

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

Fiscal Years 2012-2014

Final Report

Submitted to the Wisconsin Supreme Court by the
Planning and Policy Advisory Committee
November 2012

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Planning Priorities for the Wisconsin Court System
Fiscal Years 2012-2014

PPAC PLANNING SUBCOMMITTEE MEMBERSHIP 2011 - 2013	3
EXECUTIVE SUMMARY	4
PPAC PLANNING BACKGROUND	5
REPORT METHODOLOGY	6
CRITICAL ISSUES AND PLANNING PRIORITIES	
I. Court System Funding	7
II. Evidence-Based Practices	9
III. Access to Justice.....	15
IV. Public Confidence	17
OTHER ISSUES OF IMPORTANCE	18

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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 biennial *Critical Issues Report* to identify key issues affecting the court system and set priorities for the court system to focus on during the biennium. The supreme court and director of state courts use the information to develop budget recommendations, priorities, and other initiatives.

This report includes recommended action steps that the PPAC planning subcommittee recommends PPAC consider when determining how to address each critical issue. It also identifies activities and initiatives already in progress that address priorities identified both in this report and prior reports. PPAC is responsible for developing an action plan and monitoring the progress of each critical issue.

Critical Issues and Priorities:

PPAC recommends that the supreme court and director of state courts give the following critical issues and actions top priority in the 2012-2014 biennium:

Critical Issue: Court System Funding

Actions:

- I. PPAC should reconvene a PPAC subcommittee on court funding to study such issues including but not limited to:
 - Coordinating with the chief judges subcommittee on budgetary planning.
 - Analyzing county audit information.
 - Determining how changes in court fees and surcharges have impacted other funding sources and/or court operations.
 - Analyzing the list of unfunded court system needs as suggested by survey respondents.
- II. PPAC should identify effective strategies to improve communication with the other two branches of government.

Critical Issue: Evidence-Based Practices

Actions:

- I. The PPAC Effective Justice Strategies Subcommittee should disseminate the inventory of offender service programs available to the court that was contained in the “Enhancing Public Safety: Effective Justice Strategies in Wisconsin” report, and update the inventory annually.
- II. The Director of State Courts Office should provide technical assistance and continued training for judges on evidence-based practices.

- III. PPAC and the PPAC Effective Justice Strategies Subcommittee should collaborate with the Office of Judicial Education to train the judiciary, staff, and system partners on applying evidence-based practices in criminal, juvenile, children, and family court cases.

Critical Issue: Access to Justice

Actions:

- I. PPAC should collaborate with the Wisconsin State Law Library to build on the public library partnership initiative.
- II. PPAC should document and evaluate county-level programming for self-represented litigants.
- III. PPAC should collaborate with the Wisconsin Judicial Council to explore simplifying and streamlining civil practice and procedure.

Critical Issue: Public Confidence

Actions:

- I. PPAC should publicize existing outreach programs and provide all judges and justices with accessible, up-to-date information on outreach programs.
- II. PPAC should increase the reach and effectiveness of outreach programs with court-system partners.
- III. PPAC should conduct a statewide survey that measures public knowledge and perceptions of the court system.

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 the judicial system's planner and policy advisor.¹ PPAC developed the first court system strategic plan in 1994, entitled *Framework for Action*.

PPAC has since met annually to review and update the original plan. In order to strengthen the committee's overall planning function, PPAC established a planning subcommittee and in February, 2001, the subcommittee held its first meeting. The subcommittee is composed of eleven members, plus three ex-officio members.

Beginning in 2002, the planning subcommittee has issued the *Critical Issues* report every other year. PPAC and the director of state courts have responded to the report's recommendations in a variety of ways, including creating subject matter subcommittees, adjusting staff workload, and developing internal operating procedures.

¹ Supreme Court Rule 70.14

REPORT METHODOLOGY

The planning process for the 2012-2014 biennium began by reviewing issues confronting courts, as reported by the National Center for State Courts, the Conference of Chief Justices, the Conference of State Court Administrators, and reviewing popular press and trade journals. An electronic survey was used to collect information from internal and external stakeholders. The survey was distributed to court of appeals judges, chief judges, circuit court judges, circuit court commissioners, clerks of court, registers in probate, juvenile court clerks, district court administrators, PPAC members, legislators, elected county officials, district attorneys, public defenders, and the department of corrections.

