

**AGENCY:** Staff Attorneys (Court of Appeals)

*Moore - 2*

**Paper #:** 375

**ISSUE:** Funding more staff attorneys to serve appellate judges

**ALTERNATIVE:** 1 or 2

**SUMMARY:**

There are currently 14.5 staff attorneys that serve 16 appellate judges in 4 districts. The Court of Appeals have gained 4 additional judges since 1986, but only 1 additional staff attorney. Case filings have gone up 53% since 1986. Per curiam/summary depositions have increased 77%.

Alt. 1 provides 2 staff attorneys (\$167,900 GPR).

Alt 2 provides 1 staff attorney (\$84,000 GPR)

Alt 3 provides 0 (current law and Gov's rec.)

**BY:** Tanya

*- Decker / Shibilstka want 3 -  
Moore - 2  
everyone else - 1*



## Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

May 9, 2001

Joint Committee on Finance

Paper #375

### Staff Attorneys (Court of Appeals)

#### CURRENT LAW

There are currently 14.5 staff attorneys that serve 16 appellate judges in four appellate districts. The 16 appellate judges are distributed among the four districts as follows: (a) District I, located in Milwaukee (four judges); (b) District II, located in Waukesha (four judges); (c) District III, located in Wausau (three judges); and District IV, located in Madison (five judges). Each of the three appellate districts outside Madison has one staff attorney located in the district. The remaining 11.5 staff attorneys, which includes a chief staff attorney, are located in Madison and assigned to particular districts. In addition to the staff attorneys, each appellate judge is statutorily authorized to hire a secretary and a law clerk to perform duties as directed by the judge.

#### GOVERNOR

No provision.

#### DISCUSSION POINTS

1. In its 2001-03 budget request, the Director of State Courts office requested 2.0 GPR central staff attorneys and 4.0 GPR district staff attorneys to manage an increased Court of Appeals workload. However, the request was modified to include only the 2.0 central staff attorneys during the testimony from Chief Judge Thomas Cane before the Joint Committee on Finance on March 15, 2001. Both staff attorneys would be located in Madison, with one staff attorney assigned to District I (Milwaukee) and the other assigned to District II (Waukesha).

2. Staff attorneys provide professional assistance as house counsel to judges. They draft per curiam opinions and summary disposition orders as directed by the judges, review the record and prepare the opinions for the Court's no merit cases, review the petitions and motions filed

with the court, confer with judges as necessary, and draft the appropriate orders disposing of motions and petitions.

3. According to the Director of State Courts office, although the Court of Appeals has gained four additional judgeships since 1986, only one additional staff attorney has been approved during the same period. The Court of Appeals received one additional staff attorney position in the 1991-93 biennial budget, which was added to District IV, bringing the total number of staff attorneys to 13.0. Through reallocation of clerical staff positions, the Court of Appeals has been able to increase its position authority for staff attorneys to its current level of 14.5 positions.

4. One measure of appellate workload is case filings, although the Director of State Courts believes case filings are not the best measure of staff attorney workload. The following table shows case filing data by district from 1986 to 2000.

#### Case Filings

<u>Year</u>	<u>District I</u>	<u>District II</u>	<u>District III</u>	<u>District IV</u>	<u>Total</u>
1986	502	538	558	677	2,275
1987	484	695	580	647	2,406
1988	523	618	547	687	2,375
1989	501	595	511	748	2,355
1990	616	779	581	877	2,853
1991	764	742	620	843	2,969
1992	795	811	626	955	3,187
1993	845	812	642	991	3,290
1994	880	845	681	939	3,345
1995	967	909	655	1,001	3,532
1996	899	881	749	1,099	3,628
1997	968	966	695	1,134	3,763
1998	838	882	708	1,149	3,577
1999	839	844	688	908	3,279
2000	899	832	777	964	3,472

Although case filings have increased by 53% since 1986, the rate of increase has slowed or been negative in recent years. Case filings increased by 5.5% from 1993 (the year the last new staff attorney was approved) to 2000. In 1998 and 1999, case filings decreased from the previous year. In 2000, the number of case filings increased by 193 cases over 1999 levels.

5. However, according to the Director of State Courts Office, the more appropriate measures of workload and efficiency for appellate court staff attorneys are the number of per curiam opinions and summary dispositions, since staff attorneys draft per curiam and summary dispositions for approval or revision by the judges, and the time to disposition. Per curiam opinions are those that are controlled by case law, well-settled rules of law, or unquestioned and controlling precedent. Summary dispositions are typically shorter opinions (but some districts write longer summary dispositions, which some districts would label per curiams). The following table shows the number

of per curiams/summary dispositions from 1986 to 2000.

### Per Curiams/Summary Dispositions

<u>Year</u>	<u>District I</u>	<u>District II</u>	<u>District III</u>	<u>District IV</u>	<u>Total</u>
1986	112	149	143	157	561
1987	110	136	150	166	562
1988	110	151	143	172	576
1989	90	134	129	167	520
1990	93	133	133	123	482
1991	112	219	138	227	696
1992	130	182	151	231	694
1993	175	212	144	253	784
1994	187	201	148	253	789
1995	197	208	155	297	875
1996	144	239	184	274	841
1997	184	243	185	258	870
1998	211	237	189	398	1,035
1999	242	232	182	352	1,008
2000	247	235	155	358	995

There has been a statewide increase of 77% in the number of per curiams/summary dispositions written from 1986 to 2000, and a 27% increase from 1993 to 2000, although for the last two years the number of per curiams/summary dispositions written have dropped.

6. The greatest increase in workload for staff attorneys has been in the number of no merit cases. These criminal appeals cases are independently reviewed and written by staff attorneys, and have increased from 13 filed statewide in 1986, to 567 filed statewide in 2000, or a 4262% increase.

7. In addition, the time to disposition of a case has increased, particularly in Districts I and II (where the 2.0 central staff attorneys are requested to be assigned). For example, from 1991 to 1999, the time to disposition of a case in Districts I and II has increased from 234 and 249 days, to 372 and 400 days, respectively. It should be noted that, unlike appeals to the Supreme Court, the Court of Appeals' workload is non-discretionary; the Court and its staff must dispose of all cases that come before it.

8. In written remarks to the Committee on March 15, 2001, Chief Judge Thomas Cane referenced the impact that two additional temporary staff attorneys in Districts I and II have had on dropping the average time from appeal to decision in those districts. From 1999 to 2000, the time to disposition of a case in Districts I (Milwaukee) and II (Waukesha) decreased from 372 and 400 days respectively, to 338 and 362 days, respectively. This reduction in time to disposition of a case was achieved in Districts I and II with temporary staff attorneys being in place for approximately half of 2000. These reductions occurred at a time when the time to disposition of a case continued to increase in Districts III (Wausau) and IV (Madison), where the number of staff attorneys remained

constant. This Court of Appeals request would convert these temporary staff attorney positions to permanent.

