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Supreme Court of Wisconsin

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August 17, 2017

To:

Secretary Scott Neitzel
Secretary Department of Administration
101 East Wilson Street, 10th Floor
Madison, WI 53707

You are hereby notified that the Court has entered the following order:

Pursuant to Wis. Stat. § 751.20, the court has the discretion to transfer funds in support of the Judicial Council, which is not an entity within the judicial branch of Wisconsin government. In the 2018-19 budget that the Court submitted to the Governor and presented to the Joint Committee on Finance, the Court budgeted \$111,400 annually for the Judicial Council. \$59,600 of that amount was allocated as salary for the staff attorney that is authorized by Wis. Stat. § 758.13(3)(g)2.

The Court recently learned that effective July 1, 2017, the salary of the staff attorney for the Judicial Council was increased from \$59,600 to \$82,326. Although this new salary is being paid by the Department of Administration (DOA) as were past salary payments, reimbursement to DOA is drawn from Court funds pursuant to the Court's discretionary transfer of funds in support of the Judicial Council pursuant to Wis. Stat. § 751.20.

On August 16, 2017, the Court met to discuss this salary increase, the manner in which it was achieved and how the Court should respond.

The Court was very concerned because this 38% salary increase is extraordinary in size. The Court also was concerned about the means and manner by which this 38% salary increase was accomplished.

After a thorough discussion, the Court decided to exercise its discretion under Wis. Stat. § 751.20 by discontinuing the transfer of funds from the Court's budget that have been allocated to the Judicial Council. The Court will consult with DOA in setting a date on which no further funds will be transferred to DOA in support of the Judicial Council. It is anticipated that transference of funds under § 751.20 will cease as soon as practicable, but no later than the date on which the Governor signs the 2018-19 budget.

The Court also decided to withdraw its opposition to the Governor's budget recommendation that Wis. Stat. § 758.13 be repealed.

NOW THEREFORE, IT IS ORDERED: Transference of funds in support of the Judicial Council will cease no later than the date on which the Governor signs the 2018-19 budget.

ANN WALSH BRADLEY, J. (dissenting). I write this brief dissent to make it clear that I disagree with this precipitous order, and to acknowledge the tremendous contributions that the Wisconsin Judicial Council has made to the development of the law and our judicial system.

The order describes the Court's discussion as "thorough." To the contrary, it was brief and inadequate. This ill-advised order was made on impulse and without full knowledge of the facts. Indeed, this Court never consulted with the Judicial Council or gave the Council an opportunity to respond.

For over six decades, the Judicial Council, and the many people over the years who have served on it, have enriched the development of the law in Wisconsin. It is to the Council and its members that we owe our thanks for many important contributions which include assistance with the Wisconsin Rules of Evidence, the Wisconsin Rules of Civil Procedure, the Wisconsin Rules of Appellate Practice and for its many years of work on the Wisconsin Rules of Criminal Procedure. For a more robust discussion of its many contributions see National Center for State Courts, Wisconsin Judicial Council: Recommendations Regarding Priorities, Planning and Operations, Final Report (2007), <https://www.wicourts.gov/courts/committees/judicialcouncil/docs/ncscreport.pdf>.

Accordingly, I respectfully dissent.

I am authorized to state that Justice SHIRLEY S. ABRAHAMSON joins this dissent.

Diane M. Fremgen
Clerk of Supreme Court