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## Conference Committee Continues Work on Budget Bill

by Deborah Salm, budget officer

Both the Assembly and Senate have passed amended versions of the governor's budget reform bill. A conference committee is now working on resolving the differences between the two versions. The members of the conference committee are Senators Chuck Chvala (D-Madison); Russell Decker (D-Schofield); Robert Jauch (D-Poplar); and Mary Panzer (R-West Bend); and Representatives Scott Jensen (R-Waukesha); Steven Foti (R-Oconomowoc); John Gard (R-Peshtigo); and Spencer Black (D-Madison).

While the courts' budget picture remains unclear, it appears certain that the Director of State Courts Office and the Wisconsin State Law Library will be required to lapse the equivalent of 3.5 percent of their appropriations in 2001-02 and either 6 percent (Senate version) or 6.5 percent (Assembly version) in 2002-03. These percentages equate to a total cut of about \$660,000.

The savings will be achieved in part by following the cost-saving measures that the Supreme Court approved on Sept. 19, 2001. These include a moratorium on reimbursement for any out of state travel for judges and staff at all three levels of court; increased use of

see **Budget** on page 23

## Court Acts on Interpreter Ethics, Court Reporters, Pro Se Guidance

The Supreme Court, at rules hearings held April 17 and 18, listened to testimony from judges and clerks of circuit court on several hot topics. The Court issued several orders.

### Code of Ethics for Interpreters

The Court adopted, effective July 1, a code of ethics for court interpreters as proposed by the Committee to Improve Interpreting and Translation in the Wisconsin Courts. The code is considered a key component of the court system's effort to improve interpretation services for litigants who are deaf or not fluent in English.

According to the U.S. census, between 1990 and 2000 Wisconsin's Hispanic and Asian populations doubled. Many other immigrant populations also grew, and continue to grow, at a rapid rate. As a result, the Wisconsin courts increasingly must find qualified interpreters who can

speak not only Spanish and Hmong, but also Russian, Laotian, Vietnamese, Punjabi, Hindi, Arabic, Somali, Polish, and more.

"These are all languages for which I have had to find interpreters on more than one occasion, and Milwaukee

County is not alone with respect to this," said Judge Elsa C. Lamelas, chair of the interpreting committee. Lamelas told the Court that the influx into the trial courts of non-English speaking people is one of the more urgent problems that the justice system is confronting. "Language is the tool of the courts, [and] English is the language of the courts," she said. "Participants in court proceedings –

whether they be the litigants, the parties, or the witnesses – do not necessarily possess a sufficient degree of proficiency in ... English to communicate with the court or to

see **Rules** on page 9



Judge Elsa C. Lamelas, Milwaukee County Circuit Court, testifies on behalf of the proposed code of ethics for court interpreters, the first step toward setting standards for interpreters to ensure quality. "Court interpreting done well is a demanding profession deserving of the recognition and respect of this Court," Lamelas said. "Court interpreting done poorly is an affront to justice."

## 2001 Regular Legislative Session Winds Down

by Sheryl Gervasi, legislative liaison

The 2001-02 Legislature finished its final regular session floor period in March and conducted a limited business session during April 30-May 2. Remaining is a veto review session on May 14-15.

Of the 1,400 bills introduced by the Senate and Assembly, only 100 were enacted into law. This is half the number enacted during the 1999 session, which was considered low at that time. While the regular session is ending, the special session on the budget reform bill continues (see *separate story*). Following is a summary of some of the bills enacted at the end of the March floor period:

**Act 33** – Narrows the statute prohibiting making represen-

tations of someone in the nude in a place where the person expects privacy and without the person's consent. The Legislature enacted this bill in response to the Wisconsin Supreme Court's opinion in the Waukesha case of State v. Stevenson, 236 Wis.2d (2000), involving a defendant who surreptitiously videotaped his ex-girlfriend while she was in the nude inside her home. The majority, in an opinion written by Justice Ann Walsh Bradley, found that the statute as originally enacted properly criminalized Stevenson's behavior but also reached too far beyond that to prohibit all visual depiction of nudity in the absence of express consent.

**Act 42** – Broadens the grounds for a judge's exercise of

see **Legislative** on page 10



Spring  
2002

## Supreme Court Appoints Ptacek as Chief Judge

The Supreme Court has appointed Judge Gerald P. Ptacek as chief judge of the Second Judicial Administrative District. The Second District is comprised of the circuit courts in Kenosha, Racine, and Walworth counties. Ptacek will assume his new administrative duties on Aug. 1. He will continue to handle cases as a Racine County Circuit Court judge.

Wisconsin is divided into 10 districts for purposes of administering the state court system. Each district has a management team consisting of a chief judge, a deputy chief judge, and a district court administrator. The Supreme Court appoints

chief judges, and each chief judge appoints a deputy.

Chief judges manage the flow of cases, supervise personnel, develop budgets, and meet monthly as a committee to work on issues of statewide importance. Supreme Court Rule 70.19 sets out their responsibilities and directs them to adjust their caseloads to accommodate the increased administrative workload. The chief judges help to manage an increasingly complex system requiring uniform administration while accommodating and respecting appropriate local variance.

The district court administrator and chief judge have evolved into a critical link between central and regional

procedure and policy making. Together, the director of state courts, the chief judges, and the district court administrators participate in developing and implementing statewide policies and procedures. They are all in regular contact with the circuit court judges, ensuring that the judges' views are presented in all discussions of statewide administrative policies.

Ptacek has been on the bench in Racine County since 1988. He has been



Judge Gerald P. Ptacek

active in justice-related projects outside the courtroom, serving on a statewide committee to study video-conferencing in the courts, helping to oversee the court system's automation program, working on issues related to legal representation for children (guardians *ad litem*), and more.

Prior to becoming a judge, he served as Racine County district attorney for eight years and worked for a short time in private practice. Before going to law school, Ptacek was a math teacher.

Ptacek will be eligible to serve until 2008 (a maximum of three, two-year terms). He replaces Chief Judge Barbara A. Kluka, Kenosha County Circuit Court, who has served the maximum number of terms. ■

## Supreme Court Reappoints Five Chief Judges

The Supreme Court has reappointed five current chief judges to new terms. They are as follows:

**Chief Judge Michael J. Skwierawski**, Milwaukee County Circuit Court. Skwierawski oversees administration in the First Judicial Administrative District, which is comprised of the 47 branches of the circuit court in Milwaukee County. Skwierawski is assisted by Deputy Chief Judge Michael P. Sullivan, District Court Administrator Bruce Harvey and Deputy District Court Administrator Beth Bishop Ferrigo.

**Chief Judge Kathryn W. Foster**, Waukesha County Circuit Court. Foster oversees administration in the Third Judicial Administrative District, which is comprised of the circuit courts in Jefferson, Ozaukee, Washington, and Waukesha counties. Foster is assisted by Deputy Chief Judge James R. Kieffer, Waukesha County Circuit Court, and District Court Administrator Michael G. Neimon.

**Chief Judge James Evenson**, Sauk County Circuit Court. Evenson oversees administration in the Sixth Judicial Administrative District, which is comprised of the circuit courts in Adams, Clark, Columbia, Dodge, Green Lake, Juneau, Marquette, Portage, Sauk, Waushara, and Wood counties. Evenson is assisted by Deputy Chief Judge Frederic W. Fleishauer, Portage County Circuit Court, and District Court Administrator Scott K. Johnson.

**Chief Judge Joseph M. Troy**, Outagamie County Circuit Court. Troy oversees administration in the Eighth Judicial Administrative District, which is comprised of the circuit courts in Brown, Door, Kewaunee, Marinette, Oconto, Outagamie, and Waupaca counties. Troy is assisted by Deputy Chief Judge Sue E. Bischel, Brown County Circuit Court, and District Court Administrator Kathleen M. Murphy.

**Chief Judge James B. Mohr**, Vilas County Circuit Court. Mohr oversees administration in the Ninth Judicial Administrative District, which is comprised of the circuit courts in Florence, Forest, Iron, Langlade, Lincoln, Marathon, Menominee, Oneida, Price, Shawano, Taylor, and Vilas counties. Mohr is assisted by Deputy Chief Judge Gregory Grau, Marathon County Circuit Court, and District Court Administrator Michael R. Havemann. ■

## White Named 'Judge of the Year'

**M**ilwaukee County Circuit Court Judge Maxine Aldridge White has been named the State Bar of Wisconsin's 2001 Judge of the Year. The award recognizes a jurist who has improved the judicial system during the past year by his or her leadership in advancing the quality of justice, judicial education, or innovative programs. High ideals, personal character, judicial competence, and community involvement are hallmarks of the recipient. The award will be presented in mid-May in Madison.

"By honoring individual judges' efforts and accomplishments, we recognize the vital role of a judicial system with integrity and independence. The judicial branch upholds the rule of law in good times and in hard times, through judges like Maxine White," said Atty. Nicholas Casper, chair of the Bench/Bar Committee. "We are honored to recognize Judge White who is known for dis-

persing 'swift but compassionate' justice and for outstanding service to the profession and the community."

White was appointed to the circuit court in 1992, elected in 1993, and re-elected in 1999. Prior to becoming a judge, she was an assistant U.S. attorney from 1985 to 1992.



Judge Maxine A. White

She has served on the faculty of both the Wisconsin and National Judicial Colleges and as an instructor at the University of Wisconsin Law School. Current and past board affiliations include the Milwaukee Bar Foundation, the Marquette University

Law Alumni Association, The House Of Peace and the YWCA of Greater Milwaukee. She has received numerous legal, civic and academic honors, including the Outstanding Woman of Achievement Award from the YWCA.

White earned a master's degree in public administration from the University of Southern California and

her law degree from Marquette University Law School.

In the past few years, she has shown leadership on two important task forces. Former Governor Tommy Thompson appointed her as chair of the Governor's Task Force on Racial Profiling. She led a diverse group of law enforcement, civic, community and academic leaders through a comprehensive study of racial profiling, creating a national model for other jurisdictions and culminating in an executive order from Governor Scott McCallum implementing the recommendations of the task force. Thompson also appointed White as chair of the Legislature's Committee on Judicial Selection, which issued a report recommending ways to increase racial and ethnic diversity among Wisconsin judges.

Past recipients of this award include circuit court Judges Thomas H. Barland, Eau Claire County; Dennis J. Barry, Racine County; Harold V. Froehlich, Outagamie County; Michael P. Sullivan, Milwaukee County; and Gary L. Carlson, Taylor County. ■

## Judges Dahlberg, Gordon Earn 'Lifetime Jurist Achievement' Awards

**R**etired Rock County Circuit Court Judge Edwin Dahlberg, on the bench in Rock County from 1963 to 2000, and retired U.S. District Court Judge Myron L. Gordon, who began his judicial career in Milwaukee and served on the Wisconsin Supreme Court, were selected for the State Bar of Wisconsin's 2001 Lifetime Jurist Achievement Award. The awards will be presented at the State Bar Annual Convention in mid-May in Madison.

Normally, the bar's Bench/Bar Committee selects just one recipient for the award, but this year members chose to honor the outstanding achievements of both Dahlberg and Gordon.

Dahlberg earned a law degree from the University of Wisconsin Law School in 1949. He was in private law practice from 1949 to 1959 and was appointed municipal judge for the City of Beloit in 1959 where he served until 1963. He served first on the county court and later on the circuit court in Rock County from 1963 to 2000. He was uncontested in all seven of his judicial elections. "Judge Dahlberg's achievement has been committing himself to the rule of law, ensuring justice for every person regardless of station in life, striving for fairness for all, and upholding integrity and intellectual honesty day in and day out for more than four decades," said Atty. Kevin Cronin of the Public Service Commission.

Gordon has had a similarly lengthy and impressive career in the law. In 1950, at age 31, he took office as the



Reserve Judge Edwin Dahlberg



Retired U.S. District Judge Myron L. Gordon

youngest judge in Milwaukee County, defeating a longtime incumbent. He served in the county court and then the circuit court until 1961, when he was elected to the Wisconsin Supreme Court. He served less than one term on the Supreme Court because President Lyndon B. Johnson appointed him as a federal district court judge in 1967. He remained on the federal bench in the Eastern District until retiring as a senior judge in January 2001.

The Lifetime Jurist Achievement Award recognizes a jurist with at least 12 years' experience as a trial judge who has demonstrated outstanding, long-term judicial service during his or her years as a sitting judge. Past recipients include Judges John A. Decker, Patrick T. Sheedy, Peter G. Pappas, Mark J. Farnum, and P. Charles Jones. ■



## 2002 ELECTION

## Voters Place Five new Judges on the Bench



Judge-Elect Robert A.P. Kennedy Jr.

**Judge-Elect  
Robert A.P. Kennedy Jr.  
Florence/Forest County  
Circuit Court**

After coming out on top in a four-way contest in the primary, Crandon Atty. Robert A.P. Kennedy Jr. defeated Crandon Atty. Leon Stenz in the April 2 election. Kennedy garnered 57 percent of the vote.

