

a publication of the Wisconsin Judiciary
The Third Branch



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Possible Supreme Court vacancy sparks interest

As Justice Diane S. Sykes, nominated by President George W. Bush last November to the U.S. Court of Appeals for the Seventh Circuit, met with the Senate Judiciary Committee in Washington, D.C. in February, potential candidates for her Supreme Court seat were lining up back home.

Sykes' hearing, which lasted less than an hour, commenced with complimentary and supportive introductions by Wisconsin Senators Russ Feingold and Herb Kohl, both Democrats, and Rep. F. James Sensenbrenner Jr., R-Wis. Sykes responded to questions from Kohl and from Sen. Orrin Hatch, R-Utah, the committee's chair, who called Sykes "a fine nominee who deserves prompt consideration and approval on the Senate floor." There is no timetable for a confirmation vote.

If Sykes is confirmed, Gov. Jim Doyle will appoint a justice to the state Supreme Court. Among the candidates who have been named as possibly interested are:



Judge **Angela B. Bartell**, a former chief judge who has served on the Dane County Circuit Court since 1978.



Judge **Richard S. Brown**, who has served in District II of the Wisconsin Court of Appeals since his election in 1978.



Chief Judge **Edward R. Brunner**, who has served on the bench in Barron County since 1988 and ran against now-Justice Patience D. Roggensack in 2003.



Judge **Louis B. Butler Jr.**, who spent a decade on the bench in Milwaukee Municipal Court before his election to the Milwaukee County Circuit Court 2002. Butler ran against Sykes in 2000.



Atty. **Linda M. Clifford**, a partner in LaFollette Godfrey & Kahn in Madison.



Judge **Jean W. DiMotto**, a former professor of nursing at Marquette University who has served on the Milwaukee County Circuit Court since 1997.



Professor **Edward A. Fallone**, who teaches immigration law and constitutional law at Marquette Law School.

see **Interest** on page 6

Judicial campaigns heat up

Nine judicial races are underway across the state, including four in which an incumbent is facing a challenge. Voters went to the polls on February 17 to narrow the fields in circuit court races in Lincoln, Marathon, Racine, Rock, and Vilas counties. Here is a rundown of the races (the varying amount of information reflects what the candidates provided):

**Wisconsin Court of Appeals, District I
Kessler v. Schudson**

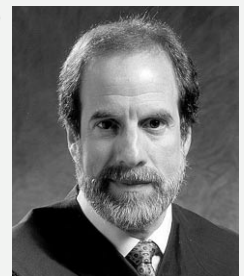


Atty. **Joan F. Kessler**

Atty. Joan F. Kessler, a Milwaukee litigator who began her law career as a clerk to U.S. District Judge John W. Reynolds, is challenging Judge Charles B. Schudson, who has served on the Court of Appeals in Milwaukee County for 12 years.

Schudson was elected to the

Court of Appeals after serving 10 years on the Milwaukee County Circuit Court. While an appellate judge, he co-authored a book entitled, On Trial: America's Courts and Their Treatment of Sexually Abused Children. He also lectures at the UW Law School, where he earned his law degree, and at the National Judicial College.



Judge
Charles B. Schudson

Schudson is an active participant in justice organizations. He is chair of the Wisconsin CASA (Court Appointed Special Advocates) Board of Directors and is active in the National Conference of Juvenile and Family Court Judges, which recently – following a presentation from Schudson – voted to hold its 2006 meeting in Milwaukee.

Kessler is a graduate of Marquette Law School. She see **Election 2004** on page 17

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A. John Voelker

Director's column: Connecting with the tribal courts

In March, the Forest County Potawatomi Tribal Court will begin handling child-support cases involving tribal members in that county. The transfer of these cases – about 200 per year – out of the state court system raises a number of administrative issues, from how to accomplish the switch with the least possible disruption, to how to work with the tribe to ensure that nothing falls through the cracks (the cases will be bifurcated, with only child support matters going to the tribal court).

Many issues related to the transfer already have been worked out between the Potawatomi Nation and the Wisconsin Bureau of Child Support. While the Potawatomi are not the first tribe in Wisconsin to take over child support matters for members (the Menominee and Lac du Flambeau tribes handle these cases in their tribal courts as well), they are the first to opt not to use KIDS, the computerized system that facilitates tracking these cases. Certainly, there will be a period of adjustment in both court systems.

This transfer of cases is part of a growing trend that sees tribes taking more control over cases involving tribal members. As a result, jurisdictional issues will increase. When District 10 Chief Judge Edward R. Brunner and Chief Judge Ervin Soulier of the Bad River Band of the Lake Superior Tribe of Chippewa officially adopted protocols for handling jurisdictional conflict between the two systems in Wisconsin's northwestern counties, they set up a model not only for the state but for the nation; such an agreement, to our knowledge, had not previously been forged anywhere in the country.

Legislature passes PPAC surcharge bill

by Nancy Rottier, legislative liaison

Assembly Bill 421, which consolidates all court-related surcharges into a new subchapter of the statutes, has been passed by both houses of the Legislature and sent to the governor for his signature. During two public hearings and floor action by both houses, no one raised any objections or testified against the bill, and it passed both houses by a voice vote.

AB 421 will simplify the system by consolidating all court-related surcharges in Chapter 814 of the statutes. It will not change the number of surcharges or the amount of any surcharge. Consolidation should greatly assist judges and clerks of court in determining which surcharges apply to a particular conviction.

The Wisconsin Supreme Court's Planning and Policy Advisory Committee (PPAC) developed AB 421. Starting in May 1999, a PPAC subcommittee studied the current system used to assess and collect court-related assessments, costs, fees, and surcharges. The subcommittee was chaired by Judge William "Mike" McMonigal of Green Lake County.

The PPAC subcommittee research confirmed that the number of surcharges, as well as the revenue they produce, has increased dramatically in recent years. The amount collected from surcharges now surpasses the amount collected from the base fines and forfeitures. There are now nearly 30 separate surcharges, with references to each scattered throughout the Wisconsin statutes, creating a very complex system. Reflecting that complexity, the final draft of AB 421 was 101 pages long.

It has been two years since Chief Judges Brunner and Soulier signed their historic agreement, and five years since Wisconsin held its first federal-state-tribal court forum to improve communication among the court systems. In 2004, we shall build upon these projects with a couple of ambitious efforts that will raise Wisconsin's profile as an innovator in this arena. These include five regional meetings organized by the Wisconsin Tribal Judges Association to facilitate meaningful discussion and resolution of sensitive legal issues, and a possible national symposium in 2005.

Designed to help position Wisconsin to host the possible national meeting, the regional meetings began last month on Ho Chunk Nation land in Black River Falls. In April, the Mohican Nation will host a similar exchange in Shawano County, and, in July, the training will be offered in Vilas County with the Lac Flambeau hosting. Finally, in October, we anticipate that a seminar on the Indian Child Welfare Act will be offered at the UW-Parkside in Kenosha.

The National Judicial College and Fox Valley Technical College are working with the Director of State Courts Office and the Office of the Chief Justice on the proposal to host a statewide symposium on tribal-state relations in Wisconsin.

The national meeting is dependent upon grant funding, which we are working hard to secure. While the symposium is not yet certain, the need to continue developing workable solutions that reduce unnecessary, duplicative, and divisive litigation is quite clear. Much work is ahead, but I know we are up to the challenge. ■

Most legislators are not aware of the number and type of surcharges that exist or the vast amount of revenue they generate. AB 421 represents an important first step in simplifying the statutes, organizing the many surcharges that exist, and providing legislators and others with useful information about the current surcharge structure.

AB 421 also provides for a future education process by requiring the Department of Administration to produce and distribute the annual report listing the individual surcharges and the resulting revenue. It also requires the Director of State Courts Office to provide a fiscal estimate for any legislation seeking to create a new surcharge or modify an existing one.

Rep. Terri McCormick (R-Appleton) and Sen. Robert Welch (R-Redgranite), were the primary authors of AB 421. Both provided testimony at the public hearings and information on the bill to their colleagues, which helped move the bill smoothly through the legislative process.

The PPAC subcommittee that drafted the bill included, besides McMonigal: District Court Administrator Patrick Brummond; Clerk of Circuit Courts Bernadette Flatoff, Portage County; Municipal Judge Michael Hurt, Menomonee Falls; Judge John Roethe, Rock County Circuit Court; and Mary Williams of Stevens Point. Staff members Sheryl Gervasi, Melissa Lamb, and Daniel Wassink were instrumental in developing the subcommittee's report and drafting the bill. ■

AWARDS

Bradley wins national award

Justice
Ann Walsh Bradley

Justice Ann Walsh Bradley has been chosen as a 2004 winner of the American Judicature Society's (AJS) Herbert Harley Award. This national award is reserved for individuals whose outstanding efforts and contributions result in substantial, long-term improvements in the justice system.

In announcing the award, AJS cited the value of Bradley's active leadership in public outreach programs. She travels around the state speaking to schools and community groups; serves as faculty at the annual Justice Teaching Institute for Wisconsin high school teachers; and oversees special projects such as a traveling Supreme Court history exhibit developed in honor of the Court's 150th anniversary in 2003.

"Justice Bradley has worked tirelessly since she arrived at the [Supreme] Court in 1995 to reach out to the public," wrote Wisconsin Court of Appeals Judge Richard Brown, who nominated Bradley for the award. "She understands that a strong judiciary is one that has the confidence of the people."

