

# STATE OF THE JUDICIARY ADDRESS 2023



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**Annual Meeting of the Wisconsin Judicial Conference**

November 1, 2023

Lake Geneva, Wisconsin

Good afternoon and thank you all for being here in beautiful, historic Lake Geneva. A special thank you to the Walworth County Sheriff's Office Honor Guard and to Sheriff Dave Gerber for leading us in the pledge of allegiance.

Welcome to the 2023 Wisconsin Judicial Conference! It's great to see so many familiar faces. In addition to our state court judges, once again our colleagues include municipal judges, tribal judges, and circuit court commissioners. It's also great to see new faces. Whether you are a first-time attendee, or you've joined us at one of these before, I hope you take advantage of all the opportunities available here. The judicial conference is a unique opportunity to reconnect, meet someone new, and share our various experiences and areas of expertise. So, let's all make this a great conference!

Before we get started, let me introduce my fellow justices:

Justice Ann Walsh Bradley  
Justice Rebecca Grassl Bradley  
Justice Rebecca Frank Dallet  
Justice Brian Hagedorn  
Justice Jill Karofsky  
Justice Janet Protasiewicz

Thank you all for being here.

Let's also all take a minute to applaud all the folks who helped plan and organize this year's conference. I want to thank the Judicial Education Committee, the Judicial Conference Planning Committee, the Office of Judicial Education, and Morgan Young, and our conference co-chairs, Judge Scott Horne and Judge Jerilyn Dietz. There are a lot of moving parts to manage when planning and then pulling off a conference like this. So, thank you for your hard work, everyone.

This year's theme is Back to Basics. In addition to plenaries on Statutory Construction, Civil Law Updates, Sentencing, and Trial Issues, to name a few, there are also a variety of educational offerings on timely topics, including Mindfulness & Resiliency for the Judiciary, Techniques & Tools to Increase SPD Attorney Availability in your County, and Moving Wisconsin's Mental Health Initiatives Forward, as you'll hear me talk about a bit later.

At the outset, I will follow our respectful tradition of recognizing and honoring our colleague who passed away this year.

Judge Harry G. Snyder, Court of Appeals in District II.

On a more positive note, it is also our tradition to welcome all our new judges, as well as those judges who have taken on new roles during this past year.

First, I introduced my colleague a moment ago, but we welcome Supreme Court Justice Janet C. Protasiewicz.

We also welcome two new appellate court judges:

Judge Sara J. Geenen, Court of Appeals in District I.

And Judge Chris Taylor, Court of Appeals in District IV.

Next, we welcome our new circuit court judges:

Judge Ana M. Berrios-Schroeder, Milwaukee County

Judge William M. Bratcher, Clark County

Judge Timothy J. Gaskell, Vernon County

Judge Anderson M. Gansner, Milwaukee County

Judge Timothy S. Gebert, Wood County

Judge Cody J. Horlacher, Waukesha County

Judge Mark A. Huesmann, La Crosse County

Judge Monica M. Isham, Sawyer County

Judge Anthony A. Lambrecht, Manitowoc County

Judge George A. Limbeck, Sheboygan County

Judge Ronnie V. Murray II, Milwaukee County

Judge Anthony C. Nehls, Fond du Lac County

Judge Ryan Nilsestuen, Dane County

Judge Ann M. Peacock, Dane County

Judge Amber Raffet August, Milwaukee County

Judge Raphael F. A. Ramos, Milwaukee County

Judge Lisa A. Riniker, Grant County

Judge Michael W. Schiek, Oneida County

Judge Natasha L. Torry, Sheboygan County

I understand that Jorge Fragoso, who was recently appointed to Milwaukee County Circuit Court, is here today. He officially takes the bench next week and will be formally recognized at next year's conference, but I wanted to make sure to welcome him to the Conference.

Welcome, everyone! As a member of Wisconsin's judiciary since 1997, first on the Washington County Circuit Court bench and now as your Chief Justice, I know I speak for my

colleagues when I say we are glad to have you. We look forward to working with you all in the months and years ahead, and seeing the many wonderful and unique ways you will help improve Wisconsin's court system. We are here for you. Let's do this, together!