Kennedy will take over for his father, Judge Robert A.P. Kennedy, who will vacate the seat he has held for 13 years at the end of his term in July (see *The Third Branch, fall 2001*).

After studying economics at the University of Wisconsin-Oshkosh, the younger Kennedy attended the University of Wisconsin Law School. He completed a law degree in 1980 and, at age 24, was elected Florence County district attorney. Since leaving the district attorney's office, Kennedy has been in private practice in Crandon.

Now 46, Judge-Elect Kennedy is married to Kathy, a nurse at the Crandon Nursing Home. The Kennedys have two daughters.



Judge-Elect Gerald W. Laabs

**Judge-Elect  
Gerald W. Laabs  
Jackson County Circuit  
Court**

Black River Falls Atty. Gerald W. Laabs defeated Atty. Robert A. Olsher, who also practices in Black River Falls, to win election to the Jackson County Circuit Court. Laabs, who won 54 percent of the vote, will replace Judge Robert W.

Radcliffe, who is stepping down after 18 years on the bench (see *The Third Branch, fall 2001*).

Laabs, a partner at Laabs, Skolos and Millis, has practiced law in Jackson County for 32 years. In addition to his private practice, Laabs has served as a court commissioner for the county since 1975 and, most recently, as family court commissioner.

After graduating from the University of Wisconsin Law School, Laabs served as an assistant district attorney for Jackson County. He is a former president and secretary of the Tri-County Bar Association.

**Judge David G. Miron  
Marinette County Circuit  
Court, Branch 1**

Marinette County Circuit Court Judge David G. Miron, who was appointed to the bench in January 2001, was elected to a full, six-year term on April 2. Miron garnered 62 percent of the vote to defeat Atty. Michael G. Perry, a sole practitioner in Coleman.



Judge David G. Miron

Miron served as the county's district attorney from 1990 until his 2001 appointment to the bench by Governor Tommy Thompson. Prior to his election as district attorney, Miron worked in private practice with Kopish, Miron and Boyle, S.C.

A 1983 graduate of Marquette Law School, Miron is past president of the Marinette County Bar Association and is a member of the Marinette County Courthouse Security Committee.

Miron and his wife, Julie, live in Peshtigo with their three children.

see **Election** on page 21

### The Rest of the Story...

The following judges ran unopposed for election or reelection in April: Patricia S. Curley, Court of Appeals, District I; Neal P. Nettesheim, Court of Appeals, District II; Patience D. Roggensack, Court of Appeals, District IV; William C. Griesbach, Brown County Circuit Court (Griesbach has been appointed to the new federal court in Green Bay; a gubernatorial appointment to replace him is pending); Dane F. Morey, Buffalo/Pepin County Circuit Court; Roderick A. Cameron, Chippewa County Circuit Court; Daniel W. Klossner, Dodge County Circuit Court; Dale L. English, Fond du Lac County Circuit Court; Bruce E. Schroeder, Kenosha County Circuit Court; Vincent K.

Howard, Marathon County Circuit Court; Tim A. Duket, Marinette County Circuit Court; John J. DiMotto, Michael D. Guolee, Daniel A. Noonan, Michael P. Sullivan, and Francis T. Wasielewski, Milwaukee County Circuit Court; Robert E. Kinney, Oneida County Circuit Court; James T. Bayorgeon, Outagamie County Circuit Court; Douglas T. Fox, Price County Circuit Court; Charles H. Constantine, Racine County Circuit Court; James P. Daley, Rock County Circuit Court; Eric J. Lundell, St. Croix County Circuit Court; James B. Mohr, Vilas County Circuit Court; Lee S. Dreyfus, Patrick C. Haughney, and Mark S. Gempeler, Waukesha County Circuit Court; and Gregory J. Potter, Wood County Circuit Court.

## NEW FACES



Judge Richard J. Nuss

**Judge Richard J. Nuss**  
**Fond du Lac County Circuit**  
**Court, Branch 3**

Fond du Lac County Family Court Commissioner Richard J. Nuss was Governor Scott McCallum's choice to succeed Judge Henry B. Buslee, who retired after 22 years of service (*see The Third Branch, winter 2002*).

Nuss worked in private practice at Nuss Law Office for 22 years until he was appointed as family court commissioner in 1994.

After graduating from Marquette University with a degree in finance, personnel and marketing in 1966, Nuss served in the U.S. Marine Corps for three years, earning the rank of captain. He received his law degree from Marquette University Law School in 1972.

Nuss maintains a range of civic commitments. He is past exalted ruler of Fond du Lac Elks Lodge 57 and past president of the Kiwanis Club. He is also a member of the Youth Service Bureau and the American Legion.

Nuss and his wife, Toni, live in Fond du Lac. They have been married for 36 years and have three children.



Judge Paul V. Malloy

**Judge Paul V. Malloy**  
**Ozaukee County Circuit**  
**Court, Branch 1**

Grafton Atty. Paul V. Malloy was appointed to replace retiring Judge Walter J. Swietlik (*see separate retirement story*), who stepped down on Feb. 28.

Malloy has worked in private practice since 1987, and has been a partner at the law firm of Houseman and Feind since 1993.

He earned a degree in business administration from the University of Wisconsin-Milwaukee in 1981 and a law degree from the John Marshall Law School in Chicago in 1985.

Malloy has been active in the State Bar of Wisconsin, recently serving on the Bar's Board of Governors and helping to settle fee disputes between lawyers and clients as a member

of a fee arbitration panel. He also is a member of the Wisconsin Lawyer's Assistance Program, which provides confidential help to lawyers, judges, law students, and their families in coping with alcoholism and other chemical addiction, depression, acute and chronic anxiety, and problems related to the stress of practicing law.

Malloy also has been actively involved in community organizations such as the Grafton Lion's Club, the Republican Party of Ozaukee County, the American Legion, and the Ozaukee County 4-H.

**Deborah Salm, Budget Officer**  
**Director of State Courts Office**

Director of State Courts J. Denis Moran appointed Deborah Salm as budget and policy officer for the state court system in March. Salm replaces David Suchman, who resigned last year after six years with the Office of Management Services.

Salm comes to the court system from the Legislative Fiscal Bureau, where she worked for more than 11 years, the last five as a program supervisor. She also has worked for the National Council on Crime and Delinquency as well as the U.S. Department of Labor and the Wisconsin Department of Industry, Labor, and Human Relations (now known as the Department of Workforce Development).

In appointing Salm to her new position, Moran said: "Deborah joins us at a critical juncture in the budget process. Her knowledge and experience will be invaluable as we work to meet the challenges presented by the state's budget crisis."

**Josephine Xiong, Interpreter Program Assistant**  
**Director of State Courts Office**

Josephine Xiong has joined the Director of State Courts Office as an assistant to the interpreter program. She will be working half-time through the late fall to develop orientation programs for people interested in becoming language interpreters in the Wisconsin court system.

Xiong was hired with a grant from the Office of Refugee Services. She graduates from the University of Wisconsin-Madison this month with a double major in political science and Spanish. ■

Deborah Salm  
Budget OfficerJosephine Xiong  
Interpreter Program  
Assistant

## OBITUARIES

**Judge Michael G. Eberlein**  
**Menomonie/Shawano County Circuit Court**

Judge Michael G. Eberlein, who served on the bench in the Menomonie and Shawano County Circuit Court from 1970 until his retirement in 1983, died April 14 in Shawano. He was 87.

Eberlein earned his law degree from the University of Wisconsin Law School in 1939 and immediately joined his father's law practice. In 1941, he joined the U.S. Army and served in the South Pacific until 1945. Upon his return, he again practiced law with his father and his brother, Atty. Frederic C. Eberlein, and served briefly as Shawano County

district attorney.

After his 1983 retirement from the bench, Eberlein continued to serve as a reserve judge until 1998.

Eberlein's wife, Joanne, his two brothers, and nieces and nephews survive him.

**Judge John Kasimatis**  
**Town of Madison Municipal Court**

Municipal Judge John Kasimatis practiced law from 1954 until his death in February from heart disease. He was 73.

Kasimatis was a Utah native who found his way to

*see Obituaries on page 22*

## RETIREMENTS

## Three Judges, District Assistant Step Down



Judge William J. Haese

**Judge William J. Haese  
Milwaukee County Circuit  
Court**

After 22 years in Milwaukee County Circuit Court, Judge William J. Haese is stepping down from the bench. But he has no plans to leave the courtroom. For Haese, retirement is an opportunity to return to his roots as a litigator.

“It’s been a great 22 years,” Haese said, adding that many of the things he enjoys most about being a judge are the same things he enjoyed as a lawyer. “You’re always meeting new, interesting people,” he said. But he has missed “taking sides,” he said, and plans to return to the private practice of law, where he worked for 27 years before becoming a judge.

Haese’s announcement comes just three years after he won re-election to a six-year term in a contested race. Milwaukee Atty. Peter Guyon Earle, a specialist in labor and employment law, challenged Haese but Haese kept the seat.

What motivated him to occupy the bench for so many years? The thrill of Monday mornings, he said. “You always look forward to Monday, because it’s motion day. You see 20 cases in four hours, and no matter how well you prepare, things always happen that you couldn’t have contemplated,” Haese said.

In more than two decades, Haese has seen many changes in the courtroom. One of the most striking, he said, is the court’s relationship with the media. With television cameras in courtrooms and live coverage of trials, the general public’s access to the courts has increased dramatically in recent years. “The media and the bar have a new kind of partnership,” he said, “and it benefits the public.”

A graduate of Marquette University Law School, Haese has most recently presided over the Family Court Division and is a former presiding judge in the Criminal Misdemeanor/Traffic Division.

While Haese is looking forward to some vacation time in Europe after he steps down, he says there is no place he would rather be than Wisconsin. “Being here is a vacation to me,” he said. Haese is married to Julie B. Haese, a retired psychologist. The couple has four children.

**Karen Steckl, District Administrative Assistant  
Third Judicial District**

District Administrative Assistant Karen Steckl, who supported the court administrator in the Third Judicial District for nearly 19 years, retired March 15. Because of the budget crisis, District Court Administrator Michael G. Neimon has been running the office on his own since Steckl’s departure.

Steckl started with the court system in 1983. During her tenure, she worked for five chief judges and five district court administrators covering the district that encompasses Jefferson, Ozaukee, Washington, and Waukesha counties. Steckl ran the office by herself for periods of time when the district court administrator job was in transition.

**Judge Walter J. Swietlik  
Ozaukee County Circuit  
Court**

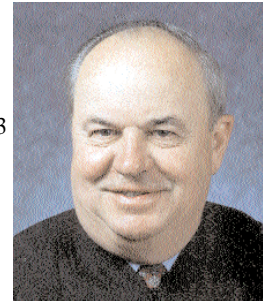
Judge Walter J. Swietlik, who presided in Ozaukee County for 23 years, stepped down from the bench in March. Paul V. Malloy was appointed to replace Swietlik (*see separate story*) and will seek election to a full, six-year term next April.

Swietlik first took the bench in 1978, after having worked in private practice and serving eight years as Ozaukee County district attorney. He earned his law degree from Marquette University Law School in 1960.

Swietlik’s more than two decades in the judiciary convinced him that addressing drug and alcohol abuse is the key to lowering crime. He told *The Sheboygan Press* that 75 percent of the cases in the Felony and Juvenile Divisions – where he finished up his career – were related to drugs. And while many offenders are in their teens and 20s, Swietlik said he had seen an increasing number of older adults charged with a variety of offenses including drunk driving and cocaine possession.

The most satisfying cases for Swietlik, as for many judges, were civil matters presented by talented and well-prepared attorneys. Again echoing the sentiments of many colleagues, Swietlik found small claims and contested divorce cases to be the most difficult and frustrating assignments. The vast majority of litigants in small claims cases are self-represented, which forces the judge to become an educator and a mediator. To address this issue, a number of counties now require that small claims cases go through mediation and only come to court if the litigants cannot agree.

In retirement, Swietlik planned to travel – especially to Ecuador, where his daughter and her family live – and to work on his land on the Milwaukee River. Swietlik and his grandson plant 50 trees a year on the Town of Saukville property in addition to maintaining beehives there.



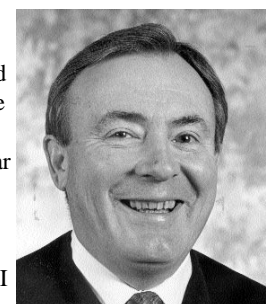
Judge Walter J. Swietlik

**Judge James H. Taylor  
Burnett County Circuit Court**

James H. Taylor has announced his retirement after 12 years on the bench in Burnett County Circuit Court. Because Taylor has one year left in his term, the governor will appoint a replacement.

Taylor is leaving prior to the end of his term because, he said, “I can feel myself losing patience. The judicial temperament at times is slipping.”

Taylor’s upcoming retirement caps a long career in the law. Before becoming a judge, he spent 10 years in private practice and four years as Burnett County district attorney.