Brown noted that Bradley's community service extends beyond law-related education. She founded and chaired the Hmong Task Force in Wausau; chaired the Wisconsin Rhodes Scholarship Committee; and currently is a member of the University of Wisconsin Board of Visitors.

Chief Justice Shirley S. Abrahamson – herself a past Harley Award winner – will join Brown and AJS officials in

Sentencing Commission hires staff

The new, 18-member Wisconsin Sentencing Commission has hired a sentencing expert from Maryland as its executive director and a policy specialist from the Milwaukee Mayor's Office as deputy director.

Michael Connelly, who holds a doctorate in political science from the University of Missouri, will serve as the commission's executive director. Connelly comes to Wisconsin from the Maryland State Commission on Criminal Sentencing Policy. He also served as research director for the Oklahoma Criminal Justice Resource Center, which staffed the Oklahoma Sentencing Commission.

Connelly's deputy, Jim Pingle, holds a master's degree in public administration from the LaFollette Institute of Public Affairs at UW-Madison. He was most recently the policy director for Project COMPASS in the Milwaukee Mayor's Office. Prior to this, he managed a \$160 million operating



Michael Connelly



Jim Pingle

budget as budget/finance manager for the Milwaukee Police Department.

Connelly said the new commission should be viewed as a resource for judges. "The new Sentencing Commission was created to help judges, policymakers, and the public to have a clear picture of sentencing and sentencing practice in the state,"

he said. "We hope that the reports and information that we develop will help judges across the state to have a better idea of what their colleagues are doing with similar cases."

Connelly and Pingle hope to meet with the Committee of Chief Judges and to travel the state during the summer to meet directly with interested judges. ■

Connelly can be reached at (608) 261-5049.

presenting the award at a ceremony on Wednesday, March 17 at 11:30 a.m. at the Milwaukee County Courthouse. The ceremony will take place during Women's History Month to honor Bradley's accomplishments as the third woman to sit on the state's highest court, and the first woman in the history of the state to win a contested, statewide election to the Supreme Court without first being appointed by the governor. She also was the first woman on the bench in Marathon County Circuit Court, where she worked from 1985-95.

Butler is named 'Best of Milwaukee 2003'

The Shepherd Express, a weekly Milwaukee newspaper, released the results of its annual 'Best of Milwaukee' poll – in which 2,000 readers cast ballots – and Judge Louis B. Butler Jr., Milwaukee County Circuit Court, was chosen as best judge. Milwaukee Municipal Judge Vince Bobot was runner-up.



Judge
Louis B. Butler Jr.

The newspaper hailed Butler as a fair and impartial judge who made history as the first African-American judge elected to the circuit court in Milwaukee in a contested race. It also pointed out that Butler, who ran against Justice Diane S. Sykes in 2000, is one of several candidates to have announced interest in appointment to Sykes' seat if her nomination to the U.S. Court of Appeals is confirmed. ■

Supreme Court moves forward on campaign rules

For close to nine hours on January 28, the Wisconsin Supreme Court debated how to revise the Code of Judicial Conduct to clarify what judges and candidates for judgeships may talk about in judicial campaigns.

Following its discussion, the Court requested revisions to the proposed rule changes and will take the matter up again in late winter or early spring with an eye on adopting new language by June. ■



Court Commissioner Nancy Kopp and Judicial Commission Executive Director James Alexander discuss the proposed Code of Conduct changes with the Supreme Court.

The timeline

January 1997	A revised Code of Judicial Conduct takes effect in Wisconsin. The 1968 language about campaign speech and political activity are left intact pending an in-depth analysis of these areas.
March 1997	The Supreme Court appoints the Commission on Judicial Elections and Ethics. Senior Judge Thomas E. Fairchild, U.S. Court of Appeals, Seventh Circuit, is appointed as chair; Professor Charles D. Clausen, Marquette Law School, is commission reporter. Members include judges, attorneys, professors, legislators, and members of the public.
June 1997	The Fairchild Commission submits proposed revisions to Chapter 60 of the Supreme Court Rules (SCR). The Supreme Court invites public comment on the proposal.
April 2000	The Fairchild Commission formally petitions the Court to revise SCR 60 so that it will also cover candidates for judicial office and judges-elect. The proposed changes include a new section entitled "Campaign Rhetoric" that would prohibit judges and candidates from saying, or authorizing someone else to say, anything that would appear to commit them in advance on a legal issue.
November 2000	The Supreme Court holds a public hearing on the proposed changes and debates how best to regulate campaign speech and political activity. The justices are split on how far the rule should go to restrict a sitting judge's ability to discuss issues.
January 2001	The Court places the proposal on hold pending the outcome of developments on the national front.
June 2002	The U.S. Supreme Court issues its opinion in <u>Republican Party of Minnesota v. White</u> , invalidating key restrictions on judicial campaign speech contained in the Minnesota Code of Judicial Conduct. <u>White</u> challenged Minnesota's so-called "announce clause", which prohibited a candidate from announcing his/her views on a disputed legal or political issue. Because Wisconsin's Code of Judicial Conduct does not contain an "announce clause", this opinion did not affect Wisconsin judicial elections.
October 2002	The U.S. Court of Appeals, 11th Circuit, strikes down a ban on solicitation of campaign contributions by judges and rules that only a judicial campaign speech that exhibits reckless disregard for the truth is disallowed (<u>Weaver v. Bonner</u>). Some observers expect this opinion to have an impact outside of Georgia, but that does not materialize.
August 2003	The American Bar Association (ABA) adopts a number of changes to the Model Code of Judicial Conduct, last revised in 1993. Like the Fairchild Commission, the ABA focuses on reworking sections of the Code affecting judicial campaign conduct.
September 2003	The ABA announces a commission to evaluate and update the entire model code. The chair is Atty. Mark I. Harrison of Phoenix, and the commission reporter is Professor Charles G. Geyh, Indiana University School of Law. Members include judges, lawyers, professors, and members of the public.
December 2003	Washington, D.C.: The ABA commission holds the first in a series of public hearings to gather ideas for possible revisions to the model code. Public hearings will continue throughout 2004 and, in 2005, the commission will recommend changes to the model code. If adopted, these changes may be reflected in future changes to Wisconsin's code.

Survey reveals areas for improvement

by Dan Wassink, senior policy analyst

Any business that hopes to succeed must pay attention to public opinion. The courts, while not a business, are no different. Our strength rests on the trust and confidence of the public. If the public loses faith in the courts' ability to resolve disputes fairly, impartially, and in a timely and cost-effective manner, then court rulings will have little force behind them.

The recently tabulated results of a 2003 survey – while positive overall – reveal key areas where the courts need to improve. Although the response rate of 25.3 percent was comparatively poor, as most survey projects of this magnitude aim for a minimum rate of 40 percent (the response rate in 1996 was 44.4 percent), the results merit further study. They show that court users' impressions were more negative in some areas in 2003 than they were in 1996, when a nearly identical survey was conducted (*see sidebar*).

This information was gathered last summer by the Planning and Policy Advisory Committee's (PPAC) Planning Subcommittee. The subcommittee conducted a mail survey of 1,200 individuals in 10 counties (Chippewa, Dane, Eau Claire, Green Lake, Jackson, Milwaukee, Ozaukee, Vilas, Washburn, and Waupaca) who recently (within the past six months) had been involved in a civil, family, small claims, or traffic case. Participants were asked to respond to a lengthy series of statements concerning their experience using a ranking scale ranging from "strongly agree" to "strongly disagree".

In spite of the increase in negative responses since the 1996 survey, court users overall ranked the courts on the positive side of the scale for nearly every statement (*see sidebar*). Interestingly, self-represented litigants responded more positively than people with lawyers to key survey statements.

The 2003 survey project also included a random, statewide telephone survey of Wisconsin residents (Badger Poll) to determine what effect, if any, recent contact with the courts has on individuals' perceptions of the court system. More than 95 percent of the phone survey participants had not been involved in a recent court proceeding. Those who had been party to a court case recently generally offered more favorable impressions of the courts than those who had not; however, the link between recent court experience and positive survey responses was not as strong in 2003 as in 1996.

As in 1996, the 2003 Wisconsin court users survey was funded with a grant from the State Justice Institute (SJI) and conducted by professionals at the University of Wisconsin Survey Center. The PPAC planning subcommittee is using the results in its ongoing work to identify and prioritize the critical issues facing Wisconsin courts. Survey results also will be shared with court officials in other states as part of the SJI grant guidelines. ■



People who had visited the Milwaukee County Courthouse on civil, family, small claims, and traffic matters were included in the 2003 survey. Also polled were litigants from nine other urban and rural jurisdictions around Wisconsin.

A positive outlook

- More than 57 percent agreed that the total time it took to process their case was reasonable.
- Nearly 62 percent were neutral or disagreed that the court decision did not seem fair.
- More than 71 percent were neutral or agreed that the judge tried to do what was fair in their case.
- Nearly 56 percent agreed that court personnel were friendly and courteous.
- More than 78 percent were neutral or disagreed that their treatment in court was influenced by their gender.
- Nearly 71 percent of respondents were neutral or positive about the following statement: "Overall, I was satisfied with how the court treated me."

Improvement needed

- Compared to 1996, fewer people agree that they had an adequate opportunity to explain their situation.
- More people agree that they did not understand what was happening to them in court.
- More people agree that the court did not seem to care whether they understood the proceedings.
- Fewer people agree that the court was effective in dealing with the issues in their cases.
- More people agree that the court decision did not make sense.