The survey included a broad range of topics. First, respondents were asked to consider the court system's mission statement and rate each topic from 1 (not important) to 5 (very important). Second, from a provided list, respondents were asked to identify the top five topics they considered most important to the court system. Judicial respondents were asked additional questions that sought feedback on how the supreme court and director of state courts office collect input on court system initiatives, and how they provide opportunities to participate in and solicit feedback on initiatives. More than 300 survey responses were received. The planning subcommittee reviewed the survey results, which were included in the PPAC plenary session at the November, 2011, judicial conference.

Following the 2011 judicial conference, in spring, 2012, the four critical issues were finalized. The planning subcommittee then solicited ideas from circuit court judges as to how the court system could address each critical issue. At their district judges meetings or by email, judges were asked what they would like to see done to advance each critical issue, regardless of cost or feasibility of implementation.

In researching how to address the critical issues, four broad themes emerged: budget constraints, technology, outreach and education, and collaboration. With regard to budget constraints, PPAC recognizes that courts struggle to obtain enough resources to meet existing goals. PPAC's recommendations acknowledge that basic operations cannot be neglected in favor of new initiatives and that changes depending on increased funding require strong justification.

PPAC also recognizes the critical role that technology plays in fulfilling the court's mission and addressing critical issues. Technology is an essential and critical component in operating the court system. Technology will be used to assist in implementing and measuring the court system's planning priorities.

Like technology, outreach and education are also essential in addressing the critical issues. Public outreach and education cultivates a better understanding of the challenges court system users face and can help create a constituency that supports initiatives. Internal outreach and education can also be improved. The planning subcommittee has already begun working on this by reaching out to court system stakeholders in determining the priorities established in this report. However, it is clear more internal outreach and education is necessary, as throughout this process many court system stakeholders were unaware of existing initiatives that addressed their concerns.

Finally, success in reaching these objectives depends on collaborating with justice system partners, lawyers, state and local government agencies, social service providers, and others. Building working relationships with collaborators is crucial to carrying out recommended initiatives.

CRITICAL ISSUES AND PLANNING PRIORITIES OF THE WISCONSIN COURT SYSTEM

PPAC recommends the supreme court and director of state courts office focus on four critical issues over the next biennium.

I. Court System Funding

The Wisconsin Court System is funded through the collaborative efforts of state and county government. The state funds circuit court judge and court reporter salaries and travel costs, judicial education, circuit court automation, and provides technical assistance and support through the director of state courts office. The state also supplements county budgets through the circuit court support payment and the guardian ad litem payment programs, and partially reimburses county court interpreter costs.

In recent years the court system encountered new fiscal challenges as both the state and counties reduced court funding. In fiscal years 2010 and 2011, the state payment programs were decreased statewide by 1%. Beginning in fiscal year 2012, these payment programs will be reduced by an additional 10% every year for the next four years. There is a difference of opinion amongst judges as to the court's authority and role in county budget decisions. There are also differing opinions as to whether a centralized state funding structure or the existing shared responsibility structure is the best model for the court system. The only point on which there is agreement is that circuit courts are not being provided sufficient resources to adequately perform their functions.

In 2002, the PPAC court financing subcommittee, an interdisciplinary group of state and local officials, was created to examine court financing options and evaluate the strengths and weaknesses of financial models used in other states for possible implementation in Wisconsin. The subcommittee concluded that Wisconsin's trial court system should 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. 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.

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 by PPAC, court funding was ranked as the top priority by judges (appellate court judges, chief judges, and circuit court judges), district court administrators, clerks of court, and circuit court commissioners.

In addition to asking respondents to identify their top strategic priorities, the survey asked them to consider the importance of each topic in relation to the court system's mission statement. Court system funding was ranked the second most important area.