Judge James H. Taylor



## Judicial Oversight Initiative Moves into Next Phase

After more than two years, Milwaukee's Judicial Oversight Initiative (JOI) in domestic violence cases is in the process of reassessment and evaluation. "We have learned a lot in the first phase of the project," said Chief Judge Michael J. Skwierawski. "We are now going to fine-tune some processes that work, discard some that didn't work as well as we'd like, and try out some new ideas."

Milwaukee County received \$2 million in federal funds in late 1999 to improve services for offenders and treatment for victims in domestic violence cases. The grant enabled the county to devote four new prosecutors and one court commissioner to domestic violence cases and to assist community organizations in bolstering their services to victims and offenders.

Two parts of the program that will be changed are the concept of crisis response advocacy and pretrial monitoring by probation agents. Crisis response advocates connect with victims immediately to help them find emergency housing, food, transportation, and childcare. In the next few months, the number of crisis advocates will be reduced from five to two, and duties will be changed to reflect the results of early evaluations of grant processes.

One of the advocates will be stationed in the court commissioner's court to perform pretrial monitoring duties previously assigned to probation agents from the Department of Corrections. "The Department of Corrections is still a very strong partner in this program," Skwierawski explained. "One

of the immediate successes of the grant has been the work that probation agents have done with batterers who appear before the domestic violence judges for weekly reviews. We plan to replicate this type of review in the court commissioner's court."

The second advocate will work with the Milwaukee Police

Department in a new family violence unit. "It may seem basic, but one of the things I'm most excited about is the fact that the Milwaukee Police Department is now taking on-scene photographs in nearly half of the cases," explained JOI Site Evaluator Terry Batson. "The district attorney's office has long believed that photographs of victims at the scene are an important component of victimless prosecution. I believe that JOI has had a strong effect on these changes."

Carmen Pitre, the first JOI project director, recently resigned to become executive director of the Task Force on Family Violence. "We were fortunate to have Carmen as the first JOI director and will work closely with her in her new role as one of our community partners," Skwierawski said. JOI is one of three national demonstration projects funded by the U.S. Department of Justice through the Violence against Women Act. ■



Chief Judge Michael J. Skwierawski

## WISCONSIN CONNECTS TO THE NATION

### Wisconsin's Court Security Program Plays to National Audience

In April, the National Center for State Courts (NCSC) presented a conference on court security, *Court Security Summit: Tools for Protecting the Judicial System*, in Denver. At that conference, the Wisconsin Courthouse Security Training Program was showcased as a national model for implementing courthouse security improvements.

By adopting a collaborative approach, the Wisconsin team has built a program that features a new level of cooperation and focuses increased attention to the issue of courthouse security. The Wisconsin Courthouse Security Training Program was developed by the Wisconsin Sheriffs and Deputy Sheriffs Association (WSDSA), the U.S. Marshal's Office of the Western District of Wisconsin, the Office of the Chief Justice, the Director of State Courts Office, and Fox Valley Technical College.

The Wisconsin team reviewed the basic components of the training program, facilitated a group problem identification exercise, and shared low- and

no-cost courthouse security improvements. Other presenters at the three-day conference dealt with securing data and court information against hackers and cyber-terrorists, and dealing with the aftermath of a disaster.

Every audience member at the Denver conference saw that s/he could play a role in court security training, following the Wisconsin model. "The Wisconsin group was the highlight of the conference because they brought some real practical ideas to the floor," said Mary Sammon, director of the Court Executive Development Program at the National Center for State Courts' Institute for Court Management. "They made everybody in the room accountable and responsible for being part of the solution."

Presenting from Wisconsin were Sheriff Terry Dryden, Washburn County, who is also president of WSDSA; Edward Krueger, director of the Criminal Justice Grants and Contracting Department at Fox Valley Technical College; Rebecca Murdock, program coordinator of the Criminal

Justice Grants and Contracting Department at Fox Valley Technical College; Dallas Neville, former U.S. marshal, Western District of Wisconsin; Steve Steadman, project director and district court administrator; and John Voelker, executive assistant to the chief justice.

The Wisconsin team emphasized that working with partners from outside the courts who have an interest in improving courthouse security can make a statewide program easier and less costly to implement. "They demonstrated how effective they were able to be, and it was a dramatic example for the attendees, [because] it was 'we did this,' rather than, 'this is how you might do this,'" Sammon said. "People were amazed at how successful Wisconsin was [and] at the same time, they were surprised at how simple it could be." ■



Chief Justice Shirley S. Abrahamson discussed court security issues in a taped interview for participants in a *Court Security Summit in Denver*. At right is John Voelker, Abrahamson's executive assistant, who spoke at the conference.

Spring  
2002

## LEADERSHIP

**Waukesha Court Self-Help Center Opens Doors to the Public***by Sarah Goforth, court information intern*

Even the most routine legal matter may involve documents filled with jargon, complicated proceedings, and substantial filing fees. For people who choose to represent themselves, wading through the process can be intimidating. Until recently, residents of Waukesha County had few resources to help them navigate the system, but that has changed.

A young mother seeking a divorce was one of the first self-represented litigants to try the Waukesha County Family Court Self-Help Center. She needed legal advice but did not believe she could afford to hire a lawyer. She also needed access to the forms – and instructions for filling them out – that would help her make her way through the court process. She began by visiting the center’s new Web site, where she took a quiz to see if self-representation was appropriate for her. She then was able to print out – for free – all the forms she might need. Unsure exactly which forms to use, and how to

fill them out, the woman visited the center and met with coordinator Tera Nehring.

“She sat down and went through the binders of forms and instructions,” Nehring said. “After she asked many

**In 2000, Waukesha County residents filed more than 1,400 family court cases and 6,200 small claims actions. Of these, about 30 percent of the family court cases, 60 percent of CHIPS cases, and 90 percent of small claims cases involved at least one self-represented litigant.**

*Source: Wisconsin Pro Se Working Group report, Meeting the Challenge of Self-Represented Litigants in Wisconsin*

specific procedural questions, a light bulb went on, and she said, ‘This is easy. I can do this.’” The woman completed all of the forms she would need to begin the divorce proceeding, leaving the center feeling confident and prepared.

In February, a partnership of county court and administrative leaders, area judges, lawyers, and community organizations launched the self-help center, a multifaceted program designed to steer individuals without legal counsel through the court process. The center, located in the courthouse and open 8:15 a.m.-4:15 p.m. weekdays, guides Waukesha County residents who have already decided to represent themselves as well as those who remain undecided about whether to hire a lawyer. The center provides legal forms and instructions, information about the process, and access to computers and printers.

Two key components of the new center that will grow as the center evolves are a legal information Web site (*see sidebar*) and a legal clinic providing free legal advice, which will be launched in July. Area volunteer lawyers will offer brief, free sessions with interested individuals.

The center is now equipped to aid those involved in family court proceedings, but organizers hope to expand into small claims and probate in the future. “The program has gone very well,” said Nehring, adding that, by late April, the center had made more than 1,800 direct contacts with people by phone or e-mail, or in person. “I didn’t

see **Waukesha** on page 20

**Wisconsin Attorneys see ADR as a Highly Effective Tool***by Dan Wassink, senior policy analyst  
Director of State Courts Office*

An ongoing survey of lawyers on the use of alternative dispute resolution (ADR) reveals a growing level of acceptance of approaches that might once have been viewed as a threat to the traditional practice of law.

“Mediation has proven to be a very useful tool to dispose of litigation more quickly and inexpensively.” “...[E]ven when not successful, [mediation] causes competent attorneys to have their cases prepared sooner.” “...[M]ediation set the stage [for] the ultimate settlement.” These are just a few of the many positive comments that attorneys offered.

The Planning and Policy Advisory Committees (PPAC) ADR Subcommittee is coordinating the survey as a pilot in five counties: Calumet, La Crosse, Oneida, Waukesha, and Winnebago. Judicial assistants mailed surveys to attorneys in selected civil case types once the case settled. Results show that:

- 74 percent of cases were classified as Personal Injury–Auto.
- Some form of ADR was used in 53 percent of the cases.
- Mediation was by far the most common form of ADR; it was used in 98 percent of all cases that used some form of ADR.

In cases where ADR was used, attorneys believed it was at least somewhat of a factor in settlement 97 percent of the time. They found ADR to be a major factor in the settlement of 64 percent of these cases.

ADR Subcommittee members are analyzing the pilot survey results and will soon modify the survey instrument and expand the effort. They plan eventually to conduct the survey in up to 20 counties of diverse sizes in different parts of the state. ■

*Interested individuals can view all of the pilot survey results by visiting the subcommittee’s ADR Clearinghouse Web site at [www.courts.state.wi.us/circuit/Alternative\\_Dispute\\_Resolution\\_Clearinghouse.htm](http://www.courts.state.wi.us/circuit/Alternative_Dispute_Resolution_Clearinghouse.htm)*



*The new Waukesha County Family Court Self-Help Center officially opens for business. Front row from left to right: Waukesha County Executive Daniel Finley; Chief Judge Kathryn W. Foster; Chief Justice Shirley S. Abrahamson; and Clerk of Circuit Court Carolyn Evenson. Back Row from left to right: Marquette University legal intern Craig Roder; Holly Patzer, Waukesha County administrator for the Wisconsin Correctional Service; and Self Help Project Coordinator Tera Nehring.*



## Rules *continued from front page*

understand the court's questions or directions."

The code of ethics will serve as the basis for a training program for interpreters and judges that will be offered around the state in 2002.

The proposed code articulates a set of principles to guide the conduct of court interpreters and to educate judges about the proper role of interpreters. It emphasizes the important role that interpreters play in placing people with limited proficiency in English on an equal footing in court with native speakers. The principles include accuracy and completeness, proper representation of credentials, impartiality and avoidance of conflict of interest, restriction of public comment, and more.

The code is based on a model developed by the National Center for State Courts and on other states' codes.

### Court Reporters

The Supreme Court approved a petition that will give each chief judge the authority to assign court reporters to courts in any county in that judicial district and to any circuit court in an adjoining district. This has been a

longstanding practice that is now codified.

This proposal and others contained in the petition were in response to the growing shortage of court reporters statewide. Although the Planning and Policy Advisory Committee (PPAC) is analyzing long-term solutions for the courts, the chief judges recognized the need to identify and prioritize pressing issues for some quicker fixes.

The petition was the result of a yearlong effort by the Court Reporter Subcommittee of the Committee of Chief Judges. Chaired by former Chief Judge Daniel R. Moeser, Dane County Circuit Court, the committee was comprised of two chief judges, one Court of Appeals judge, two district court administrators, two circuit court judges, one clerk of circuit court, and two official court reporters.

The group looked at the level of county financial support for court reporters, the use of freelance reporters, the reporters' work assignments – including work performed for court commissioners – job sharing, judicial supervision, delay in the preparation of transcripts, appellate court requirements, and more. It developed a

preliminary report identifying key issues. The report was sent to all state judges and court reporters for comment, and then put into final form.

Chief Judge James Evenson, Sauk County Circuit Court, presented the petition on behalf of the Committee of Chief Judges. Court Reporter Edward H. Johnson, Ozaukee County Circuit Court, spoke in favor of the petition on behalf of the court reporters. Both presenters took questions from the justices on other parts of the petition, including proposals to:

- add videotaped depositions accompanied by transcripts to the list of proceedings that need not be transcribed;
- have court reporters index transcripts for certain hearings; and
- permit court reporters to collect \$10 for electronic copies of transcripts provided to a requester in addition to a certified paper copy.

The Court adopted the petition as presented except for a section that would have permitted transcripts of confidential proceedings to be transcribed only upon the judge's order. The Judicial Council, a 21-member body that advises the Supreme Court and the Legislature on matters affecting the administration of justice, is working on this issue.

### Advice for the Self-Represented

Every day in courthouses around the state members of the public find their way to the clerk of circuit courts office and start asking questions. Often, they leave knowing little more than they did when they walked in. The problem: staff has no guidelines on what constitutes legal advice. So, rather than run the risk of practicing law without a license, they give little information. The situation is frustrating for both the public and the clerks.

The Wisconsin Clerks of Circuit Court Association, the Wisconsin Association of Municipal Court Clerks, and the Registers in Probate Association

see **Rules** on page 22



*Clerk of Circuit Court Judy Coleman, Dane County, testifies on behalf of the Pro Se Working Group's petition to the Supreme Court for guidelines to clarify what constitutes legal advice. Coleman - along with Clerks Donna Seidel, Marathon County, and Gail Gentz, Kenosha County - was present later in the day when the Court voted 7-0 to approve the petition.*

## Interpreter Training Targets Somali, Spanish Speakers

A prototype of the court interpreter training program that will roll out in the fall will be tested in Barron County on May 20-21. The county has become home to a growing number of families from the east African nation of Somalia. Most have come to work at the Jennie-O Turkey Store factory. The training will be offered to Somali and Spanish speakers at the student center on the University of Wisconsin – Barron County campus.

