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**Winter/
Spring
2016**

Justice Rebecca G. Bradley wins 10-year term; 15 judges elected to circuit courts in 11 counties

Justice Rebecca G. Bradley defeated District IV Court of Appeals Judge JoAnne F. Kloppenburg in the April 5 spring election to win a 10-year term on the Wisconsin Supreme Court, beginning Aug. 1.

Bradley was previously appointed to the Supreme Court last year by Gov. Scott Walker to fill a vacancy created by the Sept. 21, 2015 death of Justice N. Patrick Crooks. Bradley previously served on the District I Court of Appeals and on the Milwaukee County Circuit Court bench and worked in private practice from 1996 to 2012.

Kloppenburg remains on the Court of Appeals bench, to which she was elected in 2012, filling at that time a

vacancy created by the retirement of Judge Margaret J. Vergeront. Before taking the bench, Kloppenburg served as an assistant attorney general in the state Department of Justice from 1988 to 2012.

Bradley and Kloppenburg both outpolled Milwaukee County Circuit Court Judge Donald M. Joseph in a Feb. 16 primary to compete for the Supreme Court seat on the April 5 spring ballot.

Also on April 5, voters elected 15 judges to six-year terms on circuit court benches in 11 counties, effective Aug. 1. (Additional information and photos of each of the new judges will be featured in an



Justice Rebecca G. Bradley



Judge JoAnne F. Kloppenburg

[see Election on page 8](#)

Walker appoints three new Milwaukee judges

Gov. Scott Walker named former Milwaukee County Assistant District Attorney Cynthia M. Davis to fill the vacancy on Branch 21. Davis replaces Judge William W. Brash, III,



Judge Cynthia M. Davis

who was appointed to the District I Court of Appeals last year (*see The Third Branch, fall 2015*).

Prior to serving in the district attorney's office, Davis worked in

private practice and served as a law clerk for Supreme Court Justice David T. Prosser.

"Ms. Davis has an unusually broad legal background that has prepared her well for responsibilities as a judge," Prosser wrote in support of her appointment. "I have no doubt that she will make an outstanding judge – caring, committed, hard-working, and effective – and thus will be a superior appointment."

Davis, who took the bench on March 7, has a law degree from Marquette University Law School and

a bachelor's degree from DePauw University.

Walker named Atty. Michael J. Hanrahan to the Branch 4 bench.



Judge Michael J. Hanrahan

Hanrahan replaces Milwaukee County Circuit Court Judge Mel Flanagan, who retired in January (*see Retirements on page 3*).

Hanrahan received his bachelor's degree from Harvard University, and his law degree from UW Law School. He has worked in private practice for more than 20 years.

"Michael Hanrahan is an

[see New judges on page 7](#)

OBITUARIES

Justice William D. Dyke Iowa County Circuit Court

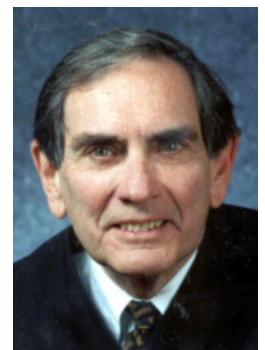
Iowa County Circuit Court Judge William D. Dyke died March 10 at the age of 85.

Dyke had announced he would not seek reelection when his current term was set to end in July. He was first appointed to the Iowa County Circuit Court in 1997 by then-Gov. Tommy Thompson, who was among dignitaries quoted in news reports about Dyke's storied life and accomplishments.

"He was a renaissance man," Thompson told

the *Wisconsin State Journal*. "He was a painter, he was a writer, he was a singer, you name it. He had the ability." The newspaper featured a variety of photos, along with its written coverage online on March 11 and on the front page of its printed edition on March 12. News of Dyke's death was also covered by Madison television stations.

Judge James R. Beer, Green County Circuit Court, recalled his friend of about 60 years as a bubbly individual who was willing to help



[see Obituaries on page 6](#) Judge William D. Dyke



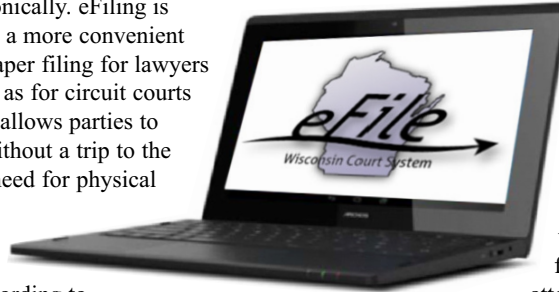
Supreme Court approves mandatory eFiling

On March 17, the Wisconsin Supreme Court approved a new rule that will result in the implementation of mandatory electronic filing (eFiling) statewide for all case types during the next several years.

The Court approved, [as amended, Rule Petition 14-03](#) (Wis. Stat. § 801.18), which establishes procedures for court documents to be filed electronically. eFiling is rapidly gaining popularity as a more convenient and efficient alternative to paper filing for lawyers and parties in a case, as well as for circuit courts throughout the state. eFiling allows parties to file and access documents without a trip to the courthouse and reduces the need for physical storage space.

Although the rule takes effect July 1, mandatory eFiling will be phased in according to a schedule to be set by the director of state courts on a county-by-county or case-type basis.

Mandatory eFiling will be established first in a small number of pilot counties that already offer voluntary eFiling in civil, family, small claims and paternity cases and then expand in those case types to other counties statewide by the end of 2017. Other case types will be added with a targeted completion date for mandatory eFiling in all case types



statewide by Dec. 31, 2019.

The mandatory eFiling system will replace the current voluntary eFiling program, which is used for limited case types by [52 counties](#), said Jean Bousquet, chief information officer for the Wisconsin Court system. The rule established

for voluntary eFiling will remain in effect until July 1, 2016, when the new rule will go into effect for all eFiling participants, Bousquet said.

An electronic filing fee of \$20 per party per case will be established to pay for the program, said Director of State Courts J. Denis Moran. The fee will be waived for indigent parties and for governmental units, such as district attorneys, public defenders, child support

agencies, the state Department of Justice, and county and municipal attorneys.

The court system's Consolidated Court Automation Programs (CCAP) staff will implement the program, with the help of contractors during the initial phases. Expenditures are projected at about \$2 million a year from 2017 through 2019, with revenue beginning to catch up with expenditures in 2018. ■

New rules protect information in court records

By Marcia Vandercook, Circuit Court Legal Advisor

The Wisconsin Supreme Court recently passed three new rules to address handling of confidential information in court records, including procedures for sealing and redacting information. The rules apply to all documents filed on or after July 1.

The new rules are intended to reduce the opportunity for identity theft, enhance personal privacy, and provide greater clarity on protecting sensitive information. They put responsibility on attorneys and self-represented parties to identify confidential information at the time of filing and to take steps to protect it. Court staff are not required to review filings to find confidential information.

The rule changes were proposed by the Consolidated Court

Automation Programs (CCAP) Steering Committee, chaired by Racine County Circuit Court Judge Gerald P. Ptacek. The committee's petition and report are found at www.wicourts.gov/scrules/1404.htm.

Protecting five key numbers

Wisconsin Stat. § 801.19 provides protection for five key numbers often found in court records: social security numbers, employer and tax identification, financial account numbers for banks and credit cards, and driver license and passport numbers. The federal courts and at least 20 other state courts have similar rules.

[see Rules on page 22](#)

Supreme Court seeks legislative study of access to civil legal services

The Wisconsin Supreme Court has asked the co-chairs of the Wisconsin Joint Legislative Council to create a committee to study how to improve access to civil legal services for people who cannot afford a lawyer. The Court made its request in a Jan. 19 letter signed by each justice and sent to Sen. Mary Lazich (R-New Berlin) and Rep. Joan Ballweg (R-Markesan), who chair the Council.

"The Supreme Court recognizes that thousands of Wisconsinites are unable to afford legal services in civil cases. The Court believes that legal services are critical in many of these cases and that too often they are not provided...." the justices wrote.

People affected by a lack of services often include the elderly, veterans, children, the disabled, low-wage workers, and the unemployed. The Supreme Court has taken a variety of steps over the years in an attempt to address the concern, and the Legislature approved \$500,000 annually in the current state budget. However, a more comprehensive solution and approach to the problem is needed, the justices wrote.

In 2007, the State Bar of Wisconsin conducted an extensive study, *Bridging the Justice Gap: Wisconsin's Unmet Legal Needs*, which found that more than 500,000

[see Legislative study on page 21](#)

RETIREMENTS

Judge Mel Flanagan Milwaukee County Circuit Court

Milwaukee County Circuit Court Judge Mel Flanagan said one of the biggest challenges she faced as a judge was keeping herself centered through the sadness and violence she heard about in her courtroom.

“So many of the people who come into the courts have so many problems in their lives and often they do not have a support system to help them through really tough times,” Flanagan said. “I try to set the bar at improving the situation – whatever it might be. We might not have the authority or ability to make everything right, but usually we can make things better and hopefully safer.”

She said she has enjoyed presiding over adoption hearings, especially in Child in Need of Protection or Services (CHIPS) cases, where she would be just as excited for everyone else in the courtroom to see a happy ending.

Flanagan retired on Jan. 23. Three days later she left for Bosnia and Herzegovina, where she is working under a Fulbright Scholarship with the national courts on policy and procedures relating to domestic, sexual, and child abuse cases, as well as with United Nations Children’s Emergency Fund (UNICEF) and law enforcement agencies to develop procedures for handling child witnesses and victims. She will also be teaching at the University of Sarajevo Law School.

While abroad, Flanagan will be able to share her own experiences and trainings on these issues. In 1999, she helped bring a National Judicial Education Program (NJEP) curriculum to promote equality for women and men in the courts to Wisconsin. She was then invited by the NJEP to participate in a judicial education video that was used by judges around the country. She traveled to The Hague, Netherlands in 2005 to attend a seminar on international law

and international courts. She has attended a White House round table discussion on violence against women, and has also spoken at judicial district education sessions about sexual violence and domestic violence cases. In March 2014, she traveled to Bosnia and Herzegovina to speak to judges about the issue of gender, race and ethnic bias in the courts.

“Judge Mel Flanagan’s passionate dedication and tireless efforts in promoting education about sexual and domestic violence establishes a high standard. She has shared her expertise not only with those of us in Wisconsin, but also nationally and internationally,” Justice Ann Walsh Bradley said. “Mel is held in the highest regard by many, including myself. We will miss her presence but share her excitement as she embarks upon a new experience as a Fulbright Scholar in Bosnia.”



Judge Mel Flanagan

Flanagan was first elected to the Branch 4 bench in 1993. She is a former deputy chief judge for the First Judicial District. She has served on the Domestic Violence Court, as faculty and associate dean of the Wisconsin Judicial College, and has been a member of the Judicial Conference Executive Committee, Judicial Conference Directors, Criminal Jury Instruction Committee, International Association of Women Judges, National Association of Women Judges, Wisconsin Judges Association, Milwaukee Judges Association, Wisconsin Bar Association, Milwaukee Bar Association, and the Association for Women Lawyers. She has previously served as an assistant district attorney for

[see Retirements on page 12](#)

NEW FACES

Katy Burke Statewide Problem-Solving Court Coordinator

Katy Burke has been named the new statewide problem-solving court coordinator in the Office of Court Operations. Burke served as the Vernon County Sobriety Court Coordinator and treatment provider since its inception in 2011. She holds an A.S. in Criminal Justice and B.S. in Addiction Studies from Viterbo University. Burke is a certified Clinical Substance Abuse Counselor and served as a founding board member and treasurer of Center Point Counseling Services Cooperative, the first mental health workers’ cooperative in the nation. Prior to her work in the Vernon County Sobriety Court Program, Burke was a deputy for the Vernon County Sheriff’s Department.



Katy Burke

Todd Meurer Municipal Judge Education Manager

Former Dane County Circuit Court Commissioner Todd Meurer joined the Office of Judicial Education as the new municipal judge education manager in mid-December 2015.

Meurer has had a long career in both circuit and municipal courts, and has volunteered hours of his time through the years to the Office of Judicial Education.

