A GUIDE FOR ORGANIZING ACTIVITIES IN WISCONSIN'S COURTS

# 

**DIRECTOR OF STATE COURTS OFFICE** 

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# Wisconsin's Law Day Initiative

President Dwight D. Eisenhower established Law Day in 1958 to provide an opportunity for reflection on our legal heritage and the role of law in our society. Law Day has been celebrated around the nation every May 1 since then.

This year, the American Bar Association has chosen "Protecting the Best Interests of Our Children" as its Law Day theme. There is no better place to honor this theme than in Wisconsin's 70-plus courthouses where judges, lawyers, and court employees work together to help families in crisis and provide a forum for the peaceful resolution of disputes.

In 1997, Wisconsin launched its first statewide campaign to celebrate Law Day with open houses in the courts. The effort recognized that Law Day offers judges, lawyers, clerks of circuit court, and others in government who do the work of justice an important opportunity to educate the public about the law.

In 1998, we gave the program a sesquicentennial twist, packing the kit full of information on Wisconsin's court history and legal lore. The 1998 Law Day Planning Kit, Sesquicentennial Edition, was recognized with an award from the American Judicature Society for "enriching the public's understanding of the courts' vital role in serving citizens throughout the 150 years of Wisconsin's statehood." The 2000 Law Day Planning Kit presented new ideas for juror appreciation activities, information on successful Law Day programs from around the nation, full speeches with discussion questions, and more.

For 2001, the Director of State Courts Office and State Bar of Wisconsin have again recruited judges, lawyers, and clerks of circuit court in each county to plan the celebrations. In addition, the Office of the State Public Defender asked to be involved and has provided planners in many counties. Each planner will receive a copy of the kit. The first person listed in each county is responsible for organizing the local Law Day committee. It is suggested that members of the county board, law enforcement representatives, and community groups be invited to help. This kit includes lists of community partners and agencies that work with children and have expressed an interest in helping to plan Law Day activities.

This kit is being provided at no cost to you. It contains order forms for many handouts that will also be provided at little or no charge. Individual committees are responsible for any additional costs incurred for refreshments, banners, plaques, materials ordered from the American Bar Association, etc.

We wish you good luck in setting up a successful 2001 Law Day celebration!

# Law Day Planning Timeline

February Planning kits distributed to organizers (see page 6).

Organizers convene committees, assign duties (see page 24).

Order free American Bar Association (ABA) Law Day catalog, call 800/285-2221 and mention product code 317-0192.

Order mailing labels for local schools from the Department of Public Instruction (DPI). Orders need to be in writing and this service costs \$25-40 plus .10 per sheet of labels. For more information, call DPI at (608) 266-1730 or visit the web site at www.dpi.state.wi.us.

Order community group mailing list from local chamber of commerce.

March

Contact community groups and schools to offer judges and lawyers to speak on the best interests of children or other law-related topics; speakers can use this opportunity to announce Law Day activities. Make use of the speaking points and synopses of school-related cases beginning on page 51. Consider using information from *Famous Cases of the Wisconsin Supreme Court* or *Wisconsin's Legal History*, both available on the court system Web site, www.courts.state.wi.us, or by using the order form on page 101, for presentations.

Recruit all necessary volunteers: lawyers to staff an advice booth and coach mock trial participants, tour guides, contest judges, etc.

- March 15 Solicit door prize donations for Juror or Foster Parent Appreciation Dinner (see page 33).
- March 16 Research local businesses' jury duty practices to determine which business should receive the Juror Employer Award (see page 34).
- March 16 Send first press release to announce Law Day activities (see sample, page 49).

  Assign a local lawyer or judge to write Law Day guest column (submit by March 30).
- March 16 Contact schools with invitations and information on poster and/or contests (see page 41), "Day in the Life" activity (see page 46) and/or mock trials (see pages 57-89).
- March 22 Invite community groups, local officials (see page 47).
- March 28 Meet with buildings/grounds personnel to choose space for Juror or Foster Parent Appreciation Dinner (see page 33).
- March 28 Invite former jurors or foster parents to Appreciation Dinner (see pages 35-36). Give one-week deadline for response.
- April 2 Deadline for ordering State Bar of Wisconsin materials.

April 2	Deadline for ordering media mailing labels/free handouts from the Director of State Courts Office (see page 101).	
April 3	Contact award winners and order plaques (see page 103).	
April 3	Send press releases about awards (see page 34).	
April 3	Order refreshments, decorations, banners (see page 103).	
April 3	Design and distribute a flyer promoting Law Day activities.	
April 4	Meet with buildings/grounds personnel to finalize space/furniture needs for Juror or Foster Parent Appreciation Dinner (see page 33).	
April 4	Contact caterer and make name tags for Appreciation Dinner.	
April 6	"Day in the Life" activities take place.	
April 13	Deadline to judge contest entries and contact schools with results (see page 44).	
April 13	Design certificates for contest winners (see pages 45).	
April 20	Send second press release (see page 50).	
April 24	Reminder calls to all volunteers.	
April 27	Set up tables, booths, hang banners, set out handouts, etc.	
May 1	Celebration of Law Day 2001. Good luck!	

# Law Day Organizers by County

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# **Community Partners**

The University of Wisconsin Extension has provided the following contact persons who may be willing to assist with Law Day planning and activities.

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The **Wisconsin Department of Health** and Family Services has suggested the following agencies may be willing to help plan Law Day activities.

#### ADAMS COUNTY

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Harold Frank, Chair

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# GREAT LAKES INTERTRIBAL COUNCIL

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Michael Allen, Executive Director

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# Suggested Law Day Activities

The key to a successful Law Day is providing programs that are interesting enough to bring people to the courthouse. Consider especially reaching out to the elderly, low-income, and immigrant populations by arranging for transportation to bring them to the courthouse for Law Day.

# 1. Adoption Hearings

**Tasks:** To help publicize the need for adoptive homes, schedule one or more adoption hearings on Law Day, with the permission of the adoptive parents, and invite the media to talk to the judge, adoptive parents, and children after the hearing. Promote with flyers.

# 2. Reception in Honor of Foster Parents

**Tasks:** Set up a punch and cookies reception for foster parents in the county to honor their contributions and to publicize the need for foster parents. This could include a short talk from one or more judges and an opportunity for foster parents to know the judges on a more informal basis than the usual courtroom setting. Promote with flyers and press releases (see page 36).

# 3. Set up a CASA Program

**Tasks:** Court Appointed Special Advocates (CASA) are volunteers from all backgrounds who are appointed by judges to advocate for the best interests of abused and neglected children. A CASA volunteer is assigned to each child until the child is placed into a safe, permanent, and nurturing home. See page 28 for details on how to implement a CASA program in your community.

#### 4. Information Fair

**Tasks:** Set up tables for handouts/displays from the courts, county and state bar associations, the ABA (call 312/988-5735 for a catalog), police, sheriff, and county agencies. Consider reserving one table as a legal advice booth (see page 37), one for voter registration and one for often-asked questions (for example: how to apply for a passport, how to file a small claims action, what happens when one fails to pay a fine). Demonstrate Circuit Court Automation Program public access terminals where available. Many bar associations have programs geared to high school seniors who will soon be, or already are, adults. A lawyer discusses a topic with a small group of students, allowing time for their questions. Students move round robin to another lawyer until all students have met with each lawyer. Each lawyer discusses a different issue such as leases, drunk driving, marriage, and domestic abuse.

# 5. Legal Advice Booth

**Tasks:** Identify local lawyers with a broad range of expertise to staff the booth in shifts. Promote in flyers and press releases (see page 37). Alternative: Partner with a local television or radio station and have attorneys take call-in questions.

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<sup>\*</sup> Many Internet resources require Adobe Acrobat Reader to view the documents. Acrobat Reader is a free program available online at www.adobe.com/products/acrobat/readstep.html.

# 6. Tours of Courthouse

**Tasks:** Recruit volunteers, create handouts and tour-guide speeches with historical information on Wisconsin's legal history and famous cases (see order form, page 101), complete localized court visitors' guide if not already done (call 608/264-6256 for help), and make posters listing tour times.

Tours in conjunction with a "meet your judges/police chief/sheriff/county executive/county board members/city council" event.

**Tasks:** Contact these and other individuals to gauge interest, availability, and the best venue for meetings. For example, determine which court will be handling cases that are appropriate for children to watch or stage a mock trial (see pages 57-89 for mock trial scripts). See if the sheriff's department will give jail tours and if a police mascot might be available to greet children and give safety tips. See if a CrimeStoppers episode could be taped at the courthouse on May 1 or if a local radio station will broadcast live from the courthouse. Promote all activities in press releases and flyers, making clear that judges will not answer questions on pending cases.

#### 7. Contests

**Tasks:** Invite schools to participate, recruit volunteer judges, have winning entries re-printed in local newspaper (with parents' approval), decorate courthouse with entries, invite winners and their classes to a Law Day ceremony to award plaques and/or ribbons (see page 103).

# 8. Shadowing - "Day in the Life"

**Tasks:** Invite schools to choose one or two pupils each to pair with courthouse employees and local lawyers for a day in April. Have them take pictures with a disposable camera and write essays on their experiences to submit to local newspaper (with parents' permission). On May 1, invite the students' classes to come to the courthouse for a tour and opportunity to meet the judges and court staff (see page 46).

#### 9. Mock Trials

**Tasks:** Work with schools to stage mock trials on Law Day (see pages 57-89 for mock trial scripts).

#### 10. Panel Discussions

**Tasks:** Arrange a panel of speakers to talk about a particular topic related to protecting the best interests of children. Consider creating a diverse panel of lawmakers, doctors, judges, experts, and community members.

Possible topics include:

- freedom of speech and high school newspapers;
- sexual discrimination in schools;
- role of the state in child protection (one resource would be <u>DeShaney v. Winnebago</u>
   <u>County Department of Social Services</u> (489 U.S. 189), a Wisconsin child abuse-related
   case that went to the U.S. Supreme Court in the 1989);
- the impact of divorce on children;
- school violence (one resource would be 99-2317 *In the Interest of A.S.: State v. A.S.*, and 99-1767-FT *In the Interest of Douglas D.: State v. Douglas D.* The Wisconsin Supreme Court heard oral argument in these cases in October 2000 and, at press time, had not issued decisions. (See page 54 for synopses of these cases).

Promote with flyers.

# 11. Town Hall Meetings

**Tasks:** Organize a town hall meeting for community members to meet with lawmakers, judges, and attorneys to talk about issues relating to protecting the best interests of children. Set up an open forum to discuss how the law can better serve children. Promote with flyers.

For additional ideas from successful Law Day programs nationwide see next page.

# Award-Winning Law Day Activities

The following programs have been finalists for the ABA's Law Day Activities Award. The ABA describes 120 successful Law Day programs on its Web site at www.abanet.org/publiced/lawday/ideas/home.htm.



In **Arizona**, the Young Lawyers' Division of the Pima County Bar Association, the Arizona Superior Court in Pima County, the Pima Prevention Partnership/Pima County Teen Court, and the Pima County Juvenile Court created the Teens Speak Out Program. The program provided a forum in which hundreds of teens could directly communicate their solutions to community issues to lawmakers, judges, administrators, and the media. This creative program provided students with resources to investigate legal issues such as town curfews that affect them, and offered a format by which students could succinctly present contrasting views of legal issues. A full description of this program, along with contact information, is available at www.abanet.org/publiced/lawday/ideas/idea15.html.

Also in **Arizona**, the Office of the Judge Advocate General presented puppet shows addressing the need for appreciation of diversity on the playground. These shows were put on for kindergarten students and special needs preschoolers, and at the elementary school and the mall. Additionally, the office organized a poster contest, fun run (including wheelchair athletes), mail shred (along with a presentation on identity theft), luncheon, mock voir dire and mock trial, voter registration drive, and naturalization ceremony wherein citizens of ten countries became American citizens. A full description of this program, along with contact information, is available at www.abanet.org/publiced/lawday/ideas/huachuca\_00.html.



In **Oklahoma**, the Tulsa County Bar Association used Law Day to promote a new program called Juvenile Justice Day. Middle school students visited the Juvenile Detention Center and heard teens who had been adjudicated for various crimes discuss the consequences of their actions. Contact information on this program is available at www.abanet.org/publiced/lawday/ideas/tulsa\_99.html.



In **Kansas**, the 30 members of the Sumner County Bar organized a busy week of activities on law and justice for local students. They gave presentations at local high schools on the American justice system and the country's quest for equality. Topics ranged from Title IX to racially motivated peremptory strikes at trial. The bar members also helped students organize a mock trial, and the bar sponsored a poster contest and mock trial competition for grade school and junior high school students. A full description of this program, along with contact information, is available at www.abanet.org/publiced/lawday/ideas/sumner99.html.

# Court Appointed Special Advocate (CASA) Programs

# What is CASA?\*

he Court Appointed Special Advocate (CASA) program was created in 1977 to make sure that the abuse and/or neglect that these children originally suffered at home would not continue at the hands of the system.

A CASA worker is a trained community volunteer who is appointed by a juvenile or family court judge to speak for the best interest of children who are brought before the court. The majority of a CASA volunteer's assignments are home placement cases where an abused and/or neglected child has been removed for protection from the care of his or her parents.

#### **CASA Volunteers**

CASA volunteers are ordinary people. No special background is required. Volunteers are screened closely for objectivity, competence, and commitment.

# **CASA Training**

CASA volunteers undergo a thorough training course conducted by the local CASA program.

Each year over 500,000 children in the United

States are thrust into court through no fault of their own. Some are victims of violence, psychological torment, or sexual abuse. Others have been neglected or even abandoned by their own parents. Most of them are frightened and confused.

Sometimes these children also become victims of this country's overburdened child welfare system—a complex legal network of lawyers, social workers, and judges who frequently are too overburdened to give thorough, detailed attention to each child who comes before them.

The consequences can be severe.

A nine-year-old boy is discovered in a Kentucky foster home so malnourished he weighs only 17 pounds. A child dies in a state-licensed "temporary care" shelter, where seven children had been sharing one bedroom for more than a year. An 18-year-old boy moves out of his seventh New York foster home, unable to read, write, or care for himself as an adult.

Most foster homes provide love, stability, and security for the children in their care. CASAs help to ensure this.

Training requirements vary from program to program, but an average course is approximately 24 hours. Volunteers learn about courtroom procedure from the principals in the system — judges, lawyers, social workers, court personnel, and others. CASA volunteers also learn effective advocacy techniques for children, and are educated about specific topics ranging from seminars on child sexual abuse to discussions on early childhood development and adolescent behavior.

# The Roles of the Volunteer

As a child advocate, the CASA volunteer has three main responsibilities:

- 1) to serve as a fact-finder for the judge by thoroughly researching the background of each assigned case;
- 2) to speak for the child in the courtroom, representing the child's best interests;
- 3) to continue to act as a "watchdog" for the child during the life of the case, ensuring that it is brought to a swift and appropriate conclusion.

<sup>\*</sup> From the National CASA Association (www.casanet.org).

# The CASA Concept

The CASA concept is based on the belief that every child has the right to a safe, permanent home. In court jurisdictions that have adopted the program, the juvenile or family court judge turns to a specially trained pool of CASA volunteers each time a case involving a child is received.

The judge appoints a volunteer to the child's case. The volunteer then becomes an official part of the judicial proceedings, working alongside attorneys and social workers as an appointed officer of the court. Unlike attorneys and social workers, however, the CASA volunteer speaks exclusively for the child's best interests.

By handling only one or two cases at a time (compared to a social agency caseworker's average load of 60-90), the CASA volunteer has the time to explore thoroughly the history of each assigned case. The

volunteer talks with the child, parents and family members, neighbors, school officials, doctors, and others involved in the child's life who might have facts about the case. The volunteer then reviews all records and documents pertaining to the child. He or she then submits a formal report to the court recommending placement: either with the parents, in foster care, or in a permanent adoptive home.

If the court leaves the child in temporary care, the CASA volunteer provides continuity by staying on the case until it is permanently resolved.

#### The National Picture

Since its creation in 1977, CASA has had a dramatic impact on the nation's court systems. There are now more than 800 CASA programs across the country. New programs start up at a rate of two per month. Research shows these programs utilize more than 47,000 volunteers, who help an estimated 25 percent of the nation's abused and neglected children in dependency proceedings. In 1998, they worked with approximately 183,000 children.

Programs often differ from one jurisdiction to another, with varying operating methods and sources of

# Voices in Support of CASA

"As Chairman of the National Commission on Children, I have observed judges in juvenile courts with a mere 10 to 15 minutes to decide whether a child should remain in a distressed family or placed in foster care. With growing caseloads, it's increasingly difficult for the courts and social workers to make the system work for families and children. This is why CASA volunteers are so essential. They provide valuable information and insight about individual children. CASA deserves our deep admiration and support."

- U.S. Senator John D. Rockefeller, IV Chair, The National Commission on Children

"We have got to take America back to the point where it puts her children first; in the family, in the workplace, in everything we do. CASA volunteers, of all people in America, are doing that. And we now have to take this mighty network and carry it further into every community throughout America."

- Janet Reno, former U.S. Attorney General U.S. Department of Justice, Washington, DC

"We cannot underestimate the role of CASA programs in our communities. The growing recognition of the role of CASA as an integral part of the constituency for children, not only in the Courts, but in the community which allocates resources and services, should be celebrated. Both the voices of children and the voices of the volunteers, staff and program directors of CASA in their own right have led to CASA becoming a key player in the network of champions overcoming internal resistance to system change in the courts, the agencies and in the community."

