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(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

1999-00

(session year)

Assembly

(Assembly, Senate or joint)

**Committee on ... Judiciary and Personal Privacy
(AC-JPP)**

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Mike Barman (LRB) (May/2012)

Assembly

Record of Committee Proceedings

Committee on Judiciary and Personal Privacy

Assembly Bill 536

Relating to: increasing the number of circuit court branches.

By Representatives Sykora, Balow, Albers, Kedzie, Powers, Nass, Owens, Underheim, Olsen, Hebl, Schooff, Wood, Kreuser, Steinbrink and Huebsch; cosponsored by Senators Wirch, Robson, Erpenbach, Huelsman, Roessler, A. Lasee, Schultz and Zien.

October 14, 1999 Referred to committee on Judiciary and Personal Privacy.

January 18, 2000 **PUBLIC HEARING HELD**

Present: (9) Representatives Huebsch, Gundrum, Walker, Suder, Grothman, Sherman, Colon, Hebl and Staskunas.

Excused: (0) None.

Appearances for

- Judge Mary Wagner Malloy, Kenosha Circuit Court
- Judge Barbara Kluka, Chief Judge 2nd Judicial District
- Judge James Daly, Rock County Circuit Court
- Thomas Goettl, Chippewa Falls
- Judge Robert Haase, Winnebago County
- Gerald Mowris, State Bar of Wisconsin
- Representative Tom Sykora, 67th Assembly District
- Pat Brummond, Director of State Courts
- Senator Robert Wirch, 22nd Senate District
- Representative Mike Powers, 80th Assembly District
- Tom Scobie, District Attorney Chippewa County
- Representative Sheryl Albers, 50th Assembly District
- James Barrett, Juneau County

Appearances against

- None.

Appearances for Information Only

- None.

Registrations for

- Michael Serpe, Kenosha County
- Phil Boutwell, Rock County

- Gregg Moore, Tenth Judicial District
- Gail Richardson, 5th Judicial District
- Scott Johnson 6th Judicial Administrative District
- Louise Schulz, Juneau County
- Katherine Stelzner, Chippewa County
- Lynne Yealey, Chippewa County
- Senator Dave Zien, 23rd Senate District
- Senator Dale Schultz, 17th Senate District
- Representative Dan Schoof, 45th Assembly District
- Representative Jim Kreuser, 64th Assembly District

Registrations against

- None.

March 30, 2000

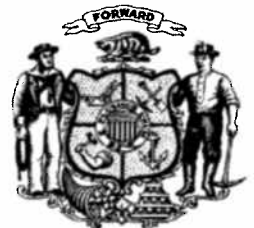
Failed to pass pursuant to Senate Joint Resolution 1.



Robert Delaporte
Committee Clerk



WISCONSIN STATE LEGISLATURE



CHAMBERS OF CIRCUIT COURT

HONORABLE RODERICK A. CAMERON

Branch One-Chippewa County

711 NORTH BRIDGE STREET

CHIPPEWA FALLS, WI 54729-1876

715-726-7781

KRISS ANDERSON
JUDICIAL ASSISTANT

ERIC W. OLSON
COURT REPORTER

January 13, 2000

TO THE ASSEMBLY JUDICIARY AND PERSONAL PRIVACY COMMITTEE:

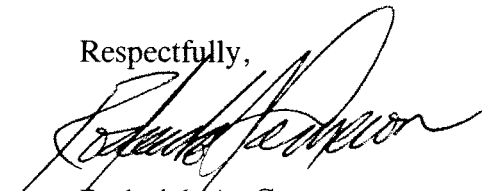
AB 536 creates a third branch for the circuit court in Chippewa County. Since April 1, 1983, I have served Chippewa County as a Circuit Judge. I began practicing law in Chippewa County in 1975. During my 25 years in Chippewa County I have watched the court system grow. Since 1983 the workload for the circuit judges has increased to the point that Chippewa County had to make significant changes in its operations in order to provide the service deserved by the public. These changes include the extensive and expensive use of part time court commissioners for small claims trials, domestic abuse injunction hearings, harassment injunction hearings and stipulated divorce hearings, all of which were once heard by circuit judges. The injunction hearings have strict time deadlines which we could not meet without our use of court commissioners.

Soon, we expect an explosion in our judicial workload as a result of the proposed geriatric prison at the Northern Center and the proposed private prison in Stanley, in addition to the expected normal increase in judicial workload. Both of these facilities are in Chippewa County.

Despite the use of court commissioners to handle our increased caseload and more efficient scheduling techniques, we have extreme difficulty scheduling cases in a timely manner. Cases that once could be scheduled in 30 to 60 days, often require a wait of many months before a trial can be conducted. This inability to schedule cases in a timely manner severely impairs the rights of victims and litigants, both civil and criminal, to a speedy resolution of their cases. A third circuit judge would make it possible to schedule most cases in a timely manner.

For these reasons, I urge a favorable vote on AB 536. Thank you.

Respectfully,



Roderick A. Cameron

JUNEAU COUNTY BOARD OF SUPERVISORS

220 East State Street
Mauston, Wisconsin 53948
Phone: 608-847-9300

AB 536
folder

January 14, 2000

James C. Barrett, Chairman
Edward R. Brown, 1st Vice Chair
Alan K. Peterson, 2nd Vice Chair

The Honorable Mike Huebsch
Assembly Judiciary Committee Chairman

The Juneau County Court System has been operating with one Judge to facilitate the judicial requirements in Juneau county. The weighted caseload has shown the judicial need in Juneau County at one and a half judges for more than five years.

