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Weighted caseload study participation is excellent

Early reports on participation in the new weighted caseload study indicate that more than 90 percent of the state's judges reported on a daily basis. Participation was somewhat less for court commissioners, according to Chief

Judge Michael N. Nowakowski, who posited that this might reflect the part-time nature of many court commissioner positions.

Matthew Kleiman, Ph.D., who is directing the study for the National Center for State Courts, was encouraged by the strong response. "These high participation rates will help improve the validity and reliability of the study results," he said.

The weighted caseload study measures the judicial time needed to process the cases filed in the circuit courts. It is the first study of its kind in a decade and the first to include data from as many judges as possible across the state. It is also the first to include court commissioners.



District Court Administrator Scott Johnson leads a training session for District Nine judges and court staff. Sessions like this one were held around the state to ensure accuracy and uniformity in reporting.

When the data have been collected, the National Center for State Courts (NCSC) will analyze the numbers and provide a report that will help to determine the staffing levels needed to keep up with the caseload. The number of judges

in the Wisconsin court system has not changed since 1999, but the workload continues to increase. Given the Legislature's timeline for handling judgeship requests, the earliest possible year when a judgeship could be added is 2008, when, if current case filing trends continue, the courts will be processing 150,000 more cases per year than they did in 1999.

When its analysis is complete, the NCSC will provide preliminary conclusions to the oversight committee that is monitoring this project. Then, five expert groups, each looking at a particular case type, will react to the study's conclusions – offering a reality check of sorts – before the final report is completed in August 2006. ■

Ashland, Waukesha counties win federal grants for specialty courts

Two major federal grants will permit Waukesha County to begin the state's first court for drunk drivers and allow Ashland County to move forward with its pilot Juvenile Drug Court.

A \$387,000 grant from the U.S. Department of Justice Juvenile and Family Drug Court Program will enable Ashland County to fully implement a pilot program that targets juvenile drug offenders.

The Ashland County Juvenile Drug Court will have the capacity to monitor and treat 12 juveniles, ages 13 to 16, at any given time. Participants who have family support and no history of adjudication for violent offenses will be considered for the program.

Waukesha County's Criminal Justice Collaborating Council has been laying the groundwork for two years for a specialty court to address persistent drunk driving recidivism. As

the council explained in its successful application for a \$450,000 Department of Justice grant to begin the program, "Waukesha County's primary drug of abuse is alcohol."

While the county has a variety of treatment resources, no program has successfully addressed the rising number of drunk driving cases. In 1998, according to the grant application, 1,792 Waukesha County residents were arrested for drunk driving. By 2004, that number had increased 29 percent, to 2,307.

In the coming year, council members and community leaders, including Chief Judge Kathryn W. Foster, plan to send up to 75 third-offense drunk drivers through the new Driving Under the Influence Treatment Court, which would pair them with treatment providers and provide monitoring and feedback on their progress. ■

Milwaukee County budget morass

Proposed budget cuts for the Milwaukee County Circuit Court – cuts that the *Milwaukee Journal Sentinel* described as "bordering on the Draconian" – were announced on September 29 by Milwaukee County Executive Scott Walker. As the budget process has unfolded, some of the cuts have been eliminated while others remain intact. Here is a snapshot:

The Walker budget proposed to eliminate 79 of the 303 county-funded court positions, which amounts to 25 percent of the court staff. Among the positions on the chopping block were 10 court commissioners. In addition, the county executive proposed to cut 20 percent of the bailiffs and also eliminated funds to pay guardians *ad litem*, adversary counsel, psychiatrists and interpreters, and abolished the Legal Resource

see **Budget cuts** on page 11



Fall
2005

Director's column: Caught in the middle

I am sure many of you are aware that Milwaukee County has been going through a debate over the funding of the court system. At the end of September, County Executive Scott Walker proposed to eliminate 79 of the 303 county funded court positions. In addition, the county executive proposed to cut 20 percent of the bailiffs. The county executive's budget prompted an editorial calling for the state to increase its share of court funding. Under the headline "Walker picks wrong target," the *Milwaukee Journal Sentinel* editorial board wrote: "this attack on the courts is unfair because the courts are not fat at all. They are very lean, and Walker should know that by now. If Walker is looking for someone to blame, he should be pointing his finger at Madison."

As more and more counties struggle with state imposed spending caps, more and more counties will start to point their fingers at Madison. On October 28, the Wisconsin Counties Association adopted a resolution that calls for the state to take control of social services programs and the circuit courts by 2007. The counties would provide the state with the money they were allowed to allocate for the programs in 2006. By 2008, the counties would begin giving the state less funds until the county provides the state courts with no funding. Other ideas proposed by county officials include cutting court budgets substantially, forcing the state legislature to allocate additional funding. Other counties are considering shutting down the courthouse in order to save money.

While counties look to Madison for help, state government continues to grapple with its own financial difficulties. A large influx of state funding for the courts does not appear on the horizon. Counties look to the courts for budget reductions because of our designation as a state mandate. The result is that the people whom we serve are caught in the middle. All of us will have to communicate the importance of safeguarding access to justice.

Communicating the value of access to justice is as difficult as it is important. Because the courts do not have a natural constituency, this task falls upon the shoulders of the judiciary and the bar. In Milwaukee, Chief Judge Kitty Brennan, District Court Administrator Bruce Harvey, and Clerk of Courts John Barrett have been doing an outstanding job communicating with civic leaders, county officials and the state legislators on this issue. I echoed this message in a recent Sunday guest editorial (www.jsonline.com/news/editorials/oct05/364851.asp).

The debate about which unit of government should fund the circuit courts has continued for many years – possibly longer than Wisconsin has existed. The counties provided funding for the trial courts in territorial days. Safeguarding access to justice requires that policy-makers engaged in this debate bring insight and wisdom and a long-term perspective to the table. Absent that perspective, we have to communicate that neglecting the needs of the court system may endanger our ability to provide a fair, effective, efficient judicial system for the people we serve. ■



A. John Voelker

AWARDS

Three Milwaukee judges honored

Judges John J. DiMotto, Mary Kuhnmuench, and Michael P. Sullivan have been honored with awards that recognize their service and achievement.

not only responsible for encouraging her to run for judge, but also has mentored countless young lawyers and law students through a variety of programs. "Judge Kuhnmuench is a mentor and a teacher and she clearly enjoys watching others succeed," Triggiano said.

DiMotto wins Justinian Society award

The Wisconsin Justinian Society of Lawyers – an affiliate of the National Italian American Bar Association – honored Judge John J. DiMotto as 'Jurist of the Year.'

DiMotto, who has served as a judge in Milwaukee County since 1990, presides in the county's Family Division. He is known for taking an active part in judicial education and is a former associate dean of the Wisconsin Judicial College.

Court of Appeals Judge Richard S. Brown won the award in 2004, and Judge Michael P. Sullivan was selected for the honor in 2003.

Kuhnmuench honored for service as mentor

The Association For Women Lawyers recognized Milwaukee County Circuit Court Judge Mary Kuhnmuench for outstanding mentoring at its annual meeting and luncheon on Sept. 27.

Fellow Milwaukee County Circuit Court Judge Mary Triggiano presented the award to Kuhnmuench and told the luncheon gathering that the honoree was

Sullivan wins MBA award

Judge Michael P. Sullivan, Milwaukee County Circuit Court, was honored with the Milwaukee Bar Association's (MBA) 'Lifetime Achievement Award' in June. The award, according to the MBA, is "For the lawyer whose career achievements in both the practice of the law and community service demonstrate a consistent level of excellence."

Sullivan, who stepped down as Milwaukee's chief judge in August, told the *Wisconsin Law Journal's* Tony Anderson that the MBA recently gave the courts two grants that are supporting projects to improve the administration of justice. The first will cover the cost of a feasibility study on providing wireless Internet access in the courthouse; the second is targeted to improve the processing of operating-after-revocation cases. ■



Judge John J. Dimotto



Judge Mary Kuhnmuench



Judge Michael P. Sullivan

Several new ABA jury principles may be controversial in Wisconsin

by Reserve Judge Thomas H. Barland

The American Bar Association (ABA) adopted Comprehensive Principles for Juries and Jury Trials in February 2005. Previously, ABA sections and divisions had their own standards and guidelines relating to jury trials, such as the Judicial Division's Jury Management Standards adopted in the early 1990s, which were substantially adopted in Wisconsin by Supreme Court Rule in 1997.

The national standards for juries and jury trials contain much that is in wide use in Wisconsin, but is considered innovative in some states, such as favoring the use of 12-person juries, both criminal and civil, juror note taking, permitting jurors to submit written questions, using juror notebooks in substantial cases, and giving post-verdict advice and information to jurors. However, there are principles adopted that are controversial and either have not been permitted or widely used in Wisconsin. They include:

1. Principle 4A, which states that in civil cases jury decisions should be unanimous wherever feasible. A five-sixths verdict is acceptable only after jurors have deliberated for a "reasonable period of time."
2. Principle 13F, the most controversial of the principles, which permits jurors to discuss the evidence during a civil trial so long as all are present in the jury room and judgment is reserved.
3. Principle 10A1, which requires that jurors be drawn from two or more regularly maintained lists. Most

Wisconsin counties secure juror names from one list, the Department of Transportation list of licensed drivers and identification cardholders.

4. Principle 16A, which permits the court to inquire of the jury, in writing, "whether and how the court and the parties can assist them in their deliberative process" in situations where the jury has advised the court that it has reached an impasse in deliberations.

The principles emphasize the continual education of the jury in the law and trial procedure, as well as delivering jury instructions in "plain and understandable language."

Each principle is followed by an extensive commentary summarizing the law and suggesting the use of the principles. The commentary has not yet been approved by the ABA. The full 141-page text of the principles, including the index, can be found on the ABA Web site at www.abanet.org/juryprojectstandards/principles.pdf. ■

Judge Barland served on the bench in Eau Claire County from 1967-2000. As a member of the National Conference of State Trial Judges Jury Management Committee, he advised the commission that developed the new jury principles and participated in a two-day discussion of a preliminary draft of the principles at the ABA Jury Symposium at Washington & Lee University School of Law in Virginia.

APPOINTMENTS

New members join PPAC

The Supreme Court's Planning and Policy Advisory Committee (PPAC), which advises the Supreme Court and the Director of State Courts Office on issues that concern the state court system, welcomed several new members at its August meeting.

