

The Third Branch



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Racine Receives \$100,000 for Project Safe Start

Racine County has been awarded a \$100,000 grant from the U.S. Department of Justice to plan and develop a program to address the dual problems of domestic violence and teen pregnancy.

The program, Project Safe Start, will be a model for the rest of the state and is part of the Wisconsin Supreme Court's Families, Children and Justice Initiative. The grant application was submitted in cooperation with the Supreme Court.

"I know that this effort will help Racine achieve its goal of becoming the most youth-friendly city in Wisconsin by the year 2000," Judge Gerald P. Ptacek, Racine County Circuit Court, said at a press conference.

Racine's commitment to stemming the tide of domestic violence and adolescent pregnancy and the state court system's Volunteers in the Courts program and Families, Children and Justice Initiative impressed U.S. Attorney General Janet Reno during her visit to Wisconsin last May.

Racine County human services workers, judges and citizens have become increasingly concerned about adolescent childbearing and the variety of troubling issues teen mothers and their children face. A recent study revealed that 16 girls give birth each week in



Judge Gerald P. Ptacek

Racine. The community does provide a number of important services, but they are scattered among more than 20 agencies and many individuals.

Project Safe Start will develop a plan to bring these services together and, where necessary, augment them. The plan will have four components: a shelter for adolescent runaway girls; a residential program for adolescent mothers and their children; a continuum of comprehensive community services for the new mothers and a service

provider network to improve communication among the people who work with this population.

Project Safe Start will be developed through a cooperative effort of the Women's Resource Center, the Association of Funding Organizations and its Adolescent Pregnancy Prevention Collaborative, the Racine County Executive and other public officials, the county Human Services Department, Racine County judges, local law enforcement and the state court system. ❖

Judicial Pensions

A new law brings to fruition efforts by the national Conference of Chief Justices and others to amend federal pension regulations. It ends the 20-year period of uncertainty surrounding how, and if, the Internal Revenue Service would apply the nondiscrimination provisions for private sector pension plans to state and local plans.

On August 5, President Clinton signed the Taxpayer Relief Act of 1997 which makes permanent the current practice of exempting state and local government pension plans from the nondiscrimination provisions.

Courts Fare Well in Budget

by: **David Suchman**
Budget Officer

On October 13, after eight months of on-again, off-again action by the Legislature, the 1997-1999 biennial budget was enacted. Although many requests were turned down, the courts still fared better in this budget than they have in the recent past.

For example: CCAP project positions were finally made permanent; CCAP was given additional funds, from a fee increase, to replace aging computer equipment at the circuit court level; limited-term employees positions in the Clerk of Supreme Court and Court of Appeals' office were made permanent and two new positions were

created (one in human resources and one as the assistant to the chief justice).

Considering the delay, the courts' budget looks remarkably similar to the version passed by the Joint Committee on Finance last April. There have been two major additions since that time:

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My Induction Into the National Association of Women Judges

by: **Mark A. Frankel**
Dane County Circuit Court Judge

When asked if I would be willing to serve as a representative of the Wisconsin judiciary to the National Association of Women Judges (NAWJ), I initially responded with more than a little reluctance and surprise. I was told that the appointment of a male judge would serve to foster greater diversity within the organization. Having been supportive of the group since its inception, and feeling my sexual identity to be firmly intact, I ultimately agreed to serve in this unique capacity.

I attended the NAWJ's national meeting this fall in Salt Lake City with my wife. Judges Mel Flanagan and Arlene D. Connors, both of Milwaukee County Circuit Court, attended as well. (*Editor's note: Flanagan gave a presentation on the judicial role in permanency planning and the long-term effect of foster care on children; for a copy, call (608) 264-6256.*)

The conference was extremely well organized and the outgrowth of a tremendous amount of planning and volunteer labor. My overall impression of both the conference and organization was very positive and enthusiastic. The speakers (men and women) came from all over the country and had impressive credentials. Despite

my status as one of very few male judges in attendance, I was greeted warmly and enthusiastically by my female judicial colleagues.

What impressed me most, in contrast to more traditional male-dominated judicial conferences, was the willingness of the NAWJ members to examine candidly the underpinnings of how judicial business is conducted with an eye on implementing fundamental changes to enhance the judicial process. Here, traditional approaches were often seen as more of a hindrance than a value to be preserved.

The conference theme was "therapeutic justice," a theory under which the law is a therapeutic agent. The concept dictates that courts should operate in such a way that the participants are better off when they leave the courthouse than when they came (or at least no worse off). The concept suggests, for example, that judges must focus on the underlying causes of alcohol and other drug abuse problems that result in people coming to court rather than just limiting our attention to the consequences of the abuses. Drug treatment courts are a logical outgrowth of "therapeutic justice."

Similarly, "therapeutic justice" supports the idea that judges might choose to judicially "mediate" rather than "litigate" contested divorces because of the potentially more benign impact on the litigants.

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Judicial, Legislative and Executive Branches Strengthen Relations For Better Government

by: **Sheryl A. Gervasi**
Legislative Liaison

Good communication among the judiciary, the legislature and the executive branch is critical to good government. While divided into three branches, separate and independent from each other, all those who work in state government have a common goal: to serve the public. Yet all too often the legislative, executive and judicial branches go their separate ways, missing opportunities to understand the others' unique yet complementary roles in our scheme of government and to talk with one another.

Actions taken by one branch often affect the business of the others. The legislative and executive branches set the budget. The legislature creates substantive law which changes the workload and business of the courts. The quality of legislative drafting affects cases, many of which involve statutory interpretation. And on a more

personal level, the legislature sets the compensation of judges, including salary, benefits and retirement.

The judiciary is important to the legislative function as well. If the legislative process is considered as a continuum, the judiciary is at the far end of that continuum as judges interpret and rule on legislative enactments.

Much has been written about barriers to interbranch communication. Some barriers are healthy; they exist by constitutional design and function to ensure that the three branches remain separate, equal and independent.

Other barriers to interbranch communication are, however, unhealthy. Among those are lack of knowledge about the other branches' institutional roles, work methods and problems and ingrained negative attitudes which make it difficult for members of any one branch to absorb and evaluate information about another branch with open minds.

In recent years the Supreme Court, the Director of State Courts office and representatives of the other two branches have been working to break down the unhealthy barriers and to foster better understanding among the branches.

Three-Branch Discussion Group Fosters Communication

The Three-Branch Discussion Group (informally known as the Huelsman Gang) was created after a team from Wisconsin attended a 1995 conference on interbranch communication. While at the conference, the Wisconsin team identified a number of shared concerns that no single branch of government had the power to address alone. Team members, led by then-Justice Shirley S. Abrahamson and Sen. Joanne B. Huelsman, then chair of the Senate Judiciary Committee, decided to continue the dialogue after returning home.

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Plan to Improve Handling of CHIPS Moves Forward

by: **Michelle M. Jensen**
Court Improvement
Program Coordinator

Young adults, biological parents and foster parents participating in cases involving abused, neglected and/or delinquent children (CHIPS cases) were interviewed this summer and fall about



Chief Justice Shirley S. Abrahamson addressed the Hayward Area Rotary Club during her September trip to Sawyer County to meet with, and show her appreciation for, the local CHIPS Case Processing Court Improvement Team. (Photo courtesy Sawyer County Record)

their experiences as part of a new program to improve how these cases are handled. The responses are telling:

- young adults who have gone or are going through CHIPS and/or delinquency proceedings did not feel people in the system really listened to what they were saying simply because they were “kids”;
- biological parents with children involved in CHIPS proceedings stated the court process is extremely confusing and that no one in the system, except for private attorneys, has the time to explain the process;
- several foster parents expressed frustration at not being given adequate notice of court hearings and an opportunity to offer their observations about a child’s behavior;

- many juveniles perceived that what happened to them in the system depended more on the personality of the judge, social worker and district attorney assigned to their case than on the offense committed;
- one parent, frustrated with the number of times her delinquent child’s placements changed, requested that her child be sent to corrections so that he would stay in one place long enough to get services.

This and other information gathered in 15 focus group interviews was presented at a November conference at the Wingspread facility in Racine. This was to help ensure that the perspective of those persons going through the court system would not be overlooked when identifying potential improvements. A summary of the focus group findings was completed in October and is available for distribution [call (608) 266-1557].

The focus groups are part of a project funded by the Court Improvement Program, a federal grant providing Wisconsin with money to assess and enhance the court system’s handling of CHIPS cases.

An assessment detailing the strengths and weaknesses of

CHIPS case processing in four Wisconsin counties—Eau Claire, Milwaukee, Sauk and Sawyer—was completed in April 1997. In response to the recommendations outlined in the assessment, the focus groups were conducted and the following activities have been, or are being, implemented:

- CHIPS Case Processing Guidebooks (*see sidebar*)
- CHIPS Case Processing Improvement Teams

Started in Kenosha and Sawyer Counties, these teams, comprised of attorneys, judges, social service providers, law enforcement officers, school officials and court administrators, meet often with the consultants to discuss case processing practices in their jurisdictions.

- Wingspread Conference

Another important component of the CHIPS project was a three-day conference, *A Coordinated Approach to Family Law Cases*, that took place early in November at the Wingspread facility in Racine. The conference brought together individuals representing a broad range of disciplines, so that all who work to assist troubled families and children could be involved in improving the system.

- SACWIS-CCAP Partnership

The state Department of Health and Family Services (DHFS) and the Circuit Court Automation Program (CCAP) are
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CHIPS Guidebooks Hot off the Presses

Four guidebooks that can be adapted to reflect local practices are currently in production.

Work in two pilot counties—Kenosha and Sawyer—concluded in late October with the completion of the first two guidebooks, called *A Practical Guide to CHIPS Case Processing*. La Crosse and St. Croix counties began work on their guidebooks in September.

The guidebooks include:

- an overview of the CHIPS system for use by the diverse agencies and individuals involved in CHIPS proceedings;
- a list of the roles, responsibilities and rights of the parties and all the actors in the CHIPS system;
- a description of how the various agencies involved in CHIPS cases work as one team;
- methods for coordinating various agencies at each step in the process;
- a discussion of confidentiality issues;
- an inventory of CHIPS resources, such as model forms, examples of reports and descriptions of referral agency services.

Wisconsin Builds Model Family Courts

Model courts for handling family matters will be set up in Manitowoc and La Crosse Counties as part of the Wisconsin Family Court Project funded with a grant from the State Justice Institute.

The Center for Public Policy Studies in Denver will guide the Family Court Project, which will examine how well different court structures implement the goals of family court.

In addition to programming and evaluating the two model courts, the project will establish a comprehensive framework of potential court structures for providing exemplary service to

families in court and prepare and disseminate statewide and to other states a *Guide to Approaches for Serving Families in the Courts*.

The *Guide* will:

- document the framework of potential family court structures;
- describe the results of the demonstration projects and
- offer practical guidelines for using a variety of court structures to improve family courts.

An advisory board of Wisconsin justice system professionals familiar with families and the courts will oversee the project. ❖

Women Judges *continued from page 2*

There were also a number of interesting sessions on disparate topics:

- judges interested in public outreach modeled court-adjunct programs they have designed to deal with problems facing criminal and juvenile court litigants, such as one that provides educational opportunities for offenders and another that promotes family group conferencing in CHIPS (child in need of protection or services)-type cases;
- a profoundly disabled assistant attorney general from Utah gave a very moving

presentation on the Americans with Disabilities Act. He suggested many simple remedies such as creating a separate row of juror chairs outside the jury box so that a juror in a wheelchair will not have to sit alone;

- a number of speakers addressed the importance of gender and racial neutrality in the daily conduct of judicial business;
- another very interesting presentation focused on the evolving Restatement of Principle of Family Law being developed by the American Law Institute. I believe these preliminary standards offer some very creative and worthwhile approaches to creating uniform state standards for

property division, maintenance and child support in areas that have been characterized by *ad hoc* principles across various state jurisdictions.

