



## *Testimony before the Senate Committee on Judiciary and Public Safety*

Senator André Jacque

April 1, 2025

Chairman Wanggaard and Colleagues:

Thank you for the opportunity to testify in support of Senate Bill 80. The specialized, problem-solving court approach has been rapidly growing throughout the justice system. The most common types of problem-solving courts are drug treatment court and OWI courts, but a wide range of other specialty courts, such as mental health, juvenile, domestic violence, and veteran's courts also address underlying issues related to a participant's criminal behavior. Problem-solving courts work across multiple disciplines and institutions to use interventions that treat offenders while also holding them accountable for their criminal actions.

This proposal provides statutory authority for two types of specialty courts that have been operating in Wisconsin for years with no authorization by state rule or statutory authority: treatment courts and business courts.

Substance addiction treatment courts enable non-violent offenders to voluntarily participate and receive drug treatment services instead of a jail or prison sentence. The intent is to reduce recidivism, increase public safety, and relieve pressure on the court system by focusing our criminal justice resources on violent offenders who pose the greatest risk and must be removed from our communities. Many problem-solving court programs in Wisconsin receive funding through the Treatment Alternatives and Diversion (TAD) grant program, administered by the Wisconsin Department of Justice. Programs are typically overseen at the county level by a local Criminal Justice Coordinating Council.

Similarly, the bill also provides for the statutory establishment of commercial courts. In 2017, the Wisconsin Supreme Court approved a pilot project authorizing dedicated circuit court judicial dockets for large-claim commercial cases and have reauthorized and expanded it twice since in 2020 and 2022. Wisconsin joined a growing number of states - today numbering about 30, including every one of our bordering states- that have established a specialized commercial court to promote consistency and efficiency in the court system for these types of cases. This pilot project operates in several regions of the state and offers streamlined procedures for legal disputes between business litigants to get results economically and more expeditiously than generally occurs. The initiative was further expanded by allowing parties throughout Wisconsin to use it by jointly petitioning to have their case heard on the commercial docket.

Despite an initial lack of recognition by the bar that the commercial docket was a mandatory docket, usage has grown substantially and approximately 90% of the lawyers who have tried cases before the business court have expressed a high degree of satisfaction in the promptness of resolution of business cases, the fairness of the results and the competence of the judges. Wisconsin's commercial courts have improved the quality and predictability of justice in connection with business disputes and made Wisconsin a more desirable forum for resolving business disputes. Thanks to the support of the Wisconsin judiciary and Supreme Court, these specialized courts have achieved their objectives and performed beyond expectations, and have earned a stability greater than that which can be granted by Supreme Court rule.

Legislative action to recognize these specialty courts within state statute will put in place a permanent system for more effective treatment of underlying issues impacting the criminal justice system, reduce recidivism, and aid the efficient resolution of commercial disputes and help provide more certainty for our economy.

This proposal has no fiscal impact; these specialized courts can operate with existing resources.

Thank you for your consideration of Senate Bill 80. I'm happy to answer any questions.



---

# RON TUSLER

---

STATE REPRESENTATIVE • 3<sup>rd</sup> ASSEMBLY DISTRICT

April 1, 2025

## **Testimony in Support of Senate Bill 80 Senate Committee on Judiciary & Public Safety**

Thank you, Chairman Wanggaard and members of the Senate Committee on Judiciary & Public Safety, for the opportunity to provide testimony on Senate Bill 80, which would recognize specialized treatment and commercial court dockets in state statute.

As many of you know, our state courts are experiencing a growing backlog, delaying justice for victims and plaintiffs. If unaddressed, this problem will continue to burden the system. There's no single fix—it will take multiple approaches—but the goal must be to make our judicial process more efficient and effective so it can focus on removing violent individuals from our communities.

Senate Bill 80 offers a solution. Recognizing specialized treatment courts allows resources to be focused on locking up violent offenders while addressing the root causes behind non-violent crimes. For example, substance addiction courts give non-violent offenders the option to receive treatment rather than serve time. Common problem-solving courts include drug treatment and OWI courts, but others—such as mental health, juvenile, domestic violence, and veterans' courts—also address underlying issues. These courts aim to reduce recidivism, increase public safety, and ease pressure on the broader court system. Many are supported by the Treatment Alternatives and Diversion (TAD) grant program and are managed locally by Criminal Justice Coordinating Councils.

The bill also formally recognizes commercial courts. In 2017, the Wisconsin Supreme Court launched a pilot program to dedicate judicial dockets for large-claim commercial cases, reauthorizing and expanding it in 2020 and 2022. That authorization expired on July 30, 2024, ending the program.

Business litigation can take years, especially when both sides have the means to drag out the process. According to a 2019 Wisconsin Supreme Court study<sup>1</sup>, commercial cases outside the docket take an average of three years to close. A dedicated docket would streamline these cases, saving judicial time and resources. Further, judges can opt in presumably based on their background or interest in business law, leading to more efficient and effective case handling.

A 2019 progress report<sup>1</sup> on the pilot program found that attorneys appreciated the faster pace: “expedited scheduling helps set the tone to resolve disputes quickly, which is mutually beneficial to all of the parties.” It also noted, “Additional survey results are still being collected, but initial results show that attorneys are pleased with the process due to cases being resolved in an expeditious manner.” The program succeeded in its goals—87% of cases were resolved within 18 months, and judges reported that “allocating time for commercial cases has not had a negative impact on their other cases.”

---

<sup>1</sup> <https://www.wicourts.gov/supreme/docs/1605acdppreport.pdf>



---

# RON TUSLER

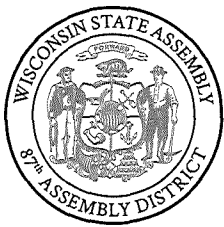
---

STATE REPRESENTATIVE • 3<sup>rd</sup> ASSEMBLY DISTRICT

The bill excludes personal injury, malpractice, landlord-tenant, and similar disputes. However, parties may jointly request a case be assigned to the commercial docket if it meets certain criteria. Additionally, participation is voluntary for each administrative circuit district, so no district is forced to be a part of this program. Finally, this proposal has no fiscal impact and can be implemented using existing resources.

Senate Bill 80 aims to add tools that courts can use to effectively and efficiently manage the growing backlog of cases—allowing our courts to focus on violent criminals, the root causes of crime, reducing recidivism, and efficiency in resolving lengthy commercial disputes. It is time Wisconsin follow the 30 other states, including every one of our bordering states, in adopting this innovative judicial model.

Thank you for your time and consideration of Senate Bill 80. I respectfully ask for your support in recommending this legislation for passage.