The planning subcommittee recommends PPAC engage in the following action steps to continue advancing court system funding:

- Reconvene a PPAC subcommittee on court funding to:
 - Coordinate with the chief judges subcommittee on budgetary planning.
 - Analyze county audit information.
 - Determine how changes in court fees and surcharges have impacted other funding sources and/or court operations.
 - Analyze the list of unfunded court system needs as suggested by survey respondents.

- Identify effective strategies for improving communication with the other two branches of government

Court Funding Related Activities in the Court System

Since the PPAC subcommittee on court financing final report was issued, efforts have been made through the last four state biennial budgets (2005-07, 2007-09, 2009-11 and 2011-13) to strengthen court system funding. Budget requests submitted to the governor and legislature for the 2011-13 biennial budget included:

Circuit Court Financial Assistance Program

For the 2011-2013 biennial budget, similar to the previous two biennial budgets, the court asked for a statutory change to consolidate the current county financial assistance programs, the circuit court support payment and guardian ad litem payment programs, into one payment program called the circuit court financial support program. Additional funding was also requested to assure that no county lost funding as a result of formula changes under the proposed program. The proposal suggested a more equitable formula for allocating funds to provide increased funding to counties for their circuit court operations and reduce the property tax burden, thereby ensuring a continuing link between levels of circuit court activity and funding. The request was not included in the governor's biennial budget bill.

Conversion of Project Auditor Position to Permanent for Standardized County Reporting of Court Costs and Revenues

A 2007-09 biennial budget provision recommended by the PPAC court financing subcommittee required counties to adhere to a uniform chart of accounts when recording all circuit court financial transactions, and authorized the director of state courts office to audit the annual reports

of county court financial information. The accompanying request for a permanent auditor position to develop and manage the uniform chart of accounts, train counties in its use, and perform the audits was modified to a two-year project position. The project position was extended for two more years (maximum allowable) in the 2009-2011 biennial budget and the director of state courts office began the multi-year audit process in 2009. A 2011-13 budget request asked to convert the project position to a permanent position to allow the audit to continue and perform technical assistance functions. This request was approved. As county financial reporting becomes more standardized, reliable information on county revenues received and county expenditures made in support of the circuit courts will be available for decision makers in determining the appropriate combination of state and county financial support for the circuit courts.

Court Interpreters

Additional funding was requested to reimburse counties for a portion of their court interpreter expenses resulting from increased need for court interpreters and greater use of certified interpreters. The request was approved after cutting the program by 10%, with funding for the increase changed from general purpose revenue to revenue from the justice information systems surcharge.

Creation of a Wisconsin Judicial Compensation Commission

Statutory language was requested to create a Wisconsin Judicial Compensation Commission to study and make recommendations on judicial compensation, with the objective of assuring that highly qualified persons are attracted to the bench and serve without unreasonable economic hardship. The governor did not include this request in his biennial budget bill. The legislature included a modified version of the proposal in the enrolled budget bill, however, the governor vetoed the provision.

II. Evidence-Based Practices

The National Institute of Corrections defines evidence-based practices as “... the objective, balanced, and responsible use of current research and the best available data to guide policy and practice decisions, such that outcomes for consumers are improved. An evidence-based approach involves an ongoing, critical review of research literature to determine what information is credible, and what policies and practices would be most effective given the best available evidence. It also involves rigorous quality assurance and evaluation to ensure that evidence-based practices are replicated with fidelity, and that new practices are evaluated to determine their effectiveness.”²

Within the Wisconsin Court System and criminal justice system, there is momentum toward implementing evidence-based intervention and treatment approaches. New approaches to sentencing are being explored that maintain public safety while reducing incarceration and recidivism rates. Examples include the Treatment Alternatives and Diversion (TAD) Project, drug, OWI, mental health and veterans courts, day reporting, electronic monitoring, and community service programs.

² National Institute of Corrections, Implementing Evidence-Based Policy and Practice in Community Corrections (October 2009) at <http://static.nicic.gov/Library/024107.pdf>

Discussion

For the past three planning cycles (2006-08, 2008-10, 2010-12), stakeholders identified sentencing reforms and alternatives, sentencing alternatives and strategies to reduce recidivism, and alcohol and drug dependency as critical issues facing the courts. The court system will continue to address these through evidence-based practices.