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Searching for answers to court-funding puzzle

by Deborah Brescoll, budget officer

A committee working to identify a stable, responsible, and effective funding mechanism for the Wisconsin courts has developed a final report that was presented to, and accepted by, the Supreme Court's Planning and Policy Advisory Committee (PPAC) in late February. The findings will be detailed in *The Third Branch's* spring edition.

The effort mirrors a national initiative by the American Bar Association, which in November 2003 appointed the Commission on State Court Funding chaired by New Hampshire Supreme Court Justice Joseph P. Nadeau. That commission will release its report in 2005.

Wisconsin's project came in response to increasing concerns about the funding of the state court system. While the Wisconsin appellate courts are solely state funded, the circuit courts depend upon funding from both state and county governments, and state and local budget cutting over the last several years have taken their toll.

In response to budget concerns and the growing frequency of calls for full state funding, PPAC created the Subcommittee on Court Financing in May 2002 to:

- Review Wisconsin's current court financing system, past Wisconsin court studies and court financing in other states.
- Define a uniform level of court services that



Deborah Brescoll



Justice
David Prosser Jr.



Chief Judge
Michael Rosborough



Judge
Jeffrey Conen



Judge
Robert Kinney

should be provided throughout the state and determine associated costs.

- Evaluate financing and administrative options to support court services, and look at the responsibilities of state and local governments and policy and implementation issues.

The subcommittee consisted of representatives of the courts and the counties and met seven times from December 2002 to January 2004.

Members of the Subcommittee on Court Financing include: Justice David Prosser Jr., Wisconsin Supreme Court; Chief Judge Edward Brunner, Barron County Circuit Court; Chief Judge Michael Rosborough, Vernon County Circuit Court; Judge Jeffrey Conen, Milwaukee County Circuit Court; Judge Robert Kinney, Oneida County Circuit Court; John Barrett, Clerks of Circuit Court, Milwaukee County; Bernadette Flatoff, Clerks of Circuit Court, Portage County; Gregg Moore, district court administrator, District 10; Nancy Nussbaum, county executive, Brown County; James Dwyer, County Board Waukesha County; Patrick Brummond, district court administrator, District 7; Oscar Boldt; Deborah Brescoll, Budget Officer. ■

Interest *continued from front page*



Reserve Judge **Ness Flores**, who served in the Waukesha County Circuit Court from 1978-83 and then became chair of the state Public Service Commission.



Judge **Christopher R. Foley**, a Milwaukee County Circuit Court judge since 1985 and presiding judge in the Children's Division.



Atty. **Ulice Payne Jr.**, who served as president and chief executive officer of the Milwaukee Brewers from 2002-03. Prior to this, Payne was managing partner of the Milwaukee office of Foley & Lardner.



Professor **Susan Steingass**, a former Dane County Circuit Court judge who now teaches at the UW Law School and chairs the new Wisconsin Sentencing Commission.



Judge **Maxine A. White**, a former U.S. attorney who has served on the Milwaukee County Circuit Court since 1992.



Judge **S. Michael Wilk**, who was elected to the Kenosha County Circuit Court in 1994 after a 30-year career in private practice.

The appointee will not have to stand for election until 2008. The Wisconsin Constitution only allows that one Supreme Court seat be filled in any spring election; because sitting justices have terms expiring in 2005, 2006, and 2007, the appointee would not have an open election until 2008. ■

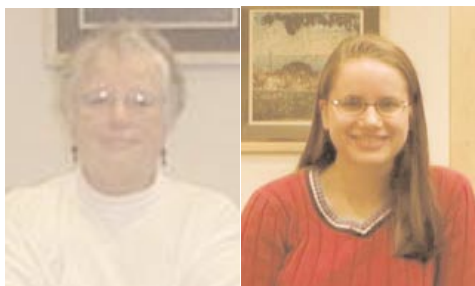
RETIREMENTS

Law library has a new "face"

Library Assistant Lucille Busse, who for 16 years presided at the Wisconsin State Law Library's front desk, retired in December 2003. Busse also was the voice of the library, greeting thousands of telephone and walk-in visitors over the years and assisting them with checkout and photocopying.

Busse was honored with gifts from library staff and users and a plaque from the Supreme Court during the library's holiday party.

Replacing Busse is Rachel Campbell, a Madison native who graduated from UW-Madison. Campbell formerly worked at the Madison Public Library and at a local law firm. She is the granddaughter of Barbara Argue, payroll/benefits specialist in the Office of Management Services.



Longtime Library Assistant Lucille Busse, left, has retired and Rachel Campbell, right, is the new face of the state's oldest library.

Hazlewood recently made headlines for presiding in the 1985 case that resulted in the wrongful conviction of Steven Avery, whom the victim had identified as her attacker. Avery was exonerated last year after DNA evidence pointed to another perpetrator. He had served 18 years behind bars.

But the avalanche of press that the Avery case brought paled in comparison to the frenzy that resulted from a 1999 matter that became publicly known as the "zipper case". The case involved a man who had fathered nine children by four women and was failing to meet his child support obligations. Hazlewood ordered him, as a condition of probation, not to father additional children until he could pay for the ones he had.

The case ultimately went to the Wisconsin Supreme Court, which affirmed the decision on a 4-3 vote. The defendant, David Oakley, appealed but the U.S. Supreme Court denied *certiorari*.

In reporting on Hazlewood's decision to retire, the *Manitowoc Herald Times Reporter* recounted the oath that the judge recently administered to the county's district attorney. The district attorney told the reporter that a copy of the oath now hangs in his office. It reads, in part:

This is a big day, and it's an important day, and, you know, this is a tough business, the business of justice. And, Mark, there are going to be times when you can't do anything wrong and everybody will love you. There will be times when you make an honest mistake.

You'll be defined, however, by the times when doing the right thing takes courage, when the easy or the popular choice is wrong, and that's when your commitment and courage will be tested.

My wish for you is that you have the strength to stand alone and make the right but the tough decision from time to time.

In retirement, Hazlewood plans to enjoy his new grandchild and to spend a bit more time fishing, reading, and sailing. ■

Longtime Manitowoc County judge to retire

Judge Fred H. Hazlewood, who has served in the Manitowoc County Circuit Court since 1980, has announced that he will not seek reelection when his term ends in 2005.

During his tenure on the bench, Hazlewood has won the respect of his colleagues both for his legal scholarship and his contribution to judicial administration. He is a longtime member of the Benchbook Committee that edits reference materials for Wisconsin judges and has been the trial judges' representative on the Supreme Court's Planning and Policy Advisory Committee.

Office of Lawyer Regulation consolidates in Madison

The Office of Lawyer Regulation (OLR) closed its Milwaukee office as of January 31, consolidating in Madison to save money, increase efficiency, and improve the management of investigations. The consolidation is part of an ongoing transition to a new lawyer regulation system.

A number of employees in the Milwaukee office elected to come to Madison. Deputy Director Tim Pierce, investigators Mary Hoelt Smith and Sarah Peterson, and program assistants Sue Stock and Carol Rymer already have made the move; investigators Lorry Eldien, Rachel Nadel, and

Jennifer Henzl-McVey will be temporarily telecommuting from the Milwaukee area until August.

The Supreme Court established the OLR three years ago after careful review and public hearings. OLR replaced the Board of Attorneys Professional Responsibility in 2000 and is now fully established. ■

CELEBRATING ACCESS TO JUSTICE

2004 projects will honor Brown anniversary

May 17, 2004 marks the 50th anniversary of the U.S. Supreme Court's landmark ruling in Brown v. Board of Education. This occasion will be celebrated throughout 2004 with programs and publications that involve the history of civil rights, issues in education, and careers in the law – all with a Wisconsin focus.

The initiative will be overseen by the Wisconsin Legal History Committee, which developed programs in 2003 to celebrate the 150th anniversary of the state Supreme Court, the 25th anniversary of the Court of Appeals, and the State Bar of Wisconsin's 125th. As in 2003, all programs will be accomplished without the use of state tax dollars. ■

"We conclude that, in the field of public education, the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal."

- Chief Justice Earl Warren

Linda Brown's story

In the early 1950s, public schools across the United States were racially segregated. Although all the schools in a given district were supposed to be equal, most black schools were far inferior to their white counterparts.

In Topeka, Kansas, third-grader Linda Brown had to walk a mile through a railroad switchyard to get to her black elementary school even though a white elementary school was only seven blocks away. Her father, Oliver Brown, tried to enroll her in the white elementary school, but the principal of the school refused.



Linda Brown with her mother after the decision of the U.S. Supreme Court.

Brown went to Topeka's branch of the National Association for the Advancement of Colored People (NAACP) and asked for help. Other black parents joined Brown, and, in 1951, the NAACP requested an injunction that would forbid the segregation of Topeka's public schools. The U.S. District Court for the District of Kansas heard Brown's case and, based upon case law (Plessy v. Ferguson, 1896) ruled in favor of the Board of Education. The Supreme Court reversed this decision on May 17, 1954. ■

Projects under consideration

- ❑ Presenting the "Color of Justice" program in communities around the state. This program brings high school students who may be considered 'at risk' to the courthouse for a day of education about civil rights, careers in law, and overcoming obstacles to achieve goals.
- ❑ Producing a new jury orientation videotape that emphasizes the importance of each citizen's participation in the justice system.
- ❑ Develop a lesson plan based upon Brown to assist lawyers and judges in speaking in the community about civil rights, education, and careers in

the law. These materials will be distributed in time for Law Day, May 1.



