



STATE BAR
OF WISCONSIN

Judicial Funding Study Final Report 2015



Prepared by:

ST. NORBERT COLLEGE
Strategic
Research
Institute

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EXECUTIVE SUMMARY OF FINDINGS

- Seven out of ten (70%) of all respondents to the court funding survey say that the current level of funding for courts in their county/jurisdiction is less-than-adequate. Respondents say that the less-than-adequate funding leads to delay in handling cases, large caseloads, congested court calendars, lack of adequate staffing, difficulty in recruiting and retaining staff, high staff turnover, lack of adequate technology, facilities not being updated or maintained providing poor working conditions, lack of adequate courthouse security and inadequate funding for special services.
- Those working in positions that are the closest to the day-to-day activities of the courtroom (Circuit Court Judges, District & Assistant District Attorneys, Legal Aid/Legal Action/Judicare, Public Defenders, and District Court Administrators) are the most likely to say that funding is “significantly less than adequate.”
- Nearly half (47%) of all respondents say that the current level of funding does a worse job of meeting the needs of delivering courts services today compared with five years ago. Judges (61%) are the most likely to say that current funding levels are doing a worse job today of meeting the needs of the courts to deliver services.
- Half (50%) of respondents say that courts in their county/jurisdiction have experienced a situation in which they were underfunded. When asked how this situation was handled in their county/jurisdiction respondents indicated they had consolidate or eliminated positions & services, froze hiring, requested additional funding, made do with less or took no action.
- Seventy-four percent say it is very important for the courts to have additional funding in order to meet the needs of the courts. There was a consensus across all of the positions in the court system that additional funding is needed. The group most likely to say that additional funding was very important were those in counties of jurisdictions with populations of 250,000 or more.
- Among staffing categories, security was of most concern to respondents. Fifty percent of participants believe that staffing in this area is less than adequate. Large majorities of judges and administrators hold this opinion. Smaller rather than larger jurisdictions are more likely to believe security staff is inadequate.
- Similarly, 49% of respondents find staffing in the area of interpreters less than adequate. Judges are of this opinion to a greater extent than administrators. Respondents from larger districts appear more concerned.

- Forty-eight percent of survey participants say that staffing for court appointed attorneys is less than adequate, led by nearly three-fifths (58%) of judges.
- The availability of court appointed experts is deemed less than adequate by 45% of all respondents. Nearly identical percentage of judges (48%) and lawyers (46%) give ratings of less-than-adequate with 33% of administrators saying the same. It should be noted that a larger share of respondents (29%) indicate that they are unsure of the adequate availability of court appointed experts.
- Data suggest that respondents are satisfied with the number of judges. Nearly three-fifths (59%) find staffing adequate (49%) or more than adequate (10%). Even judges concur in this opinion. Fifty-two percent say staffing is adequate and 3% more than adequate. Those in larger counties/jurisdictions are more likely to say that the number of judges is less-than-adequate.
- A large percentage of respondents are not sure about the adequacy of staffing in several areas including: court appointed experts (29%), mediation services (36%), and guardians ad litem (28%). Respondents from the largest districts also appear more likely to be unsure about staffing adequacy than those in small districts.
- Respondents say that additional funding is most vital in the areas of security staffing (35% very important/19% moderately important), court appointed attorneys (29% very important/23% moderately important) and interpreters (25% very important/23% moderately important).
- Although respondents agree that CCAP does meet their needs, generally survey respondents believe that additional funding is necessary for technology services, including CCAP. Forty-seven percent of respondents indicate that greater resources for CCAP are very important and 25% say it is moderately important. The same opinion is evident regarding technology in general where 64% of respondents believe additional funding is very important and 22% rate it as moderately important.
- Respondents are also eager to see additional funding for specific programs such as pro se support, where 46% note that the need for greater allocations are very important and 37% find this need moderately important.
- Delays in criminal cases are a concern to respondents, 27% of whom say they encounter this problem frequently and an additional 32% who say they face delays occasionally. Delays appear to be less of a problem in civil cases. However, for both areas of law, respondents indicate that additional funding would be welcomed to insure that justice is served.

INTRODUCTION

The State Bar of Wisconsin (State Bar) contracted with the St. Norbert College Strategic Research Institute (SRI) to assess the impact that court system funding levels have on the delivery of court services in Wisconsin.

The primary research objective of this project is to gather information from members of the court system regarding the adequacy and impact of the current court system funding levels on the delivery of court services in Wisconsin.

Research objectives include:

- uncovering perceptions of the members of the court system regarding overall funding levels as well as the needs in specific areas of the court system.
- assessing how members of the court system view the need for funding to adequately fulfill their role in the court system.
- identifying examples of the impact that funding has on the delivery of court services.
- examining perceptions of funding by position in the court system, length of time the respondent has served in their position and size of the county/jurisdiction.

The St. Norbert College Strategic Research Institute worked closely and collaboratively with the State Bar of Wisconsin to meet the research objectives of this project.

METHODOLOGY

The research for this project went through several phases as the project developed.

Previous Research

To initiate the study the SRI examined studies that had been conducted in other states on the topic of judicial funding. Two key reports emerged, a study by the New York State Bar Association¹ entitled “Report of the Executive Committee on the Impact of recent Budget Cuts in New York State Court Funding” and the “Report on the Funding Crisis in the Illinois Courts” by the Illinois State Bar Association². While these studies were helpful, the present study was crafted specifically to answer the question of adequacy of court funding in Wisconsin.

Discovery Phase

The Discovery Phase was designed to uncover the funding issues that key stakeholders feel could be impacting the delivery of court services in Wisconsin. The SRI held a discovery session in Madison with the members of the Judicial Funding Subcommittee (Subcommittee) of the Bench Bar Committee of the State Bar of Wisconsin to identify key funding issues for the courts in Wisconsin and who in the court system should be included in the survey. Those attending the discovery session in Madison on January 16, 2015 represented a cross-section of positions in the court system including: Supreme Court Justice, Court of Appeals Judge, Circuit Court Judge, Clerk of Courts, State Public Defender, District Court Administrator, Wisconsin Counties Association and private attorneys.

Questionnaire Design

The SRI’s policy with questionnaire design is that the substance of the questionnaire is driven by our clients with input from the SRI. The SRI controls the final wording of the questions, location of the questions in the questionnaire and any other methodological decisions to insure that the research will meet the methodological standards of the research industry.

The questionnaire was designed in close collaboration with the Subcommittee. The initial questionnaire content was developed based the outcome from the discovery session. Several open-ended questions were created in which the respondents were invited to provide examples from their direct experience to illustrate and support their response to a preceding quantitative closed-ended question.

¹ New York State Bar Association. “Report of the Executive Committee on the Impact of Recent Budget Cuts in New York State Court Funding.” January 2012.

² Illinois State Bar Association . “Report on the Funding Crisis in the Illinois Courts.” Submitted by the ISBA Special Committee on Fair and Impartial Courts. May 2013.

The development of the questionnaire was an interactive process between the Subcommittee and the SRI. Following the Discovery Phase the SRI created a list of all information needs. The SRI then drafted an initial questionnaire. The first draft of the questionnaire was sent to all members of the Subcommittee for review. The Subcommittee members made suggestions for additions, deletions and question wording. The process of questionnaire draft and review went through five iterations.

The SRI also conducted an additional face-to-face meeting with the members of the Subcommittee in Madison to review a draft of the questionnaire. From this meeting a final draft of the questionnaire was created. The members of the Subcommittee were then asked to take the survey as a pretest of the instrument.

Based on feedback from the Subcommittee members a final questionnaire was created and programmed into the SRI's online Qualtrics survey software system.

Sampling and Sample Frames

In the discovery session, the Subcommittee identified the key court staff members to be included in the survey. Since there are very tight security restrictions on sending e-mail messages to key court staff members and it was not appropriate for various administrative units to provide a list of e-mail addresses for their staff to the SRI, it was determined that a message coming directly from the SRI or the State Bar would not provide an adequate response rate from the key members of the court system.

As a result the staff at the State Bar undertook the task of contacting various organizations and administrative units within the state government to secure their participation for this project. The response was very favorable and many of the organizations agreed to send out the survey invitation directly to their members. The text of the survey invitation was drafted by the State Bar with the consultation and approval of the SRI. The State Bar also drew a random sample of 1,000 corporate and private practice attorneys involved in trial court or appellate litigation from their membership list to be included in the survey.

An exact response rate for the total study as well as for some of the different sample groups that were invited to participate could not be determined since it is unknown exactly how many individuals actually received the survey invitation. However, among the groups in which the total number of possible participants was known, the response rates were excellent.

There were a total of 706 responses out of an approximate total of 2,200 possible responses for an approximate overall response rate of 32%. Assuming that the 706 was a random sample of

the 2,200 cases, the margin of error is $\pm 3.7\%$ at the 95% confidence level. The margin of error for smaller subsamples (e.g., Circuit Court Judges, Clerks of Courts, etc.) will be larger.

All responses were anonymous. Demographic data requested through the questionnaire were kept to a minimum so as to prevent statistical re-identification of respondents. Open-ended responses are included in Appendix B. In open-ended comments in which the respondent provided additional information that might inadvertently serve to identify themselves or the specific court system in which they work, that information has been redacted to ensure anonymity. (See more explanatory notes at the beginning of Appendix B.)

The response rates for each sample group are listed below in Table 1.

Table 1: Response Rate by Primary Position in the Court System

Current Primary Role	Overall Sample Size	Response Rate
Supreme Court Justice/Court of Appeals Judge	14	64%
Circuit Court Judge	127	51%
Clerks of Courts/Registers of Probate	78	57%
Court Commissioner	71	NA ^a
District Court Administrator	13	130% ^b
Corporate/Private Attorney	122	12%
District/Assistant District Attorney	144	33%
Attorney General/Assistant Attorneys General	29	30%
Public Defenders/Contract Public Defenders	89	25%
Legal Aid/Legal Action/Judicare	7	8%
Other	12	NA

^a *Invitations were sent to at least 203 court commissioners, and possibly as many as 263/ The exact number of invitations is unknown.*

^b *There are only 10 District Court Administrators, however three respondents identified their primary role as a District Court Administrator.*

Implementation

The survey invitations were sent to all sample members between April 20th and April 27th. A reminder was sent to all sample members approximately one week after the initial invitation was sent. The survey officially closed on May 11th with a total of 706 respondents completing all or parts of the questionnaire.

Analysis

The data from all completed surveys was downloaded into the SRI's SPSS system for analysis. An initial descriptive analysis was completed on all questions. The results of this analysis are summarized in Appendix A Questionnaire Frequencies.

Following the descriptive analysis all questions were cross-tabulated with other key questions (e.g., position of the respondent and size of the jurisdiction respondents serve). In the report that follows the focus is on reporting findings that are statistically significant at the .05 level. The tables that are presented in this report indicate the level of statistical significance with the symbols " $p < .05$ or $.01$." This means that we can be 95% (.05 level) or 99% (.01) confident that the differences that are seen in the tables did not occur by chance alone and represent true differences.

Due to the number of response categories for several questions, the overall sample size and the distribution of responses across response categories, the number of expected cases in each cell were less than the statistical level of 5 cases per cell needed to have confidence in the chi square tests for difference. Therefore, the SRI collapsed several of the questions for cross-tabulation analysis. The primary position of the respondent was collapsed into three categories: judges, lawyers and court administrators. In questions using the adequacy scale from Significantly Less Than Adequate to Significantly More Than Adequate the scale was collapsed into Less Than Adequate, Adequate, More Than Adequate and Not Sure. In the population of the courts/jurisdiction the categories of 25,000 or less and 25,001 to 50,000 were collapsed into 50,000 or less.

A total of just over 3,500 open-ended responses were provided from survey participants. Themes from the open-ended comments were identified throughout the report. Following the identification of the themes, a few actual quotes are presented that help illuminate the general theme. The complete set of all open-ended comments are presented in Appendix B.

Percentages in some tables or figures may not equal 100% due to the rounding off of percentages.

SAMPLE CHARACTERISTICS

The sample represents a substantial cross-section of key positions in the court system in Wisconsin.

See Tables 2, 3 & 4 below.

Table 2: Sample by Primary Position in the Court System

Current Primary Role	Percent of Total	Overall Sample Size
Supreme Court Justice/Court of Appeals Judge	2%	14
Circuit Court Judge	18%	127
Clerks of Courts/Registers of Probate	11%	78
Court Commissioner	10%	71
District Court Administrator	2%	13
Corporate/Private Attorney	17%	122
District/Assistant District Attorney	20%	144
Attorney General/Assistant Attorneys General	4%	29
Public Defenders/Contract Public Defenders	13%	89
Legal Aid/Legal Action/Judicare	1%	7
Other	2%	12
Total	100%	706

Table 3: Sample by Length of Time Respondent Served in Current Role

Length of Time in Primary Role	Percent of Total	Sample Size
Less Than 3 years	18%	124
3 to 5 Years	11%	76
5 to 7 Years	11%	79
8 to 10 Years	10%	73
More Than 10 Years	50%	351
Total	100%	703

Table 4: Sample by Approximate Population of County/Jurisdiction in Which They Serve

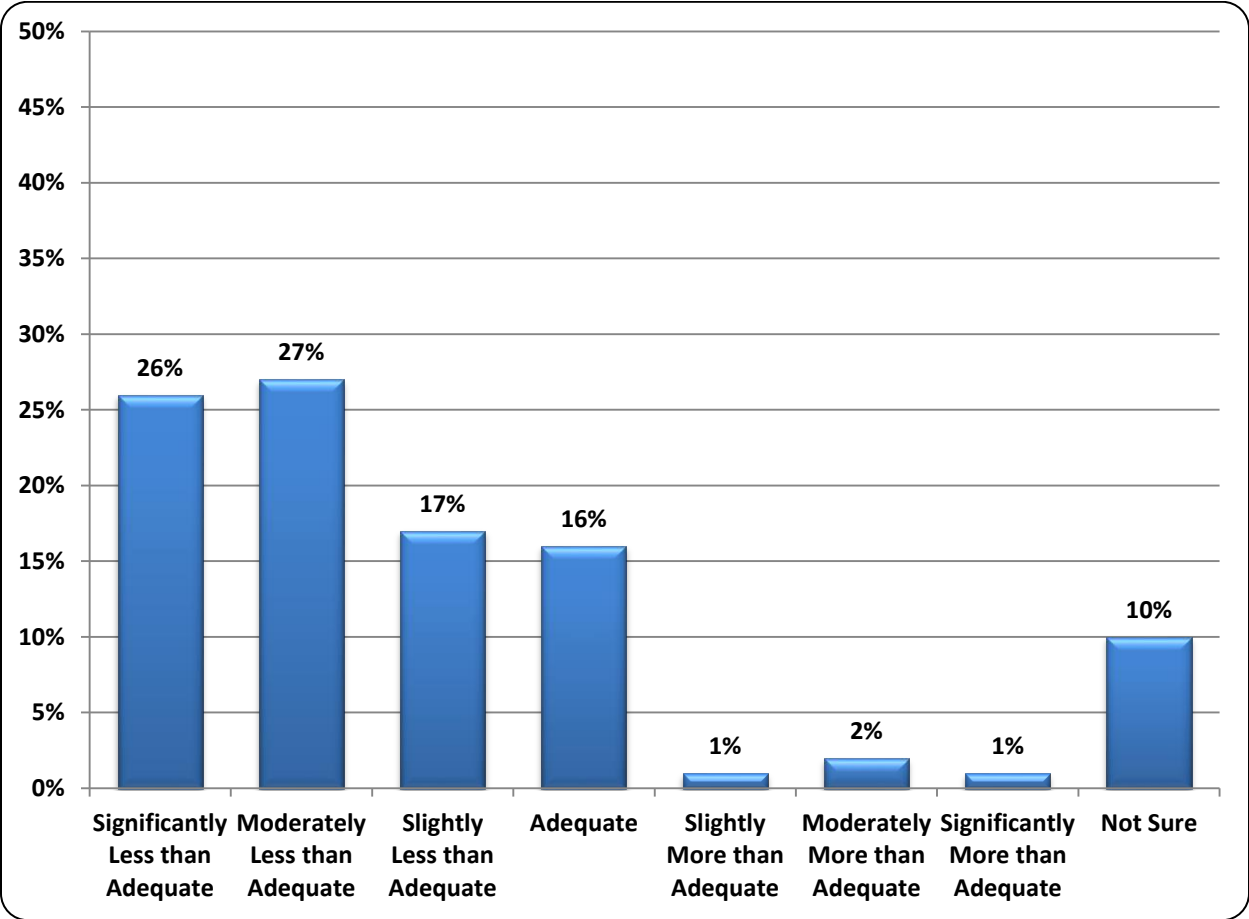
Approximate Population of County / Jurisdiction	Percent of Total	Sample Size
25,000 or Less	11%	77
25,001 to 50,000	12%	85
50,001 to 100,000	16%	114
100,001 to 250,000	27%	186
Over 250,000	34%	237
Total	100%	699

OVERALL FUNDING

How Adequate is Current Level of Funding for Courts

Respondents overwhelmingly say that courts in their county/jurisdiction are less than adequately funded. Among the total sample 70% say that current funding for the courts in their county/jurisdiction is less than adequate (26% significantly, 27% moderately and 17% slightly), 16% say funding is adequate, 4% say more than adequate (1% significantly, 2% moderately and 1% slightly) and 10% are not sure. See Figure 1 below.

Figure 1: How Adequate is the Current Level of Funding for the Courts in Your County/Jurisdiction?



Respondents who indicated that funding for the courts in their county/jurisdiction is less than adequate were asked in an open-ended question to describe one of the most significant problems that is created as a result of less than adequate funding. Three-hundred seventy-three respondents out of a possible 472 provided open-ended comments. Although many of the comments are interrelated, five general themes emerged from the open-ended comments. Below are selected quotes that represent the five themes. See all of the open-ended comments in the Appendix B.

Theme: Full/congested calendars, large caseloads/workloads, backlog, delay in handling cases.

“Backlogs of cases for everyone due to pro se issues. A loss of the sense that our courts provide justice when it seems too expensive to make claims and/or that those who can hire people (like me) that understand the rules can manipulate the outcome based on procedure rather than substance. Judges and magistrates do not have the time and resources to self-educate on complex issues like mental health or best interests of children (and then fall back on "practical" shortcuts like automatically splitting custody by week when that is shown to be detrimental to children's attachment). I could go on, but suffice it to say 'you get what you pay for.' ”

“Court calendars are seriously congested. This congestion of court calendars causes cases to be delayed for significant periods of time. Victims of crime are forced to come to court again and again, only to find that their cases have been rescheduled due to court calendars being too congested. Defendants are held in custody for significant periods of time when their cases are repeatedly rescheduled due to calendar congestions.”

Theme: Insufficient number of court officials: understaffed, difficulty recruiting & keeping qualified workers due to low wages, lack of benefits, large employment turnover.

