

- |  |                                      |
|--|--------------------------------------|
| 2 Judicial pay update                      | 8 Update of Elements manual underway |
| 5 Interpreter program celebrates two years | 9 Wisconsin connects                 |
| 7 New Dane County Courthouse opens         | 11 Retirements                       |
|  | 12 People                            |

## Weighted caseload statistics to be evaluated

Caseload statistics gathered from judges and court commissioners across the state during October 2005 soon will be evaluated by a small group of judges who will provide a reality check to ensure that the numbers tell the full story.

The weighted caseload numbers are meant to measure the judicial time needed to process the cases filed in the circuit courts, and are used to support requests for additional judgeships. This is the first weighted caseload study in a decade and the first to include data from court commissioners.

Now that the quantifying is done, a qualitative analysis will be conducted. Five Delphi groups, each comprised of five to seven judges, will be assigned to evaluate the statistics for specified case types. They will weigh whether the cases, based upon their experience,

really take the amount of time that the numbers indicate.

Chief Judge Michael N. Nowakowski, chair of the committee that is overseeing the study, said these meetings would occur in April and that each group would likely meet just once to accomplish the analysis.

Nowakowski's committee has been soliciting nominations to serve on the Delphi groups, and will meet in late February to decide who will be invited to participate.

The weighted caseload study is expected to be complete in August 2006. Given the Legislature's timeline for handling judgeship requests, the earliest possible year when a judgeship could be added is 2008, when, if current case filing trends continue, the courts will be processing 150,000 more cases per year than they did in 1999. ■

## New classification system implemented

A new classification system for most Supreme Court and Court of Appeals non-judicial employees is being implemented. The new system, unlike the current one, is specifically designed for the work of the judicial branch. It streamlines job titles, introduces pay-for-performance, and organizes non-judicial employees into six pay bands.

The pay bands replace eight pay schedules that developed in an *ad hoc* manner over the years. The salary ranges assigned to each band will be based upon a regular market analysis of benchmark jobs. Most of these non-judicial positions fall into the first two bands. Bands three through five encompass various professional positions, and the sixth pay band contains the court system's top managers.

The system is the result of two years of study and planning by the Director of State Courts Office and in particular the Office of Management Services. The Supreme Court reviewed the implementation plan in September 2005. The system is based upon recommendations from Professor Dennis Dresang of the UW La Follette School of Public Administration.

Beginning immediately, department meetings will be held to explain the new classification system. In March, individual letters will go out to employees, explaining how the new system will affect them.

Also beginning immediately, the Human Resources Office will train employees, supervisors, and managers on setting and communicating clear performance expectations.

Following these training sessions, supervisors will be expected to conduct performance reviews. These will take place in April 2006. Merit increases based upon goals and expectations set during these reviews will be implemented in April 2007 if funding permits.

Dresang's study uncovered evidence of a personnel system that has grown in response to immediate needs, rather than according to a plan. His report indicates that different job titles have been assigned to positions with virtually identical responsibilities (which will be remedied by consolidating 110 position titles into 88) and that salary compression has occurred at the low end of the pay scale because employees do not receive raises that allow them to move much past the starting point of their salary range.

Dresang's report pointed out that, by eliminating the *ad hoc*, piecemeal approach to administering compensation in favor of an approach that ties compensation to external market forces (market studies will be conducted biennially by Human Resources Officer Margaret Brady) and employee performance, the system is likely to be perceived as more fair and understandable, and therefore may boost employee morale. ■

Questions may be directed to Human Resources Officer Margaret Brady, who may be reached at (608) 267-1940 or [margaret.brady@wicourts.gov](mailto:margaret.brady@wicourts.gov)



Prof. Dennis Dresang



## Director's column: An update on judicial compensation

On New Year's Day, Chief Justice John Roberts delivered his first Year-End Report on the Federal Judiciary, striking a note that is certain to resonate with state court judges as well as their counterparts on the federal bench. Roberts warned that the growing gap between judges' salaries and what is paid in the private sector is a "direct threat" to the independence and quality of the judiciary.

Across the nation, top state court officials are sounding similar alarms, and the message is getting through. A December 2005 *National Law Journal* article headlined "Strong Economy Fuels Pay Hikes for Judges" reported that trial court judges in 17 states received pay raises between June and December 2005.

Many of the increases, according to newly released National Center for State Courts statistics, are significant. West Virginia trial court judges, for example, saw a 29 percent pay increase (from \$90,000 to \$116,000) and judges on Indiana's intermediate appellate court received a 17 percent raise (from \$110,000 to \$129,800).

On the flip side, most states did not give pay raises to their judges. In New York and Massachusetts, where judges have had zero percent pay increases since 1999 (Wisconsin judges received a total of four percent in that time), proposals are stalled in the legislatures. In Pennsylvania, lawmakers adopted a pay increase of about 20 percent for state trial judges (along with a raise for themselves) and then repealed the increases after facing intense public pressure. The public outcry led to a grassroots effort to defeat two sitting justices in their retention elections, and one justice was defeated.

It is clear that securing pay increases for judges is a difficult and protracted process, but a necessary one. Attracting and retaining the best and brightest lawyers to serve as judges is a top priority, and Wisconsin circuit court judges, who earn \$112,456, are falling behind among their judicial colleagues in the Midwest. The latest national survey shows that Wisconsin trial judges rank 32nd in the country.

Wisconsin judge pay also lags in comparison with public attorneys. The state attorney general earns \$127,869, the state public defender earns \$123,451, the Milwaukee city attorney earns \$135,376, and the top 10 law professors at the UW Law School earn an average salary of \$141,107.

In 2003, my office began a vigorous effort to shore up judicial compensation. We knew from the start that this effort would take many months and that one of our biggest challenges would be to keep the issue in front of policymakers and the media to continue to make ourselves heard above the din of competing interests and at a time of fiscal constraint.

Our efforts to communicate the magnitude of the issue have taken many forms. I have presented on this topic at numerous judicial district meetings, at two statewide judicial conferences, at various state and local bar functions, and at community and service organizations. In addition, the Chief Justice and I have conducted editorial board meetings with newspapers in Appleton, Eau Claire, Fond du Lac, Green Bay, Kenosha, La Crosse, Madison, Milwaukee, Oshkosh, Racine, and Waukesha. The Chief Justice also has met multiple times with the governor, the secretary of the Department of Administration, and members of the Legislature to discuss judicial compensation. In addition, the Voluntary Trial Judges Association has retained a well-respected lobbyist to work on this issue. We have worked with the association on this effort.

Is the fact that, despite our efforts, the judiciary is at the moment only approved for a 5 percent increase in this biennium frustrating? Yes.

As Chief Justice Roberts noted in his report, allowing salaries to stagnate until large increases are required simply does not work. At the conclusion of the current compensation effort, I will be investigating alternatives to the present judicial compensation process. In the meantime, we need to operate within the compensation structure established by the Legislature.

We are working to ensure that judges are included in the equity adjustment portion of an updated compensation plan to be submitted by the Office of State Employment Relations. We have worked toward that end and will continue to do so. This plan is currently on hold pending the outcome of union negotiations. ■



A. John Voelker

## New practice on victim impact statements recommended

The state Crime Victims Rights Board is calling a new procedure developed by Winnebago County Circuit Court Judge Scott C. Woldt for soliciting victim impact statements "the best practice" and recommending it to judges statewide.

Woldt's new policy is to ask in every case whether there is a victim present in the courtroom who wants to make an oral victim impact statement. "I do this when the courtroom is empty, and the lawyers look at me like I'm crazy," he reported. "But it's the best way to make the record."

Driving the change was a complaint to the Crime Victims Rights Board by a man who alleged that he had wanted to make a statement and was not given an opportunity to do so. The board found that the district attorney had failed to inform the victim about his right, and that the judge had relied upon the representations of the defense and prosecution, both of which told him the man did not wish to make a statement.

