

- 4 eFiling rule petition
- 7 Parent Representation Forum
- 8 Legislative Council proposals

- 18 Elderly guardianship initiative
- 20 Prison demographics
- 25 Barron County ride-along

Judicial races, referendum on April 7 ballot

On April 7, voters will decide significant questions related to the courts, including who will win terms on the Wisconsin Supreme Court and Court of Appeals, and how the chief justice is to be selected. There are also competitive races for 14 circuit court judgeships in 12 counties, and many judges from around the state are running unopposed.



Justice Ann Walsh
Bradley



Chief Judge James P.
Daley

Bradley and Chief Judge James P. Daley, Rock County Circuit Court, compete for a 10-year term on the Supreme Court. Bradley has served on the Supreme Court since first being elected in 1995. She was reelected in 2005. Daley has served on the Rock County Circuit Court since first being appointed in 1989. He was elected in 1990 and re-elected four times, most recently in 2014.

see **Election** on page 11

Court budget now in hands of Legislature

By Bill Walker, Budget and Policy Director

On Feb. 3, Gov. Scott Walker released his 2013-15 biennial budget plan, which was introduced in identical form in the Legislature as Senate Bill 21 and Assembly Bill 21. The budget bill includes a variety of changes to the Supreme Court's budget request that was submitted in October 2014, as well as several new provisions that would affect the court system.

Chief Justice Shirley S. Abrahamson testified about some of the proposed changes before the Legislature's Joint Committee on Finance on March 2. The committee is now developing its version of the budget to be considered by the Legislature.

The Supreme Court had requested new funding in several areas of need. These requests included bringing judicial salaries in line with peer states, increasing county funding for supporting circuit courts, funding to speed progress

towards eFiling and an additional staff attorney for the Court of Appeals. With one exception, the court system's funding proposals were not included in the governor's budget.

The court's request for \$2.1 million in one-time funds to implement eFiling in all case types statewide was denied. However, the bill would provide some new revenue for the circuit court automation program (CCAP) by removing certain exemptions from existing fees and surcharges on certain types of violations. The change would provide an estimated \$750,000 per year in revenue available for CCAP, including the eFiling project if pursued.

The budget bill also includes a first step toward improving judicial salaries – the establishment of a Judicial Compensation Commission. Every two years, the commission would make salary recommendations to the

see **Budget** on page 24



Former Wisconsin court reporter Edward Johnson makes the official transcript in the U.S. House of Representatives during President Obama's State of the Union Address on Jan. 20. **See story on page 2.**

Grant supports evidence-based practices

By Tommy Gubbin, Office of Court Operations

Wisconsin has been selected to advance to Phase V of the National Institute of Corrections' Evidence Based Decision Making Initiative. Indiana and Virginia were also selected for the technical assistance grant program, which is aimed at expanding Evidence Based Decision Making efforts statewide, based on groundwork in pilot counties.

Official notice of the grant was provided in a Feb. 25 letter from Jim Cosby, director of the National Institute of Corrections.

"We commend Wisconsin for the foundational work that has prepared your state and local teams to undertake this important

see **EBDM** on page 10



RETIREMENT

Judge John C. Albert Dane County Circuit Court



Judge John C. Albert

Dane County Circuit Court Judge John C. Albert distinctly remembers the morning in 2011 when District Court Administrator Gail Richardson walked into his office with a grin on her face and asked him, “What are you going to do?”

Richardson was referring to the standoff in the Capitol building between protesters and Department of Administration (DOA) officials over their continued presence in the building, including some who camped out overnight and refused

to leave.

After DOA issued a new policy about access to the building, the dispute landed in Albert’s Branch 3 courtroom.

The case, involving Capitol protests over legislation known as Act 10, became one of the most high-profile cases Albert presided over during his 26 years on the bench. He plans to retire in April.

After hearing three days of testimony, Albert issued an order allowing protesters in the building during normal hours, but prohibiting them from staying after hours and overnight.

“My intent is to facilitate the reopening of the Capitol consistent with the free assembly and free speech provisions of the Wisconsin Constitution as well as the parallel provisions of the U.S. Constitution,” Albert wrote in a letter

he released following his order. “Civil disobedience is always a citizen’s option but understandably brings consequences to those exercising that right.”

Albert was first appointed in 1999 by then-Gov. Tommy Thompson. He had previously worked in private practice and served as a staff attorney for the Legal Service Center of Dane County. He is a graduate of UW-Madison and UW Law School.

Albert has served on the National Conference of State Trial Judges and the Subcommittee on Juror Selection and Treatment. He also partnered with three human service agencies to receive a federal grant to develop and support a

see **Retirements** on page 3

Editor’s note: This edition of The Third Branch includes articles on the retirements of Dane County Circuit Court Judge John C. Albert; St. Croix County Circuit Court Judge Howard W. Cameron; Waukesha County Circuit Court Judge J. Mac Davis; Deputy Chief Judge Michael W. Hoover; District III Court of Appeals; and Sauk County Circuit Court Judge Patrick J. Taggart. Milwaukee County Circuit Court Judge Bonnie L. Gordon retired in December after 20 years on the bench.

Upcoming editions will feature retirement articles on Adams County Circuit Court Judge Charles A. Pollex, Columbia County Circuit Court Judge Daniel S. George, Lafayette County Circuit Court Judge William D. Johnston, Racine County Circuit Court Judge Wayne J. Marik, Rock County Circuit Court Judge Kenneth W. Forbeck, Sawyer County Circuit Court Judge Gerald L. Wright, Sheboygan County Circuit Court Judge Terence T. Bourke, and Waukesha County Circuit Court Judge James R. Kieffer.

Former Wisconsin court reporter takes skills to D.C., makes record for State of the Union

Edward “Ed” Johnson spent 26 years working as a court reporter in the Wisconsin court system, where he made transcripts of just about every type of circuit court proceeding imaginable.

So, it was no wonder Johnson found himself a bit star struck on Jan. 20, as he took the official record on the dais of the U.S. House of Representatives during President Obama’s 2015 State of the Union Address.

“To report the State of the Union has been a career highlight. When asked how I managed to avoid showing emotion under the circumstances, I have to say it was those 26 years of being in court and the practice of being a professional – that is until it came to the handshake. Then I could no longer hold back a smile,” Johnson said.

Coming from Neillsville, a quintessential small Wisconsin town, to Washington, D.C. to serve as deputy chief reporter of the House of Representatives, and ultimately reporting the President’s State of the Union Address, has been quite a journey, he said.

Johnson became interested in being a court reporter while tagging along in court with his father, Milt Johnson, who was a circuit court reporter for Judge Lowell D. Schoengarth, who served first as a Clark County judge and then as a circuit court judge for a total of 29 years on the bench.

After graduating from Madison Area Technical College in 1980, Johnson freelanced for a year in Milwaukee, then began his career with the Wisconsin court system, first in Marinette County Circuit Court, with Judge William M. Donovan, and then in Port Washington, with Ozaukee County Circuit Court Judges Warren A. Grady and Tom R. Wolfgram.

Johnson is also a former stand-up comedian who has performed at Milwaukee’s Summerfest and before court-related groups.

In 2003, Johnson received the Wisconsin Court Reporters Association’s Distinguished Service Award.

Johnson said he really enjoyed being a circuit court reporter but broader opportunity came along when he met Chief (U.S. House) Reporter Joe Strickland at a court reporting association convention.

“After learning the fascinating details of Hill reporting – and about to embark on reporting yet another drunk driving jury trial – I decided to apply,” Johnson said.

“While I miss Wisconsin, the opportunity to be up close and personal to so many issues facing our country is a terrific experience. As I like to say, if it is in the news I am either in the room or it’s going on down the hall,” Johnson said. ■

RETIREMENT *continued from page 2*

supervised visitation center to Dane County for safe visitations and exchanges.

Albert, who served as presiding judge for the juvenile division, worked to switch Child in Need of Protection and/or Services cases from the overloaded district attorney's office to the corporation counsel's office, which he said has done a wonderful job.

He said one of the biggest changes he has witnessed during his time on the bench is the domestic violence and harassment injunction legislation.

"It has advanced us years in terms of tools to deal with these delicate and complicated types of cases," he said.

Albert said he will miss working with *pro se* divorce clients. He said he enjoyed taking the time to help them work through their issues when they couldn't afford attorneys.

"That's the biggest test of judging," he said. "It's easy if you have two family lawyers. But you have to do it all for the *pro se* clients."

In his retirement, Albert said he plans to go back to private practice and do some collaborative divorce work. He also hopes to get in some hunting and fishing.

Judge Howard W. Cameron St. Croix County Circuit Court

St. Croix County Circuit Court Judge Howard W. Cameron said he will miss his colleagues, both in his county and around the state. He retired March 4.

When Cameron attended his first Judicial College after being elected to the bench in 2008, he and a few other judges began a tradition of going out to breakfast in the mornings. He said over the years, the group has grown, as the judges meet in the lobby in the morning and head to a local restaurant where they push three or four tables together.

"I look upon it as an honor to be a judge," he said. "I'm amazed I had the opportunity to do this."

Cameron said he has tried to do a good job while on the bench, and has done his best to meet the challenge of keeping up with new rulings and changes to the law. He praises the Circuit Court Automation Programs (CCAP) and the judicial dashboard for helping judges to keep up with work. He said CCAP's ability to keep improving the system has been a great thing for judges.

The increased use of evidence-based practices in judicial decision making has also been incredibly beneficial, Cameron said.

He said he has enjoyed handling adoptions more than anything.

"Some people are adopting a special needs child, or their first child after wanting a child for years," he said. "It really gives you a great feeling."

Cameron has served on the Uniform Bond Committee. He received his bachelor's and law degrees from UW-Madison, and had previously served as a public defender, a child support attorney in Barron County, and in private practice.



Judge Howard W.
Cameron

Before receiving his law degree, he taught high school for six years. He said being a judge and being a high school teacher each had its own set of joys and challenges, but in high school the people you are dealing with are in the process of growing and changing, perhaps creating an additional challenge.

Cameron said he looks forward to getting outside and playing this summer. He also plans to travel and continue serving as a deacon at his church in Hudson. He also hopes to do some reserve work, which will have an added benefit of letting him keep up with those Judicial College breakfasts.

Judge J. Mac Davis Waukesha County Circuit Court

Waukesha County Circuit Court Judge J. Mac Davis will not seek reelection and plans to retire at the end of his term on July 31.

Davis was first elected to the circuit court in 1990. In 1996, he stepped down to run for a seat in Congress, but returned to the circuit court when he won election to the Branch 7 bench after the retirement of the late Judge Clair H. Voss in 1997. Davis was reelected in 2003 and 2009.

In 2006, Davis was appointed by the Supreme Court to serve as the chief judge of the Third Judicial District. In 2009, his fellow chief judges chose him to serve as the "chief of the chiefs," or chair of the Committee of Chief Judges.

Davis is a graduate of UW-Madison and University of Michigan Law School. Prior to taking the bench, he worked in private practice, and from 1983-90 served as a Wisconsin state senator.

While Davis said he has presided over many interesting cases, his proudest moments have not necessarily been in the courtroom. He has served as chair of the Waukesha County Criminal Justice Coordinating Council (CJCC), which is one of the state's first collaborative justice system teams and will celebrate its 15th anniversary next year. In 2007 the CJCC worked to establish a Day Report Center to deal with overcrowding in the county's Huber facility. In 2011, the CJCC received a federal grant to create a new drug court program in the county.

Over his judicial career, Davis has served on the Judicial Conduct Advisory Committee, the Legislative Committee of the Judicial Conference, PPAC, the Waukesha County Bench-Bar Liaison Committee, the Wisconsin Trial Judges Association board, and as a chair of the 2003 Wisconsin Judicial Conference. In 2008, he was a presidential nominee for the U.S. District Court.

