

# The Third Branch



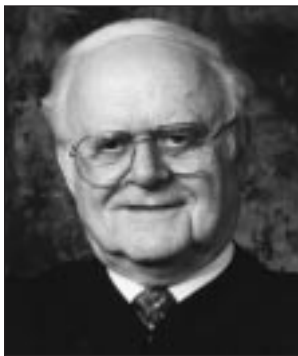
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## Justice Donald W. Steinmetz Steps Down



Justice  
Donald W. Steinmetz

Justice Donald W. Steinmetz, 74, who served on the state Supreme Court since he was first elected in 1980, announced on July 9 he would retire this summer with one year left in his elected term. Because the Court's term ended June 30, his work on the Court is effectively complete.

Governor Tommy Thompson gave judges and lawyers interested in the appointment until August 6 to apply, and intended to choose

someone before the Court begins its fall term on September 8. The appointee will have to seek election in April 2000.

Steinmetz, who has been recovering from knee surgery, told the *Milwaukee Journal Sentinel* he is tired of the commute from his home in Waukesha County, and unwilling to raise the money that would be needed to run for re-election. In the most recent Supreme Court election, the candidates spent a combined total of \$1.36 million. With 737,307 people voting, that was \$1.85 per voter.

Steinmetz said one of his proudest moments as a Supreme Court justice came in writing the majority opinion in the school choice case. In that case, the Court on a 4-2 vote permit-

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## Court Candidates Seek Appointment

As of press time, the field of potential candidates for appointment to Justice Donald W. Steinmetz' seat on the Supreme Court was shaping up. The person selected will have to mount a campaign almost immediately for the April election. *The Third Branch* checked in with judges and lawyers who have either publicly expressed interest in this seat or pursued past openings on the Court. In late July, the field looked like this:

- 🕒 = seeking appointment
- 🕒 = not sure
- 🕒 = not seeking appointment
- 🕒 = no immediate response

- 🕒 **Judge Louis B. Butler, Jr.**  
Milwaukee Municipal Court
- 🕒 **Judge Stanley A. Miller**  
Milwaukee County Circuit Court



Judge  
Louis B. Butler, Jr.



Judge  
Stanley A. Miller



Judge  
Diane S. Sykes



Judge Ted E.  
Wedemeyer, Jr.



Judge  
Maxine A. White

- 🕒 **Judge Diane S. Sykes**  
Milwaukee County Circuit Court
- 🕒 **Judge Ted E. Wedemeyer, Jr.**  
Court of Appeals, District I
- 🕒 **Judge Maxine A. White**  
Milwaukee County Circuit Court
- 🕒 **Attorney Donald L. Bach**  
Madison
- 🕒 **Judge Patience D. Roggensack**  
Court of Appeals
- 🕒 **Judge Dominic S. Amato**  
Milwaukee County Circuit Court
- 🕒 **Judge Dennis J. Barry**  
Racine County Circuit Court
- 🕒 **Judge Ralph Adam Fine**  
Court of Appeals, District I
- 🕒 **Judge Harold V. Froehlich**  
Outagamie County Circuit Court
- 🕒 **Attorney Walter F. Kelly**  
Milwaukee
- 🕒 **Judge Gerald C. Nichol**  
Dane County Circuit Court
- 🕒 **Attorney Sharren Rose**  
Green Bay

## Justice Steinmetz Steps Down

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ted the continuation of a program that allows low-income children in Milwaukee to attend private and parochial schools at state expense.

Steinmetz' departure leaves the Court without a Milwaukee native. The last time that happened was in 1871, when Justice Byron Paine stepped down and was replaced by a circuit judge from Racine, William P. Lyon. Steinmetz urged Governor Tommy Thompson to appoint a successor from Milwaukee.

Steinmetz said he will miss his colleagues and added that Chief Justice Shirley S. Abrahamson had been very gracious to him following the spring election in which he supported her opponent. In a statement, Abrahamson praised Steinmetz' contribution to the Court. "Justice Steinmetz has served the people of Wisconsin well in

his 19 years on this Court and in his 14 years on the Milwaukee trial bench. His opinions, as well as his contributions to the many court-related boards and committees on which he has served, will serve us well into the future. I know the entire Court joins me in wishing Don and Marjorie all the best. He will be missed."

Steinmetz has worked in public service for 50 years, beginning soon after he completed his service in the U.S. Army Air Corps in World War II. Steinmetz began his career in law as a claims attorney in Milwaukee in 1951. He soon became an assistant city attorney in Milwaukee, then was appointed First Assistant District Attorney for Milwaukee County, and finally served as a Milwaukee County judge from 1966 to 1980. Steinmetz was Deputy Presiding Judge in Milwaukee County from 1977-78.

Steinmetz hopes in retirement to spend more time with his wife, children, and grandchildren. He also plans to become involved in volunteerism and outreach through his church. ❖

## Budget Update

Eight Wisconsin legislators—four Assembly Republicans and four Senate Democrats—met between July 2nd and 15th trying to resolve more than 500 differences between the two houses' versions of

the budget. Their efforts to craft a final version of the 1999-2001 state budget, however, fell apart over a disagreement about whether to discuss tax cuts or other budget provisions first.

Observers did not expect lawmakers to come back to the table until September. ❖

*For information on the current status of the courts' budget, go to [www.courts.state.wi.us/news/bbudg.pdf](http://www.courts.state.wi.us/news/bbudg.pdf).*

## Winnebago Switches to CCAP

Installation of Circuit Court Automation Program (CCAP) software in Winnebago County was begun in April and completed during the week of June 7. Clerk of Circuit Court Diane Fremgen told a reporter that the county decided to switch to CCAP software because the county's 10-year-old system is not Year 2000 compliant.

The CCAP system is allowing Winnebago to disburse partially paid fines monthly, instead of holding onto them as was previously the practice. As a result, at the end of Winnebago

County's first month on CCAP, more than \$427,000 was disbursed to the state.

In addition, by joining CCAP, Winnebago County ensures that its court information will be available on the recently released Wisconsin Circuit Court Access program which is available on the court system Web site at [www.courts.state.wi.us](http://www.courts.state.wi.us).

Outagamie, Portage, and Walworth counties are now the only counties in the state that are not using CCAP. ❖

## Supreme Court Adopts Universal Citations

The Wisconsin Supreme Court on June 28 issued an order repealing and recreating Supreme Court Rules Chapter 80, effective January 1, 2000.

The change means that public domain citations will be set forth in the official publication of each opinion, rule, order or other item issued by the Supreme Court on or after January 1, 2000, or ordered to be published on or after January 1, 2000, by the Court of Appeals.

The universal citation will consist of the following: the calendar year in which an

opinion, rule, order or other item that is to be published is issued or ordered to be published, whichever is later, followed by the designation of the court issuing the item, followed by the sequential number assigned to the item by the clerk of court. It will look like this:

2000 WI 14

2000 WI App 9

Citation to specific portions of an opinion issued or ordered to be published after January 1 will reference paragraph numbers:

Smith v. Jones, 2000 WI 14, ¶6

Smith v. Jones, 214 Wis. 2d 408, ¶12

Doe v. Roe, 2001 WI App 9, ¶17

Doe v. Roe, 595 N.W. 2d 346, ¶27

Citation to specific portions of an opinion issued prior to January 1, 2000, and ordered to be published after January 1, 2000, shall be by reference to paragraph numbers if they exist or to page numbers if paragraph numbers do not exist. ❖

# Pappas, Sheedy Honored for Lifetime Achievements



Judge Peter G. Pappas

Reserve Judges Peter G. Pappas and Patrick T. Sheedy were honored with Lifetime Jurist Achievement Awards at the State Bar of Wisconsin's June conference in Green Bay.

Pappas sat on the bench in La Crosse County from 1969 to 1995. As a trial judge, and as chief judge of the Seventh Judicial Administrative District, Pappas developed a variety of innovative programs, including a guardian *ad litem* education program for attorneys and a domestic violence intervention program.

Pappas' interest in improving communities and helping people led him to pursue a career in law, starting with 20 years in private practice following his education at the University of Wisconsin and Harvard University. During that time, Pappas also worked briefly as counsel to Governor Vernon W. Thomson, and served for a decade on the La Crosse County Board.



Judge Patrick T. Sheedy

Becoming frustrated with the adversarial nature of the legal profession, Pappas looked for a better way to serve the community. He was appointed to the bench in La Crosse County, where he presided for 26 years without a contested race. The lawyers who practiced before him knew they could trust him to be fair, efficient, and prepared. They also knew they could not get away with much. "I can only recall two instances in 26 years where I had lawyers who weren't civil to each other," Pappas said in a 1997 interview for the courts' Oral History Project. "Part of the reason that I didn't have any trouble is that it was recognized that Judge Pappas wouldn't stand for it. I insisted that the attorneys who appeared in my court act properly...I wouldn't stand for their browbeating witnesses or anything of that sort."

In his years on the bench, Pappas presided over a number of high-profile trials, including one of the first asbestos cases. He also was the second judge in the nation to allow testimony based on the serrations in a fingernail to connect a man to a brutal stabbing.

For Pappas, whose father emigrated from Greece and ran a shoeshine stand on a corner in downtown La Crosse, becoming a judge fulfilled the American dream. Still, he never allowed

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## Barland Named Judge of the Year

Judge Thomas H. Barland, Eau Claire County Circuit Court, has been named "Trial Judge of the Year" by the Wisconsin Chapter of the American Board of Trial Advocates (ABOTA). Barland received the award in June. At the ceremony, he gave a speech entitled "The Jury: Does It Have a Future?"

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

The award is presented each year to a member of the Wisconsin judiciary "whose thorough preparation, breadth of knowledge of the law, decisive rulings and courtesy to litigants, jurors and members of the bar have consistently advanced the interest of justice and the dignity of the judicial process," according to the selection committee.

Barland, a former chief judge who has served on the bench in Eau Claire County since 1967, is chair of the Criminal Penalties Study Committee and the Judicial Conduct Advisory Committee, and co-author of *Evidence: A Courtroom Handbook*.

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



Judge  
Thomas H. Barland

## Brunner Named Chief Judge

Judge Edward R. Brunner, who has served on the bench in Barron County Circuit Court since 1988, has been appointed by the Wisconsin Supreme Court as chief judge of the 10th Judicial Administrative District.

Brunner will replace Chief Judge Gregory A. Peterson, Eau Claire County Circuit Court, who recently was elected to the Court of Appeals and will assume that office on August 1.

Wisconsin is divided into ten districts for purposes of court administration. Each district is headed by a management team that consists of a chief judge, a deputy chief judge, and a court

administrator. District X is the geographically largest district, covering 12,633 square miles and encompassing 13 northwestern Wisconsin counties. They include: Ashland, Barron, Bayfield, Burnett, Chippewa, Douglas, Dunn, Eau Claire, Polk, Rusk, St. Croix, Sawyer, and Washburn.

Brunner, who has been the District X deputy chief judge since August 1, 1996, initially will serve a two-year term as chief judge and will be eligible for re-appointment to additional terms until 2005. ❖

# Legislature Tackles Child Custody, Drunk Driving, and More

by: Sheryl A. Gervasi  
Legislative Liaison

As the budget debate broke down with the eight-person Budget Conference Committee reaching an impasse over differences between the Senate and Assembly versions of the budget, several other bills saw preliminary action.

Consideration of these bills will commence again in the fall when the Legislature returns for its fall floor period, beginning September 21. Following are some bills of interest:

**AB 211** was introduced at the request of the Committee of Chief Judges. This bill requires that all crime prevention donations be paid through the clerk of circuit court and prohibits a prosecutor from dismissing or amending a charge in exchange for a donation. All organizations would be required to file a report with the court about its officers and how the funds are used.

**AB 387** attempts to resolve an issue that was dealt with in the Court of Appeals' 1998 opinion in *State v. Bizzle*. It defines a crime prevention organization to include a law enforcement agency that has a crime prevention fund which is used for crime prevention purposes. AB 211, which does not define crime prevention organizations, has been recommended for passage by the Assembly Criminal Justice Committee and is awaiting Assembly floor action. Undoubtedly, there will be an effort to join these two bills.

**AB 380** was introduced at the request of the director of state courts to codify a recent Supreme Court rule relating to circuit court commissioners.

**SB 25** requires a court to explain to a jury the legal conclusions that will follow from the jury's possible findings. This bill has had

a hearing before the Senate Judiciary Committee and is still in the committee.

**SB 107** is a comprehensive and dramatic change to the child custody laws. The bill would require judges to presume joint custody is in the best interest of the child. The provision also would change the way paternity cases are handled in Wisconsin, giving fathers the right to gain custody and placement of the child. A compromise form of this bill has been added to the Senate version of the budget. Whether it makes it through the entire budgetary process remains to be seen.

**AB 221** involves significant changes to the drunk driving laws including increased penalties based upon blood-alcohol levels. This measure has passed the Assembly and is in the Senate Transportation Committee

*All of the above bills can be found on the legislative Web site located at [www.legis.state.wi.us](http://www.legis.state.wi.us).*

Other bills that can be expected are:

A judgeship bill which will create an additional judgeship effective Aug. 1, 2001 in the following counties: Chippewa, Green, Kenosha, Juneau, Rock, and Winnebago. In addition, the Budget Conference Committee approved a provision added in the Assembly to give Waupaca an additional branch, effective Aug. 1, 2000.

Legislation that will implement the Criminal Penalties Study Committee recommendations with respect to the reclassification of the criminal code, advisory sentencing guidelines and extended supervision. The study committee's report is due at the end of August. This legislation must be enacted before Dec. 31, 1999, the effective date of the truth in sentencing law that was passed in the last legislative session. ♦

## Supreme Court Holds Administrative Meetings in Public

The Wisconsin Supreme Court made history on April 20 by becoming the first state high court in the nation to hold an open administrative meeting. The Court formerly held its administrative conferences in private. At these meetings, the justices discuss a variety of matters including the budget, appointments to boards and committees, and management of agencies of the Court such as the Board of Attorneys Professional Responsibility. They also hear reports from Director of State Courts J. Denis Moran, Court Commissioner William Mann, and other court staff.

Among the issues discussed at the open conferences this spring were: the attorney discipline system (*see related story*); Wisconsin's participation in a federal grant program aimed at improving how the courts handle abuse and neglect cases; circuit court

commissioner legislation; the 1999-2000 Supreme Court calendar; universal citations (*see related story*); and more.

Justice N. Patrick Crooks proposed opening the conferences in a memorandum to the Court, and the other justices (with the exception of Justice David Prosser, who expressed concern that public discussion of some issues could stifle vigorous debate) agreed.