Meurer has served on the Municipal Judge Benchbook Committee, the New Laws/New Cases Committee and the Orientation Committee, in addition to serving as faculty for a multitude of municipal judge and court clerk education seminars. He also spent more than 30 years as a Dane County Circuit Court commissioner prior to his retirement from that position last year.



Todd Meurer

[see New faces on page 9](#)

Proposal would allow lawyer-mediators to draft legal documents in some family cases

By Judge Michael J. Dwyer, Milwaukee County Circuit Court

For a number of years, the Planning and Policy Advisory Committee of the Supreme Court (PPAC) identified dealing with self-represented litigants as a critical issue. In response, PPAC created two subcommittees. The first subcommittee proposed rule changes to promote and expand the use of limited scope representation (LSR) generally. The recommendations of that committee were approved by the Supreme Court on June 27, 2014. Summarized, the changes provide guidance in the creation of an LSR relationship between lawyer and client; establish a procedure for making and terminating limited appearances in court; clarify who must be served and with whom communication occurs during an LSR

relationship; and establish rules governing ghost writing.

The first subcommittee made a separate recommendation to change the current rules that prohibit lawyer mediators from drafting legal documents. PPAC felt that the

recommendation required further study and a new subcommittee was created for that purpose.

The subcommittee has now proposed changes that will permit lawyer mediators to draft legal documents for parties who reach agreement in family law cases. PPAC unanimously approved the work of the subcommittee and authorized it to proceed. The subcommittee is seeking feedback on the proposal (see list of subcommittee members below). After digesting the response, the subcommittee will finalize the proposal and submit it to PPAC for final approval. The effect of PPAC's approval will be the preparation by the Director of State Courts of a Rule Petition asking the Supreme Court to adopt the proposal as an amendment to the Supreme Court Rules. The [rule proposal](#) and an explanatory [memorandum](#) are posted on the court system's website, along with other information on the topic of limited scope representation at: www.wicourts.gov/courts/committees/ppac.htm.

The subcommittee reached unanimous agreement on the

[see LSR on page 15](#)



Judge Michael J. Dwyer

AWARDS

Berz honored with Legacy Award

Dane County Circuit Court Judge Ellen K. Berz was honored on April 14 with the Wisconsin Women in Government's 2016 Legacy Award. Berz was recognized for co-founding the UW Law School's mock trial program, and serving as the program director.



Judge Ellen K. Berz

"She has been a role model, both professionally and personally to aspiring female lawyers," a press release announcing the award stated.

Berz was elected to the Branch 11 bench in 2012. She had previously served in the Public Defender's Office as a trial division director, assigned council director, training director, trial office supervisor, and trial attorney. She is also a former assistant district attorney for Eau Claire County.

Wisconsin Women in Government is a statewide, bipartisan, non-profit organization of professional women in government service. The Legacy Award is awarded to women who have made significant contributions to local, state and national government, their community, and the mentoring of women.

Anderson named 'Shining Star'

Rusk County Circuit Court Judge Steven P. Anderson was presented with the 2015 Shining Star Individual Volunteer Award by the Ladysmith Care Community on Oct. 26, 2015.

Anderson was honored for his work with the assisted living community, where he has led the men's group for residents since 2013. He has brought in guest speakers for the group to discuss topics ranging from the court system, maple syrup making, turkey hunting, and the history of Rusk County. Anderson has also invited residents into his

courtroom to sit beside him on the bench and observe court proceedings.

"Steve donates a lot of his time, knowledge, and patience to make these things happen," Mel Eldridge, who assists with the men's group, told the *Ladysmith News*.

The Ladysmith Care Community is a group of companies that

operates senior housing facilities and provides care and services to area seniors.



Rusk County Circuit Court Judge Steven P. Anderson is presented with the 2015 Shining Star Individual Volunteer Award at a celebration last October.

Five court system staff members named "Unsung Heroes"

The *Wisconsin Law Journal* has recognized five people who work for the courts as "Unsung Heroes" of Wisconsin's legal community.

Lynn Gehrke has worked for the Milwaukee Law Library since 2010. In her role as reference librarian, she and her staff assist *pro se* litigants find forms and information, and serve as a resource for attorneys, law clerks, and judges.

"I like that we help people, and we do it every day," Gehrke told the *Law Journal*, which estimates the law

[see Awards on page 14](#)

Carlson puts his train hobby back on track



Judge Gary L. Carlson

Editor's note: *When The Third Branch received a tip that Reserve Judge Gary L. Carlson was spending a lot of time on "an incredible hobby that he just loves," we thought we better check it out. We quickly learned our tipster was on to something. We also discovered that the subject of this article was going to be better at telling the story than we were, so we let fly with the Q&A format. Before becoming a reserve judge,*

Carlson served on the Taylor County Circuit Court Bench from 1980 to 2008. During that time, he served stints as a chief judge and in a variety of leadership roles, helping guide court policy on records and the use of technology, among other things. For the purposes of this article, he has been known to refer to himself as a ferroequinologist.

Q: How long have you been collecting trains?

A: My first train was a Lionel train set that my parents gave me for Christmas when I was about 7 or 8 (mid-1950s). My father and I mounted the tracks to a sheet of plywood with wheels on it so it could be rolled under my bed when not used. I sold that train set when I was in high school in order to buy a shortwave radio. I was brought back to trains in 1971 when my wife unexpectedly brought home a small N-scale train set (an act she probably now regrets). Since then I've continued with N-scale as my primary operating scale and have built several layouts in that scale, although I also have trains in HO scale, O scale, and G gauge.

FYI, the term "scale" refers to the proportional relationship of the model to real life. N-scale is 1:160, or 1 inch equals 160 inches, or 13-1/3 feet (i.e., pretty small). HO scale is about twice that size, 1:87, 1 inch equaling 7-1/4 feet. G-gauge is different because all G trains run on the same gauge track, 45 mm wide, regardless of the scale of the models. The term "gauge" refers to the distance between the two tracks. N gauge is 9 mm between the tracks. Okay, TMI.

Q: How big is your collection?

A: Not as big as it was when I was still a sitting judge. I had a large collection of Lionel trains, buildings, and accessories that I displayed in my court office on shelves that were probably intended for law books (who needs law books?; I've always thought the law was just a "suggestion" anyway - just kidding). I sold most of the Lionels when I retired as I didn't have any place to display them anymore and couldn't see them sitting around in boxes. My N-scale trains have also been pared down to about 20 engines and probably 150 pieces of rolling stock (the boxcars, flatcars, tankers, gondolas, caboose, etc. that follow along behind the engine). We also have a G-scale layout outside our house in a garden setting (G is often called Garden Scale for that reason). The tracks and bridges stay outside year-round while the buildings are only out when there is no snow. The trains themselves are kept inside and brought out only when they are to be running. The trains I run in G-scale outside are by LGB or 1:22.5 scale - big hefty trains!

Q: How long have you been attending train shows? About how many have you attended?

A: I've been attending train shows since my wife bought me that little Atlas train set in 1971. I've been participating in trains shows since 1983, first as part of a model train club with HO modules that individual members created that all hooked together to make a larger operating layout. After our club disbanded, I continued going to shows as a solo exhibitor with my own N-scale layout and a HO switching game that kids operate. At most train shows, all the kids see are signs that say "DO NOT TOUCH!" when what they most want to do is run the trains. I decided I wanted to make something they could actually operate themselves. I built a switching game or puzzle for kids based on a track plan developed in 1963 by a legendary model railroader John Allen called the Timesaver. Rather than just run trains in a circle, it requires kids to switch the cars of a train into various sidings while building a new train on the "mainline" with cars already in the sidings. The puzzle part is that the sidings are not necessarily long enough to make it easy. It requires thinking and strategy. I set up the puzzle differently for each kid based on the age of the child. When they have completed the puzzle they get a Certificate of Excellence as a junior engineer.

I've had kids come back year-after-year to the train show proudly showing or telling me about their

certificates from years past. Interestingly, I've probably run over a thousand kids through the puzzle and one thing I've learned (although only anecdotally) is that at the same age, girls are better and faster at figuring out a given puzzle than boys. I'm not sure why but I can only speculate that maybe they just see it differently.

I have an original Burlington Northern conductor's uniform that I wear during the show and when working with the kids.

Our N-scale layout is called the "Dewey, Cheatem & Howe RR" and is ostensibly named after the three cities the railroad serves, but it is actually named after a law firm from a Three Stooges movie. Sometimes it takes awhile for people to get the word play in the name. And, no Click and Clack from PBS' "Car Talk" program did not come up with the name.



Reserve Judge Gary L. Carlson shows children the Timesaver switching puzzle he created. While most exhibits at the train shows have a "DO NOT TOUCH" policy, Carlson said he wanted to create something that would allow the kids to run the trains themselves.

OBITUARIES *continued from front page*

anyone, anytime.

Dyke was a former chief judge for the Seventh Judicial District, and in 2012, was elected by his fellow chief judges to serve as the chair of the Committee of Chief Judges. In 2015 he received the State Bar of Wisconsin's Lifetime Jurist Award.

Dyke established a teen court program in Iowa County soon after he was appointed. The program, only the second of its kind in the state, is now the oldest and longest running.

In 2008, to address the increase in home foreclosures, he helped create the Foreclosure Mediation Program to help banks and homeowners resolve mortgage defaults while avoiding foreclosure.

Dyke previously served as mayor of Madison from 1969 until 1973. While serving as mayor, he founded the Dane County Farmer's Market. He also served as a consultant to the U.S. Department of Transportation, the U.S. Department of Housing and Urban Development, and the U.S. Secretary of State.

In 1974 he ran for governor of Wisconsin, but was defeated by Gov. Patrick Lucey. Dyke unsuccessfully ran for vice-president alongside presidential candidate Lester Maddox in 1976 for the American Independent Party.

Dyke was a graduate of DePauw University and UW Law School. While in law school, he earned money working as a radio announcer, and then as a host of the children's television program, "Circus 3" on WISC-TV. He also hosted the program "Face the State," where he had the opportunity to interview then-presidential candidates John F. Kennedy and Richard M. Nixon.

Outside his political and judicial roles, Dyke enjoyed raising horses, painting, and illustrating children's books. In 1975, he was an executive producer of the Wisconsin-made cult classic science fiction film "The Giant Spider Invasion."

The film was a surprise success and drew praise from celebrated horror novelist Stephen King, the *State Journal* reported.

"Filmed near Wausau for around \$300,000, Dyke and fellow filmmaker Bill Rebane attached fake legs to Volkswagen Beetles to create an effect worth all the cheese in Wisconsin.

"It is impossible to see such a budget conscious special effect without feeling a wave of admiration," King wrote in his nonfiction book "Danse Macabre," published in 1981, according to the *State Journal*.

The family held a private service. A public celebration of Dyke's life was held on April 2 in Dodgeville.

Dyke is survived by his wife, Christine; four children, Wade, Sarah, Kathryn, and Victoria; and seven grandchildren.

Judge John M. Wiebusch Oconto County Circuit Court

Former Oconto County Circuit Court Judge John M. Wiebusch passed away on Jan. 18 at the age of 86.

Wiebusch was first appointed to the Oconto County Circuit Court in 1981 by then-Gov. Lee Dreyfus. He served on the circuit court bench until his retirement in 1993, and continued to serve as a reserve judge for 10 years.

Wiebusch was drafted in 1951, and served as a Sergeant First Class with the first F.A. Battalion in Korea. A graduate of St. Norbert College and UW Law School, he started his own law practice in Oconto. While working in private practice, he served as Oconto city attorney, Oconto County district attorney, Oconto County family court commissioner, prior to his appointment to the circuit court.

According to an obituary, Wiebusch was chair of the Oconto County March of Dimes, a member of the Memorial Hospital board of directors and the St. Joseph Parish school board, and was president of the Oconto Golf Club board of directors.

Wiebusch is survived by his wife, Mary, three children, and five grandchildren.

Judge S. Michael Wilk Kenosha County Circuit Court

Kenosha County Circuit Court Judge S. Michael Wilk passed away on March 3 after a brief illness. He was 76.

