

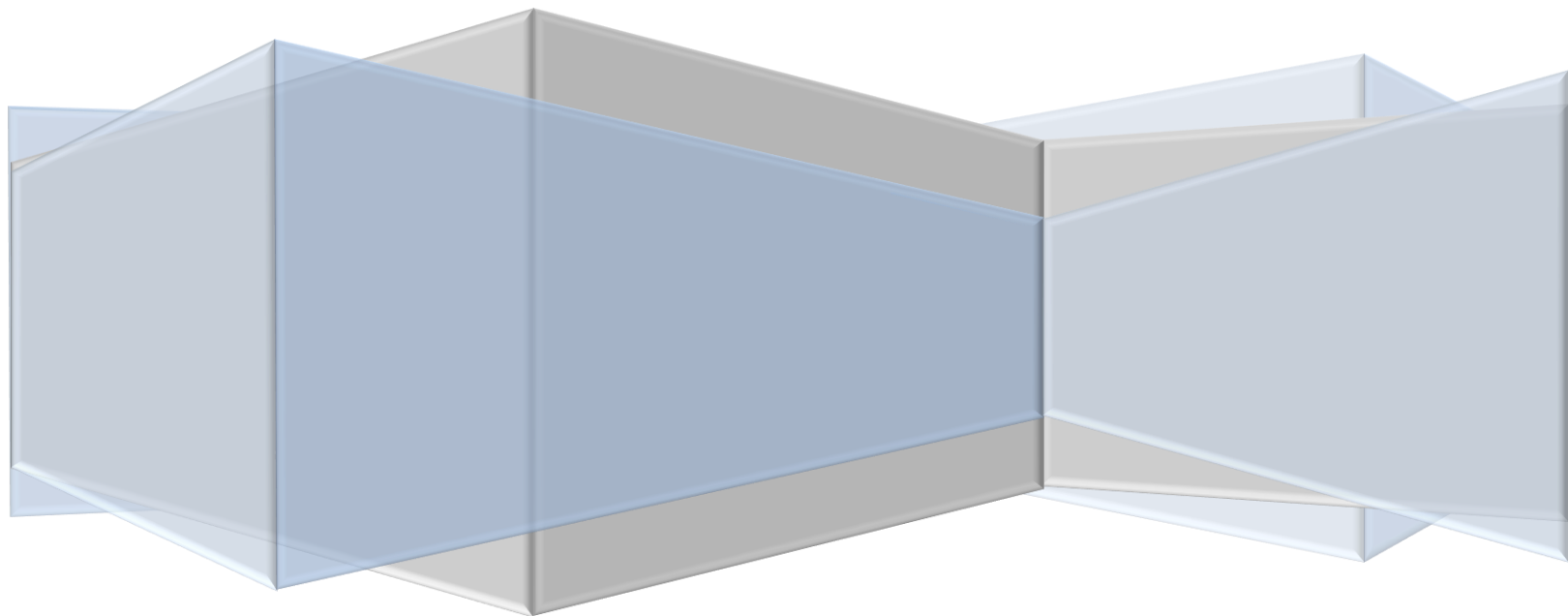


# Racine County

Clerk Of Circuit Court

## Annual Report 2017

Clerk of Circuit Court  
Samuel Christensen



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## **Introduction**

This annual report is a means of highlighting and communicating the accomplishments and needs of the Clerk of Court'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 voluntary eFiling in Probate cases.
- Successfully going paperless in the Felony Courts;
- New sound system in one (1) Felony Courtroom (main level of the Law Enforcement Center (LEC)).
- Conversion of the 6<sup>th</sup> Floor file/storage room into a Probate hearing room.

## **Court Administration**

Racine County is the 51<sup>st</sup> Circuit Court of Wisconsin. We are the 4<sup>th</sup> largest circuit court in the state in terms of number of judges. We are part of the 2<sup>nd</sup> Judicial Administrative District, along with Kenosha and Walworth Counties. As part of the district, we share judicial resources including a Chief Judge and a District Court Administrator. The current Chief Judge is Kenosha Circuit Court Judge Jason Rossell. The Deputy Chief Judge is Racine County Circuit Court Judge Timothy Boyle.

Racine County has ten (10) judges, a Judicial Court Commissioner, a Family Court Commissioner and four (4) part-time, contracted 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. **Large Claim Civil** cases commonly involve claims for money or property worth over \$10,000. If the claim involves money or property worth \$10,000 or less, it must be filed as a small claims (SC) case.. Other types of civil suits are restraining orders,/injunctions, declaratory judgments, appeals from government agency decision, foreclosures, garnishments, minor court settlements, name changes, etc.

**Civil (CV) Filings:** 1,463 Civil cases were filed in 2017. This represents an eight percent (-8%) decrease from 2016 and a forty-seven percent (-47%) decrease compared to 2007. This also represents a twenty (20) year low in civil filings. The previous twenty (20) year low was seen in 2016.

- a. Civil Injunctions (CV):
  - i. Domestic Abuse: 171 Petitions for Domestic Abuse Injunctions were filed.
  - ii. Harassment: 271 Petitioner for Harassment Injunctions were filed.

The majority of civil cases are handled by two (2) full time judges. Restraining Orders/Injunctions are heard by the Court Commissioners, specifically, Harassment Injunctions are heard by the Judicial Court Commissioner (JCC) and Domestic Abuse Injunctions are heard by the Family Court Commissioner (FCC) or a Deputy Family Court Commissioner (DFCC).

- II. **Small Claims** court is a special type of civil court where disputes may be resolved more quickly and inexpensively than in other court proceedings. Small claims court is limited to claims of \$10,000 or less. However, third-party complaints, personal injury claims, and actions based in tort are limited to claims of \$5,000 or less. The three most common types of small claims cases are claims for money, evictions regardless of the amount claimed, and replevin (return of personal property) actions.

**Small Claims (SC) Filings:** 5,236 Small Claims cases were filed. This represents a six percent (6%) increase from 2016. We have seen another slight increase in the number of small claims filings this year, however, small claims filing remain lower than average.

