

The Third Branch



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Milwaukee Receives \$\$\$ to Improve CHIPS Processing



Federal dollars will help Milwaukee Children's Court improve its processing of cases involving abused and neglected children.

The U.S. Department of Health and Human Services has awarded more than half a million dollars for a three-year permanency project for children in Milwaukee County. The project was scheduled to begin in early October.

The Wisconsin Supreme Court, through the Director of State Courts Office, submitted the grant proposal to the Administration for Children and Families requesting \$511,200 to implement innov-

ative case processing strategies in child abuse and neglect cases in Milwaukee County Children's Court.

The grant was developed as part of the Court Improvement Program, through the efforts of Project Director John Voelker, CHIPS Coordinator Michelle Jensen, Presiding Judge Thomas R. Cooper and the Milwaukee County Children's Court staff.

The proposal, entitled the Milwaukee Permanency Project, has three objectives:

1. to facilitate collaboration between child welfare agencies and the court;
2. to reduce the amount of time between initial agency involvement with a family, the execution of a termination of parental rights (TPR), where appropriate, and the finalization of an adoption; and
3. to test the effectiveness of mediation and other forms of alternative dispute resolution in child welfare cases.

The goals of the Milwaukee Permanency Project will be accomplished by conducting training for professionals working in Children's Court, implementing an early identification process for cases that should be placed on a fast track and utilizing mediation at various points in the process.

The grant proposal was undertaken as part of the Wisconsin Court Improvement Program, a statewide initiative designed to improve the processing of child abuse and neglect cases in the courts. ❖

Contact Michelle Jensen, Court Improvement Program Coordinator, at (608) 266-1557 for more information.

Justice David Prosser, Jr., Adjusts to New Role

David Prosser, Jr., was the governor's pick to replace Justice Janine P. Geske on the Wisconsin Supreme Court. The appointment came shortly before the Court began its term and Prosser was sworn in just before hearing his first case. His term expires July 31, 2001.

Prosser's first two weeks on the Court included eight oral arguments, two full days of conference, two attorney discipline cases and hearings on two proposed rules amendments.

In his spare time, he interviewed law clerk candidates and began planning a formal investiture ceremony. Clerk Beth E. Hanan, who served Geske for two years, agreed to stay on until Prosser selected a replacement. Prosser just hired Attorney Allan M. Foeckler to be his law clerk.

A Chicago native, Prosser was raised in Appleton and received his bachelor's degree from DePauw University in 1965 and his law degree from the University of Wisconsin Law School in 1968.

Before joining the Court, Prosser served on the Wisconsin Tax Appeals Commission where he conducted hearings and issued decisions on a variety of disputes related to Wisconsin taxation.



Justice David Prosser, Jr., took the oath of office just one hour before taking the bench.

He was appointed to the Tax Appeals Commission following an 18-year career in the Wisconsin Legislature, where he represented the Appleton area in the Assembly from 1979 through 1996. During

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DiMotto Named Trial Judge of the Year



Judge John J. DiMotto

Judge John J. DiMotto, Milwaukee County Circuit Court, has been named "Trial Judge of the Year" by the Wisconsin Chapter of the American Board of Trial Advocates (ABOTA).

ABOTA is a national organization of civil trial attorneys whose membership is split equally between lawyers who represent plaintiffs and lawyers who represent defendants.

The award is presented each year to a member of the Wisconsin judiciary "whose thorough preparation,

breadth of knowledge of the law, decisive rulings and courtesy to litigants, jurors and members of the bar have consistently advanced the interest of justice and the dignity of the judicial process," according to James M. Fergal, chairman of the selection committee.

DiMotto received the award at the summer meeting of the State Bar of Wisconsin. He selected Supreme Court Rule 62: *The Standards of Courtesy and Decorum* as the topic of his remarks.

Winners of the award in past years are: Judges P. Charles Jones, James C. Eaton, Allan J. Deehr, N. Patrick Crooks, Robert W. Landry, Susan Steingass, George A. Burns, Jr. and James P. Fiedler. Of these past winners, Crooks, Eaton and Jones are still active judges. ❖

The Third Branch

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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 Judiciary. Send questions and comments to: Amanda K. Todd, Court Information Officer, P.O. Box 1688, Madison, WI 53701-1688. Phone (608) 264-6256. E-mail: atodd@itis.com

Racine County Ride-Along Called 'Invaluable'

Judges in Racine hosted county board supervisors this summer as part of the Judicial Ride-Along Program.

The program was begun in 1993 with judges and legislators to improve the courts' relationship with the state Legislature. The idea—originated in Minnesota—was to have judges host their local legislators for a day on the bench to give a new perspective on the issues facing the courts.

The Judicial Ride-Along Program was so successful in Wisconsin that it was expanded to include county board supervisors several years ago. District court administrators, with help from the Director of State Courts Office, match the judges with local supervisors, publicize the meetings with press releases and follow up with questionnaires.

Judges Charles H. Constantine, Dennis J. Flynn, Richard J. Kreul, Wayne J. Marik, Emily S. Mueller, Gerald P. Ptacek, Allan "Pat" Torhorst and Emmanuel J. Vuvunas, and Family Court Commissioner Kevin VanKampen, all participated.

Ptacek, who handled a variety of felony proceedings including a change of plea, an arraignment and a sentencing while the supervisor sat next to him at the bench, called the experience "invaluable" and encouraged colleagues to take part.

Kreul wrote that the program "has substantial value" and said the supervisor who sat with him through a calendar of

more than 60 traffic and misdemeanor cases "didn't realize how hard judges worked or their responsibilities."

Sup. Russell A. Clark wrote that Torhorst prepared him well for his day on the bench. "Before the first case the Judge explained to me how his court worked, and also gave a brief summary of how all the Judges and courts work. I was amazed with his professionalism in conducting his court. He was very down to earth, knowledgeable, and patient to all who came in front of him in his court."

The supervisor wrote that the program should be mandatory for all who sit on the county board. "It enables a person like myself to have a more rounded perspective of the problems that exist in our community and how we deal with them. That kind of insight is invaluable," he wrote.

The Judicial Ride-Along Program will commence again in late fall. Invitations will go out to all new legislators after the election.

For more information, call Amanda K. Todd at (608) 264-6256.



Judge Allan "Pat" Torhorst

Brummond is New Deputy Director of State Courts; Neimon Assumes District III DCA Post



District Court Administrator
Michael G. Neimon

District Court Administrator Patrick G. Brummond became deputy director for court operations on September 8, replacing Kathleen M. Murphy who left the post last summer.

On September 21, Michael G. Neimon, deputy district court administrator in Milwaukee since 1991, was appointed to replace Brummond in District III.

Brummond had been the Third District's administrator for four years. The Third District is comprised of Jefferson, Ozaukee, Washington and Waukesha Counties.

In addition to his administrative duties, Brummond helped to develop and evaluate progress on the Information Technology Strategic Plan. He also has served on the Videoconferencing Committee and has worked on other special projects such as the *Volunteers in the Courts* initiative and orientation for new clerks of circuit court.

Prior to joining the Wisconsin court system in August 1994, Brummond was deputy judicial district administrator for the Tenth

Judicial District of Minnesota for four years. In that position, he managed a several million dollar budget in five program areas and worked on budget forecasting. His responsibilities also included personnel management, policy development and implementation and case flow management.

Brummond holds a master's degree in judicial administration from the University of Denver College of Law and a bachelor's degree in criminal justice from Morningside College in Sioux City, Iowa.

He and his wife, Kathy, and daughters Rachel, 5, and Mary Kate, 3, are eagerly anticipating their move to Madison.

Neimon had been deputy district court administrator in Milwaukee for seven years. In that role, he assisted with budgeting, case and personnel management, long-range strategic planning, rotation of judges and facility/security issues.

Neimon holds a master's degree in public administration and a bachelor's degree in history from the University of Wisconsin-Milwaukee. He is a candidate for a fellowship with the Institute for Court Management.

Neimon and his wife, Kerry, a guidance counselor at Oconomowoc School District, are expecting their first child in February. ❖

New Policy Analyst on Board



Daniel P. Wassink

A former policy analyst for the Wisconsin Division of Motor Vehicles (DMV) has been hired as the courts' planning and policy analyst.

Daniel P. Wassink spent the last five years at the DMV where he most recently supervised 26 staffers and led—or participated in—a variety of research and analysis projects and strategic planning initiatives. Wassink also worked to assess the impact of legislation on the DMV and helped legislators to craft bills affecting the vehicle titling/registration program.

Prior to joining the DMV, Wassink was a legislative assistant for the state Senate for three years. He also covered the state Capitol for WTDY radio in Madison.