 - Judge Richard FitzGerald, Jefferson Family Court, Louisville, KY Chair, Permanency Planning Project for Children, 1993 - 1994 National Council of Juvenile & Family Court Judges funding. In all states the CASA volunteer is a monitor, providing research and background, and following through on each case to see that the court's recommendations are carried out. In some states, the CASA volunteer is a full party to court proceedings to the extent that he or she may call witnesses and solicit testimony through the services of an attorney.

CASA is known at the local level by a variety of other names. In San Diego, the program is called Voices for Children; in Cincinnati, it's ProKids. One of the largest CASA programs in the nation is the Florida Guardian *Ad Litem* program, managed by the state government.

The National CASA Association, based in Seattle, was established in 1982 to provide a national focus for individual CASA programs, promote the CASA concept, provide technical assistance to new CASA/GAL programs, and support volunteer recruitment, fundraising, and public awareness outreach.

# For additional information contact:

National CASA Association 100 West Harrison St., North Tower, Suite 500 Seattle, WA 98119

Phone: 206/270-0072 or 800/628-3233

# CASA Programs in Wisconsin

Program	Address	Contact Person & Phone Number
CASA of Brown County	Renaissance Healing Arts Center 311 S. Jefferson St. Green Bay, WI 54305	Patti Bilotto 920/465-8230
Columbia/Sauk County CASA	2901 Hunters Trail PO Box 301 Portage, WI 53901	Carmel Capati 608/742-5344
Dane County CASA	Children's Service Society of Wisconsin 2800 Royal Avenue, Suite 310 Madison, WI 53713	Marsha Varvil-Weld 608/221-3511
Fond du Lac County CASA	160 S. Macy Street Darlington, WI 54935	Mary Beth Carew 920/929-7600
Kenosha County CASA	Voices for Children 1115 56 <sup>th</sup> St. Kenosha, WI 53140-3667	Amy Martin 414/658-8166
La Crosse County CASA	Coulee Region YWCA 3219 Commerce St. La Crosse, WI 54603	Nora Schubert 608/781-2783
Red Cliff CASA Project	The Red Cliff Band of Lake Superior Chippewa Indians PO Box 529 Bayfield, WI 54814	Judge Jean Buffalo-Reyes 715/779-3726

# Starting a CASA Program

Information provided by Marcia Varvil-Weld, Dane County CASA

# I. Conduct needs assessment

- A. The following are indicators to consider in determining need:
  - 1. County Child Protective Service Unit caseloads
  - 2. Number of Children in Need of Protection and/or Services (CHIPS) petitions filed and substantiated
  - 3. Length of time children remain in out-of-home placement
  - 4. Number of hours worked by guardians ad litem (GALs)
- B. Identify and talk with key individuals who work with abuse and neglect cases
  - 1. Juvenile court judge(s)
  - 2. Juvenile court commissioner(s)
  - 3. GALs
  - 4. Child Protective Services supervisors and workers
  - 5. Contract agency personnel

# II. Form a five- to seven-member steering committee (get a juvenile court judge on board—this is critical) to:

- A. Organize program
  - 1. Look at various CASA models
  - 2. Network with or visit area CASAs
- B. Secure funding
  - National CASA funding comes from the Office of Juvenile Justice and Delinquency Prevention
    - a) Planning grants up to \$10,000
    - b) Implementation grants
      - (1) Dane County never received start-up grant, although applied several times
      - (2) Green Bay has been unable to date to receive start-up grant
    - c) Expansion grants
      - (1) Dane County received an expansion grant
    - d) State organization grants
    - e) For information on the above grants contact:
      - (1) Wisconsin representative for national CASA, Mary Protz (414/257-6750), or
      - (2) National CASA (800/628-3233) or e-mail: staff@nationalcasa.org
  - 2. Kappa Alpha Theta sorority grants CASA is their designated national philanthropy (for more information visit www.thetahq.org or call 800/526-1870)
    - a) Apply to local chapter for funding (Dane County received funds for start-up)
    - b) Apply to national organization for funding
  - 3. Public funding
    - a) County human services budget (Dane County receives county funds)
    - b) United Way

- 4. Private, professional, and community foundation grants
- 5. Local service and professional groups

# III. Concurrently with organizing and securing funds, conduct education effort

- A. Educate court community about CASA program, especially:
  - 1. Judges
  - 2. Human services department personnel
  - 3. GALs
- B. Ask for their input

# IV. Recruit volunteers through:

- A. National and local news articles about CASA
- B. Newspaper advertising
- C. Word-of-mouth
- D. Kappa Alpha Theta, Junior League, and other service groups

# V. Train volunteers

- A. Screening volunteers is part of training
- B. National CASA has training manual which can be adapted to local programs
  - 1. Dane County uses national manual
- C. Basic training suggestions
  - 1. 26 hours of classroom training presented by:
    - a) Judges
    - b) Human services workers
    - c) GALs
    - d) CASA volunteers
  - 2. Half day of court observations
- D. Continuing training includes every-other-month in-services with speakers on topics of special interest, and case sharing
- E. Minimum one-year commitment required of each volunteer

# VI. Supervising Volunteers

- A. National CASA requires a paid staff volunteer coordinator with a ratio of 30 volunteers/1 staff person
- B. Agency support staff supplement volunteer coordinator
- C. Due to nature of program and continuing nature of "court reporting," it is somewhat self-monitoring
- D. Volunteers have face-to-face evaluation with volunteer coordinator every six months and ongoing supervision

#### VII. Final words of advice

- A. Secure broad-based funding
- B. You can never do too much marketing of your program to the community, the judiciary, and human services department. Be sure they know the program can and will change over time as the program develops
- C. Meet with your judge(s) regularly to evaluate program and volunteers

# **Juror Appreciation Activities**

Jurors are an important constituency of the courts. Law Day is a perfect time to honor them, and promote jury service, through courthouse activities. Order the juror appreciation bookmarks and posters available on page 101.

# 1. Juror Appreciation Dinner

**Tasks:** Open the courthouse on the evening of May 1 for a special dinner honoring jurors (see sample letter/invitation, page 35). Invite everyone who has served on a jury in the last three months (adjust according to the size of the group you wish to have). Cater in a dinner, perhaps using the jury assembly room for the event. Provide free childcare on site. Solicit door prizes from local businesses (judges should not do the soliciting). To boost attendance, make the dinner free. Hand out comment cards soliciting the jurors' ideas for improving the system. Consider inviting the news media for a story that will publicize jury service.

# 2. Juror Employer of the Year Award

**Tasks:** Give an award – perhaps in the form of a plaque – to a local business that has made jury duty easier on its employees by permitting shift changes, giving paid time off, promoting jury duty in the personnel policy, etc. The award might be given either at the courthouse or at the business' headquarters. Alert the local media to the award ceremony (see sample press release, page 34) and contact the company's newsletter, if one exists.

# 3. Book Donation

**Tasks:** Purchase books having to do with juries and jury service and donate them, in a Law Day ceremony, to the local public libraries and school libraries. Here are a few to consider:

- Aaseng. Nathan. You are the Juror.
   Minneapolis, Minn.: The Oliver Press, 1997.
   Book for young adult readers puts them in the role of jurors in eight famous trials.
- Abramson, Jeffrey. We, The Jury: The Jury System and the Ideal of Democracy. New York: Basic Books, 1994.
- Adler, Stephen J. The Jury: Trial and Error in the American Courtroom. New York: Times Books, 1994.
- Baldwin, John and McConville, Michael.
   Jury Trials. Oxford: Clarendon Press, 1979.
- Brill, Steven, et al. *Trial by Jury*. New York: The American Lawyer/Simon & Schuster, 1990.
- Fukurai, Hiroski, Butler, Edgar W., and Krooth, Richard. *Race and the Jury: Racial Disenfranchisement and the Search for Justice*. New York: Plenum Press, 1993.

- Gobert, James J. *The Jury on Trial: A Political, Philosophical, and Psychological Examination of the Jury.* 1993.
- Hans, Valerie P. and Vidmar, Neil. *Judging the Jury*. New York: Plenum Press, 1986.
- Hastie, Reed, Penrod, Steven, and Pennington, Nancy. *Inside the Jury*. Cambridge, Mass.: Harvard University Press, 1983.
- Litan, Robert E. (Ed.). *Verdict: Assessing the Civil Jury System*. Washington, D.C.: Brookings Institution, 1993.
- Levine, James. *Juries and Politics*. Pacific Groves, Cal.: Brooks/Cole, 1992
- Uviller, H. Richard. *Virtual Justice: The Flawed Prosecution of Crime in America*. New Haven, Conn.: Yale University Press, 1996.

# 4. Thank You Letters

**Tasks:** Write a thank you letter to all who have served on jury duty in the last year (see sample letter, page 35). A "jury service" bookmark could also be enclosed (see order form on page 101).

# Sample Press Release: Juror Employer Award

CONTACT: Committee Member X phone number FOR IMMEDIATE RELEASE

# XYZ Company Named 'Juror Employer of the Year'

Everywhere, Wis. (March 16) – XYZ Company has been named Q County's Juror Employer of the Year for its commitment to supporting its employees who are called for jury service.

XYZ, which employs N people at its factory/store/warehouse/etc. in Anywhere, has taken the following steps to assist employees in carrying out this important civic duty:

•

•

Q County's Law Day Planning Committee chose XYZ as the first recipient of this award. "XYZ has taken important steps to ensure that its employees can answer the call to jury duty," said Committee Chair Jane Doe. "Jury service is the one of the key ways in which citizens can participate in government, and it is the bedrock of our justice system. XYZ has recognized that making it easier for its employees to answer the call to jury duty boosts employee morale and upholds the values of the community."

XYZ President Bud Smith will accept a plaque on behalf of the company at X p.m. during the Law Day celebration on Monday, May 1, at the Q County Courthouse at 111 Main St., Everywhere. Judges P, D, and Q will present the award in the Branch I courtroom. The media and public are welcome to attend.

In addition to the award ceremony, the following activities will take place at the Q County Courthouse on Law Day: A, B, C.

Members of the public are encouraged to join in the Q County Courthouse's and Bar Association's celebration of Law Day 2001.

###

# Sample Thank-You Letter/Invitation: Jury Service

#### Dear Ms. X:

I want to take this opportunity, as Law Day 2001 approaches, to thank you for your jury service in the past year. [If juror appreciation activities are planned, mention them here].

As you know, jury service is the bedrock of our justice system. Without your participation, the system could not work. And without a healthy justice system, this community would not be the wonderful place that it is to work and live.

The Wisconsin Supreme Court in 1997 amended the statutes dealing with jury service to institute shorter terms of service and more efficient use of jurors' time. This will help ensure that the time and goodwill of citizens called for jury duty is not wasted or taken for granted. The changes, we hope, will preserve the jury system and enhance the quality of the decision-making process.

I thank you for your commitment to our justice system and invite you to call or write to XYZ with any suggestions or comments on your experience.

Sincerely yours,

Presiding Judge

# Sample Press Release: Foster Parents' Reception

CONTACT: Committee Member X phone number FOR IMMEDIATE RELEASE

#### **Reception to Honor Foster Parents on Law Day**

Everywhere, Wis. (March 16) – The Q County Courthouse is sponsoring a reception to honor foster parents and thank them for their vital role in protecting children.

Foster parents are essential to ensuring that all children have a safe place to call home. In Q County, ## people serve as foster parents for ## children.

The reception will be held in the Q County Courthouse on May 1, 2001. Judges P, D, and Q will speak.

In addition to the reception, the following activities will take place at the Q County Courthouse on Law Day: A, B, C.

Members of the public are encouraged to join in the Q County Courthouse's and Bar Association's celebration of Law Day 2001.

###

# Guidelines for Giving Free Legal Advice

Those counties choosing to offer free legal advice clinics should keep in mind the following:

- People seeking advice may assume that by talking with the attorney they have retained that person. It is important to make it clear at the outset that the attorney is not representing them.
- Attorneys giving advice may or may not choose to offer their business cards. That is entirely up to the individual attorney.
- Brochures designed to help people access the State Bar's Lawyer Referral Service are available at no charge. See page 99.
- A number of other resources are available to people who need help. See page 39 for referral information.

# Legal Advice Disclaimer

This is a legal advice service provided free of charge on Law Day. Although I will not be your personal attorney, I will provide what information I can. Information will be general in nature since it is not possible to analyze all the facts of your case over the phone/in a short meeting. If you desire a personal attorney, you will receive information about how to find one.

State Bar of Wisconsin Lawyer Referral & Information Service 800/362-9082 or 608/257-4666

Hours: Monday -Thursday 7:30 a.m. - 6 p.m.

Friday 7:30 a.m. - 3 p.m.

# Legal Resource List

(updated January 2001)

The Internet offers access to a wealth of information. The following Web sites provide useful information and links:

State of Wisconsin E-government Portal: <a href="https://www.wisconsin.gov">www.wisconsin.gov</a>
Wisconsin Court System: <a href="https://www.courts.state.wi.us">www.courts.state.wi.us</a>

Wisconsin State Law Library: <u>wsll.state.wi.us</u>

State Bar of Wisconsin: <a href="https://www.wisbar.org">www.wisbar.org</a> and <a href="https://www.legalexplorer.com">www.legalexplorer.com</a>

American Bar Association: <u>www.abanet.org</u>

#### <u>Agency/Organization Telephone Numbers:</u>

#### Advocacy, Coalition for

608/267-0214 (Madison) 414/342-8700 (Milwaukee)

#### Aging and Long Term Care, Board on

608/266-8944 800/242-1060

#### Aging, Ombudsman Program for

608/266-8944 (Madison)

#### **Agriculture, Trade & Consumer Protection**

800/422-7128

715/839-3848 (Eau Claire)

920/448-5110 (Green Bay)

608/224-4960 (Madison)

414/266-1231 (Milwaukee)

#### **ACLU (American Civil Liberties Union)**

414/272-4032

#### **Attorney General's Office**

608/266-1221

#### BAPR (see Lawyer Regulation, Office of)

#### **Battered Women, Dane County Advocates for**

608/251-4445 (crisis line & shelter) 800/747-4045

# Briarpatch (juvenile runaway & abuse counseling)

608/251-1126

#### **Business Information**

800/435-7287 (Wisconsin Department of

Commerce Business Helpline)

608/263-2221 (UW Business School, Small

Business Development Center)

608/263-7680 (UW Business School, Business

Counseling Line)

608/250-6006 (State Bar Association Business

Assistance Program)

608/264-5261 (Federal Small Business

Administration)

**Child Support;** refer to local office.

City Attorney; refer to local office.

Clerk of Circuit Court; refer to local office.

# Consumer Protection (Justice Department; see also "Agriculture, Trade and Consumer Protection)

608/266-1852

#### **Credit Counseling Service**

608/252-1334

# Crisis Intervention Center (24-hour rape, suicide hotline)

608/280-2600

District Attorney; refer to local office.

#### **Elder Law Center**

800/488-2596 (guardianship hotline) 608/224-0660

#### **Equal Employment Opportunity Commission**

800/669-4000

414/297-1111 (Milwaukee)

608/266-4910 (Madison)

# **Equal Rights Division (Wisconsin Department of Workforce Development)**

920/836-5153 Civil Rights Bureau

920/832-5301 Labor Standards Bureau

608/266-6860 (Madison)

920/832-5302 (Menasha)

414/227-4384 (Milwaukee)

Family Court; refer to local office.

#### Financial Institutions, Wisconsin Department of

800/452-3328 (Consumer Act section)

608/266-1621 (Madison)

# Health and Family Services, Wisconsin Department of

608/267-3905 (Div. of Children & Family Services)

Humane Society: refer to local office

## Institutionalized Persons, Legal Assistance to

608/262-1002

#### **Insurance Commissioner**

800/236-8517, or 608/266-0103 (Madison)

#### **Internal Revenue Service**

800/829-1040

#### **Judicial Commission**

608/266-7637

Juvenile Court; refer to local office.

#### **Lawyer Referral and Information Service**

800/362-9082, or 608/257-4666 (Madison) also try www.wsll.state.wi.us/selfhelp.html for information on how to choose a lawyer and for answers to common legal questions.

#### Lawyer Regulation, Office of

877/315-6941 (toll free)

#### Mail Fraud - U.S. Postal Service

608/246-1297

#### **Medical Assistance Hotline**

800/362-3002; or 608/221-5720 (Madison)

#### Mental Health Center of Dane County

608/280-2700

#### Mental Health Clients' Legal Advocates

608/255-6627

# Motor Vehicles Division (Wisconsin Department of Transportation)

608/266-0765 (consumer complaints)

608/266-2353 (driver records)

608/266-2261 (suspension/revocation)

Municipal Court; refer to local office.

#### **National Labor Relations Board**

414/297-3861

#### **Parental Stress Center**

608/241-2221

# PICADA (Prevention & Intervention Center for Alcohol and other Drug Abuse)

608/246-7600

#### **Public Service Commission**

800/225-7729, or 608/266-2001 (Madison)

#### Regulation & Licensing, Wisconsin Department of

608/266-2112

Small Claims Court; refer to local office.

#### **Tenant Resource Center** (for tenants & landlords)

608/257-0006

Traffic Court; refer to local office.