Juneau county has had to employ a Court Commissioner to assist in handling traffic, small claims, and civil juvenile cases twice a month on intake days, at county expense. The County has also had to bear the costs of a Court Reporter for the Court Commissioner when hearing these cases. The Court Commissioner has assisted in the default divorces to help alleviate time and scheduling for the Judge to attend to other judicial matters. The default divorces are usually heard two days a month.

Juneau county has a Reserve Judge three times a month to help expedite some of the caseload. It is not know how much longer Reserve Judges will be available to Juneau County.

By the statistics enclosed you can see justice is delayed because of the court time available with only one Judge. It is very difficult for one Judge with this caseload to be able to attend the required Judicial Education Courses and take vacation.

In the next two years the City of Mauston will have a Sexual Predator facility housing approximately three hundred inmates and the City of New Lisbon will have a medium security prison housing approximately five hundred inmates. These two new facilities within Juneau County will have a significant impact on the Juneau County court system and the judicial need will increase even more.

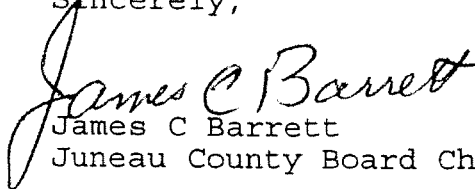
On March 16 , 1999 the Juneau County Board of Supervisors met and passed Resolution 99-18, approving and supporting the need for a second Judge in Juneau County.

The Juneau County Board of Supervisors passed Resolution 99-84 on November 16, 1999, approving the construction of a new Justice

Center, which provides the court system with two jury courtrooms and one non-jury courtroom, two jury deliberation rooms, three judges chambers (one for visiting judges), and a Family Court Commissioner office. This includes areas for the three Scheduling Clerks, three Court Reporters, District Attorney's office, Probate office and the Clerk of Circuit Court's office. Our intention is to fully support a second Judge in Juneau County.

Your consideration in approving a second judge for Juneau County would be greatly appreciated.

Sincerely,


James C Barrett
Juneau County Board Chairman

JUNEAU COUNTY COURT SYSTEM

COURT CASELOAD STATISTICS 1995 TO 1999

CIVIL CASES :	1995 ----	1996 ----	1997 ----	1998 ----	1999 ----
CIVIL	200	217	248	184	220
SMALL CLAIMS	920	792	719	675	726
FAMILY	147	142	162	156	178
PATERNITY	74	81	90	77	58
TRAFFIC CASES:	5496	5369	6304	6124	7040
FORFEITURES :	416	731	1057	1237	1282
JUVENILE JO :	493	480	446	428	408
CRIMINAL CASES:					
TRAFFIC :	197	210	244	207	262
MISDEMEANOR:	429	401	403	384	356
FELONY :	175	164	165	173	176
PROBATE OFFICE					
PROBATE :	45	38	27	23	33
GUARDIANSHIPS:	36	77	52	44	49
MENTALS :	68	71	109	100	115
ADOPTIONS :	7	9	9	8	12
JUVENILE JV:	58	100	80	77	70
TPR :		8	8	8	10
TOTAL CASE LOAD :	8,761	8,890	10,123	9,905	10,995

HONORABLE JOHN W BRADY , PRESIDING
CLERK OF CIRCUIT COURT, LOUISE SCHULZ

Juneau County Board of Supervisors

Courthouse, 220 East State Street
Mauston, Wisconsin 53948



March 16, 1999
Resolution 99 - 18

RESOLUTION SUPPORTING CREATION OF ADDITIONAL CIRCUIT COURT JUDGESHIP FOR JUNEAU COUNTY

Sponsor: Executive Committee

Intent: Place Juneau County on record in support of a second judgeship for the County.

Fiscal

Impact: Undetermined.

WHEREAS, statistics kept by the Director of State Courts show that growth in the caseload of the Circuit Court for Juneau County has now reached the point where there is a need for a second Circuit Judge position in Juneau County;

WHEREAS, the current volume of cases has led to delays in processing cases and exceeds the reasonable capacity of the County's single judge to handle, and future growth of the County and construction of state institutions makes it likely the caseload will increase further in the near future;

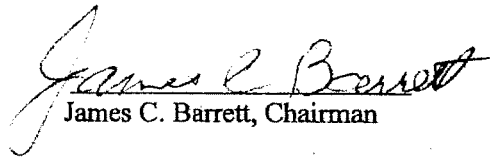
WHEREAS, creation of a second judgeship will reduce the need to bring judges from other counties to Juneau County when substitution requests are filed, which will reduce costs and speed the administration of justice;


WHEREAS, the creation of a second judgeship depends on legislative action to create the position and provide for its funding, and the process commences with an indication of support from the County Board;

WHEREAS, the Juneau County Board of Supervisors believes that the public interest dictates the creation of a second judgeship, and the County is willing to provide the space and additional resources which will be required by a second judgeship;

NOW, THEREFORE, BE IT RESOLVED, by the Juneau County Board of Supervisors, that Juneau County does hereby support the creation of a second judgeship for Juneau County, and requests the State of Wisconsin to provide that judgeship as soon as reasonably possible.

