

- | | |
|---|-------------------------------------|
| 3 Court system audits begin | 10 Judges and social networking |
| 4 Collecting statistics on <i>pro se</i> litigants | 12 Court staff serve in Middle East |
| 9 Leadership: Laptops help streamline court process | 23 The long road to a perfect photo |

Milwaukee court commissioner lends a hand in Haiti

By Beth Bishop Perrigo, Deputy District Court Administrator

For David Pruhs, a Milwaukee assistant family court commissioner, going to Haiti to help his parents in their dental clinic at a hospital in Port-au-Prince is “just the right thing to do.”

On Jan. 25, Pruhs traveled to the earthquake-battered city to help his parents. His father, a retired pediatric dentist and former Marquette professor, and mother, a nurse, started the clinic at an orphanage in Port-au-Prince 15 years ago and have been working there several months a year ever since. The clinic is now part of a hospital (see www.NPH.org) on the island.

Pruhs is trained as a nursing assistant and has experience as a dental assistant. He has been to Haiti to work in the clinic six times and speaks some Haitian Creole. He planned to be



In a dental clinic in Port-au-Prince, Haiti, Milwaukee County Assistant Family Court Commissioner David Pruhs (left) assists his brother with a patient. Pruhs is trained as a nursing assistant and has experience as a dental assistant.

in Haiti for ten days, helping treat oral and facial trauma, dressing wounds and moving patients.

Pruhs said the hospital was not badly damaged, but there are many more patients than can be treated. He added that he was instructed to bring his own food for the duration and should expect to sleep on the floor. He was also told to bring medical supplies in all baggage rather than clothing.

“My colleagues have been very supportive, and have graciously agreed to take on much of my responsibility while I am gone,” Pruhs said. “The response of the world and

our community to this horrible catastrophe clearly demonstrates for me the innate goodness of humankind.” ■

Foreclosure mediation offered in Dane, Rock and Waukesha counties

Following in the footsteps of Iowa and Milwaukee counties, Dane, Rock and Waukesha have started programs to offer mediation as an option in foreclosure cases.

Dane, Rock and Waukesha are among the seven Wisconsin counties that have been hardest hit by foreclosures. One-half of all foreclosure cases filed in Wisconsin in 2008 and 2009 were filed in Brown, Dane, Kenosha, Milwaukee, Racine, Rock and Waukesha counties. Between July 2008 and September 2009, foreclosure filings increased 39 percent in Wisconsin. According to the UW Extension, about one in 100 Wisconsin households faced foreclosure in 2009.

The need to find alternatives for handling the increasing number of foreclosure filings was addressed by Chief Justice Shirley S. Abrahamson in her 2009 State of the Judiciary Address.

“Wisconsin is grappling with a foreclosure crisis,” she said. “Foreclosure mediation programs can help lenders receive payment, help homeowners stay in their homes, and help ease the crush of foreclosure findings.”

see **Foreclosure** on page 22

Primary winners advance to April 6 election

Judicial candidates vying for circuit court judgeships in four counties and at the Court of Appeals, District IV, faced off on Feb. 16. The winners will meet on April 6.

In the **Court of Appeals** race, Dane County District Atty. Brian Blanchard will face Judge Edward E. Leineweber, Richland County Circuit Court. The third-place winner, Judge Ramona A. Gonzalez, was separated from Leineweber by fewer than 200 votes. They are vying to succeed Judge Charles P. Dykman, who will be profiled in the spring edition of *The Third Branch*.

In **Oconto County**, Oconto County District Atty. Jay N. Conley will face Atty. Edward D. Burke Jr., a private practitioner in Oconto. Atty. Vance M. Waggoner, a private practitioner in Oconto Falls, placed third in the primary. The winner will succeed Judge Richard D. Delforge, who will be profiled in the spring edition of *The Third Branch*.

In **Pierce County**, Atty. Robert L. Loberg, a private practitioner in Ellsworth, will face Atty. Joseph D. Boles, who practices with a law firm in River Falls. District Atty. John M. O’Boyle took third place in the primary. The winner

see **Primaries** on page 20



Director's column: 2009 was an impressive year

As part of the joint meeting between the Supreme Court and the Committee of Chief Judges, each administrative district submits a report on various initiatives and changes that occurred during the year. The justices often ask questions about items in these reports during the



A. John Voelker

joint meeting. Every year I am amazed at the level of innovation that continually occurs at the local level. However, as I read through the reports this year, I was even more impressed, given the fiscal restraints every county is facing. With counties looking at furloughs, staff reductions and pay cuts, it would be easy to settle for the status quo. Thankfully that doesn't seem to be the attitude for many working in the Wisconsin court system. Here are some examples of the programs initiated in the counties in 2009:

- In Milwaukee County, the new Assess, Inform, and Measure (AIM) program started in May. More than 400 AIM assessment reports have been submitted to the courts. The Milwaukee Children's Court has implemented a new process with the goal of resolving 85 percent of CHIPS cases within 90 days. Milwaukee also launched a new drug court program and a new foreclosure mediation project in 2009.
- In Racine and Kenosha counties, a grant totaling \$367,000 will be split and used to implement health diversion and discharge planning for defendants in each county.
- In Racine County, the drug and alcohol treatment court program received a \$200,000 federal grant to extend services to up to 60-70 participants during the two-year grant period (Rock County and the Menominee Tribe received identical grants).
- In Walworth County, a new county-wide contract for interpreter services has been implemented, generating cost savings for all county departments and providing certified interpreters for court hearings.
- In Jefferson County, approximately 300 students from around the county visited the courthouse as part of Law Day.
- In Ozaukee County, the public can now pay

outstanding fines and forfeitures by using the courts new e-payment system.

- In Washington County, the Family Law Assistance Program began operation. The program provides assistance to self-represented litigants every Tuesday.
- In Waukesha County, In Court Appearance Processing (ICAP) has been implemented throughout the county. ICAP has eliminated manually prepared minute sheets as well as copies and faxes of minutes to justice system partners (who now obtain necessary case information directly from WCCA).
- In Winnebago County, an on-site security survey and evaluation was completed. The evaluation made a variety of recommendations.
- In Rock County, rules were adopted setting special procedures for scheduling, sentencing and tracking domestic violence cases. In addition, Rock County held its first Veterans Court session.
- In Green County, a new justice center was dedicated in October 2009.
- In Dane County, judges and commissioners met with representatives of the local media for a roundtable discussion of issues of mutual interest. The commissioners also conducted a full review of scheduling practices and instituted improvements to increase efficiency. Dane County also was active with juror appreciation efforts, and accepted an offer by the Annenberg Trust Foundation to install a system using iPods and educational programming that jurors can access while waiting to be sent to court.
- In Portage County, representatives from the courts, local schools and justice system partners developed a truancy program that reduced the number of truant students by 70 percent.
- In Dodge County, judges implemented a One Judge, One Child program that assigns select cases involving an individual child to a single judge until the case is resolved.
- In Iowa County, local court rules were created to require parties subject to foreclosure to be notified of the option to participate in mediation. The program has kept people in their homes while enabling lenders

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

Videoconferencing connects parents, lawyers to children

The Dane County Circuit Court began in January to link lawyers and parents in Madison with juveniles incarcerated at Ethan Allen, Lincoln Hills and Southern Oaks.

The videoconferencing project grew from a conversation between Chief Justice Shirley S. Abrahamson and Judge John C. Albert.

"This is a small project that can make a big difference," Albert said. "Because it's clear that kids who stay connected with their families while they are incarcerated have a better chance of not repeating a crime."

The project took about a year from concept to completion,

with Dane County Juvenile Court Administrator John Bauman leading the effort. Bauman identified appropriate space for the videoconferences, received a small grant from the state Office of Justice Assistance to pay for the equipment, and worked with the three institutions to help them develop policies and procedures. Now, he is focused on getting the word out.

The first two people to use the Madison facility were an attorney who met with a client at Ethan Allen and a parent who met with her daughter at Southern Oaks. ■

The audits have begun!

By Kathleen Deprez-Hall, Auditor

The audit phase of implementing the circuit courts' uniform chart of accounts has begun. As the new auditor for the Director of State Courts Office, I'd like to tell you what to expect.

Counties first used the chart of accounts when reporting their calendar year 2008 financial information to the Director of State Courts. Now the Director's Office is auditing each county's annual report to verify that the report complies with the chart of accounts and to ensure all county-reported information represents actual revenues and expenditures that support the operation of the county's circuit courts. Our goal is to audit all counties on a rotating basis over a three-year period.

I am currently working on four county audits. In the coming weeks, I will be sending the counties next in line for audit a notification letter. The clerk of circuit court is the on-site coordinator for the audit and is my primary contact when I am ready to get the county's audit underway. The actual audit process is straightforward and follows five basic steps.

First, I request documentation from the county before I begin my audit fieldwork. These

documents include CCAP and County Treasurer reports and any work papers or supporting schedules used by the county to prepare their annual report. These pre-audit documents help me understand the county's operations in advance, which, in turn, reduces the length of my visit and minimizes the disruption to a county's daily operations.

Next, I conduct a pre-audit inquiry directly with the clerk of circuit court usually via phone or e-mail. After looking through the county's documentation, I note any exceptions and inconsistencies and ask for any clarification I may need. I will ask the clerk of court to respond to the audit inquiry before proceeding with the audit process.

My next step is a personal visit. On average, my visits take from one to three days but a visit could be longer depending on several factors: number of branches, a county's use of CCAP financials, and the quality of the pre-audit documentation provided by the county.

I spend my visit interviewing key employees who contribute to the preparation of the county's annual report. The interviews allow me to document the clerk of court's report



Chippewa, Lafayette, Waupaca, and Wood counties are the first to be audited.

see **Audits** on page 22

Meet the auditor: Kathleen Deprez-Hall

Kathleen Deprez-Hall, an accountant and information technology professional, has joined the Office of Management Services in a full-time project position to conduct an audit that will help to answer a critical question: How much money do the counties spend in support of the circuit courts?

The question is critical because the court system relies on a state/county partnership for its funding. And while determining state expenditures for the circuit courts is relatively straightforward, county spending is difficult to get a handle on. Each county budgets, organizes, and defines court services differently.

Another key goal of the audit is strengthening the uniform standards for annual revenue and expenditure reporting by the counties (*see separate story for details*).

Deprez-Hall will spend a day or two in every county during the next three years, meeting with each clerk of circuit court.

"My goal is to help counties report in a uniform manner," Deprez-Hall said. "It's really important to get to the point where we are consistent from county to county."

Deprez-Hall plans to develop a list of best practices and share this information as she travels around the state. Each county will receive an audit memo following her visit detailing findings and perhaps include some recommendations.

"The clerks of court have been extraordinarily helpful to me," she said. "In the four counties I have already visited [Chippewa, Lafayette, Waupaca and Wood], I've really come away with good information and an improved understanding of how each county reports revenues and expenses."

Prior to joining the court system, Hall worked five years for the South Carolina Department of Revenue. She also has worked in Cleveland and Miami, in the accounting and information technology industries.

A graduate of Cleveland State University, Deprez-Hall is completing a master's degree in information technology at Webster University. She is a Monroe native and is married with two children, ages 7 and 9, who are enjoying their first Wisconsin winter. ■

Program will gather stats on *pro se* litigants

By Ann Zimmerman, Statewide Pro Se Coordinator

After a final pilot project, the Wisconsin court system will begin collecting better statistics on self-represented litigants throughout the state. The statistics will come from all Wisconsin circuit courts using a new *pro se* appearance processing feature in the CCAP Case Management system.

The appearance processing feature improves upon the existing methodology and will allow the court system to better serve self-represented litigants and to meet the challenges posed by such litigation.

As in the weighted caseload study conducted in 2005, the feature will be enabled and disabled throughout the state by CCAP. A pilot program in several counties provided valuable feedback to reduce any potential administrative burden during the active period. Now, a final testing phase is poised to begin in Ozaukee and Waushara counties to work out any remaining issues before the feature is enabled statewide.