Members of the Committee to Improve Interpreting and Translation in the Wisconsin Courts are working with Marcia Vandercook and Josephine Xiong, both of the Office of Court Operations, and Chief Judge Edward R. Brunner, Barron County Circuit Court, to develop the program. Somali and Spanish court interpreters from Minnesota will help to conduct the sessions, which will give participants an overview of the needs and expectations

of the courts with an emphasis on ethics, legal terminology, court procedure, and basic legal interpreting skills. The training will target experienced court interpreters as well as interested newcomers and will offer additional resources and methods for court interpreters to study and enhance their skills independently after the training.

Providing qualified court interpreters is just one of the many challenges that Barron County has faced in helping immigrants adjust to life in small-town Wisconsin. With the help of a grant from the federal Office of Refugee Resettlement, the county has opened an International Center staffed by a Somali coordinator/translator to assist new arrivals with information about the community, housing, and culture. The office is also teaching classes in English as a second language, which are held in both Barron and Rice Lake. ■

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## Outagamie County Seeks Alternatives for Inmates

When the Outagamie County sheriff requested that the county build a stand-alone Huber Law facility to help ease overcrowding at the county's relatively new jail, the county board instead decided to take a look at alternatives to incarceration and ways to shorten periods of confinement.

Outagamie County Circuit Court

Judge Dennis C. Luebke is helping with the process as a member of the county's Ad Hoc Jail Options Committee. "Especially in light of current fiscal trends," Luebke said, "the board asked whether there are more economical ways of doing the business of justice."

County Board

Supervisor James Duncan chairs the committee. Members include one additional supervisor, representatives of the sheriff's department and the Appleton Police Department, an expert on alternative dispute resolution, an educator, a court commissioner, members of the public, and Luebke.

One proposal that the committee explored was increasing the use of electronic monitoring through the use of a global positioning system (GPS) that can closely track an inmate. The system can tell, for example, whether the inmate is moving and how fast. The use of this system could be increased if the inmates did not have to pay for it. Currently, the inmates must pay a \$92-a-week monitoring fee to the company that owns the system. Luebke pointed out that there

could be a constitutional problem with this setup, and Supervisor Charles Schmidt noted that the county would still save \$237 a week per inmate even after picking up the \$92 fee.

Judge John Des Jardins, Outagamie County Circuit Court, wore the GPS bracelet for one day to get a feel for it. He reported that it was comfortable during the day, not as comfortable at night, and caused a small problem when his wife saw it before he told her what he was doing. He wore the bracelet while serving as a referee at junior varsity basketball game, taking care to tell everyone that he was conducting an experiment. Des Jardins found it unsettling to know that someone could track his



Judge Dennis C. Luebke

every move and reported that he set off the alarm once by traveling more than 50 feet away from the unit to take out the garbage.

The committee held six public meetings, at which they welcomed guests with a variety of viewpoints, including the county executive, county board supervisors, Clerk of Circuit Court Ruth Janssen, prosecutors, public defenders and the private defense bar, law enforcement from several agencies, representatives from Goodwill Industries and from the Community Restorative Justice Project, probation and parole, inmates, various community human service providers, interested members of the community, and the media.

Luebke said the committee would issue a report to the board this spring. ■

## Retirements *continued from page 6*

While Taylor said he would miss most of his daily interactions with court staff, lawyers, and litigants, he is looking forward to the trip to Alaska that will begin his retirement. He and his wife, Donis, are driving there – the trip will take 60 days or so – to find a summer vacation home in their favorite getaway spot outside of Anchorage. They have been visiting Alaska annually since 1985 for fly fishing, moose hunting, and enjoying the area's natural beauty. After Alaska, they intend to go south in search of a winter home.

No matter where they land, the Taylors are assured of being surrounded by family. They have four daughters (all teachers) and nine grandchildren, all of whom are looking forward to visiting the new vacation spots.

Taylor said his immediate goals are to relax, enjoy some time away, and not make too many plans. "We'll do some fun things," he said, "and when we come back home, we're pretty sure we'll know what we want to do and where we want to do it." ■

## Legislative

*continued from front page*

personal jurisdiction in divorces. The Legislature enacted this bill in response to the Wisconsin Court of Appeals, District II, decision in the Waukesha case of Mendez v. Hernandez-Mendez, 213 Wis.2nd 217, Wis. App.1997, involving a Mexican man who moved to Waukesha and filed for divorce from his wife, who remained in Mexico. The circuit court ruled – and the Court of Appeals agreed – that it did not have personal jurisdiction in this matter because the wife had not had sufficient contact with Wisconsin.

**Act 61** – Codifies Supreme Court Rule 75, relating to circuit and supplemental court commissioners.

**Act 69** – Allows a juvenile court to place juveniles who are custodial parents (or pregnant), living in poverty, and either homeless or in an unstable environment, in a second-chance home. Second-chance homes are group homes.

**Act 90** – Includes electric personal assistive mobility devices under the rules of the road chapters.

**Act 94** – Relates to who may be appointed by a probate registrar as a personal representative in informal administration.

**Act 95** – Relates to possession of body armor by a person who has been convicted of a violent felony, found not guilty of committing a violent felony by reason of mental disease/defect, or adjudicated delinquent in a violent felony. Body armor is any garment that is designed (or has been redesigned or adapted) to stop a bullet.

**Act 97** – Relates to child sex offenders working with, or volunteering with, children.

*All of the above can be found on the Legislature's Web site at [www.legis.state.wi.us](http://www.legis.state.wi.us). When the regular and special sessions are over, legislators will return home for the fall elections. The 2003 legislative session will commence in January 2003. ■*

## VOLUNTEERS IN THE COURTS

### Barron County Receives Grant to Help Troubled Youth

The Robert Wood Johnson Foundation has awarded the Barron County Department of Health and Human Services a \$238,684 grant to improve substance abuse treatment and other services for young people in trouble with the law. In each of the four years following start-up, Barron County will be eligible to apply for up to \$250,000 for implementation.

The foundation awarded a total of \$2.59 million to 11 communities nationwide to develop treatment plans and other services for delinquent youth. There were 280 applicants competing for the grants.

Barron County's project, Reclaiming Our Future, will serve up to 500 young people with substance abuse problems each year beginning in 2003. "The need for Reclaiming Our Future is clear," said Chief Judge Edward R. Brunner,

Barron County Circuit Court. "We know that kids who abuse alcohol and drugs are more likely to behave violently, break the law, or end up in court. We also know that alcohol and drug abuse is a major health problem among juvenile offenders in Barron County today." This is the first time the foundation has involved the judicial branch, and developers of Reclaiming Our Future said that judicial leadership would play a critical part in these efforts. Up to two local judges in each of the 11 communities that received grants will participate in a two-year fellowship.

An estimated 44 percent of referrals for adolescent treatment come from the

juvenile justice system, yet minimal coordination exists between most courts and community service providers. Reclaiming Our Future will be a collaborative community project, relying on the voluntary participation of peers, parents, senior citizens, teachers, and more. The "network of community care" approach redirects the efforts of multiple entities toward common goals, involves families as partners in the work of reclaiming the child, and motivates service providers to innovate.

Over the next five years, Barron County plans to expand substance

abuse treatment services for young people, improve access to existing and future services, and encourage local agencies to adopt common referral, screening, and assessment tools.

Involvement of the schools is a key component.

Case managers will be assigned to each juvenile with the ultimate goal being to reduce delinquency. Each school district in the county will be actively involved in the program; one example of involvement might be offering classes such as woodworking to give the juveniles a new direction. ■

*For more information on Reclaiming Our Future, contact Brunner at (715) 537-5691 or Mac Prichard, Reclaiming Futures communications director, at (503) 725-8921 or e-mail at [macp@pds.edu](mailto:macp@pds.edu). You can also visit their Web site to find out more: [www.reclaimingfutures.org](http://www.reclaimingfutures.org).*



***"Changes do not occur in justice policy without active judiciary leadership; changes do not occur for substance-abusing kids without family and community support."***

*Reclaiming Futures 2002*

### Substance Abuse and Delinquency in Barron County

- ❑ A 1998-2000 survey found that 81 percent of students in grades six through 12 experiment with, or use, alcohol. Twenty-seven percent of 10th graders reported using marijuana one or more times.
- ❑ More than 50 percent of the 419 referrals by local juvenile justice officials to the Barron County Department of Health and Human Services involved alcohol and drug abuse in the year 2000.
- ❑ Barron County municipal courts issued more than 500 underage drinking citations in 2000.

### Substance Abuse and Delinquency in the United States

- ❑ Nine out of 10 kids who need treatment for substance abuse are not getting it, according to the National Household Survey on Drug Abuse.
- ❑ Sixty-three percent of young people in U.S. juvenile corrections facilities receive no treatment for substance abuse.
- ❑ Between 60 and 80 percent of the nearly two million kids entering the justice system each year have a substance abuse problem.
- ❑ Over the past 10 years, the incarceration rate for youth between ages 10 and 18 because of drug involvement has increased 291 percent. This increased rate of incarceration is five times higher for black youth than for white.
- ❑ Allowing one youth to leave high school for a life of crime and drug abuse costs society between \$1.7 and \$2.3 million. Putting a young offender in jail costs about \$40,000 annually, while drug treatment costs between \$3,000 and \$12,500 a year.

*This information was excerpted from the 1999 Household Alcohol and Drug Abuse Survey from the Substance Abuse and Mental Health Services Administration, U.S. Department of Health and Human Services. The full report can be viewed online at: [www.drugabusestatistics.samhsa.gov/](http://www.drugabusestatistics.samhsa.gov/)*



## VOLUNTEERS IN THE COURTS

### VIOS Celebrates 30

Outagamie County's Volunteers in Offender Services (VIOS), which literally wrote the book on involving volunteers to enhance and expand the services that the courts and corrections system are able to offer, turns 30 this year. The group marked the occasion with an April banquet in Appleton that featured Chief Justice Shirley S. Abrahamson as keynote speaker.

In the audience was Judge Nick F. Schaefer, who first learned about using volunteers in the courts from a Michigan judge in 1962. In 1972, Schaefer, who served on the bench in Outagamie County from 1968-87 and is now a reserve judge, spearheaded an effort to match volunteer mentors with people convicted of first-offense misdemeanors. The program was called Volunteers in Probation. Two years later, Schaefer worked with Judge Gordon Myse (now a reserve judge) and John Feavel of the Bureau of Community Corrections to initiate a similar program for Huber Law inmates in Outagamie County. In 1985, the two programs merged and became VIOS.

VIOS volunteers now work on a variety of initiatives. They continue to mentor jail inmates and people on probation but also perform such diverse tasks as organizing books in the jail library and running a parenting class for incarcerated fathers. ■

Contact VIOS at (920) 832-5248 for more information or to order a copy of its new Volunteer Handbook, which provides job descriptions, profiles of probationers and inmates, expectations of volunteers, and much more.

### Victim Impact Panel Hosts Guests

Outagamie County's Victim Impact Panel (VIP), which brings people convicted of drunk driving face-to-face with victims and families affected by drunk driving, hosted three special guests at its April 9 meeting. Chief Justice Shirley S. Abrahamson joined Judge Raymond S. Huber, Waupaca County Circuit Court, and Judge Donald A. Poppy, Calumet County Circuit Court, to observe the proceedings.

Abrahamson was interested in observing this form of restorative justice during her stay in Appleton for the Supreme Court's Justice on Wheels trip. Huber and Poppy are considering starting victim impact panels in their own counties and wanted to see first-hand how they operate.

The Outagamie County VIP began in 1996 with the leadership of Judge John Des Jardins. All second-offense drunk drivers are ordered to attend a panel, which lasts about one hour. Here, victims share their stories of pain and loss in an effort to reach the audience on an emotional level. According to observers, the experience is also therapeutic for the panel members.

Victim impact panels began appearing around the nation in the early 1990s. Many have been started by individuals looking for tools besides education and stiffer penalties to address repeat drunk driving.

According to a study conducted by

researchers at the University of Wisconsin – Oshkosh, the panels work. Studying recidivism rates, the researchers found that 14.7 percent of offenders who attended a victim impact panel committed another drunk driving offense compared with 36.4 percent who did not attend.

Volunteers in Offender Services and the Upper Fox Valley Chapter of Mothers Against Drunk Driving organize the panels, which are purposely held outside of the courthouse at the County Highway Department. Victim impact panels are active in many other counties around the state, including Barron, Brown, Door, Jefferson, Kenosha, Kewaunee, La Crosse, Marinette, Marquette, Monroe, Oneida, Sauk, and Waukesha. ■

*Those looking for assistance in starting a victim impact panel might order a copy of Victim Impact Panels: A Reference Manual, which was published by the University of Wisconsin Law School Resource Center on Impaired Driving in cooperation with the Wisconsin Department of Transportation. To request a copy, contact the resource center at (800) 862-1048.*

### Winnebago Conflict Resolution Center Trains New Mediators

The Winnebago Conflict Resolution Center, Inc. (WCRC) held its annual Mediator Training in March. The sessions lasted for five days with emphasis on ethics and standards of practice, mediator styles, skills, strategies, simulation of disputes, and case management procedures. Besides volunteers, the audience included business people, such as attorneys and others whose professions involve dealing with conflict. After the sessions, participants were invited to co-mediate with experienced mediators. Volunteers must complete a

total of eight hours of co-mediating with experienced mediators as well as eight hours of observation in addition to the five-day training session, according to Kristy Bradish, executive director of WCRC. After completion of the training requirements, the volunteers then commit a minimum of five hours a month for one year to WCRC.