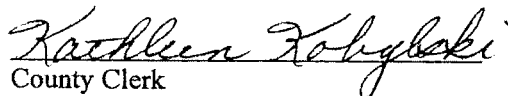
AND BE IT FURTHER RESOLVED, that the Juneau County Board is aware that the additional Judgeship will require the County to expend a substantial amount of funds for additional furniture, supplies and equipment, and for the salaries and benefits of additional clerical support for the additional Judge.


James C. Barrett, Chairman


Edward R. Brown


Alan K. Peterson

Adopted by the County Board of Supervisors of Juneau County
this 16th day of March, 1999.


County Clerk

Juneau County Board of Supervisors

Courthouse, 220 East State Street
Mauston, Wisconsin 53948



RESOLUTION # 99 - 84

DATE: November 16, 1999

INTRODUCED JOINTLY BY: Executive Committee and Jail Study Committee

INTENT: To authorize the preparation of the design, construction and bidding documents for the proposed Juneau County Jail and Justice Center

SYNOPSIS: This resolution authorizes Ayers Associates to continue with the designing of the jail and justice center described as concept one in the Concept and Budget Report dated October 28, 1999, that accompanies this resolution.

FISCAL: As detailed in the Concept and Budget Report dated October 28, 1999.

WHEREAS on November 10, 1998, the Juneau County Board of Supervisors established a Jail Study Committee ("Study Committee") to examine and evaluate the future space needs of the Juneau County Jail, the Juneau County Circuit Court and related offices, said committee consisting of the following members:

James Barrett, Chair County Board
Alan Peterson, County Board, Jail Study Committee Chair
Herbert Carlson, County Board
Sharon Halverson, County Board
John Brady, Judge
Brent Oleson, Sheriff
Florence Searles, Corporation Counsel
Dennis Schuh, District Attorney
Kathleen Kobylski, County Clerk
Lori Chipman, Auditor/Accountant
Ronald Brunner, Citizen Member
Paul Curran, Citizen Member
Robert Lee, State Jail Inspector
David Pelton, Mayor, City of Mauston

WHEREAS, on December 7, 1998, the Study Committee attended an educational seminar, "Exploring Your Options in County Jail Construction" presented by the Wisconsin Counties Association, as a foundation for evaluating Juneau County's jail and court needs;

WHEREAS, on December 18, 1998, the Study Committee met with representatives of the Department of Corrections to discuss the feasibility of creating a jail facility at the present site of the Pleasant Acres Nursing Home, New Lisbon, Wisconsin, and subsequently determined that said site was not appropriate for structural and geographical reasons; and

WHEREAS, the Study Committee toured and examined the present Juneau County Jail and Circuit Court facilities; and

WHEREAS, the Study Committee met with representatives of the State Historical Society on March 19, 1999, to discuss the ramifications of adding on/remodeling the present Juneau County Courthouse relative to its status as a National Registered Historic site; and

WHEREAS, the Study Committee toured, studied and evaluated jail and court facilities in seven (7) counties; and concluded that the "pod" system of jail construction is the most efficient in terms of employees required, prisoner control, and employee safety; and

WHEREAS, in April 1999, the Study Committee solicited and received from the Juneau County Sheriff, Circuit Judge, Clerk of Courts, District Attorney and Register of Probate their respective estimates of projected space needs; and

WHEREAS, the Study Committee has reviewed costs of boarding and transferring prisoners in facilities of other counties; and

WHEREAS, the Study Committee has reviewed jail population projections to determine the requirements for the Juneau County Jail for the next twenty (20) years, and

WHEREAS, the Juneau County Board of Supervisors affirmed its commitment to providing facilities for a second branch of the circuit court and related offices, as detailed in Resolution No. 99-18; and

WHEREAS, the Study Committee examined the possibility of building a jail and judicial center in a site outside the present courthouse square, but rejected said "green site" after considering the availability of such a site and the necessary interrelationship between the court system and all county departments; and

WHEREAS, the Study Committee invited five (5) architectural firms to make presentations regarding their respective abilities to conduct a space and needs analysis of Juneau County's jail and court needs; and

WHEREAS, the Study Committee retained Ayres Associates to provide a Concept and Budget Study; and

WHEREAS, the Study Committee directed Ayres Associates to prepare concept plans and cost estimates for two options: (One) a new two story justice center placed in the area south of and connected to the Annex Building and (Two) a four story addition to the east side of the Courthouse; and

WHEREAS, the Study Committee has reviewed and compared the capital cost, staffing requirements, and other issues in regard to the two options; and

WHEREAS, the staffing requirements are less for option one; and

WHEREAS, the security for staff and public is greater in option one; and

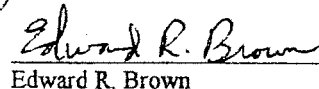
WHEREAS, greater potential for future expansion exists with option one;


THEREFORE, BE IT RESOLVED that Juneau County is hereby authorized to engage Ayres Associates to prepare the design, construction documents, and bidding documents for the new jail and justice center described as concept one in the Concept and Budget Report dated October 28, 1999, such work to be directed and reviewed by the Jail Study Committee, and that the Jail Study Committee shall bring to the County Board, no later than October, 2000, the results of public bidding for construction of the justice center and recommendations for award of the construction contract to the Board for their review and action.

