

- 8 Judges celebrate May graduations
- 12 New interactive program brings *pro se* training online
- 14 Retirements
- 16 Longtime DCA steps down
- 17 Appleton opens new drug court
- 18 Cracker Barrel Conversations

a publication of the Wisconsin Judiciary

The Third Branch



Courts welcome 13 new judges; four incumbents re-elected over challengers

The April election brought new faces to the bench in Chippewa, Dane, Douglas, Green, Jefferson, Kenosha, Marathon, Milwaukee, Ozaukee, Sawyer and Wood counties.

The new judges will fill newly created branches, replace retiring judges, and – in one county – replace a defeated incumbent judge. Of the five incumbents who faced challengers, four were re-elected. Here is the rundown (length and detail vary based upon each candidate’s submissions):

Supreme Court Chief Justice Shirley S. Abrahamson



Chief Justice Shirley S. Abrahamson

In the highest profile race on the spring ballot, Chief Justice Shirley S. Abrahamson handily won election to a fourth 10-year term, beating challenger Randy Koschnick, a Jefferson County Circuit Court judge, by 59 percent to 41 percent

In its editorial endorsing Abrahamson, the *Milwaukee Journal Sentinel* called her a “judicial heavyweight whose knowledge of the law and work ethic are legendary around the Capitol and whose

accomplishments led her to be considered for nomination to the U.S. Supreme Court.” The newspaper noted Abrahamson’s national and international reputation, and her inclusion in a list of the top 100 American judges of all time, compiled in the 2003 book, *“Great American Judges: An Encyclopedia.”*

Abrahamson has served on the Court for 33 years and is now on track to become the longest-serving justice in state history. Only one other justice has been elected four times: Orsamus Cole, who served for 37 years. Cole joined the Wisconsin Supreme Court in 1855 after serving in the U.S. Congress. He was a justice for 25 years and chief justice for 12 years prior to his retirement in 1892.

Bayfield County Judge John P. Anderson

Judge John P. Anderson, who won election to the Bayfield County Circuit Court in 2003 by beating an incumbent judge, handily turned back a challenge from Gene D. Linehan, a criminal defense lawyer with a practice in Wausau.

Anderson first took the bench



Judge John P. Anderson

six years ago by unseating Judge John H. Priebe, who had practiced law in Rhinelander before Gov. Scott McCallum appointed him to replace Judge Thomas T. Lindsey, who passed away during his first term of office.

Anderson is a lifelong resident of Bayfield County who served as a court commissioner, president of the Ashland-Bayfield County Bar Association, and a partner in a local law firm prior to taking the bench. He is married to Tracy Anderson. The couple has two children, Karli and Jacob.

Burnett County Judge Kenneth L. Kutz

In Burnett County, Judge Kenneth L. Kutz, an appointee of Gov. Jim Doyle, won election to a full term after defeating Paul W. Baxter, a Douglas County court commissioner. Kutz won by a margin of 69-31 percent.

Kutz served as Burnett County district attorney for 21 years prior to taking the bench. He succeeded Judge Michael J. Gableman, who won election to the Wisconsin Supreme Court in 2008 by defeating incumbent Justice Louis B. Butler Jr.

Kutz first tried for the Burnett County judgeship in 2003, when he ran unsuccessfully against Gableman, who was then a new appointee of Gov. Scott McCallum.

Kutz is married to Patricia Kutz. The couple has three children: Brian, Sean and Brendan.



Judge Kenneth L. Kutz

Chippewa County Judge-elect James M. Isaacson

Atty. James M. Isaacson of Cadott beat Atty. Steven H. Gibbs of Chippewa Falls to win election to Branch 2, which is vacant due to the retirement of Judge Thomas J. Szama (see *The Third Branch*, fall 2008).



Judge-elect James M. Isaacson

Isaacson has practiced law in Cadott for 30 years and has been a court commissioner for 12 years. A 1978 graduate of Marquette Law School, Isaacson has volunteered his time in the lawyer regulation system and currently sits on the Board of Directors of the State Bar Family Law Section.

Isaacson and his wife, Linda, operate a small farm and have four children: Megan, Aaron, Molly and Jason.

Director's column: Financial situation creates "new reality" for state, court system

Elizabeth Edwards caught my ear with a phrase she used during a recent radio interview.

Edwards, author and the wife of unsuccessful presidential candidate and former U.S. Senator John Edwards, said she was "Making the most of my new reality."

While Edwards' comment may not exactly sound inspirational on its face, it certainly is a forward-looking approach to life in light of difficult circumstances.

I was probably more receptive to the comment because it came on May 8 – the same afternoon that Gov. Jim Doyle held a press conference to explain further the state's unprecedented financial difficulties.



A. John Voelker

Our "new reality" is that tax collections are down significantly, and that the budget deficit increased by more than \$1 billion. In response, the governor proposed deeper cuts, including cancellation of a previously approved pay raise for non-represented state employees and a requirement that most state employees take 16 days off

without pay during the next two years. He's also asked some state agencies to take deeper cuts than the previously announced across-the-board 1-percent cut.

And the problem seems to be compounding itself. Just a few days after the governor's announcement, the Legislative Fiscal Bureau indicated tax collections were down more than 8 percent compared to last year – a bigger dip than even Doyle had anticipated.

As of publication deadline for *The Third Branch*, the Legislature had yet to consider Doyle's proposal, and I am reviewing our budget with Chief Justice Abrahamson and the Supreme Court.

As I was contemplating what the governor's announcement might mean to the court system, I received a press release from the National Center for State Courts (NCSC). The Center was announcing the results of a public opinion poll – "Shared Branches, Shared Responsibilities: A National Survey of Public Expectations on Solving Justice Issues."

The poll, conducted as states across the nation struggle with finances, is believed to be the first survey to measure the public's perception of how the executive, legislative and judicial branches work together on public policy issues that affect the administration of justice.

I found the results interesting and somewhat motivational because it reminded me of the bigger picture: what does the public expect of the courts? While the survey addressed broader issues, such as inter-branch communication, it also included questions related to financing of the courts.

see **Director's column** on page 7

Technology links Madison court interpreter to courts in Door, Trempealeau

In March, for the first time, the Wisconsin court system linked a court interpreter in Madison to courtrooms in Door and Trempealeau counties. The test could mean that court interpreters will be able to offer their services – using a laptop with a camera, a wireless Internet connection and a special software called Polycom – without being physically present in court.

"We have been trying to find a way to test the videoconferencing equipment with a real live interpreter but the problem was that videoconferencing is a county function and no county was really interested in testing equipment with another county, which is why we got involved," said Interpreter Program Manager Carmel Capati.

Capati used the Door County experiment to explain how the link worked. First, she said, two different tests were tried. The first involved setting up a "bridge" from the Capitol to the Pyle Center on the UW-Madison campus. Supreme Court Marshal Tina Nodolf, along with Tim Diedrich of the

Department of Administration and technology experts the Pyle Center, made the link work on the Madison end, while Register in Probate Judith Schneider provided technical assistance in Sturgeon Bay. The result was that Fayme Filipiak, a certified court interpreter, was able to appear in a

Door County courtroom without leaving Madison.

The second test simply used Filipiak's computer, which is equipped with a camera, and a free trial of a software called Polycom. Again, Filipiak was able to appear in Door County in real time without a hitch.

"This was just a test, but had it been the real thing, the state and Door County would have saved hundreds of dollars and the availability of a certified court interpreter for almost any language would have been assured," said District Court Administrator H. Britt Beasley, who participated in the test

along with Door County Judges D. Todd Ehlers and Peter C. Diltz. In Trempealeau County, Deputy Chief Judge John A. Damon led the effort. ■



Fayme Filipiak, a certified court interpreter, uses her computer in Madison to appear by live videoconference in a Door County courtroom during a test of long-distance interpretation.



Justice David T.
Prosser Jr.



Judge Edward R. Brunner



Jane Colwin



Michael Heffernan



Gregg Herman



David Schanker



April Southwick



David Ziemer

Committee to study impact of allowing unpublished opinion cites

By Theresa Owens, Executive Assistant to the Chief Justice

Beginning July 1, a Court of Appeals unpublished opinion authored by a member of a three-judge panel or by a single judge may be cited for its persuasive value.

The Wisconsin Supreme Court authorized the citation of unpublished opinions, a change that a number of other states are watching closely. Wisconsin's process for assessing the impact of the new rule is expected to serve as an assessment tool for other states considering a citation rule amendment.

The new citation rule is Wis. Stat. § (Rule) 809.23(3); it excludes from citation *per curiam* opinions, memorandum opinions, summary disposition orders and other orders. The court's Jan. 6, 2009 order is available at http://wicourts.gov/supreme/sc_hearing_rules.jsp

The Supreme Court ordered that a committee be convened to gather information on the impact of the rule amendment. Over a three-year period the committee will compile statistics and analyze trends of filings and dispositions as they relate to unpublished opinions. The committee members are Justice David T. Prosser Jr., Supreme Court; Judge Edward R. Brunner, Court of Appeals, District 3; Jean Bousquet, chief information officer (CCAP); Peg Carlson, chief staff attorney, Court of Appeals; Jane Colwin, State Law Librarian; Joseph Ehmann, first assistant state public defender; Michael Heffernan, Foley & Lardner; Gregg Herman, Loeb & Herman; Theresa Owens, executive assistant to the chief justice; David Schanker, clerk of the Supreme Court and Court of Appeals; April Southwick, attorney, Judicial Council; Christopher Wren, assistant attorney general, Criminal Appeals Division; and David Ziemer, *Wisconsin Law Journal*.

At a March committee meeting, Supreme Court Justice David T. Prosser Jr. raised a series of questions that led discussions on accessibility of unpublished opinions, potential consequences of the rule amendment, and the type of data that should be gathered to analyze the impact of the rule.

In May, the committee submitted its interim report to the Supreme Court. The interim report details the statistics that the committee will compile and review in preparing its final analysis for the court. The committee will review the number of *per curiam* and three-judge opinions filed, petitions for review filed and granted on unpublished opinions, and motions to publish filed before and after the effective date of the rule amendment.