#### **Unemployment Compensation**

608/232-0678

#### **Veterans' Services**

800/827-1000 (federal regional office)

608/266-1311 (state)

608/266-4158 (Dane County)

#### **Workers' Compensation**

608/266-1340

#### Workforce Development, Wisconsin

**Department of** 

608/266-3035 (Economic Support Division)

# Contest Information for Schools

(Note: enclose this information with the invitation to schools)

#### I. Essay Contest for Fifth Graders

#### Rules:

- 1) Teachers should screen all submissions and forward the top two to XYZ, the committee person in charge of contests (see address below).
- 2) Entries will be screened by a committee of judges and lawyers. Judging criteria are as follows:

How well the question is addressed

Originality

Clarity

Grammar

Spelling

Construction

- 3) Teachers should staple a cover sheet to each entry with the following information: teacher's name and telephone number; student's name, name of school, number of the question being addressed.
- 4) To be considered, entries must be received no later than <u>Friday</u>, <u>April 6</u>. (address here)

#### Questions (choose one):

- 1) Describe one of the rights that you, as a child, have under the U.S. Constitution. What are some of the things that right allows you to do?
- 2) If you could amend the U.S. Constitution, what right would you give to children and why?
- 3) What does equality mean to you? How can you work to achieve equality in your school?
- 4) Should juveniles accused of serious crimes be tried as adults? Why or why not? If so, for which crimes and at what ages?

#### Prizes:

First, second and third-place winners will be called on or about April 13. Due to the expected volume of entries, those who entered but did not win will not be notified. The winners will be honored at a ceremony at the X County Courthouse at noon on May 1 as part of our Law Day celebration. Judge Y will present each winner with a certificate/ribbon/plaque and ask each to read his/her essay aloud to the group that will be assembled for Law Day activities. The children's parents, principal and teacher will all be welcome to attend. Awards for a fourth-grade poster contest will be given at the same ceremony.

Please note that winning essays will be submitted to the local newspaper unless teachers ask that they not be.

#### **II. Poster Contest for Fourth Graders**

1) Rules

Teachers should submit all entries to XYZ (the committee person in charge of contests). See address below.

2) Entries will be judged by a team of judges and lawyers on the following criteria:

Creativity

Originality

How well the question is addressed through the art

3) Teachers should tape a sheet to the back of each entry with the following information: teacher's name and telephone number, student's name, name of school, number of question being addressed and a short description of what the student is showing (for example: Billy has drawn himself worshipping at his church). To be considered, entries must be received no later than <a href="Friday">Friday</a>, <a href="April 6">April 6</a>. Send to:

(your address here)

#### Topics (choose one):

- 1) Create a poster that shows the role of the law in protecting children.
- 2) Create a poster showing what you think our country might be like if we didn't have the Constitution to protect our freedom.

#### Prizes:

Winners will be notified by telephone on or about April 13. Due to the expected volume of entries, those who do not win will not be notified. All posters received with be hung in the X County Courthouse during the week of May 1, in honor of Law Day. The first, second and third-place winners will receive ribbons, which will be tacked to their posters during a ceremony at noon on Tuesday, May 1, at the courthouse. The children, their parents, principal and teacher will be welcome, and the children will be asked to explain the meaning of their posters to the group that will be assembled at the courthouse for Law Day. Awards for a fifth-grade essay contest will be given at the same ceremony.

# Essay/Poster Contest Judging Form

Essay/Poster Letter: (Note: the person who receives the essays/posters should not be one of the people judging them. S/he should remove all identifying marks and give each poster a letter, keeping a master key that matches name to letter).  Note: Essays are judged on all criteria; poster criteria may need to be narrowed.		
How well addressed question		
Originality		
Creativity		
Clarity		
Grammar		
Spelling		
Construction		
SCORE	/35	

# Sample Notification of School

Dear Teacher X:

Congratulations! Your student, XYZ, has won (first, second, third) place in ZZ County in the Law Day 2001 essay contest. You and s/he should be very proud.

The judging was done by Judge X and Lawyers P and D. All identifying marks were removed from the essays ahead of time to ensure fairness. We received essays from # schools from all over ZZ County.

We would like to invite you, the school principal, the student's parents and the student to a ceremony at which we will honor all essay contest winners. This will take place at noon on Tuesday, May 1, at the ZZ County Courthouse, address here. Judge X will present the top three essayists with plaques and the children will each be asked to read their essays aloud to the various groups who will be present for the Law Day open house.

We will be sending the student's essay to the local newspaper and will invite the media to cover the awards ceremony. If the child's parents would prefer that s/he not be given media exposure, please notify me of that immediately. Please also call as soon as possible to let me know how many we can expect at the ceremony.

I can be reached at XXX. Congratulations again!

Sincerely yours,

**PDQ** 

Chair, Law Day 2001 Committee

# Certificate of Participation

10

Name

In recognition of your particiaption in the

County Law Day Contest

*Dated May 1, 2001* 

Judge

# "Day in the Life" Activity

(Note: send this sheet to the schools along with the invitation and contest information)

(Eighth Graders)

In honor of Law Day (May 1), the X County Courthouse would like to invite your school to choose one (or two or 10) eighth grade student(s) to spend one full day during the week of April 2 shadowing a courthouse employee. The host(s) will be chosen by the Law Day 2001 Committee and may be a judge, attorney, court reporter, or clerk of circuit court.

The student(s) will be expected to take notes on the experience and write an essay about what s/he learned. S/he will also be given a disposable camera to capture the day on film. We will take care of developing the pictures. The essay should focus not so much on a play-by-play of courtroom action, but: what was interesting, boring, scary, funny? What were the host's feelings about his/her job? What was that person's background? The student will need transportation to and from the courthouse and should bring a bag lunch.

The essays will be copied and submitted to the local newspaper in time for Law Day unless teachers request that they not be. They will also be placed in a binder with the photographs. The binder will be displayed during a Law Day open house on May 1 at the courthouse.

The students who participate will be invited to the Tuesday, May 1, Law Day celebration and will be permitted to bring their class (a maximum of 30 students).

To sign up a student, please call X (committee person in charge of shadowing activity) at XXX.

# Sample Invitation to Community Groups/Officials

Dear (Rotary, Kiwanis, NAACP, Mayor, Police Chief, Legislator, etc.):

The X County courts are planning a big celebration on Tuesday, May 1, in honor of Law Day. We would like to invite you to join in the festivities.

Law Day U.S.A. was established by President Dwight D. Eisenhower in 1958 to give Americans an opportunity to reflect on the country's legal heritage, the role of law in our society and the rights and responsibilities that come with a Democracy.

The theme of this Law Day is "Protecting the Best Interests of Our Children" and we believe there is no better place to celebrate that than at the local courthouse, where we work every day to help families in crisis.

We are planning an open house at the courthouse with (for example): refreshments, a team of local attorneys providing free legal advice, a table full of free materials on a variety of law-related topics such as landlord/tenant law, real estate transactions, bankruptcy, buying and selling automobiles and much more; a voter registration table, tours of the courthouse and the jail, an opportunity to meet the judges and a display of posters on the Constitution crafted by local fourth graders.

We hope you are able to join in this celebration and ask that you please call Y (committee person) if you have a group larger than five.

Sincerely yours,

XYZ

# Sample Invitation to Schools

#### Dear Principal X:

I am writing to invite your students to participate in a statewide Law Day celebration. The theme of this year's Law Day is "Protecting the Best Interests of Our Children" and we believe there is no better place to celebrate that than at the X County Courthouse, in the town of XXX, where we work every day to help families in crisis.

President Dwight D. Eisenhower established Law Day U.S.A. in 1958 to provide an opportunity for reflection on our legal heritage and the role of law in American society.

On May 1, 2001, in honor of Law Day, the X County courthouse, along with courthouses around the state, will host an open house. There are a number of ways in which your students might participate:

First, the Law Day 2001 organizing committee is sponsoring a poster contest for fourth graders and an essay contest for fifth graders (see attached contest information).

Second, the committee is sponsoring a "Day in the Life" program for eighth graders (see attached information).

Third, we would like to offer you the opportunity to schedule a tour of the courthouse on May 1 for a group of students. XYZ activities will be taking place (include the mock trial, if you will have one for them to watch). If you should have a contest winner, that student, his/her parents, the teacher and yourself will be invited to an awards ceremony at the courthouse.

We hope you participate in one or more of the contests and please call me at XXX if you are interested in bringing a group in for a Law Day visit. Thank you!

Sincerely yours,

#### XXX

Chair, Law Day 2001 Committee

#### enclosures:

contest information for fourth and fifth graders (see page 41)

"Day in the Life" program for eighth graders (see page 46)

### Sample Press Release #1

CONTACT: Committee Member X phone number FOR IMMEDIATE RELEASE

#### XYZ County Courthouse Will Celebrate Law Day with an Open House

Everywhere, Wis. (March 16) – Need free legal advice? Want to register to vote or pick up free materials on your legal rights and how to protect them? How about taking a tour of the jail or meeting your sheriff and judges?

The XYZ County Courthouse, in celebration of Law Day, will sponsor an open house for the community on Tuesday, May 1, from 8 a.m. until 4 p.m. Refreshments will be served and Judges P, D and Q along with Police Chief R, Sheriff S, County Executive T and members of the City Council and County Board will be on hand to greet the public.

Cheesehead the Clown will also make an appearance to hand out home safety tips.

Local lawyers A, B and C will staff a free legal advice booth from 8 a.m. to 3 p.m. to answer your questions. In addition, a variety of free handouts on topics such as landlord/tenant law, divorce, marital property, bankruptcy, starting a business and much more will be available.

City Clerk Z will have a voter registration table set up. In order to register, you must be at least 18 years old. Bring an identification card and anything showing your current address (*check with your city clerk to make sure this is what they will want*).

Law Day U.S.A. was established in 1958 by President Dwight D. Eisenhower to give Americans an opportunity to reflect on their legal heritage and the role of law in society.

###

# Sample Press Release #2

(Note: if you have essays from fifth and/or eighth graders, enclose them with the press release)

CONTACT: XYZ Committee Member (phone #) FOR IMMEDIATE RELEASE

#### Courthouse Will Celebrate Law Day on May 1

Everywhere, Wis. (April 21) – The community is invited to a Law Day celebration Tuesday, May 1, from 8 a.m. to 4 p.m. at the X County Courthouse. Free legal advice, refreshments, tours of the courthouse and jail, a voter registration table, and an opportunity to meet the judges are just a few of the activities planned.

Law Day U.S.A. was established in 1958 by President Dwight D. Eisenhower to provide an opportunity for Americans to learn more about their legal heritage and the rights and responsibilities that come with a Democracy.

At noon, a ceremony will honor local students who have created posters and essays (**editor: see enclosed essays**) in honor of Law Day. The winners will be given ribbons and plaques and asked to present their work to the assembled group.

At 5 p.m., local people who (have served on juries in the last three months/serve as foster parents) will be honored at a courthouse reception with the judges.

All members of the community are encouraged to attend the festivities, or just stop by and pick up a variety of free handouts that answer legal questions on such topics as buying and selling automobiles, real estate transactions, starting a business, divorce, probate and much more.

###

# Talking Points and Speeches

Below are talking points, discussion questions, and speeches, courtesy of the American Bar Association (ABA). The points of view presented are those of the ABA. These are designed to help you make presentations on several topics. These points can serve as notes for speeches, a catalyst for discussion, or a handout. Talks may range from a public conversation among community members and leaders to a single speaker making a presentation in a classroom, to a moderated panel discussion.

#### What "Best Interests of the Child" Means

#### I. Talking Points

The notion of special protections for children began to come into American law in the late 19<sup>th</sup> century. Prior to that time, there were no children's rights in family law, no protections against abuse, no juvenile justice system. The term "best interests of the child" dates from that era and has been in use for over a century in American jurisprudence. In matters related to parental divorce or separation, the phrase has evolved to generally become the *primary consideration* of judicial decision-making.

When a child is in the care of the state, whether in foster care or in institutional placements, "best interests" is an important measure of whether services are meeting the child's needs. For example, is the child receiving needed medical attention? Is the child being educated appropriately? Is the state facilitating the child's return to his or her biological family with necessary support services? In other venues – such as legislative forums, juvenile court improvement projects or child advocacy activities in which people work to improve systems – the best interest standard forms the basis for evaluating laws and their implementation. For example, are these family and juvenile laws, and their implementation, sufficiently child-centered?

#### Issues:

There has always been concern about the vagueness and breadth of the term "best interests," as well as the potential arbitrariness in how it may be applied. The "best interests" standard does not provide specific guidance. It is a subjective standard, and there are often disagreements over what actions truly are in the best interests of children in a given case. For example, how does the standard apply in disputes between parents and grandparents or between biological parents and prospective adoptive parents?

#### **II. Discussion Questions**

- 1. Does our system need to improve how this standard is applied in these various settings? How can the public contribute to the dialogue?
- 2. How can the public get involved in the efforts to improve its application? (Possibilities include legislative advocacy, joining state and local child-advocacy organizations and volunteering to work in juvenile court-based programs as court-appointed special advocates. See separate section on starting a CASA, page 28).

#### **Making Domestic Relations Cases More Child-Focused**

#### I. Talking Points

Thousands of children each year are ensnared in bitter custody battles. While the outcome of such cases should be based on a child's best interest, the legal process sometimes undermines this result. Law Day is an ideal time for participants in domestic relations cases, including lawyers, judges, parents, children and mental health professions, to meet in open community settings to address how the legal system can be changed to promote healthy outcomes for children and their families. It is a chance for communities to examine how they handle child-custody cases, to learn about exciting innovations, and to develop a plan of action aimed at protecting children from the harmful consequences of parental conflict.

#### The Scope of the Problem

Each year, more than one million children are involved in their parents' divorces, with a growing number of younger children being affected. Many parents who are in legal conflict over their children have never been married. While the incidence of children born out of wedlock has declined in recent years, the numbers remain high.

Study after study has confirmed that children suffer emotional distress from their parents' divorce or separation. Divorce has been found to lead to poor outcomes for children in school, in emotional and behavioral functioning, and in self-esteem. Children experiencing bitterly contested ("high conflict") custody cases are at even greater risk for psychological maladjustment, including anxiety, depression, drug abuse, and aggression. Allegations of substance abuse, domestic violence, and child maltreatment, as part of custody disputes, are pervasive.

The amount of *pro se* litigation in custody cases, where one or both parents are not represented by a lawyer, is high and appears to be growing. A recent statistic from the Milwaukee County Circuit Court indicates that 72 percent of family law cases in the county in 1999 involved litigants without lawyers. Billions of dollars in child support remain uncollected because paternity has never been established, a support order never rendered, or a court order never enforced.

Some parents embroiled in a custody dispute unlawfully abduct or threaten to abduct their child. This includes removing the child to a foreign country. More custodial parents are relocating with their children, often at great distances from the previous home, posing new dilemmas for parents, children and courts. Contested custody cases may involve mental health evaluations that fail to recognize and build upon the strengths of each parent.

#### **II. Discussion Questions**

- 1. How can the community support and develop education, counseling, employment assistance, and other programs that promote responsible parenting prior to custody or visitation conflicts as well as after separation or divorce?
- 2. How can the community foster a spirit of cooperation among the courts, lawyers, mental health professionals, and others involved in the separation or divorce process?
- 3. How do the larger unmet legal services needs of the community affect the vulnerable populations served by the domestic relations courts? For local information on this topic, see the final report and recommendations of the Wisconsin Pro Se Working Group at www.courts.state.wi.us/misc/reports/Pro\_Se\_Report\_12-00.htm.

#### Amending the U.S. Constitution

One of the best ways to learn about the Constitution is to talk about it. Discussions can take many forms ranging from a public conversation among community members and leaders to a single speaker making a presentation to a classroom, a debate on a particular topic, or a moderated panel discussion. The talking points below provide quick bullets of information and discussion questions related to several major constitutional issues. They might be used as a basis for a speech or discussion, or turned into a handout. Consider ordering pocket U.S. Constitutions to hand out to your audience (call the ABA at 800/285-2221).

#### I. Talking Points

According to Article V, amendments can be proposed by a two-thirds majority vote in Congress or at a constitutional convention called by two thirds of the states. In order for a proposed amendment to become part of the Constitution, a two-thirds majority vote in both houses of Congress and approval by three quarters of the states is required.

There are 27 amendments to the U.S. Constitution. The first ten amendments, known as the Bill of Rights, were ratified in 1791. Amendment XXVII, which regulates congressional pay adjustments, was ratified in 1992.

The Equal Rights Amendment, passed by both houses of Congress in 1972, fell three states short of being ratified in 1982.

#### **II. Discussion Questions**

- 1. What is the purpose of amending the Constitution and when is it appropriate? What other means exist for obtaining the goals of a proposed amendment?
- 2. Is the process for amending the Constitution too cumbersome or lengthy, or not difficult enough?
- 3. In the last several years, amendments permitting prayer in public schools, requiring a balanced federal budget, limiting terms of members of Congress, and banning flag burning have been discussed and advocated by various groups. Are these amendments necessary? What impact might they have on how the government is run and/or on rights guaranteed in other parts of the Constitution?

# Synopses of Recent Wisconsin School-Related Cases

#### Case Number 99-1767-FT In the Interest of Douglas D.: State v. Douglas D.

This is a review of a decision of the Wisconsin Court of Appeals, District III (headquartered in Wausau), which affirmed a ruling from Oconto County Circuit Court, Judge Richard DelForge presiding. When this planning guide went to press, the Wisconsin Supreme Court had not yet decided this case. It is suggested that organizers who use this material check the Supreme Court's released opinions at www.courts.state.wi.us.

In this case, the Wisconsin Supreme Court will decide whether the state's disorderly conduct statute (reprinted, in pertinent part, below) can be construed to criminalize pure written speech that is not accompanied by disorderly actions.

#### Wisconsin Statutes Section 947.01:

"...Whoever ... engages in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance is guilty of [disorderly conduct]."

