



## HIGHLIGHTS

- 2 WSCCA.i is revamped
- 3 Four Wisconsin judges honored
- 5 Weighted caseload study will involve every judge

### 2005-2007 budget moves forward

by Deborah Brescoll,  
budget/policy officer

The state Assembly completed action on the state's 2005-07 biennial budget at 5 a.m. on Wednesday, June 22. The bill now goes to the Senate. Legislative leaders hope to have the bill to Gov. Jim Doyle by July 1. The budget bill covers state expenditures from July 1, 2005 through June 30, 2007.

Court-related provisions include the following:

- require a lapse of \$1.3 million to the state's general fund over the biennium from any of the courts' general fund state operations appropriations (these include the three levels of court, the Director of State Courts Office, and the Wisconsin State Law Library);
- provide additional funding for projected increased use and cost of court interpreters under current law (the committee deleted the

see **Budget** on page 21

- 6 Leadership
- 8 Election 2005
- 14 Retirements
- 18 People

Spring  
2005

### Children's Court Initiative will be piloted

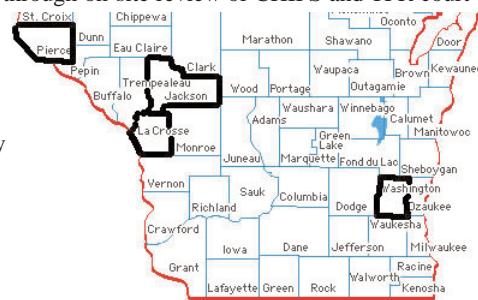
by Bridget Bauman, Office of Court Operations

This summer and fall, an innovative new project designed to strengthen court processing in Chapter 48 cases will be piloted in Jackson, La Crosse, Pierce, and Washington counties. The project, called the Children's Court Initiative (CCI), will be taken statewide in November.

CCI is a comprehensive, ongoing, collaborative effort to establish safety, permanency, due process, and timeliness performance measures in cases involving children in need of protection or services (CHIPS) and in termination of parental rights (TPR) cases.

CCI is not a federal audit but an internal review designed to determine whether counties are meeting minimum practice standards and to identify best practices and any areas that need improvement. The achievement of the performance measures will be assessed and tracked through on-site review of CHIPS and TPR court files; observation of CHIPS and TPR hearings; surveys; interviews; and data analysis. The on-site reviews will last less than a week. In addition, interviews may be conducted with judges, clerks, caseworkers, prosecutors, attorneys, guardians *ad litem*, and tribal representatives.

When schedules permit, CCI and the Department of Health and Family Services program known as Continuous Quality Improvement (CQI) will travel in unison to conduct simultaneous reviews. CQI will review agency child welfare files and conduct in-depth interviews of



see **CCI** on page 21

### Supreme Court refines TIS law

Wrapping up its 2004-05 term, the state Supreme Court has issued several opinions that clarify and refine Truth-in-Sentencing (TIS).

TIS applies to crimes committed on and after Dec. 31, 1999. Under TIS, the defendant serves the full amount of time the judge imposes and is not eligible for early release through parole. Because the Legislature adopted TIS for crimes committed on or after Dec. 31, 1999, but waited several years to adopt a new criminal code that reduced maximum sentences to reflect the fact that there would be no parole, there is a group of cases involving crimes committed between Dec. 31, 1999 and Jan. 31, 2003 known as "TIS I" that have spurred many appeals from thousands of inmates hoping to reduce their sentences to reflect the penalties that ultimately were enacted for their crimes. Here is a snapshot of the Supreme Court's opinions on TIS cases this term:

In a **Dane County** case (*State v. Stenklyft*, 2005 WI 71), the Supreme Court majority concluded that the law permitting the district attorney to veto an inmate's petition for sentence adjustment violates the separation of powers doctrine and that the district attorney's views are advisory to the judge. Writing for the majority, Chief Justice Shirley S. Abrahamson and Justice N. Patrick Crooks put

it plainly: "This statute [§973.195(1r)(c)] granting the district attorney a veto power over a circuit court's decision-making process on an inmate's petition for sentence adjustment is constitutionally over the top."

In a **Kenosha County** case (*State v. Trujillo*, 2005 WI 45), the Supreme Court majority concluded that a reduction in the maximum penalty for a crime does not amount to a new factor for purposes of sentence modification. Writing for the majority, Justice N. Patrick Crooks noted: "If the legislature wanted the reduced maximum penalties to be considered in TIS-I sentence modification hearings, it could have provided that the reduced penalties in TIS-II shall have retroactive application."

A **Rock County** case (*State v. Tucker*, 2005 WI 46) also asked whether reduced penalties could be used as a new factor to modify a sentence, but this case focused on unclassified offenses. The Supreme Court majority again concluded that a reduced penalty is not a new factor. Justice N. Patrick Crooks wrote: "Whether the court is dealing with a classified or unclassified felony, the same rationale concerning new factor jurisprudence and the applicability of § 973.195 controls." ■



A. John Voelker

## Director's column: New committee will revisit rules for case info on Web

“There are too many ways in which careless people can reach a wrong decision.” That was the conclusion of an *Oshkosh Northwestern* editorial concerning the use of the Wisconsin Circuit Court Access (WCCA) Web site. WCCA is a gateway to information on circuit court cases around the state. It is safe to say that the WCCA page is also the most controversial piece of our site because it provides the public with quick and easy access to court records. Considering the site now receives close to 2 million hits a day, the implications of what information is available are significant. The only court records provided on WCCA are those open to public inspection – but public inspection used to require a trip into the deep recesses of the county courthouse and so, in practice, most of these records were difficult to inspect. Now that public inspection involves just a few keystrokes, court records are inspected around the clock by employers, the media, neighbors, parents, teachers, friends, spouses – you name it.

We have received a steady stream of accolades and complaints about WCCA. The media and advocates of open government praise the quick access to information while others express concerns about privacy and wonder whether we adequately explain the information that is available. The case cited by *The Northwestern* involved an individual who was wrongly charged with attempted rape and attempted murder, had his case later dismissed, and was concerned that potential employers would use the charging information contained on WCCA against him.

Should we change what we present? I do not know. But I have convened a committee similar to the one that originally developed the policy on WCCA records – privacy advocates, media representatives, lawyers, judges, clerks of court and others - to review the policy and determine whether change is needed. The committee had its first meeting on June 10, and we spent a lively two hours discussing the many relevant issues.

I believe that our duty is ultimately to balance competing interests, to adjust when adjustment is needed, and to stand firm when stability is the best policy. No matter what changes may or may not result, a vigorous and open discussion of the issues will foster public satisfaction with this very public part of our system.

I want to thank the following individuals for agreeing to take part in this important work: Judges Gary L. Carlson, Taylor County, Patrick J. Fiedler, Dane County, Charles F. Kahn Jr., Milwaukee County, and Dale T. Pasell, La Crosse County; Clerks of Circuit Court John Barrett, Milwaukee County, Carolyn Evenson, Waukesha County, and Jeff Schmidt, Ozaukee County; Deputy Director for Court Operations Sheryl Gervasi; Chief Information Officer Jean Bousquet, Consolidated Court Automation Programs; District Court Administrators Gregg Moore, District 10, and Kathleen Murphy, District 8; Reps. Donald Friske (R-Merrill) and Marlin Schneider (D-Wisconsin Rapids); Atty. Larry Benske, Mary Burke (Department of Justice), Scott Horne (District Attorneys Association), Gerald Mowris, and Kelli Thompson (State Public Defender's Office); Police Chief Rick Myers, Appleton; and Sheriff Randy Roderick, Green County; Carol Doeppers, a government privacy consultant; Bill Lueders, editor of *Isthmus* and president of Wisconsin Freedom Council; and John Laabs/Neil Heinen of Wisconsin Broadcasters Association. ■



Judge Gary Carlson



Judge Patrick Fiedler



Judge Charles Kahn



Judge Dale Pasell



Sheryl Gervasi



Jean Bousquet



Rep. Donald Friske



Rep. Marlin Schneider



Sheriff Randy Roderick

## New case management system unveiled for Supreme Court/Court of Appeals

by Christopher Paulsen, chief deputy clerk, Supreme Court/Court of Appeals

Those who have looked up appellate cases recently on the court system Web site probably have noted that changes are afoot in the case management database.

On April 4, the Supreme Court and Court of Appeals Clerk's Office implemented a redesign of its case management program, capping many months of cooperative effort between the Clerk's Office and Consolidated Court Automation Programs (CCAP) staff. The overhaul was necessary to make the program amenable to enhancements such as, eventually, electronic filing.

One of the first, and by no means least significant, hurdles in the implementation process involved

communication. The Clerk's Office expressed its needs in law-related terms, invoking appellants' briefs, respondents' briefs, reply briefs, amicus briefs, writs of *habeas corpus* and the like. Each document type has to be entered into a schedule with tickler reports to enable the Clerk's Office to monitor case progress. The CCAP staff had the task of translating those needs into a working format that would not only meet the needs of the Clerk's Office, the Court of Appeals, and the Supreme Court, but the needs of the public accessing the database for case information.

The CCAP technicians set up a working computer

see **WSCCA.i** on page 22

## AWARDS

### Four Wisconsin judges honored

**F**our Wisconsin judges were singled out for honors this spring. Judges Mark S. Gempeler and Robert G. Mawdsley, both of Waukesha County Circuit Court, were honored as 'Judge of the Year' by, respectively, the State Bar of Wisconsin and the American Board of Trial Advocates (ABOTA). Also honored were Reserve Judges Lee E. Wells, who retired in 2004 from the Milwaukee County Circuit Court bench and who received the State Bar's Lifetime Achievement Award, and Paul C. Gartzke, who retired in 1996 from the Wisconsin Court of Appeals.

#### ABOTA honors Mawdsley

ABOTA presented Judge Robert G. Mawdsley with its 2005 Judge of the Year award at a May 5 dinner in Milwaukee.

Milwaukee Attorney J. Michael End, a member of the ABOTA committee that nominated Mawdsley, said Mawdsley's legal knowledge, professionalism and respectful courtroom demeanor earned him the well deserved honor.



Judge  
Robert G. Mawdsley

"In my opinion, he's just the ideal judge. He has the qualities that I think a trial judge should have. He's polite to the parties to the case, to the jurors and to the lawyers," End said. "He is the antithesis of the trial judge who is the 'Rambo judge' – he's very accommodating and runs his trials well."

Mawdsley is serving his third term on the bench in Waukesha County, where he was first elected in 1988. Mawdsley has worked in Waukesha County since graduating from Marquette Law School in 1975, serving as a corporation counsel and an assistant district attorney prior to his judgeship.

Past ABOTA honorees include Judges Robert W. Landry, Milwaukee County; Gordon G. Myse, Court of Appeals, District III; Thomas H. Barland, Eau Claire County; John J. DiMotto and Michael P. Sullivan, Milwaukee County; and Joseph M. Troy, Outagamie County.

As Judge of the Year, Mawdsley will preside as a trial judge at a November seminar to be conducted by the ABOTA and the State Bar.

#### Gempeler is 'Judge of the Year'

Judge Mark S. Gempeler, who has served on the bench in Waukesha County since 1983, is the State Bar of Wisconsin's 2004 'Judge of the Year'.

The Judge of the Year is typically a jurist who has improved the judicial system during the past year by his or her leadership in advancing the quality of justice, judicial education, or innovative programs. Gempeler was nominated by the board of directors of the Waukesha County Bar Association.

"This award recognizes Judge Gempeler for putting his knowledge of the law to work to resolve cases fairly," said Atty. Daniel M. Floeter, state Bench Bar Committee chair. "He has a keen intellect and is fair-minded, patient and decisive."

Judge J. Mac Davis, who has been a colleague of Gempelers for 15 years, said, "Although he has handled all types of cases in his 20-year judicial career, Judge Gempeler earned accolades for his handling of the sexual assault trial of former Green Bay Packer Mark Chmura. The trial was televised nationally, and Judge Gempeler's disciplined, scholarly approach garnered laudatory remarks from national and local legal commentators and the media."

Past recipients of this award include circuit court Judges Thomas H. Barland, Eau Claire County; Dennis J. Barry, Racine County; Harold V. Froehlich, Outagamie County; John J. Perlich, La Crosse County; Michael P. Sullivan, Milwaukee County; Gary L. Carlson, Taylor County; Maxine A. White, Milwaukee County; and Patrick L. Snyder, Waukesha County.

#### Wells is 'Lifetime Jurist'

Reserve Judge Lee E. Wells, who served in the Milwaukee County Circuit Court from 1981 to 2004, was presented with the State Bar's Lifetime Achievement Award at the association's spring convention.

