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Budget reform act means cuts for courts

by Deborah Salm, budget officer

On July 26, Governor Scott McCallum signed into law 2001 Act 109, the budget reform act. The act took effect on July 30. McCallum introduced the budget reform bill in February in order to address an estimated \$1.1 billion deficit in the state's general fund during the 2001-2003 biennium. The Legislature amended the bill and passed it on July 5 after months of deliberations to resolve differences between the Assembly and Senate versions.

The act requires the three levels of court to lapse the equivalent of 2.75 percent of their 2002-2003 funding. It also requires lapses equivalent to 3.5 percent in 2001-2002 and 6.25 percent in 2002-2003 from the Director of State Courts Office and Wisconsin State Law Library. These result in a total lapse of \$2,375,900, and will require the court system to continue cost-saving measures at all levels. The act also provides \$10.7 million to the State Public Defender's Office to address a shortfall in private bar funding.

The act includes a proposal by the governor to increase the court support services fee by 30 percent. This fee is collected on most civil filings and forfeitures and the increase will apply to actions commenced on the effective date of the act. The increase will generate approximately \$8.1 million annually in revenues, to be deposited into the state's general fund. The governor proposed the fee increase as a means to exempt the circuit courts, Court of Appeals, Supreme Court, and State Public Defender's Office from further budget reductions; however, as noted above, the Legislature amended the legislation to require additional lapses.

The act leaves funding provided in the biennial budget for state employee pay increases in 2002-2003 (the Assembly version of the bill would have deleted this funding), effective July 1

see **Budget** on page 9

Truth-in-Sentencing, part II

by Judge Michael B. Brennan, Milwaukee County Circuit Court

In 1998, the Wisconsin Legislature passed, and the governor signed into law, 1997 Act 283, which brought Truth-in-Sentencing to our state for crimes committed on and after Dec. 31, 1999. The act provided the basic structure for determinate sentencing, but none of the details. Parole was abolished and felony sentences were restructured as bifurcated sentences consisting of a term of confinement followed by a term of extended supervision (ES). The act also increased penalty ranges 50 percent for all felonies to allow for ES, authorized the judge to impose conditions on the ES term, and required that the ES term equal at least 25 percent of the term of confinement. It also eliminated intensive sanctions as a confinement option.

To prepare the state statutes and state government for this major change in criminal sentencing law, Act 283 created the Criminal Penalties Study Committee (CPSC). In August 1999, the CPSC issued a lengthy report with appendices and draft legislation. But the CPSC's work stalled in the Legislature. The recently enacted budget adjustment legislation, 2001 Act 109, places into law nearly all of the work of the CPSC, with one controversial addition.

Code reclassification

The present system of six classes of felonies is expanded to nine (A through I; see *Table 1, page 18*) to allow for more precise classification of the approximately 500 felonies in the Wisconsin statutes. Initially, crimes were placed in the new A-I classification system by determining mandatory release date (MR) under pre-2000 law when a court imposes the maximum sentence. As a general rule, MR is fixed by statute at two-thirds of the sentence actually imposed (see *Table*

2, page 18). The MR converter was chosen to maintain consistency in the maximum time an inmate can serve in prison prior to first release. After applying the MR converter to initially place a crime in one of the new A-I classes, the CPSC made adjustments so that crimes of similar severity are classified together. The exact placement of each crime is discussed in the CPSC's report, which may be found at <http://www.doa.state.wi.us/secy/index.asp>

Other 'TIS II' changes

In a change since Truth-in-Sentencing took effect, the maximum amount of time an offender may spend on extended supervision will now be capped (see *Table 2, page 18*). While fines play no role in the disposition of most felony cases, the maximum fines are adjusted as well (see

Table 2, page 18).

While some penalty enhancers will be changed, those used most frequently, such as committing a crime while armed (Wisconsin Statutes § 939.63), will remain the same. The CPSC applied the MR converter to the terms of imprisonment under the habitual criminality penalty enhancer statute, Wis. Stat. § 939.62(1), and opted to incorporate lesser-used enhancers into an omnibus statute identifying aggravating circumstances that the judge must consider at sentencing. While such a sentencing aggravator may be considered to impose a heavier sentence, it does not affect the maximum possible sentence.

To increase the judge's sentencing discretion, 2001 Act 109 removes some mandatory and presumptive minimum sentences. The law maintains the general rule for calculating the maximum punishment for attempted crimes at one-half the maximum for completed crimes. It also provides that

see **TIS** on page 18



Judge Michael B. Brennan



PPAC to take a dollars-and-cents look at court system

by Dan Wassink, senior policy analyst

Many factors are coming together that could significantly impact future funding for Wisconsin courts, so the timing couldn't be better for a new Planning and Policy Advisory Committee (PPAC) Court Financing Subcommittee. PPAC unanimously approved a proposal by Chief Justice Shirley S. Abrahamson to create the subcommittee at its May meeting.

Among the developments:

- The Governor's Blue-Ribbon Commission on State-Local Partnerships for the 21st Century (better known as the Kettl Commission for Professor Don Kettl, chair) last year said that the "conflict in the state-local partnership in human resources and criminal justice ranks with shared revenue as the toughest problem the Commission faced." A new Task Force on State and Local Government now has begun meeting and might suggest methods to address that conflict.
- The state's budget deficit is forcing the courts to absorb budget cuts and future reductions in shared revenue to local municipalities.
- The PPAC Planning Subcommittee, in its March 2002 final report to the Supreme Court and director of state courts, identified court funding as one of the four most critical issues facing the court system. The report stated, in part, that: "The frequency

and intensity of the calls for state funding have increased as counties look for ways to reduce local responsibility for a 'state' function and courts look for sufficient resources to operate effectively. The courts should play an active role in this discussion."

The function of the new committee will be to examine the way that responsibility for funding the circuit courts is split between the county and the state – a financing structure that results in a varied range of services, with differences from county to county. Subcommittee members will study these issues and identify stable, responsible, and effective funding mechanisms to promote efficient and uniform services throughout the state.

PPAC conducted a mail ballot to determine subcommittee membership. While some members had not been selected at the time this article was written, the subcommittee will include:

- Two clerks of circuit court (John Barrett, Milwaukee County; Bernadette Flatoff, Portage County)
- Two circuit court judges (Jeffrey A. Conen, Milwaukee County; Robert E. Kinney, Oneida County)
- Two chief judges (Edward R. Brunner, Barron County; Michael J. Rosborough, Vernon County)
- One district court administrator
see PPAC on page 5

Interpreter training sessions get underway

The Director of State Courts Office will hold training sessions in Appleton, Eau Claire, Madison, Milwaukee, and Wausau from mid-August to late November for individuals interested in learning more about court interpretation. People currently interpreting in the Wisconsin courts are being invited to participate, as are members of the general public. In addition, presentations to judges on working with interpreters are slated for upcoming judicial education programs.

The two-day public training sessions are designed to give participants an overview of the needs and expectations of the courts, with emphasis on ethical conduct, legal terminology, court procedure, and basic legal interpreting skills. Small group practice exercises will help to develop interpreter skills. The sessions are intended as an introduction to the complexities of court interpreting, rather than as an in-depth training. The faculty includes judges, district court administrators, lawyers, and experienced court interpreters.

The program is part of a broad initiative of the Director of State Courts Office to improve interpretation and translation in the courts. According to the U.S. census, between 1990 and 2000, Wisconsin's Hispanic and Asian populations doubled. Many other immigrant populations also grew, and are continuing to grow, at a rapid rate. As a result, the Wisconsin courts increasingly must find qualified interpreters who can speak not only Spanish and Hmong, but also Russian, Laotian, Vietnamese, Punjabi, Hindi, Arabic, Somali, Polish, and more.

The training sessions are being funded with a federal grant through the Department of Workforce Developments Office of Refugee Services. ■

For more information on the training sessions, contact Josephine Xiong in the Office of Court Operations at (608) 261-7550 or josephine.xiong@courts.state.wi.us.

Interpreter training schedule

A \$125 fee covers the sessions, lunches, and materials. Some scholarships are available. Each session will run 8:30 a.m. to 5 p.m. on two consecutive days. The schedule is as follows:

Milwaukee	August 17-18 and November 8-9
Eau Claire	September 13-14
Wausau	September 27-28
Appleton	October 25-26
Madison	November 22-23

Wisconsin's Courthouse Security Training Program wins awards

Wisconsin's Courthouse Security Training Program, comprised of a series of workshops and a training manual, has won the 2002 Justice Achievement Award from the National Association for Court Management (NACM) and is a regional finalist for the 2002 Innovations Award from The Council of State Governments. A seven-person committee that reviewed 35 entries from around the world selected the program for the Justice Achievement Award. The entries were judged on the basis of their innovation, replication possibilities, creativity, and cost effectiveness.

District Court Administrator Steve Steadman, who is based in La Crosse and serves as chair of the Courthouse Security Training Committee, accepted the award on behalf of the Wisconsin court system at the July 23 NACM annual conference in Portland, Ore.



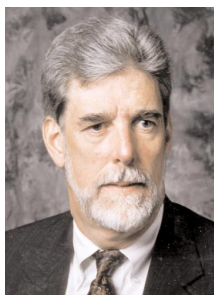
District Seven Court Administrator Steven R. Steadman displays the Justice Achievement Award at the recent National Association for Court Management meeting. Steadman set up a booth to share information on Wisconsin's Courthouse Security Training Program.

Steadman worked closely with John Voelker, executive assistant to the chief justice, and made the trip without the expenditure of state dollars. "We are delighted that NACM has chosen to recognize our security program with the Justice Achievement Award," said Chief Justice Shirley S. Abrahamson. "We are proud of Steve's leadership and of the efforts of the entire committee to improve the safety of our state's courthouses."

The Wisconsin Courthouse Security Training Program was created to reinvigorate efforts to upgrade courthouse security and enable participants to train staff in their respective departments. The basic components are: orientation to general security principles, developing low cost and no cost security improvements, analyzing the strengths and weaknesses of the courthouse

see *Security* on page 5

NACM honors Moran



J. Denis Moran

NACM Award of Merit. The award is presented annually to someone who has improved the administration of justice by providing distinguished service to the profession of court administration. NACM is the largest organization of court management professionals in the world, with members from all levels and types of courts.

The National Association for Court Management (NACM) has presented Director of State Courts J. Denis Moran with its most prestigious individual award, the

Moran, 60, has served as the administrative head of the Wisconsin court system since 1978. He has been on leave since March, and continues to recover well from surgery.

In announcing the award, NACM said Moran "has demonstrated leadership and excellence in numerous initiatives to improve court administration, including the Consolidated Court Automation Programs (CCAP), Model Court Recordkeeping Project, judicial education, and the district administrative structure."

