

Memorandum



DATE: November 7, 2011

TO: All Justices

FROM: Justice Prosser

SUBJECT: Justice on Wheels

On September 6, 2011, Chief Justice Abrahamson circulated a series of proposals for changes in Supreme Court procedure. Item No. 7 among these proposals read as follows:

Hold oral arguments 2-3 times a year outside Madison for Justices to meet with the public, lawyers and members of local and state government entities whose work affects the judicial system. (In recent years we have taken only one trip outside of Madison a year to keep taxpayer costs down).

Item No. 7 was discussed twice at open administrative conferences, and I was asked to make specific proposals. This memorandum comes in response to that request.

DISCUSSION

The Justice on Wheels program was initiated in 1993 in an effort to increase public understanding of the court by bringing it to the people. The court has now visited 22 of the 71 counties outside of Dane. The dates and locations of the court's visits are as follows:

1. 1993 Brown County (Green Bay)
2. 1994 Eau Claire County
3. 1995 Marathon County (Wausau)
4. 1996 Milwaukee County
5. 1998 La Crosse County
6. 1998 Douglas County (Superior)
7. 1999 Rock County (Janesville)
8. 1999 Kenosha County
9. 2000 Sauk County (Baraboo)
10. 2001 Dodge County (Juneau)
11. 2001 Oneida County (Rhineland)
12. 2002 Outagamie County (Appleton)
13. 2003 Portage County (Stevens Point)
14. 2004 Racine County
15. 2005 Fond du Lac County
16. 2006 Walworth County (Elkhorn)
17. 2007 Waushara County (Wautoma)
18. 2007 St. Croix County (Hudson)
19. 2008 Winnebago County (Oshkosh)
20. 2009 Iowa County (Dodgeville)
21. 2010 Washington County (West Bend)
22. 2011 Columbia County (Portage)

The Chief Justice has traditionally exercised the prerogative of selecting both the counties to be visited and the dates for the court's visits. The Chief Justice appears to have considered a number of factors in the selection process, including:

1. County population (and access to news media)
2. Geographic diversity (in an attempt to reach all areas of the state)
3. The home county of a sitting justice
4. Counties with a new justice center
5. Proximity to Madison (to hold down costs and to make travel convenient when the court makes only a one-day visit)

These factors will be examined in turn.

POPULATION

There are 27 counties with a population of more than 50,000. The court has visited 18 of these counties, plus Dane. The counties with a population of more than 50,000 that the court has not visited are:

1. Waukesha County (390,000)
2. Sheboygan County (115,500)
3. Ozaukee County (86,400)
4. Jefferson County (83,700)
5. Manitowoc County (81,400)
6. Wood County (74,800)
7. Chippewa County (62,400)
8. Waupaca County (52,400)

DIVERSITY

To date, the court has never visited a county outside of Dane County more than once. The court may try to take Justice on Wheels to every county sooner or later. However, some of the smaller counties may not have adequate facilities unless the court meets outside the courthouse. In addition, because the court has limited its visits recently to one per year, the court may not visit such cities as Milwaukee and Green Bay again for almost half a century. This would make no sense considering the outreach and public relations objectives of the program.

The attached chart shows geographically in yellow the counties that the court has visited. The counties marked in green all have populations of more than 50,000 but have not yet been visited.

If the state is divided arbitrarily into regions, the counties most likely to merit a visit are the following:

Northwest:

1. Barron County (3 judges)
2. Chippewa County (3 judges)
3. Dunn County (2 judges)
4. Polk County (2 judges)

Northeast:

1. Manitowoc County (3 judges)
2. Door County (2 judges)
3. Marinette County (2 judges)
4. Oconto County (2 judges)
5. Shawano-Menominee Counties (2 judges)

Central:

1. Waupaca County (3 judges)
2. Wood County (3 judges)

Southeast:

1. Waukesha County (12 judges)
2. Sheboygan County (5 judges)
3. Jefferson County (4 judges)
4. Ozaukee County (3 judges)

Southwest:

1. Monroe County (3 judges)
2. Grant County (2 judges)
3. Green County (2 judges)

HOME COUNTY OF A JUSTICE

The Chief Justice appears to have attempted to schedule a visit to the home county of each sitting justice, including justices who were retiring (Justice Bablitch - Portage County; Justice Wilcox - Waushara County). The only justice whose "home" county has not been visited is Justice Gableman (Burnett County).

Burnett County ranks 62nd in population among the 72 counties in Wisconsin. However, it borders on Barron and Polk,

two counties that have not been visited, and it is not far from Chippewa County. A two-day visit to the northwest could hit two counties in two days.

NEW JUSTICE CENTERS

The court visited Juneau County in 2001 to help mark the opening of the Dodge County Justice Center. Washington County had a relatively new justice center when the court visited West Bend in 2010.

Two nearby counties, Green and Green Lake, have recently constructed impressive new justice centers. A court visit to these counties would serve as a tribute to local taxpayers who have supported their criminal justice system.

PROXIMITY - HOLDING DOWN COSTS

The court has visited every county bordering Dane County except Green County and Jefferson County. Green County has a new justice center. Jefferson County has four judges and a 2010 population of more than 83,000.

OTHER FACTORS

The court has never held a session outside a courthouse. Appellate courts outside Wisconsin have met in public buildings other than courthouses (e.g., high schools and law schools). Marquette University's new law school would provide the perfect justification for visiting Milwaukee County again quickly. Because the law school has excellent recording facilities, a visit to Marquette should not entail any substantial cost. A later visit to the University of Wisconsin Law School would provide additional outreach in Dane County.

PROPOSALS

1. The court should make a commitment to hold sessions in at least two different counties each court term.

2. Over time, the court should attempt to visit every county in Wisconsin that has at least one judge. Over time, the court should attempt to visit either Buffalo or Pepin, Florence or Forest, and Shawano or Menominee Counties as well. (These counties share one or more circuit judges between them.) These objectives should be conditioned upon a county requesting a visit and having adequate facilities to host a visit.

3. To increase attendance for Justice on Wheels visits, the court should rethink its policy for holding sessions only in a courthouse. The modification of current policy could start permitting the court to hold oral argument in a law school. Such a change could serve as a test for opening the court to additional venues.

4. The court should develop guidelines for revisiting major population centers like Milwaukee, Green Bay, La Crosse, and Eau Claire.

5. The court should develop criteria for evaluating Justice on Wheels visits to make them more productive.

6. The court should consider whether it should seek funding from foundations, non-profits, or other sources to facilitate additional Justice on Wheels visits.