

3 Wisconsin Connects	7 Leadership
3 Awards	8 People
5 Retirements	14 New Faces
6 Obituaries	15 Mental Health Initiative

The Third Branch

a publication of the Wisconsin Judiciary



Supreme Court takes its 'show' on the road



Photo credit: Oshkosh Northwestern

Student Holden Bradfield reads his winning essay to the Supreme Court justices before oral arguments in Oshkosh. Bradfield won first place in the Justice on Wheels essay contest sponsored by the Court for fifth-grade students in Winnebago County.

The state Supreme Court took its proceedings on the road Oct. 7-8, giving more than 500 people an opportunity to watch oral arguments at the Winnebago County Courthouse in Oshkosh.

Between the proceedings, the Court had lunch with several local Rotary clubs at the EAA Hangar and presided at the graduation of four participants in the Winnebago County Safe Streets Drug Court Program.

See more photos and story, page 12

Justice on Wheels was one of the first public outreach efforts ever undertaken by the Wisconsin Supreme Court, and this was the Court's 20th trip. ■

Wisconsin selected for Justice Reinvestment Initiative

Wisconsin Supreme Court Chief Justice Shirley S. Abrahamson announced during her State of the Judiciary speech on Nov. 12 that the Council of State Governments' Justice Center has selected Wisconsin to participate in the Justice Reinvestment Initiative.

The Center will work with the Wisconsin Legislative Council to conduct a rigorous examination of the Wisconsin justice system and provide data-driven policy solutions to address recidivism, reduce costs and enhance public safety, Abrahamson said.

A commitment from each branch of government was necessary to secure this assistance, and the Wisconsin judicial branch played an instrumental role in making this happen, Abrahamson told more than 300 judges and court staff, who gathered at the 2008 Wisconsin Judicial Conference at the Marriott Madison West in Middleton.

The Center describes the Justice Reinvestment Initiative as a data-driven strategy for policymakers to reduce spending on corrections, increase public safety and improve conditions in the neighborhoods to which most people released from prison return.

The program consists of four steps: 1) analyze the prison population and spending in the communities to which people in prison often return; 2) provide policymakers with options to generate savings and increase public safety; 3) quantify savings and reinvest in select high-stakes communities; and

see **Initiative** on page 15



Gov. Jim Doyle, former Stockbridge-Munsee Tribal Chief Judge David Raasch, and Chief Justice Shirley S. Abrahamson addressed the Wisconsin Summit on Children and Families on Sept. 24.

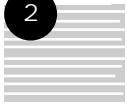
Children and families addressed at summit

By Michelle Jensen-Goodwin, Court Operations

More than 430 tribal and circuit court judges, attorneys, social workers and advocates gathered in Wisconsin Dells Sept. 24-26 for the largest and most diverse gathering ever held to address child welfare and court practice in Wisconsin.

The Wisconsin Summit on Children and Families: Changing Lives by Improving Court and Child Welfare Practice was held at Kalahari Resort.

see **Summit** on page 14



Director's column: Difficult budget ahead

Wisconsin has faced some difficult budget situations over the years, but the 2009-11 state budget is shaping up to be one of the toughest for all of state government, including the courts. The numbers are staggering, by just about anyone's account.



A. John Voelker

- Gov. Jim Doyle said the state faces a \$500 million shortfall by the end of the current fiscal year, and a \$5 billion shortfall by June 30, 2011 – the end of the next two-year state budget cycle. As a result, Doyle has asked executive-branch agencies to freeze hiring for most positions and to drop budget requests by more than 10 percent.

• In September, the Department of Revenue estimated sales and corporate tax collections were down about 10 percent, compared to the same month last year. That may be the largest drop in more

than a decade.

- State pensioners' checks have been reduced, reflecting the dramatic drop of the stock market.
- Early next year, the state is expected to have to borrow from the federal government to make required payments to the unemployed.

To say the least, it's a difficult environment, and state government is going to face tremendous challenges ahead. Some experts suggest the economy hasn't even hit bottom yet, and a turnaround may be up to two years away.

As we approach this budget, we realize it is unlikely we'll get what we *want*. Indeed, we may be fortunate just to keep what we have.

Still, we continue to work for budget items necessary to run the courts more effectively and to meet our constitutional and statutory obligations.

One of the key elements of our budget request, which was submitted to the governor in September, is intended to meet one of his top budget goals – to support local government.

While funding the circuit courts is a shared responsibility between counties and the state, the state's share of circuit court funding has decreased over time, with a corresponding increase in county funding.

Our budget request includes a plan that would provide additional direct funding to counties in support of the circuit courts, replacing a funding structure that no longer meets its intended goal.

The centerpiece of this partnership budget is a new financial assistance program for counties that would provide additional state support as counties struggle to keep under their levy limits and hold down property taxes.

Under this proposal, the current circuit court support and guardian *ad litem* payment programs would be eliminated and be replaced by a new circuit court services support payment program. The new program would be funded through a sum-sufficient appropriation consisting of 75 percent of the court support services surcharge revenues collected by county clerks of circuit court in the previous calendar year.

Currently, court support services surcharge revenues are

deposited to the general fund, while revenues from virtually every other court-collected surcharge are deposited to program revenue appropriations for specified uses. Under the proposal, the surcharge would be passed through to counties to provide them financial support for operating their circuit courts.

In addition to complying with one of the governor's requests, this proposal addresses a priority set by the Supreme Court's Planning and Policy Advisory Committee – to improve court funding.

The following additional requests, while modest, address pressing needs of the court system and also were included in the budget request.

- In conjunction with the new financial assistance program, it should be recognized that for the state to responsibly increase its funding of the circuit courts, accurate revenue and expenditure data are essential. A request is made to extend a two-year project auditor position created in 2007 Act 20 in order to institute the audit function authorized in Act 20. While this position has been involved in creating our new uniform chart of accounts for use by the counties, the auditor is essential to improving estimates for the costs of any state-funding proposal.

- There continues to be an increasing need to provide non-English speakers and the hearing impaired with trained and certified interpreters in the courts.

Additional funds are requested for the current state program that reimburses counties for court interpreter services to reflect increasing demand and the higher reimbursement rates for certified interpreters. Statutory changes and associated reimbursement funding are also requested to increase the mileage rate for court interpreters and the state reimbursement to counties for court interpreter mileage from 20 cents per mile to the state mileage rate. Non-statutory language is also requested for a court interpreter pilot in western Wisconsin under which the District Court Administrator's Office would schedule and pay for court interpreter services. With the numbers of limited English speakers in Wisconsin continuing to increase, interpretation has become a basic court service.

Interpreters make possible accurate testimony and ensure that parties understand the court process.

Accurate interpretation is as important for judges as it is for the parties involved.

The court system understands the increasing demands on general fund dollars, as well as uncertainties in general fund revenue collections. To that end, we are working hard to seek outside funding to allow us to maximize our expenditures of state dollars.

For example, the provision of a justice initiatives coordinator position at a modest cost in 2007 Act 20, the 2007-2009 biennial budget act, was instrumental in the Supreme Court obtaining a private foundation grant of over half a million dollars to develop effective justice strategies to deliver appropriate and cost effective outcomes for communities, victims and defendants. The success of this effort will translate into significant justice system savings and safer communities. ■

WISCONSIN CONNECTS

Wisconsin judges attend International Judicial Academy

By Sara Foster, Associate Editor

In September, four Wisconsin judges traveled to The Hague, Netherlands to attend the 4th *Sir Richard May Seminar on International Law and International Courts*, hosted by the International Judicial Academy. The International Judicial Academy's mission is to promote the rule of law around the world through quality education. The Academy offers several trips, including this one to The Hague, as well as scholarships.

District I Court of Appeals Judge Kitty K. Brennan, Milwaukee County Circuit Court Judge Thomas P. Donegan, Federal Magistrate Judge Patricia Gorence, and Reserve Judge Moria Krueger visited the International Criminal Courts, the Yugoslavian War Tribunals, the Sierra Leone War Tribunal, and the International Court of Justice.

