

CELEBRATE ★ YOUR ★ FREEDOM

a guide for organizing activities in Wisconsin's courts

LAW DAY

PLANNING KIT

May 1, 2002



**WISCONSIN
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Director of State Courts Office

PO Box 1688 ★ Madison, WI 53701-1688

(608) 266-1298 ★ fax (608) 261-8299 ★ www.courts.state.wi.us

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Wisconsin's Law Day Initiative

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

This year, the American Bar Association has chosen *Assuring Equal Justice for All* as its Law Day theme. There is no better place to honor this theme than in Wisconsin's 70-plus courthouses where judges, lawyers, and court employees work together to preserve each person's fundamental rights while providing a forum for the peaceful resolution of disputes.

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

In 1998, we gave the program a sesquicentennial twist, packing the kit full of information on Wisconsin's court history and legal lore. The 1998 Law Day Planning Kit, Sesquicentennial Edition, was recognized with an award from the American Judicature Society for "enriching the public's understanding of the courts' vital role in serving citizens throughout the 150 years of Wisconsin's statehood." In 1999, 2000, and 2001 we continued the tradition, providing new ideas, speeches, and lists of possible partners in each kit.

For 2002, we have provided new ideas, speeches, and partners while keeping some tried-and-true programs in place. Each planner will receive a copy of the kit. The first person listed in each county is responsible for organizing the local Law Day committee. It is suggested that members of the county bar, county board, law enforcement, and community groups be invited to help. In addition to the court personnel and – in some counties – lawyers listed in the contacts section, you will also find a list of 4-H youth agents in each county who may be willing to plan or host events.

This kit is being provided at no cost to you. It contains order forms for many handouts that will also be provided at little or no charge. Individual committees are responsible for any additional costs incurred for refreshments, banners, plaques, materials ordered from the American Bar Association, etc.

We wish you good luck in setting up a successful 2002 Law Day celebration!

Law Day Planning Timeline

March

Planning kits distributed to organizers (see page 6).

Organizers convene committees, assign duties.

Order free American Bar Association (ABA) Law Day catalog, call 800/285-2221 and mention product code 317-0192.

Order mailing labels for local schools from the Department of Public Instruction (DPI). Orders need to be in writing and this service costs \$25-40 plus 10 cents per sheet of labels. For more information, call DPI at 608/266-1730 or visit the Web site at www.dpi.state.wi.us.

Order community group mailing list from local chamber of commerce.

Contact community groups and schools to offer judges and lawyers to speak on a variety of the best interests of children or other law-related topics; speakers can use this opportunity to announce Law Day activities. Make use of the speaking points and synopses of school-related cases beginning on page 37. Consider using information from Famous Cases of the Wisconsin Supreme Court or Wisconsin's Legal History, both available on the court system Web site (see Resources, page 92).

Recruit all necessary volunteers: tour guides, contest judges, and lawyers to staff a legal advice booth and coach mock trial participants.

15th Solicit door prize donations for Juror Appreciation Dinner (see page 21).

15th **Deadline to order ABA materials at five percent discount.**

18th Research local businesses' jury duty practices to determine which business has the best fit for the Juror Employer Award (see page 22).

18th Send first press release to announce Law Day activities (see sample, page 35). Assign a local lawyer or judge to write Law Day guest column (submit by March 30).

18th Contact schools with invitations and information on poster and/or essay contests (see pages 28-32), mock trials (see page 47), and other activities.

22nd Invite community groups, VIPs, local officials (see page 33).

28th Meet with buildings/grounds personnel to choose space for Juror Appreciation Dinner (see page 21).

28th Invite former jurors to Juror Appreciation Dinner (see pages 23). Give one-week deadline for response.

April

- 1st** **Deadline for placing requests for personalized Law Day advertisements** (see page 89).
- 3rd** Contact Juror Employer Award winners and order plaques (see page 93).
- 3rd** Send Juror Employer Award press releases about awards (see page 22).
- 3rd** Order refreshments, decorations, banners (see pages 93-94).
- 3rd** Design and distribute a flyer promoting Law Day activities.
- 4th** Meet with buildings/grounds personnel to finalize space/furniture needs for Juror Appreciation Dinner (see page 21).
- 4th** Contact caterer and make nametags for Juror Appreciation Dinner.
- 11th** **Deadline for ordering State Bar of Wisconsin materials.**
- 12th** Deadline to judge contest entries and contact schools with results (see page 31).
- 12th** Order plaques/ribbons or design certificates for contest winners (see pages 93-94).
- 19th** Send second press release (see page 36).
- 24th** Reminder calls to all volunteers.
- 26th** Set up tables, booths, hang banners, set out handouts, etc.

May

- 1st** **Celebration of Law Day 2002. Good luck!**

Law Day Organizers by County

ADAMS COUNTY

Dianna Helmrick
Clerk of Circuit Court
Adams County Courthouse
402 Main St.
Friendship, WI 53934
Phone: 608/339-4208
dianna.helmrick@adams.courts.state.wi.us

ASHLAND COUNTY

Kathleen Colgrove
Clerk of Circuit Court
Ashland County Courthouse
210 W. Main St.
Ashland, WI 54806
Phone: 715/682-7016
kathleen.colgrove@ashland.courts.state.wi.us

BARRON COUNTY

Bonnie Gagner
Clerk of Circuit Court
Barron County Courthouse
330 E. La Salle
Barron, WI 54812
Phone: 715/537-6267
bonnie.gagner@barron.courts.state.wi.us

Chief Judge Edward R. Brunner
Barron County Courthouse
330 E. La Salle
Barron, WI 54812
Phone: 715/537-6399

BAYFIELD COUNTY

BROWN COUNTY

Judge Donald R. Zuidmulder
Brown County Courthouse
PO Box 23600
Green Bay, WI 54305-3600
Phone: 920/448-4110

BUFFALO COUNTY

Roselle Urness
Clerk of Circuit Court
Buffalo County Courthouse
407 Second St., South
Alma, WI 54610
Phone: 608/685-6212
roselle.urness@buffalo.courts.state.wi.us

BURNETT COUNTY

Trudy Schmidt
Clerk of Circuit Court
Burnett County Courthouse
7410 CTH K
Siren, WI 54872
Phone: 715/349-2147
trudy.schmidt@burnett.courts.state.wi.us

CALUMET COUNTY

CHIPPEWA COUNTY

Karen Hepfler
Clerk of Circuit Court
Chippewa County Courthouse
711 N. Bridge St.
Chippewa Falls, WI 54729
Phone: 715/726-7758
karen.hepfler@chippewa.courts.state.wi.us

CLARK COUNTY

Judge Jon Counsell
Clark County Courthouse
517 Court St.
Neillsville, WI 54456-1904
Phone: 715/743-5172

COLUMBIA COUNTY

CRAWFORD COUNTY

Donna Steiner
Clerk of Circuit Court
Crawford County Courthouse
220 N. Beaumont Road
Prairie du Chien, WI 53821
Phone: 608/326-0209
donna.steiner@crawford.courts.state.wi.us

DANE COUNTY

Gail Richardson
District Court Administrator
210 Martin Luther King Jr. Blvd.
Madison, WI 53709
Phone: 608/267-8820
gail.richardson@dca5.courts.state.wi.us

DODGE COUNTY

Judge Andrew P. Bissonette
Dodge County Legal Services Bldg.
105 N. Main St.
Juneau, WI 53039

Phone: 920/386-3805

Richard Thieme
Clerk of Circuit Court
Dodge County Legal Services Bldg.
105 N. Main St.
Juneau, WI 53039
Phone: 920/386-3571
richard.thieme@dodge.courts.state.wi.us

DOOR COUNTY

Judge Peter Diltz
Door County Courthouse
PO Box 670
Sturgeon Bay, WI 54235-0670
Phone: 920/746-2283

Atty. Stephen P. Johnson
Johnson Law Offices
PO Box 407
Sturgeon Bay, WI 54235-0407
Phone: 920/743-2211
sjohnson@mail.doorpi.net

DOUGLAS COUNTY

Joan Osty
Clerk of Circuit Court
Douglas County Courthouse
1313 Belknap St.
Superior, WI 54880
Phone: 715/395-1469
joan.osty@douglas.courts.state.wi.us

DUNN COUNTY

Clara Minor
Clerk of Circuit Court
Dunn County Courthouse
800 Wilson Ave.
Menomonie, WI 54751
Phone: 715/232-2611
clara.minor@dunn.courts.state.wi.us

EAU CLAIRE COUNTY

Diana Miller
Clerk of Circuit Court
Eau Claire County Courthouse
721 Oxford Ave.
Eau Claire, WI 54703
Phone: 715/839-6299
diana.miller@eauclaire.courts.state.wi.us

FLORENCE COUNTY

Paula Coraggio
Clerk of Circuit Court
Florence County Courthouse
501 Lake Avenue
Florence, WI 54121
Phone: 715/528-5470
paula.coraggio@florence.courts.state.wi.us

Court Commissioner Ginger Murray
100 N. Forest Ave.
Crandon, WI 54520-1379
Phone: 715/478-3085
gingerj@newnorth.net

FOND DU LAC COUNTY

Judge Dale L. English
Fond du Lac County Courthouse
PO Box 1355
Fond du Lac, WI 54936-1355
Phone: 920/929-3063

FOREST COUNTY

Tom Kalkofen
Clerk of Circuit Court
Forest County Courthouse
200 E. Madison St.
Crandon, WI 54520
Phone: 715/478-3323
tom.kalkofen@forest.courts.state.wi.us

Court Commissioner Ginger Murray
100 N. Forest Ave.
Crandon, WI 54520-1379
Phone: 715/478-3085
gingerj@newnorth.net

GRANT COUNTY

Diane Perkins
Clerk of Circuit Court
Grant County Courthouse
130 W. Maple St.
Lancaster, WI 53813
Phone: 608/723-2752
diane.perkins@grant.courts.state.wi.us

GREEN COUNTY

Carol Thompson
Clerk of Circuit Court
Green County Courthouse
1016 16th Ave.
Monroe, WI 53566
Phone: 608/328-2835
carol.thompson@green.courts.state.wi.us

GREEN LAKE COUNTY

Susan Krueger
Clerk of Circuit Court
Green Lake County Courthouse
492 Hill St.
Green Lake, WI 54941
Phone: 920/294-4145
susan.krueger@greenlake.courts.state.wi.us

IOWA COUNTY

Carolyn Olson
Clerk of Circuit Court
Iowa County Courthouse
222 N. Iowa St.
Dodgeville, WI 53533
Phone: 608/935-5052
carolyn.olson@iowa.courts.state.wi.us

IRON COUNTY

Virginia Giacomino
Clerk of Circuit Court
Iron County Courthouse
300 Taconite St.
Hurley, WI 54534
Phone: 715/561-4084
virginia.giacomino@iron.courts.state.wi.us

JACKSON COUNTY

Kathy Powell
Register in Probate
Jackson County Courthouse
307 Main St.
Black River Falls, WI 54615
Phone: 715/284-0208
kathy.powell@jackson.courts.state.wi.us

Atty. Robert Alan Olsher
Sherman, Olsher & Sherman
PO Box 487
Black River Falls, WI 54615-0487
Phone: 715/284-5381
soslaw@cuttingedge.net

Atty. James C. Ritland
James C. Ritland Law Office
320 Main St.
Black River Falls, WI 54615-1745
Phone: 715/284-4474
ritland@cuttingedge.net

JEFFERSON COUNTY

Judge William F. Hue
Jefferson County Courthouse
320 S. Main St.
Jefferson, WI 53549-1799
Phone: 920/674-7151

Atty. Ben Brantmeier
Krek & Associates SC
PO Box 399
Jefferson, WI 53549-0399
Phone: 920/674-4567
krek@efnet.com

JUNEAU COUNTY

Louise Schulz
Clerk of Circuit Court
Juneau County Courthouse
220 E. State St.
Mauston, WI 53948
Phone: 608/847-9356
louise.schulz@juneau.courts.state.wi.us

Judge John W. Brady
Juneau County Courthouse
220 East State St.reet
Mauston, WI 53948-1349
Phone: 608/847-9351

KENOSHA COUNTY

Gail Gentz
Clerk of Circuit Court
Kenosha County Courthouse
912 56th St.
Kenosha, WI 53140
Phone: 262/653-2664
gail.gentz@kenosha.courts.state.wi.us

KEWAUNEE COUNTY

Judge Dennis J. Mleziva
Kewaunee County Circuit Court
613 Dodge St.
Kewaunee, WI 54216-1398
Phone: 920/388-7142
Phone: 920/388-7142

LA CROSSE COUNTY

Steven Steadman
District Court Administrator
La Crosse County Law Enforcement
Center
333 Vine St.
La Crosse, WI 54601-3296
Phone: 608/785-9546
steven.steadman@dca7.courts.state.wi.us

Atty. Roger W. LeGrand
Roger W. LeGrand Law Office
PO Box 306
La Crosse, WI 54602-0306
Phone: 608/785-5600

LAFAYETTE COUNTY

Kitty McGowan
 Clerk of Circuit Court
 Lafayette County Courthouse
 626 Main St.
 Darlington, WI 53530
 Phone: 608/776-4832
 kitty.mcgowan@lafayette.courts.state.wi.us

LANGLADE COUNTY

Judge James P. Jansen
 Langlade County Courthouse
 800 Clermont St.
 Antigo, WI 54409-1985
 Phone: 715/627-6221

LINCOLN COUNTY

Cindy Kimmons
 Clerk of Circuit Court
 Lincoln County Courthouse
 1110 E. Main St.
 Merrill, WI 54452
 Phone: 715/536-0321
 cindy.kimmons@lincoln.courts.state.wi.us

MANITOWOC COUNTY

Judge Patrick L. Willis
 Maniotowoc County Courthouse
 1010 S. 8th St.
 Maniotowoc, WI 54221
 Phone: 920/683-4042

MARATHON COUNTY

Donna Seidel
 Clerk of Circuit Clerk
 Marathon County Courthouse
 500 Forest St.
 Wausau, WI 54401
 Phone: 715/261-1319
 donna.seidel@marathon.courts.state.wi.us

Atty. Michael K. Moran
 State Public Defenders Office
 115 6th St.
 Wausau, WI 54403-5519
 Phone: 715/842-1603

MARINETTE COUNTY

Judge Tim Duket
 Marinette County Courthouse
 1926 Hall Ave.
 Marinette, WI 54143-1717
 Phone: 715/732-7470

MARQUETTE COUNTY

Judge Richard Wright

Marquette County Courthouse
 77 W. Park St.
 Montello, WI 53949
 Phone: 608/297-9105

MENOMINEE COUNTY

(see Shawano County)

MILWAUKEE COUNTY

John Barrett
 Clerk of Circuit Court
 Milwaukee County Courthouse
 901 N. 9th St., Room 609
 Milwaukee, WI 53233-1425
 Phone: 414/278-5025
 john.barrett@milwaukee.courts.state.wi.us

Atty. Joan Bartels Farrell
 Association for Women Lawyers
 Bartels Farrell Law Offices
 826 N. Plankinton Ave.
 Milwaukee, WI 53203-1804
 Phone: 414/273-4011
 farrelllaw@aol.com

Atty. Noah Alexandre Fenceroy
 Milwaukee Young Lawyers Assn.
 222 W. Hampton #208
 Milwaukee, WI 53217-5808
 Phone: 414/271-6560
 nafenceroy@mbf-law.com

Atty. Elaine E. Richards
 Wisconsin Assn. of African-American
 Lawyers
 Firststar Mutual Fund Services
 615 E Michigan St. 2nd Floor
 Milwaukee, WI 53202-5207
 Phone: 414/287-3338
 Elaine.Richards@firststar.com

MONROE COUNTY

Judge Michael McAlpine
 Monroe County Courthouse
 112 S. Court St.
 Sparta, WI 54656
 Phone: 608/269-8928

OCONTO COUNTY

Michael Hodkiewicz
 Clerk of Circuit Court
 Oconto County Courthouse
 300 Washington St.
 Oconto, WI 54153
 Phone: 262/834-6867
 michael.hodkiewicz@oconto.courts.state.wi.us

ONEIDA COUNTY

Kenneth Gardner
 Clerk of Circuit Court
 Oneida County Courthouse
 PO Box 400
 Rhinelander, WI 54501-0400
 Phone: 715/369-6120
 kenneth.gardner@oneida.courts.state.wi.us

OUTAGAMIE COUNTY

Chief Judge Joseph Troy
 Outagamie County Justice Center
 320 S. Walnut St.
 Appleton, WI 54911-5991
 Phone: 920/832-5245

OZAUKEE COUNTY

Jeffrey Schmidt
 Clerk of Circuit Court
 Ozaukee County Courthouse
 1201 S. Spring St.
 Port Washington, WI 53074
 Phone: 262/238-8410
 jeffrey.schmidt@ozaukee.courts.state.wi.us

Atty. Darcy E. McManus
 Ozaukee County Family Court
 Commissioner
 PO Box 994
 Port Washington, WI 53074-0994
 Phone: 262/284-8378

PEPIN COUNTY

Rosemary Carlisle
 Clerk of Circuit Court
 Pepin County Government Center
 740 7th Ave. W.
 Durand, WI 54736
 Phone: 715/672-8861
 rosemary.carlisle@pepin.courts.state.wi.us

PIERCE COUNTY

Beverly Lucente Berg
 Clerk of Circuit Court
 Pierce County Courthouse
 414 W. Main St.
 Ellsworth, WI 54011
 Phone: 715/273-3531
 beverly.lucente-berg@pierce.courts.state.wi.us

Atty. Lauri J. Gaylord
 Gaylord Law Office
 113 E. Elm St.
 River Falls, WI 54022-0046
 Phone: 715/425-0144

POLK COUNTY

Melvin Madsen
 Clerk of Circuit Court
 Polk County Courthouse
 PO Box 549
 Balsam Lake, WI 54810
 Phone: 715/485-9299
 melvin.madsen@polk.courts.state.wi.us

PORTAGE COUNTY

Judge John Finn
 Portage County Courthouse
 1516 Church St.
 Stevens Point, WI 54481-3598
 Phone: 715/346-1360

PRICE COUNTY

Louise Lindsay
 Clerk of Circuit Court
 Price County Courthouse
 126 Cherry St.
 Phillips, WI 54555
 Phone: 715/339-2353
 louise.lindsay@price.courts.state.wi.us

Atty. Kevin G. Klein
 Klein Law Office SC
 PO Box 350
 Phillips, WI 54555-0350
 Phone: 715/339-2000
 kleinlaw@pctcnet.net

RACINE COUNTY

Judge Dennis Barry
 Racine County Courthouse
 717 Wisconsin Ave.
 Racine, WI 53403
 Phone: 262/636-3131

Kerry Connelly
 District Court Administrator
 730 Wisconsin Ave.
 Racine, WI 53403-1274
 Phone: 262/636-3133
 kerry.connelly@dca2.courts.state.wi.us

RICHLAND COUNTY

Ann Robinson
 Clerk of Circuit Court
 Richland County Courthouse
 181 W. Seminary St.
 Richland Center, WI 53581
 Phone: 608/647-3956
 ann.robinson@richland.courts.state.wi.us

ROCK COUNTY

Judge John Lussow

Rock County Courthouse
 51 S. Main St.
 Janesville, WI 53545-3978
 Phone: 608/743-2254

RUSK COUNTY

Renae Baxter
 Clerk of Circuit Court
 Rusk County Courthouse
 311 Miner Ave., East
 Ladysmith, WI 54848
 Phone: 715/532-2108
 renae.baxter@rusk.courts.state.wi.us

ST. CROIX COUNTY

Lori Meyer
 Clerk of Circuit Court
 St. Croix County Courthouse
 1101 Carmichael Road
 Hudson, WI 54016
 Phone: 715/386-4629
 lori.meyer@stcroix.courts.state.wi.us

Atty. R. Michael Waterman
 Mudge, Porter, Lundeen & Seguin SC
 PO Box 469
 Hudson, WI 54016-0469
 Phone: 715-386-3200
 michael.waterman@mpl-s.com

SAUK COUNTY

Judge James Evenson
 Sauk County Courthouse
 515 Oak St.
 Baraboo, WI 53913-0449
 Phone: 608/355-3218

Atty. Natalie T. Bussan
 Cross, Jenks, Mercer and Maffei
 PO Box 556
 Baraboo, WI 53913-0556
 Phone: 608-356-3981
 nbussan@baraboolaw.com

SAWYER COUNTY

Judge Norman Yackel
 Sawyer County Courthouse
 406 Main St.
 Hayward, WI 54843
 Phone: 715/634-4886

SHAWANO COUNTY

Susan Krueger
 Clerk of Circuit Court
 Shawano County Courthouse
 311 N. Main St.

