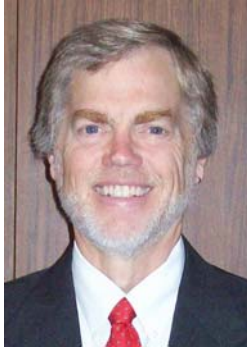


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Legislative Council study committees formed

By Nancy Rottier, Legislative Liaison

The Legislative Council has now named members to 16 interim study committees, the second largest number of such committees in the last 10 years. Five of the committees directly relate to the work of the court system; the Legislative Council named judges to four of those five committees. The committees of interest are:



Chief Judge Jeffrey A. Kremers

Special Committee on Criminal Justice Funding and Strategies

Chair: Sen. Lena Taylor (D-Milwaukee)

Vice-Chair: Rep. Robert Turner (D-Racine)

Members from the courts are: Chief Judge Jeffrey A. Kremers, District One; Deputy Chief Judge Scott R. Needham, District Ten; and Milwaukee County Clerk of Circuit Court John Barrett.

This Special Committee is directed to study funding of the criminal justice system and strategies to adequately and sustainably fund the criminal justice system, including an examination of fees and surcharges imposed on criminal defendants.



Deputy Chief Judge Scott R. Needham

Special Committee on Review of Emergency Detention and Admission of Minors under Chapter 51

Chair: Rep. Sandy Pasch (D-Whitefish Bay)

Vice-Chair: Sen. Dave Hansen (D-Green Bay)

No judges were named to this committee, which will review various provisions of Chapter 51 for appropriateness and consistency of emergency detention procedures across the state. The committee will also examine the inconsistent application of procedures relating to admission of minors under s. 51.13, Stats., as modified by 2005 Wisconsin Act 444.

Special Committee on Judicial Discipline and Recusal

Chair: Rep. Gary Hebl (D-Sun Prairie)

Vice-Chair: Sen. Glenn Grothman (R-West Bend)

The only court-related member of this committee is Chief Judge J. Mac Davis, District Three. The scope of this committee's assignment is the following: (a) review the current method by which justices and judges are disciplined; (b) examine alternative methods of judicial discipline, including methods of judicial discipline in other states and in the federal court system; and (c) recommend a method by which justices and judges should be disciplined. The Special Committee is also directed to review the current system of judicial recusal and to recommend an objective standard for judicial recusal.

Special Committee on Review of Spousal Maintenance Awards in Divorce Proceedings

Chair: Rep. Tony Staskunas (D-West Allis)

Vice-Chair: Rep. Amy Sue Vruwink (D-Milladore)

Members from the courts are: Judge William S. Pocan, Milwaukee County Circuit Court, who is a member of the Judicial Conference Legislative Committee; and Reserve Judge Robert G. Mawdsley, Waukesha County. This committee is directed to study: (a) the purpose and goals of

see **Committees** on page 17

Dane County Circuit Court takes AIM at disproportionate minority incarceration

By Gail Richardson, District Court Administrator, Fifth Judicial District

On July 6, the Dane County Circuit Court began to assess the risk, needs and motivation of defendants charged with forgery, manufacture and delivery of drugs, and possession with intent to deliver. The initiative is designed to reduce recidivism by giving judges the tools they need to make the best possible decisions for each individual. An additional goal in Dane County is to address the county's disproportionate incarceration of minority offenders.

Dane is the eighth county in the state to begin participating in the Assess, Inform and Measure (AIM) program of the PPAC



Judge Sarah B. O'Brien, who presides in Dane County's Criminal Division, joins Neal Goodloe, client services consultant from Northpointe (a corrections consulting firm), in a June 25 event in Madison. The event introduced a new program to assess each offender's risks and needs in certain case types. The program will generate evidence-based reports on as many as 400 offenders per year to help inform sentencing decisions.

see **AIM** on page 20



Director's column: Finding success

By A. John Voelker, Director of State Courts

“The majority of men meet with failure because of their lack of persistence in creating new plans to take the place of those which fail.”

- Napoleon Hill, author of “Think and Grow Rich” (1937)

As Napoleon Hill suggests, persistence and a willingness to try a new approach when faced with failure can lead us to success. This is true not only in business but in other pursuits, including legislative efforts.

Act 338, which took effect May 28, is a good example. The new law permits the Director of State Courts Office and the state Department of Children and Families (DCF) to enter into an agreement to allow for the transfer of certain electronic records of juveniles involved in juvenile court and child welfare cases.



A. John Voelker

Once fully implemented, the law should help judges and juvenile case workers make the best possible decisions regarding the disposition of cases involving juveniles. The law will allow judges and juvenile case workers limited and appropriate access to records previously available only to certain individuals within the juvenile court or the agency, respectively.

The idea of providing this access always seemed like it should be a legislative “home run.” Case workers insisted they could do a better job with access to the information, and judges generally agreed that electronic access to certain information would improve the juvenile and the child welfare systems.

But the legislative process behind what eventually became Act 338 was anything but quick and easy. In the end, it took two legislative sessions, a governor’s veto and significant effort on behalf of my office and DCF before this idea was ready for prime time.

The ideas contained in Act 338 were initially introduced in 2008 as AB 676. The legislation didn’t fail because it was bad; it failed in a process that could be deemed “legislation gone wild.” During the legislative process, access to juvenile records became overly broad, and too many people unnecessarily wanted statewide access to sensitive juvenile records.

We had initially supported AB 676, but it was modified so heavily during the legislative process that we dropped support as changes poured in.

Gov. Jim Doyle said he vetoed AB 676 in part because “the bill contains no restrictions on who in law enforcement would be authorized to access the records, or what type of thresholds must be met before otherwise confidential juvenile files could be unsealed. AB 676 similarly would allow any employee of the Department of Health and Family Services, a county social service agency, or a licensed child welfare agency, unrestricted access to sensitive information regarding children... the bill does not

define or limit what information in a juvenile court record should be made accessible to the government and child welfare agencies specified in the bill. Juvenile court records may often contain alcohol and drug assessments, psychological evaluations or other treatment records. This very sensitive information should be closely guarded. Allowing access to these types of juvenile records goes beyond the information needed to meet the initial intent of the legislation.”

Despite the April 7, 2008 veto, juvenile intake workers still believed that access to some juvenile information was important for them to do their jobs effectively. In the spirit of cooperation and in an effort to address the issue, I offered an idea to DCF that I originally had suggested to the authors of AB 676. This included legislation that would allow for the electronic transfer of specific juvenile data from the Consolidated Court Automation Programs (CCAP). This approach would be modeled after the numerous interfaces CCAP has successfully implemented with Department of Revenue, Crime Information Bureau, PROTECT, Department of Transportation, Milwaukee County Criminal Justice System, State Public Defender’s Office, and Department of Workforce Development.

This new approach was not only easier for the court system to implement; it alleviated the governor’s concerns, and Act 338 was signed. With the legislation passed, and CCAP and DCF working out the technology issues, my office is working on other administrative issues, including developing and distributing agreements with the Department and each county.

As a result of the new law, my office is working with DCF on an agreement that will specify what information may be transferred between the agencies contained in CCAP and in the Statewide Automated Child Welfare Information System (SACWIS) for the following purposes:

1. Providing child welfare or juvenile justice intake or dispositional services.
2. Assisting proceedings under the Children’s Code or the Juvenile Justice Code.

DCF may allow access to the information transferred, only for the purposes of providing intake or dispositional services under the Children’s Code or Juvenile Justice Code. Likewise, the juvenile courts or CCAP may allow access to information transferred by DCF only to the extent that the information may be disclosed under the Children’s Code or Juvenile Justice Code.

The information transferred must be kept confidential and used only for permitted purposes. Any person who intentionally discloses information in violation of the confidentiality restrictions of the bill may be required to forfeit more than \$5,000.

Watch for more information in the coming weeks as we get closer to implementing the legislation. ■

Two more counties launch foreclosure mediation programs

Two more Wisconsin counties recently launched foreclosure mediation programs in an effort to find better ways to handle the continued high number of foreclosure filings.

Eau Claire and Winnebago counties are the latest to offer mediation to homeowners and lenders. The Winnebago County program will serve surrounding counties including Calumet, Manitowoc and Waushara.

There are now 11 foreclosure mediation programs in Wisconsin. The others are in Buffalo/Pepin, Dane, Iowa, Jackson, Milwaukee, Outagamie, Rock, Walworth and Waukesha.

Each program is unique, but they share a few key characteristics. In all of the programs, mediation is voluntary, and both homeowner and lender must agree to

mediate. The mediation session can result in agreements for repayment plans, forbearance plans, trial modifications, permanent modifications, listing-agreement forbearance plans, or unemployment forbearance plans, depending on the individual circumstance.

Most of the state's foreclosure mediation programs have been developed with assistance from Marquette Law School's Dispute Resolution and Public Service Program. The program, guided by Attys. Debra Tuttle and Natalie Fleury, trains mediators and provides a process and forms to interested counties.

