

**DIRECTOR OF STATE COURTS'
ADDRESS
2010**



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A. John Voelker

We have a great setting for what appears to be a very good agenda. I have a soft spot in my heart for Appleton because I grew up just a few miles down the road in Menasha and spent some time socializing in Appleton as a youth.

Appleton is known for a variety of things, including paper manufacturing and being home to Lawrence University. It's considered by many as a quintessential All-American town. Some of you may recall that Appleton was designated "Sports City USA" by *Sports Illustrated* in 1986.

Appleton also is known for its most famous residents, not only the Honorable Harold Froehlich, but also escape artist Harry Houdini. I will be talking about Houdini later.

To me, Appleton is just a great place to be.

As I look back, the progressive attitude of this area may have helped shape my interest in innovation. At the time I was growing up, some Appleton businesses were making innovations that helped not only shape their businesses, but their respective industries.

In the 1980s, Air Wisconsin pioneered the concept of code-sharing with United Express, and rapidly became the nation's largest regional airline. Now common, code-sharing allows different airlines to share flights and resources to remain competitive.

In 1983, Appleton Papers introduced thermal fax paper. While fax machines seem like antiques now in the age of e-mail and text messaging, thermal fax paper was innovative at the time. By 1991, Appleton Papers sold approximately \$45 million worth of fax paper to customers in North America.

But Appleton's innovative spirit goes back much further. Let me take you back 128 years, to 1882. It was an exciting time in Appleton – some of the state's first long distance telephone

conversations were being established with Oshkosh, Green Bay, and Fond du Lac. New brick sewers were being planned to provide drainage, and the first water well was under construction.

It was then, that four investors, led by paper mill owner H.J Rogers, envisioned that Fox Valley paper mills and homes would be lit with electricity, rather than oil lamps. While it had been demonstrated that the Edison generators could potentially be a source of central power, no one had applied it to practical, commercial service.

Rogers first learned of this technology during a July 1882 fishing trip, and by September 30th that year Appleton not only had a central station, it was the home of the nation's first hydro-electric "power plant."

That evening, the Appleton Paper and Pulp Company, the Vulcan Paper Company, and Roger's home, known as Hearthstone, became the first buildings in the world lighted by electricity generated from the Edison hydroelectric central station.

It is that type of pioneering spirit that has allowed Appleton to prosper. Remember Rogers hadn't even seen an incandescent light bulb prior to leaving for that fishing trip and two and half months later the editor of Appleton Post wrote "the electric light is perfectly safe and convenient and is destined to be the great illuminating agent of the near future."

Within four years of Appleton's pioneering effort, nearly 50 hydroelectric generating projects were announced throughout North America and, by the turn of the century, hydroelectric power accounted for more than 40 percent of the United States' total electricity supply.

While over the past year, I don't think we initiated anything that will change society like electricity or hydroelectric power, we continue to use that pioneering spirit in looking for ways to improve the court system and the administration of justice for the people of Wisconsin.

With that goal in mind, we've undertaken or proposed several initiatives.

eWiSACWIS

In the next few days, my office will enter into a memorandum of understanding with the Wisconsin Department of Children and Families (DCF) to make possible a two-way interface between the CCAP case management system and eWiSACWIS, the electronic Wisconsin Statewide Automated Child Welfare Information System maintained by the department.

DCF raised the concern that social workers did not have access to all the information they needed when placing abused and neglected children outside of the home if the removal took place on weekends, holidays or after standard work hours. If there was another juvenile residing in the prospective placement, the social worker could not fully assess the home's safety because they could not obtain restricted court records to investigate the extent and nature of the juvenile's court history. Without this information, vulnerable children already undergoing a traumatic removal from their parents were potentially being placed in settings where their safety could again be at risk.

When the department contacted my office about obtaining access to electronic juvenile records contained in CCAP to provide this critical data in a timely manner, we saw an opportunity not only to address this information gap for social workers, but to provide judges with additional information contained in the DCF automated system, eWiSACWIS.

To implement our plan, legislation authorizing electronic access to confidential juvenile records was necessary. The initial attempt to obtain the required statutory authority did not go as planned. The legislation as originally drafted would have narrowly allowed access to this sensitive information, but several amendments resulted in legislation that was overly broad in terms of both the individuals authorized to access the information and the kinds of information that could be disclosed. The Governor vetoed the legislation.

We did not give up. We forged on and developed a new strategy. This time, we looked at developing a bi-directional interface to directly transfer data between our two automated systems and crafted statutory language to only allow for limited access in this manner. This time, we were successful and Act 338 became effective on May 27, 2010.

Judicial Dashboard

Another innovation involving CCAP is the implementation of the Judicial Dashboard. CCAP recognized that the case management applications, which work well for the clerks of circuit court, registers in probate and their staff, have not proven to be as intuitive and user-friendly for judges; who traditionally use them on a much more limited basis. Much like a car dashboard provides drivers with information necessary to properly operate a car and navigate the roadways, the judicial dashboard provides judges with convenient access to information they use every day in making important decisions and managing their cases.

