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## Four counties selected for national drug court training

Teams from Barron, Eau Claire, Racine, and Trempealeau counties are attending national training sessions this winter and spring designed to help them assess the feasibility of a drug- or alcohol-treatment court. Each team will attend a total of nine days of training, spread among three conferences.

The teams include a judge, a prosecutor, a public defender, a representative of the county human services department, experts on the treatment of addiction, and court administrators. The four counties are among more than 200 jurisdictions from across the nation that won grants from the U.S. Department of Justice's Bureau of Justice Assistance to participate in the training.

Drug treatment courts are increasingly popular in Wisconsin, and one Wisconsin judge – Stuart A. Schwartz of Dane County – has become a recognized expert and a speaker at national training conferences. As of January, three counties (Dane, La Crosse, and Monroe) had established treatment courts for adult drug abusers and three additional counties (Eau Claire, Pierce, and Wood) were running pilot programs to test the concept with a small number of offenders. Several other counties were in the planning stages, including Waukesha County where an alcohol-treatment court is under consideration. One county (Ashland) has a drug treatment court for juvenile offenders. Other counties

have drug courts that function to improve the processing of cases rather than to provide treatment.

While drug treatment courts have been lauded as a means of reducing the number of people who are incarcerated, dampening recidivism, and ultimately saving money, they do not provide quick fixes – and because they target felons, they may hold down prison populations rather than have a discernable effect on the jails.

Drug- and alcohol-treatment courts focus on non-violent felons who are referred by the district attorney, agree to participate, and fit the program. They receive drug treatment services instead of a sentence.

The offenders appear regularly before the judge as a group, and the judge – having reviewed each case with the treatment providers and district attorney – discusses each offender's progress directly with the offender in front of the group. The judge may order the treatment modified or may order sanctions such as jail time for violating treatment requirements. If an offender successfully completes treatment by staying off drugs, the court may expunge any record of conviction. However, if the offender does not succeed in treatment, he or she is returned to the regular criminal process for adjudication and sentencing. ■



Attending a mid-January National Drug Court Institute training session in Athens, Georgia, are (from left) District Court Administrator Kerry Connelly, District II (Kenosha, Racine and Walworth counties); District II Chief Judge Gerald P. Ptacek, Racine County Circuit Court; District X Deputy Chief Judge John A. Damon, Trempealeau County Circuit Court; and Barbara Nimmer, director of court services for Trempealeau County.

## Courts must lapse \$1.3 million in 2005-07

Gov. Jim Doyle's 2005-07 budget bill requests that the courts give back \$1.3 million in general purpose revenue to the state over the biennium. Chief Justice Shirley S. Abrahamson said she would continue the efficiency measures instituted in 1999 – including a ban on out-of-state travel, restrictions on in-state travel, controls on the use of reserve judges, and continued position vacancies – in order to achieve these savings.

“The court system shall continue to do its part in these

years of fiscal difficulties to keep expenses down, but we can not accept deeper cuts that would endanger our constitutional responsibility to provide a fair, effective, and efficient judicial system for the people of this state,” Abrahamson said.

Abrahamson, who will address the Legislature's Joint Committee on Finance in March, noted that the governor approved the court system requests that will help the courts to provide interpreter services to Wisconsin's

see **Budget** on page 21



## Director's column: looking for strong swimmers

The release of the Governor's budget has sparked a variety of reactions. At a recent Planning and Policy Advisory Committee (PPAC) meeting, one member talked of sailing against the wind, another warned of rough seas, and a third invoked the metaphor of treading water. I know none of these inspires optimism, but during these fiscal times I am content with the fact that we don't have to use a metaphor that includes the word drowning. While we are not drowning today, I continue to see signs of stress throughout the system as a result of years of budget reductions. I think we have reached a depth where remaining afloat is going to require some strong swimming.

When I speak of remaining afloat, I mean continuing to provide full access to justice while handling cases in a timely and expeditious manner. I mean ensuring that people who do not speak English, or cannot afford legal counsel, or cannot pay filing fees are still able to count on the courts to resolve their disputes.

Over the past several years, the court system has joined the rest of state government in tightening its belt, and we have surely felt the pinch. In the current biennium, we were asked to lapse \$1.5 million in tax dollars – to take that amount out of the courts' budget and give it back to the state – and we did so. Gov. Jim Doyle's new budget proposal asks for a lapse of \$1.3 million or 6 percent of our discretionary funding, and the chief justice has assured the governor that we shall continue to do our part.

We are grateful that the governor and his staff have provided a listening ear, and have taken seriously our concerns about rationing justice. We know that the governor recognizes that a smoothly operating court system is a vital component of his effort to improve Wisconsin's business climate and grow the economy. A court system that handles disputes in a timely, efficient, and fair manner is every bit as important to industry as a solid transportation system, a skilled work force, and good schools.

Over the next few months legislators will pass judgment on the governor's budget. They will ask legitimate questions about the effects of the budget on court services. As we were during the last biennial budget process, we need to be effective in communicating that cuts over and above those provided in the governor's budget will likely affect our ability to operate the system effectively.

Our courts continue to handle a caseload that is growing in volume and complexity. However, every week I hear examples of court personnel involved in initiatives designed to improve the performance of the court system. That speaks volumes about the talent and commitment of our judges, court commissioners, clerks of court, and administrative staff. It is that commitment that has allowed us to endure these difficult times.

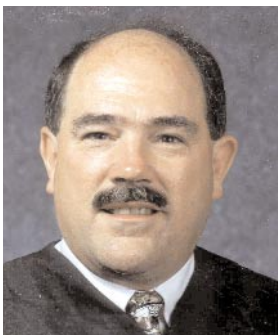
As the budget begins its journey through the Legislature, I am grateful for your ideas, your creativity, and your strength. Together, we shall navigate these rough waters. ■



A. John Voelker

## OBITUARY

### Judge James P. Jansen Langlade County Circuit Court



Judge James P. Jansen

Judge James P. Jansen, who had served as Langlade County's only judge for nearly 25 years, died January 12 at home, where he had been under the care of Hospice. He was 60.

Jansen, a former deputy chief judge in District Nine, announced last November that he planned to retire at the end of his term in July. At the time, he told the newspaper he looked forward to serving as a reserve judge throughout the district and remarked upon the many changes he had witnessed in the courthouse since his 1980 appointment to the bench by Gov. Lee Sherman Dreyfus.

Among the best changes, he said, were court automation and the renovation of the historic courtroom.

What Jansen did not say was that he played a central role in those projects and most other initiatives involving the court. At Jansen's funeral, Justice Ann Walsh Bradley told how he had sentenced offenders to perform community service – only to discover that there were not enough projects organized to accommodate them. He quickly found work that needed doing, and before long, Bradley said, "Offenders doing community service helped to build the ice skating rink, moved books from the old public library to the new one, and have done numerous repairs in the courthouse. They clean the cages and care for the animals at the county humane society, rake leaves, and sweep up the county fairgrounds." And, she noted, the judge himself often supervised the work – treating the offenders to homemade cookies or pizza when they were finished.

Surviving Jansen are his wife, Sally, and his children, Jason, Aimee, and Josh. ■

## Update to weighted caseload study is planned

by Robert Brick, coordinator, management/technical assistance  
Office of Court Operations

The Director of State Courts Office has selected the National Center for State Courts (NCSC) to update the judicial weighted caseload study. The new study is expected to address several shortcomings of the 1995 study by, among other things, gathering data from every county rather than sampling representative counties, and including the work of court commissioners.

Weighted caseload is a formula that measures the judicial time needed to process the cases filed in the circuit courts. It has three components – case weight, judge time, and filed caseload.

Case weight, expressed in minutes, is an estimate of the average amount of judicial time needed to process each of 18 selected case types (e.g., felony, divorce, formal estate, etc.) Judge time, also expressed in minutes, is an estimate of the average amount of case processing time available to a judge in one year. Filed caseload is the number of cases filed annually.

The Resource Planning Corporation prepared Wisconsin's first weighted caseload study in March 1980. The formula that was developed did not change for 15 years. In 1993, the Director's Office received a grant from the State Justice Institute and contracted with NCSC to update the study. NCSC completed its work in 1995. The new formula, though it provided many advantages over the 1980 study, still fell short. This was primarily due to the time and funding limitations of the grant the office had received.

The Legislative Audit Bureau (LAB) reviewed the weighted caseload methodology in 1996. Its primary finding was that the methodology did not produce reliable results. The LAB recommended that the Director's Office increase the amount of the data collected for the study, particularly in the smaller circuits, and better account for the judges' administrative and legal research activities.

The 2005 study will address the shortcomings of the 1995 study and the issues raised in the LAB audit. Rather than sampling

judicial activity in selected counties, for example, NCSC staff intends to gather information from every county. Universal participation should ameliorate many of the difficulties encountered in the previous studies. The case weights will be changed to better reflect current state law. The formula for available judge time, which has not been changed since 1980, will be changed to reflect the growth in judges' administrative duties and travel requirements. Case weights will also be created for 'uncontested' cases and for post-judgment activities.

Additionally, NCSC staff will employ a weighted caseload methodology that incorporates improvements and refinements developed within the past several years. An unusual aspect of the new methodology will be the use of a "reasonableness panel." Judges and commissioners from each judicial district will be asked to review the results of NCSC's time study data. They will be asked to comment on how the data looks in light of legislative or policy changes and in terms of their personal experience. Use of this modified Delphi process is expected to identify where more time is needed to ensure the quality of the courts' work.

Two significant efforts in the 2005 study will be to include the work of circuit court commissioners in the weighted caseload formula and to develop a procedure, with the assistance of the Consolidated Court Automation Programs, for updating the formula on a regular basis.

The new study is expected to begin sometime in the first half of 2005; Deputy Director Sheryl A. Gervasi will be the project manager. ■



Photo credit: Kathleen Sitter, Legislative Reference Bureau

*Judge-time at hearings like this one in front of Deputy Chief Judge Sue Bischel in Brown County Circuit Court will be counted for the new weighted caseload study, which will add a "reasonableness panel" to review the data and provide a reality check.*

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## Are jury trials declining?

by Chief Justice Shirley S. Abrahamson  
President, Conference of Chief Justices  
Chair, Board of Directors, National Center for State Courts

Some assert that jury trials appear to be decreasing in both state and federal courts and for both civil and criminal cases. Because state courts are where the vast majority of legal disputes are handled, I am particularly interested in knowing whether jury trials are in decline in Wisconsin, especially at a time when dispositions are increasing. A decline in jury trials still leaves a large number of such trials but any trend may affect state court operations and have consequences for how disputes are resolved in our nation's courts.



Chief Justice Shirley S. Abrahamson

Finding answers isn't simple. The first step is documenting what we know about the trend in trials. While federal courts have closely recorded long-term data trends and maintain solid statistics that confirm the jury trial is decreasing, the picture in the state courts is hazier. The 50 states have at least 50 different ways of doing business and 50 different methods for compiling data, so accurate and comparable data is much more difficult to assimilate.