They also visited the Peace Palace, which houses two courts: the International Court of Justice and the Permanent Court of Arbitration. The Peace Palace was built with donations by Andrew Carnegie. The origin of the International Court of Justice was an international factions dispute in Russia. Czar Nicholas II wanted to find a peaceful resolution to the dispute so he asked his cousin, the monarch of The Netherlands if she had a venue to serve as a forum for negotiations. She found a location in The Hague and the first international courts were born. The later courts naturally sought out The Hague and the city is now the host to many international courts and tribunals. An army of lawyers and judges now works on international civil and criminal issues in the city. An infrastructure of lawyers, law clerks, court clerks, and security has built up around

the international courts.

Judges come from all over the world to hear cases from both civil and common law jurisdictions. Not only do they have the language differences to contend with, they have completely different types of legal systems in their native countries. The judges had the opportunity to watch part of the trial of Charles Taylor, who is charged with war crimes in

Sierra Leone. International court proceedings require multiple interpreters to accommodate the many nationalities that are present in the courtroom.

They also met with Atty. Tomislav Kuzmanovic, from the Milwaukee law firm of Hinshaw & Culbertson, who is on leave from his firm, to defend a Croatian citizen charged with war crimes in the Yugoslavian War Tribunal. Kuzmanovic, who does not normally do criminal defense work in Milwaukee, recounted his very interesting legal work on the war crimes trial.

Brennan was impressed by the city, as well as the international courts. "The Hague is a fascinating place. It has the canals of Amsterdam, the shopping of Paris and an exciting new area of legal development to explore" she said.

Donegan said he was fascinated by his experience there, particularly with the beauty of the city, and the respect for the law. The Dutch constitution has a requirement for participation in international law.

"Sitting in criminal court in Milwaukee, I had no idea this was going on," Donegan said. "I did not have a sense of how many international courts there were, and of the variety of international courts." ■



Milwaukee County Circuit Court Judge Thomas P. Donegan, Federal Magistrate Judge Patricia Gorence, Reserve Judge Moria Krueger, and District I Court of Appeals Judge Kitty K. Brennan in front of the Peace Palace in The Hague

AWARDS



Judge Daniel Lee Konkol

Judge Konkol named "Polish-American of the Year"

Milwaukee Circuit Court Judge Daniel Lee Konkol has been recognized by the Milwaukee Society of the Polish National Alliance as "Polish-American of the Year." Each year, the society honors a member who has exemplified the spirit of Casimir Pulaski through service and dedication to his or her

community. Konkol, who has been a member since 1989 and

served as both president and vice-president, was unanimously chosen for his work in the Polish community as well as his work with organizations of other nationalities.

Court Commissioner recognized with Juvenile Justice Award

The Wisconsin Juvenile Detention Association honored Dane County Court Commissioner James Olds with its Juvenile Justice Award at its October conference. Olds, who has served as court commissioner for more than 20 years, was nominated for the award by Cathy Arnold of Shelter Home for his commitment and dedication to the youth that pass through the juvenile court system, and his contributions

see Awards on page 12



Wisconsin counties celebrate jurors

When it comes to showing appreciation for jurors, Forest County Clerk of Court Penny Carter takes the cake. In fact, she also takes the M&Ms, the soda and the coffee to jurors, just as she did during a juror appreciation program at the Forest County Courthouse in Crandon on Sept. 22.

The Forest County celebration, which also featured a visit by Chief Justice Shirley S. Abrahamson, was among the most elaborate events held during the first statewide Juror Appreciation Month during September. Carter invited past and present jurors to celebrate, along with Menominee and Potawatomi tribal court officials. About 130 high school students participated in a question and answer session with Abrahamson, who said she'd like to see the Forest County



Chief Justice Shirley S. Abrahamson speaks at the Dane County juror appreciation celebration, as Chief Judge C. William Foust looks on.

program replicated in additional counties in future years. The event garnered newspaper and television coverage, helping get the word out about the importance of jurors and jury duty.

About a half dozen counties invited jurors or special guests to participate in special programs, and more than 40 counties marked the occasion in some fashion, ranging from thank you notes to hanging banners and posters. Press conferences were held in Milwaukee, Waukesha and Dane counties.

In conjunction with the State Bar of Wisconsin, which co-sponsored Juror Appreciation Month with the court system, local bar associations in some counties helped put on events. The Waukesha County Bar Association, for example, presented Waukesha County Clerk of Court Carolyn Evenson (see "Retirements," this issue) with a photo of the first Wisconsin jury to include women.

In Milwaukee County, juror appreciation banners appeared inside and outside the courthouse, and some city buses featured scrolling text in honor of jurors. Among speakers at a Sept. 3 press conference in Milwaukee County were Abrahamson, Chief Judge Kitty K. Brennan (now a Court of Appeals Judge), Clerk of Court John Barrett, and State Bar president Diane Diel. In Dane

County, Chief Judge C. William Foust and Clerk of Court Carlo Esqueda were among speakers, who addressed more than 100 prospective jurors Sept. 8. In one of the more unusual

approaches to Juror Appreciation Month, Walworth County issued \$5 gas cards to two jurors each day.

The executive and legislative branches of government joined the court system in thanking jurors – Gov. Jim Doyle issued a proclamation, and the Senate and Assembly each approved citations. Many county boards also passed resolutions recognizing the critical role jurors play in our democracy and system of justice.

The statewide juror appreciation program built on the success of a Milwaukee County juror appreciation program established last year. The statewide juror appreciation program was initiated by the Chief Judges' Subcommittee on Juror Treatment and Selection and was spearheaded by District Five Court Administrator Gail Richardson.

The theme of Juror Appreciation Month was *Jurors Serve Justice; Justice Serves Us All*. During 2007, about 60,000 people reported to courthouses across Wisconsin, and about 20,000 people served as a juror during one of 2,429 trials. A complete list of counties and the activities in which they participated will be posted on CourtNet, the court system's Intranet site. ■



Dan Habeck, president of the Waukesha County Bar Association, presented Waukesha County with this photograph of the first Wisconsin jury to include female jurors.

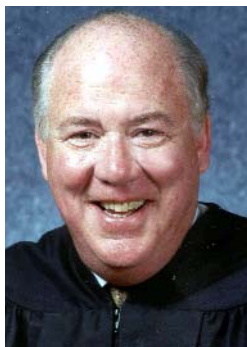


State and local court officials pose with a group of Milwaukee County jurors (holding certificates of appreciation), who gathered in the Milwaukee County Courthouse rotunda for a juror appreciation event on Sept. 4. Among officials making remarks at the ceremony: Wisconsin Supreme Court Chief Justice Shirley S. Abrahamson; Chief Judge Kitty K. Brennan, Milwaukee County Circuit Court (now a Court of Appeals judge); Milwaukee County Clerk of Circuit Court John Barrett; and State Bar of Wisconsin President Diane Diel.

RETIREMENTS

McCormack to retire after 30 years

Judge Joseph D. McCormack, Ozaukee County Circuit Court, has announced plans to retire in January. McCormack was elected to the circuit court in 1979, and re-elected in 1985, 1991, 1997, and 2003.



Judge Joseph D.
McCormack

McCormack said the introduction of electronic systems in all aspects of case processing has been the most significant change he has seen during his time in the court system.

When McCormack ran for his seat, he made a commitment to work towards keeping case processing and the calendar up to date. He said he is proud of the fact that he has been able to keep

his promise and has been able to maintain control of the court calendar throughout the years.

McCormack, who received his law degree from Marquette Law School, served as corporation counsel and as assistant district attorney for Ozaukee County prior to his election to the bench. He has also served as a lecturer for the American Government Day Family Law programs.

McCormack plans on continuing his judicial work during his retirement. He said he hopes to do some mediation and serve as a reserve judge. He also plans on spending more time with his grandchildren.