From 1973 to 1978, Moran served as a deputy court administrator in Philadelphia. He earned his law degree at Temple University in 1975 after a career in law enforcement in southern California. ■

Chief Judge Troy wins award for work on Public Trust and Confidence

by Jennifer Miller, court information intern
Director of State Courts Office

Chief Judge Joseph M. Troy, Outagamie County Circuit Court, has received the State Bar's President's Award for leading the Public Trust & Confidence in the Justice System initiative.

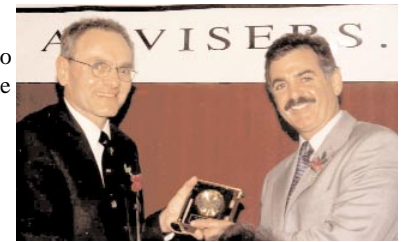
"It was stimulating to work across disciplines to try to address a significant problem in society," Troy said, adding that the experience has affected his actions in his courtroom. "I am more sensitive to making sure that my staff and I are as thorough as possible when answering questions from the public," he said.

Recruited more than two years ago to lead this effort by the State Bar, the Director of State Courts Office, the Office of the Chief Justice, and the Wisconsin League of Women Voters, Troy has overseen various activities, including focus groups with former criminal offenders, former jurors, and former civil litigants; and the development of an action plan to address pressing issues facing the justice system.

Under Troy's direction, the committee recently organized follow-up programs on juvenile justice with James Bell, director of the W. Haywood Burns Institute for Juvenile Justice Fairness and Equity. Bell, an attorney who represents incarcerated youth at the Youth Law Center in San Francisco, participated in a program for judges and lawyers at the 2002 State Bar Convention and in a Madison community forum.

"I hope both the Bar and the courts continue to work on improving the relationship with the public that we serve," Troy said.

Former State Bar President Gerald W. Mowris presented Troy with the award at the Members' Recognition Luncheon during the 2002 State Bar Convention. The President's Award is given each year by the State Bar president to selected individuals who have helped carry out programs of special interest to the president. State Bar officials believe that Troy is the only judge to ever receive this award. ■



Former State Bar President Gerald W. Mowris (left) presents Chief Judge Joseph M. Troy with the 2002 President's Award for Troy's leadership on the Public Trust & Confidence initiative.

LEADERSHIP

Eau Claire launches restorative justice program

The Eau Claire County Circuit Court has developed a plan for a comprehensive restorative justice program for juveniles that will offer victim-offender conferencing, victim impact panels, a teen court, expansion of community service options for juveniles, and training in conflict resolution for school liaison officers. The first project – victim-offender conferencing, which brings victims and offenders face-to-face for a facilitated dialogue – will begin in August.

Restorative justice programs elevate the role of crime victims and members of the community by giving them opportunities to participate in the justice process. These programs can take many forms, and have been found to enhance the criminal justice system by helping to reconnect the offender to the community, help victims recover, and promote

offender accountability. Restorative justice is used extensively in Minnesota, where the University of Minnesota operates the Center for Restorative Justice & Peacemaking. In Wisconsin, Barron and Outagamie counties already have developed restorative justice programs; Vilas County – like Eau Claire – recently received a grant to build a program; and Dodge County is exploring the idea.

Judge Lisa K. Stark, who has been a leader in the effort to establish a restorative justice program and serves as chair of the Eau Claire County Restorative Justice Program's Advisory Board, said the program would initially focus on non-violent juvenile offenders. A juvenile might be diverted into the program prior to being charged, or a victim-offender conference might be court-ordered as part of a disposition or con-

sent decree. "We think we have the best opportunity to make an impact with juveniles because they are very amenable – as are the victims – to victim-offender conferencing," Stark said. "Ultimately we're going to include adult cases."

The program has been carefully planned (*see sidebar*) and is funded – for the first three years – with a grant of approximately \$150,000 from the Office of Justice Assistance. "Although this is under the supervision of the courts, we don't want to use county

see Leadership on page 9



Judge Lisa K. Stark

Seven key steps

Building the Eau Claire Restorative Justice Program took two years of hard work. Here are the key steps:

Form a community advisory board. Membership might include judges, attorneys, law enforcement, educators, victims or victim service representatives, clergy, representatives of non-profit organizations and minority communities, and other members of the public. The Eau Claire board drafted bylaws and continues to develop partnerships, seek grants, manage staff, and generally steer the effort. To form a board, contact groups that might have an interest in the effort such as those participating in the Eau Claire community advisory board. In Eau Claire, Judge Lisa K. Stark serves as chair of the 16-member board and Reserve Judge Thomas H. Barland is one of the board's community members.

Schedule a public information session. In Eau Claire, a planning subcommittee of the advisory board organized a public information session, inviting anyone who might eventually be involved in the program. The approximately 80 people who showed up included local attorneys, educators, the victim/witness coordinator, members of the county board and city council, juvenile intake workers, police, and other professionals and interested citizens. The presenters included Polly Walner and Connie Doyle, who run Barron County's successful restorative justice program, and Chief Judge Edward R. Brunner, Barron County Circuit Court, who has been a leader in the restorative justice movement. Following the session, the board developed a list of people interested in supporting a restorative justice effort and in participating in the program in the future.

Decide on a program. Eau Claire set up a planning subcommittee, chaired by Judge William M. Gabler, to study various options – victim-offender conferencing, victim impact panels, teen courts, and more – and decide what to try first. Eau Claire focused on replicating established, successful programs.

Find funding. The Eau Claire County Circuit Court applied for grant funding and secured a three-year step-down grant from the Office of Justice Assistance. The money pays for staff and office equipment.

Hire staff. Once grant funding is secured, staff must be hired to run the program. Eau Claire hired a former victim/witness coordinator, Loren Bennesch, as program coordinator and selected Tricia Lenz as a part-time coordinator of volunteers. The board was also able to partner with Goodwill Industries, which provides office space and acts as fiscal agent for the project.

Organize a training session. This will likely be one of the first projects of a new program. In Eau Claire, the advisory board secured a grant of approximately \$1,300 and brought back the people who run the Barron County program to provide training in restorative justice principles for 25 interested people.

Implement the program. Begin the effort with one project and build on that. Proceed with an emphasis on continued evaluation of the effectiveness of the programs provided. ■

La Crosse County Circuit Court participates in national research project

The La Crosse County Circuit Court is one of six courts in the nation selected to participate in a joint effort to create a guidebook to help improve outcomes for families and children. The other known sites are Reno, St. Louis, and Kansas City, MO. Two sites are still being selected. A task force of researchers is studying the courts at the sites to compile a set of concrete measures for court performance and judicial workload in dependency cases. The self-assessment tools will be tested in the fall in several courts around the nation and will then be compiled into a Self-Assessment Guidebook, expected to be available in 2003.



Mary Durkin (seated) and Brenda Ueckert, both of the National Center for State Courts, meet with Judge Ramona Gonzalez (center) to review La Crosse County's program for improving court outcomes for families and children.

All of the courts chosen have improved the administration of child abuse and neglect cases in various ways. The La Crosse County Circuit Court was chosen as a site because of its outstanding Unified Family Court Program. The program began as a pilot in 1998 and was made permanent last year. It has been recognized for reducing the number of child abuse and neglect jury trials as well as the number and duration of out-of-home placements of children. By assigning all of the cases that one family might be involved in to one judge, the

program ensures that the whole picture is available for the judge to make an informed decision. Strong judicial leadership guarantees more collaboration and expedited review of cases. The court also was selected on the basis of the high level of collaboration among judges, court staff, the District Attorney's Office, Child Protective Services, and defense attorneys.

In examining the La Crosse program, the researchers interviewed each judge, observed court proceedings, and reviewed case files and case processing. They also held focus group discussions with prosecutors, the corporation counsel, child protection workers, and defense attorneys. In addition to contributing to the final product, the La Crosse courts will receive an assessment designed to help them fine-tune their own program. This is expected in late summer.

The project, funded by The David and Lucile Packard Foundation, is a collaboration of the American Bar Association, the National Center for State Courts, and the National Council for Juvenile and Family Court Judges. ■

PPAC *continued from page 2*

(Steven R. Steadman,
District Seven)

- One county executive
- One county board chair
- A Supreme Court justice (David Prosser Jr.)
- A director of state courts representative (Deputy Director Patrick Brummond)
- A public member (Oscar Boldt)
- A staff person (Budget Officer Deborah Salm)

The court financing subcommittee will likely begin meeting late this summer after PPAC convenes in August. ■



Patrick Brummond



Deborah Salm

Security *continued from page 3*

physical plant, and adult education techniques. The program, which has captured interest from around the nation as a model for implementing courthouse security, has held training sessions in 10 cities around the state since last September. Individuals selected to attend the training – a total of about 400 statewide – have represented all branches of government involved in courthouse security issues.

The program, developed by the Wisconsin Sheriff's and Deputy Sheriff's Association, U.S. Marshal's Office, Office of the Chief Justice, Director of State Courts Office, and Fox Valley Technical College, is supported by a \$167,000 grant from the Office of Justice Assistance (OJA).

The Justice Achievement Award has been given to one outstanding program each year since 1988. Recent winners include the Elder Justice Center in Tampa, Fla., which brings together under one roof all the agencies that provide medical, social, and legal services to older adults; the Mobile Self-Help Center in Ventura, Cal., which provides legal assistance and information in neighborhoods that are far away from the courthouse, and Courtroom 2000, Los Angeles Superior Court's multi-language, interactive Web site for teenagers. ■

Summer
2002

Supreme Court gears up for sesquicentennial

The Wisconsin Supreme Court is an institution that has been ahead of its time on many key issues. It was among the first in the nation to permit cameras in courtrooms, it welcomed automation and championed the development of an innovative court technology system that is now a model for the nation, and it remains the only high court in the United States (and quite possibly the world) to conduct its administrative business in open session. So it's hard to imagine that the Court – which will celebrate its 150th anniversary in 2003 – once was several steps behind the rest of state government.

When Wisconsin became the nation's 30th state in 1848, the constitutional convention decided to preserve the appellate system that had existed in the Wisconsin Territory since 1836. This system brought together the state's circuit court judges – by 1848 there were five – once a year in Madison as a "Supreme Court." The new state was to maintain this system for five years, and then would have the option to create a separate Supreme Court. In 1852, the Legislature voted to create a Supreme Court that would have three members, one of whom would be chief justice. The following year, the people of the state elected the members of the new Supreme Court:



Justice Samuel
Crawford

Samuel Crawford, a native of Ballibay, Ireland, who established a successful law practice in Galena, Ill., before moving to Mineral Point, Wis. He served on the Court until 1855.

