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Appellate courts welcome new members

Justice Patience Drake Roggensack

The Wisconsin Supreme Court welcomed Justice Patience D. "Pat" Roggensack on August 1. Roggensack won a 10-year term on the state's high court in the April election.

Prior to joining the Supreme Court, Roggensack spent seven years on the Wisconsin Court of Appeals. She is the first judge from the Court of Appeals, which was created in 1978, to serve on the Supreme Court.

Moving over from the Court of Appeals with the new justice is Judicial Assistant Patti Gotrik. Roggensack's law clerk will be Atty. Lisa Mazzie, who most recently worked as an investigator for the Office of Lawyer Regulation.

Roggensack took the oath of office in July; the ceremonial swearing-in will take place in the Assembly Chamber on Friday, September 12.



Justice Patience D. Roggensack



Judge Paul B. Higginbotham

vacancy created by the election of Judge Patience D. Roggensack to the Supreme Court. Higginbotham will need to seek election to a full, six-year term in April 2005.

Higginbotham made a statewide name for himself in last spring's race for the open seat on the Wisconsin Supreme Court. Although he did not make it through the primary (he received approximately 77,000 votes to Chief Judge Edward R. Brunner's 89,000 and now-Justice Patience D.

Roggensack's 108,000), he successfully raised his profile and earned some glowing endorsements, including one from the *Milwaukee Journal Sentinel*, which called him "bright, thoughtful, and fair-minded."

In his nine years on the trial bench, Higginbotham has made headlines for several important decisions, including a ruling that struck down the expansion of Milwaukee's school choice program to parochial schools (it was later reversed by the Wisconsin Supreme Court). Last winter, his comments to a defendant at sentencing prompted both praise and criticism. The case involved a drug-related murder and Higginbotham, who is African-American, told the defendant: "I get particularly upset when I see black men

see New faces on page 14

Judge Paul B. Higginbotham

Governor Jim Doyle has appointed Judge Paul B. Higginbotham, Dane County Circuit Court, to the state Court of Appeals, District IV, headquartered in Madison. He fills a

New management team is official

After serving for nearly four months as interim director of state courts, John Voelker was appointed to the post on a permanent basis effective June 30. Voelker replaces J. Denis Moran, who served as director for 24 years before retiring in February.

Voelker appointed Sheryl A. Gervasi as deputy director of court operations and reappointed Pamela J. Radloff as deputy director for management services and Jean M. Bousquet as chief information officer. All three women are longtime employees of the state court system.

"I am fortunate to have a top-notch management



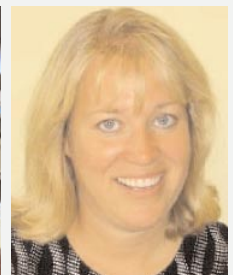
A. John Voelker



Sheryl A. Gervasi



Pamela J. Radloff



Jean M. Bousquet

team," Voelker said. "The entire court system benefits from their hard work and dedication."

The Office of Court Operations, which Gervasi now leads, provides technical assistance to the circuit courts, often in conjunction with the district court administrators, in areas such as records management, caseload management, automation, personnel (including assign-

see Management team on page 20



Two state judges are finalists for federal judgeship

Judge David G. Deininger, Wisconsin Court of Appeals, District IV, and Justice Diane S. Sykes, Wisconsin Supreme Court, are finalists for the U.S. Court of Appeals vacancy in Chicago. Also making the final cut are Atty. Thomas L. Shriner Jr., Foley & Lardner, Milwaukee, and Judge J.P. Stadtmueller, U.S. District Court, Milwaukee.



Judge David G.
Deininger



Justice Diane S. Sykes

the senators on August 1 – there is no firm indication that the rest of the process will proceed with similar speed. The senators will review the finalists, consult with Wisconsin Congressman F. James Sensenbrenner, and forward their final recommendations to President George W. Bush. He will select a nominee who must be confirmed by the U.S. Senate.

The bipartisan Federal Nominating Commission, chaired by University of Wisconsin Law School Dean Kenneth Davis and Marquette Law School Dean Joseph D. Kearney, chose the finalists after interviewing a pool of 12 applicants, and sent them on to Wisconsin Senators Russ Feingold and Herb Kohl.

While the initial timetable for applications was quick – they were due July 15 and the commission sent the finalists to

Among the initial applicants were two Wisconsin Circuit Court judges, Michael B. Brennan, Milwaukee, and J. Mac Davis, Waukesha. Other applicants included: John A. Busch, Michael Best & Friedrich, Milwaukee; Paul D. Clement, Alexandria, VA; Daniel J. La Fave, Quarles & Brady, Milwaukee; Judge Rudolph T. Randa, U.S. District Court, Milwaukee; Dennis J. Verhaagh, Dennis J. Verhaagh Law Office, Green Bay; and Stephen D. Willett, sole practitioner, Phillips. ■

Director's column: Chief judges tackle difficult administrative issues

On June 12, in a conference room in Milwaukee, the state's chief judges, deputy chief judges, and district court administrators met – as they always do in June – to discuss a variety of administrative issues. At the meeting I asked the chief judges to identify areas that could benefit from change. Because I believe it is important that the court system continually evaluate the way we do business, I found the June meeting discussion very helpful.

Recent headlines concerning the use of donations to Crime Prevention Organizations (CPOs) in the justice system illustrate the benefits of having a committee like the chief judges' critically review court operations. In November 1996 a committee of the chief judges issued a report outlining concerns and recommendations related to how contributions to CPOs are collected. Overall, the committee had concerns about the fairness and the perception of fairness in cases involving CPO donations. The result was a new law that made the procedure for courts accepting and accounting for crime prevention donations more stringent. I can't help but wonder if we hadn't taken the time to evaluate and change the process in 1996 whether we might be part of the investigation today rather than the organization looked toward to provide guidance.

One issue of particular interest at the June meeting was the increasing pressure the lack of court reporters is having on the system. In the short run, we have been shuffling people around to cover vacancies and occasionally postponing court appearances when no court reporter is available; however, that is not a sound strategy for the long term. And so, the chief judges determined that a direction should be set for how the court system will make the record in the future, and they have established a subcommittee to accomplish this objective.

The subcommittee will include two court reporters. It will also include circuit court judges, staff from the Madison office, and a district court administrator. Two members of the new subcommittee – Court Reporters Kris Jacobi and Ed Johnson – also served on the Planning and Policy Advisory Committee (PPAC) team that studied this issue in 1999-2000. Policy Analyst Dan Wassink, who served as staff on that

project also, will provide staffing assistance for this current effort. The involvement of these people will provide, I think, needed continuity so that the new effort is an outgrowth, rather than duplication, of PPAC's work.

The PPAC report, issued in August 2000, explored a variety of alternatives to live stenographic reporting and recommended that a digital audio recording system for each county to be used as a backup when a stenographic reporter is unavailable. The new subcommittee will make use of that report and others developed in response to this issue.

I know that some of the potential options for dealing with this issue require significant changes in how we do business. I also know that there will be much discussion about how to proceed. In other words, it could be difficult. However, the chief judges have handled difficult issues in the past – such as the CPOs – and their work has proven effective. I am confident we will make progress on the issues we face in taking the record.

As I said in my last column, our courts are strong because of the caring, dedication, and skill of our employees. Together, we shall address this challenge, and others in the future, and find a solution that keeps the courtroom doors open and maintains a strong commitment to the court system's official court reporters. ■

The PPAC report is available at www.wicourts.gov/global/pdf/PPACcourtrepfinal.pdf.

Committee members

The new committee on taking the court record includes: Human Resources Officer Margaret Brady; Judge John A. Damon, Trempealeau County; Chief Judge James Evenson (chair), Sauk County; Deputy Chief Judge James R. Kieffer, Waukesha County; Deputy Director for Court Operations Sheryl A. Gervasi; District Court Administrator Kathleen M. Murphy; Managing Court Reporter Kristine Jacobi, Milwaukee County; Official Court Reporter Teri Novotny Hockersmith, Monroe County; Official Court Reporter (alternate) Edward H. Johnson, Ozaukee County. Staff: Deborah Brescoll, Office of Management Services; Daniel Wassink, Office of Court Operations.

Biennial budget is official

by Deborah Brescoll, budget officer

Governor Jim Doyle signed into law, as 2003 Wisconsin Act 33, the 2003-2005 biennial budget bill on July 24. Except where otherwise specifically provided, Act 33 became effective on July 26. The budget act covers state expenditures from July 1, 2003 through June 30, 2005.

The governor made 131 partial vetoes in signing the act. The state Senate attempted a veto override, but fell one vote short of the necessary two-thirds vote. The court-related provisions in Act 33 include the following:

- increase the court support services fee and appellate filing fees by 30 percent;
- require that \$750,000 in each fiscal year be lapsed to the state's general fund from any of the courts' general fund state operations appropriations (these include the three levels of court, the Director of State Courts Office, and the Wisconsin State Law Library);
- delete 15 prosecutor positions;
- create an earned release program that would require a sentencing court to release to extended supervision, or the Parole Commission to parole, an eligible inmate who successfully completes the substance abuse treatment program at the Drug Abuse Correctional Center (DACC) in Winnebago;
- create a 25-bed felony drug offender alternative to prison program for female offenders at the Milwaukee Women's Center; and
- provide funding and positions to open the Highview and New Lisbon correctional institutions in April 2004.

Court employees have received a more detailed summary of the act as an informational bulletin. ■

Editor's note: We do not have a new budget officer; Deborah Brescoll is the former Deborah Salm.

Legislative update

From halfway house changes to boot camp revisions to video gambling enforcement, the biennial budget bill contains a number of substantive law provisions. These provisions went into effect on July 26 unless otherwise provided in the effective date sections.

p.200, s.46.279	restrictions on placements to intermediate and nursing facilities
p.227-29	Chapter 51 provisions
p.230-32	Chapter 55 provisions
p.320, s.165.755(1)(a)	increase in crime lab fee
p.322, s.175.38	enforcement of video gambling law
p.350, s.301.0465	halfway houses for nonviolent offenders
p.352-54, s.302.045	boot camp revisions
s.302.05(3)	eligibility to earned release program
p.363, s.343.44(1)(c),(2)(bm)	operating while out-of-service
p.372, s.809.25(2)(a)	increase in appellate filing fee
p.374, s.814.634	increase in court support services fee
p.376, ss.972.15(2b), 973.01(3g)	earned release program eligibility
p.419	initial applicability provisions for circuit courts and corrections
p.420	initial applicability of protective placement provisions
p.421	initial applicability of appellate filing fee increase
p.422	effective date for sunset of halfway house program
p.423	effective date of placements to intermediate and nursing facilities
p.424	effective date for operating while ordered out-of-service provisions

The biennial budget bill can be accessed at www.legis.state.wi.us/2003/data/acts/03Act33.pdf. There is also a new identity-theft law, 2003 Wisconsin Act 36, which became effective Aug. 8: www.legis.state.wi.us/2003/data/acts/03Act36.pdf. ■

OBITUARIES

Judge Herbert J. Mueller Winnebago County Circuit Court

Judge Herbert J. Mueller, who served as a judge in Winnebago County from 1955-74, and then as a reserve judge until the mid-1980s, died in Neenah on May 8. He was 93.

Mueller never attended law school, but apprenticed with two local attorneys – George Hoxie in 1933 and Silas Spengler in 1934 – and, by 1939, was able to pass the bar examination. According to his obituary, he believed himself to be the last Wisconsin judge without a law degree and took pride in his background in farming and teaching.

His wife, Vivian Kuhn, survives him along with two sons and two grandchildren.

Judge James Wilbershede Racine County Circuit Court

Judge James “Jack” Wilbershede, who served as a circuit court judge in Racine County from 1972-89, and then as a reserve judge, died on August 12 at a Racine nursing home. He was 85.

Wilbershede grew up in Racine and returned there after graduating from Marquette Law School in 1947. He practice law in Racine from 1947-72, when he became a judge.