The new feature was developed upon recommendations from reports of the Wisconsin *Pro Se* Working Group (2000) and the Supreme Court Planning and Policy Advisory Committee (2006). The *Pro Se* Working Group noted that the current methodology for collecting *pro se* data is limited, cumbersome and time consuming, and recommended that

CCAP provide district court administrators, clerks of court, judges and others with both standard reports and *ad hoc* query capabilities that would do three things:

1. identify cases involving self-represented litigants,
2. indicate the percentage of self-represented litigants in specific types of cases, and
3. indicate the number of cases in which at least one litigant appears without an attorney.

Reiterating this sentiment, PPAC recommended updating the current case management system to track cases in Wisconsin courts to determine whether the number of unrepresented litigants is increasing or decreasing, and where.

This information is expected to help show the effects of self-representation on the judicial system and to help coordinate initiatives that are underway around the state to address the needs of self-represented litigants. For example, the data could be used to document the need for assistance programs to grantors, local government officials, the Supreme Court or the Legislature. It could also help court staff and others to design programs that meet needs while effectively allocating and using resources. ■

Milwaukee court staff training focuses on helping *pro se* litigants

By Brenda Ottesen, Milwaukee County Human Resources Manager

More than 40 staff members from the Milwaukee County Clerk of Circuit Courts Office participated in a December training program in Milwaukee entitled *Assisting Self-Represented Litigants Without Providing Legal Advice*. The program was held in two parts, each running a half day. Additional trainings will be scheduled in 2010.

Developed with guidance from Ann Zimmerman, state *pro se* coordinator, and based upon Zimmerman's training model, this training was an opportunity to educate the front-line staff about available resources. It also allowed Clerk of Circuit Court John Barrett and Chief Judge Jeffrey Kremers to communicate to the staff the valuable role employees play in assisting Milwaukee County residents in gaining access to the courts.

I facilitated the training session along with Senior Administrator Sarah Gunn. Family Division Presiding Judge Michael Dwyer presented a program on what constitutes procedural assistance versus legal advice. Amy Wochos, coordinating attorney, Milwaukee Justice Center, gave a

presentation on available resources for self-represented litigants in Milwaukee County and provided handouts. Staff members Theresa Konkel and Sedrick Gray were given an opportunity to show their thespian talents in skits demonstrating common scenarios in order to prompt discussion by participants. Each presentation ended with a question and answer period.

At the end of the program, attendees were asked to evaluate the presentation. While comments varied to some degree, most staff indicated they gained a fair amount to a great deal of knowledge from the program. Many found the presentation and discussion of the parameters of assistance staff are obliged to provide very helpful and relevant to their positions.

"This kind of training really does benefit everyone — the employees, the parties, and judges," said Barrett. "We are all better off after receiving this kind of training. I would recommend it highly. ■"

Oshkosh free legal clinic helps nearly 600 people in first year

A program that provides free legal assistance in the Oshkosh and Menasha Public Libraries served 569 people in its first year — about five times the number anticipated — and expanded in January to the Neenah Public Library.

The program brings volunteer attorneys and *pro se* staff to the libraries on one evening per month (Menasha operates

on the first Tuesday; Neenah on the second Tuesday, and Oshkosh on the third Tuesday). Assistance is given on a first-come, first-served basis, and the volunteers report they have seen a steady increase in clients.

"The client numbers have increased from an average of 11 per night last year to 30 per night at each location now," said

Goodbye reconfinement hearings (Hello review hearings . . .)

By Judge Richard J. Sankovitz, Milwaukee County Circuit Court

Like all good budget bills, 2009 Wisconsin Act 28 is full of good news/bad news stories.

Goodbye reconfinement hearings

One bit of good news in Act 28 for circuit judges is that judges will no longer preside over reconfinement hearings. Although this change reduces a judge's ultimate control over the sentence, the change does bring some relief to crowded dockets.

The change began to take effect on Oct. 1, 2009. If the defendant's extended supervision is revoked on or after that date, an administrative law judge will preside over the reconfinement hearing, not a circuit judge. By the time this edition of *The Third Branch* is published, almost all of the reconfinement cases that were in the pipeline before the change took effect should be resolved.

Hello review hearings

The not-so-good news for crowded caseloads is that judges are now required to preside over "review hearings," hearings that must take place if the court objects to an inmate's early release from prison.

Under other changes to sentencing laws prescribed by Act 28, an inmate can earn early release by demonstrating "positive adjustment" ("PAT"). Depending on the offense of which the inmate was convicted, an inmate may earn PAT release in as little as two-thirds of the length of the term of initial confinement. But PAT early release is subject to court veto. As a result, courts still maintain some control over the length of the sentence a defendant actually serves. Before a court may exercise a veto, though, it must conduct a review hearing at which the court determines whether to approve early release.

Recommended review hearing protocol

Must the inmate appear in person in the courtroom? Is the inmate entitled to an attorney? Is the State entitled to appear at the hearing? Is a victim? May the inmate or any other party supply evidence outside the record considered by the Department of Corrections (DOC) or the Earned Release Review Commission (ERRC) at the time PAT release was approved?

The new legislation (contained in amendments to Wis. STAT. §§ 302.113 and 304.06) does not specify the nature of the review hearing or any particular protocol a court must follow.

In the absence of explicit legislative direction, circuit courts have been trying to squeeze out the implications of fleeting passages such as "hold a review hearing" and "schedule a review hearing" and "At the hearing, the court may consider . . ." Courts also have been contemplating how review hearings compare with analogous administrative proceedings, such as parole hearings, and have consulted with other stakeholders in the early release process, including DOC, the State Public Defender's Office and district attorney offices in various counties.

A tentative consensus has developed regarding the

following procedures:

- A paper review will not suffice; the court must conduct an actual hearing and give the defendant an opportunity to be heard
- The hearing may be conducted by videoconference, if facilities are available
- The State Public Defender's Office will not, as a rule, appoint counsel; a circuit court retains inherent authority to appoint an attorney, but need not do so except in an extraordinary case
- The district attorney may or may not appear
- DOC will notify the victim (assuming DOC contact information for the victim is up to date)
- The proceeding will consist of argument on the inmate's prison record; this is not an evidentiary hearing

As courts gain experience with these procedures, they may evolve.

Information to be provided to the court before the hearing

The new legislation requires that the court consider "the inmate's conduct in prison, his or her level of risk of re-offending, based on a verified, objective instrument, and the nature of the offense committed by the inmate."

At this early stage in this new era, it is unclear just how much of this information will be provided. DOC and the circuit courts seem to agree that the court should have at least the following information:

- Sentencing transcript
- Inmate's prison conduct record
- Results of risk assessment
- Summary of programming completed by the inmate
- Summary of DOC's or ERRC's rationale for recommending early release

A number of judges who have received early release notices thus far advise that little or none of this information was provided along with the notice. On the other hand, at least one judge who has conducted a review hearing was pleased with the information that was provided at the review hearing. Milwaukee County Circuit Judge Dennis Cimprich conducted a review hearing in mid-January that was attended by a member of the institution's records staff. Among the information she provided was the risk assessment form on which the ERRC relied in recommending early release (known as the "DOC-502"), a social worker's summary of the inmate's performance ("DOC-2166"), the inmate's conduct record, discharge reports of all the programming completed by the inmate and the plan developed by the inmate for his release.

A judge's options

When the court receives notice that DOC or the ERRC is recommending early release, the court has two options: (1)

see *Review hearings* on page 7



Judge Richard J. Sankovitz

Sentencing Toolbox Department Q&A: Risk Reduction Sentences

By Judge Richard J. Sankovitz, Milwaukee County Circuit Court

Effective Oct. 1, 2009, judges may impose a new kind of sentence called a Risk Reduction Sentence (RRS) to target at-risk defendants for special programming. If the defendant completes the programming, the defendant earns early release after serving at least 75 percent of the initial term of confinement.

In the course of learning to use this new tool, some questions have arisen:

How does RRS change what judges do at sentencing?

The changes are minor. The sentencing hearing proceeds as usual (the judge applies the *McCleary/Gallion* factors, follows the same rules regarding pronouncement of the sentence, etc.) except the judge:

- Makes a finding about whether RRS is appropriate for this defendant (more on this below)
- Asks the defendant whether s/he agrees to submit to an assessment and to participate in programming (if the defendant does not agree, a RRS sentence cannot be ordered)
- Orders the sentence (merely finding that the defendant is eligible will not suffice)
- Makes sure the judgment of conviction reflects both the defendant's agreement and that the court "ordered" RRS

What does "appropriate" mean?

WIS. STAT. § 973.031 provides that "the court may order [RRS] if the court determines that [it] is appropriate." The statute does not elaborate; however, the context suggests at least two considerations: (1) Is there something about the defendant that increases the risk of reoffense, such as a substance abuse problem or an untreated mental illness? (2) Is it likely that prison programming exists which, if successfully completed by the defendant, would reduce that risk?

An RRS sentence would not seem appropriate if programming is lacking (for example, if a defendant suffers from a personality disorder for which the profession has not yet developed effective treatment) or if the sentence is not long enough to give the defendant sufficient time to complete the programming. DOC advises that if the initial term of confinement is less than 18 months, the defendant will not have sufficient time to complete RRS programming.

*Are there any cases in which the court **cannot** order an RRS sentence?*

RRS is available in any case in which the court imposes a bifurcated sentence (in other words, all classes of felonies except Class A), except for the 14 offenses listed in Wis. STAT. § 973.031. For a list of offenses to which RRS does not apply, check out the materials provided at the Judicial Conference, which are available on CourtNet, the court system Intranet site.

The list of exceptions is peculiar and may be subject to change with future legislation. For example, RRS sentencing is not available in second degree homicide cases, but it is available in first degree homicide cases.

What if the defense does not request RRS?

Unlike other sentencing options, such as the Earned Release Program or Challenge Incarceration Program ("boot

camp"), the statutes do not direct the judge to address RRS.

It's up to the judge to raise the issue if the defense does not. (An informal survey of judges in Milwaukee County suggests that defendants hardly ever request RRS; the tentative conclusion is that the defense bar may not be up to speed yet).

A judge might consider raising the issue on his or her own for two reasons: (1) if the community and the defendant would benefit from having the defendant's risky habits treated; and (2) to short-circuit any potential ineffective assistance claim which, if successful, might require a new sentencing hearing.

Is RRS release at 75 percent any different than PAT release at 75 percent?

When the Legislature enacted RRS, it also enacted a program of early release from prison based on "positive adjustment time" (PAT). Depending on the offense, an inmate might earn release after serving 67, 75 or 85 percent of the sentence.

Release under RRS is different from PAT release. When a defendant earns PAT release, the balance of the initial term of confinement is converted into extended supervision. In other words, shorter initial confinement, longer extended supervision, but the length of the overall sentence remains the same. When a defendant earns an RRS release, on the other hand, the balance of the initial term of confinement is simply cancelled.

Another significant difference: Many more offenses qualify for release at 75 percent under RRS than under PAT.

One point to keep in mind: an inmate who is serving an RRS sentence still qualifies for early release under other statutory provisions, such as ERP, CIP and PAT.

Will DOC be able to provide all necessary programming?

Imposing an RRS sentence is not a guarantee that the defendant will be released early or that s/he will receive the programming the judge believes is needed. And in the short term the prospect of expanded programming is dim, because the Legislature did not allocate the additional funds requested by DOC.

However, the prospect of an early release on a long sentence – and the savings that might be realized both from early release and reduced recidivism – gives the State considerable incentive to develop the programming and fund it from the anticipated savings.

Where can I learn more about RRS sentences?

Eau Claire County Circuit Court Judge Lisa K. Stark prepared an excellent ten-minute video tutorial on RRS sentences that was e-mailed to all circuit court judges.

DOC policy statements about RRS and the materials that were presented at the Judicial Conference are available on CourtNet, the court system Intranet site. ■



Judge Lisa K. Stark

Moving forward: Progress on Effective Justice Strategies

By Erin Slattengren, Office of Court Operations

In January 2008, the Director of State Courts Office received a grant from the private New York based Justice, Equality, Human dignity and Tolerance (JEHT) Foundation to assist in several projects related to the work of the Effective Justice Strategies Subcommittee (EJSS), which is part of PPAC (the Supreme Court Planning and Policy Advisory Committee).