Shawano, WI 54166
 Phone: 715/526-9347
 sue.krueger@shawano.courts.state.wi.us

SHEBOYGAN COUNTY

Judge James J. Bolgert
 Sheboygan County Courthouse
 615 N. 6th St.
 Sheboygan, WI 53081-4692
 Phone: 920/459-0393

TAYLOR COUNTY

Judge Gary Carlson
 Taylor County Courthouse
 224 S. Second St.
 Medford, WI 54451
 Phone: 715/748-1435

Atty. Kevin G. Klein
 Klein Law Office SC
 PO Box 350
 Phillips, WI 54555-0350
 Phone: 715/339-2000
 kleinlaw@pctcnet.net

TREMPEALEAU COUNTY

Judge John Damon
 Trempealeau County Courthouse
 PO Box 67
 Whitehall, WI 54773-0067
 Phone: 715/538-2311

VERNON COUNTY

Chief Judge Michael Rosborough
 PO Box 448
 Viroqua, WI 54665-0448
 Phone: 608/637-3872

VILAS COUNTY

Nancy Livingston
 UW Extension Office
 330 Court St.
 Eagle River, WI 54521
 Phone: 715/479-3648

WALWORTH COUNTY

Sheila Reiff
 Clerk of Circuit Court
 Walworth County Courthouse
 Courthouse Square
 Elkhorn, WI 53121
 Phone: 262/741-4272
 sheila.reiff@walworth.courts.state.wi.us

Atty. Theodore N. Johnson
 Godfrey, Leibsle, et al
 PO Box 260

Elkhorn, WI 53121-0260
Phone: 262-741-1540
tjohnson@godfreylaw.com

WASHBURN COUNTY

Judge Eugene D. Harrington
Washburn County Courthouse
PO Box 458
Shell Lake, WI 54871
Phone: 715/468-7460

WASHINGTON COUNTY

Kristine Deiss
Clerk of Circuit Court
Washington County Courthouse
32 E. Washington St.
West Bend, WI 53095
Phone: 262/335-4354
kristine.deiss@washington.courts.state.wi.us

WAUKESHA COUNTY

Carolyn Evenson
Clerk of Circuit Court
Waukesha County Courthouse
515 W. Moreland Blvd.
Waukesha, WI 53188
Phone: 262/548-7582
carolyn.evenson@waukesha.courts.state.wi.us

WAUPACA COUNTY

Terry Tews
Clerk of Circuit Court
Waupaca County Courthouse
811 Harding St.
Waupaca, WI 54981
Phone: 715/258-6459
terry.tews@waupaca.courts.state.wi.us

Atty. Paul Jay Sturm
1026 S Bridge St
PO Box 954
Manawa, WI 54949-0954
Phone: 715/445-2511
pjaysturm@hotmail.com

WAUSHARA COUNTY

WINNEBAGO COUNTY

Judge Barbara Hart Key
Winnebago County Courthouse
415 Jackson Drive
Oshkosh, WI 54903
Phone: 920/236-4835

WOOD COUNTY

Cindy Joosten
Clerk of Circuit Court
Wood County Courthouse
400 Market St.
Wisconsin Rapids, WI 54494
Phone: 715/421-8490
cindy.joosten@wood.courts.state.wi.us

Community Partners

The **University of Wisconsin Extension** has provided the following contact persons who may be willing to assist with Law Day planning and activities.

ADAMS COUNTY

Wendi Holloway
149 N. Main St.
PO Box 489
Adams, WI 53910
Phone: 608/339-4237

ASHLAND COUNTY

David Grote
201 Main St. #107
Ashland, WI 54806-1652
Phone: 715/682-7017

BARRON COUNTY

Jennifer Tabke
330 E. LaSalle Ave.
Barron, WI 54812-1540
Phone: 715/537-6250

BAYFIELD COUNTY

Donna Ganson
117 E. Fifth St.
Washburn, WI 54891
Phone: 715/373-6104

Ian Meeker
117 E. Fifth St.
Washburn, WI 54891
Phone: 715/373-6104

BROWN COUNTY

Karla Voss
1150 Bellevue St.
Green Bay, WI 54302-2210
Phone: 910/391-4610

BUFFALO COUNTY

Carrie Bailey
407 S. Second St.
Alma, WI 54610-0276
Phone: 608/685-6256

BURNETT COUNTY

Douglas Stubbe
7410 County Road K #107
Siren, WI 54872-9787
Phone: 715/349-2151

CALUMET COUNTY

Thomas Reinemann
206 Court St.
Chilton, WI 53014-1198
Phone: 920/849-1450

CHIPPEWA COUNTY

James Winkler
711 N. Bridge St. #13
Chippewa Falls, WI 54729-2570
Phone: 715/726-7950

CLARK COUNTY

Karen Sipple
PO Box 68
Neillsville, WI 54456-0068
Phone: 715/743-5121

COLUMBIA COUNTY

Karen Nelson
PO Box 567
Portage, WI 53901-0567
Phone: 608/742-9684

CRAWFORD COUNTY

Daren Pagenkopf
111 W. Dunn
Prairie du Chien, WI 53821-1995
Phone: 608/326-0223

DANE COUNTY

Sue Frederich
One Fen Oak Ct. #138
Madison, WI 53718-8812
Phone: 608/224-3728

Nancy Kuehn
One Fen Oak Ct. #138
Madison, WI 53718-8812
Phone: 608/224-3713

Doanh Wang
One Fen Oak Ct. #138
Madison, WI 53718-8812
Phone: 608/224-3702

DODGE COUNTY

Bonnie Borden
127 E. Oak St. #108

Juneau, WI 53039
Phone: 920/386-3790

Sally Schoenike
127 E. Oak St. #108
Juneau, WI 53039
Phone: 920/386-3790

DOOR COUNTY

Rene Mehlberg
421 Nebraska St.
Sturgeon Bay, WI 54235-0670
Phone: 920/746-2260

DOUGLAS COUNTY

Fariba Pendleton (on leave)
1313 Belknap St.
Superior, WI 54880-2769
Phone: 715/395-1363

Joan Wimme
1313 Belknap St.
Superior, WI 54880-2769
Phone: 715/395-1363

DUNN COUNTY

Deirdre Baljo
390 Red Cedar St. Suite D
Menomonie, WI 54752-2785
Phone: 715/232-1636

EAU CLAIRE COUNTY

Katy Forsythe
227 First St. W.
Altoona, WI 54720
Phone: 715/839-4712

FLORENCE COUNTY

Meg Dallapiazza
HC 1 Box 82a
Florence, WI 54121
Phone: 715/528-5490

FOND DU LAC COUNTY

Denise Retzleff
400 University Dr. #112
Fond du Lac, WI 54935-2998
Phone: 920/929-3172

FOREST COUNTY

John Harter
200 E. Madison St.
Crandon, WI 54520-1414
Phone: 715/478-2212

GRANT COUNTY

Cindy Busch
916 E. Elm St.
Lancaster, WI 53813-0031
Phone: 608/723-2125

GREEN COUNTY

Alissa Grenawalt
N3150B Hwy. 81
Monroe, WI 53566-9397
Phone: 608/328-9440

GREEN LAKE COUNTY

Sharon McDowell
492 Hill St.
Green Lake, WI 54941-3188
Phone: 920/294-4032

IOWA COUNTY

Deb Ivey
222 N. Iowa St.
Dodgeville, WI 53533-1548
Phone: 608/935-0391

IRON COUNTY

Gloria Fauerbach
300 Taconite St.
Hurley, WI 54534-1589
Phone: 715/561-2695

JACKSON COUNTY

Deb Jones
227 S. Eleventh St.
Black River Falls, WI 54615-1779
Phone: 715/284-4257

JEFFERSON COUNTY

Sue Pleskac
864 Collins Road
Jefferson, WI 53549-1799
Phone: 920/674-7295

JUNEAU COUNTY

Barb Becker
211 Hickory St.
Mauston, WI 53948-1386
Phone: 608/847-9329

KENOSHA COUNTY

KEWAUNEE COUNTY

James Pointer
613 Dodge St.
Kewaunee, WI 54216-1398
Phone: 920/388-7185

LA CROSSE COUNTY

Bob Matysik
300 N. Fourth St.
La Crosse, WI 54601-3228
Phone: 608/785-9593

LAFAYETTE COUNTY

Cindy Busch
627 Washington St.
Darlington, WI 53530-1396
Phone: 608/776-4820

Stephanie Olson
627 Washington St.
Darlington, WI 53530-1396
Phone: 608/776-4820

LINCOLN COUNTY

Deborah Moellendorf
1106 E. Eighth St.
PO Box 917
Merrill, WI 54452-0917
Phone: 715/536-0304

Amber Rehberg
1106 E. Eighth St.
PO Box 917
Merrill, WI 54452-0917
Phone: 715/536-0304

MANITOWOC COUNTY

Blair Deets
4319 Expo St.
PO Box 1150
Manitowoc, WI 54221-1150
Phone: 920/683-4169

MARATHON COUNTY

Jean Erickson
212 River Dr. Suite 3
Wausau, WI 54403-5476
Phone: 715/261-1232

MARINETTE COUNTY

Wally Hitt
1926 Hall Ave.
Marinette, WI 54143-1717
Phone: 715/732-7510

MARQUETTE COUNTY

Myrna Rhinehart
PO Box 338
Montello, WI 53949-0338
Phone: 608/297-9153

MENOMINEE COUNTY

MILWAUKEE COUNTY

Demetrius Brown
State Fair Park Youth Center
640 S. 84th St.
West Allis, WI 53214-1438
Phone: 414/290-2435

Johnnie Johnson
State Fair Park Youth Center
640 S. 84th St.
West Allis, WI 53214-1438
Phone: 414/290-2436

Deb McRae
Wehr Center
9701 W. College Ave.
Franklin, WI 53132
Phone: 414/761-1151

Mary Thiry
State Fair Park Youth Center
640 S. 84th St.
West Allis, WI 53214-1438
Phone: 414/290-2419

OCONTO COUNTY

Paula Huff
301 Washington St.
Oconto, WI 54153-1699
Phone: 920/834-6845

ONEIDA COUNTY

Sally Miske
3375 Airport Rd.
PO Box 1208
Rhineland, WI 54501-1208
Phone: 715/365-2750

OUTAGAMIE COUNTY

Jeanne Baum
3365 W. Brewster St.
Appleton, WI 54914
Phone: 920/832-5122

Mike Hibbard
3365 W. Brewster St.
Appleton, WI 54914
Phone: 920/832-5122

OZAUKEE COUNTY

Kay Schroeder
121 W. Main St.
Port Washington, WI 53704-0994
Phone: 262/238-8293

PEPIN COUNTY

Marie Ritscher
740 7th Ave. W.
PO Box 39
Durand, WI 54736-0039
Phone: 715/672-5214

PIERCE COUNTY

Frank Ginther
412 W. Kinne St.
Ellsworth, WI 54011-0069
Phone: 715/273-3531 ext. 663

POLK COUNTY

Chuck Prissel
215 Main St.
PO Box 160
Balsam Lake, WI 54810-0160
715/485-8600

PORTAGE COUNTY

Connie DeCorte
Courthouse Annex Bldg.
1462 Strongs Ave.
Stevens Point, WI 54481-3598
Phone: 715/346-1316

PRICE COUNTY

Rosanne Schleif
Normal Bldg. #240
104 E. Eyder Ave.
Phillips, WI 54555-1394
Phone: 715/339-2555

RACINE COUNTY

Bonnie Herrmann
14200 Washington Ave.
Sturtevant, WI 53177-1295
Phone: 262/886-8460

RICHLAND COUNTY

Pam Hobson
1100 Hwy. 14 W.
Richland Center, WI 53581-1398
Phone: 608/647-6148

ROCK COUNTY

Donna Duerst

51 S. Main St.
Janesville, WI 53545-3978
Phone: 608/757-5692

Karen Maloney
51 S. Main St.
Janesville, WI 53545-3978
Phone: 608/757-5691

RUSK COUNTY

Cindy LaPorte
311 Miner Ave. E.
Ladysmith, WI 54848-1895
Phone: 715/532-2155

SAUK COUNTY

Gretchen Kanable
505 Broadway
Baraboo, WI 53913-2404
Phone: 608/355-3251

SAWYER COUNTY

Lori Laberee
406 Main
PO Box 351
Hayward, WI 54843-0351
Phone: 715/634-4839

SHAWANO COUNTY**SHEBOYGAN COUNTY**

Marie Lee
650 Forest Ave.
Sheboygan Falls, WI 53085-2551
Phone: 920/467-5740

Tim Talen
650 Forest Ave.
Sheboygan Falls, WI 53085-2551
Phone: 920/467-5740

ST. CROIX COUNTY

Kim Reaman
1960 8th Ave. Suite 140
Baldwin, WI 54002
Phone: 715/684-3301 ext. 5

TAYLOR COUNTY

Dan Renzoni
925 Donald St. #103
Medford, WI 54451-2095
Phone: 715/748-3327

TREMPEALEAU COUNTY

Tom Forrer
1720 Main St.

PO Box 67
Whitehall, WI 54773-9449
Phone: 715/538-2311 ext. 210

VERNON COUNTY

Susan Marino
Erlandson Bldg.
E7410 County Hwy. BB
PO Box 392
Viroqua, WI 54665-0392
Phone: 608/637-5276

VILAS COUNTY

Nancy Livingston
330 Court St.
Eagle River, WI 54521
Phone: 715/479-3648

WALWORTH COUNTY**WASHBURN COUNTY**

Annette Bjorklund
850 W. Beaver Brook Ave. #1
Spooner, WI 54801-9801
Phone: 715/635-4444

WASHINGTON COUNTY

Kandi O'Neil
333 E. Washington St. #1200
West Bend, WI 53095-2586
Phone: 262/335-4478

WAUKESHA COUNTY

Tamara Koop
1320 Pewaukee Road
Waukesha, WI 53188-3868
Phone: 262/548-7784

Tom Riese
1320 Pewaukee Road
Waukesha, WI 53188-3868
Phone: 262/548-7774

WAUPACA COUNTY

Connie Abert
811 Harding St.
Waupaca, WI 54981-2087
Phone: 715/258-6230

Penny Gundrum
811 Harding St.
Waupaca, WI 54981-2087
Phone: 715/258-6230

WAUSHARA COUNTY

Barb Barker
209 S. St. Marie
PO Box 487
Wautoma, WI 54982-0487
Phone: 920/787-0416

WINNEBAGO COUNTY

Kristin Wegner
625 E. County Road Y #600
Oshkosh, WI 54901-9775
Phone: 920/232-1970

WOOD COUNTY

Cathy Duesterhoeft
400 Market St.
PO Box 8095
Wisconsin Rapids, WI 54495-8095
Phone: 715/421-8440

Suggested Law Day Activities

The key to a successful Law Day is providing programs that are interesting enough to bring people to the courthouse. Consider especially reaching out to elderly, low-income, and immigrant populations by arranging for transportation to bring them to the courthouse for Law Day. Many of the activities listed below come from the American Bar Association.

Elementary Students (grades K-6)

Activity 1: Classroom Rules

Ask the children to describe a good class. Then ask them to write rules that would help make the class like the one they have described. Make sure they understand why rules are needed to preserve order. Older students could be asked to evaluate the quality of a rule. The following criteria can help them decide which are good rules and which are not. Is the rule fair, easy to understand, and clear regarding expectations? Is it possible to follow, not in conflict with other rules or values, easy to enforce, and will it achieve its purposes? Students could write a statement of why they think the rules should or should not be changed. If they want the rule changed, they should write their own version of the rule.

Activity 2: Class Constitution

Elementary students reportedly love this activity. After the students learn about the writing of the Constitution, help them create a class constitution and bill of rights. An alternative that is less complex is to have students create rules for their classroom (see above). Challenge students to analyze hypothetical situations to assess whether or not actions are “constitutional” or “legal.” While considering these hypothetical situations, students may well find that their constitution or class rules need amending.

Activity 3: Essay/Poster Contests

These contests are a great way to spark the imaginations of children and the artwork can be displayed in the courthouse afterward. See pages 28-31 for contest materials.

Middle School Students (grades 7-8)

Civics education is emphasized in middle school, and this is a perfect age for visiting court. The challenge is keeping the students’ interest by making the court visit engaging for them. The following activities – to be conducted during students’ visits – are recommended by the American Bar Association’s Special Committee on Youth Education for Citizenship.

These role-playing activities are designed to enable students to learn about the operation of the courts and to look at a situation from a variety of viewpoints.

Activity 1: The Arrest

Divide the children into groups of four and ask each group to plan a simple arrest. Two students play police officers; two play suspects. After they have planned their scenario, invite a local police officer in to watch and critique the arrests, and to supply information on the appropriate protocol. The judge or district attorney may

also wish to be present to discuss search warrants and Fourth Amendment rights. Following the discussion, have the students re-stage the scenario to make it legally correct.

Activity 2: The Role of Attorneys

Use the students' favorite role-play from *The Arrest* and have them hammer out the facts that the prosecution and defense agree upon and write those on a flip chart. Invite a prosecutor and defense attorney to develop and present opening statements. In the process, have the attorneys explain to the students how they would choose which facts to include, which to highlight, and which to downplay.

Activity 3: Protecting Rights

Invite the victim-witness coordinator or a member of a victims' advocacy group in to discuss his/her work with crime victims. The judge or district attorney might also want to discuss the impact of the victims' rights legislation on the process. The discussion might focus on what support systems exist in the community to help victims. Consider also having the students meet with a criminal defense attorney to learn how the rights of a person accused of a crime are protected.

Activity 4: Small Claims

Work with a teacher to choose a small group of students who will be assigned to find out how small claims are handled in the county. They can then come to court and watch a small claims calendar. If the county does not currently have a guide to small claims, the Law Day committee might consider working with a teacher to tailor the statewide guide – published by the Director of State Courts Office – to the county's local practices. The statewide small claims guide is available at http://www.courts.state.wi.us/circuit/pdf/small_claims.pdf.

Activity 5: Mediation

A teacher might be asked to assign his/her students to talk to members of their families or fellow students to uncover grievances. Each student could write up a summary of one dispute in advance of the courthouse visit. The judge and attorneys or volunteer mediators might give the students an overview of dispute resolution and then role-play a mediation using one of the scenarios. The students might then try mediating some of the other disputes with coaching from the experts.

High School Students & Adults (grades 9 & up)

Ideas for older students and adults include exercises that can be conducted in the classroom or with community organizations, and activities that can be organized in the courthouse.

1. Due Process Exercise

A good way to explain criminal and civil due process is to use case studies. The following case study exercises were developed by Patricia McGuire in *Constitutional Update: Justice*, published by the American Bar Association Special Committee on Youth Education for Citizenship. Those interested in a more in-depth exercise can find two school-related cases from Wisconsin – along with links to briefs, full opinions, and more, on page 43.

Case #1: Criminal Due Process

This case is loosely based on *Rhode Island v. Innis*, 100 S.Ct. 1682 (1980), in which the U.S. Supreme Court held that off-hand remarks by a police officer did not constitute an interrogation, and that the defendant's incriminating actions and statements were totally voluntary.

Facts: Police apprehended Albert Jones shortly after a murder was reported. Jones fit the description of the suspect and was found not far from the park where the victim, Charley, was found. When police arrested Jones, they read him his *Miranda* rights. He indicated that he wanted to speak with an attorney. During the ride back to the police station, the officer sharing the back seat with Jones said: "I sure hope that the guy who shot old Charley didn't leave his gun on that playground." Jones nodded. "Hey, Jones, you got any kids?" the officer asked. Jones said he had three children. "It sure would be terrible if some kids found a gun lying around that playground," the offi-

cer said. After a few minutes, Jones asked the officers to take him to the park. There, he led police to a gun hidden under a bush. Jones's fingerprints were on the gun and it matched the bullet that killed Charley. At trial, the officers' testimony about their conversation with Jones, along with the gun and bullet were admitted into evidence. Jones was convicted and sentenced to life in prison.

Discussion questions:

1. What are the most important facts in this case?
2. Why do you think the officer was talking to Jones?
3. Did Jones voluntarily lead the officers to the gun?
4. How might the legal issue in this case be stated?
5. What does due process have to do with this case?
6. Should Jones appeal the conviction? Why or why not? What arguments might he make on appeal?
7. If Jones appeals, what will the prosecutor likely argue?
8. If you were the appeals court judge, how would you decide? Why?

