

Critical Issues:
An Operational Plan for the Wisconsin Court System

Fiscal Years 2004-2005 and 2005-2006

Submitted to the WI Supreme Court by:
Planning and Policy Advisory Committee
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Critical Issues: An Action Plan for the Wisconsin Court System

The Planning and Policy Advisory Committee's (PPAC) planning subcommittee began its second two-year meeting cycle in January 2003. The subcommittee's overall goal is to identify the critical issues facing the Wisconsin court system, and recommend ways of addressing them.

The pages that follow offer information concerning the origins of the subcommittee, its methodology, and secondary findings. However, the report begins by describing in detail the four most critical issues that call for the immediate attention of the Wisconsin Supreme Court and court system administrators.

FOCUSING ON THE FUTURE: FOUR CRITICAL ISSUES

After considering all of the issues identified, the subcommittee chose four issues on which to focus resources over the next biennium. Each issue is explained in this section, including information concerning related activities within the system, and objectives to be achieved when addressing the issue.

In addition, listed under each issue are one or more specific measures of success that will indicate progress toward addressing the issue. As much as possible, the measures of success place a priority on measuring results rather than efforts. In some cases a process rather than a result may be identified. When no adequate information exists to measure progress on an issue, recommendations are made for collecting the information in the future.

A. ADDRESS FUNDING CONSTRAINTS (MOST critical issue)

Discussion: For both the current and the coming biennia, the State of Wisconsin and its municipal subdivisions face revenue shortfalls and budget deficits. This issue was ranked first by nearly all participants in the issue identification survey of court staff and was the basis of much discussion at the 2003 Judicial Conference. The budget crisis means that open positions remain unfilled; necessary staff at all levels cannot be hired; out-of-state travel is not funded; and reserve judge use is restricted, placing an additional workload burden on active judges.

On the county level, reduced revenues will result in counties refusing to fill open positions in court offices and even reducing staff levels. Local projects and equipment requests will also be put on hold or scaled back. On a statewide basis, the budget crisis impedes new initiatives to implement the court system's mission.

PPAC recommends development and implementation of strategies to achieve or retain adequate funding to provide necessary court services, and exploration of organizational opportunities that may result from budget cutbacks.

Objectives: The Judicial Branch should identify opportunities that may exist either due to, or in spite of, funding constraints. The court system should:

- 1) Minimize or Eliminate Required Activities that do not Add Value
Identify required activities that take time and other court system resources and add little or no value to the process, and so could be eliminated or modified. Look particularly for activities that in a time of less budget pressure might be political sacred cows.
- 2) Identify and Disseminate County Level Circuit Court Funding Strategies
Collect and share information on successful strategies that have allowed some counties to maintain essential resources and funding. Examples include:
 - Minimizing Expenditures: Circuit courts have benefited from cooperation in county efforts to reduce costs where appropriate and feasible, even if not within the courts' own budget (e.g. jail alternatives).
 - Maximizing Revenues: Increased collection of court ordered obligations have helped many clerks of circuit court (COC) defend their staffing levels and budgets.
 - Program Evaluation: Prove by objective standards the efficacy and cost benefit of expenditures for new and existing court programs. Evaluation of programs and certain expenditures is a form of accountability that is underutilized by the courts. The ability to demonstrate objectively the success and cost effectiveness of a program can be persuasive to funding bodies.

- 3) Identify and Duplicate “Best Practices”
Replicate exemplary trial court practices that have had a positive budget impact. Examples include updated jury management, calendaring, and case management.
- 4) Reduce Duplication of Effort
Develop model procedures, forms, templates and other tools for meeting reporting and procedural requirements that apply to all counties/courts. These are often Federal or State requirements. The Director of State Courts office has provided this assistance to circuit courts in the past on an issue-by-issue basis, at the request of court officials or on its own initiative.
- 5) Develop Strategies to Deal with Cost and Workload Shifting
Share information on, and develop appropriate strategic responses to, attempts to shift costs and/or workload to the circuit courts at the state and count levels. In the past 2 years budget pressures have caused counties, local public defender and probation parole offices, and others to make such efforts. Even in instances where shifts may make sense, funding should shift with program responsibilities (e.g. manually entering citations by clerks’ staff for the DOT).

