

MINUTES
PLANNING and POLICY ADVISORY COMMITTEE
Tuesday, August 18, 2015, 10:00 a.m.
State Bar of Wisconsin
Madison, WI

Members Present: Chief Justice Patience Roggensack (Chair), Hon. Juan Colas, Hon. Michael Aprahamian, Hon. William Brash, Hon. Nick Brazeau, Hon. Timothy Hinkfuss, Hon. LaMont Jacobson, Hon. John Jorgensen, Hon. JoAnn Kloppenburg, Hon. Elliott Levine, Hon. William Pocan, Hon. David Reddy, Hon. Pat Torhorst, Municipal Judge Randi Othrow, Mr. Jeffrey Altenburg, Ms. Teresa Arrowood, Mr. Jon Bellows, Commissioner Dolores Bomrad, Mr. Carlo Esqueda, Mr. Gregg Moore, J. Denis Moran, Mr. Peter Sorce, Ms. Kelli Thompson, Ms. Diane Treis Rusk, Mr. Tim Verhoff

Members Absent: Hon. David Borowski, Hon. Eugene Harrington, Hon. Thomas Vale

Guests Present: Justice Shirley Abrahamson, Ms. Connie Kostelac, Ms. Lynn Davis

Staff Present: Ms. Sara Ward-Cassady, Mr. Brian Lamprech, Ms. Nancy Rottier, Ms. Marcia Vandercook, Mr. Bill Walker, Mr. Tyler Brandt, Ms. Melissa Lamb

Items distributed with agenda:

1. Agenda
2. March 2015 Meeting Minutes
3. Informational Bulletin 15-08, 2015-2017 Biennial Budget
4. Wisconsin Treatment Court Standards Training 2015
5. Legislative Summary
6. Directions to State Bar of Wisconsin

1. Welcome and Introductions

Chief Justice Roggensack welcomed everyone to the meeting and introduced new members Judge Michael Aprahamian, Judge John Jorgensen, and Mr. Peter Sorce.

2. Approval of March 2015 PPAC Meeting Minutes

Chief Justice Roggensack suggested changing the heading of the minutes document to reflect that it was a joint meeting with the Supreme Court. Ms. Thompson motioned to approve the minutes with this change, Ms. Othrow seconded, and all approved.

3. Membership

Judge Colas asked the group for approval of third terms of membership for himself and Judge Borowski. Judge Jacobson moved to approve, Judge Levine seconded, and all approved.

4. Budget Update

Bill Walker introduced himself to the committee; he became the Director of State Courts Office Budget Director in February. Mr. Walker said anyone interested in more details about the governor's budget should refer to informational bulletin 15-08, but he provided some highlights pertaining to the courts. The biennial budget bill is 2015 Wisconsin Act 55, effective July 14. The appropriation of payments to counties for operation of circuit courts was changed from three appropriations to a single appropriation, effective July 1, 2016. 2015 Wisconsin Act 55 also combined the State Law Library appropriation with the Director of State Courts Office (DSCO) appropriations. The Judicial Council was not eliminated, but the funding was also moved to the DSCO. The position authority for the statewide problem-solving court coordinator was granted, but no funding was provided, and no additional funding was given for CCAP. The budget bill created the opportunity for county boards to implement a crime prevention funding board (CPF) and impose a CPF surcharge in the circuit courts. Mr. Walker said if a county creates the CPF, at least half the funds must go to a non-profit crime prevention board and the rest can go to law enforcement. Chief Justice Roggensack asked if either creating the board or imposing the fee is optional if counties want to do one or the other, and Mr. Walker said there is no fee if the CPF is not created in a county. Chief Justice Roggensack said no new lapse requirements were imposed on the court system for the biennium.

