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# Elections, appointments bring new judges

Spring elections resulted in one new Supreme Court justice, nine new circuit court judges, and the re-election of 23 Court of Appeals and circuit court judges. In addition, two Court of Appeals judges and eight circuit courts judges won their first elections after initially having been appointed.

Most of the new judges will take office on Aug. 1, 2008, but Gov. Jim Doyle appointed two circuit court judges to start early to fill vacancies in Milwaukee and Dodge

Justice-elect Michael J. Gableman

counties. Doyle also recently appointed a new judge to fill a vacancy created in Brown County by the retirement of Judge Peter Naze. Doyle also is expected to appoint a new judge in Jackson County. Judge-elect Eric Stutz passed away on May 2 (see Obituary on page 19).

# Gableman elected to the Supreme Court

Judge Michael J. Gableman, Burnett County Circuit Court, won a highly publicized race for the Supreme Court against Justice Louis B. Butler Jr.

Gableman has been the Burnett County Circuit Court judge since he was appointed by then-Gov. Scott McCallum in 2002. He graduated from Hamline University Law School in 1993. Prior to his appointment to the circuit court, Gableman served as an administrative law judge for the Wisconsin Department of Workforce Development and district attorney for Ashland County.

## Court of Appeals judges win election

Judge Burneatta "Burnie" L. Bridge, who was appointed by Gov. Doyle in January 2007 (*see* The Third Branch, *spring 2007*), won her first election to the District IV Court of Appeals unopposed. Bridge had previously served as an administrator in the state Department of Health and Human Services, chair of the Public Service Commission, and as deputy attorney general and assistant attorney general.

District II Court of Appeals Judge Lisa Neubauer will remain on the bench after defeating Atty. William Gleisner. Neubauer was appointed by Gov. Jim Doyle in January to replace retired Judge Neil Nettesheim, who now serves as a

see New Judges on page 15

# Courts help set scene for Public Enemies

When the crew of *Public Enemies* showed up, the Lafayette County Courthouse and court staff were ready for their close-up.

Filming began in Columbus on St. Patrick's Day. On March 18 through 20, scenes were shot at the historic courthouse in Darlington. Court system staff in Madison also had a close-up view of filming, which took place at the State Capitol in early May.

District Five Court Administrator Gail Richardson was on the set in the Lafayette County Courthouse and shared her observations with *The Third Branch*.

The movie, produced and directed by UW-Madison alumnus Michael Mann, is based on the life of notorious criminal John Dillinger. The Darlington courthouse was used to film a bail hearing scene. Lafayette County elected officials, including Circuit Court Judge William Johnston and Clerk of Court Kitty McGowen, were given roles as unpaid extras in the scene. District Five

Court Reporter Ellen Weisling was given the role of court reporter after an employee of the casting firm was given her name by his aunt, who works in the Dane County District Attorney's Office.

On the first day in Darlington, the crew set about the task of transforming the courthouse into something out of the 1930s, using photographs from the time period for reference.



Public Enemies star Johnny Depp shakes hands with Lafayette County Sheriff Scott Pedley, as other county and court staff look on.

Because CCAP would be over 60 years in the making, all modern equipment, including computers, furniture, lighting and décor had to be removed. Everything was replaced with 1930's replicas, including an old stenographer's machine, which Weisling used to record everything said by the actors, just as she would do in a real courtroom.

The second day got off to an early start, with extras



A. John Voelker

# Director's column: Planning legislative agenda

I know the legislative session just ended, but my office is already thinking about the next legislative session, which begins in January 2009. I'd like your suggestions for legislative changes that may help the court system run more smoothly.

The current legislative session showed us that getting an early start and taking a proactive approach pays off. This strategy was successful with the judgeship bill, for example, and we're taking a similar approach to next session.

As part of our legislative efforts, we'll continue to monitor larger issues, and we anticipate being active on several, such as possible changes to statutes involving "John

Doe" procedures, municipal court powers and operating a motor vehicle while a license is suspended or revoked. The Judicial Council also will continue work on re-writing some of the criminal procedure statutes.

But we're also hoping to expand our legislative agenda by advancing "little changes," which could add up to large-scale efficiencies in the court system and help with the administration of justice.

The American poet Emily Elizabeth Dickinson once wrote: "If you take care of the small things, the big things take care of themselves. You can gain more control over

your life by paying closer attention to the little things."

Similarly, we're hoping some small changes can make a big difference in the court system. We'd like to include these ideas and formalize them in our legislative agenda as we press ahead.

In particular, we're asking judges to find statutes that they feel may be outdated or create an unnecessary burden.

For example, at a recent meeting of the Judicial Conference's Legislative Committee, a committee member suggested changing a statute that requires judges to both read aloud, and provide in writing, an "explanation of determinate sentence."

The change would affect Wis. Stat. § 973.01(8) 3-5, which requires that a judge read aloud a single-spaced full page document, which is then turned over to the offender in written form. Some judges wonder if it makes sense to require both steps, when the written version must be prepared and signed by the offender.

While this may seem like a minor change in one courtroom on any given day, the cumulative time-savings at sentencing hearings statewide could be significant.

Another suggestion involves sentencing guidelines. Statutory language requiring judges to follow sentencing guidelines remains in place, even though the commission was sunset on Dec. 31, 2007. With the sunsetting of the Sentencing Commission, there will be nobody to oversee development of sentencing guidelines nor to consider necessary changes or updates. It seems clear these guidelines will rapidly become out-of-date and not appropriate in certain cases, so we are suggesting Wis. Stat. § 973.017 (2)(a) and 973.017 (10) be repealed.

I should also note that we are working on these issues now, so we can possibly get legislation drafted during the summer and fall, before the Legislature comes back and drafting work piles up.

Getting an early start also will give legislators and their staff more time to consider our proposals and to understand the rationale behind them. Often bills introduced in the Legislature simply die because they were introduced too late.

Of course, we'll continue to push for ideas that may have a major impact and to work against proposals that could hamper the court system.

I'd like to continue building on our success. If you have ideas that you think could result in helpful legislation, please let Legislative Liaison Nancy Rottier know, <a href="mailto:nancy.rottier@wicourts.gov">nancy.rottier@wicourts.gov</a>

# Pro Se judicial education programs underway

by Ann Zimmerman, Pro Se Coordinator

Four Wisconsin judges who attended a national "educate the educator" conference last November on the topic of effectively handling cases involving self-represented litigants, and two court commissioners, have adapted and developed model materials and begun using them at judicial education and court commissioner programs in Wisconsin.

At the April 2008 Family Law Seminar in Green Bay, Judge Michael Dwyer, Milwaukee County Circuit Court, and Judge Robert Mawdsley, Waukesha County Circuit Court, presented a three hour session on *Managing Cases Involving Self-Represented Litigants in Family Court*. At the May joint Wisconsin Family Court Commissioner and Wisconsin Association of Judicial Court Commissioner Conference in Wausau, Judge Barbara A. Kluka, Kenosha County

see Education on page 20



Kenosha County Court Commissioner John Plous and Judge Barbara A. Kluka discuss strategies for effectively managing cases involving self-represented litigants at the joint Wisconsin Family Court Commissioner and Wisconsin Association of Judicial Court Commissioner Conference on May 1 in Wausau.

2008

#### **AWARDS**

# Abrahamson recognized for dedication to Mock Trial Program

At an awards banquet on March 16, Chief Justice Shirley S. Abrahamson was honored with the Heffernan Award for her 25 years of service to the Wisconsin Mock Trial Program.

Abrahamson is the sixth recipient of the award, named after former Chief Justice Nathan S. Heffernan. The award was created in 1995 to recognize individuals who have volunteered their time and have been fundamental to the success of the program over the past 25 years. The award has only been presented to a few individuals, including Heffernan in 1995, Barbara Long in 1996, Attorney Charles Senn in 1999, and teacher William Rehnstrad and Attorney John (Nick) Schweitzer in 2004.



Chief Justice Shirley S. Abrahamson and Lindsey Draper pose in front of the Heffernan Award, which was presented to Abrahamson on March 16.

# Freedom of Information Council honors Supreme Court

The Wisconsin Freedom of Information Council has honored the Wisconsin Supreme Court with an Openness in Government Award. The Court was awarded a Popee (political openness advocate of the year), one of several openness awards presented by the organization.

The Associated Press reported the award was "for two rulings that expanded the public's right to know." In <u>Buswell v. Tomah Area School District</u>, the court said government meeting notices must contain reasonably detailed information about the subjects up for discussion. In <u>Zellner v. Cedarburg School District</u>, it rejected a teacher's efforts to block the release of records related to his termination for viewing pornography on school computers.

# CCAP receives outstanding service award

The Wisconsin Apartment Association and the Wisconsin Rental Housing Legislative Council (WAA/WRHLC) honored Consolidated Court Automation Programs (CCAP) with their 2008 Public Service Award at their March 19 legislative reception in Madison.

In making the award, the landlord group cited CCAP's

ready accessibility of court records, the accuracy of the data, and the efficient way data is presented. The groups noted that landlords and others in the rental housing industry use

CCAP daily to assist them in placing tenants in rental housing.