9. Approving the Court of Appeals request and converting its two temporary staff attorney positions to permanent might improve the Court's ability to hire and retain qualified personnel in that the Court could offer fringe benefits.

10. The Committee may wish to address the Court of Appeals increased workload and time to disposition issues by providing \$69,100 GPR in 2001-02 and \$98,800 GPR in 2002-03 and 2.0 GPR staff attorney positions annually to be located in Madison but assigned to Districts I and II.

11. Alternatively, the Committee may wish to address the increased workload and time to disposition issues at a reduced level, and provide \$34,600 GPR in 2001-02 and \$49,400 GPR in 2002-03 and 1.0 staff attorney position annually. Under this alternative, the Court of Appeals could decide how to allocate the 1.0 position to best meet its workload need.

12. The Committee may also wish to maintain current law. Under this alternative, the Court of Appeals would continue with its current operations by addressing all cases that come before it, but with the possibility of extending the time it takes to address each case.

**ALTERNATIVES**

1. Provide \$69,100 in 2001-02 and \$98,800 in 2002-03 and 2.0 staff attorney positions annually to be assigned to Districts I and II.

<u>Alternative 1</u>	<u>GPR</u>
2001-03 FUNDING (Change to Bill)	\$167,900
2001-03 POSITIONS (Change to Bill)	2.00

\$34,600 in 2001-02 and \$49,400 in 2002-03 and one of this position would be determined by the

<u>Alternative 2</u>	<u>GP</u>
2001-03 FUNDING (Change to Bill)	\$84,000
2001-03 POSITIONS (Change to Bill)	1.0

MO# Alt. 1

BURKE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DECKER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MOORE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SHIBILSKI	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PLACHE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
WIRCH	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DARLING	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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GARD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
KAUFERT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ALBERS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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HUBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COGGS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

MO# Alt. 2

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SHIBILSKI	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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HUEBSCH	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
HUBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COGGS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AYE 8 NO 8 ABS \_\_\_\_\_

AYE 8 NO 8 ABS \_\_\_\_\_



## Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

May 9, 2001

Joint Committee on Finance

Paper #376

### Minor Policy and Technical Changes -- GPR-Earned Reestimates (Court of Appeals)

#### CURRENT LAW

Except for cases filed by the State Public Defender, a \$150 filing fee is assessed for cases filed with the Court of Appeals. Fee revenues are deposited to the general fund as GPR-Earned.

#### GOVERNOR

Estimate the Court of Appeals' revenues to be deposited to the general fund at \$225,000 in 2001-02 and \$220,000 in 2002-03.

#### MODIFICATION

Reestimate the Court of Appeals' revenues to be deposited to the general fund by an additional \$5,000 in 2002-03.

**Explanation:** Based on actual 1999-00 and estimated 2000-01 GPR-Earned revenues for the Court of Appeals, it is estimated that the Court of Appeals' GPR-Earned revenues will be \$225,000 annually in 2001-03. This represents an increase to the bill of \$5,000 in 2002-03.

<u>Modification</u>	<u>GPR</u>
2001-03 REVENUE (Change to Bill)	\$5,000

Prepared by: Debbie Salm

MO# \_\_\_\_\_

BURKE	Y	N	A
DECKER	Y	N	A
MOORE	Y	N	A
SHIBILSKI	Y	N	A
PLACHE	Y	N	A
WIRCH	Y	N	A
DARLING	Y	N	A
WELCH	Y	N	A
GARD	Y	N	A
KAUFERT	Y	N	A
ALBERS	Y	N	A
DUFF	Y	N	A
WARD	Y	N	A
HUEBSCH	Y	N	A
HUBER	Y	N	A
COGGS	Y	N	A

AYE 16 NO 0 ABS \_\_\_\_\_

Modification

# COURT OF APPEALS

## LFB Summary Items for Which No Issue Paper Has Been Prepared

<u>Item #</u>	<u>Title</u>
1	Standard Budget Adjustments

## LFB Summary Item to be Addressed in a Subsequent Paper

<u>Item #</u>	<u>Title</u>
2	Base Budget Reductions

MO# \_\_\_\_\_

BURKE	Y	N	A
DECKER	Y	N	A
MOORE	Y	N	A
SHIBILSKI	Y	N	A
PLACHE	Y	N	A
WIRCH	Y	N	A
DARLING	Y	N	A
WELCH	Y	N	A

GARD	Y	N	A
KAUFERT	Y	N	A
ALBERS	Y	N	A
DUFF	Y	N	A
WARD	Y	N	A
HUEBSCH	Y	N	A
HUBER	Y	N	A
COGGS	Y	N	A

AYE \_\_\_\_\_ NO \_\_\_\_\_ ABS \_\_\_\_\_



**AGENCY:** Court Interpreters (Circuit Courts)

**Paper #:** 275

**ISSUE:** GPR to increase the state reimbursement to counties for court interpreter services and other statutory changes concerning court interpreters.

**ALTERNATIVE:**

1. Alt. 3 is first choice
2. Burke Motion to delay statutory provisions but authorize the court interpreter coordinator position (\$559,900)
3. Burke Motion for coordinator position only and \$150,000 into reimbursement program (\$335,600)

*use savings found in LFB mod. (Paper 276) to fund this. Rev neutral.*

**SUMMARY:**

Alternative 3 outlines a plan to provide additional resources (\$1,146,000 and 1 position) to help recruit, train and certify court interpreters. It also provides funding to help coordinate training efforts and improves county reimbursement procedures for interpreter services and outlines other guidelines that will significantly strengthen interpreter services within the State Circuit Court System.

Burke Motion #1 (if Alt. 3 fails) implements the court interpreter project with a delayed effective date (1/1/03), but the coordinator position begins in FY 2002.

Burke Motion #2 (if Alt. 3 fails and above motion fails) provides for the coordinator position to develop a certification program and provides some funding for increased use of qualified interpreters.

**BY:** Tanya

Huber motion -

Moore motions - Jessica

\$ 96,000 first

\$ 100,000 second )



## Legislative Fiscal Bureau

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May 9, 2001

Joint Committee on Finance

Paper #275

### Court Interpreters (Circuit Courts)

[LFB 2001-03 Budget Summary: Page 161, #3 and #4]

#### **CURRENT LAW**

If a court has notice that a party or witness, including children and parents in both children in need of protective services (CHIPS) actions and juvenile offenses, in criminal, delinquency, protective service, Chapter 48 (Children's Code) and Chapter 51 (Mental Health Act) proceedings has a language difficulty because of the inability to speak or understand English, has a hearing impairment, is unable to speak or has a speech defect, the court must determine whether it is sufficient to prevent the individual from: (a) communicating with his or her attorney; (b) reasonably understanding the English testimony; or (c) reasonably being understood in English. If the court determines that an interpreter is necessary, the court must advise the party or witness that he or she has a right to a qualified interpreter and that, if the party or witness cannot afford one, an interpreter will be provided for him or her at the public's expense. Any waiver of the right to an interpreter is effective only if made voluntarily in person, in open court and on the record. The court may also authorize the use of an interpreter in other actions or proceedings.