Here is the background of this case: Douglas D., who was 13 at the time this incident occurred, was given a creative writing assignment by his eighth grade English teacher, popularly known as Mrs. C. He was to start a story that would be passed on to other students to finish. The teacher gave the story a title – "Top Secret" – and neither assigned nor prohibited any particular topic. The assignment was to be completed during the class period. Instead of starting the assignment, Douglas talked with friends and, according to Mrs. C., disrupted the other students. She sent him into the hall to begin writing. At the end of class, Douglas handed in his assignment, which read as follows:

There one lived an old ugly woman her name was Mrs. C. that stood for crab. She was a mean old woman that would beat children sencless. I guess that's why she became a teacher. Well one day she kick a student out of her class & he din't like it. That student was named Dick. The next morning Dick came to class & in his coat he conseled a machedy. When the teacher told him to shut up he whiped it out & cut her head off.

When the sub came 2 days later she needed a paperclipp so she opened the droor. Ahh she screamed as she found Mrs. C.'s head in the droor.

Upon reading this, Mrs. C. became upset and notified the assistant principal, who called Douglas to the office. The student apologized, saying that he had not intended any harm and that he had not meant the essay as a threat. He repeated this claim to an Oconto County juvenile court worker and also apologized to his teacher during a meeting in the principal's office.

A juvenile court delinquency petition was then filed, alleging that Douglas had "engaged in abusive conduct under circumstances in which the conduct tends to cause a disturbance" in violation of the disorderly conduct statute. After a court trial (a trial heard by just a judge – no jury) Douglas was found guilty of disorderly conduct. Specifically, the circuit court found that the disorderly conduct statute

applies to pure written speech and that Douglas's essay was not protected by the First Amendment<sup>1</sup>. The judge stated:

Here there is absolutely no social value achieved by the juvenile's conduct in completing an assignment allegedly that makes a direct threat to his teacher. That is not the type of activity that is allowed either under the First Amendment or any other right that a student has in a classroom.... There is no question that this is a direct threat to the teacher. This is not the type of action that we're going to allow in our community. It's not the type of action that we're going to allow in our classrooms....

Douglas was placed on formal supervision for one year, with physical placement in his mother's home with several conditions including a 9 p.m. curfew and a letter of apology to the teacher.

Douglas appealed, and the Court of Appeals affirmed the trial court. The appellate court held that the creative writing assignment constituted a "direct threat" against the teacher and thus was not protected by the First Amendment. The Court of Appeals pointed out that the right to free speech is not absolute, and that speech may be punished if it presents a "clear and present danger of a serious substantive evil," or if it constitutes a "true threat," which has been defined by the courts<sup>2</sup> as existing when "a reasonable person would foresee that the statement would be interpreted by those to whom the maker communicates the statement as a serious expression of intent to harm or assault."

In his appeal to the Supreme Court, Douglas argues that the disorderly conduct statute is not meant to criminalize speech unless that speech is intertwined with actions that are disorderly and likely to cause a disturbance. He argues that his only action was putting a pen to paper.

The State, on the other hand, argues that Douglas was not prosecuted for merely writing an essay, but for giving that essay to the targeted teacher knowing she would read it. Had he written the essay but not given it to the teacher, the State argues, Douglas never would have faced charges.

The Supreme Court will decide whether pure written speech can be prosecuted under the disorderly conduct statute.

<sup>&</sup>lt;sup>1</sup> U.S. Constitution, First Amendment: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

<sup>&</sup>lt;sup>2</sup> Watts v. United States, 394 U.S. 705 (1969) and United States v. Orozco-Santillan, 903 F.2d 1262 (9<sup>th</sup> Cir. 1990)

#### Case Number 99-2317: In the Interest of A.S.: State v. A.S.

This is a review of a decision of the Wisconsin Court of Appeals, District IV (headquartered in Madison), which reversed an order of the Dane County Circuit Court, Judge Moria Krueger presiding. When this planning guide went to press, the Wisconsin Supreme Court had not yet decided this case. It is suggested that organizers who use this material check the Supreme Court's released opinions at www.courts.state.wi.us.

In this case, the Wisconsin Supreme Court will decide whether, if a person speaks words in a private setting that a listener finds provoking or disturbing, the speaker can be charged with disorderly conduct. Like the 9:30 a.m. case, this case involves a juvenile defendant.

Here is the background: A.S. was a 13-year-old student at De Forest Middle School at the time this incident occurred. While playing video games after school at the De Forest Youth Center on April 26, 1999 (six days after the school shootings at Columbine), A.S. made several statements directed to his friends that he was going to kill everyone at the middle school. He gave details about which teachers and administrators he wanted to rape or kill, and how he would do it.

A 13-year-old girl who was nearby was one of several people who overheard the conversation. She became scared, and reportedly asked A.S. several times to stop. The next day, one of the listeners reported the incident to police. Two days after the report was made, A.S. was arrested. He was confined to a juvenile detention hall for the next 11 days.

A.S. filed a motion to have the case dismissed, and the circuit court judge granted his motion, writing:

The subject of this petition was engaging in an extreme level of adolescent "trash talking" in a relatively private conversation. Proscribing and punishing such exchanges by use of the criminal law against disorderly conduct does not fit within purposes attributed to that statute by the appellate courts. While the ideas and images conveyed by this teen are undeniably repulsive and shocking, no immediate "disorder" can be found to be a natural consequence of his heinous statements.

The Court of Appeals reversed the circuit court, finding that A.S.'s statements were sufficient to justify the delinquency petition charging him with disorderly conduct. The appellate court, in a single-judge opinion by Judge Patience Roggensack, wrote:

Twenty-five years ago, [A.S.'s] threats that he was going to bring a gun to school and shoot classmates might not have constituted otherwise disorderly conduct. But on the day [A.S.'s] threats were made, the students who heard them could have had knowledge of recent events of extreme violence in our public schools which formed the informational background against which they processed his threats. That background, in turn, could cause his threats to deeply disturb them. Therefore, given the specter of violence that currently troubles our public schools today, we cannot conclude, as a matter of law, that threats of extreme violence against specific and identifiable persons, such as the ones made by [A.S.], may never constitute otherwise disorderly conduct.

In his petition to the Supreme Court, A.S. argues that his words – no matter how disrespectful – did not constitute disorderly conduct because they were not accompanied by any action and did not provoke any action from those listening. In deciding both this case and <u>Douglas D.</u>, the Supreme Court will address the issue of whether written or spoken words can constitute disorderly conduct.

# B. B. WOLF (a/k/a BIG BAD WOLF) v. CURLY LITTLEPIG

(For Pre-School Children Through Primary Grades)

#### **PARTICIPANTS IN TRIAL:**

Judge
B.B. Wolf
Moe Littlepig
Larry Littlepig
Curly Littlepig
District Attorney
Public Defender
Jurors
Bailiff

Adapted by Attorneys Leonard G. Adent & (now Judge) Robert G. Mawdsley, Waukesha County Reprinted with permission from the American Bar Association (developed for their Law Day U.S.A. program)

**JUDGE:** The Court will call the case of <u>State of Wisconsin v. B.B. Wolf</u>. Appearances please... (The court at this time conducts a form of *voir dire* with a view to establishing whether the jurors understand the charges in the criminal complaint, whether they understand the burden of proof, whether they know anybody involved in the case, after introducing the witnesses, and whether or not they heard the story of the three little pigs as a child and finally whether or not the fact that they heard the story would prejudice them in making a decision in the case).

#### THE CRIMINAL COMPLAINT

	: CIRCUIT COURT : COUNTY NAL/TRAFFIC DIVISION
STATE OF WISCONSIN,	
Plaintiff,	
v.	CRIMINAL COMPLAINT
BIG BAD WOLF,	
Defendant.	
The District Attorney being first duly swor	n, on oath, upon information and belief, says that: on
September 15, 1999, at approximately 1 p.	m. at the residences listed below in County,
Wisconsin, the defendant did:	

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#### COUNT #1

without the consent of the owner, Moe Littlepig, intentionally damage Moe Littlepig's straw house.

#### COUNT #2

without the consent of the owner, Larry Littlepig, intentionally damage Larry Littlepig's house of twigs.

#### COUNT #3

without the consent of the owner, Curly Littlepig, intentionally trespass on the property of Curly Littlepig.

And prays the defendant be dealt with according to law.

/s/ District Attorney

**JUDGE:** Are counsel prepared for trial? Very well. Opening statements, please.

Counsel make opening statements

**JUDGE:** The State may call its first witness.

**D.A.:** The State calls Moe Littlepig.

**JUDGE:** Raise your right hoof and be sworn by the clerk.

Clerk swears the witness

**D.A.:** Please state your name.

**PIG:** My name is Moe Littlepig. I'm the youngest of three children. We're called three

Littlepigs.

**Q:** Where do you live?

A: Well, right now I'm staying at my brother, Curly Littlepig's brick house because of him

(pointing to the wolf)

**WOLF:** Who, me?

**PIG:** Yeah, you, furball.

**JUDGE:** Gives judicial admonishment.

**D.A.:** On September 15, 1999, where did you live?

**A:** 77 Porkchop Strip.

**Q:** Where is that?

A: Southwest \_\_\_\_\_ County in the woods near grandma's house.

O: Describe the residence.

**Q:** Straw? Why straw?

A:

A: I had in mind to build a nice house, but all I could afford was straw, so what the heck. I needed a place so I built it. Got some used furniture from the Three Bears and an old TV from Little Red Riding Hood's grandma and I was in business.

**Q:** When did you move in?

**A:** September 1, 1999.

**Q:** What happened after that, on September 15, 1999?

It was a modest straw house.

A: Well, that was a Sunday so I was watching the Green Bay Porkers on the tube when there is this pounding on the door and this voice "Littlepig! Littlepig! Let me in!" I said go away. Whatever you are selling I don't want any.

**Q:** What happened then?

A: The voice said, "This is the Wolf, Littlepig, let me in, let me in." I said, "Not by the hair on my chinny-chin- chin." Then the Wolf said, "I'll huff and I'll puff and I'll blow your house in."

**Q:** What happened then?

**A:** Well, I heard the Wolf back up a few steps, take a deep breath and kapow; my house was blown down.

**Q:** What did you do?

**A:** Well, I ran as fast as my little pig legs could carry me otherwise the Wolf would have made a Brewer Plumper out of me.

**Q:** When was the next time that you had contact with the Wolf who blew your house in?

**DEFENSE ATTY:** Objection. No foundation. Never saw the Wolf.

**JUDGE:** Objection sustained. Please rephrase the question.

**D.A.:** When was the next time you had contact with someone who said he was a wolf?

**A:** A few days later at my brother Curly's house; he tried to blow that house down, too.

**Q:** What did you lose when your house got blown down?

**A:** Everything, except my flute.

**Q:** Did you give the Wolf consent to blow your house down?

**A:** No way!

**Q:** Is the Wolf who blew your house down in court this morning?

**A:** That's him.

#### Cross examination of wolf.

The defense attorney might cross examine in these areas:

-straw was an unsuitable material with which to build a house;

-the pig didn't see who blew the house down;

-the pig only heard somebody say it was the wolf;

**JUDGE:** State will call its next witness.

This witness sworn in similar fashion.

**D.A.:** State you name for the record please.

**A:** Larry Littlepig.

**Q:** Are you Moe's brother?

A: Yes.

**Q:** Where do you live?

**A:** Temporarily I'm in residence at Curly Littlepig's house here in town.

**Q:** And why is that?

**A:** Ask El Lobo over there, he can tell you...

**WOLF:** Go break a leg in three places you little swine.

**PIG:** It's little pig, thank you!

**JUDGE:** *Gives judicial admonishment.* 

**Q:** On September 15, 1999, where did you live?

A: 15 Bacon Street, Pigsville in \_\_\_\_\_ County.

**Q:** Describe your house.

**A:** It was a twig cabin.

**Q:** You mean log cabin?

**A:** No, twig cabin.

**Q:** How come?

**A:** Well, I thought Moe's straw house was nice, but I wanted more security. So I had a twig cabin built on Bacon Street in the subdivision. A friendly wood cutter made me some furniture and I bought a stereo and a roll top desk.

**Q:** When did you move in?

**A:** About September 1, 1999.

**Q:** What happened after that?

**A:** On September 15, 1999, I was dancing to my Backstreet Boys tape when I heard someone at the door.

**Q:** What did you hear?

A: Well, a harsh voice said, "Littlepig! Let me in." I said "Who is this?" The voice said, "This is the wolf. Let me in or I'll blow your house in."

**Q:** What did you say?

A: "Not by the hair of my chinny-chin-chin." It's an old family expression. Then the wolf said, "Then I'll huff and I'll puff and I'll blow your house in."

**Q:** What happened?

A: Well, this villain proceeds to huff and puff and huff and puff and build up a regular hurricane around my cabin. Alas, it didn't survive; first the roof, then the walls, swoosh. Gone with the wind.

**Q:** What did you do?

**A:** Well, I beat it.

**Q:** Did you give anyone permission to blow down your house?

**A:** Certainly not.

**Q:** When did you next see or hear the wolf again?

**A:** A few days later at Curly's house. He tried the same huff and puff routine.

#### Cross examination of Larry Littlepig.

Defense Attorney might focus on these areas:

-a twig house is not stable;

-Larry Littlepig never saw the wolf; and

-nobody listens to the Backstreet Boys unless it is turned way up and how could the pig distinguish the wolf's voice while the stereo was blaring.

**JUDGE:** The State may call its next witness.

**D.A.:** Please state your name.

**PIG:** Curly Littlepig.

**Q:** What is your address Mr. Littlepig?

**A:** I live at 283 Sty Lane just off Mud Avenue.

Q: Now Mr. Littlepig are you familiar with the defendant in this case, Mr. Big Bad Wolf?

**A:** Are you kidding? That wolf in sheep's clothing?

**WOLF:** Now wait a minute...no making fun of my new coat!

**PIG:** He's just trying to look innocent, but he's not. Let me tell you.

**JUDGE:** If you don't stop this bickering, I'll have to hold you both in contempt of Court; let's

proceed with the questioning.

**D.A.:** Going back again Mr. Littlepig, how did you come to know Mr. Big Bad Wolf?

**A:** After he destroyed my brother's houses, I guess the wolf thought that I would be easy

pickings. What he hadn't counted on was that I built my house out of bricks. And so when he came over one morning with his cheap "Littlepig! Littlepig! Let me in" trick, I just told him no way by the hair of my chinny-chin-chin, and kept right on watching TV with my brothers. "Then I'll huff and I'll puff and I'll blow your house in," he said. And we laughed. I just went into the kitchen to make myself a snack, just a small one. I don't like to make a wolf of myself. Anyway, all the while I was in the kitchen I could hear him out there huffing and puffing. When we went to bed that night he was still huffing and puffing, but he wasn't going to get in. I made sure of that when I built that house

with bricks.

**Q:** And that was the last you ever saw of B.B. Wolf?

**A:** Are you kidding?

**Q:** Why?

**A:** Right after that incident I heard he was over on the other side of the forest making

trouble for Little Red Riding Hood and her poor grandma.

**DEFENSE ATTY.:** Objection. This testimony about Little Red Riding Hood is completely irrelevant to the case at hand.

**JUDGE:** Objection sustained. Mr. Wolf's attorney is correct. Proceed, Mr. Littlepig, but try to stay on track.

A: Well, about a week later he came by and said—real sweetly—"Oh, Littlepig, I know where to find the loveliest sweet turnips." He must have known pigs are fools for turnips. Anyway, I asked him where. "Oh," he said, "in Farmer Brown's yard. If you're ready tomorrow morning at six I'll come by for you and we can go there and get some for our dinner." Boy, that wolf must think I'm dumb. I knew that those turnips were only going to be his appetizer. And I knew just who he had in mind for the main course.

**Q:** And so you didn't go?

A: I got up at five, picked my turnips and went back home and was having turnip stew with my brothers by the time he came by at six.

**Q:** What was the wolf's reaction?

**A:** Oh, he was fuming all right, but he didn't show it.

**Q:** What happened then?

A: Well, on September 30 he came over with this nasty glint in his eye and started climbing up the side of my house. At first I couldn't imagine what he was doing, and then it came to me—the chimney! And so I rushed to the fireplace. I already had a big pot of water on to boil for my tea, and I took the lid off. I only wanted to warn him off because I didn't want him in my house eating me up. How was I to know he was already climbing down the chimney?

**Q:** And did you consent to allow the wolf down you chimney into your house?

**A:** Certainly not.

#### Cross examination of Curly Littlepig.

**Defense Attorney:** I would like to cross examine the witness if I may.

Q: Mr. Littlepig, I have been listening to this account of your dealings with Mr. Wolf and it seems to me that you were doing an awful lot of teasing and baiting of my client. Wouldn't you say that's true?

**A:** Well, maybe I was having a little fun with the old boy, but seeing as he was trying to eat me that doesn't seem like such a great crime, does it?

**ATTY.**: I'll ask the questions if you please here. What about the reports that the cookbook next to your fireplace was found open to the recipe for poached wolf? Is this true?

A: Yes, but it's not how it seems. I had it open to warm apple pie. I was going to bake one

with extra apples, but then when I took the lid off that cauldron I guess that shot of steam

must have flipped a few pages forward to Poached Wolf.

**ATTY:** You expect the Court and jury to believe that?

**A:** Well, it's the truth by the hair on my chinny-chin-chin.

**ATTY:** All right Mr. Pig, thank you, you may step down.

At this point the State rests. Motion to dismiss by defense counsel is argued.

