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## Judicial Selection Committee: Don't Toss State's Current System—Fix It

JUAN CARLOS MEDINA/PHOTO VENTURES



The cover photo from the final report of the Committee on Judicial Selection.

This, according to the Committee on Judicial Selection, is the problem with Wisconsin's method for selecting judges:

"Wisconsin's current system of interim appointment/open elections has produced no minority justices on the Wisconsin Supreme Court in 152 years, no minority judges on the Wisconsin Court of Appeals in 22 years, and no minority judges on the circuit court bench in Racine County, the second most populous minority community in the state."

The Legislature created the committee to find ways to

increase the number of qualified minority candidates for judge-ships. Milwaukee County Circuit Court Judge Maxine A. White chaired the committee, which issued its final report in January. The committee recommended that Wisconsin continue to elect its judges in open, non-partisan elections and that the governor continue to make interim appointments to fill mid-term vacancies. It noted that "the overwhelming majority of the minority judges have reached the bench by an appointive process." The committee found that minority bar associations prefer open elections and that there are no significant differences in success rates for minority candidates between open elections and retention elections.

The committee's review of available research suggested that merely switching from one system of judicial selection to another should not be expected to yield a more diverse judiciary.

The committee's recommendations for change center on the composition and duties of the Governor's Advisory Council on Judicial Selection, the committee that screens candidates for appointment to open seats and makes recommendations to the

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## Paving the Way for E-Filing

In an effort to facilitate electronic filing in Wisconsin courts, Director of State Courts J. Denis Moran has appointed the Electronic Filing Committee, which first met on Jan. 18. Moran said he anticipates that the committee will have a preliminary proposal by the end of the year.

E-filing would permit litigants to file documents electronically, just as the Internal Revenue Service accepts electronic tax returns. Some of the obstacles to overcome are the use of digital signatures and handling of filing fees.

The committee will address legal, policy, and operations issues related to developing and making a transition to e-filing in the trial and appellate courts. Specifically, Moran asked the committee to:

- determine which statutes and Supreme Court rules must be amended or clarified to facilitate electronic court filing;
- identify and recommend possible changes to internal operating procedures, procedural rules, and business practices needed to make the shift from paper to electronic case files;

- examine current court processes and flow of information through the court system to determine where efficiency might be improved and to decide the case workflow requirements of e-filing;

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# Court System Information-Technology Plans for 2001

by: *Jean M. Bousquet, director*

*Circuit Court Automation Program*

and

*John Hartman, director*

*Office of Information Technology Services*

The Wisconsin court system continues to use information-technology (IT) initiatives to improve efficiency and access. The court system's IT needs are met by two departments—the Circuit Court Automation Program (CCAP), which develops custom case management software and manages hardware and computer training for most of the state's circuit courts, and the Office of Information Technology Services (OITS), which provides technology support for the appellate courts and the Director of State Courts Office.

## In-Court Processing Saves Work and Time in Ozaukee County

When an individual appears in traffic court in Ozaukee County, the clerk taps a few computer keys and connects instantly with a screen that shows all the data for the case. A few more keystrokes and information on the person's other pending matters, if any, is retrieved. At the end of the hearing, the clerk prints a document providing the defendant with information on the time and location of the next court appearance, including whom to call with questions.

"In-court processing is a real timesaver for the courts," said JoAnne Kubowicz, deputy clerk of court. This is because clerks no longer have to log information by hand and then input it. "It also enables us to see more globally how this will impact the defendant because we can see if there are other things pending," she said.

The Circuit Court Automation Program originally developed in-court processing for Milwaukee County, but "we begged for it," said Mary Lou Mueller, judicial clerk for Ozaukee County traffic court. The county began using the software in traffic court and in cases involving civil forfeitures in winter 1999. They plan to begin using it in juvenile court soon.

Since the system's implementation, staff from clerk of circuit court offices in Brown, Dane, Door, Marathon, Winnebago, and Wood counties, among others, have visited Ozaukee to observe in-court processing. "It's been very successful here," Mueller said. "It's taken a lot of hard work, but we're a small staff and it's been a lifesaver." ❖

*For more information on Ozaukee County's in-court processing, contact Clerk of Circuit Court Jeffrey Schmidt at (262) 238-8421.*

Together and separately, CCAP and OITS have mapped out plans for 2001 that will bring changes for all court system personnel. A number of the projects on this year's list were identified previously as strategically important to the entire organization and are part of the five-year Information-Technology Strategic Plan (ITSP). CCAP and OITS developed this plan together and filed it with the Department of Administration last September.

## Joint Projects Will Expand Intranet, Make E-Filing Possible

- **CourtNet:** The court system's Intranet started in 2000 and work will continue to expand its capabilities. CourtNet provides links to relevant sites, access to training courses, status updates, tips and tricks for using the CCAP system, and other helpful information. It is also expected to feature online forms for accepting and processing information to reduce dependency on conventional mail.
- **Electronic filing (e-filing):** In partnership with the Electronic Filing Committee, CCAP and OITS will continue to explore e-filing as a viable technology option for future development and implementation within the Wisconsin court system. CCAP's software development department will begin creating the necessary infrastructure to offer e-filing of court documents, and CCAP will work with OITS to provide this infrastructure, which will help manage the labor-intensive tasks associated with receiving, verifying, filing, locating, distributing, viewing, and archiving physical documents within the court system. Bar coding, imaging, and case integration will be components of the overall e-filing development.
- **Disaster recovery:** OITS is developing an information system disaster recovery plan to rapidly recover information technology in the event of a disaster such as a fire or tornado. CCAP will update its current plan to include procedures to follow in the event of a disaster at CCAP or in a given county. The second part of this project will be to ensure that all of the necessary hardware and software are in place to execute the plan in a timely manner.

## CCAP Projects Include Complete Software Rewrite

The CCAP 2001 annual plan includes projects that will benefit all CCAP users. This year's plan, which was approved by the CCAP Steering Committee, includes the joint projects listed above as well as the following:

- **Release 7.0:** This will be a complete rewrite of the case, financial, and jury management applications in Java, a programming language that was first developed five years ago and has become popular for its ease of use and flexibility. The new release will be implemented throughout the year, requiring the involvement of a significant percentage of CCAP analysts, technicians, and programmers.

This rewrite will make CCAP operating-system independent, which means that the CCAP applications can be run on any desktop computer operating system. Release 7.0 will offer CCAP users

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# Mapping the Court System for Self-Represented Litigants

In 1999, 72 percent of the cases that came before the family court in Milwaukee County involved at least one party without legal counsel. In District 10, composed of 13 northwestern counties, 53 percent of family cases involved people representing themselves. Responses to a statewide survey of clerks of circuit court found that 98 percent have noted an increase in *pro se*, or self-represented, litigants. Based on these reports and anecdotal evidence, self-represented litigants are a significant and growing percentage of court users.

Patricia K. Ballman, a corporate lawyer with Quarles & Brady in Milwaukee, has met some of the people behind the numbers. One of them is a man she recently helped during her shift at the Wisconsin Family Justice Clinic in the Milwaukee County Courthouse. The clinic provides free assistance to people who are representing themselves in court, thanks to volunteer attorneys, paralegals, legal secretaries, and law students.

The man came to the clinic wanting to end his child support payments. "At first, I was very skeptical of him, thinking he was trying to get out of his obligations," Ballman said, "but then I learned that he had had placement of his two children for over five years pursuant to a CHIPS [Child in Need of Protection and/or Services] order, [and] the mother was addicted and never saw the children."

Until the father found the clinic, he had no idea how to get an old wage assignment terminated. "The man and his two children needed every bit of the wages he was earning, and he was very grateful for the small amount of time it took to really make a difference in their lives," Ballman said.

The *pro se* trend is creating new challenges for judges, court staff, and others. To help the Wisconsin court system better meet these challenges, Chief Justice Shirley S. Abrahamson convened the Pro Se Working Group in September 1999. In December 2000 the group published its findings and recommendations in a report entitled *Pro Se Litigation: Meeting the Challenge of Self-Represented Litigants in Wisconsin*.

The working group developed a model process for working with self-represented litigants that begins by recognizing that different individuals choose to represent themselves for different reasons. Some believe they cannot afford an attorney, others truly cannot afford an attorney, and still others simply do not want an attorney. With that in mind, the working group developed the following six-part plan for directing all three groups through the court system:

**Inform** self-represented litigants of the risks and responsibilities of proceeding without an attorney.

**Refer** individuals to appropriate information, including legal and other

community services, to ensure that individuals who are interested in obtaining assistance know about available resources.

**Simplify** materials that self-represented litigants need to process their cases.

**Assist** self-represented litigants by developing various types of resources, including courthouse assistance centers and electronic legal forms that are interactive.

**Manage** cases more efficiently by encouraging courts to adopt better techniques for working with self-represented litigants.

**Evaluate** strengths and weaknesses in the processing of cases involving self-represented litigants.

The working group's report is based on this model, with each chapter describing the issues surrounding a particular action area. The report offers several potential responses to each issue so that local jurisdictions can choose solutions that best meet their unique needs and their available resources.

The report also recommends statewide responses to the challenges posed by an increasing number of self-represented litigants, including:

- Publishing information on the risks and responsibilities of proceeding without an attorney.
- Developing guidelines, curricula, and training for court staff and lay advocates on providing assistance to self-represented litigants.
- Encouraging more *pro bono* representation.
- Clarifying Supreme Court rules concerning the unbundling of legal services.
- Establishing a position in the Director of State Courts Office that would work to simplify forms, develop directions for form

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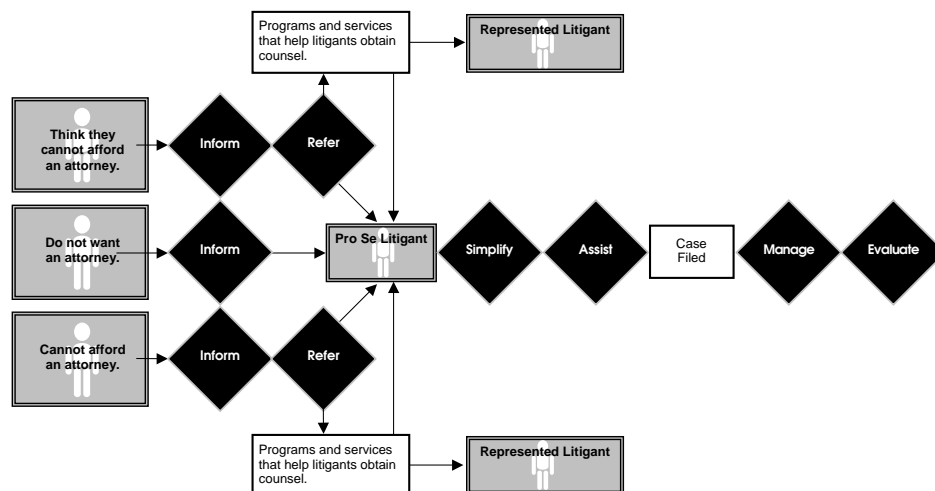


Diagram of proposed six-step process to direct self-represented litigants through the Wisconsin court system.

## The Wisconsin *Pro Se* Working Group

The diverse membership of the *Pro Se* Working Group helped the group consider the effect of self-representation not only on the litigants and judges, but also on other individuals and agencies affected by this issue. Members of the working group were:

Patrick G. Brummond, Deputy Director of State Courts; Clerk of Circuit Court Carolyn Evenson and Chief Judge Kathryn W. Foster, Waukesha County; Atty. John Hendrick, Family Law Education, Inc., Madison; Commissioner Mary Beth Keppel, Dane County Circuit Court; Professor Katherine Kruse, University of Wisconsin Law School; Judge Edward E. Leineweber, Richland County Circuit Court; Liz Marquardt, Task Force on Family Violence, Milwaukee; Atty. Tess E. Meuer, Wisconsin Coalition Against Domestic Violence, Madison; Henk Newenhouse, Richland County Resource Center; Beth Bishop Perrigo; District One Court Administrator's Office; Atty. Ernesto Romero, director, Wisconsin Family Justice Clinic, Milwaukee; Atty. Beth H. Roney, Teresa House Legal Assistance Center, Baraboo; Clerk of Circuit Court Donna J. Seidel, Marathon County; Chief Judge Michael J. Skwierawski, Milwaukee County Circuit Court; Professor Louise G. Trubek, University of Wisconsin Law School; John Voelker, Office of the Chief Justice. ❖

## Mapping the Court System

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completion, and assist counties that would like to start assistance centers.

