

a publication of the Wisconsin Judiciary  
**The Third Branch**



- 2 Security Training Conference
- 3 SafeStart Launches New Program
- 4 Supreme Court Settles into New Home
- 6 Seven Habits of Highly Effective Judges

- 8 Judicial Education Celebrates 30 Years
- 12 Judges Recognized for *Pro Bono* Commitment
- 13 People

**Budget Means Changes for Courts**

On Sept. 19, after extensive deliberation, the Supreme Court voted to impose a number of cost-saving measures as part of an effort by all three branches to address the state's growing budget deficit. Because salaries, fringe benefits and other fixed, unavoidable costs comprise more than 98 percent of the budgets at each of the three levels of court, finding areas to cut proved difficult.

The changes necessary to meet the four percent budget cut at each level of court between July 1, 2001 and June 30, 2003 include:

- ❑ Cancellation of an employee compensation and classification study. The human resources office will continue to address specific classification and compensation issues as they arise and as resources permit.
- ❑ A moratorium through June 30, 2002 on reimbursement for any out-of-state travel for judges and staff at all three levels of court.
- ❑ Increased use of electronic communication, where appropriate, to replace/supplement more traditional and costly means at all three levels of court.
- ❑ Reduction of the number, frequency and duration of face-to-face meetings, where possible, and increased use of teleconferencing to save on travel and lodging costs.
- ❑ Reduction in publications expenditures.

All levels of court will feel the pinch. Instead of its traditional two or three Justice on Wheels trips, the Supreme Court will travel just once this term. In the circuit courts, the chief judges and district court administrators have been directed to review the use of reserve judges and *per*

**State of the Judiciary Address: Guard Independence in Hard Times**

Departing from the tradition of noting accomplishments and naming challenges, Chief Justice Shirley S. Abrahamson delivered a State of the Judiciary address at the annual Judicial Conference in Delavan on Oct. 24 that emphasized the importance of safeguarding judicial independence.

Director of State Courts J. Denis Moran followed the chief justice's address with a speech that detailed court system initiatives and cost-saving efforts.

The Sept. 11 attack and the increasingly gloomy economy have led to renewed discourse on the importance of an independent forum for the peaceful settlement of disputes. "The judiciary's role is indispensable in good times and bad, in times of peace and tranquility, and in times of international and national crisis and state financial difficulty," Abrahamson told the gathering of nearly 300 judges and court staff.

The chief justice emphasized that judicial independence rests first upon judges who have the courage to make decisions that are right, even when those decisions may be unpopular. But, she said, judicial independence ultimately rests on the public's willingness to support it, which in turn depends upon the public's trust and confidence in the courts. "We are accountable, ultimately, to the five million people of this state. We serve them," she said, noting that the state's fiscal crisis

has caused the Supreme Court to impose a variety of cost-saving measures (see separate story), but that savings will not be achieved at the expense of justice. "While we are reducing expenditures, we are vigilant in our responsibility under the Wisconsin Constitution to admin-

ister the justice system and to provide effective, efficient, impartial courts to resolve the disputes of the people of the state," she

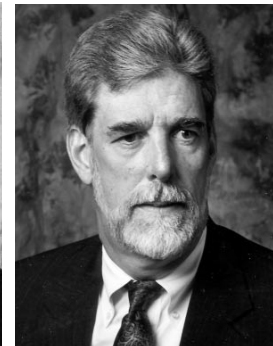
said. "We must carefully and continually evaluate whether efforts to reduce expenditures jeopardize our ability to do what the constitution requires us to do."

In his State of the Director's Office address, Director of State Courts J. Denis Moran also spoke of access to justice in difficult financial times. He noted that his office continues to work with the Legislature, executive branch agencies, and private funding sources to build a program to provide trained and certified interpreters for litigants who do not speak English. The interpreters initiative proceeded from the Legislature with substantial bipartisan support. It suffered a major setback, however, when the governor vetoed a key provision that would have allowed the courts to train, test, and certify courtroom interpreters.

Moran also discussed an initiative by the chief judges and district court administrators to modernize



Chief Justice  
Shirley S. Abrahamson



Director of State Courts  
J. Denis Moran

## JUDICIAL LEADERSHIP

### Security Training Project is a National Model

The Wisconsin Courthouse Security Training Project – the first of its kind in the nation – is already attracting interest from other states looking for a model program. Inquiries about Wisconsin's security manual and training project have come from Arizona, Colorado, Florida, and Minnesota. The National Judicial College has also inquired about the program.

The project began at Fox Valley Technical College in Appleton in September. The Appleton workshop was followed by an October session in Oshkosh and a November session in Minocqua.

In all, 400 people representing the courts and law enforcement will be trained in each district for a total of ten regional sessions. The project's goal is to increase security awareness and encourage procedural improvements in Wisconsin's court-houses. It is supported by a \$167,000 grant from the State Office of Justice Assistance in Madison.

"The initial evaluations have been very positive," said John Voelker, executive assistant to the chief justice.

Each participant receives a training guide that covers general security, staff and office security, contingency plans, controlling firearms, and security equipment. The participants are then taught how to train court staff, emphasizing the importance of teamwork, involvement, and communication between the courts and the community. There are approximately 34-40 Wisconsin participants scheduled to attend each session.

The partners in the program are: the Wisconsin Sheriffs and Deputy Sheriffs Association (WSDSA), the U.S. Marshal's Office of the Western District of Wisconsin, the Office of the Chief Justice, the Director of State Courts Office, and Fox Valley Technical College.

Members of the Wisconsin Courthouse Security Committee include: Washburn County Sheriff Terry 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); District Seven Court Administrator Steven R. Steadman; and Voelker.

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

### Statutory Interpretation Seminar Brings Branches Together

At one time or another, all judges are faced with interpreting statutes that are vague, ambiguous, contradictory, or technically complex. How they perform this task and what the process means to the core values and mission of the separate branches of

government were the focus of discussion at a first-ever Statutory Interpretation Seminar in Madison.

The seminar was held Sept. 11, as the world watched events unfolding on the East Coast. At the request of the chief justice, television were brought into the back of

### Pro Se Litigants, Court Reporters are key Issues for Judges

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

By a large margin, judges attending the October Judicial Conference ranked the issue of the increasing number of self-represented litigants as the most opportune to address. Judges saw the dwindling number of court reporters as the issue presenting the direst consequences if not addressed, with the *pro se* issue-ranking close behind.

Using electronic keypads to instantly record their votes, the judges focused on the top issues (see list, p. 17) that emerged from a survey conducted over the summer of circuit and appellate judges and clerks of court. At the conference, the judges assessed each issue on the degree of opportunity it presents and on the level of threat that might come from inaction.

The Planning Subcommittee of the Planning and Policy Advisory Committee (PPAC) coordinated the summer survey and planned the Judicial Conference session in cooperation with the Judicial Conference Executive Committee to give judges an opportunity to provide immediate input on critical issues.

The response rate on the summer survey was excellent. One hundred percent of Court of

*continued on page 17*



U.S. Marshal Dallas Neville leads a discussion at the Courthouse Security Training Project

the room so that the 119 legislators, judges, and staff participating in the program could monitor the events during breaks.

The first two presenters – political science Professors Christopher  
*continued on back page*

## SafeStart Launches 'Room to Breathe' Program

SafeStart, a Racine County project to address the needs of teenage girls and their children who have been victims of domestic violence has launched Room to Breathe, an emergency shelter program for Racine County girls. The shelter program's opening, announced by Chief Justice Shirley S. Abrahamson at an Oct. 8 press conference at the Racine County Courthouse, coincided with National Domestic Violence Awareness Month.

Shortly after starting Room to Breathe, SafeStart received a one-year grant of \$85,300 from the Violence Against Women Act (VAWA). The grant money will be used

for operations expenses. SafeStart was started in 1997 with a \$100,000 planning grant from the VAWA.

Room to Breathe will provide



Chief Justice Shirley S. Abrahamson (right, pictured with Reserve Judge Nancy E. Wheeler and Judge Gerald P. Ptacek) helped to launch Room to Breathe at an Oct. 8 press conference in Racine. The program will offer emergency shelter for girls who have been victims of domestic violence and their young children, providing them with 14-day stays in licensed volunteer homes and an array of aftercare services designed to help them build a successful life.

