N E W S

LETTER

Muni View

Vol. 1999 No. 4 August 1999 A periodic publication of Municipal Judge Education, Office of Judicial Education, Wisconsin Supreme Court

Coordinator's Corner

I hope all of you are having a wonderful summer. It seems to have gone by awfully quickly!

As I am sure you know, the legislature has not yet passed the budget bill. As a result, no other bills have been passed either, so there is little to report on that front since the last *Muni View*.

Carol Koschel (pronounced Ko-shell – long o, accent on the second syllable) has been working as the Municipal Judge Assistant since the July seminar. She is terrific, very competent and has everything under control. By the time you read this, Tracy should be in her new house in Ohio.

I believe many of you will be happy to learn that effective April 1, 1999, the retention period for traffic forfeiture, conservation forfeiture, and ordinance violation case files, court records, and minute records HAS BEEN REDUCED from six to five years after entry of final judgment.

Seminars

The July Special Topic Seminar was not only informative, it was fun. The weather in Neenah was beautiful and lunch in the park was most enjoyable. Approximately 70 judges were in attendance and as a group seemed to like the plenary session/small group discussion format. We will use that format again in future seminars.

Announcements for the Traffic Seminar to be held October 14 & 15 at the Grand Geneva in Lake Geneva have been mailed. If you did not receive one, you can find the announcement, registration form and tentative agenda on the internet at the Court site in the Judicial Education link. You can also call the office and we will send you one.

As you know, this is NOT the last seminar in the year in which you can earn your required education credits for 1999. Attendance at the March Special Topic Seminar will qualify for those credits as well.

One of the special features of this seminar is that there will be a Municipal Judges Association regional meeting/lunch held on Thursday. The seminar registration form asked you to indicate if you were planning to attend so that there will be enough meals and seats. The meeting/lunch will last approximately two hours and will cost \$7 which you will pay to the Association.

Fees

Please remember: We will be billing for 2000 AND the first 1/3 of 2001 (to take us to May 2001) when we send out our invoices in January. The invoice will total \$733.33 (\$550 for a year plus \$183.33 for 1/3 of a year). Thereafter, municipalities will be billed on a yearly basis from May to May.

New Judges/ Resignations

Since the Directory was published in June, there have been several changes.

Francis Gerl has been appointed judge in the City of Seymour. **Denise Gibbons** has been appointed judge in the Village of Sharon.

Joan Olson will be the judge in the City of Wautoma when the court begins this fall.

Scott Rathbun has resigned as judge in the Village of New Auburn. **Bob Joling** will resign as judge in the Town of Somers at the end of August.

Becoming a Reserve Judge

Several judges have asked about the process of becoming a reserve municipal judge. Before you can do so, you must contact the chief judge of your district. He or she is the appointing body and makes the decision of whether or not to appoint based on need. Assuming you wish to reserve immediately upon retirement at the end of a term, you would be appointed to begin that May.

The reserve judge appointment year normally runs from May to May. If you retire during your term, any appointment you get should be valid only until the next May 1.

When you leave office, your MJ Manual remains with the municipality. Upon receipt of your education fee (the same as that of each municipal court), you will be sent a new Manual and be placed on our mailing list for notice of seminars, Manual updates, the *Muni View*, etc

Clerk Seminar

Wednesday evening at the seminar will be full. In addition to early registration, there will be a new clerk orientation, a computer vendor demonstration and an interactive CD Rom presentation on Ethics. The presentation will be shown on a screen so many people can watch it, and we are hoping that Jane Schetter, District Court Administrator for District 8, will lead the session. As there are several scenarios, clerks can feel free to come and go from the session.

As always, the Friday session at the Clerk Seminar will be with the DOT. The format will be different however, as there will only be about a 15-minute general presentation by Kent Buehler and Judy Weger. That will be followed by breakouts into very small groups with other members of the DOT for discussion of the form described elsewhere in this newsletter.

Regional Seminar

The Bureau of Transportation Safety of the DOT, NHTSA and the Resource Center on Impaired Driving are sponsoring a two and a half day "Regional Alcohol Conference" to be held December 6 – 8, 1999 at the Concourse Hotel in Madison.

The Municipal Judge Education Committee will be considering the granting of municipal judge education credit for this program at their meeting on September 2. The Office of Judicial Education will inform the Resource Center of the number of credits, if any, that will be granted municipal judge attendees.

Brochures with registration forms will be available from the Resource Center in September and will be mailed to all municipal judges.

From the DOT

The Division of Motor Vehicles Revocation & Suspension Section is in the process of combining two of the most commonly used court forms into one form. The two forms are the MV3029 (Court order of Suspension/Revocation) and the MV3435 (Conviction Status Report).

Combining the two forms into one is the first step in a process that will eventually lead to faster processing of court orders, and courts having the option of electronically transmitting data to the Revocation & Suspension Section versus using the mail.

The combined form will be distributed the week of September 13, 1999. Staff from the Revocation & Suspension Section will review the form with the municipal court clerks at their annual seminar on Sept. 17 in Fond du Lac.

Any questions concerning the project can be directed to Kent Buehler, supervisor in the Revocation & Suspension Section, 608/266-2266.

Of Interest?

The 2nd District Court of Appeals has recommended that the case of *Village of Menomonee Falls v. Meyer*, #98-3195, 8/4/1999 be published.

That case holds that in order for a party to get a <u>new trial</u> in circuit court, the case must have had a <u>trial on the merits</u> in municipal court.

Review of municipal court action other than a trial on the merits can be had in Circuit Court only by means of a review of the transcript of the municipal proceeding.

[Ed. note] Although not explicitly stated, the case seems to make it clear that default judgments may not be appealed as there was no trial on the merits and no record for the circuit court to review.