Measures of success: The court system, in partnership with others, should accomplish the following within the next two years:

- 1) The Supreme Court and Director of State Courts have developed a list of required court activities and programs that, in the view of judges and key court staff, add little or no value to the court process and do not support the courts’ mission. This information is used to aid in budget preparation and in determining legislative priorities for the 2005-2007 Biennium.
- 2) Circuit court judges and court officials statewide have access (through CourtNet or another mechanism) to at least 10 unique strategies that have been used successfully to maintain essential court resources and funding at the county level.
- 3) Circuit court judges and court officials statewide have access to at least 5 examples of, and information regarding, best practices for trial courts that can have a positive budget impact. (These may overlap with the 10 strategies cited in 2 above.)
- 4) Circuit court judges and clerks of circuit court have access to model procedures, forms, templates and other tools to fulfill new or revised reporting and procedural requirements that apply to all counties/courts.
- 5) Circuit court judges and clerks of circuit court have access to “how to” information for at least 2 basic models for program evaluation to determine program efficiency and justify expenditures. Such models will demonstrate how to compare program costs and outcomes between cases included in a program and a “control group” of similar cases not included in the program. DCAs track

usage of evaluation models and results for court budgets, and report these to the Director of State Courts.

- 6) Districts report at least quarterly to the Director of State Courts regarding local efforts to shift costs and/or work functions to the circuit courts. Where appropriate, responsive strategies are developed and communicated to the circuit courts.

Related activities:

- PPAC subcommittee on court financing
- Collections Committee (clerks of court, Office of Court Operations and CCAP)
- Director of State Courts Office work on limited English proficiency templates
- CCAP continuity of operations project
- Judicial Council criminal procedures subcommittee (including the exclusion of mandatory preliminary hearings)
- Chief Judges subcommittee on workload measures

The following critical issues are not listed in any particular order:

B. IMPROVE THE EFFECTIVE RESOLUTION OF CASES INVOLVING SELF-REPRESENTED LITIGANTS

Discussion: The operating principle on which our courts are founded is that parties approach the court as adversaries represented by attorneys who know the steps. For a long time, we have been challenged by what to do with people who cannot afford to hire an attorney or who want to handle their cases themselves. The problem will not go away, and evidence indicates a trend toward even greater numbers of litigants choosing or being forced to represent themselves.

While it is fair to view this as a problem, this situation provides us with an opportunity as well. If we can make it easier for self-represented litigants to use the courts to resolve disputes that, if unresolved, affect the community, we will have met the highest aims of government and, in the process, we may bolster a public constituency for the courts.

Objectives:

The court system, in partnership with others, such as bar associations, should:

1) Enhance decision-making resources

Make available the means, including written materials, on-line information (such as the checklist on the Supreme Court website), over-the-counter information and *pro bono* professional advice, by which litigants can make intelligent decisions for themselves about whether to represent themselves.

- 2) Increase attorney supply
Bolster the ranks of *pro bono* lawyers, legal services lawyers, unbundled service providers and private bar referral lawyers for those who need a lawyer and can't represent themselves.
- 3) Provide information re: court procedures and expectations
Provide the means for litigants to learn what the courts are able to do and perhaps more importantly, what the courts are not able to do. The materials should advise individuals of the realistic risks of seeking assistance from the courts without legal representation and on the responsibilities of a litigant in terms of procedure, presentation of evidence to support a claim, and decorum.
- 4) Develop standard, easy-to-understand forms/instructions
Facilitate the development of legally sufficient forms and instructions for specific court actions in an understandable and friendly format, preferably an interactive format that requires a litigant merely to answer questions one-by-one rather than be confronted by a multi-part form and lengthy instructions (e.g., certain counties in California and Florida offer an on-line, interactive colloquy that automatically generates the necessary forms in a wide variety of kinds of cases; also consider our own experience in Wisconsin of submitting a tax return to DOR using Free-File).
- 5) Offer additional judicial and staff training
Train court staff under the auspices of SCR 70.41 (Assistance to Court Users) in order to make self-represented litigants more knowledgeable users of the courts. Also, develop on-going training opportunities for judges and court staff that include techniques that can be helpful in meeting the challenges presented by self-represented litigants. These programs include sensitivity instruction on the unique perceptions and anxieties that self-represented litigants bring with them when they come to the courts.
- 6) Create effective administration/evaluation procedures
Ensure judges and court administrators have the ability to monitor and evaluate the management of *pro se* litigation. As part of this objective, track *pro se* cases in the Wisconsin courts to determine whether the number of unrepresented litigants is increasing or decreasing, and where. Utilize this information as one way to determine the effects of the above objectives.
- 7) Partner with legal organizations
Encourage cooperation with county bar associations, appropriate State Bar of Wisconsin committees, Wisconsin law schools, and civil legal services providers on *pro se* issues and projects. This should include the Bar's Legal Assistance committee, Lawyer Referral and Information Services committee, and the Local Bar Relations committee.