The award is reserved for judges who have provided outstanding, long-term judicial service. Wells was nominated by Atty. Susan A. Hansen, president of Hansen & Hildebrand, S.C.

"This award recognizes Judge Wells' lifetime contributions to the bench and bar and to the local community," said Atty. Daniel M. Floeter, chair of the Bench Bar Committee. "He exemplifies the qualities of a great judge."

When he retired a year ago, Wells acknowledged that he was "giving up a job I love to do." But, he said, he and his wife wanted to leave full-time employment while they still had good health and the energy to pursue their hobbies - which include biking, hiking, tennis, golf, and the Badgers and Packers.

Past recipients include circuit court Judges Edwin C. Dahlberg, Rock County; Mark J. Farnum, Rock County; Robert A. Haase, Winnebago County; P. Charles Jones, Dane County; Peter G. Pappas, La Crosse County; Patrick T.



Judge Mark S. Gempeler, Chief Justice Shirley S. Abrahamson, Judge Lee E. Wells.

## Wisconsin Judicial Conference features lively presentations

The 2005 Meeting of the Wisconsin Judicial Conference, held in Milwaukee in April and led by co-chairs Justice Patience Drake Roggensack, Wisconsin Supreme Court, and Judge Mary M. Kuhnmuench, Milwaukee County Circuit Court, was brimming with creative and thought-provoking presentations. A few of the highlights:

The State of the Judiciary Address, presented by Chief Justice Shirley S. Abrahamson against a backdrop of historic and occasionally comic photographs, provided a modern twist on Roscoe Pound's famous 1906 speech, "The causes of popular dissatisfaction with the administration of justice." Abrahamson focused on the causes of popular satisfaction with the courts, praising the numerous efforts of judges and court staff across the state who are finding cost-effective, innovative ways to improve the justice system. The speech is available at [www.wicourts.gov/about/pubs/supreme/docs/judaddress05.pdf](http://www.wicourts.gov/about/pubs/supreme/docs/judaddress05.pdf).



*Wisconsin judges packed the Milwaukee conference site for the first statewide meeting of judges since 2003.*

Kuhnmuench showed the interview subjects explaining the meanings behind the various knickknacks in their chambers'.

A presentation on local court rules, moderated by Judge Darryl W. Deets, Manitowoc County Circuit Court, highlighted the sometimes radically different procedures that different counties use for similar cases. Atty. Robert L. Jaskulski of Habush, Habush & Rottier in Milwaukee compared the local rules of two large, urban counties to show that the procedures for handling minor settlements are totally different. Atty. Tracey A. Wood of Van Wagner & Wood in Madison "presented some of the most absurd and out of date local court rules she could find, such as ladies appearing in court could only wear dresses, no slacks, and would be addressed only as 'Ms.,'" Deets reported. "Another rule described the exact way that court would be opened, two gavel strikes, Oye, Oye, Oye, and another gavel strike ... like a Three Stooges or Monty Python movie," he said. While there is humor in the outdated rules, Deets emphasized that some of the local rules that are enforced can cause substantial practical problems for attorneys with multi-county practices. "Maybe it is time that a committee of the chief judges draft some model local rules for discussion," he said. "At a minimum, it is time to clean out the closets." ■



*Judge Frederic W. Fleishauer delivers a powerful message about judicial independence at the annual Meeting of the Wisconsin Judicial Conference.*

"Communicating the Value of an Independent Judiciary" was the title of a presentation by Judge Frederic W. Fleishauer, Portage County Circuit Court. Fleishauer discussed recent attacks on judicial independence and attempts to reign in judges who make decisions with which members of other branches of government might not agree. "To communicate the value of something, we must understand it ourselves," he said, giving a history lesson wrapped in a review of current events. The speech is available at [www.wicourts.gov/about/pubs/circuit/docs/fleishauerspeech05.pdf](http://www.wicourts.gov/about/pubs/circuit/docs/fleishauerspeech05.pdf).

A video by Judge Mary M. Kuhnmuench, the conference co-chair, featured conversations with several judges designed to illuminate what is rewarding and challenging about the job. The video was thoughtful but also very funny, especially when

### AWARDS *continued from page 3*

Sheedy, Milwaukee County; Patrick L. Snyder, Waukesha County; and Supreme Court Justice Myron L. Gordon.

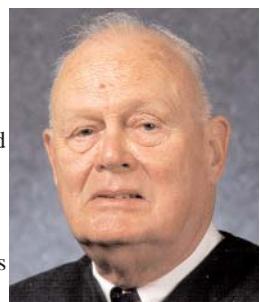
#### Gartzke wins Loeb Award

The State Bar Senior Lawyers Division presented retired Judge Paul C. Gartzke with its Leonard L. Loeb Award at its Members Recognition Luncheon in May.

The award is named for the former bar president who was instrumental in establishing the Senior Lawyers Division. It recognizes a senior lawyer (age 60 or older) who has improved the legal system and shown leadership in

advancing the quality of justice in Wisconsin.

Gartzke was elected to the Court of Appeals when that court was established in 1978. He served for 18 years, retiring in 1996 and becoming a reserve judge. He served in that capacity until 2000, helping out at the Court of Appeals as well as in Small Claims Court in Dane County. ■



*Judge  
Paul C. Gartzke*

## Improving courthouse security is a job for us all

by Chief Justice Shirley S. Abrahamson  
 President, Conference of Chief Justices  
 Chair, Board of Directors, National Center for State Courts

Courthouse security has long been a concern for the justice system. Ensuring public access to the courts while maintaining an environment that is safe for visitors, litigants, witnesses, court staff, jurors, and judges can be tricky. A decade ago, in June 1995, the Wisconsin Supreme Court established standards for courthouse security. We have been working since that time to improve the safety of our courthouses and, in 2001, I am proud to say that we created, with Director of State Courts A. John Voelker in the lead, a partnership with the Wisconsin Sheriffs and Deputy Sheriffs Association, the U.S. Marshals Service, and Fox Valley Technical College to build a national award-winning program called the Wisconsin Courthouse Security Training Program. Through this program, we have trained court employees and security personnel around the state, focusing on increased security awareness and simple, low-cost procedural improvements to courthouse safety. In 2003, our program became a model for jurisdictions around the nation.

But as events in Atlanta, Chicago, and Connecticut have demonstrated, improving the security of our courts is an ongoing endeavor. These tragic events also highlighted the reality that inadequate court security is everyone's concern and to improve security requires a collaborative approach. In April, I attended the National Summit on Court Safety and Security in Washington, D.C., which drew more than 125 representatives from every branch of state and federal

governments to work together to develop a comprehensive, realistic plan to improve the safety and security of our nation's state courts. This is the first such collaborative effort on court security in the state courts.

The summit, hosted by the National Center for State Courts (NCSC) and the National Sheriffs' Association (NSA) through a grant by the U.S. Department of Justice, was convened to identify and assess existing court security tools, discuss continuing security needs, and recommend strategies to address the needs.

The one-day summit featured panel discussions with court professionals who have experienced threats or security breaches and focused on special challenges courts face in enhancing security. Summit participants then convened in three working groups, which continue to meet electronically. A report on their recommendations is expected in the fall.

Initial suggestions emerging from the work groups are:

- Create a National Threat Assessment and Incident Reporting Database to provide critical information to all stakeholder groups.

see **Courthouse Security** on page 22



Chief Justice  
Shirley S. Abrahamson

## Weighted caseload study will involve every judge

As judges begin training this spring to participate in the first weighted caseload study in a decade, and the first-ever such study to include data from every judge in the state, Chief Judge Michael N. Nowakowski has a few hard facts to share:

1. The number of judges in the Wisconsin court system has not changed since 1999.
2. Given the Legislature's timeline for handling such requests, the earliest possible year when a judgeship could be added is 2008.
3. By 2008, if current case filing trends continue (and there is no reason to believe they won't), the courts will be processing 150,000 more cases per year than they did in 1999.

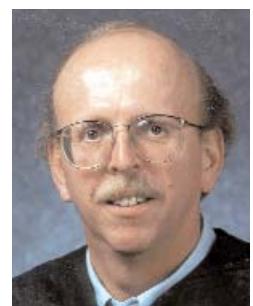
The court system cannot ask for additional judges unless and until it has gathered solid data to show the need. The weighted caseload study, which will be conducted by the National Center for State Courts (NCSC), will gather that data throughout the month of October – with the help of every judge in the state - through a formula that measures the judicial time needed to process the cases filed in the circuit courts.

In the past, weighted caseload studies have suffered from a few weaknesses that this study should remedy. First, they relied upon sample data gathered from a few courts rather

than information from all courts in the state. Second, they did not take into account the work performed by court commissioners. Third, the case weights did not take into account the growth in judges' administrative work and travel requirements. Fourth, there were no case weights for 'uncontested' cases and the weights for post-judgment activities were minimal. The new weights will reflect the massive increase in the number and complexity of post-judgment motions.

In addition to remedying the weaknesses of the past studies, the new study will take into account some key changes in the law that have dramatically affected the courts' work in the past few years. Those include Truth-in-Sentencing and Watts reviews (annual reviews that must be completed for all protective placements).

Nowakowski, who sits in Dane County Circuit Court, is chair of the Chief Judges' Workload Subcommittee. He is working to ensure that all judges participate in the study and emphasizes that participation will be relatively painless as the surveys can be completed online. After the data are collected, a draft of the case weights will be made available to an advisory committee working with the NCSC. Then, five expert groups, each looking at a particular case type, will react to the study's conclusions – offering a reality check of sorts – before the final report is completed in August 2006. ■



Chief Judge  
Michael N. Nowakowski

## LEADERSHIP

### Dane County judge leaves his mark on Drug Court

by Holly Noe, court information intern

**D**ane County Circuit Court Judge Stuart A. Schwartz has spent nearly 10 years presiding in Dane County Drug Court in addition to handling a docket of more traditional cases. But as judicial rotation takes him to Juvenile Court, Schwartz's service in the court that he helped to steer is coming to an end.

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

The Drug Court Advisory Committee, along with judges and court staff, surprised Schwartz with a Drug Court farewell party in the Dane County Courthouse this spring. Schwartz said he would miss the Drug Court assignment. "It has been totally and completely rewarding," he said. "Outside of perhaps an adoption, I can't think of anything that has brought greater personal satisfaction than watching a Drug Court graduation, where families that had been previously ripped asunder gather together."

First elected to the bench in 1992, Schwartz has been involved with the Drug Court from the planning stage. The court started as a pilot project in 1995 with Judge Jack F. Aulik at the helm and began operating in 1996 under a federal grant. It was the first in the state and has been a model for several other counties.

Drug Court programs offer defendants referred by the district attorney the chance to receive treatment and possibly reduce or eliminate their sentences if the rehabilitation is completed successfully. The crimes generally must be non-violent and related to drug abuse; in Dane County, after the

federal start-up grant expired, the court was able to expand the program to include not just drug crimes, but also drug-motivated crimes, like burglary or prostitution.

Over the years, Schwartz said the Dane County Drug Court also has expanded its treatment programs to include methadone detoxification, acupuncture, and alternative methods of alleviating the pain that leads some to prescription drug abuse. As for whether the program will continue to grow, "That's directly related to the budget." Schwartz said that cuts over the past two years have created massive delays and waiting lists, both for admission into the program and for treatment. "In the judicial branch, we see on a daily basis the kind of human despair that comes into our system, while in the other two branches of government, they read about it. They don't have a visceral feel for it," Schwartz said. "So they make a decision that a drug court is going to cost 'x' number of dollars, and we don't have 'x' number of dollars. And they never stop to think it is costing the community 'x-plus' in terms of police services, emergency medical services, loss of tax-paying capability - a whole series of social-related issues."

"Depending on the study you look at, for every dollar spent on a drug court, you save four to seven not utilizing other forms of community services," Schwartz said. The defendants who come through the Dane County Drug Court are difficult to label. Schwartz said they come from all walks of life and are also more representative of everyday America than many might think. Schwartz said most have addictions and mental health issues that need to be addressed, but that's often where the similarities end. "Almost all of them have an interesting story to tell," Schwartz said, "and while there are certain defendants that stand out in my mind, it's not because they had a particularly interesting story to tell as they entered the Drug Court; it's because they have a particularly interesting story to tell as they've left the Drug Court."

For instance, Schwartz recalled presiding over the wedding of a couple who met in their Drug Court treatment program. Schwartz said he has also had several participants and their family members visit his office years after completing the program, or send letters and cards with thanks.

"I will miss the people, the treatment personnel, as well as the participants in the program. You reach people differently in a traditional setting than you do in a drug court environment, and I think I will miss that," Schwartz said, adding that his experiences in Drug Court have helped him better approach other cases he handles by teaching him more about the impact of addictive behaviors, mental health issues, and interpersonal dynamics in all sorts of court situations.

