

State of the Judiciary Address 2022
Chief Justice Annette Kingsland Ziegler, Wisconsin Supreme Court
Message to the Annual Meeting of the Wisconsin Judicial Conference, Elkhart Lake, WI
November 2, 2022

Thank you to the Sheboygan County Sheriff's Department Honor Guard for the flag presentation and to Sheriff Cory Roeseler for leading us in the Pledge of Allegiance.

Greetings, Everyone! And welcome to the 2022 Judicial Conference. It's terrific to be here with you.

The Judicial Conference is not only an excellent opportunity to learn, but also a chance to see friends and network with colleagues in a way that simply can't be done remotely.

Do you remember back before the pandemic, when we used to take this kind of interaction for granted?

It really is great to be together and see so many smiling faces. In addition to all our state court judges, our colleagues include municipal judges, tribal judges, and circuit court commissioners.

Please don't be shy about introducing yourselves to each other. You can sometimes learn as much talking with your colleagues as you can from the formal educational sessions.

I'd like to introduce my fellow justices.

Justice Ann Walsh Bradley
Justice Patience Drake Roggensack
Justice Rebecca Grassl Bradley
Justice Rebecca Frank Dallet
Justice Brian Hagedorn
Justice Jill Karofsky

Thank you all for your dedication and hard work.

I also want to thank the Judicial Education Committee, the Conference Planning Committee, Judicial Education Director Morgan Young, and our conference co-chairs, Judge Karl Hanson of Rock County Circuit Court, and Judge Mark Sanders of Milwaukee County Circuit Court, for putting together a great conference.

The theme of this year's conference takes us "From the Declaration of Independence to Judicial Independence." There's a wide range of educational offerings on timely topics, including panel discussions on the Sixth Amendment, Interpreting the Constitution, and Sentencing Adjustments. We have breakout sessions on topics such as Family Law, Juvenile cases and Technology and the Constitution. Other sessions address juries and trials, the United States Supreme Court, legal history, and personal security. There's also a session on Mental Health and the Role of the Judiciary.

This promises to be a great conference.

It's a tradition at the Judicial Conference that we take a moment to reflect on the judges we've lost during the last year:

Judge George Curry, Grant County Circuit Court
Judge Keith A. Mehn, Kewaunee County Circuit Court
Judge Dennis Montabon, La Crosse County Circuit Court
Judge John Roemer, Juneau County Circuit Court
Judge Robert Wing, Pierce County Circuit Court

And it's also a tradition to introduce you to the judges who have joined us since the last conference.

First, we have a newly elected judge at the Court of Appeals in District II:

Judge Maria S. Lazar, formerly of Waukesha County Circuit Court.

Next, we welcome the new circuit court judges:

Judge Matthew C. Allen, Iowa County
Judge Annette M. Barna, Rusk County
Judge Galen Bayne-Allison, Lincoln County
Judge Scott Blader, Waushara County
Judge Tania M. Bonnett, Adams County
Judge Mary Roth Burns, Oneida County
Judge Kristela Cervera, Milwaukee County
Judge Rick Cveykus, Marathon County
Judge Douglas R. Edelstein, Fond du Lac County
Judge Michael Gibbs, Winnebago County
Judge Ryan Hetzel, Washington County
Judge Nidhi Kashyap, Milwaukee County
Judge Bryan D. Keberlein, Winnebago County
Judge Michael Kenitz, Washington County
Judge Laura J. Lavey, Fond du Lac County
Judge Lisa McDougal, Richland County
Judge Louis J. Molepske Jr., Portage County
Judge Ashley Morse, Rock County
Judge Daniel Overbey, Vilas County
Judge Diane Schlipper, Dane County
Judge Beverly Wickstrom, Eau Claire County
Judge Jeffrey R. Wisnicky, Kewaunee County
Judge Michael Zell, Portage County

I understand that Anthony Nehls, who was recently appointed to Fond du Lac County Circuit Court, is here today. He officially takes the bench in December and will be formally recognized at next year's conference, but I wanted to make sure to welcome him to the Conference.

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I know that many of you felt a wave of emotion, just as I did, when I read Judge John Roemer's name. This is a tough one.

Before I get further into my remarks, I want to acknowledge what a remarkable man he was. I have learned even more about him from those judges who really knew him well, through his memorial service and from other tributes. He was quite a person.

