

- |                                   |  |
|-----------------------------------|--|
| 3 Supreme Court recount continues | 7 Judges take center stage at community events     |
| 3 Six new judges elected          | 10 Evaluating a drug court program                 |
| 6 Key staff members stepping down | 14 Leadership: Racine judge connects with students |

## Many longtime judges stepping down

Long-serving judges from across Wisconsin are retiring this spring and summer. In this article, six retiring judges are featured. They are: Daniel P. Anderson, Darryl W. Deets, Harold V. Froehlich, Thomas G. Grover, Robert A. Hawley and William M. McMonigal. In the summer and fall editions, more retirees will be featured. The current list includes Judges Edward E. Leineweber, Richland County; and Donald A. Poppy, Calumet County.

### Judge Daniel P. Anderson Wisconsin Court of Appeals, District II

Judge Daniel P. Anderson, one of the state's longest-serving judges, will retire in late June, two years before his term expires. He plans to mark the occasion by sailing to England on the Queen Mary 2 and taking part in a D-Day history program.

Like some of his Court of Appeals colleagues, Anderson brought to the appellate court a wealth of experience on the trial bench. When he was just five years out of law school, he was appointed as a county court judge in Sheboygan County. He later became a circuit court judge and served until his 1990 election to District II, headquartered in Waukesha.

"I have always thought being a judge on the Court of Appeals was the best kept secret in the state," he said. "You get to work with personable and intelligent people ... and they pay you to think seriously about the law."

Anderson found a great deal of satisfaction in writing opinions. He is particularly proud of his decision in *State v. Arvid Dean*, which established that when a defendant is indigent but does not qualify for representation by the State

see **Retirements** on page 4

## Governor submits biennial budget to Legislature

By Deborah Brescoll, Budget and Policy Officer

Gov. Scott Walker's proposed budget, now working its way through the Legislature, contains 14 key provisions that will affect the courts. They are as follows:

- Reduce court appropriations to reflect estimated saving associated with higher employee retirement and health premium payments.
- Reduce court appropriations by 10 percent, excluding salaries and fringe benefits, to balance the budget.
- Require the secretary of the Department of Administration (DOA) to lapse to the General Fund \$638,200 annually from court program revenue (non-tax funded) appropriations.
- Remove CCAP's direct receipt of certain justice information systems surcharge (JISS) revenues. Instead, provide that CCAP funding from JISS revenues would come from a new receipts appropriation under DOA.
- Make a project auditor position permanent to help standardize county reporting of court costs and revenues.
- Provide additional funding, from JISS revenues, for reimbursements to counties for court interpreter services.
- Provide one-time funding for the Wisconsin State Law Library to purchase West's National Reporter System on DVD, funded with discretionary legal settlement funds collected by the Department of Justice.
- Repeal a variety of sentencing provisions created under 2009 Act 28, including risk reduction sentences, positive adjustment time, and the Department of Corrections' authority for early release and discharge from extended supervision and probation.
- Modify statutory provisions concerning Supreme Court campaign financing.
- Eliminate funding (currently provided by JISS revenues) for indigent civil legal services.
- Eliminate earmarked grant funding for Court-Appointed Special Advocate (CASA) programs.
- Eliminate earmarked grant funding for the Milwaukee

County Assess, Inform and Measure (AIM) and Treatment Alternatives and Diversion (TAD) programs.

- Authorize a county board to direct its clerk of circuit court to operate a courthouse self-help center and to impose fees for services. Specify in statute specific services to be provided at the self-help center, and prohibit anyone who works for, or volunteers at, the center from providing legal advice at the center.
- Separate Part B of the crime victim and witness assistance surcharge into Parts B and C to ease the proper distribution of funds.

### The court system's response

Chief Justice Shirley S. Abrahamson appeared before the Joint Committee on Finance March 29 to raise several court system concerns with the budget bills relating to the independence of the judicial branch, including:

- That the long-term stability and court control of CCAP funding are threatened with the transfer of JISS revenues from CCAP to DOA.
- That the lapses from court program revenue appropriations would be determined by DOA, not under the Supreme Court's authority.
- That state mandates relating to self-help centers would establish and impose fees for center services.
- That judicial compensation currently is proposed by an agency under DOA. The Supreme Court proposed a judicial compensation commission.

The Director of State Courts Office and the Chief Justice will be working over the coming weeks in an effort to get these concerns addressed through budget amendments.

### The budget process

Walker's budget was introduced in two identical bills called Senate Bill 27 and Assembly Bill 40 (SB 27/AB 40)

see **Budget** on page 13



## Director's column: CCAP keeps court system running smoothly behind the scenes

By A. John Voelker, Director of State Courts

Over the years, I have had countless discussions with legislators, reporters, state agency representatives, other state court administrators, and members of the public about the Consolidated Court Automation Programs (CCAP). Gov. Scott Walker's biennial budget proposal will require additional discussions in the coming weeks.



A. John Voelker

No matter to whom I am talking, I always find myself explaining all the different functions that CCAP supports.

The reaction usually is one of surprise because most people think CCAP is just a Web site that allows access to court records. While this application, known as Wisconsin Circuit Court Access, or WCCA, receives between two and three million requests a day, it's just one of the many services CCAP provides.

In 2012, CCAP will mark its 25th anniversary. By this time, Portage County will be the 72nd and final county to fully implement CCAP, making it truly a statewide system. Since 2003 we have had 71 counties participating. The fact that we will have this level of voluntary participation speaks volumes.

Why would counties voluntarily participate? Let's look at some potential reasons:

- CCAP provides tremendous customer support and service
- CCAP provides consistent case management for judges, clerks of circuit and court staff in each county
- Programs are custom built to meet the specific needs of the Wisconsin court system and its record-keeping requirements
- The system is automated and updated essentially in real time, with entries made by clerks of circuit court throughout the state
- The system provides the appropriate interface and level of access for various users, including the public, justice system partners and state agencies
- Users can share innovation and ideas that can be implemented statewide

CCAP doesn't stop with the circuit courts.

In 2001, CCAP expanded its role to providing information system support to the Supreme Court, Court of Appeals, and the administrative offices. This includes developing a system to manage the cases of the Court of Appeals and Supreme Court, as well as systems that support the Office of Lawyer Regulation and the Board of Bar Examiners. To say the clientele of CCAP is diverse is an understatement.

Other justice system partners and state agencies also rely heavily on the accurate and timely information provided through electronic interfaces, including the Department of Revenue, Crime Information Bureau, Department of Transportation, district attorneys, law enforcement, state public defenders and the Department of Workforce Development.

It isn't unusual to read about large information technology (IT) projects that are significantly over budget or fail altogether. This happens both in the public and private sector. Some of the information technology literature puts the failure rates of IT projects as high as 70 percent. We are fortunate in the court system that we have overcome the odds.

I was reading an article recently that hit home with me because I think it describes why CCAP has been successful. The article noted that it is necessary to have effective project management in place, but in the end a successful IT project has three characteristics.

First, it delivers value to the organization. There is no debate about the value CCAP provides to judges, clerk of court staff, and attorneys in ensuring the effective delivery of court services. This includes core functions such as managing the case events for the 1,014,235 filings the courts receive on an annual basis, processing and accounting for the nearly 18,000 financial transactions that occur on a daily basis, and ensuring the effective use of the 68,000 people that report to our courthouses each year for jury duty (of that number, about 20,000 actually served on a jury in 2010). In addition,

CCAP provides for innovations such as eFiling and public kiosks.

Second, collaboration is essential. CCAP has worked with court and county personnel in 72 different counties. In addition, CCAP has developed effective working relationships with a variety of executive branch agencies to ensure that both the courts and state government as a whole operate efficiently by electronically sharing information.

Third, successful projects find ways to engage the users. The CCAP Steering Committee members and the numerous individuals who have served on design committees have all provided invaluable user perspectives that have driven CCAP development. Currently, CCAP's staff supports approximately 2800 users in more than 80 locations.

It might be hard to implement a significant IT project successfully, but almost 25 years after its inception, it is even harder to imagine the Wisconsin courts efficiently and effectively serving court users and the public without CCAP. I am anxious to see how technology can assist us in providing service in the next 25 years. ■



CCAP managers reviewing changes to the Judicial Dashboard statistics. From left to right: Tim Duggan, Andrea Olson, Jean Bousquet and Ken McKelvey

## Supreme Court election in recount



Justice David T. Prosser

The state continues to await final word on the race between Justice David T. Prosser Jr. and Assistant Atty. General JoAnne Kloppenburg. Prosser was about 7,300 votes ahead of Kloppenburg when the final results were certified. Kloppenburg then requested a recount, which will be done by hand in a number of Wisconsin municipalities. If it goes smoothly, the recount is expected to take several weeks. ■



JoAnne Kloppenburg

## Spring election brings six new judges to the bench; Waukesha incumbent loses seat

The April election brought new judges to the circuit court bench in Columbia, Green Lake, Marathon, Polk, Waukesha and Winnebago counties. In the Waukesha race, the incumbent lost her seat. Two other incumbents (in Milwaukee and Sheboygan counties) survived challenges. Here are the results:

### Voigt is new judge in Portage

Atty. W. Andrew Voigt defeated Atty. Timothy C. Henney, a private practitioner, in the race for the Columbia County

Judge-elect  
W. Andrew Voigt

Branch 2 seat by a narrow margin. The Branch 2 vacancy was created by the retirement of Judge James O. Miller (see *The Third Branch, fall 2010*).