"I think all of that tends to make you a better judge, a more insightful judge, and I think it makes you a more empathetic judge," Schwartz said. "You are more aware of how your decision will impact beyond the immediacy of just the issue that is in front of you." ■



Judge Stuart A. Schwartz says farewell to his Drug Court assignment with a celebration that included all the people who make the court work. Pictured are (from left): Atty. Dorothea C. "Dee Dee" Watson of the State Public Defender's Madison office; Darlene Schwartz (judge's wife); Judge Stuart A. Schwartz; Court Clerk Dawn Duff; Judicial Assistant Jody Gold; Drug Court Coordinator Lila Schmidt; Assistant District Atty. Kenneth M. Farmer; Court Reporter Pat Burnard (behind bench); Dane County District Atty. Brian Blanchard; Probation/Parole Officer Marilyn S. Zurbuchen; and Elizabeth Folco, a member of the Drug Court staff.

## Thirty-four plain-English forms now available

The first batch of plain-English forms and form summaries designed for statewide use has been approved and is being tested in three Wisconsin counties this spring. The development of clearer forms and more straightforward instructions comes in response to the rising number of *pro se* litigants in the state.

All except one of the 34 forms are for divorce matters; the one exception is a form to convert a legal separation into a divorce after one year. These forms will be the only divorce forms available in the offices of the clerks of circuit court and must be accepted in every state court. Currently, Dane, Milwaukee, and Waukesha counties are piloting the forms through their respective self-help programs.

While the forms are being tested, clerks of circuit court across the state are using a template to develop county-specific instructions and checklists. Later this spring, the forms will be made available to all litigants on the court system Web site, [www.wicourts.gov](http://www.wicourts.gov), along with the county-specific checklists. By the end of the year, it is anticipated that a forms "wizard" will be completed, allowing litigants to fill out the forms online rather than printing them first. They will still need to be filed in hard copy.

The working group that created the forms has been focusing on the project for more than a year. The final hurdle was a petition to the Supreme Court by the Records Management Committee (RMC) asking for a rules change that would permit the RMC to review and approve, but not mandate, forms for self-represented litigants. The Supreme Court unanimously approved this petition in mid-April, paving the way not only for this batch of divorce forms, but also for small claims and probate forms that will be developed in the future. ■

## Waukesha looks to "tighten the holes" in court orders

by Holly Noe, court information intern

**W**aukesha County Judicial Court Commissioner Linda M. Georgeson has dealt with a lot of skillful liars in her 14 years on the bench. Many of them have been men who are battering their partners. These defendants cannot be neatly categorized, but they do share some characteristics that Georgeson has learned to spot.

"I often see a batterer who functions well in his job, who presents a good appearance in public settings, and is trying to manipulate the court," Georgeson said. "I think I now clearly understand this is learned behavior. I also understand that he believes he's entitled to mistreat his spouse or significant other. I understand that he's not mentally ill. And I understand that he needs specific and direct consequences for his actions."

To move from understanding the batterer's psyche to intervening in a way that will stop the abuse is a top priority for court commissioners who frequently handle bail and injunction hearings in these cases. To this end, Georgeson invited Lundy Bancroft, a specialist in domestic violence and family issues, to speak via videoconference to 45 members of the Wisconsin Judicial Court Commissioners' Association at the Waukesha County Courthouse in April.

Bancroft, who has written several books and served as co-director of Emerge, a program for abusive men, has sparked some controversy for his ideas and has been accused of gender bias because of his focus on male batterers. Georgeson dismissed that criticism. "We simply have to look at the numbers, that's who's doing the battering in our

## Dane County Legal Resource Center announces two initiatives

**T**he Dane County Legal Resource Center (DCLRC), located in Madison's City-County Building, has unveiled a new Dane County Juvenile Court Resource Booklet and announced a new program to make selected decisions from the circuit courts available to the public.

The project to improve access to circuit court decisions is called the Local Decision Access Project (LDAP) and has been undertaken with the Dane County Bar Association. LDAP makes available selected decisions of the judges who have chosen to participate. Each judge makes selections from among his/her own decisions. By early May, the project had amassed about 90 decisions.

The decisions are arranged by court branch number in binders at the Dane County Legal Resource Center and are indexed by judge/branch and statute. This summer, with the assistance of UW Law School students, a subject index will be added.

The project's second phase will make the decisions available online and is expected to be launched later this year. In addition to the county bar association and the law school, the Wisconsin State Law Library is assisting the Legal Resource Center with the project.

To view the decision depository, visit the DCLRC or contact Paula Seeger at [dclrc.ref@wicourts.gov](mailto:dclrc.ref@wicourts.gov).

Also this spring, the Legal Resource Center unveiled the Dane County Juvenile Court Resource Booklet, which covers delinquency, termination of parental rights, adoption, and protective services, provides answers to frequently asked questions, a list of suggested readings, and Web links. The booklet was a collaboration among the juvenile court, Clerk of Circuit Courts Office, and the Legal Resource Center.

The booklet is available online at: [www.countyofdane.com/juvenilecourt/pdf/jc\\_resource\\_booklet.pdf](http://www.countyofdane.com/juvenilecourt/pdf/jc_resource_booklet.pdf). ■

society," she said. "The numbers show us that it's men that batter, and men that kill women. I'm just dealing with reality, and so is he."

Georgesom first saw Bancroft, who is based in Massachusetts, when the Women's Center in Waukesha County hosted him as a featured speaker a year ago. She decided then that she would work to put together a program for the court commissioners.

"One of the major areas was how we can tighten the holes in court orders with effective and specific orders," Georgeson said. "And also to treat these individuals not just as criminals, but deal with their skillful lying and escalating behavior. We were looking to get information on how to handle angry batterers in the courtroom. We see these folks daily, so we were looking for additional skills to deal with their issues."

Bancroft's speech was partly funded by a U.S. Justice Department grant, which Georgeson obtained through the Women's Center.

Other featured speakers were Waukesha County Circuit Court Judge Robert G. Mawdsley, dean of the Wisconsin Judicial College, who discussed decision-making styles and strategies, and Waukesha Atty. Vince P. Megna, author of *"Bring on Goliath: Lemon Law Justice in America."* ■



Lundy Bancroft

**ELECTION 2005****Voters choose seven new judges**

Wisconsin voters chose seven new judges and backed two of the three incumbents who faced challenges in April. One incumbent – a recent appointee in Outagamie County – lost his seat. Thirty-three incumbent judges were re-elected without opposition.

**Niess wins handily in Dane County**

Judge Richard G. Niess, appointed to Branch 9 of the Dane County Circuit Court to replace Judge Gerald C. Nichol, won election to the post with about three-quarters of the vote. His challenger was Atty. Koua C. Vang of the Vang Freedom Firm in Madison. Vang's battle with clinical depression and his recent public reprimand by the state Supreme Court were highlighted in the media during the race.

Appointed to the bench last November, Niess brought to the job a wealth of experience in civil litigation and appellate work. Just weeks after his appointment, he presided in the high-profile sentencing of a 76-year-old woman charged with killing a popular Lutheran minister in a hit-and-run accident. He declined to incarcerate the woman, and his sentence was widely discussed, pilloried, and lauded in the press.

A 1975 graduate of Dartmouth College, Niess earned his law degree from Duke University School of Law in 1978 and joined the Madison law firm currently known as Coyne, Niess, Schultz, Becker & Bauer, where he practiced until his appointment to the bench. He also has served as a special investigator for the Office of Lawyer Regulation.



Judge  
Richard G. Niess

**McMonigal is re-elected in Green Lake**

Judge William M. "Mike" McMonigal, who has served on the bench in Green Lake County since 1992, won re-election by 82 votes in April. Challenging McMonigal was Berlin Atty. John B. Selsing, who served as the county's family court commissioner from 1992 until 2005. McMonigal's decision during the campaign not to reappoint Selsing to the court commissioner slot caused a stir and heightened interest in the judicial race.

In addition to serving in a one-judge county, McMonigal is the longtime vice-chair of the Supreme Court's Planning and Policy Advisory Committee (PPAC), which advises the court system on a variety of key issues.



Judge William M. "Mike"  
McMonigal

**Milisauskas is new judge in Kenosha County**

The race to succeed Judge Michael S. Fisher in Branch 4 of the Kenosha County Circuit Court set District Atty. Robert J. Jambois against Atty. Anthony G. "Tony" Milisauskas, a circuit court commissioner and municipal court judge. Voters chose Milisauskas by a comfortable margin.

Jambois, who has been the county's district attorney for 16 years, was the more recognizable candidate in the race, but he was quoted in the Kenosha News as saying that his high profile may have worked against him. "It could be just the way I've done my job," Jambois said. "I've never shied

away from any issues or any cases."

The family of a man who was fatally shot by police in a November 2004 traffic stop waged a campaign against Jambois, who angered them by concluding that the officers had acted appropriately.

Milisauskas, a highly respected private practitioner who has worked for four years as a court commissioner and for 14 years as an assistant corporation counsel, graduated from John Marshall Law School in 1983. He built a grassroots campaign with the help of his family, high school friends, and members of his church.

Married and the father of five children, Milisauskas is an active member of the community. He coaches Little League and Christian Youth Organization basketball, and participates in Boy Scouts and Kiwanis.



Judge Anthony G. "Tony"  
Milisauskas

**Court commissioner replaces longtime Antigo judge**

The race to succeed longtime Langlade County Circuit Court Judge James P. Jansen, who died at age 60 in January after serving nearly 25 years as the county's only judge, set two well-respected local attorneys against each other. Antigo Atty. Fred W. Kawalski, who has practiced law in Langlade and Forest counties for more than two decades, took 57 percent of the vote in a race against Atty. Jerry D. McCormack. After the election, Gov. Jim Doyle appointed Kawalski to fill the vacancy. He was sworn in on June 3.



Judge Fred W. Kawalski

Kawalski is a 1973 graduate of Loyola Law School. He and his wife, Mary Jo, moved to Antigo in 1986. From 1990 until his appointment as judge, Kawalski served as a family court commissioner. He also served for nearly 25 years as corporation counsel for Forest County, a part-time job that became full-time with the county's involvement in legal battles over the proposed Crandon mine.

**Open seat attracts just one candidate**

Atty. Jerome L. Fox, who ran unopposed in the April election, will succeed Judge Fred H. Hazlewood in Branch 3 of the Manitowoc County Circuit Court. Hazlewood is retiring after 25 years of service, including four elected terms.

## ELECTION 2005 *continued from page 8*



Judge-elect  
Jerome L. Fox

Fox has practiced law for 30 years and has served as a court commissioner in Manitowoc County for more than 20 years. Since 1972, he has been a partner in Winter, Fox & Stangl in Two Rivers.

A 1968 graduate of the UW Law School, Fox began his law career at the Legislative Reference Bureau. He then worked briefly in private practice in Chilton before joining his current firm.

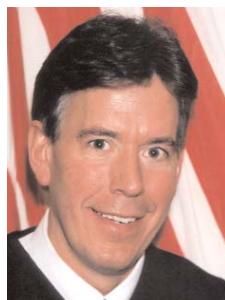
Fox also has been an active volunteer in the legal field. He has served on the State Bar Board of Governors, Professional Ethics Committee, and Legislative Oversight Committee; on the Judicial Council; and on a district committee within the lawyer regulation system.

Fox and his wife, Gail, live in Two Rivers. They have two adult children, Catherine and Norah.

### Cimpl, Van Grunsven elected in Milwaukee County

Longtime Court Commissioner Dennis R. Cimpl and gubernatorial appointee Paul R. Van Grunsven were unopposed in their respective bids for judgeships in Milwaukee County. Cimpl succeeds Judge John E. McCormick, who retired last fall after 32 years on the bench (*see The Third Branch, fall 2004*), and Van Grunsven replaces Justice Louis B. Butler Jr., who now sits on the Supreme Court.

Gov. Jim Doyle appointed Cimpl the day after the election so that he could begin work immediately. Cimpl worked as a Milwaukee County Circuit Court commissioner for a decade preceding his election as judge, and he practiced law in Milwaukee County for 20 years prior to that, emphasizing criminal and juvenile work. He is a 1975 graduate of Marquette Law School.



Judge  
Dennis R. Cimpl

Cimpl's law career has included substantial volunteer work. He was a member of the State Bar Board of Governors for four years, a member of the Office of Lawyer Regulation Board of Administrative Oversight, and a member of the Medical Mediation Panels for 12 years.

Judge Paul R. Van Grunsven, who was appointed in October 2004, has a wealth of experience in the area of health law. Prior to his appointment, he was chair of the health law section at the Milwaukee law firm of Kasdorf, Lewis & Swietlik.