In 2009, there were nearly 28,000 foreclosure cases filed in Wisconsin. That's about 2,500 more than in 2008. ■

Mediation: The Jackson County model

By Claudia Singleton, Jackson County Clerk of Circuit Court

More than a year ago, Jackson County began offering small claims mediation. In 2009, we expanded the program to include large civil actions including foreclosures.

In small claims actions, if the case is contested, the parties meet directly after court with the mediator in an attempt to resolve the case. In large civil actions a local court rule requires the plaintiffs to notify the defendant that mediation may be requested by either party. Upon request of either party, the court determines whether the case is appropriate for mediation. If it is, the Clerk of Circuit Courts Office schedules the case with a mediator.

The goals of mediation are to assist litigants by

enhancing communication between the parties, and, if possible, tailoring a mediation agreement that fits their needs and reduces the judicial caseload. Mediation can also be helpful in resolving disputes before they escalate and require intervention of law enforcement or social services.

Jackson County held 72 mediation hearings in small claims and civil actions in 2009. The program has been so successful that a special mediation training program was held this spring to bring additional volunteer mediators on board. Ashley Meyer, the Small Claims/Civil clerk from the Clerk of Circuit Courts Office trained the volunteers. ■



Small Claims/Civil Clerk Ashley Meyer (standing) conducts a training session for volunteer mediators at the Jackson County Courthouse. The Jackson County program handled 72 mediations in small claims and civil actions including foreclosures in 2009.

Court system bosses learn more about court administrator's 'other job'

By Tom Sheehan, Court Information Officer

It must have felt like Take your Bosses to Work Day for District Ten Court Administrator Scott K. Johnson.

But it wasn't just another day at the courthouse on May 19, when Johnson was joined by Chief Justice Shirley S. Abrahamson, Chief Judge Benjamin D. Proctor and Director of State Courts A. John Voelker at Johnson's "other job" – 30,000 feet in the air.

Johnson, a lieutenant colonel with the Wisconsin Air National Guard's 128th Air Refueling Wing, took his court system bosses along for a ride aboard a KC-135 Stratotanker as part of a civic leader orientation flight offered by the Guard.

About two dozen people, mostly employers of guard members, took part in the program, which is intended to give employers and others a chance to witness an in-flight refueling and to learn more about the refueling wing's mission.

After a safety briefing and security check at unit headquarters, the group boarded the refueling jet at Mitchell Field in Milwaukee and flew north of Oshkosh. While in flight, F-16 jet fighters based at Truax Field in Madison pulled up slightly behind and underneath the KC-135 to refuel.

As the jets approached, the boom operator extended a 38-foot-long refueling boom from the bottom tail of the KC-135 to a receptacle atop the fighter jets. Each passenger had a chance to briefly view the refueling up close by lying on a platform alongside the boom operator at a window located at



Lt. Col. Scott K. Johnson discusses his duties and role with the 128th Air Refueling Wing of the Wisconsin Air National Guard. Johnson, District Ten court administrator, is pictured aboard a KC-135 Stratotanker with Chief Justice Shirley S. Abrahamson, Director of State Courts A. John Voelker and Chief Judge Benjamin D. Proctor, Eau Claire County Circuit Court.

the bottom tail of the aircraft.

During the flight, Abrahamson and Voelker joined Col. Edward E. "Ted" Metzgar, Commander of the 128th Air Refueling Wing, in the cockpit to see how the flight crew operates.

Abrahamson said she was impressed by the professionalism of the crew and the skills they demonstrated during the airborne refueling. Abrahamson joked that she was glad she was not in charge, as she once drove away from a service station with the gasoline pump's nozzle still in the tank of her car.

The orientation flight is one of several Guard public affairs programs designed to recognize employers of Guard members. The Department of Defense previously recognized Voelker and the Wisconsin court system as a "Patriotic Employer for contributing to national security and protecting liberty and freedom."

In 2007, Abrahamson accepted, on behalf of the Supreme Court, a Wisconsin flag presented by Metzgar in appreciation of the Court's support of Johnson's active-duty military service.

Johnson serves as deputy commander for the 128th Mission Support Group, which supports approximately 400 airmen and women. Johnson has been deployed more than 40 times in various countries and in the U.S. during 27 years of military service, most recently in 2008 to help with flood recovery efforts in Iowa.

The trip to Milwaukee also included a visit to the



The view from the tail end of the KC-135 Stratotanker during refueling.

see Flight on page 5

Members selected for Limited-Scope Representation Subcommittee

By Jessica Jensen, Intern, Statewide Pro Se Project

Bayfield County Circuit Court Judge John P. Anderson and Ozaukee County Court Commissioner Darcy E. McManus will co-chair a new subcommittee that will focus



Judge John P. Anderson



Ct. Cmsnr. Darcy E. McManus

on limited-scope representation. The group also will include judges from Dane and Milwaukee counties.

The Supreme Court Planning and Policy Advisory Committee (PPAC) voted in March to establish the new subcommittee, which will hold its first meeting on Sept. 9 in Madison.

At the top of the to-do list is a feasibility study to determine whether a statewide limited scope representation program should be implemented. The subcommittee will research current efforts within the state and across the nation that encourage and support limited-scope representation. Such efforts might include training, risk management materials, court rules and forms.

The subcommittee plans to meet four times between Sept. 2010 and Aug. 2011, when members will present the results of their feasibility study to PPAC.

In addition to co-chairs Anderson and McManus,

subcommittee members include: Atty. Jeffery Brown, State Bar *pro bono* coordinator; Judge Juan B. Colas, Dane

County Circuit Court; Judge Michael J. Dwyer, Milwaukee County Circuit Court; Atty.

Rosemary R. Elbert, executive director of Judicare; Clerk of Circuit Court Diane Fremgen, Winnebago County; Gregg Moore, board president of the Wisconsin Access to Justice Commission; Librarian Lisa Winkler, Dane County Legal Resource Center; and Atty. Mary K. Wolverton, Milwaukee.

Limited-scope representation is a non-traditional attorney-client relationship in which a lawyer is hired to do some, but not all, of the work involved in a case. These arrangements allow litigants who might otherwise proceed unrepresented to obtain some legal assistance where they need it most.



Atty. Jeffery Brown

see **Limited-scope** on page 9



Judge Juan B. Colas



Judge Michael J. Dwyer

Flight *continued from page 4*

Milwaukee County Courthouse, where Abrahamson and Voelker attended a meeting of the Community Justice Council's Executive Committee and a foreclosure mediation session. ■

Photos of the flight taken by public affairs staff can be found on the 128th's Facebook page at: www.facebook.com/pages/Milwaukee-WI/128th-Air-Refueling-Wing/167761127165?v=wall



Master Sgt. Michael Weimer, boom operator, prepares for the approach of a jet fighter in need of refueling as Chief Justice Shirley S. Abrahamson looks on.

RETIREMENTS

Courts bid farewell to 18 judges

In the seven months between December 2009 and August 2010, 18 judges retired from the Wisconsin court system. Last winter, we profiled four of them (Judge Burneatta "Burnie" L. Bridge, Wisconsin Court of Appeals; and circuit court Judges Michael Kirchman, Crawford County; Michael J. McAlpine, Monroe County; and Robert W. Wing, Pierce County). In spring, we profiled another five (Court of Appeals Judges Charles P. Dykman and Harry G. Snyder, along with Judges William H. Carver, Winnebago County; Richard D. Delforge, Oconto County; and Michael Gibbs, Walworth County). This time around we profile seven recent retirees: Judges Patrick J. Faragher and David C. Resheske, Washington County; Frederick A. Henderson, Rusk County; Gary J. Langhoff, Sheboygan County; Stuart A. Schwartz, Dane County; Stephen A. Simanek, Racine County; and Steven W. Weinke, Fond du Lac County. Judges Patricia D. McMahon, Milwaukee County, and Bruce K. Schmidt, Winnebago County, will appear in the fall issue.

Washington County loses two of four judges

Two of Washington County's four circuit court judges stepped down this summer. Judges Patrick J. Faragher and David C. Resheske announced their mid-term retirements within days of one another. Gov. Jim Doyle appointed Atty. James G. Poulos, who has practiced with the O'Meara Law Firm in West Bend since 1971, to succeed Faragher, and Atty. Todd K. Martens, who has served as Washington County district attorney for 11 years, to succeed Resheske.



Judge Patrick J.
Faragher

Faragher and Resheske were both initially appointed to the bench by Gov. Tommy Thompson – Resheske in 1999 to replace Judge Richard T. Becker, and Faragher in 2000 to replace Judge Lawrence F. Waddick. Both new judges spent many years in public service prior to their appointments, Faragher as Washington County corporation counsel and Resheske as Washington County district attorney. Resheske also worked for seven years in private practice.