Voigt has served as city attorney for the city of Portage since 2002. He has also worked in private practice since 1999. He received his bachelor's degree from Ripon College in 1997 and his law degree from UW Law School in 2000. While attending Ripon College, Voigt participated in a semester program at the

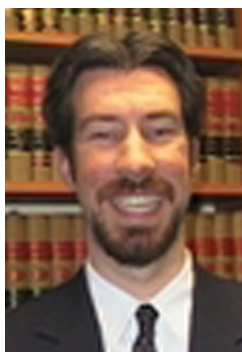
American University in Washington, D.C., where he worked as an intern for Sen. Herb Kohl and attended lectures by Justice Antonin Scalia.

Voigt and his wife have two children.

### Slate wins in Green Lake

Voters decided Green Lake County Circuit Court Judge W. M. "Mike" McMonigal's successor will be Atty. Mark T. Slate. McMonigal will be retiring after more than 19 years on the bench at the end of his term (see *Retirements on page 7*). Slate defeated fellow Markesan Atty. Jon R. Wilsnack.

Slate received his bachelor's degree in political science from UW-Oshkosh and worked as a patrol officer for the City of Janesville before attending UW Law School, from which he graduated in 1999. After receiving his law degree, he worked in private practice with his father, Bill Slate.

Judge-elect  
Mark T. Slate

Despite having less experience as an attorney than his opponent, Slate told the *Ripon Press* that he believed his various experiences in the law made him qualified for the job.

"Just because you have more experience [as a lawyer] doesn't mean you're going to be a better judge," Slate told the paper. "If experience was the only thing that mattered, we'd just elect the oldest lawyer in the county."

Slate has served as a past president, vice-president, and secretary/treasurer of the Green Lake County Bar Association. He also has served on several committees of the State Bar of Wisconsin.

Slate and his wife Anja have three children. They live in Markesan with a Golden Retriever named Justice.

### Moran wins in Wausau

After winning 54 percent of the vote, Assistant State Public Defender Michael Moran will succeed Judge Patrick J. Brady on the Branch 5 bench. Brady will be retiring at the end of his term (see *The Third Branch, winter 2011*). Moran defeated opponent Marathon County Circuit Court Commissioner Sandra J. Marcus.

Moran has worked in the State Public Defender's Office for 20 years. He is a member of the Marathon County Juvenile Justice Advisory Committee and the Marathon County Justice Advisory Committee, as well as a court interpreter trainer. Moran said he found a good pair of shoes to be an important campaign tool.

"With all the social media that is out there, the old-fashioned

Judge-elect  
Michael Moran



**RETIREMENTS** *continued from front page*

Public Defender, s/he is still entitled to an attorney paid by the county. Also memorable for Anderson was his dissent in Angela M.W. v. William Kruzicki, a high-profile case from the 1990s involving a pregnant drug abuser. After a Waukesha County Circuit Court issued a protective custody order to protect the fetus, Angela M.W. was detained. The Court of Appeals affirmed the circuit court's decision to treat the viable fetus as a child under the CHIPS statute. Anderson dissented, and the state Supreme Court ultimately adopted his dissent.



Judge Daniel P.  
Anderson

Anderson also has enjoyed teaching. He has been on the faculty of the Wisconsin Judicial College and the National Judicial College for more than a decade, teaching courses on evidence, conducting jury trials, sexual abuse, computer skills and more.

The one thing he won't miss about job? Deciphering briefs filed by *pro se* litigants.

Anderson advises his successor (to be appointed by Gov. Scott Walker) "To leave the ego at home and respect his or her colleagues. For the court to work there has to be a true collegiality."

In retirement, Anderson is looking forward to spending time with his three grandchildren in Cudahy. He also plans on golfing, reading, traveling, and working on his photography, and taking the opportunity to "decompress for a year before looking at the law again."

### Chief Judge Darryl W. Deets Manitowoc County Circuit Court

Chief Judge Darryl W. Deets has served on the bench in Manitowoc County for 23 years. He was appointed in 1988 by then-Gov. Tommy G. Thompson and subsequently elected and re-elected four times. He is stepping down effective June 24, and said he has enjoyed just about every facet of the job.

"It's intellectually stimulating and, at times, very difficult," he said. "The most difficult part of the job has been balancing the need to keep in touch with the human side of every case with deciding the case fairly and impartially based on the evidence and the law. After 23 years, I continue to believe that a life dedicated to public service and the law is one of the highest callings in our society."

Deets became chief judge of the Fourth Judicial

Administrative District four years ago by appointment of the Supreme Court. Prior to that, he served as deputy chief judge for six years under then-Chief Judge L. Edward Stengel. In both capacities, he said he appreciated the opportunity to work closely with longtime District Court



Chief Judge  
Darryl W. Deets

Administrator Jerry Lang.

As a chief judge, Deets has collaborated with Chief Judge Jeffrey Kremers in raising awareness among circuit court judges of local budgetary pressures on the court system.

"This was originally viewed by many as an isolated local issue but now has become a statewide concern," Deets said.

Closer to home, Deets has been very involved in initiating the mentoring program and the Court Appointed Special Advocate (CASA) program in Manitowoc County. He also worked on the committee that set up the combined Manitowoc, Sheboygan and Calumet County victim impact panel.

"I continue to regularly speak at these panel meetings," Deets said. "The victims and offenders who speak at the panels put a human face on the injuries and deaths occurring on Wisconsin highways as a result of intoxicated driving."

In his tenure on the bench, Deets has opened his courtroom to local high school students who are interested in learning about the law. In addition to hosting classes, he allows individuals to work as interns in his office.

"I have had a number of high school students interested in a legal career, paralegal students and law students serve as interns," he said. "It has been a positive experience for the interns and me to discuss the law and different perspectives. Many of them have gone on to rewarding legal careers."

Deets said he would miss the people with whom he has worked over the years.

"I have had the good fortune to work with excellent judges during my tenure, Judge Allan J. Deehr, Judge Fred H. Hazlewood and currently Judge Patrick L. Willis and Judge Jerome L. Fox," Deets said. "I have also worked with two exceptional court reporters, Leland Guetschow and currently Heather Zimmerman and two outstanding judicial assistants, Linda Van Koevering and currently Nicole Essert."

Deets also will miss "well-trying civil cases where both sides are represented by able counsel, along with adoptions and some of the weddings." On the not-miss list? Inaptions Mondays that sometimes mean 100 cases in one day.

In retirement, Deets plans to stay involved in the law in some capacity, perhaps as a reserve judge and mediator. He also hopes to do some *pro bono* work and spend more time with his wife, Blair, and their grandchildren in Colorado.

"I plan on taking six months off and using that time to decide what I want to do with the rest of my life," he said. "As a first step, I am looking forward to playing Cole Porter on the piano or James Taylor on the guitar whenever I want."

### Judge Harold V. Froehlich Outagamie County Circuit Court

Judge Harold V. Froehlich, whose background is among the



Judge Harold V.  
Froehlich

**RETIREMENTS** *continued from page 4*

most diverse in the Wisconsin judiciary, retired April 8 after 30 years on the bench in Outagamie County.

Appointed to the bench in 1981 by then-Gov. Lee Sherman Dreyfus, Froehlich won five subsequent elections. In 2008, Froehlich was named the State Bar of Wisconsin Judge of the Year. His current term expires in 2012.

Froehlich brought to the bench a high aptitude for numbers (he is a certified public accountant and a real estate broker) and a keen understanding of politics and government – especially the importance of an independent judiciary.

He was elected as a Republican to the State Assembly in 1963, just one year after graduating from the UW Law School. He served in a number of leadership positions, including four years as Assembly speaker, over the next decade. He left the Assembly in 1973 after being elected to the U.S. House of Representatives, where he served one term.

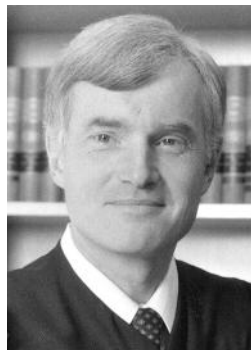
Froehlich's time in Washington was tumultuous. He arrived in the nation's capital with a laundry list of initiatives, including restoration of the Menominee Tribe. But as a member of the House Judiciary Committee, he was consumed with the Watergate scandal. Ultimately, Froehlich was one of only a handful of Republicans to recommend that President Richard M. Nixon be impeached (Nixon instead resigned in August 1974).

In an interview many years later with the *Los Angeles Times*, Froehlich said his vote likely cost him re-election, but that he had no regrets.

"I didn't dwell on it then, but it was certainly a problem in getting re-elected," he was quoted as saying. "I have no regrets, however, because I based my vote on the evidence."

Froehlich's independence, integrity and leadership served him well on the bench, and have been a boon to the entire state judiciary. As a chief judge, and as president of the Wisconsin Trial Judges Association, he worked hard on issues such as judicial compensation and improving the system for reimbursing counties for guardian *ad litem* and interpreter fees.

