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Statewide divorce forms in the works for *pro se* litigants

For six months, a small group has been quietly at work on an initiative that could change the way Wisconsin addresses the needs of litigants who represent themselves in divorce matters. The group hopes to unveil new, non-mandatory, statewide forms for these *pro se* litigants in the first quarter of 2005.

The forms will be available online and in hard copy, and are being developed with the assistance of the Consolidated Court Automation Programs (CCAP). The Records Management Committee is intending to review the forms that are developed, but the forms will not be mandatory forms under Supreme Court Rules Chapter 70. They will, however, be accepted in all counties and will be the only divorce forms available through the Office of the Clerk of Circuit Court in each county.

As all judges, family court commissioners, and clerks of circuit court are aware, the number of *pro se* family court matters continues to rise, not only in our most populous counties, but also throughout Wisconsin. This

see **Forms** on page 7

Grant will help residents of northwestern Wisconsin navigate court system

An ambitious proposal to help residents of northwestern Wisconsin who are involved in court proceedings and cannot afford – or choose not to hire – a lawyer, will move forward thanks to a nearly \$150,000 grant. The grant recipient, Wisconsin Judicare, has been providing legal services to low-income people involved in non-criminal legal matters such as child-custody disputes and small-claims cases in the northern half of Wisconsin for nearly 40 years.

“We are elated by this news, and are grateful to the Otto Bremer Foundation for funding the proposal,” said Wisconsin Judicare Executive Director Rosemary R. Elbert. “It may truly be said that tens of thousands of Wisconsin residents will benefit from this effort.”

Tim O’Brien, a New Richmond attorney who chairs a court-sponsored effort to improve services for self-represented litigants, agreed. “The court system, State Bar of Wisconsin, local bar associations and individual lawyers have been working on these issues for several years. The Bremer Foundation grant will help us do even more to serve northwest Wisconsin.”

The Bremer Foundation, based in

St. Paul, funds projects that promote economic and social justice with a focus on Minnesota, North Dakota, and Wisconsin. This project targets residents of the 13 northwestern Wisconsin counties that comprise the Tenth Judicial District, including: Ashland, Barron, Bayfield, Burnett, Chippewa, Douglas, Dunn, Eau Claire, Polk, Rusk, St. Croix, Sawyer, and Washburn. This large, primarily rural area of the state is home to approximately 496,500 people, 45,766 of whom were recorded as below the federal poverty guidelines in the 2000 Census.

The grant will fund a two-year project employee who will work for Judicare to develop and implement a plan for improving access to the courts in northwestern Wisconsin. The project is expected to focus on standardizing court rules and procedures among the counties, making simplified forms and plain-English instructions available, training court staff, clerks, and judges to improve how they communicate with people who are representing themselves in court, and undertaking a major public outreach campaign.

With a majority of litigants in some see **Grant** on page 7

The new look of the Supreme Court



The Wisconsin Supreme Court sat for its official portrait in September, recording Justice Louis B. Butler's arrival as number seven. As the newest member of the Court, Butler has a number of special duties. By tradition, number seven pours coffee and answers the door when the Court is in conference, and tracks down justices who do not appear after the marshal calls the group together. Butler's arrival relieves Justice Patience Drake Roggensack of these duties.



Fall
2004

Director's column: Interpreter program a sound investment



A. John Voelker

On a gloomy Friday in November, as I was working my way through a stack of memos, reports, mail, and other assorted paperwork, I received a welcome interruption: the news that Marcia Vandercook in the Office of Court

Operations and District Five Court Administrator Gail Richardson had been selected to receive the Wisconsin Hispanic Lawyers Association's Rosa Blanca Award for their efforts to build – from scratch – a program to train and certify court interpreters. It is always nice when court personnel are recognized for their efforts in making a difference for the individuals who use our system.

Ms. Vandercook has been instrumental in the implementation of the program while Ms. Richardson was an early supporter of training and certification for interpreters who worked for years to help educate judges and others about the complexity involved in the process of interpretation.

The work of Ms. Vandercook, Ms. Richardson, Carmel Capati, Judge Elsa C. Lamelas and the many judges, clerks of court, lawyers, and others who have contributed time and effort to building our court interpreter training and certification program also has caught the eye of the State Bar of Wisconsin. The interpreter program is one of a number of initiatives currently under consideration for use in the State Bar of Wisconsin's "Wisconsin Lawyers Make a Difference" campaign, which includes print ads, TV spots, and billboards.

Publicizing the need to ensure qualified, trained court interpreters is critical at a time when we hope to make our successful program permanent with a budget request for \$65,100 in fiscal year 2005-06 and \$121,900 in fiscal year 2006-07. The one-time federal grant that is funding the program will end on Dec. 31, 2005.

The Rosa Blanca Award is reserved for individuals who have demonstrated leadership on legal issues of importance to the Hispanic community. When we consider that, in 1990, according to U.S. Census Bureau data, Spanish was the primary language in 75,931 Wisconsin homes, and in 2000 it was the primary language in 168,778 homes, it becomes difficult to imagine a legal issue of greater importance to the Hispanic community – and to all who care about justice –

than providing trained and certified language interpreters in our courts.

And Spanish is just the start. The litigants walking through the doors of our courthouses each day also speak Arabic, Bosnian, Hmong, Khmer, Polish, Somali, and scores of other languages.

Sometimes it's hard to spot the progress on the issues we face in the administration of the courts. We work hard on difficult issues and they can take time to resolve. The court interpreters project is one of those satisfying efforts that yield prompt and demonstrable results, and those results testify to hard work and diligence of all of those who have contributed to the program from the beginning.

Just look at their accomplishments: The Committee to Improve Interpreting and Translation in the Wisconsin Courts was convened in October 1999; it issued its report and recommendations a year later; it convinced the Supreme Court to adopt an ethics code for court interpreters; it designed an orientation and a certification process; it developed a roster of court interpreters for use by judges, law enforcement, and others; and when Wisconsin's fiscal crisis doomed a proposal for state funding, it secured – with the help of U.S. Senator Herb Kohl – a \$250,000 federal grant to fund an interpreter coordinator. Carmel Capati was hired in that position and is moving the program forward.

This past May – less than five years after we began to look at this issue – the first group of trained and certified court interpreters was sworn in. I could not say it better than Judge Lamelas did when she wrote in the award nomination: "These two persons have diligently pursued making a reality of access to the courts by non-English speakers.... Our committee has helped bring Wisconsin out of the dark ages."

It is difficult to quantify the value of preserving access to justice and I have no yardstick to measure the effect that qualified, trained interpreters have on each individual case. But the judges, attorneys, victims, defendants, witnesses and others who see the results of this effort every day know its value. They know that this program makes a difference, and that making the language of the courts understandable to all is, indeed, a sound investment. ■

National Center for State Courts simplifies court performance measures

by Chief Justice Shirley S. Abrahamson

President, Conference of Chief Justices

Chair, board of directors, National Center for State Courts

Improving the public's trust and confidence in our justice system presents numerous challenges. One is identifying the responsibilities for which courts can, and should, be held accountable.

Our independent judiciary has a responsibility to operate efficiently and effectively. One tool for responsible court administration is a balanced and practical set of court performance measures to enhance the judiciary's ability to manage the court system.

State and local courts have long needed a realistic set of court performance measures that are practical to implement.

In January 2005, the National Center for State Courts will release CourtTools – Measures of Court Performance, which outlines 10 court performance measures and guides court managers on their use. This new measurement system, in the works for more than 18 months, is designed to help improve the administration of justice. It offers court managers a few core measures that are said to be practical and provide a balanced perspective on court operations. CourtTools is billed as a flexible system for improving court operations, not a method for evaluating judicial performance.

see **NCSC** on page 21

Supreme Court adopts new code governing judicial elections

The Wisconsin Supreme Court has adopted a new rule to guide the campaign activity of judges and candidates for judicial office. The rule goes into effect Jan. 1, 2005.

The Court voted 4-3 to adopt the revised recommendation of the Commission on Judicial Elections and Ethics, which the Court appointed to examine judicial campaign ethics and judges' participation in partisan politics. Voting for the new rule were Chief Justice Shirley S. Abrahamson and Justices Jon P. Wilcox, Ann Walsh Bradley, and N. Patrick Crooks. Justices David Prosser Jr., Patience Drake Roggensack, and Louis B. Butler Jr. agreed with many of the changes but parted with the majority on several key issues. Their dissents encompass pages 12-26 of the Supreme Court order.

The Court's vote ends a seven-year process of study and deliberation on this issue. When the Code of Judicial Conduct went into effect on January 1, 1997, the portion of the 1968 Code of Judicial Ethics that governed the political activity of judges and campaign conduct of candidates for judicial office was left intact pending an in-depth analysis of these areas. In March 1997, the Court appointed the

Commission to study political activity and campaign conduct and submit recommendations for a new rule. Senior Circuit Judge Thomas E. Fairchild, U.S. Court of Appeals Seventh Circuit, chaired the Commission, and Professor Charles D. Clausen, Marquette University Law School, served as reporter. In October 1997, the Commission submitted an initial report that identified the political and campaign issues that arise from Wisconsin's system for electing judges. The Court then gave the Commission a number of additional questions and issues to address.

The Commission filed this final report with the Court on June 4, 1999, and the Court then gave judges an opportunity to comment on the proposal, held a public hearing on the issue, and debated it at several conferences. The *Milwaukee Journal Sentinel* reported on the change, quoting former Justice William A. Bablitch as saying the new rule permits discussion of past cases. In reality, the rule is silent on whether such speech is acceptable. ■

The new rule is available at www.wicourts.gov/sc/sc_rules/00-07.PDF.

An overview of the new rule

Campaign Finance

1. Judges, judges-elect, and non-incumbent candidates for judicial office will be prohibited from personally soliciting or accepting campaign contributions.
2. Campaign committees may solicit and accept lawful contributions to judicial campaigns from lawyers and other contributors. Contributions may not knowingly be solicited or accepted from litigants with matters before the court to which election is sought.
3. Membership on campaign committees or the choice of campaign consultants or managers will not be restricted.
4. Special rules on disqualification or recusal will not be imposed.
5. No new rule will set the timing of judicial campaign fundraising.
6. No special rules will govern the use of judicial campaign funds.

Campaign Content

1. The rules prohibit campaign rhetoric that commits or appears to commit a candidate for judicial office with respect to particular cases, controversies, or

issues likely to come before the court. Campaign rhetoric concerning court rules or administrative practices and policies is not restricted.