- Developing a *pro se* section on the court system Web site.
- Providing judicial training seminars on ethical and case management issues associated with self-represented litigants.
- Considering modification of the rules of evidence for less complicated cases.
- Pursuing legislation to streamline uncontested family actions.
- Expanding the Circuit Court Automation Program to allow court administrators to generate reports concerning the processing of self-represented litigation.

Following up on the recommendations of the working group, judges participated in a discussion of real-life scenarios and ethical issues regarding cases involving self-represented litigants at the December 2000 Family Law Seminar, hosted by the Office of Judicial Education. At the February Clerk of Circuit Court Institute, clerks will have an opportunity to talk about how best to handle possible scenarios involving *pro se* litigants and will learn about several resources and services that assist individuals who choose to represent themselves in court. John Voelker, executive assistant to the chief justice, and Jane E. Colwin, acting co-state law librarian, will conduct the presentation. ❖

*Pro Se* Litigation: meeting the challenge of self-represented litigants in Wisconsin is available on the court system Web site at [www.courts.state.wi.us/misc/reports/Pro\\_Se\\_Report\\_12-00.htm](http://www.courts.state.wi.us/misc/reports/Pro_Se_Report_12-00.htm). For more information about the working group, contact John Voelker, executive assistant to the chief justice, at (608) 261-8297 or [john.voelker@courts.state.wi.us](mailto:john.voelker@courts.state.wi.us).

## Courts Improving Juror Selection, Treatment

The Wisconsin court system has undertaken a number of initiatives to improve the selection and treatment of jurors. Summaries of current projects follow.

### Wisconsin Team Travels to Jury Summit

A 10-person team from Wisconsin participated in a national Jury Summit in New York City in early February.

Organized by the New York State Unified Court System and the National Center for State Courts, the summit brought together judges, attorneys, court administrators, scholars, and former jurors from around the country to help build a better understanding of the jury system and how to improve it. Agenda items included: communicating with jurors; juror privacy; revolutionary jury ideas; cutting edge jury automation; and more. Wisconsin Reserve Judge Thomas H. Barland was one of the presenters.

The Conference of Chief Justices, Conference of State Court Administrators, American Judges Association, and National Association for Court Management sponsored the summit. The Wisconsin group included: Chief Justice Shirley S. Abrahamson, Supreme Court; Circuit Court Judges John C. Albert, Dane County; Frederic W. Fleishauer, Portage County; and Dennis P. Moroney,

Milwaukee County; Jury Clerk Cheryl Gallo, Waukesha County; Clerk of Circuit Court Gail Gentz, Kenosha County; District Court Administrator Gail Richardson, District Five; Pat Watkins, Dane County League of Women Voters; Jury Services Coordinator Lori Watson, Milwaukee County; and Atty. Nancy Wettersten, Madison.

*For more information on the Jury Summit, visit the Web site at [www.jurysummit.com](http://www.jurysummit.com).*

### Dane County Court Awarded Grant to Improve Jury Diversity

Dane County Clerk of Circuit Court Judith Coleman received a \$12,000 grant from the State Justice Institute to hire a consultant who will develop a strategic plan to increase the delivery of jury summonses to people of color in Dane County.

Currently, 50 percent of the summonses sent to minorities in Dane County (using Department of Transportation lists) are undeliverable. In comparison, only 17 percent of summonses to non-minorities are undeliverable. Of all the jurors summoned to serve, three percent are minorities, while minorities comprise

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# Pro Se Assistance in Wisconsin

Assistance for litigants representing themselves in court can come in many forms, from self-help or volunteer-staffed centers to court facilitators (people who help navigate court process and procedure) to technology-based programs, such as hotlines and Web sites that provide information on the courts. Following are several examples of *pro se* assistance programs and services currently offered or planned in Wisconsin:

## Chippewa County

- Volunteer attorneys and a coordinator staff the Chippewa County Free Legal Clinic. The coordinator provides self-represented litigants with the necessary forms and assigns them to an attorney with knowledge of the area of law they want to discuss. Each client receives a 15-minute private consultation with the attorney. The clinic is held the fourth Wednesday of the month at the Chippewa Falls Public Library from 6:30 to 8 p.m. *Contact: Atty. Lucie Usher, Garvey, Anderson, Johnson, Geraci & Mirr, (715) 834-3425.*

## Dane County

- The Dane County Bar Association has established a Family Law Assistance Center. The center uses volunteer attorneys and non-attorneys to provide one-on-one assistance with forms, procedures, and referrals to community resources. The center is located in the Dane County Courthouse and is open each Wednesday. *Contact: Commissioner Mary Beth Keppel, (608) 266-4166; or Atty. Leslie Shear, Murphy and Desmond SC, (608) 257-7181.*
- Beginning in 2001, the Family Law Interactive Network will provide Web-based legal assistance in the courthouse and public libraries. The project—sponsored by the Dane County Bar Association, Family Law Education, Inc., and the Madison Public Library—will provide terminals with high-speed Internet access at the courthouse and at public libraries. From these terminals users will be able access the network where they can complete and print legal forms, learn where and when to file documents, what to expect during a court proceeding, and e-mail questions to volunteer attorneys. Internet users not at these locations will only be able to access general court information. *Contact: Atty. John E. Hendrick, Family Law Education, Inc. (608) 257-7744.*

## Eau Claire County

- The Eau Claire County Free Legal Clinic uses a model similar to the Chippewa County Clinic (*see above*). *Contact: Atty. Peter Grosskopf, Grosskopf & Black, (715) 835-6196.*

## Milwaukee County

- Volunteer attorneys, paralegals, legal secretaries, law students, and advocates provide one-on-one assistance to self-represented litigants at the Wisconsin Family Justice Clinic. Litigants receive assistance with forms, procedures, and referrals to community resources. Spanish-speaking facilitators are also available. The forms are also online at

[www.firms.findlaw.com/county/](http://www.firms.findlaw.com/county/). The volunteers do not provide legal advice. The clinic is located in the Milwaukee County Courthouse and is open from 1 to 2 p.m., Monday through Friday. *Contact: Atty. Ernesto Romero, (414) 403-9000.*

## Richland County

- Non-attorney volunteers assist self-represented litigants with simple uncontested divorces at the Richland County Resource Center. The volunteers provide forms and instructions and basic information concerning court procedures. The resource center is located in the Richland County Courthouse and is open the first Wednesday of the month. *Contact: Judge Edward E. Leineweber, Richland County Circuit Court, (608) 647-2626.*

## Waukesha County

- In partnership with the non-profit Wisconsin Correctional Services, Waukesha County has initiated a court self-help program. The program is in the early stages of development, but has received a grant to hire a coordinator to move the planning process forward and to work in the courthouse assisting self-represented litigants with initial filings in family law cases. *Contact: Chief Judge Kathryn W. Foster, Waukesha County Circuit Court; (262) 548-7539; or Holly Patzer, Wisconsin Correctional Services, (262) 544-5431.*

## Tenth Judicial Administrative District

- Made up of 13 northwestern counties, District 10 is developing a *pro se* assistance program that is considering a four-tier approach. For example, level one services might include information on how the legal process operates and a roster of local attorneys. Level two services might consist of forms and instructions. Level three services might include information seminars. Level four services might provide a self-help legal center. The needs and resources of a particular county would determine the level of service. *Contact: District Court Administrator Gregg Moore, (715) 839-4826.*

## Wisconsin State Law Library (WSLL)

- The WSLL has developed a “legal topics” page on its Web site that is targeted at individuals representing themselves in court. At [wsll.state.wi.us/witopic.html](http://wsll.state.wi.us/witopic.html), users are linked to resources in more than 50 categories, from bankruptcy to wills. The library’s reference staff also directs *pro se* litigants to useful information. For reference assistance, call (800) 322-9755.

## State Bar of Wisconsin

- The State Bar’s Web site, [www.LegalExplorer.com](http://www.LegalExplorer.com), offers a list of law-related topics. Upon selecting a topic, the user can choose from a list of questions. For example, choosing “Divorce” pulls up several questions, including “How is a divorce action started?” By clicking on the question, users learn of the four commonly used forms (with brief descriptions) to start a divorce action. The State Bar also sponsors the statewide Lawyer Referral and Information Service hotline at (800) 362-9082. ❖

# Milwaukee County Courthouse Unveils New Waiting Room for Victims

The Milwaukee County Judicial Oversight Initiative unveiled a new Victim Waiting Room, located in Room 506 of the Milwaukee County Courthouse, at a press conference in December.

The Victim Waiting Room was established to offer a safe, comfortable environment where victims can wait until their cases are called in court. Until now, victims of domestic violence have had to sit near the accused batterer while waiting sometimes several hours for the case to be called. Victim-witness specialists will also be available in the new waiting room to assist victims and their children.

This project is supported by the Judicial Oversight Initiative, which the Milwaukee County Circuit Court developed in 1999 upon receiving nearly \$2 million in federal grant funds to improve services to victims and treatment for offenders in domestic violence cases. The grant has allowed for the addition of emergency personal advocates who help domestic abuse victims find emergency housing, transportation, and child care. In addition, four new assistant district attorneys and a court commissioner have been dedicated to domestic violence cases.

Since 1994, the Milwaukee courts have been working to address domestic violence more effectively. They have dedicated three specialty courts to domestic violence cases and the District Attorney's Office has implemented new charging policies in addition to bolstering its domestic violence unit. At the same time, community organizations have expanded services to victims and refined programs for batterers to better meet the needs of diverse racial and ethnic groups, the elderly, and people with disabilities. ❖



PAT A. ROBINSON

*Using a toy stove as a podium, Chief Judge Michael J. Skwierawski, Milwaukee County Circuit Court, spoke to media and guests at a press conference to open a new waiting room for children and adult victims of domestic violence. Also speaking were: Congressman Tom Barrett, County Executive F. Thomas Ament, District Attorney E. Michael McCann, and Donna Sweet, an interior designer from Peabody's Interiors which donated furnishings for the three-room waiting area.*

# Citizen Review Panels to Give Public a Role in Child Protection

In compliance with a requirement of the federal Child Abuse Prevention and Treatment Act, the Wisconsin courts and county social service agencies in the Seventh Judicial District have formed a citizen review panel to give the public a role in the child protection system. Panels are also being developed in Marathon, Milwaukee, and Outagamie counties.

The formation of citizen review panels is in response to a requirement of the federal Child Abuse Prevention and Treatment Act that requires each state to establish a minimum of three panels. The objective of the panels is to provide an opportunity for community input to help ensure that the child welfare system is protecting children from abuse and neglect. The panels will evaluate the extent to which the state is fulfilling its child protection responsibilities by examining state and local child welfare policies and practices. The panels are not intended to monitor or oversee agency actions, make decisions in individual cases, or overturn the decisions made by child protection agencies, but rather will

promote creative problem solving to generate recommendations for system level improvements.

The Seventh Judicial District panel encompasses Jackson, La Crosse, Monroe, Trempealeau, and Vernon counties, and held its first meeting on Nov. 28, 2000.

The volunteer members of the Seventh Judicial District panel bring extensive personal and professional expertise from various backgrounds. Panel membership will rotate and at any point in time may include: judges, court staff, county board members, domestic violence advocates, social workers, guardians *ad litem*, law enforcement officers, school personnel, child protective services clients, foster parents, medical practitioners, concerned citizens, legislators, and representatives of tribes, minority groups, civic organizations, and the faith community. ❖

*For more information on Wisconsin's citizen review panels, contact Michelle Jensen, the Director of State Courts Office's Children's Court Improvement Program director, at (608) 266-1557.*

# Courts Work to Improve Communication with Legislature

As part of a continuing effort to improve understanding between the judiciary and the Legislature, the court system is reprising the popular Ride-Along Program, focusing on the Sixth Judicial District and on new legislators. The Wisconsin Supreme Court is also participating in orientations for new legislators and legislative staff.

## Ride-Along Program

On Dec. 20, 2000, Rep. Luther S. Olsen, R-Berlin, rode along with Judge William "Mike" McMonigal, Green Lake County Circuit Court, getting a bird's eye view of a typical day's docket and raising his awareness of the problems his constituents face when they represent themselves in court.