To address the issue, the Court Statistics Project of the National Center for State Courts (NCSC) created a "State Court Disposition Trends" database that examines 27-year trends – from 1976 to 2002 – in trials and trial rates for criminal, civil, and felony cases, and 11-year trends in trials and trial rates for general civil cases. Data are available from about half the states: 23 for criminal and 22 for civil.

To date, the primary finding is this: despite substantial increases in the number of dispositions, the number and rate of jury trials in state courts has declined in nearly all states

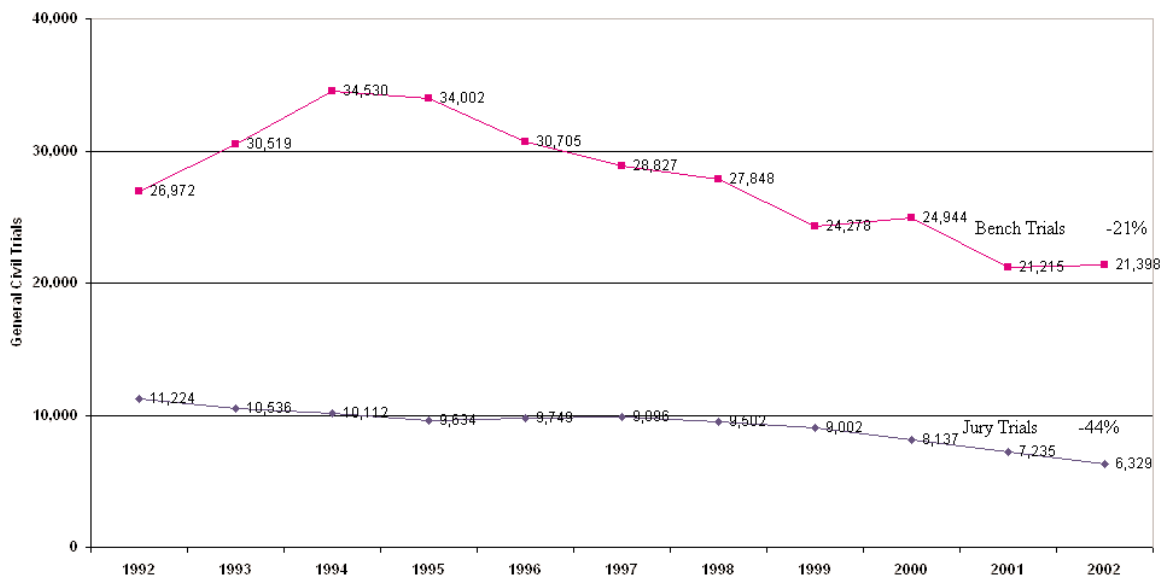
in the analysis. The number of criminal juries dropped 15 percent in 23 states and civil juries are down 32 percent in 22 states. This decline mirrors what statistics have told us about federal court trends: the number of federal civil cases resolved by trial fell from 11.5 percent in 1962 to 1.8 percent in 2002, and since the mid 1980s there has been a 60 percent decline in the absolute number of trials. States, however, differ.

Possible reasons for the decline include better case management and increased settlement opportunities; a shift in the judge's concept of his/her role from presiding at trials to resolving disputes; greater use of summary judgment; and the growth of alternative dispute resolution forums.

The "State Court Disposition Trends" database is a long-term project, but as more statistics are gathered and analyzed, state courts need to begin considering the potential consequences of a decline in jury trials. These include effects on precedent and development of public standards of conduct; perceived opportunity for one's "day in court;" perceptions of fairness by litigants and the public; and public education through jury service.

In the fall of 2004, chief justices and lawyers participated in a justice roundtable sponsored by the National Center for State Courts in Washington, D.C., The Vanishing Trial: Implications for the Bench and Bar, in which the database was introduced and panelists discussed this trend and its implications. The roundtable represents the beginning of a much-needed dialogue at the state level. I look forward to continuing the discussion. ■

General Civil Jury and Bench Trials in 10 States - 1992-2002



## Improving interbranch communication

For more than 10 years, the Wisconsin court system has worked with representatives of the executive and legislative branches to break down unhealthy barriers to communication and foster better understanding among the branches.

A spectrum of programs has been built during this time. The Judicial Ride-Along Program, which places legislators on the bench with judges in their districts is probably the best known, but other efforts such as the joint meetings between the Supreme Court and legislative committees, and the participation of the chief justice in the orientation for new legislators have been equally well received.

Below is a selective update of judicial-legislative activities.

### Racine judge hosts state senator

Senator Cathy Stepp, R-Sturtevant, spent a morning on the bench in the Racine County Circuit Court Felony Division in mid-December. The senator observed Judge Dennis J. Barry, who handled several changes of plea and sentencings.

Barry called the senator “a very bright individual who is definitely interested in the work of the judicial branch.” Stepp indicated that the experience left her with a new understanding of the need for well-designed alcohol and drug treatment programs and facilities in Wisconsin.

### Chief justice addresses legislators at orientation

When Chief Justice Shirley S. Abrahamson addressed a group of newly elected lawmakers at the Supreme Court in January, she took time for a primer on the court system, a behind-the-scenes tour, and a little storytelling.

“I was walking into the office of a member of the Joint Finance Committee,” she told the group, “and I overheard the assistant taking what sounded to be a complaint from a constituent. And then I saw this assistant pull up the person’s record [on Wisconsin Circuit Court Access (WCCA)] and it became clear that what this constituent was saying did not match the record. When she told him this, it seemed that the matter resolved itself rather quickly. I then did my best to tell the legislator that he owed us one,” she joked.

Abrahamson told the story to highlight WCCA, the public side of the Consolidated Court Automation Programs (CCAP), which receives about 2.3 million hits every day. Director of State Courts A. John Voelker emphasized that CCAP provides financial and case management tools that are integral to the operation of the entire court system.

Explaining his role as the chief administrator of the courts, Voelker quoted former U.S. Supreme Court Justice Warren E. Burger, an advocate for professional court administration. “The noblest legal principles will be sterile and meaningless if they cannot be made to work,” Burger said.

The new legislators include a former clerk of circuit court (Donna Seidel, Wausau) and a former judge (Fred Kessler, Milwaukee). Those who attended also heard from Legislative Liaison Nancy Rottier, who will work with them directly on various issues.

Attending the orientation were: Sen. Dan Kapanke (R-La Crosse); and Reps. Joan Ballweg (R-Markesan), Chuck Benedict (D-Beloit), Brett Davis (R-Oregon), Jason Fields (D-Milwaukee), Tamara Grigsby (D-Milwaukee), Gary Hebl (D-Sun Prairie), Joel Kleefisch (R-Oconomowoc), Terry Moulton (R-Chippewa Falls), Jeff Mursau (R-Crivitz), Lee Nerison (R-Westby), Joe Parisi (D-Madison), Don Pridemore (R-Hartland), Donna Seidel (D-Wausau), Pat Strachota (R-West Bend), and Robin Vos (R-Burlington).



Foreground from left, newly elected Representatives Gary Hebl (D-Sun Prairie) – a lawyer who is replacing his brother, Tom, in the Legislature; Donna Seidel (D-Wausau) – former clerk of circuit court; and Don Pridemore (R-Hartland) were among about 20 legislators who met with Chief Justice Shirley S. Abrahamson and Director of State Courts A. John Voelker as part of their orientation in January.

### Wausau judge hosts county supervisor

After spending three full days on the bench with three different judges in Marathon County Circuit Court late in 2004, Marathon County Board Supervisor Marvin Anderson, Wausau, became convinced of the need for an additional staff person in the District Attorney’s Office and a program in the jail to address the treatment needs of repeat drunk drivers.

Anderson “rode along” with Chief Judge Dorothy L. Bain and Judges Patrick M. Brady and Gregory E. Grau, observing criminal pleas and sentencings, motions for appointment of counsel due to indigency, criminal initial appearances, sentencings after revocation, juvenile physical custody hearings, and much more. He also attended the monthly judges’ meeting and intended to sit with Family Court Commissioner Sandra Marcus.



Marvin Anderson

Anderson described his three visits as “tremendously enlightening” and “invaluable in the decision-making process.”

The judges agreed. “Mr. Anderson was able to observe first hand what the judiciary faces on a daily basis with its criminal and juvenile docket,” Brady wrote.

Across the state, judges regularly invite their local supervisors to spend time with them in court as part of the

see **Ride-Along** on page 6

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## Ride-Along *continued from page 5*

Judicial Ride-Along Program, which was begun in 1993 as a way to improve communication between legislators and judges.

### Speaker Gard tours CCAP

On Dec. 3, 2004, Assembly Speaker John Gard toured the Madison offices of CCAP, watching demonstrations and learning how automation is saving money and improving service.

Joining Gard were his legal counsel and an aide. Justice David Prosser Jr. helped to arrange the tour and also

participated.

“Basically we did a tour of the office, explained the types of staff that were employed, and the types of responsibilities that CCAP has as the information technology shop for the judicial branch,” said CCAP Director Jean Bousquet.

Bousquet explained that CCAP assists the circuit courts in processing over one million cases each year and provides the trial courts with hardware, software, training, technical support, and maintenance. Services are provided (by programmers, technical support specialists, and systems analysts) to approximately 2,800 users statewide.

“Case, financial and jury management systems have been in place in most counties for some time,” Bousquet said. “CCAP continues to make enhancements to the systems for law changes, user requests, improve public access, and to increase efficiencies within the court system and justice community.”

Examples of recent improvements are in-court processing, which enables court staff to enter information just once and to print off paperwork for litigants right in the courtroom, and imaging, which allows court documents to be viewed electronically. CCAP also has built interfaces with state agencies such as the Department of Revenue, which has enabled, among other things, the interception of \$2.1 million in tax return money from people who owe child support.

Prosser noted that Gard was very impressed with CCAP, and indicated that Gard had not realized the scope and complexity of the operation. ■



*Meeting with Assembly Speaker John Gard (center) and Justice David Prosser (right), CCAP Director Jean Bousquet (left) explains the efficiencies that the automation program has created through interfaces such as the one that links the courts with the district attorneys, public defenders, and Department of Justice for sharing case information and court dockets.*

## PPAC to seek more efficient ways of doing business

*by Dan Wassink, senior policy analyst  
Office of Court Operations*

During a meeting of the Planning and Policy Advisory Committee (PPAC) last spring, vice-chair Judge W.M. McMonigal shared his concerns about the increasing burden on judges as caseloads increase with no new judgeships in sight. McMonigal said this creates undue stress and difficult working conditions for many judges and threatens to compromise the quality of justice they are able to provide. McMonigal urged PPAC to address this problem by identifying legal procedures or policies that could be modified, or even eliminated, to create efficiencies without jeopardizing the rights of litigants. In 2005, PPAC will tackle this issue head-on, looking at procedural changes and strategies that could be employed to streamline the process and provide assistance in parts of the state where the workload problem is most severe.

One possible area of discussion will be plea colloquies, on which McMonigal focused a good part of his presentation. McMonigal pointed out that conducting plea colloquies can be very time consuming, especially when *pro se* litigants are involved, and that each judge handles them differently. He argued that defining acceptable minimal standards for plea colloquies would save judicial time, reduce errors in the process, and create consistency

statewide. He also indicated that rules clarifying the use of, and reliance upon, forms in the plea-taking process would be beneficial.

