

**Committee Name:**  
**Senate Committee –**  
**Judiciary, Corrections and Privacy**  
**(SC–JCP)**

**Appointments**

03hr\_SC–JCP\_Appt\_pt00

**Committee Hearings**

03hr\_SC–JCP\_CH\_pt00

**Committee Reports**

03hr\_SC–JCP\_CR\_pt00

**Clearinghouse Rules**

03hr\_SC–JCP\_CRule\_03–

**Executive Sessions**

03hr\_SC–JCP\_ES\_pt00

# Hearing Records

## 03hr\_ab0651

03hr\_sb0000

**Misc.**

03hr\_SC–JCP\_Misc\_pt00

**Record of Committee Proceedings**

03hr\_SC–JCP\_RCP\_pt00

# **\*\*PUBLIC NOTICE\*\***

**DUE TO INCREASES IN THE STATE BUDGET, EFFECTIVE JULY 26, 2003, FEES WILL INCREASE AS FOLLOWS:**

## Civil Actions:

Actions to Commence; Amount over \$5,000	\$253.00
Actions to Commence; No Money Judgment Requested	152.00
Administrative Review-Appeals from Municipal Court (On the Record)	117.00
Administrative Review-Appeals from Municipal Court (Trial)	132.00
Garnishments-Amount Claimed equal to or less than \$5,000	80.00
Garnishments-Amount Claim greater than \$5,000	198.00
Third Party Complaint- Over \$5,000	223.00
Third Party Complaint-No Money Judgment Requested	122.00

## Small Claims Actions:

Actions to Commence	82.00
<del>Third Party Complaint (Civil Matters)</del>	<del>105.00</del>
Third Party Complaint	105.00
Garnishments-Amount Claimed equal to or less than \$5,000	80.00
Garnishments-Amount Claim greater than \$5,000	198.00

## Family Actions:

Actions to Commence-No Request for Maintenance or Support	172.00
Actions to Commence-With Maintenance or Support	182.00

## Appeals:

Appeal from Circuit Court to Court of Appeals	195.00
---	--------

Civil Forfeitures-Defendant's Cost - (Increase of \$16)

Crime Lab and Drug Assessment - (Increase of \$2)

AMENDED 7/28/03

**MICHAEL P. SULLIVAN**  
Chief Judge  
Telephone: (414) 278-5116

**KITTY K. BRENNAN**  
Deputy Chief Judge  
Telephone: (414) 278-4506

**DAVID A. HANSHER**  
Deputy Chief Judge  
Telephone: (414) 278-5340

**BRUCE M. HARVEY**  
District Court Administrator  
Telephone: (414) 278-5115

**BETH BISHOP PERRIGO**  
Deputy District Court Administrator  
Telephone: (414) 278-5025

STATE OF WISCONSIN

## FIRST JUDICIAL DISTRICT

MILWAUKEE COUNTY COURTHOUSE  
901 NORTH NINTH STREET, ROOM 609  
MILWAUKEE, WISCONSIN 53233-1425

TELEPHONE (414) 278-5112  
FAX (414) 223-1264



January 23, 2004

Representative Mark Gundrum  
Chairman, Assembly Judiciary Committee  
State Capitol, Room 19 North  
P.O. Box 8952  
Madison, WI 53708

Dear Chairman Gundrum:

I write you concerning 2003 Assembly Bill 651, specifically a provision in the bill that would raise the jurisdictional limit in small claims cases from a maximum of \$5,000 to \$10,000 except in cases involving a claim of negligence. We in the judiciary ask that you oppose this provision because this is not a good change for the citizens of Milwaukee County or its government. My reasons for that statement follow.

First, there is the direct fiscal impact, which will result in a loss of revenue to Milwaukee County. The filing fee in a small claims case is \$53 lower than a large claim filing. With this legislation there is the possibility of up to 1,000 more cases in small claims and the result could be a loss of up to \$53,000 to the County in direct revenue.

Second, if the small claims limit is raised to \$10,000, it will overtax our small claims resources, which are stretched to the limit now. We are currently operating one commissioner short in small claims due to the recent appointment of one of our former commissioners to the office of Circuit Judge. If AB 651 were to become law the result would be more cases in small claims with fewer commissioners.

Additionally, there will be longer hearings due to the increased complexity of the cases, which naturally occurs when more money is at stake. This will result in a longer wait for citizens and businesses seeking to resolve their disputes. So, the actuality is that we might even need an additional commissioner over and above the one we haven't replaced. The cost of a commissioner with clerical staff is approximately \$250,000 to \$300,000 annually.

Finally, there will be less time to assist our citizens who come to small claims court without lawyers. There will be more of those, especially in garnishment actions, as this bill contains changes in the law that make it very difficult for a "pro se" litigant in a garnishment action to respond properly. Those litigants will have more interaction with clerks who have little enough time now to keep up with the caseload.

## First Judicial District

---

Representative Mark Gundrun

Page 2

January 23, 2004

Given the fiscal stress that the Milwaukee County court system is experiencing, this bill is "bad news" for Milwaukee County. As I know you are aware, the funding of the courts is a partnership between the state and the counties. Over the years since 1977, when a unified court system was adopted in this state, an imbalance has developed between the state's and the county's share in funding the courts. Currently, Milwaukee County's share is almost seventy percent (70%) at more than \$40.5 million while the state's share is roughly thirty percent (30%) at around \$17.5 million. The County cannot afford to have an increase in costs with a loss of revenue at the same time. Due to a lack of State resources available to help the counties—especially Milwaukee—with the increased load this law would bring upon us, I recommend that this provision in Assembly Bill 651 be opposed.

Please call me if you have any questions or if I may be of any assistance.

Yours truly,



Michael P. Sullivan  
Chief Judge

MPS:bjs

c: Assembly Judiciary Committee Members  
Representative Phil Montgomery

**Doug Johnson**

---

**From:** Nancy Rottier [Nancy.Rottier@wicourts.gov]  
**Sent:** Tuesday, January 27, 2004 5:46 PM  
**To:** Doug Johnson  
**Subject:** Small Claims Filing Fee

Doug,

Sorry to take some time getting back to you. I was looking for a chart with the filing fee information all assembled in nice order but am not finding one.

Here's the basic information:

The actual filing fee for a small claims action is \$22. I believe it has been that since 1989. The portion of the total fee that has changed several times is the court support services fee (CSS) and the justice information fee (JIF). The court support services fee was first imposed in 1995 and has been increased twice since. The justice information fee (which goes to support CCAP) was imposed in 1995; I am checking what the various amounts have been.

The current filing fee is \$82.00; it was effective at that rate as of 7/26/03. It is made up of \$22 fee, \$51 CSS and \$9 JIF.

The previous fee was \$70; it was effective at that rate after 2001 Act 109. It is made up of \$22 fee, \$39 CSS and \$9 JIF.

The previous fee was \$61; it was effective at that rate after the budget in 1995. It is made up of \$22 fee, \$30 CSS and \$9 JIF.

I will check on the amount of the JIF going back further.

Nancy M. Rottier  
Legislative Liaison  
Supreme Court  
16 East, State Capitol  
P.O. Box 1688  
Madison, WI 53701-1688  
(608) 267-9733  
(608) 267-0980 (fax)  
[Nancy.Rottier@wicourts.gov](mailto:Nancy.Rottier@wicourts.gov)

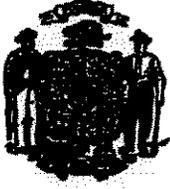
1/28/2004

February 19, 2002

**How many states have a small claims court jurisdictional limit in excess of \$5,000?**

**Eight States**

<u>State</u>	<u>Limit</u>
Alaska	\$7,500 statewide
Delaware	\$15,000 statewide
Georgia	\$25,00 and \$15,000 and \$5,000
Indiana	\$6,000 only in Marian County (Indianapolis) - otherwise \$3,000
Minnesota	\$7,500 statewide
Pennsylvania	\$10,000 in Philadelphia area
South Dakota	\$8,000 statewide
Tennessee	\$10,000 to \$15,000 statewide



## Legislative Fiscal Bureau

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

January 26, 2000

**TO:** Representative Phil Montgomery  
Room 115 West, State Capitol

**FROM:** Barbara Zabawa, Fiscal Analyst

**SUBJECT:** Attorney Fees in Civil Actions Adjusted for Inflation

This memorandum corrects the memorandum sent to your office yesterday regarding what the current statutory attorney fees would be for civil actions if those fees had been adjusted for inflation. The fees in 1935, Chapter 541 of the Laws of Wisconsin, are shown in the table below. Using the July 1935 and July 1999 unadjusted data from the Consumer Price Index and the resulting inflation factor, the current attorney fee schedule would be adjusted to reflect inflationary increases (rounded to the nearest 100) as follows:

<u>Amount Recovered/ Value of Property</u>	<u>Current Statutory Fee (Effective 1935)</u>	<u>Fee Adjusted for Inflation</u>
\$1,000 or more	\$100	\$1,200
* \$500 to \$999.99	50	600
* \$200 to 499.99	25	300
Under \$200	15	200

\*In 1935, these two categories were combined with a fee of \$50.

I hope this information is helpful. Please contact me for further assistance.



1 (4:13 p.m.)