One of the biggest changes Davis said he has observed during his time in the judicial system is the increase in technology. He said the day he took the bench was the first day personal computers were issued to judges. Davis himself helped move the shift towards technology along when he



Judge J. Mac Davis

Supreme Court to consider eFiling petition

By Jean Bousquet, Chief Information Officer

On March 17, the Wisconsin Supreme Court will hold a public hearing on a proposed change to Supreme Court Rules related to electronic filing (eFiling) of documents in the circuit courts.

If approved in its current form by the Supreme Court, Rule Petition 14-03 would eventually require a county-by-county transition from paper case files in the circuit courts to all electronic files, and mandate electronic filing by attorneys and high-volume small claims filers.

Rule Petition 14-03 was brought forward by the Committee of Chief Judges after careful study of electronic filing in the Wisconsin circuit courts and other state and federal courts. As envisioned, and if funding becomes available, the proposal would be rolled out one county at a time, from 2016 to 2019. The project would start with the counties most ready to move forward.

The Supreme Court requested one-time funding of \$2.1 million in the 2015-17 state budget for the eFiling project. However, the governor denied that request. The Legislature is now considering changes it wants to make to the budget bill. (See story on front page).

The proposed rule was originally paired with a biennial budget proposal that would: provide new equipment to circuit courts; expand and enhance the current eFiling system; and provide training for all users, including court staff, judges, court reporters, attorneys, paralegals and legal secretaries, large-volume filers and individuals who work with self-represented litigants.

If no state funding is allocated, Consolidated Court Automation Programs (CCAP) may explore other options to implement statewide eFiling over time.

Current situation

The Supreme Court has permitted voluntary eFiling in the circuit courts since 2008. Since then, CCAP has enabled eFiling for civil, small claims, and family cases by case type for counties that want to participate. Each clerk of circuit court and the circuit court judges determine whether eFiling is allowed in a particular county.

Recently, new case types have been added in some counties: Criminal case eFiling has been piloted in Dodge County, and child support offices in Dodge, Jefferson, Racine, Washington, and Winnebago are now using eFiling in paternity cases.

However, despite rapid advances in circuit court and law office technology during the last eight years, circuit court eFiling has been slow to catch on. Currently, 31 counties voluntarily participate in eFiling in at least one case type. However, the total number of cases eFiled remains less than 1 percent of the total case filings for family, small claims and civil cases.

In most counties, for most cases, filings still travel by mail and courier, lawyers drag boxes to court, and stacks of paper are piled in front of the judge and clerk in each courtroom. Many clerks of circuit court and registers in probate maintain a mix of electronic and paper files.

The proposal

The mandatory eFiling petition is based on the current voluntary eFiling rule, with some important modifications based on user requests and models from other states.

- First, eFiling would be mandatory for all Wisconsin attorneys, attorneys appearing *pro hac vice*, and for corporate agents who file 10 or more small claims actions per year under Wis. Stat. section 799.06 – typically collection agencies, hospitals, and property management firms. eFiling would

be voluntary for self-represented litigants.

- Second, attorney signatures would be delegated to staff, with the attorney remaining responsible for all documents submitted under his or her name.
- Third, in order to facilitate eFiling by self-represented litigants, small claims complaints would not be required to be notarized.
- Finally, the filing deadline would be extended from close of business to 11:59 p.m., a feature that is very popular in other states.

Advantages of eFiling

eFiling is part of a continuous movement toward greater automation and efficiencies for the courts, attorneys and litigants, and we hope to gain momentum in this direction.

With eFiling, clerk of court staff time spent on data entry, scanning, moving files, and mailing is greatly reduced. Counties see cost savings on paper, supplies, and physical file storage space, and staff time can be better spent on other functions.

The eFiling website creates a custom portal for each attorney with links to all the cases on which the attorney is registered. The list can be sorted by party name, county, date, type of case, and open or closed status. Each case can be opened to access the complete court record, all pleadings and correspondence filed with the court, transcripts and reports, as well as a calendar feature.

Among other numerous advantages for attorneys:

- The ability to access the complete electronic court file for all of their cases from any Internet-connected device, even when the courthouse is closed.
- The ability to file documents through the court eFiling website, without having to make copies, pay a courier, or leave the office.
- The ability to pay fees online with a credit card or an electronic check.
- The ability to view and download documents and orders as soon as they are filed.
- The ability to delegate access for staff members to receive notices, prepare pleadings, and pay filing fees.

With eFiling, the judicial dashboard application also helps judges and court commissioners move through crowded dockets more efficiently. Judges can quickly access



OBITUARIES

**Judge Ralph Adam Fine
District I Court of Appeals**

District I Court of Appeals Judge Ralph Adam Fine died on Dec. 4, 2014 at the age of 73.

Fine was first elected to the Court of Appeals in 1988. He had previously served on the Milwaukee County Circuit Court, beginning in 1979.

"Judge Ralph Adam Fine will be sadly missed by his colleagues in the Wisconsin court system and by legal professionals throughout the state and country," Chief Justice Shirley S. Abrahamson said in a statement. "Judge Fine's experience and understanding of the law were at both the trial and appellate levels. He will be remembered as a highly regarded legal expert and author, whose books, articles and decisions guide the practice of law."



Judge Ralph Adam Fine

Fine graduated from Tufts University and Columbia Law School. He was an elected member of the American Law Institute and a recipient of the William J. Brennan Jr. Award for his contributions to the teaching of trial advocacy. He authored several legal publications, including *Fine's Wisconsin Evidence*, *The "How-To-Win" Trial Manual*, *The "How-To-Win" Appeals Manual*, *Escape of the Guilty*, *The Great Drug Deception*, and *Mary Jane versus Pennsylvania*, as well as over 20 professional journal articles. He was also a continuing legal education instructor for programs around the country and a lecturer at the George Washington University National Law Center.

Before taking the bench, Fine had worked as a reporter for a Milwaukee CBS affiliate from 1974-75, winning two awards from the Milwaukee Press Club for journalistic

excellence. From 1975-78 he hosted a program called "A Fine Point," which had included guests such as Nobel laureates Elie Wiesel and Milton Friedman. He had appeared as a legal analyst on programs like "60 Minutes," "Nightline," "MacNeil/Lehrer NewsHour," "Both Sides with Jesse Jackson," "Crossfire," and "Larry King Live."

"During his many years of service as a judge he was known for his intelligence and work ethic as a judge and an author of legal treatises and a true teacher of the law," Gov. Scott Walker said in a statement. "We honor his memory and recognize his many years of great service to the state as we mourn his loss."

Fine is survived by his wife, Kay, and son, Matthew.

**Judge Donald G. Gurnoe Jr.
Red Cliff Tribal Court**

Red Cliff tribal Court Judge Donald G. Gurnoe Jr. passed away on Dec. 29. He was 69.

Gurnoe was a graduate of the University of North Dakota, and served in Vietnam as a U.S. Army medic. He had previously worked as the executive secretary of Minnesota's Indian Affairs Inter-Tribal Council before becoming an associate judge for the tribal court. In 2006 he became the tribal court's chief judge.

"Judge Gurnoe was instrumental with creating open, productive and friendly cooperative agreements with the circuit courts and he had a keen understanding of the importance of the two court systems sharing information and working together in areas of policy," Bayfield County Circuit Court Judge John Anderson said. "It should also be remembered that Judge Gurnoe arranged for the presentation of the Red Cliff Tribal flag to be placed in the Bayfield County circuit courtroom. That act showed how far we have come together as one people with two cultures."

Gurnoe is survived by his daughter and three grandsons. ■

Story of state's first woman lawyer hits stage

The story of [Lavinia Goodell](#), the first woman to be admitted to practice law before the Wisconsin Supreme Court, will play out in performances on three stages starting in March. The play, *Lavinia*, will be performed at Madison's Bartell Theater March 19-21, the Janesville Performing Arts Center on March 28, and the UW-Marathon County Auditorium in Wausau on April 11. The Douglas County Historical Society Theater will hold a reading of the play on May 17 in Superior.

The play is sponsored by the Wisconsin Law Foundation under a grant from the [Wisconsin Humanities Council](#). Wisconsin historical and legal experts will also be at each performance for special discussion sessions before or after the play. Madison playwright Betty Diamond wrote the play, thanks to a previous grant from the Wisconsin Humanities Council to the Director of State Courts Office and the Office of Wisconsin



Lavinia Goodell

Supreme Court Chief Justice Shirley S. Abrahamson. In 2013, readings of the play were held in the Supreme Court Hearing Room in the state Capitol and in Janesville.

"I'm very excited, and nervous, of course," Diamond told the State Bar's *Inside Track* in a recently published article. "The readings were so wonderful. It'll be interesting to see what happens when it's in full production."

The play explores the obstacles Goodell had to overcome in order to be admitted. In a decision written by then-Chief Justice Edward G. Ryan, the Supreme Court initially refused to admit her to handle an appeal before them. As a result, Goodell successfully lobbied the Legislature to pass legislation to end gender-based discrimination, and she was admitted to practice before the Court in June 1879. Sadly, she died the next year, but her efforts helped open the legal profession to women in Wisconsin. ■

LEADERSHIP

Feathering our nest: The court's role in promoting *pro bono* work

By Hon. Richard J. Sankovitz, Milwaukee County Circuit Court

It's one of those sad realities about which courts often lament but can't quite seem to solve: the teeming numbers of litigants appearing before them who need but cannot afford counsel.

Just about every year, the Planning Subcommittee of the Supreme Court's Planning and Policy Advisory Committee polls judges and court administrators about the most pressing problems facing the court, and every year the challenge of self-represented litigants is at or near the top of the list.

Wisconsin courts have made noteworthy in-roads into the problem, for example, by providing forms and other information that guide laypersons how to seek the court's assistance, by hosting and sponsoring self-help centers for litigants (the Milwaukee Justice Center, built right into the Milwaukee County Courthouse, is one outstanding example), and by orienting court procedures and requirements to the abilities and resources of people without lawyers.

But what solutions are there for cases in which self-help will not suffice? In which the help a litigant really needs is a lawyer?

There are no silver bullet solutions for this problem. But one partial solution has been to enlist the aid of lawyers, who owe a duty (*see* Supreme Court Rule 20:6.1) to represent those who cannot afford a lawyer. The willingness of lawyers to represent those in need has now become a resource that courts cannot afford to ignore, and must foster. Indeed, in helping lawyers understand and fulfill their *pro bono* responsibilities, courts can help themselves develop another solution to the challenge of self-represented litigants.

The potential that might be tapped is significant. There are more than 20,000 lawyers licensed to practice in the state of Wisconsin. For each of them who might be persuaded to provide 50 hours of free or reduced fee services (the aspirational goal established in the ethics code), think of how many unrepresented litigants in eviction cases, or uncontested divorce cases, or post-judgment family matters, or injunction proceedings involving victims of spousal, child, elder, and other domestic abuse, or the like, might have competent representation.

Experience teaches, though, that enlisting *pro bono*



Judge Richard J.
Sankovitz

lawyers takes a dedicated effort. *Pro bono* lawyers are not trolling the hallways of federal and county courthouses hoping to happen upon clients in need. As helpful as the State Bar and other professional organizations have been in organizing *pro bono* efforts, they have neither the focused incentive nor as firm a grasp on the particular contours of the need to handle the problem for the courts.

Experience around the country has taught that in solving this challenge, courts, and particularly judges, are in the best position to lead the profession to apply its *pro bono* efforts to the growing problem of unrepresented litigants. Thus, in state after state – California, Colorado, Maryland, Michigan, Montana, New Hampshire, Utah, Wyoming, and others – judges and court systems are launching programs and making rule changes to enable judges to encourage, recruit and guide the *pro bono* efforts of the bar.

Here are some practical, low-cost, and effective methods courts can employ to foster a *pro bono* ethic within our legal community.

Judges can participate on bar committees that support and organize legal assistance to the unrepresented. Judicial participation demonstrates to the bar the priority that judges and our court system place on their *pro bono* contributions.