The group's 50 volunteers currently handle more than 400 cases per year. The cases may involve small claims, divorces, children in need of protection and/or services (CHIPS), neighbor-

hood/community disputes, and more. WCRC volunteers have assisted thousands of disputants in resolving their complaints out of court, with a 90 percent settlement rate. ■

*For more information on the mediator program, contact Bradish at (920) 236-4711 or Winnebago Conflict Resolution Center, Winnebago County Courthouse, 415 Jackson Street, P.O. Box 2808, Oshkosh, WI 54903-2808. The next training is scheduled for March 17-22, 2003.*

## Courts Celebrate Law Day



*Dane County second graders celebrated Law Day by watching a mock trial based on "The Emperor's New Clothes." They found in favor of the emperor. The cast included (back row, left to right): Atty. Kim Grimmer (the defense attorney); Atty. Janice K. Wexler (tailor Del); Atty. Jordan C. Loeb (tailor Swin); Atty. Nancy Wettersten (the plaintiff's attorney); Chief Judge Michael N. Nowakowski; (middle row, left to right): Family Court Commissioner Daniel M. Floeter (the emperor) Atty. David Joanis (the chief minister); and (front) Atty. Lauri Roman (the kid).*

Judges, attorneys, and court staff throughout the state celebrated Law Day on May 1. Many of the programs reflected the American Bar Association's Law Day theme, Celebrate your Freedom. The Director of State Courts Office supports Law Day planning by publishing a planning guide and recruiting Law Day teams in each county. Here is a sample of the statewide activities:

**In Adams County**, members of the local bar association signed up for time slots to discuss different topics of law with students visiting the courthouse.

**In Bayfield County**, the public was invited to tour the courthouse and visit

all court-related offices. Local lawyers offered free legal advice, law enforcement agencies held a question-and-answer session, and the jail administrator and county administrator gave a presentation on the jail expansion project. A video on jury duty was also shown.

**In Dane County**, local lawyers offered free legal advice at a booth in the City-County Building from approximately 9 a.m. to 3 p.m. In addition, second graders came to the courthouse to watch lawyers act out a mock trial based upon "The Emperor's New Clothes." Middle school students participated in a program called "A Day in the Life of a Criminal Case." The students acted out a misdemeanor case, touring the courthouse and meeting the people – police, prosecutors, defense attorneys, judges, jailers – who become involved in a criminal case at various stages in the process.

**In Eau Claire County**, members of the local bar association provided free legal advice. In addition, the courts' community service coordinator, court appointed attorneys clerk, and jury management clerk were on hand to answer questions about their programs. Information on small claims cases and consumer education material was distributed.

**In Jefferson County**, high school students job-shadowed judges, prosecutors, defense attorneys, and staff from the Clerk of Circuit Courts Office. Court officials gave tours of the courthouse and jail and answered students' questions over lunch.

**In Manitowoc County**, local elementary school students came to the courthouse to watch a mock trial based upon The Three Little Pigs.

**In Portage County**, court officials made Law Day into "Juror Appreciation Day," inviting jurors to stop in to receive a Certificate of Appreciation with their name on it. The first 50 also received a mug with a juror appreciation logo on it. Sub sandwiches, cookies, and juice were provided and the judges, clerk of circuit court, jury clerk, and attorneys were on hand to greet and thank the jurors and answer questions.

**In Vilas County**, court officials worked with the local University of Wisconsin Extension to bring in students from three local high schools. The students sat in on court hearings, toured the courthouse and the inside of a State Patrol car, had a question-and-answer session with local lawyers, and had lunch (courtesy of the American Legion) with Chief Judge James Mohr. Three middle school students who won the Law Day Essay contest were also invited to the luncheon. The Eagle River Noon Rotary presented the winners with savings bonds and each also received a Law Day medal that organizers had engraved through a local company.

**In Winnebago County**, judges and court commissioners hosted more than 500 students from local high schools. The students observed court proceedings, talked with court officials including family court counselors, and toured the Winnebago County Sheriff's Department and the Oshkosh Police Department. ■

## Courts Connect with the Media at two Seminars

The Wisconsin courts held two workshops this spring designed to improve the media's understanding of court process and judges' understanding of how the media work.

### A Meeting with the Supremes

In March, for the first time in five years, the Supreme Court hosted a meeting with the news media in its refurbished Capitol Hearing Room. The meeting included a presentation from Cornelia Clark, clerk of the Supreme Court and Court of Appeals, and Amanda Todd, court information

officer, on finding court information on the Web.

Supreme Court Media Coordinator Neil Heinen, editorial director at WISC-TV in Madison, introduced Chief Justice Shirley S. Abrahamson who spoke about the Court's many public outreach initiatives. At the end of the formal presentation, the justices took numerous questions from the press and then Abrahamson and Justices Jon P. Wilcox, N. Patrick Crooks, and David Prosser Jr. took the reporters on a "behind-the-scenes" tour of the chambers.

Following their meeting with the justices, the reporters toured the new Wisconsin State Law Library, learning about information resources from Co-State Law Librarians Jane Colwin and Julie Tessmer. They also toured the Office of Lawyer Regulation (OLR), where they were given a demonstration of the database system where complaints are logged. A question-and-answer session with OLR Director Keith Sellen followed.

About 25 reporters, editors, and photographers from Madison, Green

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## Media *continued from previous page*

Bay, Racine, Milwaukee, and more attended the four-hour workshop.

### “Welcome to my World”

In 1999, a correspondent in central Wisconsin wrote an angry letter to the editor. “Police work toward justice,” the person wrote, “and the judges seem to work against them.”



Chief Justice Shirley S. Abrahamson joins Justices N. Patrick Crooks, Jon P. Wilcox, and David Prosser Jr. to take questions from the media at a Supreme Court Seminar for the News Media held in March.

Similar sentiments appear frequently in newspapers across the state, often in reaction to news stories about sentencing hearings. The stories lead to editorials and letters to the editor, which may lead to radio talk shows and so on. And judges, constrained by ethics rules, cannot illuminate the discussion. Misunderstanding of the role of judges, the limits of judicial discretion, and considerations in sentencing has led to

attacks on judicial independence from many quarters; this sentiment, for example, came from a state senator: “We can’t allow discretion when you have judges making such outrageous proposals. Then we wonder why we have second offenders, and we wonder why we have children kidnapped and raped and killed.”

To improve understanding of the process, open lines of communication, and impress upon judges the importance of giving thorough and understandable explanations during sentencing hearings, the Wisconsin Supreme Court has joined with the State Bar of Wisconsin through the Media-Law

Relations Committee to develop a half-day seminar designed to teach journalists about sentencing. The seminar has been put on regionally for judges, journalists, and attorneys. The latest seminar was held in April in Eau Claire (others have been held in Green Bay, Madison, and Milwaukee).



Sheri Carter, an intake specialist at the Office of Lawyer Regulation, plays the defendant in a role-reversal exercise designed to teach journalists about the job of the judge in sentencing. Next to Carter (left to right) are: Eau Claire County District Attorney G. Richard White, who played the defense attorney, District Court Administrator Gregg T. Moore, who played the father of the victim, and State Bar President Gerald Mowris, a criminal defense attorney who took the part of the prosecutor.

The seminar begins with an overview of Truth-in-Sentencing from Judge Patrick Fiedler, Dane County Circuit Court. Fiedler’s interactive Power Point presentation lets the audience calculate and compare maximum sentences under the old law and the new law. The media participate in a sentencing exercise, run this year by Judge Ramona Gonzalez, La Crosse County Circuit Court, designed to let them step into a judge’s shoes in a very difficult fact situation. The judges then enjoy an opportunity to write headlines based upon some of the sentences. ■

## High School Teachers get Crash Course on the Courts



Teachers from schools around Wisconsin participate in a moot court exercise. The teachers playing the role of “justice” worked with Justice N. Patrick Crooks to prepare. The “petitioners” worked with State Bar President Gerald Mowris, a criminal defense attorney, and the “respondents” worked with Atty. Thomas Balistreri. Another group of teachers played news reporters, working with Milwaukee Journal Sentinel Capitol Bureau Chief Steven Walters to tell the story quickly, accurately, and - hardest of all - briefly.

Twenty-five high school teachers from around the state came to Madison in February to participate in the third annual Justice Teaching Institute at the State Bar Center. A number of the teachers indicated on follow-up questionnaires that this was the best continuing education workshop they had ever attended.

The teachers took part in a variety of hands-on exercises designed to transfer easily to the classroom. In addition to the moot court exercise held on a Saturday in the Supreme Court Hearing Room, highlights from the two-and-a-half day session were:

□ A sentencing exercise based on an actual homicide by drunk driving case. Led by Chief Judge Joseph M. Troy, Outagamie County Circuit Court, the

exercise is designed to teach about the limits of a judge’s discretion, the criteria that must be considered in sentencing a defendant, the drastic changes in possible penalties over the last decade, and more. Prior to the exercise, Judge Ramona Gonzalez, La Crosse County Circuit Court, spoke with the teachers about why sentencing is considered by many judges to be the toughest part of the job.

- An analysis of actual Supreme Court petitions for review with Supreme Court Commissioner Joseph Wilson and Assistant Appellate Public Defender Ellen Henak. The teachers learned to apply the criteria for review to determine whether a given case should be taken.
- A lecture from Chief Justice Shirley S. Abrahamson, who is also a legal history scholar, on the history and powers of the Wisconsin Supreme Court.
- A crash course on the federal courts from Prof. Lee Arbetman, an adjunct professor at Georgetown Law School and author of the popular Street Law textbooks that are used in many Wisconsin schools.
- An evening reception with the Supreme Court. A State Bar photographer snapped pictures of each teacher with the justices as a memento of the institute.

The institute is funded with a grant from the State Bar and developed by the Wisconsin Supreme Court, the State Bar of Wisconsin, and the University of Wisconsin Department of Curriculum and Instruction. These entities have also developed a teacher’s guide to the Wisconsin courts called *Connecting to the Courts*. ■

Planning is underway for the 2003 Justice Teaching Institute. Judges, attorneys, and court staff are asked to direct interested high school teachers to Court Information Officer Amanda Todd at (608) 264-6256 or to the Justice Teaching Institute page on the Wisconsin court system Web page.



## THE WORLD CONNECTS TO WISCONSIN

### Russian Judges Visit Kenosha, Madison

Two Russian Supreme Court judges from Siberia visited the Wisconsin Supreme Court and Kenosha County Circuit Court in March. Judges Tatiana Shagdortova and Natile Sokolnikova were invited by Lutheran Social Services, which also provided language interpreters, to examine child adoption procedures in Wisconsin and to study the American justice system.

The judges visited Judge Mary K. Wagner, Kenosha County Circuit Court, and watched as she presided over an uncontested termination of a parental rights hearing and a guardianship matter. District Court Administrator Kerry Connelly escorted the Russian judges and explained the legal processes and procedures.



Justice N. Patrick Crooks met with Russian Supreme Court Judges Natile Sokolnikova, left, and Tatiana Shagdortova in March.

At the Supreme Court, Shagdortova and Sokolnikova met with Justice N. Patrick Crooks for a tour of the chambers and Hearing Room. "They had excellent questions and were very interested in Wisconsin's legal system and

the way our court does things," Crooks said. "They were very eager to talk about their country and its legal system."

The Siberian Supreme Court is roughly comparable to our circuit courts. There are 32 judges on the Siberian Supreme Court, 14 of whom are women. All civil and family cases are under the jurisdiction of 10 of the women judges; the other four handle criminal matters. Judges are appointed to 10-year terms but are expected to obtain lifetime appointments in the future. ■

### Dane County Judge to Teach in Shanghai

Chief Judge Michael N. Nowakowski, Dane County Circuit Court, and Professor John Ohnesorge, University of Wisconsin Law School, will travel to Shanghai in June for a week of discussions with a group of Shanghai judges about the American judicial system. Twenty-one Shanghai judges will then travel to Madison in July for an intensive three-week program that includes courtroom observation.

The goal of the program is to provide the Chinese judges with an introduction to the American judiciary to assist them in improving the performance of their own judiciary. "For the past two decades China has been involved in a massive undertaking to reshape its laws and legal institutions. The further education and professionalization of the Chinese judiciary is a key part of this undertaking, a part in which the University of Wisconsin Law School and the Wisconsin judiciary are now slated to play an important role," said Professor Charles R. Irish, director of the law school's East Asian Legal Studies Center.

