



NAN TODD
CLERK OF CIRCUIT COURTS

615 NORTH SIXTH STREET, SHEBOYGAN, WISCONSIN 53081 920.459.3068 FAX 920.459.3921

February 24, 2009

To: The Honorable Members of the Sheboygan County Board of Supervisors
Adam N. Payne, County Administrator

Re: 2008 Annual Report

The year 2008 continued to challenge the resources of the Clerk of Circuit Courts Office. The housing loan crisis resulted in a 13% jump in civil actions, mainly foreclosures. The overall caseload, however, saw a net decrease of .07%, a miniscule change.

County-issued traffic and non-traffic ordinance cases filed increased by almost 300 over 2007 totals. Criminal traffic matters continued to decline slightly from 1,030 to 1,024 cases, and the more serious case types of misdemeanor and felony decreased over 2007 to 2,531 in 2008; still a substantial caseload. In total, we received filings of 17,624 cases – a net decrease of 124 over 2007. During 2008 our office disposed of more than 18,600 cases. We processed 46 appeals and 98 liens and transcripts of judgment. We had 56 jury trials over 81 days at a total cost of \$60,900, an average of \$751 per day.

The collections of fines, forfeitures and filing fees fell short of the amount we had budgeted, however we still exceeded 2007 by \$94,800. Of the total collected, \$2,635,000 was forwarded to the state, \$210,500 was distributed to municipalities within the county, while \$1,250,800 was retained by the county, an increase in county-retained revenue of barely \$268 while the increase to the state was over \$64,000.

I look forward to meeting the challenges that continue to result from the County's and State's budgets while still fulfilling the escalating responsibilities. As a department, we will continue to look for more ways to improve efficiency and reduce costs as we have done in the past. I also look forward to continuing the partnership with the County Board of Supervisors and most specifically the Law Committee, in order to provide the resources our department needs to carry out our responsibilities for the courts and the community.

Respectfully submitted,

Nan Todd
Clerk of Circuit Courts



NAN TODD CLERK OF CIRCUIT COURTS

615 NORTH SIXTH STREET, SHEBOYGAN, WISCONSIN 53081 920.459.3068 FAX 920.459.3921

CLERK OF CIRCUIT COURTS OFFICE 2008 ANNUAL REPORT

MISSION STATEMENT

To effectively and efficiently facilitate the administration of justice.

SUMMARY OF RESPONSIBILITIES

The Clerk of Circuit Courts is a public official elected every four years, whose basic duties are enumerated in Sections 59.40 and 753.30 of the Wisconsin Statutes; myriad other responsibilities are scattered throughout the Statutes. The Clerk is the administrator of the Clerk of Circuit Courts Office and carries the responsibility of budgeting and administering trial court resources accurately, effectively and efficiently.

The Clerk of Circuit Courts Office is required to maintain a record of all documents filed with the courts, schedule all matters in court, keep a record of all court proceedings and collect the various filing fees, court costs, assessments, surcharges, fines and forfeitures ordered by the court or specified by statute through all means provided for by statute.

The Clerk also provides support personnel for each of the five Circuit Courts, as well as for the Court Commissioner and all outside judges who hear cases in Sheboygan County. The staff is responsible for scheduling court appearances, taking minutes in the courtroom and preparing all notices, judgments of conviction, jail and prison papers, driver's license suspensions, juvenile placement orders and all other documentation and orders as required by statute. The Clerk is also responsible for filing and maintaining the judgment and lien docket, as well as preparing reports to many other agencies of determinations made in the courts.

Jury management is another function of the Clerk of Circuit Courts Office. The Clerk's Office is responsible for qualifying, selecting and notifying potential jurors for service to the five Circuit Courts. Annually, in excess of 6,000 questionnaires are mailed to county residents, and from the responses four different jury pools are created for each of the thirteen four-week terms of service.

