



WISCONSIN LEGISLATIVE COUNCIL
PROPOSED REPORT TO THE LEGISLATURE

SPECIAL COMMITTEE ON
DISTRICT ATTORNEY
FUNDING AND
ADMINISTRATION

May 30, 2007

PRL 2007-17

Special Committee on District Attorney Funding and Administration

Prepared by:
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May 30, 2007

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PART I

NO RECOMMENDATION

The Special Committee on District Attorney Funding and Administration has permanently adjourned. The Special Committee makes no recommendation.

The Special Committee held two meetings during which it focused on state administration of district attorneys and assistant district attorneys, including review of the Office of State Public Defender and discussion of alternatives to the current administrative structure for district attorneys at the state level. Chairperson Gundrum urged the Wisconsin District Attorneys Association and the Association of State Prosecutors to recommend a revised structure for state administration of district attorneys. No recommendation was forthcoming; therefore, the Special Committee makes no recommendation.

PART II

COMMITTEE ACTIVITY

Assignment

The Joint Legislative Council established the Special Committee on District Attorney Funding and Administration and appointed the chairperson by a June 9, 2006 mail ballot. The committee was directed to review state funding for district attorneys, deputy district attorneys, and assistant district attorneys to determine if other funding sources exist to support funding of those positions under existing funding levels. The committee was also directed to review state administrative functions in relation to district attorneys, deputy district attorneys, and assistant district attorneys to determine if any changes should be made in the state administrative structure as it relates to those functions.

Membership of the Special Committee, appointed by an August 1, 2006 mail ballot, consisted of two Senators, two Representatives, and eight public members. A list of committee members is included as *Appendix 2* to this report.

Summary of Meetings

The Special Committee held two meetings at the State Capitol in Madison on the following dates:

November 10, 2006
December 15, 2006

At the November 10, 2006 meeting, the Special Committee heard testimony from **Attorney Timothy Baxter**, Crawford County District Attorney (DA) and President of the Wisconsin District Attorney's Association (WDAA), about possible solutions to problems in DA funding and administration. DA Baxter noted that there is interest in the WDAA in creating a separate council or board to oversee the DA function, preferably as a stand-alone agency, to provide a separate voice for DAs at budget time, coordinate training, and manage technology issues.

Catherine White, Shawano County Assistant DA and President of the Association of State Prosecutors, and **Timothy Hawks**, an attorney for the Association of State Prosecutors, spoke to the committee about turnover in the assistant DA ranks, the recent impacts of the collective bargaining process, disproportionate layoffs for DAs in recent years, and the lack of a career-based compensation plan for prosecutors. Assistant DA White provided the committee with information about the effects of forced staffing changes, especially on small offices, and the need to retain experienced prosecutors and have a stronger voice in state government.

The committee discussed various possibilities for changing the DA administrative structure, including creating a separate agency or council, attaching the DA function to the Department of Justice, and creating an overflow system like the reserve judge program. The benefit in leaving the administration of the program under the Department of Administration (DOA) was also discussed and a need for an improved caseload assessment tool was recognized.

Senator Roessler provided a brief overview of the audit of the DA allocation formula being conducted by the Legislative Audit Bureau. The committee recognized that changes to the DA system are a delicate issue when dealing with 71 separate locally elected constitutional offices.

At the December 15, 2006 meeting, the Special Committee heard from **Nicholas L. Chiarkas**, State Public Defender, and **Krista Ginger**, Executive Assistant/Legislative Liaison, Office of the State Public Defender. Mr. Chiarkas and Ms. Ginger informed the committee about the functions and

administrative structure of the Office of State Public Defender, including the Public Defender Board, internal administration, caseload distribution, and lobbying efforts. Following that portion of the meeting, the committee discussed its future direction, and decided to focus its deliberations on the state administration of district attorneys, rather than on alternative funding sources for district attorneys. It was anticipated that the Wisconsin District Attorneys Association and the Association of State Prosecutors would submit proposals to the committee regarding a possible independent board or council in connection with the administration of district attorneys at the state level.

Appendix 1

Joint Legislative Council

[Joint Legislative Council Members Who Selected and Appointed Committee and Its Membership]

Co-Chair

ALAN LASEE
Senate President
2259 Lasee Road
De Pere, WI 54115

Co-Chair

STEVE WIECKERT
Representative
1 Weatherstone Drive
Appleton, WI 54914

SENATORS

RONALD W. BROWN
1112 Violet Avenue
Eau Claire, WI 54701

DAN KAPANKE
1610 Lakeshore Drive
La Crosse, WI 54603

DALE SCHULTZ
Majority Leader
515 N. Central Avenue
Richland Center, WI 53581

RUSSELL DECKER
6803 Lora Lee Lane
Schofield, WI 54476

MARK MILLER
4903 Roigan Terrace
Monona, WI 53716

DAVID ZIEN
President Pro Tempore
1716 63rd Street
Eau Claire, WI 54703

SCOTT FITZGERALD
N4692 Maple Road
Juneau, WI 53039

FRED A. RISSER
5008 Risser Road
Madison, WI 53705

GLENN GROTHMAN
111 South 6th Avenue
West Bend, WI 53095

JUDY ROBSON
Minority Leader
2411 E. Ridge Road
Beloit, WI 53511

REPRESENTATIVES

JOHN AINSWORTH
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MICHAEL HUEBSCH
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West Salem, WI 54669