A. John Voelker accepted the award on behalf of the court system. Voelker also was a featured speaker at the WAA/WRHLC Legislative Day in 2007, at which he explained the work of the Wisconsin Circuit Court Access (WCCA) Oversight Committee. He explained the court system's plan to implement the committee's recommendations. In addition, he explained the court's plan for electronic filing of court cases.



Director of State Courts A. John Voelker accepts the Outstanding Public Service Award presented by Deanna Zewen, president of the Wisconsin Apartment Association.

## Kirk named ABOTA Judge of the Year

The Wisconsin Chapter of the American Board of Trial Advocates (ABOTA) has chosen Waupaca County Circuit Court Judge Philip M. Kirk as their Judge of the Year. ABOTA was established in 1957 for the primary purpose of preserving the civil jury trial. The organization has presented this award to a Wisconsin judge for the past 18 years. The recipient serves as the judge in a mock trial during the trial seminar

# Fiedler honored for victim advocacy

out a survivor."

ABOTA sponsors annually.

Dane County Circuit Court Judge Patrick J. Fiedler was awarded the 2008 Victim Advocacy Award by Wisconsin Victim/Witness Professionals (WVWP). Since 1990, WVWP has been supporting and assisting crime victims and witnesses by providing services and ensuring their rights as outlined in Chapter 950 of the Wisconsin State Statutes. Fiedler was chosen because of his dedication to treating victims who come into his courtroom with respect and dignity.

In its nomination materials, WVWP noted that Fiedler shows he cares about victims, and is interested in their insight and perspective. He shows compassion for victims by ensuring they know that the crime committed against them was not their fault, the association noted. One victim/witness specialist stated in the nomination materials that "a victim walks into Judge Fiedler's courtroom a victim, and walks



Judge Philip M. Kirk



Judge Patrick J. Fielder



THIRD BRANCH Spring 2008

Judge John F. "Jack" Aulik

## Jack Aulik Award honors its namesake

he Wisconsin Association of Treatment Court Professionals awarded its first annual Jack Aulik Award posthumously to its namesake, the late John F. "Jack" Aulik.

Aulik, who served as a Dane County Circuit Court Judge from 1986 to 1998, is credited with launching the state's first drug treatment court. He died in 2001.

> "It seems amazing that one person could create so much change," said Elliott Levine, association president and La Crosse County Circuit Judge.

Aulik's daughter, Camille Aulik, accepted the award during the association's annual conference held in Madison Feb. 7-8. The award will be presented each year in recognition of significant contributions by treatment court professionals.

No one could have envisioned the eventual level of interest in drug treatment courts when Aulik started the Dane County program a decade ago, said Deb Smith,

director of the assigned counsel division of the State Public Defender's Office.

When assigned to handle drug cases, Aulik recognized the system was ineffective at addressing many defendants' problems, and he decided to try something new, Smith said.

Initially, some judges were resistant and complained that they were not social workers, Smith said. But the idea of treatment courts caught on as a way to address the root problems of some offenders and to reduce recidivism and the demand for jail

Four recent "drug court" graduates shared their stories with conference attendees. Each explained

how treatment court professionals helped them address some of their underlying problems. One talked about learning the tools to deal with her thoughts and emotions and commented, "It's not easy being an addict, but it's all you know."

More than 100 participants attended the conference and heard from speakers on topics including Addiction and Mental Illness, Stigma and Treatment in the African-American Community, and Assessment and Risk Evaluation.

The 2009 conference will be held in Waukesha in February. ■



Camille Aulik, right, accepted the first annual Jack Aulik Award on behalf of her late father at the Wisconsin Association of Treatment Court Professionals conference held in Madison Feb. 7-8. Also pictured is Deb Smith, director of the assigned counsel division of the State Public Defender's Office.

# Center for Jury Studies reports to clerks

Paula Hannaford-Agor, director of the Center for Jury Studies, addressed the clerks of circuit court at their February 2008 Institute at the Kalahari Resort in the Wis. Dells. The clerks had participated in a national survey undertaken by the National Center for State Courts in 2005, and Hannaford-Agor reported on where the Wisconsin data fit into the context of national numbers.

Director of the Center for Jury Studies Paula Hannaford-Agor, Kathy Bosben of CCAP, District 5 DCA Gail Richardson, Milwaukee County Jury Manager Lori Watson-Schumann and Chief Judge Gerald Ptacek all spoke to the clerks of circuit court at their February 2008 Institute.

Some numbers of interest: The survey showed that Wisconsin had a trial rate of 39.2 per 100,000 population, while the national rate was 52.8. The adult population represented by those summoned was 5 percent in Wisconsin, and 15 percent nationally. Wisconsin has significantly longer terms of service than the national average; 85.7 percent of counties in Wisconsin use one

month, while only 16.2 percent of counties nationally do so. In Wisconsin, only 3.6 percent of counties reported using a one day/one trial system, while 34.5 percent did nationally.

Also speaking was Chief Judge Gerald P. Ptacek, chair of the Chief Judge Subcommittee on Juror Treatment and Selection. He outlined the provisions of the petition sent to the Supreme Court to modify sections of Chapter 756 of the statutes. That petition had a public hearing on April 7, 2008. The Court signed an order adopting the majority of the petition's requested changes on April 24, 2008. Gail Richardson, District Five court administrator, and Kathy Bosben of Consolidated Court Automation Programs (CCAP), reviewed CCAP-generated jury management reports, and Lori Watson Schumann, jury manager in Milwaukee County, reviewed the Juror Appreciation Program Milwaukee introduced in 2007.

The clerks agreed that a statewide juror appreciation program would be a good project and recommended that it occur in September. A list of program ideas and a packet of materials for clerks and judges to use in developing a local celebration will be sent out in June. For more information on the survey, visit

http://www.ncsconline.org/D\_Research/cjs/statesurvey.html■

# **Dodge County Judge plays game of 'Life'**

hief Judge John R. Storck, Dodge County Circuit Court, found a new way to connect with students during American Legion Student Government Day in Dodge County in April.

Instead of setting up the traditional mock trial, Storck orchestrated a game of "Life," to keep attention of high school students who filled his courtroom.

The game consisted of a number of "vignettes" in which students were cast in "real-life" situations and then shown how the court system would respond.

"In the past I always did a mock jury trial. Although the mock trial was well received, I felt that doing only a mock trial left so much out of what really happens on a day-to-day basis here at the courthouse. Having a whole series of mini life stories and brief hearings showed the youth how many varied types of life issues are dealt with by the courts. It also showed how the courts work with other agencies to attempt to resolve issues," Storck said.

In the first vignette, two boys and a girl met at Student Government Day and one of the boys started dating the girl. Ten months later they received a "gift" of a child. Paternity tests were administered by the child support office in the

Dodge County Circuit Court Chief Judge John R. Storck discusses a day in the life of the court with high school students from Lomira, Dodgeland, Hustisford, Horicon, Beaver Dam and Mayville during the 51st annual Student Government Day program in Juneau.

courtroom, and the boy, who did not have an ongoing relationship with the mother of the child, was determined to be the father.

The group was walked through the steps that family court counseling, a guardian ad litem, and the courts would

take to help resolve all of the various issues of custody, placement, and support.

In the second vignette the boyfriend, who was not the child's father. became depressed, attempted suicide, and became the subject of a Chapter 51 proceeding regarding mental health.

> The next vignette involved the child now being



High school student Steven Schwanz of Lomira plays the role of the judge for a mock trial, as Chief Judge Storck walks the class through the court system.

neglected and the ensuing CHIPS (child in need of protection and/or services) proceeding. Other real life experiences included a foreclosure on the couples' home (represented by a Lego house), and the replevin of their model car.

Next, there was a tragic drunken driving crash in which the passenger friend was first seriously injured and in need of a guardian. He later died, and his estate went through probate court. Finally, the criminal case of the homicide by intoxicated use went to trial before a jury.

During each vignette various officials who work with the court system were introduced and their roles discussed. Through this process the youth were exposed to how others such as the family court counselors, the corporation counsel office, human services, the district attorney, the victim witness coordinator, the court reporter, the clerk of courts, the register in probate, and attorneys work with the court to process cases and attempt to solve real life problems.

#### **NEW FACES**

## **Cyrulik joins Court Operations Team**

Michelle "Shelly" Cyrulik began work on April 14 as a policy analyst in the Office of Court Operations. She will support the work of the Planning and Policy Advisory Committee, as well as its subcommittees.

Prior to joining Court Operations, Cyrulik served as



Shelly Cyrulik

coordinator of the Waukesha County Criminal Justice Collaborating Council for five years. In that role, she was responsible for program research, implementation, and management; managing committee activities; strategic planning; and budget development.

She has a master's degree in public administration from UW-Milwaukee and a bachelor's degree in political science and public administration from the UW-La Crosse.

Cyrulik plans to move to Madison from Milwaukee this summer.

THE THIRD BRANCH Spring 2008

# Zappen shares love of history, woodworking

by Sara Foster, Associate Editor

700d County Circuit Court Judge Edward F. Zappen Jr. has combined his love of American history with his love of woodworking by building a replica of Thomas Jefferson's writing desk. Now he is sharing his work as a visiting speaker at Wisconsin libraries.

