

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

Fiscal Years 2010 - 2012

Final Report

Submitted to the Wisconsin Supreme Court by the
Planning and Policy Advisory Committee
June 2010

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**PPAC PLANNING SUBCOMMITTEE MEMBERSHIP
2009 - 2011**

Circuit Court Judges:

Hon. Barbara Kluka (Chair)
Kenosha County

Hon. J.D. McKay
Brown County

Hon. Michael Rosborough
Vernon County

Hon. Jeffrey Kremers
Milwaukee County

Court Commissioner:
Hon. Darcy McManus
Ozaukee County

Appellate Court Judge:

Hon. Lisa Neubauer
Court of Appeals, District 2

Clerk of Court:

Ms. Sheila Reiff
Walworth County

District Court Administrator:

Ms. Gail Richardson
District 5

Public Member:

Ms. Diane Treis-Rusk
University of Wisconsin, Richland

Ex-officio Members:

Chief Justice Shirley Abrahamson
Wisconsin Supreme Court
PPAC Chair

Hon. Carl Ashley
Milwaukee County
PPAC Vice-Chair

Mr. A. John Voelker
Director of State Courts

Staff

Ms. Michelle Cyrulik
PPAC Policy Analyst

Mission of the Wisconsin Court System:

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.

EXECUTIVE SUMMARY

The Planning and Policy Advisory Committee (PPAC) of the Wisconsin Supreme Court develops the *Critical Issues Report* to describe the key issues and priorities affecting the court system as identified by stakeholders. The Supreme Court and Director of State Courts should use the information provided in this report to develop budget recommendations and priorities and other initiatives.

PPAC bears the responsibility to develop objectives and action steps for each critical issue. Within each action step is a targeted completion date, responsible entity, and measure of success. Objectives and action steps are submitted to the Director for consideration and delegation to appropriate court system committees and departments. PPAC has the additional responsibility to monitor the progress made towards addressing each critical issue during the biennium.

In addition *Critical Issues* reports the activities and initiatives already taking place across the court system to address issues and priorities identified within this report. Often initiatives and innovations originate at the local level or in a narrow scope and this report provides an opportunity to not only learn about these efforts but also to disseminate them to a larger audience.

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 2010 - 2012 biennium:

- *Improvement of Court System Funding Structure*
- *Sentencing Reforms and Alternatives*
- *Alcohol and Drug Related Offenses*
- *Self-Represented Litigants*

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.¹ 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 by PPAC. 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 subcommittee is composed of eleven members plus three ex-officio members, and is staffed by the PPAC policy analyst.

Recently the subcommittee responded to a request from PPAC "*To make a recommendation as to how both short and long-range planning could be accomplished, specifically the process that would need to be undertaken and the necessary resources that would be needed to carry out both short and long-range planning for the court system.*"

The Planning Subcommittee responded to this charge and PPAC approved the Enhanced Planning Process in August 2008. Every six years PPAC will issue the court's enhanced strategic plan to serve as a guide for future work. This process will include the review of the court system's mission and vision as well as the development of strategic goals. The critical issue report development will not change from current practice but rather will be an integral component of the larger enhanced process. Identified critical issues will become the court system's short-term or immediate priorities. Each critical issue will be aligned with the broader strategic goals as identified through the enhanced process. Therefore each six-year enhanced strategic plan will be inclusive of three separate two-year critical issue report cycles and these cycles will continue to be aligned with the biennial budget process.

REPORT METHODOLOGY

The planning process for the 2010 - 2012 biennium began as it had in previous years 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 then participated in a prioritization exercise that narrowed the identified trends and issues from 23 to 12. The subcommittee developed a Trend Definition key to provide a uniform and succinct description of each issue. A survey instrument was developed for respondents to rank the issues in order of importance from 1 to 12 (one being the highest). Survey respondents were also asked to provide suggestions for ways the court system might address the top five issues over the next two years. The third question sought input as to whether or not the respondent believes the courts are performing any less efficiently than they were five years ago.

¹ Supreme Court Rule 70.14

The Planning Subcommittee worked to gather the views of judges, chief judges, family and circuit court commissioners, clerks of court, registers in probate, district court administrators, and the state bar Board of Governors. In all the subcommittee coordinated an information gathering effort which collected more than 400 responses.

Judge Barbara Kluka and Judge Carl Ashley facilitated a brief exercise at the August 2009 PPAC meeting during which they asked members to rank their critical issue priorities and submit suggestions for how best the court system may address them. Nineteen responses were received from PPAC.

Chief Judge Jeffrey Kremers and District Court Administrator Gail Richardson administered the survey instrument and provided a brief update on planning activities to the Chief Judges and district court administrators at their August 2009 meeting. Eighteen responses were received.

Commissioner Darcy McManus facilitated a planning session among family court commissioners and judicial court commissioners at their respective fall association meetings yielding 43 and 25 responses respectively. Clerk of Court Sheila Reiff and PPAC staff Michelle Cyrulik also facilitated a session with the registers in probate at their association conference in summer producing 44 responses and the fall clerks of court conference which provided 51 responses.

Judge Barbara Kluka facilitated a plenary session at the 2009 Judicial Conference in November. This provided the judiciary with an opportunity to review prior critical issues and their key accomplishments and to review the process. Following time to complete the prioritization survey and discuss specific ways to address their top priorities, attendees were provided an opportunity to engage in an open discussion about each of the four current critical issues. One hundred ninety-five responses were received from conference attendees.

Atty. John Walsh, a state bar representative to PPAC, and Ms. Cyrulik attended the December 2009 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 26 members of the Board of Governors.

This report was developed following analysis of the survey instrument by the PPAC policy analyst and subsequently shared with the PPAC Planning Subcommittee. Suggestions collected from respondents as to their ideas for strategies, activities, or initiatives to address each of the critical issues has been categorized and included in this report. Select items are included within each individual critical issue section. Additionally, items will be shared with the appropriate court committees and/or responsible individuals working in each respective issue area. An executive summary of survey responses and comments will be provided to each stakeholder group for its own use.

Four broad themes pervade the discussion of all of the priority areas. All of these themes are more macro and operational in nature and should be recognized and taken into consideration

when examining each of the four critical issues. Each of these themes should be integrated into policy decisions and program activities undertaken to address the critical issues.

The first theme is *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.

PPAC recognizes the critical role that *technology* will play in the fulfillment of the mission of the courts. While technology was included as its own issue on the survey instrument, stakeholders did not rank it as one of the four critical issues. Technology independently is important to consider as it is a constantly evolving area and one of the most essential and critical components to the operations of the court system. At the same time, technology remains a theme because of its overarching scope, varying forms and multiple tools that it provides. In many instances, technology in some way, shape or form will be employed to assist in the implementation or measurement of the courts system's planning priorities.

Like technology, *outreach and education* are useful tools for addressing each of the critical issues to follow, and it continues to be a discussion point 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 court system stakeholders to gather information to determine the priorities established in this report 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 within the court system of ongoing initiatives occurring that are addressing these priorities.

Finally, success in reaching our objectives depends on working to *collaborate* 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.

Four critical issues have been identified which PPAC recommends become a focus of the Supreme Court and Director of State Courts Office over the next biennium. Each of the issues is considered of equal importance and priority in moving forward and working towards a strong Wisconsin court system.

CRITICAL ISSUES AND PLANNING PRIORITIES OF THE WISCONSIN COURT SYSTEM

I. Court System Funding

The Wisconsin court system is funded through a collaborative effort of state and county government. State tax revenues provide for the salaries of judges and court reporters while county tax revenues provide for the vast majority of operational costs. User fees and grants also provide some funding. Circuit courts face a continuing challenge to provide basic services with limited available funding. Many of the people surveyed indicated that they believe the lack of a sole dedicated funding source contributes to this dilemma. In recent years both the state and counties have faced fiscal challenges and have had to make difficult decisions.

