SCR CHAPTER 70

RULES OF JUDICIAL ADMINISTRATION

JUDICIAL COUNCIL COMMITTEE'S NOTE, 1979: The following rules, called the rules of judicial administration, govern court administration at the state and local level. Rules 1 to 18 and 27 to 34 were originally adopted by the supreme court on October 30, 1978, effective immediately. Rules 19 to 26 were originally adopted by the supreme court on February 19, 1979, effective immediately. Rule 35 was originally adopted by the supreme court on March 30, 1979, effective May 15, 1979. The rules were originally numbered 1 to 35 and have been clarified and numbered SCR 70.01 to 70.34 for uniformity and convenience. Rule 35 is now SCR 70.23(3). SCR 70.15 was amended on September 4, 1979, effective immediately.

SCR 70.01 Director; responsibility and authority.

(1) The director of state courts shall be the chief nonjudicial officer of the court system in the state. The director shall be hired by and serve at the pleasure of the supreme court, under the direction of the chief justice. The director shall have authority and responsibility for the overall management of the unified judicial system.

(2) The director shall have specific responsibility and authority:

(a) For all state level court personnel, including hiring, separation and salary establishment, except the personal staffs of the supreme court justices and of the court of appeals judges.

(b) For the development of the budget for the court system.

(c) For legislative liaison and public information.

(d) For the court information system.

(e) For judicial education.

(f) For interdistrict judicial assignments at the circuit level.

(g) For planning and research for the court system.

(3) The director shall serve as advisor to the supreme court, particularly on matters relating to improvements within the system, and shall exercise control over fiscal affairs, space allocation and equipment.

(4) The director of state courts may require each judge to verify and certify vouchers for the judge, his or her reporter and any assistant reporters and, in certifying such salaries and expenses to the department of administration, may rely on the certifications received by the judges.

SCR 70.02 Director; personnel.

The director of state courts shall have personnel responsibility and authority, including hiring and separating employees and salary

establishment over all state level court personnel except the assistant to the chief justice of the supreme court and the assistant to the chief judge of the court of appeals; law clerks, staff attorneys and secretaries to the justices of the supreme court and judges of the court of appeals. The chief justice and chief judge of the court of appeals shall appoint staff attorneys for their respective courts. The justices and judges of the court of appeals shall appoint their own law clerks and secretaries. The director of state courts may hire assistant court reporters on a per diem basis to report in circuit court as needed. The director of state courts shall perform personnel functions relating to recruitment, payroll and other standard procedures for all nonjudicial state court personnel, including those persons not subject to the hiring and separation authority of the director.

SCR 70.03 Director; budget.

The director of state courts shall have the responsibility and authority for development of the budget for the court system for submission to the supreme court for final approval.

SCR 70.04 Director; information system and statistics.

The director of state courts shall have the responsibility and authority over the court information system for the entire court system, including the collection, compilation and utilization of judicial statistics.

SCR 70.05 Director; public information; liaison.

The director of state courts shall have the responsibility and authority for legislative liaison and public information.

SCR 70.06 Director; judicial education.

The director of state courts shall have the responsibility and authority for the general program supervision of judicial education, including the hiring and separation of staff.

SCR 70.07 Director; staff.

The director of state courts shall have the responsibility and authority to provide staffing and staff work for all advisory committees to the supreme court and the chief justice. The director of state courts shall have the responsibility and authority to develop initiatives for planning and research for the court system.

SCR 70.08 Committee appointments.

The chief justice shall have the authority for appointments to state level judicial committees. The director of state courts shall provide and direct the staffing of the committees.

SCR 70.09 Office of lawyer regulation and board of bar

examiners; staff.

The office of lawyer regulation and board of bar examiners shall be authorized to appoint their own staffs subject to budgetary restrictions and within established court personnel policies, utilizing administrative services, such as recruitment and payroll, of the office of the director of state courts.

SCR 70.10 Director; assignments.

The director of state courts shall have the responsibility and authority regarding the assignment of reserve judges and the interdistrict assignment of active judges at the circuit court level where necessary to the ordered and timely disposition of the business of the court.

SCR 70.11 Personnel procedures and policies.

(1) Nonjudicial state court employees shall be subject to a personnel manual, developed by the director of state courts to be consistent with pertinent state statutory requirements, which establishes basic and uniform policies. The manual shall include generally uniform policies for:

(a) Vacation and other leave situations. All circuit judges are entitled to 25 working days of vacation per year.

(b) Overtime and compensatory time.

(c) Fringe benefits.

(d) Promotion and position designation.

(e) Merit or other performance awards.

(f) Recruitment and hiring procedures.

(g) Employee evaluations.

(h) Salary determination and pay ranges.

(i) An appeal procedure for personnel grievances.

(2) A manual shall be prepared setting out uniform vacation and other leave policies for judges.

(3) There are staff positions in the judicial branch which are substantially equivalent to positions in the classified service. Such employees should receive pay, benefits and promotional opportunities comparable to employees in the civil service.

SCR 70.12 Budget procedures and policies.

(1) The basic components of the budget process for the judicial branch shall include:

(a) The judicial branch, to the extent possible, will meet the same budget development and preparation deadlines as are required of state agencies.

(b) The judicial branch, to the extent practicable, will submit the same narrative portion of the budget as is required of state agencies.

(c) There shall be an internal budget request and review procedure during the preparation of each biennial budget which involves:

1. A budget procedural and policy direction memorandum by the chief justice directed to all heads of judicial agencies under the supervision of the supreme court. This should be sent out by June 30 of every even-numbered year.

2. A procedure requiring justification of existing programs and positions as well as new programs and positions.

3. A review of all requests from all components of the judicial branch by the director of state courts and a final decision by the director.

4. A review by the chief justice and the supreme court of the director's recommendation.

5. Appeal to the supreme court of the director's decision only by the chief judge of the court of appeals, chief judges of judicial administrative districts and office of lawyer regulation and board of bar examiners.

6. A system of deadlines for each step in the judicial budget preparation process.

(2) A process for public hearings may be established for requests for additional courts. A process for public hearings for major new programs or budget initiatives may be developed.

(3) The chief justice, with the assistance of the director of state courts, shall be responsible for the presentation of the biennial budget of the judicial branch to the joint committee on finance.

(4) The judicial branch shall establish a regular independent audit procedure.

SCR 70.13 Director; court information system.

The director of state courts shall:

(1) Define in detail the purpose and use of the information presently gathered by the system, and identify the needs of the users of the system, including the other branches of government.

(2) Eliminate all information elements not essential to the purpose and use of the system.

(3) Establish uniform definitions and reporting procedures.

(4) Identify the principal users of the reports and establish a regular review procedure.

SCR 70.14 Planning and policy advisory committee.

(1) The planning and policy advisory committee shall consist of:

(a) The chief justice of the supreme court, or such other justice as the supreme court may designate.

(b) One judge of the court of appeals selected by the court of appeals.

(c) Thirteen circuit judges, with one judge elected by the judges of each of judicial administrative districts 2 to 4 and 6 to 10, with 2 judges elected by the judges of judicial administrative district 5 and 3 judges elected by the judges of judicial administrative district 1.

(d) One municipal judge elected by the Wisconsin Municipal Judges Association.

(e) Two persons selected by the board of governors of the state bar.

(f) Three nonlawyers, one of whom shall be an elected county official, appointed by the chief justice.

(g) A public defender appointed by the chief justice.

(h) A court administrator appointed by the chief justice.

(i) A prosecutor appointed by the chief justice.

(j) A clerk of court appointed by the chief justice.

(k) One circuit court commissioner, who shall be selected for a three-year term, the selection to be made alternately, first by the Wisconsin Family Court Commissioners Association, then by the Wisconsin Association of Judicial Court Commissioners.

(2) The chief justice, his or her designee, or such other member as the chief justice shall appoint will act as chairperson of the planning and policy advisory committee.

(3) The director of state courts shall meet with and participate in the deliberations of the committee. The director shall have full floor privileges, including the right to be an advocate on any issue before the committee. The director shall not be a member of the committee and shall not have a vote on matters before the committee.

(4) The purpose of the planning and policy advisory Committee is to advise the supreme court and the director of state courts in the director's capacity as planner and policy advisor for the judicial system. The committee shall also assist the supreme court and the director in evaluating the administrative structure of the court system, including recommending appropriate changes in the administration and methods

of operations of all the courts of the state, the volume and condition of business in those courts, and advise on the expeditious handling of judicial matters in the future. The planning and policy advisory committee shall be kept fully and timely informed by the director of state courts about all budgetary matters affecting the judiciary to allow it to participate in the budget process.

(5) The committee shall meet at the call of its chairperson, but shall meet at least quarterly. The agenda shall include reports from and recommendations by the subcommittees. Staffing for the committee shall be provided by members of the director's staff assigned to subject matter areas under consideration by the committee.

(6) The planning and policy committee is authorized to create subcommittees where appropriate and shall appoint a subcommittee to confer with the supreme court and the director of state courts in the court's review of the budget.

(7) The supreme court shall meet with the planning and policy advisory committee on an annual basis for a full discussion of judicial matters of mutual concern.

SCR 70.15 Judicial conference.

(1) There is constituted the judicial conference of Wisconsin, which consists of the justices of the supreme court, the judges of the court of appeals, the judges of the circuit court, reserve judges, three municipal court judges designated by the Wisconsin municipal judges association, one circuit court commissioner designated by the family court commissioner association, one circuit court commissioner designated by the judicial court commissioner association, and one judicial representative of a non-Public Law 280 tribal court and two judicial representatives of Public Law 280 tribal courts designated by the Wisconsin tribal judges association.