When Zappen, who has been making 18<sup>th</sup> Century reproduction furniture for years, read an article about Thomas Jefferson's small writing desk, he decided to make one. The desk is a reproduction of the small desk Jefferson designed and used while drafting the Declaration of Independence. Zappen calls the portable desk an "18<sup>th</sup>

Photo: Tom Loucks, Wisconsin Rapids Daily-Tribune

Wood County Circuit Court Judge Edward Zappen Jr. works on his replica of Thomas Jefferson's writing desk in his workshop.

Century laptop." No drawings of plans exist for the desk, so Zappen has had to rely on research to make it as accurate as possible. Zappen was able to view the original desk made in 1776, at the National Museum of American History in Washington, D.C. The museum is closed

for remodeling, but Zappen was invited by the curator to view the desk, which had to be removed from storage. He was also allowed to take photos of the original desk to help with his own design.

One of the biggest challenges in creating the desk is the lack of hardware. Zappen has been able to purchase some of the hardware from a company that specializes in

reproductions.

Retired District II Court of Appeals Staff Attorney Ronald Hofer is contributing to the project by making hinges for the desk.

Hofer is a metalworker by hobby. "The hinges are unique and no one has been able to make reproductions. Ron showed me some prototypes and I think that he may have done it," Zappen said.

Since completing the reproduction last May, Zappen has been invited to various libraries



Jefferson's original desk, which Judge Zappen was able to examine at the National Museum of American History in Washington, D.C.

around the state to show his desk and talk about the history of the original desk and the writing of the Declaration of Independence. He has returned to the National Museum of American History with his recreation, where he was given additional materials to use in his presentations.

Zappen is currently working on a new reproduction of Thomas Jefferson's writing desk, hoping to make this version even more accurate. He has been invited back to the National Museum of American History this summer when it reopens to take more pictures, and he hopes to take a few measurements, too. The original desk is currently on display at the Smithsonian National Air and Space Museum during the National Museum of American History's renovation.

Zappen also hopes to write a book on the events leading up to the Declaration of Independence and the history of the desk it was drafted on, but family projects, like toy boxes for his grandchildren, are currently at the top of his priority

# Library initiative helps pro se litigants

n an effort to promote communication between local courts and public libraries, the Third Judicial District held two workshops for librarians who assist people who represent themselves in court. The workshops took place on March 6 in Waukesha and April 8 in Horicon, and offered information for library staff about the various court-related services and information currently available for selfrepresented litigants.

The Waukesha presentation was cosponsored by the Wisconsin



Waukesha County Circuit Court Judge Michael O. Bohren presents information to help public librarians assist selfrepresented litigants at the Waukesha County Public Library Initiative workshop.

Court System and the Waukesha County Library System. Speakers at the event included Waukesha County Circuit Court Judge Michael O. Bohren, Third Judicial District Court Administrator Michael Neimon, State Law Librarian Jane Colwin, Waukesha County Clerk of Circuit Court Carolyn Evenson, Waukesha County Register in Probate Sally Lunde, and Waukesha County Family Self-Help Coordinator Tera Nehring.

The Horicon presentation was offered for

see Library on page 14

# **Effective Justice Strategies taking hold**

By Erin Slattengren, Court Operations and Scott Johnson, District 10 Court Administrator

\$573,000 grant from the JEHT (Justice, Equality, Human dignity and Tolerance) Foundation and state-budget approval for a new position in the Director of State Courts Office has helped the Wisconsin Court System continue to promote its effective justice strategies program.

Effective justice strategies, which can take different forms, involve initiatives aimed at improving the effectiveness of the state's criminal justice system. Examples, among others, include problem-solving courts and Criminal Justice Councils, which have formed in many parts of the state.

In addition to involvement by court officials, such programs may involve law enforcement, corrections, state and county human services, and other stakeholders in the criminal justice system, such as prosecutors and public defenders.

Based on measures and outcomes identified locally, many communities are reporting success in their problem-solving approaches and others are looking for guidance to address similar issues and to replicate sound practices that "work."

Less than two decades ago there were no formal Criminal Justice Councils in Wisconsin and today at least 16 have been formally organized. Additionally, more than 13 problem-solving courts currently exist in Wisconsin and several more are in planning phases. Other courts have implemented alternative strategies such as day report centers, community service programs, intermediate sanctions, alternatives to revocation, and electronic monitoring to address the expanding fiscal and social responsibilities continually experienced at the local level.

Here's an update on two efforts in the Tenth Judicial District, which recently marked milestones. These programs serve as examples of effective justice strategies efforts underway statewide.

# Assess, Inform and Measure (AIM) – Eau Claire County

The Eau Claire County AIM project celebrated a milestone as the first participant graduated on April 24, 2008. Judge Benjamin D. Proctor presided over the event and has led the initiative since its inception in November 2006. Eau Claire County is one of six counties piloting a process focused on providing the court with valid and reliable information that will have value in the case disposition process.

AIM is a pilot project of the Planning and Policy Advisory Committee (PPAC) Effective Justice Strategies subcommittee, and the goals of the state AIM project shared by all six pilot sites are to provide the sentencing court with a valid risk, needs and community intervention assessment, while creating an outcome feedback loop that provides information on the success of court dispositions and community interventions in promoting offender success and public safety. Another goal is to put into practice and evaluate a process that offers the court reliable information that will have value in the sentencing process, and that may lead to the safe diversion of some persons, who may have

otherwise received jail or prison confinement time, to community-based supervision and treatment.

Pilot sites determine their own AIM target populations and validated assessment tools, and develop their own referral and information sharing processes. Common data will be collected among all pilots to analyze outcomes related to recidivism and public safety.

The Eau Claire County AIM project is unique in that it has merged the AIM process into a problem-solving court model and is currently targeting single mothers with alcohol, drug dependency and/or mental health issues and who are involved with the criminal justice system. The specific goals of the initiative are to keep families healthy and intact by providing the court with valid and reliable information that will assist in the development of meaningful dispositions; and provide a reliable method of evaluating the provision of critical information to the court.

Upon referral, trained evaluators from UW-Eau Claire conduct a comprehensive assessment that provides analysis of needs, risk, reponsivity, goal planning and social support. Participants are monitored, must meet with the court weekly and are provided with wrap-around support and services to assist with successful completion of the program.

The program is supported by representatives from the State Department of Corrections, Public Defenders Office, Lutheran Social Services Women's Way Program, UW-Eau Claire, Eau Claire County Department of Human Services and the District Attorney's Office. Other pilot counties include Milwaukee, La Crosse, Portage, Marathon and Iowa.

## St. Croix County Drug Court

On Feb. 20, 2008, Judge Edward F. Vlack III presided over St. Croix County's first Drug Court graduation ceremony. The event culminated more than two years of extensive planning and effort focused on a community-based response to growing concerns with the explosive growth of methamphetamine cases in St. Croix County. Twenty-one participants are currently enrolled in the program, which requires the completion of four phases covering 18 months.

The mission of the St. Croix County Drug Court is to reduce substance abuse and criminal behavior in order to improve the lives of offenders, families and the community by providing intensive court supervision and drug treatment while holding offenders accountable for criminal behavior.

It is the goal of the Drug Court to provide the necessary support and monitoring to allow participants to succeed without relying on limited state resources or costly longterm patient care, Judge Vlack said.

"It became increasingly clear that resources at the state level were becoming scarce, in terms of prison beds and in prison treatment, and that we needed to do something locally to address the problems created by the repeat offender whose crimes stemmed from addiction," Vlack said. "Many offenders were being sentenced to prison but their addiction was not being successfully dealt with in that

#### WISCONSIN CONNECTS

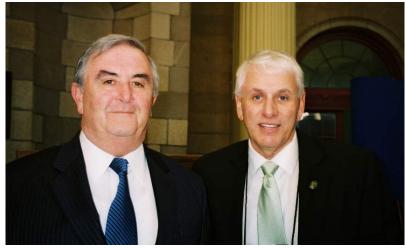
## **Court Administrator attends International Conference**

Second District Court Administrator Kerry Connelly was among approximately 240 judges and court administrators from more than 40 countries who attended a two-day conference on April 22-23 in Dublin, Ireland.

The workshop was sponsored by the International Association for Court

Administration.

The title of this year's conference was Worldwide Innovations in Court Systems. General sessions included: Technical Innovations in the Courts; The Role of Effective Court Administration in Achieving Justice; and Achieving Justice in States Torn by War and



District Two Court Administrator Kerry Connelly (right) poses with Chief Justice of Ireland John L. Murray during a trip to Ireland in April.

Civil Turmoil. Breakout sessions addressed weightedcaseload analysis techniques, case assignment systems, moving from paper to e-filing, and sources of delay and how to address them.

One of the more interesting discussions on achieving

justice in war torn states included judges from Afghanistan, Lebanon, Rwanda, the Palestinian Territory, and a consultant from the United Nations who worked in Sudan.

Connelly said the problems the judges face in these

countries seem insurmountable. However, the judges all appeared to be highly motivated, and it was an inspiration to hear them speak about how they are dedicated to the rule of law and achieving justice for their citizens, he said

The conference began with a reception held at the Four Courts in Dublin and was hosted by the Hon. John L. Murray,

Chief Justice of Ireland. A highlight of the conference was dinner in the main hall of Dublin Castle.