"Harold Froehlich has had an enormous impact on Wisconsin government," said Justice David T. Prosser, a longtime friend who served as Froehlich's administrative assistant in Washington. "As a legislator, he strengthened the legislative branch by firming up legislative service agencies. When he became a circuit judge, he worked to strengthen and modernize the Wisconsin judiciary. His truly historic work for the judiciary will be remembered long after many other significant accomplishments within the judiciary have been forgotten."



Judge Thomas G. Grover

**Judge Thomas G. Grover**  
**Menominee/Shawano County Circuit Court**

After 35 years on the bench, Menominee/Shawano County Circuit Court Judge Thomas G. Grover will retire on June 24 with two years left in his term.

"The best thing about my job

has been serving the people of Shawano County," Grover said. "I have enjoyed their support over the years."

Grover was appointed to the bench in 1976, and won elections in 1983, 1989, 1995, 2001 and 2007. Prior to his appointment, he worked in private practice in Hudson and Shawano.

There was a period of time when the circuit court was the only court in Menominee County because the Menominee reservation status was terminated, Grover said. Now the circuit court works with the Menominee Reservation Tribal Court.

"It's a good working relationship," Grover said.

Throughout his career, Grover has faced some unusual legal challenges.

"I survived the Posse Comitatus," he said, referring to a vigilante group that opposes all forms of government and generally does not recognize the authority of the courts. The Posse established itself in central Wisconsin several decades ago.

Still, on balance, the job has been a pleasure, and Grover has had an opportunity to serve in a variety of capacities both in and outside of the court system. A graduate of Marquette University and Marquette Law School, Grover has served on the Bail Study Committee and as a business law instructor for Northeast Wisconsin Technical College. He has also served as president of the Shawano Area United Way Board of Directors, president of the Mielke Theater Board of Governors, vice president of the Shawano County Arts Council, and as a member of the Shawano Optimist Club Board of Directors and Shawano Rotary Club.

He plans to remain active in his community, and said he would miss the court staff.

"I really liked the people in the courthouse," Grover said. "They are a hardworking team." And the feeling is mutual among his staff, who said they have decided that he cannot retire.

In his retirement, Grover said he plans to spend time with his grandchildren, as well as woodworking and hunting. His wife has also been kind enough to provide him with a to-do list for his new-found free time.

**Judge Robert A. Hawley**  
**Winnebago County Circuit Court**

Judge Robert A. Hawley served 25 years on the bench in Winnebago County – but not all at once.

Initially elected in 1982, Hawley was re-elected three times before he opted to step down in 2006. He assumed reserve status, hearing cases in an eight-county region until 2010, when he decided he wanted to serve full-time in Winnebago County. Gov. Jim Doyle appointed him in fall 2010 to succeed Judge Bruce K. Schmidt, who retired.

Hawley opted to step down after a year in office, clearing the way for a three-way primary in February.



Judge Robert A. Hawley

## Courts will lose a number of key managers and staff

Six key managers and staff members announced plans to resign or retire this spring. More are expected. In this issue, we highlight the following individuals: State Law Librarian Jane Colwin, Deputy Director for Court Operations Sheryl A. Gervasi, Supreme Court Commissioner Coleen Kennedy, Effective Justice Strategies Manager Erin Slattengren and Pro Se Coordinator Ann Zimmerman. In upcoming issues, we'll write about Court of Appeals Chief Staff Atty. Peg Carlson and others.

### State law librarian ready for new chapter



Jane Colwin

Jane Colwin's three-decade career at the Wisconsin State Law Library might never have happened if a flier tacked to a bulletin board hadn't caught her eye in graduate school.

"I had moved here from Tulsa [her hometown] and was just finishing up my master's at UW-Madison when I glanced at this bulletin board and happened to see a posting about a job at the Wisconsin State Law Library," she recalled. "I read the job description and I said to myself,

'That's my job!' and luckily, Marcia [Koslov, then-state law librarian] agreed."

Colwin ultimately succeeded Koslov as state law librarian in 2003. She has spent 27 years at the state's first public library, which this year celebrates its 175th anniversary. In that time, Colwin has found a great deal of satisfaction in designing legal research courses for the judiciary.

"I will miss my judges," she said. "I have been fortunate to have been able to build a program that allows me to go out and meet with the judges, to learn about their needs and to teach them about online resources. That's been a lot of fun, and very satisfying as well."

Colwin also has worked hard to help the public – and in particular *pro se* litigants – to navigate the legal system. Through the library's main location just off the Capitol Square and two Legal Resource Centers at the courthouses in Dane and Milwaukee counties, in addition to the Internet, the Wisconsin State Law Library responds to thousands of inquiries every month.

Four years ago, with state Pro Se Coordinator Ann Zimmerman, Colwin launched a new program to educate public librarians across the state about providing law-related information to the public.

"I am proud of the fact that this library is a full partner in the Wisconsin court system's effort to provide access to justice to the people of Wisconsin," Colwin said.

Although she will miss the work and the people – especially her "great staff" – there are things that Colwin will be happy to leave behind. To wit: her twice daily 50-minute commute to and from Fort Atkinson.

"I look forward to not having to drive so much,

particularly in the ice and snow," she said. "Some days it's really dicey."

Colwin and her husband, Tom (a retired professor of theater at UW-Whitewater) are hoping to celebrate her retirement with a trip to Hawaii. They also dream of visiting Tahiti. And closer to home, Colwin hopes to work as a volunteer to help the Jefferson County Circuit Court launch a program that will serve self-represented litigants.

"The need is there, and it's not going away," she said. "I'm looking forward to taking part in some worthwhile projects near home, on my own schedule."

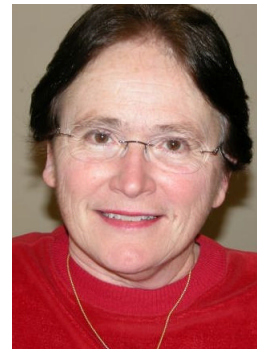
### Deputy director is a quitter

Deputy Director of State Courts Sheryl A. Gervasi, who worked for the Wisconsin court system for 39 years, announced in March that she would retire – joining the "quitters" she often lovingly mocked. Gervasi's official retirement date is in June.

Gervasi's announcement triggered an avalanche of responses from court staff, judges, legislators, clerks of circuit court, attorneys and others who recognize that her experience and knowledge will be irreplaceable. At the same time, colleagues from across the state quickly began gathering material in gleeful anticipation of a world-class roast that was held May 12 in Madison.

"For the better part of four decades, Sheryl has treated retirees with unfettered derision, mocking and taunting them as 'quitters' and 'miserable human beings' who are simply afraid of a little hard work," longtime Dane County Circuit Court Judge Daniel Moeser observed. "Now the shoe's on the other foot. It's payback time, and we'll be ready."

Gervasi started with the Administrative Director of the Courts Office – as it was then known – in 1972. She worked in



Sheryl A. Gervasi

a clerical position for several years before her promotion to legislative assistant. That job eventually became the legislative liaison post, which Gervasi held until Director of State Courts A. John Voelker appointed her as deputy director for court operations in 2003.

As head of the Office of Court Operations, Gervasi managed a group of central-office staff as well as the district court administrators, working to provide judges and clerks of circuit court with technical assistance and management help. This included disseminating relevant legislative information, offering guidance as to the practical effects of new legislation, and setting policies and procedures for court management. The office also provides statistical data on circuit court caseload, manages the interpreter program and the Children's Court Improvement Program, and provides staff for the Planning and Policy Advisory Committee.

Gervasi's institutional history and people skills (which



## Judges take center stage at community events

This spring, Milwaukee and La Crosse both staged community events designed to improve public understanding of the critical issues facing the justice system. Both events drew hundreds of participants.

### Milwaukee meeting focuses on justice in a time of tight budgets

By Beth Bishop Perrigo, Deputy District Court Administrator

At a sold-out event at Milwaukee's Pfister Hotel in March, Milwaukee County Circuit Court Chief Judge Jeffrey Kremers, District Attorney John Chisholm and Sheriff David Clarke gave their perspectives on critical issues facing the criminal justice system as a result of state and county budget challenges.

The presentation, called a Viewpoint Luncheon, was hosted by the Public Policy Forum, a non-partisan group comprised of civic leaders that focuses on issues affecting southeastern Wisconsin.

Local leaders in education, government and business attended the event.

"It was a very broad audience who seem to have taken a keen interest in how we have and will respond to the budgetary challenges we face," Kremers said. "Through our Community Justice Council, we have a core group that works on how to do more with less on a daily basis. I think the audience was very interested in our efforts."

Kremers and Chisholm discussed their support to move to universal screening of all persons entering the criminal justice system and ongoing opportunities provided by the technical assistance grant from the National Institute of Corrections to explore the use of evidence-based practices throughout the system. It is anticipated that the implementation of the system-wide framework (arrest through final disposition and discharge) will result in more collaborative, evidence-based decision making and practices in local criminal justice systems.

### La Crosse town hall meeting on crime and courts is broadcast live

In an effort to improve public understanding of justice and the courts, the La Crosse County Criminal Justice Management Council got together with the *La Crosse Tribune* and WXOW-TV, the local ABC affiliate, to develop a one-hour town hall meeting.

The meeting followed a five-part series of stories in the *Tribune* on the county's criminal justice system and alternatives to incarceration, and allowed members of the community to learn more about the criminal justice system as well as problem-solving court programs in the county.

In 1997, La Crosse County built a new jail to address overcrowding and security issues. But it soon proved to be too small, which led to increased interest in programs to address recidivism.