He had served 13 years on the Juneau County bench when he retired in 2017. But that was just part of a lengthy career dedicated to public service in the law. He had previously served as an assistant district attorney and as an assistant state public defender. And before that, he had worked in private practice. He was recognized as a good friend by many and was known for generously sharing his knowledge with others to the benefit of all. On top of that, he was a U.S. Army veteran.

Even in retirement, Judge Roemer was service-minded. He worked to improve the lives of others, including his family, friends, and fellow churchgoers. This went well beyond his legal work. One of his fellow judges referred to him as a "true Christian gentleman."

According to his obituary:

"John would volunteer for local functions helping anyway he could. From working on the church council, to delivering meals on wheels. John was always willing to help."

"Regardless of who you were or where you came from, he treated you like a human being with dignity and respect. This coupled with his sense of humor, ensured that most interactions you had with him, you walked away with a smile."

Those are great traits for anyone, but especially for a judge. We can all aspire to be more like him.

Judge Roemer was well liked and highly respected, on and off the bench. He was the kind of guy you wanted at your courthouse, in your neighborhood, and in your community. Today, we honor his legacy, and we strive to learn what we can from the loss.

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In part, Judge Roemer's death has caused me to prioritize judicial security for all of us. Judging is not an easy business. The tradition of reading the names of judges who died during the last year has long been part of the State of the Judiciary. Most often, the list includes judges who had died of age-related or natural causes, often well into their retirements.

Judge Roemer was 68 years old, and he was retired. But his death was anything but natural on June 3, 2022. He was shot and killed in his Town of Lisbon home by a man whom he had

sentenced to prison years earlier. In other words, Judge Roemer appears to have been killed for doing his job as a judge.

We may never really know for sure all the details. Apparently, his assailant, who died from a self-inflicted gunshot wound, had a list of other potential targets.

Like all judges, Judge Roemer didn't go looking to take this sentencing assignment. It came to him. He took the assignment, just as many of us do and have done.

We could sit by and hope this was an isolated incident and nothing like it ever happens again. But you can't really predict when this type of attack might occur, and "hoping" alone is not enough. We need to be more proactive and take additional security measures.

We know judges are more frequently becoming the target of threats and violence.

Earlier this year, a man was charged in an alleged attempt to kill Justice Brett M. Kavanaugh because of a case before the United States Supreme Court.

In July 2020, the son of federal Judge Esther Salas was shot dead, and her husband grievously injured by an attorney at the front door of the family's New Jersey home.

We remember Illinois federal Judge Joan Lefkow's husband and mother being shot and killed by an aggrieved litigant.

And Justice Alito recently voiced concern of justices being targeted for their decisions even before an opinion is released.

Threats are on the rise.

Judges shouldn't be intimidated or influenced by threats or acts of violence from people or groups who want to intimidate or harm us, push a cause, subvert the rule of law, or control the outcome of a case.

That's a basic tenet of Judicial Independence.

We also need to be sure our courthouses are safe places to conduct the business of the justice system. Jurors, litigants, attorneys, court staff, and the public also need to feel safe, and to be safe, for our justice system to function properly.

No one should face threats or violence for carrying out their role in the legal system—a system intended to serve as a forum for resolving disputes peacefully, according to the law.

As former State Bar President Cheryl Furstace Daniels recently wrote in a letter to the Court: "The threat of violence against the legal community and litigants both inside the courthouse and in our communities is ever present in our minds"

In addition to Judge Roemer, Attorney Daniels recalled Sara Quirt-Sann, an attorney from Wausau who was shot and killed in 2017 at her law office by a man whose wife she represented in a divorce case.

Unfortunately, these events are but a representation of the reality we face.

I want to thank the State Bar for their support in this and other areas. We appreciate you being a strong partner.

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Personal safety and courthouse security are priorities for the Supreme Court. Director of State Courts Randy Koschnick, me, and others in the court system who specialize in this area, including Waukesha County Circuit Court Judge Michael Bohren, the PPAC Court Security Subcommittee, and the Legislative Committee continuously work on security issues. I continue to work and consult with an expanded nucleus of stakeholders to move forward and increase safety and judicial security.