5. Planning Subcommittee

Commissioner Bomrad reported on the PPAC Planning subcommittee's biennial Critical Issues Report process for 2016-18. She said PPAC Planning members were asked to review national documentation on courts beginning in February, and the committee met in May to discuss articles they reviewed and suggest critical issues. The committee decided to include important issues even if there may not be resources to address them. In July, the committee met to narrow down the issues and discuss the stakeholder survey, and identified 11 critical issues to include in the survey. Ms. Vandercook said stakeholders will get an email at the end of August with a link to complete the survey online, which should take five to ten minutes, and recipients will have two weeks to respond. The results of the survey will be tabulated for discussion at the September PPAC Planning meeting. The committee will narrow down the critical issues identified in the survey and propose action steps for each, and Ms. Vandercook said these issues and action steps will be presented at the Judicial Conference in November. Commissioner Bomrad said the proposed critical issues will also be presented to the entire PPAC committee in December. Judge Pocan asked how the private bar is targeted for the survey, and Ms. Ward-Cassady said the survey is sent to the State Bar of Wisconsin for distribution to the membership. Judge Pocan recommended sending the survey to local bar associations as well, and Ms. Ward-

Cassady will discuss the suggestion with the representative from the State Bar as she does not want anyone taking the survey multiple times.

6. Effective Justice Strategies

Judge Levine explained that the Effective Justice Strategies (EJS) subcommittee deals with sentencing issues and programming, and works closely with Criminal Justice Coordinating Councils (CJCC) across the state. Ms. Thompson is the chairperson of the problem-solving courts subcommittee of the statewide CJCC. Judge Levine said EJS is working with the Pew-MacArthur Results First Initiative on a cost-benefit analysis of the Department of Corrections and then problem-solving courts in Wisconsin. This initiative is currently in the data collection phase.

Wisconsin is one of three states participating in the National Institute of Corrections (NIC) Evidence-Based Decision Making Initiative Phase V. Judge Levine said the team from NIC and the Center for Effective Public Policy did initial site visits in April to the counties participating (Chippewa, La Crosse, Marathon, Outagamie, Rock, and Waukesha), and Mr. Gubbin will visit all these counties as well. Phase V continues through March of 2016, and Phase VI will be the implementation process. Judge Levine emphasized the importance of maintaining standards in problem-solving courts, and said having a statewide problem-solving court coordinator is essential.

Connie Kostelac from the Department of Justice (DOJ) is working with the Wisconsin Association of Treatment Court Professionals, the Director of State Courts Office, and judges and treatment court coordinators to develop a statewide treatment court training to ensure treatment courts are operating correctly. A grant from the Bureau of Justice Assistance is funding trainings in Appleton, La Crosse, Madison, Racine, Trego, and Wisconsin Rapids. The training will inform participants of the 17 Wisconsin treatment court standards as well as the National Center for State Courts performance measures. Ms. Kostelac said the training will also include an overview of the CORE (Comprehensive Outcome, Research, and Evaluation) Reporting System in development at DOJ. The CORE database is designed for consistent data collection on participants from treatment courts and diversion programs and will be available statewide at no cost. Chief Justice Roggensack asked who will input the data from treatment courts if the database is maintained at DOJ, and Ms. Ward-Cassady said the county treatment court coordinators will enter the data in the web-based system. Ms. Ward-Cassady emphasized the importance of filling the treatment court coordinator position for initiatives such as the CORE database. Justice Abrahamson inquired about the relationship of the CORE database and CCAP, and Ms. Ward-Cassady explained that CCAP has staff representation on the CORE database committee, but that database will not be connected to CCAP for now. Gregg Moore stated that the Wisconsin Counties Association is very supportive of evidence-based decision making efforts in the courts, and an article about EBDM written by Judge Levine is in the August 2015 issue of Wisconsin Counties Magazine.

7. Judicial Needs Assessment

Chief Judge Torhorst announced the collaboration of the National Center for State Courts and the Chief Judges' Workload Assessment and Advisory Committee to update the Judicial Needs Assessment in Wisconsin. The last workload study was completed in 2006. Chief Judge Torhorst said judges and circuit court commissioners will attend trainings prior to the time study on how to record their time in the online database, and 100 percent participation is expected. Jon Bellows explained that judges and circuit court commissioners will record all of their work time for a month and this data will be used to generate the judicial officer need by county. Mr. Bellows said these workload studies are important to objectively assess judicial need to handle circuit court caseload, and prior studies have been used to support all judgeship bills. Denis Moran asked if and how judges participating in the treatment court trainings will affect data collection, and Ms. Ward-Cassady said the number of judges attending those trainings will not have a statistical implication, and Mr. Bellows said judges need to account for off the bench work time on committees and attending trainings. Justice Abrahamson asked if administrative time for chief judges will also be accounted for, and Mr. Bellows said administrative time as well as weekend search warrants or any work time at all during the month of data collection. Judge Jorgenson asked how previous studies were used to obtain judgeships in the past. Mr. Bellows said the weighted caseload report is prepared by Court Operations every year, and the data in this report is used to support judgeship legislation and to determine case equalization and workload distribution. Chief Judge Torhorst said the weighted caseload report assists counties with future planning in case additional courtrooms need to be built. Nancy Rottier said the last Judicial Needs Assessment was the main document used to support the successful judgeship bill in 2007, which added eight new judgeships from 2008 through 2010.