Judicial respondents to the PPAC survey indicated the criminal and juvenile justice systems will benefit most from evidence-based practices. Many judges suggested additional training, particularly in using risk and needs assessments, and the judge's role in these assessments. Judges provided encouraging feedback about the evidence-based programming that is already implemented throughout the state.

The planning subcommittee recommends PPAC engage in the following action steps to continue advancing evidence-based practices in the Wisconsin Court System:

- Disseminate the inventory of offender service programs available to the court that was contained in the “Enhancing Public Safety: Effective Justice Strategies in Wisconsin” report, and update the inventory annually.
- Collaborate with the Director of State Courts Office to provide technical assistance and continued training for judges on evidence-based practices.
- Collaborate with the Office of Judicial Education to train the judiciary, staff, and system partners on the practical application of evidence-based practices in criminal, juvenile, children and family court cases.

Recent Court System Activities Related to Evidence-based Practices:

In 2004, PPAC created the effective justice strategies subcommittee (EJS) as a successor to the alternatives to incarceration subcommittee. In 2007, EJS issued its phase I report. The report highlighted key accomplishments including developing an online directory of information about problem solving courts, collaborating councils, and the AIM pilot project, and included recommendations for the subcommittee's phase II work.

EJS continues its efforts on the priorities identified for phase II:

- 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, emphasizing those that address drug and alcohol dependency, per the 2005-2007 PPAC critical issues plan.
- Assessing all sentencing-related programs, practices, and outcome measures currently used 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 statewide.

“Enhancing Public Safety: Effective Justice Strategies in Wisconsin” Research Project

In 2010, the Wisconsin Director of State Courts office contracted with the National Center for State Courts to conduct the “Enhancing Public Safety: Effective Justice Strategies in Wisconsin” research project. Grants from the State Justice Institute and the former JEHT Foundation supported this project. The project conducted research to identify court centered evidence-based strategies that enhanced public safety, reduced recidivism and addressed criminal and addictive behaviors, and also developed recommendations related to the court system’s role in fostering statewide support and replicating these strategies. The project questioned:

- What is currently being done in Wisconsin Courts?
- What works and how do we measure it?
- What is the statewide strategy and plan of action?

The final report featured recommendations in four specific areas: risk and needs assessment, problem-solving courts, criminal justice coordinating committees, and criminal justice system-wide enhancements. The report recommended that the court system:

Risk and needs assessment

- Employ a statewide protocol for implementing a process that provides judges with risk and needs assessment information prior to sentencing.
- Train judges, staff, and other stakeholders on the protocol for using risk, needs, and responsivity assessment information, which is critical to successful implementation.
- Evaluate the implementation of the statewide protocol and determine whether the implemented protocol is effective.

Problem-solving courts

- Create a full-time state-level position dedicated to coordinating efforts and providing technical assistance to problem-solving courts in Wisconsin.³
- Dedicate a full-time state-level position to providing technical assistance and training regarding evidence-based practices.
- Evaluate OWI courts to ensure they are based on the most recent evidence-based practices literature.
- Establish an interagency problem-solving courts oversight committee that sets guidelines and base criteria for problem-solving courts.
- Ensure that problem-solving courts make appropriate and varied treatment available to meet the needs of the targeted population.

Criminal justice coordinating committees (CJCC)

- Encourage judges who are not active in their local CJCCs to become involved.

³ The director of state courts has received grant funding from the Wisconsin Office of Justice Assistance for a full-time limited term treatment court coordinator position for the Wisconsin Court System.

