

**State of the Judiciary Report  
Dane County Circuit Court**

April 2008

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**State of the Judiciary  
2006 & 2007  
Dane County Circuit Court**

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## **I. Introduction**

The mission of the Wisconsin court system, as established by the Supreme Court strategic plan, is “to protect individual’s rights, privileges and liberties, to maintain the rule of law, and to provide a forum for the resolution of disputes that is fair, accessible, independent and effective.” The role of the circuit courts is to carry out that mission on a day-to-day basis, giving every case brought to the court the particular time and attention required, and applying the law to each person and case in an individual manner to obtain the best result for both those specifically involved and the community at large.

This report has been prepared to provide information on the organization of the Dane County Circuit Court, the functions of its many components, the work it has performed for our citizens and the fiscal implications of its operations. This report also offers descriptions, explanations and statements of values intended to illustrate not just the routine statistics and pragmatic details of a busy enterprise, but also the philosophy, ideals and goals that motivate the work done in the judicial branch of government in Dane County. Please note that the previous State of the Judiciary report, from 2005, is also available upon request.

I hope that this report will provide insight into the workings of the circuit court and a better understanding of the needs, opportunities and challenges facing the judges and other court-related constitutional officers. This report also commends the dedicated, hard working staff who not only strive to carry out the fundamental mission of the courts, but also find ways to innovate, improve efficiencies, and provide excellent public service.

I would also like to acknowledge the positive influence of the Dane County bar. Bar association members volunteer for legal clinics, serve on committees to assist the court, act as appointed counsel and guardians ad litem for less than fair market fees, and participate in the many other programs designed to improve the delivery of legal services to the citizens of Dane County. They deserve our thanks.

Each branch of government - executive, legislative and judicial - has a role to play in keeping Dane County a safe, enjoyable community. The legislative branch makes the law and establishes the budget. The executive branch administers the law. The judicial branch upholds and applies the law. Understanding those roles and creating and working in an environment of mutual respect is crucial for good government. With the goal of promoting open and honest communication, and inter-governmental cooperation, the court welcomes any opportunity to explore new methods and techniques for fulfilling our constitutional obligations. Please feel free to call me at any time.

April 2008

C. William Foust, Chief Circuit Court Judge  
5<sup>th</sup> Judicial Administrative District

## Highlights of Activities in 2006 and 2007

The court is not a static organization. Every component of the system, whether judges, clerks, managers, commissioners, family court counselors or juvenile program personnel, are continually monitoring operations, evaluating program effectiveness and suggesting modifications to improve efficiencies and public service. The judges and related personnel in the juvenile and criminal divisions meet regularly. Court managers, the Lead Commissioner and the Director of Family Court Counseling Services meet routinely to maintain clear lines of communication and make sure all efforts are coordinated and not at odds with each other. The court is in on-going communication with the District Attorney, State Public Defender and Bailiff's Office on matters of mutual concern. The judges meet monthly to resolve problems and review ideas proposed for improvements brought to them from any part of the system, including the Dane County Bar Association. Some changes are small, such as amending a form to reflect new legislation. Others have a substantial impact on the court system as a whole, such as moving to the new courthouse. The courthouse brought immeasurable improvement for personnel, jurors, and court users over the facilities provided in the City-County Building. The judges, court personnel and court users appreciate the efforts of those who made it a reality.

Listed below are a number of the more significant activities of the court since the last State of the Judiciary report.

- The court implemented a number of new procedures to best use the new courthouse in January 2006, including: creation of Court Commissioner Center to facilitate efficient use of commissioner resources and improve public service; re-assignment of personnel to staff the new counter and reception centers; instituted weapon screening for all who come in through the public entrance (eliminate employee by-pass); and adopted policies for using the new multi-purpose room (now used by many county and city agencies).
- The court is using the technology opportunities afforded by the new courthouse. Despite technical difficulties in achieving full implementation of video conferencing, between January and September 2007 there were 46 instances of courts using video conference in place of a personal appearance. Thirty of these appearances were from the Dane County Jail. Improved telephone equipment led to increased use of phone conferences in place of a personal appearance, an estimated 300 more each month than when the court was located in the CCB. Additionally, the courtroom technology evidence display carts located on each floor were used a total of 425 days in 2007.
- In early 2006 the court entered into a Memorandum of Understanding with selected attorneys to serve as court-appointed defense counsel to represent indigent defendants denied eligibility by the SPD. This agreement resulted in savings of approximately \$100,000 in 2007.
- In June 2006 the Sheriff closed the holding cells in the courthouse in response to failures of cell doors and locks. The cells did not re-open until January 2007. This resulted in significant delays in transporting in-custody defendants to court, requiring shifts in calendaring practices and causing delays in case disposition.

- A new Spanish language staff interpreter, hired at the end of 2005, facilitates use of certified interpreters in court and coordinates scheduling of interpreters to maximize use, minimize costs and maximize state reimbursement.
- In criminal/traffic hearings over which the court commissioners preside, two new programs were begun in 2007: DART and Alive at 25. DART is the grant-funded Day Report and Treatment Program, a pre-trial bail monitoring program for drug abusing offenders. This program aims to keep defendants out of jail pending case disposition, and provides assessment, treatment and supervision options to inhibit re-offending. Alive at 25 is a program for young drivers with traffic offenses, intended to help them identify and correct bad driving behaviors.
- In 2006 the court commissioners established a number of specialized calendars to expedite case process in domestic abuse and harassment cases, prisoner family law cases, and enforcement of counseling fees and Criminal Defense Program (CDP) reimbursements.
- Upon occupancy of the building, the Courthouse Art Committee began work with the Dane County Bar Association and other community representatives. A County Board resolution enabled the program to accept monetary donations and donated art for the courthouse, as no county funds were available. In two years the committee has obtained donations and art valued at more than \$70,000. Art greatly improves the environment for those coming to court.
- For several months in 2006 criminal division judges met with representatives of the prosecution and defense bar to review existing policies and procedures and determine how we can make the criminal justice system more effective. The result was a document entitled, 'Expectations for Practicing in the Dane County Criminal Courts'. This is intended to serve as an evolving guide for judges, bailiffs, and attorneys.
- The Juvenile Court program designed and oversaw construction and occupancy of a new, long-anticipated enlarged and significantly improved Juvenile Detention Center in August 2007. The cooperation of the County Board in achieving this goal is appreciated
- The court adopted a policy stating that if probation is revoked or a defendant is discharged from probation with outstanding financial obligations, a civil judgment shall be entered against the defendant and in favor of restitution victims and governmental entities for the balance due. Collection actions may include income assignments.
- Commissioners began using digital audio recording for selected guardianship hearings and Monday status conferences in place of freelance county-paid court reporters. This is in addition to using it for juvenile hearings and CDP fee hearings.
- In response to the County Executive's 2007 budget directive to increase revenues, FCCS implemented a three-tiered fee structure for custody and placement studies. The fee structure is based on the combined household income of both parties. The current fee of \$500 would be increased to \$750 and \$1500 for those with incomes above \$75,000 and \$150,000.

- In August 2006 the court adopted a procedure for due diligence warrants that eliminates the need to transport those arrested in other counties to Dane County to be served with warrants related to non-payment of child support. Instead of transport, the Commissioners worked out agreements with Corporation Counsel and Sheriffs statewide to serve the necessary papers and forward them back to Dane County.
- The court reacted to 2006 legislation governing the admission of juveniles to mental treatment facilities. The new law significantly increased the number of hearings from several a year to several a week. The court established scheduling protocols and worked with the directors of facilities to ensure prompt and coordinated action under the new, shorter timeframes.
- To improve day-to-day efficiencies, the court worked with the Public Protection & Judiciary Committee and loaned attorney work space to the child support office, and to the Clerk of Court for semi-remote file storage, until such spaces are required for courtrooms.
- In June 2006 the judges authorized the clerk of court to reduce by 15% the number of jurors normally summoned to jury duty. This reduces costs for the county and inconvenience for prospective jurors and encourages more efficient use of juror time. In the first 6 months 311 fewer jurors were summoned, for a savings of \$5,443 in juror fees.
- In December 2006, following the enactment of new legislation requiring greater notice provisions, the court adopted a policy establishing procedures when bail is forfeited. After the required 30 day notice is given, if no request for hearing is received, forfeited bail will be used as payment towards restitution, CDP reimbursement and other statutory accounts.
- In early 2007 the court adopted a once a month Speedy Disposition mass calendar for Operating After Revocation (OAR) cases. Calendars may be as large as 200 cases, with a 70% disposal rate.
- In 2007 the court coordinated efforts with the Department of Motor Vehicles to have DMV personnel on hand for the OAR Speedy Disposition calendars, to assist defendants to successfully reinstate their licenses to prevent further offenses.
- In late 2007 the commissioners developed, in consultation with the Child Support office and local law enforcement agencies, a plan whereby cash seized by law enforcement and logged in as evidence may be used to pay outstanding child support arrears.
- In October 2007 the court responded to a September 2007 report by an outside consultant by adopting, and implementing, 12 recommendations contained in the report. Staff is tracking the effectiveness of the new programs and providing data to the Chief Judge, which he is sharing on a routine basis with the County Board.
- In 2007 the court revamped local court rules governing family cases to create a system that was more consistent, prompt, and easier for pro se litigants to navigate.

- The court met with DOA Director Bonnie Hammersly and Rob Nebel, of Public Works in May 2007 to address on-going courthouse construction punch list tasks and other building system problems. The Chief Judge met with County Board Chair Scott McDonell in November 2007 on the same subject and list. Several critical items remain outstanding.
- In the spring of 2007 a delegation of judges met with local state representatives and senators to discuss topics of mutual interest, and report on the impact on courts of recent legislation.
- The Juvenile Court monitored a \$50,000 grant for a community based program to reduce the disproportionate number of minority youth who enter the juvenile justice system.

## **II. Organization, Structure and Values**

### **Organization**

The Dane County Circuit Court is part of a larger state court organization. The Wisconsin Supreme Court has supervisory authority over all circuit courts. The Supreme Court appoints a chief judge in each of ten administrative districts. The chief judge is delegated the responsibility to supervise and direct the administration of the district, including personnel and fiscal management. The duties of a chief judge are defined in Supreme Court Rule 70.19. Dane County is part of the 5<sup>th</sup> Judicial Administrative District which also includes Rock, Green and Lafayette counties. Assisting the chief judge is a district court administrator, a state employee whose primary duties involve providing technical and administrative assistance to the judges and clerks of court of the district, and to assist the chief judge in carrying out his/her responsibilities.

Circuit judges are elected to six-year terms of office. Each judge, by statute, may appoint a court reporter who will make a verbatim record of all court proceedings. Salaries of judges and court reporters are paid by the state.

Each county has a clerk of circuit court, elected to a four-year term of office. This constitutional office has many statutory responsibilities, handles millions of dollars and bears substantial responsibility for the effective operation of the courts. Within the clerk's office are many programs, including Alternatives to Incarceration, collections, the guardian ad litem social worker and the jury system.

The Dane County Circuit Court also has an office of Family Court Counseling Services, supervised by the chief judge, and an office of Juvenile Programs, managed by the juvenile court administrator, a county position appointed and supervised by the presiding judge of juvenile.

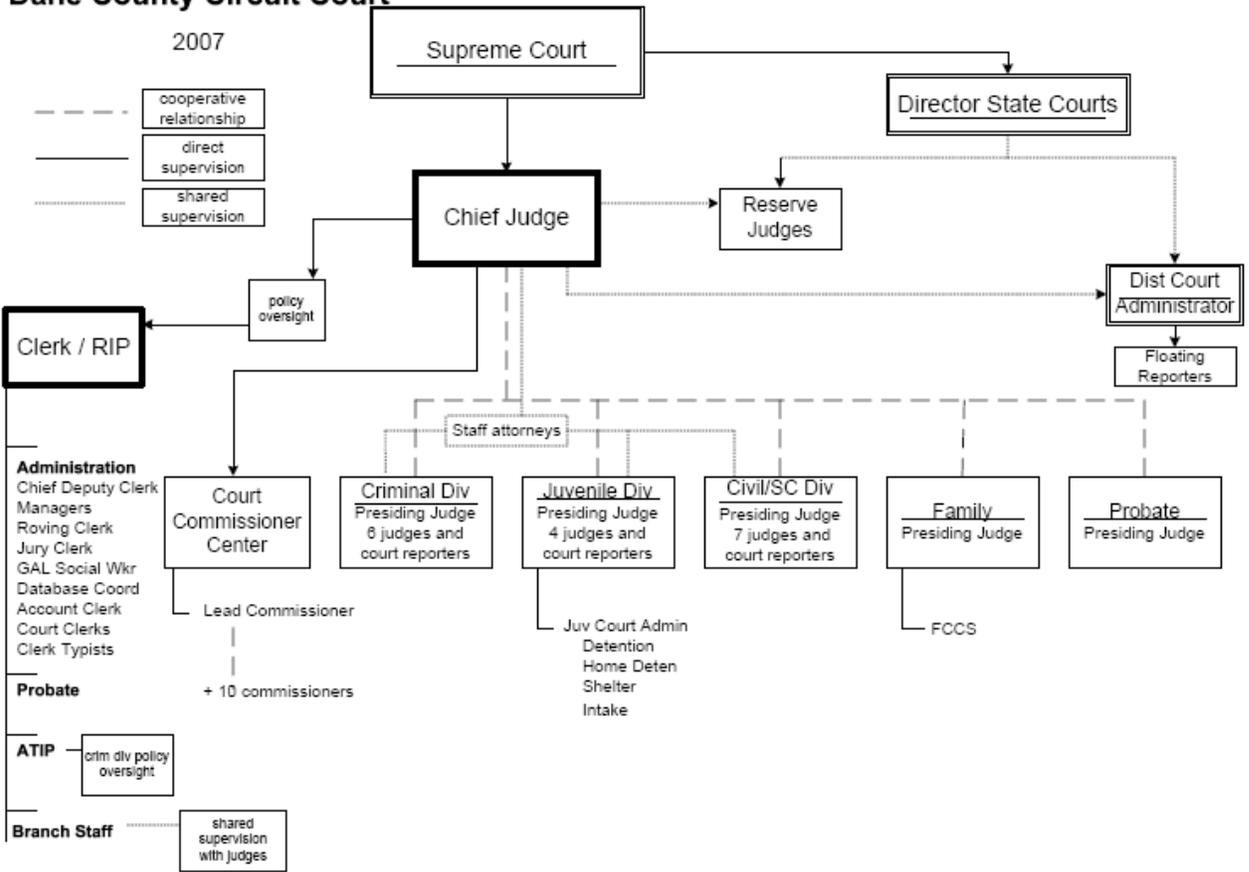
To provide guidance for court staff and to provide direction to attorneys, the court maintains a comprehensive set of local circuit court rules. These rules are posted on both the Clerk of Court and the State Bar website.

### **Structure**

To maximize judicial resources and provide the most efficient service to the public, the court has adopted a structure using divisions by case type. Some counties use an 'intake' system where each judge receives an equal proportion of all case types. In Dane County there are criminal, civil, and juvenile divisions. This facilitates efficient use of judicial and staff knowledge and resources, simplifies the adoption of specialty programs, and helps attorneys by consolidating work in a limited number of branches. The chief judge appoints one judge to preside over administrative matters in each division. Additionally, presiding judges are appointed for probate and family matters. Every two years, in odd numbered years, judges are given the opportunity to rotate to a new division. Unlike some courts, where rotation means transferring previously assigned cases to the successor judge, in Dane County judges keep their cases when moving to a new division, which increases case continuity and accountability and ensures workload fairness and familiarity with all case types. This system also complies with the Supreme Court

# Dane County Circuit Court

2007



requirement that each judge handle all case types within his/her term. Every week, on a rotating basis, one judge serves as the 24/7 duty judge and takes criminal, mental, civil and emergency matters as defined by local court rule. The chief judge is granted, with the approval of the Director of State Courts, a 25% caseload reduction to provide time for administrative matters.