Judge Sazama to retire from bench

After nearly 14 years, Chippewa County Circuit Court Judge Thomas J. Sazama retired from the bench on Nov. 29. He was appointed in 1995, and elected in 1995, 2001, and 2007.

While he has no specific retirement plans at this time, he does want to spend more time with his granddaughter, reading for pleasure and travelling with his wife, who is also retired. He also hopes to serve as a reserve judge.

According to Sazama, the computerization of the courts has been the most obvious change he has witnessed. He has also noticed an increase in caseloads and the number of *pro se* litigants over the past 14 years. Legislation has been passed to create a third branch in Chippewa County to address this increase.

Sazama said that his staff, who have been with him for a long time, are very loyal to him, and are sad to see him leave. "I must have done something right," he joked.



Judge Thomas J.
Sazama

Two Milwaukee judges resign

Two Milwaukee County Circuit Court judges have announced plans to resign. Judge Michael B. Brennan and



Chief Judge Jeffrey A. Kremers, Milwaukee County Circuit Court, presents recognition plaques to judges John Franke and Michael B. Brennan, who recently resigned as Milwaukee County Circuit Court judges.

Judge John Franke will be leaving the bench to join the Gass Weber Mullins law firm.

Brennan was appointed to the Branch 15 bench by then-Gov. Tommy Thompson in 1999, and was elected in 2001 and 2007. In 2002, he was named one of the *Milwaukee Business Journal's* "40 under 40" professional leaders. He has served on the Legislative Committee, Uniform Bond Committee, National Advisory Committee on Violence Against Women, and the Legislative Council's Special Committee on Crime against Children. Brennan's last day was Nov. 30.

"It has been my great honor and privilege in nine years on the bench to serve the citizens of Milwaukee County and of Wisconsin in many different divisions of our court on a great diversity of cases," Brennan wrote in a letter to his colleagues. "It is time for a return to the challenge of trying cases and handling appeals in federal and state courts here in Wisconsin and around the country. I agree with Chief Justice John Roberts's description of the judge as umpire. It is time that I start doing some hitting and fielding!"

Franke, who will leave the bench on Dec. 31, was elected to Branch 25 in 1987, 1993, 1995, and 2005. He had previously served as attorney-in-charge of the U.S. Department of Justice Organized Crime Division and assistant U.S. attorney for the Western District of Wisconsin. In 1997, he told the *Milwaukee Daily Reporter* that he sometimes missed being on the other side of the bench. "There are times when I miss trial work and the lawyers have commented that they notice," Franke told the paper.

Waukesha County judge to retire

Waukesha County Circuit Court Judge Mark S. Gempeler retired on Dec. 2. Gempeler has



Judge Mark S. Gempeler

OBITUARIES

Judge Robert C. Cannon Milwaukee County Circuit Court District I Court of Appeals

Judge Robert C. Cannon, who served both the Milwaukee County Circuit Court and District I Court of Appeals, died Oct. 22. He was 91.



Judge Robert C. Cannon

Cannon is believed to be the youngest judge ever elected in the United States. At the age of 27, he defeated a sitting judge on the Milwaukee civil court in 1946.

Cannon is also known for the role he played in returning baseball to Milwaukee. He had worked as a legal advisor to the Major League Players Association for six years.

"You know, he played a wonderful role in helping us bring baseball back to Milwaukee," Baseball

Commissioner Bud Selig told the *Milwaukee Journal Sentinel*. "His contributions to that end were enormous. I had – and have – great respect for him."

On the bench, Cannon was known for his fairness and compassion. His son, Tom Cannon, told a story to the *Journal Sentinel* of a woman in his father's courtroom in 1946, who was being evicted with her eight children from their home during a tough financial time. "So he put the family up in his judicial chambers, until alternate housing could be found for them," Tom Cannon told the newspaper.

In another similar situation, Tom Cannon told the *Journal Sentinel* that his father had his bailiff collect donations from lawyers in his courtroom for a mother of five who was being evicted.

Robert Cannon received his law degree from Marquette Law School and worked as an assistant U.S. attorney before enlisting in the U.S. Navy during World War II. He served on the Milwaukee civil court, and then the Milwaukee County Circuit Court until his move to the newly created Court of Appeals in 1978. After retiring in 1982, he continued to serve as a reserve judge until 1997.

Robert Cannon was preceded in death by his wife, Helen, and is survived by his four sons, two daughters, grandchildren, and a great-granddaughter.

Judge Dane F. Morey Buffalo/Pepin County Circuit Court

Former Buffalo and Pepin County Circuit Court Judge Dane F. Morey passed away on Nov. 1 at the age of 76.

Morey was appointed to the shared judgeship for Buffalo and Pepin counties in 1990 by then-Gov. Tommy Thompson, and elected in 1990, 1996, and 2002. After his retirement in 2005, he continued to serve as a reserve judge.

Morey graduated first in his class from the Army Language School in Monterey, Calif., and



Judge Dane F. Morey

served as a Korean Linguist in the U.S. Army. He received his law degree from the UW Law School, and practiced in Mauston, Mondovi, and Durand from 1959 until his appointment to the circuit court. He had also served as assistant district attorney in Juneau County.

During his time on the bench, Morey witnessed an increase in the caseload, particularly in methamphetamine related cases. "The corridor between Eau Claire and St. Croix is growing so rapidly, and we are seeing a resultant growth in our caseload," he told *The Third Branch* in 2005.

According to his obituary, he enjoyed carpentry, gardening, working outside, reading, traveling, singing in the church choir and participating in church men's groups. He is survived by his wife, Ruth; four daughters; four siblings; and seven grandchildren.

Judge Robert J. Miech Milwaukee County and Circuit Court

Former Milwaukee County and Circuit Court Judge Robert J. Miech passed away on Nov. 9. He was 83.

Miech was appointed to the bench in 1960, and was elected to serve six terms. After retiring in 1993, he served as a reserve judge for four years.

Miech received his law degree from Marquette Law School in 1954. He also held a Northwestern Law Criminal Justice Certificate. Prior to his appointment, he worked as assistant district attorney for Milwaukee County. He served on the Committee for Court Reorganization and as secretary on the Milwaukee County Board of Judges.

He is survived by his wife, Elizabeth; his daughter, Kathleen; grandson, Robert; and many friends and family.

Judge Michael B. Torphy Dane County and Circuit Court

Former Dane County and Dane County Circuit Court Judge Michael B. Torphy died on Nov. 20 at the age of 78.

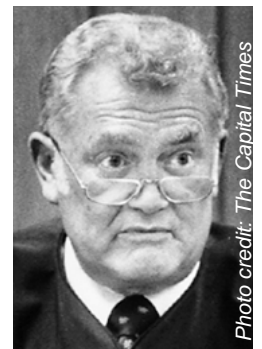
Torphy was elected to the Dane County bench in 1968, and was elected to the Dane County Circuit Court in 1974. He retired in 1998.

During his thirty year career as a judge, Torphy presided over many high profile murder cases, but what he was most well known for was his fairness on the bench.

"He always ran a fair trial," Gov. Jim Doyle, a former Dane County district attorney who practiced before Torphy, told the *Wisconsin State Journal*. "He was the best judge to try a case in front of that I ever appeared before."

"He had a tremendous reputation for being fair to both sides," Torphy's former colleague Dane County Circuit Court Judge Daniel R. Moser told the *State Journal*. "He loved trying criminal court cases, and the more complicated the better."

Torphy is survived by his wife, Maureen; two daughters, Lauren and Karen; and many other friends and family. ■



Judge Michael B. Torphy

LEADERSHIP

Collaboration is key to Barron County Restorative Justice Program

Ten years after Judge Edward R. Brunner brought the concept of restorative justice to Barron County, statistics suggest the program has succeeded in reducing the county's juvenile arrest rate.