The committee determined that guidance on the new citation rule would be beneficial. The interim report provides a recommended citation format and instructs attorneys and parties to list unpublished opinions in the table of cases and include a copy of the opinion in the appendix to the brief or petition for review or attached to the motion in which the unpublished opinion is cited. It is anticipated that rule petitions will be filed seeking to require a party citing an unpublished opinion to list the opinion in the table of cases of the brief and include a copy in the appendix. ■

The interim report is available at: www.wicourts.gov/about/pubs/supreme/docs/unpublishedopinions.pdf. The committee will report its findings on the operation of the rule to the Supreme Court in the fall of 2011.

Election *continued from front page***Dane County
Judge-elect Julie Genovese**

Atty. Julie Genovese, who won a three-way primary with more than 60 percent of the vote, beat Assistant U.S. Atty.



Judge-elect Julie Genovese

Stephen Ehlke to fill the seat being vacated by the retirement of Judge Michael N. Nowakowski at the end of July (*see The Third Branch, summer 2008*).

Genovese has practiced law for 20 years, and was the first woman partner in litigation at the Madison law office of Foley & Lardner. She began her legal career as law clerk to then-Justice Shirley S. Abrahamson in 1987.

Genovese is a graduate of Vanderbilt University Law School and Harvard College. She is married to David Harth and is the

mother of three sons and a daughter.

**Douglas County
Judge-elect Kelly J. Thimm**

Assistant District Atty. Kelly J. Thimm faced his boss, Douglas County District Atty. Daniel W. Blank, in the race to succeed Judge Michael T. Lucci. Thimm won by a margin of 300 votes out of about 9,000 cast.



Judge-elect Kelly J. Thimm

Lucci is retiring after 24 years on the bench in Superior (*see separate story, page 15*).

Thimm has worked as an assistant district attorney for his entire 12-year legal career. He also has served, since 2004, as a hearing examiner for the Superior School Board. In this capacity, he presides over expulsion hearings and advises the School Board.

A graduate of the University of Minnesota, where he earned a bachelor's degree in criminology and political science, Thimm

earned his law degree from the UW Law School.

Thimm is a member of the Superior Public Museum Board, coach of the Superior High School Mock Trial team, and a member of the Jaycees and Optimist Club. In 2007, Thimm was named 'Outstanding Young Superiorite'.

**Grant County
Judge-elect
Craig R. Day**

Atty. Craig R. Day beat incumbent Judge George S. Curry, who initially took the bench in Grant County as an appointee of Gov. Tommy G. Thompson in 1990, and who was subsequently elected and re-



Judge-elect Craig R. Day

elected in 1991, 1997 and 2003.

Day told the media that he was running to bring a fresh perspective to the bench. He has practiced law in Lancaster for 18 years, spending 11 years at the law firm of Hoskins Brown before opening his own three-person firm. He also served for 10 years as coach for the Iowa-Grant High School Mock Trial team.

Day was raised on his family's dairy farm in Iowa County. He is a graduate of the UW Law School and UW-La Crosse. He and his wife, Tess, are the parents of three teenagers: Stacy, 17, Brian, 16, and AJ, 14.

In his spare time, Day is active in youth sports. Over the years, he has coached football, basketball and baseball.



Judge George S. Curry

**Green County
Judge-elect Thomas J. Vale**

In Green County, Atty. Thomas J. Vale took about 51 percent of the vote to defeat Atty. Dan D. Gartzke in the race for the newly created Branch 2 seat. *The Monroe Times*, which endorsed Vale, called both men "fine choices" and praised their demeanor and the tone of the race.



Judge-elect Thomas J. Vale

Vale has been in private practice in Monroe for 27 years. He is currently a partner in the law firm of Duxstad, Vale and Bestul. He also has been a lecturer at the UW Law School and is very active in his community, serving on the board of directors of the Monroe Chamber of Commerce and the Swiss ALPS playground project.

A graduate of Drake University Law School in Des Moines, Vale completed his undergraduate work in agricultural journalism at UW-Madison. He is married to Karen [Schultz] Vale, a pharmacist at Schultz Pharmacy in Monroe. The couple has three children: Erin, a freshman at UW-Madison, Dan, a high school junior, and Eric, a sixth grader.

**Jefferson County
Judge-elect Jennifer L. Weston**

Atty. Jennifer L. Weston will succeed the retiring Judge John M. Ullsvik (*see The Third Branch, winter 2009*) after beating Atty. Steven J. Luchsinger. Luchsinger had vowed to take a 10-percent pay cut and begin each day in court with the Pledge of Allegiance.

Weston has served as a full-time court commissioner for Jefferson County since 2006. From 2002-06, she served as a half-time family court commissioner and a half-time guardian *ad litem*. In 2008, she won a contested election for

see Election on page 5

Election *continued from page 4**Judge-elect Jennifer L. Weston*

Fort Atkinson Municipal Court judge. Weston also spent several years working as a family court mediator in Walworth County.

Weston grew up in Whitewater, earned a bachelor's degree in psychology from UW-Madison, and received her J.D. from Washington University School of Law in St. Louis. She is married to Atty. Tod O. Daniel, who practices in Janesville. The couple has two children, Abigail, 16, and Max, 14.

**Kenosha County
Judge-elect Chad G. Kerkman**

Atty. Chad G. Kerkman of Genoa City, second-place finisher in the primary election, beat Atty. Frederick L. Zievers in the election to fill the newly created Kenosha County Circuit Court Branch 8.

For nine years, Kerkman has been sole shareholder in Kerkman Law Offices in Twin Lakes and Kenosha. His practice has focused on criminal defense and family law matters. Prior to private practice, Kerkman spent two years as a Kenosha County prosecutor.

Kerkman is a graduate of the UW Law School and Purdue University (where he earned a bachelor's degree in industrial engineering). He is the husband of Rep. Samantha Kerkman, R-Genoa City.

*Judge-elect Chad G. Kerkman***Marathon County
Judge-elect Jill N. Falstad**

Marathon County District Atty. Jill N. Falstad beat Atty. Peter C. Rotter, a criminal defense lawyer, in the race to succeed Judge Dorothy L. Bain, who resigned in 2008.

Falstad had a huge lead in the primary, taking about 50 percent of the vote to Rotter's 19 percent. There were three others – two court commissioners and a lawyer in private practice – eliminated in the primary.

Falstad was first elected district attorney in Marathon

County in 1994. She has been re-elected eight times since. She began work in the office in 1989 as an assistant district attorney, having previously served as a prosecutor in Portage County and Wood County.

The Wausau Daily Herald issued a strong endorsement of Falstad, writing, "Falstad is manifestly qualified to take the judge's seat. She knows the law, is a tireless worker and has approached her job with a sense

*Judge-elect Jill N. Falstad*

of real commitment to the people she serves — both the victims of crimes and the public at large. She has a sharp mind and long record of making hard choices."

Falstad is a graduate of the UW Law School.

**Milwaukee County
Judge Ellen R. Brostrom, Branch 6**

Atty. Ellen R. Brostrom won election to the Branch 6 seat made vacant by Judge Kitty K. Brennan's appointment to the Court of Appeals. Brostrom beat Atty. Christopher R. Lipscomb, a municipal court judge, by a margin of 52 percent to 48 percent.

Brostrom was sworn in on May 1 thanks to an early appointment by Gov. Jim Doyle. The governor occasionally appoints judges-elect prior to August 1 at the request of the director of state courts when there is a critical need. She was assigned to the Misdemeanor Division.

At the time of her election, Brostrom was a partner in Reinhart Boerner Van Deuren in Milwaukee. Prior to joining the firm, she worked a number of firms large and small, including her own small firm in Milwaukee. She also has prosecuted criminal cases for the Milwaukee County District Attorney's Office as a public service special assistant district attorney.

In addition to her legal work, Brostrom has been an active member of her community. She is on the board of the Community Advocates Milwaukee Women's Center, on the parish council of the Cathedral of St. John the Evangelist, and is a member of the Lakefront Development Advisory Commission.

Brostrom is a graduate of the UCLA Law School. She is also the daughter of Wisconsin Supreme Court Justice Patience Drake Roggensack.

*Judge Ellen R. Brostrom***Milwaukee County
Judge J. D. Watts, Branch 15***Judge J.D. Watts*

Atty. Jonathan D. "J.D." Watts came from behind to beat Atty. Daniel Gabler in the race for Branch 15. Watts was sworn in on May 1, thanks to an early appointment by Gov. Jim Doyle. Watts was assigned to the Misdemeanor Division.

Watts succeeds Judge Michael B. Brennan, who stepped down to return to private law practice.

A former Fox Point municipal judge, Watts also operated J.D. Watts Law Office prior to his election. While serving as a

Milwaukee County assistant district attorney, Watts handled

Election *continued from page 5*

more than 50 jury trials. He also has served frequently as a guardian *ad litem* in Milwaukee Children's Court.

Watts is a native of the Milwaukee area. He earned his bachelor's degree in American history from Oberlin College and his J.D. from the UW Law School. He is the father of four adult children, Catherine, Samuel, Anne and Alex, and grandfather of Charlotte and Noah.

**Ozaukee County
Judge-elect Sandy Williams**

Judge-elect Sandy Williams

In what the *Milwaukee Journal Sentinel* cited as Ozaukee County's first contested circuit court race in 30 years, District Atty. Sandy Williams beat Family Court Commissioner Darcy McManus.

Williams succeeds Judge Joseph D. McCormack, who retired in February after 30 years on the bench (*see The Third Branch, fall 2008*). McCormack was the last judge in Ozaukee County to run in a contested race.

A prosecutor for her entire law career, Williams has served as the county's elected district attorney for the past 22 years, and was an assistant district attorney for three years prior to that.

Williams is a graduate of Hamline University School of Law and received her bachelor's degree in English and political science from Marquette University. She is married to Mark Williams, an assistant district attorney in Milwaukee County. The couple has two children, John, 17, and Katie, 15.

**Sawyer County
Judge-elect Gerald L. Wright**

In the race to succeed Judge Norman L. Yackel, following Yackel's retirement (*see The Third Branch, winter 2009*), Assistant Public Defender Gerald L. "Jerry" Wright beat Atty. Thomas J. Duffy.

