



## **Criminal Justice Coordinating Council**

### **Race, Equity, Inclusion, and Access Subcommittee**

### **Meeting Minutes**

**Wednesday, October 2, 2024 // 12:15 p.m. – 1:15 p.m.**

**Meeting location Virtual (Zoom)**

**Co-Chairs Justice Rebecca Dallet and Judge Jon Richards**

<b>Subcommittee Members Present:</b>	Justice Rebecca Dallet, Ashley Billig, Clerk of Courts Rebecca Matoska-Mentink, Judge Jon Richards, Neal “Chip” Nielsen, Jerome Dillard, Judge Carl Ashley, DA Kimberly Lawton, Kelli Thompson, Mary Triggiano, Representative/Milwaukee City Attorney Evan Goyke
<b>Subcommittee Members Not Present:</b>	Judge Elliott Levine, Judge Emily Lonergan, Sheriff Tammy Sternal, Michael Blauw, Jane Graham-Jennings,
<b>DOJ Staff:</b>	Lara Kenny, Ryan Anderson, Mike Austin, Phil Zell, Brad Kelly, Katie Snell, Sabrina Gentile, Brittney Felton
<b>Others:</b>	Ann Olson, Tyler Brandt

### **Welcome and Opening Comments**

Subcommittee Co–Chair Justice Dallet welcomed members to the meeting at 12:15 p.m.

Quorum was present.

### **Approval of Meeting Minutes**

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Motion to Approve August 1, 2024, REIA Subcommittee Meeting Minutes

Motion was made by Kelli Thompson and seconded by Judge Carl Ashley to approve the August 1, 2024, REIA Subcommittee Meeting Minutes.

Motion approved.

11 Ayes, 0 No

### **Juror Appreciation and Juror Pay Proposal**

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Rebecca Matoska-Metink stated there is a meeting next week to discuss juror pay, and the Clerk’s Institute meeting in February is hoping to have a presentation regarding juror pay programs. Justice Dallet asked if a survey can be passed out at the upcoming meeting regarding juror appreciation. Matoska-Metink affirmed that if Tyler Brandt can send a survey out to the clerks by next week, then they can highlight it. Judge Carl Ashley agreed that it is important that jurors know they are appreciated for their service.

Justice Dallet asked if everyone agrees about trying to move forward on the juror compensation issue, and Kimberly Lawton opined that it is problematic that the pay depends on the county

because jurors in neighboring counties, such as Ashland County and Bayfield County, get paid at different rates.

Judge Richards described the previous subcommittee discussion on this topic, which determined that increasing juror pay would increase jury diversity because many people cannot afford to serve on juries. The current pay minimum is \$16/day which was set in 1977. With just the inflationary increase since then, the pay should be \$87/day. The working group agreed on a solution with the following points:

- Increase the current daily minimum pay rate to \$100 per day and \$50 per half day. Initial estimates indicate this would increase overall costs to the state by \$8.5 million. The current total cost is \$1.9 million to the counties. This would bring Wisconsin closer to North Dakota who changed their rate in 2023 to \$100 per day.
- The full amount of the juror pay shall be covered by state funds under the Circuit Court Sum Sufficient appropriation
- A proposal should allow for counties to provide a stipend for childcare to jurors on a case-by-case basis.
- No employer mandate should be included in the proposal.
- A juror may waive payment or issue a re-payment back for the amount earned.

Justice Dallet expressed concerns about how much the Subcommittee can accomplish, particularly when court security is a primary issue, if this change would obtain legislative support. The Subcommittee agrees that this is an issue and needs to be addressed but they need to decide how to initiate this change.

Evan Goyke added that juror pay should be even across counties and the way to do this involves the state taking over. Inevitably, this would become a larger budget item for the more urban counties and could have political ramifications with Milwaukee and Dane counties getting the vast majority of relief.

Judge Ashley stated that he would like the state to contribute more to court security for the jurors as well as the public. Counties do not have the resources for this increased security, so he wants to balance this request for increased juror pay with the request for security.

Mary Triggiano added that this does not just affect court staff and jurors; it has public health effects.

Justice Dallet and Judge Richards agree that legislators should recognize that current juror pay is from the 1970s and that having legislators on board with this solution would be beneficial.