The program, run by a nonprofit corporation from the Goodwill Store in Rice Lake, now has a staff of eight people and hundreds of volunteers. Like similar programs elsewhere, the restorative justice program is intended to hold offenders directly accountable, and, in turn, make the community safer.

Brunner, now a Court of Appeals judge, never found it difficult to lend his name to this initiative, and he trusted that others would take it in the right direction, said Polly Wolner, executive director of Barron County Restorative Justice. She credits Brunner with lending credibility and garnering support for the program and empowering staff to implement it.

In the early stages, Brunner and others invited people from outside of the court system to learn and help provide input.

"The power of circuit court judges to facilitate change in their communities is underestimated by many judges themselves. Communities eagerly look to judges for leadership on issues that affect the justice system," Brunner said.

The collaboration resulted in building a base of volunteers and led to the idea of bringing the restorative justice philosophy into the schools – an idea again encouraged by Brunner, who asked educators and law enforcement to "give it a try."

Initial funding came from a private donor, and six months later a grant became available through the Office of Justice Assistance. Such grants are now more difficult to obtain, but there is, on occasion, start-up money available.

When funding for the Barron County program was about to run out, organizers went to the county board and pleaded their case, emphasizing the savings it would mean for the county. Schools also were asked to contribute, based on

their size, and superintendents saw the value of providing support. Federal money also helped launch a truancy initiative with a restorative justice philosophy.

Eric Kasper, a professor of political science at the UW-Barron County, recently completed a study of the impact that the Restorative Justice Program has had on juveniles in the county. Among his findings, published in the *Rice Lake Chronotype* in an article written by Editor Sam Finazzo:

- The juvenile arrest rate per 1,000 juveniles in Barron County decreased almost 45 percent between 1999 and 2005. The Wisconsin rate in 2005, the most recent year for which full data are available, was 80.1; the Barron County rate was 36.5. Rates have decreased statewide, but they have dropped significantly more in Barron County than in the rest of the state.
- Rates for juvenile felonies and for the most violent offenses went down almost 49 percent during the five years after the program began compared with the five-year period prior to the start of restorative justice. In the late 1990s, the juvenile index arrest rate in Barron County was higher than in the rest of the state, and now that rate is significantly lower.
- Barron County juvenile arrests for theft dropped more than 57 percent from 1999 to 2005. The juvenile theft rate in Barron County was substantially higher than it was in the rest of the state from 1997 to 1999, but by 2003 the juvenile theft rate was significantly lower than in the rest of the state. ■



Judge Edward R. Brunner

Program aims to restore victims, communities

By Catherine Hall, Intern, Office of Court Operations

Restorative justice is a broad term that describes a variety of criminal justice programs and processes designed to "restore" the victims and the community following a crime. Restorative justice programs work to repair the harm caused by crime to victims and communities by engaging the offender in the restoration process. Participation in the restorative process by the parties most affected by crime promotes healing. For example, restorative justice provides victims with opportunities to regain a sense of empowerment that may have been lost as a result of the crime and to express how they have been impacted by the crime. Likewise, offenders are held directly accountable for the crimes they have committed, becoming active participants in reparations.

Wisconsin's restorative justice programs are implemented through the Office of Victim Services and Programs within

the Wisconsin Department of Corrections, and generally operated in partnership with nonprofit organizations or other local or county agencies. In such arrangements, the program generally receives direction from a board composed of community stakeholders as well as a director. Funding for restorative justice programs varies. For example, Milwaukee and Outagamie counties receive federal funding for such programs through the Office of Justice Assistance and the State Prosecutors Office, in conjunction with additional state and local funding. Generally, funding originates from government agencies or local foundations. Some restorative justice programs may charge for certain programs.

Restorative justice takes many forms, including restitution, community service, victim-offender conferencing, and

see *Justice* on page 11

PEOPLE

Gov. **Jim Doyle** will not be appointing a new judge to fill the vacancy on the Milwaukee Circuit Court created by Judge **Kitty K. Brennan's** appointment to the Court of Appeals, according to the *Milwaukee Journal Sentinel*. Brennan would have been up for re-election in 2009. The two Milwaukee County Circuit Court seats made vacant by the resignations of judges **Michael B. Brennan** and **John Franke** (see **Retirements on page 5**) will not be on the ballot until spring 2010. The *Journal Sentinel* reports that Municipal Judge **Christopher Lipscomb Sr.**, Atty. **Ellen Brostrom**, Milwaukee County Assistant District Atty.



Reserve Judge **Michael J. Mulroy** crosses the finish line after competing in the 2008 Ironman in Madison.

Daniel Gabler, Milwaukee Court Commissioner **Cedric Cornwell**, Atty. **Karen Dardy**, Atty. **J.D. Watts**, Atty. **Christopher Liegel**, and Atty. **Ron S. Dague** have indicated interest in the Milwaukee Circuit Court positions.

The *Waunakee Tribune* has reported that Atty. **Julie Genovese** will run for the Dane County Circuit Court seat that will be vacated this spring by Judge

Michael Nowakowski, who has chosen not to run for re-election. Genovese received her bachelor's degree from Harvard and her law degree from Vanderbilt University. "I know the law, and I understand people. Everyone will get a fair hearing in my court," she told the paper.

Reserve Judge **Michael J. Mulroy** has been keeping busy since retiring from the La Crosse County Circuit Court. Mulroy completed the 2008 Wisconsin Ironman competition



Milwaukee County Judge **Richard J. Sankovitz** commutes eight miles on his bike every day.

in September. The triathlon consists of a 2.4 mile swim, a 112 mile bike race, and a 26.2 mile run.

The *Wisconsin Law Journal* recently featured several Milwaukee Circuit Court judges who have chosen to bike to work, rather than drive. Judge **Richard J. Sankovitz** bikes the eight-mile-round-trip commute every day, weather permitting. Sankovitz has inspired Judge **Michael J. Dwyer**, who began biking his ten-mile-round-trip commute about two years ago. Judges

Charles F. Kahn Jr., **John Franke**, **Mary M. Kuhnmuensch** and **Frances T. Wasielewski** have also left their cars at home and biked in to the courthouse on occasion. The article also mentions Waupaca County Circuit

Court Judge **John P. Hoffmann**, who bikes his 30-mile-round-trip commute three days per week. Hoffman has biked over 75,000 miles in the past 20 years.

Six Wisconsin judges participated as panelists at a Judicial Forum in Madison in October. The focus of the forum was "What Civil Court Judges Want You to Know," and addressed such topics as motion hearings, judges' views on technology in the courtroom, and *voir dire*. The panel included judges **James R. Beer**, Green County Circuit Court; **Shelley J. Gaylord**, Dane County Circuit Court; **Edward E. Leinweber**, Richland County Circuit Court; **James O. Miller**, Columbia County Circuit Court; **John R. Storck**, Dodge County Circuit Court; and **James E. Welker**, Rock County Circuit Court.

Former Supreme Court Justice **Janine P. Geske** was awarded a fellowship from the Wisconsin Academy of Sciences, Arts and Letters, according to *The Marquette Tribune*. Geske, who is a professor of law at Marquette University, was honored for her work with restorative justice in Milwaukee. See more on restorative justice on page 7.

The *Wisconsin Law Journal* has reported that District Three Chief Judge **J. Mac Davis** was nominated by President **George W. Bush** on Sept. 9 to fill the vacancy of U.S. District Judge **John C. Shabaz**, who is not expected to return from a leave of absence. The *Associated Press* reported Nov. 13 that U.S. Senate confirmation is now unlikely.

Gov. Jim Doyle's office has announced that it will be seeking applications for the Waukesha County Circuit Court bench that Judge **Mark S. Gempeler** will be vacating (see **Retirements on page 5**). According to the *Milwaukee Journal Sentinel*, several candidates are interested in the position. Waukesha attorney and chair of the Waukesha County Democratic Party **Rick Congdon** has announced his candidacy for the position, the *Journal Sentinel* reports. Attorneys **Peter Wolff** and **Jennifer Dorow**, and Court Commissioner **Linda Georgeson** have also expressed interest in running for the seat, according to the paper. Because Gempeler retired on Dec. 2, the seat will not be on the ballot until the spring 2010 election.