## **Values**

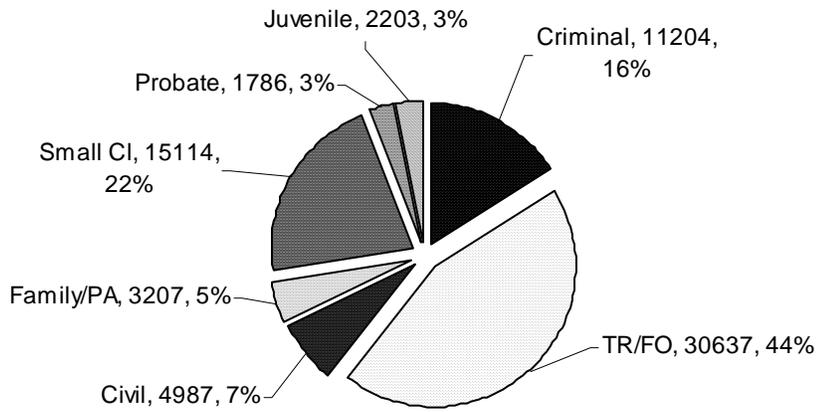
The bedrock values of the Dane County Circuit judges have been and continue to be: uphold the Constitution and the law; treat all who come before them with respect, impartiality and fairness; address the volume of work with efficiency but in a way that permits individualized justice; and be accountable to the citizens for the performance of these duties. Judges take an oath committing to these values. In fulfilling their duties judges, as well as court staff, are bound by the canons of ethics requiring high standards of conduct that uphold the integrity of the court system.

Respect for the court and court decisions depends upon the community's response to the process as much as the outcome. Judges must not only be fair, but be seen to be fair. Judges must treat everyone who comes before them with respect, regardless of history, personal circumstances or characteristics. While there will always be decisions that some will not agree with, every litigant should leave court knowing they were treated with respect and confident they had full access to justice.

There is no such thing as an average criminal defendant, an average party to a divorce or an average youth in juvenile court. A judge must approach each person and each case as an individual, with a unique situation and needs. Judges must take the time to discover individual differences and make sure they are appropriately discussed and addressed. Differences can be levels of language or cognitive understanding, economic status, employment history, education, public safety risk assessments and treatment needs. All these factors, and more, such as the appropriate role of punishment, the goal of successful rehabilitation, or a means of ending a marriage with a minimum of emotional and economic harm, contribute to the outcome of a case. Looking at the distinct facts and circumstances of a case in no way lessens the consequences of an act, or the importance of the decision, whether that is a criminal charge, a domestic violence incident, a civil case or a traffic infraction. The Court does not process identical, inanimate goods on a mass production assembly line. It responds to the human and societal needs and concerns of the community brought before it by the members of that community.

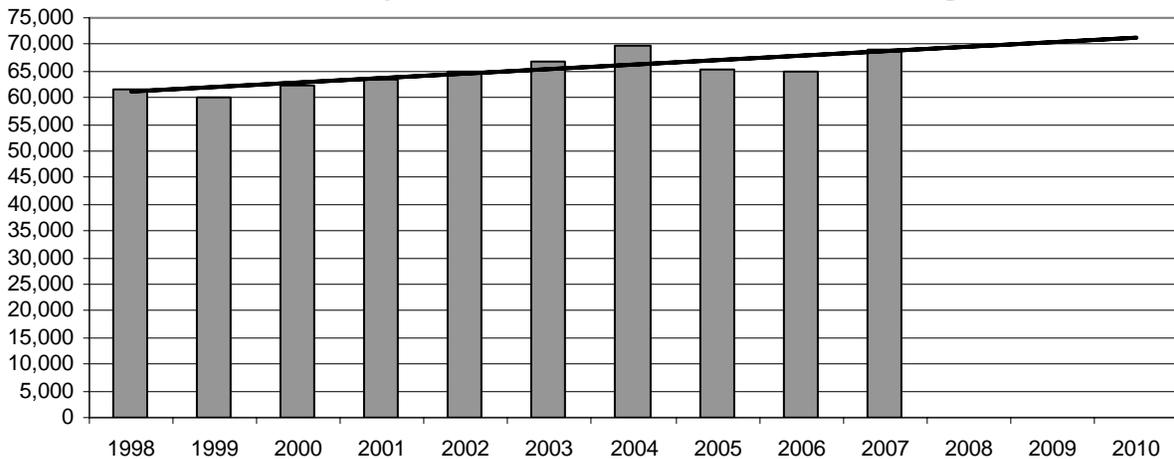
Public funds must be used wisely and effectively. Judicial time, court staff and program support are a limited resource. The court must allocate resources and set administrative policies and prioritize case handling according to a number of criteria, such as statutory time limits, the best interest of children and the ability of others in the system to prepare their cases. Too often the courts are referred to only as the 'criminal justice' system. The courts deal with the spectrum of life situations. The judges value efficiency in every aspect of the system, but not at the expense of due process or the protection of individual rights.

### Dane County Circuit Court 2007 New Cases Filed

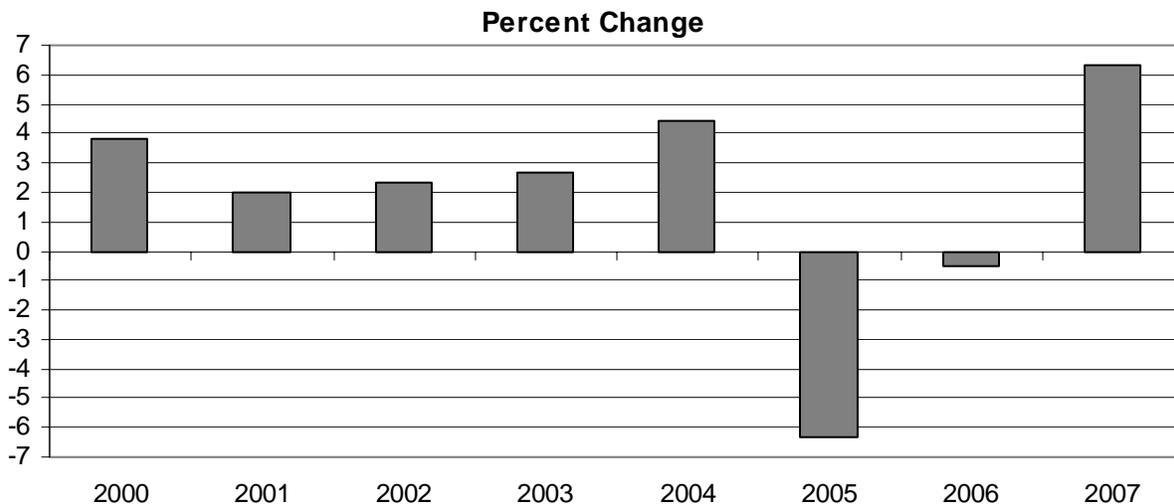


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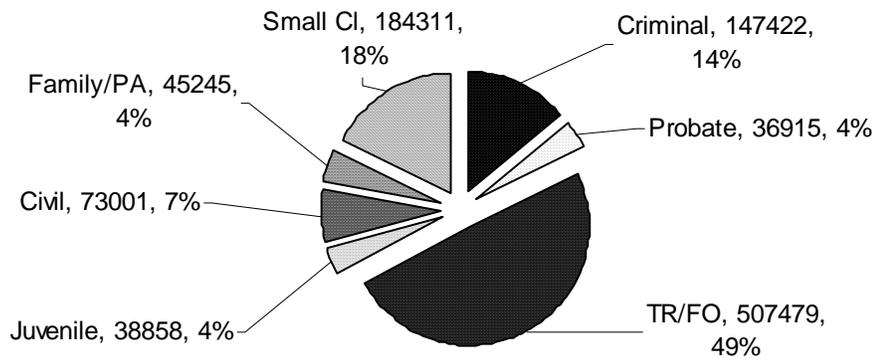
### Dane County Circuit Court Trend of All Case Filings



### Dane County Circuit Court Trend of All Case Filings Percent Change

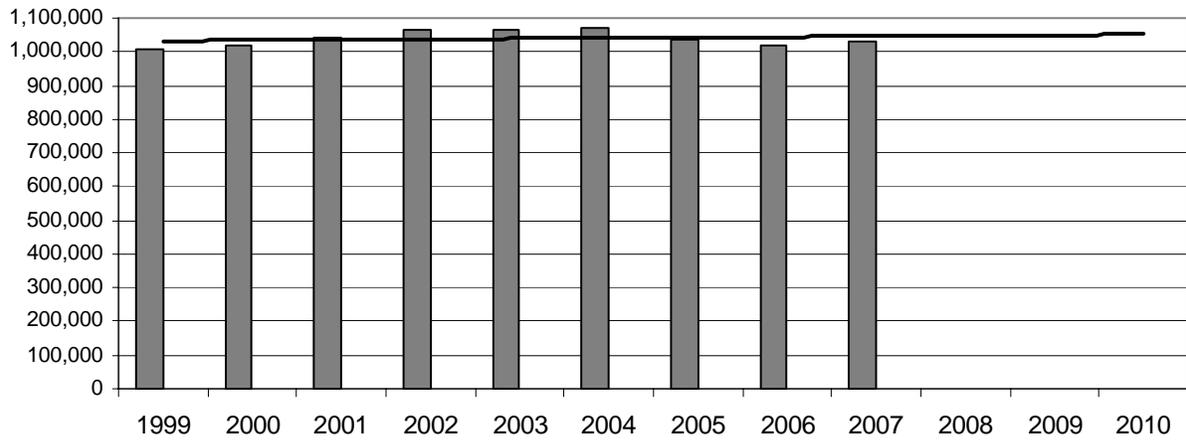


### Statewide 2007 New Cases Filed



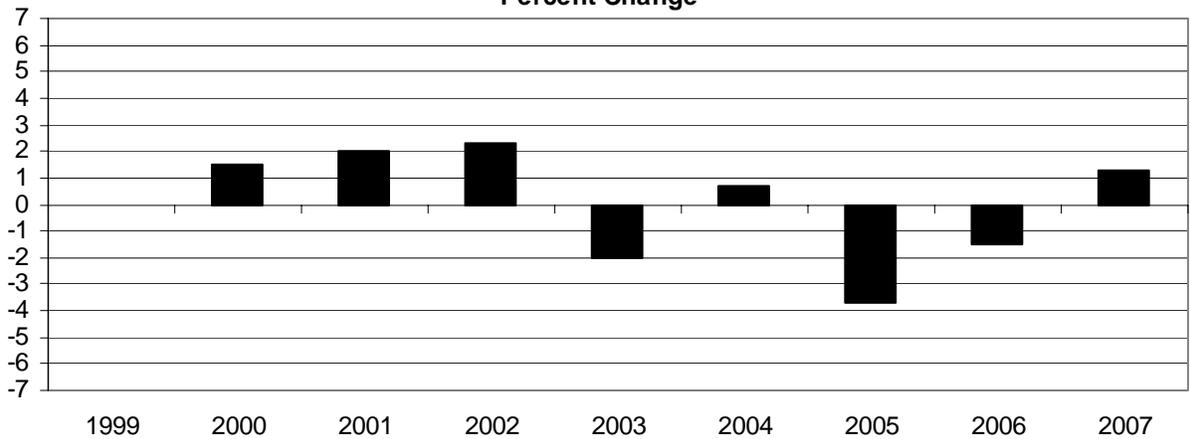
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### Statewide Trend of All Case Filings