- a. Evictions & Replevin (SC):
  - i. Eviction Actions: 1,408 were filed in 2017.
  - ii. Replevin Actions: 173 were filed in 2017.

Seventy-five percent (75%) of the Small Claims case load is handled from beginning to the end by the Clerk of Courts' staff. There are one and a half (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 a judicial officer if the matter is contested and goes to trial.

Mandatory eFiling for Civil and Small Claims cases began December 1, 2016. With its implementation for attorneys and high-volume filing agents, we have seen an average of roughly seventy-five (75%) of all Small Claims cases and sixty-two (62%) all of Civil cases filed electronically.

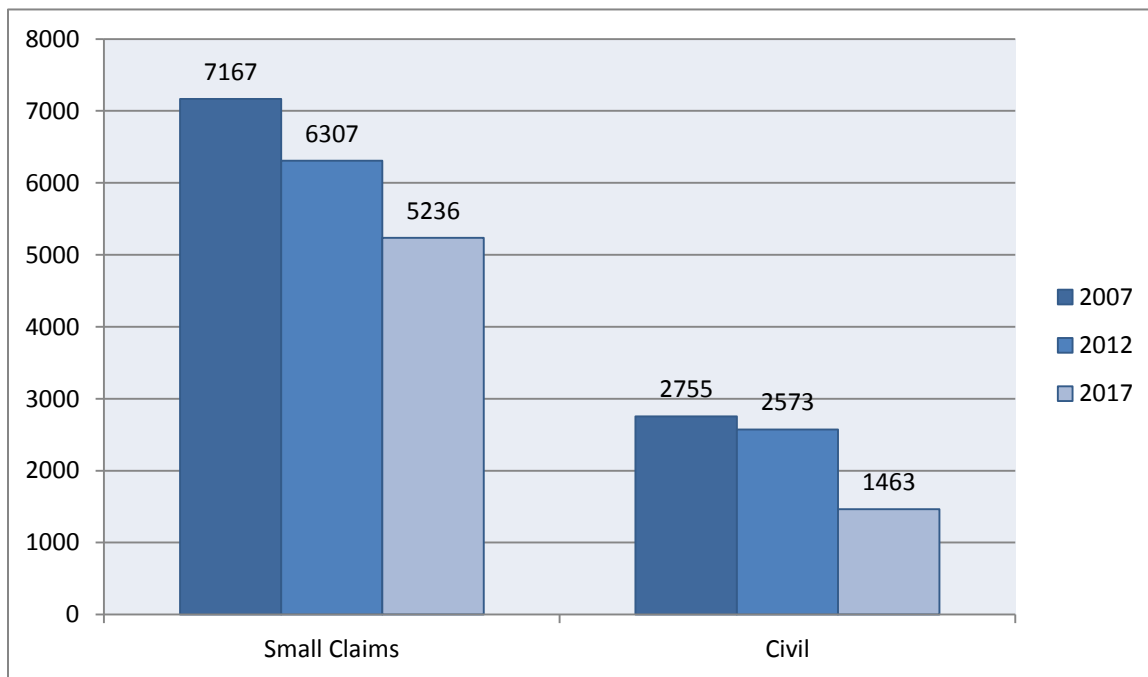


Figure 1 Civil and Small Claims case filings

**Family**

- III. Family court is handles cases involving domestic issues including divorce, paternity, child-custody, etc. Family cases (FA) are filed for purpose of divorce or separation, maintenance, or child-custody issues. A paternity case (PA) is filed when the parents of a child were never married. The purpose of these confidential cases are to establish parental rights over a child and to set custody, placement and child support orders.

**Paternity (PA) Filings:** In 2017, 630 new Paternity cases were filed; this represents a four percent (-4%) decrease from 2016 and a ten (10) year low in paternity filings.

**Family (FA) Filings:** 1,338 Family cases were filed. There was no significant change from 2016.

These cases are handled by one (1) full time and thirty percent (30%) 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 seventy percent (70%) of its budgeted amount for Guardian Ad Litem (GALs) on custody matters.

Mandatory eFiling for Family and Paternity cases began December 1, 2016. With it's implementation for attorneys, we have seen an average of roughly seventy percent (70%) of all Family cases and ninety-nine (99%) of all Paternity cases filed electronically. Approximately, sixty-five (65%) of our Family filings and ninety-eight (98%) of our Paternity filings are filed by the Child Support agency.