2 THE COURT: Well, I did have a chance  
3 to review the brief, the memorandum that was  
4 submitted on yesterday supporting the plaintiff's  
5 position here, and I would agree that the statute  
6 and the portion of it that provides the limitation  
7 indicating that the total amount awarded for  
8 exemplary damages and reasonable attorney's fees  
9 may not exceed \$500 is ambiguous within the context  
10 of the overall statutory scheme. It's ambiguous  
11 because I think it reasonably can be read to, as  
12 the commissioner applies it, apply it to an action,  
13 but by the same token it can also be applied to  
14 individual checks. Now there are some arguments  
15 from looking at the language of the statute that  
16 support the view that this should be done on an --  
17 on an action basis rather than on a per check  
18 basis. The first is that subsection two where this  
19 language is found says if the person who incurs the  
20 loss prevails, the judgment in the action shall  
21 grant monetary relief for all of the following, and  
22 it speaks in terms of the judgment, which of course  
23 contemplates that a single judgment would be  
24 granted in an action even where multiple claims are  
25 brought because of the presence of a variety of

1 other checks, more than one. One might also argue  
2 from a policy standpoint that a \$500 limitation is  
3 extremely high where the amount of the check is as  
4 it is in this case \$20 to \$30, the processing fee  
5 is another \$30 and I think what you did was then  
6 take that roughly 50 to 60 amount, tripled it,  
7 added them all together and that is what ended up  
8 coming to more than 500.

9 On an individual basis, people might say  
10 that's enough for exemplary damages. The problem,  
11 of course, with that policy view would be that it  
12 would be inconsistent with the statute which does  
13 seem to contemplate that people who issue worthless  
14 checks ought to suffer the consequences and the  
15 consequences ought to be substantial, and I think  
16 as the written brief points out, the consequences  
17 generally ought to be commensurate with the nature  
18 of the conduct which gives rise to them so that a  
19 person who issues one bad check ought to not suffer  
20 the same consequence as someone who may issue a  
21 number of bad checks. Of course \$500, where  
22 attorneys are retained to file the action, is an  
23 amount that will be reached rather rapidly even  
24 with the tripling the amount of a small check. So  
25 if that purpose of the law is to be served, it

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

would not be served by limiting to 500 the total amount of exemplary damages and attorney's fees in a multiple claim case.

However, I think the most compelling argument that the plaintiff makes here to resolve the ambiguity is the absurdity that would be created by reading this statute to allow a limit to be imposed even in a case where somebody may have written 20 or 25 checks to create the situation where a plaintiff, in order to fully recover all of the fees, attorney's fees that would be involved in the action, would be compelled to file multiple lawsuits on each one of the many bad checks. In this case this is as good an example as any other where the filing fee of roughly \$60 is added on and then you have the service fee that's added on and the defendant ends up coming out with overall judgments against, in this case her, that are substantially greater than the plaintiff would have been entitled to recover had the statute been read to permit the tripling.

Now to the extent the argument may be made that this creates an unlimited amount of recovery for a plaintiff in a multiple check case where the amount of checks is relatively modest as is true

1 here, I don't think that that's true because what  
2 we're dealing with here is exemplary damages, and  
3 while it is, the statute does speak in mandatory  
4 terms that the judgment in the action shall grant  
5 for all of the following, it includes exemplary  
6 damages in language that says exemplary damages of  
7 not more than three times the amount under  
8 paragraphs A and B. What that contemplates is that  
9 the court will have discretion in granting  
10 exemplary damages and in a case that is the extreme  
11 one where the amount of the tripled actual damages  
12 and face value of the check shocks the conscience  
13 of the court, then of course something less than  
14 three times might be awarded.

15 Here the amount that has been requested  
16 doesn't shock my conscience and seems to me to be,  
17 as I indicated earlier, commensurate with the  
18 purpose of the statute to make certain that people  
19 who write worthless checks are, in fact, suffering  
20 consequences for doing so. As a result, I will  
21 modify the judgment that was granted on the default  
22 of the defendant and will award the plaintiff the  
23 amount requested in the original complaint.

24 MR. SIPSMA: Thank you, Judge.

25 (Proceedings ended at this time 4:22 p.m.)

1 STATE OF WISCONSIN )  
2 ) ss.  
3 DANE COUNTY )

4 I, LYNETTE SWENSON, Certified Merit  
5 Reporter in and for the State of Wisconsin, certify that  
6 the foregoing is a true and accurate record of the  
7 proceedings held on the 23rd day of January 2002, before  
8 the Honorable Michael Nowakowski, Circuit Court Judge,  
9 Branch 13, in my presence and reduced to writing in  
10 accordance with my stenographic notes made at said time and  
11 place.

12 Dated this 24th day of January 2002.

13  
14   
15 Lynette Swenson, CRR  
16 Official Court Reporter  
17  
18  
19  
20

21 The foregoing certification of this transcript does not  
22 apply to any reproduction of the same by any means unless  
23 under the direct control and/or direction of the certifying  
24 reporter.  
25

## Doug Johnson

---

**From:** Doug Johnson [dqj@supranet.net]  
**Sent:** Tuesday, January 27, 2004 12:49 PM  
**To:** Rep. Glenn Grothman  
**Cc:** Rep. Mark Gundrum; Rep. Phil Montgomery  
**Subject:** AB 651 Main Street Crime

Glenn: In follow-up to yesterday's public hearing we discussed your concerns about parental liability...here are several thoughts that follow-up. Please consider that parental responsibility is nothing new. There already is parental liability under case law and in the statutes under s. 895.80 (general liability for intentional property crimes), Wis. Stats., and s. 943.51, Wis. Stats. (retail theft). We respect your philosophical problem with extending liability to parents. Parental liability is not new. Its statutory extension to all main street crimes is consistent with other statutory and case law. Note also that this statutory liability is capped @ \$5,000 and is not automatic but decided by a small claims court judge in an equity proceeding. Finally, we've noted that these juvenile crimes are not prosecuted in the criminal justice system. The prosecutors won't bring criminal actions. Thus the only recourse for victims is the civil justice system. Last but not least if the legislature must make a determination as to who should bear the burden of the crime committed by a child...here are the choices: the victim OR the parents/child...the right policy choice is to extend parental liability. With it comes compensation to the victim, deterrence of crime AND a lesson hopefully learned at home about responsibility. It's not an easy choice but it's the best of the alternatives. We don't want our children cutting their teeth on crime in our hardware stores or on Main Street.

Thank you for your thoughtful attention to these core issues.

Doug

1/28/2004

this subsection may name, as a class of defendants, all unknown criminal gang members.

(d) The plaintiff may bring a civil action under this subsection regardless of whether there has been a criminal action related to the injury, property damage or loss or expenditure of money under par. (a) or (b) and regardless of the outcome of that criminal action.

(3) **SERVICE OF PROCESS.** A summons may be served individually upon any member, leader, officer or organizer of a criminal gang by service as provided under s. 801.11 (1), (2), (5) or (6) where the claim sued upon arises out of or relates to criminal gang activity within this state sufficient to subject a defendant to personal jurisdiction under s. 801.05 (2) to (10). A judgment rendered after service under this subsection is a binding adjudication against the criminal gang.

(4) **INJUNCTIVE RELIEF, DAMAGES, COSTS AND FEES.** (a) The court, upon the request of the state, a school district or a political subdivision, may grant an injunction restraining an individual from committing an act that would injure the state, a school district or a political subdivision or may order such other relief as the court determines is proper.

(b) The court may order a criminal gang member to divest himself or herself of any interest or involvement in any criminal gang activity and may restrict a criminal gang member from engaging in any future criminal gang activity.

(c) In addition to the costs allowed under s. 814.04, a final judgment in an action under sub. (2) (a) in favor of the plaintiff shall include compensatory damages for the expenditure of money for the allocation or reallocation of law enforcement, fire fighting, emergency or other personnel or resources caused by the criminal gang activity and compensation for the costs of the investigation and prosecution and reasonable attorney fees.

(d) In addition to the costs allowed under s. 814.04, a final judgment in an action under sub. (2) (b) in favor of the plaintiff shall include attorney fees and the costs of the investigation and litigation.

(e) The final judgment in favor of the plaintiff in an action under sub. (2) (a) or (b) may include punitive damages assessed against a criminal gang leader, officer, organizer or member who is found to have participated in criminal gang activity.

History: 1993 a. 98.

**895.79 Damage to certain machines.** (1) An owner of a machine operated by the insertion of coins, currency, debit cards or credit cards that is damaged by a person acting with the intent to commit a theft from that machine may bring an action against the person.

(2) The owner has the burden of proving his or her case under sub. (1) by a preponderance of the credible evidence.

(3) If the owner prevails in a civil action under sub. (1), he or she may recover all of the following:

(a) Treble damages.

(b) Costs, including all reasonable attorney fees and other costs of the investigation and litigation that were reasonably incurred.

(4) An owner may bring a civil action under sub. (1) regardless of whether there has been a criminal action related to the damage under sub. (1) and regardless of the outcome of any such criminal action.

History: 1995 a. 133.

**895.80 Property damage or loss.** (1) Any person who suffers damage or loss by reason of intentional conduct that occurs on or after November 1, 1995, and that is prohibited under s.

943.01, 943.20, 943.21, 943.24, 943.26, 943.34, 943.395, 943.41, 943.50 or 943.61 has a cause of action against the person who caused the damage or loss.

(2) The burden of proof in a civil action under sub. (1) is with the person who suffers damage or loss to prove his or her case by a preponderance of the credible evidence.

(3) If the plaintiff prevails in a civil action under sub. (1), he or she may recover all of the following:

(a) Treble damages.

(b) All costs of investigation and litigation that were reasonably incurred.

(4) A person may bring a civil action under sub. (1) regardless of whether there has been a criminal action related to the loss or damage under sub. (1) and regardless of the outcome of any such criminal action.

(5) No person may bring a cause of action under both this section and s. 943.212, 943.245 or 943.51 regarding the same incident or occurrence. If the plaintiff has a cause of action under both this section and s. 943.212, 943.245 or 943.51 regarding the same incident or occurrence, the plaintiff may choose which action to bring.

**895.85 Punitive damages.** (1) **DEFINITIONS.** In this section:

(a) "Defendant" means the party against whom punitive damages are sought.

(b) "Double damages" means those court awards made under a statute providing for twice, 2 times or double the amount of damages suffered by the injured party.

(c) "Plaintiff" means the party seeking to recover punitive damages.