“Cases are adjourned routinely because we do not have enough judges to meet the demand especially in domestic violence. Victims grow frustrated and uncooperative or return to the defendant under pressure or lack of confidence in the judicial system. / I regularly have about 15 cases set each Monday and Wednesday and a full calendar of cases each day to cover. The caseload can lead to inadequate time to properly assess risk factors in this highly volatile caseload.”

“Inadequate staffing levels for the clerk of courts office and other court system departments. We have been creative, identified areas to improve efficiencies, worked outside the box, etc. However, we have now reached a point where employees are no longer able to do "more with less" and instead are doing "less with less". We have seen an increase in stress levels, employee issues, illness and ERRORS in our work. All are very taxing on county resources. It's a huge liability for taxpayers and the county in general. We have had detrimental effects on the court

performance areas for Access to Justice, Expedition and Timeliness, and Public Trust and Confidence.”

“The most significant problem is justice. Our DA's Office is severely inadequately funded. This results in not being able to spend ample time on cases, mistakes, not charging some cases, and not being able to put the amount of time into each case that each victim and the community deserves.”

Theme: Lack of technology/equipment, overall facility maintenance.

“Lack of updated computer hardware. Our work requires significant reading and writing. I am often away from the office as I do not live in the city where my primary office is located. My productivity would be greatly enhanced if I had a decent, and up to date laptop computer, and/or IPAD plus a printer. This would be true even if I was at the office full time. Reading for hours on a desktop computer is difficult physically.”

*“The condition of the **[Name of county redacted by researcher.]** County Court complex is deplorable. Most significantly, there is an overall lack of technological support within each of the courtrooms to support adequate and daily litigation needs. Not only should it be standard that there is a TV in each courtroom, but there currently is not even working audio. While each room is set up with microphones, most do not work, nor can the defense even access that audio system, although the state can. The courthouse/safety building is also in disrepair because of basic construction. There is irregular heating making even just being in certain courtrooms unbearable depending on the season - both summer and winter.”*

“The lack of access to technology in the courtroom such as computers, projectors, whiteboards and other electronic equipment to display trial exhibits placing poor litigants particularly criminal defendants in a severe disadvantage. Criminal defendants have the right to a fair trial and this cannot be accomplished when prosecutors control all the technology available in the courtroom.”

Theme: Inadequate courthouse security, insufficient number of courthouse security personnel.

“We have no court security. Even though our County Board is aware of the Supreme Court Rule they have not provided the sheriff with sufficient funds to pay for a position. We are a 2 judge county and by the rule should have 2 court security officers. I have for 13 years told our Board that I am not concerned about my own safety but rather the safety of citizens who are in our Justice Center for a variety of reasons. They should be secure. Further, we are limited in the implementation of EVDM by a lack of services primarily mental health. As the state has dumped more of the financial load on the counties, poorer counties like mine are struggling to meet the significant needs of the population we serve.”

“Court security is less than optimal with one deputy to cover 6 court rooms.”

Theme: Insufficient general funding & poor support for various special services.

“The State Court Grant barely covers judicial assistant salary & benefits, much less anything else. We constantly try to justify more funds from the county to pay medical and attorney fees and interpreters, etc. Therefore, we go over budget every year. Although we work at a bare minimum when it comes to supplies, the rest of the circuit court budget is mandated. It should be noted that in our county the circuit court has its own budget, clerk of court has its own budget, and probate has its own budget. Probate works on a shoestring and barely has money for pencils. Clerk of Court - this will be my first budget experience with this office in particular - I've worked on the circuit court one for years.”

*“I am in Children's court. On the delinquency side, we do not have enough residential treatment beds, shelter beds, day treatment slots. **[Name of juvenile correctional facility redacted by researcher.]** is too far away to be an answer. The recidivism rate is too high there. On the CHIPS side, there is not enough money for supervised visitation and not enough foster home placements.”*

“Insufficient resources for indigent persons who do not qualify for public defender services or whose case type is not one for which the public defender can provide legal services.”

Respondent views on overall funding for the courts was also examined by the primary position the respondent occupies in the court system, the size of the jurisdiction and the number years the respondent has held their current position.

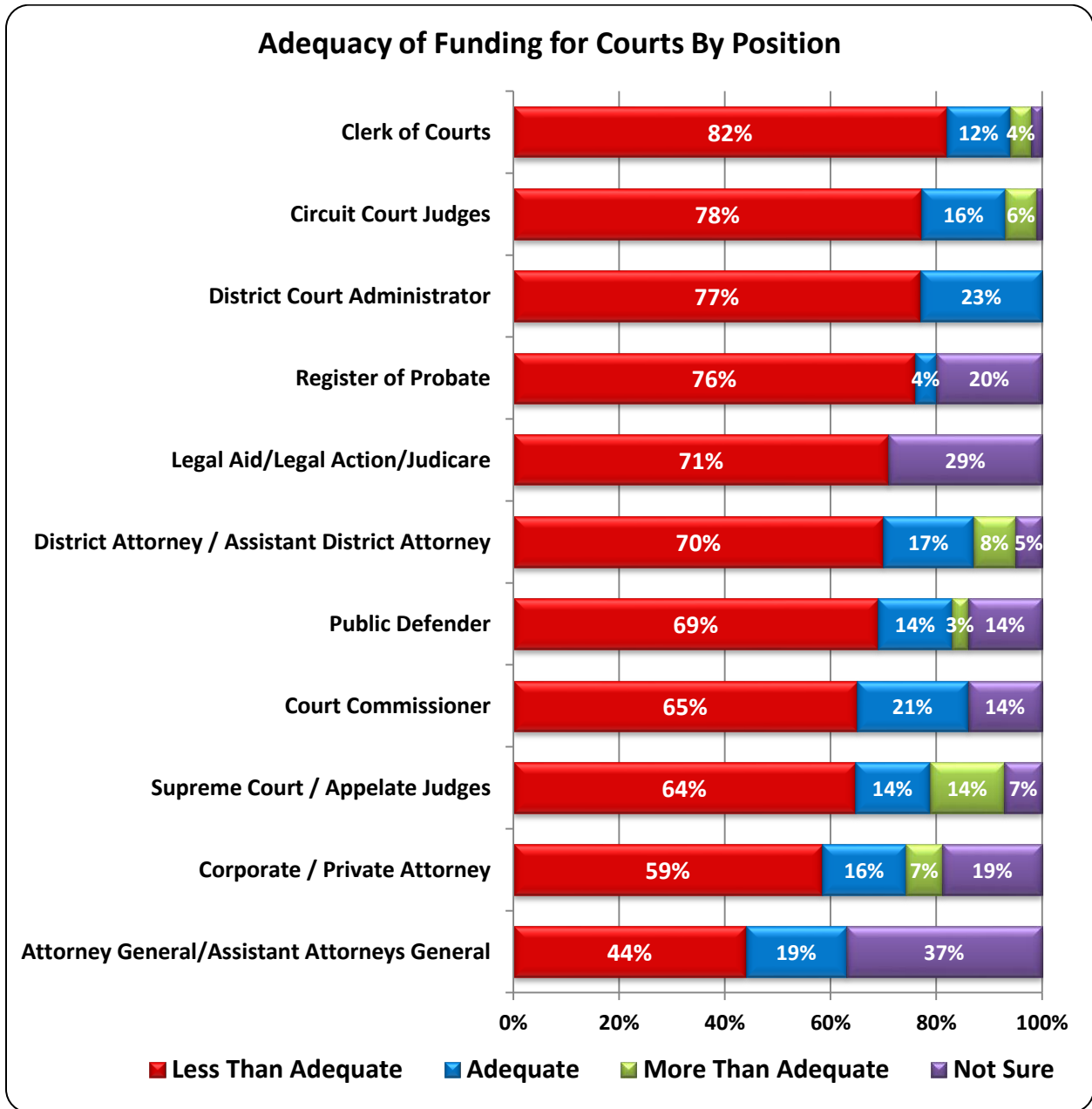
Table 5 below provides the perceptions of the adequacy of overall funding by the primary positions held by respondents in the sample. Those that are most likely to say that the funding is significantly less than adequate include those in the following positions: Legal Aid/Legal Action/Judicare (43%), District Court Administrators (39%), District Attorney/Assistant District Attorneys (33%), Circuit Court Judges (31%) and Public Defenders (30%). It appears that those who are closest to the day-to-day courtroom activities may be more likely to express views that court funding is significantly less than adequate. Those in the Attorney General's office are the most likely to say they are not sure (37%) how adequately the courts are funded. See Table 5 below.

Table 5: Considering Overall Budget for the Courts in your County / Jurisdiction, How Adequate is the Current Funding Level by Primary Position? (Percentages are totaled across the rows)

Primary Position	Significantly Less than Adequate	Moderately Less than Adequate	Slightly Less than Adequate	Adequate	Slightly More than Adequate	Moderately More than Adequate	Significantly More than Adequate	Not Sure
Supreme Court / Appeals Judge	29%	29%	7%	14%	7%	7%	0%	7%
Circuit Court Judge	31	29	18	16	2	3	0	1
Clerk of Courts	22	47	14	12	2	2	0	2
Court Commissioner	23	27	15	21	0	0	0	14
District Court Administrator	39	23	15	23	0	0	0	0
Corporate / Private Attorney	19	20	20	16	2	3	3	19
District Attorney /Assistant District Attorney	33	24	13	17	1	5	3	5
Attorney General / Assistant Attorneys General	7	26	11	19	0	0	0	37
Public Defender	30	23	17	14	1	1	1	14
Legal Aid / Legal Action / Judicare	43	29	0	0	0	0	0	29
Register of Probate	4	40	32	4	0	0	0	20
Other	20	40	20	10	0	0	0	10

Figure 2 below collapses the “adequacy” scale into four categories and presents the results graphically.

Figure 2: Adequacy of Funding for the Courts by Position of Respondent



In order to determine if differences between the various positions are statistically significant it was necessary to collapse the response categories to have a sufficient number of cases in each of the table cells. As seen in Table 6 below 80% of court administrators say that court funding is less than adequate followed by judges at 73% and then lawyers at 64%. Those most likely to say that they are not sure about the adequacy of court funding were those in the lawyer category. The level of statistical significance at less than .01 informs us that we can be 99% confident that administrators are more likely than judges or lawyers to describe the current funding levels as being less than adequate.

Table 6: How Adequate is the Current Funding Level by Primary Position in Court System

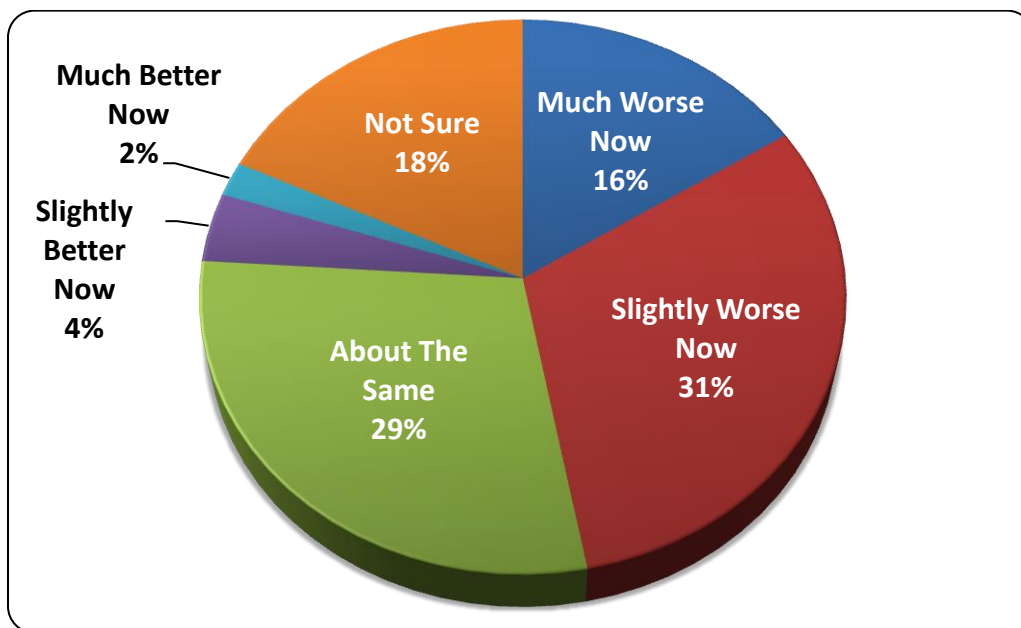
Level of Adequacy	Primary Position in Court System		
	Judges	Lawyers	Administrators
Less Than Adequate	73%	64%	80%
Adequate	17	16	11
More Than Adequate	4	6	2
Not Sure	5	14	7
<i>p < .01</i>			

There are no significant differences in perceived level of adequacy by size of the jurisdiction or based on the number of years the respondent has been in their current position.

Does the Current Level of Court Funding Do a Better or Worse Job at Meeting the Needs of Delivering Court Services Compared to Five Years Ago?

Nearly half (47%) of the respondents say that current levels of funding for the courts do a worse job (much worse, 16%; slightly worse, 31%) at meeting the needs of delivering court services compared to five years ago, 29% say it is about the same, 6% say it is better now (much better, 2%; slightly better, 4%) and 18% are not sure. See Figure 3 below.

Figure 3: Compared to Five Years Ago Does Current Funding Do a Better or Worse Job of Meeting the Needs of Delivering Court Services?



Nearly two-thirds (63%) of those who say overall funding is less than adequate also say that funding levels are doing a worse job at meeting the needs of delivering courts services today compared with five years ago.

Judges and court administrators are somewhat more likely to say that current funding is doing a worse job in helping courts to deliver their services. Sixty-one percent of judges and 57% of administrators say current funding is doing a worse job, compared with 37% of lawyers saying the same. Lawyers are somewhat more likely to say that current funding is doing about the same (36%) job at providing support for the courts to deliver their services or that they are not sure (22%). See Table 7 below.

Table 7: Compared to Five Years Ago, Does the Current Funding Level Do a Better or Worse Job of Meeting the Needs of Delivering Court Services by Primary Position in Court System

Better or Worse	Primary Position in Court System		
	Judges	Lawyers	Administrators
Much Worse	21%	12%	20%
Slightly Worse	40	25	37
About the Same	22	36	21
Slightly Better	3	3	7
Much Better	2	2	0
Not Sure	12	22	15
<i>p < .01</i>			

Those who have not been in their current position for more than five years are naturally less able to make this judgment unless they have moved from one position in the court system to another position within the court system. As a result 44% of those who have been in their current position for 5 years or less say they are not sure if the funding is doing a better or worse job at meeting the needs of delivering court services now compared with five years ago. See Table 8 below.

Table 8: Do the Current Funding Level Do a Better or Worse Job of Meeting the Needs of Delivering Court Services by Length of Time in Position

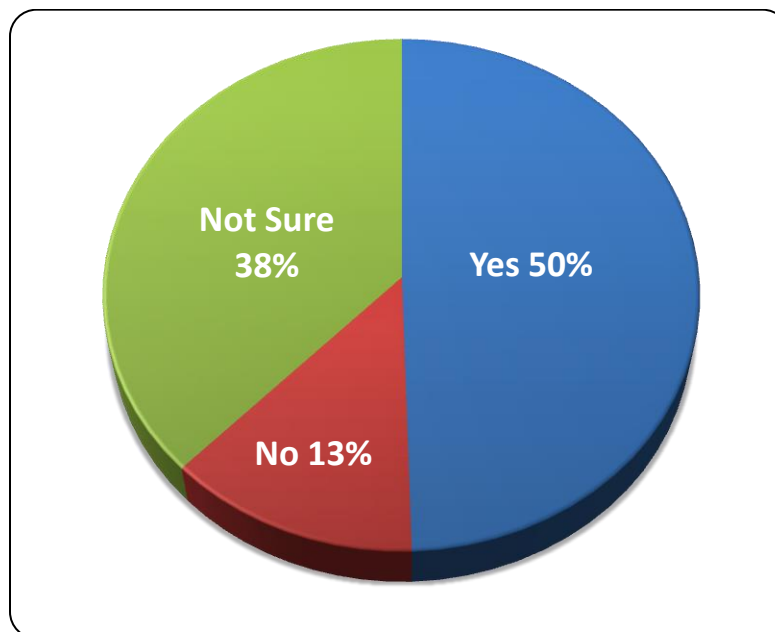
Better or Worse	Length of Time in Current Position			
	5 Years or Less	5 to 7 Years	8 to 10 Years	More Than 10 Years
Much Worse	11%	15%	19%	18%
Slightly Worse	21	33	36	36
About the Same	21	30	32	34
Slightly Better	1	7	4	4
Much Better	2	0	3	2
Not Sure	44	15	6	7
<i>p < .01</i>				

There are no differences in meeting the needs based on size of the county/jurisdiction.

Have Courts in Your County/Jurisdiction Experienced a Situation in Which They Were Underfunded?

Half (50%) of respondents say that courts in their county/jurisdiction have experienced a situation in which their courts were underfunded, 13% say they have not experienced this and 38% are not sure. See Figure 4 below.

Figure 4: Have Courts in Your County/Jurisdiction Experienced a Situation in Which They Were Underfunded?



Respondents who indicated that courts in their county/jurisdiction had experienced underfunding were asked an open-ended question regarding what actions the courts in their county/jurisdiction took to deal with underfunding. Open-ended comments were made by 241 out of 308 who said they had experienced underfunding. Three general themes emerged from the open-ended comments. Below are selected quotes that represent the three themes. See all of the open-ended comments in the Appendix B.

Theme: Consolidated/eliminated positions, programs, and services – freeze hiring.

“Consolidating resources; more collaboration amongst agencies.”

“Courts manage the meager funds by virtually eliminating the use of court commissioners.”

“Cut positions/left positions unfilled.”

“Cutbacks in services and maintenance.”

“Declined to offer the treatment options.”

“Eliminate specialty treatment court and pre-trial treatment options.”

“Hiring freeze on necessary court personnel.”

Theme: Took no action/nothing – made do with less.

“I don’t think they have taken any action. Stagnation.”

“Made do. Stressful for court staff.”

“Make do with less. There has not been any choice. We must address the workload with the resources that are available.”

“Nothing.”

Theme: Requested additional funding.

“Request additional funds from the County to cover extraordinary expenditures beyond the amount budgeted. Request additional funds from the County when courtroom equipment fails and is in need of repair or replacement.”

“Request more funding/resources from the county.”

“Requests made in county budget for additional support for judges and additional clerk of courts staff.”

“The burden was placed on the county taxpayers which impacts funding for other services.”

“We have no choice but to pass the expense on to the taxpayers. Items like counsel appointment, certified interpreters, etc. is out of our hands. We’re told we have to provide these services.”