Interpreters for persons with language difficulties or hearing or speaking impairments may be prevented from disclosing privileged communications by any person who has a right to claim the privilege. The interpreter may claim the privilege, but only on behalf of the person who has the right.

State agencies holding administrative contested case proceedings must apply the same standard in determining whether an interpreter is necessary. If so determined, the administrative agency must advise the party that he or she has a right to a qualified interpreter and, after considering the party's ability to pay and other needs of the party, may provide for an interpreter at the expense of the unit of government for which the proceeding is held.

When a circuit court appoints an interpreter for an indigent person, the state provides reimbursement to the county for the resulting interpreter fees at the rate of \$35 per half day. The county must cover any costs in excess of \$35 per half day associated with retaining an interpreter for an indigent person and must also cover county-paid interpreter services provided to non-indigent persons. Adjusted base funding for court interpreter fee reimbursements to counties is \$188,800.

## GOVERNOR

Provide \$50,000 GPR annually to increase the state reimbursement to counties for court interpreter services.

In addition, make the following statutory changes concerning court interpreters:

a. *Right to a Qualified Interpreter.* Create a new standard of "limited English proficiency" for courts and agencies to use when determining whether an individual may potentially have a right to a qualified interpreter. Define "limited English proficiency" as: (1) the inability, because of the use of a language other than English, to adequately understand or communicate effectively in English in a court proceeding; or (2) the inability, due to a speech impairment, hearing loss, deafness, deaf-blindness, or other disability, to adequately hear, understand, or communicate effectively in English in a court proceeding. Define a "qualified interpreter" to mean a person who is able to do all of the following: (1) readily communicate with a person who has limited English proficiency; (2) orally transfer the meaning of statements to and from English and the language spoken by a person who has limited English proficiency in the context of a court proceeding; and (3) readily and accurately interpret for a person who has limited English proficiency, without omissions or additions, in a manner that conserves the meaning, tone, and style of the original statement, including dialect, slang, and specialized vocabulary.

Modify current law provisions concerning agency use of interpreters for individuals who have a substantial interest in the proceeding and payment of interpreter expenses to refer to "qualified interpreters."

b. *Use of Qualified Interpreters by Clerks of Circuit Courts.* Allow clerks of circuit courts to provide qualified interpreters to respond to requests for assistance regarding a legal proceeding by individuals with limited English proficiency. With court approval, these qualified interpreters would be allowed to provide interpreter services outside the courtroom that are related to the court proceedings, including court-ordered psychiatric or medical exams or mediation.

c. *Waiver of Right to a Qualified Interpreter.* Provide that a person with limited English proficiency may waive the right to a qualified interpreter at any point in a court proceeding if the court advises the person of the nature and effect of the waiver and determines on the record that the waiver has been made knowingly, intelligently, and voluntarily. Further,

provide that at any point in the court proceeding, for good cause, the person would be allowed to retract his or her waiver and request that a qualified interpreter be appointed.

d. *Removal of a Qualified Interpreter for Good Cause.* Allow any party to a court proceeding to object to the use of any qualified interpreter for good cause and allow the court to remove a qualified interpreter for good cause.

e. *Oath of a Qualified Interpreter.* Provide that every qualified interpreter, before commencing his or her duties in a court proceeding, be required to take a sworn oath that he or she would make a true and impartial interpretation. Authorize the Supreme Court to approve a uniform oath for qualified interpreters.

f. *Supreme Court Oversight of Qualified Interpreters.* Require the Supreme Court to establish the procedures and policies for the recruitment, training and testing of persons to act as qualified interpreters in a court proceeding and for the coordination, discipline and retention of those interpreters.

g. *Court Interpreter Training.* Request the Supreme Court to cooperate with the Technical College System Board in the development and implementation of a curriculum and testing program for training qualified interpreters.

h. *Delay in Appointing a Qualified Interpreter and Court Time Limitations.* Provide that delay resulting from the need to locate and appoint a qualified interpreter could constitute good cause for a court to stop the running of time limitations in court proceedings.

i. *Delays, Continuances and Extensions.* Provide that any delay resulting from the need to appoint a qualified interpreter be excluded in determining whether time requirements under the Children's Code (Chapter 48) or the Juvenile Justice Code (Chapter 938) were met, including the time requirement that a court must issue an order within three days after an initial appearance as to whether the requirement for parental consent to a minor's proposed abortion will be waived.

j. *Interpreter Privileged Communication.* Add interpreters for persons with limited English proficiency to the current law provisions concerning interpreter privileged communications.

k. *Initial Applicability and Effective Date.* Provide that these changes would take effect and would first apply to interpreters used or appointed on July 1, 2002.

## DISCUSSION POINTS

1. The state currently provides reimbursement to counties for interpreter services for indigent persons under criminal, delinquency, protective service, Chapter 48 (Children's Code) and Chapter 51 (Mental Health Act) proceedings in circuit court. In other proceedings interpreters may

be appointed by the court and their costs reimbursed by the state, but these appointments are infrequent. The cost of reimbursing counties for providing interpreters for indigent persons has been steadily rising. At its April 24, 2001, s. 13.10 meeting, the Joint Committee on Finance approved a one-time supplement of \$60,000 for court interpreter reimbursement to eliminate a projected 2000-01 deficit in the appropriation.

2. The Director of State Courts appointed a Committee to Improve Interpreting and Translation in the Wisconsin Courts to make recommendations for immediate and long-term improvements in court interpreting and translation practices. The Committee found that between 1990 and 1999, Wisconsin's Hispanic and Asian-Pacific Islander populations each grew by more than 50%. Director of State Courts Office officials indicate that they expect continued growth in populations needing interpreter services.

3. Given recent history and the expected continued growth in populations needing court interpreter services, the bill provides an additional \$50,000 GPR annually for reimbursement to counties for court interpreter services.

4. Currently, there are no statutory requirements governing the procedures or time frame for counties to seek reimbursement. As a result, some counties have submitted reimbursement claims months and even years following the interpreter services. To address these concerns, the Committee to Improve Interpreting recommended a procedure that would require a county to submit, on forms provided by the Director of State Courts, an accounting of the amount paid for expenses related to court interpreters that are eligible for reimbursement by the state. The proposal would require the form to include expenses for the preceding three-month period and require counties to submit reimbursement requests within 90 days after that three-month period ended. The proposal would also prohibit the Director of State Courts from reimbursing a county for any expenses related to court interpreters that would be submitted after the 90-day period had ended.

