
**In the Matter of the Petition to Amend
Supreme Court Rule 33.04 Regarding
Judicial Education for Municipal Judges**

**MEMORANDUM
IN SUPPORT**

PETITION 17-____

Overview

Attorney Todd E. Meurer, Manager, Municipal Court Education, Office of Judicial Education, submits this memorandum in support of the petition for an order amending Supreme Court Rule (SCR) 33.04, pertaining to mandatory judicial education for municipal court judges. No public hearing is requested because the changes proposed in this petition merely affect the timing of reporting and attending judicial education and will not alter pleading, practice, or procedure in the courts.

Explanation of Proposed Rule Amendments

This petition asks the court to make two changes to SCR 33.04: (1) to make the judicial education schedule for municipal judges consistent with the calendar year, and (2) to add the word appointed to the rule to ensure that newly appointed municipal judges commence judicial education during their first year in office, rather than their second year.

Municipal judges are required to obtain judicial education, as set forth in SCR ch. 33. The Office of Judicial Education oversees and administers educational programs for municipal judges and municipal court personnel. The Orientation Institute for newly elected judges is presented during the first week of May. New judges typically attend Tuesday afternoon through Friday and receive 7 credits. Other judges may attend on Thursday and Friday and receive 4 credits. In addition, two-day review institute seminars (4 credits) are presented in March, July and September of each year. Every other year a two-day Graduate Institute on law and humanities is presented in November (4 credits). Most municipal judges will attend one of the two-day seminars to obtain the required 4 education credits.

SCR 33.04(2), as currently written, is structured so that the mandatory judicial “education year” runs from May 1 thru April 30. Thus, the “education year” is not consistent with the calendar year. It is unknown why the rule was created in this manner. Presumably it is because municipal judge elections are conducted in April and terms commence on May 1.

However, this structure creates needless confusion for many municipal judges. Most municipal judges fail to realize or remember that the “education year” and the calendar year are different.

Many judges who attend a review seminar offered in March of each year fail to realize that they are obtaining credits for the “education year” (running from May1 through April 30) rather than credits for the prospective calendar year. These judges think they have complied with the mandatory education rule for that calendar year by attending the March seminar when they have not. There is no reason to have the “education year” run differently than the calendar year. This petition proposes amending SCR 33.04(2) to reflect a calendar year for municipal judge education.

The petition also proposes amending SCR 33.04(1) to add “or appointed”.

This change is advisable because municipal judges appointed between December and April will not stand for election until April of the following year. See s. 8.50(4)(fm), stats.

However, newly appointed municipal judges should be required to attend the Orientation Institute seminar as soon as possible following their appointment. It seems prudent to amend the rule so that municipal judges appointed in December through April will attend the Orientation Institute in May of their first year in office, rather than waiting until the following year.

The changes proposed in this petition will simplify the rules for municipal court judges and will ensure newly appointed municipal judges commence their mandatory educational requirements promptly. The petition will not affect any person's substantive rights and should have no appreciable fiscal or administrative impact.

The petitioner has consulted the Director of Judicial Education, Karla Baumgartner, and she supports the changes proposed in this petition. The petitioner is also authorized to state that the Municipal Judge Education Committee also supports this petition. The Wisconsin Municipal Judge Association is expected to vote to support these changes at its next meeting on March 16, 2017.

Conclusion

The petitioner asks the court to approve the petition and issue an order amending Supreme Court Rule (SCR) 33.04, pertaining to mandatory judicial education for municipal court judges for the reasons set forth herein. The petitioner proposes an effective date of January 1, 2018.

Respectfully submitted this ___ day of _____, 2017.

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