

Annual Report

Clerk of Circuit Court

2015

It was the past practice of several former Clerks to issue an annual report. The practice seems to have fallen by the wayside in the late 1990s. It is my intention to revive the annual report as a means of highlighting and communicating the accomplishments and needs of the Clerk's Office in an open and transparent manner. This report covers statistical, fiscal, personnel information, the achievements during the past year, and challenges in the new year.

Accomplishments

Our former Clerk of Courts, Roseanne Lee, was able to set us on a strong path through 2015. We were able to weather her sudden passing because of the leadership she provided. Because of her, some of our accomplishments for the year include:

- Successfully going paperless in the Family Court;
- In conjunction with Child Support, we began holding Child Support hearings at the agency on Taylor Avenue;
- Repurposed space from existing an waiting room and a conference room to add hearing rooms on the 3rd Floor and 5th Floors of the courthouse;
- New chairs for jury deliberation rooms in the LEC- South Courtroom, LEC- West Courtroom, and on the 7th Floor Courtroom on the Courthouse;
- The 2nd Floor Courtroom refurbishment project was began at the end of 2015 and should be completed by the end of February. The project included addition updated lighting and sound equipment. Also, complete refurbishment of the courtroom, judge's chambers and library, and the court reporter's office;
- Implementation of a new CCAP calendaring system;
- Implementation of a new text message notification system.

Court Administration

Racine County is the 51st Circuit Court of Wisconsin. We are the 4th largest circuit court in the state. We are part of the 2nd Judicial District, along with Kenosha and Walworth County. As part of the district, we share a Chief Judge and a District Court Administrator.

Racine County has ten (10) judges, a Judicial Court Commissioner, a Family Court Commissioner and four (4) Deputy Family Court Commissioners, a part-

time Register in Probate, a staff of forty-five (45) to fifty (50) full time, and fifteen (15) to twenty-five (25) part-time employees. The county pays the salaries of the staff, including the Register in Probate, the family and judicial court commissioners. The state pays for the salaries of the judges and their court reporters.

The Clerk of Circuit Court is a public official elected for a four-year term in countywide races. This office is statutorily responsible for a variety of record keeping functions of the courts. Besides being responsible for court administration, we are the custodians of the record and are also responsible for jury management and court finances.

Custodian of the Record

Record keeping for the courts is governed by state statute and Wisconsin Supreme Court rule. These require that clerk maintain records of all documents filed with the courts, keep a record of court proceedings and collect various fees, fines and forfeitures ordered by the court or specified by statute. The Clerk of Circuit Court also must establish and promote procedures for reasonable access to court records as well as maintain the confidentiality of records as set forth by statute and court order. We divide our records as follows:

Civil Actions

Civil Court routinely handles noncriminal cases usually involving private property rights. For example, lawsuits involving breach of contract, probate, divorce, negligence, copyright violations, and injunctions are just a few of the many hundreds of varieties of civil actions. The divisions in the Racine County Civil Courts are as follows:

Civil & Small Claims:

- I. **Civil (CV):** 1705 Civil cases were filed. This represents a four percent (-4%) decrease from 2014 and a forty-one percent (-41%) decrease compared to 2005.
 - a. Injunctions (CV):
 - i. Domestic Abuse: 152 Petitions for Domestic Abuse Injunctions were filed.
 - ii. Harassment: 282 Petitioner for Harassment Injunctions were filed.
- II. **Small Claims (SC):** 4712 Small Claims cases were filed. This represents a six percent (-6%) decrease from 2014 and a twenty (20) year low in filings.

These cases are handled by two (2) full time judges. These cases include foreclosures, garnishments, money judgments, minor court settlements, name changes, etc. There is no back load of cases and the judges and clerks work very hard to keep these cases moving.

We have seen a reduction in the number of small claims filings this year. 75% of this case load is handled from beginning to the end by the Clerk of Courts' staff. There are 1 ½ clerks handling these cases from beginning to end. A judicial officer only hears the cases if they go to trial. Contested cases are handled by the judicial court commissioner and the two (2) civil courts.

Injunctions are heard by the Court Commissioners. Harassment Injunctions are heard by the Judicial Court Commissioner. Domestic Abuse Injunctions are heard by the Family Court Commissioner or a Deputy Family Court Commissioner.

Family:

- III. **Paternity (PA):** 685 Paternity cases were filed; a nominal decrease from 2014.
- IV. **Family (FA):** 1263 Family cases were filed. This represents a five percent (-5%) decrease from 2014 and a sixteen percent (-16%) decrease compared to 2010.