INTRODUCED AND RECOMMENDED FOR ADOPTION ON NOVEMBER 16, 1999.

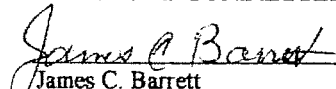
EXECUTIVE COMMITTEE:

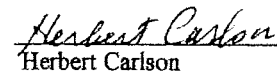

James C. Barrett

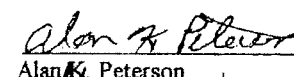

Edward R. Brown

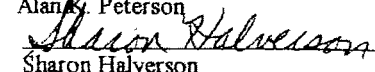

Alan K. Peterson

JAIL STUDY COMMITTEE:


James C. Barrett


Herbert Carlson


Alan K. Peterson


Sharon Halverson

Adopted by the County Board of Supervisors
of Juneau County on November 16, 1999.


Kathleen C. Kobylski, County Clerk



WISCONSIN STATE LEGISLATURE



WILEY, COLBERT, NORSENG, CRAY & HERRELL, S.C.
ATTORNEYS AND COUNSELORS AT LAW
119 ½ N. BRIDGE STREET., P.O. BOX 370
CHIPPEWA FALLS, WISCONSIN 54729-0370

B. JAMES COLBERT
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STEVEN R. CRAY
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TELEPHONE (715) 723-8591
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EAU CLAIRE OFFICE
21 S. BARSTOW
EAU CLAIRE WI 54701

INGOLF E. RASMUS (1906-1996)
MARSHALL A. WILEY (1912-1993)

PETER F. HERRELL
JAMES W. FLORY

January 17, 2000

AB 536
folder

Wisconsin Legislature
State Capitol Building
Madison, Wisconsin

Dear Legislators:

I apologize for not being able to appear before your meeting personally. I have fallen victim to a cold virus and must therefore stay close to home.

I trust that other presenters will provide you with a statistical analysis as to why an additional sitting judge in Chippewa County would be appropriate. This letter is to serve rather as a subjective report in support of a third circuit judge for Chippewa County.

Chippewa County has had two sitting circuit court judges for over 20 years. Over the past few decades, as you know, the volume and complexity of the criminal justice system has grown far beyond anyone's expectations. The time demands upon our judges to handle and process criminal matters in a fair and just manner goes beyond the mere increase in case load, but also as to the nature and quality of what a judge must do in each case. Time spent on criminal matters has created a situation where the time the Courts are able to spend considering its civil cases has been sacrificed. The judges in Chippewa County simply do not have the time they used to have to reflect and prepare for the cases coming up in their daily calendar. The demands of the criminal and juvenile calendars have also created situations where civil cases have been "bumped" in favor of criminal and juvenile matters. While understandable, it is frustrating for civil litigants to have their day in court delayed because of a clogged court calendar.

The case load has also had the effect of delaying when a civil case can even be first scheduled. In the past, it was not unusual to have major civil cases scheduled four to six months after a scheduling conference. Now that is virtually impossible. With a delay between the commencement of an action and when it can finally be brought to trial, this has meant a decrease in the timeliness and quality of the remedies available to civil litigants. I have seen where this delay has had an adverse effect of how Chippewa County residents view the fairness and quality of the judicial system.

Wisconsin Legislature

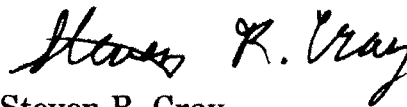
Page 2

January 17, 2000

When I began my legal career in 1977, I was an assistant district attorney in Oneida County. I saw from that experience, even at that time, the additional work created for the judges and the district attorney's office when a state prisoner facility was located in the county. With the opening of the prison in Chippewa County, it is inevitable that the work load on our judges will only increase.

As a result, I strongly feel now is the appropriate time to add a third circuit court in Chippewa County. The justice system in Chippewa County is bending under its case load. Please supply us with help before it breaks.

Very truly yours,

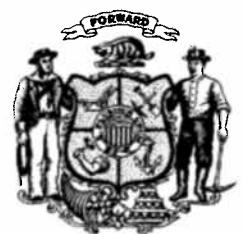
A handwritten signature in cursive script that reads "Steven R. Cray".

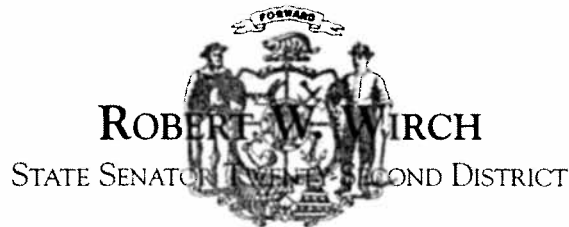
Steven R. Cray

dnk



WISCONSIN STATE LEGISLATURE





**Testimony before the Assembly Committee on Judiciary and Personal Privacy
by
Senator Robert Wirch
Assembly Bill 536
January 18, 2000**

Thank you Representative Huebsch, and members of the Committee for allowing us the opportunity to have our concerns heard at this public hearing.

Assembly Bill 536 addresses a growing need to increase the number of circuit court branches around the state. In Kenosha County alone the need for an additional circuit court branch has risen dramatically in recent years. I have provided you with information that highlights the pressing need we face in Kenosha County.