Wilk served on the Branch 7 bench until a week before his

[see Obituaries on page 8](#)



Judge John M.
Wiebusch



Former Wisconsin Supreme Court Justice Louis B. Butler was among speakers who paid tribute to the late Justice N. Patrick Crooks during a ceremony held in the Wisconsin State Senate Chambers on Dec. 4, 2015. Crooks died of natural causes in his chambers at the State Capitol on Sept. 21, 2015. Other speakers at the ceremony included his daughter Peggy Crooks Nowicki, son Michael Crooks and Justice Crooks' friend, Jim Marshall, a former broadcast journalist.

Bill clarifies procedures for change in placement

A bill that will provide procedural guidance where the statutes have been silent or lacked clarity with regard to changes in placement for children placed in out-of-home care has been sent to the governor for final approval.

SB 387 (AB 514) is the result of several years of collaborative work among the courts, state agencies and others involved in the handling of out-of-home placement cases.

Members of the Judicial Committee on Child Welfare, including Judge Marshall Murray, Milwaukee County Circuit Court; Judge Jason A. Rossell, Kenosha County Circuit Court, testified in favor of companion bills in the Senate and Assembly before the legislation was approved.

The bill addresses a variety of topics, including among others, court venue, request and objection procedures, temporary physical custody orders, and procedures for placement of children under a variety of custodial situations and

legal circumstances.

The bill will take effect six months after the official publication date. ■



Judge Jason A. Rossell, Kenosha County Circuit Court, makes a point during a hearing on AB 514 before the Assembly Committee on Children and Families at the State Capitol on Jan. 6. Also pictured, from left to right, are Bridget Bauman, director of the Children's Court Improvement Program; Terrell Martin, deputy superintendent of Milwaukee County Delinquency and Court Services Division; Judge Marshall Bertram Murray, Milwaukee County Circuit Court; Sen. Alberta Darling (R-River Hills); and Rep. Cindi Duchow (R-Pewaukee).

New judges *continued from front page*

accomplished trial attorney who is known for his experience in handling complex litigation matters," Walker said in a press release announcing the appointment.

Hanrahan, whose term began March 14, lives in Whitefish Bay with his wife and three children.

Walker appointed former Assistant Public Defender Paul J. Rifelj to fill the vacancy on the Milwaukee County Circuit Court Branch 31 bench that was created by the retirement of Judge Daniel A. Noonan (*see Retirements on*

page 12). Rifelj took the bench Dec. 21, 2015, and was subsequently defeated for the seat in the April 5 election by private practice Atty. Hannah C. Dugan, whose term begins Aug. 1.

Rifelj is a graduate of UW-Madison and UW Law School. Prior to his appointment, he spent more than 12 years working as a defense attorney in private practice and for the Public Defender's Office.

Rifelj lives in Wauwatosa with his wife, Kelly, and their two children. ■



Judge Paul J. Rifelj



Photo credit: Jay Salvo, Legislative Photographer

Four circuit court judges testified in support of a judgeship bill during a hearing of the Assembly Committee on Judiciary on Dec. 10, 2015. Seated, left to right: Chief Judge Robert J. Wirtz, Fond du Lac County Circuit Court; Chief Judge Scott R. Needham, St. Croix County Circuit Court; and Chief Judge Neal A. "Chip" Nielsen, Vilas County Circuit Court. Judge Jeffrey S. Froehlich, Calumet County Circuit Court, standing at center, also testified. The bill did not pass (see article on page 18).

OBITUARIES *continued from page 6*

Judge S. Michael Wilk

death. He was first elected in 1994 to the newly created Branch 7 bench. A graduate of Princeton University and the University of Michigan Law School, according to an obituary, he was the first in his family to attend college. After graduating law school, he worked in private practice in Kenosha.

"He was my friend and he was my colleague. I had such respect for him as a human being. He was smart and patient and he was merciful and I really liked him and I'll miss him. I am so sad," Kenosha County Circuit Court Judge Mary K. Wagner told the *Kenosha News*.

In 2014, Wilk had the opportunity to swear in his son, Kenosha County Circuit Court Judge David P. Wilk to the Branch 5 bench. The two served together on the family court.

According to an obituary, Wilk was an avid skier, and founded the Association of Ski Defense Attorneys, as well as served as a National Ski Patroller at Wilmot Mountain for 37 years. He was active in the Kenosha Downtown Rotary, Bradford Alumni Association, UW-Parkside Foundation, Kenosha Redevelopment Committee, Senior Housing Development, Legal Action of Wisconsin, State Bar of Wisconsin, Kenosha Ice Arena, Kenosha Symphony Board, and the Beth Hillel Temple Board.

Wilk is survived by his wife of 53 years, Joan; their two children, Deborah and David; and their four grandchildren. ■

Election *continued from front page*

upcoming edition of *The Third Branch*.)

Crawford County (one seat uncontested)

In Crawford County, private practice Atty. Lynn M. Rider ran unopposed for the vacancy being created by the retirement of Crawford County Circuit Court Judge James P. Czajkowski, who announced he would not seek another term.

Dane County (three seats uncontested)

In Dane County, three attorneys ran unopposed to fill

three vacancies:

Private practice Atty. Valerie L. Bailey-Rihn will take the seat held by Judge James R. Troupis, who announced he would not seek election to the Branch 3 bench after his appointment last year;

Atty. Everett Mitchell will fill the Branch 4 vacancy being created by Deputy Chief Judge Amy R. Smith, who did not seek reelection. Mitchell is currently the director of community relations at UW-Madison and a baptist minister;

Private practice Atty. John D. Hyland will take over the Branch 14 seat held by Judge C. William Foust, who announced his retirement at the end of his current term, July 31.

Eau Claire County (one seat contested)

In Eau Claire County, Public Defender John F. Manydeeds will take over the Branch 1 bench held by Eau Claire County Circuit Court Judge Brian H. Wright. Wright, who previously served in private practice and as a reserve court commissioner for Eau Claire County, was appointed to the bench by Walker in 2015.

Iowa County (one seat contested)

In Iowa County, Atty. Margaret M. Koehler defeated Atty. Timothy B. McKinley to fill the Iowa County Circuit Court seat left vacant by the death of the late Judge William D. Dyke, who died March 10. Dyke previously announced that he was retiring at the end of his term.

Kewaunee County (one seat contested)

In Kewaunee County, private practice Atty. Keith A. Mehn defeated Corporation Counsel Jeffrey Ronald Wisnicky in the race to take the circuit court seat currently held by Judge Dennis J. Mleziva, who will retire at the end of his term.

Milwaukee County (two seats contested; one seat uncontested)

In Milwaukee County, two incumbent circuit court judges were defeated, and one seat was filled uncontested.



A formal swearing-in ceremony was held for Wisconsin Supreme Court Justice Rebecca G. Bradley in the Wisconsin Assembly Chamber on Jan. 26. Seventh Circuit U.S. Court of Appeals Judge Diane S. Sykes, a former Wisconsin Supreme Court justice, administered the oath of office during the ceremony. Bradley officially took office Oct. 12, 2015 and was elected to a 10-year term on April 5.

New CHIPS E-Learning session available

A new learning module has been added to the Children's Court Improvement Program E-Learning Project [website](#). The Child Safety Decision-Making learning activity is now available, providing judges and court commissioners with a useful framework for making decisions related to removal and placement in Child in Need of Protection or Services (CHIPS) proceedings.

The E-Learning Project is an online, self-directed educational resource covering key hearings and child welfare topics. Each learning activity includes applicable statutory requirements, policies, case law, and recommended best practices. The E-Learning Project was launched in 2013.

The content for the E-Learning Project is created and regularly updated by members of a steering committee,



which includes St. Croix County Circuit Court Judge Edward F. Vlack, III; Milwaukee County Circuit Court Judge Christopher R. Foley; Dane County Circuit Court Judge Shelley J. Gaylord; Dane County Court Commissioner Anton Jamieson; Atty. Molly Jasmer, Waukesha County Corporation Counsel;

Michelle Leccia, St. Croix County Department of Health and Human Services, and Children's Court Improvement Program (CCIP) staff.

CCIP is a federal grant which focuses on improving the handling of CHIPS, termination of parental rights, and adoption cases in the court system. CCIP is required to implement programs and activities that promote safety, permanency, due process, and child and family well-being. ■

NEW FACES *continued from page 3*

In addition to his duties at the Office of Judicial Education, Meurer serves as a municipal judge for a joint municipal court that serves the town of Madison, town of Middleton and town of Verona.

Meurer said he enjoys his new role and plans to have some fun at it: "It's an important and interesting area of the court system that is often overlooked," Meurer said of municipal courts.

Hana Miura Benchbook Project Manager

Hana Miura joined the Office of Judicial Education to serve as the benchbook project manager. Miura previously worked as an editor in the State Bar of Wisconsin's Professional Development Department, working in the department's Books Division, where she was responsible for coordinating and editing various books, written and updated by Wisconsin attorneys and judges. While at the State Bar, she served as the primary editorial contact for all of the Wisconsin Judicial Benchbooks since 1997.

Ann Olson Policy Analyst

Ann Olson joined the Office of Court Operations in October as a policy analyst. In addition to supporting the Planning and Policy Advisory Committee and other subcommittees, she will oversee administration of the STOP Violence Against Women grant. Olson previously worked as a management analyst with the city of Evanston, Ill., where she assisted with budget development, managed grants and led various program initiatives. She also served as legislative aide to a St. Paul, Minn. city council member and as legislative policy advisor to the Waukesha County Board of Supervisors. Originally from Michigan, she holds undergraduate and graduate degrees from the University of Michigan, Ann Arbor. ■



Ann Olson



A panel of three judges from the District IV Court of Appeals heard oral argument in the Supreme Court Hearing Room at the state Capitol on Nov. 18, 2015. The panel included, left to right on bench, Judges Gary Sherman, Paul B. Higginbothum, and Brian W. Blanchard. Looking on is Supreme Court Deputy Marshal Kevin Pond. District IV typically holds its arguments in the hearing room. However, the court also held an argument at the Portage County Courthouse in Stevens Point as part of an outreach program on Nov. 23, 2015.

New rule will allow electronic transmittal of circuit court case records to Court of Appeals

By Diane Fremgen, Clerk of Supreme Court and Court of Appeals

On Nov. 25, 2015, the Wisconsin Supreme Court issued an order amending the Rules of Appellate Procedure to allow clerks of circuit courts to electronically transmit the court record to the Court of Appeals.

Under the new rule, effective July 1, transferring the record electronically will be an option for counties that maintain an electronic record; it is not required of counties that do not.

The new rule is expected to create cost savings and efficiencies, among other advantages, for both the circuit and appellate courts, as well as appellate counsel and litigants.

Over the past several years more and more circuit court clerks in Wisconsin have been scanning old and new court files and storing them in a paperless, electronic format. Yet the rules of appellate procedure require the circuit court clerk to assemble a paper record for the Court of Appeals. Clerks around the state who had been maintaining an electronic record were required to print out the electronically stored documents to create a paper record for the appellate court every time they received a notice of appeal.

The 2015 Annual Plan for the Consolidated Court Automation Programs (CCAP), approved by the CCAP Steering Committee, prioritized an initiative to allow transfer of electronic records between the counties and the appellate court.

On June 23, 2015, a Supreme Court Rule Petition was filed to amend the rules of appellate procedure to allow for the transfer of these electronic records. The Wisconsin Clerks of Circuit Court Association (WCCA), represented by Carlo Esqueda, president, spoke in favor of the petition highlighting the savings the clerks would see in preparation time, copy expenses and mail expenses if they had the ability to transmit the records electronically, rather than printing physical copies of the existing electronic record for the appeal.

In addition to savings and efficiencies, electronic transmittal of the record will help the courts, appellate counsel and litigants take advantage of a uniform index making it easier to find documents in the record. The proposed system, which is in the testing phase, will create the index for the trial clerk and create hyperlinks to the documents.