Judges can help recruit *pro bono* volunteers. I participate in Milwaukee in a program loosely dubbed the *Pro Bono Road Show*, which entails traveling from firm to firm with a team of lawyers who manage lawyer volunteer programs and poverty law firms. We meet directly with lawyers, particularly with newer associates, to recruit and inspire them to recommit themselves to *pro bono*.

Judges can participate in events where *pro bono* work is being recognized, to show our support and our appreciation. In Milwaukee, the Milwaukee Bar Association sponsors a "*Pro Bono Cocktail Hour*" each year during National *Pro Bono Week* (the third week of October), during which *pro bono* work is extolled and encouraged and recognized. This year's Cocktail Hour served as the occasion to recognize honorees in the Wisconsin *Pro Bono Honor Society*, a joint project of the Wisconsin Access to Justice Commission and the State Bar.

It has become a familiar role for courts to play: leading community initiatives to address the needs of those who cannot help themselves. Aiding the cause of *pro bono* representation presents such an opportunity, with the added benefit of helping ourselves solve one of our own perennial challenges. ■

Wisconsin is well represented at Parent Representation Leadership Forum

By Bridget Bauman, CCIP Director

Fifteen representatives from Wisconsin were among attendees at the Administration for Children and Families' (ACF) Parent Representation Leadership Forum in Chicago on Dec. 11-12, 2014.

The event, which was sponsored by the American Bar Association (ABA), brought together judicial officers, child welfare professionals, and attorneys from the following states in ACF's Region 5: Wisconsin, Michigan, Ohio, Illinois, and Minnesota. ACF is a division of the U.S. Department of Health & Human Services.

The forum allowed representatives from each state to share their experiences in working to improve parent representation, hear about success stories from across the country, and create action

plans to improve parent representation in their jurisdictions. Three of the participants from Wisconsin presented information regarding their experiences and expertise in improving parent representation in child welfare proceedings: Milwaukee County Circuit Court Judge Michael J. Dwyer, Atty. Duke Lehto of Milwaukee County, and Atty. Kim Zion of Dane County.

Dwyer said the forum clarified some important differences between a lawyer representing a parent in a child in need of protection or services (CHIPS) case and a criminal defense lawyer.

"Unlike a criminal case, in a CHIPS case all sides share the same guiding principles: Children should not be removed from their families unless safety requires it, and when they are removed, children should be returned as soon as it can safely be done," Dwyer said. "This difference explains why the role of the parent's lawyer extends far beyond the legal issues of jurisdiction and conditions for return to advocacy about placement, services and visitation, roles unknown in the criminal defense world," Dwyer added.

Studies have shown the importance of providing parents with high quality legal representation in child welfare proceedings, including evidence that children are removed from their homes less often when an attorney is assigned before court action is taken, children are returned to their homes sooner, re-entry rates are decreased, and children



Back row, left to right: Kenosha County Circuit Court Judge Anthony G. Milisauskas, Milwaukee County Circuit Court Judge Michael J. Dwyer, Atty. Don Bielski, Kenosha County Director of Division of Children and Family Services Ron Rogers, Atty. Aaron Lueck, Atty. Kim Zion, Office of the State Public Defender Legal Counsel Devon Lee, and Atty. Duke Lehto. Front row, left to right: Atty. Kerry Sullivan-Flock, Atty. Susan Bakken Donskey, Dane County Assistant Corporation Counsel Eve Dorman, Department of Children and Families Atty. Sarah Henery, and Dane County Court Commissioner Anton Jamieson. Not pictured: Bridget Bauman, CCIP director; and Rep. Joan Ballweg (R-Markesan).

who are removed reach permanency (including adoption and guardianship) faster.

The forum presented information that was very helpful in assisting the courts in accomplishing this important task, said Kenosha County Circuit Court Judge Anthony G. Milisauskas.

"It is very important for judges who preside over CHIPS cases to understand the importance of attorney representation for parents in the legal process," Milisauskas said.

Quality legal representation has proven that parents complete their conditions of return more successfully than unrepresented parents and that children achieve permanency more quickly.

Among those from Wisconsin who attended the conference were Rep. Joan Ballweg (R-Markesan); Bridget Bauman, CCIP director; Atty. Susan Bakken Donskey, Monroe County; Atty. Don Bielski, Kenosha County; Eve Dorman, Dane County assistant corporation counsel; Dwyer; Dane County Court Commissioner Anton Jamieson; Atty. Sarah Henery, Wisconsin Department of Children and Families; Devon Lee, legal counsel, Office of the State Public Defender; Lehto; Atty. Aaron Lueck, Monroe County; Milisauskas; Ron Rogers, Kenosha County director of Division of Children and Family Services; Atty. Kerry Sullivan-Flock, Monroe County; and Zion. ■

Legislative Council proposals advance

By Nancy M. Rottier, Legislative Liaison

Editor's note: This is an update to an article on the work of Wisconsin Legislative Council study committees that ran in the Summer 2014 edition of The Third Branch.

Four Legislative Council study committees whose work will directly impact the court system completed their work in December 2014, and the resulting proposals are advancing through the next steps of the legislative process.

On Feb. 11, the Joint Legislative Council, made up of 22 legislative leaders of both houses and both parties, overwhelmingly voted to introduce bills prepared by the Study Committee on Problem Solving Courts, Alternatives and Diversions, and by the Study Committee on Adoption Disruption and Dissolution.

Reports from the other two of the committees, the Study Committee on Transfer of Structured Settlement Payments and the Study Committee on the Review of Criminal Penalties, will be considered by the Joint Legislative Council on March 18.

Problem-Solving Courts, Alternatives and Diversions

Based on the study committee's work and recommendations, the Joint Legislative Council has introduced Assembly Bills 50, 51 and 52.

Assembly Bill 50 relates to access to ignition interlock device reports and occupational license eligibility periods for participants in certain treatment projects. The bill would:

- Require the Department of Transportation to promulgate rules to require ignition interlock device providers operating in Wisconsin to provide courts with the same installation, service, and other requested reports currently provided to the department and law enforcement agencies. The rules would also require providers to notify courts of any tampering violations.
- Authorize a court to order that a person ordered or sentenced to comply with a treatment court is not subject to the 45-day minimum waiting period for eligibility to obtain an occupational license, which is otherwise applicable to a person with two or more prior operating while intoxicated (OWI) convictions or suspensions. The person would still be subject to the 15-day minimum waiting period for eligibility to obtain an occupational license.

Assembly Bill 51 creates a grant program for family or juvenile treatment courts. The grant program would be administered by the Department of Children and Families and make grants available to counties to create programs that screen, assess, and provide new dispositional alternatives for parents whose children have come under the jurisdiction of the children's court or for juveniles who have problems related to mental illness or substance abuse.

Assembly Bill 52 creates a state Criminal Justice Coordinating Council, amends the current Treatment Alternatives and Diversion (TAD) program and makes other changes supportive of problem-solving courts. AB 52 would do the following:

- Codify the Criminal Justice Coordinating Council (CJCC) in the Department of Justice. The current CJCC was created by and operated under an Executive Order since 2012.

- Clarify that tribes, in addition to counties, may qualify for TAD grants.
- Broaden the scope of the TAD program beyond alcohol and other drug treatment to encompass mental health treatment and other forms of treatment, provided the program is evidence-based and designed to promote effective criminal justice policies to reduce prosecution and incarceration costs, reduce recidivism, and enhance justice and public safety.
- Require projects to specify whether certain violent offenders will be allowed to participate and if so, require victim advocates to be involved in project oversight.
- Require the Department of Justice to prepare, or contract for, a program evaluation every five years, to be funded from the TAD appropriation.
- Support the creation of and appropriation for the Supreme Court to fund a statewide treatment court coordinator in the Director of State Courts Office.
- Provide express authority for a court to order that a probationer may be confined in detention at the probationer's place of residence as a condition of probation.

AB 50 has been referred to the Assembly Committee on Transportation, and AB 51 and 52 have been referred to the Assembly Committee on Corrections. All bills would have to be adopted by both houses of the Legislature and be signed by the governor before becoming law.

Adoption Disruption and Dissolution

The Joint Legislative Council also recommended four bills for introduction as developed by the Study Committee on Adoption Disruption and Dissolution.

Assembly Bill 39 makes two changes to adoption proceedings. One would extend jurisdiction and venue in an adoption proceeding, in order to allow the matter to be heard in the county in which a petition for termination of parental rights to the child was filed or granted. Under current law, jurisdiction and venue are allowed in the county in which the child or proposed adoptive parent resides. The other change would require all counties, licensed adoption agencies, and the Bureau of Milwaukee Child Welfare to use a standardized qualitative assessment system to investigate foster care and adoptive homes. The assessment system would have to be approved by the Department of Children and Families.

Assembly Bill 40 revises certain aspects of the pre-adoptive training that is required under current law for first-time adoptive parents. Specifically, the bill would require all of the following

- Twenty-five total hours of pre-adoptive training.
- At least six of the hours to be delivered in person, either individually or in a group.
- Part of the training to be delivered after the child is placed with the adoptive parents, and additional training to be offered after the adoption order is issued.
- Specific training on the issues of trauma and sexual abuse, in addition to the training on attachment, abuse, and neglect required under current rules.

Milwaukee Model Court recognized as leader

In 2012, a partnership was established among the Milwaukee County Children's Court, the National Council of Juvenile and Family Court Judges (NCJFCJ) and the Wisconsin Children's Court Improvement Program (CCIP) to initiate the Milwaukee Model Court Project to improve outcomes for children and families. This initiative evaluates case processing in relation to the best practice standards outlined in "Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases" and implements new strategies for improved outcomes.

Ryan Gonda, the national council's site leader, stated, "The Milwaukee County Model Court Team stands out as a leader in best practices, building strong collaborations, and maintaining continuity in their efforts on improving practice and outcomes."

The Milwaukee Model Court Collaborative Team established the following goals:

- Reducing the number of children entering out-of-home care
- Improving child safety decision-making
- Increasing court case processing efficiency
- Integrating trauma-informed best practices

Several activities are aimed at achieving these goals,

including: multi-disciplinary trainings in Milwaukee County on child safety and trauma; changes to court procedures and forms; protocols for communication between the District Attorney's Office and the agency; parent attorneys completing interviews earlier in the case; and appointing attorneys for alleged fathers.

In April 2014, NCJFCJ conducted an assessment of trauma informed practices and parental engagement in child welfare proceedings at the Milwaukee County Children's Court and will be assisting the courts in completing an exit survey of parents to assess their court experience.

In 2015, the NCJFCJ will assist the court in implementing a pilot project in two courts where a child safety decision-making "coach" will observe temporary physical custody hearings and develop strategies with parties to ensure that the framework outlined in "Child Safety: A Guide for Judges and Attorneys" is being followed. The Child Safety Subcommittee of the Wisconsin Commission on Children, Families and the Courts plans to use the tools and activities developed by the Milwaukee County Model Court as a guide to provide training and institute a child safety project in additional counties across the state. ■

Veterans court celebrates second graduation



Judge Michael J. Piontek, Racine County Circuit Court, gives graduate Austin Bray his certificate for completing the Second Judicial District's veterans treatment court program.

The U.S. Navy Band from Great Lakes Naval Base was on hand to perform during the graduation, and the Racine County Sheriff's Department provided refreshments.

Program graduate and U.S. Army Private Austin Bray spoke at the ceremony about the need to listen to the treatment court team and do what they suggest, even if you don't think that is what should be done. He stated the team is working to help participants learn new thinking to make

On Dec. 9, 2014 six veterans gathered in the Racine County Branch 5 courtroom to celebrate as the second class to successfully complete the Second Judicial District Veterans Treatment Court program.

better decisions.

Bray served in the U.S. Army and was awarded the National Defense Service Medal and the Global War on Terrorism Service Medal. He performed a critical function in the Army as a Bradley Vehicle System Maintainer from 2009-11.

Racine County Circuit Court Judge Michael J. Piontek conferred the completion of the program for the six graduates, and gave the closing remarks at the ceremony.

