



## Legislative Fiscal Bureau

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May 2, 2007

Joint Committee on Finance

Paper #747

### **Justice Initiatives Coordinator, Courthouse Safety Training Program (Supreme Court)**

#### *Bill Agency*

[LFB 2007-09 Budget Summary: Pages 522, #4, and Page 523, #5]

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#### **GOVERNOR**

##### **Justice Initiatives Coordinator**

Provide \$46,000 GPR in 2007-08 and \$58,500 GPR in 2008-09 and 1.0 justice initiatives coordinator position. The coordinator would work with counties, circuit courts, and other justice system participants to implement initiatives related to assistance for self-represented litigants, alternatives to incarceration, and alcohol and drug abuse programming.

##### **Courthouse Safety Training Program**

Provide \$10,000 GPR in 2007-08 to implement a multimedia courthouse safety training program.

#### **DISCUSSION POINTS**

1. Pursuant to Supreme Court rules, the Director of State Courts has the authority and responsibility of the overall management of the judicial system, including: personnel, budget development, legislative liaison and public information, the court information system, judicial education, and for planning and researching for the court system.

2. The Director of State Courts Office has a total budget of \$16,656,900 and 126.25 positions, including: (a) \$6,230,200 GPR and 64.0 GPR positions for general program operations;

(b) \$9,008,300 PR and 53.25 PR positions for various functions including court information systems, central services, court staff training, and materials and services; (c) \$678,500 FED and 4.0 FED positions in federal aid; and (d) \$739,900 SEG and 5.0 SEG positions.

3. To fulfill the planning and researching responsibilities for the court system, the Planning and Policy Advisory Committee (PPAC) was established under Supreme Court rule to advise the Supreme Court and Director of State Courts on planning and policy initiatives, the administrative structure of the court system, and on expeditious handling of judicial matters in the future.

4. To strengthen its planning functions, PPAC established a planning subcommittee to meet several times a year, gather information from around the state, identify critical issues facing the court system, and report to the Supreme Court. For the most recent report, the subcommittee conducted a survey of judges, court commissioners, court administrators, clerks of court, prosecutors, public defenders, law enforcement, and social service agencies.

5. The subcommittee and PPAC submitted a final report to the Supreme Court in May, 2006 entitled "Critical Issues: Planning Priorities for the Wisconsin Court System." Based on the survey, PPAC identified four critical issues on which the Supreme Court should focus its resources for the next biennium: (a) assistance to self-represented litigants; (b) courthouse security; (c) alcohol and drug dependency; and (d) alternatives to incarceration.

#### **Justice Initiatives Coordinator**

6. Senate Bill 40 would provide \$46,000 GPR in 2007-08 and \$58,500 GPR in 2008-09 for 1.0 GPR justice initiatives coordinator position. The coordinator would focus on three of the issues identified by the planning subcommittee: assistance to self-represented litigants, alcohol and drug dependency, and alternatives to incarceration.

7. In regards to assistance to self-represented litigants, the Director of State Courts Office (DSCO) indicates that, while there are no specific statistics on the number of Wisconsin cases involving self-represented individuals:

"[A]necdotal evidence and the available quantitative data show a significant increase in self-represented [pro-se] litigants since 1996. In some counties, as many as 80% of litigants in family cases represent themselves. In spite of the increasing number of pro se litigants, formidable institutional barriers still exist because the operating principle on which our courts are founded is that parties approach the court as adversaries represented by attorneys who understand process and procedure. . . . Difficulties arise out of the reality that the legal system is not designed to serve individuals without attorneys. Confusing language, or "legalese," and complicated rules and procedures can frustrate litigants representing themselves in court. This frustration is often shared by court staff, attorneys, and judges as the pro se case works its way through the system."

8. The new coordinator would work to fulfill the following objectives for self-representing individuals:

- Develop written and on-line materials that provide people considering self-representation information about their responsibilities in proceeding without an attorney and the potential consequences of their actions.
- Provide technical assistance to counties to develop self-help resources to be available to the public.
- Develop and maintain standard, user-friendly legal forms and instructions for specific court actions.
- Coordinate judicial and court staff training on how to address the challenges of self-representing individuals.
- Create effective administration and evaluation procedures to ensure that the courts can monitor and evaluate self-representing cases in order to determine the number of such cases and what types of cases are involved.
- Encourage cooperation with other organizations on related issues and projects, including county bar associations, appropriate State Bar committees, law schools, civil legal services providers, libraries, and technical colleges.

9. In regards to alcohol and other drug dependency and alternatives to incarceration, the DSCO identifies the following objectives for the new coordinator position:

- Identify evidence-based intervention programs that are effective, and systematically promote and support these programs.
- Work to implement criminal justice coordinating councils in every county to promote a coordinated response to community problems. In addition, implement a state coordinating council to serve as an advisory board to the county councils.
- Research and develop risk assessment tools and other resources for judges to considering in sentencing options.
- Measure programmatic results including, but not limited to, budgeted savings related to incarceration.

10. The DSCO indicates that the objectives to be assigned to the coordinator position are extensive and will be achieved over an extended period of time. Further, the DSCO indicates that the goals could not be achieved utilizing existing staff and funding resources. Since 1996-97, GPR staffing for the DSCO has increased by 0.5 position (in 1996-97).

11. Given the overall budget constraints facing the state, however, the Committee may

wish to delete this provision. If this were to occur, the project would not go forward or the Courts might proceed if base resources were available.

**Courthouse Safety Training Program**

12. Senate Bill 40 would provide \$10,000 GPR in 2007-08 to implement a courthouse safety training program. According to the Governor's Executive Budget, funding would be used to design a multimedia courthouse safety training program to be shared through the Internet with counties and courthouse employees. The training would focus on "employee behavior in the face of safety threats and what can be done to diffuse potentially dangerous situations."

13. The DSCO indicates that specifics on how the training program would be implemented have not yet been determined. However, the court system does not have a security officer position and would likely contract out for training program services. While estimated costs for a courthouse safety training program are currently unknown, the DSCO indicates that costs may be higher than \$10,000, in which case existing base resources would need to be reallocated to cover additional costs.

14. Given the uncertainties in costs and how the program would be structured, the Committee may wish to delete this provision.

**ALTERNATIVES TO BILL**

**A. Justice Initiatives Coordinator**

1. Approve the Governor's recommendation to provide: (a) \$46,000 GPR in 2007-08 and \$58,500 GPR in 2008-09 and 1.0 GPR justice initiatives coordinator annually.

ALT A1	Change to Bill		Change to Base	
	Funding	Positions	Funding	Positions
GPR	\$0	0.00	\$104,500	1.00

2. Delete provision.

ALT A2	Change to Bill		Change to Base	
	Funding	Positions	Funding	Positions
GPR	-\$104,500	- 1.00	\$0	0.00

**B. Courthouse Safety Training Program**

1. Approve the Governor's recommendation to provide \$10,000 GPR in 2007-08 to implement a courthouse safety training program.

<b>ALT B1</b>	<b>Change to Bill Funding</b>	<b>Change to Base Funding</b>
GPR	\$0	\$10,000

2. Delete provision.

<b>ALT B2</b>	<b>Change to Bill Funding</b>	<b>Change to Base Funding</b>
GPR	- \$10,000	\$0

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