The electronic record also will be accessible to multiple users at the same time, unlike a paper record. The court, litigants, attorneys and court staff will be able to view the record at the same time, from their various locations, whether it be at the appellate court, in the county courthouse or from their home or office via an eFile account. Sending the record electronically is also considered more efficient and more secure than a paper-bound system, which often relies on a delivery service. ■

Trains *continued from page 5*

Q: Why trains? How did you get in to collecting trains/attending shows?

A: Why trains? An excellent question. I think largely because it involves so many different facets for a hobby. It isn't just running trains around in a circle - that can get boring pretty fast. There are elements of carpentry (building the framework for a layout), electrical (wiring the layout so trains will actually run); scenery (creating a landscape); painting (scenery, backdrops, buildings and weathering - making a pristine-looking model all grimy and dirty like in real life); model building (making buildings or trains - from kits or from scratch - as well as other equipment); historical research (learning about prototype railroads and equipment); and operation (running the train as a real - or not real - railroad with operating schedules and equipment). There are just so many aspects to the hobby it never gets boring because, as I often say to people, "in the entire history of the world, no model railroad has ever been finished" because there is always something else that can be done or changed or added. Plus, in my own little way, I've created my own little miniature world (on which, by the way, I have absolutely no courthouses or jails - go figure).

I always do at least five weekend shows a year: in Menomonie in April, Green Bay in April, Waupaca in June, Marshfield in October, and my favorite, Trainfest in Milwaukee (billed as the largest operating train show in the world) in November (the first year my wife and I set up our trains at Trainfest in 2009, we won the First Place Display award of which we are very proud). I also do a show in Superior when they have it and several in Minnesota if the timing works out. Model railroading is fun. A great stress reliever. ■



Reserve Judge Gary Carlson, right, shows his Timesaver switching game puzzle to attendees of the Marshfield Train Show. Children who complete the puzzle receive a Certificate of Excellence from Carlson, who configures each puzzle to the age of the child playing.

NEWS AND NOTES



Justice Michael J. Gableman

Justice **Michael J. Gableman** came to the aid of a motorist stuck in the snow, according to the *Waukesha Freeman*. Gableman told the paper he had been out to dinner with a friend when they noticed the stalled vehicle. After another good Samaritan joined the effort, they were able to get the car unstuck. The driver was excited to learn that a Supreme Court justice had been among those who came to his rescue, the newspaper reorted.

Gableman said the incident reminded him of a childhood incident of his father helping out a man they came across digging through a trash can.

"I hope when people see someone that needs help that they just do it. That is what community is about," Gableman was quoted as saying.

"Chief judge calls Lincoln Hills treatment 'inhuman,'" headlined an article in the *Milwaukee Journal Sentinel*. Chief Judge **Maxine A. White**, Milwaukee County Circuit Court, was quoted by the paper as she spoke to county officials, and urged them to provide youth sentencing alternatives for judges.

According to the article, 160 Milwaukee County juveniles were being held at the Lincoln Hills and Copper Lake facilities, as of Nov. 30. Since allegations of abuse, mistreatment and neglect have come to light, efforts have been made to transfer the county's juvenile offenders to other facilities.

"We need something else," White, who toured Lincoln Hills and Copper Lake facilities on Jan. 15, is quoted telling the Milwaukee County Board's

Health and Human Needs Committee. "We're demanding something new."

"He's an institution in Madison, there's no question about it," Justice **David T. Prosser** told the *Capital Times* of **George Patrinos**, who has been cutting hair in his Madison barbershop since 1978.



Justice David T. Prosser

Patrinos, whose shop is located in the basement of the Concourse Hotel, counts Capitol lawmakers, UW-Madison students, and hotel staff among his loyal customers. Even former-Gov. Tommy Thompson used to stop by for

a trim when he was in office, according to the article.

Prosser told the *Capital Times* he has been getting his haircut by Patrinos for 10 years, ever since the barber stopped the justice on the street, told him he needed a good hair cut and gave him his card.

"It's not just a hair cutting, it is the friendliness and the service that are really so valuable," Prosser is quoted as saying. "I am very fond of George, he's a great barber and a wonderful friend and we have great conversations."

Outagamie County Circuit Court Judge **John A. Des Jardins** was featured in the December 2015 issue of Packerland Titledown USA magazine. Des Jardins, whose grandfather and great uncle both played for the Packers, talked about growing up a fan with such a close connection to the team.

"When I was younger, had I thought about it, I would have asked him a lot of questions," the judge told the magazine of spending time with his grandfather. "But you're just a kid, you're all excited about Vince Lombardi and what the team was doing at the moment. That's what you talked about, not the past."

Des Jardins discussed going to a playoff game with his grandfather, who, as an alumnus, would get free tickets. He told the magazine he has not missed a single playoff game played in Green Bay since.

"But going with my grandfather, sitting with all Packer alumni, was so cool, even for a nine- or 10-year-old," he was quoted as saying. "He took me to the Giants' playoff game, and that was the first playoff game ever played by the Packers in Green Bay. That was in 1961."

Des Jardins told stories of sneaking into games as a child, and showed off his Packer memorabilia, including historic photos, trading cards, and even a golf ball he collected after Vince Lombardi played at the golf course where he caddied in his youth. In addition to what is



Before (left) and after (right) photos show Justice **Annette Kingsland Ziegler's** haircut on Jan. 11 for a Wigs 4 Kids donation. The Michigan non-profit organization provides wigs, at no cost, to children and teens who have lost their hair as a result of illness. This is not the first time Ziegler has donated hair. She has done so six or seven times since 2007.



Chief Judge Maxine A. White



Outagamie County Circuit Court Judge **John A. Des Jardins** (seen here in his full Packers taligating attire) poses with former Green Bay Packer **Donald Driver**.

see News and Notes on page 16

Drug court performance measures outlined

The National Center for State Courts (NCSC) has developed a comprehensive report establishing 17 areas of measurement that will help ensure drug treatment courts in Wisconsin are performing effectively and efficiently.

[The report](#), entitled “Wisconsin Statewide Drug and Hybrid Court Performance Measures: A Foundation for Performance Management,” is the result of a collaboration between NCSC, the Director of State Courts Office, and an advisory group consisting of judges, county drug treatment program coordinators, and staff from the state court system, the state Department of Justice (DOJ) and the state Department of Corrections.

Wisconsin counties that run treatment court programs will use the report as a guideline for collecting relevant data to evaluate performance in a variety of areas, including, among other things: sobriety, recidivism, restitution, drug-testing, screening and assessment, supervision, and employment and education.

There are currently about 70 [problem-solving courts](#) operating in Wisconsin. The state DOJ is establishing the database for use by counties to gather information. The NCSC report sets targets to provide a point of comparison to help drug court managers assess areas of a program

[see Drug courts on page 18](#)

RETIREMENTS *continued from page 3*

Milwaukee County and a deputy district attorney for Dane County.

“This will hopefully be a job that you will love,” Flanagan said, addressing whomever is selected to take over Branch 4. “Balance power and authority with humility and understanding. Talk to your colleagues whenever you need guidance and accept that no one comes to the court being a master of all areas of law. Be ready and open to learn each and every day on the bench. Take time to enjoy friends, family, and stay active to work off stress.”

Judge Daniel Lee Konkol Milwaukee County Circuit Court



Judge Daniel Lee Konkol

Reflecting on his 24-year judicial career, Milwaukee County Circuit Court Judge Daniel Konkol proudly recalls a project he was involved with early on while working in the juvenile courts. Konkol said there were over 100 kids involved with Termination of Parental Rights (TPR) cases who had been waiting years for their adoptions to be processed. Konkol was involved in a project that brought individuals in

to the court to explain why the process had been held up for each case. Konkol said through the project, they were able to complete the TPRs for all of the children, and all of the adoptions were able to take place within 60 days of the TPR’s completion.

Konkol, who was first elected in 1992, announced he would not seek re-election when his current term expires at the end of July.

Konkol said one of the biggest challenges he has faced while on the Branch 44 bench has been maintaining efficiency, and making sure cases went through his courtroom in an effective manner. He said he wanted to ensure everyone’s time, from victims, to defendants, to witnesses and attorneys, was not wasted. But he is thankful for the advances in technology in the court system over the years, including the judicial dashboard, for helping manage his court calendar.

Konkol’s efficiency skills were put to the test after a fire in the Milwaukee Courthouse closed the courthouse down

in the summer of 2013. At the time, Konkol was the presiding judge for the misdemeanor division, and it was important to him that the fire cause as little disruption as possible in the cases. Konkol said he was able to keep cases flowing through the court.

“It was like triage,” he said. “Cases would come in and we would split them up between courts.”

Konkol received his bachelor’s and law degree from Marquette University. Prior to taking the bench, he served as an assistant family court commissioner for Milwaukee County, and an assistant district attorney in Racine County. He is the author of “The New Paternity Law: Law and Procedures,” for *The Milwaukee Lawyer* and “Civil Restraining Orders, Distinguishing Domestic Abuse and Harassment,” for *Wisconsin Lawyer*.

Konkol said he was fortunate when he first took the bench to have had some experienced judges take him under their wing, and over the years has taken the role of mentor for new judges. He advises any new judge to find an

[see Retirements on page 13](#)



On Jan. 21, the Dane County Board officially honored retired District Court Administrator Gail Richardson with a resolution recognizing her 23 years of work with the court system (see *The Third Branch*, fall 2015) She is pictured with, left to right, Dane County Circuit Court Judge Juan B. Colás and Clerk of Circuit Court Carlo Esqueda. Also pictured is District 12 Dane County Supervisor Paul Rusk, right. The resolution noted Richardson’s contributions toward, among other things, construction of the Dane County Courthouse, the county’s jury management system, and innumerable committees, subcommittees, work groups and task forces.

RETIREMENTS *continued from page 12*

experienced judge to serve as their mentor.

After his term ends, Konkol said he hoped to travel more and watch more sporting events, movies, and plays.

"I am honored that the electorate gave me the opportunity for 24 years to follow the rule of the law," he said.

Judge Daniel A. Noonan Milwaukee County Circuit Court

Milwaukee County Circuit Court Judge Daniel A. Noonan retired from the Branch 31 bench on Nov. 30, 2015. Since first being elected in 1996, Noonan has served as the chair of the Juvenile Bench and Bar Committee, a member of the Civil and Family Bench and Bar Committees, chair of the Civil Jury Instructions Committee, and founding chair of the State Bar Alternative Dispute Resolution Section. He also authored "Alternative Dispute Resolution in Wisconsin," for the *Marquette Law Review*.

Prior to his election to the circuit court, Noonan worked in private practice, served as faculty at Marquette University Law School, and as a judicial court commissioner. He also served as president of a private mediation firm for 10 years. He is a graduate of UW-Madison, Marquette University Law School and Cardinal Stritch College.

"I want to take the opportunity to thank the citizens of Milwaukee County and the state of Wisconsin for electing me. It has been a distinct honor to serve as a trial judge for what is now nearly 20 years," Noonan said. "I offer my best wishes to my colleagues in the judiciary."

Judge Timothy M. Van Akkeren Sheboygan County Circuit Court



Judge Timothy M. Van Akkeren

After more than 26 years on the Sheboygan County Circuit Court Branch 2 bench, Judge Timothy M. Van Akkeren retired on Jan. 4. Van Akkeren was first elected in 1989, and re-elected four times, most recently in 2013.

Van Akkeren said he is thankful that he had such wonderful people to work with over the years, and he will miss his staff, who he described as "just great."

A graduate of UW-Madison and UW Law School, Van Akkeren worked in private

practice and for the U.S. Army Security Agency before taking the bench. He served for 19 years on the Family Benchbook Committee.

In 2013, Van Akkeren presided over a high-profile murder case, which garnered national attention. Antonio Barbeau was accused of bludgeoning his great-grandmother with a hatchet. Barbeau was 14 when he, along with 14-year-old Nathan Pappé, was found guilty of the crime.

"In my 24 years on the bench, I've not seen anything of this nature. Not even close," Van Akkeren was quoted by

the *New York Daily News* as saying at the time of Barbeau's sentencing.