The new members from the judiciary are: Judge R. Alan Bates, Rock County, replacing Judge David T. Flanagan, Dane County; Judge Patrick J. Madden, Iron County, replacing Judge Robert E. Kinney, Oneida County; Judge

Richard J. Nuss, Fond du Lac County, replacing Judge Fred H. Hazlewood, Manitowoc County; and Judge William C. Stewart Jr., Dunn County, replacing Judge Roderick A. Cameron, Chippewa County. In addition, Clerk of Circuit Court Kristine Deiss, Washington County, replaced Bernadette Flatoff, Portage County, as the representative of the clerks; Chief Judge Kathryn W. Foster, District Three, replaced Chief Judge Edward R. Brunner, District Ten, as the chief judges' liaison; and Court Commissioner Darcy E. McManus, Ozaukee County, became the first-ever court commissioner liaison to PPAC.

Each of the departing members had served the maximum of two consecutive three-year terms.

Reserve judge appointed to NCSTJ Executive Committee

Reserve Judge Thomas H. Barland, who served on the bench in Eau Claire County from 1967 to 2000, has been selected as a member of the Executive Committee of the National Conference of State Trial Judges (NCSTJ).

The NCSTJ brings the nation's trial court judges together to focus on improving the quality of justice through education and outreach. The group's interest areas include rural courts (for which Chief Judge Michael J. Rosborough, Vernon County Circuit Court, serves as committee chair), ethics and professionalism, technology, state court funding, children and families, and more. ■



Reserve Judge
Thomas H. Barland



Chief Judge Kathryn W. Foster, center, is the new chief judges' liaison to the Supreme Court Planning and Policy Advisory Committee. Foster, Waukesha County Circuit Court, replaces former Chief Judge Edward R. Brunner in this role. Pictured with her are veteran PPAC members Judge Diane M. Nicks, Dane County Circuit Court, and Atty. Michael Tobin, director of the Trial Division of the State Public Defender's Office.



An inside look at jury duty

In November 2004, Eileen Kilbane was one of millions of people across the nation who learned of the tragic killings in Wisconsin's north woods: Six hunters dead, two injured, and one – Minnesota resident Chai Vang – in police custody. The story was horrifying but, thankfully, very much removed from Kilbane's life in Madison – or so she thought.

Ten months later, Kilbane, an 11-year court employee who processes appeals as a deputy clerk in the Dane County Clerk of Courts Office and whose closest brush with jury service had been helping with jury management, found herself on a bus bound for Hayward with two weeks' worth of clothing and a new identity: Juror #185.

Kilbane had wanted to serve, but felt conflicted when chosen. "I've worked in a judge's office for four years, selected juries, performed the duties of the jury clerk, and presently process circuit court cases for the Wisconsin Court of Appeals," she said. "I have seen how the court system works on a day-to-day basis and thought it would be interesting to see how it works from a juror's perspective. I was afforded that opportunity with this case, but my husband was leaving for an annual 10-day Canada trip on the exact same day I would have to leave." She also has two sons, ages 13 and 15, who needed care – not to mention a full-time job.

"Finding someone to stay at our house for 10 days and take on the responsibilities of two teenage boys and all their running, two dogs, appointments, games, etc. was a real trick. Thank God for mothers-in-law," she said. "And there were also a few hoops to jump through to get my job covered for that amount of time. So I had mixed feelings, but I'm glad I was chosen."

"Glad" didn't come to mind when she first got the news that she had been selected to sit on a sequestered jury, 300 miles from home, in a case where security concerns were heightened and the media glare was bright, Kilbane acknowledged.

"The lady sitting next to me had a written excuse from her employer and said she really needed to be excused because it would create a hardship for her employer," Kilbane recalled. "When the questions were over and they called numbers to stand up, that lady stood. And then they called my number, and I thought 'great!' But then they said, 'The jurors that remain seated are free to go.' I looked at the gentleman next to me and said something I won't repeat in print."

Kilbane said she was impressed with the orientation and *voir dire* processes. The orientation, she said, was "long, but well organized and very informative." *Voir dire* was relatively quick for most of the potential jurors because the group had been assembled just for the Vang trial, and those who were excused were free to go.

Detailed, six-page questionnaires helped speed up the process, Kilbane said, and improved the jurors' comfort by eliminating the need for personal questions and for individual *voir dire*.

The jury was chosen on a Thursday and the panel was told to meet downtown at 9 a.m. the next day with enough clothes for two weeks. The five-hour bus ride to Hayward

gave the jurors an opportunity to get to know one another.

"We had a great group of jurors," Kilbane said. "Retired individuals, hunters, computer programmers, young bank tellers, nurses and teachers – a wonderful variety of personalities. We all got along great and have plans to get together for a Packer game."

They spent their off hours during the next eight days swimming (with bailiffs), taking walks (with bailiffs), watching TV in a common room (with bailiffs), going out to lunch and dinner (with bailiffs) and reading newspapers "that looked like Swiss cheese."

"It was not real exciting," Kilbane said. "I finished two books and we generally tried to stay at the restaurants as long as we could just so we could talk – with a bailiff listening to every word. We all felt that the bailiffs were wonderful; they really went out of their way to make us as comfortable as possible under the circumstances."

When the trial began, Kilbane was immediately impressed with Judge Norman L. Yackel. "I thought the judge was great," she said. "I felt he was truly grateful for our time and service. He knew it was an inconvenience for all of us. He even thanked the jury for coming back after lunch one day when we took longer than our allowed lunch hour."

While the defendant, Vang, sat stoically throughout the trial, Kilbane said the witnesses were very emotional. "That was tough. Watching grown men and teenage boys break down on the stand was very hard to watch and not cry."

When Vang took the stand, Kilbane said his demeanor changed – and his wardrobe was jarring. "He did nothing to help himself," she said. "He was very loud and angry at times. He also was dressed in bright red silky pants, a red-and-white striped shirt and a bright red tie the day he testified. I thought that was a little inappropriate and his attorneys should have advised him better."

In the jury room, Kilbane said, "One of the jurors suggested that we all bow our heads in a moment of silence for all the victims – meaning the victims themselves as well as the families and friends of the victims and the defendant – and we were all very happy to do that." Kilbane then found herself nominated as foreperson, but declined to serve in that capacity. The jury spent the bulk of its time discussing who had fired the first shot. When they concluded that Vang had been first to fire a weapon, they reached their verdict on the first count. They then discussed each count so that each victim was represented.

The jury returned to the courtroom with some trepidation, Kilbane said, recalling that she was nervous. But her fears were eased when she saw that 10 armed deputies surrounded the defendant. "That was a sight I will never forget."

Overall, Kilbane said, the experience left her with a very positive view of the jury system. "I felt honored to serve as a juror, and, all in all, it was a great experience," she said. "But truth be told, I am glad that I will not have to make such a life-altering decision for at least another four years. All victims of this tragedy will remain in my prayers for years to come." ■

OBITUARY

Judge Peter G. Pappas La Crosse County Circuit Court

Judge Peter G. Pappas, who served on the bench in La Crosse County from 1969 to 1995 and who was held in the highest esteem in legal circles and in his community for his wit, wisdom, and common sense, died on August 31 at St. Joseph Rehabilitation Center. He was 87.

Pappas was a first-generation American. His father, a Greek immigrant, operated a shoeshine stand on a corner in downtown La Crosse. Although his father passed away before Pappas became a circuit judge at age 52 (covering La Crosse, Monroe, and Vernon counties), his mother was there to see him sworn in. Pappas later described the moment as a fulfillment of the American dream.

Pappas never had an opponent in any of his four elections. He won respect as a no-nonsense judge who did his homework, issued his decisions promptly, and treated people with dignity. In a 1997 interview for the Wisconsin Court System Oral History Project, Pappas described the key qualities he believed a judge should possess:

“Probably the most important thing I think that a judge should do is in terms of how he treats the people who come before him in the court,” he said. “You get all kinds of people, and sometimes people can be very irritating. However, they should be treated with courtesy, with kindness. They are human beings, they have feelings just like the judge or everybody else. I think that it’s very important that a judge treat people on that basis [and] recognize that they are there to serve people; they are not there just to sort of glory in being a judge. We are put there by the people, and our role is to be of service to people.”

During his years on the bench, Pappas noted some changes that worried him. He saw that increasing caseloads were forcing judges to become mechanical in their

processing of cases, focusing less on quality and more on quantity. He also noted changes that were positive, including the entry of women into the practice of law in La Crosse County. The judge who succeeded him on the bench, Ramona A. Gonzalez, is the county’s first female judge. Pappas’s portrait hangs in her courtroom and she is organizing an effort to rename the courthouse in his honor.

Pappas told the Oral History Project that his experiences at the UW Law School, from which he graduated in 1946, prepared him well to work with women in the field of law.

“In my class in law school there were three women [including well-known Milwaukee Atty. Catherine B. Cleary], and one of them was number one in our class,” he said. “I was on law review with them, and of course in class. And you know, I learned, ‘Boy, these are able women. They are smart, they are just as good as any male lawyer.’ And so I had that conditioning in law school that you better take them seriously.”

When Pappas retired from the bench in 1995, he began a new career as a volunteer. He was particularly active in Riverfront, a program that helps people with disabilities to lead independent, fulfilling lives. He also worked tirelessly on domestic violence issues, and, in 1995, the La Crosse Task Force Against Domestic Abuse established the Judge Pappas Award in recognition of his support and actions against domestic abuse; it is given annually to a person who has demonstrated outstanding support against domestic abuse. In 1998 he was awarded the Lifetime Jurist Achievement Award by the State Bar of Wisconsin.

Surviving Pappas are his wife, Nicoletta, and the couple’s two daughters, one son, grandchildren, and Pappas’s two brothers. ■



Judge Peter G. Pappas

Bailiff training curriculum in the works

Chief Judge Joseph M. Troy, Outagamie County Circuit Court, was surprised recently when a member of his staff overheard a bailiff entertaining a jury panel with jokes about defense attorneys.

“I can’t tell it right, but basically it was about how it’s easy to confuse the defense counsel with the defendant,” he told the Committee of Chief Judges during a discussion of the need for bailiff training. “And when we discussed it, he couldn’t see the problem.”

Ensuring that bailiffs have the tools they need to interact with jurors in a manner that reflects positively on the court system is the goal of a small group of judges and court administrators who have been working to develop a PowerPoint curriculum for training bailiffs.



Judge Jean W. DiMotto



Judge Gerald P. Ptacek

The group will present the curriculum in each of Wisconsin’s 10 judicial districts and then make it available for use by individual counties.

