

Annual Report

Clerk of Circuit Court

2016

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. I reinstated the practice in last year and it is my intention to continue 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

- Implementation of a mandatory eFiling in Civil, Small Claims, Family and Paternity cases.
- Successfully going paperless in the Probate and Traffic & Misdemeanor Courts;
- New sound systems in the four (4) Civil and Felony Courtrooms.
- The 2nd Floor Courtroom refurbishment project was completed in February/March. The project included updated lighting and sound equipment. It also included the complete refurbishment the courtroom, judge's chambers and library, and the court reporter's office;
- Moved to three full-time felony courts. Restructure of the judicial workload to meet the continued trend of an increased caseload in the felony courts. There appeared to be the need to have three full-time felony court judges. This will have an impact on staffing and facilities for the office.

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) part-time Deputy Family Court Commissioners, a part-time Register in Probate, a staff of twenty-eight (28) full-time, seventeen (17) contracted, 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 the 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, the Clerk is the custodians of the record and is 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 the 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):** 1590 Civil cases were filed. This represents a seven percent (-7%) decrease from 2015 and a forty-one percent (-41%) decrease compared to 2006. This represents a twenty (20) year low in civil filings.
 - a. Injunctions (CV):
 - i. Domestic Abuse: 150 Petitions for Domestic Abuse Injunctions were filed.
 - ii. Harassment: 294 Petitioner for Harassment Injunctions were filed.
- II. **Small Claims (SC):** 4938 Small Claims cases were filed. This represents a five percent (5%) increase from the twenty (20) year low in filings in 2015.
 - a. Evictions & Replevin (SC):
 - i. Eviction Actions: 1,441 were filed in 2016.
 - ii. Replevin Actions: 191 were filed in 2016.

Large Claim Civil cases are handled by two (2) full time judges. These cases include foreclosures, garnishments, money judgments, minor court settlements, name changes, etc.

We have seen a slight increase in the number of small claims filings this year, however, small claims filing remain lower that we have seen in twenty (20) years. 75% of the Small Claims 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. Contested small claims trials are heard by the judicial court commissioner and the two (2) civil courts. Small claims cases are only heard by the judicial officer if they are contested and go to trial.

Civil 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.

