

CHAPTER 257

JUDICIAL BRANCH AGENCIES AND COMMITTEES

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257.01 State library; trustees. (1) The justices of the supreme court and the attorney general or his representative shall be ex officio trustees of the state library, and may make and enforce, by suitable penalties, such rules and regulations for the management of the library and the custody, superintendence, care and preservation of the books and other property contained in the library, and for the arrangement thereof as the trustees deem necessary and proper.

(2) Fines, penalties and forfeitures established by them for any violation of their rules and regulations may be sued for and collected in any court having jurisdiction.

History: 1971 c. 152 ss. 7, 40; 1971 c. 254 ss. 1, 18.

257.03 Differences with publishers of Wisconsin reports. The trustees of the state library may compromise the differences between the state and the publishers of the Wisconsin reports of the decisions of the supreme court as to the rights and duties of such publishers after the limitations for publishing such reports under their contracts have expired and may acquire for the state any stereotyped plates from which such reports are printed as they may deem advisable to acquire and may authorize the disposition or sale of same.

History: 1971 c. 152 ss. 7, 40; 1971 c. 254 s. 2.

257.05 State law librarian, assistant and clerical force. The board of trustees shall appoint a librarian, who shall serve under such conditions as shall be fixed by said board. He shall execute and file an official bond with good and sufficient surety in the sum of \$10,000 to be approved by the trustees. Said board may also engage an assistant librarian and such clerical and expert assistance as shall be requisite in the proper care and maintenance of the library. The

president of the board shall certify its appointments hereunder to the department of administration, with amount of salary and the date of the commencement of the service of each appointee, and shall also notify it of the termination of such service. The pay of the librarian and other employes of the library shall be fixed by said board. The librarian shall be paid his actual and necessary travel expenses in attending the annual conference of the American association of law libraries.

History: 1971 c. 152 ss. 7, 40; 1971 c. 254 s. 2.

257.07 Catalog. The trustees may, whenever they deem it necessary, direct the catalog of said library or any part thereof to be printed.

History: 1971 c. 152 ss. 7, 40; 1971 c. 254 s. 4.

257.09 Duty of librarian. The librarian shall:

(1) Give his personal attention at the library during the hours it shall be directed to be kept open.

(2) Keep an account of all books or pamphlets added to the library by purchase or otherwise, and of all lost, destroyed, worn out or sold during his term, specifying dates, cost and values, and other material facts.

(3) Keep a full and accurate catalog of the library, noting all changes at the time when made; and whenever directed by the trustees, cause the same to be properly printed.

(4) Keep a true account of every book or pamphlet taken from the library, charging the same to the proper officer, with proper date and name of the person to whom delivered.

(5) Report to the presiding officer of each house, 5 days before the adjournment of each session of the legislature, the number of books taken out of the library by the members of each house and not returned, giving titles of books, dates of taking, and names of members to whom charged. All such books shall be immediately returned.

(6) Sue for every fine, penalty or forfeiture incurred by violation of the rules and regulations prescribed by the trustees.

(7) Forward to the library of congress one copy of the supreme court reports and 2 copies of the legislative journals, laws and public documents published by authority of the state, and one copy of each of such publications and of the Blue Book to the several states and territories which practice like comity with this state, as soon as the same are received from the department of administration. He may also effect exchanges of the statutes, laws and documents of this state with the libraries of foreign governments. His account for the expenses of transporting books sent or received by exchange or purchase, to be fixed by the department of administration, shall be paid out of the state treasury, and charged to the proper appropriation for the law library.

(8) Perform all other duties prescribed by the trustees or by their rules and regulations or imposed by law.

(9) Said librarian shall also cause to be installed and maintained in said library, in the most scientific and improved manner, a card index and catalog of the books and material therein contained. The assistants necessary to carry out the purpose of this section shall be appointed in the manner provided by s. 257.05. Said librarian may attend the annual conferences of the American association of law libraries for the purpose of studying modern methods of law library administration.

(10) Subject to the approval of the trustees the librarian may sell or exchange duplicate books and pamphlets contained in the library.

History: 1971 c. 152 ss. 7, 38, 40; 1971 c. 254 ss. 4, 19.