Between 1994 and 1998, the case filings in Kenosha have increased by almost 2,000 cases, driving judicial need up from 7.0 to 8.8 judges needed. The greatest need for judge time is in the criminal courts where judicial need increased from 3.3 to 4.9.

Recognizing the pressing need back in April, the Kenosha County Board passed a resolution supporting an additional branch of court. You will also hear testimony from circuit court judges in Kenosha about the ever-increasing caseloads they are faced with in

Kenosha. I am speaking today to support these efforts, and hope you will consider
Assembly Bill 536.

Thank you for your time.

DIRECTOR OF STATE COURTS
Office of Court Operations

JUDICIAL WEIGHTED CASELOAD

KENOSHA - D2:C30	1996	1997	1998
Felony	887	1,077	1,192
Misdemeanor	2,182	2,603	2,897
OWI-2 +	199	224	195
Traffic	1,907	2,105	2,508
Ordinance	163	291	544
PI/PD	228	215	266
CNT/RE	463	529	614
Other Civil	381	427	509
Divorce	690	663	667
Paternity	545	463	447
Other Family	152	98	151
Small Claims	367	332	259
Formal Estate	62	48	53
Protective Actions	437	478	489
Other Probate	630	425	431
JV: Delinquency	445	481	511
JV: CHIPS	241	230	302
JV: Ordinance	17	15	11
GRAND TOTAL	9,996	10,704	12,046
JUDICIAL NEED	7.24	7.85	8.80

M:\GG\CASELOAD

**Kenosha County
1994-1998 Weighted Case Load Data**

Case Type	Case Weight	Number of Cases					5 Yr Total	Judge Need *				
		1994	1995	1996	1997	1998		1994	1995	1996	1997	1998
Felony	118.3	719	738	887	1077	1192	4,613	1.51	1.55	1.87	2.27	2.51
Misdemeanor	29.5	2,222	2039	2182	2603	2897	11,943	1.17	1.07	1.15	1.37	1.52
OWI-2	39.7	181	186	199	224	195	965	0.13	0.12	0.14	0.16	0.14
Traffic (C)	13.8	1,772	2043	1907	2,105	2,508	10,335	0.44	0.50	0.47	0.52	0.62
Forfeit (C)	15.9	186	284	163	291	544	1,448	0.05	0.07	0.05	0.08	0.15
Subtotal	43	5,080	5,250	5,338	6,300	7,336	29,304	3.3	3.3	3.7	4.4	4.9
PI/PD	125	219	260	228	215	266	1,188	0.49	0.58	0.51	0.48	0.59
Cont/Real	34.4	585	459	463	529	614	2,650	0.36	0.28	0.28	0.32	0.38
Other Civil	21.9	398	438	381	427	509	2,154	0.16	0.17	0.15	0.17	0.20
Small Claims	27.8	289	315	367	332	259	1,542	0.13	0.16	0.18	0.16	0.13
Subtotal	52	1,471	1,473	1,439	1,503	1,648	7,534	1.1	1.2	1.1	1.1	1.3
Divorce	58.1	681	710	690	663	667	3,411	0.70	0.73	0.71	0.69	0.69
Paternity	34.8	570	601	545	463	447	2,626	0.35	0.37	0.34	0.29	0.28
Other Family	15.6	506	319	152	98	151	1,226	0.14	0.09	0.04	0.03	0.04
Subtotal	36	1,757	1,630	1,387	1,224	1,265	7,263	1.2	1.2	1.1	1.0	1.0
Formal Estates	20.9	80	79	62	48	53	322	0.03	0.03	0.02	0.02	0.02
Prof. Actions	19	359	341	437	478	489	2,104	0.12	0.12	0.15	0.16	0.17
Other Probate	11.3	670	771	630	425	431	2,927	0.13	0.16	0.13	0.09	0.09
Subtotal	17	1,109	1,191	1,129	861	973	5,353	0.3	0.3	0.3	0.3	0.3
JV-Del.	47.4	584	506	445	481	511	2,527	0.49	0.43	0.38	0.41	0.43
JV-CHIPS	158.6	222	235	241	230	302	1,230	0.63	0.66	0.68	0.65	0.85
JV-ORD	15	-	37	17	15	11	80	-	0.01	0.00	0.00	0.00
Subtotal	74	806	778	703	726	824	3,637	1.1	1.1	1.1	1.1	1.3
Grand Total	44.8	10,223	10,322	9,996	10,704	12,046	53,291	7.0	7.1	7.2	7.8	8.8

* Judge Need is determined by Case Weight * Number of Cases / 56,167 minutes



STATEMENT ON NEED FOR ADDITIONAL JUDGESHIPS

DELIVERED TO THE ASSEMBLY JUDICIARY COMMITTEE
JANUARY 18, 2000
BY THE DIRECTOR OF STATE COURTS

AB 536
folder

Introduction

The Wisconsin Supreme Court and the Director of State Courts urge passage of Assembly Bill 536, the Judgeship Bill for Wisconsin Circuit Courts. AB 536 creates 6 circuit court judgeships effective August 1, 2001 in the following counties:

Chippewa

Green

Juneau

Kenosha

Rock

Winnebago

In arriving at this recommendation, circuit court needs in each county and judicial district were reviewed and prioritized. Wherever possible, the Judicial Branch strives to resolve circuit court workload problems within a county or district through case transfers, judicial assignments (judge sharing) and other case management assistance. This does not alter the fact that Wisconsin needs more trial judges. The addition of these 6 judgeships will have a beneficial effect beyond the boundaries of these 6 counties.

