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Chief Justice Takes Stock of a Decade's Worth of Accomplishments



Chief Justice Shirley S. Abrahamson delivers her State of the Judiciary address to a packed house.

In her 1999 State of the Judiciary Address, presented at the Joint Bench-Bar Conference in Milwaukee on Jan. 26, Chief Justice Shirley S. Abrahamson told a group of 400 judges and lawyers that

the 21st century will bring an increasing emphasis on "involved judging," a concept already in play in a number of counties around the state.

"Drug courts, unified family courts [where one judge is assigned to all the cases involving members of a single family], mental health courts, reentry courts, community courts, restorative justice [an umbrella term for a variety of programs designed to make the victim and community whole, such as victim-offender conferences], early intervention, supervising government services, and judicial monitoring of individual progress are concepts we'll be hearing more about in the 21st century," she said.

Involved judging would mean new roles for judges, Abrahamson said. It could have a profound impact on the court system, changing the focus from process to outcome, and requiring a shift in resources.

In addition to looking ahead, Abrahamson took the audience back a decade, to the 1990 meeting of the Wisconsin Judicial Conference in Stevens Point, where judges worked with a facilitator

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Sullivan is Named 'Judge of the Year'



Judge Michael P. Sullivan

The Bench/Bar Committee of the State Bar of Wisconsin named Judge Michael P. Sullivan, Milwaukee County Circuit Court, Judge of the Year for 1999. Sullivan received the award on Jan. 27 at the Bench/Bar Conference in Milwaukee.

The Judge of the Year award recognizes judges who have improved the judicial system and exceed the call of judicial office.

During his judicial career, Sullivan has worked to foster better court-community relations. He helped to develop forms for

pro se litigants, which may be used statewide, and is currently co-producing a video on how to use the forms. Sullivan is also considered one of Wisconsin's authorities on evaluation of professional degrees in the context of divorce settlements.

Born in Chicago, Sullivan, 56, is a graduate of Marquette University and the University of Michigan Law School. As a new

lawyer, he taught in the Milwaukee public schools for two years prior to taking a position as an assistant city attorney in Milwaukee in 1970. He then became the first state judicial court commissioner before becoming a judge in 1977. He was re-elected in 1983, 1989, and 1995.

"It is a great honor to be named Judge of the Year in a state where there are so many excellent judges," Sullivan said. "To stand among
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Supreme Court Clerk and Two Deputies Retire

The Office of the Clerk of the Supreme Court and Court of Appeals lost 77 years' experience in January with the retirements of Clerk Marilyn L. Graves and two of her deputy clerks.

Graves started with the court system on April 1, 1967, as secretary to Franklin W. Clarke, who was then the Supreme Court clerk. In 1975, Graves was appointed deputy clerk, and in 1978 she became clerk of the Supreme Court and the newly created Court of Appeals.

Graves kept the office running smoothly in the face of massive increases in caseload. "In 1967, we probably had 400 new cases docketed in a year," she said. "Now we have had as many as 3,763 new cases docketed in a year (1997) in the Court of Appeals, and the Supreme Court considers more than 1,000 petitions for review, certification, and bypass each year."

Prior to joining the courts, Graves was an executive secretary at the Bank of Madison (now M & I Bank). There, she worked with the wife of Chief Justice George R. Currie's law clerk. That connection led her to apply for the position with the court system. While working full time, she earned a college degree in business administration.



Marilyn L. Graves, clerk of the Supreme Court and Court of Appeals, posed with Deputy Clerks Kathryn Metcalf and Caroline Saley as the three counted down to retirement.

Deputy Clerks Kathryn Metcalf and Caroline Saley both began as receptionists and worked their way up to deputy clerk positions.

Metcalf believes she may have been the first woman employed by the Supreme Court who was allowed to wear pants to work. "Shortly after I began work," she recalled, "there was remodeling begun in the office in the Capitol and I asked permission to wear slacks in the rubble. I even wore a hard hat during the worst of the construction."

Hired by Chief Justice Horace Wilkie in December 1974, Metcalf might never have worked for the courts if not for a conversation that took place in her car pool one day. "[This woman] mentioned a letter she received with the invitation to apply. She was not interested at the time, so it was suggested that I play substitute," Metcalf said.

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After Three Decades of Revolutionary Change, Koslov Moves On



Marcia J. Koslov

Wisconsin State Law Librarian Marcia J. Koslov, who engineered enormous changes in the way legal information is made available to lawyers, judges, and the public, resigned in December 1999 to take a position with the National Center for State Courts (NCSC) in Williamsburg, Va. A party was held in her honor on Jan. 24 in Madison.

Koslov became state law librarian in 1974 when the library owned two manual typewriters and had a staff of two people.

The library's collection at that time was more academic than useful for practicing attorneys and judges. Koslov honed the library's holdings, selling such items as the collection of English, Scottish, South African, and Irish law, and using the funds to convert other items to microfilm and microfiche to free up valuable shelf space in the library's cramped Capitol quarters. She then made the collection more readily accessible by setting up a toll-free number and instituting, in 1983, computerized research assistance.

"When I arrived, the library was primarily serving the [Wisconsin] Supreme Court," Koslov recalled. "The major change was to open the library to judges, lawyers, and citizens throughout the state," she said. "We also extended services to the executive and legislative branches of government." The library estimates that it handles one phone call, e-mail, fax, or personal transaction every two minutes. There are 3,000 people in its user database and an average of 35 to 55 people in the library at any given time of day.

Under Koslov, the State Law Library's staff grew to 18, and the catalog of holdings was reconfigured and made electronic. "That has allowed us to have our catalog accessible anywhere in the world," she said. In addition, the library now has its own Web site that links its holdings with other information available on the Web. Koslov also negotiated statewide contracts with LEXIS and Westlaw to provide on-line legal research at very low rates, giving corporation counsels, city attorneys, public defenders, and public libraries around the state access to these services.

Koslov and the library staff established and maintain the Court of Appeals library and chamber collections. The library provides each new circuit court judge with a basic research collection. She also worked closely with county law libraries located in every courthouse in the state to organize their collections and bring them into the electronic age. In a number of counties, she and her staff were able to integrate the law library into the public library space to enhance access to the materials. The State Law Library is now responsible for managing the Milwaukee Legal Resource Center and the Dane County Law Library.

Koslov has moved on to a new position at the NCSC called director of knowledge services. In this role, Koslov will help to steer the National Center's effort to enhance its standing as the world's

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Court, Legislature Break Down Walls for Better Government



Members of the Wisconsin Supreme Court and the Senate and Assembly Judiciary Committees met in the Supreme Court's Hearing Room on Oct. 26, 1999.

"We do not talk—we bludgeon one another with facts and theories gleaned from cursory readings of newspapers, magazines, and digests."

—Henry Miller, *The Air Conditioned Nightmare*.

Continuing a multi-faceted effort begun in 1995 to enhance communication among the executive, legislative, and judicial branches of government, the Wisconsin Supreme Court shared bagels, coffee, and conversation about areas of mutual concern with six legislative committees and 34 legislators in the fall.

While the three branches must remain separate, equal, and independent, the communications effort acknowledges the need to improve each branch's understanding of the others' unique and complementary roles. Actions taken by one branch often affect the business of the others. The legislative and executive branches set the budget. The Legislature creates substantive law that changes the workload and business of the courts. The quality of legislative drafting affects cases, many of which involve statutory interpretation. On a more personal level, the Legislature sets the compensation of judges, including salary, benefits, and retirement.

The Supreme Court began breakfast meetings with legislative committees in spring 1997.

This time, the justices met with the Senate and Assembly Judiciary Committees on Oct. 26, 1999; the Assembly Criminal

Justice Committee and Courts and Corrections Committee on Oct. 28, 1999; and the Assembly Family Law Committee and Children and Family Committee on Nov. 10, 1999. Committee staff and Legislative Council staff attorneys also attended the meetings. Attendees were as follows: Senators Alice Clausing, Alberta Darling, Gary George (chair, Senate Judiciary Committee), and Joanne Huelsman; Representatives John Ainsworth, Larry Balow, Therese Berceau, Pedro Colon, Stephen Freese, Robert Goetsch (chair, Assembly Criminal Justice Committee), Glenn Grothman, Scott Gunderson, Eugene Hahn, Tom Hebl, Greg Huber, Michael Huebsch, Susan Jeskewitz, Steven Kestell, Robin Kreibich, Bonnie Ladwig, Frank Lasee, John Lehman, Mark Miller, Phil Montgomery, Carol Owens (chair, Assembly Family Law Committee), Mark Pettis, Jon Richards, Gary Sherman, Christine Sinicki, Tony Staskunas, Jeff Stone, Scott Suder, Scott Walker, and Wayne Wood.

A common concern discussed at the meetings was legislative intent. Legislators questioned the Court on how it determines legislative intent and how important legislative intent is in its decision-making. The legislators also looked for ideas on drafting bills that make intent clearer. It was agreed that a joint seminar on legislative intent should be developed in the near future for legislators, justices, judges, and staff of the Legislative Council and Legislative Reference Bureau.

Legislators also questioned the Court about its position on judicial campaign finance reform and on a proposal to change the manner in which Supreme Court justices are chosen. Currently, Supreme Court justices are elected in statewide races to serve 10-year terms. They may run for an unlimited number of terms. A constitutional amendment proposed by Sen. Chuck Chvala, D-Madison, would change that to one, 15-year term, appointed by the governor and confirmed by the state Senate. Chief Justice Shirley S. Abrahamson explained that the Court had not taken a formal position on any of the proposals. A lively discussion followed on the merits and the problems presented by some of the bills.

"I've always thought," observed Rep. Mark Miller, D-Monona, "that there was a wall between the Supreme Court and the Legislature and that we weren't supposed to climb over it." While the appropriate barriers remain firmly in place, a new era of better understanding and communication among the branches has dawned. ❖

Session on *Pro Se* Issues Planned

Judges and clerks of circuit court from the Tenth Judicial District will take part in a two-day management retreat May 18 and 19 to focus on the issues presented by *pro se* litigants in family court.

Chief Judge Edward R. Brunner and District Court Administrator Gregg T. Moore are planning the retreat, and hope

to bring in a national expert to work with the attendees on improving service to people who represent themselves in court.

District X is geographically the largest judicial administrative district in the state, encompassing Ashland, Barron, Bayfield, Burnett, Chippewa, Douglas, Dunn, Eau Claire, Polk, Rusk, St. Croix, Sawyer, and Washburn counties. ❖

PPAC Pushes Forward on Several Fronts

by: *Dan Wassink*
Senior Policy Analyst,
Director of State Courts Office



Senior Policy Analyst
Dan Wassink

A year ago, the court system's Planning and Policy Advisory Committee (PPAC) met with the Wisconsin Supreme Court and decided to concentrate its long-range planning efforts on two areas: court reporting and alternative dispute resolution (ADR). More recently, a third issue—court fees and surcharges—emerged for PPAC discussion. The progress report on court reporting and ADR is a positive one, with subcommittees poised to make important contributions. Work on court fees is just beginning.

Court Reporting Subcommittee

Members of the Court Reporting Subcommittee recently held two key sessions that will hopefully serve as a springboard for significant accomplishments. The first was a meeting held via videoconferencing with a staff member from the Courtroom 21 Project in Virginia. This project applies and tests advanced technology in a courtroom setting. This turned out to be an excellent learning session where members heard from an expert about the various forms of court reporting technology and were able to ask questions. The Subcommittee followed this up with a strategic planning session that resulted in group consensus to:

- identify court proceedings where the record can be maintained by other than stenographic means, and explore revisions to court rules to provide more flexibility in record preservation;
- create a court record manager position responsible for recording automation, storage, retrieval, and transcripts (this person could be the existing official court reporter); and
- install a technical solution in each county to be used when an official court reporter is unavailable.

While more information must be gathered and ideas prioritized, the Court Reporting Subcommittee is well on its way toward offering final recommendations that may eventually change the way the court record is made, preserved, and disseminated.

Members of the Court Reporting Subcommittee are: Judges Roderick A. Cameron, Chippewa County; Steven D. Ebert, Dane County; Douglas T. Fox, Price County; William F. Hue, Jefferson County; Jeffrey A. Kremers, Milwaukee County; William M. "Mike" McMonigal, Green Lake County; Robert W. Radcliffe, Jackson County; and Allan B. "Pat" Torhorst, Racine County; Clerk of Circuit Court Bernadette Flatoff, Portage County; Court

Reporter Kristine Jacobi, Milwaukee County; Wisconsin Court Reporters Association President Edward Johnson; District Court Administrator Steven R. Steadman, La Crosse County; and myself.