During World War II, Wilbershede served in the Pacific as a captain in the U.S. Marine Corps and at the time of his death he was a major in the Marine Corps Reserve.

see **Obituaries** on page 20

Summer
2003

Courts offer online help for people without attorneys

In mid-June, the Wisconsin court system unveiled a new Self-Help Center on its Web site at www.wicourts.gov/SHC. Developed by the staff of the Wisconsin State Law Library in cooperation with the Director of State Courts Office, the center is designed to assist people who are considering representing themselves in court.

A five-minute story that aired statewide on Wisconsin Public Radio, in addition to other regional media announcements, helped get the word out.

"The number of people choosing to proceed without lawyers is increasing, and we have an obligation to ensure that these litigants understand what they are taking on," said Director of State Courts John Voelker. "This new site discusses these responsibilities and also offers resources to help self-represented litigants learn about the law and court process," he said. Voelker served as staff to Chief Justice Shirley S. Abrahamson's *Pro Se* Working Group, which studied problems and solutions for self-represented litigants and issued a report in December 2000.

The site offers answers to frequently asked questions such as "How do I change my name?" "Where do I find information about child custody?" and "How do I file a small-claims case?" In addition, it gives tips for making the

process easier, links to court system directories and legal resources, and information on what court staff can – and cannot – do to help. Offerings will be expanded as staff time allows.

The center is the latest in a series of steps the Wisconsin

court system has taken to improve access to the courts for people who are representing themselves. In 1999, a survey conducted in the 13 northwestern Wisconsin counties that comprise the Tenth Judicial District (Ashland, Barron, Bayfield, Burnett, Chippewa, Douglas, Dunn, Eau Claire, Polk, Rusk, St. Croix, Sawyer, and Washburn counties) showed that more than half of family cases involve at least one person who is not represented by an attorney. In Milwaukee County, the number of family court cases involving a self-represented litigant was more than 70 percent in 1999. ■

Waukesha self-help site named one of nation's top 10

The Waukesha County Family Court Self Help site, a Web site that complements the county's *pro se* assistance program for litigants in family court, has been named one of the nation's top 10 court-related sites by Justice Served, a California-based court management consulting firm.

Justice Served gives the award to 10 sites every year, a job that is getting tougher as cyberspace is built up. Overall, the firm said, the standard is higher each year. "Credit card payments, online indexing and digital court forms have now become baseline services," Justice Served said. "What distinguishes best-of-class today is easy navigation, intuitive content accessibility, and extra features."

The firm indicated it looked at 900 sites before choosing its 2003 winners.

The Waukesha site provides user-friendly forms and instructions, tips, procedural checklists, answers to frequently asked questions, and an attorney roster. It also describes how to tap into the services offered through the Waukesha County Self-Help Center, located in Clerk of Circuit Court Carolyn Evenson's office. These services

see Web award on page 20

RETIREMENTS

Bablitch wraps up final term on Supreme Court



Justice William A. Bablitch

Justice William A. Bablitch wrapped up 20 years on the state Supreme Court this summer, ending a career in public service that spanned all three branches of government over a period of 35 years. Last April, voters selected Court of Appeals Judge Patience D. Roggensack to replace Bablitch; her formal investiture will be held September 12 (*see separate story, page 1*).

Bablitch began his career as Portage County district attorney, a position he held for four years before becoming a state senator. During his 11 years in the Senate, he served as majority leader and was instrumental in reorganizing the court system, a process that created the Court of Appeals in 1978.

Toward the end of his tenure on the Court, Bablitch conducted a lengthy interview with *wispolitics.com*, an internet-based news magazine. In the interview, he spoke about two cases that were, for him, among the most important in his career: *Kukor v. Grover* (1989) and *Vincent v. Voight* (2000). Both involved funding of k-12 education and, although he was not the majority author in either case, Bablitch said he was able to work language into the majority opinions that laid the groundwork for recognition of a constitutional right to equal opportunity in education. "Now there are standards against which communities can measure against whether they are able provide this and kids can measure," he said. "So the next case that comes up is going to take that standard, it is going to take a group of schools like we have all around the state that are grossly underfunded or are giving so many of their funds to special ed because of the minority populations, etc. And they are going to be able to show against that standard why it is insufficient. That to me was one of the highlights of my judicial career."

Bablitch also told editor Jeff Mayers that he has no regrets about his initiating an unsuccessful effort five years ago to unseat Chief Justice Shirley S. Abrahamson. He believes that his actions ultimately resulted in a more collegial Court. "I am convinced to this day," he said, "that had that not been done this court would have just been ruined."

Less than a week after retiring, Bablitch was made a part-time partner at the law firm of Michael, Best & Friedrich in Madison. In retirement, he plans to devote more time to some of his favorite activities: trout fishing, cooking, gardening, and golf.

RIPs in Fond du Lac, Green Lake step down

The court system lost years of experience this summer when registers in probate from two central Wisconsin coun-

ties stepped down. Barbara Fitch has been with the courts since 1982; Janet Blazer, who retired from Green Lake County, was unavailable for comment on her career.

Fitch got her first taste of life in the courts in 1980, when she joined the Corporation Counsel's Office in Fond du Lac. Two years later, she was appointed deputy register in probate – a position that she held for just eight months before becoming the county's register on Dec. 17, 1982.

Fitch has been very active in court administration, serving on the Records Management Committee from 1990-2000 and donating countless hours to the work of designing and redesigning forms. In that capacity, she worked closely with two of the state's more colorful judges – Robert A. Haase, Winnebago County Circuit Court, and Gary Carlson, Taylor County Circuit Court – an experience she described as "not to be missed."

One of Fitch's proudest accomplishments was earning her bachelor's degree *summa cum laude* from the University of Wisconsin-Oshkosh in 1992 after six years of night and weekend classes.

While she said she would miss the people and the work, Fitch is eager to "climb into my RV and see some of our beautiful country."

Supreme Court Clerk's Office sees changes

Two resignations in the Supreme Court Clerk's Office touched off a number of changes in the office this spring and summer.

Theresa Owens, who has served as chief deputy to Supreme Court Clerk Cornelia Clark since May 2000, resigned effective July 2 to become clerk of the U.S. District Court in Madison. Atty. Dawn Sturdevant Baum will replace Owens (*see separate story, page 14*).

Owens noted that she appreciated the opportunities that the Supreme Court provided, and particularly enjoyed the challenge of working with rules petitions. An attorney, she assisted the Court by researching issues, providing state-by-state comparisons, and drafting the petitions. She also led a committee that studied electronic filing and submitted draft recommendations to the Director of State Courts Office earlier this year.

Owens said she would most miss working with staff in the Clerk's Office, Supreme Court, and Director of State Courts Office.

A graduate of Drake University Law School, Owens began her new position as clerk of court for the U.S. District Court for the Western District of Wisconsin on July 7, replacing longtime federal court clerk and U.S. Magistrate Judge Joseph W. Skupniewitz.



In retirement, Barbara Fitch hopes to take many more trips like this one, which brought her to Alaska's wilderness.

Dodge County bids fond farewell to longtime court reporter

On June 1, 1936, as the world moved closer to war, Norbert J. "Coley" Griffin began a career in court reporting that would span eight decades and cover many Wisconsin counties. Fifty-two years later, in 1988, Virginia A. Wolfe became a judge in Sauk County Circuit Court, where she served until 2000.

Wolfe and Griffin crossed paths after both had retired, when they began working together to handle petitions from prisoners in Dodge County. The assignment wrapped up in June (law clerk Steve Seim has been appointed as a ¼-time court commissioner to handle the inmate petitions, and will do his own typing; Wolfe is returning to "regular" reserve judge status) and their co-workers threw them a party befitting two much beloved, longtime public servants. The gifts include framed photographs of Griffin and Wolfe with Chief Deputy Clerk of Courts Lindy Miller, one of Griffin's especially close friends at the courthouse.

Griffin is a walking encyclopedia of court history who first served as a court reporter in 1936-41 in the 12th Circuit, which was comprised of Green, Jefferson, and Rock counties. In 1941, he moved over to the 13th Circuit, which then consisted of Dodge, Ozaukee, Washington, and Waukesha counties, at the behest of Judge Edward J. Gehl, who went on to serve on the Wisconsin Supreme Court from 1950 until his death in 1956.

Griffin stayed on in the 13th Circuit until 1960, with four years off to serve in the U.S. Navy during World War II. Although his allergies had given him a draft deferral, he

could not stand to remain a civilian after the attack on Pearl Harbor. As it turned out, the military urgently needed court reporters and Griffin was not only welcomed, but asked to skip boot camp and begin reporting court martial cases immediately. During his service, he worked in Africa and Italy.

Back in Wisconsin, Griffin soon found himself working for Gehl's successor, Judge Milton L. Meister, and then for Judge William C. O'Connell who defeated Meister in the four-county circuit. Because of Wisconsin's rapid growth in those years, the Legislature split up the circuit, establishing Dodge and Jefferson as the 13th Circuit, and Ozaukee and Washington as the 21st. Meister was elected judge in the new 21st Circuit, and again asked Griffin to work for him. Griffin stayed with Meister until Meister's retirement, and then continued with Judge Tom Merriam, who succeeded Meister. He retired from this post in 1983, but immediately began doing pretrial deposition work and

serving as a substitute court reporter in eastern Wisconsin.

In 1989, Griffin returned to the court in Dodge County at the request of then-Reserve Judge Thomas Wells, who needed help handling the prisoner litigation. "It was like returning home to come back to Dodge County and I was treated like family by the court personnel," Griffin wrote, "even though because of their tender years none of them realized that I had been a Dodge County Circuit Court reporter previously." ■



Judges, lawyers, and court staff in Dodge County gave a farewell party for longtime court reporter Coley Griffin on June 27. Here, from left, are Judges Daniel W. Klossner and Andrew P. Bissonnette; Reserve Judge Virginia A. Wolfe; Griffin; and Atty. Robert E. Storck and his son, Judge John R. Storck.

Retirements *continued from page 5*

Three weeks before Owens stepped down, Deputy Clerk Adrienne M. Thomas left the office – and Wisconsin – for Asheville, N.C. Thomas and her husband fell in love with the city, which sits between the Great Smoky and Blue Ridge Mountains, and moved there without jobs. Thomas had worked in the Clerk's Office for nearly 11 years.

Thomas' resignation gave Clark an opportunity to promote two employees and move two others into new roles. Rita E. Lord, who began her court career in 1987 with the former Board of Attorneys Professional Responsibility and moved to the Clerk's Office in 1999, was promoted into

Thomas' position as deputy clerk for the District I Court of Appeals, and Roberta J. Bushey took Lord's position as assistant deputy clerk for District I. Assistant Deputy Clerk Melinda A. Zarth assumed responsibility for attorney admissions, formerly handled by Bushey, and Sheelah J. Fox, who had worked at the front counter since 1999, was promoted into Zarth's job as assistant deputy clerk for the District III Court of Appeals. Clark is now hiring for a new employee to fill the front-counter vacancy. ■

LEADERSHIP

Judge hopes to establish unified family court in Madison

It was, at first glance, a tragically unremarkable story: A 10-year-old boy showed up at school with bruises, his teacher made a report, police investigated, and the father was arrested and charged with felony child abuse.

In the normal course of events, the case would take about seven months to resolve and the father probably would have little or no contact with his son during that time. But this incident occurred in La Crosse County, where the court has institutionalized mediated child protection conferencing as the preferred method for handling child abuse/neglect cases. And that changed everything.

At the plea hearing after the CHIPS (child in need of protection and/or services) petition was filed, the judge referred the case to mediation. Following the normal protocol, the judge assigned a mediator – Atty. Thomas L. Rhorer, a sole practitioner and member of the board of directors of the Wisconsin Association of Mediators – and scheduled the mediation on the spot for a few days later.

The mediation brought together the father and his attorney, the son and the guardian *ad litem*, the mother, the corporation counsel, the district attorney, and the Department of Human Services worker assigned to the case. When they sat down with the mediator and discussed the incident, two things happened: first, the father admitted his problem with alcohol and acknowledged that he had quit attending Alcoholics Anonymous (AA) meetings and was drunk when he hit the boy. Second, the district attorney got a sense for the boy's emotional disabilities and developed an understanding of the stress that the



Judge John C. Albert (facing camera, second from left) brought a delegation of attorneys, social workers, and court staff from Madison to La Crosse in July to learn about replacing the adversarial process with a collegial one in termination of parental rights cases and other court proceedings involving children and families.

family was under.

