

WISCONSIN STATE  
LEGISLATURE  
COMMITTEE HEARING  
RECORDS

2007-08

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on  
Corrections and  
Courts  
(AC-CC)

(Form Updated: 07/24/2009)

COMMITTEE NOTICES ...

➤ Committee Reports ... CR  
\*\*

➤ Executive Sessions ... ES  
\*\*

➤ Public Hearings ... PH  
\*\*

➤ Record of Comm. Proceedings ... RCP  
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INFORMATION COLLECTED BY COMMITTEE  
FOR AND AGAINST PROPOSAL ...

➤ Appointments ... Appt  
\*\*

Name:

➤ Clearinghouse Rules ... CRule  
\*\*

➤ Hearing Records ... HR (bills and resolutions)  
\*\* **07hr\_ab0058\_AC-CC\_pt01**

➤ Miscellaneous ... Misc  
\*\*

( )





**Nowlan, Andrew**

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**From:** Griffiths, Terri  
**Sent:** Tuesday, February 13, 2007 8:40 AM  
**To:** Nowlan, Andrew  
**Subject:** AB 58

We would like to request a hearing on this bill as soon as possible. Thank you for your consideration. Terri

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**From:** WisconsinLegislature.Notification@legis.state.wi.us [mailto:WisconsinLegislature.Notification@legis.state.wi.us]  
**Sent:** Tuesday, February 13, 2007 5:48 AM  
**To:** Griffiths, Terri  
**Subject:** Notification of Legislative Activity

You requested to be notified of the following legislative activities:

- Proposal: **AB-58 (07-0753)** [View Bill History](#)  
*Relating to: adding a circuit court branch in Juneau County.*
  - AB-58 was introduced by Representative Albers on February 13, 2007
  - AB-58 was referred to committee on Corrections and Courts in the Assembly on February 13, 2007

to change your notifications visit [Wisconsin Legislative Notifications Website](#)



# JUNEAU COUNTY CLERK OF COURT

P.O. Box 246, Mauston, WI 53948

Main Office (608) 847-9356  
Fax (608) 847-9360  
[Louise.Schulz@wicourts.gov](mailto:Louise.Schulz@wicourts.gov)

**Louise Schulz**  
Clerk of Court  
**Laurie Miller**  
Chief Deputy

March 6, 2007

***Honorable Members of the Committee on Corrections and Courts***

***Support of Assembly Bill 58- Adding a Circuit Court Branch in Juneau County***

*My name is Louise Schulz and I have been Clerk of Circuit Court in Juneau County since 1995. When I started this position the per Judge workload was 1.43. In 1999 the workload increased to 1.71 and now in 2006 the workload has increased again to 1.99.*

*The Juneau County Board of Supervisors have continually showed their support by Resolution 99-18 \* Support of an Additional Judgeship in Juneau County (passed 3/16/99), letters of support from the Juneau County Board Chairman, Resolution 99-84\* Authorizing Preparation of Design, Construction and Bidding for a new Justice Center, Resolution 01-04 – Awarding the Bid for the Construction of a new Justice Center and Resolution 06-104 Support of an Additional Judgeship in Juneau County (passed 12/19/06) reaffirming their support.*

*The Justice Center was completed in September 2002 and the Judge, District Attorney, Register in Probate and the Clerk of Circuit Court moved in October 2002 to the second floor. The Sheriff and jail moved into the first floor.*

*We have three courtroom, three Judges offices, three Court Reporter offices and Judicial assistant offices. We have two jury rooms for deliberation. We have the facility to support a second Judge in Juneau county and the financial support from the County Board.*

*In 2001 we were assigned a sitting Judge one day a month and Reserves Judges three days a month. Juneau County also employed a Court Commissioner and a Court Reporter in 1998 to alleviate some of the civil intake issues and handle family cases.*

*Now we have a sitting Judge one day a month and 6 days a month we have reserve Judges assisting the court. When we have our visiting/reserve Judges to assist us their calendars are overwhelming sometimes handling over 100 cases in that day. We try to keep the schedule at 50 -60 cases but it very seldom works out. If there is a small claims court trial scheduled we have issues with the amount of time they have to present their case.*