ADR Subcommittee

The ADR Subcommittee's work is progressing to create a clearinghouse of information. The group just viewed results of a survey sent to all circuit court judges in the state (more than 80 percent responded—a phenomenal return rate!). Judges were asked about the types of ADR they routinely use, if any, and the circumstances under which they use ADR. The Subcommittee hopes to eventually display the survey results on the court system Web site. This clearinghouse of ADR information will hopefully grow to include a "quality" component to show outcomes. Judges, attorneys, ADR practitioners, and other court personnel and participants will be able to access this information to learn more about the subject, or to create or modify ADR programs in their jurisdictions.

Subcommittee members are now contemplating other avenues for distributing the information, and are planning for a second survey of attorneys.

ADR Subcommittee members are: Judges Daniel P. Anderson, Court of Appeals; James T. Bayorgeon, Outagamie County; David A. Hansher, Milwaukee County; Fred H. Hazlewood, Manitowoc County; Robert E. Kinney, Oneida County; and John J. Perlich, La Crosse County; Professor John Kaminski, University of Wisconsin; District Attorney Raymond L. Pelrine, Eau Claire County; Attorney Gina M. Pruski, State Public Defender's Office, Madison; citizen member Mary Williams, Stevens Point; and myself.

Fees and Surcharges Subcommittee

Finally, Judge McMonigal suggested the idea of re-examining the proliferation of court fees and surcharges that are added to fines and forfeitures. As these assessments continue to multiply, so does the administrative burden on the court personnel who must collect them. In addition, when the original fine or forfeiture doubles or even triples because of tacked on fees and surcharges, many defendants simply cannot afford to pay and the money goes uncollected. A new PPAC subcommittee is in the very early stages of collecting and analyzing data, as well as reviewing past efforts in this area. Once that work is completed, subcommittee members will recommend what further steps, if any, to take.

Fees and Surcharges Subcommittee members are: Judges Michael C. Hurt, Village of Menomonee Falls; McMonigal; John W. Roethe, Rock County; and Louise M. Tesmer, Milwaukee County; Deputy Director of State Courts Patrick Brummond; Flatoff; Williams; and myself. ❖

Questions on any PPAC initiative may be addressed to Wassink at (608) 266-8861.

Milwaukee Gun Court Open for Business

Reflecting a decision by state and federal prosecutors to focus additional resources on certain gun crimes, Milwaukee County opened a new “gun court” on Jan. 1.

In the recently passed state budget, Milwaukee County received six additional assistant district attorneys to prosecute gun offenses. Two of the positions have been assigned to the U.S. Attorney’s Office to prosecute felon-in-possession cases in federal court. The federal court is now expected to handle one-third of the felon-in-possession cases that previously had been assigned to the Felony Division of the circuit court. The Milwaukee County Gun Court will be assigned approximately one-half of the remaining

felon-in-possession cases, all cases of carrying a concealed weapon, and other gun offenses.

“Focusing the assignment of these cases in a single court may lead to the development of case management techniques that are particularly well-suited to such important cases, as well as expedited case processing and a more consistent sentencing philosophy,” said Bruce Harvey, First District court administrator.

Chief Judge Michael J. Skwierawski selected Judge Richard J. Sankovitz, presiding judge of the Misdemeanor Division, to preside over the court for the first year. The chief judge will make all subsequent assignments. ❖

Using Sign Language Interpreters in Court

by: *Bette Mentz-Powell*

Wisconsin Bureau for Deaf and Hard of Hearing

If you were arrested in China, charged with a crime and required to go to court, how much of the information in court would you want to understand? Fifty percent? Seventy-five percent? Of course you would want to understand 100 percent, especially if your life or liberty were at stake. But how would that happen if you could not speak or read Chinese fluently? You could request an interpreter and hope that you were provided someone who was very highly skilled.

That is the situation many deaf and hard of hearing people face right here in their own country. Although by law—the Americans with Disabilities Act among others—deaf and hard of hearing citizens are guaranteed the right to “effective communication,” this is often precluded by a lack of knowledge on the part of parties involved in a legal action. For a hard of hearing person who is fluent in English, an appropriate accommodation might be real-time captioning by a court reporter, or an assistive listening device. But for many deaf people who use American Sign Language, English is a second language and a qualified sign language interpreter is imperative to providing that person with an effective means of communication. Failing to provide adequate communication is, in my opinion, the equivalent of denying a deaf person due process under the law.

Sometimes people unfamiliar with sign language mistakenly believe that writing, captioning, or lip reading is effective for communicating with a deaf person. But these are all forms of English, and many deaf people who use English as a second language are not fluent enough to use English in a courtroom. Less than 20 percent of English words are visible on the lips and even the best lip reader, born with that special skill, will have to do a lot of guesswork and suffer many misunderstandings. In addition, these methods are only one-way communication, leaving the deaf person without a way to respond.

A qualified sign language interpreter is not someone who knows a little sign language or even necessarily an interpreter who

interprets well in settings other than a courtroom. For court, where complex language and legal concepts are used, a qualified interpreter is an interpreter who has, at minimum, national certification from the National Association of the Deaf or the Registry of Interpreters for the Deaf (RID). In addition, an interpreter should have had extensive training in court interpreting. The most qualified interpreters will have national certification in legal interpreting from RID in the form of a Specialist Certificate: Legal or SC:L. The interpreter will be able to produce a card from RID listing proof of this certification.

In some situations, the language needs of the deaf person are so specialized that there is a need for a deaf relay interpreter, a deaf person who is trained as an interpreter and has additional training as a legal interpreter. This type of interpreter has greater fluency and cultural information than a hearing, sign language interpreter could ever achieve. The deaf and hearing interpreters work together to transmit complex legal information to the deaf consumer in an understandable and efficient way.

Although obtaining an appropriately qualified legal interpreter might necessitate paying more or postponing court hearings, the benefits overwhelmingly exceed the costs. Using an inappropriate interpreter or none at all can cause misunderstandings that damage a proceeding or require conferences to be rescheduled. More seriously, a deaf person’s civil rights could be violated. The interpreter is present not only for the deaf consumer, but also for the court. Legal interpreters are officers of the court who serve the court’s goals of finding the truth and doing justice for all citizens—things that cannot be achieved without effective communication.

Where does one find a qualified sign language interpreter for the courtroom? The Wisconsin Bureau for Deaf and Hard of Hearing (BDHH) has six regional offices that can provide tools and training to make sure that no victim, offender, witness, or juror fails to receive adequate accommodation. BDHH also has a list of interpreters and can explain how to evaluate their credentials. ❖

To be referred to the regional office nearest you, call the BDHH central office at (608) 266-3118 voice/TTY; e-mail: vossmv@dhfs.state.wi.us.

Supreme Court Receives Warm Welcome in Janesville



The Supreme Court took questions at a press conference prior to conducting oral argument in Janesville as part of the Justice on Wheels outreach program.

The Wisconsin Supreme Court heard oral argument in three cases at the Rock County Courthouse in Janesville on Nov. 11, 1999. This marked the first time in the history of the state that the Court had sat in Janesville.

As part of the trip, the Court conducted an essay contest for Rock County fifth graders, and hosted a luncheon for Rock County lawyers who are part of the Volunteer Lawyers Project. At the luncheon, each lawyer was asked to tell a story about a person he or she had helped through *pro bono* work (see sidebar). A court reporter volunteered her time to make a transcript of the stories.

Prior to hearing oral argument, the Court conducted a press conference at which a reporter asked about how the justices are getting along after the much-publicized discord last spring. "It's a regular love fest," Chief Justice Shirley S. Abrahamson quipped as the justices linked hands and laughed. The justices then took turns answering the question seriously, making it clear that they are working hard to get on with business.

The Court's next trip will be to Kenosha, where the justices will hear oral argument on April 5, 6, and 7. ❖

Rock County Lawyers Share *Pro Bono* Stories

Attorney Jim Thorpe, of Nowlan & Mouat in Janesville, has been doing *pro bono* legal work since the 1960s and still finds himself surprised and humbled by the people he serves. Thorpe had occasion to share this story during a luncheon with the Supreme Court that was organized as part of the Court's visit to Janesville:

Somebody was disgruntled with a real estate transaction. We met the lady and it turns out that she appears to have Down Syndrome, although functions at a relatively high level. She had saved enough money so she could buy a house.

In my opinion, the people who sold the house to her knew it had a lot of leaks, which were covered up with paint. It had a very bad roof, and the house inspector did not protect her at all in my mind. I feel she was basically "taken" by everybody in the process, from the seller to the inspector to the realtor, and it is a pathetic thing because this person is somebody that, in our society, you should take your hat off to; somebody with limitations who has worked hard and saved for a home.

This case is still not ultimately resolved, but it's rewarding to try to help people who obviously need legal help and can't afford it.

"[I]t's important that we tell these stories to each other, to remind ourselves of why we went to law school, and we should tell the stories to other lawyers and to the public, as well," said Chief Justice Shirley S. Abrahamson, who shares examples such as this when she swears in new attorneys. ❖

Supreme Court Moves Ahead on BAPR Reform

The Wisconsin Supreme Court unanimously agreed to pursue a new framework for attorney discipline to replace the Board of Attorneys Professional Responsibility (BAPR).

The Court, during public conference on Jan. 20 and 21, agreed on a new working model that would divide BAPR's current responsibilities between two 12-person boards, each consisting of at least one-third non-lawyers.

The model would give responsibility for the screening, investigation, and prosecution of cases to an administrator with a staff. The local committees that BAPR's central staff currently uses to investigate some complaints against lawyers would remain with modifications, with the Supreme Court having ultimate appointing authority rather than the president of the State Bar. Like the two boards, the committee make-up would be at least one-third members of the public. An administrative oversight board, which would report to the Court, would monitor the system and would specifically be charged with reviewing the operations of the district committees. The district committees would sunset in three years, unless retained by the Court.

Cases that the first board—a neutral determining cause to proceed—approves for prosecution would be handled by staff and presented to a referee. As in the current system, the referee, usually a lawyer or reserve judge, would make findings of fact, conclusions of law, and a recommendation to the Supreme Court regarding what discipline should be imposed. In cases where the lawyer who is charged agrees to a private or public reprimand, a referee would review those settlements.

Unlike the current system, the new one would provide an opportunity for a limited appeal for grievants who believe their complaints were not properly handled. An intake system to handle complaints that do not rise to a level of violation of the code is also envisioned. The Court directed BAPR Administrator James Martin to convene a broad-based committee to recommend an intake system structure.

Court Commissioner William Mann is expected to draft language for a proposed Supreme Court Rule by mid-March. The Court is considering trying out the new system to fine-tune it and then holding a public hearing on the proposed rules. ❖

Milwaukee Courts Begin Chamber-to-Chamber Program

The First Judicial District has launched an initiative to bring business executives, educators, and legislators into court for an educational program. The effort is the result of work by Chief Judge Michael J. Skwierawski and the Milwaukee Justice Institute, a private, non-profit corporation created by the Milwaukee Bar Association.

During the half-day program, attendees (limited to six) hear an overview of court processes and the challenges facing the courts, sit with judges for court proceedings, and see the court process from the inside. After an hour of observation, they rotate to a new assignment in a different court. The program begins with introductions and a presentation by Skwierawski and Judge Charles F. Kahn, Jr., on the role and structure of the Milwaukee County Circuit Courts. There is also an opportunity for informal discussion.

The group first attends jury assembly and orientation. Participants then have an opportunity to sit with a judge or court commissioner during proceedings, and, after an hour of observation, they rotate to a new assignment in a different court.

The group reconvenes in the chief judge's conference room to meet with judges and court staff for a question-and-answer session and to share observations.

The program has received excellent evaluations from participants, judges, and court staff. While it currently runs bi-monthly, keen interest may prompt monthly sessions. "The word is getting out," Skwierawski said. "We have no shortage of individuals who want to attend. Our agenda is simple and straightforward: we want all participants to leave with a better understanding of the court system and the issues facing judges. We hope they will communicate what they have seen to the greater Milwaukee community." ♦

Court Administrator Named 'Public Employee of the Year'

Ninth District Court Administrator James Seidel was recognized as the 1999 Public Employee of the Year by the Wausau/Marathon County Chamber of Commerce.