DOJ Staff provided suggested motion language for the Subcommittee.

## **Approval of Juror Pay Proposal**

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#### Motion to Support Juror Pay Proposal

Motion was made by Mary Triggiano and seconded by Evan Goyke to authorize REIA Co-Chairs and designated subcommittee member(s) to communicate on behalf of the subcommittee support for adopting changes to minimum juror compensation to stakeholders, the Governor, and the Legislature, consistent with discussion at today's meeting.

Motion approved.

11 Ayes, 0 No

#### **Supreme Court Rule 24-04 Amendment of Chp. 31 re CLE credit**

Judge Richards explained that a move to incorporate a mandatory requirement for CLE credit for lawyers to be trained in reducing bias and cultural competence failed previously, so the State Bar of Wisconsin requested that CLE credit exist for lawyers wanting to be trained in reducing bias and cultural competence. The training is voluntary and there would be a cap to that credit of six hours for every 30 hours of credits earned. Both UW Law School and Marquette Law School require some course about this, and 20 other states require CLEs of a similar type of credit. Judge Richards commented that he thinks this proposal is modest, and he hopes the Subcommittee can all agree to support the amendment.

Judge Ashley expressed his disappointment that this is not a mandatory requirement but opines that the REIA Subcommittee should absolutely support this.

Judge Richards confirmed that this petition will go straight to the Supreme Court and initiated a vote.

DOJ Staff provided suggested motion language for the Subcommittee.

#### **Approval of State Bar of Wisconsin Petition to Supreme Court Rule 24-04 Amendment**

##### Motion to Support State Bar of Wisconsin's Petition to Supreme Court

Motion was made by Judge Carl Ashley and seconded by Mary Triggiano to support the State Bar of Wisconsin's petition to recognize continuing legal education (CLE) credit education courses regarding cultural competency and the reduction of bias to the Wisconsin Supreme Court.

Motion approved.

10 Ayes, 0 No, 1 Abstain (Justice Rebecca Dallet)

Mike Austin reported the Criminal Justice Coordinating Council (CJCC) passed support for this on September 27, 2024. The CJCC is submitting a letter of support to the Supreme Court that will include the REIA Subcommittee voted and also supports the amendment to the rule.

#### **Guilty Plea Colloquy Process Discussion**

Judge Richards asked if anyone on the Subcommittee was aware of anything going on in the country to work with neurologically diverse people and guilty pleas? Justice Dallet stated that she has taken many guilty pleas and thinks it is worth researching. Judge Richards and Justice

Dallet agreed that many legal terminology and concepts are difficult to understand for neurotypical people, so it is important to learn more about how best to serve neurodiverse individuals, and we should learn about what other states are doing.

Judge Ashley pointed out that this topic relates to how courts already serve juveniles or child witnesses, and how courts take necessary steps to make sure they understand what is going on. Court processes can move fast, and it is sometimes hard to make sure everyone understands, but there are things that can be done to ensure every person understands.

The Subcommittee agreed to bring this topic back at the next meeting.

### **Jury Bias Video Updates and Discussion**

Justice Dallet asked where the jury bias video is being shown. Committee members commented that it is shown in La Crosse, Outagamie, and Milwaukee counties. It is shown in Outagamie County on a judge-to-judge basis. Matoska-Metink stated Kenosha County already has jury introductory instructions and the state video for them. Justice Dallet asked if we can add the jury bias video to that part. Matoska-Metink agreed, and Justice Dallet suggested combining the state video with a segment of the jury bias video and making it publicly available on the website.

### **Wisconsin Council for the Social Studies Conference Update**

Mike Austin stated a presentation request is ongoing to bring in Will Snowden to teach a session at the conference and advance some curricula to use in classrooms. Snowden had previously presented to this Subcommittee, and he has existing materials from his New Orleans class. Michael Blauw and Mike Austin are going to meet next week to advance that process and talk next steps.

### **Public Comment**

There was no public comment.

### **Adjourn**

Motion to Adjourn the Meeting Approve

Motion was made by Judge Ashley and seconded by Evan Goyke to adjourn the meeting.

Motion approved.

10 Ayes, 0 No

The next meeting will be December 5, 2024.

The meeting adjourned at 1:05 p.m.