

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

**Fiscal Years 2008 -2010**

**Final Report**

Submitted to the Wisconsin Supreme Court by the  
Planning and Policy Advisory Committee  
May 2008

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2007-2009	
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**CRITICAL ISSUES:  
PLANNING PRIORITIES FOR THE WISCONSIN COURT SYSTEM  
2008-2010**

***Mission:***

*The mission of the Wisconsin Court System is to protect individuals' rights, privileges and liberties, to maintain the rule of law, and to provide a forum for the resolution of disputes that is fair, accessible, independent, and effective.*

**SUMMARY**

The purpose of this report is two-fold:

- 1) Provide information to the Supreme Court and Director of State Courts (DSC) about the critical issues and priorities of those associated with the court system throughout the state. This information should be used to help establish budget recommendations and initiatives within PPAC, DSCO departments, committees and courts throughout the Wisconsin court system. The Planning and Policy Advisory Committee is charged with communicating and facilitating action oriented recommendations specific to these priorities.
- 2) Provide a way to communicate information to the Supreme Court, DSC's, and throughout the Wisconsin court system about current activities and initiatives taking place to address critical issues and priorities.

**Critical Issues and Priorities:**

The Planning and Policy Advisory Committee (PPAC), based on the report of its Planning Subcommittee, recommends that the Supreme Court and Director of State Courts give the following issues top priority in the 2009-2011 biennium:

- Improvement of Court System Funding Structure
- Sentencing Alternatives and Strategies to Reduce Recidivism
- Self-Represented Litigants
- Judicial Independence and Selection

**Themes:**

Four broad themes pervade the discussion of all of the priority areas listed above. All of these themes should be recognized and integrated into activities undertaken to address the priority issue areas.

**Theme #1: Budget Constraints**

As we define priorities for the court system, we recognize that our courts struggle to obtain enough resources to meet existing goals. In some cases, threatened budget cuts may prevent the

courts from meeting even basic objectives. In others, budget constraints in the form of statutorily imposed revenue limits also impact the courts ability to meet defined objectives. Our recommendations assume that basic operations cannot be neglected in favor of new initiatives, that changes to the court system that depend on increased funding will require strong justification, and that the Supreme Court will act as a constant advocate of adequate funding of all courts.

### **Theme #2: Technology**

PPAC recognizes the critical role that technology will play in the fulfillment of the mission of the courts. Technology is not listed among the four critical issues on its own because it takes many forms and is a tool that should be brought to bear in addressing all priorities.

### **Theme #3: Outreach**

Like technology, outreach is a useful tool for addressing each of the concerns listed above, and it has been a centerpoint of discussion among PPAC members. We believe significant gains can be made through a disciplined and routinized program of judicial outreach at all levels of the court system, with the goal of cultivating better understanding of our challenges and limitations among our users as well as a constituency for change to support those initiatives we deem attainable. In reaching out to others, we also need to do a better job of communicating among ourselves. The Planning Subcommittee reached out to many groups in order to determine the priorities established in this report (See Methodology section pages 27-28), and through this process it was demonstrated that many within the court system are unaware of initiatives already undertaken to address issues that concern them. The format of this report strives to both establish and communicate current priorities and inform those in the court system of ongoing initiatives occurring that are addressing these priorities.

### **Theme #4: Collaboration**

Success in reaching our objectives depends on working with our justice system partners and others who are not formally part of the court system – lawyers, state and local agencies of government, social service providers, and others. Deliberate efforts must be made to build working relationships and support among necessary collaborators for the initiatives we recommend.

## **PRIORITY CRITICAL ISSUES**

After considering many of the challenges confronting courts, PPAC identified four critical issues in which it recommends the Supreme Court and Director of State Courts Office focus their efforts on exploring and improving over the next biennium. PPAC considers the critical issues of relatively equal rank; they are not reported in any particular order.

## **Improvement of Court System Funding Structure**

### **Overview:**

Funding for Wisconsin courts consists of a combination of state and county tax revenues, along with user fees and grants. State funds are used to pay the salaries of judges and court reporters, while counties are responsible for a majority of circuit court operational costs. Many

believe that the current funding structure contributes to the circuit courts struggle to obtain adequate resources to maintain basic services

In 2002, PPAC's subcommittee on Court Financing was created to:

- Review the current model for providing support to court operations.
- Review court financing models from additional sources, including other states and past Wisconsin reports and studies.
- Define a uniform level of court services that should be provided throughout the state.
- Determine what costs are associated with achieving the uniform level of court services.
- Identify implementation, administrative, and policy issues to provide uniform level of court services.
- Evaluate financing and administrative options to support court services, including the responsibilities of state and local governments.

The subcommittee, an interdisciplinary group consisting of a Supreme Court Justice, circuit court judges, a county board chair person, a county executive, a clerk of court, a district court administrator and staffed by the court's budget and policy officer, issued its final report in February 2004. In its report, after reviewing Wisconsin's history of court funding and the experiences of other states, the subcommittee adopted the following premise:

***“The trial court system in Wisconsin should continue to remain a partnership between counties and the State, with the long-term goal of the State increasing its responsibility for funding certain core court services.”***

In order to improve the reporting of county court information in anticipation of increased state court funding, the subcommittee further recommended:

1. Including core court services costs that are not in court budgets in the annual report of actual county court costs;
2. Encouraging clerks of circuit court to work closely with the county financial officers in completing the annual report and requiring clerks of court to send a copy of the completed form to their county finance officer; and
3. Requesting a statutory change to allow for the auditing of the county court cost information.

The subcommittee also strongly urged the Governor and Legislature to update the state indigency standards and fully fund the State Public Defender program to again allow the State Public Defender's Office to provide legal representation to all indigent defendants and thereby eliminate the need for court-appointed counsel. Further, the committee recommended a law change to again allow the State Public Defender's Office to provide advocate counsel for indigents in Children in Need of Protection and Services (CHIPS) cases.

While not recommending such an approach, the report also included a blueprint on how to approach state takeover of certain county court costs should that become the policy directive.

The complete Subcommittee of Court Financing Final Report can be found at:  
<http://www.wicourts.gov/about/committees/docs/ppaccourtfinancerpt.pdf>

Its executive summary can be found at:  
<http://www.wicourts.gov/about/committees/docs/CourtFinancingExecutiveSummary022704.pdf>

### **Summary of Information Gathered:**

*Improvement of Court System funding Structure* was ranked as the highest priority by the 32 Clerks of Court and the 17 Juvenile Family Court Commissioners who took part in a planning session. PPAC members, Judges, Family Court Commissioners, District Court Administrators and the State Bar Board of Governors all identified this as one of the top three priorities.