PPAC's new Subcommittee on Court Efficiencies will look to eliminate “bottlenecks” that slow down the legal process and increase time on the bench. They will also likely look beyond courtroom procedures and examine broader strategies to provide some workload relief for judges who need it most.

The subcommittee began meeting in early February with the following membership: Judge Richard S. Brown, Court of Appeals, District II; circuit court Judges Roderick A. Cameron, Chippewa County, and Allan P. Torhorst, Racine County; Court Commissioner David A. Flesch, Dane County; Clerk of Circuit Court Kristine Deiss, Washington County; District Eight Court Administrator Kathleen M. Murphy; Attys. R. George Burnett and Gerald Mowris, State Bar past presidents; Assistant State Public Defender Robin E. Dorman, Milwaukee; Prof. David E. Schultz, UW Law School; Assistant Appellate Public Defender Marla J. Stephens, chair, Judicial Council; and District Atty. John P. Zakowski, Green Bay. ■

## “Through the Eyes of a Child” conference attracts record crowd

by Bridget Bauman, coordinator, Children’s Court Improvement Program  
Office of Court Operations

**T**hrough the Eyes of a Child: A Multi-Disciplinary Approach to Child Advocacy, a conference targeting guardian *ad litem* practice issues, was held in November 2004 in Wisconsin Dells. In its sixth year, the conference attracted a record number of participants. The conference’s multi-disciplinary approach proved to be a great success.

“This is a great seminar – year after year. The multi-disciplinary aspect makes the seminar better than others I have attended,” one participant wrote. The conference drew a diverse group of attendees and speakers, including guardians *ad litem*, judges, court commissioners, social workers, district attorneys, corporation counsel, defense attorneys, and psychologists.

Continuing education credits were offered by the various professions.

Attendees also lauded the conference organizers for an excellent slate of speakers. Atty. Victor Vieth, director of the National Child Protection Training Center, gave the keynote address. Another presenter, Judge Sarah B. O’Brien, Dane County Circuit Court, called Vieth “evangelical about ending child abuse,” and said that “his zeal persuades the audience that the goal can really be accomplished.”

Vieth’s presentation emphasized the importance of specialized training in child welfare, such as the guardian *ad litem* conference. O’Brien agreed. “Victor Vieth, in his call to end child abuse, highlighted that law schools and social work programs do not adequately train their graduates to deal with child protection. Unfortunately, the Wisconsin Judicial College has the same flaw; the week-long course includes no education in juvenile law, perhaps our most important responsibility.”

The two-day conference concluded with an all-day

presentation, “Addictive Disorders: The Hidden Trigger for Family Violence and Child Abuse,” from Greg Lester, a psychologist and a previous presenter. Lester’s audiovisual aids included only a chair and flip chart; however, his

presentation was both extremely informative and entertaining, and it was easy to see why he is a repeat presenter.

The sponsors for the conference included the Director of State Courts Office (Children’s Court Improvement Program); the Wisconsin Department of Justice (Children’s Justice Act Program); the state Department of Health and Family Services (Division of Children and Family Services); the State Bar of Wisconsin (Children and the Law Section); the University of Wisconsin Extension (Family Living Programs); and the Wisconsin Professional Society on the Abuse of Children.

The Children’s Court Improvement Program has provided funding for the conference every year since its inception. Bonnie Geyer, UW-Extension senior outreach specialist, and Atty. Michelle Jensen Goodwin, director of the Children’s Court Improvement Program, developed the conference in response to the enactment of Supreme Court Rule 35, which requires a minimum level of training for guardians *ad litem*. Next year’s conference is scheduled for Nov. 10-11, 2005 at the Kalahari Resort in Wisconsin Dells. ■

*Questions and comments about past or future Through the Eyes of a Child conferences may be directed to Bonnie Geyer at (608) 265-9101 or bonnie.geyer@uwex.edu. Questions about the Children’s Court Improvement Program may be directed to Michelle Jensen Goodwin or Bridget Bauman at (608) 266-3121 or michelle.jensen-goodwin@wicourts.gov and bridget.bauman@wicourts.gov.*



Atty. Victor Vieth, director of the National Child Protection Training Center, discusses preparing children for court.



Theresa Costello, deputy director of ACTION for Child Protection and associate director of the National Resource Center on Child Maltreatment, explains how to relate conditions for the return of a child to safety threats.



Joining forces to present on the CFSR (a national review of state child welfare systems) and PEP (the Program Enhancement Plan to respond to the national findings) were Connie Klick, manager of child welfare and family violence programs at the state Department of Health and Family Services, and Atty. Gina Pruski, training director for the State Public Defender’s Office and co-author of the Wisconsin Juvenile Law Handbook.

## Discussion of media and courts draws capacity crowd

Twenty minutes into a panel discussion of news coverage of the courts, reporters and editors were still dragging chairs into the back of the hotel conference room. The session, held in Appleton as part of the Wisconsin Newspaper Association's (WNA) 2005 Convention, drew a standing-room-only crowd and featured a frank exchange about media responsibility and coverage decisions.

Judge Robert A. Haase, who recently retired from the bench in Winnebago County, spoke of having to train scores of courthouse reporters over the years, only to see each one "kicked upstairs" just when s/he started to produce thorough and accurate stories. He said that inexperienced reporters don't know how to be effective watchdogs, and that they were part of the reason why former District Atty. Joe Paulus was able to get away with taking bribes. Haase said Paulus simultaneously intimidated these reporters and used them, feeding information that he knew would be unquestioningly reported.

Judge Jean DiMotto agreed with the need for better training for courthouse reporters, pointing out that the best journalists not only get their facts straight, but also know how to spot an interesting story and understand how to tell it in a compelling and sensitive manner. Those reporters, she said, are the ones most likely to get a tip when an interesting case comes through.

Both District Atty. Patrick Kenney, Milwaukee County, and Atty. Stephen Meyer, a Madison defense attorney who represents a variety of high-profile clients including Rep. Scott Jensen, encouraged reporters to double-check their sources, and to be alert to the potential that, in an adversarial system, news tipsters may be using them.

Response to the panel discussion was overwhelmingly positive and WNA Executive Director Peter Fox now is considering beginning a "boot camp" for new reporters to help improve their understanding of the legal system. ■



*Milwaukee County Assistant District Atty. Patrick Kenney addresses a question during a panel discussion on news coverage of the courts at the 2005 Wisconsin Newspaper Association Convention. To the right of Kenney is Judge Jean DiMotto, Milwaukee County Circuit Court. The other panelists are (far left): Reserve Judge Robert A. Haase and Atty. Stephen Meyer, a criminal defense lawyer from Madison.*

## New officers take the helm at clerks' association

On January 1, several veteran clerks began two-year leadership terms in the Wisconsin Clerks of Circuit Court Association (WCCCA). They were elected at the clerks' annual conference in October 2004.

During the conference, a number of milestones were

recognized. Three clerks were honored for having completed a Public Management Essentials course, and five of the seven clerks who retired in 2004 were presented with a recognition plaque, a U.S. flag that has flown over the state Capitol and a U.S. savings bond. ■



*Pictured left to right are the most recent graduates of the clerks of circuit court Public Management Essentials course. They are: Roselle Urness, Buffalo County; Cindy Joosten, Wood County; and Dianna Helmrick, Adams County. Presenting the certificates, on the far right, is WCCCA President (now Past-President) Diane Fremgen, Winnebago County.*



*Pictured left to right are the newly elected officers of the Wisconsin Clerks of Circuit Court Association: Vice-President Kris Deiss, Washington County; President Jeff Schmidt, Ozaukee County; and Treasurer Cindy Joosten, Wood County. Not pictured is Secretary Angie Sylla, Trempealeau County.*



## Translation of court forms is underway

by Carmel Capati, manager  
Wisconsin Court Interpreter Program

Explaining the plea questionnaire to a defendant is difficult enough when a person understands English. This task becomes even more challenging when a defendant does not speak English and is unfamiliar with American law. The debate among a panel of experts recently convened to review proposed Spanish translations of the plea questionnaire demonstrated just how challenging this task might be; the panel found that some of the thorniest words to translate are also among the most common: “defendant,” “court,” “high school,” and “no contest.”

The review panel is part of the Director of State Courts Office plan for improving services to limited English proficiency populations. The office has initiated a project to translate vital court documents into Spanish. While a translated form will not eliminate the need for a court interpreter or the requirement for attorneys and judges to make sure parties understand their rights and responsibilities, it will make it easier for an interpreter to do his/her job and provide Spanish-speaking court users who are able to read an opportunity to follow along.

Translation of court documents is not a new concept. In fact, several counties have moved forward to translate their own forms and other informational materials into Spanish. This is, however, the first time translation of statewide forms has been undertaken. With an emphasis on accuracy and uniformity, and recognizing the complexity of translating legal jargon into accurate, culturally appropriate Spanish, the Director’s Office is moving at a measured pace and learning from the work of several states such as Minnesota, Utah, and New Jersey.

Representatives from Records Management Committee and the Committee to Improve Interpretation and Translation in the Courts formed an ad hoc “translation subcommittee” in June 2004. This group identified 16 court forms most needed for translation by counties. Court documents chosen for translation include the adult and juvenile plea questionnaires, waiver of right to counsel, notice of right to seek post-conviction relief, and the domestic abuse injunction form and instructions. Members of this group also drafted a court rule to set standards for the format and use of translated forms.

Work began with CR-227, Plea Questionnaire/Waiver of Rights, perhaps the most critical form used statewide. A professional translation agency with substantial legal experience was chosen to translate this document into Spanish, and a local group was convened to review it. This panel consisted of two interpreters, two interpreter/translators and a Spanish-speaking attorney, chosen to represent the linguistic diversity of Spanish-speaking countries and different jurisdictions around the state.

The translation committee expressed concerns about the format of the forms. Wis. Stat. §757.18 requires all court records to be in English. Counties already using forms translated into Spanish had adopted the practice of attaching the English version with the defendant’s signature to the

see **Translation** on page 17

## Pro se video series in the works

Litigants representing themselves in family court soon will have a new way to learn about the divorce process, thanks to a project of the Dane County Bar Association’s Delivery of Legal Services Committee.

Chaired by Prof. Marsha M. Mansfield, UW Law School, and Atty. Jennifer L. Binkley, the committee is dedicated to delivering legal services to the poor. It is now producing a series of four videos designed to help unrepresented litigants navigate the family court process.

Family Court Commissioner Mary Beth Keppel, who has been involved in the project, said the committee scripted the videos for statewide use. They will be distributed to libraries across Wisconsin and posted on the Web sites for both the Dane County Bar ([www.dcba.net](http://www.dcba.net)) and the State Bar ([www.wisbar.org](http://www.wisbar.org)).

The newly completed first video depicts a married couple consulting with an attorney about the possibility of representing themselves in their divorce. A variety of issues are discussed including the filing process and forms, and whether they will be able to reach agreement on a variety of legal issues including custody and placement. The drawbacks and potential impediments to self-representation also are discussed.