(2) The conference shall meet once each year in regular session and may call any special meeting.

(3) The chief justice shall preside at annual and special meetings of the conference, or, in his or her absence, the senior associate justice present shall preside, unless the agenda otherwise provides.

(4) The judicial conference may divide into functional sections and create subcommittees to study advised topics.

SCR 70.153 Judicial conference, forms.

(1) The court forms that the judicial conference is required to adopt under s. 758.18, stats., shall be developed by the records

management committee, an advisory committee to the director of state courts office.

(2) Under article VIII of the bylaws of the judicial conference, the judicial members of the records management committee act on behalf of the judicial conference in the adoption of court forms.

(3) Each court form shall include a notice that the form may be supplemented with additional material.

(4)(a) Upon adoption of a court form, the records management committee shall distribute or make a copy of the form available to the clerks of circuit court, the circuit court judges, the state bar of Wisconsin and other appropriate persons.

(b) Within 90 days after the date of distribution of a standard court form adopted under s. 758.18(1), stats., an interested person may file with the records management committee a written objection to the mandatory use of the form, to the content of the form or to both the use and the content.

(c) The records management committee shall respond to the objector under par. (b) in writing within 90 days after receipt of the objection.

(d) Within 30 days after the date on which he or she receives the written response of the records management committee to an objection filed under par. (b), the person filing the objection may file with the clerk of the supreme court a petition for review of the decision of the records management committee. The supreme court may request a response from the records management committee and establish a schedule for submission of the matter to the supreme court for determination.

(5) Any voluntary form adopted under s. 758.18 (2), if properly completed, shall be received for filing or other appropriate action by the circuit court. If a clerk of circuit court distributes voluntary forms, the clerk shall use forms adopted under s. 758.18 (2), stats., whenever they are available for that purpose.

COMMENT

The amendments to SCR 70.153 made pursuant to this order reflect the authority of the judicial conference, acting at the request of the director of state courts, to adopt forms created for voluntary use by self-represented litigants in the circuit court as provided in s. 758.18 (2), stats.

SCR 70.155 Translation of court forms.

(1) The records management committee, working with the director of state courts office, shall identify court forms and instructions suitable for translation into a language other than English. Translated forms adopted by the judicial members of the records management committee, on behalf of the judicial conference, shall be treated as court forms adopted under s. 758.18, stats., and SCR 70.153.

(2) Translated forms shall use a format that incorporates both English and the second language. Every question or statement requiring a response, such as a check box or signature, will provide only one location in the English portion of the form to make that response. The answers to free-text questions must be written in English.

(3) Each translated form shall carry a notice, in both languages, that the translated form does not replace any of the following:

(a) The need for an interpreter.

(b) Any colloquies mandated by law.

(c) The responsibility of court and counsel to ensure that persons with limited English proficiency fully comprehend their rights and obligations.

(4) Use of a translated form does not supersede the need for an interpreter for communicating with counsel, or for in-court proceedings pursuant to s. 885.38, stats. Interpreters may assist individuals in filling out forms to the extent permitted by SCR 63.07.

SCR 70.16 Definitions. In SCR 70.16 to 70.34:

(1) "Administrative assistance" means assistance in trial court administration with respect to budgeting, personnel, equipment and facilities management, judicial assignments and liaison with governmental and community groups.

(4) "District court administrator" means a person who is a state employee and qualified to provide administrative and technical assistance as well as to assist the chief judge in carrying out his or her duties and responsibilities.

(5) "Judicial administrative rule" means a supreme court rule of general application relating to the administration and management of the state judicial system or an order of limited effect and of particular application to a court or to the administration of a specific portion of the judicial system.

(6) "Local judicial administrative rule" means a rule of general

application not inconsistent with a judicial administrative rule relating to the administration and management of a judicial administrative district, including, but not limited to, a rule regulating record, case flow, jury, facility or equipment management or judicial assignments, budgeting, personnel or statistical systems.

(7) "Person" has the meaning specified in section 990.01(26) of the statutes.

(8) "Technical assistance" means assistance in trial court administration with respect to records management, caseflow management, court reporting management, jury management, statistical analysis, computerization, grant application, and education of support personnel.

SCR 70.17 Judicial administrative districts.

The state is divided into judicial administrative districts for the purpose of administering the court system. Each district includes all the circuit courts within the district. The judicial administrative districts are as follows:

(1) The 1st district consists of Milwaukee county.

(2) The 2nd district consists of Kenosha, Racine and Walworth counties.

(3) The 3rd district consists of Jefferson, Ozaukee, Washington and Waukesha counties.

(4) The 4th district consists of Calumet, Fond du Lac, Manitowoc, Sheboygan and Winnebago counties.

(5) The 5th district consists of Dane, Green, Lafayette and Rock counties.

(6) The 6th district consists of Adams, Clark, Columbia, Dodge, Green Lake, Juneau, Marquette, Portage, Sauk, Waushara and Wood counties.

(7) The 7th district consists of Buffalo, Crawford, Grant, Iowa, Jackson, La Crosse, Monroe, Pepin, Pierce, Richland, Trempealeau and Vernon counties.

(8) The 8th district consists of Brown, Door, Kewaunee, Marinette, Oconto, Outagamie and Waupaca counties.

(9) The 9th district consists of Florence, Forest, Iron, Langlade, Lincoln, Marathon, Menominee, Oneida, Price, Shawano, Taylor and Vilas counties.

(10) The 10th district consists of Ashland, Barron, Bayfield, Burnett, Chippewa, Douglas, Dunn, Eau Claire, Polk, Rusk, St. Croix,

Sawyer and Washburn counties.

SCR 70.18 Appointment of chief judges of judicial administrative districts; term.

The supreme court shall appoint a chief judge in each judicial administrative district, who shall be a circuit judge within the district, for a term of 2 years, commencing August 1 of the year of appointment. The supreme court shall fill vacancies as they occur. A chief judge is subject to removal by the supreme court and may not serve more than 3 consecutive terms. In exceptional circumstances the supreme court, in its discretion, may extend a chief judge's service beyond the 3 term limit.

SCR 70.19 Duties of the chief judge.

(1) The chief judge is the administrative chief of the judicial administrative district. The chief judge is responsible for the administration of judicial business in circuit courts within the district, including its personnel and fiscal management. The general responsibility of the chief judge is to supervise and direct the administration of the district, including the judicial business of elected, appointed and assigned circuit judges.

(2) In carrying out administrative duties, the chief judge shall cooperate with the director of state courts.

(3) In the exercise of his or her general responsibility, the chief judge has the following duties:

(a) Assignment of judges within each judicial administrative district. The chief judge shall establish a system for the equitable distribution and allocation of categories of cases and case loads within the district, subject to the approval of the supreme court.

(b) Maintenance of a system for and effective management of case flow through the judicial administrative district.

(c) Where necessary, establishment of days and hours for court operation.

(d) Appointment of court committees.

(e) Adoption of local judicial administrative rules under SCR 70.34.

(f) Establishment of policies and plans.

(g) Provision for representation of the circuit court in ceremonial functions and in its relations with other courts, other branches of government and with the news media.

(h) Calling and presiding over meetings of the circuit judges

within the district.

(i) Supervision of vacation schedules, including requiring adherence to SCR 70.11(1)(a).

(j) Coordination of attendance by judges and other court personnel at conferences which require absence from the court during working hours. Judicial education is not vacation. Time spent fulfilling judicial education requirements mandated by the supreme court rules is not to be charged against annual leave.

(k) Supervision of court finances including financial planning, the preparation of budgets and fiscal reporting where necessary and required.

(4) The chief judge shall assign municipal judges as specified in SCR 70.24.

(5) The chief judge shall, subject to the approval of the director of state courts, adjust his or her caseload to reflect the amount of time needed for administrative duties.

SCR 70.20 Authority of the chief judge.

The chief judge shall exercise within the judicial administrative district the full administrative power of the judicial branch of government subject to the administrative control of the supreme court. The chief judge may order that his or her directives, policies and rules be carried out. Failure to comply with an order of the chief judge may be grounds for discipline under sections 757.81 to 757.99 of the statutes.

SCR 70.21 Additional authority of the chief judge.

The statutory responsibility and authority of the chief judge includes, but is not limited to, that specified in the following sections of the statutes:

(1) Section 9.01(6)(b): appointment of judge in recount appeal.

(2) Section 48.035: proration of Shawano county juvenile jurisdiction for Menominee county.

(3) Section 48.04: approval of appointment of clerk of court for juvenile matters.

(4) Section 48.06(1)(a)2., governing intake and court services for child welfare matters under chapter 48 of the statutes, and section 938.06(1)(a)2. of the statutes, governing intake and court services for juvenile matters under chapter 938 of the statutes: policy formulation and supervision of court services related to juvenile matters in counties with a population of 500,000 or more.

(5) Sections 48.06(2)(a) and 938.06(2)(a): approval of circuit

judge's policy governing juvenile intake workers in counties with a population of less than 500,000.

(6) Sections 48.065(1)and 938.065 (1): appointment of juvenile court commissioners.

(7) Sections 48.067(9) and 938.067(9): request assistance of juvenile intake workers.