Ideas for strategies to address this priority were also solicited. Comments generally fell into the categories of: developing a uniform chart of accounts for counties to better understand the true costs of running the courts, shifting funding for the courts to the state, increased education and lobbying to the legislature for adequate funding, public education of the court's services and funding needs, and better communication with county and state law makers. The following is a **sample** of comments from each of the groups:

#### Judges:

- Follow-through on suggestions made in the Subcommittee on Court Financing report.
- Develop uniform chart of accounts for expenditures.
- Increase lobbying by way of a better informed legislature and citizenry.
- Increase contact with the Wisconsin Counties Association.
- Continue to request increased funding to counties for court system costs as way to avoid complete state takeover.
- Lobby for creation of independent group to devise and set judicial compensation
- Educate lawmakers/legislators, county board supervisors.
- Media campaign to public.
- Advocate for raise in SPD eligibility standards.
- State fund core court system.
- Have judges contact the legislature.
- Better public awareness of what the courts do and why.
- The Supreme Court should take an active, aggressive role in explaining the need for adequate funding in the legislature and county boards.

#### Clerks of Court:

- Find out what it costs to run the courts: uniform chart of accounts.
- Change public defender eligibility standards so counties do not have to pay attorneys.
- Continue to work on determining what the total operating costs of the court system are through reports, auditor position, etc.
- Make court system state employees and have core court services paid by state.
- Use performance standards for funding levels. Areas such as collections, case management, fiscal effectiveness, etc.
- Use court collections for court expenses and not for any other purpose.

- Continue to get legislature involved with court operations to reinforce importance of funding the courts.
- State work with county boards on staffing and funding at the local level—have “standards” to work with.

#### Juvenile and Family Court Commissioners:

- Be proactive in trying to get other branches of government to recognize the requirement for adequate funding.
- PR-Wisconsin court system needs to better educate the general public on how the lack of court funding impacts access to the court system, timely adjudication, etc.
- All court expenses paid by the state.
- Increase user fees.
- Better educate the legislature and executive branch on the crisis facing the courts today.
- Prepare a long-term comprehensive analysis and plan—projecting current needs, cost and potential economies of the court system.
- Incorporate court commissioners as state employees.
- Educate legislators on court operations—invite legislators to shadow court officials to see difficulties faced by courts.
- Eliminate non-funded mandates which fall upon the counties.
- Establish consistency as to the duties to be handled by court commissioners and state funding those.
- Utilize technology to its fullest.

#### District Court Administrators:

- Works well the way it is but bring in court commissioners to be state employees and think about goals for municipal courts.
- Stop unfunded state mandates-unless funded legislation doesn’t pass.
- Increase taxes directly to the courts.
- Utilize more forfeiture fees for the courts.
- Develop good data on court system costs, and establish consensus within the courts on what is best plan before approaching counties and legislature.
- Legislative change to phase in state funded courts over a 10 year period of time.
- State funding for all “judicial officers” under the same funding body. Give the court system the ability to manage and allocate judicial resources.
- Pick a few portions of the system that could be state funded (juries, interpreters, videoconferencing courtroom technology).

#### State Bar Board of Governors:

- State level funding of more circuit court functions.
- Lobby for different ways to fund court services.
- Submit the courts budget outside the state budget process. Separate it from the political process.
- Public education.
- Transfer court funding to state.

- Revisit methodology for making increased funding for the courts system a priority of our county government and state legislature.

### **Related Activities in Court System:**

Since the issuance of the Subcommittee on Court Financing Final Report, efforts have been made through the last two state biennial budgets (2005-07 and 2007-09) to strengthen court system funding. These include:

#### 1. Court Interpreters

- The Supreme Court requested, and received, position authority for a court interpreter program manager and funding to continue the court interpreter training and certification program begun with federal grant funds.
- Statutory change was requested and received to require court interpreters for all cases when needed regardless of indigency.
- Additional funding was requested and received for state reimbursement to counties for court interpreter services to reflect the increased number of cases needing interpreter services and the increased number of certified interpreters.

#### 2. Additional Judgeships

The 2007-09 biennial budget (2007 Act 20) provided two additional judgeships, one each for Juneau and Kenosha counties. 2007 Act 28 provided six additional judgeships, one each for Barron, Chippewa, Dodge, Green, Monroe and St. Croix counties. The new judgeships will be effective August 1, 2008, except for Green and Kenosha counties, which will be effective August 1, 2009 and Monroe County, effective August 1, 2010.

#### 3. Standardized County Court Cost Reporting

As recommended by the Court Financing Subcommittee Report, the Supreme Court requested and received statutory authorization for a standardized program for the recording, reporting and auditing of annual county reports of court costs and revenues. A two-year auditor position was authorized to begin this program. In January 2008, the Director of State Courts created a Uniform Chart of Accounts work group, consisting of court and county finance staff, clerks of circuit court and court operations staff, to develop a uniform chart of accounts to be used for county reporting in order to determine the actual costs of operating the circuit courts in Wisconsin.

#### 4. Justice Initiatives

The Supreme Court requested and received position authority and funding for justice initiatives coordinator position to work with counties, circuit courts and other justice system participants to implement initiatives related to assistance for self-represented litigants, alternatives to incarceration and alcohol and drug abuse programming, the critical issues identified by PPAC in its 2007-09 Planning Priorities report.

## 5. Children's Court Improvement Program

The Supreme Court requested and received a training coordinator project position and funding to provide required match funds for a federal Court Improvement Program (CIP) grant to the Director of State Courts Office. Funding will support training of judges, attorneys and other legal personnel in child welfare cases, and cross-training initiatives with child welfare agencies.

In its 2007-09 budget request, the Supreme Court reaffirmed the partnership between counties and the state in funding the circuit courts. The Court's request included, as a centerpiece of this partnership, a proposal for a new county financial assistance program to provide additional state support of the circuit courts, with a funding mechanism that would automatically increase state funding as court support services surcharge revenue increases. The Governor's budget did not include the Court's proposal but did include a substantial increase to the current circuit court support payment program. Because the funding for this increase was tied to an increase in the real estate transfer fee, the proposal was not included in 2007 Act 20.

The Supreme Court budget request also encouraged the Governor to support the district attorney and public defender offices' requests to be properly staffed and funded, and strongly urged that the State Public Defender indigency standards be updated. 2007 Act 20 provided a net increase statewide of 2.25 FTE prosecutor positions, far short of the need for prosecutors documented in their weighted caseload analysis. Act 20 also provided an increase of 12.0 FTE positions to minimize staff attorney vacancies and reduce the number of cases assigned to private bar attorneys. However, Act 20 made no change to the indigency standards. Bills have been introduced in each of the last two sessions to revise the Public Defender indigency standards but as of February 2008, no bill has passed.

With signals of a recession and a state general fund deficit projected at over \$650 million, efforts to improve the court system funding structure will prove difficult in the short term. However, efforts continue on some of the strategies suggested to improve the court system funding structure, namely:

1. Improved communication and partnerships with the Wisconsin Counties Association;
2. Education of lawmakers through the Supreme Court's biennial meeting with the legislature's judiciary committees;
3. The Justice on Wheels program whereby the Supreme Court annually moves its oral arguments to a county outside of Madison to increase public and county board understanding of the court system;
4. The Chief Justice's commitment in February 2006 to visit every county courthouse in the state; as of February 2008 48 county visits have been made; and
5. CCAP's e-filing project to improve efficiencies in case processing through use of technology.