Judges (58%) more than administrators (50%) or lawyers (45%) are the most likely to say that courts in their county/jurisdiction have experienced a situation in which the courts have been underfunded. Once again lawyers (46%) are the most likely to say that they are not sure, compared with administrators (35%) and judges (25%). In addition, respondents who have been in their position for longer periods of time are more likely to say courts in their county/jurisdiction have experienced underfunding. See Tables 9 & 10 below.

Table 9: Have the Courts Experienced Underfunding by Primary Position in Court System

Courts Experience Underfunding	Primary Position in Court System		
	Judges	Lawyers	Administrators
Yes	58%	45%	50%
No	17	10	15
Not Sure	25	46	35
<i>p < .01</i>			

Table 10: Have Courts Experienced Underfunding by Length of Time in Position

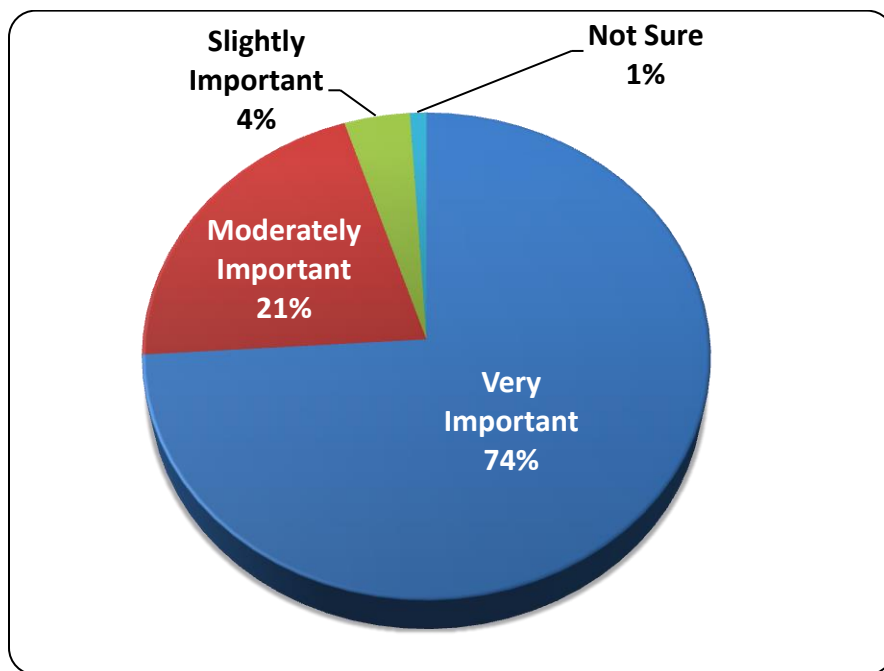
Courts Experience Underfunding	Length of Time in Current Position			
	5 Years or Less	5 to 7 Years	8 to 10 Years	More Than 10 Years
Yes	48%	38%	55%	52%
No	10	9	13	15
Not Sure	43	54	32	33
<i>p < .05</i>				

There are no differences in experienced underfunding based on size of the county/jurisdiction.

How Important is Additional Funding to Meet the Needs of the Court System?

Given the views of respondents who say that the court system funding is inadequate, it is not surprising that respondents also say it is important to have additional funds for the courts. Overall, 74% say that it is very important for the courts to have additional funds to meet the needs of the courts in their jurisdiction, 21% say it is moderately important, 4% say slightly important, 1% report not sure, and none say it is not important. See Figure 5 below.

Figure 5: How Important is Additional Funding to Meet the Needs of the Court System in Your County/Jurisdiction?



Respondents from larger population areas tend to say that it is very important to provide additional funding to meet the needs of the court system in their areas. Among those in areas with populations over 250,000, 82% say it is very important to have additional funding compared with 66% of those in population areas of 50,000 or less saying the same. See Table 11 below.

Table 11: How Important is Additional Funding by Population of County/Jurisdiction

Level of Importance	Population of County/Jurisdiction			
	50,000 or Less	50,001 to 100,000	100,001 to 250,000	Over 250,000
Very Important	66%	75%	70%	82%
Moderately Important	28	23	25	12
Slightly Important	3	3	5	6
Not Important	0	0	0	0
Not Sure	3	0	0	0

There are no differences in level of importance by position in the court system or length of time the respondent had been in their position.

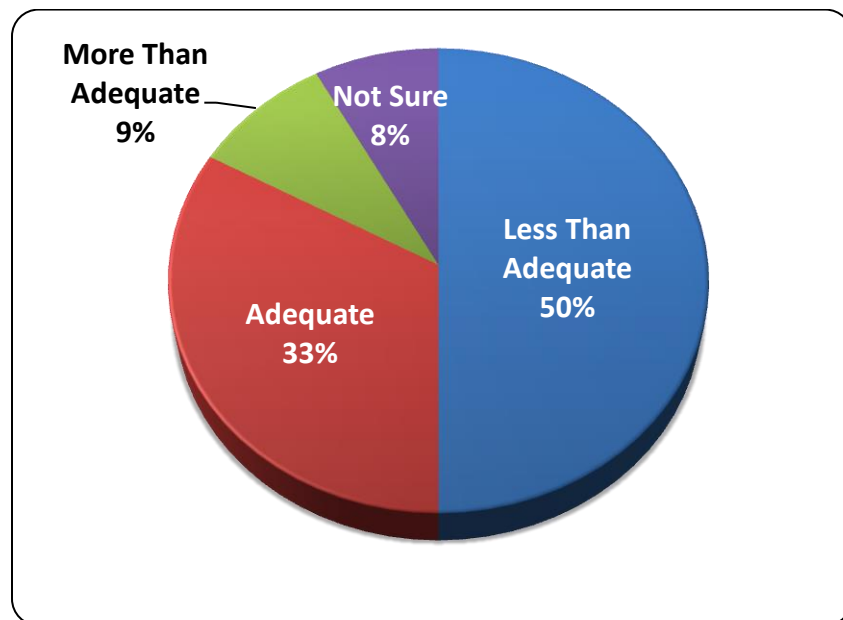
ADEQUACY OF FUNDING FOR JUDICIAL STAFF

The survey asked participants to evaluate the adequacy of staffing for a variety of areas within the State judicial system. Respondents assessed the level of staffing for the following: judges, court reporting, interpreters, clerks, security staff, county funded mediation services, court appointed attorneys, court appointed experts, and guardian ad litem. Additionally, respondents were given the opportunity to assess the sufficiency of staff levels in areas not specifically listed. Respondents who indicated that staffing was less than adequate for a particular category were also given the opportunity to provide an example illustrating a problem or difficulty created by insufficient staffing levels.

Security Staff

Among the categories listed above, respondents indicated that inadequate staffing was most acute in the area of security services. Half of respondents (50%) say that staffing is less than adequate. See Figure 6 below.

Figure 6: How Adequate is Staffing for: Security Staff?



Administrators (62%) and judges (58%), more so than lawyers (43%) found the adequacy of security staffing an issue of concern. See Table 12 below. Among lawyers, district and assistant district attorneys voice the most concern about staffing levels for security, 68% of who note that staffing is less than adequate. Less than one-third of those who identify as part of the public defense bar (31%) or the Office of the Attorney General (30%) share this position.

Table 12: Security Staffing Adequacy by Primary Position in Court System

Level of Adequacy	Primary Position in Court System		
	Judges	Lawyers	Administrators
Less Than Adequate	58%	43%	62%
Adequate	32	33	32
More Than Adequate	5	14	3
Not Sure	5	10	4
<i>p < .01</i>			

Worries about the adequacy of security staffing appear as a greater concern to those employed in small counties and jurisdictions than larger. Sixty percent of respondents working in districts with a population between 50,001 and 100,000 residents found staffing in this area less than adequate followed closely by those in districts of 50,000 or less (56%). In counties and jurisdictions larger than 250,000, 42% percent of respondents found security staffing less than adequate. Interestingly, 17% of those employed in these largest jurisdictions were not sure of the adequacy of security staffing levels, compared to just 3% in the two smallest jurisdictional categories. See Table 13 below.

Table 13: Security Staffing Adequacy and Population of County/Jurisdiction

Level of Adequacy	Population of County/Jurisdiction			
	50,000 or less	50,001 to 100,000	100,001 to 250,000	Over 250,000
Less Than Adequate	56%	60%	49%	42%
Adequate	38	27	33	31
More Than Adequate	3	10	13	10
Not Sure	3	3	4	17
<i>p < .01</i>				

Written comments from 214 respondents out of 288 possible respondents reveal three themes which illustrate the issues related to inadequate security staffing. Below are selected quotes that represent the three themes. See all of the open-ended comments in the Appendix B.

Theme: Little or no security/security staff available to control admission to courthouse.

“Anyone can enter this building without any kind of check and can go into any office.”

“Security staff not always present on day to day basis because of budgeting issues.”

“The metal detector isn’t staff [sic] every day and we don’t always have security in the courtrooms because they’re just not available.”

Theme: Dangerous/potentially dangerous situations and disturbances occur without necessary security available.

“Fights, disorderly situation, intimidations, and yelling develop in the hallways and disruptions also occur in the gallery area.”

“No idea what’s coming into the courthouse.”

Theme: Delays to case and court processes.

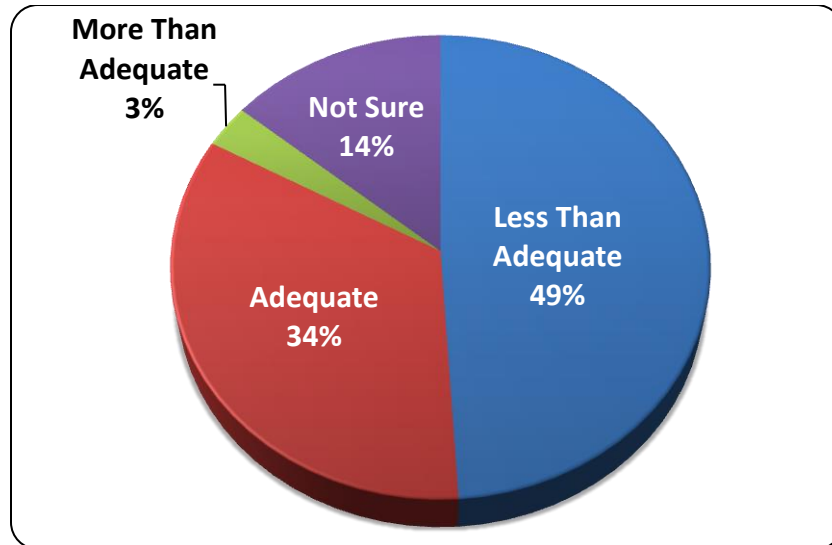
“Delays in juror timeliness and availability because of long entry lines to courthouse.”

“Delays due to insufficient security staff to move inmates into court.”

Interpreters

A large plurality of respondents note that staffing for interpreters is inadequate (49%). Slightly more than a third (34%) find staffing levels appropriate in this area. See Figure 7 below.

Figure 7: How Adequate is Staffing for: Interpreters?



Judges (55%) and lawyers (49%) indicate higher levels of concern than administrators (35%). Nearly half (49%) of administrators who responded find staffing levels for interpreters adequate. See Table 14 below.

Table 14: Interpreter Adequacy by Primary Position in Court System

Level of Adequacy	Primary Position in Court System		
	Judges	Lawyers	Administrators
Less Than Adequate	55%	49%	35%
Adequate	35	28	49
More Than Adequate	2	4	1
Not Sure	7	19	15
<i>p < .01</i>			

When responses from the subcategories of lawyers who participated are examined, a majority of both district attorneys and assistant district attorneys (57%) and public defenders and contract attorneys with the public defender office (59%) believe that staffing levels for interpreters is less that adequate. Only 35% of corporate or private practice attorneys and 30%

of lawyers who are employed in the Office of the Attorney General say the funding is less than adequate. Among the latter group, 65% are indicate they are unsure if staffing is adequate or not.

Staffing concerns for interpreters raised the fewest concerns among respondents from the smallest counties and jurisdictions in the State. Forty-six percent of respondents from areas with 50,000 or less residents indicate adequate levels of staffing. Nearly the same percentage (47%) of respondents in jurisdictions exceeding a quarter of a million residents say that interpreter staffing is inadequate. Clear majorities from the mid-sized counties indicated staffing issues in this area including 53% from jurisdictions with 50,001 to 100,000 and 57% in jurisdictions with 100,001 to 250,00. See Table 15 below.

Table 15: Interpreter Adequacy and Population of County/Jurisdiction

Level of Adequacy	Population of County/Jurisdiction			
	50,000 or less	50,001 to 100,000	100,001 to 250,000	Over 250,000
Less Than Adequate	39%	53%	57%	47%
Adequate	46	38	29	26
More Than Adequate	1	5	5	3
Not Sure	15	4	10	24
$p < .01$				

Just under three-quarters of respondents (205 out of 277) offer additional insights through written comments, revealing a pair of interrelated concerns. Examples of the themes are presented below. See all of the open-ended comments in Appendix B.

Theme: Case delays resulting from an inadequate number of interpreters.

“Delays in, and postponement of, hearings when all parties are present due to a lack of available interpreters.”

“Long waits for interpreters who have to serve multiple courtrooms. Scheduling of cases too far into the future (undue delays) to accommodate interpreters’ overloaded schedules.”

Theme: Lack of qualified/quality/certified interpreters.

“We don’t have enough [interpreters] that are certified for court.”

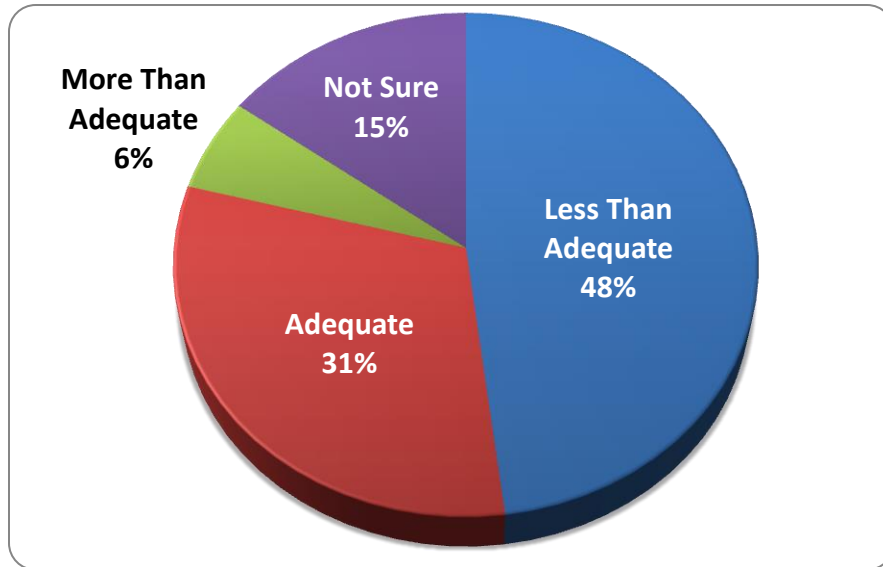
“Interpreters are scarce and of low quality. When a defendant and a witness both need interpreters, cases are always delayed as courts attempt to find enough interpreters available and willing. And few are ‘certified.’ (Spanish interpreters are generally available [sic], every other language prove [sic] elusive and unqualified.)”

It should be noted that there were a small number of responses that indicate that the use of technology to mitigate some of the difficulties identified in this area were not particularly useful or helpful.

Court Appointed Attorneys

A large plurality of respondents also find that staffing in the area of court appointed attorneys is inadequate (48%). See Figure 8 below.

Figure 8: How Adequate is Staffing for: Court Appointed Attorneys?



These data reveal that, by a large margin, judges (58%), more than lawyers (43%) or administrators (43%) perceive a problem in this area. A larger number of administrators believe that staffing for court appointed attorneys is adequate (43%) or more than adequate (5%) than those who take the position that staffing is less than adequate. It should be noted that more than one in five lawyers (21%) are not sure if levels of court appointed attorneys is adequate. See Table 16 below.

Table 16: Court Appointed Attorney Adequacy by Primary Position in Court System

Level of Adequacy	Primary Position in Court System		
	Judges	Lawyers	Administrators
Less Than Adequate	58%	43%	43%
Adequate	30	29	43
More Than Adequate	4	8	5
Not Sure	8	21	9
<i>p < .01</i>			

Of the 272 respondents who reported current staffing as less than adequate in this area, 175 offered comments that coalesced around two related themes. A complete catalog is provided in Appendix B.

Theme: Compensation Related Concerns.

“Court staff has a difficult time finding court appointed attorneys to take cases due to the rate of pay, which doesn’t attract attorneys to accept cases.”

“Some attorneys are unwilling to take case [sic] because the pay rate is too low and they are not getting paid in a timely manner from the county.”

Theme: Case delays/backlogs.

“The most significant problem is the delays it causes in getting cases through the courts. My concern is that victims have the right to have their cases concluded as quickly and fairly as possible. With the constant delays in getting attorneys assigned to represent defendants it causes significant delays in concluding the cases which make the victims feel re-victimized.”

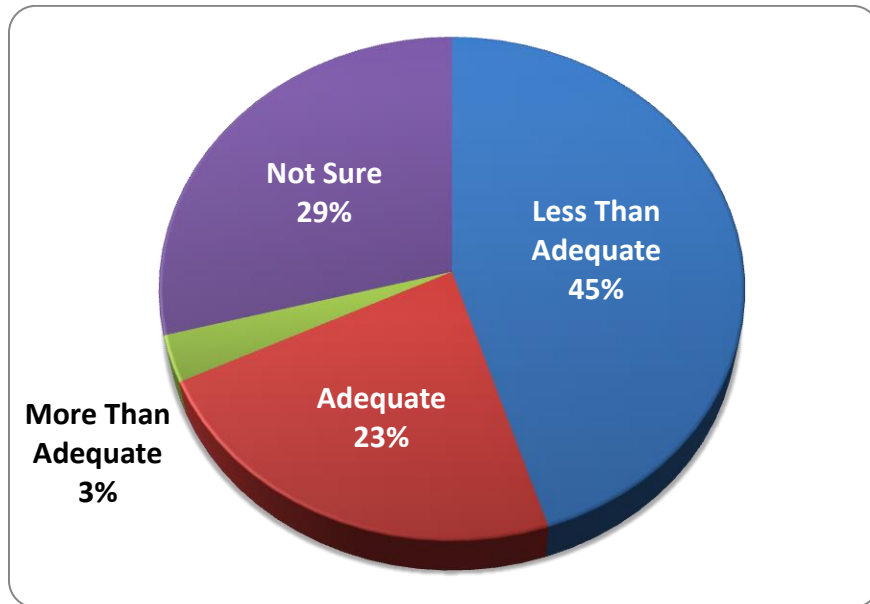
“In more serious criminal cases there are long waits for a qualified attorney to be appointed.”