The parties agreed to a variety of conditions that would address the issues and the mediator prepared a mediation agreement and submitted it to the court for approval. The court then set the case for disposition. The father is now re-enrolled in AA, the child has a new doctor and a different medication, and a county social worker plugged the family into new services. The family stayed together, and the felony charge was ultimately dropped.

Since the program was implemented in La Crosse in October

1998, under the leadership of Judge Dennis G. Montabon, just one CHIPS case has gone to a jury trial.

Mediators are handling about 50 cases per year (but never cases that involve an allegation of sexual assault, where it would be harmful to bring the victim and the accused together) and an agreement is reached in mediation in 86 percent of cases. "It's become part of the way we do business," said Judge Dale T. Pasell, La Crosse County Circuit

Court. "There is a perceived advantage for everybody; the social workers see quicker results because the parents generally are eager to do what they need to do." Pasell added that the judges see each family every 60 days, which keeps them strongly connected. In addition, the monitoring by social workers is often more stringent than what would be possible under probation in a criminal child abuse case.

Pasell's comments came during a

see **Leadership** on page 19



Judge Dale T. Pasell, La Crosse County Circuit Court, explains the unified family court approach to visitors from Dane County. Next to Pasell, from left, are Atty. Tom Rhorer, president of the Wisconsin Association of Mediators, and Patrick Brummond, District Seven court administrator.

AWARDS

Kuhnmuench receives 'Golden Gavel'

Judge Mary M.
Kuhnmuench

Kuhnmuench received the 'Golden Gavel Award,' which is given each year to a judge who has shown support for restorative justice as a way to help offenders rebuild their lives. Restorative justice is an umbrella term for programs that bring victims, offenders, and sometimes members of the community together to discuss the crime and its aftermath and to determine what the offender might do to repair the harm. These programs aim to restore the victim and rehabilitate the offender into a contributing member of society.

Kuhnmuench has been a judge since 1998 and recently rotated out of a general felony court and into Milwaukee's sexual assault and homicide court. She is also on the Board of Directors of Big Brothers/Big Sisters of Milwaukee County and serves on a variety of other community and professional boards and committees.

Ashley, Gorence win 'Distinguished Service Award'

Judge Carl Ashley

Judges Carl Ashley, Milwaukee County Circuit Court, and Magistrate Judge Patricia Gorence, U.S. Circuit Court, Milwaukee, have won the Milwaukee Bar Association's 2003 'Distinguished Service Award' for a project called the Charging Dialogue Sessions.

The sessions, a series of public meetings among police, prosecutors, and municipal judges, helped to create a new set of guidelines for determining when a minor offense will be handled as an ordinance violation, and when such an offense will be prosecuted. Because many local ordinances parallel the Wisconsin Criminal Code, similar offenses may have drastically different consequences for individuals and for law enforcement depending upon whether the violator is ticketed or prosecuted.

The new guidelines apply to selected misdemeanors and it is anticipated that they will eliminate discrepancies in how offenses are handled throughout the county.

Judge Mary M. Kuhnmuench, Milwaukee County Circuit Court, was honored for her commitment to restorative justice during the June 20 graduation ceremony at the Milwaukee County Community Justice Day Reporting Center.

Kuhnmuench received the 'Golden Gavel Award,' which is



Attorney General Peg Lautenschlager (left) presented Waupaca County Clerk of Circuit Courts Terrie Tews (center) with the '2003 Victim Advocate of the Year' award during an April ceremony at the state Capitol. Waupaca County Victim-Witness Coordinator Mary Lea St. Thomas is at right.

Tews honored for work with victims

Waupaca County Clerk of Circuit Court Terrie Tews has won two awards for her work to improve the court system's treatment of victims.

CAP Services, a private, non-profit corporation that provides access to housing, job training, counseling, and more for children, victims of domestic violence, and the poor in central Wisconsin, named Tews its 2003 'CAPartner of the

Year' and the Victim Witness

Professional Association honored her with its 2003 'Victim Advocacy Award' for 2003.

Tews has worked to improve the system in a number of ways. She sponsored an informational session about procedures in her office that drew 130 police officers, court

employees, child protection workers, probation and parole agents, mental health workers, domestic violence advocates, and adult protection social workers from Waupaca, Waushara and Portage Counties.

She also has developed a packet for crime victims who have received a judgment.

Richland judge wins for pro se program

Court and Community of Richland County, Inc., a non-profit formed four years ago to assist self-represented litigants in divorce cases, has won an Award for Exceptional Achievement from the State Bar of Wisconsin.

Judge Edward W. Leineweber, Richland County Circuit Court, worked with the Richland County Bar Association to start the program in an effort to address the issues presented by the increasing number of pro se litigants.

Under the program, trained volunteers working in the courthouse provide self-represented individuals with information on court procedures and forms with detailed instructions.

Recently, with a grant from the State Bar, Court and Community expanded its services to include post-judgment matters. Legal Action of Wisconsin Atty. Charles W. Kreimendahl assembled packets of legal forms and wrote plain-English instructions for filling out requests for child custody changes, enforcement of placement orders, revision of child support, and more. ■



Judge Edward W.
Leineweber

Law students from around the nation intern in Wisconsin courts

Fresh from her first year at Boston College Law School, Carrie Vance took up residence in the Racine County Courthouse for the kind of education that cannot be found in a classroom. It was an experience she'll never forget.

As a summer intern for Chief Judge Gerald P. Ptacek, Vance researched statutes and case law, and helped to draft orders and decisions. She also observed jury trials, watched how decisions are made, and saw the effect of those decisions in cases ranging from property disputes to personal injury cases.

Vance found that the challenging work of helping to draft orders and decisions taught her a lot. Observing jury trials taught her how juries perceive attorneys and even a bit about how juries reach decisions. She also learned how good litigators blend technical expertise with common sense.

"Learning how a judge makes a decision has dispelled much of the court mystique in a good way," said Vance, noting that Ptacek took time during trial recesses to explain his reasoning to her.

Vance was one of 26 law students – up from 18 in 2002 – who donated their time in 18 Wisconsin courthouses and the



Chief Judge Gerald P. Ptacek goes over a case with Carrie Vance, his intern for the summer.

Wisconsin Supreme Court this summer. In its seventh year, the Volunteer Summer Law Student Internship Program provides assistance to trial and appellate judges while also better preparing future lawyers. Since its inception, the program has brought close to 200 students to courts in Wisconsin.

Administered by Melissa Lamb in the Office of Court Operations, the program invites law students to participate and matches applicants with judges who have requested an intern. As in past years, most interns wanted to work in Dane and Milwaukee counties and some openings in rural counties went unfilled.

The students are given a variety of tasks based on each court's needs, including

researching and writing. Many interns also have an opportunity to observe judicial proceedings and shadow legal professionals.

Chief Justice Shirley S. Abrahamson started the project in 1997 by writing personal letters about the program to law schools nationwide. ■

For more information or to participate next year, call the Office of Court Operations at (608) 266-3121.

Summer 2003 interns

Barron County: Edward R. Brunner – Krista Howenstine, William Mitchell College of Law

Brown County: Sue Bischel – John Verheyen, William Mitchell College of Law; Donald R. Zuidmulder – Katherine Sloma, Ohio Northern University

Dane County: John C. Albert – Andrew Richards, University of Wisconsin Law School; Michael Nowakowski – Andrew Oostdyk, Southern Methodist University; Sarah B. O'Brien – Michele Frishman, University of Wisconsin Law School

Door County: Peter C. Diltz – Matthew Lynch, Louisiana State University*

Eau Claire County: William Gabler – Anthony Schrader, Temple University; Paul Lenz – Benjamin Proctor

Iowa County: William D. Dyke – Adam Jeffries, Tulane University

Kenosha County: Wilbur W. Warren III – Mark Milos, John Marshall Law School

Kewaunee County: Dennis J. Mleziva – Matthew Lynch, Louisiana State University*

Marathon County: Dorothy L. Bain – Craig Miller, Suffolk University

Marinette County: Tim Duket – Ben Welch, University of Wisconsin

Milwaukee County: Jean W. DiMotto – Lillie DeWitt, Marquette University; Michael J. Dwyer – Verona Swanigan, Northern Illinois University; Daniel L. Konkol – Eric Janowak, Marquette University; Victor Manian – Jeffrey Shock, Marquette University

Outagamie County: John A. Des Jardins – Seth Goettelman, Florida Coastal University

Racine County: Gerald P. Ptacek – Carrie Vance, Boston College

St. Croix County: Edward F. Vlack III – Lynn Jokela, William Mitchell College of Law

Walworth County: James L. Carlson – Joel Bornkamp, Thomas M. Cooley Law School

Washington County: Annette K. Ziegler – Kyle Fabitz, John Marshall Law School

Waukesha County: Kathryn W. Foster – Alison Dunlop, Gonzaga University; ReAnna Grabow, Marquette Law School; Jenna Merten, Marquette Law School

Waupaca County: John P. Hoffmann – Michael Gunderson, University of Wisconsin

Wisconsin Supreme Court: Shirley S. Abrahamson – Alyssa Mahaffay, University of Wisconsin

*shared between Door and Kewaunee counties

A "forever" family

by Judge Andrew P. Bissonnette
Dodge County Circuit Court

About six years ago, I was fortunate to preside over the adoption of a very young girl from India by some friends from Beaver Dam. I am in the Beaver Dam Lions Club with Melodie, and I worked with her husband Tom to establish Habitat for Humanity of Dodge County. Their second daughter was born to them the year following the adoption. For several years, they had their two little girls: brown-eyed, dark-haired Molly, their daughter by adoption, and, blue-eyed, blond Sophie, their daughter by birth. The girls got along as well as any two sisters ever could. The family eventually joined the same church that I attend in Beaver Dam, so I got to know the girls very well.

Late last year, I again had the pleasure of presiding over the adoption of another girl from India by this same family. Molly and Sophie were in court to witness their sister Sarah's adoption. Sophie had occasion at home to hear her parents talk about adoption. They have explained that adoption is a special way to have children, and that when children come to their family through adoption, they have a "forever" family in addition to their birth family.

You might imagine my surprise late this spring when Melodie came up to me and confided that Sophie was feeling left out because she was the only one who was not adopted. Sophie was concerned that she was not "special enough" to get adopted and did not have a "forever family" like her sisters. Try as she might, Melodie could not dissuade Sophie from her views. I advised Melodie that there was an easy fix to this problem and she and Tom agreed. Within weeks, we found a date and issued a notice for Sophie's "adoption" hearing.

In mid-June the entire family arrived in my courtroom. I came out with my robe on and with the usual staff in attendance. Everything looked and sounded exactly as Sophie had witnessed it at Sarah's adoption. I held up and pointedly mentioned an adoption study, which was actually from Sarah's file. Tom was sworn in and testified. He mentioned how much he loved his wife and each of the three girls. He noted that they had adopted Molly and Sarah because they were "so special" and that is exactly how he felt about Sophie too and so they wanted to adopt her into the family as

well. Sophie was just beaming at this point.

After that, each of the three girls read handwritten statements into the record. Among other things, 10-year-old Sarah stated that, "I like being adopted because I will always have my family together and will never be alone anymore." Melodie started to cry softly at this point. Sarah has been home just one year.

Seven-year-old Molly then read her statement, including, "Congratulations Sophie for being adopted. It means that you have a forever family like me and Sarah. I love you, even if we argue sometimes." Tom was also crying by now.