Abram D. Smith, a New York native who practiced law in Milwaukee until his 1853 election to the Supreme Court. He served on the Court until 1859.



Justice Abram D.
Smith

Edward V. Whiton, a Massachusetts native who moved to the Wisconsin Territory at age 31 and settled in Janesville, was the only member of the new court who had also served as a circuit judge. He ran as a Whig against a Democrat and was narrowly elected. He was named chief justice of the new court and served until 1859.



Chief Justice
Edward V. Whiton

Today, the Court has seven members, each of whom is elected in a non-partisan, statewide race to serve a 10-year term. The member with the most seniority is the chief justice. The Court's rich and colorful history will be explored and celebrated (without the use of any state dollars) in a variety of ways during the Court's 150th anniversary in 2003:

A **book** entitled *Portraits of Justice*, which was first published by the Wisconsin Supreme Court in 1998, is being updated and redesigned for 2003. The Supreme Court, the State Historical Society, and the State Bar are collaborating on publication of the book, which will be offered for sale to the general public.

Articles and presentations are being arranged with service organizations and professional groups around the state. The subjects will relate to the law, but will vary greatly depending upon the interests of the audiences. Justice Ann Walsh Bradley and Madison Attorney. Joseph A. Ranney, an author

and legal historian, collaborated on one of the first articles that will appear in 2003, an overview of the Court's first 150 years with highlights from interesting cases. The piece will run in the *Wisconsin Magazine of History*.

A **traveling exhibit** showcasing famous cases of the Wisconsin Supreme Court will be developed with grant funding from the Milwaukee Bar Foundation and the Wisconsin Humanities Council. The exhibit is tentatively scheduled to spend approximately one month in county courthouses (and the state Capitol) in the following communities beginning in January 2003: Madison, Janesville, Racine, Waukesha, Milwaukee, Oshkosh, Green Bay, Wausau, Rhinelander, Superior, Eau Claire, La Crosse.

A short **video** might also tell about Supreme Court history by see **Sesquicentennial** on page 11



Justice Ann Walsh
Bradley



Atty. Joseph A.
Ranney

The Legal History Committee

The Wisconsin Legal History Committee, chaired by Chief Justice Shirley S. Abrahamson and State Bar President Pat Ballman, is steering the celebration of both the Supreme Court's 150th anniversary and the State Bar's 125th. For more information, contact Dan Rossmiller, public affairs director, State Bar of Wisconsin; Amanda Todd, court information officer, Director of State Courts Office; or John Voelker, executive assistant to the chief justice.

The Legal History Committee is comprised of judges, lawyers, academics, and historians. It meets approximately every quarter at the State Bar Center in Sun Prairie. The members are as follows: Chief Justice Shirley S. Abrahamson (co-chair); Atty. Pat Ballman, president, State Bar of Wisconsin (co-chair); Justice Ann Walsh Bradley, Wisconsin Supreme Court; George Brown, executive director, State Bar of Wisconsin; J. Kent Calder, editorial director, State Historical Society of Wisconsin; Atty. Catherine Cleary, Milwaukee; Atty. Charles Curtis, Madison; Michael Goodman, Wisconsin Academy of Arts, Letters & Sciences; Jack Holzheuter, Wisconsin historian; Professor Gordon Hylton, Marquette Law School; Bobbie Malone, director, Office of School Services, State Historical Society of Wisconsin; Atty. Gerald Mowris, past-president, State Bar of Wisconsin; Atty. Joseph Ranney, Madison; Atty. Edward Reisner, University of Wisconsin Law School; Atty. Joan Bright Rundle, Madison; Atty. Michael Remington, Washington, D.C.; Atty. John Skilton, Madison ■

VOLUNTEERS IN THE COURTS

Volunteers bring diverse perspectives to OLR committees

by C. Colleen Flesher, administrative assistant to the Supreme Court

The more than 200 volunteers who serve on district committees around the state, assisting the Office of Lawyer Regulation (OLR) with certain investigations into possible attorney misconduct, are getting busier. OLR Director Keith L. Sellen is increasing the number of cases referred to the district committees so that each member will handle a minimum of one to two cases per year. Sellen hopes that handling more referrals will give the volunteers greater familiarity and comfort with the process, helping investigations run more smoothly.

Improving the process also means offering easier access to resources such as the American Bar Association Model Sanction Standards, and providing additional – and improved – training sessions. Sellen organized educational sessions for district committee volunteers at the State Bar Convention in Madison last May, and traveled to Milwaukee, Rice Lake, and Wausau to offer similar trainings. He is currently planning sessions for other communities to be held in the coming year.

Communication has also been increased between the court staff and the district committees. “More communication between the staff investigator and committee investigator helps clarify the issues and improve the timeliness and quality of our collective work,” Sellen said.

The system

There are 16 district committees around the state, and each, to the extent feasible, is composed of one-third non-lawyers. The lawyer-members bring a breadth of legal knowl-

edge to the process while the non-lawyers - business executives, farmers, beauticians, realtors, retirees - bring their life experiences and their perspectives as consumers of legal services. The Supreme Court appoints the members after the Court's Appointment Selection Committee screens applicants.

The Supreme Court created the new lawyer regulation system in October 2000 to replace the Board of Attorneys Professional Responsibility (BAPR). The district committees were a component of BAPR that was left intact (with some modifications) to ensure continued local input into the grievance process and provide both complainants and respondents with a convenient, economical means of peer review.

District investigative committees meet upon the call of the chair. The committee in Milwaukee averages 10 meetings per year with each meeting lasting about an hour and a half. In smaller communities, the committees meet quarterly. An additional time commitment is necessary during the actual investigations, when committee members conduct interviews and perform research.

The process

When a district committee receives an assignment, both the grievant and respondent are interviewed. Following this, see *OLR* on page 8



Newly appointed members of the Office of Lawyer Regulation's district committees met in Madison for training. Wisconsin is divided into 16 districts for purposes of lawyer regulation, and a committee composed of lawyers and non-lawyers serves each district. The committees assist in the investigation of certain cases, helping to give local input in the grievance process and to provide a more convenient, economical way for grievants and respondents to be heard. Training consists of presentations, a video, a walk through the process using a scenario, and problem-solving in small groups.

Teen courts grow in popularity

Judges are increasingly making use of creative options for dealing with teen offenders. In just three years, Wisconsin has more than doubled its teen courts, from 15 in 1999 to 32 in 2002, and a number of counties are looking at restorative justice programs as well (see separate story). Choosing the option that will work best for an individual offender, and for the victim and the families depends upon the personalities of those involved and on the circumstances of the case. The Capital Times in Madison recently featured some programs for teen offenders and talked to municipal judges about the pros and cons of each.

Teen courts take a number of different forms, but each harnesses the strength of peer pressure as a powerful deterrent. Teen courts generally serve first-time, non-violent offenders between the ages of 12 and 16 who are willing to plead guilty to the charge. The most common models are as follows:

Adult Judge Model: an adult judge rules on court procedure and clarifies

legal terminology; teens volunteer as defense and prosecuting attorneys and jurors (may also serve as bailiff and clerk).

Youth Judge Model: similar to Adult Judge Model, but a teen serves as the judge.

Tribunal Model: teens serve as defense and prosecuting attorneys to present cases to panel of teen judges that determines the sentence.

But supporters of teen court say no matter which model is used, the key to deterring offenders is the creative sentencing that teen courts can offer. For example, a teen convicted of shoplifting may have to write a letter of apology to the store, perform community service, and pay back the merchant. Generally, the sentence also includes volunteering as a juror, lawyer, or judge in a future session of the teen court.

Another sentencing option is to have the offender agree to a contract with a judge until the offender reaches age 17. Judge Hamdy Ezalarab, Fitchburg Municipal Court, created a program in

which he and other adults volunteer to work with a teen in a group effort to make the teen accountable for his/her actions. Requirements of the contract may include drug testing, community service, and improvement in school attendance or grades. Parents and a representative from the teen's school must also sign the contract.

Many communities have not started teen courts because the volume of cases is too heavy or they lack resources. In the traditional court setting, judges have had success issuing sentences that include fines and community service blended with an in-court lecture. Judge Shelley J. Gaylord, Madison Municipal Court, pointed out that often enough the teen is simply not interested in doing more. But, she said, “if they show up, I have an opportunity to work with them.” ■

The Wisconsin court system Web site provides extensive information on starting a teen court and gives links to state and national teen court resources. The teen court page may be accessed at http://www.courts.state.wi.us/media/Vol_Nwsltrs/Teen_Courts_9-00.htm#5.

VOLUNTEERS IN THE COURTS

OLR *continued from page 7*

investigators interview other necessary witnesses and collect other evidence that is relevant to the issues and necessary to determine the facts. Sometimes, this can take months to complete. When the investigation is finished, the case is discussed with the committee and a decision is made about whether an ethical violation occurred, and if so, what sanction might be appropriate. Many times during an investigation, complaints are withdrawn or issues are resolved.

Once the committee finalizes its findings, a copy of the report is given to the grievant and respondent attorney, who may respond to the report in writing. OLR staff reviews each report and any responses before determining how to resolve the grievance.

The people

Members of the committees find the experience to be very rewarding. Shel Gendelman, a former director of the Military Police Criminal Investigation Detachment who is now semi-retired, has served on the District 2 committee in Milwaukee for a year and a half. Like many OLR volunteers, he is active on a number of fronts in his community. He is president of the Milwaukee Area Technical College Foundation Board, serves as a reading tutor in the Milwaukee Public Schools, and helps out as an arbitrator for the Better Business Bureau.

"I am very impressed with the thoroughness of the [OLR] investigations," he said. "And the professionalism." Gendelman is one of three non-attorneys on the eight-person subcommittee. He finds that the mix of attorneys and non-attorneys produces insightful questions that he believes might not be brought if there were only attorneys on the committee.

Gendelman acknowledges that the attorneys do most of the research and he commends them for the time they commit and the seriousness with which they treat each case.

Atty. Paul Gagliardi has served on the committee in District 1 for more than 14 years and is currently the chair. He believes the volunteer service is worthwhile. "It keeps [lawyers] in touch with their code of conduct and how people feel about their lawyers," he said. He also agrees that having the non-lawyers on the committee is invaluable.

While Gagliardi has seen some changes since he started on the committee, the work has largely remained the same. One of the greatest challenges for the committees he said is "assuring the public that this way is objective" and the committee is "applying the rules." ■

For additional information on the OLR go to <http://www.courts.state.wi.us/olr/>. Lawyers and non-lawyers interested in serving on a district committee should send a letter and resume to: Cornelia Clark, clerk of the Supreme Court, PO Box 1688, Madison, WI 53701-1688, or fax to Clark's attention at: (608) 267-0640 or e-mail to: cornelia.clark@courts.state.wi.us. Positions are filled on a continual basis and resumes will be kept on file for consideration for future opportunities.