The justices sat around the attorney conference table in the Supreme Court Hearing Room for the open sessions. They were joined by audiences of court staff, lawyers, State Bar administrators, and news reporters from several media outlets. Next term, if the Court determines it wants to continue conferencing in open session, the meetings will be held in the Court's temporary hearing room at 119 Martin Luther King, Jr., Blvd. ♦

# Supreme Court and ABA Initiate Reviews of BAPR

The Wisconsin Supreme Court on April 20 voted to initiate a comprehensive review of the structure of Wisconsin's lawyer disciplinary system. The review will address such matters as the relationship of members of the Board of Attorneys Professional Responsibility (BAPR) to BAPR staff, the bar, the Supreme Court, and the public. It will also examine the manner in which BAPR appointments are made.

The first step in this comprehensive review will be a public hearing to address the current structure of the lawyer disciplinary system and to suggest ways in which it might be restructured to better serve lawyers, the legal system and the public. The Court will invite testimony from: the deans of both Wisconsin law schools, a representative of the American Bar Association's (ABA) Center for Professional Responsibility and other interested persons and organizations. In addition, the Court

will hear the concerns and ideas of any individual by written submission or in person. It will not address individual grievances against attorneys.

The public hearing will be held at 9 a.m. on Tuesday, Sept. 14, in the Supreme Court's temporary hearing room, 119 Martin Luther King, Jr., Blvd.

On June 8 the Court unanimously voted to accept an offer by the ABA to conduct a review and evaluation of BAPR. The decision came six weeks after the Court declined, on a 4-3 vote, to conduct its own investigation of possible ethics violations at BAPR.

A team consisting of experts from the ABA and an experienced disciplinary counsel from another jurisdiction visited Wisconsin in mid July to interview BAPR staff, board members, judges, bar officials, people who have been on both sides of grievances against attorneys, and others. A draft report is scheduled to be submitted to

the Supreme Court on Sept. 7, in advance of the public hearing on the structure of Wisconsin's lawyer discipline system.

The ABA Center for Professional Responsibility will conduct the evaluation at no cost to the Wisconsin court system. The Center assists judges and lawyers around the nation in developing, coordinating and strengthening discipline enforcement. In existence since 1980, the evaluation program has been used in more than 37 states—including Wisconsin in 1986. The Center provided the 1986 consultation to the Wisconsin Supreme Court under then-Chief Justice Nathan S. Heffernan. ❖

*The Wisconsin Supreme Court's Statement of Principles, Policies and Procedures: Lawyer Discipline System, adopted February 27, 1998, has recently been added to the court system Web site. It can be found at [www.courts.state.wi.us](http://www.courts.state.wi.us).*

## Supreme Court Seeks Volunteers for Boards, Committees

The Wisconsin Supreme Court is seeking volunteers for service on several boards and committees.

Those with current openings are: the Board of Attorneys Professional Responsibility (BAPR); the Board of Bar Examiners (BBE); and the State Bar's Board of Governors (to which the Supreme Court appoints three non-lawyers).

Those which will have vacancies in the future include:

- National Conference of State Trial Judges, to which the chief justice appoints four circuit court judges as delegates for unlimited three-year terms;
- State Elections Board, to which the chief justice appoints one person for an unlimited number of two-year terms;
- Federal-State Judicial Council, to which the chief justice appoints one Supreme Court justice, one Court of Appeals judge, and two circuit court judges for an unspecified number of four-year terms;
- Judicial College, to which the chief justice appoints seven judges [one dean (six-year term; maximum two consecutive terms); six associate deans (three-year term; maximum two consecutive terms)];
- Judicial Conduct Advisory Committee, to which the Supreme Court appoints six judges (Court of Appeals, circuit, municipal

and reserve judges), an attorney, and a member of the public (three-year terms; maximum two consecutive terms);

- Judicial Commission, to which the Supreme Court appoints a Court of Appeals judge, a circuit court judge, and two attorneys (three-year term; maximum two consecutive terms);
- Judicial Education Committee (JEC), to which the Supreme Court appoints eight circuit court judges (two-year terms; maximum two consecutive terms);
- Planning and Policy Advisory Committee (PPAC), to which the chief justice appoints three non-lawyers, a public defender, a prosecutor, a court administrator, and a clerk of circuit court for unspecified terms;
- Wisconsin Trust Account Foundation, Inc. (IOLTA), to which the chief justice appoints three judges (two-year terms; maximum two consecutive terms).

For more information on the work of these boards and committees, call Court Information Officer Amanda K. Todd at (608) 264-6256. Applicants should send a cover letter and resume to the Clerk of the Supreme Court, PO Box 1688, Madison, WI 53701-1688. Applicants' materials will be reviewed for current openings and kept on file for consideration as other opportunities arise. ❖

# Reserve Judge Panel Handles Salary Case

Three reserve judges have accepted appointments to serve temporarily in the Court of Appeals to decide a case that centers on whether appellate judges' salaries can exceed the governor's salary. Reserve Judges Paul C. Gartzke, Daniel L. LaRocque, and Michael T. Sullivan will decide whether appellate judges may be paid more than the governor. The judges' panel had its first conference on June 25.

The dispute arose after a legislative committee two years ago set the new salary for the justices at \$112,318. Instead of approving those salaries, the Department of

Administration cut them to \$101,859, or \$2 less than what Governor Tommy Thompson earns. Director of State Courts J. Denis Moran then filed a lawsuit in Dane County Circuit Court seeking to have the pay raises given back. Moran prevailed in the circuit court, where Judge Stuart A. Schwartz presided.

The decision was appealed to District IV, Court of Appeals, which certified the case to the Supreme Court.

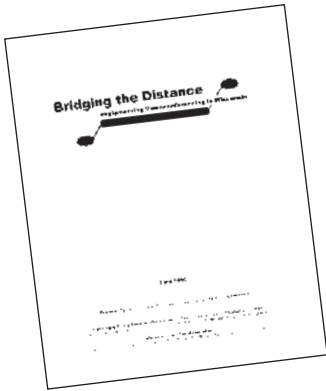
On June 11, the Wisconsin Supreme Court refused certification. The Court then asked Chief Justice Shirley S. Abrahamson to

exercise her constitutional and statutory powers to assign a panel of reserve judges to serve temporarily in the Court of Appeals.

Abrahamson directed Supreme Court Clerk Marilyn L. Graves to draw at random from the pool of reserve judges who are former Supreme Court justices and Court of Appeals judges. Graves communicated with those people in the order in which they were drawn until three had agreed to serve for the purposes of this appeal.

There is no timetable for a decision in the case, and neither side has asked for oral argument. ❖

# Videoconferencing Manual Available



The Statewide Videoconferencing Committee completed its work and released a report in June entitled *Bridging the Distance: Implementing Videoconferencing in Wisconsin*. The Planning and Policy Advisory Committee (PPAC) and the Wisconsin Counties Association (WCA) jointly convened the committee, which focused on developing a

manual that would help jurisdictions understand and implement videoconferencing technology.

The report contains general information about videoconferencing technology, suggestions for its use, and a list of whom to involve in planning. It also includes recommended technology guidelines and discusses specific design issues associated with implementing this technology in the justice system.

The manual is available on the court system Web site, [www.courts.state.wi.us](http://www.courts.state.wi.us), or by contacting John Voelker at (608) 261-8297. The manual is also available at the Wisconsin State Law Library and the University of Wisconsin and Marquette University law libraries. ❖

# PPAC Committee to Study Fees

At the suggestion of Judge William M. McMonigal, Green Lake County Circuit Court, the Supreme Court's Planning and Policy Advisory Committee (PPAC) voted unanimously in May to examine the proliferation of new court fees. Serving on the committee in addition to McMonigal are: Circuit Court Judges John W. Roethe (Rock County) and Louise M. Tesmer (Milwaukee County); Menomonee Falls Municipal Judge Michael C. Hurt; Portage County Clerk of Circuit Courts Bernadette Flatoff; Mary Williams of Stevens Point; and Deputy Director of State Courts Patrick G. Brummond.

Fees, surcharges and assessments are collected by the courts for various purposes. They have grown to the point where the fees themselves are much more costly than the underlying violation. For example, driving a car with an improperly attached license plate nets a \$10 fine. But the various fees raise the ticket to \$98.30. Much of the money the courts collect goes directly into the state's general fund rather than to the court system.



Judge  
William M. McMonigal



Judge  
John W. Roethe



Judge  
Louise M. Tesmer

Subcommittee members will initially focus on gathering and organizing detailed information concerning the structure and operation of the current fee collection system. PPAC will then review the material and decide on a future course of action. ❖

# Judges Improve Understanding of Sexual Violence

A group of 32 judges, reserve judges, staff attorneys, and court commissioners took part in a first-ever, two-day workshop designed to improve the courts' understanding of the issues surrounding sexual assault.

The National Judicial Education Program to Promote Equality for Women and Men in the Courts (NJEP), a New York-based group created by the National Organization for Women (NOW) Legal Defense and Education Fund in cooperation with the National Association of Women Judges, developed the curriculum with a grant from the State Justice Institute. Milwaukee County Circuit Court Judge Mel Flanagan and Judicial Education Director David Hass approached NJEP about bringing the program to Madison. NJEP put the program on entirely at its own expense and provided special training for Circuit Court Judges Flanagan; William C. Griesbach, Brown County; Jeffrey Kremers, Milwaukee County; and Sarah B. O'Brien, Dane County, to act as program facilitators.

Those in attendance participated in hypothetical sentencings, heard from a panel of jurors who had served in Wisconsin sexual

assault trials and learned ways the court process might be altered to enhance fairness. For example, trainers encouraged participants to accelerate trial schedules, permit the alleged victim to leave the stand during lengthy sidebars, minimize use of the alleged victim's name, require that all witnesses be addressed by surnames, and use dolls and diagrams for demonstrations.

As a result of the conference, NJEP invited Flanagan to participate in a video recreation of the curriculum which is being produced for use by judicial education programs around the country. Individual judges from California, Iowa, Massachusetts, and Texas will also take part in the video. The group of judges will react to each segment of the program and offer best-practice recommendations to the viewers. The video is expected to be ready for distribution in the fall; a copy will be available through the Office of Judicial Education. ❖



Judge Mel Flanagan

# Sentencing Seminar Brings Reporters, Judges Together



Judges William C. Griesbach, Brown County Circuit Court, and Fred H. Hazlewood, Manitowoc County Circuit Court (obscured), chat with reporters from the Manitowoc Herald Times Reporter and the Green Bay Press-Gazette.

A first-ever Court Seminar for the News Media, held April 29 in Green Bay, brought together a group of about 50 judges and journalists for an intense morning of education and discussion designed to enhance communication between the third branch and the fourth estate.

The Seminar, the first of a planned statewide series of court-media events, was built around a homicide by drunk driving sentencing exercise that is used at the state Judicial College to teach new judges about considerations in sentencing. Sentencing was chosen as a focus at the suggestion of Chief Justice Shirley S. Abrahamson because news stories on sentences, when the reporting is inaccurate or incomplete, can spark undue criticism of the judiciary.

After Abrahamson gave opening remarks and Justice N. Patrick Crooks provided an update on the changes that will come under

Truth in Sentencing, Justice Jon P. Wilcox gave the group an overview of the available sentencing options in the role-play case. Judge Joseph M. Troy, Outagamie County Circuit Court, presided over the mock sentencing. The hearing was acted out by: Outagamie County District Attorney Vince Biskupic; Assistant Public Defender Henry R. Schultz; Client Services Specialist Deb Cudworth; Lawrence University Professor Hazel Spears (playing the defendant); and business owner David Zochert (playing the victim's father).

Reporters, editors, editorial writers, and news directors from radio, television and print media outlets in an 11-county area sat side-by-side with judges. All attendees crafted sentences, which were then compared. While none of the judges let the defendant off without incarceration, several reporters did. Other reporters sentenced the defendant to the maximum prison time—which none of the judges did.

A discussion of media access to the courts followed the exercise, and a luncheon gave judges and journalists an opportunity to talk further.

Follow-up questionnaires demonstrated that, to a large degree, the Seminar achieved its goals. Brian Kerhin, assignment manager at WLUK-TV in Green Bay wrote: "I think the experience will help me do a better job of preparing reporters for sentencings and take different factors into account while reviewing their stories." Len Nelson, news director for a group of radio stations in the Green Bay area, wrote: "We will strive to better explain the intricate details of the sentence to listeners." For their part, the judges in attendance renewed their commitment to explaining court procedures to their local reporters and to inviting journalists to occasional district meetings.

The State Bar's Media-Law Relations Committee sponsored the Seminar. ❖

# VOLUNTEERS IN THE COURTS: \_\_\_\_\_

## A Partnership for Justice

by: *Karen Leone de Nie*

*Program Assistant to the Supreme Court*

### Teen Jurors, Attorneys: Prevention and Positive Peer Pressure

By age 13, "Tim" was a troublemaker. He graduated from truancy to vandalism to retail theft. He was gaining a bad reputation with the police and social services. Last fall, after a retail theft arrest, he was referred to the La Crosse County Peer Court, which usually only handles first-time offenders who are cited for ordinance violations. His referral was the result of a clerical error, but still, in November, he appeared before a six-person tribunal made up of youth between the ages of 12 and 17.

Tim tried to explain his actions and thoughts. His peers asked questions about his friends, home life, plans, and goals. After a short deliberation, the tribunal sentenced Tim to write a 1,000-word essay on the effects of theft on the community and how he planned to gain back the trust of his parents. He also had to perform 15 hours of community service, apologize verbally to the store manager, and serve three terms on the Peer Court.

Seven months later, a police officer who had started to think of Tim as a habitual offender told Peer Court Coordinator Tracey Pederson he had not seen Tim since the last incident that brought him before the Peer Court.

#### How Does Teen Court Work?

Since 1997, Judge Bruce K. Schmidt has spent several Wednesday nights on the bench in the Winnebago County Courthouse. He is one of many volunteers, both adults and teens, busy preparing for court. The attorneys, bailiff, jurors, and judge are there to hear the explanations of juveniles who have already admitted to committing offenses such as vandalism and shoplifting. Everyone in the room, except the judge and a few other volunteers, is under 19 years old. This is the Winnebago County Teen Court, the first of its kind in the state. Now, less than two years after Winnebago took the plunge, Bayfield, Brown, Iowa, Jefferson, La Crosse, Sheboygan, Trempealeau, and Vilas have followed suit, as have the municipalities of De Forest, Wausau, Menomonee Falls, and Marshfield.