Wassink moved to Madison in 1985 from Muskegon, Mich., where his parents, his sister and her family still reside. ❖

Bousquet is New CCAP Director; McKelvey Promoted to Deputy Spot



Jean M. Bousquet

Jean M. Bousquet, who became interim director of the court system's Circuit Court Automation Program (CCAP) after Richard L. "Rick" Godfrey's departure on July 17, has been made

the program's permanent director.

CCAP provides hardware and software to improve record keeping, calendaring, accounting and word processing in Wisconsin's circuit courts. It also provides ongoing user support in the form of training and help-desk work, and maintains all the hardware and software it installs.

CCAP has a staff of 39 full-time employees supplemented by contract programmers and limited-term employees. This staff supports 2,600 users in 70 locations.

Bousquet joined CCAP in March 1993 after spending four years as the area director of residential services for the University of Southern Maine.

While in Maine she was also employed as the assistant clerk of courts for the U. S. District Court in Portland.

Bousquet holds a bachelor's degree in journalism from the University of Wisconsin and a master's degree in public policy and management from the University of Southern Maine.

She and her husband, a Dane County deputy sheriff, have two young sons.

Teaming up with Bousquet is former CCAP staffer Ken McKelvey, who was brought back to be deputy director for technical operations.

McKelvey worked for CCAP from 1990 to 1994 before leaving to become a software development consultant. As a consultant, he worked to develop CCAP software programs, designed and implemented the web site, designed and developed the court information repository and coordinated the network security study.

McKelvey has a bachelor's degree in computer science from the University of Wisconsin-Platteville. ❖

Wisconsin Judges Turning to ADR

A new survey shows that many Wisconsin judges who handle civil cases are frequently requiring litigants to participate in alternative dispute resolution (ADR).

Among the judges' comments on ADR:

- *The process has proven most productive.*
- *There is no excuse for a judge not to be using sec. 802.12 at this time.*
- *It is working very well and is well-accepted in Milwaukee County.*
- *It's an excellent solution to difficult cases.*
- *Implementation is a breeze.*
- *ADR works!*

Of 174 judges who responded to the survey (conducted by the Executive Committee of the Judicial Conference at the request of the Wisconsin Supreme Court), 156 had a caseload that included civil cases. Of that group, nearly 42 percent said they use ADR routinely in appropriate cases.

ADR is a catch-all that encompasses a variety of techniques, including arbitration, direct negotiation, early neutral evaluation, focus groups, mediation, mini-trials, moderated settlement conferences and summary jury trials.

Background

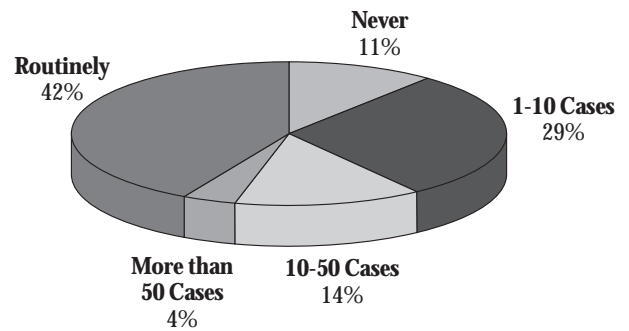
In 1994, the Wisconsin Supreme Court adopted Wisconsin Statutes section 802.12, which gives circuit court judges the authority to require parties in civil cases to participate in ADR. The parties may choose the type of procedure and the neutral, and decide how to compensate that person. In the absence of an agreement by the parties, these issues may be resolved by the judge.

The Supreme Court determined that it would conduct a review and evaluation of the rule after it had been in effect for three years. To accomplish that, this survey was sent to each of the state's 234 circuit court judges.

Survey Results

Initially, the judges were asked how often they had ordered parties to participate in ADR pursuant to Wis. Stats. sec. 802.12. Seventeen judges indicated that they had not made use of it because they had no civil caseload. The remaining judges gave the following responses (see Figure 1): never, 17; 1-10 cases, 46; 10-50 cases, 22; more than 50 cases, 7; routinely in appropriate civil cases, 64.

Figure 1: ADR Use in Civil Cases



The judges who had used ADR were then asked which of the various forms the parties had employed. Mediation was the most popular procedure, followed by arbitration. See Figure 2.

Several of the judges with civil caseloads indicated that they endorse and encourage the use of ADR, but do not order the parties to participate. Of the other judges who had not invoked the provisions of the rule, seven noted resistance from the bar (see Figure 3). One judge wrote: "The Bar must be educated in the advantages of ADR. They are resistant and are the biggest problem in making ADR succeed. Once they learn about ADR, they are its biggest fans."

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Mediation Seminar Set

The Office of Judicial Education will offer the Civil Mediation Seminar on May 2-7, 1999 (Sunday through Friday). This is an intensive, 40-hour course focusing on the preferred process for alternative dispute resolution, mediation. The course will replicate the National Judicial College (NJC) Civil Mediation program offered in Reno (the Reno program is no longer eligible for sponsorship by this office).

The Office of Judicial Education has contracted with Attorneys John Paul Jones and Nancy Yeend of St. Petersburg, Fla., to instruct and provide materials for the seminar. They are the principal trainers for the NJC seminar. Jones is a certified circuit-civil, county and family mediator and is chairman of Florida's Mediator Qualifications Board. Yeend is senior vice president of ADR Alternatives, Inc., and has been a commercial mediator and arbitrator for 16 years.

The course will provide valuable and pertinent mediation skills training for sitting judges. It follows the training

requirements of the states that are now regulating the practice of mediation and setting minimum standards for civil mediator training.

Course participants will:

- examine and evaluate why mediation might be a preferred dispute resolution process for civil cases;
- analyze which civil cases are best suited to mediation;
- determine what qualities make a good civil mediator;
- develop civil mediation skills and improve communication techniques; and
- gain the tools to develop, expand or improve a court-connected mediation program.

This is a limited enrollment program. A program announcement, including registration materials, will be mailed to all state court judges in December. ♦

Figure 2: Types of ADR Used in Civil Cases

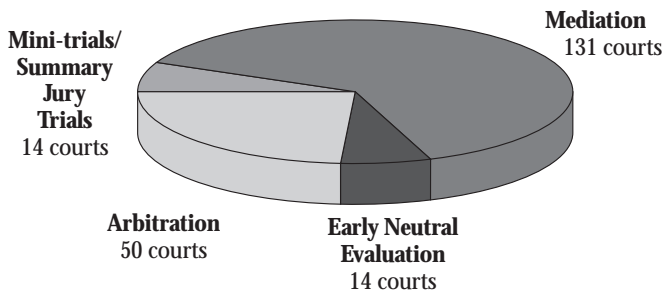


Figure 3: Reasons for Not Using ADR

	Number of Responses
Resistance from the local bar	7
Lack of familiarity with ADR procedures	6
No available roster of neutrals	4
Additional cost to litigants	4
Lack of confidence in ADR as a fair and efficient procedure for resolving disputes	3
It creates even more work on an already full docket	2

When asked what the Director of State Courts Office or the Office of Judicial Education could do to assist them in implementing ADR, the judges responded as follows:

	Number of Responses
Provide more judicial seminars or training sessions on ADR (see sidebar on previous page)	69
Develop and provide a roster of available neutrals	65
Provide guidelines for the various procedures listed in sec. 802.12	64
Provide information regarding the success or results that other courts have had with the various ADR procedures	51

When asked what changes, if any, they would recommend concerning the new rule, most of the judges indicated that it works well as written. Several suggested, however, that judges be given explicit authority to impose sanctions for non-compliance with an ADR order or for failure to participate in ADR in good faith. ❖

For more information, contact Randy Sproule, administrator of the Medical Mediation Panels, at (608) 266-7711.

Clerk of Court Races Spark Interest

The 1998 clerk of court races have even veteran election watchers scratching their heads. One incumbent clerk lost her seat in the primary while another, who had already resigned her post, remained on the ballot and won. The new term begins January 4, 1999. Here is the rundown:

In Barron County, incumbent **Gloria Vaughn** resigned her post but appeared on the ballot—and won in the Republican primary. **Bonnie Gagner**, secretary to the Office of Corporation Counsel, won the Democratic primary and will be opposed by two write-ins: **Sandra Brown**, who is acting clerk of court, and **Lois Hoff**, a deputy clerk in Polk County.

The Barron County judges appointed Vaughn, a social worker, one year ago to replace longtime Clerk of Court **Judith Espeseth** who had stepped down to take a job in the private sector.

In Bayfield County, Clerk of Court **Beverly Gaber** is retiring after six years in the job. Prior to becoming a clerk, Gaber spent 21 years in a law firm as a legal secretary/paralegal. In retirement, she plans to visit her son in Germany, do a lot of quilting, reading and napping and spend more time with her 12 grandchildren.

