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The Third Branch

a publication of the Wisconsin Judiciary



Supreme Court makes 22nd 'Wheels' visit

On Oct. 5, the Wisconsin Supreme Court's 22nd "Justice on Wheels" trip took the justices to Portage, where they heard oral argument in three cases. The Court brought in standing-room-only crowds for all three cases heard at the Columbia County Administration Building and attended a luncheon with local officials and the Columbia County Bar Association.

Chief Justice Shirley S.

Abrahamson opened the first oral argument by telling attendees that the Court has faced difficulties but is working to improve itself in the new term.



Chief Justice Shirley S. Abrahamson presents Rusch Elementary School fifth-grader Elise Kilde with a plaque for her winning essay about civil rights. The award was presented during the Supreme Court's Justice on Wheels visit to the Columbia County Courthouse in Portage on Oct. 5.

Photo credit: Jen McCauley/Portage Daily Register

The effort was apparent to onlookers, including one high school student who told the *Portage Daily Register* that she was surprised to see the justices laughing together.

"It's more relaxed than you think. There's a little joking," she said.

Justice on Wheels began in 1993 and may mark its 20th anniversary in 2013 by rolling out an expanded schedule for visits.

Abrahamson presented the idea

at a recent administrative conference, and Justice David T. Prosser Jr. developed a detailed proposal in support of twice-yearly trips. ■

Appointments bring ten new judges to the bench

Gov. Scott Walker has announced the appointment of one new Court of Appeals judge and nine new circuit court judges in Wisconsin. The circuit court judges' appointments last until July 31, 2012.

Mark D. Gundrum District II Court of Appeals

Walker appointed Waukesha County Circuit Court Judge Mark D. Gundrum to serve on the District II Court of Appeals, headquartered in Waukesha. The appointment is effective Nov.

30 through July 31, 2013. An election will be held in April 2013.

"Judge Gundrum will treat the citizens of Wisconsin with respect, act fairly and be a blind arbiter of justice," Walker said in a statement. "The tremendous amount of support from the community coupled with his outstanding legal education and experience make Judge Gundrum a perfect match for the Court of Appeals," Walker said.

Gundrum was elected to the



Judge Mark D. Gundrum

see **New judges** on page 24

Reserve judges step up to help

By Susan Byrnes, District Court Administrator, Ninth Judicial District

Reserve judges throughout Wisconsin are being recognized for their efforts in helping to fill temporary vacancies created by a recent spate of judicial retirements.

During the last two years, more than 30 state judges have retired, leaving an unusually high number of judicial vacancies across the state. As a result, reserve judges have been called on more often and have responded accordingly, to help get work done.

The Director of State Courts Office reports that during the first five months of the current fiscal year, the court system relied on the same amount of reserve judge usage that was recorded in all of the previous fiscal year. Without the assistance of reserve judges in many cases, court calendars would have fallen behind schedule and case-processing times would have increased dramatically.

The use of a reserve judge to fill a judicial vacancy helps maintain productivity and efficiency in the courts, without over-utilizing the remaining sitting judges. Although the most recent increase in reserve judge

see **Reserves** on page 10

Director's column: Looking for solutions

By A. John Voelker, Director of State Courts

We have many different ways to communicate with each other these days: E-mail, text messages, instant messaging, Facebook postings and Twitter updates, in addition to phone calls, faxes, and occasionally snail mail.



A. John Voelker

But often, the best way to find out what's really going on is to visit in person.

I recently joined Chief Judge Scott R. Needham, Deputy Chief Judge Molly E. GaleWyrick and District Court Administrator Scott Johnson for part of their District Ten county-by-county tour, which is conducted once every two years. The visits offer an opportunity for court administrators to meet or reconnect with judges and court staff, and to find out what's happening in each county.

Like the judges, I became reacquainted with people I hadn't seen for a while and met new people working in the courts. I heard about issues affecting the courts and how each county approaches problems and finds solutions.

In Madison, we often do know a lot about what's going on in the court system, but there's always more to learn, and this trip turned out to be informative.

As the visits progressed, I heard a recurring concern: Judges in each county explained that were facing prolonged delays in cases involving drugged driving – not because of delays by lawyers or jammed court calendars, but because of delays in processing blood-test evidence at the State Lab of Hygiene.

What's worse, no one seemed able to pinpoint a solution at the local level, which indicated to me that a statewide approach may be necessary.

Turns out, there's a good reason for this – it's a complex issue that will take coordinated work from many people, and in all likelihood, several branches of government to resolve. In other words, it's an opportunity for a coordinated approach from Madison.

After writing some letters, making some calls, and making arrangements to tour the Lab of Hygiene in person, I discovered the state's system of testing blood for evidence of alcohol or drug use for most suspected OWI cases and many suspected drugged driving cases is essentially overwhelmed.

In 2010, the OWI workload for the lab consisted of the following, according to the lab:

- 22,395 specimens, all tested for alcohol
- 3,271 specimens also tested for drugs
- 4,312 subpoenas from 70 counties
- 298 court appearances, and
- 45,539 miles of travel.

The workload in the lab has increased significantly over the years, especially in drug testing, but the staffing and funding are essentially unchanged since 2003. At the same time, from 2003 to 2010, the number of positive drug tests reported through testing increased from 1,452 to 3,274, respectively.

As a result, the turnaround time has increased, especially in drug testing. In 2003 the turnaround time for drug testing was 64 days. The turnaround time in 2011, through

see **Director's column** on page 11

Tenth District tour promotes interaction, understanding of local court issues

By Scott Johnson, District Court Administrator, Tenth Judicial District

Once every two years, the Tenth Judicial District leadership team conducts a comprehensive tour of all 13 counties in the District.

Each tour lasts five days (this year, Sept. 26-30) and includes listening sessions with judges, court reporters, circuit court commissioners, clerks of court and staff, local attorneys, district attorneys, public defenders, county corporation counsels, county administrators, county board members, the sheriff, criminal justice coordinating councils and others.

The primary focus of the tour is to meet or reconnect with as many staff and justice system

partners as possible and to develop a comprehensive understanding of issues facing the justice system.

This year, Chief Judge Scott R. Needham, St. Croix County Circuit Court, Deputy Chief Judge Molly E. GaleWyrick, Polk County Circuit Court, and I made the

tour, accompanied during the first two days by Director of State Courts A. John Voelker. (See *Director's column, above*).

During the visits, judges and administrators ask counties to discuss strategies and processes that work well, as well as areas of concern. Members of the



The District Ten tour included a meeting in Rusk County with, from left to right, Court Reporter Shannon Golat, Court Commissioner Terry Nussberger, County Board Chair Randy Tatur, Assistant District Atty. Andrea Amidon-Nodolf, District Atty. Mark Kellaheer, Corporation Counsel Richard Sommerfield, Deputy Chief Judge Molly GaleWyrick, Director of State Courts A. John Voelker, Chief Judge Scott R. Needham and Rusk County Circuit Court Judge Steven P. Anderson.

see **Tour** on page 22



Law clerks and other Supreme Court staff gathered outside chambers on Veterans Day to honor Justice N. Patrick Crooks, who served three years active duty in the U.S. Army. Crooks is pictured holding a photograph of himself receiving the Army Commendation Medal from Gen. Robert McCaw, Army Judge Advocate General. The photograph in his hand was taken in September 1966 at the Pentagon, where Crooks was stationed after graduating from the Army Judge Advocate General's School, University of Virginia, and from infantry training at Fort Benning, Ga.

AWARDS

Judge honored for community service

Milwaukee Circuit Court Judge Mary M. Kuhnmuench was recognized by the Association for Women Lawyers for her outstanding commitment to community service at their annual meeting in September. She was presented with the 2011 Community Involvement Award.

Court staff member recognized as unsung hero

Sue Gray, an executive secretary for the Supreme Court Commissioners and Director of State Courts, was recognized as an honoree for a Wisconsin Law Journal Unsung Heroes Award. Gray joined the court system in 2007. She was previously employed as a legal secretary at Liberty Mutual Insurance Co. The award ceremony took place on Nov. 18 in Milwaukee.

Gray assists the commissioners in processing petitions for changes in Supreme Court Rules and attorney disciplinary matters and also serves as backup to the assistant to the director of state courts. The commissioners nominated Gray for the award because she often suggests ways to improve or streamline tasks, she has a wonderful upbeat attitude, and she personifies professionalism.

"I am thrilled to be nominated for such a prestigious award," Gray said. "The commissioners' office



Milwaukee County Circuit Court Judges Mel Flanagan and Mary M. Kuhnmuench worked alongside other women lawyers who volunteered a Saturday in September to help build a Habitat for Humanity House in Milwaukee's central city. The home will eventually be owned by a single mom with four children and is part of Milwaukee's Habitat for Humanity 100 homes project. The judges were part of an Association for Women Lawyers team that worked all day on the interior of the house.

epitomizes teamwork, and it is very gratifying to be part of such a dynamic group."

Portal recognizes advocate employer

The Ozaukee County Clerk of Circuit Court, Register in Probate office was recognized with the 2011 Best Employer Advocate for People with Disabilities. The award was presented by Portal Inc., a not-for-profit agency that serves more than 200 people with disabilities in Ozaukee County.

"This truly is an award that we can all share in the recognition of advocating for people with disabilities," said Ozaukee County Clerk of Circuit Court and Register in Probate Mary Lou Mueller. ■



Sue Gray

LEADERSHIP

Judge gives Milwaukee Guardianship Assistance Project a nudge

By Judge Michael J. Dwyer, Milwaukee County Circuit Court

The Milwaukee County Guardianship Assistance Project (GAP) (*see accompanying article*) is a good example of the kind of things judges can accomplish if we are willing to get involved and use our influence to improve our system of justice. To be sure, the accomplishments of the group, which helps assist families of young adults with profound disabilities, were the results of many people. My point here is not to claim credit for myself. Rather I want to illustrate that, by virtue of my role as the presiding judge of the Probate Branch of the Civil Division in Milwaukee County, my willingness to get involved and stay involved helped the effort in three ways: as convener; as sustainer of interest, and as recruiter of lawyers. These are things that all judges can bring to efforts to improve the system.



Judge Michael J. Dwyer

GAP got its start in 2007 after Dan Idzikowski was hired

as the assistant dean for public service at Marquette University Law School. One of his first tasks was to conduct a legal needs assessment in our community. In so doing, Dan convened task forces to address the legal needs of non-profits, victims of predatory lending, service members and children with special needs. Dan recruited Atty. Rock Pledl, who has experience in representing people with disabilities and in the area of special education law, to head a special needs task force. The group identified the lack of permanent guardianships for young adults with severe cognitive disabilities in poor families as an area of critical need. Dan and Rock reached out to me because I was then the presiding judge in the Probate Branch of the Civil Division in Milwaukee.

Together we agreed to convene a task force to address the problem. People and organizations tend to respond favorably to judicial invitations, so I issued the invitations. We agreed that we wanted the project to address the whole range of issues in this area, not just the problem of obtaining guardianship. For that reason, we extended invitations to all the people and groups that we thought

see **Leadership** on page 5

Stakeholders work together to improve Milwaukee County Guardian Assistance Project

By Britt Wegner, Director, Milwaukee Bar Association Lawyer Referral and Information Service (LRIS)

The need for legal guardianship of an adult often comes as a shock to parents who have children with profound disabilities. Because their young adult is unable to understand information and make choices related to their health and finances, or to sign releases, parents assume that they will continue to make those decisions.



Britt Wegner

The concept of filing for legal guardianship can sound absurd to a family member who has lovingly cared for his or her child for so many years. Moreover, most parents with a modest income struggle simply to meet their family's daily needs.

When there is a young adult with profound disabilities in the family, those challenges are exacerbated. It can become overwhelming to think about funding to hire an attorney and navigate the guardianship

process. For this reason, many parents of children with profound special needs in Milwaukee County do not pursue guardianship when their young adult turns 18.

The Milwaukee County Guardianship Task Force has been working to address this issue since 2009. The Guardianship Task Force is directed by Attys. Rock Pledl; Dan Idzikowski, assistant dean for public service at Marquette University Law School; and Milwaukee County Circuit

Court Judge Michael J. Dwyer.

The task force brought together private attorneys, public school officials, social workers, Milwaukee County Division of Disability Services administrators, corporation counsel, and probate court personnel. Together, they designed the Guardianship Assistance Project (GAP), through which low-income families could petition for guardianship for their children with profound cognitive deficits at low or no cost.

GAP is modeled on the Children's Hospital of Wisconsin's Guardianship Clinic. A group of attorneys and Marquette Law students, provide *pro bono* legal services to qualifying families under both programs.

GAP is administered on a volunteer basis by Julie Turkoske, a Family Support Specialist at the Southeast Wisconsin Center for Children and Youth with Special Healthcare Needs. After receiving a referral from the special needs transition coordinator at a child's school district, Turkoske screens the case to ensure there is no dispute about the need for guardianship and that the proposed guardians meet GAP's income limits. The idea behind the project is to create a referral network through local school districts, so that students who are likely to need a guardian when they reach the age of majority can be identified and brought into the process at age 17½, with the goal of eliminating any gap in legal decision-making authority.

GAP is designed to assist families whose incomes do not exceed 250 percent of the federal poverty level and who

see **GAP** on page 5

LEADERSHIP *continued from page 4*

might be interested. In part because the invitation was from a judge, everyone that we invited got involved to some extent.

As a result, we began our efforts with a wide cross-section of stakeholders. Representatives from the local school districts, the Milwaukee County Transition Advisory Board, Children's Hospital of Wisconsin, The Southeastern Wisconsin Regional Center for Children and Youth with Special Health Care Needs, Milwaukee County's Disability Services Division, the Corporation Counsel's office, the Legal Aid Society of Milwaukee, private attorneys, corporate guardians, child advocacy groups, and social service agencies that serve the disabled all responded to our invitation to convene to address the problem.

The group reached consensus that the project should focus on all aspects of the problem, not just the legal process. The importance of transitional planning by the special education departments within the schools was noted, and the need to provide these groups with more and better information was identified. Ultimately three working committees were formed: (1) access to justice focused on finding lawyers to meet the needs of indigent and near-indigent families; (2) education and training work with the school systems and special education transition planners; and (3) social services worked with the public and private agencies serving the disabled population and psychologists.

The progress of both the education and training committee and the social service committee has been slow. The size of the Milwaukee Public Schools and the number of other school districts in the county make the task of gaining a common understanding difficult. The social service agencies who serve the target families are eager to help, but must do so with declining resources. That these groups have continued to work on the effort over three years is a tribute to their commitment to the people they serve. I believe that the fact that a probate judge has also stayed with them throughout the process has helped them to stay engaged.

The legal community in Milwaukee has been and continues to be very supportive of the courts and responsive to requests for assistance. Before GAP was created, the law firm of Whyte Hirschboeck Dudek had begun a *pro bono*

GAP *continued from page 4*

need guardianship of young adults (other than those who are regular patients of Children's Hospital and Health System) with profound cognitive deficits. For families below 185 percent of the poverty level, Turkoske and other volunteer case managers assist the family in gathering the required documentation and psychological report. She then schedules them with one of the *pro bono* coordinators, whose firms provide legal counsel and prosecute the guardianship petition. Parents who have received this assistance are thankful and reported that the process was much less frightening and complex than they had imagined it would be, and that young adults were more easily able to access services that required legal consent.

