

Fiscal Estimate Narratives

CTS 9/7/2011

LRB Number	11-2158/1	Introduction Number	SB-117	Estimate Type	Original
Description Venue for actions and appeals in which the sole defendant is the state, a state board or commission, or certain state officers, employees, or agents					

Assumptions Used in Arriving at Fiscal Estimate

This bill would change two provisions of civil procedure: (1) it would allow an appellant to choose the court of appeals district in which an appeal would be heard but it provides the appellant could not choose the district that contains the court from which the judgment or order is appealed; and (2) it changes the venue for actions in which the state of Wisconsin (or any state board or commission or any state officer, employee or agent) is the sole defendant to allow the plaintiff to select the county where the action is filed.

The exact fiscal impact of the bill is impossible to determine. Both provisions of the bill affect current procedures and workloads for some courts in the state but do not appear to involve increases in the number of appeals or cases filed. If the number of appeals or cases filed remains constant, then the workload for the court of appeals and the circuit courts would remain the same. There could be workload shifts within the court of appeals districts or among the circuit courts but the shift would be determined by the number of litigants who choose to change their filing patterns.

The constitutional and statutory provisions with reference to the Court of Appeals mandate that it function as a single court under a Chief Judge and not as four separate courts. Therefore, internal procedures are already in place to accommodate changes in the number of cases filed in any one district.

Under the bill, there would be a shift of some cases that are currently filed in Dane County circuit court to other circuit courts in the state. Because the plaintiff is allowed the choice of the county, it is impossible to predict how many cases would be shifted and to what counties.

Predicting the total number of circuit court cases impacted by the bill is impossible with the current data system. There are many circuit court cases in which the state of Wisconsin or its agencies or employees are named as parties, but only a minority of those cases appear to name the state as the "sole defendant." The inclusion of the language "or any state officer, employee or agent" means there are thousands of potential defendants; there is currently no mechanism to identify cases involving those individuals.

Long-Range Fiscal Implications