

- 3 Obituaries
- 5 Leadership
- 6 Awards
- 9 Justice Teaching Institute
- 11 Wisconsin Connects
- 13 Green County Courthouse celebration
- 16 New Faces
- 20 People



## Drunk Driving proposal nears final approval

By Nancy Rottier, Legislative Liaison

After contemplating more than 15 proposals to change Wisconsin's drunken driving laws, the Senate and Assembly were expected to meet in extraordinary session Dec. 16 to approve legislation.

Earlier this year, the Senate and Assembly approved similar but separate bills, either of which would make comprehensive changes to drunken-driving laws. The Assembly passed AB 283 on Sept. 17 by a vote of 95-0; the Senate passed SB 66 on Nov. 5.

While both bills contained many similar provisions, some differences remained to be resolved at the end of the fall floor period. The *Milwaukee Journal Sentinel* reported Dec. 2 that authors of both bills had agreed to matching language. However, the agreed-upon language was not released as of

the publication deadline for *The Third Branch*.

Among the provisions approved separately by each house of the Legislature:

- Penalties would be raised to a Class H felony and a minimum imprisonment of 6 months for fourth-offense OWI within a five-year period; to a misdemeanor (from a non-criminal offense) for first-time offenders if a child under the age of 16 was present in the vehicle; and to a Class H felony for the second or higher OWI offense if there is also injury to another person. Minimum initial confinement times are also increased for seventh and higher OWI offenses;
- A trial court would be allowed to place a person on

see **Drunk Driving** on page 23



Chief Justice Abrahamson addresses an audience gathered at the Iowa County Courthouse in Dodgeville to watch oral arguments during the Court's Justice on Wheels program Oct. 20. See story on page 10.

## Appointments bring two new judges

On Dec. 4, Gov. Jim Doyle appointed Rep. Gary Sherman, D-Port Wing, to fill the District IV Court of Appeals seat being vacated by Judge Burneatta



Rep. Gary Sherman

"Burnie" Bridge, who announced that she will resign effective Jan. 8, 2010.

Sherman has represented Wisconsin's 74th Assembly District in northern Wisconsin since 1999. He received his undergraduate degree from UW-Madison and law degree from UW Law School. Sherman served as legal counsel in the U.S. Air Force and has operated a private law office in Port Wing since 1974.

Sherman is past president of the Wisconsin Bar Association and has been a longtime member

see **Appointments** on page 3

## RETIREMENTS

### Dedicated judges, staff plan retirements

Nine judges have announced plans to leave the bench in the coming months. That number includes three Court of Appeals judges and six circuit court judges from across the state. In this edition, *The Third Branch* begins a series of profiles of retiring judges, court commissioners, court reporters, clerks of court and other court staff.

#### Judge Robert G. Mawdsley Waukesha County Circuit Court

Judge Robert G. Mawdsley will step down next month after 21 years on the bench and more than 30 years in the Waukesha County Courthouse.

Mawdsley has had enormous influence on Wisconsin's courts over the last decade. As dean of the highly regarded Wisconsin Judicial College since 1998, he has been responsible for teaching newly appointed and elected judges

see **Retirements** on page 10

## Director's column: Taking a break to appreciate what we *do* have

As I sat down to write this column it was just a few days before Thanksgiving, and things were a bit hectic.

There was the responsibility, as the acting Board of Bar Examiners director, to ensure the annual process for lawyers to submit CLE information electronically was ready.

There was a meeting with the incoming BBE director.

There was the need to plan the final steps of the district court administrator recruitments in Judicial Districts 2 and 8.



A. John Voelker

There was discussion about next steps in providing information to judges on the sentencing changes.

I also needed to complete an assignment, with a tight deadline, associated with my responsibilities as a member of the board of directors of the Conference of State Court Administrators.

And of course, there is always the need to keep an eye on budget projections and bills moving through the legislature.

Needless to say, finding time to sit down and write this column was becoming difficult. However, as it turns out, it may have come at the perfect time. With everything going on I had failed to take a step back and appreciate the time of year – a time to give thanks.

For a variety of reasons, I suppose it would be easy this year to feel sorry for ourselves like George Bailey did at

times in the movie, "It's a Wonderful Life." For me personally, this holiday season will be my first without either of my parents. Professionally, the ongoing financial difficulties make every day challenging.

Some days can even put you in a bad mood at the end of the day.

As George realized, after some reflection and the help of an angel named Clarence, he really did have a wonderful life.

Sitting down to write this column provided me the opportunity to reflect and realize that I have a lot to be thankful for.

I have two great kids and a loving and supportive wife and family.

I am able to provide for my family.

I am healthy and able to enjoy an active lifestyle.

I get to work with talented staff in Madison and throughout the state.

I am part of an organization that has very dedicated and committed individuals at a time when fewer resources are available at the office.

I am part of an organization that places a high value in public service, helping others, and doing what's right.

Maybe you have had some personal difficulties this year. I know in talking to folks at the Annual Judicial Conference, the financial situation has required everyone to make sacrifices at home and at the office. I hope you have the opportunity during this holiday season to step back from the daily pressures and reflect on the good things in life.

Thanks for everything and Happy Holidays. ■

## Chief Justice: Tough times present courts with opportunities

Wisconsin Supreme Court Chief Justice Shirley S. Abrahamson focused on success stories during her

presentation to about 300 judges and court staff at the 2009 Annual Meeting of the Wisconsin Judicial Conference at the downtown Milwaukee Hyatt Regency Nov. 4-6.

"The pundits have dubbed the financial crisis an 'economic nine-eleven,'" Abrahamson said. "The crisis has hit each of us personally and has taken its toll on the courts, where all of society's problems eventually land. And so we find ourselves called upon

to do more with less. This is what it means to live in interesting times. And these times present us with

opportunities."

Abrahamson identified success stories involving drug-treatment courts, veterans courts, mental health courts, foreclosure mediation, Indian child welfare, court interpreters, and other issues.

Text of Abrahamson's speech and remarks made by Director of State Courts A. John Voelker can be found on the court system's Web site, [wicourts.gov](http://wicourts.gov). ■



Wisconsin Supreme Court Chief Justice Shirley S. Abrahamson delivers the State of the Judiciary with the help of Court Information Officer Amanda Todd at the 2009 Annual Meeting of the Wisconsin Judicial Conference in Milwaukee.

## OBITUARIES

### Judge Myron L. Gordon Milwaukee County Civil and Circuit Court Wisconsin Supreme Court

Former Wisconsin Supreme Court Justice Myron L. Gordon, who also served as a federal judge and county judge during his career, died Tuesday, Nov. 3, 2009 in Palm Desert, Calif. He was 91.

Gordon served on the state's highest court from 1962 to 1967, when he was appointed by President Lyndon B. Johnson as a federal district court judge for the Eastern District of Wisconsin.

Gordon was well-respected and admired during his service as a judge, said Supreme Court Chief Justice Shirley S. Abrahamson.

"I had known him well as a Supreme Court justice and as a federal district court judge in Milwaukee. He was recognized as an excellent trial judge and appellate judge, who had many friends across the state," Abrahamson said.

Gordon was born Feb. 11, 1918, in Kenosha. He graduated with bachelor's and master's degrees from the University of Wisconsin in 1939. He earned his law degree from Harvard Law School in 1942 and was in private law practice in Milwaukee for the next eight years.

Gordon was a lieutenant in the U.S. Naval Reserves from 1944 to 1946. He later became a member of the Disabled American Veterans and was state commander in 1959. He was president of the Milwaukee Hearing Society from 1951 to 1953.

Gordon was a Milwaukee County civil court judge from 1950 to 1954, and a Milwaukee County circuit court judge from 1954 to 1961, when he was elected to the Wisconsin Supreme Court.



Justice Myron L. Gordon

Gordon was known by colleagues as a "picturesque writer," who occasionally included poetry or Shakespearean references in his opinions.

In 1992, Milwaukee Magazine gave Gordon high ratings for scholarship and decisiveness. "He borders on genius," said one lawyer. "He's able to cut through very complex issues and get to the meat of the issue. He understands the law completely."

In 1998, the Almanac of the Federal Judiciary printed the following: "During trial, lawyers said Gordon runs a tight ship: 'He's the epitome of a judge who rules with an iron fist, but it is a fair fist.'"

When he received the State Bar of Wisconsin's 2001 Lifetime Jurist Achievement Award, Gordon was honored as an impartial judge who could see "the human factor." He retired from the federal bench in 2001.

In noting Gordon's death, the *Milwaukee Journal Sentinel* reported Nov. 4 that Gordon was perhaps best known as the judge who presided over the federal case of the Milwaukee 14, a group of protesters against the Vietnam War who broke into the Selective Service office in Milwaukee and destroyed draft records.

In June 1969, Gordon dismissed the federal charges against 10 defendants because he felt the news coverage made selection of an unbiased jury impossible.

Gordon is survived by his wife, Myra. Gordon's first wife, Peggy, died in 1973.

### Judge Paul C. Gartzke Court of Appeals, District IV

Former District IV Court of Appeals Judge Paul C. Gartzke passed away on Sept. 25 at the age of 81.

After serving in the U.S. Navy from 1945-47, Gartzke received his bachelor's degree in economics from the University of Iowa and won the Swaine Scholarship to Harvard Law School. He began practicing law in Madison after receiving his law degree. In 1992, he received his Master's Degree in Judicial Process from the University of Virginia.

see Obituaries on page 16

### Appointments *continued from front page*

of the American Law Institute. He wrote *Wisconsin Practice: Methods of Practice*, a three-volume legal practice guide.



Judge Stephen E. Ehlke

"Gary is a great legal mind who will bring his broad experience to the bench. I am confident he will be an excellent judge," Doyle said in a press release.

Sherman said the law has dominated his entire adult life, "from private practice to public service."

"I have been involved in many divergent aspects of the profession for more than 36 years and all of that experience has

helped prepare me for this new challenge..." Sherman said. Sherman now serves on the Legislature's Joint Committee on Finance and is a member of the Special

Committee on State-Tribal Relations. He co-chairs the Joint Committee on Information Policy and Technology, and chairs the Assembly Committee on Forestry. He also serves on the Employee Trust Funds Board and the state Group Insurance Board.

Gov. Jim Doyle has appointed Stephen E. Ehlke to fill the Dane County Circuit Court Branch 15 vacancy created by the retirement of Judge Stuart A. Schwartz. Ehlke, who received his bachelor's degree and law degree from UW-Madison, has worked in the U.S. Attorney's office since 2000. He has also worked in private practice and in the Dane County District Attorney's Office.

"I am deeply honored and humbled by Governor Doyle's appointment," Ehlke said in a press release. "I look forward to serving the people of Dane County as Circuit Court Judge."

Ehlke and his wife, Rachele Weber, live in Madison. ■





## Jurors celebrated throughout Wisconsin during September

Circuit courts throughout Wisconsin celebrated the second annual statewide Juror Appreciation Month during September with a variety of activities to show thanks to jurors for their service to democracy and the Wisconsin court system.

The continuing theme of statewide Juror Appreciation Month is "Jurors Serve Justice; Justice Serves Us All." The event is co-sponsored by the Wisconsin court system and the State Bar of Wisconsin.

As part of this year's efforts, Wisconsin Supreme Court Chief Justice Shirley S. Abrahamson appeared in a public service announcement, along with Waukesha County Circuit Court Judge Ralph M. Ramirez, Winnebago County Clerk of Court Diane Fremgen, Rock County Assistant District Atty. Mark Jahnke, and State Public Defender Mario White of



Dane County Clerk of Court Carlo Esqueda and Chief Judge C. William Foust pose with a re-usable grocery bag emblazoned with the juror appreciation logo in front of a framed juror appreciation poster in the jury assembly room at the Dane County Courthouse. The bags were among premium items distributed during Juror Appreciation Month.

helped kick off a press conference with local court and county government officials in Milwaukee County. Jurors there were treated to cake and given magnets, bookmarks and reusable shopping bags with Milwaukee County's juror appreciation slogan: "It was fair, I was there."



Dennis Pince, media coordinator for the State Bar of Wisconsin, focuses in on Winnebago County Clerk of Court Diane Fremgen during the taping of a public service announcement for Juror Appreciation Month. The 30-second spot was recorded at the Dane County Courthouse and aired on some broadcast and cable television outlets during September.