Chief Oshkosh

- ❑ Celebrating the contributions of Wisconsin's past women jurists by hanging portraits in the courthouses where they served (*see separate story*).
- ❑ Marking the development of tribal law and tribal courts in Wisconsin with a reenactment of the trial of Chief Oshkosh at the original courthouse site in Green Bay.

Those with ideas for other projects and publications are invited to contact Court Information Officer Amanda K. Todd at (608) 264-6256 or Amanda.todd@wicourts.gov.

Portraits will honor 15 women jurists

One might guess that Wisconsin's first woman judge hailed from a large urban center such as Milwaukee or a university town like Madison. But in fact, voters in tiny Vernon County (population 28,000) were the first to elect a woman to the bench. She was Olga Bennett, a native of Vernon County who was admitted to the bar in 1935 after graduating from the UW Law School.

Bennett was elected in 1969, defeating incumbent Judge Larry A. Sieger, a gubernatorial appointee. Before Bennett could take office, Sieger's supporters launched an effort to oust her, claiming that she had made false statements during the campaign. After a well-publicized hearing before the attorney general, Bennett was vindicated. But her opponents were well organized, and they recruited an opponent – Walter S. Block – who unseated her in 1975.

By the time Bennett returned to the practice of law (where she continued to work until her death in 1985) another woman had come and gone from the bench in

Wisconsin: Vel R. Phillips, an African-American lawyer and well-known civil rights activist, was appointed to the Milwaukee County Juvenile Court in 1971. She was defeated in her first bid for office by now-Judge Victor Manian, who has been re-elected five times since. Phillips went on to become secretary of state in 1978.

Bennett and Phillips are among 15 former women jurists who will be honored at a March 17 ceremony at the Milwaukee County Courthouse. Judge Maxine A. White, Milwaukee County Circuit Court, volunteered to organize the project after she and others noted that only a few of the Wisconsin courthouses where these women worked are displaying their portraits. Framed portraits of each former jurist, along with biographical sketches, will be on display at the event. Honorees, their families, and friends have been invited to participate. Following the ceremony and a reception, the portraits will be donated for hanging in the court-

see **Portraits** on page 11

The Wisconsin 15

Wisconsin's 15 retired female judges are a diverse group. Their service ranges from 19 years (Judge Donna J. Muza, who now lives with her son in Dunn County, where she served) to 15 months (Judge Paulette L. Siebers, who lost the election after having been appointed in Dane County). Here, in chronological order, are the women who will be honored:



Olga Bennett (deceased)
Vernon County Court
(1969-75)



Vel R. Phillips
Milwaukee County Court
(1971-73)



Martha Bablitch
Court of Appeals,
District IV
(1978-85)



Leah M. Lampone
Milwaukee County Circuit
Court
(1978-93)



Donna J. Muza
Dunn County Circuit Court
(1979-98)



Arlene D. Connors
Milwaukee County Circuit
Court
(1980-98)



Janine P. Geske
Milwaukee County Circuit
Court
(1981-93)
Wisconsin Supreme Court
(1993-98)



Vivi L. Dilweg
Brown County Circuit
Court
(1982-99)



Marianne E. Becker
(deceased)
Waukesha County Circuit
Court
(1985-2003)



Paulette L. Siebers
Dane County Circuit Court
(1985-86)



Susan R. Steingass
Dane County Circuit
Court
(1985-93)



Virginia A. Wolfe
Sauk County Circuit Court
(1988-2000)



Louise Tesmer
Milwaukee County Circuit
Court
(1989-2001)



Jacqueline Schellinger
Milwaukee County Circuit
Court (1992-2003)



Nancy E. Wheeler
Racine County Circuit
Court
(1993-98)

NEW FACES

Court Interpreter Program has a bright future

The Wisconsin Court Interpreter Program now has a full-time manager and a blueprint for the future, thanks to a federal grant.

Atty. Carmel A. Capati, who has worked with immigrants and refugees in the justice system, joined the Office of Court Operations in December 2003 as manager of the Court Interpreter Program.

Capati, an immigrant from the Philippines, comes to the court system from Community Legal Services, a public interest law firm specializing in providing services to immigrants, refugees, and ethnic minorities. She is a 1998 graduate of the UW Law School and holds a master's degree in southeast Asian studies and a bachelor's in journalism. Prior to practicing law, she administered a Court Appointed Special Advocate program in Sauk and Columbia counties for four years. She also worked for Catholic Charities in Washington, DC, and served in the Peace Corps in Liberia, West Africa.

The Court Interpreter Program is designed to provide limited-English speaking and non-English speaking people with improved access to the court system.

Since 1999, the Office of Court Operations has worked with the Committee to Improve Interpretation and Translation in the Wisconsin Courts to develop a quality program to certify court interpreters. Grants in 2002 and 2003 from Department of Workforce Development's Office of Refugee Services made it possible for the program to provide basic training for 372 interpreters in 19 languages.

The federal grant will permit full implementation of the Court Interpreter Program. Rigorous oral proficiency exams will be offered to interpreters who are already working in the courts and who have attended orientation trainings and passed written tests. Oral proficiency exams in Spanish will be given on March 19-20, in Hmong in fall 2004.

Certification will be granted to interpreters who pass the oral exam and a background check. Results will appear on an interpreter roster showing interpreter qualifications and contact information. Courts will be encouraged to use certified interpreters whenever available.

Translation of court forms is another area of expansion for the Interpreter Program. Capati will work with committees to identify specific court forms to be translated into other languages, such as Spanish and Hmong, and will contract out the necessary translation services.

Rosa is appointed to replace Wells

In late January, Gov. Jim Doyle appointed Atty. Frederick C. Rosa, an assistant family court commissioner in Milwaukee County, to replace Judge Lee E. Wells, who retired effective February 14 after 23 years of service. Rosa intends to seek election to the Branch 35 post in April 2005.

A 1984 graduate of Marquette Law School, Rosa worked for the Legal Aid Society in Milwaukee and New York City

from 1984-90. He is a past member of the Board of Directors of the State Bar's Family Law Section and currently serves on the Milwaukee Bar Association's Legal Service to the Indigent Committee.

He and his wife, Kathy, live in Milwaukee with their son and daughter.



Judge
Frederick C. Rosa

Nielsen is Doyle's pick in Vilas County

Gov. Jim Doyle appointed Eagle River Atty. Neal A. "Chip" Nielsen as Vilas County Circuit Court judge in December 2003. Nielsen is seeking election to the post in April and is opposed by District Atty. Albert D. Moustakis.

Nielsen, a Chicago native, earned his bachelor's degree from Tufts University in 1976 and his law degree from Suffolk University Law School in Boston in 1981. He also holds a master's degree in law.

Nielsen most recently was vice president of Custom Components in Eagle River. Prior to this, he worked in private practice for 18 years. At the time of his appointment, Nielsen was a Vilas County Board supervisor.

He and his wife, Sharon, have a daughter and a son. When he is not working Nielsen enjoys golf, reading, and boating.



Judge
Neal A. "Chip" Nielsen

Woldt is new Oshkosh judge

Gov. Jim Doyle appointed Oshkosh Atty. Scott C. Woldt to the Winnebago County Circuit Court effective January 26.

Woldt, a 1987 graduate of Hamline University Law School in Minnesota, fills the vacancy created by Judge Robert A. Haase's retirement. Woldt will seek election to the post in April 2005.

Woldt has been an associate attorney with the Curtis Law Office since 1991 in the areas of personal injury, workers compensation, real estate, and criminal defense. He also serves in the Litigation and Employment Sections of the State Bar.

Woldt is active in his community, serving on the Oshkosh Public Library Board of Trustees and as president of the Oshkosh YMCA Swim Team Board of Directors.

He lives in Oshkosh with his wife, Lynn, and two daughters. ■



Judge Scott C. Woldt

LEADERSHIP

Milwaukee judge brings home 'Color of Justice'

A national program designed to help judges, attorneys, and law professors inspire teens who are interested in careers in the law but who are living in poverty or otherwise 'at risk' has taken root in Milwaukee, thanks to the efforts of Judge Maxine A. White.

White, who has served on the Milwaukee County Circuit Court since 1992, learned about the 'Color of Justice' program through her work with the National Association of Women Judges (NAWJ), for which she serves as a district director. NAWJ designed the program in 2001 and it has since been used in 40 jurisdictions around the nation. White tailored it to fit Milwaukee's needs, but hopes to see it used in other Wisconsin courthouses.

White began by recruiting 17 legal professionals – seven Milwaukee County Circuit Court judges, two federal court judges, lawyers, and law professors – to spend a half-day with a group of 19 high school students at the Milwaukee County Courthouse in December.

She then contacted REACH-Milwaukee, a program through the Private Industry Council of Milwaukee funded by the U.S. Department of Labor that works to reconnect youth in high-needs schools to education and career goals. REACH counselors chose the students – some were enrolled in school but not making top grades; others had dropped out – and handled the logistics of bringing them to the courthouse.

