



# Wisconsin Court System

## Administrative Structure of the Courts

The Wisconsin court system, like court systems around the country, has evolved from a predominately decentralized structure with overlapping authority to a more unified system. The progression is due in large part to an effort to improve court administration.

In 1951, the Legislature directed the Judicial Council to examine the courts and to recommend appropriate changes. Those efforts resulted in Chapter 315, which became effective in 1962. In addition to simplifying the structure of the courts and creating some statewide uniformity, this statute laid out an administrative framework for improving caseload allocation and providing other management support such as the Office of Court Administration, created in 1961.

The office's initial emphasis was to assist the chief justice in the assignment of reserve and other judges to temporary service. The administrator also was directed to collect statistics and perform internal administrative tasks, such as processing expense vouchers and researching various insurance and retirement issues.

The process of judicial reform continued, and in the early 1970s, the governor established the Citizens Study Committee on Judicial Organization. The committee's published report recommended that:

- ❑ the Supreme Court have administrative authority over and responsibility for all courts
- ❑ the chief justice be the head of the judicial branch
- ❑ a state court administrator be granted broad authority to assist the chief justice in administrative matters
- ❑ the trial courts be organized into administrative districts headed by chief judges with district court administrators to assist with administrative tasks.

With the 1977-78 court reorganization, the administrative responsibilities and authority of the chief justice and chief judges were formally established, and the concept of non-judicial administrative positions was formally institutionalized. Non-judicial managers such as the director of state courts and the district court administrators were authorized to perform a broad spectrum of

administrative tasks for the court system. By early 1979, the Supreme Court had promulgated Supreme Court Rule (SCR) Chapter 70, Rules of Judicial Administration – a systematic, uniform approach to court administration.

### Director of State Courts Office

The role and work of the Director of State Courts Office is to carry out administrative responsibilities in cooperation with Wisconsin's judiciary.

The office is managed by the director of state courts. As the chief non-judicial officer of the state court system, under the direction of the chief justice, the director of state courts has authority and responsibility for the overall management of the unified judicial system. The specific functions of the director are set out in SCR 70.01.

Internally, the director's office is organized into the following areas of responsibility:

- ❑ The **Office of Court Operations** provides technical assistance to the circuit courts, often in conjunction with the district court administrators in areas such as records management, caseload management, personnel (including assignment of reserve judges), and policy analysis. Court Operations also provides staff services for committees and special projects, including the Wisconsin Court Records Management Committee, and researches court management and related issues for the Director of State Courts Office.
- ❑ The **Consolidated Court Automation Programs (CCAP)** provides computer automation to the Wisconsin court system, which includes the Supreme Court, the Court of Appeals, the circuit courts, and the Director of State Courts Office and its affiliated offices. Automation allows the courts to track the progress of cases through the system and manage huge volumes of information with relative ease. Public case docket information is available at <http://wcca.wicourts.gov> and <http://wscca.wicourts.gov>.
- ❑ The **Office of Management Services** provides administrative support and general business services

consistent with state and federal law, Supreme Court rules, court policy and sound public management practice in areas such as budget, finance, human resources, payroll and leave accounting, procurement, grants administration, risk management, space allocation and facility management.

- ❑ The **Office of Judicial Education** conducts continuing education programs for the judiciary and training programs for new judges and court personnel, prepares judges' benchbooks and educational materials, coordinates and assists other judicial and court personnel organizations in arranging educational programs.
- ❑ The **Medical Mediation Panels Office** provides an objective assessment of the strengths and weaknesses of a medical-malpractice claim. By law, all medical-malpractice claims must go through this process before they can proceed to court. Each panel consists of a lawyer, a health-care provider, and a layperson. The early neutral evaluation they provide can reduce litigation costs by identifying claims without merit as early as possible and by expediting the resolution of those claims that do have merit.

### **Trial Court Level**

Effective court administration requires close cooperation between the director of state courts and the chief judges of the nine judicial administrative districts. The chief judge is responsible for the administration of the circuit courts within the district. SCR 70.19 enumerates many duties of the chief judge to be carried out in cooperation with the director of state courts. The list includes judicial assignment; caseload management; establishment of policies, plans, and rules; supervision of finances; appointment of committees; and more. The chief judges and district court administrators meet regularly with the director of state courts to discuss current issues and to advise the Supreme Court and the director on matters relating to administration.

