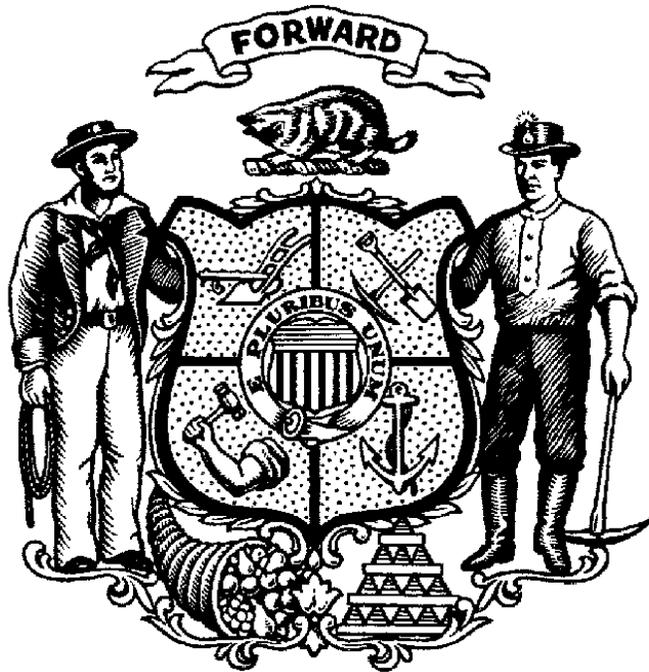


State of Wisconsin

Judicial Council



Agency Budget Request
2021 – 2023 Biennium
September 15, 2020

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STATE OF WISCONSIN JUDICIAL COUNCIL

September 15, 2020

Mr. Brian Pahnke
Division of Executive Budget and Finance
Department of Administration
101 East Wilson Street, 10th Floor
Madison, Wisconsin 53703

Dear Mr. Pahnke:

Enclosed please find the Judicial Council's 2021-2023 biennial budget request.

As you are aware, despite the Supreme Court's August 17, 2017, order to discontinue the discretionary transfer of funds from the Courts to the Judicial Council, the statutory language related to the Council and the Council's appropriations remained.

The Council has continued to meet to fulfill its duties under s. 758.13 (2), Wis. Stats., without the benefit of staff assistance or an office. The work of the Council, including staff assistance thereto, has been performed by its members from the State Bar, the Judiciary and the Legislature who receive no compensation. Moreover, due to the failure to appropriate funds, Council members are unable to receive reimbursement for mileage or any other expenses in connection with their work for the Council, as otherwise permitted under s. 758.13(1)(b), Wis. Stats.

The Council's 2021-2023 biennial budget request seeks to restore position authority and salary, fringe and supplies and services expenditure authority so that the Council may appoint outside of the classified service an attorney to provide staff services to the Council.

On behalf of the Council, our Budget Chair, Mr. Adam Plotkin and I, will be pleased to answer any questions that you may have about the Council's proposed 2021-2023 biennial budget.

Sincerely,

A handwritten signature in black ink that reads "William C. Gleisner, III".

William C. Gleisner, III, Chair

Wisconsin Judicial Council

State Bar No. 1014276

cc: Judicial Council Executive Committee

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 Supreme Court rules or 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 MEASURES¹

2019 AND 2020 GOALS AND ACTUALS²

Prog. No.	Performance Measure	Goal 2019	Actual 2019	Goal 2020	Actual 2020 ³
1.	Review and draft recommended amendments to the Code of Criminal Procedure.	Draft and file Supreme Court rule change petition to update discovery provisions in criminal cases	Devoted time to research and draft proposal of changes to rules regarding expungement.	Review and draft recommended amendments at the direction of the Legislature	Devoted time to finalizing draft proposal of changes to rules regarding expungement.
1.	Review and research amendments to the Rules of Evidence.	Draft and file a Supreme Court petition to update rule regarding duty to preserve evidence in civil cases.	Prepared submission to the legislature requesting amendment to Wis. Stat. § 802.06(1)(b)	Review and recommend ways to incorporate the Federal Rules of Evidence into Wisconsin's rules.	Devoted time to research and draft proposal of changes to rules regarding injunctions, to create symmetry between the state and federal processes.
1.	Review and research amendments to the Rules of Civil Procedure.	Draft and file Supreme Court rule change petition to amend trial preparation: experts statute s. 804.01(2)(d), Wisconsin Statutes	Prepared submission to the legislature requesting amendment to Wis. Stat. § 802.06(1)(b)	Review and recommend modifications to the Rules of Civil Procedure created by 2017 Wisconsin Act 235 in order to synchronize the act with the Federal Rules of Civil Procedure.	Devoted time to research and draft proposal of changes to rules regarding injunctions, to create symmetry between the state and federal processes.