(d) "Treble damages" means those court awards made under a statute providing for 3 times or treble the amount of damages suffered by the injured party.

(2) **SCOPE.** This section does not apply to awards of double damages or treble damages, or to the award of exemplary damages under ss. 46.90 (6) (c), 51.30 (9), 51.61 (7), 103.96 (2), 153.85, 252.14 (4), 252.15 (8) (a), 943.245 (2) and (3) and 943.51 (2) and (3).

(3) **STANDARD OF CONDUCT.** The plaintiff may receive punitive damages if evidence is submitted showing that the defendant acted maliciously toward the plaintiff or in an intentional disregard of the rights of the plaintiff.

(4) **PROCEDURE.** If the plaintiff establishes a prima facie case for the allowance of punitive damages:

(a) The plaintiff may introduce evidence of the wealth of a defendant; and

(b) The judge shall submit to the jury a special verdict as to punitive damages or, if the case is tried to the court, the judge shall issue a special verdict as to punitive damages.

(5) **APPLICATION OF JOINT AND SEVERAL LIABILITY.** The rule of joint and several liability does not apply to punitive damages.

History: 1995 a. 17.

**NOTE:** The first 3 cases noted below were decided prior to the adoption of s. 895.85.

Punitive damages may be awarded in product liability cases. Judicial controls over punitive damage awards established. *Wangen v. Ford Motor Co.* 97 W (2d) 260, 294 NW (2d) 437 (1980).

Guidelines for submission of punitive damages issue to jury in product liability case discussed. *Walter v. Cessna Aircraft Co.* 121 W (2d) 221, 358 NW (2d) 816 (Ct. App. 1984).

Regardless of classification of underlying cause of action, punitive damages are recoverable where defendant's conduct was "outrageous". Insurance coverage for punitive damages is not contrary to public policy. *Brown v. Maxey*, 124 W (2d) 426, 369 NW (2d) 677 (1985).

1995 Civil Laws/Recovery

## UNOFFICIAL TEXT

## Chapter 806

## 806.07

## 806.07(1)

## 806.07(1)(a)



806.07(1)(a)



(a) Mistake, inadvertence, surprise, or excusable neglect;

806.07(1)(b)

(b) Newly-discovered evidence which entitles a party to a new trial under s. 805.15 (3);

806.07(1)(c)



(c) Fraud, misrepresentation, or other misconduct of an adverse party;

806.07(1)(d)



(d) The judgment is void;

806.07(1)(e)



(e) The judgment has been satisfied, released or discharged;

806.07(1)(f)



(f) A prior judgment upon which the judgment is based has been reversed or otherwise vacated;

806.07(1)(g)



(g) It is no longer equitable that the judgment should have prospective application; or

806.07(1)(h)



(h) Any other reasons justifying relief from the operation of the judgment.

806.07(2)



(2) The motion shall be made within a reasonable time, and, if based on sub. (1) (a) or (c), not more than one year after the judgment was entered or the order or stipulation was made. A motion based on sub. (1) (b) shall be made within the time provided in s. 805.16. A motion under this section does not affect the finality of a judgment or suspend its operation. This section does not limit the power of a court to entertain an independent action to relieve a party from judgment, order, or proceeding, or to set aside a judgment for fraud on the court.

806.07(3)



(3) A motion under this section may not be made by an adoptive parent to relieve the adoptive parent from a judgment or order under s. 48.91 (3) granting adoption of a child. A petition for termination of parental rights under s. 48.42 and an appeal to the court of appeals shall be the exclusive remedies for an adoptive parent who wishes to end his or her parental relationship with his or her adoptive child.

806.07 - ANNOT.



**History:** *Sup. Ct. Order, 67 Wis. 2d 585, 726 (1975); 1975 c. 218; 1997 a. 114.*

806.07 - ANNOT.



*There was no abuse of discretion in finding no excusable mistake when the movant had answered a complaint by business letter, was an experienced business person, was well-educated, and had undergone a nearly identical experience in a former case. Hansher v. Kaishian, 79 Wis. 2d 374, 255 N.W.2d 564 (1977).*

806.07 - ANNOT.



*A lawyer's failure to answer a complaint due to misplacing a client's papers while moving an office did not relieve the client from the resulting default judgment. Dugenske v. Dugenske, 80 Wis. 2d 64, 257 N.W.2d 865 (1977).*



Shirley S. Abrahamson  
Chief Justice

# Supreme Court of Wisconsin

DIRECTOR OF STATE COURTS

P.O. BOX 1688

MADISON, WISCONSIN 53701-1688

16 East State Capitol  
Telephone 608-266-6828  
Fax 608-267-0980

A. John Voelker  
Director of State Courts

January 28, 2004

The Honorable Mark Gundrum  
Chair, Assembly Committee on Judiciary  
Room 19 North, State Capitol  
Madison, WI 53702

RE: Assembly Bill 651, Relating to Changing the Small Claims  
Jurisdictional Limit and Other Changes

Dear Representative Gundrum:

I am writing on behalf of the Legislative Committee of the Wisconsin Judicial Conference to express its opposition to Assembly Bill 651, which would increase the jurisdictional limit of most small claims cases from \$5,000 to \$10,000. The Legislative Committee urges your committee to reject this bill or to delete the change to the small claims limit.

This position is echoed by the Committee of Chief Judges. The Chief Judges held discussions about this proposal at their meeting on December 12, 2003 and unanimously voted to oppose the increase in the small claims jurisdictional limit.

The Legislative Committee and the Chief Judges believe AB 651 would transfer a substantial burden that is presently borne by the state to the counties and would also result in less revenue for both the state and the counties. The fiscal estimate prepared by my office details the projected impact of this change.

Court commissioners and staff of the clerk of courts, which are funded by the counties, primarily handle the small claims workload. This bill would increase that workload and resource commitment at the county level.

As the fiscal estimate notes, there will be a revenue loss to both the state and the counties because of the differential between the filing fees paid for large civil claims, as opposed to the filing fees for small claims actions. If 20% of the current large civil claims are instead filed as small claims, the state would lose nearly \$1 million in revenues and the counties would lose about \$130,000. Those amounts would vary depending on the percentage of large civil claims that would now be filed in small claims court.

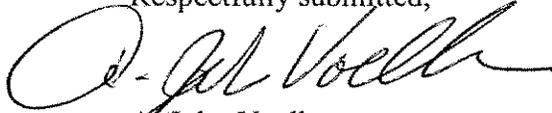
The Honorable Mark Gundrum

January 28, 2004

Page Two

For these reasons, we urge you not to increase the jurisdictional limit on small claims cases by rejecting or amending AB 651. If you have questions about this position, please do not hesitate to contact me. Thank you.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Voelker", written in a cursive style.

John Voelker  
Director of State Courts

AJV:NMR

cc: Members, Assembly Committee on Judiciary  
Legislative Committee, Wisconsin Judicial Conference  
Chief Judges



Shirley S. Abrahamson  
Chief Justice

# Supreme Court of Wisconsin

DIRECTOR OF STATE COURTS

P.O. BOX 1688

MADISON, WISCONSIN 53701-1688

16 East State Capitol  
Telephone 608-266-6828  
Fax 608-267-0980

A. John Voelker  
Director of State Courts

TO: Members, Senate Judiciary, Corrections and Privacy Committee

FROM: Nancy Rottier, Legislative Liaison  
Director of State Courts

RE: Assembly Bill 651, Relating to Changing the Small Claims  
Jurisdictional Limit and Other Changes

DATE: February 17, 2004

Attached is a January 28, 2004 letter to the Assembly Committee on Judiciary, explaining the opposition of the Legislative Committee of the Wisconsin Judicial Conference to the change in the small claims jurisdictional limit contained in the original Assembly Bill 651. The Wisconsin Judicial Conference is composed of all appellate and circuit court judges in Wisconsin.

As you are aware, Assembly Substitute Amendment 1 to AB 651, sponsored by Rep. Montgomery, retains current law as it relates to the small claims limit. We urge you to concur in the Assembly's position and adopt the substitute amendment.

If you have questions about AB 651 or about this position, please feel free to contact me at 267-9733. Thank you.



WISCONSIN

**Statement Before The  
Senate Committee on Judiciary, Corrections and Privacy**

**By**

**Bill G. Smith  
State Director  
National Federation of Independent Business  
Wisconsin Chapter**

**Tuesday, February 17, 2004  
Assembly Bill 651**

---

Mr. Chairman, and members of the Committee, my name is Bill G. Smith, and I am State Director of the 13,000 member Wisconsin Chapter of the National Federation of Independent Business.

My remarks today will be very brief, but I did want to take this opportunity to convey to you, that Assembly Bill 651 includes provisions very important to small business. Honest customers – the overwhelming majority – resent being watched over by mirrors, checked in dressing rooms, or waiting while their check is approved.

Employees and business owners alike dislike taking such measures. But they dislike even more finding merchandise missing or products taken out of packages, or getting back a bad check that a bank can't honor. Small businesses, which accept large numbers of checks in small dollar amounts, are easy victims of fraudulent check passes.

Small retailers are also particularly vulnerable to shoplifting since they are not able to afford sophisticated detection equipment or security personnel. We are, therefore, fully supportive of the provisions of Assembly Bill 651 that expands the civil recovery statute for retail theft, a crime which costs retailers and other businesses millions of dollars every day.

Small claims courts are important to small business because they seek to adjudicate disagreements quickly, inexpensively, and often without dependence on legal counsel. Assembly Bill 651 includes a provision to expand small claims court jurisdiction, which NFIB fully supports.

A recent study published by the NFIB Research Foundation entitled, *Getting Paid*, found small business customers typically pay for their goods and services by check – more customers pay by check than cash. Ninety-five percent of the small business owners reported they accept checks for payment.

The study also found the problem of bad checks was the second most often cited problem with getting paid.

