

MINUTES
PLANNING and POLICY ADVISORY COMMITTEE
Monday, March 9, 2015
Madison Concourse Hotel
Madison, WI

Members Present: Chief Justice Shirley Abrahamson (Chair), Hon. Juan Colas, Hon. James Bolgert, Hon. David Borowski, Hon. William Brash, Hon. Timothy Hinkfuss, Hon. LaMont Jacobson, Hon. Elliott Levine, Hon. William POCAN, Hon. Thomas Vale, Hon. Linda Van De Water, Municipal Judge Randi Othrow, Mr. Jon Bellows, Ms. Dolores Bomrad, Mr. Gregg Moore, Ms. Kelli Thompson, Ms. Diane Treis-Rusk, Mr. TimVerhoff

Members Absent: Hon. Nick Brazeau, Hon. Eugene Harrington, Hon. JoAnn Kloppenburg, Hon. David Reddy, Mr. Jeffrey Altenburg, Ms. Teresa Arrowood, Mr. Carlo Esqueda, Ms. Linda Hoskins,

Guests Present: Justice Ann Walsh Bradley, Justice Patrick Crooks, Justice Michael Gableman, Justice David Prosser, Justice Patience Roggensack, Justice Annette Ziegler, Hon. Carl Ashley, Hon. Michael Bohren, Hon. Michael Dwyer, Hon. Lisa Neubauer, Ms. Lisa Roys,

Staff Present: Ms. Sara Ward-Cassady, Ms. Pam Radloff, Ms. Nancy Rottier, Mr. Bill Walker, Mr. Tommy Gubbin, Ms. Melissa Lamb

Items distributed with agenda:

1. Agenda
2. August 2014 Meeting Minutes
3. Limited Scope Representation Summary (also distributed in November, 2014)
4. Effective Justice Strategies Report
5. Outline of 2015-2017 Budget Issues
6. Directions to Concourse Hotel

Items previously distributed to PPAC:

- Informational Bulletin 15-01 – Distributed via email 2/5/15
- Link to Governor's 2015-2017 Biennial Budget Bill and page numbers for court material – Distributed via email on 2/13/15 by Pam Radloff
- Preliminary Staff Summary of the Governor's Proposed Circuit Court Block Grant – Distributed via email on 2/13/15 by Pam Radloff

1. Welcome and Introductions

Chief Justice Abrahamson welcomed everyone to the meeting and introduced new members.

2. Approval of August 2014 PPAC Meeting Minutes

The minutes from the August 2014 meeting were approved as submitted.

3. Biennial Budget

Chief Justice Abrahamson discussed the Supreme Court budget requests that were not approved in the Governor's budget proposal, including funding for implementing e-filing, the statewide problem-solving court coordinator position, the court of appeals staff attorney position, and increased funding for county payment programs.

Chief Justice Abrahamson said that the Governor's 2015-2017 biennial budget proposed creating a circuit court costs appropriation "block grant" to cover funding and positions for court reporters, circuit court support payments, guardian ad litem payments, and court interpreter fees. The Director of State Courts and the Supreme Court would decide how to allocate this funding among the 72 counties if it is passed by the legislature. Chief Justice Abrahamson said that combining the circuit courts' court reporter funding with financial assistance to counties could result in reduced payments to counties when there are unforeseen and unavoidable funding shortfalls due to increased operational costs. She stated that the amount in the Governor's budget proposal is 2.2 million dollars short of covering court reporter compensation, and the Governor's office agreed to add that amount to the total appropriation. A second block grant was proposed to fund the Director of State Courts Office, and moved the funding of the State Law Library to that appropriation. Chief Justice Abrahamson said that in her statement to the Joint Finance Committee, she requested the court reporter funding remain in a "sum sufficient" appropriation. Justice Roggensack sees the block grant as a new and interesting challenge, and was pleased that there was no lapse attached to the judicial branch's funding.

Chief Justice Abrahamson said that the request to create a Judicial Compensation Commission was approved in the Governor's budget proposal. Members of such a commission would be appointed by the Supreme Court, and the commission's salary recommendations would go to the Legislature's Joint Committee on Employment Relations for consideration when developing the compensation plan for all state employees. Chief Justice Abrahamson stated that the Judicial Council was eliminated in the Governor's budget proposal, and the Judicial Commission was moved under the purview of the Supreme Court, raising concerns about losing the independent review of judicial ethics and complaints.

Ms. Kelli Thompson discussed the State Public Defender (SPD) budget shortage resulting in delayed payments to court reporters for transcripts. The SPD request for additional funds in the biennial budget was denied. Judge David Borowski said he recognized the backlog of court reporter payments is due to budget issues, but it does cause significant problems for court reporters, particularly in larger counties where a reporter may be in a criminal case rotation. Judge Borowski said the transcript revenue is part of court reporter salary and it is a hardship for them not to be compensated. Chief Justice Abrahamson asked Judge Borowski to attend one of the public hearings with the Joint Finance Committee to discuss this issue, and said she would send out the schedule of the statewide hearings pertaining to the budget, and urged anyone available to attend and communicate their concerns.

The meeting of the Planning and Policy Advisory Committee concluded; the joint meeting with the Supreme Court Justices commenced.

