

August 6, 2019

Steve Olson, Municipal Judge
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Ms. Jessie Lillibridge
CITY OF MANITOWOC
900 Quay Street
Manitowoc WI 54220

RE: Municipal Judge Salary

Dear Ms. Lillibridge:

I spoke with Mayor Nickels last week about how best to have the Municipal Judge salary adjusted. He suggested I speak with you about doing a review, given your expertise in the field. I therefore ask that you undertake that task.

I believe this needs be done and fully routed through the Committee and Council level by December 1, 2019. Although not the traditional manner practiced by Council, the past five years Council has indicated they prefer to address the Judge salary prior to the start of a new term. My term expires May 1, 2020 with whomever is elected to the four year term in the Spring 2020 election taking office that date. December 1st is when nomination papers can be taken out. The League of Municipalities has issued a legal opinion that a salary cannot be downward adjusted after the end of December, when nomination papers are due. So, addressing it before nomination papers may be taken out is appropriate.

Traditionally, the Judge received the same across the board salary adjustment other Manitowoc Department Heads received annually. This continued through my first two years in office, 2008 and 2009. Section 755.04, Wis. Stats., dictates a Municipal Judge's salary "may be increased by the governing body before the start of the 2nd or subsequent year of service of the term of the judge, but shall not be decreased during a term". Five years ago Council decided to switch to a review at the outset of a new term.

After 2009, austerity measures began which had little to no salary increases for any city employees. I was content with that, knowing all employees must share the pain. However, by the early to mid 2010's, that changed - except for the Judge and Mayor. From 2009 through the end of my term in 2020, the Judge position has received but a 5% adjustment. Receiving only a 5% adjustment over an eleven year period has caused me an increasing level of frustration.

Court revenues have steadily increased during my tenure, although the focus of the Court is not generating revenue. Rather, financial penalties are simply the primary means of punishment available to Municipal Courts, therefore, enforcement of Judgments is a priority. Below is a brief overview of caseload and revenues during my tenure, as compared to the year before my election:

<u>Year</u>	<u>Caseload</u>	<u>Revenues</u>
2007	3686	\$372,571.15
		...
2016	4094	\$510,431.15
2017	4906	\$582,043.05
2018	4848	\$598,050.37

With the advent of Council being more proactive in Building Inspection, citations issued relating to structures have skyrocketed. I believe about 75% of building citations are contested in one form or another. Additionally, in recent years retail theft ordinance expansion and prostitution offenses have also risen due to expanded jurisdiction of the Municipal Court.

Mayor Nickels indicated you have the ability to examine other Municipal Courts as to their judicial salaries, workload, etc. I believe that would be a good idea. However, keep in mind Municipal Courts vary widely. Approximately 50% of Municipal Courts have non-attorney judges. Manitowoc, wisely in my opinion, requires its judge be an attorney. Many smaller courts have evening sessions - Manitowoc does not. And should not, in my view. City Hall would have to be open - having intoxicated/impaired defendants wandering about City Hall would create significant problems.

I also believe a Municipal Judge is best served by having a litigation background. I have an average of about 1.5 trials scheduled per week. Knowledge of and trial experience is imperative, in my view. I spent some twenty years in private practice, primarily in various litigation fields. I then was a Court Commissioner for five years, presiding over about 10 trials per week.

One serious problem I found very unexpected when I was first elected. After election but before I took office May 1, 2008, I had a personal injury trial scheduling conference before the Circuit Court. I asked the Circuit Court to schedule around Municipal Court' weekly session. The Circuit Court refused. I almost resigned from Municipal Court before I even took office. After considerable angst, I decided to shift my private practice focus. That did not go well for me, given I had 15+ years in litigation experience by that point. Accordingly, when the litigation-focused Court Commissioner position opened, I shifted in that direction. I would think the City would have a hard time finding a litigation-focused private attorney interested in running for Municipal Judge at the current salary, given what I experienced.

I believe that with the length of time with minimal salary adjustments as compared to other Department Heads and the fact any adjustment would run through 2024, a 20% increase for the next term is appropriate. This would equal 25% over fifteen years, or 1.67% per year. The Judge salary is currently slightly under \$24,000 annually and is not covered by WRS. The increase could be split between the beginning of the term and the start of the third year. I ask you please keep me posted on your progress and let me know when this issue may come before Council or the Personnel Committee. I would like to appear.

Thank you for your consideration.

Sincerely,

/s/

Steve Olson