A *Milwaukee Journal Sentinel* editorial published Sunday, Nov. 23 encourages the Wisconsin Legislature not only to stiffen penalties for drunken driving, but to provide adequate funding and treatment options to help handle the potential influx of cases.



Judge **John P. Hoffmann**, Waupaca County, has biked over 75,000 miles.



Judge **J. Mac Davis**

Ninth District court staff *pro se* training initiative to be replicated statewide

By Ann Zimmerman, Statewide Pro Se Coordinator

More than 80 court staff members were recently trained in the Ninth Judicial District (headquartered in Wausau) as part of the Wisconsin court system's continuing effort to address issues raised by the increase in self-represented litigation. Due to the success of this training effort, the program will be offered in 2009 at three regional locations throughout the state through the Office of Judicial Education, with two additional judicial districts planning to offer the training at the district level.

The day-long sessions taught court staff the differences between legal information and legal advice, made use of example scenarios, presented information about *pro se* resources and answered staff questions. Court staff actively participated by acting out the roles of clerks and self-represented litigants in skits, suggesting methods for handling self-



Price County RIP and Juvenile Clerk Jeanne Larson and Vilas County Deputy Clerk of Court Courtney Szuta participate in a small group activity at the Oneida County *pro se* training.

litigants with language barriers or other complex customer-service issues, and sharing county-developed resources for better managing the increased number of self-represented litigants needing assistance in their courthouses.

The Tenth Judicial District Self-Represented Litigants Committee helped develop and present the curriculum, and will replicate the program in three training sessions for court staff in 2009. Scott Johnson, district court administrator for the Tenth Judicial District, said he was impressed with the quality and effectiveness of the program.

"The faculty did an outstanding job presenting the materials in an engaging manner, and I'm pleased that we can offer this much-needed programming to our court staff, who work hard every day to provide quality customer service to self-represented litigants."

The First Judicial District, headquartered in Milwaukee, plans to conduct in-house training of its court staff, utilizing the materials developed for the initial training sessions.

The Office of Judicial Education is presenting a version of the training program at three regional training sessions in Madison, Neenah and LaCrosse during the first half of 2009. Also included in the regional training sessions is an

ethics session, which will be presented by Jim Alexander, executive director of the Wisconsin Judicial Commission. Also in the works: a distance-learning initiative focusing on the differences between legal information and advice for court staff unable to attend the live training sessions.

The program was developed in partnership with the Ninth and Tenth district committees, the State Law Library and the Office of the Chief Justice. Faculty included Reserve Judge Gary L. Carlson, St. Croix County Judge Edward F. Vlack III, State Law Librarian Jane Colwin, Marathon County Clerk of Circuit Court Diane Sennholz, Marathon County Assistant Clerk of Court Lora Walters, retired Kenosha County Clerk of Court Gail Gentz, Ninth District *Pro Se* Coordinator Annette Barna, and State *Pro Se* Coordinator Ann Zimmerman.

For further information about the *pro se* court staff training initiative, contact State *Pro Se* Coordinator Ann Zimmerman at ann.zimmerman@wicourts.gov. ■



Forest County Clerk of Court Penny Carter and Forest County Deputy Clerk Pam Britten perform a skit at the Marathon County *pro se* training.



Back Row (left to right): Reserve Judge Gary L. Carlson, Ninth District Pro Se Coordinator Annette Barna, State Pro Se Coordinator Ann Zimmerman, Marathon County Clerk of Court Diane Sennholz, retired Kenosha County Clerk of Court Gail Gentz. Front Row (left to right): Wisconsin State Law Librarian Jane Colwin, Marathon County Assistant Clerk of Court Lora Walters.



Photo credit: Henry A. Kosholek
Courtesy Wisconsin Law Journal

Justice Michael J. Gableman dons the black robe with a little help from his mother, Mary, during his investiture ceremony Oct. 24 in the Assembly chambers at the state Capitol. Looking on, clockwise from bottom left, are the Rev. Robert C. Morlino, Bishop of Madison; Gableman's father, Norb; Hamline University Law Professor Carol Swanson; and the Rev. Timothy M. Dolan, Archbishop of Milwaukee.

PPAC updates two-year priority list, enhances planning process

By Shelly Cyrulik, PPAC Policy Analyst

The Wisconsin Supreme Court's Planning and Policy Advisory Committee (PPAC), based on its planning subcommittee's report, *Critical Issues: Planning Priorities for the Wisconsin Court System 2009 -2011*, has identified the following priorities for the 2009 - 2011 biennium:

- Improvement of Court System Funding Structure
- Sentencing Alternatives and Strategies to Reduce Recidivism
- Assistance to Self-Represented Litigants
- Judicial Appointment and Selection

The planning subcommittee also recommended an enhanced strategic planning proposal for the Wisconsin court system. As a result of a readiness survey, and conclusions drawn from reviewed research, the planning subcommittee recommended that PPAC enhance its planning process, but not embark on what is traditionally referred to as "long-range planning." This enhanced strategic planning process was presented to and approved by PPAC at its August meeting. Specific details of the recommendation are described below.

The PPAC enhanced strategic planning process

Every six years PPAC will issue the courts' enhanced strategic plan to serve as a guide for future work. This process will include the review of the court system's mission and vision as well as the development of strategic goals. "Critical issue" development will not change from current practice but rather will be an integral component of the new enhanced process. "Critical issues" will continue to be identified each biennium as they will remain the court system's short-term priorities. Each "critical issue" will be aligned with the broader strategic goals as identified through the enhanced process.

Therefore, each six-year enhanced strategic plan will include three separate "critical-issue" cycles, which will, in turn, be aligned with the biennial budget process.

Additional enhancements to the planning cycle include:

- Extending the ability to assess programs and accomplishments
- Developing a process to increase information gathering efforts and sources
- Developing a process to prioritize each critical issue and identify action steps
- Creating a feedback loop to allow for the routine review and assessment of each critical issue by PPAC

The first enhanced planning process will kick off in January.

Court security

The Court Security Subcommittee has completed the data-collection phase of the "state of security" survey, which resulted in a 93 percent response rate. Now, the analysis begins. Information collected from survey responses will be considered by the subcommittee as it continues reviewing and recommending revisions or updates to SCR 70.39, as well as the semi-annual security and facility report process. Finally, a comprehensive report of survey results and analysis will be made available upon completion.

PPAC advises the Supreme Court and the director of state courts on planning initiatives, the administrative structure of the court system and the expeditious handling of judicial matters. ■

For questions about PPAC and its subcommittees, contact Shelly Cyrulik in the Office of Court Operations at (608) 266-8861 or michelle.cyrulik@wicourts.gov

Legal assistance clinic in the works for Oshkosh

By Amanda Todd, Court Information Officer

To appreciate the pressing need for free legal assistance in the Winnebago County Circuit Court, one need only



Winnebago County Clerk of Court
Diane Fremgen

watch the county's child support attorney, Kathleen M. Diedrich, try to wade through the reams of court filings that come in every day. In general, they range from not-quite-right to indecipherable.

"We deal with people who need to get something done, but they may not know

how to do it," she said. "I think offering legal assistance will significantly cut down on the amount of paper we have to send back for corrections."

Diedrich has been working with Winnebago County Court Commissioner David W. Keck and Clerk of Circuit Court Diane Fremgen since January to develop a clinic that will offer (1) help with simple legal questions, (2) help with forms, and (3) referrals to attorneys who offer reduced-cost and /or unbundled services.

Fremgen, a longtime clerk who has been active in programs to improve services to *pro se* litigants, said her office anticipates making multiple, daily referrals to the clinic. "My office, like others across the state, must be helpful without offering legal advice," she said. "This balance can be very difficult, and there is frustration on all sides. The ability to refer litigants to the clinic will really lift a burden for us, and enable us to offer a valuable service to our customers."

