

March 5, 2014

To: Members of the Senate Committee on Judiciary and Labor
From: Senator Glenn Grothman
Re: Senate Bill 631

This legislation was brought to me by one of my constituents, Ozaukee County District Attorney Adam Gerol. He alerted me that many district attorneys would like to hire former district attorneys to fill their assistant district attorney positions, but the former district attorneys are not able to be compensated for their years of service. There are other district attorneys that are supportive of this legislation and I have included their emails with my testimony.

Under current law, a former district attorney would be appointed at the minimum of the pay range for assistant district attorneys, regardless of how many years they served as a district attorney. This legislation will allow a former district attorney to receive credit for their service if they are appointed as an assistant district attorney within five years of separating from their district attorney position.

This bill will allow district attorneys to fill their assistant district attorney positions with experienced and qualified individuals. This will also allow former district attorneys the ability to continue to serve the state.

Please join me in supporting this commonsense legislation that will benefit district attorneys throughout the state trying to recruit new assistant district attorneys.

VerVelde, Rachel

From: Fox, Gerald <Gerald.Fox@da.wi.gov>
Sent: Tuesday, March 04, 2014 10:30 AM
To: Sen.Grothman
Cc: Gerol, Adam Y - DAIT
Subject: Support for SB631

Dear Senator Grothman: I am writing to you at the invitation of District Attorney Adam Gerol, who has been a powerful voice for elected DAs across the state. I understand that there will be a hearing tomorrow on SB 631, but I cannot attend, owing to my duties here in Jackson County. Please accept my personal thanks for sponsoring SB631, the bill to award credit for entry pay calculation to former elected DAs. I respectfully urge you and your colleagues to forward this bill to the Governor. As one who currently serves as an elected district attorney, I can attest to the investment the taxpayers have made, and will make in the future, in my expertise and experience, which would be extremely marketable in the private sector were I to be removed from office in a contested election.

I could make much more as a criminal defense attorney in private practice. In fact, one of my worthy opponents (a former elected DA himself), likes to remind me that he pays more in alimony than I make in salary, and because I know his ex-wife, I know that he is not exaggerating. Nevertheless, I choose to devote my public life to defending the peace and safety of this community, and would probably choose to continue that service as an Assistant District Attorney, if I could be assured of having my current service recognized in the pay progression system the legislature so wisely enacted recently. This bill would ensure that if I chose to leave this post (or was shown the door by the electorate, as is their right) I could accept an ADA position that, while not equating to my current pay, would at least recognize my value as a seasoned prosecutor, in common with ADAs of the same length of service.

Thanks for listening, and for all you do to keep Wisconsin moving forward. g

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VerVelde, Rachel

From: Bonnett, Tania <Tania.Bonnett@da.wi.gov>
Sent: Tuesday, March 04, 2014 11:13 AM
To: Sen.Grothman
Cc: Gerol, Adam Y - DAIT
Subject: Support for SB 631

Senator Grothman,

I write in support of SB 631, which is set for a public hearing tomorrow. I believe the bill will benefit the State of Wisconsin by allowing experienced, formerly elected DAs to re-enter the prosecutorial profession as ADAs with salary credit for their experience. Many experienced elected DAs who lose their election are valuable prosecutors. With the severe retention problem facing our profession, attracting and keeping those with experience and expertise is essential to good prosecution and public safety. Allowing those subject to this bill to re-enter with salary credit will benefit the profession and therefore the citizens of Wisconsin.

As another example how this bill would serve us well, my only ADA position in Adams County is 20% (or 1 day per week). It is nearly impossible to attract candidates to such a limited, part-time position, but having at least one day's help is essential to my severely understaffed office (Adams County is close to the top of the list for worst workload to staffing ratio). I am fortunate that retired DA Mark Thibodeau has filled the position in his retirement. When he retired, he was the longest serving Wisconsin DA with 33 years of experience. He is currently making the base ADA salary, which does not recognize the professional experience and expertise he brings to my office and the people of Adams County.

Thank you for considering my support of this bill.

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VerVelde, Rachel

From: Parker, Gregory <Gregory.Parker@da.wi.gov>
Sent: Tuesday, March 04, 2014 11:53 AM
To: Sen.Grothman; Sen.Cowles
Subject: SB 631 DA Bill

Dear Senator Grothman and Senator Cowles:

It is my understanding that SB 631 is going to be addressed at a public hearing tomorrow. My duties in Menominee and Shawano County DA Office do not allow me to take the time to appear before the hearing. I am in support of this bill.

That being said, I believe that Senator Grothman's bill would benefit the prosecution program because it would greatly preserve institutional knowledge within our criminal justice system.

It is my understanding that this Bill would allow a former elected DA to be hired in another county, but give that DA salary credit for his or her prior years of service. While this provision would not allow the DA's salary to carry over, it would change the current dynamic where that DA would have to start at the ADA minimum. The DA's salary would slot at equivalent of a current ADA with the same years of cumulative experience.

Assistant District Attorneys may choose to run for DA because they know their offices, their counties, and would like an opportunity to make improvements. However, any ADA who does so knows they are taking a huge risk -- the prospect of being 'fired' by the public sometime down the road. Under the current scheme, if that were to happen, the State would be denied the benefit of all the experience that now unemployed DA had. There would be little incentive for that person to return to another DA office at the minimum salary. While the State may have invested years of training that prosecutor, it would be denied the benefit of that investment from then on.

A District Attorney must at times make unpopular decisions while in office. As DAs our ethics should be strong enough to do what is right, even where the decisions we might make could be politically unpopular. I think the potential of returning to employment as an ADA at some point down the line would actually help elected DAs make unpopular but correct decisions when it is deemed necessary. It is my understanding that SB631 does not give a DA any employment 'right' to any vacant position, merely a meaningful opportunity to continue their careers in prosecution if another DA would be willing to hire them.

Thank you for your time and consideration in this matter. Have a good day.

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