5. The bill would also make a number of changes to court interpreter statutory provisions. In her remarks to the Joint Committee on Finance on March 15, 2001, the Chief Justice requested that the Court's court interpreter proposal, based on the recommendations of the Committee to Improve Interpreters, be adopted. Attachment I provides a comparison of current law to both the bill and the Court's proposal concerning the court interpreter system.

6. Under current law, a person who is determined to be in need of an interpreter is entitled to a "qualified interpreter," but the statutes do not define "qualified." The bill would define "qualified interpreter" to mean a person who would be able to do all of the following: (a) readily communicate with a person who has limited English proficiency; (b) orally transfer the meaning of statements to and from English and the language spoken by a person who has limited English proficiency in the context of a court proceeding; and (c) readily and accurately interpret for a person who has limited English proficiency, without omissions or additions, in a manner that conserves the meaning, tone, and style of the original statement, including dialect, slang, and specialized vocabulary.

7. The proposed definition of "qualified interpreter" under the bill would set a rigorous standard for the level of interpretation that would be required. If this were to be enacted into law, it can be expected that judges would need to appoint more paid interpreters, rather than relying on persons such as the friends or relatives of the person requiring interpreter services. Therefore, counties would likely see an increase in the costs they incur to provide these more highly skilled interpreters.

8. Officials from the Director of State Courts Office have indicated that the bill's statutory provisions, without the funding mechanisms proposed by the Court, would not be helpful and would be misleading if they led persons to believe interpreter needs were being met. The officials further indicate that the provisions could be problematic by putting increased demand on the courts to appoint qualified interpreters without a system in place to train, certify and make available qualified interpreters. The increased costs to counties without increases in state reimbursement could also be viewed as an unfunded state mandate.

9. It is the Court's position that to improve the interpreter services provided to Wisconsin residents: (a) resources are needed to create the recruitment, training and certification of interpreters required under the bill; (b) out of concern for providing equal access to the courts, interpreter services should be provided in all civil proceedings; (c) because interpreter services benefit not only the party receiving the service but are also necessary for the court to discharge its duties, the indigency requirement for public payment of interpreter fees should be dropped; and (d) increased state reimbursement to counties at differential rates of \$30 per hour for qualified interpreters and \$40 per hour for certified interpreters should be provided to more closely reflect counties' actual costs (according to a 1999 survey of the clerks of court, the average cost of providing interpreters is \$40 per hour) and to provide incentive for interpreters to become certified. The bill does not include any of these provisions.

10. Under the Court's budget proposal, the Court requested \$97,800 GPR in 2001-02 and \$100,800 GPR in 2002-03 and 1.0 two-year project interpreter coordinator position annually to develop a court interpreter certification and education and training program. The Court envisions that during the first year of the program, contract interpreter trainers would conduct a faculty development seminar to train a selected group of judges, interpreters and court staff to act as trainers. These trainers would then present orientation workshops to prospective interpreters covering ethical conduct, legal terminology and court procedure, and basic legal court interpreting skills. The workshops would culminate with a written comprehension and ethics test. During the second year, court staff and volunteers would administer certification exams to test the foreign language (Spanish and Hmong) interpreting skills of prospective interpreters. The interpreter coordinator would establish a statewide roster of certified interpreters and revise the court interpreters' handbook.

11. In addition to the state costs, the Court's proposal contains three provisions that would also increase costs for state reimbursement to counties. First, the reimbursement rate paid to counties for providing court interpreter services (foreign language interpreters and interpreters for the hearing impaired), would be increased from \$35 per half day to \$30 per hour for qualified

interpreters and \$40 per hour for certified interpreters. It is estimated that this provision would require \$271,500 GPR in 2002-03, assuming a July 1, 2002, effective date. Secondly, state reimbursement would be expanded to provide coverage in all civil proceedings. (Although judges have discretion under current law to make interpreter appointments in other proceedings, interpreter appointments are generally limited to criminal, delinquency, protective service, Chapter 48 [Children's Code] and Chapter 51 [Mental Health Act] proceedings.) It is estimated that this provision would require \$450,600 GPR in 2002-03. Finally, it is estimated that interpreter usage would increase as a result of the statutory definition of qualified interpreter, greater public awareness as to the right to an interpreter and judicial education as to the court interpreter requirements. While this effect is difficult to estimate, the Court assumes a 50% increase in interpreter use due to these factors, which would require \$225,300 in 2002-03. In total, reimbursement to counties under the Court's proposal would increase by \$947,400 GPR in 2002-03. The full cost of the proposal would not be felt until the 2003-05 biennium because costs would not be fully phased in until after 2002-03. Annualized reimbursement costs are estimated to be \$1.4 million.

12. The Court assumes that the provision to eliminate the indigency requirement for state reimbursement would not result in a significant cost. The Committee to Improve Interpreting stated in its report that, "expanding the statute to cover non-indigent parties is expected to have only an incremental [cost] effect. A high percentage of recent immigrants are indigent and already qualify for court-appointed interpreters."

## ALTERNATIVES

1. Approve the Governor's recommendation to provide \$50,000 GPR annually to increase the state reimbursement to counties for court interpreter services. In addition, approve the Governor's recommendations for statutory changes concerning the right to a qualified interpreter, use of qualified interpreters by clerks of circuit courts, waiver of right to a qualified interpreter, removal of a qualified interpreter for good cause, oath of a qualified interpreter, Supreme Court oversight of qualified interpreters, court interpreter training, delay in appointing a qualified interpreter and court time limitations, delays, continuances and extensions, and interpreter privileged communications. Provide that these changes would take effect and would first apply to interpreters used or appointed on July 1, 2002.

2. Approve the Governor's recommendation to provide \$50,000 GPR annually to increase the state reimbursement to counties for court interpreter services, but delete the statutory provisions regarding court interpreters. In addition, provide that the Director of State Courts Office reimburse counties up to four times each year for court interpreter costs. Require a county to submit, on forms provided by the Director of State Courts, an accounting of the amount paid for expenses related to court interpreters that are eligible for reimbursement by the state. Require the form include expenses for the preceding three-month period and require counties to submit reimbursement requests within 90 days after that three-month period ended. Prohibit the Director of State Courts from reimbursing a county for any expenses related to court interpreters that would be



submitted after the 90-day period had ended.