From the jury box, Olsen watched a morning of miscellaneous criminal matters such as pleas and preliminary hearings, and an afternoon of civil matters such as the commitment to institutional care of a person with Alzheimer's disease, a drunk driving matter, a probate case, and a divorce.

Olsen said the number of self-represented litigants concerned him. "One of the things that I was surprised at was how many people appeared in front of Judge McMonigal without any counsel," he said. "Some of them really needed counsel." Because eligibility for a state public defender is currently set at the 1982 eligibility levels for Aid to Families with Dependent Children, courts increasingly are seeing people who have too many assets to qualify for a public defender, but too few to afford to hire an attorney. In many instances, judges are forced to appoint counsel where the eligibility standards fall short, putting a burden on the county and the property taxes for that particular county. This problem, and possible solutions, are explored in a report released in December 2000 entitled *Pro Se Litigation: Meeting the Needs of Self-Represented Litigants in Wisconsin* (see separate story).

Other topics for discussion on District Six "rides" are expected to be needed judgeships, the Law Clerk Pilot Program, and the use and cost of public defenders and interpreters.

District Six will be the location of a pilot program to provide law clerks for judges in 2002-2003 if the \$396,000 budget item requested by the director of state courts remains in the budget. The money would be used to reimburse counties for the equivalent of 10 law clerks, about one for every two judges. Law clerk services are considered to be an essential component of the assistance trial judges need to be effective and productive.

This request is an outgrowth of the recommendations of the Wisconsin Judicial Conference in 1994 that every two circuit courts be staffed by one law clerk and Supreme Court Rule 70.39 (11)(b), which states: "Each branch of circuit court should be staffed by one full-time law clerk." In addition, a recent survey of circuit court judges revealed that the lack of law clerks is one of the most significant problems facing judges.

In addition to Olsen, the following legislators are being invited to "ride along" in the Sixth Judicial District: Rep. Sheryl Albers, R-Loganville; Rep. Jeff Fitzgerald, R-Beaver Dam; Sen. Scott

Fitzgerald, R-Juneau; Rep. Gene Hahn, R-Cambria; Rep. Julie Lassa, D-Plover; Rep. Mary Ann Lippert, R-Pittsville; Rep. Marlin Schneider, D-Wisconsin Rapids; Sen. Dale Schultz, R-Richland Center; Sen. Kevin Shibilski, D-Stevens Point; Rep. Joan Wade Spillner, R-Montello; and Rep. Scott Suder, R-Abbotsford.

As is customary, new legislators around the state are also being invited to "ride" with their local judges. At press time, Rep. Donald Friske, R-Merrill, planned to spend a day with Judge James P. Jansen, Langlade County Circuit Court, and Rep. Daniel Meyer, R-Eagle River, had a productive ride with Judge Robert E. Kinney, Oneida County Circuit Court.

## Legislative Orientations

On Jan. 8, Chief Justice Shirley S. Abrahamson, Justices Jon P. Wilcox and N. Patrick Crooks, Director of State Courts J. Denis Moran, and Legislative Liaison Sheryl A. Gervasi met with new legislators during the legislative orientation. Abrahamson gave a presentation on the court system, focusing on issues such as rising court costs (*see the PPAC story*), and the challenges that self-represented litigants present (*see separate story on the new pro se report*). Abrahamson indicated to the legislators that their constituents may contact them with problems related to these issues, and offered the assistance of Moran and Gervasi in answering such constituent questions.

On Feb. 16, Abrahamson was scheduled to give an orientation for new and returning legislative staff members.

In September, the Office of Judicial Education and the Legislative Council will co-sponsor a seminar for legislators on statutory interpretation. This is thought to be the first of its kind in the nation, and grew out of meetings the Supreme Court has had with several legislative committees. ❖

## Clerks Elect New Officers

The Wisconsin Clerks of Circuit Court Association has appointed its 2001-2003 officers. They are: President Judith Coleman, Dane County; Vice President Taraesa Wheary, Racine County; Secretary Sally Ayres, Vilas County; and Treasurer Cindy Joosten, Wood County.

In addition, the following clerks are on the Executive Committee: John Barrett, Milwaukee County; Renae Baxter, Rusk County; Carolyn Evenson, Waukesha County; Diane Fremgen, Winnebago County; Ruth Janssen, Outagamie County; Susan Krueger, Shawano County; Eldred Mielke, Rock County; Jane Putskey, Waushara County; Sheila Reiff, Walworth County; Roselle Urness, Buffalo County; and Wheary (chair). ❖

# Supreme Court Debates Campaign Conduct Rule

In lively debates at its administrative conferences in December and January, the Wisconsin Supreme Court weighed the merits of a proposal to amend the Code of Judicial Conduct to govern campaign-related activities of judges and candidates for election/appointment to judgeships.

The proposal came from the Commission on Judicial Elections and Ethics, which the Court appointed in March 1997. The body is more commonly called the Fairchild Commission, for Chair Thomas E. Fairchild, senior judge, U.S. Court of Appeals, Seventh Circuit. The commission's task was to review the provisions of the current Code of Judicial Conduct that address political and campaign activities of judges and candidates for judicial office, determine how well those provisions

address issues relevant to the Wisconsin non-partisan elective system, and recommend changes. The commission issued its report in June 1999 and the Court held a public hearing on it in November 2000.

At press time, the Court had suggested the following revisions to the report:

## **Fairchild recommendation:**

SCR 60.06(3) Campaign Rhetoric. (a) In General. While holding the office of judge or while a candidate for judicial office or a judge-elect, every judge, candidate for judicial office and judge-elect shall maintain, in campaign conduct and otherwise, the dignity appropriate to judicial office.

## **Supreme Court revision:**

SCR 60.06(3) Campaign Conduct and Rhetoric. (a) In General. While holding the

office of judge or while a candidate for judicial office or a judge-elect, every judge, candidate for judicial office and judge-elect should maintain, in campaign conduct and otherwise, the dignity appropriate to judicial office and the integrity and independence of the judiciary. A judge, candidate for judicial office or judge-elect should not manifest bias or prejudice inappropriate to the judicial office.

The Court intends to continue examining the report section by section and discussing and taking preliminary votes on proposed revisions in open conference. ❖

*The Fairchild Commission's proposed rule is on the court system Web site at [www.courts.state.wi.us/supreme/elections/e&ecom.html](http://www.courts.state.wi.us/supreme/elections/e&ecom.html).*

# Do's and Don'ts of Civic Board Service

by: Reserve Judge Thomas H. Barland, chair  
Judicial Ethics Advisory Committee



Reserve Judge Thomas H. Barland

You have been asked by leading members of the community to serve on the local baseball minor league board of directors as well as the chamber of commerce commission to bring new businesses to the community. Your knowledge of the community, they argue, makes you a valuable addition to the board and commission. You are tempted to say "yes," but what about the Judicial Code of Conduct? Does it permit such service? If one can serve, what are the limitations upon that service?

The Code of Judicial Conduct recognizes that judges cannot and should not be completely separate from the community. See the comment to Supreme Court Rule (SCR) 60.05(1). It is recognized that many judges were community leaders before ascending to the bench and that some form of continued service is both desirable and necessary for judges to carry out their function of determining community standards. However, because of the need to maintain an impartial judiciary, the dignity of the office, and the importance of having judges available to properly perform as judges, there are a number of limitations upon the type of

organization a judge may serve in an extra-judicial capacity as well as the role of the judge as a member of the organization.

The first question to be asked is, "Does the Code permit me to serve on the board or commission?" SCR 60.05(3)(c) permits a judge, with certain limitations, to serve as an officer, director, trustee, or non-legal advisor of a non-profit educational, religious, charitable, fraternal, sororal, or civic organization and SCR 60.05(4)(c)1 permits a judge to serve as an officer, director, manager, or employee of a business entity if such service would not create the appearance of impropriety and if it does not otherwise violate the Code. However, SCR 60.05(4)(c)2 prohibits a judge from participating in a business with a public interest such as banks, insurance companies, and public utilities.

Many baseball local minor league boards are really part of the farm system for a major league club. While the U.S. Supreme Court may have determined in the distant past that major league baseball teams are not businesses, most people would view any privately owned athletic team as a business. There probably would be no problem of appearance or conflict of interest if a judge were to serve on a little league or soccer team board of directors, but service on a local board of a minor league team that is part of a major league farm system presents a problem of both appearance of impartiality and propriety to the general public. Perhaps the best rule to follow is, if it doesn't pass the "smell test," don't agree to serve.

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# PPAC Subcommittee to Look at Security, Facility Planning

Security incidents, availability of new high-tech security devices, and major construction projects planned in about half of the state's 72 counties have created a need to update Wisconsin's security and facility standards.

In recent meetings of the Supreme Court's Planning and Policy Advisory Committee (PPAC), which keeps tabs on courthouse security incidents and construction projects, members have discussed a need for planners, architects, and court staff to address courthouse security and facility standards prior to construction.

PPAC has reactivated its security and facilities subcommittee to look at these planning issues and to address technical specifications and infrastructure requirements for courthouses. The Circuit Court Automation Program (CCAP) will develop the standards for technology that the subcommittee will use.

Subcommittee members are: Circuit Court Judges David T. Flanagan, Dane County; William F. Hue, Jefferson County; and John J. Perlich, La Crosse County; Clerk of Circuit Court Bernadette Flatoff, Portage County; and District Court Administrator Steven R. Steadman, Seventh Judicial District. ❖

## PPAC Launches New Planning Initiative

by: Dan Wassink, senior policy analyst  
Director of State Courts Office

Not surprisingly, given its name, the Planning and Policy Advisory Committee (PPAC) has focused on planning since its inception in 1990. PPAC's purpose, as set out in Supreme Court Rule 70.14(4), is to "advise the supreme court and the director of state courts in the director's capacity as *planner* and policy adviser for the judicial system."

During the past decade, PPAC fulfilled its planning responsibility by drafting a strategic plan, *Framework for Action*, for the court system, which PPAC re-examined and updated in 2000. However, PPAC has spent most of its time and made its greatest impact in shaping policy for the judicial system in such areas as the powers and duties of court commissioners; courthouse security and facilities; videoconferencing; and alternate means of court reporting.

### PPAC Planning Subcommittee

At its August 2000 meeting, PPAC approved a proposal from a Director of State Courts Office working group for the creation of a PPAC Planning Subcommittee to identify critical issues facing the Wisconsin court system and, where indicated, make recommendations about addressing these issues. The working group acted on a suggestion from Chief Justice Shirley S. Abrahamson, PPAC chair,



Judge Daniel Anderson

who believes the time is right for PPAC to strengthen its function as the planning committee for the court system. The subcommittee will consist of eight members with a special interest and passion for the hard work of long-range planning. Those members are:

Court of Appeals Judge Daniel Anderson, District II; Circuit Court Judges James Bayorgeon, Outagamie County; Gary Carlson, Taylor County; Michael Nowakowski, Dane County; and Richard

Sankovitz, Milwaukee County; Clerk of Circuit Court Carolyn Olson, Iowa County; District Court Administrator Kathleen M. Murphy, District Eight; and Richard Swantz, University of Wisconsin-La Crosse. Planning subcommittee *ex-officio* members are: Abrahamson, Supreme Court; Judge William "Mike" McMonigal, Green Lake County Circuit Court; and Director of State Courts J. Denis Moran.

The subcommittee began meeting in January and will meet five to six times per year as part of a two-year cycle that is geared to the state budget process. In March of even-numbered years PPAC, through the subcommittee, will report to the chief justice and director of state courts, who will in turn report to the supreme court, on the issues the court system might be expected to address in the next three to five years and ways it might deal with those issues.

### Supreme Court and PPAC Discuss Court Fees and Surcharges

The rapid escalation of court fees and surcharges in recent years led the discussion at the annual meeting of PPAC and the Wisconsin Supreme Court in November 2000. The number of assorted fees and surcharges grew from nine to 25 between 1987 and 1999, and the amount of money they generate now exceeds the total collected from the base fines, forfeitures, and filing fees. The burden on clerks of circuit court to collect these fees and surcharges has grown proportionately, yet a significant portion of the revenue goes to programs not connected to the court system.