The second video is slated for production this spring. It will highlight the divorce trial process, using vignettes and basic instruction on court procedures including the rules of evidence, exhibits, and more. The third and fourth videos will focus, respectively, on custody and placement and property division and debt issues.

With a \$20,000 budget funded with grants from the Family Law and Government Lawyers sections of the State Bar, the State Bar’s Local Grants Committee, the Dane County Bar Association, numerous law firms and foundations, the committee is working with a production facility at UW-Madison to produce the video series. ■

For more information, contact Marsha M. Mansfield at (608) 262-9142 or [mmmansfield@wisc.edu](mailto:mmmansfield@wisc.edu).



The crew that developed the divorce video includes (left to right): Atty. Leslie D. Shear, UW Law School; Atty. Marsha Mansfield, UW Law School; Dane County Family Court Commissioner Mary Beth Keppel; and Atty. Jennifer L. Binkley. Also participating but not pictured are Attys. Betsy Abramson and Wendy S. Rusch.

## AWARDS

**Judge McMahon wins 'Eisenberg Award'**

Judge  
Patricia D. McMahon

In the summer of 1983, three years before she would become a judge, Patricia D. McMahon became lead attorney on a case called Tillman v. City of Milwaukee. Jay Tillman was an African-American man who had been discharged from his apprentice position in the City of Milwaukee Electrical Mechanic Apprenticeship Program. He sued, alleging racial

discrimination. McMahon took the lead on the case after the federal district court had dismissed Tillman's lawsuit and the Seventh Circuit Court of Appeals had reinstated it. After extensive discovery and case preparation, McMahon received a settlement offer from the city: it would give Tillman a job and pay damages and attorney fees.

McMahon's lifetime of work, first as an advocate for individuals like Tillman and now as a judge who advocates for affordable legal services, was recognized in November when she was honored with the 2004 Eisenberg Award in a ceremony in Milwaukee.

In nominating McMahon for the award, Legal Action of Wisconsin Executive Director John F. Ebbott pointed out that, in her nearly 20 years on the bench, she has served on numerous boards of organizations that are dedicated to equal justice, such as the Migrant Legal Action Program, a national program that provides legal support services to attorneys who work on farm workers' cases, and the Wisconsin Interest on Lawyers Trust Account Foundation (WisTAF).

During McMahon's 15 years with Legal Action of Wisconsin, Inc., where she served as executive director before she requested a reduction in her administrative duties

in order to work more directly with clients, she worked closely with the award's namesake, Howard Eisenberg. Eisenberg went on to serve as dean of Marquette Law School, the position he held at the time of his death in June 2002.

Eisenberg would have been proud to see McMahon accept the award, said Chief Justice Shirley S. Abrahamson, who spoke at the award ceremony. She noted that McMahon has been a tireless public advocate for affordable legal services, speaking to community groups, participating in press conferences, and even testifying before Congress. McMahon, Abrahamson said, represents the very best of the Wisconsin judiciary.

**State Law Library Web site wins "Webbie"**

The Wisconsin State Law Library (WSLL) Web site has won a Wisconsin Library Association (WLA) "Webbie" award for Best Reference Site. The award was announced November 3 during the WLA annual conference in Lake Geneva.

The WSLL Web site was one of nine nominees in the Best Reference Site category. The "Best of the Best" winner was the Wisconsin Historical Society Web site, [www.wisconsinhistory.org](http://www.wisconsinhistory.org).

The WSLL Web site, <http://wsll.state.wi.us>, provides access to Wisconsin, federal, and tribal law, and to other states' online legal resources such as statutes, regulations and case law. It includes an index of over 300 legal topics, each with links to relevant Web resources and pertinent statutes and regulations. The library's catalog is available, as well as links to legal forms, law reviews, and a wide variety of directories and general reference tools.

The Web site is designed and maintained by WSLL staff members Elaine Sharp, technical services librarian, and Amy Crowder, Web resources librarian/cataloger. ■



Law Librarians Amy Crowder (left) and Elaine Sharp pose with the "Webbie" they earned for their work on the Wisconsin State Law Library Web site.

## RETIREMENTS

### Director of State Courts Office bids farewell to six veterans

In December, the Director of State Courts Office bade farewell to Ruth Ehlert and Jane Hough, executive secretaries with a combined 45 years' experience in the court system, and to Payroll Office veterans Donna Windschiegel and Barbara Argue, with a respective 24 and 15 years in the office.

In January, Barbara Gottschalk, a program assistant with the Consolidated Court Automation Programs (CCAP) and its predecessors for nearly 30 years, and Forms Officer Judy Mahlkuh of the Office of Court Operations followed suit.

### Ruth Ehlert

Ruth Ehlert and Jane Hough had shared an office since 1999, when Ehlert replaced Marlene Finley, who moved over to the Supreme Court, becoming judicial assistant to Justice Jon P. Wilcox.

Ehlert had been working at the Court of Appeals – most recently as assistant to the staff attorneys – when she took the new position. At first, she worked with Supreme Court Commissioner William Mann, who was in charge of research and analysis related to the Court's rulemaking function. At that time, the Court was retooling the lawyer discipline system and setting up a new process for appointments to various boards and committees.

Mann retired and Ehlert began working with the other Supreme Court commissioners, attorneys who perform research and analysis of legal issues for the Court. She also continued to process hundreds of appointments for the Court.

Ehlert will be replaced by Mary Roderick, who has been serving as judicial assistant to Judge David G. Deininger, Court of Appeals-District 4. With just five years in the Director's Office, Ehlert was still a newcomer. Her colleague, Jane Hough, who retired at the end of December, was the face and voice of the office for more than two decades.



*Executive Secretaries Jane Hough, left center, and Ruth Ehlert, right center, were honored with several farewell parties. Joining the festivities were members of the Supreme Court, including Justice Patience Drake Roggensack, left, and Justice David Prosser Jr., right.*

### Jane Hough

"Jane Hough is the Director's Office," Director of State Courts A. John Voelker told the group assembled for her retirement party. "We are going to have a real challenge

managing without her."

Hough became secretary to the director in 1978, when then-newly appointed Director of State Courts J. Denis Moran hired her. She brought an impressive background to the job, having worked for Gov. Patrick Lucey, for the consumer services office at Oscar Mayer, and for the State Bar of Wisconsin.

She stayed on when Moran retired in 2003. She is responsible for the substantial volume of correspondence that flows in and out of the Director's Office and for fielding daily questions and requests from judges, attorneys, court administrators, and members of the public.

Hough's successor is the woman who has job-shared with her for three and half years, Lori Irmen. Irmen has been with the courts since 1991.

In retirement, both Hough and Ehlert will seek out warmth. Ehlert planned a March trip to Hawaii with a high-school friend and Hough and her husband, Jim, a lobbyist, planned to spend more time at their home in Naples, Fla.

### Barbara Gottschalk

Barbara Gottschalk began her career with the courts when Chief Justice Horace Wilkie hired her away from the City of Madison to serve as a secretary in the courts' administrative office. On January 14, after nearly 30 years on the job, Gottschalk retired.

Soon after she joined the courts, Gottschalk showed an aptitude for computers and was steered into projects in the data processing division where she set up computers for court employees and did training. She ended up writing programs to help the district court administrators, working on inventory and purchasing, and managing the telephone systems for the Supreme Court and Court of Appeals.

"I always enjoyed the work and the people," she said. "The only part I recall as not so enjoyable was the switch from Unisys to IBM. That was a challenge."

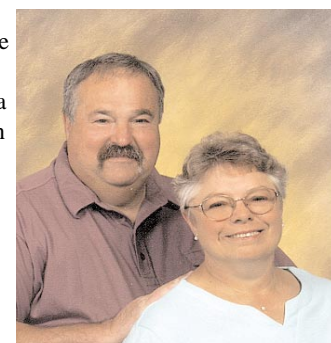
Also challenging was her second job. For many of her years with the court system, Gottschalk also farmed 150 acres near Marshall. She and her husband, Dennis, raised steers and grew corn and soybeans, rising before dawn to bale hay, pick crops, and do other farm chores. The Gottschalks recently turned the farm over to their adult sons, Craig and Mark.

In retirement, Gottschalk and her husband plan to drive their new camper south to Ocala, Fla. (just north of Orlando), where they will live in an RV park until spring.

### Judy Mahlkuh

As forms officer in the Office of Court Operations, Judy Mahlkuh worked with the Records Management Committee and Forms Subcommittee to design and publish forms for use statewide.

Mahlkuh worked for the courts for 30 years. Her last day was January 18. To start retirement off, Mahlkuh and her husband headed straight for Mexico for a month.



*Barbara Gottschalk and her husband, Dennis.*

**RETIREMENTS** *continued from page 11***New faces in the payroll office**

Two veterans of the payroll office, the section of Management Services that manages payroll, leave accounting, and benefits, stepped down in late 2004. Donna Windschiegl, who worked in the payroll office for 24 years, retired in October and Barbara Argue, who spent 15 years in the office, retired in December.



*The payroll office welcomed two new employees in January. They are (from left) Janice Prior and Melissa Turk. Also pictured is Andrea Beckes, who works in the payroll and fiscal offices. The fourth payroll division employee is Mary Hendrickson, not pictured.*

Windschiegl had reduced her hours last spring and Gary Hartog was brought in from the state Department of Health and Family Services (DHFS) to assist with the management of the office. Hartog returned to DHFS in December.

A new employee, Melissa Turk, will lead the office. Turk graduated from Madison Area

Technical College with an associate business degree and previously handled accounting and payroll for the Village of Waunakee.

Also joining the office is Janice Prior, who will focus on leave accounting and payroll. Prior has 25 years of accounting and payroll experience including her most recent assignment as payroll administrator with the Oakbrook Corporation.

Two familiar faces will continue in the payroll division. Mary Hendrickson, with 18 years of payroll and benefits experience, will continue to provide payroll services to court system staff, and Andrea Beckes, who splits her time between the payroll and fiscal offices, also remains on board.

**After 30 years, Judge Fisher has seen it all**

*Judge Michael S. Fisher*

When Judge Michael S. Fisher was elected to the Kenosha County bench in 1974 – defeating an appointee of Gov. Patrick Lucey – he had been out of law school for only a decade. He had made a name for himself as a young city attorney by arguing (and winning) two high-profile cases before the U.S. Supreme Court (one involving ‘go-go’ bars and the other, water pollution). It would have been easy, after defeating a gubernatorial appointee, to become arrogant. But Fisher was too busy working hard, and too aware of all that he did not know, to bother putting a swagger in his step.

After three decades, and looking toward retirement on June 30, he is still learning – and still loving the work. “I have enjoyed coming to work every day,” he said. “It always leaves me with a sense of accomplishment, and so I keep coming back.”

Fisher’s favorite assignment is the Civil Division. “You have good attorneys on both sides and they make you think – they make you earn your paycheck.”

Like many judges, Fisher does not relish stepping into family court. “You make these child-custody decisions, and you feel so inadequate,” he said.

