

## JUDICIAL COUNCIL

### GOVERNOR'S BUDGET RECOMMENDATIONS

Source of Funds	FY19 Adjusted Base	FY20 Recommended	% Change Over FY19	FY21 Recommended	% Change Over FY20
TOTAL	0	0	0.0	0	0.0

### FULL-TIME EQUIVALENT POSITION SUMMARY

Source of Funds	FY19 Adjusted Base	FY20 Recommended	FTE Change Over FY19	FY21 Recommended	FTE Change Over FY20
TOTAL	0.00	0.00	0.00	0.00	0.00

### AGENCY DESCRIPTION

The council is authorized to advise the Supreme Court, the Governor and the Legislature on any matter affecting the administration of justice in Wisconsin, and it may recommend Supreme Court rules or legislation to change the procedure, jurisdiction or organization of the courts. The council studies the rules of pleading, practice and procedure, and advises the Supreme Court about changes that will simplify procedure and promote efficiency.

The council consists of 21 members as follows: a Supreme Court justice designated by the Supreme Court; a Court of Appeals judge designated by the Court of Appeals; the director of state courts or his or her designee; four Circuit Court judges selected by the Judicial Conference; the Attorney General or his or her designee; the chief of the Legislative Reference Bureau or his or her designee; the deans of the University of Wisconsin and Marquette University law schools or a designated member of the respective law school faculties; the state public defender or his or her designee; the president-elect of the State Bar of Wisconsin or a designated member of the Board of Governors of the State Bar; three members of the State Bar selected by the State Bar; one district attorney appointed by the Governor; and two citizens at large appointed by the Governor.

### MISSION

The mission of the council is to study and make recommendations relating to court pleadings, practices and procedures; and organization, jurisdiction and methods of administration and operation of Wisconsin courts.

**PROGRAMS, GOALS, OBJECTIVES AND ACTIVITIES**

**Program 1: Advisory Services to the Courts and the Legislature**

Goal: Improve the efficiency and effectiveness of the Wisconsin court system.

Objective/Activity: The council studies the rules of pleading, practice and procedure, and advises the Supreme Court and the Legislature on changes that will simplify procedures and promote efficiency. The council studies court administration throughout the state, and can receive, investigate and recommend proposed changes to the administration of justice in Wisconsin. The council is to be aware of judicial decisions and proposed legislation that would impact courts. The council is also empowered to recommend to the Supreme Court, Governor and Legislature any changes in the organization, jurisdiction, operation and business methods of the courts that would result in a more effective and cost-efficient court system.

**PERFORMANCE MEASURES**

**2017 AND 2018 GOALS AND ACTUALS**

<b>Prog. No.</b>	<b>Performance Measure</b>	<b>Goal 2017</b>	<b>Actual 2017</b>	<b>Goal 2018</b>	<b>Actual 2018</b>
1.	Review and draft recommended amendments to the Code of Criminal Procedure.	Study issues related to discovery rules in criminal cases	The Criminal Procedure Committee completed and provided to the Legislature a major review of criminal procedure	Draft recommendations to update discovery rules in criminal cases	The Criminal Procedure Committee provided several recommendations to the Legislature
1.	Review and research amendments to the Rules of Evidence.	Study possible amendments to address duty to preserve evidence in civil cases  Study codification of expert witness privilege	The council prepared extensive amendments to rules, which were embodied in Petition 16-02 to the Supreme Court	Draft and file a Supreme Court petition to address expert witness privilege	This was done (primarily in connection with the work performed on Petition 16-02)

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<b>Prog. No.</b>	<b>Performance Measure</b>	<b>Goal 2017</b>	<b>Actual 2017</b>	<b>Goal 2018</b>	<b>Actual 2018</b>
1.	Review and research amendments to the Rules of Civil Procedure.	Draft recommended amendments related to service of subpoena (s. 885.03, Wisconsin Statutes)  Draft and file Supreme Court rule change petition to amend class action statute (s. 803.08, Wisconsin Statutes)	Prepared draft Supreme Court rule change petition to amend s. 803.08 and s. 426.110, Wisconsin Statutes, related to class actions	Study possible amendments to trial preparation: experts statute (s. 804.01(2)(d), Wisconsin Statutes) to improve efficiencies and decrease litigation costs	Work on this goal was not completed due to the closed meetings of 2018 <sup>1</sup>
1.	Review and research amendments to the Rules of Appellate Procedure.	Work with Legislature to introduce bill drafted by the council reorganizing the procedural rules for prisoner challenges to agency decisions to make the rules easier to locate and understand	Much of 2017 was devoted to consideration of amendments to ss. 809.15, 809.19, 809.30, 809.32 and 885.42, Wisconsin Statutes (i.e., record on appeal and videotape procedure	Study and draft recommendations concerning substitution or withdrawal of counsel in appellate cases	Work on this goal was not completed due to the closed meetings of 2018 <sup>1</sup>
1.	Timely response to requests to review Supreme Court rules.	Provide recommendations regarding Supreme Court rules changes	Provided recommendations regarding Supreme Court rules changes	Provide recommendations regarding Supreme Court rules changes	Provided recommendations regarding Supreme Court rules changes

Note: Based on fiscal year.