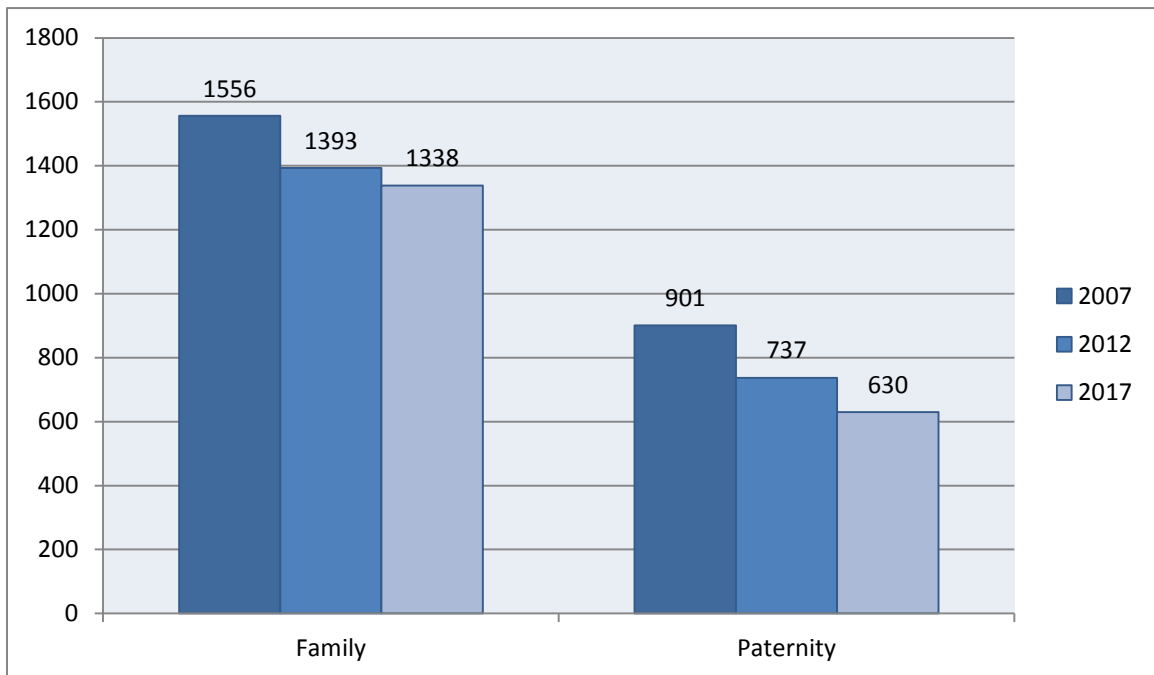


Figure 2 Family and Paternity case filings

### *Probate*

- IV. Probate court is a specialized court that deals with the property and debts of a person who has died. The basic role of the probate court is to assure that the

deceased person's creditors are paid, and that any remaining assets are distributed to the proper beneficiaries.

**Guardianship (GN) Filings:** 239 cases were filed. This is a sixteen percent (-7%) decrease from 2016 bringing the total filings only slightly below the ten year average.

**Juvenile Mental (JM) Filings:** 14 cases were filed representing a fifty-nine percent (-59%) from 2016 and a twenty (20) year low in filings.

**Mental Commitments (ME) Filings:** 164 Mental Commitments were filed. This is an eleven percent (-11%) decrease from 2016 and another twenty (20) year low in filings.

**Probate (PR) Filings:** 468 matters were filed.

One judge handles these matters. This judge spends roughly seventy percent (70%) of their time on probate matters and the remainder of their time on family matters.

Probate cases are mostly administrative, and only involve 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 on the status of a person protectively placed is required by §55, Wis. Stats. Subsequent summary hearings, called a WATTS reviews, are heard by the Judicial Court Commissioner.

Voluntary eFiling for some probate matters was implemented on July 1, 2017. To date, an average of twelve percent (12%) of probate cases per month have been filed electronically.

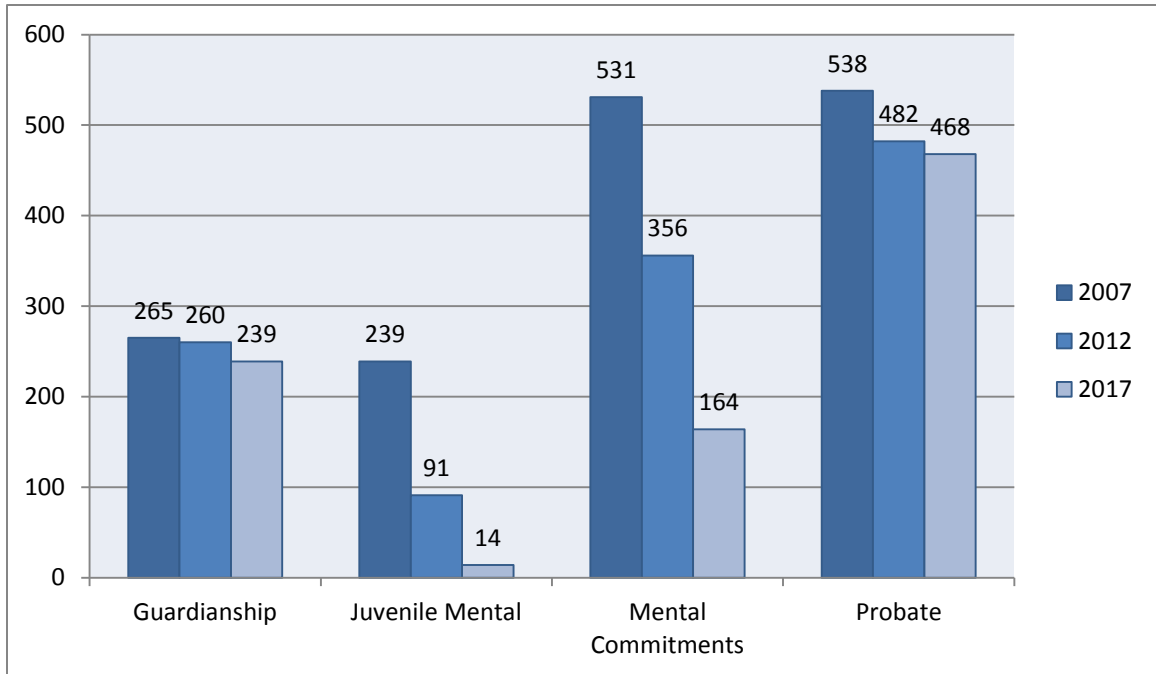


Figure 3 Probate case filings

## 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 county ordinance or any child who is abused, neglected or dependent. Usually, this court has jurisdiction of those under the age of 18.

### Felony:

- I. 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.

**Felony (CF):** 1,742 felonies were filed in this division. This represents a five percent (-5%) decrease from 2016. This small decrease brings the felony filings more into line with the ten (10) year average of filings. The number of 2017 filings represents a twenty-one (21%) percent increase over 1997.

Three (3) full-time judges handle the felony cases. Pretrial matters, including initial appearances and preliminary hearings, for all felony case are heard by the



Judicial Court Commissioner. Pre-Trial Conferences are held by the Felony Case Manager or one of her staff members.

Mandatory eFiling for Criminal Court began on March 1, 2017. All criminal court cases are initiated electronically from an interface with the District Attorney's Office. Additionally, upon disposition documents in Felony matters are transmitted electronically via interface to the Department of Corrections.