¹ The Council's minutes describe in more detail these and other accomplishments of the Council.

² The Council calendar is unique, beginning in September of each year and continuing until the following June. The Council ordinarily does not meet in April, July, August, and December.

³ The Council's ability to meet and perform its activities was severely impacted by the COVID-19 pandemic.

Prog. No.	Performance Measure	Goal 2019	Actual 2019	Goal 2020	Actual 2020³
1.	Review and research amendments to the Rules of Appellate Procedure.	Draft and file Supreme Court rule change petition to adopt a rule regarding substitution or withdrawal of counsel in appellate cases.	Devoted time to research and draft proposal of changes to Wis. Stat. § 809.85, regarding the withdrawal of attorneys in appellate matters. Commenced study of prospective amendments to Wis. Stat. § 971.14.	Review and research amendments to the Rules of Appellate Procedure at the direction of the Supreme Court or council.	Continued study of prospective amendments to Wis. Stat. § 971.14 as it applies to the appellate process relating to competency of criminal defendants
1.	Timely response to requests to review Supreme Court rules.	Provide recommendations regarding Supreme Court rules changes	Provided recommendations regarding Supreme Court rules changes.	Provide recommendations regarding Supreme Court rules changes	Provided recommendations regarding Supreme Court rules changes.

2021, 2022 AND 2023 GOALS⁴

Prog. No.	Performance Measure	Goal 2021	Goal 2022	Goal 2023
1.	Review and draft recommended amendments to the Code of Criminal Procedure.	Prepare submission to the legislature requesting amendment to statute regarding expungement.	Review and draft recommended amendments at the direction of the Legislature	Review and draft recommended amendments at the direction of the Legislature

⁴ 2021 goals have been modified for the 2021-23 biennial budget.

Prog. No.	Performance Measure	Goal 2021	Goal 2022	Goal 2023
1.	Review and research amendments to the Rules of Civil Procedure and Rules of Evidence.	Continue to review and recommend ways in which to incorporate the federal rules of evidence into Wisconsin's Rules, review, and research amendments to the Rules of Civil Procedure at the direction of the Supreme Court or Council	Continue to review and recommend ways in which to incorporate the federal rules of evidence into Wisconsin's Rules, review, and research amendments to the Rules of Civil Procedure at the direction of the Supreme Court or Council	Continue to review and recommend ways in which to incorporate the federal rules of evidence into Wisconsin's Rules, review, and research amendments to the Rules of Civil Procedure at the direction of the Supreme Court or Council
1.	Review and research amendments to the Rules of Appellate Procedure.	Draft and file Supreme Court rule change petition to adopt a rule regarding substitution or withdrawal of counsel in appellate cases	Review and research amendments to the Rules of Appellate Procedure at the direction of the Supreme Court or Council	Continue to review and research amendments to the Rules of Appellate Procedure at the direction of the Supreme Court or Council
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



As of: 9/15/2020

Agency Total by Fund Source

Judicial Council

2123 Biennial Budget

		ANNUAL SUMMARY						BIENNIAL SUMMARY			
Source of Funds		Prior Year Total	Adjusted Base	1st Year Total	2nd Year Total	1st Year FTE	2nd Year FTE	Base Year Doubled (BYD)	Biennial Request	Change From (BYD)	Change From BYD %
GPR	S	\$0	\$0	\$2,000	\$111,200	0.00	1.00	\$0	\$113,200	\$113,200	0.00%
Total		\$0	\$0	\$2,000	\$111,200	0.00	1.00	\$0	\$113,200	\$113,200	0.00%
Grand Total		\$0	\$0	\$2,000	\$111,200	0.00	1.00	\$0	\$113,200	\$113,200	0.00%