*There are cases that can preempt our regularly scheduled activities such as speedy trials, contested restraining orders, contested juvenile hearings, guardianship and protective placement, contested mental hearings and emergency custody hearings to name a few. When the regular schedule is interrupted it sets the court back and in order to keep up we sometimes are in court till 6pm to finish the day's schedule.*

*In October 2001 the Sand Ridge Secure Treatment facility opened and added additional burden on the court system in Juneau county.*

*In April 2004 the New Lisbon Correctional Institute, a medium security facility was opened. The process for Prisoner Litigation requires additional time of the Judge to review the petitions and indigency forms for filing. It is up to the Judge to determine if the documents can be filed and how we are to proceed with the prisoners case.*

*These facilities have increased our civil and criminal filings since they have opened. Criminal conduct charges against inmates and security and civil filings against the institute and inmates.*

*We have an interstate through Juneau County which adds to the criminal cases processed through our courts.*

*I am asking for your support in approving a second Judge for Juneau County to insure that the public's legal matters are promptly heard and justice is not delayed.*

*I would respectfully request that a second Judge be approved as soon as possible to help alleviate the congested courts and make for a more practical approach to handling court cases in Juneau County.*

*Thank you for your time and consideration.*

*Sincerely,*

*Louise Schulz  
Juneau County Clerk of Circuit Court  
P O Box 246  
Mauston, Wi 53948*

*Email : [louise.schulz@wicourts.gov](mailto:louise.schulz@wicourts.gov)*





**DALE W. SCHULTZ**  
Wisconsin State Senator



March 8, 2007

Chairman Bies & Members  
Committee on Corrections & Courts

Dear Chairman Bies & Members,

Thank you for your prompt attention to Assembly Bill 58, which will add a second circuit court branch in Juneau County. I regret not being before you to testify in person today. Along with Representative Sheryl Albers, I am attending funeral services of a long time friend.

However, I appreciate this opportunity to express my support for Assembly Bill 58. Passage of this bill will relieve Wisconsin's most congested circuit court - Juneau County. According to a recent analysis of the circuit court system given to Rep. Albers and me by the Legislative Fiscal Bureau, Juneau County's one circuit branch is handling a workload typical of more than two circuit branches. The congestion is due in large part to the casework generated by the opening of the Sand Ridge Secure Treatment Facility in 2001 and the New Lisbon Correctional Institute in 2004. This jeopardizes fair and efficient administration of justice for all those with cases before the Juneau County Circuit Court.

The proposal has the support of local government and county board of supervisors. In fact, Juneau County has been preparing to expand their court system since 1999 and completed construction of a new Justice Center in 2002. The new facility will easily accommodate the space needs of an additional circuit court branch.

Again, thank you for your prompt attention to this matter. **If you have questions or concerns with this bill, I would appreciate the opportunity to talk with you.** Please contact my office and I will be happy to meet with you at your earliest convenience.

With kindest regards,

Dale W. Schultz  
17<sup>th</sup> Senate District





# Supreme Court of Wisconsin

DIRECTOR OF STATE COURTS

P.O. BOX 1688

MADISON, WISCONSIN 53701-1688

Shirley S. Abrahamson  
Chief Justice

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

A. John Voelker  
Director of State Courts

Testimony  
of  
Nancy M. Rottier

Senate Bill 26



Assembly Committee on Corrections and Courts  
Representative Garey Bies, Chair  
March 8, 2007

Chairman Bies and members of the Committee, my name is Nancy M. Rottier, the Legislative Liaison for the Wisconsin Court System. I appear on behalf of the Director of State Courts, A. John Voelker, who could not be present today.

Assembly Bill 58 is substantially the same as 2005 Assembly Bill 705, creating a new judgeship for Juneau County; only the dates of creation of the new judgeship are different. In testimony before this committee last session, Mr. Voelker set out the process used to determine the need for new judgeships. That process remains the same today. We believe it is more appropriate to address judicial needs in one bill that looks at overall statewide need rather than to create judgeships on a county-by-county basis.

The Director of State Courts office recommends the creation of additional circuit court judgeships in Wisconsin counties based upon a demonstrated need for these judgeships as measured by the weighted caseload formula and upon county level support for the creation of additional branches of circuit court.

In arriving at a recommendation, individual county needs are analyzed with regard to the number of judgeships in the county and within the entire judicial administrative district. Additional judgeships are seen as a last resort. Management of judicial resources within a district through case transfers and reassignments aid caseload distribution among counties. Additional judgeships are necessary when internal management solutions are no longer sufficient to meet the demand.