Given that so many small firms accept checks and that receiving bad checks is a frequent problem, it would seem likely that most small businesses would subscribe to a check verification service of some type, yet only seven percent of those firms accepting checks subscribe to a verification service, according to the study.

The study indicated there are several reasons for not using a check verification service including repeat customers, service cost, and dissatisfaction with the effectiveness of the service.

That's why Assembly Bill 651 is so important to small business. This legislation provides small business owners with practical self-help remedies to help us control the frequency and recover the losses that occur as a result of bad checks and retail theft.

Getting paid has immediate practical consequences for small business owners.

The longer money is retained by customers in lieu of payment, the more difficult it is for small business men and women to pay their bills, which is what ultimately grows the economy of their community.

We believe increasing small claims court jurisdictional limits, improving the means for recovery of losses due to retail theft and worthless checks are important and effective self-help remedies for small business.

We believe AB-651 is an excellent proposal, deserving of your support, and I respectfully urge your prompt and favorable recommendation on behalf of our state's small business community.



**WISCONSIN  
LAWYERS**  
STATE BAR of WISCONSIN® EXPERT ADVISERS.  
SERVING YOU.

## MEMORANDUM

**To:** Members, Senate Committee on Judiciary, Corrections and Privacy

**From:** Public Interest Law Section of the State Bar of Wisconsin

**Date:** February 17, 2004

**Re:** **Testimony Opposing Certain Provisions of Assembly Bill 651**, relating to: parental liability for acts of their minor child, recovery of damages for certain criminal actions, increasing the jurisdictional amount in small claims court, garnishment, attorney fees, exemption from execution of accounts, civil actions by collection agencies, earnings garnishment, retail theft, recovery in actions involving worthless checks, and revocation of fish and game approvals for which payment is made by worthless checks.

---

### Background

The Public Interest Law Section of the State Bar of Wisconsin is comprised of lawyers who are concerned with assisting those who are unrepresented or underrepresented in our justice system. We represent individuals in low income families with a broad range of legal issues including access to health care, domestic abuse, housing, benefits, civil liberties, consumer protection, guardianship and protective placement, and a whole host of other legal concerns encountered by those in our State with limited financial resources. We thank you for taking the time to listen to our concerns about AB 651. The views we express today are those of the Public Interest Section alone and not those of the State Bar of Wisconsin as a whole.

The Public Interest Law Section is aware of the time and effort already spent on the issues in the bill by those involved with it. We specifically appreciate the attention given the concerns raised by the full State Bar about the unauthorized practice of law by collection agencies. All the efforts acknowledge the amount of attention which should be given to these issues before altering the laws involved.

### Specific Concerns

The Public Interest Law Section has two main concerns about Assembly Bill 651, as amended by the Assembly, and asks you not to support it:

#### State Bar of Wisconsin

5302 Eastpark Blvd. ♦ P.O. Box 7158 ♦ Madison, WI 53707-7158  
(800)728-7788 ♦ (608)257-3838 ♦ Fax (608)257-5502 ♦ Internet: [www.wisbar.org](http://www.wisbar.org) ♦ Email: [service@wisbar.org](mailto:service@wisbar.org)

(1) We question what the need is for this legislation and specifically what need the provisions in AB 651 are intended to address.

As practitioners we have clients who suffer the financial problems of being unable to pay bills on time and facing liability for insufficient funds checks. We do not see problems in the areas which this bill proposes to change. In addition, the changes made by the bill--in several instances--heap unnecessary punitive sanctions on individuals least able to afford them. Current sanctions and procedures in these areas, as well as those in the area of punishment for retail theft, have not been shown to be lacking.

(2) Section 3 of the bill concerning "consolidation of accounts" by collection agencies is of major concern.

This section appears not only to be an unnecessary and preferential change in collection laws, but also risks crossing the line into authorizing collection agencies to practice law in direct contravention of what our Wisconsin Supreme Court has specifically directed with regard to collection agency conduct. If evidence indicates to the committee that for some reason Wisconsin's laws about collecting debts must be changed, we offer our continued help in addressing this issue.

Our first concern relates to the increased penalties for each insufficient funds check and for each allegation of retail theft. Raising the maximum penalties to \$500 per incident is unnecessary and unnecessarily harsh. The vast majority of the cases in those instances are uncontested in court. Default judgments are the result; in other words, the individual does not appear to contest the matter so the merchant wins what they are seeking automatically. Why is \$500 needed in each and every one of these circumstances? If an individual's \$30 check to the grocery store results in an overdraft situation there is no need for an automatic \$500 penalty to be granted to the store owner. This additional penalty magnifies the financial problems for the consumer unnecessarily.

Our second concern is that Section 3 of this bill attempts to give collection agencies a right that neither the creditor who hires the collection agency, nor the creditor's lawyer, have, that being the right to consolidate unrelated claims against one individual into one lawsuit.

If, for example, an individual is alleged to have fallen behind on their rent and on a credit account with a retail store, and they have an unpaid medical bill from a procedure not fully covered by their medical insurance, these three claims can be combined into one lawsuit (only by a collection agency, not the creditor or the creditor's lawyer) resulting in claims that have different proof and require different witnesses, documents, and testimony by a consumer challenging them. There is no need for this provision.

The second large issue to be concerned about with Section 3 is that collection agencies cannot practice law. The Public Interest Law Section is aware of the discussion surrounding the unauthorized practice of law issues which have been ongoing with regard to this bill. We are grateful that attention has been devoted to this critical aspect and that the State Bar is involved in the discussion. The current language does not resolve all of the concerns. It is critical that the legislature not contradict the Wisconsin Supreme Court rulings in cases which provide

protections to the public against the problems that arise when collection agencies engage in the unauthorized practice of law. If this proposal goes forward one way to begin to address these concerns will be to add unambiguous language to the bill such as "Nothing in this section authorizes the practice of law by licensees" so that you are not changing decades of established law on this topic.

We respectfully ask that you please do not support AB 651. If in the future a need for a change in any of these areas of the law is demonstrated to your satisfaction, please consider the necessity and affect such punitive measures on the individuals most likely to be subject to them. Please continue to work with the full State Bar on addressing the problems of the unauthorized practice of law raised by Section 3 of this bill. Thank you.

If there are questions on our position please contact:

Attorney Mary Catherine Fons  
Fons Law Office  
500 South Page Street  
Stoughton, WI 53589  
608-873-1270

# LEGAL ACTION OF WISCONSIN, INC.

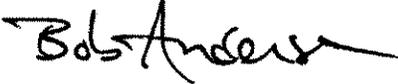
## MADISON OFFICE

*Serving Columbia, Dane, Dodge, Green, Jefferson and Rock Counties*

31 South Mills Street, P.O. Box 259686, Madison, Wisconsin 53725-9686

Phone (608) 256-3304 Toll-free (800) 362-3904 Fax (608) 256-0510 Web [www.legalaction.org](http://www.legalaction.org)

TO: Senate Committee on Judiciary, Corrections and Privacy

FROM: Bob Andersen 

RE: AB 651, relating to Small Claims Court, Garnishment, "Bad Checks,"  
Shoplifting, Parental Liability for Acts of Children.

DATE: February 17, 2004

The overriding problem with Small Claims Court is that the vast majority of cases filed in the state are collections actions, considering the number and types of cases filed in Milwaukee County and Dane County. In Milwaukee County, the number of collections actions is so great that entire blocks of time are set aside for certain plaintiffs. In Dane County, the hospitals are among the leading plaintiffs using Small Claims Court, if not the leading plaintiff. The reality is that the debtors owe the bills, so they don't really often appear in court. The result is that default judgements are entered in the mass of cases handled. The problem with this is that the entry of judgements is performed as a clerical matter. There is no scrutiny given to what damages are claimed in the actions. As a result, debtors may get judgements entered against them for more money than is owed. They also may get judgments against them for higher court costs than is proper.

Some would say that the debtors only bring this on themselves by not appearing in court. However, at least in Milwaukee County, all the parties who use the process will attest that the system would collapse, if defendants actually showed up in court. The system could not handle the mass of people involved.

The solution to the problems in Small Claims Court lies in increasing the number of judges who can preside over claims or in bifurcating the process, by creating a separate process for multiple users and a separate process for individuals. For example, at least at one time (maybe it is still the law) Ohio limited any plaintiff to 24 claims per year in Small Claims Court and California prohibited claims from being commenced by an assignee of a claim, prohibited attorneys from Small Claims Court, and charged multiple users a higher filing fee. These may not be ideal examples, but some kind of bifurcation may be useful in Wisconsin.



DODGEVILLE - Crawford, Grant, Iowa, Lafayette, Richland and Sauk Counties Phone (608) 935-2741 Toll-free (800) 873-0928 Fax (608) 935-2803

GREEN BAY - Brown, Calumet, Door, Kewaunee, Manitowoc and Outagamie Counties Phone (920) 432-4645 Toll-free (800) 236-1127 Fax (920) 432-5078

LA CROSSE - Buffalo, Jackson, Juneau, La Crosse, Monroe, Trempealeau and Vernon Counties Phone (608) 785-2809 Toll-free (800) 873-0927 Fax (608) 782-0800

MIGRANT PROJECT - Statewide Phone (608) 256-3304 Toll-free (800) 362-3904 Fax (608) 256-0510

MILWAUKEE - Milwaukee and Waukesha Counties Phone (414) 278-7722 Toll-free (888) 278-0633 Fax (414) 278-7126

OSHKOSH - Adams, Fond du Lac, Green Lake, Marquette, Ozaukee, Sheboygan, Washington, Waushara and Winnebago Counties Phone (920) 233-6521 Toll-free (800) 236-1128 Fax (920) 233-0307

RACINE - Kenosha, Racine and Walworth Counties Phone (262) 635-8836 Toll-free (800) 242-5840 Fax (262) 635-8838

The reality of how Small Claims Court functions is what magnifies several times over the problems associated with the first three of the following seven objections I have to the provisions of AB 651. If this bill were to be enacted, people would inappropriately get judgments against them for even greater amounts of money, making it all the more difficult for them to withstand the garnishment of their wages.