## Milwaukee County Receives \$1.6 Million to Combat Domestic Violence

The Milwaukee County Circuit Court's unique program for addressing domestic violence will continue, thanks to a \$1.6 million grant from the Department of Justice. In addition to extending the current initiative, the Milwaukee County Judicial Oversight Initiative (JOI) will use some of the grant money to expand the program – which has improved services for victims and treatment for offenders – into the Milwaukee suburbs.

"This grant will allow us to continue our work not only in the courts, but also with social service agencies, to reach more families and, hopefully, break the cycle of abuse," said District One Chief Judge Michael J. Skwierawski.

The program was started in 1999 with a \$2 million grant under the Violence Against Women Act. It is one of three demonstration projects in the nation (the others are in Ann

Arbor, Mich., and Boston).

"Domestic violence is still too pervasive in Wisconsin," said Congressman Thomas M. Barrett (D-Milwaukee). "This funding will help ensure that perpetrators are put behind bars and that victims are provided the support services they need to move on from the devastating experience of violence in their homes."

A key component of the JOI is providing additional judicial supervision of batterers. Milwaukee County has three courts dedicated to domestic violence cases and the District Attorney's Office has bolstered its charging unit. At the same time, community organizations have expanded victims' services and refined batterers' programs to meet the diverse needs of various racial and ethnic groups, as well as the elderly and people with disabilities.

temporary shelter for teen girls—and their small children—in the homes of volunteer host families for up to 14 days and ongoing aftercare counseling, services, and support for up to six months. It will provide a safe alternative to remaining in an abusive home or relationship.

SafeStart is now licensing the initial volunteer host homes. Reserve Judge Nancy E. Wheeler, a founder of the program, anticipates that individual host homes will have two to three placements per year. This innovative model has been tested in other communities, including Madison, for a number of years and has proved to be a successful and cost-effective means of providing emergency shelter and services without the

operation of a stand-alone shelter facility.

During a girl's stay in Room to Breathe, program staff and volunteers will assess her needs and connect her to community agencies and services. These services may include assistance with school, daycare, parenting skills, abuse injunctions, health care, employment, transportation, independent living, and education designed to prevent her from becoming involved in an abusive relationship in the future.

SafeStart is collaborating with other community agencies including the Racine County Human Services Department, SAFE Haven, Next Generation Now, the Family Practice Center, YWCA of Racine, Planned Parenthood, the Workforce Development Center, and the Racine City and County Health Departments, among others.

For more information on SafeStart and its Room to Breathe program, contact Cherie Devitt, SafeStart program coordinator, at (262) 638-6654.

Fall  
2001

## Supreme Court Settles into New Home

The Supreme Court and Director of State Courts Office held an open house for court staff in Madison in November to celebrate the return to the Capitol. The Court's East Wing home had been closed for two years for a renovation project that restored the spaces to their original splendor.

Justices and staff returned to the building on August 13, but celebrations planned for September were postponed due to the Sept. 11 terrorist attack.

The Court also held a short ceremony on Nov. 8 to honor three women – Capitol Restoration Project Liaison Roxanne Nelson, Interior Designer Diane Al



*Before beginning oral argument on Nov. 8, the Supreme Court recognized three women who have played unique and important roles in the restoration of the Court's space. Conservator Rebecca Garland, Interior designer Diane Al Shihabi, and Capitol Restoration Project Liaison Roxanne Nelson hold plaques presented by Chief Justice Shirley S. Abrahamson. In describing Nelson's key role in the project, Abrahamson said, "Anyone who has built or remodeled a home knows that meeting many diverse and sometimes conflicting needs while sticking to a carefully constructed timetable can be difficult and frustrating. The smallest detail, if overlooked, can throw off countless elements of a project. Roxanne Nelson specializes in those small details."*

Shihabi, and Decorative Finishes Conservator Rebecca Garland – who played key roles in the project.

Here are a few of the highlights of work in the Supreme Court Hearing Room:

- ❑ The mahogany bench, which had yellowed with age, was stripped and refinished.
- ❑ The leather chairs were stripped, refinished, and reupholstered. The leather doors were also reupholstered, using hides from Scotland. Scottish hides are larger than their American counterparts and are scar-free due to the use of stone fences instead of barbed wire.
- ❑ The four murals – depicting the four sources of Wisconsin law – were conserved and their original colors restored. After making tiny cuts in the murals to examine the layers of paint, conservators discovered that portions of the murals had been painted over as part of routine Capitol maintenance.
- ❑ The carpet, which had been the last remaining original carpet in the Capitol, was removed and replaced with an identical Wilton wool carpet, dyed in the original color, and woven on historic looms in England. It was installed just as in 1910, in 27-inch-wide strips hand-sewn together.
- ❑ The skylight was taken down in 25 sections and taken to an art glass studio in Madison. The panels were soaked in vats of lye to loosen the cement that anchored the glass and the lead together. Cracked and mismatched glass was then replaced and the skylight frames were stabilized from above.
- ❑ Air conditioning was added, as was a new heating and ventilation system, security cameras, and a state-of-the-art telecommunications system that provides videoconferencing.

As part of a series of events leading up to 2003 (the 150th anniversary of the separate Wisconsin Supreme Court and the 125th anniversary of the State Bar), additional open houses will be planned for judges, court staff, and attorneys.



*The justices' chambers were cramped prior to the renovation, with law clerks and judicial assistants sharing offices. Left, Justice Ann Walsh Bradley's Judicial Assistant Sherie Sasso and former Law Clerk Kurt Dykstra stored files and law books on the floor. Right, Sasso's new office (with Law Clerk Tony Lucchesi filling in) has ample filing and work space. Lucchesi works in a separate law clerk office in the same suite.*

Fall  
2001

Workers carefully removed the skylight in the Supreme Court Hearing Room as part of the restoration process.



The Supreme Court Hearing Room carpet (before, right) was the last original carpet in the Capitol. It had faded with age, and was replicated (above) on historic looms in the original color.



Conservators cleaned the murals and took crosscuts to examine the layers of paint and determine the original colors.



The Supreme Court murals had faded with time. Here are pre- and post-conservation photos of the Appeal of the Legionary to Caesar Augustus, which hangs above the entrance to the Supreme Court Hearing Room.



The leather doors at the entrance to the Supreme Court Hearing Room (before and after) were reupholstered using hides from Scotland.



Fall  
2001

## Racine Courts Develop Action Plan to Speed Case Processing

by Kerry Connelly, district court administrator

On an average day, the Racine County Circuit Court Felony Division is a busy place. On Friday afternoons, however, it moves into overdrive as the judges handle calendars full of motions. Invariably, things run late or need to be rescheduled and before long, motions are bumping up against jury trials.

Racine County judges, administrators, and court staff discussed this problem at a September workshop entitled Managing Cases in the Racine County Courts. The workshop, held at the Wingspread facility in Racine, was sponsored by the Racine County Circuit Court and the Johnson Foundation. It gave the courts an opportunity to develop an action plan to speed up case processing.

To assist in this effort, we presented information on standards (benchmarks) along with results of a self-assessment survey of court staff and judges. In addition, we introduced a formula for identifying case backlog and judges reviewed their caseload summaries and reports on age of pending cases and age at disposition. Deputy Chief Judge Gerald P. Ptacek outlined how to use information from the Combined Court Automation Program (CCAP) and differentiated case management techniques to improve case processing.

In the Felony Division, the judges and clerk's office staff used the information and tools we had made avail-

able to determine that the schedule for hearing motions should be changed. The judges will now hear motions during one week each month. No trials will be scheduled for that week.

In the Civil Division, the problem was small claims cases. The judges and clerk's office staff decided to make the return date a mandatory appearance for the parties. They anticipate that this will help speed referrals into the alternative dispute resolution program.

All told, participants presented five solutions to thorny case processing issues. "We anticipate that the solutions identified for the five divisions will help us to improve the operation of the Racine County courts," said Ptacek, who helped organize the workshop. "With continual communication as we implement the changes, we will develop a system that better meets the needs of the people whom we serve."

Attendees included the circuit court judges, case managers, court commissioners, and me. Other attendees included District Court Administrator Scott Johnson, Randy Finet of the CCAP, Robert Brick of Court Operations, and Chief Judge Barbara A. Kluka, Kenosha County Circuit Court.