In 2002 the PPAC Court Financing Subcommittee, an interdisciplinary group of state and local officials, was created. For two years the subcommittee studied Wisconsin's history of court funding and evaluated the practices of other states. Although efforts were made it was difficult to fully discern the cost to operate the court system. Financial data was analyzed but due to the varying methods with which each county reports their spending, it was difficult to assign costs to core services due to lack of uniform reporting. The subcommittee examined strengths and weaknesses of financial models used in other states for possible implementation here in Wisconsin, but ultimately determined it was not appropriate to recommend one financing strategy over another. Once this conclusion was drawn, the subcommittee shifted its focus to determining the appropriate relationship between the state and counties, and what their respective responsibilities should be. When the final report was issued 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 carry out the above premise, the subcommittee identified a list of core court services currently funded by counties that could be transitioned to state funding. While the subcommittee did not specifically detail how this was to be done, it did identify steps to be taken to improve the collection of accurate county financial data:

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

The subcommittee went a step further to urge "...the Governor and the Legislature to update the state indigency guidelines 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 subcommittee recommends state statutes be modified 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."

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>

Discussion

Through the issue identification survey administered to internal justice system partners, *court funding* was the top priority as ranked by PPAC members, Chief Judges and District Court Administrators, Clerks of Court, and Circuit Court Commissioners. *Court funding* remained one of the top four priorities for the Judges, Family Court Commissioners, State Bar Board of Governors, and Registers in Probate. This issue was rated the as the top priority by 133 respondents including 43 Judges and 32 Clerks of Court.

In addition to asking respondents to rank their priorities, the survey also asked them for their suggestions as to ways the court system might address their top five ranked priorities over the next two years. A significant amount of feedback was received on this issue and suggestions could be separated into the following 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.

What follows is a sample of comments from each of the groups that ranked *court system funding* as a top priority.

Judges:

- State needs to pick up more costs so that state wide courts are operated more uniformly especially to public defender, guardian ad litem, interpreters, etc.
- Public defender eligibility standards need updating; more independence from county funding sources for other court activities.
- Change existing laws to have the entire court system funded by the state. Financing through the county board is strangling the courts. Furloughs, layoffs, nickel and diming cuts are demonizing court staff and creating bad attitudes and miserable work environments. The state courts generate more revenue then they consume yet the courts are treated poorly.
- More consistent adequate funding for courts and groups supporting court e.g. DA's and PD's.
- Convincing the legislature to prioritize judicial branch rather than across the board approach to funding.
- Develop opportunities for county supervisors and state legislators and other community leaders to meet and get to know the local judges and to participate (observe) court function. Encourage judges to reach out to develop relationship with these decision makers.

Clerks of Court:

- Due to budget cuts all over I feel there is a need to address funding, solutions between courts and county boards – educate board members.
- Court system funding should encompass legislative oversight and limited resources that identify shortfalls (staffing) and are addressed both locally and at state level.
- Educate the county board and executives
- Continue to lobby for state to assume their responsibility for indigent counsel, guardians ad litem, and to stop passing unfunded mandates.

Chief Judges and District Court Administrators:

- We are at the point where financially we will begin not being able to do our jobs.
- We have to continue to build “rapport” or alliances with the legislators.
- Change public defender funding to alleviate financial pressure from clerk of courts budgets.

Planning and Policy Advisory Committee:

- Continue to work with partners and educate the public along with the legislature
- Evaluation/update legislative strategy to promote stable and adequate funding.

Circuit Court Commissioners:

- Costs need to be spread over state and with less burden on counties; more unified funding system.
- Continue educating the funding authorities that without money courts cannot achieve the desired outcomes. Staffing matters, level of competency etc. of judiciary also can relate to compensation etc.

State Bar Board of Governors:

- Recognition by the general public through an intense education that core court funding is essential to assure protection of individual rights.
- Courts need funding for staff to assist judges. Justice delayed is justice denied.

Court Funding Related Activities in Court System

Since the issuance of the Subcommittee on Court Financing Final Report, efforts have been made through the last three state biennial budgets (2005-07, 2007-09, and 2009-11) to strengthen court system funding. Requests included in the 2009-11 biennial budget included:

Court Interpreters

Additional monies and statutory language modification to increase the mileage rate for interpreters as well as State reimbursement for court interpreter mileage was requested and approved. Counties had usually reimbursed interpreters at a rate greater than what is currently in statute. This statutory provision has now been tied to the mileage rate set under the “Uniform travel schedule amounts; allowances...” set biennially by the Legislature’s Joint Committee on Employment Relations.

The circuit courts received authority to begin a two-year court interpreter pilot project in District 7. This pilot shifts the responsibility for scheduling, paying, and coordinating court interpreter services from each county to the district court administrator's office.

Standardized County Court Cost Reporting

The Supreme Court received a two-year extension to the two-year project position provided in 2007-2009 budget. 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. The position is responsible for reconciling what a county reports on its annual report with the county's corresponding financial accounting records

Circuit Court Financial Assistance Program

This is the same proposal that was submitted in 2007-09 biennium. It requested both a statutory change and an increase in funding to allow for the consolidation of the Circuit Court Support and Guardian ad Litem payment programs into one payment program called the Circuit Court Services Support Program. As a result of consolidation this new program would provide a more equitable formula for allocation of funds, would provide increased funding to counties for circuit court operations, and would provide a mechanism to ensure a continuing link between levels of activity and funding. This program was not included in the Governor's 2009-11 budget.

The Supreme Court budget request once again included a recommendation for adequate funding to support the district attorney and public defender offices' as well as a request to repair State Public Defender indigency standards.

II. Sentencing Reforms and Alternatives

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* have been identified as critical issues facing the courts. For this planning cycle the subcommittee has treated *Alcohol and Drug Related Offenses* and *Sentencing Reforms and Alternatives* as separate but related topics.

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.

Discussion

PPAC members, Chief Judges and District Court Administrators, and Judges identified sentencing reforms and alternatives as one of their top four priorities and fifty-one respondents placed this as their number one priority for the next biennium.

Each group provided similar suggestions, which can be summarized as follows:

- 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

A sampling of the stakeholder comments follows.

Judges:

- A wider variety of alternatives. Closer to home enforcement for nonviolent offenders with real job training and education.
- This is related to alcohol and drug related offenses. Many defendants have serious mental health issues. Treatment alternatives are needed but funding is required and funds are short.
- Disseminate information on most effective sentencing alternatives and accurately determine most effective alternatives.
- Inform the judiciary of evidence-based best practices.
- More options for sentencing of individuals with AODA and mental health issues.
- Require evidence-based information to be developed and disseminated on current sentencing alternatives.
- Multi-disciplinary training on evidence-based sentencing including DA, PD and DOC. Expansion of treatment courts with greater funding for them and associated services.
- We need to use effective justice techniques to focus the right methods of rehabilitation to individual defendants. AIM is a good start but funding treatment, rehab, and cognitive behavioral programs through both DOC and at the county jail level.
- Increase participation and adopt program response which by evidence is shown to be effective. Work on management of caseload. Develop analytical models to assist in management. Most attorneys, non judges have never been trained as managers.
- There should be better communication between DOC and the Courts as to what works.
- Treatment courts such as alcohol abuse courts, drug courts etc funding and training are the two major obstacles.
- Identify realistic alternatives and provide the funding for these alternatives.
- Restorative sentencing to give judge more control over offenders sentence so victims don't continue to be victim fed by boards arbitrarily reducing sentences.
- The judiciary needs more input in legislation addressing sentencing. There should be greater sharing of information regarding local programs as alternatives.
- Education on the cost of incarceration effect of cost of incarceration versus the costs of other approaches. Ex: more people in prison means less programming available.
- Tie these in with alcohol and drug related offenses and mental health issues. Jail diversion for participation in drug and/or mental health programs.
- Risk assessment before sentencing to prioritize who needs incarceration and who does not.
- Provide resources including technical assistance to aid circuit courts in implementing alternative sentencing practices (e.g. evidence based) and assist w/measuring effectiveness re: recidivism. Develop comprehensive, descriptive data re: criminal justice.

