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## Pro se efforts leap forward

Since December 2000, when the Office of the Chief Justice released the final report of its *Pro Se* Working Group that recommended a variety of changes to improve service to litigants without attorneys, various projects have been devised to meet the needs of this growing group of court users. But this spring, the effort sprung forward with new velocity, thanks to two major conferences and the unveiling of a new self-help Web site with forms that can be completed online.

### New self-help family Web site

The Wisconsin court system unveiled in March a new self-help family court Web site designed for use by people representing themselves in court. The Web site takes users through an online interview, to complete necessary forms and also provides blank versions of the new plain-English forms. All of the forms are for actions related to separation and divorce, proceedings in which about 70 percent of litigants statewide act without attorneys.

The site takes the user through a series of questions and fills in required forms based on the answers, much like software used to complete a tax return. Blank versions of the statewide-standardized forms – 35 in all – are offered for people that would prefer to fill them in by hand. The site also provides a basic guide to legal separation and divorce in Wisconsin. This is the latest in a series of steps the court system has taken to improve access to the courts for people who are representing themselves.

“This is a key step toward ensuring access to justice for people who do not have lawyers,” said Chief Justice Shirley S. Abrahamson, who noted that the Supreme Court’s Planning and Policy Advisory Committee last month released a report entitled *Critical Issues: Planning Priorities for the Wisconsin Court System* that identified providing assistance to self-represented litigants as the number one issue facing the courts in the next two years.

The forms project began in 2004, when the Office of the Chief Justice developed a task force to establish a statewide assistance program for family court litigants. Plain-English forms were unveiled in hard copy last year; since then, the Consolidated Court Automation Programs (CCAP) has

worked to perfect the interactive, online versions for the self-help Web site. Each county will set its own timetable for enabling the forms after the local clerk of circuit court has tailored the directions that accompany the forms to reflect county-specific procedures.

By the end of April, it was expected that most counties would have made the Web-based forms available. The self-help family Web site may be accessed at [wicourts.gov/services/public/prose.htm](http://wicourts.gov/services/public/prose.htm).

### Joint meeting in Districts 9 and 10

In the 25 counties served by Districts 9 and 10, concerted efforts have been made in recent years to respond to the challenges of self-represented litigation. Each district has a committee that develops and implements services to improve access to the courts for *pro se* litigants. On June 29 in

Chippewa Falls, the committees will meet jointly for the first time.

The agenda will focus on sharing information, reviewing initiatives in other jurisdictions, and planning additional regional and

statewide collaborations. Additional topics will include statewide forms, the impact of technology, identifying funding, and program evaluation.

Leading the program will be the respective chairs of the District 9 and District 10 committees, Deputy Chief Judge Gary L. Carlson, Taylor County Circuit Court, and Clerk of Court Karen Hepfler, Chippewa County Circuit Court. Ann Zimmerman, who coordinates statewide *pro se* projects, and Director of State Courts A. John Voelker will also participate.

More than 20 committee members and others – including judges, attorneys, court commissioners, clerks of court, registers in probate, Wisconsin Judicare staff, academics, and community members – are expected to attend.

For more information, contact District 10 Court Administrator Gregg Moore at (715) 839-4826 or [gregg.moore@wicourts.gov](mailto:gregg.moore@wicourts.gov).

### Regional specialty seminars

*Providing Legal Information to Court Users*, a regional

see **Pro se** on page 27



## Director's column: Judges secure equity pay adjustment

After a long and difficult process, I am pleased to report that Wisconsin's judges will receive 'catch-up' pay to correct inequities that have existed within the state (our judges have been paid less than many government lawyers) and within the region (Wisconsin judges were the lowest paid in the Midwest) for a number of years.

The equity adjustment is not everything that we had sought, but it does move the judges substantially closer to a fair pay rate. The effect of the adjustments is shown in this table:

	Circuit Judge	Court of Appeals	Supreme Court
Current salary	\$112,456	\$119,204	\$126,357
June 2006 salary	\$119,605	\$126,782	\$134,389
April 2007 salary	\$122,297	\$129,635	\$137,414

The increases were included in the Office of State Employment Relations' updated compensation plan, which the Joint Committee on Employment Relations (JCOER) approved on April 26. The equity adjustment would not have been possible without the tireless efforts of Chief Justice Shirley S. Abrahamson, who met multiple times with the governor, the secretary of the Department of Administration, and members of the Legislature to discuss judicial compensation. The Voluntary Trial Judges

Association, with leadership from Chief Judge L. Edward Stengel, retained a well-respected lobbyist to work with us on this important issue, and the judges assisted in communicating with members of JCOER.

Attracting and retaining the best and brightest lawyers to serve as judges is a top priority, and we owe a debt of gratitude to Gov. Jim Doyle and the Legislature for recognizing the importance of this issue, especially in a tight budget climate.

In addition, on May 4, the Legislature acted to increase the reserve judge daily rate to 90 percent of an active judge. The governor just signed that bill, so I am pleased to say that reserve judges will also enjoy compensation equity.

Although we pause to recognize this achievement, we shall not rest for long. Shoring up judicial compensation is an ongoing challenge, and one that requires new ways of thinking. To that end, we shall begin considering alternatives to the present judicial compensation process that might eventually eliminate the need for catch-up pay. I shall keep you informed, and I thank you all for your patience and hard work on this critical issue. ■



A. John Voelker

## Wisconsin courts move forward on improving interpretation

The Wisconsin courts took two important steps this spring in their continuing effort to improve services to court users who do not speak English as a first language. The first step was publication of a Hmong legal glossary; the second, providing a group of frequently used forms, translated into Spanish, on the courts' Web site.

### Nation's first Hmong legal glossary

The Director of State Courts Office in April published the first Hmong-English legal glossary in the United States. It defines more than 800 common court terms and suggests equivalent Hmong phrases for many of them.

"The glossary will be useful to the courts, law enforcement, social services, researchers, teachers, and state government – particularly in Wisconsin, Minnesota, and California where there are large Hmong communities – as a resource for interpreting legal proceedings and for translating government forms into Hmong," said Senior Policy Analyst Marcia Vandercook.

The glossary defines general court terms and specific terms for criminal, juvenile, family, eviction, small claims, probate, and deportation cases. The equivalent Hmong phrases will help court interpreters develop common usages and attain the speed necessary for simultaneous interpretation. It also will be used by court interpreter programs in Wisconsin and Minnesota for training Hmong interpreters and helping them prepare for the oral certification exam.

The glossary has been translated into White Hmong as the predominant dialect in America. The court recognizes that there may be other acceptable equivalent terms available from Green/Blue Hmong,

Lao, and regional dialects.

The project is the result of collaboration among the Wisconsin and Minnesota courts, the Minnesota Translation Lab, the Marathon County Bar Association, the Southeast Asian Outreach Committee, and Hmong contributors from Minnesota and Wisconsin. The interpretation was funded by a grant from the Wisconsin Department of Workforce Development Bureau of Migrant, Refugee, and Labor Services, while a grant from the State Bar of Wisconsin Local Bar Grant Competition funded the printing.

The 75-page glossary can be downloaded at [wicourts.gov/services/interpreter/resources.htm](http://wicourts.gov/services/interpreter/resources.htm). A limited number of print copies are available. For more information, contact Marcia Vandercook at (608) 266-3121 or [marcia.vandercook@wicourts.gov](mailto:marcia.vandercook@wicourts.gov).

### Translated forms posted online

Almost two years after representatives from the courts' Records Management Committee and the Committee to Improve Interpretation and Translation in the Courts formed an ad hoc "translation sub-committee" to identify 16 court forms most needed for translation, the Spanish-language forms were posted on the court system Web site.

Court documents chosen for translation include the adult and juvenile plea questionnaires, waiver of right to counsel, notice of right to seek post-conviction relief, and the domestic abuse injunction form and instructions. Members of the ad hoc group also drafted a court rule to set standards for the format and use of translated forms.

The next step is to translate key forms into Hmong. The guilty plea questionnaire will be the first translated; that is slated for later this year. ■

Twenty-five participants join the training for Hmong interpreters in the Wisconsin Dells on April 29. They are making extensive use of the new Hmong-English legal glossary.



## Supreme Court appoints three new chief judges

*Two other chiefs are reappointed*

The Wisconsin Supreme Court has selected circuit court judges from Brown, Dodge, and Waukesha counties to serve as chief judges for their respective judicial administrative districts. The three new chief judges will begin their terms on August 1 and serve for two years. They are eligible to serve a maximum of six years in this leadership role.

Wisconsin is divided into 10 districts for purposes of administering the state court system. Each district has a management team consisting of a chief judge, a deputy chief judge, and a district 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. With the exception of Milwaukee, where the chief judge is a full-time administrator, chief judges and their deputies maintain court calendars in addition to handling administrative matters.

In the Third Judicial District, which encompasses Jefferson, Ozaukee, Washington, and Waukesha counties, the Supreme Court selected Judge J. Mac Davis to succeed Chief Judge Kathryn W. Foster, who has served as the



Judge J. Mac Davis

district's chief since 2000, and who also served a special term in 1998-99. Under Foster's leadership, the Third District has launched a number of initiatives that have become models for the state. These include Wisconsin's first alcohol treatment court and a criminal justice coordinating council that brings together policymakers from all segments

of the criminal justice system for regular meetings to identify creative solutions to problems and to ensure that adequate information is gathered to support decisions.

Foster's successor, Davis, is a former state senator who has served on the bench in Waukesha County since 1990. Selected to chair the 2003 Statewide Judicial Conference, the largest annual meeting and education session offered to Wisconsin judges, Davis has taken an active role in judicial education. He is the creator of TaxCalc, a program that he updates and provides annually at no charge to judges and lawyers across the state to help them calculate maintenance and other payments related to divorce.



Judge John R. Storck

In the Sixth Judicial District, which encompasses Adams, Clark, Columbia, Dodge, Green Lake, Juneau, Marquette, Portage, Sauk, Waushara, and Wood counties, the Supreme Court selected Judge John R.

Storck to succeed Chief Judge James Evenson who has served since 1998. Evenson's service extended two years

past the normal maximum by special order of the Court to ensure stability in the district during a time when the district court administrator role was vacant. Evenson's hard work, along with the help of district court administrators from other parts of the state, allowed the courts in the 11-county district to continue functioning in spite of the long-term vacancy. While overseeing the management of the District Six courts, Evenson also maintained his own caseload in Sauk County Circuit Court

Evenson's successor, Storck, has served as the district's deputy chief judge. Storck has been a Dodge County Circuit Court judge since 1994 and has led a number of initiatives to improve access to the courts and to aid public understanding of the role of the judiciary. He helped to begin Victim Impact Panels in the county, which allow victims of crime to convey the full impact of a crime to offenders, and spearheaded an effort to install digital recording devices in court to help bridge the gap created by a statewide shortage of court reporters.

In the Eighth Judicial District, which encompasses Brown, Door, Kewaunee, Marinette, Oconto, Outagamie, and Waupaca counties, the Supreme Court selected Judge Sue E. Bischel to succeed Chief Judge Joseph M. Troy, who has served the maximum six years as the district's chief. Troy, who also served as chair of the Committee of Chief Judges – a leadership position to which his fellow chief judges elected him – is credited with improving public understanding of the courts through his teaching at the National Judicial College, The National Center for Fourth Amendment and the Rule of Law, The National Amber Alert Education Programs, and UW-Oshkosh. A recognized expert on juvenile justice issues, Troy helped launch Clean Break, a program that diverts non-violent juvenile offenders out of the criminal justice system and into alternatives designed to reduce the chances that they will re-offend.

Troy's successor, Bischel, is currently the district's deputy chief judge. She is a former prosecutor who has served on the bench in Brown County since 1992. Bischel has been very active in judicial education programs and volunteers her time to teach at workshops for new prosecutors. She also led the effort to develop a free, intensive alcohol treatment program for repeat drunk drivers who have work release privileges.

The Supreme Court also reappointed two chief judges to new terms that will run through August 2008. They are: Chief Judge Gerald P. Ptacek, Racine County Circuit Court, who serves in the Second District (headquartered in Racine), and Chief Judge Dorothy L. Bain, Marathon County Circuit Court, who serves in the Ninth District (headquartered in Wausau). ■



Judge Sue E. Bischel



## AWARDS

## Four Wisconsin judges honored

Four Wisconsin judges were singled out for honors this spring. Chief Judge Kitty K. Brennan, Milwaukee County, was selected for both the State Bar of Wisconsin 'Judge of the Year' award and the TEMPO-Milwaukee 2006 Mentor Award; Judge Edward R. Brunner was presented with the State Bar 'Lifetime Jurist Achievement Award'; Judge Mark A. Mangerson, Oneida County, was named 'Judge of the Year' by the American Board of Trial Advocates' (ABOTA) Wisconsin chapter; and Judge Richard J. Sankovitz was hailed by a bipartisan group called Common Good, which gave him its 'Gatekeeper Award'.

### Brennan: Judge of the Year

Chief Judge Kitty K. Brennan, Milwaukee County Circuit Court, was honored with two awards and a magazine cover story this spring following her high-profile campaign to secure adequate funding for the Milwaukee County courts.

Brennan appeared on the cover of the spring 2006 edition of *Today's Wisconsin Woman of Greater Milwaukee*, and the feature story inside shared her experience managing the largest court in the state. The story also focused on her background, recounting that she grew up in a family of eight with an even larger extended family. Among her uncles are Terry Brennan, former head football coach at Notre Dame, and Jim Brennan, former U.S. Attorney. She is the daughter of a lawyer, Joseph K. Brennan, and was the first woman in the family to become a lawyer.

Just before the magazine hit the newsstands, Brennan received word that she had been selected to receive a TEMPO-Milwaukee award for mentoring fellow judges, attorneys, and court staff. The honor, according to TEMPO (an organization of professional women) was also meant to recognize Brennan's "successful leadership of the court system through a very difficult budget process and her unwavering commitment to public service and the community."

The first woman to lead the Milwaukee courts, Brennan has committed herself to public speaking on the topic of court funding (recent speeches have been given at TEMPO, Professional Dimensions, the South Side Businessmen's Club, the Junior ROTC Military Ball, and Rotary). In most speeches, Brennan encourages participation in the Business of the Courts program, an initiative organized by Deputy District Court Administrator Beth Bishop Perrigo. The

program offers a tour of the courts, "a cheap lunch," and discussion, Brennan explained, with the goal of improving public understanding of, and support for, a strong and independent judiciary.

Brennan's high profile also helped lead to her selection as the 2005 State Bar 'Judge of the Year', an award she received during the spring State Bar Conference in Madison. The Judge of the Year Award recognizes a jurist who has improved the judicial system during the past year by his or her leadership in advancing the quality of justice, judicial education, or innovative programs.