Litigants find solutions with help from law students

"Truth," Oscar Wilde wrote, "is rarely pure and never simple." Had the playwright not died more than a century ago, he might have been commenting on the drama that unfolds on a typical Monday morning in Room 400 of the Milwaukee County Courthouse. It's small claims morning and, by 9 a.m., every seat in the cavernous courtroom is taken. Latecomers stand in a line that snakes out into the hall. Their cases, in the words of veteran mediator and former judge Gary Gerlach, "are much more difficult than business disputes involving millions of dollars." They pit brother against sister, grandmother against granddaughter, colleague against colleague, friend against friend. They are all about money, but not really. Really, they are about broken promises, deceit, jealousy, embarrassment, revenge.

In a hallway just off the courtroom, Marquette Law School Distinguished Professor Janine P. Geske and her assistants – all volunteers who are trained mediators – give last-minute advice to the eight law students who are preparing to take center stage. Geske started the Small Claims Mediation Project in 1998, soon after leaving the Wisconsin Supreme Court. As a former Milwaukee County Circuit Court judge, Geske knows that some lessons are best taught by interaction with real litigants.

For three hours, the students mediate small claims matters that Court Commissioner George W. Greene screens and determines to be appropriate for mediation. The students work in pairs, one mediating and one observing, and reverse roles each week. Donating their time, trained professional mediators supervise the mediation sessions. After the concurrent sessions, the group meets to debrief.

The debriefing session reveals, at least on this day, a success rate of 100 percent. But, as Geske is quick to point out, that is not what really matters. What matters is the learning, and much of that occurs when the students share their stories with Geske, the professional mediators, and one another. One student tells of a tenant who was convinced that her landlord hung cobwebs and spread dirt in her apartment so he could keep her security deposit. Then there is the story of the family that wanted to honor their departed mother by having her smiling picture etched onto her headstone. When the result was too solemn looking, they complained – and the artist

responded by adding Chicklet-like teeth to the image. They, too, reached an accord through the mediation project.

The morning wraps up with a discussion of issues such as whether mediators should nod, how they should position themselves in their chairs, and timing caucuses (private meetings with each side). The students leave the courthouse smiling as broadly as the litigants they helped. They have experienced what, for many seasoned lawyers, is the best part of the job: helping people solve their problems, reconcile, and move on. ■



Volunteer supervisor Gary Gerlach, a former Milwaukee County Circuit Court judge, congratulates Marquette law student Janet Dabney on successfully mediating her first case. Gerlach and Professor Janine P. Geske, the former Wisconsin Supreme Court justice who started the mediation clinic, gave Dabney tips on how to fine-tune her skills for future clinics.

Leadership *continued from page 4*

money to fund it if we can avoid that," Stark said.

A partnership with Goodwill Industries already has proven invaluable in administering the program. Goodwill acts as fiscal agent, hires the project employees (after the Restorative Justice Program's Advisory Board selects them), and donates the office space. The grant pays for salary and office equipment. "Goodwill has been wonderful," Stark said. "The partnership has been just terrific." Keith Wilk, chief operating officer for Goodwill, is a non-voting member of the advisory board. He said Goodwill Industries of Northcentral Wisconsin, which covers 33 counties, began its involvement in restorative justice in Barron County, where Chief Judge Edward R. Brunner has led an effort to build peacemaking programs into the justice system. Goodwill now is involved with restorative justice programs in Barron, the Fox Cities, and Vilas County, and is "in the discussion stage" with judges in Dodge County. The partnerships provide valuable publicity for Goodwill and an opportunity for the organization to contribute to improving the quality of life in the communities that it serves. "When we go out into these communities [to open stores], there are a lot of good things already going on and we don't want to duplicate, but we do want to help," Wilk said.

Budget *continued from front page*

for non-judicial employees and July 22 for judges and justices. However, the act deletes funding for length of service payments, and court employees have been notified that these payments will not be made in 2002-2003. The act does not require state employees to pay a higher percentage of their health insurance premiums, as was proposed by the Assembly.

Truth-in-Sentencing. The budget act modifies the state's bifurcated sentencing (Truth-in-Sentencing) structure, largely according to the plan developed by the Criminal Penalties Study Committee. However, the act includes some provisions not contained in the original bill. One such provision requires the appellate court to reverse the sentencing decision if it determines that there is not substantial evidence in

Program Director Loren Bennesch, a former victim-witness coordinator with a master's degree in psychology, is the Eau Claire projects only full-time staff person. She started work in March and is assisted by a part-time volunteer coordinator, Tricia Lenz. Bennesch and Lenz have been busy making community and agency contacts, training and getting set for implementation of victim offender conferencing.

Bennesch and Lenz will be involved, at least in the beginning, in each conference. They will meet separately with the victim and the offender to make sure they are appropriate for the program and will also invite the offender's parents or guardians to be involved. After the screening, the conference will occur at one of several possible sites - the courthouse, the restorative justice office, or the senior center - depending upon the victim's preference.

As the program grows, Stark said, training sessions will be organized for members of the community who would like to act as volunteer facilitators. The facilitators will be trained to suggest a variety of ways that the offender might make the victim feel whole, but the real value of the victim offender conference is the communication. "Oftentimes these kids have no idea what it means to have something taken from them, or something damaged or destroyed. It's never happened to them," Stark said.

the record to support the decision. Another change permits inmates serving bifurcated sentences for Class C to E felonies to petition the sentencing court one time to adjust the sentence if they have served at least 85 percent of the term of confinement. Inmates serving bifurcated sentences for Class F to I felonies may petition once after serving at least 75 percent of the term of confinement. Reserve Judge Thomas Barland, who chaired the Criminal Penalties Study Committee, said the courts should be prepared to receive a petition from every inmate allowed to file one (see the separate story by Judge Michael Brennan for complete details on changes to Truth-in-Sentencing).

Domestic abuse injunctions. The domestic abuse injunction provisions, which were introduced in the regular

"This gives them a way to understand the impact of what they did."

As a result of the conference if the offender agrees to perform restorative type tasks, such as community service or pay restitution, an 'accountability mentor' will help to see that it happens. These mentors, Stark said, will be volunteers, including juniors and seniors from the University of Wisconsin, where students are required to perform a number of community service hours in order to graduate. In addition to keeping tabs on the youthful offenders, Stark hopes they will be role models.

After the victim-offender counseling is underway, other pieces of the program will be added. These will include a project to combat bullying in the schools; an expanded community service program that will permit juveniles to do work that is meaningfully related to the crime; a teen court for the Eau Claire School District; and victim-impact panels.

Stark said the agenda also includes producing a video to help people understand restorative justice. It will be distributed to "front-line people" such as police, victim-witness coordinators, and social services providers, in addition to being used in community presentations. ■

For more information on the Eau Claire County Restorative Justice Program, contact Stark at (715) 839-4809.

session as SB 438, expand the definition of domestic abuse to include dating relationships and require that an injunction hearing be held within 14, rather than seven, days. The act also extends the maximum length of the injunction from two to four years.

Out-of-home placements. These provisions, similar to AB 809 that was introduced in the regular session, make changes to Chapters 48 and 938 to conform these statutes to the requirements of the federal Adoption and Safe Families Act of 1997 (P.L. 105-89). The changes affect dispositional orders, consent decrees, changes in placement, child in need of protection and/or services (CHIPS) petitions, permanency plans and involuntary terminations of parental rights. ■

WISCONSIN CONNECTS TO THE WORLD

Wisconsin judges help to reform Chinese courts

After traveling nearly 7,000 miles from Madison to Shanghai for a teaching assignment at the new Judicial Training Center, Chief Judge Michael N. Nowakowski needed sleep. But first, he had a dinner date with his Chinese hosts and, to his surprise, he became the evening's entertainment. The group first called upon the jet-lagged judge to give an impromptu speech, and then provided him with a pair of chopsticks for the meal. Nowakowski's struggle with the chopsticks caused some mirth in the dining room, and prompted Jin Changrong, vice president of the Shanghai High People's Court, to promise him "a certificate of achievement" if he could learn to feed himself by week's end. The following day, Nowakowski turned down a proffered fork and, by the end of his stay, he was no longer eating his rice one grain at a time.

Chopstick proficiency was one of many lessons Nowakowski would take away from the 10-day trip that was arranged following an agreement between the University of Wisconsin Law School and the Chinese government to help China improve its civil courts. In giving classes for 45 Chinese judges, he and UW Law School Professor John Ohnesorge learned at least as much as they imparted. "The teaching part of it was great fun," Nowakowski said. "They asked incredibly good questions, and they forced me to revisit fundamental ideas about why we do what we do." For example, he said, the Chinese judges were intrigued by jury trials – something their court system does not offer. "They wanted to know how we could entrust to common citizens the power to decide cases involving scientific or complex questions – and that's a discussion that's been occurring here in the U.S."

China has been engaged for two decades in an effort to reshape its laws and courts, but the country's recent admission into the World Trade Organization (WTO) provided a new incentive for reform. The country's involvement in the WTO will mean economic interactions – trading, joint enterprises, and more – with foreign countries. "The WTO wants to be



Chief Judge Michael N. Nowakowski (front row, third from right) took a moment to pose with judges in China during his visit to support efforts to help reform the Chinese courts.

assured that the court system will be available for resolving disputes in a fair fashion," Nowakowski said.

China already has taken a big step by working to change how judges are trained. Until a few years ago, Red Army officers and police took the bench as a retirement job. Now, an increasing number of China's 200,000 judges are law school graduates. Next on the agenda is developing rules of evidence, rules of civil procedure, and codes of ethics for attorneys and judges.

Wisconsin judges (from both Dane and Rock counties), lawyers, and law professors are continuing to play a vital role in these efforts, not only by bringing their knowledge to China but also by hosting Chinese judges here. The exchange is the result of a training agreement between the University of Wisconsin Law School's East Asian Legal Studies Center, the Office of Chief Justice Shirley S. Abrahamson, and the Shanghai High People's Court.

In July, 21 judges from Shanghai traveled to Madison for an intensive three-week program that included courtroom observation, lectures on settlement techniques for judges, handling *pro se* matters (with a special emphasis on small claims), judicial appointment of counsel, judicial ethics, and alternative dispute resolution.