The program concluded with a scholarly approach to feminist jurisprudence and an entertaining address by U.S. Supreme Court Justice Ruth Bader Ginsberg. Justice Ginsberg was introduced by Senator Orrin Hatch, who attempted to justify the Senate's rather slow progress on confirming federal judges.

Although I was in a vast minority, I am grateful for having been given the opportunity to participate in this organization. My first NAWJ conference was an altogether

Clerks Change in Brown, Milwaukee Counties

Lynn Verheyen, clerk of circuit court in Brown County since January 1, 1993, has resigned her post to spend more time with her daughter and to pursue other career interests. The resignation was effective November 3. Chief Deputy Clerk Jeanne Ramsden will act as clerk until the Brown County Circuit Court judges complete recruitment and appointment of a new clerk of circuit court. The new clerk will have to seek election in fall 1998.

Jon W. Sanfilippo, chief deputy clerk of circuit court in Milwaukee County, will be acting as clerk there for the foreseeable

future, managing the office's nearly 300 employees and \$30 million budget.

Sanfilippo, who has been chief deputy for three years, is an attorney and also spent 13 years as clerk of circuit court in Washington County. Sanfilippo was recently appointed a judicial court commissioner in Milwaukee County to help out with intake.

Gary J. Barczak, clerk of circuit court in Milwaukee County, is out of the office indefinitely following a drug arrest. ❖

CHIPS Moves Forward *continued from page 3*

pursuing ways for the courts' computers to exchange information with DHFS' Statewide Automated Child Welfare Information System (SACWIS). This potential sharing of information, still in the early phases of discussion, could save both the courts and social workers time and money through better coordination and communication.

• Wisconsin Families, Children and Justice Initiative

This is the umbrella under which the Court Improvement Project—and its many spin-off projects—fits. The Wisconsin Supreme Court started this broad program in 1995 to address overall court services to families. Besides the Court Improvement Project, the Initiative includes:

- a specialty seminar for judges on handling domestic violence cases;

– cross-training (December 3-5 in Madison) for judges and social workers on issues such as psychological testing, assessing the risks presented by delinquent youth, children's adjustment to foster care, denial and deception in sex offenders, and more.

– Project Safe Start (*see story page 1*).

For more information about Court Improvement Program activities, contact John Voelker at (608) 266-8861 or Michelle Jensen at (608) 266-1557. ❖

New Faces in the Courts

Judge Steven D. Ebert, Dane County Circuit Court



Judge Steven D. Ebert

In his 18 years as a prosecutor in the Office of the Attorney General, Steve Ebert handled a wide variety of jury trials, including civil rights actions, prisoner litigation, personal injury matters, medical malpractice cases (defending state-employed physicians) and many criminal matters. One of his high profile cases was *State v. McDonald*, the first-degree murder trial of a former circuit court judge.

Ebert, 50, is a Madison native who graduated from East High School in 1965 and immediately enlisted in the Navy. When he was honorably separated in 1969, he enrolled at the University of Wisconsin where he received a bachelor's degree in political science in 1973. He received his law degree from Drake University Law School in Des Moines, Iowa, in 1976.

He took the seat of Judge Jack Aulik, who retired but is filling in for Judge Michael Torphy through the end of the year. Torphy is recovering from an injury. Aulik ended his 11-year career on the bench by ripping off his toupee and tossing it into the crowd at his retirement party. The Madison media ran extensive stories on this development, noting that partygoers passed around the judge's hairpiece, trying it on.

Ebert began his career as an assistant district attorney in Rock County in 1976. In 1978, he became a supervising attorney/lecturer at the University of Wisconsin Law School's Legal Assistance to Institutionalized Persons Program. In 1979, he was appointed an assistant attorney general.

He also served as an alderman and a municipal judge in the city of Stoughton. Ebert currently lives in Madison with his wife, Barbara Ebert, and daughters, Alexandra, 13, and Ashley, 12. His son, Abraham, 19, is a student at the University of Minnesota-Duluth.



Judge C. William Foust,

Dane County Circuit Court



Judge C. William Foust

"Bittersweet" was how former Dane County District Attorney Bill Foust described his appointment to fill the vacancy created by the death of Judge George A.W. Northrup, 53. The men were friends and colleagues. (See *Northrup obituary*, page 6).

Foust, 45, spent nearly 13 years in the district attorney's office, working as an assistant district attorney in the late 70s and early 80s, then leaving to work first as an assistant public defender in Milwaukee and then in private practice in Madison before returning as district attorney for almost nine years.

Foust received his bachelor's degree from the University of Wisconsin in 1974 and his law degree from the University of Wisconsin Law School in 1978.

He has served on numerous committees during his tenure as district attorney, including: the Jury Study Committee, the Attorney General's DNA Task Force, the Governor's Treatment Alternative Program Advisory Board, the Dane County Drug Treatment Court Planning/Advisory Committee and the Campaign Finance Reform Committee of the Dane County Board.

Foust's wife, Melissa A. Cherney, works for WEAC in Madison. The couple have two sons, Kyle, 10, and James, 6. ❖



Clerk Gloria J. Vaughn

Clerk of Circuit Court Gloria J. Vaughn, Barron County

Barron County Circuit Court Judges Edward R. Brunner and James C. Eaton have appointed Gloria J. Vaughn, a social worker, to be the new clerk of circuit court. Vaughn's appointment runs through November 1998, when she must run for election.

She is replacing former Clerk of Circuit Court Judith Espeseth who stepped down in July after serving ten years. Espeseth is now working for Proguard, a non-profit agency that manages finances for people under guardianship.

Vaughn, a Viroqua native, has a degree in social welfare from UW-Eau Claire and was a social worker for five years in Pepin County. She spent another two years with the Wisconsin Department of Health and Social Services and worked as an instructor at the technical college in Rice Lake.

"We are just delighted to have her on board," Eaton said. "She is very energetic and has extensive experience managing people and programs. She's been a real hit with the people who have come into contact with her."

Vaughn lives in Rice Lake with her husband, Raymond Vaughn, a vice president at Firststar Bank. They have a son, Greg, 22, a student at the University of Wisconsin-Eau Claire and a daughter, Anna, 20, a student at the University of Wisconsin-Madison.

In her free time, Vaughn is a Habitat for Humanity volunteer. ❖



DCA Bruce M. Harvey

District Court Administrator Bruce M. Harvey, Milwaukee County

Bruce M. Harvey, administrator of Milwaukee County's criminal and children's courts since 1989, was appointed district court administrator for the Milwaukee courts. He took over in mid-October.

In his role as Milwaukee County's Justice System Review Coordinator, Harvey was responsible for development of the felony speedy trial courts, which are a model for the nation.

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Obituaries

Judge William Byrne Dane County Circuit Court

Judge William Byrne broke new ground in Wisconsin 20 years ago with a “palimony” decision that said a woman could sue to divide property with her former live-in boyfriend. The case was just one of a number of high-profile and/or precedent-setting cases over which Byrne presided in his 24 years on the bench.

Byrne died October 1 at a Madison hospital, one day after suffering a massive stroke at his home. He was 72.

Byrne was at his best in family court, where he was able to use his gift for working with children. He was well known—both on and off the bench—for his quick wit and ability to tell a story.

The son of an artist (John Byrne, whose murals grace the state Capitol and the University of Wisconsin-Madison campus), Byrne credited a series of jobs he held while in law school for teaching him to treat every person with respect. He drove a cab and a Brinks truck, delivered fish and operated an elevator in the Tenney Building (which now houses a number of court offices).

Byrne is survived by his wife, Patricia Ann (Loney) Byrne. He was preceded in death by his only child, a son. ❖

Judge George A.W. Northrup Dane County Circuit Court

Judge George A.W. Northrup died of cancer on September 10 in Big Timber, Montana, in the middle of a long drive home from visiting his family in western Canada. He was 53.

Northrup, known for his hard work, gentle nature and sense of fairness, sat on the bench in Dane County for 12 years. He spent much of that time in juvenile court.

In one of many public tributes to Northrup, the *Wisconsin State Journal* had this to say:

“(Judge Northrup) was one of the gentlest, fairest people to ever smack a gavel. He was also one of the hardest-working. Maybe it was

because he was gay. Northrup never made a big deal about his sexual orientation, and neither did anyone else. But because he was gay, he knew what it felt like to be hated, to believe that the system is biased against you, to be deprived of what you believe are basic rights. Lots of people who appeared before Northrup during his 19-year career as a judge and court commissioner had those same feelings—not because they were gay, but because they were African-American or Hispanic or angry Anglos or frightened children. Northrup never accepted these feelings as an excuse for criminal behavior, but he did understand them better than most. Thus, he treated every defendant with dignity. Most left his courtroom believing that the judge had at least listened to them. And he had.”

Northrup is survived by his parents, four brothers, a sister and many close friends. He was preceded in death by Larry Small, his partner of 24 years, in 1994. ❖

Judge Donald E. Schnabel Lincoln County Circuit Court

Judge Donald E. Schnabel, a hard-working judge who was credited for getting the Lincoln Hills School built in his county, died in July. He was 86.

Schnabel served two terms as city attorney for the City of Merrill and six terms as Lincoln County district attorney before his appointment in 1955 to Lincoln County Court.

Schnabel was passionate about history and worked to keep the Lincoln County Courthouse up to code without jeopardizing its historic integrity. His work to bring Lincoln Hills to the community evolved from his concern for the economic viability of the area, and his belief that non-farm employment was desperately needed.

Schnabel semi-retired in 1980, continuing to work in private practice and as a reserve judge.

He and his wife, Mabel (Hafferman) Schnabel, had eight children, 19 grandchildren and eight great-grandchildren. ❖

Budget

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- A new judgeship and associated court reporter position were created in Oconto County, effective August 1, 1998. This judgeship bypassed the established process for creating new judgeships which relies on comparative weighted caseload statistics using separate legislation.
- Milwaukee County was given the authority to create offices of municipal court commissioners with powers enumerated in the statutes.

The governor vetoed, at the Supreme Court’s request, the creation of a new position within the Director of State Courts office to perform prison impact assessments of any bill that creates a felony or modifies the period of imprisonment of a felony. It was

felt that this position does not belong in the judicial branch. In addition, too few resources were provided to accomplish the necessary tasks.

Two other points should be noted. Funds were only provided to cover about two-thirds of the cost of pay increases for all state employees in each year of the biennium. Additional funds will have to be found from within existing budgets unless the state’s fiscal status is predicted to show a surplus at the end of either fiscal year.

Second, the required two percent budget reductions that were applied to each appropriation were eliminated. The cuts were replaced by session law language (a statement that is inserted into the statutes for a particular biennium only) that “the Supreme Court shall endeavor to ensure” that the three court levels together lapse an amount equivalent to two percent of their combined general purpose revenue budgets. ❖

People in the News

The *Green Bay Press-Gazette* asked Chief Justice **Shirley S. Abrahamson** and Justice **N. Patrick Crooks** to share their thoughts on two amendments to the U.S. Constitution. When asked about the Seventh Amendment which guarantees trial by jury, Abrahamson replied: "It means the courts belong to the people, not the judges and the lawyers." Referring to the Tenth Amendment, which gives states the rights not delegated to the federal government, Crooks said, "The trend is, in many instances, to give vitality and power back to the states." This is reflected in the federal government's issuance of block grants, Crooks said, which allow states to make decisions about welfare and education financing.

In a judicial profile in *The Daily Reporter*, Milwaukee County Circuit Court Judge **Thomas P. Donegan** talked about his experiences in children's court. "It's very intense," he said. "Sometimes I just feel we're watching poor, damaged people swarming through our courts, trying to find a way to bandage a few wounds."



Judge
Jacqueline R. Erwin

In a speech covered by the *Watertown Daily Times* at the Watertown Senior Center, Jefferson County Circuit Court Judge **Jacqueline R. Erwin** remarked that only about ten percent of the state's judges are women, but the numbers are growing. Erwin said she is one of a few judges to allow jury members to question witnesses, a practice pioneered by Judge **Robert W. Landry** (Milwaukee reserve) and Judge **Mark A. Frankel** of Dane County Circuit Court. She remarked that jurors come up with "terrific questions" which often help clarify the issues of a case.