Last year, Mr. Voelker indicated we were in the process of updating our weighted caseload formula. That study was completed and was released on January 23, 2007. I have attached a copy of the study for the committee members; it is also available to the public on the court's website. The study shows a need for 18 additional judgeships in Wisconsin, in light of increasing court caseloads.

While the study provides the objective data to assess the need for new judgeships, no decision has yet been made about where to request new judgeships. The judicial need is being evaluated now, using the formula of the study and using 2006 caseload statistics that have become available late last month.

It is the intention of the Director of State Courts, in consultation with the Committee of Chief Judges, to decide within the next 30 days which counties to include in a proposal to the Legislature. Counties considered for the bill will be those where the workload for each judge is high and where the judicial district shows a critical need overall. In addition, our office will only include counties that have expressed their support and desire for creating an additional judgeship.

Having laid out the process that we would prefer to follow, let me address the needs of Juneau County. Under the previous weighted caseload study, Juneau County ranked number one in the state in terms of judicial need. Under the new weighted caseload study, Juneau County remained number one in need. And, in our latest evaluation using 2006 filing data, it remains the top county in terms of judicial need. While no final decision has been made, I can assure the committee that we are well aware of Juneau County's need and plan to address it as part of an overall judgeship bill.

I would also like to acknowledge and thank Rep. Albers, Sen. Schultz and Juneau County officials for their support for creating a new judgeship. Local support is an essential element that we consider when looking to create new judgeships. Additional expenses for courtrooms, court personnel, and supplies are the responsibility of the county, as outlined in the fiscal estimate to AB 58. We recognize the counties as important partners in the running of the court system.

In summary, while we agree that Juneau County has a real need for an additional judgeship, we believe the more appropriate process is to address judicial needs in one bill that looks at overall statewide need rather than on a county-by-county basis.

I would be happy to answer any questions. Thank you.

Andy

I noticed an error in my written testimony -  
I inadvertently referred to SB 26 in the title instead  
of AB 58.

Attached are corrected copies. Could I get these  
sent around to committee members? Should I instead  
distribute them myself?

Thanks.

Nancy Potter



# Supreme Court of Wisconsin

DIRECTOR OF STATE COURTS

P.O. BOX 1688

MADISON, WISCONSIN 53701-1688

Shirley S. Abrahamson  
Chief Justice

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

A. John Voelker  
Director of State Courts

Testimony  
of  
Nancy M. Rottier

Assembly Bill 58

Assembly Committee on Corrections and Courts  
Representative Garey Bies, Chair  
March 8, 2007

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In summary, while we agree that Juneau County has a real need for an additional judgeship, we believe the more appropriate process is to address judicial needs in one bill that looks at overall statewide need rather than on a county-by-county basis.

I would be happy to answer any questions. Thank you.



# Juneau County Board of Supervisors

Courthouse, 220 East State Street  
Mauston, Wisconsin 53948



Found In  
AB 58  
Folder

RESOLUTION 06-104

DATE: December 19, 2006

## RESOLUTION SUPPORTING THE CREATION OF AN ADDITIONAL CIRCUIT COURT JUDGESHIP FOR JUNEAU COUNTY

Sponsor: Executive Committee

Intent: The County of Juneau's support for the creation of a second judgeship.

Fiscal Impact: \$53,500.00

WHEREAS, Wisconsin Director of State Courts Office Judicial Needs Assessment, 2006, shows a statistical judicial need of one additional judge for Juneau County based upon the case load statistics for calendar year filings ending 2005;

WHEREAS, the 2005 Circuit Court Case Load Study—ranked by workload—had Juneau County number one of all the seventy-two counties; one circuit judge was doing the work of two circuit judges;

WHEREAS, the Juneau County Board of Supervisors finds a public interest mandates the creation of a second judgeship; the county having completed the construction of the Juneau County Justice Center in September 2002, containing three separate courtrooms, two of which are suitable for jury trials, and enough office space for three judges, three judicial assistants, and three courtroom reporters;

WHEREAS, the current volume of cases has led to delays in the processing and handling of cases and exceeds the reasonable capacity of the single Judge in Juneau County to handle the plethora of cases;