PPAC:

- Study and reporting are critical to evaluate effectiveness of specific approaches.

Chief Judges and District Court Administrators:

- Development of evidence-based practices and dissemination of information is as important. We also need greater collaboration between Department of Corrections and Courts on development of alternatives and analysis of “what works”.

Recent Court System Activities Related to Sentencing Reforms and Alternatives:

In 2004 PPAC created the Effective Justice Strategies Subcommittee (EJSS) as a successor to the Alternatives to Incarceration Subcommittee. In 2007, EJSS issued its Phase I Report. The report highlighted key accomplishments, one of which was the development of an online directory of information about problem solving courts, collaborating councils, and the AIM Pilot Project, with links to recommendations for Phase II of the subcommittee’s work.

Ongoing work in Phase II will focus on the following:

- Supporting the AIM pilot, counties, and commencing the analysis of feedback loop data.
- Developing and implementing a justice programs inventory database in coordination with the University of Wisconsin Law School and other justice system partners.
- Identifying evidence based programs (i.e. programs that “work”), with emphasis on those which address drug and alcohol dependency as per the 2005-2007 PPAC Critical Issues Plan.
- Assessing all sentencing-related programs, practices and outcome measures currently utilized by Wisconsin courts.
- Developing templates to replicate effective strategies and programs..
- Assessing circuit courts “needs and wants” with regard to sentence-related alternatives.
- Recommending educational and outreach strategies to promote best practices state-wide.

Grant Funds

In 2007, the Director of State Courts Office received funding from the Justice, Equality, Human Dignity, Tolerance (JEHT) Foundation to support the initiatives and recommendations of the EJS Subcommittee. Unfortunately, the JEHT Foundation fell victim to the Bernard Madoff ponzi scheme and closed its doors after only one-half of the original grant had been distributed. The Director’s Office has submitted a proposal to the State Justice Institute seeking replacement funds. Grant funding has been received from the Office of Justice Assistance through the American Recovery and Reinvestment Act to provide continued support for the AIM pilot project.

District Trainings on Evidence Based Practices

In the fall of 2009, each of the ten judicial districts offered a one-day multidisciplinary workshop entitled: *Stop the Revolving Door: Evidence-Based Responses to Drug and Alcohol Use*. The training was made possible by JEHT Foundation and Children's Court Improvement Program funding. Faculty members included Dr. Richard Brown of the University of Wisconsin Department of Family Medicine, an innovative teacher and expert on substance use and effective interventions; Judge Michael Rosborough of Vernon County; Judge Lisa Stark of Eau Claire County; Judge Mary Triggiano of Milwaukee County and Ms. Donna Muller, Wisconsin Department of Corrections Field Supervisor.

Attendees included judges, court commissioners, clerks of court, social workers, alcohol and other drug counselors, district attorneys, public defenders, and probation officers. Over 450 professionals participated in these ten trainings.

At the end of each day of training participants broke into county groups to develop action plans and discuss problem-solving strategies and opportunities on a local level. Participants were able to make connections with other agencies and justice system partners and enhance communication between professionals with similar goals.

The workshops enhanced the ability of attendees to:

- Describe the continuum of substance use, and the causes of substance use disorders.
- Assess the risk that a substance-abuser poses to children, families, and the community at large in terms of abuse, neglect, violence and other criminal behavior.
- Identify research-based treatment strategies and options, their possible advantages and disadvantages for various individuals, and their availability in the community.
- Apply research in targeting available criminal justice and treatment resources to optimize outcomes.
- Collaborate with justice system and community partners to provide evidence-based programs and services.
- Advocate for the expansion of evidence-based resources in the community.

Justice Reinvestment Initiative

In 2009 Wisconsin took part in the Justice Reinvestment Initiative through the Council of State Governments (CSG) Justice Center. Technical assistance was sought from CSG by the Governor, Chief Justice, and legislature to develop a statewide policy framework to reduce spending on corrections and invest in policy strategies to increase public safety. The Wisconsin Legislative Council created the Special Committee on Justice Reinvestment Initiative Oversight. Representatives of each branch of government as well as local policy and nonprofit leaders were selected to assist the CSG in their analysis of the criminal justice system and development of policy alternatives. Three court system representatives served on the committee: Circuit Judges Lisa Stark (Eau Claire County) and Maxine White (Milwaukee County), and Director of State Courts John Voelker.

Analysis included: (1) a detailed review of crime trends and the prison population; (2) identification of factors affecting the increase of the prison population; (3) an assessment of the availability of community supervision services and related data; (4) and development of effective measures to assess and evaluate the prison system. A key goal of the committee was to develop a policy framework of recommendations that would reduce spending on corrections and increase public safety; and to complete this work in time for inclusion in the 2009-2011 biennial budget.

Five policy options were developed and recommended by the committee:

1. Focus Supervision Resources
2. Reallocate Revocation Expenditures to Community-Based Strategies
3. Create a Sentencing Option to Reduce Risk Prior to Release from Prison
4. Set Recidivism Reduction Goal
5. Statewide Coordination and Evaluation

The committee concluded that dollars could be freed up to: (1) Invest in community-based mental health care for individuals on extended supervision; (2) Develop employment opportunities for individuals on extended supervision; and (3) expand community based alternatives to revocation. It was estimated that for every dollar invested in these types of alternatives eight dollars would be saved.

The committee's recommendations were included in the 2009-2011 biennial budget submitted to the Governor. Although not all of the recommendations survived the budget process, some are reflected in the final budget (2009Act 28) .

III. Alcohol and Drug Related Offenses

Alcohol and drug abuse continues to be an issue of widespread concern within the justice system. Substance abuse is not an issue confined to the criminal courts – it has become a pervasive issue in the family, juvenile, and civil courts. Our communities are often looking to the courts for answers and assistance in confronting this issue. Youth are starting to experiment with drugs and alcohol and at a younger age. The range and types of addictive drugs, including combinations of legal drugs with other substances, is broader and more commonplace. These are new challenges that the court system and the judiciary are not traditionally equipped to address.

Discussion

In prior planning cycles PPAC has identified alcohol and drug dependency as an issue that must be made a priority by the court system. The issue presented here – Alcohol and Drug Related Offenses – varies somewhat from that prior topic. The issue of alcohol and drug related offenses was considered the top priority by the judiciary and ranked in the top four for PPAC members, Chief Judges and District Court Administrators, Clerks of Court, Circuit Court Commissioners, and Family Court Commissioners. The comments received on this topic include the following:

Judges:

- Creative ways to address that are cost effective and evidence based including community resources, etc. More education resources so community members/general public understand the problem and what works.

- Problem of adequate treatment availability continues in rural counties. Consider advocating for greater resources for AODA programs statewide.
- Treatment courts.
- Continue providing conferences with information on these problems.
- We need a more structured system for dealing with drug and alcohol problem people. Drug courts are handling only a small percentage.
- Continue efforts on specialty courts. Convince legislature of how problem impacts courts.
- More intensive programming is not unfortunately readily available because of funding constraints.
- We need to convince the public and the legislature that we need to commit significant resources to treatment drug and alcohol offenses rather than throwing people in jail or prison.
- Too many inmates in prison and other confinement costing too much money. Treatment alternatives have to be improved. Look at other countries in how they deal with problems of drugs and alcohol.
- Alcohol and drug offenses maybe should be stronger if the punishment fits the crime we might not have repeaters.
- Alcohol and drug abuse is a substantial contributing and perhaps even causal factor in a majority of the crime in my court.
- Treatment courts and community monitoring programs. Interaction with other professionals. Education and expanded pharmacology.