Kay Cederberg, a four-year employee of Gaber's office, won the primary and is unopposed in the general election. Cederberg has been responsible for criminal and small claims, in addition to records retention, large exhibit maintenance and back-up on jury management and KIDS. She was opposed by **Susan Denk**, whose mother is a Bayfield County court reporter. Denk works for the Bad River Tribal Court.

In Brown County, Clerk of Court **Paul Janquart** is running for his first term in office. Janquart was appointed to the post after Clerk of Court **Lynn Verheyen**, who had served since 1993, resigned last year to pursue other career interests. Janquart served 23 years as Green Bay city clerk. Prior to that, he was a city alderman and county board supervisor. He is past-president of the League of Wisconsin Municipalities' Clerks/Treasurers/Finance Officers section.

Janquart is opposed by **Bob Dennis**, a Green Bay paralegal who spent 21 years as a radio broadcaster before returning to school at age 40 for a paralegal certificate. Dennis is also an at-home dad to two adopted sons, ages six and two. Dennis and his wife named their older boy Thurgood Marshall to give him a link to his African-American heritage.

In Chippewa County, Clerk of Court **Janet Rubenzer-Pike**, who has spent 25 years with the office (16 as clerk) is retiring. Rubenzer-Pike is well known in the state court system, having served on the Circuit Court Automation Program (CCAP) Steering Committee and the Judicial Council. She helped the National Center for State Courts to write a book on assessing court support needs and is past-president of the Clerk of Courts Association. In retirement, she plans to take some time to think about what she would like to do next. In the meantime, she said, she will play golf, read, travel and spend time with her nine grandchildren.

In the race to replace Rubenzer-Pike, **Katherine "Kay" Stelzner** is running against **Babbette Hurt**. Stelzner is currently register in probate for Chippewa County while Hurt works for an accounting firm.

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Prisoner Litigation Law Now in Effect

As chief deputy clerk in charge of *pro se* litigation in Dodge County (home of four state prisons), Lindy Shervin spends most of her time poring over lawsuits filed by prisoners. Whether they are ultimately found to have merit, or to be frivolous, some stick in her memory:

"We had a guy this summer who didn't like his new cell mate [at Waupun]," she said. "The [cell mate] was very heavy and had a wooden leg, and he never bathed so he smelled. The [litigant] said, 'clean him up or else' and that was considered a threat and he received a conduct report. So he sued.

"In another case, an inmate sued the prison warden after he injured himself with a meat slicer which, he claimed, he had not been shown how to use. We get a lot of cases [stemming from kitchen duty]," Shervin said.

She recounted another lawsuit, this one filed not against the state but against the manufacturer of a home permanent kit. "The inmate got a perm and it burned his scalp, so he sued," she said.

She is hoping 1997 Act 133, which went into effect September 1 and is designed to curb prisoner litigation, will ease her workload—but she is not counting on it.

The law applies to new actions by prisoners as well as those that were pending on

September 1. It creates two tracks for prisoner litigation.

Track one requires pre-payment of filing and service fees or two copies of a petition/affidavit of indigency with two copies of the following attachments:

- a certified copy of the petitioner's trust fund for the previous six months;
- documentation showing exhaustion of all administrative remedies;
- written authorization to pay the fees from the trust fund (even if the prisoner proves he or she is indigent, the costs must eventually be paid from that person's trust fund; a copy of the order granting the petition needs to be sent to the custodial agency to freeze the trust fund account and the clerk then must advise the custodian of the total costs when the figure is available); and
- written documentation from the Department of Justice (DOJ) that the prisoner has not had three prior dismissals for reasons such as filing a frivolous claim, seeking damages from an immune defendant or failing to state a claim upon which relief can be granted.

Track two waives the requirement of proving through DOJ certification that there have not been "three strikes" and

eliminates the certified copy of the prisoner's trust fund account for the previous six months. Litigation may only be placed on this track if the court determines a prisoner to be in imminent danger of serious physical harm.

The new law does not relate to persons committed under Chapters 51 or 55 (which cover persons suffering from a mental disease or defect) or Chapter 980 (sexual predators), or to persons who are facing exams to determine their competency or those who have been found incompetent.

Act 133 also does not apply to persons:

- seeking relief from a judgment terminating parental rights;
- appealing a conviction or sentence by writ, appeal, or post-conviction motions; or
- seeking a relief from a judgment not appealable by right.

The new law also places limits on discovery and creates a cause of action against a prisoner who fails to re-pay a litigation loan.

For a primer on the new law, and the steps that should be followed in assessing petitions, call Chief Judge Robert A. Haase, Winnebago County Circuit Court, (920) 236-4828. ♦

Portage, Wood Counties Work to Improve Justice

For the last year, Portage and Wood Counties have been conducting an evaluation of their criminal justice systems. It has been, to say the least, a challenge.

"We ask questions and the consultant says, 'I don't know, what do you think? Let's talk about that.' It's been a lot like going to law school, or like an old episode of Bob Newhart," said Judge Thomas T. Flugaur, Portage County Circuit Court.

This project is one of 10 nationwide sponsored by the National Institute of Corrections, an agency of the Federal Bureau of Prisons under the U.S. Department of Justice. The grant provides a facilitator from the Center for Effective Public Policy in Washington, D.C., to run meetings held every six weeks. It also funded a visit by a panel of experts who conducted on-site evaluations of both counties' systems.

The counties decided to apply for inclusion in the national project when they began exploring building a joint Huber center and realized they did not know enough about how each other worked.

"You can discuss and educate each other....[I]t also allows Portage and Wood Counties to compare notes," Flugaur said. "The more information you have, the better the decision you can make."

Other members of the joint policy council working on this project include: Judge Edward F. Zappen Jr., Wood County Circuit Court; district attorneys, public defenders, attorneys in private practice, law enforcement officials, county board supervisors, probation and parole representatives, service providers and private citizens. "It puts all the key players in one group," Flugaur said.

They started the self evaluation by painstakingly mapping each part of the criminal justice system. "It's provided a forum to allow all of us to appreciate that every action we take is going to have an effect on another part of the system," Flugaur said. For example, when Probation and Parole asked for eight weeks to do presentence reports, the judges agreed. Only later did they discover that the extra time, although it only increased the average jail stay by a matter of days, worsened overcrowding problems.

Flugaur said the mapping process was especially helpful to the service providers and to members of both county boards.

The bottom line, he hopes, will be improved delivery of justice in both counties. "The most beneficial part of this is just putting all the different players in the same room together," he said. "We're able to learn things from each other on how we operate and what's helpful and what's not." ♦

The Men and Women of the Court of Appeals

Editor's note: The Wisconsin Court of Appeals is 20 years old this year. In honor of this milestone, each 1998 issue of The Third Branch has featured a story about the Court of Appeals and the people who work there. This is the last in the four-part series.

Believe it or not, 31 judges have served on the Wisconsin Court of Appeals since its creation in 1978. And (with apologies to Shakespeare) thereby hangs a tale.

Judge Robert C. Cannon began his judicial career at age 27, defeating an incumbent in 1946 for a seat in Milwaukee Civil Court. He campaigned by making up to seven speeches a night for three months. Cannon later served on the Court of Appeals, District I, from 1978 to 1981.

Judge Robert W. Dean, who served on the Court of Appeals, District III, from 1978

to 1986, was a radio man in the U.S. Air Force during World War II.

Former District I Chief Judge John A. Decker's father was a doctor. Decker wanted to follow his path, but his father talked him out of it. "I have been delighted ever since," Decker said.

Judge Paul C. Gartzke, who served District IV from 1978 to 1996, was the organizer and first president of the Bayview Foundation, a non-profit corporation that built 100 low- and moderate-income housing units in Madison.

The Wisconsin Court of Appeals and the Wisconsin Supreme Court are heading up a project to publish short biographies of these judges and the other men and women who have served on the Court of Appeals since 1978.

The seed for this project was planted during a conversation between Chief Justice Shirley S. Abrahamson and former Chief Judge William Eich, Court of Appeals, District IV. Since that time, Eich and his former assistant Diana M. Cook have been compiling information and requesting biographies of all Court of Appeals judges while Judge David G. Deininger, also District IV, collects photographs.

By year's end, these biographies and pictures of the judges may be available on the Wisconsin court system web site at: www.courts.state.wi.us. Historical and biographical information on Court of Appeals judges is always welcome; contact Karen Leone de Nie at the Wisconsin Supreme Court at (608) 266-1298. ❖

Mandatory Forms Decision Delayed



Judge John B. Murphy

After a public hearing, the Supreme Court delayed until mid-October a decision on whether to mandate the use of a set of standardized forms in all Wisconsin circuit courts. The Court's decision was expected just as *The Third Branch* went to press.