WHEREAS, the sole Judge for Juneau County is responsible for processing all cases generated from Sand Ridge Secure Treatment Center, whose address is 1111 North Road, Mauston, WI 53948, and the New Lisbon Correctional Institution, whose address is 2000 Progress Road, New Lisbon, WI 53950;

WHEREAS, the creation of a second judgeship will reduce the need for reserve judges and presiding judges from other counties to alleviate the bludgeoning case load, thereby reducing costs and increasing the speed of administration of justice in the Juneau County;

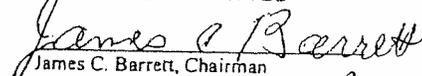
WHEREAS, the creation of a second judgeship depends upon legislative action to create the position and provide for its funding, and the process of a second judgeship commences with an resolution of support from the Juneau County Board of Supervisors;

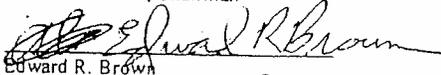
NOW, THEREFORE, BE IT RESOLVED by the Juneau County Board of Supervisors that Juneau County does hereby support the creation of a second judgeship for Juneau County and requests, the State of Wisconsin provide that judgeship as soon as reasonable practicable.

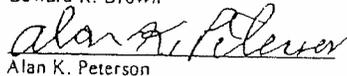
AND BE IT FURTHER RESOLVED that the Juneau County Board of Supervisors is aware that the additional judgeship will require Juneau County to expend additional funds for furniture, supplies and equipment, and for the salaries and benefits of an additional judicial assistant for the additional judge in the amount of \$53,500.

AND BE IT FURTHER RESOLVED that the Juneau County Clerk is hereby authorized and directed to transmit a certified copy of this Resolution to the Governor of the State of Wisconsin, to the Wisconsin Director of State Courts, and to all Wisconsin State Legislators with any constituency located within Juneau County.

### EXECUTIVE COMMITTEE

  
James C. Barrett, Chairman

  
Edward R. Brown

  
Alan K. Peterson

Adopted by the County Board of Supervisors this 19<sup>th</sup> day of December, 2006.

  
County Clerk, Kathleen Kobylski

## 2004 Weighted Caseload

Rank	BY COUNTY	Judges 8/1/04	2004 Judge Need	Per Judge Workload
1	Juneau	1	2.22	2.22
2	Green	1	1.85	1.85
3	Burnett	1	1.62	1.62
4	Calumet	1	1.61	1.61
5	Rock	7	11.21	1.60
6	Chippewa	2	3.20	1.60
7	Kenosha	7	10.71	1.53
8	Sawyer	1	1.51	1.51
9	Winnebago	6	8.83	1.47
10	Clark	1	1.46	1.46
11	Pierce	1	1.46	1.46
12	Waushara	1	1.45	1.45
13	Monroe	2	2.87	1.44
14	St. Croix	3	4.27	1.42
15	Douglas	2	2.84	1.42
16	Dodge	3	4.20	1.40
17	Sauk	3	4.18	1.39
18	Sheboygan	5	6.91	1.38
19	Trempealeau	1	1.38	1.38
20	Marathon	5	6.87	1.37
21	Brown	8	10.96	1.37
22	Jackson	1	1.35	1.35
23	Eau Claire	5	6.73	1.35
24	Adams	1	1.34	1.34
25	Manitowoc	3	4.00	1.33
26	Wood	3	3.87	1.29
27	Dunn	2	2.57	1.29
28	Barron	2	2.55	1.28
29	Shawano/Menominee	2	2.54	1.27
30	Dane	17	21.39	1.26
31	Racine	10	12.49	1.25
32	Green Lake	1	1.23	1.23
33	Iowa	1	1.23	1.23
34	Outagamie	7	8.57	1.22
35	Columbia	3	3.60	1.20
36	Vilas	1	1.20	1.20
37	Waukesha	12	14.31	1.19
38	Walworth	4	4.69	1.17
39	La Crosse	5	5.85	1.17
40	Langlade	1	1.16	1.16
41	Washburn	1	1.11	1.11
42	Milwaukee	47	52.10	1.11
43	Washington	4	4.43	1.11
44	Polk	2	2.20	1.10
45	Fond du Lac	5	5.41	1.08
46	Ozaukee	3	3.24	1.08
47	Oneida	2	2.15	1.08
48	Vernon	1	1.07	1.07
49	Richland	1	1.05	1.05
50	Jefferson	4	4.17	1.04