Agency Total by Program

670 Judicial Council

2123 Biennial Budget

Source of Funds	ANNUAL SUMMARY						BIENNIAL SUMMARY				
	Prior Year Actual	Adjusted Base	1st Year Total	2nd Year Total	1st Year FTE	2nd Year FTE	Base Year Doubled (BYD)	Biennial Request	Change From (BYD)	Change From BYD %	
01 ADVISORY SERVICES TO THE COURTS AND THE LEGISLATURE											
Non Federal											
GPR	\$0	\$0	\$2,000	\$111,200	0.00	1.00	\$0	\$113,200	\$113,200	0.00%	
S	\$0	\$0	\$2,000	\$111,200	0.00	1.00	\$0	\$113,200	\$113,200	0.00%	
Total - Non Federal	\$0	\$0	\$2,000	\$111,200	0.00	1.00	\$0	\$113,200	\$113,200	0.00%	
S	\$0	\$0	\$2,000	\$111,200	0.00	1.00	\$0	\$113,200	\$113,200	0.00%	
PGM 01 Total	\$0	\$0	\$2,000	\$111,200	0.00	1.00	\$0	\$113,200	\$113,200	0.00%	
GPR	\$0	\$0	\$2,000	\$111,200	0.00	1.00	\$0	\$113,200	\$113,200	0.00%	
S	\$0	\$0	\$2,000	\$111,200	0.00	1.00	\$0	\$113,200	\$113,200	0.00%	
TOTAL 01	\$0	\$0	\$2,000	\$111,200	0.00	1.00	\$0	\$113,200	\$113,200	0.00%	
S	\$0	\$0	\$2,000	\$111,200	0.00	1.00	\$0	\$113,200	\$113,200	0.00%	
Agency Total	\$0	\$0	\$2,000	\$111,200	0.00	1.00	\$0	\$113,200	\$113,200	0.00%	

Agency Total by Decision Item

Judicial Council

2123 Biennial Budget

Decision Item	1st Year Total	2nd Year Total	1st Year FTE	2nd Year FTE
2000 Adjusted Base Funding Level	\$0	\$0	0.00	0.00
4000 Judicial Council Attorney and Funding	\$2,000	\$111,200	0.00	1.00
TOTAL	\$2,000	\$111,200	0.00	1.00

Decision Item (DIN) - 2000

Decision Item (DIN) Title - Adjusted Base Funding Level

NARRATIVE

Adjusted Base Funding Level

Decision Item by Line

2123 Biennial Budget

	CODES	TITLES
DEPARTMENT	670	Judicial Council
	CODES	TITLES
DECISION ITEM	2000	Adjusted Base Funding Level

Expenditure items		1st Year Cost	2nd Year Cost
01	Permanent Position Salaries	\$0	\$0
02	Turnover	\$0	\$0
03	Project Position Salaries	\$0	\$0
04	LTE/Misc. Salaries	\$0	\$0
05	Fringe Benefits	\$0	\$0
06	Supplies and Services	\$0	\$0
07	Permanent Property	\$0	\$0
08	Unallotted Reserve	\$0	\$0
09	Aids to Individuals Organizations	\$0	\$0
10	Local Assistance	\$0	\$0
11	One-time Financing	\$0	\$0
12	Debt Service	\$0	\$0
13		\$0	\$0
14		\$0	\$0
15		\$0	\$0
16		\$0	\$0
17	Total Cost	\$0	\$0
18	Project Positions Authorized	0.00	0.00
19	Classified Positions Authorized	0.00	0.00
20	Unclassified Positions Authorized	0.00	0.00

Decision Item by Numeric

Judicial Council

Program	Decision Item/Numeric	1st Year Total	2nd Year Total	1st Year FTE	2nd Year FTE
	2000	Adjusted Base Funding Level			
01	Advisory services to the courts and the legislature				
	01 General program operations	\$0	\$0	0.00	0.00
	Advisory services to the courts and the legislature Subtotal	\$0	\$0	0.00	0.00
	Adjusted Base Funding Level Subtotal	\$0	\$0	0.00	0.00
	Agency Total	\$0	\$0	0.00	0.00

Decision Item by Fund Source

Judicial Council

	Source of Funds		1st Year Total	2nd Year Total	1st Year FTE	2nd Year FTE
Decision Item	2000	Adjusted Base Funding Level				
	GPR	S	\$0	\$0	0.00	0.00
	Total		\$0	\$0	0.00	0.00
Agency Total			\$0	\$0	0.00	0.00

Decision Item (DIN) - 4000

Decision Item (DIN) Title - Judicial Council Attorney and Funding

NARRATIVE

The Judicial Council [Council] requests the provision of \$2,000 in one-time financing in the first year. The Council also requests the creation of a 1.0 FTE GPR unclassified attorney salary, fringe, and supplies and services authority of \$111,300 GPR in the second year of the biennium.