Like Cimpl, Van Grunsven volunteered within the lawyer regulation system, where he served as chair of the Special Preliminary Review Panel.

Van Grunsven received his bachelor's degree in biology and chemistry from Marquette University in 1983, his law degree

from Marquette Law School in 1986, and a master of laws in health law from DePaul University Law School.

### Oconto County bench will include Wisconsin's first Judge Judge

Oconto Atty. Michael T. Judge will replace Judge Larry L. Jeske, who is stepping down in July after serving two terms in Branch 1 (*see The Third Branch, fall 2004*). Judge defeated Atty. John A. Muraski, who has practiced law in the area for more than 30 years,

**see Election 2005 on page 10**

### If the name fits...

by Holly Noe, court information intern

It's not a misprint – Wisconsin now has its first Judge Judge. Michael T. Judge, an Oconto attorney, was elected on April 5 to serve the bench in Oconto County Circuit Court. And coming soon is Judge James Judge Duvall, who was recently appointed to the bench in Buffalo/Pepin counties.

With names oddly befitting their professions, these judges are in good company. Across the nation, there are people on the bench with wildly appropriate names [Judge Ment (Aaron) of Connecticut, for example] and names that stand out because of their irony or humor [here in Wisconsin, we have Justice Crooks (N. Patrick)].

There is actually a term for names like these that fit a person's occupation: they're called *aptronyms*. Names that do not fit particularly well are called *inaptronyms*, like that of the former archbishop of Manila, Jaime Cardinal Sin. In the legal domain, Judge Lawless is a relatively common *inapronym*. Washington State has a law student scholarship trust called the Lawless Fund, established in memory of State Superior Court Judge James Lawless, who was assassinated in his chambers by a mail bomb. Judge William D. Lawless, former dean of the Notre Dame Law School, works in California counseling lawyers and running a mediation service.

Fitting monikers are particularly well documented and seem inordinately common in medicine. For instance, in Madison, one can visit Dr. Docter (Timothy J.), Dr. Kramper (Edward) or, for the more adventurous, Dr. Bonebrake (F. Clint). Those seeking psychiatric care might try Dr. Copeland (Travis B.) or Dr. Cunning (Linda K.). To mend a broken heart, dial Dr. Love – Dr. Robert B. Love, a heart surgeon at UW Hospital who specializes in transplants.

A whole field of study has sprung up around the *apronym* phenomenon. Some have posited a theory of "nominative determinism," that names actually can be determinative of careers, and many scholars argue that names have an impact on career performance, expectations, and evaluations. One study in the *Journal of Social Psychology* found that employers deemed job applicants with names fitting the genders associated with their desired positions more likely to succeed in those jobs. For instance, applicants with "masculine" names like Hank or Ron were more likely to get second interviews for a job with a police department than those with names like Jamie or Sandy.

Some may dismiss the theory of nominative determinism, which may or may not have played a role in the careers of Wisconsin's two newest judges, but there's no denying the entertainment value of a freelance television cameraman in Los Angeles named Trent Kameran, a dentist in Florida named Dr. Rick Root and a urologist in Texas named Dr. Richard Chopp whose Web site promotes his special interest in vasectomies. ■

**ELECTION 2005** *continued from page 9*

with 73 percent of the vote in the April election.



Judge-elect  
Michael T. Judge

Like his opponent, Judge is a longtime lawyer. He has practiced in Oconto County for 32 years, concentrating on family law, real estate, probate, and litigation work.

Judge is a 1972 graduate of Marquette Law School, from which his wife of 33 years, Patricia, graduated in December. The couple's son Jonathan is an attorney in Chicago, their daughter Jeanne is a patent clerk with another Chicago law firm and their daughters Megan and Molly are pursuing their college educations.

### **Challenger McGinnis unseats incumbent in Appleton**

Atty. Mark J. McGinnis defeated incumbent Judge Bradley J. Priebe to become Outagamie County's Branch 1 judge. Priebe was an assistant district attorney when Gov. Jim Doyle appointed him to the bench last September. He succeeded Judge James T. Bayorgeon, who retired in October after serving since 1983 (*see The Third Branch, summer 2004*).



Judge-elect  
Mark J. McGinnis

McGinnis, an Appleton native and 1996 graduate of the University of Minnesota Law School, took about 66 percent of the vote. "I'm surprised at the margin, but I fully expected to win this race and I've said that all along," McGinnis was quoted as saying.

Priebe was well respected by his colleagues on the bench and endorsed by the sheriff and the district attorney. The *Post-Crescent* opined that his past work as an assistant district attorney under Winnebago County Dist. Atty. Joe Paulus, who is now serving time in federal

prison, might have affected his electability.

McGinnis is a partner in Herrling, Clark, Hartzheim & Siddall, Ltd. in Appleton, where he has worked since graduating from law school, and is also an adjunct professor at Fox Valley Technical College. He has served on the State Bar's Board of Governors and as co-host of a cable TV program titled "You and the Law." He also coaches the mock trial team at Appleton West High School.

McGinnis and his wife, Jennifer, live in Appleton with their two children, Patrick and Maggie. His interests include running, basketball, golf, and tennis.

### **Waushara County district attorney is new judge**

Waushara County District Atty. Guy D. Dutcher won a race against Atty. Joan A. Olson, a Wautoma private practitioner with 17 years' experience, to succeed Judge Lewis R. Murach, who is retiring after 12 years on the bench (*see separate story, page 14*).

Dutcher is a native of Wild Rose and a graduate of Ripon College and the UW Law

School. He served for 12 years as the county's district attorney; and worked for two years in private practice with Kasdorf, Lewis and Swietlik in Milwaukee, and for one year at the Appleton law firm of Menn, Teetaert & Beisenstein Ltd.

Dutcher and his wife, Lynn, have two children, Lucas and Clark. His interests include golf, literature, and serving as a WIAA official for football and basketball games.

### **Woldt wins full term as circuit judge**

Judge Scott C. Woldt, appointed by Gov. Jim Doyle in January to succeed the retiring Judge Robert A. Haase, handily won election to a full term in Branch 2 in Winnebago County, taking about two-thirds of the vote. His opponent was Circuit Court Commissioner Daniel J. Bissett, who has served for six years as a commissioner.

Woldt had little time to celebrate his victory. Two weeks after the election, he was thrust into the national spotlight after taking a plea in an embezzlement case involving a woman who siphoned money from the union for which she served as treasurer. When the victims in the case gave their statements, they expressed concern that the defendant had claimed financial hardship but had held on to her four season tickets for the Green Bay Packers. Following that disclosure,

*see Election 2005 on page 11*

### **...The rest of the story**

Thirty-three Wisconsin judges were re-elected without opposition. They are: Justice Ann Walsh Bradley, Supreme Court; Judges Gregory A. Peterson and Paul B. Higginbotham, Court of Appeals; and circuit court Judges Carl Ashley, Milwaukee County; Dennis J. Barry, Racine County; Patrick M. Brady, Marathon County; Timothy G. Dugan, Milwaukee County; Robert A. DeChambeau, Dane County; Frederic W. Fleishauer, Portage County; John Franke, Milwaukee County; Glenn H. Hartley, Lincoln County; Philip M. Kirk, Waupaca County; Randy R. Koschnick, Jefferson County; Jeffrey A. Kremers, Milwaukee County; Gary J. Langhoff, Sheboygan County; Patrick J. Madden, Iron County; Patricia D. McMahon, Milwaukee County; James O. Miller, Columbia County; Emily S. Mueller, Racine County; Peter J. Naze, Brown County; Dale T. Pasell, La Crosse County; Ralph M. Ramirez, Waukesha County; Frederick C. Rosa, Milwaukee County; Michael J. Rosborough, Vernon County; John Siebert, Milwaukee County; Maryann Sumi, Dane County; Mary E. Triggiano, Milwaukee County; Joseph M. Troy, Outagamie County; Paul R. Van Grunsven, Milwaukee County; Robert P. VanDeHey, Grant County; Eric J. Wahl, Eau Claire County; Robert J. Wirtz, Fond du Lac County; and Maxine A. White, Milwaukee County.



Judge-elect  
Guy D. Dutcher

## ELECTION 2005 *continued from page 10*

Woldt questioned the less-than-forthcoming defendant:

**The Court:** Do you and your husband still have the Packer tickets?

**The Defendant:** I don't think that should have anything to do with it.



Judge Scott C. Woldt

**The Court:** I didn't ask you if you thought it had anything to do with it. My question was: Do you still have the Packer tickets?

**The Defendant:** Yes, but they're my husband's...

**The Court:** How many Packer tickets does your husband have?

**The Defendant:** Four.

**The Court:** ...If your husband's out of a job and you're having financial straits and you're still keeping Packer tickets, those babies are expensive.

**The Defendant:** A lot of things are expensive.

**The Court:** But you make choices. It's all about choices, ma'am, and you made a choice to keep those Packer tickets and take their money. That's a choice you made. You made the wrong choice.

Woldt then placed the defendant on probation and, as a condition, presented her with another choice: hand over to a children's charity the "Gold Package" Packer tickets for three home games or go to jail for 90 days. After she grudgingly gave up the tickets, Woldt's telephone began to ring and did not stop for a week. Producers at CNN, the Rush Limbaugh show, ESPN, the major broadcast networks, and numerous other high-profile news and entertainment outlets wanted interviews (which Woldt declined), pictures of the judge, copies of the transcript, and comments from anyone remotely connected to the case.

"I've never seen anything like this," Woldt said. Having burned through his 15 minutes of fame, Woldt is delighted to return to his routine by working to assess the feasibility of beginning a drug court in Oshkosh. ■

## Jurors are compelling addition to Institute agenda

by Judge Mel Flanagan, Milwaukee County Circuit Court

Five former jurors who served in two separate sexual assault trials in Milwaukee County during the last year provided a rare and compelling glimpse inside the jury room for 100 judges who attended the 2005 Criminal Law & Sentencing Institute in Racine this spring. The jurors had served in cases in Milwaukee County Circuit Court Judge Karen E. Christenson's court; Christenson organized and moderated the session.

The jurors' comments were uniformly enlightening, and a few general themes developed that may be particularly useful for judges:

- The jurors appreciated and relied upon the instructions provided by the court and found it helpful that they were given both orally and in writing. It was clear from the comments that what they heard from the bench carried a lot of weight with the jurors.
- The jurors indicated that the openings and closings of the attorneys were not particularly helpful or significant in their deliberation process.
- The jurors were unanimous in expressing how inadequate they felt evaluating circumstances that were so different from their own life experiences. One juror made the analogy that if he needed new plumbing in his home, he wouldn't grab the first person he saw and expect them to be able to do a competent job.
- The jurors expressed concern about their safety and privacy. One juror was shocked to realize that it would be fairly easy for someone to find him or his family

members using the identifying information he provided publicly during *voir dire*.

In addition to these general observations, the jurors gave specific thoughts about sexual assault offenses involving non-strangers, in keeping with the focus of this year's Institute. Their thoughts were particularly interesting in juxtaposition with the excellent presentations from two associate professors of psychology: David Lisak, Ph.D., who teaches at the University of Massachusetts and who discussed the neurobiology of trauma, and Susan Turell, Ph.D., of UW-Eau Claire, who spoke on behavioral responses of victims of assault.

Lisak and Turell told the participants that many of the normal behaviors and coping mechanisms of sexual assault victims run counter to what people commonly expect, and this was apparent in listening to the expectations of the jurors. The jurors expected immediate reporting (four or five hours later was considered much too slow by one jury), and full and complete recall in the first report. All of these seem to be common sense expectations, but can be difficult or impossible given normal trauma response in victims. The experts reported that fragmented memory or juxtaposition of events is quite common psychologically, but it was clear that the jurors considered these to be clear evidence of fabrication.

The experts also reported that the trauma suffered from non-stranger assaults is frequently more significant than that from stranger assaults, while the jurors presumed the

see **Jurors** on page 22

## VOLUNTEERS IN THE COURTS

### Volunteers helping inmates and their families

A young man living in Milwaukee is babysitting two young children when one boy finds the man's gun hidden between two mattresses. The boy accidentally shoots the other boy, killing him.

The young man, who is full of remorse, is sentenced to five years in prison. He has a 4-year-old daughter who cannot visit and he is losing touch with her. He is depressed and does not know where to turn.

Community Connections, spearheaded by Dick Verhagen when he was warden at Oakhill Correctional Institution (OCI) and Volunteer Coordinator Donna Mahr, was created to help inmates such as this young man. The volunteer program provides inmates with emotional support, gives them positive ways to interact with their families, including instruction on how to read, and readies them to return to the community before being released from OCI, a minimum-security prison for men in Oregon, Wis.