It’s the same sense he has in criminal court, where the repetitive nature of the cases and the overwhelming number of drug and alcohol problems can lend a feeling of hopelessness. But sometimes – even in criminal court – there are moments of comic relief. “There was one guy who was just so inept, and he kept coming back before me,” he recalled. In one case, the man tried to rob a tavern, Fisher said, but got the gun stuck in the back pocket of his jeans and fired a shot into his own rear end as the mystified tavern owner watched. At another hold-up, the man managed to net some money but forgot to tell his getaway driver to wait and was nabbed in the parking lot. Still another case involved trying to blow up a brick building by lobbing a Molotov cocktail at it. “The thing didn’t burn at all, and even if it had, it wouldn’t have done much damage to brick,” Fisher noted. “But he kept trying until a nearby cop spotted him and took him in.”

Those cases didn’t make big news but a number of high-profile matters did land in Fisher’s court – including one in which the brother of the defendant showed up at his house when his wife and children were home. “Luckily, we have a burglar alarm and so they pressed the panic button and he took off,” Fisher said. “That’s the only time I’ve ever felt threatened, and I’ve always had my name and number listed in the telephone book,” he said. “The only [defendants] who ever would call me were a few friendly drunks who would call in the middle of the night.”

One high-profile case that made it up to the state Supreme Court, involved a local chicken farm that had sprung up in a residential area. “They had chickens just packed in there,” he recalled. “They dropped about 15 tons of manure every day – and it just sat there because nobody wants chicken manure. The smell was unbelievable. I gave them nine months to clean it up, and eventually had to shut them down.”

If Fisher has a sharp memory for individual cases, he also has a keen eye for court trends, two of which he singled out as significant. One is the rise in drug-related crime. “I’d estimate 95 percent of the criminal cases involve drugs or alcohol in some capacity,” he said. “When I first got on the bench, drugs were not really a big item in the courts.”

The second trend is the reporting of sexual assaults. “It wasn’t that they weren’t happening before – they just weren’t reported,” he said. “I think even if there’s no prosecution, there is great value in the child or adult victim knowing it’s not his or her fault, and getting counseling.”

Fisher hopes to continue working on the bench as a reserve judge in retirement, and plans to spend as much time as possible playing golf. He and his wife, Atty. Renee Rendahl, have two children, ages 11 and 9. He also has two adult children and 10 grandchildren.

**RETIREMENTS** *continued from page 12***Grant County bids farewell to court commissioner**

When Rod Roggensack was appointed family court commissioner in Grant County in 1963, Chapter 767 (Actions Affecting the Family) was 14 pages long. Today, the laws governing divorce, child support, paternity, and other related issues fill 48 pages of the statute books. Forty-two years on the bench taught Roggensack to be comfortable with change.

In late January, Roggensack stepped down, but he still practices law full-time. "When I started practicing, lawyers never retired," he said. "My health is good. I just hope my friends tell me when it's time to quit."

Roggensack's portrait was hung in the courthouse in August 2002 to honor his years of service. If his name rings a bell, he explains that, yes, he is related to Justice Patience Drake Roggensack – distantly. Roggensack is the third cousin of the justice's husband.

Appointed by Judge Richard Orton in June 1963, Roggensack has seen many changes over the years. When he first began work, no-fault divorce did not exist and so a spouse petitioning for a divorce had to prove that the other was at fault. Part of the court commissioner's job was to investigate if every effort was made to reconcile the relationship. "Now there's the 'no fault' clause, where they don't have to give a reason for wanting the divorce," Roggensack said. He has seen the number of divorce cases increase over the last 25 years, even with the now four-month waiting period.

Paternity cases also have increased dramatically. "What used to be decided on their own [by the divorcing couple] now has to be done through the courts," he said. And the courts tend to remain involved in these relationships, Roggensack said, mediating issues that arise from moves, pay raises, and custody disputes.

The two things Roggensack will not miss as court commissioner are his phone ringing off the hook and the heavy traffic of people looking for forms and assistance. With an increase in *pro se* litigants over recent years, this was becoming an issue at his law office.

In his semi-retirement (if full time law practice can be called that), Roggensack hopes to see more of his family. His son lives in Arizona where he is a geologist at Arizona State University (ASU). His son's wife is the director of public events at ASU, and organized the presidential debate that took place there last fall. Roggensack also has a daughter in Washington D.C. who is an attorney.

He also has committed himself to not "working quite as hard as I used to." He leaves time for riding his bicycle and reading a good book. ■

**Five judges have announced retirements**

A combined 111 years of experience will walk out the doors of Wisconsin courthouses this spring as five veteran judges decline to seek re-election. In two of the races, there is no contest. There is also no contest for the three judgeships in Milwaukee County to which Gov. Jim Doyle has made appointments in the past year. Here is the rundown:

In **Kenosha County**, Judge Michael S. Fisher, who has been on the bench since his election in 1975, announced that he will not seek another term (*see separate story*). Vying to succeed him are Kenosha County District Atty. Robert J. Jambois, who has been a Kenosha prosecutor 24 years, and Kenosha Court Commissioner Anthony G. Milisauskas, who is also a municipal court judge and has been practicing law for 22 years.

In **Manitowoc County**, Two Rivers Atty. Jerome L. Fox, who has been practicing law for nearly 40 years, is the only candidate to replace Judge Fred H. Hazlewood in Manitowoc County. Hazlewood served for 25 years, winning the respect of his colleagues both for his legal scholarship and his contribution to judicial administration (*see story in The Third Branch, winter 2004*).

In **Milwaukee County**, longtime Court Commissioner Dennis R. Cimpl is the shoo-in to replace Judge John E. McCormick, who was the longest serving judge in Milwaukee County when he stepped down effective January 3 (*see story in The Third Branch, fall 2004*). McCormick, who had served since his appointment by Gov. Patrick Lucey in 1972, was known as the Milwaukee courts' unofficial historian for his habit of gathering and circulating information such as his fellow judges' ages and whether they were initially appointed or elected to the bench.

Also in **Milwaukee County**, the governor's three 2004 appointees – Judges Frederick Rosa (who replaced Judge Lee E. Wells), Mary E. Triggiano (who replaced Judge Victor Manian), and Paul Van Grunsven (who replaced now-Justice Louis B. Butler Jr.) – are running without opposition this spring.

Elsewhere in the state, two soon-to-be-open seats are attracting veteran attorneys who will face off to replace long-serving judges. In **Oconto County**, where Judge Larry L. Jeske is ending his 12-year career on the bench to spend more time trout fishing in Montana and racing pigeons (*see story in The Third Branch, fall 2004*), the aptly named Atty. Michael T. Judge, a lawyer for more than 30 years, is running against Green Bay Atty. John A. Muraski whose career in the law also spans three decades.

In **Waushara County**, where Judge Lewis R. Murach – who began his career as a social worker – is retiring after 12 years on the bench, Wautoma District Atty. Guy D. Dutcher, who has been a lawyer for 15 years, is facing Wautoma Atty. Joan A. Olson, who has been in practice for 17 years. ■

## LEADERSHIP

## Judge's work leads to new college course

For most of his 26-year tenure on the bench in Walworth County, Judge James L. Carlson has been interested in educating social workers about the court process. He has made presentations to them at the Ethan Allen School in Wales and has shared copies of various judicial education materials when he thought they might be useful. These ad hoc efforts were no different from the public education initiatives undertaken by many judges across the state – until he began to talk to Professor Janet M. Wright, chair of the Department of Social Work at the University of Wisconsin-Whitewater, and a new course was born.

Wright had noted a lack of information about court services in the social work curriculum. The students were graduating with little knowledge of how to prepare a case or present information in a courtroom setting. She asked Carlson to meet with the department's Legal Issues Advisory Committee for periodic discussions on improving the curriculum and soon he was helping to design a new class. The class was offered for the first time in fall 2004 and all 68 slots immediately filled.

Carlson said the coursework was demanding. "The students investigated a CHIPS neglect case [based upon a composite of actual cases] and prepared various reports as if



Judge James L. Carlson

they were social workers, and eventually the case resulted in a mock TPR [termination of parental rights] trial that I presided over," he said. "Two social workers played the roles of attorneys [Sue Huebell of Walworth County and Winnie Hammermeister of Waukesha County], another social worker played an expert witness [Mary Van Dyke of Rock County], an attorney played the role of guardian *ad litem* [Diane Soffa of Whitewater], and the instructor [Professor J.P. Winship] was my court reporter. The students played the role of the jury."

Carlson instructed the student jurors and gave them four questions to answer with respect to each of the two children. "I also made running observations during the trial," he said. "It was an interesting experience for me and I hope a valuable course added to the UW-Whitewater undergraduate curriculum." ■

## NEW FACES

## Barron welcomes new RIP

Barron County Circuit Judges Edward R. Brunner and James C. Babler have appointed Deanne Alsbury as the new register in probate for Barron County. Alsbury replaces Connie Kahl who retired last summer.

A native of Prairie Farm, Alsbury graduated from Chippewa Valley Technical College with an associate degree as a paralegal. She worked for a law firm in Stanley, Wisconsin for eight years as a paralegal handling all types of probate matters. She and her family recently moved back to the Barron County area, and she now resides in the Clayton area.

Brunner and Babler have been working the past several months to improve the Register in Probate Office. At their request, the county established expanded hours for the office to serve the public better. ■

## VOLUNTEERS IN THE COURTS

## Judges mentor law students

Judge Margaret J. Vergeront, Court of Appeals District IV, has been a lawyer for 30 years and a judge for 11. But to second-year law student Kara Von Blasingame, she is simply "someone I can ask without feeling stupid."

Vergeront is one of two Madison judges who are mentoring law students this year as part of a project to improve the experience of Legal Education Opportunities (LEO) students at the UW Law School (the other is Judge James L. Martin, Dane County Circuit Court, who is matched with student Nina McIntyre). The LEO mentoring program targets students of color and students from disadvantaged backgrounds who do not have lawyers in their immediate families, connecting them to the legal community and giving them professionals to whom they can turn for guidance.

For Von Blasingame, a graduate of Macalester College in St. Paul, the mentoring program has allowed her to build a relationship with a judge who takes her to bar functions, sits down with her for coffee or lunch every other week, and even invites her to her home for dinner. They discuss schoolwork and career-related issues – and their favorite haunts in New York City, where Von Blasingame lived and where she hopes to practice law.

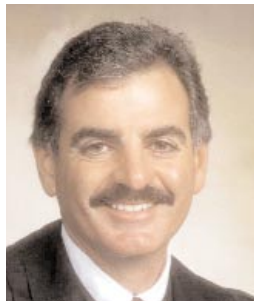
"Because Judge Vergeront's husband is from New York," Von Blasingame said, "I have someone who can really understand my culture shock."