257.11 Books to be delivered to. The acts of congress received from the general government shall be deposited in the state library and be distributed as the trustees shall direct. Every constitutional officer of the state who shall receive any volume of the laws, journals, reports or other documents of any other state or territory or of the United States, or any of the officers thereof, for the use of this state, shall promptly notify the state librarian as to the receipt thereof and shall deliver the same as the state librarian may direct.

History: 1971 c. 152 ss. 7, 40; 1971 c. 254 s. 4.

257.13 Judicial council. (1) **MEMBERSHIP; APPOINTMENT; TERMS.** There is created a judicial council of 18 members as follows: A supreme court justice designated by the supreme court; the administrative director of courts or a representative of the office designated by the administrative director; a circuit judge designated by the board of circuit judges; a county

judge designated by the board of county judges; a judge designated by the board of criminal court judges; a juvenile court judge designated by the board of juvenile court judges; the chairman of the senate judiciary and consumer affairs committee or a member of the committee designated by the chairman; the chairman of the assembly judiciary committee or a member of the committee designated by the chairman; the attorney general or a representative of the department of justice designated by the attorney general; the revisor of statutes or an assistant designated by the revisor; the deans of the law schools of the university of Wisconsin and Marquette university or a member of the respective law school faculties to be designated by said deans; the president-elect of the state bar of Wisconsin or a member of the board of governors of the state bar designated by the president-elect and 3 additional members thereof selected by the state bar, and 2 citizens at large appointed by the governor. The last 5 members shall serve 3-year terms. The names of the members shall be certified to the secretary of state by the executive secretary. Members shall hold office until their successors have been selected. The members of the council shall receive no compensation, but shall be reimbursed from the appropriation made by s. 20.645 (1) for expenses necessarily incurred by them in attending meetings of the council.

(2) **POWERS AND DUTIES.** The council shall.

(a) Observe and study the rules of pleading, practice and procedure, and advise the supreme court as to changes which will, in the council's judgment, simplify procedure and promote a speedy determination of litigation upon its merits.

(b) Survey and study the organization, jurisdiction and methods of administration and operation of all the courts of this state.

(d) Receive, consider and in its discretion investigate suggestions from any source pertaining to the administration of justice and to make recommendations.

(e) Keep advised concerning the decisions of the courts relating to the procedure and practice therein and concerning pending legislation affecting the organization, jurisdiction, operation, procedure and practice of the courts.

(f) Recommend to the legislature any changes in the organization, jurisdiction, operation and methods of conducting the business of the courts, including statutes governing pleading, practice, procedure and related matters, which can be put into effect only by legislative action.

(3) **ORGANIZATION.** (a) The council shall elect a chairman and vice chairman.

(b) The council may promulgate and modify rules for the conduct of its proceedings in the exercise of its powers. The council may meet at such time and place as it determines but at least once every 3 months. It shall meet upon call of the chairman or a call signed by 5 members of the council. Nine members shall constitute a quorum.

(c) The council may appoint regular and special committees of its members to investigate and report upon any matters relating to its duties. The council or any committee thereof when so authorized by the council is empowered to hold public hearings at such times and places within the state as may be determined. Any member of the council or any committee thereof shall have the power to administer oaths to persons testifying before the council or committee. By subpoena issued over the signature of its chairman or acting chairman and served in the manner in which circuit court subpoenas are served, the council or any committee when authorized by the council, may summon and compel the attendance of witnesses. If any witnesses subpoenaed to appear before the council or committee thereof shall refuse to appear or answer inquiries propounded, the council or committee shall report the facts to the circuit court of Dane county and it shall be the duty of such court to compel obedience to such subpoena.

(d) The council may determine the qualifications of, and appoint outside the classified service, an executive secretary and such technical and clerical help as it deems necessary. The council shall be provided with adequate office space in the state capitol.

(e) The council may call upon any department of the state or any county or municipality thereof or any court for such facilities and data as may be available, and such departments, counties, municipalities and courts shall cooperate with the council to the fullest extent.

(f) The council may make such reports as it deems proper or as are requested by the legislature or the supreme court. The council may publish such reports as it considers necessary.

History: 1971 c. 254 s. 6; 1975 c. 39, 199.