Chief Judge Barbara A. Kluka



Deputy Chief Judge Gerald P. Ptacek

### Judges Recommend Seven Habits

Are you a 'highly effective' judge? Two Wisconsin judges have developed a list of seven habits to cultivate in order to be successful on the bench. They are:

- Early assessment/early control
- Tailor deadlines to cases
- Continuous monitoring of cases
- Reasonable accommodation of attorneys

- Reasonable assurances that scheduled events will occur
- Skepticism for continuances
- Maximize opportunities to settle

Judge Emily S. Mueller, Racine County Circuit Court, developed this list with Judge Richard J. Sankovitz, Milwaukee County Circuit Court, as a teaching tool for the Wisconsin Judicial College. Mueller shared it with



Judge Emily S. Mueller

colleagues at a recent seminar on improving case management (see separate article).

## LEADERSHIP

## Foley Honored for Foster Home Conversion Project

by Sarah Maguire, contributing writer

Just before Judge Christopher R. Foley left Milwaukee Children's Court in 1996, he heard two termination of parental rights (TPR) cases. One of the children had been in foster care for eight years, and the other for nine. The children had no legally recognized parent anymore and a



Judge Christopher R. Foley

tangle of bureaucracy stood between them and a new family.

"For us to leave kids lingering in foster care, it's criminal," said Foley, who

has seven children of his own. "I was always getting the answer that it costs too much money."

Foley decided to channel his frustration and initiated the Foster Home Conversion Project to speed up the

adoption process. "The Foster Home Conversion Project was a milestone in changing systematic attitudes about the need for permanency," Foley said.

On Sept. 26, the Wauwatosa Public Library recognized Foley and the Foster Home Conversion Project with the Arthur B. Kohasky Leadership Award. Foley, who has been on the bench since his appointment in 1985 to succeed his father, Judge Leander Foley, was honored to receive the award.

The Foster Home Conversion Project grew quickly, raising \$200,000 on its own and received federal matching funds. The money went toward staff and completing a critical and lengthy part of the adoption process, the home studies. Although these studies are a necessary part of the process, they were taking too long and costing too much. "At the time we implemented the program, it was taking years and years to get

these studies completed," Foley said. "Once we put this program in place, it started taking less than six months."

In 1996, there were about 6,000 children in foster care and only 70 adoptions. The year after the project was implemented, the number of adoptions tripled. "This year there will be an estimated 400 adoptions," Foley said. "And 400 is way too few, but it'll take a while to clear the backlog."

Foley said he and other judges in Milwaukee County have been aggressive about the timely processing of these cases. He also said he is deeply appreciative of how other judges supported him in this effort. "I think the Foster Home Conversion Project was a trigger point in changing attitudes about the way we treat foster children," Foley said. "Everyone knows that children need to know who they are and where they come from. To the extent we got those children a permanent home, I just feel good for those kids."

## Norwegian Judge Studies Dane, La Crosse Courts

by Gail Richardson, district court administrator

Judge Helge Staland of Norway visited judges, family court attorneys, court commissioners, and counselors in Dane and La Crosse counties in September to look for new ideas and techniques that the Norwegian courts may wish to implement in family court.

Staland is from the Indre Follo District Court, located in a suburb of Oslo. He is taking a six-month sabbatical to research all aspects of family law, especially custody and visitation issues. His studies also took him to Chicago, Minneapolis, and New Zealand. His visit to Madison was coordinated through the Association of Family and Conciliation Courts and Judge Sarah B. O'Brien, whom he met at a conference last year.

In Madison, Staland observed family court cases and met with the

Judge Helge Staland of Norway visited courts in Dane and La Crosse counties in September. Here, he poses with Dane County judges. Left to right: David T. Flanagan, Staland, Steven D. Ebert, John C. Albert, Daniel R. Moeser, C. William Foust. Like all judges in Norway, Staland has a lifetime appointment from the king.



family court commissioner and the director of Family Court Counseling to discuss family law and practice. At a luncheon meeting with Judges John C. Albert, Steven D. Ebert, Patrick J. Fiedler, David T. Flanagan, C. William Foust, Daniel R. Moeser, and Attorney Ruth Westmont, concerns, ideas and experiences were shared. The discussion ranged from the definition and history of joint custody to the concept of guardians *ad litem* to the need for sensitivity and training on cul-

tural and religious issues in a community with a growing immigrant population.

In La Crosse, Staland met with District Court Administrator Steven Steadman, Family Court Commissioner Roger LeGrand and Circuit Court Judge Ramona Gonzalez. Staland was especially interested to learn that the La Crosse County judges hear all types of cases as opposed to a divisional arrangement.

Fall  
2001

## CELEBRATION

**Office of Judicial Education Celebrates 30 Years**

The Office of Judicial Education, which opened its doors on Nov. 1, 1971 on an experimental basis with funding from a federal law enforcement grant, is celebrating its 30th anniversary.

Continuing education for judges was a concern of then-Chief Justice E. Harold Hallows who taught at Marquette University Law School for 28 years. Hallows hired Sofron B. Nedilsky – now clerk of the U.S. District Court for the Eastern District – to be the first director of the office. His assistant was a new college graduate named Patricia A. Cox, who is still with the courts (see separate story).

The first Office of Judicial Education was located in the Capitol – in a room that the two-person staff had to furnish on their own. "The room was completely empty," Cox recalled. "No furniture, no phones, nothing. They directed us to the surplus furniture storage area in the basement and we outfitted the office."

Initially, Nedilsky and Cox focused on traffic-related programs and built from there. When judicial education became mandatory for Wisconsin judges, Cox set up a manual recordkeeping system to track compliance. "We started from truly nothing," Cox recalled. "It was pretty rewarding to develop a nationally recognized program from scratch."

Today, the office is run by Judicial Education Director David Hass, whose team includes Tammy Hennick and Dona Winkler. Municipal Judge Education Manager Karla Baumgartner

and assistant Carol Koschel also work in the office, administering the program of compulsory continuing education for municipal judges and producing publications for the municipal courts. These include a municipal court directory, the *Municipal Judge Manual* (a benchbook for municipal judges), the *Municipal Court Clerks Procedures Manual* (a detailed description of clerks' duties and a compilation of municipal court forms), and *MuniView*, the newsletter of Wisconsin municipal courts.

Hass, Hennick, and Winkler work with the Judicial Education Committee and program planning committees to develop and present approximately 34 days of judicial education programming per year. The office co-sponsors the annual Judicial College and Judicial Conference, and conducts the Clerks of Circuit Court

Institute, the Evidence Workshop, the Family Law and Juvenile Law Workshop, and Civil Law and Criminal Law Programs, and sets up one prison tour for judges and court commissioners each year. In addition, Judicial Education presents special-interest programs on topics such as domestic violence, science and the law, law and humanities, and managing county law libraries.

The office also works with five committees to revise and annually update each of five *Wisconsin Judicial Benchbooks* (Criminal, Civil, Family, Juvenile, Probate and Mental Health). Benchbooks are desktop procedural reference texts for trial judges. Attorney Ronni Jones serves as editor of the benchbooks.

Current members of the Judicial Education Committee are: Chief Justice Shirley S. Abrahamson (chair); Director of State Courts J. Denis Moran; Judges Robert E. Eaton, Ashland County; William C. Griesbach, Brown County; William C. Stewart, Dunn County; Karen E. Christiansen, Milwaukee County; Thomas T. Flugaur, Portage County; Annette K. Ziegler, Washington County; Donald J. Hassin, Robert G. Mawdsley (as dean of the Wisconsin Judicial College) and Ralph M. Ramirez, Waukesha County; Court of Appeals Judge Margaret Vergeront; and law school Deans Kenneth B. Davis, UW, and Howard B. Eisenberg, Marquette.

**Cox has Seen Three Decades of Change**

Patricia A. Cox's first day with the courts – Nov. 1, 1971 – was marked by high anxiety and an unwanted cup of coffee.

With a newly minted college degree and enthusiasm to spare, Cox showed up early at the Capitol and met Judge Edwin Wilkie, administrator of the courts (a position that predated the director of state courts). Wilkie handed Cox a steaming cup of strong, black coffee to drink while she waited for her new boss to arrive.

Finding herself unable to tell the judge that she did not drink coffee, Cox held onto the mug until Wilkie stepped out of the office. She then dumped it into his potted plant. Shortly after, Sofron B. Nedilsky, Cox's new boss, arrived from Chicago. Nedilsky had been hired away from the American Bar Association to set up the Wisconsin court system's first Office of Judicial Education.