WISCONSIN STATE REPRESENTATIVE

# Brent Jacobson

87TH ASSEMBLY DISTRICT

## Testimony in Support of Senate Bill 80

Senate Committee on Judiciary and Public Safety

April 1<sup>st</sup> 2025

Good afternoon, Chairman Wanggaard and members of the Committee on Judiciary and Public Safety. As the second author on the Assembly companion to SB 80, I am here today to testify in favor of this bill, which would recognize specialized treatment courts in statute.

When I speak with officials in Wisconsin's criminal justice system, one of the most common things I hear is concern over the growing backlog in our courts. This backlog has had multiple negative effects, contributing to burnout among our state defenders and prosecutors, delaying justice, and increasing the costs taxpayers must bear. By recognizing two types of specialty courts, SB 80 would help improve efficiency and focus resources where they will be most effective.

The first type of specialty court recognized by this bill are Substance Addiction Treatment Courts. By giving non-violent offenders the opportunity to go through a separate court focused on substance abuse treatment, our criminal justice system is able to focus its efforts on putting violent criminals behind bars and delivering justice to victims.

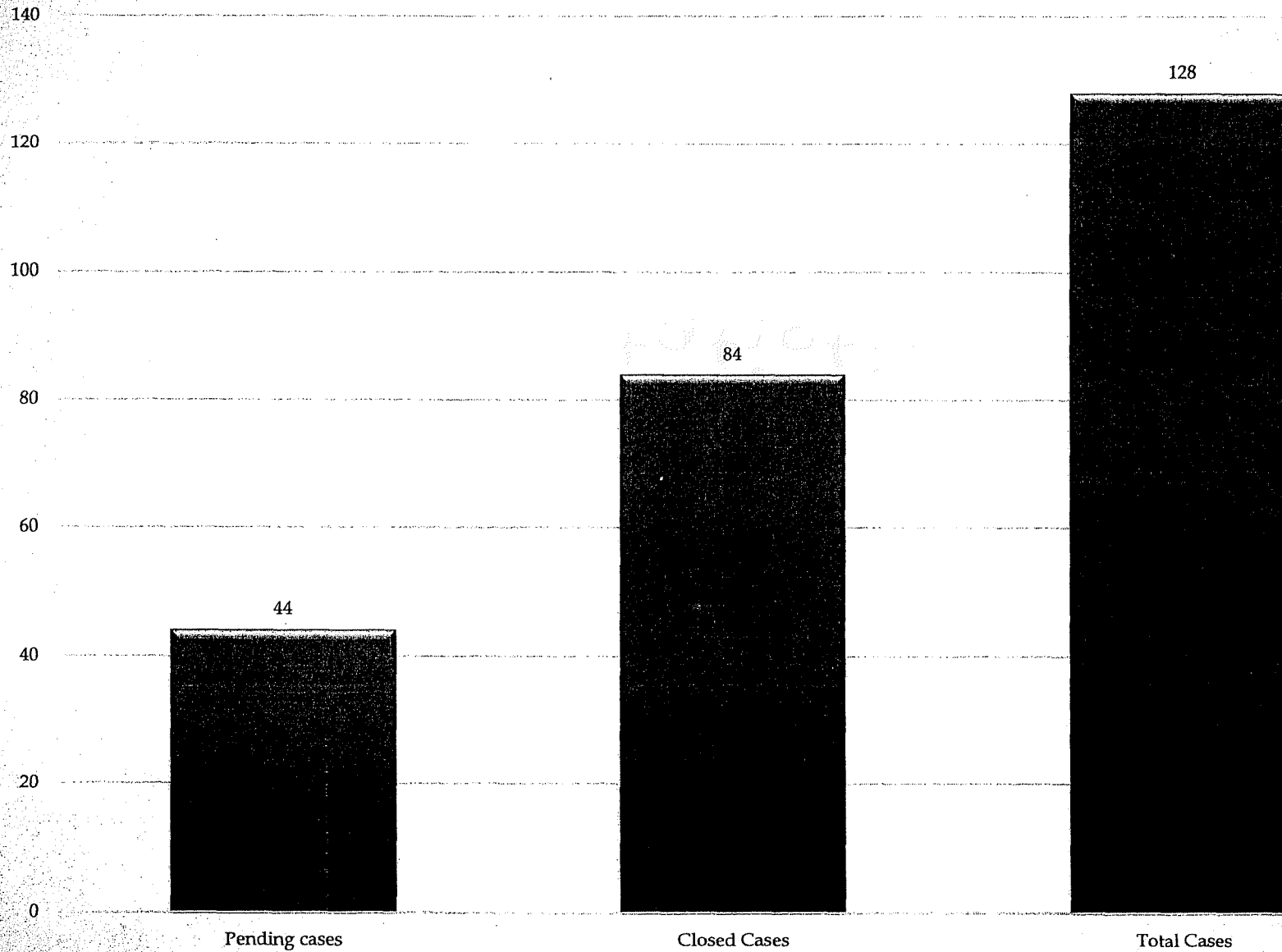
Additionally, SB 80 creates a specialized docket for commercial cases. In my practice as an attorney, I have witnessed firsthand how business disputes can drag out, clogging our courts and drawing judicial resources away from other pressing areas. The specialized commercial courts established by this bill are modelled on a pilot program established in 2017, which expired at the end of July, 2024. This pilot program was resoundingly successful; according to a 2019 progress report, 87% of the cases brought to these courts were resolved within 18 months, and 82% were resolved in less than a year. In contrast, a 2019 Wisconsin Supreme Court study found that commercial cases outside the dedicated docket took 3 years to reach a resolution.

30 other states already have specialized commercial courts, including all of our neighbors. Participation in the commercial courts established by this bill would be entirely voluntary, and can be implemented with no fiscal impact. By codifying these specialty courts, we would ensure that our court has another tool to improve efficiency and reduce our backlog.

Thank you for hearing my testimony on this legislation. At this time, I would be happy to answer any questions.