With the exception of the First Judicial Administrative District (Milwaukee), the chief judges are not exclusively administrators and carry caseloads. Thus, the full-time position of district court administrator has evolved as a critical resource for the effective administration of the court system. Together the director, the chief judges, and administrative staff participate in developing and implementing statewide policies and procedures. They manage an increasingly complex system requiring the uniform application of justice while accommodating and respecting appropriate local variance.

### **Statewide programs and committees**

**Judicial Conference:** All justices of the Supreme Court, judges of the circuit courts and Court of Appeals, reserve (retired) judges; three municipal court judges, two circuit court commissioners, and three judicial representatives of the tribal courts are members of the Wisconsin Judicial Conference, which meets annually. The conference was established to consider the business of the administration of justice and the problems pertaining to it, recommend improvements, assist its members in performing judicial duties and provide for committees to study particular subjects relating to the administration of justice.

**Judicial Conference Planning Committee:** Appointed annually by the chief justice, this committee works with the Judicial Conference Executive Committee to set the agenda and organize the annual meeting of the judicial conference.

**Judicial Conference Committees (SCR 70.15(4)):** The Judicial Conference may divide into sections and create subcommittees to study specific topics. Conference committees include:

- ❑ **Executive Committee** has general charge over the affairs, policies and activities of the Judicial Conference and is comprised of the chief justice (chair), the next senior justice (first vice-chair), a second vice-chair, a secretary, and five other members (elected by the conference) including: one appellate judge, one reserve judge, and three circuit court judges.
- ❑ **Civil Jury Instructions Committee** prepares model civil jury instructions for circuit judges.
- ❑ **Criminal Jury Instructions Committee** prepares model criminal jury instructions for circuit judges.
- ❑ **Juvenile Jury Instructions Committee:** prepares model juvenile jury instructions for circuit judges.
- ❑ **Legislative Committee:** reviews pending legislation and may provide information to the the Legislature on proposed bills. To obtain a broad spectrum of viewpoints, the committee solicits judges to review bills within their areas of expertise and interest.
- ❑ **Nominating Committee** advises the members of the conference of open positions on the committees for which they may seek election. Nominations are then solicited. From these nominations, the Nominating Committee chooses one candidate for each open position and notifies the members of the conference of its slate prior to the annual meeting of the conference. Members of the conference may also make nominations. The members of the conference vote to fill the open positions.

- ❑ **Uniform Bond Committee** prepares various uniform deposit and bail schedules for misdemeanors and traffic offenses, violations of Department of Natural Resources rules, trespass to land, certain alcohol violations, tobacco violations, harassment, violations of University of Wisconsin rules, drug paraphernalia offenses and safety violations.

**Judicial Commission:** The Supreme Court appoints judges and lawyers to the Judicial Commission, and the governor appoints the non-lawyer members with the consent of the state Senate. The commission was created by statute to investigate any possible misconduct or permanent disability of a judge or court commissioner.

**Benchbook Committees:** Appointed by the Office of Judicial Education, the Benchbook Committees assist in revising and updating each of the five Wisconsin Judicial Benchbooks on an annual basis. The benchbooks are desktop procedural reference texts for trial judges.

**Committee of Chief Judges (SCR 70.18):** The Supreme Court appoints a chief judge for each of the nine judicial administrative districts to oversee administrative matters in the district. Each chief judge may serve up to three consecutive two-year terms. As needed, the chief judges convene subcommittees to consider issues and problems facing the trial courts.

**Consolidated Court Automation Programs (CCAP) Steering Committee:** Appointed by the director of state courts, this committee sets policy and priorities for CCAP.

**Supreme Court Finance Committee (SCR 70.125):** This standing committee of the Supreme Court is comprised of the chief justice, two additional justices, the chief judge of the Court of Appeals, and the chair of the committee of chief judges or his or her designee. The director of state courts, the chief budget and policy officer and the deputy director for management services staff the committee.