The Court's Records Management Committee filed the petition and proposed statutory language, seeking to make the Wisconsin Judicial Conference responsible for developing and approving all circuit

court forms, which would then be mandatory. The petition would allow the judge to request supplemental information and would permit creation of individual forms if a Judicial Conference form did not exist.

Currently, forms vary from county to county and even from attorney to attorney. Individuals who use the Wisconsin courts may find different forms with different interpretations for the same purpose. According to the Records Management Committee, this creates difficulty for the user in completing the paperwork required and inconsistency with statutory language. These, coupled with obsolete or obscure terminology, may cause confusion among judges, clerks, registers, state agencies and law enforcement about the contents and enforceability of orders.

The Supreme Court delayed its decision for a number of reasons. The Court wanted to give the State Bar of Wisconsin a chance to conduct a thorough review of the standardized forms; bar representatives indicated they had learned of the proposed rule amendment just shortly before the public hearing took place. The Bar's Board of Governors took a unanimous position against the proposal on mandatory forms, but Attorney William J. Mulligan,

speaking in opposition to the proposal, cited just two forms that raised concerns.

Justice David Prosser, Jr., indicated that he was not comfortable voting on the issue before he had more time to study it. Prosser, whose first two weeks on the bench included eight oral arguments, two full days of conference, two attorney discipline cases and hearings on two proposed rules amendments, said he could not make an informed decision on the spot.

Justice Jon P. Wilcox supported the delay, asking that staff use the time to gather additional information on the experience of other states that have instituted standardized forms.

Judge John B. Murphy, Sheboygan County Circuit Court, spoke at the public hearing in favor of the proposal. As a member of the Records Management Committee, Murphy argued that standardizing forms and requiring their use in all Wisconsin courts would greatly enhance the ability of judges to administer justice in an equal and consistent manner. He said the forms would make the courts more accessible and understandable, and assist judges by ensuring that they are up to date on every statutory requirement and interpretation.

Attorney Mulligan, on the other hand, expressed concern that the forms might encourage people to pursue legal action on their own, when they would benefit from legal counsel. He added that there is a benefit to permitting counties to tailor their own forms. In Milwaukee, for example, he said forms are offered in Spanish as well as English.

The memorandum of support argued that creation of a unified, single-level trial court system in 1977-78 made it essential that practices and procedures, as well as the forms and court records that facilitate and track them, be standardized to assure that justice is delivered at comparable levels in all counties and that timely and accurate information is communicated statewide.

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Wisconsin judges and court staff traveled North America last summer to participate in a variety of meetings and seminars. Many of the traveling judges landed in Toronto for meetings held in conjunction with the American Bar Association's (ABA) annual conference. The ABA's conference is so big that the program directory is the size of a telephone book from a mid-sized city, according to Judge **Michael J. Rosborough**.

The ABA conference featured author/poet **Maya Angelou** who read poetry, chanted and sang, and was reported to have been an outstanding speaker.

Judge **Richard S. Brown**, District II Court of Appeals, traveled to Toronto to take part in the American Judicature Society's (AJS) annual meeting held in conjunction with the ABA meeting.

Brown, who sits on the board of directors of AJS, was asked to spearhead an effort to develop a local AJS in Wisconsin. Arizona, Hawaii and Indiana were also chosen as sites for local chapter development; these chapters will then serve as models for the rest of the country. Brown reported that his first step would be to survey AJS members in Wisconsin to find common concerns that dovetail with AJS areas of concentration, including: judicial and courtroom ethics, judicial selection, jury management and judicial independence.

Attending the meeting of the National Conference of State Trial Court Judges (NCSTJ), also held in Toronto, were Circuit Court Judges **Thomas H. Barland**, Eau Claire County; **Vivi L. Dilweg**, Brown County; **Frederic W. Fleishauer**, Portage County; **Harold V. Froehlich**, Outagamie County; **Elsa C. Lamelas**, Milwaukee County and **Michael J. Rosborough**, Vernon County.

Dilweg was elected chair-elect of the Conference, which means she will be chairwoman of NCSTJ in 1999. The NCSTJ is part of the Judicial Division of the ABA.

Dilweg cited as highlights of the meeting a report entitled *Miles to Go* on the progress of minorities in the legal profession, and a report on pro bono projects around the country. *Miles to Go* was produced by the ABA's Commission on Opportunities for Minorities in the Profession.

The Wisconsin delegates to the NCSTJ outnumbered those from the other states in the district (Minnesota, Montana and North Dakota), and helped to elect Rosborough to an open seat on the Conference's Executive Committee.

Rosborough reported that he heard some good suggestions at the meeting for involving trial judges in the discovery phase of civil cases. "For example," he wrote, "(the judge could) be available by telephone to referee disputes which arise during depositions."

Froehlich reported on a program that compared the Canadian and U.S. court systems. He noted that a committee of judges from Ontario is going to travel to Arizona to study that state's new rule limiting discovery in civil cases. He also wrote that the Canadian trial courts do not sequester juries but instead attempt to ensure a fair trial by allowing the media to report only what the jury hears.

Barland reported on a presentation at the Jury Management Committee by Dr. **Edward de Bono** entitled "Six Thinking Hats." De Bono led the group in an exercise to demonstrate an approach that might help juries better focus their deliberations. De Bono is developing this systematic approach that he believes can be successfully taught in a short time to people of widely varying backgrounds.

Chief Judge **Mark S. Gempeler**, Waukesha County Circuit Court, and District Court Administrator **Jane A. Schetter**, Eighth Judicial District, attended the National Association for Court Management conference in San Antonio in July.

Gempeler called the conference "excellent" and suggested that new chief judges attend in future years to enhance their understanding of the role of court administrators.

Schetter reported that Los Angeles is working on a program called *What Every Priest Ought to Know About the Court System* to emphasize the importance of educating all sectors of society about the courts.

Judge **Robert R. Pekowsky** attended the National College of Probate Judges' spring conference in Destin, Fla. Pekowsky praised Judge **John N. Kirkendall** of Michigan and Judge **Richard E. Burke** of Connecticut for their presentation, *Judges in Cyberspace*. Pekowsky said the judges used multimedia to convey "in an extraordinarily interesting way" the reasons why judges can and should use computers.

Pekowsky also hailed Professor **Charles W. Gamble's** two-hour overview of the Rules of Evidence as the best he had ever heard. He suggested that Gamble, professor of law and former dean at the University of Alabama School of Law, be considered as a presenter for new circuit court and municipal judges and court commissioners.

Pekowsky strongly recommended that Wisconsin continue to send judges and probate court commissioners to this conference.

Judge **Marianne E. Becker**, Waukesha County Circuit Court, recently attended a conference on the subject of *Brain Development and Childhood Trauma: How Can the Court Respond Effectively?*

The program was put on by the Wisconsin Council on Children and Families, in cooperation with the Wisconsin Supreme Court

SJI Scholarships Available

The State Justice Institute (SJI) has funds available for state judges who wish to attend court-related educational programs within the United States. Grant application deadlines for 1999 programs are as follows:

- December 1, for programs beginning between January 1 and March 31;
- January 8-March 8 (application window), for programs beginning between April 1 and June 30;
- April 1-June 1 (application window), for programs beginning between July 1 and September 30.

Applications must be sent to the Office of Judicial Education, which must, along with the Judicial Education Committee and the chief justice, give approval before the application can be submitted.

Judges may apply for only one SJI educational program scholarship during any given application cycle (there are four cycles per year).

For a listing of 1999 course offerings, call the Office of Judicial Education at (608) 266-7807. ❖

and the Court Improvement Program. Presenters—a psychiatrist and a program director from Baylor College of Medicine—explained how the physical formation and neurobiological development of the brain of a child is negatively influenced by abuse or neglect directed at, or witnessed by, the child in early childhood. The presenters provided evidence that such abuse creates lifelong consequences which are predictable and measurable.

Arguing for early intervention to ameliorate these consequences, the program materials included printed “how-to” assessment tools and a model for establishing a children’s crisis care center such as the prototype in Houston.

Becker suggested that the program be brought to the 1999 meeting of the Wisconsin Judicial Conference.

Milwaukee County Circuit Court Judge **Maxine Aldridge White** participated in a Washington, D.C., conference sponsored by the Juvenile and Family Court Judges’ Leadership Council of the Children’s Defense Fund in September. The conference was attended by judges and other professionals involved in the juvenile criminal justice system.

