

**Critical Issues:
Planning Priorities for the Wisconsin Court System**

Fiscal Years 2010 - 2012

Critical Issue Fact Sheets

June 2010



Wisconsin Supreme Court
Planning and Policy Advisory Committee
Critical Issues: Planning Priorities for the Wisconsin Court System 2010 - 2012

Critical Issue Fact Sheet: Court System Funding

The Planning and Policy Advisory Committee (PPAC) of the Wisconsin Supreme Court developed the *Critical Issues Report* to describe the key issues and priorities affecting the court system as identified by stakeholders. The critical issues were prioritized through an analysis of data collected through internal stakeholder groups surveys in which respondents were asked to prioritize a list of 12 topics of interest to the state courts. The Supreme Court and Director of State Courts use the information in the development of budget recommendations and setting of priorities. This fact sheet provides an overview of one of the key issues identified as requiring high priority for the 2010-2012 biennium.

Court system funding has been a critical issue in three of the last four planning cycles. Whether it is entitled *Improvement of the Court System Funding Structure*, *Address Funding Constraints*, or *Court System Funding*, court funding has been on the minds of system stakeholders.

Stakeholder groups who ranked court system funding as the top priority:

- Chief Judges/District Court Administrators
- Circuit Court Commissioners
- Clerks of Circuit Court
- PPAC

The Wisconsin court system is funded through collaborative efforts of state and county government. State tax revenues, county tax revenues, user fees, and grants provide support for personnel, operating, and limited program costs. In recent years court funding has faced new fiscal challenges as both the state and counties have had to make difficult financial decisions that have impacted the way the court system delivers core services.

Survey respondents were asked to provide suggestions for ways the court system might address the top five issues over the next two years.

Suggestions for future work fall into three categories:

- Increasing education and communication with the governor, legislature, and local policy officials about court operations;
- Shifting funding for the courts completely to the state; and
- Court fees.

Recent or Ongoing Court System Activities Related to Court System Funding:

- Standardized County Cost Reporting
- Proposed Circuit Court Financial Assistance Program
- Supreme Court Support for Adequate Funding for District Attorney and Public Defender Offices.



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Critical Issue Fact Sheet: Sentencing Reforms and Alternatives

The Planning and Policy Advisory Committee (PPAC) of the Wisconsin Supreme Court developed the *Critical Issues Report* to describe the key issues and priorities affecting the court system as identified by stakeholders. The critical issues were prioritized through an analysis of data collected through internal stakeholder groups surveys in which respondents were asked to prioritize a list of 12 topics of interest to the state courts. The Supreme Court and Director of State Courts use the information in the development of budget recommendations and setting of priorities. This fact sheet provides an overview of one of the key issues identified as requiring high priority for the 2010-2012 biennium

Sentencing reforms and alternatives are not new issues for PPAC or the court system. For the past two planning cycles *Sentencing Alternatives and Strategies to Reduce Recidivism* as well as *Alcohol and Drug Dependency* and *Alternatives to Incarceration* were identified as critical issues facing the courts. For this planning cycle the subcommittee treated *Alcohol and Drug Related Offenses* and *Sentencing Reforms and Alternatives* as separate but related topics.

Stakeholder groups who ranked sentencing reforms and alternatives as a top priority:

- Chief Judges and District Court Administrators
- PPAC
- Judges

Public safety and offender rehabilitation are among factors that judges must weigh when sentencing. A variety of new approaches to sentencing are being explored in Wisconsin. These efforts seek to maintain public safety while reducing incarceration and recidivism rates. Examples include the AIM pilot project, drug, OWI, mental health and veterans courts, day reporting, electronic monitoring, and community service programs.

Survey respondents were asked to provide suggestions for ways the court system might address the top five issues over the next two years.

Suggestions for future work fall into four categories:

- More training on programs that "work";
- Reduction of number and frequency of legislative changes to sentencing policy and structure;
- Reduction of incarceration rates through the development of sentencing alternatives; and
- Individualization of sentences through creation of additional sentencing alternatives.