City of Whitewater Municipal Court Judge **David P. Honan** resigned after almost five years on the bench. Honan has accepted a position as assistant county attorney for Cottonwood County, Minn. *The Whitewater Register* reported on his job change.

The *Wausau Daily Herald* reported on Merrill Municipal Judge **Merle J. Sheridan's** first day in court. Sheridan was the former security director at the Lincoln Hills School for Boys. Upon taking the bench he said: "I'm going to get juveniles involved in terms of conversation about what they learned and how they might change things."

Racine Municipal Court Judge **Robert Michelson** was pictured escorting a mother duck and her nine ducklings across a Racine street in a summer issue of *The Reporter* (Fond du Lac).



Judge
Michael J. Skwierawski

The *Glendale Herald* reported that **Paul R. Schilling** replaced Judge **Jeffrey A. Conen** as Glendale's municipal judge in July. Schilling said municipal courts are changing. "They are no longer sleepy traffic courts," he told a reporter. "I would like the court to be as innovative a part of government as the rest of city government."

Milwaukee County Circuit Court Judge **Michael J. Skwierawski** served as president for Milwaukee's Polish Fest, reported the *Milwaukee Journal Sentinel*. This year's festival featured a watercolor exhibit titled "The White Eagle: 700 Years of the Coat of Arms of Poland." It depicted the numerous forms

the eagle, a symbol of Polish nationhood, has taken over the centuries. "To me, it's really a symbol of freedom, much as our American eagle," Skwierawski said.

Supreme Court Chief Justice **Shirley S. Abrahamson** and Reserve Judge **Nancy E. Wheeler** were noted in the American Bar Association's *New Partnerships for Justice Improvement* summer publication for their coordination of the first-ever Volunteers in the Courts conference last April.



Judge
Robert W. Radcliffe

Jackson County Circuit Court Judge **Robert W. Radcliffe** presented Reserve Judge **Louis Drecktrah** with a plaque from Wisconsin Supreme Court justices. The inscription reads, "In recognition and appreciation of valued service rendered to this court and to the citizens of the State of Wisconsin as Reserve Circuit Court Judge."

The *Mayville News* covered Dodge County Circuit Court Judge **John R. Storck's** visit to China in July. Storck joined Chief Justice **Shirley S. Abrahamson** at a judicial education conference sponsored by the Ford Foundation and the Shanghai Judges Association. To aid his teaching session, Storck developed a video presentation with help from Mayville High School student **Brett Huhman**. The video explained how technology aids the courts and showed portions of an actual trial. Storck, who was noticeably taller than his Chinese hosts, was stopped on the streets by people asking to have their pictures taken with him.

The Volunteer Summer Law Clerk program brought publicity for many of the participants. Judge **Daniel S. George**, Columbia County Circuit Court, called the program "a learning experience for law students to see how judges, attorneys and others handle problems of the court in real life." George hosted first-year law student **Eric Pollock** from the University of Wisconsin Law School, according to the *Fox Lake Markesan*. Local newspapers also reported on Grant County Circuit Court Judge **George S. Curry**, who hosted **Brittany Ogden** from Syracuse University College of Law and Jefferson County Circuit Judge **William F. Hue**, who hosted **Tara Murphy** from the University of Tulsa College of Law.

In Chippewa County, law student **Kari Hoel** assisted Circuit Court Judges **Roderick A. Cameron** and **Thomas J. Szama**, and other student volunteers helped the District Attorney's office close out back cases, reported *The Cornell and Lake Holcombe Courier*. In Iowa County, Circuit Court Judge **William D. Dyke** hosted **Jeremy Gill** from the University of Wisconsin Law School. Gill helped implement Iowa County's new Teen Court. Also in Iowa County, District Attorney **Carolyn Smith** shared her experience with, and received help from, University of Wisconsin law student **Kris Anderson**. **Lia Hiltbrand**, a UW-Platteville criminal justice student, interned with Juvenile Intake Officers **Mary Jo Michek** and **Michelle Klusendorf**.

Supreme Court Justice **Janine P. Geske** was pictured speaking to 17 community leaders from Kenya in *The Capital Times*. The delegation was participating in a six-week program run by Marquette University's Les Aspin Center for Democracy.

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People in the News

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Attorney **Debra A. Schwarze** was named Family Court Commissioner by Richland County Circuit Court Judge **Edward E. Leineweber**. Leineweber told *The Richland Observer* he is confident Schwarze's experience and qualifications are well-matched to this part-time position which presides over certain hearings in family law matters.

Jerry Jaye was elected as North Fond du Lac's municipal judge. The new court opened for business on Thursday, August 7, according to *The Reporter*. Jaye said he hoped to allow individuals to more actively participate in the courts, to lower forfeitures and to help people get things done in one visit.



Judge
Thomas S. Williams

Winnebago County Circuit Court Judges **William E. Crane**, **Robert A. Hawley**, **Bruce K. Schmidt** and **Thomas S. Williams** never or hardly ever use their gavels in the courtroom, according to *The Oshkosh Northwestern*. Williams said the hammer-like shape of the gavel is symbolic of the strong hand of law enforcement. With better acoustics and a "more civilized society," gavel use has become less common, he said.

Children Come First, a cooperative venture of Dane County Human Services and the state Division of Child and Family Services, is making a difference in the lives of troubled kids, said Dane County Circuit Court Judge **Gerald C. Nichol**. This family-focused program uses mentoring and other methods to help prevent suicide, drug use and juvenile crime.

First District Court of Appeals Judge **Ted E. Wedemeyer, Jr.**, featured in *The Daily Reporter*, cited the important role of technology in the legal process. He was pictured using voice-recognition software to prepare notes on decisions. When asked about this process, he said, "I'm talking to this machine and training it like a puppy."

John A. Kruse took the bench in Marshfield's new Municipal Court. Kruse told the *Marshfield News-Herald* that he hopes to invite public access television to show proceedings.

Two of Chief Justice **Shirley S. Abrahamson's** opinions will be highlighted in a casebook that is expected to be published by Matthew Bender, Inc. sometime next year. The book, tentatively titled *Perspectives on Tort Law*, is the work of Professor **Don Vetri** of the University of Oregon Law School.

Outagamie County Circuit Court Judge **Dennis C. Luebke** and Clerk of Circuit Courts **Ruth Janssen** were interviewed by the *Appleton Post-Crescent* regarding security measures at the county's Justice Center. Luebke, who heads the Justice Center security committee, said, "Nothing can be 100 percent guaranteed, but I think they [court employees] feel safe."

Kent C. Houck, dubbed "Richland's native son" by the *Wisconsin State Journal*, retired in August after 32 years on the bench as Richland County Circuit Court judge (see *The Third Branch*, Vol. 5, No. 3). When asked by a *Journal* reporter about his campaign expenses, Houck estimated that he spent \$200 or \$300 on his entire judicial career. Colleagues, friends and family praised his strong sense of obligation. His wife, Marilyn, told the reporter that Houck,

when snowbound, would don snowshoes, hike up to the highway and get a ride to town from a friend so that he could take the bench.

Circuit Court Judge **Gregory A. Peterson** was lauded by the Eau Claire *Leader-Telegram* for the "good judgment" he showed in sending a 13-year-old girl, charged with attempted homicide, back to the juvenile justice system instead of allowing her to be waived into adult court.

The *Leader-Telegram* reported that **Rod W. Smeltzer** felt "lucky and nervous" before he took the bench in Dunn County Circuit Court in August. "This is your court," Smeltzer told those at his swearing in. "Welcome to it." He added: "I consider this an honor and a privilege."

Judge **Richard G. Greenwood**, whose term as Brown County Circuit Court judge ended in August, shared memories of an unusual courtroom moment with a *Green Bay Press-Gazette* reporter at the Allouez McDonalds—a gathering spot for Brown County judges. He spoke of a trial involving a woman who claimed to be a "psychic or a mystic, but principally a witch." Greenwood recounted that when the woman took the stand to testify the lights in the courtroom dimmed and started blinking—abruptly ending the lawyer's questioning.

Marilyn L. Graves, Clerk of Supreme Court and Court of Appeals, recently completed her term as president of the National Conference of Appellate Court Clerks. Her term culminated in a successful annual conference in August which was also attended by Wisconsin Supreme Court Justice **Jon P. Wilcox**.

Chess U.S.A., the official magazine of the U.S. Chess Federation, featured an article on Marinette County Circuit Court Judge **Tim A. Duket**, the "Chess Playing Judge." Duket, ranked 1,528 in the nation, has developed many local programs to teach chess to youth. He believes the game offers kids "a sense of achievement and feeling better about themselves. . . it's a real self-esteem builder."

Judge **Gerald C. Nichol**, Dane County Circuit Court, recently rotated from juvenile to civil court. At his departure, he shared his insight on the court in a guest column in the *Wisconsin State Journal*. Nichol, confronting critics of juvenile courts, urged for the continuation of this court specifically geared toward youth. Citing children as the country's most important resource, he said: "Despite the odds, never give up."

In Milwaukee, *The Daily Reporter* profiled Waukesha County Circuit Court Judge **Kathryn W. Foster** in a summer edition. At the time of the interview, she was directing a video on judicial ethics for the August session of the Wisconsin Judicial College. Foster, who spent nearly 11 years as a Waukesha County assistant district attorney, told the reporter "the district attorney has a more difficult job than a judge." She recalled sleepless nights wondering whether she had enough evidence or appropriate witnesses to file a charge.

Milwaukee County Circuit Court Judge **Kitty K. Brennan** got ink in a September issue of *Wisconsin Opinions* and four community newspapers for her part in the Judicial Ride-Along program. Brennan shared the bench with Senator **Richard Grobschmidt** this summer. While talking with a reporter about the program, the judge encouraged members of county government to visit the courts. A Milwaukee County supervisor responded to her idea, asking if she, too, could "ride-along."

Also taking part in the program, Representative **Mike Powers** sat in on Green County Circuit Court Judge **James R. Beer's** court in August. According to the *Orfordville Journal & Footville News*,

Powers praised the Circuit Court Automation Program. He said, "the automation program is a prime example of court initiatives that have received state funding and have been a direct benefit to the counties."

John Laabs, president of the Wisconsin Broadcasters Association, urged all news personnel to attend the September Judicial Conference Court/Media Relations Program in the WBA's newsletter. He applauded Chief Justice **Shirley S. Abrahamson's** efforts to strengthen court-media relations.

The Wisconsin Supreme Court's *Court with Class* program was featured in the *La Crosse Tribune* and *The Capital Times*. The program, recently awarded the Lexis-Nexis Public Service Achievement Award by the American Bar Association, invites high school students from throughout the state to attend oral argument. The students are briefed on the case, listen to oral argument, then meet with a justice for a question-and-answer session. Following a press release from the Director of State Courts Office, *The Berlin Journal* did a story on the District II Court of Appeals starting the program.

Former Manitowoc County Circuit Court Judge **Allan J. Deehr** and Register in Probate **JoAnn Monka**, who both recently retired, were honored by the Manitowoc County Board for their service and commitment to the community.



Judge
Maxine A. White

A *Milwaukee Journal Sentinel* reporter sat in on Judge **Maxine A. White's** second-to-last day in Milwaukee County Circuit drug court, where she spent two years. In the interview, she expressed her concern over simply "locking up people" for drug offenses. White now presides over domestic violence cases.

Washburn County Circuit Court Judge **Eugene D. Harrington** was pictured in the *Spoooner Advocate* being sworn in by his father, **Pat Harrington**, former clerk of circuit court for Washburn County.