The office was funded with a federal law enforcement grant and was considered experimental. It was created at the urging of then-Chief Justice E. Harold Hallows, who

*The Office of Judicial Education includes (back row, left to right): Carol Koschel, Ronni Jones, Dona Winkler, and David Hass. In the front row (left to right) are: Tammy Hennick and Karla Baumgartner.*



*Patricia A. Cox (pictured in her office) is a deputy clerk in the Office of the Clerk of Supreme Court and Court of Appeals.*

*continued on next page*



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taught for many years at Marquette University Law School and believed that all lawyers and judges should be given regular opportunities for continuing education.

Together, Nedilsky and Cox found their new office and discovered that it was completely empty. No chairs, no desks, no phones. They eventually were directed to the basement of the Capitol where they picked through surplus furniture and castoffs to outfit the new space. It was a fitting start for a team that would build a nationally recognized program from scratch.

The first judicial education programs Nedilsky and Cox organized were traffic-related. From there, they branched out and today the Office of Judicial Education puts on 34 days of judicial education programming per year (see separate story), including the annual Judicial College and Judicial Conference, the Evidence Workshop, the Family Law and Juvenile Law Workshop, and Civil Law and Criminal Law Programs, and more.

When Nedilsky – who is now clerk of



*Cox has worked for the Wisconsin court system for 30 years. She is pictured at a 1972 judicial education conference with Justice Connor T. Hansen, who served on the Wisconsin Supreme Court from 1967 to 1980.*

the U.S. District Court for the Eastern District – left the office, Cox began looking for new opportunities that would give her more flexibility to be home with her two young children. A casual conversation in 1984 with Marilyn Graves, who was the clerk of the Supreme Court and Court of Appeals, led Cox to a position with the Clerk's Office and began a successful job sharing arrangement that is believed to have been the first of its kind in the courts.

Cox started as a deputy clerk and remains in that position, handling appeals from the 35 counties (essentially the northern half of Wisconsin) that comprise District III. "It's challenging," she said. "Just when you think you've got it all worked out, there's something new to keep you on your toes."

She and her husband have lived in McFarland for 23 years and have a daughter, Meredith, who is a sophomore at Edgewood College and a son, David, who is a high school senior.

## CHANGES

### Webmaster Moves Back to Parks System

The courts' first Webmaster, Jeffrey Prey, resigned as of early November for an opportunity with his previous employer. Prey returned to the Wisconsin State Parks System to do Web design and to work on statewide policy issues.

When Prey joined the Director of State Courts Office two-and-a-half years ago, the Web site was new. It had about 870 user sessions per day, as compared with a current average of 3,800 user sessions per day.

Perhaps more impressive is the increase in the number of documents being downloaded. The Web site averaged 4,300 downloads of pdf files per month in 1999; that figure is now at 79,300 per month. Users download appellate court decisions and a variety of other materials that are available, such as the *Guide to Small Claims Court* developed by the Office of Court Operations. In 1999, the guide was downloaded 425 times per month; now, that figure is 2,500 times per month.

The Combined Court Automation Programs (CCAP) does not intend to designate a new Webmaster. Instead, a project manager will oversee Web administration with the help of a team of CCAP employees with various areas of expertise. Court employees who need information on posting documents to the Web should contact Project Manager Jeff Hilliard at (608) 267-0690 or [jeff.hilliard@ccap.courts.state.wi.us](mailto:jeff.hilliard@ccap.courts.state.wi.us).

### Court Improvement Program has new Director

Court Improvement Program Director Cheryl Calder joined the Wisconsin court system on Sept. 10. She replaces Michelle Jensen, who took a job with the state Department of Health and Family Services.

The Court Improvement Program is a federal grant program that has allowed the Wisconsin court system to assess its strengths and weaknesses in handling Children in Need of Protection and/or Services (CHIPS) cases. In an effort to be responsive to the needs of different communities, the Wisconsin courts developed a system to offer grants of the federal money for pilot projects, improvements to existing programs and educational sessions around the state. To date, dozens of court improvement projects relating to child abuse and/or neglect cases have been awarded funding ranging from \$1,870 to \$70,000. Summaries of those projects are available on the court system Web site.

Calder is an Indiana native who most recently lived in Texas where she directed an early childhood learning center. She joined her husband in Wisconsin in July after he accepted a position as editorial director of the State Historical Society of Wisconsin Press.

Calder holds a master's degree in early childhood education and has spent her career working with children. From 1985 to 1998, she worked for the Madison County (Indiana) Unified Courts. She first served as director of a residential facility for abused and neglected children, and later was promoted to director of placement services. In this capacity, she was responsible for the county's three residential facilities for children in out-of-home placements and the secure juvenile detention unit. Her duties included oversight of educational/counseling services and community liaison activities.

A dedicated volunteer, Calder has been involved in many efforts to improve the lives of children in need of protection/services and to address domestic violence. She and her husband, Kent, have two children, Josh, 28, who lives in California, and Clay, a college freshman in Texas.



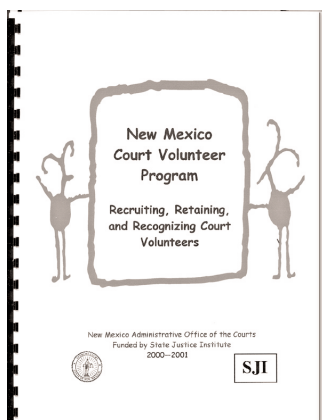
*Cheryl Calder*

## VOLUNTEERS IN THE COURTS

### Tips Available for Court Volunteer Programs

You're thinking about starting a volunteer program or enhancing one that's currently in place. Where do you start? How do you keep the volunteers coming back? The New Mexico Administrative Office of the Courts has developed an informative booklet that suggests guidelines for developing court volunteer programs. The booklet, *New Mexico Court Volunteer Program*, guides the reader step-by-step through recruiting, understanding, managing, and recognizing volunteers. It includes a sample advertisement and volunteer application.

To compile the information for the booklet, the New Mexico Administrative Office of the Courts visited and researched various courts that have successful volunteer programs. These ideas and programs were integrated into the



final product. The advisory board for developing the booklet included court administrators, clerks, and volunteers.

There has been a very positive response to the booklet and court volunteer program. Pamela Hull, volunteer project coordinator, said many courts are now developing volunteer programs and have found the booklet to be helpful.

*For more information about the New Mexico Court*

*Volunteer Program booklet, contact Hull at (505) 827-3921 or e-mail [aocpwh@nmcourts.com](mailto:aocpwh@nmcourts.com). To learn more about Wisconsin's Volunteers in the Courts: A Partnership for Justice program, which was started in 1996, visit the volunteers page on 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).*

### Teen Court Association has First Conference

The Wisconsin Teen Court Association, Inc. (WTCA) held its first statewide conference in Stevens Point on Nov. 1. Governor Scott McCallum signed a proclamation declaring the day "Wisconsin Teen Court Day".

The agenda featured panel discussions on ways to start a teen court and how to find funding. There was something for everyone, including a panel for adults and one for teenagers.

Scott Peterson, Office of Juvenile Justice and Delinquency Prevention (OJJDP), spoke at the conference. He focused on how to secure operations funding once a teen court is in place.

*To learn more about information presented at the conference, contact Nancy Livingston at the University of Wisconsin Extension-Vilas County at (715) 479-3749, fax (715) 479-1978, or e-mail [nancy.livingston@ces.uwex.edu](mailto:nancy.livingston@ces.uwex.edu).*

### Budget *continued from front page*

*diem* court reporters in their respective districts. The purpose of this review is to reduce expenditures in these two areas wherever and whenever possible, consistent with the continued effective operation of the trial courts.

Director of State Courts J. Denis Moran will monitor these savings efforts and report regularly to the Supreme Court. "Because expenditures on these important supplemental resources are necessarily substantial, the Court anticipates that measurable savings can be realized and expects that they will be," he said.

In turn, Moran said, the Court will continually review the cost-saving measures to ensure that they are not jeopardizing the capacity of the judicial branch to function as needed and intended.

### Navigating the Internet: Useful Web Resources

#### The Center for the Prevention of Sexual and Domestic Violence [www.cpsdv.org](http://www.cpsdv.org)

The Center for the Prevention of Sexual and Domestic Violence is an inter-religious educational resource that works to address issues of sexual and domestic violence. The center's goal is to engage religious leaders in the task of ending abuse, and to prepare human services professionals to recognize and attend to the religious questions and issues that may arise in their work with women and children in crisis. The site's Domestic Violence section gives information on programs/educational opportunities specific to various racial and ethnic groups, including Asian, Jewish, African-American, and Muslim.