Case #2: Civil Due Process

Facts: Hilda Peterson is a single mother of three children, ages six months, three, and four and a half. Since the birth of her first child, Peterson has been receiving public assistance under the Aid to Families with Dependent Children (AFDC) program. She is unemployed. Peterson's social worker has urged her to return to school to complete a high school diploma and learn secretarial skills. The case worker has also urged her to get a job and has arranged for several jobs, but Peterson has refused. She says that she cannot leave her children at this stage in their lives. Six months ago, the social worker reported to the AFDC Board that Peterson was not cooperating with his efforts to get her a job. Several weeks later, AFDC stopped payments to Peterson. When she went to the AFDC Board to protest, she was told that a hearing would be scheduled if she wanted to appeal the decision. The hearing was scheduled for two weeks later, and consisted of a member of the AFDC Board, the social worker, and Peterson. Peterson was never advised on whether she could bring an attorney and the few guidelines available for the hearing process did not mention representation. The guidelines simply state that a person cut off from welfare has a right to appeal to a member of the AFDC Board, and that board member will make the decision. In Peterson's case, the board member upheld the board's decision to stop her payments.

Discussion questions:

1. What are Peterson's interests in this case? Do they fall within the "life, liberty, or property" interests mentioned in the Constitution? Why or why not?
2. What has happened to Peterson's interests in this case? To what degree, if any, have her interests been harmed?
3. What are the interests of the government in this case?
4. Should Peterson be accorded some kind of due process? If so, what would make the procedure more fair and impartial?

Alternate activity to prompt discussion: Read each of the following opinions and discuss whether you agree or disagree, and why.

Opinion I: Welfare payments are a property interest for those individuals who qualify to receive them. However, while Peterson does have some property interest, her due process rights were not violated because she was given an opportunity to be heard after the payments were cut off. Due process does not always require very formal proceedings, and a full-blown hearing would unduly burden the government in this kind of case.

Opinion II: Welfare payments are a gift from the taxpayers. No one has a right to receive them. Therefore, no one can claim a property interest in them. Courts must act responsibly in ruling on due process claims to ensure that they do not interfere with proper legislative and agency functions. The agency acted responsibly in providing some minimal hearing procedures, which were more than sufficient. If every welfare case had to be heard before the termination decision was made, millions of taxpayer dollars would be wasted, both in the expense of the hearing process and in the continuation of welfare payments to those who should not be receiving them.

Opinion III: Welfare payments are indeed a property interest for those who are eligible to receive them. Moreover, it is brutal and unconscionable for the government to terminate payments to people who may well deserve them. For a mother with three young children, even one day without the necessary income can be a horror. The interest of saving money by prompt termination of payments to possibly ineligible recipients does not outweigh the interest of ensuring no unjust interruption of payments to people who really need the income. Ultimately in this kind of case, it's the children who suffer. A fair hearing must be provided before a decision is made to end payments.

2. Judicial Decision-Making Exercise

The purpose of this exercise is to explain judicial decision-making and interpretation of the law. One of the most popular versions of this exercise is *Tootsie the Goldfish*, created by Chief Justice Shirley S. Abrahamson. Tootsie, and Abrahamson's method for conducting the exercise, are available in chapter 2 of *Connecting to the Courts: A Teacher's Guide to the Wisconsin Court System* at http://www.courts.state.wi.us/media/pdf/Teacher's_Guide.PDF. The version below is taken from the ABA's *Guide to Educating the Public About the Courts*.

No Vehicles in the Park

The town of Beautifica has established a lovely park. The city council wanted to preserve some elements of nature, undisturbed by city noise, traffic, pollution, and crowding, so the park is a place where people can go to find grass, trees, flowers, and quiet. In addition, there are playgrounds and picnic areas. At all entrances to the park, the following sign has been posted: No Vehicles in the Park.

The law seems clear but some disputes have arisen over the interpretation of the law. Interpret the law in the cases that follow, keeping in mind the letter of the law as well as its intent.

Case 1: Two police cars are chasing a suspected bank robber. If one cuts through the park, he can get in front of the suspect's car and trap him.

Case 2: An ambulance has a critically injured car accident victim in it and is racing to the hospital. The

shortest route is through the park.

Case 3: Ms. Thomas wants to take her baby to the park in his stroller.

Case 4: A monument to the town's citizens who died in the Vietnam War is being constructed. A tank, donated by the government, is to be placed beside the monument.

Case 5: There are many trash barrels in the park and the sanitation department wants to drive a truck in to collect the trash.

Case 6: Some of the children who visit the park want to ride their bicycles there.

Case 7: Several of the townspeople make their living driving tourists around scenic spots in a horse and buggy. They want permission to drive through the park.

3. Information Fair

Set up tables for handouts/displays from the courts, county and state bar associations, the ABA (call 312/988-5735 for a catalog), police, sheriff, and county agencies. Consider reserving one table as a legal advice booth (see below), one for voter registration and one for often-asked questions (for example: how to apply for a passport, how to file a small claims action, what happens when one fails to pay a fine). Give a tour of the court system's redesigned Web site on public access terminals. Many bar associations have programs geared to high school seniors who will soon be, or already are, adults. A lawyer discusses a topic with a small group of students, allowing time for their questions. Students move round robin to another lawyer until all students have met with each lawyer. Each lawyer discusses a different issue such as leases, drunk driving, marriage, and domestic abuse.

4. Legal Advice Booth

Identify local lawyers with a broad range of expertise to staff the booth in shifts (see pages 24-27). Promote with flyers and press releases. Alternative: Partner with a local television or radio station and have attorneys take call-in questions.

5. Tours of Courthouse

Recruit volunteers, create handouts and tour-guide speeches with historical information on Wisconsin's legal history and famous cases (see resources, page 90), complete localized court visitors' guide if not already done (call 608/264-6256 for help), and make posters listing tour times.

6. Tours in conjunction with a "meet your judges/police chief/sheriff/county executive/county board members/city council" event

Contact these and other individuals to gauge interest, availability, and the best venue for meetings. For example, determine which court will be handling cases that are appropriate for children to watch or stage a mock trial (see pages 46-78 for mock trial scripts). See if the sheriff's department will give jail tours and if a police mascot might be available to greet children and give safety tips. See if a CrimeStoppers episode could be taped at the courthouse on May 1 or if a local radio station will broadcast live from the courthouse. Promote all activities in press releases and flyers, making clear that judges will not answer questions on pending cases.

7. Town Hall Meeting

Organize a town hall meeting for community members to meet with lawmakers, judges, and attorneys to talk about key issues related to the law and the courts. Promote with flyers.

For additional ideas from successful Law Day programs nationwide see next page.

Award-Winning Law Day Activities

The following programs were finalists for the ABA's Law Day Activities Award in 2001. The ABA describes hundreds of successful Law Day programs on its Web site at <http://www.abanet.org/publiced/lawday/ideas/home.htm>.



In **Philadelphia**, a panel of volunteer attorneys went to an area high school with informational handbooks provided by the Young Lawyers Division and spoke at an assembly of about 150 seniors. Topics covered included drunk driving, buying and renting property, marriage, domestic abuse, credit, employment law, and taxes. The State Bar of Wisconsin publishes similar materials; see page 86 to order.

Also in **Philadelphia**, a panel of nine attorneys provided free legal advice during a two-hour period to shoppers at an area shopping mall. The panel of attorneys included lawyers practicing in the areas of real estate, criminal law, employment, personal injury, bankruptcy, business, medical malpractice, and general civil litigation. Volunteer attorneys were provided with brochures that contained information regarding local public interest and social services organizations to which attorneys could refer in providing advice. To encourage participation, throughout the two hours six members of the Philadelphia Paralegal Association distributed flyers for the event to shoppers. The Bar also ran a Kid ID booth at the mall, providing about 200 ID cards for parents in a two-hour period. The Bar used Polaroid photo identification cards and booklets containing information about how to protect their toddlers and what to do in case of emergencies. They had advance publicity (newspapers, radio, television and flyers at the information desks of the mall), and the volunteers from the Paralegal Association handed out flyers to shoppers with small children.



In **Quincy, Ill.**, the Adams County Bar Association presents a Liberty Bell Award at a Law Day luncheon each year. The award is presented to someone who has made a significant contribution to the law. Sometimes the recipients are long-serving attorneys, but the award has also been given to non-attorneys and to businesses that have made a significant contribution in some way to the cause of justice.



In **Augusta, Ga.**, the State Bar Association's Younger Lawyers Division sponsors a Great Day of Service to coincide with Law Day. The division encourages its members to recruit members of their county bars to work on community volunteer projects. In 1999, for example, nine members of the Augusta Bar spent Law Day working on three Habitat for Humanity homes.

Also in **Augusta**, the county bar organizes a Law Day fundraiser basketball game between doctors and lawyers. Called the Jawbones-Sawbones Game, the event raises money for local charities. Last year, more than \$6,000 in proceeds went to benefit the Rape Crisis Center and SAFE Homes of Augusta.

Juror Appreciation Activities

Jurors are an important constituency of the courts. Law Day is a perfect time to honor them, and promote jury service, through courthouse activities.

1. Juror Appreciation Dinner

Open the courthouse on the evening of May 1 for a special dinner honoring jurors (see sample letter/invitation, page 23). Invite everyone who has served on a jury in the last three months (adjust according to the size of the group you wish to have). Cater a dinner, perhaps using the jury assembly room for the event. Provide free childcare on site. Solicit door prizes from local businesses (judges should not do the soliciting). To boost attendance, make the dinner free. Hand out comment cards soliciting the jurors' ideas for improving the system. Consider inviting the news media for a story that will publicize jury service.

2. Juror Employer of the Year Award

Give an award – perhaps in the form of a plaque – to a local business that has made jury duty easier on its employees by permitting shift changes, giving paid time off, promoting jury duty in the personnel policy, etc. The award might be given either at the courthouse or at the business's headquarters. Alert the local media to the award ceremony (see sample press release, page 22) and contact the company's newsletter, if one exists.

3. Book Donation

Purchase books having to do with juries and jury service and donate them, in a Law Day ceremony, to the local public libraries and school libraries. Here are a few books to consider:

- Aaseng, Nathan. *You are the Juror*. Minneapolis, Minn.: The Oliver Press, 1997. Book for young adult readers, puts them in the role of jurors in eight famous trials.
- Abramson, Jeffrey. *We, The Jury: The Jury System and the Ideal of Democracy*. New York: Basic Books, 1994.
- Adler, Stephen J. *The Jury: Trial and Error in the American Courtroom*. New York: Times Books, 1994.
- Baldwin, John and McConville, Michael. *Jury Trials*. Oxford: Clarendon Press, 1979.
- Brill, Steven, et al. *Trial by Jury*. New York: The American Lawyer/Simon & Schuster, 1990.
- Fukurai, Hiroshi, Butler, Edgar W., and Krooth, Richard. *Race and the Jury: Racial Disenfranchisement and the Search for Justice*. New York: Plenum Press, 1993.
- Gobert, James J. *The Jury on Trial: A Political, Philosophical, and Psychological Examination of the Jury*. 1993.
- Hans, Valerie P. and Vidmar, Neil. *Judging the Jury*. New York: Plenum Press, 1986.
- Hastie, Reed, Penrod, Steven, and Pennington, Nancy. *Inside the Jury*. Cambridge, Mass.: Harvard University Press, 1983.
- Litan, Robert E. (Ed.). *Verdict: Assessing the Civil Jury System*. Washington, D.C.: Brookings Institution, 1993.
- Levine, James. *Juries and Politics*. Pacific Groves, Cal.: Brooks/Cole, 1992
- Uviller, H. Richard. *Virtual Justice: The Flawed Prosecution of Crime in America*. New Haven, Conn.: Yale University Press, 1996.

4. Thank you Letters

Write a thank you letter to all who have served on jury duty in the last year (see sample letter, page 23).

Sample Press Release: Juror Employer Award

CONTACT:
Committee Member X
phone number

FOR IMMEDIATE RELEASE

XYZ Company Named ‘Juror Employer of the Year’

Everywhere, Wis. (March 16) - XYZ Company has been named Q County’s Juror Employer of the Year for its commitment to supporting its employees who are called for jury service.

XYZ, which employs N people at its factory/store/warehouse/etc. in Anywhere, has taken the following steps to assist employees in carrying out this important civic duty:

-
-
-

Q County’s Law Day Planning Committee chose XYZ as the first recipient of this award. “XYZ has taken important steps to ensure that its employees can answer the call to jury duty,” said Committee Chair Jane Doe. “Jury service is the one of the key ways in which citizens can participate in government, and it is the bedrock of our justice system. XYZ has recognized that making it easier for its employees to answer the call to jury duty boosts employee morale and upholds the values of the community.”

XYZ President Bud Smith will accept a plaque on behalf of the company at X p.m. during the Law Day celebration on Wednesday, May 1, at the Q County Courthouse at 111 Main St., Everywhere. Judges P, D, and Q will present the award in the Branch I courtroom. The media and public are welcome to attend.

In addition to the award ceremony, the following activities will take place at the Q County Courthouse on Law Day: A, B, C.

Members of the public are encouraged to join in the Q County Courthouse’s and Bar Association’s celebration of Law Day 2002.

Sample Thank you/Invitation: Jury Service

Today's Date

Name

Address

City, State ZIP

Dear Ms. X:

I want to take this opportunity, as Law Day 2002 approaches, to thank you for your jury service in the past year. [If juror appreciation activities are planned, mention them here].

As you know, jury service is the bedrock of our justice system. Without your participation, the system could not work. And without a healthy justice system, this community would not be the wonderful place that it is to work and live.

The Wisconsin Supreme Court in 1997 amended the statutes dealing with jury service to institute shorter terms of service and more efficient use of jurors' time. In addition, Wisconsin's Committee of Chief Judges has established a subcommittee to work on improving the process for summoning jurors and other issues related to jury service. These steps will help ensure that the time and goodwill of citizens called for jury duty is not wasted or taken for granted. The changes, we hope, will preserve the jury system and enhance the quality of the decision-making process.

I thank you for your commitment to our justice system and invite you to call or write to XYZ with any suggestions or comments on your experience.

Sincerely yours,

Presiding Judge

Guidelines for Giving Free Legal Advice

Those counties choosing to offer free legal advice clinics should keep in mind the following:

- People seeking advice may assume that by talking with the attorney they have retained that person. It is important to make it clear at the outset that the attorney is not representing them.
- Attorneys giving advice may or may not choose to offer their business cards. That is entirely up to the individual attorney.
- Brochures designed to help people access the State Bar's Lawyer Referral Service are available at no charge (see page 85).
- A number of other resources are available to people who need help. See page 83 for referral information.

Legal Advice Disclaimer

This is a legal advice service provided free of charge on Law Day. Although I will not be your personal attorney, I will provide what information I can. Information will be general in nature since it is not possible to analyze all the facts of your case over the phone/in a short meeting. If you desire a personal attorney, you will receive information about how to find one.

State Bar of Wisconsin
Lawyer Referral & Information Service
800/362-9082 or 608/257-4666

Hours:	Monday -Thursday	7:30 a.m. - 6 p.m.
	Friday	7:30 a.m. - 3 p.m.

Legal Resource List *(updated January 2002)*

The Internet offers access to a wealth of information. The following Web sites provide useful information and links:

State of Wisconsin E-government Portal:	www.wisconsin.gov
Wisconsin Court System:	www.courts.state.wi.us
Wisconsin State Law Library:	wsll.state.wi.us
State Bar of Wisconsin:	www.wisbar.org and www.legalexplorer.com
American Bar Association:	www.abanet.org

Agency/Organization Telephone Numbers:

Advocacy, Coalition for

608/267-0214 (Madison)
414/342-8700 (Milwaukee)

Aging and Long Term Care, Board on

608/266-8944
800/242-1060

Aging, Ombudsman Program for

608/266-8944 (Madison)

Agriculture, Trade & Consumer Protection

800/422-7128
715/839-3848 (Eau Claire)
920/448-5110 (Green Bay)
608/224-4960 (Madison)
414/266-1231 (Milwaukee)

ACLU (American Civil Liberties Union)

414/272-4032

Attorney General's Office

608/266-1221

BAPR (see Lawyer Regulation, Office of)

Battered Women, Dane County Advocates for

608/251-4445 (crisis line & shelter)
800/747-4045

Briarpatch (juvenile runaway & abuse counseling)

608/251-1126

Business Information

800/435-7287 (Wisconsin Department of Commerce Business Helpline)
608/263-2221 (UW Business School, Small Business Development Center)
608/263-7680 (UW Business School, Business Counseling Line)
608/250-6006 (State Bar Association Business Assistance Program)
608/264-5261 (Federal Small Business Administration)

Child Support: refer to local office.

City Attorney: refer to local office.

Clerk of Circuit Court: refer to local office.

Consumer Protection (Justice Department; see also "Agriculture, Trade and Consumer Protection")
608/266-1852

Credit Counseling Service

608/252-1334

Crisis Intervention Center (24-hour rape, suicide hotline)
608/280-2600

District Attorney: refer to local office.

Elder Law Center

800/488-2596 (guardianship hotline)
608/224-0660

Equal Employment Opportunity Commission

800/669-4000
414/297-1111 (Milwaukee)
608/266-4910 (Madison)

Equal Rights Division (Wisconsin Department of Workforce Development)

920/836-5153 Civil Rights Bureau
920/832-5301 Labor Standards Bureau
608/266-6860 (Madison)
920/832-5302 (Menasha)
414/227-4384 (Milwaukee)

Family Court: refer to local office.

Financial Institutions, Wisconsin Department of

800/452-3328 (Consumer Act section)
608/266-1621 (Madison)

Health and Family Services, Wisconsin Department of
608/267-3905 (Div. of Children & Family Services)

Humane Society: refer to local office

Institutionalized Persons, Legal Assistance to
608/262-1002

Insurance Commissioner

800/236-8517
608/266-0103 (Madison)

Internal Revenue Service

800/829-1040

Judicial Commission

608/266-7637

Juvenile Court: refer to local office.

Lawyer Referral and Information Service

800/362-9082
608/257-4666 (Madison)
also try www.wsll.state.wi.us/selfhelp.html for information on how to choose a lawyer and for answers to common legal questions.

Lawyer Regulation, Office of

877/315-6941 (toll free)

Mail Fraud - U.S. Postal Service

608/246-1297

Medical Assistance Hotline

800/362-3002
608/221-5720 (Madison)

Mental Health Center of Dane County

608/280-2700

Mental Health Clients' Legal Advocates

608/255-6627

Motor Vehicles Division (Wisconsin Department of Transportation)

608/266-0765 (consumer complaints)
608/266-2353 (driver records)
608/266-2261 (suspension/revocation)

Municipal Court: refer to local office.

National Labor Relations Board

414/297-3861

Parental Stress Center

608/241-2221

PICADA (Prevention & Intervention Center for Alcohol and other Drug Abuse)

608/246-7600

Public Service Commission

800/225-7729
608/266-2001 (Madison)

Regulation & Licensing, Wisconsin Department of

608/266-2112

Small Claims Court: refer to local office.

Tenant Resource Center (for tenants & landlords)

608/257-0006

Traffic Court: refer to local office.

Unemployment Compensation

608/232-0678

Veterans' Services

800/827-1000 (federal regional office)
608/266-1311 (state)
608/266-4158 (Dane County)

Workers' Compensation

608/266-1340

Workforce Development, Wisconsin Department of

608/266-3035 (Economic Support Division)

Contest Information for Schools

(Note: enclose this information with the invitation to schools)

I. Essay Contest for Fifth Graders

Rules:

- 1) Teachers should screen all submissions and forward the top two to XYZ, the committee person in charge of contests (see address below).
- 2) Entries will be screened by a committee of judges and lawyers. Judging criteria are as follows:
 - a. How well the question is addressed
 - b. Originality
 - c. Clarity
 - d. Grammar
 - e. Spelling
 - f. Construction
- 3) Teachers should staple a cover sheet to each entry with the following information: teacher's name and telephone number; student's name, name of school, number of the question being addressed.
- 4) To be considered, entries must be received no later than **Friday, April 5**.
(address to return entries to here)

Questions (choose one):

- 1) Describe one of the rights that you, as a child, have under the U.S. Constitution. What are some of the things that right allows you to do?
- 2) If you could amend the U.S. Constitution, what right would you give to children and why?
- 3) What does equality mean to you? How can you work to achieve equality in your school?
- 4) Should juveniles accused of serious crimes be tried as adults? Why or why not? If so, for which crimes and at what ages?