These efforts and more will continue as the court system works for stable and adequate funding to ensure the open, fair and efficient resolution of disputes.

## **Sentencing Alternatives and Strategies to Reduce Recidivism**

### **Overview:**

Public safety, offender accountability and appropriate responses to criminal behaviors are all factors that judges must weigh when sentencing. Various sentencing policies and programs are being tested in Wisconsin to improve public safety, reduce incarceration and recidivism, and address criminal behaviors. Wide-spread interest in effective justice strategies in Wisconsin has been driven by fiscal concerns, incarceration rates, recidivism rates and other signs that indicate a lack of success in the current methods of dealing with the underlying problems resulting in criminal behavior. As many of these issues come to light in courtrooms, communities naturally look to judges and the courts to play a role in effectively addressing such problems

The growing rates of incarceration have placed enormous financial and social burdens on Wisconsin and its counties. The justice system is being forced to confront these burdens and consider new methods of intervention to break the cycle of substance abuse, addiction and recidivism and address the needs of offenders with mental health-related issues.

As a result of the tangible and intangible costs of addressing criminal behavior, there is considerable momentum in Wisconsin focused on developing effective justice strategies that utilize problem-solving approaches to criminal justice issues. These programs are varied and responses occur at different points within justice system processes. Programs involve law enforcement, corrections, courts, county human services, and all potential partners in the system. Based on measures and outcomes identified locally, many communities are reporting success in their problem-solving approaches and others are looking for guidance to address similar issues and to replicate sound practices that “work.”

### **Summary of Information Gathered:**

In the last planning cycle, “alcohol and drug dependency” and “alternatives to incarceration” were identified as two of the top four priorities facing Wisconsin courts. Because of the overlap and connection of these to issues, PPAC and the Planning subcommittee combined them into one priority area. *Sentencing alternatives and strategies to reduce recidivism* was ranked as the highest priority by an approximate 180 judges who took part in the planning session at the Judicial Conference. PPAC members also identified this as the highest priority. As a whole, Clerks of Court, Court Commissioners, District Court Administrators and the State Bar Board of Governors all ranked this issue area in the top five.

Ideas for strategies to address this priority were also solicited. Comments generally fell into the categories of funding, legislative action, sentencing reforms, problem-solving courts and other alternative methods, evidence-based practices, and education of legislature and public. The following is a **sample** of comments from each of the groups:

#### Judges:

- Educate the public on the costs of their desired social policy and see that it is fully funded.
- Work with legislature to adequately fund AODA programs.
- Educate legislature and public regarding extreme expense of incarceration and dollar savings and less recidivism through alternative sentences.
- Obtain community support through volunteer programs.
- More funding for community service programs.
- More funding for progress at/within institutions.
- Support legislative initiatives.
- Get executive and legislative branches to get serious about funding meaningful rehabilitation programs, supervision, etc.

- Work with legislature to eliminate mandatory minimum sentences.
- Change in legislation to allow for stipulated vacating of judgment upon successful completion of probation related treatment program.
- Scrap Truth in Sentencing.
- Promote establishment of treatment courts.
- Continue to develop structures for the establishment of treatment courts.
- Statutory authorization for specific alternatives-day reporting, community service, etc.
- Train judges on evidence-based sentencing practices.
- Promote the AIM project.
- Encourage and support with \$, development of treatment courts and AIM in every county.
- Promote county justices organizations.
- Develop evaluation methods/criteria for assessing whether any particular program is working.
- Secure evidence showing success of various alternative programs.
- Leadership and pressure from Supreme Court to prompt counties that have lagged behind.
- Implement evidence-based alternatives, especially AODA related.
- Training in evidence-based practices for judges and other justice system participants (DA, SPD, Bar Assn.) and legislative leaders.
- Encourage development of coordinating committees including a statewide committee.
- Provide clearinghouse to evaluate effectiveness/non-effectiveness of the various programs.
- Legislative ridealongs.

#### Family and Judicial Court Commissioners:

- Close Huber Centers and move to GPS, Electronic monitoring and day reporting to shift focus of much needed dollars.
- Encourage study of decriminalizing minor drug offenses.
- Fund programs such as drug and teen courts.
- Work groups by district then a state work group composed of 1 or more members from district group.
- Uniform guidelines statewide not just regionally applicable.
- Increase availability of AODA treatment.
- Encourage a more effective way to deal with children between the ages of 12 and 18.
- Promote legislation that requires drug courts, bracelets and educational methods.
- Create alcohol and mental illness courts in addition to drug courts.
- Judges need more, not less, discretion. Reduction of mandated prison/jail terms is necessary.
- Encourage and educate the public about alternative sentencing (restorative, drug courts).
- Better use of GPS devices.
- Follow-up. What happens after prison to ensure success?

#### District Court Administrators:

- Provide better information to judges and court commissioners throughout criminal process.
- Educate judges and justice system personnel on evidence-based practices.
- Use pilots-AIM and other alternative strategies to build best practices.
- Day report, technology, SCRAM, GPS

- Increase hard data on recidivism as it applies to alternatives to incarceration.
- Do more on a state level.
- Create state task force to evaluate effectiveness of various options.
- Model proven strategies in other states.

State Bar Board of Governors:

- Implement ways of formally evaluating the effectiveness of new programs.
- Do the research to determine what works in other states. Base sentencing on what works, not politics or punishment.
- Continue AIM.
- Joint bar, legislative, AG, DA and Court committee to study problem and propose alternatives. Present system is haphazard and skewed toward purely punitive alternatives.
- Involve corrections professionals in the planning and identification of issues involving incarceration and community supervision—and stress public safety.
- Educate the legislature.
- Sentencing alternatives: specialty courts.

Note: Clerks of Court as a whole did not rank this issue in the top three so comments were not solicited from this group on this topic.

### **Related Activities in Court System:**

In 2004 PPAC formed the Alternatives to Incarceration Subcommittee, now known as the Effective Justice Strategies Subcommittee (EJSS). Activities of this subcommittee included the following:

1. Development of an online resource center consisting of:

- State problem-solving court directory
- State criminal justice council directory
- Links, publications and other resources about alternatives.
- Information about the Assess, Inform, Measure (AIM) pilot project

The direct link to this site is: <http://wicourts.gov/about/organization/programs/alternatives.htm>

2. Assess, Inform, Measure (AIM) Initiative:

AIM is pilot project of the EJSS intended to enhance the quality and scope of information provided to the court about a specified target population prior to sentencing. The primary goal of AIM is to:

- Provide the court with a valid risk, needs, responsivity and community intervention assessment, while creating feedback loop that provides information on the success of court dispositions and community interventions in promoting offender success and public safety.