Note: The council calendar is unique, beginning in September of each year and continuing until the following June. The council ordinarily does not meet in April, July, August and December.

<sup>1</sup>The production for the council for 2018 was negatively impacted by the council's need to consider matters in closed session during the period September 2018 to December 2018.

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**2019, 2020 AND 2021 GOALS**

<b>Prog. No.</b>	<b>Performance Measure</b>	<b>Goal 2019</b>	<b>Goal 2020</b>	<b>Goal 2021</b>
1.	Review and draft recommended amendments to the Code of Criminal Procedure.	Draft and file Supreme Court rule change petition to update discovery provisions in criminal cases	Review and draft recommended amendments at the direction of the Legislature	Review and draft recommended amendments at the direction of the Legislature
1.	Review and research amendments to the Rules of Evidence.	Draft and file a Supreme Court petition to update rule regarding duty to preserve evidence in civil cases	Review and recommend ways to incorporate the Federal Rules of Evidence into Wisconsin's rules	Continue to review and recommend ways to incorporate the Federal Rules of Evidence into Wisconsin's rules
1.	Review and research amendments to the Rules of Civil Procedure.	Draft and file Supreme Court rule change petition to amend trial preparation: experts statute s. 804.01(2)(d), Wisconsin Statutes	Review and recommend modifications to the Rules of Civil Procedure created by 2017 Wisconsin Act 235 in order to synchronize the act with the Federal Rules of Civil Procedure	Continue to review and recommend modifications to the Rules of Civil Procedure created by 2017 Wisconsin Act 235 in order to synchronize the act with the Federal Rules of Civil Procedure
1.	Review and research amendments to the Rules of Appellate Procedure.	Draft and file Supreme Court rule change petition to adopt a rule regarding substitution or withdrawal of counsel in appellate cases	Review and research amendments to the Rules of Appellate Procedure at the direction of the Supreme Court or council	Continue to review and research amendments to the Rules of Appellate Procedure at the direction of the Supreme Court or council
1.	Timely response to requests to review Supreme Court rules.	Provide recommendations regarding Supreme Court rules changes	Provide recommendations regarding Supreme Court rules changes	Provide recommendations regarding Supreme Court rules changes

Note: Based on fiscal year.

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**GOVERNOR'S BUDGET RECOMMENDATIONS**

**ITEMS NOT APPROVED**

1. Judicial Council Attorney and Funding

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

	ACTUAL FY18	ADJUSTED BASE FY19	AGENCY REQUEST FY20	AGENCY REQUEST FY21	GOVERNOR'S RECOMMENDATION FY20	GOVERNOR'S RECOMMENDATION FY21
GENERAL PURPOSE REVENUE	\$0.0	\$0.0	\$98.3	\$111.4	\$0.0	\$0.0
State Operations	0.0	0.0	98.3	111.4	0.0	0.0
TOTALS - ANNUAL	\$0.0	\$0.0	\$98.3	\$111.4	\$0.0	\$0.0
State Operations	0.0	0.0	98.3	111.4	0.0	0.0

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

	ADJUSTED BASE FY19	AGENCY REQUEST FY20	AGENCY REQUEST FY21	GOVERNOR'S RECOMMENDATION FY20	GOVERNOR'S RECOMMENDATION FY21
GENERAL PURPOSE REVENUE	0.00	1.00	1.00	0.00	0.00
TOTALS - ANNUAL	0.00	1.00	1.00	0.00	0.00

(4) All positions are State Operations unless otherwise specified

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

	ACTUAL FY18	ADJUSTED BASE FY19	AGENCY REQUEST		GOVERNOR'S RECOMMENDATION	
			FY20	FY21	FY20	FY21
1. Advisory services to the courts and the legislature	\$0.0	\$0.0	\$98.3	\$111.4	\$0.0	\$0.0
<b>TOTALS</b>	\$0.0	\$0.0	\$98.3	\$111.4	\$0.0	\$0.0

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

	ADJUSTED BASE FY19	AGENCY REQUEST		GOVERNOR'S RECOMMENDATION	
		FY20	FY21	FY20	FY21
1. Advisory services to the courts and the legislature	0.00	1.00	1.00	0.00	0.00
<b>TOTALS</b>	0.00	1.00	1.00	0.00	0.00

(4) All positions are State Operations unless otherwise specified

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**ITEMS NOT APPROVED**

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

Decision Item	Source of Funds	FY20		FY21	
		Dollars	Positions	Dollars	Positions
1. Judicial Council Attorney and Funding	GPR	98,300	1.00	111,400	1.00
<b>TOTAL OF ITEMS NOT APPROVED</b>	<b>GPR</b>	<b>98,300</b>	<b>1.00</b>	<b>111,400</b>	<b>1.00</b>