Those attending the annual meeting discussed a subcommittee report containing facts, findings, and possible solutions to the increase of fees and surcharges. Additional suggestions for addressing the issue were made at the meeting and will be reviewed by PPAC in February 2001, with final recommendations forwarded to the Supreme Court for consideration. ❖

For more information about PPAC initiatives, contact Wassink at (608) 266-8861.

# Tribal Court Forum Approves Three Projects



Members of the State/Federal/Tribal Court Forum met in the new Wisconsin Court of Appeals, District III, facility in October. From left, District Court Administrator Jerry P. Lang; Atty. James R. Botsford, director, Judicare Indian Law Office, Wausau; Atty. Howard Bichler, past chair, State Bar of Wisconsin Indian Law Section and St. Croix tribal attorney; Judge Dennis D. Conway, Wood County Circuit Court; Chief Judge Edward R. Brunner, Barron County Circuit Court; Atty. David J. Siegler, Ashland; Chief Judge Eugene L. White-Fish, Forest County Potawatomi; Associate Judge Kimberly Vele, Stockbridge Munsee Community, Evansville; Atty. Ralph W. Koopman, Potawatomi tribal attorney.

Members of the Wisconsin State/Federal/Tribal Court Forum approved three projects at their October 2000 meeting. The projects include:

- An information clearinghouse, or central repository, to provide tribal court information. The forum envisions creating a Web site where lawyers and other parties involved in litigation in the tribal courts could go to find each tribe's court rules, laws, constitutions, information on jurisdictions, directories of judges and staff, and resources such as treatment facilities.
- Regional meetings to bring together tribal and state officials. In addition to court personnel, invitees could include law enforcement, human services, the Department of Natural Resources, probation officers, victims' rights organizations, and others who might want to join a discussion of local issues and needs.
- Educational programs to be offered in conjunction with the regional meetings. These will focus on an individual tribe's practices, for example. Issues that arise in multiple regions could be made the topics of statewide seminars. ❖

For more information, contact Chief Judge James Mohr, Vilas County Circuit Court, at (715) 479-3638.

# Supreme Court, BBE Annual Discussion Touches Many Issues

by: Gene Rankin, director  
Board of Bar Examiners

How to deal with the emerging issue of multijurisdictional legal practice was one of many issues discussed at the annual joint meeting of the Board of Bar Examiners (BBE) and the Supreme Court.

The justices met with the BBE for three hours on Dec. 14, 2000, for a discussion of policy issues that are increasing in importance for the Court and for the BBE.

The discussion topics included:

- **Multijurisdictional practice:** We discussed transborder practice and diploma privilege (which permits people who graduate from Wisconsin law schools to be admitted to the bar without taking the bar examination). We also talked about *pro hac vice* limitations on transactional lawyers versus litigators (*pro hac vice* admissions permit out-of-state lawyers to practice in Wisconsin in an individual case), and the present motion admission rule and differential effects.

- **Self-study for continuing legal education (CLE):** Our conversation touched on self-certification of course attendance, 'reciprocity' with other certifying states, potential for abuse of distance learning, required pre-approval of courses and attendance verification, and American Bar Association models for distance learning. We discussed possible CLE credit for *pro bono* work, and reached a consensus that credit for committee work might undermine the purpose of CLE.
- **Correspondence law schools:** We talked about the range of options for legal study, as well as the utility of the bar examination as a screening device. Also discussed was the use of distance learning for individual courses at conventional law schools.
- **Education of suspended lawyers:** Not all suspensions relate to competence. We talked about the potential to tie educational requirements to the reason for suspension.

- **Public education:** We discussed ways to improve the public's understanding of the BBE and talked about submitting periodic articles to law-related publications and taking advantage of public speaking opportunities through service clubs and other community organizations.
- **BBE discretion:** We discussed the fact that much of the BBE's exercise of discretion is invisible, as those receiving benefit usually do not appeal. The BBE does not exercise its discretion when it believes there is an issue for the Supreme Court to decide.

The justices encouraged the BBE to propose Supreme Court rule changes as it identifies important issues. This was the second annual joint meeting and proved to be even more fruitful than the last. Both the Court and the BBE stated a desire to continue meeting jointly every December. ❖

For more information on the BBE, contact Rankin at (608) 261-2347 or visit the court system Web site at [www.courts.state.wi.us/bbe/](http://www.courts.state.wi.us/bbe/).

# Judicial Selection Summit Results in Call to Action



Chief Justice Shirley S. Abrahamson listens as chief justices from around the nation discuss improving systems for selecting judges.

A two-day national summit on improving the process for selecting judges resulted in a “Call to Action” that was released at a press conference during the Conference of Chief Justices (CCJ) meeting in Baltimore on Jan. 25.

The Call to Action said judicial elections should be non-partisan and publicly financed. The chief justices also agreed that judges’ terms should be longer and that laws limiting the number of terms a judge can serve should be eliminated.

The CCJ emphasized the importance of voter education, calling for mass distribution of voter guides and regular evaluations of judges by bar

associations and other groups. In addition, the CCJ said that hotlines and monitoring groups should be established to encourage “fair and ethical” elections and accurate advertising.

Chief Justice Shirley S. Abrahamson was one of 18 state supreme court chief justices invited to participate in the summit that produced the Call to Action. The summit was held in Chicago in December 2000. Each chief justice led a team that included state

## Judicial Selection Committee

*continued from page 1*

governor. About half of Wisconsin’s currently sitting judges originally came to the bench by way of gubernatorial appointment to fill a mid-term vacancy, and the committee noted that six of Wisconsin’s 10 currently sitting minority judges were appointed to the bench. The appointee does not serve the balance of the unexpired term, but rather must seek election to the bench the following spring. With the advantage of incumbency, however, few appointees lose their seats.

The committee found nominating commissions to be essential to any appointive process, and recommended that the Governor’s Advisory Council on Judicial Selection be required to reflect the state’s diverse population. The committee also recommended that the nominating commission be specifically charged with working



Judge Maxine A. White

toward a diverse, inclusive judiciary, that it be composed of both lawyers and non-lawyers, and that members serve fixed, staggered terms. The committee split 4-4 on whether the power to appoint members of the nominating commission should remain exclusively with the governor, or whether members should be selected by various entities.

While it made specific recommendations for improving the diversity of the

legislators and civic leaders. Participating on the Wisconsin team were: Senators Brian Burke, D-Milwaukee, and Mary Panzer, R-West Bend, and Jay Heck, executive director of the Wisconsin office of Common Cause, a national interest group that works for campaign finance reform and open government.

The summit focused on how judicial campaigns are conducted, the level of voter awareness and participation in judicial campaigns, and the unique nature of fundraising for judicial election campaigns. The Wisconsin Supreme Court is now grappling with these same issues as it considers a proposed amendment to the Supreme Court Rules that would change how the campaign activities of judges and candidates for judgeships are regulated (*see separate story*).

In addition to Abrahamson, chief justices from the following states participated: California, Georgia, Illinois, Indiana, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New York, North Carolina, Ohio, Tennessee, Texas, and Washington. Florida’s chief justice cancelled due to the election case, but sent a representative.

The National Center for State Courts organized the summit with assistance from Professor Roy Schotland of the Georgetown University Law Center. It was funded by grants from the Joyce Foundation and the Open Society Institute. ❖

To read the Call to Action, visit the National Center for State Courts Web site at [www.ncsc.dni.us/SummitJudicialSelection.htm](http://www.ncsc.dni.us/SummitJudicialSelection.htm).

judiciary, the committee cautioned that meeting the challenge will require greater involvement by more groups and improved access to information. In particular, it noted a lack of demographic data on the racial and ethnic composition of the bench and bar in Wisconsin.

The committee met monthly between February and December 2000, and held a public forum in May 2000 to elicit testimony from judicial, legislative, bar, academic, and community representatives.

During its meetings, the committee reviewed the major methods used for selecting judges in the United States, including:

- partisan election;
- non-partisan election;
- gubernatorial appointment without a nominating commission;
- gubernatorial appointment with a nominating commission;
- legislative appointment;
- hybrid systems employing cumulative voting; and
- hybrid systems employing judicial sub-districts.

The committee discussed the advantages and disadvantages of each system and reviewed the history of judicial selection in Wisconsin and the requirements of the state Constitution.

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Judge Stanley A. Miller

# New Lawyer Regulation System is Running Smoothly

by: Keith Sellen, director  
Office of Lawyer Regulation

Implementing the new lawyer regulation system has taken diligence, enthusiasm, and plenty of hard work on the part of the Wisconsin Supreme Court, its staff, and volunteers throughout the state. The reward for all the effort is a system that is already up, running, and processing matters effectively, even as implementation efforts continue.

Between Oct. 1, 2000 and mid-December 2000, the Office of Lawyer Regulation (OLR) opened 235 matters and concluded 213. The Supreme Court disposed of 16 matters relating to 10 attorneys, including one revocation, one temporary suspension, six license suspensions, one public reprimand, and one matter involving conditions on a license. Among the other concluded matters were 15 dismissals with advice on conduct, 80 dismissals after investigation, and 99 closures without investigation.

In addition to processing cases, the OLR is actively promoting an understanding of the new system among lawyers and the general public, and seeking further opportunities to speak about it.

One of the most significant changes in the new system was to transfer a substantial portion of BAPR functions to two new entities. The first of these, the Board of Administrative Oversight (BAO), monitors the fairness, productivity, effectiveness, and efficiency of the system and proposes improvements. The BAO has already held its organizational meeting, during which it elected Atty. W.H. Levit Jr., Milwaukee, as chair, and Atty. Ann Ustad Smith, Madison, as vice chair. BAO meetings are planned for March 9, June 15, Sept. 7, and Nov. 30.

The second entity is the Preliminary Review Committee (PRC), which reviews the results of investigations and determines whether there is cause to proceed with a disciplinary or medical incapacity matter. In addition, the PRC considers grievant appeals of matters that were closed or dismissed. The PRC held its organizational meeting on Nov. 3, 2000, electing Atty. James Wickhem, Janesville,

as chair, and Atty. James Friedman, Milwaukee, as vice chair. The PRC met on Nov. 27, 2000, to consider specific disciplinary matters, and will continue to meet on a regular basis.

Another emphasis in the new system relates to the district investigative committees, which have been continued from the prior system because of their significant contributions in conducting investigations, providing peer review, and promoting respect for the regulation system and the profession in their districts. Because there were also concerns expressed during the comprehensive review of the lawyer regulation system about the timeliness and uniformity of committee investigations, there will be efforts to improve in these areas. Five committee chairs met in December to discuss these issues. Their discussions were very fruitful and plans for further meetings are taking shape.

The final change in the system was the adoption of central intake and alternatives to discipline. Central intake, which began on Jan. 1, blends new staff, new procedures, and new technology to increase public access to the system and the system's responsiveness to the public and bar. The OLR is hiring intake staff who will receive inquiries and grievances by phone, evaluate them, and either: forward matters to another agency, attempt to resolve minor disputes, close matters when they present insufficient information of cause to proceed, refer matters for investigation, or divert matters to an alternatives to discipline program. Where the alleged misconduct is relatively minor and there is little likelihood that the attorney will harm the public, diversion to an alternative program provides a means to improve an attorney's performance and to promote the ethical practice of law. The Court has authorized several programs. The OLR and the State Bar have already met to develop a system for fee arbitration and programs for medical, psychological, and substance abuse evaluation, treatment, and monitoring. ❖

*For further information about the new system, visit the Office of Lawyer Regulation Web page at [www.courts.state.wi.us/olr](http://www.courts.state.wi.us/olr).*

## Courts Move Forward

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nearly nine percent of the county's population. A competing statistic is that minorities make up 37 percent of Dane County's jail population.

The Dane County Jury Implementation Committee, a multi-disciplinary group, will work closely with the consultant to find ways to increase the delivery rate of summonses to the minority community. This committee is an outgrowth of a 1992 jury study that listed increasing minority representation as a top priority.

Circuit Court Judge Moria Krueger, chair of the Implementation Committee, hopes that by working with members of the minority community, the consultant will be able to explore approaches to correct this problem with delivery in ways that are acceptable to the community. "We must learn why we are encountering this problem, and we must listen carefully to creative solutions. We hope to develop a comprehensive plan to assure delivery of our calls to jury duty uniformly throughout our county."

According to Krueger, this plan may include recommendations for changes in local procedure or even changes in state law. An essential element will be a blueprint for community outreach and a public education program. The project began in January.