According to Seidel, court administrator in District IX since 1982, the honor is an indication that the court system is working. "The award really needs to be shared with the court staff, including judges, the clerk of courts and all the other agencies that work with courts," he said

Seidel was recognized for his role in making the legal system accessible to the southeast Asian population, an initiative spearheaded by Justice Ann Walsh Bradley when she was a circuit court judge in Marathon County. He developed a Hmong translation of legal terms and concepts, and helped to institute a program that makes southeast Asian interpreters available to courts, litigants, and attorneys.

In recommending Seidel for the award, Judge Michael W. Hoover, District III Court of Appeals, credited him with "improving the quality of legal services to local citizens by maintaining, marshaling, and presenting to local groups and government agencies statistics confirming the need for more resources to meet the demands on the local justice system."

The award is given annually to a non-elected government employee who addresses one or more of the Chamber of Commerce's primary objectives: attracting or retaining business, promoting efficient use of tax dollars, encouraging intergovernmental cooperation, acting as an advocate on public policy issues, and promoting long-range planning. ♦

New Faces in Wisconsin's Courts

Judge John C. Albert Dane County Circuit Court



Judge John C. Albert

Governor Tommy Thompson appointed John C. Albert to Branch 3 of Dane County Circuit Court effective Nov. 20, 1999. He replaces Judge P. Charles Jones, who, after 28 years on the bench, retired in August 1999 and now serves as a reserve judge.

Albert, 53, is a veteran Sun Prairie lawyer who was a partner in the firm of Eustice, Albert and Laffey at the time of his appointment. "John Albert will be a great addition

to the bench," Chief Judge Daniel R. Moeser told the *Wisconsin State Journal*. "He brings experience in all aspects of the law and a real

common-sense approach and compassionate approach to the people who he deals with."

Albert began his career in the law by working at Dane County Legal Aid prior to the development of the Public Defender's Office. More recently, he won a major civil case against Dane County on behalf of two girls subjected to sexual abuse while under the care of county-licensed foster parents. He has also served as counsel in three first-degree murder cases.

Albert earned his bachelor's and law degrees from the University of Wisconsin. He was a member of the Wisconsin Academy of Trial Lawyers, the Dane County Criminal Defense Lawyers Association, and the American Trial Lawyers Association.

He has been active in a number of community organizations and endeavors including Big Brothers Big Sisters of Dane County, the Lion's Club, and the Sun Prairie Corn Festival.

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National Conference Will Focus on Building Public Trust, Confidence

Judges, district court administrators, clerks of circuit court, and staff from the Director of State Courts Office will participate in a two-day conference on building public trust and confidence in the courts in March.

The conference, sponsored by the National Association for Court Management, will give court system employees from around the nation an opportunity to work side-by-side with community leaders, police, prosecutors, defense attorneys, victims' rights organizations, social services groups, and others to learn ways to improve access to justice, communication with the public, and more.

Several court system employees, including Fiscal Officer Pam Radloff, Personnel Officer Cheri Timpel, Ninth District Court Administrator James Seidel, and Senior Policy Analyst Dan Wassink were awarded grants by the State Justice Institute (SJI) to attend the conference. SJI is a non-profit organization established by federal law to award grants to improve the quality of justice in state courts nationwide, facilitate better coordination between state and federal courts, and foster innovative, efficient solutions to common problems faced by all courts. ❖

More information about the Institute is available on the SJI Web site, www.statejustice.org.

Smith Appointed to BAPR Post



Mary H. Smith

Mary Hoeft Smith was recently appointed trust account overdraft investigator for the Board of Attorneys Professional Responsibility (BAPR).

On Jan. 1, 1999, Supreme Court Rule 20:1.15 was amended to require financial institutions to report overdrafts on attorneys' trust accounts to BAPR. The change required the creation of this new position, which is responsible for ensuring that attorneys and financial institutions comply with the requirements of the rule and for screen-

ing and investigating overdraft notices.

A BAPR investigator since 1983, Smith works in the Board's Milwaukee office. In addition to her new duties, she will continue to handle trust account audits, as she has over the past decade, along with a regular caseload of other investigations.

Smith will also be responsible for preparing and presenting continuing legal education programs regarding trust account management. ❖

District VII Retreat Encourages Free Flow of Ideas

Judges, clerks of circuit court, and court staff from the Seventh Judicial District met for a first-ever district retreat on Nov. 4 and 5, 1999. The purpose of the retreat was to take a step back from the usual meeting format and encourage free flowing discussion on a variety of topics.

The Director of State Courts Office provided both funding and staff support to make the retreat successful. Staff gave a number of presentations on topics such as: legislation (by Legislative Liaison Sheryl A. Gervasi); the Circuit Court Automation Program (by CCAP Senior Support Project Manager Robbie Brooks); and court operations (by Deputy Director of State Courts Patrick Brummond).

Planning the retreat took about one year. District VII Chief Judge Robert W. Radcliffe designated the following planning committee to develop the agenda and handle logistics: Judge William D. Dyke, Iowa County Circuit Court; Judge Michael J. Rosborough, Vernon County Circuit Court; Clerk of Court Claudia Singleton, Jackson County Circuit Court; and District Court Administrator Steven R. Steadman.

The meeting began with presentations by Judge Michael J. McAlpine, Monroe County Circuit Court, and Christine Clair, State Public Defender's Office, on representation for indigent defendants. Personnel Officer Cheri Timpel then presented information on handling difficult personalities, and workplace civility. Judges John J. Perlich, La Crosse County Circuit Court, and Rosborough spoke about alternative dispute resolution techniques.

On the second day, presentations included a review of the Adoptions and Safe Families Act and permanency planning by Kay Farley, National Center for State Courts, and La Crosse County Human Services Director Jerry Huber, and Truth-in-Sentencing by Judge Patrick J. Fiedler, Dane County Circuit Court.

In the afternoon, Judge Edward E. Leineweber, Richland County Circuit Court, and Richland County Human Services Director Dana Norgard led a roundtable meeting of human services directors representing the counties of the district. Presentations were made concerning intensive supervision of juvenile offenders, delivery of "wrap-around" services, and improving compliance with dispositional orders in child abuse and neglect cases. ❖

Crooks Evaluates Duke School of Law



Justice N. Patrick Crooks

At the request of the American Bar Association and as part of the law school accreditation process, Justice N. Patrick Crooks served on the site evaluation team for Duke University School of Law in November 1999.

Crooks was assigned to conduct evaluations of three areas: students (activities, organizations, publications); outputs (placements and bar exam results); and programs for promoting opportunities for racial and ethnic minorities.

In conducting his evaluation, Crooks and the committee observed classes, met with approximately 80 students to discuss their opinions of the law school, had lunch with the leaders of student organizations to hear their thoughts and concerns, and met with administrators who oversee student life and student activities at Duke.

Joining Crooks on the evaluation team were educators from Fordham University, Notre Dame University, Washington University, Ohio State University, and the University of California–Davis. ❖

Abrahamson Joins NYU Board



Chief Justice
Shirley S. Abrahamson

Chief Justice Shirley S. Abrahamson has joined the Board of Directors of The Institute of Judicial Administration at New York University's School of Law.

Founded in 1952, the Institute is a non-profit, non-partisan membership organization involved in appellate judicial education, outreach to the legal profession, and research contributing to understanding of the courts and justice system. The Institute sponsors programs for judges, including the Appellate Judges Seminars, educational programs such as the Corporate Counsel Seminar, and an annual research conference. ❖

Navigating the Internet: Useful Web Sites

by: Karen Leone de Nie,
program assistant to the Supreme Court

Famous American Trials

www.law.umkc.edu/faculty/projects/ftrials/ftrials.htm

Famous American Trials, maintained by the University of Missouri-Kansas City School of Law, brings together transcripts, maps, "wanted" posters, pictures, audio clips, primary documents, and essays on 12 of America's famous courtroom scenes. Materials are available on the Scopes monkey trial, the Rosenbergs' trial, the Salem witchcraft trials, the Scottsboro trials, and more. According to Law Professor Douglas O. Linder, who created the site, "it's important to put up these primary documents in a structured but quirky way and allow people to enjoy the richness of discovering" what these trials are about. The Web site also provides links to other famous trials sites, a discussion of the trial of the century, a trivia game, and a golf game through the Bill of Rights.

Focus on Accountability:

Best Practices for the Juvenile Court and Probation

www.ncjrs.org/pdffiles1/177611.pdf

This brief bulletin released by the Office of Juvenile Justice and Delinquency Prevention in 1999 tells how courts nationwide are adapting in order to hold young offenders accountable in the juvenile justice system. *Focus on Accountability* synthesizes research findings, identifies key elements of effective programs, and summarizes successful programs operating in the juvenile courts and

juvenile probation. Model programs include a victim-offender mediation program in Texas and a school-based probation program in Pennsylvania. This report is part of a series of bulletins from the Juvenile Accountability Incentive Block Grant Program (JAIBG). The bulletins are designed to help states and units of local government develop program proposals for potential JAIBG funding.

The Foundation Center

www.fdncenter.org

The Foundation Center is a non-profit service organization established in 1956 to foster public understanding of philanthropy by collecting, organizing, analyzing, and disseminating information on foundations, corporate giving, and related subjects. The Center maintains a Web site with links to the Web sites of various foundations, and an orientation to seeking grants with tips on writing proposals.

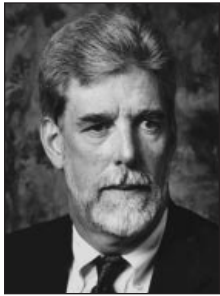
Perspectives of Crime and Justice:

1998-1999 Lecture Series

www.ncjrs.org/pdffiles1/nij/178244.pdf

Perspectives of Crime and Justice includes papers such as: *Getting Deterrence Right; Men and Fathers in the Community; Violence, Free Speech, and the Media; and Dilemmas of Corruption Control*. These lectures, each by a prominent academic, were presented to policymakers in Washington, D.C. The National Institute of Justice sponsored the series, and the text has been made available online by the U.S. Department of Justice. ❖

Juvenile Information Committee Formed



Director of State Courts
J. Denis Moran

Director of State Courts J. Denis Moran on Jan. 14 assembled a working group of judges, district attorneys, and clerks of circuit court to work on legislation that would permit the courts to share information on juveniles with prosecutors and other justice system partners.

The Circuit Court Automation Program (CCAP) has been working closely with Milwaukee's Information Management Services Division (IMSD) to share information on juveniles.

While the technology is in place, the projects cannot proceed because current state law prohibits the courts from disclosing the contents of juveniles' records.

The new committee is expected to work with the Director of State Courts Office to introduce legislation that would allow the circuit courts to share this information. Committee members are: Judges Thomas R. Cooper and Charles F. Kahn, Jr., Milwaukee County Circuit Court; Michael N. Nowakowski, Dane County Circuit Court; and Ralph M. Ramirez, Waukesha County Circuit Court; Clerks of Court John Barrett, Milwaukee County Circuit Court; Judy Coleman, Dane County Circuit Court; and Gail Gentz, Kenosha County Circuit Court; District Attorneys Paul Bucher, Waukesha County; E. Michael McCann, Milwaukee County; and Diane Nicks, Dane County; and Waukesha County Juvenile Clerk Linda Martinez. ❖

Retirements



Judge
Thomas H. Barland

Judge Barland Won't Run Again

Judge Thomas H. Barland, a tireless jurist who has maintained a full caseload while chairing the Criminal Penalties Study Committee, the Judicial Conduct Advisory Committee, the Benchbook Family Law Committee, the Governor's Task Force to Enhance Probation, and the American Bar Association Judicial Division's National Conference of State Trial Judges Jury Management Committee, will retire at the end of his term in July.

Barland's career in public service started in 1961 when he was elected as a representative to the state Assembly. After three terms in the Legislature, he took the bench as an Eau Claire County judge in 1967. He quickly became involved in improving the administration of the court system and played a key role in court reorganization.

In 1997, Barland was invited to participate in the Wisconsin courts' Oral History Project to talk on the subject of "Court Reorganization in Wisconsin: Twenty Years Later." He was joined by Justice William A. Bablitch, Wisconsin Supreme Court, and Reserve Judges Frederick P. Kessler and James W. Rice. "One of the biggest advantages of reorganization," Barland related, "was to give a chance to review the whole administrative structure, and furthermore to make it clear in the Constitution that the Supreme Court is the head of the judicial branch."

Prior to his retirement, Barland will continue his leadership of the Criminal Penalties Study Committee until the state Senate takes action on a bill that would revise the criminal code, offer temporary guidelines and call for a permanent sentencing commission.

Outside of the judiciary, Barland has another longtime commitment—he has been on the Board of Curators for the State

Historical Society for 39 years. In retirement, Barland plans to serve as a reserve judge and will continue to work on projects such as Eau Claire's probation improvement effort.