Connelly took vacation to attend this year's meeting.

More information about the association can be found at:

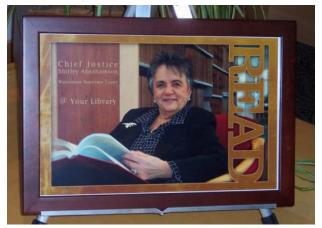
www.iaca.ws

# **WSLL celebrates National Library Week**

by Connie Von Der Heide, Wisconsin State Law Library

The Wisconsin State Law Library (WSLL) held several events and activities April 14-18 in celebration of National Library Week, an annual event sponsored by the American Library Association and observed by libraries of all types across the country.

Using their own theme, "Get Ahead of the Pack @



The State Law Library had its own celebrity, Chief Justice Shirley S. Abrahamson, to pose for their READ poster and bookmark.

WSLL," staff transformed the library into a combination of jungle and African wilderness, complete with "wild animals," tiki torches and safari tours. A special National Library Week Web page also featured a selfguided Photo Safari featuring several different collections in the library: Wisconsin Briefs, audiovisual materials, American Law Reports (ALR), and tax and labor materials. Book displays in the library featured materials published by the State Bar of Wisconsin and National



Themis is in her party dress for the National Library Week celebration

Business Institute, and library staff presented classes on using the library's LegalTrac and HeinOnline journal databases.

Additional highlights included a staff potluck lunch, and see WSLL on page 10

2008

#### LEADERSHIP

# Focus on Local Court Rules: Promoting Peace in the Legal Family

by Judge Edward E. Leineweber, Richland County Circuit Court

Multiple choice question: Local court rules are: (a) a trap for the unwary; (b) a useful means of regulating local practice in the circuit courts; (c) both; or (d) none of the above? Answer: it depends.

During the past couple of years, two committees of lawyers and judges have looked at the use of local rules from both perspectives (a) and (b), as well as in light of recent appellate decisions. Their conclusions are remarkably similar, and warrant a few minutes spent checking the status of the local rules in your own circuit court.

One group, ominously referred to as the Uniform Local Rules Subcommittee of the Bench and Bar Committee, was initially charged with investigating whether a single uniform local rule could be agreed upon by the judges in Districts Seven, Eight, Nine and Ten in the interest of promoting good bench-bar relations by moving toward greater uniformity in local court rules from county to county. Early efforts of this subcommittee revealed that this was not likely to be a productive way to enhance lawyer-judge relations, given the protectiveness portrayed by judges over this inherently local preserve.

The other group, with a less mission-revealing name, was called the Local Rules Committee of the Tenth District. This committee, chaired by Judge Eugene D. Harrington, Washburn County Circuit Court, was charged with the task of preparing a model template for local court rules, including suggested format and language, which might be used by courts within District Ten to organize whatever local rules they might individually decide to adopt. This committee believed that, although the content of local rules will vary from county to county, the use of a standard format for organizing the rules would help attorneys better understand local practices and procedures, improve the access to the courts for self-represented litigants, and help the courts to run more efficiently. Recommendations of this committee were adopted by District Ten, and the courts of this district were obligated to reformat their rules into the new format by June 1 of last year.

In conducting its study, the Bench and Bar subcommittee

found that, despite judges' understandable reluctance to sign on to uniform local rules, a surprising degree of uniformity, at least as to subject matter, already existed in the local rules of the three judicial administrative districts under

consideration. For instance, at the time the study was undertaken in early 2007, of the 44 counties that make up Districts Seven, Eight, Nine and Ten, 17 (37 percent) had adopted rules of decorum; 20 (45 percent) adopted rules governing criminal law and traffic practice; 22 (50 percent) had rules on fax filing of documents; 22 (50 percent) had family law rules; and 24 (55 percent) had small claims rules. Substantial minorities of counties had adopted rules on calendar practice, scheduling and adjournments; motion



Judge Edward E. Leineweber

practice; access to court records; closure of proceedings; and various other topics.

In reviewing these rules from county to county, it appears that many of the courts were simply adopting rules that they saw other courts had adopted on a given subject, often almost verbatim. Thus there appears to be, at least on a few selected topics, a greater uniformity in practice than judges are likely to accept in principle. Still, the majority of courts had chosen not to adopt any rule on most topics, and eight counties (18 percent) had no rules at all. Most counties had only a few local rules on the books.

The experience of these two committees appears to bear out the common sense notion that local rules ought to be limited to topics where local variation in practice is warranted under the circumstances of the particular court, and that uniform rules governing practice and procedure generally ought to be promulgated with statewide reach on topics that affect all courts equally.

Unnecessary complication of court practice and procedure, where individual variations are unwarranted by

see Leadership on page 17

#### Strategies continued from page 7

system due to lack of resources. The offender would return to the community with the same problems and attitudes and end up costing the county additional thousands of dollars in law enforcement, human services and court services for the offender and family."

The St. Croix County Drug Court is a joint project of the St. Croix County Circuit Courts, the Wisconsin Department of Corrections, St. Croix County Human Services, the Wisconsin State Public Defender, the St. Croix County Sheriff and the St. Croix County District Attorney. It is

funded by St. Croix County, the Wisconsin Department of Corrections and contributions from local businesses and organizations. More information may be obtained on the St. Croix County Web site at: <a href="https://www.co.saint-croix.wi.us/Departments/DrugCourt/default.htm">www.co.saint-croix.wi.us/Departments/DrugCourt/default.htm</a>

For questions or more information on these activities please contact Erin Slattengren, the special projects manager in court operations who is now coordinating this work, at 608-261-0684 or <a href="mailto:erin.slattengren@wicourts.gov">erin.slattengren@wicourts.gov</a>

#### **PEOPLE**

Judge Roderick A. Cameron celebrated his 25<sup>th</sup> anniversary on the Chippewa County Circuit Court bench on April 1. Cameron was originally appointed in 1983 by then-Gov. Anthony S. Earl, and was elected in 1984, 1990, 1996, 2002 and 2008. On the same day this year, his brother Howard Cameron was elected to the St. Croix County Circuit Court.

Washington County Clerk of Court **Kristine Deiss** became the first woman elected mayor of



Judge Roderick A. Cameron

West Bend. Deiss was appointed to the post last June to serve the remainder of **Douglas Bade**'s term. Bade resigned after taking a job in Kentucky. Deiss defeated challenger **Michael Christianson** with more than 59 percent of votes. Deiss credits the experience she has had in the position for helping her win the full term. "The voters chose someone who has experience, and that carried me through the day," she told the *Milwaukee Journal Sentinel*.

The Treatment Alternatives and Diversion (TAD) program, a state-financed program designed to address the issue of substance abuse problems in the corrections system, has diverted more than 400 people from the courts and into treatment programs since it began in March 2007. Ryan **Sugden**, speaking for the state Office of Judicial Assistance, told the Milwaukee Journal Sentinel the program has been an alternative and successful option to address the overwhelming need for substance abuse treatment in communities and the state prison system. The program targets non-violent criminal offenders with drug abuse problems. According to Holly Szablewski, judicial review coordinator, 63 percent of people discharged from the program who had deferred prosecution agreements successfully completed the six-month program without committing another offense. The success rate for those who entered into a diversion agreement was 57 percent. "The whole idea is to try to get people into treatment and

community-based services as an alternative to normal case processing, adjudication and sentencing," Szablewski told the *Journal Sentinel*. In addition to benefitting offenders with drug abuse problems, the program saves money by keeping these people out of the criminal justice system.

Manitowoc County Circuit Court Judge **Patrick L.**Willis recently presided over a criminal damage to property and criminal trespass case. His courtroom was packed with second graders who were there to hear the trial of the <u>State of Wisconsin vs. Big Bad Wolf</u>. Willis, who is also Law Day chairman for Manitowoc County, coordinated with the Manitowoc County Bar Association and renowned children's theater representative **R.J. Skrepenski** to create the mock trial of the story of The Three Little Pigs for Law Day. More than 800 students and teachers were able to watch the trial over the three days it ran. Photos can be viewed at: <a href="https://www.htrnews.com/apps/pbcs.dll/gallery?Avis=U0&Dato=20080430&Kategori=MAN&Lopenr=804300807&Ref=PH.">www.htrnews.com/apps/pbcs.dll/gallery?Avis=U0&Dato=20080430&Kategori=MAN&Lopenr=804300807&Ref=PH.</a>
On May 1, Willis also coordinated a free legal advice booth in the courthouse law library.

This year marks the 30th anniversary of **Cameras in the Courtroom**. In March of 1978, the Wisconsin Supreme Court released guidelines to govern an experimental trial period to allow cameras in the courtroom. **Mark Hertzberg**, photo editor of *The (Racine) Journal Times*, recalled the first day under the guidelines.

"The date is ingrained in my memory because I shot in court on April 1, 1978," Hertzberg told *The Third Branch*. "There was a rare Saturday trial in Beloit, where I worked at the time."

