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Summer
2016

Justice Kelly takes seat on Supreme Court



Chief Justice Patience Drake Roggensack administers the Oath of Office to Justice Daniel Kelly in the Supreme Court Hearing Room on Aug. 10.

Wisconsin Supreme Court Justice Daniel Kelly was sworn into office by Chief Justice Patience Drake Roggensack during a brief ceremony in the Supreme Court Hearing Room on Aug. 10.

Kelly was appointed by Gov. Scott Walker to fill the vacancy created by the retirement of Justice David T. Prosser Jr. on July 31 (see related story).

Kelly spoke briefly at the ceremony, which was attended by his family members, chambers' staff and each of his fellow justices.

Kelly said being sworn in as a justice in the hearing room marked the greatest day of his professional life, eclipsing his previous greatest day – being sworn in as a lawyer in the same room.

Walker said in a press release that Kelly is an exceptionally accomplished trial and appellate attorney.

[see Kelly on page 13](#)

Justice Prosser retires from Supreme Court

When Wisconsin Supreme Court Justice David T. Prosser Jr. begins writing the next chapter of his life, he's going to have some material to work with, and experiences to draw from.

Prosser, who retired from the Court July 31, spent four decades in public service in three branches of state government, including 18 years as a justice.

Prior to being appointed to the Court by then-Gov. Tommy G. Thompson in 1998, Prosser was a commissioner on the Wisconsin Tax Appeals Commission from 1997 to 1998. He served in the state Assembly from 1979 through 1996, including two years as Speaker and six years as Minority Leader. Before that, he served as Outagamie County district attorney.

Early in his career, Prosser worked in Washington, D.C., first as an attorney-advisor in the U.S. Department of Justice's Office of Criminal Justice, then as administrative assistant to U.S. Rep. Harold Froehlich (Wis.), who was a member of the House Judiciary Committee during the Watergate

impeachment inquiry.

In all, Prosser succeeded in 15 elections, including races for the Supreme Court, the state Assembly and district attorney.

While he hasn't decided exactly how he'll spend all his

[see Prosser on page 2](#)



The Supreme Court takes a moment to acknowledge Justice David T. Prosser Jr.'s retirement during an open administrative conference on June 21.

Eight new circuit court judges appointed

Gov. Scott Walker appointed Assistant Attorney General Clayton P. Kawski to the Dane County Circuit Court Branch 12 bench effective Aug. 8. Kawski fills the vacancy created by the retirement of Judge David T. Flanagan (see *Retirements on page 20*).

Kawski has served as an assistant attorney general since 2010, and is currently the deputy director of the office's special litigation and appeal unit. He previously worked in private practice, and as a law clerk for Supreme Court Justice David T. Prosser Jr. He holds a bachelor of business administration from UW-Oshkosh and a law degree from Northern Illinois University College of Law.

Waukesha County Circuit Court Judge Maria S. Lazar, a former assistant attorney general, said Kawski would be an asset to the bench.

"In case after case, I have seen him show respect to witnesses and opposing counsel while still standing strong as an advocate," Lazar said.

The vacancy that will be created by the upcoming retirement of Dodge County Circuit Court Judge John R. Storck will be filled by Atty. Martin J. De Vries. Storck announced he will retire in October.

[see New judges on page 14](#)



RETIREMENTS

Editor's note: Upcoming editions of The Third Branch will include features on future retiring judges including Racine County Circuit Court Judge John S. Jude, Dane County Circuit Court Judge Amy R. Smith, Dodge County Circuit Court Judge John R. Storck, Waupaca County Circuit Court Judge Philip M. Kirk, Racine County Circuit Court Judge Gerald P. Ptacek, Vernon County Circuit Court Judge Michael J. Rosborough and District IV Court of Appeals Judge Paul B. Higginbotham.

Judge James J. Bolgert Sheboygan County Circuit Court

Although Sheboygan County Circuit Court Judge James J. Bolgert said he's ready to retire, he said he will miss the sense of satisfaction from helping people resolve their conflicts and work on solutions. Bolgert retired from the Branch 5 bench on July 31.



Judge James J. Bolgert

Bolgert was first elected in 1994, and won re-election three times. He previously worked in private practice and as law clerk for the Court of Appeals after he received his law degree from UW Law School.

Over the years, Bolgert said he enjoyed family cases, especially those with positive outcomes. He said he has great respect for the grandparents who have stepped up in these cases, and who are doing their best to take care of their grandchildren. He has also felt respect for the criminal defendants who have appeared before him and have worked hard to turn their lives around.

"Remember, these people come from the same community as you," Bolgert advised his successor. "They are entitled to respect. We all have a stake in the outcome." He also advises new judges to remain fair, impartial and engaged,

[see Retirements on page 15](#)

Prosser *continued from front page*

retirement hours, Prosser said he plans to use some of his experience helping on committees, such as the recently created Wisconsin Legislative Council Study Committee on Access to Civil Legal Services. He'll also continue his work on the National Conference of Commissioners on Uniform State Laws to which he received a lifetime appointment last



Justice David T. Prosser Jr. questions an attorney from the Supreme Court bench during oral arguments in 2002. Prosser retired on July 31.

year, after more than 20 years of service to the group.

The next chapter of his life also will likely include writing some chapters. Prosser said he plans to write about art, government, and law, and to perhaps do some traveling for research. He also has some ideas for a novel – all of a political nature, although he hasn't settled on a specific topic.

"Sometimes what seems like a 'way out' idea for a novel becomes outdated by the 'way out' things that happen in society," Prosser said.

Prosser's experience having served in both the Legislature and the state's High Court has given him the rather unique perspective of knowing what it's like to be in the majority and the minority, both when it comes to creating laws in the Legislature and interpreting laws as a member of the Supreme Court.

"A person in the minority is often bolstered by the hope that their view will someday become the majority view," Prosser said. "Sometimes, it actually happens," he added.

Although he had a legal background and plenty of experience as a legislator, the transition from legislator to justice in 1998 was still a learning experience, and he was quickly put on the spot, he said.

The first case he heard while on the Court was an

insurance case that involved the pollution exclusion clause and whether deteriorating lead paint was a pollutant. Prosser said he was not yet familiar with the court's procedures, and after hearing the case, the Court went into closed conference to take a preliminary vote. The justices voted in order of seniority, with the chief justice casting the first vote. When it came time for his vote, the court was split three to three, leaving him to cast the deciding vote.

"And lo and behold, when the poker chips were drawn, I got the case," Prosser said of the process used by the Court to decide which justice is picked to write an opinion. "It was a major case, so that was my introduction to the Supreme Court."

Prosser also recalled in that first year the court heard five cases involving juror bias, which resulted in the justices feeling the need to develop some doctrine on how to classify and deal with different kinds of bias.

"This was a situation where the individual justices didn't come to the issue with an agenda or a hard and fast view of what the law should be. Justices were willing to listen to each other and discuss the issues collegially and professionally," Prosser said. By the end of his first term, the court produced four separate opinions with a coherent policy on juror bias. "That collaborative process was, I think, one of my most satisfying experiences on the Court."

Prosser said a justice should respect the intelligence and motivation of colleagues, as well as listen and try to reach the right result. He stressed the importance of open discussion and mutual respect, emphasizing that "the institution is much bigger than any individual justice."

Prosser said he enjoyed hearing criminal cases, particularly ones that involved constitutional issues based on the Bill of Rights. But he was surprised to increasingly find himself becoming interested in the insurance cases that were argued before the court.

Prosser has worked over the years to improve relationships between justices and judges and legislators. He regularly participated in the new legislator orientation sessions, hosted by the Court every two years. He also

[see Prosser on page 11](#)

OBITUARIES

**Judge Vivi L. Dilweg
Brown County Circuit Court**

Former Brown County Circuit Court Judge Vivi L. Dilweg passed away on May 5 after a long battle with multiple sclerosis.

Dilweg was born in Belfast, Northern Ireland. She received her bachelor's degree from Washington University and her law degree from the University of Texas Law School. After receiving her law degree, she accepted a position at a law firm in Green Bay and worked in private practice from 1967-82. During that time she also served as an instructor and later an assistant professor at UW-Green Bay. She also served a term as president of the Brown County Bar Association, becoming the first woman to ever hold that position.

In 1982, she successfully ran for the Brown County Circuit Court Branch 2 bench, which made her the first woman judge in Brown County.

During her time on the bench, she led the effort to restore



Judge Vivi L. Dilweg

the Brown County Courthouse, which is now considered one of the state's architectural jewels. She also worked with the Director of State Courts Office to implement automated court dockets to improve case processing.

She was a former member of the American Bar Association (ABA) Judicial Administration Division, State Bar Committee on Judiciary as a Co-Equal Branch, and the Judicial Council. She was a former chair of the ABA Joint Subcommittee on Judicial Discipline and the Guardian ad Litem Training Rule Committee, and served as a vice chair of the ABA National Conference of State Trial Judges. She also

published articles on judicial ethics, served as a faculty member for Judicial Education, and lectured at a variety of programs for judges in Wisconsin and around the country. In 1994, she worked to develop codes of judicial ethics in the former Soviet Union. Dilweg retired from the bench in 1999.

Dilweg is survived by her husband, Gary; three children, Sean, Rory and Travis; and three grandchildren. ■

New chief judges, committee chair appointed

The Wisconsin Supreme Court has appointed circuit court judges from Marathon and Marinette counties chief judges of their respective judicial administrative districts in northeastern Wisconsin. The Court also re-appointed circuit court judges from Racine, Jefferson and Wood counties to continue as chief judges in their districts, and Chief Judge Scott R. Needham, St. Croix County Circuit Court, was selected by his fellow chief judges as chair of the

Committee of Chief Judges.

Former Deputy Chief Judge Gregory B. Huber, Marathon County Circuit Court, and Judge James A. Morrison, Marinette County Circuit Court, started two-year terms as the new chief judges of the Ninth and Eighth Judicial Administrative Districts, respectively, on Aug. 1.

Huber was elected to the circuit court bench in 2004 and was re-elected in 2010 and 2016. He had served as deputy chief judge of the Ninth District since 2012.



Chief Judge Gregory B. Huber

Before joining the court, he served as a state representative from the 85th Assembly District in the Wausau area, from 1989 to 2004. From 1983 to 1988, he was an assistant district attorney in Marathon County.

Huber has served on the Legislative Committee of the Wisconsin Judicial Conference and as co-chair of the Ninth District's Pro Se Committee. The Ninth District encompasses Florence, Forest, Iron, Langlade, Lincoln, Marathon, Menominee, Oneida, Price, Shawano, Taylor and Vilas counties.

Huber replaces outgoing Chief Judge Neal "Chip" A. Nielsen III, who is stepping down after serving two two-year terms as a chief judge. Nielsen remains on the Vilas County bench on which he has served since 2003.

Morrison was appointed to the Marinette County bench in 2012 and elected to a six-year term in 2013. He serves on the Executive and Legislative Committees of the Judicial Conference and is former chair of the Board of Bar Examiners. He previously worked as an attorney in private practice.

Morrison will replace outgoing Eight District Chief Judge Donald R. Zuidmulder, Brown County Circuit Court. Zuidmulder served the maximum three two-year terms as chief judge. The Eighth District encompasses Brown, Door, Kewaunee, Marinette, Oconto, Outagamie and Waupaca counties.

Zuidmulder will continue serving on the Brown County bench on which he has served since 1997.

Each year, the Supreme Court appoints or re-appoints circuit court judges as needed to serve as administrative chief judges in each of the state's 10 judicial administrative districts.

The Supreme Court re-appointed District Two Chief Judge Allan P. "Pat" Torhorst, Racine County Circuit Court; District Three Chief Judge Randy R. Koschnick, Jefferson County Circuit Court; and District Six Chief Judge Gregory J. Potter, Wood County Circuit Court to two-year terms.

Needham was selected by his fellow chief judges to chair the Committee of Chief Judges, effective Aug. 1. The committee chair, informally known as "the chief of the chiefs," presides over approximately seven committee meetings per year. Needham replaces outgoing committee chair Zuidmulder.

Needham was elected to the St. Croix County bench in 1994 and re-elected three



Chief Judge James A. Morrison



Chief Judge Scott R. Needham

see Chief judges on page 8

AWARDS

Judge Markson honored by ABOTA

Dane County Circuit Court Judge John W. Markson was chosen the Wisconsin Chapter of the American Board of Trial Advocates' (ABOTA) "Judge of the Year" at the group's annual meeting on May 18.

The award is given to members of the Wisconsin judiciary who consistently advance the interests of justice and the dignity of the judicial process.



Judge John W. Markson

"Judge Markson comes to each case after careful preparation and with a healthy respect for the parties and attorneys appearing before him," ABOTA's Wisconsin Chapter President Atty. Jim Jansen said. "He has a deep knowledge and understanding of the law and constantly seeks to apply it fairly."

Markson has served on the Dane County Circuit Court Branch 1 bench since 2007. He serves as an associate dean of the Wisconsin Judicial College. He has previously worked in private

practice and as a law clerk for former Wisconsin Supreme Court Justice William G. Callow. Prior to taking the bench, he was a long-time ABOTA member.

Previous recipients of the "Judge of the Year" award include Milwaukee County Circuit Court Judge Richard J. Sankovitz, La Crosse County Circuit Court Judge Dale T. Pasell, Waukesha County Circuit Court Judge James R. Kieffer, Sauk County Circuit Court Judge James Evenson, and St. Croix County Circuit Court Judge Scott R. Needham.

