

**Hon. Randy R. Koschnick  
Director of State Courts  
Director's Address  
2021 Judicial Conference  
Green Bay, Wisconsin  
November 3, 2021**

Thank you, Chief Justice Ziegler. Good afternoon everyone. It's great to see you all.

Earlier this year, I met with the State Bar Board of Governors, and I reported to them that 2021 was going great. Then, I qualified it by saying – at least compared to 2020!

That was a positive spin on another challenging year. But I do think the court system now is in a much better position to face the future than we were in 2020, or even before the pandemic hit.

Today, I'm going to give you an update on some of what we learned since the pandemic started, how we've adjusted, how we are taking advantage of what we learned to improve court operations now and moving ahead. I will also add a few success stories to the Chief Justice's list, including quick recap on the state budget and some of our legislative efforts.

Overall, I would consider this a very positive update.

I'm not going to say the pandemic was good for us. It wasn't. It messed with just about everything we do, from office and facilities management to courtroom procedures. It added another layer of challenge to already challenging work. We had to adjust along the way, not because we wanted to, but because we had to.

How could this be good for us?

As Chief Justice Ziegler said, it may not have felt like success as we worked our way through it, but we got creative and found better ways of doing some things. I like her assessment that we will take what we learned to survive and use it to thrive.

I agree with that assessment. Even as we continue working our way through the effects of the pandemic, it's vitally important to identify better ways to get our work done.

**With that in mind, Court Operations staff, with input from chief judges, put together a report on lessons learned during the pandemic.**

I am happy to announce the release of this report today. I will outline a few things from that, but you will also hear more about it during a conference breakout session by Atty. Amber Peterson and Statewide Operations Supervisor Ann Olson from Court Operations.

I want to thank the chief judges and Court Ops for their work on the report and to recognize all of our judges and court staff for adapting to change, being creative, and solving problems. One

thing we learned is that what appears to be a short-term solution to one challenge may lead us to a long-term solution for another challenge.

The report is intended to prepare for future disruptions, whether they are planned in advance, such as a construction project, or unplanned, such as a natural disaster, civil unrest, or a public health crisis.

The report, based on feedback from a wide range of stakeholders, lists some of the challenges encountered in circuit courts during the pandemic and then describes our responses and suggestions for improvement.

**In another positive twist, this report includes a list of unexpected benefits realized during the pandemic. My staff affectionately refers to these benefits as “Silver Linings.”**

That almost sounds like a title of a Frank Sinatra song from the 1950s, doesn't it? Don't worry, I won't sing for fear of driving you all to the exits!

**One challenge identified by stakeholders is that it was sometimes difficult to navigate variations in local court practices during the pandemic.**

Although county-level variation in basic legal and procedural practices existed prior to the pandemic, the pandemic created additional uncertainties in a number of areas, such as whether court proceedings were being held remotely or in person, and whether masks were required for in-person appearances in a particular court. We took the right approach by relying largely on local decision-making, but that also created some inconsistencies in procedures when viewed from the state level.

- We learned that orders affecting court operations need to be stated as clearly as possible and appear in a consistent format, whether issued by the Supreme Court, Judicial Administrative District Chief Judges or any other authority.

**Another challenge many of you encountered was locating alternative spaces for in-person court activities.**

During the pandemic, many counties were required to use alternative courtroom or jury room space to accommodate the need for physical distancing and protective barriers. Relocating court proceedings was especially challenging for counties that had limited access to larger spaces.

- We learned courts need to identify in advance space that can be used or converted to alternative court space in the event of a disruption of normal operations. We should be taking stock of county boardrooms, municipal courts, flexible meeting spaces, schools, and conference rooms or centers before there's a crisis. We also need to consider what equipment will be needed at those facilities in order to carry out our work.

**Like many court systems throughout the country, we were challenged by the transition to Zoom.**

Zoom was new to most of us, and it took everyone a while to adjust to changes created by that environment.