District Two Court Administrator Kerry Connelly chairs the committee and District Five Court Administrator Gail Richardson, one of the courts’ resident experts on jury issues, is also involved. Chief Judge Gerald P. Ptacek, Racine County Circuit Court, and Judge Jean W. DiMotto, Milwaukee County Circuit Court, have helped to

develop the curriculum.

Funding for the project came in the form of a small grant from the State Bar of Wisconsin and from contributions from local bar associations. ■



LEADERSHIP

DCA's knowledge, enthusiasm have helped to build *pro se* project

A decade ago, about 43 percent of family cases in the 13 northwestern Wisconsin counties that comprise the Tenth Judicial District included at least one self-represented litigant. Five years ago, that number had jumped to about 50 percent. And by 2004, it stood at 63 percent.

In real numbers, the percentages mean this: Every month, 1,500 unrepresented litigants seek assistance from court staff in the Tenth District. A time study revealed that each of these encounters takes about six minutes – clearly significant in a system that is handling ever-increasing caseloads without corresponding increases in staff.

District Ten has responded to this problem with an ambitious program that has earned national recognition and has helped to spur efforts across

Wisconsin. The program is steered by a committee appointed in 2000 by former Chief Judge Edward R. Brunner, comprised of District 10 judges, court commissioners, attorneys, clerks of court, and others. New Richmond Atty. Tim O'Brien serves as chair and District Court Administrator Gregg Moore provides equal parts leadership, energy, enthusiasm, and institutional knowledge to keep the project moving forward.

"Gregg has been the catalyst for most everything we have accomplished," O'Brien said. "He has become as familiar with *pro se* issues as anyone in the state. He took the lead on our grant applications. He is always suggesting new things we should consider, drafts our agendas, keeps the minutes, and provides regular updates to the district's judges, clerks, and court commissioners. He has been the leader on training court staff.... In short, he has been the unsung leader of our work."

The District Ten project is a vital experiment in a system where unrepresented litigants consistently outnumber litigants with lawyers in family and civil matters, and where lawyers are all but non-existent in small claims cases. Consider this:

- ❑ In District Nine, which encompasses 12 northeastern Wisconsin counties, Deputy Chief Judge Gary L. Carlson recently reported, "Well over half of my original divorce and small claim filings are *pro se* (neither side has an attorney). Other counties in this district are close – some are a little higher and some a little lower."
- ❑ In Dane County, a two-month snapshot of family court filings in 1999 revealed that in 48 percent of cases both litigants were self-represented; by 2002, in a similar two-month snapshot, that number had increased to 60 percent.
- ❑ In Milwaukee County, more than 70 percent of family cases involve *pro se* litigants.

Some of these litigants choose to represent themselves. Others believe – correctly or not – that they cannot afford a lawyer. Regardless, the courts have been called upon to respond quickly and effectively to this challenge, and the Tenth District Self-Represented Litigants Initiative has attacked the problem largely by training court staff,

educating the public, and building partnerships with local bar associations. Accomplishments include:

- ❑ Finding grant funds to send a team to an intensive, national workshop on improving services to *pro se* litigants and securing additional grant funds to hold district-wide educational retreats for judges, court commissioners, and court staff to identify problems and agree upon solutions.
- ❑ Surveying the 13 counties to determine what was already being offered and what could be improved.
- ❑ Sending committee members to speak to local bar meetings to explain the *pro se* effort and solicit ideas and concerns. Securing the support, understanding, and commitment of the bar has been key to this effort, and the St. Croix County Bar has been particularly active.
- ❑ Providing low cost, simplified divorce forms and instructions. These are available in every Tenth District clerk of court office for \$30 and are free on the Internet.

see **Leadership** on page 9

Initiatives across the state

In December 2000, Chief Justice Shirley S. Abrahamson's *Pro Se* Working Group issued a report that quantified the *pro se* problem and identified solutions. The group recommended simplifying court documents, establishing better referral systems to link people with legal help, and facilitating accurate and complete filing of paperwork. In response, a wide range of improvements were made on the state, district, and county levels. Here is a sample:

In **2002**, the Wisconsin Supreme Court adopted guidelines to help court staff to provide quality customer service while steering clear of the unauthorized practice of law.

In **2003**, the courts unveiled a new Self-Help Center on their Web site.

In **2004**, an effort to provide understandable court forms that would be acceptable, but not mandatory, statewide got underway. This effort recently resulted in a set of divorce forms for *pro se* litigants, and work on other forms is continuing.

In **2004**, a group of central Wisconsin counties began work on a special plan to address the needs of self-represented litigants in rural areas where the small number of lawyers means more potential conflicts of interest for lawyers who volunteer their time to offer free legal advice.

Individual counties have developed self-help Web sites and self-help centers in courthouses. ■



Gregg Moore

NCSC releases new set of CourTools

by Holly C. Noe, court information intern

Two years ago, the National Center for State Courts (NCSC) set out to develop a realistic set of court performance measures for state courts. The finished set of 10 CourTools Trial Court Performance Measures is now available on the NCSC Web site, www.ncsconline.org.

“Our independent judiciary has a responsibility to operate efficiently and effectively,” Chief Justice Shirley S. Abrahamson wrote in *The Third Branch* in fall 2004, when she announced the project. “One tool for responsible court administration is a balanced and practical set of court system performance measures to enhance the judiciary’s ability to manage the court system.”

The CourTools are designed to follow the fundamental mission of the courts to provide fair and equal justice through prompt, skillful handling of cases. The tools are intended to be flexible and easy to tailor to the needs of individual courts. NCSC also aimed to provide clear

instructions on how to calculate, interpret, and use each measure.

The CourTools take their inspiration from the 68 Trial Court Performance Standards that were published in 1990 following three years of work by a 12-person commission of state and local judges, court administrators, an elected clerk of court, and judicial administration scholars. NCSC attempted to take the performance areas defined by those standards, integrate them with concepts from other successful systems, and simplify them for practical use.

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

The 10 CourTools

- 1. Access and Fairness.** A court user’s perception of his/her treatment affects the user’s evaluation of the entire court system. This measure guides a court through administering a survey to evaluate users’ experiences at the courthouse on a typical day. It includes survey questions, tips, and methods for using the resulting data to compare locations, develop standards, and improve service.
- 2. Clearance Rates.** A court’s clearance rate, expressed as the number of cases going out as a percentage of the number of new cases coming in, measures how well the court is keeping up with its caseload. Clearance rates can be used to compare different types of cases within the court, between departments, or between courts, and also allow a court to track trends, spot emerging problems, and better direct improvement efforts.
- 3. Time to Disposition.** This basic tool helps assess the length of time it takes a court to process its cases. It is expressed as the percentage of cases that are disposed within established time frames. The measure guides a court in comparing its performance to state or national standards, or measuring its success in meeting its own standards for disposition.
- 4. Age of Active Pending Caseload.** This measure is used with measures (2) and (3) to develop a fuller picture of a court’s case flow. This measure derives from regular inventories of pending cases. Caseload age is the number of days from filing to when the inventory is taken. With this information, courts can spot the types of cases exceeding guidelines for completion and focus attention on improving clearance rates.
- 5. Trial Date Certainty.** A court’s ability to hold trials on the first day they are scheduled is closely linked to timely case disposition. This measure allows a court to evaluate the effectiveness of its calendaring and continuance practices. The number of trials (bench trials, jury trials, and juvenile adjudicatory hearings) held on their first scheduled date is logged, and continuances are tracked. With this data, a court can measure its performance against specific goals, or determine the average number of continuances it takes to hold a given trial type and adjust its scheduling practices accordingly.
- 6. Reliability and Integrity of Case Files.** The maintenance of court records is essential to the timeliness and integrity of the court process. This measure takes into account the time it takes to retrieve a file, whether the file contents match the case summary, and the degree of organization and completeness of files. Any problems that are highlighted can be analyzed over time to chart improvement.
- 7. Collection of Monetary Penalties.** This measure focuses on the extent to which a court takes responsibility for enforcing orders to pay monetary penalties such as restitution, an area that can greatly impact public trust in the court system. Because courts vary in their responsibility for and control over ordering and collecting monies in civil cases, the focus of this tool is criminal misdemeanor matters. This measure catalogs the percentage of ordered fines and penalties that are actually collected within established time frames.
- 8. Effective Use of Jurors.** This measure aims to save time and money for the courts and the public, and to preserve goodwill by minimizing the number of summoned jurors who are qualified and present to serve but not used. This measure provides a customizable worksheet for computing juror yield and juror utilization.
- 9. Court Employee Satisfaction.** Knowing how a court’s staff perceives its work environment is essential to making meaningful changes. This measure details how to conduct and analyze regular opinion surveys of court employees to ascertain whether staff has the resources, direction, and motivation they need to do quality work for the public.
- 10. Cost per Case.** Efficient case processing is one of a court’s primary responsibilities. Keeping track of the average cost of completing each type of case handled is a practical means of evaluating performance in this area. This measure helps a court see where to best allocate its limited resources by assessing returns on investments like new technologies, altered practices, and staff training. It also reveals areas where cuts could be made.

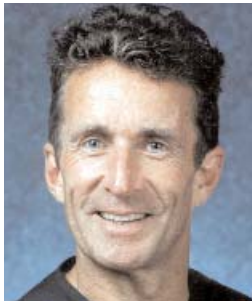
Detailed guides to the CourTools are available on the NCSC Web site, www.ncsconline.org.

RETIREMENTS

Two longtime judges announce retirements

Winnebago County Circuit Court Judge Robert A. Hawley and Milwaukee County Circuit Court Judge Michael G. Malmstadt have announced that they will not seek re-election when their terms end in April 2006. Malmstadt will have spent 18 years on the bench when he steps down; Hawley will have spent 24.

Hawley hopes to teach, volunteer



Judge Robert A. Hawley

Judge Robert A. Hawley was elected to the bench in Winnebago County in 1982 after having served for six years in the District Attorney's Office. He was the county's only elected district attorney at the time he won the judgeship.

"I'm still young enough and healthy enough to pursue other career interests and to volunteer," Hawley told *The Oshkosh Northwestern*. "I'm

just interested in touching base with family and friends more and giving someone else a chance, quite frankly."

Hawley told *The Northwestern* that over the course of his career he has noted increases in criminal, family, and juvenile matters and especially cases involving drug abuse and domestic violence.

In February 2005, Hawley made national headlines when he presided over the trial of Gary Hirte, a 19-year-old former Eagle Scout charged with (and ultimately convicted of) homicide in the brutal murder of a 37-year-old man who lived alone in a remote farmhouse.

Hawley told *The Northwestern* he might serve as a reserve judge, but that he hopes his career takes some new turns.