The board issued private discipline against the district attorney and dismissed the allegations against the judge, announcing that it would issue a report recommending that all judges independently verify that no victim wishes to be heard at sentencing. ■



Judge Scott C. Woldt

## Treatment and Diversion Program under development

by Nancy M. Rottier, legislative liaison

The Treatment and Diversion Program (TAD), the new county alcohol and other drug abuse grant program created in the 2005-07 state budget, is beginning to take shape. Representatives from the Office of Justice Assistance, the Department of Corrections, and the Department of Health and Family Services are finalizing the grant application process and materials. Application kits should be available in May 2006.

TAD is designed to help counties provide alternatives to prosecution and incarceration for non-violent criminal offenders who abuse alcohol or other drugs. The first grants will be awarded for the calendar year starting Jan. 1, 2007, with notification to the counties by Sept. 1, 2006. It is estimated that about \$700,000 will be available for the grants.

A state-level advisory committee has been formed to assist in developing the criteria and requirements of the grant program; the committee's first meeting was January 19. The membership of the committee is listed below.

Creating a state-level advisory committee mirrors one of

the statutory requirements of the program: that counties create an oversight committee with broad representation of those involved in the criminal justice system, the social service system and the treatment provider network.

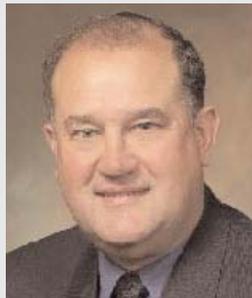
The work of the county advisory committee in administering and evaluating this program is similar in many respects to the work of criminal justice collaborating councils (CJCCs), which were described in detail in the summer 2005 issue of *The Third Branch*. As the article noted, CJCCs "provide a forum for leaders within the justice system, from the courts to social services, to share their expertise and work toward common goals. Better and more frequent communication improves decision-making and efficiency."

Counties interested in applying for a TAD grant may want to create the county advisory committee now, in order to facilitate submission of a grant proposal. The statute creating the TAD program, Wis. Stat. § 16.964 (12), prescribes the requirements for the comprehensive programs that are contemplated. ■

### Serving on the state advisory committee are:



Judge Carl Ashley  
Milwaukee Children's Court



Rep. Garey Bies  
R-Sister Bay



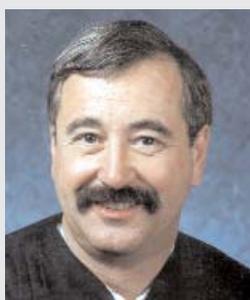
John Easterday  
Department of Health and  
Family Services



District Atty. Scott Horne  
La Crosse County



Yvonne Nair-Gill  
Wisconsin Association on  
Alcohol and Other Drug  
Abuse



Judge John J. Perlich  
La Crosse County



Sen. Carol Roessler  
R-Oshkosh

#### Other members:

Jerome Dillard, chair, Voices Beyond Bars – MUM; Gwen Gibson, Appleton; Shawn Green-Smith, Milwaukee County Behavioral Health Division; Joan Kojis, Ozaukee County Department of Human Services; Assistant Public Defender Elliott Levine, La Crosse; Terry Littlewolf, Tomah; Sheriff Steven Micek, Iowa County; Marty Ordinans, Department of Corrections; Alison Poe, deputy director, Office of Justice Assistance; Sally Tess, regional chief, Department of Corrections

## FACES OF LEADERSHIP

In 2001, we began highlighting judges and court staff who have demonstrated leadership on a variety of initiatives. This “Faces of Leadership” feature compiles the columns that related the inspiring achievements of these individuals during 2005.



### Judge James L. Carlson Walworth County

When Judge James L. Carlson noted that social workers seemed to have little knowledge of case preparation and how to present information in court, he teamed up with Professor Janet M. Wright, chair of the Department of Social Work at UW-Whitewater, to develop a new course. The course brings the students into court and incorporates education about the court process to ensure that they are prepared to participate effectively in the process.



### Judge Frederic W. Fleishauer Portage County

Judge Frederic W. Fleishauer helped to create JusticeWorks, an organization that has created a number of restorative justice programs focused on healing victims and helping offenders to become contributing members of society. Fleishauer personally recruited many of the group's 200 members, who are divided among five task forces that work on housing for recently released offenders, mediation, mentoring, alternatives to sentencing, and access to justice (creating assistance programs for *pro se* litigants).



### Judge Moria Krueger Dane County

Judge Moria Krueger has led a long-term effort in Dane County to improve minority representation on juries. Her work helped to create the Jury Implementation Committee, which recently completed a strategic plan and has launched a public information campaign to encourage people of color to recognize the importance of their participation on juries and to update their addresses. The campaign will include a PowerPoint presentation available for community groups, direct communication with religious and other organizations, appearances at various public functions, and work with the media.



### District Court Administrator Gregg Moore District Ten

District Court Administrator Gregg Moore has led an effort in District Ten to address the problem of providing services to *pro se* litigants. Steered by a committee appointed in 2000 by former Chief Judge Edward R. Brunner and comprised of District 10 judges, court commissioners, attorneys, clerks of court, and others, the program has become a model for the state and the nation. New Richmond Atty. Tim O'Brien, the committee's chair, noted that Moore's leadership, energy, enthusiasm, and institutional knowledge keep the project moving forward.



### Judge Stuart A. Schwartz Dane County

In 2005, Judge Stuart A. Schwartz wrapped up a decade of service in the Dane County Drug Court. He helped to implement the program and, when judicial rotation took him to a new assignment, his Drug Court successor, Judge Sarah B. O'Brien, had this to say: "The value of Judge Schwartz's leadership on this project is impossible to overstate. The difference he has made through his hard work and dedication to the Drug Court has improved our community immeasurably and has given new hope to people who might otherwise have been lost forever."

## Interpreter program celebrates two years

by Carmel Capati, Interpreter Program manager

On January 23, Chief Justice Shirley S. Abrahamson conducted – before an audience of friends, family, court staff, and media – a swearing-in ceremony for newly certified court interpreters, bringing the total number of certified Spanish interpreters in Wisconsin to 34. Among the five was Tony Gonzalez of Rhinelander, who is now the only certified court interpreter in Oneida County. Gonzalez has caught the eye of media across Wisconsin because of the unique perspective he brings to the job: he is on extended supervision following his November 2004 release from Fox Lake Correctional Institution.

When Gonzalez first contacted the program, he was up front about his conviction and asked if it would be a bar to becoming certified. He was told that every case is considered individually. He went through training and testing, becoming certified faster than anyone who has previously gone through the program (four months from start to finish). He now frequently works in Wausau, and

joins the growing number of Spanish interpreters who are based not only in Madison and Milwaukee but also in Brown, Columbia, Dodge, La Crosse, and Oneida counties.

Gonzalez and the other newly certified interpreters are the latest success in a string of achievements over the past two years. While 2006 marks the end of a federal grant that allowed the court system to implement a certification program for interpreters, the work fortunately can continue.

During the tenure of the grant, it seemed unlikely at best that the Director of State Courts Office would be able to create a permanent position to oversee the interpreter training and certification program. However, thanks to support at the local level, in the Governor's Office, and from the Director's Office to improve access for Limited English Proficiency (LEP) persons in court, the state Legislature approved a full-time court interpreter program position.

It is likely also that the state's changing demographic makeup was persuasive. Just last month, an article appeared in the *Green Bay Press Gazette* stating the Latino population in Brown County alone grew by almost 40 percent from 2000 to 2004. This population increase, which is consistent

with other counties, has resulted in steady growth of interpreter use and costs for the courts. Like many counties across Wisconsin, Brown County has seen its interpreter expenses quadruple in the past several years.

As we look back at the program's first two years, it is important to recognize our accomplishments but even more vital to set a course for the future.

### Training and testing

Throughout 2004 and 2005, we continued to provide two-day orientation trainings, a mandatory first step for

interpreters pursuing certification. In addition to the orientation and training, we offered three additional language-specific workshops for provisional and certified Spanish interpreters to improve their interpreting skills and provide methods for self-assessment.

