

## JUDICIAL COUNCIL

### GOVERNOR'S BUDGET RECOMMENDATIONS

Source of Funds	FY15 Adjusted Base	FY16 Recommended	% Change Over FY15	FY17 Recommended	% Change Over FY16
GPR	70,400	0	-100.0	0	0.0
TOTAL	70,400	0	-100.0	0	0.0

### FULL-TIME EQUIVALENT POSITION SUMMARY

Source of Funds	FY15 Adjusted Base	FY16 Recommended	FTE Change Over FY15	FY17 Recommended	FTE Change Over FY16
GPR	0.50	0.00	-0.50	0.00	0.00
PR-S	0.50	0.00	-0.50	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 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**

**2013 AND 2014 GOALS AND ACTUALS**

<b>Prog. No.</b>	<b>Performance Measure</b>	<b>Goal 2013</b>	<b>Actual 2013</b>	<b>Goal 2014</b>	<b>Actual 2014</b>
1.	Review and draft recommended amendments to the Code of Criminal Procedure.	Study and draft recommendations concerning the proper procedures for issuing a warrant, executing that warrant and other procedural concerns related to police searches using global positioning system (GPS) technology	Studied current Supreme Court cases and laws adopted in other states	Begin working with the Legislative Reference Bureau (LRB) to draft bill containing recommended amendments related to police searches using GPS technology  Study and draft recommendations concerning plea withdrawal	Drafted a white paper to provide guidance to LRB regarding the use of GPS  2013 Wisconsin Act 375 was enacted, which generally prohibits police officers from tracking the location of a wireless device without obtaining a warrant  Bill drafted with revisions to eight chapters of the Criminal Procedure Code

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<b>Prog. No.</b>	<b>Performance Measure</b>	<b>Goal 2013</b>	<b>Actual 2013</b>	<b>Goal 2014</b>	<b>Actual 2014</b>
1.	Review and research amendments to the Rules of Evidence.	Continue to study and draft recommended revisions to reflect current case law and maintain cohesion and consistency with modern practice	The Supreme Court approved rule change petition drafted by the council to modify the rules of discovery and evidence related to material protected by lawyer-client privilege or as work product	Begin working with LRB to draft bill containing recommended amendments and begin drafting a Supreme Court rule change petition to amend the rules of evidence	Reviewed and studied the rules of evidence and began drafting changes to six rules
1.	Review and research amendments to the Rules of Civil Procedure.	Begin comprehensive code amendment process by identifying rules that are inconsistent with current practice or case law	Identified several rules for study and possible alteration	Begin studying rules that have been identified as inconsistent with current practice or case law and drafting recommended amendments	A rule petition, drafted by the council, was filed with the Supreme Court
1.	Timely response to requests to review Supreme Court rules.	Draft and file Supreme Court rule change petition to protect the identity of victims in appellate documents publically available via the Internet	Continue to study and draft a rule to protect the identity of victims in appellate cases from public records available via the Internet	Study and recommend amendments to promote greater consistency and completeness of the record on appeal	Supreme Court rule change petition to protect the identity of crime victims was filed  Studied record on appeal

Note: Based on fiscal year.

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**2015, 2016 AND 2017 GOALS**

<b>Prog. No.</b>	<b>Performance Measure</b>	<b>Goal 2015</b>	<b>Goal 2016</b>	<b>Goal 2017</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	Study and draft recommendations concerning the preliminary examination process	Study and draft recommendations concerning discovery depositions in criminal cases
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	Provide draft bill to the Legislature for introduction and file Supreme Court rule change petition to amend the rules of evidence	Draft and file Supreme Court rule change petition to address duty to preserve evidence
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 amendments	Draft recommended amendments to s. 803.08, Wisconsin Statutes, class action statute	Draft recommended amendments to s. 885.03, Wisconsin Statutes, service of subpoena
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	Provide recommendations regarding Supreme Court rules changes	Provide recommendations regarding Supreme Court rules changes

Note: Based on fiscal year.