257.15 Administrative committee for court system. (1) The chief justice of the supreme court, or such other justice as the supreme court may designate, the chairman of the board of circuit judges and 2 additional circuit judges selected by the board of circuit judges, the chairman of the board of county judges and 2 additional county judges selected by the board of county judges shall constitute an

administrative committee for the court system. The chief justice shall serve as chairman.

(2) The administrative committee shall meet at the call of its chairman, but at least quarterly, to review the administration and methods of operations of all the courts of the state, the volume and condition of business in those courts and to plan the expeditious handling of judicial matters in the future. By November 20 of each even-numbered year, the committee shall submit a report to the governor, the legislature and the supreme court analyzing the judicial workload problems of the state and recommending the creation or the elimination of courts and branches of the courts. It shall direct the administrative director of courts to obtain the statistical information necessary for its work and to prepare studies on administrative operations of the courts for its study.

History: 1971 c. 254 s. 7.

257.17 Judicial conference of Wisconsin.

(1) There is hereby constituted the judicial conference of Wisconsin, hereinafter called the conference, of which the justices of the supreme court and the judges of the circuit and county courts shall be members.

(2) The conference shall meet once each year in regular session at a place and time to be designated by the administrative committee for the court system of Wisconsin as created by s. 257.15, subject to the approval or direction of the supreme court. The administrative committee, with the approval of the supreme court, may call any special meeting of the conference if, in its discretion, there is sufficient urgency for so doing.

(3) The administrative committee together with the court administrator shall plan and conduct the annual and any special meeting of the conference under the direction of the supreme court. The chief justice shall preside at all annual and special meetings of the conference, or, in his absence, the senior associate justice present shall preside, unless the approved agenda otherwise provides.

(4) The administrative committee may appoint such other committees as it deems necessary to plan for the annual meeting or special meeting of the conference and its agenda. The agenda for each annual meeting shall be submitted for approval to the supreme court by the administrative committee at least 60 days prior to such annual meeting.

(5) The functions of the conference shall be:

(a) To consider the business and the problems appertaining to the administration of justice in this state, and to make recommendations for its improvement.

(b) To conduct instructive programs and seminars at its annual meeting in order to better equip the members of the conference in the performance of their judicial duties.

(c) To provide for the creation of committees to study particular subjects appertaining to the administration of justice and its improvement and report the results of their study together with their recommendations to the next meeting of the conference. The membership of each such committee shall be appointed by the administrative committee.

(6) The supreme court shall from time to time make such other and further provisions with respect to the conference as it shall deem necessary and proper.

History: 1971 c. 254 ss. 8, 19.

257.19 Court administrator. (1) **DEFINITION.** In this section, unless the context requires otherwise, "court" means any tribunal recognized as part of the judicial branch of the government.

(2) **ADMINISTRATIVE DIRECTOR.** The office of administrator of courts is created with an administrative director, who shall be the head thereof and who shall assist the chief justice of the supreme court or other designated justice in the performance of duties under s. 251.182, collect such statistics as the supreme court requires, administer patients compensation panels under ch. 655 and perform such other duties as the supreme court directs.

(3) **APPOINTMENT, TERM AND SALARY.** The administrative director shall be appointed by the supreme court for an indefinite term. The appointment shall be approved by a majority of the justices upon recommendation of the appointee by the chief justice. His term shall end when termination is approved by a majority of the justices. He shall devote full time to his official duties to the exclusion of engagement in any other business or profession for profit. His salary shall be fixed by the supreme court, but shall not exceed compensation paid by the state and the counties to any circuit judge. He shall be included within the Wisconsin retirement fund and subch. I of ch. 41 shall apply to him as they apply to justices of the supreme court.

(4) **ASSISTANTS.** The supreme court shall appoint and fix the compensation of an assistant to the administrative director where such assistant is deemed necessary to enable him to perform his duties.

(5) **COMPLIANCE WITH REQUESTS.** All judges, municipal justices, clerks of court, registers in probate and other officers or employees of the courts shall comply with all requests made by the administrative director for

information and statistical data relative to the work of the courts and of such offices.

(6) **QUARTERS.** The office of the administrator of courts shall be in the state capitol as convenient to the supreme court as may be.