- Encourage judges to meet with local justice partners and weigh the benefits of creating CJCCs, where local CJCCs do not exist.
- Collaborate with criminal justice leaders in all three branches of state government, and related criminal justice stakeholders, to determine whether sufficient interest and commitment exists to create a state-level CJCC. If there is interest, each branch should fully endorse and participate in the CJCC.⁴

Criminal justice system-wide enhancements

- Continue its strategy of justice reinvestment to shift funding from incarceration alternatives to building the community corrections and treatment infrastructure needed to support the shift to evidence-based practices.
- Create a statewide criminal justice coordinating committee to develop a central planning and coordinating effort that would support the widespread adoption of evidence-based practices.
- Develop statewide criminal justice system program performance measures and evaluations, specifically for drug courts.⁵

The full “Enhancing Public Safety: Effective Justice Strategies in Wisconsin” report can be found on the Wisconsin Court system website at

<http://wicourts.gov/courts/programs/docs/ejsreport.pdf>

Evidence-based Decision Making in Local Criminal Justice Systems Initiative

In 2008, Eau Claire and Milwaukee counties were selected to participate in phase I of the Evidence-Based Decision Making (EBDM) in Local Criminal Justice Systems Initiative funded by the National Institute of Corrections (NIC), with support from the U.S. Department of Justice's Office of Justice Programs. Phase I of the initiative provided counties with 18 months of technical assistance to develop a framework to hold offenders accountable, reduce the overall crime rate and recidivism, and give taxpayers a better return on the dollars invested in criminal justice. Both counties were selected to continue on to phase II of the EBDM initiative to develop their processes and assess current policies and practices, and determine methods to effectively integrate research into key decision points. Eau Claire and Milwaukee counties were also two of three counties selected to participate in phase III. During this final implementation phase, the counties will receive support from NIC to implement strategies and expand activities.

Eau Claire County’s initiative seeks to implement research-based universal screening at five decision making points in the criminal justice system, from arrest through disposition and into the probation supervision process. Implementing evidence-based decision making and practices results in more collaborative evidence-based decision making and practices throughout the local

⁴ Governor Walker created the Criminal Justice Coordinating Council on April 9, 2012, through Executive Order #65. The council will assist the governor in directing, collaborating, and coordinating the services of state and local governmental agencies and non-governmental entities in the criminal justice system to increase efficiencies, effectiveness, and public safety. In the performance of these duties, the Council shall conduct planning, research, and evaluation activities and make recommendations to improve the criminal justice system policy, operation, and outcomes.

⁵ The director of state courts, in collaboration with the National Center for State Courts, received a grant from the United States Department of Justice Bureau of Justice Assistance for a \$200,000 24 month grant to develop a performance measurement system for Wisconsin’s adult and hybrid drug courts.

criminal justice system. It seeks to equip criminal justice system policy makers with the information, processes, and tools that result in measurable reductions of pretrial misconduct and post-conviction reoffending.

Milwaukee County is working to implement universal screening of pretrial detainees. As a result of phase II of the EBDM initiative, the universal screening was evaluated and significantly modified. In January 2012, a praxis (knowledge into practice) was implemented to guide release decisions.

More information on the specific efforts of Eau Claire and Milwaukee counties, as well as the EBDM initiative, can be found at <http://ebdmoneless.org/home>

Assess, Inform, and Measure Pilot Project

Developed by the Effective Justice Strategies Subcommittee (EJS) in 2006, the AIM Pilot Project had three primary goals:

- Provide the court with valid and reliable information that has value in the case disposition process
- Create a process feedback loop to provide information on the value of the information being provided to the court
- Create an outcome feedback loop to provide information on case outcomes and validation of the screening/assessment process.

Bayfield, Dane, Eau Claire, Iowa, La Crosse, Marathon, Milwaukee, and Portage counties volunteered to serve as AIM pilot sites. Each county selected its own target population(s) and assessment tools while the data collection, definitions, and reporting methods were consistent among all pilot sites. The Wisconsin Court System developed web-based software to collect assessment information and provide reporting capability to the pilot sites. Throughout the project's duration, over 4,500 assessments were collected and entered into the database.

A recent shift occurred in the AIM pilot project. Because the Wisconsin Department of Corrections is implementing the COMPAS assessment tool in Wisconsin for use in sentencing and supervision decisions, EJS recognized this as the natural next step to the AIM pilot project. Using COMPAS tool enhances evidence-based practices used at sentencing and at other points in the criminal justice system. AIM pilot project counties may continue to enter data into the AIM database, generate reports, and access historical data, but no further work will be done to expand or enhance the project.

