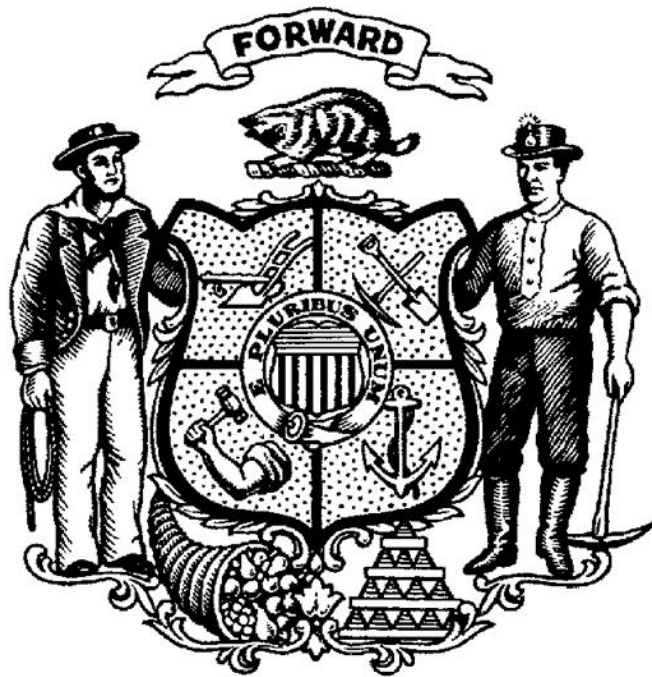


# State of Wisconsin

## Judicial Council



Agency Budget Request

2023 – 2025 Biennium

September 15, 2022

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## STATE OF WISCONSIN – JUDICIAL COUNCIL

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September 15, 2022

Mr. Brian Pahnke  
Division of Executive Budget and Finance  
Department of Administration  
101 E. Wilson St., 10th Floor  
Madison, WI 53703

Dear Mr. Pahnke,

Enclosed please find the Judicial Council's 2023-2025 biennial budget request.

Under §758.13 (3) (g) 2., Wis. Stats., the Judicial Council “may appoint outside of the classified service an attorney, who is a member in good standing of the State Bar of Wisconsin, who shall be strictly nonpartisan, and who shall not make a contribution to a candidate for state office or local office while employed by the judicial council, to provide staff services to the council.”

Previous to 2018, the Council was appropriated expenditure and position authority for support of the work of the Council, with funding provided most recently by the Courts, and in prior biennia either via a split between General Purpose Revenue (GPR) and funding from the Courts, or wholly from GPR funding (2007-09 and 2009-11). However, the Council's funding has been discontinued since the Supreme Court's August 17, 2017, order, resulting in the elimination of its position and expenditure authority.

The Judicial Council has continued to meet to fulfill its duties under §758.13 (2), Wis. Stats., without the assistance of staff. The administrative and substantive work of the Council has been performed by its appointed members of the state Bar, the Judiciary, the Executive Branch, and the Legislature. However, the productivity of the Council has been negatively impacted by the lack of staff. All of the members have volunteered their knowledge and experience, but all are employed and do not have the requisite hours to support the scope of administrative and research tasks necessary to the Council's work.

The Council's 2023-2025 biennial budget request seeks to restore position authority and salary authority so that an attorney may be appointed to support the Council's work.

On behalf of the Council, our Budget Chair, Adam Plotkin, and I will be pleased to answer any questions that you may have about the Council's proposed 2023-2025 biennial budget.

Sincerely,

*William Gleisner*

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 and Legislature 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 Chairpersons of the Senate and Assembly committees dealing with judicial affairs or his or her designee; 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**  
Judicial Council

**2021 AND 2022 GOALS AND ACTUALS**

<b>Prog. No.</b>	<b>Performance Measure</b>	<b>Goal 2021</b>	<b>Actual 2021</b>	<b>Goal 2022</b>	<b>Actual 2022</b>
1.	Review and draft recommended amendments to the Code of Criminal Procedure.	Prepare submission to the Legislature requesting amendment to statute regarding expungement	Completed	Review and draft recommended amendments at the direction of the Legislature	Reviewed how to adapt court proceedings to remote technologies
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	Planned project to review, restyle, and amend rules of evidence, incorporating Federal Rules of Evidence into Wisconsin's rules as warranted	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	Began review, restyling, and amendment of rules of evidence, incorporating Federal Rules of Evidence into Wisconsin's rules as warranted



<b>Prog. No.</b>	<b>Performance Measure</b>	<b>Goal 2021</b>	<b>Actual 2021</b>	<b>Goal 2022</b>	<b>Actual 2022</b>
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	Drafted and filed petition for Supreme Court rule change to adopt a rule regarding substitution or withdrawal of counsel in appellate cases; petition granted by Supreme Court  Studied and began drafting proposed rules for competency proceedings under Wis. Stat. s. 971.14 for cases on appeal	Review and research amendments to the Rules of Appellate Procedure at the direction of the Supreme Court or Council	Continued work on rules for competency proceedings under Wis. Stat. s. 971.14 for cases on appeal  Began development of guidance for judges and lawyers about new appellate e-filing rules
1.	Timely response to requests to review Supreme Court rules.	Provide recommendations regarding Supreme Court rules changes	No requests received	Provide recommendations regarding Supreme Court rules changes	No requests received

