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# The Third Branch

a publication of the Wisconsin Judiciary



## Celebrating a new term

Justice Patience Drake Roggensack, who was elected to a second 10-year term on the Wisconsin Supreme Court in April, was sworn in by former Justice Jon P. Wilcox in a ceremony in the Assembly Chamber of the state Capitol on Sept. 10. Roggensack's son, Matthew, appears next to her holding the family Bible. In attendance were all seven Supreme Court justices, judges of the Court of Appeals, circuit court judges from across the state, legislators, court staff, law enforcement officers, and family and friends. Among the speakers was Milwaukee County Circuit Court Judge Ellen R. Brostrom, Roggensack's daughter. Brostrom, shown at the podium, was greeted with applause when she told the crowd that she and her mother are the first mother-daughter judge duo in the state of Wisconsin. She told stories of her mother returning to school to become a lawyer while raising Brostrom and her two siblings. Brostrom recalled that Roggensack would sit in the back of the auditorium studying for exams so that she could be present for Brostrom's appearances in school performances, and described how Roggensack would retreat to a home office in a sometimes-futile attempt to find brief periods of uninterrupted study time. Roggensack ultimately graduated with honors from UW Law School in 1980.

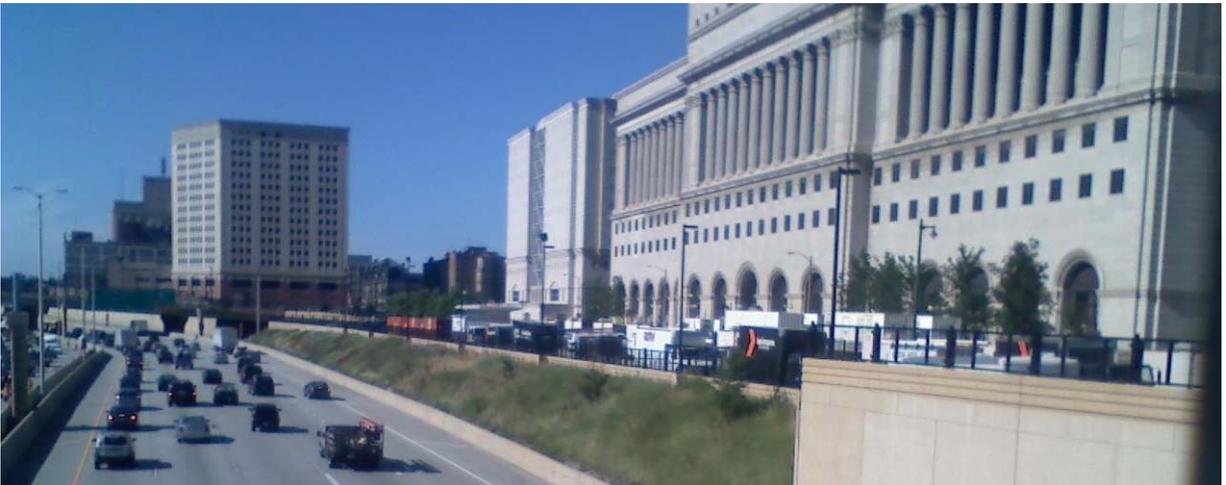


Photo credit: Zane Williams



Photo credit: Zane Williams

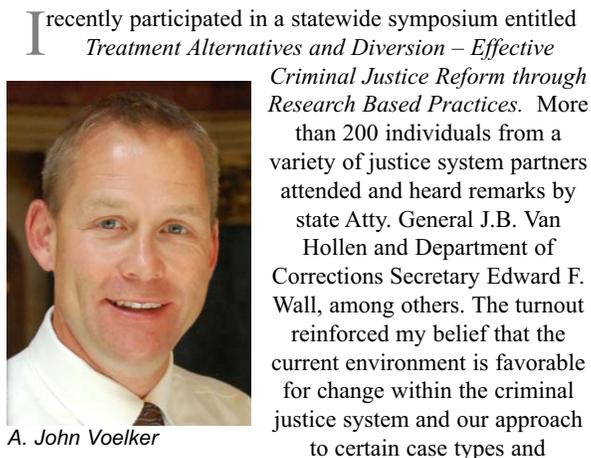
## Milwaukee courts continue to recover from fire



Two months after a fire shut down the Milwaukee County Courthouse and Safety Building in early July, work continues on a variety of rebuilding projects. To the right in this photo, the Annex parking area has been converted to a staging spot for trucks hauling new wiring, carpet and other materials. The electrical fire did millions of dollars in damage and knocked out power to both the Milwaukee County Courthouse and Safety Building. Even with emergency generators, the courthouse operated on one-third power for a month, during a heat wave. The Milwaukee Criminal Justice Facility, including the jail, remained open – as did the Vel Phillips Juvenile Justice Center, which is located in Wauwatosa.

## Director's column: Research, social appetite for change are converging

By A. John Voelker, Director of State Courts



A. John Voelker

I recently participated in a statewide symposium entitled *Treatment Alternatives and Diversion – Effective Criminal Justice Reform through Research Based Practices*. More than 200 individuals from a variety of justice system partners attended and heard remarks by state Atty. General J.B. Van Hollen and Department of Corrections Secretary Edward F. Wall, among others. The turnout reinforced my belief that the current environment is favorable for change within the criminal justice system and our approach to certain case types and offenders. I was invited to open the symposium, and wanted to share with you some of what I said. Here is an excerpt:

How many of you listened to, heard about, or read something about Atty. General Holder's address to the American Bar Association a couple of weeks ago? His topic was criminal justice reform. He began by noting, "We must face the reality that, as it stands, our system is in too many respects broken." He went on to say, "It is well past time to implement common-sense changes that will foster safer communities from coast to coast."

While he identified specific actions the Department of Justice will be taking, his remarks received a lot of attention and spurred debate in the media on whether there is a sea change coming in the criminal justice system. I think in Wisconsin we can answer that with an emphatic yes. As I stand here today, I see a great opportunity to advance the effectiveness of our system. As I look out at the number of people here today I am even more convinced.

It reminds me of what happened in the 1970s when a number of factors came together to force a shift in the approach to criminal justice. At the time, the public was concerned about an increase in violent crime, and politicians on both sides of the aisle were questioning the idea of rehabilitation as a goal of corrections. A decisive moment came in 1974 when an article appeared in *The Public Interest* by sociologist Robert Martinson. It was titled "*What Works? Questions and Answers about Prison Reform*." His basic conclusion was "nothing works," a message he repeated on 60 Minutes a year later.

The nation was interested and willing to listen, and in the following years, our approach to criminal justice changed. The focus was to make the system tougher with such things as minimum-mandatory sentencing, Truth-in-Sentencing and three strikes legislation. One result was a growing prison system.

I think people are willing to listen again. More and more questions are being asked about the cost of incarceration and the "revolving door" of repeat offenders.

Again politicians from both sides of the aisle are part of the discussion. In Wisconsin we most recently saw this with the bipartisan support for an increase in funding for the TAD (Treatment Alternatives and Diversion) program.

Atty. General Holders noted that no fewer than 17 states have directed funding away from prison construction and toward evidence-based programs and services like treatment and supervision that are designed to reduce recidivism.

Interestingly, Martinson – the sociologist whose work in the 1970s helped to spark the 'tough on crime' movement – thought his findings on rehabilitation would reduce the prison population because he felt that the prison system could not be reformed. He was supportive of swift and certain sanctions, but also felt that keeping non-violent offenders in the community was more beneficial than incarcerating them.

The phrase "nothing works" was predominant in the political rhetoric and media coverage, but the study actually concluded as follows: "The field of corrections has not as yet found satisfactory ways to reduce recidivism by significant amounts."

Thankfully, we didn't discount this early research, but continued to build upon it and learn from it. We know now that things like cognitive behavioral programming have a positive impact on recidivism.

The exciting thing is I think we are living in a time when research findings and the social appetite for change are converging again.

As evidence, let's look at some of the language Gov. Scott Walker included in the Executive Order creating the Statewide Criminal Justice Coordinating Council. Under duties it says:

*Strengthen the criminal justice system through the promotion of evidence-based practices, risk reduction programming, and implementation of effective and sound strategies for crime prevention, diversion and community-based alternatives to confinement."*

*Investigate and disseminate information about effective and innovative criminal justice related programs employed at the county level, including treatment alternatives, diversion initiatives, and specialty courts."*

*Encourage and facilitate the development of effective county or multi-county criminal justice coordinating councils to foster innovations based on local criminal justice environments.*

We are in the center of this change, and we have an opportunity and a responsibility to provide leadership. From my perspective there are a few key principles we all need to respect if we are going to make continual improvements in our criminal justice system.

## DCAs depart in Districts Two, Eight

The Wisconsin court system lost two well-regarded district court administrators (DCAs) this summer. District Two DCA Andrew Graubard and District Eight DCA John Powell both departed after relatively brief tenures to take advantage of new opportunities.

### Graubard heads east

District Two Court Administrator Andrew Graubard has moved back to the East Coast after he accepted a position as trial court administrator for the New Jersey court system. Graubard, who grew up in Philadelphia and attended college in Miami, had worked in the Miami court system for 24 years prior to coming to Wisconsin to serve as a district court administrator three years ago.