2. The rules governing judicial elections explicitly prohibit misrepresentations by candidates and rhetoric that is knowingly misleading or knowingly likely to confuse the electorate with respect to the proper role of judges and lawyers in the American adversarial system.
3. No special rule will control campaign speech about decisions of a sitting judge or decisions of an appellate court.

Other Political Activities

1. Judges, candidates for judicial office (including those seeking appointment to the bench), and judges-elect will be prohibited from membership in a political party during the term of office or when a candidate or judge-elect; office holding or leadership of a political party during the term of office or when a candidate or judge-elect; and active participation in the affairs of a political party during the term of office or when a candidate. These prohibitions do not apply to an individual who is a candidate for appointment or election to the bench and who holds a public office that requires him/her to have a partisan political affiliation.

First look at sentencing worksheets shows mid-range sentences

by Jim Pingel, deputy director
Wisconsin Sentencing Commission

A preliminary analysis of the data submitted on sentencing worksheets between February 2003 and June 2004 shows that judges are handing down mid-range sentences for the most frequent offenses.

The worksheets and notes, which were developed by the Criminal Penalties Study Committee, were put into place as temporary advisory sentencing guidelines by 2001 Act 109. Worksheets for 11 crimes were developed and put into use for offenses committed on or after Feb. 1, 2003.

By June 1, 2004, the Sentencing Commission had received 835 worksheets for close to a full year of cases. Based on prison admissions and new probation cases provided by the Department of Corrections, the Commission estimates roughly a 40 percent response rate, quite remarkable given that the worksheets took effect nearly a year before the Commission was staffed. Although this data set is sufficiently large to generate meaningful results, it is not a randomly selected sample or the total universe of cases from the period.

Therefore, any statistical conclusions are suggestive rather than definitive at this time.

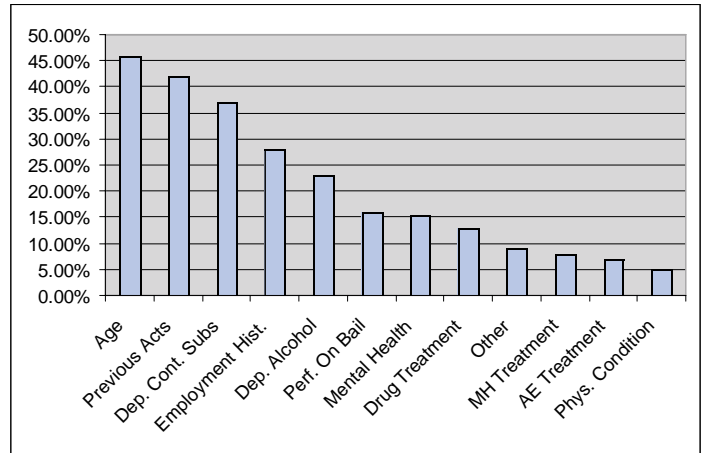


Figure 2

space to enter the offender's date of birth, commission staff was able to calculate age at the time of sentencing. The age range of the distribution is 15 to 68 years old, with a mean age of 27.5 years for all offenses. Eighteen-year-olds constitute the largest group, followed by 19-year-olds. The frequency by which individual ages are present on the sheets gradually declines thereafter. Forty percent of all offenders are in their 20s.

Figure 3 presents the average age of offender by the 11 offenses for which worksheets are submitted. First-degree sexual assault and first-degree sexual assault of a child were committed by the oldest offenders on average, 36.3 and 34.7 respectively. The youngest average offenders were committing robberies, at an average age of 24.7, followed by drug crimes and armed robbery.

Age is also listed in the risk assessment section as a factor that may affect determination of the offender's risk to public safety. Not surprisingly, age is most often checked as a risk-assessment factor for offenders either under 21 or over 40. Future analysis will investigate the circumstances under which age is a mitigating or an aggravating factor in sentencing decisions.

Offense Severity

		Risk Assessment		
		Lesser	Medium	High
Offense Severity	Mitigated	12.6%	10.6%	4.4%
	Intermediate	14.5%	27.2%	13.4%
	Aggravated	6.1%	6.5%	4.7%

Figure 1

Figure 1 lists the percentages of worksheets placed in each grid box for the 835 worksheets returned to the Commission by June 1, 2004. Over one-quarter of all sentences are placed in the middle cell, which is moderate risk, medium offense severity. The lower-risk and mitigated-offense categories are slightly more prevalent than aggravated or high-risk determinations.

Which factors are checked most often?

The worksheets give the Sentencing Commission several pieces of information on how felony cases differ from one another. We can break out which factors, if any, are consistently associated with cases falling in specific cells of the grid in Figure 1, and then provide information back to judges statewide about what characteristics are important determinants of sentences.

The "Risk Assessment Evaluation" section of the worksheets lists 11 factors that may be relevant to judges in determining the offender's potential future risk to public safety. Figure 2 shows that "Age" was checked most often, followed by "Previous Acts" and "Dependence on Controlled Substances."

A closer look at age as a factor

Since the worksheet also includes a

The future

As this article goes to press, the commission is developing permanent advisory guidelines in line with its legislative mandate, and will request reaction from judges statewide before the new guidelines go into effect. ■

Joe Fontaine, a research intern at the Sentencing Commission, contributed to this report.

Average Age by Offense		
	Avg. Age	# of Offenders
Robbery	24.7	56
Possession with intent to delivery marijuana < 200 grams	25.0	41
Armed Robbery	25.6	113
Possession with intent to delivery cocaine <5 grams	26.4	75
Burglary	26.8	247
2nd Deg. Sexual Assault of a Child	27.3	51
2nd Deg. Sexual Assault	29.4	9
Forgery/Uttering	30.3	152
Theft < \$10,000	32.3	12
1st Deg. Sexual Assault of a Child	34.7	33
1st Deg. Sexual Assault	36.3	3

Figure 3

NEW FACES

Doyle appoints three new judges

Gov. Jim Doyle appointed three circuit court judges this fall, bringing the total number of judicial appointments made in the first half of his term to 13.

The new appointees to the circuit court are Richard G. Niess, Dane County; Bradley J. Priebe, Outagamie County; and Paul R. Van Grunsven, Milwaukee County. The other eight circuit court judges appointed by Doyle in his first nearly two years are: James C. Babler, Barron County; James L. Martin, Dane County; Neal A. Nielsen III, Vilas County; Frederick C. Rosa, Mary Triggiano, and Glenn H. Yamahiro, Milwaukee County; Dennis C. Schuh, Juneau County; and Scott C. Woldt, Winnebago County. In addition, Doyle appointed Milwaukee County Circuit Court Judge Louis B. Butler Jr. to the Wisconsin Supreme Court and Dane County Circuit Court Judge Paul B. Higginbotham to the Court of Appeals, District IV.

All of the Doyle appointees – with the exception of Schuh who lost the election – are still on the bench. Biographical sketches of the three new appointees follow.

Judge Richard G. Niess Dane County Circuit Court



Judge Richard G. Niess

Judge Richard G. Niess was sworn in on November 12 by retired Iowa County Circuit Court Judge James Fiedler. Niess succeeds Judge Gerald C. Nichol who retired after 16 years on the bench.

A fellow of the American College of Trial Lawyers, Niess is an experienced civil and appellate trial lawyer, handling cases in both Wisconsin state and federal courts involving municipal liability and civil rights, insurance, professional malpractice and personal injury claims.

A 1975 graduate of Dartmouth College, Niess earned his law degree from Duke University School of Law in 1978. Since 1978, he has been an associate and shareholder with the Madison law firm of Coyne, Niess, Schultz, Becker & Bauer and its predecessors. He also has served as a special investigator for the Office of Lawyer Regulation.

Niess recently served as president of Independent Living, Inc., a non-profit corporation providing services to the low income elderly and disabled, has coached youth basketball for the YMCA, and has served as a board member on youth hockey programs. He is married to Laurie Elwell. The couple has three teenage children.

Judge Bradley J. Priebe Outagamie County Circuit Court

Judge Bradley J. Priebe was appointed to the Outagamie County Circuit Court on September 28. He succeeds Judge James T. Bayorgeon, who retired from Branch 1 after 21 years on the bench.

Priebe was sworn in on October 18. He will seek election

to a full, six-year term in April 2005. He has spent his 10-year career in the law as a prosecutor in Outagamie and Winnebago counties.

An Appleton native, he graduated from the University of Wisconsin-Oshkosh and is a 1994 graduate of Temple University Law School.

He and his wife, Renee, live in Appleton with their two sons.

Judge Paul R. Van Grunsven Milwaukee County Circuit Court



Judge Bradley J. Priebe

On Oct. 26, Gov. Jim Doyle announced the appointment of Paul R. Van Grunsven of Bayside to Branch 9 of the Milwaukee County Circuit Court. Van Grunsven succeeds Justice Louis B. Butler Jr., who was appointed to the Wisconsin Supreme Court in August.

At the time of his appointment, Van Grunsven was chair of the Health Law Section at the Milwaukee law firm of Kasdorf, Lewis & Swietlik. He also is an adjunct professor at Marquette Law School, teaching courses on health care provider liability and the liability issues that arise from public service. Prior to taking the bench, he served as chair of the Special Preliminary Review Panel of the Office of Lawyer Regulation.

Van Grunsven received his bachelor's degree in biology and chemistry from Marquette University in 1983, his law degree from Marquette Law School in 1986, and a master of laws in health law from DePaul University Law School.

CCAP administrator pinch hits in Judicial District Six

Steve Semmann, an 11-year employee of the court system, has been temporarily assigned as district court administrator for District Six, which is headquartered in Stevens Point and encompasses Adams, Clark, Columbia, Dodge, Green Lake, Juneau, Marquette, Portage, Sauk, Waushara, and Wood counties.

Semmann stepped into the role in August to relieve the district court administrators – Scott Johnson and Kathleen Murphy, among others – who had covered parts of District Six during a nearly two-year vacancy.

Having begun his justice system career in the Dane County Clerk of Circuit Court Office, Semmann became a computer support analyst at the Consolidated Court Automation Programs (CCAP) and progressed into a management position. CCAP work took him to every county in the state, giving him an opportunity to learn about the operation of the courts and meet judges and court staff. This background, he said, has been invaluable to him in his current role.