The clinic will open this fall and will operate two days per month – one day in Menasha and one day in Oshkosh. Unlike other legal assistance

clinics that operate in courthouses, this one will be operated in the main public library in each city. The libraries are part of the Winnefox Library System, which participated in the court system's Public Library Initiative. The initiative trained public librarians who serve customers seeking legal information.

Initially, the clinic expects to serve 120 people per year. Many of them will find the clinic through a referral network that the organizers are creating. The network will include the Clerk of Circuit Court Office, the Child Support Office, the Office of the Family Court Commissioner, the local domestic abuse shelter, the Winnebago County Conflict Resolution Center, Legal Action of Wisconsin and the public libraries. Each of these locations will display signs and offer brochures about the clinic.

Staff will include volunteer lawyers and pre-law students from UW-Oshkosh. Keck said six lawyers will be needed to start, but he hopes to develop a roster of 25-75 lawyers who are willing to serve. "Given the response I have received to date, I think the new effort will be a success," he said. "I think we can sell the county bar on participating, because they are a very active, engaged group." ■



Atty. Kathleen M. Diedrich and Winnebago County Court Commissioner David W. Keck at the courthouse in Oshkosh.

Justice *continued from page 7*

victim impact programs that vary by county in Wisconsin. While victim participation is voluntary, participation by offenders may be voluntary or mandatory. Restorative justice programs are not effective options in many cases. Typically, restorative justice programs involve low-risk offenders of both violent and non-violent crimes and include both juveniles and adults. Participation may take place before or after an offender's formal sentencing and compliance may lead to charges against the offender being reduced or dismissed, but this procedure varies across the country. ■

Information for this article was gathered from the following sources:

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www.corr.state.mn.us/rj/documents/04-08RJbackgrounder.pdf.

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oja.wi.gov/docview.asp?docid=6395&locid=97.

AWARDS *continued from page 3*

to the operation of juvenile detention centers.

"Just doing our jobs is not enough, he expects us to care, demands that we go above and beyond because that's why we're here," Arnold wrote in her nominating letter. Olds has worked closely with Shelter Home, which provides residence for youth in need of a place to stay while awaiting court action, but do not require being placed in detention. The Wisconsin Juvenile Detention Association oversees the organizations that are a part of the juvenile justice system. ■



Photo credit: UW - Oshkosh

UW - Oshkosh Chancellor Richard H. Wells, left, congratulates Director of State Courts A. John Voelker on receiving a Distinguished Alumni Award at the university during a ceremony Oct. 17. The Distinguished Alumni Award is the highest award an alumnus can receive from the UW-Oshkosh Alumni Association. It is awarded to individuals who are active in their professional field and are widely recognized for their career accomplishments. Voelker graduated from UW-Oshkosh with a bachelor's degree in political science in 1987.



Photo credit: Oshkosh Northwestern

Justice Annette K. Ziegler presents a Winnebago County Safe Streets Drug Court graduate with a certificate and a coin. The justices attended the graduation celebration while in Oshkosh for the Justice on Wheels program. Judge Scott C. Woldt looks on; Judge Barbara Hart Key is seated at left.

Justices attend drug court graduation

While the Supreme Court justices were in Oshkosh for the Justice on Wheels program, they had the opportunity to participate in a graduation ceremony for the Winnebago County Safe Streets Drug Court program, the *Oshkosh Northwestern* reported.

The Oct. 7 ceremony was the fourth graduation held since the program's inception in 2006. The drug court creates an alternative to incarceration for some non-violent offenders who have substance abuse problems. Participants are required to attend drug counseling, submit to random drug tests and maintain steady employment. In all, ten offenders have graduated from the program, including the four who

graduated before the Supreme Court.

According to the *Northwestern*, the justices handed out the certificates of program completion, as well as coins inscribed with the Serenity Prayer and the words "Unity. Service. Recovery."

The justices' participation in the ceremony was very meaningful to all those involved, Winnebago County Circuit Court Judge Barbara Hart Key told the paper.

"They were celebrating their success. And to have the Supreme Court come in and present them their certificate, I think that will be something they'll remember for the rest of their lives," Hart Key was quoted as saying. ■



Photo credit: Oshkosh Northwestern

The state Supreme Court conducted oral arguments in six cases in Oshkosh as part of its Justice on Wheels program in October. The outreach project began 15 years ago; since then, the Court has traveled at least once during each term.



A reception was held on Oct. 12 to honor former Chief Judge Dorothy Bain, Marathon County Circuit Court, who resigned after 11 years on the bench. Wisconsin Supreme Court Justice Ann Walsh Bradley presented Bain with a plaque. Marathon County Circuit Court Judge Gregory E. Grau (now Chief Judge) and Commissioner Sandra Marcus spoke at the reception.

RETIREMENTS *continued from page 5*

served on the Waukesha County bench for 25 years.

Gempeler was appointed by then-Gov. Tony Earl in 1983. He was elected in 1984, 1990, 1996, 2002, and 2008. Prior to his appointment, he served as assistant district attorney for Waukesha County. He has also worked as a private practice attorney and as the assistant U.S. attorney for the Eastern District of Wisconsin.

Gempeler presided over the 2001 trial of Mark Chmura, the former Green Bay Packers tight end who was charged with sexual assault and child enticement. The trial received national attention.

In 2004, Gempeler was named the Bench and Bar Committee's Judge of the Year. He is a former chief judge and deputy chief judge of District Three, and has served as associate dean of the Wisconsin Judicial College, faculty advisor for the National Judicial College, and faculty of the Criminal Sentencing Institute. He has also served on the Judicial Council, Criminal Jury Instruction Committee, Criminal Section of the Judicial Conference, and Legislative Committee.

Waukesha County Clerk of Court Carolyn Evenson retires

After serving almost ten years as Waukesha County clerk of court, Carolyn Evenson has retired with appreciation and admiration from court and county government officials alike.

Evenson, who was appointed to the position in 1999, had previously served as chair of the finance committee on the Waukesha County Board.

"As the clerk, Carolyn has raised the bar for performance as a true department head in county government. Having lost Carolyn from the county board was difficult but now losing her from the government altogether will be even more difficult," said County Board Chairman Jim Dwyer, who served on the board with Evenson during the 1990s.

Evenson said that technology has been the biggest change she has seen in the court system during her time in the clerk's office. She is most proud of the full service family

self-help center and associate legal clinic that have been implemented since she came on board, Evenson said.

"Carolyn has been a very well-prepared, hard-working and professional clerk of courts," said Chief Judge J. Mac Davis, Waukesha County Circuit Court. "She has been fully engaged in the court system. She served with discretion on our Criminal Coordinating Council and on a state PPAC committee. We will definitely suffer a loss with her retirement."

Evenson, whose background is in education and business, said every day has been a learning experience. "Learning new things has been very rewarding, and I have been blessed to work with fabulous, genuine and talented people," she said.

Evenson said she has not had time to make plans for her retirement. She has planned a trip to meet her first grandchild in Canada. She also hopes to travel, write, and golf more. ■



Waukesha County Clerk of Court Carolyn Evenson accepts a framed copy of a photograph of the first women jurors to serve in Wisconsin. Waukesha County Bar President Dan Habeck presented the 1921 photo to Evenson during a juror appreciation event held Sept. 4 at the Waukesha County Courthouse. Judge James R. Kieffer, Waukesha County Circuit Court, looks on. Evenson retired Oct. 31.

Fall
2008**NEW FACES****Madden to fill vacancy in clerk's office**

Kathy Madden will serve the remainder of the term of retiring Waukesha County Clerk of Court Carolyn Evenson (see **Retirements** on page 13). Over the past four years, Madden has served as a program and project analyst in the Waukesha County Circuit Court, and more recently as a supervisor in the Clerk of Court's Office. She also previously served as deputy clerk in the Waukesha juvenile court. Madden has a bachelor's degree in management and business from Ottawa University, and is currently working toward her master's degree in that field. She started her new position on Nov. 1.