*The bill was amended in the Assembly to substantially alter its provisions. Below are the bad provisions which remain in the substitute that was approved by the committee. Following that is a list of the good changes to the bill that were made by the substitute.*

### **Remaining Harmful Provisions**

#### **1. The Dramatic Increase in Statutory Attorney's Fees**

The substitute makes a substantial increase in statutory attorney's fees: (1) For claims over \$5000 they are raised from \$100 to \$500; for over \$1000 they are raised from \$100 to \$300; for over \$500 they are raised from \$50 to \$100; and where there is no property involved, they are raised from \$0 to \$300.

Current law has not been changed for many years. This reflects the reality that the vast majority of these actions are collections actions where the work involved is ministerial. They are actions where summonses and complaints are prepared by secretarial or paralegal services. They do not warrant an increase in attorney fees.

Moreover, this substitute amendment authorizes the consolidation of these actions and the commencement of the actions by collection agencies, removing the involvement of attorneys in these actions (except that the summons and complaint must be prepared by an attorney or at the direction of an attorney). Attorneys will not even be involved in these proceedings in court, so as to merit an award of attorney fees.

The problem with making an increase is that the increase simply becomes an added cost for the debtor/employee. If this provision is enacted, not only will the debtor/employee be garnished for the debt owed -- which may turn out to be more than is actually owed, because the judgment was entered by default and the claim of the creditor was never really scrutinized -- but the debtor/employee will also have his or her wages garnished for the add-on of these increased attorney fees.

#### **2. The Increase in Allowable Attorney Fees to \$500 for EACH Bad Check or EACH Item Shoplifted – Under the Statutes, the Award is for Each "Violation."**

Again, the problem is that these are judgements that are entered by default in Small Claims Court. Under current law, a person is penalized for bad checks or for shoplifting by punitive damages set at three times the value of the check or

item shoplifted, PLUS the costs of reasonable attorney fees. A ceiling is placed on the combined total of \$500. Under this bill, that ceiling is raised to \$500 per each bad check or each item shoplifted. Consequently, the complaint in an action against the defendant for shoplifting three small items can ask for \$1500, to ask for the value of "reasonable attorney fees." After the judgement is entered by default, the defendant is now shocked to find out that his or her wages are being garnished for \$1500, instead of for the costs of the item, a penalty of three times the value of the item and \$500 for the costs of attorney fees.

Why would an action for damages for shoplifting three items require an attorney to incur fees at three times the cost of an action involving the shoplifting of one item. Of course, if a court were to scrutinize this action, the court would not grant three times \$500 for attorney fees. However, that is the problem with these Small Claims actions. The court will not be scrutinizing these claims. Judgment will be entered by default by the clerk after the case is called.

Instead of making the change that is proposed by this bill, current law should be changed to require the court to make a special finding in order for punitive damages or reasonable attorney fees to be granted in any case. That way a person can be properly punished for his or her conduct, without allowing for the granting of exorbitant judgments for exorbitant claims.

3. **Criminal Penalty for Bouncing a Check, Even Though the Accused Could Have Come Up with the Money in 5 Days**

Under current law, section 943.24 (3) (b) of the statutes, a person is not guilty of bouncing a check unless the person fails to pay for the check within 5 days after receiving actual notice of the unpaid check. This means that, in order for the person to be guilty of the crime, the person must fail to pay within 5 days after actually having received notice. AB 620 replaces that with a constructive notice that conclusively presumes that a person received notice when the notice was sent to the last known address. This is so because the bill defines the "delivery" of written notice to be accomplished by mailing to the last known address." Naturally, it is a greater protection under current law that a person must have actually received notice before the person is guilty, rather than that the person is simply presumed to be living at the last known address.

Consequently, under AB 651, a person is conclusively presumed not to have had sufficient funds within 5 days after notice when the notice is sent to a last known address and not responded to. Under 943.24 (3), this creates a prima facie case against the defendant that the defendant intended that payment not be made.

In order for the defendant to escape criminal liability, the burden shifts to the defendant to prove the defendant intended to make payment. How does one do that?

The real effect of this change in the law is as follows. Under current law, if a person's check bounces, the person is actually presented with notice that the person has 5 days to find the sufficient funds or face criminal liability. In order not to be prosecuted, the person scrambles to find the money somewhere, if the person did not have sufficient funds in the account. Under this bill, a person who does not live at his or her "last known address" will not have received notice. They get no opportunity to try to find the funds elsewhere within 5 days. They now have to prove that they did *not* intend to *not* make payment. In all likelihood, they will have to show that, *in fact*, at the time the check was issued, they did have sufficient funds in the checking account. Consequently, the person who did not have sufficient funds in the account at the time the check bounced is criminally liable. Under current law, that person would have been given 5 days to come up with the money, before criminal charges could be brought.

4. **Requirement that Employees Filing for Extraordinary Relief in Court State "With Reasonable Specificity their Grounds for Relief"**

If an employee does not believe the garnishment protects his necessities, the employee has to file a petition that states with "reasonable specificity the grounds for relief." This replaces an informal requirement under current law that the employee simply file a petition stating his or her concern. Unsophisticated employees will have to hire lawyers in order to meet the requirements of this section. Again, it used to be that creditors had to file garnishment actions for each and every pay period. That process was reformed a few years ago to help the creditors out, by allowing for continuous garnishment. The new process was developed to allow the debtor/employee some protection, by making things informal. Now, this bill seeks to make it even more difficult for employees to assert their rights under the statutes. Once again, the only rationale for this has to be that the creditors do not want to suffer the inconvenience of having to go to court to answer these claims. However, the reality is that, until recently, they had to go to court for every case for every pay period.

5. **Garnishment of Wages Up to Poverty Limit**

Under current law, wages cannot be garnished, if the *result* would place people below the poverty level. The substitute allows wages to be garnished right up to the poverty level – leaving people little room for gaining stability in their employment.

## Positive Changes in the Bill by the Substitute Amendment

1. **The New Provision on Parental Liability is Deleted Which Made the Parents of Children Strictly Liable for Their Intentional Damage to Property, Graffiti, Theft, Damage to Property by a Mortgagor, Receiving Stolen Property, Fraudulent Insurance Statements , or Theft of Library Material.**

The bill made the parents automatically liable, replacing common law which would make them liable if they were negligent in controlling their children. Under the statutes, parents are liable for the "wilful, wanton or malicious" acts of their children. This bill expands that to make parents strictly liable for their children's "violation" of a number of statutes. Why should parents be strictly liable for the actions of children that they know nothing about, which do not involve "wilful, wanton or malicious" conduct?

2. **Substitute Deletes Requirement that Employees Have Extensive Documentation in order to Assert their Lawful Garnishment Protections**

The original bill required an employee to submit to the garnishee a copy of a worksheet, child support order and documentation of receipt of public assistance, as a *condition precedent* to asserting a lawful limitation to a garnishment. The limitations under the law limit the amount that can be garnished. Under current law, the employee has to file only the answer or objection, stating the basis for their limitation. Under this proposal, employees will have a hard time coming up with the proper documentation just to assert their protections. Under current law, if a creditor does not believe an employee/debtor, the creditor can go to court. If the debtor was lying, there is a provision requiring the granting of actual damages, costs and reasonable attorney fees for acting in bad faith, under section 812.38 (3) (b) of the statutes. Under this proposal, that process is completely reversed, so that the employee has to go to court to object to the garnishment if the employee has not filed the right papers.

Before current law was adopted a few years ago, creditors had to go to court *every pay period* to enforce a garnishment. Current law was created as a result of an agreed upon bill worked out by an ad hoc committee comprised of representatives of judges, creditors and debtors . Garnishment was allowed for each pay period. In return for that procedure, the rights of employees were protected by creating the system that exists under current law -- allowing employees to object to the garnishment and then allowing creditors to go to court if they disagreed. This bill would gut that system and require simply that creditors file garnishment actions, placing the burden on employees to either come up with documentation or to later appear in court.

The modification that was made as a part of the revision of garnishment laws by this ad hoc committee also provided that garnishment would not be allowed if it

placed the debtor below poverty. This will would draw back on that agreement and expose debtors to a poverty level of subsistence that would make it difficult for them to remain employed.

5. **The Substitute Deletes the Penalty for Employees for Not Having the Necessary Documentation in Exercising their Rights Under the Statutes**

If the employee fails to produce the necessary documentation in court for his or her objection to the garnishment, under the bill, the court *shall* award the creditor's costs involved in the proceedings, but not less than \$50! This creates a process that will discourage employees from raising their lawful objections.

Current law is more than sufficient to penalize an employee who is raising a frivolous defense. Under current law, s. 812.38 (3)(b), if the court finds that an employee is acting in *bad faith* in asserting a defense or limitation, the employee will be penalized by being required to pay the creditor actual damages, costs and reasonable attorney fees. This is more than adequate as a safeguard against frivolous claims.

The only plausible rationale for this penalty is that the employee should be penalized for wasting the time of the creditor by requiring the creditor to show up in court, when the employee is not prepared with the proper documentation. However, this rationale is at odds with what has long been the history of the law on garnishment proceedings, until just recently. Throughout the history of garnishment in Wisconsin, the creditor had to go to court for each and every garnishment, each and every pay period. That was changed a few years ago, in exchange for the more informal procedures that exist today.