Semmann will work in the temporary assignment through June 30, 2005. ■



Steve Semmann

Fall
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Voters select seven new clerks of court

In counties large and small across the state, voters went to the polls in November to choose successors for retiring clerks of court and to weigh in on challenges to incumbent clerks. None of the four incumbents who faced opposition (in Brown, Dane, Jefferson, and St. Croix counties) was unseated. Seven new clerks were selected to fill open seats. Here is the rundown:



Paul Janquart

In **Brown County**, Paul Janquart turned back a challenge from political newcomer Ted Keneklis, winning 69,763 votes to Keneklis' 44,047. Janquart, a Democrat, has held the clerk's post since the judges appointed him in 1997 to fill a vacancy. Prior to becoming clerk of court, he served for 22 years as city clerk for Green Bay for 22 years.



Judith Coleman

In **Dane County**, Judith Coleman faced the first election challenge in her 15-year career as clerk and prevailed easily over Robert Syring in the September primary, winning 65 percent of the vote. Syring, a county social worker and president of the social workers' union, told the media that he challenged Coleman because she asked the county board for a raise. Coleman, a Democrat, had no Republican opponent in the general election. She has held her position since she was appointed in 1990.

In **Iron County**, where Clerk of Circuit Court Virginia Giacomino plans to retire in early January after 16 years on the job, Democrat Karen Ransanici, who has worked as a legal secretary at a firm in Ironwood, Michigan, for 11 years, beat Republican Amy Fredericks, a part-time bookkeeper, by 2,421 votes to 1,319.

In **Jefferson County**, Kenneth Schopen beat challenger Jeffrey Rammelt in the general election by 28,826 to 15,118. Schopen, a Republican who has been clerk for over 35 years, said he believes his office is user friendly and has an excellent working relationship with Jefferson County's judges and other county agencies.

In **Manitowoc County**, where the retirement of Clerk of Circuit Court Joe Bauknecht – who served for eight years – left an open seat, a Manitowoc law firm manager prevailed over the owner of a local landscaping service. Lynn Zigmunt has been managing Kummer, Lambert & Fox law firm for more than 20 years. Her opponent, Brian Johnson, owns Greenpro Lawn and Landscape. Zigmunt garnered 23,785 votes to Johnson's 17,595.



Lynn Zigmunt

In **Marathon County**, where Clerk of Circuit Court Donna Seidel stepped down to

run for a seat in the state Assembly, which she won (*see separate story, page 7*), a Marathon County Sheriff's Department administrator prevailed over an accountant who currently works in the Clerk's Office. Democrat Diane L. Sennholz won 31,403 votes to Republican David Drozd's 29,112.



Diane L. Sennholz

In **Outagamie County**, Lonnie Wolf prevailed in a recount of votes cast in a tight three-way Republican primary, leaving him unopposed in the November election. Wolf has served as financial operations manager of the Outagamie County Clerk of Circuit Court Office for the past 20 years. Wolf said he decided to run because he hoped to continue the excellent service that has been provided by Ruth Janssen, who is retiring after 30 years as clerk of court.



Lonnie Wolf

In **Pierce County**, where Clerk of Circuit Court Beverly Lucente-Berg is retiring after 28 years (*see separate story, page 12*), Chief Deputy Clerk Margaret "Peg" Feuerhelm, who has worked in the office for 21 years, ran unopposed as a Democrat.

Margaret "Peg"
Feuerhelm

In **Polk County**, where Clerk of Circuit Court Melvin Madsen has been on the job since 1976 (he is retiring to run his "Do Nothing Campground" located on the Apple River), Chief Deputy Clerk Lois Huff prevailed over Deputy Clerk Diane Taxdahl by a vote of 11,527 to 10,699. Huff has been chief deputy for nearly 10 years.

In **Price County**, where Clerk of Circuit Court Louise Lindsay is retiring after 23 years on the job, Chris Cress – who said she had been searching for a new challenge after working for 20 years as a legal secretary – was elected to the clerk's post. Cress won 5,098 votes to opponent Mary Willett's 3,172.

In **St. Croix County**, Lori Meyer, who has served as clerk for 12 years, defeated Marion Standaert, her deputy of four years. Meyer won 23,407 votes to Standaert's 16,213. Prior to becoming the clerk of circuit court, Meyer worked as a legal assistant, office manager, and child support caseworker. "I continue to learn from our court system," she said. "The excellent people who work within it, and the needs and desires of the people of St. Croix County." ■

Forms *continued from page 1*

Marcia Koslov



Judge Gary L. Carlson



Tera Nehring

trend was identified in the recent report by the Supreme Court's Planning and Policy Advisory Committee (PPAC), "Critical Issues: An Operational Plan for the Wisconsin Court System," as one of four critical issues that will be a top priority over the next two years.

Many counties already have taken steps to assist litigants who appear unrepresented in family matters, from providing plain-English forms (as in Milwaukee County), to developing district-wide *pro se* initiatives (as in Judicial Districts 9 and 10) to providing online assistance (as in Waukesha County).

Underscoring the pressing need for statewide online and in-person assistance for *pro se* litigants, Chief Justice Shirley S. Abrahamson appointed former State Law Librarian Marcia Koslov as temporary executive assistant to the chief justice, assigning her to lead a task force to establish a statewide *pro se* assistance program for family court litigants.

The four-member working sub-group was formed from a larger group that gathered in April to discuss the concept of statewide forms. The sub-group assisted Koslov in reviewing the forms currently provided in many areas of the state, including Dane, Milwaukee, and Waukesha counties and the 13 northwestern counties that comprise District 10. With this information, the committee is working to create *pro se* family court forms for use throughout Wisconsin. The members are: Milwaukee County Family Court Commissioner Michael J. Bruch, Taylor County Circuit Court Judge Gary L. Carlson, Waukesha County Self-Help Program Coordinator Tera Nehring, and St. Croix County Circuit Court Judge Edward F. Vlack III. ■

Judge
Edward F. Vlack III**Grant** *continued from page 1*

types of cases proceeding without an attorney, getting the word out about available help is critical. Last year, in the district's 13 counties, 64 percent of litigants in family cases (5,049) and 59 percent of litigants in civil cases (7,120) came to court without an attorney. In small claims cases filed in northwestern Wisconsin, 23,162 litigants represented themselves in 2003.

The project will complement a five-year effort by the District 10 courts to improve access to justice for people without attorneys. In 2000, Chief Judge Edward R. Brunner appointed a committee to steer the Tenth District Self-Represented Litigants Initiative. The committee, composed of District 10 judges, court commissioners, attorneys, court administrators, clerks of court, and others, participated in a national conference on improving services to litigants who are representing themselves. The group then surveyed the 13 counties to determine what was already being offered and

**Marathon clerk wins
race for Assembly**

After nearly 16 years as clerk of circuit court, Donna Seidel will serve the public in Marathon County in a new capacity. On November 2, Seidel became the first woman ever elected to the state Assembly from the City of Wausau. She ran as a Democrat, beating Republican candidate Sarah Kamke, mayor of Schofield and a member of the Marathon County Board.

"My goal was to simply work hard," Seidel told the *Wausau Daily Herald* on election night. "It has been a tremendously exciting campaign." Seidel has been clerk of circuit court in Marathon County since 1989. Elected to replace Seidel as clerk was Diane Sennholz, an administrative supervisor in the Marathon County Sheriff's Department (*see separate story, page 6*).

Seidel was among the first to embrace court automation, volunteering to help pilot the Consolidated Court Automation Programs (CCAP). Before she won the clerk's seat, Seidel was one of the first female police officers at the Wausau Police Department; she later became an investigator for the Marathon County District Attorney's Office.

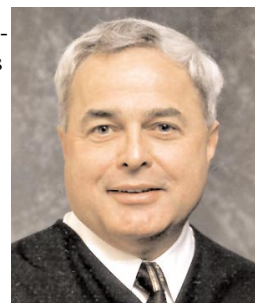
The state Assembly seat has been vacant since Greg Huber was elected to the Marathon County Circuit Court on April 6. He had represented District 85 as a Democrat since 1988. ■



Rep.-elect Donna Seidel

what could be improved. Since then, the counties have worked on simplifying forms and developing rosters of local attorneys who are willing to provide help with particular pieces of a person's case, and the district has cooperated with an effort of the UW-Superior Legal Studies Department, which runs a resource center where students and faculty help litigants fill out forms.

Brunner has worked closely with District Court Administrator Gregg Moore and others on these efforts. "Every year, we see an increase in the number of people going to court without a lawyer," Brunner said. "We have a responsibility to ensure a level playing field so that all people have the same access to justice. This Judicare project will go a long way toward helping us live up to that responsibility." ■



Judge Edward R. Brunner

Fall
2004

AWARDS

Opperman Award goes to Chief

Chief Justice Shirley S. Abrahamson, now in her fourth decade on the Wisconsin Supreme Court, accepted the American Judicature Society's (AJS) highest honor, the Dwight D. Opperman Award for Judicial Excellence, in a September ceremony at the Executive Residence in Maple Bluff.

The honor came with a \$5,000 honorarium, which Abrahamson donated to the court system for a future public outreach project.

The award is reserved for trial and appellate judges who have had at least 10 years of judicial service and whose written opinions "make clear that bench, bar and community alike would willingly entrust that judge with the most complex cases of the most far-reaching import," AJS said.

Also celebrated at the ceremony were two awards bestowed earlier this year upon the Supreme Court and its members. Justice Ann Walsh Bradley won the AJS Herbert Harley Award for her "outstanding efforts and contributions that [have resulted] in substantial, long-term improvements the justice system," and the Wisconsin Supreme Court won an AJS Special Merit Citation for its history-related outreach programs.

Delaware Supreme Court Justice Randy J. Holland said Abrahamson was the committee's unanimous choice despite the large group of distinguished nominees. "We were very impressed by her work on the Court and by her efforts to promote public trust and confidence in the rule of law both nationally and internationally," he said. "The committee

felt strongly that we could not have a better start for this award. Her selection sets a very high standard."

Bartell receives Melli Award

Judge Angela B. Bartell, who has served as a Dane County Circuit Court judge since 1978 and became the first female chief judge ever to serve the Fifth Judicial District (Dane, Green, Lafayette, and Rock counties) in 1982, received the Marygold Shire Melli Achievement Award in a ceremony on November 4.

Melli is Voss-Bascom professor of law *emerita* at the UW Law School. She is nationally known for her work in areas of the law involving families and children.