Judge
Thomas H. Barland

"Jurors run, but can't hide from irked judge" led the Eau Claire *Leader-Telegram* article on Eau Claire County Circuit Court Judge **Thomas H. Barland's** system to evaluate potential jurors, which boasts a 0.6 percent non-response rate. Earlier this year, all county residents were sent a questionnaire used to determine jury duty eligibility, non-respondents received a second and even third questionnaire. Finally, Barland issued a *capias* for those who still refused to respond. Barland led this campaign because "the more people who don't respond mean juries are less representative of the community," he said. Eau Claire's techniques were slated to appear in a National Center for State Courts publication.

Winnebago County Circuit Court Judge **Robert A. Haase** was a guest columnist for *The Oshkosh Northwestern*. He addressed efforts to meet Wisconsin Supreme Court

Judge
Robert A. Haase

security standards at the Winnebago County Courthouse. He emphasized the need to plan for "both short-and long-term security needs" as well as a host of other issues.

Concerns continue to arise over the "fixed-fee" legal system that started two years ago, according to a *Milwaukee Journal Sentinel* article. The system allows private attorneys to bid on a large block of cases, contracting a fixed rate for each case. Judge **Dennis P. Moroney**, Milwaukee County Circuit Court, said attorneys working on a fixed-fee basis may, faced with time constraints, persuade their clients to enter a guilty plea rather than go to trial. While Moroney cannot prove that the quality of legal representation has been marred by the system, his concerns are echoed by Milwaukee County Children's Court Commissioner **Dennis Cimpl**, who cited a similar system in San Diego which is showing evidence of a negative impact.

J. Steve Winter, Two Rivers Municipal Court judge, was featured in the Manitowoc *Herald Times Reporter*. Winter is the fourth most senior municipal judge in the state, having served Two Rivers for 27 years.

"Dane County Circuit Court Judge **Jack Aulik** is passing the armadillo." This statement led an August article on Aulik's retirement (see *The Third Branch*, Vol. 5, No. 3) in *The Capital Times*. The stuffed armadillo, which graced Aulik's office through his 11-year tenure, was passed down to Judge **Patrick J. Fiedler**, who is taking the bench in Branch Four. Aulik, beginning his career as reserve judge, will fill in for Judge **Michael B. Torphy, Jr.** through December.

Oneida County Circuit Court Judge **Robert E. Kinney** discussed the benefits of truancy detention, saying it "gives us a chance to deal with those problems [underage drinking and uncontrollable behavior] early on, and I think with the success we've had our approach has been vindicated." In Oneida County, truant students are given a number of opportunities to change their behavior, but when all else fails they spend three or four days in secure detention. Kinney believes the policy acts as a "wake-up call," helping youth get back on the right track.

Wisconsin Supreme Court Justice **N. Patrick Crooks** spoke at the Claude Allouez Forum at St. Norbert College in Green Bay in September. He compared life to a cafeteria, saying, "We each face numerous choices, we have to pay the price for those choices and we can't wait for someone to wait on us." Crooks said success requires commitment, hard work and living one's faith and values, reported *The Compassion*.

According to a national report on juvenile crime by a group called Fight Crime: Invest in Kids, almost half of violent juvenile crime occurs between 2 and 8 p.m., reported the *Milwaukee Journal Sentinel*. Judge **Thomas P. Donegan**, Milwaukee County Circuit Court, said although he has not looked at the report, the statistics reflect "Milwaukee's picture." The group hopes its findings will encourage funding for after-school programs which focus on crime prevention.

The courtroom of Judge **Frederic W. Fleishauer**, Portage County Circuit Court, was the site of CAP Services Family Crisis Center's annual vigil. The vigil was held in recognition of Abuse Awareness Month (October) to encourage individuals to "break the silence about domestic violence." CAP Services, which provides shelter and services for victims of domestic violence, has experienced a drop in the number of people seeking shelter as a result of

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The informal group, composed of circuit and appellate judges, legislators, executive branch agency heads and members of the governor's staff, meets three or four times a year to discuss topics of mutual interest. Meetings to date have been devoted to criminal law and sentencing, the executive budget process, the legislative process, a demonstration of the Circuit Court Automation Program and municipal judges and court commissioners.

Some of the programs discussed below are an outgrowth of the Huelsman Gang's goal of broadening the cooperative spirit among the branches of government in Wisconsin.

Joint Meetings of Supreme Court and Legislative Committees

Last spring, for the first time, the Supreme Court hosted breakfast and coffee meetings with the Senate and Assembly Judiciary Committees and the Assembly Criminal Justice Committee. Simply arranging these meetings was a learning experience. Because legislative committees are subject to Wisconsin's Open Meetings Law, public notice of the sessions was necessary. Because of the codes of ethics, the court had to ask the legislators to contribute to the cost of the bagels, lox and coffee.

The meetings were convened with the help of Rep. Mark A. Green, chair of the Assembly Judiciary Committee, Sen. Lynn S. Adelman, chair of the Senate Judiciary Committee and Rep. Robert G. Goetsch, chair of the Assembly Criminal Justice Committee.

The meetings were well attended by committee members, the Supreme Court justices, legislative and judicial staff and the public, including a representative of the State Bar of Wisconsin and a Department of Administration budget analyst.

During the meetings, members of the court and the legislative committees identified areas of mutual concern, including Supreme Court rule-making procedures under Wis. Stat. § 751.12, judicial substitution, juvenile justice, court reporters and court commissioners.

The value of these meetings was best expressed by Assembly Judiciary Committee Chair Green, who wrote: "In

summary, the coffee and bagels were good, but the company was better. Names and offices became people and colleagues. Challenges became more concrete and understandable, and opportunities for governing partnerships became more clear. Of course, a partnership is not a single event, but an ongoing relationship. To that end, the committee hopes meetings between the Legislature and the Wisconsin Supreme Court will become at least an annual event."

Legislators Attend District Meetings

At the local level, legislators have been invited to judicial administrative district meetings of the circuit judges. Agenda items were solicited from both judges and legislators, with both judges and legislators making presentations. These meetings have proved useful methods of exchanging information.

Supreme Court Participates in Orientation for New Legislators

This year, also for the first time, the Supreme Court was included in the Legislative Council's orientation program for new legislators. Conducted just prior to the start of the 1997-98 session, the orientation was designed to familiarize new legislators with state government and the legislative process. At this year's session, Justice N. Patrick Crooks and other Supreme Court justices, Director of State Courts J. Denis Moran and his staff explained the role and structure of the judicial branch as well as its relationship to the other two branches of government. The Court looks forward to being part of each orientation.

Judges Volunteer to Review Legislation

To assist in the task of reviewing bills that affect the court system and to increase communication with judges around the state, the Legislative Committee of the Judicial Conference has called upon judges to volunteer their services. Analysis is needed of the numerous bills and amendments put forward by legislators and special study committees affecting the court system.

The Legislative Committee has solicited and continues to solicit judges to volunteer to review bills in a timely fashion. Judges who volunteer are organized into *ad hoc* groups according to their expertise and interest in particular areas of the law. The judges communicate by telephone or fax with their analyses of proposed legislation. Many judges have volunteered and the system has been working well. If you are interested in helping the Legislative Committee, please contact me at (608) 266-6984.

Judicial Ride-Along Program Resumes

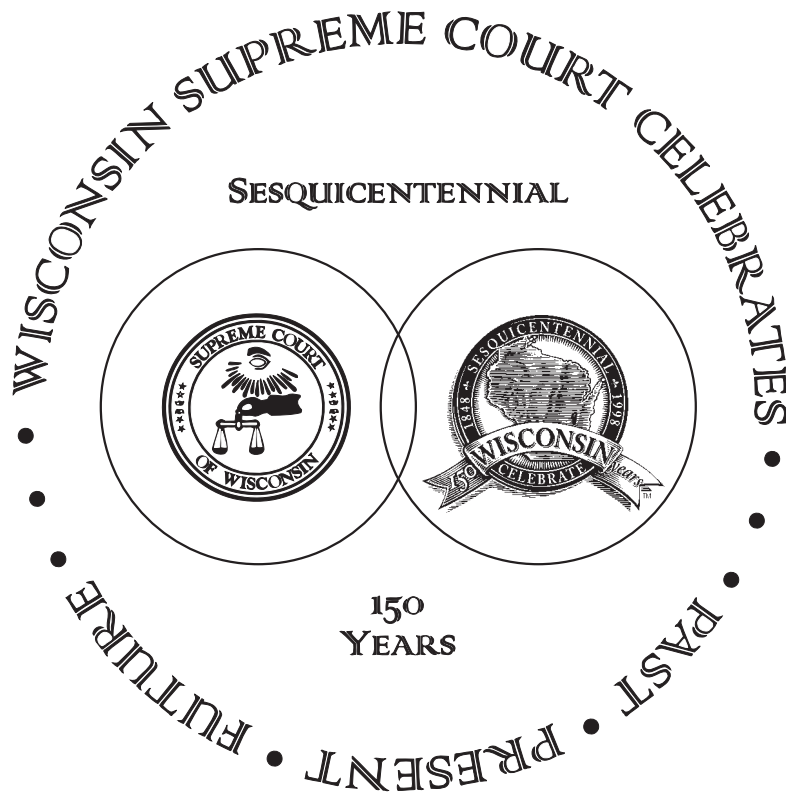
In 1993, the Director of State Courts office inaugurated the Judicial Ride-Along Program, modeled on a Minnesota effort. Through the program, state legislators are invited to spend a day on the bench with a circuit court judge and then complete a follow-up questionnaire. The program is designed to give legislators a better understanding of the courts. New legislation has resulted from some ride-alongs.

Nearly 70 percent of state legislators participated in the first round of the Ride-Along program. Because new judges and new legislators have joined their respective branches, the program is being resumed, beginning in the First and Fifth Judicial Districts. County board supervisors and news reporters who cover the courts will also be invited to participate.

Judicial-Executive Cooperative Programs

The partnership between the Circuit Court Automation Program (CCAP) and the Department of Administration (DOA) Bureau of Justice Information Systems (BJIS) continues into its second year. Under a Memorandum of Understanding between DOA and the Director of State Courts office, CCAP has provided technical computer support services to district attorneys throughout the state on behalf of BJIS.

The court system has also been working with the executive branch on the state's volunteer efforts and in preparation for celebrating the sesquicentennial, the 150th anniversary of Wisconsin's statehood.



Courts to Celebrate Wisconsin's 150th Birthday

Unearthing 150 Years of Judicial History

The Wisconsin Supreme Court and the Director of State Courts Office are gearing up for next year's sesquicentennial celebration by organizing a comprehensive research project on Wisconsin's legal history. Investigating 150 years of judicial activity requires the help of courts and historical societies across the state.

The court information officer presented the project at an October meeting of county historical society representatives and they were willing to help with research.

Judges, clerks of circuit court, attorneys and court staff can help as well. Historical information is needed on: local high-profile cases (newspaper articles or a synopsis), local courthouses and judges and lawyers who have served the court system from the early days to

present. Information received will be compiled and made available in a special 1998 Sesquicentennial Law Day Kit for courts to use as a basis for presentations, displays, trial reenactments, newspaper columns and more.

Many courthouses began historical research when they joined the localized visitors' guide project. This statewide effort, initiated by the Wisconsin Supreme Court in cooperation with the State Bar of Wisconsin, invites counties to produce brochures to make courthouses more user-friendly. The sesquicentennial project, however, requires more in-depth information.

Several counties have already joined in the effort, sharing details of their past, highlights of current events and plans for the future. In Manitowoc County, for example, archaeological excavations are underway to locate

continued on next page

The Wisconsin Supreme Court Sesquicentennial Committee

Shirley S. Abrahamson Wisconsin Supreme Court Chief Justice	Catherine B. Cleary Attorney	John A. Damon Trempealeau County Circuit Court Judge	Roland B. Day Wisconsin Supreme Court Chief Justice, Ret.	William Eich District IV Court of Appeals Chief Judge	Trina E. Haag Interim Assistant to Chief Justice	Philip S. Haberman Attorney	Gordon Hylton Marquette Law School Professor
Ellen Langill Historian	Arthur McEvoy University of Wisconsin Law School Professor	Joseph A. Ranney Attorney	Stewart Simonson Chief Legal Counsel to the Governor	Stephen L. Smay State Bar of Wisconsin Executive Director	Amanda K. Todd Court Information Officer	Lea Vandervelde University of Iowa Law School Professor	Nancy E. Wheeler Reserve Judge

evidence of the first courthouse and jail. The county will plant 150 white pine trees at the Pinecrest Historical Village next spring in celebration of the sesquicentennial.