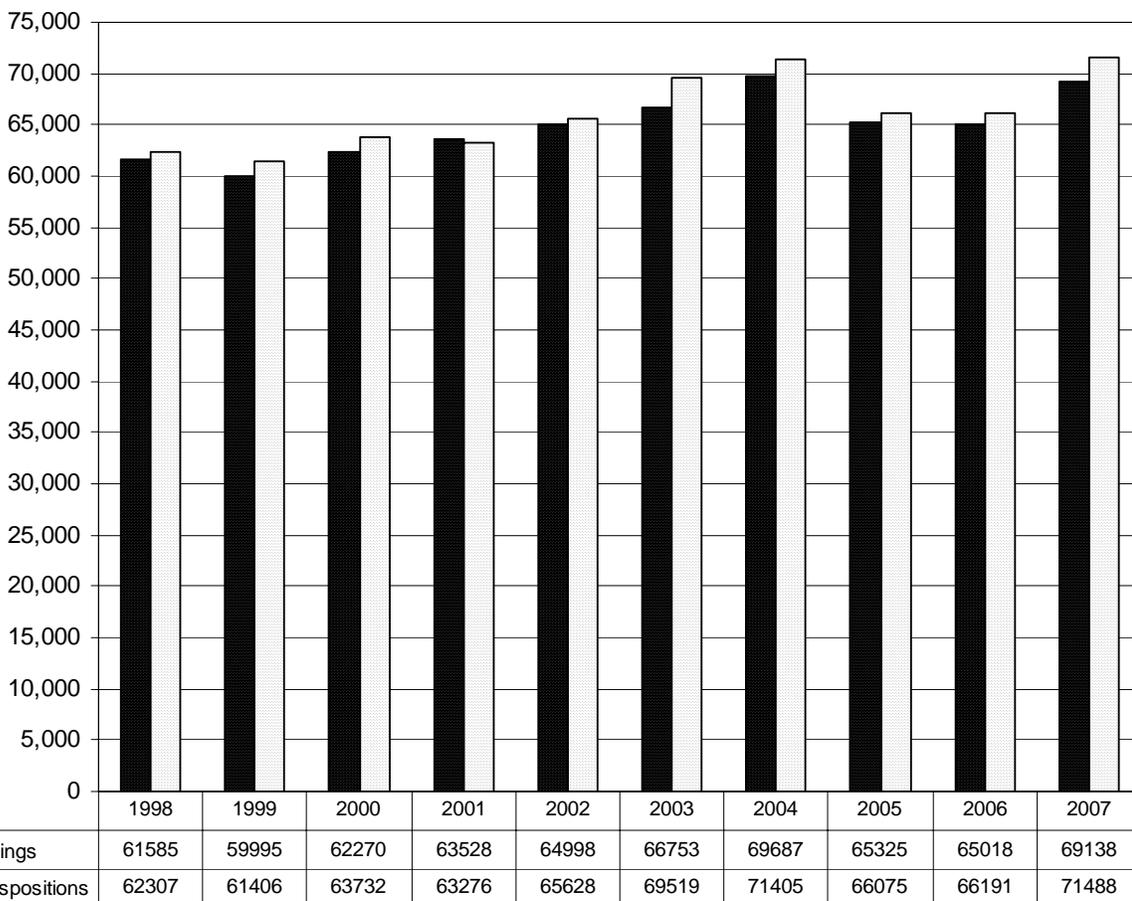


### Statewide Trend of All Case Filings

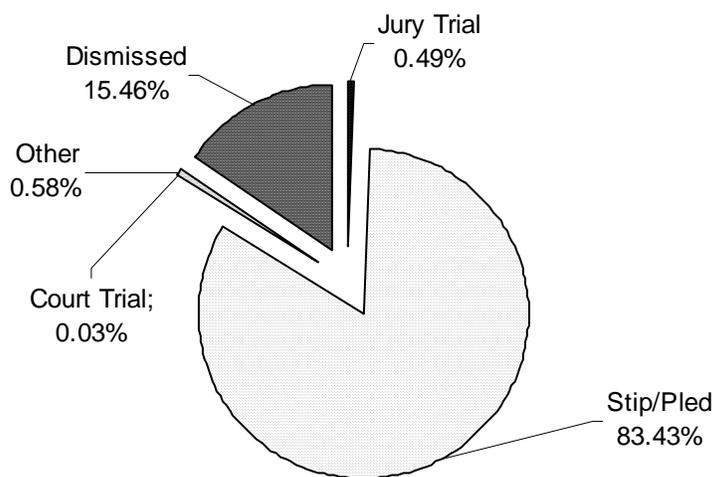
#### Percent Change



### Dane County Circuit Court Filings Compared to Dispositions



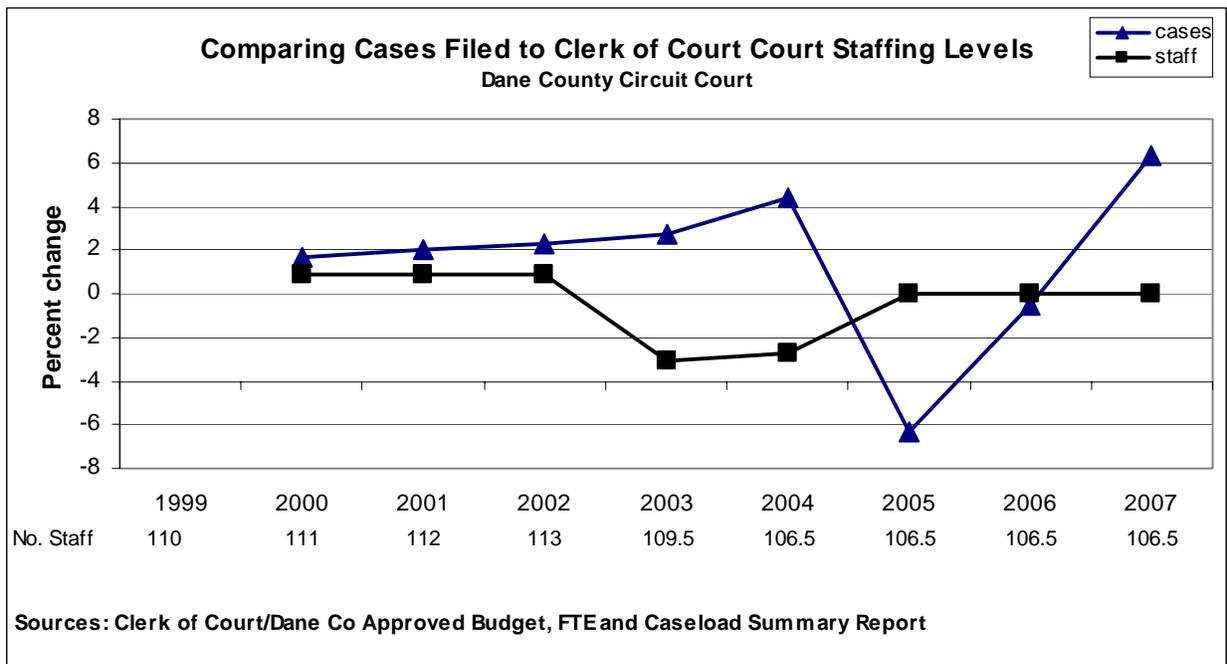
### 2007 Criminal Dispositions



**III.A. Clerk of Circuit Court**  
 Carlo Esqueda, Clerk of Circuit Court

The purpose of the Wisconsin Circuit Court system is to preserve constitutional protections, uphold the laws of the state, assist citizens in the resolution of legal conflicts and disputes, and maintain the public’s trust in the third branch of government. The office of the Clerk of Circuit Court/Register in Probate in Dane County has the primary responsibility of providing administrative support for the functions of the court system, ensuring that it conducts the people’s business in a manner that is both efficient and cost-effective.

When forming a mental image of the courts, most Dane County residents may picture the interior of a courtroom, with a judge at the bench, flanked by a clerk, court reporter and bailiff, with attorneys and litigants also in attendance. However, there is much that goes on “behind the scenes” to make those in-court activities possible. All told, the Dane County Clerk of Courts office employs 107 people responsible for the administrative operations of the courts. Staff perform a wide array of duties, such as: receiving new case documents; recording them and scheduling them for hearing; tracking and collecting court-ordered fines and forfeitures; summoning and impaneling up to 150 jurors each week; and coordinating interpretation services for litigants with limited English proficiency. Each day hundreds of citizens contact the Clerk’s office in person, by telephone, or by mail to get information about matters relating to specific cases with which they may be involved, or with general questions about the justice system. The office is also responsible for monitoring eligible criminal defendants who have either been released from the Dane County Jail before their trial, or who have been sentenced to electronic monitoring as a result of their convictions.



In 2007, the Clerk of Courts began coordinating the operation of a monthly high-volume court session dedicated to Operating After Revocation offenses. Up to 200 defendants' cases are heard in a single afternoon, and many of these are immediately resolved. Also in late 2007, the Clerk of Courts office began offering a new service to the public, in cooperation with the U.S. Department of State: passport application processing. Our office now accepts and validates passport applications and offers passport photography services to afford the greatest convenience to traveling citizens.

Finally, the Clerk of Courts office is very pleased to continue the coordination of periodic Victim Impact Panels, in which the victims of OWI tragedies have an opportunity to share their stories of pain and loss with OWI offenders. The goal of the Victim Impact Panel is to reach the audience on an emotional level, a level that courts, fines and jail may not be able to reach. Listening to the personal accounts of people who have lived to tell about the grief and despair that occurs after a crash can help drivers understand the dangers and consequences of driving after drinking.

Looking to the future, the justice system as a whole faces many new challenges. More and more people are choosing to participate in the court system without an attorney. The criminal justice system is being pressured by increased jail bookings, and incarceration costs are also going up. Tight state and county budgets mean that the system as a whole must continually try to serve more people with fewer resources. To help address these issues, the county's legislative and executive branches of government have partnered with the judiciary, the District Attorney, Sheriff and Clerk of Court to form a Criminal Justice Council. The new CJC will work collaboratively on solutions to these and other challenges.

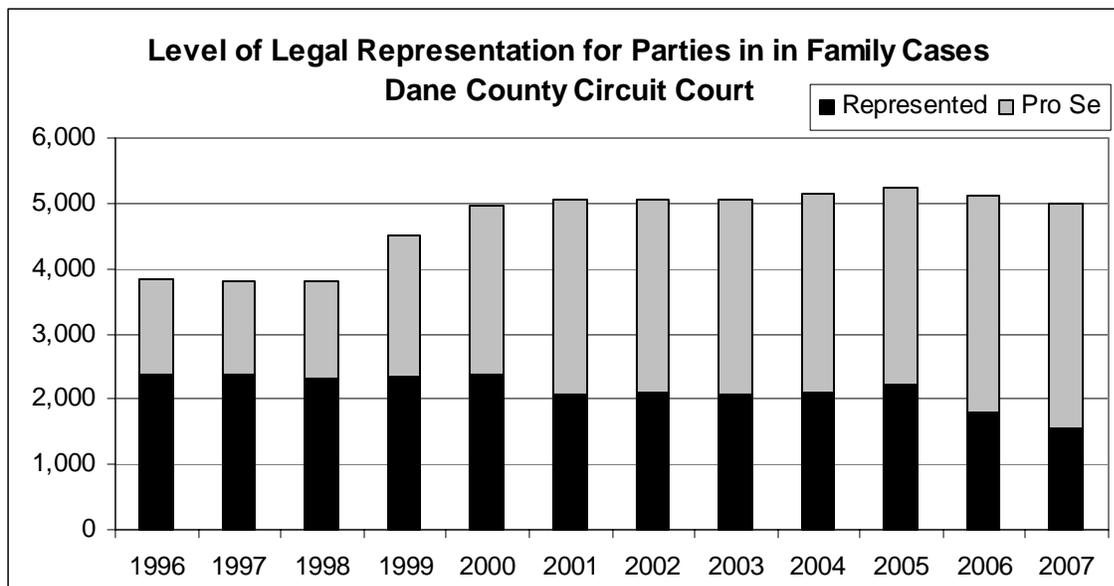
## **Records Center**

The Records Center bears the responsibility for maintaining files and responding to inquiries. While many landlords, employers and others are using the public access component of CCAP to investigate the backgrounds of those applying to them, many others make search inquiries of Clerk of Court staff. Record Center staff responded to over 6100 search and copy requests in 2007. That is an average of 462 each month. And this does not include those requests made by walk-in customers processed daily at the counter. This is a 12% increase over 2003. The Clerk's office has just over 250,000 files on site, with many more stored in remote locations. An estimated 10,000 pages of documents are filed each week. Each must be docketed and filed.

## **Self-Represented Litigants**

More and more parties to litigation are representing themselves in court, called pro se parties. The Dane County bar and court system have recognized this need and developed a response (see section III.F). The state court system has also recognized this need and has developed interactive forms on the internet and a program to integrate legal assistance and the public library system. The library program is being introduced throughout the state and training for public librarians in Dane County is anticipated during 2008. Cases without lawyers require additional time and attention to process. More pro se cases add to the workload of judges, clerks and attorneys. To help measure the level of pro se litigation, CCAP is developing a docketing mechanism to collect

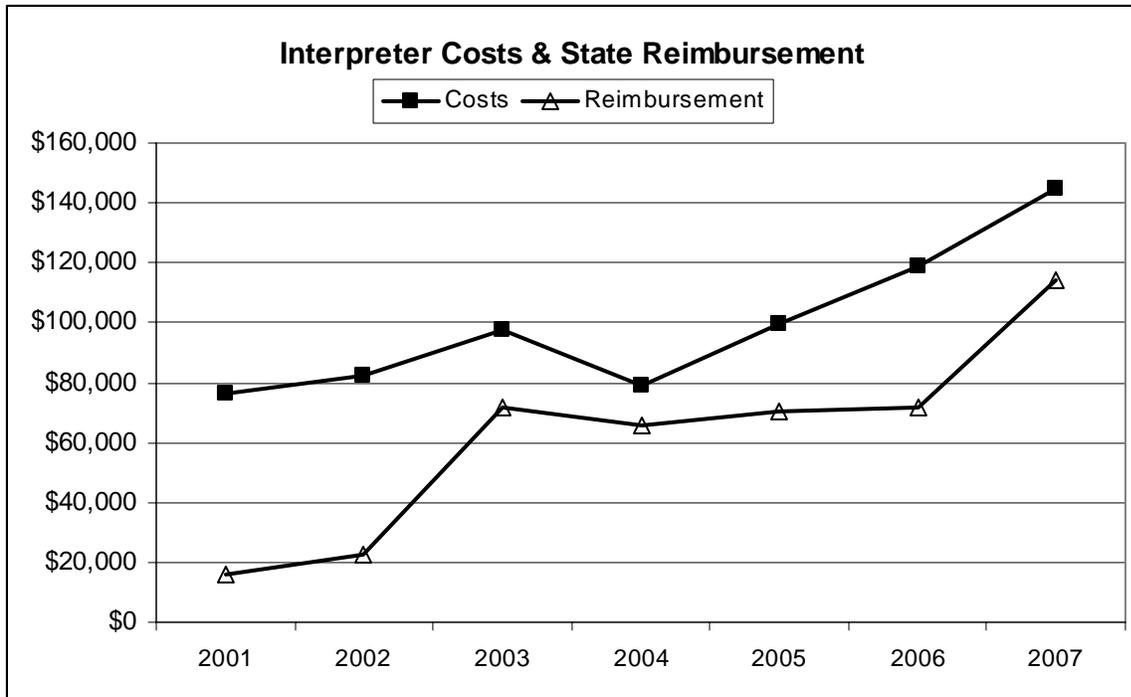
a range of data on the subject. In December 2007, Dane County participated in the pilot test. Data showed that 71% of parties in Small Claims cases in December 2007 were not represented by attorneys. Paternity and family cases also have a high rate of self representation. In 2007, 69% of parties in family cases did not have a lawyer.



### Court Interpretation

Full and fair participation in court proceedings can only occur if all parties understand what the judge and lawyers are saying. Equally, the court cannot make decisions or impose rulings if the judge cannot understand the parties. Federal and state law requires that an interpreter be provided in those hearings where persons with limited English proficiency appear. This is also true for those who are deaf and to whom the Americans with Disabilities Act applies. The Director of State Courts administers a program to train and certify court interpreters, at no cost to the counties, and provides an on-line roster of interpreter resources. The State reimburses courts for interpreter costs; \$30/hour for non-certified interpreters and \$40 / hour for certified. Effective October 2007, and at the urging of the Director of State Courts, 2007 Wisconsin Act 20 provided that courts appoint interpreters in, and be reimbursed for, all case types regardless of indigency. Previously counties were reimbursed only for selected case types and where parties were found indigent.

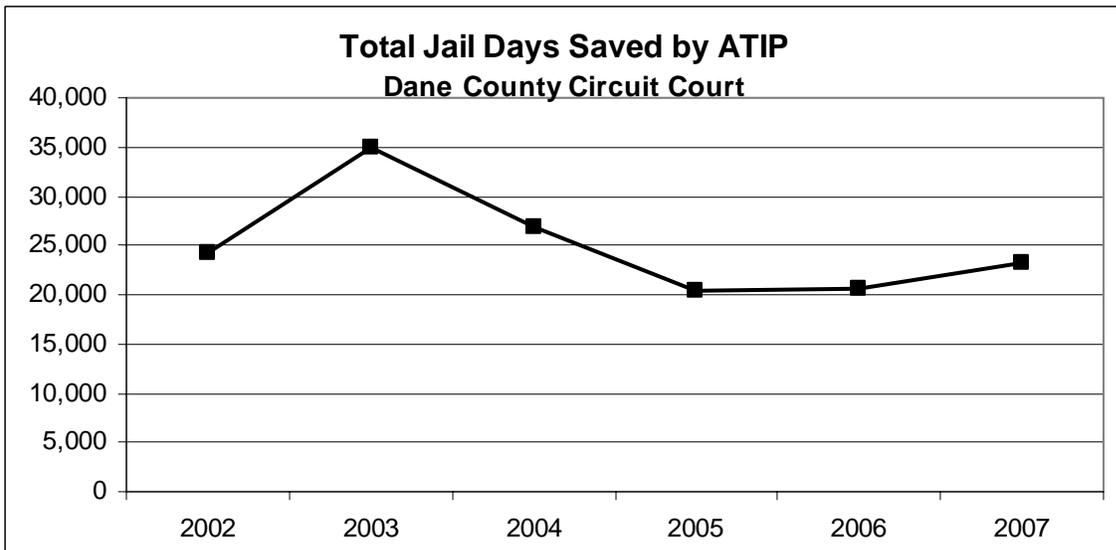
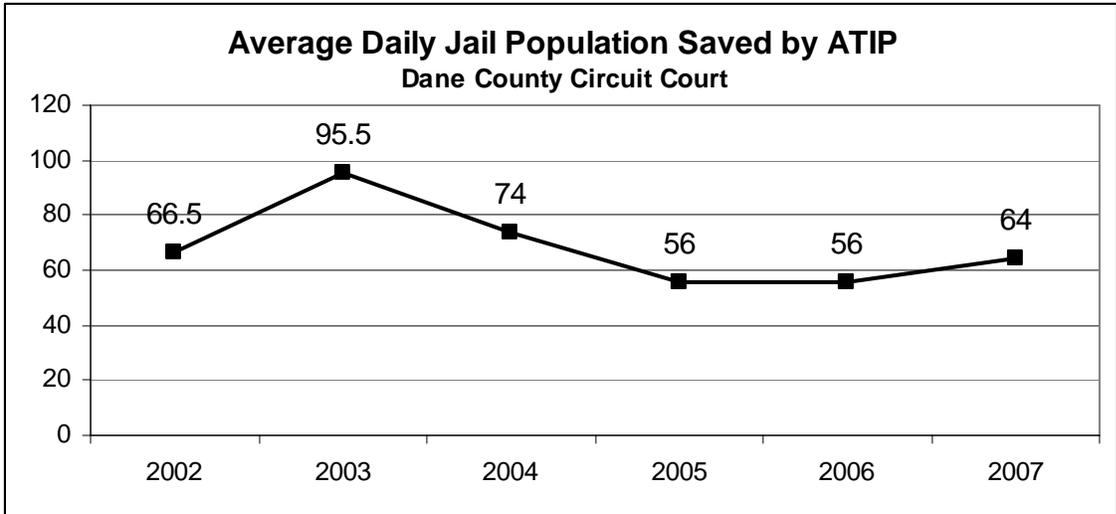
The County created a position of staff Spanish interpreter in late 2005. This position not only interprets in court and at the clerk's counter, but also coordinates the scheduling of additional interpreters, either in Spanish or other languages. In 2006, 3318 people required interpretation in court, in 18 languages. 95% of occasions required Spanish. In 2007, interpreters were required on 5031 occasions, in 15 languages. 96.6% of occasions required Spanish. Next most commonly required were Sign at 1.2% and Hmong at .9%.