GOALS AND OBJECTIVES ACHIEVED IN 2008

We began 2008 with several major goals in mind for the department. In continuing our reorganization effort, we consolidated the Civil and Small Claims Divisions within the office, realigning overlapping duties. We also continued to address the changing workload in the various divisions, reviewing staffing needs and distribution of work in an effort to provide the most efficient service possible. We have continued to work on updating in-depth manuals for each position within the department to allow for an uneventful transfer of responsibilities. As case counts fluctuate, this continues to be an ongoing process.

The continued goal of increasing the collection of fines and forfeitures was achieved in 2008 but not to the extent desired. With \$4,096,529 in fines, surcharges and filing fees collected and distributed to the county, municipalities and state, the county's retained portion increased only slightly over 2007; the state's share however, went up over \$64,000. Unfortunately, as the economy worsens, our constituency, often the least employable, have fewer resources with which to pay fines and an increased likelihood of committing further offenses. A continued increase in collections is unlikely.

The Criminal/Traffic Division of our office successfully piloted redesigned criminal disposition software for the state's Consolidated Court Automation Program. This gave us the opportunity to have input in the redesign in order to benefit us as users. The goal of the project was to create a more user-friendly 'wizard' to guide case closing through an increasingly complex set of dispositions, sentences and surcharges. The redesign has now been fully implemented in all counties in the state.

BUDGET

In 2008 we failed to meet our target for revenue, finishing the year approximately \$51,900 under budget exclusive of grants, tax levy and insurance reimbursements. At the end of the second quarter, we were well above our budget target for revenues and were still achieving our goal at the end of the third quarter. With the severe down-turn in the economy however, the fourth quarter was devastating, both to revenues and expenses. The sharp decline in interest rates that occurred after the 2008 budget was adopted, the unexpected reduction in state grants, along with a sharp decline in payments of fines all contributed to the shortfall. Probate revenue, which is based on the size of estates filed, was another contributing factor.

Once again our greatest expenditures outside personnel related expense were for professional services: interpreters, psychologists, court appointed counsel and guardians ad litem. As the growing gap between being able to qualify for a Public Defender and being able to afford private counsel continues to expand, as the economy worsens, as more and more people are placed under guardianship, the county's cost to provide for these professional services escalates. Even though our 2008 budget contained another increase over 2007, our total expenditure for these mandated services was almost \$368,000, an increase of \$3,500.

In summary, our total expenses were close to \$140,000 over our budget, part of which is attributable to non-budgeted items such as bad debt expense and the distribution of Crime Prevention and DARE/CounterAct funds totaling \$35,500. The remainder is directly attributable to legal expense for court appointed indigent counsel and guardians ad litem, psychologist expense for guardianship and sexual predator evaluations and interpretation services for non-English speaking litigants. Our total revenues netted out to \$60,623 less than budgeted, resulting in a negative change in fund balance of \$200,453, an improvement over last years' \$256,395, however still not palatable.

The budget for 2009 was drafted at a time that the economy was strong; increased revenues seemed doable. That is no longer the case. We are already seeing a sharp down-turn in collections and a rise in the need for our services. Additionally, our already-shrinking payments from the state are earmarked in the Governor's budget for even further reduction.

ISSUES, CONCERNS AND CONSTRAINTS

As mentioned in past annual reports, the Circuit Court Support Surcharge has been increased by 30% in each of the last two budget repair bills, with the increase going to the general fund rather than to fund the courts. The governor's last budget proposal as well as the proposal of the

Director of State Courts Office and the Supreme Court contained an increase in court funding. Unfortunately, neither form was included in the final budget; the courts were left with the same amount of funding as previous but with more courts to fund. The only piece to remain in the budget was the funding for additional reimbursement to counties for interpreters; however, as is often the case, the increased reimbursement funds contained a mandate for the courts to provide interpreters at county expense for all persons in all case types rather than only for indigent criminal defendants. The result is a net increase in expense to the county.

The governor's most recent budget proposal includes a decrease in both guardian ad litem grants and circuit court support payments of 1%. This is especially heinous since the circuit court support payment is based on the circuit court support surcharge collected by the courts. It appears that this will be another case of raiding one fund to cover expenditures in unrelated areas.