Please contact Amanda Todd, (608) 264-6256, or Karen Leone de Nie, (608) 266-1298, at the Wisconsin Supreme Court with questions, or send information to: Court History Project, c/o Wisconsin Supreme Court, P.O. Box 1688, Madison, Wis. 53701-1688. The information should clearly state what county it relates to, and will become part of the Supreme Court archive on court history.

Oral History to be Recorded

An oral history of the state court system is being recorded with help from long-serving active and reserve judges. Oral history fills in the gaps in the written record, getting at material that would otherwise be lost.

The project kicked off at the meeting of the Judicial Conference, where 21 judges met with reporters to discuss the campaigns they ran, the qualities a judge should have, the best/worst parts of the job, their most high-profile cases, their relationship with the media and the bar and much more.

As an experiment, some of the interviews were videotaped. All were audiotaped and transcribed by court reporters. The transcripts will be donated to the State Historical Society to be used by researchers. In addition, the material may be used as the basis for newspaper arti-

cles on the history of the courts during the state's sesquicentennial year. Portions of the videotaped interviews may be edited into an educational piece for schools, but this will not be completed in time for the sesquicentennial.

The following judges have provided general interviews covering their years on the bench: John Ahlgrimm, John G. Buchen, William E. Crane, Robert F. Curtin, Edwin C. Dahlberg, Roland B. Day, Paul C. Gartzke, Harry F. Gundersen, Gerald W. Jaeckle, Ronald D. Keberle, Ernest C. Keppler, Robert W. Landry, Russell J. Mittelstadt, Peter G. Pappas, Robert Parins, Robert F. Pfifner, James Wilbershide and David Willis.



Justice William A. Bablitch



Judge Thomas H. Barland

In addition, Justice William A. Bablitch and Judges Thomas H. Barland, Frederick Kessler and James Rice participated together in an interview about the court reorganization of 1978. Bablitch, who was Senate Majority Leader at the time, shepherded the reorganization through the legislature.

Story of Glover, Booth will Come Alive

When it was still in its infancy, the Wisconsin Supreme Court became involved in one of the major northern struggles against slavery. The case centered on a fugitive slave named Joshua Glover and the Milwaukee newspaper publisher (Sherman Booth) who fought for Glover's freedom.

The story will be brought to life in a reenactment in the Supreme Court Hearing Room at the Capitol on Law Day, May 1. It will also be told in a video to be produced with Wisconsin Public Television. In addition a play on the case will be written by a professional playwright and performed on Statehood Day, May 29. It is hoped that the play will be picked up by theater companies and schools outside of Madison in the future.

University of Wisconsin student Vanessa Bliss, who is studying history with an emphasis on African-American history, is working on the video project as a senior honors thesis. University of Wisconsin Law Professor Gordon Baldwin is the legal advisor on the projects. Grants are funding both the video and the play.

Writing Contest Will Net Law Student \$1,500

The Wisconsin Supreme Court, in cooperation with both the University of Wisconsin Law School and Marquette University Law School, is sponsoring a writing contest which will focus on the importance of law in our lives, how the law has shaped American society and how progress and change have shaped the types of cases the courts handle.

Professors Arthur McEvoy (UW) and Gordon Hylton (Marquette) are developing the contest materials.

A private, anonymous donor has put up a \$1,500 prize for the winning essay. The winner will be announced on Statehood Day, May 29, 1998.

Sesquicentennial "Minutes" to Feature Court Topics

Wisconsin Public Television is producing a series of 52, one-minute spots on Wisconsin history. Several will focus on court history. There are two in production for immediate 1998 distribution.

Lavinia Goodell is the story of the first woman admitted to practice before the Wisconsin Supreme Court.

The Glover/Booth Story

In the spring of 1852, Joshua Glover ran away from his master (a man named Garland) in Missouri and came to Wisconsin. He stopped in Racine and found employment at a local saw mill. He lived near Racine for two years until Garland ascertained his whereabouts and got the U.S. court commissioner in Milwaukee to issue a warrant for his arrest.

Federal marshals forced their way into Glover's home, arrested him and took him to the Milwaukee County Jail. This action was legal under the Fugitive Slave Act, passed during George Washington's presidency, which provided that runaway slaves be returned to their owners and set a \$500 penalty for concealing known fugitive slaves.

When news of the arrest reached Racine, anti-slavery activists quickly contacted Sherman Booth, a fiery abolitionist and newspaper publisher. He rode through the streets and soon had assembled a crowd of 5,000. Booth, discussing his actions in a speech on March 12, 1854, said he called the public meeting to make use of "legal and peaceful methods" of freeing Glover; however, the crowd took over and broke down the door to the Milwaukee Jail. *The Racine Advocate* of March 20, 1854, described the rescue as an enforcement of the 'writ of open sesame.'

Glover was sent to Waukesha on the underground railroad and then placed on a steamer to Canada. In Canada, he settled in the County of York where he married a 23-year-old white woman, Ann, and worked at a saw mill.



Attorney (later Justice)
Byron Paine

Meanwhile, Booth was arrested for aiding in the escape of a fugitive slave, and, after a hearing before a U.S. court commissioner, was bound over for trial in federal court. His 26-



Justice Abram D. Smith

year-old lawyer, Byron Paine (who later became a justice of the state Supreme Court) petitioned Justice Abram Smith for a writ of habeas corpus directed to the marshal. Smith granted the writ, freeing Booth, on grounds that the fugitive slave act was up to states—and not the federal government—to enforce.

The case was immediately appealed to the full panel of justices. Paine's oral argument before the Court was moving and eloquent. The Court affirmed Smith, ordering Booth released on June 19, 1854.

But the litigation had not ended. Just weeks later, Booth was indicted for violation of the Fugitive Slave Act and arrested on a federal warrant. He again petitioned the state Supreme Court to free him, but this time they unanimously denied his petition because the federal courts now had jurisdiction in the case.

Booth was tried in federal court, found guilty, sentenced to a short term of imprisonment in the county jail and fined \$1,000. The conviction ignited passions around the state, which sparked meetings and resolutions denouncing the ruling. The Wisconsin Supreme Court decided to step in, again issuing a writ of habeas corpus and freeing Booth and an associate. Freeing prisoners under federal jurisdiction was an extreme move for the Court. Smith explained the decision to act, writing: "Unless that (federal) Court proceeds within the limits which the constitution and laws of Congress have prescribed, its acts are a nullity. . . ."

The case went up to the U.S. Supreme Court, which reversed the Wisconsin Supreme Court. In a final act of defiance, the state court refused to file the high court's mandate. To this day, it has not been filed.

Goodell, a Rock County lawyer, petitioned for admission to the bar of the state Supreme Court in 1875. Chief Justice Edward George Ryan initially denied the application, writing: "There are many employments in life not unfit for the female character. The profession of the law is surely not one of these. . . ."

Shortly after, the state Legislature passed a bill to admit Goodell to the bar. When her application again

came before the Supreme Court, Ryan dissented but two justice agreed and she was admitted.

The "Minute" will feature an interview with Chief Justice Shirley S. Abrahamson.

The Bashford-Barstow Election is the story of an 1855 contest for governor between incumbent Democrat William Barstow and Republican Coles Bashford. On election night, the returns showed Barstow to be the winner, but it soon came to light that the margin of



Attorney
Lavinia Goodell

victory was due to fraudulent election returns from non-existent precincts.

Bashford asked the Wisconsin Supreme Court to declare him the true governor of the state. The Court, just two years old at the time, had never been confronted with such a challenge. Barstow made it clear that, no matter what the Court decided, he would not leave without a fight. The Court ignored his threat, looked at the evidence and decided that Bashford was entitled to be governor.



Chief Justice
Edward George Ryan

Barstow's support quickly dried up after the Court's decision and Bashford was inaugurated without incident. The people, it seemed, agreed with the Court that the rule of law was more important than political advantage. The Court's courage helped to create a tradition of independence and honesty which has marked Wisconsin politics and law ever since.

Newspaper Articles will Illuminate Court History for Statewide Audience

A 52-part series of newspaper articles on Wisconsin's legal and court history will be provided to media statewide in 1998. The articles will cover topics such as the Glover/Booth case (see separate description), Lavinia Goodell (see "Sesquicentennial Minutes"), the Bashford-Barstow Election (see "Sesquicentennial Minutes"), James D. Doty (Wisconsin's first judge), the abolition of the death penalty in Wisconsin, the struggle of black Wisconsinites for the vote, and much more.



Attorney/Author
Joseph A. Ranney

The series will be authored by Madison Attorney Joseph A. Ranney, a trial lawyer with DeWitt, Ross and Stevens who has written extensively on legal history. His work has been published in the *Wisconsin Magazine of History* and *Wisconsin Lawyer*. He is currently

writing a book on the history of Wisconsin's legal system, which the University of Wisconsin Law School Press is expected to publish in 1998.

Poster will tell Courthouses' Stories

The State Historical Society is producing a poster which will feature photographs of the state's roughly 40 historic courthouses and a short blurb on each one. The Director of State Courts office will distribute these for display in the courthouses.

Compliance Historian Rick Bernstein, an expert on the state's courthouses, will produce the poster. Bernstein is also working on a courthouse book.

State Bar Reception will Showcase Supreme Court History

Supreme Court history will come to life at a State Bar reception at the Supreme Court for the lawyers attending the January Midwinter Conference. In preparation for the event, artwork that has been in storage will be on display. In addition, simple placards with biographical information on the justices will hang alongside their portraits.

In addition, much of the Court's original furniture, which was in use in a variety of state offices, has been returned for display.

Supreme Court Hearing Room Brochure Tailored for 150th

A special sesquicentennial version of retired Chief Justice Roland B. Day's brochure on the artwork of the Supreme Court has been produced with funding from the Statehood Day Commission. These are available in bulk to all courthouses; call Karen Leone de Nie at (608) 266-1298.

Local Court Visitors' Guides Still in the Works

The State Bar of Wisconsin is continuing to help produce simple, low-cost visitors' guides for local courthouses. The guides feature maps, phone numbers, courthouse history and more.

For more information on how to put one together for your county, call Court Information Officer Amanda K. Todd at (608) 264-6256.

Justice Teaching Institute

Planning is underway for a seminar for secondary teachers to enhance their understanding of the court system. The seminar is tentatively scheduled for fall 1998 at the Supreme Court.

Teachers who are helping plan the seminar have expressed that they and their colleagues sometimes feel "overwhelmed or mystified" by the courts and would benefit from a focused training and teaching material.

Judges—especially those who were teachers at some point in their careers—are needed for a planning

Dane County Drug Treatment Court Gets its Funding

At the Dane County Drug Treatment Court, the success stories are adding up. Recent graduates of the program include a man in his 40s who works for a large Madison corporation and was addicted to both cocaine and alcohol. When he was accepted into the program, his wife had kicked him out and his relationship with his three children was crumbling. He is now clean and sober and the family is back together.

One of his "classmates" was an 18-year-old woman who was pregnant and addicted to cocaine. She succeeded in kicking her habit and gave birth to a healthy baby girl who came with her to graduation.

"The graduation ceremonies are very emotional," said Reserve Judge Jack Aulik, who started the program. "There was one recently where a young man brought his father. They had not spoken in years and the father sat right up at the attorney's table and watched his son accept his certificate and medallion."

The medallion is something some graduates may choose to carry with them as a reminder of their accomplishment.

The Drug Treatment Court recently got word that its funding is certain through 1998. The court aims to reduce recidivism

by intervening early in the legal process and providing intensive, judicially supervised treatment and case management.