*For more information, contact Coleman at (608) 266-4679.*

## Chief Judges Subcommittee Developing Legislative Package

The Chief Judges Subcommittee on Juror Selection and Treatment met in January to finish developing a legislative package to raise juror *per diem* and mileage rates, strengthen the authority of clerks of circuit court to use additional source lists, and protect juror privacy.

Subcommittee members include: Chief Judges Barbara A. Kluka, District Two, and Robert W. Radcliffe, District Seven; District Court Administrators Kerry M. Connelly, District Two; Gail Richardson, District Five; and Steven R. Steadman, District Seven; and Judge Lee E. Wells, Milwaukee County Circuit Court. ❖

# New Faces

## Register in Probate Julie Gallenberger Kewaunee County Circuit Court

Kewaunee County Circuit Court Judge Dennis Mleziva has appointed Julie Gallenberger as register in probate. Gallenberger has worked for the court system in Kewaunee County for 18 years, the last 14 years in the Probate Office. Since 1992, she has held the positions of deputy register in probate and deputy juvenile clerk. She worked at Fort Howard Paper Company for five years before starting with the court system.

Each Wisconsin county has one appointed register in probate. The position handles estates and guardianships, conducts informal estate proceedings and may be authorized to exercise some court commissioner authority. The register in probate is a personal appointee of the circuit court judge.



Judge David G. Miron

Gallenberger is a lifelong resident of Kewaunee County and a 1976 graduate of Kewaunee High School. She is married to John Gallenberger. They have two children, Jenny, 15, and Kevin, 12.

## Judge David G. Miron Marinette County Circuit Court

David G. Miron, who spent 10 years as Marinette County district attorney,

replaced Judge Charles D. Heath on the bench in Marinette on Jan. 5. Appointed to fill a mid-term vacancy that occurred when Heath retired in January after 23 years on the bench, Miron plans to seek election to a full term in April 2002.

Miron is a Milwaukee native who did his undergraduate and graduate work at Marquette University. Prior to becoming district attorney, he worked for Kopsih, Miron & Boyle from 1983 to 1990.

## Clerk of Circuit Court Lorraine Riemer Kewaunee County Circuit Court

Lorraine Riemer served as Kewaunee County register in probate for 16 years before deciding to oppose a 26-year incumbent for the clerk of circuit court post. Riemer won by a margin of 58 votes.

Riemer said her top priority is jury management; the office still uses the old fashioned tumblers to select jurors. Riemer hopes to bring the office onto the Circuit Court Automation Program (CCAP) jury management system on April 1. She also is committed to improving fiscal management by more efficiently collecting fines and forfeitures.

Riemer is a lifelong resident of Kewaunee County and a graduate of Kewaunee High School. She is married to Robert Riemer, with five children, ages 27 to 35. The couple operated a dairy farm until last March. ❖

## Information-Technology Plans for 2001

*continued from page 2*

many new software features in addition to making some of the current features more efficient and user-friendly. When counties receive Release 7.0, Windows 2000 and Microsoft Office 2000 will also be installed.

- **Electronic data exchange:** CCAP will continue to work on a state-of-the-art process that allows the exchange of data between the circuit courts and district attorney offices, the Department of Transportation, the Department of Revenue, and the Department of Workforce Development. The process is called STEP (Simple Transaction Exchange Protocol).
- **Conversion:** Outagamie County will convert to the CCAP system in the third quarter of 2001.

## OITS Appellate Court IT Projects Are Under Way

OITS is currently planning several projects that will help to ensure that the courts have the information and communications tools they need to be successful. This year's projects include the joint efforts listed above as well as:

- **Office productivity tools:** This project entails bringing the appellate courts onto Microsoft Office 2000 to improve collaboration and communication between the circuit and appellate courts and with other state organizations. OITS will begin the switch with the

Medical Mediation Panels early this year and complete the process in July with the Supreme Court.

- **Facilities:** The Supreme Court Hearing Room, which the Court of Appeals, District IV, also uses, will see a number of technical improvements including the addition of videoconferencing, electronic documents display, security tools, and a vastly improved sound system. In addition, the Wisconsin State Law Library's move to its new facility will involve establishing two new networks and a room for training sessions on legal research and computer use. Videoconferencing is also a possibility in the future.

OITS is also finalizing the results of the 2000 project plan and continuing to pursue objectives identified in the 2000-2005 ITSP.

In 2000, OITS staff completed replacement or upgrade of core technology infrastructures including file servers, database servers, network switches, and most visibly, individual staff workstations. The court system's Web site was revamped to improve performance and expand functionality, while the developers also began the move to Web-based application development environment. This environment will allow the development of applications that use the familiar Web browser interface, thereby simplifying the program's use and reducing the training requirements for the typical user. ❖

*Questions about OITS projects may be directed to Hartman at (608) 267-5292. Questions about CCAP projects may be directed to the CCAP Implementation Line at (800) 462-8843.*

# Judicial Leadership

judges and court staff ■ leaders in a fair, impartial, and innovative justice system

## People's Law School Connects Justice System, Community

by: Sarah Maguire, intern  
Director of State Courts Office

Richland County cosmetologist Deb Niemeyer received a free crash course in law this year thanks to a program organized by Judge Edward E. Leineweber. Leineweber established the People's Law School 2000, a lecture series on specific areas of law that many people may find themselves confronting.



Judge  
Edward E. Leineweber

"There is always a need for people to understand the law better and what their rights are," said Niemeyer, who attended all but one seminar. "I didn't know an awful lot, and I thought I could learn something."

Niemeyer has two teen-age boys, and she brought them to seminars that she believed would interest them. "When I was in high school, I never learned the history of the law, at least not that I remember," she said. "I felt it was important for them to come."

Linda Gentes, coordinator for continuing education at the University of Wisconsin-Richland, said programs of this sort are extremely important for the community. "People are in court more than they ever used to be," said Gentes, who helped Leineweber organize the program. "This program helps take away the mystery so they can understand the system."

Leineweber said he established this program to give people an opportunity to get into the courthouse and acquaint themselves with court proceedings. "It's amazing to me the number of times people in the community tell me they've never been in the courtroom," he said. "It's important to let people know that the courtroom is not a dungeon where people are strung up and flogged."

Gentes said one of the program's greatest successes was the wide array of subjects available. "No matter what, the quantity of knowledge [on the law] is so vast you can't know it all," she said. The topics were designed to reflect the court's docket, according to Leineweber. Attorneys presented on substantive issues ranging from juvenile court to probate court. Approximately 20 to 35 people attended each lecture. "The sense I got was that people understood what the presenters were telling them," he said. "Lots of questions focused on their personal situations, but I expected that."

About 10 attorneys who regularly practice in Richland County Circuit Court presented the seminars—some more than once. William Rudolph, a civil litigation attorney, gave three seminars. Each lecture was very different and attracted a variety of people, he said. Everyone from aspiring judges to those who were simply interested in the topic attended Rudolph's seminars.

The time-honored Socratic method worked well for Rudolph and was a great deal of fun, he said. "The folks in it really

participated," Rudolph said, adding that he valued the experiences. "I love teaching, and so I had a really enjoyable experience interchanging with the community," he said. "I've found that people really like to learn, and the law is something that affects everyone."

In addition to the question-and-answer format, Rudolph and Leineweber recommend using overhead projectors, audio-visual technology, hypothetical situations, and, of course, leaving plenty of time for questions. "There was some concern about whether there would be too many people who wanted free legal advice, but that wasn't the case," Rudolph said.

Programs such as the People's Law School are a good way to reconnect to the community and instill public confidence in the legal system, according to *Public Trust and Confidence in the Justice System*, a report released in October 2000 by the Office of the Chief Justice of the Wisconsin Supreme Court, the Director of State Courts Office, the State Bar of Wisconsin, and the League of Women Voters of Wisconsin, Inc. (The report is available on the court system Web site at [www.courts.state.wi.us](http://www.courts.state.wi.us)).

A 1998 American Bar Association survey found that 43 percent of people believe that most lawyers do not contribute enough to their communities through donations of time, money, or legal services. Over half of people who were surveyed said that courts were out of touch with local communities.

Rudolph said the legal profession needs more public-minded people. "I feel that we all need to contribute in life," Rudolph said. "The judge certainly contributed his time, and I felt a sense of duty to offer some time."

Leineweber and Gentes attended nearly every lecture. "I learned a lot," Gentes said. "It's surprising how much authority the district attorney has before a case comes to court."

Almost every lecture was videotaped. Richland County residents have already asked to check out the tapes, which are stored in the courthouse. Leineweber said his ultimate goal is to create a professionally edited video series to keep in the courthouse.

Gentes said scheduling the lectures was the biggest challenge. "Our biggest decision was when to hold it. Everyone is always busy." She recommends holding similar lecture series from February to April. "In the fall, it's impossible to avoid the Packer's schedule," Gentes said. "In the spring, people are ready to leave the house."

Leineweber said Richland County is planning to continue its public outreach programming and is considering holding another lecture series in a few years.

Niemeyer, the cosmetologist, said she is glad that these types of programs are continuing. "Those that didn't attend these seminars," Niemeyer said, "really missed out on some good education." ♦

For more information, call Leineweber at (608) 647-2626.

# Grant to Enhance Courthouse Security

How should staff in the county courts and sheriffs' departments prepare for a high-profile trial? What should a judge do if he/she receives a threatening telephone call? How should suspicious packages be handled? What is the best way to manage sensitive evidence? Preparing answers to questions like these is vital to maintaining safety and security in Wisconsin's courthouses. The new Statewide Courtroom Security Training Program will provide counties with the necessary tools to develop comprehensive security plans.

On Super Bowl Sunday, then-Governor Tommy Thompson presented the Wisconsin Sheriffs and Deputy Sheriffs Association (WSDSA) with a check for \$173,611 that will make the Statewide Courtroom Security Training Program possible. Washburn County Sheriff Terry Dryden accepted the grant along with Chief Justice Shirley S. Abrahamson and District Seven Court Administrator Steven R. Steadman. Steadman and John Voelker, executive assistant to the chief justice, have provided technical assistance to the program. The award was presented at the association's annual winter conference and banquet in the Wisconsin Dells.

This federal Local Law Enforcement Block Grant will be used to develop a training curriculum and to conduct regional training workshops to help counties establish "best practices" courthouse security plans. Beginning in May, 10 two-and-a-half-day regional

training programs will be conducted in nine locations (the sites are currently being selected). Teams composed of judges, attorneys, court staff, county board members, and law enforcement officers will be selected from each county by the district's chief judge and district court administrator, as well as the county sheriff.

The *Wisconsin Courthouse Security Manual* will also be published with grant funds. The manual, based on one developed for the Minnesota courts, includes topics such as routine security procedures, handling threats to judicial officers, security considerations in courthouse building and remodeling, and more.

The WSDSA, U.S. Marshal's Office of the Western District of Wisconsin, Office of the Chief Justice, Director of State Courts Office, and Fox Valley Technical College are partners in the program. Members of the Wisconsin Courthouse Security Committee include: Dryden (WSDSA vice president); La Crosse County Sheriff's Department Sergeant Carl Fleischman (retired; WSDSA member); U.S. Marshal Dallas Neville and deputy U.S. Marshal Michael McFadden; WSDSA Executive Director James I. Cardinal; Dunn County Sheriff Robert W. Zebro (WSDSA past president); Shawano County Chief Deputy Sheriff Milton Marquardt (WSDSA president); Steadman; and Voelker. ❖

*For more information, contact Steadman at (608) 785-9546.*

## 10 Steps to Planning a People's Law School

It takes approximately six months to plan a People's Law School series. As an entirely volunteer-run effort, the event's costs are limited to photocopying expenses and postage. Their funding comes from the sale of *pro se* divorce forms and from the proceeds of a public copier in the courthouse.

Here are 10 steps to a successful series.

- Find a partner in the community. Consider connecting with universities, colleges, technical schools, and public libraries. Ideally the partner will have had experience scheduling speakers and events.
- Decide on the date, time, and location of the presentation(s). Set at least tentative dates about three months ahead of time.
- Identify and recruit knowledgeable speakers. Consider asking judges, court commissioners, registers in probate, lawyers, clerks of circuit court, police officers, probation officers, and other community leaders involved in the justice system.
- Create general publicity. Publish a brochure about the program and get the word out about the presentation(s).