Dane County. The 30-second spot remains available on the State Bar's Web site, [www.wisbar.org](http://www.wisbar.org), and aired on some broadcast and cable stations during September.

Building on last year's success, 31 counties hosted activities or recognized jurors for their service this year.

Abrahamson



Court and county government officials in Eau Claire County celebrated Juror Appreciation Month with cake and other treats during a juror appreciation event on Sept. 15. From left to right: Clerk of Court Kristina Aschenbrenner; County Board Chair Gregg Moore; Judge Lisa K. Stark, Branch 1; Wisconsin Supreme Court Chief Justice Shirley S. Abrahamson; Judge William M. Gabler, Branch 3; and Chief Judge Benjamin D. Proctor, Branch 4.

The event garnered coverage from the *Milwaukee Journal Sentinel*, which reported on Sept. 2: "Chief Justice Shirley Abrahamson of the state Supreme Court told a crowd of a few dozen - including several jurors on lunch break - that the jury trial is critical to keeping the justice system fair and impartial, and a "cornerstone of our democracy." Milwaukee County launched its own annual juror appreciation program in 2007.

Abrahamson also visited Eau Claire County, which hosted an event featuring cake and punch for jurors.

In Dane County, Supreme Court Justice N. Patrick Crooks joined Chief Judge C. William Foust and Clerk of Court Carlo Esqueda for a special ceremony honoring jurors.

Other counties passed resolutions or hosted activities, including Lincoln, Racine, Rock, Dodge, Grant, Sauk, St. Croix, Washington, Waukesha and

Winnebago, among others. Forest County hosted a mock trial as part of its celebration.

Juror Appreciation Month also offered a chance to thank



Chief Justice Abrahamson addresses a group of distinguished guests, including jurors and county government and court officials, who gathered in the Milwaukee County Courthouse Rotunda for a press conference on Sept. 2.

## LEADERSHIP

## ASTAR prepares three Wisconsin judges to serve as resource for colleagues

In June 2009, Judges Dale T. Pasell, LaCrosse County Circuit Court, Mark J. McGinnis, Outagamie County Circuit Court and Daniel P. Anderson, District II Court of Appeals, were elected fellows in the national Advanced Science and Technology Adjudication Resource Center (ASTAR). To achieve this title, they each completed 120 hours of classroom training, developed a judicial education proposal for the Wisconsin Judiciary and have begun to develop a science and technology desk book.



Judge Dale T. Pasell

ASTAR is a congressionally mandated and fully federally funded program initiated in 2005 to expand a science and technology resource program jointly developed by the highest courts of Maryland and Ohio. ASTAR's National Resource Judges program is intended to help judges and the courts better understand the terms of scientific

methodology and help resolve complex cases involving intricate or novel scientific and technical evidence. ASTAR also certifies the programs that provide judicial science and technology education, assuring relevance, engagement and quality.

In 2006, all of the states were invited to nominate two trial judges and one appellate judge to participate in training in a National Resource Judges program. Wisconsin Supreme Court Chief Justice Shirley S. Abrahamson nominated Pasell, McGinnis and Anderson.

The first seminar the trio attended was held on The Ohio State University campus in Columbus, Ohio, and was attended by more than 50 judges from the Midwest. The seminar was titled *Language of Life Sciences Boot Camp* and focused on genetics, genes and human behavior, prions, avian influenza, and biological agents.

Presentations on advancements in fingerprinting and the operating concepts of cyberspace were also included. Because most of the jurisdictions participating, excluding Wisconsin, have adopted the Daubert standard for the admission of scientific and technical evidence, several hours were devoted to gaining a better understanding of that area of the rules of evidence.

The three Wisconsin judges also attended a seminar on *Neuroscience & Bio-Behavioral Technologies* at The Johns Hopkins University School of Medicine. One hundred sixty-five judges from 39 jurisdictions were in attendance. As the title implies, this seminar focused on the structure and functions of the brain at various stages of life. The judges



Judge Mark J. McGinnis

also heard extensive presentations on neuro-imaging and its potential uses during sentencing. The seminar also addressed genes and addiction, antisocial personality disorder and management of cases involving novel or complex science. In addition, 16 breakout sessions were presented, with topics ranging from cell biology to limited cognitive capacities to deception in scientific research.

In spring 2008, Anderson attended *Adjudicating Adverse Events In Medical Care*, a seminar addressing medical malpractice issues at the Indiana University School of Law in Indianapolis. The seminar featured mock trials of a wrongful death action arising from treatment for cancer, a products liability case involving "pharmacogenetics," and an insurance case involving injury to the central nervous system. The seminar also presented material on alternative dispute resolution in medical malpractice, medical ethics committees, and e-discovery and medical records.

The final seminar all three Wisconsin judges attended, again funded by the federal government, was held at The Ohio State University and concentrated on advanced forensic techniques. The program presented information on the admissibility of DNA, brain imaging, analysis of bullet fragments, digital evidence, eyewitness testimony, and arson analysis.

The ASTAR curriculum also included two written projects. The first were pre-seminar assignments designed to bring the topics of the seminar within the law of a judge's jurisdiction. The second type of project was "homework" designed to have the judges apply their newly gained science and technology knowledge to practical problems.

For the latter, the three Wisconsin participants cooperated on writing a case memorandum on a fictional case involving a defendant charged with felony gambling. The hypothetical case concerned a pretrial motion seeking to establish that the use of the prescription Requip, for restless leg syndrome (RLS), caused the defendant to develop the impulse control disorder of pathological gambling. The motion sought (1) to introduce scientific studies and expert testimony in support of a plea and (2) an MRI to verify the truth of his claims and to support the anticipated expert testimony that Requip was the cause of pathological gambling. The defendant also sought to have the state bear the cost of all examinations, medical technology and independent experts' reports.

Finally, the three judges are in the process of developing a Resource Judges' Desk Book that will be an illustrated glossary of the science and technology terms they have learned over the past two years. When all 20-plus chapters are complete, an electronic copy of the desk book will be made available to the Office of Judicial Education.



Judge Daniel P. Anderson

## AWARDS

**Richards receives Lifetime Achievement Award**

Judge Conrad A. Richards

Judge Conrad A. "C. A." Richards received the *Howard B. Eisenberg Lifetime Achievement Award* for his dedication to legal services for the poor. The award, sponsored by the Equal Justice Fund, was presented during a dinner ceremony in Milwaukee Nov. 7.

"Throughout his extensive legal career, first as a private attorney, then circuit court judge in St. Croix County... and active reserve judge in many counties in northern Wisconsin from 2003 to the present, he has remained aware and responsive to the issues affecting low-income people,"

organizers of the event noted in presenting the award.

Richards, currently a reserve judge, has been an ardent supporter of legal services for the poor since 1966, when he joined the State Bar's Legal Aid Committee. He is a longtime member of the board of directors of Wisconsin Judicare, a non-profit law firm that provides legal services to the poor in northern Wisconsin.

Richards also is a founding member of the Tenth Judicial District Self Help Committee, which led the state in providing legal assistance to *pro se* family law litigants by creating the first uniform divorce forms available online for a state judicial district.

Richards is a 1962 graduate of the UW Law School. He was a private practice attorney from 1962-89 and served as a circuit court judge in St. Croix County from 1989-2001.

The *Howard B. Eisenberg Lifetime Achievement Award* is named in honor of the late Howard B. Eisenberg, who as part of a distinguished and varied legal career, maintained an active and prodigious pro bono law practice.

**Teen court recognized for Outstanding Achievement**

In May, the State Bar of Wisconsin recognized the Tri-County Bar Association with an Outstanding Achievement Award for their work in establishing a new teen court for Buffalo and Pepin counties.

Teen courts are offered as an option for first time non-violent offenders under the age of 17 and place emphasis on the teens' focusing on their behavior and the consequences of their actions.

"The Buffalo-Pepin County Teen Court is a highly structured and effective way to guide youth away from serious criminal activity by showing them that their decisions have both immediate and long-term consequences," Buffalo-Pepin County Circuit Court Judge James J. Duvall told the State Bar.

"It offers an opportunity for first-time offending juveniles to clear their records and give something back to the community."

The Buffalo-Pepin program allows juveniles the opportunity to meet with a group of their peers to decide the consequences of their offense. Less than 20 percent of the program's funding comes from the county, Duvall told the State Bar. Many teen courts receive additional funding from private donations. Duvall also stressed the importance of community involvement in the program, from schools, social service agencies, and law enforcement officials.

"This award recognizes the ability and willingness of



Judge James J. Duvall

see Awards on page 19

**Davis elected 'chief of chiefs'**

Chief Judge J. Mac Davis, Waukesha County Circuit Court, was elected "chief of the chiefs" by colleagues on the Committee of Chief Judges in August.

Davis now serves as chair of the group of 10 chief judges, each of whom is selected by the Wisconsin Supreme Court to help oversee a judicial administrative district.

Davis replaces Chief Judge Benjamin D. Proctor, Eau Claire County Circuit Court, who continues to serve as chief judge of the Seventh Judicial Administrative District.

"The Committee of Chief Judges is key to supporting the work of the trial courts of Wisconsin, and a critical line of communication between the Supreme Court, state staff, and circuit judges," Davis said after being selected. "I am pleased to have the confidence of such a

fine group of my fellows."

Davis has served on the bench in Waukesha County since first being elected in 1990. He was re-elected in 1997 and

2003 and will continue to handle a caseload. He previously worked in private practice and served as a state senator from 1983 to 1990. He has been chief judge of the Third Judicial District since 2006. The district is comprised of Jefferson, Ozaukee, Washington and Waukesha counties.

Davis 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 calculate maintenance and other payments related to divorce. He has served on a variety of court-related committees and in leadership roles, including: chair of the Waukesha County Criminal Justice Coordinating Council; chair of the Wisconsin Judicial Conference in 2003; and president of the Waukesha County Bar Association in 2006 and 2007. Last year, he was nominated by former President George W. Bush to serve as a U.S. District Court judge.

Working as a team with a deputy chief judge and a professional court administrator, chief judges manage the flow of cases, supervise personnel, develop budgets, and meet monthly as a committee to work on issues of statewide importance. ■



Judge J. Mac Davis



## Wisconsin emerging as leader in interpreter services

Wisconsin was recently recognized in a national study as a leader among states in addressing the needs of people with limited English skills who are involved in civil cases.

In a report criticizing the lack of interpreters in civil cases for those with limited proficiency in English, the Brennan Center for Justice called for all states to follow the lead of Wisconsin and nine other states.

[The report](#), which captured the attention of [The New York Times](#), mentioned Wisconsin several times as an example of a state judicial system that appoints and pays for interpreters in civil cases without a means test.

The report underscored that such a policy is required under Title VI of the Civil Rights Act, and is now a required prerequisite for grants to state courts to improve courts generally, such as grants to implement drug courts.

To date, in the 35 states with the most immigrants, 46 percent do not require interpreters in all cases, 80 percent do not always pay for services and 37 percent do not have an interpreter qualification program.

*The Times* interviewed and quoted Wisconsin Court of Appeals Chief Judge Richard S. Brown about the great importance of this issue to individuals and families.

“Civil cases can involve denial of constitutional property rights, termination of parental rights, statutory rights to be free of harassment and stalking, consumer transactions, foreclosures and a host of other matters. If a person cannot understand what is happening in a courtroom proceeding, an unfair result might occur. And that is contradictory to what we want our courts to do: administer justice, fairly and impartially.”

Brown told the newspaper that the United States is a better country because it now is acknowledging what was not acknowledged during the 19th and early 20th centuries.

“I wonder aloud how many immigrants from the 1840s to the 1920s lost their liberty, lost their homes, their livelihood, all because they could not yet understand the English language to the fullest,” Brown said.

Recent academic studies are finding language barriers negatively affected justice during those years. They draw, as it happens, on evidence including an early Wisconsin Supreme Court decision involving Yankees who swindled immigrants who did not speak English, Brown said.

The Brennan report emphasized how practices in Wisconsin are changing the landscape in the 21st century. The report favorably commented on how Wisconsin has in place a language access plan whereby, every two years, it tracks the number of people receiving interpreters and the need for additional services or translated materials.



Judge Richard S. Brown

The Brennan Center also observed that Wisconsin assesses whether court staffers are familiar with applicable language access policies, and solicits feedback from community groups and individuals and encourages circuit courts to create their own language access plans.