At the end of the Chinese judges' visit, their Wisconsin hosts presented them with a group photograph taken outside the courthouse and inscribed with Chinese characters conveying a message of friendship. The gift, now back in Shanghai, is an important commemoration of the partners' commitment to the project and a reminder of

the work that lies ahead. For Nowakowski, a set of decorative chopsticks – presented in lieu of the promised "certificate of achievement" for learning to eat properly – recalls the responsibility and the privilege of helping to make history. ■

Madison hosts embassy librarians

An estimated 24 librarians from U.S. Information Resource Centers in 20 nations visited Madison in mid June to learn about the court system, the legislative process, and the Wisconsin State Law Library (WSLL).

The librarians came from Costa Rica, Ethiopia, Germany, India, Lebanon, Syria, Russia, Turkey, and many other countries. They were guests of the University of Wisconsin School of Library and Information Studies, which works with the State Department on a Foreign Service National Education Program.

District Court Administrator Gail Richardson arranged a pizza lunch for the librarians with Dane County judges and attorneys, and gave them an opportunity to observe court hearings as well. Librarian Connie Von Der Heide gave a tour of the WSLL in its new, permanent home on the Capitol Square.

The librarians are nationals of the countries where the embassies are located. Their jobs involve helping people find information about the United States, particularly government information. ■

THE NATION CONNECTS TO WISCONSIN

Law students from around the nation intern in Wisconsin courts

This summer, 18 law students from schools around the nation are volunteering as interns in 12 county courthouses and the Wisconsin Supreme Court. In its sixth year, the Volunteer Summer Law Student Internship Program continues to provide assistance to trial and appellate judges while also better preparing future lawyers. Since its inception, the program has brought close to 200 students to courts in Wisconsin.

Administered by Melissa Lamb in the Office of Court Operations, the program invites law students to participate and matches applicants with judges who have requested an intern. As in past years, most interns wanted to work in Dane and Milwaukee counties and some openings in rural counties went unfilled.

The students are given a variety of tasks based on each court's needs, including researching and writing. Many interns also have an opportunity to observe judicial proceedings and shadow legal professionals. Chief Justice Shirley S. Abrahamson started the project in 1997 by writing personal letters about the program to law schools nationwide. The internship offers students something that textbooks and classes cannot impart—a real-life experience of the justice system. ■

For more information or to participate next year, call the Office of Court Operations at (608) 266-3121.

Sesquicentennial

continued from page 6

highlighting famous cases. The proposed 7-minute video would run on a continuous loop in the Wisconsin Supreme Court Hearing Room.

An **oral history project** will train volunteers to interview lawyers and judges who have long and colorful careers. The oral histories will be transcribed with the volunteer assistance of court reporters and will be made available to researchers at the State Historical Society.

An end-of-the-year **celebration** might be organized by the Wisconsin Law Foundation as a fundraiser. The Law Foundation supports charitable and educational programs (such as the high school mock trial program) that promote public understanding of the law, improvement of the administration of justice, and other law related public service. ■

Summer 2002 interns

Brown County

Donald R. Zuidmulder Jonathan Smies, University of Michigan

Clark County

Jon M. Counsell Shari Post, Northern Illinois University

Dane County

John C. Albert Nick Toft, University of Michigan
Steven D. Ebert Ari Nissim, Tulane University
Diane M. Nicks Kristen Healy, Chicago-Kent College of Law

Door County

Peter C. Diltz Sarah Malcore, Northern Illinois University*
D. Todd Ehlers

Iowa County

William D. Dyke Erin Ogden, Chicago-Kent College of Law

Kewaunee County

Dennis J. Mleziva Sarah Malcore, Northern Illinois University*

Milwaukee County

Jean W. DiMotto Stephanie Searing, Marquette University
Victor Manian Thomas Christenson, Ohio Northern University
Kevin E. Martens Michael Pum, Appalachian School of Law
Dennis P. Moroney Jeff Reynolds, Syracuse University
John Siefert Thomas Hogan, New England School of Law

St. Croix County

Eric J. Lundell Patton Prunty, Vermont Law School
Scott R. Needham
Edward F. Vlack III

Vernon County

Michael J. Rosborough Scott Nuttelman, Washington University

Walworth County

James L. Carlson Meaghan Ring, Northern Illinois University
John R. Race

Washington County

Annette Ziegler Tracy Howell, University of Iowa

Waupaca County

John P. Hoffmann Jenny Churas, Syracuse University
Raymond S. Huber
Philip M. Kirk

Wisconsin Supreme Court

Shirley S. Abrahamson Megan Revercomb, University of Denver

*shared between Door and Kewaunee counties

NEW FACES**Judge John H. Priebe
Bayfield County Circuit Court***Judge John H. Priebe*

In early August, the governor appointed Atty. John H. Priebe, of Priebe Law Office in Rhinelander, to the bench in Bayfield County. Priebe replaces Judge Thomas T. Lindsey, who died in June at age 48 after a two-year battle with cancer. The appointee will need to seek election to the seat in April 2003.

Currently a sole practitioner, Priebe has practiced law for 22 years. Previously, he was a partner in Johnson, Houlihan, Paulson & Priebe and was associated with O'Melia, Schiek & McEldowney S.C.

Priebe earned his bachelor's degree in English from the University of Wisconsin-Superior and his law degree from the University of Wisconsin. He has been active in the State Bar and the Tri-County Bar Association (Oneida, Vilas, and Forest counties) and also in the Rhinelander Zoning Board of Appeals and the Rhinelander Area Scholarship Foundation.

Priebe is married to Rebecca, a review-and-release specialist at Lincoln Hills School. The couple has four children.

**Judge Kendall M. Kelley
Brown County Circuit Court, Branch 4**

Governor Scott McCallum appointed Assistant District Atty. Kendall M. Kelley of Green Bay to Branch 4 of the Brown County Circuit Court, filling a vacancy created by Judge William C. Griesbach's appointment to the federal bench. Kelley will need to run for election to the seat in April 2003.

Kelley became a prosecutor in February 1998. He most recently worked on domestic violence cases, and previously was assigned to handle sexual predator petitions. Kelley helped to establish a municipal court for the Town of Suamico and served as the court's first judge. He also sat

frequently in Green Bay Municipal Court, substituting for Judge Mark A. Warpinski (now a circuit court judge).

Kelley received his bachelor's and master's degrees from the University of Dallas and earned his law degree from Marquette Law School in 1987. Prior to becoming a prosecutor, he worked in private practice and spent nearly four years in the U.S. Navy's Judge Advocate General's Corps. He has a strong interest in teaching, and has taught classes on business law, business ethics, criminal law, legal writing for paralegals, and more. Kelley also has worked as a consultant to law firms and corporations teaching computer skills.

Kelley is married with seven children.

**Judge Timothy M. Witkowiak
Milwaukee County Circuit Court, Branch 22**

On June 4, Governor Scott McCallum appointed Atty. Timothy M. Witkowiak of Franklin to the Milwaukee County Circuit Court. Witkowiak replaces Judge William J. Haese who is leaving effective Aug. 1 after 22 years to return to litigation work (see *The Third Branch*, spring 2002).

"I'm just thrilled. Couldn't be happier," Witkowiak said. He is a judicial court commissioner and a partner in the law firm of Tylicki, Witkowiak, and Jennings in Greenfield. He is past chair of the State Bar of Wisconsin Children's Law Section and a director of Summerfest.

McCallum opted not to seek nominations for this appointment. He instead selected the new judge from the pool of candidates who sought appointment last November to the vacancy left by the death of Judge Stanley Miller.

Witkowiak received his bachelor's and law degrees from Marquette University. He is the eldest son of retired District Court Administrator Ron Witkowiak, who served in Milwaukee County Circuit Court for more than 30 years. ■

*Judge Timothy M. Witkowiak***RETIREMENTS****Records analyst steps down**

David Bubier, a court records analyst with the Director of State Courts Office, retired in July after more than 16 years with the court system.

Bubier worked closely with the clerks of circuit courts to provide technical assistance on records management and procedural issues. He also was responsible for producing training videos for the courts on topics ranging from domestic violence to jury service.

CCAP project manager moves on

Sharlene Heacox, a software development project manager for the Combined Court Automation Programs (CCAP), left the courts on August 2 to pursue other opportunities.

Heacox spent 16 years working in the Director of State Courts Office, logging most of them in the Office of Technology Services (OITS). OITS was combined with CCAP in July 2001.

"I want to thank you all for being such a great group of users to work with for the past 16 years," Heacox said. "You have all made my job easier and more enjoyable than I can say." ■

OBITUARIES

Judge George A. Burns Jr. Milwaukee County Circuit Court



Judge George A. Burns Jr.

Judge George A. Burns Jr., who served in Milwaukee County Circuit Court for 26 years before assuming reserve status in 1996, died of cancer on July 19. He was 72.

Burns was known for his empathy and compassion. His skill as a judge and his even temperament made him highly regarded among local lawyers, who voted him the top

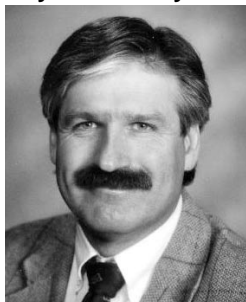
Milwaukee judge in a 1984 poll.

Burns was the son of a man who spent 62 years practicing law, and Burns himself spent 20 years as a lawyer before becoming a judge. He was appointed to the bench in 1970, elected in 1974 and re-elected in 1980, 1986, and 1992. Before he attended law school, Burns spent summers digging ditches for Wisconsin Gas Co. and soaking bottles in the old Blatz Brewery while majoring in philosophy at Marquette University.

In retirement, Burns served briefly as a reserve judge, and then combined mediation work with golfing, vacations in Florida, and the Green Bay Packers.

Burns's wife, Ruth, and his son and daughter survive him.

Judge Thomas T. Lindsey Bayfield County Circuit Court



Judge Thomas T. Lindsey

Judge Thomas Tedlund Lindsey, on the bench in Bayfield County for just over one year, died June 10 at a hospital in Ashland. He was 48.

Lindsey had been battling maxillary sinus cancer for about two years. He died soon after being taken to the hospital for difficulty breathing.

A fourth-generation Bayfield County resident, Lindsey was

elected in April 2001 to replace Judge Thomas Gallagher,

who retired. Prior to taking the bench, Lindsey was a partner with Spears, Carlson, Lindsey & Anderson, where he practiced for more than 20 years. He also served as Washburn city attorney for 18 years and was a Bayfield County court commissioner for a decade.

Lindsey's wife, Christine, and children Rob, Anna, and Max, survive him.

Judge Joseph A. McDonald Douglas County Circuit Court

Judge Joseph A. McDonald, on the bench in Douglas County for 19 years, died August 7 in Superior after a long illness. He was 64.