3. Modify the Governor's recommendation by: (a) providing \$97,800 GPR in 2001-02 and \$100,800 GPR in 2002-03 and 1.0 two-year project interpreter coordinator position annually to the Supreme Court's Director of State Courts Office to develop a court interpreter certification and education and training program; (b) providing \$947,400 GPR in 2002-03 to increase the reimbursement rate to counties for interpreter services from \$35 per half day to \$30 for the first hour and \$15 for each additional 0.5 hour for qualified interpreters and \$40 for the first hour and \$20 for each additional 0.5 hour for certified interpreters, and expand interpreter reimbursement to all civil proceedings in circuit and appellate court and to all persons regardless of indigency; and (c) making the following modifications to the bill's statutory provisions concerning court interpreters:

(1) Delete the request to the Supreme Court to cooperate with the technical college system board in the development and implementation of a curriculum and testing program for training qualified interpreters.

(2) Delete the application of the "limited English proficiency" standard in municipal court and state agency administrative contested case proceedings.

(3) Provide no definition of "qualified interpreter" in municipal court and state agency administrative contested case proceedings.

(4) Provide that the state reimbursement rates for interpreters be adjusted yearly to reflect the changes in the consumer price index.

(5) Tie reimbursement for interpreter mileage to the mileage reimbursement rate set for state officers and employees by statute.

(6) Provide that the Director of State Courts reimburse counties up to four times each year for court interpreter costs. Require counties to submit, on forms provided by the Director of State Courts, an accounting of the amount paid for expenses related to court interpreters that are eligible for reimbursement by the state. Require the form to include expenses for the preceding 3-month period and be submitted within 90 days after that 3-month period ended. Do not permit the Director of State Courts to reimburse a county for any expenses related to court interpreters that would be submitted after the 90-day period had ended.

(7) Provide that the additional uses of qualified interpreters by the clerks of circuit court permitted by the bill qualify for state reimbursement.

(8) Delete the provision that the Department of Health and Family Services (DHFS) may provide funding for interpreters for hearing-impaired persons in those civil court proceedings covered under the court interpreter provisions and provide that DHFS would only provide funding for legal services not covered by the court interpreter provisions.

(9) Provide that a court may appoint multiple qualified court interpreters and that their

cost is reimbursable by the state to the extent provided otherwise, so long as the appointments are necessary.

(10) Specifically require the appointment of qualified interpreters for persons with limited English proficiency in the context of circuit and appellate courts to permit their service on a jury panel.

(11) Provide that the following parties would qualify, if the other conditions were met, for a qualified interpreter: (a) a party in interest; (b) a witness, while testifying in a court proceeding; (c) an alleged victim; (d) a parent or legal guardian of a minor party in interest or the legal guardian of a party in interest; and (e) another party affected by the action, as deemed necessary and appropriate by the court.

(12) Provide that the reimbursement fee of interpreters attending before the Court of Appeals or Supreme Court would be determined by the Supreme Court.

Alternative 3	GPR
2001-03 FUNDING (Change to Bill)	\$1,146,000
2002-03 POSITIONS (Change to Bill)	1.00

4. Maintain current law.

Alternative 4	GPR
2001-03 FUNDING (Change to Bill)	-\$100,000

MO#

*AK 3*

1 BURKE	Y	N	A
DECKER	Y	N	A
MOORE	Y	N	A
2 SHIBILSKI	Y	N	A
PLACHE	Y	N	A
WIRCH	Y	N	A
DARLING	Y	N	A
WELCH	Y	N	A
GARD	Y	N	A
KAUFERT	Y	N	A
ALBERS	Y	N	A
DUFF	Y	N	A
WARD	Y	N	A
HUEBSCH	Y	N	A
HUBER	Y	N	A
COGGS	Y	N	A

ager

AYE 5 NO 4 ABS \_\_\_\_\_

CIRCUIT COURTS

Court Interpreters

[LFB Paper 275 Substitute Alternative]

Motion:

Move to: (a) provide \$97,800 GPR in 2001-02 and \$100,800 GPR in 2002-03 and 1.0 two-year project interpreter coordinator position annually to the Supreme Court's Director of State Courts Office to develop a court interpreter certification and training program; (b) provide \$801,400 GPR in 2002-03 to increase the reimbursement rate to counties for interpreter services from \$35 per half day to \$30 for the first hour and \$15 for each additional 0.5 hour for qualified interpreters and \$40 for the first hour and \$20 for each additional 0.5 hour for certified interpreters, and expand interpreter reimbursement to all civil proceedings in circuit and appellate court and to all persons regardless of indigency; and (c) make the following modifications to the bill's statutory provisions concerning court interpreters:

(1) Delete the request to the Supreme Court to cooperate with the technical college system board in the development and implementation of a curriculum and testing program for training qualified interpreters.

(2) Delete the application of the "limited English proficiency" standard in municipal court and state agency administrative contested case proceedings.

(3) Provide no definition of "qualified interpreter" in municipal court and state agency administrative contested case proceedings.

(4) Provide that the state reimbursement rates for interpreters be adjusted yearly to reflect the changes in the consumer price index.

(5) Tie reimbursement for interpreter mileage to the mileage reimbursement rate set for state officers and employees by statute.

(6) Provide that the Director of State Courts reimburse counties up to four times each year for court interpreter costs. Require counties to submit, on forms provided by the Director of State Courts, an accounting of the amount paid for expenses related to court interpreters that are eligible for reimbursement by the state. Require the form to include expenses for the preceding three-month period and be submitted within 90 days after that three-month period ended. Do not permit the Director of State Courts to reimburse a county for any expenses related to court



CIRCUIT COURTS

Court Interpreters

[LFB Paper #275 Substitute Alternative]

Motion:

Move to provide: (a) \$97,800 GPR in 2001-02 and \$100,800 GPR in 2002-03 and 1.0 two-year project interpreter coordinator position annually to the Supreme Court's Director of State Courts Office to develop a court interpreter certification and training program; (b) \$296,100 GPR in 2002-03 to increase the reimbursement rate to counties for interpreter services from \$35 per half day to \$30 for the first hour and \$15 for each additional 0.5 hour for qualified interpreters and \$40 for the first hour and \$20 for each additional 0.5 hour for certified interpreters, and expand interpreter reimbursement to all civil proceedings in circuit and appellate court and to all persons regardless of indigency; and (c) make the following modifications to the bill's statutory provisions concerning court interpreters:

(1) Delete the request to the Supreme Court to cooperate with the technical college system board in the development and implementation of a curriculum and testing program for training qualified interpreters.

(2) Delete the application of the "limited English proficiency" standard in municipal court and state agency administrative contested case proceedings.

(3) Provide no definition of "qualified interpreter" in municipal court and state agency administrative contested case proceedings.

(4) Provide that the state reimbursement rates for interpreters be adjusted yearly to reflect the changes in the consumer price index.

(5) Tie reimbursement for interpreter mileage to the mileage reimbursement rate set for state officers and employees by statute.

