

MINUTES
PLANNING and POLICY ADVISORY COMMITTEE
Thursday, August 28, 2014
State Bar Center
Madison, WI

Members Present: Chief Justice S. Abrahamson (Chair), Hon. J. Bolgert, Hon. E. Levine, Atty. K. Thompson, Ms. L. Hoskins, Mr. J. Bellows, Ms. D. Treis-Rusk, Hon. T. Hinkfuss, Ms. D. Bomrad, Hon. E. Harrington, Ms. T. Arrowood, Mr. G. Moore, Hon. J. Kloppenburg, Mr. J. Altenburg, Hon. L. Jacobson, Hon. D. Borowski, Hon. D. Reddy, Mr. T. Verhoff, Hon. W. Pocan, Municipal Judge R. Othrow, Hon. T. Vale

Members Absent: Hon. J. Colas, Mr. C. Esqueda, Hon. L. VanDeWater, Hon. T. Flugaur, Hon. W. Brash

Guests Present: Justice P. Roggensack, Mr. J. Heim, Hon. M. Rosborough, Ms. T. Russell, Ms. L. Roys, Ms. N. Rottier, Hon. R. Koschnick, Hon. G. Ptacek

Staff Present: Ms. D. Brescoll, Ms. B. MacRitchie, Ms. P. Radloff, Ms. N. Rottier, Ms. C. Capati

Meeting Materials Distributed Prior to Meeting:

1. Agenda
2. March 2014 Meeting Minutes
3. Committee of Chief Judges, eFiling Implementation Subcommittee, Report and Rule
4. Ad hoc Committee on Confidentiality and Redaction, Report and Rule
5. Proposed Biennial Budget Requests
6. Issue Papers
7. Directions to the State Bar Center

Welcome and Introductions

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

- District 5 Judge Thomas Vale for Alan Bates
- State Bar Representative Timothy Verhoff for Mary Wolverton
- Court of Appeals Judge JoAnne Kloppenburg for Brian Blanchard
- District 9 Judge LaMont Jacobson for Patrick Madden
- Chief Judge Liaison Allan Torhorst for Mary Wagner

Approval of March 2014 PPAC Meeting Minutes

Justice Roggensack suggested edits be made to the March 2014 Joint Supreme Court/PPAC Meeting minutes. The edits were approved. No other edits were offered.

Biennial Budget Review and Recommendations to the Supreme Court

Chief Justice Abrahamson led the committee and guests into a discussion about the 2015-2017 Biannual Budget. She informed the committee that the entire court, including the Supreme Court, Chief Judges, and the Chief Judge of the Court of Appeals have been included in the process. She also included that the Supreme Court Finance Committee has not yet been finalized. Chief Justice Abrahamson instructed the committee to vote after each item and turned the discussion over to Deb Brescoll and Pam Radloff.

Budget Item 1: Removal of Exemptions from Clerk of Court Fee

- Discussion – Members were concerned about the cost of this change to clerks' office and to CCAP and whether or not there would be a financial benefit. Clerk of Court Theresa Russell assured the members that allowing clerks to collect these fees would be worth the associated costs.
- Vote - 3 PPAC members opposed – Municipal Judge Randi Othrow opposed this budget item because of concern that the increased fee could affect municipal courts. No feedback was received from the others not in support. All others in favor.

Budget Item 2: Two-year Centralized Interpreter Pilot

- Discussion – Members discussed the potential benefits of centralizing interpreter services and commented there is a growing need for interpreters in a wide range of languages. A centralization interpreter pilot previously conducted in District Seven was successful however it proved too costly for one district to maintain. County participation in the pilot will be voluntary.
- Vote - None opposed

Budget Item 3: Reimbursement of Court Interpreter Services

- Discussion – Members suggested some clarifying language to the proposal that specifies exactly what the state reimbursement would be – actual costs or per diem.
- Vote - None opposed

Budget Item 4: Property Tax Relief – Increased Funding for County Payment Programs

- Discussion – Members discussed the pros and cons of framing this budget request as property tax relief and suggested some changes to the supporting facts while all agreeing it would provide financial relief to counties.
- Vote - None opposed with the proposed revisions

Budget Item 5: State Coordinator for Problem-Solving Courts

- Discussion – all members agreed this position was critical to continuing the good groundwork laid and was endorsed by the 2014 Legislative Council Study Committee on Problem-Solving Courts, Alternatives, and Diversion.
- Vote - None opposed