“Cases drag out longer due to delays in appointing and working cases.”

Court Appointed Experts

A similar, but smaller, plurality of respondents (45%) indicates that availability of court appointed experts was less than adequate. While 26% held the view that staffing levels in this category were adequate or more than adequate, 29% were unsure about the sufficiency of expert staff. See Figure 9 below.

Figure 9: How Adequate is Staffing for: Court Appointed Experts?



The opinions of administrators are almost evenly split with 33% noting that expert staffing is less than adequate, 32% concluding that it is adequate or more than adequate, and 35% who are unsure. Nearly half of judges (48%) and 46% of lawyers find staffing in this area inadequate, although judges (30%) more than lawyers (22%) conclude that staff levels are adequate or more than adequate. See Table 17 below.

Table 17: Court Appointed Experts Adequacy by Primary Position in Court System

Level of Adequacy	Primary Position in Court System		
	Judges	Lawyers	Administrators
Less Than Adequate	48%	46%	33%
Adequate	29	17	31
More Than Adequate	1	5	1
Not Sure	22	32	35
<i>p < .01</i>			

A review of the opinion of lawyers based upon narrower categories of their primary role reveals that public defenders and contract attorneys working for the public defender are significantly more concerned that staffing in this area is less than adequate (68%). Only 42% of corporate or private attorneys share this opinion, followed by 40% of district and assistant district attorneys. Just one in five (20%) who work for the Attorney General indicate that staffing is less than adequate.

While there is no statistically significant difference among respondents from variously sized counties and jurisdictions, there is when we view the opinions of those who have served in their positions for longer or shorter periods of time. Those hired more recently (less than 5 years and 5 to 7 years) are more likely to be unsure about the adequacy of staffing in this area, and demonstrate less concern that staffing levels are inadequate. Employees with longer tenure on the job register the opinion that court appointed staffing is less than adequate at much higher rates. For those who have worked 8 to 10 years in the same position, 60% believe staffing is inadequate while 46% of those employed more than ten years on the job hold the same opinion. In the latter category, 26%, however, are not sure about the adequacy of expert staffing. See Table 18 below.

Table 18: Court Appointed Experts Adequacy by Length of Time Served

Level of Adequacy	Length of Time Served in Current Position			
	Less than 5 years	5 to 7 years	8 to 10 years	More than 10 years
Less Than Adequate	39%	36%	60%	46%
Adequate	22	22	19	24
More Than Adequate	3	2	3	4
Not Sure	37	41	18	26
<i>p < .05</i>				

A single, general, theme emerged from the comments offered by 144 respondents out of 255 who indicate that expert staffing is less than adequate. See Appendix B for the complete list from which the following select comments were culled.

Theme: Lack of funding limits use/appointment of experts.

“In many cases courts will not appoint experts, which the clients cannot afford. Here again, the defense suffers and clients get convicted because of their poverty.”

“Court doesn’t want to appoint an expert if it comes from the Court’s budget.”

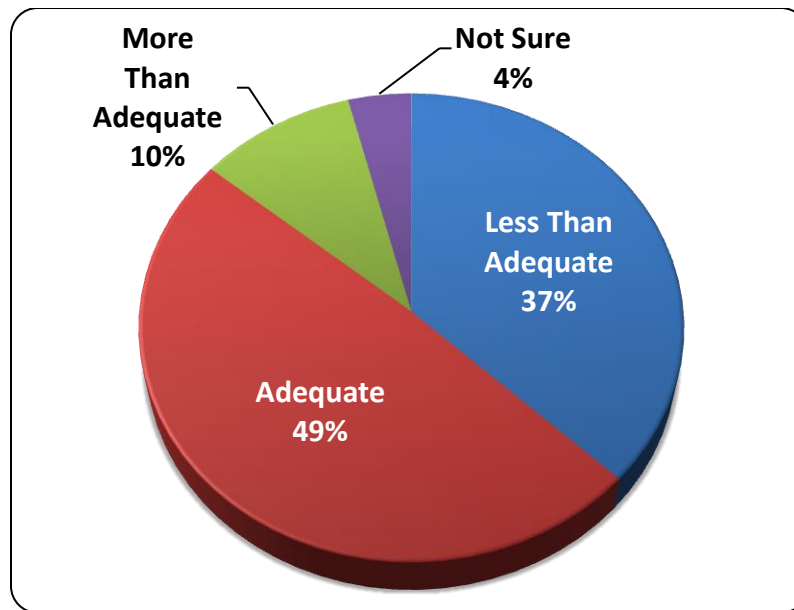
“Issues not fully developed because of a reluctance of court officials to spend money on experts.”

“Judges are loath to appoint experts and keep costs down when they do. In some cases, this means the court will not adequately hear a dispute.”

Judges

More than half of respondents (59%) indicate that staff level for judges is adequate or more than adequate while 37% say that staffing is less than adequate. See Figure 10 below.

Figure 10: How Adequate is Staffing for: Judges?



Judges are more likely to point out inadequacies in staffing (42%), although a majority (55%) notes that staffing is adequate or more than adequate. See Table 19 below.

Table 19: Judges Adequacy by Primary Position in Court System

Level of Adequacy	Primary Position in Court System		
	Judges	Lawyers	Administrators
Less Than Adequate	42%	38%	25%
Adequate	52	42	65
More Than Adequate	3	14	9
Not Sure	3	6	1
<i>p < .01</i>			

The size of the jurisdiction or county in which the respondent works has an impact on the opinion on the staff level of judges. In areas with less than 50,000 residents, 61% find the number of judges adequate. In jurisdictions exceeding 250,000, 43% indicate inadequate levels while 51% signify that the levels are adequate or more than adequate. See Table 20 below.

Table 20: Judges Adequacy and Population of County/Jurisdiction

Level of Adequacy	Population of County/Jurisdiction			
	50,000 or less	50,001 to 100,000	100,001 to 250,000	Over 250,000
Less Than Adequate	29%	34%	39%	43%
Adequate	61	53	43	43
More Than Adequate	6	10	14	8
Not Sure	4	3	4	6
<i>p < .05</i>				

Three interrelated themes are evident among the responses from 162 out of 215 individuals who indicate that staffing is less than adequate in this area. A complete set of answers is available in Appendix B.

Theme: A general lack of judges.

“Because we need an additional judge, not only is the judge overworked, but so are the court reported [sic] and judicial assistance [sic], who are doing more than full time work (obviously with far less income than the judge. It’s not fair to them.”

“My county does not have enough judges to handle the caseload.”

Theme: Backlog of cases/crowded calendars.

“Calendars are more clogged leaving less time for decision making, research, specialty courts and expeditions [sic] resolutions of cases. Trials are stacked.”

“Court calendars are full to capacity. Court dates must in some cases be scheduled six months or more into the future.”

Theme: Inability to recruit/retain qualified judges.

“Some very talented and relatively young judges have left the bench due to inadequate salaries and many very well qualified attorneys can’t afford to leave their practice with current compensation.”

“I do not believe that the current rate of pay for WI judges attracts and retains the top qualified attorneys in our area.”

County Funded Mediation Services

Respondents provide a somewhat mixed opinion regarding staffing for mediation services. Thirty-six percent say they are not sure how adequate staff are in this area, including 52% of lawyers. Those who believe mediation staff is adequate or more than adequate include 27% of the total while 37% believe staff is less than adequate—an opinion held by a majority (52%) of the judges who participated. See Figure 11 and Table 21 below.

Figure 11: How Adequate is Staffing for: County Funded Mediation Services?

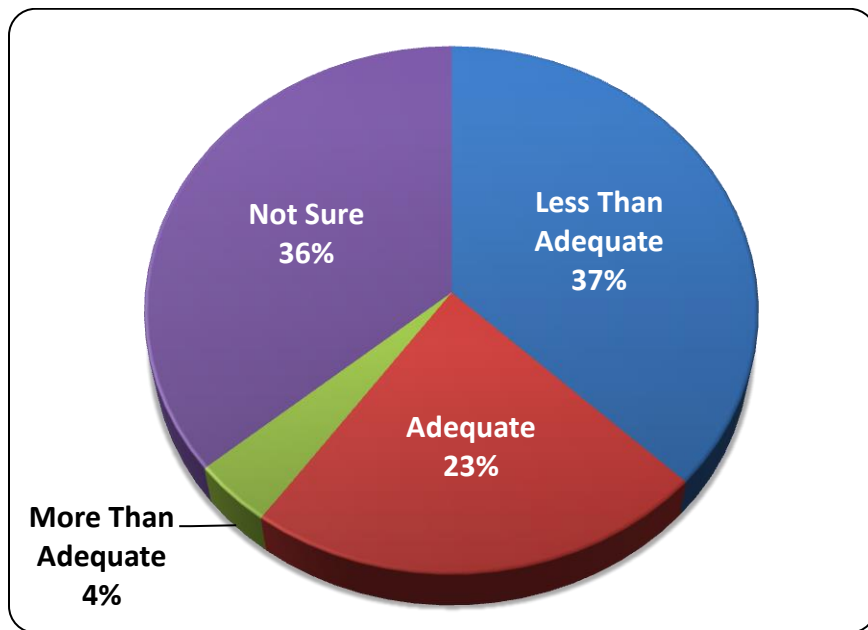


Table 21: County Funded Mediation Services Adequacy by Primary Position in Court System

Level of Adequacy	Primary Position in Court System		
	Judges	Lawyers	Administrators
Less Than Adequate	52%	30%	33%
Adequate	32	14	40
More Than Adequate	2	5	4
Not Sure	14	52	23
<i>p < .01</i>			

Approximately one-third of those responding from the three largest categories of counties and jurisdictions (50,001 to 100,000 [35%], 100,001 to 250,000 [34%], and larger than 250,000 [35%]) found mediation service staffing to be less than adequate. That number grew to 45% in

counties with a population below 50,000. The number of respondent who indicated they were not sure about the adequacy of staffing grew significantly from the smallest counties (24%) to the largest (48%). See Table 22 below.

Table 22: County Funded Mediation Services Adequacy and Population of County/Jurisdiction

Level of Adequacy	Population of County/Jurisdiction			
	50,000 or less	50,001 to 100,000	100,001 to 250,000	Over 250,000
Less Than Adequate	45%	35%	34%	35%
Adequate	30	24	28	13
More Than Adequate	1	4	7	4
Not Sure	24	36	31	48
<i>p < .01</i>				

Those who indicate that there are inadequacies in this area and provided comments (130 out of a possible 209) can be divided in to two general camps. Complete commentary is available in Appendix B.

Theme: Limited or no mediation services available.

“I’m not aware of our county having county funded mediation for anything besides small claims cases and those are mediated by volunteers.”

“Our county has NO county funded mediation services.”

“Right now mediation is non-existent. County pulled their funding. Stated that any mediation is private pay or seek grants. But there are no grant writers.”

Theme: Cases delayed/Fewer cases settled.

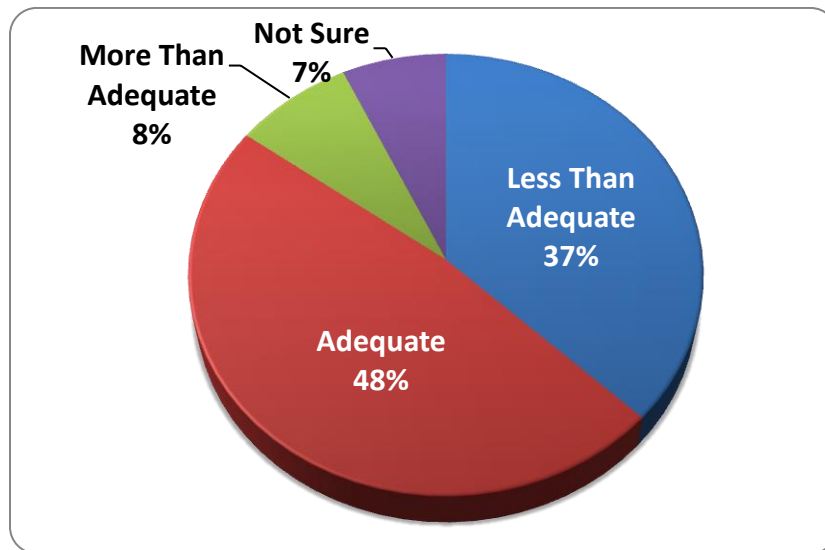
“Cases take more time to resolve which could have resolved quicker through mediation.”

“We have more trials that take up more court time resulting in cases not being heard as timely as they should.”

Clerks

More than half of survey participants (56%) indicate that staffing clerk positions is either adequate or more than adequate. Less than adequate is the choice of 37% of respondents while only 7% indicated they are unsure about the quality of staffing in the area. See Figure 12 below.

Figure 12: How Adequate is Staffing for: Clerks?



Lawyers appear most convinced that the number of clerks is adequate, with only 29% selecting less than adequate. Judges (48%) as well as administrators (43%) show a greater willingness to assess clerk staffing as less than adequate. See Table 23 below.

Table 23: Clerks Adequacy by Primary Position in Court System

Level of Adequacy	Primary Position in Court System		
	Judges	Lawyers	Administrators
Less Than Adequate	48%	29%	43%
Adequate	44	49	52
More Than Adequate	4	12	4
Not Sure	5	10	1
<i>p < .01</i>			

The perceived adequacy in this category varied some based upon jurisdiction size. Respondents from the smallest counties (less than 50,000 residents) were more likely to find clerk staffing adequate or more than adequate (64%). Respondents from the largest counties (those over

250,000) are the only group in which the majority do not find staffing adequate or more than adequate. Instead, 36% find clerk staffing less than adequate while 15% are not sure. See Table 24 below.

Table 24: Clerks Adequacy and Population of County/Jurisdiction

Level of Adequacy	Population of County/Jurisdiction			
	50,000 or less	50,001 to 100,000	100,001 to 250,000	Over 250,000
Less Than Adequate	33%	37%	41%	36%
Adequate	53	51	48	42
More Than Adequate	11	8	8	7
Not Sure	4	4	3	15
<i>p < .01</i>				

Two broad themes emerge from the responses of 155 individuals out of 212 who responded that clerk staffing was less than adequate. See Appendix B for a complete catalog of responses.

Theme: Insufficient number of trained clerks leading to delays/overworked staff.

“Staffing is my biggest issue. We do not have enough trained deputies to adequately staff our courts.”

“Coverage of front counter, for courts, entering documents, deputy clerks—these are stretched beyond their limits, level and quality of service is in jeopardy and will continue to decrease.”

“The clerks we have are so over-worked that they have to put in significant overtime to keep up with their work. If they are in court for significant amounts of time, the work on their desks gets back-logged and puts them in positions where they have to say [sic] and work over-time hours without being paid over-time pay. Having more clerks would also allow them to specialize which would assist in moving cases through the system much more quickly and assure the paperwork coming out of the Clerk’s Office.”

Theme: High turnover/unfilled positions because of low wages/low budgets.

“Insufficient funding causes turnover as they opt to transfer to higher paying county jobs. This causes expensive specialized training of a new employee who may transfer as soon as trained.”

“It is hard to keep clerks because of pay scale for such difficult jobs by in-court clerks.”

Guardians Ad Litem

Respondents have a mixed opinion regarding staffing for guardians ad litem. More than a quarter (27%) of survey participants indicate they are not sure if staffing is adequate in this area—although this uncertainty comes mainly from the 43% of lawyers who answered in this manner. Forty percent of respondents indicated that staffing levels were adequate or more than adequate, while 33% believe it to be less than adequate. Judges (45%), more than administrators (41%) or lawyers (24%), believe that guardian ad litem staffing is not adequate. A majority of administrators (54%) take the position that staff levels are adequate or more than adequate. See Figure 13 and Table 25 below.

Figure 13: How Adequate is Staffing for: Guardians Ad Litem?

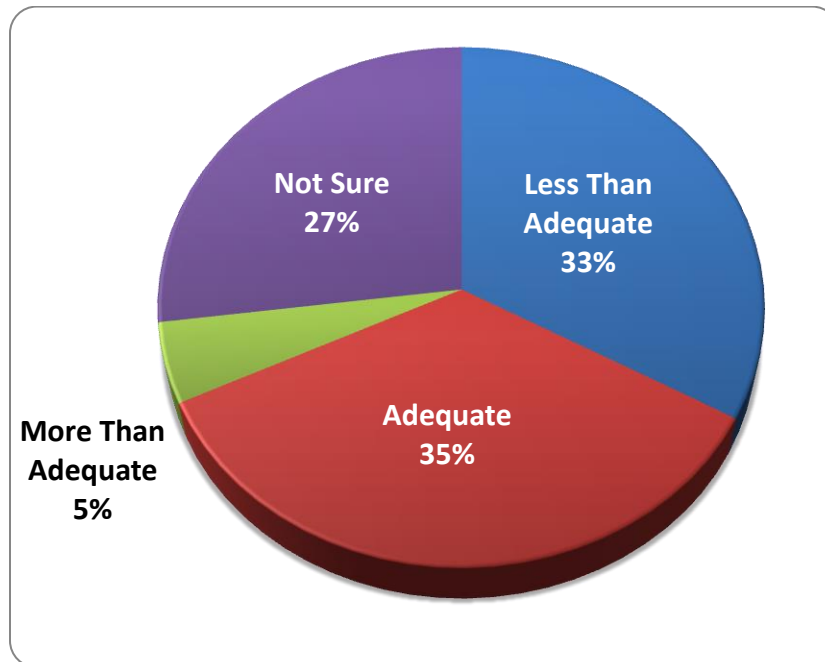


Table 25: Guardians Ad Litem Adequacy by Primary Position on Court System

Level of Adequacy	Primary Position in Court System		
	Judges	Lawyers	Administrators
Less Than Adequate	45%	24%	41%
Adequate	43	27	51
More Than Adequate	3	6	3
Not Sure	9	43	6
<i>p < .01</i>			

There is a significant difference among jurisdictions of different sizes. The smallest, those with less than 50,000 in population, have the largest percentage of individuals (42%) who claim that guardian ad litem staffing is less than adequate. No jurisdiction, large or small, has a majority that believes staffing is adequate or more than adequate in this area. Nearly a majority (45%) of those who participated from counties with more than 250,000 residents were unsure of staffing levels in this category. See Table 26 below.

Table 26: Guardians Ad Litem Adequacy and Population of County/Jurisdiction

Level of Adequacy	Population of County/Jurisdiction			
	50,000 or less	50,001 to 100,000	100,001 to 250,000	Over 250,000
Less Than Adequate	42%	23%	40%	24%
Adequate	39	44	36	27
More Than Adequate	5	5	6	4
Not Sure	14	28	19	45
<i>p < .01</i>				

The themes apparent in the comments of 110 respondents out of 186 who hold that staffing in this area is less than adequate mirrors the themes uncovered for the clerk staff. Appendix B contains a list of all responses.

Theme: Low compensation/Lack of individuals who want to take cases.