"This award recognizes Judge Brennan's exceptional efforts in preserving the integrity of the judiciary," said Court Commissioner Daniel M. Floeter, chair of the Bench Bar Committee. "She has exhibited leadership, courage, and conviction to achieve change and promote the quality of justice in the Milwaukee court system and raise the public's awareness

about the critical role our court system plays in society."

Prior to her election to the bench in 1994, Brennan was a partner in the Murphy & Brennan Law Firm in South Milwaukee for 10 years and served as a Milwaukee County assistant district attorney from 1977-84. She has been an active member of the State Bar, the Milwaukee Bar Association, and the Association for Women Lawyers.

Past recipients of this award include circuit court Judges Thomas H. Barland, Eau Claire County; Dennis J. Barry, Racine County; Harold V. Froehlich, Outagamie County; Mark A. Gempeler, Waukesha County; John J. Perlich, La Crosse County; Michael P. Sullivan, Milwaukee County; Gary L. Carlson, Taylor County; Maxine A. White, Milwaukee County; and Patrick L. Snyder, Waukesha County.

### Brunner honored for 'Lifetime Achievement'

Judge Edward R. Brunner, a highly regarded leader who is known for his innovations to improve access to, and satisfaction with, the court system, was presented with the State Bar of Wisconsin's 2005 Lifetime Jurist Achievement Award at a ceremony on May 3. The award is reserved for judges who have served for significant periods on the bench



Chief Judge Kitty K. Brennan (center), shares her 2006 TEMPO Award with her father, daughter, husband, and mother.



**AWARDS** *continued from page 4*

and who have made a profound difference through their service.

“This award recognizes Judge Brunner’s innovative and progressive leadership abilities both in the community and the bench and bar,” said Court Commissioner Daniel M. Floeter, who serves as chair of committee that selected Brunner for the award. “He exhibits a passion for the improvement of justice-related services and exemplifies the qualities of a great judge.”

Brunner was first elected to the bench in Barron County in 1988 and was re-elected in 1994, 2000, and 2006. In 2001, he was appointed as chief judge for District 10 and his fellow chief judges elected him in 2004 to serve as chair of the Committee of Chief Judges, a position informally known as ‘Chief of the Chiefs’.

Brunner’s position as chief judge gave him an opportunity to pursue a number of the innovations that this award recognizes, including an initiative to improve service to *pro se* litigants, protocols for settling jurisdictional disputes between the state and tribal courts, and a restorative



*Judge Edward R. Brunner accepts the State Bar Lifetime Jurist Achievement Award presented by Milwaukee County Circuit Court Judge Maxine A. White.*

justice program that has sparked a number of projects such as victim-offender conferencing.

Past recipients include circuit court Judges Edwin C. Dahlberg, Rock County; Mark J. Farnum, Rock County; Robert A. Haase, Winnebago County; P. Charles Jones, Dane County; Lee E. Wells, Milwaukee County; Peter G. Pappas, La Crosse County; Patrick T. Sheedy, Milwaukee County; Patrick L. Snyder, Waukesha County; and Supreme Court Justice Myron L. Gordon.

**ABOTA honors Mangerson**

The Wisconsin chapter of the American Board of Trial Advocates (ABOTA), a group of experienced trial advocates, selected Oneida County Circuit Court Judge Mark A. Mangerson as its 2006 ‘Judge of the Year’. Mangerson was presented with the award at a dinner at the Maple Bluff County Club in Madison on May 3.

ABOTA honors judges who demonstrate fairness,

diligence, scholarship, and a willingness to treat litigants and their lawyers with respect.

First elected in 1988, Mangerson was re-elected to the bench in 1994, 2000, and 2006. He is a member of the Criminal Jury Instructions Committee, a former deputy chief judge, and a member of the Wisconsin Judicial College faculty.



*Judge Mark A. Mangerson*

Past ABOTA honorees include Judges Robert W. Landry, Milwaukee County; Robert G. Mawdsley, Waukesha County; Gordon G. Myse, Court of Appeals, District III; Thomas H. Barland, Eau Claire County; Michael P. Sullivan, Milwaukee County; and Joseph M. Troy, Outagamie County.

**Sankovitz receives recognition**

Judge Richard J. Sankovitz, Milwaukee County Circuit Court, received two honors this spring. The first, the State Bar’s President’s Award, was presented in recognition of the work of the Access to Justice Study Committee, which Sankovitz chairs. The committee is identifying barriers to access for civil litigants and will recommend solutions. Judge Ramona A. Gonzalez, La Crosse County Circuit Court, is the other judge-member of that committee.

Sankovitz also was recognized with a ‘Gatekeeper Award’ by an organization called Common Good after he ruled against a father and son who sued the superintendent of public instruction and local school officials in Greenfield over three summer homework assignments for an honors math class.

Common Good is chaired by Philip K. Howard, author of *The Death of Common Sense*. The organization’s steering committee is bipartisan and its stated mission is to call upon judges “to draw the line on who can sue for what” to ensure a reliable rule of law. ■



*Judge Richard J. Sankovitz, far right, joins other members of the State Bar Access to Justice Study Committee to receive the State Bar’s President’s Award from President Michael Guerin. Sankovitz chairs the committee.*

**ELECTION 2006****Voters choose two new judges**

Wisconsin voters chose new judges in Milwaukee and Oshkosh and backed all three incumbents who faced challenges in April. Forty-three incumbent judges were re-elected without opposition.

**Albert wins easily in Dane County**

Judge John C. Albert, appointed to Branch 3 of the Dane County Circuit Court in 1999 and elected in 2000, easily won re-election to the post with about three-quarters of the vote. His challenger was Atty. Koua C. Vang of the Vang Freedom Firm in Madison.

**Carroll wins Milwaukee County race**

The election for the Branch 39 seat in Milwaukee County Circuit Court – vacated by the retirement of Judge Michael J. Malmstadt in late 2005 – set Assistant District Atty. Jane V. Carroll against sole practitioner J.D. Watts. Carroll, the more highly rated of the two candidates in a Milwaukee Bar Association poll, won the race with about 54 percent of the vote.

The race – in which Watts garnered the endorsement of the *Milwaukee Journal Sentinel* – focused largely on the candidates' experience. Watts maintained that his multi-faceted career made him better suited for the bench. Watts was a prosecutor for three years and served as vice president of the George Watts & Son China Shop, a famed Milwaukee landmark.

Carroll has been an assistant district attorney in Milwaukee County for 18 years and, for the last decade, has worked on sexual assault and child abuse cases. She litigated the admissibility of DNA evidence when that science was in its infancy, and was one of the first prosecutors in the state to litigate cases under Chapter 980, the sexual predator law.

A 1987 graduate of the UW Law School, Carroll has received numerous awards in recognition of her service. In 2005, the State Bar of Wisconsin named her prosecutor of the year; in 2001, she received the June Dobbs award from Children's Hospital of Wisconsin for outstanding contributions to the welfare of children; and in 1993, the Wisconsin Narcotics Officers' Association honored her for training officers statewide.

Carroll lives in Wauwatosa with her husband, Kevin, an Episcopal priest. Her two children, ages 6 and 8, attend a Wauwatosa public school.

**Welker is victorious in Rock County**

Judge James E. Welker emerged victorious after what the press called a "combative" campaign that pitted the longtime judge against a deputy district attorney.

Welker garnered about 55 percent of the vote, beating Perry L. Folts by 10,611 to 8,690 votes.

In a post-election interview, *The Janesville Gazette* quoted Welker – who has served on the bench in Rock County since 1988 – as charging that the Rock County District Attorney's Office found a candidate to run against him because he did not go along with enough plea

agreements. Folts, however, maintained that he ran to express his concern about Welker's courtroom demeanor, and specifically his treatment of women in court.

Welker took issue with these criticisms, crediting the volunteer work of a group of women attorneys for his election success.

**Gritton wins handily in Oshkosh**

Judge Thomas J. Gritton, who was first elected to Winnebago County Circuit Court in 2000, comfortably won re-election by defeating challenger Caroline A. Carver, who served in the U.S. Navy Judge Advocate General Corps and has practiced law in Oshkosh for 13 years. Gritton took about 63 percent of the vote, or 14,650 votes to Carver's 8,660.

In a campaign that the press labeled "contentious," Carver sought to paint Gritton as less than trustworthy because he worked as a deputy district attorney under former District Attorney Joe Paulus, who now is serving time in federal prison for taking bribes. Gritton, on the other hand, underscored his courtroom experience.

**Seifert is voters' choice to succeed Hawley**

Court Commissioner Karen L. Seifert won the race to succeed the retiring Judge Robert A. Hawley in Winnebago County Circuit Court, beating District Atty. William Lennon by 16,281 votes to 7,585, or about 68 percent of the vote.

On election night, Lennon – who succeeded prosecutor-turned-convict Joe Paulus – acknowledged that he'd been unable to shake the Paulus stigma. "We just weren't able to change the perception that Bill Lennon had done a poor job as district attorney," Lennon told *The Northwestern*.

The newspaper had remarked on Lennon's unenviable position when it endorsed Seifert. "Voters will find a very capable, articulate, compassionate and astute judge in Seifert," the editorial board wrote. "The fact that she has quietly and competently built that reputation in a highly politicized courthouse speaks well of her ability to make life-changing rulings without being swayed by outside influences. Her ability to stay out of the political maelstrom in the courthouse is refreshing and shows a professional approach to the practice of law.

Seifert, a 1987 graduate of the University of Iowa Law School, will be only the second female judge in the Sixth



Judge-Elect  
Jane V. Carroll



Judge-Elect  
Karen L. Seifert

## NEW FACES

**Kosobucki is new BBE director**

John E. Kosobucki, a retired U.S. Army colonel, has been selected as director of the Board of Bar Examiners (BBE). Kosobucki began work on April 24, replacing Gene Rankin, who retired effective January 1.

Although Kosobucki said that he would take some time to listen and learn, he indicated that he hopes to work on the BBE's customer relations and on improving automation.

"The strengths I bring to the position are my over 30 years of progressively responsible managerial positions in the Army," he said. "Also, I have worked with and supervised diverse staff groups, which helps me in my relationships with others."

Known as the Board of Attorneys Professional



John E. Kosobucki

Competence prior to 1991, the BBE writes and grades the Wisconsin Bar Examination and personally evaluates attorneys seeking to practice law in Wisconsin. The board also oversees compliance with continuing legal education requirements, suspending the licenses of attorneys who fail to comply.

The board is comprised of 11 members – five lawyers, three judges or law school faculty, and three non-lawyer members of the public – who are appointed by the Supreme Court to serve three-year terms.

Kosobucki's military career began in the ROTC at Marquette University. Upon graduation in 1971, he was commissioned as a distinguished military graduate in the Adjutant General's Corps. His most recent assignment was as deputy commander for readiness with the 88th Regional Readiness Command at Fort Snelling, Minn.

Kosobucki has been honored with numerous military awards, including the Legion of Merit, the Army

Meritorious Service Medal with six Oak Leaf Clusters, the Army Commendation Medal with Oak Leaf Cluster, the Army Achievement Medal, the Army Reserve Components Achievement Medal with two Oak Leaf Clusters, the National Defense Service Medal with two Star Devices, the Global War on Terrorism Service Medal, the Humanitarian Service Medal, and the Armed Forces Reserve Medal with Gold Hourglass Device.

In addition to his military education, Kosobucki earned a bachelor's and law degree, as well as a certificate in labor/management relations, from Marquette University. He also holds a master's degree in management from Webster University in St. Louis.

Kosobucki and his wife, Noelle, are residents of the City of Tomah.

**Le Grand is new La Crosse judge**

Gov. Jim Doyle appointed Court Commissioner Roger Le Grand to succeed Judge Dennis G. Montabon (*see retirement story, page 8*) in La Crosse County Circuit Court. Le Grand took office on March 1 and is expected to run for election in April 2007.

Doyle chose Le Grand from a field of three finalists for the appointment. The others were Atty. Elliot Levine, director of the regional Office of the State Public Defender, and Assistant Family Court Commissioner Gloria Doyle.

The county's family court commissioner since 1992, Le Grand is also a former La Crosse County district attorney and has served on both the La Crosse City Council and School Board.

Le Grand's work on improving the justice system has been honored with a number of awards. He received the Domestic Abuse Task Force Award, the State Bar of Wisconsin Education Attorney of the Year Award, and the Hmong Mutual Assistance Association Certificate of Recognition.

*see New Faces on page 28*

**ELECTION** *continued from page 6*

Judicial District. The other, Judge Barbara Hart Key, has served in Winnebago County's Branch 3 since 1998.

**The rest of the story...**

As always, the vast majority of circuit court judges who stood for election were unopposed. Newly re-elected are: Supreme Court Justice N. Patrick Crooks; Court of Appeals Judges Ralph Adam Fine, District I, Richard S. Brown, District II, and Margaret J. Vergeront, District IV; and circuit court Judges Robert E. Eaton, Ashland County; Edward R. Brunner, Barron County; Mark A. Warpinski, Brown County; James J. Duvall, Buffalo/Pepin Counties; Jon M. Counsell, Clark County; Patrick J. Fiedler and David T. Flanagan, Dane County; Peter C. Diltz and D. Todd Ehlers, Door County; William M. Gabler, Paul J. Lenz, Benjamin D. Proctor, and Lisa K. Stark, Eau Claire County; S. Michael

Wilk, Kenosha County; Kitty K. Brennan, Thomas R. Cooper, Mel Flanagan, Bonnie L. Gordon, Elsa C. Lamelas, Dennis P. Moroney, Marshall B. Murray, William Sosnay, and Jeffrey A. Wagner, Milwaukee County; Mark A. Mangerson, Oneida County; Dee R. Dyer, Harold V. Froehlich, and John A. Des Jardins, Outagamie County; Thomas T. Flugaur, Portage County; Richard J. Kreul, Racine County; Scott R. Needham, St. Croix County; Patrick J. Taggart, Sauk County; Guy D. Reynolds, Sauk County; James J. Bolgert, Sheboygan County; Robert J. Kennedy, Walworth County; David C. Resheske, Washington County; Andrew T. Gonring, Washington County; Robert G. Mawdsley, Waukesha County; Kathryn W. Foster, Waukesha County; Raymond S. Huber, Waupaca County. ■



## RETIREMENTS

### Wilcox will retire in 2007

Justice Jon P. Wilcox, who has spent a lifetime in public service, speaks simply about his legacy: "I'd like to be known as a principled member of the Court who tried to be true to the law," he said.

Wilcox announced on March 28 that he would not seek another term on the Wisconsin Supreme Court. He will step down effective July 31, 2007. The election to fill the seat will be held in April 2007.