**2023, 2024, AND 2025 GOALS**

<b>Prog. No.</b>	<b>Performance Measure</b>	<b>Goal 2023</b>	<b>Goal 2024</b>	<b>Goal 2025</b>
1	Review and draft recommended amendments to the Code of Criminal Procedure.	<p>Review rules regarding how to adapt court proceedings to remote technologies</p> <p>Create legislation related to s. 971.14 post-conviction proceedings</p> <p>Review and draft other recommended amendments at the direction of the Supreme Court or Legislature or Council</p>	Review and draft recommended amendments at the direction of the Supreme Court or Legislature or Council	Review and draft recommended amendments at the direction of the Supreme Court or Legislature or Council
1	Review and research amendments to the Rules of Evidence.	<p>Continue to review and recommend ways to incorporate the Federal Rules of Evidence into Wisconsin's rules</p> <p>Continue review of all rules of evidence and research updates to the rules to restyle and incorporate federal rules of evidence and recent caselaw</p>	Continue review of all rules of evidence and research into updates to the rules to restyle and incorporate federal rules of evidence and recent caselaw	Continue review of all rules of evidence and research into updates to the rules to restyle and incorporate federal rules of evidence and recent caselaw

<b>Prog. No.</b>	<b>Performance Measure</b>	<b>Goal 2023</b>	<b>Goal 2024</b>	<b>Goal 2025</b>
1	Review and research amendments to the Rules of Civil Procedure.	Finalize proposed statutory language for changes to rules of procedure regarding temporary restraining orders and preliminary injunctions and submit proposed bill to Legislature  Resubmit to Legislature proposed bill regarding sworn declarations	Continue if needed support of passage of bill amending rules of procedure regarding temporary restraining orders and preliminary injunctions and bill regarding sworn declarations  Review and draft recommended amendments at the direction of the Supreme Court or Legislature or council	Review and recommend modifications to the Rules of Civil Procedure at the direction of the Supreme Court or council  Review and draft recommended amendments at the direction of the Supreme Court or Legislature or council
1	Review and research amendments to the Rules of Appellate Procedure.	Continue to develop rules for competency proceedings under Wis. Stat s. 971.14 for cases on appeal; draft propose rule and file petition with the Supreme Court  Finalize guidance for judges and lawyers about new appellate e-filing rules	Advance petition in Supreme Court for rules for competency proceedings under Wis. Stat. s. 971.14 as needed  Continue to review and research amendments to the Rules of Appellate Procedure at the direction of the Supreme Court or Legislature or council	Continue to review and research amendments to the Rules of Appellate Procedure at the direction of the Supreme Court or Legislature 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

Note: Based on fiscal year.

Performance measures have been revised for the upcoming biennium.



As of: 9/15/2022

# Agency Total by Fund Source

Judicial Council

2325 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	\$97,700	\$124,300	1.00	1.00	\$0	\$222,000	\$222,000	0.00%
<b>Total</b>		\$0	\$0	\$97,700	\$124,300	1.00	1.00	\$0	\$222,000	\$222,000	0.00%
<b>Grand Total</b>		\$0	\$0	\$97,700	\$124,300	1.00	1.00	\$0	\$222,000	\$222,000	0.00%

# Agency Total by Program

Judicial Council

2325 Biennial Budget

Source of Funds	Prior Year Total	ANNUAL SUMMARY					BIENNIAL SUMMARY				
		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 %	
<b>01 Advisory services to the courts and the legislature</b>											
<b>Non Federal</b>											
GPR	\$0	\$0	\$97,700	\$124,300	1.00	1.00	\$0	\$222,000	\$222,000	0.00%	
S	\$0	\$0	\$97,700	\$124,300	1.00	1.00	\$0	\$222,000	\$222,000	0.00%	
<b>Total - Non Federal</b>	<b>\$0</b>	<b>\$0</b>	<b>\$97,700</b>	<b>\$124,300</b>	<b>1.00</b>	<b>1.00</b>	<b>\$0</b>	<b>\$222,000</b>	<b>\$222,000</b>	<b>0.00%</b>	
S	\$0	\$0	\$97,700	\$124,300	1.00	1.00	\$0	\$222,000	\$222,000	0.00%	
<b>PGM 01 Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$97,700</b>	<b>\$124,300</b>	<b>1.00</b>	<b>1.00</b>	<b>\$0</b>	<b>\$222,000</b>	<b>\$222,000</b>	<b>0.00%</b>	
GPR	\$0	\$0	\$97,700	\$124,300	1.00	1.00	\$0	\$222,000	\$222,000	0.00%	
S	\$0	\$0	\$97,700	\$124,300	1.00	1.00	\$0	\$222,000	\$222,000	0.00%	
<b>TOTAL 01</b>	<b>\$0</b>	<b>\$0</b>	<b>\$97,700</b>	<b>\$124,300</b>	<b>1.00</b>	<b>1.00</b>	<b>\$0</b>	<b>\$222,000</b>	<b>\$222,000</b>	<b>0.00%</b>	
S	\$0	\$0	\$97,700	\$124,300	1.00	1.00	\$0	\$222,000	\$222,000	0.00%	
<b>AGENCY TOTAL</b>	<b>\$0</b>	<b>\$0</b>	<b>\$97,700</b>	<b>\$124,300</b>	<b>1.00</b>	<b>1.00</b>	<b>\$0</b>	<b>\$222,000</b>	<b>\$222,000</b>	<b>0.00%</b>	