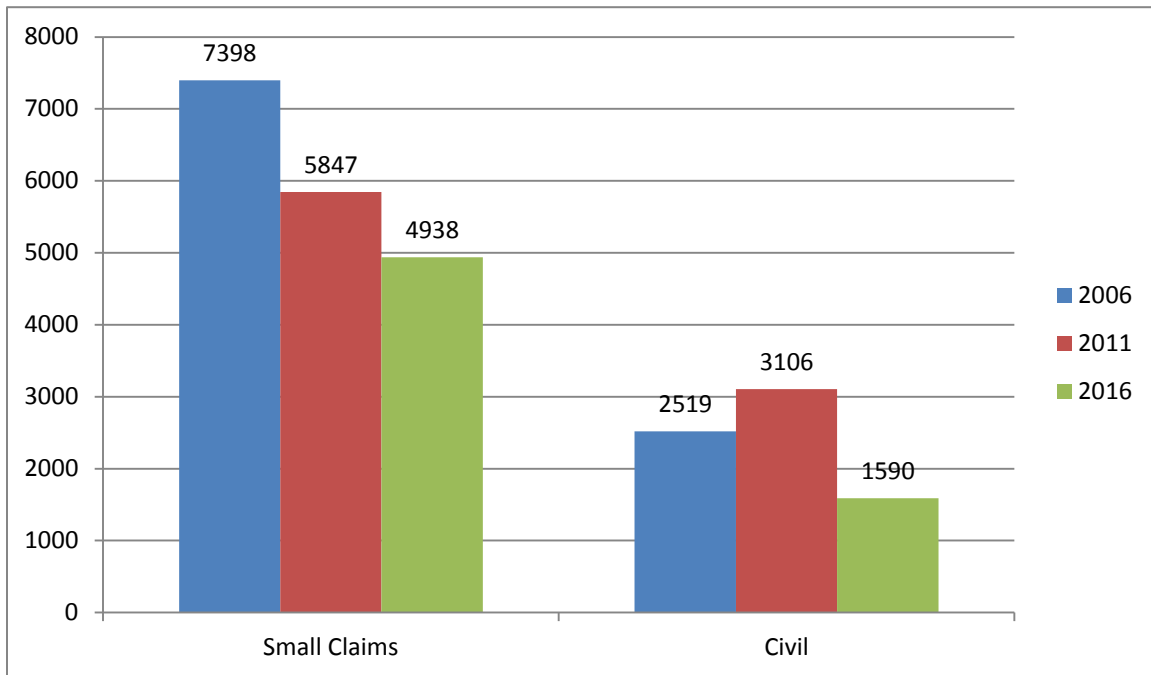


Figure 1 Civil and Small Claims case filings

Family:

- III. **Paternity (PA):** 654 new Paternity cases were filed; a five percent (-5%) decrease from 2015 and a ten (10) year low in paternity filings.
- IV. **Family (FA):** 1339 Family cases were filed. This represents a six percent (6%) increase from 2015.

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 its budgeted amount for GALs on custody matters.

Approximately, sixty-five (65%) of our Family filings and ninety-eight (98%) of our Paternity filings are filed by the Child Support agency.

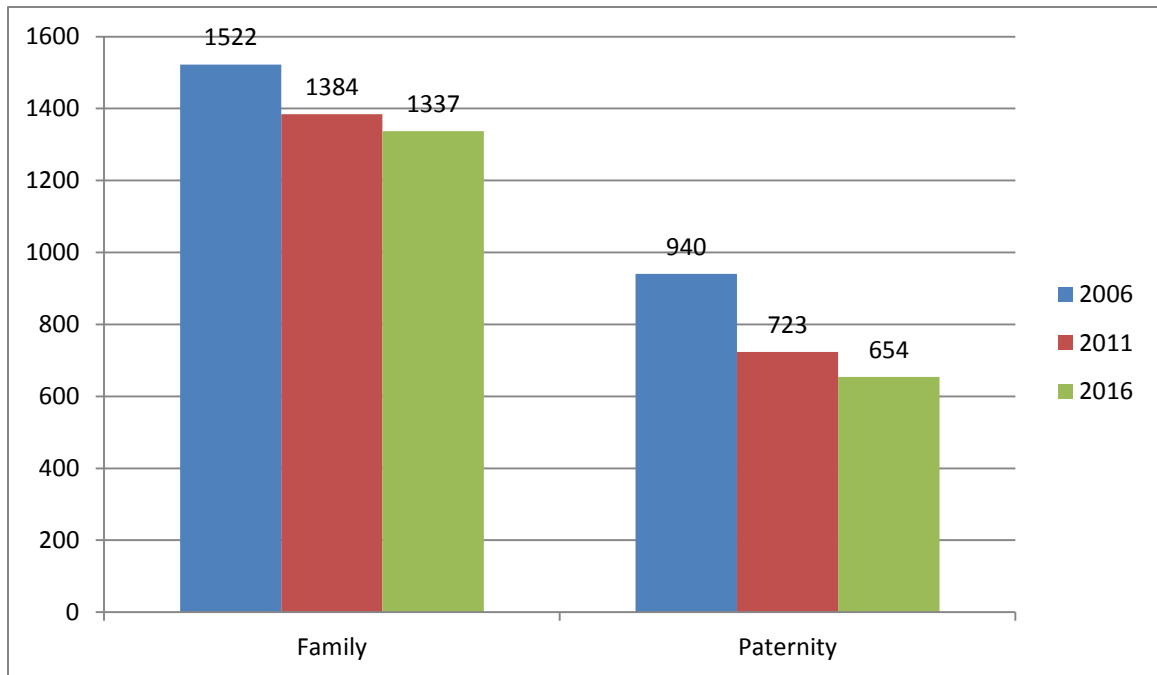


Figure 2 Family and Paternity case filings

Probate:

- V. **Guardianship (GN):** 284 cases were filed. This is a seven percent (7%) increase from 2015 and a ten (10) year high in filings.
- VI. **Juvenile Mental (JM):** 34 cases were filed; a seventeen percent (-17%) decrease from 2015.
- VII. **Mental Commitments (ME):** 184 Mental Commitments were filed.
- VIII. **Probate (PR):** 472 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 are needed on the other case types. We do have a policy in effect whereby we collect reimbursement for the GAL and doctor's costs. An annual review by the GAL of the status of a person protectively

placed is required by ch. 55, Wis. Stats. A subsequent summary hearings, called a WATTS review, is heard by the Judicial Court Commissioner.