He sentenced the teenager, who was tried as an adult, to 36 years in prison.

Van Akkeren, who said he plans to do a lot more traveling in his retirement, advises his successor to try to make people stick to the court calendar.

Belinda Seefeldt Marinette County Court reporter

This past June, Belinda Seefeldt retired from her position as court reporter for Marinette County Circuit Court Branch 2 after almost 20 years. Seefeldt first began working in Branch 2 in 1996 with Marinette County Circuit Court Judge Tim A. Duket. After Duket retired in 2012, she continued to work with Marinette County Circuit Court Judge James A. Morrison. Over the years, she said she had filled in when needed in other counties, including Brown, Oconto, Appleton, Door and Forest.

Seefeldt said she loved working on the high-profile criminal cases the most. Even though she found them nerve-racking at times, she said they were the most interesting. She said she misses the people she worked with in Marinette County, especially the staff in the Clerk of Circuit Court Office, who she described as incredibly helpful over the years.

Seefeldt said she now spends her time with her 10 grandchildren, and helping out friends and family when needed. ■



Judy Killian retired on Jan. 8 after 16 years in the Office of the Clerk of the Supreme Court and Court of Appeals. Killian started with the clerk's office on Jan. 27, 2000, serving as a support services assistant. In July 2006, she was promoted to deputy clerk for District 1, where she served for nearly 10 years. The trial court staff as well as the Court of Appeals staff in Milwaukee and Madison will miss Killian's dedication and helpfulness in the high-volume district.

Judicial engagement program aims to reduce number of children in foster care

By Judge Jason A. Rossell, Kenosha County Circuit Court

The Casey Family Programs National Judicial Engagement Conclave was held in Seattle from Oct. 28-30, 2015. Children's Court Improvement Program Director Bridget Bauman, Kenosha County Circuit Court Judge Jason A. Rossell, and Dane County Court Commissioner Anton Jamieson led their respective teams to the meeting.

Casey Family Programs Judicial Engagement Program is working with Dane, Kenosha, and Monroe counties with the



Teams from three Wisconsin counties traveled to Seattle to attend the Casey Family Programs National Judicial Engagement Conclave Oct. 28-30, 2015. Pictured left to right: Dane County Juvenile Court Administrator John Bauman, Kenosha County Juvenile Court Intake Director Mary Beier, Kenosha County Division of Children and Family Services Director Ron Rogers, and Kenosha County Circuit Court Judge Jason A. Rossell. The goal of the program is to help reduce the number of children in foster care (see *The Third Branch*, winter 2015).

goal of reducing the number of children in foster care (see *The Third Branch*, winter 2015). In addition to Wisconsin, Casey Family Programs is working with many other states and tribes in Judicial Engagement to reach this goal.

The primary objective of the meeting was to strengthen the national judicial community by providing an opportunity for court teams to meet and exchange judicial engagement results and define areas for future implementation and intra-state expansion.

Rossell, along with Kenosha County Children and Family Service Director Ron Rogers, Assistant District Attorney Mary Hart, and Juvenile Intake Director Mary Beier presented *Untangling the Maze to Find a Safe Way Out: How Process Mapping and Data Mining Can Lead to Change*.

This presentation focused on the data and statistics Kenosha County was able to retrieve from Consolidated Court Automation Programs (CCAP) and the electronic Wisconsin Statewide Automated Child Welfare Information System (eWiSACWIS) to measure the efficiency and effectiveness of the Child in Need of Protection or Services (CHIPS) hearing procedures and various child welfare programs. ■

If you would like a copy of the presentation or the data outcomes or have any questions on how to apply the information in your county, contact Jason.rossell@wicourts.gov.

AWARDS *continued from page 4*

library serves more than 1,000 people a week. Gehrke said a lot of credit for the law library's success is due to former Chief Judge Jeffrey A. Kremers, Milwaukee County Circuit Court, whose interest in the library helped keep it open when budget cuts threatened to close it in 2010.

Milwaukee Court Reporter Mary Hermann has worked with Milwaukee County Circuit Court Judge John J. DiMotto for 25 years. She told the *Law Journal* that she has enjoyed the criminal court the most because the cases can be so interesting.



Deputy Chief Judge Anthony G. Milisauskas, Kenosha County Circuit Court, recognized lawyers for their membership in the Wisconsin Pro Bono Honor Society at a recognition event held on Jan. 14 at the Kenosha County Courthouse. Recognized were Atty. Jodi Meier, left; Atty. Elizabeth Pfeuffer, right; and Atty. Ryan Blay, who was unable to attend the event. To qualify for the society, which is a project of the Wisconsin Access to Justice Commission, lawyers must have performed at least 50 hours of qualifying services during the past year.

"We've worked every division, so I've seen everything and seen every branch of law and every type of law," she told the *Law Journal* about working in Branch 41. "No day is the same. Everyone is different."

Hermann also said she was surprised by how much she enjoyed working in the children's court, because she felt her work there was really making a difference.

Also recognized in Branch 41 was Lucy

Listinsky, Milwaukee County deputy court clerk. Listinsky has worked with DiMotto since 1990, handling the court's paperwork and setting the calendar. She said she's thankful for the technological advances that help her do her job.

"When I started out, there wasn't a computer and you had to send someone out to look something up if you didn't have it with you," she told the *Law Journal*. "Being able to look up stuff on your own has made a big difference and made it more efficient and you have to be efficient in this job."

The publication also recognized Walworth County Clerk of Circuit Court Shiela Reiff for her work in improving the courts in a variety of areas since taking office in 1995. Reiff helped oversee projects, including the installation of an audio recording system for family court commissioners, and a video-conferencing system for the jails, mental-health centers, and juvenile centers. The video-conferencing project has proven to be a cost-saving measure, removing the need to transport inmates and patients to the courthouse, as well as making the process more efficient. She also helped lead a legislative committee.

"On a given day there's always something new that we've never had to deal with before," she told the *Law Journal*.

First Judicial District Court Administrator Holly Szablewski was also recognized. Szablewski joined District One in 2014, after previously spending more than 21 years working in various areas of the courts in Milwaukee.

"I love the challenge of working in a complex system," she told the *Law Journal*. "I like that no two days are ever the same in this work world. I really have a passion for our system of justice and making sure it's operating at the best that it can." ■

LSR *continued from page 4*

following premises:

- Mediation is a law-related service, but it is not the practice of law.
- When a lawyer acts as a mediator, he or she acts in a neutral capacity without representing any of the parties to the mediation.
- Under current rules and practice, a mediator drafts a memorandum of understanding (MOU) that reflects the agreement reached in mediation. These MOUs are often more detailed than the court mandated check-box forms.
- These MOUs are not the equivalent of a marital settlement agreement and do not contain findings of fact, conclusions of law or judgment as required by the court.
- The proposed rule should be limited to cases arising under Chapter 767 because the family law arena is where the majority of litigants are self-represented (estimates are as high as 70 percent), and the absence of legal input into dispute resolution is most problematic.

The subcommittee concluded that developing such a rule requires the solution to three current problems – the prohibition of mediators subsequently providing legal services to parties to mediations; resolving the conflict of interest issues in dealing with parties to a Family Court case; and insuring that the lawyer-mediators are bound by the ethical duties of diligence and competence.

Generally, the rule allows a lawyer-mediator to select and complete the documents needed to confirm, memorialize and implement agreements reached in mediation. The basic conditions for doing so are:

- The lawyer-mediator must maintain her or his neutrality throughout the process.
- The parties must give informed consent, confirmed in writing, which consent requires the lawyer to explain the following to the parties:
 - The limits of the lawyer-mediator's role and any information relevant to actual or potential conflicts of interest of the lawyer.
 - The lawyer-mediator does not represent either party to the mediation.
 - The lawyer-mediator cannot give legal advice or advocate on behalf of either party.
 - The desirability of seeking independent legal advice before the execution of any documents prepared by the lawyer-mediator.

The proposed rule specifically provides that the lawyer-mediator who drafts documents does not establish a lawyer-client relationship with either of the parties to the mediation, but, notwithstanding the lack of a lawyer-client relationship, requires that the lawyer-mediator exercise the same diligence and competence that a lawyer owes to a client. The rule also permits the drafting lawyer-mediator to file documents with the court, but prohibits the lawyer-mediator from appearing in court on behalf of the parties.

The members of the mediation subcommittee unanimously agreed that the rules should be changed to permit such drafting. The point which presented the most challenge to the subcommittee was there was not unanimous agreement whether the lawyer-mediator should remain in a neutral role in providing the legal service of drafting documents after the parties have reached agreement or abandon neutrality and create a lawyer-client relationship with both parties. The subcommittee decided to maintain the drafting lawyer's

neutrality for three reasons: (1) SCR 20:1.12 prohibits a lawyer-mediator from representing a party in a matter in which they have acted as neutral; (2) doing so preserves the well established principle that a lawyer cannot jointly represent parties in a Family Court action where interests of parties are inherently opposed; and (3) parties are more likely to understand that the lawyer-mediator remains in the neutral role to which the parties have already agreed than to understand a role change near the completion of the mediation that includes the concept of joint representation of parties who were formerly directly adverse.

One argument that lawyer-mediators should shift roles from neutral mediator to joint representative is based on the fact that the ethical duties of diligence and competence are owed to clients pursuant to SCR 20:1.1 and SCR 20:1.3. This problem is solved by providing in the draft rule that lawyers electing to make use of the proposed rule are bound to do so competently and diligently. This provision may be rendered unnecessary if a pending Rule Petition filed by the State Bar Ethics Committee to update the Code of Professional Responsibility to conform to the current ABA version is adopted.

The Office of Lawyer Regulation and the Wisconsin Lawyers Mutual Insurance Company have reviewed the draft and support its approval. In February the State Bar Ethics Committee unanimously endorsed the proposal. Before finalizing the petition and drafting the memorandum in support, the committee is seeking broader input. If you have any questions, comments or concerns please get them to me, michael.dwyer@wicourts.gov or to any other member of the subcommittee.

Other members of the subcommittee are: Atty. Michael Apfeld, a Milwaukee business lawyer and a member of the State Bar of Wisconsin's Ethics Committee; Atty. Steven Bach, a Madison family lawyer and mediator; Atty. Erin Balsiger, a La Crosse attorney with experience in family law and mediation; Atty. Barry Boline, a family lawyer and family and judicial court commissioner in Ozaukee County; Atty. Jeff Brown, a Madison attorney who is the pro bono coordinator for the State Bar of Wisconsin and serves as staff to the Access to Justice Commission; Atty. Dean Dietrich, a Wausau labor and employment lawyer and chair of the State Bar Ethics Committee; now-U.S. Bankruptcy Judge Beth Hanan, Eastern District of Wisconsin, a former Milwaukee appellate lawyer, past president of the Milwaukee Bar Association and member of the prior LSR Subcommittee; Susan Hansen, an experienced Milwaukee family lawyer and mediator from the firm of Hansen and Hildebrand; Atty. Theresa Owens, district court administrator for the Fifth Judicial District, who previously served as staff to the LSR subcommittee; Timothy Pierce, a Madison lawyer and ethics counsel for the State Bar of Wisconsin; Judge Mary K. Wagner, Kenosha County Circuit Judge, past member of PPAC; and Judge Thomas Walsh, Brown County Circuit Court, who is a former family law attorney. ■

Judge Michael J. Dwyer, Milwaukee County Circuit Court, chairs the PPAC mediation subcommittee and serves on the PPAC committee that has been studying limited-scope representation.

NEWS AND NOTES *continued from page 11*

referred to as his personal Packers Hall of Fame housed in his courthouse chambers, Des Jardins has team-inspired tailgate attire, topped with a Lombardi-style gold fedora, and finished off with custom-made sneakers decorated with 4,000 green and gold sequins.

A pilot program in Madison will offer some homeless offenders a chance to break the cycle of tickets, unpaid fines, and jail time, according to a *Wisconsin State Journal* article. The new “homeless court” will give offenders a chance to reduce the amounts of unpaid citations and forfeitures, while receiving needed services and opportunities to pay back the community.

