

STATE OF THE DIRECTOR'S OFFICE ADDRESS

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Delevan, Wisconsin

INTRODUCTION

Thank you, Chief.

This is the second conference at which I'm addressing the work of the Director's office and I'm pleased to be here to do so.

I want to update you on some of the projects I reported on last year.

COURT INTERPRETERS

This year, as last, saw a great deal of activity on the subject of court interpreters although it was activity of a different sort. After delivering its excellent report last October, the Interpreter Committee, chaired by Judge Lamelas, co-chaired by Judge Brown and staffed by Marcia Vandercook of Court Operations, moved into a next phase—shepherding the budget provisions through the legislative process. When I last addressed this issue we had submitted a budget request that was intended to increase the quality and availability of interpreting services in several ways:

- ❖ Bring the courts into compliance with the ADA by providing sign language interpreters to eligible litigants, witnesses and jurors in **all** cases, regardless of indigency
- ❖ Provide foreign language interpreters to those in need in **all** cases, regardless of indigency
- ❖ Increase the statutory rate at which we reimburse counties for providing these services from \$35/half day to \$30-\$40/hour, depending upon certification

Our request for these items was substantial—about \$1.8 million, all of which would have flowed back to the counties in the form of reimbursement.

More modest, but arguably more important, was our request for \$200,000 and a two-year project position in the Director's Office to develop and establish a training, testing and certification program for interpreters.

Throughout the long budgetary process-- which ended only in August-- committee members, the Chief Justice, I and my staff had constant and frequent contact with legislators and key officials in the executive branch as our request went forward from the executive to the legislature, was debated in the Joint Finance Committee, passed along to the legislature and finally back to the executive for the Governor's signature or veto. Although the effort was not without its uncertain moments, it's fair to say that bipartisan legislative support grew as the process advanced. The legislature declined to fund reimbursement of all case types, regardless of indigency, because of the substantial cost involved. However, the budget that went to the Governor contained much of what we had requested, including the \$200,000 to fund the development of the interpreter competence program and \$356,000 for some expansion of interpreting services and an increase in the reimbursement rate to \$30/hr for non-certified and \$40/hour for certified interpreters.

Unfortunately, despite our best efforts-- in which we were assisted by a diverse mix of community representatives-- the provision that would have allowed us to train test and certify was vetoed.

We continue to explore options with the legislature, executive branch agencies and outside funding sources. We remain committed to improving the quality and availability of the

interpreters used in our courts. I thank the judges, DCAs, clerks of court, interpreters, and community members who have worked with us on this issue.

JURIES

In my remarks last year I told you of the work undertaken by the chief judges and district court administrators to modernize certain aspects of the jury system and alerted you that it would be up for discussion at the conference business meeting. Specifically, the study committee was seeking approval for the following:

- ❖ Seeking revision of the DOT juror source list to assure that names and addresses obtained from it are more current
- ❖ Investigating statutory authority for the use of additional source lists
- ❖ Increasing the statutory protection of certain juror information
- ❖ Recommending increased minimum juror fee and mileage reimbursement rates
- ❖ Revisiting and revising the sanctions imposed for failure to respond to juror questionnaires and failure to appear for service

As a result of the discussion at last year's conference, further discussion by the Chief Judges, Legislative and Executive Committees, and substantial work on the part of the committee chaired first by Judge Bob Radcliffe and now by Judge Barb Kluka, two pieces of legislation have been drafted. The first (LRB-3335/1) would accomplish the following:

- ❖ Increase from \$40 to \$500 the maximum sanction for failure to appear as a juror after giving the summoned party the opportunity to explain
- ❖ Allow the trial judge, in the event of the withdrawal of a jury demand within two business days of trial, to assess the costs of one day's jury fees up to \$1,000 against any or all parties and/or lawyers in the case as the court determines appropriate to the circumstances
- ❖ Remove the AFDC list from those approved as a source of juror names to be replaced by any list approved by the Director of State Courts

The second bill (LRB 3336/1) would increase the juror fee from a minimum of \$16/day to \$35/day and the juror demand fee from \$6/juror to \$15. The purpose of the latter change is to help offset the costs of increased juror fees. It is being introduced as separate legislation in order that its fiscal implications not jeopardize the provisions in the other bill.

TECHNOLOGY

Technology plays an increasingly vital role in the operation of the court system. Of the many initiatives currently underway, three are particularly noteworthy.

The first is the consolidation of the two previous information technology providers for the courts – the Office of Information Technology Services (OITS) and the Circuit Court Automation Program (CCAP). In order to improve operational efficiencies and services we have merged the two organizations to form the Consolidated Court Automation Programs (CCAP). When complete, this will allow us to take a statewide approach when developing the technology infrastructure and improving upon the functionality of information technology services such as case management software, e-mail, document management systems and electronic filing capabilities. This enterprise approach will allow us to develop solutions that can be implemented easily and -- we hope -- painlessly across departments and at all levels of court.

The second project that touches you directly, and is underway, is the upgrade of the computer hardware and software in the circuit courts. The implementation of Release 7.0, includes:

- ❖ Upgrade of the computer hardware,
- ❖ Migration of the operating system to Microsoft 2000,
- ❖ Upgrade of the office suite to Office 2000, and
- ❖ The rewrite of the case management software using the JAVA programming language

This state-of-the-art software will provide additional functionality, while ensuring independence on the desktop and database operating systems. This puts CCAP in an excellent position to take advantage of future advancements in technology without having to re-develop applications. I ask for your understanding and patience as CCAP works through the inevitable challenges that accompany projects of this scope.

