



# SHEBOYGAN COUNTY

**Ryan O'Rourke**

*Sheboygan County Family Court Commissioner*

WISCONSIN

February 16, 2018

The Honorable Sheboygan County Board of Supervisors  
County Administrator Adam Payne

Dear Supervisors and Mr. Payne:

I am pleased to present the 2017 Annual Report from the Court Commissioner's Office.

Each County is authorized to appoint Court Commissioners under Supreme Court Rule 75.02 and Sections 757.68 and 757.69 of the Wisconsin Statutes. Court Commissioners are attorneys with at least three years of experience who are appointed by the local circuit court judges for the purpose of carrying out certain delegated duties to assist the judges. My office has a large caseload comprised of small claims, criminal, divorce, paternity, juvenile, mental commitments, protective placements, guardianship, traffic, ordinance, and domestic abuse and harassment injunction cases. Most of the cases we handle involve families in crisis. We strive to offer the best service to people navigating the court process, while still being mindful of our ethical duty to remain impartial and unbiased. Providing litigants with efficient and fair access to the court system, while still maintaining procedural integrity, is a core value of our Department.

This office is proud to play a vital role in the Sheboygan County Court system. We are also proud to provide the important services we do while consistently meeting all budget targets. We look forward to continuing in 2018.

Respectfully Submitted,

Ryan O'Rourke  
Court Commissioner

## **MISSION STATEMENT AND SUMMARY OF RESPONSIBILITIES**

The Court Commissioner's Office aids the Sheboygan County Circuit Court and, thereby, the citizens of Sheboygan County by making the dispute-resolution system more efficient. Cases referred by the Circuit Court are to be dealt with quickly and fairly, whether through contested hearings or cooperatively through mediation.

The primary responsibility of the Court Commissioner's Office is to assist in the administration of the court system. This is usually done in one of three ways.

The first is to conduct preliminary matters in certain court proceedings. These include temporary order hearings in divorces; probable cause hearings in mental commitments; and bail hearings and/or initial appearances in criminal, traffic, small claims, ordinance, paternity, and juvenile court cases.

In addition to preliminary matters, this office helps the circuit courts by rendering final decisions in stipulated divorces, domestic abuse and harassment injunction hearings, and most small claims cases.

The third manner in which the Court Commissioner's Office helps the courts is through mediation. Small claims disputes and child custody disputes are mediated through this office before they go to trial. If litigants are able to resolve matters through mediation, the time and expense of a trial will be avoided by not just litigants, but also the courts.

In addition, I am on call 24 hours a day to authorize search warrants in criminal investigations. Assistant Court Commissioner Susan Schaubel also serves the courts by researching complex legal issues and advising the judges regarding how the law should be applied in particular situations.

## **GOALS AND OBJECTIVES ACHIEVED IN 2017**

The Court system's transition from paper files to electronic files and an e-filing system has been completed for family and criminal cases. Our office has played a supporting role in this transition, ironing out minor problems that arise and ensuring there is no disruption to court services.

In addition, we continue to update literature and information provided to the public in an effort to streamline court processes and make expectations to litigants as clear as possible. With the cooperation of the District Attorney's Office we also modified procedures for initial appearances in traffic cases. When feasible, contested cases may be resolved thru negotiation with a representative of the District Attorney's Office at the initial appearance, rather than requiring an additional court appearance for a pretrial conference.

I am also serving on the Courthouse Security Committee assisting with the process of establishing a more secure courthouse.

The Court Commissioner's Office completed all assignments given to it by the Sheboygan County Circuit Courts. The 2017 caseload was above 2016 levels, with numbers remaining stable for some case types, and increasing for mental commitments, stipulated divorces, and weddings.

The work completed includes the following:

- 250 Paternity Pre-Trial Conferences or Initial Appearances
- 188 Temporary Hearings in divorce cases
- 167 Injunction Hearings
- 106 Mental Commitment, Guardianship and/or Protective Placement Probable Cause Hearings
- 170 Stipulated Divorce Hearings
- 143 Weddings
- 232 Family Court Mediation Referrals
- 560 Referrals to the Remember the Children Program
- Initial Appearances/Bail Hearings in Criminal Cases were held on every business day that was not a County or State holiday
- Initial Appearances were held in traffic and ordinance cases every Wednesday
- Numerous search warrants were issued in criminal investigations
- Numerous research projects assigned by Circuit Court judges

Finally, as noted below, the Department successfully operated within budget parameters.

## **BUDGET**

In 2017, there was a relatively large budget surplus. The Department's total budget was \$350,666.00. The property tax levy was \$280,166.00. Overall, the Court Commissioner's Office operated under budget by \$10,086.01.

In addition, the Department met its 2018 budget target, with a property tax levy of \$281,915.00 and an overall budget of \$353,615.00.

## **ISSUES AND CHALLENGES AHEAD**

The Department's primary concern for 2018 continues to be meeting budget goals. Budget constraints are a concern that confronts all departments. This Department will do all it can to cooperate with finding ways to control spending. However, most of our operating expenses are comprised of employee-related costs (70%) and interdepartmental charges (17%). The majority of our remaining costs are programs mandated by State law, such as mediation and parenting education in divorce cases. It will be difficult to cut any significant cost, without eliminating positions.

This Department is required by law to conduct certain hearings within specific time limits. If staffing were reduced, the ability to meet those statutory requirements, as well as to meet the needs of the public, would be severely compromised.

On a more positive note, the Court Commissioner's Office continues to get good support from the Law Committee, the County Board, County Administrator, as well as the Sheboygan County Circuit Court Judges.

### **GOALS AND OBJECTIVES FOR 2018**

In 2018, this department will continue to assist the Sheboygan County Circuit Court by completing all assigned tasks. More specific goals include the following:

- Operate within budget parameters.
- Explore the possibility of implementing an online option for parent education classes in divorce cases.
- Develop and implement a system to track the success rate of mediation referrals.
- Assist with the implementation of the Courthouse Security Committee recommendations, specifically the implementation of a single secured courthouse entrance.