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Courts Creation Bill Clears Legislative Hurdle

Legislation Paves Way for New Judges for First Time Since 2007

Madison, WI – Today, the State Assembly voted to approve [Assembly Bill 470](#), authored by Representative Ron Tusler (R – Harrison), Senator Jerry Petrowski (R – Marathon), and Representatives Paul Tittl (R – Manitowoc) and Tip McGuire (D – Kenosha). This bill permits the creation of up to 12 new circuit court branches, four in 2021, four in 2022, and four in 2023.

“New circuit court judges are direly needed,” said Representative Tusler. **“The last time circuit court judgeships were created was in 2007, and workload has only increased in the last decade.”**

The bill allows the Director of State Courts to create an additional branch in a county if 1) the county board has passed a resolution supporting an additional branch; and 2) the county will have appropriate facilities in place by May 31st of the year in which the branch is created. A county may also be required to apply for a [Drug Treatment Court](#) or [Treatment Alternatives and Diversion Program](#) grant if it does not already have such a program.

All judges will be elected in the spring election of the year the new branch is created.

“For places like Marathon County, an additional judge would go a long way towards preventing backups in the court system,” said Senator Petrowski. **“By processing cases faster, we can save on local jail costs and better provide swift justice to both victims and the accused as required under the 6th Amendment.”**

Since 1989, 33 bills have been introduced creating additional circuit court branches. Only nine of those 33 bills have been enacted, the most recent being in 2007. Different from past attempts, the proposal passed by the Assembly leaves the discretion to the Director of State Courts to determine which counties are most in need of a branch, not the Legislature.

“Determining which counties are most in need of a judge is difficult, which is why this bill puts justice first by authorizing the Director of State Courts to make these decisions and take into account the intangible factors we legislators cannot,” according to Rep. Tusler.

The Wisconsin Courts System periodically conducts a study of judicial workload. There are many nuances and intangibles not captured by the study, such as: the presence of municipal courts in a county; the presence, utilization, and functions of court commissioners; how charging decisions affect caseload; and the cost and time of travel for judges when there are substitutions or recusals, especially in rural areas.

“I am thrilled this bill cleared the Assembly and is one step closer to becoming law,” said Rep. Tusler.

The bill now heads to the Senate for a vote before being presented to the Governor for his signature. Rep. Tusler and Sen. Petrowski are hopeful the bill will be signed into law this coming spring.

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