EJS hosted a pilot project wrap-up meeting in March, 2012. The eight AIM pilot counties shared their insights on lessons learned. Representatives from the consolidated court automation programs (CCAP), the office of justice assistance, and the department of corrections also attended the meeting. Each of the pilot sites agreed that AIM proved valuable in promoting evidence based-practices and, in particular, providing judges with reliable information on areas of risk and needs assessment for criminal offenders.

Problem-Solving Courts in Wisconsin

Fifty-six problem-solving courts currently exist in Wisconsin.⁶ Target populations of these programs vary and include those suffering from mental health issues, drug offenders, alcohol offenders, domestic violence offenders, and veterans entering the criminal justice system. Problem-solving courts became active in Wisconsin in the early 1990's. Intervention can occur either before or after sentencing and includes a strong individualized offender treatment component. For more information on these programs visit the Effective Justice Strategies Clearinghouse on the Wisconsin Court System website at <http://wicourts.gov/courts/programs/altproblemsolving.htm>

Specialty Court Recordkeeping

In 2010, the director of state courts, office of court operations, convened an advisory committee of judges and clerks of circuit court to examine treatment court recordkeeping and confidentiality of treatment court records. The committee's report recommended best practices to help courts strike an appropriate balance between the need for treatment record confidentiality and the need for public accountability and open records in the criminal justice system. PPAC and EJS adopted the recommendations in that report.

The treatment court committee also considered the judge's role in treatment team meetings, where a multidisciplinary group of professionals meet regularly to discuss a participant's progress. Treatment team meetings are conducted off the record and outside the treatment court participant's presence. The committee recommended that the Code of Judicial Conduct be amended to explicitly permit the judge to take part in these meetings and other information exchanges without running afoul of the ethical prohibition on ex parte communication. The supreme court approved the proposed changes to the Code of Judicial Conduct on April 25, 2012.

The Wisconsin Treatment Courts: Best Practices for Record-keeping, Confidentiality & Ex Parte Information report can be found here:

<http://wicourts.gov/courts/programs/docs/treatmentbestpractices.pdf>

A copy of the final Supreme Court Order can be found here:

<http://wicourts.gov/sc/rulhear/DisplayDocument.pdf?content=pdf&seqNo=82914>

Treatment Alternatives and Diversion

The Wisconsin Treatment Alternatives and Diversion (TAD) grant program, established in 2005, is a joint effort involving the office of justice assistance as the granting agency, in collaboration with the Wisconsin Departments of Health and Family Services and the department of corrections. These grants provide counties with funding to develop alternatives to incarceration for non-violent drug and alcohol offenders and require integrating evidence-based practices. Six initiatives received funding for 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. The University of Wisconsin Population Health Institute conducted a three-year evaluation of TAD programs, and their report

⁶ As of November 12, 2012.

documents the implementation of each program and examines the individual outcomes of offenders who participated in the programs between 2007 and 2010.

The full Treatment Alternatives and Diversion Program: Advancing Effective Diversion in Wisconsin Report can be found here:

<http://uwphi.pophealth.wisc.edu/about/staff/van-stelle-kit/tad-2011-evaluation-report-full-report.pdf>

III. Access to Justice

The justice system is founded on the constitutional principle of equal justice for all, regardless of economic status, age, location, and language. The Wisconsin Court System's mission statement promotes courts that are fair, accessible, independent, and effective. Actions taken to address this critical issue seek to eliminate barriers or perceived barriers that prevent people from exercising their rights and foster trust in the judicial process.

The Wisconsin Court System has implemented several initiatives to provide self-represented litigants access to justice and help courts effectively manage their internal resources. Initiatives include developing statewide pro se forms, judicial education and training programs, and a partnership with the public library system. Other resources can be found on the Wisconsin Court System home page, wicourts.gov. The number of self-represented litigants continues to rise and courts expect this trend to continue. The increasing population of self-represented litigants places an added burden on judges, court commissioners, court staff, and court processes that stresses available resources to handle this population.

Discussion

Self-represented litigant issues remain a critical planning priority for the court system in 2010-12. Each of the surveyed stakeholder groups chose this issue as a top priority, with 25% of respondents ranking self-represented litigants as their top issue.