Measures of success:

The court system, in partnership with others, should accomplish the following within the next two years:

- 1) In every county a self-represented litigant will have ready access to materials or individuals to guide the litigant in deciding whether to proceed *pro se*, as well as ready referral to lawyers able to represent the litigant in court.
- 2) All counties have developed a specific program to enhance the information provided under SCR 70.41.
- 3) At least three counties – Dane, Milwaukee and Waukesha – have deployed self-help form completion software on-line and at a computers available in the courthouse with the help of a trained assistant for litigants invoking basic procedures in family court, including divorce, child custody, and post-conviction relief.
- 4) 50 counties have available some type of self-help center or forms completion assistance.
- 5) 80% of circuit court judges and family court commissioners are trained in techniques for managing *pro se* litigation.
- 6) 50% of counties measure the level of satisfaction of self-represented litigants.
- 7) The information system can readily identify and generate ad hoc reports concerning cases involving self-represented litigants. The Director of State Courts Office regularly monitors this data to determine *pro se* trends and whether these cases are increasing or decreasing in the state courts; and shares this information with the State Bar of Wisconsin.
- 8) The Director of State Courts Office has developed cooperative relationships with some or all of the organizations mentioned in Objective #7 above. Court system personnel have been appointed as liaisons to appropriate external committees to cooperate and collaborate with these organizations on *pro se* issues and projects.

Related activities:

- Various legal forms from 39 counties available in the self-help section of the court system's website
- Supreme Court project re: statewide *pro se* forms
- District 9 and 10 *pro se* groups
- Milwaukee and Waukesha counties' cooperative effort re: on-line, interactive form generation in family court proceedings
- State Bar of Wisconsin's Legal Assistance committee
- State Bar of Wisconsin's Lawyer Referral and Information Services committee
- State Bar of Wisconsin's Local Bar Relations committee

C. MAKING THE COURT RECORD

Discussion: Many factors have created a shortage of court reporters in parts of Wisconsin. A shortage is looming in other areas of the state. This is no longer a *perceived* threat, but a *very real* one. The aging population of court reporters, the declining number of court reporting schools and enrollments, the lure of private sector employment in fields such as closed captioning, and the difficult and stressful nature of the profession are just some of the reasons for the shortage of official, district and freelance court reporters.

The courts need to budget dollars, along with developing or modifying rules and procedures, to address how the court record will be taken if a court reporter is not available. Current Supreme Court Rules do allow for alternative means of court reporting, such as electronic recording. However, few counties are taking advantage of this option on a regular basis, partly due to general resistance to technology, partly because of the cost of quality equipment to accomplish this task, and partly because of the understandable fear of court reporters that technology will threaten their livelihood. The Supreme Court and court administrators need to publicly and actively encourage the use of digital audio recording, and other alternative means of reporting, as a way to supplement, not replace, the work of traditional stenographic reporters. Without this encouragement and support, the court reporter shortage will continue to worsen, threatening the ability of the courts to conduct daily business and to ensure a timely and accurate record of proceedings.

It should be noted that Making the Court Record was chosen as the #1 issue by district court administrators in the planning subcommittee's survey of court staff.