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As I consider all the work that we have done, and the work we still must do, I am reminded of the lodestar that directs my efforts and should direct all our efforts. The lodestar I'm referring to is the mission statement of our Wisconsin Court System: The Wisconsin Court System exists to "protect[] individuals' rights, privileges and liberties," to "maintain[] the rule of law," and to "provide[] a forum for the resolution of disputes that is fair, accessible, independent and effective." These are our marching orders. These are the parameters within which we operate. This is our judicial lodestar.

I am guided by this mission statement in the work I do to improve Wisconsin's court system. As Chief Justice, I continue to prioritize judicial security (personal safety and courthouse security), mental health, and to improve efficiency for all of us.

I think we can all agree that judicial security is an area that needs to be significantly improved. Not only must we judges be safe, but our courthouses must also be safe places to conduct our judicial system business, protecting practitioners and members of the public alike. Last year at this time, judicial security was particularly on everyone's minds due to the cold-blooded murder of Judge Roemer. The recent horrific execution of a Maryland judge as he stood in his own driveway, at his home, continues to remind us of the need to be always vigilant and continue to enhance judicial safety. My vision is that we will have a robust security infrastructure, which includes excellent training for judges and court staff, added protection for members of the public who come to our courthouses; that we all have well-equipped security personnel, increased physical and technological security measures and continually monitored internet surveillance in an effort to avoid and detect problems and become aware of and understand threats before they are realized. Security enhances our ability to adhere to the basic tenet of judicial independence: that judges should be not intimidated, influenced, or threatened.

In this last legislative budget cycle, I worked hard to obtain a judicial security package from the Legislature which would provide us with our own judicial branch law enforcement department. This package sought to expand and finance the Marshal's Office to provide security for not only the Supreme Court, but also enhance security for all judges and court facilities throughout the state. This package also would have provided funding for high priority and ongoing cybersecurity initiatives and maintenance and provided grant funding for county courthouses. While we ultimately prevailed on critical cybersecurity funding for CCAP, unfortunately, even when the need is obvious, we hit some roadblocks with respect to establishing a judicial branch law enforcement office. Bottom line: The Legislature was not willing to create a new agency. But I did not stop. I explored options with the State Patrol and Capitol Police. I had numerous meetings with any number of individuals to make the case for other security initiatives. Those initiatives included the possibility of establishing a dignitary unit within the State Patrol or Capitol Police. Not giving up has proved to be beneficial.

While Tammy Johnson is no longer with us as our court marshal, she will still be providing us with her knowledge and expertise, but now as a law enforcement officer with Capitol Police. The details of that arrangement are still in the works, but look promising. We are all grateful and thankful for Tammy's years of faithful service and wish her well in her new role. I will not give up on further improving increased safety measures for the judiciary and will continue to strive to improve security for those in the entire judicial system.

My mental health initiative is also critically important. As Chief Justice, I know, we all know, that we in Wisconsin can do much better on treating those who suffer from mental illness. We need to reimagine mental health treatment in Wisconsin. My vision is that we can establish community-based mental health systems where people receive dignified, respectful, effective treatment. We need to find better methods to treat low-level offenders who otherwise cycle in and out of the court system, not making any strides or improvement. In fact, these people often deteriorate in the process. We can work at the local level to collaborate and think creatively about utilizing existing resources in a way that will benefit these individuals and also society as a whole.

Not surprisingly, PPAC has again identified mental health as a top priority for the court system. Mental health was ranked as the #1 issue of importance in the most recent Critical Issues survey, which polls judges as well as other judicial system partners. The inadequacy of how mental health is addressed was a significant issue when I was a trial judge. I saw firsthand how we in the judiciary end up having to address mental health issues, but we are not always particularly well equipped to do so. Mental health is a growing concern. My mental health initiative strives to prompt you, at the local and regional level, to address the significant mental health needs of the many people in Wisconsin who enter our court system, and it seeks to have us do better at addressing mental illness. There is a lot that can be done to improve in this area.

As many of you know, I hosted the Chief Justice's Mental Health Summit in Madison this past April. We learned a lot from each other. In part, we saw that significant change starts locally. This summit provided a forum for criminal justice system partners, law enforcement officials, service providers, policy makers, and court system members to come together in a collaborative environment and address the mental health challenges specific to their line of work, as well as share resources and best practices with one another. Attendees learned from panels and presentations on topics such as "Mental Health in Wisconsin – Justice Partner and Legislative Perspectives" and "Mental Health Crisis Response – Local Models and Training," which were staffed by representatives from state and local law enforcement, judges, and resource providers from across the state. Mental health is an issue affecting more than just Wisconsin.