**JUDGE:** Mr. Defense Attorney, do you have any witnesses?

**ATTY.:** The defense calls Mr. B.B. Wolf.

**JUDGE:** Please raise you right paw.

Clerk swears wolf

**ATTY::** Please state your name.

A: My name is Big Bad Wolf. Most of my friends just call me B.B.

**Q:** Where do you live?

A: Oh, I've got a nice little den in the woods outside Waukesha. You know it's got redwood

paneling and I've got a pretty nice stereo.

**Q:** A kitchen?

**A:** Well, um, I eat out a lot, you might say.

Q: Ah, yes, well let's move on to the morning of September 30, 1999. Do you recall your

whereabouts on that morning?

A: Yes I do. Quite clearly actually. I was taking my usual morning stroll past the house of

my old pal, Curly Pig. I was admiring his house. It's quite well built you know and I thought I might pay good old Curly a visit and tell him just that. What a fine job he had done in building that place of his. Anyway, I knocked on the door and called out his name, but there was no answer. So I knocked harder and called out louder, but still there was no answer and then I sat down on the front porch to wait. I figured Curly was probably out at the store or something and would be back in a minute. You see I really did want to see my old buddy and I don't get into that neighborhood all that often and then it hit me, Curly is a real sound and sleeper and is probably just sleeping in. I thought if I just left he would be sorry I hadn't woken him so I tried to think of a way to get into the house to wake him up. And then I thought and I thought and finally it came to me. I could climb down the chimney!

**Q:** And so did you?

**A:** Well, yes and no. That is, I started to, but when I got almost all the way down suddenly

someone took the lid off this cauldron of water boiling down there. Someone who

wanted me to fall into the kettle.

**D.A.:** Objection, the witness is guessing and speculating.

**JUDGE:** I agree, objection sustained. Continue, Mr. Wolf.

**WOLF:** Well, lucky for me the steam was so powerful that it sort of just blew me up and out of

the chimney. I took off like all get out and decided Curly was no friend of mine.

**Q:** Did you hear Moe Littlepig testify about your blowing his house down on September 15,

1999?

A: Yes.

**Q:** Were you there?

A: Yes, I had heard that Moe had built a house in the woods and I went over to welcome

him to the neighborhood. Also to see if he wanted to trade Pokemon cards with me.

**Q:** What happened?

**A:** Well, I knocked on the door and then started sneezing.

**Q:** Sneezing?

**A:** Yes, I must have had an allergic reaction to the straw in the house. I was sneezing out of

control when the whole house blew away. It wasn't very well built.

**Q:** Did you mean to blow down the house?

A: No, I was sorry and I wanted to apologize, but Moe ran away so fast that I couldn't catch

him.

**Q:** You heard Larry Littlepig tell of his tragic loss?

**A:** Yes, I did.

**Q:** Where were you on September 16, 1999?

**A:** At the mall.

**Q:** You were not there?

A: No.

#### Cross examination of the wolf by District Attorney.

Options for next phase:
-call an alibi witness for the wolf;
-closing arguments;
-jury instructions.

###

# MOM A. BEAR POP A. BEAR AND BABE E. BEAR V. GOLDEN LOCKS A/K/A GOLD E. LOCKS

(For Pre-School Children Through Primary Grades)

#### PREPARED BY ATTORNEY RICHARD D. TORPHY, DENVER

#### PARTICIPANTS IN TRIAL

Judge
Mom A. Bear
Pop A. Bear
Babe E. Bear
Gold E. Locks
Mrs. Locks
Plaintiff's Counsel
Defendant's Counsel
Jurors
Bailiff

#### **EXHIBITS**

BOWL - POP A. BEAR EXHIBIT A
BOWL - BABE E. BEAR EXHIBIT B
BROKEN CHAIR EXHIBIT C
PILLOW EXHIBIT D

#### **SCENE**

The \_\_\_\_\_\_ County Courthouse. The Bailiff calls the case of Mom A. Bear, Pop A. Bear and Babe E. Bear v. Golden Locks, also known as Gold E. Locks. The Bears are seated at the Plaintiff's table. Golden Locks and her parents, Mr. & Mrs. Locks, are sitting at the defense table.

**JUDGE:** This is the case of Mom A. Bear, Pop A. Bear and Babe E. Bear v. Golden

Locks. As I understand the pleadings, the charge against Golden Locks is that

she showed bad manners. Are there any opening statements?

**ATTY FOR BEARS:** Your Honor, in this case we will show that one crisp fall morning Mom A. Bear

got up early and made a steaming pot of porridge. She intended to serve it to Pop A. Bear and Babe E. Bear for breakfast. We will further show that because the porridge was too hot, the Bears decided to take a walk in the forest. While they were gone, Gold E. Locks entered the home and ate some porridge out of the bowls of Mom A. Bear and Pop A. Bear. She ate all the porridge from the bowl of Babe E. Bear. After eating Babe E. Bear's porridge, Gold E. Locks sat down in Babe E. Bear's chair and broke it. After breaking the Babe E. Bear's chair, Gold E. Locks went upstairs and fell asleep in Babe E. Bear's bed. Through our evidence we will show that Gold E. Locks had bad manners. Thank you Your

Honor.

**JUDGE:** Does the attorney for Gold E. Locks have any opening statement?

**ATTY FOR LOCKS:** Your Honor, these charges of bad manners against Gold E. Locks are ridiculous.

We will show that the Bears invited Gold E. Locks into their home by leaving the door open. Gold E. Locks was out walking in the forest, minding her own business, and picking flowers, when she smelled the sweet aroma of porridge cooking. She had been in the forest many times before and she knew where the Bears lived. Gold E. Locks merely thought she was invited for breakfast. We will further show that the porridge was so good that Gold E. Locks decided to take a nap so that she could sleep off her breakfast. We will show that Gold E. Locks was a guest—and certainly did not demonstrate any bad manners.

**JUDGE:** Very well. Call your first witness.

**ATTY FOR BEARS:** I call Mom A. Bear as my first witness.

Mom A. Bear comes forward.

**JUDGE:** Please raise your right paw.

Mom A. Bear raises her right paw.

**JUDGE:** Do you swear that the evidence you are about to give is the truth, the whole

truth, and nothing but the truth?

**MOM A. BEAR:** I do.

**JUDGE:** Please be seated.

**ATTY FOR BEARS:** Please state your name.

**MOM A. BEAR:** My name is Mom A. Bear. That's first name Mom, middle initial A., last name

Bear. They also call me Momma Bear.

**ATTY FOR BEARS:** Where do you live?

**MOM A. BEAR:** I live in a little bungalow house in the forest. The house is surrounded by flowers

and trees. It is a pretty little house.

**ATTY FOR BEARS:** Is that forest located in (*insert local city and state*).

**MOM A. BEAR:** Yes, it is.

**ATTY FOR BEARS:** Who else lives in the house?

**MOM A. BEAR:** My husband, Pop A. Bear, and our little bear, Babe E. Bear, live with me.

**ATTY FOR BEARS:** On the morning of October 26, 1999, did you make breakfast for your family?

**MOM A. BEAR:** Yes, I did. I always make a wholesome nutritious breakfast for my family. As

they are very fond of porridge, I made porridge on that particular day, and as I always do, I sprinkled the porridge with honey, a pinch of cinnamon and two pawsful of raisins. Pop A. Bear especially likes the two pawsful of raisins.

**ATTY FOR-BEARS:** Very well, I see, it sounds delicious.

**MOM A. BEAR:** It is! You should come over and try some sometime.

**ATTY FOR LOCKS:** Your Honor I object to that last question concerning Mom A. Bear's invitation to

her attorney to try her porridge. We will stipulate that Mom A. Bear makes very

good porridge.

**JUDGE:** Very well. Counselor would you please comment only on the case and not on

your social life with the Bear family.

**ATTY FOR BEARS:** After you made the porridge, Mom A. Bear, what did you do?

**MOM A. BEAR:** I called Pop A. Bear and Babe E. Bear to come downstairs for breakfast.

**ATTY FOR BEARS:** Then what happened?

**MOM A. BEAR:** We sat down at the table and said grace. After grace, Babe E. Bear said that the

porridge was too hot and was burning his tongue, so we decided to go for a little

walk in the forest and let the porridge cool.

**ATTY FOR BEARS:** I see. Do you always walk in the forest?

**MOM A. BEAR:** Oh, yes! We love to walk in the forest.

ATTY FOR BEARS: When you got back from your walk, what did you find?

**MOM A. BEAR:** Well, the door was open. I had told Babe E. Bear to close it but he/she forgot.

You know how baby bears are about doing those things.

**ATTY FOR BEARS:** Yes, I know. I have baby bears of my own. What did you see when you got back?

**MOM A. BEAR:** I think we should let Pop A. Bear tell that.

Mom A. Bear gets down from the witness stand. Pop A. Bear goes forward to be sworn in, raises his right paw, and is sworn by the Judge.

**ATTY FOR BEARS:** Please state your name.

**POP A. BEAR:** My name is Pop A. Bear. (*growling*)

**ATTY FOR BEARS:** Do you live in the forest with Mom. A. Bear and Babe E. Bear?

**POP A. BEAR:** Yes, that's our home. It's located out in (*insert local town/city*).

**ATTY FOR BEARS:** Very well. When you got back from your walk in the forest what did you notice?

**POP A. BEAR:** Well, first I noticed that the door was open. I told Babe E. Bear to close it

several times, but I guess he forgot again. I'm going to have to speak to Babe E.

Bear about his forgetting to close the door.

**ATTY FOR BEARS:** Did you smell porridge in the house?

**POP A. BEAR:** Oh, yes! It smelled delicious. Mom A. Bear is the best porridge-maker in the

whole forest.

ATTY FOR LOCKS: Your Honor, we know Mom A. Bear makes good porridge. We will stipulate for

the record that Mom A. Bear's porridge is the best porridge in the whole wide

world, not to mention the best porridge in (insert local place).

**ATTY FOR BEARS:** When you got back to the house what did you notice first?

**POP A. BEAR:** Well, I went over to eat my bowl of porridge. When I looked in the porridge

bowl there was some missing.

**ATTY FOR BEARS:** Did you say anything?

**POP A. BEAR**: Yes, I growled, "Somebody's been eating my porridge!"

Attorney for Bears takes bowl of porridge labeled "Pop A. Bear" and has it marked as an exhibit.

**ATTY FOR BEARS:** Pop A. Bear, I now hand to you what has been marked, as "Bear's Exhibit A." Is

that your bowl?

**POP A. BEAR:** Yes, can't you see it says "Pop A." on it?

**ATTY FOR BEARS:** Oh. Is this the bowl of porridge that was sitting on your table?

**POP A. BEAR:** Yes, it is. I never eat my porridge from any bowl except that bowl.

Attorney gives bowl to Court Reporter.

**ATTY FOR BEARS:** Your Honor, I ask that our exhibit be admitted as evidence.

**JUDGE:** All right.

**ATTY FOR BEARS:** Pop A. Bear, after you discovered your porridge bowl empty, what did you do?

**POP A. BEAR:** I walked into my living room.

**ATTY FOR BEARS:** And what did you see?

**POP A. BEAR:** My favorite Pop A. Bear chair that Mom A. Bear and Babe E. Bear gave to me

for Father's Day last year.

ATTY FOR BEARS: Did you say anything upon noticing that somebody has been sitting in your

chair?

**POP A. BEAR:** Yes, I growled, "Somebody's been sitting in my chair!"

**ATTY FOR BEARS:** Then what did you do?

**POP A. BEAR:** Well, I was getting suspicious, so I went upstairs.

**ATTY FOR BEARS:** What did you notice upstairs?

**POP A. BEAR:** I noticed that my bed had been messed up.

ATTY FOR LOCKS: Your Honor, I object. We all know that Pop A. Bear never makes his bed, and

that the bed just sits there until Mom A. Bear makes it in the morning. How do we know that the bed had not been messed up from Pop A. Bear's sleeping in it?

**ATTY FOR BEARS:** Pop A. Bear, did you make your bed that morning?

**POP A. BEAR:** Yes. I made a special effort that morning to make the bed as a birthday present

for Mom A. Bear.

**ATTY FOR BEARS:** And when you got back was the bed messed up?

**POP A. BEAR:** Yes, it was.

**ATTY FOR BEARS:** Did you say anything?

**POP A. BEAR:** Yes, I growled, "Somebody's been sleeping in my bed!"

**ATTY FOR BEARS:** Did you see anybody sleeping in your bed?

**POP A. BEAR:** No, I didn't. I went back downstairs.

**ATTY FOR BEARS:** Pop A. Bear, that's all the questions I have for you.

**JUDGE:** You may step down.

Pop A. Bear gets off the witness stand.

**ATTY FOR BEARS:** Next I will call Babe E. Bear to the stand.

Babe E. Bear goes forward, raises his/her right paw and is sworn in.

**ATTY FOR BEARS:** What is your name?

**BABE E. BEAR:** (babyish tone) My name is Babe E. Bear. I live with my Mommy and Daddy

Bear in a little cottage in (local place).

**ATTY FOR BEARS:** Do you go to school?

**BABE E. BEAR:** Yes. I attend the (insert name of school) in (insert local city and state).

**ATTY FOR BEARS:** I see. And who are your teachers at pre-school?

**BABE E. BEAR:** My teachers are (*insert names*).

**ATTY FOR BEARS:** And do you always listen to your teachers at pre-school?

**BABE E. BEAR:** Well, most of the time I do.

**ATTY FOR BEARS:** And have your teachers told you to close the door when you leave a room?

**BABE E. BEAR:** Well, they are trying to teach me to do that, but sometimes I forget. You see, I

am still a baby bear.

**ATTY FOR BEARS:** Did you go for a walk with your mommy and daddy in the forest?

**BABE E. BEAR:** Yes, I did. The porridge was too hot and I could not eat it, so I thought we could

go for a walk and see the birdies, the bunny rabbits and the other animals that live in the forest. I like to watch the birdies and the bunny rabbits. One time I

even saw a deer in the forest.

**ATTY FOR BEARS:** When you got back from the forest what did you see?

**BABE E. BEAR:** I went with my daddy to sit down to eat my breakfast, and when I sat down, my

porridge bowl was empty.

**ATTY FOR BEARS:** And what did you say?

**BABE E. BEAR:** (whines) I said, "Somebody's been eating my porridge, too, and they ate it all up!"

Attorney takes bowl labeled Babe E. Bear and hands it to Court Reporter.

**ATTY FOR BEARS:** Please mark this as Bear's Exhibit B.

After it is marked, the attorney hands bowl to Babe E. Bear.

**ATTY FOR BEARS:** And, is this your porridge bowl?

**BABE E. BEAR:** Yes, it is. My grandma gave it to me when I was a tiny baby. I was just a little

cub when she gave it to me. She gave it to me because she knew I liked to eat

porridge for breakfast.

ATTY FOR BEARS: And, is that the bowl that was empty when you came back into your house from

your walk in the forest?

**BABE E. BEAR:** Yes, it is.

Attorney hands bowl to Judge as Exhibit B.

**ATTY FOR BEARS:** And then what did you do, Babe E. Bear?

**BABE E. BEAR:** I went into my living room and I saw that my favorite chair was broken! Grandpa

gave me the chair for my second birthday so that I could sit with Mom A. Bear and Pop A. Bear. I mainly used it when I watched television. You know, my favorite programs are Yogi Bear and football games between the Chicago Bears

and the Green Bay Packers. Of course, I had to root for the Bears.

**ATTY FOR BEARS:** Yes, I know. And when you saw your chair what did you say?

**BABE E. BEAR:** I said, "Somebody's been sitting in my chair and they broke it." I was really sad

about my chair being broken, because it was my favorite.

Attorney picks up broken chair and has it marked as Exhibit C.

**ATTY FOR BEARS:** Babe E. Bear, is that your chair?

**BABE E. BEAR:** (pouting) Yes, it is. I really feel sad because it's broken. Pop A. Bear was going

to fix it, but he is very slow at doing these things sometimes. I guess Mom A.

Bear will have to talk to him about it.

**ATTY FOR BEARS:** And then what did you do?

**BABE E. BEAR:** I went upstairs to my bedroom.

**ATTY FOR BEARS:** And did you make your bed on that morning?

**BABE E. BEAR:** Yes, I did on that morning because it was Mom A. Bear's birthday. Daddy Bear

and I wanted to surprise her because we sometimes, well, most of the time,

forget to make our beds. Mom A. Bear scolds us for it.

**ATTY FOR BEARS:** I see. But you did make your bed that morning?

**BABE E. BEAR:** Well, Papa Bear helped me, but we made it, yes. I even put my little pillow

neatly at the top of the bed.

**ATTY FOR BEARS:** And, when you went back upstairs, what did you see?

**BABE E. BEAR:** (agitated) When I went back upstairs, my little pillow was gone. When I

approached the bed I saw these golden locks. I then peeked under the covers and I saw a little girl, and I shouted, "Somebody's been sleeping in my bed, and there

she is! It's a little girl."

**ATTY FOR BEARS:** And, what did the little girl do?

**BABE E. BEAR:** She got up and ran so fast that I hardly saw her. I just saw these golden locks as

she ran out the door.

**ATTY FOR BEARS:** Is the little girl who was sleeping in your bed here today?

**BABE.E. BEAR:** Well, that little girl over there with the golden hair looks like her, but I really

didn't get a very good view. It could be her.

Attorney hands Babe E. pillow, which has been marked as Exhibit C.

**ATTY FOR BEARS:** Is this your pillow?

**BABE E. BEAR:** Yes, it is. My Aunt Cubby made it for me when I was a baby.

ATTY FOR BEARS: Babe E. Bear, you don't have golden hair, do you?