"We turned the courtroom into a classroom," White said. The goals of the session were to interest these students in learning, inspire them to overcome obstacles, and show them how the law can change lives. They heard about the academic requirements and skills needed for a legal career and listened to personal stories about obstacles faced and overcome. Judge Charles N. Clevert Jr., the first African-American appointed to the U.S. District Court for the Eastern District of Wisconsin, talked about growing up as one

of eight children in a poor family in the South and how he made his way to Georgetown University Law Center and built a successful and satisfying career. The teens then discussed their own obstacles and how they might realize their dreams.

White also chose to show the group an excerpt from the University of Virginia videotape "The Road to Brown", which tells of the legal assault on segregation that launched the civil rights movement, culminating in the landmark U.S. Supreme Court decision in Brown v. Board of Education, which abolished the separate but equal doctrine. This film blends snapshots, newsreel footage, music, recollections of the people who were involved in the litigation, and more, and presents it in the style of the acclaimed PBS miniseries, "The Civil War." The teens were struck by the power of the law and the value of education.

To date, 15 of the 19 students have asked to return to the courthouse to job-shadow court employees. The Private Industry Council is now tabulating the students' responses to the program and this information will be used to plan programs throughout 2004 at as many Milwaukee middle and high schools as possible. ■



Judges Maxine A. White (center) and Mary M. Kuhnmuensch (center, left), take advantage of a photo opportunity with (left to right) Atty. Wendy Calvert; Court Commissioner Valarie A. Hill; Atty. Karen Dardy; Administrative Law Judge Leonard E. Martin; and high school students who recently completed the 'Color of Justice' half-day program at the Milwaukee County courthouse.

Portraits *continued from page 9*

houses where the judges presided.

White personally contacted each honoree or honoree's family to introduce the project and request photographs and mailing lists for the invitations. She also brought together a coalition of groups and individuals to work on the project. The State Bar of Wisconsin designed and printed the invitations and programs; Marquette Law School Professor Daniel Blinka, president of the Milwaukee Bar Association, found financial backing for the project and is assisting with research on the honorees; Madison Atty. Joseph Ranney, a

legal historian, is working on a law review article about the project and the honorees; Marquette Law School Professor Phoebe Williams assigned seminar students who are studying women lawyers to research several of the honorees and draft biographical summaries; and the Association for Women Lawyers and the National Association of Women Judges made financial contributions. ■

White continues to seek volunteers to help with logistics. To learn more, contact her at (414) 278-4482.

WISCONSIN CONNECTS

Chief justice chairs NCSC search committee



Chief Justice
Shirley S. Abrahamson

Chief Justice Shirley S. Abrahamson, who is chair-elect of the board of directors of the National Center for State Courts (NCSC), has been named chair of the NCSC Presidential Search Committee. The committee will replace NCSC President and Chief Executive Officer Roger K. Warren, who announced his resignation in November.



Roger K. Warren

The NCSC is a Virginia-based organization that helps courts improve their administrative practices in areas such as juror management, facility design, and court technology. The NCSC conducts studies, assimilates and interprets research, and disseminates information on best practices so that courts across the nation may benefit

from each other's experiences.

Warren has been the NCSC's highly regarded leader for eight years. His resignation is effective August 1. The chief justice said the search committee plans to have a replacement hired by then to ensure a smooth transition.

After interviewing members of several nationwide court organizations, the search committee revised the job description. It is posted at www.ncsconline.org.

Troy teaches at Mississippi law school

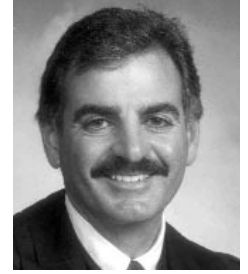
Chief Judge Joseph M. Troy, Outagamie County Circuit Court, taught Fourth Amendment topics to trial judges in Mississippi in early February.

Troy taught at a University of Mississippi Law School seminar sponsored by the school's National Center for

Justice and the Rule of Law. The law school covered all costs associated with his trip.

His presentations covered standing; the open fields and curtilage doctrines; abandoned property; and the legal and ethical responsibilities of the trial judge at suppression hearings. Between sessions, he reported eating copious amounts of catfish.

Troy was one of two trial court judges who participated; the other presenters were professors of law and Supreme Court justices.



Chief Judge
Joseph M. Troy

Voelker named to national court security panel

Director of State Courts A. John Voelker has been named to a national panel that will develop a court security training program for courts in five large, urban jurisdictions in Arizona, California, Florida, Maryland, and Minnesota.

"We are proud of Wisconsin's leadership on this critical issue, and honored by this national recognition," said Chief Justice Shirley S. Abrahamson. "John's experience and knowledge in this area will be extraordinarily helpful in the effort to design this new program."

A 12-year employee of the Wisconsin court system, Voelker has led an effort to improve security in Wisconsin's 70-plus courthouses. In partnership with the Wisconsin Sheriffs and Deputy Sheriffs Association, the U.S. Marshals Service, and Fox Valley Technical College, he helped to create the Wisconsin Courthouse Security Training Program – the first of its kind in the nation – in 2001. That program trained 400 court employees and security personnel in 10 locations around the state, focusing on increased security awareness and simple, low-cost procedural improvements to make Wisconsin's courthouses safer. In 2002, the Wisconsin Courthouse Security Training Program won the prestigious Justice Achievement Award in an international competition. ■

Cybernews

Law enforcement, district attorneys, and the courts are being encouraged to request certified copies of driver records online through the Department of Justice's (DOJ) WILENET at <http://wilenet.org>.

This feature was made available in late December 2002 after DOJ worked with the Wisconsin Department of Transportation (DOT) to implement the secure application. In its first year of use, the site received more than 11,500 requests for certified driver records. The DOT anticipates substantially more in 2004.

To use WILENET to request certified driver records, go to <http://wilenet.org>, click on Register and view the Access Policy to obtain approval to access the site. Courts that need a certified record for a court date that is less than two weeks in the future may fax the request to (608) 267-1873 or call (608) 267-1854. The teletype mnemonic DRNS is no longer operational.

Questions may be referred to Jennifer L. Olson, supervisor, Revocations & Suspension Section, (608) 267-9811 or jennifer.olson@dot.state.wi.us. ■

APPOINTMENTS

Judges selected for committee work

In addition to their casework, many Wisconsin judges volunteer to work on committees that serve a variety of administrative functions. The following are recent committee appointees:



Judicial Education Committee
Judge James J. Bolgert
Sheboygan County Circuit Court



Judge Michael S. Gibbs
Walworth County Circuit Court



Judge William F. Hue
Jefferson County Circuit Court



Juvenile Jury Instruction Committee
Judge Karen E. Christenson
Milwaukee County Circuit Court



Judge Joseph R. Wall
Milwaukee County Circuit Court



Wisconsin Judicial Conference Director
Judge John V. Finn
Portage County Circuit Court



Judge Barbara A. Kluka
Kenosha County Circuit Court



Wisconsin Judicial Conference Secretary
Judge Barbara Hart Key
Winnebago County Circuit Court

Criminal Jury Instruction Committee

Judge John Franke
Milwaukee County Circuit Court



Judicial Council

Judge Mark S. Gempeler
Waukesha County Circuit Court



Judge Edward E. Leineweber
Richland County Circuit Court



Judge James M. Mason
Wood County Circuit Court



Legislative Committee

Judge Daniel R. Moeser
Dane County Circuit Court



Judge Gregory A. Peterson
Court of Appeals, District III



Civil Jury Instruction Committee

Judge Daniel A. Noonan
Milwaukee County Circuit Court



Judge John W. Roethe
Rock County Circuit Court



OBITUARY

Judge Harold J. Wollenzien Waukesha County Circuit Court

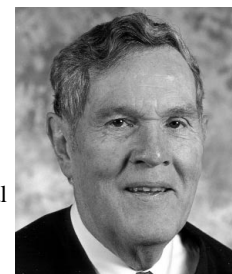
Judge Harold J. Wollenzien, who served on the bench in Waukesha County for 24 years, died January 21 at Heartland Health Care Center in Waukesha. He was 81.

Wollenzien earned his law degree at Marquette Law School in 1947 after serving in World War II. He became Waukesha County's first corporation counsel and served in that capacity for 10 years before his 1966 election to the bench.

Wollenzien was a creative judge who knew the value of

court administration. He helped to develop the county's first community service project for juvenile offenders in 1970, and later testified before the U.S. House Judiciary Committee about the value of alternatives for young offenders. He also served a term as chief judge for the Third Judicial District. After his retirement from the bench in 1990, Wollenzien was a reserve judge for several years.

Surviving him are his son; his daughter; and three grandchildren in California. Wollenzien's wife, Fern Froemming Wollenzien, passed away in 1997. ■



Judge
Harold J. Wollenzien

Winter
2004

VOLUNTEERS IN THE COURTS

Oconto County celebrates two years of teen court

It has been two years since the Oconto County Teen Court was launched, a milestone that was celebrated earlier this winter with a birthday party that featured a mock trial and remarks from Municipal Judge Douglas A. Kurek on the importance of this alternative forum for dispute resolution.

But the main cause for celebration is the court's substantial contribution to the welfare of the community. The 50 defendants who have gone through the court have contributed nearly 300 hours of community service time to non-profits throughout the county and panel members have

discovered leadership qualities and learned the value of working with others toward a common goal.

"Teen Court has changed the way I look at things and how I think and interact with other people," one teen panelist said.