One of the lawyers who nominated Bartell for the award wrote, "Judge Bartell's keen intelligence, sense of fairness, and deftness in dispute mediation make dealings with her court a pleasure and always ensure a balanced, well-reasoned decision for all the parties."

Like Chief Justice Shirley S. Abrahamson, who also was honored with an award this fall, Bartell graduated first in her law school class and, prior to



In accepting the award, Chief Justice Shirley S. Abrahamson shared some little-known facts about Dwight D. Opperman, the publisher-philanthropist for whom the award is named. Opperman's first business, she said, was the cleverly named "Lloyd Wells Orchestra" that toured the Midwest and that Opperman – at age 16 – hoped would be confused with the "Lawrence Welk Orchestra."



Judge Angela B. Bartell



The chief justice addressed a standing-room-only crowd at the Executive Residence in Maple Bluff. All six of her colleagues on the Supreme Court attended the evening ceremony and then returned to the Capitol to prepare for an emergency hearing held the following morning to determine whether Ralph Nader would be allowed on the Wisconsin ballot (he was). In the foreground is Judge Ramona A. Gonzalez, La Crosse County Circuit Court.

becoming a judge, was a partner in the Madison law firm of La Follette, Godfrey & Kahn. For a brief time, Abrahamson and Bartell worked together at the firm.

Bartell always has been active both within the court system and in her community. She serves as an associate dean of the Wisconsin Judicial College and as an editor of the Wisconsin Benchbook. She has been president of the Madison Downtown Rotary Club (she was the first woman Rotarian in Wisconsin), chair of the United Way board of directors, and a volunteer for Meals on Wheels and Habitat for Humanity.

National award honors White's 'Portraits' project

Judge Maxine Aldridge White, who has served for 12 years on the Milwaukee County Circuit Court, received the National Association of Women Judges' Mattie Belle Davis Award. The award was presented at an October 9 ceremony in Indianapolis.

Mattie Belle Davis was the first woman judge to sit in the Dade County (Florida) Metropolitan Court.

White was honored for her organization of "The Whole Tapestry," a project to produce, frame, and hang portraits of Wisconsin's past women judges in the courthouses where they served. The portraits were unveiled in a Milwaukee County Courthouse ceremony that

attracted several hundred people last March and now are being distributed to the proper courthouses for hanging.

The NAWJ is working with White to develop a manual for replicating the project around the country and several states already have announced their intention to pursue it. ■



Judge
Maxine Aldridge White

CELEBRATING ACCESS TO JUSTICE

Milwaukee, Racine groups plan Glover landmarks

On March 11, 1854, abolitionist newspaper publisher Sherman Booth rallied a group of 5,000 in Milwaukee's Courthouse Square (now known as Cathedral Square) to protest the jailing of fugitive slave Joshua Glover. An escapee from a Missouri plantation who had found work in a Racine sawmill, Glover had been arrested by federal marshals the previous night. Preparations were underway for his return to the plantation, and Wisconsin abolitionists were outraged.

During the protest, several members of the mob found a wooden beam apparently left over from construction on St. John's Cathedral, which, after seven years of work, had been officially dedicated just a few months earlier. They used it as a battering ram to break down the jail door and free Glover, who was spirited away to Canada.



Joshua Glover

The court case involving Booth unfolded in both the state and federal courts between 1854 and 1860. In 1855, the Wisconsin Supreme Court declared the Fugitive Slave Act unconstitutional and ordered Booth – who had been found guilty in the federal district court – freed. The U.S. Supreme Court soon ordered the state court to uphold the federal law, but the state court, in 1860, refused to file that mandate. Less than a year later, the Civil War began.

The Wisconsin Supreme Court is believed to have been the only court of last resort in the nation to have officially declared the Fugitive Slave Act – which required northern states to return slaves to their owners – unconstitutional. That moment in the state's history has been marked in a number of ways – with an original play and documentary developed by the Wisconsin Supreme Court; with a book drafted by historians Ruby West Jackson and Walter MacDonald; and with a plaque in Milwaukee's Cathedral Square.

Now, something else is in the works. Groups in Milwaukee and Racine are working on several efforts to mark the sesquicentennial of the Glover rescue and the ensuing court battles.

"We have brought together community and cultural organizations in the City of Milwaukee to finally give Milwaukee a landmark to commensurate with the significance of the Glover story," said George Gonis, a museum exhibit designer

who is a member of the Joshua Glover Sesquicentennial Commemoration Committee, a project of the East Town Neighborhood Association. "This is nationally hallowed ground." The committee, co-chaired by Albert Brown and Randy Prasse, believes that the small plaque currently displayed does not contain the detail necessary to convey this important story.



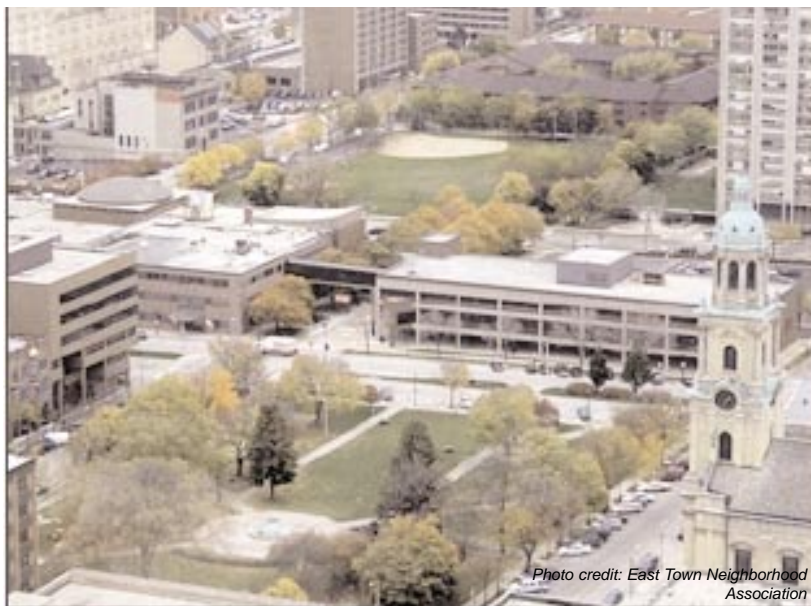
Sherman Booth

"It may truly be said that this was Wisconsin's finest moment ever," Gonis said.

The Milwaukee group is currently seeking proposals from artists around the nation and hopes to have a monument in place in spring 2006. "It could be a statue, it could be an exhibit that threads its way through the whole square – we'll see what is proposed," he said.

In Racine, the effort is focused on enhancing the sites in the county that honor Glover. The Sixth Street Historic District's Monument Square recently was designated as an official stop on the national underground-railroad tour, and the Racine organizers hope to use this as part of a Racine County Underground Railroad Heritage Trail that would link 20-25 underground-railroad and abolition sites in Racine.

Questions about the Milwaukee and Racine projects may be directed to George Gonis at (414) 444-9911.



Milwaukee's Cathedral Square

Photo credit: East Town Neighborhood Association

Fall
2004

Online jury questionnaires are a hit

A program that permits potential jurors to fill out and submit jury questionnaires electronically appears to be a hit. In the first seven months of the program, more than 10,400 questionnaires were submitted via the Internet in the 33 counties that are offering this service.

The Consolidated Court Automation Programs (CCAP) recently modified the program to allow each county to tailor individual questions.

Involved in the program are: Brown, Chippewa, Clark, Columbia, Crawford, Dodge, Door, Douglas, Dunn, Eau Claire, Fond du Lac, Iron, Jackson, Jefferson, Juneau, Kenosha, La Crosse, Lincoln, Manitowoc, Marathon, Marinette, Milwaukee, Oconto, Outagamie, Pepin, Rock, Sawyer, Trempealeau, Walworth, Washburn, Waukesha, Winnebago, and Wood counties. The bulk of the electronic questionnaires were filed in Milwaukee County (5,427) and Brown County (1,538), but even clerks of court in counties where the electronic service was not frequently chosen are sold on the approach.

“We had 113 people fill out the qualifying questionnaire

online out of 3,643 possible jurors,” said Diana Miller, Eau Claire County. “The ease of entering the electronic questionnaire onto the jury management system is fantastic: you press a button and it’s done! This is a tremendous timesaver.”

Eau Claire is one of eleven counties that also recently began using bar coding in the jury applications. Chippewa, Columbia, Dunn, Kenosha, La Crosse, Milwaukee, Rock, Sawyer, Trempealeau, and Washington counties also are using this new function.

Bar coding allows jury clerks to quickly check in jurors without having to key information into the jury management application. The clerk’s office pulls up a screen, adds the activity they want to docket, and then scans each juror’s bar code. The activity is then docketed for all the jurors who have been scanned.

“This simplifies the process and save us lots of time,” Miller reported.

Bar coding also is used to process all paper questionnaires that the jury clerks receive. ■

Chief Judge Sullivan presents first-ever “State of the Milwaukee Courts”

On October 27, Chief Judge Michael P. Sullivan presented the inaugural “State of the Milwaukee Courts” address to a gathering of several hundred lawyers and judges at the Milwaukee Club. Sullivan equated his position to that of the chief executive officer of a mid-size corporation.

“I set priorities and give a perspective on justice-related issues,” he said. “The top priority is keeping access to justice open for the public.”

Sullivan spoke one day before he was due to appear before the Milwaukee County Board’s Finance Committee to discuss the courts’ budget, and he gave the audience a primer on court funding.

Under the law, Wisconsin’s 72 counties are responsible for the cost of court services not covered by the state. The state pays the salaries, fringe benefits and travel expenses of judges and reserve judges and their court reporters. The counties pick up the remaining costs associated with circuit court operation – maintaining the courthouse, operating the Office of the Clerk of Circuit Court, ensuring that the building is safe and secure, providing videoconferencing, legal research tools, office

supplies and equipment, funding the costs of court-appointed attorneys and witnesses, court-ordered medical and psychological exams, court interpreters, jurors and more.

Sullivan noted that budget cuts have required judges and court staff to take out their own trash and have eliminated regular cleaning of the courtrooms, but he said there was also good news: the Milwaukee courts made it through last year without layoffs and without shortening the work week. ■



Judge Timothy G. Dugan, presiding judge in Milwaukee’s Felony Division, responds to a question as part of a panel discussing the operation of Milwaukee’s courts. To the left of Dugan is Judge Thomas P. Donegan, presiding judge in the Children’s Court Division; on the right is Judge Daniel L. Konkol, who presides over the Misdemeanor Division, which, he noted, has been hit hard by the Legislature’s decision to criminalize operating after revocation. Milwaukee County now devotes one full branch to OAR cases – and that branch has 8,500 OAR matters pending.