White served as a panelist for two discussion groups; the first focused on the essential elements of programs that effectively impact youth, and the second addressed solutions to creating a safe school environment.

John Voelker, assistant to the chief justice, attended the International Conference on Courthouse Design in Toronto in September. The conference, sponsored by the American Institute of Architects, provided information on the use of technology in courthouses. Speakers also presented a vision for the future of the courts that included centralized work processing with numerous customer-service “stations.” For example, Voelker wrote, “Dane, Iowa and Grant Counties could share a processing unit for filing, but court users could go to any one of many stops to make payments or file paperwork.”

Judge **Joseph M. Troy**, Outagamie County Circuit Court, was invited to participate in the ABA Leadership Conference in October. Troy will represent Wisconsin and will explain the court system’s efforts to work with volunteers.

Finally, **Marcia Skolnik**, public affairs director for the Los Angeles Municipal Court, used Wisconsin’s public outreach programs as a case study on communicating effectively with the public. The programs were showcased in a class for court administrators and judges held in Los Angeles. ❖

Murphy Announces Retirement

Judge Roger P. Murphy will not seek re-election when his term ends next July 31. Murphy, 75, has sat on the bench in Waukesha County Circuit Court since 1980. Prior to becoming a judge, he spent nine years in the state Senate and worked in both private practice and as Waukesha County district attorney.

At press time, two candidates had announced intentions to seek election to Murphy’s seat. Attorney Daniel Fay, who practices in Pewaukee and is well known for 22 years of trial work (Fay represented convicted killer James Oswald), is running, as is Waukesha County Assistant District Attorney Ralph Ramirez, a 1984 graduate of the University of Wisconsin Law School who supervises the drug prosecution team. ❖

Sumi Appointed to Replace Torphy



Judge Maryann Sumi

Maryann Sumi, an assistant attorney general and a Racine native, has been appointed by the governor to replace Judge Michael B. Torphy, who retired in June. Chief Justice Shirley S. Abrahamson swore her in on September 4.

Sumi will serve the eight months remaining in Torphy’s term and will likely seek election to a full, six-year term next April. She took the bench September 8.

As a lawyer with the Department of Justice (DOJ) from 1976 through 1987, Sumi was known for her work in environmental law. She headed the Environmental Protection Unit at DOJ from 1980 to 1987, prosecuting a Lake Michigan water diversion case that went up to the U.S. Supreme Court.

Sumi left DOJ and worked at the state Department of Natural Resources for a number of years before returning to work on civil litigation in March 1997.

A 1976 graduate of the University of Wisconsin Law School, Sumi earned her undergraduate degree from the University of Wisconsin-Milwaukee. She is married to Carl A. Sinderbrand, a Madison attorney, and has three children: Jacob, Molly and Andrew. ❖

Wagner Steps Down



Judge John R. Wagner

Judge John R. Wagner, on the bench in Grant County Circuit Court since 1979, stepped down September 30. His last day on the bench was August 18.

Wagner’s long tenure has given him insight into what makes a good judge. “It takes patience and a willingness to roll up your sleeves and get to the nitty gritty and be fair,” he told his local newspaper. “If you can’t be fair, you don’t have any business in this job.”

Wagner is leaving mid-term due to failing eyesight. He said he has lost the center vision in his left eye and was undergoing laser treatments in the right. “After a day on the bench and a day reading, one eye doesn’t carry the load,” he said.

The Grant County Bar threw a party for Wagner that brought fellow citizens, lawyers and judges from many communities.

Prior to joining the bench, Wagner spent 10 years in the Grant County District Attorney’s Office, seven of them as district attorney. He also worked for the G. Heileman brewery for 13 years.

Wagner initially ran for judge at the behest of Judge Richard Orton, who had served as circuit judge for Grant, Crawford, Richland, Iowa and Lafayette Counties.

The governor will appoint a replacement to serve the remainder of Wagner’s term, which runs until 2003. ❖

VOLUNTEERS IN THE COURTS: _____

A Partnership for Justice

by: *Karen Leone de Nie*
Program Assistant to the Supreme Court

Connecting Youth to the Community is a Team Effort

Two sisters were recently referred to the Marathon County Children's Court. Lynn Patton, the Court's director, knew the girls because she knew their mother, who had just been returned to prison.

The mother allegedly had been teaching her girls how to shoplift and forge checks—the very activities that landed her in the corrections system. Because the girls denied the charges against them, they will appear in court. But they will also be referred to Marathon County's new Volunteers in Prevention (VIP) program, where they may be matched with mentors or appear before a jury of their peers.

Before this 19-month pilot program started in August, first-time juvenile offenders received only informal supervision, according to VIP Director Peggy Kurth. That meant mandatory school attendance and curfews without much follow-up. Little was done to ensure that these kids would not end up in trouble again and nothing was done to determine why they were in trouble in the first place.

VIP is working to change that. Those who work with youth and the community are coming together to find a solution to juvenile crime, Court Director Patton said.

"We need to identify at-risk children earlier on and intervene," said Judge Gregory E. Grau, Marathon County Circuit Court. There is a greater opportunity to make a positive impact on a young child and the cost of intervening is far less than if they graduate into the adult justice system, Grau said. With the VIP program starting up, he hopes "to never see them [in court]."

VIP has six components: peer court, community service, mentoring, mentoring/tutoring, truancy abatement and parent accountability classes. Victim/offender mediation may later be

added to the list of services. These alternatives are not new, but now there are four local agencies working together to assess the needs of these juveniles, identify the best way to make a difference and implement the most effective program for each youth.

Big Brothers/Big Sisters of the Marathon County area matches offenders and volunteers for long-term mentoring and shorter-term mentoring/tutoring. ATTIC Corrections arranges community service projects with local non-profit organizations and parks and administers parent accountability classes for parents whose elementary school-age children are frequently truant. Children's Service Society of Wisconsin offers truancy abatement classes and "corrective-thinking" groups that teach decision-making and problem-solving skills to juveniles. The peer court component of the program is coordinated by the Boys and Girls Club of Wausau.

With so many agencies and community members involved in the program, Kurth hopes "the youth will become more tied into the community so they feel like they are more a part of it." This may help youth feel accountable for what they do in their neighborhood.

So far, seven juveniles have been referred to VIP. Kurth said the kids and their parents are often dealing with financial problems, cognitive disabilities, poor social skills, cultural differences and academic difficulties, or simply have problems fitting in, and for many it is a combination of factors.

VIP is trying to show these kids there are adults "who are there just to listen to you, and who care about what happens to you." ♦

For more information on the Marathon County VIP program, call Director Peggy Kurth at (715) 848-7207.

Fond du Lac County CASA Eager to Get Started

With funding and support from the community secure, applications from volunteers rolling in and training scheduled for October, Fond du Lac's new Court Appointed Special Advocates (CASA) program will soon give judges one more tool for helping children.

During the sentencing portion of a recent high-profile child abuse case, Judge Steven W. Weinke, Fond du Lac County Circuit Court, took the opportunity to encourage all the people who had written him letters to direct their energy into starting programs like CASA or volunteering for them.

More than 500,000 children are involved in the courts each year through

no fault of their own. They are victims of abuse and neglect. Their problems are complicated and varied, making it difficult for judges and social workers to give each child's case, and each child, the necessary attention. That is where CASAs get involved. They are watchdogs, helping to ensure that every child is safe.

CASAs are trained community volunteers who are appointed by a juvenile court judge to serve as fact-finders and to speak to the best interest of children brought before the court.

Chief Justice Shirley S. Abrahamson helped raise the profile of Fond du Lac's

CASA program in August when she spoke at a community forum.

Addressing potential CASA volunteers and program supporters, Abrahamson discussed the important role volunteers serve in the courts and emphasized the success that CASA programs have had in Wisconsin. Five counties in the state have, or are developing, CASA programs.

"We were so honored to have her come," said Executive Director Mary Beth Carew. "She believes in what she says. She's a real genuine person."

For more information on the Fond du Lac County CASA program, contact Executive Director Mary Beth Carew at (920) 929-7040. ♦

Advisory Board Thrives on Accomplishments

“Walworth County Judge Targeted, Group Wants Him Out for Giving Sex Offender Light Sentence.” That headlined a December 1989 article in *The Capital Times*. The judge was Robert J. Kennedy.

Concerned Citizens Against Child Abuse claimed Kennedy was too lenient when he sentenced a man convicted of sexually assaulting a 3-year-old girl. “The public was outraged,” recalled Kennedy.

Because it was the man’s first offense and since he was found mentally disabled, Kennedy sentenced him to one year in the county jail and 15 years probation—a sentence which angered the public.