"All of the judges eventually came to the conclusion that we weren't giving them enough options," La Crosse County Board Chair Steve Doyle told the *Tribune*. "And until we were willing to do that, they were going to have to keep filling up our jail."



District One Chief Judge Jeffrey A. Kremers makes a point about Milwaukee's criminal justice system during a public policy forum luncheon in March. To the left of Kremers is Milwaukee County Sheriff David Clarke.

According to the newspaper, the average jail population has been reduced from 199 in 2006 to 173 in 2010, thanks in part to community programs including electronic monitoring.

"We can't put everyone in jail or prison," La Crosse County Circuit Court Judge Scott W. Horne told the paper. "So we consider the gravity of the offense and the risk to the community."

Drug treatment courts have also provided an answer to the problem over over-populated jails. The La Crosse County Drug Court was launched in 2001 by former La Crosse County Circuit Court Judge John J. Perlich.

"What we've learned is that punishing people for bad behavior doesn't change the behavior," he told the *Tribune*. "We've got to be doing something better."

In 2006, La Crosse County began an OWI court based on the drug court's success. The OWI court uses the same model of supervision, treatment, and the threat of jail time. According to the *Tribune*, fewer than four percent of the OWI court's graduates reoffended in the first three years of operation.

Ultimately, the judges' message at the town hall meeting and to the media was summed up by Judge Dale T. Pasell, who now presides in the drug court. "Nothing we do as judges is more important than sentencing," Pasell said. "We need to bring to bear all the information, knowledge and judgment we can. If [additional information] requires me to change my approach so they're not as likely to commit crimes, that's a good thing." ■



La Crosse County Circuit Court Judge Dale T. Pasell speaks about the justice system at a town hall meeting.

## Election *continued from page 3*

campaigning is the best,” Moran told the *Wausau Daily Herald*. “Going out and talking to the people is the best way.”

A graduate of UW Law School, Moran lives with his wife, Suella, and a daughter and son in Wausau. Director of State Courts A. John Voelker requested that Gov. Scott Walker appoint Moran prior to the Aug. 1 start of the term.

## Colón defeats challenger in Milwaukee

Milwaukee County Circuit Court Judge Pedro Colón defeated challenger Christopher R. Lipscomb, a Glendale municipal judge and private practice attorney, to win his first full six-year term on the Branch 18 bench.

Colón was appointed by former Gov. Jim Doyle in Sept. 2010 after the retirement of Judge Patricia D. McMahon (*see The Third Branch, fall 2010*). Prior to his appointment, he served six years in the eighth Assembly District and worked in private practice. He is a graduate of Marquette University and UW Law School.

Colón lives in Milwaukee with his wife and two daughters.



Judge Pedro Colón

## Anderson will take seat in Polk County

The vacant Polk County Branch 2 seat will be filled by Atty. Jeffery L. Anderson. The vacancy was created by the retirement of Judge Robert H. Rasmussen last November. Because of the long vacancy, Director of State Courts A. John Voelker asked Gov. Scott Walker to appoint Anderson



Judge-elect  
Jeffery L. Anderson

so that he could start hearing cases prior to Aug. 1.

Anderson defeated Polk County District Atty. Daniel P. Steffen in a race that involved some controversy over a campaign ad. According to the *Osceola Sun*, Steffen ran a newspaper ad comparing his experience with that of his opponent, and Anderson charged that some of Steffen's claims were false. The ad claimed Anderson had never tried a case before a jury in Polk County and had no management

experience. Anderson provided the *Sun* with documentation showing he did, in fact have trial experience in the county, and he also refuted the no-management-experience claim.

“I have managed my own practice in Polk County for the past seven years. Anyone in business knows that is, indeed, management,” Anderson told the paper.

Anderson earned his bachelor's degree in chemistry from Hamline University and graduated from Oklahoma City University School of Law in 1998. He also earned a master's of law, with honors, at Case Western Reserve University in Cleveland.

He lives in Dresser with his wife, Dessy, and two young sons.

## Sutkiewicz wins full term in Sheboygan

Judge Angela W. Sutkiewicz won her first full term to the Sheboygan County Circuit Court with just over 50 percent of the votes. The final tally gave Sutkiewicz an edge of only about 130 votes, and a recount confirmed her as the winner.

Sutkiewicz faced challenger Catherine Q. Delahunt, a municipal court judge and private practice attorney. Eliminated in the primary was another challenger, Assistant District Atty. Jim Haasch.

Sutkiewicz was appointed by then-Gov. Jim Doyle in 2010 to replace retiring Judge Gary J. Langhoff. Previously, she had served as an assistant district attorney in Walworth County and worked in private practice. She graduated from Barnard College at Columbia University and Marquette Law School.

“I think people really want a judge they can trust and one they feel is credible and fair, and I'm glad they feel that way about me,” Sutkiewicz told the *Sheboygan Press*.

Sutkiewicz lives in Sheboygan with her husband, Fred, and three daughters.



Judge Angela W.  
Sutkiewicz

## Carter beats incumbent Stilling in Waukesha

Judge Kathleen Stilling, appointed by then-Gov. Jim Doyle in 2010, lost her bid for election to Waukesha County's Branch 4 seat. The judge-elect is Assistant District Atty. Lloyd V. Carter. Carter beat Stilling by a wide margin, pulling in 67 percent of the vote.

Stilling is a former criminal defense attorney who succeeded Judge Paul F. Reilly after Reilly was elected to the Court of Appeals.



Judge-elect  
Lloyd V. Carter

Carter has worked in the Waukesha County District Attorney's Office for more than 20 years. A graduate of Marquette Law School, Carter has also worked in private practice in Brookfield and as an assistant district attorney in Manitowoc County.

Carter has served as the legal director for the Waukesha County Metropolitan Drug Enforcement group, and on the board of directors for Family Services of Waukesha. He also has taught classes at Waukesha County Technical College.

Carter lives with his wife, Connie, and two stepchildren in New Berlin.



**Staff** *continued from page 6*

include a remarkable ability to say just about anything to anyone) served her well in the court system. She counts many of the state's judges, the chief justice, and members of the Supreme Court among her close friends.

**Supreme Court commissioner will retire**

*Coleen Kennedy*

Coleen Kennedy, a Supreme Court commissioner, will step down in June after six years on the job.

As a commissioner, Kennedy (along with colleagues Nancy A. Kopp, Julie A. Rich and David Runke) advises the Court on a variety of matters related to petitions for review and rulemaking. The commissioners analyze filings, conduct research, and make recommendations on which cases the Court should accept for review. They also

work on attorney and judicial discipline matters and work closely with the justices on proposed amendments to the Supreme Court Rules.

Attorneys chosen as Supreme Court commissioners have top-notch academic credentials and often a background in appellate work. Kennedy came to the Court in June 2005 from Wausau, where she worked as a staff attorney at the Wisconsin Court of Appeals, District III since 1985, and had worked in general practice between 1978 and 1985.

**Slattengren leaves for Minnesota**

Erin Slattengren, who manages the Wisconsin court system's Effective Justice Strategies program, stepped down in late May to return (with her husband, toddler and baby) to her hometown of Minneapolis/St. Paul.

"We are very excited to be closer to family but it will be hard to leave Madison and the Wisconsin court system," Slattengren said.

Slattengren joined the court system in 2005. In her six years in Court Operations, she worked with a number of judges and committees to revamp the PPAC (Planning and Policy Advisory Committee) planning process, improve practices and procedures in domestic violence cases in Milwaukee County and develop Supreme Court Rules governing (1) videoconferencing in the courts and (2) the transfer of cases between the state and tribal courts.

But the most satisfying work, Slattengren said, was the work she did with Judge Carl Ashley and the PPAC Effective Justice Strategies Subcommittee to identify and encourage criminal justice strategies that enhance public safety, reduce recidivism and address criminal and addictive



*Erin Slattengren*

behaviors. These strategies include problem-solving courts, criminal justice coordinating councils and AIM (assess-inform-measure). AIM gives judges additional information on offenders to help improve the response to drug, alcohol and mental health issues.

"I also have really enjoyed working with the Chief Justice on so many of the effective justice strategies projects," Slattengren said, "including the formation of the Chief Justice's Mental Health Task Force."

**Pro se coordinator to lead new UW program**

Atty. Ann M. Zimmerman, who coordinated *pro se* programs for the Wisconsin court system as executive assistant to Chief Justice Shirley S. Abrahamson, has moved to the UW Law School to oversee an effort to build a *pro bono* program in the Economic Justice Institute.

As director of *pro bono* programming, Zimmerman will work to enhance and develop partnerships to improve access to civil legal services. She hopes to work with the

court system and Marquette Law School, among others.

"While I'm delighted at the prospect of helping to build an important program and working in an academic setting, I will miss all of my colleagues at the court," Zimmerman said. "Their talent, commitment and willingness to work on issues related to the challenges of self-represented litigation is truly inspiring."

