

CHAPTER 758

JUDICIAL BRANCH AGENCIES AND COMMITTEES

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758.01 State law library. (1) The supreme court shall maintain a state law library for the use of officers and employees of this state, attorneys and the public. The supreme court may promulgate and enforce rules governing the use of the library and appoint and fix the compensation of a librarian and such staff as is necessary to operate the library.

(2) The supreme court may establish and charge fees for photocopying, microfilm copying, books, generation of copies of documents from optical disk storage, computer services and other services provided by the state law library. The fees are subject to the cost limitations under ss. 19.35 (3) and 20.908.

History: 1971 c. 152 ss. 7, 40; 1971 c. 254 ss. 1, 2, 4 to 16; Stats. 1971 s. 257.01; 1977 c. 29; 1977 c. 187 s. 97; Stats. 1977 s. 758.01; Sup. Ct. Order, eff. 1-1-80; 1983 a. 27, 538; 1991 a. 39.

758.02 Exchanges. The state law librarian may effect exchanges of official documents listed in s. 35.84 with law libraries of other states and foreign governments.

History: 1985 a. 29.

758.13 Judicial council. (1) **MEMBERSHIP; APPOINTMENT; TERMS.** There is created a judicial council of 20 members as follows: a supreme court justice designated by the supreme court; a court of appeals judge designated by the court of appeals; the director of state courts or his or her designee; 4 circuit judges designated by the judicial conference; the chairpersons of the senate and the assembly committees dealing with judicial affairs or a member of each such committee designated by the respective chairperson; the attorney general or his or her designee; the revisor of statutes or an assistant designated by the revisor; the deans of the law schools of the university of Wisconsin and Marquette university or a member of the respective law school faculties designated by the deans; the state public defender or his or her designee; the president-elect of the state bar of Wisconsin or a member of the board of governors of the state bar designated by the president-elect and 3 additional members thereof selected by the state bar to serve 3-year terms; and 2 citizens at large appointed by the governor to serve 3-year terms. The names of the members shall be certified to the secretary of state by the executive secretary. Members shall hold office until their successors have been selected. Members shall receive no compensation, but shall be reimbursed from the appropriation made by s. 20.645 (1) for expenses necessarily incurred by them in attending council meetings.

(2) **POWERS AND DUTIES.** The council shall:

(a) Observe and study the rules of pleading, practice and procedure, and advise the supreme court as to changes which will, in the council's judgment, simplify procedure and promote a speedy determination of litigation upon its merits.

(b) Survey and study the organization, jurisdiction and methods of administration and operation of all the courts of this state.

(d) Receive, consider and in its discretion investigate suggestions from any source pertaining to the administration of justice and to make recommendations.

(e) Keep advised concerning the decisions of the courts relating to the procedure and practice therein and concerning pending legislation affecting the organization, jurisdiction, operation, procedure and practice of the courts.

(f) Recommend to the legislature any changes in the organization, jurisdiction, operation and methods of conducting the business of the courts, including statutes governing pleading, practice, procedure and related matters, which can be put into effect only by legislative action.

(3) **ORGANIZATION.** (a) The council shall elect a chairperson and vice chairperson.

(b) The council may promulgate and modify rules for the conduct of its proceedings in the exercise of its powers. The council may meet at such time and place as it determines but at least once every 3 months. It shall meet upon call of the chairperson or a call signed by 5 members of the council. Nine members shall constitute a quorum.

(c) The council may appoint regular and special committees of its members to investigate and report upon any matters relating to its duties. The council or any committee thereof when so authorized by the council is empowered to hold public hearings at such times and places within the state as may be determined. Any member of the council or any committee thereof shall have the power to administer oaths to persons testifying before the council or committee. By subpoena issued over the signature of its chairperson or acting chairperson and served in the manner in which circuit court subpoenas are served, the council or any committee when authorized by the council, may summon and compel the attendance of witnesses. If any witnesses subpoenaed to appear before the council or committee thereof refuse to appear or answer inquiries propounded, the council or committee shall report the facts to the circuit court of Dane county and the court shall compel obedience to the subpoena.

(d) The council may determine the qualifications of, and appoint outside the classified service, an executive secretary and such technical and clerical help as it deems necessary.