A guide to the Servicemembers Civil Relief Act

For courts that are encountering parties who are on active duty in the armed forces, a new American Bar Association (ABA) guide highlights the impact of military service on civil litigation, financial obligations, mortgages, leases, and other matters. The guide provides a checklist for judges and information on how to use the Web to verify whether a party is a member of the armed services.

The guide’s focus is the Servicemembers Civil Relief Act (SCRA). The SCRA was enacted in 2003 and updates the Soldiers and Sailors Civil Relief Act passed at the start of World War II. The SCRA covers soldiers on active duty as well as reservists and members of the National Guard who have been called to active duty. ■

The ABA guide is available on the American Bar Association’s Website:
www.abanet.org/family/military/scraguidesguidechecklist.pdf

RETIREMENTS

Jeske will retire on 65th birthday

Judge Larry L. Jeske, believed to be the only current member of the Wisconsin judiciary who races pigeons in his spare time, has announced that he will retire from the Oconto County Circuit Court at the end of his term, Aug. 1, 2005, which also happens to be his 65th birthday.



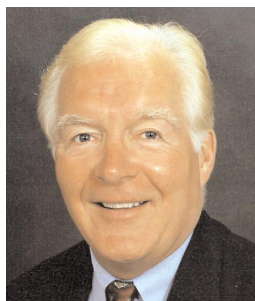
Judge Larry L. Jeske

Jeske's retirement may give Wisconsin its first "Judge Judge." Atty. Michael T. Judge, who practices law with Judge & Krzewinski in Oconto, announced this fall that he will seek election to the Branch 1 judgeship. He is the only announced candidate for the post.

With the exception of the month Jeske intends to spend trout fishing in Montana each year, he anticipates sticking close to home in retirement; he and his wife, Joan, share their 50-acre property with 200 homing pigeons – many of which are the racing variety.

He trains them by taking them down to the end of the driveway, then a mile away, then five miles, and so on, until they're ready for a real challenge.

"What you do then is, you get the birds together and put them in a truck, and you take them out to ... South Dakota or Topeka, Kansas," Jeske explained. "By nightfall, they'll all be back in my barn."



Atty. Michael T. Judge

Jeske's experience herding pigeons may have served him as well as his legal training when he first took the bench. Elected in 1993 to replace Judge John Wiebusch, who had retired several months earlier, Jeske then was appointed by

Gov. Tommy G. Thompson so that he could begin work prior to the start of the judicial term. It was a one-judge county, and the workload was heavy.

"We'd take a seven-minute break at noon," Jeske recalled. "It was just enough time to heat up a meal in the microwave and get back out on the bench. My court reporter was terrific. I don't know how she put up with it."

His court reporter at the time, Stephanie Schreiber, did eventually resign to stay at home with her children. Jeske's current reporter is Susan L. Mittelstaedt.

In 1998, a second branch was added in Oconto County and Judge Richard D. DelForge was elected.

Jeske's ability to work cooperatively with the other branches of government has been the bedrock of his excellent relationship with the Oconto County Board. His friendly, diplomatic manner also helped him to create a Volunteers in Probation (VIP) program in the county, an effort that stands as his proudest accomplishment.

VIPs help to supervise and mentor non-violent, mostly younger, probationers. With a ratio of about one volunteer to

10 offenders, the VIPs are able to provide the kind of hands-on supervision that probation officers generally do not have the time to offer to low-risk probationers. "They make sure they get their counseling – their AODA and anger management courses – and they bug them to pay their restitution and court costs," Jeske said. "It's amazing what these volunteers have collected."

Jeske said the volunteers also are friends and role models, teaching young offenders how to budget their money, find work, shop, and numerous other basic life skills. At the core of the program is Volunteer Coordinator Don LaFortune, a local real estate agency owner who joined the VIPs after hearing Jeske speak at a Kiwanis meeting.

"He's just a real go-getter," Jeske said. "And I am still involved – I attend meetings every month or so and answer questions and explain the program for the new volunteers – but I'm able to stay at a certain distance, which is important because these people may continue to come before me."

Jeske modeled the Oconto County VIP on the Outagamie County program, which also was started by judges. Sharing ideas with colleagues around the state and coming together at judicial education sessions is a part of the job Jeske said he would miss most.

"It has just been a most pleasant experience being a judge," he said. "This is an amazing group of people."

McCormick ends 32-year judicial career

Judge John E. McCormick, the longest-serving judge currently on the bench in Milwaukee County, announced that he would retire effective Jan. 3, 2005, and that he intended to take vacation from Thanksgiving until that date. Gov. Jim Doyle is expected to appoint a successor. Gov. Patrick Lucey appointed McCormick to the bench in 1972. He won six subsequent elections to Branch 19, most recently in 1999 when he successfully fought back a challenge by former Wisconsin Lieutenant Gov. James T. Flynn.

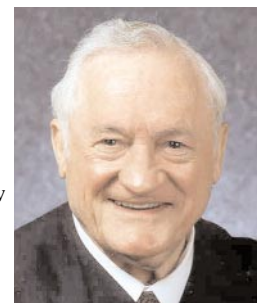
A 1951 graduate of Marquette University Law School, McCormick began his career in public service as a representative in the Wisconsin Assembly, where he served as a Democrat from 1960 to 1972.

In the Legislature, McCormick worked alongside future-Gov. Anthony S. Earl and Atty. Lloyd A. Barbee and across the aisle from several more familiar faces: Jon P. Wilcox (now a justice), Harold V. Froehlich (now an Outagamie County Circuit Court judge) and John C. Shabaz (now a Federal District Court judge).

McCormick reminisced with *Milwaukee Journal Sentinel* columnist Bill Janz a few years ago about the day the judge's wife, Mary Jo, called his court in a panic, looking for the keys to an old pair of handcuffs.

To show their four-year-old grandson that the cuffs did not work, she had snapped them on – only to discover that they worked very well.

McCormick, who was in the middle of a criminal trial, knew the keys had been lost so he asked his bailiff, a longtime deputy sheriff who had served with him in the state Legislature, to go to his wife's aid. The bailiff, Richard J.



Judge
John E. McCormick

RETIREMENTS *continued from page 11*

Lynch, tried everything but the cuffs would not budge.

Still on the bench, the judge thought of another solution when Lynch returned. "Tell her to cut off her arm," he whispered. But Mary Jo was wasting no more time; she called her daughter to drive her to a locksmith who promptly drilled the cuffs open.

McCormick, who is widowed with nine children, was not available to comment on his plans for retirement.

Lucente Berg's court career spanned four decades

Beverly Lucente Berg was a brand new clerk at the Pierce County Courthouse in 1976 when she was called into court for a matter involving a juvenile who was being removed from his home.

"That was the first time I went into court on a juvenile case and I was in tears," she recalled. "I was trying to hide so no one would see me crying."

When the hearing concluded, then-Judge William McEwen was so concerned about the young clerk that he did everything he could to cheer her up – including dancing a jig in the back hallway.

"He was a great man," she said.

Over the years, Lucente Berg's skin has grown a bit thicker, but she never has lost her sense of responsibility to the people who walk through the courthouse doors. She said she would miss the people – the litigants, her staff, the courthouse employees – when she steps down at the end of the year. Lucente Berg is one of seven clerks retiring this year (*see The Third Branch, summer 2004*).

The office's workload has grown steadily over the years, but the staffing level has remained constant. Giving up the child support function and automating through the Consolidated Court Automation Programs (CCAP) have enabled Lucente Berg to continue providing quality service to the public.

"CCAP is so wonderful," she said. "The people who weren't here when everything was done on paper have no idea how automation has changed our office for the better."

Lucente Berg noted that the one other person in the office who has been around long enough to remember the days before computerization is Sally Stewart, who, like Berg, is retiring at the end of the year. Stewart, who has been with the office for 35 years, handles small claims, which Berg described as increasingly complex.

"People come to the counter and they're proceeding without a lawyer and they want our help," she said. "It's very difficult knowing where to draw the line."

In her 28 years in the office, Lucente Berg tried to leave just once, briefly agreeing to serve as the county's treasurer. It wasn't long before she returned to the clerk's office.

"I missed the excitement," she said.

On one particularly memorable day, she recalled, a large woman who had just been brought up from the jail collapsed from a seizure at her front counter, blocking off the small reception area so that no one could get into or out of the office.

Another memorable day, post-9/11, Lucente Berg and her staff noticed a briefcase in the courthouse elevator.

"It just went up and down all day," she said. "After a while, I got worried."

She finally called the sheriff and the briefcase soon was claimed by the person who had forgotten it: the director of the Department of Emergency Management.

Lucente Berg said she is ready now for adventures of a new sort: she and her husband, Kirby Berg – who teaches eighth-grade English and also is retiring – have sold their home and are living in a trailer ("that's been somewhat interesting") until they find a home on Florida's gulf shore. They plan to return to Wisconsin in the summers and will live on their houseboat that is moored in the Buffalo County community of Alma.

The couple has a blended family of five grown children, three grandchildren, and are expecting two additional grandchildren this spring.

Replacing Lucente Berg is Margaret "Peg" Feuerhelm, a deputy clerk who ran unopposed for the office (*see separate story, page 6*). ■

Kenosha considers new approach to family cases

by Kerry Connelly, district court administrator

A Kenosha County Circuit Court judge is developing a membership list and a mission for a new committee that will explore opening a unified family court in Kenosha. The unified family court model was designed to improve how the courts handle troubled families. The model promotes grouping the cases involving members of one family in one court, so that one judge sees the full picture. Mediation is used and service-provision agreements are put in place between family members and the potentially numerous social service agencies that might be working with the family.

La Crosse County opened a unified family court in October 1998 and the judges are very pleased with the outcomes. The program conducts about 50 mediations per year in CHIPS (child abuse/neglect) cases and generally shows quicker results than the traditional system because

the parents are eager to do the work they have agreed to do. The judge stays closely connected with the family, scheduling conferences every 60 days.

Kenosha County took its first, critical step toward a unified family court in late 2003, when Deputy Chief Judge Mary K. Wagner led a delegation to Bend, Oregon to view the operations of the Deschutes County Family Court. The group, which included District Attorney Robert Jambois; Clerk of Circuit Court Gail Gentz; and social work supervisor Ronald Rogers, was so impressed by what they saw that they invited staff from Deschutes County to visit Kenosha to talk about their operation.