# Statistics

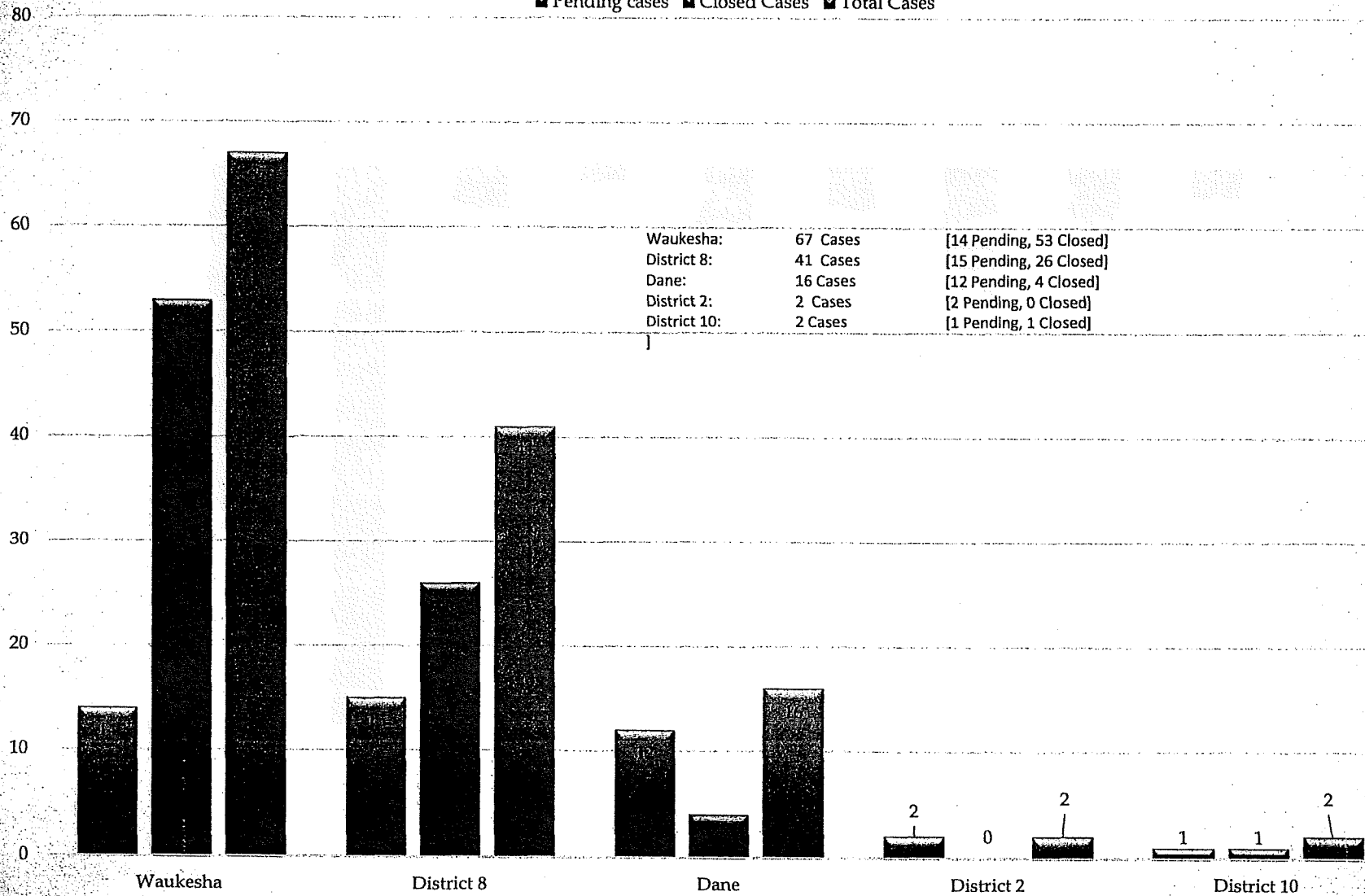
## Commercial Court Docket



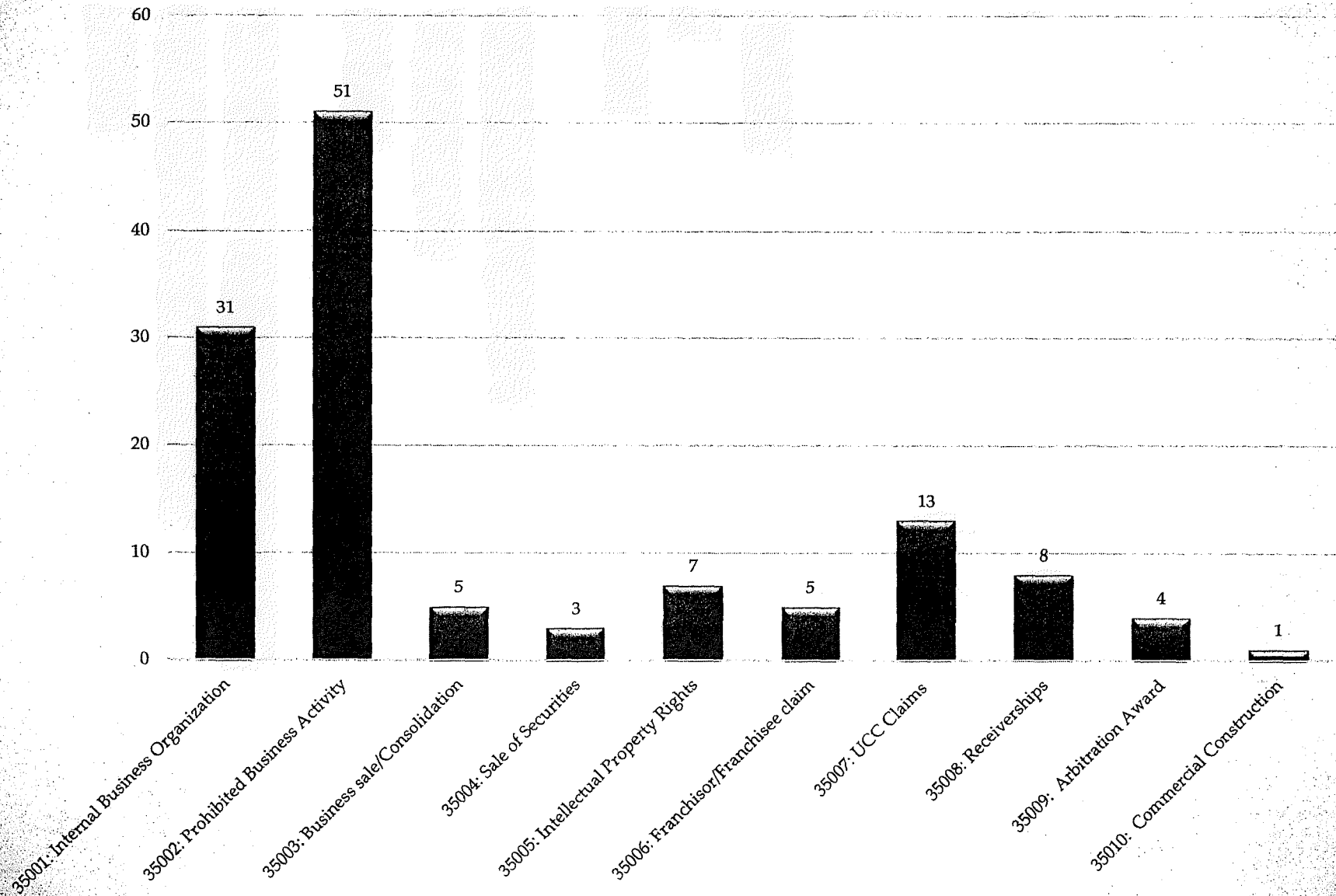


## CDPP Cases

■ Pending cases ■ Closed Cases ■ Total Cases

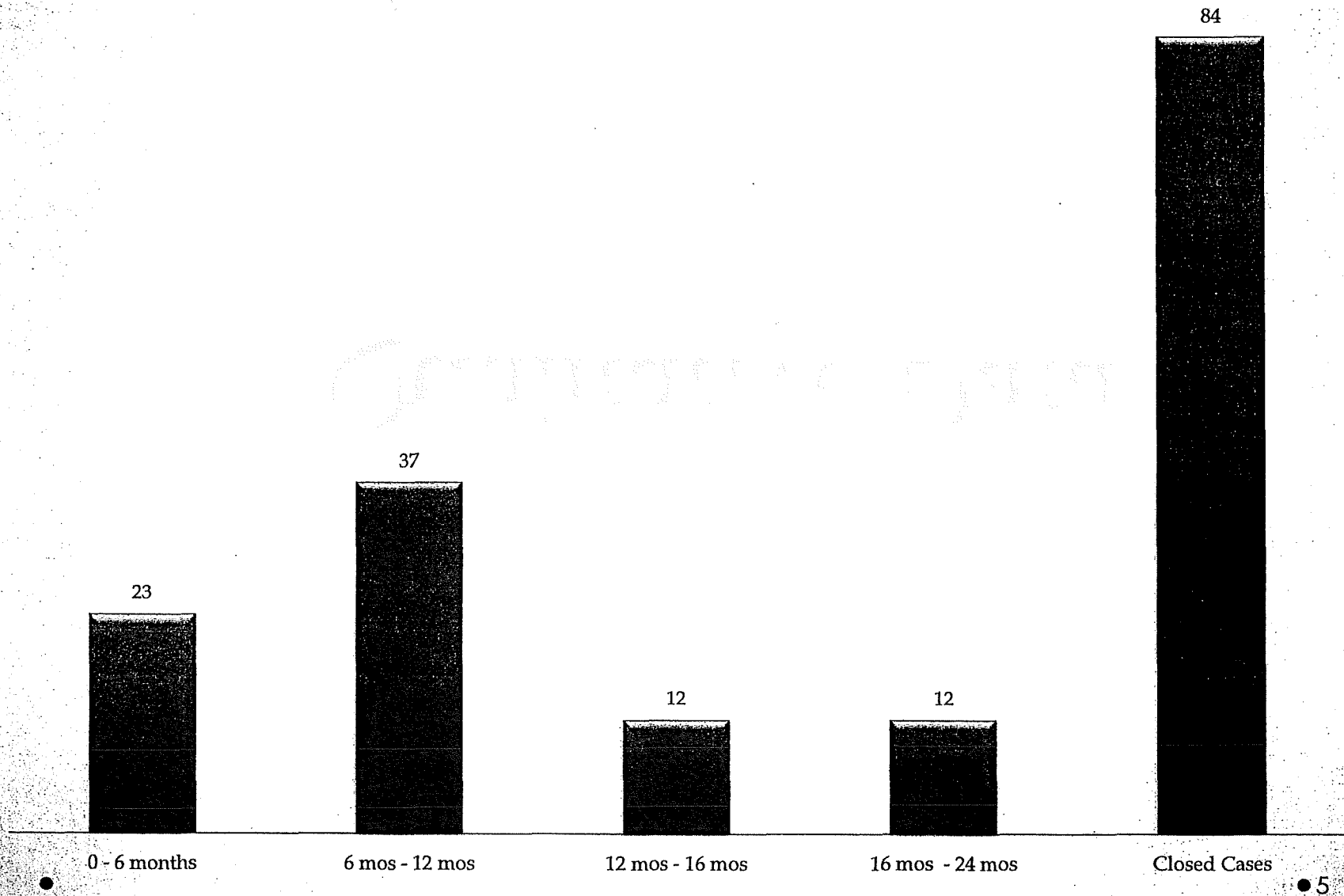


## Commercial Docket Class Codes





## CDPP: Time to Disposition



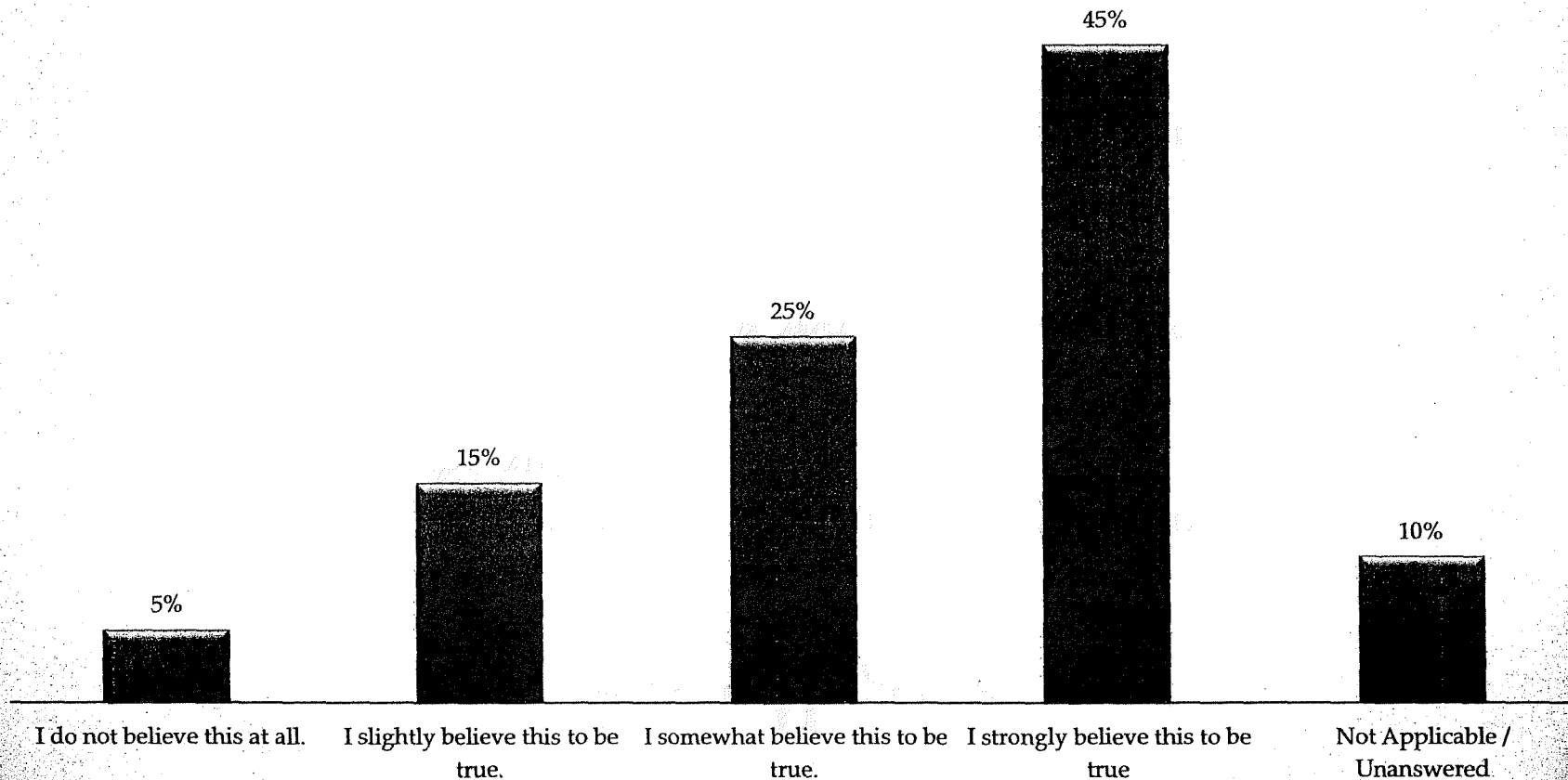