“Attorneys with experience as guardians ad litem have quit taking appointments due to low compensation.”

“Few attorneys willing to accept the county rate of pay.”

“Guardians ad litem sometimes do not get paid resulting in them being more hesitant to take cases in the future.”

Theme: Lack of qualified guardians ad litem.

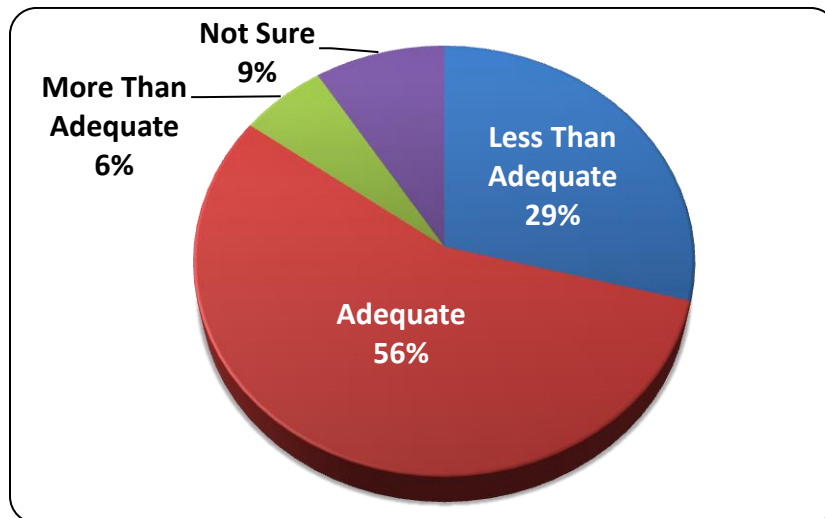
“Family and guardianship GALs are often inexperienced and rotate off the list quickly.”

“Lack of experienced attorneys willing to act to continue as guardians ad litem.”

Court Reporting

Survey participants by large margins believe that staffing for court reporters is adequate or more than adequate (62%). Less than a third (29%) say that staff is less than adequate while only 9% are unsure. See Figure 14 below.

Figure 14: How Adequate is Staffing for: Court Reporting?



These majorities are consistent across all job classifications and tenure of service in current position. With the exception of respondents from the largest counties, majorities from all jurisdictions believe that staffing is adequate for court reporters. Forty-eight percent of respondents from counties with populations over 250,000 believe that court reporting is adequate or more than adequate while 35% say it is less than adequate and 17% noting they are not sure. Forty percent of those who answered from counties with a population of 100,001 to 250,000 also indicate that court reporter staffing is less than adequate. See Tables 27 and 28 below.

Table 27: Court Reporting Adequacy by Primary Position in Court System

Level of Adequacy	Primary Position in Court System		
	Judges	Lawyers	Administrators
Less Than Adequate	38%	28%	17%
Adequate	53	52	73
More Than Adequate	2	8	7
Not Sure	6	12	3
<i>p < .01</i>			

Table 28: Court Reporting Adequacy and Population of County/Jurisdiction

Level of Adequacy	Population of County/Jurisdiction			
	50,000 or less	50,001 to 100,000	100,001 to 250,000	Over 250,000
Less Than Adequate	21%	15%	40%	35%
Adequate	71	74	47	41
More Than Adequate	3	6	8	7
Not Sure	5	5	6	17
<i>p < .01</i>				

Three themes are revealed by comments from 122 of the 168 individuals who selected less than adequate for this category. A full accounting of comments is available in Appendix B.

Theme: Delay of transcripts.

“Reporters frequently need transcript extensions because they spend so much time in the courtroom. When too many are out it can be difficult to get a substitute.”

“We are unable to provide reporters with relief from court time so they can work on transcripts which has resulted in significant delays at the Court of Appeals. Reporters are having to file an increasing number of transcript extension requests. Attorneys are complaining about delays in getting transcripts they need to proceed in cases.”

Theme: Limited number of court reporters/substitution of technology.

“We are using a recording devise [sic]...transcription very difficult.”

“Tape recordings are used more. Some hearings are not recorded inadvertently, and some recordings are indecipherable.”

“Difficulty finding court reporters for hearings.”

Theme: Delayed payments for transcripts.

“Court reporters are being delayed their payments by the Public Defender’s office for transcript fees. These delays can be months and hundreds to thousands of dollars.”

“The court reported [sic] are not being paid by the State Public Defender’s office for transcripts ordered. The wait time for payment is as long as 6 months at this point in time. That is not right. The reasonable commercial period of time in which to pay invoices is 30 days under the Uniform Commercial Code.”

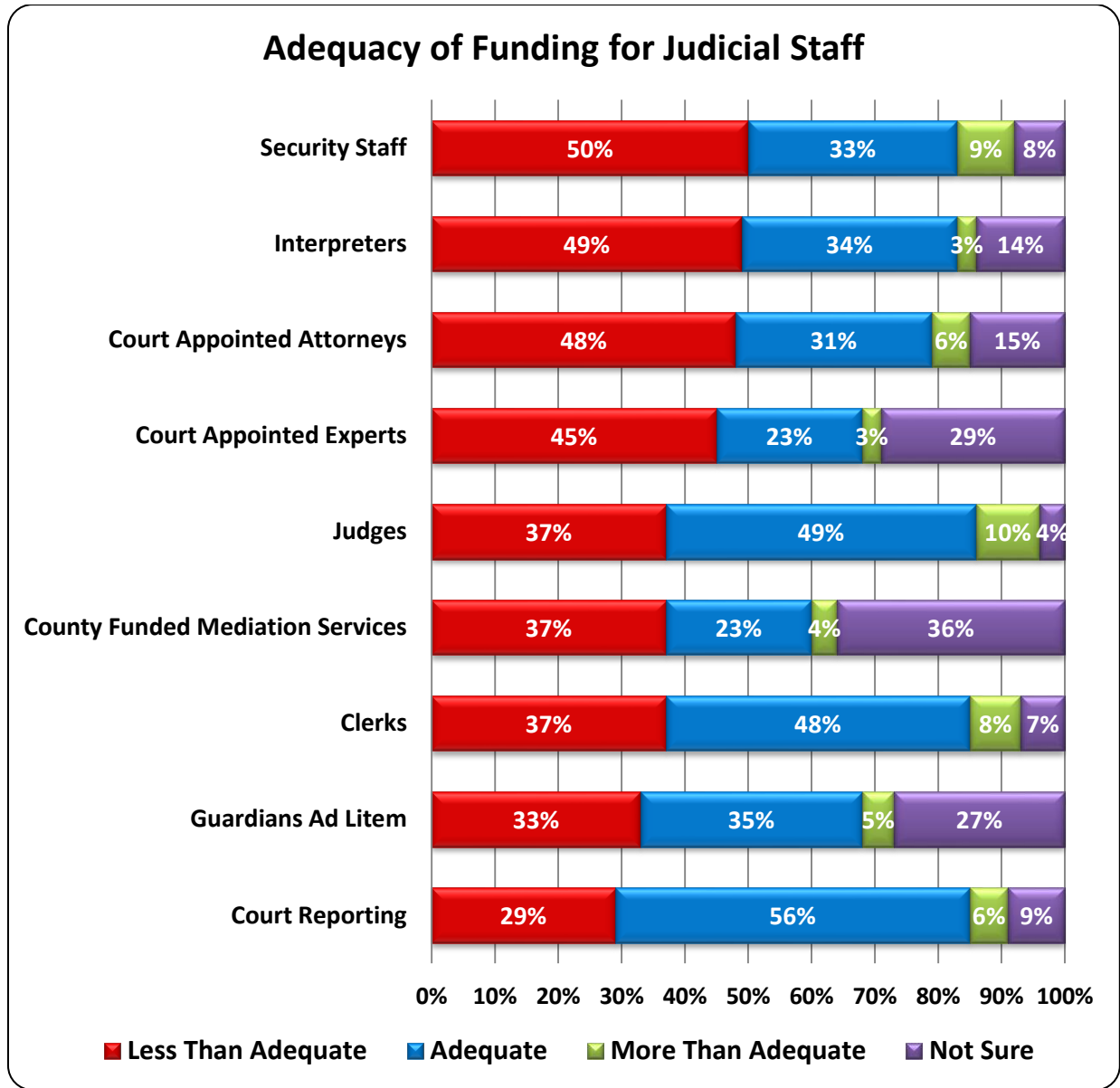
Other

Twenty-nine respondents offered additional insight into staffing adequacy in open-ended responses. There is no clear pattern to the answers provided. The comments are provided in Appendix B.

Summary Figure

Figure 15 displays a summary of the data described in the section above.

Figure 15: Adequacy of Funding for Judicial Staff



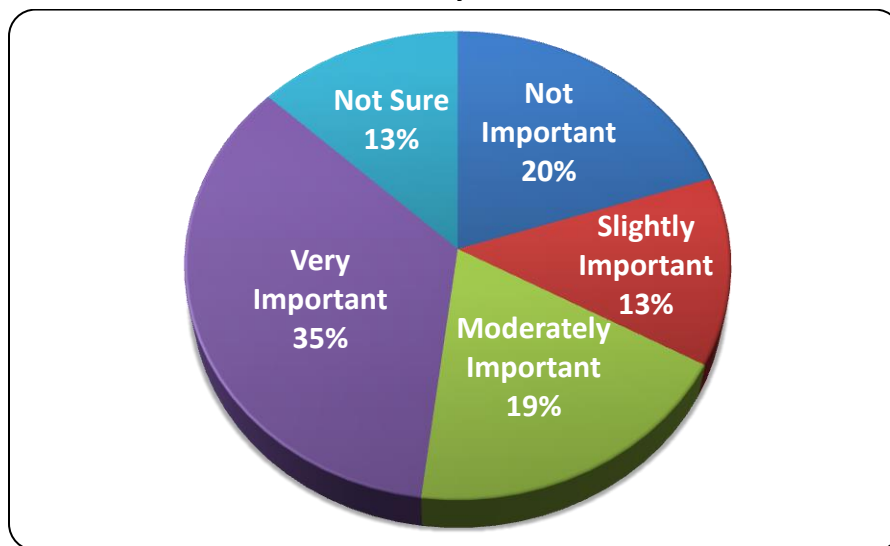
IMPORTANCE OF ADDITIONAL FUNDING FOR JUDICIAL STAFF

The survey additionally asked participants to evaluate the need and importance of additional funding for a variety of areas within the State judicial system. Again, respondents assessed a number of categories including: judges, court reporting, interpreters, clerks, security staff, county funded mediation services, court appointed attorneys, court appointed experts, and guardian ad litem. Survey participants also were given the opportunity to assess the need for additional funding in areas not specifically listed.

Security Staff

Among the nine specific categories, respondents indicate that additional funding is most needed in the area of security staff. More than a third of those who answered (35%) note that greater funding is very important while an additional 19% hold that the need for more funding is moderately important. Few were unsure (13%) and one-fifth of respondents believed additional funding is not important (20%). See Figure 16 below.

Figure 16: How Important is Additional Funding to Meet the Needs of: Security Staff?



Exactly half of the administrators (50%) believe the addition of funding for security is very important followed by judges at 37% and lawyers at 29%. A quarter of the lawyers (25%) and 19% of the judges, however, say that added appropriations are not important at all. See Table 29 below.

Table 29: Additional Funding for Security Staff by Primary Position in Court System

Level of Importance	Primary Position in Court System		
	Judges	Lawyers	Administrators
Not Important	19%	25%	7%
Slightly Important	14	13	12
Moderately Important	21	16	26
Very Important	37	29	50
Not Sure	9	17	5
<i>p < .01</i>			

When examining the various subcategories of lawyers who responded, district and assistant district attorneys are more likely to indicate that additional funding is necessary in this area. Forty-seven percent of those in this sub-group indicate that more funding is very important while 19% more believe that additional funding is moderately important. Less than 25% of respondents who work as public defense council (22%), as corporate or private practice attorneys (13%), or the Office of the Attorney General indicate that greater appropriations in this area are very important.

When viewed by size of jurisdiction, half of respondents (50%) from areas with 50,001 to 100,000 residents say added funding is very important followed by those from the smallest counties (less than 50,000), 37% of whom hold this opinion. Neither of the two largest jurisdictions (100,001 to 250,000 [32%] and those over 250,000 [26%]) had more than a third of respondents indicate that more funding was very important. More than one-fifth (22%) of those who work in the largest counties were not sure if additional funds were necessary, nearly twice as large as the response from other, smaller, areas. See Table 30 below.

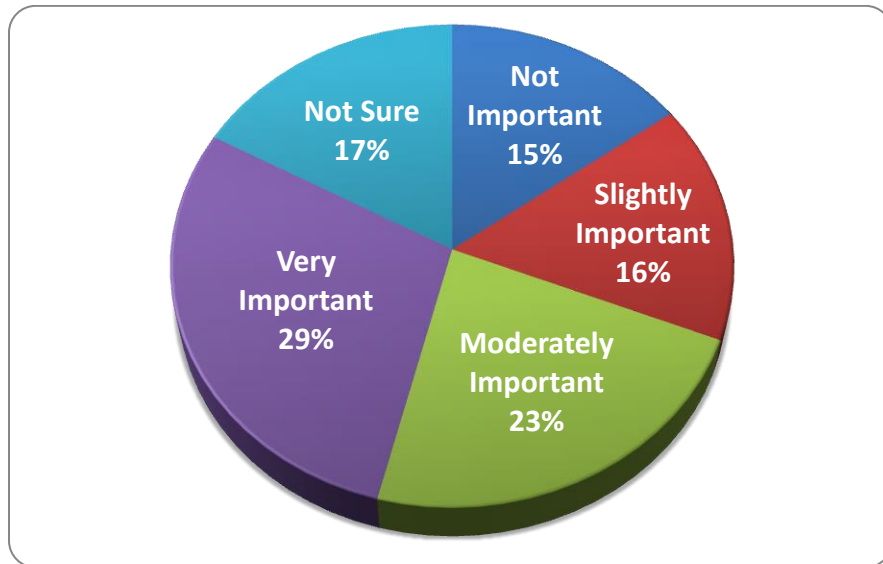
Table 30: Additional Funding for Security Staff and Population of County/Jurisdiction

Level of Importance	Population of County/Jurisdiction			
	50,000 or less	50,001 to 100,000	100,001 to 250,000	Over 250,000
Not Important	17%	15%	24%	22%
Slightly Important	13	14	16	10
Moderately Important	26	11	19	20
Very Important	37	50	32	26
Not Sure	8	12	9	22
<i>p < .01</i>				

Court Appointed Attorneys

Survey participants also indicate that additional funding is a need for court appointed attorneys. Twenty-nine percent believe that more funding is very important with an additional 23% suggesting that it is moderately important. See Figure 17 below.

Figure 17: How Important is Additional Funding to Meet the Needs of: Court Appointed Attorneys?



There is great uniformity in the responses among judges, lawyers, and administrators. Majorities of each believe that additional funding is either moderately or very important in this area. Thirty percent, 29%, and 28% of respondents in these respective categories believe more funding is very important while 30%, 20% and 22% hold that increased appropriations are moderately important. See Table 31 below.

Table 31: Additional Funding for Court Appointed Attorneys by Primary Position in Court System

Level of Importance	Primary Position in Court System		
	Judges	Lawyers	Administrators
Not Important	12%	16%	16%
Slightly Important	18	14	21
Moderately Important	30	20	22
Very Important	30	29	28
Not Sure	10	22	13
<i>p < .05</i>			

Among lawyers, a large majority of public defenders and contract attorneys with the Office of Public Defender say that additional funding is either very (38%) or moderately (30%) important, an opinion that was not shared by any other sub-group of lawyers who participated in the survey.

There is little variation across jurisdiction size as well. A majority of respondents in the smallest (under 50,000) and two largest (100,001 to 250,000 and over 250,000) believe that more funding is very or moderately important. Those who work in counties with a population of 50,001 to 100,000 residents believe this at a slightly lower rate. See Table 32 below for details.

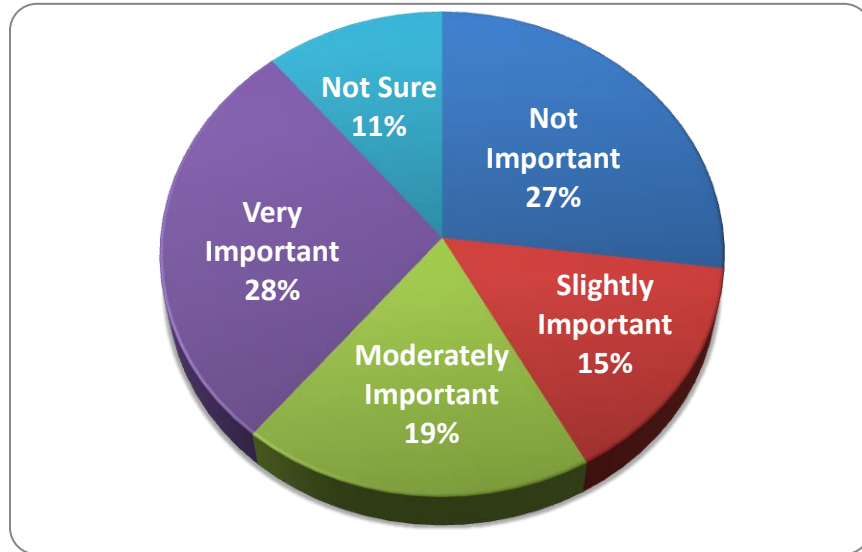
Table 32: Additional Funding for Court Appointed Attorneys and Population of County/Jurisdiction

Level of Importance	Population of County/Jurisdiction			
	50,000 or less	50,001 to 100,000	100,001 to 250,000	Over 250,000
Not Important	16%	14%	15%	14%
Slightly Important	15	25	18	10
Moderately Important	23	22	27	20
Very Important	30	25	30	31
Not Sure	16	15	10	26
<i>p < .05</i>				

Judges

More than half of respondents either believe that additional funding is not important (27%) or very important (28%). Fifteen percent of those who weigh in find additional funding slightly important and 19% say it is moderately important. Only 11% are unsure. See Figure 18 below.