Prizes:

First, second and third-place winners will be called on or about April 13. Due to the expected volume of entries, those who entered but did not win will not be notified. The winners will be honored at a ceremony at the X County Courthouse at noon on May 1 as part of our Law Day celebration. Judge Y will present each winner with a certificate/ribbon/plaque and ask each to read his/her essay aloud to the group that will be assembled for Law Day activities. The children's parents, principal and teacher will all be welcome to attend. Awards for a fourth-grade poster contest will be given at the same ceremony.

Please note that winning essays will be submitted to the local newspaper unless teachers ask that they not be.

II. Poster Contest for Fourth Graders

Rules:

- 1) Teachers should submit all entries to XYZ (the committee person in charge of contests). See address below.
- 2) Entries will be judged by a team of judges and lawyers on the following criteria:
 - a. Creativity
 - b. Originality
 - c. How well the question is addressed through the art
- 3) Teachers should tape a sheet to the back of each entry with the following information: teacher's name and telephone number, student's name, name of school, number of question being addressed and a short description of what the student is showing (for example: Billy has drawn himself worshipping at his church). To be considered, entries must be received no later than **Friday, April 5**. Send to:
(your address here)

Topics (choose one):

- 1) Create a poster that shows the role of the law in protecting children.
- 2) Create a poster showing what you think our country might be like if we didn't have the Constitution to protect our freedom.

Prizes:

Winners will be notified by telephone on or about April 13. Due to the expected volume of entries, those who do not win will not be notified. All posters received will be hung in the X County Courthouse during the week of May 1, in honor of Law Day. The first, second and third-place winners will receive ribbons, which will be tacked to their posters during a ceremony at noon on Wednesday, May 1, at the courthouse. The children, their parents, principal and teacher will be welcome, and the children will be asked to explain the meaning of their posters to the group that will be assembled at the courthouse for Law Day. Awards for a fifth-grade essay contest will be given at the same ceremony.

Essay/Poster Contest Judging Form

Essay/Poster Letter: _____

(Note: the person who receives the essays/posters should not be one of the people judging them. S/he should remove all identifying marks and give each poster a letter, keeping a master key that matches name to letter).

Note: Essays are judged on all criteria; poster criteria may need to be narrowed.

Criterion	Points (max for each = 5)
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How well question addressed	_____
-----------------------------	-------

Originality	_____
-------------	-------

Creativity	_____
------------	-------

Clarity	_____
---------	-------

Grammar	_____
---------	-------

Spelling	_____
----------	-------

Construction	_____
--------------	-------

TOTAL SCORE	_____/35
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Sample Notification to School

Today's Date

Name

Address

City, State ZIP

Dear Teacher X:

Congratulations! Your student, XYZ, has won (first, second, third) place in ZZ County in the Law Day 2002 essay contest. You and s/he should be very proud.

The judging was done by Judge X and Lawyers P and D. All identifying marks were removed from the essays ahead of time to ensure fairness. We received essays from # schools from all over ZZ County.

We would like to invite you, the school principal, the student's parents and the student to a ceremony at which we will honor all essay contest winners. This will take place at noon on Wednesday, May 1, at the ZZ County Courthouse, address here. Judge X will present the top three essayists with plaques and the children will each be asked to read their essays aloud to the various groups who will be present for the Law Day open house.

We will be sending the student's essay to the local newspaper and will invite the media to cover the awards ceremony. If the child's parents would prefer that s/he not be given media exposure, please notify me of that immediately. Please also call as soon as possible to let me know how many we can expect at the ceremony.

I can be reached at xxx-xxxx. Congratulations again!

Sincerely yours,

PDQ

Chair, Law Day 2002 Committee

Certificate of Participation

to

Name

In recognition of your participation in the

County Law Day 2002 Contest

Dated this 1st day of May 2002

by Judge

Sample Invitation to Community Groups/Officials

Today's Date

Name

Address

City, State ZIP

Dear (Rotary, Kiwanis, NAACP, Mayor, Police Chief, Legislator, etc.):

The X County courts are planning a big celebration on Wednesday, May 1, in honor of Law Day. We would like to invite you to join in the festivities.

Law Day U.S.A. was established by President Dwight D. Eisenhower in 1958 to give Americans an opportunity to reflect on the country's legal heritage, the role of law in our society and the rights and responsibilities that come with a Democracy.

The theme of this Law Day is *Assuring Equal Justice for All* and we believe there is no better place to celebrate that than at the local courthouse, where we work every day to preserve each person's fundamental rights while providing provide a forum for the peaceful resolution of disputes.

We are planning an open house at the courthouse with (for example): refreshments, a team of local attorneys providing free legal advice, a table full of free materials on a variety of law-related topics such as landlord/tenant law, real estate transactions, bankruptcy, buying and selling automobiles and much more; a voter registration table, tours of the courthouse and the jail, an opportunity to meet the judges and a display of posters on the Constitution crafted by local fourth graders.

We hope you are able to join in this celebration and ask that you please call Y (committee person) if you have a group larger than five.

Sincerely yours,

XYZ

Sample Invitation to Schools

Today's Date

Name

Address

City, State ZIP

Dear Principal X:

I am writing to invite your students to participate in a statewide Law Day celebration. The theme of this year's Law Day is *Assuring Equal Justice for All* and we believe there is no better place to celebrate that than at the X County Courthouse, in the town of XXX, where we work every day to help people resolve their conflicts peacefully.

President Dwight D. Eisenhower established Law Day U.S.A. in 1958 to provide an opportunity for reflection on our legal heritage and the role of law in American society.

On May 1, 2002, in honor of Law Day, the X County courthouse, along with courthouses around the state, will host an open house. There are a number of ways in which your students might participate:

First, the Law Day 2002 organizing committee is sponsoring a **poster contest for fourth graders and an essay contest for fifth graders** (see attached contest information).

Second, the committee is making **lawyers and judges available to visit your school and lead discussions** designed to help your students understand the rule of law and the role of an independent judiciary.

Third, we would like to offer you the opportunity to schedule a **tour of the courthouse on May 1 for a group of students**. XYZ activities will be taking place (include the mock trial, if you will have one for them to watch). If you should have a contest winner, that student, his/her parents, the teacher and yourself will be invited to an awards ceremony at the courthouse.

We hope you choose to participate. Please call me at (xxx) xxx-xxxx if you are interested. Thank you!

Sincerely yours,

XXX

Chair, Law Day 2002 Committee

Sample First Press Release

CONTACT:
Committee Member X
(xxx) xxx-xxxx

FOR IMMEDIATE RELEASE

XYZ County Courthouse will Celebrate Law Day with an Open House

Everywhere, Wis. (March 16) - Need free legal advice? Want to register to vote or pick up free materials on your legal rights and how to protect them? How about taking a tour of the jail or meeting your sheriff and judges?

The XYZ County Courthouse, in celebration of Law Day, will sponsor an open house for the community on Wednesday, May 1, from 8 a.m. until 4 p.m. Refreshments will be served and Judges P, D and Q along with Police Chief R, Sheriff S, County Executive T and members of the City Council and County Board will be on hand to greet the public.

Cheesehead the Clown will also make an appearance to hand out home safety tips.

Local lawyers A, B and C will staff a free legal advice booth from 8 a.m. to 3 p.m. to answer your questions. In addition, a variety of free handouts on topics such as landlord/tenant law, divorce, marital property, bankruptcy, starting a business and much more will be available.

City Clerk Z will have a voter registration table set up. In order to register, you must be at least 18 years old. Bring an identification card and anything showing your current address (check with your city clerk to make sure this is what they will want).

Law Day U.S.A. was established in 1958 by President Dwight D. Eisenhower to give Americans an opportunity to reflect on their legal heritage and the role of law in society.

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Sample Second Press Release

(Note: if you have essays from fifth graders, enclose them with the press release)

CONTACT:
XYZ
Committee Member
(xxx) xxx-xxxx

FOR IMMEDIATE RELEASE

Courthouse will Celebrate Law Day on May 1

Everywhere, Wis. (April 21) - The community is invited to a Law Day celebration Wednesday, May 1, from 8 a.m. to 4 p.m. at the X County Courthouse. Free legal advice, refreshments, tours of the courthouse and jail, a voter registration table, and an opportunity to meet the judges are just a few of the activities planned.

Law Day U.S.A. was established in 1958 by President Dwight D. Eisenhower to provide an opportunity for Americans to learn more about their legal heritage and the rights and responsibilities that come with a Democracy.

At noon, a ceremony will honor local students who have created posters and essays (editor: see enclosed essays) in honor of Law Day. The winners will be given ribbons and plaques and asked to present their work to the assembled group.

At 5 p.m., local people who have served on juries in the last three months will be honored at a courthouse reception with the judges.

All members of the community are encouraged to attend the festivities, or just stop by and pick up a variety of free handouts that answer legal questions on such topics as buying and selling automobiles, real estate transactions, starting a business, divorce, probate and much more.

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Talking Points and Speeches

Below are speeches, talking points, and discussion questions courtesy of the American Bar Association (ABA). The points of view presented are those of the ABA. These are designed to help you make presentations on several topics. These points can serve as notes for speeches, a catalyst for discussion, or a handout. Talks may range from a public conversation among community members and leaders to a single speaker making a presentation in a classroom, to a moderated panel discussion.

How the law protects freedom

“Freedom” is a word of deep reverence for Americans. But what exactly do we mean by it, and how are freedoms protected by law?

Freedom House (www.freedomhouse.org/), a nonpartisan organization devoted to strengthening free societies, analyzes the world’s countries every year to determine the extent of freedom around the world. The criteria this group uses for its analysis are a helpful tool for defining freedom, and showing how it is impossible without the protections of the law.

In the category of “political rights,” for example, the group’s criteria include, among others:

- Free and fair elections
- Fair electoral laws, equal campaigning opportunities, fair polling and honest tabulation of votes
- The ability to endow elected representatives with real power.

All of these criteria are addressed by the U.S. Constitution and our laws. More than half the amendments passed since the Bill of Rights deal with qualifications to vote (always extending the franchise) and procedures for electing public officials. In addition to these constitutional provisions, thousands of state and federal laws regulate elections, to guard against arbitrary abuses of power. Of course, the Constitution as a whole is a device for assuring that a free people can govern themselves – it’s a kind of blueprint for democratic power – including an independent court system that can assure that these rights are enforced.

Political rights aren’t the only freedoms. Freedom House’s checklist for civil liberties provides another way for measuring freedom and the need for a legal system that can protect it.

The First Amendment to the U.S. Constitution is our way of protecting a host of civil liberties identified by Freedom House as crucial components of freedom:

- Free and independent media
- Open public discussion
- Freedom of assembly
- Free religious institutions and free religious expression

The Fourteenth Amendment guarantees another of the group’s building blocks of freedom – equality under law and access to an independent, nondiscriminatory judiciary. The due process amendments of the Bill of Rights address another civil liberties criterion--protection from unjustified imprisonment, exile or torture.

The protections of private property embodied in the Constitution and protected through numerous laws, as well as legislation against discrimination, extend legal protection to other components of freedom identified by Freedom House, such as:

- Free businesses
- Free professional and private organizations

Equality of opportunity

Of course, other criteria are possible. And we could choose many other ways of defining America's freedoms. But under any definition, the role of our Constitution and system of law and independent courts would be paramount. That's because freedom does not exist in a vacuum. It does not exist in the absence of laws—that would be chaos, in which the most aggressive, the most ruthless, and the strongest would flourish at the expense of the others. It exists under the nurture and protection of an orderly society, governed by laws, in which rights are respected.

The writer Hannah Arendt expressed this point in her book *The Origins of Totalitarianism*. She wrote that “to abolish the fences of laws” between people, as tyranny does, is to take away our liberties and destroy freedom, for the place between people, as it is hedged in by laws, “is the living space of freedom.”

The great Supreme Court Justice Oliver Wendell Holmes Jr. expressed the same point more directly. “The right to swing your fist,” he wrote, ends where the next person's nose begins. So “celebrating freedom” is more than Fourth of July oratory and fireworks. It's a recognition that freedom does not happen by itself. For men and women to be free, they need protections from tyrants, and bullies – and sometimes from each other. That protection, that structure, is provided by law and independent courts. And it's that structure we celebrate today on Law Day, when we celebrate our freedom.

Freedom of Expression

I. Talking Points

The First Amendment has been raised to examine such issues as prayer in the schools, hate speech, school dress codes, and others.

The Free Speech Clause of the First Amendment is intended to remove governmental constraints from public discussion and diversity of opinion, which are essential to decision-making in our democracy. The Supreme Court has interpreted “speech” to include such symbolic forms of expression as the wearing of buttons or armbands, as well as artworks and music.

In Texas v. Johnson, 491 U.S. 397 (1989) the Supreme Court held that burning the flag was a protected form of symbolic political speech.

In Brandenburg v. Ohio, 395 U.S. 444 (1969), the Supreme Court overturned the conviction of a Ku Klux Klan leader under a statute that prohibited advocating crime to accomplish reform. The Court said that such advocacy was protected unless it used “fighting words.” The Court defined “fighting words” in Chaplinsky v. New Hampshire, 315 U.S. 568 (1942) as those that “by their very utterance inflict injury or tend to incite an immediate breach of the peace.”

In Tinker v. Des Moines School District 393, U.S. 503 (1969), the Supreme Court held that the First Amendment protects public school students' rights to express political and social views. In this case, students had worn black armbands to protest the Vietnam War. *See an online conversation between students and the Tinker plaintiffs at <http://www.abanet.org/publiced/lawday/tinker/home.html>.

The U.S. Supreme Court has ruled that courts can regulate noise and create a no-entry, 36-foot buffer zone around the entrance to abortion clinics without violating protesters' free speech rights.

Several states, including Wisconsin, have tried to limit offensive speech through "hate speech" laws, legal constraints on what people may communicate to one another in spoken words, in writing or through expressive conduct. In 1992 the U.S. Supreme Court found a St. Paul, Minnesota hate speech law unconstitutional because it only banned selected types of "fighting words." In 1993, the U.S. Supreme Court found the Wisconsin version of the law to be constitutional. This ruling overturned a 5-2 decision of the Wisconsin Supreme Court in State v. Mitchell (http://www.courts.state.wi.us/History/famous_cases.htm).

The First Amendment bars the government from establishing a religion and protects the free exercise of religion. The Supreme Court has often been called upon to reconcile the sometimes conflicting demands of the "free exercise" and "establishment" provisions of the First Amendment.

Discussion Questions

When is it constitutional to limit speech? Are laws regulating "hate speech" (e.g. making racial slurs or ethnic jokes, displaying burning crosses or swastikas) unconstitutional? If so, on what grounds? How far can government go in forcing people to be "nice?" Does regulating such speech promote or inhibit diversity?

How would a constitutional amendment banning flag-burning or one allowing prayer in public schools affect the freedoms guaranteed in the Bill of Rights? Would such changes advance or inhibit a diversity of opinion? Some school districts around the country have tried to resist gang violence and other problems by imposing student dress codes. Are dress codes unconstitutional restrictions on free expression? Is restricting dress in one school and not in another an abridgement of the Fourteenth Amendment's Equal Protection Clause?

Civil Liberties in Wartime: Lincoln and the 'Writ of Liberty'

It is 2:30 a.m., and everyone in the darkened house is asleep. Suddenly, there are loud voices outside the house and a heavy banging at the door.

A man opens an upstairs window and looks down on the scene unfolding in his front yard. Unbelieving, he sees soldiers carrying rifles with fixed bayonets surrounding his house and an army officer at his door, shouting that he is under arrest.

The shocked citizen refuses to admit the soldiers into his home. The officer orders his men to break down the door. After forcing their way into the house, the soldiers rush upstairs and break apart two bedroom doors before finding the man they have come to arrest.

The arrested man is secretly taken aboard a special train and transported to another city where he is locked up in a military barracks. The prisoner never sees a judge and is not even formally charged with a crime. Instead, within 24 hours after his arrest, he is brought before eight army officers who put him on trial for making disloyal speeches against the government.

This incident sounds like it might have happened in Nazi Germany. But it occurred in the United States and involved a former Ohio congressman named Clement L. Vallandigham. Even more surprising, the army men who arrested Vallandigham and put him on trial were given the authority to do so by one of America's greatest presidents: Abraham Lincoln.

Arrests like Vallandigham's are not supposed to happen in the United States. Judges guard against illegal arrests and imprisonments just as protect citizens from arbitrary government searches. Before the police may search a person's house, they must show a judge that they have "probable cause" for a search warrant. Similarly, after an arrest, law-enforcement authorities must convince a judge that they have "probable cause" for holding a person. If the government cannot do this, the judge will order the person released.

The authority of judges to free prisoners held without legal reason is based on a right that existed in America long before either the Constitution or the Bill of Rights were written. This is the right of **habeas corpus**. This Latin phrase literally means "produce the body." It is an ancient English legal concept that empowers judges to order imprisoned persons to be brought into court to determine if they are being legally held. A judge's order to do this is called a writ of habeas corpus, also known as the "writ of liberty."

The Writ of Liberty-Suspended

The actual right of habeas corpus is not stated anywhere in the Constitution or the Bill of Rights. The authors of these documents apparently believed that habeas corpus was such a fundamental liberty that it needed no further guarantee in writing. The only mention of the writ of habeas corpus in the Constitution relates to when it can be taken away from judges. In a section limiting the powers of Congress (Art. I, Sec. 9), the Constitution states: "The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion of the public safety may require it."

This suspension clause was never activated through the terms of the first 15 presidents. Then, during the Civil War, President Lincoln suspended the writ of habeas corpus without consulting Congress. In doing so, Lincoln enabled the military to arrest and imprison thousands of civilians, including Clement L. Vallandigham.

Lincoln's first order suspending the writ of liberty applied only to Maryland, a border state sympathetic to the South that virtually surrounded Washington, D.C. Shortly after, Lincoln issued this suspension order, a Union troop arrested a Maryland man for helping to organize a pro-Confederate militia. Following his arrest, he was imprisoned at Fort McHenry. Trying to gain his freedom, the prisoner appealed to a federal court in Baltimore for a writ of habeas corpus. But when a federal judge issued the writ, the military officers at Fort McHenry refused to obey it. They said Lincoln's suspension order made the writ worthless.

On September 24, 1862, Lincoln issued a proclamation unprecedented in American history. He suspended the writ of liberty everywhere in the United States. The suspension applied to Confederate spies or to those who aided the rebel cause, interfered with military enlistments, resisted the draft, or were "guilty of any disloyal practice." This last offense allowed the military to arrest newspaper editors and speakers critical of the Union war effort. Lincoln further ordered that persons arrested under his proclamation were subject to martial law, which meant they would be tried and punished by military courts.

Copperhead on Trial

Clement L. Vallandigham was insultingly known as a "copperhead." Usually referring to a poisonous snake, the term "copperhead" became the symbol during the Civil War for Northerners who opposed the war and sympathized with the South. Many members of the Democratic Party in the North voiced "copperhead" views. As a leader of the Democrats in Congress, Vallandigham persistently called for a negotiated end to the war and reunion with the South. He also criticized Lincoln's proposal to emancipate the slaves. Vallandigham agreed with the "copperhead" slogan: "The Constitution as it is, the Union as it was." He lost his seat in Congress in the election of 1862, but continued to speak out against Lincoln's war policy.

General Ambrose E. Burnside commanded the military district that included Ohio. Fed up with widespread “copperhead” sentiment in the area, Burnside issued “General Order, No. 38.” Directed mainly at Confederate spies and Northern traitors, this order also warned that: “The habit of declaring sympathies for the enemy will no longer be tolerated in this department. Persons committing such offenses will be at once arrested.” Burnside got his authority to issue this order from Lincoln's proclamation suspending the writ of habeas corpus.

On May 1, 1863, Vallandigham spoke at a large Democratic Party rally at Mount Vernon, Ohio. Aware that Burnside's men were in the crowd, Vallandigham attacked both the general and Lincoln. The former congressman declared that his right to speak was based on “General Order, No. 1, the Constitution of the United States.” He lashed out at the “wicked, cruel, and unnecessary war.” He spoke against the draft law, but did not go so far as to encourage men to disobey it. He also charged that, “the men in power are attempting to establish a despotism in this country, more cruel and more oppressive than ever existed before.”

