



WISCONSIN LEGISLATIVE COUNCIL  
REPORT TO THE LEGISLATURE

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SPECIAL COMMITTEE ON  
DISTRICT ATTORNEY  
FUNDING AND  
ADMINISTRATION

June 12, 2007

RL 2007-17



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# Special Committee on District Attorney Funding and Administration

Prepared by:  
Don Dyke, Chief of Legal Services, and Larry Konopacki, Staff Attorney  
June 12, 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 63<sup>rd</sup> 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 6<sup>th</sup> Avenue  
West Bend, WI 53095

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

**REPRESENTATIVES**

**JOHN AINSWORTH**  
W6382 Waukechon Road  
Shawano, WI 54166

**MICHAEL HUEBSCH**  
*Majority Leader*  
419 West Franklin  
West Salem, WI 54669

**MARLIN D. SCHNEIDER**  
3820 Southbrook Lane  
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**

8800 Hwy. 29  
Eland, WI 54427

### **TIM CARPENTER**

*President Pro Tempore*  
2957 South 38<sup>th</sup> Street  
Milwaukee, WI 53215

### **G. SPENCER COGGS**

3732 North 40<sup>th</sup> Street  
Milwaukee, WI 53216

### **ALBERTA DARLING**

1325 West Dean Road  
River Hills, WI 53217

### **RUSSELL DECKER**

6803 Lora Lee Lane  
Weston, WI 54476

### **SCOTT FITZGERALD**

*Minority Leader*  
N4692 Maple Road  
Juneau, WI 53039

### **SHEILA HARSDORF**

N6627 County Road E  
River Falls, WI 54022

### **ALAN LASEE**

2259 Lasee Road  
De Pere, WI 54115

### **MARK MILLER**

4903 Roigan Terrace  
Monona, WI 53716

### **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](http://www.legis.state.wi.us/lc))

Report to the Legislature				
<ul style="list-style-type: none"><li><a href="#">Proposed</a> Report to the Legislature, 2007-17, <i>Special Committee on District Attorney Funding and Administration</i> (no legislation) (May 30, 2007).</li></ul>				
December 15, 2006 Meeting	<a href="#">Notice</a>	<a href="#">Agenda</a>	<a href="#">Audio</a>	<a href="#">Minutes</a>
<ul style="list-style-type: none"><li><a href="#">Memo No. 2</a>, <i>Previous Proposals on State District Attorney Administration and Current Administrative Structure of Office of State Public Defender</i> (December 8, 2006)</li></ul>				
November 10, 2006 Meeting	<a href="#">Notice</a>	<a href="#">Agenda</a>	<a href="#">Audio</a>	<a href="#">Minutes</a>
<ul style="list-style-type: none"><li><a href="#">Memo No. 1</a>, <i>Overview of District Attorney Funding and Administration</i> (October 25, 2006)</li></ul>				