These cases are handled by one (1) full time and thirty (30%) percent of another's judge's time. Cases which are not contested are handled by the family court commissioner and deputy family court commissioners. Most of the court's time is spend in handling post-judgment cases. Post-judgment cases go on until the child(ren) reach the age of eighteen (18). Custody cases are particularly difficult and take a considerable amount of the court's time. The county spends about 70% of it's budgeted amount for GALs on custody matters.

Racine County is currently one of ten counties that are piloting eFiling between the Clerk of Courts and the Child Support Agency. Approximately, sixty-five (65%) of our Family filings and ninety-eight (98%) of our Paternity filings are filed electronically by the Child Support agency.

Probate:

- V. **Guardianship (GN):** 266 cases were filed. This is an eleven percent (11%) increase from 2014.
- VI. **Juvenile Mental (JM):** 55 cases were filed; a forty-one percent (-41%) decrease over 2014.
- VII. **Mental Commitments (ME):** 248 Mental Commitments were filed.
- VIII. **Probate (PR):** 473 matters were filed.

One judge handles these matters. The judge spends roughly seventy percent (70%) of their time on Probate matters and the remainder of their time on Family matters.

Probate matters are mostly administrative, and only involved the judge when a matter is contested. Our part-time Register in Probate also acts as a Probate Commissioner to handle probate matters when necessary. A GAL, a psychiatrist, and psychologist is needed on the other case types. We do have a policy in effect whereby we collect reimbursement for the GAL and doctor's costs.

Criminal & Juvenile Actions

Criminal Court is concerned with actions that are dangerous or harmful to society as a whole. Because of this, prosecution is pursued not by an individual but rather by the state represented by the District Attorney's Office. Criminal Court, in general, handles violations of state law, including both Felony and Misdemeanor charges. Traffic Court handles criminal traffic charges, County Ordinance violations, State Patrol citations, and Department of Nature Resource citations.

Juvenile Court has special jurisdiction over underage defendants who violate state law or any child who is abused, neglected or dependent. Usually, this court has jurisdiction of those under the age of 18.

Felony:

- I. **Felony (CF):** 1,780 felonies were filed in this division. This represents an eight percent (8%) increase from 2014 and a twenty (20) year high in felony filings.
 - i. **Felony (CF) Operating While Intoxicated:** 52 cases were filed.

Felony cases are crimes sufficiently serious enough to be punishable a term of incarceration in prison. These can include such crimes as homicide, sexual assault, arson, robbery or burglary. Three (3) judges handle the majority of felony matters. Two (2) judges hear felony matters exclusively and a third judge hears felony and juvenile matters. The judicial assignments for felonies are assigned on a 40/40/20 percent basis.

The two (2) Misdemeanor & Traffic Judges handle the felony Operating While Intoxicated cases.

Misdemeanor & Traffic:

- II. **Misdemeanors (CM):** 2916 misdemeanor cases were filed. This is a four percent (4%) increase from 2014 but a forty-two percent (-42%) decrease from 2005.

- III. **Criminal Traffic (CT):** 1,447 criminal traffic cases were filed. A nominal decrease from 2014 but a thirty-eight percent (-38%) decrease compared to 2005.
- IV. **Forfeitures (FO):** 1260 forfeitures cases were filed. A twenty-nine percent (29%) increase from last year but a twenty percent (-20%) decrease from 2005.
- V. **Traffic (TR):** 24,973 traffic citations were filed. This represents a fifteen percent (15%) increase from 2014.

Misdemeanor and Criminal Traffic cases are crimes typically described as being of lesser seriousness than felonies. They are generally punishable by a term of incarceration in the county jail and/or a monetary fine. Two (2) judges handle the misdemeanor and traffic cases. These judges divide the caseload equally.

The majority of traffic (TR) and forfeiture (FO) cases are disposed of by the clerks. Only contested traffic and forfeiture cases are handled by the judges. Felony (CF) Operating While Intoxicated cases, as well as, Civil (CV) Municipal Appeals are handled by the Judges assigned to the Traffic/Misdemeanor division.