### Alternatives to Incarceration

This program is managed by the Clerk of Courts office and provides the court additional options when sentencing besides jail. The office offers electronic monitoring (EMP) for defendants who have been convicted of criminal charges. These defendants are monitored by ATIP in lieu of doing jail time. Sentences can be from only days up to one year. Defendants on EMP are restricted to their home unless approved by their EMP supervisor. Accountability and compliance with EMP rules are the primary goals of the program. This office also offers bail monitoring (BMP) for defendants that have been legally charged with crimes, are pending trial, but have not yet been convicted. Defendants on bail monitoring are required to comply with all rules and bail conditions. Failure to do so may result in termination from the program and reinstatement of cash bail or return to the Dane County Jail. The office uses alcohol monitoring devices, passive electronic monitoring and is exploring new, active GSP monitoring technology. The EMP and BMP programs relieve jail crowding, but more importantly, provide defendants with services that may help them to not re-offend and allow them to retain employment, which helps families. ATIP staff provide personal contact, case review and random drug testing. ATIP staff also screen and supervise individuals accepted into the Drug Treatment Court.

In 2007, ATIP programs saved a total of 23,299 jail bed days through alternatives to jail by monitoring defendants with electronic equipment and staff supervision. That is a savings of \$1,863,836 (The daily cost of housing an inmate is \$80).

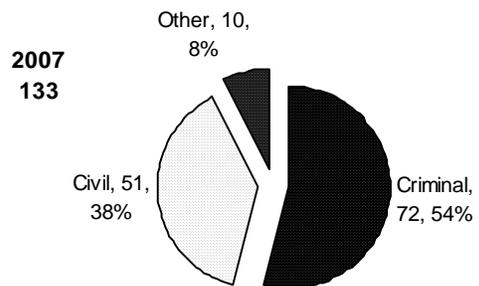
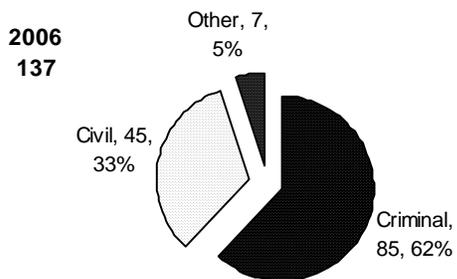
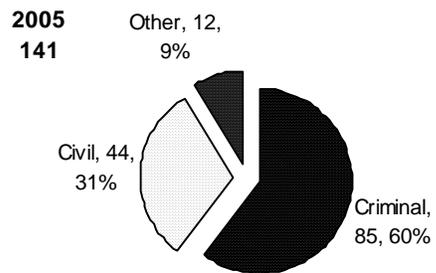
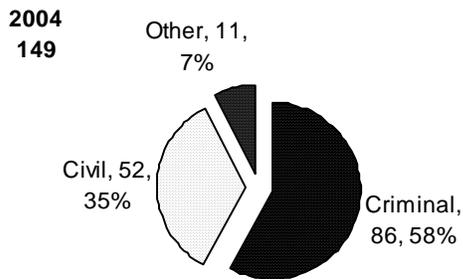
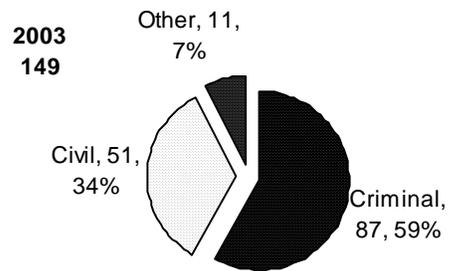
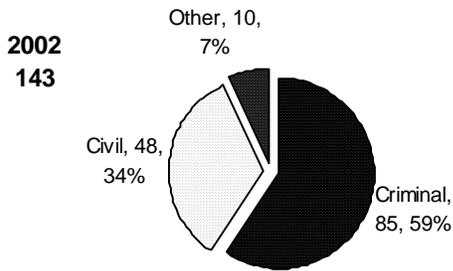
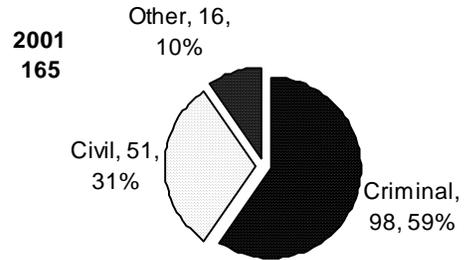
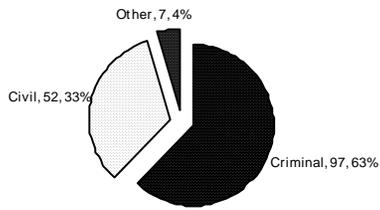


In 2004, Community Service was eliminated as an alternatives option. Many defendants now opt for deferred payment plans, instead. For part of 2003, ATIP staff supervised a grant funded domestic violence monitoring program, equaling 12,654 jail bed days and an average of 34.7 daily jail population.

### **Jury Management**

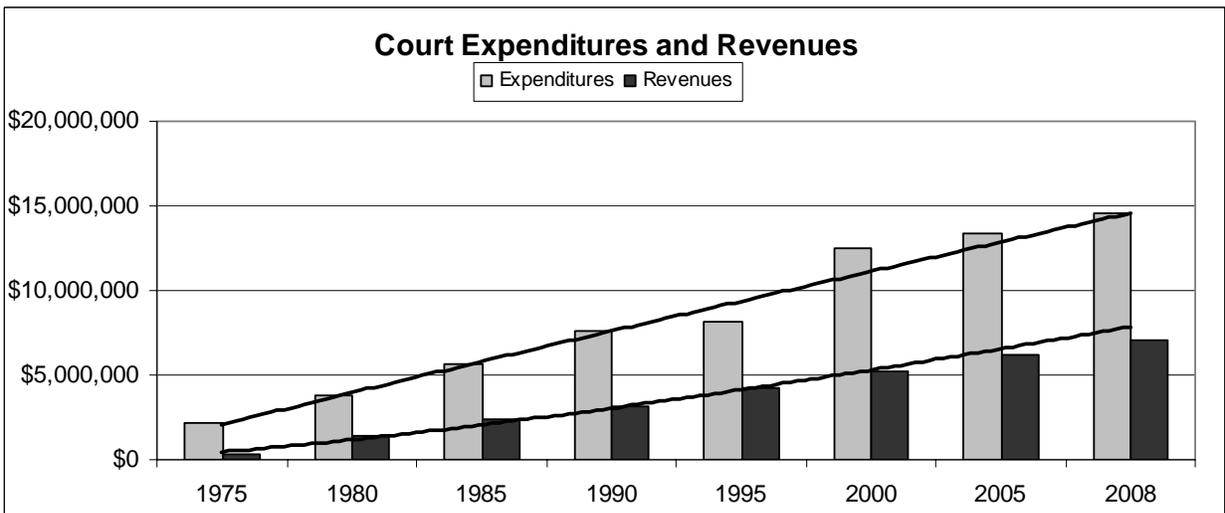
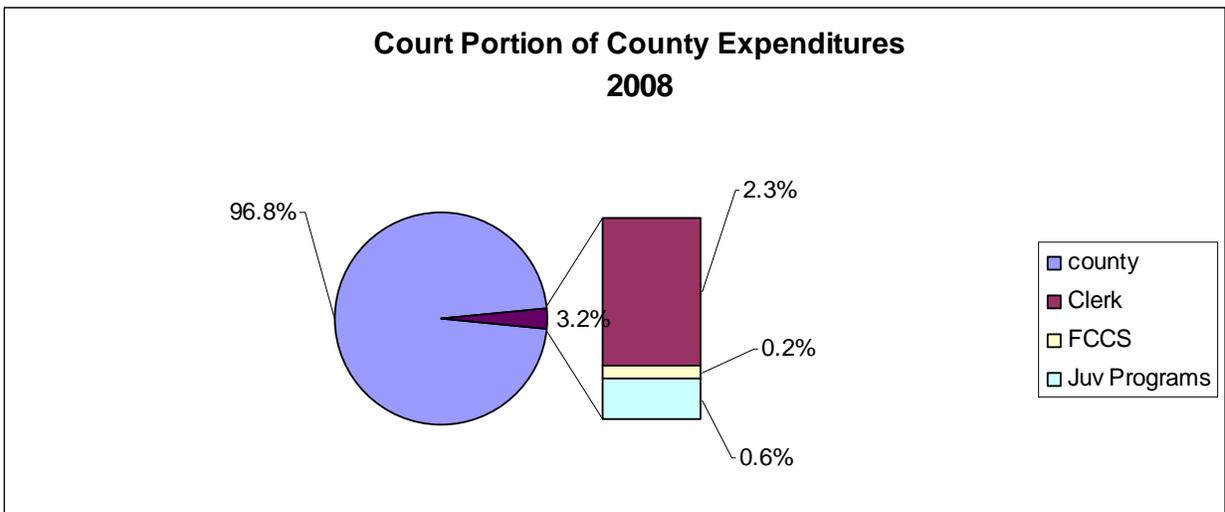
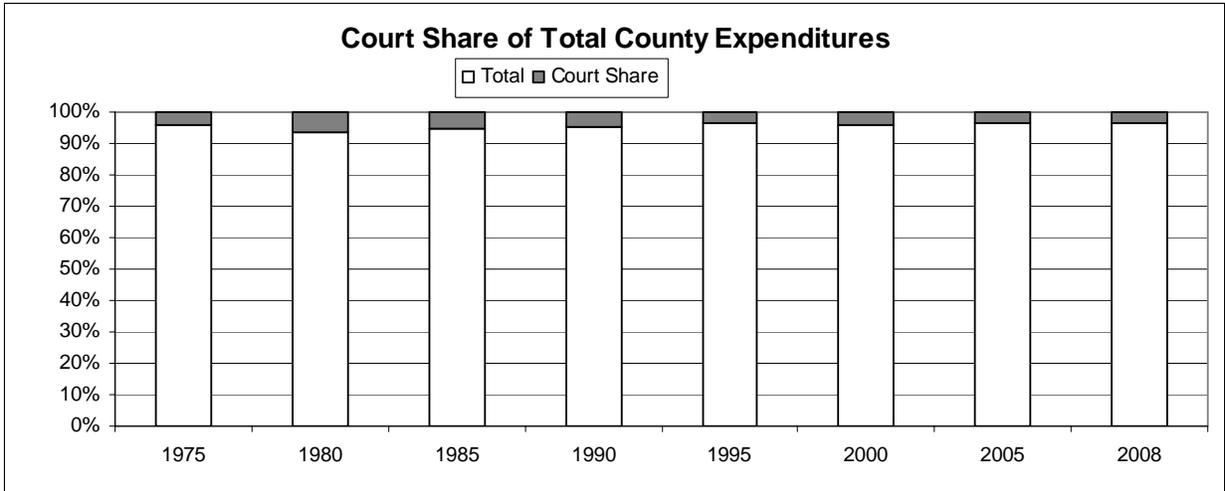
The right to a jury trial is protected in both the U.S. and Wisconsin constitutions. Jurors play a vital role, both in civil and criminal cases. Involvement by the citizens of a county helps ensure that the court process remains fair and open. Those who serve as jurors have a better understanding of the courts, which is important for a society based on the rule of law. The focus of jury management, which is both an art and a science, is to track juror use trends and provide all the qualified jurors the court needs to settle and try cases, while summoning only as many as are needed for that purpose.

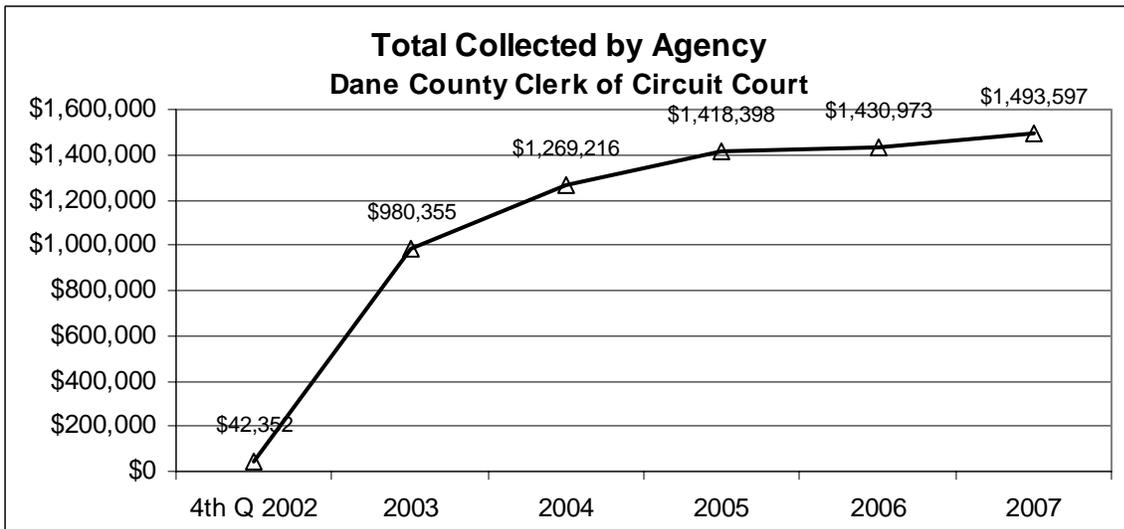
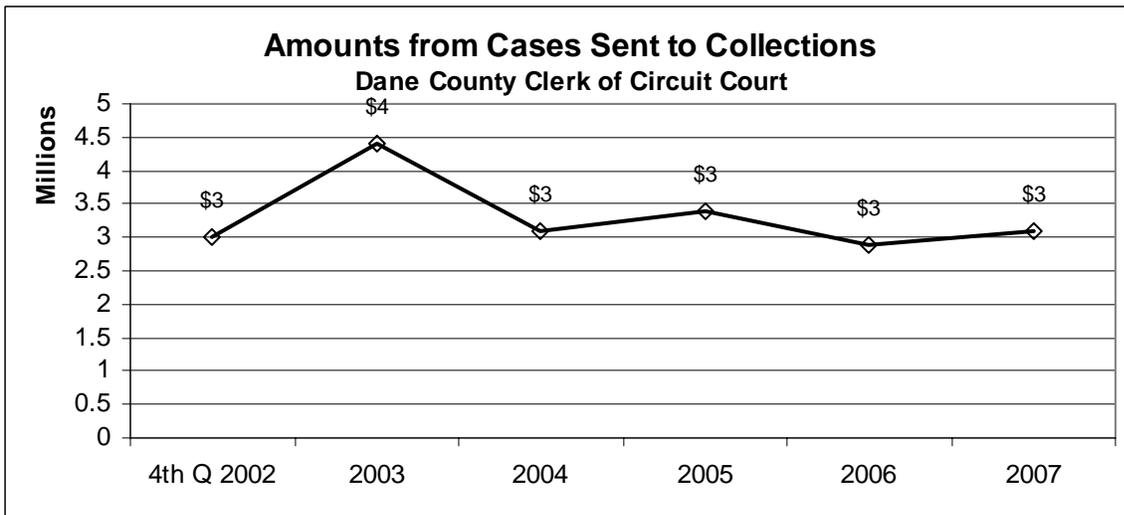
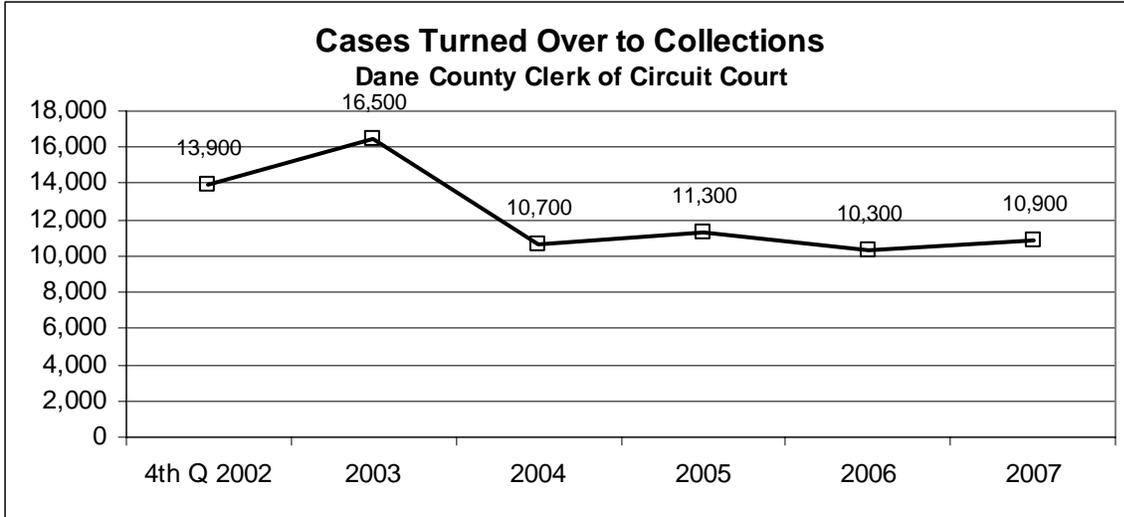
## Dane County Jury Trials