Wright has been an assistant state public defender since 2001. He represents clients in Sawyer, Washburn and Burnett counties. He also has been active on the Washburn County Criminal Justice Council and in the Sawyer County Drug Court program, and



Judge-elect Gerald L. Wright

has served as a mediator in small claims cases in La Crosse.

A graduate of the UW Law School and Luther College, Wright was raised on a family farm in western Iowa. He lives with his wife, Laurie, in the Town of Hayward. He is an avid cyclist and cross-country skier.

**Taylor County
Judge Ann N. Knox-Bauer**

Judge Ann N. Knox-Bauer, appointed by Gov. Jim Doyle in 2008 to succeed Judge Gary L. Carlson, won a six-year term after beating back a challenge from Atty. William A. Grunewald.

Grunewald has practiced law in Medford for 25 years and is a part-time court commissioner.

Knox-Bauer was Taylor County family court commissioner when Doyle tapped her to replace Carlson, who retired in January 2008 after 28 years on the bench.



Judge Ann Knox-Bauer

**Wood County
Judge-elect Todd P. Wolf**

In the race to replace Judge Edward F. Zappen Jr., who will retire in July after 23 years on the bench (*see separate story, page 15*), Wood County District Atty. Todd P. Wolf beat Marshfield Municipal Judge John A. Kruse. Wolf carried about 58 percent of the vote to Kruse's 42 percent.



Judge-elect Todd P. Wolf

Wolf has been a prosecutor in Wisconsin Rapids for more than 20 years, and is a member of the county's Criminal Justice Task Force. He is also a founding member of both the Wood County Adult Drug Treatment Court and the Marshfield Child Advocacy Center.

Wolf has been active in his community. He is a former member of the board of directors of Big Brothers and Big Sisters of Wood County, a member of the Rotary Club, an instructor at Mid-State Technical College, and a coach in several sports programs, including football, soccer and baseball.

A graduate of Marquette Law School, Wood received his bachelor's degree in criminal justice from UW-Platteville. ■

New orientation developed for juvenile clerks

An orientation for newly assigned juvenile clerks has been developed as part of this year's Wisconsin Juvenile Court Clerks' Association (WJCCA) annual conference. The Children's Court Improvement Program is partnering with WJCCA to provide an opportunity for new juvenile clerks to be paired with a mentor and to learn about

resources available to assist them with their important role in the court system.

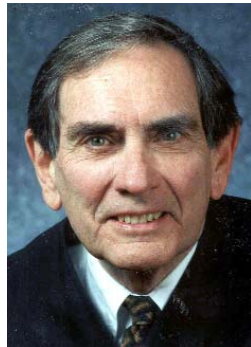
Additional information about the orientation, and a report on the annual conference, will be shared in an upcoming edition of *The Third Branch*. ■

LEADERSHIP

Mediation program targets foreclosures

Chief Judge William D. Dyke's first surprise as he tackled the task of building a mediation program to handle foreclosure cases in Iowa County was the number of options available to help both lenders and homeowners.

"There are some thoughtful and appropriate responses to foreclosures," he said. "There's a lot of good to be gained for both sides through mediation."



Judge William D. Dyke

Dyke said he had been discussing his concerns about the rise in foreclosures with Clerk of Circuit Court Carolyn Olson when they received a report giving county-by-county foreclosure numbers for Wisconsin. CCAP had created the report at the request of Chief Justice Shirley S. Abrahamson, who also had been concerned about the rise in foreclosures.

"The Chief Justice was an inspiration," Dyke said. "When she ordered that report containing all of the foreclosure numbers so we could see what was happening, I was convinced we needed to do something." Around the same time, Dyke also read articles about the problem in *USA Today* and the *Wisconsin State Journal*, and saw a report on MSNBC. "All of these things came together, and by the end of 2008, I knew where I wanted to go with this," he said.

Dyke's research took him in several directions. First, he recalled an old friend who had lived through the Depression mentioning that the law once required mediation in foreclosure cases. Sure enough: he found it in a 1935 statute book. That law had a sunset date, but Dyke has determined that Wis. Stat. 802.12 authorizes mediations. He also has relied upon federal case law, and looked carefully at how the state Department of Agriculture, Trade and Consumer Protection handles farm foreclosures. "They have a refined procedure in place, and quite a number of forms that are adaptable to our needs," Dyke said.

After his in-state study, Dyke looked around the country for models. Following up on a conversation with Judge James J. Duvall, Buffalo/Pepin County Circuit Court, Dyke found good ones in Ohio and New Jersey. "Ohio has been very, very helpful to us as we have designed our program,"

he said. "They have a foreclosure-mediation program that I believe is now in every county in the state, and it has been very successful."

Dyke then drafted a proposed local rule and sent it to 25 or so local practitioners for comment. "I received quite a few lengthy and very helpful responses," he said. He put the rule in place effective January 1. It requires that plaintiffs (lenders) notify defendants of the availability of mediation in foreclosure matters, and provides as follows:

Alternative Dispute Resolution (ADR) procedures ... may be requested by either party. Upon request of either party, the Court will determine whether the case is appropriate for use of a settlement alternative and the judge may order the parties to seek a settlement alternative.

But building a mediation program takes more than enacting a rule. Dyke recruited local attorneys with backgrounds in real estate, business and tax law to serve as volunteer mediators. He now has a core group of between six and nine volunteers who have cooperated in training sessions. The volunteer trainers include top mediators, litigators, foreclosure experts and more.

"We are learning a lot about best practices, mediation techniques, even caveats to share with participants," he said. "For example, while the mediators do not give advice, they do alert homeowners that there may be tax consequences of debt forgiveness, and they advise them to check with an accountant or a tax attorney."

Less than half a year into the experiment, Dyke is enthusiastic about ADR's place in foreclosure cases.

"Mediation is good for both plaintiff and defendant," he said. "Most people don't know there are defenses to foreclosure, or if they do know, they don't know what to do. This program is about helping homeowners to understand that there are some remedies. It's also about helping lenders reach quicker resolution of these cases. There's no question that both sides can benefit."

The Iowa County Circuit Court rule that authorizes mediation in foreclosure cases is available here:
www.wisbar.org/AM/Template.cfm?Section=Iowa_County1#foreclosure.

Director's column *continued from page 2*

The Center found in a telephone survey of 1,200 American adults conducted during February and March 2009 that the American public thinks courts should be provided enough money to function properly, with super majorities opposing proposed budget measures many states are considering.

More specifically, the public is opposed to budget cuts that would affect the core functions of the judiciary – 85 percent oppose the cessation of jury trials, an option some courts have been forced to pursue on a temporary basis. More than four of five respondents opposed raising fees charged to those who want to bring cases to court, and a majority of respondents rejected the idea of reducing the number of judges through attrition as a cost-cutting measure.

Clearly, the courts, like much of state government are facing a new reality, and the judicial system will need to be sensitive to the state's budget problems. The poll also showed that nine of 10 Americans think it is important for the heads of three branches of government to meet regularly.

We want to ensure that budget cuts don't impair our ability to run the courts effectively or to fulfill our constitutional obligations. The public expects no less, even in difficult times.

As difficult as our new reality is, we will meet the challenge to continue providing the public the court system it expects and deserves. ■

'My brilliant child'

Judges across the state celebrated the graduations of their multi-talented children this May. Meet a few of the judiciary's brilliant offspring:

Artem Beer

Judge James R. Beer, Green County Circuit Court, reported that his son, Artem Beer, will graduate in June from Monroe High School. Artem, who attended grade school in Russia and junior high school in Estonia, is fluent in oral and written Russian. He also has studied German and is an athlete (football, wrestling, tennis). He will attend the UW-Whitewater beginning in the fall.



Artem Beer

Amanda (Bjerke) Kjome Benjamin Bjerke-Kroll Emily Bjerke-Kroll



Judge Todd Bjerke (far right) with his family: (from left to right) wife, Karen Kroll; daughters, Emily and Amanda; son-in-law, Kyle; and son, Benjamin, at Amanda and Kyle's wedding, which Bjerke officiated.

Judge Todd Bjerke, La Crosse County Circuit Court, will celebrate two graduations this spring. His youngest child, Amanda Kjome, and her husband, Kyle Kjome, are graduating from UW-Stevens Point. Amanda will earn a bachelor's degree in business administration with a minor in music. Kyle will earn a bachelor of science in biology and pre-medicine, with a minor in chemistry.

Bjerke's oldest child, Benjamin Bjerke-Kroll, is graduating from the Columbia University College of Physicians and Surgeons in New York, with a degree in medicine. He already has a master's degree in chemistry from the University of California at Los Angeles, and an undergraduate degree in chemistry from UW-Madison. He is seeking a residency in orthopedic surgery.

Bjerke's middle child, Emily Bjerke-Kroll, graduated in December 2005 from UW-Stevens Point with a degree in art. Since then, she has resided in Taiwan, where she teaches English.

Allison Cimpl-Wiemer

Judge Dennis R. Cimpl, Milwaukee County Circuit Court, reported that his daughter, Allison Cimpl-Wiemer, will graduate from Marquette Law School this month. She will start work at Quarles & Brady in the Commercial Litigation Department in the fall after serving an externship with the Milwaukee office of the State Public Defender. Allison is married to Atty. Jamie Wiemer. She becomes the third generation of lawyers in the family following her grandfather, Atty. Richard F. Cimpl, and her dad. No word yet on who got the honor of moving her admission to the bar on May 18, 2009.

Sarah E. GaleWyrick

Judge Molly GaleWyrick reported that her daughter, Sarah Elizabeth GaleWyrick, will graduate this month from the University of Wisconsin School of Medicine and Public Health. Sarah is following in the footsteps of her father, Ken GaleWyrick, M.D., and planning a career in primary care as a family practitioner. Sarah will be doing her residency at the UW-Madison Department of Family Medicine, which is ranked third in the nation.

Mathew B. Kuhnmuensch

Judge Mary M. Kuhnmuensch, Milwaukee County Circuit Court, reported that her son, Mathew Brian Kuhnmuensch, will graduate this month from Boston College with both his MBA and law degrees. Mathew earned his MBA with honors from the Carroll Graduate School of Business at Boston College with a finance concentration. He also earned his law degree from the Boston College Law School. He will spend this summer studying for the Massachusetts Bar Exam and will pursue a career in consulting and investment banking. He earned his undergraduate degree in history from Boston College and is a 2001 graduate of Marquette University High School.