EJSS supports the Assess, Inform and Measure (AIM) pilot project, court system training opportunities on evidence-based practices and a comprehensive research project to develop state level strategies for the court system on sentencing alternatives and court-related programming to improve public safety and address criminal and addictive behaviors. The JEHT grant would enable the Director of State Courts Office to hire a state AIM project coordinator to assist with implementation of pilot projects, develop a data collection system, conduct a conference to share information from other jurisdictions and to help conduct statewide judicial district training sessions on substance use and evidence-based practices.

The money disappears

In December 2008, the picture changed. The Director's Office received word that the JEHT Foundation was closing its doors immediately and the balance of the grant would not be provided. The foundation's funds had been managed by Bernard L. Madoff, a prominent financial advisor who was ultimately convicted of defrauding investors out of billions of dollars and sentenced to 150 years in prison.

Although this was a very disappointing setback, much work had been done, and progress had been made. On the downside, the comprehensive research project and the state AIM position had to be put on hold until further funding could be found. Due to the value and importance of these projects, the Director's Office continued to aggressively

seek other grant funds.

Two new grants

In October 2009, the Director's Office received a federal American Recovery and Reinvestment Act (ARRA) grant administered through the Wisconsin Office of Justice Assistance. With these new funds, a state AIM project specialist was hired in January to resume work with the pilot counties, continue data collection, and begin data and program analysis. Funding through this grant will be used to support state AIM team meetings and maintain the data collection system.

The good news continued into December when the Director's Office was notified that it had won a grant through the State Justice Institute to conduct the Effective Justice Strategies research project. The Director's Office will hire the National Center for State Courts (NCSC) to conduct research that will identify court centered evidence-based strategies that enhance public safety, reduce recidivism and address criminal and addictive behaviors and develop recommendations related to the court system's role in fostering statewide support for, and replication of, these strategies.

The research and recommendations will center on these three questions:

- What is currently being done in the Wisconsin courts?
- What works and how do we measure it?
- What should be the statewide strategy and plan of action? ■

To ask questions or request additional information on these projects, please contact Erin Slattengren in the Office of Court Operations at (608) 261-0684 or erin.slattengren@wicourts.gov.

Review hearings *continued from page 5*

forgo a review hearing, which works as an approval of early release, or (2) hold a review hearing, at which the court can decide whether to approve, reject or defer consideration of the recommendation. The court must make a decision about whether to hold a hearing and communicate the decision to DOC within 30 days after the date the notice was issued. If the court decides to conduct a review hearing, the hearing must be held within 60 days after the notice date.

After conducting the review hearing, the court has three options: (1) accept the determination that the inmate has earned PAT, *i.e.*, approve early release; (2) reject the determination that the inmate has earned PAT, *i.e.*, veto early release; or (3) defer consideration of the question until a definite future date before the end of the inmate's initial term of confinement. A deferral of a review hearing works like deferral of parole. The court may wish to learn more about the inmate's performance in prison, or give the inmate more time to improve his or her conduct or complete certain programming. The deferral period should not be longer than necessary to accomplish the objective.

The end of Truth in Sentencing?

Concern has been expressed that PAT release spells the end of determinate sentencing. Some say that Act 28 has basically resurrected the unpopular parole system that prevailed before Truth in Sentencing was enacted ten years ago. Some fear that judges will ramp up the length of the sentences they impose in anticipation of early release.

It is too early to forecast the effect of Act 28 on the length of sentences actually served by defendants, or upon prison population or, most importantly, upon rehabilitation and recidivism. But what can be said with certainty is that because of the review hearing, the sentencing judge retains considerable say over the length of time a person convicted of a crime will actually serve in prison, and whether the person has made the kinds of personal strides forward that might justify a shorter stay than what the judge anticipated at sentencing. As long as early release is subject to court veto, enlarging sentences to "make up" for early release should not be necessary. ■

PPAC sets priorities, welcomes new members

By Shelly Cyrulik, Policy Analyst, Office of Court Operations

The Wisconsin Supreme Court Planning and Policy Advisory Committee (PPAC) in January identified four issues that will be given top priority in 2010-12. The priorities arose from the PPAC Planning Subcommittee report *Critical Issues: Planning Priorities for the Wisconsin Court System 2010 - 2012*. The top four are:

- Improvement of court system funding structure
- Sentencing reforms and alternatives
- Alcohol and drug related offenses
- Assistance to self-represented litigants

Four major themes continue to pervade each of the critical issues: budget constraints, technology, outreach and education, and collaboration. PPAC will take an active role in identifying specific objectives and action steps to be taken on these priorities in the next biennium.

While developing the new priorities, PPAC also continued to work on the critical issues from 2008-10. The committee reviewed, discussed and approved the objectives and key action steps developed for each of the following four critical issues, and submitted them to the Director's Office for adoption and implementation:

- Improvement of court system funding structure
- Sentencing alternatives and strategies to reduce recidivism

- Assistance to self-represented litigants
- Judicial appointment and selection

PPAC welcomes new members

PPAC has welcomed new members in recent months: Judge Kitty K. Brennan, Court of Appeals, District I; Judge David L. Borowski, Milwaukee County Circuit Court; and Judge Juan B. Colás, Dane County Circuit Court.

Planning Subcommittee

In the coming months, the PPAC Planning Subcommittee will work with PPAC to review the court's 2009-11 budget requests.

Every other year, the subcommittee solicits input from the court system's internal stakeholders to set priorities for the next budget cycle. In 2009, members surveyed the judiciary, court commissioners, district court administrators, clerks of court, registers in probate, PPAC and the State Bar Board of Governors.

In addition, subcommittee Chair Barbara A. Kluka, Kenosha County Circuit Court, led a plenary session at the 2009 Judicial Conference. The session created a venue for

see **PPAC** on page 15

Cracker Barrels: the conversations continue

By Shelly Cyrulik, Policy Analyst, Office of Court Operations

A second Cracker Barrel Conversation, hosted by the Forest County Potawatomi Tribal Court, brought together more than 25 participants from the state and tribal courts in the fall.

Sponsoring the event were the State-Tribal Justice Forum in partnership with the Wisconsin Tribal Judges Association and Fox Valley Technical College. The State-Tribal Justice Forum is comprised of five circuit court judges, five tribal judges, one district court administrator, one representative from the State Bar Indian Law Section, and one representative from the Legislative Council's State-Tribal Relations Committee. The director of state courts is an *ex-officio* member and a policy analyst from the Director's Office serves as staff.

The Cracker Barrel Conversations are half-day events designed to promote local communication, collaboration and



Participants in the second Cracker Barrel Conversation talked about issues such as discretionary transfer of cases and concurrent jurisdiction.

cooperation. At this session, attendees focused on concurrent jurisdiction, the Teague protocol, and the discretionary transfer of civil cases to tribal court.

Following the Cracker Barrel event, the State-Tribal Justice Forum

sponsored a breakout session at the Judicial Conference. Chief Judge Todd Matha and Associate Judge Amanda Rockman of the Ho-Chunk Nation chaired a session titled "Wisconsin Tribal Courts: Asked and Answered," which focused on federal and state Indian law and in particular the effect of those laws and treaties on Wisconsin's eleven tribal courts. ■

For more information, contact Shelly Cyrulik at (608) 266-8861 or michelle.cyrulik@wicourts.gov.

LEADERSHIP

Laptops help streamline court process

Prosecutors in Dodge County reported that they recently became the first in the state to use networked laptop computers in all criminal court hearings, taking a big step toward “paperless” files.

“Our prosecutors now have real-time electronic access to complete case files, CCAP [Consolidated Court Information Programs] and all the assistant district attorneys’ calendars while they are in court,” said DA Managing Atty. Bob Barrington. “Not only does it eliminate the need for paper files, it increases court efficiency since we never have to wait for a misplaced file and any attorney can schedule for another attorney, since there is universal access to our calendaring system.” Documents can also be generated and printed in court from the system.

The Dodge County District Attorney’s Office receives nearly all police reports and referrals electronically. These are then imported into individual case efiles. Prosecutors draft pleadings and other court documents within the e-file, and signed documents are scanned into the system for archiving. In 2010, the system will allow prosecutors to directly access Sheriff’s Department evidence files, reducing the need to produce multiple discs.

The project is a joint effort between Dodge County and the statewide District Attorney Information Technology

Program (DAIT). Dodge County provided funding for five laptops, one for each courtroom. The state paid for upgrades to the DA’s secure Internet connection into the state system. The district attorney’s office networked existing scanning equipment to import hard copy documents into their new e-files.

The judges in Dodge County supported the project and find it beneficial to the courts. Chief Judge John R. Storck sees many benefits to the courts.

“The project gives the prosecutor access to all files, forms and calendars, and we have seen a marked difference in scheduling,” he said. “We already use the CCAP in-court processing system; now, scheduling is further streamlined because the prosecutor is able to access his or her calendar and the calendars of all attorneys in their office.”

The laptops also facilitate a variety of tasks. For example, the prosecutor can:



Dodge County Managing District Atty. Bob Barrington with his laptop in Dodge County Circuit Court.

see **Laptop** on page 23

Trempealeau County Circuit Court launches domestic violence review program

On Jan. 20, Trempealeau County Circuit Court conducted its first Domestic Violence Review Court session. The new court program, which requires no additional funding, focuses on improving offenders’ compliance with court and probation rules. Each case will be reviewed monthly.

“The goal of these reviews is to hold offenders accountable for their abusive actions,” said Deputy Chief Judge John A. Damon. “The regular court reviews will promote improved compliance with orders and improved victim safety.”

The FBI estimates that domestic violence crimes are committed at a rate of one every 15 seconds nationally.

Wisconsin’s domestic violence homicides reached a 10-year high in 2009 at 59 deaths. Trempealeau County homicides in the last 10 years were largely a result of domestic violence.

Trempealeau County has had a group working on developing this program for the past year. In addition to Damon, members include: Cherise Nielsen and Theresa Anderson of the Wisconsin Department of Corrections, Probation and Parole; District Atty. Jeri Marsolek and Assistant District Atty. William Nemer; Victim/Witness Coordinator Debra Garson; County Board Sup. Sheree Nelson; Ronald Potter-Efron, Ph.D., of First Things First;

Amandjo Halvorson and Thanh Bui of New Horizons; Pat Malone of the UW-Extension; Clerk of Circuit Court Angeline Sylla; and Court Services Director Ann Bechard.

“This group has laid the framework and policies needed for the review court to function. Their efforts are applauded,” Damon said.

Damon thanked the La Crosse County Circuit Court for providing access to its existing domestic violence review program, which Trempealeau County is emulating. Assistance was also received through the examples of domestic violence review court programs in Calumet and Milwaukee counties. The Center for Court Innovation Web site was also helpful. ■



The Trempealeau County Domestic Violence Review Court Committee (left to right): Clerk of Circuit Court Angeline Sylla; Victim/Witness Coordinator Debra Garson; Thanh Bui, New Horizons advocate; Ronald Potter-Efron, Ph.D., First Things First Treatment; Theresa Anderson, Department of Corrections; Judge John Damon; Probation Supervisor Cherise Nielsen; Court Services Director Ann Bechard; County Board Sup. Sheree Nelson. Members not present: UW Extension Agent Patricia Malone; District Atty. Jeri Marsolek; Assistant District Atty. William P. Nemer; and Amandjo Halvorson, New Horizons.

Can't we be friends? Judges and social networking

By Judge Richard J. Sankovitz, Milwaukee County Circuit Court

On Facebook yet? Created a MySpace page lately? Any followers on Twitter?

Among the growing number of people nationwide who are joining online social networks are Wisconsin judges. At least a couple dozen appellate, circuit and municipal judges in Wisconsin can be found, for instance, on Facebook.