(e) The council may call upon any department of the state or any county or municipality thereof or any court for such facilities and data as may be available, and such departments, counties, municipalities and courts shall cooperate with the council to the fullest extent.

(f) The council may make such reports as it deems proper or as are requested by the legislature or the supreme court. The council may publish such reports as it considers necessary.

History: 1971 c. 254 ss. 1, 2, 4 to 16; Stats. 1971 s. 257.13; 1975 c. 39, 199; 1977 c. 187 s. 97; 1977 c. 325, 449; Stats. 1977 s. 758.13; Sup. Ct. Order, 88 W (2d) xiii (1979); 1983 a. 377; 1989 a. 31.

758.171 Judicial conference: uniform citation. The judicial conference shall adopt a uniform citation form for use as authorized under s. 968.085. A duly authenticated copy of this form shall be furnished to the secretary of state and kept on file in his or her office. The secretary of state shall transmit a copy of this form to the clerks of circuit court.

History: 1983 a. 433.

758.19 Director of state courts. (1) The director of state courts shall be included within the Wisconsin retirement system and ch. 40 applies to the director as it applies to justices of the supreme court.

(2) (a) The director may establish and charge fees for the provision of services or sale of documents concerning any of the following:

1. Uniform court forms.
2. Computer generated special reports of court information data.
3. Photocopies.
4. Pamphlets.

(b) The fees are subject to the cost limitations under ss. 19.35 (3) and 20.908.

(3) The director shall establish and charge fees for data processing services provided for the board of bar examiners, the board of attorneys professional responsibility and the mediation system under ch. 655.

(4) The director of state courts may develop, promote, coordinate and implement circuit court automated information systems that are compatible among counties using the moneys appropriated under s. 20.680 (2) (j). If the director of state courts provides funding to counties as part of the development and implementation of this system, the director of state courts may provide funding to counties with 1 or 2 circuit court judges for a minicomputer system only up to the level of funding that would have been provided had the county implemented a microcomputer system. In those counties with 1 or 2 circuit court judges, any costs incurred to implement a minicomputer system not funded under this subsection shall be paid by the county. Those counties may use that minicomputer system for county management information needs in addition to the circuit court automated information system use.

(5) (a) In this subsection, "court costs" means one or more of the following costs:

1. Juror fees under s. 59.77 (8).
2. Fees for expert witnesses called by the guardian ad litem under s. 767.045 (6) if either or both parties are unable to pay those fees.
3. Witness fees set under s. 814.67 (1) (b) 1. and (c) for witnesses called by the court on its own motion or called by, or subpoenaed at the request of, a district attorney, the state public defender or a private attorney appointed under s. 977.08. Nothing in this subdivision affects the determination of who is obligated to pay for fees set under s. 814.67 (1) (b) 1. and (c) for witnesses called by, or subpoenaed at the request of the state public defender or a private attorney appointed under s. 977.08.

4m. Fees for expert witnesses appointed under s. 907.06 by the court on its own motion or by the court at the request of the district attorney, the state public defender or a private attorney appointed under s. 977.08 or by the court upon agreement of the district attorney, the state public defender or a private attorney appointed under s. 977.08. Nothing in this subdivision affects the determination of who is obligated to pay fees for an expert witness appointed under s. 907.06.

5. Fees for witnesses or expert witnesses subpoenaed by the court at the request of the district attorney, coroner or medical examiner under s. 979.06 (1) and (2).

6. Salary and fringe benefits for judicial assistants for circuit court judges.

(b) From the appropriation under s. 20.625 (1) (d), the director of state courts shall make the following payments to counties:

1. On January 1, 1994, payments totaling \$9,931,700 for court costs incurred or to be incurred by counties beginning on August 13, 1993, and ending on December 31, 1994.

2. On January 1, 1995, payments totaling \$3,830,700 for court costs to be incurred by counties beginning on January 1, 1995, and ending on June 30, 1995.

3. On every July 1 thereafter, payments totaling \$3,830,700 for court costs to be incurred by counties beginning on July 1 and ending on December 31 of the year in which the payment is made.