Alexis M. Leineweber

Judge Edward Leineweber, Richland County Circuit Court, reported that his daughter, Alexis M. Leineweber, 21, will graduate this month from UW-Milwaukee with a bachelor's degree from the College of Letters and Sciences. She completed three majors: economics, international relations and political science. Alexis will spend the next year in France teaching English. After France, she looks forward to furthering her education in either graduate school or law school. She will take the LSAT in June. Alexis hopes to find a career that takes her abroad and focuses on humanitarian relief work.



Alexis M. Leineweber

AWARDS



Justice Ann Walsh Bradley speaks to graduating students at Webster University.

Justice Bradley honored with 'Outstanding Alumni Award'

Justice Ann Walsh Bradley received an "Outstanding Alumni Award" from Webster University's College of Arts & Sciences during commencement ceremonies in Saint Louis on May 9.

The Outstanding Alumni Award is presented annually to an alumna or alumnus from the College of Arts & Sciences who has made specific, meritorious contributions to society through their profession or field of voluntary service. The award recognizes high achievement that reflects credit upon the individual, the College of Arts & Sciences and Webster University.

In presenting the award, the alumni association recognized Bradley's achievements in the law, including the American Judicature Society's Harley Award. The Harley Award is a national honor reserved for judges whose outstanding efforts and long-term contributions have resulted in substantial improvements to the justice system.

After working in private practice, Bradley spent 10 years on the circuit court bench in Marathon County. She worked as a high school teacher at Aquinas High School in La Crosse before entering the UW Law School, where she earned a law degree in 1976. She was elected to the Supreme Court in 1995 and 2005. Her current term ends in 2015.

Bradley is an elected member of the American Law Institute, a Commissioner of the National Conference on Uniform Laws, a former associate dean and faculty member of the Wisconsin Judicial College, a former chair of the Wisconsin Judicial Conference and a lecturer for the American Bar Association's Asia Law Initiative. She serves as a member of the Judicial Council, State Bar of Wisconsin Bench Bar Committee, the Board of Visitors of the University of Wisconsin Law School, the Federal-State Judicial Council, and a fellow of the American Bar Foundation.

Outstanding Alumni Award recipients are selected by the Dean and a committee from each of the five schools or colleges of Webster University. Bradley earned a bachelor's degree in religion from then Webster College in 1972.

Nowakowski honored for lifetime achievement

Judge Michael N. Nowakowski, a highly regarded leader who will retire from the Dane County Circuit Court in July when his term ends, was honored with the State Bar

of Wisconsin's 2008 Lifetime Jurist Achievement Award at a ceremony on May 6. The award is reserved for judges who have served for significant periods on the bench and who have made a profound difference through their service.

Judge Michael J. Rosborough, Vernon County Circuit Court, hailed Nowakowski's valuable contribution to the administration of the courts. In particular, Rosborough pointed to Nowakowski's leadership of the Judicial Workload Committee, whose efforts were key to the successful judgeship bill.

First elected in 1985, and re-elected in 1991, 1997, and 2003, Nowakowski served as chief judge of the Fifth Judicial Administrative District from 2001 to 2007 and as chair of the Committee of Chief Judges in 2006.

Among the many programs Nowakowski put in to practice are the judicial exchange program with the UW Law School and judges from China.

One of the most significant projects undertaken during Nowakowski's tenure was construction of the new Dane County Courthouse, which opened in 2006.

Past recipients of the Lifetime Jurist Achievement Award include circuit court Judges Edwin C. Dahlberg, Rock County; Mark J. Farnum, Rock County; Robert A. Haase, Winnebago County; P. Charles Jones, Dane County; Lee E. Wells, Milwaukee County; Peter G. Pappas, La Crosse County; Patrick T. Sheedy, Milwaukee County; Patrick L. Snyder, Waukesha County; Supreme Court Justice Myron L. Gordon; Edward R. Brunner, Wisconsin Court of Appeals, District III; and Michael J. Skwierawski, Milwaukee County.



Judge Michael N. Nowakowski (third from left) celebrates the Lifetime Jurist Achievement Award with, from left, Judge C. William Foust, Lynn Nowakowski, Justice Ann Walsh Bradley (the award presenter), and Judges Diane M. Nicks, Maryann Sumi, David Flanagan, Sarah B. O'Brien and Shelley Gaylord.

Chief Justice wins national award for promoting independent judiciary

Wisconsin Supreme Court Chief Justice Shirley S. Abrahamson has won the Harry L. Carrico Award for Judicial Innovation in recognition of her efforts to increase public understanding of the importance of an independent judiciary.

The award was presented May 8 by Massachusetts Chief Justice Margaret H. Marshall, chair of the National Center for State Courts (NCSC) Board of Directors, during the American Bar Association's (ABA) Conference on Fair and Impartial Courts in Charlotte, N.C.

AWARDS *continued from page 9*

Chief Justice Shirley S. Abrahamson accepts the National Center for State Courts' (NCSC) Harry L. Carrico Award for Judicial Innovation in May. Presenting the award is Massachusetts Chief Justice Margaret Marshall, chair of the NCSC Board of Directors.

The award was established in 2003 to honor a sitting state court justice who has inspired, sponsored, promoted, or led an innovation of national significance in the field of judicial administration. Abrahamson was selected because "she has earned a reputation for being fair, thoughtful, and forward thinking," said NCSC President Mary C. McQueen.

"Chief Justice Abrahamson's work in the area of increasing the public's understanding of the importance of an independent judiciary has served as a national model. She is a leader in the court community for her ongoing contributions to making the justice system more efficient and transparent," McQueen said.

Abrahamson is recognized as a national leader in state courts issues such as safeguarding judicial independence, improving inter-branch relations, and expanding outreach to the public. She was the first woman appointed to the Wisconsin Supreme Court in 1976 and has served as chief justice since 1996. In 2004 she served as president on the Conference of Chief Justices and chair of the NCSC Board of Directors.

The award is named for retired Virginia Chief Justice Harry L. Carrico, who was instrumental in founding the NCSC in 1971, and who served on its board from 1987-90.

Past recipients include Pennsylvania Chief Justice Ralph J. Cappy and former Texas Chief Justice Thomas Phillips.

Wolfgram is 'Judge of the Year'

Judge Tom R. Wolfgram, Ozaukee County Circuit Court, was honored as the State Bar 2008 'Judge of the Year' at a ceremony on May 6 in



Judge Tom R. Wolfgram

Milwaukee. The award recognizes a jurist who has improved the judicial system during the past year by his or her leadership in advancing the quality of justice, judicial education, or innovative programs.

In announcing the award, the State Bar quoted Milwaukee County Assistant District Atty. Adam Y. Gerol, who described the qualities that make Wolfgram a superb jurist. "Judge Wolfgram

always takes the time in court to make sure that litigants understand what has transpired, that victims know that their interests have been considered, and that defendants truly understand why they have received particular sentences," Gerol said. "He never misses an opportunity to teach and instruct, taking the time to set forth his reasoning and is willing to explain why the law or the proper exercise of discretion has compelled a particular result."

Wolfgram was appointed to the bench in 1994 by Gov. Tommy G. Thompson. He won election in 1995 and re-election in 2001 and 2007. Prior to becoming a judge, Wolfgram spent seven years in private practice and served, in the mid-1980s, as Ozaukee County district attorney.

Past recipients of this award include circuit court Judges Thomas H. Barland, Eau Claire County; Dennis J. Barry, Racine County; Harold V. Froehlich, Outagamie County; Mark A. Gempeler, Waukesha County; John J. Perlich, La Crosse County; Michael P. Sullivan, Milwaukee County; Gary L. Carlson, Taylor County; Maxine A. White, Milwaukee County; Patrick L. Snyder, Waukesha County, and Kitty K. Brennan, Milwaukee County (now Wisconsin Court of Appeals, District I).

Wisconsin Assn. of Treatment Court Professionals honors Levine

By Shelly Cyrulik, PPAC Policy Analyst

The Wisconsin Association of Treatment Court Professionals honored La Crosse County Circuit Judge Elliott Levine at its annual conference in April. Levine was presented with Aulik Award, named for John F. "Jack" Aulik who served as a Dane County judge from 1986-98 and is credited with implementing Wisconsin's first drug treatment court.



Judge Elliott Levine accepts the Aulik Award for his work on the La Crosse County Drug Court.

Prior to his election to the bench in 2007, Levine was a state public defender in La Crosse and became founding president of the Wisconsin Association of Treatment Court Professionals, a position he held until 2008. During his time as a public defender, Levine served as a member of the La Crosse County Drug Court team where he observed the impact of drug courts.

In accepting the citation, Levine told the estimated 100 participants in this year's conference, "I am humbled receiving this reward. I know that treatment courts and

their success are the result of a collaborative and coordinated effort by the various teams across this state. With their effort the court system has become more responsive to the needs of those who come before us. It is your work that has increased public safety, increased the effectiveness of treatment and reduced the overall burden to the community."

Levine is a member of the PPAC Effective Justice Strategies Subcommittee and the presiding judge of the La Crosse County OWI Court.

AWARDS *continued from page 10*

Walworth County Clerk of Circuit Court Sheila Reiff (left) listens as State Rep. Steve Nass (R-Whitewater) announces her commendation. Next to Reiff is County Board Chair Nancy Russell. On the far right is Sen. Neal Kedzie (R-Elkhorn).

Judge and clerk honored in Elkhorn

Judge James L. Carlson and Clerk of Circuit Court Sheila Reiff, both of Walworth County Circuit Court, were honored with special plaques during a March meeting of the Walworth County Board. The commendations recognize their many years of service (30 for Carlson, 40 for Reiff) and commitment to fair, innovative and efficient courts.



Judge James L. Carlson, Walworth County Circuit Court and County Board Chair Nancy Russell.

Joining the celebration were Sen. Neal Kedzie (R-Elkhorn) and Rep. Steve Nass (R-Whitewater).

Reiff also received an American flag that was flown on a combat mission (on an F-16) in Iraq on Dec. 7, 2004.