6. **The Substitute Deletes the Increase in the Jurisdictional Amount from \$5000 to \$10,000. Any Increase in the Jurisdictional Amount; Unjustifiable Exception for Negligence Claims.**

This just extends a bad system into higher claims, culminating in default judgements for even greater amounts of money against debtor/employees. Since the claims are processed in an assembly line fashion, there would be no scrutiny given to these claims for more significant amounts of money. As a result, judgments that are erroneous would be entered for even larger sums of money. It would be better to retain the current system, requiring that these claims above \$5,000 be brought as large claims where the proceedings are more formal and there is some greater chance that the court will be reviewing the claims that are made.

Ironically, one potential benefit for the "little guy" of an increase in the jurisdictional amount has been removed from the bill. The bill exempts from the increase any claim based on negligence, exempting any claim by a lay person

against another or against an insurance company for damage resulting from an automobile accident. Under the bill, people involved in these cases are stuck with using the more formal large claims actions, requiring hiring an attorney, for claims above \$5,000. There is no rational basis for making this distinction.

7. **The Substitute Includes an Amendment that Increases the Time for Reopening a Small Claims Judgment from 6 Months to 12 Months.**

The Assembly Judiciary Committee approved this amendment. Chairperson Gundrum led the way by stating that this would benefit people who are in the service and who do not get notice of the action. A person still has to have good cause for reopening. Under current law, many creditors just wait until the 6 months are up to garnish wages. That is the first time the debtor/wage earner finds out how much he/she owes and its too late to reopen the judgment.

## MEMORANDUM

**TO:** Members of the Wisconsin State Senate Judiciary Committee

**FROM:** Chris C. Tackett, President & CEO  
Douglas Q. Johnson, Sr. Vice President/General Counsel

**DATE:** February 17, 2004

**RE:** AB651

The Wisconsin Merchants Federation is again working with legislators in both houses and with the members of the Conference of Retail Associations and with the Wisconsin Tavern League and Wisconsin Independent Business to update and improve upon Wisconsin's civil recovery laws. We ask you to support AB651.

This legislation amends state civil recovery laws that were enacted in 1985-86. This legislation, as AB620, passed the Assembly by voice vote two sessions ago (with two changes...the draft now raises the small claims court limit from \$5,000 to \$10,000 and it also provides for loss of a fishing/hunting license if your check fails to clear). AB620 died in the Senate Judiciary Committee.

Please consider:

### Basic Facts - Retail Theft and Bad Check Losses:

- Wisconsin merchants lose:
  - more than \$100 million annually due to bad checks;
  - more than \$2,000,000 each day from retail theft.
  
- Wisconsin's honest shoppers:
  - pay 6% to 7% higher prices as a result of retail theft;
  - pay more than \$800 per household per year because of retail theft;
  
  - lose more than \$35 million annually in lost tax revenue to the state.

- Retail theft is the largest monetary crime in Wisconsin and the United States
  - Annually merchants lose more than \$24 billion each year to retail thieves...in Wisconsin, losses exceed \$700 million
  - Likewise, merchant victims lose between .2% and 3% of annual gross sales to bad checks, most of which are written for under \$100

The following is a list of what changes AB 651 initially proposed, and why they were made:

- Civil Recovery is refined and expanded for the following Main Street crimes:
  - Damage to property (943.01);
  - Damage/threat to property of witnesses (93.011);
  - Graffiti (943.012 and 943.017);
  - Theft (943.20);
  - Misappropriation of personal ID (943.201);
  - Receiving stolen property (943.34);
  - Fraudulent claims (943.395);
  - Financial transaction card crimes (943.41); and
  - Theft of library materials (943.61).

Initially civil recovery was provided for worthless checks and retail theft ("shoplifting"). In the 1995 Legislature that list was expanded to include the above.

Our retail theft and worthless check laws are used as national models and they provide for actual damages, exemplary damages, court costs, costs of investigation and litigation, including attorney fees and the value of the time spent by an employee. Since the list of civil recovery crimes was expanded, experience in their use has shown it is necessary to more clearly define procedures and to clarify recoveries.

- Small claims court jurisdictional limit increases from \$5,000 to \$10,000. The last time this limit was increased was in 1995.
- Statutory attorneys' fees are increased (see LRB analysis for new schedule). So are recoverable costs.
- Statutory attorney fees were changed to reflect inflation and set a more realistic fee structure. Keep in mind that these are fees paid by

the losing party to help defray the expense of the victim's attorney fees. These are NOT extra fees for attorneys. Statutory cost recovery is also increased (see LRB analysis). Statutory fees and costs have not been increased for more than 40 years.

- Garnishment has been expanded to require a debtor to send any supporting documents, such as a wage statement, to a Wisconsin collector agency in order to be granted a partial exemption from collection. Additionally, in order for a debtor to qualify for a complete exemption from garnishment, any documents supporting the claim must be sent to the garnishee.

- This proof requirement will make garnishment issues clearer and streamline the process. This will also discourage false claims.

- Assignment of Debt has been created to allow consolidation of actions saving time and expense for victims and the court.

- The statutes are clarified to provide civil recovery for each worthless check issued. Some judges consolidated all checks under the statutory limit. That was never intended when civil recovery was first enacted. Why give a break to those who write multiple bad checks? As far as merchants are concerned, there is no difference between counterfeit money and bad checks.



# STATE SENATOR DAVE ZIEN

ASSISTANT MAJORITY LEADER

CHAIRPERSON  
 COMMITTEE ON JUDICIARY, CORRECTIONS AND PRIVACY  
 VICE CHAIRPERSON  
 COMMITTEE ON HOMELAND SECURITY, VETERANS AND MILITARY AFFAIRS AND GOVERNMENT REFORM  
 MEMBER  
 COMMITTEE ON SENATE ORGANIZATION  
 COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES  
 COMMITTEE ON LABOR, SMALL BUSINESS DEVELOPMENT AND CONSUMER AFFAIRS  
 SENTENCING COMMISSION  
 COUNCIL ON TOURISM  
 JUDICIAL COUNCIL

AB 651

## MEMORANDUM

TO: Senator Scott Fitzgerald, Member, Senate Committee on Judiciary, Corrections & Privacy

FR: Senator Dave Zien, Chair, Senate Committee on Judiciary, Corrections & Privacy

DT: February 23, 2004 (hand delivered 11:00am)

RE: Paper Ballot (5 pages)

Please consider the following items and vote on the motions below. **Return this ballot to Senator Dave Zien, Room 15 South, no later than 1:00pm Tuesday, February 24, 2004.** Committee members' ballots not received by the deadline will be marked as not voting.

### Senate Bill 70

Relating to: notification of the state regarding a medical malpractice claim.

By Senator Risser; cosponsored by Representatives Johnsrud, Berceau, J. Lehman, Boyle and Colon.

Please consider the following motion:

- Moved by Senator Zien that SENATE BILL 70 be recommended for PASSAGE:

Aye  X  No \_\_\_\_\_

### Senate Bill 364

Relating to: appellate procedure.

By Senator Zien, by request of Wisconsin Judicial Council.

Please consider the following motion:



- Moved by Senator Zien that SENATE BILL 364 be recommended for PASSAGE:

Aye X No \_\_\_\_\_

**Senate Bill 416**

Relating to: failure to pay for tickets at recreational attractions and providing penalties.

By Senators Welch and Kanavas; cosponsored by Representatives Hines, Musser, Krawczyk, Ladwig, Townsend, Stone, Albers, Bies and Gunderson.

Please consider the following motion:

- Moved by Senator Zien that SENATE BILL 416 be recommended for PASSAGE:

Aye X No \_\_\_\_\_

**Assembly Bill 294**

Relating to: using digital recordings of a child's testimony.  
By Representatives Boyle, Bies, Musser, Turner, Berceau, Lassa and Albers; cosponsored by Senator Jauch.

Please consider the following motion:

- Moved by Senator Zien that ASSEMBLY BILL 294 be recommended for CONCURRENCE:

Aye X No \_\_\_\_\_

**Assembly Bill 651**

Relating to: parental liability for acts of their minor child, recovery of damages for certain criminal actions, increasing the jurisdictional amount in small claims court, garnishment, attorney fees, exemption from execution of accounts, civil actions by collection agencies, earnings garnishment, retail theft, recovery in actions involving worthless checks, and revocation of fish and game approvals for which payment is made by worthless checks.

By Representatives Montgomery, Olsen, Musser, Hines, LeMahieu, Hahn, Gard, Vrakas, Rhoades, Grothman, Bies, Townsend, McCormick, Hundertmark, Owens, Krawczyk, J. Fitzgerald, Kestell, Suder, Albers, Powers, Gunderson and Gielow; cosponsored by Senators Stepp, Kanavas, Schultz, Lassa, Welch, Breske, Hansen, Roessler and Cowles.

Please consider the following motion:

- Moved by Senator Zien that ASSEMBLY BILL 651 be recommended for CONCURRENCE:

Aye   X   No \_\_\_\_\_

**Berkos, Daniel**

Of Mauston, as a member of the Public Defender Board, to serve for the term ending May 1, 2005.

Please consider the following motion:

- Moved by Senator Zien that the appointment of DANIEL BERKOS be recommended for CONFIRMATION:

Aye   X   No \_\_\_\_\_

**Brennan, James**

Of Milwaukee, as a member of the Public Defender Board, to serve for the term ending May 1, 2004.

Please consider the following motion:

- Moved by Senator Zien that the appointment of JAMES BRENNAN be recommended for CONFIRMATION:

Aye   X   No \_\_\_\_\_

**Hogan, John**

Of Rhinelander, as a member of the Public Defender Board, to serve for the term ending May 1, 2005.

Please consider the following motion:

- Moved by Senator Zien that the appointment of JOHN HOGAN be recommended for CONFIRMATION:

Aye   X   No \_\_\_\_\_

**Miller, Michael R.**

Of West Bend, as a member of the Judicial Commission, to serve for the term ending August 1, 2005.