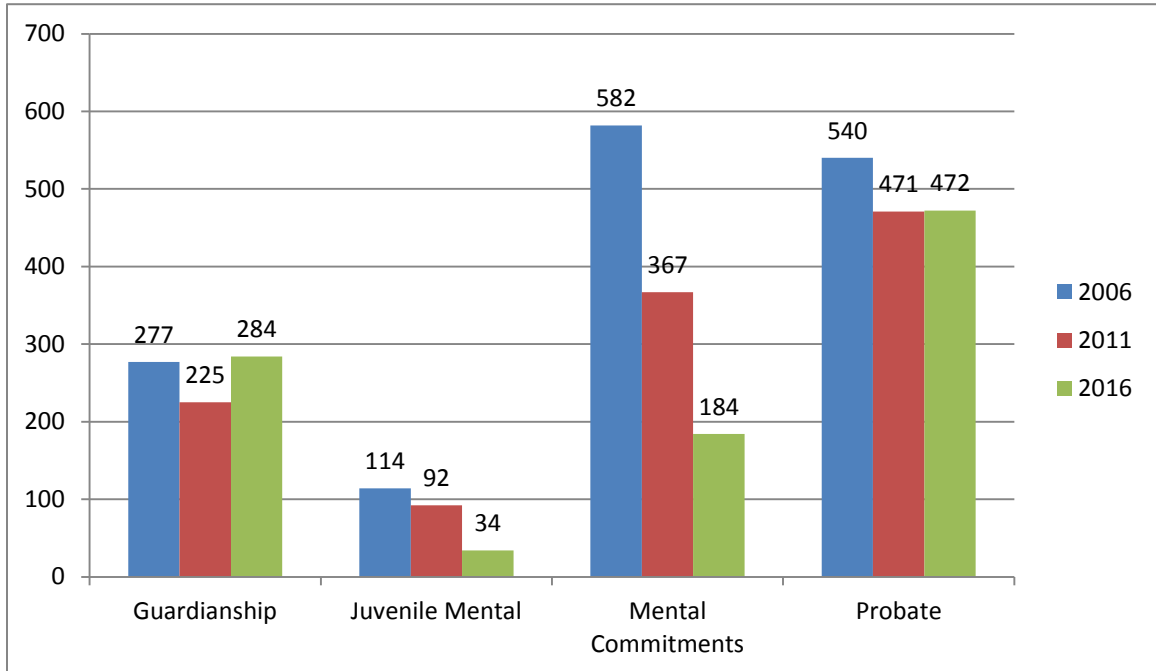


Figure 3 Probate case filings

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):** 1826 felonies were filed in this division. This represents a five percent (-5%) decrease from 2015. Despite this small decrease, this number represents the second largest number of filings in twenty (20) years. The number of 2016 filings represents a fifty-seven (57%) percent increase over 1996.

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 felony cases. Pretrial matters, including initial appearances and preliminary hearings, for all felony case are heard by the Judicial Court Commissioner.