#### Juvenile Drug Court Programs [www.ncjrs.org/pdffiles1/ojjdp/184744.pdf](http://www.ncjrs.org/pdffiles1/ojjdp/184744.pdf)

This May 2001 bulletin is part of the Office of Juvenile Justice and Delinquency Prevention's "Best Practices" series. The bulletin is designed to help justice system professionals determine the need for a special juvenile drug court by assessing the magnitude of the problem in their community, taking stock of resources (individual and family therapy, mentoring, vocational training) currently available, and measuring the juvenile justice system's current existing ability to respond quickly and effectively to juvenile drug/alcohol abuse and delinquency. The bulletin then gives information on setting up a juvenile drug court team, determining eligibility for juveniles' participation, and assessing the success of the specialty court.

Fall  
2001

## Wisconsin Participates in National Technology Project

A national group working on defining technology requirements to help courts automate the processing of criminal cases met in Madison in September.

The committee, known as the Criminal Functional Standards Team, includes Lynne Bruley of the Consolidated Court Automation Programs (CCAP) and District Court Administrator Gregg Moore, District Ten. The group is working to develop a document to help courts nationwide define functional requirements for in-house systems and requests for proposals (RFPs) for vendor-supplied computer systems.

The Criminal Functional Standards Team is composed of court representatives from California, Colorado, Florida, Ohio, Arizona, and Kansas. FBI and other law enforcement and justice agency representatives, as well as private sector software developers, also



*Ed Papps of the National Center for State Courts, Gregg Moore, and Lynne Bruley in discussion at the Criminal Functional Standards meeting.*

participate. Chief Justice Shirley S. Abrahamson, Director of State Courts J. Denis Moran, and Chief Information Officer Jean Bousquet welcomed the Criminal Functional Standards Team to Madison.

In addition to requirements for criminal cases, the focus of this team's work, the National Consortium for Court Functional Standards has committees working on developing standards for the

development and acquisition of software for civil, domestic relations, probate, juvenile, and traffic cases.

Based on a resolution adopted by the Conference of Chief Justices (CCJ) in August, state courts are encouraged to include the approved technology standards in their strategic plans for information technology.

CCJ is working in cooperation with the Conference of State Court Administrators, the National Association for Court Management, the National Center for State Courts, executive branch justice agencies, and numerous private sector vendors in this three-year effort to assist state courts in automating their case processing systems.

*For more information about functional standards, visit the National Center for State Courts' Web site at [www.ncsc.dni.us/ncsc/ctf/htdocs/standards.htm](http://www.ncsc.dni.us/ncsc/ctf/htdocs/standards.htm). For more information about the Criminal Functional Standards Committee's work, contact Bruley at (608) 267-0677 or [lynne.bruley@courts.state.wi.us](mailto:lynne.bruley@courts.state.wi.us) or Moore at (715) 839-4826 or [gregg.moore@dca10.courts.state.wi.us](mailto:gregg.moore@dca10.courts.state.wi.us).*

## Clerks Learn Pros, Cons of Videoconferencing

by Beth Bishop Perrigo, deputy district court administrator

A few months ago, Judge Richard J. Sankovitz faced a dilemma: how to sentence a defendant with a serious kidney condition who was incarcerated at Waupun. Bringing the defendant to Milwaukee would require loading the dialysis equipment and personnel into a van to accompany him. Asking him to travel without the equipment would be too risky to his health.

Sankovitz's clerk, Lynn Watt, suggested a videoconference. After checking with the prison and getting a waiver from the defendant, Sankovitz agreed to conduct the long-distance sentencing. He was pleased with the result.

"My preference would be to look a person right in the eye and make sure the message is getting through," he said. "But he was able to see me well enough and I was able to see him and he was clearly able to see and hear the attorneys."

Sankovitz and Milwaukee Felony

Court Coordinator Susan Adler spoke to clerks of circuit court from throughout Wisconsin at their annual conference about the pros and cons of videoconferencing. Adler said the purpose of the session was to demonstrate techniques such as camera movement and control and discuss how videoconferencing is used for various types of hearings.

The clerks' session was linked to Winnebago Mental Health Institute where Larry Lautenschlager, videoconferencing coordinator, explained the equipment and its uses in mental health proceedings and for testimony from doctors.

Videoconferencing for mental hearings is particularly useful because patients do not have to be taken from their units, which decreases the possibility of missing medications or heightening anxiety. Physicians who provide medical reports via videoconferencing can be scheduled for a specific time,

thereby eliminating travel and waiting time at the courthouse.

Following the presentation, attendees discussed the growth of videoconferencing in the courts and possible applications in their counties.

*To help counties understand videoconferencing technology and its applications and to ensure that the rights of potential videoconferencing users are protected, the Wisconsin Supreme Court's Planning and Policy Advisory Committee and the Wisconsin Counties Association jointly convened the Statewide Videoconferencing Committee in 1998. The committee's work resulted in a manual, Bridging the Distance: Implementing Videoconferencing in Wisconsin, which is available on the court system Web site at [www.courts.state.wi.us/circuit/videoconferencing.htm](http://www.courts.state.wi.us/circuit/videoconferencing.htm).*

## The Court's Role in Promoting Pro Bono Work

by Judge Richard J. Sankovitz  
Milwaukee County Circuit Court

The time was when *pro bono* legal work was left to the chaste and to freshly minted lawyers whose idealism had not yet capitulated to the billable hour. *Pro bono* work, long an ethical postulate of the privilege of practicing law (see Supreme Court Rule 20:6.1), was nevertheless widely ignored by the profession. Those who distinguished themselves in fulfilling this duty were celebrated mainly in the margins.

Of all involved in the legal system, judges and court administrators may have paid the least attention to *pro bono* work. Perhaps because they couldn't (or weren't required to) perform such services. Perhaps because they felt no direct need for such services to be performed. Perhaps because they considered it a professional responsibility matter better left to those who supervised the bar.

Times have changed. The profession is paying more attention to its *pro bono* heritage. The debate over multidisciplinary practices (MDPs) and the consequent defense of the exclusivity of the profession has provoked lawyers and commentators to question just what it is that makes lawyers deserving of any special status. One answer: Only the legal profession – not CPAs, not financial planners – is ethically bound to see that all who need the services of a lawyer receive them, even if they can't pay. In addition, touting *pro bono* contributions has become a potent antidote to lawyer bashing.

As courts find themselves confronted with larger and larger numbers of litigants who cannot afford counsel, *pro bono* work has begun to receive more attention from judges and court administrators as well. The willingness of lawyers to represent those litigants has become a resource that courts cannot afford to ignore, and must

foster. Indeed, judges who responded to a recent statewide survey conducted by the Planning Subcommittee of the Supreme Court's Planning and Policy Advisory Committee indicated that meeting the needs of self-represented litigants and assisting individuals who cannot afford counsel are of the most pressing concern to Wisconsin courts.

The potential we might tap is unknown. Because attorneys are not required to report their *pro bono* hours, neither the State Bar nor the American Bar Association can accurately track how many lawyers meet the professional aspiration of performing 25 to 50 hours of legal services for persons of limited means. But even absent hard figures, there is little doubt of the need for improvement. There are more than 20,000 lawyers licensed to practice in the state of Wisconsin. If each of them could be motivated to provide 25 to 50 hours of free services for otherwise *pro se* litigants each year that would be a minimum of a half-million hours of *pro bono* work. Think of how many unrepresented litigants in eviction cases, or uncontested divorce cases, or post-judgment family matters, or injunction proceedings involving victims of spousal, child, elder, and other domestic abuse might have competent representation.

There are practical, low-cost, effective methods for our courts to foster a *pro bono* ethic within our legal community. In Milwaukee, we are taking some first steps. The Milwaukee Bar Association has a committee that supports and organizes legal assistance to the indigent. My participation on this committee demonstrates to the bar that judges value their *pro bono* efforts. There is also a team of recruiters, including lawyers who manage lawyer volunteer programs, Marquette Law School

continued on page 16

## Wisconsin Judges Recognized for Pro Bono Commitment

Judge Michael O. Bohren spent 25 years practicing law in Milwaukee and Waukesha prior to taking the bench. In that time, he handled hundreds of cases but few brought him the satisfaction of an identity theft matter he took *pro bono*. The Internal Revenue Service was assessing a Milwaukee man about \$8,000 in income tax and penalties that he did not owe. They had been seizing his tax refund checks over the course of five years as partial payment of this debt. Bohren was able to show that the man's social security number had been stolen and the debts were cancelled.