Chief Judges and District Court Administrators:

- Find a way legislatively to change terms in prisons with more time in therapy.
- Promoting the use of best practices in treating individuals and monitoring compliance through the courts.

Clerks of Court

- Incorporate treatment options into sentences in lieu of jail time; based on intense assessment for both alcohol and other drug and mental health problems.
- Create more template programs to easily adopt into more counties.

Family Court Commissioners:

- Education and treatment regarding alcohol and drug offenses as opposed to more jail time
- Provide more alcohol and drug services. Do away with mandatory sentencing and leave to discretion of judges based on totality of circumstances
- Alcohol abuse underlies all kinds of cases in family and criminal court. Treatment options must be made more accessible.

Circuit Court Commissioners:

- Incorporate more treatment with incentives for compliance

Alcohol and Drug Related Offenses Activities in the Court System:

The Wisconsin court system has provided many judicial education opportunities for the judiciary and court staff on the science of addiction, and the treatment programs and approaches that have been implemented. The goal is to better equip the circuit courts with the knowledge and tools needed to effectively address substance abusers in the criminal justice system in order

to reduce recidivism, aid families in crisis, and to protect the public. Additionally several circuit courts are providing drug and alcohol programs to provide individuals with assistance. However these treatment programs are very resource intensive and continuing funding is frequently an issue, particularly when initial grant funding expires. Some of these programs and efforts are highlighted below.

Wingspread Conference

The Wisconsin Supreme Court, in collaboration with the Office of Judicial Education, Physicians and lawyer for National Drug Policy at Brown University, and The Johnson Foundation hosted a training program entitled “*The Need for Evidence-Based Practices to More Effectively Address Substance Abuse Problems in the Justice System*” in 2008. Attendees included the Committee of Chief Judges, other judges, court staff, and select individuals from state agencies and the medical field.

The purpose of the training was three fold:

1. To educate practitioners in the justice system about how to effectively handle substance abuse problems using evidence-based practices.
2. Encourage law and medicine professionals to collaborate more.
3. Develop short and long term goals to promote the use of evidence based practices statewide.

Following brief lectures, participants worked in small groups to evaluate case studies and apply the knowledge they had recently acquired. At the conclusion of the training, participants submitted suggestions for improvements that could benefit both the courts and the community including more training for health care professionals, increased funding for treatment, and better assessments for services in the criminal justice system. This training laid the foundation for the 2009 statewide district trainings on evidence-based practices.

District Trainings on Evidence Based Practices

In the fall of 2009, each of the ten judicial districts offered a one-day multidisciplinary workshop entitled: *Stop the Revolving Door: Evidence-Based Responses to Drug and Alcohol Use*. The training was made possible by JEHT Foundation and Children’s Court Improvement Program funding. Over 450 professionals including judges, court commissioners, clerks of court, social workers, alcohol and other drug counselors, district attorneys, public defenders, and probation officers attended these ten trainings.

The workshops enhanced the ability of attendees to:

- Describe the continuum of substance use, and the causes of substance use disorders.
- Assess the risk that a substance-abuser poses to children, families, and the community at large in terms of abuse, neglect, violence and other criminal behavior.
- Identify research-based treatment strategies and options, their possible advantages and disadvantages for various individuals, and their availability in the community.

- Apply research in targeting available criminal justice and treatment resources to optimize outcomes.
- Collaborate with justice system and community partners to provide evidence-based programs and services.
- Advocate for the expansion of evidence-based resources in the community.

Judicial Conference

Also in 2008, Dr. Robert Swift addressed the Judicial Conference on “*The Pharmacology of Drug Abuse: Promising Assessment and Treatment Strategies*”. Breakout sessions on drug and OWI courts were offered at both the 2007 and 2009 Judicial Conferences.

Effective Justice Strategies Subcommittee Activities

The Effective Justice Strategies Subcommittee’s Phase II work includes efforts on Alcohol and Drug Related Offenses including but not limited to:

- 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 used 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.

Treatment Alternatives and Diversion Program

The Wisconsin Treatment Alternatives and Diversion (TAD) grant program was established in 2005. 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. These grants provide counties with funding to develop alternatives to incarceration for non-violent drug and alcohol offenders. Six initiatives received funding for up to a three year period to develop and implement a TAD program: Dane, Milwaukee, Rock, Wood, and Washington Counties as well as a joint collaboration between Washburn and Burnett Counties and the St. Croix Tribe.

Problem-Solving Courts in Wisconsin

Currently more than 22 problem-solving courts exist in Wisconsin. Target populations of these programs vary and include those suffering from mental health issues, drug offenders, alcohol offenders, domestic violence offenders and most recently Rock County began a court focused upon veterans entering the criminal justice system. Problem-solving courts have been active in Wisconsin since the early 1990’s. This form of intervention can occur either before or after sentencing and includes a strong individualized treatment component for offenders. For

more information on these programs visit the Effective Justice Strategies page on the Wisconsin Court System website at <http://wicourts.gov/about/organization/programs/alternatives.htm>.

IV. Self-Represented Litigants

The Wisconsin court system implemented several initiatives to provide self-represented litigants access to justice and effectively manage internal resources. Initiatives include the development of statewide pro se forms, judicial education and training programs, a partnership with the public library system, as well as other resources on wicourts.gov. However, the number of self-represented litigants is rising and courts expect the trend to continue in the future years. Courts not only see litigants who choose to represent themselves for financial reasons but are beginning to see litigants who self represent for reasons other than financial. The increasing population of self-represented litigants places an added burden on judges, court staff, and court processes beyond those resources that currently exist.

Discussion

Self-represented litigants issues were a planning priority for the court system for the past three planning cycles (2004-06, 2006-08, 2008-10) and remain critical in 2010-2012. Each of the surveyed stakeholder groups chose this issue area to be a top priority of the court system. One hundred and four or 25% of respondents ranked self-represented litigants as their top issue.

Respondents provided diverse and detailed strategies for continuing work to address this system wide issue. Comments generally focused upon increasing human resources available to self-represented litigants, encouraging the development of more pro bono or legal clinic services, providing more training and education for the judiciary, clerk staff and litigants, and providing more materials for litigants. What follows is a snapshot of comments received from each stakeholder group.

Clerks of Court:

- Staff is overloaded with pro se litigants. We need some self help clinics or something similar to relieve the burden on staff
- Resource enhancements for pro se litigants. Webcast, interactive web-based tools etc. Streamline mandatory forms in a manner consistent with ease of use.
- Court could have a colloquy with party to determine if party is qualified to represent self without causing undue delay to court procedures.
- Self help work centers are needed. Even if limited to 2 or 3 centrally located within a district
- The pro se forms have caused significant impact on courts. If forms provided then there should be someone they can call to ask questions.

Circuit and Family Court Commissioners:

- We need help and direction on balancing the push to use more pro se forms in our system and encouraging more pro se use of the courts. With the structure and requirements that we not aid one side of a dispute more than the other. If we are going to give forms what else are we expected to do to help them truly represent themselves?
- Increased information to the public on the value of having a lawyer including television and radio ads.
- More and clearer information on websites for the general public.

- Need to provide more free legal clinics for pro se litigants.
- Get all of the players on the same page. Some offices are encouraging activities directly opposite other agencies.
- Raise divorce filing fees to allow a pool of funds that would be used to hire attorneys at reduced fees to walk the parties through the process
- Continue to make efforts to provide assistance to unrepresented but also help them afford the assistance many need. Train court staff and clarify for us what is procedural advice versus what is legal advice. Easier access to forms in courthouses for self-represented litigants.
- Improve pro se forms and instructions. Encourage greater self-responsibility for basic information. Do not continue to encourage culture of demand and dependence on court staff or other to obtain and fill in basic information.

State Bar Board of Governors:

- Get the Access to Justice Commission up and running.
- Better education of the public as to need for qualified representation. Expansion of modest means programs and better compensation of the public defender.

