

On budgets and burdens, court systems are a tale of two counties

Resource gap threatens justice in Milwaukee, while refreshing approaches are at work in Waukesha

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From his office in Madison, A. John Voelker, director of state courts, looks toward southeast Wisconsin and sees two brands of justice in courthouses just 20 miles apart.

In Milwaukee, the high-volume, 47-judge system is facing a 25% staffing cut, leaving Voelker with "huge concerns" about the future of the circuit courts in the state's most heavily populated county.

In Waukesha, the slower-paced, 12-judge circuit court system has been handed a proposed budget for the coming year with a modest 2.2% spending increase.

The circuit court systems in urban Milwaukee and suburban Waukesha have always been different, primarily because of the differences in population and level of crime.

But resources are playing an increasing role in the disparity between the two systems, threatening the quality of justice in Milwaukee County while enabling Waukesha County to try new approaches, Voelker said.

"Everybody is operating in basically the same framework," Voelker said. "It's the same law. It's just that the resources of the systems will cause the processing of cases to be different.

"If all these cuts go through, it will be devastating to the quality of justice people get in Milwaukee."

Jerome Buting, chair of the criminal law section of the State Bar of Wisconsin, says the Milwaukee County court system already has fallen behind the systems in much of the state.

"It seems that more than one-half of the counties in Wisconsin have new courthouses or safety buildings," said Buting, who has a law office in Brookfield and makes most of his appearances in courthouses outside Milwaukee. "Meanwhile, Milwaukee has been steadily going downhill."

Wisconsin's 241 circuit courts are funded with a combination of state and county money. The state pays the salaries of the judges, their travel and training expenses, wages for the official court reporters and a support grant determined by a county's population and number of judges. The counties pick up the operating costs, including wages for clerks and bailiffs.

"The way courts are funded now, if a county wants to provide quicker processing, they can make adjustments by providing additional staffs," Voelker said. "They can make decisions at the local level about the community's expectations for the courts and provide the resources they want."

Under County Executive Scott Walker's 2006 budget proposal, the Milwaukee court system would lose 74 of its 303 county-funded positions. While Walker has said the remaining staff could reasonably "take up some of the slack," Chief Judge Kitty K. Brennan says the cuts are unreasonable and will create severe bottlenecks in a system that is already the subject of complaints.

"Due to the increased volume and the constant cuts to the court system, we are not able to be as efficient at processing cases as we were a few years ago," Brennan said of the courts, which formerly were a national model for fast-tracking criminal cases.

In Waukesha County, the proposed courts budget eliminates a three-quarter position, leaving the system with roughly 105 paid positions.

One's grimy, one gleams

Stressed staff, broken equipment and grimy courtrooms give the Milwaukee courts the appearance of fostering flagging justice, Buting said.

"The buildings themselves are just disgusting," he said. "It's like going into a bus depot.

"It did not use to be that way. What kind of a message are you sending about having respect for the law? What you see is an obvious disrespect."

By contrast, the courthouse in Waukesha seems to glisten, courtroom equipment is modern, and offices feature cheery, seasonal displays.

The differences are more than just appearances.

A January 2005 report on the state court system by the Legislative Fiscal Bureau notes that that judges in both districts were doing the work of 1.2 judges, according to a workload study based on 2003 statistics. The same workload data shows that Milwaukee County should have eight more judges and Waukesha County two more.

But while court commissioners help judges in both systems, Milwaukee County is budgeted to lose 10 of its 20 commissioners; Waukesha County is in line to retain all of its five.

Statistics on 2004 caseloads show how differently crime drives the two court systems.

Milwaukee County, which has about four times as many judges as Waukesha County, last year experienced more than 10 times as many time-consuming felony jury trials, 251, as Waukesha, 24.

Judges presided over another 34 felony trials in Milwaukee, compared with two felony bench trials - trials before a judge, with no jury - in Waukesha.

In juvenile court last year, Milwaukee had 319 delinquency trials compared with 14 in Waukesha. There also were 212 trials in juvenile court in Milwaukee concerning children in need of protective custody, compared with 10 in Waukesha.

Runs like a business

While a bitter battle has developed in Milwaukee over the courts budget, the process in Waukesha runs smoothly. Waukesha County officials pride themselves on running their government like a business.

"There has always been an effort to have good communications," said Waukesha County Clerk of Circuit Court Carolyn Evenson, who is in her seventh year on the job after seven years on the county board. "We worked this out over the years and it's a very smooth process."

Voelker says the apparent "ease at bringing players to the table" in Waukesha coupled with its ample resources stimulate new approaches in the court system, such as a Criminal Justice Collaborating Council and a family court self-help center equipped with computers that allow the public to conduct some legal work on their own.

"The self-help center is not something that is required, but they saw a need for it in Waukesha County and created it," Voelker said.

"It wasn't always like this," said Evenson, who is responsible for the county's courts budget. "We had to work at it."

The county is budgeting \$250,000 for improved security measures but put off until next year a debate over a \$17 million courthouse expansion.

The budget process for the courts in Milwaukee has been marked by battles for years, but this year it has become particularly acrimonious, with the Walker and Sheriff David A. Clarke Jr. harshly criticizing the judiciary.

In recent interviews, Clarke and a Walker spokesman pointed out that Waukesha County's tax base puts it in a better position to fund its courts.

From 1995 to 2005, Waukesha County's tax base more than doubled, increasing 122% (from \$20.5 billion to \$45.5 billion), while Milwaukee County's tax base expanded 82% (from \$31.1 billion to \$56.7 billion).

And courts funding in Milwaukee County falls harder on property-tax payers than it does in Waukesha County. Milwaukee County residents would pay 70% of the costs for courts compared with 50% in Waukesha County, based on the two counties' proposed budgets. The big reason for the gap: Milwaukee County is budgeting for 82 bailiffs compared with 10 in Waukesha County.

"We do not have the luxury any longer of exempting an operation from any kind of rigorous review of how money is spent," said Stephen Agostini, budget director for Milwaukee County. "This year, we've been shining the light on (the courts)."

But Brennan and Voelker said they have no doubt that the system will be hurt by the cuts.

"The timeliness of the justice that people get will suffer," Voelker said. "You have to have uniformity (statewide) to some degree. You have to have a minimal level of service."

State Rep. Frederick Kessler (D-Milwaukee), a former Milwaukee County circuit judge, said that Milwaukee County, with its urban crime and relatively high rates of poverty, unemployment and broken families, has a greater need for court services than suburban counties do. Kessler added, though, that the prospects for help from the state are poor.

"I think it's going to be very difficult to persuade rural legislators to send more money to Milwaukee," he said. "I think the cuts they are proposing are Draconian, but the rallying cry in rural Wisconsin is that we are spending too much money on Milwaukee."