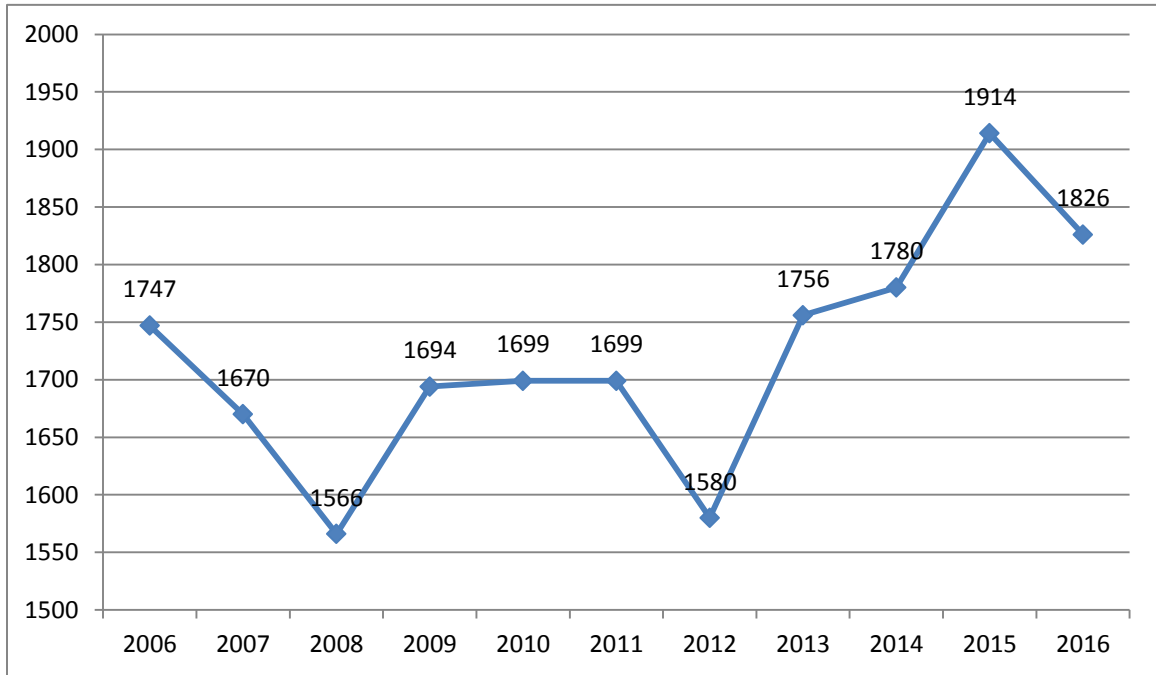


Figure 4 Felony case filings

Misdemeanor & Traffic:

- II. **Misdemeanors (CM):** 2732 misdemeanor cases were filed. This is a five percent (-5%) decrease from 2015 and a ten (10) year low in filings.
- III. **Criminal Traffic (CT):** 1,846 criminal traffic cases were filed. A twenty-six percent (28%) increase from 2015.
- IV. **Forfeitures (FO):** 1434 forfeitures cases were filed. A twenty-nine percent (14%) increase from last year and a ten (10) year high in filings.
- V. **Traffic (TR):** 30,470 traffic citations were filed. This represents a twenty-two percent (22%) increase over 2015 and a record high in filings.

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. Pretrial matters, including initial appearances for all misdemeanor cases are handled by the Judicial Court Commissioner.

The majority of traffic (TR) and forfeiture (FO) cases are disposed of by the clerks after pre-trial meetings with the District Attorney's Office. Only contested traffic and forfeiture cases are handled by the judges. Civil (CV) Municipal Appeals are handled by the Judges assigned to the Traffic/Misdemeanor division.