Judges:

- Broaden form instructions.
- Set guidelines
- Advocate with legislature for change in indigency requirements for public defender representation.
- More collaboration with private bar to assist pro se litigants.
- More pro se clinics.
- Work with state bar to educate public on benefits of having attorneys.
- Promote pro bono help centers. Continue to develop forms and information pamphlets. Train judges and commissioners to appropriately deal with pro se litigants.
- Encourage more efficient methods of alternate dispute resolution.
- Encourage systematic clinics to assist with regular hours and access. Continue to offer forms and information accessible to pro se litigants.
- Create rules and procedures for pro se litigants that sanctions dismissal for non-compliance.
- Mandatory mediation and balanced caseload in light of pro se litigants. CCAP form development to allow parties to stipulate to facts and ID issue in dispute.
- The emphasis on self-represented litigants and their inalienable rights and entitlements is a judges biggest challenge as it create and expectation that the court or their staff will “aid” and “assist” and hence invite concerns regarding ethical considerations and practicing law.
- Continue current efforts. There is great promise in the library initiatives. Increase librarian training. Public education of resources.
- Pro se self-help clinics. Also provide courthouse space for these programs. Referral list of attorneys who might work at a reduced or semi pro bono rate if there is a demonstrable financial hardship. Education the public of the risks of self-representation and the benefits of hiring an attorney.
- Give some sort of benefit to lawyers who take civil cases for indigent litigants. Encourage litigants to get lawyers.
- Improve pay for appointed counsel.

- We need a more uniform way of helping and dealing with self represented litigants. We need to determine to what extent and in what areas of the law the pro se are appearing.
- Encourage more partnership with public libraries more incentives to local bar associations to develop a formal pro bono assistance center. Permanent funding for civil legal services including right to counsel for issues that involve basic needs.
- Help pro se litigants. Forms. Training for court staff.
- Work with state bar. Pro bono or indigent attorney/lower rates/greater volume of the poor litigants.
- Increasing difficulty determining role of judge. Warnings. Time is huge factor. Paperwork is sloppy and inaccurate.
- Careful about expanding pro se access. Direct it to appropriate cases e.g. low income versus those who can afford an attorney and choose not to. Tailor pro se access with unbundled legal services.
- We have excellent forms available on the internet. CCAP public assess computers in the courthouse should give the public access to them. Also there are types of proceedings that should not be adversarial like divorce.
- Advocates. Someone to guide pro se litigants without giving legal advice.
- Prepare “how to” guide to assist counties to establish self help centers.
- Promote usage of standard forms. Adjust scheduling to allow extra time for pro se litigants.
- I find my self drafting orders, revision agreements, and doing the work litigants should be doing but lack the know how to do. While not onerously time consuming I am uncomfortable providing that service.
- Simplify handouts to give to litigants as soon as possible and someone to be able to answer procedural questions.
- Insure that judges are not required to become ad hoc advocates for one of both litigants. Cases particularly in family court. Obtain more assistance on pro bono legal services.

Registers in Probate:

- Continued mandatory training for court staff. Legal clinics offered by local bars to answer legal questions that court staff can't.
- Education for all court staff.
- Interactive probate forms for self-represented litigants that would assist them in completion of forms.
- More websites with links to resources that are uniform across the state. More model forms and stronger requirements for courts to use them.

Chief Judges and District Court Administrators:

- More services and service hours in the courthouses to help self-represented litigants

Self-Represented Litigant Related Activities in Court System:

Because this issue has been a priority for such an extended period of time, there are a number of ongoing court system activities that focus on *self-represented litigants*. Many of these activities are managed by the Statewide Pro Se Coordinator.

Additional Staff Support for *Pro Se* Efforts

An additional staff member in the Director's Office assists the State *Pro Se* Coordinator with the development and implementation of statewide strategies and programs.

Enhancing Self-Help Online Information Center

Work continues to plan and implement a series of improvements to the court's existing online resources for self-represented litigants.

Statewide *Pro Se* Forms

In March 2006, the Wisconsin courts launched a new self-help family court Web site . This interactive website guides 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. Additionally the site provides a basic guide to legal separation and divorce in Wisconsin. The guide was tailored for each of the state's 72 counties. In 2010, staff will work with CCAP to redesign this website.

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 incorporate instructions. In 2008, CCAP developed 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 enabled the forms program after the local clerk of courts tailored the directions that accompany the forms to reflect county-specific procedures. The committee also drafted a new Basic Guide to Wisconsin Small Claims Actions. This 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. Also in 2008 the Records Management Committee approved *pro se* name change forms and a Basic Steps to Name Change Guide. Like the *pro se* family law and small claims forms these forms are available both online and in hardcopy. Additional statewide *pro se* forms are being considered for development.

Judicial Education Initiatives

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 2007. The conference attendees adapted and developed model materials and began using them in 2008 judicial education and court commissioner programs in Wisconsin, including the April 2008 Family Law Seminar and the 2008 and 2009 court Commissioner Conferences. Additionally self-representation was the designated theme of the 2008 judicial college. Further judicial officer education programs are currently being developed for implementation in 2010.

Court Staff Education Initiatives

The Office of Judicial Education launched a series of *pro se* training sessions aimed at familiarizing court staff with SCR 70.41 Assistance to Court Users in the fall of 2008. These trainings seek to teach court staff how to present information about available *pro se* resources and about the differences between legal information and legal advice. Trainings have been conducted in the First, Ninth, and Tenth Districts.

The State Pro Se Coordinator in collaboration with the Ninth Judicial District released a new, interactive learning program on Courtnet in the fall of 2009. The program was developed for clerks of circuit court and their employees across Wisconsin. Entitled, *Walking the Line* the online course focuses on how to give appropriate assistance to self-represented litigants as required under SCR 70.61, Assistance to Court Users. It makes use of video vignettes that demonstrate right and wrong ways of handling common inquiries and employs multiple-choice quizzes that let the user track his or her progress. Pop-up boxes appear alongside the user's selected responses to explain why an answer was correct or incorrect. *Walking the Line* was primarily funded with federal grant money that was secured for *pro se* initiatives in the Ninth Judicial District.

Public Library Partnership Initiative

Led by the Tenth Judicial District, 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 project consists of two components. First the district hosts a day long training session aimed at informing public library staff about the various court-related services and information currently available to assist self-represented litigants. Training attendees include library personnel, district judges, clerks, registers in probate, and other regional or local *pro se* partners. The second component is a follow up to the training where local clerks and registers in probate meet with public library staff in their respective counties to foster relationships and provide further information related to available circuit court resources. The program has been replicated in the Second, Third, Fourth, Fifth, Seventh, and Ninth Judicial districts with the Sixth Judicial District's program scheduled for April 2010. This program is an outgrowth of the American Judicature Society Conference on Self-Representation where an eight member team from Wisconsin developed an action plan to provide assistance to self-represented litigants. The initiative was subject of a May/June 2008 feature article in *Public Libraries Magazine*, the official journal of the Public Library Association, the Wisconsin Public Library Initiative has been held up as a national model at the 2008 national Equal Justice Conference and will be highlighted at the January 2010 Training on Public Libraries and Access to Justice in Austin, Texas.

Community Resource Centers

The Ninth Judicial District, with the use of federal grant funding, has developed a Community Resource Center in each of its 13 county courthouses. A Community Resource Center is a literature display that contains self-help brochures, sample forms, legal assistance referral sources, and other information self-represented litigants find helpful as they navigate the legal system.

Improvement of Data Collection on *Pro Se* Litigants in CCAP

CCAP has completed its development of a new methodology for more accurately collecting statistics on self-represented litigants. In 2010, 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.