This phase of the project is able to help only a small percentage of families who need legal assistance, so Dwyer reached out to Britt Wegner, Director of the Milwaukee Bar Association's (MBA) Lawyer Referral and Information

guardianship project with Children's Hospital of Wisconsin through the Milwaukee Bar Association Legal Assistance to Indigents Committee. When GAP identified the need for more capacity in the program, the firm of Quarles and Brady volunteered to meet the expanded need. All that was required for the creation of the modest means panel was a call to the members of the probate bar and the cooperation of the Milwaukee Bar Lawyer Referral Service. While Milwaukee lawyers have repeatedly demonstrated that they are committed to serving the less fortunate, they do need to be made aware of the need. In this case all that was required to create the panel was an inquiry from a judge who saw the problem from within the system.

Much progress has been made in three years. Self-represented litigants have a particularly hard time navigating the complexity of the guardianship statute. Those who have found free or low-cost representation have benefitted. Cases where petitioners do not have lawyers are seldom resolved in one hearing, so the presence of lawyers has been a great help to the court. Great strides have been made in educating the schools on the subject of guardianship and progress has been made in better connecting the school transition coordinators to the guardianship process. Progress has also been made in improving the assistance that social service agencies are able to provide to families that need help.

Much work remains to be done. The most intractable problem we have encountered is obtaining the required psychological evaluations. We continue to work on this problem and are hopeful that with perseverance, we will improve the situation. As the schools better understand the need for guardianship and how the programs operate, the number of families needing assistance will increase. The social service agencies and the legal community will be called upon to provide more help. We are confident that the legal community will again respond to the call. With perseverance and effort, the social service resources will be marshaled. All of this might well happen without the active involvement of judges interested in this area. The presence of the judge can only help. ■

Service (LRIS) to determine whether the MBA's Modest Means Panel could accommodate an additional panel willing to assist qualifying families up to 250 percent of the federal poverty level that sought adult guardianships. The MBA agreed. These families will still be screened by Turkoske, and upon qualification will be referred to the MBA's Modest Means Guardianship Panel. The attorneys on this unique panel have agreed to prosecute the guardianship cases for a flat fee of \$600. Referrals are made on an impartial rotation, but geographical location of the attorney and languages spoken, if applicable, are considered when making the referral. ■

If you are interested in joining the Modest Means Guardianship Panel, please contact Britt Wegner at (414) 276-5931 or bwegner@milwbar.org.



Chief Justice Shirley S. Abrahamson gave her 2011 State of the Judiciary Address, titled Without Fear or Favor, on Wednesday, Nov. 2 at the Chula Vista Resort in Wisconsin Dells. The Chief Justice’s speech opened the 2011 Meeting of the Wisconsin Judicial Conference and was followed by A. John Voelker’s State of the Director’s Office presentation, The Tipping Point. Nearly 300 judges and state court staff attended the conference, which featured educational sessions on a host of issues affecting judges and the judiciary.

Dane County judges, attorneys learn about dogs

By Gail Richardson, District Court Administrator, Fifth Judicial District

On Sept. 16, the Dane County Sheriff’s K-9 Unit provided a demonstration of a drug-sniffing dog search to judges and prosecutors. Deputy Jay O’Neil and “Hunter” showed how specially designed boxes are used in training and how real-life searches are conducted.

Licensed contraband was hidden in several places within the courtroom and Hunter quickly and enthusiastically identified each item. Deputy O’Neil and Sgt. Kris Boyd of the Madison Police Department described training, testing and certification procedures. The two agencies train together, and they say all dogs approved by the two departments for use in the field are certified with a training success rate of 96 percent or better.

Following the demonstration, Attys. Stephen Hurley, Mark Eisenberg and Assistant District Atty. Matt Moeser presented arguments on either side of the argument for using the results of dog alerts to justify probable cause for a search warrant. Hurley distributed an outline of relevant law. The debate centered on the reliability of individual dogs and how information about that should be presented to the judge, along with the application for a warrant, in the form of the dog’s success rate. Also discussed were the standards that should be set and used to



Dane County Deputy Jay O’Neil, Hunter and Dane County Circuit Judge Nicholas J. McNamara, following a demonstration on the use of dogs to search for possible evidence.

measure a dog’s reliability and the science (or lack thereof) of dog scenting capabilities. ■

Eau Claire drug court celebrates 50th grad

The Eau Claire County Drug Court Program celebrated its 50th graduate during a ceremony Aug. 24 in the courtroom of Circuit Court Judge Lisa K. Stark.

The ceremony, attended by Wisconsin Supreme Court Justices Ann Walsh Bradley and Patience Drake Roggensack, drew front-page coverage by the *Eau Claire Leader-Telegram* newspaper, which proclaimed in a headline: Justices praise Eau Claire County.

Roggensack called the 50th graduation an extraordinary accomplishment; Bradley said Eau Claire County is becoming a “mecca of the Midwest” for its pioneering use of treatment courts, which also include a mental health court, veterans court, and a treatment court for single mothers.

The ceremony marked the graduation of Chris Coyer, who began drug court in November 2009, after being sentenced to three years of probation and one year in jail for his sixth drunken driving offense. Coyer opted for a chance to reduce the jail time to six months by successfully completing drug court. The decision helped turn his life around, Coyer said during the ceremony.

“I knew I had to do something. I couldn’t go to prison. I needed some help, I was in despair with myself and everyone who was close to me,” the *Leader-Telegram* quoted Coyer as saying. Coyer was congratulated on maintaining sobriety for more than a year. In addressing the audience he added “Since being admitted to drug court, my life has turned completely around for the better. I have started to believe in myself through changing my thinking and how I approach things. I am a different self now. I’m different in my attitudes; I’m different in appreciating my body; I’m different in terms of trying to cope with the big questions of life.”



Justice Patience Drake Roggensack shares a lighter moment with Eau Claire County Drug Treatment Court's 50th graduate, Chris Coyer.

Photo credit: Dan Reiland/Eau Claire Leader-Telegram

The Eau Claire County Drug Court Program, which now has 30 participants, accepted its first participant in October of 2004 after more than a year of planning. The court accepts medium-high to high-risk offenders addicted to drugs or alcohol who have been convicted of non-violent felony offenses. Candidates for drug court are referred to the program by prosecutors, defense attorneys, corrections officials or drug treatment professionals.

Stark, who has presided over the drug court since its inception, said the drug court restores hope for participants who otherwise are headed to prison.

The presence of two Supreme Court justices not only helped draw some publicity, it was meaningful to drug court participants, Stark said.

“Everyone was so impressed to meet Supreme Court Justices, hear them speak, and realize that they are real people that are truly supportive of the participants’ efforts,” Stark said. ■



Justice Ann Walsh Bradley remarks on the accomplishments of the Eau Claire County Drug Treatment Court during a ceremony in Judge Lisa K. Stark's courtroom on Aug. 24.

Photo credit: Dan Reiland/Eau Claire Leader-Telegram

Veterans court announced on Veterans Day

Northeastern Wisconsin military veterans involved in the criminal justice system will now have the opportunity to request enrollment in the Northeast Wisconsin Veterans Treatment Court (NEWVTC), which was officially announced in Brown County on Nov. 11, Veterans Day.

The new court offers eligible veterans in the seven counties that comprise District Eight a supervised and coordinated program of treatment, services, and mentoring designed to help veterans involved in the court system overcome service-related issues.

Brown County Circuit Court Judge Kendall



Judge Kendall M. Kelley

M. Kelley will preside over the new court, which he helped develop with Chief Judge Donald R. Zuidmulder and other justice system stakeholders. Zuidmulder oversees the Brown County Drug Court and used knowledge gained from that experience to help develop the veterans court. Although located in Green Bay, the new court is expected to be available as a resource for all circuit courts in the Eighth Judicial District, Kelley said.

Court partners and stakeholders include: the U.S. Department of Veterans Affairs, the Wisconsin Department of Veterans Affairs,

see **Veterans court** on page 13

RETIREMENTS

This edition of The Third Branch features six judges who have announced their retirements. Margaret J. Vergeront, Court of Appeals, District I; J.D. McKay, Brown County Circuit Court; and James E. Welker, Rock County Circuit Court, have announced that they will retire in coming months. They will be the subjects of future articles.

Judge Edward R. Brunner District III Court of Appeals

Judge Edward R. Brunner, who has been nationally recognized for his innovative work in restorative justice, retired from the District III Court of Appeals on Sept. 6.

While serving on the Barron County Circuit Court, Brunner was awarded the William H. Rehnquist Award of Judicial Excellence from the National Center for State Courts (NCSC) in 2006. The award, which is considered one of the most prestigious judicial honors in the country, was presented to Brunner by U.S. Supreme Court Chief Justice John Roberts in Washington, D.C.

“Judge Brunner’s initiatives such as promoting restorative justice and improving relations between state and tribal courts are recognized as national models,” NCSC President Mary Campbell McQueen said in a press release at the time. “His dedication to community collaboration and outreach is recognized not only by his colleagues within the courts but by the many community and public agency leaders who wrote letters in support of his nomination.”

Brunner first introduced the idea of restorative justice to Barron County in 1998, through community forums. The Barron County Restorative Justice Programs, Inc. was launched as a private, non-profit program with Goodwill Industries. The program promotes community safety by holding offenders responsible through programs such as Victim Offender Conferencing, Victim Impact Panels and Restorative School Truancy Intervention.

The State Bar of Wisconsin also recognized Brunner’s work with a Lifetime Jurist Achievement Award in 2006. Brunner was first elected to the Barron County Circuit Court in 1988. He won re-election three times before being elected to the Court of Appeals in 2007. He is a former chief judge for the Tenth Judicial District, as well as a former member of the Judicial Education Committee of the Judicial Conference, Judicial Advisory Committee, State/Federal/Tribal Court Forum, and the Drug Court Initiative.

Prior to serving on the bench, he was the city attorney for Rice Lake and worked in private practice. He had previously served as executive director for Youth Services, Inc. in Ohio. He received his bachelor’s degree from Marquette University and his law degree from University of Akron School of Law, as well as his E.M.T. responder certification from Wisconsin Indianhead Technical College.



Judge Edward R.
Brunner

Judge Tim A. Duket Marinette County Circuit Court

Judge Tim A. Duket said it has been an honor to serve the people of Marinette County and the State of Wisconsin for the last 31 years as district attorney and circuit court judge. His last day of work will be Jan. 3, 2012. In his resignation letter to the governor, Duket said he could not imagine a career path that could have provided greater satisfaction. Duket grew up in Marinette and received his law degree from UW Law School in 1979.

Duket said that his most memorable experience as a judge was the 90-minute sentencing hearing of Scott Johnson for the July 31, 2008 sniper-style fatal shootings of three teenagers who were enjoying an innocent afternoon of swimming under a train bridge near Niagara, Wisconsin. The mother of one of the victims, 18-year-old Anthony Spigarelli, said that Anthony’s college fund was sadly redirected to pay for his casket and funeral. At least 20 law enforcement officers attended. Also present was Calvin Trillin, who wrote an article about the case that appeared in the July 2009 edition of *The New Yorker* magazine.

Duket, 57, says that he’ll miss the daily contact with all the great people he worked with at the courthouse. Duket’s post-judicial plans include a focus on health and fitness, making a dent in the stacks of books that he’s accumulated over the years, more travel with his wife, Mary Kay, and providing more support and assistance to his elderly mother. Additionally, some reserve judging, mediation, teaching, and private practice might be in the cards.



Judge Tim A. Duket

Judge Patrick J. Fiedler Dane County Circuit Court



Judge Patrick J. Fiedler

Former Dane County Circuit Court Judge Patrick J. Fiedler’s retirement was very short-lived. The day after he left the bench, he joined the Axley Brynson law firm as a partner and a member of the Litigation Group.

“It was something that in the last several years I recognized in myself, that I missed being a lawyer,” Fiedler told the *Wisconsin State Journal*.

While on the bench, Fiedler said he appreciated cases where the lawyers arguing the case were very good. This, he said, is why he found the many medical malpractice cases he presided over so satisfying.

Fiedler’s ability to manage civil trials was recognized when the American Board of Trial Advocates (ABOTA) named him Wisconsin “Judge of the Year” for 2007.

RETIREMENTS *continued from page 8*

ABOTA said it honors one judge each year “whose thorough preparation, breadth of knowledge of the law, decisive rulings and courtesy to litigants, jurors and members of the bar have consistently advanced the interest of justice and the dignity of the judicial process.”

Advancing the interest of justice also meant, on many occasions, working through cases where no lawyer was involved.

“Every case is important,” Fiedler said, also referring to the small claims cases that have come before him where litigants represented themselves. “These cases were very important to them.”

Fiedler’s respect for not only the litigants but also the victims in his courtroom won him the 2008 Victim Advocacy Award from the association of Wisconsin Victim/Witness Professionals. Said one victim-witness coordinator who participated in the award nomination: “A victim walks into Judge Fiedler’s courtroom a victim, and walks out a survivor.”

After graduating from Marquette University Law School, Fiedler served as an assistant district attorney for Waukesha County, and worked in private practice. Prior to his appointment to the bench in 1993, he served as U.S. Attorney for the Western District of Wisconsin and as secretary of the Wisconsin Department of Corrections. He is the son of Judge James Fiedler, who served on the bench in Iowa County Circuit Court for 24 years beginning in 1972. For a brief time prior to the elder Fiedler’s retirement, father and son served simultaneously as circuit court judges.

Over his 18 years on the bench, Fiedler said he continued to see legislators tinker with the criminal justice system, and he questioned what the overall game plan may be.

“The criminal justice system needs to be understandable by not just lawyers and judges, but also by everyday citizens,” he said. Fiedler helped keep judges abreast of changes in the law by teaching regularly at continuing education seminars.

Fiedler says he will miss the people the most, in his branch, in the Dane County Courthouse, in the Director’s Office, and across the state.

“The court system people are fantastic,” he said.

**Judge Frederic W. Fleishauer
Portage County Circuit Court**

Portage County Circuit Court Judge Frederic W. Fleishauer said he has had some nice as well as some horrid experiences while on the bench.



Judge Frederic W.
Fleishauer

On one occasion, after sentencing a woman to jail, she reached inside her orange jail-issued jumpsuit and pulled out a Monopoly game “Get Out of Jail Free Card,” and asked the judge if he would accept it.

After 30 years on the bench, Fleishauer retired on Nov. 29. Fleishauer was first elected to the circuit court in 1981, and won re-election five times, most recently this past spring.

In 2008, Fleishauer was named

Judge of the Year by the State Bar of Wisconsin. He is a former president of Justiceworks, Ltd., a non-profit organization in Portage County that promotes restorative justice and assistance for offenders re-entering the community. In May, he spoke to WSAW-TV about the program.

“Until you give them an opportunity to see different patterns and that different patterns can actually improve their situation and avoid those difficulties, until they come to that realization, they’re likely to go back to the patterns that brought them there in the first place,” Fleishauer told the station.

Fleishauer is a past Fulbright grant recipient, which he was awarded in 1998 to lecture at the Center for Judicial Studies in Montevideo, Uruguay. He is a past-member of the Criminal Justice Study Commission, a former deputy chief judge for the Sixth Judicial District, and a former president of the UW-Stevens Point Academy of Letters and Sciences.

A graduate of UW-Madison and UW Law School, he served as district attorney and assistant district attorney for Portage County, and worked in private practice.