Teen court programs come in many forms—from three- to five-person teen tribunals that recommend sentencing, as in the La Crosse Peer Court; to a more formal court process where attorneys, bailiffs, clerks, and jurors are all volunteer teens and the judge is an adult, usually a municipal or circuit court judge, law enforcement officer, attorney or other community member, as in the Winnebago program.

When Richard van Benschoten, state staff specialist at the University of Wisconsin Extension, is called on to help develop a program, he encourages organizers to create a court that will suit their particular situation. "Let that community decide what

direction they want to go," said van Benschoten, who has assisted the Bayfield, Iowa, Trempealeau, Vilas, and Winnebago Teen Courts.

Typically, teen courts hear the cases of juveniles between the ages of 12 and 17 who have committed one non-violent offense or who are minor repeat offenders. In most programs, offenders must admit guilt and agree to abide by the program's decision before their case is accepted by the court.

Offenders usually appear in court with a parent or guardian. The offender is given an opportunity to explain his/her actions, either directly or through a defense attorney, who is a fellow juvenile. Parents may be asked what sanctions they have imposed and victims may be given an opportunity to tell how they were affected by the crime. The point of this discussion is to give the jury or tribunal a better idea of what happened and whether the teen is remorseful.

After the discussion, the jury recommends a sentence, often based on a list of sentencing options and guidelines. Sentences can include one or several of the following: jury duty in teen court, community service, an apology letter to the victim, essays, mentoring, restitution or counseling (for drug or alcohol abuse, anger management, or decision making skills). The goals are restitution to the community and victims, accountability, and development as responsible citizens.

If the juvenile completes the sentence, the offense is removed from the record. On the other hand, if the teen does not comply with the court's sanctions, he or she is referred back to the court system to either appear before a judge or pay a fine, and the incident will remain on his/her record.

#### Why Teen Court?

According to the American Probation and Parole Association, there were about 50 teen courts operating in 14 states in 1991. As of 1999, there are at least 560 courts reported in 47 states. The teen court movement may be growing because evaluations suggest that these alternative sentencing programs can reduce the likelihood of recidivism, offer restitution to the community in the form of community service, improve restitution to victims, and help teens become better citizens by improving their understanding of the court system (indicated by pre- and post-testing of participants).

In Sheboygan County, Teen Court Manager Jeanne M. Jentsch monitors juveniles' compliance with their sentences. She keeps in touch with them by telephone and in writing, watching their school attendance and any encounters with police, and confirming that



they are following the teen court's orders. During the last 12 month period, 38 youth offenders completed the Sheboygan County program; two committed a second offense.

In just over a year, the Brown County Teen Court heard 304 cases; of those, 194 juveniles successfully completed their sentences, 46 were referred back to the municipal court, and the remaining juveniles are currently completing their sentences. And while this is only a small percentage of the juvenile offenders in the traditional court system, it indicates that the type of offenses directed to teen court may be well-suited to this approach. In addition, teen courts divert less serious offenses from the circuit courts so that judges can focus on the more difficult or serious cases.

### How Are Teen Courts Funded?

Teen courts in Wisconsin are funded through county human services departments, school districts, the United Way, the Office of Justice Assistance, and private donations. Many also receive in-kind contributions of space from county courthouses and other city and county facilities. "Grants usually provide seed money for the first year," van Benschoten said, "and [operational] costs are almost non-existent, especially for a tribunal court."

The Trempealeau County Teen Court operates on \$250 per year and the contribution of space in the Trempealeau County Courthouse, according to Court Coordinator Kevin M. Larson, who is also district administrator for the Independence School District. Two years ago the program received a \$500 donation from the Trempealeau Alliance for Youth. That money is used to teach conflict resolution skills to the students who serve on the court's three-person tribunals.

"It's a win-win situation," said Schmidt. "Teen court is good for volunteer jurors and attorneys to see how a court operates, and it works for the defendants and their families . . . because peer juries can see through a bad attitude and defendants are more likely to listen to their peers instead of an adult." ❖

## To Learn More About Teen Courts ...

**A** **Teen Court Conference** hosted by the Office of Justice Assistance, the Governor's Juvenile Justice Commission, the State Bar of Wisconsin, and the La Crosse Boys and Girls Club will be held on Thursday, Oct. 7, in Madison. For information, call (608) 266-1298.

**Peer Justice and Youth Empowerment: An Implementation Guide for Teen Court Programs** by the American Probation and Parole Association is available free by calling (800) 636-8736, or on the Association Web site at [www.ncjrs.org/peerhome.html](http://www.ncjrs.org/peerhome.html).

**The Office of Justice Assistance** helps jurisdictions find teen court funding. Call (608) 266-3323.

**The University of Wisconsin Extension** can help counties and schools develop a teen court program that suits their particular needs. Contact Rich van Benschoten, state staff specialist, at (608) 262-5020, or by e-mail at [vanbenschoten@admin.uwex.edu](mailto:vanbenschoten@admin.uwex.edu).

**The Volunteers in the Courts Initiative** of the Wisconsin Supreme Court has program descriptions and contact people for all reported teen courts operating in the state. Contact Karen Leone de Nie at (608) 266-1298, or by e-mail at [karen.leone.denie@courts.state.wi.us](mailto:karen.leone.denie@courts.state.wi.us). ❖

## Law Students Volunteer in Wisconsin Courthouses

**T**his summer, 38 law students are volunteering their time in 21 Wisconsin courthouses and two Court of Appeals districts as part of the court system's Volunteer Summer Law Student Internship Program, now in its third year.

The students represent 25 law schools from around the nation and are working with 43 Wisconsin judges performing a variety of tasks based on each court's individual needs. The law clerks are generally first- or second-year law students looking for hands-on experience in the justice system.

The initiative is spearheaded by Chief Justice Shirley S. Abrahamson, who launched the program in 1997 by writing

personal letters to law schools nationwide inviting students to submit applications. Now coordinated by the Office of Court Operations, the program strives to assist judges and train future lawyers.

Illustrating the program's success, one judge reported last year that, "The experience gave me the opportunity to again discuss issues that are raised in law school that many of us in the real world don't have time to think about. I believe from the intern's perspective he had a chance to experience some of the practical issues that judges and attorneys face on a daily basis." In turn, a previous year's intern commented on the experience that, "They don't teach you in law school that these are real people facing real legal issues." ❖

# Volunteer Recognized for Mission to Serve the Community



Judge James L. Carlson honored the Rev. Sue D'Allesio with the first annual Walworth County Volunteer Service Award.

For almost nine years, the Rev. Sue D'Allesio served as the interim chair of the Walworth County Children's Court Advisory Board, bringing together county agencies to draft new laws aimed at protecting children, and lobbying for their passage.

D'Allesio accepted the position in 1989, but never felt entirely qualified for it. As a justice system "outsider," D'Allesio considered herself not very knowledgeable about the courts or the county agencies involved in child abuse and neglect cases. "I kept confusing probation and parole," she said. But what she did bring was a different perspective, asking why things were done a certain way and not accepting the answer, "because that's how they've always been done."

In April, D'Allesio was recognized for her dedication and her achievements on the Board. Before an audience of retired local educators, Walworth County Circuit Court Judges James L. Carlson

and Robert J. Kennedy presented D'Allesio with the first annual Volunteer Service Award for her service to the circuit court and the citizens of Walworth County.

D'Allesio wanted to share the recognition with the entire Children's Court Advisory Board, whose members share a wealth of expertise. "The Board is made up of really outstanding people," she said. Members include representatives from the district attorney's office, human services, and law enforcement, among others. "The role that I played was catalyst and cheerleader," D'Allesio said.

The Board first convened in 1978, tackling issues such as alcohol and drug abuse, coordination of youth services, juvenile restitution, truancy, suicide prevention, gangs, and more. After briefly disbanding, the Board reorganized in 1990 to look at how child abuse and neglect cases are handled.

The Board, under D'Allesio's leadership, worked with county agencies to establish guidelines that standardized procedures so that children in abuse and neglect cases would be interviewed only once instead of several times by various agencies. The Board also successfully lobbied for legislation regarding child sexual assault (Wisconsin Statutes Chapter 948.025) and sought the hiring of a nurse with expertise in diagnosing child sexual abuse at the Lakeland Medical Center.

D'Allesio was pastor of the Bethel United Methodist Church near Elkhorn until last year, when she moved to Stoughton to become pastor of the United Methodist Church. Her mission is to serve not only her church, but also the larger community. "I'm hired by the church to be a minister to the community...to make the community a better place to live," she said.

She will be missed in Walworth County, but her role in helping children and families continues. She is currently involved in Stoughton's "Joining Forces for Families," a group that strives to prevent abuse and neglect.

The Walworth County Board also continues its work. The Board is exploring starting a child advocacy center, a place where all agencies would work together to handle abuse and neglect cases in a non-threatening environment. ❖

## Community Corrections Planning Project Develops Training Package

by: Kathy King, Marathon County Division of Justice Program Coordinator

Throughout Wisconsin, counties are facing an alarming need for jail beds. Many are responding by building additional facilities, but there is a growing awareness that construction alone will not solve the problem. Furthermore, building a jail facility is difficult because of tax-rate freezes and the perception that counties are "spending too much money on criminals."

Now, the Wisconsin Community Corrections Planning Project is developing a training package for localities to demonstrate how

a corrections management process that balances need, use, and development of correctional resources can be implemented. Project members have volunteered to present the informational outline to state and local organizations to stimulate discussion of corrections issues.

The training package is the result of work in several counties that, in recent years, gathered data, interviewed policy makers and reviewed state laws to gain an understanding of corrections planning and what is driving the jail space need in their communities. La Crosse, Monroe, and Marathon counties have prepared system assessments that review the policies, practices, and resources in

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# Retirements

## Rider Presided Over Revolutionary Changes

If, as Shakespeare wrote, action is eloquence, then Mary T. Rider's legacy would fill volumes. Rider, deputy director of state courts for management services since February 1980, officially retires August 1. Her last day in the office was June 1, and she has been replaced by Wendy L. Wink, who started on July 13 (*see separate story*).

As deputy director, Rider led the courts' business office, overseeing personnel, payroll, fiscal and budget. During her tenure, she guided the system through revolutionary changes largely by applying automation. When she started, the office had three employees calculating payroll manually, there was no court system directory (a situation which left judges, clerks and court staff in the statewide system to their own devices for communicating with colleagues), and court automation was rudimentary.

Rider, who spotted the newly created position in the want ads and was immediately intrigued, was up to the challenge. She quickly earned a reputation for putting in long hours—she and her staff are at work by 6 or 7 a.m.—and for her administrative skills. Her energy and talent helped her to recruit a top-notch management team, including: Personnel Officer Cheri A. Timpel, Fiscal Officer Pam J. Radloff, Purchasing and Facility Officer Dave Korenic, and Budget Officer David Suchman. She said working with them and with the rest of her staff—Barbara E. Argue, Mary J. Hendrickson, Sharon H. Hill, Dianne D. Knipfer, Marla Rybowski, Barbara J. Saeman, Pamela M. Schumacher, Barbara L. Seymour and Donna J. Windschagl—has been the best part of the job. "I'm just very fortunate to have an exceptional staff," she said. "I cannot tell you how much fun it is to work with a group of people who are knowledgeable professionals and are willing to take on challenges."

Rider's management philosophy has contributed to the very low turnover rate in her department, and the excellent reputation management services enjoys throughout the court system. "You have to keep a good sense of humor, feel comfortable getting your work done through other people and keep in close touch with what's going on around the state," she said.

Rider began her career as a high school social studies teacher in her native St. Paul. An opportunity to direct a study of discrimination against women in Wisconsin government led her here. After the study was completed, she worked on implementing legislation designed to protect people with disabilities from discrimination. She soon came to the attention of Gov. Patrick Lucey, who appointed her to a blue-ribbon commission assigned to reform the civil service system. During this time she was recruited by executive branch agencies, and spent a number of years working in the then-Department of Health and Social Services, the Department of Industry, Labor and Human Relations, and the Department of Employment Relations.

After nine years with the courts, Rider resigned to earn a law degree from the University of Wisconsin. The experience gave her "a much more solid appreciation for the work of the justices and judges," she said. She had initially planned to use the law degree to pursue court administration in a warmer climate. Instead, she returned to Suite 430 of the Tenney Building, thanks, in no small part, to the persuasive powers of Director of State Courts J. Denis



Justices, judges, and court staff from around the state turned out for Rider's retirement party. Here, she is speaking with Chief Judge Michael J. Skwierawski, Milwaukee County Circuit Court.

Moran. In announcing Rider's retirement Moran wrote: "It is not possible to overstate...her contribution to the stability and progress of our state court system...the prospect of administering the court system without her is a daunting one indeed. We will miss her steady hand and thoroughly considered advice. I will miss our daily contact and her solid support and friendship."

In retirement, Rider plans to play golf and travel with husband Tom Corbett, associate director of the University of Wisconsin Institute for Research on Poverty. On their list are Alaska and New Zealand, not to mention Wisconsin. She also hopes to get away to warmer climates during winter. After she spends some time relaxing, she wants to explore volunteer work with the Literacy Council and the American Red Cross.

## Dane County to Lose Two Veteran Judges in August



Judge Mark A. Frankel

Judges Mark A. Frankel and P. Charles Jones will leave the bench on August 2 and August 12, respectively, after serving a collective 48 years in Dane County. At press time, there were nine candidates hoping to fill the vacancies; the Governor's Judicial Selection Committee narrowed the field from 19 applicants.

Frankel, 50, is resigning to take a post as vice president and general counsel for Madison Gas & Electric Company. Jones, 63, is retiring to a home he and his wife,

Ronni G. Jones of the Office of Judicial Education, are building in the Iowa County community of Spring Green.

Frankel, who was elected judge in 1979 when he was just six years out of law school, has served for 20 years. During his tenure, he pushed for changes that were at times viewed as controversial but since have become widely used, such as permitting jurors to ask questions, increasing the use of judicial mediation, and expanding computerized legal research tools.

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Frankel also presided in a number of high-profile trials during his two decades on the bench. In 1996, just before the November election, he issued a temporary injunction barring Wisconsin Manufacturers & Commerce (WMC) from airing “issue” ads criticizing several Democratic state legislators who were vying for re-election. Frankel ruled that WMC could not continue to air the ads until it filed statements with the Elections Board revealing how, and by whom, they were financed.

In 1998, in another high-profile case, Frankel ruled that the Madison Police Department must release internal complaints against officers with only protected information redacted. Frankel was also one of a number of trial judges in the state to rule that the sexual predator law was unconstitutional. That ruling was reversed.