State Bar names 'Judge of the Year,' Lifetime Jurist'

The State Bar of Wisconsin has named Deputy Chief Judge Robert P. VanDeHey, Grant County Circuit Court, its 2016 Judge of the Year. The award, which was presented at the State Bar's Annual Meeting and Conference in Green Bay on June 16, honors a circuit court judge "who has improved the judicial system during the past year by his or her leadership in advancing the qualities of justice, judicial education or innovative programs."

VanDeHey was honored for, among other things, his research and data analysis that corrected information



Deputy Chief Judge Robert P. VanDeHey

reported online and in print by Gannett newspapers in Wisconsin.

"He is and has been an excellent lawyer, exemplary trial judge and incomparable judicial colleague," said one individual who nominated him. "Judge VanDeHey does not succumb to the passions of a particular case or a particular moment. He applies this talent at every level of judicial work."

VanDeHey was first appointed to the Branch 1 bench in 1998. He previously worked in private practice. He is currently the deputy chief judge for the Seventh Judicial District, and serves as a member of the Wisconsin Judicial Council. He has

served as the chair of the Probate Benchbook Committee, a

member of the Juvenile Jury Instruction Committee, and a faculty member of the Juvenile Law Institute and Judicial Conference.

The State Bar also honored former Milwaukee County Circuit Court Judge Mel Flanagan with its Lifetime Jurist award on June 16. Flanagan served on the Branch 4 bench from 1993 until her retirement on Jan. 23.

"It was wonderful. I was very touched," Flanagan told the State Bar of the honor. "You're saying I had a good career, and that's an amazing thing to say to anybody. I take the award very seriously and it means a lot to me."

During her 23 years on the bench, Flanagan served as a deputy chief judge for the First Judicial District. She also served on the Domestic Violence Court, as faculty and associate dean of the Wisconsin Judicial College, and has been a member of the Judicial Conference Executive Committee, Judicial Conference Directors, Criminal Jury Instruction Committee, International Association of Women Judges, National Association of Women Judges, Wisconsin Judges Association, Milwaukee Judges Association, Wisconsin Bar Association, Milwaukee Bar Association, and the Association for Women Lawyers.

Three days after retiring, Flanagan flew to Bosnia and Herzegovina, where she is working under a Fulbright Scholarship with the national courts on policy and procedures relating to domestic, sexual, and child abuse cases, as well as with United Nations Children's Emergency Fund (UNICEF) and law enforcement agencies, to develop procedures for handling child witnesses and victims.

"She is a true public servant whose dedication has had a tremendous impact on the lives of so many people in need within our community," one of Flanagan's colleagues wrote in nominating her.



Judge Mel Flanagan

Veterans court honors Gasiorkiewicz

The Second Judicial District Veterans Court honored Racine County Circuit Court Judge Eugene A. Gasiorkiewicz with a Distinguished Service award at its June 7 graduation ceremony in the Branch 5 courtroom of the Racine County Courthouse. The Second Judicial District Veterans Court serves veterans in Kenosha, Racine and Walworth counties with substance dependency and/or mental illness who are charged with felony or misdemeanor non-violent criminal offenses. The treatment court has been in operation since November 2012. The graduation ceremony also recognized five program graduates. ■



Judge Eugene A. Gasiorkiewicz

Courts and counties celebrate Law Day 2016

Courts throughout Wisconsin held activities to celebrate Law Day on May 1. In many counties, students were invited to meet with court officials, observe court in session, participate in mock trials or compete in an essay contest, among other activities.

The theme for the 2016 celebration as designated by the American Bar Association was “Miranda: More Than Words” in recognition of the decision in *Miranda v. Arizona* 384 U.S. 436 (1966). Each community decided whether to focus on that theme or something else, and some counties took the opportunity to celebrate Youth Government Day.

Here’s a brief list of some activities reported to *The Third Branch*:

Buffalo County

In Buffalo County, local students and county government agencies celebrated Law Day. Clerk of Circuit Court, Roselle Schlosser and her staff invited area fourth and fifth grade students to participate. The fourth grade students were invited to enter a poster contest, and the fifth grade students were invited to enter an essay contest. The theme for both contests was a choice between the following: “Be a Buddy, Not a Bully”, or “How Students Can Make a Positive Change in Their Community.” Sandra Ebert and Arlene Parent were the honorary judges for the contests. There were many wonderful and creative ideas from the students shared in their essays and poster, which were displayed in the Buffalo County courthouse.

Other activities included student tours of the Buffalo County Sheriff’s Department and Dispatch Center, a question and answer session and demonstrations of a squad car and highway maintenance truck.

Dane County

On April 29, the Dane County Bar Association, circuit court officials and the Dane County Law Library joined forces to offer a variety of activities at the Dane County Courthouse, including remarks by presiding Judge Juan B. Colás, who greeted visitors at a reception; remarks by UW Law School Professor Cecelia Klingele about the legacy of the late U.S. Supreme Court Associate Justice Antonin Scalia as it relates to criminal law; and comments by Atty. Bill Weigel of the Office of Lawyer Regulation, who addressed issues that can get attorneys in trouble.

Robert Lopez, DCLL Librarian, organized several events in cooperation with the Dane County Bar Association’s [Courthouse Committee](#). Other public events included a community mock trial, featuring student jurors, and a tour of the Supreme Court Hearing Room.

The Dane County Law Library hosted volunteer attorneys (English and Spanish-speaking) who provided free pro



Justice Rebecca Grassl Bradley poses with fifth graders from Cleveland Elementary School in Sheboygan. Bradley took on the role of an eye-witness in a mock trial during Law Day activities in Judge James J. Bolgert’s courtroom at the Sheboygan County Courthouse.

se legal consultations for most of the day. Self-represented parties asked questions on topics ranging from small claims and family cases to protective orders and forfeitures. With more than 30 people coming in for legal assistance and dozens more taking part in Law Day activities, this year marked another successful effort to create awareness and promote education about our legal system.

Grant County

The Grant County American Legion and elected officials of Grant County partnered to celebrate County Youth Government Day on April 13 – the first time the occasion has been formally celebrated since 1993.

High school students visited the Grant County Courthouse, Administrative Building, and the Law Enforcement Center. Elected officials provided insight on their roles and duties, and gave condensed lessons on how county government operates and plays a role in their lives.

Among activities, students had the opportunity to observe court proceedings before Circuit Court judges Craig R. Day and Robert P. VanDeHey.

Manitowoc County

On April 27-29, Manitowoc County hosted the mock trials of *B.B. Wolf v. Three Little Pigs* for second graders of the Manitowoc County School District. The trials have been held for the past 16 years at the Manitowoc County Courthouse. This year,



Grant County Circuit Court Judge Craig R. Day looks on as students visit his courtroom during Law Day activities held during the last week of April.



Grant County Clerk of Circuit Court Tina MacDonald discusses the courts with high school students at the Grant County Courthouse in Lancaster.

PPAC subcommittee prompts renewed focus on courthouse security rule

By Ann Olson, Office of Court Operations

The Planning and Policy Advisory Committee (PPAC) subcommittee on Courthouse Security reconvened in May of 2016 to help assess and encourage the implementation of courthouse security measures under Supreme Court Rule Chapter 68 (SCR 68).

As recent events in Michigan demonstrate, there is no way to predict when or where a courthouse incident may occur. There are, however, steps that can help provide a safe and secure courthouse.

SCR 68 on Court Security, Facilities, and Staffing establishes guidelines governing court security, courthouse construction and renovation. The rule was adopted in 2012.

Although courthouse security is primarily a local responsibility, all counties, regardless of size or budget, are responsible for taking active steps to assess and, if feasible, improve security. The most important step in this process is establishing a county-level courthouse security committee that meets quarterly.

SCR 68 provides detailed guidelines for the composition of these committees, which include the county's presiding circuit court judge, the county's administrative leader (either county executive, administrator or administrative coordinator), the clerk of circuit court, the county sheriff, the district attorney, a representative from the state public defender, a court commissioner, a private bar lawyer, a representative of a victim-witness support organization, a representative of the county's facilities/maintenance department, and other members as appropriate.

The makeup of local security committees is intended to be broad in order to take all aspects of courthouse security into consideration, said Waukesha County Circuit Court Judge Michael O. Bohren, who chairs the subcommittee.

"By looking at everything from the safety of those directly involved in court proceedings to everyday activities such as how mail is delivered and which doors are open to the public, local committees can be extremely useful in identifying and addressing potential security hazards," Bohren said.

SCR 68 charges local committees with several specific responsibilities, including developing policies relating to building access and annual safety training, among others. One of the committee's additional duties is ensuring that security threats and incidents are discussed and reported to the Director of State Courts Office, using form CS-265, the Wisconsin Court Security Threat and Incident Report.

Reporting security threats and incidents is one of the most

important responsibilities of a local security committee, Bohren said. The form should be used to report any security breach that threatens a person or property or disrupts the court or courthouse environment. Since adopting Form CS-265 in 2014, more than 170 security threats or incidents have been reported to the Director's Office, in 33 counties across the state.

Courthouse security committees also provide a forum for discussing renovating and constructing new courthouse facilities. Although some judges in Wisconsin may lament the number of older court facilities, new construction is not the only solution to improving courthouse security. There are many improvements that can reduce potential security breaches at little or no cost.

Securing exterior and interior courthouse doors, improving parking lot lighting, and installing duress alarms are all actions that can help improve security. If a county is updating phone or computer systems and will be installing voice over internet protocol or internet protocol (VOIP or IP) phones, this could provide an opportunity to enable new phones to serve as duress alarms. Many IP phones can trigger instant emergency notification and alert law enforcement to a potential threat or incident in progress.

"Local committees might be surprised to discover that small, sometimes inexpensive changes can have a substantial impact on making a courthouse more secure," Bohren said. "The first step is putting together a committee, meeting regularly, and reviewing the requirements of Chapter 68," he added.

Other subcommittee members include Columbia County Circuit Court Judge Andrew W. Voigt, Third District Court Administrator Michael Neimon, Fond du Lac County Court Commissioner Sally-Anne Danner, Dane County Sheriff Deputy James Brigham, Racine County Building and Facility Director Karl Jeske, and Office of Lawyer Regulation Counsel and Municipal Judge Bill Weigel. The subcommittee is staffed by Office of Court Operations Policy Analyst Ann Olson ■

For more information regarding SCR 68 requirements, including security committee formation, how to report security threats and incidents, and sample agendas for quarterly meetings, contact Ann Olson in the Office of Court Operations, ann.olson@wicourts.gov or a district court administrator.

Child safety decision-making model implemented

By Michelle Zaccard, Children's Court Improvement Program

In May 2014, the Wisconsin Commission on Children, Families and the Courts convened the Child Safety Decision-Making Subcommittee to make recommendations related to the development of policy, resource materials, statutory changes, and training curricula related to child safety. This multi-disciplinary committee is comprised of state, county, and tribal representatives working in the child welfare and court systems. The Subcommittee is charged with educating child welfare, court, and legal professionals on child safety, creating a common language across

disciplines, and implementing consistent child safety practices across the state.

Some of the Subcommittee's recent activities include modifying and creating temporary physical custody circuit court forms, providing input on [online training](#), and developing the tools and protocols for implementing the Child Safety Decision-Making Model.

The Child Safety Decision-Making Model is intended to improve safety and reduce trauma to children by ensuring

[see Child safety on page 7](#)

Fond du Lac County boosts guardianships efforts through communication, training

By Ardell M. Klaske Fond du Lac County Register in Probate

Late in 2013, Fond du Lac County was experiencing glitches in communication between entities integral to successful guardianship cases. County departments consisting of Aging and Disability Resource Center (ADRC); Corporation Counsel; Department of Community Programs (DCP); Probate and a corporate guardian, Corporate Guardians of Northeast Wisconsin (used in many guardianship cases in our county) came together to form the Fond du Lac County Guardianship Work Group.

Collectively we found a workable solution to our issue, but in the process discovered we could benefit by continuing to meet quarterly, share, learn and improve the guardianship process for our residents.

Prior to the fall of 2015, the Guardianship Work Group brought in representatives of Lakeland Care and Community Care care management organizations (CMO/MCO) to further streamline our process and procedures. The group developed an informational folder that is given to all guardians upon appointment by the court. The folder consists of general guardianship information, guardian of person/property information and resources for guardians to access.

In November of 2015, planning began for our Guardianship Training Seminar. The work group extended our core group to include two well-versed local attorneys in the guardianship arena. At this same time a representative from Fond du Lac County Economic Support came on board

Child safety *continued from page 6*

that decisions related to removal and placement are based on a thorough assessment of child safety. The model will be piloted in three counties in 2016, with the hope of future expansion. As part of the model, the Children's Court Improvement Program (CCIP) will provide each county with multi-disciplinary training on child safety decision-making at the beginning of the project, data collection at multiple intervals during the project, implementation tools (including the newly created [Temporary Physical Custody Request Supplement](#) circuit court form), written reports, and technical assistance.

The Model itself follows the safety intervention standards used by the Wisconsin Department of Children and Families and the American Bar Association publication, *Child Safety: A Guide for Judges and Attorneys*. The data collected will be used to identify practice strengths and areas for improvement. The data collection methods include court file review,

to assist with the complex benefits program available to wards.

Invitations and registration were distributed county-wide initially with a statewide follow up by the Wisconsin Guardianship Association. We recruited the former register in probate, a retired social worker from ADRC and three board members from the National Alliance for the Mentally Ill. More than 100 people attended.

Fond du Lac County Executive Allen Buechel spoke to the group, emphasizing proposed changes with the state of Wisconsin in regard to the CMO's and MCO's, as well as improvements Fond du Lac County has made for the benefit of our aging/disabled population.

