

**DIRECTOR OF STATE COURTS'
ADDRESS
2009**



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A. John Voelker

Chief Justice Abrahamson did a good job of outlining some of the innovative programs being implemented in the Wisconsin Court System. It is especially encouraging to see this kind of innovation in the face of one of the most difficult financial environments since the depression. This is a time when we are continually asked to make sacrifices, yet perform all of our duties in the administration of the justice system. In my opinion, our progress can be attributed to the overall attitude and commitment of judges and court employees.

As an institution, we have not changed the course of our mission, despite these difficult times. And it's this perseverance that will pay off in the long run.

Let me tell you a story that illustrates my point and has some local flavor...

In the late 1920s there was a company in Milwaukee that was thriving. A couple of brothers started this business in 1903 out of a 10-foot-by-15-foot backyard shed. The company grew by finding ways to continually improve its product. As a result, it was competing favorably with more than 150 competitors in the same business at the time. The future looked bright. They were a real success story. Then, in October 1929, the New York Stock Exchange collapsed, and the Great Depression started. In late 1930, the company's president warned of difficult times ahead. He was right. Sales dropped 81 percent from 1929 to 1933. Significant lay-offs resulted. In fact, the Milwaukee manufacturing plant was operating at 13-percent of its capacity in 1933.

It would have been easy to close the business, which is eventually what happened to all but one of its competitors. In a book about this company, Herbert Wagner interviewed a long time employee who attributed this company's survival to something more than just money.... "money was important for them like anyone in business, but making motorcycles was more important. That was their life," Wagner wrote. That's right – the company I have described is Harley-Davidson -- an iconic American brand and institution.

What I find most interesting about Harley-Davidson's story is, that despite the imposing economic forces working against the company, it continued to innovate. It was during this time that Harley-Davidson was developing a radically different motorcycle that would change not only their approach to motorcycles but the future direction of the company and the industry. The new 61 OHV introduced the overhead valve engine to the everyday motorcycle market. While the 61 OHV had many innovations, the most significant was the fact that it had a lot more horsepower – Harley-Davidson's signature.

I am not suggesting that we are facing the same scenario as Harley-Davidson during the Great Depression, and we don't have the option of closing our doors. But I think we can agree that 2009 has been a difficult year for courts here and across the nation. We have faced budget cuts, we have dealt with employee furloughs, and we have given up increases in compensation.

Founders of Harley-Davidson kept the company going because making motorcycles meant more to them than just making a living. Motorcycles were their life. Likewise, I think it's our daily commitment to justice that keeps us moving ahead. And, while I admit there were some very

challenging times this year, I keep reminding myself of why I got into public service and specifically in the court system. My attitude is captured in a Vince Lombardi quote I often reference: “Individual commitment to a group effort -- that is what makes a team work, a company work, a society work, a civilization work.” In the justice system we are in a unique position in that our efforts directly contribute to a properly functioning society. That is a big responsibility.

I don't think I am any different in my commitment to the court system than any of you in this room. Commitment to serving your community is likely one of the reasons you became a judge. Your commitment has resulted in the innovations that Chief Justice Abrahamson highlighted and in programs that help ensure people receive fair, effective and impartial justice in courthouses throughout the state.

As Chief Justice Berger noted in a 1973 speech to the American Bar Association: “We must never ration justice according to some hypothetical supply. We are not running a meat market or a gas station where the customers can be turned away when the supply of gas or beef is exhausted.”

From a national perspective, I think the Wisconsin court system has fared relatively well in dealing with financial stress but we have had to adapt. In the absence of more resources, my office focused on specific efforts, many suggested by judges, to improve the process that you use each day in your courtroom to administer justice.

- We initiated legislation that reduced the burden on judges in handling John Doe proceedings, especially in cases with prisoners.
- We initiated legislation that eliminated the requirement that judges orally inform defendants of “bad time” (extended confinement) provisions, information they already receive in writing.
- We initiated legislation eliminating the requirement that judges reference outdated Sentencing Commission guidelines as part of the sentencing process.
- We discouraged various pieces of legislation that would have unnecessarily increased the workload of the courts.
- We have worked with the Department of Children and Families to increase electronic data exchange to allow the courts and the social workers access to information on a timelier basis.
- We have continued our efforts to improve our ability to provide qualified interpreters to court users. We have increased the mileage rate paid for interpreters and developed a pilot project in the Seventh Judicial District to test the effectiveness of centralizing interpreter scheduling and assignments. While early in the process, results from the pilot show an almost 100 percent certified interpreter use in a geographic area that has only one certified interpreter.

- As an employer, we successfully advocated for improved health care choices for court staff in the Western part of the state.

As we look forward to 2010, we can expect continued challenges related to the economic conditions. Last week, the Department of Revenue reported that tax collections had dropped 7.9 percent in the three months ending in September from the previous year. Signs indicate that the economy may be slowly recovering but tax collections will likely continue to lag.

However as we did in 2009, and in the Harley-Davidson spirit of the 1930's, we will continue to look for opportunities even during these difficult times.

- I see an opportunity to make our courthouses safer by advancing court security. I am hopeful that the 2009 court security conference is the first of annual statewide conferences on the topic. PPAC is also working on a petition to update the existing Supreme Court rules on court security and facilities.
- I see an opportunity to make the court process more convenient for court users with the expansion of e-filing. To date, nine counties have implemented e-filing. When your county is ready to provide this innovation, give CCAP a call.
- I see an opportunity to improve outcomes for kids in the child welfare system. Access to federal funds and the fact that the federal government will be conducting reviews of our

system in 2010, will bring significant attention to this area. I can't think of a better place to make a difference than in the life of a child.

- I see an opportunity to provide judges with information that can result in more effective sentencing. The AIM project has received national attention and has the potential to address many of the concerns judges express about the lack of information regarding offender history and community resources.

I realize the current fiscal condition of the state makes it difficult to think about progress when on a daily basis we are worrying if the county courthouse will be open or you will have a clerk or court reporter in the courtroom. But as Thomas Edison said, "Opportunity is missed by most people because it is dressed in overalls and looks like work." That is a lesson we learned from Harley-Davidson. In the face of significant adversity, they continued to follow their passion, they worked hard, and not only stayed in business they redefined the motorcycle industry.

It was a series of innovations, even if not perfect each time, that kept Harley-Davidson going. It is that same proven commitment to the justice system and willingness to innovate that I think will carry us through these difficult times.