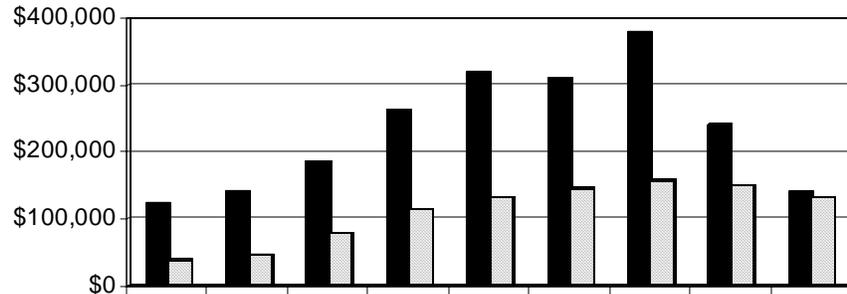
Dane County uses the WI Department of Transportation list of licensed drivers and identification card holders as the source for potential jurors. The court receives the list each year from the Circuit Court Automation Program (CCAP), which prepares the list for each county each year, at no charge. Historically, Dane County used an annual cycle of February to January as the jury year. Because, beginning in 2008 all counties in the state implemented a calendar year cycle for the jury year, jury year 2006-2007 was shortened. In 2006-2007 15,800 persons were sent a summons. In 2005-2006, 19,047 persons were sent summons. Dane is one of the few counties in the state to use a one-step summoning process. This combines the qualification questionnaire and summons into one mailing, which is more efficient for staff and saves printing and postage costs.

A few facts of interest. Of those summoned, 58.2% were found to be qualified to serve, up approximately 10% in the last three years. There were 10.5% of summons returned as undeliverable, this is down over 15% since 2003 when CCAP began screening names of those whose licenses had expired. A more current license is more likely to have a correct address. Lack of current addresses is a problem being addressed by the Director of State Courts Office, which is proposing changes to the rules governing the source of names and addresses. Of those sent a summons, 1.6% did not reply. This is below the average of about 7% as reported in the Center for Jury Studies national survey. And of those given a date to report, 14% failed to appear. This is higher than the 10% expected average as reported in the Center for Jury Studies literature. The court does follow up with those who fail to report to determine their status and to attempt to assign a new date in order to protect the integrity of the summoning process. Of those reporting to the courthouse, 74% were sent to a courtroom for voir dire. The ideal is to use all jurors who report and to use their time respectfully and efficiently. There are times, however, due to last minute settlements and pleas that the jurors called in are not needed. It is considered true, though, that if jurors were not present and ready to begin a trial, most if not all of those settlements would not occur. A settlement or plea is a much more effective use of everyone's time. Even jurors' time. Those not needed are released by noon, rather than sitting for a trial of several days.



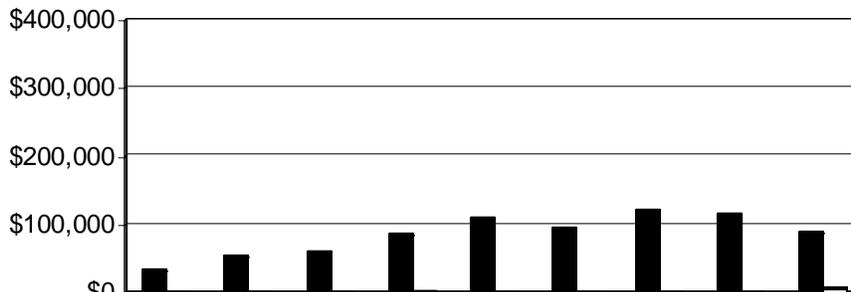


**Court Appointed Counsel Fees & Reimbursements - Adult Crim  
Dane County Circuit Court**



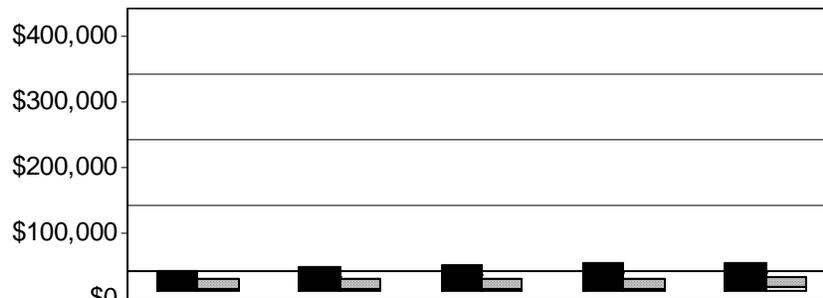
	1999	2000	2001	2002	2003	2004	2005	2006	2007
■ Costs	122,665	140,950	185,401	262,224	318,943	310,503	378,786	240,123	138,989
□ Reimbursements	37,913	45,676	77,921	113,668	132,481	144,699	157,157	150,027	132,022

**Court Appointed Counsel Fees & Reimbursements - ME  
Dane County Circuit Court**



	1999	2000	2001	2002	2003	2004	2005	2006	2007
■ Costs	32,165	52,325	60,238	84,814	109,532	95,537	120,732	115,743	87,584
□ Reimbursements	0	0	0	1,715	0	0	0	0	6,266

**Court Appointed Counsel Fees & Reimbursement - Adult Non-Crim  
Dane County Circuit Court**



	2003	2004	2005	2006	2007
■ Costs	13,119	19,655	21,957	25,418	26,499
□ Reimbursement	2,295	1,572	1,031	1,242	4,498

### **III. B. Court Commissioner Center**

Daniel Floeter, Lead Court Commissioner

After the major shift to the new way of doing business compared to the City-County Building, the operation of the Commissioner Center is going well and Commissioners and staff continue to examine procedures to find ways to serve the court constituencies better. Commissioners continue to be invested in exploring creative ways to increase efficiency across all case types not only in case processing times, but in efforts to increase customer satisfaction. Staff is to be commended for their efforts to maintain the dignity of the court while handling the hundreds of pro se litigants that pass through our doors each week.

At this time, each commissioner is working at least one half day per week outside of their primary concentration. Commissioners also get time in their secondary area by covering vacations and other "time off" days. This structure assures that each commissioner will meet or exceed the requirement that they work at least three weeks per six months in their secondary area. It also builds competence (and confidence) by providing regular exposure to the secondary area of law. Many commissioners are regularly working in more than two areas, and several have stepped up to learn new areas in the last year.

Each half day a specific commissioner is assigned as the "duty" commissioner. The primary responsibility of the duty commissioner is to review, approve and sign IV-D child support stipulations, set over requests, genetic test orders, etc. Secondly, the duty commissioner is available to sign orders to show cause, review fee waivers and pro se motions, and generally answer questions and deal with issues staff may have at the reception window with the public. The duty commissioners are also signing Riverside probable cause statements, transport orders, document subpoenas, search warrants and arrest warrants presented by the various police agencies. The police agencies appreciate the ease with which they can get this part of their job accomplished. Many days there are two or three police officers in 2J over the noon hours reviewing p.c. statements with the commissioners.

Each half day a commissioner is also specifically assigned to review TRO petitions. If the TRO commissioner is occupied with a hearing, the Probate Office staff will send a pop up message, calling for any available commissioner. This procedure uses commissioners where needed most on any given day without wasting limited calendar time waiting for walk-ins. Occasionally, all commissioners will be unavailable to conduct an immediate review, but no petitioner has had to wait more than 15-20 minutes before seeing a commissioner.

One person is also assigned each half day as the Probate Duty Commissioner. The primary responsibility of this commissioner is to meet with the public to assist with the informal probate of estates as required by statutes, answer questions, deal with the mail, and assist in the filing of guardianship and other probate documents. The Probate Office has been encouraging regular customers to call ahead to schedule an appointment, or file by mail, so commissioner time in the probate office can be scheduled most effectively. Commissioners still handle a significant number of walk-in customers, so when possible, a second commissioner is assigned as Probate back-up in the mornings.

In response to concern about meeting State Court case processing time standards, the commissioners and Court Manager Wayne Pfister have been undertaking a systematic review of all open estates. This has resulted in the reduction of the number of older open cases and the closing of more recent cases on a timelier basis. The “ten month closing letter” has made the private bar aware that probate cases can no longer take a back seat to other work.

A continuing challenge for commissioners, as well as judges, is handling the ever expanding volume of pro se litigation. It is not unusual for a commissioner to have a full day of hearings without seeing private counsel. One accommodation instituted is to increase the standard temporary divorce order hearing time allotment from 40 minutes to one hour. Traditionally, attorneys could be relied upon to resolve many disputes prior to hearing or at least narrow the issues to be presented to the commissioner for resolution. In many pro se cases the parties are unable to even articulate the specific relief they are seeking. A significant amount of time is spent in pro se cases explaining the law, the process and potential outcomes even before the commissioner can get to the issues that need to be decided.

Another response to this challenge of effectively serving pro litigants has been for the commissioners to assume responsibility for screening all post-judgment custody and placement motions. Beginning in August 2007 all motions are now filed in the Commissioner Center. This has simplified the process immensely for litigants and clerk of court staff.

In the first 6 months of the rule change, commissioners have handled 307 additional cases and the numbers are growing. Data show that the majority of these cases are resolved short of sending them to a judge. Many settle with a short hearing, others after mediation. Some fall by the way for lack of prosecution. All motions are getting immediate review and scheduling when possible.

The 2006 reformation of the Due Diligence Arrest Warrant process continues to be an unqualified success. With the cooperation of the Dane County Sheriff’s Department and the Dane County Child Support Agency, procedures were modified in such a way that the commissioners saved hundreds of jail bed days per year and eliminated dozens of out-of-county trips by Dane County Sheriff Deputies to pick up those arrested on Dane County due diligence warrants. The cooperation of all three agencies was instrumental in creating this process of “catch and release” for these types of warrants.

This change has had a cascade effect by eliminating the need for the daily 11:30 child support in-custody court calendar. Consequently, that has freed up bailiff resources since a bailiff is no longer necessary for 11:30 jail hearings and prisoners no longer need to be transported to the PSB hearing room. Commissioners further streamlined the warrant paperwork to provide that only one court official signature is necessary, which makes processing of the warrants easier.

In 2007, the court began a review of the use of civil contempt and bench warrants for child support enforcement. A committee including the Child Support Agency, commissioners, judges and the Sheriff has recently been formed to explore ways to make this enforcement tool more effective. The two goals of this committee are to increase the “shelf life” of contempt orders and reduce the total jail days on commitments. It is anticipated this committee will have recommendations for changes that will be brought to a judges’ meeting later this year.

The commissioners continue to have a special calendar reserved for prison hearings. The Supreme Court's June 2003 decision in Rottscheit v. Dumler, has resulted in an explosion of motions from prisoners, particularly since the UW Law School Family Law Project created pro se forms for prisoner use. Approximately one half day per week is devoted to hearing these motions. These hearings are scheduled every 30 minutes (rather than 40 minutes) and the Dane County Child Support Agency has pre-arranged with each of the prisons to accept the phone calls for the hearings. The intent has been to conduct all of these hearings via video conference whenever possible. It has been extremely frustrating that this is successful only about half the time. The hurdles are all communication, not technical. Each prison has a different gatekeeper for setting up these hearings. Clerk Carlo Esqueda is working with the Director of State Courts Office and meeting with DOC personnel to develop a statewide protocol for arranging video conferences with the various prisons.

2007 marked the first full year of the FCCS fee waiver process adopted by the judges in August 2006. The new process has led to a more uniform application of waiver criteria and a more fair allocation of the cost of Family Court Counseling services across all case types; while preserving a waiver process for those families truly unable to afford the fees. Last year's figures show that the percentage of fees waived dropped from 55% in 2006 to 21% in 2007. Additionally, FCCS revenues for studies increased by 53% over 2006 numbers, without a significant increase in the total number of studies ordered. These numbers made possible the transfer of funds from the FCCS budget to the Clerk of Courts for the work of the commissioners.

One project of note has been refining the processes for handling paperwork and condensing the scheduling for Small Claim replevin cases. Previously an entire morning was reserved, with return date hearings scheduled every 15 minutes. These are high volume proceedings with very few appearances by respondents. The majority of the cases are defaults. The old schedule resulted a significant amount of down time for commissioners, who basically did clerk work completing minute sheets. The new schedule has all cases set for 8:30am. The commissioner gives an opening speech for all those who are in attendance, and then calls each case with a defendant present. The commissioners are usually done with all appearing defendants within 45 minutes. The Small Claims team has developed forms for use by the attorneys representing the creditors requesting their default judgments. The attorneys complete those forms and all the files go back to the clerk of courts. It is hoped that eventually the clerk of courts will be able to send a clerk to these hearings so that automated in-court processing can be utilized. The hearing room used for these proceedings already has a CCAP computer and printer that can be used by the clerk. The replevin process change will add two more hours of hearing time which will help in processing remaining small claims cases.

The new Clerk of Courts has allowed the Lead and Deputy Lead Commissioner to have "write" authority in CCAP. This simple change has greatly increased the efficiency, speed and ease of scheduling and modifying commissioner calendars. Along with CCAP, the commissioners continue to utilize the multi-user calendar function in Novell. The combination of the two calendars allows necessary court personnel access to the electronic calendars of all commissioners. With a few mouse clicks from any CCAP computer, it can be determined which commissioner is covering any particular calendar, hearing or responsibility. Paper calendars have been eliminated.