The impetus for joining varies from judge to judge. Campaigning, staying in touch with the kids, playing online games like FarmVille. Two judges, District 2 Court of Appeals Judge Daniel P. Anderson and Milwaukee County Circuit Court Judge John J. DiMotto, put Facebook to use for judicial outreach, regularly posting reflections on daily events in the life of a judge. (Building on his Facebook posts, DiMotto recently launched a full-fledged blog about issues facing trial judges, entitled "Bench and Bar" at

<http://johndimotto.blogspot.com> (see separate story).

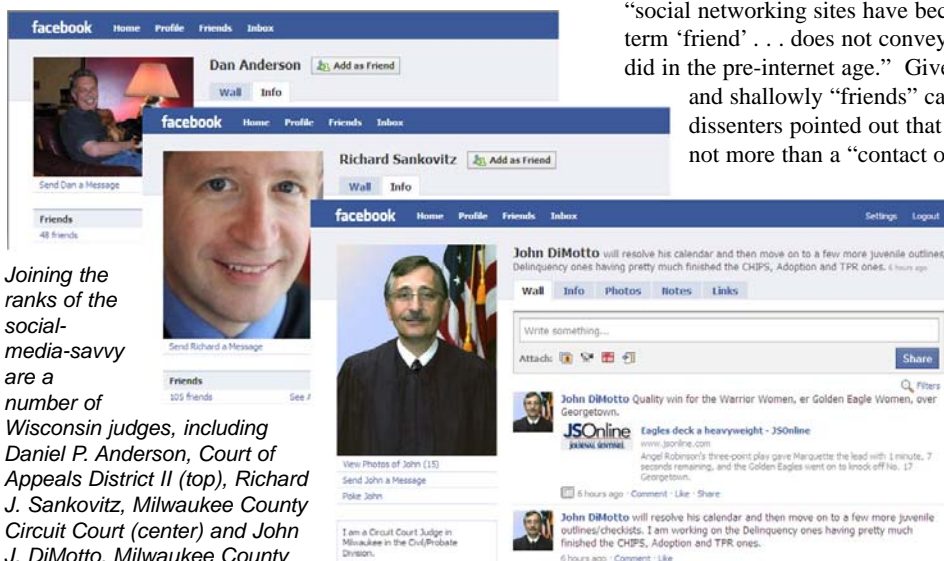
Lately, though, some have questioned whether judges should be participating publicly in social networks, particularly if lawyers who practice before the judge are publicly linked to the judge. In November 2009, a Florida ethics panel concluded that it is unethical to "friend" lawyers who practice before the judge. The panel reasoned that "listing lawyers . . . as 'friends' on a judge's social networking page reasonably conveys to others the impression that these lawyer 'friends' are in a special position to influence the judge."

Professor Stephen Gillers, a renowned expert in legal ethics at New York University, called the opinion "hypersensitive," and sided with the judges who dissented from the panel's opinion. The dissenters reasoned that "social networking sites have become so ubiquitous that the term 'friend' . . . does not convey the same meaning that it did in the pre-internet age." Given how freely and cheaply and shallowly "friends" can be made on-line, the dissenters pointed out that the term "friend" means not more than a "contact or acquaintance" and

therefore a lawyer-"friend" is not necessarily in a "special position to influence the judge."

(The Florida opinion may be found at www.jud6.org/LegalCommunity/LegalPractice/opinions/jeacopinions/2009/2009-20.html ; the

see **Facebook** on page 11



Joining the ranks of the social-media-savvy are a number of Wisconsin judges, including Daniel P. Anderson, Court of Appeals District II (top), Richard J. Sankovitz, Milwaukee County Circuit Court (center) and John J. DiMotto, Milwaukee County Circuit Court.

New jury instruction targets use of social media

In 2008, a juror in England polled her Facebook "friends" to decide how to vote on a case involving child abduction and sexual abuse. She was dismissed from the jury. A year later, jurors in Pennsylvania were found to be updating their Facebook pages throughout the course of a trial. The defendant was convicted and was reportedly working on an appeal that would focus on the jury's behavior. Last summer, a juror in New York sent a "friends" request to a witness while the jury was deliberating. The witness ignored the request and reported the juror to the court.

These stories and others continue to make headlines, and are recounted in an article entitled "Online and Wired for Justice: Why Jurors Turn to the Internet" (*The Jury Expert*, November 2009).

To help judges address electronic communication during trials, the Wisconsin Criminal Jury Instructions Committee recently developed a jury instruction that was disseminated to judges at the Judicial Conference and is also available on

CCAP (the Consolidated Court Automation Programs).

Wisconsin appears to be among the first to release a jury instruction. "We might be moderately ahead of the curve on this," said UW Law School Prof. David Schultz, who serves as reporter for the Criminal Jury Instructions Committee. Schultz said that the State of Michigan also has addressed the social media issue, but from a different angle. The Michigan Supreme Court adopted a new rule that requires judges to admonish jurors about use of social media during trials.

The instruction does not, of course, help judges who are dealing with journalists and citizen bloggers in court. Live blogging during trials has raised concerns in Wisconsin and elsewhere. In mid January, a Florida judge ordered a Jacksonville newspaper reporter to stop blogging during a high-profile murder trial because the judge found the typing to be distracting the jury. The newspaper, which had an audience of 1,300 following the blog, vowed to appeal. ■

My blog

*Editor's note: Judge John DiMotto, who has served on the Milwaukee County Circuit Court for 20 years, started a blog on Dec. 3, 2009. It's called *Bench and Bar Experiences*/A blog to record and convey the daily experiences of a Milwaukee County Circuit Court Judge. The blog can be found at <http://johndimotto.blogspot.com>.*

He recently answered a few questions about his endeavor:

Why did you start the blog?

I wanted to try and communicate to the public at large about the life of a judge. A lot of people have no idea, because they don't come to court, what a judge does. If they watch Law and Order and the other TV shows, they may have a sense that judges are cryptic, acerbic and arrogant. But we are real people with real emotions who really care. And so I thought this would give me an opportunity to talk about the life of a judge, why a judge wants to be a judge, what service we can perform. It intrigued me.

How does one go about starting a blog?

You can search for "Google blog" and it'll take you to the Google blogspot and there's a "create a blog" link. It's very easy. I have a friend, Michael Horne, who used to be a news reporter and who now has a blog called Milwaukeeworld (www.milwaukeeworld.com). One noon hour, I got together with him and he helped me set up my blog. The following day, his lead story focused on my new blog. So, he is the person who got me into cyberspace.

How many followers do you have?

Fifteen have signed up as regular followers, but then you also get visitors. I've had 1,375 visits since Dec. 3. It helped that the blog was mentioned in both the *Milwaukee Journal Sentinel* and the *Wisconsin Law Journal*.

What do you talk about on the blog?

Today I had part four of my blog on juror note taking and juror questions. I discussed the insight that lawyers can gain from juror questions. I've also blogged about judges and the media, jurors and the Internet and more.

How much time does the blog require?

I try to do one blog entry every morning before I go to work. I usually try to do at least one hyperlink in each entry so that people can find more information on the topic. It doesn't take long.

What ethical issues do you keep in mind when blogging?

Our Code of Judicial Conduct applies in every forum. Any judge who starts up a blog should never say anything in a blog that you cannot stand up and say publicly.

What has been the biggest surprise in this experience?

That people from around the world have visited my site – Shanghai, Norway, Germany – and that I've had 1,375 visits in 45 days. ■

Facebook *continued from page 10*

New York Times article quoting Professor Gillers is at www.nytimes.com/2009/12/11/us/11judges.html .)

Judges were offered some guidance on the issue last November at the Judicial Conference in Milwaukee. During one of the more lively sessions at the conference, Atty. Anne Reed, a partner in a large law firm and jury consultant (and now the executive director of the Wisconsin Humane Society) discussed on-line social networking and offered us her "One Simple Rule" about addressing online conduct: *If the same conduct took place off line, what would we do?*

Reed's comments were offered specifically about jurors (for more on her topic, visit jurylaw.typepad.com/deliberations/2009/03/the-one-simple-rule.html), but the same advice would seem to apply to judges who network online. Facebook and other online social networks are like social networks that are not online –

country clubs, softball leagues, parishes, book clubs, the PTA, etc. That these groups facilitate contacts between judges and lawyers who practice before them has never made these groups off-limits to judges. If the judge's involvement in such a group does yield a close friendship with a lawyer who practices before him or her, recusal would be in order, but a blanket ban on joining such groups has never been suggested.

The Conference of Court Public Information Officers will be conducting a national survey of judges in 2010 to look at how judges are using social media. CCPIO hosts a Web site where judges can learn more about the technology, share their experiences, read the latest news on the topic and get updates on the progress of The New Media Project: ccpionewmedia.ning.com. ■

Director's column *continued from page 2*

to collect some amount of repayment.

- Brown and Outagamie counties implemented drug court programs. Outagamie County approved a coordinator who will work for the drug court and for the new Safe Streets Treatment Options Program for second- and third-time drunk drivers. This program will begin in 2010.
- Marathon County is finding success using pretrial conferences before all *pro se* divorce hearings. Litigants meet with Judicare attorneys to review documents and to prepare for the hearing.
- In Vilas County, circuit court is held one day a month

in the Lac du Flambeau Tribal Court to make court more accessible for tribal members.

- In St. Croix County, a \$100,000 grant is being used to develop a juvenile treatment court.

In the middle of winter with the cold temperatures, short days, and dreary skies, it is easy to get the winter blues, especially if you consider some of the recent national and world news. It is always refreshing at this time of year to read through the district reports. It is a good reminder of some of the things that happen in the Wisconsin court system that really can make a difference in people's lives. ■

IDEA shares information to ease justice system bottlenecks

By Reserve Judge Thomas Barland, Chair, IDEA Committee

As part of an effort to improve the functioning of the criminal justice system, Eau Claire County has begun posting to its Web site monthly reports on jail use. Each report shows the numbers of inmates in Huber and the secure portion of the jail, their location (for example, out-of-county or on electronic monitoring), their age (in five-year ranges), their principal offenses and their status (pre-trial, serving sentences, on probation holds, and so on).

This effort by the IDEA Committee, a subcommittee of the Eau Claire Criminal Justice Coordinating Council, has the major components of Eau Claire's criminal justice system talking to each other regularly to see where bottlenecks exist, and tracking why some pre-trial inmates have not been moved along faster in the system.

Committee members were surprised to learn how many inmates were on probation holds or in revocation status, as well as the inmates' ages.

The project has already yielded remarkable results. The number of inmates in the jail has dropped, which has lowered the number of out-of-county placements. It is too early to accurately determine the extent of these reductions.

Developing these monthly reports was the first task of the IDEA Committee, which was formed in June 2008, early in the life of Eau Claire County's Criminal Justice Collaborating Council. IDEA stands for Information,

Development and Analysis. The committee brought together the principal players in Eau Claire's criminal justice system: judges, the district attorney and public defender, sheriff, jailer, chief of police, Department of Corrections, county board representatives, local criminology professors, public members and the collaborating council's coordinator.

The IDEA Committee also examined arrest policies in the county. As a result, the City of Eau Claire Police Department is reviewing its citation policy and is moving in the direction of writing more forfeiture citations in marginal criminal cases.

In the future, one of the Committee's goals is to develop a common identifier for individuals coming into the system so that each person can be tracked throughout the entire system including past appearances in earlier cases. This will permit recidivism studies and the monitoring of the effectiveness of treatment programs. ■



Reserve Judge Thomas Barland

RETIREMENTS

Judge Burneatta "Burnie" L. Bridge Wisconsin Court of Appeals, District IV

After 25 years in demanding, high-profile jobs in the public sector, Judge Burneatta "Burnie" L. Bridge decided to try something new. She stepped down from the Wisconsin Court of Appeals, District IV effective January 8 to find more time for other pursuits, including travel, cooking, entertaining, and spending time with her husband, who has been retired for five years. She remains open to opportunities in the public or private sectors in the future, as long as they do not require a full-time commitment.



Court of Appeals Chief Judge Richard S. Brown presents Judge Burneatta L. Bridge with a plaque commemorating her three years of service on the Court of Appeals at a Jan. 8 farewell party.

