

Chairperson: Supervisor Willie Johnson, Jr.
Clerk: Linda K. Durham, 278-4225
Research Analyst: Rick Ceschin, 278-5003

COMMITTEE ON JUDICIARY, SAFETY AND GENERAL SERVICES

Thursday, March 5, 2009 - 9:00 A.M.

Milwaukee County Courthouse - Room 201-B

MINUTES

PRESENT: Supervisors Rice, De Bruin, Broderick, Jursik, Sanfelippo and Johnson (Chair) – 6

EXCUSED: Supervisor Cesarz – 1

SCHEDULED ITEMS:

1. 09-93 From Clerk of Circuit Court/Director of Court Services, requesting authorization to enter into a two-year contract with the Legal Aid Society in the amount of \$1,708,672 for 2009 and in the amount of \$1,747,116 for 2010.

APPEARANCE(S):

Jim Smith, Clerk of Circuit Courts

Carmen Ortiz, Legal Aid Society, Attorney, Family Local Branch, Downtown Court

Shelia Hill-Roberts, Attorney, Legal Aid Society Society, Guardian Ad Litem Division

Katie Doyle, Attorney, Legal Aid Society

MOTION BY: (BRODERICK) Approval of the Legal Aid Society two-year contract.

Discussion ensued, with questions and comments relative to the number of clients The Legal Aid Society serves and whether or not that number has increased.

Ms. Ortiz advised that her program alone served approximately 1,200 cases with five attorneys and one social worker. The Legal Aid Society takes the cases that are deemed to be indigent where the parties are not able to pay a private attorney. At this time, the Legal Aid Society is seeing an increase in cases because most people are not able to afford an attorney.

Ms. Hill-Roberts advised that her Division handles children. They handled 2,712 cases last year and has seen an increase this year in child abuse and neglect cases, as well, as fatal child abuse cases.

Ms. Doyle answered questions raised by Committee members relative to any lawsuits the Legal Aid Society has against Milwaukee County. She advised that the Legal Aid Society has had an on-going lawsuit with the Milwaukee County Jail system (Christensen case). That is the only lawsuit to her knowledge.

SCHEDULED ITEMS (CONTINUED):

MOTION BY: (SANFELIPPO) Layover and request that a study be done to see if there are other individuals who are interested in providing this type of work and report back at the next cycle.

Discussion ensued at length, with questions and comments.

Mr. Domina commented that the State Bar Association of Wisconsin undertook an extensive study on issues related to legal access for the poor in terms of civil cases. They looked across the State and found a number of failings in terms of access for individuals in the court system, specifically children.

Chairman Johnson requested that Mr. Domina provide the Committee with a copy of the study he referenced in his comments.

Supervisor De Bruin expressed her disappointment in not having the Legal Aid Society contract before the Committee for their review. She suggested, as an alternative to Supervisor Sanfelippo's motion, to divide the contract and move approval for 2009 and give the Department time to bring back information as to what The Legal Aid Society does and whether or not there is any potential for a Request for Proposal (RFP).

Supervisor Sanfelippo withdrew his initial motion and resubmitted the following:

MOTION BY: (SANFELIPPO) Approve the Legal Aid Society contract for 2009.

Supervisor Broderick suggested, as a consideration in the motion, that the Committee be provided with a best estimate of the market value of the services currently being performed by the Legal Aid Society, were they to be done at market rates in the private sector.

Chairman Johnson requested that the Legal Aid Society provide a report relative to comparables suggested by Supervisor Broderick above. Also provide a copy of the Legal Aid Society Contract to the full Board before Board Day.

MOTION BY: (RICE) Offered an amendment to the original motion to approve the contract for 2009. (Vote 3-3)

AYES: Rice, De Bruin and Sanfelippo – 3

NOES: Broderick, Jursik and Johnson (Chair) – 3

EXCUSED: Cesarz – 1

Amendment failed.

SCHEDULED ITEMS (CONTINUED):

Vote on motion by Supervisor Broderick to approve the 2 year contract: 5-1

AYES: Rice, De Bruin, Broderick, Jursik and Johnson (Chair) – 5

NOES: Sanfelippo – 1

EXCUSED: Cesarz – 1

2. 09-103 From the Sheriff's Office, requesting approval of a payment to Dr. Florence L. Johnson & Associates in the amount of \$3,990 for training provided at the House of Correction in August of 2008.