After graduating from the University of Wisconsin Law School in 1964, McDonald was elected as Douglas County district attorney – a post he held for six years. He then spent 14 years in private practice in Superior prior to joining the bench.

As a judge, McDonald championed restorative justice, a process that can take many forms, but that generally involves the victim, the offender, and the community and promotes repair and reconciliation. McDonald gave his public support to local residents who formed a committee to study whether restorative justice might work in Douglas County, and he attended their meetings. On the bench, he was known as fair and respectful of all who appeared before him.

McDonald's wife, Eileen, his two sons, and grandchildren survive him.

Judge Walter T. Norlin Bayfield County Court

Judge Walter T. Norlin, who served in Bayfield County Court from 1969 until 1975, died July 6 in Iron River. He was 92.

Norlin was a Chicago native who moved to Iron River in 1936 to open a law office. He soon moved to Washburn and served for a time as Bayfield County district attorney. When World War II called, Norlin joined the Navy and served in the Pacific in 1944-45. After serving one term as county judge, Norlin spent 12 years as a reserve judge. He retired from reserve work in 1987 and moved to Arizona, but returned to Iron River in 1994.

Norlin's wife, Frieda; his two sons, Keith and Robert; and four grandchildren survive him. ■



Judge Joseph A. McDonald

Leadership retreat focuses on litigants without lawyers

by Gregg M. Moore, district court administrator

Self-represented, or *pro se*, litigants present an enormous array of challenges in courts across the state. In the 13 northeastern Wisconsin counties that comprise the Tenth Judicial District, more than half of the litigants in family law cases are representing themselves in court. In 2000, the Tenth District began an effort to address the issues that surround self-representation and work on improving court services to those litigants. This spring, the district took another step toward its goal with a two-day leadership retreat for judges, clerks

of circuit court, and family court commissioners. The National Council of Juvenile and Family Court Judges (NCJFCJ) funded the retreat.

Chief Judge Edward R. Brunner emphasized that the goal of the district's efforts is to ensure meaningful and informed access to the courts for all people, noting that 56 percent of family law litigants in the 13-county district are not represented by an attorney. Chief Justice Shirley S. Abrahamson gave the keynote address, *Access to Justice – Challenges for Judicial*

Branch Leaders. She encouraged the participants to act on what they learned at the conference

after returning to their respective counties. John Voelker, executive assistant to the chief justice, reviewed the new Supreme Court Rule 70.41, which provides guidelines for court staff con-



Gregg M. Moore

Summer
2002

PEOPLE

The May shooting death in the Milwaukee County Courthouse, which occurred when a convicted murderer grabbed a deputy's gun after the jury came back with a guilty verdict, prompted news media across the state to examine courthouse security issues. In Green Bay, where news of the shooting led to calls for screening all courthouse visitors at a single entrance, Judge **J.D. McKay** pointed out in an interview with the *Green Bay Press-Gazette* that such a measure would not have prevented the Milwaukee shooting. "The weapon would have been there anyway," he said, adding that armed personnel need to be cautious about positioning themselves close to defendants in court. In Jefferson County, Judge **Jacqueline R. Erwin** told the *Watertown Daily Times* that the county's Security and Facilities Committee has addressed a variety of security concerns and that court staff participates in regular security training sessions. "I want people who come here to be safe and for the public to have access to the courts," she said.



Judge Jacqueline R. Erwin

"Judge's military rank reaches the stars" was the headline in *The Janesville Gazette* when Judge **James P. Daley**, Rock County Circuit Court, was officially promoted to brigadier general in the Wisconsin Army National Guard. Chief Justice **Shirley S. Abrahamson** and Governor **Scott McCallum** participated in a ceremony in the Senate chambers of the state Capitol. Daley gave credit for his military success to his family and the rank-and-file soldiers who served under him through the years. Daley became a Marine in 1967 and served in an infantry unit in Vietnam. "In Vietnam, I thought many times that I wouldn't be coming home," Daley said. "And when I realized there was a good chance I would return, the only thing I thought about was getting out of the military." Daley returned from Vietnam with a chest full of medals. His decorations include a Purple Heart and the Bronze Star with a Combat V for valor.



Judge James P. Daley poses with Chief Justice Shirley S. Abrahamson immediately after the ceremony honoring his promotion to brigadier general.

Bishop **William Bullock** announced that retired Chief Justice **Roland B. Day** would chair the Madison Catholic Diocese Review Board on Sexual Abuse. Bullock told the *Wisconsin State Journal*: "Justice Day is a man of integrity who has been shown to be very fair." The new board will review the diocesan sexual abuse policy at least every two years, making recommendations to the bishop of Madison; assess allegations of sexual abuse of minors; and develop an

appropriate methodology for implementing the charter and norms (established by the U.S. Conference of Catholic Bishops in Dallas in June). "I am pleased to serve at the request of the bishop," Day said. "I hope that it will have done some good when we're done."

Rhineland's outstanding mock trial team took fifth place in the national competition, according to Reserve Judge **Timothy Vocke**, a coach and fan. The team beat schools from Arkansas, the state of Washington, and Wyoming, but suffered losses to Ohio and California. Ultimately, a group of home-schooled children from Tennessee beat a school from Pennsylvania to capture the title.



Reserve Judge Timothy Vocke

Judge **Ramona A. Gonzalez**, La Crosse County Circuit Court, was the keynote speaker at a Chicago seminar entitled *At the Crossroads of Adoption* that was organized by the American Academy of Adoption Attorneys. After the address, the group honored Gonzalez with its Distinguished Jurist Award, which it gives only when members want to recognize a judge "who has consistently gone out of his or her way to protect children and promote their safety and well-being," said **Judith Sperling-Newton**, a Madison adoption attorney who is immediate past president of the organization.



Judge Ramona A. Gonzalez

Sperling-Newton might just as easily have been describing Gonzalez's father, **Ramon Gonzalez**, M.D. The elder Gonzalez was featured in the *Milwaukee Journal Sentinel* in July for his work providing medical care for people who cannot pay. Gonzalez founded the Madre Angela Family Medical Center on Chavez Drive in Milwaukee in 1983 – and has since treated 20,912 patients there. "This is why I am 76 and still working," he told a reporter. "Working with poor people, you can never retire. There is no finishing the job. Poverty continues." Gonzalez left his native Dominican Republic in 1960 after the police

see **People** on page 15

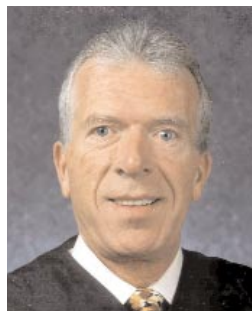
The Dane County Law Library, a branch of the Wisconsin State Law Library, had a special reason to celebrate National Library Week. The library, which is located in room 315 of Madison's City-County Building, received a grant from the Dane County Bar Association to expand its collection of materials for self-represented litigants. New titles from *Nolo Press* and extra copies of *State Bar* publications were added to the shelves. On a lighter note, library staff members Paula Seeger (left) and Melissa Kaszynski ran contests for children and adults, awarding prizes from WestLaw, Lexis, and LOIS.



PEOPLE *continued from page 14*

looted and destroyed his clinic.

"An Honor for Your Honors: Judges Enjoy Time at State Meet," a story in the *La Crosse Tribune*, tracked the participation of La Crosse County Circuit Court Judges **Michael J. Mulroy** and **Dale T. Passell** in the WIAA State Track and



Judge Michael J. Mulroy

Field Championships at the University of Wisconsin - La Crosse. This year, Mulroy served as an umpire for the running events while Passell escorted athletes to the awards platform. "In the courthouse we see, a lot of the time, things that represent the worst in human behavior," Passell said. "This is exciting. This is fun. Mike and I both block out time for this, and we plan to do it again next year." Both judges have close ties to the running world: they are marathoners and have children who are champion runners.

The Milwaukee Bar Association (MBA) named former Justice **Janine P. Geske** Lawyer of the Year recently. Geske, who is currently serving as interim dean of Marquette Law School, was presented with the award at the MBA's 144th annual meeting.

Judge **Jeffrey A. Kremers**, Milwaukee County Circuit Court, and Court Information Officer **Amanda K. Todd** spent a recent afternoon in the Milwaukee Public Radio newsroom

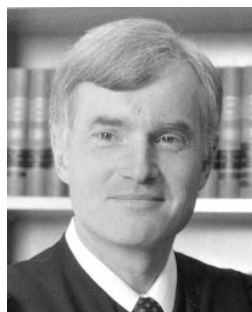


Judge Jeffrey A. Kremers

answering questions, explaining the court system, and giving a tour of the courts' Web site. Several news organizations in different parts of the state have invited court personnel to meet with reporters and photographers to improve the media's understanding of the justice system.

The Shawano Leader reported on the graduation ceremonies at Bonduel High School. Judge **Thomas G. Grover**,

Shawano/Menominee Circuit Court, was there to give the class address. "It's truly an honor to be asked to speak at the Bonduel graduation, this is my third time and it always feels



Judge Thomas G. Grover

great giving these kids some encouragement," Grover said. He jokingly added: "Some of these young adults will end up accomplishing many great things in life, while others will be visiting me at court."

A Peace Officers Memorial Ceremony was held in May to honor the men and women who lay their lives on the line to carry out their duties. Judge **David G. Miron**, Marinette County Circuit

Court, was the main speaker at the ceremony, reported the *Peshigo Times*.

A meeting of the Wisconsin Associated Press Editors Association prompted Judge **Mark A. Mangerson**, Oneida County Circuit Court, to speak out about the open records law. Lawmakers must be as clear and concise as possible when they set guidelines clarifying Wisconsin's Open Records Law, Mangerson said. "The Legislature has to try to make the standard as short and sweet as they can." The *News Republic* (Baraboo) reported on the meeting, which took place in Bayfield.

Dodge County Circuit Court judges are in the process of implementing a restorative justice program, reported *The Mayville News*. Judge **Andrew P. Bissonnette**, Dodge County Circuit Court, said alternate sentences might include work on crews that repair criminally damaged property; victim intervention programs; family group conferencing; and many other programs focused on keeping the offender from committing new crimes. The restorative justice program would allow a victim to choose whether to have contact with an offender. Contact in a structured setting may show the offender the true impact of his/her crime and enable the victim to find closure. Currently, the county is appointing a board to decide which aspects of the system might be implemented, Bissonnette told the newspaper. While the county currently lacks funds for the program, Bissonnette indicated that restorative justice might be available in Dodge County as early as next year.

Retired Chief Justice **Nathan S. Heffernan** and **Janine P. Geske**, a former justice who is now interim dean of Marquette Law School, shared their thoughts on judicial campaign finance reform in an editorial column that ran in newspapers around the state. They voiced concern about what might happen in the race for Justice **William A. Bablitch's** seat, the first open race for a Supreme Court seat since 1994.