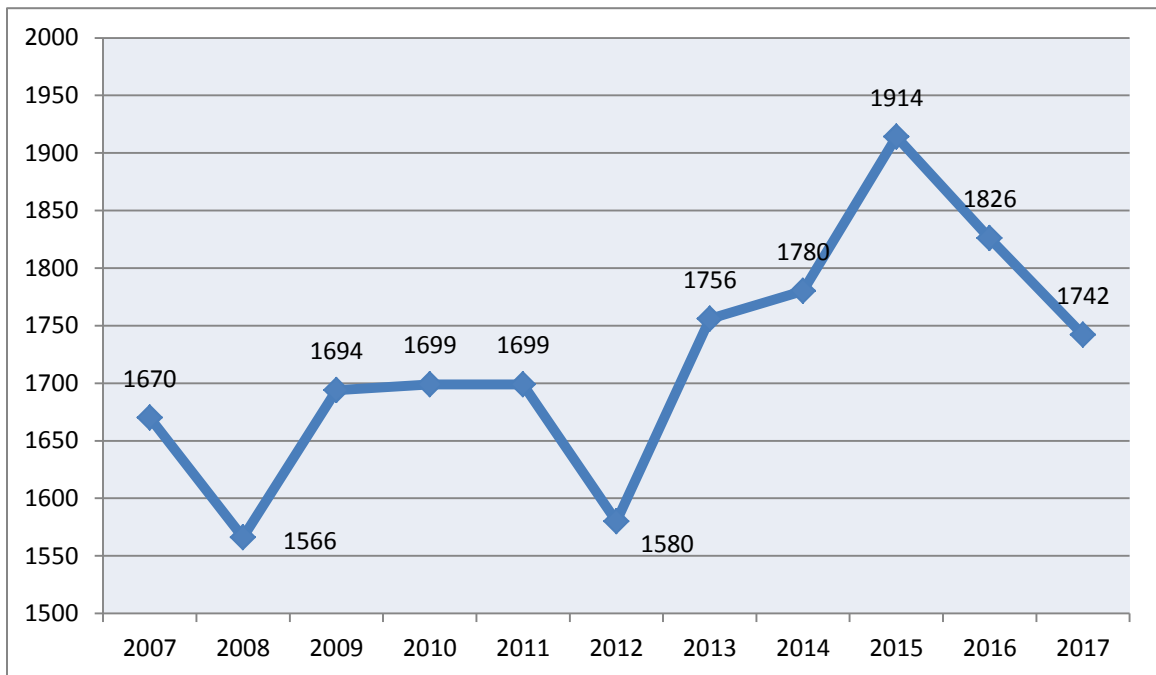


Figure 4 Felony case filings

### *Misdemeanor & Traffic:*

- II. 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.

**Misdemeanors (CM) Filing:** 2,603 misdemeanor cases were filed. This is a five percent (-5%) decrease from 2016 and a twenty (20) year low in filings.

**Criminal Traffic (CT) Filing:** 1,751 criminal traffic cases were filed. A five (-5%) decrease from 2016.

**Forfeitures (FO) Filing:** 1,588 forfeitures cases were filed. An eleven percent (11%) increase from last year and a ten (10) year high in filings. We have seen increases in forfeiture filings for the last five (5) years.

**Traffic (TR) Filings:** 28,046 traffic citations were filed. This represents an eight percent (-8%) decrease over 2016 and the second highest number of traffic filings for Racine County.

Two (2) full-time judges handle the misdemeanor and traffic cases. These judges divide the caseload equally. Initial appearances for all misdemeanor cases are handled by the Judicial Court Commissioner.

The majority of traffic (TR) and forfeiture (FO) cases are violations of state law and local ordinances that are punishable by a fine only. These cases are disposed of by clerks after defendants have pre-trial meetings with the District Attorney's Office. Contested traffic and forfeiture cases are heard before the judges.

Mandatory eFiling for Criminal Court began on March 1, 2017. All criminal court cases are initiated electronically from an interface with the District Attorney's Office. County, State Patrol, and DNR citations are uploaded electronically via interface. Upon disposition documents are transmitted electronically via interface to the Department of Motor Vehicles.