Please consider the following motion:

- Moved by Senator Zien that the appointment of MICHAEL R. MILLER be recommended for CONFIRMATION:

Aye   X   No \_\_\_\_\_

**Morales, Joe**

Of Racine, as a member of the Public Defender Board, to serve for the term ending May 1, 2006.

Please consider the following motion:

- Moved by Senator Zien that the appointment of JOE MORALES be recommended for CONFIRMATION:

Aye   X   No \_\_\_\_\_

**Neville, Dallas S.**

Of Eau Claire, as a member of the Judicial Commission, to serve for the term ending August 1, 2004.

Please consider the following motion:

- Moved by Senator Zien that the appointment of DALLAS S. NEVILLE be recommended for CONFIRMATION:

Aye   X   No \_\_\_\_\_

**Pepper, Pamela**

Of Shorewood, as a member of the Public Defender Board, to serve for the term ending May 1, 2006.

Please consider the following motion:

- Moved by Senator Zien that the appointment of PAMELA PEPPER be recommended for CONFIRMATION:

Aye   X   No \_\_\_\_\_

**Thorn, Ellen**

Of West Salem as a member of the Public Defender Board, to serve for the term ending May 1, 2004.

Please consider the following motion:

- Moved by Senator Zien that the appointment of ELLEN THORN be recommended for CONFIRMATION:

Aye   X   No \_\_\_\_\_

**Wettersten, Nancy**

Of Madison, as a member of the Public Defender Board, to serve for the term ending May 1, 2005.

Please consider the following motion:

- Moved by Senator Zien that the appointment of NANCY WETTERSTEN be recommended for CONFIRMATION:

Aye   X   No \_\_\_\_\_

**Xiong, Mai Neng**

Of Wausau, as a member of the Public Defender Board, to serve for the term ending May 1, 2006.

Please consider the following motion:

- Moved by Senator Zien that the appointment of MAI NENG XIONG be recommended for CONFIRMATION:

Aye   X   No \_\_\_\_\_

Signature

  
 \_\_\_\_\_  
 Senator Scott Fitzgerald



# STATE SENATOR DAVE ZIEN

ASSISTANT MAJORITY LEADER

**CHAIRPERSON**

COMMITTEE ON JUDICIARY, CORRECTIONS AND PRIVACY

**VICE CHAIRPERSON**

COMMITTEE ON HOMELAND SECURITY, VETERANS AND MILITARY AFFAIRS AND GOVERNMENT REFORM

**MEMBER**

COMMITTEE ON SENATE ORGANIZATION

COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

COMMITTEE ON LABOR, SMALL BUSINESS DEVELOPMENT AND CONSUMER AFFAIRS

SENTENCING COMMISSION

COUNCIL ON TOURISM

JUDICIAL COUNCIL

## MEMORANDUM

TO: Senator Tim Carpenter, Member, Senate Committee on Judiciary, Corrections & Privacy

FR: Senator Dave Zien, Chair, Senate Committee on Judiciary, Corrections & Privacy

DT: February 23, 2004 (hand delivered 11:00am)

RE: Paper Ballot (5 pages)

Please consider the following items and vote on the motions below. **Return this ballot to Senator Dave Zien, Room 15 South, no later than 1:00pm Tuesday, February 24, 2004.** Committee members' ballots not received by the deadline will be marked as not voting.

### Senate Bill 70

Relating to: notification of the state regarding a medical malpractice claim.

By Senator Risser; cosponsored by Representatives Johnsrud, Berceau, J. Lehman, Boyle and Colon.

Please consider the following motion:

- Moved by Senator Zien that SENATE BILL 70 be recommended for PASSAGE:

Aye  No

### Senate Bill 364

Relating to: appellate procedure.

By Senator Zien, by request of Wisconsin Judicial Council.

Please consider the following motion:



- Moved by Senator Zien that SENATE BILL 364 be recommended for PASSAGE:

Aye  No

**Senate Bill 416**

Relating to: failure to pay for tickets at recreational attractions and providing penalties.

By Senators Welch and Kanavas; cosponsored by Representatives Hines, Musser, Krawczyk, Ladwig, Townsend, Stone, Albers, Bies and Gunderson.

Please consider the following motion:

- Moved by Senator Zien that SENATE BILL 416 be recommended for PASSAGE:

Aye  No

**Assembly Bill 294**

Relating to: using digital recordings of a child's testimony.  
By Representatives Boyle, Bies, Musser, Turner, Berceau, Lassa and Albers; cosponsored by Senator Jauch.

Please consider the following motion:

- Moved by Senator Zien that ASSEMBLY BILL 294 be recommended for CONCURRENCE:

Aye  No

**Assembly Bill 651**

Relating to: parental liability for acts of their minor child, recovery of damages for certain criminal actions, increasing the jurisdictional amount in small claims court, garnishment, attorney fees, exemption from execution of accounts, civil actions by collection agencies, earnings garnishment, retail theft, recovery in actions involving worthless checks, and revocation of fish and game approvals for which payment is made by worthless checks.

By Representatives Montgomery, Olsen, Musser, Hines, LeMahieu, Hahn, Gard, Vrakas, Rhoades, Grothman, Bies, Townsend, McCormick, Hundertmark, Owens, Krawczyk, J. Fitzgerald, Kestell, Suder, Albers, Powers, Gunderson and Gielow; cosponsored by Senators Stepp, Kanavas, Schultz, Lassa, Welch, Breske, Hansen, Roessler and Cowles.

Please consider the following motion:

- Moved by Senator Zien that ASSEMBLY BILL 651 be recommended for CONCURRENCE:

Aye \_\_\_\_\_ No

**Berkos, Daniel**

Of Mauston, as a member of the Public Defender Board, to serve for the term ending May 1, 2005.

Please consider the following motion:

- Moved by Senator Zien that the appointment of DANIEL BERKOS be recommended for CONFIRMATION:

Aye  No \_\_\_\_\_

**Brennan, James**

Of Milwaukee, as a member of the Public Defender Board, to serve for the term ending May 1, 2004.

Please consider the following motion:

- Moved by Senator Zien that the appointment of JAMES BRENNAN be recommended for CONFIRMATION:

Aye  No \_\_\_\_\_

**Hogan, John**

Of Rhinelander, as a member of the Public Defender Board, to serve for the term ending May 1, 2005.

Please consider the following motion:

- Moved by Senator Zien that the appointment of JOHN HOGAN be recommended for CONFIRMATION:

Aye  No \_\_\_\_\_

**Miller, Michael R.**

Of West Bend, as a member of the Judicial Commission, to serve for the term ending August 1, 2005.

Please consider the following motion:

- Moved by Senator Zien that the appointment of MICHAEL R. MILLER be recommended for CONFIRMATION:

Aye  No

**Morales, Joe**

Of Racine, as a member of the Public Defender Board, to serve for the term ending May 1, 2006.

Please consider the following motion:

- Moved by Senator Zien that the appointment of JOE MORALES be recommended for CONFIRMATION:

Aye  No

**Neville, Dallas S.**

Of Eau Claire, as a member of the Judicial Commission, to serve for the term ending August 1, 2004.

Please consider the following motion:

- Moved by Senator Zien that the appointment of DALLAS S. NEVILLE be recommended for CONFIRMATION:

Aye  No

**Pepper, Pamela**

Of Shorewood, as a member of the Public Defender Board, to serve for the term ending May 1, 2006.

Please consider the following motion:

- Moved by Senator Zien that the appointment of PAMELA PEPPER be recommended for CONFIRMATION:

Aye  No

**Thorn, Ellen**

Of West Salem as a member of the Public Defender Board, to serve for the term ending May 1, 2004.

Please consider the following motion:

- Moved by Senator Zien that the appointment of ELLEN THORN be recommended for CONFIRMATION:

Aye       ✓       No                     

**Wettersten, Nancy**

Of Madison, as a member of the Public Defender Board, to serve for the term ending May 1, 2005.

Please consider the following motion:

- Moved by Senator Zien that the appointment of NANCY WETTERSTEN be recommended for CONFIRMATION:

Aye       ✓       No                     

**Xiong, Mai Neng**

Of Wausau, as a member of the Public Defender Board, to serve for the term ending May 1, 2006.

Please consider the following motion:

- Moved by Senator Zien that the appointment of MAI NENG XIONG be recommended for CONFIRMATION:

Aye       ✓       No                     

Signature       Tim Carpenter        
Senator Tim Carpenter



# STATE SENATOR DAVE ZIEN

ASSISTANT MAJORITY LEADER

**CHAIRPERSON**

COMMITTEE ON JUDICIARY, CORRECTIONS AND PRIVACY

**VICE CHAIRPERSON**

COMMITTEE ON HOMELAND SECURITY, VETERANS AND MILITARY AFFAIRS AND GOVERNMENT REFORM

**MEMBER**

COMMITTEE ON SENATE ORGANIZATION

COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

COMMITTEE ON LABOR, SMALL BUSINESS DEVELOPMENT AND CONSUMER AFFAIRS

SENTENCING COMMISSION

COUNCIL ON TOURISM

JUDICIAL COUNCIL

## MEMORANDUM

TO: Senator Spencer Coggs, Member, Senate Committee on Judiciary, Corrections & Privacy

FR: Senator Dave Zien, Chair, Senate Committee on Judiciary, Corrections & Privacy

DT: February 23, 2004 (hand delivered 11:00am)

RE: Paper Ballot (5 pages)

---

Please consider the following items and vote on the motions below. **Return this ballot to Senator Dave Zien, Room 15 South, no later than 1:00pm Tuesday, February 24, 2004.** Committee members' ballots not received by the deadline will be marked as not voting.

### Senate Bill 70

Relating to: notification of the state regarding a medical malpractice claim.

By Senator Risser; cosponsored by Representatives Johnsrud, Berceau, J. Lehman, Boyle and Colon.

Please consider the following motion:

- Moved by Senator Zien that SENATE BILL 70 be recommended for PASSAGE:

Aye  No

### Senate Bill 364

Relating to: appellate procedure.