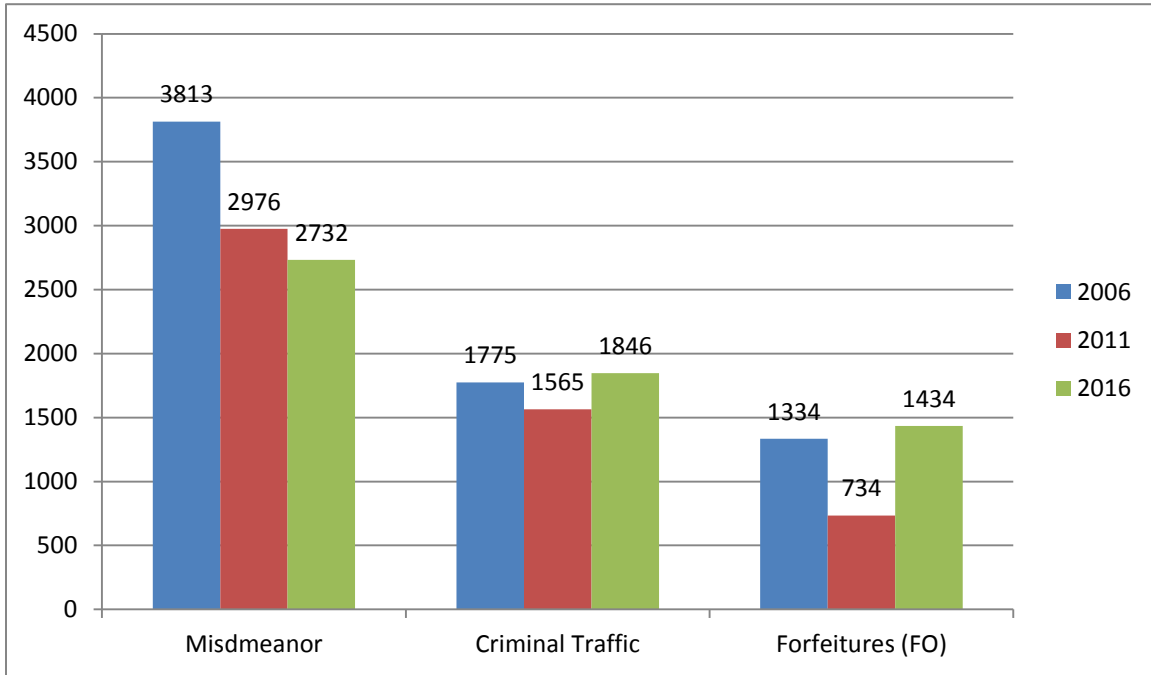


Figure 5 Misdemeanor & Traffic case filings

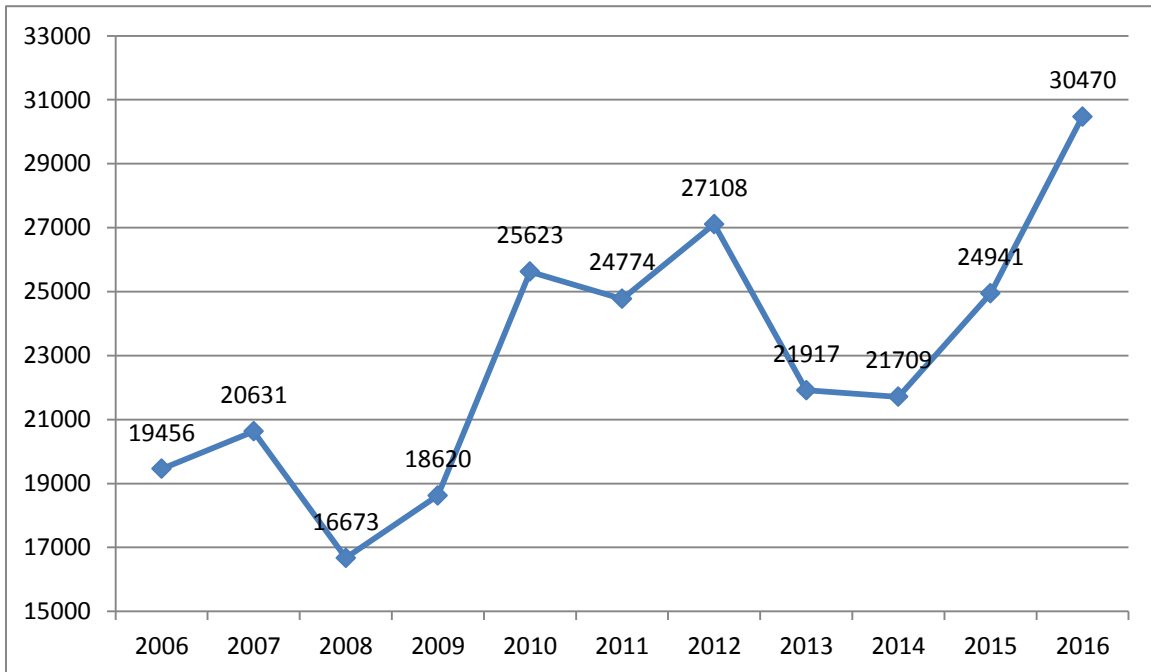


Figure 7 Traffic Forfeiture (TR) case filings

Juvenile:

- VI. **Delinquencies (JV):** 362 cases were filed. A six percent (-6%) decrease from 2015, and an all-time low in filings.
- VII. **CHIPS (JC):** 229 Chips actions were filed. This is a sixteen percent (-16%) decrease from 2015 and a four percent (-4%) decrease compared to 2011.
- VIII. **Termination of Parental Rights (TP):** 44 cases were filed; a nominal increase from the prior year.
- IX. **Juvenile Ordinance (JO):** 197 cases were filed. This represents a twenty-three percent (23%) increase from 2015, a ninety-seven percent (97%) increase from 2011, but a forty-two percent (-42%) decrease from 2006.
- X. **Juvenile Injunctions (JI):** 56 petitions for injunction were filed. This is a twenty-three percent (-23%) decrease from 2015 and half the number of filed in 2011.

One (1) full-time judge handles 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 judge's time on the bench. There are no jury trials for juvenile court proceedings.

The probate judge hears the Juvenile Injunction (JI) cases.

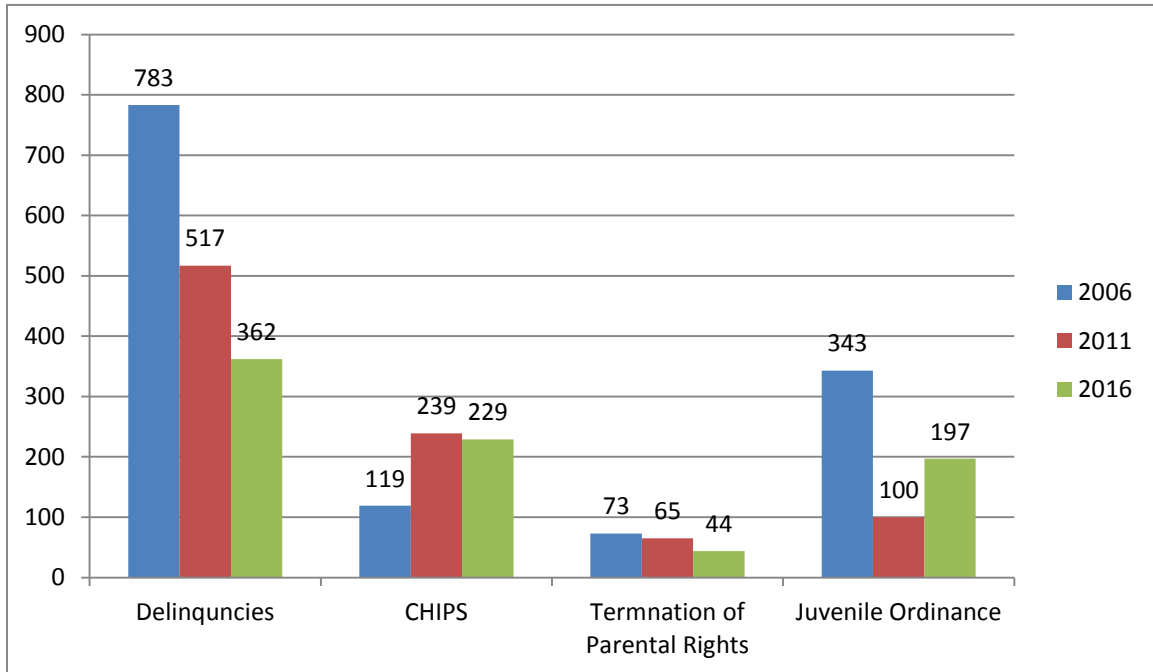


Figure 8 Juvenile case filings

Jury Management

This office is responsible for summoning qualified jurors for jury service. In 2016, this office sent Jury Summons to roughly 16,333 Racine County residents. In comparison, this office sent only 10,086 Summons out in 2006. 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: \$941