Recognition by the Brennan Center reflects the work of judges across the state, said Wisconsin Court Interpreter Program Manager Carmel Capati. There is still much work to be done, but Wisconsin has come a long way in the last 10 years, Capati said. ■

## Collaboration is key to helping children in court

By Bridget Bauman, Children's Court Improvement Coordinator

Leaders from Wisconsin and 47 other states participated in the Third National Judicial Leadership Summit on the Protection of Children in Austin, Texas on Oct. 15-17.

Wisconsin Chief Justice Shirley S. Abrahamson led a delegation from Wisconsin that included Director of State Courts A. John Voelker; Judge Shelley J. Gaylord, Dane County Circuit Court; Reginald Bicha, secretary of the Department of Children and Families; Nic Dibble, education consultant for the Department of Public Instruction; and Bridget Bauman, Children's Court Improvement Program coordinator.

The summit built on the actions taken by states as a result of the previous summits in 2005 and 2007 to improve judicial leadership and outcomes for children who have been abused and neglected.

“Wisconsin officials are collaborating at the state level and examining best practices at the national level to protect children and produce the best possible outcomes for both children and families involved in child welfare proceedings,” Abrahamson said.

Wisconsin is considered a leader among states in that the Department of Children and Families and the state court system work jointly to assess the work of the circuit courts and county child welfare agencies in handling child welfare cases.

The summit broadened the scope of collaboration to include state education agencies and highlighted the importance of educational services for children in foster care.

“A well-designed conference that brought together people within Wisconsin to plan, and around the country to compare, what we do to integrate educational goals and services into the lives of the citizens we serve,” Gaylord said. “Thanks to the Chief Justice and conference planners for leading consistently on these important issues.”

Each state was charged with developing an action plan to improve oversight, processing, and services in child welfare proceedings. The goals of the action plan created by

see [Summit](#) on page 24

## 'Evidence-based' training session held

By Amber Peterson and Erin Slattengren, Office of Court Operations

To address the problem of drug and alcohol abuse in the criminal justice and child welfare systems, the Director of State Courts Office offered a one-day training workshop titled *Stop the Revolving Door: Evidence-Based Responses to Drug and Alcohol Use*. The workshop was offered in each of the ten judicial districts and was funded by the former JEHT (Justice, Equality, Human dignity and Tolerance) Foundation and the Children's Court Improvement Program.

The faculty was comprised of Dr. Richard Brown, an associate professor at the UW Madison Department of Family Medicine; Judge Michael J. Rosborough, Vernon County Circuit Court; Judge Lisa K. Stark, Eau Claire County Circuit Court; Judge Mary Triggiano, Milwaukee County Circuit Court; and Donna Muller, a Wisconsin Department of Corrections field supervisor.

Because alcohol and substance abuse issues affect a wide spectrum of criminal justice and child welfare workers, the workshop's target audience consisted of judges, court commissioners, social workers, AODA counselors, district attorneys, public defenders, and Department of Corrections workers. More than 450 of these professionals participated in the trainings this fall. The faculty educated participants on the continuum of substance abuse and the cause of substance-use disorders.

Additionally, the audience learned how to assess a



The training faculty for the 2009 district training on substance abuse and evidence-based practices include from left to right, Judge Mary Triggiano, Milwaukee County Circuit Court; Donna Muller, Dept. of Corrections Field Supervisor; Judge Lisa K. Stark, Eau Claire County Circuit Court; Judge Michael Rosborough, Vernon County Circuit Court; Dr. Richard Brown, associate professor, UW-Madison School of Medicine and Public Health.

substance-using individual's risk to their children, families, and community and how to determine what sentence or treatment is most appropriate. A portion of the training, presented by Triggiano, addressed how evidence-based practices can be applied to the child welfare system.

"Evidence-based practices have an important role in child welfare cases. We know what works and what doesn't work,

see **Trainings** on page 22

## Milwaukee Justice Center opens legal clinic

By Dawn Caldart, Administrative Director, Milwaukee Justice Center

On Oct. 23, the Milwaukee Justice Center held an opening reception for its Brief Legal Advice & Referral Clinic in the Courthouse Rotunda. The Milwaukee Justice Center (MJC) is a collaborative effort between the Milwaukee County Clerk of Circuit Courts Office, the Milwaukee Bar Association, and Marquette Law School. The MJC currently runs the Courthouse Legal Self-Help Clinics, and through a partnership with Marquette University Law School's Volunteer Legal Clinic (MVLC), the MJC will now also be hosting a Brief Legal Advice & Referral Clinic every Friday from 2 p.m. to 4 p.m. The clinic will be staffed by volunteer attorneys and Marquette law students, offering free one-time legal consultation and referrals.

The reception was well attended, with an audience from both Milwaukee's judiciary and legal community. Speaking at the event were representatives from the partner entities of the Milwaukee Justice Center,

including Chief Judge Jeffery A. Kremers, Milwaukee County Circuit Court; Milwaukee County Clerk of Court John W. Barrett; Marquette Law School Dean Joseph D. Kearney; and Milwaukee Bar Association President Francis W. Deisinger. Each spoke on the importance of the Milwaukee Justice Center, and specifically the Brief Legal Advice & Referral Clinic, in its effort to provide access to legal services for those who otherwise could not afford them.

On Oct. 30, the MVLC at the MJC held its first clinic, providing brief legal advice to walk-in clients. With five volunteer attorneys and ten Marquette law student volunteers, a total of 13 people were counseled. ■

For more information about the Milwaukee Justice Center contact Dawn Caldart, administrative director, at (414) 278-3988,

[dawn.caldart@wicourts.gov](mailto:dawn.caldart@wicourts.gov), or contact Noah Gehling, Community Outreach, Milwaukee Justice Center (414) 278-5392 [noah.gehling@wicourts.gov](mailto:noah.gehling@wicourts.gov)



Marquette University Law School Dean Joseph D. Kearney, Milwaukee Bar Association President Francis W. Deisinger, Marquette University Law School Pro Bono Coordinator Adrienne J. Olson, Milwaukee County Clerk of Court John W. Barrett, Milwaukee Justice Center Administrative Director Dawn R. Caldart, and Chief Judge Jeffery A. Kremers, Milwaukee County Circuit Court attend the opening reception for the Milwaukee Justice Center.



# Teaching Institute helps teach teachers



Atty. Thomas Balistreri discusses argument strategy in preparing his "students" for moot court.



Atty. Ellen Henak sets the stage, preparing teachers for moot court argument in *State v. Stevens*, which was decided by the Wisconsin Supreme Court in 1985.



Justice N. Patrick Crooks explains how the Supreme Court uses poker chips to determine which justice will write an opinion.

Sixteen Wisconsin middle- and high-school teachers participated in the Justice Teaching Institute Oct. 8-10 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 taught at the Institute, as did Dane County Circuit Court Judge Patrick J. Fiedler. Other instructors included UW-Madison Professor Diana Hess, who regularly teaches a similar institute at the U.S. Supreme Court; Atty. Ellen Henak; Atty. Thomas Balistreri; Wisconsin Supreme Court Commissioner Julie Rich; Atty. Thomas Alisankus, a municipal court judge; and Atty. Philip Freeburg. Attys. Erik Peterson and Eric Schulenburg participated in a sentencing exercise, along with volunteer actors Sheri Carter and Tom McGlamery.

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



Professor Diana Hess, left, explains a case-study teaching method to teachers.



Judge Patrick J. Fiedler, Dane County Circuit Court, instructs teachers during a sentencing exercise as supporting "actors" look on.

**RETIREMENTS** *continued from front page*

- about 120 during his tenure - how to be judges. And he has been responsible for continuing education for dozens of experienced judges ("used" judges, as he calls them), all of whom are required to attend the Judicial College at least once during a term.



Judge Robert G.  
Mawdsley

"The opportunity to meet each new group of judges, and to have an influence on starting them in the right direction, has been very rewarding for me," Mawdsley said. "At the same time, the associate deans and I work hard to meet the challenge of providing instruction that is relevant to long-serving judges. Meeting all of those needs gives a great deal of satisfaction."

Mawdsley also has taught annually at the National Judicial

College since 2001. He focuses on divorce and child custody and placement, areas that many judges find challenging and, at times, exasperating.

"I try to help judges identify ways to help litigants get through the process with the least possible time and expense," he said. "There is a lot we can do as judges in divorce matters to minimize the toll these cases take on people's lives."

Serving on the Civil Jury Instructions Committee and chairing the Family Benchbook Committee were assignments that Mawdsley found rewarding.

But Mawdsley's legacy will extend far beyond his work on the bench, on committees and at the College. He is well known as front man for the band he founded in 1992, Presumed Guilty. Along with Reserve Judges Michael J. Skwierawski (guitar) and Neal P. Nettesheim (keyboards), Mawdsley has entertained scores of judges, lawyers and court staff with such numbers as The Rotation Lament, Teenager in Jail and The Intake Song ("All my life is intake/from sunrise to sundown").

Presumed Guilty will continue. Mawdsley plans to spend some of his new-found free time polishing his guitar skills. He also plans to travel to Arizona, Florida, Italy and Ireland with his wife, Judy, who recently retired. Trips to water-parks and mini-golf with the granddaughters are also on the list.

"We are looking forward to getting out and doing some different things," he said. "I've been working in the courthouse since 1975. That's a long time."

Mawdsley's term ends in 2012; Gov. Jim Doyle is expected to appoint a successor.

### Court Commissioner James Olds Dane County Circuit Court

Dane County Juvenile Court Commissioner James Olds, who has presided in more than 25,000 cases during his 22-year tenure on the bench, will retire effective December 19.

Chief Judge C. William Foust praised Olds' ability to connect with juveniles and their families, and his commitment to improving the court process.

"Jim Olds was instrumental in restructuring the juvenile custody intake process and helped formulate the policies and procedures which guide the courts today and make Dane County a model for other counties," Foust. "His presence on the Juvenile Court bench will be missed."

Although Olds is looking forward to enjoying more time with his family, which now encompasses four generations, he will miss the job - and, in particular, the "exceptional staff who made a difficult job both manageable and enjoyable."

Over the years, Olds has seen



James Olds

see **Retirements** on page 20



Mineral Point Elementary School 5th grader *Fulton Flanary* reads his first-place essay, "What I Would Change in the United States Constitution," before the Wisconsin Supreme Court during a Justice on Wheels visit to Dodgeville Oct. 20. The Supreme Court sponsors the essay contest during each "Wheels" visit.

## Supreme Court hears cases in Iowa County

The Wisconsin Supreme Court sat in the Iowa County Courthouse - a 150-year-old building that is the oldest working courthouse in Wisconsin - in late October to hear three cases as part of its Justice on Wheels program. This marked the Court's 21st trip, and its first-ever sitting in Dodgeville. An estimated 300 people turned out to watch the proceedings.

Following tradition, the Court opened its Dodgeville session by presenting a plaque to the winner of an essay contest for fifth graders, and asking the winner to read his essay aloud for the justices and the assembled spectators. The justices take turns judging the entries; this year, Justice David T. Prosser did the honors. The winner was Fulton Flanary of Mineral Point Elementary School. ■



## WISCONSIN CONNECTS

## Wisconsin group attends international law seminar at the Hague

By Judge Andrew P. Bissonnette, Dodge County Circuit Court

In September, Wisconsin Supreme Court Justice N. Patrick Crooks, six circuit court judges and Atty. Carmel Capati, director of interpretation services for the Wisconsin court system, attended the fifth Sir Richard May Seminar on International Law and International Courts in The Hague, Netherlands.

Circuit court judges making the trip included Andrew P. Bissonnette, Dodge County; William W. Brash III, Milwaukee County; Jean W. DiMotto, Milwaukee County; Paul R. Van Grunsven, Milwaukee County; Donald R. Zuidmulder, Brown County; and Reserve Judge Diane M. Nicks. In all, 25 judges from the United States and four from Argentina attended the annual program, which is sponsored by the International Judicial Academy. The Wisconsin judiciary has consistently been represented in this program.

The seminar was organized by Dr. James Apple, president of the International Judicial Academy. The attendees heard him and a number of other presenters speak at The Hague Campus of Leiden University. In addition, the group traveled to various locations within The Hague to hear speakers from such organizations as the Organization for the Prohibition of Chemical Weapons, the Iran-U.S. Claims Tribunal, the Permanent Court of Arbitration, the International Criminal Court and the Hague Conference on Private International Law.