Judge  
P. Charles Jones

Judge P. Charles Jones began his legal career as head of Dane County Legal Services (a precursor of the Public Defender’s Office) in 1968 and then spent 28 years on the bench in Dane County. Because of his move to his new home in Iowa County, Jones will no longer be eligible to serve in Dane County Circuit Court.

In his resignation letter to Governor Tommy Thompson, Jones wrote that he had found judging to be “profoundly satisfying” and that he will leave the courts with “a little hesitation, some apprehension, but much anticipation.”

Jones is Dane County’s longest-serving judge and considered an expert in civil law. His background (he holds an M.B.A. from Harvard Business School) has made him well suited to handle business-related cases.

Jones rose to the bench as a probate judge, unseating incumbent Carl Flom by criticizing the court’s long delays and Flom’s hiring of a friend as his administrator. Jones proceeded to change the probate system both in Dane County and, through his push for institutional reforms, statewide.

The American Board of Trial Advocates in 1997 named Jones its Judge of the Year.

## Courts Bid Farewell to Four Longtime Reporters

Stuart A. Gerhardt’s most vivid courtroom memory came from the business end of a skunk. Gerhardt, a court reporter since July 1962 who retired July 31, recalled the trial of a member of the Posse, a group that doesn’t recognize laws or government. The man, charged with holding a pistol on a deputy sheriff, arrived in court with skunk scent, which, Gerhardt said, “he somehow exposed to the air in the courtroom.” When the district attorney mentioned the odor in the courtroom, Gerhardt recalled, the defendant opined that the only odor in court was sitting at the bench, a reference to Judge Lewis W. Charles. The man was convicted and sent to prison.

Gerhardt began his court reporting career in Portage with the late Judge James Daley after earning his degree at Madison Business College. In retirement, he plans to golf, fish and garden. Gerhardt has two grown daughters: a social worker in Ashland, and a library manager in Kansas City. He also has three stepchildren, two of whom live at home with him and his wife Carla, a registered nurse.

Thomas G. Howard, court reporter to Judge Thomas J. Sazama, retired May 27 after 31½ years with the courts. Howard began his career in Rusk County, where he worked for three judges in 5½

years. He then moved from Ladysmith to Chippewa Falls, taking a job with Judge Richard H. Stafford, now a reserve judge.

For the last 11 years, Howard and his wife, Barbara, have been owner/operators of the Bateman Tavern and Dance Hall in Chippewa Falls. In retirement, they hope to sell the tavern and become snow birds. Howard has three grown sons: one works in a plastics factory, one is a store manager and one has stuck close to home, helping out in the tavern.



Richard Karr

Richard Karr, a court reporter since June 1968, left office on July 22 and will officially retire in September. Karr saw a lot of courtroom activity in 31 years, but no case had the impact of the high-profile 1990 trial of a 29-year-old Oshkosh man charged with second-degree sexual assault for having intercourse with a person he knew to be mentally ill. The defendant, a married grocery bagger, had met the woman for coffee and enticed one of her 46 personalities—“Jennifer”—into having sex with him. During the course of the trial, the victim changed personalities numerous times on the stand, and, Karr recalled, “just to be on the safe side, Judge [Robert A.] Hawley swore in each personality as they appeared.”

Karr became interested in court reporting after a career day presentation at his Milwaukee high school. “I have been fortunate enough to work for two dedicated judges, Judge James Sarres for 14 years (who had the one-liners) and Judge Robert Hawley for 17 years (who had the stories). I also thank Judge Hawley for getting me into running, of which I truly enjoy the benefits,” Karr said.

In retirement, Karr plans on biking, golfing, and running. He also looks forward to spending more time at his Door County summer home with his wife Dorothy, a legal secretary, and daughter Jaime, who recently earned a degree in music (piano) from Ripon College.



Vernon J. Langhorst

Since October 1, 1966, Vernon J. Langhorst has shuttled between two courthouse homes, one in Alma, the other in Durand, a 50-mile round trip along the Mississippi. Working as court reporter in both Buffalo and Pepin counties, a job he called “rewarding and very interesting,” Langhorst spent 24 years with Judge Gary B. Schlosstein, now a reserve judge, and another nine years with Judge Dane F. Morey.

Langhorst’s last day in the office was June 30. He officially retired July 16.

While Langhorst had a front-row seat at many trials over the years, including a stray-voltage case that lasted an exhausting 12 days, he recalls most vividly the trial in Pepin County of a man who came to court every day dressed as a woman. “Judge Morey told him, ‘I can’t stop you, but this might not help your case in the eyes of the jury,’” Langhorst recalled. “He did get convicted [on sexual assault charges].”

In retirement, Langhorst plans to do more of what he loves, fishing and hunting. He and his wife, Joan, who works for the Department of Corrections and the Department of Natural Resources, also hope to seek out warm weather during the winters.

Langhorst has two sons: Brian, a trucker, and Chad, an information systems specialist. ♦

# New Faces in Wisconsin's Courts

## Judge Michael G. Grzeca Brown County Circuit Court



Judge Michael G. Grzeca

Michael G. Grzeca, 49, was selected by Governor Tommy Thompson to replace Judge Vivi Dilweg, who retired March 13. Justice N. Patrick Crooks swore Grzeca in on July 9. A Brown County court commissioner since 1993, Grzeca will have to seek election to the judge post in April 2000.

Grzeca's civil law practice in Green Bay had concentrated on property and casualty insurance law, and civil litigation. Prior to taking the bench, he regularly taught seminars on insurance claims, arson, and insurance fraud. Grzeca has also been an appointed special counsel for the Board of Attorneys Professional Responsibility and was legal counsel to the Board of Directors of Big Brothers/Big Sisters of Brown County.

Grzeca is married with two daughters.

## Judge David C. Resheske Washington County Circuit Court



Judge David C. Resheske

David C. Resheske was selected by Governor Tommy Thompson to replace Washington County Circuit Court Judge Richard T. Becker, who stepped down June 30. Resheske was sworn in on July 9.

Resheske was a prosecutor in Washington County from 1974 to 1988, and again from 1995 until 1999 when he was appointed to the judgeship. From 1988 to 1995, he was in private practice, where he handled personal injury cases and did criminal defense work and family law.

Resheske began his service in the Washington County District Attorney's Office as the county's first full-time juvenile prosecutor and then transferred to felony and misdemeanor cases. In 1981, he was appointed district attorney and was subsequently elected to the position until he left for private practice. After spending over six years in private practice, Resheske was re-appointed district attorney and later elected and re-elected to the post.

Resheske has been active in the Wisconsin District Attorneys' Association, serving as president and as a member of the Executive Committee at various times. He also served on the Information Technology Committee implementing the BJIS DANET project, a statewide computer network and case management system for prosecutors.

## Ernst Retires; Evenson Is New Waukesha Clerk

Waukesha County Clerk of Circuit Court Cynthia Ernst retired April 23, moving to northern Wisconsin where her husband had a new job opportunity.

Ernst, who served as clerk for nine years and spent more than 20 years with the court system (including as clerk to Appeals Court



Clerk  
Carolyn T. Evenson

Judge Neal P. Nettesheim when he sat in Waukesha County Circuit Court), will be missed by judges, court administrators, her staff, and the public. The Jury Assembly Room was named in her honor. "We were very lucky to have her, and unlucky to lose her," said District III Court Administrator Michael G. Neimon. Neimon added that Ernst built a reputation as a hard worker who focused on making her office customer-friendly.

To replace Ernst, the Waukesha County judges appointed Carolyn T. Evenson, former vice-chair of the Waukesha County Board and chair of the Board's Finance Committee. Evenson was elected county supervisor in 1992 and served until her appointment as clerk. She was also a member of the Board of Directors of the Wisconsin Counties Association.

A graduate of the University of Wisconsin with a degree in English, Evenson brings to the clerk's position a broad range of experience in addition to her legislative work. She was a teacher at both the elementary and college levels, and spent a decade as an office manager in the insurance and securities industries. She is married with two grown sons.

"[Evenson] was an excellent choice for the judges," Neimon said. "I cannot say enough about her experience, knowledge, demeanor and team work philosophy."

Evenson's appointment runs through December 31, 2000, the remainder of Ernst's term. She intends to run for election in November 2000.

## Wink Named Deputy Director of State Courts

Wendy L. Wink, deputy director of the Educational Communications Board (ECB) since 1996, has been named deputy director of state courts for management services. She started in her new post July 13.

The Office of Management Services is the court system's business office. This office manages personnel, payroll, fiscal and budget matters for the entire state court system. The deputy director reports to Director of State Courts J. Denis Moran. "Ms. Wink brings to this challenging position an impressive set of talents and skills," Moran said. "We feel very fortunate to have her on board and I look forward to working with her on the great variety of administrative issues confronting our court system as we move into the 21st century."

In her role at ECB, Wink worked on developing and administering operations for Wisconsin Public Radio, Wisconsin Public Television, and Education Services. Prior to joining ECB, Wink was assistant chancellor for administration at the University of Wisconsin Extension, where she worked on the budget, human resources, public information, technology, distance education, and telecommunications. She also worked for the Legislative Audit Bureau.

Wink, who holds a bachelor's degree from the University of Minnesota and an MBA in finance from the University of Wisconsin, replaces Mary T. Rider, who had been deputy director since February 1980 when she retired June 1 (*see page 11*). ♦

# Conference Highlights “Another Tool in the Toolbox”

Not long ago, in a small town in western Wisconsin, a teenage boy molested a little girl. His parents had been babysitting her, doing a favor for her parents, who were their close friends. The boy was charged, found guilty, and sentenced for his crime.

Case closed? Not exactly. Both sets of parents found it exhausting, stressful, and nearly impossible to avoid each other in this small town. They spent time and energy ducking around corners and switching aisles in the grocery store. There was unfinished business.

Enter restorative justice, a “back to the future” concept that treats crime as a violation of the victim and the community, as opposed to an offense against the state. Central to restorative justice—an umbrella term for a variety of mediation and restitution concepts that generally bring victims and offenders together—is making the victim, the community, and the offender whole again. It can be a supplement to, rather than a replacement for, traditional court proceedings. As Barron County Circuit Court Judge Edward R. Brunner put it, “it’s another tool in the toolbox.”

In the molestation case, the judge suggested that the victim’s parents meet with the defendant and the defendant’s parents for a discussion facilitated by a trained mediator. At first, the parents were not ready, but eventually they did sit down together to discuss the crime and its impact. The parents of the victim wrote a follow-up letter to the judge describing how the meeting helped them to begin healing and to stop structuring their lives around avoiding the other family.

In May, Brunner helped to organize the first-ever Restorative Justice Conference in Rice Lake. The keynote speaker was Mark S. Umbreit, Ph.D., director of the Center on Restorative Justice and Mediation at the University of Minnesota School of Social Work. Participants also heard from Carolyn McLeod, director of Washington County, Minn., Court and Community Services. McLeod told the group, “At the heart of all [restorative justice] programs is a deep and abiding respect for all human life.”

The conference, which attracted more than 125 justice system professionals and members of the community, was sponsored by the Barron County Circuit Court, the University of Wisconsin–River

Falls, and Wisconsin Indianhead Technical College, with funding from the Wisconsin Office of Justice Assistance and the National Council of Juvenile and Family Court Judges.

It featured sessions on victim-community and victim-offender conferencing, volunteer recruitment and training, program start-up, community policing, and local programs derived from the restorative justice concept.

According to data collected by the Minnesota Center:

- Crime victims who participate in a restorative justice intervention are 22 percent more likely to identify the justice system as fair and helpful.
- Offenders who meet their victims are 23 percent more likely to complete their restitution obligation to the victim than similar offenders who did not participate in mediation.
- Offenders who meet their victims in mediation commit fewer and less serious crimes than those who did not meet their victims.

Barron County is developing a restorative justice project with grants from the Office of Justice Assistance and the Wisconsin Law Foundation. The model will address juvenile and adult corrections issues and is the reason Brunner organized the conference. “It’s a vision for the county I’d like to share,” he said.

Already in place is the Barron County Community Service Project which started in 1992. As of April 1999, 519 people had gone through the program, providing 26,070 hours of service to the community. The program’s effectiveness has been attributed to cooperation and communication among judges, the district attorney, the sheriff’s department, probation officers, social services staff, clerks of court, and others.

Restorative justice-based programs are operating throughout Wisconsin. Victim-offender mediation programs are running in Dane, Fond du Lac, Jefferson, Kenosha, La Crosse, Manitowoc, Trempealeau, Waukesha, and Winnebago counties, among others. Victim impact panels are active in Outagamie and Waukesha counties. Several counties also have developed specialized programs that coordinate community service for offenders with a mentoring component. ❖

## Community Corrections Planning

*continued from page 10*

their correctional systems, and develop recommendations for their county planners. Each county has also created a policy team and a staff position to facilitate changes. These changes include expanded correctional programs and modified system practices and policy.

The staff in these counties experienced similar challenges and had similar needs. They had to learn how to facilitate corrections management without much support or guidance. The continuation of their programs is contingent on the ability to produce the results demanded by the system. In sharing ideas and offering support to each other, they found that an increasing pool of resources was being developed that could be of value to other communities

as they struggled with corrections issues. Thus begun the Community Corrections Planning Project.

Project members have continued their collaboration to develop resources for Wisconsin communities and are investigating what is involved in beginning a management process, what can be gained, and the cost. Representatives include county board members, jail administrators, supervisors from the Department of Corrections’ Division of Community Corrections, Office of Detention Facilities staff, defense attorneys, and justice system planners/managers. The group will seek support from the Wisconsin Counties Association, the Wisconsin Department of Corrections, and the National Institute of Corrections. ❖

*Please send requests for further information to: Wisconsin Community Corrections Planning Project, P.O. Box 785, Sparta, WI 54656.*

## Restorative Justice Resources

### Restorative Justice Project (RJP)

University of Wisconsin Law School, Frank J. Remington Center  
975 Bascom Mall, Madison, WI 53706  
(608) 262-4013

Web site: <http://www.law.wisc.edu/fjr/restorative/>

E-mail: [bakittle@facstaff.wisc.edu](mailto:bakittle@facstaff.wisc.edu)

Contact: Bruce A. Kittle, director

RJP provides education, training, technical advice, and support to communities developing restorative justice initiatives. In addition, RJP facilitates victim-offender conferencing and programs between interested victims and offenders who are incarcerated in Wisconsin prisons.

### Center for Restorative Justice & Mediation

University of Minnesota, School of Social Work  
386 McNeal Hall, 1985 Buford Avenue, St. Paul, MN 55108-6134  
(612) 624-4923

Web site: <http://ssw.che.umn.edu/ctr4rjm/Default.html>

E-mail: [ctr4rjm@che2.che.umn.edu](mailto:ctr4rjm@che2.che.umn.edu)

Contact: Mark S. Umbreit, director

The Center provides an extensive list of publications, many available on their Web site, as well as training, technical support and traveling speakers.

