

**DIRECTOR OF STATE COURTS'
ADDRESS
2017**



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Annual Meeting of the Wisconsin Judicial Conference
November 15, 2017
Wisconsin Dells, Wisconsin

2017 STATE OF THE DIRECTOR'S OFFICE ADDRESS

Hon. Randy R. Koschnick, Director of State Courts
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Thank you, Chief Justice Roggensack. And thank you to members of the planning committee and the executive committee of the Judicial Conference and Judicial Education staff.

This is my 19th Judicial Conference. The first I attended was in 1999, when I was brand new to the bench.

This year, I am experiencing the conference for the first time in my new role as Director of State Courts. It is great to see you all from this new perspective. Until now, I have always been “out there,” where you are. I kind of like being up here!

Before getting further into my remarks, I want to take a moment to acknowledge my appreciation to Chief Justice Roggensack and the Supreme Court for giving me the opportunity to serve you all as director. I am honored and privileged to be doing so.

I am just four months into the job, but I can tell you I am surrounded by many helpful and talented people: The justices of the Supreme Court, judges of the Court of Appeals and the circuit courts, as well as the chief judges, department heads and court staff. It has been a great experience so far, thanks to all of you.

There are probably a few of you out there who have attended more of these conferences than I have. And, I know some of you are new to the bench. My experience is that no matter what stage of your judicial career you are at, you will benefit from the educational opportunities available here. This may involve a tip from a rapid-fire session, such as the one offered tomorrow on the Daubert standard. Or, it may be insight you gain from a session on a constitutional issue, such as the Fourth Amendment, which is the topic of a session on Friday.

Of course, the planned sessions are just part of the value of the conference experience. This is also an opportunity to learn from our colleagues live, and in person. You can share your experiences, your challenges and your success stories with fellow judges. I am convinced there is no better way to learn from, and to get to know each other, than the conference. Please take advantage of as many opportunities as you can to attend sessions and connect with each other.

In addition to helping each of us improve our work as individual judges, the Judicial Conference also helps us collectively improve the work of the court system as a whole. Our mission is to protect individual rights, privileges and liberties, to maintain the rule of law, and to provide a forum for the resolution of disputes that is fair, accessible, independent and effective.

This is the obligation we have to all citizens of Wisconsin, including litigants, lawyers, our working partners in the justice system, policy makers and people in counties across the state with whom we share so many responsibilities.

From what I've seen so far, we are doing the job. And, as I will explain later, we are not working alone.

E-FILING

The chief justice mentioned some of our accomplishments from the last year, and they are worth repeating from an administrative perspective.

Thanks to CCAP, judges, and clerks of circuit court across the state, we have completed the first phase of statewide mandatory eFiling. It is difficult to overstate the significance of this accomplishment.

We tried for years to expand eFiling through voluntary participation. This approach worked to some extent, appealing to counties where people recognized the advantages, and took the initiative to make it happen. While voluntary eFiling laid the groundwork for broader expansion, the state of eFiling was patchwork at best with just over half of Wisconsin counties offering eFiling for a limited set of case types.

What we really needed was a push. And thankfully, we got it from the Supreme Court, which, after much careful thought and consideration, approved the mandatory eFiling rule. That's when things really took off. Two years ago, I would not have predicted we would have accomplished so much so quickly, and we are now ahead of schedule in rolling out statewide eFiling. Circuit courts in all 72 Wisconsin counties have implemented eFiling for civil, small claims, family, paternity, criminal, traffic, and ordinance case types.

This is a huge step toward improving efficiency of not only the courts, but also the legal system as a whole. We're eliminating much of the manual legwork so often required with paper filing, and we don't have to shuffle files around the courthouse and wait until someone else is done with the file to get our work done. We're able to reclaim and reallocate physical space formerly occupied by massive filing cabinets in courthouses across the state. Wisconsin courts have taken a great step forward with electronic filing and thanks to the overall collaborative work on this project, we expect to complete the full transition to mandatory eFiling by the end of 2019.

DRUG COURTS

The chief justice also mentioned drug court treatment programs. It is clear we as a society have a major problem on our hands that no one alone can solve. There also may be no better example of what can be accomplished by great team work and extensive collaboration and cooperation.

Drug courts bring together professionals across disciplines and from areas in each branch of government all with the same goal in mind: to improve public safety, reduce recidivism, turn lives around, and increase the effectiveness of the justice system to everyone's benefit.

As all of the judges in this room realize, this is not something that occurs naturally. In our adversarial-based justice system, people are trained by design to take sides against each other.

Drug courts, like other problem-solving courts, temporarily set aside parts of this adversarial dynamic in some cases involving some non-violent offenders. Defense attorneys can remain strong advocates for their clients, and prosecutors still push for the state's interests. However, each side also becomes part of a larger team effort to improve the effectiveness of the criminal justice system.

Judges often play a key role in the local criminal justice system in creating this sense of cooperation and willingness to collaborate across traditional lines. In addition to defense attorneys and prosecutors, drug courts typically involve representation from law enforcement, drug treatment professionals, other government officials and mentors, who can make a dramatic difference in someone's life.

Administratively, drug courts and other problem-solving courts demand more time from judges and court staff in handling some cases. But drug courts also improve the likelihood of success in turning a life around and reducing the chances that person will re-offend due to an underlying drug addiction. There are also savings achieved in terms of fewer days in jail.