Components of the program include mandatory, periodic drug testing, regular court appearances and the threat of greater sanctions.

The court recently was awarded a \$393,833 grant from the U.S. Department of Justice. The grant, together with a ten percent match from Dane County, additional county funding, an anticipated law enforcement block grant and a grant from the

Bureau of Justice Assistance (with county matching funds) will be used for funding.

The District Attorney's office is the primary referral source, sending defendants charged with both felonies and misdemeanors (violent offenders and drug traffickers are not eligible). Those who violate the program requirements are faced with immediate and progressive sanctions, including possible incarceration.

Upon successful completion of the program, defendants may have their fines reduced or waived, drivers licenses unencumbered, misdemeanor charges dismissed

Drug Treatment Court Evolution

1990 — Dane County creates two drug courts to improve case processing.

1995 — With a federal grant, Judge Jack Aulik forms a multi-disciplinary, multi-jurisdictional drug treatment court planning committee.

1996 (June) — Drug Treatment Court pilot gets underway, serving ten people.

(October) — A \$68,118 Law Enforcement Block Grant (with a 10 percent county match) from the U.S. Bureau of Justice Assistance permits expansion of the program to 15 participants.

1997 (August) — Program had received 65 referrals and admitted 40 people. Sixteen participants had successfully completed the program, six were kicked out, two voluntarily withdrew and 16 remained.

Supreme Court Seeks Info on ADR Programs

In 1994, the Wisconsin Supreme Court adopted Wis. Stat. § 802.12. This rule authorizes judges to require litigants (or offer them the opportunity) to participate in various forms of alternative dispute resolution. In response to a petition from the Judicial Council, the Supreme Court agreed to conduct a review and evaluation of the rule after it had been in effect for three years.

As part of its review, the Supreme Court is gathering information about the various alternative dispute resolution programs that exist in Wisconsin. The information will be catalogued and made available for anyone interested in replicating a program. An example is the Dane County Case Mediation Program, where local attorneys volunteer their services as mediators. The program is run by a part-time administrator, who is also an attorney.

In addition, the Supreme Court is interested in ascertaining how alternative dispute resolution is implemented; that is, how the neutrals are selected, who pays for the neutrals, etc., and in learning about informal procedures, such as when judges mediate cases over which other judges are presiding.

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Looking for Atticus Finch

The *Marquette Law Review* recently published the final report of the State Bar of Wisconsin Commission on Delivery of Legal Services. The principal message of the report is clear: the legal needs of low and moderate income persons are not being adequately met.

Chief Justice Shirley S. Abrahamson knows that there is another side to the legal services story. She knows that like Atticus Finch in *To Kill a Mockingbird*, many Wisconsin lawyers in all areas of practice are doing what they can to meet unmet legal needs and to serve their communities as volunteers.

If you know an unsung Atticus Finch, Abrahamson would like to hear from you. If a lawyer you know has answered the call of duty to assist someone in need, please share the story. Abrahamson uses these stories in her remarks to new lawyers upon their admission to the bar.

Stories may be sent to Abrahamson at the Wisconsin Supreme Court, P.O. Box 1688, Madison, WI 53701, faxed to her at (608) 261-8299 or telephoned to her assistant, Susan M. Fieber or Robin Whyte, at (608) 266-1885. Please provide as much information as necessary to convey the essence of the

JEC to Play More Active Role in Judges' Education

The Judicial Education Committee (JEC) has taken steps that will impact the delivery and content of judicial education for Wisconsin's judiciary. Members of the JEC met in October and agreed that the committee should expand its role by participating more in the development of state judicial education offerings and by establishing more precise priorities for the participation of judges in national judicial education. In addition, the JEC will help to allocate funding for judicial education and will establish broad programming priorities for the Office of Judicial Education.

The following is a brief report of the specific actions taken and plans contemplated by the Judicial Education Committee:

Scholarship Requests

The State Justice Institute (SJI) is again awarding scholarships to cover state court judges' tuition and transportation for court-related educational programs within the United States. SJI has recently published information on eligibility requirements, how and when to apply, selection criteria, selection process and responsibilities of scholarship recipients. This is available through the Office of Judicial Education.

The JEC has directed that all scholarship applications and national training requests be processed through the Office of Judicial Education. They require the prior approval of the Office of Judicial Education and the Judicial Education Committee, as well as the concurrence of the chief justice. The current "Guidelines and Priorities" policy (*see sidebar*) of the Office of Judicial Education shall remain in effect pending further review by the JEC.

National Education Programs

The JEC actively supports the participation of Wisconsin's judiciary in seminars offered by national judicial education providers such as the National Judicial College, the Institute for Court Management, the National Council of Juvenile and Family Court Judges and others. The JEC plans to regularly review course offerings by such providers and establish course priorities for attendance by Wisconsin judges. The JEC has decided, pending further review, to suspend sponsorship of the National Judicial College's civil mediation course.

Seminar Planning Committees

The JEC has endorsed the formation of program planning committees to provide the Office of Judicial Education with advice in planning the objectives, focus and scope of subject matter for specific program offerings. Members of the JEC have agreed to serve on various planning committees. The JEC has also directed the Office of Judicial Education to develop methods of collecting information from judges to assist in program development. ❖

Guidelines and Priorities for Travel

Judges are encouraged to review the National Judicial College's new list of course offerings and apply through the Office of Judicial Education for attendance at a course. The Guidelines and Priorities for out-of-state travel, established by the Judicial Education Committee, apply to all requests for attendance at national education programs.

The procedure is as follows:

1. A judge who wishes to attend a nationally-based educational program applies through the Office of Judicial Education, supplying the following information: Name, date, sponsor, estimated program and travel costs, and the priority category under which he/she is applying.
2. The Office of Judicial Education reviews applications and prioritizes assignments.
3. The Office of Judicial Education notifies judges whose requests have been approved.
4. The qualifying judge agrees to prepare a written course evaluation upon return and not to retire from judicial service within two years of the program date.

Applications should be made as soon as possible, and, at a minimum, 90 days in advance of the scheduled course offering. Please contact the Office of Judicial Education at (608) 266-7807 with any questions or for further information on scholarship funding.

Wisconsin Judges Take Leadership on State and National Issues

Five judges have joined a growing number in the Wisconsin judiciary who are serving in state and national organizations that have an impact on local, state, national and international legal issues. A number of Wisconsin judges are also attending—and leading—national workshops.

The governor appointed Milwaukee County Circuit Court Judge Elsa C. Lamelas

to chair an Intensive Sanctions Review Panel. The panel will study the intensive sanctions program and make recommendations concerning its future. Marquette University Law School Professor Frank DeGuire and Executive Director of the Office of Justice Assistance Frederick Falk, who has an extensive background in law enforcement, complete the panel. A report is scheduled to be issued by December 31,

1997. Lamelas welcomes comments regarding the program.

On the national level, District II Court of Appeals Judge Richard S. Brown was named to a three-year term on the American Judicature Society's (AJS) Board of Directors. With a membership of more than 10,000 judges, lawyers and others, AJS's mission is to advance the effective

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Videoconferencing Takes Hold in Wisconsin Courts

by: **John Voelker**
Senior Policy Analyst

Judges, sheriffs and state and local officials are expressing increasing interest in using videoconferencing in the justice system. Currently, Dodge, Green Lake, Portage and Rock Counties are equipped to conduct arraignments by video.

In June, the Supreme Court applied for federal funding through the Bureau of Justice Assistance (BJA) to implement a demonstration project on the use of videoconferencing, but this was not funded. The Supreme Court is currently exploring other ways to do the project.

In the meantime, the multiple technical and operational issues raised by the use of videoconferencing have demonstrated a

need for the development of written standards of good practice.

As noted in an article entitled *Telejustice-Videoconferencing in the 21st Century* by John T. Matthias and James Twedt, (distributed at the National Center for State Courts Technology Conference) "Planning for Telejustice requires the balancing of immediate needs with the inevitable needs of expansion and extension. The immediate need may be for a connection between a courtroom and a jail. The expanded need may be for connections to other locations or a statewide justice video system."

These considerations are especially important in Wisconsin as the number of

jurisdictions implementing or considering videoconferencing is increasing. While video is now primarily used for arraignments, some courts are linked to the County Department of Health and Human Services, juvenile detention facilities, mental institutions, and Lincoln Hills School for Boys.

The Director of State Courts office is researching the issues surrounding videoconferencing in cooperation with other state agencies. Questions regarding the status of a possible demonstration project or on videoconferencing in general should be directed to me at (608) 266-8861. ♦

Considerations in the Use of Videoconferencing

- Is broadcast-quality video necessary or will near-broadcast quality suffice?
- How many locations need to be connected and what is the distance between them?
- Should the video network be linked to larger statewide or public networks?



Technology for video arraignments has been installed in all three Dodge County courtrooms. The \$88,000 system allows inmates to participate in hearings from the jail, where they view the court on another television screen. Here, Dodge County jailer Michael Decker is projected on the courtroom screen while Dodge County Board Supervisor Eugene Wurtz and Judge John R. Storck learn about the equipment. (Photo courtesy Diane Graff, Watertown Daily Times).

GOOD IDEAS

In February 1996, then-Chief Justice Roland B. Day asked all court employees to share their good ideas. Because a recent survey showed that readers want more information on programs that they might replicate, good ideas will be shared in each edition of *The Third Branch*.

District Ten Tour

In an effort to improve communication in the state's largest judicial district, Chief Judge Gregory A. Peterson and District Court Administrator Gregg T. Moore conducted a district tour in late August—visiting eight of the district's 13 counties.

The tour offered Peterson and Moore an opportunity to meet with judges, clerks of court, registers in probate and other court staff to discuss county-specific management issues and concerns. "We are trying to be as accessible as we possibly can," Peterson said.

Moore said it was valuable (but very time consuming) for the chief judge to visit the counties personally and meet court support staff.

Moore and Peterson fielded concerns and comments on a variety of issues, including: case management, use of reserve judges, OWI sentencing guidelines, court facilities and staffing, videoconferencing and child support collection using KIDS software. During the visits, Peterson encouraged court staff to make use of

computerized lists of pending cases available through the Circuit Court Automation Program (CCAP).

District Ten tours, started about 14 years ago by former Chief Judge William O'Brien, are designed to foster a "team management" approach to court administration, Moore said. Some of the issues that arose during the tour will be a starting point for next year's two-day management meeting with district judges and clerks of court.

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Judicial Exchange Program Celebrates One Year

One year after the inauguration of the Judicial Exchange Program (which allowed appellate and trial judges in District Nine to swap seats), all who participated are giving it high marks.

"It made me excited about the law again," wrote one trial judge. His colleagues indicated that, while they underestimated the amount of time the program would take, it was valuable enough to them to justify the time spent.

The program has placed six circuit court judges on eight appellate panels. Each panel handled six cases. In total, the circuit court judges authored 16 opinions. Court of Appeals Judges R. Thomas Cane, Daniel L. La Rocque (now a reserve judge) and Gordon Myse spent a combined total of 28 days on the circuit court bench.

Chief Justice Shirley S. Abrahamson is currently reviewing the pilot program for possible expansion. A report from the appellate judges showed the program had met most of its objectives, the exception being that it could not, in the short time allotted, develop trial skills in the appellate judges. But as hoped, the program gave appellate judges:

- experience in the daily operation of a trial court;
- understanding of the practices, procedures and problems of an active trial court;
- a grounding in trial court procedures as they apply to appellate review.

The program also provided at least a couple of unanticipated benefits:

- reduced isolation for the appellate judges;
- a reminder that behind the sterile case records with which the appellate courts work are the lives and property of real people.

For trial judges, the objectives all appear to have been realized. They were:

- developing enhanced writing skills;
- obtaining insight into the standards of review used by the appeals court;
- understanding how to make a record that will hold up to review;
- experiencing collegial decision-making.