Enthusiasm for the training sessions has continued to

increase. In 2004, 129 participants attended the training sessions; in 2005, that number rose to 152.

It is important to recognize the contributions of individuals who generously donated their Saturdays to present lectures on criminal and family law terminology in Appleton, Eau Claire, Madison, Milwaukee, and Wausau. Special thanks go to: Chief Judge Michael N. Nowakowski, Dane County Circuit Court, Judge Mark A. Warpinski, Brown County Circuit Court, and Judge Derek C. Mosley, Milwaukee Municipal Court; Court Commissioners Timothy J. Adler, Eau Claire, Lindsey D. Draper, Milwaukee, Sandra J. Marcus, Wausau, and Todd Meurer and Marjorie H. Schuett, Madison; Public Defenders Eugene A. Bartman, Appleton, Michael G. Moran, Wausau, and Dana M. Smetana, Eau Claire; Atty. Lawrence Bensky, Madison; and Marquette Law School Professor Daniel D. Blinka.

One of the main objectives of the federal grant was to implement oral certification testing. This began in March 2004. This test is the final assessment of an interpreter's



Chief Justice Shirley S. Abrahamson swears in the newly certified court interpreters: Amar Miller, Randolph; Elizabeth Barerra, Juneau; Tony Gonzalez, Rhinelander; Alberto Aguilar, Green Bay; and Enrique Barbosa, River Hills.



## New PPAC security and facility reporting process

In keeping with the courts' move toward paperless processes, the Supreme Court Planning and Policy Advisory Committee (PPAC) is enabling counties to report their security and facility updates online. The new security/facility database allows entry of data in a short questionnaire and generates a report. This has greatly improved the data collection and information sharing process.

In 1994, the Supreme Court Planning and Policy Advisory Committee (PPAC) initiated a review of facility, security, and staffing issues in the circuit courts. The result was Supreme Court Rule 70.39, adopted in June 1995, establishing facility, security and staffing guidelines.

Since the adoption of the rule, PPAC has collected information twice a year from each county to measure the courts' progress in complying with these guidelines, and to obtain detailed information about security incidents involving judges and other court staff. The data collected by PPAC has proven useful in maintaining voluntary compliance with SCR 70.39. It is also shared among counties as they undertake new facility construction or security initiatives. ■

*The most recent semi-annual report can be viewed on the PPAC Web page located at:  
[www.wicourts.gov/about/committees/ppac.htm](http://www.wicourts.gov/about/committees/ppac.htm).*

## CHANGES

### Peterson selected as Judicial Commission chair

Judge Gregory A. Peterson, Court of Appeals, District III, was elected chair of the Wisconsin Judicial Commission in November 2005. A member of the Judicial Commission since August 2004, Peterson replaces Atty. Hannah C. Dugan as chair.



Judge  
Gregory A. Peterson

The nine-member Judicial Commission, established in 1978, investigates possible cases of judicial misconduct and disability, and prosecutes necessary proceedings before the Wisconsin Supreme Court. The Commission has jurisdiction over all state judges and court commissioners.

The Supreme Court appoints one Court of Appeals judge, one circuit court judge, and two attorneys to serve on the Commission, while the governor and state Senate appoint five non-lawyer members.

A 1973 graduate of the UW Law School, Peterson was an attorney in private practice until he was appointed to the Eau Claire County Circuit Court bench in 1983, where he

served for 16 years. Peterson is former chair of the Criminal Jury Instruction Committee, and served as chief judge of the Tenth Judicial Administrative District from 1996-99. Peterson was first elected to District III, based in Wausau, in 1999.

Judicial Commission Director James Alexander praised Peterson. "He has the confidence of the Commission," he said, "and will be a fine chair."

### Johnson is lieutenant colonel

Scott Johnson, District Nine court administrator, is now Lieutenant Colonel Johnson. The promotion was made last March but the various levels of approval required within the Air Force and U.S. Senate meant that Johnson was not

able to "pin on" the new rank until June.

Assigned to the 115 Fighter Wing at Madison's Truax Field, Johnson has served two tours in the Middle East. He is deputy commander of a group of more than 400 personnel with units that focus on civil engineering, communications, contracting, environmental management, logistics, military personnel, security, and services.

### RIP Association selects new officers

Grant County Register in Probate Jody Bartels will lead the Wisconsin Registers in Probate Association (WRIPA) for the next two years. She replaces Kay Morlen of Washington County, who remains on the executive board as past-president. Bartels is a paralegal who has served since 1999 as register in probate and probate court commissioner.

Elected as vice president was Stephen J. Walter, Clark County. Walter is an accountant who became register in probate in 1998. He also serves as judicial assistant to Judge Jon M. Counsell.

Elected treasurer was Corine Bien, who has served for 20 years as Pepin County's register in probate. With a total of 36 years in the court system, Bien also serves as clerk of juvenile court and judicial assistant to Judge James J. Duvall.

Mary Lou Mueller of Ozaukee County was elected secretary of WRIPA. Mueller has served as register and circuit court commissioner for probate for three of her seven years with the court system. Prior to joining the courts, Mueller served as executive director of the Northern Ozaukee United Way.

The purpose of WRIPA is to provide education and information to help registers in probate maintain court records and manage cases in an efficient and cost-effective manner. ■

*More information about WRIPA is available at  
[www.WRIPA.org](http://www.WRIPA.org).*



Lt. Colonel Scott Johnson

## New Dane County Courthouse opens

The new Dane County Courthouse – the second largest and quite possibly the “greenest” courthouse in Wisconsin – opened for business on January 17. A grand opening ceremony and public tours preceded the official opening.

The 10-story, \$44 million, flatiron building is the result of 15 years of debate, negotiation, and planning. Representing the courts in the process were Chief Judge Michael N. Nowakowski, former Chief Judge Daniel R. Moeser, Deputy Chief Judge Sarah B. O’Brien, and District Court Administrator Gail Richardson, whose contribution was recognized by many of the speakers at the grand opening event.

“In many ways,” O’Brien told the 200-plus people who turned out for the celebration, “this is Gail’s courthouse.”



The sandstone color and triangular, flatiron shape of the new Dane County Courthouse help the building to blend with Madison’s downtown. The building’s angles made construction particularly challenging.

The building was constructed using many recycled and environmentally friendly materials. Faux stone wainscoting, for example, was made from sawdust and recycled ceiling tiles. A roof garden off the fourth floor will help to control runoff and provide quiet space for court visitors and employees. Construction waste from the project was also recycled.

Gracing the courthouse walls is art in many forms. Judge Diane M. Nicks organized the installations, which include donations such as the complete

state sesquicentennial print portfolio by Middleton printer Andrew Balkin and commissions such as the Peggy Flora Zalucha murals in the cafeteria.

User-friendliness also is emphasized. Employees have windows that actually open, and visitors will find plenty of quiet spaces for private conferences. In the lobby, touch-screen computers will allow litigants to find the time and location of their hearing by entering their last name.

This is the first new courthouse built in Dane County since 1957, when the City-County Building was completed. Security problems and space issues were well documented in the City-County Building: witnesses, victims, defendants, family members, jurors, and members of the public all mingled in the public halls and small claims court was held in a small supply room. ■



Chief Judge Michael N. Nowakowski speaks at the grand opening celebration. The event was held in the Jury Assembly Room of the new Dane County Courthouse.

## Courts across the state plan construction projects

As the Dane County courts settle into their new home – the first in 50 years – 17 counties across the state are in one stage or another of a major construction project.

In response to a July 2005 questionnaire from the Supreme Court Planning and Policy Advisory Committee (PPAC), the following counties reported that they were either wrapping up construction, beginning a major project, or planning for one: Calumet, Door, Fond du Lac, Green, Green Lake, Jefferson, Kenosha, Kewaunee, Langlade, Lincoln, Marathon, Milwaukee, Oneida, Portage, Sheboygan, Washington, and Waukesha.

