
In the matter of AMENDING sections 757.60 (9) and (10), Wis. Stats., and Supreme Court Rules 70.17 (9) and (10), AND RENUMBERING section 753.06 (9) (d), Wis. Stat.

**SUPPORTING
MEMORANDUM
PETITION 19-___**

INTRODUCTION and BRIEF HISTORY

The Director of State Courts respectfully petitions the Supreme Court to amend the statutes and the Supreme Court Rules that establish the judicial administrative districts so as to transfer Iron County from the ninth judicial district to the tenth judicial district. Judicial administrative districts are established under Supreme Court Rule 70.17 and are set forth in Section 757.60, Wis. Stat. The judicial circuits within the judicial administrative districts are set forth in Section 753.06, Wis. Stat. The judicial administrative districts are administered by a chief judge who, together with the district court administrator, oversees the court functions within their district.

Judicial administrative districts have been modified over the years, as circumstances have required. Originally, 10 judicial districts were established in Wisconsin. In 2018, the Director of State Courts petitioned the Wisconsin Supreme Court for the sixth judicial district to be dissolved and for the counties to be redistributed to other judicial districts. That petition was granted on April 11, 2018, leaving nine judicial districts in Wisconsin. Additionally, in 1981 Wisconsin Act 317, several counties were moved from one judicial district to another: Lafayette County was moved from the 7th to the 5th district, Clark County was moved from the 9th to the 6th, Waupaca County was moved from the 6th to the 8th, Pierce County was moved from the 10th to the 7th, and Ashland County was moved from the 9th to the 10th judicial district.

For the reasons set forth in this Memorandum, the Director of State Courts requests the Court to amend and renumber the statutes establishing the judicial administrative districts in order to transfer Iron County from the ninth judicial district to the tenth judicial district and to amend the Supreme Court Rules to keep SCR 70.17 consistent with the statutory changes.

DISCUSSION

A. The Supreme Court Has Rule Making Authority to Amend Statutes Affecting Judicial Administrative Districts.

The Wisconsin Constitution establishes that the Supreme Court has “superintending and administrative authority over all courts.”¹ Recognizing this authority, Chapter 751 of Wisconsin Statutes covers certain rules and responsibilities of the Wisconsin Supreme Court and provides that, in addition to the legislature’s authority to modify statutes, the Supreme Court also has authority to modify statutes relating to pleading, practice, and procedure: “All statutes relating to pleading, practice, and procedure may be modified or suspended by rules

¹ Wis. Const. art. VII, § 4 (3).

promulgated under this section.”² Additionally, Section 751.12 (1), Wis. Stat. provides that “[t]he state Supreme Court shall, by rules promulgated by it from time to time, regulate pleading, practice, and procedure in judicial proceedings in all courts....”

The statutes that are the subject of this petition relate directly to the courts’ procedures and practice and are administrative in function³. For the reasons set forth in this memorandum, the Director of State Courts requests that the Court exercise its authority to transfer Iron County to the tenth judicial district.

B. Iron County Should be Transferred from the Ninth Judicial District to the Tenth Judicial District.

1. The Supreme Court can efficiently manage workload disparity if it moves Iron County from the ninth to the tenth judicial district.

The Office of Court Operations conducts a weighted caseload study and judicial needs assessment to review the workload of circuit court judges in Wisconsin. The judicial needs assessment is completed every 10 years, and the weighted caseload report is updated annually based on case filings. The weighted caseload report indicates the workload in each county, with 1.0 representing a full workload. Any county with a workload greater than 1.0 is considered to have a judicial need.

Iron County is located in the ninth judicial district in northern Wisconsin and has one circuit court branch. The most recent weighted caseload report reflects a workload of .39 for the judicial officer in Iron County, which is the lowest workload in any county in Wisconsin.

In an effort to manage workload disparity, the Office of Court Operations reviewed the workload of counties surrounding Iron County. Price and Vilas counties border Iron County and are also in the ninth judicial district. Price County does not currently have a need for assistance with its workload. Vilas County has a workload of 1.45 indicating an increased judicial need; however, the travel time between the Iron County and Vilas County courthouses is 1.5 hours in good driving conditions.

Ashland County also borders Iron County but is located in the tenth judicial district. The most recent weighted caseload report reflects a workload of 1.32 for the one judicial officer in Ashland County, indicating a significant judicial need for assistance in managing its workload. The travel time between the Ashland County and Iron County courthouses is 45 minutes, considerably less than the drive to the Vilas County courthouse. It would be more feasible and judicially efficient to have Iron County share

² Section 751.12 (2), Wis. Stats.

Section 751.12 (4), Wis. Stats.: this section shall not abridge the right of the legislature to enact, modify, or repeal statutes or rules relating to pleading, practice, or procedure.

³ The requested amendment to s. 757.60 (9) and (10), Wis. Stats., merely moves Iron County from one district to another.

workload relief with Ashland County, as the additional drive time to Vilas County could diminish the relief that was available, especially during the winter months.

Given the disparity in workload and the proximity to each other, if Iron County is assigned cases in Ashland County on a regular basis, it would be more administratively efficient for Iron County to be moved to the tenth judicial district. Cases are assigned by different processes depending on whether a judicial officer is assigned to a case in a county within the same judicial administrative district, or in another district. Within each judicial district, the chief judge works with the district court administrator to equitably allocate caseloads.⁴ The Director of State Courts is responsible for interdistrict judicial assignments.⁵ Considering the significant disparity in workload, Ashland County cases could be regularly assigned to Iron County to more evenly allocate cases. Given the frequency with which this may occur, it would be administratively more efficient for the assignments to be made by the chief judge of the district, rather than for the Director of State Courts to make each assignment.

2. Moving Iron County to the tenth judicial district will be administratively more efficient and reduce administrative costs.

Judicial officers assigned to cases outside their headquarter county are eligible for reimbursement of travel expenses, including mileage at the rate of \$.51 per mile. The distance from the Iron County courthouse to the Vilas County courthouse is 72 miles, which would result in an estimated reimbursement of \$73.44 each trip. The distance from the Iron County courthouse to the Ashland County courthouse is 37 miles, and would result in an estimated reimbursement of \$37.74 per trip. Therefore, the administrative cost of the Iron County judicial officer traveling to the Ashland County courthouse each trip would be approximately half of the cost of the Iron County judicial officer's trip to Vilas County.

CONCLUSION

For the reasons set forth in this Memorandum, the Director of State Courts respectfully requests that the Supreme Court grant his petition to transfer Iron County from the ninth judicial administrative district to the tenth judicial district.

Respectfully submitted this 22nd day of October, 2019.

Judge Randy R. Koschnick
Director of State Courts

⁴ Supreme Court Rule 70.19 (3) (a).

⁵ Supreme Court Rule 70.01 (2) (f).

JUDICIAL ADMINISTRATIVE DISTRICTS