In interviews, Faragher and Resheske – classmates at Marquette University Law School who worked together frequently prior to joining the bench – emphasized that the Washington County Circuit Court is unique in a few important ways. First, three of the four judges (Faragher, Resheske and Andrew T. Gonring) began their judicial careers at approximately the same time. They have built a close collegial relationship that includes Judge James K. Muehlbauer, who was appointed in 2007.

"We talk with one another a lot," Resheske said. "It's really helpful to have someone to bounce legal theories and ideas off of. I can't emphasize that enough. I feel for judges in small counties who don't have that resource."

Second, Washington County is wired, and has led the state in the adoption of eFiling, with Clerk of Circuit Court

Kristine Deiss playing a key role. Faragher said the judges frequently make use of technology that allows for electronic presentation of evidence.

"We have a great set-up with big screens and an individual screen for each juror," he said. "We also videoconference criminal, mental and family hearings, and it works very, very well."

A third critical area where Washington County has led the way is courthouse safety. In recent years, the county has remodeled the courthouse



Judge David C.
Resheske

to ensure that, among other things, judges are not bumping into defendants and their families in the halls and parking lots. The improvements were sorely needed.

"I've been shot at," Faragher said. "They aimed a .22 rifle at the bedroom window. We weren't in there, fortunately. I think it was an attempt to let me know, 'we know where you live.' But they never caught the guys. It's impossible to trace a .22."

Before the remodel, Faragher said he also had encounters with angry litigants in the parking lot and sometimes found himself walking side-by-side with a defendant's family in the hall.

"Obviously, emotions run very high," he said. "But the truth is, criminal cases are what I like best. Most defendants are pretty decent folks – polite, cooperative – although sentencing is tough. Even though there's no doubt about the sentence, it takes a little piece of your heart every time. Especially with a young offender. You realize you are taking away someone's son or daughter."

Faragher's least-favorite cases are juvenile. Resheske shares this opinion.

"You look at the background and the family, and the way they've been raised, and you just know there's very little hope," Resheske said. "You just know you're going to see them back in the criminal justice system."

Resheske also dislikes what he sees as the increasing technical requirements imposed on judges.

"You make your decision, and you just want to sit down and do what you think is right, but instead you have to focus on using certain words and checking certain boxes," he said. "That doesn't seem to benefit the litigants, and it can be very frustrating."

In retirement, both judges will go south. Faragher, who left the bench in June, is heading for North Carolina and Resheske, who left in July, will move to Florida. Faragher intends to keep busy with multiple projects, including building and remodeling work, while Resheske said he intends to "play as much golf as I can."

Henderson ends 25-year judicial career

Judge Frederick A. "Rick" Henderson retired May 31 after 25 years on the bench in Rusk County, a one-judge county between Eau Claire and Minneapolis. Succeeding

RETIREMENTS *continued from page 6*

Judge Frederick A. "Rick" Henderson

Henderson is Judge Steven P. Anderson, formerly an assistant Rusk County district attorney. Anderson was elected in April.

Henderson had worked in private practice for 10 years when, in 1985, Gov. Tony Earl appointed him to the bench. Although Henderson was unavailable for an interview, colleagues said he quickly established a reputation as a careful listener with a low tolerance for nonsense.

Chief Judge Benjamin D.

Proctor worked with Henderson

in District Ten for more than ten years and considers him a close friend. He lauded Henderson's sense of humor, storytelling ability and commitment to a fair, neutral and impartial Wisconsin judiciary.

"His style is one of letting lawyers work, letting parties have their day in court, and finding out what the truth is," Proctor said of Henderson. "This philosophy led to good conclusions in most cases."

Henderson is a veteran of the Vietnam War. He served as a U.S. Air Force pilot, and recently returned to Vietnam for the first time in nearly 40 years for a visit. Following his overseas service, Henderson was stationed in California, where he attended law school. After returning to Wisconsin, Henderson owned a horse farm in Phillips with his wife, Bonnie Lee, who tragically passed away suddenly in August 2009.

Proctor said he and the other District Ten judges will miss working with Henderson.

"He used to be a scratch golfer," Proctor said. "But his hard work on the bench has had an adverse effect on his golf. Although he still has a beautiful swing."

Langhoff ends lengthy judicial career

Judge Gary J. Langhoff was 10 years out of law school and serving as Sheboygan city attorney when he sought election to the Sheboygan County Circuit Court in 1987. Langhoff vied with several other candidates to succeed a local icon, Judge (and former Sheboygan mayor) John Bolgert.

Since that first race, Langhoff has been elected three times without

opposition. Now, with one year left in his current term, he has opted to retire. Langhoff stepped down in July, and Gov. Jim Doyle appointed Atty. Angela Sutkiewicz – a private practitioner who focuses on personal injury and family law – to replace him.

Langhoff said he would miss "the wonderful people with whom I have worked" and also presiding over jury trials.



Judge Gary J. Langhoff

"That's been a favorite of mine, because of the drama and opportunity (usually) to observe good lawyers at work," he said.

But even on a bad day, handling a complex civil matter was far easier for Langhoff than presiding over small claims or adjudicating post-judgment divorce cases.

He also observed that his criminal docket now encompasses increasingly violent offenses, a diminished respect for the system, and an exponential rise in drug cases.

"All of these things make the job more challenging," he said, "and it becomes more important that we listen closely, remain aware that the solution isn't always obvious. Take the job seriously, but not yourself."

In retirement, Langhoff looks forward to spending more time with his wife and grown children and traveling – particularly to spots in Canada. He also plans to do occasional guardian *ad litem* work.

Schwartz is enjoying slow days with no schedule

Judge Stuart A. Schwartz, who successfully avoided participating in a retirement story for nearly one year following his departure from the bench, has been caught.

Schwartz retired in October 2009 after 17 years on the bench. Judge Stephen E. Ehlke replaced him.

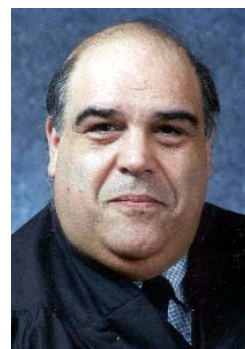
Schwartz may be best known for his decade of service in Wisconsin's very first drug court. Schwartz helped to implement the

Dane County Drug Court, and presided there from 1995-2005, when rotation took him to a new assignment. At the time, his Drug Court successor, Judge Sarah B. O'Brien, had this to say:

"The value of Judge Schwartz's leadership on this project is impossible to overstate. The difference he has made through his hard work and dedication to the Drug Court has improved our community immeasurably and has given new hope to people who might otherwise have been lost forever."

Schwartz brought the same compassion and concern to all of the cases he handled – including a number of high-profile homicide, civil and medical malpractice matters. The three cases that stand out in his mind as the most difficult cases for him were all homicides by intoxicated use of a motor vehicle. Like many judges, Schwartz found sentencing in these cases to be particularly vexing.

Fortunately, there also were many lighthearted moments on the bench. Schwartz recalled an assistant district attorney requesting installation of an ignition interlock device, which the attorney called an "IUD." On another occasion, Schwartz read a very serious criminal charge to a defendant and the man blanched, insisting that he was there to face charges related to letting his dog run loose. The defendant unfortunately shared the name of a serious offender whose



Judge Stuart A. Schwartz

RETIREMENTS *continued from page 7*

case was on the same docket.

Schwartz's time on the bench in Dane County began in 1976, when he became a court commissioner. He served in that position for 16 years prior to his election as judge. He was also a legal assistant in the Dane County probate court, and head of the trial division for Wisconsin Indian Legal Services.

Like many of his colleagues, Schwartz pointed to two trends that he has tracked over the years: more criminal and juvenile cases and fewer civil cases, and a significant rise in *pro se* litigation.

While he does not miss the stress of his job, Schwartz said he does miss the people.

"I enjoyed the exchanges," he said. "I enjoyed listening to people telling their stories." He said he also enjoyed his colleagues and all of the staff who made the system work smoothly under sometimes adverse conditions.

Schwartz plans to work as a reserve judge, but mostly he wants to enjoy his time with family, travel, read and spend time away from Wisconsin in the winter.

"I plan on letting life go by slowly," he said. "Let me put it this way, I have only worn my watch twice since October."

Simanek retires after 30 years

Judge Stephen A. Simanek calls himself the luckiest man alive. He has been through five elections (including the 1979 election that initially placed him on the bench) without ever facing an opponent. He has a job he loves, and looks forward to a busy retirement. And, last year, he was honored with the *Wisconsin Law Journal's* Lifetime Achievement Award.



Judge Stephen A.
Simanek

"It's been a very good run," he said. "I have enjoyed trying to help people resolve their disputes and I've been privileged just to be able to come in every day and to try to do the job right."

For Simanek, who has spent 30 years on the bench in Racine County (and six years as the district's chief judge), doing the job right has meant two things. First, he rules from the bench whenever possible ("I don't get any smarter by sleeping on a decision,") and second, he makes frequent use of the benchbooks, which are desktop reference guides published by the Office of Judicial Education.