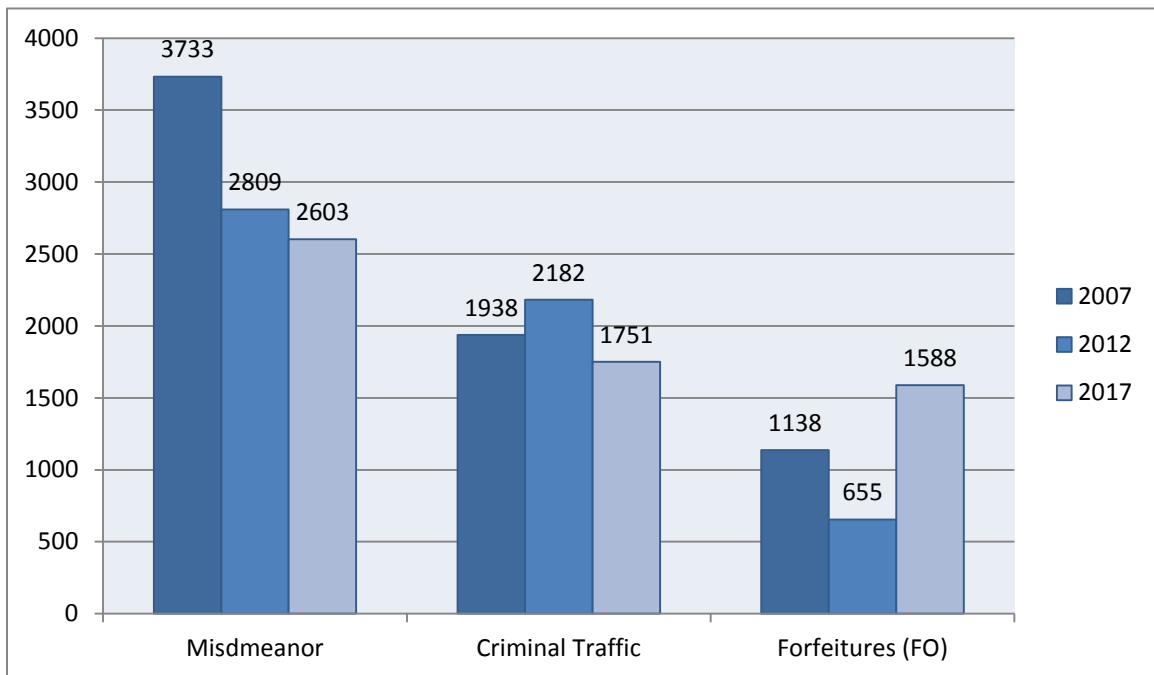


Figure 5 Misdemeanor & Traffic case filings

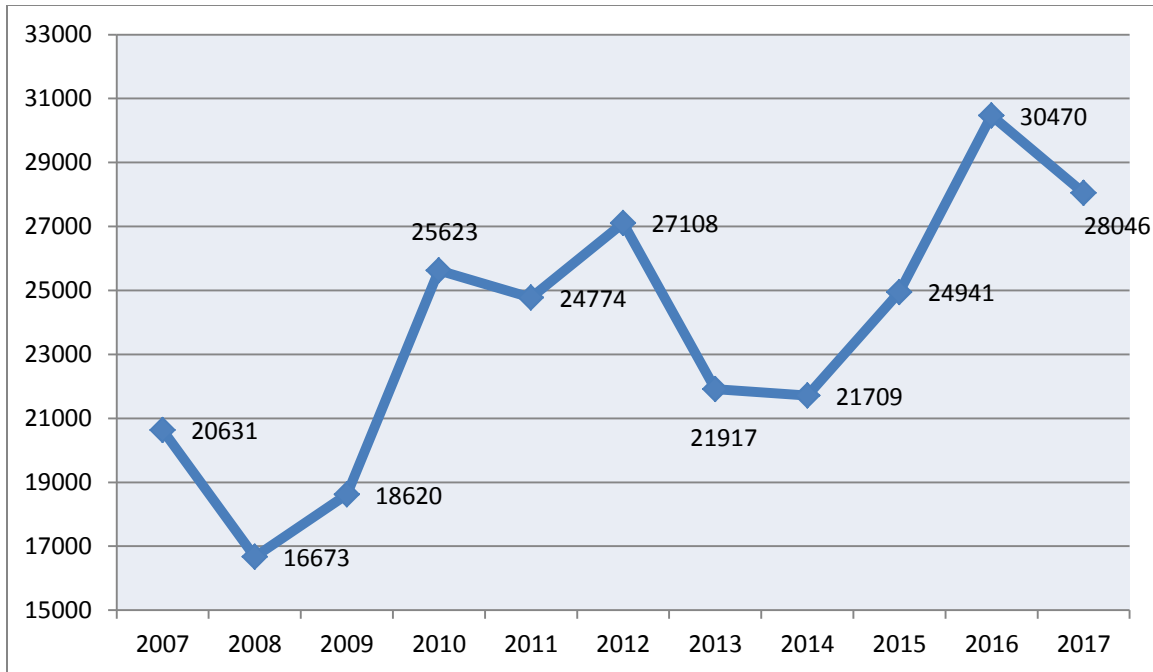


Figure 6 Traffic Ordinance Violation case filings

**Juvenile:**

III. The Juvenile court is a special court that deals with minors who have been accused of violating a criminal statute. The proceedings are civil as opposed to criminal. Instead of being formally charged with a crime, juvenile offenders are accused of committing a delinquent act.

The Juvenile court handles delinquency cases, cases involving Child In need of Protective Services (CHIPS), termination of parental rights, Juvenile Ordinance violations, and Juvenile restraining orders/Injunctions.

**Delinquencies (JV) Filing:** 348 cases were filed. A four percent (-4%) decrease from 2015, and another all-time low in filings.

**CHIPS (JC) Filings:** 250 Chips actions were filed. This is a nine percent (9%) increase from 2016 and a four percent (-4%) decrease compared to 2012.

**Termination of Parental Rights (TP) Filings:** 43 cases were filed; a nominal decrease from the prior year.

**Juvenile Ordinance (JO) Filings:** 143 cases were filed. This represents a twenty-seven percent (-27%) decrease from 2016, a thirty percent (30%) increase from 2012, but a fifty-two percent (-52%) decrease from 2007.

**Juvenile Injunctions (JI) Filings:** 43 petitions for injunction were filed. This is a twenty-three percent (-23%) decrease from 2016 and roughly a third of the number filed in 2012.

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, with the exception of CHIPS and Termination of Parental Rights cases.