Graubard said he looks forward to the higher level of responsibility and challenges his new position brings, but will miss the people he had the opportunity to work with in Wisconsin.

"I thought everybody was terrific," Graubard said. "From the district court administrators and judges, to the clerks and staff. It was just a great group of people."

Graubard said he appreciated how welcoming everyone was when he first started, and was impressed by the high level of professionalism the court system staff exhibited. And the feeling was mutual.

"Andrew was here just three years, but in that brief time he became very instrumental in court operations in our three counties," Chief Judge Mary K. Wagner said. "He jumped in with both feet, and his participation was the key to success for many court projects. We wish him the best. His many talents will make him an asset to any court system in

the nation."

In 2010, Graubard stepped in to the district court administrator position after Kerry Connelly retired. Connelly is now filling in on a part-time basis.

### Powell moves west

DCA John Powell, who began work in the Eighth District in March 2010, accepted a post in his former home state of Oregon. His last day in Green Bay was Sept. 13.

Chief Judge Donald R. Zuidmulder said Powell would be greatly missed.

"I assumed the chief judgeship without a DCA," said Zuidmulder, who had interim DCA coverage when he began his term as chief. "Imagine my delight in being gifted with a DCA who had experience as both a clerk of court and a court administrator, and who had served in the special forces. Now, anyone who knows John knows he might not look the part of a special forces operative, but it doesn't take long to appreciate the breadth of his skills. From our earliest conversations, he and I have been a team. I believe the Eighth Judicial District is a better place because John Powell served here. He will be greatly missed by all, but especially by me."

Powell focused on court security in his tenure in District Eight, which is comprised of Brown, Door, Kewaunee, Marinette, Oconto,

Outagamie and Waupaca counties. He said he is proud to have "active and functioning" court security committees throughout the district. He also noted that District Eight has established several problem-solving courts in recent years, notably a mental health court in Outagamie County and veterans courts in Brown and Outagamie. Brown is also exploring a mental health court.

Among the highlights of the job, besides the opportunity to work with Zuidmulder and the other District Eight judges and District Administrative Assistant Abby Griepentrog,

see DCAs on page 4



*District Two Court Administrator Andrew Graubard (left) was feted at an Aug. 1 party with judges, clerks of court and court staff from Kenosha, Racine and Walworth counties. Pictured with Graubard are Judge Wilbur W. Warren III, Kenosha County, and Deputy Chief Judge Allan "Pat" Torhorst, Racine County.*

### Director's column *continued from page 2*

- First, be committed to apply the science behind criminogenic risks in developing and implementing responses/interventions.
- Second, use a team approach that emphasizes partnerships among justice stakeholders and taps into community resources.
- Third, define the system based on outcomes, not rhetoric such as 'soft on crime' or 'tough on crime.'

I encourage you to watch the program, as it will provide

you with a wealth of information

Coverage of the symposium by WisconsinEye can be found at:

[www.wiseye.org/Programming/VideoArchive/EventDetail.aspx?evhdid=7786](http://www.wiseye.org/Programming/VideoArchive/EventDetail.aspx?evhdid=7786).

I should note that Atty. General Van Hollen outlined how DOJ will be distributing the new TAD funding in his remarks. These funds provide an opportunity for counties to fund criminal justice initiatives. ■

## New chief judges take office

Two new chief judges and a new ‘chief of the chiefs’ (chair of the Committee of Chief Judges) began their terms on August 1. The two new chief judges – from Rock County and Buffalo/Pepin counties – were appointed by the



Chief Judge Mary K. Wagner

Wisconsin Supreme Court in June. The new ‘chief of the chiefs’, Chief Judge Mary K. Wagner, Kenosha County Circuit Court, was elected by fellow members of the Committee of Chief Judges.

Chief judges help to oversee administrative matters in the circuit courts. The [Committee of Chief Judges](#) consists of 10 chief circuit court judges, one from each of the state’s 10 judicial administrative districts.

The new chief judges are:

James P. Daley, Rock County Circuit Court, who was appointed to lead the Fifth Judicial Administrative District, which encompasses Dane, Green Lafayette and Rock counties. Daley succeeds Chief Judge C. William Foust, Dane County Circuit Court, who served on the committee the maximum of three, two-year terms, including one year as its chair. Foust remains on the bench in Dane County.

Daley, who has served as presiding judge in Rock County since 1998, was appointed to the bench in 1989. He was elected in 1990 and re-elected in 1996, 2002 and 2008.

James J. Duvall, who serves in Buffalo/Pepin counties,



Chief Judge James P. Daley

was appointed as the new chief judge of the Seventh Judicial Administrative District. Duvall succeeds Chief Judge William D. Dyke, Iowa County Circuit Court, who has served the maximum three, two-year terms on the committee, including a year as chair.

Duvall was appointed to the bench in 2005, elected in 2006, and re-elected in 2012. Prior to this, he served as Buffalo County district attorney and also worked in private practice.

Working as a team with a deputy chief judge and a professional court administrator, chief judges manage the flow of cases, supervise personnel, develop budgets, and meet monthly as a committee to work on issues of statewide importance. With the exception of Milwaukee County (First Judicial Administrative District), where the chief judge is a full-time administrator, chief judges and their deputies maintain court calendars in addition to handling administrative matters. ■



Chief Judge James J. Duvall

### DCAs *continued from page 3*



District Eight Court Administrator John Powell (front row, second from left) received a warm send-off at a party with judges from District Eight. In the photo are (back row, left to right): Circuit Court Judges William M. Atkinson, Brown County; Michael T. Judge, Oconto County; Raymond S. Huber and John P. Hoffmann, Waupaca County; and Mitchell J. Metropulos and Gregory B. Gill Jr., Outagamie County. Front row, left to right: Chief Judge Donald R. Zuidmulder, Brown County; District Court Administrator John Powell; Circuit Court Judges James A. Morrison, Marinette County; Peter C. Diltz, Door County; and Dennis J. Mleziva, Kewaunee County.

whom Powell described as “invaluable,” has been working with the other district court administrators.

“That small group is so professional, close-knit and supportive,” he said. “You rarely find a group of people who work that well together.”

In Oregon, Powell will serve as a trial court administrator and clerk of court in two rural counties with a total of five judges. The job is similar to the one he served in prior to moving to Wisconsin.

Powell said he and his wife, Leslie Jacobsen, a nurse, have both missed the Northwest.

“We’ve had a great experience in Wisconsin, and I’ve become a Packer fan – which is sort of a requirement of the job,” Powell said. “We will miss Wisconsin and all the friends we have here, but we are looking forward to our return to Oregon.” ■

## OBITUARIES

## David H. Hass Director of Judicial Education

Director of Judicial Education David H. Hass passed away suddenly on Aug. 28 of an apparent heart attack. His passing prompted stunned expressions of grief and many fond remembrances from judges and court staff across the state.

Judge Lisa K. Stark, dean of the Wisconsin Judicial College where Hass presented the annual judicial seminar for new judges just days before his death, summed up the reaction:

“Impossible to believe, especially for those of us fortunate enough to share last week with Dave at the Judicial College,” Stark wrote in an e-mail. “The College ran perfectly thanks in great measure to the planning and hard work of Dave, along with Dona and Tammy. We will miss Dave’s technological expertise, his dedication, professionalism and patience, his wit and quiet sense of humor and his commitment to ensuring



David H. Hass

Wisconsin continues as a leader in Judicial Education.”

Director of State Courts A. John Voelker called Hass “an integral part of the court system team [who] was recognized as a leader in judicial education.” Voelker went on to say, “His presence, talent and sense of humor will be missed.”

Chief Justice Shirley S. Abrahamson echoed these sentiments.

Hass began working as director on March 24, 1997, filling a vacancy created by the departure of former Director V. K. Wetzel.

Hass came to the Office of Judicial Education from the Michigan Judicial Institute, where he worked as a program manager and fiscal analyst. He began his career as a probation officer in Michigan after receiving his bachelor’s degree in history from Andrews University. In 1988, he received his master’s degree from the University of Notre Dame.

In his role as director of Judicial Education, Hass worked side-by-side with his staff, Dona Everingham and Tammy Hennick, and also with the team responsible for municipal judge education, Atty. Karla Baumgartner and Carol Koschel. Hass was responsible for overseeing the statewide continuing education program for all judges, a job which included organizing the annual Judicial College and Judicial Conference.

“I’ve had the opportunity to work with Dave and his staff at Judicial Education on committees in the past,” Lafayette County Circuit Court Judge William D. Johnston said in an e-mail. “He was always ready for the matters we were working on, and was an excellent facilitator at those meetings. His programs for the judiciary were always top tier. He worked well with the judiciary. He will be missed.”

Hass is survived by his wife, a daughter, a son and three grandchildren.

## Justice Donald W. Steinmetz Wisconsin Supreme Court

Justice Donald W. Steinmetz, who retired from the Wisconsin Supreme Court in 1999 after 19 years of service, passed away on Saturday, Aug. 31 in Milwaukee. He was 88.

Steinmetz was elected to the Court in 1980, edging out an opponent who would later become a good friend – and a Supreme Court justice in his own right – Louis J. Ceci. In 1990, Steinmetz was reelected to the seat over challenger Richard S. Brown, who is now chief judge of the Wisconsin Court of Appeals.