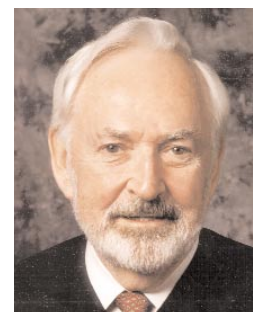
Among the possible candidates for Bablitch's seat is Judge **Maxine A. White**, Milwaukee County Circuit Court, who is facing the dilemma of whether to run for the Wisconsin Supreme Court or U.S. Bankruptcy Court in Milwaukee. White is considered a favorite to replace Bankruptcy Judge **Russell Eisenberg**, who is retiring next year. "I can't go wrong with either choice," White said. When asked by the *Milwaukee Journal Sentinel* which one she would choose right now, White replied, "I would go for a cloning job." The announced candidates for the Supreme Court seat are Judge **Patience D. Roggensack**, who has served on the Court of Appeals, District IV, since 1996, and Chief Judge **Edward R. Brunner**, who has served in Barron County Circuit Court since 1988.

Supreme Court Justice **N. Patrick Crooks** is this year's recipient of the Distinguished Alumnus of the Year Award from Notre Dame Academy. Receiving the award "is very meaningful," Crooks said. He noted that he's "very honored to join the company" of prior award winners including his longtime friend, Abbot **E. Thomas DeWane** and the *Wall Street Journal's* **Paul Gigot**.

Not to be outdone, **Jennifer Peterson**, Crooks's law clerk, was presented with an Outstanding Recent Alumnus Award from the University of Wisconsin-Eau Claire



Judge Mark A. Mangerson



Retired Chief Justice Nathan S. Heffernan

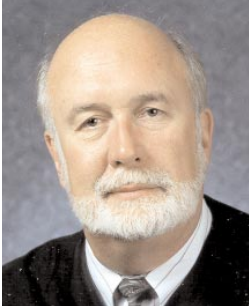


Justice N. Patrick Crooks

PEOPLE *continued from page 15*

Alumni Association. Peterson now works for the Madison firm of LaFollette, Godfrey & Kahn.

The La Crosse County judges have found a new way to reduce the county's jail population and costs: increase credits to people jailed for non-payment of fines to enable them to get out of jail faster, the *La Crosse Tribune* reported. After studying ways to ease jail overcrowding while still protecting the public, La Crosse's five judges recommended a dozen policy changes to the county's Criminal Justice Management Council. The first change, which took effect July 1, doubles



Judge Dennis G. Montabon

the credit that inmates incarcerated for non-payment of fines receive for every day in jail and every hour of labor performed in jail jobs and on community service projects. The new policy also permits the release of inmates who have partially paid their fines if they have made arrangements to pay the balance. On any given day, about 20 La Crosse County Jail inmates are behind bars because they can't or won't pay fines, Judge **Dennis G. Montabon**, La Crosse County Circuit Court, told the newspaper. Daily credits will increase from \$25 to \$50 and the hourly rate will increase from \$5 to \$10.

Judge **Barbara A. Kluka**, Kenosha County Circuit Court, and District Court Administrators **Kerry Connelly**, District Two, and **Beth Bishop Perrigo**, District One, were among 30 people chosen from around the nation to participate in a conference to improve court-media relations, according to a story in the *Kenosha News*. The program was designed to serve large, urban courts that receive a lot of attention from the media but do not have the funds to hire full-time public information officers. The Wisconsin court system has one public information officer to cover all circuit courts, the Court of Appeals, and the Supreme Court. The program was fully funded through a grant from the Donald W. Reynolds Foundation and no state money was spent on any aspect of the trip.



Judge Barbara A. Kluka

Judge **Sarah O'Brien**, Dane County Circuit Court, made big headlines when she ruled that the chief clerks of the Assembly and Senate must make the names of lawmakers and legislative employees receiving taxpayer-paid legal advice public. *The Capital Times* quoted from her 22-page decision: "The public interest in disclosure is clear. Taxpayers of a community have the right to know how and why their money is being spent."



Judge Sarah O'Brien

Dodge County held a roundtable discussion at the Justice Facility in Juneau in recognition of National Crime Victims' Rights Week. The Dodge County District Attorney's Office put together a panel of county officials, judges, and victims to speak on the topic. Participants in the panel included Judges **Daniel W. Klossner** and **Andrew P. Bissonette**, Dodge County Circuit Court. Klossner spoke of his experience as a crime victim when a burglar entered his home. Bissonette spoke of the proposed restorative justice program and the impact it might have.

The *Platteville Journal* covered a recent meeting of Grant County's Roundtable on Underage Drinking, better known as Judge Curry's Roundtable after Judge **George S. Curry**, who spearheads the effort. Meeting participants dis-

cussed Grant County's First Time Offenders Program, which went into effect March 1. The program can be used in driving education classes or parents can enroll their children. Curry also helped with an effort to organize a Youth Leadership Conference for sixth graders entering seventh grade and ninth-10th graders who are potential leaders in their schools. The conference was the result of a collaboration between Judge Curry's Roundtable, Grant County's Safe Communities, and the Anti-Tobacco Coalitions in Grant, Iowa, Lafayette and Richland counties. Students learned about leadership styles and skills, communication, conflict resolution, peer pressure and refusal skills, and messages from the media.



Judge George S. Curry

According to some, electronic monitoring can be extremely successful or a complete failure. In an interview with the *Daily Tribune*, Judge **Edward F. Zappen Jr.**, Wood County Circuit Court, said he does not believe that electronic monitoring should be used in place of jail. "Jail is jail. . . . That doesn't mean I'm against electronic monitoring," he said. Zappen agrees that the technology is another tool to be used along with fines and jail time; however, he isn't yet sure how it would be used in Wood County.

The Coulee News (West Salem) featured **Norm Rowe**, who was recently appointed to the Fee Arbitration Committee by the Wisconsin Supreme Court. When Chief Justice **Shirley S. Abrahamson** called to invite him to be on the committee, "I was pretty surprised," laughed Rowe. The Court created the committee to study and make recommendations regarding mandatory and voluntary fee arbitration programs for lawyer-client fee disputes. It will review and analyze various existing programs to identify the advantages, disadvantages, strengths, and weaknesses of different models.

In July, just days after the Supreme Court ended its term, Chief Justice **Shirley S. Abrahamson** spent some time in Milwaukee County's small claims court – sitting in what the *Milwaukee Journal Sentinel* described as a "cracker box courtroom on a dead-end corridor." Abrahamson was making good on a promise to fill in for Judge **Kitty K. Brennan** while Brennan was on vacation. The chief justice found the steady stream of landlord-tenant



Chief Justice Shirley S. Abrahamson hears fender-benders and landlord-tenant disputes during a stint in Milwaukee County Small Claims Court.

disputes and fender-benders exhausting, and had difficulty giving just 15 minutes for each case. Still, she called the experience "terrific" and praised Brennan's staff for their invaluable assistance.

PEOPLE *continued from page 16*

Milwaukee County has seen about a 71 percent increase in requests for restraining orders since the Legislature eliminated the \$164 filing fee in April 2000, according to a story in the *Milwaukee Journal Sentinel*. Court Commissioner **John Valenti** compared the courtroom atmosphere, with the increased number of tit-for-tat restraining order requests, to the Jerry Springer show without the cameras. "The word gets out on the street and suddenly everybody's coming in," he said. He acknowledged, however, that the Legislature appropriately erred on the side of caution by eliminating a fee that might have discouraged people who were in real danger. "By doing it this way," he said, "these people get their day in court." The *Journal Sentinel* reported that some have mixed feelings about people not having to pay a fee to file for a



Judge Dennis C. Luebke

restraining order. Court Commissioner **Arleen Michor**, who took over Harassment Court from Valenti this year, said a reasonable fee would discourage at least some of the frivolous cases.

Lack of uniformity in homicide by drunk driving sentences can leave the public mystified, so some judges are making a special effort to explain how the circumstances in each case dic-

tate different punishments. *The Post-Crescent* (Appleton) reported on a sentence given by Judge **Dennis C. Luebke**, Outagamie County Circuit Court, to a 20-year-old who caused the death of his 17-year-old friend when he rolled his truck. After relatives from both sides pleaded for leniency, Luebke responded accordingly: "I don't think justice demands that you be locked up," Luebke told the defendant. Chief Judge **Joseph M. Troy**, Outagamie County Circuit Court, uses fic-

tionalized OWI-homicide cases in a role-playing exercise at speaking engagements. He said that once the audience receives all of the background information, they tend to back away from the severe sentences they might have wanted imposed at first. Former Justice **Janine P. Geske** emphasized that deterrence should not be overlooked. "The court has to consider the message the sentence sends," she said.

The Criminal Justice Task Force in Waukesha County called for faster and more intense assessment of suspects to determine if they should be treated in mental or chemical dependence programs away from the jail, reported the *Milwaukee Journal Sentinel*. Chief Judge **Kathryn W. Foster**, Waukesha County Circuit Court, who served on the task force, said many criminal impulses in people with mental illness can be controlled through medication. County Supervisor **Walter Kolb** of the Town of Waukesha objected to the recommendations, questioning whether it would mean sending dangerous people back out on the streets. Replied Foster: "You can't lock up everybody. You just can't."

Chief Justice **Shirley S. Abrahamson** was elected first vice president of the National Conference of Chief Justices at the group's July meeting.

The Inter-County Leader (Frederic) featured colleagues and friends honoring Judge **James H. Taylor**, Burnett County Circuit Court, on his retirement.

Speaking at the retirement dinner were Chief Judge **Edward R. Brunner**, Barron County Circuit Court; Judge **Robert H. Rasmussen**, Polk County Circuit Court; and Burnett County Chief Deputy **Don Taylor**, the judge's cousin. A letter from County Administrator Myron Schuster on behalf of the Burnett County Board was read aloud. It said: "Your humor, gentleness and pleasant demeanor will be missed." ■



Former Justice Janine P. Geske



Judge James H. Taylor

Litigants *continued from page 13*

cerning assistance to court users. The rule will help court staff give the best possible service while avoiding the unauthorized practice of law.

The participants met in small groups to discuss the findings and conclusions in the 2002 publication of the American Judicature Society, *Lessons from the Country: Serving Self-Represented Litigants in Rural Jurisdictions* (available for \$5 from the American Judicature Society at <http://www.ajs.org>). Participants later identified specific actions that could be taken to help improve court services for self-represented litigants. Participants were provided copies of a one-page guide for self-represented litigants that was developed and distributed to each county in November 2001.