Judge Brooks Steps Down Mid-Term



Judge
Ronald S. Brooks

Judge Ronald S. Brooks, 56, who has sat on the bench in Milwaukee County Circuit Court since 1988, stepped down effective Jan. 3.

Brooks, known as Ronald S. Goldberger until he changed his name in May 1999, was elected to his second term in 1995. That term would have expired in 2001.

Governor Tommy Thompson appointed Judge Michael B. Brennan to take the place of Brooks (see page 13). Brennan will stand for election in April 2001.

Judge Crane Ends 32 Years on the Bench



Judge William E. Crane

Judge William E. Crane had been in private practice for 17 years and was representing the Milwaukee Railroad in a high-stakes case when he got word that Governor Warren Knowles had decided to appoint him to the bench. At the time, the judge presiding in the railroad case was concerned that news of the appointment would sway the jury. The judge addressed the problem by giving a jury instruction that acknowledged Crane's appointment, but added that the opposing counsel, Henry Hughes, had served on the

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VOLUNTEERS IN THE COURTS: _____

A Partnership for Justice

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

Mentoring Probationers Can Turn Lives Around

It is sometimes said that there is a revolving door directing people in and out and in and out of court. That a first offense often leads to a long-term relationship with the justice system. Mary Westphal has worked with offenders for more than 14 years. She sees a different revolving door—one that can turn a person around.

Westphal is a volunteer mentor to first-time offenders sentenced to probation. The program, Volunteers in Probation (VIP), is one component of Outagamie County's Volunteers in Offender Services (VIOS). The program helps offenders complete their court-ordered obligations so that they may ultimately have their records expunged.

Westphal meets with one probationer for about an hour each week to find out if the person is fulfilling court-ordered obligations, or if there are potential problems that may lead to a probation violation. She reminds them of the terms of their probation and any other obligations that she is aware of, for example, returning a library book or arriving at an important appointment on time. The

weekly meetings may last for as little as six months, to more than a year.

According to Westphal, spending time in jail can be easier than being on probation. In jail, simple rules must be followed. But on probation, tasks must be accomplished—completing community service, paying restitution, staying out of trouble. No one is there every day making sure probationers fulfill their obligations. But, Westphal said, as a volunteer probation officer one can “hopefully be a listening board” in a way that helps people solve their own problems and become self-sufficient.

Mentors also serve as a clearinghouse for community resources and services by helping clients find places to complete their community service or get back their driver's licenses. The VIOS office keeps volunteers abreast of the programs and services available in the community so that they can direct clients to education opportunities, drug/alcohol counseling, financial assistance, and other services.

VIP mentors do not replace professional staff, but instead enhance the quality and quantity of services available for offenders. Unlike professional probation officers with heavy caseloads, volunteers work with one client at a time; therefore, they often have more time to look for the root of the problem. VIP mentors try to find out what their clients want to accomplish—getting a GED, applying to colleges or technical schools, becoming a better parent, learning how to manage money—and they look for ways to help them meet those goals. In one situation a recent high school graduate who had gotten into trouble was matched with a

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“Teaching the Joy of Service”

by: Justice Ann Walsh Bradley

Excerpt from a speech given at the Marathon County Mentoring Summit, Oct. 9, 1999

A wise person once said that the greatest good we can do for others is not to share our riches, but to reveal theirs. But how do we, as mentors, provide something more meaningful? How do we help a child to experience his own strength, courage, and capacity for joy? I believe we accomplish that by giving the child an opportunity to serve as a volunteer in this community, for it is through service to others that each of us understands our own intrinsic value. Indeed, the very act of asking children to join us in volunteer work tells them that they have a worthwhile contribution to make to their community. No longer is the child a passive recipient of a charitable adult's attention; rather, he or she is now a working, giving, vital part of something larger.

As we all search for meaning, not only the meaning in our own lives (as big kids), but also in helping others (little kids) find meaning, I find over and over again the importance of service and the importance of being a part of something larger than yourself, finding meaning by extending beyond ourselves to serve others. ❖

Training for Volunteer Coordinators

The annual Wisconsin Volunteer Coordinators' Training Institute will be held on May 4 and 5 at the Sheraton Inn, Madison. *Building the Y2K Volunteer: Planning for the Millennium* will include workshops focusing on technological needs and challenges of volunteer programs, grant writing, trends in volunteer management, developing partnerships, and more. The cost is still to be determined; scholarship funds will be available. The event is sponsored by the Wisconsin Volunteer Coordinators Association (WVCA). ❖

For more information and to register, contact Ingrid Marshall at the Rock County Health Care Center, (608) 757-5351; e-mail: marshall@co.rock.wi.us.

Share Your Story: Why Volunteer?

April is National Volunteers Month. To recognize the volunteers who work in Wisconsin's courts, and the court employees who volunteer in their communities, we wish to share your stories in the spring issue of *The Third Branch*.

Why do you volunteer? How do volunteers make a difference? Please submit just a few sentences or a brief essay (under 250 words):

- to tell the story of someone you believe is an exceptional volunteer (we will contact that person prior to printing the story),
- to tell your own story of volunteering in a court-related or community program, or
- to tell of someone who has been helped by a court volunteer.

Photographs of volunteers at work are also welcome if accompanied by a description and the name and telephone number of the photographer.

Include your name, county, and telephone number with your submission and send it to: *Volunteers in the Courts*, Wisconsin Supreme Court, P.O. Box 1688, Madison, WI 53701-1688. You may also fax submissions to (608) 261-8299, or e-mail them to karen.leonedenie@courts.state.wi.us. **The deadline is March 6.** (Submissions will be printed as space permits). ❖

Mentoring Probationers

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local businessman. Together they visited post-secondary schools and met with counselors. The client is currently attending a local technical school.

The VIP concept was started in the early 1960s by Keith J. Leenhouts, a circuit court judge in Royal Oak, MI. Leenhouts saw the same individuals return to his court again and again. He believed the traditional criminal justice system did not give offenders an opportunity to change their lives, so he recruited community volunteers to serve as mentors. Leenhouts is now the director of the Court Volunteer Services Division of the National Judicial College.

In 1972, Outagamie County Judge Nick F. Schaefer, now a reserve judge, brought this idea to Wisconsin with Outagamie County's VIP, which matched volunteers from the community with offenders on probation. In 1985, VIP merged with a county program that provided services to Huber (work-release) inmates to become VIOS. This county-funded program now coordinates VIP, jail rehabilitation, and community service. In operation for almost 28 years, VIOS has more than 125 volunteers serving as role models, teachers, and counselors.

Research by the National Institutes of Health indicates that probationers who are matched with volunteer mentors are 11.5 times less likely to re-offend. The study compared 100 probationers in a court using traditional probation to 100 probationers also matched with volunteers and other community resources. During the five years after the first offense, the traditional probationers had 270 additional convictions, while the probationers matched with

Law Day Planning Kit

The 2000 version of the Wisconsin court system's award-winning *Law Day Planning Kit* was recently mailed to Law Day coordinators around the state to assist with events planning. New in the kit this year are: ideas for juror appreciation activities, full speeches and discussion questions on topics such as jury service and judicial independence, descriptions of successful Law Day activities from around the nation, a guide to planning a law-related film festival with panel discussions, and more.

The kit also contains much of the information provided in past years, including a how-to for setting up free legal advice booths, and step-by-step instructions for running programs with local schools.

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

For the name of your county's Law Day organizers, or for a copy of the kit, contact Court Information Officer Amanda K. Todd at (608) 264-6256; e-mail: amanda.todd@courts.state.wi.us.

volunteers only had 23 additional convictions. Outagamie County's VIP program reflects the national picture. Each year, VIP works with 150 to 200 people on probation. According to Stu Driessen, VIOS coordinator since 1978, only about 30 people who are matched with a mentor re-offend during their probation period. In all her years with VIP, Westphal has never learned of a client re-offending. "I'm very proud of that," she said.

While VIP serves all ages, it targets offenders between 18 and 30 who have been convicted of a misdemeanor such as drug possession, disorderly conduct, or theft. "These are often people who never had a significant role model," Driessen said. Older offenders are more often recommended for counseling for anger management, parenting, and drug and alcohol abuse. Some counseling is also offered through VIOS.

The volunteers try to model a life that balances work and leisure, and includes healthy relationships and financial responsibility. "[Mentors] give options and alternatives, not advice...so [probationers] may make better choices," Driessen said. By helping probationers learn life management skills, the mentors hope to make a first offense a last offense, which saves tax dollars by keeping people out of the criminal justice system.

"Sometimes people are too busy in their own turmoil to look to the future, so we try to put a mirror to their face and say 'here's how to change it,'" Driessen said.

VIP programs are also running in Brown, Marathon, Oconto, and Winnebago counties. ❖

For more information about VIOS, call (920) 832-5160. For information on VIP programs and technical assistance, contact the Court Volunteer Services Division of the National Judicial College at (800) 255-8343 or visit their Web site at www.judges.org/volunteer/.

New Faces in the Court

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Judge Michael B. Brennan Milwaukee County Circuit Court



Judge
Michael B. Brennan

Governor Tommy Thompson appointed Michael B. Brennan to Branch 15 of Milwaukee County Circuit Court effective Jan. 4. Brennan replaces Judge Ronald S. Brooks, who resigned mid-term after 11 years on the bench (see *Retirements*).

At the time of his appointment, Brennan was serving as staff counsel to the Criminal Penalties Study Committee, where he assisted members in rewriting the Wisconsin criminal code to implement

Truth-in-Sentencing and helped to develop educational programs for the bench and bar.

Prior to his work on the Criminal Penalties Study Committee, Brennan was an assistant district attorney in Milwaukee. He spent four years in private practice with the law firm of Foley & Lardner, and served as a law clerk to Judge Daniel A. Manion, U.S. Court of Appeals, Seventh Circuit, and Judge Robert W. Warren, U.S. District Court, Eastern District. Since 1991, Brennan has been co-chair and president of the Milwaukee Chapter of the Federalist Society for Law and Public Policy Studies. A prolific writer, Brennan has also authored law review articles and numerous book reviews in several publications.

Brennan is a 1989 graduate of the Northwestern University School of Law, where he was an editor on the *Northwestern University Law Review*. He received his bachelor's degree, with honors, from the University of Notre Dame.

Scott K. Johnson District Court Administrator Sixth Judicial District

Scott K. Johnson, who has worked in court administration in Minnesota, North Dakota, and Oregon, has been hired as district court administrator (DCA) for the Sixth Judicial District. District VI encompasses Adams, Clark, Columbia, Dodge, Green Lake, Juneau, Marquette, Portage, Sauk, Waushara, and Wood counties.

Johnson is especially interested in development of community-focused justice, including unified family court concepts, *pro se* initiatives, and drug courts.

He has developed and served on numerous strategic planning and futures committees, and has worked on initiatives in technology

Dane County Judge Travels to Cuba

Judge Michael N. Nowakowski, Dane County Circuit Court, spent the first week of February in Camaguey, Cuba, as part of the Madison-Camaguey Sister City Delegation.

Nowakowski traveled with a 30-person group that included doctors, lawyers, city officials, and business owners. The group delivered medical supplies and brought materials to paint and fix up various facilities.

and human resources. A native of west central Minnesota, Johnson is a U.S. Air Force veteran and is currently serving as the executive officer of the Support Group for the 934th Airlift Wing (USAFR), Minneapolis-St. Paul IAP, Minn. He holds a master's degree in public administration from the University of North Dakota and is a fellow of the Institute for Court Management.

Johnson's wife, Rose, is completing a dietetics internship at Virginia State University in Richmond, Va., and will join him in Stevens Point in April.

Johnson replaces Sam Shelton, who resigned as DCA to pursue further education.

Judge Marshall B. Murray Milwaukee County Circuit Court



Judge
Marshall B. Murray

On Nov. 23, 1999, Governor Tommy Thompson appointed Marshall B. Murray to Branch 43 in Milwaukee County Circuit Court. He replaces Judge Diane S. Sykes, who is now a justice on the Wisconsin Supreme Court.

"Marshall Murray brings to the bench a wealth of experience both inside and outside the legal profession," said Chief Judge Michael J. Skwierawski. "His deep and abiding commitment to public service, his outstanding judicial demeanor, and his solid work ethic make him a valuable addition to Wisconsin's judiciary."

At the time of his appointment, Murray was serving as a judicial court commissioner in Milwaukee Children's Court. In his three years as a court commissioner, Murray also handled small claims, criminal/felony intake, traffic court, and harassment injunctions.