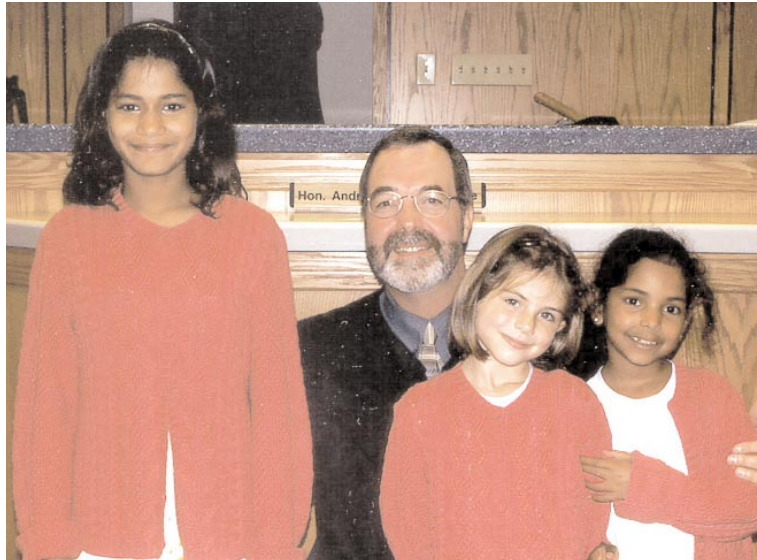
Six-year-old Sophie then moved in front of a microphone and read, "I want to be adopted because my sisters were adopted. It is going to be kind of scary to me because I have never been adopted before. I think I am going to like being adopted because it will make me special and I will feel good about having a forever family just like my sisters. . . my parents love us so much they chose us specially to be their children. Now we are all adopted!" Every adult in the courtroom, myself included, had teared up by this point.

At the first two adoptions, the girls retained Indian middle names, Molly Madira and Sarah Sabitri. Being tipped off by Melodie in advance, I asked Sophie if she

wanted to add a middle name and of course she did. She now wants to be known as Sophie Lakshmi. I signed the adoption 'order' and gave it to the family. The usual hugs and photographs followed. Afterwards Lynn Steger, my clerk, was heard to say, "This is crazy. I've clerked so many of these adoptions and this is the first one that I ever cried at."

Adoptions are often the high point of the week for a trial judge. This was more like a high point of the year. Something very powerful had occurred and it had not really been expected. We glimpsed firsthand the tremendous depth and power of love among these five people. If anyone questions the value and importance of adoption, they should have experienced this! ■

This story was used with the permission of the family.



Judge Andrew P. Bissonnette with Sarah, the newly "adopted" Sophie, and Molly.

PEOPLE

Walworth County has joined a growing list of counties pursuing people who do not respond to jury summonses. On May 1, the judges began issuing bench warrants for individuals who had received, and failed to return, jury questionnaires.



Judge Michael S. Gibbs

By April, they had issued 175 warrants. "It's a wake-up call," Judge **Michael S. Gibbs** told *The Janesville Gazette*. "For the court system to work properly, we need jurors to protect the constitutional rights of their fellow citizens."

"Judge brings not just order, but art, to the courtroom," a feature in the *Watertown Daily Times*, showcased Judge **William F. Hue's** new "Art in the Courts" project. The project has brought more than 60 pieces of art to the Jefferson County Courthouse, including about 40 from the Watertown Arts Council and approximately 20 from Hue's private collection. The artwork ranges from the large, abstract pieces that hang in the back of Hue's courtroom to more traditional pieces that depict the flag, the U.S. Constitution, and other symbols of law.



Judge William F. Hue

"I think it makes the courtroom more comfortable and less sterile," he told the newspaper. "The pieces make this setting more 'human'." Hue told the newspaper he has taken several pieces down, either because they presented safety concerns or because people found them distracting, but most of the art has been well-received. Funded with a start-up grant from Hue, Art in the Courts is collecting donations through Whitewater Atty. **Martin Harrison**.

When Kenosha's Central High School unveiled its new Wall of Success, the four living inductees included two judges: **Mary K. Wagner** (class of 1967), who has served on the bench in Kenosha County Circuit Court since 1991, and **Denise Nau** (class of 1975), a newly appointed drug court judge in Cheyenne, Wyo. Wagner, who attended law school at night while serving in the state Assembly, is deputy chief judge for the Second Judicial District



Justice Jon P. Wilcox

(Kenosha, Racine, and Walworth counties).

Justice **Jon P. Wilcox** was the guest speaker in May at a ceremony inducting Harv Erdman – also known as "Mr. Music" – into the Wautoma Area School District's Badura Wall of Fame. Erdman was a music instructor at Wautoma High School from 1947-84 and is the second teacher added to the wall of fame.

The first was to the late Jeff Badura last year. In his speech, Wilcox named Erdman a "legend in his own time," reported the *Waushara Argus* (Wautoma).

In a front-page story headlined, "Do we need a mental health court?", *The Capital Times* explored the concept of mental health courts and the pros and cons of developing one in Madison. The story said a local committee that included Judge **Gerald Nichol**, District Atty. **Brian Blanchard**, Atty. **Dorothea Watson** of the State Public Defender's Office, and representatives of Dane County Human Services, recently voted to apply for a \$300,000 grant to fund a new mental health court, but the eight Dane County judges in the criminal rotation stopped the grant application. The story quoted Judge **Sarah B. O'Brien**, who explained that the judges did not believe the time was right – given the budget crisis, growing caseloads, and the need to save existing jail-diversion programs – to create a new specialty court. In addition, Judge **Stuart A. Schwartz** said that a mental health court likely would require enabling legislation, given that this type of court typically enforces medication. Others expressed concern that Dane County's mental health agency might not be able to handle an increase in referrals. County Executive **Kathleen Falk** expressed disappointment that the new court would not be pursued: "I actually thought at one time that we stopped jailing mentally ill people in the 18th century. But apparently I was mistaken in Dane County," the newspaper quoted her as saying.

"Judge for all seasons," a front-page feature story in *The Capital Times*, traced the highlights of U.S. Senior Judge **Thomas E. Fairchild's** lengthy career in the law. As serving as the state's attorney general and making an unsuccessful run against Sen. **Joseph McCarthy**, Fairchild won a seat on the Wisconsin Supreme Court. His father, Justice **Edward T. Fairchild**, was retiring from the Court as he swore in his son in 1957. Thomas Fairchild, now 90 years old, served one term on the state Supreme Court before moving to the U.S. Court of Appeals in Chicago. There, he handled the famous "Chicago Seven" case, stemming from riots at the 1968 Democratic National Convention. In his lengthy career, Fairchild has won numerous honors but no tribute has meant more to him than the Fairchild Lectureship established at the University of Wisconsin in 1988. His former law clerks initiated the annual seminar, and several of them spoke to the newspaper, calling Fairchild a kind, remarkable man with great integrity.

Judge **Mel Flanagan**, Milwaukee County Circuit Court, has added a triathlon to her list of athletic credits. Flanagan, a black belt in Aikido who regularly teaches self-defense classes at the annual Judicial Conference, competed in the Danskin Triathlon on July 13 in Kenosha. She finished 1,855 out of 2,226 participants, completing the half-mile swim in 27 minutes, the 16-mile bike ride in 42 minutes, and the five-kilometer run in 34 minutes. Several colleagues helped Flanagan to achieve this goal. Judges **Kitty K. Brennan**, Milwaukee County Circuit Court, and **Patricia S. Curley**, Wisconsin Court of Appeals, trained with her but did not compete, and Judge **Mary Kay Wagner**, Kenosha County Circuit Court,

see **People** on page 17



Judge Stuart A. Schwartz



Justice Thomas E. Fairchild



Judge Mel Flanagan

VOLUNTEERS IN THE COURTS

Dodge County begins victim-offender conferences

For those who troll for symbols, locked doors are a treasure: the darkness, the separation, and suspicion. So it seemed fitting that the very first case to come to Dodge County's new restorative justice program – a project that emphasizes communication and reconciliation through victim-offender conferences – focused on locked doors.

The offenders, two teenagers aged 13 and 15, met with the victim and the facilitator at the scene of the crime: a northern Dodge County church that they burglarized. In the conference, the offenders learned from the pastor that the teens had stolen something irreplaceable: the sense of security that once was felt within the church walls. Since the burglary, the pastor told the teens, the doors to the church are always locked. This is the only way to safeguard the people who work there, including a number of elderly women who are afraid.

"This one young man had no idea how far-reaching his actions were," said Nancy Franke, director of Restorative Justice for Dodge County. Franke said the meeting was an emotional one, and it ended with the teens agreeing to the pastor's request that they meet with the ministers in their own churches and ask to be assigned community service work. Franke's job, in addition to organizing the program and fundraising, is to make sure those promises are kept.

Three months ago, there was no opportunity for victim to meet offender, ask questions, explain the crime's impact, and be directly involved in designing a restitution plan. That has changed, thanks to the leadership of Judges Andrew P. Bissonnette, Daniel W. Klossner, and John R. Storck, all of whom helped to lead the effort. "Once I heard about restorative justice and what impact it was having in other Wisconsin communities, I knew that we needed to bring it to Dodge County to benefit our citizens as well," Bissonnette said. "Restorative justice programs leave victims feeling safer and more satisfied, while reducing recidivism for young offenders."

After securing a grant from the Office of Justice Assistance (*see* The Third Branch, *winter 2003*), the county established a board of directors for the program (the board includes representatives of law enforcement, clergy, social workers, and county government) and the board hired Franke, a longtime volunteer coordinator for Dodge County Human Services, to work 32 hours per week as program director. In May, after having recruited volunteers, Franke brought in a team from Barron County Restorative Justice to conduct six hours of training.

"We now have 18 volunteers who are just out-of-this-world," Franke said. The facilitators include teachers (both active and retired), social workers, home-makers, nurses, a father-daughter team, and a husband and wife. For now, they are handling only selected cases involving non-violent juvenile offenders. If the victim turns down the offer of a facilitated meeting, s/he still has the option of receiving a letter of apology from the offender.

The next step is to develop victim impact panels, which are designed to give offenders an up-close look at the devastation that can result from drunk driving. Victims spend about an hour relating their stories as offenders listen. According to an Outagamie County study, 14.7 percent of offenders who attended a victim impact panel committed another drunk driving offense; the recidivism rate among those who did not attend was 36.4 percent. "We just need to decide the types of cases we're going to pick, and identify victims who are willing to participate," Franke said.

Recruitment and fundraising for all restorative justice initiatives are at the top of Franke's list, and she has booked meetings with local civic groups, religious leaders, and professional organizations into 2004. "This weekend, the 4-H is putting on a car wash and donating the proceeds for restorative justice," she said. "As word gets out, everybody wants to get involved." ■

CASA, WTCA set annual conferences

The Wisconsin CASA (Court Appointed Special Advocates) Association and Wisconsin Teen Court Association (WTCA) will both hold their second annual conferences this September.

CASA

The Wisconsin CASA Association has announced their second annual conference open to CASA volunteers, professionals in social services and mental health, judges, guardian ad litem attorneys, foster parents, and educators. The conference will be at the Kalahari Resort in Wisconsin Dells on September



20, 2003. The keynote

speaker will be Atty.

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IN A CHILD'S LIFE.™**

Adam Cornell; Chief Justice Shirley S. Abrahamson will also speak.

The Wisconsin CASA Association supports the development, growth and continuation of local CASA programs that recruit and train volunteers to serve as Court Appointed Special Advocates for children who are subjects of judicial proceedings involving allegations that they have been abused, neglected, and are in need of protection or services. The Association also serves as a resource to educate, promote and strengthen CASA services in Wisconsin.

There are currently eight CASA programs in Wisconsin for the following counties: Bayfield County, Brown County, Columbia-Sauk Counties, Dane County, Fond du Lac County, Kenosha County, La Crosse County, and Milwaukee County. Volunteers for each program range from 16 to 43, serving up to 100 children in some programs.

For more information contact the Wisconsin CASA Association at (608) 742-5344 or e-mail wicasa@wisconsin-casa.org.

VOLUNTEERS IN THE COURTS

Conferences *continued from page 12*

Teen court

The Wisconsin Teen Court Association (WTCA) is proud to announce the second statewide conference for teen court coordinators, volunteers, and those interested in developing or learning more about the teen court process. The conference is scheduled for Thursday, September 25 at the Plaza Hotel and Suites in Wausau. Brochures will be available by the end of July.