## 2004 Weighted Caseload

51	Florence/Forest	1	1.04	1.04
52	Grant	2	2.04	1.02
53	Marinette	2	1.92	0.96
54	Marquette	1	0.93	0.93
55	Ashland	1	0.92	0.92
56	Buffalo/Pepin	1	0.92	0.92
57	Bayfield	1	0.85	0.85
58	Taylor	1	0.85	0.85
59	Waupaca	3	2.54	0.85
60	Lincoln	2	1.67	0.84
61	Rusk	1	0.82	0.82
62	Price	1	0.79	0.79
63	Oconto	2	1.51	0.76
64	Door	2	1.41	0.71
65	Kewaunee	1	0.69	0.69
66	Lafayette	1	0.69	0.69
67	Crawford	1	0.61	0.61
68	Iron	1	0.36	0.36
69	Portage	3		0.00
	<b>STATE TOTAL</b>	<b>241</b>	<b>289.77</b>	

## 2005 Weighted Caseload

Rank	BY COUNTY	Judges 8/1/05	2005 Judge Need	Per Judge Workload
1	Juneau	1	2.04	2.04
2	Green	1	1.75	1.75
3	Chippewa	2	3.43	1.72
4	Monroe	2	3.20	1.60
5	Clark	1	1.59	1.59
6	Rock	7	11.09	1.58
7	Calumet	1	1.53	1.53
8	Kenosha	7	10.64	1.52
9	Pierce	1	1.49	1.49
10	Winnebago	6	8.87	1.48
11	Burnett	1	1.46	1.46
12	Trempealeau	1	1.45	1.45
13	St. Croix	3	4.33	1.44
14	Sawyer	1	1.44	1.44
15	Brown	8	11.49	1.44
16	Dunn	2	2.87	1.44
17	Adams	1	1.43	1.43
18	Jackson	1	1.43	1.43
19	Eau Claire	5	7.08	1.42
20	Douglas	2	2.83	1.42
21	Barron	2	2.79	1.40
22	Sauk	3	4.17	1.39
23	Dodge	3	4.14	1.38
24	Sheboygan	5	6.87	1.37
25	Wood	3	4.07	1.36
26	Marathon	5	6.76	1.35
27	Langlade	1	1.33	1.33
28	Green Lake	1	1.30	1.30
29	Waushara	1	1.30	1.30
30	Racine	10	12.83	1.28
31	Manitowoc	3	3.80	1.27
32	Walworth	4	5.05	1.26
33	Shawano/Menominee	2	2.51	1.26
34	La Crosse	5	6.24	1.25
35	Dane	17	21.09	1.24
36	Iowa	1	1.24	1.24
37	Outagamie	7	8.42	1.20
38	Washington	4	4.81	1.20
39	Polk	2	2.35	1.18
40	Columbia	3	3.44	1.15
41	Waukesha	12	13.61	1.13
42	Vilas	1	1.13	1.13
43	Oneida	2	2.19	1.10
44	Milwaukee	47	50.75	1.08
45	Florence/Forest	1	1.07	1.07
46	Ozaukee	3	3.21	1.07
47	Ashland	1	1.06	1.06
48	Grant	2	2.07	1.04
49	Jefferson	4	4.04	1.01
50	Washburn	1	1.01	1.01

## 2005 Weighted Caseload

51	Fond du Lac	5	5.04	1.01
52	Marinette	2	1.94	0.97
53	Buffalo/Pepin	1	0.96	0.96
54	Marquette	1	0.95	0.95
55	Richland	1	0.93	0.93
56	Waupaca	3	2.72	0.91
57	Kewaunee	1	0.90	0.90
58	Bayfield	1	0.86	0.86
59	Lincoln	2	1.68	0.84
60	Rusk	1	0.84	0.84
61	Vernon	1	0.84	0.84
62	Taylor	1	0.81	0.81
63	Lafayette	1	0.76	0.76
64	Price	1	0.76	0.76
65	Oconto	2	1.48	0.74
66	Door	2	1.41	0.71
67	Crawford	1	0.65	0.65
68	Iron	1	0.39	0.39
69	Portage	3		0.00
	<b>STATE TOTAL</b>	<b>241</b>	<b>290.01</b>	





# COUNTY OF KENOSHA

# COUNTY CLERK

Edna R. Highland

1010 - 56th Street  
Kenosha WI 53140  
(262) 653-2552  
Fax: (262) 653-2564

Found In  
AB 58  
Folder

STATE OF WISCONSIN  
KENOSHA COUNTY

I, Edna R. Highland, am duly elected, qualified and Clerk of the County of Kenosha. I hereby certify that the attached hereto is a true and correct copy of Resolution 96 as adopted by the Kenosha County Board of Supervisors at its meeting held on the 27<sup>th</sup> day of February, 2007.