Other states have made significant strides. So, we learned from them. We had representatives from Arizona's court system share about their Mental Health Crisis Receiving Model. Attendees were also provided information on the Miami Model approach to mental health courts. In fact, we had previously sent seven Wisconsin judges to attend a workshop in Miami last December to learn more about this Miami model. Director Koschnick and I visited and reviewed the Arizona model, and while different than the Miami model, it is also very

effective. What we have learned, in part, is that states are successful when they individualize approaches to improve mental health systems. Wisconsin needs to strive to do better to improve the mental health of our people, particularly those low-level offenders who we judges witness cycling in and out of the court system, who rarely truly receive effective help.

I'm happy to report that the summit was both well attended and well received. Really, it was a huge success. We had about 170 attendees representing 33 counties. The room was packed. Judges, legislators, district attorneys, public defenders, state and county human service agencies, and law enforcement officers gathered to detail current barriers and successes. This collaboration was incredibly helpful in identifying where some of the pinch points are and in addressing how to overcome them. The networking, information-sharing, and conversations around mental health have continued long after the summit ended. In fact, there is a presentation at this year's Judicial Conference led by Michelle O'Brien of the National Center for State Courts, which will be a follow-up of sorts to our April summit. I encourage you to check out Michelle's presentation on Thursday afternoon.

Slowly but surely, we are laying the groundwork for future partnerships and projects around providing solutions to mental health issues plaguing Wisconsin's court system. The PPAC Effective Justice Strategies (EJS) Subcommittee has initiated discussions to convene a workgroup to examine some potential updates to Chapter 51. Also in the works is that subcommittee's review of the National Judicial Task Force report to identify recommendations that may work in Wisconsin. It is my vision that counties are working with their local and regional stakeholders to improve how we address mental health issues at the local level. Heather Kierzek of our Court Operations office in Madison has put together a document that is available to help you get started and it is based on information compiled from the Stepping Up Initiative. Contact her or Ann Olson for more information. By the way, Ann has been a superstar helping me with this project. Thank you, Ann.

I have high hopes that we will be able to use the helpful information learned at the Summit, and rely on the beneficial connections forged, to further identify areas of need. We in Wisconsin know we can do much better treating those who suffer from mental illness in our communities. We need to treat these people effectively; we need to treat them with dignity; and we need to treat them with respect. We need to help in a way that benefits them and the broader community.

Mental health affects individuals across any partisan, political, socioeconomic, or other divide. Each of us has been touched by someone who has or does suffer from mental illness. We can do better. As I shared with the summit attendees then and share again now with all of you, I am optimistic that we will lead the way to find common ground on such an important matter as mental health. Working collaboratively, together we can—and will—improve options for those who have mental health issues and those responders who have limited options available to address those issues. As judges, you are respected in your communities, and you must be the ones to effectuate real change. As anthropologist Margaret Mead once said, "Never doubt that a small group of thoughtful committed individuals can change the world. In fact, it's the only thing that ever has."

Wisconsinites expect as much from us. And Wisconsinites deserve as much from us. As a member of the judiciary, please dare to take on this tough issue.

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Another way we have been working to make the judicial system accessible and effective is in expanding the use of monitored digital audio reporting (DAR) in our courtrooms. Wisconsin, as many of you know, is facing an ongoing shortage of stenographic court reporters. This year, 40 percent of our court reporter workforce is eligible for retirement, and in the next two years, that number is expected to increase to 51 percent. This shortage is affecting the functioning of court systems both in our state and nationwide. Personally, I wish there were enough court reporters for every judge. As a circuit court judge, I had the benefit of working with great court reporters, and I would not have wanted to be without them. I have the utmost respect for court reporters. However, the reality is that there are not enough stenographers to cover the courts. In part to help address this challenge, in 2019 Wisconsin pivoted to a blended system of court reporting, which combines DAR with traditional stenography reporting to make the record.

Our statewide remote digital court reporter pool has been effective in providing court reporters where needed. Due to significant recruitment and retention efforts over the past several years, the statewide pool of DAR reporters is now fully staffed. Solutions like these keep cases moving through the court system and prevent cancellation of court proceedings. I encourage any judge who is having difficulty filling a personal appointment court reporter vacancy to consider participating in the statewide pool. Your district court administrator can provide you with more information in this regard.

