

## JUDICIAL COUNCIL

### GOVERNOR'S BUDGET RECOMMENDATIONS

Source of Funds	FY17 Adjusted Base	FY18 Recommended	% Change Over FY17	FY19 Recommended	% Change Over FY18
PR-S	111,400	0	-100.0	0	0.0
TOTAL	111,400	0	-100.0	0	0.0

### FULL-TIME EQUIVALENT POSITION SUMMARY

Source of Funds	FY17 Adjusted Base	FY18 Recommended	FTE Change Over FY17	FY19 Recommended	FTE Change Over FY18
PR-S	1.00	0.00	-1.00	0.00	0.00
TOTAL	1.00	0.00	-1.00	0.00	0.00

### AGENCY DESCRIPTION

The council is authorized to advise the Supreme Court, the Governor and the Legislature on any matter affecting the administration of justice in Wisconsin, and it may recommend legislation to change the procedure, jurisdiction or organization of the courts. The council studies the rules of pleading, practice and procedure and advises the Supreme Court about changes that will simplify procedure and promote efficiency.

The council consists of 21 members as follows: a Supreme Court justice designated by the Supreme Court; a Court of Appeals judge designated by the Court of Appeals; the director of state courts or his or her designee; four Circuit Court judges selected by the Judicial Conference; the Attorney General or his or her designee; the chief of the Legislative Reference Bureau or his or her designee; the deans of the University of Wisconsin and Marquette University law schools or a designated member of the respective law school faculties; the state public defender or his or her designee; the president-elect of the State Bar of Wisconsin or a designated member of the Board of Governors of the State Bar; three members of the State Bar selected by the State Bar; one district attorney appointed by the Governor; and two citizens at large appointed by the Governor.

### MISSION

The mission of the council is to study and make recommendations relating to court pleadings, practices and procedures; and organization, jurisdiction and methods of administration and operation of Wisconsin courts.

**PROGRAMS, GOALS, OBJECTIVES AND ACTIVITIES**

**Program 1: Advisory Services to the Courts and the Legislature**

Goal: Improve the efficiency and effectiveness of the Wisconsin court system.

Objective/Activity: The council studies the rules of pleading, practice and procedure and advises the Supreme Court and the Legislature on changes that will simplify procedures and promote efficiency. The council studies court administration throughout the state, and can receive, investigate and recommend proposed changes to the administration of justice in Wisconsin. The council is to be aware of judicial decisions and proposed legislation that would impact courts. The council is also empowered to recommend to the Supreme Court, Governor and Legislature any changes in the organization, jurisdiction, operation and business methods of the courts that would result in a more effective and cost-efficient court system.

**PERFORMANCE MEASURES**

**2015 AND 2016 GOALS AND ACTUALS**

<b>Prog. No.</b>	<b>Performance Measure</b>	<b>Goal 2015</b>	<b>Actual 2015</b>	<b>Goal 2016</b>	<b>Actual 2016</b>
1.	Review and draft recommended amendments to the Code of Criminal Procedure.	Work with Legislature to reintroduce bill drafted by the council containing comprehensive revisions to eight chapters of the Criminal Procedure Code	The bill was introduced as 2015 Assembly Bill 90 and Senate Bill 82	Study and draft recommendations concerning the preliminary examination process	Based on previous study of the current process, testimony received at a lengthy public hearing and the committee's previous recommendation issued in 2014, no further action taken