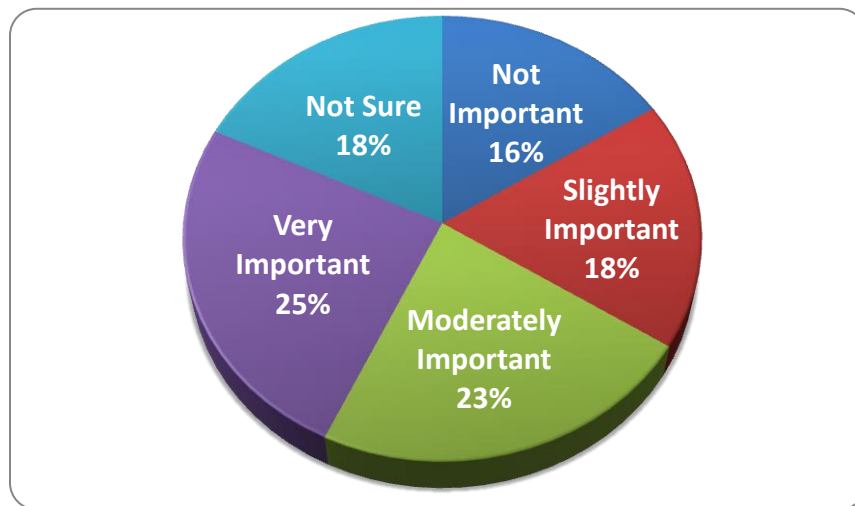
**Figure 18: How Important is Additional Funding to Meet the Needs of:
Judges?**



Interpreters

A quarter (25%) of all respondents say that additional funding for interpreters is very important followed by 23% who believe it is moderately important. Those who are unsure total 18% of survey participants while 18% indicate more funding is slightly important and 16% note it is not important at all. See Figure 19 below.

Figure 19: How Important is Additional Funding to Meet the Needs of: Interpreters?



Judges as well as administrators hold the strongest opinion about this staffing category. Among administrators, 31% believe that additional funding is very important and 20% find it moderately important. Thirty-one percent of judges respond that more funding is moderately important and 26% that it is very important. Nearly a quarter (24%) of lawyers were not sure about the need for additional funding, nearly twice as great as either judges or administrators. Still, 23% of lawyers believe that additional funding was very important and 20% say it is moderately important. See Table 33 below.

Table 33: Additional Funding for Interpreters by Primary Position in Court System

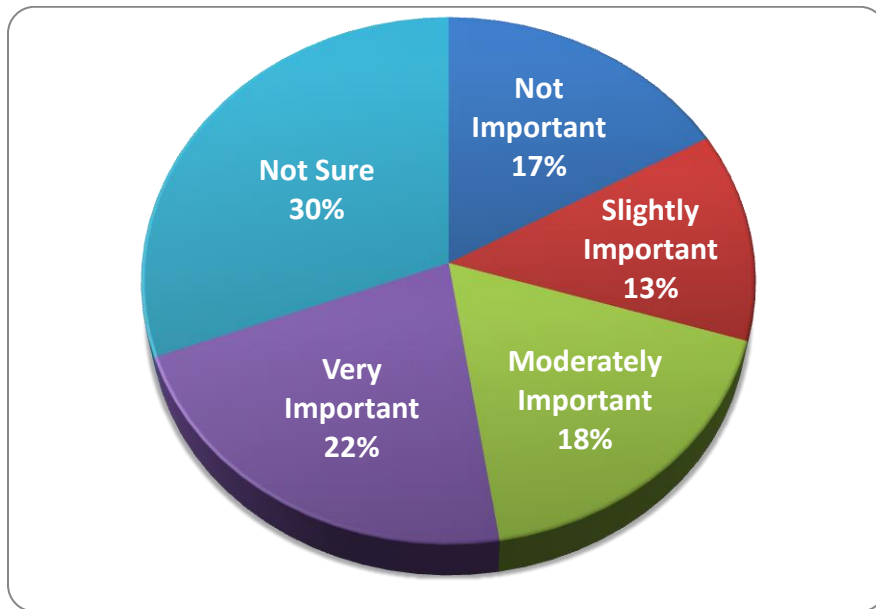
Level of Importance	Primary Position in Court System		
	Judges	Lawyers	Administrators
Not Important	16%	16%	12%
Slightly Important	14	18	26
Moderately Important	31	20	20
Very Important	26	23	31
Not Sure	13	24	11

p < .01

Guardians Ad Litem

Overall, there seems to be some support for increased funding for guardians ad litem. Twenty-two percent of those that responded hold that additional funding is very important and 18% find it moderately important. Thirteen percent suggest that it is slightly important and 17% not important at all. Thirty percent are not sure. See Figure 20 below.

Figure 20: How Important is Additional Funding to Meet the Needs of: Guardians Ad Litem?



When viewed through the lens of the position of each respondent, administrators and judges seem more aware of the need for an infusion of resources than lawyers. Forty-seven percent of the latter group is unsure if more funding is necessary compared to 13% of judges and 9% of administrators. Thirty-two percent of administrators and 30% of judges conclude that additional funding for guardians ad litem is very important. Only half as many lawyers (15%) feel the same way. See Table 34 below.

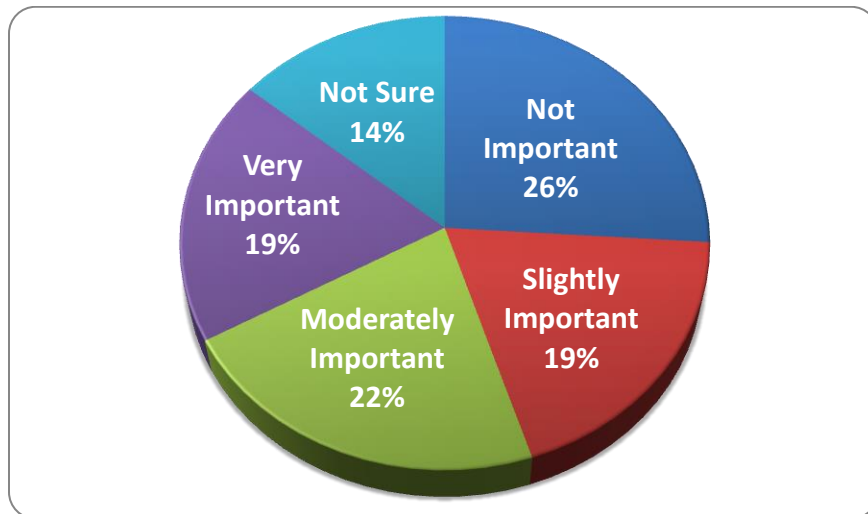
Table 34: Additional Funding for Guardians Ad Litem by Primary Position in Court System

Level of Importance	Primary Position in Court System		
	Judges	Lawyers	Administrators
Not Important	18%	17%	13%
Slightly Important	17	8	22
Moderately Important	22	13	24
Very Important	30	15	32
Not Sure	13	47	9
<i>p < .01</i>			

Clerks

Twenty-six percent of respondents indicate that it is not important to provide additional funding for clerks with 19% more holding the position that it is only slightly important to augment funding in this area. Nineteen percent also say that it is very important to find additional appropriations and 22% conclude that it is moderately important. See Figure 21 below.

Figure 21: How Important is Additional Funding to Meet the Needs of: Clerks?



Administrators appear most concerned about funding levels for this category. Twenty-eight percent indicate that more funding for clerks is very important with an additional 24% selecting moderately important. Judges also support a more significant funding stream, including 29% who believe additional resources are moderately important and 20% choosing very important. Nearly a third of lawyers (31%), however, say that greater appropriations are not important while 19% of this group are not sure. See Table 35 below.

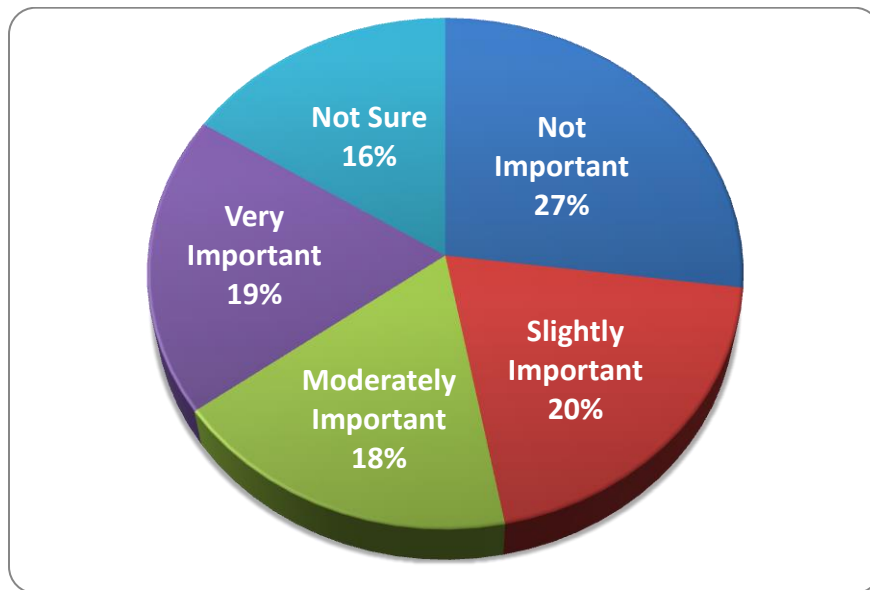
Table 35: Additional Funding for Clerks by Primary Position in Court System

Level of Importance	Primary Position in Court System		
	Judges	Lawyers	Administrators
Not Important	24%	31%	15%
Slightly Important	17	19	23
Moderately Important	29	17	24
Very Important	20	15	28
Not Sure	10	19	11
<i>p < .01</i>			

Court Reporting

Overall, respondents were less supportive for additional funding to support court reporting. Twenty-seven percent find it not important and 20% say it is only slightly important to allocate more resources to this judicial task. Eighteen percent of participants in the survey indicate more funding is moderately important while 19% note it is very important. Not sure is the response of 16% of those who selected an answer. See Figure 22 below.

Figure 22: How Important is Additional Funding to Meet the Needs of: Court Reporting?



A view of the results by the position of the respondent shows that judges are more interested in the more robust appropriation of resources to this area. Twenty-five percent of judges believe that it is very important to secure more funding for court reporters. The same number (25%) indicates it is moderately important. Lawyers and administrators seem somewhat less concerned. More than half of all administrators either believe that additional funding is not important (35%) or only slightly important (19%). Nearly half of lawyers reflect the same opinion—twenty-seven percent believe that it is not important to find more funds for court reporting while 22% find it slightly important. See Table 36 below.

Table 36: Additional Funding for Court Reporting by Primary Position in Court System

Level of Importance	Primary Position in Court System		
	Judges	Lawyers	Administrators
Not Important	24%	27%	35%
Slightly Important	18	22	19
Moderately Important	25	13	15
Very Important	25	16	20
Not Sure	9	21	11
<i>p < .01</i>			

Court reporting also appears to be a more salient issue for larger jurisdictions than smaller. Slightly more than a third (34%) of respondents from counties with a population of 50,000 or less indicate that more funding is not important. Similarly, 37% of participants in the survey from districts with a population between 50,001 and 100,000 felt the same way. That number drops to 25% in districts with 100,001 to 250,000 residents and 18% in jurisdictions with more than 250,000. In this latter category of the largest districts in the State, 26% of respondents say that greater funding for court reporting is very important (although a similar number [24%] are not sure). See Table 37 below.

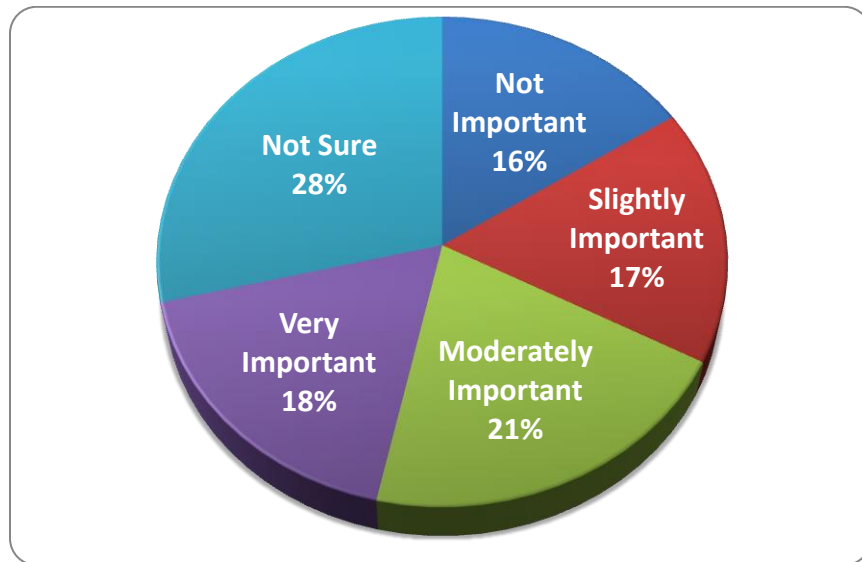
Table 37: Additional Funding for Court Reporting and Population of County/Jurisdiction

Level of Importance	Population of County/Jurisdiction			
	50,000 or less	50,001 to 100,000	100,001 to 250,000	Over 250,000
Not Important	34%	37%	25%	18%
Slightly Important	19	25	23	15
Moderately Important	16	15	19	18
Very Important	17	10	21	26
Not Sure	14	14	12	24
<i>p < .01</i>				

Court Appointed Experts

Twenty-eight percent of respondent are not sure if additional funding is necessary for court appointed experts while an additional 16% find higher appropriations not important. Seventeen percent note it is slightly important, 21% moderately important, and 18% very important. See Figure 23 below.

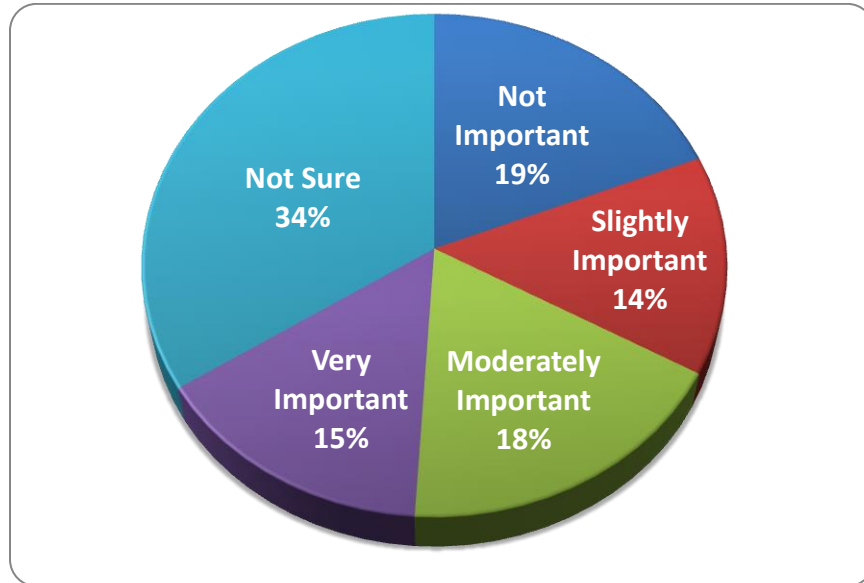
**Figure 23: How Important is Additional Funding to Meet the Needs of:
Court Appointed Experts?**



County Funded Mediation Services

More than a third of all respondents (34%) were unsure if additional funding is necessary for mediation services. Nineteen percent say that it is not important, 14% slightly important, 18% moderately important, and 15% very important. See Figure 24 below.

Figure 24: How Important is Additional Funding to Meet the Needs of: County Funded Mediation Services?



The large number of individuals who are uncertain about increased funding is explained by the 50% of lawyers who are unsure about the need in this area. Twenty-two percent of administrators are unsure while only 13% of judges hold the same opinion. Those who sit on the bench seem most interested in increased allocations in the category. Twenty-six percent indicate that more funding is moderately important while 18% believe it is very important. Administrators hold similar views with one-fifth (20%) noting this is a moderately important concern and another fifth (20%) suggesting it is very important to solicit additional funds for mediation. See Table 38 below.

Table 38: Additional Funding for County Funded Mediation Services by Primary Position in Court System

Level of Importance	Primary Position in Court System		
	Judges	Lawyers	Administrators
Not Important	22%	17%	22%
Slightly Important	22	10	16
Moderately Important	26	11	20
Very Important	18	13	20
Not Sure	13	50	22
<i>p < .01</i>			

Rather large percentages of respondents from the three largest jurisdiction categories are unsure of the need for additional funding in the area. Thirty percent from counties with 100,001 to 250,000, 40% from those with 50,001 to 100,000, and 43% from those with more than 250,000 offer this response. In Wisconsin’s smallest counties, however, respondents seem interested in greater resources. Twenty-four percent of respondents from areas with 50,000 or fewer residents say that more funding is moderately important and 20% find it very important. See Table 39 below.

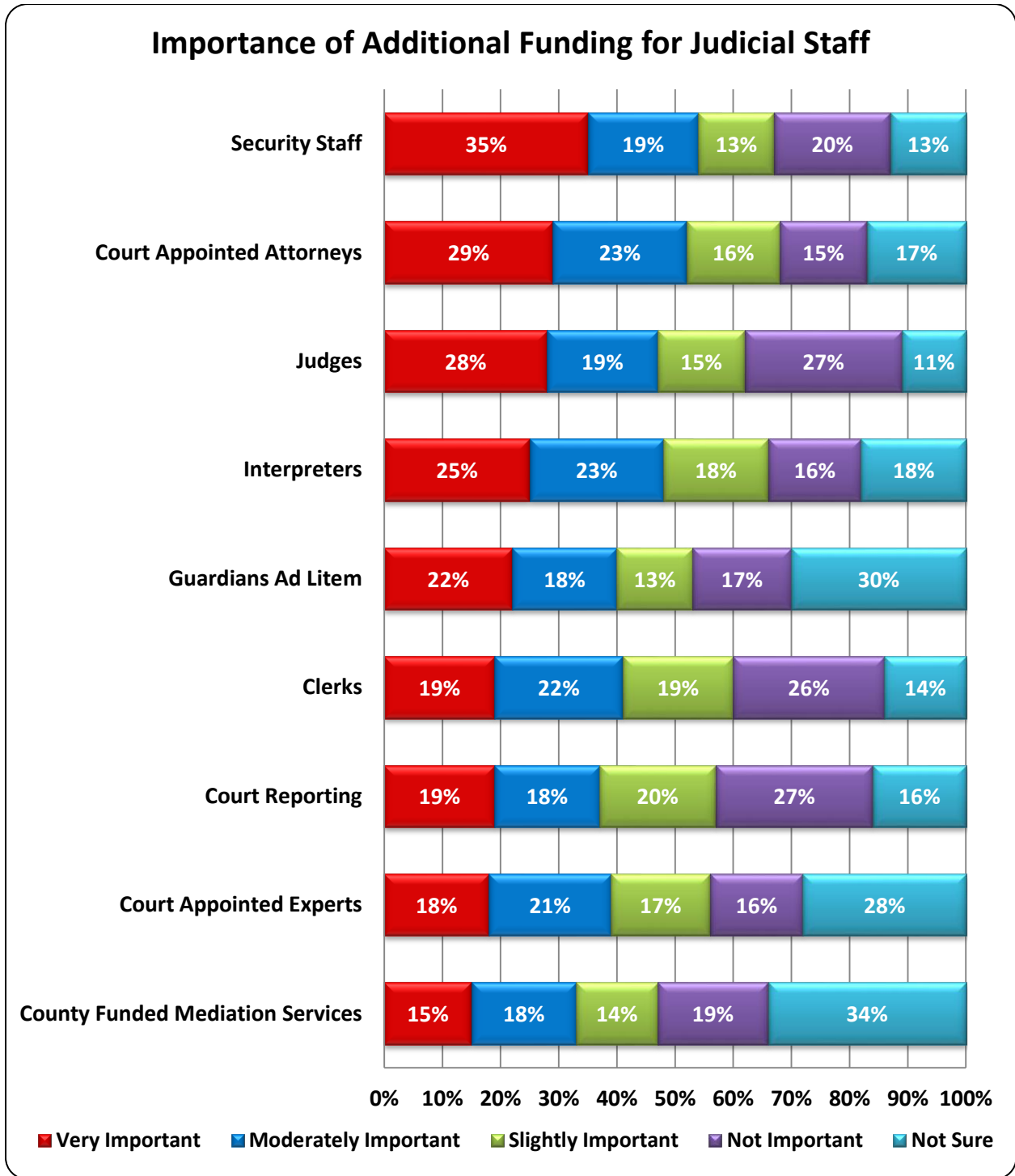
Table 39: Additional Funding for County Funded Mediation Services and Population of County/Jurisdiction

Level of Importance	Population of County/Jurisdiction			
	50,000 or less	50,001 to 100,000	100,001 to 250,000	Over 250,000
Not Important	21%	20%	22%	13%
Slightly Important	14	16	15	13
Moderately Important	24	15	18	15
Very Important	20	10	15	16
Not Sure	22	40	30	43
<i>p < .05</i>				

Summary Figure

Figure 25 displays a summary of the data described in the section above.