CCAP did a great job getting the software licenses out to our courts and providing technology support to our systems. They also acquired and distributed laptops when the market for laptops was very tight due to COVID-19.

However, after software installation, we encountered hardware challenges we didn't necessarily anticipate. Some counties discovered the need for external cameras and microphones, additional display screens, and audio system upgrades.

We also struggled a bit to keep up with timely guidance and policy support for the new environment.

- To put it mildly, we learned a lot in a very compressed time frame. And what we learned is now posted on CourtNet in the form of instructions, best practices and a task force report on Zoom. It's good to know we now have the groundwork in place as we look at new uses for Zoom.
- We also learned that solutions need to be provided for public access to court proceedings held via remote meeting technology. It took us a while to find a good solution, but we did, thanks to Zoom and Dacast streaming service. This combination has enabled us to keep our courts both operational and accessible to the public.

At this point, our courts are more accessible than ever.

**One other challenge I'll mention was trying to ensure that Clerks of Circuit Court were meeting statutory requirements, with some employees working remotely at times on their own equipment.**

- We learned Clerk of Circuit Court Offices need to have well-defined policies and procedures in place to perform statutory responsibilities, including accepting filings and providing access to court records, particularly if the office must close or function with limited staff. These changes in procedures need to be communicated to attorneys, parties, the public, and the media.

This situation is not unique to clerk's offices. State court administration has also worked to clarify and communicate our remote work policies with our administrative staff. We need to be sure our work needs are being met in this changing environment and that our networks and data are safe.

**There are more challenges and lessons learned in the report, but I want to highlight a few of those Silver Linings and some of the significant advancements we've made during the last year or so.**

Zoom has become a much more versatile and valuable tool than anyone could have imagined.

Chief Justice Ziegler mentioned that Zoom has made it easier for people who otherwise may miss an appearance to appear remotely when appropriate, and for some litigants to find

representation where there aren't enough attorneys. This improves access to our courts and the justice system.

**Technology is also helping us more directly with court operations.**

**For example, we are now using Zoom in combination with Digital Audio Recording systems to help us address an ongoing shortage of court reporters.**

Taking the record is one of the most important aspects of a court proceeding, and we can't afford to lose that capability.

This approach, known as Remote Monitored Digital Audio Recording, is similar to what Chief Justice Ziegler described for judges who handle out-of-county cases. But there's a bit more to it. In addition to appearing remotely in a cross-county proceeding, a Digital Court Reporter is able to take the record remotely from a district office, no matter where it's located in the state.

You'll see a video at this conference that explains how this process works, and it is already working in many places. At this point, all of our courts have access to Zoom, and we now have 221 DAR systems installed in courtrooms around the state.

To support this effort, and to ensure quality control, we have hired a digital court reporter trainer. This is paying off in a number of ways, in addition to providing training. For example, when District Four experienced a sudden loss in court reporter availability, the trainer was able to step in, connecting remotely and take the record from another district's office.

We have now hired ten digital court reporters to serve in this statewide digital court reporter pool, and this approach to taking the record has already been used in more than 40 circuit court branches.

So far, we have made this happen without requiring new positions, thanks to judges who see the value in this approach. We have a number of judges who relinquished their court reporter position authority to the statewide Digital Court Reporter pool and now use DAR and Zoom to connect remotely with the digital court reporter to take the record.

Remote Monitored Digital Court Reporting is not appropriate for all proceedings, but when it is, it essentially eliminates travel time and expense and greatly expands the pool of available court reporters. As court reporter vacancies across the state persist, remote appearance by court reporters will result in fewer proceedings being rescheduled when a court reporter isn't available in person.