Zimmerman accomplished much in her five years with the court system. She worked on developing simplified court forms for use in family and small claims matters, organized the first-ever statewide conference on self representation, developed training programs for judges, clerks of circuit court, public law librarians and others on how to work with *pro se* litigants, and helped individual judicial districts on a variety of efforts to improve services to people representing themselves. ■



*Atty. Ann Zimmerman, who coordinated statewide pro se projects in her role as executive assistant to Chief Justice Shirley S. Abrahamson, was presented with a plaque recognizing her service to the state during a recent Tenth District Self-Represented Litigants Committee meeting.*

Photo credit: Mark Gunderman  
The Chippewa Herald

## Evaluating a drug court program

By Judge Lisa K. Stark, Eau Claire County Circuit Court

How effective are the processes used by the Eau Claire County Drug Court Program? How closely does this drug court meet known principles of effective intervention? These issues and others were assessed by a team of experts from the University of Cincinnati (UC) headed by Edward J. Latessa, Ph.D. The Eau Claire County Drug Court Program was chosen to be evaluated in January 2011 along with 29 Department of Corrections programs to determine the extent to which they use evidence-based practices.

### Evaluation principles

The success of a treatment court is often evaluated based only upon outcomes, with particular emphasis on reduction of recidivism and cost savings. Instead, the UC evaluation concentrated on the processes used by the Eau Claire Drug Court to determine the court's effectiveness. To analyze the program, the UC team used the Evidence-Based Correctional Program Checklist (CPC), a tool specifically developed and validated for evaluating the effectiveness of drug court programs and other correctional programs. The CPC-DC consists of two instruments: one for evaluating the drug court, and the other for evaluating the major agencies involved in providing treatment and service to drug court clients. Each of these tools is divided into two basic component areas: content and capacity.

The content area focuses on the extent to which the drug court and its referral agencies meet the principles of risk, need, responsivity and treatment. This area focuses on the substantive aspects of the drug court and its referral agencies. There are two domains in the content area:

#### Participant assessment

- Selection of participants
- Assessment of participants
- Case management

#### Treatment characteristics

- Targeting of criminogenic needs
- Type of interventions used
- How treatment is delivered
- Provision of aftercare

The capacity area is designed to measure whether the drug

court and its referral agencies have the capability to deliver evidence-based interventions and services for participants. There are three main domains in the capacity area:

#### Quality Assurance

- Program monitoring activities
- Reassessment of offenders
- Evaluation

#### Staff Characteristics

- Education of the staff
- Experience of the staff
- Assessment and training of the staff

#### Leadership and Development

- Involvement and qualifications of program director
- Implementation and design of the program
- Support for the program

### Development of the Eau Claire Drug Court Program

The Eau Claire County Drug Court Program was planned



*The action planning team, (left to right): Tom Wirth, Eau Claire Department of Human Services; Carrie Sullivan, University of Cincinnati; Tiana Glenna, CJCC coordinator for Eau Claire County; Pat Isenberger, Eau Claire County Drug Court coordinator; Brian Lovins, UC; Judge Lisa K. Stark, Eau Claire County Circuit Court, who serves as presiding judge for the drug court; Dana Smetana, supervisor for the State Public Defender; Michael Felton, supervisor for Community Corrections in the state Department of Corrections (DOC); Deborah Koetzle Schaffer; and Eugene Olson, DOC. Also, attending the action planning, but not pictured, were Ted Hakala and Steven McCarthy, LSS management, and Laurie Lessard, LSS supervisor.*

for over a year and accepted its first participant in October of 2004. The drug court team received a federal grant and attended training at three different sites around the country over a period of three weeks in 2004 and 2005. Team members have also received training through the National Association of Drug Court Professionals on several occasions, and the National Rural Institute of Drug and Alcohol Abuse. The drug court has grown from fifteen to thirty

participants. It has enjoyed great support from Eau Claire County and significant collaboration from justice system partners. Its retention and recidivism rates are well within acceptable levels according to national statistics and research. The court can also demonstrate substantial cost savings over traditional sentencing methods in Eau Claire County and the State of Wisconsin.

However, the Eau Claire County Drug Court had never had the opportunity to have the effectiveness of its program evaluated by an independent, third party. Despite what the treatment team believed was fidelity to the ten key components of a drug court, the team increasingly felt that

## Drug court *continued from page 10*

changes were needed to more effectively assess and treat drug court participants and measure the court's effectiveness and outcomes. Therefore, the treatment team welcomed the opportunity to be assessed by the UC team.

### The evaluation process

Information for the evaluation was collected from January 4 to 6 in Eau Claire by Carrie Sullivan and Beth Ellefson, research associates with the University of Cincinnati Center for Criminal Justice Research, and Eugene Olson, a policy analyst with the Department of Corrections/Division of Community Corrections. Structured interviews were conducted with selected program staff and program participants. Information was obtained through observation of groups, the drug court and treatment team meeting, and services. Surveys were conducted, as well as reviews of policy and procedure manuals, schedules, treatment materials, curricula, and sample case files. At the conclusion of the site visit the evaluators gave a verbal summary of what they had accomplished and their findings.

The UC team analyzed the information gathered and "scored" the Drug Court Program. Each domain area discussed above was scored and rated as either "highly effective" (65 percent to 100 percent); "effective" (55 percent to 64 percent); "needs improvement" (46 percent to 54 percent); or "ineffective" (less than 45 percent). The scores in all domains were totaled and the same scale was used for the overall assessment scores for the court and its referral agencies. The Eau Claire Court was advised that very few courts receive highly effective or effective ratings.

After scoring, a report was generated which highlighted the strengths, areas that need improvement, and recommendations for each of the domain areas. A draft report was received by the Eau Claire Drug Court in mid March. The drug court had 30 days to respond in writing to the draft report, noting any information that was incorrect or missed. The evaluation team is in the process of considering the Court's feedback and will compile a final report that will be forwarded to the Court shortly.

### Follow-up and plan for improvement

After receipt of the draft CPC report the Eau Claire County Drug Court team and referral agency representatives

from Lutheran Social Services participated in Action Plan Training. This training took place from March 28-31 in Madison. It was designed to translate the results of the CPC evaluation into practice, with assistance provided in prioritizing need areas and development of action plans to systematically address those needs. Technical assistance training provided the team with more detailed information about each of the domain areas of the CPC. Breakout sessions were facilitated each day for the drug court team by Brian Lovins from UC, and Deborah Koetzle-Schaffer, Ph.D., an assistant professor at the University of Nevada-Las Vegas. Koetzle-Schaffer has conducted meta-analyses on drug courts across the country and was an invaluable resource. By the end of the fourth day of the action planning the Eau Claire County Drug Court team was prepared to create an action plan that will serve as a roadmap to addressing its areas of need in a systematic and thoughtful way.

There are several advantages to the CPC process. First, it allows researchers to get inside the "black box" of a drug court and its referral agencies. This knowledge will extend beyond descriptive indicators and will assist researchers with measuring the degree to which the programs are meeting evidence-based standards. Second, the process enables researchers to quantify the quality of a program through a scoring process. This allows comparisons across programs, as well as benchmarking. Third, the evaluation can be completed quickly. Finally, this tool is designed to improve program effectiveness and the integrity of treatment, which are proven to translate to better participant outcomes.

Lovins and I discussed the CPC evaluation of the Eau Claire County Drug Court Program, its outcomes, and the action plan being developed for the Drug Court at the Wisconsin Association of Treatment Court Professionals Program in April in Wisconsin Rapids. A summary of the CPC evaluation report for the Eau Claire County Drug Court and the Court's proposed action plan together with a discussion about how this process can be used by all treatment courts in Wisconsin will be provided in the next issue of *The Third Branch*. ■

## PPAC planning for Judicial Conference

By Shelly Cern, PPAC Policy Analyst

The Supreme Court Planning and Policy Advisory Committee (PPAC) Judicial Conference Planning Work Group is organizing a plenary session for this year's Judicial Conference, which will be held Nov. 2-4 in the Wisconsin Dells.

The work group plans to bring in a national speaker to work with PPAC and the judiciary to discuss current trends and create an opportunity to collect feedback about where PPAC should be going and how it can get there.

The Planning Subcommittee met with PPAC at the end of March to prioritize objectives on each of the Wisconsin court system's four critical issues for 2010-12. The critical

issues are: sentencing reforms and alternatives, self-represented litigants, court funding and alcohol and drug related offenses. Results from this exercise are being collated and will be presented to PPAC and the director of state courts for further action.

Further information about PPAC, its subcommittees and initiatives can be found at:

<http://wicourts.gov/about/committees/ppac.htm>. Questions about PPAC and its subcommittees may be addressed to Shelly Cern in the Office of Court Operations, (608) 266-8861 or [michelle.cern@wicourts.gov](mailto:michelle.cern@wicourts.gov). ■



## Waukesha County Day Report Center marks fourth anniversary

In 2007, Waukesha County faced a difficult decision. The sheriff informed justice partners that crowding and staff shortages in the Huber facility would force 50 of about 250 inmates out on electronic monitoring (EM). Waukesha had never before had more than one or two inmates on EM. Law enforcement, judges and others in the justice system knew they needed to act fast to deal effectively with this huge shift.

Enter the county's Criminal Justice Coordinating Council (CJCC), one of the state's first and best-established collaborative justice system teams. The CJCC, which will celebrate its 10th anniversary next year, is chaired by Chief Judge Mac Davis. It quickly began working with the county executive and county board on a solution, and within months the new Day Report Center (DRC) was open for business.