The third initiative is in the area of electronic filing. The electronic filing committee has been meeting over the past year under the chairmanship of Theresa Owens, Chief Deputy Clerk of the Appellate Courts, and Tari Wheary, Circuit Court Clerk for Racine County. The committee and its subcommittees have held eight meetings and have made measurable progress but have been forced by developments beyond our control to proceed more slowly than we had anticipated. The most significant of these developments is the interruption of the work of the national task force on XML, as the language for use in e-filing systems. Without a standard XML language on which to base it, the benefit of an e-filing system would be lost or significantly reduced. In the interest of moving forward with e-filing, CCAP will create an infrastructure that will support electronic filing in our courts. When the national task force completes its work, the Wisconsin courts will be prepared to modify its system to incorporate these national standards.

A second thing that has to occur before we can roll out e-filing is the integration of the case management systems in the circuit and appellate courts. A single case management system will allow CCAP to create one e-filing strategy that can be employed at all levels of the court system. Work continues on both of these fronts.

INFORMATION SHARING

We have introduced legislation that will make clear that it is okay for us to share automated information in juvenile and CHIPS cases with our business partners who have a legitimate need for it. Our provisions are part of an omnibus bill introduced in the name of the Assembly Committee on Personal Privacy, chaired by Rep. Mike Powers, with whom we are working closely. We have the active support of the DAs Association, the clerks of court and law enforcement for this legislation and are optimistic that it will pass.

INTRANET

When I addressed you last year we were pilot testing an intranet for the court system. Shortly after last year's conference we went live with what is now known as COURTNET. At the time, we anticipated a measured migration from traditional means of communication to electronic. The constraints imposed on us in the recently passed budget have accelerated that migration. It is important for you to understand that, in addition to e-mail, our presumptive vehicle for communicating with judges has become, and will continue to be, COURTNET. This requires judges to be more proactive in bringing up information in order to stay informed. You will no longer be reminded (or warned) by the arrival of an envelope from Madison.

For example, beginning this fall you no longer will receive a hard copy of the Wisconsin Court System telephone directory. Instead it will be available on-line through COURTNET. If you can't live without a hard copy, it can be printed from the COURTNET site. However, we urge you to use the search engine to locate phone numbers, e-mail addresses, and/or work addresses of other judges and court employees. Maintaining the directory on-line allows us to keep the names, phone numbers, and addresses up to date throughout the year rather than forcing you to rely only on annual updates. Over the past year the number of standard court system resources available on COURTNET has increased and now includes such items as the Judges' Manual, the Employee's Manual, current and selective past administrative and informational bulletins, current legislative bulletins, and travel guidelines -- and we are still in the early stages. Over the next few years we will expand the intranet to allow you, among other things, to complete forms on-line and submit them electronically to Madison.

GRANT INFORMATION CENTER

Last year I reported that when the intranet had been tested and came up we would make available to you the information that we were collecting and storing in what was then the grants clearinghouse. That information, consisting of a compendium of funding sources available to support worthwhile projects not funded by the budget at either the state or county level, has been available through the Grant Information Center on COURTNET since March. To date we are not aware that any trial court has actually received grant monies as a result of the Center but it does generate a modest number of inquiries to which we respond with whatever additional information we can find. We will continue to make this information available on COURTNET.

WEIGHTED CASELOAD REVIEW

A subcommittee of the Chief Judges and DCAs recently undertook a limited review of the weighted caseload formula used since 1980 to measure the need for additional judgeships. The formula was updated in 1996 by the National Center for State Courts. The current review was precipitated by concerns in three areas -- how the use of court commissioners should be factored into the calculation of judicial need; how post-disposition activity (especially in family actions) can be better accounted for; and, how the calculation of time available per judge might be modified to more accurately reflect the differences (and similarities) among urban and rural counties.

Although the review may not be limited to these issues, it will concentrate on them. There is no intention of making wholesale changes to the formula which derives its credibility with the legislative and executive branches from having been developed by a respected national organization. There is, though, an intention and a need to fine-tune it.

BUDGET CUTS

Finally, and you've heard it before, are the budget cuts. Each level of court has had to take steps to economize to the extent possible without crippling the system. Those steps were outlined in the memo you received from my office on September 21. Of most import to trial judges is the necessity for us to reduce our use of both reserve judges and free lance court reporters to the extent possible. It is critical to this effort that, where possible, you schedule around planned absences like vacation and judicial education and that your official reporters be available for temporary assignment to other courts when you are away. The Chief Judges and DCAs have been directed by the Supreme Court to assure that this is accomplished and my office has been directed to monitor compliance. Our jobs will be immeasurably easier with your cooperation.

CONCLUSION

Thanks for being patient. Some of you will see me at your district meetings today and tomorrow. Those of you who don't will see either Pat Brummond or Sheryl. My condolences to those in the latter category. The purpose of our visit is to share with you the essence of a communication plan developed by the Legislative Committee and the Director's office and to seek assistance from you in implementing it. Thanks again. As always, the Director's office is here to facilitate your work, particularly in the trial courts. Please call on us and have a good conference.