### Wisconsin Office of Justice Assistance (OJA)

131 West Wilson Street, Suite 202, Madison, WI 53702  
(608) 266-3323

Web site: <http://oja.state.wi.us/>

OJA administers justice system assistance programs under federal laws, including grants and technical assistance.

### Center on Crime, Communities & Culture of the Soros Foundation

Open Society Institute-Baltimore  
201 N. Charles Street, Suite 1300, Baltimore, MD 21201  
Web site: <http://www.soros.org/crime/>

The Center supports innovative criminal justice programs that involve victims and citizens in the remediation of injuries caused by crime.

### National Council of Juvenile and Family Court Judges

University of Nevada, P.O. Box 8970, Reno, NV 89502  
(702) 784-6012

Web site: <http://www.ncjfcj.unr.edu/>

The National Council can provide information and resources on the restorative justice concept and some of the programs operating throughout the country. ❖

## Employees Celebrate 30 Years with Courts



*Judge John P. Hoffmann, Nancy C. Thoe, Peggy Morey, and Chief Judge Philip M. Kirk work together to keep the Waupaca County courts running well.*

When Margaret “Peggy” Morey went down to the Waupaca County Courthouse in May 1969 for a marriage license, she got more than she bargained for. “The clerk asked me if I was looking for a job,” she recalled, “and sent me to the clerk of courts office.” There, the 21-year-old woman found a newly created deputy clerk position that suited her well. Thirty years later, it still does.

Just weeks after Morey started, the crew grew from two people to three, with the addition of then-clerk/typist Nancy C. Thoe. Thoe made the courthouse her first stop when she began a job hunt upon graduating from high school. Then-Clerk of Courts Orin Stevenson interviewed her and hired her on the spot. Less than a

year later, at age 19, Thoe was promoted to a deputy clerk of courts position. Like Morey, she never left.

“My co-workers are essentially my family,” Thoe said. “The work is fascinating. It’s challenging at times, because we don’t work with people who are happy. People are either going to jail, or paying their fines, so they’re not happy. But I love the work.”

Today, the Waupaca County Clerk of Courts Office employs 11 people, and computers have made all the usual differences in the work. “When I started, all records were handwritten and then typed into books,” Morey recalled. “We hand-typed all the checks.” Both Morey and Thoe have noted a substantial increase in all filings, especially small claims and paternity actions.

Morey, Thoe, and Court Reporter Darrel R. Ruechel, who works for Judge John P. Hoffmann, have together put in 90 years with the Waupaca County courts. They were honored at a potluck luncheon at the courthouse in June.

Morey now heads the civil division and clerks for Chief Judge Philip M. Kirk, while Thoe is in charge of the traffic division and clerks for Hoffmann.

Terrie Tews, clerk of courts, arranged the luncheon. “All three have seen many changes in their respective offices over the years, and have many interesting stories to tell,” she said. “We send our heartfelt congratulations to these fine people and applaud their dedication to their work.” ❖

## Strengthening Judicial Independence for the 21st Century

Five hundred leaders from federal and state courts, bar associations, the media, and community organizations came together in Washington, D.C., in May for a first-ever national dialogue on building public trust in the justice system to strengthen judicial independence. Wisconsin was represented by a seven-person team appointed by Chief Justice Shirley S. Abrahamson. Team members were: Abrahamson; Marcia J. Koslov, state law librarian; J. Denis Moran, director of state courts; Susan R. Steingass, State Bar president; Deborah Jackson Still, *We the People* project coordinator; Thomas W. Still, Wisconsin State Journal associate editor; and Amanda K. Todd, court information officer.

The team, with help from John Voelker, assistant to the chief justice, will develop a plan for building public trust and confidence in the courts as a means of strengthening and safeguarding judicial independence.

The keynote speaker at the Washington conference, U.S. Supreme Court Chief Justice William H. Rehnquist, underscored the link between public trust and judicial independence in his remarks. Judicial independence, a cornerstone of democracy, rests on the notion that judges must not succumb to pressure to decide cases according to politics or public opinion. In order to dispense justice fairly and impartially for each individual who appears before them, judges must be shielded—and must shield themselves—from outside influences and intimidation. Proper funding, adequate facilities, security, and staffing all aid—or, in their absence, may detract from—judicial independence.

Attacks on judicial independence often come during contested elections when a sitting judge may be targeted for one unpopular ruling.

Former New York Governor Mario Cuomo, a luncheon speaker, also emphasized the importance of an independent judiciary. Recalling his appointment of New York Chief Judge Judith Kaye, Cuomo said bright, dedicated lawyers should be appointed to judgeships, and judges should be elevated within the judiciary, without regard to how they might come down on any specific issue. “That’s like asking the umpire how he’d call a close pitch before it’s thrown,” Cuomo said.

Associate Justice Sandra Day O’Connor, another luncheon speaker, recalled that the only time she felt threatened as a trial judge was during a divorce case. She stressed the importance of focusing reform efforts on cases involving children and families. O’Connor also called upon the states to explore how to get judges more involved in building relationships with the community.

Results of a national survey commissioned by the American Bar Association (ABA) were presented at the conference. The good news is that 80 percent of Americans believe that, in spite of its flaws, our justice system is the best in the world; the bad news is that just 39 percent believe that racial and ethnic minorities get a fair shake in court, and 90 percent believe that corporations and rich people have an unfair advantage.

A 1995 Wisconsin consumer survey found that people who had been to court most recently had more favorable opinions about

the courts than those who had not. Professor Herbert M. Kritzer of the University of Wisconsin Law School and John Voelker made the observation in an article on the Wisconsin survey results: “Persons who very recently were in court reported more positive evaluations than those who had been to court several months (up to a year) ago, and both of these groups of court users had more positive general evaluations of the courts than did the rest of the population of Wisconsin as measured in a statewide public opinion survey. It appears that, at least in Wisconsin, negativity toward the courts is a function of popular images rather than actual experience.”

Together with others from around the nation, the Wisconsin team shared ideas for strengthening the link between the courts and the communities they serve. One of the best ways to do this, conference participants decided, is to involve members of the public in the work of the courts through volunteerism. Wisconsin’s court-volunteer program is considered a model for the nation. Throughout the state, thousands of trained volunteers are mediating disputes, monitoring guardianships, watching over juveniles who are assigned community service, and much more. In 1997, U.S. Attorney General Janet Reno visited Madison to meet with court volunteers and learn about the program.

Volunteers can assist the courts in increasing access to justice, combating bias, and developing alternative dispute resolution programs, all key areas conference participants identified as needing improvement. Also singled out were useful programs such as Los Angeles’ Clergy Outreach Project, which brings judges together with a multi-faith/cultural/racial/ethnic group of pastors for discussions of justice issues that affect the community, and Boston’s Court Care drop-off child care centers for parents who need to be in court for jury duty or as litigants or witnesses. ♦

*Program ideas for inclusion in Wisconsin’s plan to strengthen judicial independence by connecting the courts to the communities they serve should be sent to: Amanda Todd, Wisconsin Supreme Court, P.O. Box 1688, Madison, WI, 53701-1688.*

## A New Twist on Judicial Ethics Education

Dane County Circuit Court Judge **Robert R. Pekowsky** attended the National College of Probate Judges Conference in San Diego. According to Pekowsky, the conference began with a very effective presentation by **Dennis M. Parish**, an Ohio juvenile court magistrate, on professionalism and ethics as depicted in movies. The presentation included clips from movies such as *Miracle on 34th Street*, *The Verdict*, and *The Rainmaker*, and participants were asked to consider the role, responsibility and public perception of judges.

Conference participants were also introduced to the *Guardian Angels of Ohio* program, which is developing a comprehensive and uniform training package for volunteer guardian programs. Judge **Thomas A. Swift** and Magistrate **Julie L. Weiss** demonstrated a sample CD-ROM training program for court-related volunteers.

Dane County Circuit Court Judge **Stuart A. Schwartz** attended another National College of Probate Judges Conference, this one



in Georgia, where the discussion of volunteer guardian programs continued. The National Center for State Courts is developing criteria for volunteer eligibility and minimum standards of training for guardian programs nationally. Schwartz will participate in the project.

Conference breakout sessions also addressed the hotly debated topic of physician-assisted suicide and the effect of the changing family on probate and adoption procedures. Non-traditional family arrangements, including same-sex couples, long-term unmarried couples, and children born through artificial insemination, have raised complex issues concerning inheritance and adoption. Judges shared case examples from numerous jurisdictions and promised a continuing dialogue on these new challenges.

## St. Louis Meeting Will Focus on Judging for the New Millennium



Judge  
Ramona A. Gonzalez

Judge **Ramona A. Gonzalez**, associate dean of the Wisconsin Judicial College, may soon have to ask her three teenage children for help with her lesson plans. In the not-too-distant future, judicial education will augment traditional classroom learning with interactive computer programs, videoconferencing (distance learning), and Internet-based classes. And subject matter may incorporate topics ranging from traditional Native American peacemaking techniques to evidence issues in cases involving genetic engineering, cloning, or robotics.



Judge  
Robert W. Mawdsley

Gonzalez, along with Chief Justice **Shirley S. Abrahamson**, Judge **Robert G. Mawdsley** (dean of the Wisconsin Judicial College), and **David Hass**, director of the Office of Judicial Education, will attend the National Symposium on the Future of Judicial Branch Education in St. Louis in October. The Symposium will give teams from around the country an opportunity to focus on what judges, court commissioners, clerks of court and court staff should be learning, and how to teach it.

During and after the Symposium, the Wisconsin team will study model organizations that have successfully met overwhelming challenges and learned to thrive on chaos. These include Cemex, a Mexican cement company; Half Price Books; and Mercedes-Benz Credit Corporation.

The team will craft an action plan to ensure that judicial education keeps pace with the changing needs and expectations of society. In structuring the plan, the group will look at issues such as: the need for a systematic, responsive approach to the complex issues of cases affecting families, such as divorce, custody, physical and mental abuse, substance abuse, and mental illness; the need for a level of cultural competence among judges and court

staff to facilitate communication with diverse cultures; and the need to establish alternative dispute resolution within the structure of the court system.

## Arizona Conference Will Help Wisconsin Develop Action Plan on Pro Se Litigation

Last August, a Milwaukee mother allowed her four-year-old daughter to spend a week with the mother's ex-boyfriend (the girl's father) in California. During the child's stay with her father, he commenced a custody action in California alleging that the mother had abandoned the child.

Recognizing that she could not afford to hire a lawyer, the mother went to the Milwaukee County Courthouse to see if someone could help her get her daughter back. She made her way to the Pro Se Forms Assistance Center, where a volunteer attorney, **Ernesto Romero**, reviewed the California pleadings and explained them to her in plain English. Romero then helped her to obtain a written copy of the most current order, and counseled her on which provision of her Wisconsin paternity order was relevant. She was advised to secure certified copies of her custody order which she would need to show the courts and police in California, and was told how to write to the court objecting to any proceedings based on the Uniform Child Custody Jurisdiction Act. Romero encouraged the mother to borrow funds from relatives so that she could appear in court in San Diego.

Several months later, the mother returned to thank Romero with a hug. She had successfully argued her case in court and had regained physical custody of her daughter with the assistance of the court and the police. The Pro Se Forms Assistance Center had made the difference.

This fall, the American Judicature Society (AJS) will present a national conference on *pro se* litigation. The conference is designed to inform state courts and help them develop action plans to effectively address the challenges posed by the increasing number of self-represented litigants.

At the request of AJS, Chief Justice **Shirley S. Abrahamson** nominated a team to represent Wisconsin at the conference. The team includes the following members:

- **Kathryn W. Foster**, judge, Waukesha County Circuit Court
- **Ernesto Romero**, attorney and founder, Pro Se Forms Assistance Center
- **Donna J. Seidel**, clerk of courts, Marathon County Circuit Court
- **Louise G. Trubek**, professor, University of Wisconsin Law School
- **John Voelker**, assistant to the chief justice
- A representative from the Milwaukee Court Administrator's Office

AJS will sponsor four of these individuals through a grant from the State Justice Institute. The remaining two will receive local funding. Additional locally funded individuals may be added to the team at a later date.

The conference will be held November 18-21 in Scottsdale. ❖

*Ideas that might be considered for inclusion in the action plan may be forwarded to John Voelker at (608) 261-8297.*

## Supreme Court Hosts International Guests



A group of Nigerian professionals met with Justice N. Patrick Crooks on May 11 as part of a Rotary-sponsored study exchange. The group (left to right): Halima I. Lawal, a banker; Justice Josephine Tuktur, high court judge; Crooks; Mohammed Yamah, an attorney; Babatunde Felix Dada, a banker; and David B. Atuno, a medical doctor.



A group of eight Chinese lawyers and one law firm secretary met with Chief Justice Shirley S. Abrahamson on April 22 as part of a trip sponsored by the University of Wisconsin Law School's East Asian Legal Studies Center and the Chinese International Law Training Center in Shanghai. While in Madison, the delegation—all of whom are in private practice—visited law firms and the CUNA corporate law office. The group also traveled to Minneapolis and Chicago during the two week trip. Here, Abrahamson explains the number of justices on the Court.

## Abrahamson to Join Salzburg Conference

Chief Justice Shirley S. Abrahamson has been invited to participate in a Salzburg Seminar in Austria this summer. An international colloquium of jurists from around the world will discuss *The Personal Responsibility of Judges*. Abrahamson will participate on a panel describing the North American experience. Her fellow panelists are U.S. Supreme Court Justice Stephen Breyer, Attorney Lloyd N. Cutler of Washington, D.C., U.S. Court of Appeals Chief Judge Harry T. Edwards of the D.C. Circuit, Canada Supreme Court Justice Beverley McLachlin, and U.S. District Court Judge Louis H. Pollak of Pennsylvania. ❖

## Mr. Hofer Goes to Russia

by: Ronald R. Hofer

Staff Attorney, Court of Appeals District II

I had the good fortune to be asked by the National Judicial College to teach classes on opinion writing to judges of the commercial courts of the Russian Federation, as part of The Russian-American Judicial Partnership. This Partnership has been underwritten by the United States Agency for International Development. I participated in two three-day seminars, the first in Moscow and the second in St. Petersburg. The faculty was largely Russian judges and academics, except for Judge Evan Wallach from the U.S. Court of International Trade and me.