The EJSS proposed this idea to PPAC and the Committee of Chief Judges in the spring of 2006. After a year of planning and development, five county interdisciplinary teams agreed to pilot the AIM initiative and move forward with local implementation. The AIM teams are from

La Crosse, Marathon, Portage, Iowa and Eau Claire counties. Milwaukee County also received funding through the state budget process to implement AIM. AIM is a collaborative effort that involves both the state (DSCO, PPAC, Department of Corrections) and the local level (judges, county human services, etc.).

To date, the EJSS and volunteer county teams have done extensive work to plan and implement AIM. The pilots are currently working to identify common data elements that will be used to track and report some of the moderate to long-term outcomes of AIM. If outcomes prove effective in this pilot phase, AIM has the potential for state-wide impact. Collecting valid, useful and understandable data based on research-based principles meets the threshold of implementing best practices, as well as establishing a system that validates the use and ultimate outcomes in applying these principles.

### 3. Education and Outreach:

Members of the EJSS participated in outreach by educating PPAC members on current activities, providing educational sessions at the judicial conference, clerks of court conference, and took part in a legislative symposium for lawmakers. Judge Lisa Stark of Eau Claire County presented last spring at a legislative seminar about alternative strategies, collaborating councils and drug courts in Wisconsin.

In September of 2007, The Office of Judicial Education and Joint Legislative Council hosted a joint judicial-legislative symposium titled "Protecting Public Safety and Reducing Incarceration Rates: Challenges and Opportunities." The seminar was attended by 113 legislators, legislative staff, judges, and judicial staff. The 2007 Judicial Conference included a plenary presentation by C. West Huddleston, Director, National Drug Court Institute, on the promise of drug courts. Hon. Roger K. Warren, President Emeritus for the National Center for State Courts, will be presenting a major piece on evidence-based sentencing practices at the 2008 Criminal Law & Sentencing Institute. Finally, there is currently Physicians and Lawyers National Drug Policy initiative and seminar is being planned for June 2008.

### 4. Phase I. Report:

In the spring of 2007, the EJSS issued a Phase I. Report with recommendations based on their research. A Phase II. PPAC Effective Justice Strategies Subcommittee with some new membership and expertise will commence in the winter of 2008 and begin working on the following recommendations:

- Support the development of a criminal justice council for every county.
- Support the Assess, Inform and Measure (AIM) pilot.
- Educate the legislature and public about effective justice strategies.
- Support the development of a state-level criminal justice council.
- Support a comprehensive assessment of Wisconsin justice system programming to determine best practices and build state level support for these initiatives.
- Support the development of permanent state level funding mechanisms for effective justice strategies.

#### Work to be continued by Phase II Subcommittee:

- Oversee AIM pilot, support pilot counties, and begin analysis of feedback loop data.

- Assist in the development and implementation of the justice programs inventory database in coordination with the Sentencing Commission, University of Wisconsin Law School and other justice system partners.
- Identify programs that “work”, emphasizing those involving drug and alcohol dependency per the direction of the PPAC Critical Issues 2005-2007 Plan.
- Gain a comprehensive understanding of programs, practices and outcome measures currently being utilized in Wisconsin courts related to public safety/problem solving strategies.
- Determine the most effective components of programming and make recommendations for fostering replication of these components and programmatic outcomes.
- Gain an understanding of what circuit courts need and want on a state level to support effective programming and address issues of incarceration, recidivism and public safety on the local level.
- Recommend educational and outreach strategies to promote further development best practices state-wide.

#### 5. Grant Funds:

The Director of State Courts Office drafted a grant proposal to the Justice, Equality, Human Dignity, Tolerance (JEHT) Foundation to support the initiatives and recommendations of the EJS Subcommittee. In December of 2007, this proposal was awarded in the amount of a \$573,000 grant over two and a half years to help research and develop the most promising strategies for improving the effectiveness of the state's criminal justice system. These grant funds will support the AIM effort and other initiatives of the Effective Justice Strategies Subcommittee.

#### 6. Special Projects Manager Position:

As a result of the “effective justice strategies” topic being a high priority for the court system, a permanent position in the Director of State Courts Office was requested and awarded through the biennial budget process. This state level position will focus specifically on enhancing and providing state level support for effective justice strategies.

7. More than 23 formal and informal criminal justice councils currently exist in Wisconsin.

#### 8. The following problem-solving courts exist in Wisconsin:

- 11 adult drug courts
- 2 alcohol/OWI courts
- 1 juvenile court
- More than 23 teen and peer courts
- 1 domestic violence court

9. Wisconsin counties are testing new strategies and sentencing alternatives including OWI intensive supervision, day report centers, electronic monitoring, bail monitoring, restorative justice, home detention, community service programs, etc.

Comments and strategies solicited during the planning process will be shared with the PPAC Effective Justices Strategies Subcommittee and appropriate court personnel working on this subject matter.

On the state level, the Wisconsin Treatment Alternatives and Diversion (TAD) grant program was developed to support counties through 2005 Wisconsin Act 25, the Biennial Budget for 2005-2007. The program provides grants to counties to develop treatment and diversion alternatives to jail and prison sentences for non-violent offenders with drug and alcohol problems. Administratively, the program is a joint effort involving the Office of Justice Assistance (OJA) as the granting agency, in program collaboration with the State Departments of Health and Family Services and Corrections. Consistent with the legislative intent, an advisory committee has been established, with representatives from state and local agencies, including the court system, involved state agencies, county-based treatment providers and previous consumers of the criminal justice system. The advisory committee assisted in defining program parameters and requirements, and continues to assist in program guidance, monitoring and evaluation.

## Self-Represented Litigants

### Overview

The numbers of self-represented litigants have been increasing over the last ten years. This has placed a burden on judges, court staff, and court processes and is expected to continue. The court system will need to continue to adapt in order to effectively manage this trend and continue to provide access to justice.

### Summary of Information Gathered:

The topic of *Self-Represented Litigants* has been ranked a priority through the PPAC Planning in the last two “Critical Issues” reports. In this planning process, *Self-Represented Litigants* was ranked as the highest priority by the Family Court Commissioners who took part in a planning session. PPAC members, Judges, Clerks of Court, Judicial Court Commissioners, and the State Bar Board of Governors all identified this as one of the top four priorities.

Ideas for strategies to address this priority were also solicited. Comments were generally centered on improvement of services for self-represented litigants including more coordination of pro bono services and expansion of self-help materials such as forms, brochures, videos, etc. The following is a **sample** of comments from each of the groups:

Clerks of Court:

- Continue development of online *pro se* materials and fund *pro se* clinics in county courthouses.
- Continue to provide processes and forms to hand out to people explaining procedures.