(7q) Section 48.07 (5): recognize and obtain the services of a court-appointed special advocate program for proceedings under section 48.13 of the statutes.

(8m) Section 48.375(7)(d)1m: assignment of temporary reserve judge in judicial waiver procedure.

(8s) Sections 48.38(5) and 938.38(5): permanency planning review panel involvement.

(9) Section 59.40(1)(b): approval of appointment of deputy clerks.

(10e) Section 118.162(1)(e) and (g): designation of the circuit court or juvenile intake representative, or both, to the county truancy committees.

(10m) Section 303.17(2): investigation of house of correction.

(10q) Section 343.44(2)(d): adoption of sentencing guidelines for convictions resulting from violations for operating while suspended, revoked, ordered out-of-service or disqualified.

(10s) Section 346.65(2m): adoption of sentencing guidelines for operating while intoxicated violations.

(11) Section 751.025: court reporting management involvement.

(12) Section 751.03(3): assignment of circuit judges.

(14) Section 753.30(1): approval of appointment of clerk of court as register in probate.

(15) Section 753.34(4): proration of Menominee and Shawano counties circuit court.

(15e) Section 753.35(1) and (2): approval of local circuit court rules governing practice in that court and filing of local rules of trial court administration.

(16) Section 756.001(5): designation of a circuit judge to supervise the jury system..

(16e) Section 757.68(1)(a): appointment and removal of court commissioners.

(16m) Section 757.69(1) (intro.): approval of authority granted court commissioners.

(16s) Section 757.69(1)(g): designation of the juvenile court commissioner location.

(17) Section 757.72(4): appointment and removal of probate court commissioners.

(17e) Section 767.11(1)(a) and (b): approval of the appointment of the family court counseling services director.

(17m) Section 767.13: appointment and supervision of family court commissioners.

(17s) Section 800.06(1) and (3) and 800.065(1): designation and appointment of municipal judges.

(17w) Section 801.16(2)(a): approval of local rules governing filing of papers by facsimile transmission.

(18) Section 851.71(1): approval of appointment and removal of register in probate.

(19) Section 851.75: approval of appointment and removal of register in probate as deputy clerk.

(20e) Sections 938.245(2)(a)8.a., 938.32(1m)(a), 938.34(2m)(a), 938.342(1)(f)1., 938.343(2m)(a) and 938.344(2g)(a)4.a.: approval of teen court programs.

(20m) Section 938.346 (5): establishment of a procedure for notifying victims of juveniles' acts.

(21) Section 968.28: approval and court order to intercept communications.

(23) Section 973.11(2): approval of volunteers in probation programs.

(26) Sections 48.29(1m), 345.315(1m), 799.205(2), 800.05(3), 801.58(2), 938.29(1m) and 971.20(8): determination of substitution requests and reassignment of judges.

SCR 70.22 Appointments; filing.

The chief judge shall file a copy of each appointment with the director of state courts.

SCR 70.23 Assignment of circuit judges.

(1) The chief justice may assign active or reserve judges, other than municipal judges, to serve temporarily in any court or branch of a circuit court for such purposes and period of time as the chief justice determines to be necessary. The director of state courts may make interdistrict judicial assignments at the circuit court level.

(2) An active judge who is going to be absent from his or her court shall obtain approval of the chief judge of his or her judicial

administrative district. The chief judge by order may assign an active judge of the judicial administrative district to substitute for the absenting judge. The chief judge by order may also assign an active judge of the judicial administrative district to relieve congestion, to expedite disposition of litigation or to assist in any branch of circuit court in the judicial administrative district. If no active judge of the district is available for the service, the chief judge shall request the director of state courts to assign a judge from outside the judicial administrative district or a reserve judge. The director of state courts may also make a permanent assignment to a judicial district of a reserve judge who can be assigned by a chief judge in the same manner as an active circuit judge under this section.

(3) The chief judge of each judicial administrative district shall design a plan for the rotation of judicial assignments in multijudge circuits within the district. The plan for each district shall be on file with and have the approval of the chief justice or his or her designee and shall be supervised and maintained by the chief judge as part of the permanent scheme of judicial administration. In designing a rotation plan, the chief judge shall do all of the following:

(a) Equalize the workload in an equitable manner considering any special circumstances in each circuit.

(b) Assure general jurisdiction availability and competence of all judges in the circuit.

(4) In cases of substitution, mandatory disqualification or self-disqualification, the judge shall direct the clerk of courts or register in probate of his or her county promptly to notify the chief judge. The chief judge shall assign another judge to preside in the case. The chief judge may direct assignment of judges under this subsection by lot under a tab system. The self-disqualification of a judge requires approval by the chief judge but may be subject to judicial administrative district rules. The chief judge shall provide for the assignment of another judge from within the judicial administrative district, except that if the chief judge deems it necessary the chief judge shall call upon the director of state courts to assign a judge from outside the judicial administrative district or a reserve judge.

SCR 70.24 Assignment of municipal judges.

Where a municipal judge is requested or required to act under section 345.315, 757.19(5), 800.05, 800.06 or 800.065 of the statutes, the chief judge of the judicial administrative district in which the

municipal court is located is authorized and directed to act as the designee of the chief justice under section 751.03 of the statutes for the purpose of assigning another municipal judge or, if none is available, transferring the case to circuit court. These assignments or transfers may be either general or specific as the circumstances warrant.

70.245 Assignment of court reporters. In order to effectively manage court reporting resources within each judicial administrative district, an official court reporter appointed by circuit court judges under s. 751.02, stats., may be assigned in any of the following ways:

(1) The chief judge may assign any official court reporter, as needed, to any court within the district.

(2) The director of state courts, with the advice and consent of the chief judges, may assign any official court reporter, as needed, to any court within the adjoining districts.

(3) The director of state courts, with the advice and consent of the chief judges, may reassign any real time, certified, official court reporter, as needed, to any court within the district or the adjoining districts to provide reasonable accommodations under the Americans With Disabilities Act of 1990, 42 U.S.C. 12101 et seq.

SCR 70.25 [Deleted.]

SCR 70.26 Deputy chief judge.

The chief judge of each judicial administrative district shall appoint a deputy chief judge to serve under the chief judge. The deputy chief judge shall serve at the pleasure of the chief judge. The deputy chief judge shall provide assistance to the chief judge in administrative areas requiring the participation by a judicial officer. The deputy chief judge's duties and authority are delegated by the chief judge and may include acting for the chief judge in his or her absence and representing the chief judge at official functions or in dealings with other agencies. The chief judge may appoint a special deputy chief judge in the event the chief judge and deputy chief judge are absent or unavailable for 10 working days or less. A special deputy chief judge has the same authority as the deputy chief judge under this rule.

SCR 70.265 Presiding judge.

The chief judge of each judicial administrative district may appoint a presiding judge in any multijudge circuit to serve under the chief judge. The presiding judge shall serve at the pleasure of the chief judge and provide assistance to the chief judge in administrative areas in the circuit in which he or she is the presiding judge. The chief judge

may authorize the presiding judge to act for the chief judge in that circuit on any and all administrative duties specifically or generally delegated.

SCR 70.27 Budget and personnel.

The director of state courts shall develop uniform budgetary policies and procedures for the expenditures of state funds for the judicial administrative districts. The director shall also develop personnel policies and procedures for nonjudicial state court personnel of the districts. Expenditure of state funds by a chief judge is subject to approval by the director of state courts.

SCR 70.29 Director of state courts; assistance for trial courts.

The director of state courts may:

(1) Provide technical assistance to any judicial administrative district in response to a request from the chief judge.

(2) Conduct a study of trial court administration in any district.

(3) Recommend changes in trial court administration to the chief judge of any judicial administrative district.

SCR 70.30 District court administrators; creation.

(1) Judicial administrative districts 1 to 10 shall each employ a district court administrator.

(2) The director of state courts may recommend to the supreme court that assistant district court administrator positions be created in one or more judicial administrative districts.

SCR 70.31 District court administrator; appointment.

District court administrators shall be appointed by the respective chief judges from a list of candidates supplied by the director of state courts, who is responsible for recruiting for these positions. The chief judge may reject a list and request one additional list of candidates.

SCR 70.32 Chief judge; clerk of courts.

The chief judge may direct the activities of all clerk of court offices within the district and may recommend or direct changes in the operation of any clerk's office.

SCR 70.33 Guidelines; policies.

The director of state courts shall prepare and keep current guidelines to aid the chief judges in carrying out their administrative responsibility and authority.

SCR 70.34 Uniform rules for judicial administrative districts

The director of state courts shall develop uniform rules for trial

court administration. Each chief judge may adopt additional local rules not in conflict with the uniform judicial administrative rules.

SCR 70.35 Reserve judge eligibility.

(1) To be eligible for appointment as a reserve judge to perform marriages, a person must be eligible under s. 753.075 (2), stats.

(2) To be eligible for appointment as a reserve judge to perform judicial assignments, a person must meet all of the following conditions:

(a) Be eligible under s. 753.075 (2), stats.

(b) Be eligible for appointment under SCR 32.08.

(c) Subject to sub. (3), have in force and on file with the office of the director of state courts a written consent to eligibility for appointment as a reserve judge. The written consent shall be renewed in writing for each successive calendar year and in the form provided under. sub. (5).

(3) If a consent form under sub. (2) (c) is not renewed for a successive calendar year before the end of the calendar year for which it has been filed, the person is not eligible to be a reserve judge until at least 6 months after his or her most recent consent form under sub. (2) (c) expires.

