unhide Rows Edit Views Sam's View [] Show [All] entries

Appellate case number	Circuit court case number(s)	Status	Has supplemental index	Created by
Start typing to filter	Start typing to filter	Start typing to filter	Start typing to filter	Start typing to filter
2022AP001084	2020TP000049	In Progress	No	SCHRIST
2022AP000925	2021SC003016	Draft	No	SCHRIST
2022AP000902	2021CV001231	Draft	No	SCHRIST

Showing 1 to 3 of 3 entries

Previous 1 Next

Case Management - Edit - App: x +

racine-ccap-prod.wicourts.gov/case-mgmt/appealsDocIndex/detail.html?F11515868625693YDVR=...&F1151586862529K08HA2=...

CCAP Circuit Court Applications Case management Change of Venue Settings Support

Appeals document index

Preview index document Save Submit for public viewing Delete Cancel

Circuit court case number: 2021SC003016 - M.R. Commerce Building, LLC vs. TLM Development LLC c/o Tammy Myers, Registered Agent

Appellate case number: 2022AP000925 - M.R. Commerce Building, LLC vs. TLM Development LLC

Status: Draft

View documents not in index Sort by event date

	Date	Document	Pages	Filed by	Actions
2	11-02-2021	Summons and Complaint	2021SC003016 Pages: 1-30	Filed by Christopher J. Conrad	[] [x]
3	11-03-2021	Declaration of nonmilitary service	2021SC003016 Pages: 1-1	Filed by Christopher J. Conrad	[] [x]
6	12-09-2021	Notice of Appearance	2021SC003016 Pages: 1-1	Filed by Eric Jon Markusen	[] [x]
7	12-10-2021	Answer and Affirmative Defenses	2021SC003016 Pages: 1-2	Filed by Eric Jon Markusen	[] [x]
9	12-16-2021	Acknowledgment and Acceptance of Service	2021SC003016 Pages: 1-1	Filed by Christopher J. Conrad	[] [x]
16	03-02-2022	Confidential Disclosure of Information to be Sealed or Redacted	2021SC003016 Pages: 1-1	Filed by Christopher J. Conrad	[] [x]
12	03-02-2022	Affidavit of Christopher J. Conrad	2021SC003016 Pages: 1-3	Filed by Christopher J. Conrad	[] [x]
15	03-02-2022	Motion to Seal or Redact a Court Record	2021SC003016 Pages: 1-1	Filed by Christopher J. Conrad	[] [x]
13	03-02-2022	Notice of Motion and Motion to Withdraw	2021SC003016 Pages: 1-1	Filed by Christopher J. Conrad	[] [x]

Note: No option to save. Submit to COA right away.

Supplemental Index

1. Order to Supplement
2. Documents in order by filing date.
 - a) Documents with same date sorted by logical order (ex. Motion to Dismiss followed by Affidavit/Brief in Support of Motion)
 - b) Transcripts in order by date of hearing (*not* filed date)
 - a) Please include the hearing date in the document name
 - b) For example: Transcript of hearing held June 12, 2019.
3. Certificate of Transmittal (remember to include anything physically sent to the COA).

Order to Supplement

Supplemental Documents

Clerk's Certificate of Transmittal

Case 2020CF000324 Document 232 Filed 05-04-2023 Page 1 of 1

STATE OF WISCONSIN State of Wisconsin, Plaintiff-Respondent, v. Samuel A. Burnette, Defendant-Appellant.	CIRCUIT COURT	RACINE COUNTY Supplemental Index Case No.: 2020CF000324 Appeal No.: 2023AP000256	RECEIVED 05-04-2023 CLERK OF WISCONSIN COURT OF APPEALS
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No.	Pages	Document	Filed by	Date Filed
229	1-2	Motion to Supplement or Correct the Record		04/21/2023
230	1-2	Order of Court of Appeals		05/02/2023
73	1-1	Letters/correspondence		09/04/2020
107	1-4	Motion		05/04/2021
109	1-1	Acknowledgment from Court of Appeals		05/05/2021
135	1-1	Order of Court of Appeals		05/24/2021
168	1-1	Order of Court of Appeals		09/14/2021
231	1-1	Clerk's certificate of transmittal of supplemental record		05/04/2023

Dated: May 4, 2023



FRIENDLY REMINDERS

Remember...

Do not refuse, reject, or return a Notice of Appeal even if the filing fee or transmittal fee is not included or paid.

- **You can enter an assessment for the transmittal fee.**
- **The Court of Appeals will pursue payment of the filing fee.**

When you receive a Statement on Transcript after the Notice of Appeal, transmit it to the Clerk of the Court of Appeals right away.

Remember...

Please put transcripts in chronological order (by date of hearing) in the Index.

If you're asking for procedural help from the clerk's office, please call, email, or instant message us. Don't use CCAP's Transmit to the COA function.



RESOURCES

- Quick Guide to Filing an Appeal – CourtNet
- Civil Appeal Checklist – CourtNet
- Criminal Appeal Checklist – CourtNet
- Court/Clerk Websites - The Clerk of the Court of Appeals and Supreme Court.
<http://www.wicourts.gov/about/organization/offices/clerk.htm>
- Wisconsin Appellate Rules. <http://www.legis.state.wi.us/statutes/Stat0809.pdf>
- The Court of Appeals and Supreme Court on-line case search. Use this website to check the status of an appellate case online. <http://wscca.wicourts.gov/index.xsl>
- Guide to Appellate Procedure for the Self-Represented
<https://www.wicourts.gov/publications/guides/docs/proseappealsguide.pdf>
- Filing a Petition for Review: A Guide to Seeking Review in the Supreme Court
<https://www.wicourts.gov/publications/guides/docs/seekingreviewbooklet.pdf>
- Frequently Asked Questions About Filing in the Court of Appeals
<https://www.wicourts.gov/courts/appeals/filing.htm>
- State Public Defender's website
 - Competency: <https://www.wisspd.gov/competency>

Transmitting the Record

- Links to documentation for circuit court staff on how to transmit documents to the Clerk of the Court of Appeals and how to process documents received from the Clerk of the Court of Appeals.
- For transmitting documents TO the Court of Appeals procedures:
<http://help.wicourts.gov/cc/transmitscca/docs/transmitdoctosccaccap3.pdf>
- you can also find procedures
<http://help.wicourts.gov/cc/transmitscca/index.htm>
- For processing documents received FROM the Court of Appeals, see
<http://help.wicourts.gov/cc/efile/docs/processdocsreceivedfromscca.pdf>

Contact Info:

Sam Christensen

Clerk of the Supreme Court & Court of Appeals

Samuel.A.Christensen@wicourts.gov

608-261-4300

Wisconsin Juvenile Court Clerks Association (WJCCA) Annual Conference

- August 20th-22nd at Holiday Inn Stevens Point
- New Clerk Orientation (less than 2 years experience) on the morning of August 20th
- Registration information will be sent out in May

Next Juvenile Clerks Meet-up

- July 30th at 12:00-1:00pm
- Debt collection and restitution in juvenile cases presented by Court Operations

Upcoming
Dates