Background

There are currently 240 circuit court judges (Attachment A). As measured by the updated weighted caseload formula (see Methodology), applied to the number of cases filed in 1998, Wisconsin needs 258.64 circuit judges. Attachment A also indicates the location of the proposed 6 judgeships.

Using the weighted caseload formula, 12 Wisconsin counties are under-judged by 20 percent or more (Attachment B). In order to keep the number of judges proposed to a minimum, need was prioritized on a number of bases, including judicial district judge need, availability of court facilities, support of county government and geographic/travel factors. No new judgeships are proposed in 5 of the 10 judicial administrative districts.

The following chart displays, for counties included in AB 536, the number of judges, the judge need, and the judicial workload per judge by judicial district and county, as calculated by the weighted caseload formula.

AB 536: JUDGE NEED BY DISTRICT & COUNTY

DISTRICT/COUNTY	#JUDGES	JUDGE NEED #	JUDICIALWORKLOAD
District 2	21	23.88	1.14
Kenosha County	7	8.81	1.26
District 4	20	23.62	1.18
Winnebago County	6	7.93	1.32
District 5	26	31.72	1.22
Green County	1	1.41	1.41
Rock County	7	9.90	1.41
District 6	21	21.95	1.05
Juneau County	1	1.51	1.51
District 10	24	26.08	1.09
Chippewa County	2	2.61	1.31

Chippewa County has 2 judges and a need for 2.61. The Tenth Judicial Administrative District has 24 judges and a need for 26.08. Although Chippewa County does not have the greatest need in District 10, it has space available and plans underway to convert this space into a 3rd courtroom. Further, Chippewa County has strong local government support for the creation of a third branch of Circuit Court. For these reasons, Chippewa was considered the highest priority for a Tenth District judgeship.

Green County has 1 judge and a need for 1.41. The Fifth Judicial Administrative District has the highest unmet judge need in the state with 26 judges and a need of 31.72. Green County shares the second highest unmet need for judges with

neighboring Rock County. Local support for a second branch of Circuit Court is strong and a second courtroom is available.

Juneau County has 1 judge and a need for 1.51. This represents the greatest unmet judge need in the state. Two of the counties bordering Juneau County in the Sixth Judicial Administrative District also have unmet judge need limiting the availability of help from outside the county. County government strongly supports the proposed judgeship. A second courtroom is available in Juneau County and there are plans for further renovations.

Kenosha County has 7 judges and a need for 8.81. The Second Judicial Administrative District has 21 judges and a need for 23.88. Kenosha County has the greatest need in District 2. Recent remodeling in Kenosha County has created a courtroom to accommodate an 8th branch of Circuit Court. Further, Kenosha County has strong support from county government for this proposed judgeship.

Rock County has 7 judges and a need for 9.90. Statewide, Rock County is second only to Juneau County in per-judge workload. The Fifth Judicial Administrative District also has the highest unmet judge need in the state. Remodeling is underway to provide a courtroom for an 8th judgeship. Local government strongly supports the request for an additional judgeship in Rock County.

Winnebago County has 6 judges and a need for 7.93 judges. In the Fourth Judicial Administrative District Winnebago County has the largest unmet judge need. District 4 with 20 judges and a need for 23.62 is second only to District 5 in terms of district-wide need. The Winnebago County Board has expressed strong support of the request for an additional Circuit Court branch and a commitment to the necessary construction of courtroom space.

Methodology

Weighted Caseload

The weighted caseload system is considered the most accurate overall method of measuring judicial workload. Weighted caseload:

1. Uses judicial time studies to measure the average judicial time to process various case types (case weights).
2. Applies the case weights to each court's annual workload (filed cases).
3. Determines the average annual caseload processing time to one judge.

Based upon these factors, a formula is created to estimate the number of judges needed to dispose of cases filed in a given year. This is considered a highly reliable measure of actual need because the calculation is based upon filed cases rather than number and age of cases pending or certain other factors which can be addressed by short-term measures such as the assignment of reserve judges.

Court Re-Organization - 1978

As part of court reorganization, the Legislative Council and the Director of State Courts were required by the Legislature to develop a weighted caseload measurement system. This methodology was chosen in order to provide a consistent and reliable quantitative basis for objective decision making regarding the creation of circuit courts in Wisconsin. The RPC Study, published March 31, 1980, established Wisconsin's weighted caseload formula.

Updated Weighted Caseload Formula - 1996

The primary drawbacks to a weighted caseload study are the time and expense required for this type of research. However, over time, changes in statutes and case law result in changes to the amount of judicial time spent on different case types and court events. Therefore, in order to maintain its accuracy and utility, the weighted caseload formula must be updated.

The Director of State Courts obtained a grant from the State Justice Institute to help fund an update of Wisconsin's weighted caseload. The contract was awarded to the National Center for State Courts (NCSC), nationally the most highly regarded consultants for this type of research. The NCSC report was completed and published January 1, 1996. Changes made to the formula as a result of this study are detailed in the report and methodological appendix, available from the Director of State Courts.