Drug courts are a great example of working together with our partners in the justice system, at both the state and local level, and across branches of government. Drug courts are not a "get out of jail free" card, and they don't work in all cases. Most drug courts involve more than a year of intensive testing and treatment before graduation. Some people who start give up; some defendants who are offered the chance choose not to take on the challenge, and opt instead for traditional case processing and sentencing.

CJCCs

In many counties, drug treatment courts were established as a result of the work of county criminal justice coordinating councils.

Again, this is an area where you, as judges, have taken the lead on addressing some of the bigger challenges facing the criminal justice system and brought together people with divergent interests to the table to seek solutions.

These councils often include an even broader cross-section of community representation to help target specific issues affecting a particular local criminal justice system. This may result in the creation of an OWI Court in a college town or resort community, for example. Or it may result in a drug court that targets heroin or opioid use, such as programs recently developed in Brown and Dane counties.

This collaborative approach has also taken hold at the state level, thanks to Governor Scott Walker who created a Statewide Criminal Justice Coordinating Council, and thanks to the Legislature, which has provided support through Treatment and Diversion grants, or TAD funding. TAD provides funding for many of our drug treatment courts and other criminal justice initiatives, which necessitates the creation of local CJCCs so that criminal justice partners can work together to support their local initiatives.

As Director of State Courts, I am privileged to serve on this statewide CJCC. We take some of what has been learned at the local level and share that knowledge across the state. The statewide council also includes representation from the state Department of Justice, Office of the State Public Defender, prosecutors, law enforcement, and court staff, among others.

Wisconsin DOJ has been a great partner with the court system, collaborating in organizing and providing training and in gathering data about drug treatment courts and criminal justice coordinating councils.

EBDM

Of course, we have an obligation to ensure that our approach to improving the courts and the criminal justice system is working. It's not good enough to just say we are doing the job. We need to be able to measure performance and evaluate results.

One approach to this involves Evidence-based decision making, or EBDM as it is known in the world of program acronyms. EBDM incorporates proven strategies for building collaboration, implementing change, and reducing recidivism.

Thanks to lead efforts in Milwaukee and Eau Claire counties, which established pilot programs early on, eight Wisconsin counties are now participating in the National Institute of Corrections' EBDM initiative.

NIC is providing technical assistance at the state level, and at the county level to Chippewa, Eau Claire, La Crosse, Marathon, Milwaukee, Outagamie, Rock, and Waukesha counties.

The state EBDM team is a formal subcommittee of the statewide Criminal Justice Coordinating Council (CJCC), which oversees statewide EBDM efforts. Local EBDM teams are part of similar coordinating councils that have now formed in 66 Wisconsin counties and two tribes.

Members of the state EBDM team also represent a wide range of groups and disciplines, including circuit court judges, prosecutors, public defenders, legislators, law enforcement officials, researchers, the state Department of Corrections, state Department of Justice and the Wisconsin Counties Association.

Judicial members of the statewide EBDM team include: Judge Jeffrey A. Kremers, Milwaukee County Circuit Court; Judge Carl Ashley, Milwaukee County Circuit Court; and Judge Elliott M. Levine, La Crosse County Circuit Court. Court staff on the state team include Tommy Gubbin,

Office of Court Operations, and Holly Szablewski, district court administrator, First Judicial Administrative District.

The most recent phase of the EBDM initiative addresses a host of issues, such as treatment courts, pretrial and diversion; risk assessment; re-entry planning for local jails, among many other topics. All of this is done with the idea that all programming provided, either in the community or in custody, is evidence-based.

The EBDM framework is intended to ensure public safety outcomes will be improved when justice system stakeholders meaningfully collaborate, use research to guide their work, and work together for more efficient use of tax dollars, and fewer victims.

I think it is safe to say Wisconsin is well on its way to achieving this goal. We are among just three states with jurisdictions selected to participate in the most recent phases of the NIC program.

COMMITTEES

Of course, not everything we do to improve the court system requires a team, a subcommittee or initiative. Sometimes, it just involves one good idea and sharing that information.

I have an open door policy, but I also think it's important to reach the right people to consider an idea, suggestion or opportunity for improvement. The court system has a fairly robust committee structure to enable this sharing of ideas.

At a minimum, give a call to the committee member who you think may be able to help or steer you in the right direction. The names of most committee members and their contact information are available on wicourts.gov or CourtNet.

The Planning and Policy Advisory Committee, for example, serves in an advisory role to the Supreme Court and director. PPAC addresses a fairly wide range of issues, from court financing to long term planning. This includes some of the issues we have mentioned here today. Like many committees, this is a knowledgeable and talented group of people who may be able to get you an answer quickly or help solve a problem that helps us all.

Another way for you to contribute directly is to volunteer for a committee or board or judicial workgroup that addresses a topic of interest. The court system websites, both [wicourts](http://wicourts.gov) and CourtNet, have a list of opportunities to serve, not only for judges but for lawyers and other people in your communities who want to help. Your chief judge may be looking for people to help address issues, as well.

WRAP UP

As Director of State Courts, it's great to be making a difference with people who care so deeply about the work they do.

Again, I want to thank the conference planning committee for setting up a great conference and all of the people who are helping make it happen. I appreciate all of the time and effort judges, court staff and presenters have put into preparing for their presentations.

Please do take the time to share your feedback on the evaluation forms. We will be using this information to help shape future judicial educational opportunities. Have a great conference.