APPEARANCE(S):

Inspect Kevin Carr, Sheriff's Office

Jon Priebe, Public Safety Fiscal Administrator, Sheriff's Office

Inspector Carr reviewed the subject report.

Questions and comments ensued.

MOTION BY: (SANFELIPPO) Approve. (Vote 6-0)

AYES: Rice, De Bruin, Broderick, Jursik, Sanfelippo and Johnson (Chair) – 6

NOES: 0

EXCUSED: Cesarz

3. 07-320 An adopted resolution directed the Director of Audit to provide follow-up reports on
(a)(c) the Audit of Jury Selection Process in the Milwaukee County Circuit Court System.
(Final report due on its continued success in achieving jury pools that are reflective of the community.) (INFORMATIONAL ONLY UNLESS OTHERWISE DIRECTED BY THE COMMITTEE)

APPEARANCE(S):

Jerry Heer, Director of Audits

Mr. Heer reviewed the subject report.

Questions and comments ensued.

Supervisor De Bruin requested that staff prepare a letter to the State for all Committee members to sign in support of Mr. Barrett's efforts at the State level recommending that the jury selection pool be broadened. After a brief discussion regarding Supervisor De Bruin's request, the Committee decided to pursue a resolution regarding same at next month's meeting.

SCHEDULED ITEMS (CONTINUED):

MOTION BY: (BRODERICK) Receive and place on file. (Vote 6-0)

AYES: Rice, De Bruin, Broderick, Jursik, Sanfelippo and Johnson (Chair) – 6

NOES: 0

EXCUSED: Cesarz - 1

4. 09-73 From Corporation Counsel requesting authorization to amend Section 17.30 of the Milwaukee County General Ordinances as it pertains to the appointment and supervision of the Superintendent of the House of Correction. **(Also to the Committee on Personnel)**

APPEARANCE(S):

Bill Domina, Corporation Counsel
Inspector Kevin Carr, Sheriff's Office

Questions and comments ensued.

MOTION BY: (RICE) Approve.

Questions and comments continued.

Mr. Domina advised that the request to amend Section 17.30 of the Milwaukee County General Ordinances gives clarity. He considers it clean up to the ordinances.

Vote on the motion to approve: 6-0

AYES: Rice, De Bruin, Broderick, Jursik, Sanfelippo and Johnson (Chair) – 6

NOES: 0

EXCUSED: Cesarz - 1

The Committee may adjourn into closed session under the provisions of Wisconsin Statutes, Section 19.85(1)(g), for the purpose of the Committee receiving oral or written advice from legal counsel concerning strategy to be adopted with respect to pending or possible litigation with regard to the following matter(s). At the conclusion of the closed session, the Committee may reconvene in open session to take whatever actions it may deem necessary:

CORPORATION COUNSEL RECOMMENDS PAYMENT/SETTLEMENT OF THE FOLLOWING CLAIMS/LITIGATION (Note: Section 56.08 of the Milwaukee County General Ordinances authorizes the Judiciary Committee to settle all claims when the amount does not exceed \$5,000.00, and the action of the Committee is final and no further County Board action is required.):

5. 08-18 From Principal Assistant Corporation, recommending approval of the settlement amount of \$4,023.50 for claims of **Bonnie Thompson**, in return for the dismissal of the pending lawsuit.

SCHEDULED ITEMS (CONTINUED):

APPEARANCE(S):

Bill Domina, Corporation Counsel

MOTION BY: (RICE) Approve items 5, 7-10 together.

Supervisor De Bruin requested information regarding the dollar amount for #10 from Corporation Counsel before Board day (March 19, 2009).

Vote on the motion to approve item 5, 7-10 together: 6-0

AYES: Rice, De Bruin, Broderick, Jursik, Sanfelippo, Johnson (Chair) – 6

NOES: 0

EXCUSED: Cesarz – 1

6. 09-18 From Deputy Corporation Counsel, recommending approval of the settlement amount of \$1,181.45 to **Paul A. Towler**, in settlement of this claim.

APPEARANCE(S):

Bill Domina, Corporation Counsel

Supervisor Sanfelippo advised that he would abstain from voting on this item because the person involved is a former employee of his.