Chief Justice Shirley S. Abrahamson presided over a formal signing ceremony



Chief Judge Michael N. Nowakowski



Professor Charles R. Irish

on May 13 that formalized the training agreement between the law school and the Shanghai High People's Court. Abrahamson participated in two weeks of judicial education in Shanghai and Xian in 1997, and also has lectured at the East China Institute of Politics and Law in Shanghai. "These experiences gave me a deep appreciation for the work that China's judges have done to improve the justice system," Abrahamson said. "This is no small task, but it is a worthy one. We pledge to continue our exchange of ideas in honor of our commitment to justice for all people." ■



Chief Justice Shirley S. Abrahamson

### DCA Johnson Joins 'Enduring Freedom'

Sixth District Court Administrator Scott K. Johnson, an Air Force major, has left his home in Plover for a tent city at Ganci Air Base just outside of Bishkek, Kyrgyzstan. Bishkek is just south of the border with Kazakhstan, and about 200 miles north of Afghanistan.

Johnson is serving as commander of the 376 Expeditionary Services Squadron, which is a part of the 376 Aerospace Expeditionary Wing. "Basically my squadron is responsible for all of the various needs that people have," Johnson reported via e-mail. "We have 'stood up' a complete dining facility that can accommodate 1,500-2,000 individuals per meal [and] we have two recreational facilities and one large fitness facility."

Ganci is home to a coalition of forces from Australia, France, Spain, Korea, Denmark, Norway, and the Netherlands. The troops include Air Force, Marines, Navy, and Army. One of Johnson's biggest challenges is communicating in the eight languages spoken at the base. His deputy squadron commander is a French lieutenant and he has a full-time Russian interpreter.

Johnson is a veteran of the Air Force, Air Force Reserve and Air National Guard. His home unit is the 115th Fighter Wing (Air Combat Command) based at Truax Field in Madison. During the time Johnson is on active duty, District Eight Court Administrator Kathleen M. Murphy is helping with the administration of the courts in District Six, which covers Adams, Clark, Columbia, Dodge, Green Lake, Juneau, Marquette, Portage, Sauk, Waushara, and Wood counties. ■



District Court Administrator and Air Force Major Scott K. Johnson provides a tour of the facilities at Ganci Air Base in Kyrgyzstan for Secretary of Defense Donald Rumsfeld. Ganci is named for Peter J. Ganci, the Fire Chief of the New York City Fire Department who was killed during the 9-11 attack at the World Trade Center.

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## Supreme Court Takes its Show on the Road

In April, the Wisconsin Supreme Court heard six oral arguments in Appleton as part of its Justice on Wheels outreach program.

Since it started in 1993, the program has taken the Court to 12 com-



Photo credit: Kristyna Wentz-Graff, the Post-Crescent

Justice David Prosser Jr., left, listens to arguments during one of the Supreme Court's proceedings in Appleton. Prosser was raised in Appleton and lives there still. He represented the area from 1979 to 1996 as a member of the state Assembly and served as district attorney for Outagamie County, but this was his first time on the bench in Appleton.

munities around the state, including Green Bay, Eau Claire, Wausau, Milwaukee, La Crosse, Superior, Janesville, Kenosha, Baraboo, Rhinelander, Juneau, and Appleton.

Although in recent years the Court had traveled two or three times per term, the justices voted to cut back to just one trip this term in recognition of the budget crisis. In addition, to save money, items such as a rented shuttle van were slashed out of the budget. The justices instead hitched a ride to lunch one day in Mayor Timothy Hanna's minivan and, on another day, Lawrence University brought them to campus in a school van.

More than 500 people came out to see the oral arguments at the Outagamie County Courthouse. As is tradition, the

Court recruited six local attorneys to study the briefs in each case, prepare groups planning to attend an oral argument, and speak to the gallery immediately before the Court takes the bench.

During their stay, the justices attended luncheons with students and faculty at Lawrence University and with the Downtown Appleton Rotary. Evening activities included a reception with the Outagamie County Bar Association and a banquet celebrating the 30th anniversary of the Outagamie County Volunteers in Offender Services. Chief Justice Shirley S. Abrahamson, a champion of court-related volunteer efforts, was a guest speaker at the banquet.

Chief Judge Joseph M. Troy, Clerk of Circuit Court Ruth Janssen, and District Court Administrator Kathleen M. Murphy helped with logistics and set-up, and Judge Dennis C. Luebke donated the use of his courtroom for the visit. ■

## Wisconsin Tribal Judges Join in Historic Dialogue

Following a lead that Wisconsin set in 1999 when it held a groundbreaking meeting of the state, federal, and tribal courts, U.S. Supreme Court Justices Sandra Day O'Connor and Stephen Breyer visited two West Coast tribal courts in early spring, acknowledging the pressing need for better cross-judicial cooperation.

The justices observed a juvenile drug court hearing and a peacemaking session and met with officials at the Spokane Tribal Court in Washington and the Navajo Nation Tribal Court in Arizona. After the three-day tour of the tribal courts, Breyer and O'Connor served as faculty at the National Judicial College's *Essential Skills for Tribal Appellate Judges* course in Reno, Nev.

During their time in Reno, the justices met with several Wisconsin tribal judges including Chief Judge Joseph Martin of the Menominee Tribe, Associate Judicial Officer Stanley Webster of the Oneida Appeals Commission, and Chief Judge Eugene White-Fish of the Forest County Potawatomi Tribe. White-Fish is currently president of the National American Indian Court Judges Association.

Following an effort by the State Justice Institute in the early 1990s, a number of states brought together state and tribal judges to explore ways of cooperating. Wisconsin, however, was the first to invite the federal bench to participate.

Wisconsin's state, federal, and tribal courts began an effort to improve communication and cooperation in March 1999, when the State/Federal/Tribal Study Committee brought

together more than 120 judges, lawyers, professors, legislators, federal marshals, and court staff on the Oneida Reservation in Green Bay for a session entitled *On Common Ground: A Meeting of State, Federal and Tribal Courts*.

Since the Green Bay meeting, an eight-person Study Committee of the State/Federal/Tribal Court Forum, comprised of circuit court judges, tribal court judges, and federal court judges, has continued to work on issues that the forum identified. The study committee's projects include: developing an information clearinghouse with each tribe's court rules, laws, constitutions, information on jurisdiction, directories of judges and staff, and resources such as treatment facilities; organizing state court – tribal court meetings on a regional basis; and identifying possible topics for continuing legal and judicial education programs.

One of the committee's latest tasks was approving a proposal from the 10th Judicial District to develop a jurisdictional protocol, a roadmap for the state courts and the

tribal courts for determining which court should handle any given case. The protocol was adopted in December 2001 (*see The Third Branch, winter 2002*) and is now operational in the 13 northwestern Wisconsin counties that comprise District 10. In April, Chief Judge Edward Brunner and Bad River Tribal Counsel Kevin Osterbauer presented the protocols at the Federal Bar Judicial Conference. ■



Photo used with permission from The National Judicial College

Chief Judge Joseph Martin of the Menominee Tribe (left) and Associate Judicial Officer Stanley Webster of the Oneida Appeals Commission (right) meet with U.S. Supreme Court Justices Stephen Breyer and Sandra Day O'Connor.



## PEOPLE

Taylor County recently completed its court renovation project with two new courtrooms, new court offices, and new space for Clerk of Circuit Court **Yvonne B. Bauer** and District Attorney **Mara Johnston**. The high-tech courtroom has a digital evidence presentation system and presents a daily thrill for self-described “techy judge” **Gary Carlson**. A special thrill was had by all on April 10 when Carlson used the new courtroom to host a district meeting for a



One of Taylor County's new high-tech courtrooms.

group of 54 people, including judges, clerks of circuit court, registers in probate, juvenile clerks, and judicial assistants. As Deputy Director of State Courts **Patrick Brummond**

commenced his presentation on the budget, a bat emerged from the ceiling and began flying around the room. Several judges made ill-fated attempts to fell the bat with their papers before a maintenance man arrived with a broom and dispatched the animal. Carlson, who joked that he had spent three days training the bat, has made a “Bat Cave” sign for the courtroom at the helpful suggestion of Judge **Mark A. Mangerson**, whose Oneida County courtroom is reportedly free of flying mammals.

Sixteen Milwaukee County Circuit Court judges marched in Milwaukee's second annual St. Patrick's Day parade with their own float.

The float featured a massive photograph, courtesy of another “techy judge,” **Charles F. Kahn Jr.**, of all Milwaukee County Circuit Court judges. The 16 judges



Milwaukee County Circuit Court judges in the Annual St. Patrick's Day Parade

braved a nasty winter day with temperatures in the low teens and wind gusts of up to 50 miles per hour. Chief Judge **Michael J. Skwierawski** gamely towed the judges' float down Wisconsin Avenue with his Subaru Outback. Judges **Michael T. Sullivan** (who had promised to wear a kilt if the weather permitted), **Jeffrey A. Kremers**, **Maxine A. White**, **Thomas R. Cooper**, **Thomas P. Donegan**, and **Richard J. Sankovitz** positioned themselves on the float to ensure that the well crafted shamrocks didn't fly away in the wind, while Judges **William Brash III**, **Clare L. Fiorenza**, **Mary M. Kuhnmuensch**, **John J. DiMotto**, **Kevin E. Martens**, **Daniel A. Noonan**, and Kahn led the way on foot. *The Shepard Express*, Milwaukee's alternative newspaper, called the judicial float, which was designed by Kahn, Sullivan,

and Kuhnmuensch, “the hit of this year's parade.”

An Associated Press analysis in March showed that Truth-in-Sentencing has led to longer sentences that could cost taxpayers an estimated \$194.5 million over the next eight years. Reserve Judge **Thomas H. Barland**, chair of the Criminal Penalties Study Committee that rewrote the criminal code and called for the creation of a sentencing commission and sentencing guidelines – items that the Legislature still has not acted on – warned that corrections costs will continue to rise rapidly unless the Legislature finishes the job. “We're building much higher costs into our prison system for the future and we'll start seeing those costs in the next year or so,” Barland told the *Leader-Telegram* (Eau Claire).

After accepting, for no pay, the job of interim Milwaukee County executive when County Executive **Tom Ament** quit under pressure, former Wisconsin Supreme Court Justice **Janine P. Geske** plotted her course by asking herself, “what would Shirley do?” in reference to Chief Justice **Shirley S. Abrahamson**. Geske then undertook an effort to see firsthand how all county agencies were operating and to meet with the department heads. She began this process by riding around in a snowplow cab during winter's biggest storm to better understand issues facing the Department of Public Works. Geske's goal was to have the county in the best possible shape for Representative **Scott Walker**, who succeeded her after winning a special election.



Reserve Judge Janine P. Geske

Former Milwaukee County Circuit Court Judge **Ralph Gorenstein** was injured in March when he crashed his stunt plane near Milwaukee's Timmerman Airport. Gorenstein was airlifted to the hospital, but his injuries were limited to cuts and bruises. Witnesses reported that Gorenstein's plane clipped a utility pole, bounced off a hill, and bumped down into a field of mud. In January, Gorenstein did 10 days in a Florida jail for not showing required diver's tags and obstructing a police officer. He served on the bench in Milwaukee County from 1975 to 1987.

Valentine vows were taken before Waukesha County Circuit Judge **Patrick L. Snyder** in February. *The Freeman Newspaper* (Waukesha) featured photos of Snyder and the newlywed couples. Judge **Peter L. Grimm**, Fond du Lac County Circuit Court, also performed Valentine nuptials, making the front page of *The Reporter* (Fond du Lac).

Upon hearing that Judge **Edward F. Vlack III** had taken the bench in St. Croix County in 2001, Clerk of Circuit Court **Diana Miller**, Eau Claire County, cracked an old yearbook and confirmed her suspicion that they had been students together in the late 1960s at North Chicago Community High School. The two shared the stage in a memorable production of “Li'l Abner,” in which Miller was a member of the chorus and Vlack played Marrying Sam.



Judge Edward F. Vlack III



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2002PEOPLE *continued from previous page*

Once the village board approves the final contract, Lake County Municipal Court will be adding the Village of Sussex to its workload, reported the *Milwaukee Journal Sentinel*. Despite the workload increase of nearly 1,000 cases this year from Sussex, Municipal Judge **Douglas Stern**, Lake County, is confident that the court can serve an additional community.

The City of Milwaukee played host to a regional meeting of the National Association of Women Judges (NAWJ) in April. The meeting brought in judges from state and federal courts in Iowa, Missouri, and Wisconsin. This year, participants also included members of the Catholic, Protestant, Muslim, and Jewish faiths to speak to the program's theme, "International Peace Through the Lens of Faith." Judge **Maxine A. White**, Wisconsin's representative to the NAWJ, helped to organize the event.

La Crosse County Circuit Court Judge **Dale T. Pasell** was in the *La Crosse Tribune* after dismissing the Town of Campbell's petition to incorporate as a village. The reason for the dismissal, he said, was that the town's boundaries are unclear because of another court battle over the validity of annexations of parts of Campbell by the City of La Crosse.

Dane County Circuit Court Judge **Daniel R. Moeser** made headlines in April by again nixing a mourning dove hunt. Moeser last year issued a temporary injunction to halt a planned dove hunt and this year he made it permanent, ordering the Department of Natural Resources to call off a dove hunt slated for the fall unless the Legislature approves it.