The Russian Commercial Court was created in 1995 and consists of both trial and appellate divisions. I was surprised to learn that at least 70 percent of the Russian judiciary is female, and the average age is about 40. Evan Wallach and I both came away with a sense of having been there “at the creation,” so to speak. The Russian Commercial Court is still exploring its own limits and creating its own rules and practices. We were informed during the Moscow session that the Duma would be presented with a proposal for a rule allowing for the use of commercial case law on a kind of limited precedent basis. This practice in a civil law country is innovative, to say the least. I have no doubt that the Judicial Partnership has played a significant role in this change, in that it has now conducted classes for more than 1,000 Russian judges, most of them from the commercial court.

While most of the attending judges (about 125 in all) were supportive of our efforts, a few, including some influential higher-ups, were less than eager to hear what we had to say. In fact, at the end of the Moscow session, one judge (who, by the way, Evan Wallach and I thought bore an uncanny resemblance to Nazi war criminal Rudolf Hess) gave it to us Americans but good—Russians don't need our help, Russian judges are overworked while American judges are pampered, etc. But then another judge took the floor in our defense, and she was quite eloquent in doing so. Later, at the reception, I thanked her (through an interpreter) and asked whether, by voicing ideas that were distasteful to some, she might incur some sort of reprisal. In fact, I wondered aloud whether the

*continued on page 22*



Court of Appeals Staff Attorney Ron Hofer poses with Judge Betty Barteau, the chief of party for the Russian-American Judicial Partnership (left) and a Russian judge (center).

# Mock Trial Conducted at Wisconsin School for the Deaf

by: Judge Richard S. Brown  
Court of Appeals, District II



Judge Richard S. Brown

On April 7, four Wisconsin law students, University of Wisconsin Clinical Associate Professor Michelle LaVigne and I met in Delevan at the Wisconsin School for the Deaf (WSD) to participate in a mock trial conducted by juniors studying civics. This was the first time WSD students had ever had an opportunity to participate in a mock trial. The program, the brainchild of Professor LaVigne, was designed to acquaint the students with how the justice system works.

The law students put together the mock trial program and spent weeks with the deaf students to prepare them for the trial. At the end, Professor LaVigne observed that “it is a toss-up as to who has learned more.”

The mock trial problem was based on *Goldilocks and the Three Bears*. Madonna Lockes was accused of having entered the home of the Baer family without permission while the Baers were out for a walk because the pizza which had been delivered to them was too hot. She then allegedly ate the pepperoni part of the pizza and spilled soda all over Mr. Baer’s computer. She allegedly left when the Baers returned. She was charged with burglary, criminal trespass, criminal damage to property, and theft.

The participating WSD students recognized several issues in the case that are common to criminal justice jurisprudence. One of the major issues the students focused on was identity. The Baers’ daughter identified Ms. Lockes even though it was dark and she only saw the back of the perpetrator for an instant. Mr. Baer’s identification was based largely on his daughter’s statement. Lockes, for her part, denied being in the home. While she admitted being in the area of the Baers’ home that evening, she had to be home to beat the curfew her mother had set, and was in her bed at the time the incident took place.

Another issue identified by the students had to do with bias of a prosecution witness. While Ms. Lockes testified that she couldn’t have eaten the pepperoni because she is a vegetarian, a boy employed by a fast food restaurant testified that Lockes purchased a hamburger from him on a prior occasion. The defense sought to impeach the witness by gaining an admission that the boy had asked Lockes out on a date and had been rudely rebuffed. The defense claimed that he was, therefore, biased, and brought up the fact that Lockes had entered the restaurant with three girlfriends and Lockes claimed that she did the ordering for all.

The students did a stellar job with the trial. It ended with Lockes being acquitted of all charges except criminal trespass. The jurors shared their reasoning with the more than 60 WSD students who had come to watch the trial and with the prosecution and the

defense. The reasoning process was quite advanced and would rival the rationales employed by our adult juries.

The experience showed, once again, that the critical thinking of Deaf\* students is every bit the equal of those with normal hearing. Aristotle, in what is now understood to have been a mistranslation, was reported to have written that “those born deaf become senseless and incapable of reason.” Unfortunately, some segments of society still equate the differing method of communication by the Deaf as evidence that the Deaf are less capable of understanding. This mock trial program proved otherwise.



ATTORNEY JAKE HERRCO

Brittney Stanek, a junior at the Wisconsin School for the Deaf, played the part of a lawyer in the mock trial. At right is the interpreter. Judge Richard S. Brown read Stanek’s argument in real time on a computer screen.

Professor LaVigne reported that there are fewer than 100 Deaf lawyers in the United States. I can report that there are now four deaf judges—a felony court trial judge in Delaware, a traffic court judge in Chicago, an administrative law judge in New Jersey, and myself. All of us were late-deafened in adulthood and all of us wear cochlear implants. The time is coming when a culturally deaf person who does not use an implant will wear a robe. Since the students were so involved and excited about this project, and did so well with it, perhaps this mock trial is the start. ❖

\* The “culturally deaf” community is composed of persons for whom American Sign Language is the primary language and English is a secondary language. This group prefers to capitalize the word “Deaf” when referring to people in their community to differentiate themselves from those who are also deaf but who use English as their primary language. Thus, all four judges mentioned later in this column are “deaf” while some lawyers in the United States and all of the students at WSD are “Deaf.”

# Law Day Celebrated Statewide



Clerk of Courts Dianna D. Helmrick, Judge Duane H. Polivka, and Community Service Coordinator Catherine Croke judged the Adams County Law Day Poster Contest.

President Dwight D. Eisenhower established Law Day in 1958 to provide an opportunity for reflection on American legal heritage and the role of law in society. Law Day has been celebrated around the nation every May 1 since then.

In 1997, Wisconsin launched its first statewide campaign to celebrate Law Day with open houses in the courts, giving judges, lawyers, clerks of circuit court, and others in government who do the work of justice an important opportunity to educate the public about the law.

For 1999, the Director of State Courts Office and State Bar of Wisconsin again recruited judges, lawyers, and clerks of circuit court in each county to plan the celebrations. Several counties invited the public to learn more about the justice system through mock trials, courthouse and jail tours, and other educational presentations. Following are descriptions of several of the events held this year.

**Adams County** gave grade-school students an opportunity to create posters depicting their constitutional rights, and invited eighth-graders to shadow Judge Duane H. Polivka, Clerk of Circuit Courts Dianna D. Helmrick, Sheriff Roberta E. Sindelar, and District Attorney Mark Thibodeau. The students wrote essays about their experiences (*see sidebar*) and were awarded certificates of participation at a courthouse ceremony, during which tours of the courthouse were given. Every office in the building, from Parks and Recreation to Child Support to the Community Service Program and the Adams County Board, drew up a handout explaining its function.

**Barron County** sponsored an essay contest for nearly 100 local eighth graders. Nine finalists were selected to spend a day in court with Judge Edward R. Brunner, Judge James C. Eaton, the district attorney, the public defender, Clerk of Circuit Courts Bonita Gagner or a court reporter. The students submitted photo essays capturing their day in court, which were displayed in

the courthouse. The three top photo essayists were announced at a courthouse ceremony that featured a buffet dinner. The winners received savings bonds and a plaque signed by Brunner, Eaton, and Chief Justice Shirley S. Abrahamson.

**Dane County** conducted a variety of Law Day events. Local lawyers offered free advice at a courthouse booth and gave out free materials. Students from local middle schools participated in a program called "A Day in the Life of a Criminal Trial," in which they received a fact scenario for a criminal case and then traced the progression of the case by visiting with staff in each office that would become involved in the case, from the police department to the district attorney to the public defender. The students then put on mock trials based on the case, with Judges C. William Foust and Moria Krueger presiding. For younger children, a mock trial based on Aesop's fable of the fox and the crow was presented. Local attorneys, in costume, played the roles and Judge Michael N. Nowakowski presided.

**Fond du Lac County** put on a "1999 Day in Court" that finished with an evening mock trial based on a hate crime case. The Fond du Lac Legal Secretaries Association put on the event, and Judge Dale L. English presided. After the jury came back in with its verdict, the judge asked each juror to explain his or her reasoning to the assembled group.

**Jefferson County** stretched its Law Day activities over a week, bringing in 55 eighth-graders to shadow various courthouse employees and write essays about the experience, while giving younger students an opportunity to create posters in honor of Law Day. The celebration culminated in an open house at the courthouse, which featured a display of the essays and posters (with the winning students presenting their works to the assembled group), tours of the courts and the jail, refreshments, and an opportunity to meet the judges. More than 150 students of all ages took part in the open house.

**Manitowoc County** lawyers gave free legal advice at a booth in the courthouse and by phone on the Monday following Law Day. In addition, more than 200 students from county high schools participated in four mock trials conducted throughout the day. Judges Patrick L. Willis and Darryl W. Deets presided in the trials.

**Ozaukee County** put on a Law Day open house with Judges Joseph D. McCormack, Walter J. Swietlik, and Thomas R. Wolfram, with Senator Mary Panzer, Representatives Mickey Lehman and Glenn Grothman, District Attorney Sandy Williams, Sheriff Maury Straub, County Board Chairman Leroy Bley, and Clerk of Courts Joan Zirbes on hand to talk with visitors. In addition, members of the Ozaukee County Bar Association offered free legal advice, showed videotapes on law-related topics and offered a variety of handouts on issues such as bankruptcy, divorce, and starting a business. The Ozaukee County Sheriff's Department gave demonstrations, including several with its tracking dog, Argo.

**Waupaca County** put on mock trials with the Waupaca County American Legion and the Waupaca County Bar Association. The event packed the courthouse with students from every school in the county. Local lawyers offered free legal advice at a table outside the courtroom and the district attorney and staff from probation and parole were on hand to answer questions. ❖

## Law Day Essays from Adams County Students

### Lisha Eckelberg with Judge Duane H. Polivka

My name is Lisha Eckelberg and I am a junior at Adams-Friendship High School. For school, I got to shadow Judge Polivka. This is one person in our community that everyone should get to know. I got to spend half of the day with Mr. Polivka. He is a very polite and open-minded person and looks at all aspects of situations whether the situations are good or bad. He listens to both sides of the cases and tries to be as fair as possible. He tries to give everyone at least a chance. I saw a lot of the rescheduling of court cases. The judge went through about thirty cases in one afternoon. It was a really neat thing to see the law system in action. The real thing is nothing like the things that you see on television. I had the greatest time with the judge. Our day was very interesting, I got to sit in on all the court cases. We also went out for lunch and I got to sit on the right hand side of the judge in the courtroom.

I am going to tell you a few of the things that I learned about him as a person. Judge Polivka was born and raised in Adams County and still resides in the County. He lives six miles north of Friendship with his wife. As a child, his grade school teachers had a tremendous impact on his continuance of education through to college. In high school, the judge wanted to become an engineer and had no idea of becoming a judge.

Even his first year of college he still had no idea of what he wanted to become. He took his law exam at Marquette University. He has completed one full term as judge and is half way through with his second term. He was elected to become our judge. He is very proud of his son, who works at Riverview

Memorial Hospital located in Wisconsin Rapids. His son is an excellent anesthesiologist. That is one thing I will never forget. I will remember this experience for the rest of my life.

My advice to the younger classes is if you ever have a chance to shadow anyone in higher authority, then you should take a chance and don't be scared. Just step up and you'll find out that it'll pay off in the long run.

I would just like to thank Judge Polivka for taking time out of his busy schedule. Also, for explaining when I didn't fully understand the proceedings and for making this all possible.

### Tricia McLain with Clerk of Courts

#### Dianna D. Helmrick

On April 19, I and three other students spent the day with various courthouse employees. It was a very interesting day. I really learned a lot about tolerance and the working of the court system.

I spent the afternoon with Dee Helmrick, who is the Clerk of Courts. Dee is a really great lady. She explained her job thoroughly and showed me the hands on, of how she does her job. Dee's job is an interesting one. She sits in on court cases with the defendant's records. She also is in charge of bonds. She helps to keep the whole court room running smoothly and does an excellent job of it.

I had a great experience at the courthouse. I met a lot of open-minded, respectful people. I'm proud to say that I am a member of a community where such people are so influential. I'd like to thank all the people who made my shadowing experience a special one. ❖

## Court's Sesquicentennial Programs Win Accolades

Three Wisconsin Supreme Court sesquicentennial projects have been recognized for excellence.

The original play *Rope of Sand*, commissioned by the Wisconsin Supreme Court's Sesquicentennial Committee for the state's sesquicentennial, was honored with an award of excellence in May. Madison playwright Marc Kornblatt received the award from the Council of Wisconsin Writers. Funded with grant money from the Sesquicentennial Commission, the play dramatized an important but little-known Wisconsin Supreme Court case, *Ableman v. Booth*, in which the Court defied a federal court order to hand over a runaway slave for return to a Missouri plantation.

*Rope of Sand* also was selected for inclusion in a book of 17 outstanding and cost-effective judicial outreach programs from around the nation. Los Angeles Superior Court Judge Richard Fruin, author of *Judicial Outreach on a Shoestring: A Working Manual*, wrote: "By presenting a historical play to the general public, the Wisconsin Supreme Court found a new way to educate the public about the judicial system and how that system impacts everyday life. The case also shows the dilemma judges have in reaching decisions that they do not like but that are required by the law."

*Stand the Storm*, a half-hour documentary based on *Ableman v. Booth*, was also recently honored with a Central Educational Network award. The Wisconsin Supreme Court's Sesquicentennial

Committee, in cooperation with Wisconsin Public Television, produced the program with a grant from the Sesquicentennial Commission. The program features interviews with Chief Justice Shirley S. Abrahamson; Milwaukee Judge Carl Ashley; University of Wisconsin Professors Richard Ralston (African-American Studies) and Michael McManus (Civil War History); and Historian Ruby West Jackson. The documentary juxtaposes the modern civil rights movement with the events that surrounded this court battle and puts into context this important moment in the state's history.

*Famous Cases of the Wisconsin Supreme Court*, a plain-English synopsis of 25 Supreme Court opinions from statehood to present, won a Wisconsin Distinguished Documents Award from the Wisconsin Library Association. It will be one of five Wisconsin publications being nominated for the National Library Association's Distinguished Government Documents Award. ❖

*The Famous Cases booklet, the play, and the video are available to the public. Famous Cases is on the courts' Web site, www.courts.state.wi.us or may be ordered for free by calling (608) 266-1298. The script for Rope of Sand may be ordered through playwright Marc Kornblatt at (608) 258-8355. The price will vary depending upon the intended use (it is free to schools). Stand the Storm videocassettes are available for \$9.95 through Wisconsin Public Television at (608) 263-4575.*

# Obituaries

## Judge Wallace A. Brady Juneau County Circuit Court



Judge Wallace A. Brady

Judge Wallace A. Brady, who served for 12 years on Juneau County Circuit Court, died May 30 at the La Crosse Lutheran Hospital. He was 77.