"I tell new judges to make the benchbook their bible," he said. "The checklists they provide are a tremendous resource to help ensure that you have touched all the bases."

Simanek said he would miss working with the other judges and court staff, but he looks forward to devoting himself to multiple hobbies.

"I'm a fisherman and a hunter, and I process all the meat

myself, so it can be very time consuming," he said. "And occasionally I'll have a moment where the sausage machine is running too fast and it's like something out of 'I Love Lucy'."

And he's not just processing deer. Last year, Simanek shot a buffalo in Colorado and an antelope in Wyoming. He also makes jam and cans vegetables that he harvests from his ever-expanding garden.

When the harvest is in, he'll turn his attention to another hobby – a 1962 red Corvette that he keeps running "pretty much with a wrench and a screwdriver," he said. "It's a lot of fun. I plan to enjoy every moment of retirement just as I have enjoyed my time on the bench."

Weinke steps down after 24 years

Every once in a while, a judge in an otherwise quiet, small Wisconsin county finds himself thrust into the national spotlight. In 1998, it was Fond du Lac County Circuit Court Judge Steven W. Weinke's turn.

Weinke made national headlines as he presided over a wrenching child-abuse case involving five children, including a 7-year-old girl who had been kept in a cage. Pursuant to a plea agreement, Weinke ultimately sentenced the parents to one year in jail – only to have the mother flee to Texas while out on a pass.

Weinke retired from the bench on April 30, after serving for 24 years. Voters elected Gary R. Sharpe, a longtime private practitioner from Fond du Lac, to succeed Weinke.



Judge Steven W. Weinke

Prior to Weinke's election in 1986, he worked as an attorney in private practice. He has served as a board member for the Fond du Lac Conflict Resolution Center, which offers mediation for small claims, juvenile restitution, and land and tenant conflicts.

A graduate of UW-Madison, Weinke participated in the first Justice Teaching Institute in 2000. The two-day program was designed to offer classroom teachers a variety of tools for educating their students on the judicial system. The program, which is still active, was created by the State Bar of Wisconsin, the Wisconsin Supreme Court, UW Department of Curriculum and Instruction, and the Wisconsin Law Foundation. Weinke has also participated in the Volunteer Summer Law Student Internship Program, which gives law students from around the country the opportunity to intern in the Wisconsin court system.

Weinke, who said he enjoys reading and golf, has big plans for his retirement. "I'm going to do absolutely whatever I want," he said. ■

AWARDS

Abrahamson wins national honor



Chief Justice Shirley S. Abrahamson

Chief Justice Shirley S. Abrahamson has been selected for the American Bar Association (ABA) Justice Center 2010 John Marshall Award in recognition of “her exemplary lifelong commitment and dedication to the improvement of the administration of justice,” according to the ABA.

In announcing the award, members of the ABA selection committee called Abrahamson a “legend in the world of judicial administration” and a justice “who cares about the way people are treated in her state’s courts.”

The award will be presented in San Francisco on Aug. 6 at the ABA Annual Dinner in Honor of the Judiciary. It is named for the fourth chief justice of the United States who is credited with strengthening the judicial branch of government.

Judge Mary Schroeder, a member of the U.S. Court of Appeals Ninth Circuit and chair of the John Marshall Award Committee, called Abrahamson a role model for lawyers and

judges across the nation.

“Chief Justice Abrahamson has proven her dedication to the law and to our profession by her many years of leadership of her state’s judiciary as well as many other national judicial and legal organizations,” Schroeder said. “She is a most worthy recipient of this award.”

Bradley is Melli honoree

Justice Ann Walsh Bradley was honored in May with the 2010 Marygold Melli Achievement Award. The award is given annually to one individual who has achieved professional excellence and contributed significantly to the eradication of gender bias in the legal system.

Among the 15 past winners are Chief Justice Shirley S. Abrahamson, Judge Angela B. Bartell and Judge Barbara Crabb.

In announcing its 2010 honoree, the Legal Association for Women (LAW) noted that Bradley was one of only a few women practicing law in central Wisconsin in the 1970s, when she started her own law firm in Wausau.

Bradley also broke barriers in her judicial career. She was the first woman elected to the bench in Marathon County

see **Awards** on page 10

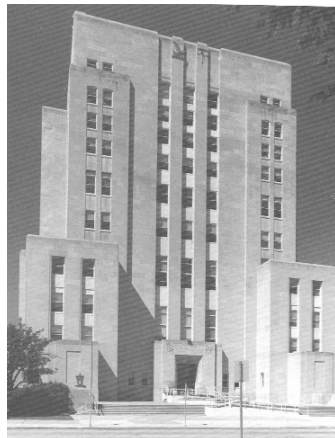
Racine County to open courthouse self-help center

In late summer or fall, Racine County will join a growing number of counties offering self-help centers for *pro se* litigants. Racine County Circuit Court Judges Gerald P. Ptacek and Faye M. Flancher are working with Clerk of Circuit Court Roseanne Lee on this initiative.

The center will be based in the law library located on the eighth floor of the courthouse. Court staff will provide procedural assistance with forms on Mondays, Wednesdays and Fridays from 2-3 p.m. and on Tuesdays and Thursdays from 10-11 a.m.

In the next few weeks, court staff will receive training from Tera Nehring, who runs the well-established self-help program in Waukesha County, and Ann Zimmerman, statewide *pro se* coordinator.

Plans are also underway to develop a series of instructional seminars on various family law and small claims topics. A legal assistance clinic also is in the works. ■



A new self-help center will soon begin helping litigants fill out court forms at the Racine County Courthouse.

Limited-scope *continued from page 5*

Limited-scope representation helps those who may not be able to afford full-service representation to be better prepared, which in turn helps the courts provide the best possible service to the public. ■

Readers with information about existing limited-scope representation programs or resources in Wisconsin or elsewhere are asked to contact Ann Zimmerman at (608) 261-8297 or ann.zimmerman@wicourts.gov, so they may be included in the subcommittee’s study.



Diane Fremgen



Gregg Moore



Lisa Winkler

AWARDS *continued from page 9*

UW Law School Professor Emerita Marygold Shire Melli, left, presents Justice Ann Walsh Bradley with the 2010 Marygold Melli Achievement Award given by the Legal Association for Women. The award was presented at a reception in Madison on May 13.

Circuit Court in 1985, and ultimately became the county's presiding judge before making a successful run for the Supreme Court in 1995.

"Justice Bradley is an outstanding justice – always prepared, always asking insightful questions from the bench, and always delivering well-reasoned, well-written opinions," LAW wrote. The group also noted that Bradley serves on state and national commissions, and is a frequent speaker on topics related to law and history.

Appeals Judge Brennan is 'Headliner'

The Milwaukee Press Club selected Judge Kitty K. Brennan, Court of Appeals, District I, as one of its 2010 Headliners this spring. Founded in 1885, the Milwaukee Press Club is the oldest continuously operating press club in North America.

The Press Club gives its prestigious Headliner Award annually to people who are in the news and are making a positive difference in Wisconsin. The other 2010 Headliner, Will Allen, has established a national reputation for his urban gardening initiative, Growing Power.

Past Headliners include Jane and Lloyd Pettit, Mike Holmgren, Michael Cudahy, Jacqueline Mitchard and Janine Geske, among others.

Brennan was a high-profile, tireless advocate for the Milwaukee County Circuit Courts during her three-year tenure as District One chief judge. Her steadfast leadership helped to keep the courts running in Milwaukee during a period of drastic budget cuts.

Brennan's career in the law began in 1977 in the Milwaukee County District Attorney's Office, and included 10 years in private practice and 14 years on the bench in



Judge Kitty K. Brennan

Milwaukee County. In 2005, the Supreme Court selected Brennan to serve as chief judge. In 2008, she was appointed to the Court of Appeals. She won election to a full term on that court in 2009.

In an article about Brennan, the Milwaukee Press Club's Kathy Mykleby noted that the judge – the oldest of eight children – learned early in life to follow her instincts.

"Be true to yourself; just be who you are," she said. "It is kind of what you learn as a trial lawyer. You cannot adopt anyone else's style. It won't work for you. ... The same goes for parenting or whatever you do. You just have to be who you are and follow your heart."

Court employees are Combined Campaign winners

Each year, state employees in Wisconsin and elsewhere are asked to participate in a United Way campaign that raises funds for a group of charities that help to improve life in the community by addressing issues related to homelessness, hunger, child welfare, care of the elderly and more.

In the most recent campaign, in spite of economic woes, Wisconsin Supreme Court employees made an average contribution of \$629. The total amount given by Supreme Court employees (\$11,942) reflected a 49.4 percent increase over the previous year's contributions.

This extraordinary effort was led by court employee Randy Sproule, who is director of the Medical Mediation Panels.

"I think it speaks well of the staff that in spite of wage freezes and mandatory furloughs, Supreme Court employees stepped up to the plate and significantly increased their contributions in an effort to help others in these challenging economic times," Sproule said.