Reiff's father (who is still alive, well, and shooting pool in California) spent 26 years as an Air Force fighter pilot and was in Pearl Harbor on Dec. 7, 1941 when it was bombed.

Milwaukee judges' float takes top prize

The Milwaukee County Circuit Court judges took first place for best float in the Milwaukee St. Patrick's Day Parade this year. On April 2, Judge Mary M. Kuhnmuench accepted the Shamrock Trophy on behalf of the Milwaukee County judges before an enthusiastic crowd at the Irishfest offices in Wauwatosa. Joining Kuhnmuench were Judges William W. Brash III, Jeffrey A. Conen, Daniel L. Konkol, Dennis P. Moroney and Joan Kessler (Wisconsin Court of Appeals, District I).

The float has become a tradition for the Milwaukee County Circuit Court. Each year, interested judges donate their time and money to design and build an elaborate display for the parade. ■



Milwaukee County Circuit Court judges outdid themselves this year with a float that captured first place in the Milwaukee St. Patrick's Day parade. The float's theme was emblazoned on a horseshoe, which reads: "Don't let your luck run out. Celebrate safely."

Graduates *continued from page 8***Daniel George Murphy**

Judge Kitty K. Brennan, Court of Appeals, District I, reported that her son, Daniel G. Murphy, will graduate this month from UW-Madison with a bachelor's degree in Spanish and communication arts. Dan lived and studied for 12 months last year in Buenos Aires, traveling all over South America. He has worked as a library assistant at the Memorial Library for all of his undergraduate career. Dan has been selected for the very competitive *Teach for America* program and will be teaching in Kansas City for two years starting this summer. In his free time, Dan is a snowboarder, bicyclist, film student and currently is working on perfecting his skills as a disc jockey. "I am told," the judge reports, "that Madison will be a much quieter place when he's gone."



Daniel George Murphy

Kathleen Brennan Murphy

Judge Kitty K. Brennan also reported that her daughter, Kathleen "Kate" Brennan Murphy, will graduate from Tulane University in New Orleans this month with a master's degree in Business Administration. Kate hopes to land a job in Boston combining her areas of interest, finance and health care. "She has some serious prospects, but will gladly accept any advice and referrals," Brennan said. Kate had a summer internship in 2008 with the Medical College of Wisconsin under Earnestine Willis, M.D., and she is currently a teaching assistant in the Tulane Freeman School of Business. In her free time, Kate is a runner and triathlete, joining her mother in the Danskin triathlon for the last several years. She has lived abroad in southern Italy and Santiago, Chile, has studied and visited businesses in Beijing, Monterrey and Paris, and has explored Turkey, Argentina, Peru and Spain on her own. ■



Kathleen Brennan Murphy

Interactive online program will focus on serving self-represented litigants

A new, interactive learning program – believed to be the first of its kind in the nation – is being developed for clerks of circuit court and their employees across Wisconsin. The program is expected to be available on CourtNet by the end of 2009.

Entitled *Walking the Line*, the online course will focus on how to give appropriate assistance to self-represented litigants as required under Supreme Court Rule 70.61, Assistance to Court Users. It will make use of video vignettes that demonstrate right and wrong ways of handling common inquiries, and will employ multiple-choice quizzes that let the user track his or her progress. Pop-up boxes will appear alongside the user's selected responses to explain why an answer is correct or incorrect.

Reserve Judge Gary Carlson and Atty. Ann Zimmerman, Wisconsin's *pro se* coordinator, are leading the effort to develop the course. They are working in consultation with the Ninth and Tenth Judicial Districts' Self-Represented Litigants Committees. Marathon County Clerk of Circuit Court Diane Sennholz and her staff have been leaders in the effort to produce the course; Sennholz chairs the Ninth District committee.

Walking the Line is primarily funded with federal grant money that was secured for *pro se* initiatives in the Ninth Judicial District with help from U.S. Rep. David Obey.

As another tool in the toolbox for improving service to self-represented litigants, the interactive program joins a variety of other efforts across the state to address the

challenges of increased self-represented litigation. These efforts include simplified court forms, specialized training for judges, online and bricks-and-mortar assistance centers for *pro se* litigants in a growing number of counties, a partnership with public libraries, an effort to develop and share 'best practices' information among the ten judicial districts, and more. ■

For further information, contact State Pro Se Coordinator Ann Zimmerman at ann.zimmerman@wicourts.gov.



The new interactive course will help court staff assist the public without giving legal advice. It will also give a glimpse of daily life in hectic clerks' offices across the state. This photo was shot in Clerk of Circuit Court Diane Sennholz's office in Marathon County.

Community Resource Center addresses FAQs in District Nine

By Brigid Moroney, Intern

In an effort to enhance self-represented litigants' access to court-related information, the Ninth Judicial District (headquartered in Wausau) recently used grant funds to develop a Community Resource Center (CRC). The CRC is a literature display that contains self-help brochures, sample forms, legal assistance referral sources and other information self-represented litigants will find helpful as they navigate the legal system.



The CRCs are located in or near the Office of the Clerk of Circuit Court, which tends to be the first stop for self-represented litigants seeking assistance. While CRCs are only currently located in the Ninth District, it is hoped that other districts will also develop these literature displays.

Based upon feedback from a district assessment, the

most popular inquiry of court staff relates to post-judgment family law issues; thus, two brochures, entitled *Contempt Motions/Enforcement of Physical Placement Motions* and *Modification/Change Legal Custody and Physical Placement, Child Support or Maintenance* were created in order to answer these frequently asked questions. The remaining brochures cover a wide range of matters a self-represented litigant may find helpful, from *pro se* divorce information to a brochure on the Wisconsin court system Web site.

CRCs benefit both self-represented litigants, who can leave with printed answers to their questions that they can later reference, and court staff, who can direct people with frequently asked questions to the materials in the CRC.

In order to facilitate easy implementation of CRCs, all materials that are available in the Ninth District can be downloaded from the *Pro Se* Assistance Resources page on CourtNet. In addition, all forms are available in Word format, so they can be easily tailored to serve each county's needs. ■

For further information on the brochure holders, brochures, accessing the materials on CourtNet or replicating this model in your county or district, contact State Pro Se Coordinator Ann Zimmerman at ann.zimmerman@wicourts.gov.

Innovations might improve access to legal assistance

By Brigid Moroney, Intern

A project that would connect people in rural areas to *pro bono* legal assistance via the Internet is one possible Wisconsin innovation to emerge from the 2009 Wisconsin Equal Justice Conference held April 28 in Madison.

During the conference, District Ten Court Administrator Scott K. Johnson moderated a panel discussion on rural access to justice. The discussion highlighted innovative methods of connecting rural residents with legal help and also addressed tribal justice systems in northern Wisconsin.

"Based on what I learned at the conference," Johnson said, "The Tenth District is now exploring a collaborative partnership with the State Bar and Judicare to develop a pilot program in which *pro bono* Internet representation would be provided to rural litigants."

The rural assistance pilot is just one effort that was highlighted at the conference, whose theme was "Innovative Initiatives & Creative Collaborations." The conference explored how lawyers, courts, and other organizations in Wisconsin and elsewhere are ensuring civil equal justice for disadvantaged people and communities, and what must yet be done to provide equal justice under law. The State Bar's Legal Assistance Committee organized the event.

Chief Justice Shirley S. Abrahamson opened the conference with remarks about the strides of Wisconsin's court system in continuing its commitment to equal justice for all Wisconsin residents.

"Implicit in the idea of 'justice' is that it should be fair and accessible, and we're working to improve our court system to satisfy that goal," Abrahamson said.

Following the welcome, participants tackled a wide range of issues including *pro bono* partnerships and collaborations, unbundling of legal services, *pro se* models for improving access to justice, and expanding access to legal assistance to rural areas.

State *Pro Se* Coordinator Ann Zimmerman highlighted Wisconsin's court-based programming for self-represented litigants, while Milwaukee County Circuit Court Judge



Chief Justice Shirley S. Abrahamson opens the 2009 Wisconsin Equal Justice Conference.

Mary E. Triggiano moderated the session on unbundling and *pro se* models for improving access to justice. The session focused on how unbundling legal services (offering limited-scope legal representation), along with courthouse self-help services, can provide greater access to justice.

"By providing self-represented litigants with the tools and information they need," Triggiano said, "we are improving their access to justice." Triggiano is a member of the State Bar of Wisconsin Legal Assistance Committee, along with La Crosse County Circuit Court Judge Ramona Gonzalez, who also attended the conference.

Afternoon breakout sessions addressed patient and advocate partnerships for access to health care, *pro bono* work as part of the transition to retirement, and the connectivity between having a driver's license and employability.

The conference closed with remarks from Milwaukee County Circuit Court Judge Richard J. Sankovitz, a member of the Milwaukee Bar Association's Legal Services to the Indigent Committee. ■

A focus on criminal justice improvements



Tony Fabelo, director of research for the Council of State Government's (CSG) Justice Center, presents draft findings to a special committee studying Wisconsin's Justice Reinvestment Initiative during an April 22 meeting at the state Capitol. Director of State Courts, A. John Voelker, left, looks on. The Legislative Council committee is responsible for receiving CSG data gathered as part of the initiative, which is aimed at reducing recidivism and improving effectiveness of the criminal justice system.

RETIREMENTS

Dane County bench hard-hit by retirements

By Sara Foster, Associate Editor

Eight Wisconsin judges have announced their intention to retire this summer. That number includes four of Dane County's 17 judges: Steven D. Ebert, James L. Martin, Diane M. Nicks and Michael N. Nowakowski all will step down in July. Nowakowski's seat was filled in the April election (*see separate story, page 4*); the other vacancies are expected to be filled by gubernatorial appointment.

Across the state, judges in Douglas, Jefferson, Sawyer and Wood counties also will retire this summer. In Douglas County, Judge Michael T. Lucci is retiring after 24 years on the bench. In Jefferson County, Judge John M. Ullsvik declined to seek re-election after 18 years on the bench. In Sawyer County, Judge Norman Yackel is stepping down after 18 years as a judge, and in Wood County, Judge Edward F. Zappen Jr. is retiring after 24 years of service.