In Family/Paternity cases, the commissioners are exploring ways to verify that the case before them is in the appropriate venue. Many instances have been identified where neither party has resided in Dane County for some time; yet, Dane County resources (jail, sheriff, child support agency, Family Court Counseling, etc.) are being expended. Two questions are “Will it save appreciable Dane County jail space, sheriff resources, CSA and Court time if, on the court’s own motion, it transfers venue to the county where the parties reside?”, and “Is transfer appropriate given the nature and history of the case?” This discussion is just beginning and the court will work cooperatively with the involved stake holders statewide to address this issue.

It has been a fundamental change to move to the Commissioner Center from separate commissioner offices at the old courthouse. Many commissioners had been working many years in their individual area of expertise and it was unknown how this new concept would play out. It can be reported that the Dane County commissioners have embraced this concept wholeheartedly. There is an *esprit d’ corps* in the Commissioner Center that did not exist in the old building. Commissioners arrive early, stay late, are in on the weekends and e-mailing from home concerning the work done here. There is a willingness to help each other out when calendars get behind, and people routinely send out e-mails notifying each other of their availability. The atmosphere is collegial, with mutual respect and support. As workloads have increased Commissioners have had to work harder and smarter to get everything accomplished that needs to occur. This would not be possible without the dedicated personnel working here. The support staff has also had to adapt to many changes. Like commissioners, they are now being asked to become “fluent” in other multiple areas of the law. To a person, all of them have handled the changes with aplomb and grace.

### **III. C. Family Court Counseling Service**

Chloe Perlis, Acting Director

Kristen A. Ryan, Director

The clients of FCCS are Dane county residents who have contested child custody and placement disputes, either as part of the initial divorce, or as post judgment issues. Clients represent a true cross-section of Dane County; all ages, races and economic sectors are represented. The office uses a new three-tier sliding scale for fees, to match fees to the ability to pay, with fee waivers as an option. The office offers mediation, conducts custody/placement studies and holds a biweekly Parent Education program. Dane County has the oldest family court counseling program in the state of Wisconsin. It was begun in 1962.

The 8 FCCS counselors and the Director have, as a minimum, a master's degree in Social Work, and are licensed. All counselors are experienced in family dynamics, and assessment and treatment options in both alcohol and drug abuse assessment and domestic violence. All serve as expert witnesses when testifying in court. FCCS also has two administrative support staff. Two counselors speak Spanish, working with families with limited English proficiency, and many materials have been translated into Spanish. In February 2008, former Director Kathleen M. Jeffords retired after 29 years at FCCS. Kristen Ryan will become only the third Director effective April 14, 2008.

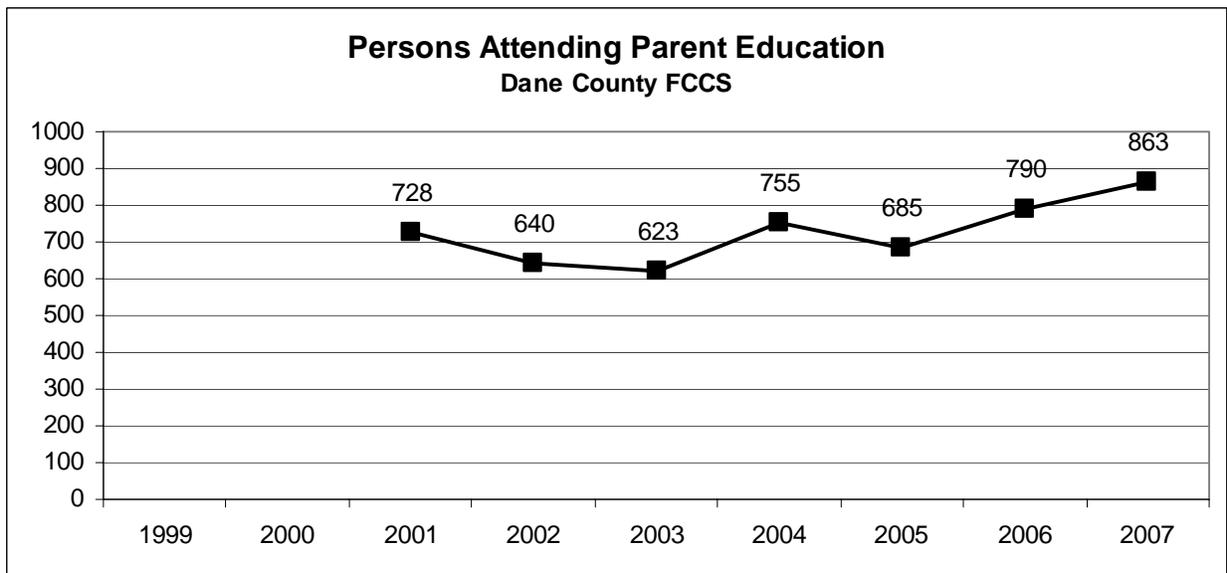
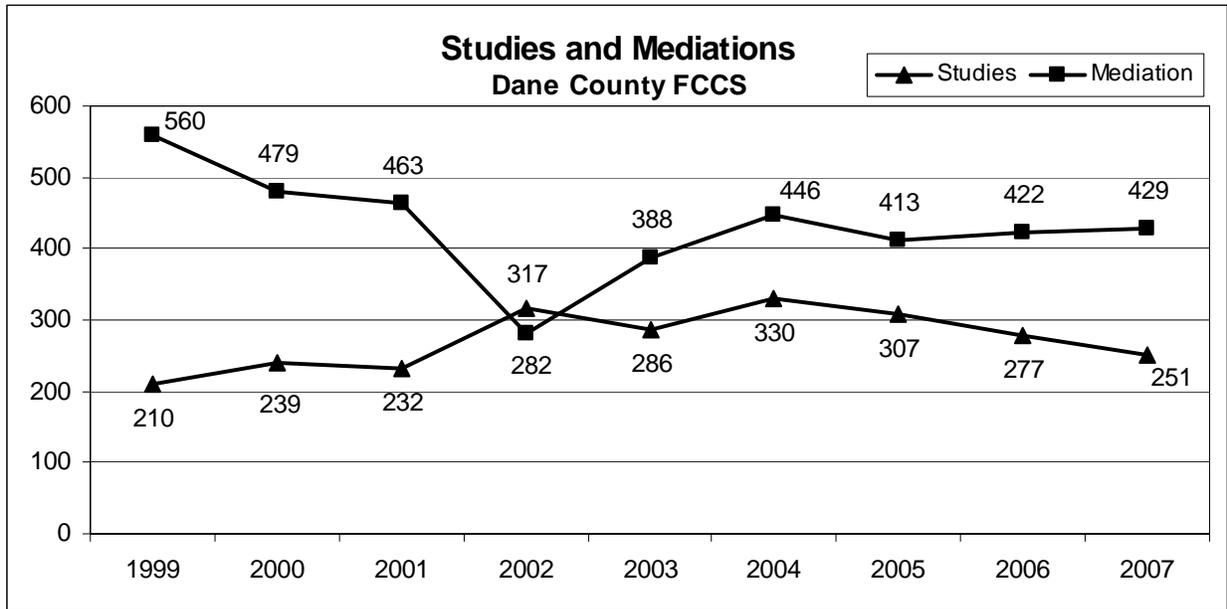
The goal of the office is to successfully resolve custody and placement disputes in high-conflict families. Parents attending the Parent Education program is the first step. Written and presented by FCCS staff, the program likens the stress and grief of a parental separation to any personal loss. The program describes what the family will experience so that parents may better separate their emotions from the business of parenting. Parent Education also teaches parents what children are experiencing, based on their ages and level of development. The focus is on the best interest of the children and removing the children from the conflict of parental separation. Parent Education lays the foundation for a successful mediation.

Mediation is used to empower parents to make their own decisions, rather than have a court-ordered solution. It is less intrusive than a study, and more cost effective for the families and taxpayers, as well. Settlement through agreement between the parties is the preferred outcome. Approximately 2/3 of cases reach a settlement through mediation. This assistance to the court reduces the number of trials and the workload of the court and hastens a final outcome. If there is no settlement, counselors will conduct an extensive, impartial study of the family and provide the court with the written study results, including recommendations on a proposed disposition.

Parents who are able to reach agreement by themselves on custody and placement issues are not referred to FCCS for services. But for those who cannot, FCCS provides valuable assistance, both to families and the court. The final resolution of a family case should not be about who has the best lawyer. In fact, more than half of FCCS clients are not represented by attorneys. The objective of FCCS is to help parents develop a plan for the family that serves the best interest of the children. Parents are parents for life, and that fact must be reconciled with the reality of parental separation. It is not uncommon for former clients to write FCCS with thanks for the

instruction and insight that helped protect the children and gave the adults a chance at being better parents.

As shown in the table below, the number of studies is declining. This is because mediation is often successful, and additionally, in 2007, referrals began to be made only for mediation. Only if mediation failed and a study was required because parties could not reach agreement, was a study undertaken. This forces parties to justify a study and is an incentive to reach accord on their own.



### **III. D. Juvenile Court Programs**

John Bauman, Juvenile Court Administrator

The mission of the Dane County Juvenile Court is to, consistent with the rights and due process for individuals, promote the protection and safety of the public from the delinquent acts of juveniles and promote the protection and safety of children from the abusive and neglectful acts of adults or other children. It is also to promote the responsible growth of children and families by holding them accountable for their behavior and to promote the involvement of children and families in programs and/or services that enhance the development of skills and competencies toward self-sufficiency and minimize the likelihood of the need for further court or system intervention and control. Juvenile Court addresses the needs of victims through appropriate access to information, restitution and assistance. Further, the Juvenile Court is an advocate for the development of community resources and programs that can best promote the prevention of problems with children and families to ensure that children become successful citizens contributing to the safety and well-being of the community.

The Juvenile Reception Center provides custody intake services for youth and also coordination services for youth held in the Juvenile Detention Center. Also, within the Administration/JRC division was the contract for Youth Restitution and Community Services supervision, provided through Youth Services of Southern Wisconsin. This contract transitioned to Human Services at the end of 2007.

The Juvenile Detention Home provides secure custody for youth placed by the court, primarily pending and prior to court disposition and placement. The goal is to provide a physically and emotionally safe environment and to provide opportunities for juveniles to learn new skills that will contribute to their success upon leaving detention. The average daily population of the Detention home in 2007 was 15.3 and the peak population on a given day was 35 juveniles. Juveniles were housed in Washington County when the detention population exceeded capacity.

The Juvenile Shelter Home provides non-secure placement and supervision for youth in need of a place to stay but who do not need secure confinement pending court disposition. Youth are also able to be placed at Shelter if they are “in between” court-ordered placements. Its mission is to provide quality services and foster safe passage to youth in need of a temporary home while instilling accountability, teaching competency and ensuring community safety. The average daily population of the Shelter Home in 2007 was 8.3 and the peak population was 15 juveniles.

The Home Detention Program provides community-based staff to work with parents, schools and others to supervise youth prior to their court disposition and to assist in short-term supervision after court pending implementation of community supervision plans.

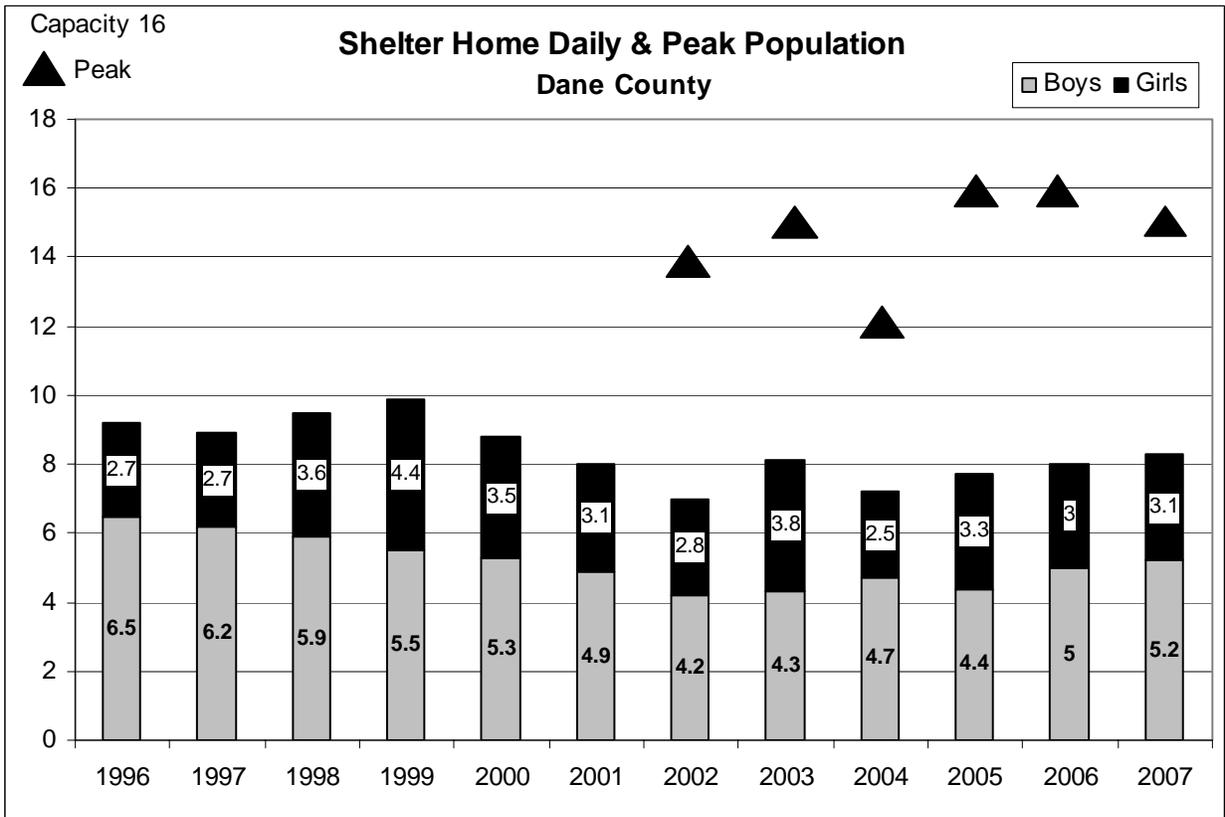
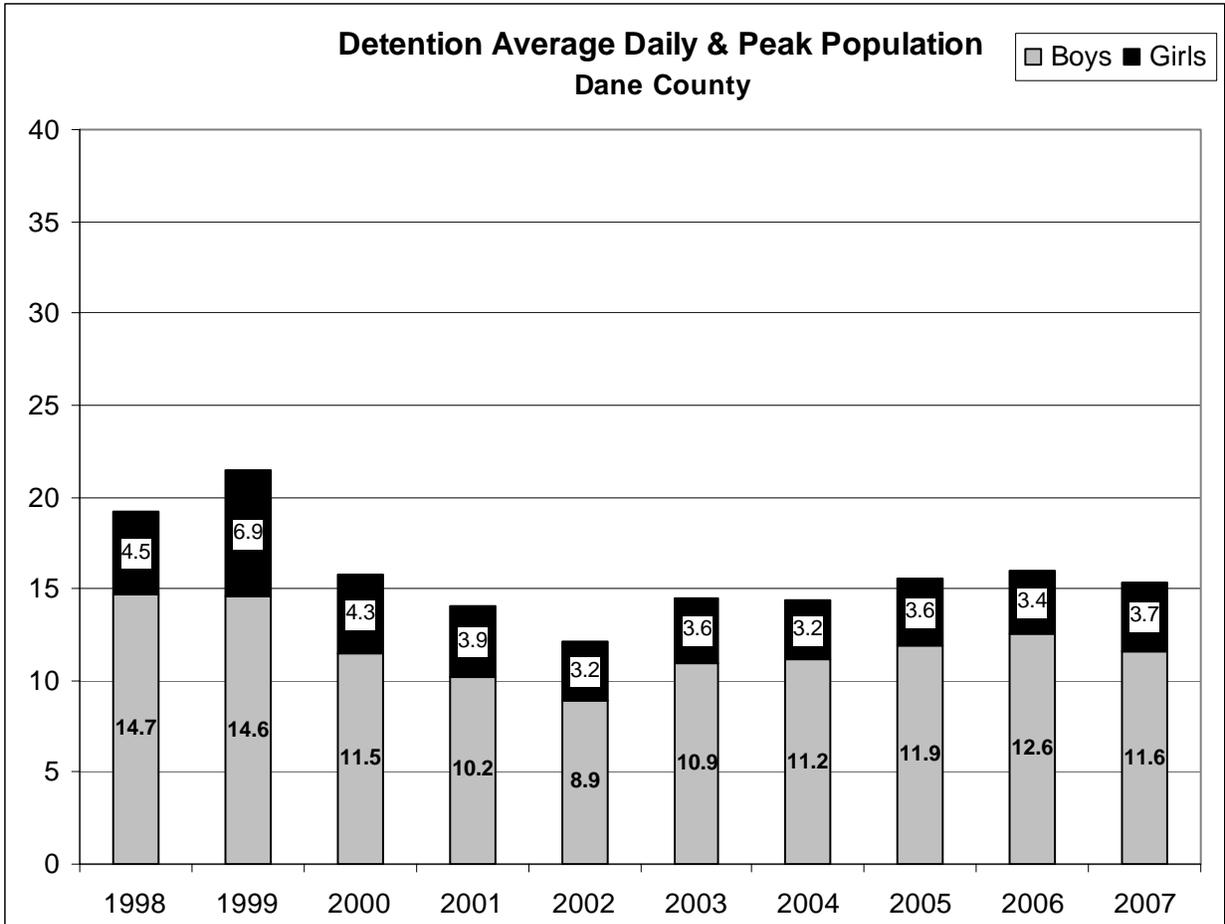
Juvenile judges have called juvenile cases ‘the most important work we do’ in terms of the future impact on individuals and the community. They say juvenile court is ‘a place where hope resides’. In order to encourage and acknowledge those juveniles who have turned their lives around, and adults who work with them in the community, the Juvenile Court coordinates an annual awards ceremony in conjunction with Youth Services of Southern Wisconsin. This year was the 10<sup>th</sup> annual presentation of the Juvenile Court Recognition Awards. The award recipients

