



Legislative Fiscal Bureau

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November 6, 2013

TO: Members
Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: Judicial Commission: Section 13.10 Request -- Agenda Item IV

REQUEST

On October 21, 2013, the Judicial Commission submitted a s. 13.10 request for the transfer of \$48,900 GPR from the Joint Committee on Finance's supplemental appropriation [s. 20.865(4)(a)] to the Judicial Commission's general program operations appropriation [s. 20.665(1)(a)] for accumulated leave payments to the Judicial Commission's former executive director, authorized under s. 230.35(1p) of the statutes, after his retirement on August 28, 2013.

ANALYSIS

The Judicial Commission is a nine-member commission that investigates and prosecutes allegations of misconduct or disability of Wisconsin judges and court commissioners. Staffing for the Judicial Commission includes an executive director and one staff member. According to its 2012 Annual Report, the Judicial Commission received 438 initial inquiries into judicial misconduct or disability in 2012, which resulted in 30 new requests for investigation (to determine whether or not to open an investigation), from which the Commission authorized 12 new investigations. According to the Report: "While the number of initial inquiries and requests for investigation received by the Commission has remained relatively constant over the past five years, the Commission has noted an increase in the number of complex and serious allegations. This has resulted in investigations that take considerable time and expense to complete." During 2012, the Commission completed 18 investigations, of which 12 were dismissed with no actions, five were dismissed with a letter of concern or warning, and one resulted in a complaint filed with the Supreme Court.

On August 27, 2013, James C. Alexander, retired after 23 years as the Judicial Commission's executive director, with the new director, Jeremiah Van Hecke, appointed on August 28, 2013. According to the request, the former executive director accumulated approximately 30 weeks of

vacation leave and sabbatical time during his 23 years of service. In September, 2013, the Commission paid \$48,815.82 for the accumulated leave. This request is intended to provide funding on a one-time basis to restore the Commission's appropriation to the 2013-14 level.

The Judicial Commission indicates that, as a two-person office, the executive director position could not have remained vacant during the approximately 30 weeks it would take to use up the accumulated leave: "The total current salary allotment for the Commission is \$125,300. This allotment is insufficient to cover the salaries of the two employees of the office for the remainder of the fiscal year, given the accumulated leave payment, and therefore an emergency exists. The Commission has no funds available for the accumulated leave payment for the outgoing Executive Director. Finally, the purpose for which the supplemental appropriation has been requested is to ensure continued operation of the Wisconsin Judicial Commission pursuant to valid State Statute." As of September 30, 2013, the Judicial Commission has already expended 58.37% of its salary allotment (\$73,136).

ALTERNATIVES

1. Approve the request to provide \$48,900 GPR from the Joint Committee on Finance's supplemental appropriation [s. 20.865(4)(a)] to the Judicial Commission's general program operations appropriation [s. 20.665(1)(a)] to restore funding for the accumulated leave payment as a result of the Commission's executive director's retirement.

2. Deny the request.

Prepared by: Chris Carmichael