Objectives:

The court system, in partnership with others, such as the Wisconsin Court Reporters Association and Wisconsin legislators, should:

- 1) Support the retention of all current official court reporter positions
Reinforce the Director of State Courts commitment to retaining all official court reporters currently employed in Wisconsin.
- 2) Explore and implement alternative means of making the record
Continue to research and evaluate, and utilize as appropriate, alternative means of making the court record as a way to supplement the work of traditional stenographic reporters. This should include digital audio recording and voice-writing technology, as well as any necessary changes to court rules, policies and certification standards to accommodate the alternative means.

- 3) Obtain funding for alternative means of recording equipment
Include an item in the next court system budget request for money to purchase digital audio recording equipment. The request could entail a digital audio system for every county or judicial administrative district in the state, or for equipment to operate pilot project(s) on a more limited basis. The scope of this request would largely depend on the forthcoming recommendations of the Chief Judges Committee on Making the Record.
- 4) Examine the system for allocation efficiencies
Continue to explore ways to maximize the use of official court reporters, district reporters, and freelance reporters (“pooling”). Encourage district court administrators and chief judges to make better use of Supreme Court rules allowing temporary re-assignment of official court reporters as needed.
- 5) Encourage the use of real-time court reporting by court reporters
Real-time court reporting makes available to the judge, court staff, attorneys and the public a rough draft transcript of the court proceedings as they occur. Court reporters who provide this technology add value to their product that is unattainable in any other way. Real-time provides access to the courts by hearing-impaired individuals; allows for the judge, court staff, and attorneys to use the record in an ongoing basis; and reduces the time for the court reporter to produce finished transcripts when needed.
- 6) Make court reporters a part of the professional court team
At this time, court reporters are treated as a hybrid within the court system; that is, they are both court employees and private entrepreneurs. Although this hybrid situation will probably continue for the future, court reporters as employees are not provided the same opportunities for continued education as many other court employees. Court reporters must take time off from work or use their personal weekends to attend reporter training or conventions.

Measures of success:

The court system, in partnership with others, should accomplish the following within the next two years:

- 1) The Director of State Courts has adopted a formal short and long-term plan to address the growing shortage of court reporters in Wisconsin. This includes blending technology (i.e., digital audio recording and voice-writing) with traditional stenographic reporting.
- 2) The number of Wisconsin counties using some alternative means of court reporting has increased from 36 to 45.
- 3) Maintain a less than 2% on-going vacancy rate among official court reporter positions.

- 4) Digital audio recording technology, or voice-writing technology, is being utilized to some extent in 10 counties, with at least one per district.
- 5) The Wisconsin court system has certification standards in place for voice-writers who wish to work in the state.
- 6) Each of the ten judicial administrative districts in the state is actively making use of Supreme Court rules allowing the temporary re-assignment of official court reporters to meet workload needs.
- 7) The number of official court reporters providing real-time service has increased by 10%.
- 8) Hold a court reporter continuing education or training program in conjunction with the 2005 Judicial Conference.

Related activities:

- Chief Judges Committee on Making the Record
- PPAC subcommittee on court reporting technology
- Ongoing electronic reporting in Dodge County
- Court reporter management structure in Milwaukee County

D. FEES AND COLLECTIONS

Discussion: The legislature continues to create new court-imposed fees and surcharges (more than 30 currently exist) that are based on fines and forfeitures, only some of which support court system programs. The amount collected from surcharges now surpasses the amount collected from the base fines and forfeitures. This bogs down the court process, primarily due to the fact that many individuals can't afford to pay the high fees. Also, since other fees (e.g., probation and jail fees) are collected before court costs, fines and restitution, the courts end up competing with other entities within the legal system.

Objectives:

The court system, in partnership with others, such as Wisconsin legislators and law enforcement groups, should:

1) Consolidate, or eliminate, certain surcharges

Work to consolidate or eliminate certain surcharges by contacting and educating legislators. Contacts should continue to be made by the court system's legislative liaison, as well as by PPAC members and court administrators. Focus on those surcharges that are collected by the courts, but that are used for non-court-related purposes (i.e., fishing shelter removal surcharge)

2) Promote effective collection methods

Identify the most effective means to collect court-imposed fees. Currently, there is no consistency in these methods as some clerks of court offices aggressively pursue collections, while others do very little. Once the most effective means of collection are identified, promote them and encourage their use throughout the state.