(6) Provide that the Director of State Courts reimburse counties up to four times each year for court interpreter costs. Require counties to submit, on forms provided by the Director of State Courts, an accounting of the amount paid for expenses related to court interpreters that are eligible for reimbursement by the state. Require the form to include expenses for the preceding three-month period and be submitted within 90 days after that three-month period ended. Do not



CIRCUIT COURTS

Court Interpreters

[LFB Paper 275 Substitute Alternative]

Motion:

1. Move to provide: (a) \$97,800 GPR in 2001-02 and \$100,800 GPR in 2002-03 and 1.0 two-year project interpreter coordinator position annually to the Supreme Court's Director of State Courts Office to develop a court interpreter certification and education and training program; (b) \$356,200 GPR in 2002-03 to increase the reimbursement rate to counties for interpreter services from \$35 per half day to \$30 for the first hour and \$15 for each additional 0.5 hour for qualified interpreters and \$40 for the first hour and \$20 for each additional 0.5 hour for certified interpreters; and (c) make the following modifications to the bill's statutory provisions concerning court interpreters:

(1) Delete the request to the Supreme Court to cooperate with the technical college system board in the development and implementation of a curriculum and testing program for training qualified interpreters.

(2) Delete the application of the "limited English proficiency" standard in municipal court and state agency administrative contested case proceedings.

(3) Provide no definition of "qualified interpreter" in municipal court and state agency administrative contested case proceedings.

(4) Provide that the Director of State Courts reimburse counties up to four times each year for court interpreter costs. Require counties to submit, on forms provided by the Director of State Courts, an accounting of the amount paid for expenses related to court interpreters that are eligible for reimbursement by the state. Require the form to include expenses for the preceding three-month period and be submitted within 90 days after that three-month period ended. Do not permit the Director of State Courts to reimburse a county for any expenses related to court interpreters that would be submitted after the 90-day period had ended.

(5) Provide that the additional uses of qualified interpreters by the clerks of circuit court permitted by the bill qualify for state reimbursement.

(6) Provide that a court may appoint multiple qualified court interpreters and that their cost is reimbursable by the state to the extent provided otherwise, so long as the appointments are





CIRCUIT COURTS

Court Interpreters

Motion:

Move to: (a) provide \$105,600 GPR in 2002-03 to increase the state reimbursement rate to counties for court interpreters from \$35 per half day to \$20 per hour effective July 1, 2002; (b) delete the definition of "qualified interpreter"; (c) delete the requirement for the Supreme Court to establish procedures and policies for the recruitment, training and testing of persons to act as qualified interpreters in a court proceeding and for the coordination, discipline and retention of those interpreters; and (d) recommend that the Legislative Council study a potential definition for "qualified interpreter" and report its conclusions to the Legislature.

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Note:

The motion modifies the bill by: (a) increasing the state reimbursement to counties for court interpreters from \$35 per half day to \$20 per hour as of July 1, 2002; (b) deleting the definition of "qualified interpreter" and leaving the discretion to the court judge as under current law to determine whether an interpreter meets the standard of "qualified interpreter"; (c) deleting the statutory language requiring Supreme Court oversight of qualified interpreters; and (d) recommending that the Legislative Council study a potential definition for "qualified interpreter" and report its conclusions to the Legislature.

[Change to Bill: \$105,600 GPR]

MO#

BURKE	Y	N	A
DECKER	Y	N	A
MOORE	Y	N	A
SHIBILSKI	Y	N	A
PLACHE	Y	N	A
WIRCH	Y	N	A
DARLING	Y	N	A
WELCH	Y	N	A
GARD	Y	N	A
KAUFERT	Y	N	A
ALBERS	Y	N	A
DUFF	Y	N	A
WARD	Y	N	A
HUEBSCH	Y	N	A
HUBER	Y	N	A
COGGS	Y	N	A

AYE 15 NO 1 ABS 0

## ATTACHMENT

Issue	Current Law	Governor's Proposal	Court's Proposal
Recruitment, training, testing and oversight of court interpreters	No provision.	<p>Require the Supreme Court to establish the procedures and policies for the recruitment, training, and testing of persons to act as qualified interpreters in a court proceeding and for the coordination, discipline, and retention of those interpreters.</p> <p>Request the Supreme Court to cooperate with the technical college system board in the development and implementation of a curriculum and testing program for training qualified interpreters.</p>	<p>Require the Supreme Court to establish the procedures and policies for the recruitment, training, and certification of persons to act as qualified interpreters in a court proceeding and for the coordination, discipline and retention of those interpreters. [The Court requested \$97,800 in 2001-02 and \$100,800 in 2002-03 and 1.0 interpreter coordinator two-year project position annually to develop the court interpreter certification, education and training program.]</p>
Potentially qualifying for qualified interpreter	<ol style="list-style-type: none"> <li>1. Person charged with a crime.</li> <li>2. Person is a child or parent subject to Chapter 48 (Children's Code) or Chapter 938 (Juvenile Justice Code).</li> <li>3. Person is subject to protective service or Chapter 51 (Mental Health Act).</li> <li>4. Person is a witness in any of the above proceedings.</li> </ol> <p>A court may authorize the use of an interpreter in other actions or proceedings in addition to those specified above whose costs are eligible for reimbursement from the state (in practices, these appointments are infrequent.)</p>	<p>Maintain current law.</p>	<ol style="list-style-type: none"> <li>1. A party in interest.</li> <li>2. A witness, while testifying in a court proceeding.</li> <li>3. An alleged victim.</li> <li>4. A parent or legal guardian of a minor party in interest or the legal guardian of a party in interest.</li> <li>5. Another person affected by the action, as deemed necessary and appropriate by the court.</li> </ol>
Indigency requirement	The state only provides reimbursement of interpreter services provided by the counties to the indigent.	Maintain current law.	Provide state reimbursement of interpreter services regardless of indigency in circuit court and appellate court proceedings. The indigency requirement for municipal court and state agency contested case proceedings would be retained.