That visit occurred this summer, and included a series of discussion sessions over a two-day period with the Deschutes County delegation (a circuit court judge, a court

see Unified on page 22

Planning for national tribal conference is underway

Planning meetings this fall are laying the groundwork for a first-ever national symposium on federal, state, and tribal court relations to be held on tribal land in Green Bay. The symposium is tentatively set for fall 2005.

Titled *Walking on Common Ground: Pathways to Equal Justice*, the symposium will highlight collaboration efforts and provide a forum for discussion of strategies for building communication and understanding among the three court systems, law enforcement personnel, and service agencies. The objective is to develop solutions that will foster respect and comity, mitigate intersystem conflicts, and reduce or forestall unnecessary, duplicative, and divisive litigation.

A cross-section of people who work in the justice system will participate in the program, drawing on the work and experience of many tribal forums including Wisconsin's, which was convened in March 1999.

The symposium is a project of the National Conference of Chief Justices, of which Chief Justice Shirley S. Abrahamson is president. A

grant from the U.S. Department of Justice Bureau of Justice Assistance will fund this major national session. Fox Valley Technical College is organizing the event. ■

For more information on the symposium, visit www.WalkingOnCommonGround.org.



Photo credit: Court Commissioner Julie A. Rich

Chief Justice Abrahamson chats with planning group participants during a break in the session.



Photo credit: Kathleen Sitter, Legislative Reference Bureau

Judge Charles Cloud, a retired state court judge who has been selected to chair the Tribal Courts Council, a new committee of the American Bar Association Judicial Division, addresses the first meeting of the organizers for the inaugural national symposium on federal-state-tribal court relations. The planning group includes judges, lawyers, and court administrators from the three court systems; experts from Fox Valley Technical College's Criminal Justice Center for Innovation; and representatives of the U.S. Department of Justice, the National Center for State Courts, the National Judicial College, and the National Conference of Chief Justices. j

Supreme Court rules hearings go live

The Wisconsin Supreme Court hit another milestone in October when it made its rules hearings available live on the Internet. Supreme Court/Court of Appeals Clerk Cornelia Clark said audio of the proceedings are available live beginning with the October 27 rules hearing. She said each proceeding will then be kept in an archive accessible from the Web.

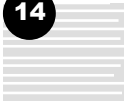
Audio from Supreme Court oral argument has been available live and in an archive on the Web site (wicourts.gov) for two years.

The Court regularly takes testimony and debates proposed changes to the rules that govern the courts and the

practice of law in Wisconsin. The October 27 hearings focused on whether paralegals should be licensed and regulated and whether the membership of the Supreme Court Planning and Policy Advisory Committee should be expanded to include two court commissioners.

In addition to an audio archive of the hearings, Clark's office also is making available the rules petitions in PDF format. ■

The rules hearing live link and archives can be found at: www.wicourts.gov/supreme/petitions_audio.htm



LEADERSHIP

Faces of leadership

In 2001, we began to highlight the leadership efforts of judges and others who work in our court system. Below are the faces of those whom we have highlighted over the last three years. We hope they continue to inspire you as they have us.



Judge Carl Ashley
Milwaukee County
Inner-City Schools Partnership



Chief Judge Edward R. Brunner
Barron County
Tribal Court Jurisdiction Protocols



Judge Christopher R. Foley
Milwaukee County
Foster Home Conversion Project



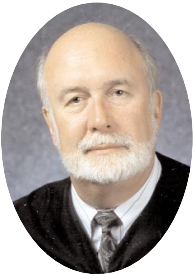
Chief Judge Kathryn W. Foster
Waukesha County
Waukesha Court Self-Help Center



Judge William M. Gabler
Eau Claire County
Court Reporter Recruitment Effort



Judge Gerald W. Laabs
Jackson County
Children in the Middle



Judge Dennis G. Montabon
La Crosse County
Unified Family Court



Judge Dale T. Pasell
La Crosse County
Unified Family Court



Judge John J. Perlich
La Crosse County
Drug Court



Jon W. Sanfilippo
Milwaukee County
Small-Claims Video



Judge Lisa K. Stark
Eau Claire County
Restorative Justice Program



A. John Voelker
Statewide
Wisconsin Courthouse
Security Training Program



Judge Jeffrey A. Wagner
Milwaukee County
Inner-City Schools Partnership



Judge Maxine A. White
Milwaukee County
Color of Justice

WISCONSIN CONNECTS

Russian, Chinese judges visit Wisconsin courts

Chief Justice Shirley S. Abrahamson met with a delegation of Russians who were visiting the Wisconsin courts.

Five Russian judges and a judge from China visited circuit courts in Wisconsin as well as the state Supreme Court this fall.

The Russians, along with two interpreters, visited in September through the Open World Program, an exchange program administered by the U.S. Congress.

The program, which is the only exchange effort undertaken directly by the Congress, is designed to bring emerging leaders in Russia's federal and local governments to meet their counterparts in the U.S.

The visiting judges first visited the state and federal courts in Milwaukee and sat on the bench with several Milwaukee County Circuit Court judges. They then traveled to Madison, where they met with Chief Justice Shirley S. Abrahamson, who has taught in Russia.

The Chinese judge, Rebecca Cao, is participating in an exchange program through the UW that matched her with Chief Judge Michael N. Nowakowski in Dane County. Cao has watched a number of court proceedings and recently, at the invitation of Presiding Judge Sarah B. O'Brien, attended a Juvenile Division meeting that included a discussion of the roles of the various players in juvenile court.

Because of Cao's interest in judicial administration, District Court Administrator Gail Richardson set up meetings for her with a number of court administrators, including Jean Bousquet, Sheryl Gervasi, David Hass, Pam



Justice N. Patrick Crooks gave Judge Rebecca Cao of China a behind-the-scenes tour of Supreme Court chambers.

Radloff, Nancy Rottier, and Amanda Todd. Cao also met with Clerk of Circuit Court Judy Coleman, Dane County, spent time at the Supreme Court to observe an orientation session for media, and sat in on a chief judges meeting.

Peterson attends ethics conference

A lively discussion of the implications of a 2002 U.S. Supreme Court decision was among the highlights of a recent ethics conference held in Chicago.

Judge Gregory A. Peterson, Court of Appeals District III, won a scholarship to attend the October conference, which was offered by the National College on Judicial Conduct and Ethics. Peterson is a recent appointee to the Wisconsin Judicial Commission.

"One of the most interesting discussions concerned the U.S. Supreme Court decision in Republican Party of Minnesota v. White [536 U.S. 765 (2002)]," Peterson said.

White ruled unconstitutional the clause in many states' codes that prohibited candidates for judicial elections from announcing their views on disputed legal and political issues. While Wisconsin does not have such a clause, it does have what Peterson called "a close cousin" – the pledges and promises clause that prohibits judicial candidates from committing themselves to deciding cases a certain way.

While the White court specifically said it was not ruling on the constitutionality of that clause because the clause was not before the court, "A number of speakers expressed concern that the pledges and promises clause could be in trouble when the appropriate case does arise," Peterson said.

The National College program was designed for members of judicial conduct commissions, highlighting ethical issues faced by judges and sanctions for improper ethical conduct.

Barland works on national jury standards

As a delegate to the National Conference of State Trial Judges (NCSTJ), Reserve Judge Thomas H. Barland returned from the annual meeting in Atlanta with an armload of work and a perspective on the effects of state budget constraints.

Barland said that none of the 45 judges who attended the conference indicated that their states would pick up the travel tab. Barland traveled on his own dime.

"Everyone complained of budget cut backs," he reported. "The California judiciary was severely hurt by the most recent budget. From what I heard the impact of the cuts was worse than in Wisconsin."

Revising the American Bar Association Jury Standards was a major task. Barland reported that "The changes will be significant" and will include encouragement of note taking, asking questions, and permitting the jury to discuss civil cases during the course of the case. The most controversial suggestions are that most juries should be comprised of 12 members and that verdicts should be unanimous in civil cases unless the jury has been deliberating for more than six hours. ■



Judge
Gregory A. Peterson

PEOPLE

“Malloy won’t judge merits of substitutions” headlined a column in the September 4 edition of the *Milwaukee Journal Sentinel*. Columnist **Mike Nichols** noted that Judge **Paul V. Malloy** received 32 substitution requests in the first six months of 2004. This compared to three for Judge **Joseph D. McCormack** and none for Judge **Tom R. Wolfram**. Malloy declined to speculate for the newspaper about why he attracts more substitution requests, except to note that he handles a high-volume criminal calendar. Attorneys praised his intellect and demeanor. Nichols also noted that Judge **Michael O. Bohren**, Waukesha County Circuit Court, attracted 59 substitution requests in the same six-month period. Tabulating substitution requests is a favorite activity of journalists, but past coverage often has focused on Milwaukee County Circuit Court, where judges like **Ralph Adam Fine** – who is now on the Wisconsin Court of Appeals – and **Diane S. Sykes** – now on the Seventh Circuit Court of Appeals – once attracted scores of substitution requests.



Judge John R. Race

An acid-tongued order from the U.S. District Court for the Western District of Texas caught the eye of Judge **John R. Race**, Walworth County Circuit Court. Race passed along a copy of the order, which was written by Judge **Sam Sparks**, an appointee of President **George Bush Sr.** Chastising the lawyers for both parties, Sparks lamented that, “When the undersigned accepted the appointment

from the President of the United States of the position now held, he was ready to face the daily practice of law in federal courts with presumably competent lawyers. No one warned the undersigned that in many instances his responsibility would be the same as a person who supervised kindergarten....”

Sparks, who is known for inserting original rhymes into his opinions, ended the order by warning the lawyers that, if they did not improve their conduct, he might require the parties to hire new counsel. “The Court,” he wrote, “simply wants to scream to these lawyers, ‘Get a life’ or ‘Do you have any other cases?’”

Chief Judges **Michael J. Rosborough**, Vernon County Circuit Court, and **Michael P. Sullivan**, Milwaukee County Circuit Court, joined Justice **David Prosser Jr.** to participate in a discussion and workshop entitled, “Funding Circuit Courts in Wisconsin” at the September annual conference of the Wisconsin Counties Association in Milwaukee. Milwaukee County Board Vice Chair **Richard D. Nyklewicz** served as moderator.

Prosser also administered the oath of office to the new president of the Wisconsin Counties Association, **Joseph Maehl**, at the annual banquet.