As passed by the Legislature, Assembly Bill 64 [the 2017-19 biennial budget bill] provided a budget for the Council of \$111,400 PR annually, with 1.0 PR FTE. Funding for the Judicial Council was provided from revenues transferred from the Wisconsin Supreme Court's Director of State Courts appropriations in amounts determined by the Supreme Court under s. 751.20, Wis. Stats. The Governor partially vetoed section 183 [as it related to s. 20.670(1)(k)] by reducing the amount under s. 20.670(1)(k), Wis. Stats., to \$0 in each fiscal year. Additionally, the Governor requested that the Secretary of the Department of Administration not authorize position authority for the Council and none was authorized.

This initiative requests the creation of a 1.0 FTE GPR unclassified attorney so that the Council may appoint an attorney outside of the classified service as permitted under s. 758.13 (3)(g)2, Wis. Stats. It also requests GPR supplies and services authority in the amount \$2,000 GPR one-time financing in the first year for costs associated with the recruitment of an unclassified attorney and the establishment of an office for the attorney.

It should be noted that although funding for the Council's appropriations was eliminated, statutory language related to the Council and the Council's appropriations remain under current law. Further, although the Council's last appropriated budget [the 2015-17 biennium] was funded 100% with program revenue transferred from the Courts, funding for the 2011-13 and 2013-15 biennia was split 50% PR and 50% GPR; and funding for the 2007-09 and 2009-11 biennia was 100% GPR.

Decision Item by Line

2123 Biennial Budget

	CODES	TITLES
DEPARTMENT	670	Judicial Council
	CODES	TITLES
DECISION ITEM	4000	Judicial Council Attorney and Funding

Expenditure items		1st Year Cost	2nd Year Cost
01	Permanent Position Salaries	\$0	\$65,000
02	Turnover	\$0	\$0
03	Project Position Salaries	\$0	\$0
04	LTE/Misc. Salaries	\$0	\$0
05	Fringe Benefits	\$0	\$23,600
06	Supplies and Services	\$0	\$22,600
07	Permanent Property	\$0	\$0
08	Unallotted Reserve	\$0	\$0
09	Aids to Individuals Organizations	\$0	\$0
10	Local Assistance	\$0	\$0
11	One-time Financing	\$2,000	\$0
12	Debt Service	\$0	\$0
13		\$0	\$0
14		\$0	\$0
15		\$0	\$0
16		\$0	\$0
17	Total Cost	\$2,000	\$111,200
18	Project Positions Authorized	0.00	0.00
19	Classified Positions Authorized	0.00	0.00
20	Unclassified Positions Authorized	0.00	1.00

Decision Item by Numeric

Judicial Council

Program	Decision Item/Numeric	1st Year Total	2nd Year Total	1st Year FTE	2nd Year FTE
	4000	Judicial Council Attorney and Funding			
01	Advisory services to the courts and the legislature				
	01 General program operations	\$2,000	\$111,200	0.00	1.00
	Advisory services to the courts and the legislature Subtotal	\$2,000	\$111,200	0.00	1.00
	Judicial Council Attorney and Funding Subtotal	\$2,000	\$111,200	0.00	1.00
	Agency Total	\$2,000	\$111,200	0.00	1.00

Decision Item by Fund Source

Judicial Council

	Source of Funds		1st Year Total	2nd Year Total	1st Year FTE	2nd Year FTE
Decision Item	4000	Judicial Council Attorney and Funding				
	GPR	S	\$2,000	\$111,200	0.00	1.00
	Total		\$2,000	\$111,200	0.00	1.00
Agency Total			\$2,000	\$111,200	0.00	1.00