Judge Michael O. Bohren

The case was one of many Bohren took over the years for the Volunteer Lawyers Project. In 1995, the Milwaukee Young Lawyers Association and Legal Action of Wisconsin named him outstanding *pro bono* attorney of the year.



Judge Richard J. Sankovitz

Becoming a judge did not change Bohren's commitment to *pro bono* work. Since taking the bench in Waukesha County in 2000, he has worked with the Waukesha County Bar and the State Bar to develop a list of local lawyers willing to take cases *pro bono*. The list is being organized by practice area (criminal, civil, family, or juvenile) and will be an important tool for the courts.

On Sept. 27, Legal Action of Wisconsin's Volunteer Lawyers Project recognized Bohren's abiding commitment to *pro bono* work with their Outstanding *Pro Bono* Leadership Award.

Just ten days earlier, a different group honored another Wisconsin judge for championing *pro bono*. Judge Richard J. Sankovitz, Milwaukee County Circuit Court, won the Association of Women Lawyers' 2001 *Pro Bono* Award. Like Bohren,

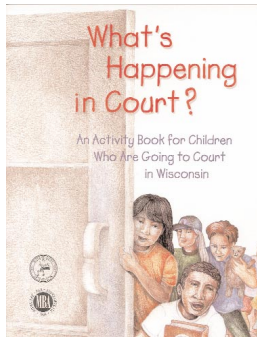
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## PEOPLE

On Nov. 16, three finalists for the new federal judgeship in Green Bay were forwarded to President George W. Bush. The finalists are Judges **William C. Griesbach**, Brown County Circuit Court and **Joseph M. Troy**, Outagamie County Circuit Court, and Attorney **Thomas L. Schober**, Green Bay. Senators Herb Kohl and Russ Feingold removed the other two finalists -- Justice **N. Patrick Crooks** and Judge **Elsa C. Lamelas**, Milwaukee County Circuit Court, from consideration.

Marathon County has its first Hmong court liaison. The *Wausau Daily Herald* reported that **Ger Lor** has been hired to help the Southeast Asian community understand the justice system better and make it less

intimidating. Lor has already translated the *What's Happening in Court?* activity book for children into Hmong and is now conducting surveys and developing other materials to aid the learning process. The Hmong version of *What's Happening in Court?* is available through the Wausau Area Hmong Mutual Association at (715) 842-8390.



Clerk of Circuit Court **John Barrett**, Milwaukee County, received a \$1,000 grant from the Milwaukee Bar Association to reprint *What's Happening in Court?*. The book is available in two formats at [www.courts.state.wi.us/media/activity\\_book.htm](http://www.courts.state.wi.us/media/activity_book.htm).

The Wisconsin Justinian Society of Lawyers, an affiliate of the National Italian American Bar Association, honored Reserve Judge **John Fiorenza** at its annual Columbus Day celebration on Oct. 12. Fiorenza, who served on the bench in Milwaukee County from 1966 to 1972, was one of three honored with the Person of the Year award. The others were former University of Wisconsin basketball coach Dick Bennett and Milwaukee Attorney/Court Commissioner **Joseph Alioto**. The award is given annually to a person or persons who have given of themselves to improve the community. The Justinian Society is an organization of lawyers, law professors and judges dedicated to promoting general welfare within the legal profession by improving the practice of law and the administration of justice. The Justinian Society fosters a spirit of friendship through social and professional interaction.

The Wisconsin Department of Justice is producing short videos called "Roll Call Law" that are distributed statewide for officers to review. According to the *Westosha Report*, the videos feature reenacted Wisconsin Supreme Court cases. The latest case featured is *State v. Rutzinski*, in which the Court

decided that police lawfully stopped a motorist based solely on an anonymous tip from another driver. Producer and 27-year Milwaukee Sheriff's Department veteran **Rich Krizan** said the cases are important to the officers because they can affect state law or operating procedures.

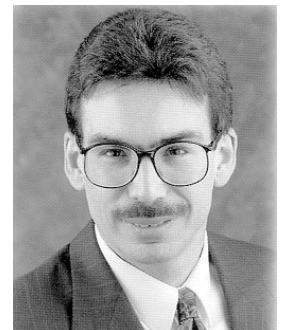
When *The Capital Times* asked Justice **William A. Bablitch** if he would run again when his current 10-year term expires in 2003, he indicated that he has not made a definite decision. Bablitch has said however, that he is keeping his options open, and "the odds are I would run again."

Reserve Judge **Russell Stamper** left the judiciary to become head of Milwaukee's Harambee Community School. According to the *Milwaukee Journal Sentinel*, he plans to focus on instilling character and discipline with an emphasis on spirituality along with teaching academics at Harambee. Stamper had been a reserve judge since 1996.

On Sept. 1, Judge **Dennis D. Conway**, Wood County Circuit Court, officially stepped down after 24 years on the bench. Conway told the *Marshfield News-Herald* that one of his most satisfying moments on the bench was when he helped a couple navigate through the legal system to adopt a child.

Supreme Court Justice **Jon P. Wilcox** swore in former Wood County District Attorney **Gregory J. Potter** as the county's newest circuit court judge in September, reported the *Marshfield News-Herald*. Gov. Scott McCallum appointed Potter to the bench following Conway's retirement.

The *Wausau Daily Herald* reported that Judge **Dorothy L. Bain** took over as presiding judge in Marathon County Circuit Court, replacing Judge **Gregory E. Grau**, who announced he was stepping down from the position after three years. Bain has been a circuit court judge for four years and Grau is in his seventh year on the bench. In September, Bain attended a jury management seminar sponsored by the National Center for State Courts' Institute for Court Management in San Francisco on a scholarship awarded by the State Justice Institute.



Judge Gregory E. Grau

The Municipal Judge Special Topic Seminar organized by the Wisconsin Supreme Court's Office of Judicial Education was held Sept. 13 and 14 in Eau Claire. According to the *Daily Citizen* in Beaver Dam, sessions focused on juvenile justice and money issues in municipal court. Municipal Judges **Michael**

*continued on next page*

**PEOPLE** *continued from page 13*

**Hurt**, Village of Menomonee Falls, **James Olds**, Middleton, **Susan Gherty**, Hudson, and **Thomas Alisankus**, Evansville, joined circuit court Judges **John Hoffman**, Waupaca County, and **Jeffrey Conen**, Milwaukee County, in leading discussions throughout the seminar. Leading groups according to the size of each municipal court's caseload were Judge **Denise Gibbons**, Village of Sharon, who led the very small court group; Alisankus, the small court group; Olds, the medium court group; and Judge **Gary Glojeck** of Pewaukee, the large court group.

The Annual Jury Report compiled by clerks of circuit court can help court staff be more responsive to jurors, reported *The Freeman* (Waukesha). Chief Judge **Kathryn W. Foster**, Waukesha County Circuit Court, said the report is valuable because it relays juror concerns and can be used as an administrative tool for court officials. The 2000 Annual Jury Report shows that Waukesha County saved money by using a pool system for people serving jury duty. **Cheryl Gallo**, jury coordinator for Waukesha County, said the county "recycles" potential jurors instead of bringing in a new panel for each case.

Manitowoc County held its first Teen Court session in October and was featured in the *Herald Times-Reporter*. Circuit Court Judge **Darryl W. Deets** is presiding in Teen Court during the first couple of months. Manitowoc County Sheriff **Tom Kocourek** is the program coordinator. He said he believes the community will reap benefits from having teens sitting in judgment of their peers and is focusing on first-time offenders.

Chief Judge **Edward R. Brunner**, Barron County Circuit Court, finds it easier to sentence criminal offenders to community service since he helped form a community service program in 1992 as reported by the *Leader-Telegram* (Eau Claire). Offenders can work at places such as the Salvation Army rather than being incarcerated or fined. The program also sends agents to follow up with the offenders to be sure the community service is being completed. Other counties have since implemented similar programs.

The *Milwaukee Journal Sentinel* featured Judge **Kevin E. Martens**, Milwaukee County Circuit Court, in a story about lessons learned from first jobs. Martens said he learned a great deal in a job that had him sweeping floors and supervising kids at a

recreation department.