Maehl is a longtime Winnebago County Board supervisor; he succeeded **James Ehram** of La Crosse County.

The historic appointment of Justice **Louis B. Butler Jr.** to the Wisconsin Supreme Court will be noted in an upcoming edition of *The Crisis*, the national magazine of the

National Association for the Advancement of Colored People (NAACP). The magazine began publishing in 1910 with the African-American scholar **W.E.B. DuBois** at the helm. He stayed for 24 years, building a journal with an international reputation for excellence.

The Clerk of Circuit Court Office in Outagamie County was recognized by *The Post-Crescent* (Appleton) for its participation in a pilot project to make filling out juror questionnaires easier and faster by giving the potential jurors access to them online. “I anticipated at first we would get maybe 5 to 10 percent taking advantage of it, but this past month it was 29 percent,” said Clerk of Circuit Court **Ruth Janssen** (see separate story, page 6).

Racine is the first county in the state to use the Secure Continuous Remote Alcohol Monitor, an ankle bracelet used to monitor the blood-alcohol level of people who have been arrested for drunk driving. The Racine County Circuit Court judges told the *Milwaukee Journal Sentinel* that the devices would likely be ordered for people who are third- or fourth-time offenders.

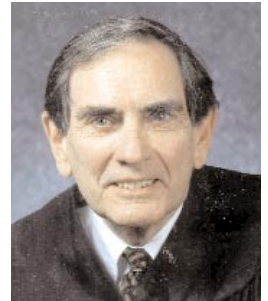
Judge **William D. Dyke**, Iowa County Circuit Court, is credited with launching the successful program Road Crew, which is reducing drunk driving. The program charges \$5 to \$10 for rides to and from bars using older-model limousines – which have proved more popular than the vans that initially were offered. A \$300,000 federal grant from the National Traffic Safety Administration put the wheels under Road Crew, and the program now is self-supporting.

A tiny publication produced by an Appleton-area plumber reminded Justice **David Prosser Jr.** and Judge **Harold V. Froehlich** of their days together in Washington, D.C. Froehlich was a member of Congress and Prosser was his top aide in 1973 when the nation was feeling the pinch of a number of shortages. “The paper industry was particularly distressed about the shortage of pulp,” Prosser recalled. “It was being shipped to Canada because of the price controls here in the U.S.” Pulp, of course, is a key ingredient in toilet paper and it

wasn’t long before Prosser, having heard some toilet-paper-related concerns on the Hill, penned a press release that raised the specter of a t.p. shortage. “I believe I wrote, ‘A toilet paper shortage is a problem that will touch every



Justice Louis B. Butler Jr.



Judge William D. Dyke



Judge Harold V. Froehlich

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American,” he recalled. The release caused a national sensation, with media outlets hounding Froehlich for comment. The “shortage” story soon found its way into Johnny Carson’s *Tonight Show* monologue and, the following day, 20 million rampaging consumers cleaned out the supermarkets, making the toilet paper shortage a reality.



Judge Dale T. Pasell

Judge **Dale T. Pasell**, La Crosse County Circuit Court, made use of an interview with the *La Crosse Tribune* to urge people who are being sued in small claims court to be sure to read all of the information given them. Pasell also told the *La Crosse Tribune* that the high volume of small claims cases challenges the judges to give each case the time and attention it deserves. Giving people the time to be heard goes a long way toward improving the outcome, he told the newspaper. “Oftentimes, people will come into court and the judge will make a ruling and they’re surprised by it because it’s either regarding an area of law they didn’t think about or their claim wasn’t as strong as they thought,” he said.



Judge Allan “Pat” Torhorst

The courtroom where family cases are heard in the Racine County Courthouse has been formally reopened after seven months of work. The renovation included installation of new floors and ceiling, reconfiguration of the judge’s bench, refinishing the wood surfaces, and installing wiring to support modern technology, reported *The Journal Times*. Judge **Allan “Pat” Torhorst** is the first judge to use the newly remodeled courtroom.

The Victim Impact Panel (VIP) in Dodge County has left a lasting impression on those required to attend. “It was the first time that I’ve seen the victim’s point of view,” one



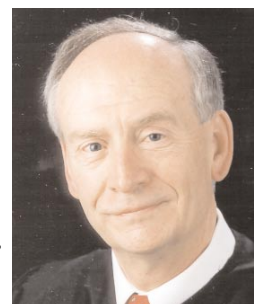
Betty Villalobos-Hallmann, executive director of El Centro of the Hispanic Community in Beloit, poses with Judge Ralph M. Ramirez of Waukesha County Circuit Court. Ramirez was keynote speaker at El Centro’s second annual banquet.

defendant told the *Daily Citizen* (Beaver Dam). The Dodge County Circuit Court judges have been sending repeat drunk drivers to the VIP program since March. The panels have victims

address the offenders and discuss their personal experiences. Judges **Andrew P. Bissonnette**, **Daniel W. Klossner**, and **John R. Storck** had long championed VIPs but did not have the resources until a restorative justice director position was created.

Four months after the Dodge County VIP opened for business, Waupaca County inaugurated its own Victim Impact Panel. The *Iola Herald* reported that Judge **Raymond S. Huber** and Clerk of Circuit Court **Terrie Tews** joined with local defense attorneys and prosecutors; law enforcement; social services representatives; community corrections workers; and Mothers Against Drunk Driving to start the program. The first VIP was held in the basement of the courthouse.

Waukesha County Circuit Court Judge **Ralph M. Ramirez** was the keynote speaker at El Centro of the Hispanic Community’s second annual banquet. The son of migrant workers who spoke Spanish as their first language, Ramirez was one of the first – and is still one of a very few – Hispanic judges in the state. He told the audience of about 200 not to leave the community’s problems in the hands of government, law enforcement, and social services. “Take the initiative,” the *Beloit Daily News* quoted him as saying. “It’s your community – you are responsible.”



Justice N. Patrick Crooks

Justice **Ann Walsh Bradley** has been in high demand on the speaking circuit this fall. On September 23, she addressed 250 school superintendents, teachers, and students at the Department of Public Instruction’s annual conference in Madison, speaking on citizenship and education; in October, she participated in Student Government Week at the University of Wisconsin – Whitewater, where she spoke on the importance of an independent judiciary; she then addressed the annual conference for State Public Defenders in Milwaukee, was keynote speaker at the fall conference of the Wisconsin County Code Administrators in Green Bay, presented at a conference at Madison’s Meriter Hospital on “Wisconsin Court Cases Involving End-of-Life Issues,” and addressed the annual conference of the Wisconsin Association of School Boards.

Also in demand is Justice **N. Patrick Crooks**, who returned to his alma mater, The Law School at Notre Dame, to deliver a speech entitled, “The Importance of State Constitutions in a System of Federalism” to the school’s Federalist Society. Crooks also recently lectured on the same topic at the UW Law School and gave speeches at the University of Wisconsin – Green Bay and at the 10-year reunion of 1994 UW law graduates.

Judge **Lisa K. Stark**, Eau Claire County Circuit Court, made headlines in the *Eau Claire Leader-Telegram* in the middle of October when the county opened its first drug treatment court. Stark is a member of the county’s nine-member drug court treatment team, which has spent more



Judge Lisa K. Stark

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than a year setting up the court. "It's not a get-out-of-jail-free card," Stark said. "It's not an easy program. It's intensive supervision." Stark said the drug court treatment team will consist of two judges, two corrections officials, a prosecutor, a public defender and three treatment experts/social workers. The team will evaluate each

applicant for the program and will closely monitor the progress of those who are accepted.

A Kenosha attorney's name was listed on a newspaper ad urging the public to turn out for an unusual memorial service for a man and woman who were killed when a man who was leading police on a high-speed chase crashed into the back of their vehicle. The memorial was held on the courthouse steps immediately prior to the defendant's sentencing hearing. In addition to urging anyone who had ever been the victim of a crime to attend, the ad listed the

name of the sentencing judge and the time and place of the sentencing hearing.

"Golfing with Tiger," a story in the *Door County Advocate*, revealed that Judge **D. Todd Ehlers'** golf stories no longer begin with his hole-in-one (1991, Alpine, Egg Harbor, No. 6 Red, 136 yards, 9 iron). Now, he'll tell you first about walking Whistling Straits with **Tiger Woods** for two days during the PGA championship. Ehlers volunteered as a walking scorer, meaning that he would be assigned to a group of golfers and keep track of their game, stroke by stroke, and enter the information on a computer that would flash the numbers via satellite to the leader board, to the news media, and to the Internet. These numbers are tallied against the official scores kept by the golfers. Ehlers had no assignment for the first day of the tournament and the second day he was assigned to **Nick Faldo, Charles Howell, and Michael Campbell**. That night,

he discovered that he'd been assigned to walk with Woods for Saturday's and Sunday's rounds. Ehlers called the experience "awesome" and noted that Woods took the time to shake his hand and introduce himself, and each day gave him a Nike ball that he had marked for play. ■



Judge D. Todd Ehlers



Celebrating their successful completion of an intense, three-day workshop on domestic violence issues (at which Wisconsin reportedly had the largest and most vocal team), Judges Ralph M. Ramirez, Waukesha County; Maxine A. White, Milwaukee County; Andrew P. Bissonette, Dodge County; Faye M. Flancher, Racine County; and Milwaukee Judges William W. Brash III, and William Sosnay strike a pose atop the steps to the Philadelphia Museum of Art that was immortalized by Sly Stallone in Rocky. This group was part of a contingent of 13 Wisconsin judges who traveled to Philadelphia on a federal grant to participate in Enhancing Judicial Skills in Domestic Violence Cases, an October program of the National Conference of Juvenile and Family Court Judges. Not pictured, but participating in the workshop, were Judges Patrick M. Brady, Marathon County; John A. Damon, Trempealeau County; Philip M. Kirk, Waupaca County; James L. Martin, Dane County; Dennis G. Montabon, La Crosse County; Scott R. Needham, St. Croix County; and Donald A. Poppy, Calumet County.

OBITUARY**Judge James A. Martineau
Marinette County Circuit Court**

Judge
James A. Martineau

Judge James A. Martineau, who served for 12 years in Marinette and surrounding counties as a circuit judge, died October 19 in Marinette. He was 98.