The Peace Palace was built in The Hague in 1913 and houses both the Permanent Court of Arbitration as well as the International Court of Justice, more commonly referred to as the World Court. The group visited the Peace Palace on two separate occasions and was extremely impressed by the architectural beauty as well as the important work going on inside. The group observed a trial in action at the International Court of Justice involving Argentina and Uruguay. Argentina is claiming that pulp mills in Uruguay are polluting the Uruguay River along their common border. The trial was being conducted at the Peace Palace in an impressive, high-ceilinged, chandeliered room with beautiful stained glass windows on three sides. Fifteen international judges were seated on a dais hearing the case. Despite the spectacular setting, the particular proceeding was quite dry.

Of more interest was observation of the direct examination of Charles Taylor (the former President of Liberia) in the Special Court for Sierra Leone. The case against Charles Taylor was initiated with an indictment in March of 2003 and is still in progress. The 11 counts against Taylor include

acts of terrorism, murder, sexual slavery, outrageous acts upon personal dignity, inhumane acts, conscripting children under the age of 15 to participate in hostilities, enslavement and pillaging. The prosecution presented 91 witnesses between January 2008 and January 2009. The Tribunal denied the defense motion for acquittal in May 2009, and the defense began its case in chief mid-July 2009. The



*The Wisconsin contingent celebrates their graduation from the fifth Sir Richard May International Law Seminar at The Hague. Among judges pictured: Justice N. Patrick Crooks; Reserve Judge Diane M. Nicks; and Circuit Court Judges Paul R. VanGrunsven, Milwaukee County; Jean W. DiMotto, Milwaukee County; William W. Brash III, Milwaukee County; Andrew P. Bissonnette, Dodge County; and Donald R. Zuidmulder, Brown County.*

spectators' gallery is separated from the courtroom by bulletproof glass. Taylor sat with back nearly up against the glass partition and members of our group sat within 10 to 15 feet of him as he testified.

The group also heard presentations from judges, prosecutors and defense attorneys from the various international courts and tribunals, including U.S. Judge Thomas Buergenthal, who is one of the 15 judges sitting on the International Court of Justice. They discussed the unique challenges facing the international courts, including witness protection and

relocation, the great time and distances separating the courts from the events being tried, the need to have the proceeding translated into at least three different languages (English, French and the native tongue of the witness), and the blending of legal systems from around the world. The group heard how the United States' and England's common law system dominated the initial organization of the courts and establishment of the rules of procedure and evidence. Over time, however, the courts have adopted more of the civil law system in order to move the cases along. Even with that, some of these cases literally take years to complete.

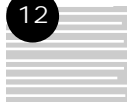
DiMotto said she was fascinated to learn the different perspectives of various regions of the world on such things as civil and criminal procedure and sentencing.

"I was very impressed by the passion for justice and world service of the judges, prosecutors, defense attorneys, and other supporting personnel in the various international courts."

The program helped to develop some different and valuable perspectives on both the need for, and the delivery of, justice in very trying situations. It also allowed participants to rekindle friendships with colleagues from Wisconsin, and to make new judge friends from across the country.

Wisconsin judges interested in participating in future years, should the program be offered again, should contact this year's attendees. ■





## Wisconsin adopts Indian Child Welfare Act

By Bridget Bauman, Children's Court Improvement Program

A bill that codifies the federal Indian Child Welfare Act (ICWA) into Wisconsin state statutes has been approved by the Legislature and signed by Gov. Jim Doyle.

The state Senate and Assembly unanimously passed [2009 Senate Bill 288](#) in November, and the governor signed it into law earlier this month. Implementation of the federal law has been a challenge in Wisconsin and other states in the three decades since it was adopted by Congress.

Wisconsin's 11 federally recognized tribes and the Department of Children and Families worked closely with Senator Bob Jauch (D-Poplar) and other legislators to create legislation that would improve compliance with ICWA in Wisconsin.

"Wisconsin tribes hope to see and experience compliance with the ICWA and WICWA [Senate Bill 288] which is meant to protect the best interests of Indian children and to promote the stability and security of Indian tribes and families," said Kris Goodwill, an attorney for the Ho-Chunk Nation and member of the Wisconsin Commission on

Children, Families and the Courts.

Senate Bill 288 incorporates the provisions of ICWA into Chapters 48 and 938. Furthermore, it contains additional procedures and definitions in an effort to provide greater clarity regarding the requirements in ICWA. A number of ICWA circuit court forms will be modified or created to include additional requirements under the bill, such as making a determination about active efforts at permanency plan hearings and providing notice of hearings to parents, Indian custodians, and the tribe in writing. Other materials that will be created as a result of the bill include new jury instructions from the Juvenile Jury Instruction Committee, an ICWA version of the Juvenile Model Record Keeping Procedures for juvenile clerks, and a bench guide for judges and court commissioners. ■

*Questions and requests for additional information may be directed to Bridget Bauman at (608) 267-1958 or [bridget.bauman@wicourts.gov](mailto:bridget.bauman@wicourts.gov).*

## Grants boost Milwaukee Drug Treatment Court

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

Milwaukee County has received two federal grants that will help with the continuing development of its first drug treatment court and increase treatment capacity, once the program is up and running.

"We are very appreciative of being awarded these two significant grants," said Chief Judge Jeffrey A. Kremers. "They will be real assets to our efforts to continue to implement and support our drug treatment court."

The county received a \$350,000, three-year federal implementation grant from the Bureau of Justice Assistance Drug Court Discretionary Grant Program. The funds will be used to support full implementation of the drug treatment court with the hiring of a full-time Drug Treatment Court coordinator.

In addition, the funding will offset drug testing costs, provide for ongoing program evaluation, and allow for the use of a validated risk and needs assessment for potential participants.

In February 2008, a planning team comprised of key criminal justice and treatment system leaders attended the National Drug Court Planning Initiative Training and developed a treatment court model for Milwaukee County.

"As the first judge assigned to preside over the drug

treatment court in Milwaukee County, it is my hope that it will have a long and lasting impact on the hearts and minds of many successful participants, as well as my colleagues, who will help lead drug treatment courts in the future," said Judge M. Joseph Donald, who is running a pilot program in his court.

Milwaukee County's program targets adult, non-violent, prison-bound offenders whose criminal activity is directly related to their substance abuse. If an offender is terminated from the program, Donald immediately sentences him or her. Successful completion of the program may mean dismissal or reduction of the criminal charges.

The second award is a three-year, \$900,000 grant from the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration. The Milwaukee County Circuit Court applied for the grant jointly with the Milwaukee County Health and Human Services, Behavioral Health Division (BHD).

The funds are primarily designated to expand treatment capacity for the drug court. The County will enter into a contract with UW-Milwaukee for evaluation and with a private contractor for infrastructure development related to co-occurring integration. ■

---

### Jurors *continued from page 4*

jurors' families and employers, who may be inconvenienced by jury duty. During 2008, an estimated 44,394 people reported to a Wisconsin courthouse for jury duty, and more than 22,623 of them served as jurors in one of more than 2,401 trials.

September was designated statewide Juror Appreciation Month last year in a declaration signed by Abrahamson and in a proclamation signed by Gov. Jim Doyle. The state

Senate and Assembly each approved citations designating the occasion.

The statewide juror appreciation program was initiated by the Chief Judges Subcommittee on Juror Treatment and Selection. Last year, about a half dozen counties invited jurors to participate in special programs, and more than 40 counties marked the occasion in some fashion. ■

## Green County opens new justice center

More than 300 people, including federal, state and county officials, were on hand Oct. 30 to celebrate the opening of the new Green County Justice Center.

The new facility houses the court system, district attorney, child support services, corporation counsel and offices for the state Department of Corrections, the State Public Defender, and UW-Extension. Additional space is available for public meetings and other activities.

The *Monroe Times* reported Nov. 2 that one of the more popular attractions was the tunnel connecting the Justice Center to the Green County Jail.

“... People lined up and waited several minutes for the chance to walk through the tunnel and listen to Sheriff

Randy Roderick talk about the cameras that monitor the tunnel and the emergency buttons that make the area safe for deputies who escort prisoners to court,” Times reporter Brian Gray wrote.

Department heads, including Clerk of Court Carol Thompson, served as tour guides of the new building.

Reserve Judge David G. Deininger served as master of ceremonies. Wisconsin Supreme Court Justice David T. Prosser, who spoke at the event, said the new building provided a beautiful and functional home for the county’s justice system and other offices. U.S. Sen. Russ Feingold, D-Middleton, said the building shows the county’s continuing commitment to justice. ■



*Green County celebrated the opening of a new justice center on Oct. 30.*



*Federal, state and local officials helped dedicate Green County’s new justice center during a ceremony at the building in Monroe. From left to right, Circuit Court Judge Tom Vale; Reserve Judge David G. Deininger; County Clerk Mike Doyle; Circuit Court Judge James R. Beer; (Fifth Judicial Administrative District) Chief Judge C. William Foust, Dane County Circuit Court; and Green County Board Chair Art Carter.*



*Wisconsin Supreme Court Justice David T. Prosser delivers remarks during dedication ceremonies at the new Green County Justice Center in Monroe on Oct. 30.*

## Newspaper reveals inner workings of Milwaukee Courthouse

On Monday, Sept. 14, nine reporters and five photographers from the *Milwaukee Journal Sentinel* chronicled a day in the life of the state’s largest court facility – the Milwaukee County Courthouse.

The effort resulted in a package of articles, photos and online audio and video clips entitled “Judgment Day – Inside the Milwaukee County Courthouse.” The coverage dominated the front page and center spread of the newspaper’s Sept. 20 edition, under the headline “Where law, emotion collide.”

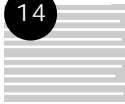
(<http://www.jsonline.com/news/milwaukee/59892382.html>).

“When I was first approached about the concept, I really didn’t know where this would go,” said Deputy District

Court Administrator Beth Bishop Perrigo. “However, I found it to be a very insightful view of some of what we see every day in the courts and the courthouse.”

Perrigo was first contacted by *Journal* reporter Gina Barton with the story idea months ago to see if it was even possible to make the contacts required to write the story. Perrigo worked with the reporters by advising whom to contact to get access to various areas of the courthouse, some of which are not routinely available to the public.

“Through capturing many of those individual stories, our aim was to provide a window on what happens inside the



## O'Brien thanked for dedication to Dane County Drug Court

By Gail Richardson, District Court Administrator, District V

Circuit Judge Sarah B. O'Brien was honored by the Advisory Board of the Dane County Drug Treatment Court (DTC) on Aug. 11 as she passed leadership of this successful program to Judge John Markson. O'Brien has been the DTC judge since 2005, succeeding Judges Stuart A. Schwartz, Steven D. Ebert, Patrick J. Fiedler and the late Jack Aulik, who pioneered drug court in Dane County in 1996. Board members thanked O'Brien for her commitment, compassion and understanding of the needs of those with substance abuse issues. Many stories, both touching and amusing, were shared.

"In 17 years on the bench, I have presided in all types of courts. Drug Treatment Court is by far the most rewarding thing I have done," O'Brien said. "It is rare for a judge to be so directly and personally involved with defendants trying to make positive changes in their lives," she added.

As a last project before leaving DTC, O'Brien organized a Hobby Fair which all the defendants were required to attend. "We preach to our participants the need to develop drug-free activities, but it is hard for any of us to venture into unfamiliar territory," she said. Attendees were required to participate in three 25 minute sessions chosen from the following offerings: cooking, crafts, carpentry, reading, taiji, yoga, running, spoken word poetry, knitting, and disc golf.

A 70-page directory of free and low-cost activities, created by O'Brien's summer judicial intern, was given to all attendees. The DTC defendants enjoyed trying out new activities, and many of the case managers and DTC team joined in. It's too early to tell the long term-impact of the event, but one defendant enjoyed the carpentry so much he has since enrolled in a employment training program in construction. ■



Law Librarian Lisa Winkler addresses a group of Dane County Drug Treatment Court participants on the joys of reading during the Hobby Fair.

## Pro Se Training expands to District 10

By Ann Zimmerman, Statewide Pro Se Coordinator

Four day-long *pro se* training sessions for court staff were conducted in October in the Tenth Judicial District (headquartered in Eau Claire) as a part of the Wisconsin court system's continuing effort to address the issues raised by the increase in self-represented litigation. The sessions ran in late October in Menomonie and Washburn.