The young man took advantage of the many programs offered through Community Connections and was able to get to know most of the volunteers and comfortable enough to discuss his fears and concerns. The volunteers helped him understand his feelings of guilt and depression. "He was willing to learn and was very open," said Volunteer Sarah Quinn.

One of his favorite activities was making videotapes to send to his daughter in Milwaukee, where he always read a book and sometimes he sang to her. Creating the tapes enabled him to act somewhat fatherly and to keep in touch with her. A volunteer does the videotaping and the videotapes are supplied through local donations. Inmates are charged \$2 for each tape they create.

Before his release from OCI, the young man, now 23, took a discipline class, *Parenting with Love and Logic*. He now lives in Milwaukee with his girlfriend and daughter.

In addition to *Parenting with Love and Logic*, the well-known and acclaimed program for effective discipline, a variety of other classes are offered. *Fatherworks*, a parenting class where inmates discuss their relationship with their own fathers; *FatherRead*, a literacy class that uses children's books to teach the men to read; and a class where the men learn how to reconnect with their families before and after being released. Most classes run for eight weeks and are offered two to four times per year.

The Family Center is the where inmates can attend informal classes or write letters to their families. It's also the heart of the program. Most of the volunteers work in the Family Center, helping inmates choose books to read to their children or discussing their problems. The center is open Tuesdays and Wednesdays for two hours at a time.

Community Connections also works to create a positive atmosphere for the inmates' families when they come to visit at OCI and provide children's activities to facilitate interaction between inmates and their children. There are approximately 25 volunteers working with the more than 600 inmates at OCI in this program. The volunteers have diverse backgrounds, and include professors, social workers, and students from Edgewood College, UW-Madison, and UW-Whitewater.

Volunteers are needed for creating visiting room activities, teaching classes, acting as a resource for the children and their families, mentoring, and more. Volunteers choose the number of hours they will work; current volunteers work anywhere from two to 12 hours per week. They must be at least 18 years old, participate in a two-hour orientation provided by OCI, and pass a background check.

Volunteers also help by assisting inmates who are nearing their release dates with research on topics such as housing to facilitate their smooth reintegration into the community. Volunteers who are uncomfortable working directly with the inmates might choose to assist with research-related tasks.

While Community Connections does not have a formal system for tracking the success of these inmates once they are released, doctoral students from UW-Madison are beginning to track participants in the mentoring program that was started in December 2004 to assist inmates during the transition back to the community. In this program, volunteer mentors stay in touch with the former inmates for up to 18 months after their release. Plans are in place to track the success of the constellation of other activities, classes, and support groups with the help of UW students.

Funding for the program is provided through private donations. "Truly, we don't have much of a budget," Mahr said, "since we get books from garage sales and the local cable company donates their time to film and make videos [to send to inmates' children], there isn't much being spent." The program has an inmate who does most of the secretarial work and OCI provides substantial assistance in a variety of ways. In other words, everyone contributes.

"Our program receives tremendous support from Oakhill and Jack Rice [education coordinator]," Quinn said. "We couldn't ask for more." ■

*For more information on Community Connections or to learn more about volunteering, contact Sarah Quinn at (608) 218-1204 or [sarah@communityconnectionswi.org](mailto:sarah@communityconnectionswi.org) or visit the Web site at <http://communityconnectionswi.org>.*

## NEW FACES

### Duvall appointed as Buffalo/Pepin circuit judge

Buffalo County District Atty. James Judge Duvall, who works half-time as the county's district attorney (a post to which he was appointed in 1985 by Gov. Tony Earl and has been elected without opposition 10 times) and half-time in private practice, has been appointed to succeed Judge Dane



Judge James J. Duvall

F. Morey, who is retiring effective July 1.

Duvall wears many hats in the small, rural county where he has practiced law for nearly 25 years after answering a classified ad for an assistant district attorney post. In addition to serving as district attorney and president/sole owner of a three-person law firm, he is corporation counsel for Buffalo

County, owns a title insurance company, and serves as bar president and newsletter editor for the bar association that serves Buffalo, Jackson, Pepin, and Trempealeau counties.

A Chicago area native and 1978 graduate of the University of Minnesota Law School, Duvall began his career in law in Alaska, where he worked for two years in a small community called Bethel on the Bering Sea. He moved to Alaska after a clerkship at a large Minneapolis law firm convinced him to seek other ways to use his law degree.

In Bethel, he and his law partners "were the only attorneys within about 500 miles." Alaska was a young state with less than 20 years of caselaw on the books and few people over the age of 30. "Everything was new," he said. "It was quite an experience, but in the end I missed the diverse experiences that are available in the upper Midwest and I opted to return here."

He and his wife, a native of St. Paul (whose birth name, Judge, Duvall took as a middle name when they married), decided that a short stint as an assistant district attorney in a tiny Wisconsin community would give him valuable courtroom experience. When they moved to Alma, they intended to stay about a year. "And here we are, three kids and 25 years later," he said. "It's been a great place to live."

In addition to his working at his various jobs and raising three children, ages 21, 17, and 15, Duvall spends substantial time volunteering in the community. In his "spare time," Duvall competes in marathons and triathlons, plays guitar and tennis, and attends theater productions with his wife of 26 years, Shaun Judge Duvall.

### Court Operations welcomes new forms officer and policy analyst

The court system's Office of Court Operations welcomed two new employees this spring: Terri Borrud was selected as forms officer and Erin Slattengren is the senior policy analyst who will serve as staff to the Planning and Policy Advisory Committee (PPAC).

As forms officer, Borrud brings an ideal blend of forms-design and printing experience to the job. She designed forms for CUNA and General Casualty insurance company and sold printing for Econoprint and Straus Printing before joining the Office of Court Operations this spring. She replaces Judy Mahlkuch and will serve as staff to the Records Management Committee, which reviews form changes and creates new forms.

Borrud attended the UW-Whitewater and now has one child in college, one in high school, and one in middle school. She and her husband, Ralph, live in Deerfield where she grew up with nine brothers and sisters. In addition to her work for the courts and her full-time job as a mother, Borrud is president of the Deerfield Athletic Booster Club and Softball League, and serves as a softball and volleyball coach, referee, and umpire.

Also joining the Office of Court Operations in May was Erin Slattengren, who replaced Daniel Wassink as senior policy analyst and staff to PPAC, the body that conducts long-range planning for the court system. A native of the Twin Cities suburbs and an avowed Vikings fan, Slattengren was working as a grant administrator and managing a community revitalization project for the Allegheny County Housing Authority in Pittsburgh when she accepted the job here.

"I was interested in the job because I felt it was a position where I could help make an impact on the quality and efficiency of the judicial system in the state and I liked the combination of research and planning and working on a variety of projects. I am also interested in court administration and court policy," she said.

Slattengren's prior court experience includes work as a researcher for the Administrative Office of the Pennsylvania courts. Her executive branch work includes a one-year stint in the office of Minnesota Gov. Jesse Ventura.

Slattengren holds a master's degree in public administration from Gannon University in Pennsylvania and an undergraduate degree in political science and public relations from the University of St. Thomas in St. Paul. Her husband, Andrew, is a family practice resident at the UW Medical School. ■



Erin Slattengren

## RETIREMENTS

### **Buffalo/Pepin judge looks forward to less time in the car, more time in the woods**

As one of the three Wisconsin judges assigned to a two-county circuit, Dane F. Morey has spent 15 years driving the 50-mile loop between the Buffalo County Courthouse and the remodeled county hospital that serves as the courthouse in Pepin County.



Judge Dane F. Morey

Morey discussed his impending retirement, which comes halfway through his third term, on a recent Tuesday during a break between 133 traffic matters and 48 criminal cases on the intake calendar in Pepin County. "Tomorrow we'll do the same thing in Buffalo County," he said. "The corridor between Eau Claire and St. Croix is growing so rapidly, and we are seeing a resultant growth in our caseload."

In both Buffalo and Pepin counties, as well as in Pierce, Trempealeau, and Jackson counties, where he frequently fills in, Morey has observed firsthand the trend that has made headlines around the state: the alarming increase in cases involving methamphetamine.

"The big kick now is moveable labs in the trunks of cars," he said. "They just stop and grab anhydrous ammonia out of the farmers' tanks."

Also crowding the docket are a "high volume of cases involving dysfunctional families," Morey said. "It's very difficult and frustrating to find effective solutions in juvenile cases where the parents can't control the child."

Like many of his colleagues across the state, Morey counts presiding in civil jury trials among the highlights of his judicial career.

"I really respect and enjoy working with very skilled personal injury and civil lawyers," he said. "I think the quality of lawyers coming out of the law schools these days is very high, probably because it's harder and harder to get in."

As he looks forward to retirement this summer, Morey knows he will have a hard time saying goodbye to his coworkers in both courthouses and his colleagues around the state. All told, Morey has spent 46 years in the court system; he began his career as an assistant district attorney in Juneau County, then was elected district attorney, and then worked in private practice as a litigator. Gov. Tommy Thompson appointed him to the bench in 1990.

In preparation for retirement, Morey and his wife, Ruth, a retired nurse (they met as students at the UW-Madison), are building a new home on a quiet rural road just down from one of their daughters, a kindergarten teacher. The couple's other three daughters are an oceanographer in Oregon, a dietician in Wausau, and a technical writer in Neenah. They also have six grandchildren.

Morey envisions a retirement that includes more time with his family; frequent visits to his north woods cabin for fishing and other outdoor activities; history classes; and travel in the western United States.

Gov. Jim Doyle has appointed Atty. James J. Duvall, a

private practitioner in Alma, to succeed Morey effective July 1 (*see separate story, page 13*).

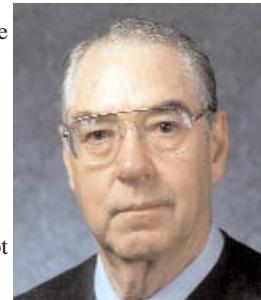
### **'Social worker in black robe' to retire this summer**

It's a phrase that judges have coined to describe colleagues who view their role more expansively than is traditional: social worker in a black robe. The moniker is normally metaphorical – but not in the case of Judge Lewis R. Murach, who has been Waushara County's judge for the past 12 years.

Murach is, quite literally, a social worker in a black robe – which might explain why, unlike the vast majority of judges, Murach actually finds handling divorces particularly satisfying.

"I also like small claims and domestic cases," he said. "I enjoy the interaction with a lot of different people in a lot of stressful situations, because you have the opportunity to see people who are dealing with incredibly difficult situations with a great deal of dignity and poise."

Murach said his social work background has been useful in a variety of ways on the bench, enabling him, for example, to spot some potentially volatile people and head off trouble.



Judge Lewis R. Murach

Before he became a social worker and then a professor of social work, Murach was studying to be a music teacher specializing in clarinet and saxophone. While he loved to play, he found he did not love to listen to the squawks of beginners on woodwinds. "It kind of gave me a notion of what life would be like in the band room for the next 50 years," he said. "So I quit and joined the military."

After his military service, Murach went back to school and was working as an aide in a mental hospital when he met some social workers in a bar and discovered that he could earn a stipend in the master's degree program. "And I said, 'eureka!' and became a social worker," he recalled.

Eventually, Murach earned a Ph.D. in social work and worked at the University of Missouri Medical School as a researcher and at St. Louis University as a professor prior to going to law school. He was elected as Waushara County's only judge in 1993, filling the vacancy created when Judge Jon P. Wilcox became a Supreme Court justice.

In retirement, Murach intends to spend more time with his wife, Patricia, and his four grown children – two sons and two daughters. His sons are both computer programmers, one in Wisconsin and one in California, and one of his daughters works as a sales agent for a foundry while the other is a zoologist in Green Bay.

The zoologist got her early training at home on the 60-acre farm that the Murachs have kept for years. While they

**see Retirements on page 15**

## RETIREMENTS *continued from page 14*

no longer raise beef cattle, they still have "all sorts of critters," Murach said, including chickens, fish, pot-bellied pigs, and an "assaultive peacock."

### **Two longtime Supreme Court commissioners step down**

Two of the four lawyers who help the Supreme Court do its work stepped down in June; one will enjoy a busy retirement while the other has accepted appointment as a federal administrative law judge in Milwaukee.

As the Supreme Court's commissioners, Gregory S. Pokrass and Joseph M. Wilson, along with colleagues Nancy A. Kopp and Julie A. Rich, advise the Court on a variety of matters related to petitions for review and rulemaking. The commissioners analyze filings, conduct research, and make recommendations on which cases the Court should accept for review. They also work on attorney and judicial discipline matters and work closely with the justices on proposed amendments to the Supreme Court Rules. Attorneys chosen as Supreme Court commissioners have top-notch academic credentials and often a background in appellate work.