Waukesha County contracted with Wisconsin Community Services (WCS) to operate the DRC. Waukesha's other adult and juvenile justice program contracts have led to a close



Denise Rawski, an on-site supervisor with Wisconsin Community Services, meets with a client.

working relationship with WCS, which is a local non-profit that is preparing to celebrate its 100th anniversary. It operates more than 40 programs in southeastern Wisconsin.

WCS's Division of Court Services and Community Alternatives, administered by Waukesha based executive Sara Carpenter, worked closely with the sheriff, the judiciary, and the county Human Services Department to get the DRC up and running. A site visit to the Outagamie County DRC, along with other research, helped the CJCC to refine the concept. Convenient unused office space was found and

remodeled within the Huber facility, and another remodel is now underway. A 2011 capacity expansion has led to a program capacity of about 70 clients. Davis said the DRC regularly operates at, or close to, capacity.

### The process

DRC staff conducts a lengthy screening interview of Huber inmates for the sheriff in order to recommend either EM or DRC. Inmates accepted into the DRC develop a close relationship with their caseworkers. Each inmate visits

see **Anniversary** on page 13

## RETIREMENTS *continued from page 5*

Winnebago County Court Commissioner Daniel J. Bissett was the top vote-getter in the primary, and he went on to win the general election on April 5. Bissett beat Atty. Edmund J. Jelinski with 58 percent of the vote (*see separate story, page 14*).

### Judge William M. McMonigal Green Lake County Circuit Court

Judge W.M. "Mike" McMonigal has handled nearly 100,000 cases in his 19 years on the bench in Green Lake County. Add in his previous service as a court commissioner, and he has served four generations of people.

"I have been able to see all parts of a family in different contexts," McMonigal said. "As a judge, I can take all those parts and create a solution, instead of another problem."

McMonigal announced that he will be retiring at the end of his current term. Atty. Mark T. Slate was elected to replace him (*see separate story, page 3*).

First appointed in 1992 by



Judge W.M. "Mike" McMonigal

then-Gov. Tommy Thompson, McMonigal was elected in 1993, 1999 and 2005. In 1996, he was honored as Wisconsin Child Support Enforcement Association Judge of the Year.

Prior to his appointment, McMonigal worked in private practice in Berlin with his father, the late J.L. McMonigal, and as a Green Lake County judicial and family court commissioner. He is a graduate of the Marquette University College of Business Administration and Marquette Law School.

During his time on the bench, McMonigal said he has noticed a significant increase in the volume, complexity and severity of criminal cases. As co-chair of the Planning and Policy Advisory Committee (PPAC), he began speaking in 2004 about judicial stress caused by the increase in caseload. The following year, PPAC established the Subcommittee on Court Effectiveness to examine ways to provide assistance for judges.

As PPAC's vice chair, McMonigal also became involved in work related to videoconferencing in the courts, making the record and more.

McMonigal said he would miss interacting with people in court. "I liked that part," he said. "I did not like the administrative part."

He does not plan on giving up work completely. He hopes to work as a reserve judge and to volunteer wherever his skills may be of use. He also plans to spend some time in Palm Springs, Calif. ■

## Summit on Children and Families draws more than 400

More than 400 tribal and circuit court judges, attorneys, social workers and advocates gathered in Wisconsin Dells on May 11 and 12 for the 2011 Wisconsin Summit on Children and Families: Engaging Families to Achieve Permanency.

The event focused on fostering collaboration among courts, tribes and social service agencies and on improving the way abused and neglected children's cases are handled in Wisconsin. Wisconsin Supreme Court Chief Justice Shirley S. Abrahamson and Department of Children and Families Secretary Eloise Anderson helped kick off the statewide conference.

Andrew Bridge, author of *Hope's Boy: A Memoir*, provided the closing presentation at the Summit. Bridge spent 11 years in Los Angeles County foster care system and went on graduate from Harvard Law School. He spent the majority of his legal career representing impoverished children across the country, and is a devoted advocate and pioneer for children in foster care.

Topics addressed at the Summit included the Wisconsin Indian Child Welfare Act, evidence-based practice relating to drug and alcohol addiction, engagement strategies when mental health issues are present and understanding the psychology behind change. Cindy Hamilton from Casey Family Programs and Judge Christopher R. Foley, Milwaukee County Circuit Court, led a panel of former foster youth who shared their personal experiences in the Wisconsin child welfare system.

Chairing the 2011 Summit were Judge Ramona A. Gonzalez, La Crosse County Circuit Court, and Donald Maurer, deputy director of the Waukesha County Department of Health and Human Services. The 2011 event built upon the first Summit, which was held in 2008, and replaced the 2011 Juvenile Law Seminar. The Summit was made possible by the Children's Court Improvement Program, a federal grant awarded by the U.S. Department of Health and Human Services, Children's Bureau, and the Wisconsin Department of Children and Families.

### Anniversary *continued from page 12*

the DRC between one and five times per week to address AODA issues, employment needs, family troubles, mental health concerns and more. Drug and alcohol testing are conducted on site, and continuous alcohol monitoring bracelets (SCRAM) are used when appropriate.

Over time, the judges also began sending offenders directly to the DRC. Now the majority of DRC clients have been directly referred by their sentencing judge for 30 to 120 days as a sentence condition.

Waukesha's judges have embraced the public safety and rehabilitative benefits of this case-manager-centered help and monitoring system.

#### The bottom line

In its first four years, the Waukesha DRC has monitored 230 offenders and saved an estimated 10,493 jail days. Over time, the number of people served by the center has been up and down. Still, support for the DRC remains strong. It is funded by county taxpayers and some client fees, all totaling \$143,326 in fiscal year 2011. ■



Chief Judge Mac Davis, who chairs the Waukesha Criminal Justice Coordinating Council, regularly meets with Sara Carpenter, administrator of the Wisconsin Community Services Division of Court Services and Community Alternatives.

### Budget *continued from front page*

on March 1 and referred to the Legislature's Joint Committee on Finance. The biennial budget covers state expenditures from July 1, 2011 through June 30, 2013.

To begin its review of the budget, Joint Finance first held state agency budget briefing sessions beginning in late March, followed by four public hearings completed in mid-April. Democratic legislators also held a series of official public hearings throughout the state. Following the public hearings the Committee will begin a series of executive sessions to make modifications to the budget.

A potential difficulty facing the Committee in its budget deliberations is the uncertain status of the budget repair bill. The governor signed the bill as 2011 Act 10, but prior to

publication by the secretary of state, a temporary restraining order was issued that enjoins further implementation of the act.

The biennial budget assumes Act 10's statutory provisions, along with their significant fiscal effects, have been enacted. For example, the budget bills cut funds from state agencies, the Legislature and the courts to reflect the estimated savings associated with higher employee retirement and health premium payments.

As the process unfolds, Director of State Courts A. John Voelker will continue to keep judges, clerks of circuit court and court staff apprised of developments. ■

## LEADERSHIP

## Racine judge uses math to help students learn about the courts

An innovative partnership in Racine is helping middle school students to sharpen their math skills while learning more about how the courts work.

The Racine County Circuit Court has completed its third year participating in the educational partnership between the Racine Unified School District, the Racine Rotary Clubs, and local businesses and organizations. The program, Career Discovery Solutions (CDS), helps middle school students in the Racine community explore areas of potential career interest.

Seventh and eighth grade students learn about different careers by working with professionals and fellow students to solve realistic problems. Racine County Circuit Court Judge Dennis J. Barry has participated in the program since its inception in 2008. He creates problems that force students to use their math skills. They calculate child support, compensation in negligence cases, penalties in criminal matters and more.

"Kids are amazed to see that what they learn in the classroom really does have application in the courtroom," Barry said.

The CDS project consists of the following three phases over three days:

1. A representative of the career speaks to the full seventh or eighth grade class at the middle school. In addition to discussing his/her career, the speaker also presents a problem to be solved.



Judge Dennis J. Barry, who has been on the bench in Racine County for 31 years, works annually with local middle school students to sharpen their problem-solving skills. Barry brings the students to the courthouse and visits their classroom. Judge Faye M. Flancher also participates.

alma mater). The program has been so successful that it has expanded to two other Racine middle schools. Barry also participated at Jerstad-Agerholm Middle School and Racine County Judge Faye M. Flancher participated at Mitchell Middle School. Some other professions participating in the CDS partnership include hospital/health care, architecture, the bakery business and international shipping.

Barry, who is also a Rotarian, recently was recognized by the Rotary Clubs for his extensive participation in CDS. David Easley, chair of the Rotary CDS Coordinating Committee said, "Judge Barry has generously given his time on numerous occasions. In designing real world problems he has given the students a practical education in how the legal system works."

Bradley Haag, supervisor of Career and Technical Education for the Racine Unified School District noted, "With knowledge gained from these projects, our students can make more informed decisions about career choices. The work of judges in the CDS program is making a positive difference in the lives of our students." ■

2. A team of approximately 12 students is selected to solve the problem. The student team does its investigation at the site of the host organization (i.e. the courthouse).

3. The student team presents its solution to the problem to the entire class back at the school with the career representative present.

Over the last three years, Barry has participated in CDS at Racine's McKinley Middle School (his

### Election *continued from page 8*

#### Bissett wins in Oshkosh

Winnebago County Circuit Court Commissioner Daniel J. Bissett defeated Edmund J. Jelinski, a private practice attorney, for the Branch 6 seat being vacated by Judge Robert A. Hawley (*see Retirements on page 5*). Bissett received 58 percent of the votes.