Atty. Timothy J. O'Brien and Court Commissioner George L. Glonek discussed the Tenth District's ongoing collaborative efforts with local bar associations, emphasizing the importance of judicial leadership. Brunner and O'Brien have met with most of the district's bar associations to discuss the issue of self-represented litigation. Two area bar associations have received grants from the State Bar of Wisconsin to help standardize court forms and instructions used by self-represented litigants.

The Tenth District has found a number of ways to use student help on *pro se* issues, and some of those projects were highlighted at the retreat. David Groose, executive director of Judicare, the legal services provider for northern Wisconsin, spoke to the group about Judicare's collaborative efforts with the Tenth District. Judicare has funded a law student intern for the summer of 2001 and 2002 to work on various projects to meet the needs of self-represented litigants in the district.

Maria Cuzzo, Ph.D., director of the University of Wisconsin-Superior (UWS) Legal Studies Department, presented an overview of a UWS joint effort with the Tenth District. Four university students joined Cuzzo in describing plans to survey self-represented litigants, assist them in completing forms (with guidance from Douglas County Bar Association attorneys), and develop ongoing internship opportunities for UWS Legal Studies students. ■

For more detailed information about the district's initiatives, contact Moore at (715) 839-4826 or gregg.moore@dca10.courts.state.wi.us.

TIS *continued from front page*

the maximum period of time a person found not guilty by reason of mental disease or defect may be institutionalized will not exceed the maximum term of confinement a court may impose for the underlying offense. In another change from current determinate sentencing, a misdemeanor sentenced to state prison may receive a bifurcated sentence.

Controversial addition

As part of the legislative compromise to include the CPSC's work in the budget adjustment bill, the Legislature inserted a mechanism by which an inmate may petition the sentencing court to adjust a sentence. New Wis. Stat. § 973.195 provides that an inmate serving a bifurcated sentence on a Class C, D, or E felony may petition the sentencing court to adjust the sentence if the inmate has served 85 percent of the term of confinement in prison. An inmate serving a bifurcated sentence on a Class F, G, H, or I felony may petition the sentencing court to adjust the sentence if the inmate has served 75 percent of the term of confinement in prison. Grounds for the petition include an inmate's rehabilitation in prison, a change in law or sentencing procedure, or "otherwise in the interests of justice." Granting a petition does not change the length of the term of imprisonment; rather, it converts the remaining confinement time to ES time.

This mechanism has limits. Only one petition may be filed per sentence. Upon receipt of such a petition, the sentencing court "may deny the petition or hold the petition for further consideration." If the court holds the petition, the district attorney shall be notified. If the district attorney objects, the court shall deny the petition. If the offender committed certain sexual assaults, the victim may object, in which instance the court shall deny the petition.

Less controversial was the CPSC's inclusion of a procedure by which certain older or terminally ill prisoners who have been given bifurcated sentences may petition the sentencing court for a modification of the terms of their sentences [Wis. Stat. § 302.113(9g)].

Sentencing guidelines and notes

Perhaps the greatest challenge the CPSC faced was its statutory charge to create temporary advisory sentencing guidelines for judges imposing a bifurcated sentence. Ultimately, a format was adopted with two parts: (1) a two-page worksheet for the 11 offenses which implicate approximately three-quarters of the state's prison resources, and (2) sentencing notes to be used with the worksheets.

The sentencing worksheet guides the judge in first assessing the severity of the offense and then assessing the offender's risk to the community. The judge then consults a graph where these two assessments intersect, which gives an advisory starting point from which to sentence the offender. The percentage of offenders placed on probation for that particular offense is also listed. The sentencing notes explain many of the considerations and concepts underlying the questions posed on the sentencing worksheet. A new sentencing commission (discussed below) will produce, collect, and analyze the worksheets. Examples of completed worksheets are available in the CPSC final report.

see TIS on page 19

Table 1

The mandatory release converter is applied to move crimes from the six felony classes under current law to the newly adopted nine-class system:

Current Class	Class as of Feb. 1, 2003
Class A	Class A
	Class B
Class B	Class C
Class BC	Class D
	Class E
Class C	Class F
	Class G
Class D	Class H
Class E	Class I

Table 2

Felony Class	Maximum Term of Confinement	Maximum Extended Supervision	Maximum Term of Imprisonment	Maximum Fine
A	Life		Life	---
B	40 years	20 years	60 years	---
C	25 years	15 years	40 years	\$100,000
D	15 years	10 years	25 years	\$100,000
E	10 years	5 years	15 years	\$50,000
F	7.5 years	5 years	12.5 years	\$25,000
G	5 years	5 years	10 years	\$25,000
H	3 years	3 years	6 years	\$10,000
I	18 mos.	2 years	3.5 years	\$10,000

TIS *continued from page 18*

Originally, the budget adjustment bill contained language that could alter the standard of appellate review of criminal sentences and require judges to make "findings of fact as to the elements of the sentence." This language was eliminated in joint conference, and later by the line-item veto.

Extended supervision and its revocation

While the CPSC envisioned that ES would consist of differing levels of supervision based upon an offender's behavior, cost constraints have resulted in ES appearing similar to parole.

The budget adjustment bill enacted ES-related changes recommended by the CPSC. A new statute allows the Department of Corrections (DOC), as a sanction for a violation of ES, to confine the offender for up to 90 days in a regional detention facility, or, with the approval of the sheriff, in a county jail [Wis. Stat. § 302.113(8m)(b)]. This "confinement sanction" greatly increases the DOC's ability to deal with the problem of punishable, but not revocable, conduct.

As to revocation of ES, the CPSC concluded that the current system in which an administrative law judge (ALJ) makes the revocation decision works well, although the committee did make certain recommendations to shorten the revocation process. ALJs adjudicate hundreds of these cases per year, and this system relieves the circuit courts of that burden. If the ALJ decides that the offender should be

revoked, the ALJ makes a recommendation to the court on the period of time for which the offender should be returned to prison. Then the circuit judge makes the determination [Wis. Stat. § 302.113(9) & (9)(am)]. Also, judges not only set, but also may modify, ES conditions [Wis. Stat. § 302.113(7m)].

Sentencing commission

A new sentencing commission will perform a variety of duties, including monitoring and compiling data on sentencing practices in the state, adopting advisory sentencing guidelines, and providing information to state government and the public regarding the sentencing guidelines and the costs of sentencing practices. The commission also will publish and distribute to all circuit judges an annual report regarding its work, and study whether race is a basis for imposing sentences. The commission consists of 18 voting and three non-voting members, and a staff with an executive director. Various governmental bodies, including the Supreme Court, the Legislature, and the governor, will appoint the commission's members. Circuit judges interested in serving should advise Sheryl Gervasi at (608) 266-6984 or sheryl.gervasi@courts.state.wi.us. ■

Brennan will teach at two TIS seminars in January. He served as staff counsel to both the Criminal Penalties Study Committee and the Governor's Task Force to Enhance Probation prior to joining the bench.

Truth-in-Sentencing seminars set for Rapids, Waukesha

*by Jennifer Miller, court information intern
Director of State Courts Office*

To help make sense of major criminal-code revisions that will have an impact on every court in Wisconsin, the Office of Judicial Education will offer a Truth-in-Sentencing seminar in Waukesha and Wisconsin Rapids. The Waukesha session is slated for the Country Inn Hotel on Jan. 14-15, 2003, and the Wisconsin Rapids session will take place Jan. 16-17, 2003, at the Hotel Mead. The sessions are open to active and reserve judges as well as Director of State Courts Office staff. Those interested in attending are asked to register for the session in their region, if possible.

The seminar is still being planned, but tentatively will cover the new Class A-I criminal code and the implementation of sentencing guidelines. The faculty will explore caps on extended supervision terms, petitions for sentence adjustment, the elimination of numerous penalty enhancers, and a method for calculating penalty enhancers.

The seminar will provide practical, hands-on instruction to help participants identify where crimes are now classified and why and how to calculate maximums. In addition, the judges will learn about the impact of sentencing guidelines and how they relate to sentencing notes and worksheets. They will also learn about the process for revoking extended supervision, and will discuss how to preserve sentencing discretion in light of Truth-in-Sentencing.



Judge Patrick J. Fiedler



Judge Elsa C. Lamelas

Expected faculty members include: Reserve Judge Thomas H. Barland, former chair of the Criminal Penalties Study Committee (CPSC); Judge Michael B. Brennan, Milwaukee County Circuit Court (former staff counsel to the CPSC); Judge Patrick J. Fiedler, Dane County Circuit Court (former member of the CPSC); Professor Thomas Hammer, Marquette University Law School (former reporter for the CPSC); and Judges Elsa C. Lamelas (former member of the CPSC) and Richard J. Sankovitz, both Milwaukee County Circuit Court. ■

The Office of Judicial Education will send out information on this seminar soon. Registration forms [via mail or fax (608) 261-6650] must be received on or before Friday, Nov. 28. Online registration will be available on the court system's Intranet.

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**Office of Judicial Education
Tentative 2003 program calendar**

January	
14-15	Truth-in-Sentencing Country Inn Hotel, Waukesha
16-17	Truth-in-Sentencing Mead Inn, Wisconsin Rapids
February	
20-21	Clerks of Circuit Court Institute Madison
April	
1	Law Update*
2-4	Juvenile Law Seminar* Paper Valley, Appleton
11	Prison Tour*
May	
2	College Faculty Development Workshop Stone Harbor, Sturgeon Bay (attendance by invitation only)
13	Traffic Law Update Radisson Hotel, Green Bay
14-16	Criminal Law & Sentencing Radisson Hotel, Green Bay
June	
18-20	Civil Evidence Workshop Holiday Inn, Manitowoc
September	
15-19	Judicial College Chula Vista, Wisconsin Dells (attendance open to judges only)
October	
15-17	Meeting of Judicial Conference Chula Vista, Wisconsin Dells
November	
19-21	Civil Law Country Inn, Pewaukee
* Attendance open to circuit court commissioners	

Judicial Conference set for Madison

The 2002 Wisconsin Judicial Conference, set for October 16-18 (Wednesday-Friday) at Monona Terrace in Madison, will feature sessions on managing *pro se* litigation, working with court interpreters, sentencing, managing complex civil cases, and much more. The meeting will begin with the State of the Judiciary Address by Chief Justice Shirley S. Abrahamson.

Lodging will be provided for participants whose courthouse is 50 miles or more from

Madison. The conference hotel, Sheraton Madison, is located on John Nolen Drive and will provide shuttle service downtown to the Monona Terrace.

A tentative agenda and registration form was sent by mail on July 17; the deadline for registration is September 20. ■

Contact the Office of Judicial Education at (608) 266-7807 with questions.