By 1979, only 13 other states allowed cameras in their courtrooms. In the 1950s and 60s cameras were banned in courtrooms across the country. The debate over cameras in the courtroom was reopened in the 1970s, when supporters argued that the public had a right to see what happens at a trial, and technology allowed for smaller, more portable cameras. Opponents still believed that cameras and media coverage would create too much of a distraction from the trials.

#### WSLL continued from page 8

the annual Supreme Court staff "coffee break," featuring food, games and prizes. Judy Killian, from the Clerk of Supreme Court's Office and Sonja Schade, from the Supreme Court Commissioners Office, took first and second place respectively in the "Pin the Banana on the Monkey" contest. Susi Stephens, also of the clerk's office, won the daily drawing in the "Track an Animal in the Stacks" contest. To enter, she used clues to find a stuffed animal (a zebra) hidden in the library.

During the court party, a new READ poster and bookmarks featuring Supreme Court Chief Justice Shirley S. Abrahamson were also on display. Produced by library staff, the pieces are modeled after the American Library Association's series of celebrity posters that promote reading. (see <a href="http://www.alastore.ala.org/">http://www.alastore.ala.org/</a>)



District IV Court of Appeals Judge Charles P. Dykman and Chief Justice Shirley S. Abrahamson join the celebration for National Library Week at the State Law Library

2008

# Judge Wasielewski reveals musical talent

By Sara Foster, Associate Editor

ast September, Milwaukee County Circuit Court Judge Francis Wasielewski took a different kind of bench, a piano bench, at the Cathedral of St. John the Evangelist Wednesday Concert Series. During the past 10 years,



Judge Francis Wasielewski

Wasielewski has been taking what was once a private enjoyment public, playing such venues as Polish Fest on the Summerfest grounds.

Wasielewski began studying the piano at the age of six, and continued to study throughout his undergraduate studies in mathematics at Marquette University. After graduating, he attended the Indiana University School of Music, for what he calls a year of discovery in music and life. Although he decided to attend

law school rather than continue his music education, he values his experience in music school, and says he learned as much from his fellow students as he did from his professors.

While he pursued his legal career, Wasielewski put piano playing on hold. It wasn't until the late 1970s, when

he again had a piano in his home, that he returned to playing. While in private practice during the '70s and '80s, Wasielewski began formally studying music again and playing for his own enjoyment. Wasielewski says after a bad day of work, he can go home and become immersed in his music. He believes that it is wonderful to have as an avocation, and is very thankful to his parents for encouraging him in his youth.

Although Wasielewski tries to work on new things, he admits he does not always have the time for daily practice, but does spend two to four hours a day preparing when he has an upcoming performance. He also has a stack of music accumulating Program from Judge Wasielewski's that will have to wait until his retirement, Wasielewski said.



concert last fall.

#### RETIREMENTS

## **Eau Claire County Clerk of Court** retires to do more

Eau Claire County Clerk of Court Diana J. Miller says the word "more" is indicative of her retirement plans. Miller plans on doing more traveling, more boating, more reading, spending more time with family, dining out more, and doing more of the things that she loves to do. She's even been seen wearing a pin with her new motto, "Settle for more."



Diana J. Miller

Miller has worked as Eau Claire County's clerk of court for

more than 18 years. She says the biggest changes she has seen over the years have been the volume and complexity of the work, the increase in the number of personnel, and the automation of the office. "Bless CCAP (Consolidated Court Automation Programs) and the ground they walk on," she adds.

Miller received her bachelor's degree in English and Library Science from UW-Eau Claire, and worked for the Eau Claire Area School District before being appointed Clerk of Court in 1989. She has been an active member within the community, working with Bolton Refuge House, Fall Creek Historical Society, United Way, and American

Association of University Women. She is currently a supporting member of the Chippewa Valley Museum, a Friend of Beaver Creek Reserve and the Washburn Yacht Club

"Every day there is something that amazes me," Miller says, when she thinks back over her years in the position. Miller will take with her the memory of all the diverse people she has had the opportunity to interact with over the years. Her last day will be August 15.

## Two Deputy Clerks of Court retire

Chief Deputy Clerk of Court for Eau Claire County Judy Jensen will be retiring after 20 years. Diana Miller, Eau Claire County's clerk of court, said Jensen has been "fundamental to our aggressive collections efforts, especially in developing and managing our payment plans." She has even earned the nickname "Judge Judy" from some defendants, whose respect she has earned, along with that of the judges and legal community in Eau Claire County.

After 39 years of service, Waupaca County Deputy Clerk of Court Margaret (Peg) Morey will be retiring in June. Morey, who began working for the Waupaca County Clerk of Court on June 18, 1969, has had the opportunity to work with three Clerks of Court and seven judges during her years in the position. Morey recalls all of the changes she has seen over the years, particularly the advances in technology in the court system. She and her husband plan to spend their retirement camping, gardening and traveling.



THIRD BRANCH

# **Mock Trial Program celebrates 25 years**

Rhinelander High School won the 2008 Wisconsin Mock Trial state championship in March. This year's case involved the issue of homicide by negligent handling of fire. This year marked the 25<sup>th</sup> anniversary of Wisconsin's

Members of the Rhinelander High School mock trial team, which won the 2008 state tournament in March, pose with the Wisconsin Supreme Court. The justices served as judges of the event, which was held in Madison.

program. Since 1983, more than 30,000 Wisconsin students have been involved in the program, gaining hands-on experience in the legal system. The program, sponsored by the State Bar of Wisconsin, is designed to promote a better

understanding and appreciation for the law, court procedures, and the judicial system. By bringing students, teachers, government leaders and law professionals together, the program enhances communication within the community, while providing a memorable experience for the students and volunteers involved.

The mock trials the students participate in are structured like real trials, following the same rules. Teams of high school students are coached by teachers and attorneys who volunteer their time to help the teams prepare their cases. Panels of judges and attorneys hear the cases in courtrooms across the state, and evaluate the teams based on their demonstration of knowledge and presentation skills.

The program is funded by the donations of various organizations, attorneys and citizens through the Wisconsin Law Foundation. The program relies on volunteer teachers, attorneys, and judges from across the state. Supreme Court Justices volunteer to serve as judges in the final round of the annual state tournament.

# **CCIP** funding allows for child welfare training

by Michelle Jensen-Goodwin, Court Operations

In September 2007, the Director of State Courts Office received additional grant funding under the Children's Court Improvement Program (CCIP) to expand educational opportunities on child welfare issues impacting the court system.

Listed below are upcoming training opportunities made possible by the new grant funds.

Indian Child Welfare Act Training at Judicial District Meetings – May to August, 2008: Training sessions on the Indian Child Welfare Act are currently taking place across the state at judicial district meetings.

Juvenile Law Orientation – Sept. 12, 2008: In partnership with the Office of Judicial Education, this event will provide practical case management information to judges and circuit court commissioners to improve the handling of cases under the Children's and Juvenile Justice Codes. Although this training is primarily focusing on fundamental topics for new judges or sitting judges new to a juvenile assignment, judges at all levels of experience are welcome and encouraged to attend.

Wisconsin Summit on Children and Families – Sept. 24 – 26, 2008: Planned in collaboration with the Wisconsin

Division of Children and Family Services, the Summit will bring together approximately 400 professionals representing tribes and the child welfare, legal and judicial systems. The objectives of the Summit are to: 1) provide substantive training in a multidisciplinary setting on child welfare issues to improve safety, permanence, and well-being outcomes for children and families; and 2) educate stakeholders on the federal Child and Family Services Review process that will be occurring in spring 2010.

Through the Eyes of a Child Guardian ad Litem Conference – Nov. 13 -14, 2008: Although not a new activity, the CCIP grant will continue to plan and sponsor this highly attended training just as it has for the past 10 years.

Wisconsin Juvenile Court Clerks Association (WJCCA) Conference – April 2009: The federal grant will provide financial sponsorship for meeting and travel expenses related to this annual event in close partnership with the WJCCA executive board.

For more information, please contact Jeanne Williams, CCIP Training Coordinator at <a href="mailto:jeanne.williams@wicourts.gov">jeanne.williams@wicourts.gov</a> or Michelle Jensen-Goodwin, CCIP Director at <a href="mailto:michelle.jensen-goodwin@wicourts.gov">michelle.jensen-goodwin@wicourts.gov</a>.

#### **OBITUARIES**

# Judge Donna J. Muza Dunn County Circuit Court



Judge Donna J. Muza Photo Courtesy of Steve Kinderman, The Leader -Telegram

Judge Donna J. Muza, Dunn County's first and only female judge, passed away on Feb. 26. She was 80.

Muza was appointed in 1979 by then-Gov. Lee Dreyfus and elected in 1980, 1986 and 1992. She retired in 1998 and was honored as a Pioneer Woman Judge in Wisconsin by the State Bar of Wisconsin.

Born Donna Jean Donley in Dunn County in 1927, Muza attended the College of St. Teresa in Winona, Minn., and Marquette Law School. She practiced law

with her father and her husband, Robert, in Dunn County for 30 years before being appointed circuit court judge.

Muza leaves behind a legacy of warmth and compassion. When she took the bench in 1979, she began knitting mittens for needy children and hanging them on a mitten tree in her office because she believed that "no child's hands should ever be cold." Her tradition continued after her retirement and the mitten tree still stands every year in the Dunn County Judicial Center.