Pokrass, who came to the position from Quarles & Brady in Milwaukee, has been a court commissioner since 1981. During his tenure with the Court, Pokrass also served in the U.S. Army Reserve. He retired as a lieutenant colonel last year after 25 years of service. He has accepted appointment as a federal administrative law judge and will be assigned to the Social Security Administration in Milwaukee. He said he looks forward to the shorter commute (he lives in Waukesha) and to the opportunity to move into a judicial role.



**Joseph M. Wilson**

His colleague, Joe Wilson, has served the Court for 33 years and was the first person ever to hold the position of Supreme Court commissioner.

When Wilson took the job in 1972, he was a young attorney whose resume included a clerkship with Justice Horace Wilkie and two years as an assistant prosecutor in the Milwaukee County District Attorney's Office.

In his years as a court commissioner, Wilson has seen vast changes in the appellate courts. When he was hired, the Court was led by Chief Justice E. Harold Hallows. Over the years, Wilson has worked for 22 justices and with nine court commissioners. The work changed substantially with the creation of the Court of Appeals in 1978. "Until then," he said, "my job was to screen the appeals and to slot them for oral argument, on briefs, or *per curiam* disposition, and then write the *per curia* for the Court's approval. After court reorganization, my job changed to handling petitions for review, bypass, or certifications, original actions, motions and lawyer and judicial disciplinary cases – and anything

else the Court has wanted me to do."

Wilson said the best part of the job has been the variety. "I have had the opportunity to handle every type of case that came through the system, from small claims to homicides to multi-million-dollar verdicts," he said. "This absence of any specialized slot or niche kept the job interesting and engaging."

Wilson said he also would miss his colleagues and the "hundreds of dedicated, hard-working and highly skilled court employees whom I have had the opportunity to work with over the years."

Wilson and his wife, Joyce, a longtime Madison School District employee whose last day on the job was also June 10, will dabble in the arts and travel extensively in retirement. They are planning a summer cruise of Alaska's inside passage and will return in time for Wilson to begin rehearsals for the musical production "Annie," which will play at the Oregon Performing Arts Center in August. He has been cast as Daddy Warbucks. The couple also plans to continue singing in the MATC Community Show Choir, and taking tap dance lessons.

Wilson also looks forward to spending additional time with his two grown sons and their families.

Succeeding the two commissioners are Coleen Kennedy, a former staff attorney for the Court of Appeals, District III (headquartered in Wausau), and David Runke, a partner in the Milwaukee office of Michael Best & Friedrich, LLP. Both Kennedy and Runke will begin their new jobs in June.

### **Deputy clerk's tenure spanned four decades**

Following more than 30 years with the state court system, Patricia A. Cox retired on March 31 from her post as a deputy clerk of the Supreme Court and the Court of Appeals, a position she had held since 1984.

Cox began working for the courts on Nov. 1, 1971, soon after her college graduation. She was an assistant to Sofron B. Nedilsky, the first director of the state's Office of Judicial Education. The two worked together to set up the Judicial Education Program, which was begun on a pilot basis at the urging of Chief Justice E. Harold Hallows.

"We started from truly nothing," Cox told *The Third Branch* in 2001. "It was pretty rewarding to develop a nationally recognized program from scratch."

When Nedilsky left the Office of Judicial Education to take a job as clerk of the U.S. District Court for the Eastern District, Cox began searching for a job that would allow her more time with her two children, Meredith and David. Cox found what she was looking for in 1984 through a casual conversation with Marilyn Graves, then clerk of the Supreme Court and Court of Appeals. Cox continued to serve under Graves' successor, Cornelia Clark, spending more than 20 years as a deputy clerk.

Taking over for Cox at the Clerk's Office is Sheelah Guild, who will handle appeals from the 35 northern counties that comprise District III. ■



**Patricia A. Cox**

## WISCONSIN CONNECTS

### Racine Drug Court team visits California

Taking the second step in a three-step training process, the Racine Drug Court Planning Committee attended a training session in Santa Ana, Calif., in April.

The Racine group is one of four in the state (the others are in Barron, Eau Claire, and Trempealeau Counties) that won a national grant to help launch a drug- or alcohol-treatment court. Each team will attend a total of nine days of training, spread among three conferences.

The teams include a judge, a prosecutor, a public defender, a representative of the county human services department, experts on the treatment of addiction, and court administrators.

### Federal courts make use of Wisconsin's pro se information

The federal bankruptcy court for the Eastern District of Wisconsin is making use of the materials that the state court system developed to improve service to *pro se* litigants. Wisconsin's guidelines for *pro se* litigants, and the other information contained on the state court system's self-help page (a "should I represent myself?" quiz, links to legal research materials and forms, a primer on court decorum, and much more) are now available through the federal courts' Web site. The Wisconsin self-help page, developed by Librarians Jane E. Colwin, Elaine Sharp, and Amy W. Crowder in partnership with Director of State Courts A. John Voelker, Atty. Marcia L. Vandercook of the Office of Court Operations, and Court Information Officer Amanda K. Todd, is maintained by the Wisconsin State Law Library.

*Visit the Wisconsin court system self-help page at [www.wicourts.gov/services/public/selfhelp/index.htm](http://www.wicourts.gov/services/public/selfhelp/index.htm).*

### Waukesha judge teaches in Thailand

Waukesha County Circuit Court Judge Michael O. Bohren spent two weeks in March touring Thailand, meeting with local judges and court administrators, and visiting his daughter, who teaches English in Sumat Prakarn south of Bangkok.

Bohren planned the journey, which he paid for, as a vacation; but his curiosity about the Thai court system led him to contact the office of Congressman Paul Ryan, who put him in touch with the U.S. Embassy in Bangkok, which runs a continuing education program for the local judges. The embassy expressed interest in restorative justice and diversion programs and Bohren agreed to deliver a presentation.

"Unfortunately, I never had a chance to visit an actual courtroom – I spent my time with the judges at their administrative building, which is a large complex in Bangkok," Bohren said.

In that complex, the Thai government's Judicial Training Institute hosts weekly training sessions, one of which Bohren was able to participate in.

Along with Brian Pearce, a U.S. federal prosecutor and legal advisor to the U.S. Embassy, Bohren presented a 90-minute program on criminal law, diversion programs, and restorative justice to an audience of about 100 Thai judges.

Bohren also met with staff members of Thailand's Attorney General's Office who were working to organize a program on international law. Bohren said the Thai government is working with the U.S. Embassy to model the Thai court system after the U.S. federal court system.

While the court systems are similarly structured, Bohren noted some key differences between the two. "Their discretion is more limited than ours," Bohren said. "Thai judges are not elected, they're appointed – they go through the prime minister and the king. And once appointed, they're not restricted to a geographic locality, but can be placed anywhere throughout the country."

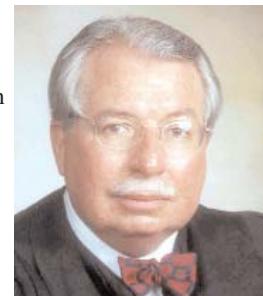
Despite the divides, Bohren was able to make some local connections. He discovered one of the administrators of the judicial education program had lived in Wisconsin, and had a son who was born in Milwaukee. Bohren said he also presented his daughter's school and the country's chief judge with Wisconsin flags and books about the state. He hopes to return to Thailand in January.

"I think the opportunity for judges to meet with other

see **Connects** on page 17



*The Racine County Drug Court Planning Committee poses during a break in a U.S. Department of Justice training program in California. The team, from left, includes: District Court Administrator Kerry M. Connelly; Social Work Supervisor Clement Knight; Atty. Diane S. Zitzner of the State Public Defender's Office in Racine; Assistant Racine County District Atty. Louis T. Maxey Jr.; Therese Fellner, Ph.D., UW-Parkside Research Institute; Chief Judge Gerald P. Ptacek; Therapist Mary Jane Whitmore; and Alcohol/Drug Counselor Francie McGuire-Winkler.*



*Judge Michael O. Bohren*

## WISCONSIN CONNECTS *continued from page 16*

judges, from not only a different country but a different legal system, is invaluable to gain insight into how our system operates and its benefits," Bohren said, "and also to get a perspective on what we can do differently to be more effective in the United States."

### **Bradley, Flanagan chosen for international seminar**



Justice Ann Walsh Bradley

Supreme Court Justice Ann Walsh Bradley and Judge Mel Flanagan, Milwaukee County Circuit Court, are among 20 U.S. judges chosen to attend the first Sir Richard May Seminar on International Law & International Courts in The Hague, Netherlands.

The seminar, slated for Sept. 11-16, is sponsored by the International Judicial Academy, the Open Society Justice

Initiative, and the American Society of International Law. Flanagan said the program would consist of lectures and presentations by international jurists, including prominent members of the International Court of Justice, the International Criminal Court, and the International Criminal Tribunal for the former Yugoslavia.



Judge Mel Flanagan

### **Todd on faculty at California conference**

The California Judicial Conference and California Bar Association will hold an historic joint meeting in San Diego in September, and have invited Wisconsin Court Information Officer Amanda K. Todd to present a two-hour seminar on working with the media.

The conference is expected to attract several thousand lawyers as well as trial and appellate judges from throughout the state. ■

## OBITUARIES

### **Judge James G. Sarres Winnebago County Circuit Court**

Judge James G. Sarres, who served on the bench in Winnebago County, died in late February. He was 87.

In an article in the *Oshkosh Northwestern*, Reserve Judge William E. Crane discussed his former colleague and friend. Crane said Sarres was dedicated to his job and took an interest in every juvenile who came before him. Crane also recalled Sarres' quick wit and sense of comedic timing. "He was full of one-liners," Crane told the paper.

Sarres served in the Navy during World War II, and was present at the D-Day invasion of Normandy and the invasion of Okinawa, where his ship was attacked by a Japanese kamikaze plane. He graduated from Marquette Law School in 1950 and practiced law in Oshkosh until Gov. Gaylord Nelson appointed him to the bench. He retired in 1982.

Sarres' wife, Florence, survives him.

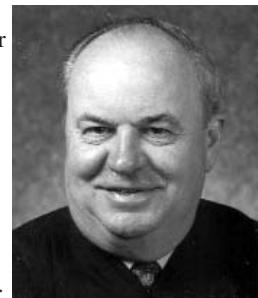
### **Judge Walter J. Swietlik Ozaukee County Circuit Court**

Judge Walter J. Swietlik, who served on the bench in Ozaukee County from 1978, when acting-Gov. Martin Schreiber appointed him, until February 2002, died April 21 of pancreatic cancer. He was 70.

Swietlik was the son of Judge Francis X. Swietlik, who served on the bench in Milwaukee County from 1953-59. Prior to taking the bench, the elder Swietlik served as dean of Marquette Law School, a post he accepted in 1935 - the year his son Walter was born. The younger Swietlik enrolled

at Marquette Law School and graduated in 1960, just a few years after his father had left the dean's post.

Walter Swietlik began his law career in Port Washington, working for a couple of years in private practice before running for district attorney. At age 27, he became Ozaukee County's first full-time prosecutor, a position he held for about a decade when he resigned to join the law firm of Levy & Levy. He worked in private practice until his appointment to the bench in 1978.



Judge Walter J. Swietlik

When Swietlik stepped down mid-term in 2002, he planned to travel – especially to Ecuador, where his daughter and her family live – and to work on his 25 acres of land on the Milwaukee River where he and his wife, Barbara, built their home, maintained beehives, and, with help from the grandchildren, planted as many as 50 trees each year.

Less than three years after his retirement, Swietlik was diagnosed with advanced pancreatic cancer. His son, Walter Jr., told the Milwaukee Journal Sentinel that his father fought bravely against the disease, traveling to the Mayo Clinic for treatments, "but the last couple weeks," he said, "it got the best of him."

Surviving Swietlik are his wife; his sons Walter and Michael; his daughters Susan Bermeo and Sally Payne; nine grandchildren; two brothers; and two sisters. ■

## PEOPLE

The Rhinelander High School Mock Trial team, under the tutelage of longtime teacher/mock trial coach **Kathy Vick-Martini**, took sixth place in the national mock trial competition in Charlotte, N.C., in May. Rhinelander Attys. **Mike Bloom**, **Jim Jacobi**, **Ann Munninghoff**, and **Jim Weis**, and Law Clerk **Dan Musser** assist with coaching, as do Judge **Robert A. Kinney** and Reserve Judge **Timothy L. Vocke**.

In addition to celebrating the stellar performance of his local mock trial team, Vocke also is preparing to walk his daughter, **Erica**, down the aisle next month at her Milwaukee wedding. "I'm full of joy about it," he said, adding that his daughter – a registered nurse at Children's Hospital of Milwaukee – had also requested that he play cello and perform the ceremony. "I told her I could only do one of the three so she had to pick," he said.