Retirement stories on Ebert, Nowakowski, Ullsvik and Yackel have appeared in recent issues of *The Third Branch*. In this issue, we bring you the stories of the other four retirees: Martin and Nicks from Dane County; Lucci from Douglas County; and Zappen from Wood County.

Martin presided in one of state's most memorable cases

Judge James L. Martin has had his share of tense moments during a long and varied career that included stints as an assistant UW football coach and interim director of the Board of Attorneys Professional Responsibility (BAPR). His calm demeanor made him ideal to handle one of the highest-profile cases Wisconsin has ever seen: the Audrey Seiler case.

Martin called the sentencing of Seiler in 2004 – an event that drew international press – one of the most memorable moments for him. Seiler, then a UW student, vanished for four days, sparking a massive search. She later admitted faking her own abduction to win the attention of a boyfriend. Martin sentenced her to three years' probation and ordered her to pay restitution to the Madison Police Department. Seiler also inspired an off-beat theater production, "*Audrey Seiler, where are you?*" and a book by author Jacquelyn Mitchard entitled "*Now You See Her*."

Martin was a new judge when Seiler landed in his court. Gov. Jim Doyle had appointed him the prior year to fill the vacancy created by Judge Paul B. Higginbotham's appointment to the District IV Court of Appeals. Martin was elected in 2004.

Prior to his appointment, Martin served as an assistant city attorney and city attorney for Madison for 25 years. During the difficult overhaul of the lawyer regulation system, the



Judge James L. Martin

Supreme Court appointed Martin to serve as interim director of BAPR. In that role, Martin helped the Supreme Court design the new Office of Lawyer Regulation.

A former Racine school teacher, Martin also worked as an assistant football coach for UW-Madison from 1970-74.

Martin said that he would miss the staff and his courthouse colleagues. He also said he will miss arising in the morning and knowing that he was going to do something useful. "I have endeavored to be fair, impartial and above all a good listener," Martin wrote in his resignation letter to Doyle. "I hope that I have given to the legal community and the people of Dane County as much as I have received."

Martin said he does not have any plans for retirement, other than to enjoy himself.

Sentencing left a puddle on the floor

Judge Diane M. Nicks, who will retire on July 6, recalled presiding in a sentencing hearing that has now become a courthouse legend. The defendant had been convicted of assaulting an officer with bodily fluids, and Nicks was pleased to see that he had been making improvements. She was trying to recognize his successes and provide positive reinforcement. Throughout the hearing, the man smiled at her as she spoke, and she believed that she was really getting through to him, until a bailiff informed her that the man had instead been urinating on the floor.

Nicks said that she has presided in many cases that have been memorable for different reasons. Another was a high-profile case involving the collapse of the UW pharmacy building. Nicks said the trial arising from that construction disaster was notable for its complexity and the quality of the attorneys.

Nicks has served on the Dane County bench since she was appointed by former Gov. Tommy Thompson in 2000 to succeed Judge Robert Pekowski. She won elections in 2001 and 2007.

Nicks began her career in public service in 1977 in Columbia County, becoming the second female district attorney in Wisconsin. She served as an assistant state attorney general from 1971-97, when she was appointed district attorney for Dane County.

Nicks said she plans to play all summer after her retirement. She said she has not had a summer off since her early high school years. She also plans to travel and spend more time with her husband, who works in Atlanta. Eventually, she said she would like to get involved in *pro*



Judge Diane M. Nicks

see **Retirements** on page 15

RETIREMENTS *continued from page 14*

bono work because she believes she is now in a position to make a significant contribution.

The culture and community of the Dane County Courthouse are what Nicks will miss the most. She said she also would miss the intellectual and mental challenge the job has provided, as well as the opportunity to give each case her full attention and truly give people their day in court.

Lucci shares advice, recalls one scary moment

After 24 years on the bench, Douglas County Circuit Court Judge Michael T. Lucci has learned a few lessons to pass along to his successor: stay alert, be patient with the process and the people, keep a good temperament, listen, treat people with dignity and work hard.

Succeeding him, and perhaps benefiting from these words of wisdom, will be Assistant District Atty. Kelly J. Thimm (*see separate story, page 4*).

Lucci was first elected to the circuit court in 1985, and won re-election in 1991, 1997, and 2003. Lucci said that he has found great satisfaction in participating in positive court proceedings such as adoptions and weddings.



Judge Michael T. Lucci

One of the most memorable, and frightening, moments came early in Lucci's career. He received a call at home at 3 a.m. His wife answered, and a man on the other end of the line instructed her to "tell the judge he's a dead man." Lucci said he called police, but they

were unable to trace the call or identify the caller. That was the only time in his 24 years as a judge that he received a threat. Lucci said he has been fortunate to never feel threatened or fear for his safety in the courtroom, but he does believe that many Wisconsin courtrooms need additional security.

Lucci said the most significant change he has seen in his judicial career is the effort to make the legal process more accessible, and the increase in *pro se* litigation. He also has noticed an increasing emphasis on finding alternatives to incarceration.

Although he will not miss the hard work and heavy caseload judges have to manage, he said he would miss the people he has worked with in the courthouse and throughout the court system. He said that everyone he has worked with, including the lawyers who have appeared before him, has been friendly and professional. He said he also would miss the continuing, on-the-job education and the challenges that the job presents.

In retirement, Lucci hopes to spend more time with his family. He plans to travel with his wife, a retired school teacher, and spend more time with his grandchildren. He

would also like to catch up on his non-legal reading, do some fishing, and get involved in mediation work.

Wood County judge recalls offer from prostitute

In his 24 years on the bench, Wood County Circuit Court Judge Edward F. Zappen Jr. has accumulated his share of funny stories. Particularly memorable was the prostitute whom he fined \$100. When she turned to leave the courtroom, he told her that she needed to pay the fine. She gave him a long look and came back with: "I'm sure we could work something out."



Judge Edward F. Zappen Jr.

Zappen said everyone in the courtroom, including him, had a good laugh about that. He has learned over the years, he said, the importance of a good sense of humor.

Zappen has chosen to retire at the end of his term this July. He was first elected to the court in 1985, and re-elected in 1991, 1997, and 2003.

Zappen received his bachelor's degree and law degree from Marquette Law School. He served as district attorney for Wood County, and in the U.S. Air Force and U.S. Air Force Reserve, where he held the rank of lieutenant colonel.

There have been many positive changes in the court system during his time on the bench, Zappen said, and a highlight has been the advent of problem solving courts. He said that other improvements have made the job easier, such as the use of certified interpreters, video systems, and the increased use of technology. He also has greatly appreciated the strong support from Chief Justice Shirley S. Abrahamson over the years, as she has worked to make the judicial system easier to navigate.

Without hesitation, Zappen said he would miss the people he has had the opportunity to work with. He said one of the blessings of Wood County is a sense of camaraderie among everyone working in the criminal justice system.

Zappen will be replaced by Wood County District Attorney Todd P. Wolf (*see separate story, page 6*)

Zappen does not hunt, fish or golf, and he said that people have expressed some concern that he will not have enough to keep him occupied during his retirement. But with five children, nine grandchildren, the camper he and his wife plan to travel around in, his love of bicycling, his woodworking hobby and his interest in reproductions of 18th century furniture, he should have no trouble keeping busy. He already has appointments scheduled to work with professionals in 18th century furniture reproductions out east, and would like to write a book on the events leading up to the Declaration of Independence and the history of the desk it was written upon. And, time permitting, he would like to learn ancient Greek. ■

Longtime court administrator steps down

District Court Administrator Kerry Connelly, who has managed the courts in Kenosha, Racine and Walworth counties for 21 years, will step down from his post in June. Connelly intends to pursue job opportunities that may take him overseas.

"I'll miss the judges and court staff in the Second Judicial District," Connelly said, "but it's time to pursue some of my other interests."

In recent years, Connelly has traveled to Gaza and the Philippines to work on short-term court improvement projects involving management of records and caseflow. "The opportunity to share my expertise has been profoundly satisfying, but also incredibly challenging," he said. "It's difficult to convey a sense for the working conditions in these developing countries. From day to day, you may not know whether you will even have electricity."



Kerry Connelly

Here in Wisconsin, Connelly has steered a number of important projects in the Second Judicial District, including the development of a drug and alcohol treatment court in

Racine. He also recently secured a federal grant to send a team from Kenosha to a drug-court training program – the first step in developing a drug treatment court there.

"I'm proud of what we have accomplished in the Second District," Connelly said. "I am confident the courts are in good shape, and that Chief Judge Mary Wagner will work closely with Director of State Courts A. John Voelker and others to ensure a smooth transition."

Connelly plans to spend part of his summer in Switzerland and the Czech Republic with his wife Geri, who travels frequently for her employer, S.C. Johnson. He also plans to visit Istanbul in the fall to attend the International Association of Court Administration Conference.

BBE director moves on

John E. Kosobucki has left his position as director of the Board of Bar Examiners (BBE) after three years in office. The position will be filled as quickly as possible; in the interim, Director of State Courts A. John Voelker will serve as BBE director.

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

The board is comprised of 11 members – five lawyers, three judges or law school faculty, and three non-lawyer members of the public – who are appointed by the Supreme Court to serve three-year terms. ■

State Law Library launches redesigned Web site

By Amy Crowder and Carol Hassler

This spring, the State Law Library launched its dynamic new Web site, which makes it even easier to find Wisconsin legal resources. The Web site offers new features and a fresh, modern and highly functional new look.

The home page features popular legal topics such as divorce, foreclosure, and name change, letting people quickly find the law and the forms they need. Library Highlights promotes upcoming library CLE classes and features legal research tips. New Request a Document forms let users order copies of opinions and other library materials or request a library book be shipped to them directly. We are always ready to answer your questions; Ask a Librarian is just a click away.

For the first time, legal resources from every Wisconsin county will be conveniently available in one location. A new County Resources database offers streamlined access to county departments, forms, procedural guides, sources of legal assistance, court rules and ordinances. Users can simply choose their county or select "All Wisconsin Counties" to browse.

The library's acclaimed Legal Topics pages provide links to circuit court forms and guides, state and federal agencies, organizations, and state and federal law. The Web site now offers enhanced features. Each of the topics includes new information such as links to notable titles in the library's collection, on-

point law review articles, and subject area journals.