"I have greatly enjoyed the Court of Appeals—the work is very diverse and often challenging, which keeps things interesting, and the collegiality among the judges and staff is great," she said. "District IV has been a rewarding experience for me, but I have decided that I am ready to focus my energies in a new direction."

Bridge joined the court three years ago as an appointee of Gov. Jim Doyle. She succeeded Judge David G. Deininger. Bridge won election to a six-year term in April 2007. Because Bridge stepped down mid-term, Doyle has indicated he will appoint Rep. Gary Sherman, D-Port Wing, when the current legislative session has ended.

Prior to becoming a judge, Bridge served as an administrator in the State Department of Health and Human Services, chair of the Public Service Commission, and as a deputy attorney general and assistant attorney general.

She also is a fellow of the Wisconsin Law Foundation, a member of the UW Law School Board of Visitors and former president of the Legal Association for Women.

Judge Michael Kirchman Crawford County Circuit Court

Judge Michael Kirchman was a 29-year-old district attorney when he took the bench in Crawford County after a hard-fought, five-way race to succeed Judge William O'Neill, who had died in office.

Thirty-three years later, Kirchman has retired from the bench as one of the state's longest-serving judges. His years

RETIREMENTS *continued from page 12*

on the bench reflected a commitment to improving the lives of the most vulnerable – juveniles and people with development disabilities.

A former probation officer and juvenile court worker, Kirchman focused much of his energy on improving the juvenile justice system. He was able to add a juvenile court intake specialist and a juvenile intensive supervision worker to the staff, and ensured that both reported directly to the court. He also established in-court review of all juvenile cases every six months.

“I felt that I could do the most good in juvenile court,” he said. “That’s where you can really turn lives around.”

Kirchman also discovered, quite by accident, that he could have an impact on the lives of adults with development disabilities.

“These people were locked up in institutions for 30 and 40 years,” he said. “And all the experts said this was the least-restrictive setting for them, that they could not function in the community.”

But then someone suggested to the judge that maybe some of them could, in fact, function in the community.

“I appointed an independent evaluator and got a GAL [guardian *ad litem*] to review each case, and we ended up bringing them all home. I see some of them in Wal Mart and at Pizza Hut and out walking, and it’s clear that their quality of life is greatly increased. A judge has to question. That’s part of the job.”

Another part of the job has been travel. Some trips were necessitated by substitution requests in neighboring one-judge counties; others were the result of a special assignment; and still others arose from Kirchman’s commitment to helping out in Milwaukee County Circuit Court.

“I’m not a fan of judicial substitution,” Kirchman said, “but the travel was a real treat, because it gave me an opportunity to meet clerks of court and registers in probate and janitors and all sorts of interesting people who work in our courthouses. I’ve also learned a lot, and picked up forms and ideas to bring home with me.”

In retirement, Kirchman will continue to travel – only now, he’ll venture outside of Wisconsin in the company of his wife, Janie, who recently retired from her position as a federal courthouse security officer in Madison. They already completed a trip to Costa Rica and have plans to visit Mexico soon.

Also on the agenda: more time with family (seven daughters and eight grandchildren), growing asparagus (Kirchman sells it to neighbors) and possibly a return to beekeeping. Kirchman once kept four hives and sold honey. And, in the immediate future, a return to school – as a reading tutor.

The race to succeed Kirchman promises to be less eventful than that five-way campaign back in 1976: Atty. James P. Czajkowski, a private practitioner from Prairie du Chien, will run without opposition in April.



Judge Michael Kirchman

Judge Michael J. McAlpine Monroe County Circuit Court

By Stephanie Hartwig, Court Information Intern

Eighteen years ago, when Judge Michael J. McAlpine first sought election to newly created Branch 2 of the Monroe County Circuit Court, he found himself running against three good friends. Each was committed to running a positive campaign, and that made all the difference.

“I wanted to gain the respect of those in the legal system, but also those people that use and find themselves dependent on the legal system,” McAlpine said. “You’re really presenting yourself for election. You’re not opposing someone. You’re asking the public to support you.”

McAlpine, who worked in private practice for 13 years prior to taking the bench, ran unopposed in his two subsequent elections and became a highly respected judge.

“I’ve always felt that every case we handle is the most important case for the people involved,” he said, “and I tried to approach it in that fashion. What we do has a huge bearing on their lives.”

McAlpine will retire on July 31 at the end of his current term. Voters will select his successor in April. Atty. Mark L. Goodman, a private practitioner, and Monroe County Corporation Counsel Kerry Sullivan-Flock are running for the seat.

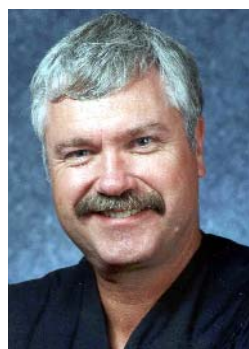
McAlpine said he is looking forward to spending more time with his three grandchildren during his retirement. He also intends to take on a more active role in his church and participate in programs such as the Boys and Girls Club. McAlpine said he is looking forward to contributing to his community in a new capacity.



Judge Michael J. McAlpine

Judge Robert W. Wing Pierce County Circuit Court

After 25 years on the bench, Pierce County Circuit Court



Judge Robert W. Wing

Judge Robert W. Wing will retire effective April 30. The February primary narrowed a field of three candidates down to two who will face off in April. They are Atty. Robert L. Loberg, a private practitioner in Ellsworth, and Atty. Joseph D. Boles, who practices with a law firm in River Falls.

Wing was appointed to the circuit court bench in 1985 by then-Gov. Anthony S. Earl. Prior to his appointment, he worked in

see Retirements on page 14

RETIREMENTS *continued from page 13*

private practice and as the Pierce County district attorney.

Wing presided over a number of memorable cases in his 25-year career. Among them: the 1987 murder trial of Robert Rewolinski, a deaf man charged with first-degree murder in the death of his girlfriend, Catherine Teeters, who was also deaf. Several of the witnesses in the case were deaf, as were many observers who attended the trial. This required the use of several sign language interpreters. Because interpreter fatigue can cause a decline in accuracy, the interpreters rotated regularly throughout the eight-day trial. According to an article in the *New York Times*, the cost for the interpreters, video equipment, and jury sequestering was more than \$63,000, almost a quarter of Pierce County's annual budget at the time.

Wing said one of the many challenges he faced during the trial was managing the interpreters. Legal interpreting is extremely challenging and at times there were disagreements among the interpreters about the accuracy of the communication. At one point, Wing had two of the interpreters in his office threatening to quit. After convincing them he had faith in their integrity, he was able to talk both into staying on for the remainder of the trial. Wing said the trial was emotionally draining. Rewolinski was convicted, and he appealed, based on the legality of the use of TDD (Telephone Device for the Deaf) records. The appeal made its way to the Wisconsin Supreme Court, which upheld the guilty verdict.

Wing has maintained a high standard of professionalism in his courtroom, and a focus of serving the public. He often reminds attorneys that humorous remarks are best made outside of court to avoid creating the impression that any situation is taken lightly.

One of the biggest changes that Wing has witnessed in his career is the shift in attitudes toward drunk driving and domestic abuse. He said when he was a district attorney, it was not unheard of for police to simply give drunk drivers a ride home. Now, he said, that would be unthinkable. He also remembers when arrests were rarely made in domestic abuse situations.

Aside from the people he has had the fortune to work with, Wing said he will miss the problem-solving aspect of the job.

"Some people like solving puzzles; some people like solving games; judges solve problems," Wing said.

And he is ready to let someone else solve the problems. Wing does not plan to return to the courtroom after his retirement. He will travel, spend time with family, golf, and, he said, see what it feels like to do nothing.

Clerk of Circuit Court Victoria Adamski Langlade County Circuit Court

By Stephanie Hartwig, Court Information Intern

After 42 years of work with the Langlade County Circuit Court, including 35 as clerk of circuit court, Victoria Adamski is looking forward to spending more time with her family and expanding a small maple syrup business she and her husband have been running for the past 15 years.

Adamski began her work in the court system when she was appointed register in probate in 1967. She worked for seven years with Judge Thomas McDougal. In November

1974, at age 28, Adamski ran for clerk of circuit court at the urging of Ralph Strandberg, a judge from Antigo.

During her first election, Adamski ran against two women with more experience. She won,

and ran unopposed in every subsequent election.

In her tenure as clerk of circuit court, Adamski dealt with recordkeeping, worked with jurors and managed budgets. Adamski said she felt very dedicated to the jurors she had the opportunity to work with, and will miss those interactions.

Before working in the court system, Adamski worked for an insurance company, an attorney and a co-op milk plant in Antigo.

Through her 42-year career in the courthouse, Adamski saw the proliferation of computer technology in the office. She said the progression from manual typewriters to electric typewriters and finally to computers made her work easier. Adamski specifically praised the new filing system, which made finding and accessing individual cases an easier task.

Adamski officially retired on Dec. 30, 2009. She said the first week away from the job was difficult for her, but she is eager to spend time with her family, especially her three grandchildren. She is also looking forward to delving into her many hobbies, which include sewing, embroidery and woodcrafts.



Langlade County Circuit Court Judge Fred W. Kawalski poses with Clerk of Court Victoria Adamski, who retired after 42 years with the circuit court.

Court Reporter Steven J. Platkowski Calumet County Circuit Court

Steven J. Platkowski didn't set out to be a court reporter. But a five-year stint in the Navy gave him an opportunity to try his hand at transcription, and he discovered he had a knack for it. The G.I. Bill helped him through Madison School of Business, and he was soon working for Judge David Sebor in the Calumet County Courthouse.

When Sebor retired, Platkowski stayed to work with Judge Hugh Nelson. In 1992, Judge Donald A. Poppy was elected to the county's single judgeship, and he and Platkowski have worked together since.

In his 31-year career, Platkowski has logged thousands of hours in the courtroom and has witnessed moments that are tragic, heartwarming, funny and bizarre. "It's human drama," he said. "I'll miss it, and I'll miss the people here. These are all just super-nice people."

What won't he miss? What every court reporter dreads: the occasional "giant" appeal. "We get 60 days to finish the transcript, and it's like having two full-time jobs," he said.

Fitzpatrick, Dykman will trade places

A judge from the Rock County Circuit Court and a Court of Appeals judge from Madison will trade places this spring as part of the Wisconsin court system's Judicial Exchange Program.

Established in 1996 by Wisconsin Supreme Court Chief Justice Shirley S. Abrahamson, the Judicial Exchange



Judge Charles P.
Dykman

Program is designed to give trial and appellate court judges a better understanding of each other's role.

"The Judicial Exchange Program benefits not only the judges who participate, but the entire court system and the people of Wisconsin," Abrahamson said. "The program receives high marks from the judges."

Rock County Circuit Court Judge Michael R. Fitzpatrick is scheduled to participate in a District IV Court of Appeals decision conference in March. Fitzpatrick said he hoped that the experience would give him a new perspective on the need to make a thorough record as a trial judge.

"I think it will be interesting work," he said, adding that he looks forward to working with the people in the Court of

Appeals.

District IV hears appeals from Adams, Clark, Columbia, Crawford, Dane, Dodge, Grant, Green, Iowa, Jackson, Jefferson, Juneau, La Crosse, Lafayette, Marquette, Monroe, Portage, Richland, Rock, Sauk, Vernon, Waupaca, Waushara, and Wood counties.

Participating from the Court of Appeals is Judge Charles P. Dykman. His stint on the bench in Rock County has not yet been scheduled.

The Judicial Exchange Program is modeled after a similar initiative in the federal court system. Federal judges who have participated have found the experience rewarding, but humbling. When the late U.S. Supreme Court Chief Justice William H. Rehnquist presided over a civil rights trial in Virginia – marking the first time in the 20th century that a U.S. Supreme Court justice had presided over a trial – he was overturned on appeal. U.S. Court of Appeals Judge Richard Posner volunteered to preside over a case involving copyright infringements and he, too, was reversed. ■



Judge Michael R.
Fitzpatrick

Retirements *continued from page 14*

"Fortunately, those don't come around too often."