# Qualitative Data

# Feedback

- Feedback from survey results are similar with the anecdotal experiences of the judges
- Appreciative of the knowledge and prompt attention of the commercial docket judges
- Appreciative of judges' understanding of the importance of scheduling, hearing temporary injunction hearings, regular status conferences to keep the cases on track.

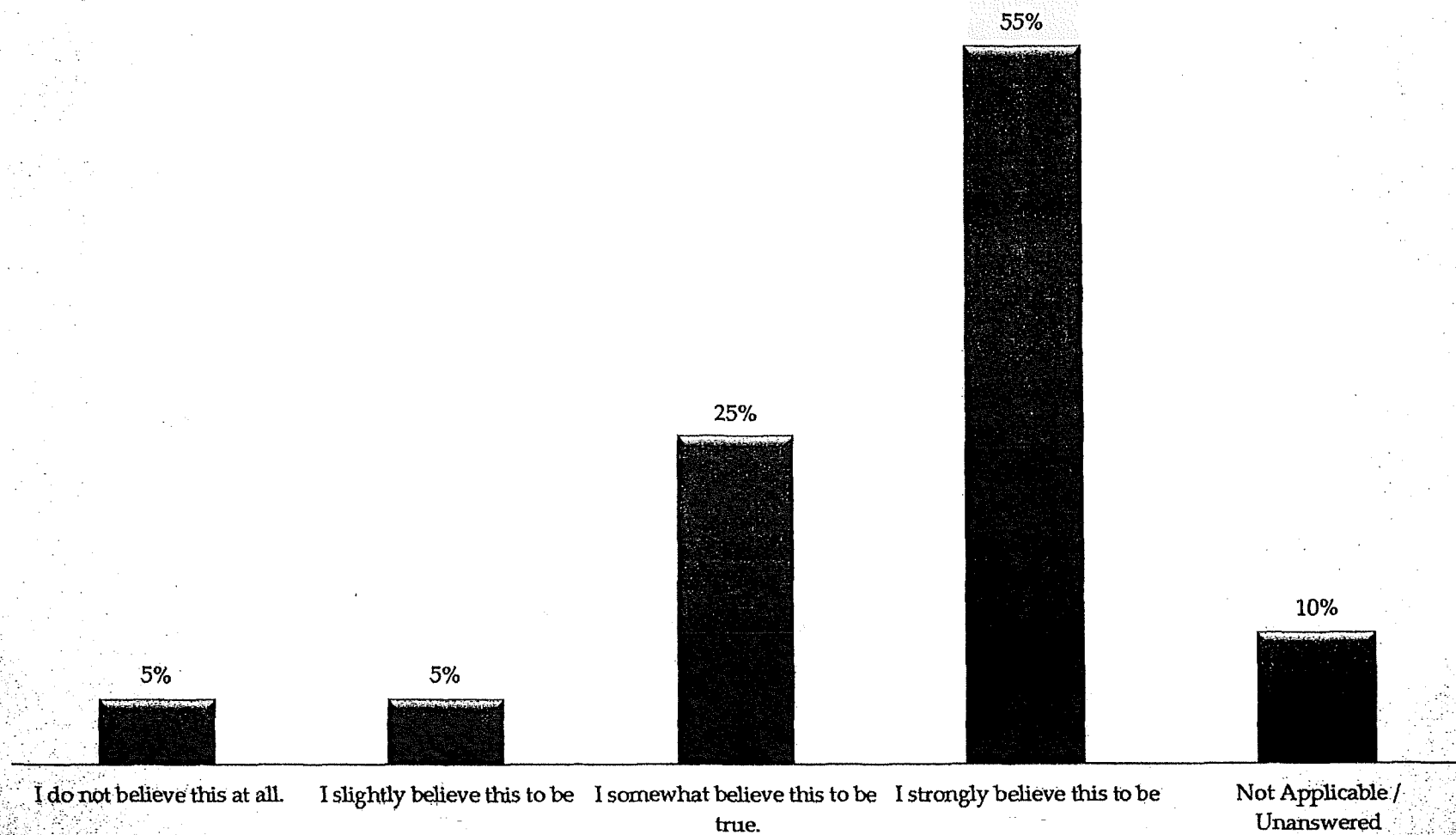
# Q1. Providing a judge with experience in managing complex business litigation cases.

I believe the commercial court docket demonstrated this feature more effectively than the traditional circuit court docket.