The panel

"Teen court is not just about the offenders; we are offering important leadership roles and opportunities for our



The Oconto County Teen Court panel takes the oath.

youth," said Lisa Devine-Barribeau, teen court coordinator. The panel members who volunteer for the teen court have dedicated 500 hours to the program and are valued as

leaders in their community. In addition to training, hearing cases, and making presentations to local groups, panel members participate in an annual community service project and help tutor offenders.

After attending a teen court workshop in 2002, panel members decided to add a mentor position. Now before an offender enters the courtroom, a mentor greets the person and his/her parents,

describes court procedures, and answers questions. The mentor sits next to the offender and parents during the proceedings and serves as a resource after court as well.

High school students who want to be a part of teen court fill out an application and a panel of youth and adults interview each applicant. Offenders are not required to sit on the panel; however sometimes it is a part of the sanctions. One offender who was required to serve on the panel as part

see **Teen Court** on page 16

Wisconsin CASA Association helps counties start, expand programs

Wisconsin CASA (court-appointed special advocates), an association started two-and-a-half years ago to help assure quality services and to assist counties interested in starting or building onto existing CASA programs, is off to a strong start. The association has welcomed a new board of directors (District I Court of Appeals Judge Charles Schudson is board president); developed a Web site; and currently is planning its third statewide conference.



Marsha L. Varvil-Weld

The conference, scheduled for September at the Kalahari Resort and Convention Center in the Wisconsin Dells, is open to judges, attorneys, and others interested in learning more about abused and neglected children. More information is available on the Wisconsin CASA Web site at www.wisconsincasa.org.

CASAs are specially trained volunteers who promote the best interests of children in cases involving allegations of

abuse or neglect. Unlike social workers, they are assigned to only one case at a time, and make at least a one-year commitment to that case, providing continuity that may not be available from other professionals in the system. They monitor compliance with court orders and watch the family and school environments. In general, CASA volunteers visit with the child each week in the child's home and contact the schools, service providers, and others involved with the child on a monthly basis. The CASA files a monthly report that is forwarded to the courts, the social worker, and the guardian *ad litem*.

Wisconsin statutes stipulate the role and responsibilities of CASA and grant the CASA access to confidential records including school records, court records, social welfare records and abuse and neglect reports.

CASAs must undergo a comprehensive background check and complete 30 hours of training prior to assignment of their first case. CASA volunteers also must complete a minimum of 10 hours of continuing education each year. Each CASA program

see **CASA** on page 16



PEOPLE



Judge
Patrick J. Taggart

Sauk County jail inmates appeared in court on television screens for the first time in October. Judge **Patrick J. Taggart**, Sauk County Circuit Court, told the *News Republic* (Baraboo) that there were some bugs to work out, but that overall, videoconferencing is a welcome addition to the court.

Brown County judges, jailers, and a local treatment center are taking a new approach in trying to get repeat drunk offenders into treatment. Inmates convicted of third-offense drunken driving are ordered to attend free treatment in order to earn work-release privileges. "It's really simple. If you don't go to treatment, you don't get (work release)," Judge **Sue E. Bischel** told the *Green Bay Press-Gazette*. "The motivation is people want to keep their jobs." The Jackie Nitschke Center provides the services *pro bono*, removing the affordability obstacle. With a total of 144 drunken-driving convictions, thirty-six people have attended the program.



Judge Sue E. Bichel

Elm Grove Municipal Judge **Timothy Steidle** received accolades from the *Elm Grove Elm Leaves* newspaper for his smooth transition onto the bench. One change being discussed in the Elm Grove court is starting a Teen Court. At this time they do not have the facilities available to start one, but hope it can be in the future plans.

"Wood County weighs drug court," declared the *Daily Tribune* (Wisconsin Rapids). Wood County is examining if a drug court is appropriate, and if so, which type will suit

them best. "I'm excited at the proposal of finding an alternative for dealing with drug offenders," said Judge **Edward F. Zappen Jr.**, Wood County Circuit Court. The judge, drug court administrator, district attorney, defense bar, and parole officers all work together in monitoring the offender and discussing what the next step in treatment should be.



Judge
Edward F. Zappen Jr.

Judge **James O. Miller**, Columbia County Circuit Court, was a presenter at several Veterans' Day ceremonies, expressing to students the importance of honoring veterans. He spoke at Randolph Elementary/Middle School, Randolph Christian School, Randolph High School, and the Cambria-Friesland Schools, reported the *Neighbors* (Fox Lake, Markesan, Randolph, Waupun).

Judge **Scott R. Needham**, St. Croix County Circuit Court, was the keynote speaker on Veterans' Day for St. Croix County. The *Hudson-Star-Observer* reprinted his

speech.

Last November, as reported in the fall 2003 edition of *The Third Branch*, **Phyllis Bermingham**, known as Marathon County's conscience, recently retired after working for the county for 15 years. As director of Marathon County's Employment and Training Department, Bermingham fought racism, poverty, domestic abuse, unemployment, and to raise the minimum wage in Wisconsin. The *Wausau Daily Herald* interviewed Justice **Ann Walsh Bradley** on Bermingham's work on women's issues. "When I came to town in '76, Phyllis already was very active in women's issues," said Bradley. "That was the very beginning of really addressing women's issues in our community. Phyllis already was championing these causes that affected women in their daily lives."

A Youth Leadership group in Columbia County participated in an unusual scavenger hunt. In small groups, the students searched the Columbia County Courthouse for information on how to get a marriage license, pay a parking ticket, and more, reported the *News Republic* (Baraboo). After the hunt was complete, they were off to participate in a mock trial, where Judge **James O. Miller**, Columbia County Circuit Court, officiated and discussed the process of jury selection.

"The cost of incarceration" was an article featured in the *Leader-Telegram* (Eau Claire) that compared Wisconsin's incarceration rate with Minnesota's. Reserve Judge **Thomas H. Barland** told the newspaper that Wisconsin needs a fresh approach to sentencing. "I'm not suggesting that we should empty the prisons, because we have some very dangerous people out there that need to be locked up, but we have to be smarter about how we sentence people," he said.

Judicial Education's **Dona Winkler** is now **Dona Everingham**. She married Sergeant First Class **Gary Everingham** on Dec. 5, 2003, just two days before he was activated for military duty. Dona reported that she and colleague **Tammy Hennick** (who served as her matron of honor) found and purchased a wedding dress and accessories in less than 15 minutes on the mid-November day when Gary received word of the pending deployment. About three weeks later, a full church wedding took place in Madison. "It was truly an overwhelming and gratifying experience to have so many family and friends pull together to help us make our wedding day a reality," Dona wrote. "With everyone's help we were able to get the church, reception hall, cake, food,



Judge
Scott R. Needham



Judge James O. Miller



Reserve Judge
Thomas H. Barland

Winter
2004**PEOPLE** *continued from page 15*

etc. organized in time for the wedding.” Her new husband has served in the Wisconsin Army National Guard for 26 years and was scheduled to retire this year. Instead, he will now serve as platoon sergeant for the 232nd Personnel Services Unit and likely will be stationed somewhere in Kuwait beginning this month.

Judge **Michael J. Gableman**, Burnett County Circuit Court, has been holding town hall meetings. The purpose is to meet as many local residents as possible and share views and opinions on general topics. Gableman told the *Inter-County Leader* (Frederic) that no cases are discussed at the meetings. He plans on holding regular meetings in different parts of the Burnett County to reach as many people as possible. The response rate has been positive and it has given Gableman the opportunity to answer questions some had about the court system. One person at the first meeting thanked Gableman just for coming. “We’ve never seen a judge out here before,” he told Gableman.



Judge
Michael J. Gableman

The Blair Press reported on the success of the Intoxicated Drive Intervention Program (IDIP) in

Teen Court *continued from page 14*

of her community service later applied to be a part of the teen court panel and was selected. “She is a valuable asset to our teen court,” said Devine-Barribeau.

After panel members participate in teen court for one year, they are asked to share what they learned and how they benefited. They list the value of teamwork; learning about the court system; developing decision making skills; understanding the effects of crime; sharpening listening skills; and building youth leadership. “Experience in teen court is like no other,” said Devine-Barribeau.

The Oconto County Teen Court is a University of Wisconsin Extension program with support from Oconto County Human Services, The Quality of Life Project, and the Oconto County Partnership. The court is for offenders between the ages of 10 and 17 who have admitted guilt for a misdemeanor crime or ordinance violation such as shoplifting, disorderly conduct, underage drinking or tobacco use, trespassing, truancy, possession of drug paraphernalia, or curfew violations. They also must be referred to teen court (most of the court’s referrals come from the county’s five municipal judges and two circuit court judges, and it recently has started receiving referrals from the Department of Natural Resources); and must have a parent/guardian who is willing to accompany them to court. A \$25 court fee is collected from the defendant at the hearing.

In addition to the Oconto County court, there are currently more than 30 teen courts in Wisconsin in the following counties: Barron, Bayfield, Brown, Buffalo/Pepin, Chippewa, Clark, Dane, Dodgeville, Fond du Lac, Iowa, Jackson, Jefferson, LaCrosse, Marinette, Polk, Portage, Price, Rusk, Taylor, Trempealeau, Vernon, Vilas, Waupaca, Wausau, and Winnebago Counties. ■

For more information on the Oconto County Teen Court, contact Devine-Barribeau at (920) 834-6852.