(4) A person may withdraw, in writing, a consent to eligibility for appointment as reserve judge. If a consent is withdrawn, the person may not file a consent form under sub. (2) (c) for six months from the effective date of the withdrawal.

(5) (a) The written consent form for permanent reserve judges shall be in the following form:

"If I am appointed a permanent reserve judge, as that term is defined in section 753.075 of the Wisconsin Statutes, I consent to be bound by all provisions of the Code of Judicial Conduct (Supreme Court Rules chapter 60) from the date of that appointment and until its expiration."

(b) The written consent form for all other reserve judges shall be in the following form:

"In consideration of being eligible for appointment and assignment as a reserve judge during . . . . (year), I consent to be bound for that year by the provisions of the Code of Judicial Conduct (Supreme Court Rules chapter 60) applicable to reserve judges."

SCR 70.36 Judges' and circuit court commissioners' certification of status of pending cases. (1)(a) Every judge of a

circuit court shall decide each matter submitted for decision within 90 days of the date on which the matter is submitted to the judge in final form, exclusive of the time the judge has been actually disabled by sickness. If a judge is unable to do so, within 5 days of the expiration of the 90-day period the judge shall so certify in the record of the matter and notify in writing the chief judge of the judicial administrative district in which the matter is pending, and the period is thereupon extended for one additional period of 90 days. This subsection applies to an assigned reserve judge.

(b) In the exercise of its superintending and administrative authority over all courts and upon written request from a chief judge, the supreme court may extend the period specified in par. (a) for decision in specific matters as exigent circumstances may require.

(2)(a) Within the first 10 days of each month every judge of a circuit court shall execute and file with the office of the director of state courts:

1. A certificate stating that there are no matters awaiting decision beyond the 90-day or, if extended by certification and notification, the 180-day period specified in sub. (1)(a), but if the 90-day period has been extended by certification and notification, a copy of the certification and notification shall be attached to the certificate; or

2. If there are matters so pending, a certificate setting forth the name and docket number of each of matter, the court in which it is pending, and the date on which it was submitted to the judge in final form.

(b) The office of the director of state courts shall send a copy of certificates listing pending matters to the chief judge of the judicial administrative district in which those matters are pending and shall notify the chief judge of a judicial administrative district of the failure of a judge within the district to file an certificate pursuant to this subsection.

(3) The director of state courts, pursuant to SCR 70.10, and the chief judge, pursuant to SCR 70.19(3)(a), shall assign judges as needed or take other steps for the timely disposition of judicial business to assist a judge who has filed a certificate under sub. (2)(a)2 or 3.

(4) Failure of a judge to comply with the requirements of sub. (1)(a) or sub. (2)(a) may result in one or more of the following remedial measures:

(a) Change of the judge's assignment, pursuant to SCR

70.19(3)(a).

(b) Referral of the matter by the director of state courts to the supreme court for the initiation of contempt proceedings.

(c) Referral of the matter by the director of state courts to the judicial commission for investigation of possible misconduct.

(5) (a) In this subsection,

1. "Chief judge" means the judge appointed under SCR 70.18 for the judicial administrative district in which the matter is pending.

2. "Circuit court commissioner" means a person appointed under SCR 75.02 (1) and a person authorized under SCR 75.02 (3) to the limited extent of that authorization.

(b) A circuit court commissioner should not routinely take matters under advisement. Every circuit court commissioner shall decide any matter within 30 days after the matter is submitted to him or her for decision. If the circuit court commissioner is unable to decide a matter within 30 days, he or she shall notify the chief judge not later than 5 days before the end of the 30-day period. The chief judge may extend the period to decide the matter for an additional 30 days or may require the circuit court commissioner to suspend all other assigned activities until the decision is filed in the court.

(d) The chief judge may withdraw temporarily or permanently the circuit court commissioner's appointment or authority to act if the commissioner fails to comply with par. (b).

COMMENT

In addition to possibly constituting judicial misconduct under sec 757.81(4), Stats, a judge's failure to comply with this rule may constitute contempt of the supreme court and result in the court's imposing a fine for noncompliance. See, *In re Hon. Charles E. Kading*, 74 Wis.2d 405, 246 N.W.2d 903 (1976).

SCR 70.37 Court of appeals: Deputy chief judge.

The chief judge of the court of appeals shall appoint a deputy chief judge to serve at the pleasure of the chief judge. The appointment of a deputy chief judge shall be in writing and filed in the office of the clerk of the court of appeals. The deputy chief judge shall provide assistance to the chief judge in administrative areas requiring the participation of a judicial officer. The chief judge may delegate any of the chief judge's duties and authority as chief judge to the deputy chief judge.

SCR 70.38 Court facilities.

(1) This rule is promulgated by the supreme court to promote communication among circuit courts, county officials, court planners, architects and contractors concerning court facilities issues. It recognizes the constitutionally appropriate participation of the circuit courts in addressing their facilities needs and priorities within the constraints established by funding limitations and budget priorities. The rule is intended to assist counties and courts in making sound decision about the court facilities that serve the citizens of their Wisconsin communities.

The rules does not create a fixed standard. It is intended to be a statement of general purpose and procedure which establishes a flexible framework for courts' participation in decision-making regarding court facilities while recognizing the wide range of needs and circumstances which exist in counties across the state.

(2) In this rule, "court facility" means the courtroom, court chambers, the office and storage area of any court commissioner, court reporter, register in probate, juvenile clerk or clerk of court, the jury room, jury assembly areas, judicial staff areas, areas that may affect the security of a court, court staff and the public using a court, areas used for access to a court and any other facilities used in the operation of a court.

(3) The circuit judges shall promptly notify the chief judge of the judicial district, in writing, of the county's intent to remodel, construct or relocate any court facility or to relocate any court personnel.

(4) The circuit judges and the chief judge, in cooperation with appropriate county officials, shall review any proposals under sub. (3), together with any drawings or plans. The circuit judges and the chief judge shall participate in the planning process to ensure that the proposals under sub. (3) are consistent with current court facility standards, including those relating to functional design, audio-visual and acoustical adequacy and security of the courts and the public, and that they conform to the requirements of the Americans With Disabilities Act and other federal, state and local laws.

(5) The director of state courts shall provide technical assistance and advice on any proposals under sub. (3), within the resources available to the director's office.

(6) The chief judge shall review every new, remodeled or relocated court facility and grant or deny approval for its use, subject to

review by the supreme court.

(7) No circuit judge or court staff may occupy a new, remodeled or relocated court facility until the court facility is approved under sub. (6).

(8) This rule is effective as to any remodeling, construction or relocation commenced after September 1, 1992.

SCR 70.39 Security, facilities and staffing standards for courts.

(1) Definitions. In this rule:

(a) "Committee" means the security and facilities committee under sub. (3).

(b) "Court facility" has the meaning given in SCR 70.38 (2).

(c) "Presiding judge" is the judge appointed under SCR 70.265 or means the judge in a single branch circuit.

(d) "Should" is directory only, not mandatory, and connotes a duty or obligation to pursue a goal or objective.

(2) Applicability. The following standards apply to existing court facilities, to the construction, remodeling and relocation of court facilities and to the review and approval of court facilities under SCR 70.38 (4) and (6).

(3) Security and facilities committee. (a) The presiding judge for each county shall appoint a security and facilities committee composed of all of the following:

1. One circuit judge.
2. The chairperson of the county board.
3. The county executive.
4. The clerk of the circuit court.
5. A family court commissioner.
6. The district attorney.
7. The county sheriff.
8. One lawyer designated by the president of the local bar association. If there is no association, the presiding judge shall appoint a lawyer residing in the county.
9. One representative of a victim-witness support organization.
10. One representative of the criminal defense bar.
11. Such other persons as the committee considers appropriate.

A person specified in 2, 3, 4, 6 and 7 may designate a person for appointment to the committee in his or her place.

(b) In the absence of a presiding judge or if the presiding judge is

unable to act, the chief judge of the judicial administrative district in which the county is located shall act on behalf of the presiding judge under this subsection.

(c) The committee shall coordinate the adoption of general court security and facilities policies. Day-to-day security decision and case-specific security measures shall remain within the discretion of the presiding judge. The presiding judge shall consult, as needed, with the sheriff and the court security officers specified in sub. (5) (a).

(d) The committee shall meet quarterly, with the initial meeting commencing not more than 60 days after the effective date of this rule. Each January and July, the committee shall submit to the planning and policy advisory committee under SCR 70.14 a written report of its progress in implementation of the standards in subs. (4) through (11).

(e) Beginning on March 31, 1996, and annually thereafter on or before March 31, the planning and policy advisory committee under SCR 70.14 shall file with the director of state courts office a written report of the efforts of the committees in implementing the standards set forth in subs. (4) through (11). The planning and policy advisory committee shall receive from, and make available to, the committees information concerning security and facilities plans implemented in other counties.

COMMENT

Nearly all studies and publications on court system security stress the need for an acknowledged and centralized focal point within the system to address security concerns. The committee with its broad membership, will meet this need well. The presiding judge of the county or, if there is none, the chief judge of the judicial administrative district is responsible for establishing the committee.