In retirement, Platkowski plans to devote more time to a favorite activity: running. He has completed four marathons. Platkowski also plans to work on his new hunting cabin in Waupaca. He bought the cabin as a foreclosure, and has been fixing it up as a bow-hunting retreat.

Platkowski and his wife, Kathleen, also plan to spend more time with their four adult children and three grandchildren, and travel to Yellowstone National Park. ■

Editor's note: Linda A. Coleman, court reporter to Judge Lee S. Dreyfus in Waukesha County, also is retiring. She was unavailable for an interview.



Calumet County Circuit Court Judge Donald A. Poppy said farewell to his longtime court reporter, Steven J. Platkowski (right) at a party at the courthouse in January.

PPAC *continued from page 8*

conference attendees to complete the survey exercise and allowed for review of accomplishments related to prior critical issues including alternatives to incarceration, court efficiencies, court funding, *pro se* litigants and communication and language barriers.

Court Security Subcommittee

The Court Security Subcommittee is developing a "State of Security" report that will contain the results of a comprehensive survey of security and facility conditions the courts.

The report will be presented to PPAC along with

recommendations on court facility and security standards that are set forth in SCR 70.39.

Subcommittee members are assisting with the planning of the 2010 Court Safety and Security Conference. The conference, *Maintaining a Safe Courthouse Community*, is slated for Aug. 18-20 in Appleton. ■

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

Court staff put their skills to use in Middle East

By Tom Sheehan, Court Information Officer

You may not see the need for Deputy State Law Librarian Julie Tessmer to carry a weapon to work. But these days, she wouldn't think of heading to "the office" without first strapping on her sidearm — a 9 mm pistol.

You may not think of CCAP Computer Support Engineer Greg Schlub as a real estate mogul. But he has helped execute real estate transactions involving millions of dollars worth of property including high-rise office buildings and palaces — yes, those kinds of palaces.

Of course, these aren't routine activities for Tessmer and Schlub in their jobs with the state court system. It's part of what they, and several other state court system staffers, do in their roles serving their country in the military.

Julie Tessmer, deputy state law librarian, Wisconsin State Law Library

Julie Tessmer, who joined the Navy Reserve in 1995, is now on active duty with the U.S. Navy in Baghdad. In Navy terms, she serves as a legalman senior chief petty officer (E-8). That means she

provides administrative support to a military attorney who serves as the liaison officer to the Central Criminal Court of Iraq.

Tessmer arrived in Kuwait on Thanksgiving Day, which marked the beginning of her 210 days of "boots of ground" in the Middle East. She is prohibited from revealing her exact location in Baghdad, but said she works in a building of some historical significance. She outlined some of

her duties by e-mail for *The Third Branch*:

"I arrive at work between 7 a.m. and 7:30 a.m. to help my attorney prepare for court.... The court is located in the "red zone," which means when we go to court, our weapons (9mm pistols) are locked and loaded... After court, we spend the rest of the day back in the office. We try to wrap up by 8:30 p.m. or 9 p.m. The Iraqi work week is Sunday to Thursday. Friday and Saturday we work on case management and scheduling for the next week."

When not at "the office," Tessmer is housed with a

roommate in a makeshift community known as "CHU-ville" — a gathering of Containerized Housing Units (CHUs), each of which measures eight feet by 22 feet.

There's very little "down time," but when she has a chance, Tessmer said she works out, watches a DVD on her laptop computer, or reads a book — most recently Dave Ramsey's *The Total Money Makeover*.

Tessmer, who joined the State Law Library as a shelver in 1982, said her job there complements her military role.

"Both positions come down to giving users what they need, when and how they need. I just have a few more logistical hurdles in the delivery of information here. I'm also doing legal research, and have often used the Wisconsin State Law Library (WSLL) Web site as my first stop for information. Similar to my position at WSLL, I'm organizing and collecting information here. My goal is to have a procedures manual written by the time I leave."

Tessmer said she anticipates returning home this summer.

Greg Schlub, computer support engineer, CCAP

Greg Schlub returned home in mid-January from Baghdad, where he served nine months with the Wisconsin Army National Guard. Schlub is a major with the Guard's 32nd Infantry Brigade Combat Team. While in Baghdad, Schlub served as "Director of Real Property" under command of the Joint Area Support Group Central to implement the real property policies of U.S. Army Gen. Raymond T. Odierno within the International Zone. He helped direct the transfer of property taken by the United States during the 2003

see *Military* on page 17



Deputy State Law Librarian Julie Tessmer is serving with the Navy Reserve in Baghdad. She is pictured here in Baghdad with Cpt. Elizabeth Hernandez of the Judge Advocate General Corps, United States Air Force.



U.S. Army Maj. Greg Schlub has a discussion about Freedom Towers, a high-rise office building in downtown Baghdad, with Sameer Al-Haddad (far left), the Iraqi Prime Minister's representative for receiving real property from the U.S. Army. In the background is an Iraqi Army soldier (third from left), Schlub's cultural advisor (fourth from left), Freedom Towers' Mayor, Cpt. Moragian (second from right) and the Iraqi Ministry of Planning and Development representative (far right).

Military *continued from page 16*

invasion back to Iraqi control.

This trip marked Schlub's second deployment to the Middle East, and his third deployment overall in 22 years of military service. The DeForest native served in Afghanistan during 2004 and 2005 and with the U.S. Army in Panama during 1989 and 1990. While in Afghanistan, Schlub helped train members of the Afghan National Army. In Panama, he served as an explosive ordinance disposal technician.

Schlub also served as a member of the Louisiana Army National Guard while attending graduate school at the University of Louisiana at LaFayette, where he earned an MBA in healthcare administration. The advanced degree proved helpful in his military role in Baghdad because the largest U.S. Army hospital there was among properties transferred back to Iraq, Schlub said.

Although real estate work seems a far cry from his role with CCAP, Schlub said his 11 years of experience working with computer systems and in assisting court system computer users proved helpful. Communication skills honed on CCAP's Help Desk, for example, aided in discussions with both with U.S. commanders and top Iraqi officials.

Scott Johnson, district court administrator, District 10

Scott Johnson, a lieutenant colonel with the Wisconsin Air National Guard, has been deployed more than 40 times during 27 years of military service.

Johnson was last activated in 2008 for the floods in Iowa. Prior to that, his last federal activation was in 2006, when he was deployed as deputy commander of Kirkuk Regional Airbase in Iraq.

Johnson said he cannot remember all of the other places he has served, but among them are South Korea, Japan, Guam, Alaska, Panama, Honduras, Germany, the United Kingdom, Kuwait, Qatar, Saudi Arabia, the United Arab Emirates, Iraq and at least five states.

Johnson is currently attached to the Milwaukee-based 128th Air Refueling Wing, where he serves as deputy commander for the 128th Mission Support Group. The group supports the flying mission and other missions as assigned to approximately 400 airmen assigned through all squadrons, flights and sections.

Johnson said his military work dovetails well with his court system work.

"They both require extensive training, the ability to analyze significant issues, communicate well, mediate disputes, ability to work well from being in a position that is in the "middle," listen effectively, work well with multiple interests and both provide a solid basis for respectfulness (internal and external)... I guess an overall bottom line: the defense of the freedoms we hold very dear and ensuring a neutral forum that ensures that rights and freedom are preserved/assured — parallel well."



Scott Johnson



Wisconsin State Law Library Acquisition Librarian Peter Boll near Khabari Crossing, the border between Kuwait and Iraq, in December 2008. Boll returned stateside in August 2009 after a year in Kuwait with the Navy Reserve.

Peter Boll, Acquisition Librarian, Wisconsin State Law Library

Peter Boll, a lieutenant in the U.S. Navy Reserve, returned from Kuwait in August 2009 after a year-long deployment.

Boll, who joined the Reserve in 2000, a year after joining the State Law Library, is a supply corps officer with Navy Cargo Handling Battalion Seven. His unit is a component of Navy Expeditionary Logistics Support Group, which provides support for operations Enduring Freedom and Iraqi Freedom.

In layman's terms, Boll said supply corps officers are the logistics, finance and business managers of the Navy. It's a support role, but it can be very interesting.

"As part of my job while deployed I planned and organized visits to our command by various high-ranking military and civilian personnel. One such visit was by Mr. Harvey "Barney" Barnum, then Deputy Assistant Secretary of the Navy. He was a former Marine colonel and also a Congressional Medal of Honor recipient. When meeting him at Kuwait City International Airport, he stepped off the plane in a green flight suit with his Medal of Honor around his neck. He wore his medal every where he went. He spoke at a packed All Hands meeting of about 200 people on the topics of service and taking care of each other. He then took about 20 minutes to tell the story of his actions for which he was awarded the Medal of Honor (for service in Vietnam). The entire room was mesmerized as he spoke of his heroic actions."

Boll previously served as an enlisted storekeeper from 2000-05 in the Navy Reserve at Navy Operational Support Center Madison with a Frigate Support unit. He credits library co-worker Julie Tessmer, at least in part, for recruiting him into the Reserves.

Tessmer described it this way: "It started with me telling Pete about my drill weekends on Monday mornings at the library. We both talked a lot about how fortunate we were and how we wanted to give something back in the form of serving our country. It's been wonderful to have his support over the years. He was at my Pinning Ceremony when I was promoted to Chief Petty Officer. I was honored to give Pete his first salute when he was commissioned as a Supply Corps Officer. All of the staff at WSLI have been

NEW FACES**Domina is new Waukesha County judge**

Gov. Jim Doyle appointed Milwaukee County Corporation Counsel William J. Domina to the Waukesha County Circuit Court in January. Domina succeeds Judge Robert G. Mawdsley, who retired in January after 21 years on the bench (see *The Third Branch*, fall 2009).

Domina took office in February; he will run for election in April 2011.

For the past 10 years, Domina has served on the State Bar Board of Governors, earning accolades for his work on the Executive Committee and as chair of the Finance Committee. In 2004, he won the State Bar President's Award; in 2006, he was named a "Leader in the Law" by the *Wisconsin Law Journal*.

As a new graduate of the UW Law School, Domina served as law clerk to now-Reserve Judge Neal P. Nettesheim at the Wisconsin Court of Appeals, District II. That experience changed Domina's life.

"Working for Judge Nettesheim made me want to be a judge," Domina said. "His calm demeanor, his scholarship, his work ethic – it all left a strong impression on me."

Domina served as Milwaukee County corporation counsel for seven years prior to his appointment to the bench. Prior to that, he spent 14 years as Waukesha County principal assistant corporation counsel. Domina received his undergraduate degree from UW-Eau Claire and his law



Judge William J. Domina

degree from UW Law School.

A four-term member of the Waukesha School Board, Domina has been active in the Waukesha and Milwaukee area. He and his wife, Julie Gay, have two children.

New program specialist to assist AIM project

Mary Moyer, who has spent nearly ten years working as a policy and programming analyst for the State of Wisconsin, has joined the Assess, Inform and Measure (AIM) project as program specialist. She began the new position on Jan. 19.

AIM gives judges more information about offenders' risks and needs to improve the chances of success with each individual. Moyer will assist AIM pilot counties with project implementation. She will also work on improvements to projects, collect and analyze data and recruit new counties for AIM pilots.

Over the last decade, Moyer has worked in Wisconsin public assistance programs such as BadgerCare, Medicaid, Food Share, and various welfare-to-work initiatives. Prior to this, she lived and worked in Sydney, Australia, where she earned a master's degree in social policy.

In her free time, Moyer enjoys traveling, studying Italian, following news and politics and being bossed around by her cats. ■



Mary Moyer

Military *continued from page 17*

tremendously supportive of me and Pete. They have taken on our responsibilities during our Annual Training periods year after year and stepped up again during our deployments. Everyone there is an American hero!"

Stuart Graham, assistant deputy clerk, Clerk of Supreme Court and Court of Appeals Office

Stuart Graham, assistant deputy clerk of the Supreme Court and Court of Appeals, has been mobilized just once during his 22 years of service in the Army Reserve. However, that mobilization has lasted nearly two years.