**BABE E. BEAR:** No, I don't. My hair is brown and furry like my Mommy and Daddy's.

**ATTY FOR BEARS**: There is golden hair on this pillow. Could that be Gold E. Locks' hair?

**BABE E. BEAR:** I guess so; it's not mine.

**ATTY FOR BEARS:** Very well, Babe E. Bear. Do you have anything further to say?

**BABE E. BEAR:** Well, I don't blame the little girl for wanting to eat the porridge and Mommy can

always make more porridge, but I wish she hadn't broken my chair. That really is

my favorite chair.

**ATTY FOR BEARS:** Thank you, Babe E. Bear.

Babe E. Bear gets down.

**ATTY FOR BEARS:** Your Honor, that is all of our evidence. The Bears rest.

**JUDGE:** Very well. We will now hear Gold E. Locks' side of the case.

**ATTY FOR LOCKS:** Your Honor, as my first witness I will call Gold E. Locks.

Gold E. Locks gets up, walks forward, raises her right hand to be sworn. Judge administers the oath.

Gold E. Locks then sits down.

**ATTY FOR LOCKS:** What is your name?

**GOLD E. LOCKS:** My name is Golden Locks. I am also called Gold E. Locks. When I was born my

mother said I had golden locks. And so from that day forward I have been known

as Gold E. Locks.

**ATTY FOR LOCKS:** I see. You have very pretty gold locks.

**GOLD E. LOCKS:** Thank you.

**ATTY FOR LOCKS:** Where do you live?

**GOLD E. LOCKS:** I live with my mother Locks, my father Locks, my little baby brother Locks, my

kitty cats Spook Locks and Funny Locks at (insert a local address).

**ATTY FOR LOCKS:** Oh, that is very interesting. And is your house located anywhere near the house

of Babe E. Bear?

**GOLD E. LOCKS:** Oh, yes, Babe E. Bear and I see each other quite often while walking in the

forest. I like to walk through the forest and pick flowers. I also like to watch the bunny rabbits and deer in the forest. Babe E. Bear and I attend the same preschool, that is (*insert name of a local school*). My mommy takes me every day in the minivan. Sometimes I bring some of the flowers I have picked in the forest.

**ATTY FOR LOCKS:** And, are your teachers also (*insert name of teachers*).

**GOLD E. LOCKS:** Yes, they are. We play games and play in the toy kitchen and sing and have a

snack.

ATTY FOR LOCKS: And, I'm sure your teachers and your mother and father have told you never to

go into a strange house.

**GOLD E. LOCKS:** Yes, they have. But sometimes I forget, especially when the porridge smells so

good!

**ATTY FOR LOCKS:** Now Gold E., on the day in question, were you out walking in the forest?

**GOLD E. LOCKS:** Yes, I was 1 was out picking flowers in the forest early one fall morning. I like

to go out early in the morning because that's when I see the most bunny rabbits

and sometimes I even see a deer.

**ATTY FOR LOCKS:** And, as you were walking in the forest what did you smell?

**GOLD E. LOCKS:** I smelled the most yummy porridge coming from a house in the forest. I followed

my nose until I came to a brown house which had the name "Bear" on the front. I knocked on the door, but I did not see anybody at home. The smell was so good

and I had not had any breakfast that morning since Mommy does not fix breakfast until I get back from my morning walk. In fact, sometimes she even goes with me.

**ATTY FOR LOCKS:** I see. And than what did you do?

GOLD E. LOCKS: I knocked on the door several times but nobody answered. As the door was open,

I figured that the people who lived in the house must be close by.

**ATTY FOR LOCKS:** Did you enter the house?

**GOLD E. LOCKS:** Yes, I did, but the door was open. I followed my nose right to the kitchen. There

I saw three bowls of porridge.

**ATTY FOR LOCKS:** When you saw the three bowls of porridge, what did you say?

**GOLD E. LOCKS:** I said, "Oh, my, porridge!"

**ATTY FOR LOCKS:** Then what did you do?

**GOLD E. LOCKS:** I tasted some porridge from Papa Bear's great big, bowl. It was too hot. Then I

tasted some from Mom A. Bear's medium sized bowl, but it was too cold. Then I tasted some porridge in Babe E. Bear's bowl. It was just right, and I was so

hungry I ate it all up.

**ATTY FOR LOCKS:** Were the Bears in the house while you were eating the porridge?

**GOLD E. LOCKS:** No but I figured they must be nearby. I guess I got so excited eating the porridge

that I forgot about the Bears.

**ATTY FOR LOCKS:** Then what did you do?

**GOLD E. LOCKS:** Well, my tummy was so full of yummy porridge that I went into the living room

to thank the person who had made the porridge and to tell her how good the

porridge was. My mother said I always should say thank you.

**ATTY FOR LOCKS:** Did you find anybody?

**GOLD E. LOCKS:** No, I didn't. So I decided to sit down in a chair to wait for the person to come

home so I could tell her how good the porridge was. I wanted her to give me the recipe so I could give it to my Mornmy. My Mommy makes good porridge but it

doesn't taste quite as good as the porridge I had at the Bears' house.

**ATTY FOR LOCKS:** Did you sit down?

**GOLD E. LOCKS:** Yes, I did. In fact I sat in this great big chair. But it was too hard and too big. I

did not feel comfortable in it. It looked like a poppa's chair. My daddy has one like it at home. Then I sat in a smaller chair, but it was too soft. It was kind of

like the chair my mommy sits in at home. Than I sat down in this little chair which seemed to be just right.

**ATTY FOR LOCKS:** What happened when you sat in the chair?

**GOLD E. LOCKS:** It broke. But I think the chair was already broken when I sat in it and that it was

just sitting there as a decoration. As little as I weigh I am sure my weight would not have broken it if it had not already been broken. I was really sad when I saw

the broken chair.

**ATTY FOR LOCKS:** Then what did you do?

**GOLD E. LOCKS:** I was so sad when I saw the broken chair that I decided to go upstairs and wait

for the Bears to come home so I could tell them about it. I went into a room that was decorated a lot like my room at home and sat down on a bed to wait for the Bears to come home. I think I was crying a little bit too, about breaking the chair. Well the bears did not come home right away and I must have closed my eyes to wait for them. I fell asleep on Babe E. Bear's bed. The next thing I remember before I fell asleep on Babe E. Bear's bed was that I also tried Pop A. Bear's bed and Mom A. Bear's bed. But they were too hard. I guess I messed their beds up a little bit too, although Pop A. Bear's bed had not been made very well. It looked

like he did it himself.

**ATTY FOR LOCKS:** What do you remember next?

**GOLD E. LOCKS:** The next thing I remember there were three bears standing around me. Pop A.

Bear looked very, very mad and he said, "Somebody's been sleeping in my bed!" Then I heard Mom A. Bear say, "Somebody's been sleeping in my bed!" I was so

frightened that I got up and ran right out the door to my mother.

**ATTY FOR LOCKS:** Gold E. Locks, as I recall your testimony, you ate the porridge because it smelled

so good and you were hungry. You had not knocked the door down, but walked in the open door thinking the people would not care. The chair was broken when you sat down to wait for the maker of the porridge to tell her how good the

porridge was, and you accidentally fell asleep on the bed.

**GOLD E. LOCKS:** That's right.

ATTY FOR LOCKS: You didn't mean anybody any harm did you, Gold E. Locks?

**GOLD E. LOCKS:** Of course not! It looked like such a friendly house and I knew that Babe E. Bear

lived there. I see him/her at pre-school many times. He/she even told me that sometime I should come over and have some porridge with him because his/her mother made it so good! I really didn't mean to harm anything and I'm really

sorry about the chair, but I still don't think I broke it.

**ATTY FOR LOCKS:** Thank you, Gold E. That's all the questions. Next I will call Mrs. Locks.

Mrs. Locks goes forward and is sworn in.

**ATTY FOR LOCKS:** What is your name?

**MRS. LOCKS:** My name is Curl E. Locks.

**ATTY FOR LOCKS:** Where do you live, Mrs. Locks?

**MRS. LOCKS:** We live at (*insert localized address*).

**ATTY FOR LOCKS:** And are you the mother of Gold E. Locks?

**MRS. LOCKS:** Oh, yes, I am. She is my little girl.

**ATTY FOR LOCKS:** What kind of a little girl is Gold E. Locks?

**MRS. LOCKS:** Gold E. is a good little girl. She is mischievous like most little girls, but she tries

to always do the right thing. Sometimes she forgets. I do have one trouble with her and that is that she likes to wander through the forest picking flowers. She tells me that she likes to look at the bunny rabbits and the deer. Most of the time I go with her but on the morning in question I was getting ready for a bridge club

meeting.

**ATTY FOR LOCKS:** You say Gold E. is essentially a good girl. Does she say please?

**MRS. LOCKS:** Most of the time.

**ATTY FOR LOCKS:** And does she say thank you?

MRS. LOCKS: Oh, I have taught her to say thank you and her teachers at school have taught her

to say thank you, and she says thank you most of the time when she remembers.

But like most children, sometimes she forgets.

**ATTY FOR LOCKS:** Does she help you with the dishes?

**MRS. LOCKS:** Well, most of the time. But sometimes, especially when the Muppets are on

television, she runs downstairs to watch and forgets to help me with the dishes. But I understand—especially when the Muppets are on television. That's her

favorite show, you know.

**ATTY FOR LOCKS:** Does she attend pre-school?

MRS. LOCKS: Oh, yes. She goes to (*insert local school*) every day. She enjoys the music and

swinging on the swings and the art classes and all the activities. She's really

excited about her pre-school.

**ATTY FOR LOCKS:** Well, this trial is about Gold E. Locks having bad manners. Do you a think she

has bad manners?

MRS. LOCKS: Oh, goodness no. She does forget occasionally, but I know she tries to use good

manners. I think the only reason she went into the Bears' house was because the

porridge smelled so good. And after she ate the porridge she simply wanted to stay there until the Bears returned to tell them how good the porridge was. She certainly didn't intend any harm and I know that she didn't mean to break the chair. But Gold E. has told me that the chair was already broken when she sat in it. You know she's not very big and I don't think she could break the chair.

**ATTY FOR LOCKS:** Where is Mr. Locks today?

**ATTY FOR LOCKS:** Is there anything else you would like to say, Mrs. Locks?

**MRS. LOCKS:** Well, we're sorry that the Bears were inconvenienced, but if they would like to

come to our house for breakfast I would be glad to fix them some of my porridge. Maybe Mrs. Bear could even show me how she makes it so yummy.

ATTY FOR LOCKS: Thank you, Mrs. Locks, you may step down.

Mrs. Locks steps down.

**JUDGE:** Are there any summaries?

**ATTY FOR BEARS:** Your Honor, we have shown that Gold E. Locks, without being invited, walked

into the Bear's home, ate Babe E. Bear's porridge, broke Babe E. Bear's chair, and slept in her bed. She did all of this without being invited and I certainly think that meets the test of bad manners. Even though Gold E. Locks knew better, that is no excuse. I'm sure the jury agrees that one who displays good manners does

not do such things.

ATTY FOR LOCKS: Your Honor, we have shown that Gold E. Locks is basically a good little girl. She

has said that she meant no harm in going into the house, and the door was open. The porridge was so good that she could not resist it and after she ate the porridge she merely wanted to wait for the Bears to come home to thank them. She didn't mean to break Babe E. Bear's chair, and in fact there is no real evidence that she broke the chair. I think the chair was broken when she sat in it. She certainly is not big enough to have broken the chair. She is sorry she fell asleep in the bed, but she was merely waiting for the Bears to come home so she could thank them and to ask them how they make the yummy porridge. She certainly did not display any bad manners, in fact she showed good manners by waiting to thank the bears.

**JUDGE:** Thank you. Does that conclude the evidence?

**ATTORNEYS:** (*both*) Yes, it does.

Judge turns to jury.

**JUDGE:** You have heard the evidence. Now it is your job to decide whether Gold E.

Locks has bad manners. Will you please go with the Bailiff to the jury room and after you have decided, would you please come back and inform the Court of

your decision.

Bailiff takes the jurors to the Jury room. After a while, jurors come back with a verdict.

**JUDGE:** Have you reached a verdict?

**JUROR:** Yes, we have, your Honor.

**JUDGE:** What is that verdict?

**JUROR:** The jury has voted and has determined that...

###

### STATE OF CONFUSION: CIRCUIT COURT: ANIMAL COUNTY

STATE OF CONFUSION,

Plaintiff,

Case No. CF-961234

v.

HARRY BADWOLF aka "BIG" BADWOLF

Defendant.

# JURY TRIAL PARTIAL TRANSCRIPT

April 1, 1994

The Honorable Alice H. Owl, Presiding

Charge: Criminal Damage to Property

### APPEARANCES:

CHARLES COUGAR, Assistant District Attorney, appeared on behalf of the State of Confusion.

PATTY PUMA, Attorney at Law, appeared on behalf of the defendant, Mr. BADWOLF, who appeared in person.

Official reporter:

Edna Chickenscratch

This mock appeal was developed by Attorney Ellen Henak, Appellate Division, Wisconsin State Public Defender's Office.

Law Day 81 2001

1		TRANSCRIPT OF PROCEEDINGS
2		(Outside the presence of the jury)
3		THE COURT: Whose motion is this again?
4		MS. PUMA: Ours, Your Honor. We believe that the identification of Mr. Badwolf should be
5		suppressed. The photographs shown Ms. Littlepig were unduly suggestive. They make her
6		identification of Mr. Badwolf unreliable.
7		MR. COUGAR: Ms. Littlepig had plenty of time to look at Mr. Badwolf. Her vision is good and
8		it was sunny out. She said she was positive, Your Honor. The test is not whether the
9		identification procedure was suggestive. The test is whether the totality of the circumstances
10		suggests that the identification was unreliable.
11		THE COURT: Can I see the photographs?
12		MR COUGAR: Yes, of course, here they are. They are marked as State's Exhibit 1.
13		THE COURT: I have looked at the photographs. There is no question that it would have been
14		better to have all pictures of wolves. There is no question that the photographs are suggestive.
15		Three photos are photos of foxes and only one photograph is of a wolf. Nevertheless, I must
16		consider the reliability of the identification and the totality of the circumstances.
17		Ms. Littlepig said she was positive. That's good enough for me. Motion denied. Bring the jury in
18		(In presence of jury)
19		ELSIE LITTLEPIG, called as a witness by the State, having been duly sworn on oath was
20		examined and testified as follows:
21		
22		DIRECT EXAMINATION
23		BY MR. COUGAR:
24	Q.	Where were you on the afternoon of October 31, 1994?
25	A.	I was in my house at 1101 Deer Road in Animaltown.
26	Q.	Please describe your house.
27	A.	It was a nice little house with just one room. It was warm and cozy and brown and, oh, yes, it was
28		made of straw.
29	Q.	What happened that night?
30	A.	I heard a deep scary voice say, "Littlepig, Littlepig, let me come in."
31	Q.	What did you do?
32	A.	I ran and peeked out between the straw.
33	Q.	What did you see?

- 1 A. I saw a big, black wolf with sharp, sharp teeth.
- Q. How far away was he?
- 3 A. About five feet, maybe 10.
- 4 Q. What was the weather like?
- 5 A. It was very sunny.
- 6 Q. And do you remember what he looked like?
- 7 A. I'd never forget his face. Not in a million years or more.
- 8 Q. And after he yelled, ma'am?
- 9 A. I told him he could not come in.
- 10 Q. What did he do?
- 11 A. He said, "I'll huff and I'll puff and I'll blow your house down." I was very scared, I tell you.
- 12 Q. What did you do?
- 13 A. I said, "Don't you dare!" but he did anyway.
- 14 Q. Did what?
- 15 A. He blew my house down. It was all ruined.
- 16 Q. What did you do then?
- 17 A. I called the police and Officer Holstein came.
- 18 Q. What did you tell Officer Holstein?
- 19 A. Just what I told you now. Officer Holstein told me to calm down and not to have a cow, and...
- MS. PUMA: Objection. What Officer Holstein said is not relevant.
- THE COURT: Sustained.
- Q. Did he ask you for a description of the animal that blew your house down?
- 23 A. Yes.
- Q. What did you tell him the animal looked like?
- A. I told him that the animal was a big, bad wolf with sharp teeth. Oh, yes, and he was dark in color.
- Q. Did there come a time when Officer Holstein asked you to look at some photographs?
- MS. PUMA: Objection.
- THE COURT: Overruled. You may answer.
- 29 A. Yes.
- Q. I show you State's Exhibit 1. Are these the photographs he showed you?
- 31 A. Yes.
- Q. When did he show them to you?
- 33 A. The day after that wolf blew my house down.

- 1 Q. And did you identify anyone in those pictures as the animal who blew your house down?
- 2 A. Yes. Number 3. I was positive.
- 3 MR. COUGAR: Let the record reflect that Photo Number 3 is of the defendant. No further
- 4 questions.
- 5 CROSS EXAMINATION
- 6 BY MS. PUMA
- 7 Q. Ms. Littlepig, you wear glasses, don't you?
- 8 A. I only need them for driving.
- 9 Q. Do you need glasses to drive?
- 10 A. Yes.
- 11 Q. You were not wearing your glasses when you peeked out of your house, were you?
- 12 A. No but I could see perfectly well.
- 13 Q. Had you ever seen the wolf who blew down your house before that day?
- 14 A. No.
- 15 Q. What time of day was it when your house was blown down?
- 16 A. It was late afternoon.
- 17 Q. Did the door of your house face west?
- 18 A. Yes.
- 19 Q. When the animal blew down your house, he was on the west side of it, wasn't he?
- 20 A. Yes.
- Q. When Officer Holstein showed you the photographs, did he say, "I think we have the animal who
- did this?"
- A. He told me they thought they had captured him, yes.
- Q. Did you notice that the other animals in the photos were all foxes?
- A. I knew that they did not blow my house down.
- Q. So you did not notice that they were foxes?
- A. They were all predators.
- Q. Did you notice that they were foxes? Yes or no?
- 29 A. No.
- 30 MS. PUMA: Your Honor, I move for a mistrial. This identification clearly was unreliable as
- 31 well as suggestive.
- THE COURT: Denied. I think the jury can sort this out.