are nominated by adults in the juvenile justice system who believe that the young person, a co-worker, or someone else in the system is deserving of recognition. The Presiding Judge of Juvenile presents the awards to the recipients and their names are engraved onto plaques that are hung in the courthouse. These awards for outstanding service and achievement are made in memory of attorney Peter Rubin, Judge George Northrup and Judge Ervin Brunner.

As just one example, a winner in 2007, A.B. became involved with Human Services due to delinquency problems in October 2004. Along with placement in residential treatment and a group home, A. has consistently participated in various treatment services through community programs and has successfully completed all phases of treatment and met expectations of supervision. Since 2004, A. has had no further law violations, has maintained an above average grade point average, played football for the varsity high school team and plays rugby with a community team. With the support and involvement of his mother, A. was reunified with his family in April 2007 and he continues to mature and set high goals for himself.

There were a number of noteworthy accomplishments and challenges in 2007, including:

- The opening of the new Juvenile Reception Center and Detention Home on the second floor of the City-County Building on 8/28/07. The Detention Home expanded to 24 beds, with future space allowing for an additional 9 beds if ever needed. The most significant improvement is that the added space allows for more learning opportunities for detained youth. There is now sufficient space for staff and community groups to provide instruction and presentations, the classrooms are larger with updated technology and there is also room for regular physical exercise for detained youth. In addition, the Madison Metropolitan School District recognized the need for additional support and provided a second teacher for this current school year.
- Juvenile Court and the Department shared responsibility to monitor a Disproportionate Confinement and Contact of Minority (DMC) grant of \$50,000 that was awarded to the YWCA. The grant is designed for 80 youth from select area middle schools, with referrals coming from the police as an alternative to citations and from other referral sources. A community-based program worked in collaboration with the schools to help youth learn social and academic skills. The goal is to reduce the disproportionate number of minority youth who enter the juvenile justice system.
- 2007 was the first year that the Home Detention Program generated revenue for the Department through providing Medical Assistance case management services. Over \$40,000 was generated, which helped to offset other Department expenses. Shelter Home also generated over \$33,000 in revenue by accepting residents from other counties, as well as for certain Children Come First residents who utilize Shelter Home on a change of placement basis.
- Responsibility for the prosecution of children in need of protection cases (CHIPS) was transferred by the County Board from the District Attorney office to that of Corporation Counsel. The intention is to speed disposition and resolution of these cases.
- The primary challenges in 2007 were related to budget matters and appropriate staffing levels in the new Detention Home and other programs. Through creatively utilizing existing staff and additional LTE's, Juvenile Court was able to appropriately meet our program needs.



### **III.E. Legal Resource Center**

Lisa M. Winkler, Law Librarian

The mission statement of the Dane County Legal Resource Center (DCLRC) is to provide the most current legal resources, court procedural information, and assistance locating legal resources or legal assistance, to every courthouse user and the public through a variety of means and services. This also includes rising to the occasion to meet the changing demands for legal information in a digital society by both legal professionals and the general public alike.

The DCLRC has been managed through a contractual arrangement between the Dane County Clerk of Courts and the Wisconsin State Law Library since 1999. Library staff includes one full-time professional librarian and one part-time LTE library associate. The DCLRC primarily serves three groups of patrons: judges, court staff, and legal professionals (attorneys); the public, mainly pro se litigants; and the Dane County jail inmates.

While the DCLRC continues to be used extensively, the number of visitors has declined since moving to the new courthouse. There are several reasons. In the CCB, due to court space constraints, the library was also used as a waiting area and conference room for attorneys and their clients. Those needs have now been met with appropriate spaces in the new building. Also, the number of users was particularly low in the first half of 2006, most likely caused by regular users being unfamiliar with the library's new location. Additionally, before 2006 a number of persons who would have requested assistance from the librarian are now seeking help from the family and small claims legal clinics, the latter of which has consistently increased in patronage since 2004. Nonetheless, the number of customers requesting actual assistance is consistent with prior years, and the librarian estimates the time actually spent with an individual customer is now longer. In 2007, 300 visitors a week averages to one person every eight minutes, and for half of each day there is only one librarian to assist customers.

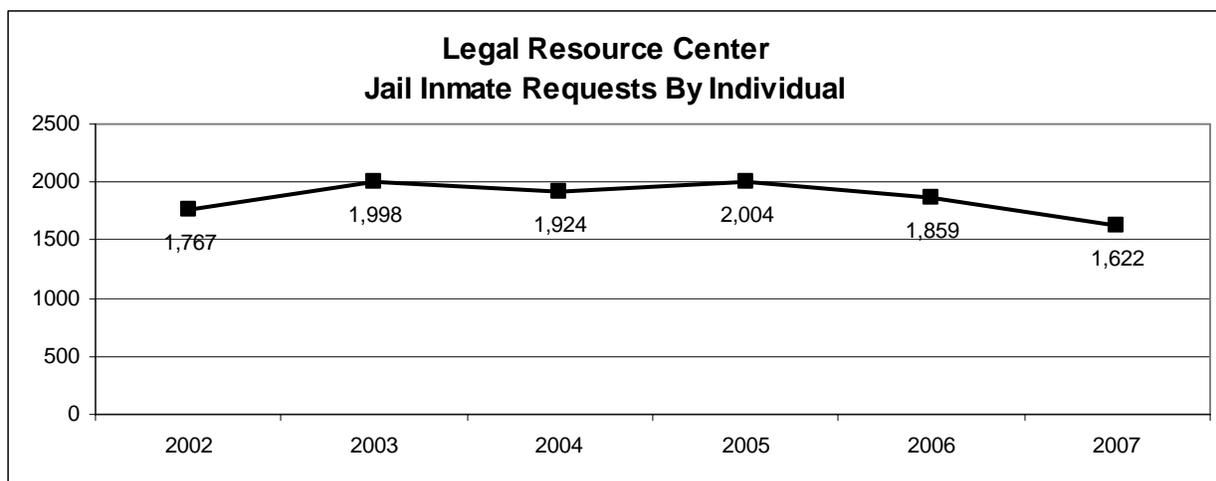
The DCLRC assists the Dane County Sheriff's Office with providing required legal information to Dane County inmates in all three jail locations in Madison: the City-County Building Jail, the Public Safety Building Jail, and the William H. Ferris Center. The library files over 2100 requests for legal information by inmates in 2007 (an average of 31 people per week), for a total of 2,167 requests for information and provided 40,970 photocopies (roughly 790 per week) and 1,166 books circulated. Typical inmate requests include: "What is the maximum penalty for my current charges?"; "Can I have a book about search and seizure law?"; "What is the procedure for parole revocation?".

Services offered by the DCLRC include, but are not limited to the following:

- Daily assistance locating court rules, forms, and procedures used in the Circuit Court;
- Substantial assistance with legal reference questions;
- Free tutorials and classes on completing legal research;
- Coordination of the Small Claims Assistance Program and of the volunteers who make it a success;
- Free courthouse tours for the public and school groups;

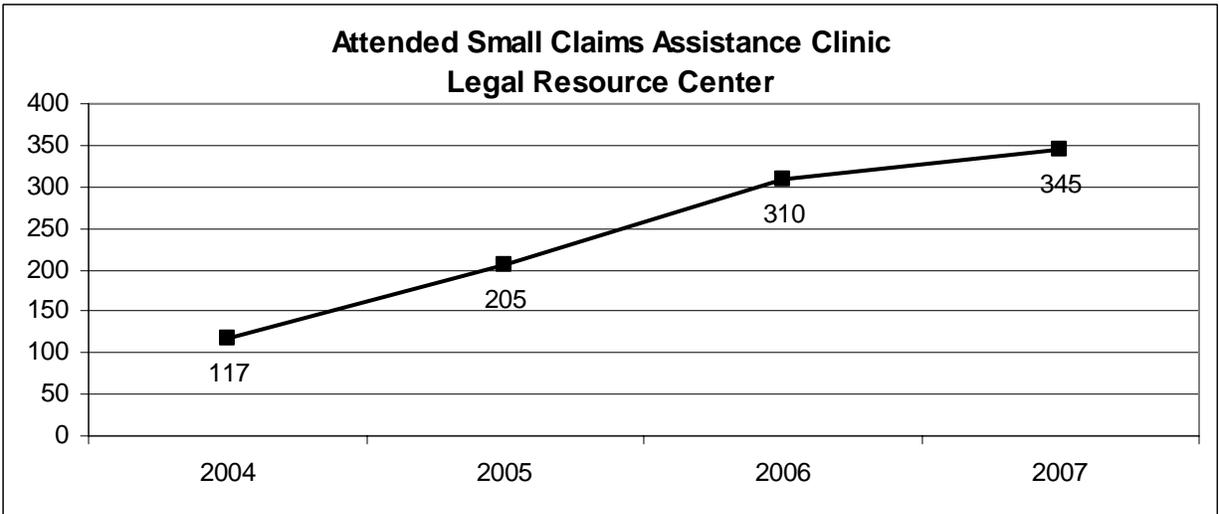
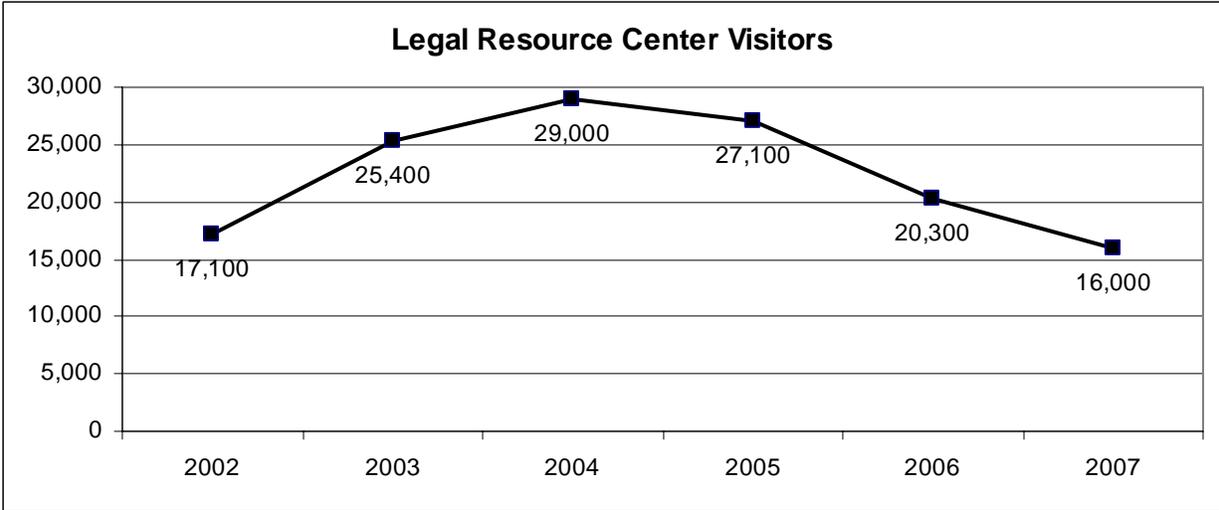
- Encourage and manage the development of brochures and booklets on a variety of legal topics;
- Free access to the Internet and legal research tools (e.g. LOIS, Shepards Public Access, LegalTrac, HeinOnline)
- Forms, photocopies, and booklets sold for a small fee;
- Update, maintain, and inventory the Circuit Court judges' print collections and Westlaw account passwords;
- Arrange and/or complete legal research training for Circuit Court staff and judges;
- Checking the Dane County Clerk of Courts website for currency of information and enhancing the organizational layout of materials in cooperation with the County Division of Information Management, and Clerk of Court Database Administrator Ann Harris;
- Production and maintenance of a useful website of legal resources in cooperation with the Wisconsin State Law Library;
- Sponsor special events for DCLRC users throughout the year, such as Law Day and National Library Week, with the support of other local agencies including the Dane County Bar, local public libraries, and the State Law Library.

The largest challenge facing the DCLRC is limited funding. In 2007, the DCLRC received two grants used to continue vital library services from the Dane County Bar Association: the Worthy Causes and the Pro Bono Trust Fund grants. The Worthy Causes grant sustains the availability of the Shepards Public Access in the library and the Pro Bono Trust Fund grant covered the expenses of purchasing a second public access computer terminal. Most importantly, the library now offers free access to Microsoft Word™, so pro se litigants, in particular, can type their court documents or complete online court forms in a more professional manner and with increased legibility. With a little creativity, and the continual fostering of partnerships with community agencies, the DCLRC has succeeded in meeting its goals and offering quality services within the limited budget. Every subscription addition or cancellation is carefully considered, and some terms have been renegotiated with certain legal resource vendors in order to maximize purchasing power. The objective of the DCLRC is to sustain and increase library services to meet the changing demands of all the library users, especially the increasing number of pro se litigants in Dane County, even with the restrictive challenges of a limited budget.



Inmates make multiple requests.

In 2006, 1859 inmates made 2,560 requests. In 2007, 1622 inmates made 2,167 requests.