A few days later, Vallandigham was arrested in his bedroom by Burnside's soldiers. A military trial quickly followed. The “copperhead” Democrat was charged with “Publicly expressing, in violation of ‘General Order, No. 38’ . . . sympathies for those in arms against the Government of the United States, declaring disloyal sentiments and opinions, with the object and purpose of weakening the power of the Government in its effort to suppress the unlawful rebellion.”

Vallandigham refused to plead guilty or not guilty. Tried before eight army officers handpicked by General Burnside, he told the military judges that they had no legal right to try him. Burnside's officers, however, found him guilty and recommended putting him in prison for the remainder of the war.

Vallandigham versus Lincoln

Lincoln was embarrassed by the Vallandigham affair. Burnside had failed to inform the president about his plans to arrest the prominent Democrat and put him on trial. Even so, Lincoln supported Burnside, but ordered that Vallandigham be banished to the Confederacy.

In response to widespread criticism of his suspension of the writ of habeas corpus and the banishment of Vallandigham, Lincoln wrote a long letter to Democratic Party leaders defending his actions. Lincoln declared that the regular civilian courts were inadequate during a rebellion. He claimed that those opposing the Union's cause endangered “the public safety.” Ordinarily, he wrote, such people could not be arrested since criticizing the government was not a criminal offense. If such persons were arrested, they would undoubtedly be released on a writ of habeas corpus by a civilian court judge. The necessary solution, Lincoln argued, was to suspend the writ and lock up the troublemakers until the war ended.

As for Vallandigham, Lincoln charged that he was encouraging desertions from the Union army. “Must I shoot a simpleminded soldier boy who deserts,” Lincoln asked, “while I must not touch a hair of a wily agitator who induces him to desert?”

After Vallandigham was banished to the South, his friends went to the U.S. Supreme Court in an attempt to convince the justices to hear the case. On February 15, 1864, the Supreme Court announced it would refuse to hear the case, saying that it had no authority to review the proceedings of a martial law court. While the bloody Civil War raged on, the Supreme Court decided it was not the time to challenge the power of General Burnside or his commander-in-chief, Abraham Lincoln.

For Discussion and Writing

1. Why is the writ of habeas corpus called the “writ of liberty”?
2. How do the basic values of the writ of habeas corpus compare to those of the Bill of Rights generally?
3. Why did Lincoln suspend the writ of habeas corpus? Do you think he was justified in doing this?
4. Do you agree or disagree with the way Clement L. Vallandigham was arrested, tried, and punished? Explain.
5. Can you think of any circumstances now that would justify a presidential suspension of habeas corpus?

ACTIVITY

Vallandigham v. Lincoln

In this activity, the class will have an opportunity to argue some of the questions that the U.S. Supreme Court avoided in 1864.

Form groups of three. Each group will simulate a hearing on the Vallandigham case before the Supreme Court. In each group, one student should play the role of Clement L. Vallandigham, another student should take the part of Abraham Lincoln’s attorney general, and the third student should represent a Supreme Court justice (two students may play the role of justices if the group has four members).

The students should meet in role groups. All those playing Vallandigham should meet in one corner of the room, those playing Lincoln’s attorney general in another, and the justices in another. The groups role playing Vallandigham and Lincoln’s attorney general should prepare answers and supporting arguments for each of the following questions based on information provided in the article. The justices of the Supreme Court should prepare by studying the section on “The Writ of Liberty-Suspended” in the article and thinking of questions to ask Vallandigham and the attorney general.

Questions Before the Supreme Court

1. Did Lincoln have the right to suspend the writ of habeas corpus in his proclamation of 1862?
2. Should Vallandigham have been arrested and put on trial?
3. What types of persons should be covered in a suspension of the writ of habeas corpus? (Review Lincoln’s list of offenders in his proclamation of September 24, 1862.)

The students playing the parts of Vallandigham and the attorney general should present their answers and arguments for each of the three questions to the student representing a Supreme Court justice. After each question has been argued, the justices should meet at the front of the room. Each justice should write down his or her decision, with at least one supporting reason. The justices should then discuss the first question, vote on it, and give reasons for their votes. This procedure should be repeated for the other two questions.

Follow-up Exercise

The U.S. Supreme Court did not decide a case concerning Lincoln’s suspension of the writ of liberty until after the Civil War. Find out what the Supreme Court decided in *Ex Parte Milligan*, 71 U.S. 2 (1866).

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Synopses of Wisconsin School-Related Cases

In the Interest of Douglas D.: State v. Douglas D.

The Wisconsin Supreme Court reversed the Court of Appeals, District III, and the Oconto County Circuit Court in this case. The full case file, including the briefs, the Court of Appeals opinion, and audio of the oral argument, are available in the [Case of the Month](#) section of the court system Web site.

In this case, the Wisconsin Supreme Court decided that the First Amendment¹ barred the State from prosecuting a 13-year-old for disorderly conduct based upon an essay he had written in class. Douglas D. had been adjudicated delinquent under the following state statute:

Wisconsin Statutes Section 947.01:

“...Whoever ... engages in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance is guilty of [disorderly conduct].”

Here is the background of this case: Douglas, who was 13 at the time this incident occurred, was given a creative writing assignment by his eighth grade English teacher, popularly known as Mrs. C. He was to start a story that would be passed on to other students to finish. The teacher gave the story a title – “Top Secret” – and neither assigned nor prohibited any particular topic. The assignment was to be completed during the class period. Instead of starting the assignment, Douglas talked with friends and, according to Mrs. C., disrupted the other students. She sent him into the hall to begin writing. At the end of class, Douglas handed in his assignment, which read as indicated to the right.

Upon reading this, Mrs. C. became upset and notified the assistant principal, who called Douglas to the office. The student apologized, saying that he had not intended any harm and that he had not meant the essay as a threat. He repeated this claim to an Oconto County juvenile court worker and also apologized to his teacher during a meeting in the principals office.

A juvenile court delinquency petition was then filed, alleging that Douglas had “engaged in abusive conduct under circumstances in which the conduct tends to cause a disturbance” in violation of the disorderly conduct statute. After a court trial (a trial heard by just a judge – no jury) Douglas was found guilty of disorderly conduct. Specifically, the circuit court found that the disorderly conduct statute applies to pure written speech and that Douglas’s essay was not protected by the First Amendment. The judge stated:

There one lived an old ugly woman her name was Mrs. C. that stood for crab. She was a mean old woman that would beat children senseless. I guess that's why she became a teacher.

Well one day she kick a student out of her class & he din't like it. That student was named Dick.

The next morning Dick came to class & in his coat he conseled a machedy. When the teacher told him to shut up he whiped it out & cut her head off.

When the sub came 2 days later she needed a paperclipp so she opened the droor. Ahh she screamed as she found Mrs. C.'s head in the droor.

¹ U.S. Constitution, First Amendment: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

Here there is absolutely no social value achieved by the juvenile's conduct in completing an assignment allegedly that makes a direct threat to his teacher. That is not the type of activity that is allowed either under the First Amendment or any other right that a student has in a classroom.... There is no question that this is a direct threat to the teacher. This is not the type of action that we're going to allow in our community. It's not the type of action that we're going to allow in our classrooms....

Douglas was placed on formal supervision for one year, with physical placement in his mother's home with several conditions including a 9 p.m. curfew and a letter of apology to the teacher.

Douglas appealed, and the Court of Appeals affirmed the trial court. The appellate court held that the creative writing assignment constituted a "direct threat" against the teacher and thus was not protected by the First Amendment. The Court of Appeals pointed out that the right to free speech is not absolute, and that speech may be punished if it presents a "clear and present danger of a serious substantive evil," or if it constitutes a "true threat," which has been defined by the courts² as existing when "a reasonable person would foresee that the statement would be interpreted by those to whom the maker communicates the statement as a serious expression of intent to harm or assault."

In his appeal to the Supreme Court, Douglas argued that the disorderly conduct statute is not meant to criminalize speech unless that speech is intertwined with actions that are disorderly and likely to cause a disturbance. He argues that his only action was putting a pen to paper.

The State, on the other hand, argued that Douglas was not prosecuted for merely writing an essay, but for giving that essay to the targeted teacher knowing she would read it. Had he written the essay but not given it to the teacher, the State argued, Douglas never would have faced charges.

The Supreme Court, as noted, reversed the lower courts on a 6-1 vote with Justice David Prosser Jr. dissenting.

² Watts v. United States, 394 U.S. 705 (1969) and United States v. Orozco-Santillan, 903 F.2d 1262 (9th Cir. 1990)

State v. Yoder

49 Wis. 2d 430 (1971)

The Wisconsin Supreme Court by a 6-1 vote reversed a Green County Circuit Court decision. Justice Nathan S. Heffernan dissented. The case was appealed to the U.S. Supreme Court, which affirmed the state Supreme Court's ruling in a 6-1 decision authored by Chief Justice Warren E. Burger. Justice William O. Douglas dissented in part from the majority. Justices William H. Rehnquist and Lewis F. Powell Jr. did not take part in the case.

In this case, the Wisconsin Supreme Court held (distinguishing itself from other state courts) that Amish parents could remove their children from public schools after the 8th grade as an exercise of their right to religious freedom. The Amish separate themselves from modern society and provide their children with their own system of education structured in accord with their beliefs.

The appellants were the parents of three teenagers who had attended the New Glarus public schools. The parents were fined for refusing to enroll the children in the high school in the fall of 1968. This was in violation of the compulsory school law. The State argued that government has a legitimate interest in compelling children to attend school and that this outweighed the interference with religious freedom.

In making its decision, the Court weighed the appellants' constitutional right to religious freedom against the state's interest in compulsory education. In determining how heavy a burden the statute placed on the Amish, the Court considered the beliefs of the Amish religion. Justice Hallows wrote:

The period of adolescence is critical in the religious and cultural development of the child because at this time the child enters gradually into the fullness of Amish life, is given responsibilities which would be directly interfered with if he were compelled to go to high school . . . To the Amish, secondary schools. . . teach an unacceptable value system . . . We view this case as involving solely a parent's right of religious freedom to bring up his children as he believes God dictates.

The Court then looked at whether the state's interest was compelling in this case. The state argued that some Amish children may choose to leave their community upon reaching adulthood, but forcing a "worldly" education on all Amish children, the Court determined, in order to benefit the few children who might later leave, did not constitute a compelling state interest.

Furthermore, while an individual is free to choose a religion as an adult, the Court ruled that parents have the right to choose what religion they will raise their children. The state, the Court declared, should not infringe on this right by enforcing educational requirements.

In closing, the Court articulated its belief in the importance of the guarantees of the First Amendment, including: free speech, freedom of the press and freedom of religion. Hallows wrote: "the right to worship your God or to practice your religious beliefs are as important as the right to speak or print freely and may, to the individual involved, be more important."

In Justice Heffernan's dissent, he asserted that the majority had misinterpreted the facts of the case. He wrote that the state did demonstrate a compelling interest and he pointed out that the appellants had alternatives to

sending their children to public school. Other states had dealt with this issue and the Amish in these states established their own private schools to satisfy compulsory education requirements. Heffernan was particularly concerned about the rights of Amish children. He argued that under the majority opinion the state was not preparing Amish youth for “modern American life.” He wrote:

On the basis of the religious beliefs of their parents, the Amish children are without a hearing consigned to a life of ignorance – blissful as it may seem to the author of the principal opinion, who apparently views the Amish as ‘the noble savage,’ uncorrupted by the world . . . No part of our law requires a student to go to a school not of his own religious choice. It merely requires that he go to a school.

The case was appealed to the U. S. Supreme Court. The U.S. Court affirmed the state Supreme Court, declaring that the state’s interest in education is not exempt from a “balancing process” when dealing with fundamental rights. The U.S. Court agreed that the Amish demonstrated that continuing their children’s education beyond the 8th grade would hinder the exercise of their religious beliefs.

B. B. WOLF (a/k/a BIG BAD WOLF)

v.

CURLY LITTLEPIG

(for pre-school children through primary grades)

PARTICIPANTS IN TRIAL:

Judge

B.B. Wolf

Moe Littlepig

Larry Littlepig

Curly Littlepig

District Attorney (D.A.)

Public Defender (P.D.)

Jurors

Bailiff



*Adapted by Attorneys Leonard G. Adent & (now Judge) Robert G. Mawdsley, Waukesha County
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JUDGE: The Court will call the case of State of Wisconsin v. B.B. Wolf. Appearances please... (The court at this time conducts a form of *voir dire* with a view to establishing whether the jurors understand the charges in the criminal complaint, whether they understand the burden of proof, whether they know anybody involved in the case, after introducing the witnesses, and whether or not they heard the story of the three little pigs as a child and finally whether or not the fact that they heard the story would prejudice them in making a decision in the case.)

THE CRIMINAL COMPLAINT

STATE OF WISCONSIN : CIRCUIT COURT : _____ COUNTY
CRIMINAL/TRAFFIC DIVISION

STATE OF WISCONSIN,

Plaintiff,

v.

CRIMINAL COMPLAINT

BIG BAD WOLF,

Defendant.

The District Attorney being first duly sworn, on oath, upon information and belief, says that: on September 15, 1999, at approximately 1 p.m. at the residences listed below in _____ County, Wisconsin, the defendant did:

COUNT #1

without the consent of the owner, Moe Littlepig, intentionally damage Moe Littlepig's straw house.

COUNT #2

without the consent of the owner, Larry Littlepig, intentionally damage Larry Littlepig's house of twigs.

COUNT #3

without the consent of the owner, Curly Littlepig, intentionally trespass on the property of Curly Littlepig.

And prays the defendant be dealt with according to law.

/s/ District Attorney

JUDGE: Are counsel prepared for trial? Very well. Opening statements, please.

Both counsel make opening statements

JUDGE: The State may call its first witness.

D.A.: The State calls Moe Littlepig.

JUDGE: Raise your right hoof and be sworn by the clerk.

Clerk swears the witness

D.A.: Please state your name.

PIG: My name is Moe Littlepig. I'm the youngest of three children. We're called three Littlepigs.

Q: Where do you live?

A: Well, right now I'm staying at my brother, Curly Littlepig's brick house because of him (*pointing to the wolf*)

WOLF: Who, me?

PIG: Yeah, you, furball.

JUDGE: *Gives judicial admonishment.*

D.A.: On September 15, 1999, where did you live?

A: 77 Porkchop Strip.

Q: Where is that?

A: Southwest _____ County in the woods near grandma's house.

Q: Describe the residence.

A: It was a modest straw house.

Q: Straw? Why straw?

A: I had in mind to build a nice house, but all I could afford was straw, so what the heck. I needed a place so I built it. Got some used furniture from the Three Bears and an old TV from Little Red Riding Hood's grandma and I was in business.

Q: When did you move in?

A: September 1, 1999.

Q: What happened after that, on September 15, 1999?

A: Well, that was a Sunday so I was watching the Green Bay Packers on the tube when there is this pounding on the door and this voice “Littlepig! Littlepig! Let me in!” I said, “Go away. Whatever you are selling I don’t want any.”

Q: What happened then?

A: The voice said, “This is the Wolf, Littlepig, let me in, let me in.” I said, “Not by the hair on my chinny-chin-chin.” Then the Wolf said, “I’ll huff and I’ll puff and I’ll blow your house in.”

Q: What happened then?

A: Well, I heard the Wolf back up a few steps, take a deep breath and kapow; my house was blown down.

Q: What did you do?

A: Well, I ran as fast as my little pig legs could carry me otherwise the Wolf would have made a Brewer Plumper out of me.

Q: When was the next time that you had contact with the Wolf who blew your house in?

P.D.: Objection. No foundation. Never saw the Wolf.

JUDGE: Objection sustained. Please rephrase the question.

D.A.: When was the next time you had contact with someone who said he was a wolf?

A: A few days later at my brother Curly’s house; he tried to blow that house down, too.

Q: What did you lose when your house got blown down?

A: Everything, except my flute.

Q: Did you give the Wolf consent to blow your house down?

A: No way!

Q: Is the Wolf who blew your house down in court this morning?

A: That’s him.

Cross examination of wolf

The defense attorney might cross examine in these areas:

- straw was an unsuitable material with which to build a house;
- the pig didn't see who blew the house down;
- the pig only heard somebody say it was the wolf.

JUDGE: State will call its next witness.

This witness sworn in similar fashion.

D.A.: State your name for the record please.

A: Larry Littlepig.

Q: Are you Moe's brother?

A: Yes.

Q: Where do you live?

A: Temporarily I'm in residence at Curly Littlepig's house here in town.

Q: And why is that?

A: Ask El Lobo over there, he can tell you—

WOLF: Go break a leg in three places you little swine.

PIG: It's Littlepig, thank you!

JUDGE: *Gives judicial admonishment.*

Q: On September 15, 1999, where did you live?

A: 15 Bacon Street, Pigsville in _____ County.

Q: Describe your house.

A: It was a twig cabin.

Q: You mean log cabin?

A: No, twig cabin.

- Q:** How come?
- A:** Well, I thought Moe's straw house was nice, but I wanted more security. So I had a twig cabin built on Bacon Street in the subdivision. A friendly wood cutter made me some furniture and I bought a stereo and a roll top desk.
- Q:** When did you move in?
- A:** About September 1, 1999.
- Q:** What happened after that?
- A:** On September 15, 1999, I was dancing to my Backstreet Boys tape when I heard someone at the door.
- Q:** What did you hear?
- A:** Well, a harsh voice said, "Littlepig! Littlepig! Let me in." I said, "Who is this?" The voice said, "This is the wolf. Let me in or I'll blow your house in."
- Q:** What did you say?
- A:** "Not by the hair of my chinny-chin-chin." It's an old family expression. Then the wolf said, "Then I'll huff and I'll puff and I'll blow your house in."
- Q:** What happened?
- A:** Well, this villain proceeds to huff and puff and huff and puff and build up a regular hurricane around my cabin. Alas, it didn't survive; first the roof, then the walls, swoosh. Gone with the wind.
- Q:** What did you do?
- A:** Well, I beat it.
- Q:** Did you give anyone permission to blow down your house?
- A:** Certainly not.
- Q:** When did you next see or hear the wolf again?
- A:** A few days later at Curly's house. He tried the same huff and puff routine.

Cross examination of Larry Littlepig
Defense Attorney might focus on these areas:

- a twig house is not stable;*
- Larry Littlepig never saw the wolf; and*
- nobody listens to the Backstreet Boys unless it is turned way up; how could the pig distinguish the wolf's voice while the stereo was blaring.*

JUDGE: The State may call its next witness.

D.A.: Please state your name.

PIG: Curly Littlepig.

Q: What is your address Mr. Littlepig?

A: I live at 283 Sty Lane just off Mud Avenue.

Q: Now Mr. Littlepig are you familiar with the defendant in this case, Mr. Big Bad Wolf?

A: Are you kidding? That wolf in sheep's clothing?

WOLF: Now wait a minute...no making fun of my new coat!

PIG: He's just trying to look innocent, but he's not. Let me tell you.

JUDGE: If you don't stop this bickering, I'll have to hold you both in contempt of Court; let's proceed with the questioning.

D.A.: Going back again Mr. Littlepig, how did you come to know Mr. Big Bad Wolf?

A: After he destroyed my brother's houses, I guess the wolf thought that I would be easy pickings. What he hadn't counted on was that I built my house out of bricks. And so when he came over one morning with his cheap "Littlepig! Littlepig! Let me in" trick, I just told him no way by the hair of my chinny-chin-chin, and kept right on watching TV with my brothers. "Then I'll huff and I'll puff and I'll blow your house in," he said. And we laughed. I just went into the kitchen to make myself a snack, just a small one. I don't like to make a wolf of myself. Anyway, all the while I was in the kitchen I could hear him out there huffing and puffing. When we went to bed that night he was still huffing and puffing, but he wasn't going to get in. I made sure of that when I built that house with bricks.

Q: And that was the last you ever saw of B.B. Wolf?

A: Are you kidding?

Q: Why?

A: Right after that incident I heard he was over on the other side of the forest making trouble for

Little Red Riding Hood and her poor grandma.

P.D.: Objection. This testimony about Little Red Riding Hood is completely irrelevant to the case at hand.

JUDGE: Objection sustained. Mr. Wolf's attorney is correct. Proceed, Mr. Littlepig, but try to stay on track.

A: Well, about a week later he came by and said-real sweetly, "Oh, Littlepig, I know where to find the loveliest sweet turnips." He must have known pigs are fools for turnips. Anyway, I asked him where. "Oh," he said, "in Farmer Brown's yard. If you're ready tomorrow morning at six I'll come by for you and we can go there and get some for our dinner." Boy, that wolf must think I'm dumb. I knew that those turnips were only going to be his appetizer. And I knew just who he had in mind for the main course.

