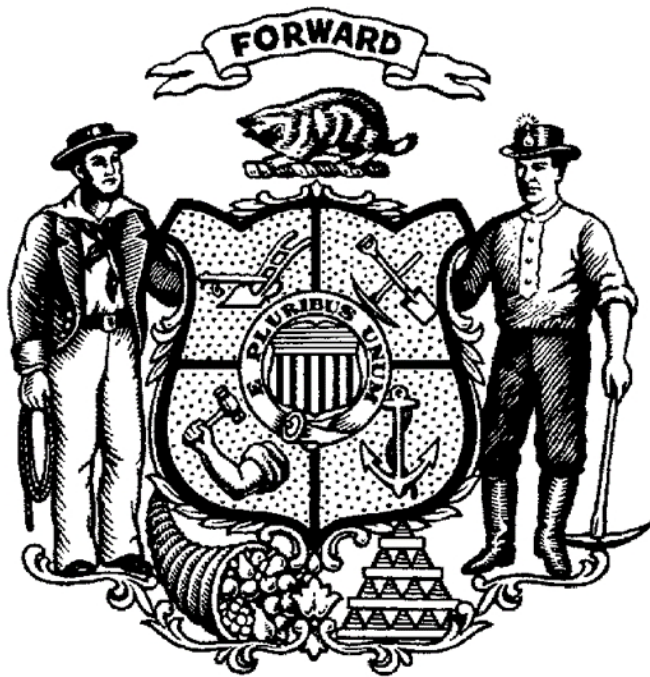


State of Wisconsin

Judicial Council



Agency Budget Request

2025 – 2027 Biennium

September 16, 2024

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STATE OF WISCONSIN – JUDICIAL COUNCIL

September 15, 2024

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 2025-2027 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 authority and appropriated funding.

The Judicial Council has continued to meet to fulfill its duties under §758.13 (2), Wis. Stats., without the assistance of staff. Most notably, the Council prepared, submitted, and had approved by the Supreme Court of Wisconsin a rules petition related to the appellate procedure in a competency proceeding. 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 2025-2027 biennial budget request seeks to restore position authority and funding 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 2025-2027 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 a designated member from such committees; 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

2023 AND 2024 GOALS AND ACTUALS

Prog. No.	Performance Measure	Goal 2023	Actual 2023	Goal 2024	Actual 2024
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, Wisconsin Statutes, postconviction proceeding</p> <p>Review and draft other recommended amendments at the direction of the Supreme Court, Legislature or council</p>	<p>Review process underway with Criminal Procedure Subcommittee</p> <p>Project suspended due to no longer being applicable</p> <p>No requests received</p>	Review and draft recommended amendments at the direction of the Supreme Court, Legislature or council	Reviewed policies related to recording of proceedings in court
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 case law</p>	<p>Project ongoing</p> <p>With the assistance of MU Professor Blinka and UW Professor Schwartz, progress was achieved</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 case law	With the continued assistance of MU Professor Blinka and UW Professor Schwartz, progress was achieved

Prog. No.	Performance Measure	Goal 2023	Actual 2023	Goal 2024	Actual 2024
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	Project ongoing Worked with legislature to introduce Unsworn Declarations Act signed as 2023 Act 245	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, Legislature or council	Worked with legislature to introduce Unsworn Declarations Act signed as 2023 Act 245 No requests received
1.	Review and research amendments to the Rules of Appellate Procedure.	Continue to develop rules for competency proceedings under s. 971.14, Wisconsin Statutes, 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	Thanks to assistance from Judge Hruz, completed Guidance finalized	Advance petition in Supreme Court for rules for competency proceedings under s. 971.14, Wisconsin Statutes, as needed Continue to review and research amendments to the Rules of Appellate Procedure at the direction of the Supreme Court, Legislature or council	Supreme Court petition regarding proceedings under s. 971.14 introduced and adopted by Wisconsin Supreme Court Review of proposed rule on venue selection for Court of Appeals cases

Prog. No.	Performance Measure	Goal 2023	Actual 2023	Goal 2024	Actual 2024
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	Reviewed draft rules petition to weigh possible response

Note: Based on fiscal year.

Note: 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.

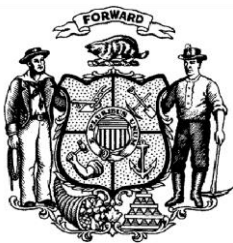
2025, 2026 AND 2027 GOALS

Prog. No.	Performance Measure¹	Goal 2025	Goal 2026	Goal 2027
1.	Review and draft recommended amendments to the Code of Criminal Procedure.	Participate in review of Digital Audio Recording rules	Review and draft changes related to DNA Surcharge fees	Review and draft recommended amendments at the direction of the Council, Supreme Court, or Legislature
1.	Review and research amendments to the Rules of Evidence.	Continue to work on revisions to the Injunction Rules in Wisconsin	Continue to work on revisions to the Injunction Rules in Wisconsin	Continue review of all Rules of Evidence and research updates to restyle and incorporate Federal Rules of Evidence and recent case law
1.	Review and research amendments to the Rules of Civil Procedure.	Finalize proposed statutory language for changes to Rules of Civil Procedure regarding temporary restraining orders and preliminary injunctions and submit proposed bill to the Legislature	Review and draft recommended amendments at the direction of the Council, Supreme Court, or Legislature	Review and draft recommended amendments at the direction of the Council, Supreme Court, or Legislature
1.	Review and research amendments to the Rules of Appellate Procedure.	Review the procedure for assigning an appeal to a Court of Appeals district	Review and draft recommended amendments at the direction of the Council, Supreme Court, or Legislature	Review and draft recommended amendments at the direction of the Council, Supreme Court, or Legislature
1.	Timely response to requests to review Supreme Court rules.	Provide recommendations regarding proposed Supreme Court rules changes	Provide recommendations regarding proposed Supreme Court rules changes	Provide recommendations regarding proposed Supreme Court rules changes

Note: Based on fiscal year.

