

June 18, 2023

Steve Olson, Municipal Judge
4725 River Heights Drive
Manitowoc WI 54220
(920) 323-3075

Ms. Jessie Lillibridge
CITY OF MANITOWOC
900 Quay Street
Manitowoc WI 54220

RE: Municipal Judge Salary

Dear Ms. Lillibridge:

Four years ago you did a salary review of the Judge position for the Personnel Committee and Council. Years ago the Judge salary was reviewed on an annual basis, however, some years ago Council decided it should only be revisited prior to the beginning of a new term, which is four years. In 2019 you recommended an increase of 20% for the four year term; Council granted 10%. Over the eleven years from 2009 through 2020 a total of 5% was granted. As such, during the fifteen years from 2009 to 2024 the position received a total 15% increase. I find this quite frustrating.

When Council sets a salary for the Municipal Judge, they do it for whomever is elected Spring 2024. As I enter the twilight of my legal career, retired except for the part-time Municipal Judge position, I am as of now undecided if I will run again. As my wife and I have discussed, it would be nice to spend January and February in some southern location as many do. But, I cannot due to serving as Municipal Judge. The City must be considering recruitment for an attorney Municipal Judge when it sets a salary. The City has had problems recruiting qualified candidates for various positions in part due to inadequate salaries compared to other municipalities.

Inflation was 1.2% in 2020, 4.7% in 2021, 8% in 2022 and 5.3% YTD as of May, 2023. A total of 19.2%. During that same time the Municipal Judge received only 10% - accordingly, the position slipped 9.2% behind inflation. From 2009 to 2024, the Judge received a total 15% increase but inflation from 2009 to 2024 was 36.54%. ***The Municipal Judge position slipped 21.54% behind inflation, 2009-24.***

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 in 2008:

<u>Year</u>	<u>Caseload</u>		<u>Total Revenues</u>
2007	3686		\$372,571.15
		...	
2016	4094		\$510,431.15
2017	4906		\$582,043.05
2018	4848		\$598,050.37
		...	
2022	3777		\$631,345.24

It seems appropriate to compare Manitowoc with other Municipal Courts as to their judicial salaries, workload, etc. However, Courts vary widely. About 50% of Municipal Courts have non-attorney judges. Manitowoc, wisely in my opinion, requires its Judge be an attorney. Smaller courts have evening sessions - larger courts such as Manitowoc do not. And should not, in my view. City Hall would have to be open - having intoxicated/impaired defendants wandering about City Hall creates problems.

I also believe a Municipal Judge is best served by having a litigation background. I have an average of one trial 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. This would be the case for any litigation experienced attorney who may consider the Municipal Judge position. After election but before I took office May 1, 2008, I had a personal injury trial scheduling conference in Circuit Court. I asked the Circuit Judge to schedule around the 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 at that point. Accordingly, when the litigation-focused Court Commissioner position opened, I shifted in that direction. I believe 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. He/she would have to give up a good portion of their more lucrative private practice in order to preside over Municipal Court on a weekday.

I believe that given the length of time with minimal salary adjustments as compared to other Department Heads and the fact any adjustment would run through 2028, a 20% increase for the next term is appropriate. This would equal 35% over the past nineteen years, or 1.84% per year. Given this is a part time position currently salaried at \$26,000/year, this would amount to \$5200/year. 35% is still behind the 36.54% inflation which has occurred over the past 19 years and the Judge salary would slip farther behind inflation going forward since there would be no increases in 2025, 2026 and 2027.

Included with this letter are two similar salary surveys done by the Director of State Court's Office regarding various Municipal Courts in Wisconsin. One is organized alphabetically by Judge name and the other by the name of the court. One includes in the left margin with a Y or N whether the municipality requires its Judge be an attorney. Information is not necessarily up to date - for example, Manitowoc shows gross revenue retained by the municipality at \$373,347. Actual numbers for Manitowoc in 2022 were \$428,182.02. However, the information may be useful in comparing other attorney required courts. Some relatively comparable jurisdictions I note within the reports are Two Rivers (not attorney required Judge), Sun Prairie, LaCrosse, Ashwaubenon and Brookfield.

I truly believe it appropriate for Council to return to an annual review of the Judge salary beginning with the 2028 term. I ask you keep me posted on your progress and let me know when this issue may come before the Personnel Committee and Council. I would like to appear.

Thank you for your consideration.

Sincerely,

/s/

Steve Olson