Figure 25: Importance of Additional Funding for Judicial Staff



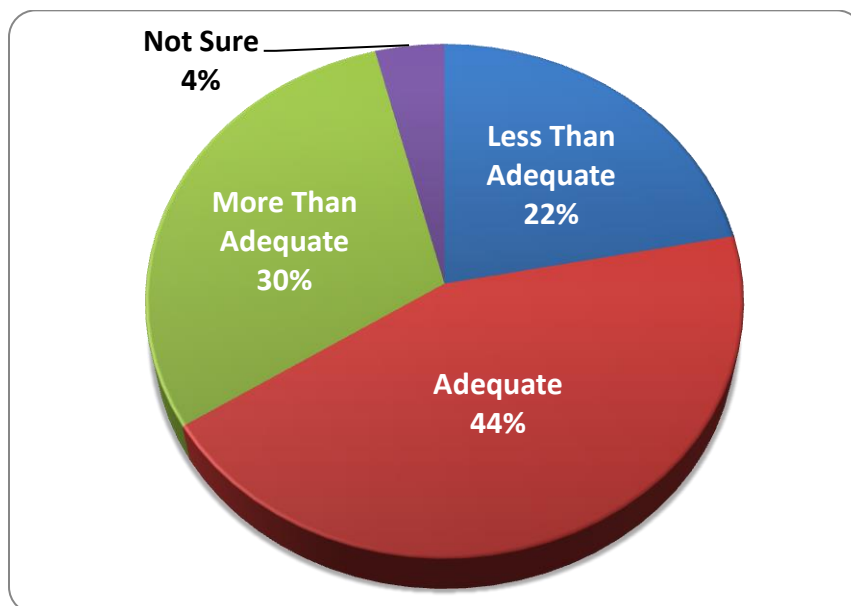
TECHNOLOGY AND STATE COURT FUNDING

The survey asks several questions of participants regarding the adequacy of technology services utilized by those who work for, or interact with, the Wisconsin judicial system, and the need for additional funding for such services. The survey posed general questions regarding technology support and specific programs such as the Consolidated Court Access Program (CCAP).

CCAP

Respondents were asked to evaluate how well CCAP met their needs in the county or jurisdiction in which they worked. Nearly three-quarters of those who answered believe that CCAP is adequate (44%) or more than adequate (30%). Just over one-fifth of respondents (22%) rated the program less than adequate. Few (4%) were unsure about the adequacy of the system. See Figure 26 below.

Figure 26: How Adequate is CCAP at Meeting the Needs in Your County/Jurisdiction?



Judges are least likely to believe that CCAP is less than adequate (16%) while administrators are most likely to rate the service by this standard (26%). Administrators, however, are more likely than any other group find CCAP more than adequate (43%). While nearly half of all lawyers say that CCAP is adequate (46%), they are the least likely group to hold that it is more than adequate (25%). See Table 40 below.

Table 40: Adequacy of CCAP by Primary Position in Court System

Level of Importance	Primary Position in Court System		
	Judges	Lawyers	Administrators
Less Than Adequate	16%	24%	26%
Adequate	47	46	31
More Than Adequate	32	25	43
Not Sure	5	5	0
<i>p < .01</i>			

The written responses from 105 out of a 118 participants who responded that CCAP was less than adequate produce two themes. A full accounting of responses is available in Appendix B.

Theme: Limited/No access to cases.

“Access is limited an [sic] often people who need to have it (i.e., court commissioners) don’t.”

“GALs have no access. Updates to public CCAP delayed.”

“No ability to search for various crimes/outcomes. Inability to see Juvenile/Mental Health cases that I’ve been appointed to see as an attorney.”

Theme: Entries/Updates are delayed and/or inaccurate (a result of understaffing).

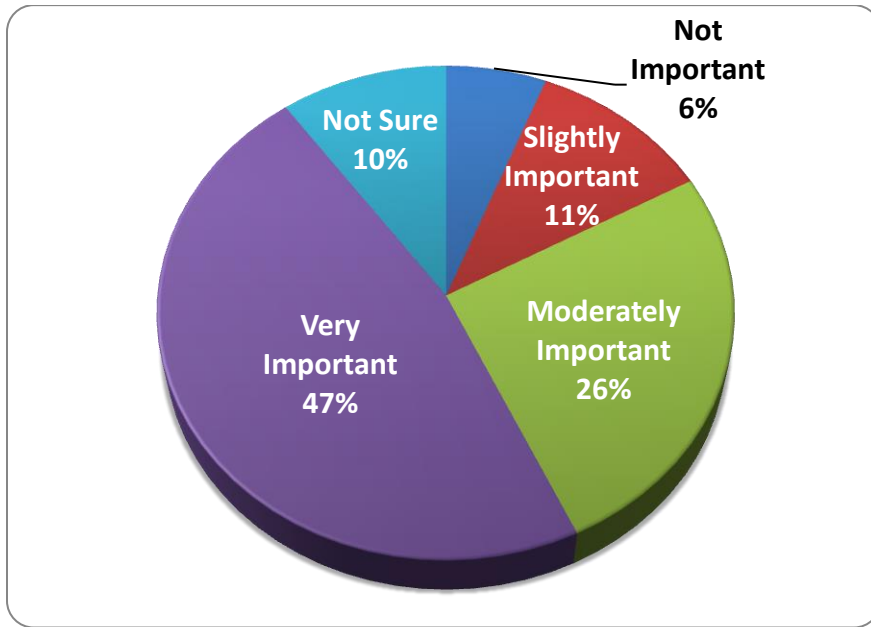
“Due to CCAP staffing reductions, there are significant delays in programming corrections or changes being made to improve the CCAP program.”

“Inaccuracy of data and the frequency of false positives.”

“Projects delayed or not implemented because of lack of staff.”

Although a large proportion of survey respondents believe that the CCAP system is adequate, most also believe that an infusion of resources is necessary to meet the needs of the service. Nearly half of those asked (47%) believe that it is very important to provided additional funding for CCAP. An additional 26% of respondents say that more funding is moderately important. Only 6% hold the opinion that greater resources is not important while 10% were unsure. See Figure 27 below.

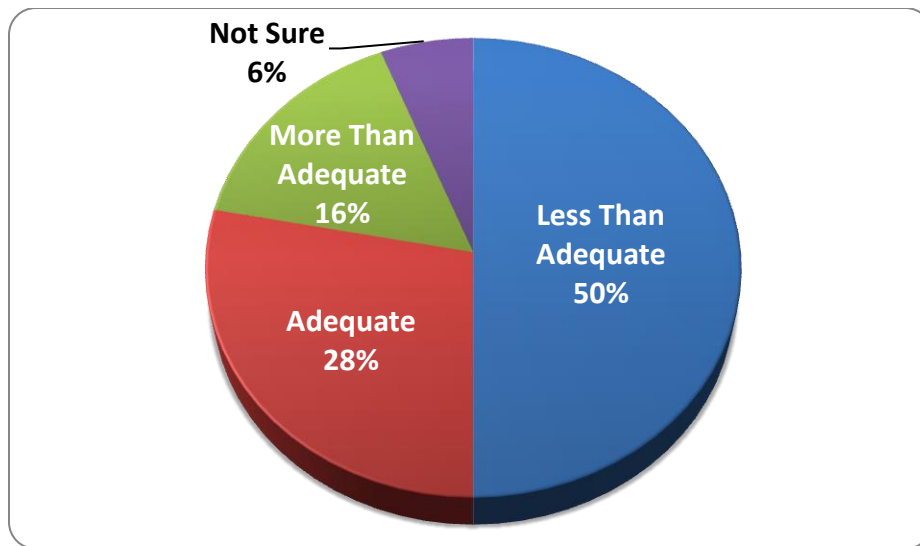
Figure 27: Importance of Additional Funding to Meet the Needs of CCAP



Technology Support (including hardware, software, and human resources)

Half of respondents (50%) indicated that support for technology, and technology related issues, is less than adequate. Twenty-eight percent believe that support is adequate and 16% more than adequate. Only 6% note that they are not sure. See Figure 28 below.

Figure 28: Separate from CCAP, How Adequate is Court Technology Support in Your County/Jurisdiction?



Nearly two-thirds (58%) of lawyers and more than half of administrators (52%) find technology support to be less than adequate, although 8% of lawyers are unsure about the adequacy of technology support compared to 4% of judges and 1% of administrators. Judges indicate broader satisfaction with technology support with 35% rating it adequate and 25% more than adequate. See Table 41 below.

Table 41: Adequacy of Court Technology Outside CCAP by Primary Position in Court System

Level of Importance	Primary Position in Court System		
	Judges	Lawyers	Administrators
Less Than Adequate	37%	58%	52%
Adequate	35	24	23
More Than Adequate	25	9	23
Not Sure	4	8	1
<i>p < .01</i>			

When asked to weigh in on the most significant problems created by less than adequate funding, a pair of general complaints from 228 out of a possible 270 respondents is notable. All comments are present in Appendix B.

Theme: Lack of technology/updated technology/quality technology.

“Difficult presenting evidence at trial because of a lack of equipment in the courtrooms, courtrooms aren’t designed in a manner that is technology friendly.”

“It is difficult to schedule appearance by video (particularly for prisoners in custody) due to a shortage of equipment and tech personnel.”

“Slow, outdated computers.”

“The equipment in the courtroom is not always capable of playing the video/audio evidence.”

Theme: Lack of wireless connection/Internet/Internet access.

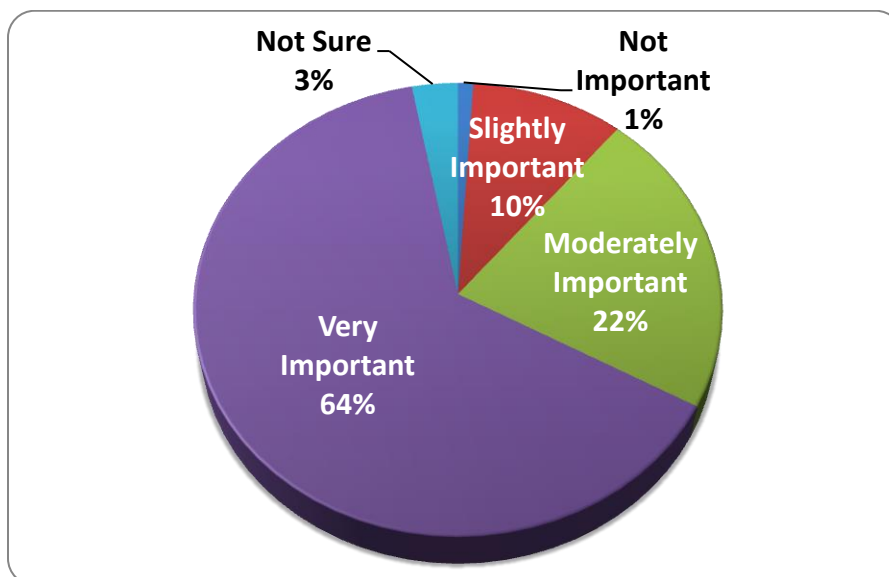
“Any person other than the court staff cannot access internet.”

“Can’t check CCAP or any Internet in the courthouse causes significant delays and communication slowdowns.”

“Poor to no Wi-Fi in the courthouse.”

In large numbers, respondents indicate that providing additional funding for court technology is very important (64%). An additional 22% of survey participants rate increased allocations as moderately important. Only 1% says it is not important while 3% were not sure. See Figure 29 below.

Figure 29: Importance of Providing Additional Funding for Court Technology

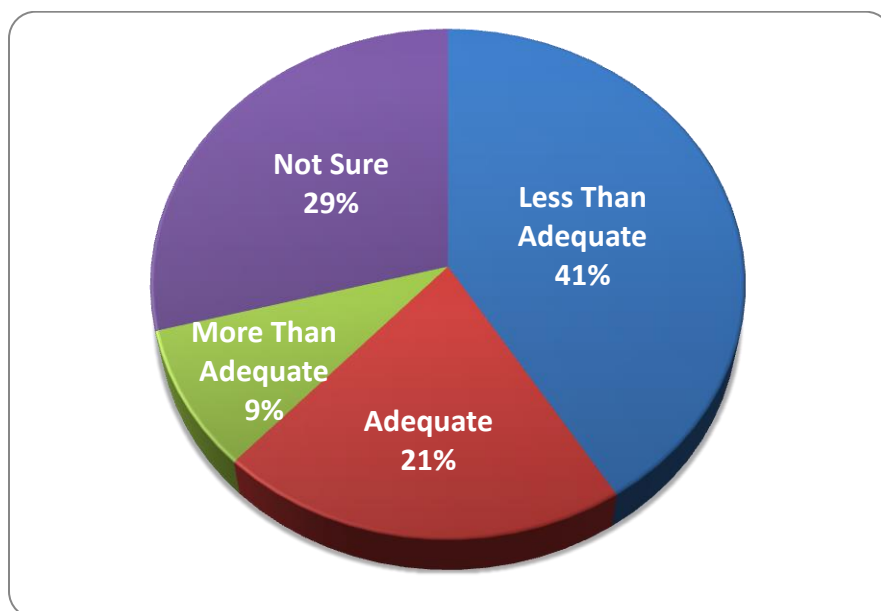


FUNDING FOR OTHER COURT SERVICES

Treatment Courts

Funding for treatment courts are described as less than adequate by 41% of respondents, a number that exceeds the combined percentage of those who describe appropriations in the area as either adequate (21%) and more than adequate (9%). Twenty-nine percent indicated that they were not sure if the level of funding was adequate or not. See Figure 30 below.

Figure 30: Adequacy of Funding for Judicial Staffing for Treatment Courts



There exists a significant difference in the opinions of survey participants based upon the size of the county or jurisdiction in which they work. Half (50%) of respondents from the smallest areas, those with 50,000 or less in population, believe that funding is less than adequate, a sharp difference from those from the largest districts, those with more than 250,000 residents, where 30% of respondents say the same of funding levels. However, in these largest jurisdictions, nearly half (44%) are not sure whether the appropriations are adequate, more than the 26% who are unsure in the smallest counties. In general, the smaller the county or jurisdiction, the more concern there is regarding funding for treatment courts. See Table 42 below.

Additionally, there is a significant different of opinion among lawyers based upon practice area. A majority of those who provide services for the public defender (56%) indicate that funding for treatment court staff is less than adequate. Forty-four percent of district and assistant district attorneys believe that appropriations in this area are less than adequate. Only a quarter of

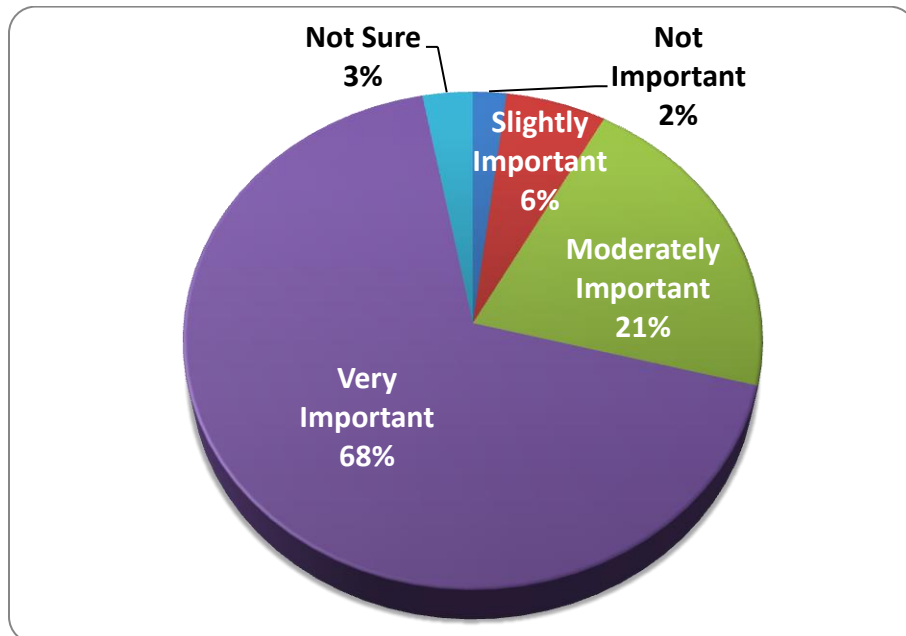
corporate and private practice attorneys (24%) and one-fifth of legal staff in the Office of the Attorney General (20%) share this opinion.

Table 42: Adequacy of Funding for Judicial Staffing for Judicial Courts and Population of County/Jurisdiction

Level of Importance	Population of County/Jurisdiction			
	50,000 or less	50,001 to 100,000	100,001 to 250,000	Over 250,000
Less Than Adequate	50%	47%	41%	30%
Adequate	21	20	23	18
More Than Adequate	3	9	16	8
Not Sure	26	24	20	44
<i>p < .01</i>				

Overall, 89% of respondents believe that it is either moderately (21%) or very (68%) important that treatment courts receive additional funding for judicial staffing for treatment courts. Only 2% indicate that more funding is not important and 3% are unsure. See Figure 31 below.

Figure 31: How Important is Additional Funding to Meet the Needs Of: Treatment Courts?