The Legislative Audit Bureau (LAB) reviewed the work by NCSC and recommended some changes and additions. Some of the recommendations were incorporated into the final report and others have been completed since the report was published. The remaining recommendations, which are expected to increase the calculated judge need, are either in process or will be included in the updates. While the National Center and the LAB disagreed on certain statistical issues, they agreed that the weighted caseload formula provides an objective measure of judicial workload, comparable from county to county.

The issue of court commissioners was raised in the NCSC report. It was determined that, when performing the same activity, court commissioners take about the same time as judges. However, assessing the effect of court commissioners on judicial workload has proven to be very difficult. Family court commissioners have a unique set of duties not covered by the weighted caseload formula. Duties of other court commissioners vary widely from county to county, and over time in a single county. Some counties use court commissioners for special projects, or combine duties with other positions such as the register in probate.

Without doing an individual activity or event study for each court commissioner it is not possible to include this factor in the weighted caseload. Even if it were possible to calculate a decreased judicial need based upon the availability of court commissioners, counties willing to supply local funding to improve local court services should not be penalized when new judgeships are created.

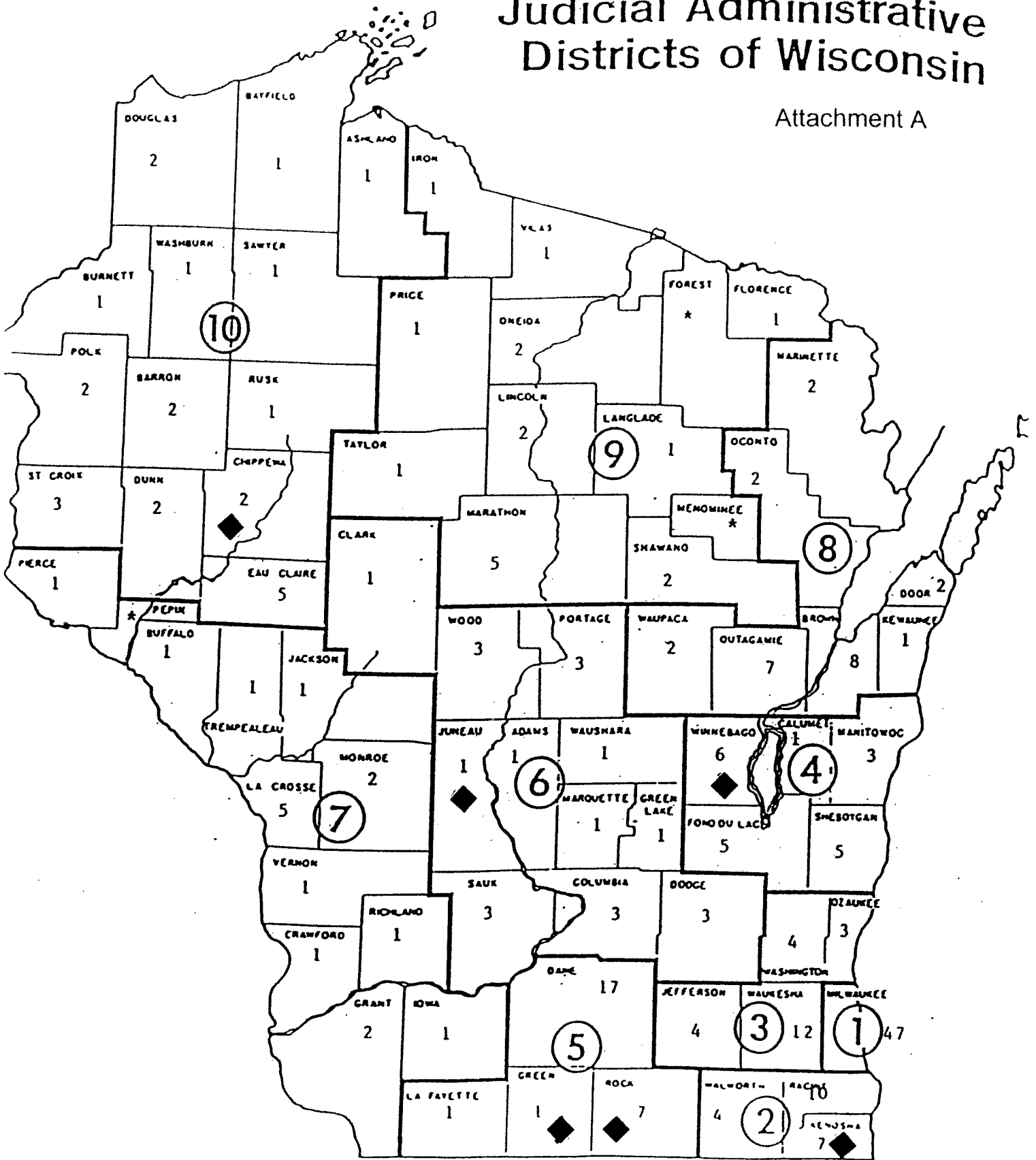
Conclusion

The Judicial Branch proposal required difficult decisions regarding the need for and priority of additional judgeships at the county, district and state levels. Positive action by the Legislature and the Governor is important both to meet pressing current need and to affirm the process of considering judgeships as a statewide issue. Following the creation of a judgeship in the biennial budget, rejection of this request and the process behind it would likely result in a significant number of uncoordinated single-county judgeship bills next session.