By Senator Zien, by request of Wisconsin Judicial Council.

Please consider the following motion:





Please consider the following motion:

- Moved by Senator Zien that ASSEMBLY BILL 651 be recommended for CONCURRENCE:

Aye \_\_\_\_\_ No  \_\_\_\_\_

**Berkos, Daniel**

Of Mauston, as a member of the Public Defender Board, to serve for the term ending May 1, 2005.

Please consider the following motion:

- Moved by Senator Zien that the appointment of DANIEL BERKOS be recommended for CONFIRMATION:

Aye  \_\_\_\_\_ No \_\_\_\_\_

**Brennan, James**

Of Milwaukee, as a member of the Public Defender Board, to serve for the term ending May 1, 2004.

Please consider the following motion:

- Moved by Senator Zien that the appointment of JAMES BRENNAN be recommended for CONFIRMATION:

Aye  \_\_\_\_\_ No \_\_\_\_\_

**Hogan, John**

Of Rhinelander, as a member of the Public Defender Board, to serve for the term ending May 1, 2005.

Please consider the following motion:

- Moved by Senator Zien that the appointment of JOHN HOGAN be recommended for CONFIRMATION:

Aye  \_\_\_\_\_ No \_\_\_\_\_

**Miller, Michael R.**

Of West Bend, as a member of the Judicial Commission, to serve for the term ending August 1, 2005.

Please consider the following motion:

- Moved by Senator Zien that the appointment of MICHAEL R. MILLER be recommended for CONFIRMATION:

Aye   X   No \_\_\_\_\_

**Morales, Joe**

Of Racine, as a member of the Public Defender Board, to serve for the term ending May 1, 2006.

Please consider the following motion:

- Moved by Senator Zien that the appointment of JOE MORALES be recommended for CONFIRMATION:

Aye   X   No \_\_\_\_\_

**Neville, Dallas S.**

Of Eau Claire, as a member of the Judicial Commission, to serve for the term ending August 1, 2004.

Please consider the following motion:

- Moved by Senator Zien that the appointment of DALLAS S. NEVILLE be recommended for CONFIRMATION:

Aye   X   No \_\_\_\_\_

**Pepper, Pamela**

Of Shorewood, as a member of the Public Defender Board, to serve for the term ending May 1, 2006.

Please consider the following motion:

- Moved by Senator Zien that the appointment of PAMELA PEPPER be recommended for CONFIRMATION:

Aye   X   No \_\_\_\_\_

**Thorn, Ellen**

Of West Salem as a member of the Public Defender Board, to serve for the term ending May 1, 2004.

Please consider the following motion:

- Moved by Senator Zien that the appointment of ELLEN THORN be recommended for CONFIRMATION:

Aye   X   No \_\_\_\_\_

**Wettersten, Nancy**

Of Madison, as a member of the Public Defender Board, to serve for the term ending May 1, 2005.

Please consider the following motion:

- Moved by Senator Zien that the appointment of NANCY WETTERSTEN be recommended for CONFIRMATION:

Aye   X   No \_\_\_\_\_

**Xiong, Mai Neng**

Of Wausau, as a member of the Public Defender Board, to serve for the term ending May 1, 2006.

Please consider the following motion:

- Moved by Senator Zien that the appointment of MAI NENG XIONG be recommended for CONFIRMATION:

Aye   X   No \_\_\_\_\_

Signature   *Spencer Coggs*    
Senator Spencer Coggs



# STATE SENATOR DAVE ZIEN

ASSISTANT MAJORITY LEADER

CHAIRPERSON  
COMMITTEE ON JUDICIARY, CORRECTIONS AND PRIVACY  
VICE CHAIRPERSON  
COMMITTEE ON HOMELAND SECURITY, VETERANS AND MILITARY AFFAIRS AND GOVERNMENT REFORM  
MEMBER  
COMMITTEE ON SENATE ORGANIZATION  
COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES  
COMMITTEE ON LABOR, SMALL BUSINESS DEVELOPMENT AND CONSUMER AFFAIRS  
SENTENCING COMMISSION  
COUNCIL ON TOURISM  
JUDICIAL COUNCIL

## MEMORANDUM

TO: Senator Cathy Stepp, Member, Senate Committee on Judiciary,  
Corrections & Privacy

FR: Senator Dave Zien, Chair, Senate Committee on Judiciary, Corrections  
& Privacy

DT: February 23, 2004 (hand delivered 11:00am)

RE: Paper Ballot (5 pages)

---

Please consider the following items and vote on the motions below. **Return this ballot to Senator Dave Zien, Room 15 South, no later than 1:00pm Tuesday, February 24, 2004.** Committee members' ballots not received by the deadline will be marked as not voting.

### Senate Bill 70

Relating to: notification of the state regarding a medical malpractice claim.

By Senator Risser; cosponsored by Representatives Johnsrud, Berceau, J. Lehman, Boyle and Colon.

Please consider the following motion:

- Moved by Senator Zien that SENATE BILL 70 be recommended for PASSAGE:

Aye  No

### Senate Bill 364

Relating to: appellate procedure.

By Senator Zien, by request of Wisconsin Judicial Council.

Please consider the following motion:



- Moved by Senator Zien that SENATE BILL 364 be recommended for PASSAGE:

Aye       ✓       No                     

**Senate Bill 416**

Relating to: failure to pay for tickets at recreational attractions and providing penalties.

By Senators Welch and Kanavas; cosponsored by Representatives Hines, Musser, Krawczyk, Ladwig, Townsend, Stone, Albers, Bies and Gunderson.

Please consider the following motion:

- Moved by Senator Zien that SENATE BILL 416 be recommended for PASSAGE:

Aye       ✓       No                     

**Assembly Bill 294**

Relating to: using digital recordings of a child's testimony.  
By Representatives Boyle, Bies, Musser, Turner, Berceau, Lassa and Albers; cosponsored by Senator Jauch.

Please consider the following motion:

- Moved by Senator Zien that ASSEMBLY BILL 294 be recommended for CONCURRENCE:

Aye       ✓       No                     

**Assembly Bill 651**

Relating to: parental liability for acts of their minor child, recovery of damages for certain criminal actions, increasing the jurisdictional amount in small claims court, garnishment, attorney fees, exemption from execution of accounts, civil actions by collection agencies, earnings garnishment, retail theft, recovery in actions involving worthless checks, and revocation of fish and game approvals for which payment is made by worthless checks.

By Representatives Montgomery, Olsen, Musser, Hines, LeMahieu, Hahn, Gard, Vrakas, Rhoades, Grothman, Bies, Townsend, McCormick, Hundertmark, Owens, Krawczyk, J. Fitzgerald, Kestell, Suder, Albers, Powers, Gunderson and Gielow; cosponsored by Senators Stepp, Kanavas, Schultz, Lassa, Welch, Breske, Hansen, Roessler and Cowles.

Please consider the following motion:

- Moved by Senator Zien that ASSEMBLY BILL 651 be recommended for CONCURRENCE:

Aye  No

**Berkos, Daniel**

Of Mauston, as a member of the Public Defender Board, to serve for the term ending May 1, 2005.

Please consider the following motion:

- Moved by Senator Zien that the appointment of DANIEL BERKOS be recommended for CONFIRMATION:

Aye  No

**Brennan, James**

Of Milwaukee, as a member of the Public Defender Board, to serve for the term ending May 1, 2004.

Please consider the following motion:

- Moved by Senator Zien that the appointment of JAMES BRENNAN be recommended for CONFIRMATION:

Aye  No

**Hogan, John**

Of Rhinelander, as a member of the Public Defender Board, to serve for the term ending May 1, 2005.

Please consider the following motion:

- Moved by Senator Zien that the appointment of JOHN HOGAN be recommended for CONFIRMATION:

Aye  No

**Miller, Michael R.**

Of West Bend, as a member of the Judicial Commission, to serve for the term ending August 1, 2005.

Please consider the following motion:

- Moved by Senator Zien that the appointment of MICHAEL R. MILLER be recommended for CONFIRMATION:

Aye       ✓       No                     

**Morales, Joe**

Of Racine, as a member of the Public Defender Board, to serve for the term ending May 1, 2006.

Please consider the following motion:

- Moved by Senator Zien that the appointment of JOE MORALES be recommended for CONFIRMATION:

Aye       ✓       No                     

**Neville, Dallas S.**

Of Eau Claire, as a member of the Judicial Commission, to serve for the term ending August 1, 2004.

Please consider the following motion:

- Moved by Senator Zien that the appointment of DALLAS S. NEVILLE be recommended for CONFIRMATION:

Aye       ✓       No                     

**Pepper, Pamela**

Of Shorewood, as a member of the Public Defender Board, to serve for the term ending May 1, 2006.

Please consider the following motion:

- Moved by Senator Zien that the appointment of PAMELA PEPPER be recommended for CONFIRMATION:

Aye       ✓       No

**Thorn, Ellen**

Of West Salem as a member of the Public Defender Board, to serve for the term ending May 1, 2004.

Please consider the following motion:

- Moved by Senator Zien that the appointment of ELLEN THORN be recommended for CONFIRMATION:

Aye       ✓       No                     

**Wettersten, Nancy**

Of Madison, as a member of the Public Defender Board, to serve for the term ending May 1, 2005.

Please consider the following motion:

- Moved by Senator Zien that the appointment of NANCY WETTERSTEN be recommended for CONFIRMATION:

Aye       ✓       No                     

**Xiong, Mai Neng**

Of Wausau, as a member of the Public Defender Board, to serve for the term ending May 1, 2006.

Please consider the following motion:

- Moved by Senator Zien that the appointment of MAI NENG XIONG be recommended for CONFIRMATION:

Aye       ✓       No                     

Signature \_\_\_\_\_



Senator Cathy Stepp