The major projects include new construction in Door, Walworth, and Washington counties. The new Door County Justice Center opened in December 2005 and the new courthouse in Walworth County opened in April 2005. In Washington County, a new addition will house four jury courtrooms, two court commissioner courtrooms, and the judges’ offices, while the existing courthouse will be remodeled with new offices for the Clerk of Courts, Register in Probate, District Attorney and Child Support Agency. The addition is set for completion in May 2006; the remodeling phase will be complete by the end of October.

The more moderate projects range from a remodeled second floor (Calumet) to a new court commissioner courtroom (Fond du Lac) to renovations to improve security (Kenosha, Marathon, Oneida) to a demolished parking ramp (Milwaukee). ■



The new Door County Justice Center houses the courts, Sheriff’s Department, District Attorney’s Office, and Child Support Office. Original plans called for a much larger building; those plans were controversial and ultimately were scaled back.

## Partnership brings art to Dodge County courts

The walls of the Dodge County Justice Facility in Juneau are a bit brighter thanks to 18 new paintings from the Watertown Arts Council collection.

Council member Ramona Hackbarth of Watertown was inspired to share the paintings following a recent visit to the facility, which was dedicated in May 2001 and which, to Hackbarth, appeared to be unfinished.

"There were all of these expansive white walls with nothing on them, and I thought they really needed some art," she said.

Hackbarth approached Judge John R. Storck, Dodge County Circuit Court, with her idea. Storck, who for years has displayed several watercolors painted by his mother, Caroline Storck, in his courtroom and chambers, enthusiastically agreed.

"My mother was an art teacher and has painted watercolors for many years," Storck said. "Although I did not inherit her artistic ability, I did gain an appreciation for the presence of art."

When the paintings began to arrive, Storck decided to consult a local artist to determine where to hang them. He sought the advice of Debbie Bissonnette, a watercolorist and calligrapher who also happens to be married to Dodge County Circuit Court Judge Andrew P. Bissonnette.

"This is a beautiful building," she said, "but it has definitely been enhanced by the addition of all this lovely artwork."

The paintings on display throughout the Justice Facility are part of the Arts Council's circulating collection, which contains more than 250 works of art purchased over the past 40 years from its annual Watertown Outdoor Arts Festival.

Installing contemporary artwork in state courthouses can be a tricky business. In 2003, Milwaukee County Executive Scott Walker drew controversy for moving a mural out of Milwaukee County Courthouse rotunda that juxtaposed images of African American leaders and ideals of equality with violent imagery of social and racial unrest, such as the Los Angeles riots and a skeletal figure with a bullet wound to the skull.

Walker and others were concerned the mural might disturb victims of violent crime visiting the courthouse, or even prejudice jurors by presenting a negative image of law enforcement.

The painting, by Los Angeles artist Elliot Pinkney and on loan to the Courthouse from the Haggerty Museum of Art at Marquette University, was moved to a third floor hallway that saw less visitor traffic. At present, it is no longer on display at the courthouse. ■



*The Watertown Arts Council completed a project to beautify the Dodge County Justice Facility with 18 pieces of original art as part of the council's circulating art program. From left are: Judge John R. Storck; Debbie Bissonnette, a local artist who helped coordinate the hanging of the art; and Ramona Hackbarth.*

## Update to Elements underway

An update to the 1997 publication, Wisconsin Crimes and Their Elements – first produced by the Racine County Circuit Court and now an important tool for judges across the state – is underway. The project is just beginning and there is no estimated date of completion.

As the name suggests, Elements simply lists the elements of each crime. Prior to its publication, judges generally relied upon the attorneys to present this information. The book is indexed by name of offense and citation.

Chief Judge Gerald P. Ptacek, Racine County Circuit

Court, is spearheading the effort in partnership with Professor David E. Schultz, UW Law School. Ptacek said he considers the reference manual sufficiently valuable that he would do the update himself, but the press of a busy felony calendar and the lack of a law clerk or a judicial assistant have made that impossible.

"We did try to update it last with the help of our summer interns but they could not get it finished," Ptacek said. "It's a very useful tool, and I have discovered that a number of judges have updated their own copies just to keep it in use." ■

## WISCONSIN CONNECTS

### Bradley works on collateral sanctions

At a November meeting of the National Commission on Uniform State Laws, Justice Ann Walsh Bradley was selected to participate in an effort to draft a uniform law on collateral sanctions. She will work with legislators, justices of other state courts of last resort, law professors, and practitioners.



Justice  
Ann Walsh Bradley

Bradley was appointed a commissioner of the Wisconsin Commission on Uniform State Laws in 2004 by Gov. Jim Doyle. The Wisconsin Commission works with like bodies in all 50 states under the umbrella of the National Conference of Commissioners on Uniform State Laws.

One of the pressing issues for the National Conference is the growth of collateral sanctions and their effect on recidivism. Collateral sanctions are additional consequences of a criminal conviction. Forfeiting the right to vote, to possess a firearm, and to serve in the military and on juries are the classics – but just the start. Over the last 20 years, lawmakers have increased collateral sanctions substantially. For example, convictions on certain federal drug offenses make offenders ineligible to hold a driver's license, live in public housing, or receive federal aid for education. States have enacted a variety of similar laws.

The development of collateral sanctions – also known as collateral consequences – is raising concerns. First, because these sanctions are administered outside of the criminal justice system, individuals convicted of crimes may not be informed of them and may violate the law without intending to. Second, lawmakers and the public have no way to assess the value of these sanctions.

Bradley and the other members of the committee examining collateral sanctions will consider – among other issues – if there ought to be a general standard with respect to these sanctions, whether a list of prohibited collateral sanctions should be developed, and if a procedure for restoration of rights would be advisable.

### Gonzalez participates in Hague conference

Judge Ramona A. Gonzalez, La Crosse County Circuit Court, was one of 18 judges representing countries throughout the Americas to participate in Cross-frontier Family Law Issues, a judicial conference held in The Hague, Netherlands, in late 2005 as part of the Hague Conference on Private International Law.

Gonzalez met with judges from Argentina,

Canada, Chile, Columbia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Mexico, Panama, Paraguay, Peru, Uruguay, and Venezuela to discuss ways their countries could improve the operation of the three Hague Children's Convention treaties addressing international child abduction, adoption, and protection. The conference also discussed Conventions dealing with international issues related to child support and cooperation among authorities.



Judge Ramona A. Gonzalez, La Crosse County Circuit Court, joins Judge Morales of Guatemala at the Peace Palace, home of the International Court of Justice in The Hague. The Guatemalan judge reported on efforts to stop the kidnapping of children who are sold into the international sex trade.

This was not Gonzalez's first trip to The Hague: In 2003, she was selected to be one of seven judges representing the United States at a global conference on international child abduction. Considered Wisconsin's resident expert on the subject, Gonzalez has received instruction at the National Judicial College in Reno, Nev., and has conducted seminars on the topic for her colleagues in Wisconsin.

Political and judicial differences among countries, as well as differing cultural views on gender and family roles, make international child abduction cases especially challenging for judges. Many cases result when a couple separates and one parent takes a child to his or her native country.

The Hague Conference on Private International Law aims to protect children caught up in inter-country conflicts. Since 1980, it has drafted and negotiated three multilateral

see **Wisconsin Connects** on page 16



Judge Ramona A. Gonzalez and a group of Afghan judges at a reception sponsored by the Dutch Council for the Judiciary to celebrate the launch of The Hague Forum for Judicial Expertise.

## AWARD

## Articles cited for excellence

Two articles by Court of Appeals Chief Judge Thomas Cane and District III law clerk Sheila Sullivan have been recognized with the Charles Dunn Author Award. Cane and Sullivan will accept the award at a ceremony on May 3.