Our expenses for Jury Management were approximately: \$217,708

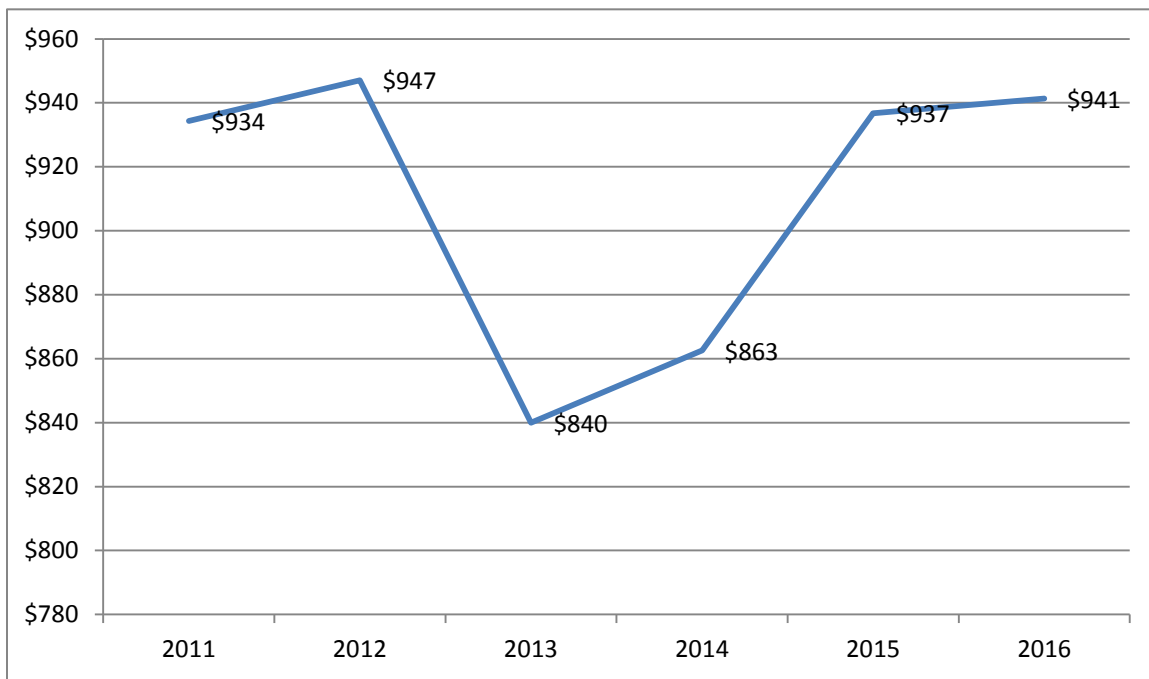


Figure 9 Per Day Cost of Jury Trials

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 2016 were approximately: \$3,241,000

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 Guardian 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 2016 were approximately: \$2,872,000

Goals and Challenges for 2017

There are a number of goals and challenges that will need to be met for 2017. These include:

- **Facilities.** Working with Buildings and Facilities, we are continuing to explore 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.

We will be remodeling existing space on the 6th floor to accommodate a new hearing room.

- **Guardian ad Litem (GAL).** We have been contracting with six Attorneys to serve as GALs. Because of several different factors we found ourselves with only five contracted GALs. After discussions it was decided on a trial basis to not fill the sixth position. Instead, this position will be filled on a rotating basis from a list of attorneys compiled by the Family Court Commissioner and approved by the Judges. These attorneys will not be contracted but will bill the Clerk of Court's office per case. This office will then bill the appropriate parties for the GAL's services.
- **Mandatory eFiling.** Voluntary electronic filing for criminal cases was implemented on January 18th, 2017. Electronic filing for criminal matters will be mandatory beginning March 2017. We have several housekeeping issues in order to completely convert but should be well prepared for the anticipated implementation dates.
- **Paper-on-demand Work Environment.** With the implementation of mandatory electronic filing in the Small Claims, Civil, Family and Paternity areas, we should be moving toward a paper-on-demand work environment. These areas are virtually paperless now.
- **Scanning.** Our criminal court area is in need of dramatic help in the area of scanning. We have budgeted two full-time scanning positions in the 2017 budget. The bulk of these positions will be focusing on the criminal court area.

- **Staffing.** Retention of quality staff member is becoming increasingly difficult. We continue to see turn over with not only the contracted staff but the county employees taking higher paying jobs that require less responsibility. What we see in terms of cost savings in health benefits is lost when considering cost in terms of time spent on repeated recruitment, selection, and training of new staff. Currently, a third (1/3) of our staff are contract individuals through PIE Management, Inc.
- **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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