Wisconsin's 72 counties have court facilities of varying size, age and configuration, making it impracticable to establish detailed and uniform statewide standards on every aspect of security policy. Local conditions and local culture must be taken into account in any effort to make the court facilities safe for participants and the public. Local committees equipped to address local issues of security policy are a critical element in the overall success of those efforts. Further, the creation of a committee in each county will serve one of the overall goals of these standards -- to heighten awareness of and sensitivity to security issues so that the judicial system's response to them is proactive, geared to prevention, not merely reactive, responding to violent, perhaps tragic, incidents.

(4) Security -- structure and design. (a) A court facility housing courtrooms should have a sectoring system that divides the building into the following 3 types of areas according to the nature of access to them:

1. Public areas where the general public has relatively free access.

2. Judge and court staff areas where generally only judges and their staffs and persons explicitly permitted access, such as jurors and attorneys, are allowed.

3. Prisoner areas where only prisoners and law enforcement personnel accompanying a prisoner are permitted.

COMMENT

Any new court facility should incorporate sectoring principles if it is to provide the most basic security that can be attained through structural design. Existing facilities present a wide range of structural variations that create obstacles to the use of sectoring principles. However, in many existing courthouses there are opportunities to achieve some sectoring that will improve security. In addition, remodeling projects undertaken for non-security purposes offer cost-efficient opportunities to enhance the overall sectoring of a courthouse.

Secure prisoner transport and holding areas that will eliminate any public access to prisoners until they are in a courtroom where other security precautions are present are critical to the safety of the public, attorneys, court staff, judges, law enforcement personnel and the prisoners themselves. The need for an area where attorneys can meet with their clients should be considered in the design.

Each committee should consider the need for feasibility of limiting building access points to improve screening effectiveness and to further sectoring principles. Such consideration should include the advisability of card-controlled doors and policies for the use of and access to the courthouse after regular business hours and on weekends.

(b) A courtroom should be constructed to include all of the following:

1. A single public entry that accommodates a security checkpoint for use as needed.

2. Entrances for judges and court staff that are adjacent to the bench and entrances for jurors that are as close to the jury box as possible.

3. Other access to the courtroom, such as windows or maintenance access, that inhibits unauthorized entry.

4. A judge's bench that is of a size and height to deter physical attacks and that has a built-in bullet-resistant barrier.

5. Lighting panels that are located in areas where only court staff have access to them.

6. Lighting that is supported by an emergency power source.

7. A clear separation between the spectator area and the area

used by the participants in court proceedings.

COMMENT

Courtrooms have often been the site of violent and tragic incidents, and their design is an important aspect in preventing such occurrences. The personnel and equipment standards in this rule are also integral parts of the overall security strategy. In the American system of justice, most court proceedings are public and security concerns cannot unreasonably interfere with this principle. However, a design that ensures the opportunity for proper screening of those who enter the courtroom and the proper physical arrangement of those present will create a safer setting in which citizens may exercise their right to participate in or observe public judicial proceedings.

Because judges are the official representatives of the judicial system, they have often been the targets of violence. For this reason, judges should be afforded special protection. A bullet-resistant barrier should be installed in every courtroom to provide a place of increased protection in the event a weapon is displayed. The separation between spectator area and the participants' area should be sufficient to prevent spectators' physical contact with attorneys, litigants and jurors and to ensure the privacy of conversations between attorneys and their clients.

(c) A jury deliberation room should be located where the public cannot have contact with jurors as they move to and from the courtroom and should be designed to ensure their safety and the secrecy of their deliberations.

COMMENT

The sacred task entrusted to jurors must be safeguarded from those who would seek to intimidate or engage in reprisals. The secrecy of jury deliberations must be guaranteed. Each committee should consider adopting policies on protecting jurors following a trial, juror parking and other matters affecting juror safety.

(d) Any court facility used for court commissioner hearings should be designed in a manner that incorporates the security principles set forth in par. (b).

COMMENT

The extent to which court commissioners are used varies widely from county to county. In a county where a court commissioner handles criminal and traffic, divorce, small claims or juvenile proceedings, the dangers present while doing so are similar to those facing judges in their courtrooms. All too often, court commissioners are called upon to perform their roles in small, crowded rooms where they are in close proximity to litigants, witnesses and spectators, as well as to

attorneys and judicial staff. The dangers must be recognized and reflected in the design of these areas.

Because of the wide variations between counties in the nature of the proceedings handled by court commissioners, uniform standards are not appropriate. The design of court commissioner hearing rooms and office areas and the types of security personnel and equipment needed should be considered by each committee, using the features of courtroom security for guidance and as a measurement in assessing their adequacy.

(e) A secure room in close proximity to locations where criminal, family, juvenile or domestic violence proceedings are conducted should be provided for victim and child witnesses waiting to appear in such proceedings.

COMMENT

This standard is a reflection of the statutory directives in secs. 950.04(6) and 950.055(2), Stats.

(5) Security -- personnel. (a) There should be no fewer than 2 properly trained, sworn officers acting as court security officers in each courtroom and each court commissioner hearing room when criminal, divorce, child custody and other family cases are before the court or when domestic abuse, harassment and child abuse injunction hearings are taking place. The judge or court commissioner may expressly direct otherwise. The judge or court commissioner in all other types of proceedings should be able to require the assignment of a court security officer to be present at particular proceedings. The committee should consider and adopt a policy concerning whether court security officers are to be armed and whether other law enforcement officers are permitted to have firearms in courtrooms.

COMMENT

There is a wide variety of titles applied across Wisconsin to various persons assisting in court proceedings. For purposes of these standards, court security officer refers to a sworn deputy sheriff whose principal function is to provide security in and about the courtroom. The court security officer is to be distinguished form the jury bailiff or court aide, who need not be a sworn officer and whose functions include such matters as working with juries and providing routine information and directions to the public and unrepresented litigants in connections with court proceedings. This standard is not intended to discourage the continued use of other categories of persons currently employed in individual counties.

Court security officers are the first-line personnel source of security in the courtroom. Their presence serves as a deterrent to violent outbursts and provides the ability to respond to incidents that may arise. In this respect, the open and obvious presence of uniformed officers is a solid working example of the basic court security principles designed to *deter* those intent on harm, *detect* those who have breached security and *limit* the damage caused by the breach.

While criminal court proceedings customarily present heightened security concerns, nationally it has been in family cases (divorce, juvenile and others) that many of the most violent courtroom incidents have occurred. This has often been explained by the emotional volatility of the participants in such proceedings and the fact that a court security officer is rarely present during them. Domestic abuse injunction proceedings present situations in which extreme volatility is likely and Wisconsin has witnessed a tragic death and several injury incidents in courthouses in connection with such cases.

There is a difference of opinion whether court security officers or law enforcement officers appearing as witnesses should be permitted to carry firearms in the courtrooms. On the one hand, all necessary resources should be available to respond to an incident; on the other, the presence of firearms presents the danger of a gun being taken from an officer by an inmate or other person. The standard leaves the question to be resolved at the local level.

This standard encourages a cooperative working relationship among judges, sheriffs and others involved with court security. These individuals will be able to identify whether in their county there are ways to reduce the need for court security officers and the associated expense. The standard is a codification of the existing law on the presiding judge's authority set forth in *Stevenson v. Milwaukee County*, 140 Wis. 14 (1909).

(b) Court security officers should be properly trained in basic courtroom security techniques and should be thoroughly familiar with the policies adopted by the committee.

COMMENT

The courtroom setting presents unique challenges to the law enforcement officer. Any person regularly acting as a court security officer should be properly trained in this specialized field, in addition to general law enforcement training. Training would also be helpful for court aides who are assigned solely to assist juries or perform other duties not requiring a court security officer. It would be advisable that the director of state courts coordinate efforts to develop a basic, minimal program of such training for use statewide. It may be appropriate to incorporate this program with the Department of Justice Law Enforcement Standards program.

(6) Security -- equipment. (a) Each courtroom and court commissioner hearing room should have a silent alarm system connected to an appropriate law enforcement office that will provide the immediate response of an armed officer. The alarms should also be located in judges' chambers and staff areas, court commissioner office areas and any location in the courthouse where money is collected or stored or where there are other security risks. Each courtroom should be equipped with a telephone.

COMMENT

Silent alarm systems mounted in an easily accessible location in a courtroom are a minimal security device that should be installed in every existing courtroom. The system should be connected to an office that provides constant monitoring during all regular hours of courtroom use. The alarms should be able to summon immediately armed law enforcement or court security staff to respond to the emergency prompting the alarm. It is advisable that alarms be installed in other locations having the potential for violent incidents and other breaches of security. While not an adequate substitute for a silent alarm system, telephones should be provided as a supplement. Telephones can also be used in medical emergencies and will facilitate telephone testimony and attorney appearances. Each committee should consider the use of surveillance cameras in some or all courtrooms or other areas of the courthouse.

(b) Court security officers should be provided with metal detection devices to be used if policies are adopted by the committee to screen persons entering courtrooms or courthouses.

COMMENT

Weapons brought into court facilities present the clearest threat to security. While in some counties local conditions and experience may warrant constant screening by metal detectors at entrances to court facility buildings, in other counties the need for such screening will be more sporadic. Other types of screening may be employed to supplement metal detection or as a satisfactory alternative, but each courthouse should be equipped for the use of metal detection when the need arises. Hand-held detection devices are effective and readily available at reasonable costs. Each committee should develop a policy on the type of equipment to be acquired, the criteria for when it is to be used and the methods for its use. This minimal step was recently endorsed by an unanimously approved resolution of the American Judges Association.

(c) Court security officers should be equipped with 2-way radios at all times.