3) Pursue consistency in dealing with nonpayment

Identify the ways in which Wisconsin courts address nonpayment of court-imposed surcharges. Again, there is no consistency on this issue. For example, some courts allow individuals to serve jail time as a way to reduce their financial obligation to the court, while others may place an individual in jail for nonpayment without any corresponding reduction in jail time. The Director of State Courts needs to take the lead on this issue and encourage a standard method of dealing with nonpayment, without sacrificing ingenuity at the local level.

Measures of success:

The court system, in partnership with others, should accomplish the following within the next two years:

- 1) The number of court-imposed surcharges has decreased, or certain surcharges have been consolidated, thereby easing the collection burden on clerks of court.
- 2) Through research and measurement, the court system has successfully identified the most effective means of collecting surcharges. It has also begun to actively promote and encourage the use of these methods among all clerks of court offices in Wisconsin.
- 3) The Director of State Courts has developed and distributed new procedures directing all courts how to deal with offenders who fail to pay surcharges. The procedures will clearly spell out and clarify the order in which surcharges and related fees (i.e., probation and jail fees) are to be collected. They will also create a uniform policy for how judges are to respond to those who are financially unable to pay.
- 4) The amount of revenue from existing surcharges collected by the courts has increased by 25% on an annual basis due to greater consistency and efficiency of collection methods. This must exclude revenue increases solely due to new surcharges, or increases in current surcharge amounts, enacted by the Legislature.

Related activities:

- PPAC subcommittee report on fees and surcharges
- 2003 Wisconsin Act 139 related to consolidating fee and surcharge statutory references
- Collections Committee (clerks of court, Office of Court Operations and CCAP)
- Clerk of circuit court staff regional training

OTHER PLANNING THEMES

The PPAC planning subcommittee also identified planning themes above and beyond the four most critical issues discussed above. Each of these themes is important to the overall effectiveness of the Wisconsin court system and will need to be considered in some way. As a result, these themes are briefly described in this section.

1. Overcrowded prisons and the pressure to establish alternatives to incarceration

This was chosen as the #1 issue among Wisconsin attorneys who participated in the planning subcommittee's survey. The growth of the prison population and associated costs will place increased pressure on the judiciary to modify sentencing practices to ease the burden. This pressure may force the legislature and/or the courts to mandate sentencing alternatives.

2. Rising cost of using courts – access to courts

The endless increase in filing fees and related charges causes more claims to be abandoned or to be resolved in a non-court or more cost-effective method. This impedes equal public access to the courts and may result in a less effective civil justice system.

3. Racial matters

This is a growing issue within society and the courts must address the appearance of bias, especially in urban areas. It is an issue of public trust and confidence and may cause more individuals to go outside the court system to settle disputes.

4. Impersonalization of the court system

Increasing judicial workload and case backlogs make it difficult for court personnel to take the time to personalize the legal process. Litigants feel they are being "herded" through the system.

5. Lack of public faith in government

In society, there is an overall lack of public faith in government institutions. This extends to the court system.

6. Therapeutic justice

This is an opportunity for "positive mission creep;" an opportunity for the court system to renew its mission statement and how cases are handled.

7. Changing nature of caseload

Stem cells, cloning, cyber terrorism, virtual reality, actuarial instruments of risk assessment, etc. Judges will need to become conversant in the language of science and technology in order to handle issues that will find their way into our court in coming years.

8. Privacy

As we do more court work on-line and offer increased Internet access to court-related data and personal information, we may find it difficult to guarantee the

security of private information. Also, the advent of new technologies (e.g., electronic filing) is going to raise privacy issues.

9. Better use of information technology

With the state's current budget crisis, each government entity is forced to find ways to be more efficient and cost-effective. The courts could respond to this challenge by finding ways to reduce costs such as mailing and printing by developing more sophisticated IT systems that allow for electronic submission and acceptance of different types of transactions (i.e., allow for e-filing, electronic signatures, etc.). Also, IT can be used to generate statistics that lead to more efficient use of court's time and resources.

10. Court security

There may be opportunities to enhance court security at several levels as a result of the federal response to 9-11. Records management, integration of information technologies with other units of government, continuing education, and the physical aspects of building security are all potential beneficiaries of increased federal funding.

11. Reserve judge issues

How to deal with the education and morale issues that result from reduction in reserve judge usage.