The articles, which appeared in the May and November 2005 issues of *Wisconsin Lawyer* magazine, focused on the economic loss doctrine, which bars people who purchase goods from bringing tort claims to collect for damages that are solely economic. Cane and Sullivan argued that recent decisions of the Wisconsin Supreme Court signal that the Court is rethinking the doctrine.

The authors focused on the Court's holding in *Insurance Co. of North America v. Cease Electric Inc.*, a case that involved an egg farm that lost 17,000 chickens after an electrician botched the installation of a ventilation system, as beginning the trend toward reshaping the economic loss doctrine. The Court concluded in that case that the doctrine



Chief Judge  
Thomas Cane



Sheila Sullivan

does not apply to contracts for services, and therefore the egg farm was entitled to recover damages.

The State Bar of Wisconsin Communications Committee, which judged the award contenders, praised the articles for presenting "readable, accessible" information on evolving issues of law. ■

## OBITUARY

Judge Edwin C. Dahlberg  
Rock County Circuit Court

Judge Edwin C. Dahlberg, one of the longest-serving trial court judges in state history and a man who was affectionately known in the Rock County Courthouse as a "gentle giant," died Nov. 27, 2005 in Beloit. He was 82.

Dahlberg first took the bench in 1960 as a municipal judge and then moved to the Rock County Circuit Court in 1963. He retired in 2000 with 37 years on the trial court bench – and never having faced opposition.

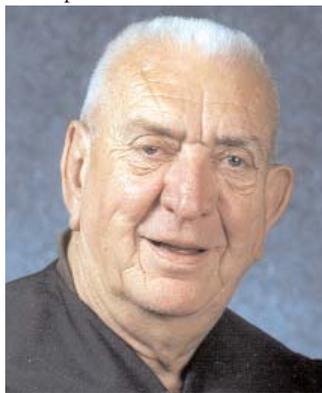
In a September 1997 interview for the court system's Oral History Project, Dahlberg recalled that he had been reluctant to accept Gov. Gaylord Nelson's appointment to the bench, in part because the judgeship offered a salary that was two-thirds less than his private practice income. But, Dahlberg explained, the governor forced the issue:

"Just after Christmas, I got a call from Governor Nelson. He said, 'I can't wait any longer; I have signed your appointment. I have got to go to the Rose Bowl game, and I expect you to take it by the time I get back.' Well, I don't know, somehow or other the fact that he had signed the appointment got known to the newspapers, and they equated that with my acceptance, so I didn't know how to get out of that."

Dahlberg quickly earned a reputation as fair and

respectful. He also knew how to maintain decorum in his courtroom, even in the most trying circumstances. He recalled one incident as follows:

"Blackie Reid, who was later a circuit judge, was district attorney [and he] got into a fistfight with the defendant. So he disqualified himself, and I had to find counsel to appoint as district attorney." This proved to be difficult, and Dahlberg eventually asked Jack Olson, a former federal prosecutor



Judge Edwin C. Dahlberg

who had only appeared in his court on one occasion – and just long enough to file a motion for substitution. Olson accepted the appointment, and the defendant (whom Dahlberg permitted to represent himself) was convicted of rape. The case ended up at the Wisconsin Supreme Court, which affirmed the conviction in an opinion that set out the factors judges must consider when determining that a defendant has intelligently waived the right to counsel.

While the older records are incomplete, Dahlberg appears to have been the third longest-serving judge in Wisconsin. Judge Frank W. Carter, Vilas County Court, served 42 years (from 1919 to 1961), Judge Ferdinand Schlichting, Sheboygan County Court, served 41 years (from 1932 to 1973), and Judge Robert Landry, Milwaukee County Circuit Court, served nearly 40 years (from 1953 to 1993).

Surviving Dahlberg are his wife, Jeanne, and the couple's two children, Erik and Linda – both of whom live in Wisconsin with their spouses – and three grandchildren. ■

## Dane County probate registrar has seen big changes

When Daniel A. Breunig joined the Dane County Probate Office in 1974, probate was undergoing a metamorphosis. It had been – in the words of one retired judge – a “good ‘ol boys network” kept apart from the other branches of the county court and run by the senior partners from Madison’s top law firms. The probate court handled only probate matters, related guardianship matters, and mental health cases. It was insular and, to some in the public, suspect.

Those who advocated increased accountability and other reforms began to make their mark in the early 1970s. Judge P. Charles Jones was elected probate judge, defeating a man who commonly held Chapter 51 commitment hearings while perched on the edge of the individual’s bed and steadfastly refused to recognize a right to counsel in these cases. And a young lawyer named Robert Pekowsky – who went on to serve more than 23 years in Dane County Circuit Court – was appointed probate registrar. Breunig was selected as Pekowsky’s deputy and, when Pekowsky took the bench in 1977, Breunig succeeded him.

Breunig graduated from the UW Law School in 1967 after earning an undergraduate degree in accounting, putting himself through school by working as a bartender and bouncer. He began his career in the law by working in a trust department and then in a small private firm before moving into county service.

Breunig is responsible for probate, small claims trials,

preliminary commitment hearings, and uncontested guardianships. Over the years, he has tracked many positive changes in these areas – chief among them the shift in probate proceedings that has made them more administrative. “That’s been good,” Breunig said.

Also changing is small claims. Breunig now frequently sees two types of disputes that were virtually non-existent when he started: small claims ‘divorces’ where an unmarried couple splits and needs help resolving disputes over the division of their assets, and disputes stemming from purchases on the Internet.

Breunig also noted that he has tracked a significant increase in guardianships for juveniles, a change that he surmised might reflect more stringent requirements in the schools and within other organizations for proof of formal guardianship arrangements.

Working with people and tackling something new every day have been two big rewards of the job and also two of the greatest challenges. Breunig said he would miss the people when he steps down in March after more than 30 years of service, but he looks forward to peace and quiet.

“I’m just going to hang loose for a while and see what happens,” he said. “No plans, except to spend a lot of time outdoors.”

## Bayfield loses 25 years of experience with retirement

The Bayfield County Clerk of Circuit Court Office said good-bye to longtime Deputy Clerk Kay Tutor on January 13. Tutor has been a deputy clerk for 20 of her 25 years with the county.

Clerk of Circuit Court Kay Cederberg said Tutor’s knowledge would be difficult to replace. “We will truly miss her,” she said.

Tutor began with the traffic intake assignment, and then moved to small claims, civil, and family. “The greatest challenge was learning all the different jobs of the clerk of courts, which is good,” she said.

Over the years, Tutor has adapted to computerization of the courts, which she singled out as the biggest change. She said the job has been enjoyable, and that she would miss her coworkers and others in the courthouse.

In retirement, she and her husband plan to do some camping, travel to see the grandchildren, maybe take a cruise, and, best of all, “just not having to wake up to the alarm.” ■



*Dane County Probate Registrar Daniel A. Breunig joins colleagues Susan Podebradsky (left) and Lorraine Steinhauer in the Probate Office at the new Dane County Courthouse.*

## PEOPLE

**Doug Moe**, columnist at *The Capital Times* in Madison, shared a memory of “one of the most creative sentences ever in the Wisconsin courts system” in his January 4 column: “I wrote about it back in the 1990s after just starting this column,” he related. “Evansville Municipal Court Judge **Thomas Alisankus** wanted a 16-year-old, Ken, to have an idea of what jail might be like. Ken appeared before the judge on a disorderly conduct charge stemming from a fight at school. With the cooperation of Ken’s parents, Alisankus sentenced the boy to 24 hours in one of his home’s bathrooms, with a Bible to read and three bland meals provided by his parents. Unlike many of the so-called “creative” sentences, this one didn’t involve public humiliation – but it got the judge’s point across. ‘At his last court session,’ the judge told me, ‘Ken said he never wanted to spend a night like that again.’”