### **III.F. Legal Clinics**

The number of people representing themselves in court continues to rise, nationally, statewide and in Dane County. The highest proportion of self-represented litigants is in family and small claims cases. For court to operate effectively and efficiently, self-represented parties need information about and assistance with forms, procedures and rules. Many individuals have limited writing skills and need help in preparing pleadings to bring their cases before the court. To respond to that need the Dane County Bar Association and UW Law School have developed free clinics staffed by volunteer lawyers and law students. These clinics are of great assistance to judges, commissioners, clerks and the librarian, who are not permitted by rule and law to provide legal advice. Recent program expansion means assistance is available every day of the week.

**Family Law Assistance Center** Begun in May 2000, the purpose of the Family Law Assistance Center is to help the many unrepresented litigants who are trying to navigate family court, often at the same time as they are experiencing significant adversity in their private lives. The Center is staffed by volunteer members of the bar. Spanish speaking volunteers are available several days a month. A total of 60 attorneys volunteer to help unrepresented litigants complete forms to bring various custody, placement, and financial issues before the court. Since its inception, the program has assisted approximately 5,000 citizens. Leslie D. Shear of the UW Law School and Commissioner Mary Beth Keppel have led the effort to develop the program.

**Small Claims Clinic** This program, sponsored by the Dane County Bar Association and managed by the Law Librarian, provides volunteer lawyers on a weekly basis to help self-represented parties in small claims cases. Over 300 people were helped in 2007.

**Family Court Assistance Project** This project assists litigants through the entire family court process by helping them complete their forms and file and serve them correctly. Volunteers also explain to the litigants what they can expect when they go to court for a hearing. In 2006, the Family Court Assistance Project handled approximately 500 intakes. In 2007, the number was 475. People can either make appointments or walk in to the Courthouse. The program is staffed by UW law students who work under the supervision of Assoc Professor Marsha M. Mansfield.

**Restraining Order Clinic** A Restraining Order Clinic was started in 2007, and assisted about 275 persons with restraining order petitions. This clinic is also staffed by UW law students as well as volunteer attorneys from the Quarles & Brady law firm who have attended a seminar by Professor Mansfield and the Domestic Abuse Intervention Service. The volunteers have been a valuable addition to the process, as they can help petitioners write a concise and understandable petition as well as better prepare for the court proceeding.

With the increasing number of unrepresented litigants accessing the court system, these clinics enable many more people to knowledgably and efficiently progress through the family court, small claims or restraining order process. While the volunteers help parties begin their cases, the clinic organizers would also like to be able to offer more people a continuum of services, so that they can successfully complete their case. The clinic has received positive feedback from both the circuit court judges and the court commissioners for the work that they do.

### III. G. Drug Treatment Court

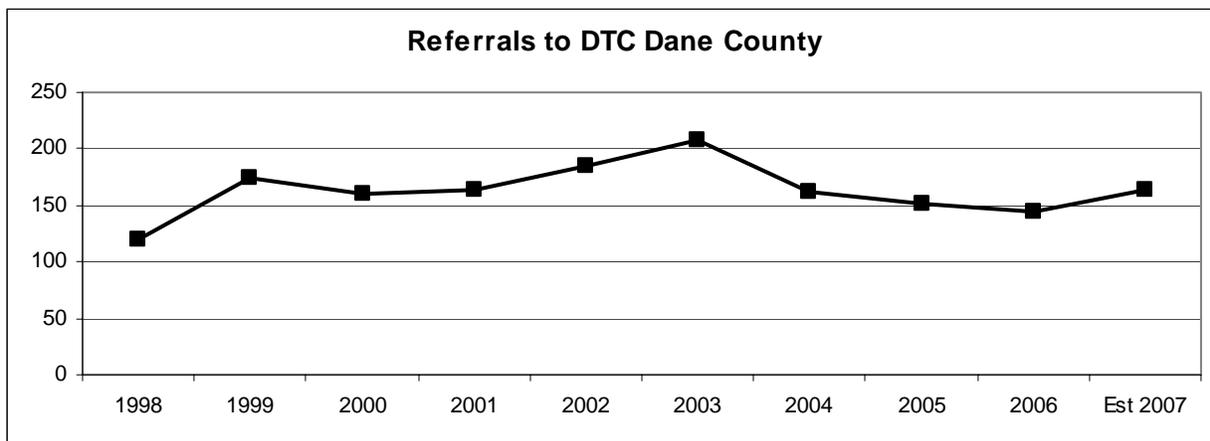
Hon. Sarah B. O'Brien, Presiding

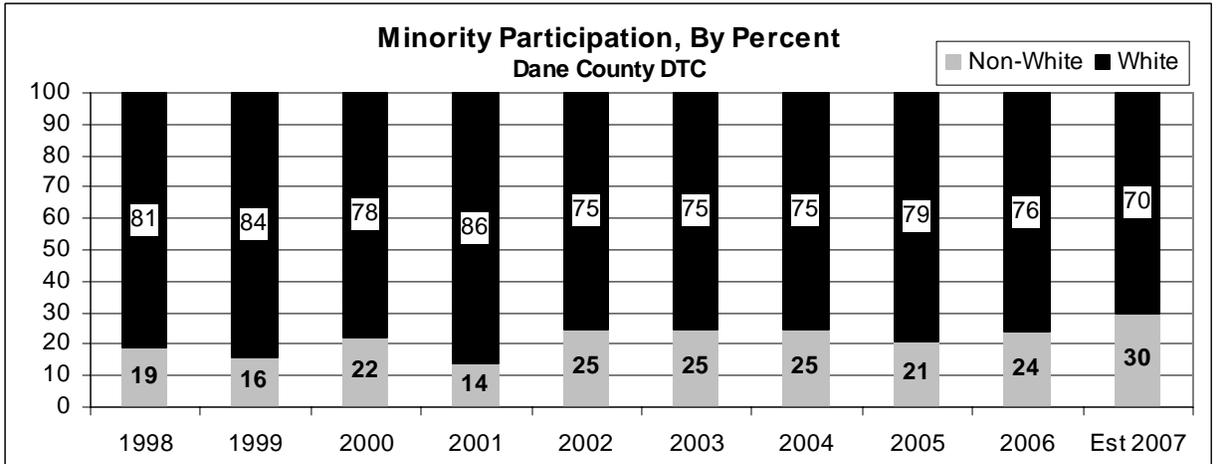
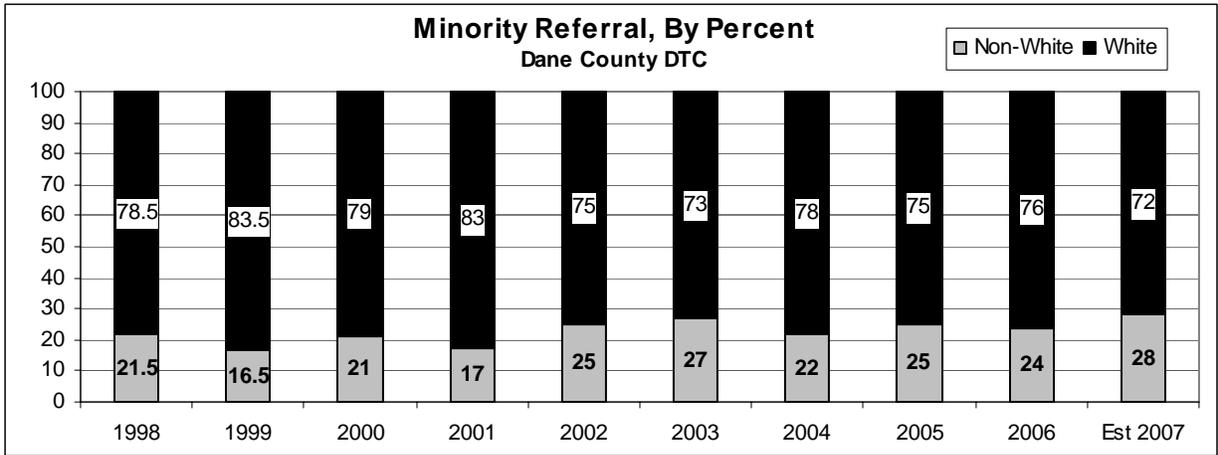
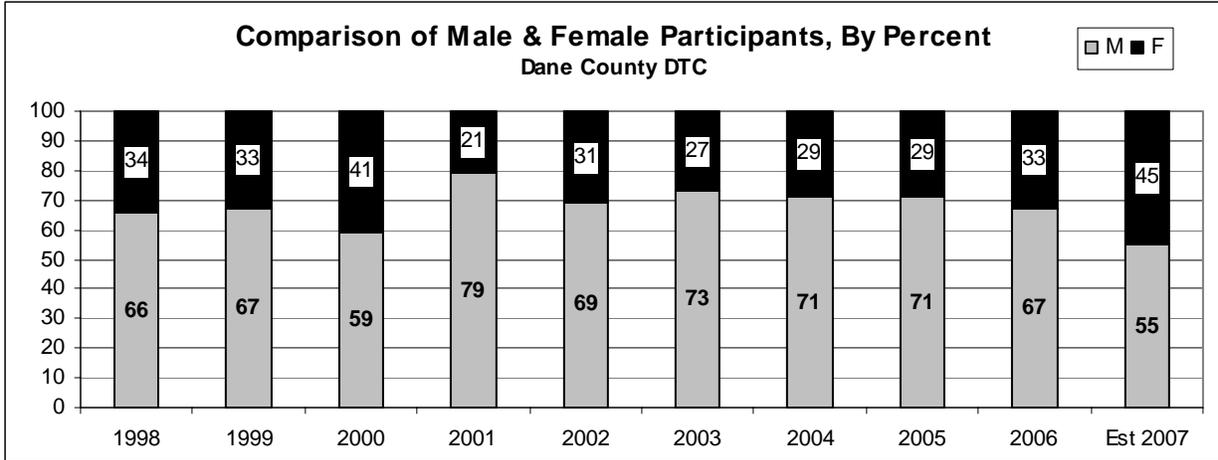
The court recognizes that a majority of crimes are committed by people with substance abuse problems. The judges believe that in order to lessen this problem it is necessary to provide offenders with an opportunity to participate in a program that will provide treatment and interventions to assist them with their substance abuse problems. Therefore, as of June 1996, the court, together with system partners including the District Attorney, State Public Defender and Department of Human Services, established a Drug Treatment Court (DTC). DTC was begun with a federal grant and is now funded by a combination of grants and county funds.

The goal of drug court is to break the cycle of drugs and crime, to reduce criminal justice costs by reducing drug addiction and street crime, to reduce incarceration for participants who present a low risk to public safety, and to enhance personal, academic and employment abilities among program participants.

To be eligible for the program an applicant must have no violent felony convictions, and no pending violent misdemeanor convictions. There can have been no weapon used in the commitment of the present offense. And the candidates must be willing to address their substance abuse dependence. In exchange for a plea of guilty or no contest there will be a reduction or dismissal of charges upon a successful completion of the program. Program requirements are individualized to meet each participant's needs, and include attending treatment programs, undergoing drug testing and routine returns to court for progress reporting. Sanctions, including increased court reporting, extended length of programming and jail are imposed for infractions.

Since 1996 there have been a total of 1,047 participants (as of June 2007) and successful graduates have numbered 616, with 97 neutral terminations for a 70% success rate. According to the U.S. Government Accounting Office (2005) the average successful completion rate for drug courts is 46% nationally.





#### **IV. Summary: Challenges and Opportunities**

The last two years have been a period of intense change. The court has worked hard to take advantage of the opportunities offered by a new facility to rethink old methods of doing business. Many improvements have already been made, (see Highlights, page 2) and more will be considered and implemented. Much has changed for the better for those who must appear in the courthouse and those who work here. Many challenges remain.

Locally, the Dane County Circuit Court sees the same trends and faces the same challenges as other courts across the state and nation. These trends, identified by judges, lawyers and court managers, include budget shortfalls and the tension resulting from the shared state and county funding structure, the increasing numbers of self-represented litigants, the growing need to provide language and sign interpreters to ensure full access to justice, judicial independence from political pressure, new procedural requirements or legislation adding to the court workload, and identifying sentencing alternatives that serve both the interests of justice and the restrictions of county finances.<sup>1</sup>

Changing community demographics have significantly impacted the courts. Poverty is playing a huge factor in class and racial disproportionality. The court is responsible for how it responds to those brought before it, but law enforcement, prosecutors and the community as a whole also play a role.

Additionally, social pressures unmet by other segments of local, state and federal government have resulted in expectations that courts respond with new, often resource-intensive programs, such as child and family interventions and special courts and treatments for drug offenders, mental health clients, drunk drivers, and domestic abuse victims and perpetrators. Alternatives to traditional jail sentences are becoming the expectation. It has largely fallen to those trained in the legal field, not medicine or psychology, to assess people, match them to appropriate monitoring and treatment programs and evaluate the rate of success of these programs, institutionalizing programs that succeed and discarding those that do not meet goals. Historically, the role of the court was to decide legal matters after hearing the facts and applying the law. Now, more and more courts are being called upon to provide social services to the community

These represent challenges to which the court must respond. Given all these pressures, the question is how the court can meet both its long established constitutional responsibilities and these new responsibilities? Many of these new ideas are a positive step for individuals and the community, but there are limits on time, staff and financial resources. New obligations necessarily take time away from the court's primary adjudicative responsibilities. Each such idea must be balanced by the court against what it must replace unless new resources are provided.

One way to address these concerns is to share the burden of developing new programs and resources. The state court system is addressing many of the concerns outlined above through the work of various committees, commissions and pilot programs. Dane County should take advantage of this work, participating when either the county has value to contribute or when it will assist the county. But care should be taken not to duplicate efforts or work at cross purposes.

Another is to re-build constructive working relationships and develop consensus in place of coercion, cooperation in place of competition for resources. The Criminal Justice Group and Council is only one mechanism, which focuses purely on criminal case processes. The many committees established and meetings held by the court to discuss the civil, family and juvenile areas of the law are one potential avenue. Open minded and frank dialog between stakeholders who genuinely attempt to reach agreement on the matters of mutual concern are critical to good government and good decision-making.

A third step that can be taken is to reach out to the public and other branches of government. There is a widespread misunderstanding regarding the proper role of the judiciary and the courts. It is incumbent upon the judiciary, collectively, and in each case, to assist citizens to understand the actual workings of the court system, provide meaningful access to the disenfranchised and inculcate a renewed respect for the integrity of the judicial branch. We ask County Board supervisors who sit on oversight and related committees to take advantage of the opportunities to sit with a judge in court, to personally observe the complexities of case law and case processing, see the many variables reflected in each case, understand the distinct personal identities and troubles of those appearing in court (on any case type), learn of the limits on the options open to judges and commissioners when making a ruling.

The judges believe that, under the American system of checks and balances, the courts are obliged to set their own budgetary priorities and then to be accountable for the wise use of taxpayer funds to meet those priorities. Dane County Circuit Court has a proud history of innovation and effectiveness in fulfilling its responsibilities. This is only possible with the support of county resources, as established by the co-equal branches of county government. Court clerks, court aides, staff attorneys, bailiffs, District Attorney office staff and others are all necessary and contribute to getting the job done. This report illustrates the hard work of the court system personnel and highlights the many successful improvements implemented in 2006 and 2007. If support for court priorities is reduced, so will productivity and innovation decline. For the court to achieve on-going success, it is critical for the legislative, executive and judicial branches of county government to work as partners, for the good of the community as a whole.

Strong courts are an essential part of our democracy and provide vital balance at the federal, state and county level. It is for the benefit of the community of Dane County that the branches of government work in concert. It is hoped this report, with its description of accomplishments, and advisory of challenges, will set the stage for that opportunity to reach full bloom.

1. Supreme Court Planning and Policy Advisory Committee *Critical Issues: Planning Priorities for the Wisconsin Court System* (draft) May 2008.