

COMMENTS FOR COMMITTEE ON
JUDICIARY AND LEGISLATION

JUNE 23, 2008

Appearing in the stead of the 3 municipal judges to provide information on this proposal. PJ Mosley on New Baby Leave. The judges approve of the proposals.

Background.

Changes designed to enhance the independence and professionalism of the state's municipal courts, and provide sensible, workable procedures for those courts.

Piecemeal changes over the past 20 years; no effort, until now, to perform a thorough review of the provisions of the 2 chapters that most affect municipal courts. Creation of committee Summer of 2006 by WMJA. Involvement by Committee of Chief Judges.

Ch. 755: creation and structure of the courts: little applicability to Milwaukee.

Ch. 800: updating of procedures which will affect Milwaukee.

The 14 most significant changes for Milwaukee:

1. Winner of special election will start a new 4-year term. Same as the other judges. Designed to find right balance between the use of elections to choose judges and preventing judges from having to appeal to voters/funders on a too regular basis.
2. Use of social worker as guardian ad litem. Would be less expensive than use of attorney, and would maintain the integrity necessary for determinations.
3. Judges will have authority to determine court hours, within budget limitations.

(I do not see how these proposals would in any way require modifications in the location of the court, staff offices, or records)

4. Expands the means of serving citations/complaints to include first class mail and certified mail. First class mail could lead to a default judgment but no license suspension/warrant.

5. Where a replacement judge is sitting on the day of trial, the defendant may request a substitution.
6. Changes the time period for requesting discovery from 30 days after initial appearance to 20 days before trial; for good cause court can allow different period. Requires disclosure of statements of expert witnesses.
7. Allows telephone and audiovisual testimony for all proceedings.
8. Expands restitution to any nontraffic violation and increases amount to small claims limit.
9. Regarding driver's license suspensions: may be consecutive, can use only one, judgment survives the end of the 2-year period, applies to parking ticket cases, and defendant can request reconsideration of suspension based on inability to pay.
10. Regarding jailing: judge must first make finding of ability to pay, failure without good cause to perform community service or complete an assessment or treatment program related to alcohol or drugs, or failure to attend an indigency hearing. City to get credit against jailing expenses of the jail surcharges collected as part of forfeitures.
11. Creates wage assignments as a method of collecting forfeitures.
12. Expands time period for reopening to "at any time" and basis for reopening to "good cause."
13. Regarding contempt of court, increased maximum fine from \$50 to \$200, and clarifies the conduct that can result in contempt.
14. Regarding appeals, prohibits appeals from default judgments, permits appeals from decisions on motions to reopen, makes appeal bond discretionary with the judge, requires a party requesting a transcript to pay in advance, and clarifies that fines ordered on appeal are payable to the municipality.