- Continue creating user friendly forms and guidelines for the public's use in those areas of courts most affected, i.e. SC, FA, TRO's, etc.
- Continue working on instructional information and forms that are easily understandable
- Development of very detailed brochures or other handouts that provide *pro se* parties with information about various processes.
- Development of a public information PR campaign telling *pro se* parties where to turn for advice (i.e. promotion of online resources)
- A state funded position (FTE to be determined by need) for each county to assist *pro se* persons lessening the burden for clerks.
- Continue having user friendly forms and instructions with interactive "wizard" programs.
- Provide short webcasts that provide informational assistance and education to filers - would be very helpful to attorneys and their staff in also better understanding procedures rather than relying upon interpretation of statutes
- Work with bar associations to set up legal clinics to assist self reps in completing forms, understanding the process, etc.
- Offer statewide librarian training - *pro se*
- Provide a call in number to a legal sources to answer their questions
- Increase "how to" videos and DVD's

#### Judicial and Family Court Commissioners:

- Obtain funding for *pro se* information centers.
- Properly fund with tax money public defenders, Judicare, legal action.
- More *pro se* forms and information.
- More mediation at an early stage of cases.
- Funded self-help centers in each county courthouse with paid part/full time staff to help with forms, basic info re: court process.
- Continue to standardize process - county to county, court room to court room
- Develop forms for *pro se* litigants and information centers in courthouses
- Better efforts at getting pro bono attorneys and better funding for legal services for the indigent.
- The court system should encourage the use of lawyers.
- Have a hotline for *pro se* litigants to call with questions.
- Encourage pro bono work - i.e. run clinics for lawyers who will be trained and agree to take on pro bono cases in exchange for CLE credits.
- Work more closely with bar associations and legal services providers for referrals and program information.
- Don't overlook the need to fund attorneys to represent low income parties. Some cases/issues need lawyers. Without that funding *pro se* initiatives become akin to giving charity rather than access to jobs fair wages.
- Better technology (files, case charts, etc) and simplification and standardization of filing and court procedures.
- Concise state-wide forms/explanation packet for most common processes (divorce, small claims)
- more "legal aid" attorneys so fewer litigants are not represented.
- Publicize availability of standard forms.

- Form committee to assess what front programs are the most effective at assisting with drug and alcohol abuse in adults and juveniles
- Producer flyers or booklets or "instruction manual" to give to public to lay out access, use, etc. for *pro se* divorce, etc.
- Paralegals hired for each county (assuming more than 1 in more populated counties and sharing in less populated counties) to man law information centers to assist *pro se* litigants in completing *pro se* packets correctly.
- Funding for videos explaining process for *pro se* litigants that must be watched prior to attending a court hearing without an attorney if they are the moving party (PSL) and that may be watched (made available) if non-moving party wishes to see it.
- Devise simplified procedure website, pamphlets, local newspaper ads, posted notice on the door to the circuit clerk's office that explain a *pro se* litigants' responsibilities and disadvantages when he/she acts as his own attorney.
- Authorize at county level a person to be paid to assist in filling out forms/answering questions
- work with state bar, local bars, law schools to establish *pro se* assistance centers.
- Help rural counties set up collaborative resources - classes, self-help centers, etc. for SRLs
- coordinating county and district wide programs/initiatives.
- Develop uniform procedures for clerks of court offices in providing not only forms and information but also as to which forms and information are provided in which circumstance (i.e. for *pro se* divorce, provide all the forms and instructions they need, not just some).

#### State Bar Board of Governors:

- Encourage and support judicial authority to permit increasing use of telephonic/video appearance that allows attorneys in rural areas to "cover"/ more effectively service population. (shortage of competent professionals in the Northwoods, challenged by distances to various court houses).
- Greater use of ombudsmen/person to assist litigants as they go through process.
- Helpful materials, schedule *pro se* sections separately from those with attorneys of record to minimize likelihoods of delay for those with legal counsel.
- Encourage pro bono work from the bench.
- Establish space in courthouses for paid reps and/or volunteers.
- Approach local bars and ask for a strategic plan to bill needs based on presentation of "problem" to local bar.
- Self-help centers in all courts houses, staffed by the local bars.
- Publications, materials, and website info. Plain English and user friendly.
- Implement recommendations in Bar's "bridging the gap" legal needs strategy
- Educate the public on the role of counsel and in certain instances the need for the same
- Become involved in the access to justice effort now being addressed by the bar by taking a leading role in the creation of the access to justice commission.

Note: Judges and District Court Administrators as a whole did not rank this issue in the top three so comments were not solicited from these groups on this topic.

## **Related Activities in Court System:**

This topic has been a priority for the court system for multiple biennium's and a number of are presently underway to address the challenges faced by the growing number of self-represented litigants.

### 1. Statewide *Pro Se* Coordinator:

A half-time statewide *pro se* coordinator was hired in February 2006. In this capacity, she is responsible for:

- developing statewide initiatives for assisting self represented litigants;
- providing technical assistance to counties and districts efforts regarding unrepresented litigants; and
- implementing training to judges, court staff and others on issues of self-representation

### 2. Additional Staff Support for *Pro Se* efforts

An additional staff member in the DSCO will dedicate part its workload to assisting in coordinating the court system's efforts regarding unrepresented litigants. This staff person will work with the state Pro So coordinator on development and implementation of effective statewide assistance strategies and programs aimed at the needs of self-represented litigants.

### 3. District 9 *Pro Se* Coordinator:

Thanks to a 2-3 year grant from the U.S. Department of Justice, the 12 north central Wisconsin counties that comprise the Ninth Judicial Administrative District now have their own *pro se* coordinator to assist in the development of programs designed to improve services to self-represented litigants.

### 4. Statewide *Pro Se* Forms:

The first statewide forms project for self represented litigants began in 2004 when the Office of the Chief Justice developed a task force to establish a statewide assistance program for self represented family court litigants. Thirty-five Plain-English forms with instructions incorporated therein were first unveiled in hard copy in 2005. All of the forms are for actions related to separation and divorce proceedings, in which about 70 percent of litigants statewide act without attorneys. One year later, in March 2006, a new self-help family court Web site was launched. Designed in collaboration with CCAP, the program takes self represented litigants through a series of questions and fills in required forms based on the answers, much like software used to complete a tax return. The site also provides a basic guide to legal separation and divorce in Wisconsin, which has been tailored for each of the state's 72 counties.

In November 2007, a *pro se* small claims committee released a package of over 15 new small claims forms and 10 instructional guides for self represented litigants. Following the family law model, the small claims forms are written in Plain-English and have instructions incorporated into them. In 2008, CCAP will develop an interactive forms completion program for self represented litigants wishing to answer a series of questions to complete the small claims forms online. Each county will enable the forms program after the local clerk of courts has tailored the directions that accompany the forms to reflect county-specific procedures. A new Basic Guide to Wisconsin Small Claims Actions was also drafted and replaces the former Wisconsin guide to Small Claims Court. The new guide features a simple question and answer format, pre- and post-judgment flow charts and references to the new forms and instructional

materials developed by the committee. In April 2008, 8 statewide *pro se* name change forms will be presented for approval to RMC. These forms will be made available to self represented litigants in hard copy only. Additional statewide *pro se* forms are being considered for development.