"I'd like to thank all the voters for their support and confidence in me," Bissett told the *The Post Crescent*. "I'll work hard to represent all the citizens of Winnebago County."

Bissett has served as court commissioner since 1998. He had previously worked in private practice handling abuse and neglect cases as well as criminal, juvenile, family, civil,

probate, mental health and elder law cases.

A 1988 graduate of UW-Oshkosh, Bissett received his law degree from the University of Dayton School Of Law in 1992.

Bissett has served on the board of the Winnebago County Conflict Resolution Center and the Drunk Driving Victim Impact Panel.

He and his wife, Colleen, have a daughter and a son. ■



Judge-elect  
Daniel J. Bissett



## AWARDS

### Eight honored by Dane County Juvenile Court

Seven individuals and the staff of a Madison-area elementary school were recognized at the Dane County Juvenile Court Awards dinner in Madison on April 14 for improving the lives of children in Dane County.

Speaking at the dinner were Dane County Circuit Court Judge David T. Flanagan and Wisconsin Supreme Court Chief Justice Shirley S. Abrahamson.

The awards have been presented annually since 1998, when Judge Robert Pekowsky began this effort. The 2011 honorees are as follows:



Judge David T. Flanagan

#### Peter Rubin Award

Winner: Jay Kiefer

This award is named for Peter Rubin, a long-time attorney and advocate for youth in his professional role in the Public Defender's Office and in the larger community. This award honors a person who demonstrates a commitment to go above and beyond his/her professional role and reach out to at-risk youth and families.

Jay Kiefer is program director at Youth Services of Southern Wisconsin. He oversees multiple programs at the agency and has more than 25 years' experience working with delinquent youth in the juvenile system. He also coaches, serves on committees and takes part in many other activities that benefit youth.

#### Ervin Bruner Award

Winner: Stephen Blue

This award is named for Judge Ervin Bruner, one of Dane County's first Juvenile Court judges. Bruner set a high standard for the treatment of youth in the justice system and led the effort to create numerous community-based programs to support children and families. This award is given to a person who has made substantial contributions to the juvenile justice system over the course of his/her career.

Stephen Blue is delinquency services manager for the Dane County Department of Human Services. With more than 33 years' experience working with at-risk youth in the Dane County juvenile justice system, Blue has been a leader

in delinquency services and program development.

#### George Northrup Award

Winner: Elizabeth Horikawa

This award is named for Judge George A. W. Northrup, who served as a Dane County Circuit Court judge from 1985 until 1997, when he passed away after an extended battle with cancer. Northrup presided in Dane County Juvenile Court, where he was committed to doing his best for the youth and families who appeared in court, and to improving community services for them. This award recognizes a person who has persevered through difficulties and found a way to continue giving to improve the lives of youth and families.

Elizabeth Horikawa has been a volunteer in the Dane County Detention Home for seven years. She helps residents learn about art, music and poetry and tap into their own creativity. In spite of health problems, Horikawa continues to volunteer and is dynamic, energetic and resourceful.

#### Outstanding Service Award

Winners: Diane Prellwitz, Randy (RJ) Morgan, Prairie View Elementary School

This award is given to individuals or organizations that have (1) provided a unique service to youth/families or (2) played a substantial role in providing needed services and supports to youth/families involved in the system.

Diane Prellwitz supervises the Neighborhood Intervention Program and a delinquency unit for the Dane County Department of Human Services. Her staff, co-workers and supervisor independently nominated her and all spoke of her

professionalism, dedication, work ethic, knowledge and commitment.

Randy (RJ) Morgan is a mental health technician at the Steps to Success day treatment program. He serves clients who have behavioral and mental health challenges, providing behavioral therapy for hundreds of Dane County youth through the program. His co-workers describe him as someone who has an extraordinary commitment to youth and an immeasurable amount of patience, humor and humility.

The staff at Prairie View Elementary School in Oregon, Wis., is recognized for outstanding work with a number of families, including one that the school helped to stabilize by providing basic resources and support. The children's attendance and



Chief Justice Shirley S. Abrahamson speaks to the crowd prior to the awards ceremony. She noted that this group has a history of sharing good ideas; at a past ceremony, a discussion of the difficulty of connecting family with juveniles in far-away institutions led to a successful videoconferencing initiative based at the Dane County Courthouse.

## PEOPLE

State and local media have been dominated since February by news of Governor **Scott Walker's** budget repair bill and the court cases that have followed. Judge



Judge Maryann Sumi

**Maryann Sumi**, Dane County Circuit Court, was particularly in the spotlight as she issued a temporary restraining order blocking the publication of the bill. Sumi found herself featured in the *New York Times*, the *Los Angeles Times*, the *Philadelphia Inquirer* and other news outlets across the nation as well as on The Colbert Report.

Vying with the budget for news time this spring was the race for Supreme Court, which the *Milwaukee Journal Sentinel* called "The most partisan non-partisan Supreme Court race in modern Wisconsin history."

University of Minnesota Law School Professor **Bert**

**Kritzer** (formerly of the UW Law School) told the *Journal Sentinel* that this race "...is certainly the most partisan pattern that we have seen (in Wisconsin) at least since World War II." Wisconsin's judiciary has been elected on a non-partisan basis since the 1878 election, although the practice was not written into the statutes until 1913.

Judge **Scott C. Woldt**, who helped to develop one of Wisconsin's longest-running drug court programs, participated in a Q-and-A about his life and career with the *Wisconsin Law Journal* in April. Woldt has served in Winnebago County since 2004, and spearheaded the effort to begin a drug court program in 2006. He spoke of the importance of being smart on crime, saying,



Judge Scott C. Woldt

see **People** on page 17

AWARDS *continued from page 15*

performance in school have significantly improved.

**Outstanding Achievement Award**

Winners: Kristofor Cooks and Mia Rothwell

This award is given to youth/young adults who are working their way through or have successfully worked their way through the juvenile justice system and have turned their lives around and are now contributing to improve the lives of others.

Kristofor Cooks had faced a variety of troubles in his life when he became involved in the Youth-Business Mentoring Program with Common Wealth Development and began working at Staples. His work at Staples was exemplary, and he has been honored with awards for his service and selected to represent Staples at job fairs. Now a graduate of LaFollette High School, Cooks is thriving as a young adult.

Mia Rothwell, 13, has taken full advantage of the services and support systems available to her. She has contributed to the community in many ways and has impressed many adults with her maturity and intelligence.

**State Law Library newsletter wins marketing award**

The Wisconsin State Law Library's monthly electronic newsletter, *WSLL @ Your Service*, has been selected to receive the 2011 American Association of Law Libraries (AALL) Excellence in Marketing Award for Best Use of Technology. The award will be presented during the AALL annual meeting in Philadelphia in July.

The selection committee praised the newsletter for being well-organized and user friendly, and was impressed by the synchronization of the elements of the newsletter with the Web page.

"It is a great example of a relatively low cost effort with a very positive response," the committee wrote.

The State Law Library has published its newsletter electronically since 2001. A print predecessor, *WSLL*

*Newsletter* was published from 1989-98. Connie Von Der Heide, director of reference and outreach services and editor of the e-newsletter, said the publication goes to all Wisconsin judges and court staff along with an ever-growing list of requesters.

"Using Web technology and email communication allows for nearly limitless distribution, and it also makes the newsletter a much more informative product," she said. "Every issue includes numerous links that readers can simply click on to read additional information found on our Web site and elsewhere on the internet."

A key indicator of a newsletter's success is what people say about it.

"Each time we publish a new issue we receive a few reader responses, and by far the majority of them are positive," said Von Der Heide. "We also receive frequent inquiries from other newsletter editors seeking permission to reprint our pieces in their publications."

Jane Colwin, State Law Librarian, added, "Whenever one of us attends a conference or presents a program and people spot our nametags or hear that we're from the Wisconsin State Law Library, they say, 'Oh, I love your newsletter!'"

Many library staff members are involved in producing *WSLL @ Your Service*. The planning committee and regular contributors, besides Von Der Heide and Colwin, are Peter Boll, acquisitions librarian; Amy Crowder, director of Web and bibliographic services; Carol Hassler, webmaster/cataloger; Julie Tessmer, deputy law librarian; and Heidi Yelk, reference and electronic services librarian. Occasional contributors include Lynne Gehrke, MLRC Librarian and Lisa Winkler, DCLRC Librarian. Carol Hassler also crafts each issue into an attractive and functional Web page; Tammy Keller, program assistant, maintains the library's growing distribution list and sends out the monthly announcements; and every member of the staff encourages people to subscribe. ■



PEOPLE *continued from page 16*

“Doing the same thing over and over and expecting a different result is insanity.” On a lighter note, Woldt shared that his first concert was Pure Prairie League at UW-Oshkosh. “They were big back then,” he said. “I guess I am getting old.”

The Wisconsin State Law Library made headlines with its 175th birthday party on April 20. Reporters and photographers from WMTV, the *Wisconsin State Journal* and the *Wisconsin Law Journal* turned out for the event – along with 125 celebrants, including four members of the Supreme Court: Chief Justice **Shirley S.**

**Abrahamson** (who gave remarks), Justice **Ann Walsh Bradley**, Justice **David T. Prosser Jr.** (a frequent library user) and Justice **Patience Drake Roggensack**.