Dunn County Circuit Court Judge Rod Smeltzer told the *Leader-Telegram* he first met Muza in 1989, when he was starting as an assistant district attorney. "She was a fair judge who would listen to both sides," Smeltzer said. "She clearly put her heart and soul into the decisions she made. She had a great deal of respect for everyone. I never saw her treat anyone poorly in all the years I worked with her."

Muza was preceded in death by her parents, her husband, and her three brothers. She is survived by her four children, Robert of Sterling Heights, Mich., Stephen of Menomonie, Mary of Colfax, and John of Menomonie; 12 grandchildren; and many great-grandchildren.

# Taraesa Wheary Haug Racine County Clerk of Courts

Racine County Clerk of Courts Taraesa Wheary Haug died March 30 at St. Mary's Medical Center after a courageous battle with lung cancer. She was 53.

Despite her disease, Wheary Haug continued to work for as long as she was able. "She loved her work," County Administrative Deputy Clerk Rose Lee told *The (Racine) Journal Times*. "It was obvious in everything she did."

Wheary Haug worked for Racine County for over 30 years. She was elected clerk of courts in 1996, and was re-elected five



Taraesa Wheary Haug Photo Courtesy of Mark Hertzberg, The (Racine) Journal Times

times, most recently in 2006.

"She was an important part of the court family," Racine County Circuit Court Chief Judge Gerald P. Ptacek told the paper. She also had served as deputy clerk of Juvenile and Civil Courts, case manager of Traffic Court, past vice-president of the Clerk of Circuit Court Association of Wisconsin, co-chair of the Wisconsin Court System Electronic Committee, past president of the Kenosha/Racine Legal Professionals, and as a member of the Kiwanis Club of Racine.

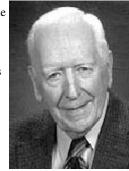
Wheary Haug enjoyed visiting art fairs, deer hunting, collecting Coca-Cola memorabilia, traveling and supporting the Green Bay Packers. She is survived by her husband, Gary Haug; two step-children, Derek and Rachel; and many other family, friends and co-workers.

# Judge David L. Dancey Waukesha County Circuit Court

Judge David L. Dancey, who served as a judge in

Waukesha County for 22 years, died on March 8 at the age of 90.

Dancey was appointed by then-Gov. Vernon Thompson in 1958, and was elected to successive terms until his retirement in 1980. Dancey also served as chief judge of the Fifth Administrative District, chairman of the Waukesha County Board of Judges, and held seats on the State



Judge David L. Dancey

Judicial Commission and the State Administrative Committee of Courts. He served as a reserve judge for several counties until 1997. In 2006, he was honored with a Lifetime Achievement Award by the Waukesha County Bar Association.

Born in Waukesha in 1917, Dancey received his bachelor's degree from Carroll College in 1938, and his law degree from UW in 1941. He put his legal career on hold to serve in the U.S. Navy, Pacific theater, during World War II. After returning, he was elected to the state Assembly in 1946, and served as Waukesha County district attorney from 1948-52.

An active member of his church and community,
Dancey was involved in the Waukesha Kiwanis Club,
Potawatomi Area Council of Boy Scouts, Waukesha County
Council on Alcoholism, Waukesha County Bar Association,
Junior Chamber of Commerce, and Masonic Lodge. He was
a member of the Veterans of Foreign Wars and the American
Legion

Dancey loved music, nature, American history, reading and sports. He was a fan of Badger basketball and football, the Packers, the Milwaukee Brewers and the Chicago White Sox. He was preceded in death by his wife of 60 years, Dorothy; his parents; brother, Robert; sister, Janet; and granddaughter, Alison Kay Ridgely. He is survived by his



#### AWARDS continued from page 3

#### Brescoll receives honorable mention

Deborah Brescoll, budget and policy officer for Management Services, will be recognized with an honorable mention at this year's Virginia Hart Special Recognition Award Ceremony on May 21.

The Virginia Hart Award, named for the first woman to



Deborah Brescoll

serve on a Wisconsin governor's cabinet, recognizes Wisconsin's "unsung heroines" in state government. Brescoll was nominated for her work in creating a landmark court system budget for the 2007-09 biennium.

"Debbie's efforts resulted in a comprehensive, responsible, ambitious, and forward-moving budget that made substantial and positive changes to how the courts do their governmental function," said Pam Radloff, deputy director for management services said. "Moreover, the 2007-2009 biennial

budget set the tone for future biennial budgets, encouraging all Wisconsin Court System stakeholders to be forthcoming with innovative ideas to affect positive changes," Radloff added

## Judge Barland recognized for leadership in restorative justice

The Eau Claire County Community Foundation honored Reserve Judge Thomas Barland on April 30 for his initiatives in restorative justice during his time on the Eau Claire County Circuit Court bench. The foundation, which focuses on children and youth initiatives, chose Barland because of his work with juveniles and the community throughout his judicial career. Barland began using a

Restorative Justice program in 1990, after over 20 years of

using community service for juveniles in Eau Claire. Through his restorative juvenile justice system, many young adults were able to become responsible members of their community, after realizing the impact of their actions and taking steps to repair the damage. Barland has also served on the board of the United Way of Greater Eau Claire and Big Brothers/Big Sisters of the Chippewa Valley.



Judge Thomas Barland

## Judge Foster receives Kay Twerion Award



Judge Kathryn W. Foster

The Addiction Resources
Council (ARC) of Waukesha
County recognized Waukesha
County Circuit Court Judge
Kathryn W. Foster with the Kay
Twerion Award on April 25. ARC
provides alcohol and drug
prevention education, intervention
and referral services to Waukesha
County and is affiliated with the
National Council on Alcoholism
and Drug Dependence
(NCADD). The award is named
after the late director of ARC,

who is credited with expanding the agency's services. Foster was chosen as the recipient for her involvement in the development of Waukesha County's Alcohol Treatment Court. ■

#### Library continued from page 6

library staff in Dodge, Jefferson, Washington, and Ozaukee counties, and was co-sponsored by the Wisconsin Court System and the Mid-Wisconsin Federated and Eastern Shores Library Systems. This workshop included presentations by Colwin, Neimon, Washington County Circuit Court Judge Andrew T. Gonring, Dodge County Clerk of Court Lynn Hron, Ozaukee County Court Commissioner Darcy McManus, Washington County Register in Probate Kay Morlen, and Statewide *Pro Se* Coordinator Ann Zimmerman.

County court staff will make follow-up visits to the public libraries to promote working relationships and provide additional information. The library initiative is just one of the steps the court system has taken to improve court access for those who represent themselves. The program has already been successfully completed in the Ninth and Tenth judicial districts, and plans are currently underway to launch the program in the Second and Fourth judicial districts by year's end. For further information about the Public Library Initiative, contact State *Pro Se* Coordinator Ann Zimmerman at ann.zimmerman@wicourts.gov.



Jane Colwin, State Law librarian, discusses resources available for self-represented litigants at the Public Library Initiative workshop in Waukesha County.

## New Judges continued from front page

reserve judge (see The Third Branch, fall 2007). Neubauer is the first woman to serve on the District II Court of Appeals. Prior to her appointment, she had been an attorney at Foley & Lardner LLP. She received her bachelor's degree from UW-Madison, and her law degree from the University of Chicago Law School. She and her husband, Jeff, and their three children live in Racine.

## Six appointed judges run unopposed, win first full terms

Six circuit court judges ran unopposed and won their first full terms in the April 1 election. Barron County Circuit Court Judge Timothy M. Doyle, Dane County Circuit Court Judge John W. Markson, Eau Claire County Circuit Court Judge Michael A. Schumacher, Oneida County Circuit Court Judge Patrick F. O'Melia, Washington County Circuit Court Judge James K. Muehlbauer, and Dane County Circuit Court Judge William E. Hanrahan were appointed by Gov. Jim Doyle in 2007.

Two judges appointed in 2007 win in Outagamie

Outagamie County Circuit Court Judges Nancy J. Krueger and Mitchell J. Metropulos both defeated challengers in the April election. Gov. Jim Doyle appointed both judges in August 2007. Krueger, who faced Atty. Daniel J. Hoff, had been a senior staff attorney at American Family Insurance in Appleton prior to her appointment to the Branch 2 bench. She replaced Judge Dennis C. Luebke, who stepped down to accept a new appointment. Krueger, who graduated Judge Nancy J. Krueger



Judge Mitchell J. Metropulos

from UW Law School, lives in Appleton with her husband, Dr. Michael Krueger, and their two children.

Metropulos defeated Outagamie County District Attorney Carrie Schneider. He was appointed to replace Judge Joseph M. Troy, who stepped down from Branch 3. Metropulos, who was an assistant district attorney in Outagamie County prior to his appointment, is a graduate of UW Law School. He and his wife, Teri, have three children and live in Appleton.

## Five new judges fill new branches

Five new judges will take the bench Aug. 1 in judgeships created by a bill passed by legislature and signed into law by Gov. Jim Doyle last year (see The Third Branch, fall 2007). The new branches are in Barron, Chippewa, Dodge, Juneau, and St. Croix counties. Three more circuit court judgeships will start in Green, Kenosha, and Monroe counties by 2010.