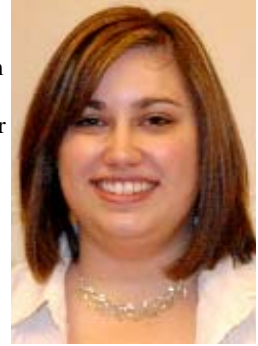
New court reporters, assistant named

Three court reporters and one judicial assistant have started work for new judgeships created this past spring. Staci Lundmark is working in Barron County Branch 3, under Judge James D. Babbitt. Connie Dillon, who was formerly Tenth District court reporter, is now in Chippewa County Branch 3, where Judge Steven R. Cray presides. Erin Gilkison is serving in St. Croix County, Branch 4, with Judge Howard W. Cameron. Karin McClelland is now the digital court reporter for Judge Edward F. Vlack III in St. Croix County, and Vicki Kasten has taken over as Tenth District court reporter. Abby Villars is the new district

administrative assistant in District Eight.

Court Operations gets new AIM project coordinator

Danielle LeMieux is the Assess, Inform, and Measure (AIM) project coordinator in the Office of Court Operations. The AIM program helps judges consider key factors in determining whether an individual should be incarcerated or is appropriate to be safely diverted from a jail or prison sentence, based on proven effectiveness of treatment resources available in the community. LeMieux provides hands-on assistance to the pilot counties, plans meetings and coordinates all aspects of the AIM project. LeMieux, who grew up in Appleton, attended the UW-Madison where she received her undergraduate degree in political science and legal studies. She lives in Madison. ■



Danielle LeMieux

Summit *continued from front page*

The event focused on collaboration among courts, tribes and social service agencies and improving the way abused and neglected children's cases are handled with the goal of reducing delays in securing safe, permanent homes for children in foster care.

Wisconsin Supreme Court Chief Justice Shirley S. Abrahamson, Gov. Jim Doyle and Former Stockbridge-Munsee Tribal Chief Judge David Raasch helped kick off the unprecedented statewide conference.

"There is no more important legacy we can leave than to ensure that a child grows up in a safe and permanent home," Abrahamson said. "Despite professional differences, we

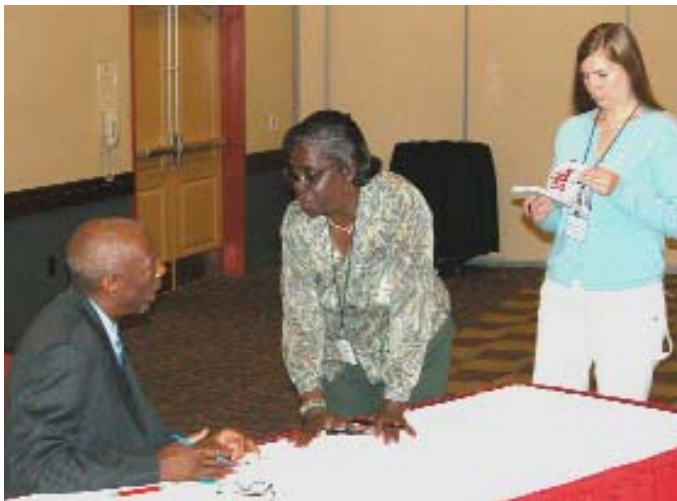
must find a way to truly collaborate to produce the best outcomes for children and families. My hope is that this summit creates a dialogue, where we confront barriers to change and work together across governments and cultures to start looking at our systems through the eyes of children."

Providing the closing presentation at the Summit was Geoffrey Canada, author of "*Fist, Stick, Knife, Gun: A Personal History of Violence in America*" and "*Reaching Up for Manhood: Transforming the Lives of Boys in America*." Canada has become nationally recognized for his pioneering work helping children and families in Harlem, N.Y.

Topics addressed at the summit included Indian child welfare legal and cultural issues, evidence-based practice relating to brain development research, disproportionality of children of color in Wisconsin's child welfare system, and effective permanency planning strategies. A panel of five former foster youth also shared their personal experience in the Wisconsin child welfare system.

Judge Christopher R. Foley, Milwaukee County Circuit Court, and Denise Revels Robinson, Director of the Bureau of Milwaukee Child Welfare, served as program chairs for the event by taking a leadership role on the planning committee and introducing speakers.

The summit was inspired by a national conference on child abuse and neglect attended by Abrahamson in 2005 and 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 newly created State Department of Children and Families. ■



Author Geoffrey Canada, who was a presenter at the summit, signs copies of his books.

Mental-health initiative aims to improve criminal justice system

Wisconsin is one of four states selected by the Council of State Governments (CSG) to participate in the Chief Justices' Criminal Justice/Mental Health Leadership Initiative, a project aimed at improving the criminal justice system's response to people with mental illness.

During the next year, Wisconsin Supreme Court Chief Justice Shirley S. Abrahamson will convene and chair a statewide task force consisting of a wide range of criminal justice system stakeholders and mental health professionals.

"Many inmates have mental illnesses, and to improve public safety, we need to improve treatment options for people with mental illnesses. Doing so will not only improve public safety, but also allow for more efficient use of taxpayer dollars. Improving the criminal justice system's response to people with mental illness may help ease jail and prison overcrowding and reduce recidivism rates," Abrahamson said.

According to a U.S. Department of Justice study, more than half of all prison inmates, including 56 percent of state prisoners, 45 percent of federal prisoners and 64 percent of local jail inmates, reported having mental health problems. Wisconsin is no exception. These individuals sometimes leave and return to incarceration through a "revolving door" without getting treatment.

During the past 15 years, Wisconsin has experienced unprecedented growth in prison, jail and community correction populations. The prison population has doubled during the past decade, and adult correctional facilities are operating over capacity. County jails are being used for "overflow" of about 900 adult males, according to the Wisconsin Department of Corrections, which will be a partner in the project.

"The Department of Corrections is pleased to be partnering with Chief Justice Abrahamson and others to develop a collaborative strategy that addresses the issue of

persons with mental illness involved in the criminal justice system," said Corrections Secretary Rick Raemisch.

The task force will be charged specifically with researching and evaluating evidence-based intervention processes that can be implemented early in an effort to divert appropriate individuals with serious mental illness away from the costly and sometimes ineffective criminal justice system and into the treatment system.

The task force will receive funding and technical assistance from the CSG Justice Center and National GAINS Center, two nonprofit organizations that coordinate the initiative. The task force will also participate in a CSG Justice Center-convened policy forum with their counterparts from three other states selected – Idaho, New Hampshire, and Delaware.

The policy forum will be held in Philadelphia on Jan. 8-9, 2009 and will provide an opportunity to develop a strategic plan for the initiative and learn how other states are addressing criminal justice-related mental health issues.

Support to the state task forces is made possible through grants from the JEHT (Justice, Equality, Human dignity and Tolerance) Foundation and the Conrad N. Hilton Foundation. Funding for the planning phases of this project was provided by the U.S. Justice Department's Bureau of Justice Assistance and the U.S. Department of Health and Human Services' Substance Abuse and Mental Health Services Administration. ■

The Council of State Governments Justice Center is a national nonprofit organization that serves policymakers at the local, state, and federal levels from all branches of government. The Justice Center provides practical, nonpartisan advice and consensus-driven strategies, informed by available evidence, to increase public safety and strengthen communities.

Initiative *continued from front page*

4) measure the impact and enhance accountability.

Spending on corrections has risen faster over 20 years than spending on nearly any other state budget item – increasing from \$10 billion to \$45 billion a year in states nationwide, according to the Center.

"Unless policymakers act, state spending on corrections will grow by at least \$20 billion over the next five years," the center estimates.

Wisconsin will join nine other states already selected to participate in the program, including Arizona, Connecticut, Kansas, Michigan, Nevada, Pennsylvania, Rhode Island, Texas and Vermont.