According to the article, 18 homeless individuals were issued a total of 119 arrest warrants and owed \$254,148 in forfeitures. Most of these offenses involved public intoxications, trespassing, public urination and retail theft, and the offenders have little chance of paying the fines and will face jail time.

“The traditional court system doesn’t always address these issues,” Madison Municipal Court Judge **Dan Koval** told the paper. “I have been a big proponent of restorative justice programs because they work at addressing the root problems and provide resources to work at resolving those issues.”

Koval told the *State Journal* participants willing to complete the program will have their fines reduced, with the ultimate goal of only owing community service time. Two individuals were participating in the pilot program at the time the article was published.

“If the pilot is successful we would like to expand the program to more individuals,” Koval was quoted as saying. “Even if it is not completely successful, it is worth the effort to try programs like this. The current system does not adequately address the root problems, so an alternative like this is worth pursuing and supporting.”

The (Racine) Journal Times recently reported on the unique court reporting technique used by **Mark Garvin** in the Racine County Circuit Court. Instead of using a stenograph machine to create court transcripts, Garvin uses a stenomask, a sound-muffling device that looks similar to an oxygen mask, to voice write – a technique currently unique to Garvin in Wisconsin.

Garvin repeats every word said in the courtroom to create the transcript, and said he can not type faster than 140 words per minute. Every word spoken into the mask is recorded and displayed in text on a screen.

Garvin said he learned court reporting before going to school to pursue a marketing degree. When he was drafted during the Vietnam War, his court reporting skills were put to work as a court martial reporter by the U.S. Marine Corps, according to *The Journal Times*.

“The Marine Corps pumps out court reporters,” said Garvin, who moved to North Carolina after serving in Da Nang. About half of the court reporters in the South are stenomask reporters, he told the newspaper.

In 2004, Garvin came to Wisconsin and showed his stenomask reporting skills in 10 different courtrooms while seeking a position as a court reporter.

“(At) all 10 places I was exhibit No. 1,” he told the paper. “They would run in from other offices to see this freak show.”



Court Reporter Mark Garvin uses his stenomask in 2004, as now-retired Marathon County Circuit Court Judge Dorothy L. Bain observes.

That year, he began working in Marathon County. He moved back to North Carolina in 2009, but returned to Wisconsin in 2012 and began working as a contract court reporter for the Second Judicial District.

Court interpretation and translation will play a crucial role in the federal trial of **Samy Mohammed Hamzeh**, who is accused of planning a mass shooting at a Milwaukee Masonic temple, Fox6 Now (Milwaukee) reported.

Evidence against Hamzeh includes hours of recorded conversation in Arabic. The recordings must be translated in order to be used in the trial.

“We have 22 Arab countries, but we have different dialects,” Wisconsin Court Interpreter and Translator **Islam Hindi** explained to Fox6. “Interpreting or translating – it is not an easy task to do. It’s not an easy career – especially if you are translating highly sensitive text or audio that is going to lead to something serious.”

Hindi explained that things like sarcasm can be misinterpreted during translation, and sometimes there are Arabic words that can not be directly translated into English.

A planned change in procedure for where attorneys can meet with their clients in Racine County stirred some debate among judges, defense lawyers, and sheriff’s officials, *The (Racine) Journal Times* reported earlier this year. The plan, which was developed by the county’s court security committee and the Racine County Sheriff’s Office, would have no longer allowed attorneys to meet with their clients in the holding cells located behind the criminal courtrooms.

Those opposed to the change said the plan would result in delays because attorneys would have to walk over to the jail, go through security, and then wait for their client to be returned to the jail and brought to a designated meeting room. In cases where the trial could have resumed following a meeting between the attorney and client at the courthouse, hearings would have to be rescheduled, explained Racine County Circuit Court Judge **Eugene A. Gasiorkiewicz**.

“It’ll be pushed off for another two months,”

NEWS AND NOTES *continued from page 16*

Judge Eugene A.
Gasiorkiewicz

Gasiorkiewicz told the newspaper. “This hurts those who are confined and can’t post bond. They get to suffer more than somebody who can post bond. How is that due process equality?”

Gasiorkiewicz said it would also have a negative impact on victims, who will have to wait longer for the outcome of a trial.

Racine County Circuit Court Judge **John S. Jude**, who is the chair of the court security committee, told the paper that the proposed change was designed to increase security, while improving efficiency and expediting cases through the system.

Public Defender **Adrienne Moore** told the newspaper that the change would have a significant impact on the criminal defense lawyers, who have limited visiting times available at the Racine County Jail, and face privacy issues in the spaces provided for meetings.

The initial plan was put on hold, and revisions have been made to address concerns, said Chief Judge **Allan “Pat” Torhorst**, Racine County Circuit Court. Changes to facilities and procedures have been implemented in two branches and should be formalized soon, he added.



Judge John S. Jude



Chief Judge Allan “Pat”
Torhorst

their dues will go to arbitration.

The group of attorneys, including Atty. **Steve Levine**, is arguing that the amount they should be allowed to withhold to avoid supporting lobbying, should be close to \$20. The State Bar currently allows attorneys to withhold \$5.25 from their dues to avoid supporting the Bars lobbying efforts to the state Legislature.

Atty. **Howard Bellman**, of Madison, was selected to act as an arbitrator in the dispute, according to the article. There is no timeline for when Bellman must make a decision by, and he may chose to have both parties present oral arguments, or could just issue a decision in writing, according to the *Law Journal*.

Milwaukee County Circuit Court Judge **David L. Borowski** appeared as a guest on “On the Issues with **Mike Gousha**,” on Feb. 2. Borowski appeared on the Marquette University Law School’s conversation series to talk about his judicial career and his perspective on crime in

Milwaukee County.

Among other topics, Gousha questioned Borowski about the article he had written for the *Milwaukee Journal Sentinel* in May 2015. In the article, Borowski had discussed presiding over more than 100 homicide trials from 2011 to 2014.

The full interview can be found at: <https://law-media.marquette.edu/Mediasite/Play/ce79610378144d92aa8e6b8111340d5b1d>.

The Janesville Gazette featured a story on the possibility of anonymous juries in Rock County in January. The idea stems from feedback from jurors who expressed concerns over having their names read in the courtroom.

According to the article, the first anonymous jury trial in the county took place last year. During a pretrial for a murder case, the Deputy District Attorney **Perry Folts** told Rock County Circuit Court Judge **Michael A. Haakenson** that at least one witness had been threatened by people who knew the defendant. He feared that jurors may also face threats if their names were known.

“I also have concerns about potential contamination of the jury if they’re not sequestered,” Folts is quoted as saying during the pretrial.

Haakenson agreed with Folts, and chose to assign jurors numbers instead of using their names. This allowed the jurors to avoid being sequestered during a trial that ran during the holiday season. Haakenson did worry jurors would get the impression that they were in danger, according to *The Gazette*. Haakenson told the jurors that the decision to use numbers in place of names was for the convenience of the court and counsel. For the trial, each juror was assigned a number, and their identity remains sealed with the court files and can only be opened under court order.



Chief Judge James P.
Daley

Chief Judge **James P. Daley**, Rock County Circuit Court, told the paper that jurors frequently complain about the lack of privacy. He said that making all juries anonymous might be the answer to find balance between keeping jurors safe, while not making them feel like they are in danger. He said it would be a decision all seven judges in the county would need to make.



Judge David L. Borowski



Judge Michael A.
Haakenson

[see News and Notes on page 19](#)

Legislature ends early with last-minute activity

By Nancy Rottier, Legislative Liaison

The Legislature ended its 2015-16 session weeks ahead of its previously scheduled end date — the Assembly ended its floor session with marathon sessions on Feb. 16 and 18; the Senate ended with one long day on March 15. The abbreviated schedule led to a frantic pace during February and March, as legislators rushed to ensure consideration of their proposals. The session was originally scheduled to wrap up on April 7.

One casualty of the abbreviated session was the comprehensive revision to the criminal procedure code. Developed over many years by the Judicial Council, the criminal procedure rewrite appeared poised to receive positive action this session. After the bill failed in the last session, the Judicial Council convened stakeholders in 2014 to refine its proposal in response to a number of concerns. The 2015 revised version received a five-hour generally positive public hearing in August 2015.

After the public hearing, the bill's legislative sponsors, Rep. Jim Ott (R-Mequon) and Sen. Van Wanggaard (R-Racine) worked with stakeholders to address new concerns raised at the public hearing, and multiple meetings were held in late 2015. With time running out on the session in early 2016, Ott and Wanggaard proposed deleting the still-contentious issues but moving forward with the balance of the bill. Work continued until Feb. 15, but consensus was not reached in the short time available. The bill was not

brought to a final vote this session, meaning the process must start all over during the 2017-18 legislative session.

Listed below are some of the major laws adopted that impact the court system. A more complete summary of the acts passed will be available on CourtNet later this spring, on the page of the Legislative Committee of the Judicial Conference.

Criminal Law

- Act 64 limits the crimes that may be investigated and the length of a John Doe proceeding, as well as limiting secrecy orders.
- Mandatory minimum sentences for certain violent crimes are contained in Act 109. The act contains a list of what are considered to be a "violent felony" or a "violent misdemeanor" for purposes of the mandatory sentences.
- Increased penalties for certain operating while intoxicated (OWI) violations will become law in 2017 if the governor signs Senate Bill 455. All fourth offense OWIs will be felonies and those charged with a 5th or higher OWI offense will have the penalty classification increased by one level of severity.
- Significant changes were made to the carrying of a switchblade knife. Act 149 eliminates the prohibition

[see Legislature on page 21](#)

Election *continued from page 8*

Private practice Atty. Hannah C. Dugan defeated Judge Paul Rifelj, who was appointed to the Branch 31 bench by Gov. Scott Walker in 2015.

In Branch 45, private practice Atty. Jean M. Kies defeated Judge Michelle Ackerman Havas, who was appointed in 2015.

Private practice Atty. Gwendolyn G. Connolly ran unopposed for the Branch 44 seat held by Judge Daniel Lee Konkol, who is retiring at the end of his term.

Portage County (one seat contested)

In Portage County, Circuit Court Judge Robert J. Shannon, who was appointed last year, defeated Portage County Clerk of Circuit Court Patricia Ann Baker for the Branch 2 bench.

Racine County (one seat contested)

In Racine County, private practice Atty. Mark F. Nielsen defeated private practice Atty. Joseph W. Seifert to fill the

vacancy on the Racine County Circuit Court Branch 4 bench to be created by the retirement of Judge John S. Jude at the end of his term.

Rusk County (one seat contested)

In Rusk County, Circuit Court Judge Steven P. Anderson was re-elected after fending off a challenge from private practice Atty. Richard J. Summerfield.

Sauk County (one seat contested)

In Sauk County, Corporation Counsel Wendy J.N. Klicko defeated District Attorney Kevin R. Calkins to fill the Branch 2 bench being created by the retirement of Judge James Evenson at the end of his term.

Walworth County (one seat contested)

In Walworth County, Family Court Commissioner Daniel S. Johnson defeated Walworth County District Attorney Daniel A. Necci to fill the Branch 2 bench held by Judge James L. Carlson, who is retiring at the end of his term. ■

Drug courts *continued from page 12*

performing well and areas that may be in need of improvement. The performance measures are intended to help provide feedback for making continuous improvement in a treatment court program.

NCSC notes in the introduction to the report that measuring the performance of drug courts is compelling because they must compete with other priorities of the criminal justice system for a finite amount of resources.

"This makes it incumbent upon drug courts to demonstrate that the limited resources provided to them are used

efficiently, and that this expenditure of resources produces the desired outcomes in participants," part of the introduction reads.

Training sessions on the performance measures [have been held](#) at six locations throughout the state. Materials from the sessions are available [online](#). The development of the report was funded under a grant to the Director of State Courts from the U.S. Bureau of Justice Assistance. The training sessions were funded under a grant to DOJ from the U.S. Bureau of Justice Assistance. ■

NEWS AND NOTES *continued from page 17*

The *Watertown Daily Times* reported on the Jefferson County Alcohol Treatment Court's March 16 graduation ceremony. According to the

article, Lt. Gov. **Rebecca Kleefisch** was among those who attended the celebration.