Sproule accepted, on behalf of all participating court employees, an award honoring court staff for recording the second-highest percentage increase in contributions over the previous year.

The total contribution to the Partners in Giving Campaign by Wisconsin state employees was just under \$2.9 million for 2009. ■



Randy Sproule, director of the Wisconsin court system Medical Mediation Panels, poses with a plaque he accepted on behalf of Wisconsin Supreme Court employees who participated in the Partners in Giving Campaign. Court employees were honored for substantially increasing their contributions to the campaign in spite of difficult economic times.

LEADERSHIP

Milwaukee's court reporting manager thrives on hectic pace

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

When Michelle Smith was appointed manager of court reporting services for the Milwaukee County Circuit Court in July 2007, she thought the only balancing she would have to do would be the schedules of more than 70 court reporters in Milwaukee, tracking transcript requests and filling the needs of the courts when reporters weren't available due to illness or time off. No problem. After all, she had been an assistant to Managing Court Reporter Kris Jacobi, and was well acquainted with the hectic pace of the office.

But life became vastly more complicated in Smith's first week on the job when she and her husband, Ed, became foster parents to a seven-week-old baby named Aaron. Then, a few months later, Ed was deployed to Afghanistan. A veteran of the Gulf War and the Iraqi War, Ed is an explosive ordnance disposal technician with the 115th



Michelle Smith, manager of court reporting services in Milwaukee, with her husband, Ed, and son, Aaron.

Fighter Wing at Truax Field.

Today, the Smith family has found a "new normal." Ed returned from Afghanistan in January 2010. Gone (at least for now) are the days of skydiving (Michelle has logged more than 100 jumps) and quiet dinners for two. Instead, Michelle and Ed spend as much time as possible with Aaron, whom the couple adopted in November 2008. He just turned 3.

"He is a handful, but he's also smart, energetic and

just plain fun," Michelle said. "He is such a delight and certainly puts life in focus."

Balancing the court reporter schedules in Milwaukee County seems to pale next to the daily delight of meeting the ever-changing needs of a 3-year-old, and the life and death of bomb disposal. But just to be certain that life never becomes routine, Michelle and Ed have just begun the foster care process once again. ■

MILESTONE

Deputy clerk marks 40 years of service

By Terrie Tews-Liebe, Waupaca County Clerk of Circuit Court

When Barbara Allar began her career in the Waupaca County Clerk of Circuit Courts Office on June 5, 1970, there were no telephones or computers in the courtroom. There was, she recalled in an interview, a rather inefficient buzzer system. If the buzzer sounded, you knew that someone needed something in the courtroom...but you didn't know what!

Also slow and cumbersome was the docketing process. Documents were all recorded by hand in large docket books until the Consolidated Court Automation Programs (CCAP) came along in 1992.

During her tenure, Allar has worked under three clerks and seven judges. She began as a clerk-typist, and was promoted to the position of deputy clerk Branch II. She now clerks for Judge Raymond S. Huber in Branch III.

In her spare time, Allar enjoys gardening and spending time with her family. She's also an excellent baker, and her co-workers love her treats.

Congratulations Barb, on 40 years of dedicated service! ■



Barbara Allar celebrates 40 years with the Office of the Clerk of Circuit Court in Waupaca County.

OPINION

My challenge to the Wisconsin Judicial Code

By Judge John Siefert, Milwaukee County Circuit Court

Editor's note: In the case of Siefert v. Alexander, Federal District Judge Barbara B. Crabb enjoined the enforcement of three provisions of the Wisconsin Judicial Code after concluding that they violated the First Amendment. On June 14, 2010, Crabb's decision was affirmed in part and reversed in part by a three-judge panel of the Seventh Circuit Court of Appeals. The plaintiff, John Siefert, has been a Milwaukee County Circuit Court judge since 1999. He also served as a Milwaukee Municipal Court judge. Here, for the first time, Siefert explains why he challenged the code and calls upon the Wisconsin Supreme Court to take a new look at revising the ethics rules that guide the actions of Wisconsin judges. This column reflects only the views of the author, Judge John Siefert.



Judge John Siefert

In October 1975 a young Milwaukee police officer did what many of his colleagues considered unthinkable: he publicly challenged Milwaukee's legendary (and authoritarian) Chief of Police Harold Breier. Breier had promulgated highly restrictive rules on speech and political activity he claimed were necessary to maintain the "appearance of impartiality" of his officers. Among them was Rule 29, Section 23, which provided that no police officer could engage in political activity – specifically barring being a member or officer of a political party or holding political office.

I was that young officer.

In many ways, I was atypical. A graduate of the University of Chicago, I came onto the job of street cop with my law degree already in hand. Even more atypical, I was a Democrat, a progressive, and a political activist. While still in law school at the University of Wisconsin, I had twice run for the state Legislature (in my freshman and senior years). In 1972, I was a delegate to the Democratic National Convention.

Not many of my squad partners at the Fifth Precinct in Milwaukee's inner city were Democrats. Fewer still were interested in politics.

Breier claimed his rule was necessary to preserve "an appearance of impartiality" among his officers. But I felt his ban on political activity impinged on basic constitutional and statutory rights. The right to join a political party and to run for office were fundamental, in my view, to a democracy.

I challenged Breier's rules in court.

I won.

Flash forward to fall 2007: now a veteran judge with over two decades on the bench, I took stock of another set of rules: the Wisconsin Judicial Code.

The occasion was my spring housecleaning of old case files. I was planning to toss the files on the Breier battle as ancient history. But as I reviewed the dusty pages, I was struck by how similar Breier's rules were to the Judicial Code. In fact, SCR 60.06(2)(b)(1) of the Code stated that no judge shall be a member of a political party. Sounded familiar.

Breier also had broad restrictions on political speech, a ban on commenting on controversial issues, and discouraged talking to the press.

As I sat there pondering the similarities, I recalled a judicial free speech controversy from the fall of 2006. Wisconsin citizens were considering an advisory referendum on whether Wisconsin should enact a death penalty. A number of judges who wanted to speak out on this controversial issue decided to first ask for an opinion from the Judicial Conduct Advisory Committee on whether such speech was allowed under the Code.

To my shock, the initial opinion said NO!

The opinion acknowledged that both proponents and opponents of the death penalty agreed that this issue implicates profound and fundamental questions of law, the legal system, and the administration of justice. I knew that SCR 60.05(2) of the Code specifically allows a judge to speak, write, lecture, and teach about the law, the legal system, and the administration of justice.

So when the committee determined that a judge should not state a public opinion on the death penalty, it stunned me.

The conduct committee opined that to allow a judge to speak out on the death penalty would be to allow the prestige of the judicial office to be used to advance "a private interest."

Gee, until I read that opinion, I hadn't realized there were that many judges on death row with a "private interest" in the outcome of the debate.

After a firestorm of criticism, the committee issued a revised opinion.

It still answered the plea to be able to speak out with a NO, but with qualification. It now held that to allow a judge to take a stand on the death penalty would cast a reasonable doubt on the sitting judge's capacity to act impartially on cases involving the death penalty which may come before the judge.

Gee, until I read that revised opinion I hadn't realized how many death penalty cases might come before me, given Wisconsin has never had a death penalty, was relatively unlikely to enact one, and, if the penalty were enacted, it would take decades to accomplish.

The committee, balancing the remote possibility that a sitting Wisconsin judge might actually face a death penalty case before retirement with the moral imperative to speak out, came down squarely against speaking out.

Effectively silencing Wisconsin's judges on the death penalty greatly disturbed me. At the time, I viewed those actions more as an effort by the judicial establishment to keep Wisconsin judges non-controversial than as an effort to keep them impartial on a category of cases that do not now exist and are unlikely to exist.

But as I pondered my 30-year-old files on the Breier battle, I decided maybe they weren't ancient history. Maybe the battle for freedom of speech and political association just needed to be fought on a different front.

I challenged the Judicial Code in federal district court.

I won again.

On Feb. 17, 2009, Judge Barbara B. Crabb issued a decision that suggests Wisconsin's judicial rule makers stop

Court of Appeals honors retirees, greet new members

The Wisconsin Court of Appeals typically honors retiring judges with small gatherings in the district where the individual served, and the court welcomes new judges in much the same way.

This year was different. Chief Judge Richard S. Brown hosted a celebration at his home in Oconomowoc to bid farewell to two longtime members of the court, and to greet three new members. The party brought together Court of Appeals judges from all four districts for food, swimming and pontoon boat rides featuring a colorful history of the area by Brown's father-in-law Chuck Herro, a noted historian, and Brown's brother-in-law, Terry Kaldhusdahl, who produced a documentary film on the history of Oconomowoc.

"It was a really nice evening and good for the court," Brown said. "We sit in four districts and, even though we are a unified court, we don't get to socialize much between districts."

Judges Charles P. Dykman and Harry G. Snyder were honored for their many years of service, and Judges Brian W. Blanchard, Paul F. Reilly and Gary Sherman were welcomed to the court.