MARLIN D. SCHNEIDER
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Wisconsin Rapids, WI 54494

PEDRO COLON
338 West Walker Street
Milwaukee, WI 53204

DEAN KAUFERT
1360 Alpine Lane
Neenah, WI 54956

DAVID TRAVIS
5440 Willow Road
Waukegan, WI 53597

STEPHEN J. FREESE
Speaker Pro Tempore
310 East North Street
Dodgeville, WI 53533

JIM KREUSER
Minority Leader
3505 14th Place
Kenosha, WI 53144

JOHN GARD
Speaker
481 Aubin Street, P.O. Box 119
Peshtigo, WI 54157

ANN NISCHKE
202 W. College Avenue
Waukesha, WI 53186

This 22-member committee consists of the majority and minority party leadership of both houses of the Legislature, the co-chairs and ranking minority members of the Joint Committee on Finance, and 5 Senators and 5 Representatives appointed as are members of standing committees.

Joint Legislative Council

[Current Joint Legislative Council Members Who Received Committee Report]

Co-Chair

FRED RISSER

Senate President
5008 Risser Road
Madison, WI 53705

Co-Chair

STEVE WIECKERT

Representative
1 Weatherstone Drive
Appleton, WI 54914

SENATORS

ROGER BRESKE

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TIM CARPENTER

President Pro Tempore
2957 South 38th Street
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G. SPENCER COGGS

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1325 West Dean Road
River Hills, WI 53217

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SHEILA HARSDORF

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2259 Lasee Road
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MARK MILLER

4903 Roigan Terrace
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JUDY ROBSON

Majority Leader
2411 E. Ridge Road
Beloit, WI 53511

REPRESENTATIVES

JOAN BALLWEG

170 W. Summit Street
Markesan, WI 53946

TERESE BERCEAU

4326 Somerset Lane
Madison, WI 53711

JEFF FITZGERALD

Majority Leader
910 Sunset
Horicon, WI 53032

MARK GOTTLIEB

Speaker Pro Tempore
1205 Noridge Trail
Port Washington, WI 53074

MICHAEL HUEBSCH

Speaker
419 West Franklin
West Salem, WI 54669

DEAN KAUFERT

1360 Alpine Lane
Neenah, WI 54956

JIM KREUSER

Minority Leader
3505 14th Place
Kenosha, WI 53144

MARK POCAN

309 N. Baldwin Street
Madison, WI 53703

KITTY RHOADES

708 4th Street
Hudson, WI 54016

MARLIN SCHNEIDER

3820 Southbrook Lane
Wisconsin Rapids, WI 54494

This 22-member committee consists of the majority and minority party leadership of both houses of the Legislature, the co-chairs and ranking minority members of the Joint Committee on Finance, and 5 Senators and 5 Representatives appointed as are members of standing committees.

Appendix 2

District Attorney Funding and Administration

Representative Mark Gundrum, Chair
5239 S. Guerin Pass
New Berlin, WI 53151

Senator Fred A. Risser
5008 Risser Road
Madison, WI 53705

John Blakeman
Associate Prof., UW-Stevens Point
2100 Main Street
Stevens Point, WI 54481

Jeff Greipp
Asst. D.A., Milwaukee County
821 W. State St.
Milwaukee, WI 53233

Craig Knutson
Rock County Administrator
51 South Main Street
Janesville, WI 53545

Stuart Morse
1716 Dewberry Dr.
Madison, WI 53719

Representative Louis J. Molepske
1557 Church Street
Stevens Point, WI 54481

Senator Carol A. Roessler
1506 Jackson St.
Oshkosh, WI 54901

Adam Gerol
Asst. D.A., Ozaukee County
1201 S. Spring St.
Port Washington, WI 53074

Scott Horne
La Crosse County D.A.
333 Vine St., #1100
La Crosse, WI 54601

Larry Lasee
Asst. D.A., Brown County
300 East Walnut Street
Green Bay, WI 54301

David Resheske
Judge, Washington Cty Cir Court
432 East Washington Street
West Bend, WI 53095

STUDY ASSIGNMENT: The committee is directed to review state funding for district attorneys, deputy district attorneys, and assistant district attorneys to determine if other funding sources exist to support funding of those positions under existing funding levels. Review state administrative functions in relation to district attorneys, deputy district attorneys, and assistant district attorneys to determine if any changes should be made in the state administrative structure as it relates to those functions.

12 MEMBERS: 2 Senator, 2 Representatives, and 8 Public Members.

LEGISLATIVE COUNCIL STAFF: Don Dyke, Chief of Legal Services; Larry Konopacki, Staff Attorney; and Kelly Mautz, Support Staff.

Appendix 3

Committee Materials List

(Copies of documents are available at www.legis.state.wi.us/lc)

December 15, 2006 Meeting	Notice	Agenda	Audio	Minutes
<ul style="list-style-type: none">• Memo No. 2, <i>Previous Proposals on State District Attorney Administration and Current Administrative Structure of Office of State Public Defender</i> (December 8, 2006)				
November 10, 2006 Meeting	Notice	Agenda	Audio	Minutes
<ul style="list-style-type: none">• Memo No. 1, <i>Overview of District Attorney Funding and Administration</i> (October 25, 2006)				