The following trial judges participated: Gary L. Carlson, Taylor County Circuit Court; Patrick J. Madden, Iron County Circuit Court; Mark A. Mangerson, Oneida County Circuit Court; Douglas T. Fox, Price County Circuit Court; James B. Mohr, Vilas County Circuit Court and J. Michael Nolan, Lincoln County Circuit Court. ❖



Judge
R. Thomas Cane

Wisconsin Judges Take Leadership

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Judge Elsa C. Lamelas

administration of justice to ensure fair, equal and effective adjudication by an independent, qualified judiciary. AJS generally works to "improve the workings of the laws," Brown said, focusing on such issues as jury management, merit-based selection of judges and judicial and legal ethics.

At a conference of the American Judges Association (AJA) in Anchorage, Alaska, three Wisconsin judges were given leadership positions in this association of more than 3,000 members. AJA's mission is similar to that of AJS, but with more emphasis on public outreach.

Outagamie County Circuit Court Judge Harold V. Froehlich and Green Lake County Circuit Court Judge William M. McMonigal were elected to three-year terms on AJA's Board of Governors. The board is made up of delegates from 14 regional districts representing the United States, Canada and Mexico.

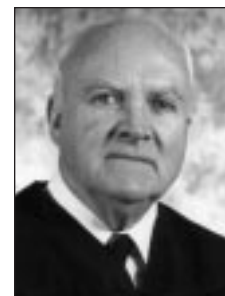


Judge Richard S. Brown

Froehlich, who continues his work to improve judges' salaries, authored an AJA resolution which encourages states to create a judicial compensation commission in order to strengthen the independence of the judiciary.

McMonigal filled an unanticipated opening on the board when a judge from Kansas who held a board seat was elected secretary of the organization. McMonigal, who has been an active speaker in his community, will serve on AJA's Public Information and Relations Committee. "I think we need to uncloak some of the mystery of the judiciary," said McMonigal. He will also serve on the Court Organization and Administration Committee.

Milwaukee County Circuit Court Judge Thomas P. Doherty was appointed as a Wisconsin delegate to the AJA. He serves the association as chair of the Court Organization and Administration Committee and vice chair of the Public Information and Relations Committee. Doherty reported that the committee on court organization and administration is currently working on a project to define the authority of the judiciary in court administration.



Judge
Thomas P. Doherty

Doherty believes that the American Judges Association is becoming "increasingly active in re-identifying the judicial branch as a co-equal branch."

District III Court of Appeals Judge R. Thomas Cane served on the faculty for the National Judicial College in August. Cane led discussion on *Essential Skills for the Appellate Judge*. Appellate judges from various states and other countries attended the class. Returning from the college, Cane said: "The impression I always come back with after attending these national courses is that Wisconsin continues to be a leader in judicial education and effi-

Wisconsin Courts Host International Guests

by: *Karen Leone de Nie*



Justice
N. Patrick Crooks

This summer brought a number of international visitors to Wisconsin's courts. Dane County Circuit Court Judge Moria G. Krueger hosted three judges from Lithuania, while Supreme Court Justice N. Patrick Crooks shared his perspective on the courts with an attorney from Bulgaria and a law student from Brazil.

The international exchange with Lithuania began when Krueger gave the keynote address at a Lithuanian judicial conference in 1996. While there, Krueger

met the drafters of the Lithuanian Constitution. Their job is very difficult, she said, as they determine which influences—Russian, European, American—their constitution will reflect.

The opportunity to devise a new legal system was the stimulus for the jurists' visit to the United States. As a result of Lithuania's recent independence, the country's judicial system has been in a state of flux—constantly adapting to new and amended laws. While here, the judges gathered information to make decisions regarding their developing legal system. They came through the International Visitors program, sponsored by the United States Information Agency and the International Institute of Wisconsin.

Krueger said the visit "renewed old friendships" and suggested an emerging relationship between the United States and Lithuania.

While in Madison, the visitors met with the State Public Defender's office, district court administrators, the Clerk of Circuit Court's office and local judges, including District IV Court of Appeals Judge Margaret J. Vergeront and Dane County Circuit

Court Judge Daniel R. Moeser (Moeser is also chief judge of the Fifth Judicial District). Discussions focused on court administration and procedure, case management, judges' associations and training, and the independence of the judiciary.

The visit culminated with a reception at Krueger's home attended by Chief Justice Shirley S. Abrahamson, local judges and friends of the court. The visitors, who spoke little English, were also pleased to meet Lithuanian speaking members of the Sister City Society and University of Wisconsin Professor Alfred Senn—who provided necessary relief for the interpreter.

Bulgarian attorney Dusan Protic spent an afternoon in July with Justice Crooks to talk about court administration and administrative infrastructure. They were joined by Chief Legal Counsel to the Governor Stewart Simonson, Court Commissioner William Mann and Deputy Director of State Courts Kathleen M. Murphy. Following this gathering he met Circuit Court Automation Program Director Rick Godfrey for an automation systems demonstration.

Protic, who also serves on the Executive Board of the Democratic Party of Serbia (a moderate opposition party), made this trip to see firsthand how U.S. government operates. The National Forum Foundation's Central and Eastern European Internship Program sponsored the trip.

Also visiting Crooks was Ranada Esposto, a law student from Brazil, who attended Wisconsin English as a Second Language Institute (WESLI). While in Madison she volunteered her time with the Department of Justice and visited the prison system and the Court of Appeals, as well as the state Supreme Court. Esposto, who is interested in international business law, wanted to "see what law in the U.S. actually is," said Assistant Attorney General Robert M. Hunter. ❖

Farewell to Jackson County Court Reporter

by: *Karen Leone de Nie*

Jackson County Circuit Court bid farewell to Milton M. Johnson, who served as court reporter there for almost 17 years. Johnson officially retired October 15, but has been enjoying saved-up vacation time since late August.

Johnson hails from northcentral Minnesota. Following in his parents' footsteps, he attended the Minnesota School of Business in Minneapolis with thoughts of a future in business. He later decided to pursue a degree in court reporting—a decision he never regretted.

Johnson started his court reporting career in Madison with the Wisconsin Industrial Commission. He traveled around the state recording compensation hearings. While he was on the road, Johnson said, his wife, Jodi, "had a full-time job typing my transcripts."

Realizing that court reorganization in the late '70s might eliminate his position, Johnson sought a new post and landed in Jackson County Circuit Court in 1980. During his tenure, Johnson served with Judges Louis I. Drecktrah and Robert W. Radcliffe.

Looking back on his career, Johnson recalled times when tension was building in the courtroom. Defendants sit directly before

the court reporter as they testify and there were a few times when the defendant made him uneasy—especially when he discovered that one prisoner had been forging a weapon in his cell.

Court reporting runs in the family. Johnson's son, Ed, serves as court reporter in Ozaukee County where he uses realtime. The senior Johnson's response to such technological advances in the field was simple: "I didn't change."

At his retirement party in September, Johnson was presented with "Milty's Retirement Memory Book," which contained best wishes from many friends, neighbors, attorneys, officers, judges and family members. The festivities included a cake featuring Johnson lounging in a big hammock. Judge Drecktrah was a special guest at the party.

At the time of this interview, Johnson was enjoying his third week of unofficial retirement, saying: "Since 1962 I had never taken more than two weeks off at a time." His wife also plans to retire next summer. Together, they will make time for camping, fishing and, especially, watching their grandchildren grow up. They also plan to spend time at the family farmstead in northeastern Minnesota. In addition to their son, Ed, the Johnsons have a grown daughter, Kim.

VOLUNTEERS IN THE COURTS: A PARTNERSHIP FOR JUSTICE

By: *Trina E. Haag, Interim Assistant to the Chief Justice*

RSVP Helps Youth

The Retired Senior Volunteer Program (RSVP) in Stevens Point no longer just provides volunteers to non-profit organizations. As part of a new mentoring program, RSVP is reaching out to "at-risk" students at a local junior high school.

Once a week, RSVP volunteers Charlie Fernandez and Helen Johnson meet with 7th and 8th grade students in the Care About Reaching Everyone Program (CARE). Students in the CARE program show poor academic performance, truancy problems and may demonstrate low self-esteem.

The RSVP volunteers do not serve as tutors; instead, they are mentors, leading discussions with the students and taking them on special educational outings. In October, Fernandez shared his unique interest in telescopes with the students. They had a discussion about Galileo and learned about the Earth's rotation.

On another occasion, Fernandez conversed in Spanish with a young Hispanic student who indicated that part of her problem in school is her inability to see the blackboard. Fernandez spoke with the principal who is working with the parents to get glasses for the girl.

Fernandez and Johnson also serve as volunteers in the Grandparent Visitor Program at the Portage County Juvenile Detention Center. The concept is simple: a caring, older adult who is not a part of the judicial system may be able to motivate a young person who is in detention. This program was featured at the Volunteers in the Courts Conference in Madison in April.

RSVP implemented the program in January with the help of 11 volunteers who were chosen in part for their ability to "advise, teach, or impart on life experience without lecturing or moralizing."

One young boy who participated in a grandparent visit said in an evaluation that his visit was "really great, really great!!—Keep coming back, you make the people in here feel good," he wrote.

For more information on the CARE mentoring program, or for the year-end evaluation of the Grandparent Visitors Program, please call RSVP Program Director Marti Sowka at (715) 346-1409. ❖

Highlight: The Responsibility Adjustment Program

Dodge County Circuit Court Judges Andrew P. Bissonnette, Daniel W. Klossner and John R. Storck recently initiated a volunteer program called the Responsibility Adjustment Program (RAP). Each month, a judge organizes a group of youth offenders to participate in a community service project.



Judge
Andrew P. Bissonnette



Judge
Daniel W. Klossner



Judge
John R. Storck

Since July, the judges—along with other community volunteers—have supervised close to 80 youth on weekend projects. The group cleaned and raked the Dodge County Fairgrounds, improved the ground cover under playground equipment in city parks and painted bleachers and dugouts.

In October, Bissonnette and volunteers from the Beaver Dam Lions Club and Dodge County Sheriff's office supervised a morning of litter clean-up along Highway 33.

Some youth work in lieu of payment of a fine or forfeiture, others are fulfilling a community service requirement. The Dodge County judges recognize that service is a positive means of working with youth offenders and improving the community at the same time. ❖

Abrahamson and Ziegler Address Need for Volunteers in the Courts



Chief Justice
Shirley S. Abrahamson

Chief Justice Shirley S. Abrahamson was the closing speaker at The Wisconsin Promise Volunteerism Summit, co-chaired by First Lady Sue Ann Thompson and Milwaukee businessman Martin Stein, in October.

Modeled after the President's National Summit in April, the state summit brought delegates from each county to Madison to discuss ways of developing community resources for youth through the use of volunteers.

Abrahamson told the audience, comprised of children and adults: "I am proud to work in a court system that has led the nation in establishing volunteer programs—programs with a mission, programs that work, programs that reach out to many, especially to families and children in need."

Judge Annette K. Ziegler, Washington County Circuit Court, was the keynote speaker at the Third Annual Community Board Institute, sponsored by Regal Ware, Inc. and the Washington County Volunteer Center, in November. The seminar, held at the University of Wisconsin Center at West Bend, addressed volunteerism, board responsibilities and goals for using volunteers in Washington County.

Ziegler, a board member at the Washington County Volunteer Center, spoke on the importance of using volunteers in the court system. The goal of the conference was to reenergize volunteer efforts in the community, Ziegler said. ❖



Judge
Annette K. Ziegler

With Designer's Help, Furniture and Art Return Home

Lately, visitors to the state Supreme Court have remarked on the new decor. But the mahogany furniture, oil paintings and additional artwork that brighten the chambers are not new; in fact, they date back to the early 1900s when the Capitol was built.



Justice Jon P. Wilcox greets Diane Al Shihabi, an interior designer who volunteers her time to the Supreme Court.

Over the years, furniture and pictures have been shuffled into storage and to other offices within and outside of the court system. In honor of the sesquicentennial, and in anticipation of the Capitol's east wing restoration, the furniture is returning home.

