

**MINUTES OF JOINT MEETING OF JUDICIARY & LAW ENFORCEMENT AND
LEGISLATIVE COMMITTEES**

February 14, 2007

KCAB 2ND FLOOR COUNTY BOARD COMMITTEE ROOM

Members Present: William Michel II, Joseph Clark, Bob Haas, James Huff, James Moore, Ron Johnson, Gordon West

Others Present: Judge Mary K. Wagner, Judge Bruce Schroeder, Judge David Bastianelli, Judge Michael Wilk, Judge Tony Milisauskas, Anita Faraone, Robert Zapf, Rebecca Matoska-Mentink, Ken Yance, Al Swartz, Bethany Lofgren, Audrey West, Gary Kunich

Meeting Called to Order: 7:00 p.m. by Chairman William Michel II

Citizen Comments: None

Supervisor Comments: None

Chairman Comments: None

Resolution from the Office of the Corporation Counsel:

1) A Resolution in Support of Adding a Circuit Court Judge for Kenosha County

Motion by: Ron Johnson **Seconded by:** Gordon West **Approved:** unanimously

Motion by: Joseph Clark **Seconded by:** Bob Haas **Approved:** unanimously

Supr. Michel reported that a cost analysis was prepared by Finance and given to Committee members. Supr. Huff said that at a recent legislative conference the Governor stated that he is proposing to put \$19 million in the court system. The Governor realizes there is a need for Guardian ad litem fees, interpreters, courts, etc. There was a study done in 2003 that concluded that Kenosha County had a caseload for 9 branch judges. He believes we are in need of at least an 8th branch. Time studies have been done regarding civil cases vs. criminal cases. This information along with revenue are used to determine need. Rebecca Matoska-Mentink confirmed Huff's comments. It was unknown at the meeting how this money would affect Kenosha County, but draft indication suggests approximately \$250,000 to \$300,000. There was a judicial needs assessment by the National Center for State Court, which the judges participated in, and they determined that even with the Court Commissions two judgeships were recommended. It is her understanding that the State Court Administrator's Office will be putting forth a bill to request judges to be allocated across the state. They will try to meet the needs of each district and Kenosha County is at the top of their report. Huff added that it was said at the conference that a resolution would be needed by the County Boards to set this in motion because some counties do not have the space or finances to support an additional judge.

Judge Mary K. Wagner said that Kenosha County is the fastest growing county in the State. She spoke on behalf of all the judges to encourage the creation of 8th Circuit Court Judgeship. She referenced statistics comparing 1997 to 2006 that were distributed at the beginning of the meeting and said that these provide justification. The caseloads in civil have grown by nearly 70% and in criminal by about 20%. The last judgeship created was in 1994. This Board in 1998 endorsed the creation of an additional court and passed the resolution for the Supreme Court to include this in the

bill they were going to endorse. This was pulled because there was criticism at that time that the time study was not accurate. This past year another judicial need study was done that concluded that 9 judges were needed, however, they realize this is not possible. She believes this study is valid and included participation of 240 out of 241 judges. She said that County Board and County Executive support is needed and that approving the additional judge would not create more cases, it is needed with the current number of cases.

Huff commented that it is the County Board's responsibility to look at how positions are staffed and where the money is going to come from. He does not have a problem with adding a judgeship, just concerns about the funding. Supr. Clark asked Finance to explain the cost analysis. Al Swartz explained that page 1 reports the cost if a civil court is added totaling \$108,146: \$53,500 in one-time costs and \$54,646 in ongoing costs. Page 2 reports the cost for a criminal court totaling \$336,093. Clark asked if the need for additional staff at the District Attorneys Office is needed only if a criminal court is added. District Attorney Robert Zapf responded that currently a legislative audit is being performed for more accurate figures and that they will not know until the study is completed. Clark asked if the criminal caseload would increase. Zapf responded that he could not predict this. He believes that if there are more courts available, possibly more cases could be prosecuted. They are seeing a shift in types of cases including sex offense cases, sensitive crimes and identity theft. This may affect how these cases are brought into the system. Supr. Michel asked how the District Attorney's Office would be affected if the State does not give additional prosecutors because the County does not pay for prosecutors. Zapf responded that it would have a serious impact if the court would be a criminal branch. They would have very limited resources to accommodate a new court.

Judge Schroeder said that they had four judges doing criminal cases up to about 1-½ years ago then went to 4-½. He doesn't understand the math, but if there would be no more cases, just another judge hearing them, why would this entire new staff be needed? He does not want to limit our options by keeping this to just a civil court. Judgeships only come about approximately every 7 years. The choices are to either let the public go without services and slower cases or to absorb the costs. He encouraged the Committee not to miss this opportunity. Michel asked that if the court was part-time criminal and part-time civil, would the Clerk of Courts need additional staff. Matoska-Mentink replied that they have a need regardless of the type of court. Huff asked if this would occur in April 2008. Matoska-Mentink confirmed that elections would be in April 2008 with a start of August 1, 2008. This would be proposed in the 2008 budget even though nothing would be definite at the time budgets are prepared and presented. Supr. Moore expressed that he was frustrated that the only information provided to Committee members before the meeting was the resolution itself. It is overwhelming to make an informed decision with so much information just presented. He asked what the relationship was between the previous resolution 199 and this one. This was approved in the past and then halted? Michel said it was withdrawn because there was information that it was not going to be granted by the State.

Any Other Business Allowed by Law: None

Meeting Adjourned: 7:40 p.m. on motion by Huff, seconded by Haas.

Respectfully Submitted,

Donna L. DeBree