"The Tenth District recognizes the importance of ongoing training for our court staff on the issues of self-representation and we were very pleased to provide it for them," said Chief Judge Benjamin Proctor, Eau Claire County Circuit Court. "Our court staff does an excellent job of assisting all litigants in the Tenth District and this is one way to ensure that our staff is getting the support and education they need to continue their fine work."

Leading the effort to organize the sessions was Scott Johnson, district court administrator for the Tenth Judicial District. "We are fortunate that we had an excellent faculty," said Johnson. Four judges participated in the training sessions: St. Croix County Judge Edward F. Vlack III, Washburn County Judge Eugene Harrington, Chippewa County Judge Roderick Cameron, and Reserve Judge Gary Carlson. Johnson, State Law Librarian Jane Colwin, Retired Tenth Judicial District Court Administrator Gregg Moore and I also served as faculty. "The program was designed for hands-on learning," said Johnson, "and we engaged the staff with an interactive program, including sessions on role-playing and self-represented litigants' frequently asked questions."

This comprehensive training program was initially developed and implemented in the Ninth Judicial District in 2008 with one important objective being the development and implementation of a program that could be replicated across the state. According to Johnson, "The Ninth District developed the program in partnership with the District 10 Self-Represented Litigants Committee, the State Law Library, and the Wisconsin Supreme Court to create a program model for use throughout the state."

After the District Nine kick off, the program was implemented at a regional level in 2008-09 through the Office of Judicial Education. District One will be implementing the program in December.

Recent estimates place the current level of family law cases in which at least one side proceeds without an attorney in excess of 60 percent statewide, and the numbers are likely to continue rising given the current economic climate. Because of this, court personnel often struggle with providing quality customer service, prioritizing work demands and adhering to legal and ethical constraints concerning the unauthorized practice of law. This training program helps them address those concerns. ■

For further information about the *pro se* court staff training sessions, contact Statewide Pro Se Coordinator Ann Zimmerman at [ann.zimmerman@wicourts.gov](mailto:ann.zimmerman@wicourts.gov).



## Online course assists court staff in helping self-represented litigants

By Ann Zimmerman, Statewide Pro Se Coordinator

A new 75-minute online, interactive course developed to help clerks of court and members of their staff assist self-represented litigants is now available to CourtNet users under "Education and training."

*Walking the Line* focuses on ways staff can assist self-represented litigants as required under Supreme Court Rule 70.61, *Assistance to Court Users*.

Consisting of four lessons, the course covers such issues as how to provide quality customer service; the difference between legal information and advice; resources for assisting court users; and a practice section, including video vignettes that demonstrate correct and incorrect ways of handling common scenarios.

The course also employs "self-checks," which allow students to track their progress with pop-up boxes appearing alongside the user's selected responses to explain why an answer is right or wrong.

At the beginning and end of the course, each student is required to complete the same multiple-choice test designed to measure

the user's knowledge of the issues relating to assisting self-represented litigants. A score of at least 80 percent on the post-test is required for a student to successfully complete the course and print out a certificate of completion. Test results will be forwarded to the clerks of court each time the course is completed by one of their employees.

Reserve Judge Gary L. Carlson worked closely with the Ninth and Tenth Judicial Districts' Self-Represented

Litigants Committee to develop the course, which is based on prior live training versions of the program that have been presented in the Ninth Judicial District and on a statewide level by the Office of Judicial Education. *Walking the Line* is primarily funded with federal grant money secured in the Ninth Judicial District that was secured for pro se initiatives. ■

For further information on this course or other issues relating to self-represented litigation, please contact Ann Zimmerman at [ann.zimmerman@wicourts.gov](mailto:ann.zimmerman@wicourts.gov).



Clerks of court throughout the state contributed photos of their staff assisting self-represented litigants, many of which are featured in the course. In Washington County, shown here, commonly requested forms are provided to court users.

## Fifth and Seventh Judicial Districts Implement Public Library Initiative

By Ann Zimmerman, Statewide Pro Se Coordinator

As part of a growing statewide effort, the Wisconsin court system teamed up with three Wisconsin library systems this fall to provide training for public library staff to assist people who represent themselves in court.

On Sept. 29, court system staff and staff of the South Central Library system implemented part one of a two-part educational program in Madison. Court staff made a variety of presentations to help librarians become familiar with the needs of self-represented litigants and services available through court offices and the Internet.

The theme of the meeting was *Public Libraries and the Courts – Establishing Partnerships and Providing Opportunities for Information Sharing*. A similar program was held with the help of the Winding Rivers and South West Library Systems in Viroqua Oct. 29.

Part two of the program will entail personal follow-up visits made by local court staff to each public library in their respective counties.

The Fifth and Seventh Judicial Administrative Districts, along with the State Law Library, are leading the initiative, which is intended to help foster communication between local courts and public libraries in an effort to better meet the legal service needs of self-represented litigants.

"This is a great program. I really like the idea of working



Dane County Presiding Judge Maryann Sumi thanks the Arrowhead and South Central Library System librarians for their participation in the Fifth Judicial District's Public Library Initiative in Madison on Sept. 29.

with the librarians on this issue because they have been historically responsive to the public. By letting them know what resources are available to self-represented litigants, we can help improve access to the courts," said Seventh Judicial District Chief Judge William D. Dyke, who participated in the program by describing his perspective on the increased number of self-represented litigants in the court system.

see **Library initiative** on page 22

**OBITUARIES** *continued from page 3*

Gartzke was elected to the Court of Appeals in 1978 and served until his retirement in 1996. He continued to serve as a reserve judge after his retirement.



Judge Paul C. Gartzke

According to an obituary released by Beal Funeral Homes, Gartzke had a love of reading, which he tried to pass on to younger generations. He volunteered as a reading tutor at Randall School. He was an organizer and first president of the Bayview Foundation, a nonprofit corporation that built low- and moderate-income housing in Madison. He also served on the board of curators of

the State Historical Society of Wisconsin for many years.

He is survived by his wife, Emy; his children, Ann, Dan and Alice; five grandchildren; and one sister.

### Judge Charles L. Larson Ozaukee County and Circuit Court

Former Ozaukee County and Circuit Court Judge Charles L. Larson passed away on Aug. 14. He was 101.

Larson was elected to the county court in 1961. He continued to serve on the bench as a reserve judge after his retirement in 1978.

A graduate of Marquette University, Larson began his law practice in Port Washington in 1931. He served as district attorney for Ozaukee County from 1935-39 and as mayor from 1947-49. From 1942-46, he served as a lieutenant commander of the U.S. Navy. He was elected state commander of the American Legion in 1949.

In addition to guest lecturing at Marquette Law School and UW Law School, Larson was also a moderator of a monthly radio program on law and law-related subjects.

In 1969, Larson presided over the criminal trial of the Milwaukee 14, who were charged with theft, arson and burglary for breaking into a Selective Service office and burning draft records in protest of the Vietnam War. Federal charges against 10 of the 14 were later dismissed by Judge Myron L. Gordon.

Larson is survived by his three children, Larry, Sue, and Chuck; 10 grandchildren; and 11 great-grandchildren. He was preceded in death by his wife, Patricia.

### Judge Jon B. Skow Racine County Circuit Court

Judge Jon B. Skow, who served on the Racine County Circuit Court, passed away on Oct. 28 at the age of 66.

Skow began serving in 1977, and was re-elected to the bench in 1984 and 1990. He retired in 1993. Prior to his election to the bench, he practiced law in Racine.

A graduate of the Culver Military Academy, Skow served as a sergeant in the Army 82nd Airborne and Army Intelligence Service from 1962 to 1965. He received his bachelor's degree from UW-Madison in 1970, and his law degree from Kent College of Law in 1973.

Skow served as a member of the American Judicature Society, as well as on the board of directors of the Southeast Wisconsin Council Boy Scouts. He was also involved with the Kiwanis Club of Greater Racine, Racine County Opportunity Center, the Mayor's Commission on Human Rights, and Racine Community Concerts.

He is survived by his son, Carl; and sister, Wendy; as well as many family and friends. He was preceded in death by his son, Jon Jr.; and his brother, George.

### Nobert J. 'Coley' Griffin Dodge County Court Reporter

After almost 70 years of court reporting, Nobert J. "Coley" Griffin passed away on Oct. 18. He was 92.

"When I started reporting there were no machine writers in Wisconsin – none," Griffin told the *Milwaukee Journal Sentinel* in 1983, when he originally planned to retire. His retirement plans were put on hold, as he was asked to transcribe for reserve judges. He continued to do all of his reporting by hand until his retirement in 2003, at the age of 86.

Griffin was never formally trained as a court reporter, according to an article in the *Journal Sentinel*. He taught himself by using a \$7 textbook. At one point, his shorthand speed was determined to be 260 words per minute.

His reporting skills were put to work when he enlisted in the US Navy in 1942, where he served as a reporter for court-martial and mutiny cases.

Despite his age, Griffin was given the honor of being the December pin-up for a "Men of Court Reporting" fundraising calendar in 2007, his daughter told the *Journal Sentinel*.

Griffin is survived by his children, Patrick, Mary, and Megan; nine grandchildren; and 3 great-grandchildren. He was preceded in death by his wife, Anne; and sons, Kevin and Michael. ■

## NEW FACES

### BBE gets new director

Atty. Jacquelynn B. Rothstein has been hired to serve as the new director for the Board of Bar Examiners (BBE). Rothstein currently serves as legal council and administrative law judge for the Wisconsin Department of Regulation and Licensing. She previously worked as a lecturer at UW Law School and as a private practice attorney.

A graduate of UW-Madison, Rothstein received her law degree from Marquette Law

School. She has served as a member of the Commission on Accreditation for Marriage & Family Therapy, as well as on the board of directors for Friends of Yahara House and the Mental Health Center of Dane County.

Rothstein said she is genuinely excited for this opportunity, and believes that her new position dovetails well with the skills and experience she has gained from her current position. She begins working at BBE in January. ■



Jacquelynn B. Rothstein

## Waukesha County undertakes emergency training

District Court Administrator Michael Neimon was among a group of 73 local government officials organized by Waukesha County to attend the National Emergency Training Center's Emergency Management Institute in Emmitsburg, Maryland.

The four-day Waukesha County Specific Integrated Emergency Management Course, held June 8-11, was federally funded.

Participants ranged from the county executive, mayor, police, fire and emergency services officials to representatives from public works, the private sector and several volunteer agencies. Participants examined the many facets of the emergency management system in Waukesha County and developed teams to manage major disaster situations.

The main training scenario involved major flooding throughout the county with the response coordinated through a single Emergency Operations Center, Policy Group, and Incident Management Team. The experience allowed participants the opportunity to explore and enhance the interactions between individual agency plans and the

County's plans to ensure the best possible service to the public during disaster situations.

Even though they came from different disciplines and jurisdictions, the Waukesha County team quickly melded into a cohesive workforce to manage the simulated crisis, Neimon said. The training also provided valuable information on what needs to be done in the future to provide more effective short and long term services during a crisis.

"It is clear that in countywide emergencies, all of the agencies need to come together and share resources," Neimon said.

Though the courts may not play an active role in their traditional judicial function during most emergencies, the courts can be helpful in stressful emergency situations by contributing competent administrative and clerical staff, Neimon said.

Neimon said court staff can take advantage of the free online training and contacting a county emergency management director for additional information, if interested in contributing during an emergency. ■



Members of the chief justice's steering group on issues of mental health in the criminal justice system met in Madison during August to plan a statewide task force summit meeting for spring of 2010. Wisconsin is one of four states selected to participate in the Chief Justices' Criminal Justice Mental Health Leadership Initiative, a national project sponsored by the Council of State Governments. The steering group, selected by Chief Justice Shirley S. Abrahamson, includes a wide range of stakeholders in the criminal justice system and court system staff.

### Newspaper from page 13

courthouse, a building that some may pass every day but never find their way inside," said Greg Borowski, assistant managing editor of projects and investigations at the *Journal Sentinel*.

Borowski wrote about the *Journal Sentinel's* project in a story accompanying the online coverage.

"In some ways, the courthouse complex is a processing plant, taking the hundreds - thousands - of cases that come in the door, churning them through the system, and disposing of them.

"But that number-crunching view ignores the human side of the cases: The former friends fighting over \$4,400 worth of furniture, the young couple seeing their divorce finalized with the pound of a gavel, the woman who wants a restraining order against her abuser lifted."