### STATE OF CONFUSION

### COURTOFAPPEALS

### DISTRICT I

STATE OF WISCONSIN,

Plaintiff-Respondent,

v. Case No. 96-1234-CR

HARRY BADWOLF.

Defendant-Appellant.

ON NOTICE OF APPEAL TO REVIEW A JUDGMENT OF CONVICTION ENTERED IN CIRCUIT COURT FOR ANIMAL COUNTY, THE HONORABLE ALICE H. OWL, PRESIDING

### BRIEF AND APPENDIX OF DEFENDANT-APPELLANT

PATTY PUMA Puma & Pigeon, S.C. State Bar No. 1112222

735 North Bunny Street Animaltown, CS 88203 Telephone (111) 555-5555

Attorney for Defendant-Appellant

#### STATE OF CONFUSION

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### DISTRICT I

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ON NOTICE OF APPEAL TO REVIEW A JUDGMENT OF CONVICTION ENTERED IN CIRCUIT COURT FOR ANIMAL COUNTY, THE HONORABLE ALICE H. OWL, PRESIDING

### BRIEF AND APPENDIX OF DEFENDANT-APPELLANT

#### **ISSUE RAISED**

Should a photo array consisting of three photos of a fox and one of a wolf be allowed into evidence?

### STATEMENT OF THE CASE

On April 14, 1994, following a jury trial, Harry Badwolf was convicted of criminal damage to property. R2. Prior to trial, Mr. Badwolf brought a motion in which he asked the court to exclude a photo array from evidence on the grounds that it was suggestive and unreliable. The trial court, the Honorable Alice H. Owl, presiding, denied the motion.

At trial, Elsie Littlepig testified concerning the array and her opportunity to observe the animal that blew her house down. Mr. Badwolf then moved for a mistrial. The trial court also denied this motion.

Notice of Appeal was filed in this case on February 29, 1995.

### **FACTS**

On October 31, 1994, a wolf blew down a straw house located at 1101 West Deer Road in Animaltown. R3:3. The victim, whose driver's license required her to wear glasses, had never seen this wolf before. *Id.* at 5. When she saw him, she was not wearing her glasses, *id.*, and was looking into the sun, *id.* at 6. The only description that she could give police was that the wolf was "a big, bad wolf with sharp teeth" and that "he was dark in color." *Id.* 

The next day Police Officer Holstein brought four photographs to the victim and showed them to her. *Id.* at 5. He told her that the police thought they had captured the wolf who blew her house down. *Id.* at 6. The victim identified Mr. Badwolf, a wolf, as the one who blew the house down. *Id.* at 5. She identified him from a group of four pictures which included three pictures of red foxes and one picture of Harry Badwolf, a wolf. *Id.* at 6; R7. She never noticed that three of the pictures were of foxes because "[t]hey were all predators."

### **ARGUMENT**

# MR. BADWOLF SHOULD RECEIVE A NEW TRIAL BECAUSE THE PHOTO ARRAY OF THREE FOXES AND HIM WAS SUGGESTIVE AND UNRELIABLE

Mr. Badwolf was picked out of a photo array in which he was the only wolf. R7. He was the only animal in the array who was big and he was the only animal in the array who was dark in color. *Id.* The victim who picked him out of the array never really saw the wolf who caused the damage, *see* R3:5-6, and knew that the police believed that Mr. Badwolf was the one who caused the damage, *id.* at 6. The photo array was impermissibly suggestive and was unreliable. This Court should grant Mr. Badwolf a new trial because the trial court misused its discretion in admitting the evidence *See State v. Weasel*, 159 Con. 2d 21, 22, 798 N.W.2d 222 (1990).

The test for determining whether a photo array is admissible has two parts. *Polarbear v. State*, 86 Con. 2d 51, 65, 271 N.W.2d 610 (1978). First, the trial court must determine whether the procedure was suggestive. *Id.* Second, the court must decide whether, under all of the circumstances, the identification was reliable. *Id.* 

The trial court correctly found that this photo array was impermissibly suggestive. R3:2. The police are required to attempt to conduct a fair photo array. *See Woodchuck v. State*, 46 Wis. 2d 75, 86, 175 N.W.2d 646 (1970). They made no attempt to do so here. This state is filled with wolves and the police have pictures of a lot of wolves on file. The police knew that the victim believed a dark-colored wolf had done the damage. R3:4. Nevertheless, the police chose to use pictures of three red foxes to put with the picture of a wolf. *See* R7. The police made the problem worse by deliberately indicating to the victim that they believed that Mr. Badwolf was the animal that damaged her house. R3:6.

A photo array in which the way a single photo is different is directly related to an important identification factor is impermissibly suggestive. *See Fennel v. State*, 65 Con. 2d 525, 536, 223 N.W.2d 507 (1974). The most important parts of the victim's identification were the dark color and the type of animal involved. Mr. Badwolf's picture differed from all the others on both counts.

Because the array was impermissibly suggestive, this Court must consider whether the identification was reliable. *Polarbear v. State*, 86 Con. at 65. Courts look at whether the person making the identification had a good opportunity to see the person who committed the crime. *Id.* The trial court in this case mistakenly looked only at the state's assertion that the victim was positive about her identification.

The identification here clearly was unreliable. The victim never had a good opportunity to see the wolf in question. She was not wearing her glasses. R3:5. She was looking west into the sun between a

some pieces of straw. *Id.* at 6. She was so bad at observing faces that she never noticed that the other three animals in the photo array were foxes. *Id.* 

This Court therefore should grant Mr. Badwolf a new trial on the ground that the trial court erroneously admitted the photo array into evidence.

### **CONCLUSION**

The trial court erred when it admitted the photo array into evidence. This court therefore should grant Mr. Badwolf a new trial.

Dated at Animaltown, Confusion, April 1, 1995 Respectfully submitted,

> PATTY PUMA Puma & Pigeon, S.C. State Bar No. 1112222

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Attorney for Defendant-Appellant

### **WISCONSIN STATE COURTS (BREAKING STATE LAW)**

### **CIRCUIT COURTS**

- Did the police follow Wisconsin law, the Wisconsin Constitution, and the United States Constitution when they arrested Harry and collected evidence?
- Is Harry guilty of the crime?
- If Harry is guilty, what should his punishment be?

### **COURT OF APPEALS**

- Was the circuit court right about whether the police followed the law?
- When the circuit court found Harry guilty, did it follow the rules it was supposed to follow?
- When the circuit court decided Harry's punishment did it follow the rules it was supposed to follow?

#### WISCONSIN SUPREME COURT

- Gets to decide whether it wants to hear a case
- Chooses cases involving what a law means
- Chooses cases involving the Wisconsin or the United States Constitutions
- Chooses cases involving rules of trying cases that would apply in a lot of cases
- Was the court of appeals right about what the law is?

### UNITED STATES SUPREME COURT

• Only if the United States Constitution or federal is involved.

### FEDERAL COURTS (BREAKING FEDERAL LAW)

### **DISTRICT COURTS**

- Did the police follow federal and the United States Constitution when they arrested someone and collected evidence?
- Is someone guilty of the crime?
- If someone is guilty, what should his punishment be?

### **COURT OF APPEALS**

- Was the district court right about whether the police followed the law and the United States Constitution?
- When the district court found someone guilty, did it follow the rules it was supposed to follow?
- When the district court decided someone's punishment did it follow the rules it was supposed to follow?

### UNITED STATES SUPREME COURT

- Gets to decide whether it wants to hear a case
- Chooses cases involving what a federal law means
- Chooses cases involving the United States Constitution
- Chooses cases involving rules for trials that would apply in a lot of cases
- Was the court of appeals right about what the law is?
- Can hear cases about the United States Constitution that come from state courts

### Wisconsin State Law Library Tips and Resources

The Wisconsin State Law Library (WSLL) has numerous text and Internet resources that apply to this year's Law Day theme, including information on abused or neglected children, adoption, age of majority, child custody, divorce, domestic relations, and juvenile justice. The WSLL Web site and collection offer a variety of resources to help with Law Day planning and presentations. The WSLL serves court staff, government employees, attorneys, and the public. Hours and locations of the three libraries are listed on the flyer on the next page. Reference staff is available to assist users with their legal information needs and can be reached at 800/322-9755 or by e-mail at wsll.ref@courts.state.wi.us. Library staff members are not attorneys and therefore cannot provide legal advice. Users who need the services of a qualified legal practitioner are referred to appropriate resources or agencies.

### **Searching the Internet for Legal Information**

The Wisconsin State Law Library Web site, at wsll.state.wi.us, was launched in 1999 and is a one-stop resource for state and federal law available on the Internet. It provides links to many primary and secondary legal sources, presented in a well organized, easy-to-use format.

For information on a specific legal issue, the **Wisconsin Legal Topics** page is an excellent starting point. It was developed with the self-represented litigant in mind and is a resource for people who need basic information or are not sure where to begin. Users can choose from more than 60 topics including adoption, child custody, child support, divorce, domestic abuse, family law, and paternity. Both state and federal legal issues are included. Each topic is annotated and includes links to pertinent sections of the Wisconsin Statutes and Administrative Code, state and national agency Web sites, and publications related to the topic.

The **Wisconsin Law** page provides access to opinions issued by the Wisconsin Supreme Court and Court of Appeals, U.S. Court of Appeals, Seventh Circuit, and to selected opinions of Wisconsin's Western District U.S. Court. Users can also find information about Wisconsin's circuit courts and link to the Wisconsin Circuit Court Access database. In addition to court related materials, this page includes links to legislative and executive branch resources as well as ordinances and Web sites of various Wisconsin counties and municipalities.

The **Legal Forms** page provides links to many forms used in various courts and agencies, both federal and state. Users can search by topic and by court or agency name.

Anyone interested in learning more about the law will find good starting points on the **Self-Help** page. Several legal pathfinders lead users to information about proper citing of legal materials, how the judicial system works, and the roles and relationships of statutory, administrative and case law. For those seeking counsel, there are links to information on hiring and working with an attorney.

Other pages on the Web site include links to **federal/state/tribal law**, **law reviews/newspapers**, **law search tools**, **directories**, and **reference tools**. Users may also submit law-related questions via email, using the **Ask a Librarian** button on the home page.

Finally, the collections of the WSLL, Dane County Law Library, and Milwaukee Legal Resource Center (more than 150,000 volumes) can be searched from the home page. Materials can be loaned to court staff, government employees and attorneys. Contact the WSLL in Madison for information about borrowing materials by mail.

### It's not all on the Internet

Anyone who has "surfed the Web" knows that not everything is available there, and it is not always free. Those who cannot find what they need on the Web are encouraged to call the WSLL. The staff can help identify print materials or determine which agency has the answer or resource you need. Through interlibrary loan agreements we can borrow materials from other libraries for court staff, government employees, and attorneys. In turn, we also loan materials to libraries throughout the United States.

Courtesy of the Wisconsin State Law Library (Amy Crowder, Web Resources Librarian/Cataloger)

### WISCONSIN STATE LAW LIBRARY

### wsll.state.wi.us

#### Milwaukee Legal Resource Center

Courthouse, Room 307A 901 N. 9<sup>th</sup> St. Milwaukee, WI 53233 414/278-4900 Fax: 414/223-1818 Monday – Friday 8 a.m. – 5 p.m.

### Wisconsin State Law Library

One East Main St., Second Floor P.O. Box 7881 Madison, WI 53707-7881 608/266-1600 Toll Free: 800/322-9755 Reference: 608/267-9696 Fax: 608/267-2319 Monday – Friday

8 a.m. - 5 p.m.

Dane County Law Library 210 Martin Luther King Jr. Blvd. Room 315 Madison, WI 53703 608/266-6316 Fax: 608/266-5988 Monday – Friday 8:30 a.m. - 4:30 p.m.

#### **Services**

- Reference assistance to anyone in person, by phone or fax, and by e-mail via our Web site.
- Our Web site provides access to the library's catalog, and links to law-related Web resources.
- Legal Resource Index, an automated index of articles published in over 900 periodicals from 1980 to the present. *Coming soon to our Web site! Accessible by library cardholders.*
- Computerized Legal Research Service using *Westlaw*<sup>TM</sup> and *LEXIS-NEXIS* <sup>TM</sup>.
- Information by mail, fax and/or e-mail via our Document Delivery Service.
- We circulate materials by mail directly to any attorney licensed to practice in Wisconsin.
- Interlibrary Loan via OCLC, a worldwide library resource sharing database.
- Library orientation tours. Please phone to schedule.
- Workshops on how to use legal information resources, print and electronic.

### Resources

- Approximately 150,000 volumes, in all formats.
- All primary sources for federal statutory, administrative and case law.
- Statutes, case reporters, and court rules for all 50 states.
- Special Wisconsin materials: Briefs and Appendices for all Supreme Court and Court of Appeals
  cases; Opinions of the Attorney General; replaced pages from the Wisconsin Administrative Code;
  Legislative drafting records, 1927 to present; selected decisions of state administrative bodies
  (WERC, LIRC, Personnel Commission); Wisconsin Jury Instructions, including superseded versions.
- Selected U.S. government documents, including many congressional committee reports, federal agency reports, and administrative decisions.
- More than 650 periodical subscriptions, including law reviews and bar association journals.

### Resources at the Milwaukee Legal Resource Center and Dane County Law Library

- Primary and secondary Wisconsin materials.
- Selected primary sources of federal statutory, administrative and case law.
- Marquette Law Review, Wisconsin Law Review, Wisconsin Lawyer, and others.
- Local ordinances.
- Both libraries sell selected legal forms for self-represented litigants.

### Internet Resources\*

The World Wide Web has placed an overwhelming wealth of information at our fingertips, but finding useful material can be difficult and time consuming. The following list identifies law and government Web resources in specific categories, including: children and families, courts, law-related resources, and government documents and links. These contain information that might be useful in presentations and handouts, and ideas for programs that might be replicated.

The list is not exhaustive and the inclusion of a resource is not an endorsement or a guarantee that the information provided on the site is accurate or complete.

### Children and Families

### **Wisconsin Adoption Resources:**

### Wisconsin Department of Health and Family Services www.dhfs.state.wi.us/children/adoption

This site contains information on international adoption procedures, special needs adoption, licensed adoption agencies, support groups, and post-adoption services.

### Wisconsin's Adoption Exchange www.wiadopt.com

This site identifies children waiting for adoptive placement and provides information for families considering adoption of a child with special needs.

### Wisconsin's Adoption Information Center www.wiadoptioninfocenter.org

This provides information to birth parents thinking about placing a child for adoption, professionals who work with those birth parents, and the general public about adoption services in Wisconsin.

### **National Adoption Information Clearinghouse**

#### www.calib.com/naic

Operating under a contract with the federal government, the clearinghouse provides information to prospective and current adoptive parents, adopted persons and adoption professionals, including a directory of adoption services.

### **National Adoption Center**

### www.adopt.org

This site includes the Faces of Adoption national adoption photo listing as well as information for prospective and current adoptive parents of children with special needs.

### U.S. State Department

### travel.state.gov/adopt

This site provides information regarding international adoption, including reports specific to many different nations.

Courtesy of the Wisconsin Division of Children and Family Services.

<sup>\*</sup> Many Internet resources require Adobe Acrobat Reader to view the documents. Acrobat Reader is a free program available online at www.adobe.com/products/acrobat/readstep.html.

### **National Resources:**

# Academic Fate of Foster Children Gaining More Attention www.edweek.org/ew/ewstory.cfm?slug=02foster.h20

This is an article that appeared in the Sept. 13, 2000, edition of *Education Week*. It discusses a new database that links New York City's school districts with the child welfare agency. Seattle is designing a similar database in hopes of gathering some of the most basic information about that district's 2,000 foster children: how many are being held back a grade, how many passed the state achievement test, and how many times they have changed schools.

# America's Children: Key National Indicators of Well-Being, 2000 www.childstats.gov/ac2000/ac00.asp

Developed by the Federal Interagency Forum on Child and Family, this is an annual report on the status of children in the United States. The report shows a sustained drop in youth violence, which is attributed to federal, state, and local programs for prevention and early intervention. This report presents 23 key indicators of well-being, including economic security, health, behavior and social environment, and education. Also presented are data on eight demographic measures and two indicators: children's knowledge and skills at kindergarten entry and youth participation in volunteer activities. The report is intended to stimulate discussions by policy-makers and the public, exchanges between the data and policy communities, and improvements in federal data on children and families.

### Children's Health Act of 2000

# $www.cadca.org/pubpol/updates/10.17.00 update.htm\ (summary) \\ thomas.loc.gov\ (search\ for\ H.R.\ 4365)\ (full\ text\ of\ act)$

The act contains provisions to enhance alcohol and drug prevention and treatment services, reauthorizes the Substance Abuse Prevention and Treatment Block Grant, and authorizes a number of new discretionary programs, including:

- programs to reduce underage drinking;
- services for children of substance abusers:
- alcohol and drug prevention and treatment services for American Indians and Alaskan Natives;
- grants for integrated treatment of serious mental illness and co-occurring substance abuse;
- services for youth offenders;
- children and violence;
- high-risk youth;
- suicide prevention; and
- early intervention services for children and adolescents.