A seven-page spread in the May issue of *Milwaukee Magazine* celebrated Milwaukee’s Drug Treatment Court and Judge **M. Joseph Donald**, who helped to create the court in 2009 and who served as its first presiding judge. The magazine describes Donald’s upbringing on Milwaukee’s North Side, and how he frequently tagged along with his mother, a housekeeper. As his mother worked, Donald got to know some of Milwaukee’s most prominent families – a few of whom helped to inspire him to dream big. His aspirations eventually brought him to the bench in Milwaukee County, and then to the drug court, where he found his calling.

“I love to see the transformation in these people,” he is quoted as saying. “If we can get them to abstain for two

years – then we’re in a good spot to save that life.”

“Inmates sentenced for threatening county judges” was the banner headline in the *Sheboygan Press*, the *Wausau Daily Herald*,

the *Manitowoc Herald Times Reporter* and other newspapers across east-central Wisconsin after Judge **Patrick L. Willis** sentenced two men for threatening the lives and families of Sheboygan County Circuit Court Judges **Gary J. Langhoff** (now retired) and **Timothy M.**

**Van Akkeren**. Authorities said one inmate offered an accomplice \$500 to send threatening letters to both judges. The accomplice sent the letters from Waupun, threatening to kill the judges and their children. Helpfully, he also wrote his name and return address on the envelopes. Willis gave the first inmate a four-year prison sentence; the accomplice received a three-year term.

When District Seven Chief Judge **William D. Dyke** penned a letter to the Monroe County Board of Supervisors regarding working conditions in the courthouse’s recently created Branch III courtroom, the media took notice. The *Tomah Monitor Herald* printed an article about Dyke’s letter, which noted that the basement room that has served as a courtroom for six months does not meet Supreme Court requirements. The newspaper also printed responses from County Board members. Said Board Chair **Rick Irwin**, who acknowledged that progress on

see **People** on page 18



*Wisconsin State Law Librarian Jane Colwin (center) serves punch at the Wisconsin State Law Library’s 175th birthday celebration on April 20. Acquisitions Librarian Peter Boll is next to Colwin; Director of Reference and Outreach Services Connie VonDerHeide is across the table. VonDerHeide’s mother, a professional baker, custom made the cake.*



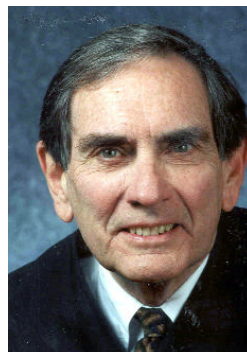
*Judge Patrick L. Willis*



*Judge Gary J. Langhoff*



*Judge Timothy M. Van Akkeren*



*Chief Judge William D. Dyke*



*Photo credit: Adam Ryan Morris*

*Milwaukee County Circuit Court Judge M. Joseph Donald with his gumball machine.*



PEOPLE *continued from page 17*

Milwaukee County Circuit Court judges (and special guest Justice Patience Drake Roggensack) braved the elements to participate in the annual Milwaukee St. Patrick's Day Parade.

improving the courtroom has been slow, "He's just asking us to do what we committed to..... [This] is a reminder to those who think we don't need to do anything."

Irish eyes were smiling on Saturday, March 12, as a contingent of Milwaukee County Circuit Court judges once again participated in the Annual Milwaukee St. Patrick's Day Parade. Thousands of parade enthusiasts braved the cold and turned out along the parade route to cheer on the Irish dancers, bagpipers and of course the judiciary. A buffet of corned beef awaited the judges at the post-parade party.

Chief Justice **Shirley S. Abrahamson** addressed the Capitol Press Corps at a March gathering to celebrate Sunshine Week. Abrahamson told the group that the Wisconsin Supreme Court was the first in the nation to hold its administrative conferences in public – a practice that began a decade ago to increase transparency and public trust in the system. "It's not always easy or comfortable," Abrahamson said, "but it's the right thing to do – and not just because we're entertaining to watch."

A federal law requiring provision of interpreter services to non-English-speakers may be history. According to The Hill,

an online media source, a group of Republican members of Congress are seeking to repeal an Executive Order that requires any office that receives federal funding to "develop and implement" a system to ensure that people with limited English can access services. The Order was issued by President **Bill Clinton** and reaffirmed by President **George W. Bush**. Because Wisconsin has a state law requiring provision of interpreter services in court, any change is not expected to have a big impact on state courts. In many other states, however, the impact could be substantial.

Deputy State Law Librarian **Julie Tessmer** traveled to Romania in March to teach leadership classes for senior enlisted sailors. Tessmer joined the U.S. Navy Reserve in 1995 and is currently assigned to a unit that participates in the Maritime Partnership Program with countries that surround the Black Sea including Bulgaria, Georgia, Turkey and Ukraine. In 2010, she spent seven months on active duty in Iraq. ■



Julie Tessmer



The annual Wisconsin Juvenile Court Clerks' Association (WJCCA) conference was held this year in Madison from April 27-29. WJCCA partnered with the Children's Court Improvement Program to host the annual conference. On April 28, over 60 Clerks from around Wisconsin had the unique opportunity to tour the Capitol Building and meet with Chief Justice Shirley S. Abrahamson.

**Chief Justice**

Shirley S. Abrahamson

**Director of State Courts**

A. John Voelker

**Co-Editors**

Amanda K. Todd

Tom Sheehan

**Associate Editor**

Sara Foster

**Contributing Writers**

Deborah Brescoll

Shelly Cern

Sara Foster

Beth Bishop Perrigo

Nancy Rottier

Tom Sheehan

Hon. Lisa K. Stark

Amanda Todd

A. John Voelker

Connie VonDerHeide

**Editorial Committee**

Hon. Michael J. Rosborough

Vernon County Circuit Court

Carolyn Olson

Iowa County Clerk of Circuit Court

**Graphic Design/Layout**

Sara Foster

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

Send questions, comments, and article ideas to:

Amanda Todd

Court Information Officer

P.O. Box 1688

Madison, WI 53701-1688

phone

(608) 264-6256

e-mail

amanda.todd@wicourts.gov

fax

(608) 267-0980

## Many reasons to celebrate Law Day on May 1

Wisconsin had at least three reasons to mark Law Day 2011.

First, this year marked the 100th anniversary of the nation's first worker's compensation law, which was signed on



Chief Justice  
John B. Winslow

May 3, 1911, by Wisconsin Gov. Francis E. McGovern, a Republican from Elkhart Lake. The controversial act was almost immediately tested, and in a case from Milwaukee, the Wisconsin Supreme Court

unanimously upheld the new law [*Borgnis and others v. The Falk Company* 147 Wis. 327 (1911)]. With Chief Justice John B. Winslow of Racine writing for the majority, the Court also found that the law covered workers in non-hazardous occupations.

Prior to 1911, other states including Maryland, Massachusetts, Montana and New York had tried and failed to write a law that would withstand constitutional scrutiny.

\*\*\*

The second reason for celebration was a particularly creative Law Day theme, as set by the American Bar Association (ABA). The 2011 theme was, "The Legacy of John Adams, from Boston to Guantanamo."

In a column that was distributed to news outlets across the state, Chief Justice Shirley S. Abrahamson told the story of John Adams' defense of a British officer and soldiers charged with firing into a crowd and killing five colonists and injuring six others in Boston in 1770.

"Adams' performance at the Boston Massacre trials resulted in acquittal of one officer in one trial and all but two soldiers in a second trial. His work is recognized as a prime example of the adherence to the rule of law and defense of the rights of the accused," Abrahamson wrote.

"It couldn't have been easy for Adams. He was a leader in the American colonial resistance to British parliamentary authority. Yet he agreed to take on the cases and defended the British officer and soldiers at trial, despite criticism and

risk to his legal practice and personal safety. He challenged jurors to apply the law as it was written, not as they wanted it to be, and to not let their personal feelings interfere."

As always, across the state, counties designed Law Day celebrations that took on many flavors.

\*\*\*

Finally, Law Day marked the death of 9-11 mastermind Osama bin Laden. UW Law School Prof. Walter Dickey, whose younger brother Joseph was killed in the attack on the World Trade Center, participated in an interview with the *Wisconsin State Journal* shortly after bin Laden's death was announced.

"He deserved to be brought to justice and he was," Dickey was quoted as saying. "It doesn't bring back any of the people who died that day or any of the people who have suffered and died since then." ■

### Dane County Law Day book sale a big success



Law Librarian Lisa M. Winkler of the Dane County Legal Resource Center (DCLRC) teamed up with the Dane County Bar Association (DCLRC) to hold a Law Day book sale to raise funds for another year's subscription to Shepard's Citation Service, an online legal research tool currently offered for free in the library. The service was in jeopardy of being cut due to shrinking budgets.

Courthouse employees, the UW-Madison Law Library and Madison area law firms gave generously, and, with help from District Court Administrator Gail Richardson and Atty. Ruth Westmont, the book sale opened with 1,808 gently used books. By day's end, \$715.00 was raised.

All proceeds will be put toward next year's subscription to Shepard's at the DCLRC. Leftover books have been donated to the Juvenile Detention Center, Dane County Jail, Parental Stress Center and the Legal Resource Center's ongoing book sale to benefit pro se services.