Steinmetz once was described by veteran newspaper reporter Cliff Miller as looking “so much like a judge, he could play one in the movies.” But, Miller added, “He probably couldn’t win the part. He’s too gregarious to fit the stuffy Hollywood stereotype.”

Steinmetz said that his only hobby was the fine art of conversation. Both he and his wife, Marjorie, who survives him, were active in a variety of civic and social organizations and in the activities of their three daughters and two sons. The role of father and grandfather shaped him in ways his colleagues appreciated.

“By the time I got to know him, he was the model, like the kind of grandfather everyone wishes they had,” Justice Michael J. Gableman told *The Journal Sentinel*. “Always welcoming, always willing to hear your issues, personal or professional. Typically, he’d have an experience very relatable to whatever you were going through. Do his best to come up with good advice.”

As a young man, Steinmetz dreamed of becoming a political science professor. He was determined that this course of action would be preferable to following his father and two brothers into the practice of law. But then reality set in. In 1949, with one child and another on the way, he calculated that a law degree would cost a lot less and pay off sooner than a Ph.D.

After graduating from the UW Law School in just two years, Steinmetz took a job at an insurance company and then worked in the Milwaukee City Attorney’s Office and the Milwaukee County District Attorney’s Office. In 1966, he was elected to the bench in Milwaukee County by a small margin that was upheld in a recount. His campaign, he recalled, consisted largely of door-to-door visits, handing out matchbooks and, once, funding an ad on the side of a Milwaukee bus after his opponent “bought up all the billboards.”

Steinmetz served on the bench in Milwaukee until his 1980 election to the Supreme Court.



Justice Donald W.  
Steinmetz

## RETIREMENT

### Judicial Commission director retires after 23 years

Jim Alexander was doing civil trial work in Madison in the summer of 1990 when a friend tipped him off that the Wisconsin Judicial Commission, the independent state agency that receives, investigates and prosecutes claims of misconduct or disability against Wisconsin judges and justices, was hiring a new director. He decided to apply. With no immediate response, he soon forgot about the job and happily engaged in his practice.



Jim Alexander

Then, within one whirlwind week, the Commission called him in, interviewed him, offered him the job and asked him to start immediately. It was an early introduction to the unpredictable pace of the Commission, which has jurisdiction over 800 state and municipal judges and court commissioners.

“Working with the various Commissions over the years has been very rewarding,” said Alexander, who retired this summer after 23 years as director. “These are volunteers who come in and make very difficult decisions in an effort to reach the right result.”

The Commission has nine members. The Supreme Court appoints one judge from the Court of Appeals, one circuit court judge, and two lawyers; the governor, with the advice and consent of the Senate, appoints five non-lawyers. Each member may serve no more than two consecutive three-year terms.

Succeeding Alexander, 67, is Atty. Jeremiah C. Van Hecke, an assistant district attorney in Milwaukee County who was the unanimous choice of the Commission (*see separate story, below*). Commission member Paul F. Reilly, a judge on the Court of Appeals, District II, led the search committee which was assisted by Department of Administration human resource specialists.

Alexander said Van Hecke’s background would serve the Commission well.

“To be successful in this job, you need to have exposure

to the court system,” he said. “You need to have tried cases, to know what goes on in a courtroom, to know what goes on in law offices. You also need a thick skin and a sense of humor, and you need to be able to keep the right focus and not allow special interests to interfere with the ultimate goal, which is to protect the integrity and impartiality of the judiciary.”

He said the transition comes at a time when the Commission is facing significant challenges. The top two, he said, are updating Wisconsin’s Code of Judicial Conduct to comport with the 2007 American Bar Association Model Code (Wisconsin’s Code is currently based upon the 1990 Model Code) and addressing a need for funding and staff.

“We have a two-person office – the director and an assistant – and when you compare that to other states, where there are investigators and counsel on staff, you see how difficult it is, even with the ability to hire outside resources, to operate as we should. The good news is, we have established an energetic education program to teach the Code and proper ethical behavior – and that is really helping to prevent problems.”

Racine County Circuit Court Judge Emily Mueller, who was Commission chair when Alexander announced his retirement, said Alexander would be difficult to replace.

“Jim is a person of the highest integrity,” she said. “He has served in a very difficult role with honesty, fairness, courage and caring – and I think the judges and the people of Wisconsin owe him an enormous debt of gratitude.”

In retirement, Alexander is looking forward to traveling with his wife, Jennifer, who recently retired from her position as president of the Greater Madison Chamber of Commerce.

As he reached the end of his career at the Commission, Alexander said he felt overwhelming gratitude for the opportunity to work with talented staff and dedicated Judicial Commission members. Alexander said it was a privilege to work in a system that helps protect the integrity of the judicial system.

“The bottom line,” he said, “is that judges in Wisconsin really endeavor to do a good job, and to adhere closely to both the letter and the spirit of the Code of Judicial Conduct. We are one of the leading states in the nation in this regard. When there are mistakes, they are most often minor and unintentional.” ■

## NEW FACES

### Van Hecke new head of Judicial Commission

Atty. Jeremiah C. Van Hecke took over the role of executive director of the Wisconsin Judicial Commission on Aug. 28. Van Hecke succeeds Atty. James C. Alexander, who retired after serving as executive director since 1990 (*see separate story above*).

Van Hecke said he had the opportunity to see Alexander speak at the most recent Judicial College. He said it was inspiring to see how he interacted with the judges.

“Jim did his job well,” Van Hecke said. “I’m learning everything I can from him.”

Van Hecke previously served as an assistant district attorney for Milwaukee County, and worked in private practice in Milwaukee and Chicago. He received his undergraduate degree from Northwestern University and his law degree from Tulane Law School.

The Judicial Commission is responsible for investigating

and prosecuting claims of misconduct against judges and justices. The Commission is comprised of a Court of Appeals judge, a circuit court judge, and two attorneys all appointed by the Supreme Court, as well as five non-lawyers appointed by the governor.

Van Hecke said he is excited to work with the Commission, whose role is to protect the integrity of the judicial system.

“I can’t emphasize enough the importance of creating greater awareness of appropriateness of judicial conduct,” Van Hecke said.

Van Hecke said he believes it will be challenging to be the



Atty. Jeremiah C. Van Hecke

see **New Faces** on page 9

## Milwaukee Children's Court visits NCJFCJ Des Moines Model Court

By Amy Roehl, CCIP Policy Analyst

Members of the Milwaukee Model Court Team and staff from the Children's Court Improvement Project (CCIP) traveled to Des Moines in June to learn about the successes and challenges that jurisdiction has encountered as its Model Court has evolved over the past 13 years.

On the first day, Judge Constance Cohen, lead judge of the Des Moines Model Court, joined Mimari Hall, senior policy analyst for the National Council of Juvenile and Family Court Judges (NCJFCJ), and other members of the Des Moines Model Court Team set up a full day of activities including a tour of the Department of Human Services, a tour of the Blank Children's Hospital Regional Child Protection Center, a tour of "R House," a house available for parents to visit with their children in

a home-like setting, and meals where the Milwaukee team and the Des Moines team could discuss stakeholder collaboration, sustainability, and model court structure.

On June 13, after touring the Polk County Courthouse and observing various child welfare court proceedings, the Milwaukee Model Court Team joined the Des Moines Model Court Team for their monthly team meeting. The Milwaukee Team had the six-hour journey back to Milwaukee to discuss the lessons learned and methods to translate those lessons into practice at Children's Court. Judge Joseph M. Donald noted, "I really liked the concept of a visitation home and I think it something that we could easily do in Milwaukee. I also think that the collaboration between the various partners said a lot about their commitment to the model court process.

"In this age of intense external societal pressures on families, it was a real delight to visit a jurisdiction that isn't just blaming certain members of the community for their personal shortcomings but instead is actually looking at ways of strengthening and enhancing families so that

families can do a better job at addressing their own inadequacies. As a result, the Des Moines Model Court Team is making a stronger, healthier community for all of us," Donald added.

The Milwaukee Model Court Project was created in May 2012 through a partnership between the Milwaukee County Children's Court, the National Council of Juvenile and Family Court Judges (NCJFCJ) and CCIP in order to improve outcomes for children and families. The project is co-led by Judge Marshall B. Murray, former Children's Court presiding judge, Judge Joseph M. Donald, current Children's Court presiding judge, and Mary Pat Bohn, deputy director of the Bureau of Milwaukee Child Welfare.

Over the past year, the Milwaukee Model Court Team has met to discuss and develop practices in order to achieve their three primary goals:

- reduce the number of children entering out-of-home care;

- increase court case processing efficiency;

- empower social workers in court, which includes establishing a common understanding and definition of safety decision-making based on the publication, *Child Safety: A Guide for Judges and Attorneys*.

In addition to the co-chairs, members of the Milwaukee Model Court Team who traveled to Des Moines include:

- Elizabeth Finn-Gorski, Milwaukee Children's Court coordinator
- Michelle Jensen Goodwin, CCIP director
- Duke Lehto, private bar attorney
- Amy Roehl, CCIP policy analyst
- Mary Sowinski, Milwaukee County assistant district attorney – Children's Court Center

The trip was funded with a federal grant. ■

For more information about the Milwaukee Model Court Project, please contact Amy Roehl, Children's Court Improvement policy analyst at [amy.roehl@wicourts.gov](mailto:amy.roehl@wicourts.gov) or (608) 264-6905.