I'm thankful for those judicial servants and partners who have stepped up to assist in meeting needs in this area, such as our former Director of State Courts Randy Koschnick. He was instrumental in recognizing the staffing crisis facing the state and moving Wisconsin towards the efficient blended system we now utilize. He shepherded Wisconsin through this process, re-convening the advisory "Making the Record Committee" to recommend court system improvements and directing CCAP to install DAR systems in courtrooms across our state. Acting on the committee's input and recommendations, in 2019 Director Koschnick filed a rule petition to establish monitored DAR as an accepted court reporting method and to clarify the ability of the chief judges and the district court administrators to assign court reporters to cover court proceedings. This court accepted Director Koschnick's petition, with minor modifications, later that year.

Director Koschnick was also instrumental in other areas related to this blended system, including recruitment and outreach. He successfully lobbied for increased funding for court reporters in a bid to attract new recruits. Our partners stepped up as well to help where they were able. For example, Fox Valley Technical College started a one-year digital court reporter program a couple years ago to help do their part to provide solutions to this growing need. Thanks to the leadership of Director Koschnick, and the ongoing efforts of our system partners, we are making positive progress. Taking the record is our lifeline. Director Koschnick was

instrumental to this and the success of many other court improvements. Let's give him a hand for his outstanding work.

We have also seen some progress in addressing backlog clearance. Ashland, Burnett, Columbia, Dane, Jefferson, Juneau, Marathon, Pepin, Pierce, Polk, Taylor, Vilas, and Washburn counties have all decreased their felony backlogs by 20 percent or more over the past two years (October 1, 2021 – October 1, 2023). I have been assigning additional judicial reserve judge coverage for Milwaukee County which has allowed it to hold steady, reducing their backlog over that timeframe by 4 percent. Our reserve judges have been a big help for judges around the state and in helping to reduce the backlog. Thank you! Let's give our reserve judges a big hand.

But our work on the backlog is far from over, and we need to do even better. While circuit court judges have been using a judicial dashboard for some time, the Court of Appeals has been without this valuable tool for case management. Director Koschnick and I wanted to provide them with the same tools our trial courts have so that no case gets left behind. Director Koschnick and I helped develop for implementation a judicial dashboard for the Court of Appeals to assist them with their backlog and case management. We have hard-working, dedicated jurists in our state who will rise to the challenges ahead and handle the tremendous volume of business conducted in the courts.

Finally, it is important to remember and appreciate the efforts that have directly affected our compensation package. It is important to note then-Chief Justice Roggensack's significant work to forward judicial compensation. She, Director Koschnick, and (to a much lesser extent) I have been able to implement sequential pay increases which total 23 percent, since 2017, for our judges. This is a significant accomplishment that continues to be realized. Finally, Wisconsin is making strides toward adequately compensating judges. Thank you, former Chief Justice Roggensack.

We each have a role to play in helping keep our courts functioning at optimal capacity. We each have a role to play in addressing the ongoing backlog clearance. This work is important, necessary work. I'm thankful for what we have accomplished so far. I trust we will all continue then to do our part, individually and collectively, to ensure Wisconsin's court system remains fair, accessible, independent, and effective.

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For my part as your Chief Justice, while there have been some recent significant challenges, I will continue to do my best to lead us going forward and focus on court system priorities. I remain optimistic for where we are headed. I am also optimistic that through our efforts, we can bring even more transparency and accountability to the court system, so that we can gain—and maintain—public confidence in our court system. I cannot do this alone. You are critically important to the success and public perception of the judiciary.

You each have an important role in your home counties to lead, provide, and maintain a court system that lives up to the ideals expressed in our Wisconsin Court System mission. I know firsthand how vital the work of the trial bench is and how each of you deeply and



profoundly impact the lives of many people. You are on the front lines of justice. You are the faces of justice in your counties. I know how some days the robe can be particularly heavy. I appreciate you. As you go forward in your good work, remember our common vision that, “The Wisconsin Court System protects individuals’ rights, privileges and liberties, maintains the rule of law, and provides a forum for the resolution of disputes that is fair, accessible, independent, and effective.”

Enjoy this conference, and let’s get to work!