

Memorandum

SUPREME COURT OF WISCONSIN
OFFICE OF COURT OPERATIONS
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CLERK OF SUPREME COURT
OF WISCONSIN

To: Julie Rich
From: Marcia Vandercook
Re: Municipal courts petition # 10-11
Date: March 31, 2011

Thank you for the opportunity to provide some additional information about this petition based on questions from the court's open administrative conference of January 12, 2011. I have consulted with the Municipal Court Subcommittee of the Committee of Chief Judges about these questions.

1) What is the origin of the language in SCR 70.20(2) relating to which chief judge has authority over a municipal court located in two judicial districts?

Some municipalities straddle two counties and some joint courts serve municipalities located in two or more counties. To clarify which chief judge has authority in these situations, new Wis. Stat. §755.001 adopts the existing standard for determining where such a judge is required to file election papers, set out in §11.02(3)(e). SCR 70.20(2) incorporates the same standard.

2) What is the cost impact of assigning a judge across district lines? Does this provision increase the cost to the municipality whose judge must travel?

New §755.05 and §800.065(1) create statewide jurisdiction for municipal court judges to facilitate the appointment of judge from another district when needed. SCR 70.24(2) adds the ability to make this appointment to the powers of the chief judge.

The intent of this section is actually to reduce the cost of time and travel for the municipalities. Often the nearest available judge lives in a different judicial district, so this provision gives the chief judge more flexibility to make a suitable arrangement for coverage.

The cost arrangements for assignments across district lines are expected to be the same as for those within the district. Often municipal courts of similar size and caseload agree to provide reciprocal coverage as needed, for substitutions and vacations, without any compensation. Other times they will agree that the court needing more coverage will pay the assigned judge. These agreements are often of long standing, although they may also be facilitated by the chief judges' office. The upshot is that no municipality is being asked to pay for another's caseload without compensation in either money or reciprocal services.

3) What is the cost impact of the clerk education requirement?

The requirement for municipal court clerk education was included in the legislation at the request of the clerks themselves. Currently, 180-200 municipal court clerks attend education seminars every year. Some currently attend at their own expense, and some are unable to attend

at all because their municipalities view court training as unnecessary. Many municipalities are already voluntarily shouldering this cost.

The Office of Judicial Education charges \$20 to attend the annual municipal court clerk seminar, which is 1.5 days in length. There may be one or two nights lodging, at a state rate of \$70 per night, plus meals and mileage. Most municipal court clerks live in the southeastern part of the state, and attempts are always made to hold conferences in the central part of the state, so travel costs tend to be on the low end. At the high end, a clerk travelling from Superior to the Dells for the 1.5 day seminar would incur costs of approximately \$550. Municipalities do not generally pay the clerks for the time spent at the seminars.

The Municipal Judge Educator and the Municipal Judge Education Committee discussed the educational requirements at length and ultimately proposed that each municipality send one clerk to training every other year. There is general agreement among the municipal court judges and clerks that these trainings help keep clerks current on changes in the laws and greatly improve their knowledge and access to statewide resources. The view of the chief judges is that staff training is a necessary cost of doing business as a court and that the proposed level of training is reasonable.