MINUTES
JOINT MEETING
PLANNING and POLICY ADVISORY COMMITTEE and THE SUPREME COURT
Monday, March 9, 2015
Madison Concourse Hotel
Madison, WI

4. Welcome and Introductions

Chief Justice Abrahamson welcomed the justices and other guests to the meeting.

5. Limited Scope Representation Subcommittee

Judge Michael Dwyer discussed the work of the Limited Scope Representation Subcommittee. The first part of the Supreme Court Rule (13-10), allowing attorneys to provide limited scope representation to self-represented litigants, was approved on June 27, 2014. Judge Dwyer said the committee is working on a second petition to ethically allow an attorney or mediator to draft documents necessary to complete family court proceedings for parties who reach full agreement in mediation. Chief Justice Abrahamson thanked Judge Dwyer and the committee for their work.

6. Planning Subcommittee

Commissioner Dolores Bomrad said the PPAC Planning Subcommittee starts the biennial critical issues report process in the beginning of each odd-numbered calendar year, and explained how input is solicited via survey from stakeholders including judges, justices, county associations, and administrative agencies. Commissioner Bomrad reported that PPAC Planning has begun the process for drafting the next biennial critical issues report (2016-2018). The critical issues identified in this process for 2014-2016 were: judicial independence, selection and ethics, court security and facilities, use of technology, and evidence-based practices. Judges and other stakeholders will receive a survey in August to weigh in on the critical issues for the next report. Judge William Pocan asked if members of the private bar will receive the survey as well as district attorneys and public defenders, and Ms. Ward-Cassady said the survey is sent to the State Bar to disseminate to their entire membership. Judge Pocan suggested sending the survey to local bar associations to increase response. Ms. Lisa Roys said she will do another story about the critical issues survey in the Wisconsin Lawyer magazine in addition to her email to the entire State Bar membership.

7. Effective Justice Strategies

Judge Carl Ashley gave an update on the work of the Effective Justice Strategies Subcommittee, whose efforts are to ensure proper functioning and outcomes of problem-solving courts in the state. There are currently between 60 and 70 problem-solving courts in Wisconsin. One of the initiatives of this committee is to work with the Department of Justice (DOJ) and Wisconsin Association of Treatment Court Professionals (WATCP) to develop statewide standards and training for treatment courts. The first of six trainings is scheduled for fall 2015. Judge Ashley explained the Director of State Courts Office received a grant from the Bureau of Justice Assistance to partner with the National Center for State Courts (NCSC) to develop performance

measures and benchmarks for Wisconsin's drug and hybrid courts. DOJ is creating a database to capture demographic information with assistance from NCSC to build in their performance measures. Judge Ashley said Wisconsin is on the cutting edge of evidence-based decision making (EBDM) in the country, and credits the collaboration of many justice partners around the state and the criminal justice collaborating councils (CJCC).

Municipal Judge Randi Othrow suggested adding a municipal judge to the EJS subcommittee and she will contact Judge Ashley to help select someone. Commissioner Bomrad asked if EJS has considered creating juvenile and family treatment courts, and Chief Justice Abrahamson recommended inviting Bridget Bauman from the Children's Court Improvement Program to the next meeting.

Judge Ashley chairs a diversity oversight and inclusion taskforce at the State Bar of Wisconsin, and he believes the court system needs to take a formal look at race and how it impacts the court system. Judge Levine said the EBDM subcommittee of the statewide CJCC has discussed how to address racial disparities and disproportionate results with the National Institute of Corrections.

Funding for the statewide problem-solving court coordinator position was not approved in the Governor's budget proposal. Judge Ashley and Judge Elliot Levine expressed concerns about this position not being filled and stressed the importance of the work that needs to be done by someone in this position. Judge Ashley said the lack of staff continuity is a concern and makes it difficult to move forward on initiatives and properly assist treatment courts, particularly those with limited resources.

8. Court Security Subcommittee

Judge Michael Bohren said the recent court security conference in Appleton was well-received, and the next is set for March 2016. The court security initiatives set forth in SCR Chapter 68 are improving overall court security, but more participation and interest is needed in the counties. Judge Bohren said an active court security and facility committee in a county is important. The next step of the SCR Ch. 68 implementation is collecting confidential judicial profiles (including home/personal information). Justice Roggensack said she attended a session with the Capitol Police on emergency planning, which included a video about safety at the workplace and traveling to and from home she found very informative and helpful when making an emergency plan with staff.

9. Videoconferencing Subcommittee

Sara Ward-Cassady reported that the Videoconferencing Subcommittee recently reconvened and is updating the Bridging the Distance manual. The committee will also work with CCAP on developing technical standards for use and purchase of videoconferencing equipment. Anyone interested in working on these initiatives or more information about videoconferencing should contact Ms. Ward-Cassady.

10. Legislative Update

Nancy Rottier provided the dates and locations of public hearings on the Governor's budget proposal and asked anyone who wanted to attend to speak on behalf of the court system to notify her. Ms. Rottier has a document on the court website and intranet that is updated regularly to track progress of court-related budget items. She can be reached for any questions at nancy.rottier@wicourts.gov or 608-267-9733.

11. Other Items

None.

The meeting was adjourned.