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<b>Prog. No.</b>	<b>Performance Measure</b>	<b>Goal 2015</b>	<b>Actual 2015</b>	<b>Goal 2016</b>	<b>Actual 2016</b>
1.	Review and research amendments to the Rules of Evidence.	Continue drafting bill and Supreme Court rule change petition to amend six rules of evidence	Continued drafting proposed amendments, and determined that all amendments were appropriate for Supreme Court rule change petition	Provide draft bill to the Legislature for introduction and file Supreme Court rule change petition to amend the rules of evidence	Filed Supreme Court rule change petitions 16-01 and 16-02 to amend the rules of evidence  (No bill needed to advance changes at this time)
1.	Review and research amendments to the Rules of Civil Procedure.	Continue studying rules that have been identified as inconsistent with current practice or case law and drafting recommended amendment	Studied the Uniform Interstate Depositions and Discovery Act and drafted a proposed rule based on the uniform act  Filed Supreme Court rule change petition; rule adopted by the Supreme Court, effective January 1, 2016	Draft recommended amendments to s. 803.08, Wisconsin Statutes, class action statute	Drafted proposed amendment to s. 803.08, Wisconsin Statutes, class action statute, and circulated draft for comments from potentially interested parties

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<b>Prog. No.</b>	<b>Performance Measure</b>	<b>Goal 2015</b>	<b>Actual 2015</b>	<b>Goal 2016</b>	<b>Actual 2016</b>
1.	Timely response to requests to review Supreme Court rules.	Draft and file Supreme Court rule change petition to promote greater consistency and completeness of the record on appeal	Continue drafting rule changes to promote greater consistency and completeness of the record on appeal  Expand scope of project to include size, number and timing of briefs in multiparty appellate cases	Provide recommendations regarding Supreme Court rules changes	Issued recommendations on s. 809.62, conditions of grant of review; and s.808.075(4), bifurcated cases, Wisconsin Statutes  Draft rule changes to promote greater consistency and completeness of the record on appeal and size, number and timing of briefs in multiparty appellate cases circulated for comments from potentially interested parties

Note: Based on fiscal year.

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**2017, 2018 AND 2019 GOALS**

<b>Prog. No.</b>	<b>Performance Measure</b>	<b>Goal 2017<sup>1</sup></b>	<b>Goal 2018</b>	<b>Goal 2019</b>
1.	Review and draft recommended amendments to the Code of Criminal Procedure.	Study issues related to discovery rules in criminal cases	Draft recommendations to update discovery rules in criminal cases	Draft and file Supreme Court rule change petition to update discovery provisions in criminal cases
1.	Review and research amendments to the Rules of Evidence.	Study possible amendments to address duty to preserve evidence in civil cases  Study codification of expert witness privilege	Draft and file a Supreme Court petition to address expert witness privilege	Draft and file a Supreme Court petition to update rule regarding duty to preserve evidence in civil cases
1.	Review and research amendments to the Rules of Civil Procedure.	Draft recommended amendments to s. 885.03, Wisconsin Statutes, service of subpoena  Draft and file Supreme Court rule change petition to amend s. 803.08, Wisconsin Statutes, class action statute	Study possible amendments to s. 804.01(2)(d), Wisconsin Statutes, trial preparation: experts to improve efficiencies and decrease litigation costs	Draft and file Supreme Court rule change petition to amend s. 804.01(2)(d), Wisconsin Statutes, trial preparation: experts

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<b>Prog. No.</b>	<b>Performance Measure</b>	<b>Goal 2017<sup>1</sup></b>	<b>Goal 2018</b>	<b>Goal 2019</b>
1.	Review and research amendments to the Rules of Appellate Procedure.	Work with Legislature to introduce bill drafted by the council reorganizing the procedural rules for prisoner challenges to agency decisions to make the rules easier to locate and understand	Study and draft recommendations concerning substitution or withdrawal of counsel in appellate cases	Draft and file Supreme Court rule change petition to adopt a rule regarding substitution or withdrawal of counsel in appellate cases
1.	Timely response to requests to review Supreme Court rules.	Provide recommendations regarding Supreme Court rules changes	Provide recommendations regarding Supreme Court rules changes	Provide recommendations regarding Supreme Court rules changes

Note: Based on fiscal year.

<sup>1</sup>Some goals for 2017 have been revised.