The Second Judicial District Treatment Court program was introduced in the summer of 2012. It serves veterans in Kenosha, Racine, and Walworth counties, and is headquartered out of the Racine County Courthouse. ■



Members of the United States Navy Band Great Lakes perform during a veterans court treatment program graduation ceremony in Racine on Dec. 9, 2014.

Initiative to reduce children in out-of-home care

By Bridget Bauman, CCIP Director

Wisconsin is one of eight states selected to participate in the Judicial Engagement Initiative through Casey Family Programs. The project is being piloted in Dane, Kenosha, and Monroe counties.

The goal of the Judicial Engagement Initiative is to engage the judicial system to support children remaining safely in their homes, timely exits to permanency, full consideration of well-being, and compliance with the Indian Child Welfare Act in child welfare proceedings.

Casey Family Programs, in partnership with a team of judicial and attorney consultants from the National Center for State Courts and the National Council of Juvenile and Family Court Judges, provides court-focused resources that support the use of best practices to safely reduce the number of children in out-of-home care.

In addition, Casey Family Programs assists the selected sites to utilize and integrate court/child welfare data to better inform and effectuate systems change.

“Wisconsin has demonstrated a strong commitment to improving outcomes for children in foster care, and we are



Judges and court staff gathered for a Judicial Engagement Initiative meeting in Kenosha County on Oct. 31, 2014. Pictured, left to right: Kenosha County Circuit Court Judge Anthony G. Milisauskas; retired Judge Patricia FitzGerald, a consultant for Casey Family Programs; Kenosha County Circuit Court Judges David P. Wilk and Jason A. Rossell; and Bridget Bauman, director of the Children's Court Improvement Program.

delighted at the opportunity to work with Wisconsin judges and court teams to achieve our common goals,” said retired judge Patricia FitzGerald, a judicial consultant from Casey Family Programs.

“Given the insight and dedication of your judges and the great work already done in Wisconsin, I am confident that working together in 2015 we will develop and implement successful strategies for safe reduction of the numbers of children in care,” said FitzGerald, who visited Kenosha

County for an initiative meeting late last year.

Multi-disciplinary meetings will continue to be held in all three counties, where the court and other child welfare stakeholders discuss concrete ways to meet the goals of the initiative, implement action plans, and measure the effectiveness of their efforts. The Children's Court Improvement Program will work closely with Casey Family Programs and the three pilot sites to monitor the Judicial Engagement Initiative and institute changes at the state level based on the information obtained as a result of the project. ■

Grant *continued from front page*

work. The strength of Wisconsin's written application and the remarkable array of individuals who represented Wisconsin's state and local teams during the site selection process were testaments to your commitment and dedication to this work.”

A two-day in-state meeting in early 2015 will formally launch the statewide initiative, bringing together the state teams previously selected to be part of the initiative.

As part of Phase V, the national institute will provide extensive technical assistance to Chippewa, Marathon, Outagamie, La Crosse, Rock and Waukesha counties and a state level team to expand EBDM in Wisconsin. Assistance also will continue for Milwaukee and Eau Claire counties, which have been included since the first phase of the program.

“We are thankful to Milwaukee and Eau Claire counties for helping take Wisconsin to the next level,” Chief Justice Shirley S. Abrahamson said. “These efforts, along with those of the additional counties and a new state team, will benefit us all.”

The goals of the in-state meeting will be to ensure a shared understanding of the purposes, benefits, and processes of the initiative; begin the process of building and solidifying methods for cross-team partnership and collaboration; and begin the work of the Phase V roadmap.

Following the initial site visits and in-state kick-off

meeting, teams can expect monthly on-site assistance from their technical assistance manager. The managers will support state and local teams as they engage in a set of specific planning activities designed to lay the groundwork for implementation of the Evidence Based Decision Making framework.

The state of Wisconsin formally applied for inclusion in Phase V on Nov. 21, 2014. A total of four states submitted applications (Oregon, Wisconsin, Indiana, Virginia). As part of the final selection process, the institute and the Center for Effective Public Policy conducted a site visit to Wisconsin on Jan. 20 and 21. The site visit included a meeting with state team representatives, a meeting with all of the proposed local and state site coordinators, and individual local team meetings with leadership from each of the six proposed local policy teams.

The goal of Phase V is to build capacity to make evidence-based decisions at the individual, agency, and system levels, and to develop plans for implementing system-wide change strategies that will align state and local officials/jurisdictions with one another and with the principles of Evidence Based Decision Making. Phase V is a planning phase, similar to the planning process seven local sites (including Eau Claire and Milwaukee counties) engaged in during Phase II. Full implementation of strategies is anticipated in Phase VI. ■

Election *continued from front page*

Court of Appeals

Two candidates are vying for the District III Court of Appeals vacancy being created by the retirement of Judge Michael W. Hoover (*see Retirements on page 17*). Vying for Hoover's seat are Eau Claire County Circuit Court Judge Kristina M. Bourget, who was appointed to Branch 1 in 2013, and Atty. Mark A. Seidl, a private practice attorney in Wausau. District III is headquartered in Wausau.

Circuit Courts

Incumbents facing challengers

In Green County, Judge James R. Beer faces a challenge from Atty. Dan Gartzke, who works in private practice in Madison. Beer has served on the Green County Circuit Court since 1996.

In Jackson County, Circuit Court Judge Anna L. Becker and private practice Atty. Daniel Diehn survived a six-way Feb. 17 primary to compete for the circuit court seat now held by Becker, who was appointed by Gov. Scott Walker in 2014. Becker and Diehn defeated Atty. Robyn R. Matousek, Atty. Mark A. Radcliffe, and Atty. James C. Ritland, who work in private practice in Black River Falls; and Atty. Michelle Greendeer, who works for the Ho-Chunk Nation Department of Justice.

In Racine County, Chief Judge Allan "Pat" Torhorst will face Atty. Joseph Siefert, a private practice attorney in Milwaukee. Torhorst has served on the Branch 9 bench since he was first elected in 1991.

In Walworth County, Circuit Court Judge Kristina E. Drettwan, who was appointed in 2014, will face Atty. John W. Peterson, who practices in Williams Bay.

In Waukesha County, Atty. Paul Bugenhagen Jr., who practices in Menomonee Falls, faces Waukesha County Circuit Court Judge Linda M. Van De Water. Van De Water was first elected to Branch 10 in 2003.

Races for vacant seats

In Adams County, private practice attorneys Jesse L. Leichsenring and Daniel Glen Wood will run for the vacancy created by the retirement of Judge Charles A. Pollex at the end of his term.

In Columbia County, Atty. Troy D. Cross of the Columbia County District Attorney's Office and Lodi Atty. Todd J. Hepler will both be on the ballot for the Branch 1 seat of Judge Daniel S. George, who will retire at the end of his term Aug. 1.

In La Crosse County, La Crosse Atty. Brian K. Barton and La Crosse County Family Court Commissioner Gloria L. Doyle survived the Feb. 7 primary to compete for the Branch 5 seat now held by La Crosse County Circuit Court Judge Candice C. M. Tlustosch. Tlustosch was appointed by Gov. Scott Walker on Feb. 3 to fill the seat previously held by La Crosse County Circuit Court Judge Dale T. Passell. Passell retired last November (*see The Third Branch, fall 2014*). Tlustosch was eliminated in the Feb. 17 primary.

In Lafayette County, District Atty. Kate Findley; Atty. Gayle Jebbia, a private practice attorney in Dodgeville; Atty. Duane M. Jorgenson, a private practice attorney in Darlington; and Atty. Guy M. Taylor, who works in the Public Defender's Office, all ran for the vacancy to be created by the retirement of Judge William D. Johnston at the end of his current term. Findley and Jorgenson advanced from the primary to compete for the seat April 7.

In Langlade County, Antigo Atty. John Rhode and

Langlade County District Atty. Ralph M. Uttke will compete to fill the vacancy created by the retirement of Circuit Court Judge Fred W. Kawalski last November (*see The Third Branch, fall 2014*).

In Milwaukee County, Atty. David Feiss of the Milwaukee County District Attorney's Office announced he will run for the Branch 46 bench after Milwaukee County Circuit Court Judge Bonnie L. Gordon retired in December. Feiss does not face a challenger.

In Racine County, Atty. David W. Paulson, who works in private practice, will face Atty. Tricia J. Hanson, who works in the Racine County District Attorney's Office, for the Branch 6 seat for the vacancy being created by the retirement of Racine County Circuit Court Judge Wayne J. Marik at the end of his term.

In Rock County, District Atty. David J. O'Leary and Rock County Family Court Commissioner Mike Haakenson will vie for the Branch 5 seat held by Judge Kenneth W. Forbeck, who will retire at the end of his term.

In Sawyer County, Hayward private practice Atty. Thomas J. Duffy and Atty. John Yackel of the Sawyer County District Attorney's Office will compete for the seat now held by Circuit Court Judge Gerald W. Wright, who will retire at the end of this term.

In Sheboygan County, two private practice attorneys, Atty. Catherine Q. Delahunt of Kohler and Atty. Matthew P. Mooney of Plymouth, competed in the Feb. 17 primary against Sheboygan County Circuit Court Commissioner Rebecca Persick for the Branch 4 seat held by Sheboygan County Circuit Court Judge Terence Bourke. Bourke will retire at the end of his term. Delahunt and Persick will compete April 7.

In Waukesha County, Assistant Atty. General Maria S. Lazar is unopposed for the Branch 7 seat held by Circuit Court Judge J. Mac Davis, who is retiring at the end of his term (*see Retirements on page 3*). Milwaukee Atty. Michael P. Maxwell and Waukesha Atty. Ron Sonderhouse will run to fill the vacancy on the Waukesha County Circuit Court Branch 8 bench created by the retirement of Waukesha County Circuit Court Judge James R. Kieffer at the end of his current term.

Selection of Chief Justice

Voters also will decide whether "section 4 (2) of article VII of the constitution be amended to direct that a chief justice of the supreme court shall be elected for a two-year term by a majority of the justices then serving on the court."

The Wisconsin constitution currently provides that the chief justice of the Wisconsin Supreme Court is its longest-serving member.

According to a summary of the ballot question:

A "yes" vote on this question would mean that the chief justice shall be elected for a term of two years by a majority of the justices then serving on the Wisconsin Supreme Court. The justice who is elected may decline to serve as chief justice or resign the position, but still continue to serve as a justice of the Wisconsin Supreme Court.

A "no" vote would mean that the longest-serving member of the Wisconsin Supreme Court serves as chief justice of the Court. The justice designated as chief justice may decline to serve as chief justice or resign the position, but still continue to serve as a justice of the Wisconsin Supreme Court. ■

Record retention is uniformly set statewide

By Sharon Millermon, Barron County Clerk of Circuit Court

Editor's Note: This article was distributed to Barron County area news outlets as part of an ongoing outreach effort by court officials to improve public understanding and appreciation of the legal system in Wisconsin.

The length of time circuit court records are retained by the clerk of circuit court office is a topic frequently discussed between the public and staff. Opinions vary widely depending on one's involvement or interest in a particular case whether it is believed the file ought to be retained forever or destroyed immediately. Both opinions can hold valid points.

It is important to know the length of time a record is retained. The clerk of circuit court office doesn't determine the length of time a record is retained. Wisconsin Supreme Court Rule 72 sets forth the minimum retention period for all case types. The most common case types with their retention periods are:

- Traffic, DNR and other non-criminal cases (TR and FO) – five years from conviction
- Civil and small claims (CV and SC) along with any case that may have a civil judgment entered – 20 years
- Family and paternity (FA and PA) – 30 years plus an additional seven years after the final payment
- Criminal misdemeanor and criminal traffic (CM and CT) – 30 years from conviction
- Criminal felony (CF) – 50-75 years from conviction depending on the severity of the felony

Most people would like to see traffic citations disappear as soon as possible. Normally those files are destroyed five years after conviction unless a civil judgment is entered as a consequence for non-payment. If a judgment for non-

payment is entered, the retention period increases to 20 years from the date of entry of judgment regardless of when paid thereafter.