The pilot program, which began three years ago, has had 10 or more students and mentors each year. Each of the minority student associations selects two first-year LEO students. The Dean's Office selects additional students from among all students. Past mentors include some of the most highly regarded judges in the state: Federal Judge Barbara B. Crabb; state Court of Appeals Judges William F. Eich and Paul G. Lundsten; and Dane County Circuit Court Judges Angela B. Bartell, Sarah B. O'Brien, and Maryann Sumi. ■

To volunteer as a mentor, contact Carolyn Lazar-Butler at the UW Law School, (608) 263-7413 or [clbutler2@facstaff.wisc.edu](mailto:clbutler2@facstaff.wisc.edu)

## WISCONSIN CONNECTS

### Troy teaches in Japan



Chief Judge  
Joseph M. Troy

Chief Judge Joseph M. Troy, Outagamie County Circuit Court, had never traveled abroad before embarking on a trip to Nagoya, Japan, in December to give a presentation at the University of Nagoya Graduate College of Law.

Troy presented on the use of technology in legal education, using a montage of video clips of law enforcement action that

he has developed to compare and contrast the American and Japanese legal systems and to teach about constitutional principles. His audience was comprised of participants from throughout Japan and several other Asian countries, and he discovered (after showing a clip from Reno 911, a spoof of "reality" police shows) that "a cop chasing a naked man is funny in many cultures."

This was the second annual symposium on the use of technology in legal education; the first was last spring in Madison. Joining Troy in Nagoya were UW Law School Dean Ken Davis and Professors Charles R. Irish and Susan R. Steingass.

Troy also spent a day as a guest of the chief judge of the Nagoya District Court, where he was observed a civil trial to a three-judge panel, something that he described as a highlight of the trip.

### Cane takes leadership role at National Council

The use of information technology in legal education also is a hot topic here in the United States, as Court of Appeals Chief Judge Thomas Cane found out during the annual meeting of the National Council of Court of Appeals Chief Judges in Dallas. Cane, who was appointed to the



Chief Judge  
Thomas Cane

Council's executive board, said he intends to focus on gathering and sharing information on what various states are doing with information technology.

"There's such an emphasis on electronics in filing, judicial education, brief writing, and decision writing, that it is nice to see what other states are doing," he said. "Our focus this year will be to update our chiefs on what is happening

with electronics and the impact this will have on our courts."

Cane has been active in this association and, as a member of the Council's Judicial Education Committee, helped to develop seminars for the annual conference. He said a demonstration of distance learning for judicial education was of particular interest. "What we saw was a

system where the judge signs in on the Internet and then watches the video on his/her computer," Cane wrote. "The practicality was questioned, but one advantage might be that a judge could sign in on an evidence presentation or some other relevant topic at the judge's convenience."

Wisconsin has been exploring distance learning for judicial education and the Director of State Courts Office recently invited a team from the University of Wisconsin to study the judicial system's readiness (in several areas, including programming and culture) for distance learning.

### Wisconsin publications are national resource

Underscoring the Wisconsin court system's status as a leader in the nationwide effort to implement videoconferencing technology in a manner that promotes cost savings while safeguarding the rights of defendants, the National Center for State Courts (NCSC) is devoting a section of its electronic library on videoconferencing to Wisconsin materials.

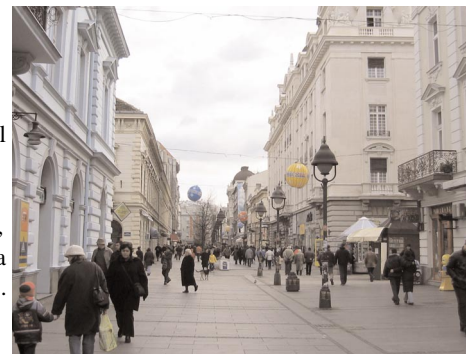
Showcased on the NCSC site under "Have any courts documented their videoconferencing experience?" are two Wisconsin resources: *Bridging the Distance/Implementing Videoconferencing in Wisconsin* (June 1999), and an Institute for Court Management fellowship paper by District Court Administrator Michael G. Neimon, "Can Videoconferencing Work in Waukesha County? An Analysis and Survey" (May 2001).

The electronic library's videoconferencing page is located at [www.ncsconline.org/WC/FAQs/VidConFAQ.htm](http://www.ncsconline.org/WC/FAQs/VidConFAQ.htm).

### Law librarian serves as consultant in Serbia

Deputy Law Librarian Julie Tessmer traveled to Serbia in November to serve as a law library consultant for the National Center for State Courts (NCSC). The NCSC invited her to participate, and funded her travel, after having worked with her on a similar project in Nigeria in 2001. NCSC is conducting a Rule of Law program in Serbia. The project, funded by the U.S. Agency for International Development (USAID), includes efforts to reduce backlogs, improve efficiency, and assist law schools in developing curriculum.

Tessmer's trip involved visiting and assessing court law library collections in the cities of Novi Pazar, Kragujevac, and Belgrade. She met with judges, court administrators and librarians from the magistrate, municipal, and district courts, as well as the Supreme Court. She will be making recommendations on how the court libraries can improve service to the judges and court staff.



A pedestrian mall in downtown Belgrade, as seen through the camera lens of Deputy Law Librarian Julie Tessmer.

Winter  
2005

## Dane County VIPs target two-time offenders

The Dane County Victim Impact Panel (VIP) program, which has existed for two-and-a-half years with no funding and a small group of dedicated volunteers, appears to be reducing recidivism. An analysis of data from the program's first two years – which organizers emphasize is a small sample – shows that 3.2 percent of offenders who attended a VIP re-offended, compared with 4.7 percent of the offenders who did not participate. All of the sampled cases involved second-offense operating-while-intoxicated (OWI) charges.

Dane County Circuit Court Judge David T. Flanagan helped to organize the VIP program and worked with Court Data Technology, Inc. on the analysis. Flanagan said the data also revealed that, overall, 10 percent of people convicted of OWI-2 are charged with OWI-3 either before or very soon after the OWI-2 conviction. The Dane County VIP targets OWI-2 offenders.



Judge David T. Flanagan

"It was thought that OWI-2 may present a turning point where the initial conviction was not enough to change conduct but there still remained more possibility of change than might be the case at OWI-3 or 4," Flanagan said. "Looking in the other direction, there appeared to be simply too many OWI-1 people for the program to handle, at least initially and on a volunteer basis."

VIPs bring drunk drivers face-to-face with victims for a frank and emotional discussion of the harm done by impaired drivers. Mothers Against Drunk Drivers (MADD) helps to identify presenters who speak to the impact that the injury or death has had on their families.

"I am convinced that a significant impact upon recidivism will eventually be demonstrated," Flanagan said. "The description of what was seen and felt by the survivor is always an extremely powerful and emotional experience for almost everyone in the room. There generally is a small number who appear unaffected, or bored, or annoyed, and that appearance may well convey an accurate assessment. More important, however, there is always a significant number who are crying and otherwise appear visibly stricken. I believe that a substantial proportion recognize that they could have been the cause of what they have just seen and heard. I understand the effect, for some, may be temporary but I am confident that many leave with a new perspective, an expanded understanding of the full potential effect of the choice to drink and drive."

Dane County held its first VIP (with 35 participants) in September 2002, after about four months of planning by Flanagan and his then-colleague Judge Paul B. Higginbotham (who now sits on the Court of Appeals) along with Court Commissioner Todd Meurer, Clerk of Circuit Court Judith Coleman, Kate Nolan of MADD, Madison Atty. Mark Zimmer, and representatives of the district attorney, public defender, law enforcement, and county mental health department. Flanagan and Higginbotham were

### Five tips for starting a VIP

Judge David T. Flanagan offers the following suggestions for jurisdictions considering a victim impact panel:

1. Bring together a broad group, including: one or more judges; the clerk of circuit court; the sheriff; the local entity that provides the mandatory alcohol and drug assessments for the Department of Transportation; the district attorney; representatives of the defense bar; and Mothers Against Drunk Driving (MADD). "In our situation," Flanagan said, "the assistance and participation of MADD has been a critical component."
2. Observe a VIP in action. There are well-established programs in Outagamie and Winnebago counties, and newer programs elsewhere in the state. Flanagan observed a Sauk County VIP.
3. Order a copy of the UW Law School Resource Center on Impaired Driving publication, Victim Impact Panels – a Reference Manual by calling (800) 862-1048.
4. Identify a location for the panel meetings. Dane County holds its VIPs in a local hospital auditorium. "There is available a slide projector and a VCR which several speakers use in the presentation," Flanagan said.
5. Develop a standard order (Dane County has one in Spanish as well as English) directing the defendant to report for the VIP. Dane County's order directs the defendant to be on time, sober and in possession of a photo ID. On the back of the order is a map showing where the VIP session will be held. On the bench the judge need only fill in the date of the next session. "Making the VIP fully available to Spanish speaking participants is a continuing question, one that is not made easier by the limited resources available in a purely volunteer program," Flanagan said. "We do not have enough Spanish-speaking participants to justify an all Spanish presentation. We have thus far been able to make do by arranging for volunteer interpreter assistance where needed."



## Municipal judges work on jurisdictional issues

by Municipal Judge Ronald J. Wambach  
City of Franklin

The Wisconsin Municipal Judges' Association's Legislative Committee is attempting to have an omnibus bill presented regarding some of the procedures and issues in municipal court. Among these are:

- ❑ establishing clear court authority for consecutive versus concurrent sentencing;
- ❑ establishing new procedures and policies for statewide jurisdiction for municipal court judges and reserve municipal judges;
- ❑ establishing that municipal courts have jurisdiction in traffic matters involving juveniles ages 12-15; and
- ❑ establishing the right of either party to request a jury trial upon appeal from a municipal court decision.

### VIPs *continued from page 16*

initially the only two judges to send offenders the VIPs. Higginbotham's replacement, Judge James Martin, now works with the program, as do Judges C. William Foust and



Judge James Martin

Diane Nicks. The panels are offered quarterly.

"The program entails significant responsibility and at first we were not certain as to how it all would go," Flanagan said. "The volunteer speakers must be found and the presentation can be, almost always is, a very significant emotional undertaking for the speaker. The court must order

attendance and the clerk must track who is to be there, and then the court has to follow up with people who fail to attend." Flanagan said a volunteer employee of the clerk of court checks the offenders in as they arrive at the downtown auditorium where the panels are held. The Madison Police Department and Dane County Sheriff's Department provide officers for security.

Flanagan said the program would continue to be evaluated in several ways. All participants provide written reactions following each panel, and these reactions are tallied with observers' sense of the presentation's impact. The organizers hope that these reactions and observations, combined with continued analysis of data, may provide a yardstick for measuring the results.

"An important part of the effort was to create the opportunity to compare recidivism between participants and non-participants to determine if there is a measurable effect," Flanagan said. "If a measurable benefit can be shown, we believe this might assist in finding funding to take the program beyond the limits imposed by an entirely voluntary effort." ■

The Legislative Committee also is developing a drug paraphernalia bill that would make possession of personal use drug paraphernalia a municipal ordinance violation rather than a crime as it has been found that most jurisdictions in the state will not prosecute on an adult paraphernalia charge, although juveniles are prosecuted for the ordinance violation in municipal court. It is believed this form of law would be more consistent for uniform prosecution and equal treatment of the defendants between circuit and municipal court. ■

*Editor's note: Rep. Mark Gundrum (R-New Berlin) recently introduced Assembly Bill 90 relating to a notice of appeal of a municipal court judgment and Assembly Bill 91 relating to noncompliance with municipal court order. The first public hearings on these bills were held February 10.*

### Translation *continued from page 9*

Spanish version. This practice was less than ideal. In essence, a defendant was being asked to sign a document s/he clearly could not understand. The committee determined the format of all translated forms should be bilingual, both in English and Spanish. Therefore, the statutory requirement would be met and a defendant would not be required to sign a document s/he did not understand.