The Justice Reinvestment Initiative is just one of several efforts that have recently brought Wisconsin national recognition for taking innovative approaches to administering justice, Abrahamson said in her remarks. ■



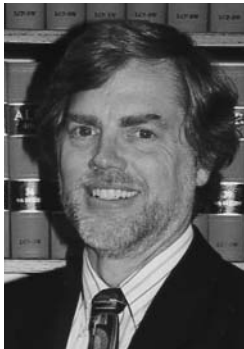
Wisconsin Supreme Court Chief Justice Shirley S. Abrahamson delivers her State of the Judiciary Address at the 2008 Annual Meeting of the Wisconsin Judicial Conference. More than 300 judges and state court staff members attended the conference, which was held at the Madison Marriott West. A copy of Abrahamson's remarks, as well as those of Director of State Courts A. John Voelker, can be found on the Wisconsin Court System's Web site.

New Chief Judges named

The Wisconsin Supreme Court has selected circuit court judges from Milwaukee and Wausau to serve as new chief judges for their respective judicial administrative districts.

In Milwaukee, Deputy Chief Judge Jeffrey A. Kremers was appointed to succeed Chief Judge Kitty K. Brennan, who recently was appointed to the Court of Appeals. Kremers has served as a deputy chief judge since 2005, and is currently presiding judge in the county's Felony Division. He has been on the bench in Milwaukee County since 1992.

"I am honored by this appointment, and I look forward to the challenges of leading the state's largest trial court," Kremers said. "The First District, under the leadership of Chief Judge Brennan and Chief Judge Michael Sullivan before her, has implemented a broad array of programs designed to improve how we serve the public. Our process for handling domestic abuse cases is a national model, and our work to improve the foster care system and move children into permanent homes is changing lives and strengthening families. A more recent initiative, the Business of the Courts program, helps improve our communication with individuals from business, government and non-profits. There is much to build upon and there are many new ideas to explore."



Judge Jeffrey A. Kremers

The First Judicial District encompasses only Milwaukee County. Kremers' appointment runs through July 31, 2009. Milwaukee Circuit Court judges Maxine A. White and David Allen Hansher have been appointed by Kremers to serve as

deputy chief judges to assist in the administration of the district.

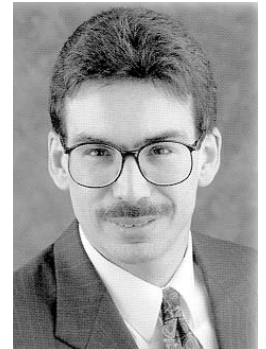
In Wausau, Judge Gregory E. Grau was appointed to succeed Chief Judge Dorothy L. Bain, who resigned from the bench due to health concerns. A Marathon County Circuit Court judge since 1995, Grau is a former presiding judge who also served as deputy chief judge in District Nine.

"District Nine is known for its innovations, and its ability to develop programs that are replicated across the state," Grau said. "From training courtroom language interpreters to improving services to people who represent themselves in court, the Ninth District has been on the leading edge as we work to make our justice system the best it can be. I have been proud to be a part of that, and am honored to lead the district."

The Ninth Judicial District encompasses the circuit courts in Florence, Forest, Iron, Langlade, Lincoln, Marathon, Menominee, Oneida, Price, Shawano, Taylor and Vilas counties. Grau's appointment runs through July 31, 2010. Vilas County Circuit Court Judge Neal A. "Chip" Nielson III will continue to serve as deputy chief judge for District Nine.

The new chief judges each will initially serve the remainder of their predecessor's term and are eligible to serve a maximum of six years in this leadership role.

In District Three, Jefferson County Circuit Court Judge Randy R. Koschnick has been appointed deputy chief judge to replace retiring District Three Deputy Chief Judge Joseph D. McCormack (see **Retirements** on page 5). ■



Judge Gregory E. Grau

State Law Librarian Co-Authors Legal Research Book

By Connie Von Der Heide, State Law Library



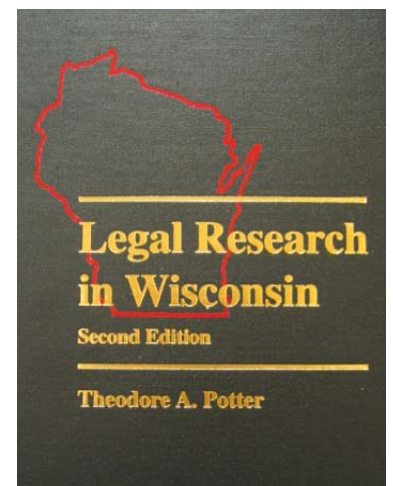
Jane Colwin

The W.S. Hein Co. has announced the publication of "Legal Research in Wisconsin," second edition. Authors are Ted Potter, University of Iowa Law Library (formerly at Marquette University Law Library); Mary Koshollek, Godfrey & Kahn; Bill Ebbott and Sunil Rao, both at University of Wisconsin Law Library; and Jane Colwin, State Law Librarian.

The first edition was written by Richard A. Danner and published by the UW - Extension Law Department back in 1980. The publisher's abstract for the second edition states: "This new edition continues to offer a comprehensive reference tool about legal research in Wisconsin. It revises and updates chapters and also expands them to include electronic tools

and other new sources. Basic research tools are discussed with an eye toward showing their best uses in locating useful information. It remains a guide for attorneys, judges, paralegals, law librarians, students and others needing ready access to information contained in Wisconsin legal materials." A copy

of the book is available at the State Law Library. ■



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

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Justice Patience Drake Roggensack explains the work of the Wisconsin Supreme Court to a group of fourth graders from Lewiston Elementary School in Portage. The group visited the Supreme Court Hearing Room after touring the state Capitol in September.



Justice N. Patrick Crooks met with a group of Wisconsin teacher-education students at the Capitol during September. The students, who are preparing to become middle- and high-school social studies teachers, participated in a moot court exercise in the Supreme Court Hearing Room. Also with the group were Jeff Brown of the State Bar of Wisconsin, Margaret Maroney, of the Office of the State Public Defender, and Diana Hess, of the UW-Madison School of Education.

PEOPLE continued from page 8

“Lest the Legislature view expense as reason not to embark on reform, we’d note that treatment programs could alleviate some of those costs by preventing recidivism, and deterrence could reduce costs as well. The state in any case, should not shirk the obligations that accompany dragging its drunken driving laws into the 21st century. And it must not mandate that judges sentence to jail or prison if treatment will accomplish the same goal: preventing a person from reoffending,” the *Journal Sentinel* opined.

Waukesha County’s Alcohol Treatment Court, founded by Judge **Kathryn W. Foster** is cited in the editorial as a model program – a notion echoed by Waukesha County District Attorney **Brad Schimel**.

“The savings come in forgoing higher costs for jail days; kids don’t get placed in foster homes; collateral fees are collected; people keep jobs and get jobs while in the program,” the editorial said.

The *Journal Sentinel* cites a study of treatment program participants in prison, which showed a 25 percent incarceration rate among participating males

within 12 months of release. But it was 55 percent for those who had not gone through the program.

“Yes, incarceration is appropriate when warranted, but treatment, in tandem or solo, pays more dividends than does pure punishment. And it all comes with a price tag,” the editorial said.

Chief Judge **Jeffrey Kremers**, Milwaukee County Circuit Court told the paper that Milwaukee County could use 20 slots a day for treatment but now has just three slots a day available. “And that’s under current caseloads,” the newspaper emphasized.

The *Associated Press* has reported that Jefferson County Circuit Court Judge **Randy R. Koschnick** will challenge Chief Justice **Shirley S. Abrahamson** for the Supreme Court seat in April 2009. Koschnick, 48, received his law degree from Hamline University in 1985. He was elected to the Jefferson County Circuit Court in 1999 and reelected in 2005. He has previously served as an assistant state public defender. Koschnick was recently appointed deputy chief judge of District Three. ■