It is especially critical to retain court documents for people that have accessed the court system at a young age. On

more than one occasion, an individual has appeared at the clerk of circuit court counter to obtain a copy of their Order for Change of Name that was granted many years ago. The person, now an adult, may want to obtain a passport and must prove they can legally use another name than the one indicated on their birth certificate or want to apply for social security benefits. This is an example of a "civil" file and the file will be destroyed after 20 years. If all necessary steps were not taken to change the records retained by the state, the individual may find it necessary to re-file a case to accomplish the previous outcome.



Sharon Millermon

Prior to destroying the physical file, it must be offered to the State Historical Society. In the past, the Historical Society accepted all family case types and litigants were still able to obtain copies of needed court documents. Recently the Historical Society has declined family files and they are destroyed after the elapsed retention period. The Historical Society is still interested in most criminal cases, resulting in those files being preserved. Most of Barron County's records are stored at the Library Learning Center at UW-Stout in Menomonie, Wis.

It is always a best practice to keep important court documents in a safe place. Often an individual doesn't realize the document's importance until it is needed for a passport application, employment purposes, social security benefits, credit reports, etc. ■

Child welfare conference set for fall

The Children's Court Improvement Program of the Wisconsin Director of State Courts Office and the Wisconsin Department of Children and Families, along with other sponsors, are co-hosting the *2015 Conference on Child Welfare and the Courts: Moving Toward a Trauma-Informed Wisconsin* on Sept. 30-Oct. 2 in Wisconsin Dells.

The experience of trauma among children and families, especially those involved with the justice system, is so high as to be considered universal. These trauma experiences may seriously affect a person's physical, mental and emotional health and ability to respond successfully to treatment and other interventions. The conference promises to be an extraordinary opportunity for judges, court commissioners, and other child welfare stakeholders to learn from experts in the field so that they

may respond to children and families involved in the child welfare and court systems in a trauma-informed manner.

Attendees will be encouraged to register as part of a local multi-disciplinary team to allow an opportunity for incorporating newly acquired knowledge into concrete action plans. Additional information about the conference, including the registration link, will be provided as the event gets closer. Judicial Education and Continuing Legal Education credits will be offered for participants. ■

For questions about the conference, please contact Bridget Bauman, CCIP Director, at bridget.bauman@wicourts.gov or 608-267-1958.

Justices swear in governor, legislators



Photo credit: Jay Salvo, Legislative photographer

Chief Justice Shirley S. Abrahamson administers the Oath of Office to Gov. Scott Walker during Inauguration ceremonies on Jan. 5 in the Capitol Rotunda. Former Gov. Tommy G. Thompson and Walker's family look on.

The 2015-16 session of the Wisconsin Legislature got underway Jan. 5 with swearing-in ceremonies at the Capitol. Gov. Scott Walker also started his second term of office that day.

Republicans control the Assembly 63-36 and the Senate 18-15. About one quarter of the Assembly, or 25 of its 99 members, are new to the office, having been elected on Nov. 4, 2014. In the Senate, seven members were elected Nov. 4, 2014, although six had previously served in the state Assembly.

On Dec. 10, 2014, the Supreme Court hosted an orientation session for new legislators in the Supreme Court Hearing Room. Chief Justice Shirley S. Abrahamson discussed the roles of the Judiciary and the Legislature before taking new legislators on a tour of Supreme Court chambers and the Supreme Court Conference Room. ■



Photo credit: Greg Anderson, Legislative photographer

Justice Annette Kingsland Ziegler swears in members of the Wisconsin State Senate during ceremonies at the Capitol on Jan. 5.



Photo credit: Jay Salvo, Legislative photographer

Justice David T. Prosser addresses members of the Wisconsin State Assembly during a swearing-in ceremony held Jan. 5.

NEWS AND NOTES

On Jan. 1, La Crosse County Circuit Court Judge **Todd W. Bjerke** retired from his military status after more than 30 years of service. He was trained as a judge advocate and spent more than three years on active duty with the U.S.



Judge Todd W. Bjerke

Marine Corps before transitioning to the U.S. Army Reserve. Bjerke retired as a colonel and was recognized for his “exceptionally meritorious service” with the Legion of Merit in August 2014. His military experiences assisted him in developing the La Crosse Area Veterans Court in 2010.

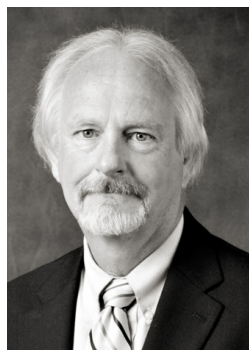
Bjerke retired from the Individual Ready Reserve, where he had served since July 2014, following completion of his last assignment as Special Projects Officer for the U.S. Army Legal Command in Gaithersburg, Md. He spent three years as the commander of the 214th Legal Service Organization at Fort Snelling in Minnesota, and had previously served as the Staff Judge Advocate for the 88th Regional Support Command at Fort McCoy in Wisconsin.

Bjerke was promoted to the rank of colonel in February 2006. He was on active duty with the U.S. Marine Corps from 1984 to 1987, primarily as a defense counsel. Following his release from active duty, at the rank of captain, he transferred to the U.S. Army Reserve and served as a judge advocate in a variety of positions until retirement. While in the Army Reserve, he was sent on four overseas missions, twice to Vicenza, Italy and twice to Germany to provide assigned legal services to active duty soldiers.

Husband and wife attorneys have found a way to give back to the community, according to the *Wisconsin State Journal*. **Mark Krueger** and **Michelle Hernandez** of Middleton began offering a legal clinic to members of their church, Global Presence Ministries in Monona. On Jan. 23, they opened up the clinic to the community outside the church.

“It’s really rewarding to sit down with someone and help them breathe a little easier, in an environment where no one is worried about having to pay anything,” Krueger told the *State Journal*.

The clinic offers basic legal information and directs them towards legal resources, but the attorneys do not represent the individuals who come to the clinic. Krueger and Hernandez are currently the only attorneys staffing the clinic, but they hope to have a few others volunteer their time in the future, according to the paper.



Judge Andrew T. Gonring

The *West Bend Daily News* recently reported that while court reporting technology has been advancing with expanded use of digital recorders, some judges still prefer having a court

reporter typing the record of the proceedings.

Washington County Circuit Court Judge **Andrew T. Gonring** is one of them.

“It is a bit of a controversy,” Gonring told the paper. “Some courts have gone to (digital) recorders. I just think it’s far more efficient to have a live person there.”

Third District Court Administrator **Michael Neimon** told the newspaper that court commissioners around the state use digital recorders instead of real time court reporters.

“With the court commissioners, we’ve been able to demonstrate that with the use of digital recorders (hearings) can be effectively recorded, and transcripts retrieved,” Neimon is quoted as saying.

Some judges have made the transition to digital, but Gonring told the newspaper that he’s a hold out.

“I’ll go yelling and kicking and screaming into a (court) reporter-less court system,” he told the *Daily News*.

Before oral argument on Feb. 5, and in the presence of the rest of the Supreme Court, Chief Justice **Shirley S. Abrahamson** drew from a hat the names of one judge from each of the four Court of Appeals districts to serve on the Government Accountability Board’s Candidate Committee.

Judges **Joan F. Kessler**, District I; **Paul F. Reilly**, District II; **Lisa K. Stark**, District III; and **JoAnne F. Kloppenburg**, District IV were chosen.

The candidate committee is responsible for reviewing applications by former state judges to serve as members of the Government Accountability Board (GAB), and must unanimously agree on each nominee, according to a GAB news release. For each vacancy, the committee forwards at least two names to the governor. The governor’s appointment must be confirmed by a two-thirds vote of the state Senate.

The new committee’s two-year term begins March 1, after which the candidate committee will meet to review applications to fill the
see **News and Notes** on page 15



Judge Joan F. Kessler



Judge Paul F. Reilly



Judge Lisa K. Stark



Judge JoAnne F. Kloppenburg

NEWS AND NOTES *continued from page 14*

board seat of Judge **Thomas H. Barland** of Eau Claire, who is not seeking a second term on GAB.

According to the *Wisconsin Law Journal's* 2014 Year in Review, the Wisconsin Court of Appeals issued 1,015 decisions last year, 83 percent of which upheld the circuit court decisions. District IV Court of Appeals Judge **Brian W. Blanchard** told the *Law Journal* that it's rare for a circuit court judge to let a Court of Appeals judge know they are unhappy about their decision being overturned.

"I think that it could get complicated for an appellate judge and a circuit judge to communicate about a case in which both have had an adjudicative role," Blanchard is quoted as saying. "In my experience, it is rare to get any feedback at all."

District I Court of Appeals Judge **Patricia S. Curley** told the *Law Journal* that she anticipates more criminal proceedings to reach the appeals court in the future, as more litigants seek arbitration and mediation in other types of cases.

Curley also said she expects courts will face questions about verifiable experts in the coming year as the state tries to meet the **Daubert** standard for the admission of scientific and technical evidence.

Court of Appeals Chief Judge **Richard S. Brown**, District II, noticed a decline in civil case appeals in 2014, according



District Seven Court Administrator Patrick Brummond discusses court administration during the 2015 New Clerks of the Circuit Court Orientation Workshop on Feb. 18, 2015. The workshop preceded the 2015 Clerks of Circuit Court Institute, which was held Feb. 19-20 at the Kalahari Resort & Conference Center in Wisconsin Dells.

the *Law Journal*.

"But the cases we do get are very complex, and the issues are thorny," he was quoted as saying. "We spend a lot of time on those cases because we have to find out what the law is and we do our own research."

Brown said he also noticed a rise in the number of environmental cases.

Deputy Chief Judge **Michael W. Hoover**, District III Court of Appeals, observed a high number of mortgage foreclosure cases, as well as cases involving warrants for testing drunken driving suspects in response to the U.S. Supreme Court's 2013 decision in *Missouri v. McNeely*.

"It just kind of muddied the waters by saying the dissipation of (alcohol) in the blood is not necessarily an exigent circumstance, which turned Wisconsin law on its head," Hoover was quoted as saying.

Blanchard said the courts will soon be facing new challenges in a future of privacy and digital laws with the growing use of consumer technology.

Madison's WKOW-TV reported on a proposal that could set a retirement age for Wisconsin justices and judges.

Rep. **Dean Knudson** (R-Hudson) has said he may introduce a bill that could require some current sitting judges to step down.

"Seventy-five is the age that I would set," Knudson is quoted as saying. "However, there are 132 legislators here. There may be some that would prefer to set that at 77. I wouldn't be surprised if there's discussion about 78 or 80."

Assembly Minority Leader **Peter Barca** (D-Kenosha), has criticized the idea, according to WKOW.

"When the voters select somebody, they obviously know how old they are, they know what their qualifications are," Barca told the TV station.

Milwaukee County Circuit Court Judge **Rebecca F. Dallet** was featured in a section of the Association for Women Lawyers' November 2014 newsletter. Dallet, one of only 14



Judge **Brian W. Blanchard**



Judge **Patricia S. Curley**



Chief Judge **Richard S. Brown**



Deputy Chief Judge **Michael W. Hoover**

NEWS AND NOTES *continues from page 15*

women out of 47 judges in the county, spoke about how she decided to go into law, her experiences as a woman attorney and judge, and being a working mother.

Dallet had served as a judge in a mock trial in ninth grade, and then had the feeling that it was a very important job. She went on to say that her father encouraged her to follow in his and her grandfather's career path and pursue a legal degree.

Dallet told the newsletter that her father knew that one day she would run for public office. She said that her public service does not end in the courtroom. She and her husband volunteer in the community, and they encourage their three teenage daughters to do so as well.