The Milwaukee Model Court Team with Judge Constance Cohen in Des Moines. Back row: Michelle Jensen Goodwin, Judge Joseph M. Donald, Mary Pat Bohn, Duke Lehto and Amy Roehl. Front row: Elizabeth Finn-Gorski, Mary Sowinski, Judge Constance Cohen, Judge Marshall B. Murray and Mimari Hall.

## New PPAC critical issues survey now live

By Bonnie MacRitchie, PPAC Policy Analyst

The survey that will help to shape planning priorities for 2014-16 is now available. Any court system employee who has not received a link to the survey and who wishes to participate may contact Bonnie MacRitchie at [Bonnie.Macritchie@wicourts.gov](mailto:Bonnie.Macritchie@wicourts.gov) or (608) 261-7550.

The survey is the tool used by the Planning Subcommittee of PPAC (the Supreme Court's Planning and Policy Advisory Committee) to solicit input from court-affiliated stakeholders. PPAC uses the input to identify priorities and develop a Critical Issues Report for consideration by the Supreme Court and Director of State Courts.

As in years past, the Planning Subcommittee extended

invitations to complete the survey to internal and external stakeholder groups such as the Department of Corrections, Department of Justice, and members of the Legislature.

For 2012-14, four critical issues were identified for the court to prioritize: court funding, evidence-based practices, access to justice and public confidence. Significant progress has been made on one of these issues in particular: evidence-based practices. The following two action steps developed by the Planning Subcommittee are in the process of being completed:

- The PPAC Effective Justice Strategies (EJS)

see PPAC on page 18

## Who has served longest?

At this year's Judicial College, judges debated a bit over which active judge has served longest. The award goes to Judge Michael D. Guolee, who began service on the Milwaukee County Circuit Court in January 1976. The second longest-serving is Chief Justice Shirley S. Abrahamson, who took office about seven months after Guolee.

Judges' years of service	
less than 1	K. Bourget, R. Bradley, B. Bult, L. Jacobson, R. Lanford, T. McAdams, M. Rohrer, R. Russell, J. Sciascia, D. Swanson, J. Voiland, D. Wambach
1-5 years	J. Anderson, P. Anderson, S. Anderson, J. Babbitt, S. Bauer, G. Bendix, E. Berz, D. Bissett, B. Blanchard, M. Bloom, J. Boles, T. Boyle, N. Brazeau, E. Brostrom, H. Cameron, L. Carter, J. Colas, P. Colon, J. Conley, S. Cray, P. Curran, J. Czajkowski, R. Dallet, C. Day, W. Domina, J. Dorow, T. Eagon, S. Ehlke, J. Falstad, M. Fitzpatrick, K. Forbeck, J. Froehlich, E. Gasiorkiewicz, J. Genovese, G. Gill, M. Goodman, L. Grady, M. Gundrum, M. Hammer, T. Hock, J. Isaacson, J. Jorgensen, C. Kerkman, J. Kloppenburg, A. Knox-Bauer, P. Koss, N. Krueger, W. Kussel, K. Kutz, T. Lister, T. Martens, B. McCrory, N. McNamara, M. Metropulos, M. Moran, J. Morrison, J. Muehlbauer, L. Neubauer, B. Pfitzinger, M. Piontek, J. Poulos, D. Reddy, F. Remington, J. Rice, J. Rossell, S. Rothstein, M. Sanders, W. Sharp, G. Sharpe, G. Sherman, M. Slate, A. Smith, C. Stark, L. Stenz, A. Sutkiewicz, J. Theisen, K. Thimm, T. Vale, W. Voigt, T. Walsh, J. D. Watts, J. Weston, S. Williams, T. Wolf, G. Wright, J. Zakowski
5-10 years	J. Anderson, J. Babler, R. Bates, T. Bjerke, D. Borowski, T. Bourke, J. Carroll, D. Cimpl, G. Dutcher, J. Duvall, J. Fox, S. Gaylord, G. Glonek, W. Hanrahan, T. Hinkfuss, S. Horne, G. Huber, J. Jude, M. Judge, F. Kawalski, J. Kessler, E. Levine, J. Markson, M. McGinnis, A. Milisaukas, N. Nielsen, R. Niess, P. O'Melia, W. Pocan, C. Pollex, P. Reilly, J. Roemer, F. Rosa, M. Schumacher, K. Seifert, J. Tlusty, M. Triggiano, L. Van De Water, P. Van Grunsven, A. White, S. Woldt, G. Yamahiro, T. Ziegler
10-20 years	J. Albert, C. Ashley, J. Beer, M. Bohren, J. Bolgert, W. Brash, K. Brennan, K. Christenson, J. Conen, C. Constantine, J. Counsell, J. Damon, J. Davis, J. Des Jardins, D. Dillon, P. Diltz, M. Donald, M. Dwyer, W. Dyke, D. Ehlers, D. English, C. Fiorenza, D. Flanagan, F. Flancher, T. Flugaur, C. Foust, M. Gableman, W. Gabler, M. GaleWyrick, A. Gonring, R. Gonzalez, B. Gordon, G. Grau, T. Gritton, J. Habeck, E. Harrington, D. Hassin, P. Haughney, P. Higginbotham, R. Huber, W. Hue, K. Kelley, B. Key, R. Koschnick, M. Kuhnmuensch, P. Lenz, P. Lundsten, P. Malloy, K. Martens, D. Miron, D. Moroney, M. Murray, S. Needham, D. Noonan, R. Nuss, D. Pasell, G. Potter, D. Prosser, R. Ramirez, G. Reynolds, P. Roggensack, R. Sankovitz, J. Siefert, R. Smeltzer, W. Sosnay, L. Stark, W. Stewart, J. Storck, M. Sumi, W. Warren, R. Werner, S. Wilk, T. Witkowiak, R. Van De Hey, E. Vlack, R. Wirtz, A. Ziegler, D. Zuidmulder
20-30 years	W. Atkinson, D. Bastianelli, A. Bradley, J. Daley, J. DiMotto, L. Dreyfus, T. Dugan, D. Dyer, R. Eaton, M. Flanagan, J. Evenson, J. Finn, C. Foley, K. Foster, D. Fox, M. Gage, D. George, P. Grimm, D. Hansher, J. Hoffmann, M. Hoover, W. Johnston, C. Kahn, J. Kieffer, D. Konkol, J. Kremers, E. Lundell, P. Madden, M. Mangerson, W. Marik, D. Mleziva, E. Mueller, G. Ptacek, J. Race, M. Rosborough, L. Stengel, P. Taggart, A. Torhorst, T. Van Akkeren, J. Wagner, M. Wagner, M. White
30+ years	S. Abrahamson (37), R. Brown (35), R. Cameron (30), J. Carlson (34), N.P. Crooks (36), P. Curley (35), R. Fine (34), M. Guolee (37), P. Kirk (32), B. Schroeder (30)

## Wisconsin to host Midwest justices

On Oct. 17-18, for the first time ever, the Midwest Conference of Supreme Court Justices and State Court Administrators will take place in Wisconsin. The National Center for State Courts and the Conference of Chief Justices are organizing the event, and Chief Justice Shirley S. Abrahamson is spearheading it locally.

Chief justices, justices and court administrators from 12 states (Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota and Wisconsin) will be participating.

The educational sessions will include highlights of recent decisions of the U.S. Supreme Court. Law Professors Erwin Chemerinsky (dean of the University of California – Irvine

School of Law) and John Eastman (who teaches at Chapman University School of Law in California) will present this case law review.

The conference will also include sessions on ethics and technology in the court system, including a presentation on Facebook and other social media, and a panel discussion of the courts' relationship with the media and public. In addition, there will be a roundtable discussion of issues challenging supreme courts today.

One educational session will be broadcast live from the UW-Madison Pyle Center via videoconference to provide an interactive venue for justices and administrators unable to attend the conference in person. ■

# Motivational interviewing comes to the courtroom

By Julia Jacobson, Court Information Intern

One of the latest developments in court is not a new technology, but rather an approach to communication called Motivational interviewing (MI). This technique involves using open-ended questions and reflective listening to help an individual develop insights into his or her situation. It is showing signs of helping to improve compliance with court orders and reducing recidivism.

The Office of Judicial Education is offering a first-ever MI course specifically designed for judges in October.

Laura Saunders, director of development for the Wisconsin Initiative for Promoting Healthy Lifestyles and a member of the Motivational Interviewing Network of Trainers (MINT), described motivational interviewing as an evidence-based practice for individuals working with people around behavior change.

"It's a collaborative, person-centered form of guiding that is designed to elicit and strengthen a person's own motivation to change," Saunders said.

Wisconsin in particular has done training with probation and parole agents to develop an effective communication style. The technique developed out of work with individuals with alcohol and drug abuse problems in the 1980s, and is now used by a wide range of professionals such as psychologists, physicians and counselors.

Richard Brown, MD, clinical director of the Wisconsin Initiative to Promote Healthy Lifestyles, said MI techniques are most commonly used in clinics to simultaneously screen patients and monitor behavioral changes. But he agreed that MI has shown promise in the courts as well.