Chief Justice Shirley S. Abrahamson said Wilcox would be missed. "His opinions, his achievements in the Legislature, and his hard work in leadership roles on both the Wisconsin Sentencing Commission and the Committee of Chief Judges will have a lasting effect on our legal system," she said. "I know the entire Court joins me in wishing Jon and his wife, Jane, much good health and happiness in their retirement."

Wilcox's decision to retire prompted announcements from two candidates – Madison Atty. Linda Clifford, who had previously announced that she intended to run for the seat, and Washington County Circuit Court Judge Annette K. Ziegler. Court observers anticipate that additional candidates may announce over the summer.

Wilcox's judicial career began by accident in 1979. He was practicing law at Wilcox, Rudolph, Kubasta & Rathjen in Wautoma when a friend and fellow attorney named James Poole decided to run for the Waushara County judgeship. Poole traveled to Madison on Jan. 2, 1979, to file his papers in the uncontested race and stopped at a local supper club afterward. While at the supper club, he died of a massive heart attack.

"He left five children," Wilcox recalled. "It was a tragic situation, but the county needed a judge, and my law partners asked me to run." Wilcox became a write-in

candidate, along with three other candidates. His campaign literature consisted of "No Trespassing" signs that he purchased at a local printer and modified to say "Wilcox for Judge."

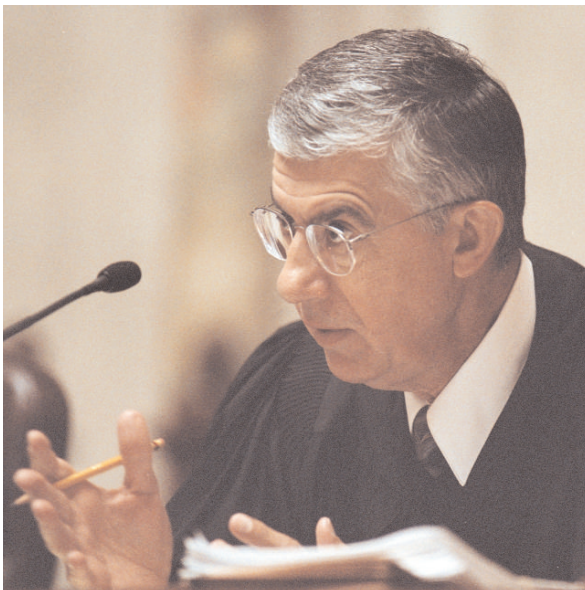
The campaign was successful and Wilcox spent 13 years on the bench in Waushara County. He became a justice on Sept. 1, 1992, when Gov. Tommy G. Thompson appointed him to replace Justice William G. Callow, and was elected to a full, 10-year term in 1997. He began his career in public service as a member of the state Assembly, where he served for six years. He is a veteran of the U.S. Army.

During his 28-year judicial career, Wilcox has served in a number of leadership positions. He was chief judge of the Sixth Judicial Administrative District, chair of the Committee of Chief Judges, and a member of the Judicial College faculty for 11 years. For eight years, he served as vice-chair and then as chair of the Wisconsin Sentencing Commission.

"It has been a wonderful, satisfying experience," Wilcox said. "I had the opportunity to travel the state to meet the public and hear their input. I'm most grateful for their wisdom and support of the judicial system."

In interviews conducted following his announcement, Wilcox expressed concern about the effect of campaigns on the judicial system. "I think money has changed the scene," he said. "Not necessarily the amount, but how it is raised." In spite of the pressures of campaigns, Wilcox sees a third branch that is strong, independent, and fair. "I have great respect for my colleagues here and on the trial court," he said. "We are called upon every day to make difficult decisions, and I think each of us does this in a principled and fair manner."

In retirement, Wilcox plans to work on his tree farm, do some trout fishing, travel, teach, and spend time with his family.



*Justice Jon P. Wilcox during oral argument.*

### Montabon ends 27-year judicial career

Judge Dennis G. Montabon, who was first appointed to the La Crosse County Circuit Court in 1978, retired effective January 7 – just in time to celebrate the closure of the county's Huber Center.

"That made a lot of sense," he said. "But it took a while to get everyone on board; you've got to build a consensus."

Closing the Huber facility and moving offenders into the Justice Sanctions Program (which keeps offenders in the community, provides appropriate treatment, and makes use of electronic monitoring and GPS technology to track them) is just the latest step in La Crosse County's determined march toward common sense solutions to criminal justice problems. Solving problems is one of the things that attracted Montabon to judging, and he takes pride in his legacy as a judge who never was satisfied with business as usual.

"I like to look at these things and figure out if what we're doing makes sense," he said. "And one day, I said to myself, 'Why are we doing this [sending inmates to

see **Retirements** on page 9

**RETIREMENTS** *continued from page 8*

Huber]?” Montabon recalled. “If you’re putting them in Huber, you’ve determined that they’re not dangerous. So, why do it? It’s easy with modern technology to monitor them, and the few who don’t want to be monitored or get treatment go to jail without Huber.”

Montabon also helped to start mediated child protection conferencing. The program diverts most CHIPS cases into mediation, where the parties discuss ways to address their issues and enter into an agreement with various conditions that is submitted to the court for approval.

“The public is firmly behind these changes,” Montabon said. “We had the UW-La Crosse do surveys and focus groups, and it’s clear that the public supports alternative sanctions for non-violent offenders. But many counties are still building jails and it’s like the Field of Dreams: if you build it, they will come fill it.”

Montabon added that some offenders do need to be removed from society, and that his nearly three decades on the bench bore witness to a sharp decline in defendants’ willingness to take responsibility for their actions and a perhaps not unrelated increase in drug crimes. To address this, La Crosse has developed a drug treatment court that is a model for the state. The next step – an alcohol treatment court – is in the works.

Montabon said there are two keys to beginning successful programs: establishing a council of decision-makers – in La Crosse, the group is called the Criminal Justice Management Council (*see* The Third Branch,

*summer 2005 for a list of steps and a discussion of these councils*) – and adopting a “just do it” mentality.

“If there’s no prohibition, then you have the authority and you can’t wait until you have money because it won’t happen,” he said. “Try something – if it works, the money will come. It is not necessary to have a grant first.”

Montabon’s can-do attitude has put him in an awkward spot in retirement: “Everybody’s calling me to do things,” he said. “They think you have lots of time when you’re retired, but I’m pretty busy.”

Besides painting a new fence (a nine-gallon job) and offloading the fish in his fish pond (they are now residents of Judge Ramona Gonzalez’s pond), Montabon has been traveling with his wife, Julie (a former travel agent who retired from the business the day before the 9/11 attacks), and spending more time with his grown children, who include Frank, an assistant professor of operations management at Iowa State University; Tony, a mechanical engineer in San Antonio; and Sara, a senior systems analyst in San Francisco. He also is finding more time for his young grandchildren, who live in Iowa. “I’m going to see the Care Bears next week,” he said, “and I’ve seen Sesame Street Live twice. I’m having a lot of fun.” ■



Judge  
Dennis G. Montabon

**Chief justice launches 72-county tour**

Chief Justice Shirley S. Abrahamson has launched a tour that will take her to every county courthouse in Wisconsin by the end of 2008. While this is not the first time the chief justice has visited every county, this is the first formal tour she has undertaken.

The tour is designed to provide local judges, clerks of circuit court, registers in probate, court staff, county board supervisors, sheriffs, lawyers, and others who work in the justice system an opportunity to share their ideas and concerns.

“I have always found that travel affords great opportunity for listening and learning” Abrahamson said. “Whether I am visiting spots around the state, the nation, or the world, I always return home with new ideas, new perspectives, and creative programs to share and replicate. Our county courthouses are incubators for an amazing array of programs that are improving how we serve the public,

and I am delighted to learn about those programs and to take part in sharing them.”

The Chief’s tour was timed to coincide with the February release of “Critical Issues: Planning Priorities for the Wisconsin Court System,” a report of the Supreme Court’s Planning and Policy Advisory Committee. The report identifies the most pressing issues that will face the court system in the next two years. They are:



Chief Justice  
Shirley S. Abrahamson

- Assistance to self-represented litigants
- Courthouse security
- Treatment and prevention of alcohol and drug dependency
- Alternatives to incarceration

Counties visited to date are: Jefferson, Sauk, Dodge, Columbia, Walworth, Portage, Waupaca, Marquette, Shawano, Waushara, and La Crosse. Sheboygan is slated for May. ■

## LEADERSHIP

**Brown County tackles repeat drunk driving**

In January 2003, Brown County began offering a treatment option for jail inmates who had three or more drunk driving convictions. Staff from a local treatment facility, the Jackie Nitschke Center (named in honor of the now-deceased wife of Green Bay Packer Ray Nitschke) visited the secure section of the jail and provided treatment to inmates who wished to participate.

"The results were dismal," Deputy Chief Judge Sue E. Bischel recalled.

The program did not work for two reasons. First, very few of the inmates who volunteered were both sufficiently motivated and incarcerated long enough to complete it. Second, the majority of repeat drunk drivers in Brown County have stable jobs and are frequently granted Huber privileges to go to work. Incarcerated miles from where the treatment was offered, they were not given the option to participate.

The judges were frustrated. Though they regularly ordered these offenders to obtain alcohol assessments and attend treatment, they continued to see the same faces back in court – untreated and re-offending.

"Despite increasingly lengthy jail sentences and escalating fines, they continued to re-offend and it seemed that punishment alone was not accomplishing the objective of deterrence and preventing recidivism," Bischel said. "Nor did the jail time and fines seem to accomplish the objective of motivating the defendant to obtain treatment."

Having helped to begin the first program – the one she labeled "dismal" – Bischel decided to revisit the process for delivery of treatment to determine how to plug the holes. She and Judge Mark A. Warpinski, both members of the Board of Directors of the Nitschke Center, worked with Nitschke staff and jail staff to revamp the program. The new version, unveiled in early 2004, offered a free, six-week intensive outpatient program at the Huber Center. The treatment also was made available to inmates whom the sheriff had elected to place on electronic monitoring. A 16-week aftercare program – for which each offender pays \$25 per week – was added along with mandatory weekly Alcoholics Anonymous meetings, which also are held at the Huber facility.

"The results for 2004 and 2005 are impressive," Bischel reported.

In those two years, 179 people with a total of 661 drunk driving convictions – about 3.7 per person – began the intensive out-patient treatment. A full 25 percent of them had never been in treatment despite having been court ordered to

do so after each conviction. On average, 70 percent of the attendees complete the six-week intensive program and 50 percent complete both the initial and aftercare programs.

Statistics on recidivism, currently available only for 2004, paint a similarly bright picture: of the 48 offenders who participated in the program in 2004, 22 completed the full (intensive out-patient plus aftercare) program. Of those 22, none has, to date, had another arrest for drunk driving (one was arrested for operating after revocation). Thirteen completed the intensive program but not aftercare; of those, one has had another drunk driving arrest, one has had a disorderly conduct arrest, and one has been charged with criminal non-support. Finally, 13 failed to complete the program. Of those, two have had subsequent drunk driving arrests, four have had disorderly conduct arrests, and four

face contempt of court charges.

"We expect to continue to see that persons who complete the entire program have a greatly reduced incidence of re-offending, especially as drunk drivers," Bischel said. "If all 48 had gone untreated, my experience tells me there would be many more drunk driving arrests in that population."



Judge Mark A. Warpinski



Judge Sue E. Bischel

Bischel emphasized that other treatment programs are available and successful, as well. The judges do not mandate participation in the Nitschke program; inmates can enroll in the program of their choice. The judges also have not adopted a formal policy that requires all third-or-more drunk drivers to participate in treatment as a condition of Huber, although this has become the practice, and this practice is driving up the number of offenders in the treatment program – as is word of mouth, Bischel said.

"Inmates are hearing favorable reports from other inmates who have attended, and some are volunteering to participate even if not court-ordered," she said. "They recognize that the program is free while they are on Huber."

Bischel said an average of 25 Huber inmates were participating in the Nitschke out-patient program during the months of January, February, and March 2006. Organizing a program of this magnitude takes planning, recordkeeping, and appropriate staffing, Bischel said. In short, it takes a strong commitment from not only the judges, the treatment providers, and the inmates, but also from the sheriff. "This could not be accomplished without the superb cooperation of the former and current Brown County Sheriff's Department lieutenants who work in the Huber section," Bischel said. "In particular Lt. Jack Jadin and Lt. Larry Malcomson have provided invaluable service." ■



## Racine County Drug and Alcohol Treatment Court begins hearing cases

The new Racine County Drug and Alcohol Treatment Court – one of just a handful of treatment courts in Wisconsin – held its first court hearings on February 2.

“After more than a year of planning and training, the Drug Court team achieved its goal of establishing a pilot project serving between five and ten individuals,” Chief Judge Gerald P. Ptacek said. “The members of the team should be very proud of their accomplishment, which is a model for successful court-community collaboration.”

Ptacek added that the new treatment court was created with no formal funding other than \$5,000 earmarked by Racine County for drug treatment. “We can now go forward to build on this base and apply for funding in order to expand the Drug Court to reach our goal of handling up to 50 cases per year,” Ptacek said.

The Drug Court team currently evaluates fourth offense drunk drivers who are screened based upon Drug Court criteria. After an alcohol, drug, and mental health assessment has been conducted, the team evaluates each individual to determine if s/he is suitable for the Drug Court program. Once accepted, the individual enters a plea to the charge and is sentenced. The sentence makes use of probation with conditions to include jail time and treatment designed to meet the needs of the offender. Once sentenced, the individual has frequent contact with the Drug Court by appearing every two weeks before the judge. Prior to each court appearance, the Drug Court team meets to discuss and evaluate each individual’s progress. Those who are succeeding receive praise, encouragement and earn incentives, while those who are not may be ordered to attend additional self-help group meetings, perform community service work, serve additional jail time, or even be removed from the program and returned to the traditional criminal justice system. Individuals graduate from the program upon successful completion of all phases of the program, which can take from 13 months to two years.

“Combining the court process with treatment is a new concept in Racine and holds great promise for the community,” noted Mary Jane Whitmore, a member of the team and a certified drug and alcohol treatment provider.

The Racine County Drug Court team received a federal grant to participate in a year-long national Drug Court training program that included visits to several drug courts in other states. At the conclusion of the training, the team had designed the Racine County Drug and Alcohol Treatment Court and had written a policy and procedure manual for the program.

“Completion of the training program will also be an essential credential supporting future funding applications,” Ptacek noted.

In addition to Whitmore and Ptacek, members of the Drug Court Team include: Diane Zitzner, First Assistant State Public Defender; Louis Maxey, Assistant District Attorney; Kerry Connelly, District Court Administrator; Mark Cacciotti, State Probation and Parole Agent; Francie Winkler, Executive Director of FOCUS; Cheryl Zimmerman, Zimmerman Consulting, Inc.; Clement Knight, Racine County Human Services Department; and Therese Fellner, Ph. D., Director of Community Research Development Institute, UW-Parkside.