## **JUDICIAL COUNCIL**

### **GOVERNOR'S BUDGET RECOMMENDATIONS**

#### **RECOMMENDATIONS**

1. Eliminate the Statutory Judicial Council

#### **ITEMS NOT APPROVED**

2. Full Funding of Continuing Position Salaries and Fringe Benefits
3. Full Funding of Lease and Directed Moves Costs

**Judicial Council**

**Table 1  
Department Budget Summary by Funding Source (in thousands of dollars)**

	ACTUAL FY16	ADJUSTED BASE FY17	AGENCY REQUEST FY18	AGENCY REQUEST FY19	GOVERNOR'S RECOMMENDATION FY18	GOVERNOR'S RECOMMENDATION FY19
PROGRAM REVENUE (2)	\$124.3	\$111.4	\$114.4	\$114.6	\$0.0	\$0.0
State Operations	124.3	111.4	114.4	114.6	0.0	0.0
TOTALS - ANNUAL	\$124.3	\$111.4	\$114.4	\$114.6	\$0.0	\$0.0
State Operations	124.3	111.4	114.4	114.6	0.0	0.0

(2) Includes Program Revenue-Service and Program Revenue-Other

**Table 2  
Department Position Summary by Funding Source (in FTE positions) (4)**

	ADJUSTED BASE FY17	AGENCY REQUEST FY18	AGENCY REQUEST FY19	GOVERNOR'S RECOMMENDATION FY18	GOVERNOR'S RECOMMENDATION FY19
PROGRAM REVENUE (2)	1.00	1.00	1.00	0.00	0.00
TOTALS - ANNUAL	1.00	1.00	1.00	0.00	0.00

(2) Includes Program Revenue-Service and Program Revenue-Other

(4) All positions are State Operations unless otherwise specified

**Judicial Council**

**Table 3  
Department Budget Summary by Program (in thousands of dollars)**

	ACTUAL FY16	ADJUSTED BASE FY17	AGENCY REQUEST FY18	AGENCY REQUEST FY19	GOVERNOR'S RECOMMENDATION FY18	GOVERNOR'S RECOMMENDATION FY19
1. Advisory services to the courts and the legislature	\$124.3	\$111.4	\$114.4	\$114.6	\$0.0	\$0.0
<b>TOTALS</b>	\$124.3	\$111.4	\$114.4	\$114.6	\$0.0	\$0.0

**Table 4  
Department Position Summary by Program (in FTE positions) (4)**

	ADJUSTED BASE FY17	AGENCY REQUEST FY18	AGENCY REQUEST FY19	GOVERNOR'S RECOMMENDATION FY18	GOVERNOR'S RECOMMENDATION FY19
1. Advisory services to the courts and the legislature	1.00	1.00	1.00	0.00	0.00
<b>TOTALS</b>	1.00	1.00	1.00	0.00	0.00

(4) All positions are State Operations unless otherwise specified

## Judicial Council

### 1. Eliminate the Statutory Judicial Council

Source of Funds	Agency Request				Governor's Recommendations			
	FY18		FY19		FY18		FY19	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
PR-S	0	0.00	0	0.00	-111,400	-1.00	-111,400	-1.00
TOTAL	0	0.00	0	0.00	-111,400	-1.00	-111,400	-1.00

The Governor recommends eliminating the council as a separate entity and transferring position authority to the Supreme Court. The Supreme Court has the authority to create and support such an advisory council if it so chooses. See Supreme Court, Item #3.

### ITEMS NOT APPROVED

The following requests are not included in the Governor's budget recommendations for the Judicial Council.

Decision Item	Source of Funds	FY18		FY19	
		Dollars	Positions	Dollars	Positions
2. Full Funding of Continuing Position Salaries and Fringe Benefits	PR-S	3,600	0.00	3,600	0.00
3. Full Funding of Lease and Directed Moves Costs	PR-S	-600	0.00	-400	0.00
TOTAL OF ITEMS NOT APPROVED	PR-S	3,000	0.00	3,200	0.00