From 1992 until 1996, when he was appointed court commissioner, Murray was an assistant district attorney in Milwaukee County. He served as supervisor of the office's Domestic Violence Unit and helped to train recruits of the Milwaukee Police Department on evidence collection, witness interviews, and the law in domestic violence cases. He has lectured both nationally and internationally on issues related to domestic violence.

A Baltimore native, Murray graduated from the New England School of Law in Boston. He earned his bachelor's degree from Williams College in Massachusetts.

Murray is active in the Milwaukee community, where he is a member of the Milwaukee Commission Against Domestic Violence and Sexual Assault, and active in several organizations related to youth soccer. A licensed soccer referee, Murray is manager of his son's 84 Olympic Development Program state team and the U-16 Milwaukee Kickers' national team.

He and his wife, Dr. JoAnn Gray-Murray, are parents of two daughters and one son. ❖

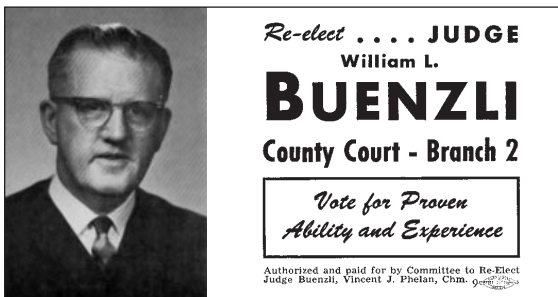
While he was unable to make contacts in advance, Nowakowski hoped to meet with judges and lawyers while in Cuba. He traveled with a variety of materials on projects of the Wisconsin court system to share, and secured a special license that will permit him to meet with government officials. ❖

Obituaries

Judge William L. Buenzli Dane County Circuit Court

Judge William L. Buenzli, who was known as the “marrying judge” for having performed more than 6,000 wedding ceremonies, died at a Madison-area nursing home on Nov. 30, 1999. He was 87.

Buenzli graduated from the University of Wisconsin Law School in 1936 (when tuition was \$22 per semester). In a 1998 interview with the Wisconsin courts’ Oral History Project, he recalled how fortunate he was to find a job at the time of the Great Depression with the Madison law firm of Crownhart & Murphy (now Murphy & Desmond). “My Dad was one of their clients,” he recalled. “(He) had a business—the Wisconsin Foundry—so that’s how come I was lucky. (For) most people, there weren’t any openings.”



Campaign card for Judge William L. Buenzli, 1974.

From 1938 to 1961, Buenzli was a justice of the peace. In 1961, Gov. Gaylord Nelson appointed him to succeed Judge Roy H. Proctor in Dane County Court. In 1962, he was elected to a full, six-year term and he was re-elected in 1968 and 1974. Buenzli retired in January 1979 and became a reserve judge.

During his tenure on the bench, Buenzli presided over numerous innovations. He established traffic safety school and helped to institute uniform traffic tickets. In 1972, he established a class for drunken drivers.

Buenzli is survived by his wife, Elva, to whom he was married for 61 years. Also surviving him are a brother, two sons, a daughter, eight grandchildren, and two great-grandchildren.

Judge of the Year

continued from page 1

the outstanding jurists who have received this award in the past—Tom Barland, Dennis Barry, and Harold Froehlich—makes it all the more special for me. I enjoy the challenge of judging and hope to continue serving the people of Milwaukee County and the state of Wisconsin for quite a few years to come.”

Maria Lazar, chair of the Bench/Bar Committee, said the State Bar was pleased to have the opportunity to recognize Sullivan for his contributions. “It’s important that we acknowledge the impact judges have on our justice system,” Lazar said. “Judge Sullivan is an outstanding example of judicial commitment and excellence. He

Judge John K. Callahan Green County Circuit Court

Judge John K. Callahan, who served in Green County Circuit Court from 1988 to 1994, and after that as a reserve judge, died Nov. 17, 1999, at University Hospital in Madison. He was 66.

Callahan made news in 1994 when his decision to convict a drug dealer based upon evidence found in curbside garbage was upheld by the Wisconsin Supreme Court.

Callahan received his law degree from the University of Wisconsin in 1958 and moved to Monroe shortly thereafter to take a position with the law firm of Regez and Johnson. For 30 years he practiced law and served at various times as Green County court commissioner and Brodhead city attorney before becoming a judge.

Two daughters, a son, and three grandchildren survive him.

Judge Robert W. Dean Marathon County Court; Wisconsin Court of Appeals



Judge Robert W. Dean

Judge Robert W. Dean, who served on the bench in Marathon County Court from 1964 to 1978, and on the Wisconsin Court of Appeals from 1978 until his retirement in 1986, died Dec. 2, 1999. He was 76.

Dean earned his law degree from the University of Wisconsin Law School. He also attended the UW as an undergraduate on a football scholarship.

Prior to becoming a judge, Dean served in the Wisconsin Senate from 1959 to 1963.

From 1962 to 1963, he was minority floor leader.

Dean is survived by four sons, three daughters (including Jennifer D. Andrews, a Wisconsin Court of Appeals staff attorney), and six grandchildren. His wife, Lois Tulane, preceded him in death in 1989. ❖

is uniformly regarded by practitioners as one of the best judges in Milwaukee County.”

“This is a well-deserved award,” said District I Chief Judge Michael J. Skwierawski. “Judge Sullivan has worked tirelessly to improve access to and understanding of the Milwaukee County court system. He has earned the respect of his colleagues for his legal knowledge, commitment, and leadership. He is acknowledged as fair and respectful of those who appear before him.”

Sullivan currently serves in the Civil Division, and is deputy chief judge of the First Judicial District, which encompasses Milwaukee County. He has served in the Criminal and Family Divisions and, at various times, has been presiding judge of the Misdemeanor, Civil, and Family Divisions. ❖

First Chief Justice Returns to the Court



Chief Justice Charles Dunn served on the territorial Supreme Court from 1836 to statehood in 1848.

The first chief justice of Wisconsin's territorial Supreme Court has rejoined his colleagues, in a manner of speaking. An oil portrait of Chief Justice Charles Dunn was discovered in a Capitol storage room behind piles of outdated office equipment.

In 1836, President Andrew Jackson appointed Dunn (of Illinois) to serve as the Wisconsin territory's first chief justice. Dunn, along with Associate Justices David Irvin (of Virginia) and William C.

Frazer (of Pennsylvania), served as district judges, and gathered annually as the Supreme Court. Dunn served until Wisconsin became a state in 1848 and constitutionally adopted a state

Supreme Court. Alice E. Smith, in [History of Wisconsin: Volume 1](#), recounted a description of Dunn's court by an English traveler:

It was a sorry exhibition of a court of justice, dark, and filled with filthy-looking men, spitting about in every direction. The prisoner was an impudent, ill-looking fellow. . . . The prosecuting attorney, who summed up, exceeded all the pleaders I ever listened to for absurdity of language and bad grammar.

According to the story, Dunn sentenced the prisoner to be held in the county jail until he paid a \$300 fine but "in the course of the night he evaporated, and so ended the affair."

In 1853, Dunn was elected to the state Senate, where he served until 1856. Dunn was acting governor for four days in 1856 during a dispute over the outcome of the gubernatorial election (*see sidebar*). From 1853 to 1859, he served on the University of Wisconsin Board of Regents, which at that time was a position appointed by the Legislature.

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Bashford v. Barstow and the Independent Wisconsin Supreme Court

Excerpt from Famous Cases of the Wisconsin Supreme Court, a sesquicentennial project of the Wisconsin Supreme Court that was recently named one of the five best state government publications by the Wisconsin Library Association.

In 1855, the attorney general filed suit seeking to remove William Barstow, the Democratic incumbent from Waukesha, from the office of governor. Although Barstow had been certified by the board of canvassers as the winner (by a 157-vote margin), it was discovered that his victory was the result of fraudulent returns from nonexistent precincts in Wisconsin's sparsely populated north. The attorney general asserted that Coles Bashford, the Republican challenger and a former state senator, had won the election and that Bashford, not Barstow, was entitled to hold the office of governor.

Coming before the Wisconsin Supreme Court, Barstow claimed that the result of the canvass was conclusive and that the Court did not have the authority to remove him from office because each branch of government was the final judge of the election and qualification of its own members. Military units supporting Barstow accompanied him to Madison for his inauguration and stayed on, prepared to fight for him if necessary.

The Supreme Court held that it had the same power to remove a person who had unlawfully intruded into the office of governor as it had in case of intrusion into any other office. The

Court also asserted that under Wisconsin's Constitution and laws, it was the election to an office and not the canvass of the votes that determined the victory.

Barstow further argued that the Supreme Court could not entertain a proceeding to remove a sitting governor from office because such an action was without precedent. The Court rejected this argument, saying, "Cases frequently arise from which no precise precedent can be found" and "[n]ever before was a cause defended, or the jurisdiction of a court denied, on the ground that the counsel had been unable to find any case exactly like it."

During the Court's review, state Senator Charles Dunn, former chief justice of the supreme court of the Wisconsin Territory, was asked to take the office of governor. He held the position for four days.

In the end, the Court concluded the Wisconsin Constitution gave it jurisdiction to act in the matter. It further found that Bashford was the duly elected governor of the state and entered a judgment removing Barstow from office. When the Court stood up to Barstow, his supporters began to fall away and Bashford took office without incident. ❖

Resource: Atty. Joseph A. Ranney, *Wisconsin Legal History*, Wisconsin Supreme Court, 1998.

Court Clerk and Two Deputies Retire

continued from page 2

Prior to joining the courts, Metcalf worked at a federal job information center in Madison, and as a secretary at the Badger Army Ammunition Plant in Baraboo.

During her 25-year tenure with the Clerk's Office, Metcalf was responsible for numerous jobs within the Clerk's Office and witnessed many changes. The creation of the Wisconsin Court of Appeals in 1978 meant an enormous increase in the number of records the office processed. And of course, technology revolutionized how the records are kept. "I remember when I started, we drew straws to see who would get to use the only IBM Selectric typewriter in the office," Metcalf said.

Graves, with 32 years on the job, remembers when the office got its first copy machine. "I date back to the time when the justices' secretaries actually prepared opinions using carbon paper and the clerk's office case records were handwritten into the big old docket books, which are now in the archives at the State Historical Society," Graves said.

The docket books shrunk to docket cards, and then morphed into computer databases. "We were skeptical when we had to let go of our docket cards," Graves recalled, "but we have always been open to change and improvements and we have now been through numerous computer upgrades and rewrites of our database programs. Each has taken us a large step forward in being able to handle the work of the courts. One of the most recent major changes has been the Internet, where we post Supreme Court and Court of Appeals opinions as soon as they are released. It has been very exciting to have been a part of all of these transitions."

Saley began work in the Clerk's Office in 1979, and has been responsible for a variety of work in the office including bar admissions, disciplinary matters, judicial proceedings, and getting Supreme Court opinions to the publishers.

Prior to joining the courts, Saley had stayed at home with her children. She had also been a middle school teachers' aide, a church

Koslov Moves On

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premier source for court information. She will work in the developing field of "knowledge management," presiding over the acquisition, organization, maintenance, and dissemination of information that resides within the National Center in many forms. The National Center is an independent, non-profit organization dedicated to improving justice by providing a variety of services and information to courts throughout the country.

Her first task is to combine three NCSC departments: information services, technical information service, and the library. Koslov will manage between 12 and 15 people who work in these areas.

As she embarked on her new career, Koslov reflected on the opportunities she had been given in Wisconsin, where she served under Chief Justices E. Harold Hallows, Horace W. Wilkie, Bruce F. Beilfuss, Nathan S. Heffernan, Roland B. Day, and Shirley S. Abrahamson. "I guess I'd like to particularly thank Bruce Beilfuss, who chaired the committee responsible for my hire, and Nat Heffernan for his long-time support as library liaison. Rollie Day and Shirley Abrahamson have been critical to the library's growth and stature and personally supportive of my work as state law

secretary/bookkeeper/publisher, and lead worker in the periodical department of a library firm.

Graves, Metcalf, and Saley all began their retirements by retreating to warm climates. Graves planned trips to Sarasota, Myrtle Beach, and Portugal; Metcalf's sons gave her and her sister the gift of a trip to San Diego; and Saley and her husband pulled their travel trailer to Florida.

In retirement, all three hoped to become involved in volunteer work. Graves, a talented quilter, had plans to finish (and start) a number of quilts. She also planned to spend more time gardening, working on her golf game, and traveling. Saley wanted to spend more time with her four grandchildren, do more knitting, sewing, and golfing (not necessarily in that order) and "in the fall I want to learn to make lefse from the Norwegian ladies at my church," she said.