Martineau was elected in 1965 and reelected until 1971. He served until 1977, when he reached age 70, which was then the mandatory retirement age for judges. The year he retired, the provision of the 1955 constitutional amendment that set the retirement age was removed. Martineau served as a reserve judge until 1986, often filling in for the judge who

replaced him, Charles D. Heath, who served until 2001 and now is a reserve judge.

Martineau received his law degree from the UW Law School in 1931. He married, moved to Oconto, and practiced law. During World War II, he entered the U.S. Navy, serving in tough campaigns in the Pacific, including the Battle of Okinawa. When he returned, he became active in the American Legion and was made the Wisconsin Legion's state commander. He served on the state Veterans Affairs Committee, and was appointed by Gov. Gaylord Nelson to the Governor's Blue Ribbon Tax Advisory Panel.

Martineau's wife, Louise, preceded him in death, as did his son, Ted, and three grandchildren. Surviving him are two sons and a daughter, 10 grandchildren, and 11 great-grandchildren. ■

Addressing Injustices makes powerful points

A fall seminar, *Addressing Injustices in the Justice System*, packed a convention hall with an audience of about 200 people and sparked a lively debate about what can be done to prevent wrongful convictions.

The Joint Legislative Council sponsored the session in cooperation with the Office of Judicial Education and the Council of State Governments' Midwest Office. Showcased at the session was the work of the Avery Task Force, formed in response to the wrongful conviction of a man who was exonerated after spending 17 years in prison for a sexual assault he did not commit.

The Avery Task Force is comprised of a cross-section of justice system representatives including Judges Frederic W. Fleishauer, Portage County Circuit Court, and Randy R. Koschnick, Jefferson County Circuit Court. The task force chair, Rep. Mark Gundrum (R-New Berlin), is an attorney who also chairs the Assembly Judiciary Committee. The task force is expected to release its report and recommendations this winter.

Much of the debate at the seminar focused on the costs associated with improving the system. For example, district attorneys would like to see DNA analysis before a person is charged rather than wait until the trial is ready to begin. Judges and many others would like to see revised income standards for state public defender representation. Law professors from the Wisconsin Innocence Project would like to see all police interrogations videotaped (participants learned that the Minnesota Supreme Court 10 years ago mandated the audio taping of all police interviews, a move that one Minnesota police officer labeled "the best law enforcement tool ever forced down our throats.") Gundrum, a fiscal conservative, agreed that funding worthwhile efforts to safeguard against wrongful convictions is necessary. "If the criminal justice system is not a legitimate place to spend public money," he said, "there is no legitimate place to spend that money." ■



Atty. Barry C. Scheck, co-director of the National Innocence Project and professor of law at the Cardozo School of Law at New York's Yeshiva University, told the group that Wisconsin's crime lab is "pretty good" – an observation that a number of judges found troubling.



The three levels of court listen to the case for implementing systems to safeguard against mistaken identity. From left, Justice Louis B. Butler Jr.; Judge Paul B. Higginbotham, Court of Appeals, District IV; and Judge Jean W. DiMotto, Milwaukee County Circuit Court.



Addressing Injustices in the Justice System, a seminar on preventing wrongful convictions, drew a crowd of several hundred judges, lawyers, and legislators.

Supreme Court hosts reporters

Judges are retiring and judicial compensation doesn't seem to increase; will this lead to a 'brain drain'?

Why don't the justices give reasons when they recuse?

Is there a need for legislation that would require, in the event of a recusal, adding a temporary justice to avoid tie votes?

Four Supreme Court justices and the chief judge of the Wisconsin Court of Appeals fielded these questions and many more as part of a three-hour orientation for reporters held on October 13. This was the fourth orientation that has been offered in the last eight years; it brought in eight reporters from TV, radio, and print.

In response to a question from Steve Walters, a 16-year veteran of the Capitol Press Corps, Chief Justice Shirley S. Abrahamson expressed concern that looming retirements of many experienced judges may cause problems if the courts are unable to attract high-quality jurists due to the relatively low pay. Wisconsin judges are the lowest paid in the Midwest.

The chief justice also explained, in response to questions, that a law requiring the addition of a judge when a justice recuses him/herself might be a solution in search of a problem. Although the Court reached tie votes in several cases when Justice Diane S. Sykes recused herself because of her pending confirmation to the U.S. Court of Appeals, tie votes are, overall, unusual.

Chief Judge Tom Cane explained how caseloads are equalized among the four appellate districts and discussed how the publications committee decides which decisions merit publication.

After Court Information Officer Amanda K. Todd conducted a tour of resources available on the court system



Justice Ann Walsh Bradley leads Shawn Johnson, Wisconsin Public Radio's state government reporter, and Jenny Price of the Associated Press on a tour of chambers as part of the Supreme Court media orientation. Here, she explained the chief justice's need for two desks.

Web site, Justices Jon P. Wilcox, Ann Walsh Bradley, and N. Patrick Crooks gave tours of the chambers area.

The morning ended with a tour of the Office of Lawyer Regulation, where Deputy Director John O'Connell explained the workings of the system and fielded a half-hour of questions from reporters. ■



Chief Judge Tom Cane, Wisconsin Court of Appeals, District III, explains to journalists that, on occasion, two districts of the Court of Appeals issue opinions that conflict with one another.

NCSC *continued from page 2*

CourtTools builds on the Trial Court Performance Standards published in 1990 after three years of work by a 12-member commission of state and local judges, court administrators, an elected clerk of court, and scholars in the area of judicial administration. Although the 68 standards in the 1990 work were a major accomplishment, many courts were overwhelmed by their sheer number and by their complexity. Some complained that the standards lacked clear and specific instructions on how to calculate, interpret, and use each measure.

The 10 CourtTools:

- Follow the fundamental mission and vision of the courts in the areas of access and public service, prompt and efficient case administration, and fairness and equality;
- Provide a necessary and important balanced perspective;
- Are outcome focused; and
- Are feasible and practical.

In designing CourtTools, the National Center attempted to integrate the major performance areas defined by the Trial Court Performance Standards with relevant concepts from other successful performance measurement systems used in the public and private sectors. The result is a set of measures that may help to assess the public's access to justice, the fairness and integrity of court processes, caseflow management, clerical operations, the enforcement of court orders, jury utilization, the strength of a court's workforce, and the impact that resources have on a court's performance.

Being responsive and accountable for the efficient administration of justice is critical to maintaining the independence the judicial branch needs to deliver fair and impartial justice to the public. I hope you will join me in reviewing CourtTools to determine whether it can be adapted to fit your court's needs. ■

CourtTools will be available in January 2005 at www.ncsconline.org.

The 10 CourtTools

- Access and Fairness** – Ratings of court users on the court's accessibility and its treatment of customers in terms of fairness, equality, and respect.
- Clearance Rates** – The number of outgoing cases as a percentage of the number of incoming cases.
- Time to Disposition** – The percentage of cases disposed or otherwise concluded (i.e., resolved, disposed, or concluded) within established time frames.
- Age of Active Pending Caseload** – The average age of active cases pending before the court, measured as the average number of days from filing until time of measurement.
- Trial Date Certainty** – The average number of times cases scheduled for trials are rescheduled before they are heard.
- Reliability and Integrity of Case Files** – The percentage of files that can be retrieved within established time standards, and that meet established standards for completeness and accuracy.
- Collection of Monetary Penalties** – Payments collected and distributed within established timelines, expressed as a percentage of total fines, fees, restitution and costs ordered by a court.
- Effective use of Jurors** – Jury yield is the number of citizens selected for jury duty who are qualified and report to serve, expressed as a percentage of the total number of prospective jurors available. Jury utilization is the rate at which prospective jurors are used.
- Court Workforce Strength** – The percentage of court employees responding positively on workplace survey questions associated with high levels of efficiency, effectiveness, and customer satisfaction.
- Cost per Case** – The average cost for processing a single case, by the case type.

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The long way home

Every time I see an adult on a bicycle I no longer despair for the future of the human race.

-H.G. Wells

Judge John P. Hoffmann’s 50-minute daily commute is possibly more hazardous and absolutely more relaxing than the average rush-hour experience. He bikes to work every day between May and September, putting about 160 miles on the bike every week; this fall, he celebrated a milestone: 60,000 miles. He follows a consistent route to work, and then varies it on the way home to add miles.

“I’ve had a couple crashes,” he said, “and I usually get bit by a dog once a year, but no bites have required stitches.” The comment evokes a well-known quote from cyclist August Strindberg, a Swedish playwright who said, “I loath people who keep dogs. They are cowards who haven’t got the guts to bite people themselves.”

While the dog incidents have not been serious, the accidents have left a few scars. One of Hoffmann’s accidents occurred in a wooded area near the courthouse on a dark November

evening. “A car turned left into my path,” Hoffmann recalled. “I kept veering right but the car kept turning (into a driveway that Hoffmann had not seen) and struck me. When the 18-year-old driver realized who he had hit I could see his life pass before his eyes since he had appeared before me a couple of times.”

Another, more serious accident occurred when a young boy came out of a blind driveway on a bike and Hoffmann hit him broadside. “He was hospitalized with a concussion,” he said. “He was not wearing a helmet.” Hoffmann, fortunately, was wearing a helmet – and the accident cracked it. That accident also wrecked his bike, but didn’t keep him down for long.

“I enjoy biking for the recreation and relaxation and fitness,” he said. “I’m not able to run any more due to my hips (I had one replaced four years ago). I enjoy being able to be outdoors and view the beautiful Wisconsin countryside.” ■



When Waupaca County prosecutors need a search warrant signed early in the morning, they know just where to find the judge. This photograph was taken from a squad car after the Clintonville police helped Assistant District Atty. Vicke Taggatz track down Judge John P. Hoffmann, who generally begins his morning commute at 6:30.

Unified *continued from page 12*

administrator, and a juvenile justice consultant) and 11 professional groups that regularly work with the juvenile and family courts in Kenosha. The final session brought together a group of 60 judges, attorneys, social workers, law enforcement officers, court staff, elected officials, and interested members of the public.

During these meetings, the Deschutes staff was able to explain how they process cases in their court, discussed their observations of the Kenosha juvenile and family court, and answered questions about how a unified court might operate in Kenosha.

The observations made by the Deshutes staff were very positive. Kenosha has a wealth of research-based services, there is a continuum of services and there is a county-wide commitment to improving services to children and their families. At the conclusion of the meeting, Wagner announced that she would be establishing a committee to explore the establishment of a unified family court in Kenosha County.

The visit to Deshutes County and the costs of sponsoring the consultants were paid for through a grant from the State Justice Institute. ■