Justice Ann Walsh Bradley will be the keynote speaker. The conference will feature awards, and specialized breakout sessions. The breakout sessions will be offered for coordinators, youth volunteers, and sessions of interest to both. Topics will include community service learning, interviewing and creative sentencing options, parenting programs for parents of defendants, and others.

The first statewide conference, held in November 2001, had over 200 participants from a variety of backgrounds,

including many youth volunteers. Teen court is a restorative justice response to effectively deal with first time juvenile offenders. In Wisconsin, the statewide recidivism rate for teens who complete teen court programs is 10-20 percent, as much as five times lower than the rate for the traditional juvenile justice system. Teen court is cost effective as well, with most teen court programs costing less than incarceration or foster care for one juvenile offender for one year. ■

For more information contact WTCA President Nancy Anne Livingston of Vilas County Teen Court at 715-479-3749 or e-mail nancy.livingston@ces.uwex.edu; or WTCA Vice President Shirley Zahn of Winnebago County Teen Court at 920-236-1120 or e-mail szahn@co.winnebago.wi.us.

Sheboygan Teen Court cuts services

The Sheboygan Teen Court, one of the longest-running teen courts in Wisconsin (the oldest, in Winnebago County, was launched by Judge Bruce Schmidt in 1996), cut its hours almost in half as of June 1 because of budget problems.

In its six-year life, the Sheboygan Teen Court has been funded with a patchwork of grants from the Office of Justice Assistance, Sheboygan County, United Way, the Sheboygan School District, and civic organizations such as Rotary. But several of these grants have run out, and no permanent funding source has been found.

Sheboygan Teen Court Coordinator Jeanne Jentsch, an employee of Lutheran Social Services and the longest-serving teen court leader in the state, said she was forced to cut back from 20 hours per week to 13. While she was not certain what impact the reduced hours would have on the court's ability to handle cases, Jentsch said it is likely that it will not be able to convene every month as it has at a minimum since 1997.

In 2002, the court handled 53 cases involving offenders between the ages of 12 and 16 who admitted to retail theft, disorderly conduct, smoking, criminal damage to property, trespassing, curfew violations, vandalism, and fireworks offenses. The most recent recidivism numbers show that 88 percent of kids going through the teen court stay out of trouble in the year that follows.

Key to keeping the recidivism figure low is Jentsch's active monitoring of each teen's progress. The offender has six months from the date of the sentence in which to complete all requirements or be referred to the district attorney's office for prosecution.

Like most of Wisconsin's 30 teen courts, the Sheboygan court requires that the offenders sit on future teen court juries as part of the sentence. The court also provides

important experience for students from the Lakeshore Technical College criminal justice program, who serve as judges.

Jentsch hopes to continue taking interns from the technical college and plans to strengthen her effort to communicate the importance of the teen court to the schools and the community. She is also expanding her work to Manitowoc, where she is taking over for retired Sheriff Tom Kocourek, who helped to start the Manitowoc Teen Court. That court, established two years ago and based on the Sheboygan model, has found funding through 2004 from three foundations.

New municipal court hopes to make use of teen court

In spite of the Sheboygan County Teen Court's shortened hours, a new municipal court in Plymouth is considering sending cases there.

Atty. Elizabeth Gamsky Rich, State Bar of Wisconsin *pro bono* coordinator, has volunteered to promote the teen court and seek additional funding from businesses around the community. According to the latest figures, the teen court in Sheboygan can function on \$25,000 per year. For one juvenile to stay in detention for seven months it would cost the county \$175 per day or approximately \$36,700. "With that in mind, one successful case would pay for itself," said Rich.

Hoping to increase the usage of teen court, Rich is currently working with Jeanne Jentsch, Sheboygan teen court coordinator, to improve the court's visibility. ■

For more information contact Rich at (920) 892-2449.

Summer
2003

New faces *continued from front page*

coming into my court dealing cocaine to their own people. Whole black communities are destroyed because of folks like you ... who think this is a good way to make a living. You are doing nothing but the devil's duty."

Before he joined the circuit court, Higginbotham was Madison's full-time municipal judge from 1992-94. He began his career as a staff attorney at the Legal Aid Society of Milwaukee in 1985.

Higginbotham was among five finalists culled from a pool of 21 applicants. Others making the final cut were: Judge Ramona A. Gonzalez, La Crosse County Circuit Court; Department of Justice Attys. Maureen McGlynn Flanagan and JoAnne Kloppenburg; and Onalaska Atty. Janet Jenkins.

District IV hears appeals from 24 counties in the central and southwest portions of the state. Higginbotham is joining Judges David G. Deininger, Charles P. Dykman, Paul G. Lundsten, and Margaret J. Vergeront.

Three circuit court appointments pending

At press time, there were vacancies in branches of the circuit court in Dane, Marathon, and Milwaukee counties.

In Dane County, the governor will select a replacement for Judge Paul B. Higginbotham, whom he appointed to the Court of Appeals. In Milwaukee County, the seat held for 11 years by Judge Jacqueline D. Schellinger is vacant following her retirement this summer (applications were due in late June); and in Marathon County, Judge Raymond F. Thums' retirement after 15 years on the bench has created a vacancy (applications were due in early June).

Chief deputy for Supreme Court/Court of Appeals named

Cornelia Clark, clerk of the Wisconsin Supreme Court and Court of Appeals, has appointed Dawn Sturdevant Baum as her chief deputy clerk. Baum will handle a variety of tasks including researching and drafting Supreme Court rules petitions. She will begin the job on August 20.

Baum has been working as the only attorney on the staff of the Supreme Court of the Navaho Nation in Window Rock, Ariz. She is a member of the Menominee Nation and a Wisconsin native who received her law degree in 2001 from the University of Wisconsin Law School.

Baum replaces Theresa Owens, who served in the role from May 2000 until her resignation July 2. Owens is now clerk of court for the U.S. District Court in Madison (*see separate story, page 5*).

Colwin named state law librarian

Effective June 30, the Wisconsin Supreme Court appointed longtime Wisconsin State Law Library employee Jane Colwin to the post of state law librarian. Colwin will oversee the operation of the main library in the Risser Justice Center on the Capitol Square as well as the branch libraries in the Dane County and Milwaukee County courthouses.

Colwin has served as interim co-state law librarian, along with librarian Julie Tessmer, since February 2000.

Tessmer has been appointed deputy law librarian.

Colwin frequently gives presentations on computerized legal information resources for lawyers, judges and librarians and teaches at both the Wisconsin Judicial College and the Wisconsin Judicial Conference. In collaboration with other Wisconsin State Law Library staff she developed and now co-teaches a half-day course, Wisconsin Legal Research in a Nutshell, which has been presented to groups of public, academic, and special librarians across Wisconsin.



Jane Colwin

The Wisconsin State Law Library is the state's oldest library, established by the U.S. Congress when the Wisconsin Territory was created in 1836 so that the frontier legislators would have access to law books. The library has since expanded its mission and now serves not only legislators, judges, and attorneys, but government agencies, media, and members of the public.

Former coordinator rejoins CHIPS program

Michelle Jensen-Goodwin, who coordinated the Children's Court Improvement Program in the Office of Court Operations from 1997-2001, returned to the courts on July 14 to continue her work on the project.

Jensen-Goodwin, who returned as director of the Children's Court Improvement Program, will administer a federal grant designed to improve the handling of children in need of protection or services. She will work closely with the U.S. Department of Health and Human Services, the Wisconsin Department of Health and Family Services, and circuit courts throughout the state to implement child welfare system improvements.

The improvements are largely focused on moving children out of foster care and into permanent homes more quickly. The federal Adoption and Safe Families Act (ASFA), adopted in November 1997, put a number of requirements in place to help ensure permanency for children. In January 2000, the Federal Administration on Children, Youth, and Families, a division of the U.S. Department of Health and Human Services, issued regulations to secure state compliance with ASFA and Title IV, Part E of the Social Security Act, which governs eligibility for foster care.

Prior to returning to the Office of Court Operations, Jensen-Goodwin was employed by the Wisconsin Department of Health and Family Services as a Child Welfare Policy specialist for two years where she was responsible for bringing the state's statutes, administrative rules and Title IV-E program policy into further compliance with ASFA. ■

Have an opinion? PPAC wants to hear it

by Dan Wassink, PPAC senior policy analyst

Do you have opinions on the future of the court system? Suggestions for issues the courts should pay special attention to over the next few years? If so, the Supreme Court's Planning and Policy Advisory Committee's (PPAC) planning subcommittee is ready to listen.

The subcommittee is once again soliciting the opinions of staff from all levels of the court system. Court managers and PPAC members already have had their say; and *Third Branch* readers already may have received the survey recently mailed to supreme court justices, appellate judges, circuit court judges, clerks of court, and district court administrators.

The survey offers a wide range of critical issues affecting the courts, and asks the recipient to score them using a numerical scale.

When the subcommittee conducted a similar survey in 2001, the top issues included the growing number of *pro se* litigants, the dwindling number of court reporters, indigency guidelines, and the rising dependence on fees and surcharges to fund various programs. The results of this survey helped shape the subcommittee's final report to the Supreme Court and director of state courts, and helped set the agenda for the court system. Since then, significant progress has been made in addressing the critical issues identified in that report, particularly in the areas of court system funding and court interpreters.

At this year's Judicial Conference, PPAC will present another opportunity to offer feedback. Slated for the afternoon of Thursday, October 16, the session will give attendees a chance to speak their minds on the critical issues facing the courts. Preliminary plans are to focus on the top issues from the summer survey, then engage participants in a moderated discussion about topics of the audience's choosing.

The planning subcommittee will use the information from the summer survey and the Judicial Conference in the final stages of its work. Members will examine the responses from court system employees, combine this information with the opinions solicited from attorneys and the general public, and determine the four or five most critical issues facing the courts within the next three to five years. That information, along with strategies for addressing the top issues, achieving desired outcomes, and determining how to measure success, will be forwarded to the Supreme Court and the director of state courts in the subcommittee's final report late next year. ■

Juvenile Justice Commission is named

Governor Jim Doyle has named Judges Andrew P. Bissonnette, Dodge County Circuit Court, and Christopher R. Foley, Milwaukee County Circuit Court, along with Dane County Juvenile Court Commissioner James Moeser, to the Governor's Juvenile Justice Commission.

The commission advises the governor on juvenile justice policy and approves federal grants designed to prevent and respond to juvenile crime. Through the commission, the governor makes funds available to local units of government and community organizations for high priority projects addressing youth needs in the community.

In addition to judges, the commission includes attorneys,

Immigration bureau funds videoconferencing in Manitowoc

The U.S. Bureau of Citizenship and Immigration Services (formerly known as Immigration and Naturalization Services, or INS) has provided a \$75,000 grant to develop a videoconferencing system in the Manitowoc County Courthouse. Clerk of Circuit Court Joe Bauknecht added \$15,000 from his office budget to move the project forward; it was set to begin operating by August 1, and was expected to handle at least three hearings each week.

The system will make videoconferencing available in each of Manitowoc County's four courtrooms and the county jail. One of the courtroom sets will be permanent; the other three will be on wheels.

The immigration bureau will use the equipment to conduct hearings with alleged illegal immigrants in the Manitowoc County Jail. The bureau's Chicago office, which covers Illinois, Indiana, and Wisconsin, has had an increasingly heavy caseload in the Manitowoc area. The equipment also will be available to the courts, which anticipate conducting intake hearings via videoconference.

The system was designed by a team that visited other sites (Chippewa County, in particular, was found to have a well designed system) and followed the best practices laid out in *Bridging the Distance: Implementing Videoconferencing in Wisconsin*, a June 1999 manual developed by now-Director of State Courts John Voelker in partnership with the Wisconsin Counties Association.