Assembly Bill 536 is a modest and justified proposal for additional judgeships statewide, based upon 1998 caseload, and not effective until August 1, 2001. If a statewide judgeship bill does not succeed in this legislative session, in future years it will not be reasonable or possible to dissuade single county proposals or to conduct a credible process to advise the legislature of statewide judgeship need.

Judicial Administrative Districts of Wisconsin

Attachment A



240 Circuit Court Judges as of August 1, 1999

◆ Proposed Judgeships



1998 WEIGHTED CASELOAD
Ranked by Per Judge Workload
Top 25 Counties

	COUNTY	Judges as of 8/1/99	1998 JudgeNeed	Per Judge Workload
1	Juneau	1	1.51	1.51
2	Rock	7	9.90	1.41
3	Green	1	1.41	1.41
4	Clark	1	1.38	1.38
5	Douglas	2	2.73	1.37
6	Winnebago	6	7.93	1.32
7	Manitowoc	3	3.93	1.31
8	Chippewa	2	2.61	1.31
9	Eau Claire	5	6.43	1.29
10	Kenosha	7	8.81	1.26
11	Sheboygan	5	6.24	1.25
12	Sawyer	1	1.24	1.24
13	Waupaca	2	2.36	1.18
14	Calumet	1	1.18	1.18
15	Monroe	2	2.34	1.17
16	Dane	17	19.83	1.17
17	Waushara	1	1.17	1.17
18	Marathon	5	5.82	1.16
19	Brown	8	9.15	1.14
20	Trempleau	1	1.13	1.13
21	Dunn	2	2.25	1.13
22	Green Lake	1	1.13	1.13
23	Langlade	1	1.12	1.12
24	Adams	1	1.10	1.10
25	Racine	10	11.03	1.10





Supreme Court of Wisconsin

DIRECTOR OF STATE COURTS
110 E. MAIN STREET, SUITE 410
MADISON, WISCONSIN 53703

J. Denis Moran
Director of State Courts

Shirley S. Abrahamson
Chief Justice

Patrick G. Brummond
Deputy Director for Court Operations
Telephone (608) 266-3121
Fax (608) 267-0911

January 25, 2000

Representative Michael Huebsch
20 N. Capitol
Madison, WI 53701

Dear Representative Huebsch:

Enclosed is the additional documentation that you requested at the hearing on AB536, the judgeship bill for the Wisconsin courts.

Please call me at 266-3121 if you have any questions regarding this information.

Sincerely,


Pat Brummond
Deputy Director of State Courts

PB/lal

Enc.

cc: Don Dyke
Sheryl Gervasi

Judgeships proposed in 1999 Assembly Bill 536.

AB 536: JUDGE NEED BY DISTRICT & COUNTY

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District 2	21	23.88	1.14
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District 6	21	21.95	1.05
Juneau County	1	1.51	1.51
District 10	24	26.08	1.09
Chippewa County	2	2.61	1.31

Judgeships proposed in 1997 Senate Bill 321 and enacted in 1997 Act 203.

SB 321: JUDGE NEED BY DISTRICT & COUNTY

DISTRICT/COUNTY	#JUDGES	JUDGE NEED #	JUDICIALWORKLOAD
District 1	46	61.67	1.34
Milwaukee County	46	61.67	1.34
District 3	22	23.39	1.06
Jefferson County	3	4.11	1.37
District 4	19	23.99	1.26
Fond du Lac County	4	4.84	1.21
District 7	16	16.03	1.00
La Crosse County	4	5.20	1.30
District 9	15	16.79	1.12
Lincoln County	1	1.49	1.49
Marathon County	4	6.35	1.59

Please contact Pat Brummond in the Office of Court Operations at 266-3121 with any questions regarding this information.

Huebsch, Michael

From: Malzer, Ron PhD [Malzer.Ronald@mayo.edu]
Sent: Monday, January 24, 2000 9:14 AM
To: 'Rep.Huebsch@legis.state.wi.us'
Cc: Lewandoski, June R. MD
Subject: Concerns About AB 632

Dear Representative Huebsch,

I am a psychologist and family therapist who works at the Family Health Clinic at Franciscan Skemp Healthcare; what follows are my own views.

I am a husband and father of two children. I am a strong believer in communication between parents and children, regarding sex and every other matter that's important in life. Children get their values in large part from listening to their parents, and watching how they conduct their lives. So if the question is "Should children be talking to their parents about sex, and hearing about the risks involved?", my answer is "Yes".

There is a big problem, however, with government requiring children to talk to their parents before getting contraception. To put it bluntly, there are parents around who try to manage their kids' sexual behavior by threats-- "If you ever come home pregnant, you'll be kicked out in the street", etc. Kids who grow up in homes like these know they can't talk to their parents about sex. Maybe some of them remain abstinent, but a large number go ahead and have sex anyhow. The question we have as a society is: Do we punish the kids by denying them access to birth control?

I don't think that's a wise response. Children born to teens under these circumstances start off life at a big disadvantage. We all wish that teens would postpone sex and talk with their parents about it. But if I understand AB 632 correctly, it is designed to slam the door on teens seeking contraception without parental approval. If that's the case, I want to encourage you to vote to table the legislation, so that teens trying to be responsible about not bringing unwanted children into the world don't get turned away.

Sincerely,

Ronald L. Malzer