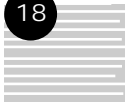
The project detailed many activities that occurred on that

day, beginning with a reporter walking with the maintenance worker who opens the building and ending with the closing of the building at 5 p.m.

The online version allows the reader to take an hour-by-hour trip through the day and is accompanied by four video stories, including checking in for jury duty; arriving at the court staging area as the bus arrives from the County Correctional Facility South in Franklin; listening as interpreter Dawn Maldonado describes her role as a Spanish language interpreter in the courts; and watching an interview with Judge Michael J. Dwyer as he describes the "single best fringe benefit of working in the Courthouse," accessing the Sheriff's gym for the daily pickup basketball games over the lunch hour.

The result is a fabric of the "slice of life" that is the Milwaukee County Courthouse, Perrigo said. ■





## Waushara County develops evacuation plans

By Jane Putskey, Waushara County Clerk of Circuit Court

As part of its ongoing court security program, Waushara County court and government officials have established evacuation procedures that could be implemented in the event of a courtroom security crisis.

In March 2009 Waushara County Deputy Sheriff Lafe Hendrickson attended the Court Safety and Security Conference, which was offered in Green Bay by Fox Valley Technical College in conjunction with the Director of State Courts Office.

Waushara County Sheriff David Peterson selected Hendrickson to attend the conference because one of his primary duties is provide security for the courthouse. After attending the conference, Hendrickson gave an overview to members of the Waushara County Security and Facility Committee and developed evacuation plans for the courtrooms.

A subcommittee was established and focused on developing training for the evacuation plan. Members of the subcommittee included Peterson, Hendrickson, Lt. Jeff Nett, Clerk of Circuit Court Jane Putskey and County Emergency Management Director Lynn Boening.

Hendrickson put together four training scenarios in which an emergency evacuation would be necessary. The scenarios included a gun being fired at the defendant during a jury trial, a bomb threat during a jury trial, a physical assault on a petitioner by the respondent during an injunction hearing and a physical assault on a defense attorney by a criminal defendant.

Prior to the training the following objectives were established:

- To foster effective communication and a coordinated response among all departments within the courthouse.
- To update and expand current policies within the respective departments.

To educate and prepare staff to respond to unexpected and extraordinary situations within the courthouse facility.

Hendrickson and Nett presented the evacuation procedure to the judge, court reporter, family court commissioner, civilian jury bailiffs, and staff members from the Clerk of Courts Office, Register in Probate Office, District Attorney's Office, Corporation Counsel's Office, Emergency Services, Sheriff's Department, and Human Services.

The staff was given an overview of the scene, but not given the reason why they may need to evacuate. The training gave the staff members the opportunity to practice the evacuation procedure during an emergency situation.

After each scenario played out, discussions were held immediately with all staff members who participated, to share ideas and suggestions. The participants also completed a written evaluation after the training to measure if objectives were met. Many positive comments were given along with suggestions for improvement.

Overall the subcommittee believed the training was successful and well worth the time. Changes have been made in Waushara County as a result of the training, and safety concerns will continually be addressed in order to keep all staff and participants in court proceedings safe.

The scenarios were taped and will be presented to the Waushara County Security & Facility Committee and will be used for future trainings.

Waushara County established a Security Committee and Facility Committee May 2, 2002, after several employees attended the first Court Safety and Security Conference offered in 2002. Many security changes have been discussed and implemented since the inception of the committee. ■

## Wisconsin Crimes published

Consolidated Court Automation Programs (CCAP) has made available to judges an updated, electronic version of "Wisconsin Crimes - Elements, Definitions, and Penalties," a reference book addressing the elements of crimes and applicable penalties.

UW Law Professor and Associate Dean for Continuing Education David Schultz revised the publication, which was first drafted nearly 20 years ago by former Racine County Circuit Court Judge Dennis Flynn.

Judges have found the publication a useful tool to ensure parties have correctly stated the elements of a crime when taking a plea, said Judge Racine County Circuit Court Judge Gerald Ptacek, who serves on the CCAP Steering Committee. However, because the document had not been updated for a long time, it became less useful, Ptacek said. The electronic version of the revised publication was released Nov. 2 and is available to judges in Microsoft Word format through CCAP's file servers in each county. The document may be opened in Word or by using a macro found on the CCAP toolbar in Word. This macro

see **Crimes** on page 22



Photo credit: Susan Byrnes

Reserve Judge Timothy L. Vocke has returned to work as a reserve judge in the Ninth Judicial District after suffering two heart attacks on June 20 and undergoing subsequent coronary bypass surgery. Vocke, posing here with his Honda Goldwing, said he appreciated messages of support he received from judges and court staff during his recovery.

**AWARDS** *continued from page 6*

Judge Duvall and attorneys in Buffalo and Pepin Counties to address the needs of their neighbors while promoting a positive image of lawyers who care about their communities,” Atty. Ben Brantmeier, chair of the Local Bar Grant Competition Subcommittee, told the State Bar.

**Court, library staff named ‘Unsung Heroes’**

First District Court Administrator **Bruce M. Harvey** was honored at the *Wisconsin Law Journal’s* fourth annual event for the “Unsung Heroes” of the state’s legal community on Nov. 13 in Milwaukee. The awards are given annually to those whose efforts are essential to helping law firms and courts run efficiently.



*Bruce M. Harvey*

Harvey joined the Milwaukee County courts in 1989 as the administrator of criminal and children’s courts. He later served as justice system review coordinator, where he was responsible for development of the felony speedy trial courts, which have been a model for the nation.

“Bruce represents the best in an administrator,” said Chief Judge Jeffrey Kremers. “His work is seamless, and his opinion is valued by all in the system. He is very deserving of this recognition.”

Harvey is responsible, along with the chief judge, deputy chief judges and deputy DCA Beth Bishop Perrigo, for overall administration of the courts in District One, long-range planning, the courts’ budget, and administration of the county’s court commissioners, administrative staff and 46 trial courts. In addition to his years with the courts, Harvey, who holds a master’s degree in public administration from the University of Colorado, has served as deputy executive director of the Wisconsin Council on Criminal Justice and as a legislative assistant in the state Senate.

Racine County Court Reporter **Marjean Schlagenhaft** was also recognized as an “Unsung Hero.” Schlagenhaft, who has worked with Racine County Circuit Court Judges Richard G. Harvey and Dennis J. Barry, was recognized for her court reporting skills, as well as her professionalism in the courtroom.



*Marjean Schlagenhaft*

“In the late 1990’s, when I chaired the Juvenile Justice Study Committee, which the Governor and Legislature created to examine and rewrite the state’s juvenile justice laws, it was Marge who typed all my memos, minutes and agendas that formed the structure that helped the committee’s success and which led to the creation of Chapter 938 Stats.,” Barry wrote in a nominating letter. Schlagenhaft typed his materials for several other committees he served on, Barry said. “She

received no recognition or extra compensation for any of this work she did.”

**Carol Hassler** of the Wisconsin State Law Library was honored as an “Unsung Hero” for her work on the redesigned State Law Library Web site. In addition to her usual libraries duties, Hassler led a team through the year-long update process. The new Web site was launched in May 2009, and featured enhanced legal topics and a new county resource database.

“Web designers do their work very much ‘behind the scenes’ and Carol is no different. But the result of her leadership and work are out there for everyone in the legal community to see and benefit from every day,” the nominating letter said.



*Wisconsin Law Library’s Jane Colwin, Carol Hassler, and Amy Crowder at the Wisconsin Law Journal’s Unsung Heroes Awards lunch.*

**Work for state veterans recognized**

The State Public Defender Board has named four recipients of its 2009 Eisenberg Award. The award, which is named for late Marquette University Law School Dean and State Public Defender Howard Eisenberg, honors individuals who work for the rights of the state’s poorest citizens.

This year’s honorees, recognized for their contributions to the Wisconsin Veterans Intervention Program, were Rock County Circuit Court Judge James P. Daley; William S. Middleton Memorial Hospital Mental Health Services Chief Dean Krahn, M.D.; the Wisconsin Department of Veterans Affairs; and the UW Law School Frank J. Remington Center. The awards were presented Sept. 24 at a ceremony in Milwaukee.

Daley was recognized for starting the first veterans treatment court in the state.

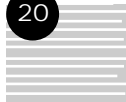


*Judge James P. Daley*

**Schudson awarded Fulbright Fellowship**

Reserve Judge Charles B. Schudson has received a five-year “Senior Specialist” Fulbright Fellowship to teach law. The fellowship, which is sponsored by the U.S. Department of State’s Bureau of Education and Cultural Affairs, allows faculty from universities in the U.S. to travel to participating higher education institutes around the world to conduct training, lectures and seminars.

Schudson, who served on the District I Court of Appeals from 1992 to 2004, is an adjunct professor of law at Marquette Law School and the UW Law School. ■



## PEOPLE



Justice Ann Walsh  
Bradley

In mid July, Justice **Ann Walsh Bradley** participated in a joint meeting of women judges and members of the Congressional Caucus for Womens' Issues. The event was held at the U.S. Capitol Building in Washington D.C. Nearly 60 judges, representatives, lawyers, government officials and bipartisan congressional staff were on hand for the meeting. The event featured a keynote address by **Melanne Vermeer**, Ambassador-at-Large for Global Women's Issues, and comments from U. S. Secretary of Labor **Hilda Solis**. The event promotes exchanges between judges and congressional representatives on international and domestic

challenges for women and girls.

Former Wisconsin Supreme Court Justice **Louis B. Butler** and Madison Atty. **William M. Conley**, both nominated by President **Barack Obama** for federal judgeships in Wisconsin's Western District, appeared before the U.S. Senate Judiciary Committee at separate nomination hearings during November.

Butler and Conley were recommended for approval by Sens. **Herb Kohl** and **Russ Feingold**, Wisconsin Democrats who serve on the committee. If confirmed by the Senate,

see **People** on page 21

## RETIREMENTS *continued from page 10*

many changes – some good, some not so good.

On the positive side, technology has done away with handwritten notices and orders. Less positive has been the Legislature's rewrite of the Juvenile Code.

"I've seen the pendulum swing from the Children's Code of 1978 to the Juvenile Code of 1995, in which the age of adult court jurisdiction was lowered to 17, and juveniles could be found to be delinquent at age 10 and were stripped of their right to have a jury determine their guilt," Olds said. "I believe some of these changes will be reversed in the near future."

But overall, working in juvenile court has been greatly rewarding.

"I think it's important to recognize the special and distinct nature of juvenile court and the significant impact we have on juveniles, their families and the community at large," Olds said. "Perhaps our greatest potential strength is the ability to interrupt patterns of behavior when they are in their formative stages."

Foust announced that Juvenile Court Commissioner Anton Jamieson, a full-time commissioner since 2006, would succeed Olds as leader of the Juvenile Court Commissioners Team.

### Court Reporter Marjean Schlagenhaft Racine County Circuit Court

Marjean "Marge" Schlagenhaft's almost 39 years as a court reporter (33 with the State of Wisconsin) have been filled with plenty of hard work, a few scary moments and lots of laughs.

Her contributions to the court system were recognized in November, when she received the *Wisconsin Law Journal's* "Unsung Heroes" award. Two other members of the court system staff, District Court Administrator Bruce M. Harvey and Carol Hassler, Webmaster/cataloger for the Wisconsin State Law Library, also were honorees (*see separate story, page 19*).

Judge Dennis J. Barry, for whom Schlagenhaft has worked for the last 29 years, wrote the nomination, which read, in part:

"Marge's skills as a court reporter are unsurpassed. She is

virtually flawless in her accuracy and speed. Her courtroom presence is professional and dignified. Incredibly, she has never needed or sought workload help, even when we were assigned to busy rotations such as the felony or civil divisions. She has never been late in preparing a transcript for appellate courts or attorneys. She offers to assist other busy reporters whenever she can and she is highly respected by attorneys and court staff."

Schlagenhaft praised Barry's work ethic, and noted that his sense of humor has helped to make the job enjoyable – even when she is faced with a litigant who seems potentially dangerous.

"There have been a few times when I've kept an extremely close watch on an individual, but we've never had an incident, fortunately," she said. "The funny moments have far outweighed the scary ones."