"I have my teaching license and so I'm hoping to do some teaching at the junior high or elementary level," Hawley said. "I have some volunteer projects I'd like to participate in and I'm sure that will develop more as I get closer to next spring."

Those who have announced interest in running for the seat include Winnebago County District Atty. William Lennon and Town of Menasha Municipal Judge Len Kachinsky.

Malmstadt eyes 'educational advocacy'

Judge Michael G. Malmstadt has spent more than 12 years of his life in Milwaukee Children's Court. The experience has left him with a few firm convictions, one of which is this: "The parent is the best advocate for the child's education, and for 5,000 kids [in foster care], we are the parent. We must find a way to advocate for education for these kids."

Malmstadt explained that when kids in foster care move from home to home, they often change schools with each move. Those who do not change schools end up with lengthy bus rides. Malmstadt said a number of the foster

children whose cases he has handled have to catch a city bus at 6 a.m. and travel 17 miles to get to school by 8 a.m.

"I wouldn't have gotten a high school diploma if I'd had to do that," he said.

Keeping foster kids in school is of such keen interest to Malmstadt that he plans to focus his time and resources on this goal after he retires on Jan. 5, 2006. For now, he is mulling various approaches that might help, from making educational stability a key factor in foster care placements to developing a team of educational advocates ("Right now, the caseworker is supposed to do this, and our caseworkers are barely keeping above water," he said).

Malmstadt said he looks forward to seeing the system from a different perspective, although he does also hope to become a reserve judge. All told, he has spent 35 years in the Milwaukee County court system. He began as an assistant district attorney in 1970 and became a deputy district attorney in 1979, spending a total of 18 years in the office before winning election to the bench.

The Children's Court assignment is a difficult and exhausting one, but it's the place Malmstadt prefers to be, because of the occasional opportunity it offers to make a real difference.

"I was in for eight [years], out for five, and now I've been back in for four-and-a-half," he said. "I don't feel totally burned out, but I do need to get away from it. I'd really like to get involved in another way, to see more than just the narrow piece you get to see as a judge."

During his career, Malmstadt has been outspoken about the need to improve services to juvenile offenders. A decade ago, he warned in an interview with the *Milwaukee Journal Sentinel* that younger children were committing more violent crimes.

"If we do not provide services, we will continue to have kids who are being raised to be criminals," he said.

In 2003, with the encouragement of Malmstadt and others, Milwaukee County began a concerted effort to provide intensive services to chronic juvenile offenders. The program has allowed many to remain in their homes and schools, receiving daily visits from probation officers and, in many cases, mental-health and anger-management treatment. More hardened offenders are sent to live for up to six months in a one-story brick building in Wauwatosa. They, too, receive intensive treatment and remain connected to home, school, and jobs.

Malmstadt told the *Milwaukee Journal Sentinel* that the program's annual price tag (about \$14,000 per child, compared to about \$68,000 to house a juvenile inmate in the corrections system) makes it a much better bet for taxpayers. "If I did that [ran a program that cost nearly \$70,000 for one child per year], taxpayers would wonder: What's going on?" he said.



Judge
Michael G. Malmstadt

RETIREMENTS *continued from page 8*

To date, two attorneys have announced plans to seek appointment to the seat: Milwaukee County Assistant District Atty. Jane Carroll and sole practitioner J.D. Watts.

Rankin steps down as head of BBE

As he prepares to end his 11-year stint as director of the Board of Bar Examiners (BBE) in January 2006 (although accumulated vacation moves his end date up to mid-December), Gene Rankin has one extra qualification he considers essential for his successor.

"Seriously, the job description as it's written is pretty accurate," Rankin said. "Humorously, they need to be someone who's willing and able to take a lot of [guff]."

As director of the body responsible for overseeing admission to the State Bar of Wisconsin and making sure licensed attorneys comply with continuing legal education requirements, Rankin said the greatest occupational hazards are often new law school grads and veteran attorneys who are convinced going back to class is a waste of their time.

Known as the Board of Attorneys Professional Competence prior to 1991, the BBE writes and grades the Wisconsin Bar Examination and personally evaluates attorneys seeking to practice law in Wisconsin. The board also oversees compliance with continuing legal education requirements, suspending the licenses of attorneys who fail to comply.

The board is comprised of 11 members – five lawyers, three judges or law school faculty, and three non-lawyer members of the public – who are appointed by the Supreme Court to serve three-year terms. Rankin said managing the relatively frequent board member turnover has been one of his biggest challenges.

"I've also seen the size of the board increased by three people," he said, "and they came on board at a time when nearly half the board turned over. That made it interesting, trying to be the institutional memory."

Rankin came to his post as BBE director in December 1994 with a background in land-use, environmental, and real estate law in private practice. He graduated law school at age 37, after a career as a planner for the Dane County Regional Planning Commission.

Soon after accepting the position at the BBE, Rankin focused on instituting character and fitness investigations of

all graduates of the law schools at UW and Marquette.

These investigations became mandatory effective Oct. 1, 1995, effectively doubling the board's workload. Rankin said he considers instituting this initiative, spearheaded by his predecessor Erica Moeser, to be among his most important accomplishments.

"From 1940 to 1995, there was effectively no investigation of character and fitness of diploma privilege graduates," Rankin said. "Now, they are subject to the same scrutiny as bar examinees."

Rankin said the best part of his job has been working with his staff, whose professionalism remained a constant through office relocations and computer system overhauls. Improving technology also helped Rankin to connect with his counterparts nationwide, which he said has been a particularly positive element of his job.

"There are 56 American law jurisdictions, so there aren't many of us out in the world," Rankin said. "We meet several times a year, and now we're connected by an Internet mailing list where we swap ideas from one to the other and steal them shamelessly."

Among the ideas Rankin said he would like the board to continue exploring after he departs are changes to the Bar Exam, such as including questions written out-of-state or from the Multi-State Performance Test, which Rankin developed since its development and helped to test.

"Probably the thing I'd most like to see is to have those whose licenses are revoked be required to take the Bar Exam to be readmitted," Rankin said.

Rankin plans to return to private practice next year, but on a part-time basis. He said other items on his agenda include European travel (he and his wife, Kitty Rankin, belong to an organization that stages reenactments as part of the English celebration of Guy Fawkes Day) and "getting better at guitar and mandolin, playing with my motorcycles, and doing a substantial amount of ocean sailing."

Rankin is planning a voyage sometime in the next few years with friends who have a yacht docked in the Mediterranean, either sailing down the Red Sea and across the Indian Ocean, or across the Atlantic. A 1976 Olympic finalist in sailboat racing, Rankin said he plans to continue taking to the seas "as long as I've got the strength and health to do it." ■

Leadership *continued from page 6*

- ❑ Compiling directories of local attorneys who are willing to provide low-cost and unbundled legal services.
- ❑ Cooperating with the county bars in Chippewa, Eau Claire, and St. Croix to run free legal clinics, and with the Douglas County Bar and the UW-Superior Legal Studies Department on a resource center where students and faculty help litigants fill out forms.
- ❑ Securing grant money to purchase for each judge in the district the American Judicature Society book "Meeting the Challenge of *Pro Se* Litigation: A Report and Guidebook for Judges and Court Managers," and publishing two guides: *Need Help With A Legal Problem?* and *Should I Represent Myself in Court?*
- ❑ Helping to secure a major grant for Judicare from the Otto

Bremer Foundation to fund a two-year access to justice initiative that Atty. Bob Hagness, a former court commissioner and former member of the State Bar Board of Governors, has been hired to steer.

In his recent report on the Tenth District program, District Court Administrator Moore wrote: "Much has been accomplished during the past five years, and all Tenth District judges, court commissioners, clerks of court, registers in probate and court staff should be deservedly proud. Under the leadership of Chief Judge Ben Proctor, district committee chair Tim O'Brien and all members of the now-expanded committee, the Tenth District will continue to strive to provide meaningful and informed access to the courts for all citizens." ■

Fall
2005

WISCONSIN CONNECTS

Bradley, Flanagan, White participate in international seminar

Supreme Court Justice Ann Walsh Bradley and Judges Mel Flanagan and Maxine A. White, Milwaukee County Circuit Court, joined a group of 20 U.S. judges chosen to



Wisconsin judges joined federal and state judges from across the United States at a conference in The Hague, Netherlands. Posing outside of the Peace Palace, which houses the International Court of Justice (the World Court) in The Hague, is a group that includes Milwaukee County Circuit Court Judge Maxine A. White (far left); Milwaukee County Circuit Court Judge Mel Flanagan (center); and Wisconsin Supreme Court Justice Ann Walsh Bradley (center right).

attend the first Sir Richard May Seminar on International Law & International Courts in The Hague, Netherlands.

The seminar, held in September, was sponsored by the International Judicial Academy, the Open Society Justice Initiative, and the American Society of International Law. The program featured lectures by international jurists,

including prominent members of the International Court of Justice, the International Criminal Court, and the International Criminal Tribunal for the former Yugoslavia.

Gonzalez helps to formulate guidelines for DV cases

Judge Ramona A. Gonzalez, La Crosse County Circuit Court, has been selected to participate in a project to formulate guidelines for judges handling domestic violence cases. Specifically, Gonzalez will work on guidelines for judges who are considering requests to lift 'no contact' orders.

Gonzalez plans to travel to Washington, D.C., in mid November to work with the National Council of Juvenile and Family Court Judges on this project.

Court administrator consults in Philippines

District Two Court Administrator Kerry M. Connelly returned in August from three weeks in the Philippines, where he conducted a records management study for the Sandiganbayan (the anti-corruption court) and the Court of Tax Appeals, and conducted workshops on case-flow management and records management. The volunteer project was as challenging as it was rewarding.

"Their records are really in disarray," Connelly said. "The numbers are stamped on the

front and then they're stacked, so finding anything requires digging." Connelly introduced the idea of numbered tabs for the folders, and also encouraged the use of binding clips to keep the files together. "Right now, they have people who sew them together by hand," he said.

Connelly's work in Manila continued the exchange that has developed between judges and court officials in the Philippines and Wisconsin. Last spring, a small group of justices, attorneys, and consultants from the Philippines visited with Dane County judges and members of the Wisconsin Supreme Court to learn about methods to improve case management and automation. In summer 2004, Justice Ann Walsh Bradley taught in the Philippines.

His expenses were covered by the U.S. Agency for International Development.