12. Greater diversity among court users

Requires new and additional services (interpreters, specialized courts, etc.) as well as increased knowledge and sensitivity on the part of court staff.

BACKGROUND

The Planning and Policy Advisory Committee (PPAC) was created to advise the Supreme Court and the Director of State Courts in the director's capacity as planner and policy advisor for the judicial system.¹ Strategic planning can be defined as a disciplined effort to produce fundamental decisions and action that shape and guide what an organization does and why it does it.² PPAC developed the first court system strategic plan entitled *Framework for Action* in 1994. *Framework for Action* was the result of months of meetings that focused solely on the development of a strategic plan. The following mission statement was developed for the court system:

The mission of the state court system is to protect individual rights, privileges, and liberties, to maintain the rule of law, and provide a forum for the resolution of disputes that is fair, accessible, independent, and effective.

¹ Supreme Court Rule 70.14

² Strategic Planning for Public and Nonprofit Organizations, John Bryson, pg. 5

Since 1994, PPAC has met annually to review and update the original plan in light of this mission. However, the results of these updates have been primarily used to provide a “to do” list for PPAC, not a blueprint for fundamental decisions for the organization. In order to strengthen the overall planning function of the committee, PPAC established a planning subcommittee in 2000, and the subcommittee held its first meeting in February 2001. The 11-member subcommittee established a planning cycle that is aligned with the biennial budget process to enable the biennial budget to reflect the court systems priorities, wherever possible. This plan is the second planning document developed under the planning subcommittee structure.

PPAC PLANNING SUBCOMMITTEE METHODOLOGY

The Planning Subcommittee was scheduled to meet nine times during its 2003-2004 meeting cycle. During deliberations in early 2003, the subcommittee reviewed its initial report issued in 2002 to gauge progress made toward meeting the objectives and measures of success identified for each of the four most critical issues contained in the report. Members also received timely budget updates from the court system’s Budget Officer, reviewed nationwide trends affecting the courts, and identified and prioritized trends unique to Wisconsin courts. Throughout 2003, the subcommittee also conducted an extensive issue identification effort involving the following entities:

Planning Subcommittee Members

The subcommittee members themselves offered input on the issues they deemed critical to the future of the court system. Members based their choices on the nationwide and statewide trends affecting the courts that they had discussed and prioritized earlier. The subcommittee identified and ranked the critical issues at its June 2003 meeting and presented the results to PPAC in August.

State Court Administrative Staff

This group consisted of managers from the court system’s administrative office in Madison (e.g., the Director of the Consolidated Court Automation Program, the Judicial Education Office Director, the Director of the Office of Court Operations). These individuals were each asked to offer two to three issues they deemed critical to the future of Wisconsin’s court system, along with a brief description of each. The subcommittee discussed these issues at its June 2002 meeting.

Circuit Court Judges, Clerks of Circuit Court, Court of Appeals Judges, Supreme Court Justices and District Court Administrators

This group of individuals provided the subcommittee with input via an electronic issue identification survey e-mailed in summer 2003. The survey listed a brief description of seventeen separate issues identified by the subcommittee through its research. Survey recipients were asked to assign a ranking to each issue to indicate its importance to the court system within the next three to five years. In addition, circuit court judges and clerks of court were asked to identify the size of their jurisdiction based on the number of judges in their county.

In general, the survey response rates were good, especially considering the survey was sent electronically, instead of mailed as in 2001. Response rates were as follows: 47% of court of appeals judges, 36% of circuit court judges, 58% of clerks of court, and 60% of district court administrators. No supreme court justices responded. Subcommittee staff tallied and analyzed the results based on several criteria, including job classification, size of county, administrative district, etc. The subcommittee reviewed preliminary results via e-mail after its August meeting with PPAC, then presented them to judges and other court staff during a plenary session at the 2003 Judicial Conference in October. Two subcommittee members moderated the Judicial Conference presentation and led what turned out to be a lively discussion of the top survey issues, focusing on how funding constraints affect the work and mission of the court system. Input from the Conference session proved to be very valuable to the subcommittee during the final issue prioritization stage.