Trempealeau County over the last year. Judge **John A. Damon** told the newspaper that the “goal of the program is to reduce recidivism through the use of an intervention program with strong incentives for sobriety.” To date, the program has resulted in a savings of \$89,975 due to a reduction in jail time. The Department of Transportation provides grant funding to cover costs. Out of 53 participants, only one re-offended after completing the program.

The Barron County Circuit Court will soon be moving into the newly completed Justice Center. Moving in at the same time as the courts are court-related agencies and the Sheriff’s Department along with a 192-bed jail. Judge **James C. Babler** reported to the *Rice Lake Chronotype* that the new complex will be dedicated on May 1, Law Day. Chief Justice **Shirley S. Abrahamson** will be attending the dedication and U.S. Sen. Russ Feingold has tentatively confirmed. The big move will take place April 19. ■



Judge John A. Damon

CASA *continued from page 14*

employs a paid staff member who is responsible for screening, training, and supervising the volunteers.

There are currently seven CASA programs in Wisconsin and one tribal court program. The Dane County CASA is the longest continuously operating CASA in the state (it was initiated in 1994 with the help of Judge Gerald C. Nichol) and has 41 trained volunteers providing services to 66 children. Milwaukee CASA recently restructured and now has 30 volunteers assigned to cases. Programs also are located in Brown, Columbia-Sauk (serving both counties), Fond du Lac, Kenosha, and La Crosse counties. The tribal court program, operated by the Red Cliff Tribe, is located in Bayfield.

Wisconsin CASA is a private not-for-profit, grant-supported organization based in Portage. ■

Those interested in starting or expanding a CASA program may contact Marsha L. Varvil-Weld, executive director, Wisconsin CASA Association, at (608) 742-5344 or mlvweld@wisconsincasa.org.

Election 2004 *continued from front page*

served as U.S. attorney for the Eastern District of Wisconsin during the Carter Administration. She is now a litigator at the law firm of Foley & Lardner.

Kessler is active in the legal profession and the Milwaukee community. She currently chairs the State Bar's Individual Rights and Responsibilities section, is former chair of the State Bar Board of Governors, and is a referee for the Office of Lawyer Regulation.

In her campaign against Schudson, Kessler is accusing the judge of abusing the office by accepting campaign contributions from attorneys who have appeared before him. Schudson said he avoids raising funds from lawyers who have cases pending before him.

Kessler is married to former Judge Frederick Kessler and has two adult daughters. Schudson and his wife, Karen, are the parents of two sons.

**Juneau County Circuit Court
Roemer v. Schuh**

Atty. John Pier "Jack" Roemer Jr.

The bench in Juneau County, vacated by the sudden death of longtime Judge John W. Brady last March, is now the subject of a race between Judge Dennis C. Schuh, whom Gov. Jim Doyle appointed to the post, and John Pier "Jack" Roemer Jr., an assistant district attorney.

Schuh was appointed to the post in 2003. He had been the county's district attorney for 12 years and, prior to becoming a prosecutor, he worked in private practice for nine years. He is a 1981 graduate of California Western School of Law in San Diego.

Schuh and his wife, Diane, have two sons and a daughter.

His opponent, Assistant District Atty. Jack Roemer, is a 1980 graduate of Hamline University Law

School. Roemer has been one of Juneau County's two assistant district attorneys since 1992. Until the 2003 appointment to the bench, Schuh was Roemer's boss in the District Attorney's Office. Roemer also worked for five years as an assistant state public defender in Baraboo.

Roemer retired from the U.S. Army Reserves in November 2002 as a lieutenant colonel. He and his wife have three sons.



Atty. Donald Dunphy

**Lincoln County Circuit Court,
Branch 1
Dunphy v. Tlusty**

Atty. Donald Dunphy, a former Marine and native of Green Bay, will face Atty. Jay R. Tlusty, a Lincoln County native who has practiced law in Merrill for 23 years, in the April 6 election.

They are vying to replace Judge J. Michael Nolan, who will retire when his term ends in July after 23 years on the bench. The third primary candidate, and the only woman in the race, was Lincoln County District Atty. Shawn Mutter.

The first-place primary winner was Tlusty, with 3,181 votes. Dunphy garnered 1,771 votes to place second.

Dunphy served a tour of duty in Vietnam before graduating from UW-Stevens Point in 1976. He then worked in construction and as a youth counselor at Ethan Allen School before enrolling at Marquette Law School, from which he graduated in 1986. He moved to Lincoln County in 1991 to take a position with the Corporation Counsel's Office, where he handles appeals as well as mental commitments, protective placements, and termination of parental rights cases.

Dunphy commands the local VFW post and is an assistant scoutmaster for the Boy Scouts. He also is very active in his church, St. John Baptist.

He and his wife, Ruthann, live in Gleason with their two daughters, 16 and 11, and a son, 14.

His opponent, Atty. Jay R. Tlusty, is a partner in the law firm of Russell & Tlusty and a 1980 graduate of the UW Law School.

Tlusty's community involvement emphasizes his interest in children, music, and sports. He served on the Merrill School Board and on the Board of Directors of the Merrill High School Band Endowment Fund, Inc., which supports the instrumental music program at the high school. He also is a 30-year member of the Merrill City Band and, for 25 years, performed with his own band at events throughout central Wisconsin. Tlusty has managed the girls' and boys' Little League teams and served as a Girl Scouts volunteer.

Tlusty and his wife, Maxine, have two daughters, ages 13 and 5.

**Marathon County Circuit Court, Branch 2
Huber v. Kennedy**

The race to fill the longstanding vacancy in Marathon County's Branch 2 pits a state legislator against a Court of Appeals staff attorney.

Rep. Gregory B. Huber, D-Wausau, is a Wausau native who has represented the area in the state Assembly since 1988. He received 10,008 votes to Atty. Coleen Kennedy's 6,825. The third-place finisher, Wausau Municipal Judge Philip J. Freeburg, received 3,367 votes.

Freeburg and Huber both were finalists for appointment to the position last summer, when Judge Raymond F. Thums stepped down mid-term after 15 years on the bench. Gov. Jim Doyle, however, decided not to appoint and reserve judges have filled the gap since Thums' retirement.

A 1981 graduate of the UW Law School, Huber has served on a variety of court-related committees during his time in the state Legislature. He was a member of the Supreme Court's Commission on Judicial Elections and Ethics, which worked on a proposal to revise the Code of Judicial Conduct to address campaign-related issues, and also served on legislative committees that worked on issues

see **Election 2004** on page 18



Atty. Jay R. Tlusty



Rep. Gregory B. Huber



Atty. Coleen Kennedy

Winter
2004

Election 2004 *continued from page 17*

surrounding jury service; telemedicine; the use and compensation of guardians *ad litem*; and more.

Huber's opponent, Atty. Coleen Kennedy, is a Milwaukee native who concentrated on improving her name recognition among voters in the primary. The media reported that she substantially outspent the other candidates, knocked on many doors, and had her campaign materials translated into Hmong in order to reach the area's large southeast Asian population.

Kennedy has been a staff attorney at the Wisconsin Court of Appeals, District III, since 1985. Prior to this, she worked in private practice at Bachhuber Law Offices in Wausau. Before she became a lawyer, Kennedy worked as an elementary school teacher and counselor at a residential treatment school, where she was responsible for 12 emotionally disturbed, abused, neglected, autistic, and delinquent children and teens. She is a 1978 graduate of the UW Law School.

Kennedy has two children, ages 20 and 16.

Milwaukee County Circuit Court, Branch 34 Crawford v. Yamahiro



Atty. Robert Crawford

Judge Glenn H. Yamahiro, appointed in November 2003 to fill the vacancy created by the resignation of Judge Jacqueline Schellinger, is facing opposition from Atty. Robert Crawford, a former Milwaukee County judge.

Prior to becoming a judge, Yamahiro was a judicial court commissioner assigned to Milwaukee County's Domestic Violence Court, which was created as part of the Judicial Oversight Initiative to improve the handling of these cases. In 2001, he received an award for his work on this initiative. He is Wisconsin's first Japanese-American judge.

Yamahiro also has served in Milwaukee Small Claims Court and is a former assistant state public defender. He received a bachelor's degree from UW-Eau Claire in 1983 and a law degree from the UW Law School in 1991.

When he finds spare time, Yamahiro likes to golf, hike, and read. He and his wife Deborah S. Vishny live in Glendale with their daughter, who is 9.

Yamahiro's opponent, Atty. Robert Crawford, first came to the bench in Milwaukee County in 1996 when he defeated Judge Russell Stamper. He initially made headlines for his "shaming" sentences; he gave defendants the option of reducing or eliminating incarceration if they were willing to undergo public humiliation by wearing sandwich boards proclaiming their crimes, for example.

But by 2000, Crawford was making headlines for a different reason: he was publicly accusing his chief judge and district court administrator of influence peddling and other nefarious activities. The Supreme Court ultimately rejected his free speech argument, suspending him from the bench for 75 days in 2001. The punishment was significantly lighter than the removal from office that the Judicial Commission had recommended.

In 2002, Judge Louis Butler Jr. defeated Crawford in his bid for reelection.

Racine County Circuit Court, Branch 4 Herrera v. Jude

A five-way judicial race that the *Milwaukee Journal Sentinel* called "unusually competitive" left two private practitioners to face off in the general election.

Atty. Georgia L. Herrera, a former Racine County assistant district attorney who now works in private practice, is running against Atty. John S. Jude, who was a probation officer before going to law school.