Wisconsin team participates in national meeting to reform foster care system

Chief Justice Shirley S. Abrahamson led a five-person Wisconsin team in September at a national summit on child welfare issues held in Minnesota. The Wisconsin team joined court leaders and representatives of child welfare agencies from every state, the District of Columbia, and three U.S. territories for *Changing Lives By Changing Systems: National Judicial Leadership Summit for the Protection of Children*, in Bloomington, Minn.

Joining Abrahamson on the Wisconsin team were Director of State Courts A. John Voelker, Children's Court Improvement Program Director Michelle Jensen Goodwin, Milwaukee Circuit Court Commissioner Lindsey Draper, and Burneatta L. Bridge, administrator of the state Division of Children and Family Services.

The Wisconsin Children's Court Initiative (CCI) was highlighted during the summit as one of the first programs in the country to measure court performance in abuse and neglect cases. The CCI establishes safety, permanence, due

see **Connects** on page 11



District Court Administrator Kerry M. Connelly meets with clerks of the Filipino anti-corruption court over lunch in Manila.

WISCONSIN CONNECTS *continued from page 10*

process, and timeliness outcomes for children and families in child welfare proceedings.

As part of the summit, representatives established action plans to identify ways to make child protection systems more responsive to the needs of children and families. By the end of the year, a "National Call to Action" will be released that documents the summit's outcomes, including the state action plans with strategies for implementation. The National Call to Action will launch a collaborative reform plan between the courts and child welfare agencies at state and local levels.

In May 2004, the Pew Commission on Children in Foster Care issued recommendations that call for improving court oversight of foster care cases to reduce delays in placing children safely and permanently in homes. These recommendations, endorsed by the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA), served as the summit's central themes.

The National Center for State Courts (NCSC), CCJ, COSCA and the National Council of Juvenile and Family Court Judges sponsored the summit. Minnesota Chief Justice Kathleen Blatz co-chaired the event. "This nation's abused and neglected children deserve better results from the system designed to protect them," she said. "By bringing the leadership of courts and child and family services to the table, we have the unique opportunity to make meaningful improvements for kids in each and every state."

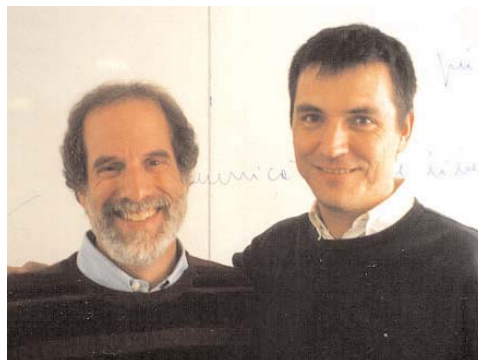
Schudson lands south of the border

Reserve Judge Charles B. Schudson, who served as a Milwaukee County Circuit Court judge for a decade and spent another 12 years on the Court of Appeals before he was unseated in the 2004 election, has found a way in "retirement" to blend his keen interest in children's legal

issues with his equally keen interest in teaching and travel.

Selected as the UW Law School's Global Legal Studies scholar in residence, Schudson recently returned from Santiago, Chile, where he taught (in Spanish) "Introduction to the United States Legal System" for 40 students and a children's rights seminar for 12 students at the Universidad Diego Portales Law School. He tentatively plans to travel to Peru in spring 2006 to teach similar courses for the UW exchange program in Lima.

Back in Wisconsin, he joined the faculty for Lawrence University's Bjorklund Seminars, a series of one-week continuing education programs that are given at a Door County retreat. Among his courses: "Just Desserts," and, coming this fall, "Law and Literature: Never the Twain Shall Meet?" ■



Reserve Judge Charles B. Schudson in his law school classroom in Chile with Professor Jaime Cuoso, a member of the faculty at the Universidad Diego Portales Law School. Schudson and Cuoso team-taught a seminar on children's legal rights during the spring semester.

Budget cuts *continued from page 1*

Center (formerly the county law library).

Chief Judge Kitty K. Brennan responded quickly, drawing up a contingency plan for prioritizing court business and working with judges, clerks, and administrators in Milwaukee and Madison to communicate the importance of safeguarding access to justice.



*Chief Judge
Kitty K. Brennan*

In late October, the County Board Finance and Audit Committee restored all of the positions that Walker had proposed to cut, but only two-thirds of the money. The committee also approved a \$50,000 court efficiency study and an audit of the Sheriff's Department's cross-charges to the courts. The action anticipated the receipt of \$1,079,160 in new state revenues. In the event those sums fail to materialize, the courts will be

approximately \$1 million short at some point in the year.

On November 14, Walker announced in the newspaper that he would use his veto to reinstate the elimination of 28 positions that the County Board had restored. The positions, according to the published report, include accountants/fiscal assistants, deputy clerks, and law clerks. What remains to be seen is whether there are enough votes on the County Board to override these vetoes. The override vote is set for November 16.

In spite of these setbacks, Brennan said she would attempt to keep all courts and programs running. In the event that hoped-for efficiencies and anticipated state revenue leave the courts short during the year, she plans to return to the County Board for relief. The chief judge said the original Walker budget would cause branches to be shut down due to lack of staff and create substantial delays in every branch and division. The Civil Division and Small Claims Court in particular were slated for the sharpest cuts and delays. ■



SCAP duty challenges veteran attorneys

by Holly C. Noe, court information intern

It's 9 a.m. at the Dane County Courthouse and Assistant Attorney General Barbara L. Oswald arrives ready to immerse herself in a tangle of drama, deceit, and debt. A veteran prosecutor, Oswald acknowledges that nothing she has learned in any courtroom can fully prepare her for the task that lies ahead. With only her wits and a rather large binder to guide her, Oswald is taking on Small Claims Court.

As a volunteer for Dane County's Small Claims Assistance Program (SCAP), Oswald assists *pro se* litigants who consider their claims anything but small. Several are already waiting for her with tales of broken property and broken promises, and lots and lots of paperwork.

"This is a walk-in program where unrepresented small claims litigants can get legal information – but not legal advice, representation, or advocacy – from volunteer lawyers and paralegals," explained Atty. Jennifer L. Binkley, co-chair of the Dane County Bar Association Delivery of Legal Services Committee. "Its purpose is to assist *pro se* litigants and to make the entire small claims system run more efficiently."

Now in its second year, SCAP has assisted more than 300 people since it began operations in summer 2004. Every Tuesday from 9 to 11 a.m., litigants meet one-on-one with a volunteer from a revolving staff of approximately 40 local attorneys and paralegals.

The amount of effort litigants put into documenting evidence and filing forms (often in duplicate or triplicate) is apparent, and a bit overwhelming, even to the experts. "I look at this form, and..." Oswald trails off, gesturing in utter confusion at the sample form spread before her. "I have a law degree! I mean, there are eight different forms for garnishments."

SCAP is one of just a few programs for small claims litigants in the state. Another prominent program is Milwaukee's Small Claims Mediation Project, begun in 1998 in partnership with Marquette Law School.

Inspired by the Dane County Bar Association's Family Law Assistance Center, which serves *pro se* litigants in Family Court, SCAP was initially explored in late 2003 by a small group that included Paula Seeger, Dane County Legal Resource Center librarian, and the Dane County Bar Association Delivery of Legal Services Committee chaired by Attys. Binkley and Marsha M. Mansfield.

The county bar association recruits and trains the volunteers while the Legal Resource Center handles administrative matters such as scheduling. The State Bar of Wisconsin provides malpractice insurance to the volunteer attorneys and the county bar covers the program's relatively minor expenses, which are mainly for training volunteers and printing materials, which include a disclaimer that each participant must sign stating s/he understands that the assistance does not create an attorney-client relationship.

A typical week sees anywhere from two to nearly a

dozen visitors. Their questions commonly involve landlord/tenant disputes and enforcement of small claims judgments, including collections and garnishments. Seeger summed up the disputes as variations on: "Somebody owes me money, how do I get it?"

The day Oswald volunteered, participants came with questions about steps required prior to filing, and with stories about the challenges of serving papers on people with disconnected phones and outdated addresses ("It's like I have to stalk him," observed one litigant). They also wanted to know what to expect during court proceedings and how to go about collecting on judgments. "It's difficult," Oswald said, "because people really want to get into the substance of their claims with you, and all we can really do is provide information on the options."

In addition to giving information, the volunteers offer a listening ear to people who are mostly eager to tell their tales. A few life lessons gleaned from a single SCAP session: don't make personal loans to roommates, friends, or even grandchildren; memorialize absolutely everything in writing – and then make copies; and, if you must have a car accident, aim for a driver who is insured or at least employed.

"This process is great, except you can't get blood from a turnip," Oswald said. "The sad thing about this is, people go through all this and then get a judgment and don't see any money." Litigants have to weigh the risk of never receiving payment against the cost of pursuing the action. But small claims tend to be about more than the bottom line. After questioning aloud whether pursuing her garnishment action was worth the cost, one litigant told herself, "It's the principle," and moved forward.

Oswald said many of the litigants are well prepared and seem to know at least as much about the process as the volunteers. What SCAP offers to those litigants is support. "I think if nothing else, people feel reassured – that they're asking the right questions, or filing the right form," Oswald said. People with legal training can also point out things litigants may not normally think about, or even be aware of, such as how to include court fees in damages being sought. Simply having an actual human being to clarify legal jargon like the plaintiff/defendant distinction also cuts confusion.

Of course, it can sometimes be challenging for volunteers, whose areas of expertise often lie elsewhere, to gain a confident, accurate understanding of each litigant's situation from a brief conversation. "When in doubt, I refer them to the clerk of court," Oswald said. "But I try not to do that too much, because then there's no point to having this program."

Seeger said she has heard from participants who find SCAP to be a useful resource. Volunteers also have high praise for SCAP. The time commitment is only two hours,

PPAC wraps up survey, publishes new videoconferencing guide

by Erin Slattengren, senior policy analyst



Erin Slattengren

Online planning survey a success

More than 500 people completed a survey that was posted on the courts' Web site in October, ranking priorities and providing suggestions for the Planning and Policy Advisory Committee (PPAC) to consider.

PPAC's Planning Committee posted the survey to elicit the advice, ideas, and concerns of justice system employees as well as the general public.

"There are many issues that the courts must address, and the ideas of court employees and court users on prioritizing these issues will help to inform the committee's discussion," said Director of State Courts A. John Voelker. "Ensuring access to justice for people who do not have lawyers, finding better ways to deal with increasing numbers of drug – and alcohol-related cases, keeping courthouses safe, identifying appropriate alternatives to incarceration – those are just a few of the numerous important issues that must be prioritized as we look for the smartest, most cost-effective ways to serve the public."