Aside from some mediation work and working the small farm he owns, Fleishauer said he doesn’t really have any plans for his retirement.

“I hope to find out who Fred is again,” he said.

**Judge Barbara A. Kluka
Kenosha County Circuit Court**

While looking through materials she brought home from the courthouse, retired Kenosha County Circuit Court Judge Barbara A. Kluka came across a letter a social worker had written to her early on in her judicial career. The case involved an older woman who was still living at home, along with nine or 10 cats that she was unable to properly care for. A new guardianship was being sought for the woman to have her removed from her home and placed in a facility because her existing guardian had not taken measures to prevent her current unfit living conditions. At the time, Kluka said, the emphasis was on placing individuals in facilities, as opposed to now, when steps are taken to try to keep people in their homes whenever possible. Kluka ordered that the woman could go back to her home, but could only keep two cats. The social worker wrote her years later to tell her that the woman had taken her order seriously and had only kept two cats. To Kluka, these are the kinds of cases that stand out in her 22-year career, and these are the kinds cases she found the most gratifying.

Kluka was first elected to the Kenosha County bench in 1989, after working in private practice and serving as Kenosha County district attorney. She had previously worked as a high school teacher, before receiving her law degree from Marquette University. She is a former chief

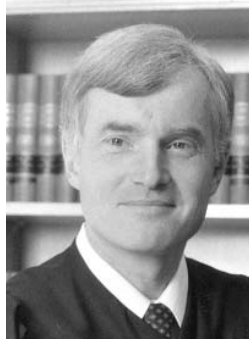


Judge Barbara A. Kluka

see **Retirements** on page 19

Fall
2011**Reserves** *continued from front page*

usage is due to judicial vacancies, reserve judges also fill in at times as a result of medical leave, caseflow congestion and other time conflicts.



Reserve Judge Thomas G. Grover

Fortunately, Wisconsin has a ready pool of competent reserve judges willing and able to serve. In all, the reserve judge roster includes 90 individuals.

Judge Thomas G. Grover, a retired circuit court judge in Shawano-Menominee County, now fills in three days a week as a reserve judge for the vacancy in his former seat.

“It is the perfect transition. I have always enjoyed working as a judge, and to be able to do it on a part-time basis with the court staff that you know and trust – it was kind of like coming home again.” Grover’s reserve judge assignment will end soon, but he’ll likely be continuing to travel to serve as



Reserve Judge Thomas Cane

needed in the Ninth Judicial District, where he’s been impressed with the treatment he’s received.

“They are always so kind to you, court staff will keep you informed of local practices, etc., and sometimes they even bake you cookies,” Grover said.

Short-term reserve judge assignments of a day or two and an extended assignment due to vacancy or medical leave are very different, said Reserve Judge Thomas Cane, a former Court of Appeals and circuit court judge, who has recently covered reserve judge assignments for the circuit court and Court of Appeals.

“There is a huge difference. As a reserve trial judge,

when you sit in for a day or two you are really just filling in for a sitting judge. When you are on an extended assignment, you have the opportunity to run the court in the manner you think it should be run.”

Cane appreciates the opportunity to serve: “I love it. It is very comfortable to be back working with the same panel of judges that I served with before. It reminds me of the judicial exchange program of a few years back. It is like never forgetting how to ride a bike, and the court staff is always so very gracious, helpful, and courteous.”

After serving 25 years as a District II Court of Appeals judge and eight years as a Waukesha County Circuit Court judge, Reserve Judge Neal P. Nettesheim also fills in as a reserve judge at the circuit court and Court of Appeals.

“It has been a really interesting experience. It felt like I never missed a beat despite working with two new Court of Appeals judges. Everyone is just very collegial and able to get along with one another,” Nettesheim said.

He describes his work in the circuit court as a pleasure that is both challenging and refreshing. Despite the enjoyment of his work, Nettesheim said he would not want to work full-time because he is also busy with arbitration/mediation, serving as a Special Master, and committee work.

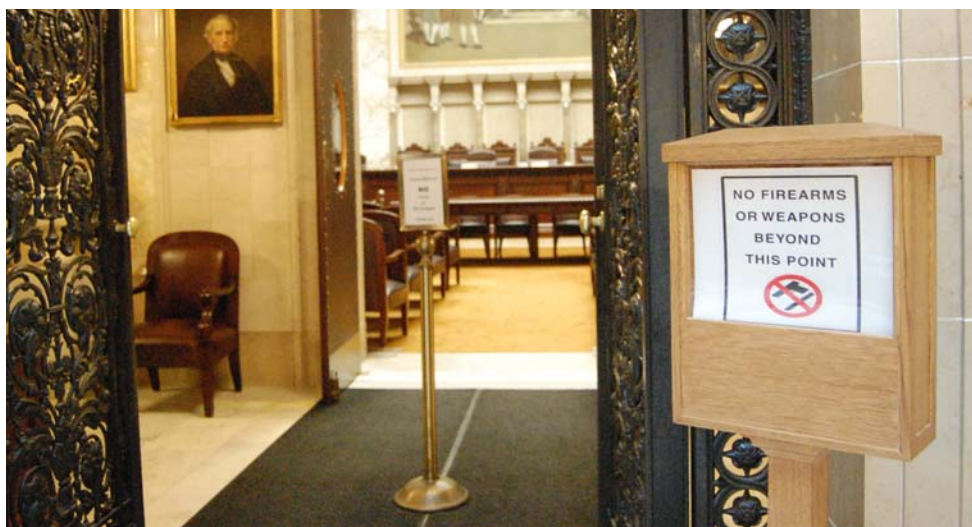
Like Nettesheim, many reserve judges work in arbitration/mediation after retiring from the bench. Some retired judges return to private practice but maintain their judicial education credits to be able to take occasional court assignments.

Reserve judges provide Wisconsin courts with a valuable service, often on short notice, involving travel in all sorts of weather. Their service is appreciated, even when it’s not rewarded with a batch of home-baked cookies. ■



Reserve Judge Neal P. Nettesheim

The Supreme Court Hearing Room at the State Capitol was recently posted with signs indicating guns and other weapons are not allowed. Counties throughout Wisconsin are adjusting building policies related to weapons as a result of Wisconsin’s Concealed Carry Law, which went into effect Nov. 1.



Wisconsin celebrates Court Reporters Week

By Beth Bishop Perrigo, Deputy District Court Administrator, First Judicial District

Gov. Scott Walker proclaimed Oct. 16-22 as Court Reporters Week in Wisconsin, and several Wisconsin counties joined in the celebration. Walker's proclamation outlined the history of the Wisconsin Court Reporters Association and recognized the value of court reporters to the court system and its users. The association was established in 1940 with 40 members; it now has nearly 400 members, according to the proclamation.

Karla M. Sommer, president-elect of the Wisconsin Court Reporters Association, said the annual event she helped establish offers an opportunity to recognize the work of court reporters and translators who used Communication Access Real-time Translation (CART).

"The Wisconsin Court Reporter Week tradition began in 2007 at the suggestion of my boss, Judge Greg Huber, Marathon County Circuit Court. Every year we would celebrate Administrative Assistant Week, and he suggested that court reporters should have their own week to celebrate, too. He referred me to Rep. Donna Seidel, (D-Wausau) who helped us to obtain the proclamation."

Counties marked the occasion in different ways. Chief judges of some judicial districts took the occasion to send

an e-mail of appreciation to all court reporters in their districts. Dane County posted a daily puzzle, in court-

reporter language, asking court staff to guess the quote, said Fifth Judicial District Court Administrator (DCA) Gail Richardson. Also, on Oct. 19, the court reporters hosted a luncheon open to all courthouse occupants.

Sommer said that court reporters in Ozaukee County put on a luncheon and identified all the items in steno. In Marathon County, she said, court reporters celebrated by bringing in breakfast treats for the courthouse staff and local attorneys. Another

Marathon County judge gave her reporter a plant.

DCA Bruce Harvey, District One, gave all reporters caramel apples with an appreciative note. The District has celebrated the reporters each fall for several years with a single red rose and a note of appreciation, and in March with a pizza lunch for the court reporters.

Sommer said that she believes Wisconsin is the only state that has recognized court reporters with a special week, adding that she is honored and proud to be a Wisconsin court reporter. ■



During October, Marathon County honored court reporters for their service, from left to right: Mary Hader, Miriam Leute, Kim Lentz, Lyssa Bassett, and Karla Sommer

Director's column *continued from page 2*

September, is 240 days and increasing.

Also contributing to this situation is the fact that drug testing requires more expensive equipment and more time-consuming and complicated testing methods. The more frequent use of test results in court also means that lab staff often must travel to court to testify, taking time away from their primary work of testing samples.

Everyone in the criminal justice system finds this delay unacceptable because of the obvious public safety implications when test results are unavailable. Officials at the Lab of Hygiene also find these delays unacceptable and have been unsuccessfully seeking solutions for several years, feeling as if their pleas for help have not been heard.

On Nov. 17, the search for solutions took a different tack. The Lab of Hygiene brought together a task force of representatives from the Legislature, law enforcement, Department of Justice, district attorneys, Department of Transportation, the state Department of Administration, medical examiners, and other medical experts to look for solutions.

My timely visit to District 10 and subsequent follow-up search for solutions landed me an invitation to serve on the task force – that's what I get for asking questions. I was enthused about being part of the discussion and potential solution because I could see how addressing this problem

could greatly improve the operation of the courts and the criminal justice system.

The discussion at the first meeting was both informative and productive. I was interested to learn that of the 298 court appearances by lab staff in 2010, only nine were made via videoconferencing. This is true even though lab analysts would much prefer to appear by videoconference and reduce the need currently for more than 45,000 miles of annual travel. This may present one area for improvement.

It also became clear to me that the solutions to the backlog would require a coordinated effort from everyone at the table. By the end of the meeting, a list of ideas was identified for further discussion. The task force will meet again in January to refine these ideas into recommendations for change. I was encouraged by the meeting because task force members were not interested in playing the "blame game," but rather in looking for practical solutions in a difficult environment.

If you have ideas that you feel would improve the operation of the Lab of Hygiene as it relates to courts, please let me know. I believe this is a real opportunity for change - change that could result in more efficient handling of cases and in getting drunk or drugged drivers off the roads sooner. ■

Zuidmulder ring shines with family history

By Tom Sheehan, Court Information Officer

Chief Judge Donald R. Zuidmulder isn't the kind of guy you'd expect to be flashing some "bling-bling," but he's now got a piece of jewelry so impressive it would put most hip-hop stars to shame.

The Brown County Circuit Court judge is the proud owner – make that very proud owner – of a Green Bay Packers Super Bowl championship ring. He received it not because he caught several of Aaron Rodgers' passes for touchdowns in Super Bowl XLV, but because he serves on the Packers' board of directors.

Such a ring would be prized by any proud Packer fan, but it has special meaning for Zuidmulder. His father, the late David Zuidmulder, played for the Packers during 1929 through 1931 seasons – the team's first three championship seasons, which were coached by legend Curly Lambeau.

While humbled by the experience of being on the board, Zuidmulder doesn't miss a chance to show off his ring when asked. He brought the prized possession to a recent Chief Judges Committee meeting, where just about everyone had a chance to try it on. And, he brought it to the Wisconsin Judicial Conference, where it quickly became a conversation piece.

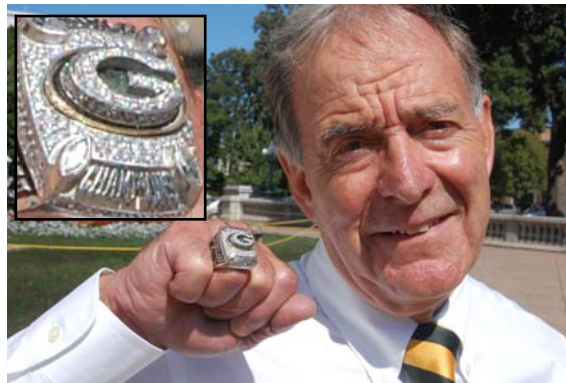
His father's playing days were over before Donald was born in 1942, but the stories and the experience of being the son of a Packer player had a strong and lasting influence on Zuidmulder, 69.

"I was always in awe of him," Zuidmulder said.

He recalled his father recounting the now famous 1929 victory over the New York Giants at the New York Polo Grounds. The Packers' 20-6 victory there created a perfect record for the season, and left the Giants stunned with the only loss of their season. When the Packers returned to Green Bay by train after the game, his father recounted that fans holding torches lined the route all the way from DePere to the city limits of Green Bay.

The game of football was much different then, and players lacked nearly all of the safety gear they have today. By the time his father graduated from Green Bay East High School, he had already lost most of his teeth to the sport. By the time he was done playing football, his nose had been broken eight times. Fortunately, the last fracture set the nose back into a more natural-looking position than the previous break, Zuidmulder said.

During his teen years, Zuidmulder said his father was involved in the Packers' alumni activities, and he had



Judge Donald R. Zuidmulder displays his Green Bay Packer Super Bowl ring. Zuidmulder serves on the football club's board of directors, and his father, the late David Zuidmulder, played for the Packers during the 1929, 1930 and 1931 seasons.

regular contact with many Packer players.

After his football career, David Zuidmulder joined the Green Bay Fire Department in 1934 and became its chief in 1955. He retired in 1972, and Green Bay Fire Station No. 6 is named in his honor.

David Zuidmulder encouraged his son to become a lawyer, and after his father's death, he discovered a letter from a priest that indicated his father, too, had aspirations of being a lawyer.

Although he admired his father and many Packer players, the younger Zuidmulder did not play football.

"My father had to just wonder – he threw me a football, and it hit me in the head," Zuidmulder joked.

Zuidmulder said he quickly accepted the opportunity to join the board when he received a phone call making the offer in the fall of 2000.

"It was a short conversation," Zuidmulder recalled.

Many of the club's 44 board members are from the business community, and Zuidmulder is the only direct descendant of a player from his father's era. Zuidmulder views his role as representing "the public interest" in the club. Other judges and public officials have served in the past. In fact, Judge Robert Parins served as president of the Packer Corp. from 1982 until 1989, when Parins was elected honorary chairman of the Packers' board.

The main role of the 44-member board of directors is to

see Zuidmulder on page 29



David Zuidmulder is shown front row center (and inset) of this 1930 roster photo of the Green Bay Packers. (Photo provided, courtesy of the Nicolet Federated Library System).

Judge grapples with a salmon in the night

By Judge Andrew P. Bissonnette, Dodge County Circuit Court

Editor's note: When Judge Andrew P. Bissonnette, Dodge County Circuit Court, submitted a photo of himself with a fish, in a kayak, at night, *The Third Branch* had a few questions – we know fish stories aren't always as they appear. Below is the story behind the photo as told by the angler.

I have been a fisherman all my life, but never owned a boat of any kind until acquiring a fishing kayak about 5 years ago.

Kayak fishing has been a fairly fast-growing sport in recent years, and a goodly number of fishing kayaks have been developed in response to this demand. The main feature of fishing kayaks is their stability, along with some specialty features like rod holders, anchor trolleys, etc.

I acquired my kayak from Rutabaga in Madison, an Ultimate 12 by Native Watercraft. It is 12 feet long, double hulled and stable enough to stand up in while fishing (although I have very seldom done that!). I have used it on several inland lakes (including Lake Mendota), but primarily Big Cedar Lake over by West Bend, where I will typically catch a half dozen bass, and sometimes a northern, in a couple hours of early morning fishing. I am usually casting lures rather than trolling.