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

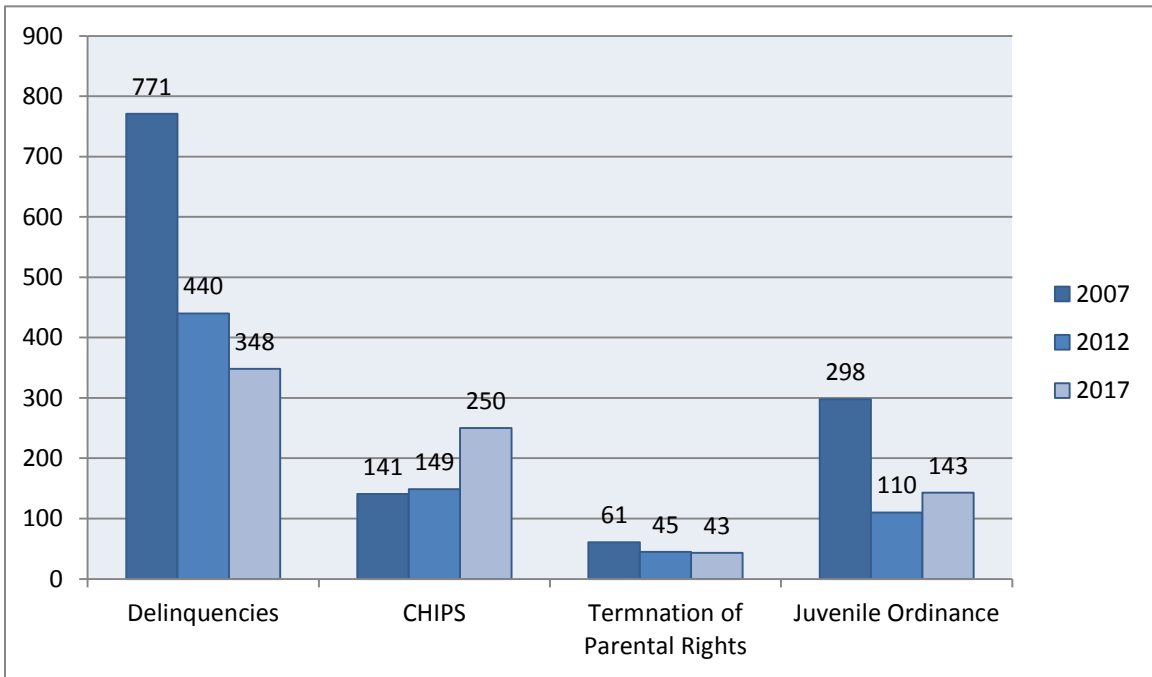


Figure 7 Juvenile case filings

## County Comparison

Comparison of the number of filings and case dispositions is useful within the Judicial Administrative District to better understand and identify our workload. Racine is in 2<sup>nd</sup> Judicial Administrative District along with Kenosha and Walworth counties. The other counties are smaller by population than Racine. Kenosha's population is almost fourteen percent (14%) smaller and Walworth's being just over forty-seven percent (47%) smaller than Racine's.

County	County Population <sup>1</sup>	Vs Racine Population
Kenosha	167,896	-13.8%
Racine	194,873	0%
Walworth	102,228	-47.5%

Despite the relative similarity in population size, Kenosha has roughly thirty-three percent (33%) fewer filings than Racine. At the same time, while Walworth County has just over half of the population of Racine, they carry only about twenty-seven percent (27%) of the filings that Racine does.

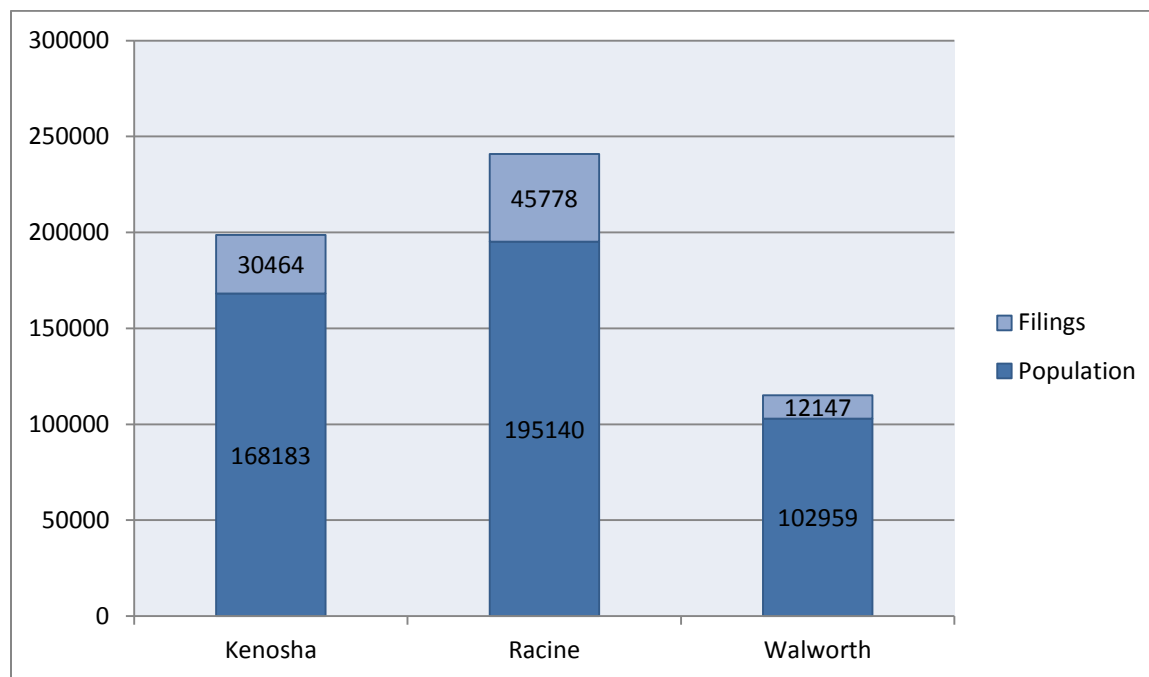


Figure 8 District 2 Population & Circuit Court case filings

A comparison of the number of judges, number of employees, and case filings shows that Racine Circuit Court employees carry a higher workload than their District 2 counterparts with Racine carrying roughly seventeen (17%) more case per employee than Kenosha and just over fifty-nine percent (59%) more case per employee than Walworth.

<sup>1</sup> (US Census Bureau)

County	# of Judges	Cases opened <sup>2</sup>	Cases disposed <sup>2</sup>	# of Employees <sup>3</sup>	Employees per Judge	Cases per Employee
Kenosha <sup>4</sup>	8	30,464	31,434	39.5	4.94	771.2
Racine	10	45,778	46,103	49	4.90	934.2
Walworth <sup>5</sup>	4	12,147	11,799	32.11	8.03	378.3

In terms of the number of Judges, Racine County is the fourth (4<sup>th</sup>) largest Circuit Court in Wisconsin. As such, a comparison between Racine and the other larger counties is useful. Additionally, Brown County is of comparable population size as to provide a useful comparison.

County	County Population <sup>6</sup>	Vs Racine Population
Brown	256,621	31.6%
Dane	488,073	150.4%
Milwaukee	947,735	386.3%
Racine	194,873	0%
Waukesha	389,891	100.0%

Racine County is significantly smaller in population than Dane, Milwaukee, and Waukesha counties. Additionally, Racine is only roughly two-thirds (2/3) the size of Brown County. Despite being smaller than the other four counties, Racine can be ranked third (3<sup>rd</sup>) in terms of number of filings and dispositions with roughly thirty-five percent (35%) more filings than Brown County and just sixteen percent (16%) less than Dane county.