The session was well reviewed by attendees who provided feedback as work continues.

"The event was a great opportunity for guardians to meet other guardians in their area and the professionals that they will likely have to interact with" – Grace Knutson, managing attorney, Greater Wisconsin Agency on Aging Resources

"I am so very excited to attend the training you are providing for the community! I would suggest in the future, if resources allow, you make this a full day training to offer an opportunity to attend all the break-out sessions.

Honestly, I want to attend all of them." – Atty. Brenda S. Freeman, part-time elder law attorney-advocate. ■

court observation, stakeholder surveys, and focus groups.

Waukesha County became the first county to incorporate the model into practice. More than 150 stakeholders from Waukesha County attended the child safety training in February. CCIP recently provided Waukesha County with a report of its initial findings.

Waukesha County Circuit Court Judge William J. Domina reported: "Consistent and effective application of the Child Safety Decision-Making Model insures that children are more likely to wake up in the correct bed either through maintenance of the child in the home, removal of the child from the home or return of the child to the home."

Jackson County became the second Model County and participated in the child safety training in May. Data collection has commenced and an initial report will be provided to Jackson County by the end of the summer. La Crosse County has expressed interest in becoming the third model county. ■



More than 150 people attended child safety training sessions in Waukesha earlier this year.

Milwaukee County selected for White House initiative on data-driven justice reform

Milwaukee County has been selected as one of 67 local governments nationwide to participate in the President's Data Driven Justice Initiative, which aims to reduce incarceration by using data analysis to help reform the justice system, said District One Chief Judge Maxine White, Milwaukee County Circuit Court.

The White House and Milwaukee County Executive Chris Abele separately announced the news of Milwaukee County being included in the project in press releases issued June 30.

White said the initiative combines public and private experts and resources from diverse areas, such as federal and state governments, technologists, data scientists, legal researchers, law enforcement, private corporations, health care and medical professionals.

White chairs the Milwaukee Community Justice Council, which sought to be included in the project.

"In short, as a member of this group, we have the opportunity to expand our problem-solving techniques to match the reach of problems encountered in our criminal justice system, which we all know go far beyond the criminal justice field," White wrote in a message to her council colleagues after the announcement.

Milwaukee County stands to benefit greatly by participating in this initiative, even though many efforts, such as assessing mental health issues, are already underway, White said.

"These strategies have reduced jail populations in

several communities, and helped stabilize families and communities that have experienced trauma."

According to Abele's press release, the initiative will support and expand Milwaukee County's existing efforts in three key areas:

- Creating or expanding real or near-real time local data exchanges that combine justice, health, or other system data, as appropriate and consistent with applicable legal

[see White House on page 22](#)



Chief Judge Maxine A. White, Milwaukee County Circuit Court, and Mandy Potapenko, director of the Milwaukee Community Justice Council, visited The White House during June to discuss the county's selection to participate in a data-driven justice initiative announced by President Barack Obama.



Justice Rebecca Grassl Bradley is sworn into office by now-retired Justice David T. Prosser Jr. on July 29 in the Supreme Court Hearing Room. Bradley won election to a 10-year term on the Supreme Court April 5 after initially being appointed to the Court by Gov. Scott Walker last year.

Chief judges [continued from page 3](#)

times to six-year terms. He is in his third term as chief judge of the Tenth Judicial Administrative District, which encompasses the northwestern part of the state, including Ashland, Barron, Bayfield, Burnett, Chippewa, Douglas, Dunn, Eau Claire, Polk, Rusk, St. Croix, Sawyer and Washburn counties.

"This is a highly knowledgeable group of chief judges, and it is an honor to be selected to work with other chief judges on improving the administration of justice in the circuit courts. As a committee, we look forward to addressing the challenges that face the courts and seizing the opportunities that exist to improve and enhance the judicial system," Needham said.

Before his election to the bench, Needham worked as an attorney in private practice from 1978 to 1994. In 2010, he was chosen Judge of the Year by the American Board of Trial Advocates.

Working as a team with a deputy chief judge and a professional court administrator, a chief judge manages the flow of cases and meets several times a year with other chief judges as a committee to work on administrative issues of statewide importance. As needed, the chief judges convene subcommittees to consider issues and problems facing the trial courts. With the exception of the First Judicial Administrative District, where the chief judge is a full-time administrator, chief judges and their deputies maintain court calendars in addition to handling administrative matters. ■

WISCONSIN CONNECTS

In June, Door County Circuit Court Judge D. Todd Ehlers and his wife, Cynthia, traveled to Denmark to attend the wedding of their former foreign exchange student, Maja Rasmussen. During that stay, Maja, who is now a criminal prosecutor, arranged for Ehlers to tour Retten i Glostrup (the courthouse in Glostrup) just outside of Copenhagen, and to meet with Danish judicial and court officials. The Glostrup Judicial District is served by 36 legal judicial officers. The visit included sitting in on a criminal jury trial of a Danish national charged with terrorism offenses, lunch with 10 appointed legal judges and then a meeting with those same legal judges and a dozen deputy judges discussing the Danish courts and the judicial system in Wisconsin. ■



Left to right: Judge Lisbeth Larsen, Praesident (Presiding Judge at Retten i Glostrup); Door County Circuit Court Judge D. Todd Ehlers; Judge Anne Berg; and Lay Judge Karen Moestrup Jensen.

NEW FACES

Louis Moore District Court Administrator

Louis Moore has been named the new District Court Administrator in the Second Judicial Administrative District comprised of Racine, Walworth, and Kenosha counties. Moore previously served 10 years as a court executive officer in New Mexico, where he served on numerous statewide committees. Previously, Moore spent over a decade in hospital administration. He holds a bachelor of Business Administration and a Juris Doctorate from the University of Memphis. Moore and his wife Donna purchased a home in the village of Caledonia.



Louis Moore

Moore fills the vacancy created by Theresa Owens' move to serve as District Five court administrator. Owens took over the position from Gail Richardson, who retired in February (see *The Third Branch fall 2015*).

Law Day *continued from page 5*

more than 800 children participated in the trials.

Prior to the trial, Circuit Court Judge Mark R. Rohrer explained legal proceedings and procedures.

During the trial, the students are asked to determine, after hearing all of the evidence, whether or not the wolf is guilty. Actors portrayed the wolf and the pigs.

Students played the roles of the victim, defendant, District Attorney, Defense Attorney, Circuit Judge, Clerk, Officer, and witnesses. Other students served in the very important role of juror. The Big Bad Wolf was found guilty in one jury trial and not guilty in two jury trials.

Sheboygan County

In Sheboygan County, courthouse tours were offered for

Christopher B. Schellinger Payroll and Benefits Specialist

Christopher B. Schellinger joins the court system as the new payroll and benefits specialist. Schellinger most recently worked in several roles at the state Department of Corrections since 2012. He started with the state at New Lisbon Correctional Institution as the office operations associate for the education department before becoming a program assistant for the security department. In early 2014 he transferred to Columbia Correctional Institution as the warden's secretary, then moved to Human Resources to become the payroll and benefits specialist. He previously worked at his father's business in the town of Fennimore, where he wore multiple hats as the bookkeeper, office manager, IT person, and sales representative.

Schellinger holds a Bachelor of Arts in Social Sciences from UW-Platteville. He's an avid cyclist and also enjoying hiking, geocaching, kayaking, photography, technology, and history. ■

elementary school students from Jefferson Elementary, Cleveland Elementary, St. Elizabeth Ann Seton Catholic School and James Madison Elementary schools.

Each tour consisted of a mock trial, jail tour and law-making exercise. Justice Rebecca Grassl Bradley attended as a special guest, performing as the eye-witness in one of the mock trials.

A luncheon was held at the John Michael Kohler Arts Center Cafe attended by local lawyers, legislators, judges and law enforcement officers. Sheboygan County Sheriff Todd Priebe received the Law Day Volunteer of the Year award. Atty. Rick Esenberg presented a program at the center entitled "Liberty and the Constitution" at the invitation of the Sheboygan County Bar Association. ■

Judge Kirk's outreach effort connects with 37 Badger Boys State classes

By Judge Philip M. Kirk, Waupaca County Circuit Court

When I was asked in 1979 to speak at Badger Boys State, I knew my father was the culprit. Before that year, he was Commander of the American Legion's Alonzo Cudworth Post No. 23 in Milwaukee. He was also close friends with the officers and staff when the state's Legion headquarters was in Milwaukee.

Thirty-seven years later, with the end of my term as a circuit court judge next year, the call for me to make the annual speech will end, too. While I will miss the opportunity in the future, now is a good time to reflect on the experience and the value it presented for both the

students and me.

Badger Boys State, held at Ripon College (Badger Girls State is now held at UW-Oshkosh), is a week-long seminar for high school students to learn about state and local governments.

Because I was an assistant district attorney in Waupaca in 1979, I began my annual presentations talking about the duties of a district attorney. A few years after I took the bench in May 1981, I began speaking about the duties of a circuit court judge.

The young men I've seen pass through Boys State have been intelligent, inquisitive, and respectful, and, notwithstanding their youthfulness, collegial.

I saw it every year by their behavior. The predicate I preached for success at any professional level is common sense. When you filter academic excellence through common sense, professional success is the result. They got it!

But my real reward from my Boys State experience is what I learned. Regardless of illustration, not a single year passed when I didn't say to myself, "WOW! These young men displayed a developed conscience that elevated ethical and moral clarity."

Energy and vitality were not anathema to maturity and composure. While it is tempting to maunder, I think the best analogy I can make about how special my time and experience was at Badger Boys State is this: I believe when I retire, I'll leave as Wisconsin's most senior trial judge. As much as I've enjoyed my career, this quietly fulfilling 37 years will be hard to eclipse. ■



Waupaca County Circuit Court Judge Philip M. Kirk addresses a group of boys attending Badger Boys state at Ripon College on June 16. Kirk has presented a speech to the group annually for the last 37 years. This year marked his last speech to the group, said Kirk, who plans to retire from the bench next year.

Wisconsin Commission on Children, Families and the Courts marks tenth year

By Bridget Bauman, Children's Court Improvement Program

The Wisconsin Commission on Children, Families and the Courts is marking its 10th year of working to improve the processing of child abuse and neglect cases in the court system.

The commission's first meeting was held on June 1, 2007; its most recent meeting was held June 9 and addressed a variety of topics, including human trafficking, juvenile justice, training and legislation.

The commission, chaired by Supreme Court Chief Justice Patience Drake Roggensack, with Judge Marshall Bertram Murray serving as co-chair, fulfills the statewide, multidisciplinary task force requirement for the federally funded Children's Court Improvement program.

The Commission is charged with developing and institutionalizing meaningful collaboration across systems to identify and address barriers to safety, permanency, and child and family well-being at the state and local levels.

The commission currently consists of two members of the Supreme Court, several circuit court judges, the director of



Wisconsin Supreme Court Chief Justice Patience Drake Roggensack, second from right, attended a meeting of the Wisconsin Commission on Children, Families and the Courts held June 9. Also at the meeting were Waukesha County Circuit Court Judge William J. Domina, who serves on the committee, state Department of Children and Families Secretary Eloise Anderson, and Children's Court Improvement Program Director Bridget Bauman.

see [Commission](#) on page 26

Our Courts volunteers promote public understanding of the courts

With more films and television shows depicting what can sometimes be over-the-top legal scenarios, it can be difficult to distinguish between fact and fiction when it comes to real-life matters of the court. *Our Courts* Wisconsin, a State Bar of Wisconsin public education program, helps to set the record straight with three interactive programs geared toward educating the public on the ins-and-outs of the court system.

All *Our Courts* programs are delivered by local volunteers – typically an attorney or judge – to civic groups throughout the state.

“What better way to bring some of the reality of the justice system to interested community members than to have attorneys and judges present this information face-to-face, to people in their own area,” said District IV Court of Appeals Judge Brian W. Blanchard, co-chair of the *Our Courts* program.

Blanchard said the high level of interest in *Our Courts* shows many groups are interested in hearing about the justice system from lawyers and judges who live and work in their home town.

“Judges and lawyers from all over the state provide a valuable public service when they take time to share their knowledge in their communities,” Blanchard added. “These presentations will not limit the wide reach of ‘CSI: Las Vegas’ or ‘Judge Judy,’ but they give people in Wisconsin communities a better understanding of how bench and bar attempt to protect rights guaranteed under our laws and advance the cause of justice.”

Since its initial launch in 2013, *Our Courts* continues to grow with 20 presentations on the books. But to increase the amount of presentations, the program is seeking more trained volunteer judges and lawyers to help ensure a presentation can be scheduled.

“Once a presenter goes out into the field, we encourage him or her to abide by one of the program’s primary goals: present a clear and consistent message,” said *Our Courts*

Co-Chair Ann Brandau.

Brandau said to achieve this goal judges and attorneys must participate in one of the State Bar’s speaker training sessions.

“We all realize that attorneys and judges know how to talk, but the message is what is important as we send folks out to present under the umbrella of *Our Courts*,” Brandau said.

Both Brandau and Blanchard encourage their colleagues to give *Our Courts* a chance and join the 48 other members of the legal community who are trained presenters.

“We hope that lawyers and judges from all over our great state will lend a helping hand by volunteering to participate in *Our Courts*,” Brandau said. “It is an exceptional program, one that benefits everyone involved.”

Our Courts’ programs range from the dynamic reading of an essay about Abraham Lincoln in Lincoln’s Legacy, to an interactive look at the criminal court process in Criminal Courts System. Myths & Realities is a humorous presentation that helps audience members better understand the judicial system through exploring and critically analyzing pop culture references of court proceedings.