Four participants were celebrated for their completing the program, which was created two years ago. Jefferson County Circuit Court Judge **William F. Hue** said the judges in the county had been working to establish the program for about six years before they received the grant from the state attorney general's office, according to the article.



Judge William F. Hue

"We are happy with the results of the program and with our participants," Hue was quoted as saying. "We have our legs under us and anyone with any questions can certainly stop by or call, write or email us and we will get back to them with answers."

The program is offered to third time OWI offenders over the age of 18 who do not have any prior felony convictions. The program is operated by a partnership of criminal justice resources, including the county circuit court, public defender's office, and the district attorney's office. According to the article, it takes around 14 months to complete, provided the participants do not have too many set-backs.

Hue told the paper that around 30 people have participated in the program, and seven of those have graduated. He said he hopes the program will eventually address drug treatment needs.

"We eventually want to expand it to cover heroin, but that would be a bigger program and we would need more money, so we would look for grants," he told the *Daily Times*.

Hue told the paper he was happy that Kleefisch was able to attend the graduation ceremony, and plans to invite other officials who are interested in the treatment program, including Rep. **Tammy Baldwin**.

"You have put your difficulties behind you and I congratulate you on that," Kleefisch was quoted speaking to the graduates. "You have suffered and now you have come out on top."

Columbia County's OWI Treatment Court celebrated three program graduates and said goodbye to their program coordinator on March 29, according to the *Portage Daily Register*. Columbia County Circuit Court Judge **Alan J. White** also held check-ins with the current program participants, with some earning a reward of gift cards from White's fishbowl, according to the paper.

The program, offered to third time OWI offenders, involves three phases. The first phase



Judge Alan J. White

includes jail time for the offense, with weekly treatment court meetings. The second phase allows participants to leave jail, while the third phase loosens some of the program restrictions.

"When I see them the first time, they've been in jail and they're real down," White was quoted as saying. "You can't believe the transformation that takes place over six months to a year."

Treatment Court Coordinator **Kelly Zuelke** also took a moment to say goodbye and to thank everyone before leaving after two years in the position.

"Thank you all and stay strong without me, but I know you'll do great," the article quotes Zuelke telling participants in the courtroom. "I hope I have displayed the utmost enthusiasm and the utmost respect, and I will be forever thankful – you are the epitome of strength and perseverance."

Court Reporter **Michelle Gudex** attended the National Court Reporters Association's (NCRA) Legislative Boot Camp in March, according to a press release from the NCRA. During the boot camp, Gudex met with U.S. Rep. **Glenn Grothman** and legislative correspondents from the offices of U.S. Sen. **Tammy Baldwin** and U.S. Sen. **Ron Johnson** to urge them to support the reauthorization of the Training for Realtime Writers grants under the Higher Education Act passed in 2009, according to the press release.

Participants in the boot camp attended sessions about grassroots lobbying, effectively communicating with the press, understanding NCRA's 2016 fiscal initiatives, building lasting relationships, and what to expect when visiting lawmakers on Capitol Hill.

Gudex works as a court reporter in Sheboygan County Circuit Court's Branch 5, and serves as the secretary for the Wisconsin Court Reporters Association.

Milwaukee County Circuit Court Judge **Christopher R. Foley** was quoted in a *Milwaukee Journal Sentinel* article on a new movie based on the childhood experiences of a Milwaukee woman growing up in her grandmother's home.

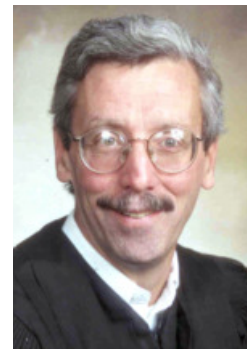
The movie, "Grandma's House," is based on the life of **Kimberly Zulkowski**, who wrote the screen play and is an executive producer of the film.

"She's a remarkable woman, particularly given what she survived," Foley told the *Journal Sentinel* of Zulkowski. "She's a sweetheart, and her grandmother was a saint."

Zulkowski told the paper she remembers the time she spent in Foley's office as a child, having grown-up with a drug addicted mother, and being the victim of neglect and sexual abuse. After spending five



Michelle Gudex



Judge Christopher R. Foley

NEWS AND NOTES *continued from page 19*

years in foster care, she went to live with her grandmother, **Margie Ree Harris**.

"I think it's a remarkable story – their love for each other, their commitment for each other," Foley was quoted as saying. "They just stared us in the face and made us do what we're supposed to do – find fit, loving relatives."

Over the years, Harris would take in 125 foster children, according to the article. In addition to inspiring Zulkowski to write the screen play based on her story, she also inspired her granddaughter to open two agencies in Milwaukee that focus on child placement and in-home personal care.

The Legal Aid Society of Milwaukee celebrated its 100th anniversary in February, the *Milwaukee Journal Sentinel* reported. The organization that provides free civil legal representation to low-income individuals also recently moved to a new location, which provides more space for staff to meet with clients.

Executive Director **Kimberly Walker** told the paper a more formal celebration will take place in September.

"We want to acknowledge all our friends and supporters," she was quoted as saying, adding she hopes to also attract some new supporters.

Legal Aid receives some funding from Milwaukee County, through a guardian ad litem contract. They also receive funding through various individuals, foundations, and the United Way.

The *Wisconsin Law Journal*, *Milwaukee Journal Sentinel* and *Milwaukee Business Journal* all reported on a proposal to demolish the Milwaukee County Safety Building and replace it with a new criminal courthouse.

The proposed \$184 million, 360,000-square-foot, 10-story structure was recommended by a consulting team hired by the county, instead of spending \$150 million to renovate the safety building, which was built in 1929, and does not meet modern building codes and operating standards. The plan would also move all criminal courts out of the historic Milwaukee County Courthouse, improving space and safety in that building.

"Removing the criminal courts would significantly improve the utility and safety of the historic Courthouse," the *Journal Sentinel* quoted from the consultant's report. The report goes on to state that several criminal courtrooms built from former offices in the safety building do not meet Wisconsin Supreme Court's established safety standards.

The *Law Journal* reported that the consultants' planned courthouse would house 26 courtrooms, but would allow for an increase of up to a total of 30 in the future. It would also no longer require inmates to be moved through public hallways.

The plan still needs to be accepted by the county board, and a more comprehensive plan and financing options would then need to be established, according to the articles.

Brown County's Heroin Court was featured on WBAY Action 2 News segment last October. The news cameras came in to Brown County Circuit Court Judge **Thomas J. Walsh**'s courtroom to observe the weekly heroin court program, which currently has 15 participants, according to the news report.

"When they're in this court, we're having success keeping



Judge Thomas J. Walsh

people off heroin," Walsh told Action 2 of the program, which started in March of 2015. "That has surprised me. I really expected that week after week after week, I'd be dealing with people who continue to go back to heroin, and that's not the experience we're having."

The segment shows encouragement, applause, and congratulations being offered by Walsh, as well as fortune cookies, as he tells a participant to grab one to celebrate an accomplishment.

Like similar problem-solving courts, the Brown County program coordinates with law enforcement, local attorneys, corrections officers, and staff from the county Department of Human Services to help participants address the underlying causes of their addictions.

"As big as the issue is here in Brown County alone, there is a big solution," Walsh tells Action 2. "And the big solution is what's going on in treatment courts in Brown County and that we're having success and we're dealing with the problems that are causing people to become addicted."

In February the Marinette County Treatment Drug Court celebrated its first graduate, according to the *Eagle Herald*. **Brandon Dodsworth**, who started the program on Oct. 21, 2014, addressed the courtroom, which included 16 other program participants, and Marinette County Circuit Court Judge **James A. Morrison**, who presides over the treatment court.



Judge James A. Morrison

"Brandon's story is typical in some ways and remarkable in others," Morrison was quoted as saying during the celebration. "He's had a tremendous amount of success and we are extremely proud of him. He is now our first alumni association member."

Dodsworth entered the program shortly after overdosing on heroin. As part of the program, he completed 107 probation and case management sessions, 165 drug tests, and 2,561 hours of private employment, as well as regular court sessions before Morrison, according to the article.

Dodsworth thanked Marinette County Circuit Court Judge **David G. Miron** for referring him to the program at the time of his sentencing.

"At the time the drug court wasn't actually started. So my charge was a little early on to be accepted. But thanks to Judge Miron, the district attorney's (office) and the drug court, I was accepted," Dodsworth was quoted as saying. ■



Judge David G. Miron

Legislative study *continued from page 2*

Wisconsin residents faced serious civil legal problems without the assistance of a lawyer or other legal professional. A 2013 report, *The State of Equal Justice in Wisconsin*, substantiated the earlier findings after a series of statewide hearings.

The Supreme Court responded to the initial study in 2009 by imposing a \$50 annual assessment on attorneys as additional revenue for the Wisconsin Trust Account Foundation, Inc. (WisTAF), which was created by the Court in 1986 to support civil legal services. Also in 2009, the Court directed the creation of the Wisconsin Access to Justice Commission (WATJC), a nonprofit corporation substantially funded by the State Bar to improve access to the civil justice system for unrepresented low income residents.

In 2011, the Court was asked to create a rule that would recognize a right to counsel in civil cases. The Court

acknowledged the need for increased services, but did not approve the proposal for lack of funding. In 2014, the Court approved an increase in the fee that out-of-state lawyers must pay to practice in Wisconsin on a temporary basis. The fee was raised from \$50 to \$250 – with \$100 going to WisTAF and \$50 to WATJC. The Court has considered several other proposed rule changes over the years and several proposals are still pending that would help increase access to legal services in civil cases. However, questions and concerns remain over funding sources.

One objective of the proposed study committee would be to brainstorm other possible sources of assistance and help to plan the most effective means of delivering services, the justices wrote. Every two years, legislative leaders select issues for study by Legislative Council study committees, which often propose legislation. ■

Legislature *continued from page 18*

against possessing, purchasing, or selling a switchblade knife; treats knives in a manner similar to firearms.

- Assembly Bill 663 (also waiting for the governor's signature) would change the procedures for providing restitution to victims of crime, including prohibiting the Department of Corrections from collecting its reimbursement fee from probationers, parolees or persons on extended supervision until restitution has been paid to the victim of the crime.
- Act 351 will give victims of sexual assault, human trafficking, or child abuse the right to request accompaniment by a victim advocate to an examination and to certain interviews or proceedings relating to the crime.
- Senate Bill 325, also not yet signed, creates felony level offenses for repeated (three or more acts within designated period) acts of physical abuse to the same child. Under the proposed act, the jury must unanimously agree that three offenses took place, but may disagree on exactly which three took place.
- Act 156 imposes restrictions and requirements on where the Department of Health Services may place a sexually violent person who is on supervised release, including: distance restrictions from schools, parks, etc.; a limited preemption of local sex offender residency ordinances; and a constraint on placement outside of the person's home county.
- Several new crimes were also created for the following behaviors: up-skirting, unlawful use of a global positioning device, falsely claiming military honors, prohibiting abortion of an unborn child considered capable of experiencing pain, battery and threats to prosecutors or law enforcement, and threatening to communicate derogatory information

Civil Law

- Act 183 allows a court, upon a finding of probable cause, to issue a search warrant for an alleged OWI violation in order to allow a blood draw to be taken.
- Act 4, adopted very early in the legislative session, gives courts subject matter jurisdiction for certain domestic abuse, child abuse and harassment actions that occurred out of state.

- Act 253 allows a court to include in a restraining order or an injunction order provisions pertaining to household pets.
- Various changes to landlord-tenant law were made in Act 176. A significant new provision allows termination of a tenancy for drug-related criminal activity (manufacture or distribution of controlled substances, but not for possession or use of a controlled substance).
- Act 94 creates a procedure for structured settlement factoring transactions, to govern the transfer of structured settlement payments in Wisconsin.
- Several new acts limit or eliminate liability for certain actions or activities, including: additional equine activities, placement of buoys, and for forcibly entering a vehicle under certain circumstances.

