

Director of State Courts' Address
2008 Wisconsin Judicial Conference
Wednesday, November 12, 2008
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Welcome to Madison. Everyone has an opinion about the City of Madison. Let me give you a list of what various national publications have said about Madison.

- *BizJournals* identified it as the Nation's Smartest City.
- *Bicycling Magazine* recognized it as the #1 City for Cycling.
- *Prevention Magazine* ranked it as the #1 Walking City.
- *Dog Fancy* rated it as one of 9 cities where dogs rule.
- *USA Weekend* called it the Most Romantic U.S. City.
- *EatingWell* recognized the Dane County Farmer's Market as the best in the Nation.
- *Men's Health* proclaimed that Madisonians have the best teeth in America.

So what a better place to have the judicial conference – you can learn, bike, walk your dog, go out on a date, eat, or just hang out and look at people's teeth. No matter your interests, I hope you enjoy the city during your visit.

It's been five years since I stood at this podium for the first time as the Director of State Courts. In 2003, when I addressed the Judicial Conference in the Wisconsin Dells, I had two objectives. The first was to introduce

myself to those of you who didn't know me; the second was to set out my expectations for the administration of our court system.

The five-year mark is a good time to reflect – where have we been? What do we need to do to continue to lead this organization forward through what is shaping up to be another difficult fiscal environment?

I recently read Lee Iacocca's book *Where Have All the Leaders Gone?* In this book, he contends that leadership is forged in times of crisis. Chief Justice Abrahamson has noted a number of examples that demonstrate this court system's leadership during these challenging times. I have learned over the past five years, despite budget deficits and limited resources, that we have some very committed and talented leaders including staff, judges and justices who work together to get things done and are passionate about doing the right thing.

Things are not going to get any easier in the coming months. The state is facing a \$5 billion deficit. Counties are facing levy limits, increasing costs, and decreasing or stagnant revenues. To that end, we will need to continue to demonstrate our ability to lead at the state and local level.

So what is leadership? Mr. Iacocca has his ideas on that topic. He calls them the nine C's of leadership. These nine C's are the qualities he believes are necessary in a leader. We don't have time for me to discuss all nine C's, but I want to focus my reflection of the past five years and of our upcoming challenges in the context of the first three.

The First C is “Communicate”

Mr. Iacocca defines this as the ability to tell the truth, even when it is painful or difficult.

During the past five years, my office has looked for new ways to keep you informed and involved on significant issues facing the court system. The best example is our use of webcasting to update everyone on issues, such as the budget and judicial compensation. Unfortunately, the news in the director’s report hasn’t always been good. However, I believe it is imperative that you get timely information – good or bad.

To audiences outside the court system, including the other branches of government, my office has made a point of being assertive in communicating our needs. They didn’t always want to hear our position, but we persisted. Sometimes we had to take a different tack, or even be more patient than we would have liked, but by all of us working together to communicate our needs, we have made some progress. For example, judicial compensation has increased over 20 percent since I spoke to you in 2003, if you include the two increases you are due yet this fiscal year. I feel fortunate since New York judges haven’t had a raise in 10 years; Michigan judges in seven years; and Mississippi judges in five years.

Another success has been to convince the Legislature for the first time in eight years to provide additional judgeships. During the last session, eight new judgeships were approved.

As we move forward in the coming months we will have to continue our communication efforts. On compensation, my office will be working with the Trial Judges' Association on the right approach to create a committee to evaluate and recommend a mechanism for objectively establishing judicial compensation. While we have had some success in recent years in obtaining equity pay for judges, as of July 2008 we rank 30th in the country in terms of judicial compensation and sixth of seven Midwestern states. We need to determine if there is a better way to communicate our message to the Legislature. This is especially important in light of more judges leaving the bench for private practice and the increasing number of judges approaching retirement age.

In terms of other legislative efforts, my office has been working with the Legislative Committee of the Judicial Conference to develop a formal legislative agenda for the upcoming session. This is a change in approach, but one that is needed to improve our legislative success. Two primary issues that will be on the agenda are revisions to the John Doe statutes and additional judgeships in counties with the most demonstrated need.

Good communication and good leadership go together. The chairman of the board of Air Canada noted, "Certainly a leader needs a clear vision of the organization and where it is going, but a vision is of little value unless it is

shared in a way so as to generate enthusiasm and commitment. Leadership and communication are inseparable.”

The Second C is “Creative”

Mr. Iacocca says, “be willing to try something different.” He notes that leadership is about managing change. Things change, and you get creative. You adapt. We know over the past five years a lot has changed. As an organization we have adapted.

Let’s look at court reporters as one example. In 2003, stenographic court reporters were in tight supply, but we generally could meet our needs. However, in the last couple of years that has changed. We ran into situations where we had vacancies in which not a single person applied. We needed to be creative to find ways to attract and retain stenographic court reporters. We accomplished this by making significant policy changes. We adjusted certification requirements and gave them due credit for past reporting experience when setting initial salaries so we could attract more experienced court reporters. We also found we needed to change our organizational structure to incorporate digital audio recording into the system. We couldn’t operate on an ad-hoc basis. So, during the past year, with the help of the Making the Record Committee, and input I received by personally communicating with court reporters in each of the 10 districts, we have addressed the issues by incorporating digital court reporters into our system where no stenographic court reporter is available. It is still a work in progress, but we now have four counties successfully utilizing this

technology. While this transition wasn't easy because it involved a number of significant cultural and administrative issues, we worked through it, we communicated, and we adapted.