## Characteristics of Crimes against Juveniles www.ncjrs.org/pdffiles1/ojjdp/179034.pdf

This site provides information on the types of crimes committed against young people. Juveniles constituted 26 percent of the U.S. population in 1997 and accounted for 12 percent of the crime victims. The bulletin reports that 71 percent of all sex crime victims and 38 percent of all kidnapping victims were juveniles. The report is based on data from the FBI's 1997 National Incidence Based Crime Reporting System at www.search.org/nibrs/.

# Competency Training-The Strengthening Families Program: For Parents and Youth 10-14 www.ncjrs.org/pdffiles1/ojjdp/182208.pdf

This is a bulletin published by the OJJDP. It details a program designed to build stronger families and, in the process, reduce juvenile substance abuse and delinquency. The bulletin outlines the content, mechanics, and

implementation of the program. It also describes the findings of the program's evaluation and its replication, including reduced adolescent substance abuse and other problem behaviors, improved parenting skills, and enhanced child-parent relations.

### **Court Appointed Special Advocates (CASA)**

### www.nationalcasa.org

CASAs are volunteers who advocate for the best interests of abused and neglected children. A CASA volunteer is assigned to each child until the child is placed into a safe, permanent and nurturing home. There are several CASA programs operating in Wisconsin (see Starting a CASA, page 40).

# Developmental Issues for Young Children in Foster Care www.aap.org/policy/re0012.html

This article says a growing number of children who are four years old or younger are entering foster care with "serious physical, mental, and developmental health problems" that need better treatment. The November 2000 publication comes from the American Academy of Pediatrics.

## Effective approaches to reducing youth violence www.pbs.org/lawandorder/one.html

Like the original PBS series, the Web site is divided into three parts: The Limits of Justice; Young, Armed, and Dangerous; and Catching Them Early. On each page, there is a link to "effective approaches" that were highlighted in the series. The links include contact information and synopses of projects such as:

- Boston's Streetworkers project, in which former gang members are employed by the Mayor's Office to act as liaisons between the youth in Boston's tough neighborhoods and the justice system;
- Fort Worth's T-CAP program, which pays community-based mentors \$7 per hour to help youth who are on probation and to work with their families;
- The National Ten-Point Leadership Foundation, which helps African-American churches develop the strategic vision, programming structure, and financial resources necessary for saving at-risk inner-city youth in partnership with social service agencies and law enforcement authorities.

## Effective Intervention for Serious Juvenile Offenders www.ncjrs.org/pdffiles1/ojjdp/181201.pdf

This site outlines studies of more than 200 intervention programs that showed an overall 12 percent decrease in reoffenses by the participants. Both this bulletin and the one listed above include information from OJJDP's Study Group on Serious and Violent Juvenile Offenders, which analyzed the risks associated with juvenile crime, the pathways to delinquency, and effective methods of reducing youth violence.

### Functional Family Therapy

### www.ncjrs.org/pdffiles1/ojjdp/184743.pdf

This eight-page bulletin published by the OJJDP describes Functional Family Therapy (FFT), a family-based restorative approach to juvenile crime prevention and intervention efforts. This bulletin chronicles FFT's evolution over more than three decades; sets forth the program's core principles, goals, and techniques; reviews its research foundations; and describes effective community implementation of FFT.

# Increasing School Safety through Juvenile Accountability Programs www.ncjrs.org/pdffiles1/ojjdp/179283.pdf

This bulletin describes common features and key elements of effective programs and delineates the steps essential to the successful implementation of programs to promote school safety. This resource, updated December 2000, recommends a comprehensive, collaborative approach that involves students, parents, and school officials and provides examples of promising programs and best practices.

# Juvenile Justice Journal, Volume VII, Number 2 www.ncjrs.org/html/ojjdp/jjnl\_2000\_12/contents.html

This issue focuses on American Indian youth. U.S. Senator Ben Nighthorse Campbell, chair of the Senate's Indian Affairs Committee, reminds readers in the first feature article in this issue that, "Developing character means showing our youngsters that they can overcome hardships." The second feature article, "OJJDP Tribal Youth Program," reports on the program established by Congress in 1999 to address the rising rate of juvenile crime in tribal communities. In the third feature article, Ruth Sanchez-Way and Sandie Johnson note that cultural identification makes adolescents less vulnerable to risk factors for drug use and better able to benefit from protective factors than children lacking such identification.

## Juvenile Justice Journal Volume VII, Number 3 www.ncjrs.org/html/ojjdp/jjjournal\_2000\_12\_2/contents.html

This issue of OJJDP's *Juvenile Justice Journal* presents three articles focusing on parenting. The first features a column written by Senator Hillary Rodham Clinton, which discusses several initiatives and resources that have come out of the White House Conference on Teenagers. The second outlines the Strengthening America's Families Initiative, addressing the effective and enduring strategy of improving parenting practices to prevent juvenile delinquency. The third describes the efforts of Team H.O.P.E., an organization dedicated to helping the parents and families of missing children cope with the challenges they face. The In Brief section spotlights recent publications on parenting and youth.

### National Clearinghouse on Child Abuse and Neglect Information www.calib.com/nccanch

This is for information on a variety of child welfare issues, including the prevention, identification, and treatment of child abuse and neglect. It includes the Child Abuse and Neglect 1999 State Statutes Series, a compilation of relevant civil and criminal statutes for professionals working with mistreated children. The series is updated annually and is also available in print for a copying fee.

# The Nurturing Parenting Programs www.ncjrs.org/pdffiles1/ojjdp/172848.pdf

This bulletin describes how parenting patterns are learned and how the cycle of abuse and neglect can be stopped by building nurturing parenting skills. According to the National Clearinghouse on Child Abuse and Neglect Information, state child protective services agencies reported that just over 900,000 children were identified as victims of abuse and neglect in 1998. Although many factors contribute to child abuse and neglect, a number of social scientists believe that the leading cause is the violent environment that parents experienced as children. The Nurturing Parenting Programs, developed by the National Institute of Mental Health, is a family-centered parenting initiative designed to address this cycle of violence.

# Parenting Resources for the 21st Century www.parentingresources.ncjrs.org

This site provides parents and other adults responsible for the care of a child with access to the information. *Parenting Resources* covers everything from locating childcare to getting drug treatment for a teen to finding information on college scholarships. The site links users with material on a variety of topics, such as infant development, organized sports, domestic violence, the Family and Medical Leave Act, nutrition, volunteer activities, learning disabilities, and mental health. The site also informs users of recent research and statistics, new books and other publications, upcoming conferences, and other valuable resources.

# Prevention of Serious and Violent Juvenile Offending www.ncjrs.org/pdffiles1/ojjdp/178898.pdf

This report describes prevention efforts targeting at-risk youth in infancy, elementary school, adolescence, and high school. It offers examples of programs that involve parents and families.

# Safe From the Start: Taking Action on Children Exposed to Violence www.ncjrs.org/pdffiles1/ojjdp/182789.pdf

This summary, developed by experts from across the nation, includes an action plan for preventing and reducing the negative impact of children's exposure to violence.

## Treatment Foster Care Online www.oslc.org/tfc/tfconline.html

This site provides a forum for child-welfare professionals and foster parents. This site maintains a free listserve, an e-mail mailing list to distribute news and information about treatment foster care and to host e-mail discussions on general themes or issues, but not specific cases.

#### **Youth in Action Series**

### www.ncjrs.org/html/ojjdp/publist2000/youth.html

Written by youth involved with the National Youth Network, this site promotes activities such as planning community programs, creating publications, making presentations, and working with the media. Youth programs described in these publications include peer mentoring, community cleanup, youth and senior citizen collaboration, conflict resolution, and drug prevention projects.

# Youth with Mental Health Disorders: Issues and Emerging Responses www.ncjrs.org/pdffiles1/0jjdp/178256.pdf

This is the feature article in the April 2000 *Juvenile Justice Journal*. It provides information about youth with mental health problems who are involved with the juvenile justice system and is followed by an article on a Milwaukee program that is dealing with this issue. "Wraparound Milwaukee: Aiding Youth With Mental Health Needs" discusses the city's approach to providing care that is tailored to each youth. This issue's final feature article is "Suicide Prevention in Juvenile Facilities."

### Courts

Wisconsin Court System site at www.courts.state.wi.us provides current information on the state's trial and appellate courts, as well as *The Wisconsin Juror Handbook*, the *Guide to Small Claims Court*, *A Citizens' Guide to Filing an Appeal*, and numerous court forms. Site users can access Wisconsin Supreme Court and Court of Appeals Opinions, and use Wisconsin Circuit Court Access to find trial court records. The site also provides information on court-related volunteer opportunities and Wisconsin legal history.

**U.S. Supreme Court at www.supremecourtus.gov** provides current information on oral arguments and decisions. The site also provides information on visiting the Court.

**The Federal Judiciary site at www.uscourts.gov** provides information on the structure and function of the federal courts.

**History of the Federal Judiciary at air.fjc.gov/history** presents basic reference information about the history of the federal courts and the judges who have served on the federal courts since 1789.

**The Oyez Project of Northwestern University at oyez.nwu.edu** offers brief biographies and portraits of all 108 U.S. Supreme Court justices, summaries of historic cases and U.S. Supreme Court opinions, and a "virtual tour" of the Supreme Court building.

### Law-Related Resources

### Wisconsin:

State of Wisconsin E-government Portal – www.wisconsin.gov

Wisconsin Statutes – www.legis.state.wi.us/rsb/stats.html

Wisconsin Constitution - www.legis.state.wi.us/rsb/2wiscon.html

Current Wisconsin Legislation – www.legis.state.wi.us/1999/data/acts (Acts); www.legis.state.wi.us/billtext.html (Bills & Resolutions)

Wisconsin State Law Library - wsll.state.wi.us

State Bar of Wisconsin – www.wisbar.org

### **Local Ordinances:**

Local Ordinances for Menasha – www.spl.org/govpubs/municode.html

Local Ordinances for Bayside, Chippewa Falls, Columbus, Delafield, Fort Atkinson, Greenfield, Madison, Menomonee Falls, Mosinee, Racine, Stoughton, Waunakee, Weston Village – www.municode.com/database.html

### Legal Research:

Cornell Law School Legal Information Institute - www.law.cornell.edu

FindLaw - www.findlaw.com

LawGuru – www.lawguru.com.

Public Library Toolkit from the American Association of Law Libraries—www.aallnet.org/sis/lisp/toolkit.htm

**Nolo's Shark Talk dictionary** – plain-English definitions for over a thousand legal terms – www.nolo.com/dictionary/wordindex.cfm

**Nolo's Legal Encyclopedia** – plain-English articles on everything from caring for children to wills and estate planning – **www.nolo.com/encyclopedia/index.html** 

### General:

American Bar Association - www.abanet.org/publiced

U.S. Department of Justice – www.usdoj.gov

U.S. Department of Justice, Justice for Kids & Youth – www.usdoj.gov/kidspage

### Miscellaneous:

Courtroom 2000 - www.lasuperiorcourt.org/Court2000/Main.html

Dumb Laws - www.dumblaws.com

Famous American Trials – www.law.umkc.edu/faculty/projects/ftrials/ftrials.htm

National Youth Court Center - www.youthcourt.net

Wisconsin Teen Courts - www.courts.state.wi.us/media/Vol\_Nwsltrs/Teen\_Courts\_9-00.htm

### **Government Documents and Resources**

FirstGov – Information portal for the United States Federal Government – www.firstgov.org

My Government – ZIP code-based information on government – government.aol.com/mynews

Library of Congress list of executive branch government Web sites – lcweb.loc.gov/global/executive/fed.html

 $U.S.\ National\ Archives\ and\ Records\ Administration-www.nara.gov$ 

U.S. Constitution – www.law.cornell.edu/constitution/constitution.table.html

### Order Form: Handouts from the State Bar of Wisconsin

The State Bar is pleased to provide the following state bar publications to support your Law Day activities. There is a small charge for some of the publications. The first 200 items ordered will be shipped at no charge. There is a small shipping charge for more than 200 items.

How	will tl	hese pı	ıblicat	ions be	used for	Law	Day	activities?	

		<b>Quantity</b>	Cost
1.	Lawyer Referral Service brochures	<del></del>	
2.	Business Assistance brochures		
3.	ADR pamphlets		
4.	Arrest pamphlets		
5.	Automobile Pamphlets		
6.	Bankruptcy pamphlets		
7.	Client's Bill of Rights pamphlets		
8.	Custody & Placement pamphlets		
9.	Guardian ad Litem pamphlets		
10.	Hiring & Working with a Lawyer pamphlets		
11.	Divorce pamphlets		
12.	Health Law pamphlets		
13.	Landlord/Tenant pamphlets		
14.	Marital Property pamphlets		
	Personal Injury pamphlets		
	Probate pamphlets	<u></u>	
	Buying & Selling Real Estate pamphlets	<u></u>	
	Revocable Living Trust pamphlets	<u></u>	
	Small Claims Court pamphlets		
	Starting a Business pamphlets	<u></u>	
	Traffic Accident pamphlets	<del></del>	
	Wills & Estate Planning pamphlets	<del></del>	
	The Bill of Rights (booklet)	@ \$.25 ea	
	On Being 18 (booklet)	@ \$.25 ea	
	Adventures in Law (comic book)	@ \$.25 ea	
	Opportunities in Law (booklet)	@ \$.25 ea	
	Understanding Guardianships: A Handbook	<del></del> ,	
	for Guardians	@ \$2.50 ea	
28.	Powers of Attorney & Trusts: Duties		
	& Rights as Agents & Trustees	@\$2.50 ea	
29.	Handbook for Personal Representatives	@\$2.50 ea	
	Pioneers in the Law booklet	@ \$7.50 ea	
	Pioneers in the Law videotape	@ \$10.00 ea	
		Subtotal	
	Total items		
	Total items less 200		
*Shi	pping:	Shipping*	
200	items or less - no charge	TOTAL ENCLOSED	
Qua	antities over the first 200 - \$.01 each item		

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Note: Due to aemana ana umitea supplies, please orae	r only wnat you think you will neea.
County	
Person ordering	ORDER NO LATER
Street address	THAN APRIL 2, 2001
City/State/ZIP	
Telephone	CP119

*Make checks payable to the State Bar of Wisconsin*. Return checks and order forms to: State Bar of Wisconsin, PO Box 7158, Madison, WI 53707-7158.

### Order Form: Handouts from the Wisconsin Supreme Court

These handouts are all being provided free of charge. Please return this order form with a large, self-addressed manila envelope.

County(ies)
Quantity
justice)
booklet containing 25 case synopses.
lish articles.
tatewide to oral argument at the Supreme Court.
opy of report for duplication):
Volunteer Mediation Volunteers in the Courts Wisconsin Court System Expenditures Wisconsin Court Education Initiatives Wisconsin Families, Children & Justice Initiative Wisconsin Judicial Conference Wisconsin State Law Library

(over)

County	
Person ordering	ORDER NO LATER
Street address	THAN APRIL 2, 2001
City/State/ZIP	
Telephone	

### Return order form and self-addressed, large manila envelope to:

Amanda K. Todd Wisconsin Supreme Court PO Box 1688 Madison, WI 53701-1688

### How to Order Plaques and Ribbons

In recognition of the contest winners, the Law Day committee may choose to present the student(s) with a plaque or ribbon. Plaques might be awarded to the essay contest winners and ribbons to the poster contest winners.

If the committee would like to order the plaques and/or ribbons from a local business, the yellow pages offer a wide selection. Another option would be to contact one of the Madison businesses listed below; all ship statewide.

### Deppe's Awards Plus

Phone: 608/244-8812 Or 800/959-4045

### **Engraving & Trophy Specialists**

Phone: 608/839-5544 Fax: 608/839-3089 E-Mail: Ets@Execpc.Com

### **Total Awards & Promotions, Inc.**

Phone: 608/833-1716

E-Mail: Total@Awardsandpromos.Com

When placing an order, it may be helpful to have this information on hand:

- The price of a standard 4x6 plaque ranges from \$8.00 to \$13.00.
- The lettering charge on the plaques ranges from 12 cents to 22 cents per character.
- The price of ribbons ranges from 45 cents to 50 cents per ribbon, but includes a set-up fee of \$5.00 to \$10.00. Some businesses require a minimum order for the ribbons.
- Most businesses only require one week to complete an order of ribbons or plaques.
- A sample plaque might look like this:

"Protecting the Best Interests of Our Children"

#### TO

### **JOHN BLACK**

In recognition of his first-place essay in the Wisconsin Court System's celebration of Law Day at the Dane County Courthouse.

Dated at Madison, Wisconsin, this 1st day of May 2001

### How to Order Banners

A banner on the outside of the courthouse is a great way to advertise a Law Day open house. Look in your local yellow pages under "Flags and Banners" for a vendor or call one of the businesses listed below. All provide statewide service.

In general, a plain red-white-blue eight-foot "bunting" banner will cost \$50. A custom-made, 20-foot banner with a message such as "Happy Law Day" will run about \$185 and should last for several years.

### The Design Loft

800/995-3524

### Fox Marking Systems

Menasha 800/236-3699 www.foxstampsign.com

### Horizon Flag & Banner Co.

Milwaukee 800/727-2579

### Vaughn Flags & Display

800/328-6120 www.victorycorps.com