Two or three months before the first presentation, send the brochure to schools, community organizations, and the media.

- Request biographical information and lecture outlines from speakers to use in handouts and press releases. Make sure to receive this information at least two weeks before the program begins.
- Send press releases to local newspapers; post event information on Web sites; put posters up in the courthouse, community centers, libraries, and schools.
- Make copies of handouts to be distributed at presentation(s).
- Attend the presentation(s).
- Survey attendees to gauge the success of the program.
- Follow up with thank-you notes to speakers, organizers, and any agencies that assisted in the program (agencies might be asked to provide the lecture room or cover the copying and postage costs). ❖

# VOLUNTEERS IN THE COURTS: \_\_\_\_\_

## A Partnership for Justice

### Volunteer Advocates, Friends for Victims

Liz Schmidt has volunteered at the Center Against Sexual and Domestic Abuse (CASDA) in Superior for more than a decade. When her husband died 14 years ago Schmidt decided she wanted to get more involved in her community, so she called CASDA, received training, and opened up her home to victims of sexual and domestic abuse. Her house was a “Safe Home” for several years, until the center opened a shelter. Since then, Schmidt has been one of approximately 20 volunteers who meet victims at the police station, attend court proceedings with clients, answer the crisis line, staff the shelter, and provide transportation.

When attending court proceedings with victims, volunteers explain what will happen, what kinds of questions will be asked,

who will be present, and what the legal terms mean. More than anything else, though, they lend support to the victim. Speaking of her court experiences, Schmidt said, “[the client] just felt more comfortable if she knew she had someone in her corner.”

CASDA’s 32-hour training program teaches volunteers about the dynamics of domestic abuse, typical behaviors in victims, how the justice system handles these cases, and what other community resources and information are available. CASDA staff, police officers, district attorneys, and staff of the county Victim/Witness Office conduct the training. “Volunteers learn how to be supportive and non-judgmental,” said Cindy O’Brien, CASDA’s volunteer

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### Court System Colleagues Share Gift of Time

by: Cheri A. Timpel, personnel officer  
Director of State Courts Office

Twice last year, court employees—including judges, court reporters, and staff—came to the aid of critically ill colleagues by donating earned but unused leave time. The caring and compassion of these individuals was heartwarming.

The Catastrophic Leave Program provides an opportunity for court employees to donate annual leave, personal days, and Saturday legal holiday time to court system colleagues who have used up all eligible leave time to cover an extended absence due to a serious medical condition.

Donations are used to bridge the gap during a medical leave of absence for which no other eligible paid leave benefit or replacement income is immediately available. Sick leave may not be donated.

There are some restrictions on these donations:

- a court employee may donate no more than 24 hours of leave credits (that amount is pro-rated for less than full-time employees);
- leave credits must be donated in whole-hour increments;
- leave credits will be used in the sequence they are received;
- donated leave credits will be deducted from a donor’s leave accounting balance when the credits are actually used by the recipient; and
- donated but unneeded credits are returned to the donor. ❖

*The Catastrophic Leave Program is implemented in individual cases as needed. For more information, contact Timpel at (608) 266-9795 or cheri.timpel@courts.state.wi.us.*

### Court of Appeals, Clerk’s Office ‘Adopt’ Families for Christmas

Judges, staff attorneys, and staff at the Wisconsin Court of Appeals, as well as staff at the Office of the Clerk of the Supreme Court and Court of Appeals, “adopted” needy families for the holidays in lieu of exchanging gifts among themselves.

Staff Attorney Deborah C. Moritz, who works for Districts I and II of the Court of Appeals, suggested participation in the Family-to-Family Christmas program. In 2000, the group’s third year to take part in the charity, the presents collected for just one large family filled a van.

The program identifies families in Dane County who are in need of assistance (in 2000, there were more than 120 families identified) and then matches volunteers with each family. The staff attorneys, judges, and staff at District IV adopted one family, the Clerk’s Office adopted one family, and a number of judges, staff attorneys, and assistants adopted additional families on their own.

Volunteers receive a list with the first names of the family members, their clothing sizes, their wishes for gifts, and the name of the grocery store where they shop. The volunteers purchase and wrap the gifts and also provide gift certificates to the grocery store for Christmas meals. These items are delivered to a central location one week before Christmas and are delivered to the families by social workers and other volunteers. ❖



# Trip Features Crash Course on Cuban Law

by: Judge Dennis J. Mleziva  
Kewaunee County Circuit Court



Judge Dennis J. Mleziva (left) and his wife, Susan, meet with Dr. Eduardo Lara Hernandez, a law professor and top legal consultant to the Cuban government.

The People-to-People Ambassador Programs sponsored a trip to Cuba in early November 2000. My wife, Susan, and I were two members of the delegation, which consisted of judges, lawyers, business leaders, and educators. Justice Robert F. Utter, former chief justice of the Washington Supreme Court, led the judge-members of the delegation.

We noted the contrasts between our two countries immediately upon our arrival. As we drove down the highway in a Mercedes Benz bus, we passed people traveling by horse and buggy and others on bicycles. We learned that people who own cars are required to give others rides if they have the room.

The group took a three-day course on Cuban law at the offices of the National Union of Cuban Jurists in Havana. Information on constitutional law, criminal law, family law, labor law, and related

legal issues was presented. Dr. Doris Quintana, head of the International Division of the National Union of Cuban Jurists, hosted the course. This organization was one of the sponsors of the meeting of the International Association of Democratic Lawyers held in Havana in October 2000; a group of Wisconsin lawyers attended that meeting.

Among those making presentations to the delegation was Dr. Eduardo Lara Hernandez, a law professor from the University of Havana. He spoke on constitutional law. Lara is a consultant on legal affairs to the National Assembly in Cuba, the country's national legislative body. He is also an advisor to the Council of State, the principal governing body in Cuba. Fidel Castro serves as president of the Council of State.

Professor Emeritas Miguel d'Estphano Pisani of Havana spoke on human rights issues and Cuba's participation in the United Nations and other groups and organizations. Cuba views itself as a third world country with human rights issues that are similar to those of other developing nations, particularly those in Latin America.

Other presentations addressed topics such as the substantive and procedural aspects of the Cuban Penal Code, labor law and workers' rights in Cuba, and civil and family law. In the family law area, we learned that a couple can get an uncontested divorce by simply filling out paperwork before a person who is the equivalent of a notary public. We also learned that Cuba assigns one physician to every 120 families, and that physician acts as a social worker, staying in contact with the family and school and bringing problems to the court when necessary.

The delegation learned about the socialist principles underlying Cuban society as well as changes occurring in the law and society to accommodate a growing tourism industry and growing foreign investment in terms of economic joint ventures with the Cuban government.

The delegation also toured the Havana area and traveled to the cities of Cienfuegos and Trinidad on the Caribbean Sea. ❖

For more information on the People-to-People Ambassador Program, visit [www.ptpi.org](http://www.ptpi.org).

## E-Filing

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- identify all written documents and other items presently included in paper files, and recommend how paper documents might be integrated with the electronic record; and
- provide policy guidance and procedural information to technical staff in the development of e-filing.

Members of the committee are as follows: Judge Daniel P. Anderson, Court of Appeals, District II; Judges Gary L. Carlson, Taylor County, and Gerald P. Ptacek, Racine County; Clerks of Circuit Court Ann Robinson, Richland County, Jim Smith (representing the Milwaukee County Clerk of Circuit Court Office), and

Taraesa Wheary, Racine (co-chair); Clerk of Supreme Court/Court of Appeals Cornelia Clark and Chief Deputy Clerk Theresa M. Owens (co-chair); Circuit Court Automation Program Director Jean M. Bousquet and Office of Information Technology Service Director John Hartman; David E. Bubier, Office of Court Operations; District Court Administrators Scott Johnson, District Six, and Gail Richardson, District Five; Register in Probate Kay Morlen, Washington County; Attorneys Bruce Landgraf (district attorney representative), Mark Pennow (State Bar of Wisconsin representative), Jose G. Perez (public defender representative), and Joseph P. Wright (private practice representative). At press time, two appointments to represent the Legislature and one more to represent law firms were pending. ❖

# Retirements

## Court Reporter Field Retires after 33 Years

In 1967, Paul Field became the new court reporter in Wisconsin Rapids. In January, after more than 33 years on the job, Field stepped down.

Judge Fred Fink hired Field, and the pair worked together for 18 years. Field then worked for Judges Tom Hayden and James Mason. Over the years, Field has seen his share of courtroom dramas. He recalled an instance where the judge paused between pronouncing a prison sentence and adding that it was being imposed and stayed. In that short pause, the defendant fainted.

Field said the challenging part of the work has been the increasing volume and the stress associated with it. But the job has also had its rewards. "What I've enjoyed is being able to help someone just get through a difficult situation [by explaining court processes]," he said. "That's been satisfying."

## Gallagher to Step Down after 19 Years



Judge  
Thomas J. Gallagher

Bayfield County Circuit Court Judge Thomas J. Gallagher, an avid bush pilot who regularly flew himself to meetings around the state from his home in Wisconsin's north woods, will step down July 31.

Atty. Ruth A. Bachman, Gallagher's wife, is seeking election to the post. Bachman is a prosecutor in Barron County. Atty. Thomas T. Lindsey, who works in private practice in Washburn, is also running.

Gallagher has been the sole judge in Bayfield County for 19 years. Prior to taking the bench, he spent 13 years in private practice. His first job out of law school was that of assistant city attorney for the City of Milwaukee.

Gallagher has been very active in judicial administration, serving as chief judge of the Tenth Judicial District and chair of the Committee of Chief Judges. He has also taught at the National Judicial College in Reno, Nev.

In retirement, Gallagher plans to spend more time hunting and fishing at the family cabin in northern Manitoba, Canada. He also intends to do some reserve work and mediation.

## Years in Law Provided Education in Farming

In 1964, when Judge Conrad A. Richards, St. Croix County Circuit Court, was 28 and working in private practice, he brought the case of *Happy Hollow Guernsey Farm v. Ed Greenway* to the Wisconsin Supreme Court. Richards represented a farmer whose "somewhat overly lecherous" Angus bull had prematurely bred seven prize heifers—Lavender, Lenore, Lilac, Kolline, Margarete, Lindis, and Lena. A divided Supreme Court acquitted the bull on the morals charge, with Justice Thomas E. Fairchild, now a senior judge on the federal bench, writing the majority opinion. Justice E. Harold Hallows dissented, citing a 1911 Wisconsin Supreme Court case that also involved a "nameless plebeian bull, who had similar aspirations beyond his humble station in life."

Richards had his second brush with nature soon after taking the bench in 1989. This case involved "a hen mallard being pursued by two overly amorous drake mallards." During her attempted escape from these two, Richards said, the hen went through a plate glass window. The issue was whether the hen was a falling object within the meaning of the homeowners' insurance policy (he found that it was).

Another, more recent, case involved a young man who made an unwelcome pass at a heifer and got caught in the act. "I got calls from around the state on that one," Richards said.

Richards grew up in Rhinelander, where his late father George Richards was a judge in Oneida County for 36 years.

When the younger Richards decided to run for judge in St. Croix County, he had instant name recognition—as "Martha's father." His daughter was well known as one of the nation's top female high school basketball players. She went on to play for the Stanford basketball national championship team in 1990 and played on the LPGA golf tour from 1994 to 1996.

Richards and his wife, Jeanette, have five grown children. After his retirement in July, Richards said he plans to remain active in the mediation process and said he will also serve as a reserve judge. Spending time with grandchildren and resurrecting his golf game are also on the agenda.

## Price County's Second RIP Retires

Carol Will, who is only the second register in probate in Price County history, stepped down from the post on Jan. 31 after more than 44 years on the job. Her many friends and colleagues held a retirement party for her on Feb. 3.

Will found the job in the newspaper want ads in 1956. Because the former register in probate had left town before Will was hired, Will was on her own from the start. "The work had piled up and it was a real struggle for me at first," she recalled in an interview with *The Bee* (Phillips). The work became manageable as she learned the ropes, but the volume has only increased.

In her 44 years, Will has worked with five judges and in several courthouses or makeshift courthouses. She recalled the temporary quarters she was given when the first courthouse had been torn down and the second one was under construction. "We worked in the old American Legion building," she said, "but the records were stored [a block away] in the basement of the old jail, so each time a record was needed, I would have to take down the information on a slip of paper and go hunt it down. If I pulled the wrong papers, we'd repeat the process."