My curiosity was piqued this past summer when I came upon online fishing reports of kayak fishermen in Lake Michigan. It sounded like something I would like to try, but fishing the big lake for big fish is quite different from what I had been doing. Therefore I sought out and located a guy who guides kayak fishermen on Lake Michigan. We set a



Judge Andrew P. Bissonnette proudly displays a king salmon he caught while kayak fishing in Milwaukee Harbor on Labor Day.

date for Labor Day at 4:30 p.m. from McKinley Marina in Milwaukee. The northeast wind was very strong that day, creating 6 to 7 foot waves on the big water. However, we still went out because we could stay in the harbor (where it is more sheltered) and there were reports that the king salmon had started to enter the harbor to spawn.

We each trolled a couple of lures behind our kayaks, and trolling in a kayak doesn't mean that you have a trolling motor. Rather, it means that you are constantly paddling for a few hours, with each rod in a rod holder. Even in the harbor, the water had rollers on it, but not too bad and the evening sky and sunset were spectacular. He caught a

small brown trout during the first couple hours, but I was shut out. It was starting to get dark and we met on the water and agreed to make one last circle around the north end of the harbor and then we would head in.

About a minute later, I suddenly realized that one of my poles was bending backward significantly and I had a fish on. I was using a standard spinning reel with a medium action rod and had to fight this guy for several minutes...a number of times my rod tip was in the water. I was very happy to have a large net which the guide had provided. The fish ended up being a 17-pound king salmon, my first. At the end, I had the fish in the net on my lap, which was on top of my pole, which was on top of my paddle... fairly discombobulated, but then the guide arrived and put things back into good order before this picture was taken.

The following day I took nearly 12 pounds of salmon to be smoked. Having done this and seen other reports since, I realize how accessible the king salmon are in the fall in the harbors... no fancy equipment is really needed, just a big net and a good, stable kayak! ■

Veterans court *continued from page 7*

representatives from Brown County's District Attorney's and Public Defender's offices, Law Enforcement and Department of Corrections professionals, the Human Services Department, local Veterans Service Organizations including a representative from the veterans of the Oneida Tribe of Indians, and volunteer veteran mentors.

The veterans court will focus on public safety and improving the success of veterans in their transition into civilian life. It is designed to rely on available resources and community support without requiring new taxpayer dollars. Although the court seeks to assist veterans, participants are held accountable for their conduct before and during the program: the obligation to conform to the court's rules and expectations is stringent and compliance is mandatory.

The Veterans Day launch of the program drew television news coverage from several television stations.

"It's our hope that by getting the proper treatment, it will not only improve their lives and their hopes and so forth in

their return, but it's going to make the community a better and safer place," Kelley told WBAY-TV news.

Establishing the veterans court became a priority for Kelley, who served in the U.S. Navy. For the past year, he chaired the NEWVTC Steering Committee chartered to plan and develop the regional court. Steering committee members are former County Executive Tom Hinz; Department of Corrections Field Supervisor Jed Neuman; County Veterans Service Officer Jerry Polus; and Department of Human Services Executive Director Brian Shoup. Retired Navy Captain and veterans' advocate Connie Walker joined the committee this summer. ■



Chief Judge Donald R. Zuidmulder

OBITUARIES

**Judge Dennis J. Barry
Racine County Circuit Court**

A memorial service was held Sept. 25 for Racine County Circuit Court Judge Dennis J. Barry, who died Aug. 18. He was 64 years old.

Barry was found dead after taking his own life, according to the county medical examiner, The Journal Times of Racine reported. Police found Barry's body in Racine's Lincoln Park during a search initiated by a missing-person report.

Barry was widely recognized for service to his community, to the criminal justice system and to the courts.

In addition to serving on the Branch 5 bench, he was also involved in Big Brothers, Rotary Club, the Business and Professional Coalition at Carthage College, and the Kids First Fund, according to an obituary.

"Dennis was knee-deep in this community," Racine Atty. Mark Nielsen told the *Racine Journal Times*. "He flipped pancakes down at (Kiwanis) Pancake Day. I mean he just reveled in that sort of thing."

One of Barry's greatest legacies will be his work with the Wisconsin juvenile justice system.

"Judge Barry was an active, dedicated member of the judiciary, who was generous with his time and talents," Chief Justice Shirley S. Abrahamson said in a statement. "Over the years, he served on several statewide committees dedicated to improve the justice system's response to juveniles and families. As chair of the Juvenile Justice Study Committee in the mid-1990s, he played a key role in developing the state's current juvenile justice code."

In addition to the Juvenile Justice Study Committee, Barry also served on the Wisconsin Juvenile Justice Commission, Supreme Court Special Committee on Gender Neutrality, Judicial Family and Children's Law Section and the Judicial Legislative Committee.

Barry, who served two years in the U.S. Army, received his law degree from Marquette University. He served as assistant district attorney for Kenosha County and worked in private practice. He was serving as district attorney for Racine County when he was appointed to the Racine County Circuit Court by then-Gov. Lee Sherman Dreyfus in 1980. He won election in 1981 and re-election in 1987, 1993, 1999, 2005 and this past spring.

"It is accurate to say that (Barry) devoted his legal career to the protection of the people of his community and the administration of justice in a fair and evenhanded manner," fellow Racine County Circuit Court Judge Eugene Gasiorkiewicz told the *Milwaukee Journal Sentinel*. "He was an excellent lawyer and an equally excellent judge."

Barry is survived by his wife, Joan, and their two children.



Judge Dennis J. Barry

**Judge Henry B. Buslee
Fond du Lac County Circuit Court**

Former Fond du Lac County Circuit Court and Reserve Judge Henry B. Buslee passed away on Aug. 5 at the age of 87.

Buslee was first appointed to the Branch 3 bench in 1979. After his retirement in 2002, he continued to serve as a reserve judge until the time of his death.

According to an obituary, Buslee enlisted in the Merchant Marines in 1943, serving as a tugboat captain off the coast of France. After his active duty ended, he served as a lieutenant colonel in the Army Reserves for over 20 years.

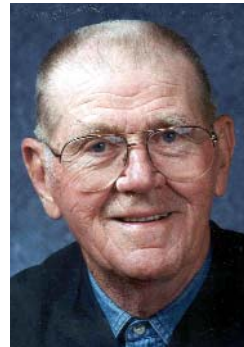
After graduating from the UW Law School in 1952, Buslee worked as assistant city attorney for Madison, as well as a radio announcer.

"The judge enjoyed the spotlight. From broadcasting, to participating in musicals in both Madison and Fond du Lac, most famously playing Harold Hill in *The Music Man*, presenting a case in court or conducting a trial, he was at home on the stage," an obituary posted on Uecker-Witt Funeral Home's Web site read.

Buslee served as Fond du Lac city attorney and city manager, and worked in private practice before his appointment to the circuit court.

Aside from performing on the stage and in the courtroom, Buslee's interests also included golf, cross-country skiing and Ducks Unlimited. He was one of the founders of the Fond du Lac Ducks Unlimited chapter and served as a master of ceremonies.

Buslee is survived by his wife, Ruth; two sons; four grandchildren; and six great-grandchildren. He was preceded in death by his daughter.



Judge Henry B. Buslee

**Judge Richard J. Callaway
Dane County Circuit Court**

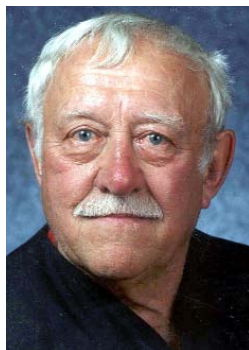
Former Dane County Circuit Court and Reserve Judge Richard Callaway passed away on Sept. 23. He was 84.

When Callaway retired from the Dane County bench in 2003, he told *The Third Branch* his favorite of all the divisions he presided over was civil. "This is probably because I was a civil trial litigator for 30 years," he said.

Outside of the courtroom, Callaway was involved with the Madison chapter of the NAACP.

"He was the person behind the scenes who believed in justice, and helping the underprivileged, underserved, people who were not treated fairly," Frances Huntley-Cooper, former president of the Madison chapter of the NAACP, told the *Wisconsin State Journal*.

Callaway first took the Dane County bench in 1990. While serving on the circuit court, he was a member of the Wisconsin Association of Trial Judges and the Courthouse Space and Security Committee. A graduate of the UW Law

OBITUARIES *continued from page 14*

Judge Richard J.
Callaway

School, he had previously worked as an attorney in private practice and had served in the U.S. Navy during World War II. Callaway continued to serve on the bench as a reserve judge after his retirement in 2003 and until the time of his death.

His son R.J. Callaway told the *State Journal* his father's interests, as well as his circle of friends, were varied.

"He had friends who were auto mechanics, friends who were physicians, and really enjoyed the spectrum of humanity," R.J. told

the newspaper.

Callaway was a private pilot who also enjoyed skiing, golfing and traveling. According to an obituary, his love of music manifested in his ownership of the Tiger Lounge in Madison many years ago.

Callaway is survived by his wife, Marilyn; five sons, grandchildren and great-grandchildren.

Judge Terence T. Evans Seventh U.S. Circuit Court of Appeals, U.S. District Court Eastern District of Wisconsin, Milwaukee County Circuit Court

After a long and highly respected judicial career, 7th U.S. Circuit Court of Appeals Judge Terence T. Evans passed away on Aug. 10 at the age of 71.

"He will be remembered as a man of great character, integrity and accomplishment," a statement issued by U.S. Sen. Herb Kohl read. "Judge Evans represented the best of Milwaukee, and he made us immensely proud over his many years in public service."

"With his rare combination of an absolute keen intellect and his abundant practical wisdom, he was able to pick up on the human side and to understand the human side of the law," 7th U.S. Circuit Court of Appeals Judge Diane Sykes, who had served as a law clerk for Evans, told the *Milwaukee Journal Sentinel*. "In that sense, he was one of the very best judges in the country."

Evans was known for his wit and humor, which often made its way into his opinions.

"They do have a distinct style and sensibility – once you've read a few, you are not likely to mistake an Evans opinion for that of any of his colleagues," Assoc. Dean Michael M. O'Hear wrote on the Marquette University Law School Faculty Blog. "The opinions reflect a sharp wit, an eye for the telling factual detail, and a commonsensical



Judge Terence T. Evans

approach to judging. I doubt there are many judges on the federal bench whose opinions would be more accessible and engaging for the lay reader."

After receiving his law degree from Marquette Law School in 1967, Evans worked as a law clerk for Wisconsin Supreme Court Justice Horace W. Wilkie before serving as assistant district attorney for Milwaukee. After working in private practice, he was appointed to the Milwaukee County Circuit Court by then-Gov. Patrick Lucey in 1974. In 1979, President Jimmy Carter nominated him for the U.S. District Court for the Eastern District of Wisconsin, where he served as chief judge from 1991-95. He was nominated to the federal Court of Appeals bench by President Bill Clinton in 1995. In Jan. 2010, he assumed senior status, and served in that regard until the time of his death.

Judge Thomas J. "T.J." O'Brien St. Croix County Court

Former St. Croix County Court Judge Thomas J. "T.J." O'Brien passed away on July 28. He was 87.

After serving in the U.S. Army from 1943-45 with the Signal Corps., O'Brien attended the St. Paul College of Law (now William Mitchell School of Law) and received his Juris Doctorate in 1947.

O'Brien was appointed to the county bench in 1957 by then-Gov. Vernon W. Thompson and served until his retirement in 1970. After retiring, he continued to serve as a reserve judge and worked in private practice. Prior to his appointment, he had practiced law in St. Paul and Hudson, and owned and operated an insurance agency.

Reserve Judge Conrad A. Richards, who served as a St. Croix County Circuit Court judge, appeared before O'Brien as a lawyer. He told the *Hudson Star-Observer* that the judge could be tough on new attorneys.

"But that's the way you learned and I learned a great deal from him," Richards told the *Star-Observer*. "He could be tough but he was always fair."

O'Brien was a former chair of the American Red Cross, member of the Knights of Columbus, and a VFW charter member. He enjoyed model railroads and according to an obituary, was very proud of his children's vocal group, The O'Brien's.

St. Croix County Circuit Court Judge Eric J. Lundell knew the judge through seminars they traveled to together.

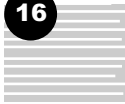
"I always enjoyed being with him. He especially liked talking about the old days. And he was a truly talented storyteller," Lundell told the *Star-Observer*.

O'Brien is survived by his wife, Elizabeth; seven children; 21 grandchildren; and five great-grandchildren. He was preceded in death by a son.



Judge Thomas J. O'Brien

see **Obituaries** on page 27



Children's Court Improvement Program update

Educational Stability Checklist is Available for Judicial Officers

By Amber Peterson

A subcommittee of the Wisconsin Commission on Families, Children and the Courts has developed a checklist that highlights key educational questions judicial officers should consider before changing a child's school of origin. The checklist was created to help judges and court commissioners address the educational challenges faced by children and youth in out-of-home care. (Checklist is available at:

www.wicourts.gov/courts/programs/docs/ccipeduchecklist.pdf) This subcommittee, called the Out-of-Home Care and Education Subcommittee, is comprised of several child welfare partners and includes representatives from the courts, the Department of Children and Families, the Department of Public Instruction, and the Public Defender's Office.

The group developed a series of four main questions for judicial officers to ask that focus on: a child's experience at school; whether a change in placement would require a change in school; the child's wishes; and educational issues to address in the court order. By asking these questions, the intent is that judicial officers will gain a better understanding of the child's educational situation and can use that information when determining the most appropriate placement for the child.

The idea for creating this checklist began in 2009 when representatives from Wisconsin attended the Third National Judicial Leadership Summit on the Protection of Children in Austin, Texas. While at the summit, the Wisconsin team created an Action Plan and specified that one of the steps was to create a checklist to ensure that judges and court commissioners confront the most pressing concerns for children and youth in out-of-home care.

There was recently another opportunity for Wisconsin child welfare partners to focus on the educational needs of children in out-of-home care when the federal Children's Bureau and the Department of Education partnered to hold a two-day conference called Child Welfare, Education and the Courts: A Collaboration to Strengthen Educational Successes of Children and Youth in Foster Care. The conference was held Nov. 3-4 in Arlington, Va. Marathon County Court Commissioner Sandra Marcus, and Bridget Bauman from the Children's Court Improvement Program represented the court system on the Wisconsin team.

Wisconsin Team Attends National Convocation of Commissions on Children

The National Center for State Courts and Casey Family Programs sponsored the National Leadership Conference of Commissions on Children Sept. 21-23 in Salt Lake City, Utah.

Representing Wisconsin were Judge Shelley Gaylord, Dane County Circuit Court; Secretary Eloise Anderson, Wisconsin Department of Children and Families; Molly Jasmer, Waukesha County assistant corporation council; and Michelle Jensen-Goodwin, Wisconsin Children's Court Improvement Program director.

The conference offered an opportunity for attendees from 20 states to provide information about how their commissions on children were structured and how resources are shared. Gaylord and Jensen-Goodwin served as faculty members for two of the conference sessions. An action plan was developed at the conclusion of the conference to address how the administration of the Wisconsin Commission on Children, Families and the Courts could be strengthened.