Judge Rebecca F. Dallet



Judge David T. Flanagan

Veterans involved in the justice system in Dane County will no longer have to make the trip to Janesville to participate in a veterans treatment court program, according to the *Wisconsin State Journal*. Dane County has now opened its own veterans court, which will allow qualifying veterans to have charges against them dismissed or reduced if they complete the program.

"We're looking for people whose criminal problems flow from a treatable condition," Dane County Circuit Court

Judge **David T. Flanagan** told the paper. "It's to find people who should be getting treatment but aren't."

Flanagan, a U.S. Navy veteran who served as a combat engineer in Vietnam, visited local colleges' veterans groups to recruit volunteers to serve as mentors in the program, the *State Journal* reports. Participants in the program meet with the mentors, complete treatment goals, and appear in court once or twice a month.

Previously, veterans in Dane County were able to participate in the Rock County Veterans Treatment Court, but transportation and planning issues made it difficult for some to participate.

Of the 43 veterans who have been accepted into the Rock County program, 15 were from Dane County, Veterans Administration Justice Outreach Coordinator **Ed Zapala** told the *State Journal*.



Attys. **Mary Lynne Donohue** and **Ryan Kautzer** were honored by the *Sheboygan County Bar Association* for coordinating the legal clinic hosted by *The Salvation Army*. The recognitions were presented by Bar President **Susan McIntosh**, and Lt. **Cheri Mangeri**, Corps officer and pastor. The legal clinic provides free legal consultation throughout the year at *The Salvation Army Community Center*. The clinic was established in 2001.

Flanagan told the paper that 35 veterans have applied for the Dane County program. Of those, he said three have been admitted, four are ready to be admitted, and the others are still being evaluated.

The National Association of Drug Court Professionals' Justice for Vets Spokesman **Christopher Deutsch** told the paper there are an estimated 220 veterans treatment court programs being offered nationally. The programs cater to the specific issues faced by veterans that may contribute to alcohol and drug abuse.

"What we're saying is if these folks who volunteered to serve didn't have these issues before, but come back damaged, then it's our responsibility to see that they're treated and can get their lives back on track," Deutsch is quoted as saying. ■



Former *Wisconsin State Law Librarian* **Jane Colwin** (center) talks with *Director of Reference* **Heidi Yelk** (left) and *Library Program Assistant* **Tammy Keller** at the *Law Library's winter party* Dec. 18. Colwin retired in 2011, after 27 years with the law library. The *Law Library* hosts the celebration each year.

RETIREMENT *continued from page 3*

created TaxCalc, a computer program that helps judges and lawyers calculate child support and maintenance payments in divorce cases in 1990. Davis annually updates and provides the program free of charge and offers instruction on the program as part of the Judicial College programming.

Davis said he will miss seeing his staff after his retirement, as well as the attorneys in the courtroom, “not all, but most.”

He said he hopes to do some reserve judge and mediation work, as well as travel more, both overseas and to visit his four grandchildren on the east coast.

Deputy Chief Judge Michael W. Hoover District III Court of Appeals

Deputy Chief Judge Michael W. Hoover, District III Court of Appeals, said he will miss the give and take of working with his colleagues when he retires at the end of his term in July.

“The whole experience has been rewarding and challenging,” Hoover said.

“I have had the privilege to pursue an honorable career and the honor to work with some of the most capable legal minds in the state in the Court of Appeals, and more specifically in District III.”

Hoover was elected to the Court of Appeals in 1997. He had previously served as a circuit court judge in Marathon County since 1988.

Only a year after taking the circuit court bench, Hoover presided over his first intentional homicide case. The trial of Lori Esker, which would become known as the “Dairy Princess Case,” received national media attention. Esker, a Marathon County Dairy Princess and UW-River Falls student, was sentenced to life in prison for the murder of Lisa Cihaski. The prosecutor, now Marathon County Circuit Court Judge Gregory E. Grau, argued that jealousy was the motive behind Esker strangling Cihaski, who was dating Esker’s former boyfriend. The story would even inspire a 1995 made-for-TV movie, “Midwest Obsession.”

Hoover said the time he spent in juvenile court with juvenile offenders was the most challenging and emotionally draining part of being on the trial court bench. He said while there, he tried to make a positive difference in the lives of those who appeared before him.

Soon after moving from the circuit court to the Court of Appeals, Hoover said he proposed the idea of electronic filing of briefs, and continued to promote the idea over the next few years. He gives credit to the late Supreme Court and Court of Appeals Clerk of Court David Schanker for helping the project gain traction.

“He really took the ball and ran with it,” Hoover said of Schanker.

In 2009, the appellate courts began receiving briefs electronically, a move Hoover believes has promoted efficiency in the handling of appeals.

Hoover said he and the other judges in District III have

noticed an increase in the difficult cases that come before them. He speculates that has a lot to do with the increase in dispute resolution and mediation.

“So many cases that were tried and later appealed are falling away,” he said. “A lot of the ‘mill-run’ cases we used to fold-in are falling away because of mediation.”

Hoover has served as presiding judge for District III and as a deputy chief judge. He has served as an author and editor of the Criminal Law Benchbook, and as a speaker and instructor for Judicial Education and State Bar programs. He is also a former faculty member of Mount Senario College. He received his bachelor’s degree from UW-Madison and law degree from the UW Law School. He is a former Wausau city attorney and Marathon County assistant district attorney.

Hoover said he hopes to spend his retirement pursuing his many interests and indulging in his latest phases, including learning to cook. He also plans to travel and spend more time at the cottage he has owned for 33 years. He admits until now he has not had time to enjoy the cottage for any long stretch of time.

Judge Patrick J. Taggart Sauk County Circuit Court

Sauk County Circuit Court Judge Patrick J. Taggart said he believes judges are being asked to do more and more with less and less funding. But he also said the court system has been meeting that challenge with technological advances, such as the move towards going paperless, a move he believes makes judges more efficient.

Another technological advance that has helped the court system is video conferencing, which Taggart began using in his courtroom in the fall of 2003. Taggart chose to use video conferencing to ensure an orderly and safe initial appearance for a 15-year-old facing first-degree intentional homicide charges for a school shooting in 2006. In a case that received national media attention, Eric Hainstock was found guilty and sentenced by Taggart to life in prison for the shooting of Weston Schools Principal John Klang.

Taggart said the three or four homicide cases he has presided over during his career have been memorable because of the media attention they received.

He said he tried his best to relate to everyone who appeared before him, and is proud of the fact that they all got a “fair shake.”

Taggart was first appointed in 1993, and won election to the Branch 1 bench the following year. He received his undergraduate and law degrees from Marquette University. Prior to taking the bench, he worked in private practice.

After he retires in March, Taggart plans to do some mediation and reserve work, to help the court system with calendaring cases. He also looks forward to seeing the two other judges in the county as well as the courthouse staff through reserve work. In the time he is required to take off before he can begin work as a reserve judge, he said he hopes to go someplace warm. ■



Deputy Chief Judge
Michael W. Hoover



Judge Patrick J. Taggart

Guardianship initiative brings forces together to help elderly with legal issues

By Andrew Bissonnette, Executive Assistant to the Chief Justice



Andrew Bissonnette

When Chief Justice Shirley S. Abrahamson hired me as her executive assistant last fall, her number one priority for me was to help facilitate the court system's ability to work with the elderly and other vulnerable groups in reducing abuse and in improving guardianship practice.

Guardianship issues have come to the fore nationwide due to demographic changes, including the impending "silver tsunami," caused by the aging of the baby boomers. Any weaknesses or

problems in the guardianship system will only be exacerbated as the number of cases climbs in coming years.

As part of this effort, we have joined forces with two existing groups already working on some of the issues, and have also found support from the National Guardianship Network and the State Bar of Wisconsin.

A group of registers in probate from across the state, known as Guardianship Accounting Committee (GAC), began work in 2013 after hearing presentations by District Ten Chief Judge Scott R. Needham, St. Croix County Circuit Court, and former District Court Administrator Scott Johnson. The group supports creating a mandatory guardian training module for individual or family guardians; replicating the online training and reporting system that is used in Minnesota; and enabling a more robust review of guardianship financial reports.

The State Bar of Wisconsin has very recently agreed to help create a guardian training video as envisioned by GAC.

An informal group known as the Corporate Guardian Fee Standards Committee has been meeting for the better part of a year to determine if there should be standards in place for approving corporate guardian fees. The group was started by Alice Page in the Division of Long Term Care at the state Department of Health Services and Kay Schroeder, president of the Wisconsin Guardianship Association. Outagamie County Circuit Court Judge Gregory B. Gill Jr. is on this committee, but we are interested in attracting more judges to help with the project.

In November, the Chief Justice became aware of a grant opportunity from the National Guardianship Network (NGN) to support the creation of a Working Interdisciplinary Network of Guardianship Stakeholders (WINGS) group in Wisconsin. Ultimately, we decided not to apply for the grant. However, we have received the blessing of NGN and are eligible to receive technical assistance from NGN as needed. The more we looked at that process of bringing together essential guardianship stakeholders, the more we felt that this would also be an appropriate vehicle for positive guardianship reform.

I have been working to build this broad-based WINGS group for the past three months. It now stands at approximately 60 people from 30 agencies. Included are a number of elder care groups such as AARP, as well as the Social Security Administration, Wisconsin Psychological Association, Wisconsin Medical Society, pertinent divisions of Wisconsin DHS, the Wisconsin Board on Aging and Long-Term Care, the State Bar of Wisconsin, the Wisconsin Guardianship Association, several disability rights groups, and tribal interests.

There are also interested individuals, including circuit court judges and registers in probate. We also have several people on board who helped in the most recent rewrite of the guardianship law, as well as others, such as Guardian ad Litem Gretchen Viney, who have written articles or books on guardianship in Wisconsin. It is a wonderful group committed to working together to identify the problems with current guardianship practice in Wisconsin and to find effective solutions to those problems.

We have a WINGS Steering Committee, which is in the process of planning a day-long WINGS organizational meeting for later this spring. It is expected that three different working groups will be created, each with its own target area. This has been, and will continue to be, a very collaborative and creative process designed to serve some of the most vulnerable people in our state. We could use a few more circuit judges in this group. ■

If you would like more information or are interested in working on this effort, contact Andrew Bissonnette at (608) 261-8297 or andrew.bissonnette@wicourts.gov

NEW FACES

William D. Walker Budget and Policy Director

On Feb. 9, William D. Walker joined the court system as Budget and Policy Director, replacing Deborah Brescoll, who retired in January (*see The Third Branch, fall 2014*).

Walker has a background in law, economics, and public policy. He began his career with state government in 2000, joining the Wisconsin State Budget Office as a policy and budget analyst. In that role, he contributed to the executive budgets for three former governors. He also has served as a senior policy analyst and budget and policy director at the Wisconsin Department of Agriculture, Trade and Consumer

Protection.

In 2011, Walker joined the Wisconsin Department of Natural Resources (DNR) as an economist. He has also served as co-director of the Wisconsin Initiative on Climate Change Impacts, a network established jointly by UW-Madison and the DNR to assess climate impacts and resilience in Wisconsin. ■



William D. Walker

Annual meeting brings together justices, judges, administrators

Justices, judges and court administrators from each of the state's 10 judicial administrative districts gathered at the Concourse Hotel in Madison on Jan. 20 for the annual joint meeting of the Wisconsin Supreme Court and Committee of Chief Judges and District Court Administrators (DCAs). The groups discussed the state budget as it relates to the courts and other issues of mutual interest. The meeting presented an opportunity for justices to meet with all DCAs, including four who started their position in the last year.

Each of the 10 judicial administrative districts in Wisconsin has a DCA appointed by the Chief Judge of the district and the Director of State Courts. The DCA position is created pursuant to SCR 70.30 and appointed under SCR 70.31, the position is defined under SCR 70.16 as one that provides administrative and technical assistance to the chief judge in the administration of the district.