When asked what significant problems result from a lack of funding for treatment courts, those who offered comments (166 out of 218) provide three general observations.

Theme: Absence of treatment courts.

“There are no treatment courts despite a strong desire to implement on the part of judges, defense, DOC, and the DA.”

“Treatment courts largely disbanded because of lack of funding for treatment providers.”

Theme: Overworked staff and understaffed programs.

“I don’t believe there is any separate staffing for the treatment court. All members volunteer their time, and the judge uses lunch hour to meet. I do not believe there is a separate coordinator of the program.”

“We are unable to have a treatment court due to work load and budget and staff shortages. Meanwhile the opiate abuse problems is increasing rapidly.”

Theme: Must rely heavily on grants.

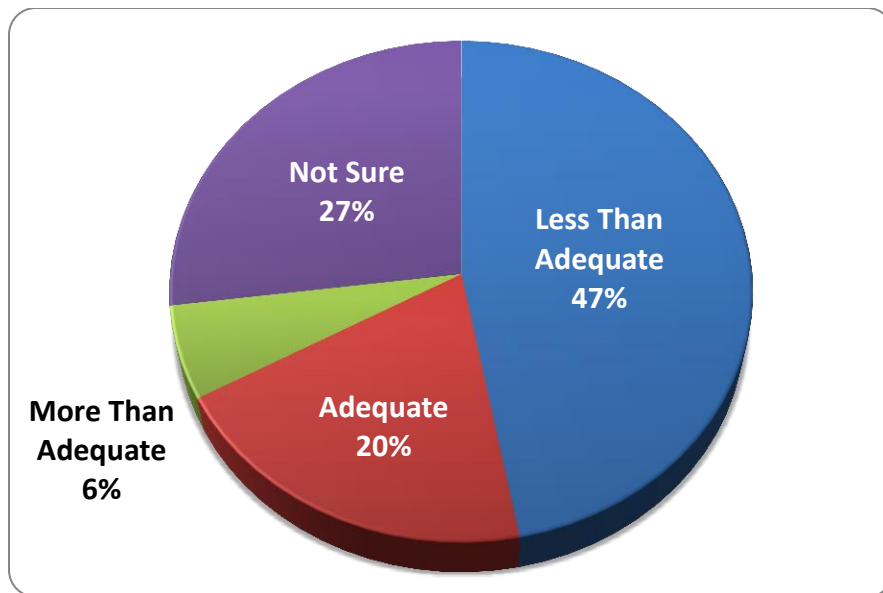
“Our alcohol treatment court is funded largely by grants from State agencies. Once those monies run out, our court system does not have the resources to devote to keeping the program alive. Given the state budget cuts, the future of the program is uncertain, given its reliance on grant funding.”

“We are attempting to establish a Drug Court at this time, and will need grant money, as there will be no funding from the County.”

Pro Se Litigant Support

Survey respondents were also asked to evaluate the adequacy of support for pro se litigants in their jurisdiction. Forty-seven percent note that support in this area is less than adequate, with 20% indicating it is adequate, 6% more than adequate and 27% who were not sure. See Figure 32 below.

Figure 32: How Adequate is Pro Se Litigant Support?



By large majorities, both judges (65%) and administrators (68%) stake the position that support is less than adequate. Only 31% of lawyers offer a similar evaluation, although 40% indicate that they are not sure of the adequacy of pro se aid. See Table 43 below.

Table 43: Adequacy of Pro Se Litigant Support by Primary Position in Court System

Level of Importance	Primary Position in Court System		
	Judges	Lawyers	Administrators
Less Than Adequate	65%	31%	68%
Adequate	19	23	11
More Than Adequate	7	6	7
Not Sure	9	40	15
<i>p < .01</i>			

The smaller the jurisdiction, the more likely respondents find funding for this category less than adequate. In counties with a population of 50,000 or less, 60% of survey participants evaluate pro se support as less than adequate. Forty-eight percent in jurisdiction with 50,001 to 100,000

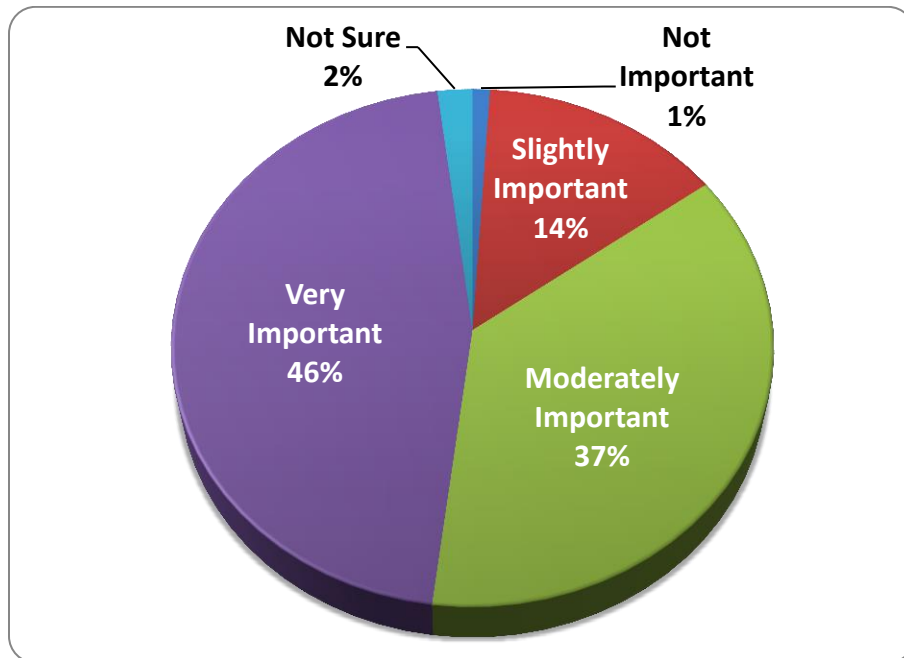
inhabitants and 100,001 to 250,000 feel similarly. In areas that exceed 250,000 in population, only 36% of respondents believe services for pro se defendants are inadequate. It should be noted that one-fifth (20%) or more of all respondents, no matter the size of the jurisdiction, were not sure about the adequacy of support. See Table 44 below.

Table 44: Adequacy of Pro Se Litigant Support and Population of County/Jurisdiction

Level of Importance	Population of County/Jurisdiction			
	50,000 or less	50,001 to 100,000	100,001 to 250,000	Over 250,000
Less Than Adequate	60%	48%	48%	36%
Adequate	17	22	20	22
More Than Adequate	3	4	9	8
Not Sure	21	26	23	35
<i>p < .01</i>				

Just under one-half (46%) of those who provided an answer believe that more funding is very important. An additional 37% think that additional allocations in this area are moderately important. Only 1% find increased funding not important at all. Few (2%) are unsure. See Figure 33 below.

Figure 33: How Important is Additional Funding to Meet the Needs of: Pro Se Litigant Support?



Three themes emerge from the comments of 192 out of a possible 251 survey participants who offered substantive written comments.

Theme: A general lack of pro se litigant support.

“Our county has no support mechanism for pro se litigants in this jurisdiction.”

“Pro se litigants have little guidance to navigate a difficult area.”

Theme: Court staff/personnel *de facto* advisors to pro se litigants.

“Clerk staff shoulder the burden of assisting pro se litigants, which stretches our already limited resources.”

“It falls on staff. Requires too much time for staff to help pro se litigants and the liability of providing too much information/direction.”

Theme: Case delays.

“Again, the problem is the delays it creates getting cases through the system. Everyone suffers as a result of the delays—defendants, victims, and the courts.”

“Litigants who don’t understand the court system significantly slow things down.”

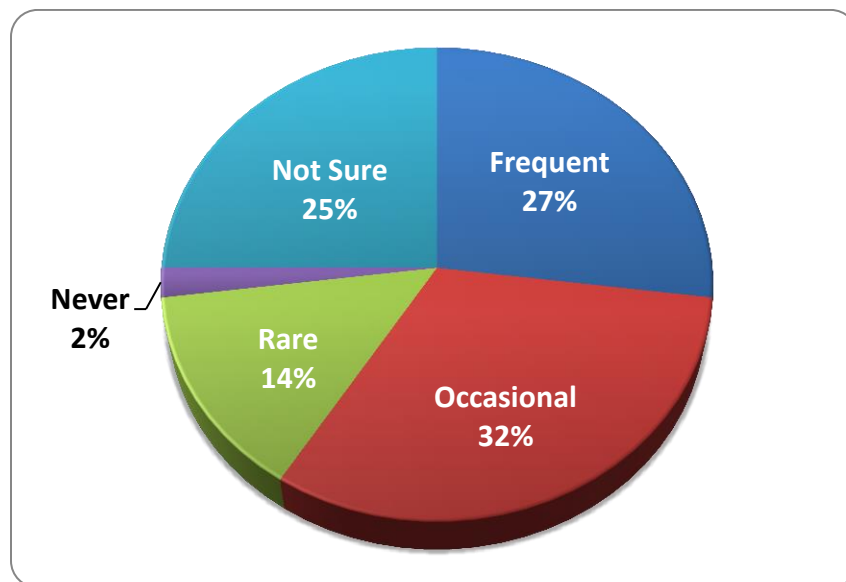
JUDICIAL SYSTEM CASE DELAYS

A final series of questions asks survey participants to evaluate how widespread are delays caused by resource limitations (rather than procedural issues) for both criminal and civil cases that are litigated in the Wisconsin judicial system.

Delays in Criminal Cases

More than one in four of all respondents (27%) indicate that they encounter frequent delays in criminal cases in their county or jurisdiction. An additional 32% of survey participants answer that they face occasional delays. Just over a quarter (25%) are not sure. Fourteen percent note that delays are rare while 2% claim delays never occur. See Figure 34 below.

Figure 34: How Frequent are Delays in Criminal Cases in Your County/Jurisdiction?



Lawyers (34%), more so than either judges (22%) or administrators (12%), frequently experience delays in criminal proceedings. Occasional delays have been experienced by 41% of administrators, 37% of judges, and 26% of lawyers. One-fifth (20%) of administrators say delays are rare, a number that drops to 14% for judges and 13% for lawyers. A quarter (25%) or more of respondents from each category reveal that they are not sure how frequently delays occur. See Table 45 below.

Table 45: Frequency in Delays of Criminal Cases by Primary Position in Court System

Level of Importance	Primary Position in Court System		
	Judges	Lawyers	Administrators
Frequent	22%	34%	12%
Occasional	36	26	41
Rare	14	13	20
Never	2	2	0
Not Sure	26	25	27
<i>p < .01</i>			

Frequent delays are experienced more by those in the largest jurisdictions (32%) than in counties of any other size, although 36% from this group are also unsure about the frequency of delays in their jurisdiction. Sizable numbers of respondents from smaller jurisdictions, however, indicate that occasional delays occur. In areas with a population between 50,001 and 100,000, 39% experienced occasional delays. Thirty-six percent in counties with less than 50,000 resident and 34% of those in counties with 100,001 to 250,000 inhabitants also experienced occasional delays. See Table 46 below.

Table 46: Frequency in Delays of Criminal Cases and Population of County/Jurisdiction

Level of Importance	Population of County/Jurisdiction			
	50,000 or less	50,001 to 100,000	100,001 to 250,000	Over 250,000
Frequent	23%	20%	29%	32%
Occasional	36	39	34	21
Rare	18	18	25	36
Never	22	18	10	10
Not Sure	1	4	2	1
<i>p < .01</i>				

There were a large number (228 out of 312) of written comments regarding delays in the criminal process but little variation in the issues raised by respondents. A single general theme emerged.

Theme: Cases are not processed in a timely manner leading to worries about effective justice.

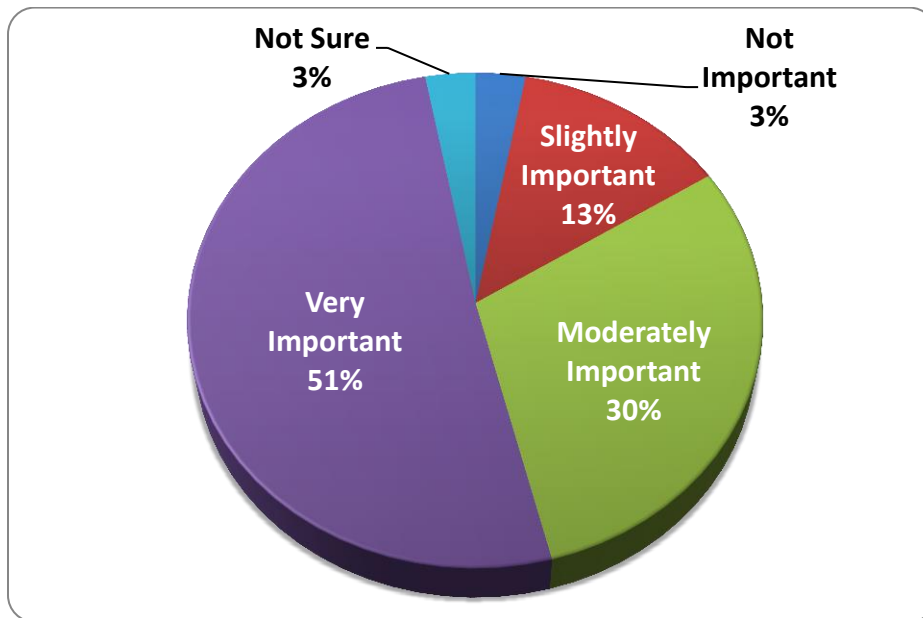
“Cases are pending far too long, which causes additional suffering to victims and delays in restitution and the ability to resolve cases as appropriately as possible.”

“Defendants wait longer to have cases resolved; evidence is impacted, deteriorates in quality; people in custody lose their jobs; victims suffer emotional distress waiting, and victims compensation is delayed.”

“Justice delayed is justice denied!”

This general sentiment is reflected in the responses regarding the need for additional funding to mitigate delays in criminal cases. Fifty-one percent of survey participants indicate that a larger appropriation is very important. This group is joined by an additional 30% who believe more funding is moderately important. Sixteen percent hold that greater resources are either not important (3%) or only slightly important (13%). An additional 3% were unsure. See Figure 35 below.

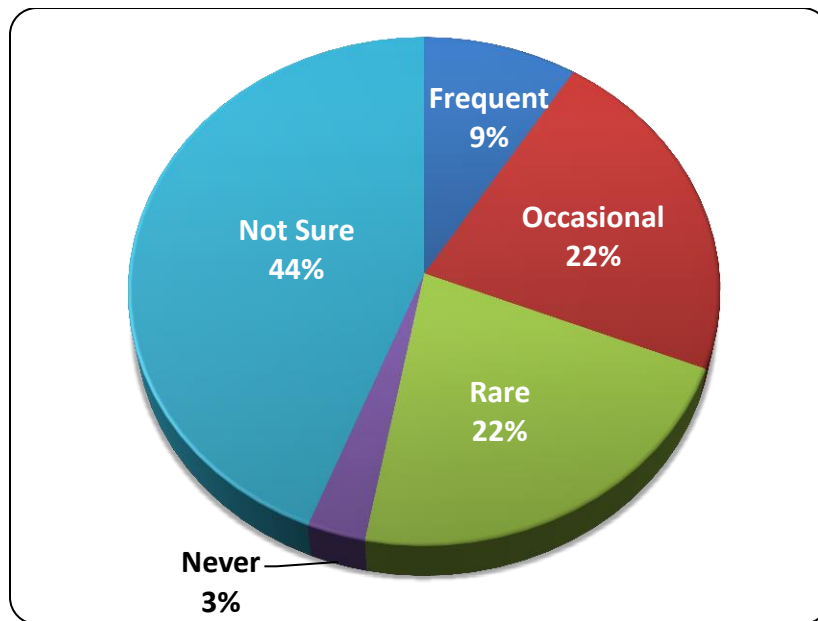
Figure 35: How Important is the Need for Additional Funding to Reduce Delays in Criminal Cases?



Delays in Civil Cases

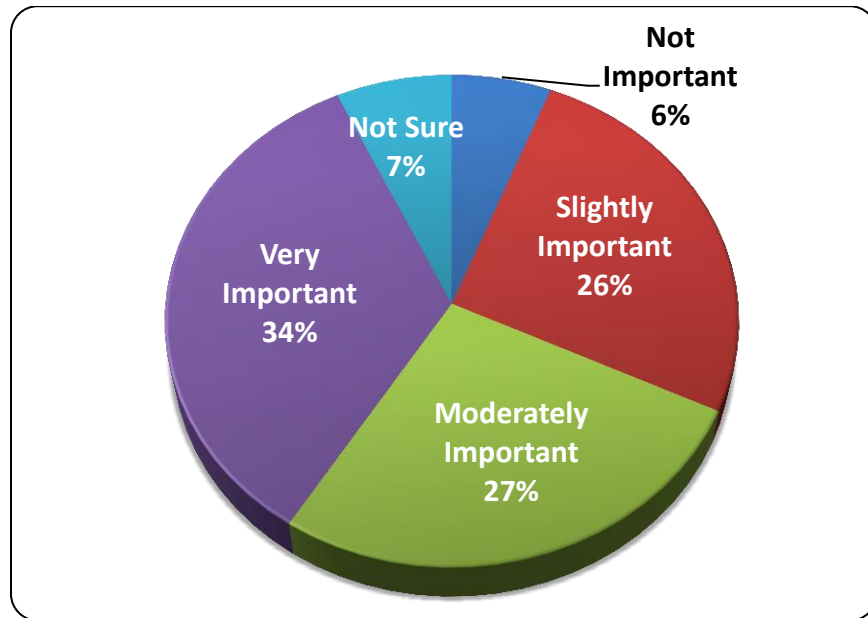
Forty-four percent of respondents indicate that they are not sure if frequent delays in civil cases are caused by resource limitations. Of those who are sure, 9% believe delays are frequent and 22% indicate delays are occasional. Nearly a quarter (22%) think delays are rare while 3% say they never occur. See Figure 36 below.

Figure 36: How Frequent are Delays in Civil Cases in Your County/Jurisdiction?



More than two-thirds of respondents believe that additional funding to reduce delays in civil cases is either moderately important (27%) or very important (34%). Twenty-six percent find greater resources slightly important and 6% not important at all. Seven percent were not sure. See Figure 37 below.

Figure 37: How Important is the Need for Additional Funding to Reduce Delays in Civil Cases?



Far fewer participants in the survey provided comments regarding the impact of civil case delays (103 out of 162) than for criminal case delays. However, the same general picture emerges in the single theme that was present in the responses.

Theme: Cases are not processed in a timely manner leading to worries about effective justice.

“It beats down people in pursuing their matters. Confidence in the system is broken; unjust results occur.”

“Litigants are entitled to some closure and finality to their disputes. Shouldn’t have to wait years.”