Graham, a major, works as a personnel officer for Regional Training Central at Fort McCoy – one of three training centers for reservists in the United States. Reserve soldiers at Fort McCoy are trained in a wide range of areas, including land navigation, hand-to-hand combat, and language familiarization.

Graham manages the staff section that provides human resources support by tracking payroll, vacation and required training, such as the recently Army-wide mandated suicide prevention training.

Graham, who is eligible for promotion to lieutenant colonel, originally enlisted in 1985. He was commissioned



Stuart Graham, assistant deputy clerk of the Supreme Court and Court of Appeals, is a major in the Army Reserve, now serving at Fort McCoy.

through the UW-Madison Army ROTC program in 1990 and has served a variety of roles, including two company commands, two detachment commands, motor pool officer, instructor, plans and training officer for a battalion and battalion executive officer. ■

PEOPLE

Reserve Judge **Neal P. Nettesheim** was momentarily surprised in Waukesha County Circuit Court when the defendant appearing before him in a shoplifting case began to breastfeed her baby as he conducted a plea colloquy. *The Freeman* (Waukesha) reported that the baby began to fidget, and calmed down when the mother nursed.

Nettesheim (a father of five) told the newspaper he was comfortable with the situation “despite it being unusual.”

A December feature in the *Wisconsin State Journal* highlighted JustUs Singers, a group of judges, lawyers and court staff who have been singing together for 15 years. Dane County Circuit Judge **Angela**

Bartell and her husband, Atty. **Jeff Bartell**, started JustUs more than 15 years ago with Atty. **Karen Julian** and Judge **Gerald C. Nichol**, who is now a reserve judge. Before they secured their new practice space at the State Law Library (arranged by JustUs singer **Connie Von Der Heide**, director of the library’s outreach services), the group used Nichol’s chambers as a studio.

“The courthouse can be a very serious place where great human dramas play themselves out,” said Angela Bartell, who is no longer a member of JustUs. “But to have the joy of music in Gerry Nichols’ chambers ... It was an outlet we all enjoyed very much.”

“Two men reflect on how Drug Court changed their lives” headlined a story in the *Chippewa Herald*. The story highlighted the journeys of the first three graduates of the Chippewa County Drug Court, which was formed two years ago. At the graduation, Judge **Roderick A. Cameron** noted that the county jail population has increased exponentially in the past 20 years, and that the county is now home to two prisons. “All of these facilities are full,” he was quoted as saying. “We’re putting people in jail and people in prison and it’s not working.”

“Veterans Court swears in mentors” headlined a Jan. 5 story in the *La Crosse Tribune*. Judge **Todd W. Bjerke**, a veteran himself, organized and presided over the ceremony to swear in a group of mentors who have been trained to work with veterans. Under the new program, any veteran who has contact with law enforcement will be assigned a mentor to help the veteran navigate the veterans’ benefits system and meet with the county veterans’ services officer. The mentors (who are all veterans) also will facilitate mental health screenings to ensure that veterans avail themselves of needed services. Chief Justice **Shirley S.**



The JustUs Singers (front row, left to right): Atty. Lorraine Stoltzfus, Wisconsin Department of Justice; Atty. Claire Silverman, League of Wisconsin Municipalities; Atty. Kristine Anderson, Dane County Circuit Court staff attorney; Atty. Karen Julian, Julian Law Office; Judy Christenson, spouse of UW Emeritus Law Professor Arlen Christenson; Atty. Dana Erlandsen, Wisconsin Department of Revenue; Wisconsin Law Library Director of Reference and Outreach Services Connie Von Der Heide; Matt Schaefer. Back row, left to right: Atty. Robert Ramsdell, Ramsdell Law Office; Atty. Devon Baumbach, Melli Law; Mark Zimmer, Wisconsin Department of Revenue; Atty. JoAnn Hart, Stafford Rosenbaum; Atty. Elisabeth Howard, Stafford Rosenbaum; Guy Stalnaker. Members not pictured: Computer Systems Analyst Jack Kuester, Baltimore Life Insurance Co.; Atty. Carmen Rumbaut, Rumbaut Law Office; Atty. Matthew White, Dane County Circuit Court staff attorney.

Abrahamson spoke at the ceremony via MediaSite. “This is a pioneer effort,” she said, “not only for Wisconsin but across the country.”

Dane County Criminal Division judges, led by Judge **Sarah B. O’Brien**, sponsored a special showing of the 8-part docudrama “*The Staircase*” in the courthouse Jury Assembly Room. About 25 people turned out for the showings, which were offered over the noon hour during two weeks in January. The film chronicled the 2003 murder trial of author **Michael Peterson**. Peterson stood accused of murdering his wife, **Kathleen Peterson**, and was convicted after a four-month jury trial. The

case ultimately went up to the North Carolina Supreme Court, which affirmed the conviction. Reviewers called the docudrama “a gripping, inside look at the high-profile murder trial ... that will leave you gasping for breath.”

“Groom escapes furlough-day disaster” headlined a story in the Nov. 14, 2009, edition of the *Milwaukee Journal Sentinel*. The story recounted **Tony Lopac**’s panic when he arrived at the Milwaukee County Clerk’s Office the day before his wedding to pick up the marriage license – only to discover that the office was locked up tight. It was a furlough Friday. With help from courthouse security, Lopac scoured the building for someone who might be working and found Clerk of Circuit Court **John Barrett**. Barrett contacted county clerk employees at home to secure permission to retrieve the license, and then tracked down a maintenance worker to unlock the office. Lopac’s wedding to **Zorina Sookhoo** reportedly went off without a hitch the following day.

“FdL judge urges young people to consider a career in court reporting,” a story in *The Reporter* (Fond du Lac) and on WFDL radio, showcased an effort by Judge **Peter L. Grimm** and his court reporter, **Michelle Kreidler**, to encourage students to consider careers in court reporting. Grimm and Kreidler visited four area high schools, making presentations and delivering posters and other materials to help educate students about court reporting.

“Court reporting is a great career because you’re doing something different every day, it is challenging, and it can be very rewarding,” Kreidler said. “As a court reporter you’re always looking for quicker, shorter, cleaner ways to write words and phrases for particular trials, reoccurring

OBITUARIES

Linda R. Keller Marinette County

Linda R. Keller, register in probate for Marinette County, passed away on Jan. 8 after a long battle with brain cancer. She was 61.

Keller worked in the Marinette County Circuit Court for 32 years in a variety of roles. She served not only as register in probate, but also as a probate court commissioner and juvenile clerk.

She was involved with the Wisconsin Registers in Probate Association, Juvenile Court Commissioners, the Wisconsin

Forms Development Board and the State Law Enforcement Board.

Keller is survived by her husband, Roy; two daughters: Tara and Elizabeth; and five grandchildren: Amanda, Brody, April, Larry, Jr. and Jarrid. ■



Linda R. Keller

PEOPLE *continued from page 19*



Justice **Patience Drake Roggensack** was featured in the January edition of *BRAVA* Magazine along with, left to right, Dane County Executive **Kathleen Falk**, U.S. Rep. **Tammy Baldwin** and **Madison Ald. Judy Compton**.

featured Justice **Patience Drake Roggensack** in a cover story entitled, "For the People: Inside the lives of your elected officials." Roggensack, who has served on the Wisconsin Supreme Court since 2003, talked about life,

language used by certain judges or attorneys, or just in general. This can be fun and challenging. Other avenues a court reporter could pursue outside of working in the courtroom would be freelancing, broadcast captioning, webcasting, or reporting in colleges/universities for deaf students." The January issue of *Brava Magazine*

work, education and raising children (one of whom, **Ellen R. Brostrom**, is a circuit court judge in Milwaukee County). She also mentioned her favorite book, **Toni Morrison's "Beloved."**

The *Wisconsin Law Journal's* **David Ziemer** calculated affirmance/reversal rates for Wisconsin circuit court judges and discovered that three judges — all from Milwaukee County — led the courts in facing review on appeal at least a dozen times without being reversed once in 2009. The judges are **William Sosnay**, **Daniel L. Konkol** and **Jeffrey Kremers**. The *Law Journal* also reported that Judge **Jeffrey A. Wagner** occupies a category all his own.

"When it comes to generating sheer volume of cases for the appellate courts, no judge comes close to Milwaukee County Circuit Court Judge **Jeffrey Wagner**, who was affirmed 49 times and reversed only twice," the newspaper reported. "Judge Wagner has long been the most frequently reviewed judge in the state. Since the *Wisconsin Law Journal* began keeping track starting Jan. 1, 2000, he has been affirmed 185 times, and reversed 15 times, a 93 percent rate of affirmance."

U.S. Sens. **Herb Kohl** and **Russ Feingold** recommended four individuals to President **Barack Obama** on Jan. 22 to fill the seat of Seventh Circuit Court of Appeals Judge **Terence T. Evans**, who is taking senior status. The four are U.S. District Court Judge **Lynn S. Adelman**, UW Law School Professor **Victoria F. Nourse**, Milwaukee County Circuit Court Judge **Richard J. Sankovitz** and criminal defense counsel **Dean A. Strang**. ■

Wisconsin PIOs share knowledge with Idaho

Public Information Officers **Amanda K. Todd** and **Tom Sheehan** consulted with the Idaho judiciary in January on development of a protocol to help judges respond to unfair criticism in the media.

Senior Justice **Linda Cople Trout**, Idaho Supreme Court,

is developing a protocol to help Idaho judges respond to undue criticism. Wisconsin developed a similar protocol about 10 years ago. Judges may access the protocol on CourtNet. ■

Primaries *continued from front page*

will succeed Judge **Robert W. Wing** (*see separate story*).

In **Walworth County**, Family Court Commissioner **David Reddy** will face Atty. **David A. Danz** of Williams Bay. Atty. **F. Mark Bromley** of Whitewater, and Atty. **Scott Letteney**, Lake Geneva, took third and fourth place, respectively. The winner will succeed Judge **Michael S. Gibbs**, who will be profiled in the spring edition of *The Third Branch*.

In **Winnebago County**, Assistant District Atty. **John**

Jorgensen will face Atty. **Edmund A. Jelinski**, a private practitioner from Menasha. Of the remaining three opponents, Atty. **Caroline A. Carver** of Oshkosh placed third, Family Court Commissioner **Mark R. Fremgen**, Oshkosh, placed fourth, and Family Court Commissioner **David W. Keck** placed fifth. The winner will succeed Judge **William H. Carver**, who will be profiled in the spring edition of *The Third Branch*. ■

AWARDS

Zuidmulder receives 'Spirit of Leadership' award



Judge Donald R. Zuidmulder

A coalition of faith groups that work together on justice-related issues selected Judge Donald R. Zuidmulder, Brown County Circuit Court, as their 2009 "Spirit of Leadership" honoree. JOSHUA (Justice Organization Sharing Hope and United for Action) honored Zuidmulder for his "vision and leadership" in establishing and securing funding for the new Brown County Drug Court program.

"Judge Zuidmulder's ongoing responsibility for the Drug Court is making our community safer, saving money for the county, reducing recidivism, positively impacting families and neighborhoods and, most importantly, redirecting non-violent offenders with substance addiction away from jails and prison into effective community-based treatment programs that offer hope," said Lois Pulvermacher, spokeswoman for the organization.

Zuidmulder began his affiliation with JOSHUA in 2008, when he met with representatives of the organization to seek their support of a drug court program. JOSHUA and Zuidmulder then met with Brown County officials, including the county executive, and formed a committee to work on establishing the new court program. The Brown County Board approved funding for the program, which began in 2009.

Court staff from La Crosse, Madison honored with Director's Award

Director of State Courts A. John Voelker selected three members of the court system staff in December 2009 to receive the Director's Award, an honor reserved for individuals who show leadership and extra effort throughout the year.

Two recipients worked as a team to implement a new pilot program for court interpretation; the third helped to keep the Board of Bar Examiners running smoothly during a period of significant change. Here are the honorees:

District Court Administrator Patrick Brummond District Administrative Assistant Karen Mikshowsky District Seven

On Sept. 1, 2009, the Director of State Courts Office launched an ambitious pilot program designed to explore whether centralizing appointment and scheduling of court interpreters at the district level could save money and improve efficiency.