The PPAC Planning Committee will analyze the data and present its findings to PPAC over the next couple of months. Updates on the planning process can be found at www.wicourts.gov/about/committees/ppac.htm.

Videoconferencing Guide is now online

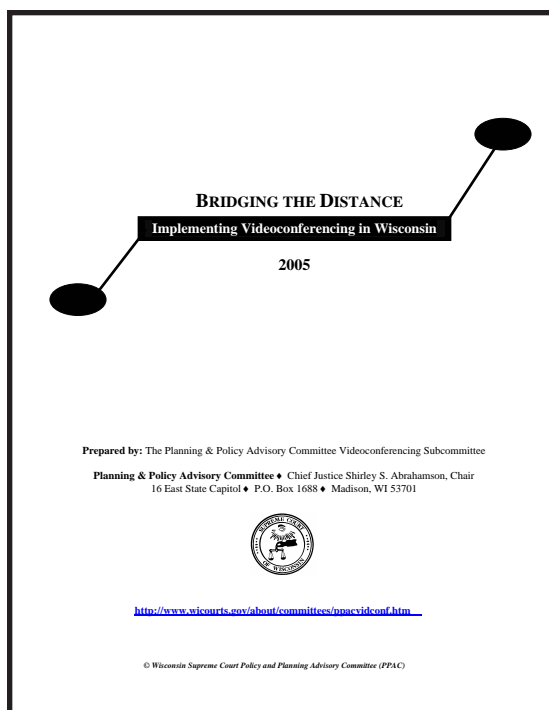
Bridging the Distance 2005, an update to the 1999 guide to videoconferencing in the Wisconsin court system, is now complete and available for use.

As reported in the last edition of *The Third Branch*, the PPAC subcommittee on videoconferencing updated the guide to add new information about implementing a videoconferencing program, technical information on

equipment and use, tips on evaluating the effectiveness of a program, and a comprehensive resource directory of videoconferencing contacts throughout the state.

This resource, along with other useful links and information about videoconferencing can be found on the Wisconsin Court System's web site at www.wicourts.gov/about/committees/ppacvidconf.htm.

Direct questions and comments to Erin Slattengren at (608) 266-8861 or erin.slattengren@wicourts.gov.



SCAP *continued from page 12*

as many times per year as volunteers prefer. Oswald said it is also personally rewarding, giving her a chance to serve the community in ways she cannot through her Department of Justice position. "These are huge amounts of money to these people – if I can help them get some or all of it back, that's great," she said.

When the program moves into the new Dane County Courthouse in January, Seeger has several ideas for future enhancements, including the addition of phone and e-mail assistance and extended hours. She also would like to make more potential participants aware of the program and to recruit more legal professionals.

Binkley echoed the hope for more volunteers, including more who speak Spanish. "I am also hoping," she said, "that more counties across the state will use SCAP as a model to provide resources to their *pro se* litigants." ■

Those interested in volunteering for SCAP may contact Paula Seeger at the Dane County Legal Resource Center, Room 315 of Madison's City-County Building. Reach her at (608) 266-6316 or paula.seeger@wicourts.gov.



Access to Justice Study Committee poised to begin research project

by Jeff Brown, coordinator
State Bar of Wisconsin Pro Bono Program

The State Bar's new Access to Justice Study Committee, appointed this summer by State Bar President D. Michael Guerin, is preparing to begin research that will contribute to a more comprehensive picture of the problem of unrepresented litigants in the civil justice system.

The committee has met three times to address organizational issues, consider various research options, and learn from experts who have supervised or conducted this type of research.

Although the research plan is not final, it is likely to include components of a random telephone survey of Wisconsin residents, some degree of field research of populations who cannot reliably be reached by telephone and an investigation of the social cost of lack of access to justice.

The goal is to present the State Bar and policymakers in each branch of government with information on the scope of the problem that is accurate, credible and based on sound social science research methods. The committee's report is due Dec. 31, 2006.

The committee was created at the urging of the State Bar Board of Governors and the Supreme Court following the Wisconsin Trust Account Foundation petition for a \$50 assessment on attorneys to supplement declining funding from other sources for legal services to the poor.

The State Bar charged the committee to "oversee the development of a rigorous assessment and analysis of the civil legal needs of low income Wisconsin residents and to evaluate and make recommendations for long-term solutions where improvement is necessary." In addition, the committee is expected to "identify those persons or communities with unmet legal needs, the nature of the legal needs, how those needs are distributed throughout the state, the reasons why the needs are not being met, ways the needs could be met and the major social impact on our communities of allowing these legal needs to go unaddressed."

Increases in the numbers of unrepresented participants in the civil legal system have been a source of continuing concern for many who believe that the absence of counsel can diminish the quality and/or efficiency of the justice system. The reasons for this increase are varied, from the desire of some middle class litigants to save money by representing themselves to cutbacks in public funding for legal services to the indigent. While there are some data on the kinds of legal needs that are not being met due to the lack of access to legal counsel, there is no comprehensive picture of the scope and impact of the problem. The magnitude of the unmet need is self-evident to court personnel and advocates for the poor, but it may be less apparent to those whose daily lives are focused elsewhere.

The Access to Justice Study Committee is chaired by Judge Richard J. Sankovitz, Milwaukee County Circuit Court. The other members of the committee are Attys. Rachel Schneider (vice chair), Quarles & Brady,

Milwaukee; Betsy J. Abramson, elder law consultant, Madison; Howard J. Bichler, Saint Croix Chippewa Indians of Wisconsin, Webster; and James M. Brennan, Legal Aid Society of Milwaukee; Judge Ramona A. Gonzalez, La Crosse County Circuit Court; and Attys. Jo Deen B. Lowe, Forest County Potawatomi Community, Crandon; L. William Staudenmaier, Cooke & Franke, Milwaukee; and Kelli S. Thompson, State Public Defenders Office.

I provide staff support to the committee and Professor Herbert Kritzer from the UW-Madison Political Science Department is acting as an advisor.

The committee's work will supplement efforts by the court system and various legal services providers to grapple with this issue. For example, as reported in 2000 by the Supreme Court's *Pro Se* Working Group, 44 out of the 45 clerks of circuit court who responded to a survey reported an overall increase in the number of unrepresented litigants over

the preceding five years. The same number of clerks reported an increase in the numbers of self-represented divorce litigants and 35 reported an increase in the numbers of *pro se* litigants in domestic abuse cases. In child support and landlord/tenant cases, 34 clerks reported an increase in the numbers of *pro se* parties. It is now common to hear that two-thirds of family law cases involve at least one self-represented party.

The State Bar's effort to quantify the unmet legal need in Wisconsin also will draw upon the work done by a number of other states following the American Bar Association's 1993 Comprehensive Legal Needs Study. Earlier this year, Illinois completed its comprehensive legal needs survey and last month the federal Legal Services Corporation reported the results of its national legal needs study using data gathered by its grantees.

Although the committee's work is expected to begin with a legal needs survey, it does not necessarily end there. Once the need is documented, the membership and role of the committee may change as the focus turns to solutions. In the state of Washington, for example, a bipartisan group of judges, legislators and lawyers made up an Access to Justice Board that led the way to a 70 percent increase in public funding for meeting the documented civil legal needs of the poor as part of an overall legislative package of civil and criminal justice system reforms.

It is too early to tell whether Wisconsin can achieve the same or similar results. Much will depend on the results of the needs assessment and the willingness of the stakeholders with an interest in this issue to work together toward a common goal of increasing access to justice for all in Wisconsin. ■

The committee's Web site, which includes links to the studies cited in this report, the full charge of the committee, and more, is available at www.wisbar.org/ajj. Contact Atty. Jeff Brown at (608) 250-6177 or jbrown@wisbar.org.



Judge
Richard J. Sankovitz



Judge
Ramona A. Gonzalez

Glover monument effort moving forward slowly

After more than a year of preparation, the Joshua Glover Sesquicentennial Commemoration Committee has publicly announced its design competition for a monument in Milwaukee's Cathedral Square. The monument will honor



Joshua Glover, the Fugitive Slave.

Joshua Glover

runaway slave Joshua Glover and the people of Wisconsin who helped to free him. The committee will invite between 100 and 200 artists to submit entries and expects that the process of selecting a winner will take six months.

The artists will vie for an opportunity to bring to life a critical six-year period in

Wisconsin history that began in 1854. On March 10 of that year, Glover was captured at his Racine home by federal marshals and his owner, Bennami Garland, who had traveled from Missouri to track Glover. The group beat Glover and incarcerated him in the Milwaukee jail. The following day, Sherman Booth, a newspaper publisher, learned of the capture and organized a mob of 5,000 people who stormed Cathedral Square, breaking down the jailhouse door and freeing Glover. Once freed, he was spirited away to Canada, where historians have discovered that he lived a long life as a free man.

Booth, meanwhile, was quickly arrested for aiding and abetting Glover's escape and a six-year struggle between the state and federal courts over jurisdiction ensued. The court case involving Booth unfolded in both the state and federal courts between 1854 and 1860. In 1855, the Wisconsin Supreme Court declared the Fugitive Slave Act unconstitutional and ordered Booth - who had been found guilty in the federal district court - freed. The U.S. Supreme Court soon ordered the state court to uphold the federal law, but the state court, in 1860, refused to file that mandate. To this day, it has not been filed.

The Wisconsin Supreme Court is believed to have been the only court of last resort in the nation to have officially declared the Fugitive Slave Act unconstitutional. That moment in the state's history has been marked in a number of ways - with an original play and documentary

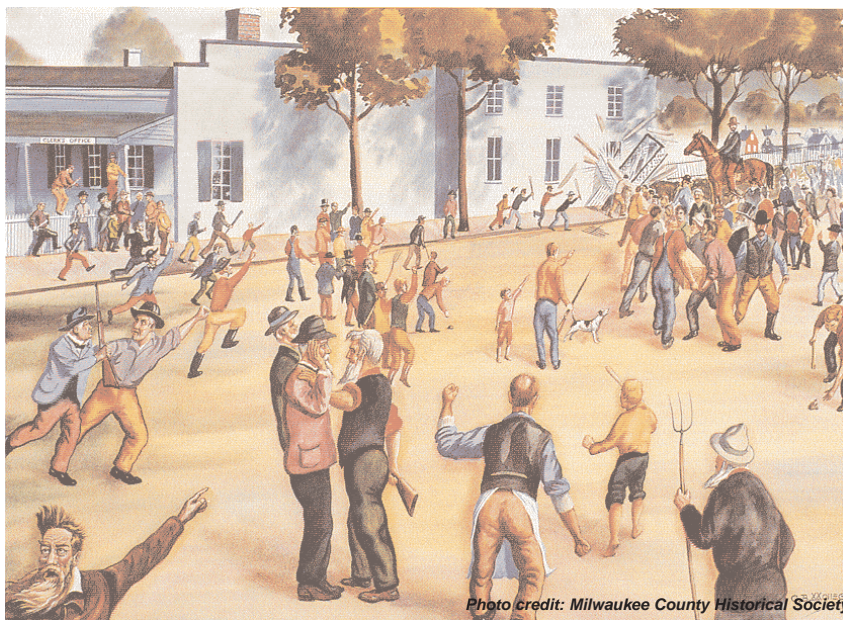
developed by the Wisconsin Supreme Court; with a book drafted by historians Ruby West Jackson and Walter MacDonald; and with a plaque in Milwaukee's Cathedral Square.