The DCAs have two objectives. They work at the local level with their chief judge and the courts of the district, to serve as the conduit and a link between the state court office and local circuit courts. They are a resource to judges and clerks not only to help them develop and maintain the most effective and efficient caseload management and record keeping systems, but also to help bring innovative and constructive new programs to life. And, they work for the Director of State Courts, serving the state system as a whole by serving on statewide committees and supporting new initiatives and projects. The goal of the DCAs is to help the Wisconsin court system uphold core values, as stated in the court system's vision statement, of integrity, compassion, fairness and consistency. ■

Justice and judges discussed the court system's 2015-17 state budget request and other items of mutual interest at the annual joint meeting of the Wisconsin Supreme Court and Committee of Chief Judges Jan. 20.



District Court Administrators (DCA) in Madison on Jan. 20: Right column, descending from top: Jon Bellows, Fourth District; Holly Szablewski, First District; Beth Perrigo, deputy DCA, First District; Gail Richardson, Fifth District; and Patrick Brummond, Seventh District. Left column, descending from top: Theresa Owens, Second District; Michael Neimon, Third District; Donald Harper, Eighth District; Susan Byrnes, Ninth District; and Ronald Ledford, Sixth District. Middle front: Kristina Aschenbrenner, Tenth District.

Committee *continued from page 8*

- An in-person meeting with a representative of the Postadoption Resource Center that serves the area in which the adoptive parents reside to describe the support and services that are available to an adoptive family after the adoption is granted.

AB 40 also requires all counties, licensed adoption agencies, and the bureau to report the names and contact information of each adoptive parent and the adopted child, to the center that serves the area in which the parent resides.

Assembly Bill 41 requires a child who is a citizen of another country, who has been adopted in that country by a parent who is a Wisconsin resident, to be readopted in Wisconsin. If a court is satisfied that the necessary procedural requirements have been met and that the foreign

court order is effective, the court must recognize the adoption granted by the foreign court and must grant re-adoption of the child under Wisconsin law.

Assembly Bill 42 was developed to provide better information on adoption in Wisconsin. It requires certain petitions and agreements related to the welfare of a child to state whether the child has previously been adopted. The bill also requires the Department of Children and Families to submit an annual report to the governor and the Legislature regarding the number of children who have previously been adopted during the preceding calendar year.

All four bills have been referred to the Assembly Committee on Children and Families. ■

Corrections data reveals prison demographics

In recent years, the Wisconsin Department of Corrections has been moving forward with an effort to take very large and complex datasets, validate them, analyze them, and then present information in an understandable form that accurately reflects trends and patterns of the adult prison population.

The purpose of this effort is to provide information to department staff, policy makers, criminal justice partners, and the public to help better inform them of the adult prison component of the criminal justice system. Information presented here is a sample of data currently being analyzed on admissions, point-in-time populations, and releases from prison during the last 15 to 25 years.

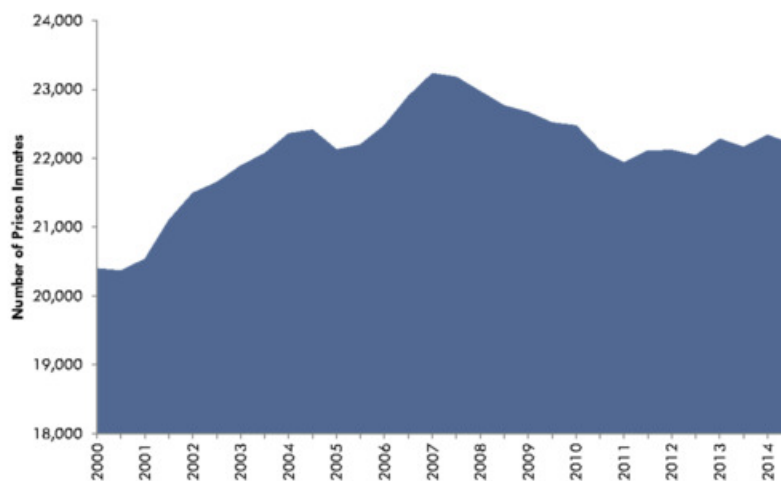
The department shared some of these findings at the request of The Third Branch

with the idea that judges and others involved in the justice system may find the information interesting or valuable.

This page and the next four pages of this edition of *The Third Branch* include information compiled by the department on the adult prison population, including demographics, offense types and admission types.

The author of this work is Megan Jones, Ph.D., a research analyst in the office of the secretary at the Wisconsin Department of Corrections. ■

For other Department of Corrections statistics, such as recidivism rates, reincarceration rates, and other data trends, visit www.doc.wi.gov/about/data-and-research.



Note: Point-in-time numbers exclude temporary holds.

Overall Point-in-Time Prison Populations (June 2000-December 2014): The graph above displays point-in-time "snapshots" of the prison population from June 2000 to December 2014 (with a point-in-time presented for June 30th and December 31st of each year).

	2000	2014	% Change
Overall Population	20,399	22,215	+ 8.9%
Male	18,979	20,871	+ 10.0%
Female	1,420	1,344	- 5.4%



2014 WI Prison End-of-Year Population Snapshot on 12/31/2014

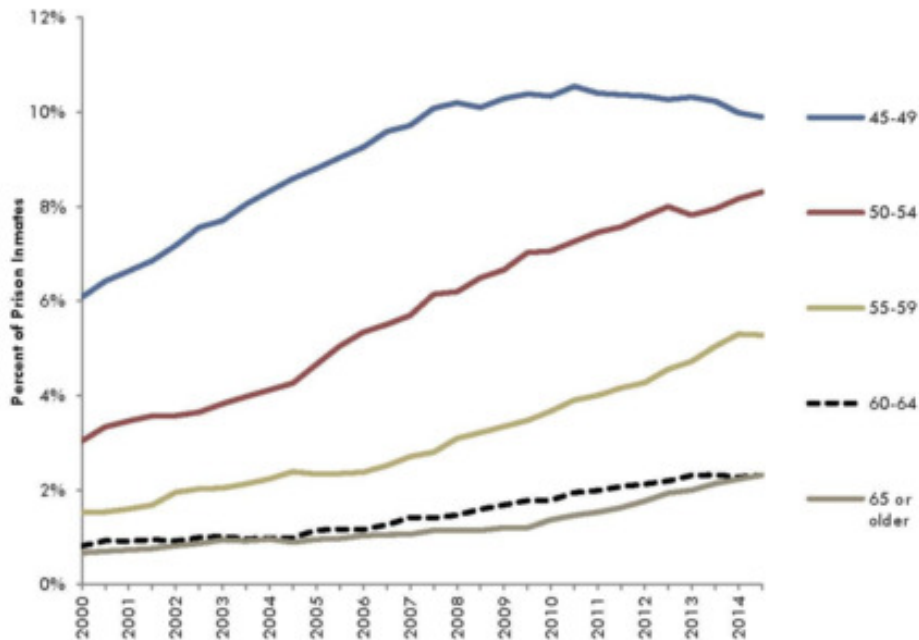
- 38 is average age
- 94% are male
- 41% are Black, 55% are White, and 9% report Hispanic or Latino ethnicity
- 40% of males and 43% of females report having dependent children
- 7% report having military experience
- 33% of males and 77% of females have a mental health condition
- 79% have an assessed substance abuse treatment need
- 66% of males and 72% of females report they have completed high school (or equivalency) or have completed some post-secondary education
- 67% have committed a violent crime
- 35% have five or more years left to serve in prison

see **Prisons** on page 21

Prisons *continued from page 20*

Age: The percentage of older inmates in WI DOC prisons has seen a notable increase over the last 15 years. Shown below is the percentage of inmates aged 45 and older from June 2000 to December 2014.

The percentage of inmates 45 and older more than **doubled** from 2000 to 2014, increasing from **12.1%** to **27.9%** of the total prison population.



Note: Point-in-time numbers exclude temporary holds.

Race and Ethnicity:

Race	Male		Female	
	2000	2014	2000	2014
White	48.8%	53.6%	47.5%	69.8%
Black	47.4%	42.0%	48.4%	23.2%
American Indian/Alaskan Native	3.0%	3.2%	3.6%	6.0%
Asian or Pacific Islander	0.7%	1.0%	0.4%	1.0%
Unknown	0.1%	0.1%	0.2%	0.0%
Ethnicity*				
Hispanic or Latino	7.6%	9.5%	4.9%	3.1%

*Inmates in all race categories can identify themselves as Hispanic or Latino.

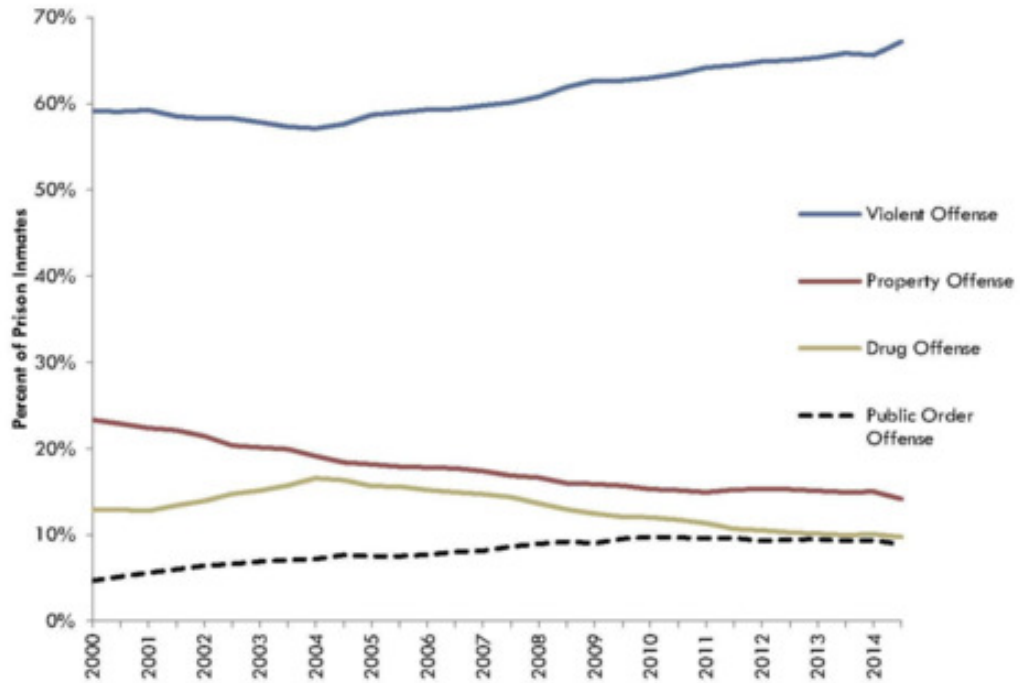
Since 2000 ...

- > The overall population of **White** inmates increased by a factor of 12.1% (5.9 percentage points) while the percentage of **Black** inmates decreased by a factor of 13.9% (6.6 percentage points).



Prisons *continued from page 21*

Most Serious Offense (June 2000-December 2014): Many offenders are convicted of multiple offenses. For this reason, an offender's most serious offense was selected for this analysis. Offenses fall into four categories (in order of seriousness): violent, property, drug, and public order offenses.



Note: Point-in-time numbers exclude temporary holds.