"Research shows judges who take even a few minutes to use motivational interviewing in the courtroom can see improved

appearance rates on parole and other hearings," he said.

Judge Lisa K. Stark, Court of Appeals, District III, and dean of the Wisconsin Judicial College, said she used MI in her courtroom as an Eau Claire County Circuit Court judge, particularly in drug court, juvenile, child support and family cases.

When she uses MI, Stark engages participants by posing open-ended questions that help them reflect on what hasn't been working in their lives.

"It's not telling people what to do, but helping them arrive at an appropriate response," she said.

Stark said determining whether MI must be done within the context of the case and with an eye on how much time a judge has available.

Stark acknowledged that some judges express skepticism about MI and when, how often, or even if they should use the technique.

"There are differing beliefs on the role of judges," she said. "We are not social workers or probation officers. Is it our role to motivate people to make changes? Do we have enough time to do this and do it effectively?" ■

*The MI seminar for the judiciary will be held Oct. 16-18 at the Holiday Inn & Suites Madison West. Only judges may attend. Registrations are due by Oct. 7 and may be made through the Judicial Education link in CourtNet.*



Richard Brown, M.D.



Laura Saunders



Judge Lisa K. Stark



Judge Michael Bitney

## NEW FACES *continued from page 6*

public face of a body that handles complaints against judges – complaints that sometimes can be very high-profile. But he emphasized that every case requires taking a step back, looking at the judicial conduct code, and examining all the facts.

"I welcome the challenge," he said. "I'm excited and humbled by the Commission's faith in me."

## Governor appoints Bitney in Barron County

Gov. Scott Walker appointed former Washburn County District Atty. Michael Bitney to fill the vacancy on the Barron County Circuit Court created by the retirement of Judge Timothy M. Doyle in July.

Bitney has been a district attorney for 20 years. Prior to that, he worked for seven years as a private practitioner. He said he believes his experience as a prosecutor as well as a defense attorney, along with his life experience, including raising three teenagers, will help him in his new role.

In Washburn County, Bitney served 11 years as a volunteer firefighter, a position he had to resign once he

changed counties to take the bench. Bitney said it was incredibly difficult to leave his fellow firefighters, but St. Croix County Circuit Court Judge Edward F. Vlack III, who sought him out at the Judicial College because he also serves as a volunteer firefighter, assured him, "once a firefighter, always a firefighter."

Prior to his swearing-in on Aug. 29, Bitney was able to attend the Judicial College and spent time being mentored by long-serving judges. He said two key pieces he took away from the Judicial College are the importance of safeguarding access to justice, and the importance of ensuring fairness in the courtroom by rendering fair and impartial decisions.

Bitney said he also hopes to expand treatment courts in Barron County (the county already has an adult drug court), and enhance public safety by incorporating effective justice strategies that help to address the root causes of crime. ■

## Legislature to return for busy fall floor period

By Nancy Rottier, Legislative Liaison

With the state budget wrapped up, the Legislature returned Sept. 17 for a busy fall floor period. The Legislature will be considering individual bills ranging from economic development to transportation to municipal court fees to drunk driving. Floor debate and votes will take place during one week of September and two weeks each in October and November, ending Nov. 14.

The Legislative Committee of the Judicial Conference has developed two proposals that will be introduced shortly. One bill would expand and revise the expungement statute. It would allow cases that were dismissed or resulted in a not guilty verdict to be expunged, and allow non-traffic forfeitures to be expunged.

The other proposal seeks to clarify the procedure for obtaining a civil judgment for unpaid restitution, fines, costs and surcharges when a defendant has been on probation. The Department of Corrections is to notify the court 90 days before a defendant completes probation. There have been some cases in which notification has not been given, and the time for obtaining a civil judgment has run out. The proposal would make it clear that the clerk of circuit court could pursue a civil judgment, even after the period of probation was completed.

Several bills proposed by others that will have an impact on the court system include the following:

- Judicial Council revisions to the criminal procedure code. After years of meticulous effort to rewrite the entire criminal procedure code, the Judicial Council has readied a comprehensive bill. Plans call for the bill to be introduced during the fall session, with public hearings and action by at least one house of the Legislature. Both the Legislative Committee and the Committee of Chief Judges have been following developments and will be involved in whatever action the Legislature takes this fall.
- Juvenile court jurisdiction over some 17-year-olds. A proposal being advanced by a bipartisan group of legislators would return some 17-year-olds to the jurisdiction of the juvenile court. The bill would impact 17-year-olds who have not previously been convicted of a crime and who are alleged to have committed certain non-violent crimes. During the 1990s, most states moved 17-year-olds into the adult criminal justice

system. Several states, including Illinois and Connecticut, have acted to reverse that action, at least for some 17-year-olds.

- Drunk driving legislation. A package of six proposals had well-publicized committee hearings in August. The proposals include making first-offense operating while intoxicated (OWI) a misdemeanor if the offender's blood alcohol concentration was 0.15 or higher; raising third offense OWI to a felony and increasing the severity of the penalties for higher offenses; and requiring all defendants to appear personally before the court. The Legislative Committee has expressed concerns about two proposals that include mandatory minimum sentences for OWI violations that result in injury or death.

- Directives affecting the Wisconsin Circuit Court Access (WCCA) website. A proposal similar to ones introduced in past sessions would require the Director of State Courts to maintain a WCCA website and also require a two-tiered database. Information available to the general public would be limited, but current information about cases would be made available to selected occupations and businesses. The Legislative Committee has voted to vigorously oppose this approach, as we have in the past.

The Assembly version of the bill had a public hearing on Sept. 12, at which the bill's main sponsor said he would be proposing a substitute version that would eliminate the two-tiered database and concentrate instead on the provisions that would assist persons found not guilty or whose cases were dismissed. Director of State Courts A. John Voelker used his time at the hearing to explain a proposed change to the expungement statute, developed by the Legislative Committee, which would address this same issue. He also delivered written testimony to the committee describing our objections to the bill as originally proposed.

These proposals are just some that the Legislative Committee will review and follow during this busy fall floor period. Judges and other court system employees may access a complete summary of bills of interest by visiting the Legislative Summary link on CourtNet. ■

### Guest column:

## The difference between law and justice

By Judge Gary E. Sherman, Wisconsin Court of Appeals, District IV

There is a difference between law and justice. I think about this a lot and, as a judge, it bothers me a lot. We are in the business of law, but that does not mean that we are in the business of ensuring justice. Law does not necessarily lead to justice, but the one thing that keeps me from becoming totally discouraged is an abiding faith that without law, justice is very, very unlikely, if not impossible.

Law, meaning courts, did not end slavery,

nor stop the genocide of the native peoples of this continent, nor prevent the internment of the Japanese-Americans during World War II, nor prevent boatloads of Jews from being sent back to certain death in Europe. Someday, actions that are taken today, like the incarceration of an unprecedented percentage of young black males under the law, may well be recognized as the same kind of injustice as the others named in this paragraph. No matter

see **Guest column** on page 18



Judge Gary E. Sherman

## AWARDS

**La Crosse County program wins national award**

The National Criminal Justice Association honored the La Crosse County Chemical Health and Justice Sanctions (CHJS) Program with its Outstanding Criminal Justice Program Award for the Midwest Region in August. The award recognizes the program's success in decreasing recidivism and jail population.

The program is part of a multi-faceted effort launched in 1993 in La Crosse County to improve community safety and address recidivism. The initiative has included creation of a Criminal Justice Management Council (CJMC), a drug court, an OWI treatment court, a bail monitoring program, closure of the Huber Center and more.

Judge Dennis G. Montabon, who is now a reserve judge, helped to lead the effort and continues to co-chair the CJMC. He said recidivism is down by one-third or more in La Crosse County.

"We were spending way too much money on locking people up," he said. "So this is all about identifying better ways to address crime. You just try something, and if it doesn't work, you try the next thing. Judges have lots of power to initiate justice programs, and they ought to use it. As long as the judges work well together, and the county board is supportive, you can build some very effective strategies on a shoestring budget."

The CHJS program – soon to be re-named the Justice Support Services program – serves criminal justice clients and provides cost-effective services to reduce the jail population and recidivism. Services include cognitive-behavioral treatment, random drug and alcohol testing, electronic monitoring, employment services and gender-specific programming.

"Started in 1995, La Crosse County's Chemical Health and Justice Sanctions program was initiated on the belief of the County Board that criminal justice services could be conducted with better results by focusing on evidence-based practices for criminal justice clients," said Matt Raymer, criminal justice program analyst for the Wisconsin Department of Justice. "With the principle goals of reducing recidivism and reducing the jail population without decreasing public safety, this program has been a model for other counties in Wisconsin as they work to incorporate evidence-based programs and practices into their local criminal justice systems."



*Jane Klekamp, La Crosse County Chemical Health and Justice Sanctions manager (left), accepted the Outstanding Criminal Justice Program Award at a Midwest regional conference in Chicago in August. The award recognizes La Crosse's successful effort to incorporate evidence-based practices into its criminal justice system.*

CHJS has proved itself cost-effective. The cost per day for someone in the CHJS program is less than \$23 per day, while the cost to incarcerate someone in the La Crosse

County Jail is \$100 per day. The program has also reduced the average daily jail population by 35 percent since 2001.