MOTION BY: (DE BRUIN) Approve. (Vote 5-0: 1 Abstention)

AYES: Rice, De Bruin, Broderick, Jursik and Johnson (Chair) – 5

NOES: 0

EXCUSED: Cesarz – 1

7. 08-75 From Gruber Law Offices, LLC in behalf of **Takako Quinn**, submitting a claim for the alleged injuries and damages sustained when the vehicle she was driving was involved in an accident with a Milwaukee County-owned vehicle. **(Corporation Counsel recommends payment in the amount of \$3,300.00 to Ms. Quinn and her attorneys in full settlement of all claims arising out of the August 4, 2008 accident and in return for a dismissal of her pending lawsuit.)**

SEE ACTION UNDER ITEM 5.

SCHEDULED ITEMS (CONTINUED):

The Committee may adjourn into closed session under the provisions of Wisconsin Statutes, Section 19.85(1)(g), for the purpose of the Committee receiving oral or written advice from legal counsel concerning strategy to be adopted with respect to pending or possible litigation with regard to the following matter(s). At the conclusion of the closed session, the Committee may reconvene in open session to take whatever actions it may deem necessary:

8. 08-73 From Gruber Law Offices, LLC in behalf of **Anita Jackson**, submitting a claim for the alleged injuries and damages sustained when the vehicle she was a passenger in was involved in an accident with a Milwaukee County-owned vehicle. **(Corporation Counsel recommends payment in the amount of \$12,000.00 to Ms. Jackson and her attorneys in full settlement of her claims arising out of the August 4, 2008 accident and in return for a dismissal of her pending lawsuit.)**

SEE ACTION UNDER ITEM 5.

9. 08-74 From Gruber Law Offices, LLC in behalf of **Shauna Stilo**, submitting a claim for the alleged injuries and damages sustained when the vehicle she was driving was a passenger in was involved in an accident with a Milwaukee County-owned vehicle. **(Corporation Counsel recommends payment in the amount of \$10,000.00 to Shauna Stilo and her attorneys in full settlement of her claims arising out of the August 4, 2008 accident and in return for a dismissal of her pending lawsuit.)**

SEE ACTION UNDER ITEM 5.

10. 08-253 From Action Law Offices, submitting a claim in behalf of **Ora Gholson** for injuries and damages allegedly sustained while riding in an inmate transport bus. **(Corporation Counsel recommends payment in the amount of \$10,353.00 to Ms. Gholson and her attorney in full settlement of all claims arising out of the July 30, 2007 accident.)**

SEE ACTION UNDER ITEM 5.

11. 08-J-13 From Corporation Counsel, recommending approval of \$55,750.72 in back pay and
09-119 interest to Ersol Henry and \$30,798.60 to Terri Lewis (less all applicable federal and state withholdings); and \$25,000 in compensatory damages to each plaintiff; in addition, \$79,583.43 in attorney fees to Sandra Graf Radtke and \$9,522,57 to Arthur Heitzer.

APPEARANCE(S):

Bill Domina, Corporation Counsel

The Committee adjourned into closed session at approximately 10:20 a.m. and reconvened back into open session at approximately 10:55 a.m. with the same members present as before.

SCHEDULED ITEMS (CONTINUED):

MOTION BY: (RICE) Approve the settlement amounts in the resolution, as recommended by Corporation Counsel. (Vote 6-0)

AYES: Rice, De Bruin, Broderick, Jursik, Sanfelippo, Johnson (Chair) – 6

NOES: 0

EXCUSED: Cesarz – 1

12. 08-J-4 From Corporation Counsel, status report on the Mercer pension lawsuit.

STAFF PRESENT: Rick Ceschin, Research Analyst, County Board
Bill Domina, Corporation Counsel
Jim Smith, Clerk of Circuit Courts
Jerry Heer, Director of Audits
Inspector Kevin Carr, Sheriff's Office
Jon Priebe, Public Safety Fiscal Administrator, Sheriff's Office

This meeting was recorded. Committee files contain copies of communications, reports and resolutions, which may be reviewed upon request to the Chief Committee Clerk. The official copy of these minutes, along with the audio recording of this meeting, are available in the County Board Committee Services Division.

Adjourned: 11:00 a.m.

Linda K. Durham

Linda K. Durham, Committee Clerk

DEADLINE

The next regular meeting of the Judiciary Committee is Thursday, April 9, 2009. All items for the agenda must be in the Committee Clerk's possession by the end of the business day on Thursday, March 26, 2009.

ADA accommodation requests should be filed with the Milwaukee County Office for Persons with Disabilities, 278-3932 (voice) or 278-3937 (TTY), upon receipt of this notice.