**Judicial Conduct Advisory Committee:** Appointed by the Supreme Court, this committee was created to render formal advisory opinions and give informal advice to judges and judicial officers governed by the Code of Judicial Conduct. Advice may concern the compliance of their contemplated or proposed conduct regarding the Code.

**Judicial Education Committee (SCR 32.01):** Oversees continuing education programs for judges. It also determines whether to grant education credit for other educational activities undertaken by individual judges. The

committee consists of the chief justice or his/her designee, the chief judge of the Court of Appeals or his/her designee, the director of state courts, the deans of both Wisconsin law schools and the Wisconsin Judicial College, and eight circuit court judges appointed by the Wisconsin Supreme Court.

**Judicial College Planning Committee:** Appointed by the chief justice, the Judicial College Planning Committee of the Judicial Education Committee is composed of seven circuit court judges (the dean and associate dean of the Wisconsin Judicial College). The committee develops the courses for the annual Judicial College, which provides education for both new and veteran judges.

**Committee to Improve Interpreting in Wisconsin Courts:** Appointed by the director of state courts, this committee is charged with making recommendations to improve the quality and availability of court interpreters in Wisconsin's state and municipal courts.

**Planning and Policy Advisory Committee (PPAC) (SCR 70.14):** Advises the Supreme Court and the director of state courts on planning initiatives, the administrative structure of the court system and the expeditious handling of judicial matters. The committee functions as the court system's long-range planning committee. PPAC consists of the chief justice of the Supreme Court, one judge of the Court of Appeals (selected by the Court of Appeals), 13 circuit court judges (elected in the judicial administrative districts), one municipal judge (elected by the Wisconsin Municipal Judges' Association), two persons selected by the Board of Governors of the State Bar of Wisconsin. The following persons are appointed by the chief justice: three non-lawyers (one of whom shall be an elected county official), one public defender, one court administrator, one prosecutor, and one clerk of circuit court.

#### **State-Tribal Justice Forum**

In July of 2005, the U.S. Department of Justice, Bureau of Justice Assistance sponsored a national gathering to foster tribal-federal-state court relations. This conference, titled *Walking on Common Ground: Pathways to Equal Justice*, served as the catalyst for Wisconsin to reconvene its State-Tribal Justice Forum. The newly re-established committee met for the first time in the spring of 2006 and consists of five circuit court judges, five tribal judges, one tribal attorney, one legislative liaison, one district court administrator, and the director of state courts.

**Appointment Selection Committee:** Appointed by the Supreme Court, this committee assists the Court in finding dedicated people of the highest integrity and commitment to serve on the various committees to which the Court

makes appointments. The committee forwards names for the Court's consideration, and the Court makes appointments as vacancies arise.

**Wisconsin Court Records Management Committee:**

Appointed by the director of state courts, this committee recommends guidelines for the retention of court records and necessary statutory or rule changes relating to records management. It creates new forms, reviews new and existing forms for legal sufficiency and establishes standards and guidelines for effective management of court records.

**Lawyer Regulatory System:**

- ❑ **Board of Bar Examiners (BBE)** (SCR 30.01) administers Wisconsin's mandatory continuing legal education requirements and bar admissions by examination and on reciprocity. The BBE conducts character and fitness investigations for all candidates for bar admission by diploma privilege (graduates of Wisconsin law schools).
- ❑ **Office of Lawyer Regulation** (SCR 21.02) investigates allegations of professional misconduct and medical incapacity regarding attorneys licensed to practice law in Wisconsin and investigates license reinstatement petitions.

- ❑ **Board of Administrative Oversight** is a 12-person board, composed of eight lawyers and four non-lawyers that monitors the fairness, effectiveness and efficiency of the attorney regulation system and proposes substantive and procedural rules related to the system for the Court's consideration.
- ❑ **District Committees** are divided into 16 committees, each composed of two-fifths non-lawyers and assist in the investigation of certain cases involving complaints against attorneys.
- ❑ **Preliminary Review Committee** is a 14-person committee made up of nine lawyers and five public members. The committee reviews investigations involving complaints against attorneys to determine whether there is cause for the director of the Office of Lawyer Regulation to file a complaint with the Supreme Court.