Q: And so you didn't go?

A: I got up at five, picked my turnips and went back home and was having turnip stew with my brothers by the time he came by at six.

Q: What was the wolf's reaction?

A: Oh, he was fuming all right, but he didn't show it.

Q: What happened then?

A: Well, on September 30 he came over with this nasty glint in his eye and started climbing up the side of my house. At first I couldn't imagine what he was doing, and then it came to me-the chimney! And so I rushed to the fireplace. I already had a big pot of water on to boil for my tea, and I took the lid off. I only wanted to warn him off because I didn't want him in my house eating me up. How was I to know he was already climbing down the chimney?

Q: And did you consent to allow the wolf down you chimney into your house?

A: Certainly not.

Cross examination of Curly Littlepig.

P.D.: I would like to cross examine the witness if I may.

Q: Mr. Littlepig, I have been listening to this account of your dealings with Mr. Wolf and it seems to me that you were doing an awful lot of teasing and baiting of my client. Wouldn't you say that's true?

A: Well, maybe I was having a little fun with the old boy, but seeing as he was trying to eat me

that doesn't seem like such a great crime, does it?

Q: I'll ask the questions if you please here. What about the reports that the cookbook next to your fireplace was found open to the recipe for poached wolf? Is this true?

A: Yes, but it's not how it seems. I had it open to warm apple pie. I was going to bake one with extra apples, but then when I took the lid off that cauldron I guess that shot of steam must have flipped a few pages forward to Poached Wolf.

Q: You expect the Court and jury to believe that?

A: Well, it's the truth by the hair on my chinny-chin-chin.

Q: All right Mr. Pig, thank you, you may step down.

At this point the State rests. Motion to dismiss by defense counsel is argued.

JUDGE: Mr. Defense Attorney, do you have any witnesses?

P.D.: The defense calls Mr. B.B. Wolf.

JUDGE: Please raise your right paw.

Clerk swears wolf

P.D.: Please state your name.

A: My name is Big Bad Wolf. Most of my friends just call me B.B.

Q: Where do you live?

A: Oh, I've got a nice little den in the woods outside Waukesha. You know it's got redwood paneling and I've got a pretty nice stereo.

Q: A kitchen?

A: Well, um, I eat out a lot, you might say.

Q: Ah, yes, well let's move on to the morning of September 30, 1999. Do you recall your whereabouts on that morning?

A: Yes, I do. Quite clearly actually. I was taking my usual morning stroll past the house of my old pal, Curly Littlepig. I was admiring his house. It's quite well built you know and I thought I might pay good old Curly a visit and tell him just that. What a fine job he had done in building that place of his. Anyway, I knocked on the door and called out his name, but there was no answer. So I knocked harder and called out louder, but still there was no answer and then I sat

down on the front porch to wait. I figured Curly was probably out at the store or something and would be back in a minute. You see I really did want to see my old buddy and I don't get into that neighborhood all that often and then it hit me, Curly is a real sound and sleeper and is probably just sleeping in. I thought if I just left he would be sorry I hadn't woken him so I tried to think of a way to get into the house to wake him up. And then I thought and I thought and finally it came to me. I could climb down the chimney!

Q: And so did you?

A: Well, yes and no. That is, I started to, but when I got almost all the way down suddenly someone took the lid off this cauldron of water boiling down there. Someone who wanted me to fall into the kettle.

D.A.: Objection, the witness is guessing and speculating.

JUDGE: I agree, objection sustained. Continue, Mr. Wolf.

WOLF: Well, lucky for me the steam was so powerful that it sort of just blew me up and out of the chimney. I took off like all get out and decided Curly was no friend of mine.

Q: Did you hear Moe Littlepig testify about your blowing his house down on September 15, 1999?

A: Yes.

Q: Were you there?

A: Yes, I had heard that Moe had built a house in the woods and I went over to welcome him to the neighborhood. Also to see if he wanted to trade Pokemon cards with me.

Q: What happened?

A: Well, I knocked on the door and then started sneezing.

Q: Sneezing?

A: Yes, I must have had an allergic reaction to the straw in the house. I was sneezing out of control when the whole house blew away. It wasn't very well built.

Q: Did you mean to blow down the house?

A: No, I was sorry and I wanted to apologize, but Moe ran away so fast that I couldn't catch him.

Q: You heard Larry Littlepig tell of his tragic loss?

A: Yes, I did.

Q: Where were you on September 16, 1999?

A: At the mall.

Q: You were not there?

A: No.

Cross examination of the wolf by District Attorney

Options for next phase:

- call an alibi witness for the wolf;*
- closing arguments;*
- jury instructions.*

###

MOM A. BEAR
POP A. BEAR
AND
BABE E. BEAR
V.
GOLDEN LOCKS A/K/A GOLD E. LOCKS

(for pre-school children through primary grades)

Prepared by Attorney Richard D. Torphy, Denver, Colo.

PARTICIPANTS IN TRIAL:

Judge
Mom A. Bear
Pop A. Bear
Babe E. Bear
Gold E. Locks
Mrs. Locks
District Attorney (D.A.)
Public Defender (P.D.)
Jurors
Bailiff

EXHIBITS

BOWL – POP A. BEAR	EXHIBIT A
BOWL – BABE E. BEAR	EXHIBIT B
BROKEN CHAIR	EXHIBIT C
PILLOW	EXHIBIT D

SCENE

The _____ County Courthouse. The Bailiff calls the case of Mom A. Bear, Pop A. Bear and Babe E. Bear v. Golden Locks, also known as Gold E. Locks. The Bears are seated at the Plaintiff's table. Golden Locks and her parents, Mr. & Mrs. Locks, are sitting at the defense table.

JUDGE: This is the case of Mom A. Bear, Pop A. Bear and Babe E. Bear v. Golden Locks. As I understand the pleadings, the charge against Golden Locks is that she showed bad manners. Are there any opening statements?

D.A.: Your Honor, in this case we will show that one crisp fall morning Mom A. Bear got up early and made a steaming pot of porridge. She intended to serve it to Pop A. Bear and Babe E. Bear for breakfast. We will further show that because the porridge was too hot, the Bears decided to take a walk in the forest. While they were gone, Gold E. Locks entered the home and ate some porridge out of the bowls of Mom A. Bear and Pop A. Bear. She ate all the porridge from the bowl of Babe E. Bear. After eating Babe E. Bear's porridge, Gold E. Locks sat down in Babe E. Bear's chair and broke it. After breaking the Babe E. Bear's chair, Gold E. Locks went upstairs and fell asleep in Babe E. Bear's bed. Through our evidence we will show that Gold E. Locks had bad manners. Thank you Your Honor.

JUDGE: Does the attorney for Gold E. Locks have any opening statement?

P.D.: Your Honor, these charges of bad manners against Gold E. Locks are ridiculous. We will show that the Bears invited Gold E. Locks into their home by leaving the door open. Gold E. Locks was out walking in the forest, minding her own business, and picking flowers, when she smelled the sweet aroma of porridge cooking. She had been in the forest many times before and she knew where the Bears lived. Gold E. Locks merely thought she was invited for breakfast. We will further show that the porridge was so good that Gold E. Locks decided to take a nap so that she could sleep off her breakfast. We will show that Gold E. Locks was a guest-and certainly did not demonstrate any bad manners.

JUDGE: Very well. Call your first witness.

D.A.: I call Mom A. Bear as my first witness.

Mom A. Bear comes forward.

JUDGE: Please raise your right paw.

Mom A. Bear raises her right paw.

JUDGE: Do you swear that the evidence you are about to give is the truth, the whole truth, and nothing but the truth?

MOM A. BEAR: I do.

JUDGE: Please be seated.

D.A.: Please state your name.

A: My name is Mom A. Bear. That's first name Mom, middle initial A., last name Bear. They also call me Momma Bear.

Q: Where do you live?

A: I live in a little bungalow house in the forest. The house is surrounded by flowers and trees. It is a pretty little house.

Q: Is that forest located in (insert local city and state)?

A: Yes, it is.

Q: Who else lives in the house?

A: My husband, Pop A. Bear, and our little bear, Babe E. Bear, live with me.

Q: On the morning of October 26, 1999, did you make breakfast for your family?

A: Yes, I did. I always make a wholesome nutritious breakfast for my family. As they are very fond of porridge, I made porridge on that particular day, and as I always do, I sprinkled the porridge with honey, a pinch of cinnamon and two pawful of raisins. Pop A. Bear especially likes the two pawful of raisins.

Q: Very well, I see, it sounds delicious.

A: It is! You should come over and try some sometime.

P.D.: Your Honor I object to that last question concerning Mom A. Bear's invitation to her attorney to try her porridge. We will stipulate that Mom A. Bear makes very good porridge.

JUDGE: Very well. Counselor would you please comment only on the case and not on your social life with the Bear family.

D.A.: After you made the porridge, Mom A. Bear, what did you do?

A: I called Pop A. Bear and Babe E. Bear to come downstairs for breakfast.

Q: Then what happened?

A: We sat down at the table and said grace. After grace, Babe E. Bear said that the porridge was too hot and was burning his tongue, so we decided to go for a little walk in the forest and let the porridge cool.

Q: I see. Do you always walk in the forest?

A: Oh, yes! We love to walk in the forest.

Q: When you got back from your walk, what did you find?

A: Well, the door was open. I had told Babe E. Bear to close it but he/she forgot. You know how

baby bears are about doing those things.

Q: Yes, I know. I have baby bears of my own. What did you see when you got back?

A: I think we should let Pop A. Bear tell that.

Mom A. Bear gets down from the witness stand.

Pop A. Bear goes forward to be sworn in, raises his right paw, and is sworn by the Judge.

D.A.: Please state your name.

POP A. BEAR: My name is Pop A. Bear. (growling)

Q: Do you live in the forest with Mom. A. Bear and Babe E. Bear?

A: Yes, that's our home. It's located out in (insert local town/city).

Q: Very well. When you got back from your walk in the forest what did you notice?

A: Well, first I noticed that the door was open. I told Babe E. Bear to close it several times, but I guess he forgot again. I'm going to have to speak to Babe E. Bear about his forgetting to close the door.

Q: Did you smell porridge in the house?

A: Oh, yes! It smelled delicious. Mom A. Bear is the best porridge-maker in the whole forest.

P.D.: Your Honor, we know Mom A. Bear makes good porridge. We will stipulate for the record that Mom A. Bear's porridge is the best porridge in the whole wide world, not to mention the best porridge in (insert local place).

D.A.: When you got back to the house what did you notice first?

A: Well, I went over to eat my bowl of porridge. When I looked in the porridge bowl there was some missing.

Q: Did you say anything?

A: Yes, I growled, "Somebody's been eating my porridge!"

Attorney for Bears takes bowl of porridge labeled "Pop A. Bear" and has it marked as an exhibit.

Q: Pop A. Bear, I now hand to you what has been marked, as "Bear's Exhibit A." Is that your bowl?

A: Yes, can't you see it says "Pop A." on it?

Q: Oh. Is this the bowl of porridge that was sitting on your table?

A: Yes, it is. I never eat my porridge from any bowl except that bowl.

Attorney gives bowl to Court Reporter.

D.A.: Your Honor, I ask that our exhibit be admitted as evidence.

JUDGE: All right.

D.A.: Pop A. Bear, after you discovered your porridge bowl empty, what did you do?

A: I walked into my living room.

Q: And what did you see?

A: My favorite Pop A. Bear chair that Mom A. Bear and Babe E. Bear gave to me for Father's Day last year.

Q: Did you say anything upon noticing that somebody has been sitting in your chair?

A: Yes, I growled, "Somebody's been sitting in my chair!"

Q: Then what did you do?

A: Well, I was getting suspicious, so I went upstairs.

Q: What did you notice upstairs?

A: I noticed that my bed had been messed up.

P.D.: Your Honor, I object. We all know that Pop A. Bear never makes his bed, and that the bed just sits there until Mom A. Bear makes it in the morning. How do we know that the bed had not been messed up from Pop A. Bear's sleeping in it?

D.A.: Pop A. Bear, did you make your bed that morning?

A: Yes. I made a special effort that morning to make the bed as a birthday present for Mom A. Bear.

Q.: And when you got back was the bed messed up?

A: Yes, it was.

Q: Did you say anything?

A: Yes, I growled, “Somebody’s been sleeping in my bed!”

Q: Did you see anybody sleeping in your bed?

A: No, I didn’t. I went back downstairs.

Q: Pop A. Bear, that’s all the questions I have for you.

JUDGE: You may step down.

Pop A. Bear gets off the witness stand.

D.A.: Next I will call Babe E. Bear to the stand.

Babe E. Bear goes forward, raises his/her right paw and is sworn in.

D.A.: What is your name?

BABE E. BEAR: (babyish tone) My name is Babe E. Bear. I live with my Mommy and Daddy Bear in a little cottage in (local place).

Q: Do you go to school?

A: Yes. I attend (insert name of school) in (insert local city and state).

Q: I see. And who are your teachers at pre-school?

A: My teachers are (insert names).

Q: And do you always listen to your teachers at pre-school?

A: Well, most of the time I do.

Q: And have your teachers told you to close the door when you leave a room?

A: Well, they are trying to teach me to do that, but sometimes I forget. You see, I am still a baby bear.

Q: Did you go for a walk with your mommy and daddy in the forest?

A: Yes, I did. The porridge was too hot and I could not eat it, so I thought we could go for a walk and see the birdies, the bunny rabbits and the other animals that live in the forest. I like to watch the birdies and the bunny rabbits. One time I even saw a deer in the forest.

Q: When you got back from the forest what did you see?

A: I went with my daddy to sit down to eat my breakfast, and when I sat down, my porridge bowl was empty.

Q: And what did you say?

A: (whines) I said, “Somebody’s been eating my porridge, too, and they ate it all up!”

Attorney takes bowl labeled Babe E. Bear and hands it to Court Reporter.

D.A.: Please mark this as Bear’s Exhibit B.

After it is marked, the attorney hands bowl to Babe E. Bear.

Q: And, is this your porridge bowl?

A: Yes, it is. My grandma gave it to me when I was a tiny baby. I was just a little cub when she gave it to me. She gave it to me because she knew I liked to eat porridge for breakfast.

Q: And, is that the bowl that was empty when you came back into your house from your walk in the forest?

A: Yes, it is.

Attorney hands bowl to Judge as Exhibit B.

Q: And then what did you do, Babe E. Bear?

A: I went into my living room and I saw that my favorite chair was broken! Grandpa gave me the chair for my second birthday so that I could sit with Mom A. Bear and Pop A. Bear. I mainly used it when I watched television. You know, my favorite programs are Yogi Bear and football games between the Chicago Bears and the Green Bay Packers. Of course, I had to root for the Bears.

Q: Yes, I know. And when you saw your chair what did you say?

A: I said, “Somebody’s been sitting in my chair and they broke it.” I was really sad about my chair being broken, because it was my favorite.

Attorney picks up broken chair and has it marked as Exhibit C.

Q: Babe E. Bear, is that your chair?

A: (pouting) Yes, it is. I really feel sad because it’s broken. Pop A. Bear was going to fix it, but he

is very slow at doing these things sometimes. I guess Mom A. Bear will have to talk to him about it.

Q: And then what did you do?

A: I went upstairs to my bedroom.

Q: And did you make your bed on that morning?

A: Yes, I did on that morning because it was Mom A. Bear's birthday. Daddy Bear and I wanted to surprise her because we sometimes, well, most of the time, forget to make our beds. Mom A. Bear scolds us for it.

Q: I see. But you did make your bed that morning?

A: Well, Papa Bear helped me, but we made it, yes. I even put my little pillow neatly at the top of the bed.

Q: And, when you went back upstairs, what did you see?

A: (agitated) When I went back upstairs, my little pillow was gone. When I approached the bed I saw these golden locks. I then peeked under the covers and I saw a little girl, and I shouted, "Somebody's been sleeping in my bed, and there she is! It's a little girl."

Q: And, what did the little girl do?

A: She got up and ran so fast that I hardly saw her. I just saw these golden locks as she ran out the door.

Q: Is the little girl who was sleeping in your bed here today?

A: Well, that little girl over there with the golden hair looks like her, but I really didn't get a very good view. It could be her.

Attorney hands Babe E. Bear pillow, which has been marked as Exhibit C.

Q: Is this your pillow?

A: Yes, it is. My Aunt Cubby made it for me when I was a baby.

Q: Babe E. Bear, you don't have golden hair, do you?

A: No, I don't. My hair is brown and furry like my Mommy and Daddy's.

Q: There is golden hair on this pillow. Could that be Gold E. Locks' hair?

A: I guess so; it's not mine.

Q: Very well, Babe E. Bear. Do you have anything further to say?

A: Well, I don't blame the little girl for wanting to eat the porridge and Mommy can always make more porridge, but I wish she hadn't broken my chair. That really is my favorite chair.

A: Thank you, Babe E. Bear.

Babe E. Bear gets down.

D.A.: Your Honor, that is all of our evidence. The Bears rest.

JUDGE: Very well. We will now hear Gold E. Locks' side of the case.

P.D.: Your Honor, as my first witness I will call Gold E. Locks.

*Gold E. Locks gets up, walks forward, raises her right hand to be sworn.
Judge administers the oath. Gold E. Locks then sits down.*

Q: What is your name?

GOLD E. LOCKS: My name is Golden Locks. I am also called Gold E. Locks. When I was born my mother said I had golden locks. And so from that day forward I have been known as Gold E. Locks.

Q: I see. You have very pretty gold locks.

A: Thank you.

Q: Where do you live?

A: I live with my mother Locks, my father Locks, my little baby brother Locks, my kitty cats Spook Locks and Funny Locks at (insert a local address).

Q: Oh, that is very interesting. And is your house located anywhere near the house of Babe E. Bear?

A: Oh, yes, Babe E. Bear and I see each other quite often while walking in the forest. I like to walk through the forest and pick flowers. I also like to watch the bunny rabbits and deer in the forest. Babe E. Bear and I attend the same pre-school, that is (insert name of a local school). My mommy takes me every day in the minivan. Sometimes I bring some of the flowers I have picked in the forest.

Q: And, are your teachers also (insert name of teachers).

- A:** Yes, they are. We play games and play in the toy kitchen and sing and have a snack.
- Q:** And, I'm sure your teachers and your mother and father have told you never to go into a strange house.
- A:** Yes, they have. But sometimes I forget, especially when the porridge smells so good!
- Q:** Now Gold E., on the day in question, were you out walking in the forest?
- A:** Yes, I was. I was out picking flowers in the forest early one fall morning. I like to go out early in the morning because that's when I see the most bunny rabbits and sometimes I even see a deer.
- Q:** And, as you were walking in the forest what did you smell?
- A:** I smelled the most yummy porridge coming from a house in the forest. I followed my nose until I came to a brown house which had the name "Bear" on the front. I knocked on the door, but I did not see anybody at home. The smell was so good and I had not had any breakfast that morning since Mommy does not fix breakfast until I get back from my morning walk. In fact, sometimes she even goes with me.
- Q:** I see. And then what did you do?
- A:** I knocked on the door several times but nobody answered. As the door was open, I figured that the people who lived in the house must be close by.
- Q:** Did you enter the house?
- A:** Yes, I did, but the door was open. I followed my nose right to the kitchen. There I saw three bowls of porridge.
- Q:** When you saw the three bowls of porridge, what did you say?
- A:** I said, "Oh, my, porridge!"
- Q:** Then what did you do?
- A:** I tasted some porridge from Papa Bear's great big, bowl. It was too hot. Then I tasted some from Mom A. Bear's medium sized bowl, but it was too cold. Then I tasted some porridge in Babe E. Bear's bowl. It was just right, and I was so hungry I ate it all up.
- Q:** Were the Bears in the house while you were eating the porridge?
- A:** No but I figured they must be nearby. I guess I got so excited eating the porridge that I forgot about the Bears.