We also simplified our domain name, changing it to the easy-to-remember wilawlibrary.gov. With its newly designed Web site, the library continues to serve as an outstanding resource for the state's legal community, government agencies, and to members of the public who need easy access to legal information. ■

The new Web site can be found at wilawlibrary.gov.



The new Web site of the State Law Library features a 'Popular Legal Topics' page

Appleton opens doors to new drug court program

By Sara Foster, Associate Editor

Outagamie County recently celebrated the first session of its new drug court, a pilot program. Since then, the court has convened every Thursday, serving a group of five offenders.

The Appleton drug court program is the latest in a growing number of problem solving court programs across the state. As of October 2008, 1,001 participants had graduated from at least 21 drug court programs in Wisconsin.

Outagamie County Circuit Court Judge Michael W. Gage, who is volunteering his time to organize and preside over the court program, said the participants are facing significant challenges, and, should they fail in the drug court program, face revocation and possible prison time.

The Appleton program was modeled after the Winnebago County Safe Streets Drug Court with one key difference: the Appleton version works with offenders on probation, rather than focusing on diversion from prosecution. The program provides an enhanced level of supervision for people already on probation by monitoring, sanctioning and rewarding progress for participants on a weekly basis.

Along with Gage, Judges Nancy J. Krueger and Mitchell J. Metropulos are volunteering their time for the court program. Court responsibilities are rotated among the three judges. Also on the team are representatives from the District Attorney's Office and State Public Defender's Office. Providing day-to-day coordination of the program is a volunteer intern who is completing a master's degree. The program also receives volunteer assistance through one of the local treatment programs.

Gage called funding for the program a miracle. When the idea was suggested a year ago, supporters knew there was

no money in the county coffers and that grant opportunities were limited, so they tried to fashion a program that would operate on a shoestring, making use of resources available in the community and charging individuals a modest fee to participate. The budget does not allow for any assessment or treatment of participants, so the drug court program is unable to offer either option.

Gage said an important key to the success of the program has been the involvement and support of the county's Coordinating Council, which brings together judges, representatives from the State Public Defender's Office and District Attorney's Office, law enforcement, county board supervisors, and supervisors in probation and parole. A growing number of counties across Wisconsin have established coordinating councils to bring together decision makers to tackle a variety of issues related to criminal justice.

Gage said organizing the drug court program has been a big commitment, but it is very satisfying if the participants maintain sobriety.

Chief Justice Shirley S. Abrahamson spoke of the important role drug courts play in the Wisconsin court system during her 2008 State of the Judiciary Address: "These court problem-solving programs," she said, "offer intensive supervision to enable chronic offenders to kick their drug and alcohol habits and become contributing members of society." ■



Judge Michael W. Gage

OBITUARIES

Judge Peter J. Naze Brown County Circuit Court



Judge Peter J. Naze

Former Brown County Circuit Court Judge Peter J. Naze passed away on April 1. He was 66.

Naze was first elected to the circuit court in 1987, and served until his retirement in spring 2008. After his retirement, he continued to serve on the bench as a reserve judge. A graduate of UW-Madison, Naze served as district attorney and assistant district attorney for Brown County prior to taking the bench.

"Peter took very seriously his belief that he needed to contribute positively to this community," Chief Judge Sue E. Bischel told the *Green Bay Press Gazette*. Naze served on the Sentencing Commission, as a judicial representative for the Wisconsin Crime Victim's Council, and on the Legislative Council Study Committee on Jury Service.

Throughout his 20 years on the bench, Naze presided over some high-profile cases, including the John Maloney homicide trial in 1999. The case involved a former police arson investigator who was accused of murdering his wife and then setting a fire to conceal the murder.

Brown County Circuit Court Judge Mark A. Warpinski told the *Press Gazette*, "Two things that stand out most about him: He cared about people, and you could trust him. You could always go to Peter and ask him questions. He wouldn't hesitate to give you an answer and if he didn't know, he would have the intellectual curiosity to look it up."

Naze is survived by his wife, Judy, and two children, Andrew and Amy.

Lisa "Lee" Huenerberg Green Lake County Register in Probate

Lisa "Lee" Huenerberg, register in probate for Green Lake County, passed away on March 12 at the age of 44.

Huenerberg served as register in probate since her appointment in 2003. She had previously served as judicial assistant to Green Lake County Circuit Court Judge W. M. McMonigal and as deputy clerk of courts for Green Lake County.

"Lee was professional in all respects and dedicated to responsibilities in public service," McMonigal wrote in a memoriam. "Her pleasant personality, unique sense of humor and ability to get along with all people made her a valued employee and co-worker."

Huenerberg is survived by her husband, Karl; two children, Shane and Shanna; and two grandchildren, Alyssa and Brett. ■

State-Tribal Forum launches 'Cracker Barrel Conversations'

By Shelly Cyrulik, Policy Analyst, Office of Court Operations

The State-Tribal Justice Forum, a group focused on promoting and sustaining communication, education and cooperation between the state courts and the tribal courts, has launched a new 'Cracker Barrel Conversations' program in partnership with Fox Valley Technical College.

The Cracker Barrel Conversations are designed to be held at the district level to promote locally focused conversations, build understanding, and encourage problem solving. State and tribal court judges will have an opportunity to engage in discussions of those issues that are specific to their jurisdictions. The first conversation is slated for District 10 in Trego in late May.

Exploring a shared problem-solving court

Among the topics that might be broached during the Cracker Barrel Conversations is development of a multijurisdictional problem solving court. This idea generated interest at the latest meeting of the full Forum in Black River Falls.

Newly developed forms aid transfer of cases

The Forum's highest profile work to date has centered on issues of concurrent jurisdiction and transfer of jurisdiction. In January, the Records Management Committee approved two newly developed forms to facilitate case transfers. These forms, Motion of Discretionary Transfer of Civil Action to Tribal Court and Order on Motion for Discretionary Transfer of Civil Action to Tribal Court, are available in the circuit court forms section of wicourts.gov.

Development of the forms is the latest step in a process that also has yielded a Supreme Court Rule governing the discretionary transfer of civil cases to tribal court (effective Jan. 1, 2009). The rule outlines standards to be considered in allocating jurisdiction among state and tribal courts and provides state courts with the ability to transfer civil cases of concurrent jurisdiction to tribal courts when deemed appropriate.

The Teague Protocol was developed to handle cases filed in both state and tribal courts. This rule strives to streamline the process by allowing transfer from state court to a tribal court using the standards provided in the rule. The rule can be found here:

wicourts.gov/sc/rulhear/DisplayDocument.pdf?content=pdf&seqNo=33638

For more information contact Shelly Cyrulik, policy analyst, at michelle.cyrulik@wicourts.gov or (608) 266-8861.



A light moment at the recent meeting of the State-Tribal Forum at Ho Chunk in Black River Falls. From left are Judge Eugene D. Harrington, Washburn County; Director of State Courts A. John Voelker; District Four Court Administrator Jerry Lang; and Judge Neal A. Nielsen, Vilas County (chair).

Wisconsin State-Tribal Forum welcomes new chair, new members

Judge Neal A. Nielsen, Vilas County Circuit Court, was recently appointed by Chief Justice Shirley S. Abrahamson to chair the State-Tribal Justice Forum. Nielsen succeeds Judge James Mohr, a former circuit court judge who now serves on the Lac Courte Oreilles Tribal Court.

The Forum also has recently welcomed two new state court members. Judge Eugene D. Harrington, Washburn County Circuit Court, and Judge Thomas E. Lister, Jackson County Circuit Court, both joined the Forum in late 2008. The new members succeed Justice Michael J. Gableman and Judge Gerald Laabs.

The State-Tribal Justice Forum is comprised of five circuit court judges, five tribal judges, one district court administrator, one representative from the State Bar Indian Law Section, and one representative from the Legislative Council's State-Tribal Relations Committee. The director of state courts is an *ex-officio* member and a policy analyst from the Director's Office serves as staff. Current membership is as follows:

Judge Stanley Webster, Oneida Tribal Judicial System
 Judge John P. Anderson, Bayfield County Circuit Court
 James Botsford, Wisconsin Judicare, Inc.
 Judge James R. Habeck, Shawano County Circuit Court
 Judge Eugene D. Harrington, Washburn County Circuit Court
 Jerry Lang, District Four court administrator
 Judge Thomas E. Lister, Jackson County Circuit Court
 Judge Chris McGeshick, Sokaogon Chippewa Community
 Judge Robert Miller Jr., Stockbridge-Munsee Tribal Court
 Judge James Mohr, Lac Courte Oreilles
 Judge Neal A. Nielsen, Vilas County Circuit Court (Chair)
 Judge Leland Ninham, Onieda Tribal Judicial System
 Rep. Gary Sherman (D-Port Wing)
 Judge Kim Vele, Stockbridge-Munsee Tribal Court
 A. John Voelker, Director of State Courts
 Staff: Shelly Cyrulik, Office of Court Operations

PEOPLE



Justice Ann Walsh Bradley

The *Wausau Daily Herald* and *The Cap Times* (Madison) both published editorials in May encouraging President **Barack Obama** to consider Justice **Ann Walsh Bradley** for appointment to the U.S. Supreme Court. *The Cap Times* editorial listed Bradley's many justice-related activities and awards, and discussed the areas that may set her apart from others under consideration: "Unlike most state Supreme Court justices, who initially obtain their positions as a

result of a gubernatorial appointment, Bradley won her place on the bench in a closely contested election where she drew impressive bipartisan support," the editorial board wrote. "And she has confirmed the wisdom of those who backed her by maintaining an openness and a down-to-earth style that makes her one of the most accessible members of the court."

"Mother, daughter judges a first for Wisconsin" headlined a Sunday feature in the *Milwaukee Journal Sentinel* in May. The mother is Justice **Patience Drake Roggensack**, who was elected to the Wisconsin Supreme Court six years ago after serving on the state Court of Appeals. The daughter is Judge **Ellen Brostrom**, newly elected in Milwaukee County Circuit Court (see page 5). In the article, Brostrom explained that she kept the family connection low-key in the campaign: "I wanted to run on my own merits," Brostrom was quoted as saying. "For people to elect me because I'm Justice Roggensack's daughter is illogical."

