



# SHEBOYGAN COUNTY

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

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February 12, 2020

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

I am pleased to present the enclosed 2019 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.

Our 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 2020.

Respectfully Submitted,

Ryan O'Rourke

## **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 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, 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 2019**

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 caseload was slightly below 2018 levels, with numbers remaining stable for some case types, increasing for paternity hearings, and decreasing for temporary order hearings and injunctions.

The work completed includes the following:

- 228 Paternity Pre-Trial Conferences or Initial Appearances.
- 113 Temporary Hearings in divorce cases.
- 120 Injunction Hearings.
- 61 Mental Commitment, Guardianship and/or Protective Placement Probable Cause Hearings.
- 170 Stipulated Divorce Hearings.
- 106 Weddings.
- 193 Family Court Mediation Referrals.
  - 49 reached mediation agreements.
  - 58 terminated due to impasse.
  - 39 terminated for failure to attend or continue in mediation.
  - 31 not necessary due to stipulation filed with court, withdrawal of request, or finding that mediation is inappropriate because of history of domestic violence.

- 527 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.

The Department continues to revise court forms and informational forms for the public in order to keep pace with changes to Wisconsin Law. With the assistance of other County Departments, our Department's webpage has been redesigned to improve user experience.

## **Budget**

In 2019, there was a large budget surplus. The Department's total budget was \$361,066. The property tax levy was \$288,966. Overall, the Court Commissioner's Office operated under budget by \$33,924.

The Department's 2020 budget is significantly below the target. The property tax levy for our Department is \$288,013, which is only a 1% increase over the five-year average between 2014 and 2018. The overall Department budget for 2020 is \$355,913.

## **Issues and Challenges Ahead**

The Department's primary concern for 2020 continues to be meeting budget goals. We will do all we can to find ways to control spending. However, most of our operating expenses are comprised of employee-related costs (73%) and interdepartmental charges (12%). 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 costs, 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 Department 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 2020**

In 2020, 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.
- Repair or replace damaged wallpaper in Courtroom.
- Reduce use of paper records in multiple areas by using electronic tools more effectively.
- Develop a proposal for the judges to establish an online option for parental education classes.