In retirement, Will hopes to visit many of the places in Wisconsin that she has passed on her way to various seminars over the years. "I never had time to do any sightseeing of interesting locations in those areas. When I retire, I plan to visit many of those places I've only been able to see as I drove by," she said. "Other family members and I have already started to make a list of places we'd like to see." ♦

# People in the News

According to an article in the *Wisconsin State Journal*, the public interest in the courts that was provoked by the presidential elections created an opportune environment for the release of the *Public Trust and Confidence in the Justice System Action Plan*. The action plan, released by the State Bar of the Wisconsin, the Wisconsin League of Women Voters, the Office of the Chief Justice, and the Director of State Courts Office, identifies five key ways to improve the public's trust and confidence in its courts, including: ensuring equal treatment in the justice system; encouraging judicial and attorney involvement in their communities; enhancing satisfaction with the juvenile justice system; increasing empathy in the justice system; and improving the selection and treatment of jurors. The action plan is available online at [www.courts.state.wi.us/media/reports/Public\\_Trust&Confidence\\_2000.htm](http://www.courts.state.wi.us/media/reports/Public_Trust&Confidence_2000.htm).

Wisconsin judges had mixed reactions to how the presidential election and the resulting court dramas affected the public's perception of the courts. In a *Wisconsin State Journal* article, Chief Justice **Shirley S. Abrahamson** recounted a recent experience she had at Chicago's O'Hare Airport. She gave an impromptu lecture to four baggage handlers on the workings of the state courts in relation to the federal courts. "[They] had followed what was happening (in the contested election) and they had taken an interest," Abrahamson said. "I don't think that would have happened six weeks ago." Justice **N. Patrick Crooks** had a similar take on the heightened public interest in the courts. "There seems to be some better understanding that individual value judgments and judicial philosophy enter into the courts of 'last resort,' which is what the appellate courts are," said Crooks. He also said that in states that elect their judges, the debates and campaigning by judicial candidates create an opportunity for the public to learn about the distinction between conservative and liberal judicial philosophies. Conversely, retired Court of Appeals Judge **William Eich** believes the election cases damaged the public's perception of the courts. "For the first time, I heard judges being described as 'Democratic' or 'Republican' judges. I think that's really unfortunate," Eich said.

Reserve Judge **Thomas H. Barland**, a longtime Eau Claire County Circuit Court judge who recently retired, has been appointed to the 11-member Wisconsin Federal Nominating Commission by the State Bar of Wisconsin, reported the *Leader-Telegram* (Eau Claire). The commission makes recommendations to U.S. Senators **Russ Feingold** and **Herb Kohl** for vacancies in the federal judiciary.

Justice **Jon P. Wilcox** spoke to fourth grade social studies students at Frank Allis Elementary School in Madison, and stopped to pose for a picture with student Tony Thor. Wilcox is a regular at the school, because the children in teacher Michelle Parker's class write a letter to him every year asking him to come talk about the job of a Supreme Court justice.

After 20 years on the bench of the New Berlin Municipal Court, Judge **Frank Murn**, 72, will retire, reported the *New Berlin Citizen*. Murn, who helped shape the court when it was first established in 1980, envisions the municipal court as a forum for residents to explain their actions and also a place where people can learn about the laws. Although he has noticed more road rage and anti-social behavior, "I think [New Berlin] is a pretty well-ordered and well-mannered community," Murn said.

**Lou Velarde** is a court interpreter in Dane County. Each Thursday he can found "shepherding Spanish-speaking people through the English-only maze of Dane County court proceedings," wrote a *Wisconsin State Journal* reporter. Velarde said that when he started court interpreting in 1993, he would receive an assignment every couple of months. Now, it's weekly. This example mirrors a statewide trend illustrating the increasing need for qualified court interpreters—the subject of a recent report by the Director of State Courts Office Committee to Improve Interpreting and Translation in the Wisconsin Courts. The report is available online at [www.courts.state.wi.us/circuit/pdf/Interpreter\\_Report.pdf](http://www.courts.state.wi.us/circuit/pdf/Interpreter_Report.pdf).

According to the *Wauwatosa News-Times*, Milwaukee County Circuit Court Judge **Christopher R. Foley** tempers the "heavy hand of the law with a father's heart." A children's court judge and father of seven, Foley says family is the answer to preventing juvenile crime. "You don't have to be Ward and June Cleaver or the Huxtables, but if a child is with someone who loves, nurtures, disciplines, trains, and teaches them, that child has everything," Foley said. With more than 6,000 children in Milwaukee County in court-ordered, out-of-home placement on any given day, Foley explained the desperate need for more nurturing foster or permanent homes. "It's a sick cycle and the community has to take ownership of this problem by getting involved as adoptive or foster parents," he said.



Judge Christopher Foley

In January, Milwaukee County Circuit Court Judge **Jean W. DiMotto** gave three presentations on legal issues at a national nursing faculty conference in Las Vegas. The presentations were titled: *When Students Threaten to Sue: Theories of Faculty Liability*; *Contractual Rights of Students*; and *Malpractice Insurance: To Have or Not to Have an Individual Policy*.

Marshfield Municipal Court Judge **John Adam Kruse** received the Distinguished Service Award for Outstanding Contributions to School and/or Community from the Association of Wisconsin School Administrators in October. The *Marshfield News-Herald* reported that Kruse was recognized for starting a juvenile issues committee that has made several initiatives possible, including the Marshfield School District's alternative school and diversion programs for truancy, alcohol and drug abuse, and curfew violations.

Judge **James L. Carlson**, Walworth County Circuit Court, spoke to an estimated 150 people at the Mothers Against Drunk Driving (MADD) annual candlelight vigil for those injured or killed by drunk drivers. The vigil was held in Appleton on Dec. 2, 2000. Carlson thanked MADD for assisting the Walworth County courts in setting up victim impact panels and noted, in particular, the assistance of Judge **Marianne T. Becker**, Waukesha County Circuit Court. Victim impact panels have been shown to be effective



Judge James L. Carlson

*continued on page 23*

# Obituaries

## Judge Harry F. Gundersen Burnett County Circuit Court

Judge Harry F. Gundersen, Burnett County's judge from 1956 to 1990, died Nov. 21, 2000, after suffering a heart attack. He was 75.

Gundersen took the bench at age 29. "I was very nervous," he recalled during a 1997 interview for the court system's Oral History Project. "I never sat down. I just stood up the whole day." Gundersen soon became comfortable, and was known for his fairness and consideration for the people appearing before him. Often, he would bring litigants into his chambers and mediate a settlement. In criminal matters involving young people, he was known for suggesting military service.

Gundersen served in the U.S. Army during World War II. He was drafted with Elroy "Crazy Legs" Hirsch, who shared the backfield with him at the University of Wisconsin.

Gundersen's wife, Emogene, a son, two daughters, and seven grandchildren survive him.

## Court Commissioner Kenneth L. Krause Waukesha County Circuit Court

Commissioner Kenneth L. Krause was Waukesha County's first judicial court commissioner. He died Oct. 20, 2000, at his home. He was 77.

Krause graduated from the University of Wisconsin Law School in 1948 after serving four years as a pilot in the U.S. Marine Corps in World War II. He was recalled to active duty during the Korean War and, after returning to private practice for 25 years, he was appointed judicial court commissioner. He served in that position for nine years.

Krause's wife, Evelyn, a daughter, a son, and five grandchildren survive him. ❖

## Domestic Violence

*continued from page 16*

coordinator. Some of the most supportive volunteers, O'Brien said, are former CASDA clients. "It's good for victims to see a success story—that there's a way out of an abusive relationship," she said.

CASDA volunteers are a group of dedicated people, especially the on-call advocates, according to O'Brien. These volunteers receive calls any time during the night and weekend asking them to meet with victims. "A lot [of on-call volunteers] have jobs during the day...where they can't come in late, even when they've been up much of the night," she said. The volunteers themselves also receive support from CASDA through in-service programs that help them deal with the personal toll of working so closely with emotional and physical trauma. A staff person is available around the clock to provide support for the volunteers.

Halfway across the state, in Merrill, volunteers at Haven, Inc., provide similar services to victims in their community. They also help with fundraising and promote awareness of the organization and of the issues surrounding domestic violence through presentations to students and community groups, and a weekly radio show. Haven volunteers—who numbered more than 120 last year—receive training that focuses on the importance of maintaining confidentiality, makes them aware of the risks of volunteering in this capacity, and familiarizes them with the realities of violent relationships. These realities are sometimes already well known. "Many volunteers will tell us that they have...been

exposed to similar situations," said Linda Cottrell, volunteer coordinator at Haven.

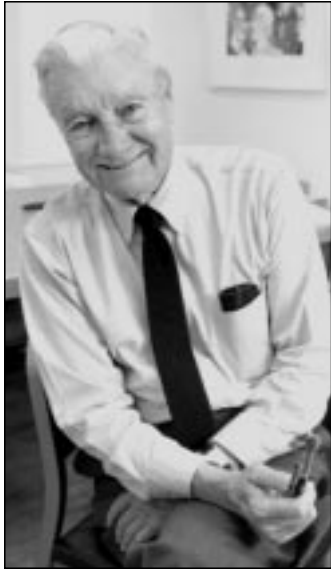
CASDA and Haven are two of the more than 20 programs in Wisconsin that monitor domestic violence and sexual abuse cases and offer assistance to victims through hundreds of volunteers, both attorneys and non-attorneys, who serve as ombudsmen and advocates. While some volunteers work directly with victims, others participate indirectly by attending court proceedings to record victims' names, charges filed, and details on future hearings so that organizations can use this information to advocate for policy and system changes.

Both types of volunteers find great satisfaction in the work. "It's something that is really important," Schmidt said, and then shared a story. She had received a call from CASDA staff about an older woman who was living in a house where violence was occurring. They had helped the woman find an apartment of her own and asked Schmidt to visit her, just to talk. That was eight years ago. Schmidt still visits this woman, now her friend, in her safe home. "She is very precious to me." ❖

*To learn more about using volunteers in programs that assist domestic violence victims, contact O'Brien at (715) 392-3136 or Cottrell at (715) 536-1300. To receive information about funding from the Violence Against Women Act, contact the Wisconsin Office of Justice Assistance at (608) 266-3323 or visit [oja.state.wi.us](http://oja.state.wi.us). To find court-related volunteer opportunities in your community, visit the Wisconsin court system Web site at [www.courts.state.wi.us/media/vol\\_courts.html](http://www.courts.state.wi.us/media/vol_courts.html).*

# New Court of Appeals Seal is Wisconsin Classic

JEFF MILLER/UNIVERSITY OF WISCONSIN COMMUNICATIONS



Professor James Watrous

James S. Watrous, an artist and professor of art and art history at the University of Wisconsin from 1935 to 1978, is the talent behind the new Wisconsin Court of Appeals seal. Watrous is perhaps best known for the colorful Paul Bunyan murals he completed in the Memorial Union in 1936. He is also remembered as the person who nearly single-handedly brought the University of Wisconsin's Elvehjem Museum of Art into being.

The seal, which the Supreme Court approved in 2000, is based on a design originally commissioned by the State Bar of Wisconsin in 1958. The

design was the model for a large wrought-iron sculpture that hung on the entry wall of the Bar's then-new headquarters in Madison.

The figure eventually became the association's official logo, appearing on State Bar stationery and publications for many years. The sculpture, which was removed when the Bar Center was remodeled in the 1990s, is presently mounted above the Carroll Street entrance to the Dane County Courthouse.



Watrous, who died in 1999 at age 90, was also a respected author, mosaicist, and watercolorist whose works have been exhibited at the Walker Art Center in Minneapolis, the Carnegie Institute, and the Pennsylvania Academy of the Fine Arts. His murals, painted under the *aegis* of the Works Progress Administration in the 1930s and early 1940s, grace the lobbies of federal buildings in Grand Rapids, Minn., and Park Falls, Wis.