District Seven, headquartered in La Crosse and encompassing 12 western Wisconsin counties, is the site of the pilot program, which is scheduled to run for two years. District Court Administrator Patrick Brummond and District

Administrative Assistant Karen Mikshowsky worked closely with Interpreter Program Manager Carmel Capati to make it happen.

"This initiative required Pat to lead District Seven staff in a thorough review and revision of policies and procedures used in the delivery of court interpreter services as well as completing memorandums of understanding with each county in District Seven," Voelker said. "Pat's extra effort, knowledge and commitment to this new program were critical to the success of this program."

Voelker added that Mikshowsky's contribution has set the program up to serve as a model for future efforts. "Karen used her administrative skills to assure ... [the program] was carried out in an orderly, effective and well structured manner," Voelker said. "Her extra effort and participation in the development of policies, procedures and data collection and analysis have set the foundation for future development of this important program."



Patrick Brummond



Karen Mikshowsky

Human Resources Assistant Lisa Wesley Office of Management Services

Lisa Wesley began her work as an assistant in the Human Resources Office in June 2007. About 18 months later, she learned that her talents were needed for a short-term assignment at the Board of Bar Examiners (BBE), the Supreme Court agency that administers the Bar Exam. The BBE ensures that lawyers are meeting their continuing education requirements, and more.

In December 2008, Wesley moved over to the BBE during a challenging time of change – and her short-term assignment grew, extending to most of 2009 as staff shortages, new business processes and workload issues continued in the BBE.

"Lisa's positive and professional demeanor, her extra effort in the review and development of administrative procedures and her problem-solving skills were critical to the continuation of services provided by the BBE," Voelker said.

For her part, Wesley enjoyed the work. "I enjoyed learning about the important role the Board of Bar Examiners plays in providing service to attorneys across the State of Wisconsin," she said. "It was a pleasure getting to know the staff in BBE." ■

Foreclosure *continued from front page***The Dane County program**

The Dane County foreclosure mediation program began in February. It requires a lender in a foreclosure action to advise the homeowner of the availability of mediation (for owner-occupied properties only).

If the homeowner requests mediation and the lender agrees to participate, a volunteer from the Dane County Bar will conduct the mediation. UW Law School students will help homeowners prepare for the sessions.

Atty. Marsha Mansfield of the UW Law School told the *Wisconsin State Journal* that the program is vital.

"You can't wait for the legislative process," Mansfield was quoted as saying. "Sometimes it's too slow, and there are people losing their homes today."

The Rock County program

Rock County Circuit Court Judge Kenneth W. Forbeck recognized this need in his own county. Forbeck said he realized a large number of homeowners did not know where



Judge Kenneth W. Forbeck

to turn when faced with foreclosure. He said services that handle bundled mortgages were unreachable, and outside companies were coming in and charging mortgage holders large fees to assist them. Forbeck wanted to offer the parties an opportunity to get together, at little to no expense, to work out an agreement.

The Rock County mediation program began in September 2009. Thirty cases have already come before Forbeck's court for mediation. He believes the program

has had about an 80 percent success rate, and now that mortgage holders are aware of the program, he believes a significant number will choose mediation.

The Waukesha County program

From 2008 to 2009, Waukesha County saw a 30 percent increase in foreclosure filings. The county began its mediation program in early 2010. Within the first week, one request had already come through. Requests for mediation in Waukesha County are made through the Milwaukee Foreclosure Mediation Program, a volunteer program offered at the Milwaukee County Courthouse through Marquette University Law School.

Waukesha County Circuit Court Judge Michael O. Bohren said he saw a strong need for mediation in residential owner-occupied foreclosure cases. He said most mortgage holders are large, out-of-state corporations and it can be difficult for homeowners to talk to someone about their specific situation.

Bohren said all sides benefit from the mediation process, which makes it possible for the homeowners to keep their homes and banks to reduce the inventory of homes in foreclosure.

Bohren believes that the program also benefits people who will not be able to afford to keep their homes. "It gives them the opportunity to understand the issues that led them to their situation," he said.

The Waukesha County case management program does not delay the processing of the foreclosure cases, since the mediation process runs parallel to the case processing.

The Milwaukee County program has already proven to be a success. Within its first month of operation, 36 cases were successfully mediated and the homeowners were able to keep their homes. ■



Judge Michael O. Bohren

Audits *continued from page 3*

preparation process, especially the distinctions that make one county different from another. The on-site visit includes a review of source documents such as invoices, case files and supporting documentation and worksheets used to prepare the annual report. While a list of documents selected for review is sent in advance, I will need access to all source documents for on-site sampling purposes.

Once I have concluded my visit, it is time for me to go back and finish my audit work. The clerk should expect a series of "Audit Inquiries" from me as I document the report preparation process by putting together flowcharts, organizational charts and narratives in addition to noting audit exceptions. An audit exception is a situation or a transaction that does not fit into the parameters set by the county's processes or the uniform chart of accounts. To ensure that I arrive at the correct conclusions, it is important that I clearly communicate all audit exceptions to the clerk so I understand the county's operations and how the county presented its financial data on the annual report.

Finally, I write a memo summarizing my findings and recommendations. A draft of the memo is provided to the

clerk of court so that s/he can review the results and raise questions or concerns regarding audit findings before the memo is finalized and distributed to a larger audience. The clerk will have an opportunity to meet with me and/or Fiscal Officer Brian Lamprech if s/he wishes to discuss the audit findings and review my work. The final audit memo will be distributed to the clerk, the county's circuit court judge(s), the chief judge, and the district court administrator.

I am excited about visiting all the counties in the coming months and being able to work closely with the clerks of circuit court and county staff to make sure all counties are uniformly reporting their revenues and expenditures to the Director's Office. The audit process is an important first step in trying to get a handle on what it costs to operate the circuit courts in Wisconsin. ■

Questions? Concerns? Want your audit sooner? Please contact me at (608) 261-7552 or kathleen.deprez-hall@wicourts.gov or contact Brian Lamprech at (608)266-6865 or brian.lamprech@wicourts.gov.

The perfect shot

Developing a perfect portrait of the state's largest trial court takes skill, patience and cutting-edge technology. Judge Charles F. Kahn Jr., Milwaukee County's resident photographer, worked for six months to develop a final image for display in the Office of the Chief Judge. Kahn also gave each judge a print. Here, he describes the process:

Last June, 44 of Milwaukee County's 47 circuit court judges assembled for a group portrait. My court clerk, Samotria Bellamy, triggered the cable release to secure about 20 images with my medium format film camera. I then scanned the film in high resolution to prepare files for Photoshop.

To create a work of art from a mere piece of film required a few adjustments from the original image. Three absent judges (Christopher R. Foley, Francis T. Wasielewski and Glenn H. Yamahiro) had to be added to the group. Smiling faces of 19 judges were transplanted over the serious or scowling demeanors in the primary image. Chief Judge Jeffrey Kremers was moved from the side to the center of the photograph.

Finally, I enhanced the color of the background marble hallway, removed a distracting overhead lamp and added text. ■

These copyright images from Milwaukee County Circuit Court Judge Charles F. Kahn show (top to bottom) the original portrait of the Milwaukee judges, the portrait with changes highlighted and the final portrait, which is displayed at the courthouse.



Laptop *continued from page 9*

- Prepare and amend forms including complaints and charging information in court, e-mailing them to the clerk for immediate printing.
- Gather information and do legal research in court, checking criminal records and the status of cases in other courts and counties.
- Provide law to the court.
- E-mail law enforcement from court to check on the status of production of discovery or the availability of officers for a hearing.
- E-mail other prosecutors from court to request assistance in other courtrooms.

should be used, the assistant DA printed off the applicable special materials from the jury instructions for me," Storck said. "There is never a need to run to the office to pull out a file. In the short time that we have had the system it has proven to be a valuable tool to assist the courts in processing cases."

Dodge County District Atty. Bill Bedker predicted that other counties will move in the same direction.

"With a relatively small investment and the creative use of existing equipment and technology, offices will be able to increase efficiency by saving time and money," he said. "I'm sure other counties will migrate to e-files when they see the potential benefits." ■

"Last week when I was questioning what procedure

Chief Justice

Shirley S. Abrahamson

Director of State Courts

A. John Voelker

Co-Editors

Amanda K. Todd

Tom Sheehan

Associate Editor

Sara Foster

Contributing Writers

Reserve Judge Thomas

Barland

Michelle Cyrulik

Kathleen Deprez-Hall

Sara Foster

Intern Stephanie Hartwig

Brenda Ottesen

Beth Bishop Perrigo

Judge Richard J. Sankovitz

Tom Sheehan

Erin Slattengren

Amanda Todd

A. John Voelker

Ann Zimmerman

Editorial Committee

Hon. Michael J. Rosborough

Vernon County Circuit Court

Carolyn Olson

Iowa County Clerk of Circuit

Court

Graphic Design/Layout

Sara Foster

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

Send questions, comments, and article ideas to:

Amanda Todd

Court Information Officer

P.O. Box 1688

Madison, WI 53701-1688

phone

(608) 264-6256

e-mail

amanda.todd@wicourts.gov

fax

(608) 267-0980

Pro Se *continued from page 4*

Clerk of Circuit Court Diane Fremgen. “The advisory committee expected a total of 120 for the year and ended with a total of 569.”

The program began with a start-up grant from the State Bar of Wisconsin. Organizers included Fremgen, Court Commissioner David Keck and partners from the Winnefox Library System, Legal Action of Wisconsin, The Christine Ann Center, the Winnebago Conflict Resolution Center and UW-Oshkosh. Students at the university volunteer to help people fill out legal forms.

One student volunteer, Liz Kruger, reported that family law seems to be the key area of focus. She has helped people to prepare forms for divorce, child support and custody. Another student, Megan McFadden, who is considering law school, said the program is valuable to her because she can observe attorneys and learn how they determine what advice to give.

Attorney volunteers are the backbone of both clinics. In Oshkosh, Attys. Walter Bush and Dave Schultz have been particularly active, as has Atty. Emily Zimmerman. In Menasha, Attys. Howard Healy, Meghan Healy, and Kathleen Healy have been volunteering every month for nearly a year. In Neenah, Atty. Jeff Hanes led the effort to recruit volunteers, and received responses from 13 local attorneys who agreed to help. Other attorneys who have donated time include Trista Moffit, Grant Birtch, Sarah Kons and Liz Nevitt.

Nicole Petruzates, a UW-Green Bay student and former intern with the clerk of circuit courts office, is working to compile statistics for the program. She reported that the average client income initially was below poverty level, but as the program has evolved, volunteers are seeing more middle-class clients. Petruzates also said that the case mix has changed. Initially, 50-60 percent of the cases were family-related; now financial problems including small claims and landlord/tenant issues have increased.

At the clinic at the Menasha Public Library, where volunteers see an average of 30 clients a month, attorney volunteers are looking for help.

“Quite honestly, I think all attorneys should volunteer,” said Atty. Meghan Healy. “The State Bar recommends pro bono hours and this is only two hours a month. One evening I was the only attorney volunteer and we had 21 clients. So many people need help. Everyone is busy but so many are less fortunate.”

Court Commissioner David Keck said the cooperation of the volunteers has been key to the program’s success, as has the contribution from the libraries in Winnebago County, which provided printed materials and the facilities.

Jeff Gilderson-Duwe, director of the Oshkosh Public Library, and Tasha Saecker, director of the Menasha Public Library, both indicated they have been delighted with the partnership. “We are thrilled to be a partner in this project,” Saecker said. “The responses have been entirely positive.” ■



The team at the Oshkosh Public Library. Seated, from left, are Atty. Meghan Healy, Clerk of Circuit Courts Diane Fremgen and volunteer Lynn Schwartzkopf. Standing, from left, are Winnebago Court Commissioner David Keck, Atty. Howard T. Healy, volunteer Pam Tonagel-Hendricks, Atty. Trista Moffat, Atty. Kathleen Healy and volunteer Paul Frederickson.