Kennedy’s response was to reconvene the Walworth County Children’s Court Advisory Board, a tool first authorized by state statute in the late 1970s. The purpose of the Board, composed of volunteers representing the courts, various agencies and the community, was to educate the public on sentencing issues.

Since 1978, the Advisory Board has conferred on issues such as alcohol and other drug abuse, coordination of services for youth, juvenile restitution, truancy, suicide prevention, gangs, child sexual assault and the handling of CHIPS (Children in Need of Protection or Services) cases. Walworth County Circuit Court Judge James L. Carlson, who has worked with the Advisory Board since its inception, said these issues were identified by the public. Local volunteers and organizations offered their time and expertise, Carlson said, to present forums to study these topics and advise the courts. He expressed a great deal of gratitude to the many volunteers for their efforts.

The Board took a break, but reconvened in February 1990 to study the difficult issues of child abuse and neglect raised in the 1989 case. Since that time, the Board has successfully lobbied for legislation (including Wisconsin Statutes Chapter 948.025, engaging in repeated acts of sexual assault of the same child), produced “Child Sexual Abuse Proposals and Guidelines,” which included recommendations for sentencing guidelines and community and

agency support, and published *What’s my job in court? An answer and activity book for kids who are going to court*. The Board is currently exploring the possibility of starting a child advocacy center.

Board members also facilitate workshops for professionals who work with children, trying to educate people about child abuse and neglect and improve mandatory reporting. These workshops are held wherever and whenever possible. Earlier this year, a training session was held for Walworth County police officers at 3 a.m. Walworth County District Attorney Phillip Koss, a long-time board member, said that was the only time he could get all the deputies in one place.

Keeping the volunteers motivated is a full-time job. Koss said he tries to keep the meetings focused, develop understandable and measurable goals and remind everyone, including those not on the Board, why they are here: “because children need us to protect and care for them.” ❖

To find out more about the Walworth County Children’s Court Advisory Board or to request a copy of the book or “Child Sexual Abuse Proposals and Guidelines,” contact District Attorney Phillip Koss at (414) 741-4320.



An activity book to help children understand what is happening in court.

Volunteer Program Provides Interns for 55 Judges

The exit questionnaires on last summer’s Volunteer Summer Law Student Internship Program indicate that the program—which just completed its second year—continues to be valuable for both judges and students. The program matches volunteer clerks with judges over the summer to provide help to judges and valuable experience for law students. In 1998, it brought 40 students from 26 law schools to work for 55 Wisconsin judges.

The main suggestion from judges on how to improve the program was that the law interns (mostly first- and second-year law students) should be paid for the work they do. The students’ questionnaires indicated that the experience alone was extremely valuable to them.

In general, both the judges and students found that structure was the key to a successful internship. A number suggested that weekly meetings between judges and interns to assign projects

were important for avoiding down time. The meetings also provided an important opportunity for the judge to critique the intern’s assignments from the previous week.

The best experiences combined observation with research and writing assignments. Students praised the judges who set up opportunities for them to shadow prosecutors, defense attorneys, police, clerks of court, registers in probate and others. Some trial judges sent their interns to the appellate courts to observe oral argument. One judge suggested sending interns in small groups to the Capitol for a day to watch the Supreme Court and the Legislature and one intern suggested setting up jail tours.

In the end, many of the students found that this experience gave them something they had not found in their schoolbooks. Said one young man: “They don’t teach you in law school that these are real people facing real legal issues.” ❖

Lawyer from China Learns—and Teaches— as Intern in Oshkosh



Attorney Jian Zhou found vast differences between the Chinese and American legal systems during his internship with Chief Judge Robert A. Haase.

by: Jian Zhou
Attorney/Summer Intern

I was inspired to seek an internship in the Wisconsin court system after meeting Chief Judge Robert A. Haase, Winnebago County Circuit Court, at a party to welcome a delegation of Chinese judges to Wisconsin. I was acting as the group's interpreter. Judge Haase's knowledge of Mandarin Chinese surprised and impressed me, and I became convinced that an internship would provide me, a foreign attorney, with a great opportunity to understand the American legal system. Judge Haase, as well as many other friendly people, helped me to turn my plan into a productive and enjoyable experience.

I spent substantial time during my internship with Judge Haase last summer simply observing the court system. I also prepared some legal memoranda at the instruction of Judge Haase. I was a little worried about preparing memos at first, as most trial cases involve procedural issues and I did not receive any procedure courses from a U.S. law school. However, my attempt was encouraged by Judge Haase and soon I liked the writing very much.

Shortly after beginning my internship with Judge Haase last summer, I noted the vast differences between the Chinese and American court systems. Chinese law, which inherits the Civil Law tradition, gives judges a very active role in court. In China, the judges dominate the whole proceeding, from examining both plaintiff and defendant to finding facts.

Procedures and rules of evidence are not as strict as they are in the U.S. The presumption is that if substantial evidence exists, it will be accepted by the court regardless of how it was collected.

There are many loopholes that a judge can use to circumvent the rules of evidence if he so chooses.

One of the main characteristics of the U.S. court system is the jury trial. The jury is authorized to find the facts. I noted that when the judge tells the jury, "you are the only judge of the facts," all jurors are very sincere and serious. They seem pleased and proud to be active participants in the American legal system.

In the Chinese legal system, by contrast, judges decide the facts as well as the law. The participation of ordinary citizens in this process is rare. To observe a court trial, one must obtain permission ahead of time. Only rarely are the media allowed to be present in court, and, when they are, their stories must be cleared through the court in advance of publication or broadcast. In the U.S. court, I found people can observe open trials without any restrictions as long as they keep quiet. Video and still cameras are not uncommon in the courtroom, and I noted that the media often produce critical stories about court proceedings.

The independence of the U.S. judiciary is in strong contrast to the Chinese system. Here, according to my experience, no one interferes or attempts to interfere in the decision process. Rarely do judges have any contact with other branches of government except for the police officers and district attorney in the courtroom.

In China, the judiciary occupies a subordinate position in the government. Judges and court staff are placed in their jobs by the administration and the Communist party and can be removed at any time.

In Chinese courts, many cases are decided by a judicial committee of the court rather than a single judge. Furthermore, the court must report any cases that involve a member of the Communist party to the party committee and the prosecuting office. The court cannot initiate judicial proceedings until the party committee decides to do so. The party committee also interferes in—or directly decides—some cases that may have deep impacts on society. Moreover, the executive branch is often involved in court proceedings, as well.

In all, I enjoyed the working environment of Branch 2 very much. Judge Haase spent a lot of time in correcting my grammatical mistakes and improper expressions in English. Furthermore, I received more than full-time tutoring since he also gave me a room in his family's home.

Each person in Judge Haase's office is a very nice and unique character. We had many pleasant experiences in the office and a lot of fun outside the office—including river boat rides from Bailiff George and my best Chinese food, prepared for a pool party at Judge Haase's house. ❖

Court Commissioner Publishes Novel



Nancy Kopp, a court commissioner for the Wisconsin Supreme Court, will have her second novel published this fall. (Supreme Court commissioners are attorneys who serve at the pleasure of the Court and perform research, prepare memoranda and make recommendations to the Court regarding matters brought within the Court's discretionary jurisdiction.)

With Intent to Kill, a 384-page original paperback from Signet (a division of Penguin Putnam) will be available nationwide in mid-October. It will be priced at \$6.99.

The novel centers on an assistant prosecutor named Liz Stanfeld and her quest to see justice done in the murder of a four-year-old boy. When the identity of the killers is revealed, the reaction of the people in the community threatens to undermine her prosecution of the case. The novel is set near Milwaukee.

Kopp's previous novel, *Acts and Omissions*, also a Signet paperback original, sold about 90,000 copies. She is now at work on a third novel, which will feature a few characters named after Kopp's real-life co-workers.

She isn't telling who. ❖

People in the News

Milwaukee County Circuit Court Judge **Maxine Aldridge White** is going to have an opportunity to speak to middle schoolers across the state. White appears in a video produced by the State Bar's Law-related Education Committee, titled "Can Anyone Name the Three Branches of Government?" White talks about the judiciary. Kenosha County Circuit Court Judge **Mary K. Wagner-Malloy**, who served in the state Assembly from 1978 to 1982, was interviewed on the legislative branch. Speaking on the executive branch, former Governor **Lee Sherman Dreyfus** also appears in the video.

In an article appearing in the *Wisconsin State Journal*, Dane County Circuit Court Chief Judge **Daniel R. Moeser** says that the Dane County executive's plan to build a criminal justice center "solves" only about half of the short-range problems. Moreover, the plan creates new problems and will cost Dane County taxpayers millions of extra and unnecessary dollars in the long run." The plan would divide court offices between two buildings, which Moeser believes will cause operational inefficiency, confusion and inconvenience for the public.

