



Criminal Justice Coordinating Council
Race, Equity, Inclusion, and Access Subcommittee
Meeting Minutes

Thursday, August 1, 2024 // 12:15 p.m. – 1:15 p.m.
Meeting location Virtual (Zoom)

Co-Chairs Justice Rebecca Dallet and Judge Jon Richards

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| Subcommittee Members Present: | Justice Rebecca Dallet, Ashley Billig, Clerk of Courts Rebecca Matoska-Mentink, Judge Jon Richards, Judge Emily Lonergan, Michael Blauw, Judge Elliott Levine, Neal “Chip” Nielsen, Jerome Dillard, Jane Graham-Jennings, Sheriff Tammy Sternard |
| Subcommittee Members Not Present: | DA Blake Gross, Kelli Thompson, DA Kimberly Lawton, Mary Triggiano, Chief Judge Carl Ashley |
| DOJ Staff: | Lara Kenny, Ryan Anderson, Mike Austin, Phil Zell, Brad Kelly, Katie Snell, Sabrina Gentile, Mark Rather, Brittney Felton |
| Others: | Ann Olson, Tyler Brandt, Chief Shon Barnes |

Welcome and Opening Comments

Subcommittee Co–Chair Justice Dallet welcomed members to the meeting at 12:17 p.m. Quorum was not present.

Approval of Meeting Minutes

Motion to Approve May 16, 2024, REIA Subcommittee Meeting Minutes:

Motion was made by Judge Jon Richards and seconded by Judge Elliot Levine to approve the May 16, 2024, REIA Subcommittee Meeting Minutes.
Motion approved.
11 Ayes, 0 No

CJCC Bylaws Update

Mike Austin, BJP Staff

Mike Austin gave an update on the CJCC bylaws that provide guidance regarding members’ participation on subcommittees, commitment to attend meetings, participation time, etc. Lara Kenny stated there were no bylaws originally, so now they mimic the executive order giving authority to the CJCC and its subcommittees. These bylaws serve to ensure the subcommittees can achieve quorum more regularly and get business accomplished.

Juror Pay Discussion

Justice Dallet opened the discussion stating that the current juror pay rate set by Wisconsin statute is a minimum of \$16/day, although some counties pay more than that. When compared to other states, Wisconsin is well below the national average, and some states also pay for

childcare and mileage. Justice Dallet asked for subcommittee thoughts, recommendations for change, potential language for statute change, etc.

Judge Levine stated that Wisconsin just doesn't pay enough, because if a potential juror is self-employed, \$16/day doesn't equate for missing work. He affirmed Wisconsin must pay jurors something comparable to what they're missing from work.

Clerk of Courts Rebecca Matoska-Mentink stated that she gets a lot of scoffs when she gives juror instructions due to the low pay rate. Some jurors get reimbursed for jury service by employers, but most do not. She states this is a budget issue that needs to be logical and reasonable on county budgets. She opined that if the subcommittee does choose to seek legislative change, it should be implemented incrementally or with a gradual funding mechanism as to not cause a sudden budgetary change. Matoska-Mentink also asked to keep in mind that other relevant county fees have gone up as well.

Justice Dallet asked if the subcommittee would have buy-in for the legislature to help with this.

Judge Richards opined that a statewide increase would help with a variety of things, such as racial equity in Milwaukee. Higher jury pay is just one component that would try to address this, and it would also help farmers or small business owners trying to serve on a jury. The state statute minimum must be increased in order to make a difference.

Chief Barnes asked if the current amount includes per diem, to which the answer was "no." Other states include per diem, free parking, and lunch.

Ashley Billig asked if there is any information available regarding other states' response rates to jury duty? This data would be needed to evaluate Wisconsin's response rate compared to other states that pay more. Tyler Brandt responded that it would be complicated due to differences in rates per county in other states, and that data may be difficult to obtain. They would have to make individual requests in each state, possibly by county to obtain such data.