With the assistance of Therese Fellner, the team has developed a method to evaluate the Drug Court program. “Having data showing results is essential for continued community and financial support,” she said.

Nationwide, figures show that drug courts have a positive effect on the communities they serve by reducing recidivism, improving the lives of participants and saving money and resources. “I expect our experience will be very positive,” Ptacek said. “I am confident the Racine County Drug and Alcohol Treatment Court has a bright future and will have a positive, lasting impact on drug and alcohol abuse in our community.”

Other Wisconsin drug and alcohol courts are located in Ashland, Dane, La Crosse, Monroe, Pierce, Sawyer, Trempealeau, and Waukesha counties. Several additional counties, including Barron, Eau Claire, Winnebago, and Wood have developed pilot programs to test the concept with a small number of offenders, while Burnett County is in the planning stages of developing a drug court. ■



Chief Judge  
Gerald P. Ptacek

## Eau Claire Drug Court working well on a shoestring

by Judge Lisa K. Stark

The Eau Claire County Drug Court accepted its first participants in October 2004 after a year of planning. The court currently has 15 participants and plans to increase that number to 20 by the end of 2006. The drug court’s mission is to “increase community safety and restore sober, productive, and law-abiding citizens to the community by breaking the cycle of drug and alcohol addiction through effective, long-term treatment with intensive court supervision.”

There are drug- and alcohol-treatment courts operating in a number of Wisconsin counties. They often seek funding through federal grants for planning and implementation. While such funding certainly helps to facilitate the initiation and short-term maintenance of such courts, it disappears after three years, leaving the county to bear the full cost of

the court. In difficult budget times, this often leaves the court with limited or no funding. For this reason, Eau Claire County has been cautious in seeking grant funding for implementation, and has established its court without that assistance. The purpose of this article is to provide information on how Eau Claire County began its court with little or no funding and to encourage counties to consider establishing drug courts regardless of whether grants funding is available.

Eau Claire County was the fortunate recipient of a federal planning and training grant through the Bureau of Justice Assistance in collaboration with the National Drug Court Institute. The training provided through this grant was invaluable; however, establishing a drug court without grant

see **Drug Court** on page 22

## WISCONSIN CONNECTS

### Brown will present at ABA conference

Court of Appeals Judge Richard S. Brown, District II, has been invited to speak at the first-ever Conference on the Employment of Lawyers with Disabilities to be held in Washington, D.C., in May.

Conference co-sponsors are the federal Equal Employment Opportunity Commission (EEOC) and the American Bar Association (ABA). The organizers asked Brown to address why hiring lawyers with disabilities makes good business sense.

While statistics on lawyers and judges with disabilities nationwide have not been reliably gathered, Brown said he knows of two blind judges and that he currently is the nation's only deaf judge.

"There used to be a deaf trial judge in Delaware (late deafened and using real time just like me) and a late deafened misdemeanor judge in Chicago," he said. "But the first is now retired and the other went back to prosecution work. No culturally deaf judges, ever, that I am aware."

Conference sponsors anticipate that the program will bring together leaders from law schools, private firms of all sizes, government agencies, and the judiciary to explore how all "may better enjoy the benefit that comes from aggressively recruiting, hiring, and promoting qualified individuals with disabilities who possess the kind of talent that anyone would want, not because the person has a disability, but more accurately because these individuals – like those without disabilities – have much to offer."

### Butler presides in national moot court

Justice Louis B. Butler Jr. was one of three jurists selected as the "final bench" for the 2006 Moot Court Honors Program at Southwestern Law School in Los Angeles. Butler joined Justice Rives Kistler of the Oregon Supreme Court and Justice Steven Levinson of the Hawaii Supreme Court in judging the oral advocacy of first-year law students in the final round of competition.

### Storck finds captive audience for his speech

On March 24, Deputy Chief Judge John R. Storck, Dodge County Circuit Court, spoke to a group of 52 inmates and 27 staff at Dodge Correctional Institution in Waupun and conducted a sentencing exercise designed to improve understanding of considerations in sentencing.

Storck's presentation, "You Be the Judge," began with an explanation of court system structure and function and a discussion of sentencing options. Then, an inmate-judge was elected and a mock sentencing hearing conducted for two co-defendants charged

with being party to the crime for the same crime.

"Their criminal record, life history, degree of participation in the crime, treatment needs, etc. were substantially different," Storck reported. "The inmate-judge, of course, sentenced the two to substantially different sentences. The purpose of the exercise was to demonstrate how a judge utilizes discretion in weighing a variety of factors to determine the sentence and how two individuals committing the same offense can therefore have substantially different sentences."

Storck provided handouts and answered questions. He said the inmates were very interested in procedures for determining eligibility for Earned Release and Challenge Incarceration; the process for sentence adjustment; modification of earned release; and revocation of earned release.

"I was impressed by the enthusiastic participation from the inmates with the role play and discussion," he said. "This was time well-spent."

### Troy presents on working with media during Amber Alerts

Chief Judge Joseph M. Troy, Outagamie County Circuit Court, was selected as a presenter at a Washington, D.C., conference on strategies for working with the media during Amber Alerts.

The Amber Alert Initiative is a project of the U.S. Department of Justice (DOJ). Named for Amber Hagerman, a girl who was abducted and murdered in 1996, the program began 10 years ago and now is active in all 50 states. Law enforcement disseminates information about a missing child and a possible abductor as soon as possible when a child goes missing, and much of the work must be conducted with the assistance of the media.

Troy, a regular presenter at Wisconsin seminars that focus on media relations, discussed recent developments in the law related to release of information. The conference, held in late February, was sponsored by the DOJ National Center for Missing and Exploited Children seminar for law enforcement.

### Voelker speaks at WCA conference

Director of State Courts A. John Voelker participated in a panel discussion entitled, "How should we fund our court system in Wisconsin?" at the Wisconsin Counties Association (WCA) annual conference, joining Milwaukee County Board Supervisor Richard D. Nyklewicz and State Bar Board of Governors Chair Kent Carnell (a Madison lawyer) for a discussion of the pros and cons of various methods of funding the operation of the circuit courts. WCA Executive Director Mark O'Connell moderated.

In response to questions about whether the state should fully fund the court system, which currently is supported with a mix of state and county dollars, Voelker told the group about the work of the Planning and Policy Advisory



Deputy Chief Judge John R. Storck discusses considerations in sentencing during a recent speech at Dodge Correctional Institution.

**WISCONSIN CONNECTS** *continued from page 12*

Committee (PPAC) Subcommittee on Court Financing, which issued a report in February 2004 that made clear that there are benefits and drawbacks to any funding scheme, and laid out the steps that must precede any effort to move the courts' off the counties' books.

**White featured in airline magazine**

Judge Maxine A. White, Milwaukee County Circuit Court, was one of six American women featured in the business section of the February 2006 edition of the in-flight magazine *GO*, which is published on behalf of AirTran Airways by Ink Publishing in New York.

The stories about White and the others were excerpted from the 2005 book by Joanne Gordon titled, "Be Happy at Work: 100 Women Who Love Their Work and Why." The *GO* article and photo display describes them as "Six successful women [who] reveal the key to lasting happiness at work. (Clue: It's not about power, money or fame...)" White is highlighted as one who has found success in serving the public. ■

*The article is available at*  
<http://airtranmagazine.com/contents/2006/02/love-your-work>.



*Director of State Courts A. John Voelker, second from left, explains why quantifying court costs on the county level can be a difficult task. Joining him in the panel discussion at the Wisconsin Counties Association annual conference were, from left, State Bar Board of Governors Chair Kent Carnell and Milwaukee County Board Supervisor Richard D. Nyklewicz. WCA Executive Director Mark O'Connell moderated.*

**Milwaukee County expands Repeat Intoxicated Driver Intervention Program**

Milwaukee County will be expanding its Repeat Intoxicated Driver Intervention Program thanks to a \$10,000 grant from Miller Brewing Company. The program provides intensive monitoring and treatment referral services for persons charged with their second or subsequent offense for operating while intoxicated.

"We sincerely appreciate Miller's generosity to a program that has been successful but was in jeopardy because of recent cutbacks at the state level," said Milwaukee County Chief Judge Kitty K. Brennan.

The grant will help to expand the use of Secure Continuous Remote Alcohol Monitoring (SCRAM) units, which have already been successfully piloted in Milwaukee County. The units, which attach to a defendant's ankle, provide program case managers with a mechanism to monitor a high-risk defendant's alcohol use around the clock. This technology is considered a significant improvement over random Breathalyzer testing, which provides a snapshot of a defendant's

alcohol use.

"A significant portion of drunk driving is caused by repeat offenders, which is why we've helped champion tougher drunk driving legislation for chronic offenders here in Wisconsin," said Kim Marotta, Miller Brewing Company director of corporate social responsibility. "Working together, we must continuously look for innovative ways to help prevent drunk driving, and investing in Milwaukee County's expansion of SCRAM units is an effective way to help make our roads safer."

The grant from Miller Brewing Company was made as part of Miller REACH™, the company's corporate social investment platform. The acronym captures five interest areas: responsibility, employment, AIDS/HIV, cultural diversity and heritage initiatives.

The Repeat Intoxicated Driver Intervention Program is one of several programs used to assess and monitor defendants with drug, alcohol, and mental health issues while they are involved in the criminal justice system. ■



## Wirtz hosts Siberian prison officials

Judge Robert J. Wirtz, Fond du Lac County Circuit Court, hosted two prison officials from Siberia in February. The Siberians visited Wisconsin at Wirtz's invitation after he spent time in Irkutsk, Siberia, in June 2005, meeting with judges and taking a prison tour.

"I hosted a former prison doctor and a prison administrator," Wirtz reported. "I took them on two prison tours here – Racine Youth Correctional and Southern Oaks. They also went with someone else to Waupun and the Resource Center in Oshkosh. Overall it was a good exchange of ideas and information."

The exchange began a year ago in eastern Siberia, where Wirtz and his wife, Nancy, traveled to perform some volunteer work in a village and to study the Irkutsk court system and one of its prisons.

"We met with Judge Tatiana Orlova who is the chief judge of the Irkutsk region," Wirtz recalled. "We observed three different court proceedings, a criminal case (robbery), a civil case involving a fired worker who was exercising her constitutional right to a job, and a third case involving a forfeiture action by the State against a private manufacturer of clothing for violating manufacturing standards in the production of what were alleged to be shoddy work boots."

Wirtz said the cases were very interesting, but of particular note was the lack of court reporters in the system. "The judges do not have court reporters but have clerks who take notes," he said. "The court issues written decisions soon after the hearing to memorialize what happened and render their decision."

Also eye-opening was a tour of the local prison, a facility for first-time adult offenders convicted of low- to moderate-level crimes including certain drug offenses and assaults.

"The prison was quite different from our prisons in a couple respects," Wirtz said. "It had an apartment style area where offenders could spend a weekend with a spouse of



Judge Robert J. Wirtz meets with Siberian prison officials in Fond du Lac.

their family – a privilege earned through a period of good behavior within the prison – and offenders also could earn additional recreation, videos, and library privileges."

Wirtz said security was similar to what is found in American prisons, although electronic surveillance is less common. "Although they told us that we could ask any questions about the prison and view any part of it, when I asked about whether they had problem prisoners, they indicated that they indeed had problem prisoners and they had a room for them but I could not see that. The trip was an interesting way of sharing ideas and observing what are many similarities and also some differences in our systems." ■

## State-Tribal Justice Forum re-established

by Erin Slattengren, senior policy analyst

In July 2005, the U.S. Department of Justice Bureau of Justice Assistance sponsored a national gathering in Green Bay to foster tribal-federal-state court relations. This conference titled, *Walking on Common Ground: Pathways to Equal Justice* served as the catalyst for Wisconsin to reconvene its State/Federal/Tribal Court Forum under a new name: the State-Tribal Justice Forum.

The original forum first met in March 1999 to increase communication and cooperation among the various courts. The new forum was slated to meet for the first time on May 12 with a substantially similar charge: to promote and sustain communication, education, and cooperation among tribal and state court systems. The new forum will work to promote initiatives outlined in the final report (draft available at [www.walkingoncommonground.org/web-content/WOCG\\_Report.pdf](http://www.walkingoncommonground.org/web-content/WOCG_Report.pdf)) from the *Walking on Common Ground* conference.

Members will include five circuit court judges, five tribal judges, one tribal attorney, one representative of the State Bar's Indian Law Section, District Court Administrator Jerry Lang, Rep. Gary Sherman (representing the Wisconsin Legislative Council Special Committee on State-Tribal Relations), and Director of State Courts A. John Voelker (ex officio). The state court judges are: John P. Anderson, Bayfield County; Michael J. Gableman, Burnett County; James R. Habeck, Shawano County; Gerald W. Laabs, Jackson County; and Neal A. Nielsen III, Vilas County. The tribal court judges are: Richard L. Ackley, Bad River; Chris McGeshick, Mole Lake; Robert Miller Jr., Stockbridge-Munsee; James B. Mohr (former state court judge), Lac Courte Oreilles; and Kimberly Vele, Stockbridge-Munsee. ■

## PPAC sets 2006-08 planning priorities

by Erin Slattengren, senior policy analyst

The Supreme Court Planning and Policy Advisory Committee (PPAC) continues to work toward advancing policy priorities and positive changes within the court system. To that end, it has developed four top issues on which it will focus in the next two years. At the same time, PPAC's Alternatives to Incarceration subcommittee continues to move forward on communicating 'best practices'; it has published a guide that is now available online.

### Planning for 2006-08

At the heart of the effort to identify the four top issues was the PPAC Planning Subcommittee, chaired by Judge Richard J. Sankovitz, Milwaukee County Circuit Court. The subcommittee began working on planning for the 2006-08 biennium a full year ago, in spring 2005, modifying the planning process so PPAC recommendations for goals and priorities would align with the state budget cycle.

To inform its discussions, the subcommittee embarked on a major data collection effort and launched an online planning survey. Internal and external court stakeholders were invited to give their thoughts on future court priorities. The survey was made available on the main page of the Wisconsin court system Web site and was open to all who visited the site. Nearly 600 people responded, providing the subcommittee with important and valuable feedback to consider while crafting its 2006-2008 planning recommendations.