The *Our Courts* program is funded by a generous grant from the Wisconsin Law Foundation, the charitable arm of the State Bar of Wisconsin, supporting law-related education and public service programs statewide. ■



For more information or to sign up, contact State Bar of Wisconsin Public Education Manager Katie Wilcox at (608) 250-6191 or kwilcox@wisbar.org.

To set up a presentation in your community visit wisbar.org/forPublic/ForEducators/Pages/Our-Courts-Wisconsin.aspx.

Law Library to be named for Prosser

The [Wisconsin State Law Library](#) will be named in honor of retiring Justice David T. Prosser, Jr. in recognition of his lifetime dedication to public service, said Wisconsin Supreme Court Chief Justice Patience Drake Roggensack.

“In light of Justice Prosser’s upcoming retirement and his many years of service to Wisconsin in all three branches of government, the Wisconsin Supreme Court has decided to name our law library the David T. Prosser, Jr. State Law Library,” Roggensack said.

Prosser, who retired July 31, spent more than 40 years in public service in three branches of state government, including 18 years as a justice.

“Few people have made as significant a contribution to serving the people of Wisconsin as Justice Prosser. His dedication to Wisconsin has been his life’s work,” Roggensack said.

A ceremony marking the name change will take place this fall. ■

Prosser *continued from page 2*

helped arrange joint visits by judges and legislators to state prisons as part of a Judicial Education program. He hopes to continue working to strengthen inter-branch relations in retirement.

“I’ve always liked performing in the arena, and accepting the responsibility of trying to deal with major issues to serve the public,” Prosser said. “A person who’s retired from an important position is not powerless. Such a person can get involved in the community, volunteer, speak up. But the person is no longer a decision maker, the person has to persuade others. I’ll miss being in the arena.”

Prosser will be missed on the Supreme Court, said Chief Justice Patience Drake

Roggensack. “He brought unique perspectives to Court discussions, thereby increasing the Court’s ability to understand difficult problems presented to us for resolution,” Roggensack said.

In his resignation letter submitted to Gov. Scott Walker, Prosser acknowledged Thompson and Froehlich, as well as voters and others for his success.

“Public service was the career I chose at an early age. That goal has been fulfilled. To survive for long in elective office, a person must be supported by a loving family and a nearly endless stream of loyal and devoted friends. I have been so blessed.” ■

STOP Grant supports training for handling of sex trafficking cases, other projects

By Amber Peterson, Office of Court Operations

The Director of State Courts Office began its new Services, Training, Officers, Prosecutors (STOP) Grant cycle on June 1, with plans already underway for judicial district trainings on domestic sex trafficking, along with a number of other projects aimed at improving the court system's response to domestic violence, sexual assault, and human trafficking cases. The STOP Formula Grant is awarded to courts, law enforcement, prosecutors, and victim service providers to develop and strengthen effective strategies to combat violent crimes against women, including domestic violence, sexual assault, and human trafficking.

Judicial administrative district trainings on domestic sex trafficking

Judicial administrative district trainings designed to inform judicial decision-making in cases involving human trafficking of minors and adults will be offered in August and October in six different locations throughout Wisconsin. The Office of Court Operations and the Children's Court Improvement Program are offering the training.

The National Council of Juvenile and Family Court Judges and the Center for Court Innovation (CCI) developed the training curriculum, which was specifically tailored for Wisconsin. Faculty members include national experts on human trafficking: Judge John J. Romero, Presiding Children's Court Judge, New Mexico; Judge Robyn Millenacker, Ramsey County (Minnesota); and Miriam Goodman, staff member of The Center for Court Innovation (CCI).

Judges attending this training will learn valuable skills that will help them recognize the prevalence and impact of domestic sex trafficking, identify adult and minor victims, and understand the techniques used to maintain power and control over the victims. Judges will also have a chance to hear about strategies for exercising their judicial leadership to improve outcomes for victims of trafficking and will learn about effective assessments, treatment, and services that are culturally-responsive and trauma-informed.

The trainings will be held:

- Aug. 16: Chula Vista Resort, Wisconsin Dells
- Aug. 17: Radisson Paper Valley Hotel, Appleton
- Aug. 18: Country Springs Hotel, Pewaukee
- Oct. 3: Heartwood Conference Center and Retreat, Trego
- Oct. 5: Grand Lodge Resort, Rothschild
- Oct. 6: House on the Rock Resort, Spring Green

Registration is open to all circuit court and tribal court judges. Those interested in registering for the training should contact their district court administrator for details. Court commissioners wishing to attend should also contact their district court administrator.

Online training for clerks of court and staff on processing restraining order cases

Another innovative project being undertaken as part of the STOP grant involves development of online training for clerks of court and staff on processing restraining orders. This project, being done in partnership with UW-Madison's Division of Information Technology (DoIT), will be a self-directed, interactive resource that clerks of court can use to educate both new and experienced staff. Training topics

will include an overview of domestic abuse, child abuse, individual at risk, and harassment restraining orders, steps for how to properly process these filings, including firearms and confidentiality requirements, and how to provide legal information to petitioners without providing legal advice.

National training opportunities for judges and court commissioners on domestic violence

In addition, STOP grant funds will continue to be used to provide opportunities for judges and court commissioners to attend national domestic violence training provided by the National Judicial Institute on Domestic Violence, which are typically provided three or four times a year. Judges or court commissioners interested in attending the Enhancing Judicial Skills in Domestic Violence Cases or the Continuing Judicial Skills in Domestic Violence Cases workshops should contact their district court administrator and ask to be placed on the waiting list.

Training for court interpreters on domestic violence and sexual assault

Building off the success of past trainings, the Office of Court Operations will once again use STOP grant funds to offer two regional trainings in the spring of 2017 for court interpreters on interpreting in domestic violence and sexual assault cases. Because these cases present unique challenges for court interpreters, it is important that interpreters understand the dynamics of domestic and sexual violence, as well as the effect of secondary trauma, in order to best serve litigants and the court system. For more information regarding these trainings, contact Court Interpreter Program Manager Carmel Capati (carmel.capati@wicourts.gov).

Sexual assault judicial bench cards

To assist judges and court commissioners hearing sexual assault cases, the STOP Grant Advisory Committee appointed a workgroup to create sexual assault bench cards, similar to the domestic violence bench cards for court officials that were released in 2012 and updated in 2014. The workgroup met this spring to identify bench card topics that will include sexual assault myths, pretrial issues, evidentiary issues, sentencing considerations, and sex trafficking.

Resource for Guardians ad Litem (GAL) working in family cases with domestic violence

STOP grant funds this year will also be used to print and distribute a new resource developed by a subcommittee of the Governor's Council on Domestic Abuse, with input from the STOP Grant Advisory Committee. The resource, titled "Domestic Abuse Guidebook for Wisconsin Guardians ad Litem: Addressing Custody, Placement, and Safety Issues," is a comprehensive tool for GALs working in family cases where domestic violence is present. The guidebook provides a four-step framework for how GALs can identify whether there is domestic violence in a particular case, present the findings to the court, and make informed recommendations that account for the abuse and promote the safety of the victim and child(ren). Once the guidebook

District 10 judges find bond as firefighters

At the May 26 District 10 meeting in Hudson, Barron County Circuit Court Judge J. Michael Bitney presented St. Croix County Circuit Court Judge Edward F. Vlack III with a plaque honoring Vlack's service as a volunteer firefighter with the River Falls Fire Department.

Bitney said he personally wanted to honor Vlack not only for his service to the community, but also for the support and friendship he has shown Bitney over the past three years. Bitney, a former firefighter, said he has felt a bond with Vlack since he took the bench in 2013.

Bitney served as a volunteer for the Spooner Fire Department (SFD) from 2002 until he resigned in 2013 to take the Barron County Circuit Court Branch 2 bench.

"I decided to become a fireman, in part, after being moved by the events of 9/11," Bitney said. "I was touched by the bravery and sacrifice of the New York Fire Department and other first responders, when terrorists took down the Twin Towers in New York City on 9/11. I wanted to give back to my community."

Vlack said he also felt a call to serve the community when he first joined the River Falls Fire Department in 2000. While practicing law, he had worked in an office across the street from the fire department. A year after he joined, he was elected to the St. Croix County Circuit Court. He has continued to serve as a volunteer while on the bench, and currently holds the position of

assistant chief.

Bitney said it was difficult to leave the SFD because of the close bond he had developed over the years with his fellow firefighters, both in and out of his department. Bitney said it is a bond that firefighters refer to as a "brotherhood."

"When I arrived at my first Judicial College in the fall of 2013, I was nervous and wondered if I had what it took to be a good judge," Bitney recalled. "It was there that I met Judge Ed Vlack. When we talked I told Ed about my background and that I'd been a volunteer fireman with the SFD. I told Ed how difficult it was to leave such a great bunch of guys to pursue a career on the bench. To my surprise, Ed said that he too was a fireman and was currently an assistant chief on the River Falls Fire Department. We had an instant connection. I'll never forget Ed telling me that he considered me a brother. He assured me that I'd do fine as a judge and said if I ever had any questions or needed any help to just give him a call. True to his word, Ed answered my many questions at that Judicial College and has continued to be a valuable source of inspiration and support for me ever since."

The wooden plaque bears Vlack's name, title, and is inscribed with the words "No Greater Love." Bitney said Vlack's response to receiving such a token of his appreciation was "I love you brother." ■



Barron County Circuit Court Judge J. Michael Bitney presents fellow judge and volunteer firefighter St. Croix Circuit Court Judge Edward F. Vlack III with a plaque to honor his years of service as a firefighter, as well as support and friendship.

Kelly *continued from front page*

"His extensive real world experience, combined with his intellect and integrity, make him well-suited to be an influential member of the Court," Walker stated.

A native of Santa Barbara, California, Kelly grew up in Arvada, Colorado. He came to Waukesha, Wisconsin to study at Carroll College (now Carroll University), where he earned a bachelor's degree in Political Science and Spanish in 1986. He earned his law degree from Regent University School of Law in Virginia Beach, Virginia in 1991.

Kelly has 19 years experience as a private practice attorney in Wisconsin and has represented clients in cases before the Wisconsin Supreme Court and the U.S. Supreme Court. Before joining the Supreme Court, Kelly spent most of his career at one of the largest and oldest law firms in Wisconsin. Subsequently, he served as vice president and general counsel for a philanthropic foundation, and then

practiced law at a firm he owned and founded in Waukesha. Early in his legal career, Kelly was a law clerk and then staff attorney for the Office of Special Masters of the U.S. Court of Federal Claims, from 1992 to 1996. He worked as a law clerk for the late Wisconsin Court of Appeals Judge Ralph Adam Fine from 1991 to 1992.

Kelly is a member of the board of advisors and past president of the Milwaukee Lawyer's Chapter of the Federalist Society. He serves on the Wisconsin Advisory Committee of the U.S. Commission on Civil Rights and the Carroll University President's Advisory Council.

Kelly is married and has five children. He lives in North Prairie, Wisconsin. ■



Justice Daniel Kelly

STOP *continued from page 12*

is complete, it will be posted on court's website at: www.wicourts.gov/publications/guides/index.htm.

The Office of Court Operations manages the STOP grant money awarded to the courts with guidance provided by the STOP Grant Advisory Committee, a multidisciplinary group consisting of judges, a court commissioner, a clerk of court, a district court administrator, as well as other domestic violence and sexual assault experts. The grants are

administered by U.S. Department of Justice's Office of Violence Against Women. ■

For more information about the STOP grant or any of these initiatives, contact Amber Peterson in the Office of Court Operations at (608) 267-7764 or amber.peterson@wicourts.gov.

New judges *continued from front page*

Judge Clayton P. Kawski

De Vries is a municipal judge for the town of Fox Lake, and works in private practice. He is a graduate of Dordt College and Valparaiso University School of Law.

"I am pleased to appoint Martin De Vries as a Dodge County judge," Walker said. "His decades of experience, commitment to the rule of law, and service to Dodge County as a municipal court judge will serve him well in his position on the bench."



Judge Martin J. De Vries

Walker named Atty. David L. Weber to the Door County Circuit Court Branch 2 bench, filling the vacancy created by the retirement of Judge Peter C. Diltz (*see Retirements on page 19*).

Weber has a bachelor's degree from Lawrence University and a law degree from Drake University Law School. He works in private practice.

"I am thrilled to appoint David Weber as judge in Door County," Walker said. "David's long term commitment to the Door County community and his passion for the rule of law make him a great asset to the judiciary."



Judge David L. Weber

Kenosha County Court Commissioner Jodi L. Meier was appointed to fill the vacancy on the Kenosha County Branch 4 Bench created by the death of Judge S. Michael Wilk on March 3 (*see The Third Branch Winter/Spring 2016*).

Prior to serving as a court commissioner, Meier worked in private practice and as a Guardian ad Litem. She has an undergraduate and law degree from Marquette University.

"Ms. Meier has clearly earned an excellent reputation as an attorney in Kenosha,"



Judge Gregory J. Strasser

Kenosha County Circuit Court Judge Chad G. Kerkman said in a statement. "She would be an indispensable asset to the Kenosha County judiciary."

Atty. Gregory J. Strasser was appointed to the Marathon County Circuit Court Branch 4 bench. Strasser fills the vacancy created by the retirement of Judge Gregory E. Grau (*see Retirements on page 23*). Strasser has a B.A. from UW-Madison and a law degree from Hamline

University Law School. He served as the president of the Marathon County Bar Association from 2006-07.