“Court Interpreters in Demand” headlined a story in the December 27 edition of the *Green Bay Press-Gazette*. The article traced the rising cost of providing interpreters in Brown County Circuit Court, using figures from the Clerk of Circuit Courts Office to show that the outlay for interpreters nearly quadrupled between 1996 and 2004. About 94 percent of the expense was for Spanish-English interpretation, the newspaper reported.

Director of State Courts **A. John Voelker** has a new title: fitness instructor. A regular at the 5:30 a.m. cycling class at a small gym in his hometown of McFarland, Voelker caught the eye of the gym owner after the previous instructor left. He’ll teach the intensive, one-hour class every Tuesday morning.

Justice **Ann Walsh Bradley** began the inaugural President **William C. Hansen** Lecture Series at UW-Stevens Point on November 10. Bradley’s lecture, “Caught in a Crossfire,” focused on judicial independence.

Columbia County is looking to emulate La Crosse County’s successful jail diversion program, according to a report in the *Portage Daily Register*. La Crosse County has a well-established stable of diversion programs and services such as a drug court and community service network. Such programs require cooperation among court staff, human services, corrections officials and the public to work. Judge **Dennis G. Montabon**, La Crosse County Circuit Court, said judges are keenly aware of the risks of letting people convicted of crimes out of jail, and that authorities and the public often need convincing of the value of diversion programs. The *Daily Register* quoted Montabon as saying, “When you’re thinking about crime, you have to figure out who you just don’t like and who you’re afraid of. The people you’re afraid of get locked up and the people you just don’t like, you try to do something with them so you’ll like them more.”

Following nearly 18 years on the bench, Judge **Michael G. Malmstadt**, Milwaukee County Circuit Court, retired in November (see *The Third Branch*, fall 2005). A fixture in Children’s Court, Malmstadt was known for the intense, often dramatic lectures he delivered to the young people

who appeared before him. As reported in the *Milwaukee Journal Sentinel*, Malmstadt’s unique style earned him a great deal of respect, and not just from his colleagues: Children re-entering the court system after dealing once with Malmstadt requested him for subsequent appearances because they reported feeling as if he truly cared about them. “You see an awful lot of untapped potential,” Malmstadt was quoted as saying. “It really doesn’t take much to engage [juvenile defendants] in having some concern at least about themselves.”

The state Assembly is set to consider a bill introduced by Rep. **Curt Gielow** (R-Mequon) that would expand current state law to allow anyone convicted of a misdemeanor at any age to ask a judge to erase one such conviction from his or her court records. This has become an issue thanks to the online Wisconsin Circuit Court Access (WCCA) system, which allows anyone with an Internet connection to access court records statewide. Sen. **Glenn Grothman** (R-West Bend) was quoted in the *Milwaukee Journal Sentinel* as supporting the bill. “You hit a few computer keys, you find out a million years ago somebody did something wrong. Your punishment never really ends.”

Under current state law, persons under age 21 can request expungement of misdemeanor records at sentencing, after which they forfeit the option.

Milwaukee County Circuit Court Judge **Daniel L. Konkol**, who presides over the county’s seven misdemeanor courts, told the *Journal Sentinel* about half the people currently eligible make such requests. “This [proposal] makes it probably a little bit more fair for somebody that has gone on the straight and narrow,” Konkol said.

The bill is not without its detractors, and is considered unlikely to be enacted.

The easy records access it affords has made WCCA the most popular and most controversial part of the court system’s Web site. Beginning in June 2005, Director of State Courts **A. John Voelker** convened a committee of privacy advocates, media representatives, and court staff to conduct ongoing discussions of the issues WCCA raises. The committee will make recommendations; the final meeting is March 3.

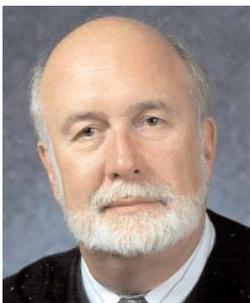
Franklin Municipal Judge **Ronald J. Wambach**, who has served since he was first elected at age 26 in 1972, plans



Judge  
Michael G. Malmstadt



Judge Daniel L. Konkol



Judge  
Dennis G. Montabon

**PEOPLE** *continued from page 12*

to step down after his current term ends in 2006. During his 33 years on the bench, Wambach witnessed his hometown more than triple in size and the municipal court revolutionized by technology. He told the *Milwaukee Journal Sentinel* that his only regret from his time with the municipal court was that he did not keep notes of the often-



Judge Angela B. Bartell

bizarre cases that came before him. "I always thought I'd write a book and call it 'There's Always a Full Moon Over Franklin,'" Wambach said.

Judge **Angela B. Bartell**, Dane County Circuit Court, and her husband, Atty. **Jeff Bartell**, are planning to hit the open road come warmer weather on a new pair of motorcycles. To prepare for a "dream trip

through Michigan" in the summer, the Bartells took a motorcycle safety course at Madison Area Technical College. "Jeff and I had a dream when we used to go across the ferry to Michigan to take the kids to summer camp and we'd see the people going on tour with their bikes," Bartell told the *Wisconsin State Journal*. "We've been talking about it for 25 years and we finally did it."

A national-award-winning program that brings high school students from across the state to the Capitol to watch Supreme Court oral arguments and participate in question-and-answer sessions with members of the Court is celebrating a decade of successful field trips this year. Court with Class brings approximately 3,000 students to the Supreme Court each term – about 30,000 since its inception – and has been highlighted in several newspapers recently. The *Door County Advocate* reported on the experience of Gibraltar High School's 13-person Mock Trial team, which came to court with teacher/coach **Scott Clark**. The team sat through an underinsured motorist case, which gave the students an opportunity to pick up tips and ideas for their own arguments for the state Mock Trial competition in February. The argument also gave them – as the teacher

politely put it – a sense for the "dryness" of real-life court proceedings. "Kids see the court shows on TV with all the yelling and drama, and some may go to traffic court," Clark told the *Door County Advocate*. "But they don't really get a chance to see that that's not the way court normally is." After watching the court session, the students met with Supreme Court Justice **Jon P. Wilcox**. "They were very attentive and asked questions," Wilcox told the *Advocate*. "We all enjoy acquainting them with the court system as the third, impartial branch of government."

*A footnote:* This year's state Mock Trial case will allow students to act out the trial of **David Fine** and brothers **Dwight** and **Karl Armstrong**, who along with the still-missing **Leo Burt** were responsible for bombing the Army Math Research Center in Sterling Hall on the UW-Madison campus in 1970.

Milwaukee County District Atty. **E. Michael McCann** announced in December he plans to retire in early 2007 at the end of his 19th two-year term, marking 38 years of service. McCann is the longest-serving prosecutor in the state. He also may be, at 68, the senior elected prosecutor in the country, according to information shared at a news conference. McCann explained his role and philosophy like this: "We have tried, in all these years as district attorney, to operate an office that deeply cares about justice, that cares about equality, that cares about the safety of our citizens."



Attorney  
E. Michael McCann

Milwaukee County judges and attorneys had the highest praise for McCann. "He has cast such a large shadow," said Judge **John J. DiMotto**, Milwaukee County Circuit Court. "Whoever is elected to replace him will be working in that shadow for a long, long time."

Defense attorney **Gerald P. Boyle** agreed. "A lot of people are going to say, 'Unless you are like Mike McCann, you are not fit for the job.'"

Perhaps best known for prosecuting serial killer **Jeffrey Dahmer**, McCann has seen his staff grow from 23 attorneys to 130. More than two dozen of his prosecutors have become circuit court judges, including Chief Judge **Kitty K. Brennan**.

"He closed every staff meeting with the same thought, and in my era the words he spoke were, 'Remember, your job is to do justice,'" Brennan said.

As reported by the *Milwaukee Journal Sentinel*, McCann plans to write a book about his experiences as a prosecutor – a pursuit that may prove more challenging than working the courtroom. "Speaking comes very easily for me," McCann said. "Writing is a bloody effort."