Brady also served as a reserve judge from his retirement in 1992 until 1998. He was the uncle of Juneau County's current judge, John W. Brady.

Born in Portage County and raised in the Waushara County community of Plainfield, Wallace Brady joined the U.S. Navy in 1943, immediately after graduating from the University of Wisconsin. He was awarded the Navy Cross for action in the Battle of Iwo Jima.

Upon returning to Wisconsin, he entered the University of Wisconsin Law School and settled into a private practice in Elroy in 1948. While Wallace Brady was practicing in Elroy, his nephew John Brady started a law practice in Wonewoc. "We used to talk back and forth a lot, and share advice on cases," John Brady recalled. "He was not just an uncle, but a friend and advisor for 50 years."

Wallace Brady is survived by his wife, Mary (Garvin) Brady, four sons, a daughter, eight grandchildren, and other relatives.

## Robert E. Hackett, Jr. Shorewood Municipal Court

Judge Robert E. Hackett, Jr., Shorewood Municipal Court judge for 31 years, died of liver cancer on May 23 at St. Mary's Hospice in Madison. He was 77.

Hackett grew up in Shorewood and received his undergraduate and law degrees from Marquette University. He served in the U.S. Army Air Corps during World War II.

## Mr. Hofer Goes to Russia

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government still sent people to Siberia. Through the translator, she replied, "I am a judge in Siberia; where would they send me?"

And speaking of the reception, with all due respect to Dave Hass, Dona Winkler and Tammy Hennick [of the Office of Judicial Education], I must say that the Russians have it all over us when it comes to post-judicial education festivities. We were treated to a buffet of smoked salmon and sturgeon, mushroom tarts, some unidentified (and, in my opinion, questionable) meat products,

Hackett was first elected justice of the peace in the Village of Shorewood in 1954. The title later changed to municipal justice and then municipal judge. He retired in 1985. From the early 1950s until the early 1990s, Hackett also ran a general law practice in downtown Milwaukee and worked for two years as an assistant city attorney for Milwaukee.

Hackett is survived by his wife, Marsey (Gahagan) Hackett, a son and daughter, four grandchildren, and other relatives.

## Thomas W. Wells Dodge County Circuit Court

Judge Thomas W. Wells, a Dodge County Circuit Court judge for 14 years, died March 29. He was 78.

Wells also served as a reserve judge from his retirement in 1989 until 1996, primarily handling cases involving inmates from Dodge County's three prisons.

Born in Berlin, Wis., and raised in Green Bay, Wells earned his law degree from Marquette University Law School. He served in the U.S. Army during World War II.

Soon after his appointment to the bench in 1975, Wells earned a reputation for being a strict, no-nonsense judge whom defense attorneys and prosecutors alike could count on to be fair.

Wells became close friends with Judge Daniel W. Klossner, who joined the bench in Dodge County in 1984. In an interview with the *Daily Citizen* (Beaver Dam), Klossner recalled their lunchtime cribbage games and Wells' ability to quote Shakespeare. Klossner said he learned a great deal from Wells, a bit of which is captured in a note he keeps on his bench to this day. It reads: "Patience and Restraint."

Wells, a talented singer who was a charter member of the Beaver Dam Community Theatre, is survived by his wife, Joanne Wells, two daughters, a son, a granddaughter, and other relatives. He was preceded in death by two sons and a daughter. ♦

Russian chocolates (which are *way* good!) and an endless supply of champagne, wine and vodka.

And, of course, we set aside some time for sightseeing. Here's my report: Lenin is still dead, but he looks great. Red Square has no pigeons because of trained hawks. Russian cops like to shake down tourists for American dollars. Russian high fashion closely resembles 80s disco wear. All of Russia currently has Pushkin fever (Russian poet Alexander Pushkin, 1799-1837). In Cyrillic, my name looks like a brand of hygiene products. And, finally, except that it comes on a roll, Russian toilet paper cannot be distinguished from a #6 brown paper bag. ♦



From April 11-17, in honor of National Library Week and the National Legal Research Teach-in, the Wisconsin State Law Library organized a variety of activities. A contest, entitled "Law in the Millennium," consisted of matching law-related historical events with the years in which they occurred (see story for quiz and answers). Several entries were completely correct, so Chief Justice Shirley S. Abrahamson drew the winning name. Marla Rybowiak, of the Office of Management Services, was the winner and is pictured here accepting her prizes from Reference/Outreach Services Librarian Connie Von Der Heide, the author of the quiz.



## State Law Library Celebrates National Library Week 1999

### CONTEST QUIZ

## Law in the Millennium

1. U.S. Supreme Court rules that racial segregation on public buses is unconstitutional. YEAR: 1956
2. The Magna Carta is signed. YEAR: 1215 BONUS: Where? **Runnymede, England**
3. Congress is empowered to levy income taxes by the 16th Amendment to the U.S. Constitution. YEAR: 1913
4. Cigarette manufacturers are now required to print on their packages warnings that smoking can be hazardous to health. YEAR: 1965
5. The Wisconsin (State) Bar is organized. YEAR: 1878
6. Use of the phrase "In God We Trust" on U.S. coins is authorized by Congress. YEAR: 1864
7. U.S. Supreme Court outlaws "sitdown strikes." YEAR: 1939
8. The Mayflower Compact is signed. YEAR: 1620
9. School teacher John Scopes is found guilty of teaching evolution in a public school. YEAR: 1925 BONUS: Where? **Dayton, Tenn.**
10. Congress passes a law authorizing employers to withhold income tax from employees' paychecks. YEAR: 1943
11. The newly created "separate" Wisconsin Supreme Court commences its first term. YEAR: 1853
12. The first impeachment proceedings instituted against an American president are brought against President Andrew Johnson. YEAR: 1868
13. The Wisconsin State Library is created (now called Wisconsin State Law Library). YEAR: 1836
14. U.S. Supreme Court approves abortion in its Roe v. Wade decision. YEAR: 1973

Summer law clerks from Madison-area firms leafed through the 23 new books donated to the Wisconsin State Law Library by the Career Assistance Committee of the State Bar Association's Young Lawyers Division (YLD). The full YLD collection contains more than 400 items of interest to new and aspiring attorneys, on topics such as: starting a law practice; automating a law office; and effective trial techniques. State Bar continuing legal education books are also available. Materials in the collection are available for circulation. For more information, contact the Wisconsin State Law Library at (800) 322-9755; in Madison, 266-1600.

# DOT Clarifies Citation Data Needs

The Department of Transportation (DOT) is implementing a computer system that will place convictions on a violator's driving record with minimal intervention by Division of Motor Vehicles (DMV) staff. As a result, handwritten data on the citation will not be scrutinized, so it is very important that critical data are correct. Critical data include statute number and violation description information, driver's license information, and court and adjudication information. Those who do not have a branch number are asked to leave Field 52 blank.

If a charge has been amended, the amended statute number must be written in Field 55, along with the amended charge description. Courts do not need to amend convictions under Wisconsin Statutes 343.44(1) to reflect second or subsequent offenses. Reckless driving charges should *not* be amended by the court to Wis. Stats. 346.62(1). This is not a proper charge. A reckless driving conviction must cite Wis. Stats. 346.62(2), (2m), (3), or (4).

A statute number must be a complete number; for example, use 346.62(3) rather than 346.62; 346.34(1)(a) rather than 346.34(1); and 346.57(4) rather than 346.57.

Be sure the statute number provided on the citation corresponds to the description of the charge.

Mark as "withdrawn" or "void" a ticket that has been rewritten to go through municipal court rather than circuit court.

The DMV cannot process citations with a future adjudication date. If the adjudication date is a future date, hold the citation until after that date.

Do not provide your home address or phone number, as the proper address is provided to violators when they want to resolve citation issues or pay fines/forfeitures.

Do not submit juvenile alcohol-related convictions (Wis. Stats. 125.07, 125.085, and 125.09) if the individual was at least 21 years old on the date of violation.

A couple of courts contacted the DOT after the *Third Branch* article that included a reminder that unnecessary acceleration, spinning doughnuts, exhibition of power, and squealing tires should be recorded as four-point violations, whether written on a UTC or a municipal citation. As a result of these contacts, DOT is doing further research on this issue and will provide an update in a future article. ❖

*Questions on adjudicating court code and court branch numbers may be directed to (608) 267-4591. Please notify Judicial Education Manager Ronni G. Jones, (608) 266-7816, of any changes in court addresses and phone numbers.*

## Navigating the Internet: Useful Web Sites

*by: Connie Von Der Heide, reference/outreach services librarian  
Wisconsin State Law Library and  
Karen Leone de Nie, program assistant to the Supreme Court*

### Federal Web Locator

<http://www.law.vill.edu/fed-agency/fedwebloc.html>

The Federal Web Locator is a central hub for locating federal agencies on the World Wide Web. This easily searchable site is broken down into six categories: legislative branch, judicial branch, executive branch, independent agencies, quasi-official agencies and non-governmental federally related sites. A service of the Center for Information Law and Policy, the Locator strives to bring the "cyber citizen to the federal government's doorstep."

### American Legal Ethics Library

<http://www.law.cornell.edu/ethics/>

This Web site, produced by Cornell Law School's Legal Information Institute, provides links to codes or rules that set standards for the professional conduct of lawyers and judges. The library, which is organized by state and topic, can be used to track a specific issue from state to state or to review code and commentary in a single jurisdiction. In addition, law firms and legal academics from 12 jurisdictions have contributed narratives on the "law of lawyering," and this section will continue to grow as other states and the European Community submit summaries of legal ethics in their jurisdictions.

### National Council of Juvenile and Family Court Judges

<http://www.ncjfcj.unr.edu/>

The National Council of Juvenile and Family Court Judges assists judges, court administrators, and professionals who are entrusted with the concerns of children and their families by providing educational opportunities, technical assistance, publications, and the latest research and trends in juvenile and family issues. The National Council's Web site helps further its goal by making these services available online, to members and non-members alike. The site features information on legislation, innovative programs, research, publications, training/conferences, and software on issues related to child abuse and neglect, domestic violence, alcohol and substance abuse, and permanency planning.

### Tables of Contents Service, Legal Journals

[http://tarlton.law.utexas.edu/tallons/content\\_search.html](http://tarlton.law.utexas.edu/tallons/content_search.html)

The Tarlton Law Library of the University of Texas compiles an online list of the contents pages from more than 750 law reviews and other legal journals. The list is updated daily and contains information on journals from the last three months. The archive can be browsed by month or searched by keyword. Links also are provided to law reviews and journals that have Web sites.

Want to find out what kind of presence courts in other states have on the World Wide Web? Check out <http://www.courts.net/>. Courts.Net links to court Web sites in 46 states. Or try the National Center for State Courts at <http://www.ncsc.dni.us/COURT/SITES/Courts.htm>. ❖



## People in the News

Reserve Judge **William Jennaro** announced in May that he will dedicate one day each week to serving on the bench in Milwaukee County Circuit Court. Jennaro served two terms in the Milwaukee court before he retired in 1984 to go into private practice. He currently practices with Cook & Franke and is well known for his mediation work, for which he can earn in one hour what reserve judges are paid per day—\$250. “As an attorney, I’m committed to the idea of an efficient court system,” Jennaro said. “As a former judge, I think I have a responsibility to help out.”

Marshfield Municipal Court Judge **John Adam Kruse** and an *ad hoc* committee are “getting to the heart of the problem” of troubled kids, according to the *Marshfield News-Herald*. The city received two grants to provide special programs, medical care, and counseling for children caught smoking, drinking, or violating other ordinances. In addition, Kruse can refer juvenile offenders to the Community Options Program, administered by the YMCA, in lieu of imposing a fine. Through the program, kids may work with the city Parks and Recreation Department, the local library, or other organizations. While paying off their fines with community service hours, the juveniles also receive a membership in the YMCA.

Winnebago County’s new jury selection process saved taxpayers more than \$40,000 in 1998, reported *The Oshkosh Northwestern*. Centralizing the system has reduced the number of jurors brought in each day. Under the new system, when a juror is not picked to serve for one trial, he or she returns to the general pool to be considered for other trials occurring that day instead of being sent home.

*The Reporter* (Fond du Lac) presented an inside look at the sentencing process when it interviewed Circuit Court Judges **John R. Storck** (Dodge County) and **Steven W. Weinke** (Fond du Lac County). Weinke explained how judges use pre-sentence investigations.

In March, the Walworth County Bar Association honored Clerk of Circuit Court **Sheila T. Reiff** and her staff, along with local attorneys with 50 years of service, during a ceremony at the Walworth County Courthouse. New attorneys were also sworn in at the ceremony. Walworth County Bar Secretary/Treasurer **Victoria Oleniczak** organized the recognition of Reiff’s office by researching the number of years each staffer had served the county and creating personalized certificates of appreciation for each person. The bar then treated the honorees to lunch. Family Court Commissioner **Judith M. Stern** is the county bar president.

The restored Vernon County Courthouse is drawing locals and tourists alike, reported the *La Crosse Tribune*. Large 1930s murals and maps adorn the walls of the courtroom, which was built in 1881. The restoration and renovation were completed in 1998 and included updating the building to prolong its usefulness into the next century. “We’re proud of the way it turned out,” said Vernon County Circuit Court Judge **Michael J. Rosborough**.

Chief Judge **Mark S. Gempeler**, Waukesha County Circuit Court, returned to work full time on June 14, as was noted in *The Freeman* (Waukesha). Gempeler was off for seven months, recovering from a debilitating heart ailment. Judge **Kathryn W. Foster**, Waukesha County Circuit Court, will continue to stand in for Gempeler as chief judge for the time being.

Judge **John A. Damon**, Trempealeau County Circuit Court, received an award from the Wisconsin Coalition Against Domestic Violence in May. Damon, along with six other elected officials, was honored for his leadership in improving policies, practices, and awareness of domestic violence. First Lady **Sue Ann Thompson** presided over the awards ceremony.



Judge John A. Damon

In 1957, the Wisconsin Supreme Court lost one Fairchild, but gained another. Chief Justice **Edward Thomas Fairchild**’s last act on the Wisconsin Supreme Court was to swear in his son, **Thomas E. Fairchild**, who had been elected to fill the elder Fairchild’s seat on the Court. Fairchild, recalling the day, told *The Daily Reporter*, “He said, ‘The court will take a slight recess and come back with a different cast of characters.’” He served on the Supreme Court until 1966, when he became a judge on the Seventh Circuit Court of Appeals. He presently serves as senior judge of that court.