Racine County can be ranked first (1<sup>st</sup>) or highest in the caseload per employee. In addition, Racine can be ranked fifth (5<sup>th</sup>) in number of employees and fifth (5<sup>th</sup>) in employees per Judge.

County	# of Judges	Cases opened <sup>7</sup>	Cases disposed <sup>7</sup>	# of Employees <sup>8</sup>	Employees per Judge	Cases per Employee
Brown <sup>9</sup>	8	29,441	29,378	53.2	6.65	553.4
Dane <sup>10</sup>	17	54,188	54,779	107.6	6.33	503.6
Milwaukee <sup>11</sup>	47	118,988	119,895	279.5	5.95	425.7
Racine	10	45,778	46,103	49	4.90	934.2
Waukesha <sup>12</sup>	12	27,831	28,166	85.5	7.13	325.5

<sup>2</sup> (Office of Court Operations, 2017)

<sup>3</sup> Excludes Circuit Court Commissioners

<sup>4</sup> (Kenosha County, 2017)

<sup>5</sup> (Walworth County, 2017)

<sup>6</sup> (US Census Bureau)

<sup>7</sup> (Office of Court Operations, 2017)

<sup>8</sup> Excludes Circuit Court Commissioners

<sup>9</sup> (Brown County, 2017)

<sup>10</sup> (Dane County, 2017)

<sup>11</sup> (Milwaukee County, 2017)

<sup>12</sup> (Waukesha County, 2017)

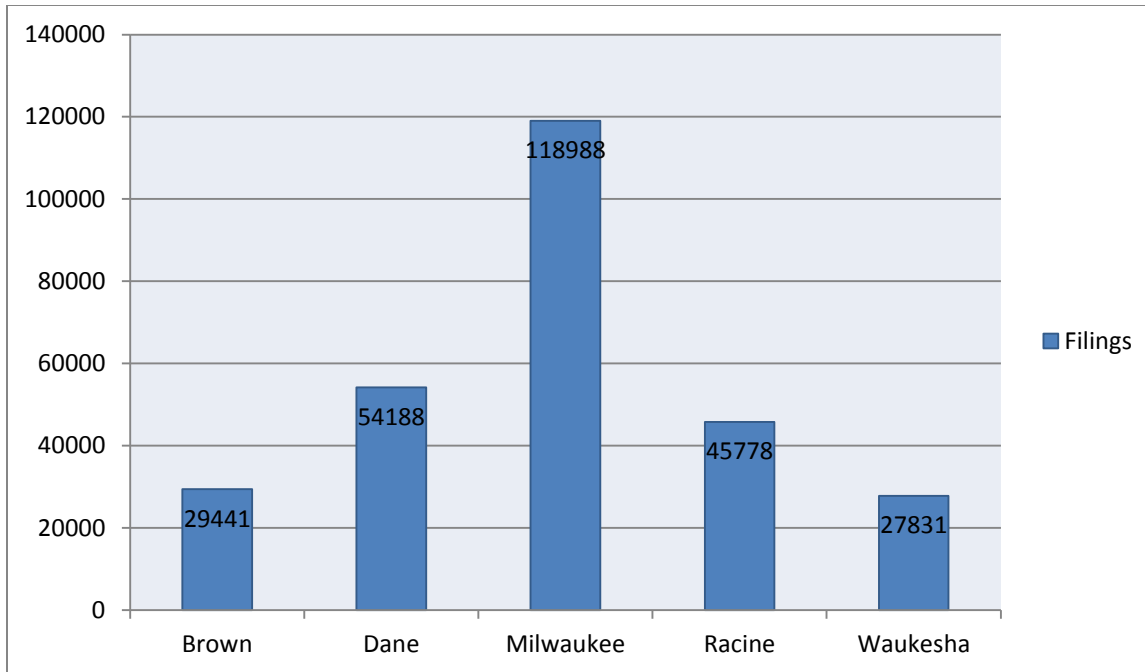


Figure 9 County Filings Comparison

## Jury Management

This office is responsible for summoning qualified jurors for jury service. In 2017, this office sent Jury Summons to roughly 15,573 Racine County residents. In comparison, this office sent only 6,832 Summons in 2007.

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: \$796

Our expenses for Jury Management were approximately: \$194,000

## Financial Management

Trust:

This office collects a great deal of money for the benefit of others and holds that money in trust. For example, the Clerk of Court's Office holds 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 2017 were approximately: \$3,933,000

#### Expenditures:

This office pays for all witnesses summoned by the District Attorney and Public Defender offices; pays Jurors 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 for indigent defendants. 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 2017 were approximately: \$3,202,000

#### Electronic/Online Payments:

This office has been collecting payments for fines and fees via two online portals since late 2008. We collect payment using an online service, Government Payment Systems (GPS) and an integrated online service through the Wisconsin Court System (CCAP). With electronic filing we have seen large increase of online payments. 2017 saw just over twenty-five thousand (25,000) online payment transactions a fifty-six percent (56%) increase from 2016. The total dollar amount for online payments in 2017 was just over three point eight million dollars (\$3,800,000), an increase of forty-eight percent (48%) over 2016 and a three-thousand, four hundred, thirty-six percent (3,436%) increase from 2008.

## Staffing

An important administrative responsibility of the Clerk of Court's Office is to recruit and maintain a competent staff.

In 2017, we had forty-seven (47) full and part-time employees (excluding the Family Court Commissioner, Judicial Court Commissioner, and on-call bailiffs). Of that staff, twenty-seven (27) were county employees and twenty (20) were contracted employees.

The majority of the staff, fifty-one percent (51%) have been with the office between one (1) and five (5) years. Fifteen percent (15%) of the staff have been with



the office for over twenty (20) years. Average staff tenure in 2017 was approximately 10 years per employee. Average staff tenure in 2007 was approximately 17 years per employee.