Justice Louis B. Butler Jr., who spoke at the press conference announcing the design competition during the July NAACP National Convention in Milwaukee, said the Glover story "tells the true character of the people of that time." He said it is significant to note that the Wisconsin Supreme Court at the time knew it was required to follow precedent and interpret law, but also knew it had to do justice.

"It is one of Wisconsin's shining moments," Butler said. He particularly enjoys retelling how, in 1854, the Racine sheriff issued a warrant for the arrest of Glover's master and the federal officers who captured Glover on charges of assault and battery.

The goal of the monument is not only to memorialize a piece of history, but also to celebrate its national significance. "It is a Wisconsin tradition that needs to be emulated," said George Gonis, a museum exhibit designer who is organizing the competition. "We would be negligent if we didn't tell the story as it should be told." ■

Contact Gonis at (414) 444-9911 or joshuaglover@miad.edu with questions or comments about the Joshua Glover monument competition. To order a copy of the Glover documentary, contact Wisconsin Public Television at (608) 263-4575. For a copy of the Glover script - free for educational purposes - contact Amanda K. Todd at (608) 264-6256 or Amanda.todd@wicourts.gov.



"The Glover Rescue" by Clarence Boyce Monegar.



PEOPLE

The *Milwaukee Journal Sentinel* ran a front-page piece comparing the services available and general quality of life in the Milwaukee Courthouse to what is offered 20 miles away in Waukesha County. The report noted that disparities are apparent from the moment a person steps foot in the courthouse and quoted Atty. **Jerome Buting**, chair of the State Bar Criminal Law Section, who makes appearances in both courthouses.

"The buildings themselves are just disgusting," he was quoted as saying of the Milwaukee Courthouse and Safety Building. "It's like going into a bus depot. It did not used to be that way. What kind of a message are you sending about having respect for the law? What you see is an obvious disrespect."

In contrast, the report described the Waukesha County Courthouse, which, the reporter said, "seems to glisten, courtroom equipment is modern, and offices feature cheery, seasonal displays."



Elizabeth M. Barrera (center right) is Dodge County's first state certified court interpreter. Present for her September 8 swearing-in were recently appointed District Court Administrator Susan Byrnes (center left) and, from left, Dodge County Circuit Court Judge John R. Storck (deputy chief judge of the Sixth Judicial District), Chief Judge James Evenson, and Dodge County Circuit Court Judges Andrew P. Bissonnette and Daniel W. Klossner.

The Daily Citizen (Beaver Dam) hailed the investiture of Dodge County's first certified court interpreter, **Elizabeth M. Barrera**. Barrera has served the court system as a Spanish interpreter since 2000. She is the 30th interpreter statewide to successfully complete the rigorous certification

process. Only those who speak English and another language at the level of a highly educated native speaker and can demonstrate a clear understanding of legal terminology are certified. Dodge County Circuit Court Judge **Daniel W. Klossner** told the newspaper, "This is essential to the fairness of our proceedings and we are very happy to have such a talented interpreter as Elizabeth."

The Capital Times recently sought out Court of Appeals Judge **Paul B. Higginbotham** to discuss an upcoming book, *Days of Rage*, by his good friend, author **Kristine Kathryn Rusch** (penname **Kris Nelscott**), who lives in the state of Oregon. The novel is the latest in a popular mystery series for which Higginbotham and his twin brother, **Stephen Braunginn**, have served as readers, helping to polish the manuscripts and to ensure that Rusch's black male protagonist rings true. Rusch, who is white, explained the Higginbotham/Braunginn contribution in an interview with *The Capital Times*:

"Here I am, a white woman, writing about the black community. I didn't want to offend anyone. I figured Steve and Paul would tell me (rather pointedly) if I did. They were great with language, tweaking it here and there, but mostly, they said I got it right. And apparently, they were right, because I've never gotten that letter I was afraid of, the one from the reader who told me I had insulted everything they stood for and believed in. These books have been a blessing for me, and they've been successful. ... Steve and Paul are a huge part of it."



Judge
Paul B. Higginbotham

Higginbotham met Rusch 25 years ago in a Civil War history class at UW-Madison. A "Star Trek" fan, he is also a character (Captain Paul Higginbotham of the U.S.S. Madison) in three books that she and her husband, author **Dean Wesley Smith**, wrote for the "Star Trek" series. Rusch writes primarily science fiction, but also fantasy, romance, literary fiction, and mystery. She has won an Edgar Award, a Hugo Award, an Asimov's Best Reader Award, and a Joseph Campbell Award.

The Dane County Legal Resource Center organized a successful lunchtime Banned Books Week event on the front steps of the Dane County Courthouse in late September. Co-sponsored by the Madison chapter of the American Civil Liberties Union (ACLU), the event featured a bilingual reading of the Bill of Rights, a reading of the American Library Association "Freedom to Read Statement" by UW School of Library and Information Studies Director **Louise Robbins**, and a listing of recently challenged books by Professor Emeritus and ACLU-WI Board member **Diane Hopkins**.

"Time to Ban Judicial Junkets" headlined an editorial in *The New York Times* in October. The editorial cited an exchange between Wisconsin Sen. **Russ Feingold** and Chief Justice **John Roberts** during Roberts's confirmation hearings, in which Feingold expressed concern about judicial seminars that are underwritten by private interests with a stake in the outcomes of cases. Roberts pledged to study the ethics question, a move that *The Times* praised. The newspaper then criticized the special commission that is working on revising the American Bar Association Model Code of Judicial Conduct, saying, "The panel's latest plan for reworking the gift and travel rules [which recommend that judges use their discretion when weighing a seminar invitation] shows a determination to perpetuate



Sen. Russ Feingold

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judicial freeloading.”

In September, Supreme Court Justice **Louis B. Butler Jr.**



Justice Louis B. Butler Jr.

was the keynote speaker at the annual board of directors meeting of the Rock County Opportunities Industrialization Center, a job training organization. As reported in the *Beloit Daily News*, Butler spoke about mounting threats to judicial independence from other branches of government, interest groups, and the public, and explained to the audience

why judicial independence is valuable. “A judge’s decision is to be fair, impartial and not according to a whim or fear of the latest opinion poll,” Butler said. “Attacks on judges are an attack on the legal system and justice itself.”

Butler continued on the theme when he spoke at the State Public Defender annual conference in Milwaukee, as reported in the *Milwaukee Journal Sentinel* under the headline, “Justice urges support of state Supreme Court.” The story reported that Butler asked the audience of about 200 to defend judicial independence against attacks by special-interest groups. “It is critical that we don’t look over

our shoulder for what’s going to get us re-elected,” the newspaper quoted Butler as saying. “. . . If we can’t call ‘em as we see ‘em, we really don’t deserve to wear the robes.”

“Are courts becoming too activist?” headlined an opinion piece submitted to the *Milwaukee Journal Sentinel* by Milwaukee County Circuit

Court Judge **Michael B. Brennan**. Brennan discussed five recent decisions of the Wisconsin Supreme Court and opined that these decisions show judicial activism. Brennan wrote that the “strength of a court is as a legal institution,

not a political one. Judicially activist decisions sap a court’s strength. They open up the court to the criticism of being “result-oriented.”

Portage County Circuit Court Judge **Frederic W. Fleishauer** and Clerk of Courts **Bernadette Flatoff** told the *Wausau Daily Herald* that Portage County is considering



Judge
Frederic W. Fleishauer

joining the rest of the state’s circuit courts on CCAP, the Consolidated Court Automation Programs. Portage County is currently the only county in

the state that has opted out of CCAP in favor of its own system. The county has begun meeting with CCAP programmers to discuss incorporating certain features available on the county system into CCAP, and if that proves feasible, Flatoff said Portage County could make the switch between 2007 and 2008. Fleishauer said before Portage would switch to CCAP, the county would also need to address many of the same concerns being discussed at the state level over the accessibility of circuit court records on CCAP.

Cornelia Clark has been making headlines lately in Tennessee, where the governor recently appointed her as a justice of the Tennessee Supreme Court. She is not to be confused with Wisconsin’s **Cornelia Clark**, who works hard to stay out of the headlines as the clerk of the Supreme Court and Court of Appeals. Wisconsin Cornelia reports that the name caused some confusion in court administration circles during the six years when Tennessee Cornelia served as administrator of the Tennessee court system. “At one of our conferences, a clerk from Arizona asked me why I had to go through an airport in a particular city to get to the conference,” Clark recalled. “I told him I had not gone through that airport. He said I was paged and he looked for me because it was hard to imagine another Cornelia Clark – it’s just not a real common name.”

Jefferson County Circuit Court Judge **William F. Hue** and his wife, Dr. **Laura Challoner**, both passionate cyclists, traveled to France this summer to bike the Tour de France route and watch the race. They traveled with a company that organizes rides that follow the same mountains and roads as the Tour. They generally cycled the route a day ahead or a day behind the competitors. Hue and Challoner



Jefferson County Circuit Court Judge William F. Hue poses atop a long and winding road in the French Alps, where he and his wife followed the grueling Tour de France route.

discussed their training regimen – which includes Internet-based coaching through a company developed by Lance Armstrong’s trainer – with the *Daily Jefferson County Union*. Hue told the newspaper that the training rides on the hills of Waterloo and Whitewater don’t quite prepare a rider for French Alps. The couple’s toughest day in France included three mountain climbs, a total of about 17,000 vertical feet and 91 miles. “That was a hard, hard day,” Hue said, adding that Tour competitors ride between 142 and 160 miles in a day and climb six mountains.