It is important that judges take full advantage of the education and training opportunities that are made available to help reduce possible vulnerabilities at work, home, online, and anywhere in between.

We've made efforts to increase in-person trainings at the Judicial College and New Judge Orientation program. We've made available online resources, including recorded presentations and a webinar on Personal Security for the Bench on CourtNet.

On Friday at this conference, Deputy James Brigham of the Dane County Sheriff's Department will present on Personal Security and the Judiciary. He is an instructor in courthouse security at the National Criminal Justice Training Center of Fox Valley Technical College and has extensive experience teaching on courtroom security.

The national training center is a great resource, and it's located right here in Wisconsin. I encourage judges to take advantage of the Annual Court Safety and Security Conference in Appleton. Please keep an eye out for announcements for the next conference scheduled for March 15 through 17, 2023.

Although recent events have brought more attention to personal security issues, court security is not a new topic to us.

Supreme Court Rules establish local court security committees and require that all courthouse construction or remodeling projects meet up-to-date security standards. These rules are in the process of being updated, with a public hearing held last month. This proposal includes input from experts and stakeholders from inside and outside the court system.

I want to thank Judge Bohren and the PPAC Court Security Subcommittee for all their work over the years. I also want to recognize Supreme Court Marshal Tammy Johnson for assisting counties with courthouse security assessments.

I've also established a task force to help review and make recommendations on other possible steps to further enhance personal safety and court security.

Court security is not a top-down issue, and we know some of our best ideas come from the front lines.

I want to recognize the work of our county sheriffs' departments and court security staffs throughout the state. Wisconsin has had no shortage of high-profile trials recently, and we owe a debt of gratitude to law enforcement and our county partners for keeping us safe and making it possible for the justice system to function effectively.

Even recently judges have been faced with handling some of our most difficult high-profile cases. Your skill and professionalism speak well for the entire court system.

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Now, I want to share with you some good news. Although the pandemic left us with a significant backlog—that did not happen overnight, and it won't be corrected overnight either—we are making significant progress.

We still have a long way to go in recovering from the pandemic, and the situation varies widely by county. But we are making progress, especially in terms of felony case backlogs.

In September, the statewide felony clearance rate was 102 percent. That means overall, we had more cases being disposed of than came into the system.

That wouldn't sound like much of an accomplishment in normal times. But the pandemic worsened our backlogs. At one point during 2020, our felony clearance rate had dropped to 63 percent, and it remained below 100 percent that entire year.

And we are making progress despite a significant increase in felony filings.

An example of this progress at the local level can be found in Waukesha County.

Since the start of this year, 216 more felony cases were disposed of than came into the system. This follows a record year for felony filings in 2021, during which 100 more cases were filed than in 2020, and 250 more than in 2019.

Waukesha County's felony clearance rate from November last year through October 1st of this year was 110 %. This was achieved, in part, with ARPA funding received by the county. The court was able to shift some judicial resources to expand criminal court capacity and fill in other areas with additional court commissioner coverage.

Thank you, Waukesha County, and thank you to the Waukesha County Circuit Court for "giving it 110 %!"

Similar progress is being made in Marathon County, which reached a felony clearance rate of 109 % during the same period.

Overall, about half of our counties are hitting positive numbers, and we expect a positive trend to continue.

Another sign of progress is that jury trials are now being held at pre-pandemic rates. There were only 842 jury trials statewide in 2020. In 2021, that number reached 1,311. We anticipate 1,800 jury trials will have been held during 2022.

In Milwaukee County, TPRs and CHIPs trials, which had been held at the Zoofari Conference Center, have now moved back to children's court with no backlog. Milwaukee County has also resolved its misdemeanor backlog and is making progress on its felony backlog.

Milwaukee County is also taking advantage of ARPA funding approved by the Governor. Some of this money is being used to support district attorney and public defender positions, which helps with criminal case processing.

And, I recently met with Reserve Judge John Franke, who "unretired," to help as the county shifted a civil division branch to the felony division.

It's important we take stock of our accomplishments because I know sometimes the backlog has seemed insurmountable. A lot of people deserve credit, including judges, prosecutors, defense attorneys, the bar, law firms donating pro bono counsel, court staff, and our partners in county government.

Please know, I'm honored to serve as your chief justice.

Thank you and let's have a great conference.