COMMENT

Court security officers are the first-line providers of security in court facilities. To enhance their effectiveness, their ability to communicate and to summon assistance is critical. Two-way radios can also be useful for purposes unrelated to security, such as locating attorneys appearing in other courtrooms.

(d) Each building that houses a court facility should be equipped

with a public address system that permits all of its occupants to be given notices and instructions during an emergency.

COMMENT

In addition to its obvious security benefits, such a system provides a means for general purpose announcements.

(e) The committee should consider the need for and feasibility of an external electronic perimeter surveillance system for each building that houses a court facility and should review other features of the building's exterior with security concerns in mind.

COMMENT

The dangers created by external features of a court facility building may be significant. Wide variations among counties as to their local needs and the designs of their courthouses render a uniform standard impracticable. Each committee should assess risk factors and consider solutions, electronic or otherwise, to minimize danger.

(7) Security -- policies and procedures. (a) The committee should propose a policy for adoption as a local rule under SCR 70.34 for the reporting of and response to threats made to judges, court commissioners and court staff or their families.

COMMENT

A systematic reporting procedure for threats to judges, court staff or their families should be established in each county. This serves the beneficial purpose of allowing persons other than the object of the threat to assess its seriousness, as there may be a tendency by the person threatened to minimize it as "part of the job." The policy should designate the person to whom threats are to be reported, establish the responsibility for investigation or other response and provide for the retention of records of all reported threats.

(b) The committee should review existing policies on money collection and storage and should adopt a program for the protection of the public's funds.

COMMENT

Clerks of court collect substantial amounts of money in the form of filing fees, fines and forfeitures, family support, etc. An enhanced protection program for these funds will not only safeguard the taxpayers' treasury but will also deter any efforts to engage in violence for financial gain.

(c) Each courtroom and other vulnerable area in a court facility should be searched for explosives or other dangerous instrumentalities before the commencement of court proceedings each day.

COMMENT

The need for this regular practice is greatest in those counties where courtrooms are used for non-judicial purposes on evenings and weekends.

(d) The committee should adopt a policy for the handling and storage of firearms, other dangerous instrumentalities and contraband received as evidence during court proceedings.

COMMENT

Documents and other exhibits received during judicial proceedings must be safeguarded as part of the court record. Certain items of evidence present reasons for special attention to their handling during breaks, overnight in multi-day proceedings and following the conclusion of the proceeding in which they are introduced.

(e) The committee should develop a plan for dealing with disruptions at court proceedings, including trial and pretrial, involving particularly dangerous or disruptive criminal defendants.

COMMENT

Criminal cases involving an unusually volatile defendant or a defendant having associates with a propensity for violence present special security concerns. So, too, does a criminal defendant who becomes unruly and disruptive in the court proceeding in which he or she is involved. Given the wide variations in physical facilities among Wisconsin counties and the sporadic occasions when these problems will be faced, uniform standards to address them are not appropriate. Each county should have a plan for handling situations as they arise that properly addresses security concerns while at the same time ensuring that the defendant will be accorded the requisite due process.

(f) The committee should consider whether it can assist the municipal courts in its county in security matters.

COMMENT

Municipal courts generally are not located in the county courthouse but convene in various public buildings in the municipality. While the nature of the cases coming before those courts does not suggest the same potential for violence as cases in the circuit court, municipal courts share certain basic security concerns. The committee may be an information resource for municipal courts. In some counties, the committee may choose to appoint a municipal judge as liaison.

(8) Court facilities -- planning. (a) The committee should immediately establish a design subcommittee for any contemplated reconstruction or significant remodeling of court facilities in the county. The subcommittee should invite participation by persons not on the committee, including the county public works director or comparable official, the district court administrator, a member of the county board and other persons the committee believes would be of assistance to the specific project.

COMMENT

Having those most intimately affected by a planned project involved from the earliest stages is the single most effective step in assuring that the project will be both functional and cost-effective. The committee of the county in which the project is to be undertaken should establish the design subcommittee. The subcommittee should be created prior to and should participate in the selection of an architect and other consultants and should remain involved until the project's completion. The subcommittee should consult with the committee during the design phase. The creation of a design subcommittee is consistent with the underlying purposes of SCR 70.38.

(b) Each county should develop a long-range plan for its court facilities.

COMMENT

This type of plan usually can be developed through the efforts of county staff and judges working cooperatively and without the necessity of expensive outside consultants. Such a plan can reflect local conditions and practices and provide an on-going guide in considering the advisability, scope and other aspects of any contemplated project. Long-term planning is a cost-saving approach

to facilities issues.

(c) All court facilities are subject to the provisions of the Americans with Disabilities Act.

COMMENT

The technical requirements of the Americans with Disabilities Act are beyond the scope of these standards. Compliance with federal law requires certain accommodations to be included in all projects. This standard should serve as a reminder of the court system's obligations in this regard. The interdisciplinary committee on court-related needs of the elderly and people with disabilities has been created by the chief justice of the Wisconsin Supreme Court and is developing a survey of existing facilities and a report on recommendations. The communications and intergovernmental relations subcommittee of the planning and policy advisory committee should review this report as part of its annual review of these standards to ensure that the standards do not violate the provisions of the ADA.

(9) Court facilities -- courtrooms. (a) Each circuit court judge should be provided with a personal courtroom.

COMMENT

While the assignment each day of a courtroom to a judge may in some counties not require that the judge preside in the same location at all times, each judge must have available to him or her a suitable courtroom in which to conduct judicial business.

(b) The minimum ratio between jury and nonjury courtrooms should be as follows:

Number of judges in county	Number of jury courtrooms
1-3	All
4-5	3
6-7	4
8	5
9-10	6
11-12	7
13	8
14-15	9
16-17	10

18	11
19-20	12
Over 20	60-65%

COMMENT

In counties with 4 or more judges, it may not be necessary that every courtroom be designed to accommodate jury trials. However, in some larger counties, because of local practice and judicial rotation plans, each courtroom may need to be a jury courtroom. The 60-65% ratio of jury courtrooms is derived from national standards and experience as the minimum necessary if court business is to be conducted efficiently. In counties where this ration is currently exceeded, this standard is not intended to warrant the conversion of jury courtrooms to nonjury courtrooms.

(c) The size of a jury courtroom should be a minimum of 1,500 square feet and the size of a nonjury courtroom should be a minimum of 1,000 square feet.

COMMENT

A 1,500 square foot jury courtroom will not be large enough to accommodate high visibility criminal trials or complex, multi-party civil litigation. At least one jury courtroom of approximately 2,000 square feet should be available in each county to accommodate larger trials and ceremonial events. The minimum size set forth in the standard will provide room for a jury box for 14 jurors and a spectator area for up to 40 persons to accommodate prospective jurors, the public, witnesses and others. The minimum-size nonjury courtroom will not be large enough for court proceedings with extensive public spectator interest but should be sufficient for most of the nonjury proceedings conducted in the circuit court.

In a multi-branch county, the case assignment practices may be such that a nonjury courtroom of somewhat smaller size will be acceptable because of its dedicated and specialized use. Flexibility will accommodate varied local conditions.

(d) Courtrooms should be designed to impress upon the public and the litigants the fairness and dignity of the judicial system.

COMMENT

All courtrooms need not look alike but all courtrooms serve the same function. As symbols of the judicial branch of government, each should convey a sense of dignity and efficiency.

(e) Courtrooms should include all of the following:

1. A bench for the judge, elevated at least 20 inches and having a spacious work surface, in a location that permits the judge to enter and exit the courtroom through a private door.

2. A well-lighted, ventilated and temperature controlled environment, with controls accessible only to court staff.

3. Acoustics that will eliminate noise from outside the courtroom and permit all participants to hear one another clearly, with microphone systems in all jury courtrooms and in larger nonjury courtrooms.

4. Adequate electronic capacity to permit installation or use of telephone, X-ray viewbox, computers, videotape player, microphones and other equipment.

5. One or more conference rooms at least 125 square feet in size in close proximity to each courtroom.

6. An elevated witness stand located where the judge, jurors, attorneys and clients, and the court reporter can see and hear the witness clearly.

7. A clerk's work place located immediately adjacent to the judge's bench to permit private communications and the transfer of documents between the judge and the clerk.

8. A court reporter's work place located to permit the reporter to hear clearly all statements of the judge, attorneys and witnesses and to avoid distraction of the participants and obstruction of their view.

9. In a jury courtroom, a jury box with permanent seating for 14 jurors and elevated tiers to enhance vision located at sufficient distance from counsel tables to prevent private conversation from being overheard and as far as possible from public spectator areas.

10. In a jury courtroom, a jury deliberation room at least 300 square feet in size, exclusive of restrooms, with adjacent private restrooms and located to minimize contact between jurors and the public while jurors are in transit.

11. In large courtrooms, an area for media personnel and equipment that will render media coverage of proceedings unobtrusive.

COMMENT

The judge's bench is the focal point of the courtroom and its design most directly conveys the dignity of the court. Elevation of the bench contributes to that effect and affords the judge an unobstructed view of the courtroom. The bench should be large enough to allow the judge to deal efficiently with numerous documents and books during the course of proceedings. Its location

adjacent to a private entrance into the courtroom contributes to the appearance of impartiality and enhances security.

Temperature, sound and light levels should allow all participants to be comfortable and remain alert. The ability to hear clearly what is being said is of paramount importance. Security and efficiency concerns require that only court staff have access to temperature, lighting and microphone controls.