Persons convicted of a violent crime have made up approximately 60% or more of the inmate population for the past 15 years

Most Common Offenses in Each Category on December 31, 2014

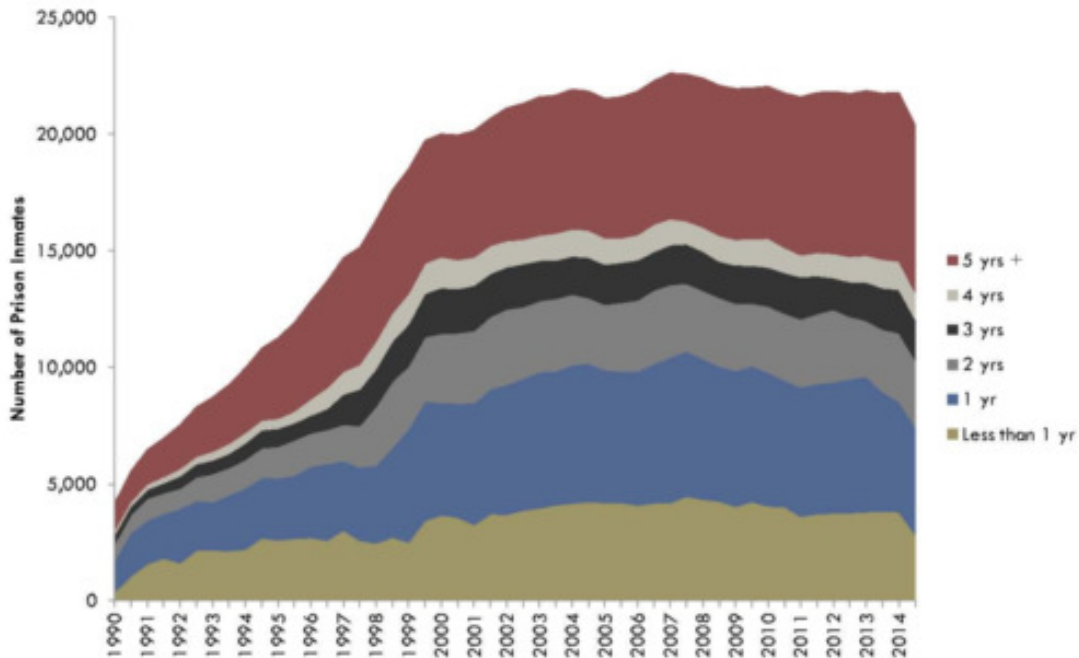
Violent Offense		Property Offense		Drug Offense		Public Order Offense	
Statute Description	N	Statute Description	N	Statute Description	N	Statute Description	N
Armed Robbery	1,809	Burglary-Building or Dwelling	1,665	Manufacture/Deliver Heroin (<3g)	244	Operating while Under the Influence	1,063
First Degree Intentional Homicide	1,504	Theft-Moveable Property	407	Possession of Narcotic Drugs	189	Possession of Firearm by Felon	276
Second Degree Sexual Assault of Child	1,396	Misappropriate ID Info-Obtain Money	209	Manufacture/Deliver Cocaine (<=1g)	129	Possession of Child Pornography	199
First Degree Sexual Assault of Child	1,252	Retail Theft-Intentionally Take	159	Possession of THC (2nd+ Offense)	105	Failure to Support Child (120 Days+)	97
Robbery with Use of Force	577	Forgery-Uttering	155	Manufacture/Deliver Cocaine (>1-5g)	94	Bail Jumping-Felony	76

* Point-in-time numbers exclude temporary holds.

see Prisons on page 23

Prisons *continued from page 22*

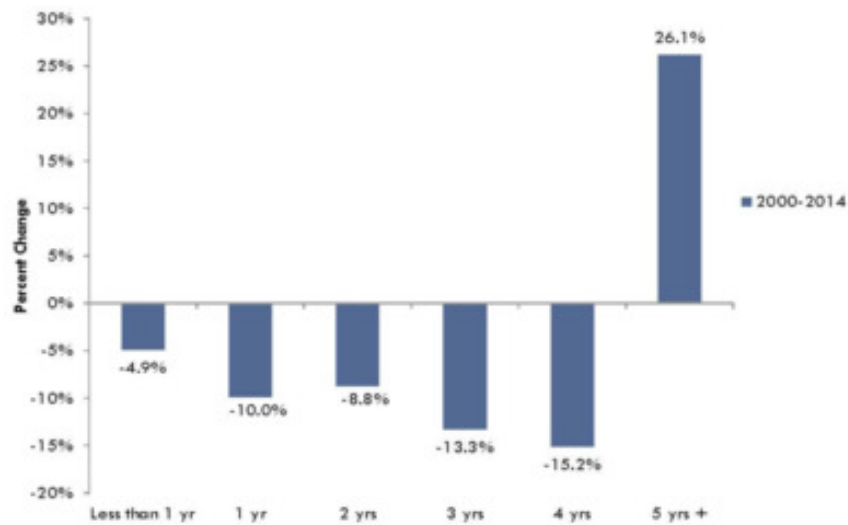
Time Left to Serve (June 1990-December 2014): Time left to serve is calculated as the time between each six-month point-in-time date and the actual or projected end date of an inmate's incarceration portion of his or her sentence. While the time left to serve analysis does not represent the overall sentence an inmate must serve in prison, it offers one possible explanation for changes in the prison population over time - such as why the general inmate population is getting older.



Note: Point-in-time numbers exclude temporary holds.

Percent Change in Time Left to Serve, 2000 compared to 2014:

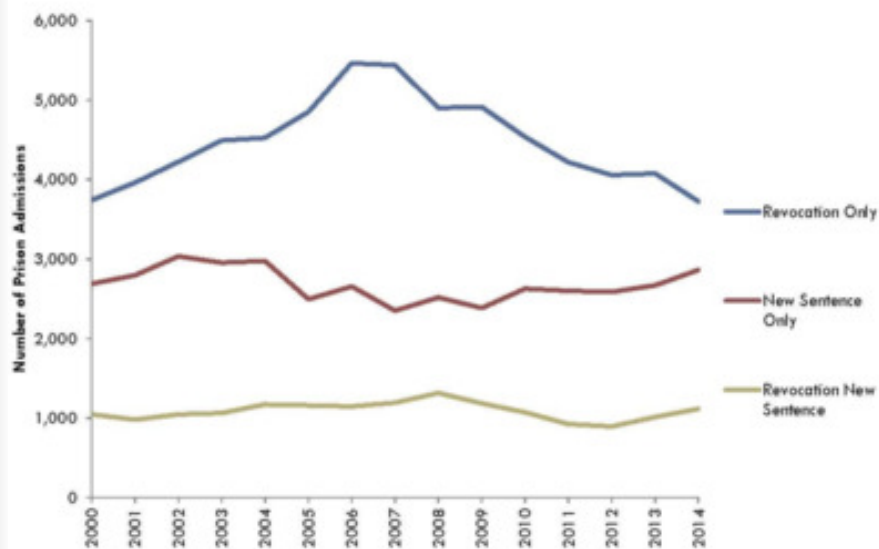
- The percentage of inmates with **four or less** years to serve has **decreased**
- The percentage of inmates with **five or more** years left to serve has **increased by a factor of over 25%**



see Prisons on page 24

Prisons *continued from page 23*

Prison Admissions by Type (2000-2014): The graph below shows all physical admissions to WI DOC adult prisons and contract facilities between 2000 and 2014.



Note: Admission numbers exclude temporary holds.

Admission Trends:

- Revocation admissions peaked in 2006-2007, and have since been on a decline
- New sentence admissions (with and without revocations) have remained stable

On average, in 2014 the WI DOC admitted over 700 inmates per month compared to 300 per month in 1990

Budget *continued from front page*

Legislature's Joint Committee on Employment Relations, which sets the employee compensation plan for state government and would have final say.

The budget bill also would make changes to how the court system's funding is allocated. The bill would combine what are now separate appropriations for circuit court support payments, payments for guardian ad litem services, and reimbursement for court interpreters, into a single appropriation.

This is referred to as a "block grant approach." The bill would similarly combine the State Law Library's appropriations with those for the Director's Office. The stated intent of combining these now-separate appropriations is to increase flexibility for the Director of State Courts in administering court system spending.

In a related change, the bill would shift funding for state-employed court reporters from its current sum-sufficient appropriation to the new proposed circuit court costs appropriation. Court reporters would thus be funded from the same appropriation that funds circuit court operations, guardians ad litem, and court interpreters.

Among concerns identified in this proposed change would be the omission of statutory language authorizing the Director of State Courts to pay salaries to court reporters and a shortage in funding under the new appropriation. The governor's office has indicated it intends to address some concerns related to court reporters in a list of technical

corrections to be submitted to the Legislature.

The bill would also repeal most of the statutory language that currently governs payments to counties. In particular, it would remove the funding formula and auditing requirements. Under the bill, how and when to release circuit court support payments would be managed by the Director of State Courts and overseen by the Supreme Court.

The budget bill now before the Legislature would also change oversight of the Wisconsin Judicial Commission, currently an independent commission given administrative support from the Department of Administration. Under the bill, the commission would instead be placed under the direction of the Supreme Court, with administrative support provided by the Director's Office. This proposal has raised some concern over the independence of judicial investigations.

Another proposal in the budget bill would eliminate the Judicial Council, effective July 1. The council was established in 1951 to provide support to each branch of government by studying and making recommendations relating to court pleading, practice and procedure; and organization, jurisdiction and methods of administration and operation of Wisconsin courts.

The Legislature has set a series of public hearings around the state. The court system's budget office will continue to monitor the progress of court-related budget items. ■

Chief Justice
Shirley S. Abrahamson

Editor
Tom Sheehan

Associate Editor
Sara Foster

Contributing Writers
Bridget Bauman
Andrew Bissonnette
Jean Bousquet
Sara Foster
Tommy Gubbin
Megan Jones
Sharon Millermon
Nancy Rottier
Hon. Richard J. Sankovitz
Tom Sheehan
Tony Streveler
Bill Walker

Editorial Advisor
Hon. Michael J. Rosborough
Vernon County Circuit Court

Graphic Design/Layout
Sara Foster

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

Send questions, comments, and article ideas to:
Tom Sheehan
Court Information Officer
P.O. Box 1688
Madison, WI 53701-1688
phone
(608) 261-6640
e-mail
tom.sheehan@wicourts.gov
fax
(608) 267-0980

Barron County hosts legislator for ride-along

Sen. Janet Bewley (D-Ashland) spent an afternoon at the Barron County Courthouse as part of the Judicial Ride-Along Program. Bewley met with Barron County Circuit Court Judges James C. Babler and Maureen D. Boyle as well as Clerk of Circuit Court Sharon Millermon. Bewley also observed intake court proceedings in Babler's court.

"We are so pleased that Sen. Bewley took the time to learn more about the court system and issues facing Barron County," Babler said. "This is the first time in 11 years that a state legislator has accepted our invitation to observe the Barron County Circuit Court in action."

The Judicial Ride-Along Program was established in 1993 by the Director of State Courts Office as an effort to promote better communication between the judicial and legislative branches of government, and to give legislators and judges better understanding of the two branches. The program gives legislators the opportunity to see how the courts work and how they impact the community. The program also gives legislators a chance to ask judges questions and learn about the tools



Barron County Circuit Court Judge James C. Babler hosted Sen. Janet Bewley (D-Ashland) at the Barron County Courthouse as part of the Judicial Ride-Along Program.

they use to make sentencing decisions.

New legislators are invited to participate each legislative session. The program has also been expanded to include county board supervisors and members of the media. ■

For more information on the Judicial Ride-Along Program, contact Legislative Liaison Nancy Rottier at (608) 267-9733 or nancy.rottier@wicourts.gov.

eFiling continued from page 4
electronic documents, view future hearings, and electronically sign orders on the bench or from their desks. Judges and court commissioners who prefer to work from paper files and documents can still print documents.

The complete court file is available at any time to multiple users: to the public in the clerk's office, the judge, the judicial assistant, attorneys in the courtroom, and paralegals back at the law office. Documents are available only to those involved in the case; unlike the federal PACER system, documents will not be available for sale to the general public.

When mandatory eFiling takes effect in a county, the new rule would apply to both new cases and new filings in open cases, for all case types. To make

this transition, each clerk of circuit court and register in probate will be required to have all opened files scanned by the time eFiling became mandatory in that county. This step would enable a county to quickly convert from paper to electronic filing, rather than having to work in two different systems simultaneously.

Care would be taken to make sure all users are signed up and know how to use the new system. Ongoing training would be available through conferences, website materials, and telephone support lines.

To view the committee's report and proposed rule, visit the court system's website on the Supreme Court Rules page at the following link:
www.wicourts.gov/scrules/1403.htm. ■