Justice **Jon P. Wilcox** administered the oath of office to a group of 21 new conservation wardens in April. Wilcox was invited to participate by the Wisconsin State Patrol Academy and the Wisconsin Department of Natural Resources. Wilcox also administered the oath of office to “Chief Justice” **Mike Knaus** during the YMCA Youth in Government Annual Model Government Session at the state Capitol in April. The program has been introducing middle- and high-school students to government through hands-on work for more than 40 years.

As of this spring, Dane County judges have another option when setting bail in domestic violence cases, noted the *Milwaukee Journal Sentinel*. Funded by a federal grant, the new domestic violence bail monitoring program provides supervision for selected defendants. Dane County Court Commissioner **Todd Meurer** said he welcomes the new option.

In celebration of Women’s History Month, Chippewa Falls drama students researched the contributions of Wisconsin’s important women and then became those women to answer the questions of local fourth-graders, reported *The Chippewa Herald*. The list of women portrayed by the students included: artist **Georgia O’Keeffe**; U.S. Health and Human Services Secretary **Donna Shalala**; Dr. **Julie Stafford**; former Israeli Prime Minister **Golda Meir**; adventurer and homesteader **Sylvia Smeltzer**; and Wisconsin Supreme Court Chief Justice **Shirley S. Abrahamson**. Abrahamson was recognized for her work as an attorney, a law school professor, and a justice. She was the first woman on the state Supreme Court.

Marquette University graduate students are helping Walworth County residents, and the circuit court, save time, money, and resources by offering mediation services in small claims cases. The program was the topic of a *Milwaukee Journal Sentinel* article. Marquette University is one of only a few universities that offers the two-year certification program, which is run through its Center for Dispute Resolution Education, according to program director and Associate Law Professor **Eva M. Soeka**. The students are invited to participate in the internship by Walworth County Court Commissioner **Paul Barrett**, who also mediates disputes and

*continued on page 26*

reviews all settlements negotiated by the other mediators. In Barrett's experience, 90 to 95 percent of his mediated cases are resolved prior to trial.

In a *Stevens Point Journal* article, Portage County Circuit Court Judge **John V. Finn** shared his childhood dream of becoming a disc jockey, but said that in the end he decided that being a judge "is the best job you can have." Finn explained judicial rotation, how small claims court works, and why he, like many judges, dislikes presiding in divorce court, especially when child custody is an issue. "The court is not in the best position to decide what is best for the child," said Finn. "The parents are."



District Court  
Administrator  
Gail Richardson

The number of Dane County court appearances requiring foreign-language interpreters rose by 69 percent from 1997 to 1998, reported the *Wisconsin State Journal*. The prevalence of interpreters in the courts is driving the desire to establish a statewide certification program and build a corps of certified interpreters, according to District V Court Administrator **Gail Richardson**. To help interpreters, Dane County provides a Hmong glossary of legal terms and definitions, and Attorneys **Ronald Benavides** and **Luis Cuevas** are working on a Spanish glossary. Said

Richardson: "The only way to improve this is to have the support of the Legislature, because while it is important, it's not cost-free."

As an exercise in diversity, La Crosse County Circuit Court Judge **Ramona A. Gonzalez** had Holmen High School students try to arrange themselves in groups according to skin tone. According to the *Onalaska-Holmen Record*, the students squirmed as they tried to follow the judge's directions. "There is a certain comfort zone in knowing where we belong," said Gonzalez. "It's just a little bit more uncomfortable when we try to divide ourselves according to color." She shared her experiences of being considered "different" while growing up in the Dominican Republic, Chicago, and a small town in New York. "What I learned from that experience was that I would never want to put somebody in the position I was in," she told the students.

In the spring, about 250 Milwaukee residents attended a community forum titled *Crime and Punishment: Reality vs. Myth*. The discussion was led by a panel made up of Milwaukee County District Attorney **E. Michael McCann**; State Public Defender **Nicholas L. Chiarkas**; Milwaukee County Circuit Court Judge **John Franke**; **Ron Johnson**, who works with at-risk youth; **Jose Flores**, who directs a county program for first-time juvenile offenders; and *Milwaukee Journal Sentinel* columnist **Eugene Kane** (who also covered the forum for the newspaper). The purpose of the forum was to get the community involved in the discussion of how to handle crime. Franke concluded the forum with a story: "A couple spot a child floating in a river and rush to save it, only to watch more children come their way...until there are so many it's impossible to save them all. The point: Instead of waiting on the banks of the river, why not travel upstream to try and find out who's putting them in the water?"

"All rise for the Honorable **Melissa Fellner**," a sixth-grader from Mayville Middle School. According to *The Reporter* (Fond du Lac),

Fellner was elected "judge" for a mock trial (based on an actual case) staged at the Dodge County Courthouse by the Mayville Drug and Alcohol Council. The trial was coordinated by **Sharon Chmielewski** of the AODA Council and Dodge County Circuit Court Judge **John R. Storck**. Students witnessed the arrest, initial appearance and jury trial of Mr. Doe, played by fellow student **Nicholas Koch**, who was found guilty of homicide by intoxicated use while operating a vehicle. "Going through the process makes [the students] realize the importance of the choices they make and the consequences of poor choices," Storck said. The students also spoke to the mother of a girl who was killed by a drunk driver and a Mayville High School graduate who was convicted of drunk driving.

Storck conducted another mock trial, this one for adults from the Horicon and Mayville Citizen Police Academy. In his presentation, he discussed county government and technology used by courts and law enforcement, and directed the mock trial of a man charged with OWI and operating with prohibited blood-alcohol concentration, reported the *Daily Citizen* (Beaver Dam).

Waupaca County Circuit Court Judge **John R. Hoffman** and University of Wisconsin Extension Youth Development Educator **Connie Abert** teamed up to talk to local high school students about drinking and driving. About 80 judicial officers visited high schools this spring, before prom, as part of a prevention program called Community Systemwide Response, reported *The Tomorrow River Times* (Amherst). Taking part in a similar presentation, Dodge County Circuit Court Judge **Daniel W. Klossner** visited Beaver Dam High School in May along with **Tasha Piontek**, who was hit and seriously injured by a drunken driver nearly six years ago. Piontek told the students about the accident, showing slides of the accident scene and her bandaged body, to warn them about the real dangers of driving while intoxicated, reported the *Daily Citizen* (Beaver Dam).



Judge John R. Hoffman

Wisconsin Supreme Court Justice **N. Patrick Crooks** spoke at the Sixth Annual Commemoration of National Police Week in Green Bay. The event is held each year in May to honor police officers who have died in the line of duty, reported the *Green Bay Press-Gazette*. But, as Crooks told those in attendance, we are also here "to honor law enforcement officers who serve each day in a dangerous profession with honor, dignity, and pride."

Columbia and Sauk counties welcome the help of Court Appointed Special Advocates (CASA), a program recently introduced in those counties to help the courts gather information in child abuse and neglect cases, according to program director **Carmel Capati**. The new program, staffed by professionals and trained volunteers, is funded in part by a grant from the Court Improvement Program of the Wisconsin court system, reported the *Wisconsin State Journal*. CASA programs also operate in Brown, Dane, Fond du Lac, Kenosha, La Crosse, and Milwaukee counties. In addition, the Red Cliffs CASA Project of the Chippewa tribe is just starting in Bayfield County with funding from the National CASA.

Milwaukee Judicial Court Commissioner and Chief Deputy Clerk **Jon W. Sanfilippo** completed the Institute for Court Management's (ICM) Executive Development Program in May,

and is now a Fellow of ICM. Graduation was held at the U.S. Supreme Court with Justice **Sandra Day O'Connor**, and Chief Justice **Thomas R. Phillips** of the Texas Supreme Court presiding. The program consists of five core courses in court operations, a three-week residential seminar, an independent court study project and report, and a one-week concluding seminar.

Judge **William M. McMonigal**, Green Lake County Circuit Court, garnered a mere 91 percent of the vote in April; the other nine percent went to **Daffy Duck**, put up as a write-in candidate by opponents of the new county courthouse that is being debated by the Green Lake County Board. The county is levying a new sales tax in order to raise money for the courthouse.

The Racine Public Library is active in educating people about the law, reported *The Journal Times* (Racine). Racine County Clerk of Courts **Taraesa Wheary** purchased LOIS for the library with a grant from the Lakeshores Library System. This CD-ROM reference tool includes legislative, administrative and judicial information. In addition, a law-related seminar series was offered. Speakers included Racine County Circuit Court Judge **Richard J. Kreul**, who discussed small claims court, and Reserve Judge **Nancy E. Wheeler**, who talked about estate planning.

Judge **John A. Damon**, Trempealeau County Circuit Court, is donning his "traveling robe," according to the *News Wave* (Independence). He is hearing cases in non courthouse settings in Arcadia, Strum, and the Galesville-Ettrick-Trempealeau area throughout 1999. "This is a small step to demystifying the court system," Damon said.

## Pappas, Sheedy Honored

*continued from page 3*

the prestige of the position to come between him and the people he served.

"I think the most important thing a judge should do is in terms of how he treats the people who come before him in court," Pappas said. "You get all kinds of people, and sometimes people can be very irritating. However, they should be treated with courtesy, with kindness...judges should recognize that they are there to serve people; they are not there just to sort of glory in being a judge. We are put there by the people, and our role is to be of service to people; we are not there to satisfy our egos."

Pappas is currently working with Riverfront, an organization that helps people with disabilities find jobs and live independently.

Judge Patrick T. Sheedy served for 19 years on the bench in Milwaukee County, spending eight of those years as chief judge. In that role, Sheedy advocated tirelessly for more judges and more resources for Milwaukee County. While willing to listen to a variety of viewpoints, Sheedy never lost sight of his goals of adequate funding, personnel, security and technology for the Milwaukee County courts.

A proponent of communicating directly with the public about the needs of the justice system, Sheedy wrote a 1996 column in the

Praise for the Wisconsin court system Web site from the *Rice Lake Chronotype*: "The fact that this well-laid-out, easy-to-navigate state court site even exists says that the people responsible for our court system...believe it is the people's system and want to do the utmost to make it better understood and more accessible to everyone." The court Web site address is [www.courts.state.wi.us](http://www.courts.state.wi.us).

In Waukesha County, the **Big Bad Wolf**, alias Judge-Elect **Ralph M. Ramirez**, was convicted of attempted murder for the attack on Little Red Riding Hood. This mock trial was part of the county's events for Take Your Child to Work Day. Waukesha County Circuit Court Judge **Donald J. Hassin, Jr.**, presided in the case. *The Freeman* (Waukesha) interviewed a middle schooler whose prior exposure to the court system was only through television. He observed: "I learned a judge doesn't yell. He's more or less in command of things."

As a young girl, Chief Justice **Shirley S. Abrahamson** saw **Eleanor Roosevelt** speak at Yankee Stadium. She recounted the experience for a crowd of nearly 500 people gathered to honor Fox Valley volunteers in April. Abrahamson recalled that Roosevelt had the lights turned off and asked everyone to light a match. The light from those matches illuminated the stadium, according to Abrahamson, showing that individuals acting together can make a difference, reported *The Post-Crescent* (Appleton). Abrahamson talked about the role that volunteers play in the courts, stating that 5,000 people volunteered their time in court-related programs last year. "Volunteers are the cement that keeps the community alive and well," she said. ❖

*Milwaukee Journal Sentinel* calling on politicians to step up computerization. "We need policymakers at all levels of government to have the boldness and vision to push forward with automation; not only for the courts, but for all of the other components of the system as well," he wrote. "These components need to be linked and integrated to provide for the instantaneous free flow of information."

Prior to taking the bench, Sheedy spent 32 years in private practice. He graduated from Marquette University Law School in 1948. In 1997, Marquette honored him as Law Alumnus of the Year.

Sheedy also has an extensive military background. A veteran of World War II, he served in the U.S. Army Reserves from 1948 to 1965 and as a military judge from 1965 to 1973. He retired from the military in 1973 as a colonel in the Judge Advocate General's Department.

Sheedy is currently involved in a project to help the Milwaukee courts deal with case overflow. He serves three days per week, handling post-judgment motions and *pro se* litigation.

The Jurist Lifetime Achievement Award recognizes a jurist with at least 12 years' experience as a trial judge who has demonstrated outstanding, long-term judicial service. Judge John A. Decker, who served on both the Milwaukee trial bench and the Court of Appeals, and who was the first chief judge of the Court of Appeals, won the award in 1998, the first year it was given. ❖

# The Third Branch

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*The Third Branch* is a quarterly publication of the Director of State Courts Office, providing news of interest to the Wisconsin Judiciary. Send questions and comments to: Amanda K. Todd, Court Information Officer, P.O. Box 1688, Madison, WI 53701-1688. Phone (608) 264-6256. E-mail: amanda.todd@courts.state.wi.us.

## On the Move

The Wisconsin Supreme Court and the Director of State Courts Office moved out of the Capitol in mid July to make way for restoration and renovation of the Capitol's East Wing. The expected return to the Capitol is 2001.

The Court and Director of State Courts Office are now at 119 Martin Luther King, Jr., Blvd., on the Capitol Square. The mailing address remains the same: P.O. Box 1688, Madison, WI 53701-1688. All telephone and fax numbers and e-mail addresses are unchanged.

The Wisconsin State Law Library is also scheduled to move out of its current home on the third and fourth floors of the Capitol. That move will occur sometime

this fall when the library will take up temporary residence in the One East Main building on the Capitol Square. The library's mailing address will remain the same: P.O. Box 7881, Madison, WI 53701-7881. All telephone and fax numbers and e-mail addresses will also remain the same.

State officials approved plans in late April for a \$35.8 million, eight-story justice center on the Capitol Square that is proposed to house the Law Library, the Department of Justice, and other offices. Construction may begin this summer and is expected to be completed by August 2001. ❖

## SJI Requests Grant Ideas

The State Justice Institute (SJI) wants to hear from judges and court staff about issues of foremost concern in Wisconsin in order to update SJI's funding priorities.

Established by federal law in 1984, SJI awards grants to improve the quality of justice in state courts, facilitate improved coordination between state and federal courts, and foster innovative, efficient solutions to problems shared by courts. Since 1987, SJI has awarded over \$120 million to

support more than 1,000 projects benefiting courts around the nation. Its mandate includes helping states to benefit from innovations elsewhere.

Suggestions for funding priorities should be forwarded to: David Tevelin, Executive Director, State Justice Institute, 1650 King St., Suite 600, Alexandria, VA 22314; phone (703) 684-6100, x214; fax (703) 684-7618; or e-mail dtevelin@statejustice.org. ❖

## The Third Branch

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