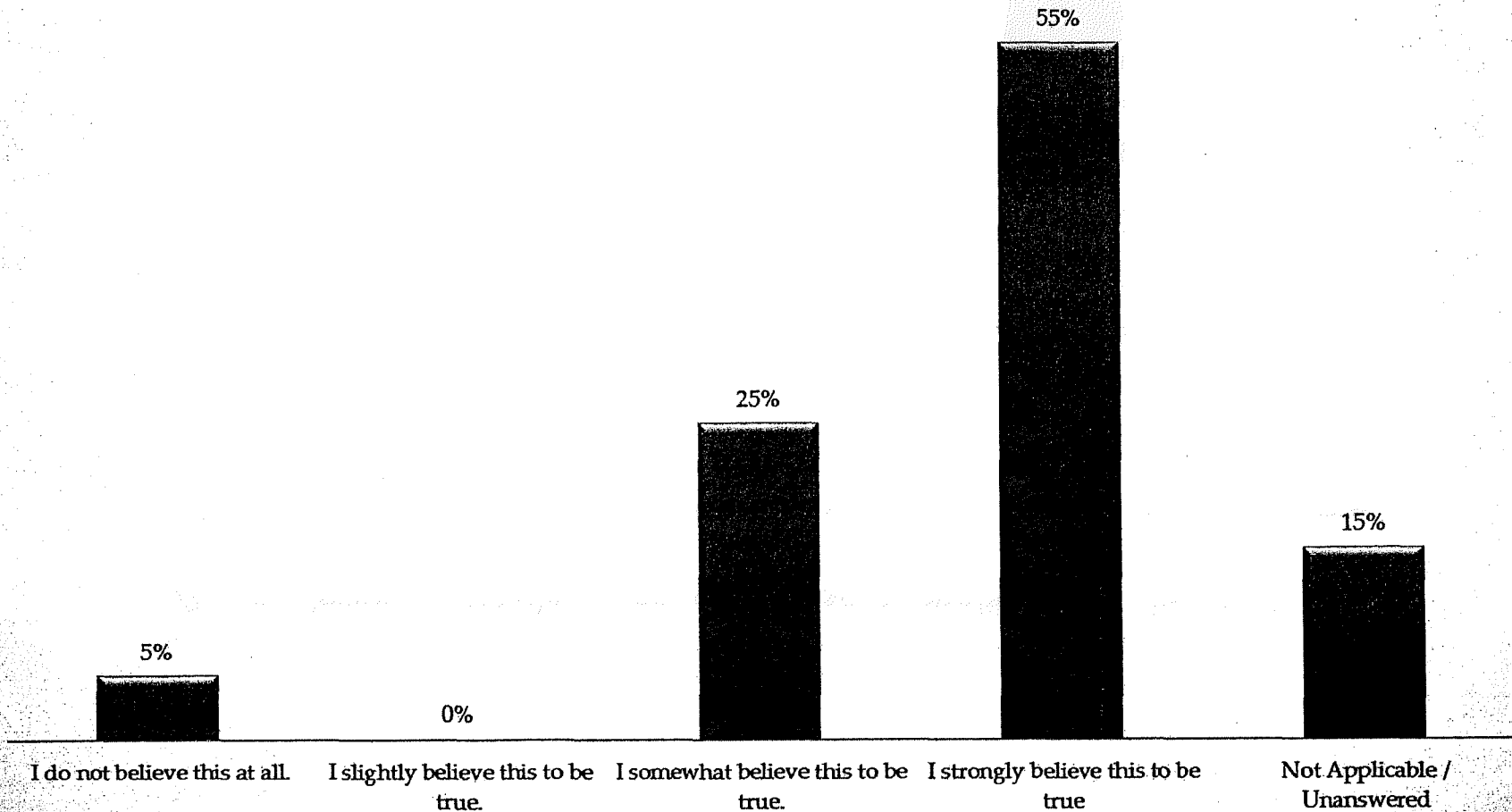
## Q2. Developing a detailed case management timeline with the court.

I believe the commercial court docket demonstrated this feature more effectively than the traditional circuit court docket.



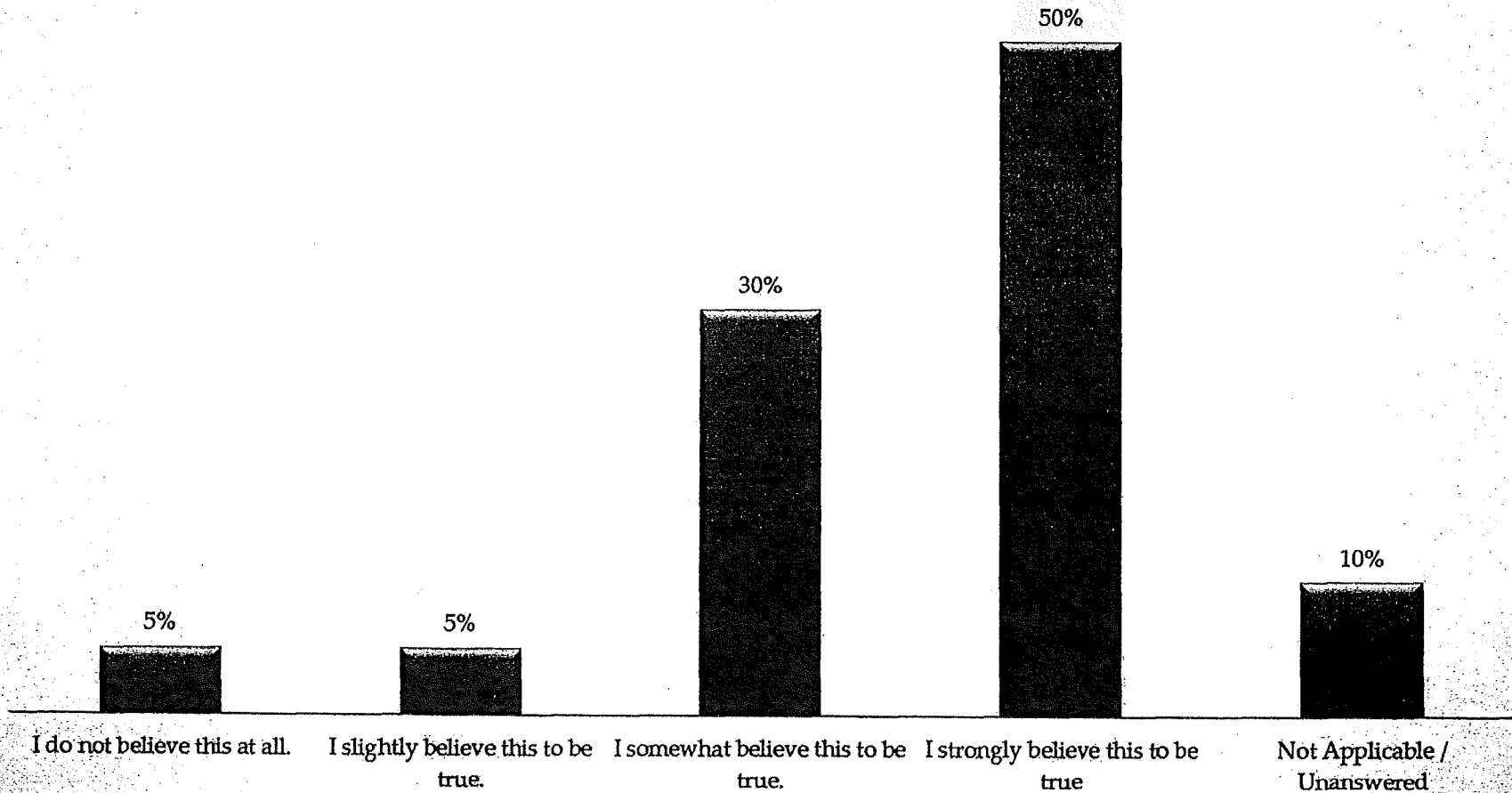
### Q3. Effectively managing discovery-related issues.