"Dare to Dream," a story in the *Eau Claire Leader-Telegram*, discussed a presentation in Chippewa County elementary schools by local high schoolers dressed as prominent Wisconsin women. The costumed teens shared the stories of the people they chose to represent. Senior **Emily Krahm**, who told the newspaper she hopes to be an attorney someday, took on the role of state Supreme Court Chief Justice **Shirley S. Abrahamson**.

Winnebago County Judge **Robert A. Hawley**'s courtroom became a focal point for the national news media during the February murder trial of Gary Hirte, the 19-year-old former Eagle Scout convicted of killing Glenn Kopitske, 37, of Fremont in August 2003. Networks including CNN, CBS and FOX News covered the trial, and ABC's "Primetime Live" aired a special on the case titled "Murder in Wisconsin." *USA Today*, *People* and *Newsweek* were among the publications that covered the trial.

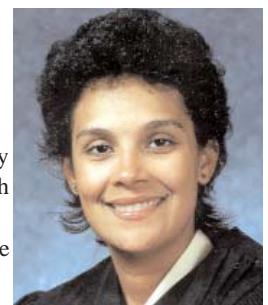
An Associated Press story noted the work of a team comprised of former State Law Librarian **Marcia J. Koslov**, Taylor County Circuit Court Judge **Gary L. Carlson**, St. Croix County Circuit Court Judge **Edward F. Vlack**, Tera **Nehring** of the Waukesha County Self-Help Center, and Milwaukee County Family Court Commissioner **Michael J. Bruch** to develop a set of divorce forms that will be acceptable but not mandatory statewide (*see separate story, page 7*). Carlson told the reporter that 75 percent of people seeking divorce in his courtroom choose to represent themselves, and that this effort aims to help them get it right. The forms and Web site will answer common questions and guide petitioners to avoid problems that can frustrate litigants and court employees and waste valuable time.

"Court can be anywhere the judge says," Oneida County Circuit Court Judge **Robert E. Kinney** told a classroom full of second-graders before holding a special session to finalize the adoption of 7-year-old class member **A.J.** by **Jeff** and **Esther Hoffman** of Rhinelander. As reported in the *Green Bay Press-Gazette*, Kinney brought along court reporter **Jean Wood** to take testimony from the Hoffmans and A.J.

before signing the adoption papers.

**Jeff**, a lieutenant with the Oneida County Sheriff's Department, and **Esther Hoffman**, a state social worker, had been caring for A.J. as a foster child since August 2003. After serving its stint as a courtroom, Cindy Rasmussen's Pelican Elementary School classroom then hosted a party for A.J. and his family.

Judge **Ramona A. Gonzalez**, La Crosse County Circuit Court, delivered this year's Diversity Day lecture to students at Holmen High School, as reported by the *La Crosse Tribune*. Gonzalez, a native of the Dominican Republic, became the state's first non-white judge elected west of Madison when she won her seat on the bench in 1994. Gonzalez moved to the United States as a child, and said she learned to speak English watching "Perry Mason" on TV. Gonzalez told the students that hard work can overcome barriers of class, race and gender. "There isn't one student in this room who could not grow up to take my place as a judge," she said.



Judge  
Ramona A. Gonzalez

"Judges helping fill local bench" headlined a story in the *Antigo Daily Journal* describing how area judges came together to keep the court calendar running smoothly following the January death of Langlade County Judge **James P. Jansen**. Between Jansen's death and the appointment of Antigo Atty. **Fred W. Kawalski** (whom Gov. **Jim Doyle** appointed following the April election so that he could start early), the bench was officially vacant. Jansen's caseload was handled by reserve and existing judges who made the trip to Langlade County on a week-to-week basis, Court Administrator **Scott Johnson** told the *Journal*. Those who filled in included Reserve Judge **Earl W. Schmidt**, Shawano County; Judge **Larry L. Jeske**, Oconto County; Judge **Conrad A. Richards**, St. Croix County; Judge **Gary L. Carlson**, Taylor County; Reserve Judge **Robert A. P. Kennedy Sr.** and Judge **Robert A. P. Kennedy Jr.**, Forest County; Judge **Mark A. Mangerson**, Oneida County;

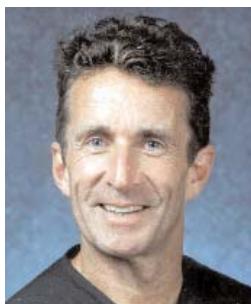
Judge **J. Michael Nolan**, Lincoln County; and Reserve Judge **Raymond F. Thums**, Marathon County. Jansen had served Langlade County for more than 25 years. He died at age 60 of cancer.



Judge Barbara A. Kluka

State Rep. **Samantha Kerkman**, R-Powers Lake, recently shadowed Judge **Barbara A. Kluka**, Kenosha County Circuit Court, as part of the Judicial Ride-Along Program. Kerkman and Kluka told the *Kenosha News* that the experience reminded both of the importance of communication between judges and lawmakers in crafting

*see People on page 19*



Judge Robert A. Hawley

## PEOPLE *continued from page 18*

better legislation and handling legal issues. Kerkman had previously shadowed Kluka in 2001, and she also observed Judge **Mary K. Wagner**, Kenosha County, in September 2004.

Fond du Lac County has joined several other counties in having inmates make initial appearances by videoconference. Judge **Robert J. Wirtz** told *The Reporter*, "I think generally speaking we try to be as efficient as possible while still preserving people's rights. People have a right to confrontation. So where there are evidentiary hearings, we have and probably still will in the future have personal attendance." Judge **Peter L. Grimm** agreed: "I think this is something we will have to deal with on a case-by-case basis," he said.

"Jurors show up despite parking woes," read a headline in the *Milwaukee Journal Sentinel*. Construction on the



**Chief Judge  
Michael P. Sullivan**

Marquette Interchange has closed the free parking lots used by jurors for at least the next four years, so Milwaukee County is using \$2 million in state aid to mail free bus tickets to summoned jurors and has expanded service on three Freeway Flyer routes to get them to the courthouse. Chief Judge **Michael P. Sullivan** told the newspaper he takes the Route 49 bus to work every day.

Dane County District Atty. **Brian Blanchard** wrote a guest column in *The Capital Times* arguing Dane County's jail and court were not burdened with drug offenders.

Blanchard wrote that the county's "sensible drug enforcement policy," which favors drug court, fines and probation with treatment for offenders, keeps drug users from crowding the court system. Blanchard said a more pressing issue is "the terrible tragedy of disproportionate minority confinement across all categories of crime."

The *Milwaukee Journal Sentinel* noted that Milwaukee's Municipal Court is celebrating 30 years of service – and revenue for the city. Since 1975, it has brought in more than \$120 million. While traffic fines still take up the majority of the court's business, Judge **James A. Gramling** told the *Journal Sentinel* that the court's community outreach and education efforts are its hallmark.

An article in the *Portage Daily Register* titled "Demographic shift spurs need for more interpreters" highlighted changes occurring in the circuit courts of Columbia and Sauk counties to improve communication with non-English-speakers. Like many counties across the state, Columbia and Sauk are hiring more language interpreters and budgeting their money accordingly. Columbia County Clerk of Court **Susan Raimer** told the paper, "We're seeing more diversity in the rural communities than we ever have before." **Amar Miller** of Randolph, a Spanish interpreter, said she is called upon four to five times per week by the county courts. In Columbia

County, the three most common languages requiring interpretation are Spanish, Polish, and American Sign Language, with Spanish accounting for nearly 90 percent of cases.

"Today, the annual cost of imprisoning a juvenile for a year is \$68,255 – more than the cost of attending an Ivy League college," the *Milwaukee Journal Sentinel* reported. Milwaukee County's FOCUS program, launched in 2003, aims to cut the county's costs of dealing with juvenile offenders in half, as well as provide better results.

Participants spend time in a residential facility where they see therapists and social workers regularly, while they are free to receive visitors and leave for school, jobs, and community service. Probation usually follows successful completion of the program, while those who do not complete it may go to prison. Seventy juvenile offenders have participated so far, and judges, prosecutors, and public defenders say it is a cheaper, more effective alternative to incarceration.

Services to children and families are not being provided on time in 64 percent of cases handled by the Milwaukee County Children's Court, a group of judges and court commissioners told the Bureau of Milwaukee Child Welfare at a May meeting. As reported in the *Milwaukee Journal Sentinel*, Chief Children's Court Judge **Thomas P. Donegan** was quoted as saying the current system is not working for families served by the court. "If the status quo continues, we are all being irresponsible and violating our duties," Donegan said. Children's Court Judge **David L. Borowski** said, "The statistics and the results in a lot of cases are terrible. We are all upset collectively. We need to see results." The director of Child Welfare agreed to work with agencies and service providers to make improvements.

"In his final days, he was an orphan no longer" headlined a May 15 *Milwaukee Journal Sentinel Online* story. Social workers and Milwaukee County Children's Court judges worked to expedite the adoption of 21-month-old **Tibahyas** by **Shirley Moutry** of Milwaukee after Tibahyas fell ill with an aggressive form of leukemia. Tibahyas was legally a ward of the state when he was hospitalized in March, and Moutry, who took in Tibahyas as a foster child when he was three days old, could not authorize medical treatment. Children's Court Judge **Mary E. Triggiano** approved treatment over the phone, then personally went to the hospital to visit Tibahyas. As his condition worsened, social workers pulled together to get Tibahyas' adoption moved up from its scheduled date of April 22. Children's Court Judge **Joseph R. Wall** presided on April 5 when Moutry adopted Tibahyas and his two sisters, **Sherron**, 7, and **Salayia**, 4. Tibahyas died April 15. Several child welfare system workers and employees of the Children's Court attended Tibahyas' funeral.

Dodge County Circuit Court has expanded its victim impact panel program for drunk drivers to first-time offenders. Judges **Andrew P. Bissonnette**, **Daniel W.**



**Judge Mary E. Triggiano**

*see People on page 20*



Judge  
Frederick A. Henderson

## PEOPLE *continued from page 19*

**Klossner** and **John R. Storck**, along with Dodge County Human Services and Restorative Justice, started the program in 2004 for repeat offenders, requiring them to listen to speakers affected by drunk driving before getting their driver's licenses back. Storck said the judges believe expanding the program will help reduce the number of drunk driving incidents and will, hopefully, save lives. Klossner told the *Daily Citizen*, "The victims have very powerful stories to tell, and it would be very difficult not to be affected by such a program." Dodge County Court

Commissioner **James H. Olson** also plans to order the program for drunk driving cases he handles.

Rusk County Circuit Court Judge **Frederick A. Henderson**, who also handles a number of Chippewa County cases, has recused himself from all cases in which Chippewa County Corporation Counsel **James B. Sherman** is representing a party, reported *The Chippewa Herald*. The newspaper reported that Henderson expressed concern about remarks he considered to be "disrespectful [and] sarcastic" and concluded that he could not be impartial in cases involving Sherman. "Life is too short," Henderson wrote. "I recuse myself." District Court Administrator

**Gregg Moore** said Henderson's move is unusual but not unheard of, that his decision is in line with a judge's ethical responsibility to be impartial, and that it will not be difficult for the court system to accommodate the situation.

Milwaukee County Circuit Court Judge **John Siefert** called it a "positive" that the majority of attorneys responding to a Milwaukee Bar Association poll on judges either called him unqualified or gave no opinion, according to the *Milwaukee Journal Sentinel*. Siefert said the numbers reflect his independence, and that he doesn't put much stock in the poll. Of the 575 responding attorneys, 121 described Siefert as qualified, 206 described him as unqualified and 221 checked "no opinion." No other Milwaukee County Circuit Court judge had a similar result. Siefert was elected to the circuit court in 1999 after serving as a municipal judge, county treasurer and police officer in Milwaukee, and ran unopposed in April's election.

This from the Wispolitics.com blog: "For those following the budget process, the Legislature's Joint Finance Committee was debating the state Supreme Court's budget, and was close to cutting a \$100,000 expenditure related to court interpreters. As the conversation moved toward a vote, Chief Justice **Shirley S. Abrahamson** walked in, giving the committee an intimidating, stony-faced stare, and took a seat in the front row of the gallery. Murmurs rippled through the crowd. The last person to glance up and take note of the new guest was committee co-chair Sen. **Scott Fitzgerald**, R-Juneau, who looked straight at Abrahamson and uttered, 'Oh sh--' into his live microphone. Fitzgerald's spokesman **Mike Prentiss**, when contacted afterward, made a heroic attempt to defend his boss: 'Will you believe it if I tell you he said, 'Oh shhh ... it is Shirley,' but that last part got cut off by a microphone malfunction?' He gets points for creative spin. Now for the real comment: 'We're used to seeing people

who are unhappy with what the committee is doing,' explained Prentiss. 'But I think the fear factor is ramped up a little more when it's the head of the state's judicial branch.' As for the budget item, the vote to cut didn't happen. Abrahamson ended up in a sideroom "chat" with Fitzgerald and others. When the committee reconvened, they set the proposal aside until they could get further information. And she didn't even need her gavel."