Judge **Thomas S. Williams**, Winnebago County Circuit Court, celebrated his retirement in August by picking beans in his garden, reported *The Oshkosh Northwestern*. Williams, 64, retired after 24 years on the bench.

Presiding Judge **Harry G. Snyder** announced that the Court of Appeals, District II, will participate in the Judicial Exchange Program. The goal of the program is to give circuit court judges an opportunity to improve their skills at creating a record that will pass appellate review and to give appellate judges a view from the

Book Brings Supreme Court Stories to Life

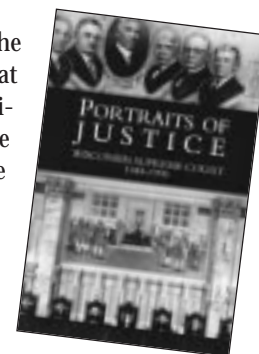
Alexander Stow, of Fond du Lac, the first chief justice of the Wisconsin Supreme Court after statehood, was an eccentric man. Stow preferred meat that was well-ripened, so he hung chickens from the window sill until the stench pervaded his home and their bills turned green.

Stow is just one of the 75 justices who have served on the Wisconsin Supreme Court since 1848. All of their stories, accompanied by color portraits and photographs, appear in *Portraits of Justice: Wisconsin Supreme Court 1848-1998*.

The book was published by the Wisconsin Supreme Court, with additional funds from the State Bar of Wisconsin and the Wisconsin Humanities Council.

The Court produced 1,000 copies of the book. *Portraits of Justice* is available at public libraries and many county historical societies. It may be viewed at the Wisconsin Supreme Court, 231 East State Capitol, in Madison.

It will also soon be available on the Wisconsin court system's web site at www.courts.state.wi.us. ❖



trenches. Court of Appeals Districts III and IV have already gone through the program with their local trial judges.

Wisconsin Supreme Court Justice **Jon P. Wilcox** gave a presentation titled *A Peek at the Inner Workings of the Court* to the Jefferson Rotary Club on September 23. He described the Supreme Court's various functions and responsibilities, including: administrative (staff and budget); supervisory (judicial and attorney discipline, Supreme Court rules); initial review (petitions for review, certification, etc.); and opinion writing.

A graduate of Dane County's Drug Treatment Court gave the program high marks in an article in the *Wisconsin State Journal*. **Bill Mahaney**, a former drug user, spent 18 months in the program, receiving counseling, home visits, drug tests and meetings with case workers. "I'm richer in spirit and healthier in mind and body," Mahaney said. The program is funded mostly by grants, but it is hoped that private money will eventually fund half of it. Mahaney's employer, Electronic Theater Controls, donated \$10,000.

Rotating from children's court to small claims court last summer, Milwaukee County Judge **Thomas P. Donegan** took this opportunity to talk about the juvenile justice system with a reporter from the *Milwaukee Journal Sentinel*. "I haven't seen that the kids are noticeably worse at all," he said. "I really fear that we are creating a class of people who assume it is normal to be arrested, normal to have records, normal to be in juvenile prisons and then adult prisons." He also shared his opinion of what makes a good juvenile court judge: "You have to like kids," Donegan said, not just good kids, but "that raw, unfinished human being who can be rough and damaged."

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People in the News

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Judge **Robert F. Pfiffner**, 80, has been serving as a reserve judge for 15 years and he still enjoys taking the bench, according to *The Chippewa Herald*. He served as a county and circuit court judge for about 18 years. Now he fills in three or four times a month. He likes the work, "and I enjoy people. I like to see the people I haven't seen in awhile, and ham it up," Pfiffner said.

According to one volunteer, the Summer Law Student Internship program hit its mark, reported *The Daily Tribune* in Wisconsin Rapids. "It has been a good way to get an exposure to all of the elements of the court. Also, it has been great working for Judge [James M.] Mason and Judge [Edward F.] Zappen," said **Blaine Markuson**, a law student at the University of Pittsburgh.

Honoring his years of service to the community, Reserve Judge **Charles L. Larson** was named marshal for the 34th annual Fish Day parade in Port Washington. This year's theme was "A String Full of Fun," reported the *Ozaukee Press*. Larson was county judge, then circuit court judge, from 1957 to 1978. The parade brought back memories for Larson, who was in line to take over his father's smoked fish business when he decided to pursue the law instead. He said it was a decision he never regretted.

Judge **William C. Griesbach** was voted best judge in Brown County by local attorneys. The lawyers were responding to a survey in *The Green Bay News-Chronicle*. Griesbach received the highest ratings in all categories, ranging from decisiveness to knowledge of the law.

After one year in operation, the Marathon County Truancy Court has boosted school attendance by 6,000 pupil days, Circuit Court Judge **Gregory E. Grau** told the *Wausau Daily Herald*. "Kids learn a lot in 6,000 days," said Grau, "and they can get in a lot of trouble in 6,000 days if they're not in school."

Dodge County Bailiff **Pat Luplow** starts jury trial days by setting up a table with cookies, cakes and assorted goodies for the jurors and court staff. These treats were always fresh baked the night before, until one day this summer when her mixer broke and she had to resort to frozen treats. Judge **John R. Storck** joined the clerk of circuit court, register in probate and others in purchasing a new mixer for Luplow in gratitude, but also with the hopes of keeping the tradition alive.

1998 Civil Law Seminar

The 1998 Civil Law Seminar will be held November 18-20 (Wednesday through Friday) at the Marriott Madison West. This two and a half day program provides five judicial education credits.

Topics to be covered include: civil jury instructions update; selected Judicial Benchbook highlights; judicial powers under Wisconsin common law; evidentiary issues unique to the civil trial motions (summary judgment and motions *in limine*); jury trial issues; insurance issues; economic loss doctrine; and governmental immunity.

For a pre-registration form, contact the Office of Judicial Education at (608) 266-7807. ❖

The Winnebago County Conflict Resolution Center took center stage in a summer issue of *Wisconsin Opinions*. Using trained volunteer mediators, small claims actions in Winnebago County settle much earlier, said Judge **Robert A. Haase**. Identifying another benefit, Haase said, "the clients are happier because they are the ones making the decisions."

According to Sgt. **Craig Huxford**, juvenile officer with the Brown County Sheriff's Department, Teen Court does more than react to problems. It is a "proactive step in the right direction to promote long-term behavioral change that leads to enhanced public safety." Not only does it help those teens coming before the court, but it also serves the young volunteers, according to the *Green Bay Press-Gazette* article. "Teen Court has influenced me a lot and has laid a great foundation for my interest in law. Teen Court gives me a great sense of responsibility," said **Lana Burrow**, a senior from Aswaubenon High School and a teen attorney.

A *Wausau Daily Herald* article proclaimed: "State High Court weighs in on side of young angler." While it is true that 13-year-old **Patrick Bradley**, son of Supreme Court Justice **Ann Walsh Bradley** and **Mark Bradley**, reeled in a 46-inch, 23-pound muskie this summer, the newspaper mistakenly reported the veteran angler who instructed Justice Bradley to tell her son that the fish was a keeper as Justice **William A. Bablitch**. It was actually Justice **Jon P. Wilcox**.

Some people celebrate their 50th birthday quietly, but others jump out of airplanes. District I Court Administrator **Bruce M. Harvey** seized the day to parachute out of an airplane for the first time since he served in the military in Vietnam 29 years ago. "You've got to do something foolish on your 50th birthday," Harvey told the *Milwaukee Journal Sentinel*.

Rhonda R. Menor, a court reporter in Marinette County, has been named a fellow of the Academy of Professional Reporters. Fellows must have at least 10 years' experience and have a record of ongoing service to their local, state or national associations or to the advancement of the profession through teaching, writing or other activities, according to the *NCRA Convention Report*. Menor fills all these requirements as president of the Wisconsin Court Reporters Association, as a teacher at state and national seminars and as a published author on the topic of court reporting.

The Madison Times reported that the Madison Equal Opportunities Commission (EOC) presented Chief Justice **Shirley S. Abrahamson** with the James C. Wright Human Rights Award in July. She was recognized, according to EOC Executive Director **Anthony L. Brown**, for her enduring fight to ensure human and civil rights for everyone.

Colleagues expressed their confidence in District I's new Chief Judge **Michael J. Skwierawski** for his administrative skills, understanding of the courts and his vision for the courts' future in an article in *The Daily Reporter*. The article also pointed out that Skwierawski is a member of the all-judge band called "Presumed Guilty."