The NCJA Outstanding Criminal Justice Program Awards help to gather and share information on successful criminal justice programs. The purpose of these awards is to highlight programs that:

Address an important criminal justice issue;

Demonstrate effectiveness based on program goals;

Are a good example of use of federal funds to initiate the program that is subsequently supported through state and local funds or is self-sustaining; and

Can be easily replicated in other jurisdictions.

All of the award winners can be found at [www.ncja.org/outstanding-criminal-justice-program-awards/](http://www.ncja.org/outstanding-criminal-justice-program-awards/).

*For more information about La Crosse County Chemical Health and Justice Sanctions, contact Jane Klekamp at (608) 785-5547 or (608) 386-0833.*

**Chief Justice to be honored by Indiana University**

Chief Justice Shirley S. Abrahamson is being honored by her alma mater, Indiana University, with the school's Distinguished Alumni Service Award. The award is the university's highest accolade given to an alumnus. The winners are leaders in their chosen fields whose work has significantly benefited their community, state, nation or university.

Abrahamson earned her law degree from Indiana University Law School in 1956, graduating first in her class. She now holds 15 honorary doctor of laws degrees, including one from Indiana University, and also won the Distinguished Alumni Award from the UW, where she earned an S.J.D. in 1962.

She will accept the Indiana University award in November in Bloomington, Ind. ■



*Chief Justice Shirley S. Abrahamson*

## WISCONSIN CONNECTS

## Abrahamson, UW professors, Dane County judges teach in Shanghai

Continuing a decade-long program, Wisconsin judges traveled to Shanghai this summer to teach a variety of courses related to western legal practice. The judges then hosted 20 Chinese judges in Madison, where the visitors watched a Supreme Court oral argument, attended lectures at the UW Law School and observed proceedings at the Dane County Courthouse.

Visiting Shanghai were Chief Justice Shirley S. Abrahamson and Dane County Circuit Court Judges Stephen E. Ehlke, C. William Foust, William E. Hanrahan and Frank D. Remington. They joined UW Law School Professors John K.M. Ohnesorge and Charles Irish, and Law School Lecturer Cheryl R. Weston on the trip, which was sponsored by the Shanghai High People's Court and the UW East Asian Studies Center.

"We had wonderful and productive time," said Foust, who has taught in China in the past. He and his colleagues taught civil procedure, evidence, alternative dispute resolution and other topics related to western legal practice. "The Chinese judges were attentive students. Two of them stole the day by announcing a counterclaim in mid-opening statement!"



Judge C. William Foust, left, receives a gift – an intricate carving – from Yu Zhengping, vice president of Shanghai High People's Court as Chief Justice Shirley S. Abrahamson looks on.



The Dane County contingent in Shanghai. Top row, from left: Judge William E. Hanrahan, Chief Judge C. William Foust, Judge Frank D. Remington, UW Law School Professor John K.M. Ohnesorge, Bottom row, from left: Chief Justice Shirley S. Abrahamson, Melissa Foust, UW Law School Lecturer Cheryl R. Weston and Judge Stephen E. Ehlke.

Judge Stephen E. Ehlke said the experience gave him an opportunity to think about the value of an independent judiciary.

"It was very interesting to see the Chinese courtrooms and hear about their system," he said. "I think the program is very helpful as a cultural exchange, but also to reflect on our system and how unique it is in terms of judicial independence and the rule of law."

China has been engaged for three decades in an effort to reshape its laws and courts, but the country's admission into the World Trade Organization (WTO) provided a new incentive for reform. The country's involvement in the WTO means economic interactions – trading, joint enterprises, and more – with foreign countries, and the WTO wants to be assured that the court system will be available for the fair resolution of disputes. ■

## OBITUARIES *continues from page 5*

In a 2001 interview for the Wisconsin court system's Oral History Project, Steinmetz recalled handling 200 small claims cases and performing six weddings on his first day on the bench in Milwaukee County.

"I think there were only six county judges at the time in Milwaukee County, and I think the five of them got together and gave me the small claims calendar," he said.

Steinmetz' former colleagues on the Supreme Court praised his work on opinions and his contribution to the many court system committees on which he served.

"Justice Steinmetz ... dedicated much of his professional life as a lawyer to public service," said Chief Justice Shirley S. Abrahamson. "He served well, not just as a Supreme

Court justice, but also as a Milwaukee county judge, circuit court judge, assistant state attorney general, assistant district attorney and assistant city attorney in Milwaukee. Our condolences go to his family."

Justice David T. Prosser Jr., who joined the Supreme Court just one year before Steinmetz' retirement, called Steinmetz "A great justice and a wonderful human being." Prosser went on to say that, "Although he was an expert in insurance law, he also wrote memorable opinions on many subjects, including the rights of protectively placed individuals, criminal law including juror bias, and the constitutionality of school choice. He will be greatly missed." ■

## LEADERSHIP

## Dunn County Diversion Court celebrates five years

By Jenae Schlosser, Integrated Treatment Specialist

The Dunn County Diversion Court program (DCDC), started in 2008 as a problem-solving court to address alcohol and drug abuse, mental health issues and other problems that contribute to criminal behavior, is celebrating its five-year anniversary.

To mark this milestone, DCDC is collecting data to compare current participant outcomes with outcomes previously achieved.

The hope is that the data will show an improvement under the current model, which emphasizes providing integrated services to each individual for co-occurring mental health disorders and AODA.

This initiative will wrap up in December 2013.

Like problem-solving courts across Wisconsin, the DCDC aims to reduce costs, decrease recidivism and improve



Jenae Schlosser

community safety. But, the DCDC approach is unique. While many treatment courts are established with the goal of dealing with individuals who either have a primary need in the area of alcohol and/or drugs or mental health, the DCDC focuses on people with co-occurring disorders – the most complex cases.

It is our belief that through collaborative efforts of existing treatment providers and adding

group-oriented treatment modalities that our services to diversion court participants will be enhanced. And thus, the goal of reducing recidivism and improving public safety will be achieved. It is noteworthy that service providers acknowledge that a substantial proportion of “non-criminal justice” clientele present with COD’s and that these enhanced services will indirectly benefit many others in the community.

During the court’s first two years, we learned a lot. Based on our experience and program evaluations, we determined that a significant number of referrals (75 percent) present with co-occurring disorders of mental health and substance abuse. Existing strategies of providing “parallel” or “sequential” treatment provided less than optimal results, especially among females.

In March 2011, Dunn County was awarded a grant from the Office of Justice Assistance (OJA) to develop an

evidence-based protocol to implement integrated care for criminal justice target populations who present with co-occurring substance abuse and mental health disorders. That protocol was published in a report titled *Dunn County Criminal Justice System and Behavioral Health Providers: A Road Map to Improving Services and Outcomes for Individuals with Co-occurring Disorders*. It contained three key revelations:

- There was a lack of standardized mental health and substance abuse screening tools being used across the four main community-based behavioral health providers.
- There was a lack of standardized, integrated assessment tools being used across providers; and
- There was insufficient integrated treatment programming for individuals with co-occurring disorders provided within/across these agencies.

The report’s recommendations, along with DCDC’s program evaluations, cited the need for:

- Improving the gender success ratio of individualized treatment plans;
- Establishing a protocol to assess each participant’s responsiveness to treatment;
- Evaluating all participants;
- Seamlessly integrating treatment; and
- Creating a structured cognitive behavioral program.

The goals of DCDC’s current enhancement grant are to utilize standardized mental health and substance abuse screening tools; work with mental health and AODA service providers to enhance their ability to treat individuals who present with co-occurring disorders; and collaborate on integrated plans that incorporate simultaneous therapeutic efforts and reduction of offender risk and criminogenic needs. The goal is one person, one plan.

DCDC employs an integrated treatment (COD) specialist who is responsible for intensive case management services. The specialist’s duties are many, and include coordinating a comprehensive range of services to accommodate individuals with different levels of impairment and symptoms.

Two judges switched off in the DCDC - Rod W. Smeltzer and William C. Stewart. ■



Judge William C. Stewart



Judge Rod W. Smeltzer

For more information, contact Jenae Schlosser at [jschlosser@co.dunn.wi.us](mailto:jschlosser@co.dunn.wi.us) or (715) 231-6688.

## Wisconsin celebrates Juror Appreciation Month

During 2012, 82,895 people reported for jury duty at Wisconsin courthouses. Of those, 21,080 served as jurors. Juror Appreciation Month, celebrated each year in September, is a time to honor these individuals.

This year, courts across the state joined the leaders of the three branches of government in saying thanks to jurors for the invaluable service they provide.

“Jurors are our family members, friends, co-workers and relatives who give up a little bit of time to help ensure that the justice system functions properly for all of us,” said Chief Justice Shirley S. Abrahamson, who herself has twice served as a juror. “We also thank employers who may be inconvenienced at times when an employee is asked to serve on a jury. There are few jobs more important that a citizen can perform than serving on a jury.”

Gov. Scott Walker joined the Chief in honoring jurors. The Governor issued a proclamation, and Senate President Michael G. Ellis and Assembly Speaker Robin Vos issued a joint citation on behalf of the Legislature formally recognizing September as Juror Appreciation month in Wisconsin.