Both Metcalf and Saley said they would miss their co-workers and the people in the appellate districts with whom they have had constant contact. "Without the cooperation and assistance of so many here in Madison and many in Milwaukee County Circuit Court and other offices in Milwaukee, plus the District I office of the Court of Appeals," Metcalf said, "my job would certainly have been much more difficult."

"I will miss my co-workers, all the District II staff (they're the greatest), and the many telephonic friends that I have made over the years such as circuit court clerks, attorney's secretaries, and some attorneys who call frequently for direction," Saley added.

Graves, who served under 21 Supreme Court justices and 32 Court of Appeals judges in her tenure, said she had been privileged to work with dedicated court employees who not only keep the system moving smoothly, but also continually strive for improvement. "I've enjoyed the challenges, the learning experiences, the friendships...and that extends far beyond the court system, to the bar, the media, the public. The many individuals who have ever been a part of the clerk's office deserve special recognition. They have been superb—always willing to do what it takes to get any job done. They have made my job easy, and I thank them from the bottom of my heart." ❖

librarian and my local and national professional activities," she said. "I will also always be grateful to [Director of State Courts] J. Denis Moran for providing the opportunity for me to attend the Institute for Court Management, which enhanced my professional work and had a significant influence on my career."

Koslov's last undertaking as state law librarian was to organize the library's move out of the state Capitol. ❖

The Wisconsin State Law Library's New Home

The Wisconsin State Law Library is temporarily located at 1 East Main St., second floor, Madison. In December 2001, the library will move to its permanent home in the new Law and Justice Center on the Capitol Square. Its phone numbers [main number, (608) 266-1600; reference number, (608) 267-9696; toll-free number, (800) 322-9755] and fax number [(608) 267-2319] remain unchanged.

Police, Judges, Court Staff Help Kids Spread Holiday Cheer



Members of the Fond du Lac Legal Secretaries Association, staff from the circuit courts' criminal division, and high school students from the local Key Club ran a gift wrapping assembly line in the Fond du Lac Wal-Mart. The volunteers wrapped hundreds of gifts carefully chosen by area children as part of the 'Shop with a Cop' program.

The Fond du Lac County Sheriff's Department's 10th annual 'Shop with a Cop' program brought more than 100 courthouse employees together with 210 disadvantaged children (ages five through 12) for dinner and shopping before the holidays.

The Sheriff's Department solicits donations and gives each child \$35 to spend on gifts. Rules require the children to buy at least one gift for someone other than themselves, and prohibit them from taking cash home. Any unspent money goes into the Salvation Army bucket.

The evening begins with dinner for the children and the adult volunteers at the local Masonic Temple. The Masons donate the

Retirements

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Wisconsin Supreme Court (Hughes was elected to the Supreme Court but only served from 1948 to 1951, saying he could not afford to educate his children on a justice's salary).

Former Justice Hughes won that case (but tragically died shortly thereafter when his car ran into the back of a bus), but Crane quickly moved on to his new role as circuit judge for Winnebago and Calumet counties. Thirty-two years later, this highly respected jurist has decided to hang up his robe. He will step down at the end of his term, July 31.

Crane, 75, who never faced opposition as a judge, is known for his ability to mediate disputes and help litigants solve their problems short of trial. He is also well respected for his courtroom demeanor. His techniques for maintaining calm and order include talking very softly "so they have to lean forward and listen to what you (are) saying," and prohibiting talk between opposing counsel. "Best thing I ever learned...I don't know where it was...never let the lawyers start talking between themselves," he said.

space, and local restaurants donate catered food (in 1999, Boda's Restaurant, Jo Jo's Barbecue & Grill, and Culver's custard provided the meal).

After dinner, there is a drawing for some special gifts, including restaurant dinners for several children and their families. Then, it's time to shop (in 1999, at Wal-Mart; in 1998, at Shopko). Each adult supervises two children, helping them budget their money and select gifts. The 1999 volunteers included: Judges Dale L. English, Steven W. Weinke, and Robert J. Wirtz; police officers (from the Sheriff's Department, Fond du Lac Police Department, and Wisconsin State Patrol), court clerks, court reporters, lawyers, Probation and Parole staff, Department of Social Services staff, Department of Natural Resources staff, Register in Probate Barbara Pelkey and her deputy, and others.

"I think if we had a shoplifter we could hold court right there in Wal-Mart," quipped Community Relations Officer Sandra Foote, who organizes the event.

The children have their gifts wrapped by volunteers from the Fond du Lac County Legal Secretaries Association with boxes, wrapping, and bows donated by the local Optimists and the Card Shack. If a child has been well behaved, he or she is then permitted to choose a gift from a table that is loaded with toys donated by the legal secretaries. The children also choose mittens knit by inmates at Taycheedah, and visit with Santa and Mrs. Claus.

Leftover money in 1999 was used for a Christmas party for children with special needs, and for movie tickets that school liaison officers give to teenagers from disadvantaged homes.

"So often we see these children and we feel as if our hands are tied," Foote said. "This is one small way for us to make a real difference." ❖

In an interview for the court system's Oral History Project, he recalled a number of memorable cases, including an early environmental and product liability case from Calumet County. A group of central Wisconsin mink farmers sued a Calumet County firm for supplying mink food made from Lake Michigan salmon. The salmon had ingested chemicals and fertilizers that drained into the lake from peach orchards, and, when the salmon carcasses washed up on shore, they were collected and processed into mink food. Many of the mink died from eating the food. The case was tried to a jury, which found in favor of the ranchers, and went up on appeal to the Wisconsin Supreme Court, which affirmed the verdict.

"You get some of those that are quite interesting (such as) medical malpractice, products liability, fair trade practices, employment...and you learn a lot from them," Crane said.

In retirement, Crane hopes to spend more time at his cottage up north and will likely do some golfing and fishing. Married with four grown children and two granddaughters, he also plans to spend more time with his family.

At press time, two Oshkosh attorneys had announced their candidacy for Crane's seat.

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Retirements

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Court Reporter Steps Down after Four Decades



Court Reporter Joan Granger will have more time to pursue her favorite activity, hunting.

Court Reporter Joan Granger, who had worked for Judge John H. Lussow, Rock County Circuit Court, since 1980, stepped down Jan. 6 after 38 years with the courts and a total of 40 years as a reporter. Courthouse staff had a party in her honor on Jan. 7.

Granger began her career in reporting at the state Industrial Commission's Workman's Compensation Department. She soon found a position with Judge William C. Sachtjen in Dane County Court, where she worked from 1962 to 1977. Transferring to Rock County Court, Granger worked for Judge Sverre Roang before teaming up with Lussow. She was one of the first official court reporters in Wisconsin to use Computer Assisted Translation.

Granger's first love is hunting, and she has taken hunting trips to Canada, Labrador, Mongolia, New Zealand, Norway, South Africa, and Zimbabwe. Among the animals she has taken are: ibex (wild goats); red stag deer; duiker, klipspringer, impala, and steenbok (African antelopes); caribou (large deer); daibi; springbok (African gazelle), chamoix (a goat-like antelope from which chamois leather is made); and, of course, deer, turkey, geese, and ducks.

Granger has two grown sons, David and Daniel, each of whom is married with two daughters.

Judge Pekowsky to Leave in May



Judge
Robert R. Pekowsky

Judge Robert R. Pekowsky, Dane County Circuit Court, will step down in May when he turns 63. His current term runs until 2002, and Governor Thompson will appoint a replacement who will have to stand for election at the first opportunity.

Known for his quiet manner, patience, and optimism, Pekowsky first took the bench in Dane County in 1977. He quickly became a leader, serving as chief judge for District V and on numerous state and national committees including the Special

Legislative Committee on State Funding of Trial Courts, and the National Conference of the Judiciary on Guardianship Procedures for the Elderly.

Pekowsky has presided in numerous high-profile trials during his tenure on the bench, including the murder trial of Aaron Lindh, who was convicted of killing two people in the City-County Building in Madison in 1988. Pekowsky told the *Wisconsin State Journal* that his most memorable case was the battle over where to put Madison Area Technical College. His decision led to the current campus location near the Dane County Airport.

Like many judges, Pekowsky has found that the best part of his job is handling adoptions. "I get to see really happy people at the end of the adoption process and I get to hold all those little babies," he said.

In retirement, Pekowsky hopes to travel with his wife, Joan, and continue researching his family tree.

DCA Schetter Resigns, Murphy Returns

District VIII Court Administrator Jane A. Schetter left her position on Dec. 22, 1999, ending a more than 30-year career with the court system.

Schetter, 48, described herself as "at a crossroads" and said it was time to "step back and take a deep breath" after six years as a district court administrator. Former Deputy Director of State Courts Kathleen M. "Kassie" Murphy has agreed to return to the court system as Eighth District court administrator. She starts April 3.

Schetter started work with the courts in the Sheboygan County Courthouse in August 1969. After working in a variety of clerking positions, and as a law librarian, she was elected to the clerk of circuit court seat, where she served from 1983 to 1993, when she became district court administrator.

"It's time to pursue some of my other dreams that have been on the back burner," she said. "I'm especially interested in finishing my bachelor's degree, which has been impossible to juggle with the demands [of my current position]."

Schetter said she would also be looking at other job opportunities, perhaps in a completely new field, such as teaching. In her tenure as a district court administrator, she built a reputation for her ability to communicate. "I'm especially proud that we have started district meetings, and meetings with clerks of court, registers in probate, municipal clerks, and county security officers," she said. "We've also opened lines of communication with the Legislature and the county boards. I've tried to bring people together."

Schetter said she wanted to thank the "many wonderful teachers" she has had in the court system, including judges, clerks of circuit court, registers in probate, and Court Management Assistant Carol Wolslegel.

Judge Schlaefer Opts Not to Run for Re-Election



Judge Leo F. Schlaefer

Judge Leo F. Schlaefer, on the bench in Washington County Circuit Court since 1988, has decided not to seek re-election when his term ends in July.

Schlaefer, 70, is known for his work ethic (he spends most weekends at the courthouse) and his kind and courteous treatment of others. A former presiding judge and deputy chief judge for the Third Judicial District, Schlaefer hopes to do some reserve judging in the future.

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People in the News

Chief Justice Shirley S. Abrahamson was named Wisconsin Newspaper Association's (WNA) 1999 Newsmaker of the Year. Editors and publishers from the association's 260 member newspapers chose Abrahamson as someone

WISCONSIN NEWSPAPER ASSOCIATION
1999 Newsmaker of the Year
Shirley S. Abrahamson
 Wisconsin Supreme Court Chief Justice

Chief Justice Shirley S. Abrahamson has served on the Wisconsin Supreme Court since Gov. Patrick Lucey appointed her in 1976. She was then the only woman to serve on the Court.

Abrahamson was her first election to the Court in 1979 and won re-election in 1989 and held on to both her seat and her integrity through a difficult campaign in 1999.

Since Aug. 1, 1996, she has been Chief Justice and, in that capacity, serves as the administrative leader of the Wisconsin Court System.

In choosing to honor the Chief Justice, electors cited her intellectual prowess, willingness to do her homework and status as a scholar of international acclaim.

Electors called her a "classy lady and outstanding jurist" who has made - and continues to make - a significant contribution to the state.

WNA
 3822 Merrill Drive • P.O. Box 5500 • Madison, WI • 53705 • (608) 258-1711

“whose spirit of service is demonstrated through acts which reflect positively on Wisconsin.” According to one voter, the choice was obvious: “she is a classy lady and an outstanding jurist,” the journalist said. She was also recognized for her “tireless” defense of personal and press freedom, innovative court changes, and thorough opinions. Full-page announcements appeared in newspapers throughout the state prior to Abrahamson’s official acceptance of the award at the WNA’s annual convention on Jan. 28.

Milwaukee County Circuit Court Judge **Maxine A. White** spoke at the Georgetown University Law School symposium, *Juvenile Justice Reform 100 Years Later*. She spoke about standards for determining competency, relating that Wisconsin uses the same standards in juvenile and adult court. According to White, participants were “impressed by Milwaukee’s ‘wrap-around program’—a place where judges can send juveniles that is *not* detention so that they receive treatment in the community with family and school involvement. A person from the University of Chicago said they would be looking at it for possible replication.”