Iowa County Circuit Court Judge **William D. Dyke** was "prowling around" the courthouse basement when he discovered an historic treasure, reported *Wisconsin Lawyer*. It was a photograph of a group of men standing on the steps of the Grant County Courthouse. The caption read: "Lawyers attending Circuit Court, Feb. Term 1888, at Lancaster, Wis." Standing front and center was Wisconsin's first governor, Nelson Dewey. ❖

Justice Prosser Adjusts to New Role

continued from page 1

his tenure, he served six years as assembly minority leader and two years as assembly speaker. For 14 years, he was a legislative member of the National Conference of Commissioners on Uniform State Laws.

Prior to his election to the Assembly, Prosser served as Outagamie County district attorney. He also worked in Washington, D.C., first as an attorney/advisor in the Office of Criminal Justice, U.S. Department of Justice; then as administrative assistant to

Clerk of Court Races

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In Douglas County, Clerk of Court **Joan E. Osty** won a fourth term in office, defeating challenger **Ellen Oaks** in the primary by a wide margin. Oaks works in the office as criminal clerk and also challenged Osty in 1996.

In Eau Claire County, longtime Clerk of Court **Diana Miller** is being opposed by **Beverly Kisling**, a former employee of the office.

In Fond du Lac County, Clerk of Court **Bruce Van Buren** is retiring. He will be replaced by Deputy Clerk **Carol Marx**, who has worked for the county for more than 20 years and was unopposed in the primary.

In Ozaukee County, challenger **Jeffrey Schmidt** defeated Clerk of Court **Joan Zirbes**, an eight-year incumbent, in the primary. Schmidt is unopposed in the general election. He is head dispatcher with the Ozaukee County Sheriff's Department and ran on a pledge to "restore morale" within the office and "create a professional and stable work environment." Schmidt also made Circuit Court Automation Program (CCAP) access a campaign issue, questioning why Ozaukee County had not yet switched over to CCAP.

Zirbes did seek to bring her office onto CCAP, but budget constraints have forced CCAP into a maintenance-only mode.

In Milwaukee County, **Jon W. Sanfilippo** is opposed by **Whistleblower Currier**, a perennial candidate whose first name was once William. The District I judges appointed Sanfilippo acting clerk last January after Clerk of Court **Gary J. Barczak** resigned.

Mandatory Forms Decision Delayed

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The Wisconsin Records Management Committee was created in 1984 to review and develop new forms and propose changes to forms for their adherence to modern forms design standards and legal sufficiency. Since that time, the Committee has created, modified, and updated several hundred forms for use in the Wisconsin court system. It has also established a form style and layout intended to be as easy to follow as legal forms permit, to reduce "legalese" as much as possible and to provide instructions as necessary to the user of the form. All forms on the Circuit Court Automation Program (CCAP) system and many forms available

Congressman Harold Froehlich, a member of the House Judiciary Committee during the Watergate impeachment inquiry.

Prosser replaces Geske, who stepped down from the Court to work more closely with the poor.

Geske has joined the Marquette University Law School faculty as a professor. She will establish a small claims mediation clinic for *pro se* litigants in the Milwaukee County Circuit Court (with law students serving as mediators) and teach appellate advocacy. She also plans to teach in the Marquette graduate program in dispute resolution.

Geske will also open her own law practice, where she will focus on alternative dispute resolution and litigation support consultation. ❖

In Rock County, Clerk of Court **Eldred Mielke**, in his first term, is opposed by **Kathy M. Parrish** in the general election. Mielke, a U.S. Navy veteran, worked for General Motors in Janesville for a number of years and eventually became president of the United Auto Workers. He defeated incumbent Clerk of Court **Wayne Pfister** in the last election.

Challenger Parrish worked in the clerk of courts office for 15 years between 1973 and 1991, taking a three-year break in the middle when her family moved from the county. Parrish also worked in five of the seven circuit courts and was chief deputy for two of them. She is currently on campaign leave from her job as a legal secretary with the state Public Defender's Office.

In Rusk County, Clerk of Court **Renae Baxter** is being opposed by **Marjorie Gustafson**.

In Waupaca County, Clerk of Court **George Jorgensen** opted not to run for re-election, seeking instead the register of deeds post, which he won. **Terry Tews**, who works in the Corporation Counsel's Office, won the primary election and is unopposed in the general.

In Wood County, which is scheduled to begin a conversion to CCAP in 1999, Trust Fund Accountant **Cindy L. Joosten**, who has been with the clerk's office for nine years, is touting her experience as a member of the team that worked on development of the KIDS computer program and prepared county information to be placed on that system.

Her opponent, **Gary Dove**, works in the county's child support office and formerly worked in the jail. The winner will replace **Edward Hellner**, who is retiring. ❖

through court offices and private vendors have been created by the Records Management Committee.

The Records Management Committee is currently composed of the following members: five circuit court judges (Gary L. Carlson, Robert A. Haase, James R. Kieffer, John B. Murphy and Emily S. Mueller); five clerks of circuit court [Bonnie Bauer, Renae Baxter, Kathy Buros, Sheila Reiff, and Lynn Erbach (a chief deputy)]; Register in Probate Barbara Pelkey; Juvenile Clerk Vicki Gilbertson; District Court Administrators Kerry M. Connelly and Samuel T. Shelton and other representatives of the state court system.

Representatives from the State Bar of Wisconsin, the Wisconsin State Law Library, state agencies, corporation counsels and court commissioners are invited to participate as necessary. ❖

SafeStart Off to Great Start in Racine



Consultant Amanda Cosgrove-Paffrath, Reserve Judge Nancy E. Wheeler and SafeStart Project Director JoAnn Selmo are leading the effort to make Racine a safer place for adolescent girls at risk.

The following hypothetical situation is drawn from an amalgam of judicial experience in Racine County. It is presented to illustrate the need for SafeStart, a program being crafted in Racine to tackle the dual problems of domestic violence and adolescent pregnancy:

Angela, 14, was truant for most of the 1997-98 school year but did well at the Mack Center (an alternative school in Racine) when she did attend.

Angela's parents never married and she has little contact with her father, who lives in Racine. She lives with her mother, who works a night shift, and her two half-siblings, ages four and six. She is expected to care for them while mom is at work.

Becoming frustrated with home life last year, Angela joined the Gangster Disciples. As part of her initiation into the gang, she had sexual intercourse with a number of the senior gang members and became pregnant.

Her daughter, Jessica, is now three months old. The father is 24 years old and threatens Angela with violence on a regular basis. Angela ran away from her mother's home over the summer and took her baby daughter with her. She now trades sex for cocaine while on the run.

SafeStart's 16-person steering committee, composed of community leaders and three youth members, is developing a comprehensive approach to helping kids like Angela and her daughter.

SafeStart began with a planning grant of \$100,000 from the U.S. Department of Justice (obtained with the assistance of the Wisconsin Supreme Court) and will help get the Angelas and

Jessicas of Racine off the streets. It has four components: a shelter for adolescent runaway girls, a residential program for adolescent mothers and their children (available in situations where either the mother or the child is in danger of being abused), a continuum of comprehensive community services for teen girls and a service provider network to improve communication among the people who work with this population. The project, part of the Wisconsin Supreme Court's Families, Children and Justice Initiative, is a model that counties around the state will be able to replicate.

The steering committee now meets monthly, with each member also serving on at least one of six standing committees working on such issues as public awareness, funding and site selection for a residential facility.

The initial goal—to determine what services are currently offered in the community to address adolescent pregnancy and domestic violence and to identify gaps in services—is nearly complete. This comprehensive list will form the foundation for a service provider network to facilitate communication across disciplines and agencies among providers working in the areas of domestic violence and adolescent pregnancy.

A program for delivery of services to young mothers like Angela is being developed with help from consultant Amanda Cosgrove-Paffrath, who has experience setting up programs to address domestic violence. To better understand the needs of teen girls like Angela, the committee developed a survey which was administered at a variety of locations, including: a secure correctional facility for girls, a resource center that works with the mothers of newborns in targeted high-risk census groups, the University of Wisconsin-Parkside, support and activities groups for single mothers and their children, the Gang/Crime Diversion Task Force (a teen prevention program sponsored by the Racine Police Department) and more.

Chief Justice Shirley S. Abrahamson and Reserve Judge Nancy E. Wheeler joined Cosgrove-Paffrath and others in August for a service provider focus group at the Wingspread facility in Racine. Focus group participants shared their experiences working with girls in crisis. The information they provided will be incorporated into SafeStart's program design.

The next step is an event planned for October 22 during the national "Week Without Violence" to raise awareness among policy makers, service providers and volunteers about violence in the lives of girls and its link to adolescent pregnancy. ❖

For more information about Racine's SafeStart, call Project Director JoAnn Selmo at (414) 554-6955.

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