Issue	Current Law	Governor's Proposal	Court's Proposal
<p>Standard for determining need for a qualified interpreter</p>	<p>Courts, and state agencies holding administrative contested case proceedings, use the following standard when determining whether an individual has a right to a qualified interpreter: does an individual have a language difficulty because of the inability to speak or understand English, a hearing impairment, is unable to speak or have a speech defect that is sufficient to prevent the individual from communicating with his or her attorney or others, reasonably understanding English testimony or reasonably being understood in English?</p>	<p>Include a standard of "limited English proficiency" to determine if a person has a right to a qualified interpreter. "Limited English proficiency" would be defined as follows: 1. The inability, because of the use of a language other than English, to adequately understand or communicate effectively in English in a court proceeding. 2. The inability, due to a speech impairment, hearing loss, deafness, deaf-blindness, or other disability, to adequately hear, understand, or communicate effectively in English in a court proceeding. The standard would apply in all municipal, circuit and appellate court proceedings and in state agency administrative contested case proceedings.</p>	<p>Same standard of "limited English proficiency" as bill, to be applied only in circuit and appellate court proceedings.</p>
<p>Definition of "qualified interpreter"</p>	<p>No definition.</p>	<p>Defined as a person who is able to do all of the following: 1. Readily communicate with a person who has limited English proficiency. 2. Orally transfer the meaning of statements to and from English and the language spoken by a person who has limited English proficiency in the context of a court proceeding. 3. Readily and accurately interpret for a person who has limited English proficiency, without omissions or additions, in a manner that conserves the meaning, tone, and style of the original statement, including dialect, slang, and specialized vocabulary. The definition would apply to all municipal, circuit and appellate court proceedings and state agency administrative contested case proceedings.</p>	<p>Definition the same as bill, to be applied only to circuit and appellate court proceedings.</p>

Issue	Current Law	Governor's Proposal	Court's Proposal
State reimbursement rate to counties	\$35 per half day of interpreter service.	Maintain current law.	Increase the state reimbursement rate to counties to \$30 for the first hour and \$15 for each additional 0.5 hour for qualified interpreters and \$40 for the first hour and \$20 for each additional 0.5 hour for certified interpreters. Require the Director of State Courts to adjust the reimbursement rates annually to reflect changes in the consumer price index, beginning July 1, 2003. [The provisions modifying reimbursements to counties would require, in total, \$947,400 GPR in 2002-03.]
Reimbursement of interpreters before the Court of Appeals or Supreme Court	\$35 per half day of interpreter service.	Maintain current law.	Fee as determined by the Supreme Court.
Reimbursement for mileage	20 cents per mile.	Maintain current law.	The reimbursement for interpreter mileage to the mileage reimbursement rate set for state officers and employees by statute.
Statutory procedure for providing reimbursement payments to counties	No provision.	No provision.	Require the Director of State Courts to reimburse counties up to 4 times each year for court interpreter costs. Require counties to submit, on forms provided by the Director of State Courts, an accounting of the amount paid for expenses related to court interpreters that are eligible for reimbursement by the state. Require the form to include expenses for the preceding 3-month period and be submitted within 90 days after that 3-month period ended. Do not permit the Director of State Courts to reimburse a county for any expenses related to court interpreters that would be submitted after the 90-day period had ended.

Issue	Current Law	Governor's Proposal	Court's Proposal
Use of qualified interpreters by clerks of circuit courts	No provision.	Allow clerks of circuit courts to provide qualified interpreters to respond to requests for assistance regarding a legal proceeding by individuals with limited English proficiency. With court approval, these qualified interpreters would be allowed to provide interpreter services outside the courtroom that are related to the court proceedings, including court-ordered psychiatric or medical exams or mediation. Under the Governor's proposal, however, these additional uses of qualified interpreters would not be used for reimbursement from the state. (Under current law, clerks of circuit court are already free to appoint qualified interpreters for these purposes under the circumstances specified.)	Same as bill; however, provide that these additional uses of qualified interpreters by the clerks of circuit court would qualify for state reimbursement.
Waiver of right to a qualified interpreter	Any courtroom waiver of the right to an interpreter is effective only if made voluntarily in person, in open court and on the record.	Provide that a person with limited English proficiency may waive the right to a qualified interpreter at any point in a court proceeding if a court advises the person of the nature and effect of the waiver and determines on the record that the waiver has been made knowingly, intelligently, and voluntarily. Also provide that at any point in a court proceeding, for good cause, the person would be allowed to retract his or her waiver and request that a qualified interpreter be appointed.	Identical to bill.
Removal of qualified interpreter for good cause	No provision.	Allow any party to a court proceeding to object to the use of any qualified interpreter for good cause, and allow a court to remove a qualified interpreter for good cause.	Identical to bill.
Oath of a qualified interpreter	Interpreters are subject to an oath or affirmation that they will make a true translation.	Provide that every qualified interpreter, before commencing his or her duties in a court proceeding, would be required to take a sworn oath that he or she would make a true and impartial interpretation. Allow the Supreme Court to approve a uniform oath for qualified interpreters.	Identical to bill.

Issue	Current Law	Governor's Proposal	Court's Proposal
Delay in appointing a qualified interpreter and court time limitations	No provision.	Provide that delay resulting from the need to locate and appoint a qualified interpreter could constitute good cause for a court to stop the running of time limitations in court proceedings.	Identical to bill.
Delays, continuances and extensions	No provision.	Provide that any delay resulting from the need to appoint a qualified interpreter would be excluded in determining whether time requirements under the Children's Code (Chapter 48) or the Juvenile Justice Code (Chapter 938) were met, including the time requirement that a court must issue an order within three days after an initial appearance as to whether the requirement for parental consent to a minor's proposed abortion will be waived.	Identical to bill.
Interpreter privileged communication	Interpreters for persons with language difficulties or hearing or speaking impairments may be prevented from disclosing privileged communications by any person who has a right to claim the privilege. The interpreter may claim the privilege, but only on behalf of the person who has the right.	Add interpreters for persons with limited English proficiency to the current statutory provisions regarding interpreter privileged communications.	Identical to bill.
Initial applicability and effective date	Not applicable.	These changes would take effect and would first apply to interpreters used or appointed on or after July 1, 2002.	These changes would take effect and first apply to interpreters used or appointed on or after July 1, 2002 (modified from original proposal of January 1, 2002).
Department of Health and Family Services (DHFS) funding for interpreters for hearing-impaired persons	DHFS may provide funding for interpreters for hearing-impaired persons for legal services and civil court proceedings.	Maintain current law.	Delete DHFS funding of those civil court proceedings that would be covered under the expanded court interpreter provisions and provide that DHFS would only provide funding for legal services not covered by the expanded court interpreter provisions.

Issue	Current Law	Governor's Proposal	Court's Proposal
Appointing multiple qualified court interpreters	No provision.	No provision.	Permissible and reimbursable if necessary.
Deaf jurors and the Americans with Disabilities Act	No provision.	No provision.	Specifically require appointment of qualified interpreter to facilitate service on jury.





## Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

May 9, 2001

Joint Committee on Finance

Paper #276

### Minor Policy and Technical Changes -- GPR-Earned Reestimates (Circuit Courts)

#### CURRENT LAW

Except for safety belt use violations, all person filing civil actions, third party complaints, appeals from municipal court, garnishment actions, wage earner actions, small claims actions, small claim counterclaim or cross complaints, or forfeiture actions must pay a circuit court support services fee. The current court support filing fee is \$100 for civil actions in large claims actions, \$30 in small claims actions and \$40 for actions in which there is no money judgment requested. For forfeiture actions, the fee is \$40. Fee revenues are deposited to the general fund as GPR-Earned.