Other District Activities

Both the Ninth and Ten Districts have district-wide self-represented litigant committees in place. The Tenth District committee is currently working on a collaborative partnership with the State Bar and Wisconsin Judicature to develop a pilot program based on a model from the Legal Services Corporation of Northern Michigan and modified by the Legal Services Corporation of Northern Minnesota. In this program, a web-based interface will be used to link self-represented litigants with attorneys seeking to do *pro bono* work and with court staff.

OTHER ISSUES OF IMPORTANCE

The eight remaining issue areas that were included on the survey are worthy of discussion and consideration in moving forward. While they were not ranked as one of the four priority issues facing the Wisconsin court system, they are and will continue to be areas that impact the business of the courts. What follows is a brief description of each issue and related court system activities.

Technological Advances, Privacy and Access to Court Records

In the past two critical issue plans, technology was considered an overarching issue that was encompassed within each of the four priority issues. Technology remains an essential, integrated and integral part of the court system and its operations. The improvement of information technology raises complex issues such as privacy, document certification, standards, and system interoperability. Technological advances have created a new set of privacy and confidentiality issues in regards to information exchange and data sharing which may involve interagency collaboration. Where is the balancing point between the Freedom of Information Act and the Individual Right to Privacy? Should there be limitations to what can be accessed electronically versus what is made available for search at the courthouse? These issues will continue to exist. The ongoing growth and development of Wisconsin Circuit Court Access (WCCA) as well as requests placed on Consolidated Court Automation Programs (CCAP) will require continued development of procedures as the courts move to a paperless system.

Internally CCAP has two initiatives that address the increasing sophistication of technology and shift towards a paperless court system, eFiling and eSignatures. eFiling allows for electronic filing of certain case types by both attorneys and litigants and is currently available in nine counties. eSignatures is authorized by SCR 70.42 that allows each court official with the ability to electronically sign documents. This applies to most CCAP generated forms. Efficiencies generated by these initiatives include a reduction in staff time to track and maintain paper files and their contents, a reduction in the physical space required to store these files, as well as a reduction in the amount of time litigants and attorneys physically need to spend at the courthouse filing and seeking court case documents.

Cultural Diversity and the Courts

The number of individuals with limited English proficiency accessing the courts continues to increase. Consequently the needs of those litigants are also increasing. The courts are being challenged to provide culturally competent and effective services to individuals who represent a greater variety of languages than in the past. It's necessary for the courts to adapt in order to effectively provide equal access to justice. The Court Interpreter Certification Program

continues to render services that provide equal access to non-English speaking litigants by providing programs for interpreter orientation, certification, and ethics.

Judicial Independence and Selection

Judicial independence and selection was a critical issue in the previous planning cycle and remains a key challenge facing the court system. The role of the judge is to render independent, fair and impartial decisions that are free of political influence, political pressure, or intimidation. Recent activities by third-party groups challenge judicial independence and are becoming more active and negative in their election activities. Also increasing is the call for strengthening the code of judicial conduct and judicial election campaign reforms such as the public funding of supreme court elections.

In December of 2007 members of the Supreme Court signed and issued a letter supporting meaningful public financing for Supreme Court elections. Additionally two supreme court rule petitions are currently being considered by the court, Petition 08-16 and Petition 08-25. Both petitions seek to amend the Code of Judicial Conduct's rules on recusal and are currently awaiting court action. Governor Doyle signed the Impartial Justice Bill (2009 Act 89) in December 2009 providing public financing for Supreme Court candidates.

Emergency Preparedness

Disruption of court operations can result from natural events such as floods or fires, or manmade events such as terrorism. The Wisconsin court system encourages the development of disaster plans that address how essential functions will continue, how records and facilities will be protected and who is responsible for decision-making. In prior years this issue area had been appropriately merged with courthouse security. However this year it was kept a stand alone issue to better gauge its importance to stakeholders. The PPAC Court Security Subcommittee is a statewide policy committee charged with reviewing and making recommendations to SCR 70.39 Court Facilities and Security. Subcommittee work is nearing completion and recommendations will be submitted to PPAC for consideration within the coming year.

Mental Health

The number of litigants with mental health issues in the criminal justice system has been steadily increasing. Alternatively the court system has been exploring and implementing court-based interventions and problem-solving initiatives in efforts to be more effective when working with this population. Mental illness as an issue overlaps with *alcohol and drug offenses* as well as *sentencing reforms and alternatives* and *veterans*.

The Chief Justice will be convening a one day summit in March 2010 as part of the Chief Justice Mental Health initiative sponsored by the Council of State Governments Justice Center. A steering committee is working to name a larger task force that will be responsible for focusing upon strategies that can be implemented to improve how the criminal justice system responds to individuals with mental health issues.

Aging Population of Court Users

The aging of the baby boomer generation will have a significant impact on the courts. New collaborative strategies for responding to this population to address the issues of guardianship, caretaking, elder abuse and neglect, and others including self-represented litigant

tools will need to be explored. In addition to these strategies court system processes and tools may need to be developed in order to accommodate the needs and expanding caseloads of this population.

Measuring Court Performance

Courts principal measures of success are quality, fairness, and liberty. These are hard to measure especially with a broad range of stakeholders. The increasing trend toward a transparent court system is forcing the courts to be more accountable and efficient. Courts must establish goals, measure progress, and performance of management systems not only to be able to communicate the effectiveness to external constituents which could include the public, legislators, the internal court system, and grant funders but also to be able to efficiently manage court resources.

In 2008 the Chief Judges reconvened a Case Processing Time Standards Subcommittee to review the case processing standards that were adopted in 2005. The subcommittee's final report and recommendations were issued in summer of 2009. Recommendations include identifying ambitious but attainable processing goals for each case type, working with CCAP to develop reports that allow for the monthly monitoring of goals, and reviewing case processing goals every four years.

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

Fiscal Years 2010 - 2012

**Stakeholder Summaries
June 2010**

CRITICAL ISSUES: PLANNING PRIORITIES FOR THE WISCONSIN COURT SYSTEM
2010 - 2012

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Summary of Information Gathered from the Wisconsin State Bar Board of Governors

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 this information in the development of budget recommendations and setting of priorities. This fact sheet provides a summary of the key issues identified as requiring high priority for the court system by the Wisconsin State Bar Board of Governors for the 2010-2012 biennium.

- Top Court System Priorities as Adopted by PPAC:
1. Court System Funding
 2. Self-Represented Litigants
 3. Alcohol and Drug Related Offenses
 4. Sentencing Reforms and Alternatives

- Top Court System Priorities as Ranked by the Board of Governors:
1. Judicial Independence and Selection
 2. Court System Funding
 3. Self-Represented Litigants
 4. Technological Advances, Privacy, and Access to Court Records

In the fall of 2009, members of the Planning and Policy Advisory Committee solicited your input for the development of the *Critical Issues Report*. Twenty-six (26) responses were collected. Ten (10) or 38% of the board considered *judicial independence and selection* the number one priority facing the court system in the next biennium. Five (5) or 19% of the board considered *self-represented litigants* the number one priority.

Based upon the collected responses, the twelve topics could easily be placed into four priority groups:

First Tier Priority:	Judicial Independence and Selection
Second Tier Priority:	Court System Funding Self-Represented Litigants Technological Advances, Privacy, and Access to Court Records
Third Tier Priority:	Sentencing Reforms and Alternatives Measuring Court Performance Alcohol and Drug Related Offenses Mental Health
Fourth Tier Priority:	Veterans Aging Population of Court Users Emergency Management Cultural Diversity



Summary of Information Gathered from Wisconsin Circuit Court Commissioners

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 this information in the development of budget recommendations and setting of priorities. This fact sheet provides a summary of the key issues identified as requiring high priority for the court system by the Wisconsin Circuit Court Commissioners for the 2010-2012 biennium.