¹Performance measures and goals have been revised for the 2025-27 biennium.

Judicial Council



As of: 9/15/2024

Agency Total by Fund Source

Judicial Council

2527 Biennial Budget

Source of Funds		ANNUAL SUMMARY						BIENNIAL SUMMARY			
		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	\$124,500	\$158,000	1.00	1.00	\$0	\$282,500	\$282,500	0.00%
Total		\$0	\$0	\$124,500	\$158,000	1.00	1.00	\$0	\$282,500	\$282,500	0.00%
Grand Total		\$0	\$0	\$124,500	\$158,000	1.00	1.00	\$0	\$282,500	\$282,500	0.00%

Agency Total by Program

Judicial Council

2527 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 %	
01 Advisory services to the courts and the legislature											
Non Federal											
GPR	\$0	\$0	\$124,500	\$158,000	1.00	1.00	\$0	\$282,500	\$282,500	0.00%	
S	\$0	\$0	\$124,500	\$158,000	1.00	1.00	\$0	\$282,500	\$282,500	0.00%	
Total - Non Federal	\$0	\$0	\$124,500	\$158,000	1.00	1.00	\$0	\$282,500	\$282,500	0.00%	
S	\$0	\$0	\$124,500	\$158,000	1.00	1.00	\$0	\$282,500	\$282,500	0.00%	
PGM 01 Total	\$0	\$0	\$124,500	\$158,000	1.00	1.00	\$0	\$282,500	\$282,500	0.00%	
GPR	\$0	\$0	\$124,500	\$158,000	1.00	1.00	\$0	\$282,500	\$282,500	0.00%	
S	\$0	\$0	\$124,500	\$158,000	1.00	1.00	\$0	\$282,500	\$282,500	0.00%	
TOTAL 01	\$0	\$0	\$124,500	\$158,000	1.00	1.00	\$0	\$282,500	\$282,500	0.00%	
S	\$0	\$0	\$124,500	\$158,000	1.00	1.00	\$0	\$282,500	\$282,500	0.00%	
AGENCY TOTAL	\$0	\$0	\$124,500	\$158,000	1.00	1.00	\$0	\$282,500	\$282,500	0.00%	

Agency Total by Decision Item

Judicial Council

2527 Biennial Budget

Decision Item	1st Year Total	2nd Year Total	1st Year FTE	2nd Year FTE
4000 Judicial Council Attorney and Funding	\$124,500	\$158,000	1.00	1.00
TOTAL	\$124,500	\$158,000	1.00	1.00

Decision Item (DIN) - 2000

Decision Item (DIN) Title - Adjusted Base Funding Level

NARRATIVE

Adjusted Base Funding Level

Decision Item by Line

2527 Biennial Budget

DEPARTMENT	CODES	TITLES
	670	Judicial Council
DECISION ITEM	CODES	TITLES
	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	\$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

Program	Decision Item/Numeric	1st Year Total	2nd Year Total	1st Year FTE	2nd Year FTE
	Agency Total				

Decision Item by Fund Source

Decision Item/Source of Funds	1st Year Total	2nd Year Total	1st Year FTE	2nd Year FTE
Agency Total				

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, and supplies and services authority of \$124,500 GPR in Fiscal Year (FY) 2025-26 and \$158,000 in FY 2026-27.

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 position. 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 and one-time financing in the first year for supplies necessary to support the new position.

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

2527 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	\$77,100	\$102,800
02	Turnover	\$0	\$0
03	Project Position Salaries	\$0	\$0
04	LTE/Misc. Salaries	\$0	\$0
05	Fringe Benefits	\$32,400	\$43,200
06	Supplies and Services	\$12,000	\$12,000
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	\$3,000	\$0
12	Debt service	\$0	\$0
13		\$0	\$0
14		\$0	\$0
15		\$0	\$0
16		\$0	\$0
17	TOTAL	\$124,500	\$158,000
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

2527 Biennial Budget

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	\$124,500	\$158,000	1.00	1.00
	Advisory services to the courts and the legislature Sub Total	\$124,500	\$158,000	1.00	1.00
	Judicial Council Attorney and Funding Sub Total	\$124,500	\$158,000	1.00	1.00
	Agency Total	\$124,500	\$158,000	1.00	1.00

Decision Item by Fund Source

2527 Biennial Budget

Judicial Council

Decision Item/Source of Funds		1st Year Total	2nd Year Total	1st Year FTE	2nd Year FTE
4000 Judicial Council Attorney and Funding					
GPR	S	\$124,500	\$158,000	1.00	1.00
Judicial Council Attorney and Funding Total		\$124,500	\$158,000	1.00	1.00
Agency Total		\$124,500	\$158,000	1.00	1.00