The second concern was the potential for improper use of the forms. Some committee members felt the existence of a translated form would encourage overworked judges and attorneys to simply ask Spanish-speaking defendants to read and sign the document without a thorough plea colloquy. Although this is an important consideration with any form, it is particularly important with translated forms. Merely reading a translated form to a defendant from another country or having him read it on his own falls short of discharging the responsibilities of court or counsel because it assumes the defendant understands not just the words but the concepts underlying them. In fact, defendants from other cultures often fail to understand basic concepts such as "jury" and "counsel", let alone the underlying premise that an individual possesses "rights" with respect to government actions.

In an effort to educate the legal community on the proper use of translated documents, the proposed court rule will require every translated form to carry a notice stating the form is not intended as a substitute for the services of an interpreter, the advice of counsel, or a colloquy with the court. This provision should help avoid situations where defendants are handed a form waiving their rights and asked to sign it without further explanation, or where interpreters are instructed to "explain" the form in violation of the interpreter code of ethics.

The estimated time for completion of all forms is spring 2005. The Director's Office is currently exploring the need for translation of court forms into Hmong and other languages. ■

## PEOPLE

“Panel to seek federal funding for alcohol court” headlined a Dec. 20, 2004, story in the *Milwaukee Journal Sentinel*. The story referred to a vote by the Waukesha County Criminal Justice Collaborating Council to apply for a federal grant to move forward with planning a possible alcohol-treatment court in 2005. Four members of the Council – including Chief Judge **Kathryn W. Foster**, who has championed this new approach – won federal grant money last year to travel to Michigan, Arizona and New



Judge Barbara Hart Key

Mexico to view alcohol-treatment courts in action. The Waukesha County court would begin – if funded and approved – as a pilot project. It would be the first of its kind in Wisconsin.

Judge **Barbara Hart Key** has made headlines around the nation recently as she handles one of the hottest topics around: a ban on smoking in restaurants. Voters passed a referendum banning smoking last April, triggering a lawsuit by 27 restaurants. Key concluded that the referendum wording was

misleading and issued a temporary restraining order, lifting the ban. She then ordered both sides into mediation. Key’s decision made her a flashpoint for criticism, and critics accused her of undoing the wishes of the majority and



Justice Louis B. Butler Jr.

harming the health of the public. Other observers, however, praised her independence, noting that the job of a judge is to uphold the law even in the face of great public agitation.

Since his appointment to the Wisconsin Supreme Court in September, Justice **Louis B. Butler Jr.** has been in high demand as a speaker. In a two week period in January and early February, he spoke at Gateway Technical College in Kenosha, participated in a forum on Milwaukee Public Television,

spoke at a United Auto Workers dinner celebrating **Martin Luther King Jr.**, and presented the keynote address at the Dane County CASA (Court Appointed Special Advocates) dinner in Madison.

Rock County is jumping on the videoconferencing bandwagon. Rock County Sheriff **Eric Runaas** told the *Wisconsin State Journal* (WSJ) he applauded the recent county board approval of a new \$200,000 system. The video system will reduce the need to transport inmates on a 20-mile roundtrip between the jail and the courthouse for routine appearances. When the new courthouse was completed, the courtrooms were wired in anticipation of the new system, which is being funded by grants and jail assessment and court funds. The WSJ reported that 38 counties in Wisconsin use videoconferencing. Judge **Gary L. Carlson**, Taylor County Circuit Court, told the newspaper, “We use it whenever we can for all kinds of cases. I have never found that it has caused a problem in advocacy.



Judge Gary L. Carlson

Monroe County also is using a new videoconferencing system. The *Tomah Journal* reported that the system was funded by a grant from the Office of Justice Assistance and installed in October 2004. Eau Claire County officials told their counterparts in Monroe County that videoconferences have reduced their inmate transportation costs an average of \$8,000 a year.

Judge **Andrew P. Bissonnette**, Dodge County Circuit Court, participated in staff in-service training at Dodge Correctional Institution in Waupun, addressing almost 100 employees on the topic of restorative justice and how it might be used in the prison, according to the *Horicon Reporter*. The prison has formed a Restorative Justice Committee to look at possible uses for restorative justice techniques, which focus on making the victim and the community whole and holding the offender accountable in ways that are directly related to the crime.

An effort by the Wisconsin Counties Association to place two symbolic referenda on the spring ballot in all 72 counties (54 counties actually presented the referendum to voters) asking whether the state should pick up the cost of the “state mandated” court system and human services programs caught the eye of newspapers around the state. The *Janesville Gazette* called the advisory questions a “jab” at the state for requiring counties to provide, and fund, certain services. The referenda have been called symbolic because it is considered doubtful that the state Legislature would agree to pick up the multi-million dollar tab for fully funding these services.

“Retired reporter was ‘Mr. South Side’,” an obituary for veteran Milwaukee Journal reporter **Eddie Kerstein** who covered the cops and courts beats in Milwaukee from 1935-76, appeared in the Dec. 24 edition of the *Milwaukee Journal Sentinel*. The story revealed that Kerstein sometimes faced threats from those he covered. One heartfelt promise – “I’ll fracture your skull” – allegedly came from a judge who was concerned that Kerstein would print confidential information. The judge is nameless in the obituary; the reporter who wrote the story indicated that the archives are silent on the identity of the bellicose jurist.

A New Hampshire judge and that state’s attorney general resigned their respective posts in February after allegations surfaced that they groped several victims’ rights advocates during a continuing-education conference on sexual assault and harassment. The allegations made headlines across the nation.

A four-part investigative series on the cost and value of Wisconsin’s Truth-in-Sentencing (TIS) program ran in the *Milwaukee Journal Sentinel* in late November. The newspaper’s analysis of sentencing statistics revealed longer sentences that are leading to greater costs to taxpayers. The newspaper’s editorial page ran two editorials related to the TIS series. The first called TIS “a costly muddle” and urged reform of a system that, it maintains, is “costing the state a fortune” and the second urged Milwaukee County to “give drug court a chance.” The Milwaukee County Circuit Court

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already has specialty courts for drug crimes, but these are not treatment courts that provide intensive (and costly) supervision of each offender. "Keeping bad guys behind bars is an important element of the crime fight, of course," the editorial board wrote. "But overdoing that element can put the state in the poorhouse without making the streets safer."



Judge  
Michael B. Brennan

The *Milwaukee Journal Sentinel* ran a related piece, contributed by Milwaukee County Circuit Court Judge **Michael B. Brennan**, under the headline, "Goals of safety, efficiency in sentencing can work together." Before he

became a judge, Brennan served as staff to the committee that re-wrote the state's criminal code; he offered his insights on the pros and cons of TIS in the guest column.

Justice **David Prosser Jr.** was invited to give the winter commencement address at UW-Green Bay and he used the opportunity to call upon the new graduates to "make great things happen" and to bring



Justice David Prosser Jr.

motivation, vision, and an ability to handle diversity to every endeavor. Prosser invoked the U.S. men's basketball team's embarrassing loss at the summer Olympics to make the point that international competition cannot be underestimated in any arena. He told the group that they face a much more competitive world

than he did, revealing that his "pathetic" LSAT score likely would today be a barrier to the UW Law School, from which he graduated in 1968.

Justice **Jon P. Wilcox** was inducted as an honorary member of the National Honor Society (NHS) in December after he gave a speech to a gathering of NHS inductees from Dodge County. Wilcox, who graduated first in his high



Justice Jon P. Wilcox

school class, missed out on membership in the NHS because the organization did not exist 50 years ago when he graduated.

"Court offers bad medicine for health costs," a *Wisconsin State Journal* guest editorial penned by the Wisconsin Hospital Association (WHA), complained that a recent decision of the Wisconsin Supreme Court would result in

higher health-care costs. In an opinion written by Justice **N. Patrick Crooks**, the Court unanimously concluded that a Madison hospital was responsible for covering the tab of a

patient who was an inmate when he was admitted for care, and then became a free man when the charges were dropped during his stay. The hospital had argued that Dane County should be on the hook for the \$187,000 hospital bill. The editorial ended with a vow to seek legislation as "a remedy to the widespread problem of government shifting its health costs to the private sector."

Court personnel in Washington County were able to walk through a life-size mock-up of what the new courtrooms will look like when a proposed addition is completed. "The number one recommendation we got from other judges (who have gone through new courtroom construction projects) was to get a mock-up," said Judge **Patrick J. Faragher**.

Judge **Andrew T.**

**Gonring** told the *West Bend Daily News* that their main concerns were to "improve security and to accommodate technology." Completion of the project is expected in fall of 2005.

Justice **Patience Drake Roggensack** was a guest speaker at a meeting of the Criminal Justice Association at UW-Platteville on Election Day. She fielded questions about her job and on how the work of a justice differs from the work at the other levels of court.

The Badger Organization for Parents, Teachers, and Students (OPTS) sponsored a drug and alcohol forum focused on urging students to "make wise and healthy decisions," reported the Lake Geneva Regional News. Judge **Robert J. Kennedy**, Walworth County Circuit Court, was a keynote speaker. He stressed the importance of parent involvement.

Judge **Edward F. Zappen Jr.**, Wood County Circuit Court, met recently with 15 students from 11 countries. The students were in Wisconsin as part of the Program of Academic Exchange. Zappen told *The Daily Tribune* (Wisconsin Rapids) that it was difficult to compare court systems because they are so different. The students were from Venezuela, Uzbekistan, Germany, Turkmenistan, South Korea, Russia, Bulgaria, Ukraine, Thailand, Spain, and Brazil. "The technology in the courtroom was impressive," one student told the newspaper.

In a column headlined, "Lawyers, clients play hot potato over drug judge," *Milwaukee Journal Sentinel*

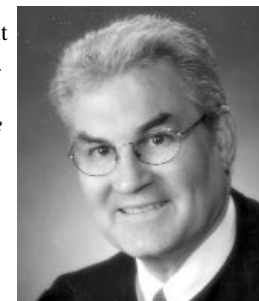


Photo credit: Kevin Braley/Daily News Staff

Washington County Clerk of Courts **Kristine Deiss**, left, Judge **Andrew Gonring**, and District Court Administrator **Mike Neimon**, discuss the layout of the proposed new county courtrooms.



Judge Robert J. Kennedy



Judge  
Edward F. Zappen Jr.

**PEOPLE** *continued from page 19*

columnists Spivak & Bice reported that Judge **John Siefert**, Milwaukee County Circuit Court, has racked up hundreds of substitution requests from defense lawyers who find his sentencing practices to be unpredictable. A former news reporter, police officer, and municipal court judge, Seifert is well known for using the computer on his bench to check defendants' criminal records and municipal violations during proceedings – a practice that also drew fire from unnamed lawyers.