After defeating opponent Atty. Jim McLaughlin,

Assistant District Attorney James Babbitt will take the bench of the newly created Branch 3 on the Barron County Circuit Court. Babbitt has served as assistant district attorney in Barron County for almost 20 years, and has prosecuted more than 250 jury trials over the course of his

legal career. He is a member of the Chetek Lions Club and the Barron Area Community Center Board of Directors, and teaches several law enforcement classes at Wisconsin Indianhead Technical College, instructing both police recruits and police officers. He received his bachelor's degree in mass communications from UW-Milwaukee, and his law degree from UW Law School. He and his wife, Barbara, have two children.

The new Branch 3 seat on the Chippewa County Circuit Court will be filled by Atty. Steven R. Cray, who defeated Chippewa County Court Commissioner Julie Anderl. Cray had served as a Chippewa County assistant district attorney prior to joining the Wiley Law firm in

> 1980. Cray received his law degree from UW Law School. He told the Leader-Telegram that he was running for circuit court judge because he wanted to return to public service.

Dodge County District Attorney Steven G. Bauer ran unopposed for the new Branch 4 position on the Dodge County Circuit Court. Bauer, who has served as district attorney for five years, received his law degree from UW Law School. He has also served as assistant corporation counsel for Dodge County and spent seven years in private practice. Bauer is a member of the Dodge County Executive Law

Enforcement Association, the Dodge County and state bar associations, the Wisconsin and National District Attorney's Association, the Dodge County Restorative Justice Board, the Dodge County Elder Abuse Prevention Team, and the Beaver Dam Noon Kiwanis. He and his wife, Sara, have one daughter.

Juneau County Circuit Court's new Branch 2 judge will be Paul S. Curran, who defeated municipal court judge and assistant district attorney Stacey Smith. Curran is currently practicing with Curran, Hollenbeck & Orton, S.C. He has

worked in private practice since he received his law degree from Marquette University in 1986. Curran has served as president of the Mauston Area Chamber of Commerce, president of his Parish Council, and as a member of the Juneau County Economic Development Corporation. He and his wife, Gail, have two children.

Atty. Howard W. Cameron will be the new St. Croix County Circuit Court judge for the newly created Branch 4. Cameron, who has been a public defender since 1991, received the Wisconsin State Public Defender Rubin Award in 1999 for his work with underprivileged youth. He has



Judge-elect Steven R. Cray



Judge-elect Steven G. Bauer



Judge-elect Paul S. Curran

#### Movie continued from front page

arriving at the municipal building at 5 a.m. for wardrobe and make-up, before heading across the street to the courthouse for filming. "It took about two hours to do my hair," Weisling told *The Capital Times*. "I think they glammed me up way too much." The day was spent rehearsing and

filming what will amount to about three minutes of footage in the final film.

Richardson said she now understands why there are so many names listed in the credits of every movie.

"The third floor of the courthouse bustled like an ant hill. Technical crew, make-up and hair specialists, costumers, caterers and on and on. All day long, people were quickly coming and going, unless told to stay put like the stand-ins who represented people such as the judge, sheriff and Dillinger for lighting and sound checks. And then the bustle stops cold when it's shouted, 'No talking - we're shooting!' Unlike what I have seen in the movies, no one shouted, 'Quiet on the set'."

After filming the courtroom scene, the crew moved in to the rotunda, where a scene was shot of Dillinger being brought in to the courtroom.

"Amazing, how quickly the crew set up and removed the equipment," Johnston said.

The court staff was allowed to watch the filming from the background. Some courthouse staff from other departments were even able to shake hands and take pictures

with the film's star. After shooting was complete, Mann and Depp were presented with a key to the City of Darlington, and county and city officials got a chance to meet with the two and take photos. Unfortunately for Richardson and the court staff, they were not in the right place at the right time.

On the last day, the crew worked to restore the courthouse to the 21st century, bringing back in furniture and equipment. Universal Studios is covering any costs associated with the filming, including extra hours for custodial, maintenance and security staff, as well as any cleanup and repairs. The county

was able to keep the wooden blinds and replica light fixtures that were installed for the filming.

"The lighting and window dressing retained give the circuit court room a historic look which



Extras line up outside the historic Darlington courthouse before shooting begins inside.

we hope to retain," Johnston said. "This will make the courthouse, and the courtroom, even more of a tourist destination."

On May 2 through 5, filming took place in and around the State Capitol. While Depp was not on set, the film's other stars, Christian Bale and Billy Crudup, shot scenes in the North Hearing Room, the State Street steps, and outside the East wing. Extras dressed in 1930's costumes waited around between takes, and vintage cars and bicycles lined the streets around the Capitol square. Supreme Court employees had a bird's-eye view of the filming from several of their offices.



Photo by Gail Richardson

Lafayette County Clerk of Court

her role as an extra in the film

Public Enemies.

Kitty McGowen is all dolled up for

Director Michael Mann selects the perfect tie for film star Christian Bale outside the State Capitol. Bale plays the role of F.B.I. agent Melvin Purvis.



Film stars Christian Bale and Billy Crudup (who plays J. Edgar Hoover) shake hands in a scene shot on the steps of the State Capitol.

## New Judges continued from page 15

also worked as an attorney for the Barron County Child Support Office and in private practice. Cameron co-founded the Lake Atitlan Libraries Incorporated, a charity that raises money for books and materials for libraries in Guatemala. He and his wife, Teresa, have one daughter and live in Hudson. Cameron's brother, Judge Roderick A. Cameron is a circuit court judge for Chippewa County.

# Pfitzinger wins seat of retired Dodge County judge

After receiving 53 percent of the votes, Atty. Brian A. Pfitzinger defeated opponent Atty. William H. Gergen for the Branch 1 position on the Dodge County Circuit Court. Pfitzinger will fill the vacancy left by former Judge Daniel W. Klossner, who retired in February (*see* The Third Branch, *fall* 2007). Pfitzinger, who is currently a partner at



Judge-elect Howard W. Cameron



Judge-elect Brian A. Pfitzinger

Elbert & Pfitzinger, Ltd., has also worked as a prosecutor in the Dodge County District Attorney's Office. He received his law degree from Marquette University in 1988, and has served as president of the Dodge County and state bar associations. He and his wife, Jane, and their two sons, live in Horicon.

# Stenz unseats Forest/Florence County judge Forest County District Atty. Leon D. Stenz won by a narrow margin over incumbent Judge

Leon D. Stenz won by a narrow margin over incumbent Judge Robert A.P. Kennedy Jr. in the Forest/Florence County Circuit Court race. Kennedy had defeated Stenz in 2002 for the judgeship, after his father, Robert A. Kennedy Sr. retired. Stenz is a graduate of Marquette University Law School, and has served as the Crandon City Attorney and Forest County Court Commissioner. He has served as the Forest County district attorney since 1999, and is on the Board of Directors for Judicare, which provides legal assistance to lowincome people.



Judge-elect Leon D. Stenz



Judge-elect Rebecca F. Dallet

# Dallet wins Milwaukee County seat

Milwaukee County Court Commissioner Rebecca F. Dallet won the Branch 40 bench on the

Milwaukee County Circuit Court. Dallet received 67 percent of the vote, defeating Milwaukee Police Officer Jeffrey Norman. Dallet was appointed court commissioner last year,

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the local situation, should be avoided. Recent appellate decisions invalidating local rules in conflict with provisions of the Rules of Civil Procedure support this approach to local rule-making (see Estate of Hunter v. AES Consultants, Ltd. 2007 WI App 42, and cases cited therein). Similarly, adopting local rules implementing detailed procedures that vary from the common practice in many courts without a demonstrated need for such complication invites trouble when lawyers fail to familiarize themselves with the rules.

Sometimes it is not easy for lawyers to learn the local rules, even when they take the proper steps to inform themselves. In Estate of Hunter, counsel apparently had relied upon outdated local rules published on the State Bar Web site, one place to which adopted rules must be sent per section 753.35(1), Stats. The Bench and Bar subcommittee confirmed that in some instances clerks of courts were failing to send copies of adopted rules on to the places designated in the statute for access by practitioners and the public. Judicial oversight of this process is advised.

The bottom line is that uniformity in court rules generally is a good thing since it improves access to courts by avoiding the potential of litigants and lawyers running afoul of rules peculiar to a particular court. Local rules properly used to regulate areas of practice and procedure not addressed in statewide rules are good things too, but even here, voluntary adoption of rules on such topics commonly in force in other counties helps to avoid the pitfalls that one-of-a-kind local rules can present to persons coming to your court.

At least organizing local court rules according to the template adopted in District Ten can achieve important benefits by establishing a uniform organizational structure for local court rules. The District Ten template can be reviewed at:

www.wisbar.org/AM/Template.cfm?Section=Circuit\_court\_r\_ules2 by clicking on one of the District Ten counties.

Finally, take the time to review your own local court rules to see what you have on the books, some of which might be quite outdated. Verify that your court's local rules are accurately posted to the State Bar Web site. You might be surprised by what this process reveals.