Blanchard and Reilly were elected in April to succeed Dykman and Snyder, both of whom stepped down on July 31. Dykman served 32 years on the Court of Appeals, and Snyder served 19 years after spending 11 years on the circuit court in Waukesha County.

Sherman was appointed in May to replace Judge Burnie L. Bridge, who stepped down in January to find more time for other pursuits. Bridge served on the Court of Appeals for three years, and was honored at a separate celebration last winter. ■



Judge Kitty K. Brennan, District I, catches up with Judge Edward R. Brunner, District III.



Judge Paul B. Higginbotham, District IV.



Court of Appeals Chief Judge Richard S. Brown presents his longtime colleague, Judge Harry S. Snyder, with a plaque commemorating his service on the Court of Appeals. Looking on is Snyder's wife, Rosemary Snyder.



Court of Appeals Judge Charles P. Dykman accepts a plaque commemorating his 32 years of service. In the rear, from left to right, are Judges Paul F. Reilly, Michael W. Hoover, Kitty K. Brennan, Joan F. Kessler and Gregory A. Peterson



Newly elected Court of Appeals Judge Brian W. Blanchard, left, with Judge Lisa S. Neubauer, who took the bench in District I in 2007, and Chief Judge Richard S. Brown.

OBITUARIES**Reserve Judge Robert A. Haase
Winnebago County Circuit Court**

Judge Robert A. Haase, a former chief judge respected by colleagues across the state for his intellect and keen sense of humor, died July 19 at home after a battle with cancer. He was 71.

Haase served on the Winnebago County Circuit Court from 1982-2004. He was elected to the bench following a career in private practice that began in 1968. He also served for six years as chief judge of the Fourth Judicial District, and was a member of the Records Management Committee for 10 years. In 2004, the State Bar recognized Haase's professional accomplishments with its Lifetime Achievement Award.

Haase was a leader in the movement to offer alternative dispute resolution to litigants. He helped to organize the Winnebago County Conflict Resolution Center, and served as a mediator at the center until his illness prevented him from working.

In addition to his work as a judge, chief judge and mediator, Haase was an inveterate teller of puns and a talented Barbershop quartet performer. He also spoke



Judge Robert A. Haase

see **Obituaries** on page 16

2011 Wisconsin Summit on Children and Families



Save the Date!

May 11-12, 2011

Wilderness Resort, Glacier Conference Center
Wisconsin Dells

May 11-12, 2011

The Wisconsin Supreme Court, Children's Court Improvement Program and Department of Children and Families are co-sponsoring the 2011 Wisconsin Summit on Children and Families. The Summit will give professionals from around the state an opportunity to focus on strategies to improve outcomes for Wisconsin children and families served by state, tribal and county child welfare and court systems. Watch for more information on how to register.

OPINION *continued from page 12*

playing pretend. She wrote:

This brings up a related question which is whether the gag order imposed by SCR 60.06(2)(b) is fooling anyone. Many if not most judicial candidates have political lives before their judicial campaigns and often are easily identified as "Republican" or "Democrat" even if they do not explicitly run as such.

Crabb continued:

The voters should be given at least as much credit for their ability to figure things out for themselves. Once that reality is acknowledged, it is difficult to argue that the government has a compelling interest in stopping judges and candidates from saying out loud what everyone already knows.

Her best line was, "The best way to eliminate potential bias is to shine a light on it, not cover it up."

Crabb's decision was appealed by the Judicial Commission, and on June 14, 2010 the Seventh Circuit Court of Appeals upheld the key free-speech portion of her ruling. I have asked the Seventh Circuit to rehear *en banc* those portions of her opinion dealing with political endorsements and judges soliciting campaign contributions. Those were not upheld by the three-judge panel.

That three-judge panel demonstrates what real non-partisanship is all about. It is not about suppressing controversial speech, but in acting in a non-partisan manner. Three Republican-appointed judges (John D. Tinder by Bush II, Ilana Rovner by Bush I, and Joel M. Flaum by Reagan) acted in a legally reasoned, non-partisan way, to uphold my

constitutional right to join the Democratic Party.

Because of the great contribution judges can make to the debate on many issues of public policy, we in Wisconsin should embrace the trend to broaden freedom of judicial speech, rather than unnecessarily restricting it. And we should do it on our own, rather than waiting for the federal courts to do it for us.

Three of our state Supreme Court justices recently cited with approval the U.S. Supreme Court majority opinion in Citizens United v. Federal Election Commission, which said courts must avoid drawing fine lines and making intricate case-by-case determinations to verify whether political speech is banned because to do so may chill the exercise of political speech. To paraphrase their words, when a governmental regulation is not clear and is interpreted using ambiguous tests, it forces a speaker who wants to avoid the threat of punishment to obtain prior permission to speak. Rather than undertake the burden of obtaining prior approval, a speaker may choose simply to abstain from protected speech. The result is self-censorship.

I would encourage the justices who wrote those words to re-evaluate their position on appointing a committee to redraft constitutionally questionable sections of our Code of Judicial Conduct.

Finally, we should understand that the real solution to the thorny issue of judicial campaign fundraising is not to pretend that judges are not part of the grubby business of raising campaign cash, but to embrace the model of raising thousands of \$5 and \$10 contributions to qualify for public financing, with large contributions banned outright, as set out in the new Impartial Justice act. ■

Chief justice shadows caseworkers in Waushara County

By Bridget Bauman, Children's Court Improvement Program Coordinator

Chief Justice Shirley S. Abrahamson recently had the opportunity to shadow caseworkers from the Waushara County Department of Human Services (DHS) to gain a deeper understanding of the important role that they play in the lives of children and families. Abrahamson visited in May, in conjunction with the Children's Court Initiative (CCI) review that was being conducted in Waushara County by staff from the Director of State Courts Office's Children's Court Improvement Program.

Abrahamson began her visit by accompanying a caseworker and supervisor from DHS to the foster home of Chris and Mary Hawlish, a couple who have been foster parents for more than 30 years. The Hawlishes have adopted eight children. In addition to talking with the Hawlishes about their experiences, the Chief attended a monthly team meeting that included one of the foster children, the child's parent, the foster parents, a caseworker, a foster care coordinator and an independent living coordinator.

Abrahamson also visited Naomi House, a homeless shelter for women and children in Wautoma. Later in the day, she spent time meeting with DHS staff and learned about the services they provide to children and families in Waushara County. One of the services highlighted by DHS was their mentoring program, which has been extremely successful at assisting families and reducing petitions in juvenile court.

Glenn Johnson, director of the Waushara DHS, had the following to say about Abrahamson's visit and the CCI review in Waushara County:

"Waushara County appreciated the time and efforts Chief Justice Abrahamson and the staff from the state courts devoted to the review process. We were impressed with the personal attention provided by them to actually go out in the community to interact and meet with foster parents and consumers. The time that the Chief Justice spent shadowing our department staff not only provided her the opportunity to witness first hand the work we do, but it provided a powerful message to our staff and those she spent time with that she cares." ■



Chief Justice Shirley S. Abrahamson meets with officials from the Waushara County Department of Human Services (DHS) during a Children's Court Initiative review of county services to children and families. Pictured (left to right) are: Dawn Buchholz and Trisha Wicinsky of DHS; Chief Justice Shirley S. Abrahamson; Judge Guy Dutcher; Glenn Johnson (DHS); County Board Sup. Dennis Wedde; and Colleen Rogalski and Nancy Abel, both of DHS.



Chief Justice Shirley S. Abrahamson in the home of Chris and Mary Hawlish, who have been foster parents for more than 30 years.

OBITUARIES *continued from page 14*

fluent Mandarin, and served as a language specialist in the U.S. Air Force in the 1950s. As a story in the *Oshkosh Northwestern* noted, he is mourned by lawyers, judges and people throughout the community.

"He was extremely well liked," Winnebago County Circuit Court Judge Barbara Key was quoted as saying. "A lot of people are looking back today and thinking we were very, very fortunate to have known him and worked with him."

Surviving Haase are Vernice, his wife of 48 years; and a daughter, two sons and 10 grandchildren.

Gerald M. Brillowski, Court Reporter



Gerald M. Brillowski

Gerald M. Brillowski, a longtime court reporter who took the record at the murder trial of Ed Gein, whose case inspired the Alfred Hitchcock film *Psycho* and the novel and movie *The Silence of the Lambs*, died in May at a Stevens Point hospital. He was 76.

Brillowski was working for Judge Robert H. Gollmar in Waushara County in November 1968 when Gollmar presided in the Gein murder trial. Gollmar later wrote a book about the case, and Brillowski often claimed at least partial authorship.

Brillowski began his career in court reporting in Chicago. He moved to Wisconsin in 1961, initially settling in Baraboo before working for various judges in different counties. He retired from the courts in 1989, but continued to work as a freelance court reporter and opened a Christian bookstore.

