



Wisconsin Court System

Interbranch communication: the Wisconsin plan

Background

Good communication among the judiciary, the Legislature, and the executive branch is critical to good government. Actions taken by one branch affect the business of the others. The legislative and executive branches set the budget. The Legislature creates substantive law that changes the workload of the courts. The quality of legislative drafting affects cases, many of which involve statutory interpretation. And, on a more personal level, the Legislature sets the compensation of judges, including salary, benefits and retirement.

The judiciary is important to the legislative function as well. If the legislative process is considered as a continuum, the judiciary is at the far end, interpreting and ruling on legislative enactments.

Much has been written about barriers to interbranch communication. Some barriers exist by constitutional design, ensuring that the three branches remain separate, equal and independent. Other barriers are unhealthy, such as:

- Lack of knowledge about the other branches' institutional roles;
- Lack of understanding of the work methods and problems that each branch faces; and
- Ingrained negative attitudes that make it difficult for members of any one branch to absorb and evaluate information about another branch with open minds.

For more than 10 years, the Wisconsin court system has worked with representatives of the executive and legislative branches to break down the unhealthy barriers and foster better understanding among the branches. Several of the following programs grew from the Three-

Branch Discussion Group that was created in 1995 by Justice (now Chief Justice) Shirley S. Abrahamson and then-Senator Joanne B. Huelsman, who was chair of the Senate Judiciary Committee. This informal group was composed of circuit and appellate judges, legislators, executive branch agency heads and members of the governor's staff. It met three to four times per year to discuss topics of mutual interest such as criminal law and sentencing, the executive budget process, how court commissioners fit into the judicial branch, and more.

Orientation for new legislators

In 1997, for the first time ever, the Legislature invited the Supreme Court to participate in the Legislative Council's orientation for new legislators. The justices and the director of state courts explained their respective roles and the structure of the judicial branch as well as the branch's relationship to the legislative and executive branches. This has become a regular event.

District meetings

Wisconsin is divided into 10 districts for purposes of trial court administration. Judges and court administrators regularly invite their local legislators to district meetings and solicit agenda items from them. At the meetings, judges and legislators make presentations, but the most valuable exchange is more informal. Legislators who make it a point to attend these meetings regularly find themselves better schooled on the issues facing their districts, and all participants report that these meetings have paved the way for better ongoing communication.

Joint meetings of the Supreme Court and legislative committees

In spring 1997, the Supreme Court began hosting breakfast and coffee meetings with legislative committees that



Justices of the Wisconsin Supreme Court



Wisconsin Supreme Court holds a joint informational meeting of members of the two state legislative committees that handle justice-related topics. Seated next to the Chief Justice are Senate Judiciary Committee Chair Glenn Grothman, R-West Bend, and Rep. Jim Ott, R-Mequon, chair of the Assembly Judiciary Committee.

handle court-related matters. The meetings have been conducted biennially. During the meetings, the justices and legislators identify areas of mutual concern, such as Supreme Court rule-making procedures, judicial substitution, juvenile justice, court interpreters, treatment courts, and more. Legislative and judicial staff, and representatives of the State Bar of Wisconsin are also on hand. In recent years, WisconsinEye has recorded the meetings for later broadcast.

Executive staff meetings

When the state elected a new governor, the director of state courts and members of his staff, including the legislative liaison and the court information officer, met with the governor's staff to talk about information available in the Director's Office. The chief justice greeted the group and made herself available to answer questions. The Director's Office staff conducted a virtual tour of the court system Website, explaining how to download cases, check court calendars, find directories of judges and staff, and more.

Interbranch seminars

Seminars that bring together legislators, judges, and executive branch staff have helped to improve communication while providing valuable continuing education. The first seminar was offered in fall 2001 and focused on statutory interpretation. In fall 2004, the seminar centered on safeguarding against wrongful convictions, in 2007 the topic was exploring strategies for reducing costs of incarcerations, and in 2009 the seminar explored innovations arising from emerging technologies. The most recent seminar, held in October 2013, was entitled "The Fourth Amendment and Emerging Communications and Tracking Technology."

Ride-Along Program

In 1993, the Director of State Courts Office initiated the Judicial Ride-Along Program, an effort designed to give legislators a better understanding of the court system and to improve two-way communication. The program invites legislators to spend a half day on the bench



Rep. Howard Marklein, R-Spring Green shares the bench with Green County Circuit Court Judge James R. Beer

with a circuit court judge from their district. In the first round of the program, more than 70 percent of legislators participated. Recently, Rep. Howard Marklein (R-Spring Green) rode along with Judge James R. Beer in Green County. Newly elected legislators are regularly invited to participate, and veteran lawmakers participate as their schedules permit. The program has been expanded to county board supervisors and members of the media.

Court with Class

The winner of two national awards, Court with Class is a program run by the Wisconsin Supreme Court and the State Bar of Wisconsin. The program brings high school classes from around the state to the Capitol to watch an oral argument in the Supreme Court Hearing Room and meet with a justice for a question-and-answer session. Legislators whose districts are sending a school are notified and invited to join the discussion or stop by to greet the group.



Court with Class groups arrive to observe oral argument.

Issue-oriented tours

In addition to providing opportunities for interaction with judges in one-on-one and group settings, the Director of State Courts Office has designed issue-oriented tours for groups and individuals – from both the legislative and executive branches – to provide information on issues of interest, such as court automation or the use of language interpreters. We welcome the opportunity to share information and introduce staff.

For further information about any of the programs described in this handout, legislators and staff are encouraged to contact Legislative Liaison Nancy Rottier at 608/267-9733 or nancy.rottier@wicourts.gov or Court Information Officer Tom Sheehan at 608/261-6640 or tom.sheehan@wicourts.gov.