8. Legislative Update

Ms. Rottier provided a summary of proposed legislation with the meeting materials. Three bills resulted from the meeting of the Legislative Council study committee on problem-solving courts attended by Judge Colas and Judge Reddy. The proposed legislation addresses public transportation needs of treatment court participants, treatment for parents in CHIPS cases, and treatment and diversion statute changes. The legislature reconvenes on September 15, and will hold five weeks of legislative sessions before the end of the year. Anyone interested in attending public hearings should contact Ms. Rottier.

Ms. Rottier said the Legislative Committee of the Judicial Conference drafted a judgeship bill for the seven counties with the highest judicial need (Calumet, Dunn, Jackson, Marathon, Polk, Vilas, and Wood), and is working on a bill on a comprehensive approach to expungement. Mr. Moore asked if county boards are supportive of judgeship bills in the proposed counties, and Ms. Rottier said they are and their legislative representatives are as well. Vilas and Jackson Counties asked for a one-year delay to address facilities and funding issues. Chief Justice Roggensack asked why the courts are paying the National Center for State Courts to do a Judicial Needs Assessment if the judgeship bill is already in place. Ms. Rottier said the counties in the judgeship bill have consistently been at the top of the judicial need ranking and the chief judges

recommended moving forward with the bill. Chief Justice Roggensack asked what would happen if the new judicial needs assessment showed that there were additional or different counties in need of a judgeship. Ms. Rottier said that the Committee of Chief Judges decided to move forward with the judgeship bill because they felt that even without a new assessment being completed, there would be educational benefit for the legislature regarding judgeships by submitting a bill now, using the data we currently have. If this bill isn't successful, then we will use the new data in a subsequent bill. Additionally, there are other benefits to a judicial needs assessment besides a judgeship bill. Judge Colas stated that it is certainly a tactical question as to whether to move forward with judgeship bill when a new study is under way, but in terms of whether the investment in the study makes sense, the value of the study is wider than just judgeships. We need to periodically gather data for when it is needed for other purposes. Judge Levine stated that the study is also used for creating a basic weighting process for what judges do that then supports case processing goals. Those standards have to be looked at and adjusted as time goes on; they cannot remain static. Judge Levine stated he can see why the legislature might assume they should wait for a new study, but that would be the wrong assumption. Mr. Moore stated that the lead time for counties for implementing new judgeships is substantial and can be years. Even if additional counties are identified out of the new judicial needs assessment, it would not necessarily be possible for them to leap into new judgeship right now. Justice Abrahamson stated that in the past it was decided that the best approach was to have a judgeship bill that considers the needs of all counties, to cut down on "rogue" counties making requests on their own, that don't consider the statewide need. Judge Torhorst stated that this issue was discussed by the chief judges, to have a unified statewide approach to moving forward with judgeship bills. Ms. Rottier stated that some specific counties had met with legislative staff about moving forward with judgeship bills of their own rather than be part of the statewide judgeship bill. In late March/early April some chief judges met with those legislators to encourage the statewide judgeship bill approach instead. Mr. Moran stated that the judicial needs assessment is a tool the courts needs to have and it has to be updated regularly, regardless of the need or status of a judgeship bill. It has been a decade and a new study needs to be done. We do not want to create an expectation in the other branches that a full judicial needs assessment must always be done before a judgeship bill is relevant.

9. Other Items

Ms. Ward-Cassady said future meeting dates are set through May 2016, as stated on this meeting's agenda. The next meeting is Tuesday, December 8, in Madison. Judge Aprahamian asked about future meeting locations, and Ms. Ward-Cassady said the exact location isn't set but all meetings will be in Madison.

The meeting was adjourned.