County Administrator Adam Payne, Finance Director Tim Finch and I spent a great deal of time last year creating a presentation which Adam delivered to, among others, the Wisconsin Counties Association. The purpose of the program was to expose just how inadequate the funding is from the state for the courts and how all of the increased surcharges and fees levied by the courts have gone to benefit the state. It appears as though this has fallen on deaf ears as far as the governor is concerned.

The gap between the federal poverty guidelines and state qualification limits for public defender representation continues to widen at an astronomical cost to the county. The legislation to change the qualification limits to mirror the federal poverty guidelines failed to pass and with the economy the way it is, it is highly unlikely that the bill will be proposed again. To add insult to injury, the Public Defender's Office is now able to impute future income when determining eligibility. If it is possible that the defendant may earn money next summer picking beans, he will not qualify in the present for a public defender; another way to foist expenses off on the county.

The number of pro se litigants continues to increase, creating more and more of a demand on the Clerk of Courts Office for assistance in procuring forms, answering procedural questions and guiding court users through the process of litigation. Each self represented litigant requires more staff resources than ever before, yet this is occurring at a time when we are operating with reduced staff in order to meet budget targets. As the old saying goes, we are doing more and more with less and less.

2009 GOALS AND OBJECTIVES

We will continue to address the changing workload in the various divisions, reviewing staffing needs and distribution of work. We are continuing to function at a reduced staffing level since I took office in 2001.

Again in 2009 as in the past, we will continue to work toward increased collections of unpaid accounts. Our receivables, while lower than last year-end, have been creeping upward since our record low in July. With the development of the state's interface between the Department of Transportation and the Department of Revenue, we are able to use driver's license numbers to initiate tax intercepts under the Department of Revenue's Tax Refund Interception Process (TRIP), thereby furthering our collections.

Our foremost goal is the containment of costs, and as part of that objective we have begun to explore contract guardians ad litem as a potential cost-saving measure. We will also investigate contract court appointed indigent counsel.

With these goals in mind and recognizing the ongoing budgetary constraints 2009 will be a very challenging year.

**2007 - 2008 STATISTICAL REVIEW
NEW CASES FILED WITH THE CLERK OF CIRCUIT COURTS OFFICE**

| CASE TYPE | 2007 | 2008 | Increase | Decrease |
|-------------------------------------|---------------|---------------|-----------------|-----------------|
| Felony | 822 | 775 | | 47 |
| Misdemeanor | 1,844 | 1,756 | | 88 |
| Ordinance | 668 | 598 | | 70 |
| Criminal Traffic | 1,030 | 1,026 | | 4 |
| Traffic | 4,980 | 5,336 | 356 | |
| Civil | 1,258 | 1,432 | 174 | |
| Small Claims | 4,414 | 4,106 | | 308 |
| Family | 670 | 648 | | 22 |
| Paternity | 352 | 332 | | 20 |
| Juvenile | 742 | 723 | | 19 |
| Adoption | 40 | 34 | | 6 |
| Mental | 374 | 302 | | 72 |
| CLERK OF COURTS CASELOAD | 17,194 | 17,068 | | 126 |
| Probate | 272 | 246 | | 26 |
| Wills Filed | 192 | 222 | 30 | |
| Guardianship | 90 | 88 | | 2 |
| REGISTER IN PROBATE CASELOAD | 554 | 556 | 2 | |
| TOTAL CASES FILED | 17,748 | 17,624 | | 124 |

JURY TRIAL STATISTICS

| | 2007 | 2008 | Increase | Decrease |
|--------------------------|-------------|-------------|-----------------|-----------------|
| JURY TRIALS | 56 | 56 | | |
| JURY TRIAL DAYS | 79 | 81 | 2 | |
| PER DIEM, MEALS, MILEAGE | \$51,140.01 | \$60,901.88 | 9,762 | |