Watrous's widow, Margaret Modie Watrous, his daughter, Lynne Watrous Eich (wife of former Court of Appeals Chief Judge William Eich), and his sons, Stephen and Tom, granted the court permission to use the design for its new seal. ❖

## Do's and Don'ts

*continued from page 8*

The same criteria apply to service by a judge on a chamber of commerce commission to attract new business to the community. Such a commission is a patently partial group of cheerleaders for the community. Service by a judge on such a body clearly undermines the judge's appearance of impartiality. It makes no difference whether the judge is the only judge in the community or just one of several. The judge's active and public participation in recruiting new businesses to the community gives the judge the public appearance of an advocate and possible promisor of future services or benefits to a business entity.

Even though a judge's service on a civic board may not undermine the judge's appearance of impartiality nor demean the office, a judge still should decline service if it appears to be so time consuming that it will interfere with the judge's judicial duties or the organization engages in legal proceedings that would ordinarily come before the judge or the court where the judge sits.

Once a judge becomes a member of a civic board, he or she may fully participate subject to only the following restrictions: 1) the judge may not give legal advice; 2) the judge may not solicit funds; 3) the judge may not personally participate in membership solicitation that may be perceived as coercive or a

fundraising mechanism; and 4) the judge must be careful not to permit the use of the prestige of judicial office for fundraising or membership solicitation. However, a judge may solicit other judges for funds and may recruit members if the persons being solicited are not likely to ever appear before the court where the judge serves. Perhaps most importantly, a judge may give fundraising advice to the organization and may serve on a fundraising committee or board so long as the judge remains behind the scenes.

The Judicial Conduct Advisory Committee, which gives informal verbal and written advice to Wisconsin judges who are considering a course of conduct, has issued several opinions on this subject. They include opinions: 98-1 (judge's indirect participation in fundraising as a celebrity VIP judge); 98-3 (judge's participating in a skit at a fundraising event); 98-4 (judge's participating on the board of directors of a university foundation); 98-5 (judge's soliciting materials on behalf of a charitable organization); 98-7 (judge's raising funds for and participating in a bike ride for charity); 98-12 (judge's selling fruit door-to-door); and 99-4 (judge's service on a library board). ❖

*The opinions of the Judicial Conduct Advisory Committee are available on the Supreme Court Web site at [www.courts.state.wi.us/supreme/sc\\_judcond.asp](http://www.courts.state.wi.us/supreme/sc_judcond.asp).*

# Navigating the Internet: Useful Web Resources

## BitLaw: A Resource on Technology Law

[www.bitlaw.com](http://www.bitlaw.com)

BitLaw, created by Atty. Daniel A. Tysver of the Minnesota technology law firm of Beck & Tysver, is a comprehensive Internet resource on technology law, containing over 1,800 pages on patent, copyright, trademark, and Internet legal issues. The site also offers a list of annotated links to other technology law resources and the full text of selected statutes, regulations, case law, and patent office documents.

## National Public Radio's Prison Diaries

[www.npr.org/programs/atc/prisondiaries](http://www.npr.org/programs/atc/prisondiaries)

## 360degrees: Perspectives on the U.S. Criminal Justice System

[www.360degrees.org](http://www.360degrees.org)

National Public Radio (NPR) and Picture Projects collaborated on this radio diary and online documentary project focusing on the U.S. criminal justice system. Based on audio journals kept by five inmates, four correctional officers, and a judge, the project takes visitors to the Polk Youth Institution in Butner, N.C., where John Mills, 22, is serving seven to nine years. Mills had wanted to become a police officer, but at age 15 he held up his first store. Over the next two years, he committed more than 75 armed robberies. The NPR site provides audio recordings of the participants' interviews as well as transcripts of online chats among offenders, their families, and criminal justice professionals, and an opportunity to ask questions of the interviewees.

Visitors will find more detailed information at the online documentary, 360degrees. The site offers additional photos, audio commentary, transcripts, and background information. Other

resources include a timeline of criminal justice systems and policies, an online discussion forum, a list of classroom ideas, a reading list, and more.

## The National Association of Judiciary Interpreters and Translators

[www.najit.org](http://www.najit.org)

The National Association of Judiciary Interpreters and Translators (NAJIT) is a non-profit organization of the court interpreting and legal translation profession. The site offers an online directory of NAJIT-members that is designed to help users locate qualified translators and interpreters quickly and easily. The organization's quarterly newsletter, *Proteus*, and Internet links to related organizations are also available online.

## Through the Eyes of the Juror: A Manual for Addressing Juror Stress

[www.ncsc.dni.us/RESEARCH/jurorstr/jurorstr.htm](http://www.ncsc.dni.us/RESEARCH/jurorstr/jurorstr.htm)

This manual answers the questions: How widespread is juror stress? What are its primary causes? And what, if anything, should courts do about it? It profiles research on juror stress and identifies key stressors and strategies for addressing them within five stages of the jury process: initial contacts, *voir dire*, trial, deliberations, and post-trial proceedings. The strategies can be modified to meet the needs and available resources of a specific court. The manual also emphasizes the importance of interaction between judges and individuals reporting for jury duty, noting that a judge's willingness to welcome jurors at orientation or thank them for their service sends a message that jury service is important and that the court values the jurors' participation in the process. ❖

## Judicial Selection Report

*continued from page 11*



Judge Dennis J. Flynn

### The Need for Judicial Diversity

The committee noted that "no branch of our government should be the exclusive preserve of any one racial or ethnic group," and that the makeup of the judiciary does not reflect the community.

### Sub-Districting not the Answer

The Legislature had asked the committee to look specifically at whether electing judges in sub-districts would help to increase judicial diversity. The committee found that it would not, and that sub-districting might politicize judicial elections and lead to judicial candidates with lesser

qualifications. The committee also recommended against cumulative voting.

### Public Funding of Judicial Campaigns

The committee noted that candidates in contested judicial races in Milwaukee County between 1992 and 1999 spent an average of \$64,863 of their own money. It called this "a prohibitive sum," and recommended that the Legislature research public funding options for judicial elections. The Senate Judiciary Committee on Jan. 22 held a two-hour public hearing on a bill that would provide public funding for judicial campaigns. Sen. Gary George, D-Milwaukee, who chairs the Judiciary Committee, resurrected the bill after it failed to pass in the Legislature's last session. ❖

*The final report of the Committee on Judicial Selection is available under "What's New" on the court system Web site at [www.courts.state.wi.us](http://www.courts.state.wi.us).*

## People in the News

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deterrents against repeat drunk drivers while also helping those family members of victims who share their stories.

The Brown County Teen Court received \$70,000 in state funds to continue operations. The program had been supported by a federal grant that expired in December, reported *Wisconsin Opinions*. Brown County Teen Court determines sentences for juvenile offenders between ages 12 and 16 who have committed offenses such as curfew violations, retail theft, and disorderly conduct. Volunteer teens act as attorneys, jurors, clerks, and bailiffs; local attorneys serve as judges.

The Lake County Municipal Court has proposed starting a teen court pilot program at one of its four area high schools, reported the *Sussex Sun*. "The teen court is a concept that gets the education system involved in the legal system," said Municipal Court Judge **Douglas R. Stern**. In Douglas County, the teen court that operated in the 1970s and 80s may be resurrected, according to *The Daily Telegram* (Superior). The high success rates seen in Wisconsin's existing teen courts prompted the county to revisit the program. "I recognized from the outset that a teen panel of peers could have a more lasting effect on a child than I would in a formal sentencing," said Judge **Thomas J. Gallagher**, from nearby Bayfield County Circuit Court, who is helping Douglas County consider its options.



Judge John V. Finn

Judge **John V. Finn**, Portage County Circuit Court, explained the Truth-in-Sentencing system to the county League of Women Voters in January, according to the *Stevens Point Journal*. Finn explained that before Truth in Sentencing, prison inmates were eligible for parole based on their conduct, but under the new system, inmates are required to serve the entire prison term ordered by the trial judge. Finn criticized the system, arguing that it forces judges to try to predict the length of prison term necessary for an offender to be reformed. "There are people who have reformed in prison," he said. "You can't predict the future and be 100 percent accurate."

In January, an article by Judge **Michael B. Brennan**, Milwaukee County Circuit Court, appeared in *National Review Online*. The article, entitled "Bush's Judiciary: They Can Be Good without Being Activist," questions whether what he calls "activist judicial decisions," especially in criminal procedure and First Amendment religion cases, should be ignored or reversed as the Bush appointees are seated. To read the article, visit [www.nationalreview.com](http://www.nationalreview.com).

On Nov. 8, 2000, District One Chief Judge **Michael J. Skwierawski** was presented with a Civic Achievement Award by the Wisconsin Polish American Congress at its third annual Polish Independence Day-Veterans Day Dinner. Skwierawski also received recognition for his years of community service from the Wisconsin State Senate, Milwaukee County Board of Supervisors, and Office of the Mayor of Milwaukee. These items all acknowledged Skwierawski's receipt of the Polish American Congress award as fitting in light of his dedication to community service.

Sophomore students met individuals from dozens of professions at McFarland High School's Career Day in December 2000, including **John Voelker**, executive assistant to the chief justice. He spoke to the students about the rewards of careers in public service as police officers, firefighters, teachers, social workers, judges, court administrators, or other professions. According to the *McFarland Thistle*, Voelker explained the inspiration for his work with a quote from Winston Churchill: "We make a living by what we get, but we make a life by what we give."

In Langlade County, the judge and clerk of court celebrated a total of 53 years of service, reported the *Antigo Daily Journal*. In the fall, co-workers, friends, and family gathered at the courthouse to celebrate Circuit Court Judge **James P. Jansen's** 20th year on the bench and Clerk of Circuit Court **Victoria Adamski's** 33rd year of service.

In November 2000, 60 students from Rawhide Boys Ranch attended a Wisconsin Supreme Court oral argument and met with Justice **David Prosser Jr.** Rawhide is an alternative to juvenile detention. It provides counseling and academic and vocational training for juvenile offenders who are court-ordered to participate, according to an article in *The Independent* (Deerfield).

Judges **Charles P. Dykman**, Court of Appeals, District IV, and **Edward F. Zappen Jr.**, Wood County Circuit Court, exchanged roles as part of the Judicial Exchange Program, noted *The Daily Tribune* (Wisconsin Rapids). The voluntary program gives appellate and circuit court judges the opportunity to exchange jobs. Dykman took Zappen's place in a hearing on a lawsuit against a local school and teacher. Dykman said that while he was aware of the heavy caseload in the circuit courts, he was impressed at how the court staff worked together to meet the challenge.

With the Microsoft and Napster cases receiving so much media attention, it is no surprise that questions are arising over judges' understanding of current technologies. In a *Milwaukee Journal Sentinel* article, critics argued that if "judges don't have a basic understanding of how computers and the Internet work, they won't have an independent frame of reference to balance the biased points of view they hear from expert witnesses." But according to Judge **Charles F. Kahn Jr.**, Milwaukee County Circuit Court, for most cases heard in court "the real issue isn't technology. It's a contract dispute or something already covered by case law." ❖

# The Third Branch

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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 Judiciary.

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## Ethics Advisory Opinions Available Online

Q: May a judge purchase common stock of a Wisconsin corporation that could be involved in future litigation before the court in which the judge serves?

A: Yes.

Q: May a judge or the judge's staff attend a holiday party given by a law firm some of whose members appear before the judge?

A: Yes, if certain conditions are met.

Q: May a newly elected judge lease office space to a lawyer as part of an agreement between the judge and the lawyer for the purchase of the judge's law practice?

A: Yes, but not for more than one year after taking office.

These three questions—and 24 others—have been posed by Wisconsin judges and answered in writing by the Judicial Conduct Advisory Committee. The committee, established by the Supreme Court in 1997 under the Code of Judicial Conduct, and chaired by Reserve Judge Thomas H. Barland, renders opinions on the propriety of contemplated or proposed conduct of judges under the Code of Judicial Conduct. The committee's latest opinions, issued in January, answer two questions. May a judge sign a nominating petition for a candidate for partisan office? Yes, with caution. May a judge hear cases in which attorneys from the law firm in which the judge's niece practices represent litigants before the judge? Yes, with some caution.

In the past, *The Third Branch* newsletters sent to judges and court commissioners included hard copies of the ethics opinions. In an effort to save money and paper, the opinions will now only be available electronically instead. State court judges will receive them via e-mail as soon as they are issued; court commissioners, municipal judges, and other interested parties can check the court system Web site to keep up on the opinions at [www.courts.state.wi.us/supreme/sc\\_judcond.asp](http://www.courts.state.wi.us/supreme/sc_judcond.asp). ♦

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