More than 150 state court staff members, family members, and friends attended the Madison Mallards baseball game June 4. The event was organized by the Events and Entertainment Committee, created by Director of State Courts **A. John Voelker** as a way for staff members to meet and socialize with people from other departments. From the tailgate party to a ceremonial first pitch by Chief Justice **Shirley S. Abrahamson** to the human cannonball after the game, all had a good time. ■



Above: Chief Justice Shirley S. Abrahamson throws one of the ceremonial balls during the Madison Mallards baseball game that court staff attended in June. Below: Court staff enjoying the Mallards game.



## **CCI** continued from page 1

caseworkers, parents, and foster parents about the specific cases they are reviewing. CCI will also conduct general stakeholder interviews or focus groups; CCI and CQI staff will work together on the interviews and focus groups to prevent duplication.

Conducting the reviews together will yield a more complete understanding of the child welfare system in each county and statewide.

CCI will work closely with the district court administrators, judges, and court staff in the preparation and execution of the reviews. The CCI Advisory Committee, established in April, will guide the implementation and operation of the project.

Committee members include:

Customer Services Manager Robbie Brooks, Consolidated Court Automation Programs; District Seven Court Administrator Patrick Brummond, La Crosse; Deputy District Atty. W. Richard Chiapete, Racine; Milwaukee Court Commissioner Lindsey D. Draper; Judge Shelley J. Gaylord, Dane County Circuit Court; Harry Hobbs and Mark Mitchell, Wisconsin Division of Children and Family Services; Register in Probate Ericka Nelson, St. Croix County; and Atty. Andrew J. Pyatskowit, Oneida Law Office. ■

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## **Budget** continued from page 1

- Governor's recommendation to expand the right to an interpreter for those who need one for all cases regardless of indigency;
- create a state-funded court interpreter manager position in the Director of State Courts Office to allow for the continuation of the court interpreter training and certification program;
- reduce the offense for operating a motor vehicle after revocation from a criminal to a civil offense, unless the individual had been convicted of operating after revocation within the preceding five-year period, or the license revocation resulted from an offense of operating under the influence of an intoxicant or other drug;
- narrow the definition of "habitual traffic offender" to exclude from consideration certain minor offenses, with

## **Reassessment report available on new CCIP Web page**

Updates on the Wisconsin Children's Court Improvement Program (CCIP), a grant program designed to improve the handling of children in need of protection or services (CHIPS), termination of parental rights (TPR) and adoption cases in the court system, can now be found on the court system's Web site.

The new CCIP Web page, located at [www.wicourts.gov/about/organization/programs/ccip.htm](http://www.wicourts.gov/about/organization/programs/ccip.htm), provides the latest information about the Children's Court Initiative (*see separate article*), the Confidentiality Project, and the Reassessment Final Report.

The reassessment is an evaluation required as a condition of the federal grant funding to determine the state's compliance with federal and state child welfare laws and policies. Conducted throughout 2004, the study included observations of court proceedings in 13 geographically diverse counties of various sizes; more than 130 interviews with relevant parties including judges, attorneys, parents, court staff, and social services agency staff; manual case file reviews of 800 randomly selected cases; and an analysis of data from juvenile cases in the Consolidated Court Automation Programs (CCAP).

In general, the January 2005 Reassessment Final Report concludes that the state court system has made significant improvements in CHIPS case processing since 1995. It also provides recommendations for further improvement efforts, such as:

- Standardizing the CCAP event and activity codes and creating new codes for CHIPS and TPR case types to more effectively generate management reports;
- Identifying earlier in the court process cases where the Indian Child Welfare Act applies to improve notice to tribes; and
- Requiring training for all new judges on CHIPS case processing at the Wisconsin Judicial College.

*To read the Reassessment Final Report in its entirety, visit [www.wicourts.gov/about/organization/programs/docs/ccipreassessreport.pdf](http://www.wicourts.gov/about/organization/programs/docs/ccipreassessreport.pdf).*

the intent of reducing the number of driver's license revocations and operating after revocation offenses;

- modify current law related to revocation, non-renewal, or denial of law licenses due to tax delinquency to make these procedures more like those contained within the child support law in order to encourage Supreme Court agreement with these procedures; and
- increase certain surcharges, including the penalty surcharge, the justice information system surcharge, the crime victim and witness assistance surcharge and the crime laboratories and drug law enforcement surcharge to provide funding for a variety of executive-branch programs. ■

**WSCCA.i***continued from page 2*

laboratory and members of the Clerk's Office entered actual case data into a test system to work out the kinks before going live with the new system. In this way, the teams found and solved many programming problems before these problems were encountered in real life, avoiding system glitches that were considered "show-stoppers" once the system was implemented – situations that could potentially lock up the system, record incorrect case data, or misassign case events causing delays or inaccuracies in the Clerk's monitoring and reporting of case data. The laboratory also gave the Clerk's Office the opportunity to acclimatize itself to the point-and-click environment that represents a drastic change from keystroke data entry. Each member of the Clerk's Office also had a test system installed on his/her workstation to ascertain whether the system could properly handle the multitude of tasks asked of it.

The new version of the SCCA program has a number of strengths. The most immediately noticeable difference is user-friendliness. The system makes more extensive use of drop-down menus for entering case event codes, displays available databases in tab-style reference format that allows users to see the types of case data available, and permits the user to rearrange data output by clicking and dragging display columns. This feature is particularly useful when printing reports, which can be tailored to include or exclude specific data types depending upon the need.

The first week with the new program in place - its long-anticipated baptism by fire – went well, thanks in large part to the many weeks of experimental data work performed by the teams and the extensive testing performed by staff members who volunteered to come into the offices on the weekend prior to the Monday implementation. During the first couple weeks following the implementation, CCAP maintained a workstation in the Clerk's Office to fix problems on the spot. As program glitches were identified, CCAP created program "patches" to overwrite specific portions of the program. While the redesigned program was not inaugurated flawlessly, potential show-stopping disasters were averted and the data conversion process is continuing as specific instances of data corruption are discovered and corrected.

As the Clerk's Office continues to work with the new program, it will no doubt encounter situations that weren't addressed prior to implementation. The office will work in close cooperation with CCAP to further enhance the program's performance, ensuring that the court system, as well as the public, will benefit from the redesign. ■

**Jurors** *continued from page 11*

opposite: They presumed an assault by an ex-boyfriend would be "no big deal" because they had previously had a relationship. The jurors also were generally much more suspicious of victims who knew the offender prior to the assault.

Many studies indicate that jurors harbor biases and misconceptions in regard to sexual offenses that can affect the deliberative process. The experts suggested that this might be an area where jurors could be assisted by expert

**Courthouse Security***continued from page 5*

- Create a National Clearinghouse on Court Safety and Security to help share information and research.
- Collect and disseminate issue-focused Best Practices relevant to all court stakeholders.
- Identify models of state and local court security governance structures and policies.
- Create strategies for leveraging resources across stakeholder groups at the national, state, and local levels.
- Integrate court safety and security issues into Homeland Security planning and funding.

Following the summit, the NCSC on behalf of the Conference of Chief Justices and the Conference of State Court Administrators (COSCA), presented written testimony to the U.S. House of Representatives Subcommittee on Crime, Terrorism, and Homeland Security outlining the need for a portion of Homeland Security Funds to be set aside for state court security.

Tracking our progress on this critical task will be the Joint Committee on Security and Emergency Preparedness, developed after the 9/11 attacks and comprised of CCJ and COSCA members. The joint committee is focused on safety and security issues in the state courts. Its work to identify effective security practices in the states and develop ten essential elements for courthouse safety and security planning took center stage following the Chicago and Atlanta shootings.

At this writing, it has been just days since the shooting outside the Middletown, Connecticut, courthouse and three months since the horrifying shooting deaths of Judge Joan Lefkow's husband and mother in Chicago and the shooting rampage in the courthouse in Atlanta that left Superior Court Judge Rowland Barnes, his court reporter, and a sheriff's deputy dead. As time passes, other urgent matters will capture the attention of policymakers. It will be incumbent upon us all, however, to continue to shine a spotlight on the need to improve courthouse safety. I look forward to the release of the final report from the summit, and to moving forward on solutions that will ensure that the halls of justice in each of our states are open, accessible, and safe. ■

testimony explaining how traumatic memory processes differ from common expectations.

Those in attendance at the Institute came away with new information and ideas, and a profound sense of the value of including former jurors in our educational offerings.

*Those who were unable to attend may borrow a CD version of David Lisak's lecture from the Office of Judicial Education.*

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## Wisconsin celebrates Law Day

Mock trials, courthouse tours, free legal advice clinics, and special programs highlighting jury service brought thousands of schoolchildren and visitors to courthouses around Wisconsin for Law Day 2005. Here is a sample:

**Bayfield County** invited every high school in the county to participate in a mock jury trial. Eighty-seven students signed up to participate and were entered into a database for random selection as mock jurors. Those not chosen to serve as jurors joined a group of observers who participated in a question and answer session.

"The questions are surprisingly insightful," Judge John P. Anderson said. "It's a lot of work and it causes disturbances in the calendar, but the overall good will and learning experience makes it worth it."

All participants were shown the new "Jury Service in Wisconsin" video and given copies of the State Bar of Wisconsin publication "On Being 18," which the University of Wisconsin-Extension purchased and provided to the students.

Participating in the mock trial, which centered on one misdemeanor count of possession of drug paraphernalia, were: Judge John P. Anderson; Defense Atty. John Carlson; Clerk of Circuit Court Kay Cederberg; District Atty. H. Craig Haukaas; Court Reporter Julie Malinoski; Coral Silbert and Nick Suminski, members of the Bayfield County Teen Court who took the roles of witnesses; and Winston Wildebush, a Teen Court member who played the defendant.

**Chippewa County** hosted 97 children from four schools for its annual Law/Government Day celebration. The day featured presentations on teen dating and violence and gender roles, and a cautionary tale from a young man who was involved in a deadly car crash. A mock trial was held and later in the day the Quiz Bowl competition featured questions from the mock trial.

Students learned about lawmaking by debating and voting on a referendum on the question of whether certain county officials' terms ought to be lengthened to four years. A very similar, real referendum passed overwhelmingly in April.

As in the past, the organizers invited departments to set up displays with information and handouts, and served popcorn and bottled water donated by the American Legion and local businesses.

In **Dunn County**, Judges Rod W. Smeltzer and William C. Stewart Jr. visited six schools in one day, speaking with children in third through eighth grades. They spoke about the courts and jury service and answered many questions.

Smeltzer also hosted a separate mock trial in his courtroom for a group of elementary students.

In **Marathon County**, the Law Day Committee ran an essay contest for fifth



Members of the Washburn Teen Court sell hamburgers and brats to raise funds for Teen Court during the Law Day event at the courthouse.

graders based on the question, "Should Jury Duty Be Mandatory?" The bar also invited UW Law School professor Keith Findley to speak about his work with the Wisconsin Innocence Project.

**Sheboygan County** hosted about 200 fifth-graders from five public and private elementary schools in the county. The children were assigned either to a morning or afternoon session, and were rotated through four stations, including the Sheriff's Department (where they got to sit in squad cars), the District Attorney and Public Defender offices (where they learned how laws are interpreted and enforced), and the court. In court, they participated in a mock trial (presented four times in a row to accommodate the large number of children) based upon a shoplifting scenario.

One of the day's more memorable events was the presentation by Atty. Bill Holbrook, who dressed up as Judge David Taylor, the first judge in Sheboygan County. Taylor was a New Yorker who moved to the Wisconsin Territory and set up a successful law practice in Sheboygan in 1845. He also served on the Wisconsin Supreme Court from 1878-91.

The **Winnebago County** Bar Association celebrated Law Day by bringing in 620 elementary and middle school students for tours of the courthouse. Stops included the courts (where the children watched either actual proceedings or mock trials staged by high school students from the Law Explorer Post), demonstrations by the S.W.A.T. team and K-9 unit, and attorney-led tours.

The office of Clerk of Circuit Court Diane Fremgen provided refreshments and worked closely with Atty. Jennifer F. Thompson, who coordinated the event. ■



Judge James J. Bolger poses with one of the four groups of fifth graders he welcomed in his courtroom on Law Day.