In February, PPAC reviewed the planning recommendations. Noting that funding and budget constraints pervade all issues and recommendations proposed, the four main priorities outlined in the report include:

- Assistance to self represented litigants
- Courthouse security
- Treatment and prevention of alcohol and drug dependency
- Alternatives to incarceration

The report, *Critical Issues: Planning Priorities for the Wisconsin Court System 2006-2008* ([www.wicourts.gov/about/committees/ppac.htm](http://www.wicourts.gov/about/committees/ppac.htm)), emphasizes the importance of four major themes: funding, technology, outreach, and collaboration, which must play a

critical role in advancing all priorities. The report is now in the final draft stages and has been submitted to the Supreme Court for review and comment. Final comments and edits were discussed at the PPAC meeting in May.

### Alternatives to incarceration

The PPAC Subcommittee on Alternatives to Incarceration (AIC), chaired by Judge Carl Ashley, Milwaukee County Circuit Court, was created in 2004 to "Explore and assess the effectiveness of policies and programs, including drug and other specialty courts, designed to improve public safety and reduce incarceration." As the topic of Alternatives to Incarceration continues to be a priority for the Wisconsin court system, the subcommittee has been working to create effective ways to communicate information and action around this topic. The major areas that the subcommittee is currently working on include:

- Promoting the creation of criminal justice coordinating councils in every county.
- Piloting a process that will provide judges with more information about an offender's risk prior to sentencing in an effort to facilitate appropriate decisions about alternative sentences.
- Compiling and communicating information about the wide range of practices and programming related to "alternatives to incarceration" that are occurring statewide, and fostering replication of promising practices.

As part of its mission, the AIC recently completed a comprehensive online resource guide about alternatives to incarceration. The guide, available on the courts' Web site, includes a directory of Wisconsin problem solving courts (i.e. drug treatment courts, domestic violence courts), information about criminal justice coordinating councils, and information about the new Treatment Alternatives and Diversion (TAD) grant program created recently by the Legislature. The guide can be found at [wicourts.gov/about/organization/programs/alternatives.htm](http://wicourts.gov/about/organization/programs/alternatives.htm). If we missed one of your programs, let us know. ■

For more information about PPAC and the work of its subcommittees, contact Erin Slattengren at (608) 266-8861 or [erin.slattengren@wicourts.gov](mailto:erin.slattengren@wicourts.gov).

## OBITUARIES

### Judge Russell J. Mittelstadt Dane County Court

Judge Russell J. Mittelstadt, who served in Dane County Court from 1966-72, earning a reputation as a tough sentencing judge in the era of Vietnam War protests, died February 9 at a Madison hospital. He was 75.

A native of Eau Claire and the youngest of eight children in a farming family, Mittelstadt brought a colorful background with him to the bench in 1966. He had been a private pilot, a parachutist, a gymnast, and a U.S. Army colonel. He was elected just six years out of law school.

In a 1997 interview with the Wisconsin Court System

Oral History Project, Mittelstadt recalled his turbulent tenure on the bench. He was the subject of repeated protests and threats because of the sometimes stiff sentences he imposed upon people involved in Vietnam War protests.

"I had the National Guard with bayonets to get me in and out of the courthouse from time to



Judge Russell J.  
Mittelstadt

see **Obituaries** on page 17

Spring  
2006

## Judges celebrate their new graduates' accomplishments

It's graduation season. Meet the new grads who have made a few Wisconsin judges very proud.



Crystal L. Beer

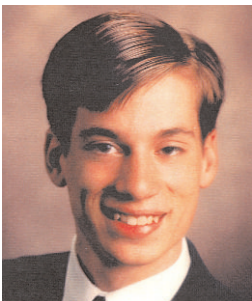
**Judge James R. Beer**, Green County Circuit Court: Daughter Crystal L. Beer will graduate June 18 from Oregon State University with a bachelor's degree in zoology and a minor in chemistry. She plans to return to Wisconsin after graduation and is seeking employment.

**Chief Judge Kitty K. Brennan**, Milwaukee County Circuit Court: Daughter Kathleen "Kato" Murphy, the third of Brennan's four children, graduates in May from UW-Madison with a bachelor's degree in Spanish and a certificate in women's studies. Kato has an older brother and sister who are Madison graduates and who went on, respectively, to the University of Minnesota Law School and Emory University's graduate school in public health. The youngest is now a freshman at UW-Madison.



Kathleen "Kato" Murphy

**Judge Dennis R. Cimpl**, Milwaukee County Circuit Court: Daughter Allison Cimpl graduates in May *summa cum laude* from the University of Minnesota with a history degree. She has been accepted to Marquette Law School for the fall semester. "Hopefully joining her grandfather, Richard F. Cimpl (Class of 1949) and me (Class of 1975) as graduates." She is getting married in June 2007 to Jamie Wiemer who graduates from the University of Minnesota Law School this spring.



Glenn W. Davis

**Judge J. Mac Davis**, Waukesha County Circuit Court: Eldest son Glenn W. Davis will graduate from Marquette Law School and younger son Carl W. Davis will graduate from the U.S. Naval Academy in Annapolis, MD, in May.

Glenn, who has clerked in the Waukesha District Attorney's Office and for Judge Mark A. Gempeler, represents the family's third generation of lawyers in Wisconsin. His grandfather and namesake, Glenn R. Davis, graduated from the UW Law School in 1940 and served in the U.S. House of Representatives. His Dad, Judge J. Mac Davis, graduated from the University of Michigan Law School in 1976.

Glenn's younger brother Carl majored in systems engineering at the U.S. Naval Academy and will be starting flight school at the Pensacola Naval Air Station in Florida in October. His perfect 800 score on the math SAT test in high school helped him gain admission into the Academy. He will be married on July 15.



Carl W. Davis

**Judge Christopher R. Foley**, Milwaukee County Circuit Court: Eldest daughter Rebecca Foley ("She has survived being senior to six brothers") will graduate with honors from Xavier University in Cincinnati this May. She has been awarded a nearly full scholarship to Loyola University Law School where she will simultaneously pursue a specialization in children's law and a master's degree in social work. Rebecca turned down a full scholarship to Hofstra University and cancelled an interview for a full

scholarship to Quinnipiac Law School, near Boston, after deciding upon Loyola.

**Judge Ramona A. Gonzalez**, La Crosse County Circuit Court: Daughter Julia Erin Ledbetter, eldest of three children of Gonzalez and Atty. John P. Stuber, will graduate first in her class from UW Law School this month. She received the 2006 Daniel H. Grady Award for highest GPA in the graduating class and has accepted a position with Ropes and Gray in San Francisco. Julia married Steven Ledbetter in March 2005; she is a 2003 graduate of the University of Chicago, where she earned a degree in biology and environmental studies with honors.

**Judge Glenn H. Hartley**, Lincoln County Circuit Court: Daughter Mariah Noelle Hartley will graduate in May from UW-Madison with a bachelor's degree in business administration. She has a double major in accounting and risk management and insurance, and is eligible to take the CPA exam, for which she will study this summer. Mariah is currently interviewing with CPA firms that will accommodate her studies. "She has worked throughout the last five years as well as going to school and has made her mother and me very proud," Hartley reported.



Mariah Noelle Hartley

**Judge Robert A. Kinney**, Oneida County Circuit Court: Son Daniel Kinney will graduate from UW-Madison in May with degrees in English and philosophy. "He came to Madison, by the way, after appearing four times before the Wisconsin Supreme Court as part of the high school mock trial team from Rhinelander," Kinney reported. As a student, Daniel has been involved in Model UN, which has taken him from Montreal to New York City to Chicago, and has served on the UW committee that develops rules for manufacturers of UW apparel and merchandise. Daniel has been accepted this summer in the Lee Strasberg Institute for Acting (in New York City), as well as the NYU Summer Publishing Institute. In fall, he will be starting work on his masters in fine arts at the City College of New York.

**Judge Patrick J. Madden**, Iron County Circuit Court: Daughter Margaret M. "Maggie" Madden graduated with honors in zoology from UW-Madison in spring 2005 and younger daughter Ann Rose Madden graduated from Hurley High School in spring 2005. Maggie is in graduate school at the University of Sydney, studying habitat management; Ann was named to the all region team in basketball at Gogebic Community College and will be attending UW-Milwaukee beginning this summer.

**Judge Marshall B. Murray**, Milwaukee County Circuit Court: Son Sean Goodwin Murray will graduate from



## Legal Resource Center celebrates grand opening

The Dane County Legal Resource Center (DCLRC) celebrated its grand opening in the basement of the new Dane County Courthouse this spring. The celebration was particularly meaningful because the library came perilously close to shutting down for good just three years ago when the county slashed its budget.

Among those on hand to celebrate the center's grand opening in its new location was Chief Judge Michael N. Nowakowski, who helped lead the effort to save the library. By charging for all forms, reducing the number of periodical subscriptions, and convincing county officials to continue to fund its services, Librarian Paula Seeger was able to move the center onto more solid financial footing. Also offering remarks was Dane County Clerk of Circuit Court Judy Coleman.

The DCLRC assists about 500 people per week, or about 26,000 per year. Most are self-represented litigants who take advantage of the center's Family Law Assistance Program, run in cooperation with the Dane County Bar Association, which offers help filling out forms and answers general



Paula Seeger, left, librarian at the Dane County Legal Resource Center, celebrates the grand opening of the center in the new Dane County Courthouse with Chief Justice Shirley S. Abrahamson and Wisconsin State Law Librarian Jane Colwin.

questions about court processes. The center also offers help to small claims litigants. ■

## OBITUARIES *continued from page 15*

time," he recalled. "The courthouse had bomb threats [and] I had at least seven bomb threats at my home.... [T]he bomb trucks would come in their big heavy suits and search lights, and they'd search the bushes and trees. It was a tough time for society, but it was doubly tough for people who served the military, served the country, and served as a judge, because those institutions were particularly under attack."

Mittelstadt's career as an active judge was not lengthy. He served just one term before Archie Simonson, a Madison alderman and UW-Madison fencing coach, defeated him. Mittelstadt returned to private law practice from which he retired in 1998 and also served as a reserve judge.

Surviving him are his wife of 53 years, Marlys, a daughter, Mary Mittelstadt, and sons Marcus and Miles.

### James R. Seering Sauk County Circuit Court

Judge James R. Seering, who served in Sauk County Circuit Court from 1962-86 and who volunteered substantial time during his 11-year tenure on the Criminal Jury Instructions Committee, died on Oct. 30, 2005 at home from complications of ALS (Lou Gehrig's disease). He was 78.

A Beaver Dam native, Seering moved to Reedsburg in 1951 after earning his law degree from the UW Law School. He worked in private practice for three years before being elected Sauk County district attorney, and quickly made a name for himself prosecuting a seven-week murder trial that ended in the conviction of three people for the murder of a Sauk County deputy sheriff.

A few months after the conclusion of that trial, Seering was elected judge. His colleagues on the bench knew him as a gentle person with a great sense of humor who loved to hunt, fish, and work with wood.

Surviving Seering are his wife, Jean, sons Daniel and Jeffrey, and daughter Jill. ■

## Grads *continued from page 16*

Furman University in South Carolina on June 3. Sean was recruited by the Furman soccer coach to play Division 1 Soccer at Furman. He will graduate as a business major and has a strong desire to work with a sports agency firm in Los Angeles.



Sean Goodwin Murray

**Judge Ralph M. Ramirez**, Waukesha County Circuit Court: Daughter Maria Ramirez is graduating from Waukesha West High School in June. Maria has been admitted to UW-Madison and to Williams College in Massachusetts. Maria has been Student Council president for all of her four years in high school. Her class rank is third out of 375. Maria was recently chosen by the Waukesha County Community Foundation as the 2006 "Young Woman of Tomorrow" and was honored on May 2. "My wife [Renee] and I are very proud of her and her accomplishments," Ramirez said.

**Judge Allan "Pat" Torhorst**, Racine County Circuit Court: Son-in-law Brian Spahn will graduate *cum laude* in May from the UW Law School. Brian, the senior articles editor for the *Wisconsin Law Review* and a member of the Moot Court Board, will join Sutherland, Asbill and Brennan in Washington, D.C. He is married to Tia Torhorst.



Maria Ramirez

**Judge Eric J. Wahl**, Eau Claire County Circuit Court: Daughter Kathryn E. Wahl will be graduating from Hamline University School of Law in Minnesota this May. Kathryn served as an associate and then an editor on Hamline's *Journal of Public Law and Policy*. She was also a teaching assistant for the Legal Research and Writing Department. Kathryn is scheduled to take the Wisconsin Bar Exam at the end of July. ■

**MILESTONE****Schultz marks 30 years with Jury Instructions Committee**

It's an unusually warm day in early April, and a group of nine circuit court judges – the Criminal Jury Instructions Committee – is shoehorned into a tiny conference room in downtown Madison. They will be here all day, evaluating new laws and appellate opinions to determine whether new jury instructions are needed. Guiding their work – and drafting the necessary instructions – is UW Law Professor David Schultz, who has served in this capacity for 30 years.



*UW Law School Professor David Schultz says staffing the Criminal Jury Instructions Committee is one of the best parts of his job.*

The work of the Criminal Jury Instructions Committee is intensive. The group meets six times a year, for two days at a time, and communicates regularly between meetings. The payoff is knowing that the model instructions they create will be put to immediate use in courtrooms across the state.

“This is very satisfying work, because you know how useful it is,” Schultz explained.

Creating accurate, plain English jury instructions is as much intuitive as it is scientific, and the committee members bring to the table not only their experience on the bench but also their perspectives as judges in large urban centers and small rural counties. Lengthy debates over word use, sidebar discussions on what’s driving crime (methamphetamine in

the North Woods and Oxycontin in Milwaukee), and musings about what sparked a piece of legislation are integral to the process. Schultz and John J. DiMotto, committee chair and veteran Milwaukee County Circuit Court judge, masterfully move the committee forward without stifling discussion.

“Dave Schultz’s experience, ability, and institutional memory are absolutely critical to the work of this committee,” DiMotto said. “His contribution simply cannot be overstated.”

Schultz is a Fort Atkinson native, the son of a police chief, husband of a pediatric nurse-practitioner, and father to three grown children. In addition to his service to the Criminal Jury Instructions Committee, he is the UW Law School’s associate dean for continuing education and outreach, and he teaches criminal law to first year students.

In 1976, when he began his work with the committee, the membership had just turned over - the first significant change since its inception in 1960. Among those who retired was Judge Gerald Boileau of Marathon County, the man who first suggested that the state hold an “institute” on jury instructions in 1959 to take the place of a traffic law conference that had fallen through. UW Law Professor Frank Remington took the lead in developing the format and content of that first conference, designing an agenda that permitted the judges themselves to steer the discussions.