5. State *Pro Se* Conference In June 2007:

More than 60 WI judges, court commissioners, attorneys, clerks of court, registers in probate, academics, and concerned community members attended the first-ever Statewide Conference on Self-Representation to discuss how to improve services to people who represent themselves in court. The day-long conference, held in Wausau, was an outgrowth of the 2006 joint meeting of the District 9 and 10 committees on self-represented litigants. The conference offered sessions on how to build the necessary infrastructure for supporting sustainable court-based *pro se* programming, available resources for program development and various Wisconsin-based model programs.

6. Judicial Education Initiative:

Chief Justice Abrahamson selected four judges to take part in the National Judicial Conference on Leadership, Education and Courtroom Best Practices in Self Represented Litigation at Harvard Law School in November 2007. A model curriculum and resource materials were presented at the conference for use in future education programs for judges and court commissioners, including a bench guide for judicial officers on effectively handling cases with self-represented litigants. The conference attendees are currently developing presentations for the April Family Law Seminar, the May Court Commissioner Conference and have designated self-representation the theme of this year's judicial college.

7. Public Library Partnership Initiative:

The Wisconsin court system launched a pilot project in April 2007 to foster communication between local courts and public libraries in an effort to better meet the legal service needs of self-represented litigants. The Tenth Judicial District led the initiative, which was aimed at informing public library staff about the various court-related services and information currently available to assist self-represented litigants. The project's first component is an information and training session. The second component sends clerks and registers in probate into every public library in their respective counties to foster relationships and provide further information related to available circuit court resources. The program has been replicated in the Ninth Judicial District and will be replicated in the 3rd District in April 2008. This pilot project is an outgrowth of the American Judicature Society Conference on Self-Representation held in 2006 where an eight member team from WI developed an action plan to provide assistance to self-represented litigants.

8. Enhancing Self-Help Online Information Center:

A series of improvements are being planned to the court's existing online self-help center ([www.wicourts.gov/services/public/selfhelp/index.htm](http://www.wicourts.gov/services/public/selfhelp/index.htm)), based on the results of an online survey about the existing site and research done on other states' self-help websites.

9. Sample Resources Available on CourtNet:

A new page entitled “*Pro Se Assistance Resource Materials*” on CourtNet, the court system’s intranet, under “Publications and Manuals,” provides court staff with model resource materials that have been developed by court personnel throughout the state to more effectively assist self-represented litigants. The materials are available in either PDF format or Microsoft Word documents and can be downloaded and tailored for use in any Wisconsin county. Resources include courthouse signs explaining the type of legal information and advice that can and cannot be given by court employees, a handy flowchart on divorce actions and pamphlets on a variety of topics ranging from *pro se* divorce to small claims actions.

10. State *Pro Se* Listserv:

In September 2006, CCAP announced the implementation of a new email listserv for Wisconsin court personnel working with self-represented litigants. This listserv is available to all court personnel working with self-represented litigants. Participants may post procedural and policy questions and responses and share information. The goal is an ongoing email discussion generated by members. The listserv is also used from time to time to post national, state, and regional items of interest.

11. Improvement of Data Collection on *Pro Se* Litigants in CCAP:

In 2007, CCAP developed a new methodology for more accurately collecting statistics on self-represented litigants. In 2008, custom reports at local, regional and state levels will be available to identify cases involving self-represented litigants, indicate the percentage of self-represented litigants in specific types of cases (including breakdown by case classification codes), and indicate the number of cases in which at least one litigant appears without an attorney.

12. District 1 Coordinating Attorney:

Milwaukee County has recently hired a full-time permanent Coordinating Attorney for the Milwaukee Courthouse Self-Help Center. She is responsible for the creation and coordination of *pro se* programs, recruitment and training of volunteer attorneys and paralegals, recruitment, training, and supervision of law, paralegal, and undergraduate students, and direct service to *pro se* litigants.

Milwaukee is currently working on increasing the capacity to assist litigants through an appointment program and expanded use of supervised students. Numbers of persons assisted per month have almost doubled over the past year. It is also working on improving its website and creating workshops for common issues such as child support, starting a divorce, and landlord/tenant issues.

## **Judicial Independence and Selection**

### **Overview:**

Fair and impartial justice is dependent on a judge’s ability to render decisions independent of political interference, public intimidation, or intrusion of other branches. Third-party groups challenging judicial independence and negative campaigning in elections are becoming common.

Attempts to further politicize judicial elections and limit courts of their jurisdiction seems to be increasing. What role should the court system play in addressing this trend.

### **Summary of Information Gathered:**

*Judicial Independence and Selection* was ranked the highest priority by the state bar Board of Governors, the third highest priority by judges and in the top four by PPAC members and family court commissioners. Strategies to address this priority were also solicited from those who ranked it in its top three. Comments and strategies generally included public information campaign to educate on the importance of judicial independence, public funding of judicial elections, development of retention and/or merit systems and campaign reform. The following is a **sample** of comments from each of the groups who selected this topic in their top three rankings.

#### Judges:

- Develop judicial retention election/voting system like many other states.
- Public information campaign as to why independence is crucial to dispersing justice fairly.
- Public financing of judicial races.
- Provide educational program to the press on the importance of judicial independence.
- Public funding of Supreme Court races.
- Code of judicial conduct should include campaign ads.
- Encourage law schools to offer courses for potential judicial candidates.
- Work to implement public funding of all judicial elections.
- Work toward a merit selection system.
- Work with bar association to develop a public education program including a video for schools and organizations.
- Study what other states do.
- Public financing of elections.
- Judges should be selected from a list of finalists from a bi-partisan panel with consumer input-by the Governor.
- Work with the Bar on their effort to monitor civility in elections.
- Public service announcement education the public on the ethics code explaining why we are not allowed to do/say certain things.
- Consider public funding or spending limits for candidates.
- Form a joint judicial-legislative task force to address this issue.
- Move to retention elections.
- Move to state funding of elections.
- Implementation of Missouri plan retention election process, at least at the circuit court.  
Would preserve the electoral process while limiting the incentive for high cost elections.

#### State Bar Board of Governors:

- Continue to support efforts of local bars to speak out on this issue.
- Mobilize other constituencies that have an interest in maintaining judicial independence to better education and inform the public.
- The Bar has started the ball rolling with the formation of the independent Wisconsin Judicial Campaign Integrity Committee.

- Judges need to engage the public in an education project about what judges do.
- Public financing of judicial elections.
- Public education.
- Eliminate the election of judges. Judges should be appointed to serve a specific period.
- Create legislation that will publically fund the election of the judiciary.
- Contribution limits to judicial campaigns at state level.
- State funding of Supreme Court campaigns.
- Adopt uniform election rules that apply to all candidates and any PAC, group, etc. who wishes to advance the candidacy of any candidate.
- Set funding limits on each election—from all sources.
- Watch-dog committee to monitor elections.
- Public funding of Supreme Court races and possible Court of Appeals.
- Limits on third-party spending.
- Educate the public.
- Educate the legislature.
- State court system should be operated regarding selection and term similar to the Federal.
- Adopt an appointment system.