Brillowski was a member of the Baraboo Theater Guild, starring in "South Pacific," "Gypsy," and "Take Me Along." He also sang with the Baraboo Barbershoppers, and worked at golf tournaments at Whistling Straits in Kohler. He enjoyed hunting, fishing, gardening and growing flowers.

Surviving Brillowski are two sons; one grandson; three sisters; one brother; and a special friend, Marian Scheider.

Rebecca Knutson, Librarian Milwaukee Legal Resource Center

Rebecca Knutson, branch librarian at the Milwaukee Legal Resource Center (MLRC), died June 11 after fighting hard for three years to overcome her cancer. She was 53.



Rebecca Knutson

Knutson had worked at the MLRC since 2000, most recently as branch librarian, managing both the library and the chamber collections of the 47 Milwaukee County circuit court judges.

Throughout her illness Knutson made work a priority, capably organizing the library's part of the annual judicial rotation and making National Library Week a courthouse event, said State Law Librarian Jane Colwin. For the last several years Knutson and the other MLRC staff organized a Christmas holiday project to provide gift bags to the cancer patients at the oncology center

where Knutson received treatment (see *The Third Branch*, winter 2008).

"Rebecca knew firsthand how these gifts would brighten the lives of the other patients," Colwin said.

When not at work, Rebecca enjoyed watching films and the Olympics. State Law Library and MLRC staff could always plan on her taking vacation in order to stay home to watch round-the-clock Olympic coverage.

On hearing of her death, Milwaukee judges, lawyers and courthouse staff alike commented that Knutson "was the best," and many noted that she kept her sense of humor and her spirits up during her entire illness and will be greatly missed.

Rebecca is survived by her parents, four sisters, one brother, other family members and many friends.

David R. Schanker, Clerk of the Wisconsin Supreme Court and Court of Appeals

David R. Schanker, clerk of the Wisconsin Supreme Court and Court of Appeals, died July 5 at UW Hospital in Madison from complications following a heart transplant. He was 55.

Director of State Courts A. John Voelker has been appointed to serve as interim clerk until a replacement is hired.

A memorial service for Schanker was held July 11 at the First Unitarian Society of Madison; Chief Justice Shirley S.

Abrahamson was among the speakers.

Schanker joined the Wisconsin court system in 2007 after seven years as deputy clerk of the Indiana Supreme Court, Court of Appeals, and Tax Court. He earned a law degree at Indiana University and worked in private practice for four years in Indiana. Before pursuing a law degree, he worked in theater and film. Schanker grew up in New Jersey and lived in New York City for 15 years.

Abrahamson said Schanker would be missed by his friends and colleagues in the Wisconsin court system.

"David was not only an exceptionally skilled clerk, but a talented author and playwright," she said. "Many people, both inside and outside the court system, benefited from and appreciated his many talents."

Schanker authored several short stories, two legal-themed novels, *A Criminal Appeal* (St. Martins Minotaur, 1998) and *Natural Law* (St. Martins Minotaur, 2001). More recently, he wrote *Kiritisis*, a play performed by the Forward Theatre Company in Madison.

In 2009, Schanker served as a prestigious Toll Fellow as part of a program that recognizes emerging state leaders from across the nation. Justice David T. Prosser, who endorsed Schanker's fellowship, said Schanker provided valuable insight to the Supreme Court on various issues that arose in rules petitions.

Surviving Schanker are his wife, Suzanne Buchko; two daughters; a sister, and his parents. ■



David R. Schanker

PEOPLE



Judge Paul B.
Higginbotham

Judge **Paul B. Higginbotham's** legal career has been full of "firsts." He was the first African-American to sit on the Wisconsin Court of Appeals (and is the only person of color sitting on a Wisconsin appellate court). He was the first African-American circuit court judge in Dane County. He was the first judge to sit on Madison's Municipal Court, which he helped to develop.

Now, Higginbotham joins the likes of Carol Moseley Braun, Ray Nagin and John Conyers Jr.

in a soon-to-be-published book, Voices of Black American Pioneers.

Green Lake County officials held a ribbon-cutting ceremony July 11 to mark the opening of a new government center that will increase space for the courts, jail, sheriff's



An estimated 1,000 people toured the new Green Lake County Government Center as part of a July 11 celebration.



Justice David T. Prosser Jr. presides at a ribbon-cutting ceremony to mark the opening of the new Green Lake County Government Center. Chief Judge John R. Storck and District Court Administrator Ronald Ledford helped to lead the event.

department and county human services. Chief Judge **John R. Storck**, Dodge County Circuit Court, and District Court Administrator **Ron Ledford** helped host the event, guiding tours of two new courtrooms.

More than 1,000 people toured the courtrooms, Ledford said. Justice **David T. Prosser, Jr.** was among distinguished guests who addressed the crowd. Prosser commended the people of Green Lake County for seeing through a project that was nearly 12 years in the making.

The new facility is equipped with modern technology for security, digital audio recording

and videoconferencing, Prosser said. The event drew coverage from several Fox Valley newspapers and television stations.

Each summer, Justice **Patience Drake Roggensack** (who was a university researcher before she went to law school) digs into a research project on a justice-related topic. This year's project is still under wraps, but she is working with the Department of



Justice Patience Drake
Roggensack

see **People** on page 18

Committees *continued from front page*

awarding maintenance; (b) making application of the maintenance considerations given in s. 767.56, Stats., more uniform and predictable; (c) whether the statutes should provide guidance to the courts relating to amount and duration of a maintenance award; (d) whether cohabitation should be considered when revising maintenance orders under s. 767.59, Stats.; and (e) whether marital fault should be considered when determining a maintenance award.

Special Committee on Review of Records Access of Circuit Court Documents

Chair: Rep. Kelda Helen Roys (D-Madison)

Vice-Chair: Rep. Donna Seidel (D-Wausau)

Members from the courts are: Judge Frederic W. Fleishauer, Portage County Circuit Court; and Reserve Judge Robert A. Kinney, Oneida County. This committee is directed to review how, and by whom, circuit court civil and criminal records may be accessed through the Wisconsin Circuit Court Automation (WCCA) Program. It is also charged with addressing: (a) the length of time a record remains accessible through WCCA; (b) whether accessibility of a record through WCCA should depend on how far a civil or criminal proceeding has progressed; and (c) whether records of proceedings that have been vacated or dismissed or

resulted in acquittal should continue to be accessible through WCCA.

More than 20 judges from around the state responded to Director of State Courts A. John Voelker's request for volunteers to serve on these committees. Voelker forwarded the names of one or two judges for each of the committees. Final membership of the committees was determined by the Joint Legislative Council Committee.

To see the full committee membership and all committee materials, visit the Legislature's Web site at: www.legis.wisconsin.gov/lc/committees/study/2010/index.htm. The Web site also will provide taped proceedings of the meetings, which will be available for listening after each meeting.

The Legislative Council was created in 1947 to conduct studies of matters of concern to the Legislature, either during or between sessions of the Legislature, and to report its recommendations to the next general or special session. To conduct these studies, the Legislative Council was authorized to appoint subcommittees "consisting of members of the legislature and such citizens having special knowledge on a particular subject as the council may determine..." ■

PEOPLE *continued from page 17*

Corrections, the UW and Marquette University. She expects the research will be published next year.

Justice **Ann Walsh Bradley** met June 28 in the Supreme Court Hearing Room with participants in Constructing Liberty, a teachers' institute that is a joint project of the Chippewa Valley Museum, UW-Eau Claire History Department and several Wisconsin Cooperative Educational Service Agency districts. Bradley discussed the foundations of Wisconsin law and early Wisconsin cases.

"Distinguished judge, athlete Moeser to be latest Hall inductee" headlined a story in the May 13 edition of the *Stoughton Courier Hub*. The article detailed the athletic accomplishments of Stoughton native **Daniel R. Moeser**,



Judge Daniel R. Moeser

who went on to become a highly respected judge and chief judge. Moeser has served on the bench in Dane County for 31 years. As a student at Stoughton High School, Moeser earned All-Conference, All-State and High School All-American honors in football and basketball, and he still holds the Badger Conference basketball record for most points scored in a game (56) and in a season. Moeser earned a four-year basketball scholarship to Tulane University, where he majored in economics.

Art Saffran, whose fundraising efforts on behalf of the Leukemia & Lymphoma Society were reported in the spring edition of *The Third Branch*, was named the Society's 'Man of the Year' on June 5 for besting a group of worthy opponents in a fundraising competition. All told, the nine



Justice Ann Walsh Bradley speaks with participants in a first-ever teaching institute developed by the Chippewa Valley Museum and the UW-Eau Claire History Department.

contestants raised more than \$89,000 in 10 weeks (Saffran cannot disclose his portion of the total). The money will go to support leukemia and lymphoma research. Saffran appeared on several Madison TV news programs and soon will be featured on a billboard and in a full-page ad in *USA Today*.