Top Court System Priorities as Adopted by PPAC:

1. Court System Funding
2. Self-Represented Litigants
3. Alcohol and Drug Related Offenses
4. Sentencing Reforms and Alternatives

Top Court System Priorities as Ranked by Circuit Court Commissioners:

1. Court System Funding
2. Self-Represented Litigants
3. Alcohol and Drug Related Offenses
4. Mental Health

In the fall of 2009, members of the Planning and Policy Advisory Committee solicited your input for the development of the *Critical Issues Report*. Twenty-six (26) responses were collected. Ten (10) or 38% of commissioners considered *court system funding* the number one priority facing the court system in the next biennium. Seven (7) or 27% of the commissioners ranked *self-represented litigants* the number one priority.

Based upon the collected responses, the twelve topics could easily be placed into four priority groups:

First Tier Priority:	Court System Funding Self-Represented Litigants Alcohol and Drug Related Offenses
Second Tier Priority:	Mental Health Sentencing Reforms and Alternatives
Third Tier Priority:	Judicial Independence Technological Advances, Privacy and Access to Court Records Cultural Diversity
Fourth Tier Priority:	Aging Population of Court Users Veterans Measuring Court Performance Emergency Preparedness



Summary of Information Collected on Court System Funding

Categories of suggestions for future work:

- More unified system of funding that eliminates reliance upon county funding; and
- Seek a balance between taxes and services.

Summary of Information Collected on Self-Represented Litigants

Categories of suggestions for future work:

- Develop more procedures and processes for working with self-represented litigants; and
- Provide additional tools with clear information for use with self-represented litigants.

Summary of Information Collected on Alcohol and Drug Related Offenses

Categories of suggestions for future work:

- Increase funding for services that address drug and alcohol issues; and
- Incorporate sanctions and incentives into more alternatives to incarceration.

Summary of Information Collected on Mental Health

Categories of suggestions for future work:

- Expand access to treatment resources; and
- Work to understand mental illness better through education.



Summary of Information Gathered from Chief Judges and District Court Administrators

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 this information in the development of budget recommendations and setting of priorities. This fact sheet provides a summary of the key issues identified as requiring high priority for the court system by the Committee of Chief Judges and District Court Administrators for the 2010-2012 biennium.

- Top Court System Priorities as Adopted by PPAC:
1. Court System Funding
 2. Self-Represented Litigants
 3. Alcohol and Drug Related Offenses
 4. Sentencing Reforms and Alternatives

- Top Court System Priorities as Ranked by Chief Judges and District Court Administrators:
1. Court System Funding
 2. Alcohol and Drug Related Offenses
 3. Sentencing Reforms and Alternatives
 4. Self-Represented Litigants

In the fall of 2009, members of the Planning and Policy Advisory Committee solicited your input for the development of the *Critical Issues Report*. Eighteen (18) responses were collected. Respondents did not identify which group they represented therefore we are unable to differentiate between Chief Judges and District Court Administrators priorities. Forty-four percent (8) individuals considered *court system funding* the number one priority facing the court system in the next biennium. Three (3) people or 15% of the Chief Judges and District Court Administrators considered *alcohol and drug related offenses* or *self-represented litigants* the top priority.

Based upon the collected responses, the twelve topics could easily be placed into three priority groups:

First Tier Priority:	Court System Funding Alcohol and Drug Related Offenses Sentencing Reforms and Alternatives Self-Represented Litigants
Second Tier Priority:	Mental Health Judicial Independence and Selection Measuring Court Performance Technological Advances, Privacy, Access to Court Records
Third Tier Priority:	Emergency Preparedness Cultural Diversity Veterans Aging Population of Court Users



Summary of Information Collected on Court System Funding

Categories of suggestions for future work:

- Work toward the state taking over county funded components of the court system; and
- Begin to collaborate more with the legislature to educate and develop rapport.

Summary of Information Collected on Alcohol and Drug Related Offenses

Categories of suggestions for future work:

- Continue to promote evidence-based practices; and
- Continue the development, expansion and access to treatment resources within the justice system.

Summary of Information Collected on Sentencing Reforms and Alternatives

Categories of suggestions for future work:

- Continue discussions about prison and jail alternatives; and
- Promote the use of assessments and treatment alternatives within the criminal justice system.

Summary of Information Collected on Self-Represented Litigants

Categories of suggestions for future work:

- Need more services and more services available in courthouses.

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Summary of Information Gathered from Wisconsin Clerks of Circuit Court

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 this information in the development of budget recommendations and setting of priorities. This fact sheet provides a summary of the key issues identified as requiring high priority for the court system by the Wisconsin Clerks of Circuit Court for the 2010-2012 biennium.

Top Court System Priorities as
 Adopted by PPAC:

1. Court System Funding
2. Self-Represented Litigants
3. Alcohol and Drug Related Offenses
4. Sentencing Reforms and Alternatives

Top Court System Priorities as Ranked
 by Clerks of Court:

1. Court System Funding
2. Self-Represented Litigants
3. Alcohol and Drug Related Offenses
4. Technological Advances, Privacy, and Access to Court Records

In the fall of 2009, members of the Planning and Policy Advisory Committee solicited your input for the development of the *Critical Issues Report*. Fifty-one (51) responses were collected. Thirty-two (32) or 63% of clerks considered *court system funding* the number one priority facing the court system in the next biennium. Eleven (11) or 22% of clerks ranked *self-represented litigants* the number one priority.

Based upon the collected responses, the twelve topics could easily be placed into four priority groups:

First Tier Priority:	Court System Funding Self-Represented Litigants
Second Tier Priority:	Alcohol and Drug Related Offenses Technological Advances, Privacy, and Access to Court Records Sentencing Reforms and Alternatives
Third Tier Priority:	Cultural Diversity Mental Health Measuring Court Performance Emergency Preparedness Judicial Independence and Selection
Fourth Tier Priority:	Veterans Aging Population of Court users



Summary of Information Collected on Court System Funding

Categories of suggestions for future work:

- Continuing work on uniform chart of accounts to identify and track court expenditures;
- Increasing funding for counties;
- Increasing county retained fees and surcharges; and
- Increasing the number of expenses eligible for reimbursement to counties.

Summary of Information Collected on Self-Represented Litigants

Categories of suggestions for future work:

- Increase the number of pro bono services, self help centers, and legal clinics to help litigants;
- Increase the number of resources available for self-represented litigants; and
- Continue efforts to assist the courts and court staff with the complex needs of this population.

Summary of Information Collected on Alcohol and Drug Related Offenses

Categories of suggestions for future work:

- More drug and alcohol courts and assistance with the development of such programs; and
- Address the lack of available treatment resources and treatment options;

Summary of Information Collected on Technological Advances, Privacy, and Access to Court Records

Categories of suggestions for future work:

- Protect the integrity of court records;
- Assistance with the challenge of keeping up with constantly changing technology; and
- Balancing the openness of the court record with the method to which the public has access to it.



Summary of Information Gathered from Wisconsin Family Court Commissioners

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 this information in the development of budget recommendations and setting of priorities. This fact sheet provides a summary of the key issues identified as requiring high priority for the court system by the Wisconsin Family Court Commissioners for the 2010-2012 biennium.

Top Court System Priorities as Adopted by PPAC:

1. Court System Funding
2. Self-Represented Litigants
3. Alcohol and Drug Related Offenses
4. Sentencing Reforms and Alternatives

Top Court System Priorities as Ranked by Family Court Commissioners:

1. Self-Represented Litigants
2. Court System Funding
3. Alcohol and Drug Related Offenses
4. Technological Advances, Privacy, and Access to Court Records

In the fall of 2009, members of the Planning and Policy Advisory Committee solicited your input for the development of the *Critical Issues Report*. Forty-three (43) responses were collected. Twenty-one (21) or 49% of family court commissioners considered *self-represented litigants* the number one priority facing the court system in the next biennium. Thirteen (13) or 30% of family court commissioners ranked *court system funding* the number one priority.