Herrera, who won the endorsement of the *Milwaukee Journal Sentinel* (*The [Racine] Journal Times* does not endorse in primaries), took 11,002 votes (32 percent) to Jude's 9,092 (27 percent). The third-place finisher was Atty. Michael J. Piontek with 6,410 votes. In fourth and fifth place, respectively, were Attys. Jennifer Bias, with 4,623 votes, and Jay K. Nixon with 1,321.

Herrera is a 1985 graduate of the UW Law School. In addition to running the Law Offices of Georgia L. Herrera, she works part time as a court commissioner.

Her opponent, Atty. John "Jack" Jude, placed at the top in a Racine Bar Association poll. He has practiced primarily family law for 27 years and also has been a juvenile court commissioner. Jude is a 1977 graduate of Marquette Law School, which he entered after working as a probation officer and as a program development specialist for Center for Urban Concerns in Racine.



Atty. Georgia L. Herrera



Atty. John S. Jude

Rock County Circuit Court, Branch 2 Bates v. Wickhem

The five-way race to replace Judge John H. Lussow, who will retire effective July 31 at the end of his fourth term in office, yielded two candidates with identical years of experience.

Attys. R. Alan Bates and James D. Wickhem both are 1975 law school graduates: Bates from the UW, Wickhem from Marquette. While both are private practitioners, they have very different interests and areas of expertise.

Wickhem garnered 7,734 (28 percent) to Bates's 6,676 votes (24 percent). The third-place finisher was Atty. Barbara W. McCrory, with 5,656 (20 percent). The other two candidates, in fourth and fifth place respectively, were Attys. William Hayes, with 5,381 votes, and Kimberly M. Vele, with 2,356.

An attorney with the law firm of Feingold, Bates &



Atty. R. Alan Bates

Election 2004 *continued from page 18*

Vogel in Janesville, Bates concentrates on criminal defense as well as family and juvenile law and also serves as a court commissioner.



Atty. James D.
Wickhem

Bates currently holds several leadership positions in community organizations. He is president of the Janesville Noon Lions, the Hedburg Public Library Board of Directors, and the Boys & Girls Club of Janesville.

His opponent, James D. Wickhem, is an attorney with the Janesville law firm of Meier, Wickhem, Lyons & Schulz.

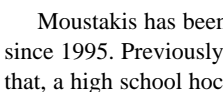
**Vilas County Circuit Court
Moustakis v. Nielsen**

Atty. Albert D.
Moustakis

Judge Neal A. "Chip" Nielsen and Vilas County District Atty. Albert D. Moustakis were the top vote-getters in Tuesday's judicial primary, advancing them to the April 6 election.

Nielsen, appointed by Gov. Jim Doyle in December (*see separate story*), won 4,721 votes or 55 percent of the vote to Moustakis' 1,978 (23 percent). The third-place finisher in the three-way race was Eagle River Atty. Steve Lucareli. Lucareli and Moustakis both also had applied for appointment to the post.

At the time of his appointment, Nielsen was a Vilas County Board supervisor and vice president of Custom Components of Eagle River. He is a 1981 graduate of Suffolk



Judge
Neal A. "Chip" Nielsen

University Law School in Boston. Moustakis has been a district attorney for Vilas County since 1995. Previously he was in private practice and before that, a high school hockey coach. He is a 1982 graduate of

Nova Southeastern University Law School in Florida.

The Vilas County opening was created when Chief Judge James B. Mohr, on the bench in Vilas County Circuit Court since 1983, resigned to take a job with the Forest County Potawatomi tribe. Mohr had planned to help the tribe to improve its court and work on fostering improved state-tribal communications, but a contract dispute put an early end to his work. In January, *The Daily News* (Rhineland) ran a story headlined, "Deal between Mohr, tribe breaks down", reporting that Mohr was contemplating suing the tribe for renegeing on its contract with him.

**Winnebago County Circuit Court, Branch 5
Jorgensen v. Carver**

Longtime Winnebago County Judge William H. Carver faces opposition from a local assistant district attorney, John A. Jorgensen, on April 6.

In his 31 years on the bench, Carver has been an outspoken and, at times, controversial figure. He has been criticized for what some have perceived as lenient sentences, and also was opposed by an assistant district attorney in 1998. During that race, *The Oshkosh Northwestern* opined that Carver's sentencing practices should be of concern "only if you see the judge as an arm of the district attorney's office. A judge inclined always to hand out maximum sentences does not serve justice."

Carver, who was Winnebago County's district attorney before becoming a judge in 1973, has been a vocal proponent of justice system reform, but also has been disciplined for violating the Code of Judicial Conduct. He has spoken out about the need for sentencing alternatives to reduce the prison population and has criticized crime prevention funds that permit defendants to donate money in exchange for a lighter sentence. In 1995, allegations that Carver was showing favor to a defendant in a sports gambling case led to a 15-day suspension from the bench for failure to recuse himself in a timely manner.

His opponent, John A. Jorgensen, has served in the Winnebago County District Attorney's Office for 10 years. He is a 1993 graduate of Hamline University Law School in Minnesota. ■



Judge
William H. Carver

The rest of the story...

Thirty-seven Wisconsin judges are running unopposed. They are: Court of Appeals Judges Harry G. Snyder, District II, and Charles P. Dykman, District IV; Circuit Court Judges James C. Babler, Barron County; Sue E. Bischel, Brown County; Donald A. Poppy, Calumet County; Steven D. Ebert, C. William Foust, James L. Martin, Sarah B. O'Brien, and Stuart A. Schwartz, Dane County; William C. Stewart Jr., Dunn County; Peter L. Grimm and Steven W. Weinke, Fond du Lac County; William D. Dyke, Iowa County; Dennis J. Mleziva, Kewaunee County; Patrick L. Willis, Manitowoc County; Dorothy L. Bain, Marathon County; Karen E. Christenson, Thomas P. Donegan, Christopher R. Foley, Charles F. Kahn Jr., Daniel L. Konkol, Mary M. Kuhnmuensch, Milwaukee County; Michael J. McAlpine, Monroe County; Richard D. Delforge, Oconto County; Robert W. Wing, Pierce County; Stephen A. Simanek, Racine County; Michael J. Byron, Rock County; Frederick A. Henderson, Rusk County; James Evenson, Sauk County; Gary L. Carlson, Taylor County; James L. Carlson and Michael S. Gibbs, Walworth County; Annette K. Ziegler, Washington County; John P. Hoffman, Waupaca County; Barbara Hart Key, Winnebago County; and James Mason, Wood County. ■

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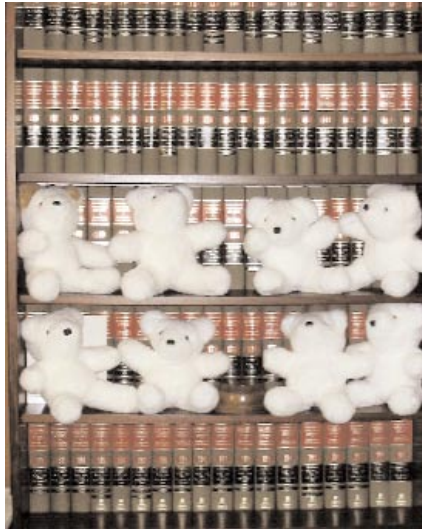
Inmates' stuffed bears ease court anxieties for children

On a bitterly cold morning in January, a woman and two boys sit side-by-side in an otherwise empty courtroom at the end of a quiet third-floor corridor in Madison's City-County Building. The woman re-buttons one boy's oxford shirt while getting the other boy a drink of water and directing the social worker via cell phone to the courtroom. Clearly, this is a family. Today just makes it official.

The social worker arrives, the bailiff alerts the judge, and the adoption is ready to proceed. The judge enters with a file in one hand and a teddy bear under each arm. The boys' faces light up, though with a momentary flicker of doubt: Hugging a teddy bear in a public place might be uncool. But Judge Shelley Gaylord presses the bears into each boy's hands, and neither lets go. Court is too scary a place – even on a good day – to take any chances.

Less than 10 minutes later, the family walks out of court, heading home to Deerfield. Twelve-year-old Rashaun is now officially DeVante's brother and Murielle Sago's son. Tonight, they will celebrate with the rest of the family: three other boys, all of them adopted, ages 5, 5, and 9. The judge, herself an adoptive parent, knows that

the stuffed bears were not the centerpiece of this momentous occasion. They were a rather small detail, but one that made the proceeding smoother by easing the boys' anxiety.



Inmates at Columbia Correctional Institution work in groups of 12 to sew the 12-inch bears in shades of brown, gray, white, and black. The materials are donated and the project is self-funded. Chuck Gove, who directs the Department of Corrections' Community Service Project, began distributing them to the Dane County Circuit Court last summer after Judge Sarah B. O'Brien learned of the project and alerted District Court Administrator Gail Richardson, who made

arrangements to join the program.

All Dane County judges who handle cases involving small children now hand out the bears, and they have been found especially useful in situations involving child victims and witnesses. The idea is beginning to catch on around the state. ■

Courts interested in receiving teddy bears for distribution may contact Chuck Gove at (608) 742-9100, extension 9164.



Judge Shelley Gaylord gave 12-year-old Rashaun Sago a stuffed bear as a memento of his adoption. Pictured with Rashaun are his mother, Murielle Sago, and his new brother, 9-year-old DeVante Sago.