Judge **Jeffrey A. Conen**, Milwaukee County Circuit Court, recently completed a yearlong assignment in Milwaukee County's domestic violence court. The Judicial Oversight Initiative, which makes funding available to Milwaukee for this program, was recently featured in the *Milwaukee Journal Sentinel*. The program provides monitors such as Probation/Parole Agent **Kristine Hardel** to supervise defendants who are awaiting trial.



Judge Jeffrey A. Conen

The Wood County Criminal Justice Task Force held the first of five Criminal Justice Academy sessions in September reported *The Daily Tribune* (Wisconsin Rapids). **Cindy Joosten**, Wood County clerk of circuit court, discussed what the clerk of courts does behind the scenes, such as maintaining case records and managing the jury system. Judge **Edward Zappen Jr.** gave a presentation on the levels of court, dockets, and the myths of probation. The sessions also included demonstrations of arrests and drug searches, showing the different ways that teenagers are arrested depending on their age.

Winnebago County is sending its singing judge to Russia. Judge **Robert A. Haase**, who was featured in the *Oshkosh Northwestern*, is a member of several barber-shop quartets and one of them, The Pride of the Valley, has been invited by the Russian Ministry of Culture to participate in an exchange program next year. Haase is looking forward to his visit to Russia and said the quartet is beginning to prepare for the trip by performing at Fox Valley Lutheran High School this fall.



Judge Robert A. Haase

Circuit Court Judge **Robert H. Rasmussen** is celebrating his 10th year on the bench in Polk County. *The Free Press* (Amery) ran a feature story on him to mark the occasion.



Chief Judge Edward R. Brunner

## OBITUARIES

### Judge Alexander R. Grant

*Brown County Circuit Court*

Judge Alexander R. Grant, who served on the bench in Brown County Circuit Court for eight years, died in late July. He was 75.

Gov. Lee S. Dreyfus appointed Grant to the bench in 1982 and he was subsequently elected. He suffered a major stroke in 1984, which eventually led to his decision to retire in 1990.

Prior to joining the bench, Grant was a member of the state Assembly. He also served for a time as Brown County district attorney.

His wife, Nell, six children, and 11 grandchildren survive him.

### Judge John C. Jaekels

*Brown County Circuit Court*

Judge John C. Jaekels, who served on the bench in Brown County from 1969 to 1988, died Oct. 26. He was 80.

Jaekels had suffered from Alzheimer's disease and his family has set up a fund in his name to further research into the illness.

As a young man, Jaekels left his studies at Marquette University to serve in the U.S. Air Force. He was a B-29 pilot for four years, flying 35 missions in the Pacific theater. He flew one of the longest missions in World War II.

After returning to Marquette and earning his law degree, Jaekels moved to Green Bay and practiced law for 17 years. He then became a county judge and, after court reorganization, a circuit court judge.

He was known for his zest for life, outgoing personality, and ability to quickly size up any situation.

Surviving Jaekels are his wife, Mary Lou, and five daughters, two sons, and 18 grandchildren.

### Judge Stanley A. Miller

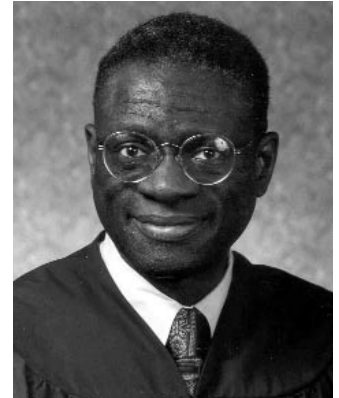
*Milwaukee County Circuit Court*

Judge Stanley A. Miller, who retired from Milwaukee County Circuit Court on Sept. 8 due to poor health, died Nov. 4 of congestive heart failure. He was 54.

Miller was a native of Harlem, NY. His father, a taxi driver, died when Stanley was 10, and his mother, a part-time domestic worker, raised four sons and a daughter alone. In a 1997 interview with *The Milwaukee Times*, Miller said the family did not go on welfare but probably should have "because then we'd have had access to some of the surplus food and medical available to welfare recipients," he said.

Miller graduated from the John Jay College of Criminal Justice, earned a master's degree in social work from New York University, and then moved to Madison to attend the University of Wisconsin Law School. He was in private law practice from 1974 until 1981 when he joined the Milwaukee County Institutions and Departments as principal assistant corporation counsel/legal counsel.

In 1984, Miller was named a Milwaukee County court commissioner before becoming a municipal judge for the City of Milwaukee in 1988. Then-Gov. Tommy Thompson appointed him to the Milwaukee County Circuit Court in 1992 and he was subsequently elected twice. During his years in the circuit



*Judge Stanley A. Miller*

court, Miller presided in the speedy trial courts for homicide/sexual assault cases, and handled a drug court calendar. Most recently, he presided over a probate court in the Civil Division.

During his years on the bench, Miller was a strong advocate for a more diverse judiciary. In 1996, when the Milwaukee NAACP challenged the countywide system for electing judges, Miller testified that roughly 80 percent of the defendants who came through his court were African-American. That underscored, he said, the need for more diversity on the bench.

Miller also was a mentor who encouraged African-American attorneys to pursue judgeships. Judge Carl Ashley credited Miller with convincing him to become a Milwaukee County judge and said that Miller recently called him to ask him to continue the effort to attract more people of color to the bench.

Chief Judge Michael J. Skwierawski praised Miller's efforts on diversity and his performance as a judge. "Stanley Miller was a real asset to the Milwaukee County courts and justice system," he said. "Perhaps his greatest contribution was his commitment to the need for diversity on the bench and in our administrative and staff appointments throughout the judicial branch. We shall miss him."

Surviving Miller are his wife, Barbara Holzmann, and sons Stanley, Steven Miller, and Joshua Holzmann. Further surviving are his mother, a sister, and two brothers, all of whom are in New York City.

## Promoting *Pro Bono* Work *continued from page 12*

Dean Howard Eisenberg, lawyers who have distinguished themselves in *pro bono* work, and me, that meets with law firms, particularly with newer associates, to recruit and inspire them to recommit themselves to *pro bono*. I share with them my experience performing *pro bono* work in practice before taking the bench. In addition, judges try as often as possible to be present at events where *pro bono* work is being recognized, again to show our support and our appreciation.

Other ideas that may be considered are:

- A drive to get lawyers to make a formal *pro bono* pledge. In December 2000, the chief justice of the California Supreme Court and the chief judge of the U.S. District Court for the Northern District of California, in concert with legal services organizations and the California bar, conducted a pledge drive that resulted in Bay area lawyers committing \$100 million worth of time to *pro bono* clients.

- Encouraging judges to participate in *pro bono* training. Many lawyers are willing to serve the indigent, but feel that they lack the necessary expertise. Legal service organizations such as Legal Action of Wisconsin provide comprehensive training, and judges might be in a superb position to teach about the procedures and substantive law that lawyers need to know to effectively handle cases where litigants otherwise go unrepresented.

Milwaukee judges of course are not alone in promoting *pro bono*. Legal service organizations and bar associations have conferred special recognition in the past on judges around the state for their involvement in organizing and promoting *pro bono* work.

Sankovitz recently was recognized for his commitment to promoting *pro bono* work. Judge Michael O. Bohren, Waukesha County Circuit Court, also was recently honored for *pro bono* (see separate story).

## *Pro Bono* Commitment

*continued from page 12*

Sankovitz also won the Milwaukee Young Lawyers' award for *pro bono*, in 1992, while he was in private practice.

Sankovitz's interest in *pro bono* was sparked in law school, where he volunteered with a legal defense clinic. In practice, he regularly represented low-income clients *pro bono* in diverse matters ranging from prisoners' rights cases to landlord/tenant disputes to municipal ordinance cases, and once assisted in the retrial of a capital murder case in Chicago.

Throughout his career as an attorney, he observed a simple rule of thumb for making time for *pro bono* work: "Whenever you list your active clients, make sure at least one of them cannot afford to pay you."

As a judge, Sankovitz has fulfilled his commitment to *pro bono* by engaging in law firm outreach (see separate story). Along with Marquette Law School Dean Howard Eisenberg, lawyers from Legal Action of Wisconsin, and others, he meets with attorneys in large firms to spark interest in *pro bono* work.

## OBITUARIES *continued from previous page*

### Judge Joseph E. Schultz

*Dodge County Circuit Court*

Judge Joseph E. Schultz, who served on the bench in Dodge County from 1960 to 1994, died Sept. 6. He was 74.

In addition to his 34 ½ years as an active judge, Schultz served as a reserve judge until his death. He died at home in his sleep.