### **Related Activities in the Court System**

In February of 2005, Chief Justice Shirley Abrahamson published an article in the Wisconsin State Bar's *Wisconsin Lawyer* publication titled *Making judicial independence a campaign issue*. In this article, the Chief Justice stressed the importance of judges discussing the concept of judicial independence with the public during the campaign process. The Chief Abrahamson stated "Good judging is good politics...the public will support judges whom they perceive as independent even if they do not agree with particular decisions." She stated that the judicial branch must serve as a community educator and use a variety of tools to reach the public, media, legislators and others to teach and promote judicial independence. Threats and how to protect judicial independence is also discussed. This article can be found in its entirety in the *Wisconsin Lawyer* publication, Vol. 78, No. 2, February 2005.

The themes of a fair, neutral, independent, non-partisan judiciary is something Chief Justice Abrahamson emphasizes and repeats in speeches, columns and interviews throughout Wisconsin. The Director of State Courts Office has created a speech archive, featuring a host of sample speeches that emphasizes these themes. This speaker's bureau archive is available to any judge who is addressing or writing for a state or local audience. Law Day planning kits have also been developed to address these topics.

On December 10, 2007, all members of the Wisconsin Supreme Court signed and issued the following letter unanimously supporting realistic, meaningful public financing of Supreme Court elections:

*Public financing of Supreme Court campaigns is a timely and vital subject, important to the maintenance of a fair, neutral, impartial, non-partisan judiciary in Wisconsin. We commend the legislature and governor for considering this issue.*

*We write to support the concept of realistic, meaningful public financing for Supreme Court elections to facilitate and protect the judicial function.*

*A cornerstone of our state is that the judiciary is fair, neutral, impartial, and non-partisan. The risk inherent in any non-publicly funded judicial election for this Court is that the public may inaccurately perceive a justice as beholden to individuals or groups that contribute to his or her campaign. Judges must not only be fair, neutral, impartial and non-partisan but also should be so perceived by the public.*

*This letter favoring the concept of realistic, meaningful public campaign financing for Supreme Court Justices does not address public campaign financing for other officers. Moreover, it does not endorse any particular bill or proposal and does not foretell a decision on any federal or state constitutional free speech or other legal issue that may arise from the adoption of public financing for Supreme Court elections. Rather, this letter is part of our continuing commitment to maintain a fair, neutral, impartial, and non-partisan Wisconsin judiciary and to preserve the courts as an impartial forum for resolving disputes.*

## **OTHER ISSUES OF IMPORTANCE**

Other critical issue areas of importance, in addition to the top four, were also identified through this planning process and in past reports. Each of these areas are important to the overall effectiveness of the Wisconsin court system, but not were not ranked as high of a priority as the four listed above. These issues are briefly described in this section and appear in no particular order.

### **Courthouse security & emergency preparedness**

Court security includes the procedures, technology, security personnel, and architectural features needed to protect not only the safety of people and property within the courthouse and nearby grounds but also the integrity of the judicial process. Disruption of court operations can also result from natural events such as floods or fires, or man-made events, such as terrorism caused by conventional, biological or chemical weapons.

This issue area was voted one of the top four in the last biennial plan. In response, PPAC established a state level policy subcommittee with the purpose of comprehensively reviewing the standards set forth in SCR 70.39. Specifically, the subcommittee is charged with and is working on:

- Reviewing how these standards have been implemented.
- Determining if SCR 70.39 needs to be updated or modified.
- Reviewing the current data collection and information gathering process.
- Providing recommendations on how to improve the processes and standards established by SCR 70.39.

The Subcommittee is developing a comprehensive survey to gather this information and establish a baseline on the “state of court security” in Wisconsin. Addressing courthouse security and facility challenges remains an important priority to be addressed by the court system on a state and local level.

Additionally, in the last budget cycle, the Director of State Courts Office was awarded \$10,000 through the state budget in 2007-2008 to design a multimedia courthouse safety training program to be shared, using the Internet, with all counties and employees who work in courthouses around the state. The focus of the training will be on employee behavior in the face

of safety threats and what can be done to diffuse potentially dangerous situations. The original request of the DSCO through the budget process was \$33,100 in 2007 and \$126,000 in 2008 to institute a statewide courthouse safety program.

### **Communication challenges in the courts**

All who appear in court are entitled to participate, whether they speak English or not. The increase in limited English-proficient individuals, coupled with the increase in the number of different languages being spoken, presents difficult challenges for the court system. The court system will need to continue to adapt in order to effectively manage this trend and continue to provide equal access to justice

The Director of State Courts Office of Court Operations manages the court interpreter certification program, originally funded by a federal grant but now supported by the state budget, that works to provide equal access to non-English speaking litigants, quality services and ethical conduct. The court interpreter program provides the following services:

- Manages a two-day interpreter orientation program.
- Manages certification and code of ethics requirements and interpreter complaints
- Maintains a statewide court interpreter roster and database
- Manages testing and certification process
- Fields statewide questions on court interpreters.
- Provides training and reference materials for interpreters, judges and court staff

The court interpreter program is also guided by the recommendations of the Committee to Improve Interpretation and Translation in Wisconsin Courts.

### **Making the court record**

Making an accurate and complete record of court proceedings is an important goal for the courts. A shortage of court reporters is a situation that many courts in Wisconsin are faced with today. The Wisconsin court system must continue to show a firm commitment to ensure we are prepared to make a record.

In 2004, this issue was voted as one of the top priorities. The District Court Administrators ranked this topic as their highest priority in this biennium. The Chief Judges and Director of State Court established the a Making the Record Committee to develop recommendations on maintaining and supporting current court reporter positions while exploring and implementing alternative means of making the record.

Both the Planning and Policy Advisory Committee (PPAC) of the courts and the Chief Judges have recommended that digital audio technology be investigated as an alternate method of making the record in light of the impending shortage of stenographic court reporters in the near future. Two pilots were conducted for one year in Dodge, St. Croix and Grant Counties. The pilots officially concluded in October of 2006. The Making the Record Committee is currently evaluating these pilots and will make recommendations on how most effectively to implement digital audio recording on a larger scaled by the summer of 2008.

### **Family/domestic violence cases**

Courts across the country are stepping up efforts to address the difficult challenges such as victim safety, holding perpetrators accountable for their actions, and administering justice fairly in domestic violence cases. Many Wisconsin courts have instituted their own changes,

including increased access to, and enforcement of, civil protection orders; more vigorous monitoring of batterer compliance with court-ordered treatment; and greater use of supervised visitation to effectively handle family violence cases. Addressing the many challenges that exist around family violence cases should be a priority of the Wisconsin court system.