I should note while stenographic court reporting services are still at a premium, one of the more recent recruitments for a stenographic court reporter produced seven applicants – that's encouraging.

In the coming year, I expect other changes that will require us to continue to be creative.

As Chief Justice Abrahamson noted, currently 75% of Spanish interpreters used in Wisconsin are certified. That compares to 2003, when we didn't even have a certification program in place. While we have made tremendous progress in this area, we continue to experience challenges accessing and scheduling certified interpreters.

In response, our budget proposal includes a pilot project in the Seventh Judicial Administrative District in which the district court administrator's office would coordinate, schedule, and pay for court interpreters. This creative approach would relieve the counties of this responsibility. The pilot project is designed to determine if we can be more efficient and effective in an area of the state which has a very limited number of certified interpreters.

Another creative strategy that we are moving forward with involves a new way to manage court case files. With the passage of the e-filing rule by the

Supreme Court, we are ready to move forward with electronic case filing in the circuit courts for all civil, small claims, and family case types.

CCAP has done the work, and Washington and Kenosha Counties have assisted in piloting the program. The rest is ultimately up to you at the local level. Clark and Taylor Counties will be implemented later this year. We are prepared to install this system in any county if you are ready, willing, and able to offer this service. It does require some processing changes from judges and staff alike, but it has the potential to make the case management system more user-friendly, and reducing data entry for Clerks of Circuit Court.

The Third and final C I will talk about today is “Curiosity”

Mr. Iacocca defines this quality as stepping outside your comfort zone to listen to different ideas.

In my 2003 address, I predicted that the debate on court financing -- the level of funding and the source of funds would intensify. In order to lead the discussion rather than respond to it, we created a committee on court financing through the Planning and Policy Advisory Committee (PPAC). When the committee was created, the membership was drawn from county government and others outside the court system. This structure helped bring different ideas and perspectives to the table. In the end, the committee concluded that court financing should remain a partnership between the county and the state, but the state should increase its responsibility.

Building off that idea, we have been pushing for change.

The primary activity has been our budget requests to increase state funding to the counties for the operation of the circuit courts. In the upcoming budget we are again requesting that 75 percent of the money collected from the court support services surcharge be returned to the counties.

That provision is again in the 2009-11 biennial budget request and would increase state funding to the counties by about \$16 million. This structure also would provide a more equitable formula to distribute the money. For example, the formula takes into consideration the level of fines, forfeitures, and surcharges collected and is specifically designed so counties have a real financial incentive to pursue collections.

During the past year, we also have completed a uniform chart of accounts to better understand the local resources that support the circuit courts. This information is critically important when discussing court financing with the Legislature. Without this we have not been able to confidently communicate to the Legislature how much funding we would need to assume the costs of, for example, court commissioners. If we expect to be successful in getting more funding for the counties to support court operations, we need accurate information. Thanks to the Legislature, which provided us with the necessary resources during the last budget session, my office was able to develop this chart of accounts which will be of great assistance in our future endeavors.

Not only did the financing committee provide a different perspective and give us a blueprint to build off, it started us down a path of a better working relationship with the Wisconsin Counties Association (WCA). During the last budget cycle and again this time, we have consulted with the WCA in the development of our budget. The result has been the WCA has been an active supporter of our overall budget request.

We are using communication, creativity and curiosity in leading the state court system. We are making progress, and we shall continue to build on this approach.

Now some may say that the current budget deficit and economic situation is at a crisis level. They may be right. Crisis or not, the situation will require all of us to continue to demonstrate leadership. We will all have to put into practice Iacocca's nine C's of leadership. In addition to the ones I touched on, Mr. Iacocca identifies character, courage, conviction, charisma, competency, and common sense.

In 2003, the state also faced a projected deficit of more than \$3 billion. It might have been tough at times, but we responded. I fully expect that we will all step up to the challenge again.

As I did in 2003, let me introduce myself to those of you who do not know me. Since my first address, 57 new judges have joined the bench.

I grew up in Menasha, am a graduate of UW-Oshkosh, and have been with the Wisconsin court system since 1992. Prior to coming to the courts I

worked for the Wisconsin Legislative Audit Bureau and served two terms on my local village board.

Throughout my professional career my focus has been on public administration, but my respect for the law and our justice system dates back to my early childhood.

When I was about five years old, my dad became a whistleblower. He believed that the mayor of Menasha and others were involved in a kickback scheme, and he brought his concerns to a newly elected mayor. In his city position my dad witnessed unnecessary purchasing and believed that local officials were getting kickbacks for their orders.

The Division of Criminal Investigation became involved and during the course of the investigation my dad wore a wire to help with the collection of evidence.

My dad became a key witness in a John Doe probe under the supervision of Judge Crane. I was only a young kid, but I remember the tension leading up to a court date, I remember the pictures of my dad in the newspaper, I remember the respect and confidence my dad had for the justice system. In the end, a number of people were convicted, both in Wisconsin and other states.

You don't forget those experiences. I also won't forget that my dad demonstrated to me to choose right over wrong, ethics over convenience,

and truth over popularity. I have embodied that approach in the past five years, and I don't see any reason to change.

Let me conclude with this one thought. Mr. Iacocca says there is nothing magic about successfully managing an organization. Pick good people and set the right priorities. I know we have good people throughout the system. I see and hear examples of their efforts everyday. As the Chief Justice has outlined, thanks to PPAC and the Supreme Court we also have the right priorities.

I look forward to working together to successfully achieve these priorities.

Thank you.