The commission was created in 2007 and is charged with addressing barriers to safety, permanency, and child and family well-being within the judicial, legal and child welfare systems. The Commission fulfills a funding requirement of the federal Children's Court Improvement Program grant by demonstrating meaningful, ongoing collaboration among courts, child welfare agencies and tribes.

Confidentiality Guidebook Updated

The *Guide to Confidentiality Laws Applicable to CHIPS Proceedings* was updated in October 2011 and can be found at: www.wicourts.gov/courts/programs/ccip.htm#3.

In 1999, the Children's Court Improvement Program and the Wisconsin Department of Justice, Children's Justice Act grant co-sponsored the Confidentiality Project. A multi-disciplinary advisory committee was established and charged with clarifying confidentiality provisions related to child in need of protection or services cases in Wisconsin statutes, regulations, and practices. The Guidebook and a client brochure were completed in 2006.

Juvenile clerks attend advanced training

During the summer, juvenile clerks from across the state attended a training session on advanced topics related to key CCAP (Consolidated Court Automation Programs), case processing, and record-keeping procedures. The half-day training was conducted by Kathy Bosben, CCAP senior business process/system analyst, and Bridget Bauman, a policy analyst in the Children's Court Improvement Project (CCIP), at the CCAP Training Center in Madison. The Juvenile Clerk Advanced Training was a one-time training opportunity made possible through CCIP grant funds. CCIP received overwhelmingly positive feedback on the training. In particular, participants said they appreciated the interactive format, teamwork displayed by the trainers, and time taken to answer questions. ■

PEOPLE

The *Kenosha News* reported on the Kenosha County Circuit Court makeover that was scheduled to be completed on Nov. 20. Judge **Bruce E. Schroeder**'s second floor courtroom received a new coat of paint, new carpeting and new draperies to replace the old décor.

"The carpet was in awful condition," Schroeder told the *Kenosha News*. "There were places people could trip. It was a lawsuit waiting to happen."

According to Kenosha County Clerk of Court **Rebecca**

Matoska-Mentink, the draperies were in no better condition.

"They were held together with pins," she told the paper.

The courtroom, which is considered the ceremonial courtroom in the courthouse, was repainted the same shade of blue Schroeder had selected during the last update, over 20 years earlier, according to the newspaper.

Nov. 4 was a day to celebrate in the Kenosha County Circuit Court. Judge **Chad G. Kerkman** coordinated the first Adoption Day event in the courthouse to honor National Adoption Month.

"I am just so thrilled that so many people are here," Kerkman told the *Kenosha News* of the event that brought together families, court staff and adoption advocates from the county.

Modeled after a similar event in Milwaukee County, the ceremony involved a reception prior to several adoptions that were scheduled for the day.

Kenosha County Executive **Jim Kreuser** issued a proclamation declaring November National Adoption Month in the county, in order to "urge all citizens to help raise awareness about the importance of adoption and to honor the families who make a meaningful difference in the life of



Judge Bruce E. Schroeder

a child by choosing to adopt."

Jockey Being Family, an adoption awareness program, provided personalized backpacks filled with books, games, and other items for all of the children in attendance.

Retired Columbia County Circuit Court Judge **Howard W. Latton** was just looking for a little excitement when he enlisted in the Air Force on 1942.

"I stupidly thought that I would get in something active because the law practice was pretty sit-downish," Latton told the Wisconsin Cooperative Energy News.

He quickly found that excitement when his unit faced a head-on attack from German fighters over Germany, he told the newsletter. The

B-17 co-pilot was shot down, but unlike most of his fellow 381st Bombardment Group, he was able to make it out alive by escaping through the plane's hatch, and ripping his parachute pack open with his hands.

"The white silk of the 'chute came up past my face and I hit the ground, just that fast," he told the newsletter.

Latton found himself alone in the German farmland, where he tried to escape notice. Eventually, he tells the newsletter, he was found, and brought to a POW camp. It would be 10 months before he was liberated and returned home.

The newsletter reports that Latton donated a scrapbook filled with writings and drawings made by himself and his fellow POWs, newspaper clippings and other mementoes of the prison camps, to the Wisconsin Veterans Museum.

Chief Justice **Shirley S. Abrahamson** and Justice **Ann Walsh Bradley** made a team appearance at the Great Hall in downtown Wausau Oct. 26. to celebrate a book release of the 22nd edition of D.C. Everest Area School District Oral History Project, "Wisconsin Women: Celebrating Their Contributions."

Abrahamson and Bradley had their "names in lights" on the theater's marquee before the event, which was covered by the *Wausau Daily Herald*.

There were few women in positions of power at the time she was growing up, the newspaper quoted Abrahamson as saying.

"But we had our mothers, who said if we worked hard we could do anything... And it's true. Women do and can do everything. If we want to and if we

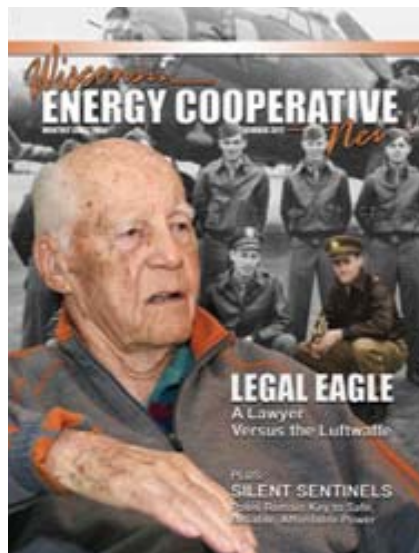


Photo credit: Kenosha News/Kevin Poirier

Kenosha County Circuit Court Judge Chad G. Kerkman coordinated the county's first "Adoption Day" on Nov. 4, when eight children were adopted. The *Kenosha News* ran this photo of Judith May, right, who adopted two-year-old, Samya.

PEOPLE *continued from page 17*

Photo credit: Wausau Daily Herald

Chief Justice Shirley S. Abrahamson and Justice Ann Walsh Bradley share a light moment during a presentation marking the release of the most recent edition of the oral history project, "Wisconsin Women: Celebrating Their Contributions." work hard at it, we can do it."

Abrahamson and Bradley are featured in this edition of the book, a student project published annually. More than 50 students interviewed 95 Wisconsin women for this edition, the Daily Herald reported.

The *Wisconsin State Journal* reported on Oct. 23 that circuit courts in Wisconsin are relying more on reserve judges to hear cases or delaying cases as they wait for judicial vacancies to be filled.



Chief Judge C. William Foust

"It's a little like a school system with nothing but substitute teachers, and not the same substitute every day," the *State Journal* quoted Chief Judge C. William Foust as saying. "Cases that need a lot of attention have to sit and wait for the arrival of the real judge."

Courts around Wisconsin have waited an average of 124 days from the time the governor's office solicited applications for open judicial seats until a successor was announced, according to the newspaper on that date.

Two Wisconsin circuit court judges were recognized recently in an article by the *Wisconsin Law Journal* for innovations in providing jury instructions.

Milwaukee County Circuit Court Judge **Richard J. Sankovitz** used slides to supplement written and verbal jury instructions.

"Rather than just reading 19 pages of jury instructions to the people who would decide if Jesus Gonzalez was guilty of murder, Milwaukee Judge Richard Sankovitz mixed in some visuals," the *Law Journal* reported.

Sankovitz supplemented his verbal instructions with slides



Judge Richard J. Sankovitz

showing an abbreviated description of the charges and juror responsibilities.

"I watched the jury, and when there was something on the display, they were all actively involved and listening," Sankovitz said. "When all they could do is listen and not see, I could tell they strained and were not as actively involved," the *Law Journal* quoted Sankovitz as saying.

Portage County Judge **Frederic W. Fleishauer** told the *Law Journal* that he has used PowerPoint presentations to help illustrate to jurors the elements of a criminal offense and what they should look for. He lets attorneys on both sides of a case know beforehand to give them a chance to object, Fleishauer said.

Not everyone favors the use of slides to supplement jury instructions. Visuals can divert jurors' focus from the judge's verbal instructions, former Waukesha County Circuit Judge **Kathleen Stilling** said.

Three Wisconsin judges were featured in a recent Wisconsin Law Journal article about a disparity between the numbers of women and men judges in the state.

About 50 percent of the state's population is female, while just 17 percent of judges are female, the *Law Journal* reported.

Court of Appeals Judge **Kitty K. Brennan** and Milwaukee County Circuit Court Judges **Mary Triggiano** and **Richard J. Sankovitz** were quoted in the article, which ran Oct. 24.

"That disparity works against judges' efforts to provide people a fair and balanced court," the *Law Journal* wrote, paraphrasing Triggiano.

"Appearances are everything sometimes... Even though someone might come in and be in front of judge of a different gender or skin color, if they are in the system, it seems more fair," Triggiano was quoted as saying.

An estimated 500 people, including three Supreme Court justices and other dignitaries, gathered in the Capitol Rotunda Nov. 15 for a memorial service in honor of well-known political reporter **Dick Wheeler**. He died Nov. 11, 2011 at the age of 67.

Wheeler was recognized for nearly 40 years of service in reporting on state government, most recently in his online news service, The Wheeler Report. The memorial service



Judge Frederic W. Fleishauer



Judge Kitty K. Brennan



Judge Mary Triggiano

RETIREMENTS *continued from page 9*

judge for the Second Judicial District, and served as a member of the Judicial Education Committee, Judicial Conduct Advisory Committee, Planning and Policy Advisory Committee (PPAC) Planning Subcommittee, and as an associate dean of the Judicial College.

While on the bench, Kluka said she noticed a distinct increase in caseloads, which created the challenge of trying to manage the caseload while giving proper attention to each case. But this negative has been offset by the growth of specialty courts, which she called a "great thing." In Kenosha County, a small claims mediation program was established and is staffed by volunteers.

"It has been very successful," Kluka said.

When she retired on Aug. 31, Kluka had to say good-bye to some long-serving colleagues.

"I have had the same court reporter for 22 years," she said. "And the same clerk since 1994 or '95."

She said she will also miss the other judges and staff, who she said are all "top-notch people."

After her retirement, she continued to serve as a reserve judge, while awaiting the appointment of her replacement (see New judges on page 25). She said also plans to open her own mediation practice and to travel the world.

Judge Daniel R. Moeser Dane County Circuit Court

"It's a sad day," Chief Judge C. William Foust told the Wisconsin State Journal of the retirement of Dane County



Judge Daniel R. Moeser

Circuit Court Judge Daniel R. Moeser. "Decades of institutional memory walked out of the courthouse Friday afternoon."

After 32 years on the bench, Moeser retired in June.

The State Journal led its story about Moeser with this:

"Not even a week after retiring as the longest-serving judge in Dane County history, Daniel Moeser was whittling down his to-do list at home, in T-shirt and shorts instead of a black robe, and looking as energetic as he did in

the courtroom."

Moeser said there are too many memories to enumerate, "but what I enjoyed the most is helping people resolve their legal issues in an efficient and compassionate manner."

A graduate of UW Law School, Moeser was first elected to the bench in 1979, after serving as a Dane County assistant district attorney and assistant family court commissioner. While on the bench, Moeser further served the community through membership on numerous committees, board and projects, including the Dane County Criminal Defense Indigent Attorney Appointment Project, Dane County Courthouse Space Committee, Legislative

Committee of the Judicial Conference, Dane County Jail Diversion Committee, Dane County Jury Study Committee, and the Dane County Task Force on Drinking and Driving. He is also a former chief judge for the Fifth Judicial District and former presiding judge of the criminal division.

Moeser says he has noticed over the span of his career the evolution of the practice of law from smaller firms to very large firms specializing in specific areas of law, and now back to smaller firms. But some changes he has witnessed have been a little more linear.

"I remember how excited we were when we got self-correcting typewriters, followed by fax machines, computers, etc.," he said.

While he misses the daily interactions with his staff and colleagues, Moeser says he will keep busy in his retirement doing mediation and arbitration and "finally conquering the game of golf and generally staying busy doing things I have put off for years."

Jerry Lang District Court Administrator, Fourth Judicial District

District Court Administrator Jerry Lang retired on June 24. Lang had served as a DCA for the Fourth Judicial District, which encompasses Calumet, Fond du Lac, Manitowoc, Sheboygan, and Winnebago Counties, since 1984.

Lang is a former member of the Tribal Justice Forum Committee, Chief Judges Subcommittee on Child Support, State-Tribal Justice Forum, and the Subcommittee on Juror Selection and Treatment.

Lang said his retirement plans include volunteer work. He is currently volunteering as a tutor for the Winnebago County Literacy Council and with the Evergreen Retirement Community in Oshkosh.

Bernadette Flatoff Portage County Clerk of Court

Portage County Clerk of Court Bernadette Flatoff retired on Sept. 2 after 20 years. Flatoff had been elected to the position two times, most recently in November 2010.

"I love my job; I love what I do," Flatoff told the *Stevens Point Journal* in August. "If you can help one person once a day, you've accomplished something."

Flatoff was first elected in 1991, after working in the clerk of courts office for the previous three years. She told the *Journal* that the biggest changes she has seen over the years have been the increase of staff members in the clerk's office and the increase in judges in the Portage County Circuit Court, from two to three.

"When you lose someone who is very experienced in her work, you have a huge vacancy to try and fill," Portage County Circuit Court Judge Frederic W. Fleishauer told the *Journal*.

Patricia Cal Baker has been appointed to fill the vacancy. ■

Wisconsin celebrates juror appreciation month during September

Several Wisconsin counties held events during September to recognize jurors for their invaluable service.

During 2010, more than 67,000 people reported to Wisconsin courthouses for jury duty, and more than 19,000 served on a trial.

"Each and every juror plays a critical role in the justice system," said Supreme Court Chief Justice Shirley S. Abrahamson. Although jurors are appreciated year 'round, Juror Appreciation Month offers a chance to formally recognize them, Abrahamson said.

The theme of statewide Juror Appreciation Month is "Jurors Serve Justice; Justice Serves Us All." Statewide Juror Appreciation Month was launched in 2008. The statewide program builds on the success of a Milwaukee County juror appreciation program that was established in 2007. Each Wisconsin county marks the occasion in its own way. Some county boards approve supporting resolutions, and local court or county officials may make appearances to personally thank jurors for their service.

In Milwaukee County, Judge Joe Donald, Supervisor Willie Johnson, Jr., Milwaukee Clerk of Circuit Courts John Barrett and former juror Charles Lawler appeared on WISN Radio's "Inside the County Board" for a segment featuring Juror Appreciation Month. The program was hosted by Harold Mester and aired on Sunday, Sept. 4.

Milwaukee County Jurors summoned during the month of September were offered reusable "It Was Fair, I Was There" bags, donuts and other treats, along with opportunities to win passes to Milwaukee County venues such as the zoo. Banners also were hung on the exterior of the courthouse to mark the occasion.

In Dane County, District IV Court of Appeals Judge Brian

W. Blanchard and Chief Judge C. William Foust, Dane County Circuit Court, addressed Dane County jurors. Jurors were thanked for their service with treats, tote bags and

refrigerator magnets, and a banner was hung in the courthouse lobby. Brown County Circuit Court hosted a press conference that drew television coverage on Sept. 15, inviting past jurors to talk about their experiences. Other counties that organized some type of activity to mark the occasion included: Barron, Forest, Iron, Lafayette, Langlade, Lincoln, Marathon, Marinette, Menominee, Oneida, Price, Rock, and Taylor, Washington, Waukesha and Waupaca.