The Wisconsin Court System has several initiatives to improve the handling of domestic abuse cases. In the last year, the DSCO implemented “Project Passport,” a national effort designed to improve recognition and enforcement of orders of protection within and between states and tribes by encouraging states and tribes to adopt a recognizable first page for orders of protection (i.e., by including common elements and format). Additionally, through the Violence Against Women Act (VAWA), the DSCO receives federal grant funds to provide training and information to judges and court professionals about the dynamics of domestic violence and sexual assault and how this plays out in the court system. The courts STOP Advisory Committee makes ongoing recommendations to the DSC on training topics and related projects.

### **Privacy and public access to court records**

The availability of information technology raises complex issues, such as privacy, document certification, standards, and system interoperability. What are the obligations of the court when records are easily available on a desktop computer as opposed to digging through old court records manually? Where is the balancing point between the Freedom of Information Act/Open Records Law and the Individual Right of Privacy? These issues will continue to exist and ongoing growth and development of Wisconsin Circuit Court Access (WCCA) and requests placed on the Consolidated Court Automation Programs (CCAP) will need to be continually addressed and procedures and progress toward a paperless court system continues.

### **Workforce/succession planning for court system**

With the baby-boomer generation reaching retirement age over the next decade, the Wisconsin Court System needs to be prepared organizationally for impending workforce changes. Strategic workforce planning will ensure the court system is effectively and efficiently using limited human resources by anticipating how to direct training needs, recruitment efforts, and workload priorities. Moreover, succession planning ensures properly grooming and mentoring staff for key vacancies within court system management.

Over the past three years the Director of State Courts Office has made efforts to encourage workforce planning throughout the court system by providing relevant management and supervisory training opportunities as well as promoting departmental strategic planning efforts. In addition, the Director’s Office has evaluated different strategies so the Wisconsin Court System continues to be an “employer of choice” in the coming years. This includes establishing a formal pay-for-performance program for non-judicial employees, creating a formal recognition program for employees’ accomplishments and revamping the court system’s classification and compensation structure so can remain competitive with the labor market.

### **Videoconferencing**

Videoconferencing is a technology that may produce real savings in the courts if fully and appropriately implemented. To expand the use of videoconferencing to the maximum degree reasonable, however, certain procedural rules need revision and judges need training in how to exercise their discretion to accommodate videoconferencing.

PPAC has been studying this issue for more than a decade and in 2005 issues an updated version of *Bridging the Distance: Implementing Videoconferencing in Wisconsin*, a guide to implementing a videoconferencing program in the courts which includes, technical information on equipment and use, tips on evaluating the effectiveness of a program, and a comprehensive resource directory of videoconferencing contacts throughout the state. This guide can be found at: <http://wicourts.gov/about/committees/ppacvidconf.htm>. Additionally, a PPAC Subcommittee recently developed and proposed a Supreme Court Rule to provide guidance on the use of videoconferencing in the courts. This rule has been approved and became effective July 1, 2008.

### **E-Filing**

Many court systems across the country employ electronic filing and it will soon become expected of Wisconsin courts as well. If, as a result of the implementation of eFiling, litigants essentially make the record as they make their submissions to the court, Clerks of Court offices may realize substantial efficiencies, efficiencies that will enable the re-assignment of staff resources to other initiatives mentioned in this report. Further, the savings and conveniences realized by court users may win greater adherence among them to other technology initiatives on which courts wish to embark. Two eFiling pilot projects are underway, in Kenosha and Washington counties. A Supreme Court Rule to implement electronic filing became effective July 1, 2008.

## **PPAC PLANNING BACKGROUND**

The Planning and Policy Advisory Committee (PPAC) was created to advise the Supreme Court and the Director of State Courts in the director's capacity as planner and policy advisor for the judicial system.<sup>1</sup> PPAC developed the first court system strategic plan entitled *Framework for Action* in 1994. *Framework for Action* was the result of months of meetings that focused solely on the development of a strategic plan

Since 1994, PPAC has met annually to review and update the original plan in light of this mission. However, the results of these updates have been primarily used to provide a "to do" list for PPAC, not a blueprint for fundamental decisions for the organization. In order to strengthen the overall planning function of the committee, PPAC established a planning subcommittee in 2000, and the subcommittee held its first meeting in February 2001. The 11-member subcommittee established a planning cycle that is aligned with the biennial budget process to enable the biennial budget to reflect the court systems priorities, wherever possible. This plan is the fourth planning document developed under the planning subcommittee structure.

## **PLANNING METHODOLOGY**

The planning process began with a review of issues confronting courts as reported by the National Center for State Courts as well as in the popular press and in trade journals. The planning subcommittee committee deliberated over different trends and issues confronting courts and facilitated and prioritization exercise with PPAC to narrow the topic list to 10 issue areas.

The Planning Subcommittee then worked to gather the views of other judges, court commissioners, clerks of court, and the state bar Board of Governors through facilitated planning sessions and/or surveys. In the last biennium, the subcommittee coordinated a major information gathering effort which included an online survey that generated more than 500 responses from both internal and external court system stakeholders. Much of this information was still "fresh" and useful because it was collected in 2005. For this reason, the Planning Subcommittee abbreviated its information gathering to specific groups in an effort to gather feedback about whether priorities and issue areas had changed in the two year time span or remained similar.

Judge Barbara Kluka, Judge Jeffrey Kremers, Commissioner Darcy McManus, DCA Gail Richardson and PPAC staff Erin Slattengren facilitated a strategic planning session among more than 180 judges at the October 2007 Judicial Conference. Electronic voting tools (OptionFinder) were utilized to allow the judges to vote and prioritize issues. An instructional handout was also provided to the participants, which allowed them to write down their individual comments and ideas for addressing court system priorities.

Commissioner Darcy McManus facilitated a planning session among family court commissioners and judicial court commissioners at their respective fall association meetings. Clerk of Court Sheila Reiff and PPAC staff Erin Slattengren also facilitated a session with the clerks of court at their fall conference. Session participants were asked to prioritize ten issues displayed in the front of the room on flip charts by voting silently with three stickers. This provided a clear visual of the priority areas. Participants were also given a handout to provide

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<sup>1</sup> Supreme Court Rule 70.14

written comments and ideas for addressing the priorities. Fifty-two family court commissioners, 17 judicial commissioners and 32 clerks of court completed a survey.

Atty. John Walsh, the state bar representative to PPAC, and Ms. Slattengren attended the December 2007 State Bar Board of Governors meeting and provided a brief overview of the PPAC planning process. Following this presentation, a rank and comment survey was distributed and completed by 42 members of the Board of Governors.

In February of 2008, Ms. Slattengren facilitated a strategic planning session with the District Court Administrators (DCA's). Session participants were asked to prioritize ten issues displayed in the front of the room on flip charts by voting silently with three stickers. This provided a clear visual of the priority areas. Participants were also given a handout to provide written comments and ideas for addressing the priorities. Nine DCA's took part in this session.

The information collected was collated and analyzed by the PPAC policy analyst and shared with PPAC Planning Subcommittee members for development of this report. The comments and information included in this report appears in summary. Strategies and comments provided by participants of the planning process will be shared with the appropriate court committees and/or individuals working in each respective issue area.