Judge Andrew P. Bissonnette told the *Beaver Dam Daily Citizen* that Schultz put in an estimated nine days each month as a reserve judge helping to handle Dodge County's



Judge Joseph E. Schultz

flood of prisoner litigation. He was also a skilled mediator to whom all three Dodge County judges regularly

referred cases.

"He was a no nonsense judge," Bissonnette said. "You didn't mess with him. He was a real stickler and he ran a tight ship."

Schultz was a Kenosha native who received his law degree from the University of Wisconsin after serving as a sergeant in the U.S. Army during World War II.

As an attorney in private practice, he worked for a time in partnership with former Rep. Robert W. Kastenmeier.

Surviving Schultz are his wife, March, and their three children.



Fall  
2001

## Pro Se Litigants, Court Reporters are key Issues for Judges

*continued from page 2*

Appeals judges, 63 percent of circuit court judges, and 49 percent of clerks of court returned the survey. More than 42 percent of the responding circuit court judges and clerks of court were from counties with between two and five judges, nearly 23 percent were from counties with 12 or more judges, approximately 19 percent were from six-to-11-judge counties, and the remainder (16 percent) were from one-judge counties.

There are many ways to examine and analyze the survey results, but some of the key findings follow:

There were some interesting differences among circuit court judges based on county size:

- Judges in counties of between two and 11 branches responded that "address the dwindling number of court reporters" is the number one issue facing the Wisconsin court system within the next three-to-five years.
- Judges in one-branch counties selected "examine the effects of a possible shift of court funding from the county to the state level" as the top issue.
- Judges in counties with 12 or more branches put "increase compensation levels for reserve judges" at the top of their list.

Clerks of court responding to the survey ranked the following as their top five issues (in order):

- Reduce the rising dependence on fees and surcharges as a funding mechanism for programs.
- Respond to the issues created by the increasing number of self-represented litigants.
- Examine the effects of a possible shift of court funding from the county to the state level.
- Develop standard indigency guidelines for courts.
- Pursue full state assumption of court funding.

The top five issues (in order) identified by Court of Appeals judges were:

- Respond to the issues created by the increasing number of self-represented litigants.
- Maintain the decorum and nonpartisan nature of judicial elections.

### Judiciary Address *continued from front page*

certain aspects of the jury system. This initiative has resulted in the drafting of two pieces of legislation that would revise the Department of Transportation source list to ensure that it is more current and investigate the possibility of using additional source lists, increase juror privacy protections, increase the minimum juror pay and mileage reimbursement, increase the penalty for failure to respond to juror questionnaires and appear for service, and give trial judges the authority – in the event of the withdrawal of a jury demand within two business days of trial – to assess the costs of one day's jury fees up to \$1,000 against any or all parties and/or lawyers in the case as

- Improve resources available to judges (i.e. law clerks and judicial assistants).
- Address the communication needs of the increasingly diverse population (i.e. non-English speaking, deaf, or hard of hearing).
- Reduce the rising dependence on fees and surcharges as a funding mechanism for programs.

The PPAC Planning Subcommittee is now examining the feedback received at the Judicial Conference to identify strategies for addressing the top issues. This information will be presented to the Supreme Court and director of state courts in March 2002. The entire process will be repeated in 2003 and 2004 as part of the two-year cycle that guides the operations of the subcommittee.

### The Top Issues

The top issues from the summer survey (out of a total of 45 issues listed), determined by mean (average) ranking among all respondents were:

- increasing number of self-represented litigants
- dwindling number of court reporters
- need for standard indigency guidelines for courts
- rising dependence on fees and surcharges as a funding mechanism for programs
- effects of a possible shift of court funding from the county to the state level

the court determines appropriate to the circumstances

At press time, the legislation had been drafted but not introduced. The committee heading up the effort to modernize the jury system was developed by former Chief Judge Robert W. Radcliffe, Jackson County Circuit Court, and is now steered by Chief Judge Barbara A. Kluka, Kenosha County Circuit Court.

*To read the full text of the State of the Judiciary and State of the Director's Office speeches, go to the Wisconsin court system Web site at [www.courts.state.wi.us/media/reports/01stjud.html](http://www.courts.state.wi.us/media/reports/01stjud.html).*

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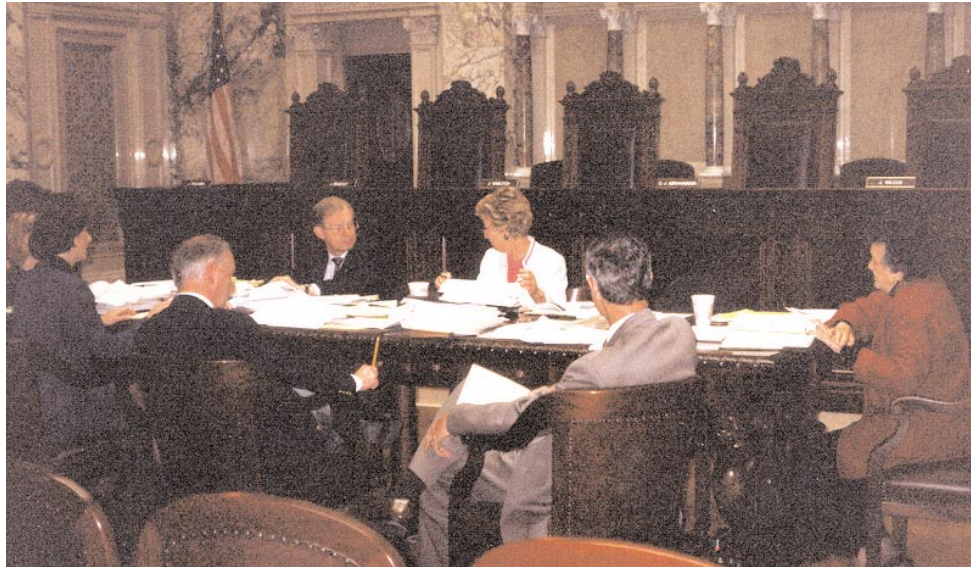
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The Wisconsin Supreme Court met Oct. 29 and 30 in open administrative conference to discuss proposed changes to Chapter 60 of the Supreme Court Rules, the Code of Judicial Conduct. While the justices took preliminary votes on each section and changes were suggested, nothing final has been done. Court Commissioner Nancy Kopp is reworking the language and the Court will then discuss the next draft. In November 2000, the Court held public hearings on the proposed changes, which would affect judicial campaigns, elections, and political activity. The Commission on Judicial Elections and Ethics – created by the Court in March 1997 and chaired by Federal Judge Thomas E. Fairchild – recommended the amendments when it released its final report in June 1999. To read the commission's report and recommendations, go to 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).

## Statutory Interpretation Seminar *continued from page 2*

Wolfe of Marquette University and Howard Schweber of the University of Wisconsin-Madison – gave different perspectives on the judge's role in interpreting statutes and the use of the scope, history, context, subject matter, and object of a statute to determine the Legislature's intent.

Sen. Chuck Chvala, D-Madison, praised the professors for setting a lively tone for the day's discussions, but said that the most valuable part of the seminar was the opportunity for interaction between judges and legislators. "In my 18 years in state government I believe this was the largest collection of members of the legislative and judicial branches of state government in the same room," he said.

After a group luncheon at which Mike McCabe, director of the Council of State Governments' Midwestern office, Justice David Prosser Jr., and Court of Appeals Judge David G. Deininger spoke, representatives of the legislative and judicial branches engaged in a panel discussion on improving interbranch communication. Panelists included: Judge J. Mac Davis, Waukesha County Circuit Court; Attorney Gordon Malaise, Legislative Reference Bureau; Court of Appeals Judge Patience D. Roggensack; and Attorneys Ron Sklansky and Russ Whitesel, Legislative Council.

Chvala said he was struck by comments from the judges on the deference they give to legislative intent "As a result [of listening to

the judges' comments]," he said, "I feel it may be appropriate as legislators to consider adding specific statements of intent and additional history to the legislative record."

Sen. Joanne B. Huelsman, R-Waukesha, said she regularly seeks information and input from the judges in her district, and appreciated the opportunity to hear from judges and justices from other parts of the state. In addition, as the only lawyer in the Senate Republican Caucus, Huelsman recognized the importance of the seminar to her colleagues. "Any type of communication between judges and legislators is especially important," she said, "when we remember that today very few legislators are attorneys."