Justice Dallet stated that some other states have done surveys about why people don't show up to jury duty, and reasons vary (e.g., no free parking, no childcare, employer won't pay for time, etc.) Justice Dallet asked what the subcommittee thinks about the state paying for someone to serve on a jury if an employer can't pay.

Judge Levine opined that counties can't afford it, so it would have to be paid by the state. Wisconsin would have to change the statute.

Chip Nielsen stated that the subcommittee should get the Wisconsin Counties Association on board and that even if Wisconsin can get over the halfway mark for juror compensation across the country, it would still be a modest sum; it seems to be a small amount of money compared

to overall budgets. Brandt responds that he did a quick calculation for a modest change, a sum of about \$2.93-6 million dollars would be required to make a difference in the budget.

Justice Dallet opined that Wisconsin should try budgeting for an estimated \$50/day.

Brandt stated that some Wisconsin counties already have that rate and pay a half-day rate of \$25/day.

Judge Richards agreed that the subcommittee needs partners to increase awareness that the justice system costs money, and those partners could include the District Attorney's association and the Wisconsin Counties Association. He emphasized that we need the District Attorney's support to make this work.

Summons Process & Juror Lists

Justice Dallet begins the discussion regarding the summons process and potential juror lists. She stated that changing the lists would require a legislative change and that some suggestions to increase juror participation include frequency of list updates and how are they updated. The subcommittee should discuss evaluating the summons process and explore improvements. She asked if there is an increase in participation when a second notice is sent out; whether survey follow-up improves participation; and if Wisconsin has a process for updating our lists.

Brandt explained that updating the lists relies on the Department of Transportation. Potential juror lists can be updated at the county level on a quarterly basis or annually. Clerks request a certain number of jurors for a year, and the county gets a prospective juror list either annually or quarterly. Wisconsin statute requires an annual list, but they get the option of quarterly. Quarterly is promoted, but ultimately, it's the clerk's decision. We would need a Supreme Court rule to change the requirement to quarterly. The decision would get some pushback from some clerks because they have small staffs and so few jury needs, that it isn't worth their time.

Matoska-Mentink explained that she does the annual draw according to statutory requirement; she hasn't changed this because Kenosha County does follow-up requests. They send out 12,000 questionnaires and have about a 60-70% rate for electronic response via email. She opined that mandating quarterly drops won't increase the return rate. The people who are going to participate will respond, and those who don't want to participate won't respond.

Matoska-Mentink explained that if the post office returns a survey with a notification of an address change, the county will resend it right away. If they don't respond a second time, there is no further action. With electronic response to the survey, the county will have their email address; with a paper response, the county typically gets an address or phone number.

Justice Dallet asked if a survey is sent to a verified address and they don't respond, is there follow-up? Matoska-Mentink responded, "yes." Justice Dallet then asked if the summons say that their data won't be shared, to which Brandt stated he didn't know.

Brandt explained that some counties do a one-step process instead of a two-step process and shared the survey return statistics for Dane, Milwaukee, and Kenosha counties.

Guilty Plea Colloquy Process Discussion

This topic was tabled due to time.

Juror Project K – 12 Lesson Plan and Community Presentations Updates & Discussion

Michael Blauw stated the Wisconsin Council for Social Studies (WCSS) has an event in March 2025. The director has an interest in doing a topic on juries and the selection process, and teachers are interested in putting together presentations/panels to engage students in jury and judicial education. The WCSS network is primarily teachers, but they would like to put together a webinar for teachers to serve as a judicial education component. The WCSS has good connections with the University of Wisconsin to collaborate/secure a venue for this; the main barriers are selecting a date and putting together a participation list (due to teachers' schedules).

Justice Dallet asks if there is already funding established for this, to which Mike Austin states that there is grant funding set aside.

Justice Dallet also reminds the subcommittee that Juror Appreciation Month is coming up in September.

Public Comment

There was no public comment.

Adjourn

The next meeting will be October 3, 2024. The meeting adjourned at 1:13 p.m.