"Greg has managed to perform at the highest levels of the profession while always maintaining the trust and respect of opposing counsel," Portage County Circuit Court Judge Robert J. Shannon wrote of Strasser. "His demeanor, legal knowledge, and ability are the perfect blend of attributes."

"It is my privilege to appoint John M. Wood to serve as a judge in Rock County," Walker said in announcing the appointment to the Rock County Circuit Court Branch 6 bench. "John has admirably served the Rock County community in different ways for many years, and I am confident that service will continue as a judge who faithfully applies the rule of law."



Judge John M. Wood

Wood fills the vacancy created by the retirement of Judge Richard T. Werner (*see Retirements on page 24*). He has worked in private practice in Janesville. He holds a B.A. from UW-Madison and a law degree from Hamline University School of Law.

Walker announced the appointment of two judges to the Sheboygan County Circuit Court on May 27. Former Marinette County Assistant District Attorney Kent R. Hoffman fills the vacancy created by the retirement of Judge Timothy M. Van Akkeren on the Branch 2 bench. A graduate of UW-Milwaukee and UW Law School, Hoffman has also previously worked in the State Public Defender's Office for 16 years.

"I can state, unequivocally, that Mr. Hoffman is a man of great integrity," Marinette County Circuit Court Judge David G. Miron said in support of Hoffman's appointment. "At all times he has acted with the utmost professionalism. He is always prepared, has excellent knowledge of the law, is patient and respectful. In short, he has the proper judicial temperament."

Hoffman's term started on June 13, when he was sworn in by Sheboygan County Circuit Court Judge Edward L. Stengel.

The *Green Bay Press Gazette* reported Hoffman was sworn in before a group that included Hoffman's family and members of the county's legal community. Hoffman said he wanted to take the long-vacant Branch 2 bench as soon as possible.

"It's time to get to work," the *Press Gazette* quoted him as saying.

Walker named Daniel J. Borowski to the Branch 5 bench. He will replace Judge James J. Bolgert, who is retiring from



Judge Kent R. Hoffman

RETIREMENTS *continued from page 2*

and to make sure their sentences serve a purpose.

Bolger said he is proud of his county's Intoxicated Driver Program, which provides operating while intoxicated (OWI) monitoring, referrals for treatment and responses to lapses. He said he believes the time to reach out to OWI offenders is immediately after their arrest, as that's when they are most open to treatment options.

Bolger has served as a member of the Juvenile Benchbook Committee, Judicial Education Committee, and the Supreme Court Planning and Policy Advisory Committee (PPAC). Bolger said he has noticed an increase in volume in family and criminal cases over the years in Sheboygan County, and a decrease in civil litigation. He said he has also noticed more fragmentation in the bar, with fewer attorneys entering general practice.

In his retirement, Bolger said he plans to spend more time with his new grandchild, and start a divorce mediation practice.

Judge James L. Carlson Walworth County Circuit Court

Walworth County Circuit Court Judge James L. Carlson has had a lot of cases come before his Branch 2 bench over the past 37 years. While reflecting on his career, he said there were several that stood out. One of those cases involved the prosecution of a priest accused of molesting altar boys more than 40 years earlier. While the priest and the victims lived in Illinois, the statute of limitations had expired to prosecute Rev. Donald McGuire in that state. Since several of the assaults had taken place during trips to Lake Geneva, the Walworth County district attorney agreed to prosecute. Carlson said after McGuire was convicted, almost 40 other victims came forward.

Another case he recalled involved a drunk driver who hit and killed two Whitewater High School students who were walking along a road in 1993. Carlson found George C. Lohmeier guilty, but Lohmeier successfully appealed to the Court of Appeals on grounds of a poor jury instruction. The conviction was later affirmed by the Wisconsin Supreme Court. Carlson said a case involving former Green Bay Packer Mark Chmura also stands out to him, but mostly because he had to deny court staff's requests to seek his autograph, as Carlson thought it was not appropriate.

Carlson said he has enjoyed presiding over civil cases because he found them to be of a "higher grade." He said he found family cases to be least favorable, because they involved so many hardships.

Carlson was first appointed in 1979, and won election the following year. He had previously served as a district attorney for Walworth County, assistant city attorney for the city of Whitewater, and worked in private practice. He is a former chair of the Probate Benchbook Committee, founding member and former chair of the Walworth County Municipal Judges Association, and former presenter for Judicial Education workshops.



Judge James L. Carlson

Over the years, Carlson has worked to advance the development of treatment courts in Wisconsin, which he said are incredibly valuable. He has attended national treatment court gatherings in Reno, Chicago and Boston to collect information to bring back to the state. Carlson said one year he was asked to present information on treatment courts throughout the country at a Wisconsin Judicial Conference in Green Bay. He said unfortunately he did not have the right location for the event, and went to the wrong place. He said by the time he found the correct location, he arrived just as it was concluding.

"I was not invited to present again," Carlson laughed.

Carlson said he will miss the wonderful people he has worked with, including the court reporters, clerks, and attorneys. He said after successfully battling cancer over a 15 month period, he hopes to spend his retirement golfing, cross country skiing and traveling.

"You have to be a good listener," Carlson said, in offering advice to new judges taking the bench. "Try to be, particularly in pro se cases, to be open, to resolve problems and be fair, just and impartial."

Judge James P. Czajkowski Crawford County Circuit Court

"I liked the job," Crawford County Circuit Court Judge James P. Czajkowski said, reflecting on his career. "I found it very difficult to decide to retire. I liked the challenge of it and I liked the people I worked with. But I believe there's something more to life than the job, and that's what I'm looking for."

As the only judge in a small county, where he has also lived for more than 40 years, Czajkowski said he knows many of the people, and has seen so much good and so much bad in his courtroom. He said he has heard homicide cases, as well as very touching cases that involve the break up of families.

Czajkowski was elected to the bench in 2010. He had previously served as a court commissioner and district attorney for Crawford County and worked in private practice. After he received his law degree from UW Law School he served for four years as a captain of the U.S. Air Force Judge Advocate Combat Support Group.

Czajkowski said coming from a background of civil and personal injury litigation in private practice, he enjoyed hearing these cases on the bench. He said more than 60 percent of the cases he heard were criminal cases, which he found challenging because he had to learn criminal law all over again.

He said he found sentencing most interesting because a judge needs to consider what's in the best interest of society versus what is in the best interest of the individual.

"The humanity comes out at sentencing, from the defendants, the victims and the families," he said. "You see people at their best and at their worst. Some days after sentencing I drove home and would say 'I got that right.'"



Judge James P. Czajkowski

NEWS AND NOTES

Racine County Circuit Court staff, county staff, and local residents got a front row seat for the introduction of three new courthouse residents, *The (Racine) Journal Times* reported. The new residents had hatched on the courthouse rooftop about three weeks earlier. The two female and one male peregrine falcon chicks were also named and banded by **Greg Septon** of Peregrine Management and Research, according to the article.

“Basically, it’s an identifying marker for their entire life that allows us to better manage this urban nesting population,” Septon told the paper of the tracking bands he put on the chicks’ legs.

About 40 falcons have hatched since the peregrines started nesting on the courthouse roof in 2001. Septon told the paper the location is ideal for the falcons because of the height of the building, its proximity to Lake Michigan, and the nesting box on the roof.

The birds were named after **RoseAnn Lee**, the former Racine County clerk of court who passed away last year; **Karen Johnson Boyd**, a Racine Art Museum benefactor who died in January; and **Len Ziolkowski**, the late Racine County executive, according to the article.

“Rock County Courthouse tower gets short reprieve,” headlined a May 17 article in the *Janesville Gazette*. The tower was scheduled to be demolished last November because pieces of brick were falling off on to the sidewalks below, but a contractor discovered the demolition would be more complicated than originally planned, due in part to the limited space around the tower, according to the article.

New bid specifications will be created before a request for bids will go out. Assistant County Administrator **Randy Terronez** told the paper he expects the tear-down of the tower to take place in the fall.

“The system fails if we don’t provide language assistance,” Milwaukee County Circuit Court Judge **Paul R. Van Grunsven** told the *Wisconsin Law Journal* in an article posted June 8. “The interpreter is just as important as my court reporter, bailiff and clerk.”

The article discussed the importance of interpreters in court proceedings, as well as the need for more certified interpreters in the state.

Spanish interpreters are in the highest demand, with American Sign Language interpreters the second highest.

“To be an interpreter you have to have a certain skill,” Milwaukee Atty. **Cynthia Herber**, who worked as a Spanish interpreter for seven years, told the *Law Journal*. “It’s an ability to hear one language and spit out the content in another language. You have to do it at a certain speed.”



Judge Paul R. Van Grunsven

Herber decided to practice law due to her frustration at not being able to provide any legal assistance to individuals, as it is against the interpreter’s code of ethics.

“When you are an interpreter people are supposed to know you are there but you are not supposed to be heard,” Herber was quoted as saying. “You are there to facilitate communication. You are not a party to any proceedings.”

Herber praised the interpreter program for providing a voice for non-English speakers in the legal system, as did Deputy Chief Judge **Barbara Hart Key**, Winnebago County Circuit Court, who also stressed the importance of having a certified interpreter.

“It’s crucial that you have a qualified interpreter, and as a judge we can trust that interpreter is accurately interpreting the information to the party and witnesses,” Key told the *Law Journal*.



Deputy Chief Judge Barbara Hart Key

Court Interpreter Program Manager **Carmel Capati** also spoke to Court Talk, a podcast created by the National Center of State Courts, about the need for language access in the judicial system, and why being bilingual alone does not qualify someone to be a court interpreter. The podcast can be found at:

<http://connected.ncsc.org/courttalk/archives/episode-3>.

Former circuit court judges from Waukesha and Oneida counties are among appointees to a newly created commission assigned to regulate ethics and campaign financing for Wisconsin office holders and lobbyists.

Gov. **Scott Walker**

announced on June 9 that retired Waukesha County Circuit Court Judge **J. “Mac” Davis** and Reserve Judge **Robert E. Kinney**, a former Oneida County Circuit Court Judge, would serve on the newly created Wisconsin Ethics Commission. The judges were selected from a list of names submitted to the governor by legislative leaders of each party. Other members include **Katie McCallum**, **Peg Lautenschlager**, **Pat Strachota**, and **David Halbrooks**. The new commission takes over some of the duties of the former Government Accountability Board.

The State Bar of Wisconsin announced in May that Executive Director **George Brown** plans to retire June 30, 2017. By the time of his retirement, he will have served as executive director for 17 years, and have been with the State Bar for over 30 years.

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ON THIS EPISODE

In this special edition of CourtTalk, Carmel Capati, nationally recognized manager of the Wisconsin Supreme Court Interpreter Program, tells us why providing language access is so critical to protecting people's rights - and why just being bilingual does not make a person a qualified court interpreter.

Judges, staff attend treatment court conference

By Katy Burke, Office of Court Operations

Approximately 40 Wisconsin treatment court judges and staff were among 5,000 treatment court professionals from across the nation who attended the National Association of Drug Court Professionals conference in Anaheim, Calif. during June.

Representatives from Wisconsin Tribal Courts, the Wisconsin Association of Treatment Court Professionals, and the Wisconsin Department of Justice (DOJ) also attended. The conference offered educational opportunities on all different types of treatment courts. Wisconsin representatives attended sessions on screening, assessment, the role of a coordinator, family treatment courts, trauma-informed care, medication-assisted treatment, and incentives and sanctions, among others. Two Wisconsin representatives also presented at the conference.

One session featured an in-depth analysis on a topic that will be included in an update to Wisconsin's Treatment Court Standards – incentives and sanctions. This is one area of ongoing discussion in Wisconsin, and many Wisconsin treatment courts have requested training on it. The session not only addressed the evidence-based facts regarding incentives and sanctions in treatment courts, but also offered tools and a list of options for courts to use in the programs.

Another session important to Wisconsin's treatment courts focused on medication assisted treatment (MAT). With an increase in opiate dependency in Wisconsin, many treatment courts struggle with how to treat that dependency with replacement therapies in conjunction with psychosocial interventions. As the need for MAT increases in drug courts, new evidence based treatments are being discussed

and explored.

La Crosse County Circuit Court Judge Elliott M. Levine, along with Dr. Constance Kostelac from DOJ, conducted a presentation on developing state standards for treatment courts. Approximately 50 people were present for the breakout session where Levine and Kostelac discussed how the Wisconsin Standards for Treatment Courts were developed, how information was disseminated to stakeholders, and future plans for updating state standards to match current national standards.

Levine said the conference presented a great opportunity to network with other professionals in the field, from across the nation. "The conference is so huge, but it was also inspiring, energizing, and educational," Levine said.

St. Croix County Judge Edward F. Vlack III, who also attended, said the conference offered the opportunity for Wisconsin treatment court teams to share information with each other.

"It was an excellent team building experience. My team members went to different sessions and then shared valuable information with one another. It's important for teams to attend together because there is so much to be gained from the experience of a national conference. Our team learned what we are doing right and a few areas we can change in our treatment court. I would recommend more teams from Wisconsin attend the conference," Vlack said.

Statewide Problem-Solving Court Coordinator Katy Burke organized a meeting for Wisconsin delegates and provided an update on trainings, grant opportunities, and Wisconsin's treatment coordinator conference. ■

Treatment court programs celebrate success

Several Wisconsin treatment court programs used the occasion of national Drug Court Month during May to note some recent accomplishments.

Grant County Drug Court celebrated its first two graduates since establishing the drug court in August 2014. In addition to the drug court, Grant County's OWI Court has graduated 60 offenders since its inception in 2010. The May drug court graduate session and ceremony, held in the Grant County Courthouse, were presided over by Circuit Court Judge Craig R. Day, with members of the media, state and local government officials, law enforcement, public, and the participants' family and friends attending.