*see Jury instructions on page 23*

**Speaking plain English**

The Criminal Jury Instructions Committee began producing model jury instructions in 1962. For the next 40 years, its process and product were fairly consistent. Then, in 1998, the committee determined that it would overhaul the instructions to make the formatting easier to follow and the language clearer. With the help of a University of Minnesota professor who specializes in plain language, the modifications were successfully

made and the new approach was institutionalized. “We really have been at the forefront of a national movement to make [jury instructions] easier for juries to follow and understand,” said Milwaukee County Circuit Court Judge John J. DiMotto, the committee chair. The following excerpts from Wis JI-Criminal #800, the instruction of the privilege of self defense, illustrate the effect of the new formatting and plain language.

**Before:**

Self-defense is an issue in this case.

The Criminal Code of Wisconsin provides that a person is privileged to threaten or intentionally use force against another for the purpose of preventing or terminating what he reasonably believes to be an unlawful interference with his person by such other person. However, he may intentionally use only such force or threat thereof as he reasonably believes is necessary to prevent or terminate the interference.

**After:**

Self-defense is an issue in this case. The law of self-defense allows the defendant to threaten or intentionally use force against another only if:

- The defendant believed that there was an actual or imminent unlawful interference with the defendant’s person; and
- The defendant believed that the amount of force the defendant used or threatened to use was necessary to prevent or terminate the interference; and
- The defendant’s beliefs were reasonable.

## Milwaukee courts find media plan aids in high-profile cases

by Beth Bishop Perrigo, deputy district court administrator

With the increased media interest in the criminal justice system and the subsequent identification of “high-profile cases,” the Milwaukee County courts are attracting the attention of local and national media for both criminal and civil cases. Working with the media and the judges on such cases is now more complex due to the depth and length of some of the coverage and requires coordination by district administration. For example, while Court TV has aired multiple Milwaukee County court proceedings live over the past year, the recent multi-week trial of three Milwaukee police officers accused of the beating of a man at a party was complicated by security and community issues not faced in the past several years.

Development of a media plan is essential to the management of such cases and I’d like to pass along some insights from my recent experiences. There are several essential elements that work in complex, high profile trial situations.

Besides familiarizing yourself with the Supreme Court Rules (SCR 61 is available at [www.wicourts.gov/sc/scrule/DisplayDocument.pdf?content=pdf&seqNo=1099](http://www.wicourts.gov/sc/scrule/DisplayDocument.pdf?content=pdf&seqNo=1099)) on cameras in the courts, develop a good relationship with the media coordinator (the list can be found at <http://wicourts.gov/news/mediacoord.htm>). In the First Judicial District, Herman Ward, assignment editor at Ch. 58, serves in that role. While the media coordinator should not be expected to develop and execute the media plan, s/he can help with it. A member of the court staff who has ready access to the judge, sheriff, and facilities personnel should be in charge of the plan and is well positioned to serve as a liaison between the trial court judge, the media, and the public.

Before drafting the plan, the court administrator should work with the trial judge to determine her or his parameters for the media. Initial considerations involve how many cameras will be allowed in the courtroom, where microphones may be placed, identification of the still photographer who will serve as the pool camera, if that is desired, seating in the courtroom for media and family members, and the policy on coming and going during court proceedings. This information is often memorialized in an order issued by the judge prior to the trial. The order is distributed by the court administrator through the media coordinator to members of the media who inquire. Court Information Officer Amanda K. Todd has a group of model orders that have been devised by judges over the years, and regularly makes these available to judges who are planning for high-profile cases.

Several weeks before the trial, I chaired a series of meetings with District Court Administrator Bruce Harvey, command staff from the Sheriff’s Department and their public information officer, the director of facilities management for Milwaukee County, and the media coordinator. These meetings allowed for increased communication and understanding of everyone’s role during critical junctures such as jury movement, deliberations (the jury was sequestered for two nights), notification of the verdict, and the reading of the verdict. Several topics at these meetings generated considerable discussion, including

access to the courthouse if the verdict was read after normal business hours, and security plans for both inside and outside of the building.

Over the course of the meetings, I crafted a document that incorporated not just media relations but also security plans. The meetings also allowed us to reach a consensus before the plan was finalized so that throughout all points in the trial, we knew how we were going to handle certain situations. If you have to make an on-the-spot decision, you have the foundation knowledge developed during the meetings to allow you to make the right decision and communicate it to your partners.

The plan has to be fluid enough to accommodate the unexpected. For example, if the verdict were to be read during normal court hours, plans have to be available to deal with hallways crowded with citizens involved in other court proceedings. If the verdict were to be read late in the evening, which ultimately was the case, how would citizens be able to access the courthouse, to maintain the requirements of an open court? Questions such as these were discussed, thought out, and ultimately incorporated into the plan.

Another critical element of any media plan is communication. Of course, the partners to the plan and the trial judge must have a copy. Beyond that, you have to determine your audience. Some will receive all available information; others will receive only what directly affects them. In our recent case, judges with courtrooms on the same floor as the trial were given specific information about what would happen on the floor if the verdict were to be read during regular business hours. Other judges in the courthouse complex were given more general information about trial preparation.

Communication also involves quelling rumors. The best way to deal with rumors is to confront them immediately and replace them with the facts. One of several rumors we had to deal with was that the courthouse would be put on lockdown status upon the delivery of a verdict during normal business hours. Not true. I explained briefly the plans to lock out one bank of elevators to ease the separation of parties post-verdict. End of rumor.

Of course, just as important as what the plan contains is what it does not contain. In the recent Milwaukee County case, the location where the jury would be sequestered was known only to the judge, certain individuals in the Sheriff’s Department, bailiffs in the courtroom, and me. Working with the bailiffs, I made all arrangements with the hotel for the jury in order to maintain confidentiality and to protect the jurors.

During the recent trial, the plan developed for the specific set of considerations worked extremely well. Even with a late-night verdict after everyone had already worked an entire day, all contingencies were covered. Although each case is different, and its unique facets will dictate the detail of the plan you develop, a template may be useful. Those wishing to see a sample plan may contact me via e-mail at [beth.perrigo@wicourts.gov](mailto:beth.perrigo@wicourts.gov) or contact Amanda Todd at [Amanda.todd@wicourts.gov](mailto:Amanda.todd@wicourts.gov). ■



## Legislators join judges for a day on the bench

Three state legislators recently joined judges in Kenosha, Outagamie, and Ozaukee counties for a day on the bench as part of the Judicial Ride-Along Program, an effort begun in 1993 to improve understanding and communication between the judiciary and the Legislature. The program was expanded in 1995 to include county board supervisors.

The program provides an opportunity for legislators to view court proceedings from a new perspective: a seat on the bench next to a local judge. On occasion, the experience has led to new legislation; more commonly, a better understanding of caseload concerns, security issues, and other court-related matters is the result.

When Rep. James E. Kreuser, D-Kenosha, sat with Judge S. Michael Wilk this spring, he got an eyeful in intake court, including battery, drug possession, theft, and drunk driving cases.

"It's one of the things that I think makes you a better legislator, when you see the whole spectrum of how laws affect people, all the way to the sentencing," Kreuser told the Kenosha News. Several years ago, he sat with now-retired Judge Michael Fisher; Kreuser said the refresher was well worth the time because it gave him a clearer sense for the practical effects of state-imposed mandatory minimum sentences.

In Ozaukee County, Rep. Mark Gottlieb, R-Port Washington, "rode" with Judges Paul V. Malloy and Tom R. Wolfgram, observing miscellaneous criminal matters in Malloy's court and two sentencings with Wolfgram.

Malloy said the legislator watched several initial appearances by people who required interpreters, and saw a number of defendants who had failed to qualify for a public defender and needed appointed counsel.

"The real benefit of this program was that he got to see the non-legal issues that we deal with – the people with language barriers, the people without attorneys, and so on," Malloy said.

Gottlieb agreed that the experience was enlightening. "Spending the day with Judges Malloy and Wolfgram was very informative," he said. "It's one thing to read a fiscal bureau paper on the court system, but quite another to actually experience what happens there."

Still to come, at press time, is a "ride" in Outagamie County, set for May 9. Judge Dennis C. Luebke, who has served on the bench for 22 years, will host Rep. Thomas Nelson, D-Kaukauna. Nelson spent the morning watching a variety of court events, including preliminary hearings, arraignments, and motion hearings.

Finally, in Outagamie County, Judge

S. Michael Wilk, left, explains a court proceeding to Rep. James E. Kreuser during a "ride along" this spring.



Judge Paul V. Malloy



Judge Tom R. Wolfgram



Rep. Mark Gottlieb



Rep. Thomas Nelson



Judge Dennis C. Luebke



Photo credit: The Kenosha News

Finally, in Outagamie County, Judge Dennis C. Luebke, who has served on the bench for 22 years, will host Rep. Thomas Nelson, D-Kaukauna. Nelson spent the morning watching a variety of court events, including preliminary hearings, arraignments, and motion hearings.

## 'Wheels' stops in Elkhorn

For the first time in its history, the Wisconsin Supreme Court heard cases in the Walworth County community of Elkhorn in March, filling the courtroom usually reserved for Judge Michael S. Gibbs to capacity for all three cases and making use of the new facility's videoconferencing system to show the proceedings on large-screen TVs in an adjacent courtroom.

The trip was part of the Court's Justice on Wheels program, begun in 1993 to make the Court's work more accessible to the people of the state. Over the years, the Court has also sat in Green Bay, Eau Claire, Wausau, Milwaukee, La Crosse, Superior, Janesville, Kenosha, Baraboo, Rhinelander, Juneau, Appleton, Stevens Point, Racine, and Fond du Lac. ■



*'Wheels' trips depend in large part upon the organizational assistance of the local clerk and judges. Here, Clerk of Circuit Court Sheila Reiff and Judge Michael S. Gibbs are shown in the audience at the Court's press conference.*



*The Wisconsin Supreme Court always holds a press conference in conjunction with its Justice on Wheels trips. These events generally attract many local officials and often are conducted with an unusual degree of irreverence as Chief Justice Shirley S. Abrahamson makes a point of calling out the names of local officials and then jotting down those who are no-shows.*

## New kiosks aid courthouse visitors

The Consolidated Court Automation Programs (CCAP) recently provided six new kiosks for the Milwaukee County Courthouse to assist courthouse visitors. The kiosks allow visitors to find the time, date, and location of court hearings quickly and easily by typing in a name.

"Although we have an excellent volunteer named Betty who works in the information station on the ground floor of the courthouse, there are thousands of citizens in the courts complex annually and most find it difficult and confusing to get around," said Chief Judge Kitty K. Brennan. "We thank CCAP, Wallace Ewing of the Clerk of Courts Office, and facilities management staff for moving this project forward for the citizens of Milwaukee County."

The kiosks are spaced throughout the three-building Milwaukee County Courthouse complex and are placed so that members of the public can easily access them. ■



*Milwaukee County Courthouse*



Spring  
2006

## Bailiff training session planned

A new program to educate bailiffs about the courts and specifically about how to interact with jurors is taking shape. The Committee of Chief Judges and its Subcommittee on Juror Treatment and Selection will present the half-day training on September 22, through the UW-Extension via videoconference. An estimated 200 bailiffs in as many as 50 locations statewide may participate.

Made possible by a \$2,000 grant from the State Bar of Wisconsin and by smaller grants from local bar associations, the project has evolved from what was initially envisioned as a PowerPoint presentation that would be presented in 10 locations. The availability of videoconferencing equipment has made across-the-state, simultaneous, interactive sessions possible.

The faculty will include judges, clerks, attorneys, bailiffs, and court administrators. They will present information on the jury selection process, general duties and responsibilities of bailiffs, accommodating people with different needs, security, media issues, trial activities, demeanor and communication with jurors, and more.

Participating in the training will be District Court Administrator Kerry Connelly, who is organizing the project; Judge Jean DiMotto, Milwaukee County Circuit Court; Chief Judge Gerald P. Ptacek, Racine County Circuit Court; Clerk of Circuit Court Diane Fremgen, Winnebago County; Deputy Clerk Susan Schaffer, Eau Claire County Circuit Court; and Deputy Bill Blumer, Dane County Sheriff's Department. ■

## Drug Court *continued from page 11*

funds and with little financial assistance is possible. It requires a great deal of cooperation, commitment, and creativity.

Building cooperation among the various agencies that will work with the Drug Court is essential. All of the Drug Court participants are assigned for supervision to one DOC agent who is a member of the Drug Court Treatment Team. DOC supervision allows for consistency in reporting and accountability, the use of jail holds, and access to treatment dollars available to the DOC. In addition, the DOC has access to equipment, such as sobriety and electronic monitoring, and money available for urinalysis.



Judge Lisa K. Stark

The DOC and the court also work closely with the Eau Claire County jail (whose supervising captain is on the treatment team) and with the Department of

Human Services (DHS). The Drug Court coordinator works for DHS as a treatment professional. Half of his time is paid through a grant received by DHS and that time is used to screen proposed Drug Court participants, develop treatment plans, and meet with and support participants.

Because the Drug Court coordinator is a DHS employee and has an alcohol-and-other-drug (AODA) caseload, DHS treatment dollars are available to "bridge" needed services. For example, a treatment plan may require a participant to engage in inpatient treatment but a DOC bed might not be available for a month. DHS will fund the treatment for that month to avoid a delay. DHS has also assigned one of its employees to assist with any grant writing necessary, and manages all funds received for the Drug Court.

All treatment team participants other than the DOC agent and the DHS coordinator participate on the Drug Court Treatment Team as part of their regular jobs without additional compensation. Court is scheduled before the regular court day, but during times when a clerk and bailiff are available.

By ordering supplies together and combining the resources of the jail, DOC, and DHS, the Drug Court has been able to save money on urinalysis kits and drug testing.

Eau Claire County has been willing to provide \$17,500 toward the cost of the kits and testing. Local law enforcement and probation agents have been very cooperative in monitoring participants through bar sweeps and random home checks.

Several members of the Drug Court Advisory Board have been very proactive in contacting community businesses to obtain rewards for Drug Court participants. Members of the treatment team have given many presentations over the past year to philanthropic and community groups, and individuals who learn about the Drug Court often provide goods and services to be used as rewards. The judge, of course, does not solicit these items. A presentation to the largest employers in Eau Claire County resulted in the creation of referral sources for jobs and goodwill for our program and participants.

Other institutions in the community support the Drug Court in other ways. A local lending institution is willing to provide seminars for participants about budgeting, community members have donated bicycles, and the City of Eau Claire has given bus passes. Treatment providers have donated funds that are pooled to help with security deposits, tuition, and rent, and the participants themselves also fund this pool as they are required to pay a small amount to participate in the court.