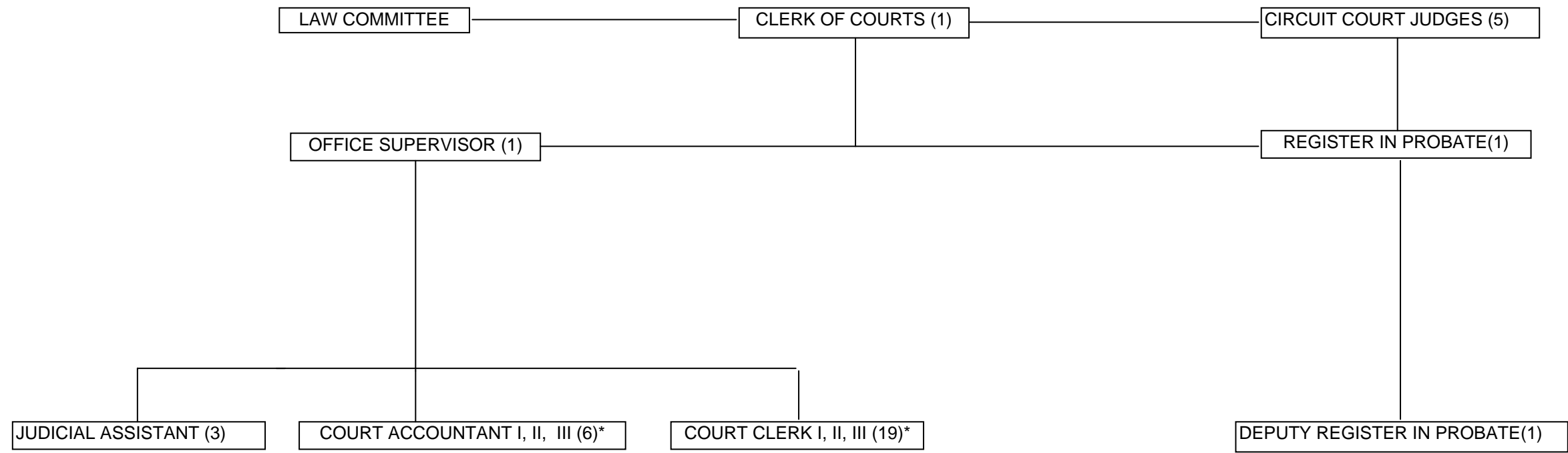
**FINES, FEES, SURCHARGES & ASSESSMENTS COLLECTED
COUNTY/CITY/MUNICIPALITIES/STATE DISTRIBUTION**

| | 2007 | 2008 | Increase | Decrease |
|--------------------------|-----------------------|-----------------------|-----------------|-------------------|
| COUNTY OF SHEBOYGAN | \$1,250,578.32 | \$1,250,847.30 | \$268.98 | |
| CITY OF SHEBOYGAN | \$237,572.02 | \$170,884.24 | | \$66,687.78 |
| OTHER MUNICIPALITIES | \$46,597.58 | \$39,637.69 | | \$6,959.89 |
| STATE OF WISCONSIN | \$2,570,972.70 | \$2,635,159.98 | \$64,187.28 | |
| TOTAL DISTRIBUTED | \$4,105,720.62 | \$4,096,529.21 | | \$9,191.41 |

2007 - 2008 FINANCIAL COMPARISON

| RECEIPTS | 2007 | 2008 | Increase | Decrease |
|----------------------------|-----------------------|-----------------------|-----------------|-----------------------|
| BAIL, FINES, FEES & TRUST | \$6,402,681.85 | \$4,981,476.68 | | \$1,421,205.17 |
| REGISTER IN PROBATE | \$141,311.17 | \$116,189.06 | | \$25,122.11 |
| | \$6,543,993.02 | \$5,097,665.74 | | \$1,446,327.28 |
| ACCOUNTS RECEIVABLE | 2007 | 2008 | Increase | Decrease |
| FINES AND FORFEITURES | \$10,707,210.59 | \$10,158,825.73 | | \$548,384.86 |

**SHEBOYGAN COUNTY
CLERK OF COURTS**



*VACANT POSITION