The furniture combines the simplicity of the Arts & Crafts movement with classically inspired designs, according to Interior Designer Diane Al Shihabi, who has volunteered much of her time to restore the Supreme Court to its original splendor.

Mahogany chairs with worn leather backs, a hand-carved armoire and an oil painting (found at a consignment shop) of Supreme Court Chief Justice Edward G. Ryan, who served from 1874-1880, are among the many pieces to admire.

Chief Justice Shirley S. Abrahamson invited Al Shihabi, who did extensive research on the Capitol's original furniture,

to assist the Supreme Court in retrieving and placing its furniture. "Diane's help with this project is invaluable to the Court. Not only is she knowledgeable, but she is willing to share her enthusiasm and love for art and history with us. For that, we are truly grateful," Abrahamson said.

Al Shihabi authored four volumes of research on original Capitol furniture. These volumes are available to the public in the Supreme Court reception area.

Al Shihabi is the furniture designer and interior design consultant for the state Senate Restoration Project. She earned a bachelor's degree in interior design from UW-Madison and also studied the history of design and architecture under Jody Greenwald at UCLA. While living in Kuwait for ten years, she restored antique furniture and accessories.

Al Shihabi enjoys spending time with her three active children: Laith, Qais and Laila. ❖

Brown County Fights Crime, Truancy with Grant

Starting in January, Brown County will fight juvenile crime and truancy with an \$85,000 juvenile justice grant from the Wisconsin Office of Justice Assistance.

The program consists of starting Teen Court, an innovative venue for handling cases involving juveniles who commit minor offenses. All teens brought to court must plead guilty to the offense that they are charged with. In court, they are tried and sentenced by their peers, under the supervision of a real judge. Sentences may include community service, a letter of apology and serving a term on the teen jury.

The other half of the program combats truancy problems by establishing a curfew ordinance during the school day to target

students that are skipping school. The program also helps truants succeed academically by setting up on-line Nova-Net computer work stations at school, which enables them catch up on the lessons before returning to the classroom.

Brown County Circuit Court Judges Vivi L. Dilweg and Donald R. Zuidmulder and Municipal Judges Mark A. Warpinski and David J. Matyas, along with District Court Administrator Jane A. Schetter, started organizing the effort a year ago.

The program calls for cooperation and collaboration with school districts, law enforcement agencies and other public and private entities. Questions about this program should be directed to Schetter at (920) 448-4281. ❖

Additional Information About Volunteers in the Courts

To obtain a copy of the catalog contact:

State Bar of Wisconsin
P.O. Box 7158
Madison, WI 53707
(800) 362-8096

To report a new or expanding program in your area, please contact Interim Asst. to the Chief Justice Trina E. Haag at (608) 261-8297.

Information on *Volunteers in the Courts* is also available on the Supreme Court's home page on the State Bar of Wisconsin's web site at: <http://www.wisbar.org/sct/>

Background information on the volunteer programs listed in the catalog is available at: Wisconsin State Law Library 310 East, State Capitol Madison, WI 53702 (608) 266-1600

Teen Court Expands

The first session of Teen Court in Trempealeau County was held November 14, under the direction of Circuit Court Judge John A. Damon. Leah Rollins, a student judge said, "I think this program is going to be successful because the offender cooperates and can relate to members of the Teen Court."

Iowa County kicked off Teen Court on October 8, after months of planning by Circuit Court Judge William D. Dyke and his law student intern Jeremy Gill. A special mock session of Teen Court was held November 19 to give the media a chance to see what happens in the normally closed court proceeding. ❖

Volunteer Law Clerk Program is Well Received

Responses to follow-up questionnaires on the court system's summer intern program were very positive, and contain a number of good suggestions for improvement.

The Office of Court Operations ran the program, placing 47 interns from 25 law schools with 68 judges in more than 30 counties, three branches of the Court of Appeals and the Supreme Court.

Many judges wrote that their interns were top-notch and suggested the program be year-round. Of 36 judges responding to the questionnaire, 33 said they would participate again. Twenty-three said their interns had good legal research skills, while only one was poor and 20 found their writing skills to be good, while none said poor. A number suggested that an orientation program for all the interns would be helpful next year. Other suggestions included:

- Create a projects list throughout (the) year anticipating availability of law clerk.

- (Give clerk a) task requiring review of a court file to familiarize clerk with court process (e.g., check pending case list on CCAP against file to verify (that) older cases on list are in fact pending.
- Leave the program as unstructured as you can to allow the judge and student to work out their own agenda.
- Part of the intern experience is sitting in on interesting court proceedings—seeing the working role of various participants in judicial proceedings. If anything of interest is happening in (the) Court of Appeals/Supreme Court or even a seminar I suggest we be noticed so they can participate if they wish.

While both the law students and the judges cited the lack of pay for the students as a source of concern, all 17 students who returned their evaluation form said they would recommend the program to fellow students. ❖

Judges Directory to Debut in New Year

The first Wisconsin court system *Judges Directory* is scheduled to debut in January 1998. This low-cost, loose leaf directory will provide judges and staff with photographs, phone and fax numbers and biographical information of all active judges in the state.

The directory is an experiment. If it is successful, it may be expanded to include reserve judges and updated with annual inserts.

Our thanks to all who furnished biographical information and sat for photographs. A special thanks to the district

court administrators who helped gather the material.

If you have questions about the directory, or if you would like to order photographs from the Judicial Conference, please contact Interim Asst. to the Chief Justice Trina E. Haag at (608) 261-8297. ❖

District 10 Tour *continued from page 17*

Brown County Civilian Bailiffs Training

To ensure that civilian circuit court bailiffs, who have substantial contact with jurors and litigants, are doing the best job possible, Brown County conducted two, one-day training sessions on August 26 and 28. Twenty bailiffs participated in the sessions, which provided opportunities for questions and ended with a discussion on problem-solving.

Jury clerks from the Brown County Clerk of Circuit Court office spoke on interacting with jurors, a Brown County court security officer addressed security issues and a Brown County judge discussed general dos and don'ts, ethics and courtroom procedures.

Discussions captured the experience of working as a civilian bailiff and were enhanced with two videotapes. All participants received a reference manual covering all aspects of the position.



Judge Vivi L. Dilweg

Brown County participants in the development and presentation of the program and the manual included: Judge Vivi L. Dilweg, Administrative Supervisor Jean M. Eckers, Lt. Peter D. Mitchell of the Sheriff's office, then-Clerk of Circuit Court Lynn Verheyen and her jury clerks, Bailiff Patricia L. Lawrence and District Court Administrator Jane A. Schetter.

To receive a copy of the reference manual (hard copy or diskette), call Schetter at (920) 448-4281. ❖

New Faces *continued from page 5*

In his new job, Harvey will be responsible for long-range planning, the courts' budget and administration of the county's court commissioners, administrative staff and 46 trial courts.

"We are very fortunate to have found a highly qualified person in-house to take on the responsibilities of this position. Bruce Harvey has the diverse background and the knowledge of the Milwaukee courts and judges that the job requires," said Director of State Courts J. Denis Moran. District One Chief Judge Patrick T. Sheedy agreed: "One of our most important tasks in the next year will be to improve the efficiency of Milwaukee County's civil and family courts," he said. "Bruce Harvey has the experience to get the job done and to administer the courts in a thoughtful and efficient manner."

In addition to his eight years with the courts, Harvey, who holds a master's degree in public administration from the University of Colorado, has served as Deputy Executive Director of the Wisconsin Council on Criminal Justice and as a legislative assistant in the state Senate.

He is currently—and will remain—an employee of Milwaukee County. The Director of State Courts office and the Milwaukee County Executive have entered into an agreement to exchange Harvey for one year. The state will provide his full reimbursement and fringe benefits, which total \$119,918. At the end of the year, the contract may be extended for another full year. A position of Court Coordinator, at a cost of \$49,877, has been created to pro-

Miller Delivers a High-powered Panel

by: **Trina E. Haag**
*Interim Assistant
to the Chief Justice*

Playing to a crowd of nearly 300 judges and members of the media at the annual Judicial Conference, Harvard Law Professor Arthur R. Miller led a 13-member panel through a hypothetical murder investigation in the imaginary state of “Idealia.” Each panelist added a unique voice to the

discussion and sometimes—as is true in the real world—their ideas clashed.

“The panel was truly a highlight of the conference,” said Racine County Circuit Court Judge Emily S. Mueller, conference chairwoman. “Miller seemed to have a really good read on where the panelists were coming from and what their experience had been.”

The panel, which included five members of print and broadcast media, three

attorneys, two judges, a law enforcement official, a victim and a lay person, was well-balanced, Miller said afterward.

During the two-hour presentation, the media representatives defended their practice of not releasing outtakes (video that is shot but never aired) and debated their role in aiding police investigations. The judges defended the media’s right to be present in court proceedings, but agreed that gavel to gavel coverage is more educational than sound bytes. Milwaukee Defense Attorney Dennis P. Coffey questioned the educational value of pictures showing a handcuffed defendant being led into the courthouse.

Steven L. Ritt, a civil attorney who served on the panel, said that the discussion proved that issues exist not only between the media and the courts, but involve everyone in the community. However, tensions can be overcome through dialogue, he said.

Miller, who is on sabbatical from Harvard Law School, volunteered his time to moderate upon request from Chief Justice Shirley S. Abrahamson. Miller has appeared on ABC’s *Good Morning America* as the program’s legal editor for more than 20 years and also comments regularly on legal matters for Boston’s WXVB-TV. In fact, within minutes of arriving at the Milwaukee airport, Miller was interviewed live via satellite for Boston’s evening news about sports commentator Marv Albert. ❖



Harvard Law Professor Arthur R. Miller puts WEAU-TV News Director John Hoffland on the spot about media access to crime scenes.

Poeple in the News

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domestic violence, but they are receiving more phone calls—an indication that people are seeking earlier intervention, according to Sue Sippel of CAP Services.

The *Monroe County Democrat* dubbed Monroe County Circuit Court judges **Steven L. Abbott** and **Michael J. McAlpine** the “Men

in Black.” The article gave readers an overview of the courts, explaining the daily activities of the judges and court staff.

District II Court of Appeals Judge **Daniel P. Anderson** cited overly long briefs as a big frustration to him as a judge, according to a judicial profile in *The Daily Reporter*. He said many attorneys “use a shotgun approach to the appeal, hoping if they throw something up there, they are bound to get a ruling in their favor.” A man of brevity, Anderson warned, “Length is not persuasive.” Anderson also voiced concern about the perception of the judiciary as an

Supreme Court Seeks Info on ADR Programs

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Furthermore, the Supreme Court wants to determine what problems judges have encountered in implementing this rule and what can be done to help alleviate those problems. Finally, the Court is interested in any suggestions or comments about court annexed alternative dispute resolution.

Please send information and comments to:

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The Third Branch

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WISCONSIN SUPREME COURT

Judicial Education State Court Program Calendar (Tentative)

1998

JANUARY Clerks of Circuit Court January 28-30 Concourse Hotel; Madison	FEBRUARY	MARCH Domestic Violence Seminar March 18-20 Heidel House; Green Lake
APRIL Prison Tour April 3 College Faculty Development Workshop April 20 Fac. Development Workshop April 21-22 The Springs; Spring Green Executive Employee Assistance Workshop April 29-May 1 <i>Location to be Determined</i>	MAY Law & Humanities <i>Date & Location to be Determined</i> Criminal Law & Sentencing May 20-22 Paper Valley; Appleton	JUNE Settlement Techniques for Judges <i>Date & Location to be Determined</i> Psychology and the Law <i>Date & Location to be Determined</i>
JULY	AUGUST	SEPTEMBER Judicial College September 14-18 Lake Lawn Lodge; Delavan
OCTOBER Mtg. of Jud. Conference October 21-23 Holiday Inn/Holidome; Stevens Point	NOVEMBER Civil Law November 18-20 Holiday Inn; Madison	DECEMBER Family Law December 2-4 Grand Geneva Resort; Lake Geneva

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