(7) **GOVERNING BODY FOR COURTS.** The administrative director shall pursuant to s. 41.02 (29) act as the governing body for the supreme court and for circuit court judges and reporters and county court judges and reporters.

(8) **SALARY CERTIFICATIONS.** The administrative director may require each judge to verify and certify vouchers for salaries and expenses of himself, his reporter and any assistant reporters and, in certifying such salaries and expenses to the department of administration, may rely on the certifications received from the several judges.

History: 1971 c. 254 s. 14; 1975 c. 37, 189, 199.

257.23 Public defender. (1) **OFFICE CREATED; QUALIFICATIONS; APPOINTMENT; TERM.** The supreme court shall employ a state public defender who shall be an attorney licensed to practice law in this state. He shall be employed for a period of 5 years and shall continue to serve until reemployed, or until a successor is employed. During any such 5-year period he may be removed by the supreme court only for cause. He shall devote full time to the performance of his duties.

(2) **SALARY.** The salary of the state public defender shall be determined by the supreme court under s. 20.923. The public defender may, with the approval of the supreme court, employ one or more assistants whose compensation shall be the same as that paid to persons performing comparable service in the department of justice.

(2m) **ASSISTANT PUBLIC DEFENDERS.** The state public defender, with the approval of the supreme court, may employ one or more assistant state public defenders. Such assistants shall be attorneys licensed to practice law in this state. They shall devote full time to the performance of their duties. The salaries for assistant state public defenders shall be determined by the supreme court, upon recommendation of the state public defender. Assistant public defenders shall be compensated at a rate comparable to the compensation received by assistant attorneys general with comparable experience.

(4) **EXPENSES.** The state public defender and his employes shall be reimbursed for travel, lodging and subsistence whenever required in the performance of his duties and in the same manner as other state officers and employes.

(5) **DUTIES.** The duties of the state public defender shall be:

(a) To determine the indigency subject to court review, of any person convicted of a felony or a gross misdemeanor, or of any person confined to central state hospital or an institution designated by the department of health and social services including any person subject to civil commitment or involuntary protective placement for alcoholism, drug dependence, mental illness, developmental disabilities or other like incapacities if any such person petitions either the supreme court or the state public defender requesting relief from conviction, imprisonment or confinement.

(b) At the request of any such person determined by the state public defender to be indigent, or at the request of the supreme court, to prosecute a writ of error, appeal, writ of habeas corpus or other postconviction remedy in behalf of such person in the appropriate state trial court, before the Wisconsin supreme court, and to seek review of the decision of the Wisconsin supreme court in the United States supreme court, if the state public defender is first satisfied that there is arguable merit to the proceeding.

(c) Upon authorization of the supreme court to prosecute any postconviction remedy in the trial court in behalf of any person convicted of a felony or of a gross misdemeanor, whom the state public defender has determined to be indigent.

(d) Upon authorization of the supreme court, to represent any person confined to central state hospital in any proceedings for reexamination of his mental condition initiated under ss. 971.14 (5) and 971.17 (2) whom the state public defender determines to be indigent.

(e) To perform all other duties necessary or incidental to the performance of any of the specific duties herein enumerated.

(f) To require to be printed by the state printer, when necessary, his briefs and appendices and those of indigent defendants represented by other attorneys.

(6) SUPREME COURT MAY APPOINT. Nothing in sub. (5) prevents the supreme court from appointing counsel for indigent persons convicted of crime, confined to central state hospital or subject to civil commitment or involuntary protective placement for alcoholism, drug dependence, mental illness, developmental disabilities or other like incapacities in those situations where the state public defender deems the application of such persons is without arguable merit or in other situations where the court determines it advisable that the state public defender not act. The court shall also be empowered to continue the appointment of counsel, who represented any such convicted indigent criminal defendant in the trial court, to

prosecute a writ of error, appeal, writ of habeas corpus or other postconviction remedy.

History: 1971 c. 125 ss. 497, 498; 1971 c. 164 s. 89; 1971 c. 254 s. 16; 1973 c. 198; 1975 c. 94 s. 3; 1975 c. 189, 421, 430.

Wisconsin's procedure as to requiring appointed counsel to report and even withdraw reviewed and approved as against a claim that it denies an indigent his right to counsel on appeal. *Cleghorn v. State*, 55 W (2d) 466, 198 NW (2d) 577.