Respondents provided diverse and detailed strategies to address this system-wide issue. Comments generally focused on 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.

The planning subcommittee recommends PPAC engage in the following action steps to continue advancing access to justice in the Wisconsin Court System:

- Collaborate with the Wisconsin State Law Library to build on the Public Library Partnership Initiative.
- Inventory and evaluate county-level programming for self-represented litigants.

- Collaborate with the Wisconsin Judicial Council to explore simplifying and streamlining civil practice and procedure.

Access to Justice Related Activities in Court System:

Because this issue is a continuing priority, several ongoing court system activities focus on access to justice.

Limited Scope Representation Subcommittee

PPAC has consistently identified self-represented litigants as a critical issue and the court system has reacted by developing initiatives to increase litigants' access to justice. PPAC created the limited scope representation subcommittee in 2010, to research existing limited scope representation programs both nationally and locally and make recommendations. The subcommittee divided their work into two phases. The first phase was a feasibility study. Members researched limited scope representation programming across the country, paying particular attention to:

- Judicial and court administrator commitment and support.
- Court rules that facilitate limited scope representation.
- Practical and ethical training programs for lawyers.
- Strong bar association and private bar support.
- Self-represented litigant education and informed consent.

The PPAC subcommittee on limited scope representation submitted its final report and recommendations to PPAC in August, 2011. PPAC recommended moving on to the second phase of subcommittee work. Phase II of the subcommittee began meeting in May, 2012. During phase II the subcommittee will:

- Study and draft proposed amendments to the Rules of Civil and Appellate Procedure and Rules of Professional Conduct for Attorneys, addressing an expanded reach of limited scope representation, limited appearances and withdrawal, filing and service, communication between counsel and party, and ghostwriting.
- Collaborate with justice system stakeholders to identify educational programs and training materials for judges, court staff, and lawyers.
- Create court forms.
- Develop strategies for implementing limited scope representation statewide.

Access to Justice Commission

The Wisconsin Access to Justice Commission was created by Supreme Court Rule in 2009. The commission aids the courts in improving the administration of justice by supporting civil legal services for those who cannot afford them. Nine core values guide the commission's work:

1. Grounded in the just rule of law
2. Equal justice for all
3. Legal assistance is essential to security justice
4. The need for a statewide legal aid system
5. Full range of civil legal aid delivery methods

6. Client centered priorities
7. Accountability
8. Efficient, accessible and effective
9. Expanded resources are needed

More information on the structure and activities of the access to justice commission can be found here: <http://wisatj.org/>

Enhancing Self-Help Online Information Center

The self-help online law center has been redesigned and reorganized to better assist self-represented litigants and provide access to information. It assists the public in finding forms, learning about Wisconsin law and Wisconsin court procedures, and how to represent themselves in court matters.

The self-help law center can be found here:

<http://wicourts.gov/services/public/selfhelp/index.htm>

Public Library Partnership Initiative

In spring 2007, the director of state courts and the Wisconsin State Law Library began the public library partnership initiative. The initiative has two components. First, a day long training session is hosted in a judicial administrative district, aimed at informing public library staff about 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 to foster relationships and provide further information related to available circuit court resources. The program has been replicated in nine of ten judicial districts.

IV. Public Confidence

Public confidence in, and understanding of the court system are vital to maintaining an independent judicial system. Because perceptions of the court system come from a variety of influences, it is important for the court to ensure the public has an accurate understanding, by conveying a clear image of its role and function. This understanding is essential to build public confidence in the courts and build a productive, respectful relationship with the executive and legislative branches of government.

Discussion

The planning subcommittee recommends PPAC engage in the following action steps to continue advancing public confidence in the Wisconsin Court System:

- Publicize existing outreach programs and provide all judges and justices with accessible, up-to-date information on outreach programs.