The average annual cost per participant in the Drug Court is \$7,535, which includes all testing, treatment, and services for felony offenders that likely would be in the prison system at a cost of \$25,000 per year. Of course, Drug Court is not all about the money. The Eau Claire County Drug Court held its first graduation in 2005, and that graduate has remained sober since November 2004. He continues in the aftercare program and has begun mentoring other participants. The program has three other individuals in the third phase who are quite close to graduation, and the program and participants have had many other successes to celebrate. ■

*Questions about the Eau Claire County Drug Court, or requests to observe the court, may be directed to Judge Lisa K. Stark at (715) 839-4800 or [lisa.stark@wicourts.gov](mailto:lisa.stark@wicourts.gov) or Pat Isenberger, Drug Court coordinator, at (715) 831-5665.*



## Justice Teaching Institute hosts record number of teachers

A record 34 middle school and high school teachers from 20 Wisconsin counties participated in the seventh annual Justice Teaching Institute, "From the Courtroom to the Classroom," in late February. A total of 140 Wisconsin teachers have graduated from the Institute since it began in 2000.

The Class of 2006 included teachers from Bayfield, Brown, Buffalo, Dane, Door, Eau Claire, Fond du Lac, Jefferson, Lincoln, Manitowoc, Milwaukee, Outagamie,



Justice N. Patrick Crooks stands before the Supreme Court's Conference Room – normally the domain of the justices alone – with a group of high-school teachers who are part of the Justice Teaching Institute.

Pepin, Rusk, Walworth, Washington, Waukesha, Waushara, Winnebago, and Wood counties.

The intensive, three-day workshop gives educators a variety of new tools for teaching about the courts and the justice system in a way that is relevant and interesting. The teachers learned about the toughest part of a judge's job by participating in a sentencing exercise led by Outagamie County Circuit Court Judge Joseph M. Troy, and had an opportunity to spend an hour discussing the importance of judicial independence (and other, more mundane, topics) with Chief Justice Shirley S. Abrahamson. They also learned from Milwaukee Municipal Court Judge James A. Gramling Jr. and Wausau Municipal Court Judge Philip J. Freeburg, who led a case-deciding exercise to explain the work of the municipal courts. The grand finale was a moot court – based upon a real case – presented in the Supreme Court Hearing Room with Justice N. Patrick Crooks.

The Institute is a joint effort of the State Bar of Wisconsin's Law-Related Education Committee, the Wisconsin Supreme Court, the UW Department of Curriculum and Instruction, the Wisconsin Law Foundation, and the Wisconsin Municipal Judges Association. ■

To recommend a teacher for the 2007 Justice Teaching Institute, contact Amanda K. Todd at (608) 264-6256 or [Amanda.todd@wicourts.gov](mailto:Amanda.todd@wicourts.gov).

## Jury instructions *continued from page 18*

Remington explained at the time that "the giving of instructions is uniquely a judicial function and one about which the judiciary has the most knowledge and experience."

The judge-centered approach makes Wisconsin's committee unique in the nation, and the philosophy is evident in many of the group's discussions. The members regularly invoke a hypothetical judge in the County of Fodge (an amalgam of Florence and Dodge) to remind themselves that they are working for the benefit of their colleagues on the trial court.

Further evidence of the trial judges' supremacy in this arena is the lack of additional layers in the decision process. As Schultz wrote in a 1990 paper, "It seems that the Wisconsin system is better than one where a higher authority approves the instructions and requires their use without change.... The certainty that such a system provides seems to be outweighed by its inflexibility."

The down side of the lack of review means that there is little room for error. Distributing jury instructions that misstate, for example, the elements of a crime, would be problematic. So the committee will sit around this conference table until late in the day, tinkering with Schultz's proposed instructions and finally reading them aloud to one another to see if they make sense. And then Schultz will work his formatting and editing magic, the instructions will be distributed, and the process will begin

anew. Above all, Schultz said, it's a great example of the Wisconsin Idea.

"I really believe in that part of the UW's mission, the idea that we reach out to the people of the state and assist state government in serving the people. The instructions are the product of a true partnership between the judiciary and the UW, and I'm proud to have been a part of that." ■



Waukesha County Circuit Court Judge Donald J. Hassin, left, and Dane County Circuit Court Judge Steven D. Ebert, right, flank Assistant State Public Defender Charles Vetzner who, along with Assistant Atty. General David Becker, serves as an advisor to the Criminal Jury Instructions Committee. Other committee members are Judges Kitty K. Brennan and John DiMotto (chair), Milwaukee County; Mark A. Mangerson, Oneida County; Scott Needham, St. Croix County; Edward Zappen, Wood County; Annette K. Ziegler, Washington County; and Donald Zuidmulder, Brown County.

## PEOPLE

The Federal-State Judicial Council meeting, held in Madison in April, brought together about 72 state and federal judges for a lively presentation by Professors **John P. Kaminski** and **Richard L. Leffler** who run the Center for the Study of the American Constitution at the UW-Madison. The professors examined English and American precedents that led to the establishment of an independent judiciary free from the control of a powerful executive, the dominance of state legislatures, the passions of partisanship, and the pressure exerted by public opinion. Following that discussion, a panel endeavored to address how best to handle various threats to judicial independence that might be posed by, for example, accusations leveled during campaigns. Judge **Terence T. Evans**, the moderator, brought down the house when he began the discussion by congratulating Justice **N. Patrick Crooks** on his recent election victory (he was unopposed) and opining that Crooks will be “about 105 years old” when his new 10-year term expires.



A recent meeting of the Federal-State Judicial Council brought together a panel that discussed threats to judicial independence. From left, Court Information Officer Amanda K. Todd, Atty. Brady C. Williamson Jr., political pundit William Kraus, Court Executive Collins T. Fitzpatrick, Justice Louis B. Butler Jr., Judicial Commission Director James Alexander, and UW Professor Herbert M. Kritzer tackle various nightmare scenarios with the help of moderator Judge Terence T. Evans.

“For the love of the game,” a feature in the *Green Bay Press-Gazette*, splashed a full-color photo of **Jim Queoff** across the cover of the sports section. Queoff, the newspaper explained, has a “thankless job” filled with public displays of anger and disbelief. The story was referring not to Queoff’s day job as Brown County Register in Probate, but

instead to his night job as a high school basketball official. He is one half of an officiating team that that works five games a week in different conferences and is considered one of the top crews in the state.

District Court Administrator **Scott K. Johnson**, District Nine, a lieutenant colonel in the U.S. Air Force, has shipped out to Iraq for another tour of duty. Johnson was last in the Persian Gulf region in spring 2003; this time, he will be based in an undisclosed location in northern Iraq, where he will serve as deputy commander of an installation. He left Wisconsin on May 3 and expected to be overseas through the end of September.



Lt. Colonel Scott Johnson

Justice **Jon P. Wilcox** provided a private Supreme Court tour to the Leadership Waupaca County class in February. The visit was part of a two-day educational program to learn about state government. The *Waupaca County Post* reported the class met with representatives of all three branches of government.



Justice Jon P. Wilcox

“Courts start new rotation,” a story in the April 1 edition of the *Wisconsin Rapids Daily Tribune*, described the beginning of judicial rotation in Wood County – one of the few counties statewide that had not previously established rotation as required by Supreme Court rule. Judges **James M. Mason**, **Gregory J. Potter**, and **Edward F. Zappen Jr.** worked with District Court Administrator **Susan Byrnes** to establish the new system, which began operation in early April. The change to two-week ‘duty judge’ shifts and random assignment of cases on a rotating basis is “...a totally new experience for the judges,” Byrnes told the newspaper. Prior to the change, Potter handled mostly juvenile matters, Zappen handled mostly criminal, and Mason took traffic and civil. Byrnes credited the judges with developing and embracing the new rotation system. “The judges worked very hard on this,” she was quoted as saying. “We had a dozen meetings at 7:30 in the morning because it was the only time when they could get together.”

A contingent of 30 judges from the Milwaukee County Circuit Court and the District I Court of Appeals, along with one justice of the Supreme Court, exchanged their black robes for green sashes on March 11 to participate in the annual St. Patrick’s Day parade in downtown Milwaukee. For the fifth straight year, the judges accompanied a colorful



Judges Richard J. Sankovitz and Mary Triggiano, Milwaukee County Circuit Court, were among the Milwaukee judges who marched in the St. Patrick’s Day parade. A number of the judges brought their children to the festivities.

float designed by a committee of judges to include the pillars to the Milwaukee County Courthouse and a large green shamrock with the scales of justice emblazoned in gold on its face. Milwaukee has one of the oldest St. Patrick’s Day parades in the country and a huge crowd lined



PEOPLE *continued from page 24*

Milwaukee County Circuit Court Judges Jeffrey A. Wagner and Mary M. Kuhnmuensch led a proud contingent of 30 Irish-American and honorary Irish-American judges in Milwaukee's annual St. Patrick's Day parade.

the streets along the parade route hours in advance. Many of the judges bring their children and grandchildren along to enjoy the day's festivities, including the ever popular post parade party.

"Self-help site for family court litigants unveiled," a front-page story in the April 5 edition of the *West Bend Daily News*, announced the launch of the new, interactive program that guides litigants through the process of filling out divorce-related court forms by asking them to answer a series of questions. The story quoted Clerk of Circuit Court **Kristine Deiss**, who explained that the site was enabled in each county as soon as information tailored to individual counties' practices was developed.

Colonel **Robert H. Ronge**, chief of staff for the Wisconsin Army National Guard, presented **Jean Bousquet**, the court system's chief information officer and director of the Consolidated Court Automation Programs (CCAP), with the Patriotic Employer Award from the National Committee for Employer Support of the Guard and Reserve. Bousquet was nominated by **Greg Schlub**, technical support engineer for CCAP, for her support of his military service. Schlub served in Afghanistan for 14 months when he was called to



Chief Information Officer Jean Bousquet is recognized as an outstanding employer for her support of employees who are serving in the military. CCAP Technical Support Engineer Greg Schlub (right), who served in Afghanistan for 14 months, nominated Bousquet. At left is Director of State Courts A. John Voelker; presenting the award is Colonel Robert H. Ronge, chief of staff for the Wisconsin Army National Guard.

active duty in June 2004. While in Afghanistan, he coached and mentored a logistics officer from the Afghan National Army, the group on charge of the defense of the Kabul area. Because this army had been recently created, the soldiers and officers were not familiar with the North Atlantic Treaty Organization (NATO) rules. Schlub's task force of U.S. and coalition forces was responsible for supporting and training this fledgling force.

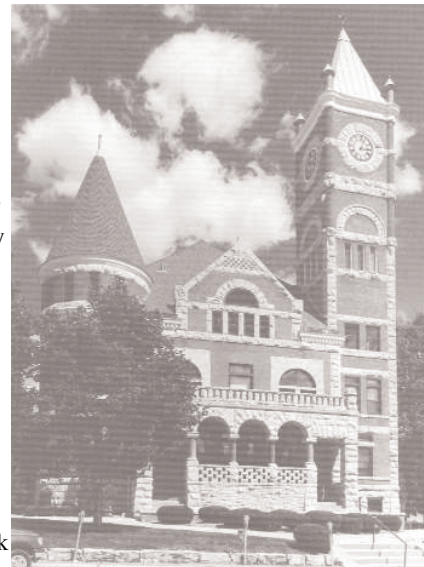
"Mock trial a lesson in fair play for students," a story in *The Sheboygan Press*, gave a glimpse of the excitement that attends the annual statewide State Bar High School Mock Trial Tournament. In Sheboygan, the tournament brought nearly 100

students from seven area high schools to the courthouse on a Saturday, where they worked with local lawyers, teachers, and Judge **Terence Bourke**, Sheboygan County Circuit Court. "I like to see them get excited about the notion of fair play," Bourke told the newspaper. "If they're going to do mock trial, they have to know both sides of the case, and they have to know the weaknesses of one side, the strengths, know that the truth oftentimes lies somewhere in between, and realize there are two sides to every story."

One of Wisconsin's most beautiful courthouses, the Green County Courthouse built in 1891, is in dire need of expansion, according to an article in the March 15 *Albany Vision*. Under the headline, "County running out of space," the newspaper explained that the county needs a second judge but currently only has space for one courtroom in its historic courthouse. The studies of various alternatives – which include moving county offices into a different building, constructing a separate justice center, and adding to the existing courthouse – are fueling a debate about whether the courts need to be in the center of the community.

"Public shaming returns," a story in *The Reporter* (Fond du Lac), explained North Fond du Lac Municipal Court Judge **Jerry Jaye's** approach to curbing public urination. Since 2004, Jaye has ordered violators to write letters of apology to the community and to submit them to the newspaper for publication. To date, he has handled about 200 cases in this manner. "I thought up the letters one day while sitting on the bench," he was quoted as saying. "Forfeitures were not deterring people from urinating in downtown Fond du Lac. It gets old."

*The Kenosha News* ran a front-page story on the Kenosha County Courthouse's new security screening system. The system, donated by American Airlines, began



The Green County Courthouse in Monroe



PEOPLE *continued from page 25*

operation in late January. Prior to that, the courthouse had no perimeter security screening. Early on, a few kinks (people grabbing the wrong keys, items getting stuck, too few deputies to keep things moving quickly, indignant attorneys) emerged but they were quickly ironed out and courthouse visitors and employees were satisfied. Judge **Mary K. Wagner**, who could have bypassed the system by showing her ID at a designated courthouse entrance, chose instead to come through the front door – and pronounced the system a welcome improvement. “It was just like a little line at the grocery store,” she reported.

When two sentences in high-profile sex crimes in Rock County captured the attention of radio talk show hosts, CNN’s **Nancy Grace**, and others, reporter **Mike DuPre** of *The Janesville Gazette* took the advice of court officials and read the transcripts before jumping into the fray. The



Judge Alan Bates

resulting story, “Does the time fit sex crime?” was a balanced account of a judge’s considerations in sentencing. “The transcripts indicate [Judge **Alan**] **Bates** is a thoughtful judge who doesn’t think that time behind bars is necessary for all sexual offenders,” the story explained.

The reporter also put the issue into perspective by examining case statistics, which revealed that the six Rock County judges sentence sex offenders to prison at similar rates.

Because Bates could not comment on the cases, veteran Judge **James Daley** was asked to explain the judge’s role in sentencing. “Every case has to be treated differently and individually because no two defendants are ever exactly alike,” Daley told the newspaper. “Sentencing is so difficult because you cannot set generalized rules for specific crimes.”



Judge Emily Mueller

Multi-talented Judge **Emily Mueller**, Racine County Circuit Court, took the part of Mae, who is the mother of a renowned musician and a woman “who has said some indiscreet things on a television talk show,” in a Racine Theatre Guild production called “The Supporting Cast” that ran for four weekends in February and

March. Mueller was one of four characters in the play who discovered, to their chagrin, that a novelist friend had thinly disguised them in a soon-to-be-published book. Reserve Judge **Nancy Wheeler** pronounced the play enormously entertaining.