The state public defender shall represent all indigent persons against whom proceedings for the revocation of probation or parole have been commenced. *State ex rel. Fitas v. Milw. County*, 65 W (2d) 130, 221 NW (2d) 902.

257.25 State bar of Wisconsin. (1) There shall be an association to be known as the "State Bar of Wisconsin" composed of persons licensed to practice law in this state, and membership in such association shall be a condition precedent to the right to practice law in Wisconsin.

(2) The supreme court by appropriate orders shall provide for the organization and government of the association and shall define the rights, obligations and conditions of membership therein, to the end that such association shall promote the public interest by maintaining high standards of conduct in the legal profession and by aiding in the efficient administration of justice.

History: 1971 c. 254 s. 12.

257.27 Board of circuit judges. (1) The circuit judges of the state constitute the board of circuit judges and shall meet at least once each year for the purpose of:

(a) Discussion and exchange of ideas among the judges;

(b) Recommendation to its members of rules of court to promote the due and prompt administration of the judicial business of their respective courts;

(c) Recommendation to either the legislature or the supreme court of methods for improving the administration of justice.

(2) The board shall elect a chairman. It shall also elect a vice chairman who shall have all the powers and duties of the chairman during his disability or absence from the state, and such other officers as they consider necessary.

History: 1971 c. 254 s. 9.

257.29 Board of county judges; uniform forms. (1) The county judges of the state constitute the board of county judges and shall meet at least once each year. The board shall elect a chairman, secretary and other officers considered necessary and may establish sections for judges interested in specialized fields of law.

(2) (a) The board of county judges or its duly authorized committee shall adopt uniform forms necessary for the administration of proceedings under Title XLII-B. Duly authenticated copies of these forms shall be furnished to the secretary of state and kept on file in his office. The secretary

of state shall transmit copies of these forms to the register in probate in each county in the state.

(b) The court in its discretion may refuse to accept any legal documents not drafted in compliance with the uniform forms.

History: 1971 c. 41 s. 12; 1971 c. 211 s. 125; 1971 c. 254 s. 11.

257.31 Board of juvenile court judges; juvenile court forms. (1) The juvenile court judges of the state constitute the "Board of Juvenile Court Judges." The board shall meet at least twice each year at the time and place it determines. The board shall elect a chairman, secretary and any other officers from its number it deems necessary. These officers shall perform the duties prescribed by the board. The board shall make any rules it deems advisable, not inconsistent with law. Each juvenile court judge attending the meetings of the board shall on presenting his certificate of attendance to the county or municipal treasurer be reimbursed for his travel and necessary expenses out of the funds made available for his court.

(2) The board of juvenile court judges or its duly authorized committee shall adopt uniform forms necessary for the administration of juvenile matters under ch. 48. Duly authenticated copies of these forms shall be furnished to the secretary of state and kept on file in his office. The secretary of state shall transmit copies of these forms to the register in probate in each county in the state and in counties having a population of 500,000 or more to the clerk of the children's court.

History: 1971 c. 254 s. 5.

257.35 Board of criminal court judges.

The full-time judges of the courts of record of the state, having criminal jurisdiction, constitute the board of criminal court judges. The board shall meet at least twice each year at such time and place as it determines. The board shall elect a chairman, secretary and such other officers from its number as it deems necessary. Such officers shall perform such duties as the board prescribes. Each such judge, except a circuit judge, attending the meetings of the board shall on presenting his certificate of attendance to the county or municipal treasurer be reimbursed for his travel and reasonable and necessary expenses out of the funds made available for his court.

History: 1971 c. 254 s. 13.

257.37 County board of judges in populous counties.

In counties having a population of 200,000 or more there is constituted a county board of judges to consist of all the judges of courts of record in such county. A circuit judge or county judge shall be chairman of such board and shall be designated "chief judge". Such board may by majority vote of all members organize and establish, modify and repeal rules, not inconsistent with the statutes, to provide for the orderly, efficient and expeditious handling of all matters within the jurisdiction of such courts.

History: 1971 c. 254 s. 15; 1973 c. 234; 1975 c. 39.