Budget Item 6: Circuit Court Records Efficiency Project: Electronic Case Filing

- Chief Justice Abrahamson invited Chief Judge Koschnick to speak to the committee about the Chief Judge's E-filing report and proposed rule. Judge Koschnick discussed with the committee that the Chief Judges committee is planning to petition the Court to mandate E-filing. CCAP need funding to implement the new process. They are seeking \$5 a case to fund the necessary software update and this process (e-filing) will create a cost savings overall by creating efficiencies.
- Discussion – Some members spoke about the efficiencies e-Filing will create, however others were concerned about the \$5 filing fee per action, specifically those representing governmental agencies. Judge Harrington suggested raising the filing fee instead of adding an additional fee to e-file; adding that he has concerns with adding additional fees not the efficiencies e-filing will create. Judge Koschnick let the committee know the Court System can impose the \$5 fee without legislative action because it is a new fee. To raise an existing fee would require a statutory change. Clerk of Court Theresa Russell commented Washington County is piloting it with their county's child support agency and it works well; adding CCAP has been very supportive in helping them work through their issues.
- Vote - 5 opposed – Timothy Verhoff - State Bar Representative (fee will be passed along to the client), Judge Harrington (opposed to additional fees, not the efficiencies it will create), Ms. Diane Treis Rusk (concern for agencies being charged fee for every filing), Ms. Kelli Thompson - State Public Defender's Office (concern for agencies being charged fee for every filing), Mr. Jeff Altenburg - District Attorney's Office (concern for agencies being charged fee for every filing). All others in favor.

Budget Item 7: Judicial Compensation

- Discussion – Some members provided feedback on how to frame the issue of judicial compensation, specifically stating other Midwestern states should be used as a guideline. Members also raised a concern that fewer qualified individuals were seeking judgeships because of the pay, especially in Milwaukee County since the cost of living there is more than other parts of the state.
- Vote - None opposed with proposed revision: (1) Increase the amount of the base salary request

Budget Item 8: Judicial Compensation Commission

- Discussion – All members supported the creation of the commission, but encouraged including the recommendations of the previous commission on judicial compensation as well in the request.
- Vote - None opposed

Budget Item 9: Director of State Courts Biennial Appropriation

- Discussion – None
- Vote - None opposed

Redaction Report and Rule Discussion

Chief Justice Abrahamson invited Judge Ptacek to share with the committee the redaction report and proposed rule. Judge Ptacek let the committee know the rule petition resolves a procedural issue and if the state will move forward with E-filing it is the Court's responsibility to ensure people's information, such as personal identifiers and financial information stays secure. Items that are already confidential, such as social security numbers, will stay that way. The rule will not affect previously filed documents but it will provide guidance. Software will be used to identify the sensitive information. Names of victims will not automatically be redacted because it is not current law, however this can be requested. Chief Abrahamson suggested the committee communicate with the media since they will have some concerns about this new rule. She then thanked Judge Rosborough, Ms. Brescoll, Ms. Radloff, Judge Koschnick and Judge Ptacek for their hard work.

Other Items

Justice Roggensack thanked PPAC, Planning and guests for their work on the Court's 2015-2017 Biannual Budget, however she noted the Supreme Court has been cut out of the budget planning process. The Court approved Rule 12.07, which created the Supreme Court Finance Committee and the initial budget suggestions were not given to the Finance Committee. Justice Roggensack and the other Justices received the proposals in July. She added she needs the facts to advocate for the budget proposals and that the Finance committee, other judges are interested in the budget process.

Judge Harrington responded by saying the dysfunction of the Supreme Court is the elephant in the room and that trial judges are tired of the lack of agreement. He went on to say until the Supreme Court resolves their issues there will always be problems. There needs to be a unified position paper from the Court; if you don't have a unified front, then they don't have to listen. PPAC was created because trial judges were dissatisfied with how things were going. You have to resolve these issues so you can lead.

Chief Justice Abrahamson responded to Judge Harrington saying she agreed with much of what he said, if not all. She then reviewed the budget timeline highlighting at each step that the Supreme Court and other interested stakeholders were communicated with. She said the entire proposal will be brought to the Court and there will be discussion among the Justices about the

budget items. The intention of the Finance committee was not to cut PPAC out of the process. The process has proceeded on schedule and will continue to proceed.

The meeting was adjourned.