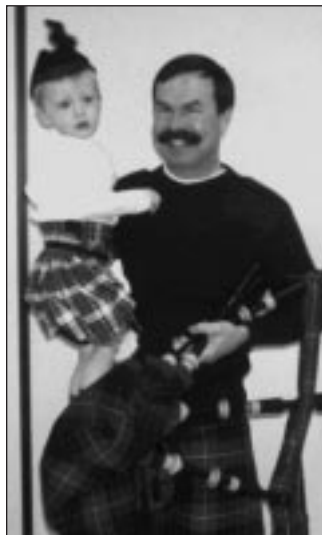
Judge James B. Mohr

Chief Judge **James B. Mohr**, Vilas County Circuit Court, has been appointed to head the Wisconsin State Court Delegation to the State, Federal, and Tribal Court Forum. Mohr’s appointment came following the resignation of Justice **N. Patrick Crooks** as head of the delegation. Crooks stepped down because legislation will likely result from the activities of the Forum and cases arising from any legislation could come before the Wisconsin Supreme Court.

Justice **David Prosser, Jr.**, had no idea he would change the lives of several Wisconsin artists—and the history of Wisconsin printmaking—when he walked into a graphics workshop on Madison’s South Side three years ago. “I was just astounded at what I saw,” he recalled in an interview with *On Wisconsin* magazine. An avid collector of prints, Prosser had stopped to check out the latest work

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Clerk of Court Finds Fun in Shopkeeping



Sawyer County Clerk of Circuit Court **Stephen Hand** is known as the “village piper” in Hayward. Here, he and grandson **Darby Hand** performed at the local AARP on St. Patrick’s Day.

Stephen Hand, Sawyer County Clerk of circuit court, spends much of his day as he has for the past 21 years—in his office doing the business of the courts. But on lunch breaks, he can be found giving impromptu lessons on the tin whistle and filling orders for Ulster linens and Celtic pottery.

“I can’t call it work,” he said of his new venture. “It’s just too much fun.”

In May 1999, Hand and his family opened a store in downtown Hayward called Legends of the Celts. His 28-year-old son runs the store, with help from Hand’s wife.

Hand stocks a variety of gifts from Ireland and the British isles, including gold, silver, and pewter jewelry; Irish crystal,

porcelain, and china; hand-knit and loomed woolens; Irish teas and scone mixes; Celtic pottery; paraphernalia from St. Andrew’s golf course in Scotland; and, of course, tin whistles.

Hand, known as the “village piper” because he plays the bagpipes at weddings, funerals, and school and service club events, comes from a family of Irish stone masons. His great-grandfather, who emigrated from County Armagh, helped to settle Hayward.

Prior to becoming the clerk of court (a position to which he has been elected 11 times), Hand managed a service station in town. At that time, John “Fritz” Taylor was clerk of court and he bought his gas from Hand’s station. When he decided to retire, Taylor talked Hand into running for the post.

In much the same manner, Hand was talked into this latest venture. “There was a woman in town who had run a similar store that closed about four years ago,” Hand said. She convinced him to replace her shop with his own. Never having run a gift shop, Hand had no idea what to expect. So far, so good (mostly). “My biggest surprise so far has been the popularity of it,” Hand said. “I have found myself understocked and most of my suppliers are four weeks away.” ❖

Legends of the Celts can be reached at (715) 634-0901 or fax (715) 634-7242.

People in the News

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Justice
David T. Prosser, Jr.

of one of his favorite artists. Instead, the magazine reported, he blurted out an idea: "Why don't you do a portfolio in honor of Wisconsin's sesquicentennial?" The result: 15 artists with Wisconsin ties are producing prints for the Wisconsin Sesquicentennial Portfolio. The subscription price is \$7,500 and Prosser anticipates the value of the prints will double between the time they are purchased and when they are produced. For more information on the project, contact John Anderson at (608) 255-5783.

The Dane County Juvenile Court and Juvenile Law Enforcement Association presented its 1999 recognition awards in November. The honorees included: **John Burkholder**, **Robert Clark**, **Betty Franklin-Hammonds**, **Lynn Green**, **Char Karabis**, **Judith Laitman**, **Operation Fresh Start**, **Barbara Wiechers**, and **Brian Wilcox**. The awards are given to people and organizations that have made a commitment to improving the lives of families and youth in Dane County.

The *Shawano Leader* cited **Joseph L. Martin's** appointment as chief justice of the Menominee Tribal Court as a true success story. Martin, 39, recalled a past that was not so hopeful. He dropped out of school in the eighth grade and began to use alcohol and drugs. It was not until he was 21 that Martin sought counseling and found work in construction and in a factory. He earned his GED and then enrolled at the University of Wisconsin-Milwaukee. He earned his law degree from Northwestern University School of Law in 1994.

Iowa County Circuit Court Judge **William D. Dyke** joined several professionals in juvenile development at a one-day conference, *Promising Practices for Reducing School Failure and Prevention of Violence*, in Chicago in September 1999. Dyke spoke about early intervention to prevent problems in children and youth. Dyke said, "It's obvious there is a connection between school failure, delinquency, and crime, and we need solid workable programs aimed at improving the learning ability of our at-risk children."

After 21 years on the bench at the Court of Appeals, District II, Judge **Richard S. Brown** shared a brief history of his path to the judiciary with *The Oshkosh Northwestern*. He started his career as an assistant district attorney in his home county of Racine. He soon moved on to civil litigation with a firm in Oshkosh where he worked with **Robert A. Haase**, now a Winnebago County Circuit Court judge and chief judge of the Fourth Judicial District, and **Thomas S. Williams**, who retired from the trial bench in Winnebago County in July 1998. With his connections in the Fox Valley and Waukesha area, Brown decided to run for the newly created Court of Appeals following court reorganization in 1978. In 1983, Brown was diagnosed with a brain tumor. An operation successfully removed the tumor, but left him deaf. A cochlear implant has restored 60 percent of his hearing, and he is aided by his secretary, who types telephone conversations, and by computer-assisted translation and stenography in the court. According to the article, Brown is one of four legally deaf judges working in the United States.

Two years ago, Racine community leaders decided that they wanted to help young children and teenage girls. The result was SafeStart, a program aimed at helping girls who have experienced violence or abuse, reported *The Journal Times* (Racine). SafeStart has developed a plan of action to advocate for comprehensive community-based services to prevent violence and pregnancy in the lives of young girls. SafeStart committee chair **Nancy E. Wheeler** (a reserve judge and former assistant to Chief Justice **Shirley S. Abrahamson**) said, "I'd like SafeStart to have been a catalyst to providing a focus on girls in our community.... I hope that we will have been successful or played some role in tying together the somewhat fragmented services that are out there for girls."

The Journal Times (Racine) series "Faces of the Future" recently took a look at Wheeler's work. "She has spent her life working her way into worlds traditionally unoccupied by women," according to the article. Wheeler was Racine County's first woman judge, she was the second woman to work in the county's District Attorney's Office, the second woman hired by Central Delivery, a bike messenger service in Washington, D.C.; and she's a registrar for car races all over the country. She has even driven a Formula Four car. "It was a very humbling experience. I was probably the slowest driver there," said Wheeler, who was driving at speeds of 90 to 125 miles per hour.

Outagamie County Circuit Court Judge **Harold V. Froehlich** was elected treasurer of the American Judges Association (AJA) at the organization's annual meeting in October 1999. He was also appointed chair of the AJA Budget and Executive Committees, according to *The Post-Crescent* (Appleton). The AJA has a membership of over 3,000 judges. The organization strives to promote and improve the effective administration of justice, maintain the status and independence of the judiciary, and provide a forum for continuing education and the interchange of ideas among judges.

The Sheboygan Press named Judge **Ferdinand H. Schlichting** one of 100 people who shaped Sheboygan County. Gov. **Philip LaFollette** appointed Schlichting, then 29, to the bench in 1932. He was exacting and fair, and was known for his mediation skills. He held a pretrial conference in most of his cases, and found that 90 percent were settled in conference, or later as a result of something decided in conference. According to Reserve Judge **Ernest C. Keppler**, who served in Sheboygan County Circuit Court, "[Schlichting] was conciliatory.... He tried to find a middle ground in resolving disputes." Schlichting retired in 1973, but continued to hear cases as a reserve judge until 1977. He died in 1991, at the age of 86.

In October 1999, 10 Israeli attorneys came to Wisconsin to learn about the state's public defender system. "A few years ago, Israeli defendants who couldn't afford attorneys often had to represent themselves in court," wrote *The Janesville Gazette*. The visiting attorneys hope to use Wisconsin's system as a model for a new system in their country. The group met with national experts, Wisconsin Supreme Court justices, and Gov. **Tommy Thompson** in Madison, and Rock County Circuit Court Presiding Judge **James P. Daley**, Assistant Public Defender **Eric Nelson**, and others in Janesville.

In October 1999, Wisconsin Supreme Court Justice **David T. Prosser, Jr.**, took part in a panel that acted out case scenarios to demonstrate ethics issues that lawyers face. Prosser was joined by Madison Mayor **Susan J.M. Bauman**, state Attorney General **James**

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E. Doyle, Minnesota Public School General Counsel **Allen E. Giles**, U.S. Attorney **Peggy A. Lautenschlager**, and Prince William County (Virginia) Attorney **Sharon E. Pandak**. The panel was part of the American Bar Association's program, *Ethical Considerations in Public Sector Law*, and was co-sponsored by the State Bar of Wisconsin's Government Lawyers Division and the Minnesota State Bar Association's Public Law Section.

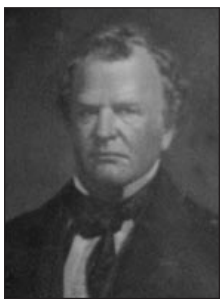
Jeanne Jentsch, Sheboygan County Teen Court coordinator, was recognized as Lifestream Woman of the Year for 1999, reported *The Sheboygan Press*. The annual award recognizes a Sheboygan County woman for excellence in her work, sustained efforts towards a goal, positive impact on the health and quality of life in her community, and an ability to explain how she has been affected by her work. Jentsch helped start the teen court in 1997 and has successfully lobbied the Sheboygan County Board to fund the program. Lifestream Women's Health Center sponsors the award.

The Brown County Teen Court is \$10 closer to reaching its \$50,000 operating budget thanks to **Joshua Radosevich**, a 12-year-old boy who hopes to participate in the program when he is in high school. "I know how much pressure is put on today's young adults, and feel this program is a very positive project," Radosevich wrote in a letter accompanying his donation. "I feel we should all be held accountable for our actions, and by having our peers judge us, we would not want to get in trouble again." The teen court's federal grant recently ended and the program is seeking county and private funding to continue, according to *The Capital Times*.

Marathon County's videoconferencing system had a trial run, reported the *Wausau Daily Herald*. The system is intended to allow defendants to appear in court via video for initial appearances, and there are plans to eventually link to the juvenile detention facility. According to Portage County Circuit Court Judge **Thomas T. Flugaur**, a former defense attorney who has worked with a videoconferencing system since 1993, "a lot of defendants prefer to appear by video because, for a lot of them, it's humiliating to be brought over in chains and handcuffs and an orange suit and paraded through the courthouse."

First Chief Justice

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"Mystery painting" by Allen Smith, Jr. This man is unidentified.

Discovered with Dunn's portrait was an oil painting by Allen Smith, Jr., of an unidentified man in mid-1800s attire. A note on the back of painting suggests that he may have been a former state treasurer. Research is underway to determine his identity.

Dunn's portrait will join the Court's 40 paintings and 23 photographs of deceased justices in off-site storage until the renovation/restoration of the East Wing of the Capitol is completed. Upon the Court's return to the Capitol, Dunn's portrait will hang with those of his colleagues on the walls of the Supreme Court chambers. ❖

Please contact Karen Leone de Nie at the Wisconsin Supreme Court, at (608) 266-1298; e-mail: karen.leonedenie@courts.state.wi.us if you have information on the unidentified portrait.



Judge Daniel L. Konkol

Milwaukee County Circuit Court Judge **Daniel L. Konkol** was honored by the South Side Business Club of Milwaukee as 1999 Man of the Year. Konkol was recognized for his many years of public service. He started his career in law as an assistant district attorney in Racine County in 1976, later became a Milwaukee County court commissioner, and then took the bench as a judge in 1992. Also noted was his activity in the community, including his service as judge of the Freckle Contest at Irish Fest.

Newly appointed Milwaukee County Circuit Court Judge **Marshall B. Murray** was featured in a *Milwaukee Journal Sentinel* article. Described as a latecomer to the law, he started law school when he was 32. Murray says he brings a lot of life experiences to the bench—he owned his own business and was a salesperson for 14 years. "The thing about Marshall, he treats people who come before him like real people, both lawyers and their clients," said Milwaukee County Circuit Court Judge **Jacqueline D. Schellinger**. "He's the exact kind of person who should be a judge."