4. On every January 1 thereafter, payments totaling \$3,830,700 for court costs to be incurred by counties beginning on

January 1 and ending on June 30 of the year in which the payment is made.

(c) The amount paid to each county under par. (b) shall be determined by dividing the number of circuit court branches in the county by the total number of circuit court branches in the state and multiplying that result by the total payment to be made. For those counties that share the services of one or more circuit court branches, the director of state courts shall annually determine the proportional share of that circuit court branch for each county based on the circuit court branch case load in each county.

(d) Except as provided in par. (e), no action is required of and no condition may be imposed on a county to receive a payment under par. (b), including applying for, submitting information in connection with, entering into a memorandum of understanding concerning or making any other agreement regarding the payment. Except as provided in pars. (f) and (g), the director of state courts may not withhold payment under par. (b) to a county.

(e) No later than July 1, 1994, and no later than July 1 of each year thereafter, each county shall submit to the director of state courts, in a format that is established by the director of state courts, information regarding the amount of actual costs that the county incurred in the previous calendar year for each of the following:

1. Juror fees as described in par. (a) 1.
2. Witness and expert witness fees as described in par. (a) 2. to 5.
3. Salary and fringe benefits for judicial assistants for circuit court judges.
4. Guardian ad litem fees as described in sub. (6).

(f) A county that fails to meet the requirements under par. (e) is not eligible for a payment under par. (b) for one year after the July 1 that the information was not provided, or until the information is provided, whichever is earlier. Except as provided in this paragraph and par. (g), the information regarding the amount of actual costs reported under par. (e) does not affect the amount paid to a county under par. (b).

(g) Beginning with the submittal of information under par. (e) on July 1, 1995, if the director of state courts determines, based on the information submitted under par. (e), that the payment made to a county under par. (b) for any calendar year exceeds the court costs incurred by the county for that calendar year, the director of state courts shall deduct the difference from the next payment under par. (b) made to that county after the director's determination. The difference shall be apportioned as provided in par. (c) among the other counties for payment under par. (b) to the other counties on that payment date. For purposes of this paragraph, the director of state courts shall treat the period beginning on August 13, 1993, and ending on December 31, 1994, as a calendar year and determine from the information submitted under par. (e) on July 1, 1994, and July 1, 1995, whether the payment to a county under par. (b) on January 1, 1994, exceeds the court costs incurred by the county for the period beginning on August 13, 1993, and ending on December 31, 1994.

(h) The director of state courts shall establish a description of the qualifications and duties of an individual who is a judicial assistant for purposes of this subsection. Nothing in this subsection requires a county to employ, to incur costs for salary and fringe benefits for, or to expend payments received under par. (b) for salary and fringe benefits for, judicial assistants for circuit court judges.

(i) The director of state courts shall compile the information reported under par. (e) and, by October 1 annually, submit that information to the legislature under s. 13.172 (2) and to the governor.

(6) The director of state courts shall reimburse each county for the costs of guardian ad litem compensation incurred after May 10, 1994, under ss. 48.235 (8), 48.996, 55.06 (6) and (9) (b), 767.045 (6), 880.33 (2) (a) 2., 880.331 (8) and 891.39 (1) (b) from the appropriation under s. 20.625 (1) (e). No reimbursement under this subsection may exceed the per hour rate established for

time spent in court by private attorneys under s. 977.08 (4m). The costs reimbursable under this subsection shall be paid pursuant to a voucher submitted by the clerk of circuit court to the director of state courts. The voucher shall include the number of hours charged by the guardians ad litem. If the moneys available under s. 20.625 (1) (e) are insufficient to reimburse all eligible claims

submitted by counties for payment under this subsection, the moneys shall be prorated.

History: 1971 c. 254 ss. 1, 2, 4 to 16; Stats. 1971 s. 257.19; 1975 c. 37, 189, 199; 1977 c. 29; 1977 c. 187 ss. 97, 135; 1977 c. 305 s. 64; 1977 c. 449; Stats. 1977 s. 758.19; Sup. Ct. Order, 88 W (2d) xiii (1979); 1981 c. 96; 1983 a. 27; 1985 a. 29, 340; 1989 a. 31; 1991 a. 32, 39; 1993 a. 16, 206, 437, 491.