PPAC

Subcommittee staff conducted an issue identification and prioritization exercise with PPAC at the committee's May 2003 meeting. Members were asked to identify critical issues facing the court system based on trends data, the consequences of not addressing the issue, and the chances of developing a productive response to the issue. This exercise produced a list of nine issues which PPAC then prioritized for the subcommittee's consideration.

In addition, the planning subcommittee decided to solicit input from two groups in 2003 that were not approached directly for feedback in 2001:

ATTORNEYS

The subcommittee sought input from attorneys representing four sections of the State Bar of Wisconsin: appellate practice, criminal law, family law, and litigation. Subcommittee staff and members attended meetings of each of these sections to explain the work of PPAC and the issue identification feedback process. Following these meetings, the subcommittee sent an electronic survey to attorneys within each of the Bar sections listed above. The children's law section was added at an attorney's request. The survey was nearly identical to the one sent to circuit court judges and other court staff. A total of 117 Wisconsin attorneys completed and returned the survey, and their input was reviewed by the subcommittee and factored into the final issue prioritization exercise.

COURT USERS AND THE GENERAL PUBLIC

The subcommittee had often discussed ways to incorporate the views of court users and the general public into its deliberations, but the time and cost of such an effort made the task unmanageable during the subcommittee's initial planning cycle. However, in 2003, the court system applied for, and received, a Solutions Project grant from the State Justice Institute. The money was used by the subcommittee to contract with the University of Wisconsin Survey Center to conduct a mail survey of court users. Individuals who had recently (within the past six months) been party to a court proceeding in ten selected counties received the survey, which contained a lengthy list of statements regarding the participant's experience. The survey instrument was modeled after the one used in a

1996 survey of Wisconsin court users, with respondents using a rating scale to react to each statement. The subcommittee used the results in its final issue prioritization exercise. Results were also compared to answers provided in a concurrent, statewide phone survey of Wisconsin residents, most of whom had not been involved in a court proceeding recently. This provided insight into how recent court experience, or the lack thereof, affect peoples' perceptions of the court system.

APPENDIX
2002 Issue Identification and Progress

The PPAC planning subcommittee presented its first report to the Wisconsin Supreme Court in 2002. That report also identified four most critical issues in need of immediate attention, and listed objectives and measures of success for each. Here is a progress report on those 2002 measures of success:

ISSUE: Improve the Effective Resolution of Cases Involving Self-Represented Litigants

Measures of success:

- 1) The information system can readily identify and generate ad hoc reports concerning cases involving self-represented litigants.
- 2) 100% of clerks of circuit court, and other non-judicial court system employees, are adhering to a rule concerning the opportunities and limitations of responding to inquiries of self-represented litigants.
- 3) 40% of circuit court judges and family court commissioners are trained on techniques that can be helpful in meeting the challenges presented by self-represented litigants.
- 4) 10% of counties have available some type of self-help center or forms completion assistance.
- 5) 15% of counties measure the level of satisfaction of self-represented litigants.

Progress report:

- 1) None.
- 2) An information bulletin concerning the supreme court rule was distributed to judges and clerks of court. Compliance percentage undetermined.
- 3) The 2002 Judicial Conference included a plenary session concerning how to deal with the issues of pro se litigation (more than 40% of judges attended).
- 4) 61% (44) of counties have forms available on the court system's Internet site; at least 5 counties provide some level of on-site forms completion assistance, but only one offers a permanent, on-site pro se center (Waukesha)

- 5) One county (Waukesha) routinely measures the level of satisfaction of pro se litigants

ISSUE: Improve Services to Court Users with Limited English Proficiency

Measures of success:

- 1) An interpreter orientation program has been developed and can be offered as often as needed.
- 2) A roster of court interpreters is available for use by all courts, showing interpreter languages, contact information, and qualifications.
- 3) 80% of all interpreted proceedings use interpreters who have attended the court's orientation program.
- 4) 80% of circuit court judges have received training on how to make a meaningful assessment of interpreter qualifications through voir dire and how to assess if an interpreter is needed.
- 5) 80% of circuit court judges have received training on best practices for working with interpreters in court.
- 6) 80% of circuit court clerks have received training on screening, hiring, and managing court interpreters.
- 7) A code of ethics for court interpreters is in place.
- 8) The court interpreter committee has developed information on telephone interpreter providers and equipment and guidelines on how to use telephone interpreters effectively.
- 9) 10% of counties utilize qualified random evaluators to review interpreter quality.