The theme of statewide juror appreciation month, first celebrated in 2008, is *Jurors Serve Justice; Justice Serves Us All*. Here is a sample of activities planned in the counties:

**In Dane County**, Chief Justice Shirley S. Abrahamson and Court of Appeals’ Judges Brian W. Blanchard and

Joanne F. Kloppenburg visited with Dane County jurors and thanked them for their service. Dane County Clerk of Circuit Court Carlo Esqueda will distribute tote bags and a banner will be hung in the courthouse lobby.

**In Forest County**, Clerk of Circuit Court Penny Carter, Judge Leon D. Stenz and District Atty. Charles Simono and other court staff again participated in the annual “Brush Run Off Road Race” parade to help draw attention to the importance of jurors. The county also posted a large banner and distributed duffel bags, note pads and pens embossed with “Forest County Appreciates Their Jurors.”

**In Manitowoc County**, the county executive and county board issued a proclamation recognizing September as Juror Appreciation Month. Clerk of Circuit Court Lynn Zigmunt recorded public service announcements and distributed them to local radio stations. Zigmunt also sent a guest column to local newspapers, thanking jurors for their service.

**In St. Croix County**, the circuit court hosted an open house for jurors on Sept. 17, featuring an informal presentation by Clerk of Circuit Court Lori Meyer, along with snacks and some tokens of appreciation, such as note pads and magnets.

**In Shawano County**, about 375 potential jurors eligible for jury service during the fall were invited to attend a juror appreciation party, featuring snacks and refreshments. The event was held after a juror orientation session at the courthouse. ■

## Sheboygan bench, bar reach out at festival

The Sheboygan County bench and bar hosted its second annual outreach event on July 13 as part of the Plymouth Mill Street Festival. The event provides an opportunity to meet with the public, and provide information about the court and local legal services. The group met with more than 500 people, answered questions about the court system and related services, and distributed brochures about the Sheboygan County court system and about 350 Lawyer Referral Information Service magnets.

Judge Angela W. Sutkiewicz said the annual outreach event provides multiple opportunities for the bench and the bar to “raise awareness about the Sheboygan County courts and court-related services, informing the public about the success of the Sheboygan Area Veterans Court, and creating a venue for the young lawyers in our area to interact with

local attorneys, the bench, and the public.”

The group built on the success of its first outreach project held in June 2012 at the Sheboygan County Interfaith Farmers Market. Positive feedback from the public and interest from area lawyers supported the public outreach efforts into 2013.

Bench and bar members participating in the 2013 event included: Judge Angela W. Sutkiewicz, Commissioner Rebecca L. Persick, Atty. Crystal H. Fieber, Atty. Roberta A. Heckes, Atty. Matthew P. Mooney, Atty. Elizabeth G. Rich, and Atty. Richard J. Wirtz.

The Sheboygan County public outreach team plans to continue expand its public outreach efforts, host events in a variety of venues, and network with new and young lawyers in the area. ■



Judge Angela W. Sutkiewicz, second from right, joins a group of Sheboygan County Bar members including Court Commissioner Rebecca L. Persick, Bar president (far left), in meeting with more than 500 members of the public as part of an outreach effort in July. Pictured here, in addition to Persick and Sutkiewicz, are (left to right): Atty. Elizabeth G. Rich, Atty. Crystal H. Fieber, Atty. Matt Mooney and Atty. Richard Wirtz.

## PEOPLE



Judge Gerald P. Ptacek

The Johnson Foundation selected Racine County Circuit Court Judge **Gerald P. Ptacek** as one of its “Heroes for Health” this summer, sharing an interview with Ptacek on its website. Ptacek discussed mental illness in children and families, and the importance of early identification and treatment.

“We need to prioritize early intervention,” he said. “Otherwise, we are at risk of criminalizing people who need care - turning prisons into hospitals and paying for incarceration when we could instead be focusing on treatment. I have come to realize over the years that the best, most cost-effective approach is early intervention.”

Ptacek went on to describe Racine County’s approach to working with people who have mental illness.

“I am keenly aware of the value that coordinated services bring to the overall advancement of mental health awareness in the community. In particular, a committee made up of representatives of the Racine Police Department, mental health treatment providers, corporation counsel, the district attorney, public defender and NAMI provides the training referred to as Crisis Intervention Training for our police officers so they can be equipped with the knowledge and skills to better handle cases that might be a result of mental illness,” he said.



Justice Annette K. Ziegler, left, recently hosted Dolores Keane, a Dublin barrister-at-law, for a tour of the Wisconsin Supreme Court and a discussion of the differences between the U.S. and Irish court systems. When asked for her business card, Keane revealed that Irish lawyers are ethically prohibited from distributing cards as this is viewed as advertising.

sharing stories with Ziegler and her law clerk, **Nathan Imfeld**, about the practice of law in Ireland – where barristers still wear wigs and gowns.

Barrister of Law **Dolores Keane**, who practices law in Dublin, Ireland, was visiting her sister in Madison recently and was escorted to the Supreme Court by Attys. **Joseph Owens** and **Debra Riedel**. Keane and the others were introduced by Chief Justice **Shirley S. Abrahamson** prior to the hearing and then met with Wisconsin Supreme Court Justice **Annette K. Ziegler**, who is a law school classmate of Riedel. Before she knew it, Keane was sitting in on two oral arguments, touring the Capitol with Ziegler’s staff, and



Justice Ann Walsh Bradley engages Boys and Girls Clubs members in a spirited discussion of government as part of her statewide campaign to promote iCivics, the free online gaming website developed by Justice Sandra Day O’Connor.

The July 22 edition of the *Superior Telegram* featured a story about the launch of Justice **Ann Walsh Bradley**’s statewide tour to promote civics education as part of her duties as co-chair of iCivics in Wisconsin. Bradley is focusing on connecting with students and educators across Wisconsin to discuss iCivics, the free online gaming site developed by Justice **Sandra Day O’Connor** to engage students in learning about government. A number of the games focus on the courts, including Supreme Decision, which invites students to cast the deciding vote in a high-stakes Supreme Court case. As state co-chair for iCivics, Bradley shared with the audience at the Boys and Girls Clubs of the Northland a few sobering statistics about the state of civics education.

“There was a recent poll and only one-third of those polled could name the three branches of government, let alone what they could do,” Bradley was quoted as saying. “More people can name the judges on American Idol than can name the chief justice of the United States Supreme Court, **John Roberts**.”

“New Jersey Courts Offer Texting Service to Jurors” headlined articles that appeared in national media in August. New Jersey’s new program provides texts and e-mails to jurors reminding them of summons dates and letting them know if they’ll be needed. Information on how to sign up to receive text messages is included when jurors respond to their juror summons online. In the first six weeks, about 30,000 jurors opted to receive the text messages. Wisconsin enabled text messaging for jurors with the latest release of Jury Management software, but because cell phone number are not usually collected on the Juror Questionnaires, the use of this feature will not be robust until 2014, after they summons and question new jurors and collect the cell phone numbers.

District Three Court Administrator **Michael Neimon** courageously faced 10 days in the New Mexico mountains with a group of teenage boys this summer. Neimon took a crew of Boy Scouts from Troop 49, based in Summit, Wis., on a 95-mile adventure through the mountains of Philmont Scout Ranch in New Mexico. Wearing 45-pound packs, they

**PEOPLE** *continued from page 15*

started out at 6,000 feet and climbed two mountain peaks including Mt. Baldy at 12,441 feet. They weathered three lightning storms, carried their food, slept in tents and used facilities that, Neimon said, were not fit to describe in print.

Waukesha County Circuit Court Judge **Jennifer R. Dorow** spoke to the *Waukesha Freeman* in July about her first 18 months on the bench. Dorow spoke about being honored by the *Wisconsin Law Journal* as one of Wisconsin's outstanding women in the law, and how she balances her role as a judge with her role as a mother. Dorow, who attended the National Association of Drug Court professionals' conference in Washington, D.C., also talked to the newspaper about preparing to preside in drug court.



Judge Jennifer R. Dorow

"The drug court model is an evidence-based model. So there's a lot to learn," Dorow told the *Freeman*. "I am very excited about it because many people on my docket have drug or alcohol issues and there are a lot of reasons why people use." Dorow told the paper she has witnessed firsthand the toll that drugs and alcohol take.

"One of my former clients was one of the overdose deaths in 2012. It happened right after I took the bench and I look back on the case and go, 'Oh my gosh, what could I have done differently?'" she told the *Freeman*. "I didn't know the true level of his dependence. He was 19. I keep his memorial card on my bench as a reminder."

Manitowoc County Circuit Court Judge **Mark R. Rohrer** told the *Herald Times Reporter* that the transition from district attorney to judge has taken some getting used to. Rohrer, who told the paper he was a little nervous his first few days on the bench, recalled one day when he noticed everyone in the courtroom seemed to be standing for too long after he had entered.

"It finally dawned on me that I had to tell them to be seated," he said.

Rohrer said he has noticed a few differences now that he is on the other side of the bench. "One of the things that has been different as a judge versus (being) DA or a lawyer in private practice is I find myself doing a lot more reading than before," he was quoted as saying. "I find it very invigorating mentally. It makes for a very interesting day."