Court Administration

- The Legislature completed action early in the session on the constitutional amendment that would require the Chief Justice of the Supreme Court to be elected for a term of two years by a majority vote of the justices then serving on the court. The constitutional amendment went into effect after it was passed in the April 2015 referendum vote.
- Assembly Bill 657, once signed by the governor, will increase the funding for the Treatment, Diversion and Alternatives (TAD) program by another \$1 million per year.
- Act 69 was adopted at the urging of the court system. It eliminates the requirement that the Supreme Court publish the full text of proposed rules changes in the official state newspaper. Instead, the Court will publish a brief summary of the proposed rule change, along with the Internet website address where people can review the full text.

Traffic and OWI

- Act 19 increases the allowable speed limit from 65 miles per hour to 70 miles per hour on freeways, including interstate freeways, and portions of expressways that utilize only interchanges.
- Act 234 reduces the length of time an operating license

Milwaukee awarded MacArthur Foundation grant

The John D. and Catherine T. MacArthur Foundation today announced that [Milwaukee County will receive a \\$2 million grant](#) during the next two years to help reduce jail populations and address racial and ethnic disparities in the criminal justice system. Milwaukee County was among 20 jurisdictions selected nationally to receive grants under the foundation's [Safety and Justice Challenge](#).

The grant [will be used](#) to build on the collaborative efforts of local law enforcement, corrections officials, prosecutors, defenders, judges, and other stakeholders led by the Milwaukee County Community Justice Council, said Chief Judge Maxine A. White, Milwaukee County Circuit Court.

"We are extremely grateful and honored to have received this award and opportunity from the MacArthur Foundation. With their help and our efforts, we can better protect public

safety by smart use of our jails and working with issues of mental illness and substance abuse in a more systematic and effective way. This opportunity allows Milwaukee County to continue as a leader in criminal justice reform," White said.

As part of the effort, Milwaukee County will institute a new post-booking stabilization program for individuals suffering from mental health or substance abuse issues that will remove them from jail within 48 hours and connect them with appropriate services, White said.

The county will also provide law enforcement with additional resources and trauma-informed training, while also increasing the utilization of existing behavioral health services. Through these initiatives alone, the county aims to reduce mental health misdemeanor bookings by 15 percent and the number of competency hearings by half, White said. ■

Rules *continued from page 2*

Starting July 1, parties submitting documents to the court must protect those numbers using the procedures and forms provided by the new rule. For previously filed documents and transcripts, the numbers may be removed upon motion.

When preparing a new document like a complaint or motion, parties should omit these numbers and refer to them generically (e.g. "plaintiff's checking account"). If the number is necessary to the action, parties must submit it to the court on a new form (similar to the confidential petition addendum in family cases). Judges are likewise required to omit the five numbers when writing orders and opinions.

When submitting a previously existing document like an exhibit, parties must redact the number by blanking it out, so the redacted version can be placed in the public file. If the number is necessary to the action, parties should submit it on the form.

This rule applies in all cases, even in confidential cases like juvenile cases and guardianship proceedings. If a party fails to comply, the court may seal the improperly filed documents and order a new filing. For failure to protect the information of another party, the court may impose attorney fees or sanction the violation as contempt.

Identifying confidential documents

Wisconsin Stat. § 801.20 requires parties to identify confidential material for the court when it is filed. Parties may mistakenly assume that certain documents are confidential and that the court will take steps to protect them. Parties may also sometimes submit confidential material without identifying it for the court, burying it in a brief or attachment. The new rule requires the parties to clearly identify when confidential material is being filed.

The Director of State Courts Office will publish a list of the commonly-filed documents and case types that the court will automatically treat as confidential without a motion

because they are protected by statutes, court rules, or case law.

The clerks of circuit court and registers in probate will continue to recognize all confidential case types (adoption, guardianship, juvenile justice, etc.) without any motion or notice by the parties. Likewise, clerks will recognize presentence reports, family financial disclosures, and confidential petition addendum forms as confidential without a motion.

If an attorney wishes to protect a document or item of information that is not on the list, the attorney must move to seal as described below.

Sealing court records

Wisconsin Stat. § 801.21 provides procedures for motions to seal. A party seeking to protect information not covered by § 801.19 or included on the lists in § 801.20 must move to seal it and must specify the authority for restricting public access. The rule is procedural in nature and does not expand upon the current case law.

Motions to seal may extend to an item of information like a name or address, a document like a medical report, or the whole case. The information may be filed under a temporary seal, making it inaccessible to the public until the court rules on the motion. The substantive law on sealing is extensive and is not addressed in the rule.

If the court grants the motion, the public record will indicate that an order was issued, for example, "Plaintiff's medical record sealed by order of Judge Jones."

The Records Management Committee is currently reviewing forms to guide the new processes. A new page will be added to the court website with the rules, forms and brochures for the public. This topic will be covered at various court conferences this spring, and the State Bar of Wisconsin will have a Continuing Legal Education (CLE) program available for members. ■

Conference addresses court safety, security

By Sara Ward-Cassady, Deputy Director for Court Operations

The 2016 Court Safety and Security Conference once again showed the popularity of this event, drawing 248 participants: 195 from 68 cities around Wisconsin, including representation from four Wisconsin tribes, and 53 participants from 13 other states.

Held March 1-3 at the Paper Valley Hotel in Appleton, this was the conference's seventh year. The conference theme this year, "Increasing Courthouse Safety by Understanding the Customer Base," was a result of feedback received at previous conferences indicating attendees wanted information on how to more effectively assess and prevent courthouse security incidents by better understanding the challenges faced by people visiting the courthouse, such as litigants, victims, and employees.

Once again, attendees were encouraged to attend the conference in county teams consisting of judges, court staff, law enforcement, and members of county government. This



Judge Michael O. Bohren

format has proven to be extremely useful, providing teams the opportunity to discuss the presentations at the conference as a group and work together to improve security once they return to their local courthouses.

One of the main presentations at the conference was a case study of the James Holmes trial in Colorado, where presenters discussed how to successfully manage complex criminal trials, including finding security

resources, technology, staffing, high-profile inmate movement, juror selection, communication, public safety, and understanding the challenges that the large public



Judge Jennifer R. Dorow

attendance and interest in the trial generated. Waukesha County Circuit Court Judge Michael O. Bohren opened the conference, providing a historical perspective on the conference and supporting the success of the team approach to conference attendance. Waukesha County Circuit Court Judge Jennifer R. Dorow and District Court Administrator Michael Neimon were part of "Shots Fired? What is Your Role," intended to educate attendees about developing a clear response plan for active shooter situations.

A team from Milwaukee County, including Milwaukee County Circuit Court Judge Richard J. Sankovitz, presented on juror

security, discussing the challenges of providing adequate security for jurors and ways to keep jurors safe. Sankovitz was also part of a panel discussion on working with challenging customers in a courthouse setting and how best to use resources to de-escalate dangerous situations.

Additionally, law enforcement officers from Dane, Milwaukee, Manitowoc and Waukesha counties, the U.S. Marshalls Office, and the city of Oshkosh also presented on a variety of topics, including "What to Consider When Developing or Updating Your Security Training Plan," "Perimeter Screening," "Civilian Response to Active Shooter Events," and "Understanding Behaviors: Substance Abuse, Mental Health & Medical Conditions" among others.

The 2017 Court Safety and Security Conference will be held March 7-9, 2017 at the Paper Valley Hotel in Appleton. ■



Judge Richard J. Sankovitz

State Bar holding appellate brief competition

The Appellate Practice Section of the State Bar of Wisconsin is sponsoring its first-ever Outstanding Brief Competition.

For a brief to be eligible, the case involved must have been resolved, and the remittitur issued during 2015 or 2016. This year's entries were due by March 31. However, it is anticipated the contest will be held

annually. Entries will be judged on clarity of writing, depth of analysis, and persuasiveness.

Nominations are confidential and identifying information will be removed for the purpose of judging the contest.



STATE BAR
OF WISCONSIN

Section board members will narrow the field based on initial screening criteria, and the winners will be selected by a panel of retired judges: former Wisconsin Supreme Court Justice Janine P. Geske, and former Court of Appeals Judges Margaret J. Vergeront and Thomas Cane.

Winners will be announced in the fall, and the winning briefs will be posted on the section's website. For

more information, visit the State Bar's website or send an e-mail message to briefscompetition@wisbar.org. The competition is intended to inspire and educate, while honoring those who write exceptional briefs. ■

Chief Justice*Patience Drake Roggensack***Director of State Courts***J. Denis Moran***Editor***Tom Sheehan***Associate Editor***Sara Foster***Contributing Writers***Hon. Michael J. Dwyer**Sara Foster**Diane Fremgen**Hon. Jason A. Rossell**Nancy Rottier**Tom Sheehan**Marcia Vandercook**Sara Ward-Cassady***Editorial Advisor***Hon. Michael J. Rosborough**Vernon County Circuit Court***Graphic Design/Layout***Sara Foster*

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

Send questions, comments, and article ideas to:

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can be suspended for failure to pay a judgment from two years to one year.

Juvenile and Family Law

- Senate Bill 387, developed by the Director of State Courts office, working with the Children's Court Improvement Program (CCIP), creates various procedures governing changes in placement within the Children's Code and the Juvenile Justice Code.
- Assembly Bill 39 through 42, if signed by the governor, will make various changes to adoption procedures. AB 39 extends jurisdiction and venue to allow a proceeding for adoption or an adoptive placement to be heard in the county where a Termination of Parental Rights (TPR) case was heard. AB 40 affects the training of adoptive parents. AB 41 requires the re-adoption of a child who has been adopted in a foreign country. AB 42 requires collection of data on previous adoptions of a child.
- Act 128 establishes use of the reasonable and prudent parent standard for making decisions concerning the participation of a child placed in out-of-home care. The act puts Wisconsin in compliance with the Preventing Sex Trafficking and Strengthening Families Act.
- Act 129 sets the procedure for the appointment of a successor guardian in Child in Need of Protection or Service (CHIPS) cases and the eligibility by which the successor guardian may receive subsidized guardianship payments upon assuming guardianship.
- Act 134 creates a procedure by which a birth parent may have access to identifying information to a child to which rights have been terminated. It also modifies the procedures for the disclosure of family medical and genetic information under certain conditions.

Probate Law

- Act 300 adopts the Revised Uniform Fiduciary Access to Digital Assets Act, as recommended by the National Conference of Commissioners on Uniform State Laws, which governs the disclosure of digital property to a fiduciary. The uniform act was adapted so that its provisions would conform to existing Wisconsin statutes and practice.
- Act 224 prohibits a parent who abandoned a deceased child from inheriting the child's estate by intestate succession. The act establishes the standard that must be met in order to find a parent has abandoned a deceased child, and the determination must be made by a court.

Many other bills that we watched closely because of their potential impact on the court system failed to pass, but will likely be introduced in the next session, including the following:

- Increasing the filing fee in small claims actions in order to benefit counties.
- Returning certain 17-year-olds to the jurisdiction of the juvenile court.
- Requiring that any person seeking election or appointment to a position as municipal judge be an attorney licensed to practice in Wisconsin.
- Increasing the penalties for OWI, including making first offense a misdemeanor, and mandatory court appearances.
- Reinstating the right to appoint counsel for a parent in CHIPS proceedings and eliminating jury trials in TPR cases.

At the same time, we were disappointed that a number of proposals that we supported were unsuccessful. These include:

- Creating new judgeships in multiple counties, as recommended by the Committee of Chief Judges.
- Comprehensive revisions to the criminal code, as developed over many years by the Judicial Council.
- Codification of the statewide Criminal Justice Coordinating Council, amendments to the TAD program statutes, and creation of a grant program for family treatment courts, as recommended by a 2014 Legislative Council study committee.
- An expungement initiative that would expand the current statute and deal with dismissed or not guilty cases.

During the coming months, the Legislative Committee will be developing a positive agenda for the 2017-2018 session. As always, we invite your input and suggestions. ■

For more information, contact Nancy Rottier, (608) 267-9733.