**Lori** and **Dan O'Brien** of Brookfield have welcomed a few more into their unusually large family: Anna, 10, Elizabeth, 8, and Elijah, 6, recently became the third set of siblings the couple has adopted. "Before family, therapists, case workers and others, Waukesha County Juvenile Court Judge **Linda Van De Water** finalized their adoptions and passed out



The Gibraltar High School Mock Trial team meets with Justice Jon P. Wilcox following an oral argument at the state Supreme Court.

Winter  
2006

## Habitual Traffic Offender law is changed

Wisconsin's budget bill contains significant changes to the Habitual Traffic Offender (HTO) law. The changes concern the types of convictions that may be counted as minor.

The changes originated from recommendations presented by the Department of Transportation Technical Committee on Wisconsin's Multiple Administrative Withdrawal Programs. The committee recommended that only convictions under Chapter 346 of the Wisconsin Statutes be considered as HTO minor convictions. This recommendation, with only a few exceptions, has now become law.

As a result of the statutory change, the following convictions are no longer considered HTO minor convictions (this list is not all inclusive):

- Operating While Suspended (OWS)
- Operating After Revocation (OAR)

- Operating Without a Valid Operator's License (OWL)
- Defective Speedometer (DS)
- Improper Equipment or Lights (IE, IL)
- Unnecessary Acceleration (UA)

Since July 27, 2005, the start date for the new law, the Department of Transportation reported having observed cases where courts reopened some of the above convictions. A problem can result from reopening and reconvicting of OAR/OWS convictions if one of the convictions turns out to be a fourth or subsequent conviction. The department must impose a six-month revocation for fourth and subsequent convictions of OAR/OWS unless the court orders a lesser period of revocation or no revocation. ■

Judges and clerks are encouraged to call (608) 267-1854 with questions, or to direct members of the public to call (608) 266-2261.

## PEOPLE *continued from page 13*

high-fives, stuffed animals and chocolate Kisses like Santa in a black robe," wrote *Milwaukee Journal Sentinel* columnist **Laurel Walker**. Van De Water told the newspaper that presiding at the adoption was, for her, "A great Christmas present."



Judge Greg B. Huber

As reported by the *Wausau Daily Herald*, Lincoln County supervisors recently began discussing ways to alleviate crowding in the jail and expand the courthouse, which is smaller than the minimum size recommended by the Wisconsin Supreme Court. On the table are options ranging from remodeling the Lincoln County Courthouse to building an entirely new facility that would provide needed courthouse, administrative, and jail space in one location.

The *Wausau Daily Herald* recently published a special report titled "Delayed Justice" examining why Marathon County's Circuit Court takes more than twice as long to process cases as courts in similarly sized counties such as Eau Claire and Sheboygan. Cases in Marathon County have a median age of 234 days at closing, well above the National Center for State Courts' guideline of 180 days and Eau Claire and Sheboygan Counties' average of 99 days. When Judge **Raymond Thums** retired in 2003, Marathon County Circuit Court was short one judge for a year until **Greg B. Huber** was elected in 2004, contributing to the current backlog of cases.



Judge Patrick J. Madden

Iron County Circuit Court Judge **Patrick J. Madden** comes in several days each month to handle initial appearances and other matters to ease the burden for Chief Judge **Dorothy L. Bain** and Judges **Patrick M. Brady**, **Gregory E. Grau**, **Vincent K. Howard**, and **Huber**.

The newspaper reported that Marathon County District

Attorney **Jill Falstad** and her prosecutors each juggle up to twice the statewide average of 350 cases at a given time. Demanding caseloads and infrequent pay raises have contributed to turnover in the office. The most complex cases, according to the newspaper, fall disproportionately on Falstad and her two senior prosecutors, Assistant District Attorneys **Ken Heimerman** and **Lamont Jacobson**. While improving efficiency is a main goal for the moment in Marathon County, in exploring solutions Jacobson told the *Daily Herald*, "We have to remember why we're here, and that's to do justice."

*Milwaukee Magazine* published in December an article on the Supreme Court by *Isthmus* News Editor **Bill Lueders** (who also published a version of the article in *Isthmus*). The article examined shifts that some say have occurred within the Wisconsin Supreme Court that are making the Court "clearly less predictable and arguably more liberal." The article maintained that Justice **N. Patrick Crooks** is emerging as a "swing vote" and tipping the Court by siding more often than in years past with the "liberal" Chief Justice **Shirley S. Abrahamson** and Justices **Ann Walsh Bradley** and **Louis B. Butler** in 4-3 decisions. Recent decisions have led business lobbyists to allege the Court is creating a "dangerous litigation climate" that will spawn frivolous lawsuits and ultimately drive businesses from the state – claims dismissed as hyperbole by prominent figures such as Atty. **Bob Habush** of Milwaukee.

Lueders also reported that the Court is relying increasingly on the Wisconsin State Constitution rather than the U.S. Constitution in arriving at its decisions, a shift Abrahamson has supported since she joined the Court 30 years ago, and that Justice **Jon P. Wilcox** has replaced Abrahamson as the Court's most frequent dissenter. ■

## Interpreter *continued from page 5*

language and interpreting skills. Passing this rigorous test means a person has demonstrated the minimum language and interpreting skills s/he should possess to work as a court interpreter. The test simulates a legal setting and focuses on the three modes of interpreting: sight, consecutive, and simultaneous translation.

This test was offered three times in 2004 and 2005, and 70 people took it, testing in Spanish, Hmong, Russian, Korean, Arabic, and Somali.

### Document translation

In addition to training and testing, the interpreter program completed a project to translate vital court documents. In summer 2004, members of the Records Management Committee (RMC) and the Committee to Improve

Interpretation and Translation in the Wisconsin Courts (Interpreter Committee) formed an *ad hoc* committee to identify 18 forms needing translation into Spanish. Bids were accepted and an outside translator was chosen to do the work. Once the initial translation was complete, a local panel reviewed the forms. Sixteen of the 18 forms will soon be available on the courts' Web site for statewide use.

To provide additional guidance on the proper use of translated forms, this *ad hoc* committee successfully petitioned the Supreme Court for a rule change requiring a disclaimer to appear on all official translations. This disclaimer states the forms are not to be used as a substitute for a qualified interpreter or any colloquies mandated by law. We hope that this provision will help avoid situations where defendants are handed a form waiving their rights and asked to sign it without further explanation, or where interpreters are instructed to "explain" the form in violation of the interpreter code of ethics.

### Public relations and education

Throughout the two years, numerous presentations were given in all regions of the state to circuit and municipal judges, clerks of circuit court, district attorneys, private attorneys, public defenders, law students, Department of Corrections staff, victim-witness coordinators, and other administrative court offices. The purpose of these presentations was to educate audiences on the role and proper use of interpreters, and to review requirements under state and federal law regarding persons with limited English proficiency and individuals with disabilities. In addition, at the recommendation of the Interpreter Committee, site visits were conducted with counties to address specific problems

courts were having with interpreters or other interpreter related issues.

The Interpreter Committee implemented a character and fitness review process for potential interpreters as part of certification, along with a disciplinary policy. All interpreters who complete our orientation training are required to undergo a criminal background check. Individuals who have criminal records go through a character and fitness review to determine their suitability to work in court. Also implemented was a disciplinary process under which members of the public may file a complaint against an interpreter, or activities that might bring into question an interpreter's trustworthiness or reliability may be examined. Interpreters listed on our roster are made aware they are subject to discipline.