In Barron County, officials hung a banner and issued a press release noting the amount of preparation and

involvement needed to support the jury trial process: "The clerk of court monitors the administrative procedures used to create a jury list and summons individual jurors for a trial to make sure the process is fair and efficient and that the jurors are made as welcome and as comfortable as possible. The Judges monitor the trial process to ensure that the jurors are treated with respect, that their time is used wisely, and they are provided with a clear description of the applicable law."

"No jurors should go without being thanked for their crucial service to the state and our democracy," Abrahamson said. Juror Appreciation Month is a chance to recognize family members, friends and employers of jurors, who may be inconvenienced when one of their own is called to serve on a jury.

"Without jurors our system of justice would not function properly, and we would not be able to guarantee the constitutional right to a trial by jury," Abrahamson said. ■



Judge James C. Babler, Judge Timothy M. Doyle, Clerk of Circuit Court Sharon Millermon and Judge James D. Babbitt (left to right) purchased a banner with personal funds to thank Barron County jurors for their service.



A worker hangs a banner to display during Juror Appreciation Month at the Dane County Courthouse.



The Wisconsin State Law Library culminated a year-long celebration of its 175th anniversary with a reception at the library on Sept. 14. About 125 invited guests heard talks by Larry T. Nix on important figures in Wisconsin's early library history and by Stu Levitan on the city of Madison's legal and political "movers and shakers" in the 19th and early 20th centuries. Interim State Law Librarian Julie Tessmer welcomed everyone and introduced the library staff, and Chief Justice Shirley S. Abrahamson presented a plaque signed by all seven justices commending the library's 175 years of exemplary service to the State of Wisconsin. A recording featuring all speakers at the event is available for viewing on WisconsinEye.

Barron County officials train in firearms surrender protocols

Earlier this year, a team from Barron County attended a Firearms Surrender Training Session in Weston, Wis. The training session, provided by the Office of Justice Assistance, was designed to assist counties in setting up protocols for the surrender of firearms in domestic abuse restraining order cases. Wisconsin law requires the surrender of those firearms, but the practical procedures for the surrender and compliance are not set forth in the statutes.

Barron County was the only county in the state to send a full team of the recommended professionals. The team included Judge James C. Babler, Assistant District Attorney

Maureen Boyle, Victim Witness Coordinator Mary Hogan, Sheriff's Detective Dave Kuffel, and Domestic Abuse Advocate Kristy Moran.

Subsequent to the training session, the team has met and agreed on a protocol for Barron County, which it hopes to put in place. The firearms surrender protocol is crucial to ensuring the safety of domestic abuse victims and police officers who respond to those domestic abuse situations. Barron County departments are committed to addressing this serious problem. It is only with the cooperation from all of the Departments involved that this can be a success, Babler said. ■

First District hosts training sessions in pretrial release and detention

By Beth Bishop Perrigo, Deputy District Court Administrator, First Judicial District

On Sept. 27 and 28, more than 325 judges, commissioners, Milwaukee County Board Supervisors, assistant district attorneys, public defenders, law enforcement, victim witness and pretrial services staff attended the training session: "Applying Evidence-Based Decision Making to Pretrial Release & Detention." The training, conducted by Marie VanNostrand, Ph.D., a national expert in pretrial risk assessment, is part of an ongoing effort to employ evidence-based practices at key system decision points.

Milwaukee County recently was selected as one of three jurisdictions to advance to Phase III of the National Institute of Corrections' Evidence-Based Decision Making Initiative. The jurisdiction will receive intensive technical assistance in the implementation of initiatives developed and advanced in Phase II of the grant. One of those initiatives was implementation of Universal Screening in the Milwaukee County Correctional Facility-Central (formerly known as the Milwaukee County Jail).

"We are fortunate to have an expert such as Dr. VanNostrand providing training to those of us who work in the criminal justice system in Milwaukee," said Chief Judge Jeffrey A. Kremers. "Her presentation will put the development of the Milwaukee County praxis and the pretrial risk assessment instrument in context for those who will be using it and need to understand how it was developed."

As a result of intensive review of the original universal screening work plan during Phase II of the initiative, the pretrial risk assessment instrument underwent a validation study and re-design. The resulting praxis, a tool designed to inform and guide pretrial release decisions, was created through a collaborative effort among system stakeholders. Both tools are scheduled for pilot testing in universal screening in the Milwaukee County Correctional Facility-Central which is set to start the first week of November 2011. ■

First District visit includes meetings with chief judge, Milwaukee Bar

While in Milwaukee on other court business, Chief Justice Shirley S. Abrahamson took time to meet with Chief Judge Jeffrey A. Kremers and to attend the Executive Committee meeting of the Milwaukee Homicide Review Commission with him and Deputy District Court Administrator Beth Bishop Perrigo.

Also, during the visit she met with Kremers, the Chief Justice's Executive Assistant, Theresa Owens, and representatives of the Milwaukee Bar Association about the "Courts Connecting With Communities" project. (See related story, page 23).

Abrahamson has introduced a coordinated outreach program, including an outreach toolkit, planning checklist and descriptions of successful outreach programs. Owens, along with Court Information Officers Amanda Todd and Tom Sheehan helped select local outreach programs that have proven successful and included them in a manual to be used as a resource for local outreach. The First Judicial District has a long-standing outreach program but, with the help of the Milwaukee Bar Association, plans to pursue new ideas to increase the courts presence in the Milwaukee-area



During her visit to Milwaukee County, Chief Justice Shirley S. Abrahamson met with the Milwaukee Homicide Review Commission members, including, front row: left to right: Milwaukee Homicide Review Commission Director Mallory O'Brien; E. Marie Broussard, Behavioral Health Division, Milwaukee County Department of Health and Human Services; Nicole Robinson, Associate Researcher for the Milwaukee Homicide Review Commission. Back row, left to right: Housing Authority of the City of Milwaukee Chief of Public Safety Greg Moore; National Association of School Safety and Law Enforcement Officers Executive Director James Koleas; and Assistant District Court Administrator Beth Perrigo.

community.

Abrahamson also attended a meeting of the Executive Committee of the Milwaukee Homicide Review Commission (MHRC) which featured Kremers as the guest speaker. He discussed evidence-based decision making in the criminal justice system. Established in January of 2005, the MHRC is a central component to the city of Milwaukee's violence prevention efforts. MHRC was designed to gain a better understanding of homicide through strategic problem analysis; develop innovative and effective responses and prevention strategies; and, to help focus available prevention and intervention resources.

The MHRC is comprised of law enforcement professionals, criminal justice professionals and community service providers who meet regularly to exchange information regarding the city's homicides and,

in some cases, nonfatal shootings, identifying methods of prevention from both public health and criminal justice perspectives. The MHRC makes recommendations based on trends identified through the case review process. Perrigo serves on MHRC Executive Committee. ■

Tour *continued from page 2*

leadership team answered questions and facilitated discussions on both immediate and long-term issues – from practical matters such as budgets and case-flow management to recent legislation such as the implications of the recently approved Concealed Carry Law. Discussions also involved criminal justice collaboration and the impact of treatment courts and evidence-based decision making on the courts.

The visits helped improve understanding of the issues affecting the courts at the local level, said Needham, who made the tour for the first time in his capacity as chief judge.

"The Tenth District is an extremely large district comprising 24 percent of the geography of Wisconsin. As we are somewhat distant geographically, it is essential that I and my leadership team spend time directly with our judges and staff, as well as other critical justice system partners in their counties."

The tour includes an extensive agenda and rigorous timetable, and administrators come back with much more information than they brought to the discussion, Needham said.

"I have conducted the tour both as a deputy chief judge and now as a chief judge and am so very impressed with the creativity, dedication, and determination to positively impact the delivery of justice through all 13 counties in the

District," Needham said.

GaleWyrick said "the scope and size of the district, the extensive knowledge of judges, staff and justice system partners is impressive." She said she looks forward to working on the priorities, issues and concerns noted during the tour.

Judge William M. Gabler, Eau Claire County Circuit Court, said district circuit court judges benefitted from the visit by Needham, GaleWyrick and Johnson.

"They wanted to know what we thought. They volunteered to be a resource for any challenges we face. They took two weeks out of their busy calendars to help us and other court system employees do a better job of serving the public," Gabler said.

Judge Steven P. Anderson, Rusk County Circuit Court, agreed: "We found it gratifying to know that the judges, DCA and director of state courts came and talked with all of the interested justice system partners. We are pleased that (as a group) they are interested in the pressing issues within Rusk County and were happy to be included."

Judge Howard W. Cameron, St. Croix County Circuit Court said he appreciated having the opportunity to share concerns about issues facing judges in the district and being informed about issues faced by other judges. ■

Planning and Policy Advisory Committee quarterly update

By Shelly Cern, PPAC Policy Analyst

At this year's annual judicial conference, PPAC hosted a plenary session with the following goals:

- Understand and appreciate the history and accomplishments of PPAC.
- Understand and support the goals of PPAC and the processes and tools used by PPAC to formulate and advance the strategic agenda of the Wisconsin Judicial Branch.
- Invite attendees to suggest improvement to the responsiveness, effectiveness, and efficiency of PPAC.
- Invite attendees to review/adopt a revised list of Wisconsin Judicial Branch two-year priorities.

PPAC collected a significant amount of feedback from the judiciary about changes to the structure, operations and processes of PPAC as well as suggestions about how the committee might do its job more effectively in the future. At its most recent meeting in early November, PPAC held a debriefing session to collect feedback from members. PPAC will work with its Planning Subcommittee and the Director of State Courts to process all of this information and determine the most appropriate way to implement these suggestions. PPAC will be in regular communication the judiciary throughout this process.

Also at its November meeting, PPAC received a report from the Specialty Court Recordkeeping Workgroup entitled "Wisconsin Treatment Courts: Best Practices for Record-keeping, Confidentiality & Ex Parte Information."

This report recommends best practices for treatment courts regarding record-keeping, confidentiality, and ex parte information. It was prepared by an advisory committee of Wisconsin circuit court judges and clerks with treatment court experience. These best practices are offered to help courts strike an appropriate balance between the need for confidentiality for treatment records and the need for public accountability and open records in the criminal justice system. Accompanying this report was a proposed Supreme Court Rule Petition regarding ex parte communications within specialty courts. PPAC adopted the recommendations put forth in this report and supported the submission of the rule petition.

Court Security Subcommittee

The Supreme Court held an open administrative conference on Nov. 7 regarding the scheduling of *Rule Petition 11-03 – In the matter of repeal and recreation of SCR 70.38 - 70.39, relating to court security and facilities*. The court has scheduled a public hearing on this petition for Jan. 11, 2012. You can find the rule petition and any submitted public comments here:

www.wicourts.gov/scrules/1103.htm

The 2012 Court Safety and Security Conference,

"Maintaining a Safe Courthouse in Uncertain Times" will take place on March 20-22, 2012 in Appleton, Wisconsin. Featured topics include concealed carry, judicial security/protection, evidence and surrendering of evidence, and responding to witness intimidation. More detailed information about the conference may be found here:

www.fvtc.edu/css

Limited Scope Representation Subcommittee

The PPAC Limited Scope Subcommittee presented the Phase I final report and recommendations to PPAC in August. Phase I was a feasibility study to determine appropriate programming or initiatives for implementation in Wisconsin. PPAC accepted the final report and recommendations and authorized Phase II of the subcommittee to begin work. Specifically, the second phase of the subcommittee will:

- Study and draft proposed amendments to the Rules of Civil and Appellate Procedure and Rules of Professional Conduct for Attorneys addressing an expanded scope of limited scope representation, limited appearances and withdrawal, filing and service, communication between counsel and party, and ghostwriting;
- Collaborate with justice system stakeholders to identify educational programs and training materials for judges, court staff, and lawyers;
- Create court forms; and
- Develop strategies for statewide implementation of limited scope representation.

For more information about Phase II and to view the subcommittee's Phase I report, please visit:

www.wicourts.gov/courts/committees/ppac.htm

Planning Subcommittee

The subcommittee continues its efforts on the 2012-14 *Critical Issues Report* to identify the court system short-term priorities. A web-based survey was sent to internal and external stakeholder groups in October to assist both this subcommittee on this project and PPAC on the judicial conference session. The subcommittee will be analyzing survey results and information collected at the judicial conference for use in drafting the report. The 2012-14 *Critical Issues Report* can be expected in early 2012.

Further information about PPAC, its subcommittees and initiatives can be found at:

www.wicourts.gov/about/committees/ppac.htm. ■

Questions about PPAC and its subcommittees may be addressed to Shelly Cern in the Office of Court Operations, (608) 266-8861 or michelle.cern@wicourts.gov.

Fall
2011**New judges** *continued from front page*

Waukesha County bench in 2010. Prior to that, he had represented the 84th District in the state Assembly since 1998. Gundrum received a bachelor's degree from UW-Madison and a Law degree from the UW Law School. He holds the rank of major in the U.S. Army Reserve and has served in the Judge Advocate General Corps since 2000. As part of his military duties, Gundrum worked with Iraqi judges in helping develop the Rule of Law in that country.

Gary L. Bendix
Manitowoc County Circuit Court

Judge Gary L. Bendix

Judge Gary L. Bendix was appointed by Gov. Walker to the Manitowoc County Circuit Court, Branch 2 bench. Bendix replaces Judge Darryl W. Deets, who stepped down in June (*see The Third Branch, spring 2011*).

Prior to his appointment, Bendix worked in private practice and as a supplemental court commissioner for Manitowoc County.

Bendix received his bachelor's degree from UW-Parkside and his law degree from UW Law School. He is a past president of the Manitowoc County Bar Association and former chair of the Office of Lawyer Regulation District 4 Investigative Committee. He has also served on the Manitowoc Circuit Court Advisory Committee and the Medical Mediation Panel.

Nicholas J. Brazeau Jr.
Wood County Circuit Court

Judge Nicholas J. Brazeau

Walker appointed Nicholas J. Brazeau Jr. to replace Judge James M. Mason, who retired from the Wood County bench in June (*see The Third Branch, summer 2011*).

The law may be in the Brazeau blood. Not only have members of his family been practicing law in Wisconsin for more than 100 years, the *Marshfield News Herald* reports, but his great-grandfather, Theodore Brazeau, has a direct connection to the Wood County Circuit Court.

Mason, the former Wood County Circuit Court Branch 2 judge used to carry Theodore Brazeau's golf clubs. "I couldn't have realized as a 13- or 14-year-old kid that I'd have the opportunity to swear in the great-grandson of that respected lawyer," the *News Herald* reports quoted Mason as saying at the ceremony.

Brazeau has worked in private practice for the past 14 years. He is a graduate of UW-Milwaukee and Loyola University-Chicago School of Law. Brazeau was appointed to the Wisconsin Crime Victims Council by Attorney

General J. B. Van Hollen, and has served on the Wood County Head Start and McMillan Public Library boards, according to the governor's office press release.

Brazeau is married and has two children.

Jeffrey S. Froehlich
Calumet County Circuit Court

Jeffrey S. Froehlich is following in his father's footsteps. He has been appointed by the governor to the Calumet County Circuit Court bench shortly after his father, Judge Harold V. Froehlich, retired from the Outagamie County Circuit Court (*see The Third Branch, spring 2011*).

