

CIVIL TRIALS ARE **DOWN** **50%** IN WISCONSIN'S COURTS.

WHAT DOES THAT MEAN?

What's the decline of the civil trial all about—and what's bound up in it?

The statistics, available from the Office of State Courts, are stark. In barely more than a decade, the number of civil cases tried before juries in Wisconsin's courts—not all that high even at the beginning of the period—fell by more than 50 percent. More specifically, the number went from 536 in 2004 (one of the first years for which detailed figures are available) to 269 in 2016. The trend does not hinge on some distrust specific to juries: During the same period, the number of civil bench trials dropped even more precipitously—by more than 60 percent, from 923 in 2004 to 368 in 2016. (These numbers exclude matters such as divorce and small-claims cases.)

In important respects, this trend is not new, or unique to Wisconsin, or unstudied elsewhere. But what explains the shift away from trials? What does this shift mean for lawyers in their own practices? **We want to hear from you.** The *Marquette Lawyer* invites comments from members of the Wisconsin bar (or others) on the decline of the civil trial. With support from the Law School's Schoone Fund for the Study of Wisconsin Law and Legal Institutions, we expect to report further on the topic in future issues. Please direct comments to Alan J. Borsuk, editor of the *Marquette Lawyer* and senior fellow in law and public policy, at alan.borsuk@marquette.edu. Comments will not be attributed without permission of the writer.



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