Judges **William F. Hue** and **Randy R. Koschnick**, Jefferson County Circuit Court, were pictured in the *Daily Jefferson County Union* (Fort Atkinson) with students from St. John Baptist Catholic School. The judges visited the school on Citizenship Day and swore into office the eighth-grade class council leaders.

On behalf of the "Art in the Courthouse" project, Judge **William D. Dyke**, Iowa County Circuit Court, accepted a painting by Artist **Don Hill**, whose work is known throughout the Midwest, reported *The Dodgeville Chronicle*. Hill's son, Curtis, arranged for the presentation of the painting to the court, which is entitled "Hidden Badger".

"Court-appointed translator speaks for those who can't" was the headline in the *Leader-Telegram* (Eau Claire) recently. **Marcel Kelton**, the only certified interpreter for western Wisconsin, will translate in all areas of criminal cases where a Spanish interpreter is needed. Kelton became certified through the Wisconsin Court Interpreter Program, which trains and certifies interpreters. Atty. **Carmel Capati**, manager of the interpreter program, told the newspaper that the program has grown to 16 certified interpreters since beginning in May (see Third Branch, *spring 2004*). Kelton said she loves helping the people who need her translating abilities.

On Thursday, Nov. 18, 2004 from 5:30 to 8:30 PM, Judge **Greg Mathis** was the keynote speaker for the 13th Annual Harvest of Hope Celebration for the Center for Teaching Entrepreneurship in Milwaukee. Judge **Maxine A. White** served as the mistress of ceremony. Both T.V. Judge Mathis and Judge White shared their personal journey with

the filled-to-capacity audience, which included a large number of young people. On the following day, Friday, Nov. 19, 2004, White accompanied Mathis to the Milwaukee Juvenile Detention Center where he addressed the staff and juvenile population. Mathis described his struggles and successful journey from the juvenile detention halls in Detroit Michigan to the trial court bench in Michigan before becoming a judge starring in a T.V. program. Mathis was motivated to make the trip to Juvenile Detention by a staffer at the Milwaukee Juvenile Detention Center who had

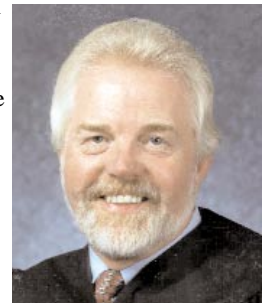
learned of Mathis' experiences and who had visited his T.V. show. The students were awe struck and obviously impressed by Mathis' appearance at the Juvenile Center and by his candor.

Army Inspector General, Lieutenant General **Paul Mikolashek** presided over the dedication of a memorial in

honor of Rice Lake High School graduate SPC/4 **Paul Sturino** who lost his life in service to his country in Iraq on Sept. 22, 2003. Sturino is the son of court reporter **Christine L. Wetzel**, who works for Judge **James C. Babler**, Barron County Circuit Court. The Barron County Bar Association has donated a memorial oak tree and memorial marker, which is placed on a knoll on the northeast corner of the Barron County Justice Center in honor of Sturino. Sturino was deployed in support of Operation Iraqi Freedom. His awards and decorations include the Bronze Star Medal, Army Commendation Medal, Army Achievement Medal, National Defense Service Medal, Global War on Terrorism Expeditionary Medal, Global War on Terrorism Service Ribbon and the Army Service Ribbon.

At the conclusion of the widely publicized **Scott Peterson** double-homicide trial in California, one TV station caused a stir when its reporter used the wireless Internet connection in the courthouse to broadcast live text of the jury's verdict from inside the courtroom in spite of the judge's ban on broadcasting the proceedings. Judge **Alfred Delucchi's** staff described themselves as "outfoxed" by the reporters, whom the judge had allowed to use laptop computers – ostensibly to take notes. The article quoted court administrators who are urging judges to create rules about how and when courtroom visitors can use the wireless fidelity networks – also known as "wi-fi." "Courts in general don't have a good policy on this," said **Michael Overing**, an adjunct professor of Internet law at the University of Southern California's Annenberg School of Journalism.

Chief Judge **Michael J. Rosborough**, Vernon County Circuit Court, was featured on the national news magazine show 20/20 and on Dateline NBC in December when he sentenced three Vernon County men to prison in a sexual assault case. An Amish woman said she was raped and beaten repeatedly between the ages of 7 and 17, and reported the incidents to a non-Amish friend after leaving the Amish community. An Amish church leader told reporters that the three men had already been punished through the church – one was banned from the community for at least six weeks, while another had to ask for forgiveness, and the third man, who was just a teen at the time of "sentencing" several years ago and, therefore, not a full-fledged church member, had to stay at home until he showed signs of character improvement. Rosborough expressed concern about the lack of protective action by the family and the community, and said the case is an indication that county and state officials should work more closely with the Amish community to build relationships to help prevent crimes such as this. ■



Judge  
Michael J. Rosborough



Judge Maxine A. White

## Budget *continued from front page*

diverse population. This includes the court's request to require the appointment of interpreters at public expense when needed for all cases. The bill also provides increased funding for county interpreter reimbursement related to increased interpreter demand, and position authority and funding for a court interpreter program manager position. This job currently is funded with a one-time federal grant that will expire Dec. 31. State funding will permit the continuation of the program to train, test, and certify court

interpreters, and to translate court forms, documents, and signs.

The budget currently is in the hands of the Legislative Fiscal Bureau, a non-partisan legislative service agency that will analyze the bill and provide the Joint Finance Committee with an extensive summary. This document will serve as the reference point for legislative budget deliberations. ■

### Budget flow chart:

November-January	<ol style="list-style-type: none"> <li>1. State Budget Office analyzes budget requests</li> <li>2. Legislative Fiscal Bureau estimates general fund revenues</li> <li>3. Governor reviews requests, drafts and introduces executive budget bill</li> </ol>
February-May	<ol style="list-style-type: none"> <li>4. Legislative Fiscal Bureau summarizes governor's budget</li> <li>5. Joint Finance Committee holds public hearings and executive session</li> <li>6. Joint Finance Committee sends budget bill to Legislature</li> </ol>
June	<ol style="list-style-type: none"> <li>7. Parties caucus on budget; propose changes (amendments)</li> <li>8. Majority party budget "package" is introduced for house debate and vote</li> <li>9. Adopted budget moves to other house, which approves its own version</li> <li>10. Differences between Assembly, Senate budget bills are resolved</li> <li>11. Budget bill passes both houses and is sent to the Governor</li> </ol>
July	<ol style="list-style-type: none"> <li>12. Governor signs bill with partial vetoes</li> </ol>
August	<ol style="list-style-type: none"> <li>13. Vetoes may be overturned by a two-thirds vote in each house</li> </ol>

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**Hate crimes conference holds surprises**

by Judge Sarah B. O'Brien

Dane County Circuit Court

Agreeing to attend a conference on hate crimes at a Holocaust Museum is a bit like scheduling a dental appointment – you know it will be good for you but it sure doesn't sound like fun. That is why I am so surprised by the terrific time I had as a member of a Dane County Law Enforcement Team at the National Institute Against Hate Crimes and Terrorism sponsored by the Simon Wiesenthal Center & Museum for Tolerance in Los Angeles. The conference addressed hate crimes, American hate groups, racial profiling and battling terrorism while respecting civil rights. Teams of law enforcement personnel from around the country came together to tackle these tough topics. All costs were paid by the Simon Wiesenthal Center.

Two of the four days were spent exploring the nature of a hate crime under the tutelage of two individuals from South Africa who developed a philosophy of business ethics to guide the country's change from apartheid to democracy. They suggest that defining hate crimes solely by the target group is not very useful. Hate crimes have elements that are both criminal and ideological. "Regular" criminals generally know their conduct is wrong, and punishment serves to push their behavior closer to the values they hold in common with society and convince others that crime is not worth the cost. On the other hand, perpetrators of hate crimes believe their crimes are justified. Although incarceration temporarily disables them, they see themselves as victims of an immoral justice system and martyrs prepared to pay the price for their beliefs. Their values must be changed in order to modify their behavior. Using this definition, any ideological crime could be considered a hate crime regardless of whether the victim is a member of a protected religious or ethnic group. For example, the killing of a doctor who provides abortions would be defined as a hate crime because it is both criminal and ideologically motivated. Similarly the killing of a police officer just because he or she is seen as a representative of an unjust government, or the bombing of a federal office building killing citizen occupants would also be hate crimes.

The conference included a visit to the Museum of Tolerance. This facility deals extensively with the Holocaust, but also with the American civil rights movement and the advancement of freedom and civil liberties throughout the history of this country. It is very interactive. Rather than look at artifacts from concentration camps, for example, each visitor picks a photograph of a child and follows what happened to that child during the Holocaust by receiving excerpts from terminals throughout the museum. At several sites a film is viewed and the viewers answer questions and submit opinions electronically. One comes away from the tour with a greater understanding of the role intolerance has played in this country, rather than just a visceral reaction to the horrors of hate.

This interactive experience continued throughout the conference with presentations from a former white supremacist; a Holocaust survivor who lived in a concentration camp from ages 4 to 8; an Israeli anti-terrorism expert who is assisting the U.S. government in developing its defenses against terrorist attacks, and a civil rights attorney who addressed the history of restrictions of civil rights in America during times of war, including the Patriot Act as a response to the war in Iraq.

You too can enjoy the resources of the Simon Wiesenthal Center by accessing materials and information at [www.toolsfortolerance.com](http://www.toolsfortolerance.com), visiting the Museum of Tolerance in Los Angeles or New York, or attending a program at one of the centers.

The importance of being vigilant about tolerance in these difficult times was brought home by a familiar poem, rewritten by civil rights Atty. Steven Rohde:

*First they came for the Muslims, and I didn't speak up because I wasn't a Muslim.  
Then they came for the immigrants, detaining them indefinitely solely on the certification of the attorney general, and I didn't speak up because I wasn't an immigrant.  
Then they came to eavesdrop on suspects consulting with their attorneys, and I didn't speak up because I wasn't a suspect.  
Then they came to prosecute non-citizens before secret military commissions, and I didn't speak up because I wasn't a non-citizen.  
Then they came to enter homes and offices for unannounced "sneak and peek" searches, and I didn't speak up because I had nothing to hide.  
Then they came to reinstate Cointelpro and resume the infiltration and surveillance of domestic religious and political groups, and I didn't speak up because I no longer participated in any groups.  
Then they came to arrest American citizens and hold them indefinitely without any charges and without access to lawyers, and I didn't speak up because I would never be arrested.  
Then they came to institute TIPS (Terrorism Information and Prevention System), recruiting citizens to spy on other citizens and I didn't speak up because I was afraid.  
Then they came for anyone who objected to government policy because it only aided the terrorists and gave ammunition to America's enemies, and I didn't speak up ... because I didn't speak up.  
Then they came for me, and by that time, no one was left to speak up.*