*District Three Court Administrator Michael Neimon, center, fearlessly led a Boy Scout troop on a 95-mile adventure in the New Mexico mountains this summer. Neimon's son Joey, 14 (right, holding log), is a member of the troop. Along the way, the group stopped at a camp and participated in an impromptu lasso contest. To their shock, they won – beating, among others, a crew from Montana. Here, they covet their award, a bag of chips to break the monotony of a diet that consisted of dehydrated food, nuts and granola bars.*

**Wright**, who retired in July, discussed his legal career, from how he decided to go to law school, to some of the stranger cases he presided over.

Wright told the paper that while earning his undergraduate degree in physics he realized he did not want a career as a physicist. Instead, he said, he decided to follow the path of his roommate, future Wisconsin Governor **Tommy Thompson**.

"I figured if he could, anyone could, so I went to law school," Wright told the *Daily Citizen*.

Wright's memorable courtroom moments include an assault case in which a woman brought a live chicken into court, and a wedding in which he officiated – only to preside over the bond hearing for members of the wedding party a few days later.

Racine County Circuit Court Judge **Eugene A. Gasiorkiewicz**, one of Wisconsin's representatives to the American Bar Association's National Conference of State Trial Judges, reported that the ABA House of Delegates took action in August on a series of issues that might be of interest to Wisconsin judges. Among them is a resolution to support the establishment of access to justice commissions in all states, and another in support of full funding under the Affordable Care Act for mental health and addiction services. Gasiorkiewicz invites judges and court staff with an interest in the details of any of the resolutions to e-mail him. ■

Rohrer told the paper he first became interested in pursuing a career in law when he visited the Manitowoc County Courthouse when he was in middle school and took part in a mock trial. That visit led him to attend law school, then enter private practice, and finally to the district attorney's office before being sworn in as a judge on June 3. Rohrer said he has been grateful for all the guidance he has received along the way.

"I'll miss the relationships I had upstairs in the District Attorney's Office," he said, "but I'm enjoying the new relationships I am forming in my new office."

"Judge Richard Wright retires from novel-worthy career" headlined an article in the *Beaver Dam Daily Citizen*. Former Marquette County Circuit Court Judge **Richard O.**



Judge Richard O. Wright



Judge Eugene A. Gasiorkiewicz

# Unique sentencing means interstate videoconference

By Judge John P. Hoffmann, Waupaca County Circuit Court

I had an interstate sentencing hearing this summer that involved videoconferencing under what I believe are unique circumstances. I thought the story might be of interest to my colleagues.

The defendant, Glendon Gouker, was charged in connection with a 1990 case after a DNA match linked him to the crime. The charge was first-degree sexual assault while concealing identity. Gouker had been in the Pottawatomie County Jail in Shawnee, Okla., since 2010 facing charges carrying the death penalty.



Judge John P. Hoffmann

He agreed to cooperate with Waupaca County authorities to perhaps help clear up some unsolved crimes, and was brought to Waupaca earlier this year to testify at a John Doe proceeding. While he was here he pled to the 1990 crime. The Attorney General's Office prosecuted the case, and wanted to delay sentencing until after Gouker was sentenced in Oklahoma.

Gouker was entitled to be present in the same courtroom as the sentencing judge under 971.04. However, he was willing to waive that right and consent to sentencing via videoconferencing. We complied with the holding in *State v. Soto* (2010AP2273-CR), which offers guidance on the circumstances under which videoconferencing may be used in plea hearings.

## The first hurdle

The videoconferencing equipment in the Waupaca County Courthouse has been out of order for some time. Last summer when it was working I had a mother in a CHIPS case testify via videoconferencing from, ironically, the State of Oklahoma. She was conferenced in from a technical college. That experience gave me the idea to contact Fox Valley Technical College (FVTC) in Waupaca to see if they could accommodate us rather than having to go to another county courthouse. They were very willing to allow us to use their videoconferencing set-up for the sentencing.

## Rigging a courtroom

We worked with FVTC representatives in Appleton and Waupaca. My judicial assistant and the victim/witness coordinator toured the facility and reported back that the smaller room (a classroom) had better videoconferencing capability so I opted for that room. We placed two tables in a T-shape and I sat at the head and the attorneys were at the other end. There were approximately 15 chairs available but were not needed.

## Public notification

This was a public hearing. We posted notice on the

courtroom door and in the third-floor hallway of the courthouse where all daily court calendars are posted. We also contacted the local radio station and newspaper to alert them. The radio station reported the location of the sentencing on the morning news on the day of sentencing.

## Timing issues

I wanted to sentence Gouker immediately after his sentence in Pottawatomie County as we were told that once he went into the Oklahoma prison system he would not be available to us. The Pottawatomie County Courthouse and Jail did not have videoconferencing, but authorities there were willing to transport him to the Glen Cooper Technology Center, which is part of a technical college in Shawnee. So we had the sentencing court sitting in one technical college and the defendant in another technical college for a sentencing via videoconference. I believe that could be a first.

I sentenced him to 25 years consecutive to his Oklahoma sentences. Under the law in effect at that time, his crimes carried a 25-year maximum.

In the Oklahoma case, charges of first-degree murder, first-degree rape, kidnapping, sodomy, and additional counts related to drugs and firearms drew four consecutive life sentences plus 70 years for Gouker. The death penalty was not pursued due to his cooperation with Wisconsin authorities.

## The cost

Fox Valley Tech charged the county \$170/ hour, and sentencing took less than one hour but I assume that some set-up time will be included. I did sign a contract w/ FVTC. On the week of the sentencing I attended two county board subcommittee meetings to inform the supervisors of what was happening. I didn't want them to read about sentencing and wonder what I was doing, why I was doing it and what it was costing the county. They understood that was cheaper than bringing defendant back and forth between Wisconsin and Oklahoma.

## Final thoughts

The sentencing went smoothly on our end, but working with Oklahoma was more problematic, simply because of the many details involved in planning – and our inability to be on site to see the set-up. On our end, staff from a number of departments needed to be involved in multiple phone conferences and e-mails to plan this sentencing. This included the Sheriff's Department, District Attorney's Office, my judicial assistant, the Attorney General's Office, FVTC and others.

It took a lot to pull this off, but certainly was, in my mind, the best way to approach a unique interstate sentencing hearing. ■

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**Guest column** *continued from page 10*

how nefarious a government action, if it maintains the forms and procedures of law, courts are powerless to prevent, and often act to facilitate, injustice.

The usurpation of power by the Nazis in Germany is a clear case in point. Earlier this year, I was fortunate to attend a program put on by the United States Holocaust Memorial Museum through our judicial education program. That program showed how the courts in Weimar, Germany had the opportunity to stop the usurpation of power by the Nazis, but failed to seize it.

People seem to have the misconception that Hitler was elected to power in Germany. I don't know where they get such nonsense. Hitler ran against Paul Von Hindenberg (a World War I hero) in 1931 and lost very badly.

Germany was a mess. The country was falling into general street violence, mostly between the Nazi SA and the Communists. The country seemed to be on the verge of civil war. The Great Depression and the Treaty of Versailles left the economy in ruins. So, in the election following the presidential election that Hitler lost in 1931, the Nazi party gained a lot of seats in parliament (Reichstag), becoming the largest party, though still a small minority in the Reichstag. So, Von Hindenberg and his close advisors decided that appointing Hitler as Chancellor (Prime Minister) might cause him to moderate and reduce the level of violence that the Nazis were causing. Boy, were they wrong.

Almost immediately, the Nazis in the Reichstag began to get laws passed that

were serious usurpations of power and counter to the Weimar constitution. At this point, the Nazis were still weak.

The invasion of Poland in 1939, which began World War II, was still six years in the future. The Wannsee Conference of 1942, which planned the Holocaust, was three years beyond that. A strong stand by the courts at this early point could have ended the whole affair. Instead, the courts backed down. Here is where the difference between law and justice comes in.

The various laws and decrees that converted the Weimar Republic into the absolute dictatorship of Nazi Germany all had the appearance of law and seemed to conform to the forms and procedures of legality. The courts didn't know what to do about it. And the rest, as they say, was history.

Any judge who can think about this and not feel a chill run down the back of his or her neck is hardly worthy of the robe.

Every judge I know strives every day to uphold the law. By and large, we succeed. When I review appeals, I am generally amazed at the high quality of the work that circuit judges do. In the crucible that is a modern circuit court, our judges overwhelmingly make the right decision under the law and, in addition, make a record for review that clearly and intelligently explains their reasoning. And our appellate courts adhere to the law like duct tape, most of the time.

Yet massive injustice persists.

I don't pretend to know the answer to this paradox, but I do know that I am troubled by it every day. ■

**PPAC** *continued from page 7*

Subcommittee should disseminate – and update annually – the inventory of offender service programs available to the courts. The inventory was contained in the “Effective Justice Strategies in Wisconsin: A Report of Findings and Recommendations” report. PPAC and its EJS Subcommittee should collaborate with the Office of Judicial Education to train the judiciary, staff and system partners on applying evidence-based practices in criminal, juvenile, children's court and family court cases.

To complete these steps, the inventory of offender service programs will be distributed at the judicial district trainings this fall. Additionally, EJS, together with the Department of Corrections and Judicial Education, provided risk assessment (COMPAS) training for judges at the Wisconsin Association of Treatment Court Professionals (WATCP) Conference in April and at the Criminal Law and Sentencing Institute in May. The subcommittee will continue to educate on risk assessment as opportunities arise or requests are made. ■