We introduced an annual Employee Satisfaction Survey in 2017. The survey was largely positive with 63% of the employees saying they were Strongly or Somewhat Satisfied with their jobs. Employees requested greater commitment to communication from management. To accomplish this we implemented quarterly full staff meetings, bi-weekly management meetings, divisional meetings roughly every other month, and a monthly email newsletter. In 2018, we will move to monthly divisional meetings.

Staff training is typically done on a one-on-one basis within the various divisions of the office. In order to provide additional staff training, we implemented 'Lunch & Learn' trainings. These training were non-mandatory training sessions over lunch hours. Training topics included Family & Child Support, Sealing & Redacting Court Records, and Criminal Competency Exams. We will continue these training sessions in 2018.

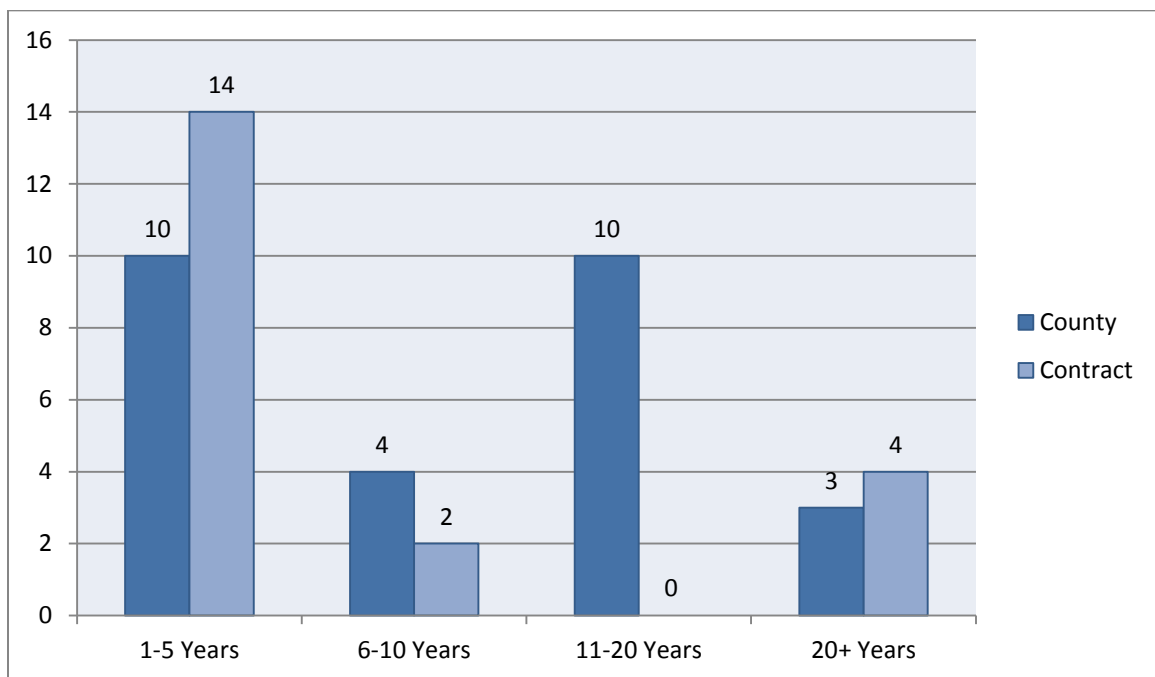


Figure 10 Tenure by Employee (Contract vs County)

## Goals and Challenges for 2018

There are a number of goals and challenges that will need to be met for 2018. These include:

- Collections.** We currently use two (2) traditional collection agencies for collection of delinquent fines and fees. Both agencies have a collection rate of roughly fifteen (15%) to eighteen (18%) percent. In 2017, we began utilizing the State Debt Collection Agency (SDC), a division of the

Wisconsin Department of Revenue (DOR). We primarily turned delinquent restitution amounts over to SDC. Turning amounts over to SDC is labor intensive and time consuming compared to the traditional collection agencies. The Consolidated Court Automation Program (CCAP) is prioritizing the construction of an electronic interface with the DOR. Once this is built we will explore solely using SDC as our collection agency.

- **Facilities.** Working with Buildings and Facilities, we are continuing to explore a remodel of the courtrooms including the South Courtroom (Juvenile) 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.
- **Guardian ad Litem (GAL).** We continue to contract with five Attorneys to serve as GALs with a sixth position being filled on a rotating basis from a list of attorneys compiled by the Family Court Commissioner and approved by the Judges. These attorneys bill the Clerk of Court's office per case. This office bills the appropriate parties for the GAL's services.
- **Interpreter Services.** 2017 saw the cost of Spanish-language interpreters increase from \$40 per hour to \$50 per hour. With the increase in cost of Spanish-language interpreters, we will need to explore alternate options in how we provide interpreter services in the courts.
- **Mandatory eFiling.** Mandatory eFiling is in effect for all Civil, Small Claims, Family, and Criminal matters. Voluntary electronic filing for Probate (PR) cases was implemented on July 1<sup>st</sup> 2017. This will become mandatory beginning March 2018. We are hoping to add voluntary eFiling for Mental Commitments (ME) and Guardianship (GN) cases in March or April of 2018. Juvenile eFiling will potentially be implemented at the end of 2018.
- **Paper-on-demand Work Environment.** With the implementation of mandatory electronic filing in the Criminal, Probate, Civil and Family 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 drastic help in the area of scanning. We added budgeted two full-time scanning positions in 2017. The bulk of these positions will be focusing on the criminal court area. We will be evaluating the placement of our bulk scanners to help alleviate the need in criminal court.

- **Staffing.** Retention of quality staff members continues to become 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 just less than half of our staff is made up of contract individuals through PIE Management, Inc.
- **Sound System Upgrades.** We have successfully upgraded the majority of courtroom sound systems. We have two courtrooms that need to be updated. One of these two is budgeted to be upgraded in 2018. Hearing assistance equipment is available in three of our updated courtroom and will need to be expanded to additional areas to comply with ADA regulations.
- **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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