## **JUDICIAL COUNCIL**

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

#### **RECOMMENDATIONS**

1. Elimination of the Judicial Council
2. Standard Budget Adjustments

#### **ITEMS NOT APPROVED**

3. Restore Funding and Position

**Judicial Council**

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

	ACTUAL FY14	ADJUSTED BASE FY15	AGENCY REQUEST FY16	AGENCY REQUEST FY17	GOVERNOR'S RECOMMENDATION FY16	GOVERNOR'S RECOMMENDATION FY17
GENERAL PURPOSE REVENUE	\$68.0	\$70.4	\$118.7	\$119.0	\$0.0	\$0.0
State Operations	68.0	70.4	118.7	119.0	0.0	0.0
TOTALS - ANNUAL	\$68.0	\$70.4	\$118.7	\$119.0	\$0.0	\$0.0
State Operations	68.0	70.4	118.7	119.0	0.0	0.0

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

	ADJUSTED BASE FY15	AGENCY REQUEST FY16	AGENCY REQUEST FY17	GOVERNOR'S RECOMMENDATION FY16	GOVERNOR'S RECOMMENDATION FY17
GENERAL PURPOSE REVENUE	0.50	1.00	1.00	0.00	0.00
PROGRAM REVENUE (2)	0.50	0.00	0.00	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

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

	ACTUAL FY14	ADJUSTED BASE FY15	AGENCY REQUEST		GOVERNOR'S RECOMMENDATION	
			FY16	FY17	FY16	FY17
1. Advisory services to the courts and the legislature	\$68.0	\$70.4	\$118.7	\$119.0	\$0.0	\$0.0
<b>TOTALS</b>	\$68.0	\$70.4	\$118.7	\$119.0	\$0.0	\$0.0

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

	ADJUSTED BASE FY15	AGENCY REQUEST		GOVERNOR'S RECOMMENDATION	
		FY16	FY17	FY16	FY17
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. Elimination of the Judicial Council**

Source of Funds	Agency Request				Governor's Recommendations			
	FY16		FY17		FY16		FY17	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	0	0.00	0	0.00	-66,700	-0.50	-67,000	-0.50
PR-S	0	0.00	0	0.00	-44,400	-0.50	-44,400	-0.50
<b>TOTAL</b>	<b>0</b>	<b>0.00</b>	<b>0</b>	<b>0.00</b>	<b>-111,100</b>	<b>-1.00</b>	<b>-111,400</b>	<b>-1.00</b>

The Governor recommends eliminating the Judicial Council as a separate entity. The Supreme Court has the authority to create and support such an advisory council if it so chooses.

**2. Standard Budget Adjustments**

Source of Funds	Agency Request				Governor's Recommendations			
	FY16		FY17		FY16		FY17	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	-3,700	0.00	-3,400	0.00	-3,700	0.00	-3,400	0.00
PR-S	44,400	0.00	44,400	0.00	44,400	0.00	44,400	0.00
<b>TOTAL</b>	<b>40,700</b>	<b>0.00</b>	<b>41,000</b>	<b>0.00</b>	<b>40,700</b>	<b>0.00</b>	<b>41,000</b>	<b>0.00</b>

The Governor recommends adjusting the council's base budget for: (a) full funding of continuing position salaries and fringe benefits (\$39,800 in each year); and (b) full funding of lease and directed move costs (\$900 in FY16 and \$1,200 in FY17).

**ITEMS NOT APPROVED**

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

Decision Item	Source of Funds	FY16		FY17	
		Dollars	Positions	Dollars	Positions
3. Restore Funding and Position	GPR	52,000	0.50	52,000	0.50
	PR-S	-44,400	-0.50	-44,400	-0.50
<b>TOTAL OF ITEMS NOT APPROVED</b>	GPR	52,000	0.50	52,000	0.50
	PR-S	-44,400	-0.50	-44,400	-0.50