- Q:** Then what did you do?
- A:** Well, my tummy was so full of yummy porridge that I went into the living room to thank the person who had made the porridge and to tell her how good the porridge was. My mother said I always should say thank you.
- Q:** Did you find anybody?
- A:** No, I didn't. So I decided to sit down in a chair to wait for the person to come home so I could tell her how good the porridge was. I wanted her to give me the recipe so I could give it to my Mommy. My Mommy makes good porridge but it doesn't taste quite as good as the porridge I had at the Bears' house.
- Q:** Did you sit down?
- A:** Yes, I did. In fact I sat in this great big chair. But it was too hard and too big. I did not feel comfortable in it. It looked like a poppa's chair. My daddy has one like it at home. Then I sat in a smaller chair, but it was too soft. It was kind of like the chair my mommy sits in at home. Then I sat down in this little chair which seemed to be just right.
- Q:** What happened when you sat in the chair?
- A:** It broke. But I think the chair was already broken when I sat in it and that it was just sitting there as a decoration. As little as I weigh I am sure my weight would not have broken it if it had not already been broken. I was really sad when I saw the broken chair.
- Q:** Then what did you do?
- A:** I was so sad when I saw the broken chair that I decided to go upstairs and wait for the Bears to come home so I could tell them about it. I went into a room that was decorated a lot like my room at home and sat down on a bed to wait for the Bears to come home. I think I was crying a little bit too, about breaking the chair. Well the bears did not come home right away and I must have closed my eyes to wait for them. I fell asleep on Babe E. Bear's bed. The next thing I remember before I fell asleep on Babe E. Bear's bed was that I also tried Pop A. Bear's bed and Mom A. Bear's bed. But they were too hard. I guess I messed their beds up a little bit too, although Pop A. Bear's bed had not been made very well. It looked like he did it himself.
- Q:** What do you remember next?
- A:** The next thing I remember there were three bears standing around me. Pop A. Bear looked very, very mad and he said, "Somebody's been sleeping in my bed!" Then I heard Mom A. Bear say, "Somebody's been sleeping in my bed!" I was so frightened that I got up and ran right out the door to my mother.

Q: Gold E. Locks, as I recall your testimony, you ate the porridge because it smelled so good and you were hungry. You had not knocked the door down, but walked in the open door thinking the people would not care. The chair was broken when you sat down to wait for the maker of the porridge to tell her how good the porridge was, and you accidentally fell asleep on the bed.

A: That's right.

Q: You didn't mean anybody any harm did you, Gold E. Locks?

A: Of course not! It looked like such a friendly house and I knew that Babe E. Bear lived there. I see him/her at pre-school many times. He/she even told me that sometime I should come over and have some porridge with him because his/her mother made it so good! I really didn't mean to harm anything and I'm really sorry about the chair, but I still don't think I broke it.

Q: Thank you, Gold E. That's all the questions. Next I will call Mrs. Locks.

Mrs. Locks goes forward and is sworn in.

P.D.: What is your name?

MRS. LOCKS: My name is Curl E. Locks.

Q: Where do you live, Mrs. Locks?

A: We live at (insert localized address).

Q: And are you the mother of Gold E. Locks?

A: Oh, yes, I am. She is my little girl.

Q: What kind of a little girl is Gold E. Locks?

A: Gold E. is a good little girl. She is mischievous like most little girls, but she tries to always do the right thing. Sometimes she forgets. I do have one trouble with her and that is that she likes to wander through the forest picking flowers. She tells me that she likes to look at the bunny rabbits and the deer. Most of the time I go with her but on the morning in question I was getting ready for a bridge club meeting.

Q: You say Gold E. is essentially a good girl. Does she say please?

A: Most of the time.

Q: And does she say thank you?

A: Oh, I have taught her to say thank you and her teachers at school have taught her to say thank

you, and she says thank you most of the time when she remembers. But like most children, sometimes she forgets.

Q: Does she help you with the dishes?

A: Well, most of the time. But sometimes, especially when the Muppets are on television, she runs downstairs to watch and forgets to help me with the dishes. But I understand—especially when the Muppets are on television. That’s her favorite show, you know.

Q: Does she attend pre-school?

A: Oh, yes. She goes to (insert local school) every day. She enjoys the music and swinging on the swings and the art classes and all the activities. She’s really excited about her pre-school.

Q: Well, this trial is about Gold E. Locks having bad manners. Do you think she has bad manners?

A: Oh, goodness no. She does forget occasionally, but I know she tries to use good manners. I think the only reason she went into the Bears’ house was because the porridge smelled so good. And after she ate the porridge she simply wanted to stay there until the Bears returned to tell them how good the porridge was. She certainly didn’t intend any harm and I know that she didn’t mean to break the chair. But Gold E. has told me that the chair was already broken when she sat in it. You know she’s not very big and I don’t think she could break the chair.

Q: Is there anything else you would like to say, Mrs. Locks?

A: Well, we’re sorry that the Bears were inconvenienced, but if they would like to come to our house for breakfast I would be glad to fix them some of my porridge. Maybe Mrs. Bear could even show me how she makes it so yummy.

Q: Thank you, Mrs. Locks, you may step down.

Mrs. Locks steps down.

JUDGE: Are there any summaries?

D.A.: Your Honor, we have shown that Gold E. Locks, without being invited, walked into the Bear’s home, ate Babe E. Bear’s porridge, broke Babe E. Bear’s chair, and slept in her bed. She did all of this without being invited and I certainly think that meets the test of bad manners. Even though Gold E. Locks knew better, that is no excuse. I’m sure the jury agrees that one who displays good manners does not do such things.

P.D.: Your Honor, we have shown that Gold E. Locks is basically a good little girl. She has said that she meant no harm in going into the house, and the door was open. The porridge was so good that she could not resist it and after she ate the porridge she merely wanted to wait for the Bears

to come home to thank them. She didn't mean to break Babe E. Bear's chair, and in fact there is no real evidence that she broke the chair. I think the chair was broken when she sat in it. She certainly is not big enough to have broken the chair. She is sorry she fell asleep in the bed, but she was merely waiting for the Bears to come home so she could thank them and to ask them how they make the yummy porridge. She certainly did not display any bad manners, in fact she showed good manners by waiting to thank the bears.

JUDGE: Thank you. Does that conclude the evidence?

ATTORNEYS: (both) Yes, it does.

Judge turns to jury.

JUDGE: You have heard the evidence. Now it is your job to decide whether Gold E. Locks has bad manners. Will you please go with the Bailiff to the jury room and after you have decided, would you please come back and inform the Court of your decision.

Bailiff takes the jurors to the Jury room. After a while, jurors come back with a verdict.

JUDGE: Have you reached a verdict?

JUROR: Yes, we have, your Honor.

JUDGE: What is that verdict?

JUROR: The jury has voted and has determined that...

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STATE OF CONFUSION : CIRCUIT COURT : ANIMAL COUNTY

STATE OF CONFUSION,

Plaintiff,

Case No. CF-961234

v.

HARRY BADWOLF aka "BIG" BADWOLF

Defendant.

JURY TRIAL PARTIAL TRANSCRIPT

April 1, 1994

The Honorable Alice H. Owl, Presiding

Charge: Criminal Damage to Property

A P P E A R A N C E S:

CHARLES COUGAR, Assistant District Attorney, appeared on behalf of the State of Confusion.

PATTY PUMA, Attorney at Law, appeared on behalf of the defendant, Mr. BADWOLF, who appeared in person.

Official reporter:

Edna Chickenscratch

This mock appeal was developed by Attorney Ellen Henak, Appellate Division, Wisconsin State Public Defender's Office.

TRANSCRIPT OF PROCEEDINGS

(Outside the presence of the jury)

THE COURT: Whose motion is this again?

MS. PUMA: Ours, Your Honor. We believe that the identification of Mr. Badwolf should be suppressed. The photographs shown by Ms. Littlepig were unduly suggestive. They make her identification of Mr. Badwolf unreliable.

MR. COUGAR: Ms. Littlepig had plenty of time to look at Mr. Badwolf. Her vision is good and it was sunny out. She said she was positive, Your Honor. The test is not whether the identification procedure was suggestive. The test is whether the totality of the circumstances suggests that the identification was unreliable.

THE COURT: Can I see the photographs?

MR COUGAR: Yes, of course, here they are. They are marked as State's Exhibit 1.

THE COURT: I have looked at the photographs. There is no question that it would have been better to have all pictures of wolves. There is no question that the photographs are suggestive. Three photos are photos of foxes and only one photograph is of a wolf. Nevertheless, I must consider the reliability of the identification and the totality of the circumstances. Ms. Littlepig said she was positive. That's good enough for me. Motion denied. Bring the jury in.

(In presence of jury) ELSIE LITTLEPIG, called as a witness by the State, having been duly sworn on oath was examined and testified as follows:

DIRECT EXAMINATION BY MR. COUGAR:

Q: Where were you on the afternoon of October 31, 1994?

A: I was in my house at 1101 Deer Road in Animaltown.

Q: Please describe your house.

A: It was a nice little house with just one room. It was warm and cozy and brown and, oh, yes, it was made of straw.

Q: What happened that night?

A: I heard a deep scary voice say, "Littlepig, Littlepig, let me come in."

Q: What did you do?

A: I ran and peeked out between the straw.

Q: What did you see?

A: I saw a big, black wolf with sharp, sharp teeth.

Q: How far away was he?

A: About five feet, maybe 10.

Q: What was the weather like?

A: It was very sunny.

Q: And do you remember what he looked like?
A: I'd never forget his face. Not in a million years or more.
Q: And after he yelled, ma'am?
A: I told him he could not come in.
Q: What did he do?
A: He said, "I'll huff and I'll puff and I'll blow your house down." I was very scared, I tell you.
Q: What did you do?
A: I said, "Don't you dare!" but he did anyway.
Q: Did what?
A: He blew my house down. It was all ruined.
Q: What did you do then?
A: I called the police and Officer Holstein came.
Q: What did you tell Officer Holstein?
A: Just what I told you now. Officer Holstein told me to calm down and not to have a cow, and—
MS. PUMA: Objection. What Officer Holstein said is not relevant.
THE COURT: Sustained.
Q: Did he ask you for a description of the animal that blew your house down?
A: Yes.
Q: What did you tell him the animal looked like?
A: I told him that the animal was a big, bad wolf with sharp teeth. Oh, yes, and he was dark in color.
Q: Did there come a time when Officer Holstein asked you to look at some photographs?
MS. PUMA: Objection.
THE COURT: Overruled. You may answer.
A: Yes.
Q: I show you State's Exhibit 1. Are these the photographs he showed you?
A: Yes.
Q: When did he show them to you?
A: The day after that wolf blew my house down.
Q: And did you identify anyone in those pictures as the animal who blew your house down?
A: Yes. Number 3. I was positive.
MR. COUGAR: Let the record reflect that Photo Number 3 is of the defendant. No further questions.

CROSS EXAMINATION BY MS. PUMA:

Q: Ms. Littlepig, you wear glasses, don't you?
A: I only need them for driving.
Q: Do you need glasses to drive?
A: Yes.
Q: You were not wearing your glasses when you peeked out of your house, were you?
A: No but I could see perfectly well.
Q: Had you ever seen the wolf who blew down your house before that day?
A: No.
Q: What time of day was it when your house was blown down?
A: It was late afternoon.
Q: Did the door of your house face west?
A: Yes.

Q: When the animal blew down your house, he was on the west side of it, wasn't he?

A: Yes.

Q: When Officer Holstein showed you the photographs, did he say, "I think we have the animal who did this?"

A: He told me they thought they had captured him, yes.

Q: Did you notice that the other animals in the photos were all foxes?

A: I knew that they did not blow my house down.

Q: So you did not notice that they were foxes?

A: They were all predators.

Q: Did you notice that they were foxes? Yes or no?

A: No.

MS. PUMA: Your Honor, I move for a mistrial. This identification clearly was unreliable as well as suggestive.

THE COURT: Denied. I think the jury can sort this out.

STATE OF CONFUSION
C O U R T O F A P P E A L S
DISTRICT I

STATE OF WISCONSIN,
Plaintiff-Respondent,

v.

Case No. 96-1234-CR

HARRY BADWOLF,
Defendant-Appellant.

ON NOTICE OF APPEAL TO REVIEW A JUDGMENT OF CONVICTION ENTERED IN CIRCUIT COURT FOR ANIMAL COUNTY, THE HONORABLE ALICE H. OWL, PRESIDING

BRIEF AND APPENDIX OF DEFENDANT-APPELLANT

PATTY PUMA
Puma & Pigeon, S.C.
State Bar No. 1112222

735 North Bunny Street
Animaltown, CS 88203
Telephone (111) 555-55555

Attorney for Defendant-Appellant

STATE OF CONFUSION
C O U R T O F A P P E A L S
DISTRICT I

STATE OF WISCONSIN,

Plaintiff-Respondent,

v.

Case No. 96-1234-CR

HARRY BADWOLF,

Defendant-Appellant.

ON NOTICE OF APPEAL TO REVIEW A JUDGMENT OF CONVICTION ENTERED IN CIRCUIT COURT FOR ANIMAL COUNTY, THE HONORABLE ALICE H. OWL, PRESIDING

BRIEF AND APPENDIX OF DEFENDANT-APPELLANT

ISSUE RAISED

Should a photo array consisting of three photos of a fox and one of a wolf be allowed into evidence?

STATEMENT OF THE CASE

On April 14, 1994, following a jury trial, Harry Badwolf was convicted of criminal damage to property. R2. Prior to trial, Mr. Badwolf brought a motion in which he asked the court to exclude a photo array from evidence on the grounds that it was suggestive and unreliable. The trial court, the Honorable Alice H. Owl, presiding, denied the motion.

At trial, Elsie Littlepig testified concerning the array and her opportunity to observe the animal that blew her house down. Mr. Badwolf then moved for a mistrial. The trial court also denied this motion.

Notice of Appeal was filed in this case on February 29, 1995.

FACTS

On October 31, 1994, a wolf blew down a straw house located at 1101 West Deer Road in Animaltown. R3:3. The victim, whose driver's license required her to wear glasses, had never seen this wolf before. Id. at 5. When she saw him, she was not wearing her glasses, id., and was looking into the sun, id. at 6. The only description that she could give police was that the wolf was "a big, bad wolf with sharp teeth" and that "he was dark in color." Id.

The next day Police Officer Holstein brought four photographs to the victim and showed them to her. Id. at 5.

He told her that the police thought they had captured the wolf who blew her house down. *Id.* at 6. The victim identified Mr. Badwolf, a wolf, as the one who blew the house down. *Id.* at 5. She identified him from a group of four pictures which included three pictures of red foxes and one picture of Harry Badwolf, a wolf. *Id.* at 6; R7. She never noticed that three of the pictures were of foxes because “[t]hey were all predators.”

ARGUMENT

MR. BADWOLF SHOULD RECEIVE A NEW TRIAL BECAUSE THE PHOTO ARRAY OF THREE FOXES AND HIM WAS SUGGESTIVE AND UNRELIABLE

Mr. Badwolf was picked out of a photo array in which he was the only wolf. R7. He was the only animal in the array who was big and he was the only animal in the array who was dark in color. *Id.* The victim who picked him out of the array never really saw the wolf who caused the damage, see R3:5-6, and knew that the police believed that Mr. Badwolf was the one who caused the damage, *id.* at 6. The photo array was impermissibly suggestive and was unreliable. This Court should grant Mr. Badwolf a new trial because the trial court misused its discretion in admitting the evidence. See *State v. Weasel*, 159 Con. 2d 21, 22, 798 N.W.2d 222 (1990).

The test for determining whether a photo array is admissible has two parts. *Polarbear v. State*, 86 Con. 2d 51, 65, 271 N.W.2d 610 (1978). First, the trial court must determine whether the procedure was suggestive. *Id.* Second, the court must decide whether, under all of the circumstances, the identification was reliable. *Id.* The trial court correctly found that this photo array was impermissibly suggestive. R3:2. The police are required to attempt to conduct a fair photo array. See *Woodchuck v. State*, 46 Wis. 2d 75, 86, 175 N.W.2d 646 (1970). They made no attempt to do so here. This state is filled with wolves and the police have pictures of a lot of wolves on file. The police knew that the victim believed a dark-colored wolf had done the damage. R3:4. Nevertheless, the police chose to use pictures of three red foxes to put with the the picture of a wolf. See R7. The police made the problem worse by deliberately indicating to the victim that they believed that Mr. Badwolf was the animal that damaged her house. R3:6.

A photo array in which the way a single photo is different is directly related to an important identification factor is impermissibly suggestive. See *Fennel v. State*, 65 Con. 2d 525, 536, 223 N.W.2d 507 (1974). The most important parts of the victim's identification were the dark color and the type of animal involved. Mr. Badwolf's picture differed from all the others on both counts.

Because the array was impermissibly suggestive, this Court must consider whether the identification was reliable. *Polarbear v. State*, 86 Con. at 65. Courts look at whether the person making the identification had a good opportunity to see the person who committed the crime. *Id.* The trial court in this case mistakenly looked only at the state's assertion that the victim was positive about her identification.

The identification here clearly was unreliable. The victim never had a good opportunity to see the wolf in question. She was not wearing her glasses. R3:5. She was looking west into the sun between some pieces of straw. *Id.* at 6. She was so bad at observing faces that she never noticed that the other three animals in the photo array were foxes. *Id.*

This Court therefore should grant Mr. Badwolf a new trial on the ground that the trial court erroneously admitted the photo array into evidence.

CONCLUSION

The trial court erred when it admitted the photo array into evidence. This court therefore should grant Mr. Badwolf a new trial.

Dated at Animaltown, Confusion, April 1, 1995

Respectfully submitted,

PATTY PUMA

Puma & Pigeon, S.C.

State Bar No. 1112222

735 North Bunny St.

Animaltown, CS 88203

Telephone 111/555-55555

Attorney for Defendant-Appellant

WISCONSIN STATE COURTS (BREAKING STATE LAW)

CIRCUIT COURT

- Did the police follow Wisconsin law, the Wisconsin Constitution, and the United States Constitution when they arrested Harry and collected evidence?
- Is Harry guilty of the crime?
- If Harry is guilty, what should his punishment be?

COURT OF APPEALS

- Was the circuit court right about whether the police followed the law?
- When the circuit court found Harry guilty, did it follow the rules it was supposed to follow?
- When the circuit court decided Harry's punishment did it follow the rules it was supposed to follow?

WISCONSIN SUPREME COURT

- Gets to decide whether it wants to hear a case
- Chooses cases involving what a law means
- Chooses cases involving the Wisconsin or the United States Constitutions
- Chooses cases involving rules of trying cases that would apply in a lot of cases
- Was the court of appeals right about what the law is?

UNITED STATES SUPREME COURT

- Only if the United States Constitution or federal law is involved.

FEDERAL COURTS (BREAKING FEDERAL LAW)

DISTRICT COURT

- Did the police follow federal law and the United States Constitution when they arrested someone and collected evidence?
- Is someone guilty of the crime?
- If someone is guilty, what should his punishment be?

COURT OF APPEALS

- Was the district court right about whether the police followed the law and the United States Constitution?
- When the district court found someone guilty, did it follow the rules it was supposed to follow?
- When the district court decided someone's punishment did it follow the rules it was supposed to follow?

UNITED STATES SUPREME COURT

- Gets to decide whether it wants to hear a case
- Chooses cases involving what a federal law means
- Chooses cases involving the United States Constitution
- Chooses cases involving rules for trials that would apply in a lot of cases
- Was the court of appeals right about what the law is?
- Can hear cases about the United States Constitution that come from state courts

Wisconsin State Law Library Tips and Resources

The Wisconsin State Law Library (WSLL) has numerous text and Internet resources that may be useful for Law Day. The WSLL Web site and collection offer a variety of resources to help with Law Day planning and presentations. The WSLL serves court staff, government employees, attorneys, and the public. Hours and locations of the three libraries are listed on the flyer on the next page. Reference staff is available to assist users with their legal information needs and can be reached at 800/322-9755 or by e-mail at wsl.ref@courts.state.wi.us. Library staff members are not attorneys and therefore cannot provide legal advice. Users who need the services of a qualified legal practitioner are referred to appropriate resources or agencies.

Searching the Internet for Legal Information

The Wisconsin State Law Library Web site, at wsl.state.wi.us, was launched in 1999 and is a one-stop resource for state and federal law available on the Internet. It provides links to many primary and secondary legal sources, presented in a well, organized, easy-to-use format.

For information on a specific legal issue, the **Wisconsin Legal Topics** page is an excellent starting point. It was developed with the self-represented litigant in mind and is a resource for people who need basic information or are not sure where to begin. Users can choose from more than 60 topics including adoption, child custody, child support, divorce, domestic abuse, family law, and paternity. Both state and federal legal issues are included. Each topic is annotated and includes links to pertinent sections of the Wisconsin Statutes and Administrative Code, state and national agency Web sites, and publications related to the topic.