The ceremony featured remarks from Day and members of the drug court team, and also testimonials from the graduating participants and their family members and friends. The graduates received a certificate of graduation along with a ribbon, coin, and plaque.

Carol Morack, Winnebago County Drug Court Coordinator, reported graduating more than 100 participants from its program since 2006. One graduate has been clean and sober for seven years and is currently working at a treatment facility in Oshkosh.

La Crosse County Drug Court Coordinator Anne Patton cited a recent graduate who overcame many obstacles in reaching success. As the participant explained:

I got denied the first time I applied to Drug Court. I was accepted the second time and since being accepted I had a son. My recovery became everyday life and now I'm

working in the field that I got my college degree in. None of this would have happened if I was not in Drug Court. I was set to graduate in October of 2015 and 3 days before graduation I was arrested for crimes that happened prior to my acceptance into Drug Court. I did not let that hold me back. I am now speaking at area schools about Drugs and Recovery. I want to give back and try to make a change. I feel I do this every day by being an example of what this program can offer. If you're willing to accept change and be motivated to do the positive things that make your life better. Thank you Drug Court!

Statewide, work continues to help treatment courts with their programs and provide them with the tools to reach these successes and track their progress and effectiveness. Over the next six months Statewide Problem-Solving Court Coordinator Katy Burke will work with the Department of Justice to develop a tool for treatment court program evaluation, update the Wisconsin Treatment Court Standards, and assist in testing the CORE reporting system for treatment courts. Burke will also continue to visit treatment court programs across the state. ■

For more information or questions about problem-solving courts, contact Katy Burke in the Office of Court Operations at (608) 261-0680 or katy.burke@wicourts.gov.



Judge Craig R. Day

Rule designates funds for legal services

Atty. David Harth, Perkins Coie, Wisconsin Access to Justice Commission

On June 24, the Wisconsin Supreme Court issued an order amending Wis. Stat. § 803.08 to require the allocation of at least half of unclaimed class action awards to the Wisconsin Trust Account Foundation (WisTAF) for the support of legal services to low-income and indigent persons.

The Court approved the rule change after receiving input from interested parties and holding a public hearing during April. The change was proposed by the Wisconsin Access to Justice Commission (WATJ) and presented on its behalf at the hearing by Atty. David Harth.

Testimony was provided by then-State Bar of Wisconsin President Ralph M. Cagle; Marsha Mansfield, on behalf of the WATJ; David A. Pifer, executive director, Legal Action of Wisconsin; James A. Gramling, Jr., president, WATJ, and Kevin J. Palmersheim, vice president, WisTAF. At the ensuing open rules conference, the court discussed the petition and unanimously approved it.

The petition was supported by a number of legal organizations throughout the state, including the State Bar of Wisconsin and its Litigation Section; the Wisconsin Trial Judges Association; the Wisconsin Association for Justice; the Western District Bar Association of Wisconsin; WisTAF; the Legal Aid Society of Milwaukee; Legal Action of Wisconsin; Disability Rights Wisconsin; Wisconsin Judicare; and the AIDS Resource Center of Wisconsin.

Eighteen other states have adopted rules or passed legislation providing that unclaimed class action funds be earmarked for low-income legal services. In many of these states, this has resulted in significant increases in the

available funding for these services.

A copy of the order can be found [here](#); information about the petition, related documents and audio of the hearing can be found [here](#).

“Residual Funds” means funds that remain after the payment of all approved class member claims, expenses, litigation costs, attorney fees and other court-approved disbursements in an action under this section.

The rule states that any order entering a judgment or approving a proposed compromise of a class action that establishes a process for identifying and compensating members of the class shall provide for disbursement of any residual funds.

In class actions in which residual funds remain, not less than 50 percent of the residual funds shall be disbursed to WisTAF to support direct delivery of legal services to persons of limited means in non-criminal matters.

The circuit court may disburse the balance of any residual funds beyond the minimum percentage to WisTAF for purposes that have a direct or indirect relationship to the objectives of the underlying litigation or otherwise promote the substantive or procedural interests of members of the certified class.

The amended rule does not prohibit the trial court from approving a settlement that does not create residual funds.

The new amendments will apply to proceedings commenced after the effective of Jan. 1, 2017 and, “insofar as is just and practicable,” to proceedings pending on the effective date. ■

New judges *continued from page 14*



Judge Daniel J.
Borowski

the Sheboygan County Circuit Court bench on July 31 (*see Retirements on page 2*). Borowski’s term began on Aug. 1.

Borowski previously worked in private practice. He has a bachelor of science degree from UW-Milwaukee and a law degree from UW Law School.

“The business experience, courtroom experience, life experience and commitment to the rule of law that Dan

Borowski carries will be a great benefit to the people of Sheboygan County and the state of Wisconsin,” Ozaukee County Circuit Court Judge Joseph Voiland was quoted as saying in the governor’s press release.

Former private practice attorney and Court Commissioner Charles V. Feltes was chosen to serve on the Trempealeau

County Circuit Court bench, replacing Judge John A. Damon (*see Retirements on page 19*).

Feltes has served as a court commissioner for Trempealeau County since 2009. He received his bachelor’s degree from Wisconsin State University-River Falls (now UW-River Falls) and his law degree from University of Illinois College of Law.

“Passion to do justice, compassion, respect for people regardless of their social or economic standing, a good knowledge of the law, a strong work ethic, and, most importantly, common sense. Charles Feltes possesses, demonstrates, and applies all of these values and qualities of character in abundance,” retired Polk County Circuit Court Judge Robert H. Rasmussen wrote in support of Feltes’ appointment. ■



Judge Charles V. Feltes

RETIREMENTS *continued from page 15*

Some days I would drive home and say ‘I wish I had said that different.’”

Czajkowski said he will miss the court staff and the attorneys he has worked with over the years. He encourages new judges not to be afraid to tell lawyers, “I don’t know.” He said often this will allow the attorneys to help the judge reach a decision, or do more research to reach a decision.

Czajkowski said he hopes to spend his retirement enjoying his home on the Mississippi River, and spending more time on his canoeing hobby.

“In the summer I’ll paddle them, and in the winter I’ll build them,” he said.

Judge John A. Damon Trempealeau County Circuit Court



Judge John A. Damon

Though Trempealeau County Circuit Court Judge John A. Damon has heard many cases over his 21 years on the bench, it’s a 2014 homicide case that will always be the most memorable because the victim was a 22-month-old toddler. Damon sentenced Amanda Butts to 30 years in prison for giving the girl, who had been left in her care, a fatal dose of Oxycontin. Damon referred to the crime as “unimaginable.” At the time of the sentencing, Butts blamed the crime on the drugs she had taken. Damon said the increase of drug use, especially heroin and methamphetamines, in the past few years has created an unexpected challenge in the court system.

Damon, who retired Aug. 1, was first elected to the bench in 1995. He had previously worked in private practice. A graduate of Macalester College and Marquette University Law School, Damon has served on the Wisconsin Trust Account Foundation (WisTAF), Uniform Bond Committee, Judicial Conference Nominating Committee, Criminal Jury Instruction Committee, and the Committee to Improve Interpretation and Translation. Within Trempealeau County, Damon has worked over the years to establish a small claims mediation program, juvenile offender-victim mediation program, teen court program and drug court program.

Damon said he has enjoyed and appreciated working with people in all levels of the court system. He said the best cases he has heard have been the ones involving excellent litigation where the local attorneys have been well prepared. He praised his judicial assistant, Ashley Berg, and his court reporter, Judy Zickert, as well as District Seven Court Administrator Patrick Brummond. Damon said so many people in the court system have made his job as a judge easier, from courthouse staff to state court staff, including Carmel Capati, Marcia Vandercook, and Margaret Brady.

“Due to pioneers like (now-Reserve) Judge Gary L. Carlson, who created new forms. And (Milwaukee County Circuit Court Judge) John DiMottos’ outlines, and CCAP’s judicial dashboard, all have been major improvements in case management,” Damon said. “They have created easy

access to all information, allowed us to go paperless, these are big innovations that created a much better system.”

Damon said it is working with all these “excellent” people he will miss most after he retires. But Damon said he plans to keep busy by spending more time doting on his two “adorable grandsons,” John and George, as well as traveling more.

Judge Peter C. Diltz Door County Circuit Court

Door County Circuit Court Judge Peter C. Diltz said it has been a challenge to fight the natural inclination to isolate himself. He explained being a judge in a small county means having to hear cases that involve acquaintances and their families.

“It can be difficult running into people at social occasions when you’re hearing their child’s custody case, for instance,” Diltz said.

Prior to being elected to the bench in 1994, Diltz worked as a part time family court commissioner in Door County, and in private practice. He said because of his background, he has always enjoyed hearing family law cases.

“In a county like Door you may have a particular file for 15-20 years so I tried to establish a rapport with the parties to create an atmosphere for agreement or buy-in if I ultimately had to decide the issues,” he said.

In his 22 years on the bench, Diltz said he only had one first degree homicide case go to trial, and he said it seemed to involve everything: alcohol, a holiday season, arguing, and a Samurai sword. On Christmas Eve 2001, Steve Owens got into a drunken argument with his friend John Zelhofer, and ended up stabbing Zelhofer with a 38-inch martial arts sword.

“Lengthy Christmas Eve telephonic search warrant, normal multiple motions including competency, then less than one week before trial, the Wisconsin Supreme Court issued two lengthy decisions significantly changing law on self-defense and retreat, necessitating starting from scratch on jury instructions,” Diltz said, describing the case.

“After a guilty jury verdict, the bailiff, while cleaning up the jury deliberation room, discovered a stack of typed arguments, talking points and definitions that a juror had apparently prepared the night before and brought in for deliberations. The case eventually stood up on appeal. Navigating it was interesting.”

Since retiring on May 11, Diltz said he has missed the people he worked with in the courthouse.

“Judge (D. Todd) Ehlers and I are close friends, my judicial assistant has been with me for 17 years, my court reporter for over 10,” he said. “I’ll miss them in particular, but also all the personnel in the offices and agencies we work with. I tried to prioritize establishing and maintaining good working relationships; ending them is difficult.”

Diltz has served as a member of the Criminal Jury Instruction Committee and the Probate Benchbook Committee. He is a former deputy chief judge for the Eighth Judicial District.



Judge Peter C. Diltz

RETIREMENTS *continued from page 19*

Diltz advises new judges to absorb as much information and advice from other judges as they can. "They will be happy to impart it."

In his retirement, Diltz has been enjoying Door County by kayaking, boating, biking, golfing, and catching up with friends. He said he promised himself that he would not take on any work or commitments for at least six months.

Judge James Evenson Sauk County Circuit Court



Judge James Evenson

Over the past 30 years on the bench, Sauk County Circuit Court Judge James Evenson said he takes pride in the fact he has kept his calendar moving, listened to all parties involved, and made decisions based on the facts and the law. He said he has enjoyed having the opportunity to resolve disputes.

Evenson said he has enjoyed the variety of cases that have come before his Branch 2 bench over the years. He said it is the human element that makes them interesting. Perhaps the most interesting case, he said, was State v. Kupaza. Peter Kupaza was charged with murdering his cousin and dismembering her body before dumping her in the Wisconsin River. The body was found in Spring Green in 1999. Evenson said the dismemberment had left the body unidentifiable, so forensic anthropologists were brought in to reconstruct the face. Kupaza was convicted of first-degree intentional homicide and hiding a corpse in 2000. Evenson said the forensic work was very good in the case, and credited that and the pure luck of the family member seeing the reconstruction photo for the identification of the victim, which led to the conviction.

Evenson was first elected in 1986, after working in private practice. He retired on July 31, which was the last day of his fifth term on the circuit court. Evenson has served as a chief judge and deputy chief judge for the Sixth Judicial District during his time on the bench. He has also served as a member of the Planning and Policy Advisory Committee (PPAC), and the Judicial Conduct Advisory Committee.

Evenson noted of the advances that have been made in court system technology over the years. "When I started there were no computers. CCAP was just an idea, versus what it is today."

He said the lack of resources at all levels of the system has posed a challenge in light of the volume and complexity of the work. But he praised his judicial assistant and court reporter, and said he would miss the daily contact with them and everyone else in the courthouse.

"Set aside time to review the cases, listen, show everyone courtesy and respect, and decide the cases in accordance of the law," Evenson advised new judges taking the bench.

Judge David T. Flanagan Dane County Circuit Court

Dane County Circuit Court Judge David T. Flanagan said he can draw many parallels between his earlier career as a

civil engineer and his career as a judge.

"In both you deal with unusual situations, and the approach is similar," he said. "No one has ever built a bridge over this river before; I have never heard this case before."

Flanagan, who retired July 31, received his B.S. in civil engineering from the Missouri School of Mines and worked as an engineer in La Crosse before joining the U.S. Naval Civil Engineer Corps and serving as an underwater construction officer in the Amphibious Construction Battalion One in Coronado, Calif. He then attended UW Law School and worked as a staff attorney for Legal Services for Northwestern Pennsylvania and as an assistant attorney general for the Wisconsin Department of Justice. In 1999, he was appointed to the Dane County Circuit Court Branch 12 bench by then-Gov. Tommy G. Thompson, and won election to his first six-year term the following year.

Flanagan said he has enjoyed the juvenile and jury cases he has presided over during the past 17 years. He said he would miss working with jurors, whom he praised as conscientious and hard working.