New technologies are being introduced into courtrooms and design accommodation should be made to permit their efficient and safe use. Design subcommittees should also be mindful that viewboxes, chalk boards or other evidence display devices need to be located so as to be readily visible.

Conference rooms adjacent to each courtroom facilitate confidential conversations between attorneys and their clients and witnesses and negotiations between attorneys. They also provide waiting areas for witnesses, including victims. In larger counties, a separate room should be provided for victim-witnesses.

The witness stand should be elevated to enhance the ability of all to see and hear the witness but it should not be as high as the judge's bench or so close to the bench as to permit sidebar discussions between attorneys and the judge to be overhead. The location and design of the witness and should take into account the occasional need for interpreters and should accommodate child witnesses.

The jury box needs only 14 permanent seats but it should be designed to permit additional temporary seats where more than 2 alternate jurors are used and accommodation should be made within the box or immediately adjacent to it for temporary seating during voir dire. Two of the permanent seats should be removable in order to accommodate wheelchair users.

Jurors perform a sacred role in our system of justice and it is critical that they have a private, comfortable and functional environment in which to conduct their deliberations. Round or oval tables in the deliberation room are recommended to reflect the equality of all jurors.

Under supreme court rule, cameras are permitted in most Wisconsin court proceedings. No uniform method of providing space for them is practical and design subcommittees should be aware of the need to provide space for them in planning new courtrooms and in the renovation of existing ones.

(f) Courtrooms and court commissioner hearing rooms in which juvenile or other confidential proceedings are conducted should be located and designed to ensure the confidentiality of those proceedings.

COMMENT

State law provides that juvenile and certain other cases are to be closed to all but the persons participating in them. This confidentiality cannot be achieved if persons waiting to appear in such a case are required to wait in hallways or other areas where the nature of their business is displayed to the public.

(10) Court facilities -- auxiliary areas. (a) Where there are more than 3 jury courtrooms, an adequately-sized jury assembly area should be provided that is reasonably close to the jury courtroom.

COMMENT

The area provided to prospective jurors for orientation and assembly before being brought to an individual courtroom keeps them apart from the public and litigants and reflects their important role in the justice system. Prospective jurors should be provided a comfortable place to await being called, which at times is a considerable period. Since it will not always be needed to assemble jurors, the jury assembly room may be designed to serve other purposes.

(b) Each judge should have a private chambers at least 400 square feet in size, with a private restroom, and located directly adjacent to clerical support staff.

COMMENT

Because the court's business is conducted there, the judge's chambers should lend dignity to the judicial office. The chambers should be large enough to accommodate the many court proceedings and conferences involving multiple parties that are conducted in chambers, as well as the judge's conferences with staff, colleagues or committee groups. Chambers should provide an adequate and readily accessible basic library, soundproofing and privacy.

(c) An area should be provided immediately adjacent to the judge's chambers for clerical staff, the court reporter and a law clerk and for a reception area.

COMMENT

Given the variations among the counties in staffing of courts, it is not practicable to establish a uniform standard for courts, it is not practicable to establish a uniform standard for the size and configuration of support staff areas. Location of support staff adjacent to the judge's chambers no only enhances efficiency but also allows screening of persons seeking access to the judge.

(d) Every court facility housing a courtroom should have a basic legal research library of sufficient size to be used by judges, law clerks, attorneys and others.

COMMENT

An adequate legal research facility is critical to the proper functioning of the court system.

The space should be reasonably soundproof, well-lit and ventilated and should have room for expansion.

(e) In each county with more than 6 branches of the circuit court, a room should be provided for media representatives.

COMMENT

A media room 100 to 150 square feet in size should be sufficient. It will reduce congestion and noise in the courtroom and corridors by providing a space for members of the media to conduct interviews, work on notes and call in stories. It should be equipped with telephone jacks and power sources for typewriters and computer equipment. If properly soundproofed, this room could also provide space for the use of cameras and be constructed as an adjunct to a large jury courtroom.

(f) Offices and hearing rooms of court commissioners should provide respect, privacy and function and be designed to impress upon the public and the litigants the fairness and dignity of the judicial system.

COMMENT

Court commissioners in Wisconsin perform a number of important roles in the judicial system and are often called upon to make key preliminary decision that take the form of orders having the force of law. The importance of those roles should be emphasized in the design, configuration and furnishings of the space in which the court commissioners perform their duties. The setting in which persons appear before a court commissioner should instill respect for the authority of the court commissioner. Given the wide variations among counties across the state in the use of court commissioners, the functions they perform, whether they are full-time and in other respects, a uniform standard on size or features of court commissioner offices or hearing rooms is not practicable. To the extent hearing rooms separate from the private office of the court commissioner are used, they should be designed in accordance with the standards for courtrooms, with modifications to reflect the somewhat different nature of the proceedings conducted by the court commissioner.

(11) Staffing. (a) Each branch of circuit court should be staffed by one full-time judicial assistant.

COMMENT

The trial court system faces ever increasing caseloads and cases of ever increasing complexity. The judge today must take charge and aggressively manage his or her caseload. To do

so the judge needs a full-time judicial assistant. This staff position will permit each judge to devote more of his or her efforts to the primary judicial task -- presiding over and judging lawsuits.

The position of judicial assistant should be in the state service. It will perform for the court the following work: type opinions, correspondence and decisions and prepare reports, dispositions, memoranda, agendas, jury instructions, verdict forms, orders and notices; assist with calendar management, including scheduling of court hearings, trials, conferences, legal appointments, meetings and activities of the judge; hold scheduling conferences; assist with file and record acquisitions; organize and maintain judge's files and records; post court calendar daily, update weekly calendar; maintain judge's law library; act as receptionist in answering telephone, handling visitors and processing mail; requisition office supplies; contact attorneys and parties concerning court dates, appointments and cancellations; such other work as required by the court. *See*, sec. 758.19(h), Stats., "The director of state courts shall establish a description of the qualifications and duties of . . . a judicial assistant . . . ."

Judicial experience and expertise support the long-standing position of the Wisconsin Judicial Conference that this staff position is vital to a well-functioning court. Where judicial assistants now exist as part the court staffing, caseloads are much more current and the oldest cases are disposed of with priority consideration.

The citizens of this state have a right to communicate directly with each judge's office during normal work day hours and get immediate answers to their questions and service on their requests without waiting for return calls from the judge, court reporters, or court clerk who at the time of the call are working in the courtroom. Scheduling of cases should take place throughout the day, not just when court is out of session and the person in charge of the calendar has time to work on case scheduling. Also, judges must be protected from ex parte communications by having their telephone calls screened by knowledgeable staff.

In some counties, court reporters are still required to do clerical tasks for judges. The creation of this position statewide would relieve those court reporters of that highly paid clerical duty and allow them to concentrate on their job -- court reporting.

(b) Each branch of circuit court should be staffed by one full-time law clerk.

COMMENT

A law clerk works with and for a judge doing specific legal research of both immediate and future needs. The law clerk may report to the judge orally or in writing. If in writing, the report may be in memorandum form or in the form of a decision draft. This staff position should be in the state service and will permit each judge to devote more of his or her effort to the primary judicial task -- presiding over and judging lawsuits. Judicial experience and expertise support the long-standing position of the Wisconsin Supreme Court and the State Bar of Wisconsin that this position is vital to a well-functioning court.

Clearly, a trial court with research assistance will produce higher quality legal decisions. Higher quality decisions may decrease the number of appeals. One county already has met the proposed standard and its court disposes of cases at a much higher rate than other trial courts in the state.

While the standard specifies one law clerk for each branch of circuit court, current fiscal considerations have prompted the supreme court's budget submission for the 1995-97 biennium to include a provision for one full-time law clerk for each 2 branches of circuit court.

(c) Each circuit judge should appoint a full-time court reporter to serve in the branch to which the judge was elected or appointed.

COMMENT

Current law provides for each circuit judge to appoint a court reporter for his or her court or branch of court, sec. 751.02, Stats. Additionally, where "floating" court reporter positions have been created and assigned to specific judicial administrative districts, the chief judge or district court administrator assigns the reporter to fill in where needed because of illness, vacations, leaves of absence, or backlog problems.

Historically, the court reporter was the only staff directly responsible to the judge and in many cases assumed a number of clerical and administrative duties for the judge's court. It is wasteful of an important court resource to have court reporters performing tasks other than stenographic recording and transcription. When a court reporter's services are not required by the appointing judge, the court reporter shall be available to assist in other circuit court branches as assigned by the chief judge or district court administrator.

(d) Each branch of circuit court should be staffed by one full-time or part-time courtroom clerk.

COMMENT

In some counties the workload in the judge's office may require the position of courtroom clerk to be a full-time assignment to the court. In other counties the courtroom clerk may be needed only when the court is in session and may return to the clerk's office for other duties when court is not in session. In small counties this function may be performed by the clerk of the circuit court.

(e) Each branch of circuit court should be staffed by one full-time or part-time jury bailiffs.

COMMENT

The position of jury bailiff should not be confused with that of the court security officer. The responsibility of the jury bailiff is to attend to the needs of juries and see that they are secure from contact with the parties, attorneys or witnesses and free from influence from any source outside the courtroom. Generally, only one bailiff should be required to assist and secure a jury. On occasion or when a jury is sequestered, additional bailiffs will be needed to attend to a jury. The standard is consistent with actual practice, as the courts in most counties currently have part-time jury bailiff.