One funny moment came during a small claims hearing. The plaintiff kept chickens which she considered as pets. The neighbor's dog stood accused of killing one of them (Henrietta) and causing several others to suffer anguish. There was considerable evidence about the intestinal workings of chickens, which supposedly evidenced their distress. The judge questioned the plaintiff at length about the situation to determine how she knew that the dog was the culprit, and eventually the frustrated plaintiff told the judge that his chicken-related knowledge was quite lacking.

"Judge Barry looked at her and said, 'Well, I know they're good to eat,' and the courtroom just erupted in laughter," Schlagenhaft recalled. "Judge Barry loves food, and he was pretty honest in his assessment of what he knew about chickens. It was just one funny moment of many we've had over the years."

With just a few weeks left before her retirement, Schlagenhaft is busy with transcripts. She is also planning a few activities that she has never had time to pursue, including volunteer work and obtaining a master gardener certificate. She also plans to spend more time with her daughter, Nicole, and her family in the Madison area.

"My husband Jim has not retired yet, so I'll also stay busy with some painting and mowing the lawn," she said. "There are all kinds of things I'm ready to tackle." ■



**PEOPLE** *continued from page 20*

Butler would replace U.S. District Judge **John Shabaz**; Conley would replace Judge **Barbara B. Crabb**.

On Dec. 3, the Senate Judiciary Committee voted 12-7 in support of Butler's nomination, which must be confirmed by the full Senate, the *Journal Sentinel* reported.

Butler, who now lectures at the UW Law School, was appointed to the Supreme Court by Gov. **Jim Doyle** in 2004. He was defeated in a 2008 election by Justice **Michael J. Gableman**. Conley is now a partner at Foley & Lardner, where he has worked for the past 25 years. He began his legal career as a law clerk for Judge **Thomas Fairchild** in the 7th Circuit Court of Appeals.

The six individuals recommended for consideration for the pending vacancy on the U.S. 7th Circuit Court of Appeals are **Lynn S. Adelman**, **Linda M. Clifford**, **Anuj C. Desai**, **Victoria F. Nourse**, Milwaukee County Circuit Court Judge **Richard J. Sankovitz**, and **Dean A. Strang**.

The Federal Nominating Commission has been making recommendations to Wisconsin's United States Senators since 1979 and was charged with recommending four to six candidates for the position. For the Seventh Circuit vacancy, the Commission was chaired by UW Law School Dean **Kenneth B. Davis, Jr.**

According to the *Milwaukee Journal Sentinel*, The Waukesha County Alcohol Treatment Court has been making an impact on repeat drunk driving offenses since its inception three years ago. The *Journal Sentinel* cites a study conducted by Associate Professor **Matthew Hiller** of Temple University. Hiller compared recidivism rates for program participants against non-participants who were convicted of three drunk driving offenses. Program participants had a 29 percent repeat offense rate, compared to 45 percent for non-participants. The program has had 163 participants since its launch in May 2006.

Waukesha County Circuit Court Judge **Kathryn W. Foster**, who played a key role in developing the Alcohol Treatment Court, would like to incorporate one of the tools used in the specialty court in the county family court. The *Journal Sentinel* reports that Foster has been testing the use of an alcohol monitoring device in a custody battle. The father in the case volunteered to wear a leg bracelet that

measured alcohol vapors released through the skin in order to dispute his ex-wife's claims that he had been drinking. The Secure Continuous Remote Alcohol Monitoring (SCRAM) device is being used in criminal cases in other Wisconsin counties, but Foster believes it would be beneficial in custody cases where alcohol use is an issue. "We don't like children to be interrogated by the non-drinking parent and to be the



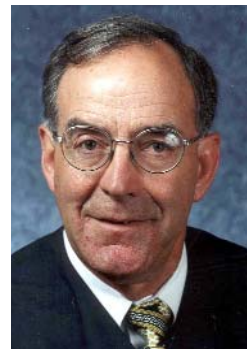
Judge Kathryn W. Foster

reporting person," she told the *Journal Sentinel*.

Brown County Circuit Court Judge **Donald R. Zuidmulder** and Drug Court Coordinator **Beth Robinson** recently attended a weeklong drug court training program, according to the *Green Bay Press Gazette*. The training, which took place in Nashville, Tenn., was provided by the U.S. Department of Justice and the National Drug Court

Institute.

Zuidmulder told the *Press Gazette* that the newly created drug court has two cases pending and one defendant who has been approved but has not yet participated. The drug court offers an alternative to incarceration for non-violent adult offenders who are willing to make weekly appearances before the court, submit to drug testing, and maintain employment.



Judge Donald R. Zuidmulder

Students who commit a first offense in Reedsburg have the option of facing a jury of their peers, the *Reedsburg Times-Press* reports. Students in grades seven through 12 facing charges of truancy, theft, or tobacco or alcohol use or possession may be referred to the Teen Court program by local police or school administrators. The program, which has been running since last February, has already handled 21 cases.

"Part of the sentencing requires them to serve on the jury for at least two cases and sometimes the jury sentences them for even more," **Kristine Koenecke**, Teen Court coordinator, told the *Times-Press*. "I think that's when they learn the most."

After 30 years in the courtroom, 79-year-old La Crosse County Circuit Court Bailiff **Phyllis Johnson** has no thoughts of quitting. "I love my job," Johnson told the *La Crosse Tribune*. Since she began working as a bailiff in 1979, Johnson has served Judges **Dennis G. Montabon**, **Roger W. LeGrand**, and **Todd W. Bjerke**. "She's a wonderful bailiff and person and is an asset to the courthouse," La Crosse County Clerk of Courts **Pam Radke** told the *Tribune*. Johnson's main duties include escorting the jury to and from the courtroom, standing guard during deliberation, and notifying the judge when they reach a verdict. She has also added the duty of providing the jury with homemade cookies during the trial, the *Tribune* reports.

District 4 Court of Appeals Judge **Charles P. Dykman** is sharing his knowledge, not of the judicial system, but of canning and preserving, according to *The Capital Times*. Dykman has been teaching a class on food preservation at the Willy Street Co-op in Madison for the past several years. The popular class is a way for Dykman to keep an old tradition alive. "It seems like an art that may be dying out, and I thought it could be valuable for



Judge Charles P. Dykman

a younger generation to learn how to do this thing I consider both valuable and fun," he told the newspaper.

Governor **Jim Doyle** announced October 2, 2009 that he is seeking applicants to fill the vacancy created by Judge **Burnie Bridge**'s resignation, effective January 8, 2010,

**ASTAR** *continued from page 5*

The three judges estimate that in addition to the 120 hours of seminar time they have put in, they dedicated a similar amount of time completing pre-seminar assignments and required “homework.”

Programming for ASTAR and its National Resource Judges program continues. On Nov. 17, Pasell, McGinnis and Anderson participated in a one-hour long neuroscience webinar, and, by the end of the year, they will also have completed an on-line course on *Mapping the Brain of the Psychopathic, Violent, Criminal Defendant*.

ASTAR Fellows have a continuing education requirement

of one seminar every two years. Seminars being planned for 2010 and 2011 include, either on-site or on-line, *Genetic Engineering of Plants, Crops and Foods*; *National Institutes of Health's State of the Sciences Academy*; *Energy Science and Climate Control Technologies*; *Environmental Crimes and Detection Technologies*; and *Health Care Criminal and Civil Disputes Involving Electronic Health Records*.

Wisconsin's ASTAR fellows will be a valuable resource in planning judicial education programs focusing on science and technology and to judges who might be handling cases involving complex scientific or technological issues. ■

**Trainings** *continued from page 8*

and we know that judges have to be leaders in developing programs that are going to make a difference for families.”

A critical part of the training addressed action-planning on a local level, given the information presented throughout the program. Training participants broke into groups to develop action plans and discuss problem-solving strategies and opportunities on a local level. Using this collaborative approach, workshop participants were able to make connections with other agencies and justice system partners and enhance communication between professionals with similar goals.

Brown said the process is especially valuable because “justice and health professionals have a huge opportunity to make Wisconsin highways and communities safer by identifying and assisting people with alcohol and drug

problems. I hope the workshop series leads to more collaboration between our professions.”

Overall, the feedback gathered from participants was very positive. Many of them found Brown's presentation particularly useful. Specifically, the audience enjoyed learning about research related to the effect substance abuse has on people's brains, as well as the clinical definitions of substance abuse versus substance dependence. Several participants also found it valuable to bring numerous professions together, noting that it can often be difficult to communicate with, or even be aware of, different agencies that do similar work. Finally, many participants were excited to learn about treatment options in their communities that they hadn't realized were available. ■

**Library initiative** *continued from page 15*

Fifth and Seventh District Court Administrators Gail Richardson and Pat Brummond played instrumental roles in bringing the initiatives to their districts.

“The Wisconsin Public Library Initiative provides an opportunity for librarians to learn about legal topics and resources of interest to their patrons and provides one avenue for the courts to proactively address the public's need for legal information,” Richardson said.

Follow-up visits to counties in the Fifth and Seventh Judicial Administrative Districts will occur in the coming months.

Launched in April 2007, the Public Library Initiative has been implemented in seven of the state's ten judicial districts. ■

*For further information about this program, contact Ann Zimmerman, State Pro Se Coordinator at (608) 261-8297 or [ann.zimmerman@wicourts.gov](mailto:ann.zimmerman@wicourts.gov).*



*Attendees at the District Seven training included, from left to right: Kristen Anderson, Winding Rivers Library System, Viroqua; Jo Don Anderson, South West Library System, Fennimore; Beverly Burns, Richland County Self Help Center; Kathleen Buros, clerk of circuit court, Vernon County; Jane Colwin, state law librarian, Wisconsin State Law Library; and Jody Bartels, register in probate, Grant County.*

**Crimes** *continued from page 18*

is labeled “CrimesAndElement”. It will open the “Elements.doc” file and prompt for a statute number. The publication provides a concise reference specifying the elements of crimes defined in the Wisconsin statutes and indicates the applicable penalty. Its primary intended use is by judges in accepting pleas of guilty.

Additional uses suggested by the law school include:

- by judges and lawyers in evaluating the sufficiency of criminal complaints;
- by law enforcement officers in making decisions about arrests and writing complete reports;

- by prosecutors in evaluating charging decisions and preparing for entry of a guilty plea;

- by defense counsel in advising clients regarding the plea decision and preparing for the entry of a guilty plea.

A hard copy of the document can be requested by contacting Professor David Schultz at the University of Wisconsin Law School, Continuing Education and Outreach office at 608-262-6881 or via e-mail at [deschult@wisc.edu](mailto:deschult@wisc.edu). The cost of the publication for judges is \$40.

The law school plans to update the publication every two years to incorporate changes from each legislative session. ■

## Drunk Driving *continued from front page*

probation for second or third offense;

- All surcharges and assessments would apply to a person convicted of a first offense OWI who has a blood alcohol concentration between 0.08 and 0.099;
- Penalty provisions would include stricter ignition interlock device (IID) requirements, including a mandatory one-year order, if a first offender has a blood-alcohol concentration of 0.15 percent or more, or if a person commits a second offense. A \$50 ignition interlock surcharge would be created;
- Any county would be allowed to institute a program similar to Winnebago County's Safe Streets program that allows lower penalties for those agreeing to a treatment regimen;
- The court's discretion to delay the execution of a sentence for persons convicted of third or higher offenses and to permit Huber Law participation unless the person has an IID installed would be eliminated.

Some differences between the bills remain to be resolved:

- how periods of license revocation are calculated for those who are sentenced to jail or prison. The Assembly

would toll the period of license revocation during incarceration and require the person to notify the Department of Transportation when he or she is released from jail or prison. The Senate would extend the period of revocation by the number of days the person is required to spend in jail or in prison.

- how persons become eligible for an occupational license. The Senate would revise the eligibility of a person with two or more offenses by requiring a 45-day waiting period and increasing the current \$50 reinstatement fee by an additional \$40. The Assembly did not include a similar provision.
- how to fund the additional costs that will result for the criminal justice system, including costs for the court system. The Senate would increase the clerks' fee in all criminal actions from \$20 to \$163. The Assembly would create a \$100 district attorney surcharge to be added to the current \$365 assessment.

Once a new law affecting drunk driving is enacted, there will be a Legislative Bulletin with full details. ■

## Campaign funding, OWI on legislative agenda

By Nancy Rottier, *Legislative Liaison*

The Legislature's regular fall floor period ended with more than 50 new laws enacted and hundreds of new bills introduced. Much of the legislation will affect the court system, from municipal courts to the Supreme Court.