#### GOVERNOR

Estimate circuit court support fee revenues to be deposited to the general fund at \$26,500,000 annually.

#### MODIFICATION

Reestimate the circuit court support fee revenues to be deposited to the general fund by an additional \$500,000 annually.

**Explanation:** Based on actual 1999-00 and estimated 2000-01 GPR-earned revenues for the circuit courts, it is estimated that GPR-earned revenues associated with the circuit courts will be \$27,000,000 annually in 2001-03. This represents an increase to the bill of \$500,000 annually.

<b>Alternative</b>	<b>GPR</b>
2001-03 REVENUE (Change to Bill)	\$1,000,000

Prepared by: Debbie Salm

MO#			
BURKE	Y	N	A
DECKER	Y	N	A
MOORE	Y	N	A
SHIBILSKI	Y	N	A
PLACHE	Y	N	A
WIRCH	Y	N	A
DARLING	Y	N	A
WELCH	Y	N	A
GARD	Y	N	A
KAUFERT	Y	N	A
ALBERS	Y	N	A
DUFF	Y	N	A
WARD	Y	N	A
HUEBSCH	Y	N	A
HUBER	Y	N	A
COGGS	Y	N	A

*Modification*

AYE 16 NO 0 ABS \_\_\_\_\_



## Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

May 9, 2001

Joint Committee on Finance

Paper #277

### Minor Policy and Technical Changes -- Chapter 20 Schedule (Circuit Courts)

#### CURRENT LAW

The state does not provide any reimbursement to counties who employ law clerks in the circuit courts.

#### GOVERNOR

No provision.

#### MODIFICATION

Delete "Law clerk reimbursement payments" from the Circuit Court's Chapter 20 appropriations schedule.

**Explanation:** In its budget request, the Circuit Courts requested a pilot law clerk reimbursement program to reimburse certain counties for costs relating to law clerk salaries and fringe benefits. The request was not included in the bill so there is no statutory language authorizing such a program under current law or under the bill. However, under the Chapter 20 schedule for the Circuit Courts, an annual GPR appropriation, with no funding in 2001-03, is shown for law clerk reimbursement payments. The reference to such a program under the Chapter 20 schedule was inadvertently included in the bill and should be deleted.

Prepared by: Debbie Salm

MO#

BURKE	Y	N	A
DECKER	Y	N	A
MOORE	Y	N	A
SHIBILSKI	Y	N	A
PLACHE	Y	N	A
WIRCH	Y	N	A
DARLING	Y	N	A
WELCH	Y	N	A
GARD	Y	N	A
KAUFERT	Y	N	A
ALBERS	Y	N	A
DUFF	Y	N	A
WARD	Y	N	A
HUEBSCH	Y	N	A
HUBER	Y	N	A
COGGS	Y	N	A

AYE 16 NO 0 ABS



CIRCUIT COURTS

Circuit Court Support Payments

Motion:

Move to provide \$562,200 GPR in 2001-02 and \$1,141,300 GPR in 2002-03 to provide a 3% annual increase in funding for circuit court support payments to counties.

Note:

Currently, the Director of State Courts office provides circuit court support payments to counties to offset county circuit court costs excluding security, rent, utilities, maintenance, rehabilitation or construction of court facilities. Adjusted base funding for the program is \$18,739,600 GPR. County payments are determined by a statutory formula as follows: (a) each county receives a base grant of \$42,275 per branch/judge (or a proportional amount of \$42,275 based on caseload if two counties share a branch); (b) each county with one or fewer circuit court branches receives an additional \$10,000; and (c) counties with more than one circuit court branch receive an additional payment equal to the county's proportion of the state population times the amount remaining after funding for base grants and grants to counties with one or fewer branches have been allocated.

[Change to Bill: \$1,703,500 GPR]

MO#	BURKE	DECKER	MOORE	SHIBILSKI	PLACHE	WIRCH	DARLING	WELCH	GARD	KAUFERT	ALBERS	DUFF	WARD	HUEBSCH	HUBER	COGGS	AYE	NO	ABS
	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			
	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N			
	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y			

CIRCUIT COURTS

Legal Custody and Physical Placement Study Services

Motion:

Move to increase the fee charged for legal custody and physical placement study services from \$300 to \$500.

Note:

Currently, a county or two or more contiguous counties are statutorily required to provide legal custody and physical placement study services in family court actions. These studies may be ordered whenever legal custody or physical placement of a minor child is contested and mediation is not used or does not result in agreement between the parties, or at any other time the court considers it appropriate. The study includes investigating the conditions of the child's home, each party's performance of parental duties and responsibilities for the child, and any other matter relevant to the best interest of the child. The county determines when and how to collect the \$300 fee for the study, and the fee is deposited into a separate county account for the exclusive purpose of providing mediation services and studies in family court actions. This motion would increase the statutory fee to \$500. This provision was contained in 1999 Enrolled Assembly Bill 133 but vetoed by the Governor in 1999 Act 9.

MO#																			
	2	BURKE	DECKER	MOORE	SHIBILSKI	PLACHE	WIRCH	DARLING	WELCH	GARD	KAUFERT	ALBERS	DUFF	WARD	HUEBSCH	HUBER	COGGS		
		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
		N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
		AYE	13	NO	3	ABS													

**Swiderski, Julie**

**From:** Bjork, Tanya  
**Sent:** Monday, May 07, 2001 4:58 PM  
**To:** Swiderski, Julie  
**Subject:** 2 more motions

Circuit Courts: Seek inflationary (3%) increases for the State Circuit Court Support Grant and the Guardian Ad Litem Reimbursement Grant. (Roy)

\$ 1,703,500

✓ \$ 430,800



# CIRCUIT COURTS

## LFB Summary Items for Which No Issue Paper Has Been Prepared

Item #	Title
1	Standard Budget Adjustments

## LFB Summary Item to be Addressed in a Subsequent Paper

Item #	Title
2	Base Budget Reductions

MO#			
BURKE	Y	N	A
DECKER	Y	N	A
MOORE	Y	N	A
SHIBILSKI	Y	N	A
PLACHE	Y	N	A
WIRCH	Y	N	A
DARLING	Y	N	A
WELCH	Y	N	A
GARD	Y	N	A
KAUFERT	Y	N	A
ALBERS	Y	N	A
DUFF	Y	N	A
WARD	Y	N	A
HUEBSCH	Y	N	A
HUBER	Y	N	A
COGGS	Y	N	A

AYE \_\_\_\_\_ NO \_\_\_\_\_ ABS \_\_\_\_\_

*Plache motion -  
increase  
address family court counseling  
file*