

Kelly A. Martyka

Attorney at Law

◆ 2211 10th Avenue ◆ P.O. Box 93 ◆ South Milwaukee, WI 53172 ◆
(414) 801-7193 ◆ martykalaw@gmail.com ◆ martykalaw.com

Wauwatosa Common Council
Attn: Financial Affairs Committee

October 29, 2024

Dear Committee Members,

I am Kelly A. Martyka, the municipal judge in the City of South Milwaukee. On October 15, 2024, I attended the Financial Affairs Committee meeting to support Judge LaFave's budget proposal. At the time, I was unsure whether I could make public comment, as the Committee Chair had requested addresses, implying that only Wauwatosa residents would be able to comment. However, I believe it is important to share my questions, concerns, and feedback with you about that meeting and Judge LaFave's request, especially from my perspective as a fellow municipal judge.

First and foremost, I was incredibly disappointed in the behavior, language, and tone of the executive team (including the mayor, city administrator, and deputy city administrator) and committee members towards and about Judge LaFave and her staff. I could not believe the use of individual names in this public hearing, the crass and cruel words of the executive team including that Judge LaFave was being unreasonable and is not "taking seriously" a balanced budget and not being cooperative with city staff, the allegations of politicking, and the disrespect shown to a long-time, hard-working employee, the court clerk - such as calling her actions insubordinate and alleging this employee is not cooperating with human resources.

Judge LaFave carefully and thoughtfully prepared a presentation and narrative for this committee, participated in developing and enacting changes within the court to create efficiency and more revenue *despite* municipal court not being a revenue-generating entity for a municipality, and reminded the committee and the community that the municipal court is and should be treated as an *equal and separate third branch*, not another department under the executive and lead by the mayor or city administrator.

The impact of the requested .6 FTE on the budget is not, and will not be as drastic as the executive team seems to believe. The budget already allows for a .6 FTE. Judge LaFave, per her presentation, also indicated ways the court has already seen growth in revenue, and will likely continue to see growth via a fee schedule for court requests and eliminating credit card fees. Further, per Judge LaFave's follow up letter, she found opportunities within the budget that could be amended to balance the budget and find funds for her requested new hire.

I found myself agreeing with many members of the committee. One member stated that the biggest issues he encounters from the community are "law enforcement and the legal system" and "accountability and fairness" in those areas, where the community wants a "balanced system." Another member reminded the committee that the court is a separate branch, it is not another city or executive

department. With that, it seems impossible to provide such accountability and fairness if the court is required to share staff with the executive, or any other branch.

However, I disagree with the committee member that stated the court's request is a question of "the courts or safety." I am having trouble understanding this framework. As a municipal judge, I believe that making sure the court can run efficiently and effectively *will* create a safer community. The court charges defendants with appropriate forfeitures which will deter future ordinance or statute violations; requires offenders to participate in the Intoxicated Driver Program to assess and treat individuals convicted of OWI offenses – including attending a traffic or driver safety program; and offers opportunities for all defendants and especially juveniles to participate in community service and other education opportunities connected to their citation.

I found the arguments from the executive with regard to other departments disingenuous and incredibly targeted. The court is not another department of the city and therefore, should remain its own, autonomous branch. Departments like the police or public schools, are much larger, likely unionized, and have access to funds from other sources that a municipal court would not - like from the state. If other departments need more support, they can also make the same request of this committee as Judge LaFave.

Judge LaFave has worked with the common council and the executive team to create more opportunities for revenue, indicating her commitment to the Mayor's goal for a balanced budget. As this committee I am sure knows well, a budget can be balanced by decreasing spending but it can also balance through increased revenue and growth. Having additional support for the court would increase the court's productivity, efficiency, and revenue which goes back to the city itself, thereby balancing the budget or even allowing for growth beyond a balance!. As a judge and citizen, I feel it is important to emphasize that every citation written by an officer ends up in the court. Without appropriate court staff, processing citations, cases, and judgments will take longer which in turn will chill the opportunities for increased revenue.

Lastly, I have questions and concerns on the expectations of this committee and the executive branch on the court and court staff regarding duties, responsibilities, and time management. It has been made abundantly clear that the current single employee of the court is overworked – she has been previously denied a second full-time staff member, was allotted a half-time position, but has only been provided a quarter-time position. Further, she is expected to train a new employee, while all parties acknowledge that she is doing the work of two FTEs. The double workload does not allow for time to train three separate people, let alone the one person who was actually interested in supporting the court. Without sufficient training, new employees will not be able to be "appropriately utilized." The executive committee and the legislation have created a circular problem that the judge is trying to remedy in her own part-time capacity.

I have shared these thoughts, concerns, and feedback because I fully support the municipal court and Judge LaFave's proposal and goals. She works tirelessly to show her commitment to the community, equity, and justice. I encourage you to be thoughtful about this request, and remind you that the court is a separate, equal, and necessary branch to keep a government and community running smoothly, equitably, and safely.

Very truly yours,
Kelly A. Martyka