But Brostrom told the newspaper that her mother has been a role model not only for her, but for her friends. "I remember going to my mother's law office with a friend when I was in college," Brostrom said. "My friend said, 'You have no idea what an impression it makes on me to see what your mother is doing.' I didn't think about it much, but she did influence me."

"Felon posing as lawyer spoke at local legal seminar" headlined a column by **Dan Bice** in the *Milwaukee Journal Sentinel*. Bice reported that an alleged con artist named **Howard O. Kieffer**, who is accused of posing as a lawyer in multiple states, was a member of the faculty at a November 2007 seminar on sentencing put on by Federal Defender Services of Wisconsin. "They weren't the only ones conned by Kieffer," Bice wrote. "Over the years, he [persuaded] clients, attorneys, judges and court



Justice Patience Drake Roggensack



Judge Ellen R. Brostrom

administrators around the country that he was totally legit." Bice reported that Kieffer was forced to come clean when a disgruntled client in Minnesota began to investigate him, and turned over his findings to the authorities. Convicted in North Dakota of mail fraud and impersonating a lawyer, Kieffer is now awaiting sentencing.

Electronic bulletins sent from inside jury deliberation rooms caused consternation this spring in two high-profile cases. In one case, Arkansas juror **Johnathan Powell** sent a "Tweet" (a brief electronic message sent via the service called Twitter to a group of blog followers – in Powell's case, 261 people) announcing a \$12 million jury verdict and advising against purchasing stock in the defendant company. "Oh, and nobody buy Stoam," Powell wrote minutes after the jury reached a verdict. "It's bad mojo, and they'll probably cease to exist, now that their wallet is \$12M lighter." Attorneys for Stoam Holdings filed a motion seeking a new trial, which was denied.

Meanwhile, in Philadelphia, juror **Eric Wuest** posted updates on a federal corruption trial to his page on the social networking site Facebook. The post that caused the defense to file a motion to remove Wuest was this one: "Stay tuned for a big announcement on Monday everyone!" The judge denied the motion.

"Hip hop justice: Rhyming litigant beats a bum rap" headlined a story in *The Post-Crescent* (Appleton) about a *pro se* litigant who rapped his way to success in the District IV Court of Appeals. **Gregory Royal**, a trombone player, sued La Crosse County officials in federal court over a child custody dispute. After the judge dismissed the case as frivolous, Royal was ordered to pay nearly \$4,000 in attorney fees and costs. In appealing this decision to the state Court of Appeals, Royal decided to rap his way through the briefing process with items such as:

If Industrial vs. Marquardt is any measure, it's the frivolous allegations, not the venue of your endeavor; and

Regarding frivolous filings, one thing is clear: Notice to show cause and proper service before you appear.

Chief Justice **Shirley S. Abrahamson** was keynote speaker at a celebration in Baraboo marking the 150th anniversary of **Belle Case**

LaFollette's birth. The wife of Governor and U.S. Senator **Robert M. 'Fighting Bob' LaFollette**, Belle Case was the first woman to graduate from the UW Law School (in 1885). Abrahamson noted that Belle Case quietly helped her husband with a variety of legal work. When LaFollette was Dane County district attorney, Belle Case drafted briefs and helped to prepare cases for trial.

Abrahamson said a judge once praised LaFollette for a stellar legal brief – and LaFollette told the judge that his wife had



Chief Justice Shirley S. Abrahamson

see **People** on page 20

Legislature considers items of interest to courts

By Nancy Rottier, Legislative Liaison

As the Legislature continues to work on the budget, the Director of State Courts Office is keeping a close eye on a number of proposals. Here are two to watch.

Decriminalization of OAR is on the table

As part of his 2009-11 state budget package, Gov. Jim Doyle has proposed decriminalizing the offense of operating after revocations (OAR) for second or subsequent violations that have occurred in the preceding five-year period, unless the underlying reason for the revocation was related to alcohol or other drugs.

The plan, yet to be approved by the Legislature, would reduce the penalty from a fine of not more than \$2,500 or imprisonment for not more than one year in the county jail or both, to a forfeiture of not more than \$2,500. If the plan is adopted, it would mirror the Legislature's actions in the 2005-07 budget, when first offense OAR was decriminalized.

One of the reasons for the proposed change is to reduce state spending, necessitated by the state's budget deficit. As a result of the OAR changes, the governor proposed reducing the funding for State Public Defender by \$913,000 in 2009-10 and by \$1,826,100 in 2010-11 to reflect the reduction in the number of cases in which a public defender must be appointed. Because the state's estimated budget deficit has grown larger since the Governor's proposal, the chances of restoring this funding have diminished.

The change is also likely to reduce the caseload for district

attorneys' offices around the state, and decrease the amount of time required for circuit courts to deal with OAR cases.

The Governor's proposal also would decriminalize the offense of operating a commercial motor vehicle while the person or vehicle is ordered out-of-service. The penalty would be reduced from a fine of not less than \$1,100 nor more than \$2,750 or imprisonment for not more than one year in the county jail or both, to a forfeiture of \$2,500 for the first offense or \$5,000 for the second or subsequent offense within 10 years.

Primary enforcement of safety belt violations advances

Another traffic issue contained in the Governor's budget is a statutory change to allow law enforcement to stop or inspect a vehicle solely to determine compliance with safety belt requirements. The proposal has already gained the support of the Legislature's Joint Committee on Finance.

The Governor had also proposed increasing the forfeiture for such violations by \$15, from \$10 to \$25, but the Joint Committee on Finance voted to retain the current forfeiture.

One of the factors influencing this proposal is the ability of the state to obtain federal funds if it adopts this change. Under federal law, states that adopt primary enforcement of seat belt laws before July 1, 2009 are eligible for a one-time incentive grant, estimated for Wisconsin to be \$15.1 - \$18.1 million. ■

PEOPLE *continued from page 19*



Justice David T. Prosser Jr.

the News Graphic (Cedarburg). "He was an independent thinker with a big heart, doing what he thought was the right thing to do."

A collaboration between the Beloit Municipal Court and Beloit School District is in the works, Assistant City Atty. **Beth Krueger** told the *Beloit Daily News*. The program would permit first-time juvenile offenders to perform

written the document.

A tribute to Rep. **John Merkt**, who represented Ozaukee and Washington counties in the state Assembly for 12 years and who died in April at age 62, featured comments from Merkt's former boss and mentor, now-Justice **David T. Prosser Jr.** Merkt worked for Prosser during Prosser's 17-year career as a state lawmaker.

"[Merkt] had a real skill for identifying issues that captivated public imagination," Prosser told

community service in lieu of fines. Participation in the program would be voluntary, and the municipal court would determine eligibility. The court hopes to start the program in fall 2009, but the school district must first identify an employee to serve as community service coordinator.

Supreme Court Publications Clerk **Brenda Johll** was installed as the Region 5 Director for NALS, the association for legal professionals, at its March conference in Tulsa, Oklahoma. NALS provides support to its nationwide membership of legal professionals through education, professional development, certification, and networking. Johll, who has worked for the Office of the Clerk of Supreme Court and Court of Appeals for two years, has been a member of NALS since 1991. ■



Brenda Johll

Chief Justice
 Shirley S. Abrahamson

Director of State Courts
 A. John Voelker

Co-Editors
 Amanda K. Todd
 Tom Sheehan

Associate Editor
 Sara Foster

Contributing Writers
 Sara Foster
 Brigid Moroney
 Theresa Owens
 Nancy Rottier
 Tom Sheehan
 Amanda Todd
 Ann Zimmerman
 A. John Voelker

Editorial Committee
 Hon. Michael J. Rosborough
 Vernon County Circuit Court
 Carolyn Olson
 Iowa County Clerk of Circuit Court

Graphic Design/Layout
 Sara Foster

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

Send questions, comments, and article ideas to:
 Tom Sheehan
 Court Information Officer
 P.O. Box 1688
 Madison, WI 53701-1688
 phone
 (608) 261-6640
 e-mail
 tom.sheehan@wicourts.gov
 fax
 (608) 267-0980

Courts across Wisconsin celebrate Law Day

On May 1, courts across Wisconsin celebrated Law Day by inviting schoolchildren and other members of the community into the courthouse for a variety of activities. A number of lawyers and judges also visited local schools.

The 2009 Law Day theme, as set by the American Bar Association, was “A Legacy of Liberty.” This celebrates the bicentennial of the birth of Abraham Lincoln, regarded as one of the nation’s greatest presidents, and a man whose background as a lawyer informed and shaped his decision making.

At the top of the state, in Bayfield County, members of the Teen Court presented a mock jury trial to an audience of 80 local high school students. The students acting as prosecutor (Brea Abeles-Allison and Jared Day) and defense counsel (Enrique Franco and Riley Shields) were coached by District Atty. H. Craig Haukaas, while Judge John P. Anderson presided and Clerk of Circuit Court Kay Cederberg played herself. Teen Court member Kelly Carlson was the defendant, and Caleb Bakker was the victim. Teen Court Supervisor Ian Meeker, who works for the UW Extension, helped to organize the event and cooked and served lunch to all students and instructors who participated.

“This was the seventh year we presented mock jury trials to the high school students for Law Day celebrations,” Cederberg wrote. “They are enjoyed by the court staff as much as by the students!”

At the other end of the state, as reported in the *Daily Jefferson County Union*, more than 300 fourth- and fifth-grade students from the Jefferson County area toured the Jefferson County Courthouse and the jail, met the SWAT Team, watched a mock trial, participated in a poster contest, learned about the Sheriff’s Department Dive Team and observed a demonstration with the K-9 unit.

Judge William F. Hue chaired the Law Day Committee that organized the multitude of May 1 events. Joining Hue on the committee were Atty. Bennett J. Brantmeier and Clerk of Circuit Court Carla Robinson. ■



Law Day in Washburn packed the courtroom with local high school students who learned about the anatomy of a trial.



Winners of the Jefferson County Law Day Essay Contest pose in court with Judge William F. Hue, who led the effort to organize events that brought more than 300 children to the courthouse on May 1.



The Jefferson County Law Day Committee poses with a few of the local attorneys and Sheriff’s Department employees who helped organize one of the state’s biggest Law Day celebrations.