Flanagan said he is proud of his work on the Voter ID case in 2012, where he placed an injunction on the law that required Wisconsin voters to show ID at the voting polls. The law was upheld the following year by the District IV Court of Appeals, and later upheld by the state Supreme Court. Some matters are still pending in federal court.

Flanagan is also proud of his work to establish a veterans court program in Dane County, which has been operating for two years.

"There was a need to offer appropriate care to the people who served our country," Flanagan said. "Having a veterans hospital in Madison also creates the opportunity, with access to a competent resource."

Flanagan said he has found it challenging over the years to find balance in the tension between wanting to be compassionate and needing to be fair. He reminds new judges to have some compassion for the defendants appearing before them, "no one wants to be judged for the worst thing they did."

Flanagan has served as a guest lecturer at Shanghai People's High Court and the International Judicial Academy in Den Haag. He is a former member of the Supreme Court Planning and Policy Advisory Committee (PPAC), and the Juvenile Jury Instruction Committee.

Unlike his sister, former Milwaukee County Circuit Court Judge Mel Flanagan, Flanagan said he does not have a Fulbright Scholarship awaiting him in his retirement. He said he recently went to Bosnia and Herzegovina to visit his sister, who is working to educate the court systems on policy and procedures related to domestic, sexual, and child abuse cases.

"She is doing great good," he said of his sister.



Judge David T. Flanagan

Legislative committees study access to civil legal services, reducing recidivism

By Nancy M. Rottier, Legislative Liaison

Several Wisconsin judges are among members of two Wisconsin Legislative Council committees assigned to study topics related to the courts, including civil legal services and recidivism.

Every two years, during the period when the Legislature is not in session, the Joint Legislative Council does in-depth studies of areas of interest to legislators, with the goal of proposing legislation. Wisconsin is somewhat unique because non-legislators are added to the committees to share their knowledge and experience in selected areas.

Each of these committees has held its first meeting, which was designed to gather information and discuss the committee's assignment and future direction.

Access to Civil Legal Services

The Study Committee on Access to Civil Legal Services was formed at the request of the Supreme Court. In a January letter signed by the seven justices, the Supreme Court described its efforts in the last several years to expand the availability of legal services for civil litigants. Efforts included establishing the Access to Justice Commission, imposition of the \$50 fee on lawyers and judges, encouraging pro bono efforts by lawyers, encouraging development of self-help centers, and consideration of limited scope representation. The letter encouraged the state to look for more stable funding.

The Study Committee is directed to review the funding and delivery of legal services for the indigent in civil cases, including to: (1) review the need for legal services by indigent civil litigants; (2) identify additional non-GPR (general purpose revenue) sources of revenue to provide civil legal services for the indigent; and (3) review current operations.

At its first meeting, the study committee heard about the scope of the problem from representatives of the State Bar of Wisconsin, the American Bar Association, Disability Rights Wisconsin, Greater Wisconsin Agency on Aging Resources, and the University of Wisconsin Law School's Economic Justice Institute.

The speakers provided information on the scope of the unmet needs as they see it, the programs and services they presently offer, and ways in which the state might be helpful to further the mission.

In addition to the speakers at its meeting, the committee was provided with the State Bar's 2007 study called, *Bridging the Justice Gap: Wisconsin Unmet Legal Needs* and the Wisconsin Access to Justice Commission's 2013 study called, *The State of Equal Justice in Wisconsin*. The study committee will next meet in mid-September.

Members of this study committee are:

- Chair – Rep. Cody Horlacher (R-Mukwonago)
- Vice Chair – Sen. Duey Stroebel (R-Saukville)
- Rep. Joan Ballweg (R-Markesan)
- Erin Boyd, associate attorney, Sterling Law Offices, S.C., Waukesha
- Rick Esenberg, president and general counsel, Wisconsin Institute for Law & Liberty, Inc., Milwaukee
- James Gramling, president, Wisconsin Access to Justice Commission, Milwaukee

- Kimberly Haas, executive director, Wisconsin Judicare, Wausau
- Gregg Moore, Eau Claire County Board chair, Eau Claire
- David Pifer, executive director, Legal Action of Wisconsin, Milwaukee
- Justice David Prosser, retired, Wisconsin Supreme Court, Madison
- Michael Rust, executive director, Winnebago Conflict Resolution Center, Inc., Oshkosh
- Rep. Amanda Stuck (D-Appleton)
- Rep. Lisa Subeck (D-Madison)
- Sen. Robert Wirch (D-Kenosha)
- Amy Wochos, legal counsel/senior administrator, Milwaukee County Clerk of Circuit Court, Milwaukee
- Judge Glenn Yamahiro, Milwaukee County Circuit Court, Milwaukee

Reducing Recidivism and Removing Impediments to Ex-Offender Employment

The Study Committee on Reducing Recidivism and Removing Impediments to Ex-Offender Employment is directed to review effective strategies and best practices for reducing recidivism. The committee shall: (a) consider evidence-based strategies to decrease recidivism that have achieved success in Wisconsin or in other states for possible expansion or implementation; (b) investigate systems of earned-time credits for possible implementation as part of a recidivism reduction program; and (c) explore existing impediments to re-acclimating to society, including continuity of medication, impediments to occupational licensure and professional credentials, and other collateral consequences of conviction.

At its first meeting, the committee focused on learning what programs currently exist within the Department of Corrections (DOC) and Department of Workforce Development (DWD).

Led by the DOC Reentry Director Sylvia Jackson, panelists described the scope of the issues they deal with and what approaches they use to foster successful reentry. Every year about 8,500 to 9,000 prisoners are released from DOC facilities, about three-quarters of whom served less than 3 years in prison.

DOC follows the National Institute of Corrections principles of effective intervention, with its emphasis on evidenced-based practices that are designed to reduce recidivism. The panel discussed the risk assessment process, the strategies employed for inmates, the mental health services provided and work-related training programs.

Working in collaboration with DOC, the DWD provides job search and employment initiatives. DWD often utilizes the resources of the technical college system for its training programs. Representatives of the department described its initiatives and outreach activities.

The study committee is planning to meet four more times, with the next meeting set for August 31.

Members of the committee are:

see [Committees](#) on page 22

Legislators, justices, judges tour prisons

About 196 people, including a justice, judges, circuit court commissioners, court staff, legislators, and Lt. Gov. Rebecca Kleefisch each visited one of more than 25 correctional facilities statewide as part of a Judicial Education program on April 29.

The visits featured tours, panel discussions and conversations with wardens at each of the institutions.

About 86 judges and ten legislators took advantage of the annual program this year, which also offered visits to the Sand Ridge Secure Treatment Center in Mauston, the Winnebago Mental Health Institute in Winnebago and the residential program for juveniles Grow Academy, located just south of Madison in Oregon, Wisconsin.

Now-retired Justice David T. Prosser helped invite

legislators and visited the Jackson Correctional Institution as part of this year's program.

Legislators who participated in the Correctional Facility Visitation Program in 2016:

- Rep. Scott Allen (R-Waukesha)
- Rep. Joan Ballweg (R-Markesan)
- Rep. Kathy Bernier (R-Chippewa Falls)
- Rep. Dave Considine (D-Baraboo)
- Rep. David Murphy (R-Greenfield)
- Rep. Todd Novak (R-Dodgeville)
- Rep. Romaine Quinn (R-Rice Lake)
- Rep. Keith Ripp (R-Lodi)
- Rep. John Spiros (R-Marshfield)
- Rep. Dana Wachs (D-Eau Claire) ■



On May 23, Wisconsin State Law Librarian Julie Tessmer received a Citizen Assistance Award from Madison Police Chief Michael C. Koval in a ceremony at Monona Terrace. Tessmer assisted the Madison Police Department by providing information that led to the apprehension of an armed robbery suspect in her neighborhood.

White House *continued from page 8*

and privacy protections, to enable identification of multiple system “super utilizers;”

- Diverting this population, as well as people who may be committing low level crimes primarily due to mental illness, from the criminal justice system prior to arrest by use of our Early Interventions protocol, and linking them to care management or other community based services; and
- Better identifying individuals entering the criminal justice system who have significant problems related to trauma and mental illness.

Abele also noted that planning is under way for phase two of the MacArthur Foundation grant received by Milwaukee County earlier this year to safely reduce the jail population, divert people with mental illness and/or substance abuse issues out of the system and into the appropriate treatment programs, and implement reforms that will reduce racial disparities in the criminal justice system. ■

Committees *continued from page 21*

- Chair – Sen. Alberta Darling (R- River Hills)
- Vice Chair Rep. Rob Hutton, (R- Brookfield)
- Edward Bailey, inspector, Milwaukee County Sheriff's Office, Milwaukee
- Rep. Jill Billings (D-LaCrosse)
- Judge David Borowski, Milwaukee County Circuit Court, Milwaukee
- Earl Buford, president and CEO, Employ Milwaukee, Inc., Milwaukee
- Jerome Dillard, re-entry coordinator, Dane County, Madison
- Rep. Evan Goyke, (D-Milwaukee)
- Sadique Isahaku, dean of Liberal Arts and Sciences, Milwaukee Area Technical College, Milwaukee
- Eric Johnson, district attorney, St. Croix County, Hudson
- Rep. John Nygren (R-Marinette)
- Mary Prosser, clinical associate professor, UW Law School, Madison
- Amy Schabel, Milwaukee/Waukesha & Sheboygan

area supervisor, ATTIC Correctional Services Inc. & ACS Clinical Services LLC, Milwaukee

- Judge Lisa Stark, Wisconsin Court of Appeals, Wausau
- Sen. Lena Taylor (D-Milwaukee)
- Kelli Thompson, state public defender, Madison

The Legislative Council was created in 1947 and originally consisted of five senators and seven representatives, assisted by an Executive Secretary and two assistants. The council was charged to conduct studies of matters of concern to the Legislature, either during or between sessions of the Legislature, and to report its recommendations to the next general or special session.

Now nearing its 70th anniversary, the council has been renamed the Joint Legislative Council and expanded to 22 members, including the entire leadership of the Legislature. The council's charge is essentially unchanged and its role in the legislative process continues today as it originally did. ■

For more information about the study committees visit:
<http://docs.legis.wisconsin.gov/misc/lc/study/2016>

RETIREMENTS *continued from page 20*

He said in his retirement he does hope to offer some contributions to the community based on his engineering and law background.

Judge C. William Foust Dane County Circuit Court



Judge C. William Foust

Looking back over his 19 years on the Dane County Circuit Court Branch 14 bench, Judge C. William Foust said he enjoyed hearing all different types of cases. Foust said he appreciated civil cases because the attorneys tended to be punctual, he enjoyed criminal because the stakes were high and often they involved more drama, and he enjoyed juvenile cases because they provided an opportunity to accomplish something.

“Most of all, I enjoyed a well-tryed case that made me say, ‘That’s interesting,’” Foust said. “My court reporter invariably views the same case as ‘boring.’”

Foust, who retired July 31, was first appointed in 1997. He has served as a chief judge for the Fifth Judicial District, a presiding judge for the criminal division, and as a member of the Criminal Benchbook Committee. Prior to taking the bench, he served as a district attorney and assistant district attorney in Dane County, an assistant public defender, and worked in private practice.

Foust said he will miss the daily contact with “all the good people” in the court system. He said he has enjoyed the sense of camaraderie and “recharged batteries” he felt after each annual Judicial College.

“The Judicial Education program is a tremendous asset for Wisconsin judges,” Foust said.

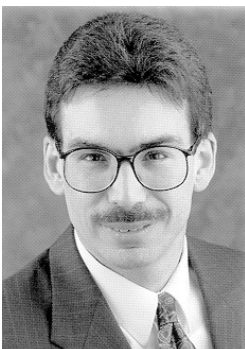
He also praised the advances in technology in the court system that have allowed for easier access to more information. He said he recalls a lawyer in his courtroom whispering to her client, “I hate that judges have these computers.”

Foust said it has, at times, been a challenge to remember that his 30th injunction hearing for the week is that litigant’s first. He advises new judges to remember to think before they speak.

Judge Gregory E. Grau Marathon County Circuit Court

“Go about your business with humor, integrity, vision, and courage,” is the advice Marathon County Circuit Court Judge Gregory E. Grau offers to new judges coming in to the court system.

After 21 years on the bench, Grau retired on May 20. Grau was first elected to the Branch 4 bench in 1995, and re-elected three times, most recently in 2013. He is a former chief judge and deputy chief judge for the Ninth Judicial District. Prior to taking the bench, he served as a district



Judge Gregory E. Grau

attorney and assistant district attorney for Marathon County.

Grau said he has tried to approach each case that came before him, no matter what type of case it was, as the most important thing at that time. He said he has enjoyed having the opportunity to have a seat that allowed him to observe all types of people, and try to see how they got to be who they are.

Grau said over the years he has witnessed a significant increase in the number of self-represented litigants that came into his courtroom. He said Marathon County has also had an increase in its caseload.

“The volume impacts how you do business,” Grau said. “I wish the volume allowed for more time per case.”

During his retirement, Grau said he plans to work on “getting his blood pressure down, re-energize, and then figure out what comes next.”

Judge Dennis J. Mleziva Kewaunee County Circuit Court

Kewaunee County Circuit Court Judge Dennis J. Mleziva has heard almost every type of case there is over the past 24 years serving as the only judge in the county. But one case in particular will always stand out for him.

“One of the most memorable cases early in my career was a mental commitment jury trial where the respondent came to the trial dressed in a white tuxedo and claimed that he was Michael the Archangel, which he enthusiastically explained to the jury, and which included his ability to fly,” Mleziva said. “Needless to say, it did not take the jury long to determine that he was mentally ill and a mental commitment ensued.”