"I want to continue to protect the property rights and the personal liberties of the citizens of Calumet County and the state of Wisconsin, continue providing swift and uniform justice whenever possible," Jeffrey Froehlich told the *Appleton Post-Crescent*.

His appointment fills the vacancy created by Judge Donald A. Poppy's retirement (*see The Third Branch, summer 2011*).

Froehlich had served as assistant district attorney for Calumet County for more than 10 years. He had previously served as a public service special prosecutor for Calumet County and a law clerk and court commissioner for Oneida and Vilas Counties, according to the governor's press release. He is a graduate of UW-Stevens Point and UW Law School.



Judge Jeffrey S. Froehlich

Gregory B. Gill Jr.
Outagamie County Circuit Court

Judge Harold V. Froehlich's vacant seat on the Outagamie County Circuit Court Branch 4 bench has been filled by Gregory B. Gill Jr.

"My expectation is to come in and be (a judge) who is very fair and very open-minded," Gill told the *Post-Crescent*. "I feel that it's important that everybody have their opportunity in the court system."

Gill, who graduated from UW-Madison and the UW Law School, has worked in private practice. He had previously served as assistant district attorney for Outagamie County and as a law clerk for Judge William C. Griesbach of the U.S. District Court in Green Bay, according to the governor's press release.



Judge Gregory B. Gill Jr.

see New judges on page 25

New judges *continued from page 24***William F. Kussel**
Menominee and Shawano County
Circuit Courts*Judge William F. Kussel*

Walker appointed William F. Kussel to fill the vacancy on the Menominee and Shawano County Circuit Courts created by Judge Thomas G. Grover's retirement (see *The Third Branch, spring 2011*).

Kussel had previously worked with the Menominee tribe for the past 25 years, most recently serving as director of legal services for the tribe. Prior to that, he was a tribal prosecutor, legal counsel to the Menominee

Tribal Gaming Commission, and a program attorney. He is a graduate of St. Norbert College and Southwestern University School of Law.

"I'm very proud and humbled to be appointed to the Menominee-Shawano Circuit Court and have the privilege to work as a fair and impartial judge within these jurisdictions," Kussel told *The Shawano Leader*.

Nelson W. Phillips III
Milwaukee County Circuit Court*Judge Nelson W. Phillips*

Phillips III has also served as an assistant district attorney for Milwaukee County, and most recently worked in private practice.

Phillips received his bachelor's degree from the University of Michigan and his law degree from UW Law School. He is a member of the Board of the Federal Defender Services of Wisconsin.

His appointment fills the vacancy created by the retirement of Judge Francis T. Wasielewski (see *The Third Branch, summer 2011*).

Jason A. Rossell
Kenosha County Circuit Court

Jason A. Rossell was sworn in on Nov. 11 to fill the Kenosha County Circuit Court Branch 2 vacancy created by the retirement of Judge Barbara A. Kluka (see *Retirements on page 9*).

"Jason Rossell's extensive experience as a prosecutor and

in private practice makes him exceptionally qualified to serve the people of Kenosha," Walker said in a press release announcing the appointment. "I am confident that Mr. Rossell will continue to serve his community and the circuit court with fairness and dignity."

Prior to his appointment, Rossell had worked in private practice and had previously served as an assistant district attorney for Kenosha County.

A graduate of UW-Whitewater and UW Law School, he has served as president of the Kenosha County Bar Association and as a Guardian ad Litem for the Kenosha County Circuit Court.

*Judge Jason A. Rossell***W. Andrew Sharp**
Richland County Circuit Court

Former Richland County Circuit Court Judge Edward E. Leineweber's seat has been filled by W. Andrew Sharp. Leineweber retired on June 30 (see *The Third Branch, summer 2011*).

Sharp is the former Richland County District Attorney, a position he had held since 1993. He had previously served the county as an assistant district attorney, assistant corporation counsel and child support enforcement attorney.

After receiving his law degree from UW Law School, Sharp worked as a law clerk for the Dodge County Circuit Court.

*Judge W. Andrew Sharp***Jon M. Theisen**
Eau Claire County
Circuit Court

Jon M. Theisen was selected to fill the Branch 4 vacancy on the Eau Claire County Circuit Court. The seat was made available by the retirement of former Chief Judge Benjamin D. Proctor (see *The Third Branch, summer 2011*).

Prior to his appointment, Theisen served as the Chippewa County district attorney. "I am really happy in my job, but at the same time I saw it as an

opportunity I wanted to advance toward at some time in the future," Theisen told the *Chippewa Herald* about leaving the district attorney's office to accept the position.

Theisen was elected district attorney in 2001, and had won reelection twice. He received his B.A. from the University of Notre Dame, a Master of Library Science from the University of Pittsburgh, and his J.D. from the University of Northern Illinois Law School. ■

*Judge Jon M. Theisen*

Justice Michael J. Gableman congratulates new Judge Jon M. Theisen, Eau Claire County Circuit Court, who was sworn in during an Oct. 21 ceremony at the Eau Claire County Courthouse.

*Photo credit: Dan Reiland/
Eau Claire Leader-Telegram*

*Photo credit: Dan Reiland/
Eau Claire Leader-Telegram*

Local courts benefit from federal grants



Judge William J. Domina, who presides over the Waukesha County's Alcohol Treatment Court, will also preside over the county's new drug treatment court.

Four Wisconsin circuit courts will benefit from Bureau of Justice Assistance grants awarded in September.

Waukesha awarded grant for drug treatment court

The Waukesha County Criminal Justice Collaborating Council's (CJCC) June application to fund a drug court has been approved by the U.S. Dept. of Justice Bureau of Justice Assistance. After a three-month planning and start-up period, 75 non-violent adult offenders with a history of drug abuse will be admitted to the program over a three-year period.

A CJCC committee on Drug Abuse Trends, chaired by District Atty. Brad Schimel, had been struggling to address rising opiate abuse in the community. A presentation by representatives from Rock County's drug court spurred the CJCC Executive Committee, including Chief Judge J. Mac Davis, County Executive Dan Vrakas, and County Board Chairman Jim Dwyer, to push the grant application forward last spring. CJCC Coordinator Rebecca Luczaj prepared the application, which resulted in a \$350,000 award.

Referrals to the drug court will be via state/defense agreements, including deferred prosecution and plea agreements. Waukesha's current alcohol treatment court Judge William J. Domina will handle the new drug court as well. Selection of a program vendor will take place later this year.

In addition to starting a drug treatment court, Davis said Waukesha County will be hosting a January 2012 training session sponsored by the Wisconsin Office of Justice Assistance (OJA) entitled "Research-Based Smarter Sentencing."

The program is designed to offer the latest evidence-based research into sentencing and related criminal justice activities. After offering the program to a national audience in Philadelphia, more locally accessible venues were sought this year.

The training session will be presented by the Minnesota-based Carey Group, Inc. and the Justice Management Institute (JMI). Waukesha County will be sending a team of seven or eight people to the training, including judges, district attorneys, public defenders, and state Department of Corrections representatives. Four other southeastern counties have indicated that they will be sending teams as well. A similar session is being sponsored in Eau Claire County.

Milwaukee County Awarded Family Drug Treatment Court Grant

Milwaukee County has been awarded a \$650,000 grant from the Office of Juvenile Justice Delinquency Prevention (OJJDP) to implement a Family Drug Treatment Court in Children's Court. The court is designed to improve timely and effective identification, assessment, treatment and, hopefully, reunification with parents whose substance abuse has resulted in placement of their child in out-of-home care. The targeted group is parents or guardians of children with priority on new emergency detentions in which the child is age 12 years or younger.

"The receipt of this grant is the culmination of the collaboration of the Children's Court staff, Behavioral Health Division, District Attorney's Office, the Bureau of Milwaukee Child Welfare and community agencies who have created a plan to assist the targeted families," said Chief Judge Jeffrey A. Kremers. "This is an opportunity for parents to participate in a voluntary program in which they will enroll in substance abuse treatment, receive recovery support for health care, housing, education, employment and transportation. I commend both Judge Karen Christenson and Liz Finn Gorski for their work on this effort."

The model for the grant has been in development for more than a year. The OJJDP funding will support a full-time project coordinator, drug testing, performance monitoring and evaluation that will allow the Family Drug Treatment Court to become institutionalized in the community. The grant is for three years, and openings are available for 94 participants at any one time. Several hundred individuals are anticipated to be served over the term of the grant. The grant also includes plans to sustain the treatment court beyond the three years.

Grant to help Ashland County establish adult drug court

The Ashland County Drug Court Team has been awarded a \$349,997 grant that will empower the drug court team to plan and establish an adult drug court that will serve approximately 12-15 participants per year. Prior to applying for the grant, the drug court team completed the Drug Court Planning Initiative Training sponsored by the National

OBITUARIES *continued from page 15***Judge Richard H. Stafford
Chippewa County Circuit Court**

Former Chippewa County Circuit Court and Reserve Judge Richard H. Stafford passed away on Oct. 6 at the age of 83.

Stafford, a lifelong resident of Chippewa Falls, received his bachelor's degree from UW-Madison and his law degree from UW Law School. After graduating, he served in the U.S. Army Signal Corps. According to an obituary, he liked to claim he had served on the Eastern and Western Fronts – New Jersey and California.

After his service, he returned to Chippewa Falls and worked in private practice with his father.

In 1978 he was appointed to the circuit court. After his retirement in 1994, he continued to serve on the bench as a reserve judge for several years.

"He was a judge of the people," Chippewa County Circuit Court Judge Steven R. Cray told *The Chippewa Herald*. "He always kept his Chippewa County roots in mind. He was very modest, and would make fun of himself, but not others."

He is survived by his wife, Julie; five children; and nine grandchildren.



Judge Richard H. Stafford

**Carolyn K. Olson
Iowa County Clerk of Court**

Gov. Scott Walker issued an executive order for flags to be flown at half-staff on Aug. 11 in memory of Iowa County Clerk of Court Carolyn K. Olson. Olson passed away on Aug. 7 at the age of 59. The order cited her 33 years of public service in the state of Wisconsin.

Olson worked for the Iowa County Zoning Office, the Iowa County Clerk's Office, the Iowa County Clerk of Courts Office, and the Iowa County Nurse's Office. She served as clerk of court for the county from 1983 until her death.

Olson served on the Planning and Public Advisory Committee (PPAC) planning subcommittee, the Committee to Improve Interpreting and Translation, and the Legislative Committee of the Wisconsin Clerk of Court Association.

She is survived by her husband, son, and granddaughter.

**Gail L. Walker
Clark County Clerk of Court**

Clark County Clerk of Court Gail Walker passed away on Aug. 19. She was 55 years old.

Walker was elected to the clerk position in 2002, and served until the time of her death. She had previously worked as a legal secretary in the Clark County district attorney's office, as well as in banking and at a dental clinic.

According to an obituary, she enjoyed vacationing and motorcycle trips, as well as shopping, baking and playing with her grandchildren.

She is survived by her husband, three children, and six grandchildren. ■

Grants *continued from page 26*

Center for Drug Courts in April 2010.

Ashland County has experienced a large increase in demand for alcohol and drug treatment over the past several years, with prescription drug abuse emerging as an area of particular concern. The new Drug Court will offer services based on the seven design features and 10 key components of drug court recommended by the National Center for Drug Courts, including: culturally appropriate services for clients, including Native American treatment programs; minimum participation time of 42 weeks for individuals accepted into the program; and comprehensive recovery resources, including mandatory job training/placement, alcohol and drug treatment, and housing assistance, among other things.

Participants will be accepted into the program under a deferred prosecution/post-adjudication model. All appropriate arrestees will be considered for inclusion in the drug court program. Priority will be given to participants who screen positively for drug dependency (as opposed to abuse), repeat offenders, and offenders who are flagged as being at medium to high risk for recidivism by the Wisconsin Department of Corrections COMPAS system, an evidence-based risk assessment system that will be coming online in Ashland County by the end of 2011.

Outagamie receives grant for mental health court

Outagamie County received \$250,000 for planning and implementing a "Justice and Mental Health Collaboration Program."

The *Appleton Post-Crescent* newspaper reports the grant will be used to hire a mental health coordinator and to launch a new court in 2012 to better address non-violent, mentally ill offenders.

One of the goals of the two-year program is to reduce recidivism by providing proper treatment for people with mental health issues, according to the *Post-Crescent*.

"The grant requires a \$73,000 match, which will be met with budgeted funds from the clerk of courts, district attorney's and volunteer in offender services offices and health and human services department, plus additional in-kind donations by the Appleton Police Department, National Alliance for the Mentally Ill (NAMI) of the Fox Valley and the Wisconsin public defender's office," the newspaper reported. ■

Courts Connecting with Communities – Outreach Programs

By Theresa Owens, Executive Assistant to Chief Justice Shirley S. Abrahamson

Courts Connecting with Communities is a project of the Office of the Chief Justice designed to gather and share information about successful local outreach programs that can be replicated across Wisconsin.

So far, the project includes a “toolkit” of 17 programs that help communicate the importance and value of the work of the judicial branch.

The Wisconsin court system’s commitment to providing public education about the courts is supported by a variety of outreach programs at the state level and in counties throughout the state. Many of these initiatives are driven by innovation at the local level, where courts and communities are connecting to develop programs to meet the ever-changing needs of the people.

This project focuses on compiling materials from existing outreach programs and developing additional resources to assist with the delivery of outreach programs.

The Courts Connecting with Communities toolkit includes materials and resources that have been developed for a variety of outreach programs.

This project is a work in progress and will continue to be expanded. The toolkit includes a planning checklist and timeline, sample invitations to community leaders and justice stakeholders, sample press releases, and a list of resources for each program.

The programs require different levels of resources, and many of them can be made simpler or more elaborate as organizers determine which programs will work in their community. Several of these programs currently exist in one or more communities and others are new. Sample programs include town hall meeting, meet your judges, and juror appreciation program. These outreach materials will be available on the Wisconsin Court System CourtNet.

Abrahamson has had the opportunity to share the outreach

project and materials with judges and local bar association representatives in Milwaukee, Dane, and Dodge Counties. The project encourages collaboration between judges, lawyers, and the public and emphasizes maintaining a strong connection between the courts and the communities they serve. Counties have expressed interest in using the materials to educate the public about the work of the courts and the role of the trial and appellate courts.

Information about other outreach programs and new materials are being added on a regular basis.

To date, sample outreach programs include:

- Juror Appreciation Program (September)
- National Hispanic Heritage Month (September 15 – October 15)
- Constitution Day (September 17)
- National American Indian Heritage Month (November)
- Veterans Day (November 11)
- National African American History Month (February)
- National Women’s History Month (March)
- National Drug Court Month (May)
- Mental Health Month (May)
- Law Day (May 1)
- Town Hall Meeting
- Brown Bag Lunch with Judges
- Virtual Courthouse
- Civil War (2011 is 150-year anniversary)
- Meet your Circuit / Municipal Courts
- Courts and the Media Roundtable Discussion
- Self Help - Access to Justice ■

Contact Theresa Owens, executive assistant to the Chief Justice, at Theresa.Owens@wicourts.gov or (608) 261-8297 for information about Courts Connecting with Communities.



During a demonstration of an inmate work-release program, Aaron Ellis, a supervisor at the Dodge County Detention Facility, placed an ankle monitoring bracelet on Chief Justice Shirley S. Abrahamson. Abrahamson was in Dodge County to announce a new outreach initiative. During the visit, local officials took advantage of the time to share information about their own programs.