U.S. Representative **Ron Kind**, Third Congressional District, recently took a seat in the jury box at the La Crosse County Courthouse. A former assistant district attorney in La Crosse, Kind had never before been a juror. According to the *La Crosse Tribune*, he said the experience was fascinating. "The one thing I always tried to do (as prosecutor), was to get into the heads of the jury," Kind said. Now he can.

Clark County Circuit Court Judge **Jon M. Counsell** is rallying local residents to volunteer for the newly formed Judicial Outreach Committee. Counsell said he hopes the committee will help "develop programs to enhance Clark County residents' understanding of the court system and confidence in its operations." The committee may investigate mediation, community services sentencing, and teen courts, among other programs, reported the *Clark County Press*. ❖

Judicial Education Planning Committees Forming

The Office of Judicial Education has announced the formation of program planning committees for the November 2000 Civil Law Seminar and the December 2000 Family Law Seminar.

Planning committees meet with Director of Judicial Education David Hass to establish the objectives, focus, and scope of subject matter for individual seminars. Planning meetings are held in Madison and are generally scheduled between 10 a.m. and 3 p.m. on Fridays. The Civil Law Seminar Planning Committee will meet on April 21, and the Family Law Planning Committee is tentatively scheduled to meet on June 9. ❖

Judges interested in serving on one of the above committees or on future judicial education planning committees should contact Hass at the Office of Judicial Education, 110 East Main St., Suite 200, Madison, WI 53703; phone: (608) 266-7807; e-mail: david.hass@courts.state.wi.us.

Chief Justice Takes Stock

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to focus on the problems, challenges, and opportunities facing the Wisconsin judicial system. The process of self-evaluation was difficult and few who participated have forgotten it. At that conference, the judges compiled a to-do list for the court system. The issues the judges presented in 1990 ran the gamut from addressing the needs of *pro se* litigants to making courthouses more secure to improving communication with the other branches of government and making better use of technology. The theme of that three-day conference became “innovate and communicate.”

Abrahamson gave an update on the court system’s progress on those 1990 goals. She hailed the courts’ use of technology as an area that has far exceeded expectations, pointing out that state court judges now have personal computers with access to case management information, jury instructions, e-mail, Internet, computerized legal research, and computer training. Abrahamson said the court system’s Web site, which provides circuit court case information, up-to-the-minute opinions of the Wisconsin Supreme Court and Court of Appeals, forms for public use, and much more, was not even envisioned in 1990. And she pointed out that, a decade ago, judges asked that the use of videoconferencing be explored—which has resulted in the creation of a manual for court videoconferencing that has become a model for the nation.

Abrahamson pointed to the opening of the Supreme Court’s administrative conferences and the hiring of a public information officer as important advances in communication. On inter-branch communication, she cited the Judicial Ride-Along Program, Supreme Court meetings with legislative committees, district meetings with local legislators, and a planned seminar for judges, legislators, and legislative staff on statutory interpretation as important steps towards the goals set by the judges in 1990.

Finally, Abrahamson tackled an issue that continues to challenge courts: judicial independence, the concept that judges decide each case according to the facts and the law, without regard to outside



La Crosse County Circuit Court judges listen intently as the chief justice describes the innovative one judge-one family court being piloted in La Crosse and Monroe counties.

influences. For lawyers, independence means representing clients ethically, honestly and competently without fear of peril or retaliation. “The independence of the judge and the lawyer rests initially on the courage of the individual,” she said. “But ultimately the independence of the judiciary rests on the public’s willingness to support and fight for this independence. [This] depends in turn on the public’s understanding of and trust and confidence in the system,” she continued. “A public that does not trust its judges to exercise even-handed judgment will look upon judicial independence as a problem to be eradicated, not a value to be preserved.”

In closing, Abrahamson reminded the group that the process of self-evaluation that was begun in 1990 must continue. “There is, of course, much to do,” she said, “and we must do it together. The maxim ‘innovate and communicate’ will guide us.” ❖

The full text of the 1999 State of the Judiciary Address, including contact people for the programs and committees mentioned in the speech, is available on the Wisconsin Court System Web site at www.courts.state.wi.us/misc/99stjud.html; or contact the Wisconsin Supreme Court at (608) 266-1298 to request a copy of the speech.

Retirements

continued from page 18

Stepping down from full-time work will also permit him to spend more time pursuing his hobbies, which include golf, softball, racquetball, and singing in a barbershop quartet.

Judge Wimmer to Retire in February



Judge Joseph E. Wimmer

Judge Joseph E. Wimmer, on the bench in Waukesha County Circuit Court since 1991, will retire effective Feb. 29 with four years left in his term.

Wimmer, 65, served seven of his eight years on the bench in the Criminal Division, where he was presiding judge for a time. In August 1999, he was transferred to the Civil Division.

Prior to his appointment to the bench, Wimmer served in the state Assembly from 1983 to 1991. He also practiced law in Waukesha for more than 30 years, serving as an assistant district attorney for Waukesha County and an assistant city attorney for the City of Muskego.

“I have enjoyed immensely the past eight years as a circuit court judge. My association with so many fine people will be deeply missed,” Wimmer said. “However, being age 65, I wish to spend more quality time with my wife, four children, eight grandchildren, and friends while I still possess my good health.”

In retirement, Wimmer plans to manage the properties of his mother, who died several months ago, and to help his youngest daughter plan her wedding. He also wants to become more active in his church, the Lions Club, and other volunteer work, and spend some time on his golf game.

At press time, eight Waukesha-area attorneys had expressed interest in applying for appointment to the seat. The person whom the governor appoints will have to run for election in April 2001. ❖

Writers Sought for Law Encyclopedia

Contributors are wanted to write entries for *The Encyclopedia of American Law*, a single-volume reference book written primarily for the general public and high school/college audiences.

A list of terms for the book has already been developed (*see sidebar*) and the editor, Professor David Schultz, Hamline University, is seeking contributors who can write on one or several of these terms. Each entry will be approximately 500 words or about two typed, double-spaced pages. Entries must be completed by Oct. 1.

Contributors will be acknowledged in *The Encyclopedia of American Law* and a nominal compensation is available for writing an entry. ❖

For more information, contact Schultz at (651) 523-2858; e-mail: dschultz@gw.hamline.edu. Or write: Hamline University Graduate School of Public Administration and Management, 1536 Hewitt Avenue MS-A1710, St. Paul, MN 55104.

Encyclopedia of American Law Terms

Editor's note: The following terms had not been assigned to authors as of January. Interested contributors should contact Prof. David Schultz as soon as possible.

abstention • Admiralty Law • age of consent • aid and abet • Alien and Sedition Acts • alienage • alternative dispute resolution • American Bar Association • American Civil Liberties Union • *amicus curiae* • antitrust law • arraignment • arrest • Article III • assault • attainder, bills of • attorney • Barron v. Baltimore • Beard, Charles • Berman v. Parker • beyond a reasonable doubt • Bill of Rights • Black, Hugo • Blackmun, Harry • Blackstone, Sir William • Bork, Robert • Bowers v. Hardwick • Bradwell v. Illinois • Breyer, Stephen • brief • Burger, Warren • burglary • Burton, Harold • Cardozo, Benjamin • cease and desist order • censorship • Chase, Samuel • Civil War • civil service • civil rights • civil disobedience • Clayton Antitrust Act • clear and convincing • Clinton v. Jones • Commerce Clause • common law • comparable worth • compensatory damages • consent decree • conspiracy • contempt of court • contingency fee • copyrights, patents, and trademarks • counsel, right to • declaratory judgment • defense attorney • deposition • deterrence • discretion • district attorney • DNA testing • domestic violence • Douglas, William O. • drugs and drug legalization • Equal Employment Opportunities Act/Equal Employment Opportunities Commission • Ellsworth, Oliver • embezzlement • Employment Insurance Income Security Act • ERISA • entrapment • Equal Protection Clause • equality of opportunity (equality of results) • equitable remedies • equity • espionage • evidence • expert witness • extradition • family • Federal Trade Commission • Federal Bureau of Investigation • Federal Tort Claims Act • felony • fingerprints • Food and Drug Administration • forfeiture • Frankfurter, Felix • fraud • Frontier v. Richardson • Fuller, Melvin • gay rights • Gibbons v. Ogden • Ginsburg, Ruth Bader • grand jury • *Habeas Corpus* • Hammer v. Dagenhart • Hand, Learned • Hatch Acts • hate crimes • Holmes, Oliver Wendell, Jr. • Hoover, J. Edgar • house arrest • Hughes, Charles Evans • illegal aliens • Immigration and Naturalization Service • immigration • immunity • *in forma pauperis* petition • *in loco parentis* • incapacitation • Incorporation Doctrine • indictment • injunction • insanity and insanity

defense • insider trading • international law • Internet and the World Wide Web • Interstate Commerce Commission • Iran-Contra • Jay, John • Jim Crow Laws • Johnson, Lyndon • judicial review • judicial system • jury • justice • Kansas-Nebraska Act • Kennedy, Anthony • Kennedy, John F. • Kent State shooting • kidnapping • King, Rodney • Ku Klux Klan • labor law • legal aide • liberty of contract • Lincoln, Abraham • Lopez v. United States • Magna Carta • malice • mandatory sentencing • Marshall, John • Marshall, Thurgood • martial law • McCleskey v. Kemp • medical examiner • Mexican American Legal Defense and Education Fund • misdemeanor • mistrial • mitigating circumstances • Model Penal Code • murder • National Association for the Advancement of Colored People • National Institute of Justice • nuisance • organized crime • pardon • pardoning power • parole • Pendleton Act • *petit* jury • plea bargaining • Plessy v. Ferguson • police brutality • police • political corruption • polygraph • preponderance of evidence • pretrial detention • preventive detention • prisoners' rights • private prisons • probable cause • probate court • product liability • property • prosecutor • psychopath • public defender • punishment • racial discrimination • Racketeer Influenced and Corrupt Organizations Act • reasonable doubt • reconstruction • regulatory crime • rehabilitation • *res judicata* • restitution • restraining order • robbery • Roosevelt, Franklin D. • self defense • self incrimination • sentencing guidelines • sentencing • separate but equal • sheriff • Sherman Antitrust Act • Simpson, O.J. • small claims court • Smith Act • solicitation • Souter, David • special damages • speech and press, freedom of • speedy trial, right to • spoils and patronage • states' rights • status offense • statute of limitations • Stone, Harlan Fiske • Story, Joseph • subpoena • Swann v. Charlotte-Mecklenburg Board of Education • Taft, William Howard • Taney, Roger Brooke • tax and spend • tax fraud • Ten Most Wanted List • Terry v. Ohio • Texas v. Johnson • tort • treason • uniform crime reports • United States Code • vacate • vandalism • venue • victims' rights • victimless crimes • Vinson, Fred M. • *voir dire* • Waite, Morrison Remick • war crimes • Warren, Earl • Warren Commission • white-collar crime • wills and trusts • wire tapping • writ • Zenger, Peter • zoning ❖

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Information on Foreign Language Media Sought

The Committee to Improve Interpreting in the Wisconsin Courts is seeking information on foreign language newspapers that circulate to Wisconsin residents. The committee also would like information on foreign language television and radio shows, Web sites, student newspapers, and newsletters.

The Committee is charged with making recommendations to improve the quality and availability of court interpreters in Wisconsin's state and municipal courts. As part of that mission, the committee wants to increase opportunities for interpreter training and recruitment. The foreign language media list will help reach a greater pool of people across the state that may be interested in training to become court interpreters. ❖

Suggestions for foreign language media may be given to Marcia Vandercook at (608) 267-7335; e-mail: Marcia.Vandercook@courts.state.wi.us.

Child Abuse & Neglect Specialty Seminar

Limited spots remain open at the Child Abuse & Neglect Specialty Seminar scheduled for March 1-3 at the Radisson Hotel in Madison.

The seminar will incorporate guest speakers, videos, and interactive exercises covering topics such as *Child Development and Family Dynamics: What Judges Need to Know*, *Substance Abuse Issues in CHIPS Cases*, and *Judicial Leadership Issues and Challenges: What Can the Judge Do?* The latter session will explore ways judges can exercise leadership to achieve the standards set by the Adoption and Safe Families Act. ❖

To register for the seminar or for more information, call the Office of Judicial Education at (608) 266-7807.

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