IN WITNESS WHEREOF, I have executed this certificate in my official capacity this 28<sup>th</sup> day of February, 2007.

Edna R. Highland - County Clerk

(seal)

# County of Kenosha

## Board of Supervisors

### Resolution No. 96

Subject: A RESOLUTION IN SUPPORT OF ADDING A CIRCUIT COURT JUDGE FOR KENOSHA COUNTY			
Original <input checked="" type="checkbox"/>	Corrected <input type="checkbox"/>	2 <sup>nd</sup> Correction <input type="checkbox"/>	Resubmitted <input type="checkbox"/>
Date Submitted : February __, 2007		Date resubmitted:	
Submitted by: Judiciary & Law, Legislative and Finance Committees			
Fiscal Note Attached: <input type="checkbox"/>		Legal Note Attached: <input type="checkbox"/>	
Prepared By: Bernard R. Vash, 1st Assistant Corporation Counsel			

WHEREAS, the people of Kenosha County deserve an efficient and adequately staffed judiciary to promptly and efficiently provide justice in the best interest of the community; and

WHEREAS, a national study has shown that there is a growing and pressing need to increase the number of circuit court judges in Kenosha County in order to fairly and orderly handle the number of cases currently entering the court system; and

WHEREAS, according to the 2006 Judicial Needs Study conducted by the National Center for State Courts, Kenosha has one of the highest needs for increased judiciary within the entire State of Wisconsin, with a current need for two additional circuit court judges; and that current population growth trends suggest that this need will likely continue to increase; and

WHEREAS, the official study confirms local and regional awareness that, despite hard working judges in Kenosha County, the rising caseload increases the risk that delayed and inefficient justice will be delivered to the people of Kenosha County; and

WHEREAS, the number of felony cases filed in Kenosha County has doubled in total since 1994, when Kenosha County last added a branch of court; and

WHEREAS, in April, 1999, the Kenosha County Board of Supervisors unanimously endorsed the creation of an additional branch of the circuit court in this county, which was not then provided by the State Legislature; and that the need has since grown more pressing;

**NOW THEREFORE BE IT RESOLVED**, That the Kenosha County Board of Supervisors hereby recommends to the State Director of Courts to request an additional branch of circuit court for Kenosha County, and that the Wisconsin Legislature approve such request and create such an additional branch of circuit court for the people of this County.

**BE IT FURTHER I SOLVED,** That the County Clerk is hereby directed to send a certified copy of this resolution to the Director of State Courts and the State of Wisconsin Legislature.

Submitted by:

Judiciary & Law Committee:

	Aye	No	Abstain	Excused
<u>William P. Michel II</u> William Michel	X	—	—	—

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Ruth Booth	—	—	—	—

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David Arrington	—	—	—	—

<u>Joseph D. Clark</u> Joseph D. Clark	+	—	—	—
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<u>Bob Haas</u> Bob Haas	X	—	—	—
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Finance Committee:

	Aye	No	Abstain	Excused
<u>Excused</u> Robert Carbone	—	—	—	—

<u>Mark Wisniewski</u> Mark Wisniewski	X	—	—	—
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<u>Anita Faraone</u> Anita Faraone	X	—	—	—
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<u>Joseph D. Clark</u> Joseph D. Clark	+	—	—	—
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<u>John O'Day</u> John O'Day	0	—	—	—
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Legislative Committee:

	Aye	No	Abstain	Excused
<u>James Huff</u> James Huff	X	—	—	—

<u>James Moore</u> James Moore	—	—	—	—
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<u>Ron Johnson</u> Ron Johnson	X	—	—	—
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<u>Gordon West</u> Gordon West	X	—	—	—
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Jennifer Jackson	—	—	—	—