*In the past two years, the office received requests for interpreters and translators in Spanish, Hmong, ASL, Albanian, Afrikaans, Arabic, Bulgarian, Croatian, Farsi, French, German, Hindi, Khmer, Korean, Lao, Mongolian, Palauan, Polish, Russian, Mandarin, Serbian, Slovakian, Tagalog, Turkish, Urdu, and Vietnamese.*

### Plans for 2006

We will continue to offer orientation and advanced training plus written and oral testing in 2006 and beyond. More efforts will be placed on recruiting and training interpreters in languages other than Spanish, specifically Hmong and other Asian languages. In the past two years alone, our office received requests for interpreters and translators in the following languages (in addition to Spanish, Hmong and ASL): Albanian, Afrikaans, Arabic, Bulgarian, Croatian, Farsi, French, German, Hindi, Khmer, Korean, Lao, Mongolian, Palauan, Polish, Russian, Mandarin, Serbian, Slovakian,

Tagalog, Turkish, Urdu, and Vietnamese. These requests are additional evidence that our state is sustaining a more diversified population.

In conjunction with routine program administration, the Interpreter Committee will continue to meet and provide policy guidance. The translation project will tackle several more juvenile forms, which are slated for translation into Spanish, and will move forward with a translation of the Waiver of Rights form into Hmong.

Education and public awareness presentations along with site visits will continue as opportunities present themselves. The program also has begun working with the Consolidated Court Automation Programs (CCAP) to improve our interpreter database and allow clerks access to it for the purpose of sending out notices. Eventually, CCAP will convert the roster of interpreters, which currently is a PDF, to make it searchable by language and judicial district. ■

*For questions on interpreter and interpreter related concerns, contact Attorney Carmel Capati at [carmel.capati@wicourts.gov](mailto:carmel.capati@wicourts.gov) or (608) 266-8635.*

**WISCONSIN CONNECTS** *continued from page 9*

treaties, called Hague Conventions, addressing international child abduction, international adoption, parental responsibility, and measures that national legal systems can take to uphold the law, protect the rights of all parties involved in disputes, and serve children's best interests. Participating countries, including the United States, agree to follow simplified procedures for dealing with these types of cases designed to expedite children's safe returns to their rightful homes.

The organization also instructs judges from the international to the local levels in the Conventions, and has made a free, bilingual (English and French) database on the 1980 Hague Convention on the Civil Aspects of International Child Abduction available online at <http://www.inccad.com>.

The conference that Gonzalez attended was one of the first sponsored by the Hague Forum for Judicial Expertise, launched in 2005 by the Hague Academic Coalition to provide training for national judges on various topics in international law. Presently, the Forum is also sponsoring seminars for judges in Afghanistan and Iraq.

### Kenosha courts host World Bank judge

A chance meeting on a train yielded an opportunity for Kenosha County to host a judge from the World Bank for four days in December. Judge Dory Reiling, senior judicial reform expert with the World Bank's Justice Reform Practice Group in the Netherlands, spent several days in Kenosha at the invitation of Judge Mary K. Wagner.

Reiling, a trial court judge from Amsterdam who is on loan to the World Bank, is developing a project on case management – a task that involves studying court systems around the world. The core of the project will be a Web site presenting best practices for World Bank project managers. Reiling said her observations in the Kenosha County Circuit Court would be very valuable to the project. She counted jury selection – which she viewed in Judge S. Michael Wilk's court – and an introduction to the Combined Court Automation Programs (CCAP) among the highlights.

"The presentation of CCAP by Robbie Brooks and various members of the court staff were very enlightening and helpful," she said. "I was struck by the judges' enthusiasm for CCAP. Unfortunately, it is somewhat unusual for judges to like their automation; I take that to be a great compliment for the programs and their makers."

Reiling, whose visit was featured in the Kenosha News, also thanked District Court Administrator Kerry Connelly and Clerk of Circuit Court Gail Gentz for their time and effort.

### Moore teaches in South Pacific

Court administrators from throughout the South Pacific – including various U.S. territories, U.S. commonwealths and republics associated with the U.S. – met in Guam last October for the first-ever Pacific Judicial Council Court Administrator Conference.

District Court Administrator Gregg Moore, Tenth Judicial District, was invited by the National Center for State Courts to serve on the faculty for this program, which focused on case flow management, technology, leadership skills and ethics.

The various chief justices and presiding judges from Guam, Palau, Northern Marianas Islands, American Samoa and elsewhere were strong advocates for this educational conference. With extensive assistance by the Office of the Circuit Executive for the Ninth Circuit U.S. Court of Appeals, the conference was considered a major success.

Presenting four plenary sessions, Moore said, gave him an opportunity to help administrators, "learn the fundamental principles of case flow management, develop a case flow improvement plan, and identify strategies for implementing changes by working cooperatively with their judges and others."

From the more urban island of Guam to the much more sparsely populated Federated States of Micronesia (107,000 people living on 607 islands spread over more than one million square miles), Moore learned that, notwithstanding obvious differences (e.g. some jurisdictions have no attorneys and some courts have little automation), many of the South Pacific island courts face challenges similar to Wisconsin.

One striking issue is the need for court interpreters to ensure effective communication in court. This has been a major issue for the Wisconsin court system for many years. Although English is the official language of all the island members of the Pacific Judicial Council, many local languages are also spoken throughout the South Pacific; and not everyone speaks English. In fact, there are a few judges and court employees on the most remote islands who do not speak English themselves, which obviously creates other administrative challenges.

"I was most impressed by everyone's commitment to public service and their sincere interest in helping their communities," Moore said. "Everyone was exceptionally gracious and friendly. It was a very rewarding experience." ■



*Gregg Moore with Guam Supreme Court Justice Frances Tydingco-Gatewood, co-chair of the Pacific Judicial Council Education Committee. The justice happens to be a Marquette University graduate.*

**Chief Justice**  
*Shirley S. Abrahamson*

**Director of State Courts**  
*A. John Voelker*

**Editor**  
*Amanda K. Todd*

**Associate Editor**  
*C. Colleen Flesher*

**Contributing Writers**  
*Carmel Capati*  
*Holly C. Noe*  
*Nancy M. Rottier*  
*Erin Slattengren*  
*A. John Voelker*

**Editorial Committee**  
*Hon. Michael J. Rosborough*  
*Vernon County Circuit Court*  
*Gregg T. Moore*  
*District Ten Court Administrator*  
*Carolyn Olson*  
*Iowa County Clerk of Circuit Court*

**Graphic Design/Layout**  
*C. Colleen Flesher*

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

*Send questions, comments, and article ideas to:*  
*Amanda K. Todd*  
*Court Information Officer*  
*P.O. Box 1688*  
*Madison, WI 53701-1688*  
*phone*  
*(608) 264-6256*  
*e-mail*  
*amanda.todd@wicourts.gov*  
*fax*  
*(608) 267-0980*

## Court reporter helps with Katrina clean up

**B**arbara Larsen, court reporter for Portage County Circuit Court, Branch 2, spent two weeks this fall volunteering with the Red Cross to help in the aftermath of Hurricane Katrina.

"I just felt compelled to go down there after I had seen the coverage on the news, and what people were going through," Larsen said.

Larsen worked as a liaison between the Red Cross staff shelters in Covington, La., and local client shelters including the largest in the New Orleans area, which was just a short drive south.

"I spent some time down in New Orleans," Larsen said, "but even on the north shore of Lake Pontchartrain there was a lot of physical damage. I saw a lot of devastation, basically – a lot of homes destroyed and a lot of people displaced. And a lot of people who were very sad."

Larsen was in Louisiana when the Red Cross was starting to close down its client shelters, so she dealt firsthand with many of the problems they encountered.

"It was completely different from anything that I do on a day-to-day basis," Larsen said. "It was nice because I was dealing with people one on one. It was a very educational and very humbling experience."

Larsen remains part of the Red Cross Disaster Relief team, and said she would like to pursue further training to become a First Responder with the organization, which would qualify her to be part of a team that goes into affected areas immediately following a disaster.

Spending vacation time in this manner is something that Larsen would not hesitate to do again. "It was very personally rewarding," she said, "and I considered it sort of a personal experience that I think a lot more people should try, because you gain so much from it." ■



*Court Reporter Barbara Larsen of Stevens Point, left, joins a fellow Red Cross volunteer in New Orleans. Larsen used her vacation time to help with Hurricane Katrina clean-up.*