I believe the commercial court docket demonstrated this feature more effectively than the traditional circuit court docket.



#### Q4. Limiting the number of continuances.

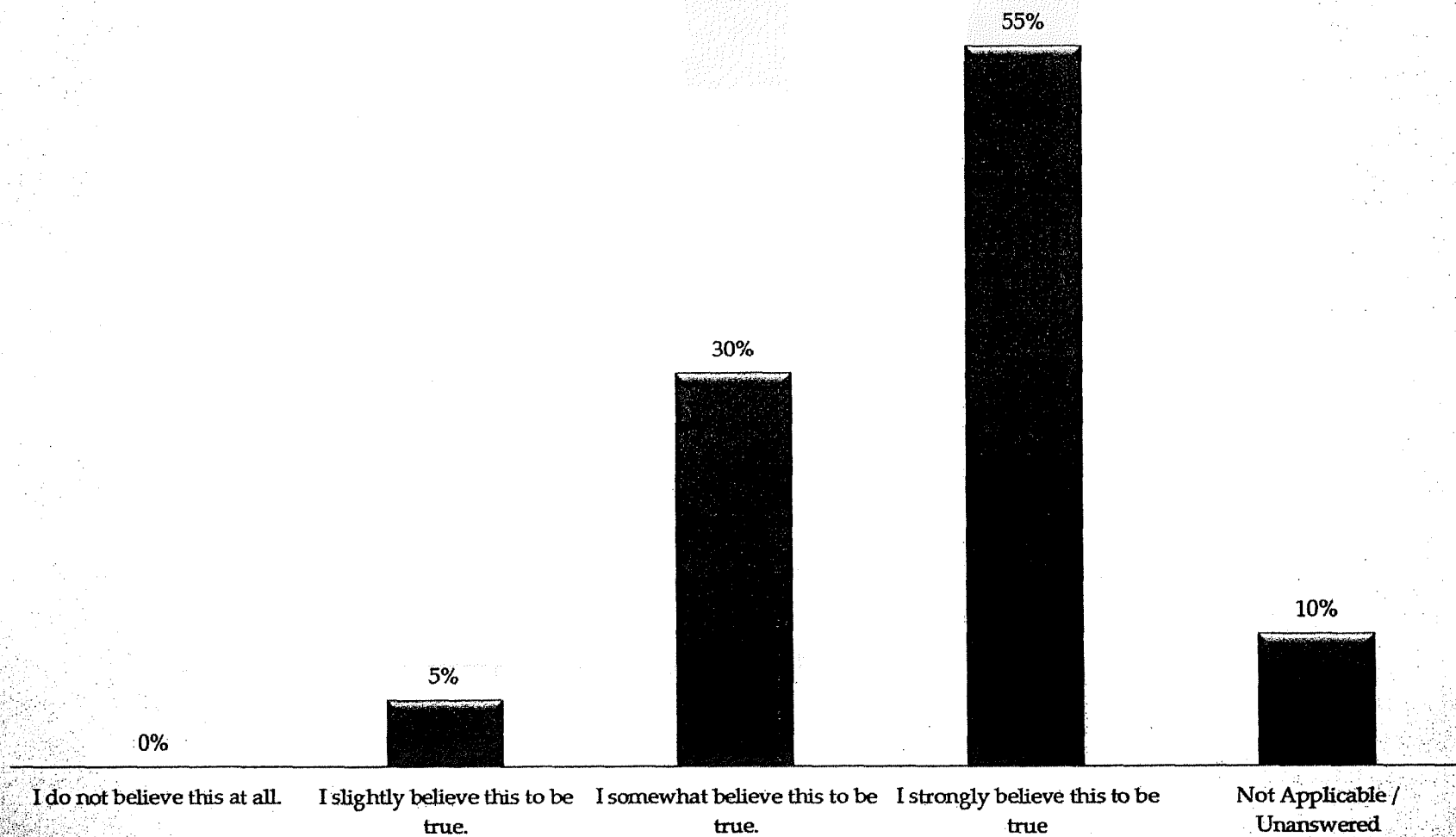
I believe the commercial court docket demonstrated this feature more effectively than the traditional circuit court docket.