Juvenile:

- VI. **Delinquencies (JV):** 386 cases were filed. A four percent (4%) increase from 2014, but a twenty-three percent (-23%) decrease from 2010.
- VII. **CHIPS (JC):** 272 Chips actions were filed. This is a sixty-four percent (64%) increase from 2014 and a twenty-eight percent (28%) increase compared to 2010.
- VIII. **Termination of Parental Rights (TP):** 47 cases were filed; a nominal increase from 2014.
- IX. **Juvenile Ordinance (JO):** 160 cases were filed. This represents a thirty-seven percent (37%) increase from 2014, an eight percent (8%) increase from 2010, but a hundred and one percent (-101%) decrease from 2005.
- X. **Juvenile Injunctions (JI):** 73 petitions for injunction were filed. This is a twenty-one percent (-21%) decrease from 2014 and less than half the number of filed in 2010.

Two (2) judges handle the juvenile division. Delinquencies can include serious matters such as armed robbery, theft, battery, and sexual assault. Children in need of protective placement/services (CHIPS) are matters where the child has potentially been exposed to neglect, abuse, or inadequate care.

Many, if not all, the delinquencies and CHIPS matters require post-dispositional hearings (ie. extensions, revisions, and periodic review hearings). The post dispositional hearings require about fifty percent

(50%) of the judges' time on the bench. There are no jury trials for juvenile court proceedings.

Jury Management

This office is responsible for summoning qualified jurors for jury service. In 2015, this office sent Jury Summons to roughly 16,000 Racine County residents. In comparison, this office sent only 8,500 Summons out in 1995. For those individuals that fail to respond to their summons or fail to appear, they are served with an Order to Show Cause for Contempt. These potential jurors appear before the Judicial Court Commissioner. Typically, they are required to reschedule their term of jury service. In rare instances, the individuals are fined. Fines for failure to report or respond for jury service can be as much as \$500 but typically are assessed at \$50.

Our approximate cost per day of a Jury Trial: \$940

Our expenses for Jury Management were approximately: \$210,000

Financial Management

Trust:

This office collects a great deal of money for the benefit of others and holds that money in trust. For example, we hold bond money posted by the defendant in criminal matters, money being held for a determination of the payee by the court, restitution money owed to victims, and down payments on foreclosure actions. We collect and disperse this money on a weekly basis, and often, daily basis.

Revenue:

It is the responsibility of the Clerk of Circuit Court's Office to collect filing fees, fines, costs, jail assessments, bond forfeitures, reimbursement of guardian ad litem fees, attorney fees, psychiatric fees, and public defender attorney fees for juveniles. We are also responsible for submitting reports to the State in order to collect annual support grants, guardian ad litem fees, and interpreter reimbursement.

Our revenues for 2015 were approximately: \$3,204,000

Expenditures:

This office pays for all witnesses summoned by the District Attorney and Public Defender offices; pays Juror for service and mileage; pays psychologists and psychiatrists who perform evaluations for Defendants, Juveniles, and for probable mental commitment cases. We pay for court appointed attorneys. We pay for guardians ad litem for juveniles, family

matters, and guardianships. We provide court reporters for the family court commissioners and the judicial court commissioner.

Our expenses for 2015 were approximately: \$2,838,000

Goals and Challenges for 2016

There are a number of goals and challenges that will need to be met for 2016. These include:

- **Mandatory eFiling.** We are anticipating the Supreme Court mandating electronic filing of Small Claims, Civil, and Family actions. We have participated in voluntary eFiling since 2008. We have several housekeeping issues in order to completely convert but should be well prepared for the anticipated implementation date of July 1, 2016.
- **Scanning.** Our criminal court area is in need of dramatic help in the area of scanning as we look forward to the potential of going paperless and for potential electronic filing by 2019.
- **Facilities.** Working with Buildings and Facilities, we are exploring a remodel of the South Courtroom on the main level of the Law Enforcement Center. The courtroom has traditionally been strictly a Juvenile Courtroom that was then also used as a part-time felony courtroom. The current layout and design is inadequate for current use. There are safety and security concerns as well as accessibility (including ADA accessibility) concerns that need to be addressed.
- **Additional Full-time Felony Court.** With the continued trend of an increased caseload in the felony courts, there will be discussion of restructuring of the Judicial workload. There appears to be the need to have three fulltime felony court judges for the next rotation cycle coming in August. This will have an impact on staffing and facilities for this office.
- **Video Conferencing.** We successfully use video conferencing on a daily basis for the judicial court commissioner and the family court commissioners. We have videoconferencing in place for the juvenile courts. This office has been exploring expanding video conferencing into all circuit courts since the late 1990s. It appears that the county would realize significant cost savings (specifically in the Sheriff's transportation costs) if we invest in the video conferencing into other existing courtrooms.

Samuel Christensen
Clerk of Circuit Court

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