Recent or Ongoing Court System Activities Related to Sentencing Reforms and Alternatives:

- Phase II of the PPAC Effective Justice Strategies Subcommittee
- District Trainings on Evidence-Based Responses to Drug and Alcohol Use
- Participation on the Wisconsin Legislative Council's Special Committee on Justice Reinvestment Initiative Oversight



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Critical Issue Fact Sheet: Alcohol and Drug Related Offenses

The Planning and Policy Advisory Committee (PPAC) of the Wisconsin Supreme Court developed the *Critical Issues Report* to describe the key issues and priorities affecting the court system as identified by stakeholders. The critical issues were prioritized through an analysis of data collected through internal stakeholder groups surveys in which respondents were asked to prioritize a list of 12 topics of interest to the state courts. The Supreme Court and Director of State Courts use the information in the development of budget recommendations and setting of priorities. This fact sheet provides an overview of one of the key issues identified as requiring high priority for the 2010-2012 biennium.

Alcohol and drug related offenses are not new issues for PPAC or the court system. In previous planning systems both *Alcohol and Drug Dependency* and *Alternatives to Incarceration* were identified as critical issues facing the courts. While *Alcohol and Drug Related Offenses* vary a bit from these prior issues they are closely related. For this planning cycle the subcommittee treated *Alcohol and Drug Related Offenses* and *Sentencing Reforms and Alternatives* as separate but related topics.

Stakeholder groups who ranked alcohol and drug related offenses as a top priority:

- Judges

Alcohol and drug abuse is an issue of widespread concern. Our communities often look to the court system for answers and assistance in confronting this issue. Alcohol and drug related offenses create challenges that the court system and the judiciary are not traditionally equipped to address. Judicial education on the science of addiction, appropriate

treatment programs and approaches, and related programming are ongoing.

Survey respondents were asked to provide suggestions for ways the court system might address the top five issues over the next two years.

Suggestions for future work fall into four categories:

- More training on programs that "work";
- Reduction of number and frequency of legislative changes to sentencing policy and structure;
- Reduction of incarceration rates through the development of sentencing alternatives; and
- Individualization of sentences through creation of additional sentencing alternatives.

Recent or Ongoing Court System Activities Related to Alcohol and Drug Related Offenses:

- District Trainings on Evidence-Based responses to Drug and Alcohol Abuse
- Judicial Education on Related Topics including Pharmacology of Drug Abuse
- Implementation of Treatment Alternatives and Diversion and other Problem Solving Programming Throughout Wisconsin



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Critical Issue Fact Sheet: Self-Represented Litigants

The Planning and Policy Advisory Committee (PPAC) of the Wisconsin Supreme Court developed the *Critical Issues Report* to describe the key issues and priorities affecting the court system as identified by stakeholders. The critical issues were prioritized through an analysis of data collected through internal stakeholder groups surveys in which respondents were asked to prioritize a list of 12 topics of interest to the state courts. The Supreme Court and Director of State Courts use the information in the development of budget recommendations and setting of priorities. This fact sheet provides an overview of one of the key issues identified as requiring high priority for the 2010-2012 biennium.

This is the fourth planning cycle in which self-represented litigants have been considered a critical issue to the Wisconsin Court System. Each of the eight surveyed stakeholder groups considered this topic a top priority. Twenty-five percent of respondents considered *Self-represented Litigants* the top priority facing the court system.

Stakeholder groups who ranked self-represented litigants as the top priority:

- Family Court Commissioners
- Registers in Probate

Several initiatives have been implemented throughout the court system to provide self-represented litigants with access to justice and to effectively manage internal court system resources. Even with these efforts, the number of self-represented litigants in the court system continues to rise. Not only are litigants who cannot financially afford to hire legal representation increasing but also are those who may be able to afford representation but choose not to. This continued

increase in litigants causes an increased burden upon judges, court staff and court processes.

Survey respondents were asked to provide suggestions for ways the court system might address the top five issues over the next two years.

Suggestions for future work fall into four categories:

- Increasing human resources available to self-represented litigants;
- Providing more training and education opportunities;
- Encouraging the development of more pro bono or legal clinic services; and
- Providing more materials for litigants.

Recent or Ongoing Court System Activities Related to Self-Represented Litigants:

- Public Library Partnership Initiative
- Development of Community Resource Centers within the counties of the 9th Judicial District
- Continued Development of Pro Se Forms
- Continued Judicial and Court Staff Education and Training