Photo credit: Wauwatosa Daily Times



During a recent visit to Dodge County, Chief Justice Shirley S. Abrahamson, center, met with, from left to right, Judge Andrew P. Bissonnette, Judge Brian A. Pfitzinger, Dodge County Bar Association President Katherine Koepsell, and Chief Judge John R. Storck.

Foust named Chief of Chiefs



Chief Judge C. William Foust

Wisconsin's Committee of Chief Judges has elected Chief Judge C. William Foust, Dane County Circuit Court, as "chief of the chiefs." In this capacity, Foust serves as chair of the group of 10 chief judges, each of whom is selected by the Wisconsin Supreme Court to help oversee a judicial administrative district.

Foust has served on the Dane County bench since first being appointed in 1997. He was elected in 1998 and re-elected in 2004 and 2010. He is chief judge of the Fifth Judicial Administrative District, which encompasses Dane, Green, Lafayette and Rock counties.

Working as a team with a deputy chief judge and a professional court administrator, chief judges manage the flow of cases, supervise personnel, develop budgets, and

meet monthly as a committee to work on issues of statewide importance.

"Chief judges play a key role in improving the administration of justice in Wisconsin courts. I'm proud to have been selected to help lead this dedicated group," Foust said.

Foust served as Dane County District Attorney from 1989 to 1997 and as presiding judge of the Dane County Circuit Court's criminal division from 2001 to 2005. He is a member of the Dane County Criminal Justice Group and the Coordinated Community Response Task Force. He also is a member of the Criminal Benchbook Committee, which he chaired from 2001 to 2008.

His term as chair of the committee of chief judges began Aug. 12, 2011 and runs until a successor is named by the committee. Foust succeeds Chief Judge John R. Stork, Dodge County Circuit Court, as chair of the committee of chief judges.

In May, the Wisconsin Supreme Court re-appointed Foust to his third term as District Five chief judge. A chief judge can serve up to three two-year terms on the committee. ■

NEW FACES

Ward-Cassady named deputy director

On Sept. 12, Director of State Courts A. John Voelker announced the appointment of Sara Ward-Cassady as deputy director of state courts for court operations. Ward-Cassady replaces Sheryl Gervasi, who retired in June (*see The Third Branch, spring 2011*).



Sara Ward-Cassady

Ward-Cassady has been with Court Operations since 2003. She had previously worked as an investigator for the Office of Lawyer Regulation, and as an assistant district attorney in Marathon County and a staff attorney and court commissioner for the Marathon County Circuit

Court. She received her bachelor's degree from UW-Madison and her law degree from Marquette Law School.

Supreme Court gets new commissioner

Mark Neuser is a newly appointed commissioner in the Supreme Court Commissioners Office. Mark is a graduate of UW Law School. Prior to his appointment, Neuser practiced law in both the private and public sectors. He joins the commissioners office after having served as an assistant attorney general in the Criminal Appeals Unit of the state Department of Justice.



Mark Neuser

In his spare time, Mark pretends to be handy despite all evidence to the contrary and frets over his unread pile of *The New Yorker* magazines. He joins colleagues Nancy Kopp, Julie Rich, and David Runke. ■

Zuidmulder *continued from page 12*

act as a liaison between the public and the club's seven-member executive committee, headed by board president Mark Murphy, Zuidmulder said.

Zuidmulder said he is likely in his last year as a director. When board members reach the age of 70, they are switched to emeritus status.

That's OK with Zuidmulder. He'll still be involved with the club, he'll still have his Super Bowl ring, and on top of that, he'll have one other recently acquired item to honor his father's legacy – a 1929 "throwback" jersey like those worn by the Packers in week six this year against the St. Louis Rams.

Better yet, he found one that just happens to match the number of his father, now worn by another player who happens to be working his way into Zuidmulder's heart – No. 12. ■



David Zuidmulder (third from left) joined the Green Bay Fire Department in 1934 and served as chief from 1955 until he retired in 1972. (Photo provided, courtesy of the Nicolet Federated Library System).

Portage County joins CCAP, completing statewide case management program

Portage County joined the Consolidated Court Automation Programs (CCAP) electronic case-management system on Dec. 5, completing statewide implementation in each of Wisconsin's 72 counties.

The rollout of CCAP began in 1991, when Marathon and Iowa counties first joined what was then known as the "Circuit Court Automation Project." The voluntary program was undertaken to help all circuit courts, regardless of size or local resources use technology to automate what had been labor intensive, paper-based processes in the circuit courts.

"While we have long considered CCAP a statewide system, adding Portage County is the final piece of the project. We determined long ago this was the best approach to case management, and that vision has paid off," said Director of State Courts A. John Voelker. "Now, more than 2,800 judges and court staff rely on CCAP in their daily work routines. It has become the lifeblood of the state court system."

CCAP initially integrated case file and calendar information, but has evolved into an organization that provides both technology and support services, including

computer hardware, software, training and call center support for judges and court staff. The software applications used to manage the circuit court records and other court functions are developed in-house by CCAP staff. The system has evolved to include, among other things, juror management tools and a financial management component integrated with the case management system.

Portage County now will be able to take full advantage of those CCAP services and others, such as e-filing and other online services with the state now funding the equipment, software and support for the system.

Patricia Cal Baker, the newly appointed Portage County Clerk of Circuit Court, said that her staff has worked tirelessly with a group of analysts from the state to achieve a total conversion of more than 180,000 files that date back up to twenty-five years.

"I am so pleased to be involved in the successful completion of this project, and be able to offer the citizens of Portage County the benefits of this software conversion

see CCAP on page 32

Wisconsin Court system Web site redesigned to improve user experience, appearance

By Jean Bousquet, Chief Information Officer



With a renewed focus on web site users, the Wisconsin Court System unveiled a redesigned www.wicourts.gov in mid-September. The goal of the redesign was to take advantage of new design techniques that make navigating the site and finding information about the court system easier and more intuitive.

An enhanced home page helps guide users to information they need or want and features a "quick links" tab that leads users to the most popular pages, as determined by actual visits to pages on the site.

"Quick links" also directs users to specific court departments and offices, including the Board of Bar Examiners, Medical Mediation Panels, Office of Lawyer Regulation, State Law Library and the Clerk of Supreme Court and Court of Appeals.

First-time users looking to pay fines, view a specific court case, find self-help information, or perform any common action can simply select the 'how do I' tab from the home page, where they will be led to the correct Web page. Additionally, all online services such as electronic payment, online juror questionnaires and status, electronic case filing, and attorney continuing legal education reporting are available from a new eCourts navigation menu.

The revamped site has a new visual design, and the navigation was reworked to ensure the content is accessible and user-friendly. Input from site visitors was an essential

part of the redesign: the redesign gathered information from usability studies, surveys, feedback from the public, and analytics showing how often each page was visited.

The self-help law center was completely reorganized and rewritten to help the public find forms, learn about Wisconsin law and court procedures, find legal assistance, and provide information on self-representation in some court matters.

Under the "about the courts" menu, the new "educational resources" section provides teachers, students and others with resources and teaching tools about the judicial system. The new design also incorporates recent updates about Supreme Court Rules and the rule-making process.

Other wicourts.gov sites, including eFiling, the juror qualification questionnaire, juror status, juror postponement, Wisconsin Circuit Court Access, Supreme Court and Court of Appeals Access and continuing legal education reporting for attorneys, are being updated and integrated into the redesign, providing seamless transitions across the wicourts.gov site.

Initial feedback from visitors to the new site has been positive and we continue to use what we've learned to provide the best user experience possible, whether the visitor to our site is an experienced attorney, student or first-time visitor. ■

PEOPLE *continued from page 18*

featured remarks by senators **Fred Risser**, D-Madison, and **Mike Ellis**, R-Neenah, and Wheeler's daughter and business partner, **Gwyn Guenther**.

Chief Justice **Shirley S. Abrahamson** and justices **N. Patrick Crooks** and **Ann Walsh Bradley** attended.

"Dick Wheeler was the quintessential Capitol press room reporter. He often knew more about what was going on than his sources. His coverage of state government, including the judicial branch, will be missed, as will his smile and quick wit. Although known as a hard-nosed newsmen, he was a warm, friendly conversationalist. I will miss him and his presence at the State Capitol," Abrahamson said.

The Associated Press reported Nov. 20 that a thief broke into the Ashland County Courthouse, "passed up money and other valuable items and made off with just a single item — a judge's robe."

Ashland Police Chief **John Paitl** said it wasn't clear why someone would want the robe of Judge **Robert E. Eaton**.

The suspect was reportedly wearing an overcoat and sunglasses, so the person isn't recognizable on surveillance tapes.

"Police say the suspect went straight to the third floor and broke into the Clerk of Courts office. The robe was taken but computers, antique furniture and cash were left untouched," the Associated Press reported.

In September, the Wisconsin Law Journal's Asked and Answered segment featured District I Court of Appeals Judge **Patricia S. Curley**.

Curley, who has also served as a circuit court judge for Milwaukee County, told the Law Journal her greatest achievement is having been elected as a judge six times,

three times to the circuit court and three times to the appeals court.

When asked who she would like to trade places with for a day, Curley responded **Terry Gross**, who hosts the show *Fresh Air* on National Public Radio.

"She interviews all kinds of people from musicians to politicians and book writers," she told the Law Journal. "I think that would be a great job."

Curley, who told the journal that the often-times secluded life of an appeals court judge suits her, confessed to one luxury item that she could not live without: the Green Bay Packers tickets she inherited from her father.



Judge Patricia S. Curley

Deputy Chief Judge **James P. Daley**, Rock County Circuit Court, is featured in a recent episode of the WisconsinEye's *Legally Speaking* show about veterans courts in Wisconsin.

Daley, a brigadier general in the Wisconsin Army National Guard and decorated Marine veteran, appears in a 30-minute interview, along with county veteran mentor coordinator, Denise Davidson, and county veteran service officer, John Solis.

Daley, who established the state's first veterans court in 2009, explained to show host Steven Walters how Rock County's veterans court works, and why it is important to veterans and the court system.

A link to the interview is posted on the court system's Web site, www.wicourts.gov under "services, for veterans."



Judge James P. Daley



Judge Robert E. Eaton

Shanghai judges visit Madison



Twenty judges from the People's High Court of Shanghai visited Madison from Sept. 16 through Sept. 26. Sponsored through the UW East Asian Studies program, the Chinese judges participated in classes at the law school to better understand the American court system and they visited the Wisconsin Supreme Court, District IV Court of Appeals and spent several days meeting with Dane County Circuit Court Judges and observing court. The visiting judges were welcomed as part of the special Juror Appreciation orientation program in Dane County on Sept. 19, when Chief Judge C. William Foust addressed them. Dane County Circuit Court judges hosted the Shanghai judges at a pizza lunch on Sept. 22. Conversation was wide-ranging and highlighted many fascinating differences between the two justice systems. Judges John W. Markson, Maryann Sumi, David T. Flanagan, Sarah B. O'Brien and Reserve Judge Michael N. Nowakowski welcomed the judges to a dinner in their homes on Sept. 24. Both Shanghai and Wisconsin judges enjoyed and appreciated the visit.

Chief Justice

Shirley S. Abrahamson

Director of State Courts

A. John Voelker

Co-Editors

Tom Sheehan

Amanda K. Todd

Associate Editor

Sara Foster

Contributing Writers

Jean Bousquet

Susan Byrnes

Shelly Cern

Hon. Michael J. Dwyer

Sara Foster

Scott Johnson

Theresa Owens

Beth Bishop Perrigo

Amber Peterson

Gail Richardson

Tom Sheehan

Amanda Todd

A. John Voelker

Britt Wegner

Editorial Committee

Hon. Michael J. Rosborough

Vernon County Circuit Court

Graphic Design/Layout

Sara Foster

The Third Branch is a quarterly publication of the Director of State Courts Office, providing news of interest to the Wisconsin court system.

Send questions, comments, and article ideas to:

Tom Sheehan

Court Information Officer

P.O. Box 1688

Madison, WI 53701-1688

phone

(608) 261-6640

e-mail

tom.sheehan@wicourts.gov

fax

(608) 267-0980

State-Tribal Justice Forum sponsors joint conference with Michigan counterparts

On July 28-29, 2011, the Wisconsin State-Tribal Justice Forum sponsored a two-day conference with state and tribal judges from Michigan to explore issues of mutual concern regarding the relationship between state and tribal courts.

A Bridge to Cooperation was held at the Oneida Nation's Radisson Hotel & Conference Center near Green Bay. The conference was attended by thirty-seven state and tribal court judges from both Wisconsin and Michigan, and also included a session for clerks of court from both systems.

"The genesis of this conference came from a Midwest *Walking on Common Ground* conference held in Michigan in October of 2010," said Judge Neal A. Nielsen, forum chair and Vilas County Circuit Court Judge.

"The Michigan judges at that conference were impressed by the level of cooperation and communication between the state courts and tribal courts in Wisconsin and expressed a desire to learn more about how the State-Tribal Justice Forum functions. We thought there could be valuable things to learn from our Michigan colleagues as well, and this led to planning for the conference."

The conference explored issues of full faith and credit or comity, the discretionary transfer of cases from state courts to tribal courts, state codification and implementation of the Indian Child Welfare Act, and the development of tribal and joint state-tribal specialty courts in both Wisconsin and Michigan, comparing and contrasting the relevant statutory provisions and case law in both

jurisdictions. In addition to the judges, the conference was attended by eleven court administrators and policy analysts, eight clerks of court, a professor and four attorneys specializing in Indian law issues.

"We learned a great deal from one another and made valuable professional friendships," said Nielsen. "Our program evaluations indicate that everyone believed the conference was successful and a valuable learning experience for the participants. The judges of the Oneida Nation hosted a cultural night featuring a Native American feast and a very interesting oral history of the Oneida people. They were, as always, warm and welcoming hosts throughout the conference."

The conference was made possible by a contribution from the National Judicial College through a grant from the Bureau of Justice Assistance, and conference coordination was provided by Fox Valley Technical College. Special thanks to Dave Raasch of Fox Valley Technical College (also a Stockbridge-Munsee tribal judge) and to Shelly Cern of the Director of State Courts office for their invaluable assistance in making the conference possible.

The Wisconsin State-Tribal Justice Forum is a group of state and tribal court judges that also includes representatives from the state Legislature and the State Bar of Wisconsin's Indian Law Section, and a policy analyst from the Director of State Courts. It was formed in 2005 and given a general charge to promote and sustain communication, education and cooperation among tribal and state court systems. ■

CCAP *continued from page 30*

of our files. We will now be able to provide greater security in a variety of ways for court files, as well as allow greater access by the public to our court information," Baker said.

The project could not have happened without the hard work and dedication of both state and local staff who will continue working together, said Jean Bousquet, chief information officer for the state court system. "We look forward to working on electronic data exchanges with the Portage County district attorney and other justice system partners in

coming months."

Although circuit court clerks and judges have long been familiar with the advantages CCAP provides, the general public maybe more familiar with CCAP's online public records program known as Wisconsin Circuit Court Access (WCCA). Portage County Circuit Court case information will become available on WCCA within the next several months, after court staff works to ensure the data converted from the local Portage county system is accurate and complete. ■