Judge **Sarah O'Brien**, Dane County Circuit Court, ruled May 3 that the Senate and Assembly chief clerks must release complete copies of all legal bills that legislators and caucus employees have incurred in the investigations into illegal campaigning. Three Wisconsin newspapers had sued, seeking the names of individuals receiving legal advice and access to the bills. The legal bills, which taxpayers are paying, now total more than \$500,000, *The Capital Times* reported.

Judge **James Andrew Wynn Jr.**, a national leader in the field of judicial selection who sits on the North Carolina Court of Appeals, was selected as the 2002 E. Harold Hallows Judicial Fellow. Wynn lectured and participated in meetings with African-American lawyers, judicial interns, professors at Marquette University Law School, and more during three days in April. Marquette created the fellowship to facilitate

exchanges between distinguished members of the judiciary and lawyers and law students. The fellowship recognizes the achievements of Chief Justice **E. Harold Hallows**, who served on the Wisconsin Supreme Court from 1958 to 1974. Hallows also taught for 19 years at Marquette Law School and was a champion of continuing education for lawyers and judges. He created the Supreme Court's judicial education program, which, under the leadership of Judicial Education Director **David H. Hass**, puts on dozens of workshops, seminars, and conferences each year. The last winner of the E. Harold Hallows Judicial Fellowship was U.S. Supreme Court Justice **Antonin Scalia**.

The *Wisconsin State Journal* reported that Dane County Circuit Court Judge **John C. Albert** would continue on an open records case that pits several media organizations against the state Ethics Board. Lawyers for the Ethics Board had expressed concern that Albert would be biased by what he had read in the newspapers about the case. "Drawing lines between what a newspaper might print while it is in litigation and what a judge might read is a constitutional black hole," Albert said.

A national survey that included Wisconsin participants shows that judges and voters are concerned about the growing impact of money and politics on the courts, reported the *Milwaukee Journal Sentinel*. "It's apparent to me that the perception by the public is that there is a serious problem with the way judicial campaigns are going," said **Janine P. Geske**, former Supreme Court justice. Milwaukee County Circuit Court Judge **Richard P. Sankovitz**, who was among the judges polled, said that the concern found in the national survey about spending by special interest groups in judicial elections is one he shares. Milwaukee County Circuit Judge **Timothy G. Dugan**, who served on a state judicial election and ethics commission from 1997 to 1999, said people clearly "are concerned with the tenor of judicial elections," but noted that judicial elections can serve to educate the public. "Elections encourage judges to get out into the community and speak, and that is part of the education process."

Circuit Court Judge **James P. Daley** reprimanded truant jurors recently in Rock County, reported the *The Janesville*

see *People* on page 19



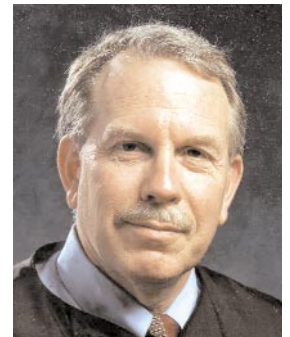
Judge Dale T. Pasell



Judge Daniel R. Moeser



Judge Sarah O'Brien



Judge John C. Albert



Judge James P. Daley reprimands truant jurors.

**PEOPLE** *continued from previous page*

*Gazette*. It was reported that from July 2001 to April 2002, 187 people summoned for jury duty failed to show up in court. Daley holds non-appearance hearings every few weeks. Typical excuses for getting out of jury duty vary from illness to work to family problems. "There are some people that look for an excuse no matter what," said **Bonnie VanBlaricom**, jury clerk.



Judge Robert W. Wing

Daley also told *The Janesville Gazette* that the one-year experiment with night traffic court is over. Scheduling traffic ticket trials for two nights each month cost an estimated \$1,000 per session in overtime, Daley said. Out of 50 to 60 cases scheduled, only a couple of defendants would show up. Daley said consideration is being given to handling small-claims cases at night.

He noted that litigants may be more likely to show up for these matters, and said that handling small claims in the evening would free up courtrooms during the day.

Reflecting on his role in a one-judge county, Pierce County Circuit Court Judge **Robert W. Wing** was featured in the *Pierce County Herald* (Ellsworth). Wing said he makes a point of meeting with jurors after a case is over. He believes it is important to empathize with jurors' frustrations and does his best to answer their questions. He also noted that the attitudes of jurors have changed over the years. Years ago, he said, jurors might have sympathized with a person who had gotten behind the wheel after having too much to drink. Now, Wing said, jurors are more likely to worry about driving on the same road with that drunk driver.

On May 3, Cambridge Middle School students planned to "ride along" for a typical day in the Jefferson County Courthouse. Circuit Court Judge **William F. Hue**, chair of the Jefferson County Law Day Committee, said eighth grade students from around the county would shadow lawyers from the offices of the Jefferson County district attorney and the public defender as well as attorneys in private practice and staff from the Clerk of Circuit Courts office. They also planned a tour of the courthouse and jail. Lunch and a discussion session were to be provided by Hue and fellow Jefferson County Judges **Jacqueline R. Erwin**, **Randy R. Koschnick**, and **John M. Ullsvik** along with Clerk of Circuit Courts **Ken Schopen**, reported *The Cambridge News*.



Judge Michael O. Bohren

On May 3, Cambridge Middle School students planned to "ride along" for a typical day in the Jefferson County Courthouse. Circuit Court Judge **William F. Hue**, chair of the Jefferson County Law Day Committee, said eighth grade students from around the county would shadow lawyers from the offices of the Jefferson County district attorney and the public defender as well as attorneys in private practice and staff from the Clerk of Circuit Courts office. They also planned a tour of the courthouse and jail. Lunch and a discussion session were to be provided by Hue and fellow Jefferson County Judges **Jacqueline R. Erwin**, **Randy R. Koschnick**, and **John M. Ullsvik** along with Clerk of Circuit Courts **Ken Schopen**, reported *The Cambridge News*.

*Cambridge News*.

"Earlier justice is better justice," Waukesha County Circuit Court Judges **Michael O. Bohren** and **Patrick C.**

**Haughney** said in a letter to legislators regarding trial delays due to the unavailability of lab analysts to provide testimony. The analysts, Bohren and Haughney said, have been unable to appear for periods of as long as four to six months. The letter prompted two lab supervisors to meet with Bohren and representatives of the Waukesha County District Attorney's Office and the local bar association, reported the *Milwaukee Journal Sentinel*.

*The Monroe Times* featured one of Green County's local heroes recently. **Theodore Goldin**, who served as clerk of court for Green County from 1882 to 1885, was one of the first Caucasian men to see the Black Hills and one of the last to see General George Custer before Custer and his command rode to their deaths on the hills of the Little Big Horn. Green County Circuit Court Judge **James R. Beer** said he has been interested in Goldin since he came across his name in meeting minutes when he was secretary of the local Masonic Lodge. Beer said he would like to see some kind of memorial to Goldin, who also won the Congressional Medal of Honor. "It would be nice to honor him in some way," Beer said.

Three employees of the Wisconsin court system received full scholarships to attend a conference on court/media relations at the National Judicial College in Reno, Nev. No state money was spent on the trip. Chief Judge **Barbara A. Kluka** and District Court Administrator **Kerry Connelly**, who handle administration of the courts in Kenosha, Racine, and Walworth counties, joined Deputy District Court Administrator **Beth Bishop Perrigo**, Milwaukee County, and about 25 other judges and court administrators from around the country. The three-day workshop, called *Basic Skills for Disseminating Court Public Information*, was designed to serve large, urban courts that receive a lot of attention from the media but do not have the funds to hire full-time public information officers. The Wisconsin court system has one public information officer to cover all circuit courts, the Court of Appeals, and the Supreme Court.

"Management disputes, money woes close Buchanan court" appeared in the *Post-Crescent* (Appleton) in May. The Buchanan Municipal Court was in operation for five years. After it lost money for the last two years, and supervisors clashed with the municipal judge, the town board voted to shut it down. Municipal Judge **Nancy Bekx**, who teaches in the criminal justice program at Fox Valley Technical College, pointed out that her job was to listen to the people who came before her and to decide cases fairly – not to raise money for the town.

"Neenah native poses in-house challenge to Winnebago DA" in the *Post-Crescent* (Appleton), noted that Winnebago County District Attorney **Joe Paulus** is facing opposition from one of his assistants, Atty. **Edmund Jelinski**, a former legislative assistant to U.S. Representative **Tom Petri** (R-Wisconsin). Jelinski has been in the office less than a year

see **People** on page 22



Judge James R. Beer



Chief Judge Barbara A. Kluka

**Waukesha** *continued from page 8*

have one minute to breathe yesterday," she said.

Chief Judge Kathryn W. Foster, Waukesha County Circuit Court, is hopeful that the center will serve as a model for other counties. The initial plan for it was developed after she and Clerk of Court Carolyn Evenson attended the national conference on *pro se* litigation in Scottsdale, Ariz., modeling it on programs that had been successful elsewhere in the country such as the Hennepin County Self-Help Service Center in Minneapolis.

As a member of the Wisconsin Pro Se Working Group, which produced a report last year detailing the increase in the number of self-represented litigants and suggesting possible responses, Foster believes the Waukesha center offers a much-needed service at a time when many people value the independence, flexibility, and affordability of self-representation but lack the resources to benefit from it fully.

The center's mission is to increase the accessibility of legal information to self-represented litigants, to foster understanding of the court process, and to increase the efficiency of cases as they move through trial. The Web site provides litigants with the risks, rights, and responsibilities of self-representation, alongside a quiz that

helps them determine whether self-representation is appropriate for their individual needs. There is also a searchable collection of user-friendly forms and instruction sheets and a comprehensive list of frequently asked questions that steers those who are even the most unfamiliar with legal terms and proceedings toward the appropriate resources.

The center has drawn funding from a range of sources, including a \$40,000 grant from the Greater Milwaukee Foundation, which helped to support Nehring's position. Additionally, the State Justice Institute supplied the center with \$12,000 to assist with development of the Web site and purchase of computer equipment. Waukesha County recently completed a capital remodeling project that included space for the Center, has provided significant in-kind dollars to support the center's creation, and is currently providing contracted services dollars to support the project coordinator's position. The county's Department of Senior Services has also provided support to create information related to grandparents' rights. And, while the center's opening was met with resistance by a few local lawyers, the State Bar also has provided some financial assistance.

The center is currently staffed with court personnel who will soon be

assisted by volunteers trained to explain what resources are available, but not to provide legal advice. The center's family legal clinic, which will open soon, will provide limited legal advice from local attorneys, and there is a roster on the Web site of local attorneys who are available for hire. ■

**What is on the Web Site?**

The Waukesha County Family Court Self-Help Center's Web site, at [courtsselfhelp.waukeshacounty.gov](http://courtsselfhelp.waukeshacounty.gov) (note that there is no "www"), features the center's roster of local lawyers, along with their rates and background information. The list is searchable by expertise.

All of the forms designed for self-represented litigants are available on the site, downloadable in PDF form and some are also available in an interactive form. A collection of links to state statutes, local family court rules, online legal research, and directions to the county law library are also presented at the site. For those seeking help with non-court matters, a directory of community agencies is also provided.

**What Services Does the Center Provide?**

Although the Waukesha County Family Court Self-Help Center does not provide any legal advice, it does offer a range of services for people who need assistance and information about family cases. It also aids those in search of legal assistance.

**Legal Assistance:** The center maintains a roster of local attorneys who have volunteered to be listed and are available for hire. For those who cannot afford or are uninterested in hiring outside counsel, the center will soon begin offering brief sessions with local attorney volunteers who provide limited counsel for free.

**Legal Research Materials:** Visitors to the center will find four computer workstations with access to legal research sites. The center also maintains a collection of legal materials including statute books and local family court rules.

**Forms and Instructions:** An assortment of legal forms is available at the center, with accompanying instructions that were written for an audience of little or no legal

background, who intend to represent themselves in family court matters. The forms are accessible from the Web site, and hard copies are available at the center.

**Community Resource Library:** Waukesha County has a range of community agencies that are equipped in specialized ways to assist families in various legal situations. The center provides a directory of these organizations, including some that offer alternatives to court action.

**Procedural Information:** Another source of information about the law can be found at the center through its procedural checklists, frequently asked question lists, its glossary of family law terms, and a series of general tips on self-representation.

**Customer Service:** The center is staffed court personnel, and soon will include volunteers who will be trained to help by directing center visitors to the appropriate resources for their needs.



**2002 ELECTION** *continued from page 4*

Judge-Elect James R.  
Habeck

**Judge-Elect James R. Habeck**  
**Menominee/Shawano**  
**County Circuit Court,**  
**Branch 1**

Shawano Atty. James R. Habeck defeated Atty. David R. Winter, who also practices law in Shawano, to succeed Judge Earl W. Schmidt in the Menominee/Shawano County Circuit Court. Schmidt, a judge since 1983, will retire in July (*see The Third Branch, winter 2002*). Habeck received 63 percent of the vote.

Habeck has been family and judicial court commissioner for Shawano County since 1983. He also has served as a prosecutor in the Shawano County District Attorney's Office and was the county's first civil law corporation counsel. Since 1987, Habeck has been legal counsel to the Wisconsin Towns Association, advising officials on public records law and handling a wide range of legal questions.