The people on the planning committee are: Clerk of Circuit Court Joe Bauknecht; Public Works Director Jeffrey Beyer; Information Services Director Bob Blashe; Circuit Court Commissioner Patricia Coppa; Judge Darryl W. Deets; County Executive Dan Fischer; Assistant Jail Administrator Jeff Hastreiter; Judge Fred H. Hazlewood; Register in Probate/Juvenile Court Commissioner Patricia Koppa; District Court Administrator Jerry Lang; Juvenile Jail Administrator Larry Ledvina; Comptroller/Auditor Todd Reckelberg; District Attorney Mark Rohrer; Corporation Counsel Steve Rollins; Clinical Services Supervisor Dave Schibline; Human Services Director Tom Stanton; and Judge Patrick L. Willis. ■

The videoconferencing manual can be found at www.wicourts.gov/circuit/videoconferencing.htm. For more information on the Manitowoc County project, contact Jeffrey Beyer at jeffbeyer@co.manitowoc.wi.us.

youth advocates, representatives of community organizations, service providers, law enforcement officials, and educators. The other new members are: Atty. Jennifer Bias, deputy director of the State Public Defender's Trial Division, Racine; Terrance Erickson, executive director of the Boys & Girls Club of Greater La Crosse; Atty. Barbara Franks, assistant Dane County district attorney; Karen Harden, Hayward, owner of a non-profit business development company in northern rural Wisconsin; Annette Hetherington, Baraboo, team manager at SITEL North America; Police Chief Jerald Jansen, Shorewood Hills Police Department; Tasha Jenkins, executive director of Fighting Back, Inc., Milwaukee; Police

see **Commission** on page 22

DCA returns from Persian Gulf

District Nine Court Administrator Scott K. Johnson, an Air Force major, has returned from five months of active duty in the Persian Gulf. Although still on active duty, he is able to spend some time with his wife in their new home in Wausau and will return to the office next week.

Johnson's return will usher "reserve" District Court Administrator James Seidel – much to Seidel's delight – back into retirement. The Committee of Chief Judges at its August meeting thanked Seidel for his hard work.

Due to budget uncertainty, the vacancy in the District Six office, located in Stevens Point, will continue for the foreseeable future, and a district administrative assistant (DAA) position (in District Three, headquartered in Waukesha) also will be held open. In addition, an extended medical leave has left the District II (headquartered in Racine) office without DAA coverage.

The Committee of Chief Judges addressed the need to plan for continuing coverage for these vacancies at its June meeting, appointing a subcommittee to develop a plan.

Chief Judge James Evenson, Sauk County Circuit Court, chaired the subcommittee; other members included Chief Judges Edward R. Brunner, Barron County Circuit Court, and Kathryn W. Foster, Waukesha County Circuit Court; and District Court Administrators Kerry Connelly, Michael Neimon, Bruce Harvey, and Kathleen M. Murphy.

The subcommittee recommended a plan to the director of state courts. Under this plan, three of the district court administrators are dividing responsibility for the central Wisconsin counties that are not covered, and District I is helping out with DAA coverage. The director's office will develop the final plan for coverage based on these recommendations.

Wisconsin's system for court administration divides the state into 10 districts, each with a professional administrator, an assistant, and a chief judge and deputy chief judge. This 10-district system has been in place since the reorganization of the court system in 1977-78. ■

CELEBRATING THE SESQUICENTENNIAL

Supreme Court traveling exhibit attracts crowds around state

Justice John Barnes served just eight years on the Wisconsin Supreme Court before opting to return to private practice, but in that time he made his mark with plainspoken decisions that sparkled with wit.

Barnes is the only Rhinelander lawyer to have served on the state's highest court. Justice Ann Walsh Bradley and Oneida County Circuit Court Judge Robert A. Kinney recently honored him at a ceremony to unveil the Supreme Court's traveling exhibit in Rhinelander's courthouse, which is an historic landmark.

Standing in the rotunda of the courthouse, which was completed in 1910

during Barnes' term on the Supreme Court, Bradley told the assembled crowd of lawyers, court staff, county officials, and media about Barnes' last decision. The case centered on whether holding public school graduation ceremonies in local churches was a violation of the Constitution. Barnes wrote for a unanimous Court that affirmed the trial court: the school board was not violating anyone's rights by holding these ceremonies in church facilities. But then, he added a passage – which Bradley read aloud at the ceremony – that showcases his wit and common sense:

We do not underrate the efficacy of prayer. Neither are we prepared to say that the average high school graduate may not need it. But whenever it is likely to do more harm than good, it might well be dispensed with. It is not at all times wise or politic to do certain things although no legal rights would be invaded by doing them.

The traveling exhibit highlights six cases in honor of the Supreme Court's 150th anniversary as a separate court, a

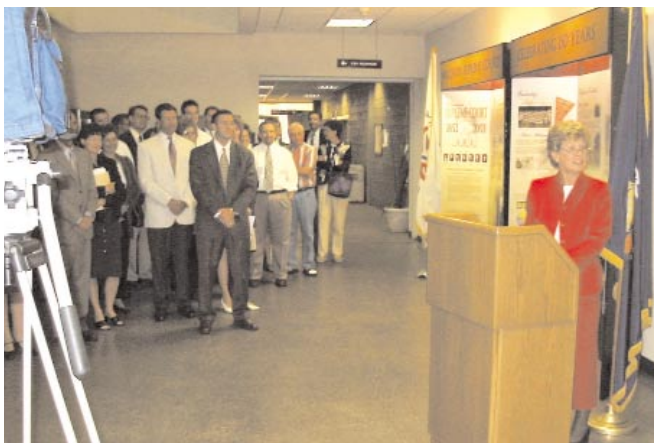
milestone that is being celebrated throughout 2003. While none of the cases involved Justice John Barnes, they do highlight issues as diverse as margarine smuggling, women's suffrage, and the fate of fugitive slaves, and therefore offer a colorful tour of the state's history.

Prior to the Rhinelander stop, the exhibit spent the month of June in Oshkosh, moved to Wausau for July. In September, it will head for Green Bay and a Superior

visit is slated for October. The exhibit was developed with two grants, and the cost of travel is being borne by county bar associations. ■



Justice John Barnes



Justice Ann Walsh Bradley presided over an unveiling ceremony in the Marathon County Courthouse in July when the Supreme Court's traveling exhibit stopped in Wausau.

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contributed her condominium on the lake for Flanagan's race prep.

"No fooling/State draws line at creating false criminal histories" appeared in a June issue of *Isthmus*, Madison's weekly alternative newspaper. The article discussed research by the Department of Justice's Crime Information Bureau into whether false criminal histories could be posted on Wisconsin Circuit Court Access (WCCA) in order to protect undercover agents from being exposed through a WCCA search. Circuit Court Automation Program (CCAP) Director Jean Bousquet pointed out that WCCA does not generate data, but merely posts what the clerks of circuit court enter into CCAP. The inquiry never reached the clerks; Attorney General Peg Lautenschlager decided, according to *Isthmus*, that the problematic idea should be dropped.

A decision by Marathon County Sheriff **Randy Hoenisch** to eliminate the drug abuse resistance education (DARE) program in 12 public and parochial schools and redirect the money toward increased courthouse security caused a public outcry and left the local judges – who did not play a role in the decision – to defend themselves against criticism. Judge **Dorothy L. Bain**, Marathon County Circuit Court, told *The Record Review* (Edgar): "Ending DARE is a tragedy. I didn't get rid of DARE."



Judge Dorothy L. Bain

A decision by Judge **Vincent K. Howard**, Marathon County Circuit Court, that the Marshfield Clinic is not tax-exempt, made big headlines in April. "Clinic loses Wausau tax case," a front-page *Marshfield News Herald* story, said that the clinic was trying to recover about \$1.4 million in taxes it argued it should not have had to pay as a benevolent association and research facility. But Howard found that about two percent of the clinic's patients receive free care, and he wrote: "while medical research may be one of the clinic's main missions and perhaps its highest endeavor, it is incidental to the primary business conducted at either the Mosinee or Wausau Centers."



Judge Vincent K. Howard

When Chief Judge **James B. Mohr**, Vilas County Circuit Court, suggested rotating the judge's bench slightly more toward the gallery during a remodeling of the courthouse's smaller courtroom, he did not anticipate that he would later be blamed for a layout problem that blocks the judge's view of the witness stand. "Mohr says he's not to blame for courtroom design errors," a story in *The Three Lakes News*, said the architect told the county's Public Property Committee that Mohr's suggestion was to blame for the bad sight line. Mohr took issue with that assessment in a letter to the architect that was reprinted, in part, in the newspaper. "It should not have been my obligation to lower the railing so the courtroom was functional,"

Mohr wrote. "That is why people hire architects and pay them a fee."

The Wisconsin Court of Appeals, District I, made headlines around the state in May when it reversed a circuit court ruling that had barred lawsuits against Excel Corp., which supplied meat contaminated with E. coli to Sizzler restaurants in Milwaukee and Wauwatosa. The appeals court reinstated 14 lawsuits against the company; the bad meat killed a three-year-old girl and sickened about 60 other people in July 2000.

"Judge says news organizations do not have to turn over notes to prosecutors" was the headline on an Associated Press story that appeared in newspapers around the state. The story heralded Judge **Gregory E. Grau's** ruling that permitted the *Wausau Daily Herald* and WSAW-TV to withhold their notes from jailhouse interviews with a man accused of kidnapping a woman who was later found dead. The media outlets had responded to a subpoena by indicating that they were willing to turn over what had been publicly aired, but not their notes and raw videotape footage.

A Wisconsin Supreme Court decision granting a new trial because one juror could not understand English adequately (and so stated on the juror questionnaire) was reported in newspapers around the state in May. The Court overturned a sexual assault conviction from Brown County Circuit Court, finding that a Laotian immigrant who had lived in the United States for 20 years but did not understand English should not have been permitted to remain on the jury. During deliberations, other members of the panel had sent the judge a note expressing concerns about the juror. They also had requested that the bailiff find an interpreter, but were told that none was available.

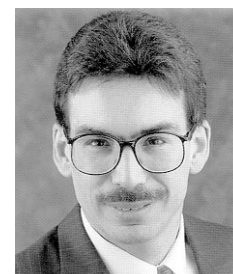
Wisconsin Public Radio reported on a decision on bathroom privacy by the Wisconsin Court of Appeals, District II. The court ruled that privacy cannot be expected if a person is in the stall with another individual and the door is ajar. The case involved a police officer who pushed on a stall door at the Racine Civic Center after the officer noted two sets of feet near the toilet and heard whispering. The officer found cocaine, but Judge **Wayne J. Marik**, Racine County Circuit Court, barred it from evidence, ruling that people should be able to expect privacy in a bathroom stall.

Judge **Patrick J. Madden**, Iron County Circuit Court, is participating in the Hurley School District's new Academic Hall of Fame, an effort to inspire students to perform well. Madden and other steering committee members are creating plaques to honor the valedictorian, salutatorian, and senior members of the National Honor Society in each class. The plaques will hang in the school commons, opposite the long-standing Athletic Hall of Fame.

Author/historian **James Bradley**, brother-in-law of Justice **Ann Walsh Bradley**, has written a new book, *Flyboys, a True Story of Courage*. Due out in September, the book tells the story of seven Navy pilots who were shot



Judge James B. Mohr



Judge Gregory E. Grau



Judge Wayne J. Marik

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down in the Pacific during World War II and the secret of what happened to them. Bradley's last book, *Flags of Our Fathers*, was number one on the *New York Times* bestseller list. The book traced the lives of the Iwo Jima flag raisers, one of whom was Bradley's father, John.



Judge Patrick C. Haughney

A letter to a sentencing judge from a concerned member of the public sparked a courtroom discussion that made headlines in the *Waukesha Freeman* in May. Judge **Patrick C. Haughney**, Waukesha County Circuit Court, received the letter when he was presiding in a case involving a man who ran a red light while driving a cement truck, killing one woman and injuring another. The correspondent was unconnected with the case, but had been widowed in a similar accident. Haughney made note of the letter on the record, expressing concern about attempts to sway judges: "Unlike legislation, which can be subject to the will of the people, criminal sentences are not supposed to be subjected to a popularity contest," the newspaper quoted Haughney as saying. "What the issue is becoming is one where people want to, in effect, lobby for a particular sentence. You can lobby a legislator for a particular legislative action, but it's not appropriate to lobby a judge to attempt to turn the outcome of a decision, especially when the person is not even a participant in the case."