Legislators also were expected to meet in extraordinary session soon to consider, among other things, stiffer penalties for drunken-driving offenses (*see story, front page*).

Among new laws affecting the courts:

- Public financing for Supreme Court elections
- Increasing the value of the homestead and other property exempt from execution
- Expanding the duty to stop at the scene of an accident
- Allowing U-turns on certain roadways
- Incorporating the federal Indian Child Welfare Act into the statutes
- Updating Wisconsin's juvenile laws to meet federal requirements
- Making public information about child abuse and neglect cases
- Licensing restrictions for certain child care providers

**2009 Wisconsin Act 89**, or the "Impartial Justice Bill," which provides public financing for Wisconsin Supreme Court candidates under certain circumstances, grabbed headlines when signed by Gov. Jim Doyle on Dec. 1. Authors of the bill say it is intended to curtail the influence of special interests in Supreme Court elections; critics question the measure's constitutionality, the *Milwaukee Journal Sentinel* reported.

The law will provide candidates for the Supreme Court \$100,000 for the primary and \$300,000 for the general election if they agree to spending limits. Funding would come from increasing the current \$1.00 income tax check-off to \$3.00.

- **2009 Wisconsin Act 80** increased the dollar value of the homestead exemption from \$40,000 to \$75,000 and

increased the values of various other types of property that are exempt from execution.

- **2009 Wisconsin Act 62** extends the current failure-to-stop requirements in motor vehicle accident cases to drivers who, whether by operator intention or lack of control, depart a highway, provided the accident does not occur on real property owned or leased by the driver. The legislation was introduced in response to a fatal Dane County traffic incident.
- In another traffic law-related bill, both houses of the Legislature passed **SB 278**. This bill removes the general limitation on U-turns at intersections controlled by traffic control signals but prohibits making U-turns on a curve or in certain other situations when a U-turn would be unsafe or would interfere with traffic. It reverses the decision in *Kaufman v. Postle*, 2001 WI App 86, which determined that the statutes prohibited motorists from passing a left-turning vehicle on the right by use of a paved shoulder. The bill is waiting for the signature of the Governor.

The Legislature also passed a series of bills dealing with child welfare, child care providers and the Children's Code. Some of these were in response to very public cases of child abuse and neglect.

- On Dec. 7, the governor signed **SB 288**, which incorporates the jurisdictional provisions of the federal Indian Child Welfare Act (ICWA) into Wisconsin statutes. It also incorporates the minimum standards for Indian child custody proceedings established by ICWA into the provisions of the Children's Code and the Juvenile Justice Code. (*See story, page 12*)
- In **2009 Wisconsin Act 79**, the Legislature updated the Children's Code and the Juvenile Justice Code to comply with, and implement, federal laws. The federal laws involved amendments to Title IV-E of the Social

see **Legislation** on page 24





## Legislation *continued from page 23*

Security Act in the Safe and Timely Interstate Placement of Foster Children Act of 2006, the Child and Family Services Improvement Act of 2006, and the Fostering Connections to Success and Increasing Adoptions Act of 2008. Other changes were necessitated by the Child Abuse Prevention and Treatment Act (CAPTA).

More information will be made public about certain child abuse and neglect cases that result in a child's death or serious injury under the provisions of 2009 Wisconsin Act 78.

The act requires a social service agency to provide information to the Department of Children and Families within two days of determining that a child has died or has been placed in serious or critical condition as a result of abuse or neglect, that a child in an out-of-home placement has committed suicide, or that a child has been the victim of an incident of egregious abuse or neglect. The department then must make public a summary report giving certain details of the case and any actions taken by the agency in response to the incident.

In another child welfare-related matter, the Legislature enacted 2009 Wisconsin Act 76, making various changes to the background checks for child care providers. They are designed to prohibit anyone with a criminal record from being licensed, certified or contracted with for providing child care services.

### **New bills of interest address:**

- Increasing the jurisdictional amount and fees in small claims actions
- Raising the eligibility standards for State Public Defender services
- Reforming municipal court elections, judges and procedures
- Revising firearms restriction procedures in domestic violence cases
- Allowing the exchange of electronic records in juvenile court cases

**AB 524** and **SB 352** would increase the limit and filing fees for certain parties, based in part on the subject matter of the action and on the frequency with which that party has brought actions in the small claims court. If the person bringing the action has commenced 20 or fewer actions in small claims for a money judgment, attachment, garnishment, or to enforce a lien within the previous 365 days, the amount claimed may not exceed \$10,000 and the filing fee would be increased by 150 percent to \$33. If the person bringing the action has commenced more than 20 such actions within the previous 365 days, the bill retains

the \$5,000 limit but increases the filing fee by 200 percent to \$44. Both bills are still in committee.

**SB 263** and **AB 395** would raise the current, outdated eligibility standards to approximately the level of the W-2 eligibility standards. In early October, there was a joint public hearing, at which both the Chief Justice and the Director of State Courts testified in favor. There were no individuals in opposition to the bills.

**Senate Bill 383** would substantially revise Chapters 755 and 800 of the statutes relating to municipal court organization and procedures. It was developed by the Municipal Judges Association, with significant input from the Committee of Chief Judges, the Judicial Council, the League of Wisconsin Municipalities and other interested parties. It had a public hearing on December 1, 2009.

**SB 380** and **AB 558** are companion bills that would mirror federal law that prohibits a person convicted of a "misdemeanor crime of domestic violence" from possessing a firearm. Current Wisconsin law only prohibits persons from possessing firearms if they have been convicted of a felony. The bills contain new definitions and prohibitions. **SB 381** and **AB 559** would amend the current law prohibiting persons from possessing firearms and requiring surrender of firearms if the person is subject to a domestic abuse injunction, a child abuse injunction, or a harassment injunction. These bills create a procedure for notifying a person of the prohibition against possessing a firearm and of the requirement to surrender any firearm. The bill also creates a procedure for surrendering firearms if the court grants an injunction. The court must hold a firearm surrender hearing within one week of the injunction hearing, if it is not satisfied with information it has received about firearms. All of these bills are still in committee and have not yet had public hearings.

**SB 375** and **AB 550** would permit the director of state courts, the juvenile court and the Department of Children and Families (DCF) to enter into an agreement to allow for the transfer of electronic records that are contained in the CCAP system to DCF and for the transfer of electronic records that are contained in SACWIS (Statewide Automated Child Welfare Information System) to the director of state courts. The agreement must specify what types of information may be transferred. This bill had a public hearing in the Senate in late November.

Judges and court staff seeking more information on the status of these bills or information on other bills of interest may check a summary posted on CourtNet under the Legislative Committee of the Judicial Conference. ■

---

## Summit *continued from page 7*

Wisconsin include:

- Improving educational outcomes for children in the child welfare system.
- Increasing participation by children and "families" in child welfare proceedings.
- Improving services and outcomes around permanency planning.
- Increasing awareness and developing strategies to reduce disproportionate representation of children of

color in the child welfare system and racial disparity in educational discipline practices.

The Wisconsin Commission on Children, Families and the Courts, headed by Chief Justice Shirley S. Abrahamson, will be responsible for implementing the action plan through, among other things, expanding its membership to include education representatives and creating subcommittees to complete the action steps established in the plan. ■

**Chief Justice**

*Shirley S. Abrahamson*

**Director of State Courts**

*A. John Voelker*

**Co-Editors**

*Tom Sheehan*

*Amanda K. Todd*

**Associate Editor**

*Sara Foster*

**Contributing Writers**

*Bridget Bauman*

*Hon. Andrew P. Bissonnette*

*Dawn Caldart*

*Sara Foster*

*Amber Peterson*

*Gail Richardson*

*Nancy Rottier*

*Tom Sheehan*

*Erin Slattengren*

*Amanda Todd*

*A. John Voelker*

*Ann Zimmerman*

**Editorial Committee**

*Hon. Michael J. Rosborough*

*Vernon County Circuit Court*

*Carolyn Olson*

*Iowa County Clerk of Circuit Court*

**Graphic Design/Layout**

*Sara Foster*

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

*Send questions, comments, and article ideas to:*

*Tom Sheehan*

*Court Information Officer*

*P.O. Box 1688*

*Madison, WI 53701-1688*

*phone*

*(608) 261-6640*

*e-mail*

*tom.sheehan@wicourts.gov*

*fax*

*(608) 267-0980*



**PEOPLE** *continued from page 21*

from the District IV Court of Appeals. Bridge was appointed to the District IV Court of Appeals in 2007 and ran unopposed in the spring of 2008 for a six-year term that runs through 2014.

“Burnie Bridge is an outstanding judge who has a sterling career in public service, and I want to thank her for the tremendous work she has done for the people of Wisconsin,” Doyle said in a press release.

The *La Crosse Tribune* reported Nov. 3 that La Crosse County Circuit Judge **Ramona Gonzalez** and Richland County Circuit Court Judge **Edward E. Leineweber** are among candidates planning to run for the seat being vacated by District IV Court of Appeals Judge Charles P. Dykman.

The *Wisconsin Law Journal* reported Nov. 20 that Milwaukee County Circuit Court Judge **Mary M. Kuhnmuench** has been elected the President of the Wisconsin Trial Judges Association (WTJA) for a three-year term. Kuhnmuench is the first woman president and



*Judge Mary M. Kuhnmuench*

first judge from Milwaukee County elected to this position, according to the *Law Journal*. The WTJA is a voluntary organization of Wisconsin Trial Court Judges and has approximately 190 members who work to improve administration and quality of justice and to promote an independent judiciary

in Wisconsin.

The U.S. Supreme Court ruled that a Korean War veteran on Florida’s death row deserves a new sentencing hearing because his lawyer did not introduce evidence of post-traumatic stress disorder, the *ABA Journal* and other national publications reported Dec. 1.

“Our nation has a long tradition of according leniency to veterans in recognition of their service, especially for those who fought on the front lines,” the unsigned opinion said.

Wisconsin is among states where the court system is taking an active role in helping ensure that veterans are made aware of available support

services and that they are treated fairly in court.

The U.S. Supreme Court said in *Porter v. McCollum* that the lawyer’s investigation was not “even cursory.”

George Porter pleaded guilty to killing his ex-girlfriend and her boyfriend. His court-appointed lawyer for the sentencing hearing presented only one witness, Porter’s ex-wife, and he did not interview any other relatives or obtain school or military records, according to a summary of the decision in *The New York Times*.

During the war, Porter had engaged in fierce hand-to-hand combat and in one battle, more than half of his company was killed, according to evidence presented in a hearing during Porter’s appeal.

Court system staff at the Tenney Building are beginning to wonder, “What’s in the water?” Eight employees became parents during the last year.

Consolidated Court Automated Programs (CCAP) Technology Support Specialist **Matthew Kohl** and his wife, **Becky**, welcomed daughter **Greta Lynn Kohl** on Dec. 11, 2008. On Dec. 21, 2008, **Celia Heslin Slattengren** was born to **Erin Slattengren**, senior policy analyst in Court Operations, and her husband, **Andy**. Proud parents **David Mohoney**, of CCAP, and **Jenn Ebbott** welcomed **Eloise Marie Ebbott Mahoney** on Jan. 5. **Erin Ward Cassady** greeted her new parents, **Sara Ward-Cassady**, circuit court policy and procedures advisor in Court Operations, and her husband, **Colin Cassady**, on May 4. **Michelle** and **Patrick Tsai**, who both work at CCAP, celebrated the arrival of **Samuel Patrick Tsai** on June 14. Supreme Court Commissioners Office Legal Assistant **Sonja Schade** and her husband, **Alan**, welcomed a daughter in July. On Nov. 20, **Michelle Jensen Goodwin**, Childrens Court Improvement Program director, and her husband, **Tom Goodwin**, celebrated the birth of **Holden Thomas Goodwin**.

Not to be outdone, the Supreme Court celebrated the arrival of three babies, including twins, **Colette Lillian Foster** and **Lydia Ruth Foster**, born on Aug. 17 to Program Assistant to the Supreme Court **Sara Foster**, and her husband, **Ben**. Former clerk to Justice **Annette Kingsland Ziegler**, **Andrew Hitt**, and his wife, **Stacy**, celebrated the arrival of baby **Kaitlyn Rose Hitt** on April 27. ■