Not to be outdone, Mueller’s court reporter, **Robin Anderson**, was featured in a special Sunday column called

“Get this job” in *The Journal Times* (Racine). Anderson is a former Milwaukee freelance court reporter who has worked at the Racine County Courthouse for 11 years. She took the opportunity in the column to explain that there is a shortage of qualified court reporters and to encourage people to consider the profession. “I love my job,” she said. “I don’t think I would trade it for anything.”



Oscar C. Boldt

**Oscar C. Boldt**, a member of the Supreme Court Planning and Policy Advisory Committee (PPAC) and president of the Oscar J. Boldt Construction Company, a business that dates back to 1899 and that today is one of the nation’s largest construction firms, received an honorary doctorate from his alma mater, the UW College of Engineering, on May 12. Chief Justice **Shirley S. Abrahamson** was on hand to help present the degree and to thank Boldt for his valuable service to the courts.

“Appeals court coming to Point,” a page-one story in *The Portage County Gazette*, hailed the arrival of the District IV Court of Appeals, which occasionally hears cases in Stevens Point, and helped to fill the courtroom with interested observers. The court traveled to Point to hear a case involving a dispute between a potato grower and a supplier of “chipping” potatoes.

“State Supreme Court’s activism deserves scrutiny,” a story in the March 9 edition of the *Milwaukee Journal Sentinel*, excerpted pieces of Judge **Diane S. Sykes**’s Hallows Lecture at Marquette Law School. Sykes, who served on the Wisconsin Supreme Court for five years, expressed concern at what she called the Court’s willingness “to devise and impose its own solutions to what it perceives to be important public policy problems civil and criminal – rather than deferring to the political process.”



Judge Diane S. Sykes

Former Chief Judge **Edward R. Brunner**, who has served on the bench in Barron County for 18 years, is well known among his peers for his work in the area of restorative justice, tribal court relations, and assistance to *pro se* litigants. Now, the State Bar will honor Brunner with its Lifetime Achievement Award (*see separate story on page 5*). Numerous media outlets reported on Brunner’s selection for the prestigious award, including *The Chronotype* (Rice Lake), which quoted the nomination letter submitted by Chief Judge **Benjamin D. Proctor**. “One key to his success as a judicial leader,” Proctor wrote, “has been his team approach to identifying problems and opportunities, developing ambitious yet realistic plans and implementing programs and changes.” ■

**Pro se** continued from page 1

specialty seminar that will be presented in locations around the state, began this spring in Neenah, traveled to Madison in April and will be presented in Eau Claire on June 1.

Clerk of Circuit Court Gail Gentz, one of the organizers, reported that the Neenah session attracted about 50 attendees and the Madison session brought in about 80. The seminars are geared toward clerks' staff.

Atty. Marcia Vandercook, a senior policy analyst in the Office of Court Operations, opens the day-long events by providing guidelines to help the audience distinguish between legal information and legal advice. Then, District Court Administrator Gregg Moore joins Gentz, of Kenosha County, and fellow Clerks Diane Fremgen, Winnebago

County, and Diana Miller, Eau Claire County, for a role-play exercise and audience discussion highlighting the dos and don'ts of assisting *pro se* litigants.

In the afternoon, State Law Librarian Jane Colwin highlights available resources for self-represented litigants, and Deputy Chief Judge Gary L. Carlson gives an online tour of the new family court Web site, which includes forms that can be filled in by answering a series of questions.

The afternoon ends with participants working in small groups to tackle scenarios. "We make sure to assign people from different counties to each group," Gentz said, "that way, they share what is being done in their county and they learn from one another." ■

**Pro se litigant scenario**

Here is one scenario that Clerks of Circuit Court Diane Fremgen, Gail Gentz, and Diana Miller, along with District Court Administrator Gregg Moore, present at the regional seminars. The point of this one is to demonstrate that court staff can provide cites to statutes, court rules and ordinances, or refer *pro se* litigants to these resources, but cannot interpret statutes or give opinions on what a litigant should do.

Diane, the clerk, is working at a public counter providing information for civil and family cases. *Pro se* litigant approaches counter:

**Clerk:** May I help you?

**Litigant:** I sure hope so. I think I made a big mistake and I need to find out what I have to do to get out of my marriage.

**Clerk:** Oh, so you need information on starting divorce proceedings?

**Litigant:** I don't know that I need to get a divorce and go through all of that hassle. You see, we were just married in Las Vegas and, you know, that's not really "real" and on top of that we've only been married about two months so I was thinking that there must be some way to just, you know, undo it. Isn't there something, I think it starts with "A", that's different from a divorce?

**Clerk:** There is a legal proceeding called an annulment which is different from a divorce or a legal separation. I think that what you should do first is take the time to read about these three things in the Wisconsin Statutes, which are the laws of our state. You will find a set of Wisconsin Statutes down the hall in the law library. Start by looking in the index under Divorce or Annulment which should direct you to the right sections. Then maybe you will have a better idea of what it is you need to do.

**Litigant:** Well, heck, all I want to do is get rid of this guy but I'll go take a look. I'll probably be back, though. (Diana leaves, and returns clutching Volume 4 of the Wisconsin Statutes.) Hey, I'm back. I think I found something but I don't know exactly what it means. It says here that you can only get an annulment if one of these four things is true. Well, I think we might qualify for more than one, but I need you to tell me what some of this stuff means. One reason is that the marriage was never consummated, so does that mean by a minister? 'Cause, you know I told you that we got married in Vegas and we didn't have a minister, at least not a real one?

**Clerk:** No, consummated means having sexual intercourse. This section of the statutes is telling you that you can ask the court to annul a marriage if one of the parties lacked the physical capacity to have sex.

**Litigant:** (looking disappointed) Oh. Well I guess I can't use that one. But there's this other one here (pointing to page in book) about one of the parties being under the influence of alcohol. Well, I have to tell you that we were both feeling "pretty happy" when we went to that wedding chapel in Vegas, so do you think I should go for it?

**Clerk:** Oh, I think it sounds to me like an annulment would work for you.

**Litigant:** Great! I really want to get rid of this guy, so what do I do next?

**Questions for discussion:**

1. What did the clerk do right? Wrong?
2. Do you think it was OK for the clerk to define "consummated" without referring to a dictionary?
3. Were there some missed opportunities for referrals?
4. Should the clerk have looked up the statute number for annulments and given it to the litigant?
5. What if your law library is not open to the public?
6. Are there other ways to help this person?

**NEW FACES** *continued from page 7*

Le Grand received his undergraduate degree from St. Louis University and worked in the Peace Corps in India, where he trained teachers. He later earned his law degree from the UW Law School.

Le Grand and his wife, Sondra, live in La Crosse and have two children.

**Zimmerman leads *pro se* initiative**

Atty. Ann Zimmerman has been selected to serve as assistant to the chief justice, a one-year appointment that will be dedicated to developing a statewide initiative on self-represented litigants.



Ann Zimmerman

Zimmerman first became aware of the challenges self-represented litigants present to the legal system as a law student in the early 1990s. “Given my own inexperience with procedural and substantive law as a prosecutorial intern in Walworth County, I was painfully aware of the disadvantages suffered by self-represented litigants as they attempted to make their way through the different stages of their cases, from pre-trial conferences to post-judgment proceedings,” she said. “I also understood that self-represented litigants were burdensome to court staff, as I witnessed counter personnel in the DA’s office struggling to provide procedural assistance without crossing the line into legal advice, and judges leaning over the bench to assist the bewildered folks before them.”

A second law school internship with Chief Justice Shirley S. Abrahamson solidified Zimmerman’s interest in pursuing a legal career involving public service. “Like countless other law students before me, I was inspired to put my law degree to good use after observing the Chief’s unparalleled commitment to the people of Wisconsin in her role as a Supreme Court justice.”

Following graduation, Zimmerman worked for several years as an assistant attorney general in the Wisconsin Department of Justice (DOJ) Environmental Protection Unit. “It was then that I learned that while it may seem like lawyers have the advantage in a case against a *pro se* litigant, it is not necessarily true. While this may have been partly due to my working for the state government, I felt that I needed to bend over backwards not to take advantage of my unrepresented opponents and was often directed by judges to educate the other side on the legal issues and to draft all the requisite pleadings.”

During her stint at DOJ, Zimmerman also chaired the Legal Services Training Committee, creating a series of continuing legal education programs for government attorneys and entities. “I saw a need not being met for quality training pertaining to the legal work being done by DOJ and other governmental agencies, and I sought to fill

it. I thoroughly enjoyed the collaborative process of working with other lawyers, legal staff and the judiciary to produce something of value for my peers.”

A Madison native who lives in Middleton with her husband, Scott, and their two children, Zimmerman received a bachelor’s degree in English from UW-Madison and graduated *cum laude* from the UW Law School in 1993. “My dad was an English teacher and my mother a social worker, and they instilled in me from an early age the values of education and service to others,” she said.

When her daughter was born with a rare metabolic disorder, Zimmerman left her position at DOJ to care for her two children full-time. While at home, she did some freelance writing, including an article in 2000 on Wisconsin’s developing *pro se* movement for *Wisconsin Lawyer* magazine, which renewed her interest in this topic. Zimmerman followed developments from the sidelines for a number of years until Abrahamson hired her in February as a temporary, part-time special assistant to the chief justice. In this capacity, she serves as the statewide *pro se* coordinator.

“I know that self-representation is problematic for all of us,” Zimmerman said. “Court staff, judges and lawyers face administrative, legal and ethical problems, and access to justice is the problem facing litigants. I see my job as an opportunity to help deal with these problems in a proactive, positive way so that public trust and confidence in the legal community is enhanced.”

When Abrahamson encouraged local communities to develop self-help programs six years ago, many responded, notes Zimmerman. While some counties developed *pro se* forms and instructions, others developed Web sites and formed committees to address their local issues. Still others enlisted the help of local bar associations, and law schools. At the state level, a *pro se* divorce forms committee was established. It recently produced standard, easy-to-understand interactive online forms which are currently becoming available on a county by county basis on the Supreme Court’s Web site and at the clerks’ offices.

“There’s a lot of momentum right now in the *pro se* area and it’s my goal to help bring it to the next level,” she said. Zimmerman began in February, and has been traveling the state meeting with court personnel and others who are actively involved with *pro se* assistance support matters.

“One of my objectives is to inventory the state’s existing programs and identify the best practices already in place,” she said. “From there, I will share what I learn and help coordinate *pro se* programs with those counties that wish to get started or improve upon their existing *pro se* assistance activities. Last, but not least, I’m working on expanding the state’s repertoire of interactive *pro se* forms in the areas of small claims and probate.” ■

Contact Ann Zimmerman at (608) 261-8297 or [ann.zimmerman@wicourts.gov](mailto:ann.zimmerman@wicourts.gov).



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## Cookie therapy

by Judge Andrew P. Bissonnette  
Dodge County Circuit Court

You never quite know what you are going to run into in small claims court. Recently I had a case whose origins traced back to the middle of last year. An 80-year-old widow owned two adjoining homes out in the country and was being foreclosed on. She had an unmarried couple as tenants in the other house, and they ended up reaching an agreement that they would buy all of the property from her, paying \$10,000 less than what it was really worth, but giving her a life estate in her existing residence.

The case came into small claims court before me on the new owners' request for eviction of the elderly lady. They indicated that, although their offer did contain the full agreement on the life estate, the deed which was given by the seller failed to reserve that life estate. The court rather quickly found for the defense and reformed the deed to include the life estate language, since the buyers had already received the benefit of their bargain. We then confronted a number of issues which the original offer to purchase had left unresolved. Issues like where the lady was going to park, whether she could still use her garden, who was going to have access to the greenhouse, whether she would have to leash her dog, etc.

There were two hearings on this matter, the last one being on Friday, March 31. The woman owner appeared with her attorney, but her boyfriend did not attend that final hearing. The 80-year-old lady also attended with her attorney. Part way through the hearing, one of the issues was identified as to whether the 80-year-old would even be allowed to walk out in the yard. That sounded like a no-brainer to the court, but the owner said that she had a 9-year-old daughter living with her and that the 9-year-old was afraid to go out into the yard or use the swing set because the 80-year-old lady might come out and be mean to her or try to hurt her.

I inquired as to what would have given the 9-year-old that impression. Ultimately, it sounded like the 9-year-old had heard mom's boyfriend ranting and raving about the 80-year-old and formed some rather fearful impressions of the woman. I indicated that this was an untenable situation. We weren't going to have a 9-year-old girl afraid to go out and use her own swing set out of fear of being harmed by the 80-year-old matriarch next door.

Then and there I looked at the two ladies and ordered that within the next two weeks one of them was going to have the other over for tea and cookies. The 9-year-old was also going to be included. I then inquired who was going to do the baking. The 80-year-old volunteered to do that and to have the mother and daughter over to her home as long as the boyfriend was not required

to attend. I agreed with that, indicating that tea and cookies isn't usually a guy thing. I then expressed my intention that at the tea the 80-year-old get to know the daughter better and vice-versa.

I then recalled that Judge Storck had brought in a large tray of brownies for the courthouse staff earlier that day and that there were a fair number of them left that afternoon. I called down to Clerk of Courts Lynn Hron, and asked if she wouldn't mind bringing up eight or 10 brownies to my courtroom. After confirming with me that I was serious, she promptly brought up two dessert plates, each with six brownies on them. I took them from her and walked off the bench and placed a plate of brownies in front of each of the two lawyers. I then resumed my position at the bench and told them that at the end of this hearing we were going to practice this "tea and cookie thing". I also indicated that nobody was to touch any of the brownies until we had resolved every issue in the case.

Over the next 15 minutes we finished resolving all of the issues, and at least one of the attorneys commented that the brownies were looking pretty good, and he was therefore agreeable to opposing counsel's last proposal. We ended up concluding the hearing 10 or 15 minutes ahead of schedule. There were a few people gathered in the back of the courtroom for the next hearing, and I invited them to come up to share in the brownies. I took a minute or two to organize my files and to gather my things in preparation of leaving the bench for a 10-minute recess. As I left the courtroom, however, I glanced over my shoulder long enough to see the two ladies and their attorneys all gathered rather closely together, each with an upturned hand with a napkin lying on it and a brownie in the other hand, and with them eating and chatting. I think I even glimpsed a couple of smiles. As I left the courtroom, I thought to myself, "Yes! Cookie therapy works again." ■

*P.S. Earlier that day I was sitting with Judge Storck at lunch. I was the first one to dig into his brownies and expressed how good they were. I inquired if his wife, Paula, had made them the night before. Judge Storck proudly announced that he had actually made them himself, although from a mix. I then commented that I particularly liked the brownies because they had chocolate chips in them. Judge Storck then turned to me with a little surprise and said, "Is that what they are? Last night I kept seeing these little lumps in the batter and I kept stirring and stirring, but I just could never quite get them all out. I wondered what I had done wrong."*