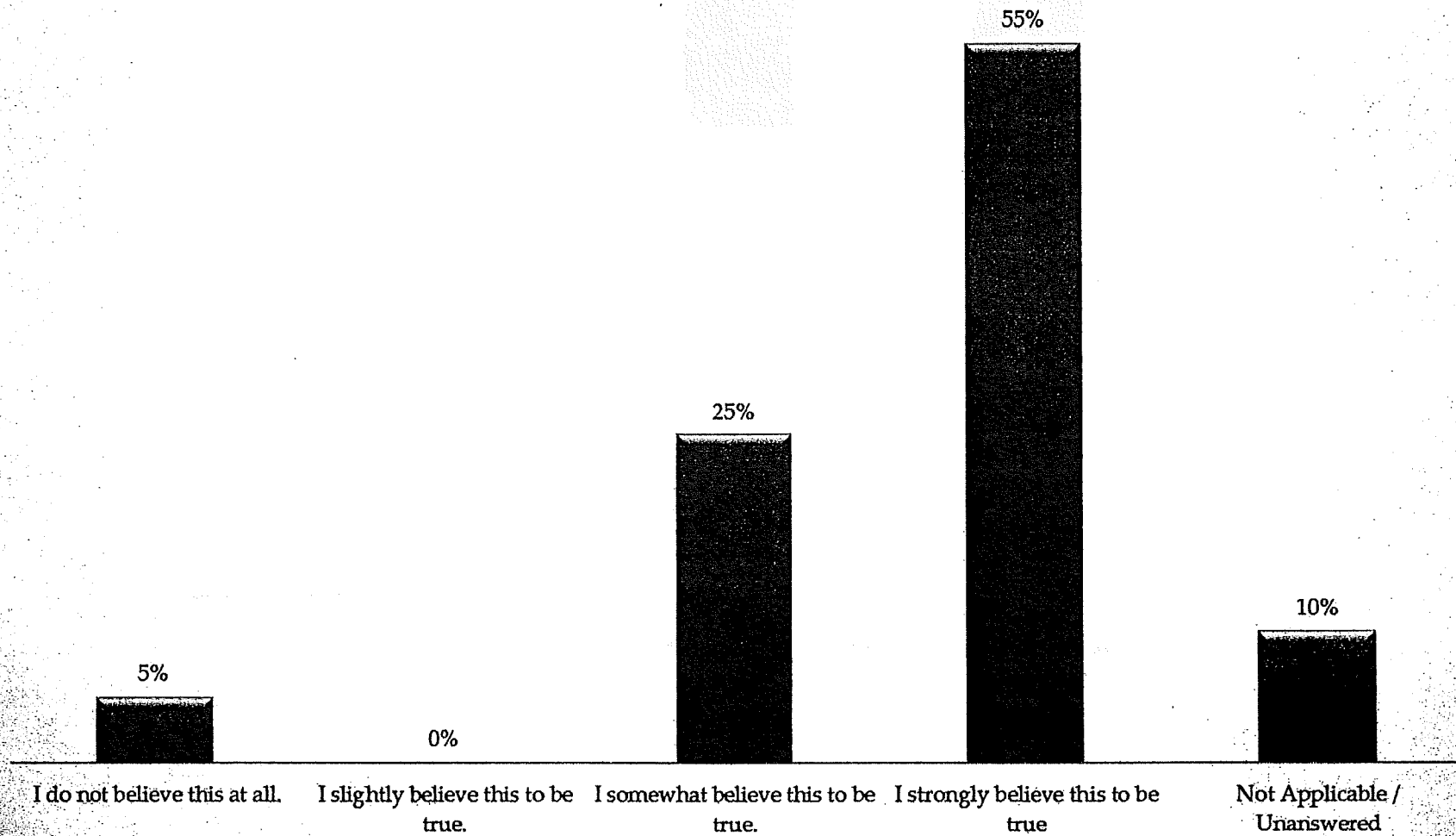
### Q5. Judge employing an effective strategy for settling the case.

I believe the commercial court docket demonstrated this feature more effectively than the traditional circuit court docket.



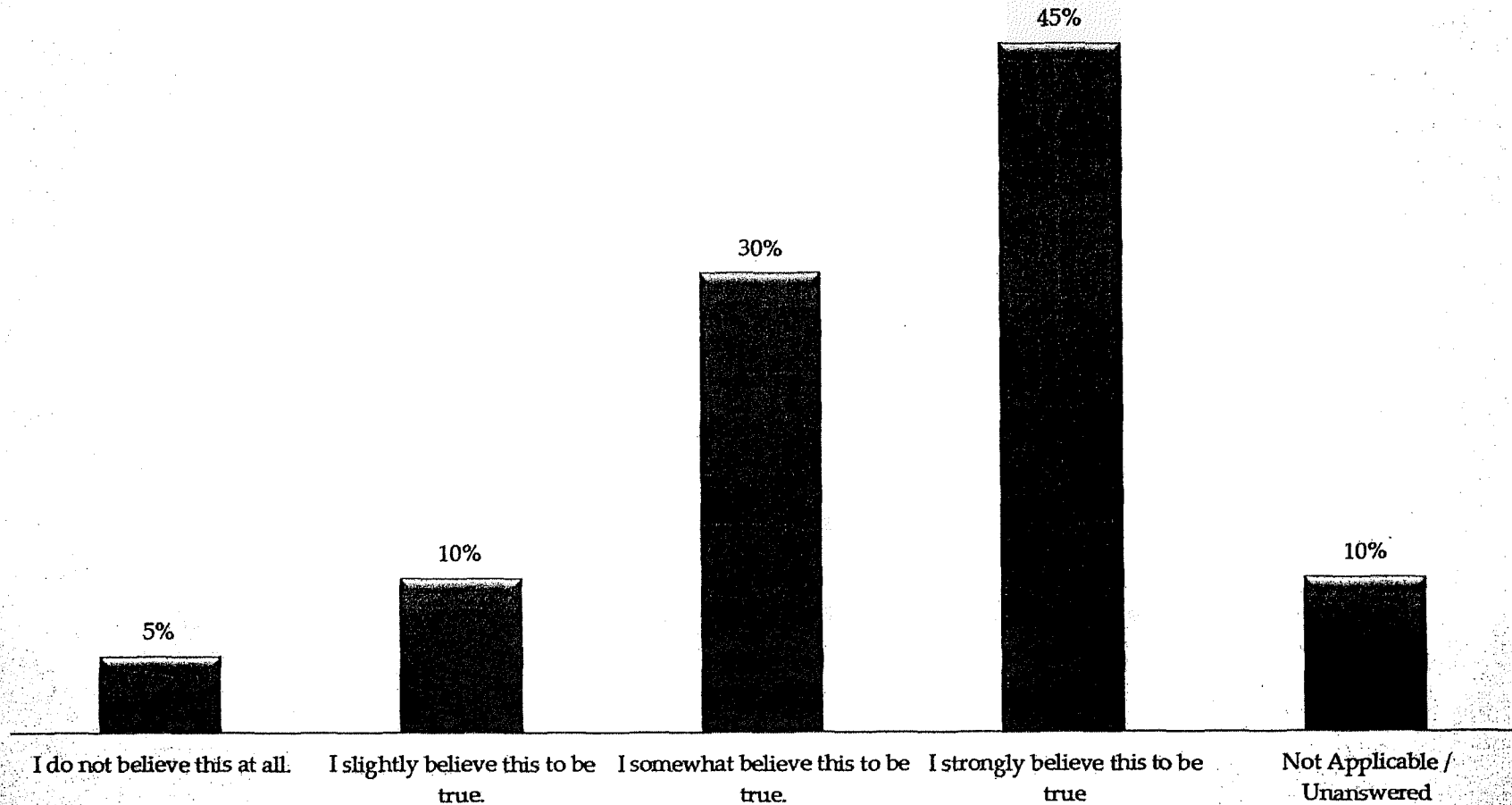
## Q7. Reducing delays in bringing the case to trial or settlement.

I believe the commercial court docket demonstrated this feature more effectively than the traditional circuit court docket.



**Q8. Achieving a resolution of the case at a lower overall cost (work time and expenses).**

I believe the commercial court docket demonstrated this feature more effectively than the traditional circuit court docket.



**Q9. I believe the commercial court docket should become a permanent component of the Wisconsin Court System.**