I want to thank the Statewide Digital Court Report Workgroup consisting of DCAs Jon Bellows (chair), Patrick Brummond, Susan Byrnes, and Louis Moore, Deputy Director for Court Operations Diane Fremgen, Deputy Director for Management Services Caitlin Frederick, Human Resources Officer Melissa Bohse, District Administrative Assistant Krissi Lee, Manager of Court Reporting Services Connie Hansen,

Digital Court Reporter Trainer Eva Walsh, and CCAP Software Development Supervisor Kimberly Hicks. Beth Barroilhet, Office of Court Operations, provided staff support.

Together, this group developed and adopted the *Mentoring Guide for New Digital Court Reporters, DCR Mentors, and DCR Trainers*, which is available on CourtNet.

**Another Silver lining related to Zoom is Video Remote Interpreting.** This arrangement has positioned our courts to provide high-quality interpreters in any county, regardless of the interpreter's location. This is especially helpful for cases requiring interpreters in rare languages.

Video Remote Interpreting via Zoom, when appropriate, also significantly decreases costs to counties by eliminating the need for interpreter travel. We were piloting video remote interpreting just before the pandemic, but we soon discovered additional capabilities that made Zoom a more effective tool than other methods to accomplish this task.

**Zoom has also made it possible to provide broader access to judicial educational programming during the pandemic and reduced travel-related expenses for meetings.**

It's also being used to train new clerk staff, who can observe real-time court operations remotely and unobtrusively.

Survey results indicate 63 percent of respondents plan to continue using Zoom and phone conferencing technology often or very often going forward. That compares to just 21 percent of respondents to a similar survey question before the pandemic.

You'll hear about more unexpected benefits during the Court Ops presentation, but I want you to think about how all of this gets accomplished. Have you notice anything in common about many of these projects? Most of these undertakings rely on new technology or the new use of technology. And in terms of workload, that translates to additional work for CCAP in terms of purchasing, deployment, training and support. **Without CCAP's support, the court system simply wouldn't function properly.**

Not only have they given us the tools and support we need, they have taken numerous steps to help protect us from relentless cyberattacks. In some ways, CCAP has had to protect us from ourselves  
– training us not to click on Phish bait or unwittingly provide information to people with evil intent.

This is one area that has kept me up at night, and I'm sure it has done the same to our Chief Information Officer, Jean Bousquet. Some of you may have noticed as part of our defenses, we have blocked access to most Internet-based personal e-mail and social media sites. These were major entry points for potential threats. I assure you this was a necessary step and in all likelihood has helped prevent additional breaches of our network.

Meanwhile, CCAP continues working on its other projects, such as the rollout of CCAP 3, a major update to the court system's case-related programming. This would be enough work without the additional load created by cyber threats and the pandemic.

CCAP is challenged by a highly competitive IT job market. We were fortunate to have additional CCAP position authority included in the state budget for CCAP, but attracting and hanging on to people is difficult.

I want to recognize Jean and her staff for all the work they have done to keep our courts going during the pandemic, with an eye toward future improvements. Thank you, Jean. (APPLAUSE?)

**Before I wrap up, I wanted to touch on a little more good news on the legislative and budget front.**

We added four new judges this year as a result of 2019 Wisconsin Act 184. This legislation authorized me to select four counties for new branches each year in 2021, 2022 and 2023.

Counties are selected for new branches based on judicial caseload and other factors, such as preparedness of county government facilities. As a result, voters this year elected new judges to newly created circuit court branches in Calumet, Dunn, Jackson and Marathon counties.

Counties I've selected to add new branches next year, based on the same criteria, include Adams, Eau Claire, Vilas and Waushara.

Interestingly, our budget request included funding for this year's new judgeships, including a corresponding increase in county support payments. Our request was removed when the governor put his budget together, but fortunately, it was restored in the Legislature's budget, which Gov. Evers signed.

If that funding had not been approved, other counties would have faced a reduction in support payments to make up the difference.

I want to recognize Chief Judge Gregory Huber of Marathon County Circuit Court for his initiative and persistence in getting the judgeship bill passed, along with retired Justice David Prosser who helped us make our case.

Thank you. Let's have a great conference.