For the first time ever, judges have access to their statewide calendar through the dashboard. Additionally, the dashboard expanded access from county-specific to statewide for case, party and electronic court document searches. The dashboard also provides judges with a visible queue for electronic documents that are waiting for their electronic signatures. The dashboard includes a set of quick links which provides access to frequently accessed web sites, applications and files - and it's expandable so judges can create their own custom links. All of these features are one click away from the main dashboard screen.

The dashboard also provides judges with a sense of, "how am I doing"? A new set of statistical information is now available at each judges' fingertips. The dashboard provides clearance rates, age of pending, and time to disposition information for each judge. These reports include drill-down information to quickly determine which cases may need immediate attention. Based on early feedback, changes are being made to some statistical reports to reflect updates to cases in real-time.

Judicial Compensation Commission

We also are using our budget proposal in an effort to help drive change.

One of our budget proposals would improve the method by which Wisconsin determines compensation for its judges. Working with the Wisconsin Trial Judges Association (WTJA) we developed a proposal for a Wisconsin Judicial Compensation Commission to create a more

consistent, structured and analytical approach to reviewing and determining appropriate compensation.

While this would be a first for Wisconsin, other states have such commissions, and our proposal is based primarily on a Maryland statute. Under the proposal, the Commission would make judicial salary recommendations to the Governor and the Legislature's Joint Committee on Employment Relations (JCOER) every two years.

In recent years, the rate of judicial compensation increases has slowed dramatically, according to the annual survey of judicial salaries compiled by the National Center for State Courts. The average annual increase for all of 2009 was just .78 percent, a fraction of the 3.7-percent and 2.8-percent increases in 2007 and 2008 respectively. The salary for Wisconsin judges continues to lag behind our Midwest counterparts in Illinois, Iowa, Michigan and Minnesota.

The objective of this new commission would be to ensure that judicial salaries are equitable, set regularly and objectively, and treated in an independent manner.

County Financial Assistance

Our budget request also calls for a new approach to provide support for county circuit courts. The appropriation level for circuit court payment programs has remained unchanged since 1999.

This proposal would do away with the Circuit Court and Guardian ad Litem payment programs that were created in 1993 and replace them with a new Circuit Court Financial Support program.

Funding for the new program would be tied directly to court support services surcharge revenues. The formula for distribution among counties would provide a better measure of circuit court activity than the current formulas, administration of the program would be simplified, and every county would see some increase in funding.

While surcharge revenues have been increased over the years and the amount collected has risen dramatically, the court system's portion has not increased in step – even though that was the original intent.

It will not be easy to convince the Legislature to provide an additional \$40 million to the courts in light of the state's difficult financial situation. In fact, this will be the third biennium we have submitted this proposal. Why would we submit it again? Because it's the right thing to do – the court support services surcharge would no longer be a misnomer; it would once again be directly used to provide financial support to counties for the circuit courts.

Interpreter Reimbursement

Another budget proposal would increase funding available for reimbursement to counties for court interpreter use. The number of persons with limited English-speaking skills appearing in our courts continues to increase, and accurate interpretation is crucial to the integrity of court proceedings to ensure access to justice for all. An April 2010 Census Bureau report analyzing data for 1980 to 2007 found that the number of people who spoke a language other than English at home in the U.S. has more than doubled in the last three decades and at a pace four times greater than the population growth.

It is expected that these increases in the population of people with limited English-speaking and our efforts to ensure certified interpreters are being used will require additional funding for reimbursement to counties. Therefore, a 4-percent increase in funding is requested each year to reflect projected increases.

State Budget Situation

As you know the budget outlook is not bright. According to a July memo by the Legislative Fiscal Bureau, Wisconsin faces a budget deficit of \$2.5 billion in the next biennium. This environment will present many challenges for us in terms of getting proposals passed. It will challenge us in attracting quality individuals to be judges or others to work for us. It will

challenge us in our effort to prevent cuts that would diminish our ability to carry out our constitutional responsibilities.

Now, let's get back to Houdini. As we approach this budget, I feel a bit like Houdini trying to work his way out of a straight-jacket and a pair of handcuffs. I find myself looking to him for inspiration and innovation.

While we often have been told to look for solutions "outside the box," author Ernie Schenck reminds us of how Houdini actually looked for solutions inside the box.

In Schenck's book, "The Houdini Solution," Schenck notes the predicament Houdini faced and the techniques he used as he worked to get out of a difficult situation.

"Bound and locked in chains, Houdini was to be lowered upside down in a glass box filled with water."

"Houdini accepted his circumstances. He accepted the box. He accepted the water inside the box. He accepted the chains and the locks."

"Rather than allowing his mind to be consumed with the problem, he directed all of his energy toward solving it. This is what I call the Houdini Solution."

I accept the fact that there will be challenges ahead. I will not let the challenges consume me. I hope you don't either. I will also direct all of my energy in trying to address those challenges. In the Appleton spirit and that of H.J. Rogers, I look forward to working with all of you to pursue opportunities that will keep the Wisconsin court system one of the best in the country.