(12) Resource library; notice of projects. (a) The director of

state courts shall maintain a resource library of court security and facilities literature, which shall be available to committees, design subcommittees, judges and others. The director of state courts may distribute to interested persons materials of statewide interest related to court facilities and security. The director of state courts shall maintain a list of committees and their membership.

(b) The director of state courts shall maintain a list of all projects of construction and significant remodeling of court facilities in the state. Judges in a county where a project is undertaken shall notify the director of state courts of the project.

COMMENT

Court security and facilities planning, study and implementation activities are being undertaken by a number of national organizations and state court systems. Wisconsin can benefit from written materials generated through these activities and by assessing their applicability and utility to its court system. Additionally, local activities in Wisconsin may generate information that can be used in other counties. General distribution of particularly valuable reports not only will provide useful, substantive information but also will promote a proper sense of awareness and sensitivity to security concerns, which are critical to the proactive nature of the security efforts these standards are intended to achieve.

The court facility standards that a number of states have developed are in much greater detail than these standards and may be of assistance to county design subcommittees in general and in regard to specific design issues of a contemplated project. Having such materials available in a centralized location offers the opportunity for cost savings to counties and enhances the likelihood that projects will employ the most functional techniques available. Among the kinds of materials available are technical specifications for lighting, sound, HVAC and equipment used in court facilities. To the extent one county is contemplating a project similar to one that has been done in another county, the ability to contact that other county about its design and experiences offers a significant opportunity to enhance the quality and cost-effectiveness of the contemplated project.

(13) Review of standards; report. (a) The planning and policy advisory committee under SCR 70.14 shall review the security and court facilities standards under subs. (4) through (10) annually, solicit reaction from county officials and others who have engaged in a construction or remodeling project within the preceding year and report to the supreme court its recommendations for modification of the standards.

(b) The judicial conference shall review the staffing standards under sub. (11) at such times as the judicial conference considers appropriate or as the supreme court may direct and shall report to the supreme court the judicial conference's recommendations for

modification of those staffing standards.

COMMENT

Ongoing review is an effective planning device to assess the adequacy of the standards in light of actual practice. It is also consistent with the long-term mission of the planning and policy advisory committee and the need for a proactive security and facilities effort in Wisconsin.

SCR 70.40 Venue in prisoner cases.

(1) The clerk of circuit court shall use the "IP" (incarcerated person) case type designation to identify pleadings and papers submitted by any prison, as defined in s. 801.02(7)(1)2, stats., seeking to commence, prosecute or defend an action or proceeding under s. 814.29(1m), stats., without the prepayment of costs and fees.

(1m) The clerk of circuit court shall use the family, criminal or civil case type designations when those designations are appropriate and applicable costs and fees are prepaid. The case type designation for any case designated "IP" under sub. (1) shall be changed to and proceed under the appropriate civil case designation whenever a court orders the case commenced under s. 814.29(1m), stats., without the prepayment of costs and fees.

(2) The court shall determine as much of the following as is necessary, based on the pleadings and papers submitted by a prisoner, in the following order:

(am) Whether all required documentation has been submitted.

(bm) Whether all available administrative remedies have beeen exhausted.

(cm) Whether the prisoner is precluded from filing without the prepayment of costs and fees under s. 801.02(7)(d), stats.

(dm) Whether the prisoner is indigent.

(em) In what manner the filing fees and costs are to be paid.

(fm) Whether the case should be dismissed without requiring the defendant to answer for a reason set forth in s. 802.05(3)(b), stats.

(g) Whether the venue where the pleadings and papers are submitted is proper.

(h) Whether venue is also proper in another county.

(i) Whether an evidentiary hearing is likely to be needed.

(j) Whether another county where venue is proper is more convenient for the parties and the witnesses.

(3) If sub. (2) (h), (i) and (j) are all answered in the affirmative, the court on its own motion shall change venue to the more convenient county under s. 801.52, stats. The clerk of the circuit court shall forward the case to the clerk of circuit court in the more convenient county and shall give notice of that action to the parties. Any order changing venue shall direct payment of costs and fees to the county to which venue is transferred.

(4) If the court to which the case is forwarded under sub. (3) believes an error has been made in the determination that venue is proper in that court, that court shall refer the matter to the chief judge of the district in which that court is located to resolve the matter.

70.41 Assistance to court users; court staff guidelines.

(1) Definitions. In this rule:

(a) "Court" means an appellate, circuit, or municipal court.

(b) "Court staff" means persons under the supervision of the clerk of the supreme court and court of appeals, a clerk of circuit court, a circuit court commissioner, a register in probate, a district court administrator, a circuit court judge, or a municipal court judge.

(c) "Forms" means any of the following:

1. Forms that have been approved by the records management committee.
2. Forms that have been approved by a circuit court or municipal judge for use in that jurisdiction.

(d) "Individual" means any person who seeks court-related information, including information needed to file, pursue, or respond to a case.

(e) "Should" is directory only, not mandatory, and connotes a duty or obligation to pursue a goal or objective.

(2) Purpose. The purpose of this rule is to assist the court in communicating with individual court users without practicing law. The rule is intended to enable court staff to provide the best service possible to individuals within the limits of the individual staff member's responsibility. The rule is not intended to restrict powers of court staff otherwise provided by statute or rule nor is it intended to eliminate the collection of applicable fees or costs. The rule is not intended to list all assistance that can be provided. The rule recognizes that the best service the court staff may provide in many

proceedings is advising an individual to seek the assistance of an attorney.

(3) Impartiality. Court staff shall remain impartial and may not provide or withhold assistance for the purpose of giving one party an advantage over another.

(4) Authorized information and assistance. Court staff shall do all of the following:

(a) Provide public information contained in any of the following:

1. Dockets or calendars.
2. Case files.
3. Indexes.
4. Existing reports.

(b) Provide a copy of, or recite, any of the following:

1. Common, routinely employed state and local court rules.
2. Common, routinely employed court procedures.
3. Common, routinely employed applicable fees and costs.

(c) Advise an individual where to find statutes and rules, without advising whether a particular statute or rule is applicable.

(d) Identify and provide applicable forms and written instructions without providing advice or recommendations as to any specific course of action.

(e) Answer questions about how to complete forms, such as where to write in particular types of information, but not questions about how the individual should phrase his or her responses on the forms.

(f) Define terms commonly used in court processes.

(g) Provide phone numbers for lawyer referral services, local attorney rosters, or other assistance services, such as Internet resources, known to the court staff.

(h) Provide appropriate aids and services for individuals with disabilities to the extent required by the Americans With Disabilities Act of 1990, 42 U.S.C. 12101 et seq.

(5) Unauthorized information and assistance. Court staff may not do any of the following:

(a) Provide legal advice or recommend a specific course of action for an individual.

(b) Apply the law to the facts of a given case, or give directions regarding how an individual should respond or behave in any aspect of the legal process.

(c) Recommend whether to file a petition or other pleading.

(d) Recommend phrasing for or specific content of pleadings.

(e) Fill in a form, unless required by sub. 4 (h).

(f) Recommend specific people against whom to file petitions or other pleadings.

(g) Recommend specific types of claims or arguments to assert in pleadings or at trial.

(h) Recommend what types or amount of damages to seek or the specific individuals from whom to seek damages.

(i) Recommend specific questions to ask witnesses or litigants.

(j) Recommend specific techniques for presenting evidence in pleadings or at trial.

(k) Recommend which objections to raise regarding an opponent's pleadings or motions at trial or when and how to raise them.

(l) Recommend when or whether an individual should request or oppose an adjournment.

(m) Recommend when or whether an individual should settle a dispute.

(n) Recommend whether an individual should appeal a judge's decision.

(o) Interpret the meaning or implications of statutes or appellate court decisions as they might apply to an individual case.

(p) Perform legal research.

(q) Predict the outcome of a particular case, strategy, or action.

(6) Referral to supervisor. When a court staff member is uncertain whether the advice or information requested is authorized, the staff member should seek the assistance of a supervisor. If a supervisor is not available, the staff member should advise the individual to seek assistance from an attorney.

COMMENT

Court staff shall provide a copy of a common rule, but court staff should not attempt to apply the rule to the facts in the individual's case. Sometimes, after court staff provides a rule, an

individual will ask whether or how the rule would apply, or if the rule might be applied differently, given the facts in his or her case. This calls for an interpretation of the law or rule of procedure. Court staff shall avoid offering interpretations of laws or rules.

In providing assistance regarding forms, court staff may inform individuals that some general content may be required in a pleading, such as identification of the other parties involved in the accident or a description of the facts surrounding the accident. But court staff may not tell an individual whom to identify or which particular facts might be relevant in the pleading.

Court staff should, if possible, provide or direct an individual to pamphlets or other documents that may address an individual's question and that have been prepared for general distribution to the public.

Court staff may not compute deadlines specified by statute or rule.

Court staff may not perform legal research. Court staff may refer individuals to sections of the Wisconsin supreme court rules, local court rules, or Wisconsin statutes that govern matters of routine administration, practice, or procedure and they may give definitions of common, well-defined legal terms used in those sections. However, court staff shall not interpret the meaning of statutes or rules.

The list of prohibited types of assistance set forth under sub. 70.41(5) is not comprehensive. The list is consistent with the statutory directives in ss. 757.22 and 757.30(2), stats., regarding the practice of law by judicial officers and the unauthorized practice of law.

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