Based upon the collected responses, the twelve topics could easily be placed into three priority groups:

- | | |
|-----------------------|--|
| First Tier Priority: | Self-Represented Litigants
Court System Funding |
| Second Tier Priority: | Alcohol and Drug Related Offenses
Technological Advances, Privacy, and Access to Court Records
Judicial Independence and Selection
Mental Health
Sentencing Reforms and Alternatives |
| Third Tier Priority: | Cultural Diversity
Aging Population of Court Users
Measuring Court Performance
Veterans
Emergency Preparedness |



Summary of Information Collected on Self-Represented Litigants

Categories of suggestions for future work:

- Improving pro se forms and instructions. Many are still too complicated for litigants;
- Increasing funding and availability of self-help clinics and services; and
- Providing court staff with additional training, structure, and procedures for assisting litigants.

Summary of Information Collected on Court System Funding

Categories of suggestions for future work:

- Increasing filing fees; and
- Education about the effects inadequate funding has upon the court system.

Summary of Information Collected on Alcohol and Drug Related Offenses

Categories of suggestions for future work:

- Increasing the use of alcohol and drug courts; and
- Increasing accessibility to treatment options.

Summary of Information Collected on Technological Advances, Privacy, and Access to Court Records

Categories of suggestions for future work:

- Access to court records (both maintaining current access and limiting future access).



Summary of Information Gathered from the Wisconsin Judicial Conference

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 this information in the development of budget recommendations and setting of priorities. This fact sheet provides a summary of the key issues identified as requiring high priority for the court system by the Wisconsin Judicial Conference for the 2010-2012 biennium.

Top Court System Priorities as Adopted by PPAC:

1. Court System Funding
2. Self-Represented Litigants
3. Alcohol and Drug Related Offenses
4. Sentencing Reforms and Alternatives

Top Court System Priorities as Ranked by the Judicial Conference:

1. Alcohol and Drug Related Offenses
2. Sentencing Reforms and Alternatives
3. Self-Represented Litigants
4. Court System Funding

At the 2009 Judicial Conference, members of the Planning and Policy Advisory Committee solicited your input for the development of the *Critical Issues Report*. One hundred ninety-five (195) responses were collected. Twenty-two percent of respondents ranked either *self-represented litigants* or *court system funding* the number one priority facing the court system in the next biennium.

Based upon the collected responses, the twelve topics could easily be divided into four priority groups:

First Tier Priority:	Alcohol and Drug Related Offenses Sentencing Reforms and Alternatives Self-Represented Litigants
Second Tier Priority:	Court System Funding Judicial Independence and Selection
Third Tier Priority:	Mental Health Technology Advances, Privacy, Access to Court Records
Fourth Tier Priority:	Cultural Diversity Veterans Measuring Court Performance Aging Population of Court Users Emergency Preparedness



Summary of Information Collected on Alcohol and Drug Related Offenses

Categories of suggestions for future work:

- Development of ways to address cost efficiencies and evidence based community resources;
- Development of a structured system to address drug and alcohol problems for those in the court system;
- Educate the public and legislature about the cost-benefit of investing in treatment resources versus spending on incarceration;
- Create and/or support more evidence based programming; and
- Expansion of drug and alcohol treatment courts.

Summary of Information Collected on Sentencing Reforms and Alternatives

Categories of suggestions for future work:

- Increase funding for alternatives to incarceration;
- Investigate and implement additional sentencing options for use by the judiciary;
- Additional training on evidence-based practice and evidence-based programming; and
- Educate the public and legislature about the real costs of incarceration.

Summary of Information Collected on Self-Represented Litigants

Categories of suggestions for future work:

- Increase the number of pro-se clinics and self-help centers;
- Encourage more pro bono programming; and
- Develop more guidelines and tools for helping self-represented litigants.

Summary of Information Collected on Court System Funding

Categories of suggestions for future work:

- Encouraging a shift to single source state funding for the court system;
- Decreasing reliance upon fees and surcharges to fund the courts;
- Advocate for a budget and salaries similar to those of other states; and
- Advocate for the courts to be recognized as a co-equal branch of government.



Summary of Information Gathered from the Planning and Policy Advisory Committee

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 this information in the development of budget recommendations and setting of priorities. This fact sheet provides a summary of the key issues identified as requiring high priority for the court system by PPAC members for the 2010-2012 biennium.

- Top Court System Priorities as Adopted by PPAC:
1. Court System Funding
 2. Self-Represented Litigants
 3. Alcohol and Drug Related Offenses
 4. Sentencing Reforms and Alternatives

- Top Court System Priorities as Ranked by PPAC:
1. Court System Funding
 2. Self-Represented Litigants
 3. Sentencing Reforms and Alternatives
 4. Alcohol and Drug Related Offenses

In the fall of 2009, members of the PPAC Planning Subcommittee solicited your input for the development of the *Critical Issues Report*. Nineteen (19) responses were collected. Eight (8) or 42% of PPAC members considered *court system funding* the number one priority facing the court system in the next biennium. Seven (7) or 37% of members ranked *sentencing reforms and alternatives* the number one priority.

Based upon the collected responses, the twelve topics could easily be placed into three priority groups:

- | | |
|-----------------------|--|
| First Tier Priority: | Court System Funding
Self-Represented Litigants
Sentencing Reforms and Alternatives
Alcohol and Drug Related Offenses |
| Second Tier Priority: | Mental Health
Technological Advances, Privacy, and Access to Court Records
Judicial Independence and Selection |
| Third Tier Priority: | Measuring Court Performance
Veterans
Cultural Diversity
Aging Population of Court Users
Emergency Preparedness |



Summary of Information Gathered from Wisconsin Registers in Probate

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 this information in the development of budget recommendations and setting of priorities. This fact sheet provides a summary of the key issues identified as requiring high priority for the court system by the Wisconsin Registers in Probate for the 2010-2012 biennium.

Top Court System Priorities as Adopted by PPAC:

1. Court System Funding
2. Self-Represented Litigants
3. Alcohol and Drug Related Offenses
4. Sentencing Reforms and Alternatives

Top Court System Priorities as Ranked by Registers in Probate:

1. Court System Funding
2. Self-Represented Litigants
3. Aging Population of Court Users
4. Technological Advances, Privacy, and Access to Court Records

In the fall of 2009, members of the Planning and Policy Advisory Committee solicited your input for the development of the *Critical Issues Report*. Forty-four (44) responses were collected. Sixteen (16) or 36% of registers considered *court system funding* the number one priority facing the court system in the next biennium. Fourteen (14) or 32% of registers ranked *self-represented litigants* the number one priority.

Based upon the collected responses, the twelve topics could easily be placed into four priority groups:

First Tier Priority:	Court System Funding Self-Represented Litigants
Second Tier Priority:	Aging Population of Court Users Technological Advances, Privacy, and Access to Court Records Mental Health
Third Tier Priority:	Alcohol and Drug Related Offenses
Fourth Tier Priority:	Sentencing Reforms and Alternatives Cultural Diversity Veterans Emergency Preparedness Judicial Independence and Selection Measuring Court Performance

Summary of Information Collected on Court System Funding

Categories of suggestions for future work:

- Review of fee structure and collection rates;
- Many mandated statutes and services are difficult to implement due to lack of resources including staff and training; and
- Increase filing fees to increase county revenues.

Summary of Information Collected on Self-Represented Litigants

Categories of suggestions for future work:

- Need more training and education opportunities for staff to work with pro-se litigants;
- Development of better tools for working with pro-se litigants; and
- Encourage more bro bono clinics and development of other services by the legal community.

Summary of Information Collected on Aging Population of Court Users

Categories of suggestions for future work:

- Development of more pro-se resources to provide the older population information about probate, guardianship, etc; and
- Courts should be proactive in planning and addressing the needs of this population.

Summary of Information Collected on Technological Advances, Privacy, and Access to Court Records

Categories of suggestions for future work:

- Increasing the amount of training available for newly implemented technology; and
- Protecting the confidentiality of court records.