“Stars off the bench/3 women judges are a stellar
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monument to judicial independence” headlined an editorial in the Sept. 22 edition of *The Arizona Republic*. The report focused on a joint appearance by Chief Justice **Shirley S. Abrahamson** and U.S. Supreme Court Justice **Sandra Day O’Connor** at an Arizona State University event honoring Arizona Justice **Ruth McGregor** with the American Judicature Society’s **Dwight D. Opperman Award for Judicial**



Chief Justice
Shirley S. Abrahamson

Excellence. In 2004, Abrahamson was selected as the first honoree for the new award. The editorial lauded Abrahamson, O’Connor, and McGregor as “intelligent, well-educated judges who understand that judicial decisions are not about personal opinion or politics.”



Judge
Ramona A. Gonzalez

The La Crosse Tribune recently featured Judge **Ramona A. Gonzalez**, La Crosse County Circuit Court, in the first installment of its “A day in the life” series, which spends time on the job with influential and inspirational area women. Gonzalez was elected to the bench in 1995 following

the retirement of the late Judge **Peter G. Pappas**.

Born into a family of 10 children in the Dominican Republic, Gonzalez told the *Tribune* she had been interested in a law career since she was a girl. Now a mother of three, Gonzalez balances her family life and her life in the courtroom, which includes handling many juvenile and family cases. Colleagues including Judge **Dale T. Pasell**, Court Reporter **Tami Tichenor** and Judicial Assistant



Municipal Judge
James A. Gramling

Cindy Cossette praised Gonzalez for her compassion and dedication.

The Milwaukee Education Center Accelerated Middle School has become the first in the city to test out a teen court. The Milwaukee Teen Tribunal is the result

of joint efforts by the American Civil Liberties Union of Wisconsin Foundation, Milwaukee Public Schools, the Milwaukee Police Department, and the Milwaukee Municipal Court. Municipal Judge **James A.**

Gramling praised the program in an article in the online publication *Greater Milwaukee Today*. “This

was a program that was in need of a school,” he said. “It is a significant piece in the development of community justice.” The Teen Tribunal allows some first-time student offenders to address a panel of peers and to hear how their actions affected other members of the school community. Gramling said he hopes the program will help reduce the more than 10,000 tickets currently issued to juvenile offenders in Milwaukee each year.

Milwaukee Atty. **James A. Walrath** recently became executive director of Federal Defender Services of Eastern Wisconsin, a non-profit group that works to assist defendants who cannot afford lawyers in U.S. District Court. Walrath took over for Atty. **Dean A. Strang**, and brings 20 years’ experience as a criminal lawyer and 10 years at the helm of Milwaukee’s Legal Aid Society to his new post. In an interview with the *Milwaukee Journal Sentinel* in August, Walrath said his goals for the future of the organization include recruiting and assisting more attorneys to help low-income defendants navigate the court system.

In a September column, *The Capital Times* Editor **Dave Zweifel** recalled how in 1992, the late U.S. Supreme Court Chief Justice **William H. Rehnquist** crossed ideological and party lines to visit Madison and honor retired Sen. **Robert W. Kastenmeier**, an outspoken liberal who represented Wisconsin for more than three decades in Congress. “If ever there were two political opposites, Rehnquist and Kastenmeier were it,” Zweifel wrote. “But that was a time when political opposites could still actually

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Members of the WCCA Oversight Committee convene in the Capitol’s GAR Room for a meeting to explore possible changes to the circuit court case information available on the courts’ Web site. The large committee includes members who bring a variety of perspectives including, from left: Milwaukee County Circuit Court Judge **Charles F. Kahn**; Madison Atty. **Gerald Mowris**, a criminal defense lawyer and former president of the State Bar; Rep. **Donald Friske**, (R-Merrill); and Assistant Attorney General **Mary Burke**. The committee will issue final recommendations to Director of State Courts A. **John Voelker**.

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work together.” Rehnquist spoke at the dedication of Madison’s new federal courthouse, named after Kastenmeier, and delivered the first in a series of Kastenmeier Lectures at the UW Law School, where he was



Judge Kitty K. Brennan

met by protesters from the Abortion Rights Coalition. Kastenmeier told Wisconsin Public Radio that Rehnquist reacted to the demonstration with one observation: “I guess I’m in Madison.”

Articles in the *Wisconsin Law Journal* and *Milwaukee Journal Sentinel* noted Judge **Kitty K. Brennan’s** elevation to chief judge of the First

Judicial Administrative District, which encompasses Milwaukee County. Brennan told the *Law Journal* that her 11 years on the trial bench and 17 years as a trial attorney prepared her for the role, but not completely. She spoke of growing up the eldest of eight children, raising four children of her own, and spending two years teaching high school as contributing to her ability to manage people and programs. “I think all my experiences have culminated in the role that I am in now,” Brennan said in the interview. “I would be far less able to do the job I am doing now if I skipped out on any one of those experiences.”

Charlene Caucutt, Julie Hopson, Michael and Van Meulemans, Marlecia Almond and Mike McLain were honored in September for their volunteer service to Dane County’s “Someone Special” program. “Someone Special” partners a volunteer with an abused or neglected child in the court system for one year. The volunteer visits with the child each week, delivers monthly reports to the judge and caseworkers, and acts as the child’s voice in court.

Stolen gavel: Beaver Dam Municipal Judge **Judy Johnsen** reported to local police that one of her gavels was stolen from her office in City Hall. According to the *Daily Citizen*, the gavel was a gift from Johnsen’s parents, and she had hoped to pass it down to an aspiring lawyer in her family.



Judge Sarah B. O'Brien

“County delays courthouse expansion one year” was the headline in the October 11 edition of the *Milwaukee Journal Sentinel*. The Waukesha County Board delayed the \$17 million project so that efforts to work out differences on the scope of the expansion could continue. Chief Judge **Kathryn W. Foster** told the newspaper the

idea made sense. “We are dedicated to getting it done right,” she was quoted as saying. “If that means taking a little more

time, I think that’s time well spent.”

As the Racine courts prepare to launch a pilot drug court, *The Journal Times* (Racine) published a multi-part series in late August on the pros and cons of these specialty courts, focusing on the Dane County Drug Court, which has operated for nine years. The reporter watched Judge **Sarah B. O’Brien** handle cases and interviewed Dane County Executive **Kathleen Falk**, who was quoted as saying she was initially skeptical of the Drug Court’s effectiveness, but now believes in the approach. “It saves expensive jail beds and it turns lives around,” she said. “There wasn’t enthusiasm by the stakeholders when it first started, and rightly so. People should be skeptical of something new, but evidence continued to come in and show it was working.”

Judge **Daniel R. Moeser**, Dane County Circuit Court, was on the golf course at the Stoughton Country Club on the evening of Thursday, August 18, when a deadly tornado struck. “It was sunny and looking fine but there was a feeling something was different,” he told the *Wisconsin State Journal*. “You could see it coming.” Moeser and the others ran to the clubhouse basement and watched debris from houses and patios flying by. Moments later, the ceiling in the main dining room came crashing down. No one was injured at the club, but dozens of nearby homes were destroyed, more than 20 people were hospitalized, and one man was killed when his chimney fell on him. The late summer storm also tore through Viola, which sits about 70 miles northwest of Madison on the line between Richland and Vernon counties, damaging about 75 homes.



Judge Daniel R. Moeser

“Man Enough To Cheer,” an article in the summer 2005 edition of *Current*, a publication of *Newsweek* that is distributed on college campuses, featured **Michael Neuenfeldt**, the son of **Deborah Brescoll**, the court system’s budget officer, discussing his career as a Badger cheerleader. The position demands top athletic conditioning and provides a front-row seat at the Big Ten and NCAA tournaments, the Outback Bowl, and of course every other Badger football and basketball game – and comes with a few other perks, too. “Let’s face it,” Neuenfeldt and fellow cheerleader **Steven Solberg** wrote, “it’s a great way to meet girls.” ■



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Milwaukee judge creates portraits display

Milwaukee County Circuit Court Judge Charles F. Kahn Jr., well known for his high aptitude for technology, recently completed a project to create and display portraits of each of Milwaukee’s chief judges in the Chief Judge’s Conference Room on the sixth floor of the Milwaukee County Courthouse. The portraits were hung during a ceremony on Aug. 1, honoring former Chief Judge Michael P. Sullivan and welcoming current Chief Judge Kitty K. Brennan.



Judge Charles F. Kahn

Kahn handled every piece of the project, from taking the photographs to cutting the mats and arranging the display.

“Judge Sullivan asked me to do it,” he said. “There was no budget to hire a professional, so he needed someone who was gullible and had access to a camera.”

In reality, Sullivan knew Kahn as a skilled amateur photographer who, in 2001, worked with Assistant Family Court Commissioner Joe Frinzi to create a group photo of Milwaukee’s 47 judges. That gig led to requests for similar shots of Milwaukee’s court commissioners and the Waukesha County judges.

This latest project grew from an informal discussion more than a year ago about how to honor the legacy of Milwaukee’s chief judges. Since court reorganization, seven judges have served as chief in District One: Michael T. Sullivan (1978-79), Victor Manian (1979-86), Michael J. Barron (1986-90), Patrick T. Sheedy (1990-98), Michael J. Skwierawski (1998-2003), Michael P. Sullivan (2003-05), and Kitty K. Brennan (2005-).

Kahn used a medium format camera to take the photos so that the images could be enlarged without loss of clarity, and then scanned the images at high resolution to create a digital file for Photoshop clean-up and printing.

“Because I’m an amateur, the project turned out to be time consuming,” he said. “I had to run dozens of

lousy proofs before getting acceptable results.”

Making the photographs uniform was a major challenge. Each had to be cropped to show the same amount of head and shoulders, and each required a background consistent with the others. When the photos were done to his satisfaction, Kahn began the framing process. Each of the chief judges chipped in to help cover the cost of the

materials.

“There is a small frame supply shop in the Bay View area of Milwaukee that carries classic wood frames at bargain prices where I bought seven similar frames,” he said. “Then I used special museum glass that produces no glare and no loss of vibrancy. I cut mat board to allow a wider border on the bottom than the top leaving room for a gold foil label made with an inkjet printer.”

The finished products honor the service of the seven individuals who have faced the rigors of managing Wisconsin’s largest circuit and have stood up to exceptional challenges in the process. “It was an honor to work on the project,” said Kahn. “Some of these judges have retired, but there on the wall they continue to inspire us with us with their wisdom.” ■



The chief judges of District One (left to right): Michael T. Sullivan (1978-79), Victor Manian (1979-86), Michael J. Barron (1986-90), Patrick T. Sheedy (1990-98), Michael J. Skwierawski (1998-2003), Michael P. Sullivan (2003-05), and Kitty K. Brennan (2005-).