Progress report:

- 1) An interpreter orientation program was offered eleven times in 2002-2003. 352 current and potential court interpreters have attended advanced training programs so far. Spanish and Hmong languages will be added in 2004-2005.
- 2) A roster of the people who attended the orientation program was published in January 2004, showing their languages, contact information, and qualifications.
- 3) CCAP is currently designing interpreter coding which can tell us whether 80% of all interpreted proceedings use interpreters who have attended the

court's orientation program. The decision has not yet been made whether the data will be collected by individual proceedings or by case. Most of the regular interpreters for the high-volume counties have already attended the training.

- 4 & 5) A plenary session on appointing and working with interpreters was offered at the October 2002 judicial conference. The written materials are incorporated into the criminal benchbook. 77% of circuit court judges attended the conference (plus a total of 75 reserve judges, appellate judges, and court of appeals staff attorneys).
- 6) Training for court clerks on screening, hiring, and managing court interpreters was offered at the June 2002 clerks conference. There will be follow-up training at the Clerk of Court Institute in Feb. 2004 that will ensure 80% of the clerks have been reached. Clerks for the high-volume courts have paid close attention to the program.
- 7) The supreme court has adopted a code of ethics for court interpreters as Ch. 3 of the Supreme Court Rules, effective July 1, 2002.
- 8) The court interpreter committee has not yet developed telephone interpreter information and guidelines.
- 9) No system for using qualified random evaluators has been put in place. Written tests on English proficiency, legal vocabulary, and the code of ethics have been given in conjunction with the training programs. An oral certification test for Spanish and Hmong interpreters will be offered in 2004 as a means of achieving quality control.

ISSUE: Determine and Collect Information Necessary to Develop a Responsible Court System Funding Method

Measures of success:

- 1) Publication of research that analyzes the current cost and revenue breakdown of court services between responsible funding sources.
- 2) Active participation in any legislative negotiations, or in the activities of any commission or committee designated to review current and/or future funding mechanisms of the court system.

Progress report:

- 1) PPAC's court financing subcommittee gathered court cost and revenue data, defined core court services, and identified an effective and responsible financing system to support court services. PPAC reviewed the subcommittee's final report in February 2004. Also, a new, more detailed

form has been developed for annual court cost reporting by clerks of court. Its use was mandatory beginning in 2003 (for reporting 2002 costs).

- 2) Court system staff monitored the activity of the Governor's Task Force on State and Local Government, which issued its final report in January 2003. Clerks of court are also serving on the Wisconsin Counties Association Court Funding Committee, and are helping to gather court cost data for the committee's use. In addition, court system's legislative and budgetary staff continue to monitor legislative discussions concerning state budget reductions that will most likely affect funding levels for the courts.

ISSUE: Improve the Availability of Court Reporting Resources

Measures of success:

- 1) Maintain a less than 2% on-going vacancy rate among official court reporter positions.
- 2) The effectiveness of digital technology is being evaluated in counties testing the equipment.
- 3) Documentation and distribution to chief judges a study outlining technology alternatives for court reporting, including opportunities and limitations.
- 4) 70% of judicial administrative districts have developed protocols authorizing the assignment of official court reporters to the chief judge of the district.

Progress report:

- 1) The current vacancy rate among official court reporters in Wisconsin is 1.4% (3.7 FTE).
- 2) Dodge County completed its pilot of digital audio recording technology, and released a report on its experience. PPAC discussed the report at its Feb. 2003 meeting, and the Chief Judges Making the Record committee is also using the document in its deliberations.
- 3) PPAC previously distributed a report to various groups, including the Chief Judges, which examined alternatives to traditional court reporting methods. That report recommended implementation of digital audio recording technology in all counties. In addition, a Chief Judges committee is reviewing "paperless court reporting" technology. Also, the Chief Judges Making the Record committee is gathering information on the severity of the court reporter shortage and alternative technologies, and will soon recommend a method for making and preserving the court record in the short and long term.
- 4) 90% of judicial administrative districts have developed such protocols.