Judge Leineweber is a member of the Bench and Bar Committee, State Bar of Wisconsin, and co-chair of the Uniform Local Rules Subcommittee



THIRD BRANCH 2008

# New pro se name-change forms approved

by Ann Zimmerman, Pro Se Coordinator

The Record Management Committee has approved a new package of statewide pro se name change forms another key step toward ensuring access to justice for selfrepresented litigants. In addition to developing seven new

forms with step-by-step instructions, such as Petition for Name Change, Notice and Order for Name Change Hearing, and Order for Name Change forms, the Pro Se Small Claims Task Force Committee, which also created these forms, is finalizing a Basic Steps to Name Change Guide for self represented litigants. As with the statewide pro se family law and small claims forms, name-change forms will be available online and in hard copy, and are being developed with the assistance of the Consolidated Court Automation Programs (CCAP).

This project is one of the latest in a series of steps the court system has taken to improve access to the courts for people who are representing themselves. Another step recently taken is

the Record Management Committee's recent approval of a new package of statewide pro se small claims forms. More than 15 new forms were created, and with the assistance of CCAP, an interactive forms completion program, modeled after the self-help family court Web site, should become available sometime in 2008. Each county will enable the forms program after the local clerk of courts has tailored the directions that accompany the forms to reflect countyspecific procedures.

A new Basic Guide to Wisconsin Small Claims Actions has replaced the older Wisconsin Guide to Small Claims

> Court. It features a simple question and answer format, preand post-judgment flow charts and references to the new forms and instructional materials developed by the committee. The 10 other instructional guides, most of which are countycustomizable, consist of both pre- and post-judgment materials.

> "Court staff will be able to direct self represented litigants to step-by-step instructions on issues like how to handle specific types of small claims cases and post-judgment matters such as docketing and collecting on small claims judgments," said Statewide Pro Se Coordinator Ann Zimmerman.

The nine-member task force members include Zimmerman, Reserve Judge Gary L. Carlson, St. Croix County Circuit Court Judge Edward F. Vlack III, Dane

County Small Claims Court Commissioner Scott McAndrew, Milwaukee County Deputy Chief Clerk of Circuit Court James Smith, Dane County Circuit Court Manager Vicki Gilbertson, Court Operations Policy Analyst Sara Ward, Court Operations Forms Manager Terri Borrud, and CCAP Liaison Angi Semrau.





Milwaukee County judges and court officials, joined by Supreme Court Justice Louis B. Butler Jr., celebrated St. Patrick's Day by marching in the annual parade downtown. The spirit of the day is reflected in the big smiles, said Judge Mary Kuhnmuench, Branch 5, who shared this photo with The Third Branch.

# Wisconsin teachers learn about courts

Twenty-eight middle school and high school teachers from throughout Wisconsin participated in the state's ninth annual Justice Teaching Institute March 6-8 in Madison.

The intensive, three-day program gives educators a variety of new tools for teaching about the courts and the justice system in a way that is relevant and interesting to their students.

Wisconsin Supreme Court Chief Justice Shirley S. Abrahamson and Justice N. Patrick Crooks both taught at the Institute, along with Waukesha County Circuit Court Judge Ralph M. Ramirez. Members of the Supreme Court joined State Bar of Wisconsin executives and UW-Madison faculty members in welcoming the teachers to Madison at a reception.

Other faculty members include: UW-Madison Professor Diana Hess, who regularly teaches at a similar institute at the U.S. Supreme Court; Municipal Court Judges Ed Thompson and Thomas J. Alisankus; staff attorneys from the Supreme Court and Court of Appeals; Appellate Public Defender Ellen Henak; and others.

The Institute is a joint effort of the State Bar of Wisconsin's Law-Related Education Committee, the

Wisconsin Supreme Court, the University of Wisconsin Department of Curriculum and Instruction, the Wisconsin Law Foundation, and the Wisconsin Municipal Judges Association. ■



Supreme Court Justice N. Patrick Crooks explains the Court's process for deciding cases to participants in the Justice Teaching Institute. Participating teachers who visited his chambers got a "behind-the-scenes" look at how the Court operates.



Waukesha County Circuit Court Judge Ralph M. Ramirez oversees a mock trial and sentencing exercise, which gave participants some idea of the difficult decisions facing judges each day.



Supreme Court Commissioner Julie Rich, standing, right, and Ellen Henak, standing, left, of the State Public Defenders Office, ponder the merits of a case to be decided by teacher "justices" during a portion of the Justice Teaching Institute held at the State Bar of Wisconsin.

### **OBITUARIES** continued from page 13

children, Barbara Ridgely of Grafton, Richard Dancey of Elgin, Ill., and Carol Luebbe of Waukesha; 12 grandchildren; nine great-grandchildren; and numerous nieces, nephews, cousins and friends.

# Judge-elect Eric F. Stutz Jackson County Circuit Court

Jackson County Judge-elect Eric F. Stutz passed away on May 2 at the age of 63. Stutz was elected to the Jackson County Circuit Court on April 1, and would have taken the bench on Aug. 1.

Stutz was born in Aurora, Ill. He received his bachelor's degree from Beloit College and his law degree from UW-Madison. He began working in private practice in Black

River Falls in 1970. Prior to his election to the Jackson County Circuit Court, he served as the family court commissioner for Jackson County.

According to his obituary, Stutz enjoyed golfing and gardening, and he had an infectious sense of humor and love of laughter. He was a member of the Tri-County Bar Association, the Wisconsin Bar Association and the Skyline Golf Course of Black River Falls.

Stutz is survived by his wife, Joyce; his children, Kristen of Black River Falls and Gregory of Madison; his step-children, Timothy Amundsen of Waunakee, Jason Amundsen of Minneapolis, and William Amundsen of Kansas City, Kan.; and six grandchildren.

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and has been a prosecutor for the county for the past 11 years. She has also served as an assistant district attorney for Milwaukee County. Dallet received her law degree from Marquette University, where she is currently an adjunct professor. She and her husband, Brad, have three daughters.

# Hammer appointed in Brown County

Gov. Jim Doyle has appointed Marc Hammer to the Brown County Circuit Court, Branch 5. He succeeds Judge Peter Naze, who retired from the position in March (*see* The Third Branch, *winter* 2008). Hammer was sworn in on April

"I am pleased to appoint Marc Hammer as Brown County Judge," Gov. Doyle said. "From his work in private practice and to his service as a special prosecutor, Marc brings a wealth of legal expertise and experience to the bench, and I know he will serve the people of Brown County well."

Prior to his appointment, Hammer was a Brown County court commissioner, an assistant special prosecutor for the City of De Pere, an adjunct professor for St. Norbert College, and a senior partner in private practice. He received his bachelor's degree from the University of Illinois at Champaign-Urbana in 1986, and his law degree from the University of Missouri-Columbia School of Law in 1989.

Hammer lives in Ashwaubenon with his wife, Kathryn, and their three sons. ■

# THE THIRD BRANCH



# 23 judges win re-election on April 1

Patricia S. Curley - Court of Appeals, District 1 Roderick A. Cameron - Chippewa County, Branch 1 Dale L. English - Fond du Lac County, Branch 1 Bruce E. Schroeder - Kenosha County, Branch 3 Vincent K. Howard – Marathon County, Branch 3 David G. Miron - Marinette County, Branch 1 Tim A. Ducket - Marinette County, Branch 2 James R. Habeck - Menominee/Shewano Counties Frances T. Wasielewski – Milwaukee County, Branch 17 William W. Brash III - Milwaukee County, Branch 21 Kevin E. Martens - Milwaukee County, Branch 27 Daniel A. Noonan - Milwaukee County, Branch 31 Michael D. Goulee – Milwaukee County, Branch 32 John J. DiMotto - Milwaukee County, Branch 41 Molly E. GaleWyrick - Polk County, Branch 1 Douglas T. Fox – Price County Charles H. Constantine - Racine County, Branch 7 James P. Daley - Rock County, Branch 1 Eric J. Lundell - St. Croix County, Branch 1 Mark S. Gempeler – Waukesha County, Branch 2 Lee S. Dreyfus Jr. - Waukesha County, Branch 5 Patrick C. Haughney - Waukesha County, Branch 6 Gregory J. Potter - Wood County, Branch 1

#### Education continued from page 2

Circuit Court, and Judge Edward F. Vlack III, St. Croix County Circuit Court, Milwaukee County Family Court Commissioner Michael Bruch and Kenosha County Judicial Court Commissioner John Plous presented a training session on *Issues Relating to Self-Represented Litigants*.

Additional plans in 2008 for judicial education on this topic include making self-represented litigation a theme at the Judicial College in August and a training session at the September Wisconsin Family Court Commissioners' Conference in Door County.

Chief Justice Shirley S. Abrahamson selected the four judges last November to take part in the National Judicial Conference on Leadership, Education, and Courtroom Best Practices in Self Represented Litigation at Harvard Law School to help the courts respond to the increase throughout the state in self-represented litigation.

"The goal of providing judicial education on these issues is two-fold. We hope to assist judicial officers in effectively managing self-represented cases, and at the same time, assist self-represented litigants by increasing public trust and confidence in the court system," Abrahamson said. Please contact Ann Zimmerman ann.zimmerman@wicourts.gov for further information about self-represented litigation training issues.