



# SHEBOYGAN COUNTY

**Ryan O'Rourke**  
*Court Commissioner*

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January 16, 2019

Honorable Members of the Sheboygan County Board and County Administrator Payne,

I am pleased to present the 2018 Annual Report from the Court Commissioner's Department.

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 department 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 2019.

Respectfully Submitted,

Ryan O'Rourke  
Court Commissioner

## **Mission Statement and Summary of Responsibilities**

The Court Commissioner's Department 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 Department 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 Department 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 both litigants and the courts.

In addition, the Court Commissioner is 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 2018**

The implementation of a single, secured Courthouse entry has been completed. I served on the ad hoc committee appointed by the County Administrator responsible for establishing the secured entrance, providing input from the perspective of a Court official.

We have always tracked mediation outcomes and reported them to the Circuit Court. Our Department is now taking that data and tracking the number of cases that succeed in mediation. For a longer-look perspective, we are tracking the number of successful mediations that repeat the need for mediation in the future.

Finally, as noted below, the Department successfully operated within budget parameters. The Court Commissioner's Office also completed all assignments given to it by the Sheboygan County Circuit Courts.

The work completed includes the following:

- 183 Paternity Pre-Trial Conferences or Initial Appearances
- 169 Temporary Hearings in divorce cases
- 180 Injunction Hearings
- 64 Mental Commitment, Guardianship and/or Protective Placement Probable Cause Hearings
- 180 Stipulated Divorce Hearings
- 142 Weddings
- 203 Family Court Mediation Referrals

- 59 reached mediation agreements
- 46 terminated due to impasse
- 44 terminated for failure to attend or continue in mediation
- 35 not necessary due to stipulation filed with court, withdrawal of request, or finding that mediation is inappropriate because of history of domestic violence
- 552 Remember the Children Program Participants
- 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

## **Budget**

In 2018, there was a relatively large budget surplus. The Department's total budget was \$353,615. The property tax levy was \$281,915. Overall, the Court Commissioner's Office operated under budget by \$6,920.

In addition, the Department met its 2019 budget target, with a property tax levy of \$290,089 and an overall budget of \$361,066.

## **Issues and Challenges Ahead**

The Department's primary concern for 2019 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 and County Administrator, as well as the Sheboygan County Circuit Court Judges.

## **Goals and Objectives for 2019**

In 2019, 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.
- Revision of documents to update changes in the law and attempt to provide information in a concise and understandable format.
- Assist in the implementation of a new phone system and an update to the County website.
- Provide requested input to the County Administrator on alternatives to incarceration and the potential need for a new Detention Center.