A graduate of Marquette Law School, Habeck is an elected director for the Wisconsin Family Court Commissioners Association and serves as director for the Shawano Area Chamber of Commerce.

Habeck grew up in New Glarus and now lives in Wescott with his wife, Penny.



Judge William W.  
Brash III

**Judge William W. Brash III**  
**Milwaukee County Circuit**  
**Court, Branch 21**

Judge William W. Brash III won a full, six-year term in the Milwaukee County Circuit Court, defeating challenger Atty. Ramon A. Valdez, a Milwaukee lawyer who concentrates on criminal defense work, by a margin of 71,362-43,047 votes. Governor Scott McCallum

appointed Brash to replace the late Judge Stanley Miller in November 2001 (*see The Third Branch, winter 2002*).

Brash sits in Milwaukee County's Misdemeanor Division. Prior to his appointment to the bench, he worked for more than 23 years in private practice. From 1984 to 1997, Brash served as municipal judge for the Village of Fox Point and from 1997 to 2001 he was a reserve municipal judge for Milwaukee.

Brash is a native of Panama. He and his wife, Ruth, have one son and live in Fox Point.

**Judge Louis B. Butler Jr.**  
**Milwaukee County Circuit Court, Branch 9**

Milwaukee Municipal Court Judge Louis B. Butler Jr. defeated incumbent Judge Robert Crawford by a wide margin to win election to Branch 9 of the Milwaukee County Circuit Court.

Butler, who received 83,228 votes to Crawford's 44,282,

had also come out on top in the primary.

Crawford rose to the bench in 1996, defeating incumbent Judge Russell Stamper, who was the county's senior African-American judge. Crawford quickly became the focus of controversy when he began crafting sentences that included public humiliation components.

After less than a year on the bench, Crawford became the only Milwaukee County Circuit Court judge to have his hours regulated by administrative order. He had developed a practice of keeping court in session through the lunch hour and into the evening, prompting former Chief Judge Patrick T. Sheedy to issue an order requiring him to give breaks to staff and advising that regularly working into the evening is not acceptable as it imposes unnecessary hardships on jurors, witnesses, and court staff. Chief Judge Michael J. Skwierawski reiterated the order in 1998 after receiving information that Crawford was violating it.

Crawford's relationship with Skwierawski and District Court Administrator Bruce Harvey further deteriorated when Crawford accused Skwierawski and Harvey of influence peddling. He threatened to make these accusations public unless Skwierawski backed off the order regulating Crawford's work hours. The Supreme Court eventually suspended Crawford from the bench for 75 days for engaging in "seriously unacceptable judicial behavior."

Butler held endorsements from public employee unions, legislators and law enforcement organizations. Wisconsin Supreme Court Justice Diane S. Sykes, Butler's former opponent for the seat she now holds, publicly endorsed him in March.

A 1973 graduate of Lawrence University, Butler completed a law degree at the University of Wisconsin Law School in 1977. In June 1992, Butler was appointed to the Milwaukee Municipal Court. He is also the current president of the Wisconsin Municipal Judges Association and is on the board of directors for Milwaukee Access Telecommunications Authority.

In addition to being a frequent lecturer in criminal law and procedure, Butler has served as an adjunct assistant professor of law at Marquette University Law School. He also currently serves on the faculty of the National Judicial College in Reno, Nev.

**Judge Kevin E. Martens**  
**Milwaukee County Circuit Court, Branch 27**

Judge Kevin E. Martens won election to a full, six-year term by a margin of 69,527 to 50,594 votes, defeating Atty. John J. Brennan of Previant, Goldberg, Uelmen, Gratz, Miller & Brueggeman, S.C. Martens was appointed to the seat last spring to replace Judge Thomas P. Doherty upon Doherty's retirement (*see The Third Branch, summer 2001*).

Having a Brennan run for judicial office caused the media and the public some confusion. Two Brennans are already on the bench in Milwaukee County – Kitty K. and Michael B. – and another (Michael W.) is a reserve judge in Marshfield. Judge Kitty K. Brennan – who

*see Election on page 22*



Judge Kevin E. Martens

Spring  
2002**Election** *continued from previous page*

is not up for re-election until 2006 – told the *Milwaukee Journal Sentinel*, “I’m getting tons of calls. People who I would have thought would have known better think I’m running.”

Martens is Milwaukee County’s second Hispanic judge. He began his career as a law clerk to Judge Robert W. Warren in U.S. District Court in Milwaukee. He then spent a year and a half as an associate with Foley & Lardner, where he worked on litigation. From March 1997 until his appointment to the bench, Martens was an assistant U.S. attorney. He specialized in prosecuting civil health care, benefit, and program fraud cases.



Judge-Elect Molly E. GaleWyrick

**Judge-Elect Molly E. GaleWyrick**  
**Polk County Circuit Court, Branch 1**

Osceola Atty. Molly E. GaleWyrick defeated Polk County District Atty. Mark D. Biller by a margin of 4,025 to 2,004 votes to win election to Branch 1 of the Polk County Circuit Court. She will replace Judge James R. Erickson, who has served on the court since 1984 and will step down in July (*see* The Third Branch, *winter 2002*).

GaleWyrick, who has been in private practice for the past 14 years (currently with Ludvigson & GaleWyrick, S.C.), highlighted her experience in family law throughout her campaign. She spoke extensively on the issues of domestic violence and abuse of alcohol and other drugs.

GaleWyrick received her law degree from Hamline University Law School in Minnesota. She is president of the board of directors of Polk County Kinship, a director of the St. Croix Valley Community Foundation, chair of the Alternate Education Committee for the Amery School District, a religious education teacher, and a former board member of the Polk and Burnett County Community Referral Agency. She is also an advocate for community involvement by lawyers.

GaleWyrick and her husband, Ken, live in the Amery area and have two grown children. ■

**People** *continued from page 19*

Sherie Sasso, right, leads members of the Wisconsin Association for Legal Professionals in a tour of the Supreme Court Hearing Room and chambers.

and intends to run on the Republican ticket. Paulus, who has been the district attorney for 14 years, has not announced whether he intends to seek another term.

On April 26, **Sherie Sasso**, judicial assistant to Justice **Ann Walsh Bradley**, led a group of about 70 members of the Wisconsin Association for Legal Professionals (WALP) on a tour of the newly renovated Supreme Court Hearing Room and chambers. The group, which was

in Madison for its 35th annual meeting and educational conference, learned how oral arguments are conducted and how opinions are assigned and written. Chief Justice **Shirley S.**

**Obituaries** *continued from page 5*

Madison for law school and then went on to earn an M.B.A. from the University of Texas. In addition to practicing law and serving as a municipal judge, Kasimatis was a licensed real estate broker.

His son, John, and daughter, Ellen, survive him along with a sister and grandchildren, nieces, and nephews.

**Judge David Sebora**  
**Calumet County Circuit Court**

Judge David Sebora, who served on the bench in Calumet County from 1955 until his retirement in 1980, died in January at his winter home in Florida. He was 85.

Sebora began his career in the law by working in private practice in Brillion and, in 1946, became Calumet County’s part-time district attorney. Following his 24 years on the bench, Sebora served for 16 years as a reserve judge, hearing cases in more than two dozen counties.

Sebora was known for being strict with attorneys but compassionate toward litigants. He was an inspiration to many who knew him because of the way he lived life in spite of his disability. He was stricken with polio at age five and walked with crutches for the next 65 years until his shoulders gave out. In an interview with the *Post-Crescent* (Appleton), Sebora’s son, David, recalled that when his father was to graduate from Emerson High School in Stevens Point, the principal worried that his disability would distract from the ceremony and barred him from attending. Sebora appealed and prevailed, collecting his diploma alongside his classmates in 1934.

“He was,” said his son, “a man of great determination and spirit.” ■

**Rules** *continued from page 9*

joined together to ask the Supreme Court to adopt a new rule giving them guidelines on what they can, and cannot, tell the public. It is hoped that the guidelines might improve the ability of the courts’ “gatekeepers” to provide quality customer service while steering clear of the unauthorized practice of law.

Many of those seeking answers in the clerks’ offices are self-represented litigants. Clerk of Circuit Court Judy Coleman told the Supreme Court that, in Dane County alone, a two-month snapshot of family court filings in 1999 revealed that in 48 percent of the cases, both litigants were self-represented. In 2002, in a similar two-month snapshot, that number increased to 60 percent. And family cases where both parties were represented by counsel decreased in the last three years from 21 percent to 13 percent. “Due to the fact that self-represented litigants are unfamiliar with court terminology and procedures, the demand on court staff to provide assistance is also steadily increasing,” Coleman said.

The Court adopted the proposed guidelines by a unanimous vote, giving the clerks direction not only on what information they can provide – but also on what they cannot. The new rule lists 17 common requests that staff should decline to answer. ■

*The new rule is available on the court system Web site at [www.courts.state.wi.us/sc/sc\\_rules/01-18.pdf](http://www.courts.state.wi.us/sc/sc_rules/01-18.pdf).*

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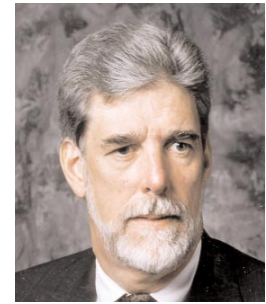
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**Director Moran is on the Mend**

Director of State Courts J. Denis Moran underwent surgery on March 14 and is continuing to recover. He is currently receiving physical and occupational therapy as an outpatient. There is no word on his expected date of return.

Moran prefers not to receive flowers or plants, but welcomes cards to his home. Anyone wishing to reach him by telephone is asked to call Jane Hough or Lori Irmen at his office and leave a message for him at (608) 266-6828. ■



Director of State Courts  
J. Denis Moran

**Budget** continued from front page

electronic communication, where appropriate, to replace or supplement more traditional and costly means at all three levels of court; and reduction of the number, frequency, and duration of face-to-face meetings to save on travel and lodging costs. In addition, fewer reserve judges and *per diem* court reporters are being used, and some vacant positions in the Director of State Courts Office are going unfilled.

The Court continues to discuss further possible cuts, but has said that no cut will be taken that jeopardizes the capacity of the judicial branch to function as needed and intended under the state Constitution.

At this time, the court-related items on which the conference committee has agreed are as follows:

- Increasing the court support services fee (collected on most civil filings and forfeitures) by 30 percent. This fee increase, effective July 1, will generate approximately \$8.1 million annually in revenues, to be deposited to the state’s general fund. The governor proposed the fee increase as a means to exempt the circuit courts, Court of Appeals, Supreme Court, and State Public Defender’s Office from further budget reductions.
- Adding \$10.7 million to the State Public Defender’s Office budget to address a shortfall in private bar funding.
- Creating a Commission on Local Government that will review local government spending and efficient delivery of services, along with state mandates and the diversification of local revenue sources.

More than 300 items of disagreement were still on the table for the conference committee’s discussion. Those include:

**Court funding.** This refers to the sum sufficient budgets that fund the case-deciding functions of the three levels of court. While the Assembly included the court support services fee increase, it also required the courts to lapse the equivalent of 5.5 percent of their funding in fiscal year 2002-03. The Senate restored the governor’s provision to exempt the courts’ operations appropriations from further reductions.

**Truth-in-Sentencing.** Both the Senate and Assembly included the governor’s reclassification

of the criminal code and the recreation of a sentencing commission that was developed by the Criminal Penalties Study Committee. However, the Senate has adopted modifications to the Truth-in-Sentencing provisions that would require a sentencing court to: make explicit findings of fact on the record to support each element of its sentencing decision; permit petitions by inmates for sentence modification if the inmate has served at least 25 percent of the term of confinement; and require the appellate court to reverse the sentencing decision if it determines that there is not substantial evidence in the record to support the decision. A letter expressing the concerns of the Committee of Chief Judges and the Legislative Committee of the Judicial Conference about these amendments has been forwarded to the conference committee.

**Domestic abuse injunctions.** These changes were introduced in the regular session as SB 438. The bill expands the definition of domestic abuse to include “dating relationships” and would require that an injunction hearing be held within 14 days rather than seven. It also extends the maximum length of the injunction from two years to four.

**Out-of-home placements.** These changes, added by the Assembly, are similar to AB 809 that was introduced in the regular session that would make changes to Wisconsin Statutes Chapters 48 and 938 to conform these statutes to the requirements of the federal Adoption and Safe Families Act of 1997. The changes affect: dispositional orders; consent decrees; changes in placement; child in need of protection and/or services (CHIPS) petitions; permanency plans; and involuntary terminations of parental rights.

Other issues before the conference committee are Senate provisions concerning an early state employee retirement incentive plan, campaign financing, funding of the intensive sanctions program, a new privilege for domestic abuse victim advocates, and stalking offense changes.

Both houses must vote on the conference committee document without making changes. Upon passage, the bill will go to the governor for his signature. Because the bill contains appropriations, the governor may use his partial veto to change it. ■