# Agency Total by Decision Item

Judicial Council

2325 Biennial Budget

Decision Item	1st Year Total	2nd Year Total	1st Year FTE	2nd Year FTE
4000 Judicial Council Attorney and Funding	\$97,700	\$124,300	1.00	1.00
<b>TOTAL</b>	<b>\$97,700</b>	<b>\$124,300</b>	<b>1.00</b>	<b>1.00</b>

**Decision Item (DIN) - 2000**

**Decision Item (DIN) Title - Adjusted Base Funding Level**

**NARRATIVE**

Adjusted Base Funding Level



# Decision Item by Line

2325 Biennial Budget

<b>DEPARTMENT</b>	<b>CODES</b>	<b>TITLES</b>
	670	Judicial Council
<b>DECISION ITEM</b>	<b>CODES</b>	<b>TITLES</b>
	2000	Adjusted Base Funding Level

	<b>Expenditure Items</b>	<b>1st Year Cost</b>	<b>2nd Year Cost</b>
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
<b>17</b>	<b>TOTAL</b>	<b>\$0</b>	<b>\$0</b>
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

2325 Biennial Budget

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

# Decision Item by Fund Source

Judicial Council

2325 Biennial Budget

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

## **Decision Item (DIN) - 4000**

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

#### **NARRATIVE**

The Judicial Council [Council] requests the creation of a 1.0 FTE GPR unclassified attorney with salary, fringe, one-time financing, supplies and services, and rent authority of \$97,700 GPR in Fiscal Year (FY) 2024 and \$124,300 in FY2025.

As passed by the Legislature, Assembly Bill 64 [the 2017-19 biennial budget bill] provided a budget for the Council of \$111,400 PR-S annually, with 1.0 PR-S 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. The request contains GPR supplies and services authority, inclusive of personnel variable supplies and services, rent, and 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 PR-S transferred from the Courts, funding for the 2011-13 and 2013-15 biennia was split 50% PR-S and 50% GPR; and funding for the 2007-09 and 2009-11 biennia was 100% GPR.

# Decision Item by Line

2325 Biennial Budget

<b>DEPARTMENT</b>	<b>CODES</b>	<b>TITLES</b>
	670	Judicial Council
<b>DECISION ITEM</b>	<b>CODES</b>	<b>TITLES</b>
	4000	Judicial Council Attorney and Funding

	<b>Expenditure Items</b>	<b>1st Year Cost</b>	<b>2nd Year Cost</b>
01	Permanent Position Salaries	\$41,700	\$55,500
02	Turnover	\$0	\$0
03	Project Position Salaries	\$0	\$0
04	LTE/Misc. Salaries	\$0	\$0
05	Fringe Benefits	\$14,500	\$19,400
06	Supplies and Services	\$39,500	\$49,400
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
<b>17</b>	<b>TOTAL</b>	<b>\$97,700</b>	<b>\$124,300</b>
18	Project Positions Authorized	0.00	0.00
19	Classified Positions Authorized	0.00	0.00
20	Unclassified Positions Authorized	1.00	1.00

# Decision Item by Numeric

Judicial Council

2325 Biennial Budget

Program	Decision Item/Numeric	1st Year Total	2nd Year Total	1st Year FTE	2nd Year FTE
	<b>4000 Judicial Council Attorney and Funding</b>				
01	Advisory services to the courts and the legislature				
	01 General program operations	\$97,700	\$124,300	1.00	1.00
	<b>Advisory services to the courts and the legislature Sub Total</b>	<b>\$97,700</b>	<b>\$124,300</b>	<b>1.00</b>	<b>1.00</b>
	<b>Judicial Council Attorney and Funding Sub Total</b>	<b>\$97,700</b>	<b>\$124,300</b>	<b>1.00</b>	<b>1.00</b>
	<b>Agency Total</b>	<b>\$97,700</b>	<b>\$124,300</b>	<b>1.00</b>	<b>1.00</b>

# Decision Item by Fund Source

Judicial Council

2325 Biennial Budget

Decision Item/Source of Funds		1st Year Total	2nd Year Total	1st Year FTE	2nd Year FTE
<b>4000 Judicial Council Attorney and Funding</b>					
GPR	S	\$97,700	\$124,300	1.00	1.00
<b>Judicial Council Attorney and Funding Total</b>		<b>\$97,700</b>	<b>\$124,300</b>	<b>1.00</b>	<b>1.00</b>
<b>Agency Total</b>		<b>\$97,700</b>	<b>\$124,300</b>	<b>1.00</b>	<b>1.00</b>