Judge Elsa C. Lamelas

In the early 1920s, immigrants from Mexico – called "The First Ones" – came to Milwaukee where work was plentiful. **Geary Morales** of *The Shepherd Express* (Milwaukee) recently compiled a feature entitled "The Current Ones," listing Milwaukee's Latino leaders. Judge **Elsa C. Lamelas**, Milwaukee County Circuit Court, and Reserve Judge **Ness Flores** are among those with honorable mention. Lamelas, the first Latina on the bench in Milwaukee, received accolades for championing improvements in interpreter services and for her own occasional use of her native Spanish in the courtroom.

The La Crosse Tribune recently ran a letter to the editor from Judge **John J. Perlich**, La Crosse County Circuit Court. Perlich urged the community to support the Criminal Justice Management Council and the "rational, logical, and inexpensive programs that it is proposing" in lieu of building a multimillion dollar addition to the county jail.



Justice Ann Walsh Bradley

Justice **Ann Walsh Bradley** was featured in two large, colorful stories as she ushered the Supreme Court's traveling exhibit around the state in June and July. The Oshkosh Northwestern featured Bradley, Judge **Robert A. Haase**, and Winnebago County Bar President **Karen Seifert** describing the famous Supreme Court cases depicted in the exhibit and sharing stories of the connections between Winnebago County and the Supreme Court. Haase was not shown in the media coverage, although Reserve Judge **William E. Crane** was prominent. Bradley also was featured in the Wausau Daily Herald, her hometown newspaper, when she joined Judge **Dorothy L. Bain** and Marathon County Bar President **Mike Moran** in presiding at an unveiling ceremony at the Marathon County Courthouse. That ceremony attracted about 80 people, including judges and lawyers from around

the county.

"No Strings Attached," the musical group made up of lawyers, judges, clerks, and court reporters that has become a fixture at the annual Judicial Conference, could not be brought in this year, so Judicial Education Director **David Hass** pulled together volunteers for a substitute group, "No Strings Attached – Light." The members are Judges **Michael O. Bohren**, Waukesha County Circuit Court (violin); **Frederic W. Fleishauer**, Portage County Circuit Court (violin); **Victor Manian**, Milwaukee County Circuit Court (violin); and **Francis T. Wasieleski**, piano, Milwaukee County Circuit Court; and Reserve Judges **Robert W. Landry**, violin; and **Timothy L. Vocke**, cello.

Celebrating its 10th year, Beaver Dam Municipal Court continues to save money for Beaver Dam. Municipal Judge **Judy Johnsen** started out as the clerk of courts and soon found herself in the judge's seat after the death of then-Judge Gary Johnson. "By operating our own municipal court we get all of the forfeitures and all of the court costs," Johnsen told the *Daily Citizen* (Beaver Dam). Clerk of Court **Dawn Kuzniewicz** said that employing a number of techniques to collect fines – suspending drivers' licenses, bringing in collection agencies, and intercepting state income tax refunds – has increased collections dramatically. "So far we've collected over \$20,000 using those methods," said Kuzniewicz.

"Judge clashes with board over reports," a story in the *La Crosse Tribune*, said that Judge **Dane F. Morey**, Buffalo/Pepin County Circuit Court, issued an order in May denying a request from the Pepin County Board for an annual report from the judge's office. Morey last delivered a report to the board in 2002, which he noted would be the final one they would receive. County board supervisors told the newspaper that annual reports are important to ensure accountability in the expenditure of public funds, but Morey pointed out that he is paid by the state and is under no legal obligation to file reports with another branch of government.



Judge Dane F. Morey

Fifteen women judges from around Wisconsin donated a total of \$900 to bring their counterparts from war-torn nations to the National Association of Women Judges' (NAWJ) annual conference in October in Washington, D.C. Judge **Mel Flanagan**, editor of the NAWJ newsletter, said Wisconsin's effort would fund several scholarships to the conference. "This effort will demonstrate our commitment to justice throughout the world and provide much needed support and encouragement for their efforts abroad," she wrote to the contributors. ■

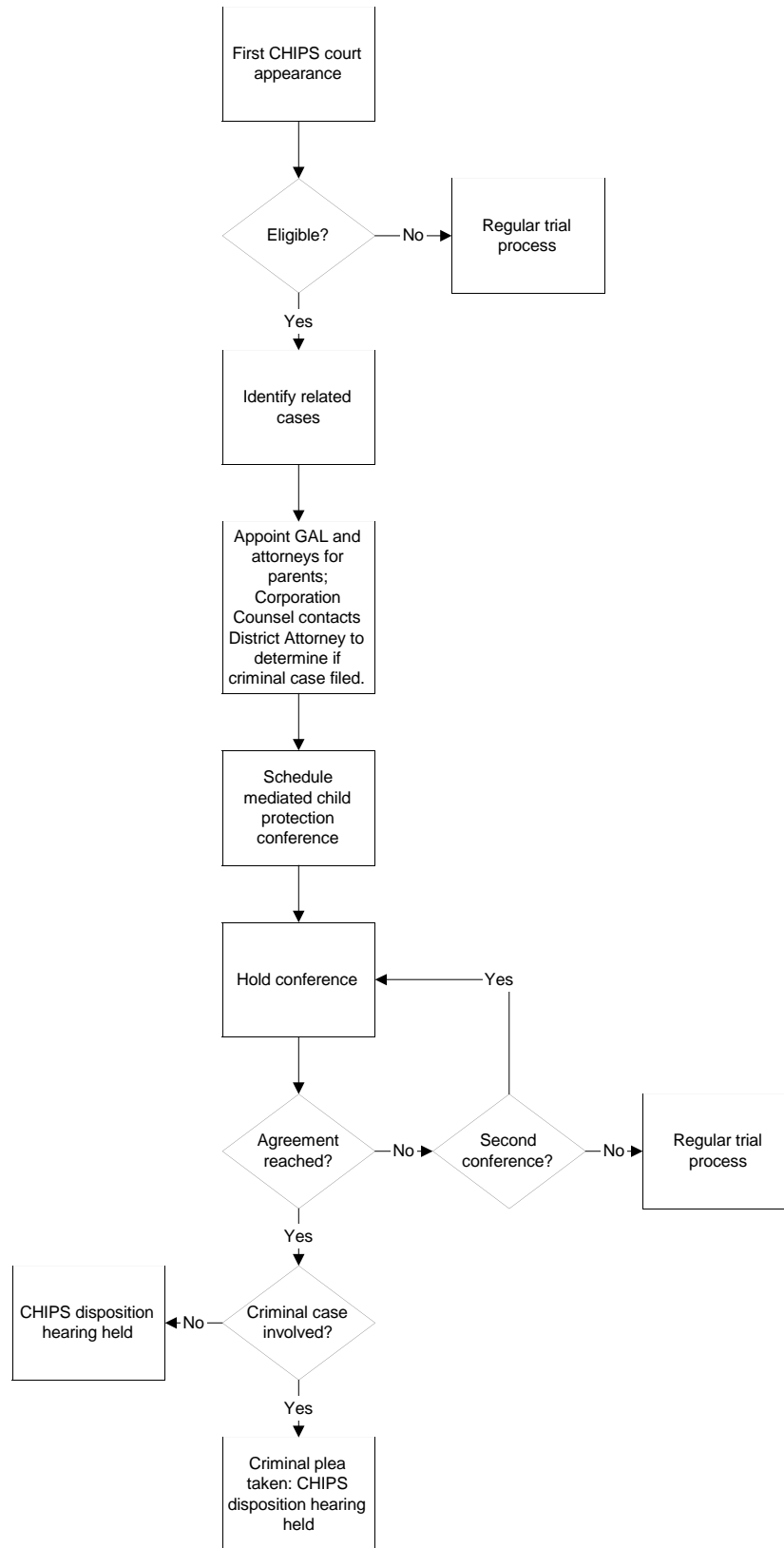
meeting between judges, social workers, mediators, and prosecutors from La Crosse and their visiting counterparts from Madison. Judge John C. Albert, who took over in August as presiding judge in Dane County Juvenile Division, arranged the visit because he hopes to adapt the La Crosse program to bring a less adversarial, and more collegial, approach to CHIPS cases in Madison.

Albert acknowledges that it may take his full two years at the helm to make the changes. Dane County tried once before, without success, to institute mediation in certain family court cases. But, he said, the benefits of the new approach make it worth trying again.

Albert, along with Assistant Dane County District Atty. Meryl Manhardt, Juvenile Court Commissioner Jim Olds, Amy Orlin of Dane County Human Services, and District Court Administrator Gail Richardson, spent the morning at the La Crosse Courthouse and asked lots of questions. Olds, who handles most CHIPS cases, wanted to know whether children are present during the mediations. The response was that they often are, if they are old enough, although there is no firm age limit and in some criminal cases it is not appropriate to have the victim present. It is especially important to involve teenagers, they learned, and to involve foster parents in TPR (termination of parental rights) mediations.

Albert hopes to return to La Crosse in late August to watch a mediation and then, after careful planning, to bring one of the La Crosse mediators to Madison to handle a few cases on an experimental basis. These mediations might be conducted at a facility that is set up for non-intrusive videotaping so, if the parties consent, a video could be created for training purposes. ■

La Crosse unified family court procedure



Web award

continued from page 4

include legal research materials, free computer/printer use, brief consultations with volunteer lawyers, and much more.

Created with an interactive technology grant from the State Justice Institute, the Web site debuted in early 2002, when the courthouse Self-Help Center opened. Justice Served said the Web site exemplifies "super service."

The Waukesha County Family Court Self-Help site is at courtselfhelp.waukeshacounty.gov (note there is no "www").

Management team

continued from front page

ment of reserve judges), policy analysis and budget.

The Office of Management Services, under the direction of Radloff, is responsible for internal functions of the state court system such as personnel, budgeting, payroll, benefits, purchasing, and facilities management.

The Consolidated Court Automation Programs (CCAP), under Bousquet's leadership, provides state-of-the-art computer technology and software to Wisconsin's courts by developing hardware and software and providing training and technical support.

Voelker, who was formerly executive assistant to the chief justice, continues to handle some of those duties. Gervasi is continuing to serve as legislative liaison until a replacement is hired. ■

Obituaries

continued from page 3

His four children, Mary, Jane, Jim, and Bob, survive him along with a sister, grandchildren, and other relatives. His wife, Helen, preceded in death in 2001. ■

The other nine best sites

Superior Court of California, County of Santa Clara –

www.sccsuperiorcourt.org

Santa Clara's jury service status information, self-help section, online traffic school, and ability to accept traffic ticket payments online made this site a winner.

Subordinate Courts of Singapore – www.subcourts.gov.sg

Justice Served recognized this site for "a stunning array of court Web features, including multi-door courthouse, e-commerce online dispute resolution, videoconferencing for attorney court appearances, small claims e-filing (and video appearances), and a good self-help center."

National Center for State Courts – www.ncsconline.org

This site was hailed as a "full-fledged court information portal for all things related to judicial administration." NCSC won points for sorting the content into intuitive categories and providing a "stunning variety of court-related topics."

New Jersey Judiciary – www.judiciary.state.nj.us

Justice Served said several state court Web sites were strong contenders, but New Jersey's e-filing, statewide traffic index and online payment service, statewide civil calendar index, online opinions, and a mass tort information center put it over the top.

Pierce County (Wash.) Legal Information Network Exchange –

www.co.pierce.wa.us/cfapps/linx/main.cfm

This site offers an electronic inmate indexing feature that includes booking charges and links to Superior Court (trial court) cases. Users can also view and print Superior Court and jail calendars online. Finally, this site has case indexing, a host of online attorney content and an e-filing Intranet.

U.S. Bankruptcy Court for the District of Columbia –

www.dcb.uscourts.gov

Again, Justice Served pointed to a "robust" e-filing system and the ability to take online payments from attorneys as key. But setting this site apart is its layout and the case information that it provides (which, at .07 per page is similar to what the Circuit Court Automation Program makes available for free).

U.S. District Court for the District of Columbia – www.dcd.uscourts.gov

The e-filing feature is praised, as well as the "readily accessible" dockets, calendars, and opinions. Justice Served also lauded the availability of e-mail notification on high-profile case activities for interested parties, something the Wisconsin courts also provide.