- Enhance the court system’s relationships with court-system partners to increase the reach and effectiveness of outreach programs.
- Conduct a statewide survey to measure public knowledge about, and perceptions of, the court system

Public Confidence Related Activities in the Court System

Courts Connecting with Communities Outreach Programs

In 2011, the Office of the Chief Justice initiated the courts Connecting with Communities program. Courts Connecting with Communities provides communities with a toolkit, including a step-by-step manual of how to conduct an outreach program. The programs in the toolkit were developed by local initiatives and successfully launched by Wisconsin communities. Courts Connecting with Communities can also be used to develop a coordinated community approach to outreach by establishing a committee of local stakeholders, including representatives from law enforcement, the judiciary, the local bar association, county board members, the media, service groups, and others. This committee then brings the public together to identify programs of interest, develop a long-range outreach plan, and publicizing outreach events. By bringing together justice system stakeholders and the public, local communities can share ideas and concerns in an effort to increase the public’s trust and confidence.

Court with Class

Court with Class, started in 1996, is a joint program of the supreme court and the State Bar of Wisconsin. In its first year, the program won the 1997 LEXIS-NEXIS Public Service Achievement Award from the National Association of Bar Executives. Court with Class is designed to make supreme court proceedings understandable and accessible to high school students in Wisconsin. Court with Class allows students to listen to oral arguments, see the court’s behind the scenes activities, and participate in a question and answer session with a supreme court justice. Prior to their visit, students receive information about the case they will observe, biographies of the justices, and other materials that prepare them for their visit.

Justice on Wheels

Justice on Wheels provides Wisconsin citizens who reside outside of Madison the opportunity to watch a supreme court oral argument. Established in 1993, this program brought the court to more than 9,000 people in Green Bay, Eau Claire, Wausau, Milwaukee, La Crosse, Superior, Janesville, Kenosha, Baraboo, Rhinelander, Juneau, Appleton, Stevens Point, Racine, Portage, Fond du Lac, Elkhorn, Wautoma, Hudson, Oshkosh, and West Bend. Proceedings frequently attract large crowds and sometimes air on local cable access television. Local attorneys often provide an explanation of the case and a history of the court in advance of the proceedings. Justice on Wheels regularly collaborates with local schools ahead of the event to sponsor essay contests or the opportunity to shadow local judges and court staff.

OTHER ISSUES OF IMPORTANCE

Three remaining topics ranked within the top ten on PPAC's survey. Described below, these topics were not defined as critical issues, but are, and will continue to be, areas impacting the courts.

Judicial Ethics

As a result of recent judicial decisions in highly charged cases, the media's influence, and the political environment, the judiciary and ethical judicial conduct have received increased attention. The Code of Judicial Conduct provides guidance to judges and candidates for judicial office and provides a structure for regulating conduct through disciplinary agencies. Provisions of the code are intended to govern judicial conduct and be binding upon them. It is not, however, meant to be an exhaustive guide for judicial conduct. Judges should be governed in their judicial and personal conduct by general ethical standards.

Court Security and Facilities

Courthouses continue to be the setting for highly emotional, unpredictable, and even hostile confrontations. The risk of danger is not limited to any particular case type or courtroom. In criminal matters, victims may be seated close to a defendant's family. In family matters, parties often have volatile emotions concerning dissolution of their family, and juvenile courts often see disagreements when a decision is made about child placement. Problematic situations can also arise outside of the courtroom. There can be danger to court staff who encounter a disgruntled citizen, or child support staff who meet an unhappy parent. Court security impacts everyone that enters the courthouse. PPAC and the director of state courts continue to work on implementing Supreme Court Rule Chapter 68 on court security and facilities and other recommendations of the PPAC subcommittee on court security. The director of state courts office and Fox Valley Technical College host an annual court safety and security conference. This conference provides law enforcement and court personnel with strategies and best practices to ensure safe facilities for courthouse employees and the public.

Judicial Independence and Selection

Judicial independence and selection was a critical issue in the 2008-2010 planning cycle and remains a key challenge facing the court system. The judge's role is to render independent, fair, and impartial decisions free of political influence, political pressure, or intimidation. Recent activities by third-party groups have challenged judicial independence and these groups are becoming more active and negative in their activities. The call has increased for strengthening the code of judicial conduct and judicial election campaign reforms, such as the public funding of supreme court elections. Merit selection of judges is another reform solution considered and implemented in many states to limit the role of politics in judicial elections and recognize the importance of an independent judiciary.