Mleziva said adoptions have been his favorite cases to hear over the years, particularly in cases where a child has special needs or is coming from a difficult background. He said he has received follow-up cards and photos from the families involved, and has appreciated the opportunity to share in their joy.

Mleziva has served as chair of the Coordinated Community Response Team and the Kewaunee County Security and Facilities Committee. He was first elected to the bench in 1992, and previously served as a district attorney for Kewaunee County and worked in private practice. He retired at the end of his term on July 31.

Mleziva said he has noticed a distinct increase in self-represented litigants over the years. He advises new judges to be patient and listen.

“People who come to court, especially pro se litigants, want to be able to tell you their side of the story,” he said. “Allow that to the extent you can, and many times the parties will be satisfied with the proceedings, even if you don’t rule in their favor, because you listened and you considered what they had to say in court.”

While he leaves this advice for new judges, one thing he will not leave behind for his successor is any pending asbestos litigation,



Judge Dennis J. Mleziva

RETIREMENTS *continued from page 23*

Mleziva said. He explained that he has faced a significant number of asbestos cases during his years on the bench, with each involving many defendants and years of litigation.

“A business in Algoma in Kewaunee County used asbestos in door manufacturing until the mid-1970s, and this resulted in one or more asbestos cases pending practically throughout my whole tenure as judge,” he explained. “The cases generally involved large numbers of specialized lawyers from out of state and litigation issues and motions of every type you can imagine. One case went to trial for two weeks in the mid 1990s, and one was settled on the verge of trial in 2014. Otherwise, the cases have been resolved by settlement. Fortunately for my successor, the last pending asbestos case was settled earlier this year, and I consider this a great accomplishment.”

Mleziva said he will miss working with the courthouse employees, especially his judicial assistant and court reporter, and other office and agencies in the county. In his retirement he plans to spend more time with his five grandchildren, travel, garden, hunt, and fish.

Judge James R. Troupis Dane County Circuit Court



Judge James R. Troupis

Dane County Circuit Court Judge James R. Troupis resigned from the Branch 3 bench on May 2, ahead of his July 31 term end date. Troupis was appointed to the circuit court bench on June 30, 2015 to fill the vacancy created by the retirement of Dane County Circuit Court Judge John C. Albert. At the time of his appointment, Troupis had said he would not seek election to the bench the following spring.

Troupis received his bachelor's and law degrees from Northwestern University, where he also served as editor-in-chief of the *Journal of Criminal Law and Criminology*.

Prior to his appointment to the circuit court, he worked in private practice and had served as a law clerk for Illinois Supreme Court Chief Justice Howard C. Ryan. Troupis is a former member of the board of directors for Legal Action of Wisconsin and the State Bar of Wisconsin's Board of Governors.

“In the time I have served we instituted a series of changes within our Branch of the Court that have dramatically increased its efficiency,” Troupis wrote in his letter announcing his departure.

Troupis cited family obligations in his decision to leave before the end of his term.

“Finally, I would be remiss if I did not add that the reception I received over the past year from my fellow judges in the Dane County Circuit Court, and throughout the State, was exceptional,” he wrote in his letter.

Judge Richard T. Werner Rock County Circuit Court

Over eight years as presiding judge for the Rock County Drug Court, Rock County Circuit Court Judge Richard T. Werner has witnessed 243 participants graduate. He said being part of those positive sessions with those individuals successfully overcoming their issues has been one of the

highlights of his 20 years on the bench. Werner took over the drug court during its early years, and has been part of its successful development. He said he is proud to have worked with the treatment providers and county board to create a successful drug court program.

Werner, who retired Aug. 5, said he has enjoyed hearing criminal cases during his eight years in the criminal court rotation, and prefers them to civil cases. But, he said, the best cases to preside over are adoptions, since everyone in the courtroom is happy with the outcome.

Werner was first appointed to the Branch 6 bench in 1996. He had previously served as a Rock County Circuit Court commissioner and worked in private practice.

“Making sure the calendar and cases move along in an appropriate fashion without unreasonable delays can be a challenge,” Werner said. He advises new judges to prepare for cases.

“Remember you're not an advocate,” he said. “Keep an open mind, be patient, be compassionate where appropriate, and treat people well. And treat your staff like family.”

Werner said he has built a strong relationship with his staff and the other Rock County Circuit Court judges, and he will miss them most. Werner said he plans to spend time traveling, relaxing, being with his family, and doing volunteer work.



Judge Richard T. Werner

Kathryn J. Fus Waukesha County Circuit Court Reporter

Kathryn J. Fus retired April 1, after serving 25 years as a court reporter for the Waukesha County Circuit Court. Fus was first hired by then-Waukesha County Circuit Court Branch 1 Judge Harry G. Snyder in June of 1991, after serving as a per diem court reporter the previous year. But

[see Retirements on page 26](#)



Official court reporter Kathy Fus recently retired after 25 years with the state and 40 years total as a reporter. During her time with the court, she served under three Waukesha-based judges, left to right, Judge Harry G. Snyder, Judge Joseph E. Wimmer, and Judge Michael O. Bohren.

NEWS AND NOTES *continued from page 16*

"In his 30 years of service to the lawyers of Wisconsin, George has become not only the face of the State Bar, but a champion of quality service to our members," now-former State Bar President **Ralph Cagle** said in a press release.

"He is a warm friend who has been a delight to serve with. We will find a successor, but a replacement for George – that will be a very, very tall order."

Brown began working for the State Bar in 1986 as public affairs director after having previously worked for the Wisconsin Legislature.



Judge James R. Habeck

An abandoned hospital building in Shawano County served as a mock courthouse for an active shooter training held for Shawano County employees this spring. Members of the Shawano City Police and the Shawano County Sheriff's Departments played the roles of attackers for the simulation. County staff first took part in a classroom instruction before the simulated attack took place.

"After completion of the instruction and simulated attack, department heads, working with their employees, performed an evaluation of their office quarters and steps to be taken to improve security," Shawano County Circuit Court Judge **James R. Habeck** said. "This should be integrated with an upcoming remodeling project of the courthouse."



Judge Paul B. Higginbotham

District IV Court of Appeals Judge **Paul B. Higginbotham** has announced he will not seek re-election when his current term ends on July 31, 2017.

Higginbotham has served on the Court of Appeals since 2003. He previously served as a Dane County Circuit Court judge, and as the city of Madison's first municipal court judge.

Higginbotham has served as a member of the Wisconsin State Bar's Individual Rights and Responsibilities Section,

Wisconsin Trust Account Foundation (WisTAF), Dane County Circuit Court Victim Impact Panel Committee, and the Wisconsin Department of Corrections Comprehensive Approaches to Sex Offenders Management Team.

"It has been an honor and a privilege to serve the people of Wisconsin as a judge," said Higginbotham in a press release. (Additional coverage will be provided in a future edition of *The Third Branch*.)

Racine County Circuit Court Judge **Gerald P. Ptacek** announced in July that he will retire on Jan. 3, 2017. *The (Racine) Journal Times* led its coverage of the news, noting: "Education's loss has been a huge gain for the Racine County judicial system."

The newspaper noted that Ptacek taught mathematics for two years after earning a bachelor's degree from the UW-

Madison.

"My parents were both teachers, but that wasn't where I wanted to be," Ptacek told *The Journal Times* as noted in an article published in 2000.

Instead of teaching, Ptacek went to law school, became a district attorney, and in 1988, was appointed a Racine County Circuit Court judge. (Additional coverage will be provided in a future edition of *The Third Branch*.)

The close bond between two municipal court judges was prominently featured online and in print on July 23 by the *Milwaukee Journal Sentinel*. Milwaukee Municipal Court Judge **Derek Mosley** and Brookfield Municipal Court Judge **JoAnn Eiring** said they have been close friends since they met at a judicial seminar in 2003. The friendship grew over the years to include both of their families, according to the article, with them celebrating birthdays, throwing barbecues, and Eiring and her husband babysitting Mosley's children.

But the friendship was truly solidified in July when Eiring donated a kidney to the ailing Mosley, who was diagnosed with end-stage renal disease in 2014.

"I owe her my life, essentially," Mosley told the paper. "How do you ever repay something like that. All I can do is just do the best I can to keep this gift as long as I can keep it."

Eiring has served as a municipal judge since 1991, and Mosley since 2002. Both serve on the Municipal Judge Education Committee and have served as faculty members for both the municipal judges and municipal clerks seminars.

The two judges had invited the *Journal Sentinel* to tell their story and document the transplant surgery in the hopes that would raise awareness of the need for organ donors.

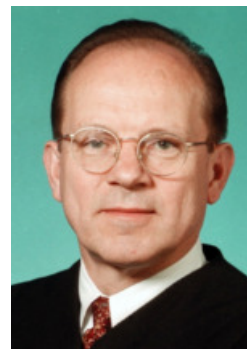
"I can't tell you what a good feeling it is to help him out and make his life better," Eiring is quoted as saying. "It's so frustrating when someone is sick and you are helpless and can't do anything. So I feel just as fortunate to be able to work on this."

Milwaukee County Circuit Court Judge **Daniel Lee Konkol** finished his 500th jury trial just prior to his retirement on July 31, according to his judicial staff.

"Judge Konkol, I must say, was a statistics and number expert," **Christine Zapf**, Konkol's court reporter for the past 24 years said. "He focused in on quite a few of them, one of them being the running total of the number of jury trials he sat through. That is how the number of 500 juries came up. It was good timing I must say, the 500 mark happening near the time of retirement. Sweet Justice..."

Zapf said the high number is due, in part, to Konkol's willingness to help his fellow judges.

"He was always one of those judges who never said no to helping out other judges, so we were often doing jury trials and many other hearings for other judges," she said. ■



Judge Gerald P. Ptacek



Judge Daniel Lee Konkol

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The Third Branch is a quarterly publication of the Director of State Courts Office, providing news of interest to the Wisconsin court system.

Send questions, comments, and article ideas to:

*Tom Sheehan**Court Information Officer**P.O. Box 1688**Madison, WI 53701-1688**phone**(608) 261-6640**e-mail**tom.sheehan@wicourts.gov**fax**(608) 267-0980***RETIREMENTS** *continued from page 24*

Fus said before her first day of work, Snyder was appointed to the Court of Appeals.

"I was disappointed to not be able to work with him, however, I ultimately forgave him at my retirement party, which he attended," Fus said.

Fus interviewed for the position again and was hired by Snyder's successor, Judge Joseph Wimmer, whom she worked with for more than seven years. After Wimmer's retirement, Fus continued to work in Branch 1 for Judge Michael O. Bohren.

During those 25 years with the court system Fus said she made many friends with her co-workers and felt a part of peoples' lives.

In her retirement, Fus said she hoped to make the next 25 years as fulfilling as her past 25 years were serving the public.

Commission *continued from page 10*

state courts and representatives of county social services departments, among others.

When making recommendations, the Commission recognizes the integral role of the judiciary in achieving positive outcomes for children and families while fulfilling the court system's responsibility of fairly and effectively resolving disputes according to the rule of law.

Meetings are held twice per year, with support and coordination provided by the Children's Court Improvement Program. More information can be found at:

www.wicourts.gov/courts/committees/ccipc/ommission.htm.

The Commission has had a total of four subcommittees since its inception: Out-of-Home Care and Education Subcommittee, Children and Families Court Subcommittee, Permanency Workgroup, and, most recently, the Child Safety Decision-Making Subcommittee.

Topics covered at recent meetings:

- Adverse Childhood Experiences
- Anti-Human Trafficking Task Force
- Community Juvenile Justice Transition to the Department of Children and Families
- Three Branch Institute on Improving Safety and Preventing Child Fatalities
- Child Welfare Practice Model
- Child and Family Services Review & Plan
- Casey Family Programs Judicial Engagement Initiative
- CCIP Timeliness Measures Project
- Federal Preventing Sex Trafficking

Joy S. Pecha Langlade County Register in Probate and Juvenile Court Clerk

Langlade County Register in Probate and Juvenile Court Clerk Joy S. Pecha retired on June 5 after having served in that position since 1982.

"It has been an honor and a privilege to have been given the opportunity to serve as a court official for the Wisconsin circuit court system and the citizens of Langlade County for nearly 34 years," Pecha said.

Pecha has been succeeded in the position by her long-time deputy, Brenda Sue Mayr. ■

and Strengthening Families Act

- Updated Indian Child Welfare Act Regulations
- Wisconsin Legislation
- Training Updates
- Child Safety Decision-Making Subcommittee and Pilot

In addition to the co-chairs, members of the commission include Justice Shirley S. Abrahamson; Secretary Eloise Anderson, Wisconsin Department of Children and Families; Judge R. Alan Bates, Rock County Circuit Court; Bridget Bauman, director, Children's Court Improvement Program; Patrick Brummond, Seventh Judicial District Court Administrator; Oriana Carey, chief executive officer, Coalition for Children, Youth and Families; Nic Dibble, education consultant, Department of Public Instruction; Judge Shelley Gaylord, Dane County Circuit Court; Atty. Douglas Heenan, Block, Scott & Heenan; Atty. Molly Jasmer, Waukesha County assistant corporation counsel; Dr. Robin Joseph, administrator, Division of Milwaukee Child Protective Services; Atty. Duke Lehto, Lehto Law Office; Stephanie Lozano, tribal liaison, Wisconsin Department of Children and Families; Commissioner Sandra Marcus, Marathon County Circuit Court; Atty. Michelle Mays, Oneida Nation; J. Denis Moran, Director of State Courts; Ron Rogers, Division of CPS director, Kenosha County Department of Human Services; and Vicki Tylka, director, Marathon County Department of Social Services ■