Vermilion (Ohio) Municipal Court – www.vermilionmunicipalcourt.org

"Just because a limited jurisdiction court serves a population base of only 11,000, doesn't mean they don't appreciate the need for quality Web court services," Justice Served said. This site won points for its online payment services and for providing a list of services and information the clerks can provide.

Alchua County (Fla.) Clerk of the Court – www.clerk-alachua-fl.org

This site offers an online civil traffic citation index, online jury excusal/reassignment, and a host of electronically accessible public records. Noteworthy extras include ancient records and a virtual museum.

WISCONSIN CONNECTS

Milwaukee judge teaches in Latvia

by Beth Bishop Perrigo, deputy district court administrator

Milwaukee County Circuit Court Judge Michael J. Dwyer joined three other Wisconsin residents in May for a journey to Eastern Europe to share information in a program entitled "An Introduction to U.S. Laws Protecting Children and Women from Abuse" in Latvia.

The program was the second offering in a U.S.-Latvia educational exchange, and it illustrated the stark differences in the two countries' justice systems. "Some concepts presented seemed questionable to the attendees," Dwyer said. "For example, the Latvians thought that a 12-person jury seemed inefficient and the concept of a plea bargain was difficult for them to understand. In their eyes, a person is either guilty or innocent."

The program presented information on legislative and legal issues related to domestic violence and child abuse and included an overview of the U.S. justice system and lawmaking. Specialty courts were covered, and case scenarios were used as a basis for discussion of U.S. court procedure.

It was held in four cities and attended by more than 200 Latvian legislators, social workers, police, prosecutors, lawyers, government ministry staff, judges, and others involved in protecting adults and children from abuse. Other presenters included former state Senator Joanne Huelsman of Waukesha, Walworth County District Attorney Phillip A. Koss, and Margaret Flood, an independent social worker.

"The seminars were well received," Dwyer said. "Attendees were fascinated by our legal system. Our adversarial system and jury trials were foreign to them. It was apparent that our governmental system of checks and balances is difficult for them to understand. In Latvia, where concepts such as mandatory arrest and mandatory reporting of child abuse are unknown, the issues of child abuse and domestic violence appear to be seriously underreported. The professionals charged with the prevention of these problems appear eager to address them."

The program was organized by The Kids First Fund and the Bulduri Family Care Centre organized the sessions, which were supported in part by a grant from the U.S. embassy in Latvia.

The Kids First Fund, which paid Dwyer's expenses, is a non-profit organization that provides shelter and programs for orphaned, handicapped, sexually and physically abused, and pregnant children in Latvia. Shorewood resident Jay Sorensen founded the organization in 1999 after he and his wife adopted twin boys from Latvia. The Bulduri Family Care Center works with the Kids First Fund in delivering services in Latvia.



Milwaukee County Circuit Court Judge Michael J. Dwyer (left), was one of four Wisconsin experts who traveled to Latvia recently to teach seminars on U.S. laws that address child abuse and other domestic violence. Working with Dwyer were, from left, social worker Margaret Flood; Valdis Ronde, former director of pediatrics at Riga Children's Hospital; former state Senator Joanne Huelsman; and Walworth County District Atty. Phillip A. Koss.

Cane selected for national judicial ed committee

Chief Judge Thomas Cane, Wisconsin Court of Appeals, District III, has been appointed to serve on the Education Committee of the Council of Chief Judges, a subdivision of the American Bar Association.

The Council is comprised of chief judges from intermediate appellate courts around the nation. Its annual meetings give the judges an opportunity to share ideas on the administration of justice and learn about new ways to improve the operation of their courts.

Cane is working with chief judges from Indiana, Louisiana, Massachusetts, New York, and Pennsylvania to plan the 2003 meeting, which will be held in Boston in October. ■

GAL conference set for November

The fourth annual *Through the Eyes of a Child: A Multi-Disciplinary Approach to Child Advocacy* will take place at the Kalahari Resort Convention Center, Wisconsin Dells, on November 13-14.

Among the featured presenters are Atty. Daniel Bissett, Winnebago County court commissioner; and circuit court Judges Christopher R. Foley, Milwaukee County; John P. Hoffmann, Waupaca County; and Maryann Sumi, Dane County. They will discuss the juvenile court and best practices for guardians *ad litem*

and social workers.

Other featured sessions will include infant mental health, perinatal mood disorders, working with sex offenders, improving outcomes with families in poverty, ethical concerns of guardians *ad litem*, the Indian Child Welfare Act, child development, and more.

For more information or to register, call (888) 391-4255 or go online at www.uwex.edu/ces/flp/conference. The cost is \$125 to register.

Summer
2003

Online juror qualification to be explored

Each year, in early spring, more than 8,000 Waukesha County residents are sent juror qualification questionnaires to establish a pool of potential jurors for the upcoming jury year, which runs July–June. It is a



Dane County, like Waukesha, has undertaken a variety of initiatives to make jury service easier on those who are called to serve.

ritual that is repeated, at different times, in each of Wisconsin's 72 counties.

This year, however, Waukesha County tried a new approach: allowing recipients to complete and return their questionnaires online. Without hearing any advance publicity, 551 residents, or about seven percent of those contacted, had opted to use the new feature by late July, saving \$220 in postage.

Clerk of Circuit Court Carolyn Evenson pioneered the effort. She

hoped it would help to improve customer service, decrease postage costs, save staff time, and improve the accuracy of the jury database. On all counts, it has delivered. Evenson reported that jurors who chose the option pronounced the online questionnaire easy to use, and that staff found it allows for "quick and accurate transfer of information to CCAP, as entry can be made by cutting and pasting."

Online qualification now is being reviewed by the Consolidated Court Automation Programs (CCAP) for possible replication statewide. When this expansion might occur is unclear, given CCAP's heavy workload and existing projects coupled with the requirement that counties use a standardized juror questionnaire.

"We demonstrated the success of online questionnaires and hoped to encourage the implementation of a statewide, computerized option in the future," Evenson said. "So we are very pleased with CCAP's decision to explore a larger initiative." ■

Commission *continued from page 15*

Chief Kenneth Johnson, St. Croix Tribal Police Department; Anthony Maggiore, a Glendale human services program consultant; Jeannetta Robinson, co-founder of Career Youth Development, Inc., Milwaukee; Ronald Rochon, Onalaska, interim director of the School of Education, College of Health, Physical Education, Recreation and Teacher Education at the University of Wisconsin-La Crosse; John Sweeney, Rhinelander, administrator of the Northcentral Drug Task Force; and Polly Wolner of Rice Lake, executive director of Barron County Restorative Justice.

Milwaukee judge joins Judicial Commission

The Supreme Court has appointed Judge David A. Hansher, who has served on the Milwaukee County Circuit Court since 1991, to a three-year term on the Wisconsin Judicial Commission. Hansher replaces Chief Judge Kathryn W. Foster, who has served the maximum two terms on the commission.

The commission is still short one member, and a gubernatorial appoint-

ment is expected.

Created by the state Legislature in 1978, the Judicial Commission's role is to investigate possible misconduct or disability allegations against Wisconsin judges and determine whether there is probable cause to proceed with a prosecution. If so, the commission initiates a proceeding against the judge in the Wisconsin Supreme Court.

The commission's members are required to include one Court of Appeals judge, one circuit court judge, and two attorneys, all appointed by the Supreme Court; and five non-lawyer members appointed by the governor with Senate confirmation.

Hansher joins the following members on the commission: Court of Appeals Judge Charles P. Dykman; Attys. Philip R. Brehm, Green Bay; and Hannah C. Dugan, Milwaukee; and public members Spyro G. Condos, Lake Geneva; Clifford LeClair, La Crosse; Roger T. Reinemann, Mequon; and Ileen Sikowski, Crivitz.

Atty. James C. Alexander has been the commission's executive director since August 1990. ■

Wausau to host Courts and the Media seminar

A group of 30 judges, lawyers, and members of the news media will be selected to participate in a half-day seminar in Wausau on Wednesday, September 10, from 8:30 a.m. to 1:30 p.m., at the Best Western Midway Hotel in Wausau.

The seminar, for which one judicial education credit is normally granted, will feature a role-reversal exercise in which reporters will handle a criminal sentencing and judges will write the headlines. An explanation of Truth in Sentencing, and an update on its status, will also be provided by Dane County Circuit Court Judge Patrick J. Fiedler.

The session is the fifth in a series of regional seminars sponsored by the Media-Law Relations Committee of the State Bar of Wisconsin and the Wisconsin Supreme Court. The seminars are designed to improve communication between the courts and the media. Judges, prosecutors, criminal defense lawyers, and journalists from the following counties are invited to attend this free event: Clark, Forest, Langlade, Lincoln, Marathon, Oneida, Portage, Price, Taylor, Vilas, and Wood.

The first Courts and the Media seminar took place in Green Bay in April 1999 and was followed by similar events in Madison, Milwaukee, and Eau Claire. "We have chosen to spend time on sentencing because it's arguably the most difficult part of a judge's job, and we believe it is important for reporters to develop a better understanding of how sentences are crafted," said Chief Justice Shirley S. Abrahamson, who will speak at the session. "The sentencing exercise will give reporters an opportunity to step into the judge's shoes in a case that presents some very difficult choices. And we'll also have an opportunity to test the judges' reporting skills, which should be fun," she said.

The session includes continental breakfast, lunch, and binders full of resources to help reporters cover the courts. There is no charge, but participation will be limited to a total of 30 people and spots are expected to fill up quickly.

Judges who are interested in participating should contact Court Information Officer Amanda Todd at (608) 264-6256 or e-mail amanda.todd@wicourts.gov by August 20 to register.

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Dane County improves TRO processing

Dane County judges have found a new use for existing CCAP (Consolidated Court Automation Programs) technology that will make enforcement of injunctions easier for law enforcement and provide more assurance to petitioners.

Each Dane County judge serves one week as duty judge on a rotating basis. The duty judge hears domestic abuse, child abuse, and harassment injunctions, using carbonized versions of the state forms (CV-404, 405, 406, and 407), which include the petition, notice, injunction, and supplemental page.

To provide copies for all parties, five or six sheets are necessary, and therein lies the problem. These carbonized forms are often barely legible even when new, and, as petitioners, representatives of law enforcement, and domestic violence advocates recently brought to the attention of the court, they get worse with time. After the petitioner carries these documents around for up to two years, they are rarely legible. This has led to problems and delays in enforcement in some cases.

After reviewing options, a solution was found. Judge C. William Foust was the first to experiment with a version of in-court processing of injunctions. During his turn as duty judge in July

2003, when he granted an injunction he instructed the clerk as to how the injunction should be completed and the required number of copies to be printed, including one for the Department of Justice's Crime Information Bureau Handgun Hotline, if a handgun restriction were ordered. While he gave his decision and instructions to the parties, the clerk sent the document to the office printer directly from the courtroom computer. The judge signed the order and copies were distributed. The result was clean, legible copies for all parties. If the injunction is not granted, the same procedure is used with form CV-409, Dismissal Order (Injunction).

Foust said attorneys appreciated receiving their own clean copies of the injunction, and parties, court staff, and advocates were enthusiastic about the process. After a day or two of adjustment, there was no delay in case processing.

The forms are being made available in the Dane County Law Library where library staff will assist petitioners in completing and printing them so that the petition for a temporary restraining order can be presented to the family court commissioner for approval before filing with the clerk's office. This helps self-represented parties create legible, sufficient documents. ■



Judge C. William Foust

Foust's how-to

Judge William Foust recommends the following steps for processing temporary restraining orders under his system:

1. Create separate folders for domestic violence, harassment, and child abuse folders within "My Documents" in Microsoft Word on a shared drive.
2. Open and save the forms from CCAP to your folders.
3. Before or during the hearing, ask staff to
4. personalize the blank form and use "Save As" to give it a unique name, e.g. 03CV123-Smith v. Jones. The judge's decision requires checking a number of boxes and, in some cases, adding a bit of text.
5. Be sure you have access to a nearby printer. CCAP provides the courtroom computer and forms that can be filled out online. An advantage of this system is that CCAP ensures that all form updates are incorporated.