The **Wisconsin Law** page provides access to opinions issued by the Wisconsin Supreme Court and Court of Appeals, U.S. Court of Appeals, Seventh Circuit, and to selected opinions of Wisconsin's Western District U.S. Court. Users can also find information about Wisconsin's circuit courts and link to the Wisconsin Circuit Court Access database. In addition to court related materials, this page includes links to legislative and executive branch resources as well as ordinances and Web sites of various Wisconsin counties and municipalities.

The **Legal Forms** page provides links to many forms used in various courts and agencies, both federal and state. Users can search by topic and by court or agency name.

Anyone interested in learning more about the law will find good starting points on the **Self-Help** page. Several legal pathfinders lead users to information about proper citing of legal materials, how the judicial system works, and the roles and relationships of statutory, administrative and case law. For those seeking counsel, there are links to information on hiring and working with an attorney.

Other pages on the Web site include links to **federal/state/tribal law, law reviews/newspapers, law search tools, directories, and reference tools**. Users may also submit law-related questions via e-mail, using the **Contact Us** button on the home page.

Finally, the collections of the WSLL, Dane County Law Library, and Milwaukee Legal Resource Center (more than 150,000 volumes) can be searched from the home page. Materials can be loaned to court staff, government employees and attorneys. Contact the WSLL in Madison for information about borrowing materials by mail.

It's not all on the Internet

Anyone who has “surfed the Web” knows that not everything is available there, and it is not always free. Those who cannot find what they need on the Web are encouraged to call the WSL. The staff can help identify print materials or determine which agency has the answer or resource you need. Through interlibrary loan agreements we can borrow materials from other libraries for court staff, government employees, and attorneys. In turn, we also loan materials to libraries throughout the United States.

Courtesy of the Wisconsin State Law Library (Amy Crowder, Web Resources Librarian/Cataloger)

WISCONSIN STATE LAW LIBRARY

wsll.state.wi.us

Milwaukee Legal Resource Center

Courthouse, Room 307A
901 N. 9th St.
Milwaukee, WI 53233
414/278-4900
Fax: 414/223-1818
Monday - Friday
8 a.m. - 5 p.m.

Wisconsin State Law Library

120 Martin Luther King Jr. Blvd.
P.O. Box 7881
Madison, WI 53707-7881
608/266-1600
Toll Free: 800/322-9755
Reference: 608/267-9696
Fax: 608/267-2319
Monday - Friday
8 a.m. - 5 p.m.

Dane County Law Library

City-County Building, Room 315
210 Martin Luther King Jr. Blvd.
Room 315
Madison, WI 53703
608/266-6316
Fax: 608/266-5988
Monday - Friday
8:30 a.m. - 4:30 p.m.

Services

- Reference assistance to anyone in person, by phone or fax, and by e-mail via our Web site.
- Our Web site provides access to WISOLL (WISconsin State Online Law Library), the library's automated catalog, and links to many law-related web resources.
- Legal Resource Index, an automated citation-only index of articles published in over 800 periodicals from 1980 to the present. On our web site, accessible by library cardholders. Call for more information.
- Numerous electronic research tools, available for onsite use on the library's Public Access Station PC network.
- Computerized Legal Research Service using Westlaw™ and LexisNexis™
- Document Delivery Service using mail, fax, express mail and email. Most requests processed and delivered same day.
- Circulation By Mail of library materials, for attorneys licensed to practice in Wisconsin.
- Interlibrary Loan service using OCLC, a worldwide library resource sharing database.
- After Hours Service, for attorneys licensed to practice in Wisconsin. Please call for information.
- Library orientation tours. Please phone to schedule.
- Seminars and workshops on using legal information resources, print and electronic. Please call for more information.
- Study and meeting spaces available for use, some on a rental basis. Please call for more information.

Resources

- Approximately 140,000 volumes, in all formats.
- All primary sources for federal statutory, administrative and case law.
- Statutes, case reporters and court rules for all 50 states.
- Special Wisconsin materials: Briefs and Appendices for Supreme Court and Court of Appeals cases; Opinions of the Attorney General; replaced pages from the Wisconsin Administrative Code; Legislative drafting records; selected decisions of state administrative bodies such as WERC, LIRC, and Personnel Commission; Wisconsin Jury Instructions, including superseded versions; Judicial Council minutes and committee files.
- Significant treatises and looseleaf services in all legal practice areas; State Bar of Wisconsin and UW Continuing Legal Education materials; Young Lawyers Division materials, of special interest to newer attorneys.

- Selected U.S. government documents, including many Congressional committee reports, federal agency reports and administrative decisions.
- Over 650 periodical subscriptions, including law reviews from ABA-accredited law schools, bar association journals, and other law-related titles.

Resources at the Milwaukee Legal Resource center & Dane County Law Library

- Primary and secondary Wisconsin materials, including State Bar CLE titles.
- Selected primary sources of federal statutory, administrative and case law.
- Significant treatises in selected legal practice areas.
- Marquette Law Review, Wisconsin Law Review, Wisconsin Lawyer, and selected other Wisconsin legal periodicals.
- Local ordinances.
- MLRC keeps replaced pages from the Wisconsin Administrative Code.
- Both libraries sell selected legal forms for self-represented litigants, primarily in the area of divorce.

Internet Resources*

The World Wide Web has placed an overwhelming wealth of information at our fingertips, but finding useful material can be difficult and time consuming. The following list identifies law and government Web resources that might be useful in presentations and handouts, and ideas for programs that might be replicated.

Court-Related Sites

Wisconsin Court System site at www.courts.state.wi.us provides current information on the state's trial and appellate courts, as well as *The Wisconsin Juror Handbook*, the *Guide to Small Claims Court*, *A Citizens' Guide to Filing an Appeal*, and numerous court forms. Site users can access Wisconsin Supreme Court and Court of Appeals Opinions, and use Wisconsin Circuit Court Access to find trial court records. The site also provides information on court-related volunteer opportunities and Wisconsin legal history.

U.S. Supreme Court at www.supremecourtus.gov provides current information on oral arguments and decisions. The site also provides information on visiting the Court.

The Federal Judiciary site at www.uscourts.gov provides information on the structure and function of the federal courts.

History of the Federal Judiciary at air.fjc.gov/history presents basic reference information about the history of the federal courts and the judges who have served on the federal courts since 1789.

The Oyez Project of Northwestern University at oyez.nwu.edu offers brief biographies and portraits of all 108 U.S. Supreme Court justices, summaries of historic cases and U.S. Supreme Court opinions, and a "virtual tour" of the Supreme Court building.

Law-Related Sites

Wisconsin:

State of Wisconsin E-government Portal
www.wisconsin.gov

Wisconsin Statutes
www.legis.state.wi.us/rsb/stats.html

Wisconsin Constitution
www.legis.state.wi.us/rsb/2wiscon.html

Current Wisconsin Legislation
www.legis.state.wi.us/1999/data/acts (Acts);
www.legis.state.wi.us/billtext.html (Bills & Resolutions)

Wisconsin State Law Library
wsll.state.wi.us

State Bar of Wisconsin
www.wisbar.org

Local Ordinances:

Local Ordinances for Menasha
www.spl.org/govpubs/municode.html

Local Ordinances for Bayside, Chippewa Falls, Columbus, Delafield, Fort Atkinson, Greenfield, Madison, Menomonee Falls, Mosinee, Racine, Stoughton, Waunakee, Weston Village
www.municode.com/database.html

Legal Research:

Cornell Law School Legal Information Institute
www.law.cornell.edu

FindLaw
www.findlaw.com

* Many Internet resources require Adobe Acrobat Reader to view the documents. Acrobat Reader is a free program available online at www.adobe.com/products/acrobat/readstep.html.

LawGuru
www.lawguru.com

Public Library Toolkit from the American Association of Law Libraries
www.aallnet.org/sis/lisp/toolkit.htm

Nolo's Shark Talk dictionary – plain-English definitions for over a thousand legal terms
www.nolo.com/dictionary/wordindex.cfm

Nolo's Legal Encyclopedia – plain-English articles on everything from caring for children to wills and estate planning
www.nolo.com/encyclopedia/index.html

My Government – ZIP code-based information on government
government.aol.com/mynews

Library of Congress list of executive branch government Web sites
lcweb.loc.gov/global/executive/fed.html

U.S. National Archives and Records Administration
www.nara.gov

U.S. Constitution
www.law.cornell.edu/constitution/constitution.table.html

General:

American Bar Association
www.abanet.org/publiced

U.S. Department of Justice
www.usdoj.gov

U.S. Department of Justice, Justice for Kids & Youth
www.usdoj.gov/kidspage

Miscellaneous:

Courtroom 2000
www.lasuperiorcourt.org/Court2000/Main.html

Dumb Laws
www.dumblaws.com

Famous American Trials
www.law.umkc.edu/faculty/projects/ftrials/ftrials.htm

National Youth Court Center
www.youthcourt.net

Wisconsin Teen Courts
www.courts.state.wi.us/media/Vol_Nwsltrs/Teen_Courts_9-00.htm

Government Documents and Resources:

FirstGov – Information portal for the United States Federal Government
www.firstgov.org

Handouts from the State Bar of Wisconsin

The State Bar is pleased to provide the following State Bar publications to support your Law day activities. There is a small charge for some of the publications. The first 150 items ordered will be shipped at no charge. There is a small shipping charge for more than 150 items. There are limited quantities available so get your order in as soon as possible.

How will these publications be used for Law Day activities? _____

	Quantity		Cost
1. Lawyer Referral Service brochures	_____		
2. Business Assistance brochures	_____		
3. ADR pamphlets	_____		
4. Arrest pamphlets	_____		
5. Automobile Pamphlets	_____		
6. Bankruptcy pamphlets	_____		
7. Client's Bill of Rights pamphlets	_____		
8. Custody & Placement pamphlets	_____		
9. Guardian ad Litem pamphlets	_____		
10. Hiring & Working with a Lawyer pamphlets	_____		
11. Divorce pamphlets	_____		
12. Health Law pamphlets	_____		
13. Landlord/Tenant pamphlets	_____		
14. Marital Property pamphlets	_____		
15. Personal Injury pamphlets	_____		
16. Probate pamphlets	_____		
17. Buying & Selling Real Estate pamphlets	_____		
18. Revocable Living Trust pamphlets	_____		
19. Small Claims Court pamphlets	_____		
20. Starting a Business pamphlets	_____		
21. Traffic Accident pamphlets	_____		
22. Wills & Estate Planning pamphlets	_____		
23. The Bill of Rights (booklet)	_____	@ \$.25 ea	_____
24. On Being 18 (booklet)	_____	@ \$.25 ea	_____
25. Adventures in Law (comic book)	_____	@ \$.25 ea	_____
26. Opportunities in Law (booklet)	_____	@ \$.25 ea	_____
27. Understanding Guardianships: A Handbook for Guardians	_____	@ \$2.50 ea	_____
28. Powers of Attorney & Trusts: Duties & Rights as Agents & Trustees	_____	@ \$2.50 ea	_____
29. Handbook for Personal Representatives	_____	@ \$2.50 ea	_____
30. Pioneers in the Law Booklet	_____	@ \$7.50 ea	_____
31. Pioneers in the Law Videotape	_____	@ \$10.00 ea	_____
Subtotal	_____		

	Total items	_____	
	Total items less 150	_____	
Shipping:			Shipping _____
150 items or less - no charge			TOTAL ENCLOSED _____
Quantities over the first 150 - \$.02 each item			

Note: Due to demand and limited supplies, please order only what you think you will need.

County _____
 Person ordering _____
 Street address _____
 City/State/Zip _____
 Telephone _____

**ORDER NO LATER
 THAN APRIL 1, 2002**

CP119

Make checks payable to the State Bar of Wisconsin

Return checks and order forms to: State Bar of Wisconsin, PO Box 7158, Madison, WI 53707-7158



Each year, in recognition of Law Day, the State Bar offers free copies of *The Bill of Rights: An Introduction to the public*. To get the message out, the State Bar places advertisements in all major daily newspapers in the state, as well as runs public service announcements.

Law Day organizers can call on the State Bar to help them place personalized advertisements. The State Bar will tailor the ads with the date/time/location for local activities, and will help organizers place it through the Wisconsin Newspapers Association (WNA). The State Bar can purchase the discounted ad space through WNA and pass the savings on to you. Organizers are responsible for the cost of placement.

In 2000, the State Bar offered a similar service for counties that participated in the “Life Planning 2000” Law Day events. Life Planning/Law Day ads appeared in dozens of newspapers statewide (see samples).


To place a 2002 “Celebrate Your Freedom: Equal Justice for All” Law Day announcement, please contact Public Relations Coordinator Trina E. Gray at 800/444-9404, ext. 6025 or tgray@wisbar.org by April 1, 2002.

Sample 2002 Law Day Ads

CELEBRATE YOUR FREEDOM
Law Day - May 1, 2002
Equal Justice For All

Law Day is an opportunity for all Americans to celebrate our freedoms, and reflect on how the law protects our right to express our opinions, select our leaders, worship where we choose, and pursue our livelihood. Wisconsin lawyers are committed to serving the public by protecting these rights.

The Bill of Rights is the foundation on which our freedoms are built. The State Bar of Wisconsin is offering a free copy of *The Bill of Rights: An Introduction*, a 33-page booklet that will provide you with a better understanding of your rights and responsibilities as a citizen.



To order your free copy, call (800)444-9404, ext. 6017.

WISCONSIN LAWYERS
EXPERT ADVICE. SERVING YOU.
www.legalexplorer.com

CELEBRATE YOUR FREEDOM
Law Day - May 1, 2002
Equal Justice For All

Law Day is an opportunity for all Americans to celebrate our freedoms, and reflect on how the law protects our right to express our opinions, select our leaders, worship where we choose, and pursue our livelihood. This year's theme focuses on America's efforts to make equal justice a reality for all citizens.

YOUR COUNTY OR LOCAL MESSAGE HERE.

CELEBRATE YOUR FREEDOM
Law Day - May 1, 2002
Equal Justice For All

Law Day is an opportunity for all Americans to celebrate our freedoms, and reflect on how the law protects our right to express our opinions, select our leaders, worship where we choose, and pursue our livelihood. This year's theme focuses on America's efforts to make equal justice a reality for all citizens.

YOUR COUNTY OR LOCAL MESSAGE HERE.

For a complimentary, personalized ad, contact State Bar Public Relations Coordinator Trina E. Gray at (800)444-9404, ext. 6025 or email tgray@wisbar.org.

If you lose the ability to make health care decisions, who decides for you?

**Life Planning 2000
Law Day Events**

Free Legal Information

Saturday, May 6, 9 a.m. to 3 p.m.

Mayfair Mall, Bayshore Mall, Milwaukee Public
Library, Mary Ryan Boys & Girls Club, and
United Community Center

For information on Waukesha area events, call (262) 548-7472



LIFE PLANNING 2000

Advanced Care Planning for Future Health Needs

Sponsored by the Milwaukee Bar Association, with support
from the State Bar of Wisconsin, the Wisconsin Health and
Hospital Association, and the State Medical Society of Wisconsin.

If you lose the ability to make health care decisions, who decides for you?

Free Legal Information

Monday, May 1 – Law Day

8 a.m. to 5 p.m.

Walworth County Courthouse



LIFE PLANNING 2000

Advanced Care Planning for Future Health Needs

Sponsored by the Walworth County Bar Association, with support from
the State Bar of Wisconsin, the Wisconsin Health and Hospital
Association, and the State Medical Society of Wisconsin.

Resources from the Wisconsin Supreme Court

Due to budget considerations, the Wisconsin Supreme Court is not mailing out free copies of publications this year. Many of these publications are on the court system Web site. If there is a publication not available on the Web site, please call the Court Information Officer at 608/264-6256 or e-mail amanda.todd@courts.state.wi.us to find out how much shipping charges would be.

Children's Activity Booklet (www.courts.state.wi.us/media/Activity_Book.htm): Available in interactive or printable format. Explains to children what happens in court, who works here, and what the rules are. Recommended for children ages six to nine to use with help from a parent, teacher, or attorney

Judicial Speakers Bureau (www.courts.state.wi.us/media/Speakers_Bureau.htm): The Speakers Bureau can help schools and community groups find appropriate speakers to talk about how civil and criminal courts work, careers in the law, the juvenile justice system, alternative dispute resolution, considerations in sentencing, and other topics. Judges and court staff regularly speak to groups in their communities on a variety of topics. **There is no charge for the service or for the speech.**

Color picture of Supreme Court: Quick summary of the history of the Wisconsin Supreme Court and the Court today. Includes brief biography information for each justice.

Supreme Court Visitor's Guide: Includes biography information for each justice, history of the Court, and a calendar of oral argument for the year 2001-2002.

Famous Cases of the Wisconsin Supreme Court (www.courts.state.wi.us/History/famous_cases.htm): Learn about the Supreme Court by reading brief summaries of 23 famous cases that were selected for their importance, their interest, or simply as examples of the types of cases heard at any given time in Wisconsin history.

Wisconsin's Legal History (www.courts.state.wi.us/History/History_Articles.htm): A packet of plain-English articles. The articles cover topics in Wisconsin history beginning in the 1700s, through the territorial days into statehood, the Civil War, World Wars, Industrialization, the Great Depression, and up to the present.

Court with Class (www.courts.state.wi.us/media/Court_With_Class.htm): An award-winning program designed to make Supreme Court proceedings understandable and accessible to all high school students in Wisconsin. This joint venture between the Wisconsin Supreme Court and the State Bar of Wisconsin has brought close to 6,000 students to the Supreme Court Hearing Room since 1996.

Reports of the Wisconsin Court System: The following can be found on the Wisconsin courts system's **Publications/Reports** (www.courts.state.wi.us/media/reports.htm) Web page.

- | | |
|---|--|
| <input type="checkbox"/> Board of Bar Examiners | <input type="checkbox"/> Planning & Policy Advisory Committee |
| <input type="checkbox"/> Circuit Court Automation Program (CCAP) | <input type="checkbox"/> Volunteer Mediation |
| <input type="checkbox"/> Clerk of Circuit Court | <input type="checkbox"/> Volunteers in the Courts |
| <input type="checkbox"/> Clerk of Supreme Court and Court of Appeals | <input type="checkbox"/> Wisconsin Court System expenditures |
| <input type="checkbox"/> Court-connected Alternative Dispute Resolution | <input type="checkbox"/> Wisconsin Court Education Initiatives |
| <input type="checkbox"/> Courthouse Security, Facilities and Staffing | <input type="checkbox"/> Wisconsin Families, Children & Justice Initiative |
| <input type="checkbox"/> Judicial Education | <input type="checkbox"/> Wisconsin Judicial Conference |
| <input type="checkbox"/> Medical Mediation Panels | <input type="checkbox"/> Wisconsin State Law Library |

How to Order Plaques and Ribbons

In recognition of the contest winners, the Law Day committee may choose to present the student(s) with a plaque or ribbon. Plaques might be awarded to the essay contest winners and ribbons to the poster contest winners.

If the committee would like to order the plaques and/or ribbons from a local business, the yellow pages offer a wide selection. Another option would be to contact one of the Madison businesses listed below; all ship statewide.

Deppe's Awards Plus

608/244-8812 or 800/959-4045

Engraving & Trophy Specialists

608/825-0000 or e-mail ets@execpc.com

Total Awards & Promotions, Inc.

608/833-1716 or e-mail total@awardsandpromos.com

When placing an order, it may be helpful to have this information on hand:

- The price of a standard 4x6 plaque ranges from \$8.00 to \$13.00.
- The lettering charge on the plaques ranges from 12 cents to 22 cents per character.
- The price of ribbons ranges from 45 cents to 50 cents per ribbon, but includes a set-up fee of \$5.00 to \$10.00. Some businesses require a minimum order for the ribbons.
- Most businesses only require one week to complete an order of ribbons or plaques.
- A sample plaque might look like this:

“Protecting the Best Interests of Our Children”

to

JOHN BLACK

In recognition of his first-place essay in the Wisconsin Court System's celebration of Law Day at the Dane County Courthouse.

Dated at Madison, Wisconsin, this 1st day of May 2002

How to Order Banners

A banner on the outside of the courthouse is a great way to advertise a Law Day open house. Look in your local yellow pages under “Flags and Banners” for a vendor or call one of the businesses listed below. All provide statewide service.

In general, a plain red-white-blue eight-foot “bunting” banner will cost \$50. A custom-made, 20-foot banner with a message such as “Happy Law Day” will run about \$185 and should last for several years.

Fox Stamp, Sign & Specialty

Menasha

800/236-3699

www.foxstampsign.com

Horizon Flag & Banner Co.

Milwaukee

800/727-2579

Victory Corps

800/328-6120

www.victorycorps.com