Brian Anderson, a 2010 graduate of Ohio Northern University's Claude W. Pettit Law School and son of Court of Appeals Judge **Daniel P. Anderson**, is spending a year as law clerk/assistant to the president of the Rwanda Supreme Court. He is under contract as part of the USAID project to restore the rule of law to post-genocide Rwanda. The country is transitioning from a civil law system to a common law system, and changing its official language from French to English.



Judge Daniel P. Anderson

Brigid Moroney, who worked as an intern in the Director of State Courts Office and at the Supreme Court, was sworn in as a new lawyer in May after her admission was moved by her proud father, Judge **Dennis P. Moroney**. The



Atty. Brigid Moroney poses with her father, Milwaukee County Circuit Court Judge Dennis P. Moroney, after her bar admission in May.

Wisconsin Law Journal covered the swearing in. Moroney will begin work right away with the Milwaukee law firm of Beck, Chaet, Bamberger & Polsky. The majority of state court judges in Wisconsin are not 'friending,' being 'friended,'

tweeting or blogging – at least not yet. Judge **John DiMotto** conducted an informal poll of his colleagues this spring to understand how many are involved in online social networks. All told, 165 judges responded. Of those, 118 (72 percent) are not participating on sites such as Facebook, and 47 (28 percent) are. Of the 47 blogger/tweeter/posters, 32 (68 percent) are from urban counties and 15 are from more rural areas. DiMotto's poll was conducted to help Judicial Conference planners to organize a session on online interaction.



Judge John DiMotto



CCAP's Art Saffran was named 'Man of the Year' by the Leukemia & Lymphoma Society for winning a friendly fundraising competition. Shown with Saffran on a prominent billboard in Madison are Woman of the Year Kelli Cameron, and Boy and Girl of the Year, Lucas and Melissa. Both children are leukemia survivors.

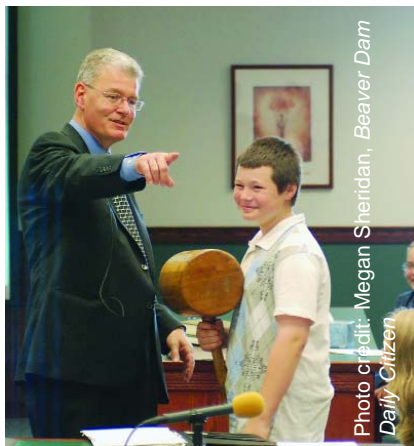
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Photo credit: Megan Sheridan, Beaver Dam Daily Citizen

Chief Judge John R. Storck, Dodge County Circuit Court, hands a large gavel to sixth grade student Griffin Kluge, who was selected to be the bailiff at mock trial in the Dodge County Courthouse.

of a motor vehicle case. Chief Judge **John R. Storck** has run the program for 14 years. The students ultimately found the “defendant” guilty and sentenced him to one year in jail. In reality, Storck told the class, the man was sent to prison for 10 years. Also participating was the real defendant’s mother, who spoke to the students about the dire consequences of one bad decision.

The 2010 edition of *Future Trends in State Courts*, issued in July, highlighted the Wisconsin court system in two articles. The first, authored by **Theresa Owens**, executive assistant to the chief justice, and **David Schanker**, who served as clerk of the Supreme Court and Court of Appeals until his death in July, examines the national impact of new rules that permit the citation of unpublished opinions. The second article, penned by Schanker, examines eFiling in state appellate courts, looking at the reasons that implementation has been generally slow.

Justice **Ann Walsh Bradley** was the subject of a “Someone you should know” special on WAOW-TV in Wausau. The special segment recounted the days when Bradley, with four children at home, commuted to the Capitol from Wausau. It also noted that, as the first female circuit court judge in Marathon County, and one of the first

women to serve on the state Supreme Court, Bradley built a reputation for tireless work.

“I always, like of course a lot of ‘firsts,’ think you have to run faster and jump higher,” Bradley told the reporter. “You always have to be prepared. That’s part of my personality though. There’s no substitute for diligence.”

“Blogging judge aims to be ‘legal extension agent’,” a story in the June 4 *Milwaukee Journal Sentinel* blog, introduced Judge



Judge Steven G. Bauer

“Students get their day in court” headlined a story in the *Beaver Dam Daily Citizen* in May. The students, sixth graders at Mayville Elementary, were brought to the Dodge County Courthouse to participate in a one-day mock trial based upon an actual homicide by intoxicated use

Steven G. Bauer’s new blog, To Speak the Truth. The story noted Bauer’s background as a UW agricultural extension agent, a job he held for five years prior to law school, and his interest in facilitating the transfer of useful research findings in various fields to the practice of law. “I was part of the ‘Wisconsin Idea’ – that the boundaries of the state universities were the boundaries of Wisconsin,” Bauer wrote in a recent entry. “In agriculture, researched-based ideas flowed quite directly from the university to the end users of the technology, the farmers and agri-business people. After entering the law, I didn’t see the same link between the universities and the practice of law.” Bauer’s blog is at www.bauersteven.blogspot.com.

Reserve Judge **Timothy L. Vocke** has launched a new project he’s calling “Have Gavel, Will Travel.” Vocke is documenting with photos the many Wisconsin courthouses he sits in either as a reserve judge or as a disciplinary referee.



Reserve Judge Timothy L. Vocke

Vocke is a former Vilas County Circuit Court judge who has been a reserve judge for about 25 years. He estimates he has sat in 40 Wisconsin courthouses – and he’s traveled to many of those on Glamdring, his 2001 GL1800 Goldwing.

The Supreme Court’s effort to encourage lawyers and non-lawyers to volunteer for service on a variety of court-related committees reached a new level this spring when the State Bar of Wisconsin unveiled a special traveling display designed to highlight volunteer opportunities. The display made its debut at the State Bar Convention, and was staffed throughout the convention – occasionally by Supreme Court justices themselves. ■



Photo credit: Deb Heneghan

Nathan Foster, law clerk to Chief Justice Shirley Abrahamson, speaks with former State Bar President Gerald Mowris at the State Bar Convention in Madison. Foster and others from the Supreme Court – including justices – encouraged lawyers and non-lawyers to volunteer for service on court-connected committees.

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AIM *continued from front page*

Effective Justice Strategies Subcommittee. The other counties are Bayfield, Eau Claire, Iowa, La Crosse, Marathon, Milwaukee and Portage.

In Dane County, the program will give defense attorneys, prosecutors and judges reports on as many as 400 of these defendants each year.

The reports will be generated by court staff using the Correctional Offender Management Profiling for Alternative Sanctions (COMPAS), a product developed by Northpointe, a Michigan-based corrections consulting firm. The reports will assess risk and needs, and will be used as an additional tool in plea negotiation and sentencing. The state Department of Corrections recently selected COMPAS as well, and is beginning statewide implementation of the assessment tools.

How will the information be gathered?

Dane County court staff will conduct interviews at the time of the preliminary hearing, using COMPAS tools and the University of Rhode Island Change Assessment Scale (URICA) to assess the defendant's motivation. Dane County has fully supported the efforts by providing the funds for COMPAS, using county technology resources to host the database and creating a half-time position to assist with the assessments.

The results of the COMPAS evaluation will also be entered into a database using specialized AIM software created by the Consolidated Court Automation Programs (CCAP) so that recidivism may be tracked over time. This will enable each participating county to contribute to the overall state AIM program. Data on the participants in the Dane County Drug Treatment Court will also be entered into the database, for a potential total of 500 records created each year.

Why forgery and drug offenses?

The Dane AIM team selected defendants with these charges as the target population after intense research into incarceration disparities between white and minority defendants. State and national studies show that

Wisconsin is imprisoning African-Americans at rates that far exceed incarceration of whites. Dane County judges were assisted in this effort by UW Sociology Professor Pamela E. Oliver, who presented at a special day-long meeting on this topic.

What are the goals of the program?

The goals established for the Dane County initiative are:

- Provide counsel and judges objective information concerning an individual defendant's risks and needs in order to both protect public safety and offer the defendant the best opportunity to break the cycle of criminal behavior
- Track and report recidivism based on characteristics of offenders and the sentences applied
- Have a positive impact on disproportionate minority incarceration in Dane County
- Generate measures of success/failure and overall efficacy of local treatment programs
- Identify and use existing treatment options and determine unmet program needs

To explain the assessment process and describe how to interpret the reports, Chief Judge C. William Foust, Criminal Division Presiding Judge Sarah B. O'Brien and Clerk of Circuit Court Carlo Esqueda joined Neal Goodloe, client services consultant from Northpointe, on the faculty of a June 25 program that was open to all lawyers practicing criminal law in Dane County. Representatives of the Office of Court Operations, Dane County Board and Office of the Dane County Executive were among 70 attendees.

Goodloe said he believes Dane County is the first in the nation to incorporate a disproportionate-incarceration research component when adopting evidence-based practices. ■

For more information on the statewide AIM initiative, contact Mary M. Moyer in the Office of Court Operations, (608) 261-0680 or mary.moyer@wicourts.gov.