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State of the Judiciary Calls Upon Judges, Court Staff to be Leaders

A pilot project in Milwaukee County helps to collar defendants who skip their court appearances, ensuring that cases do not slip through the cracks. Two hundred miles away, in rural Trempealeau County, an innovative program gives the courts more options for offenders sentenced to perform community service, and a better way to track their work. The program benefits the community and gets minor lawbreakers back on the right path.

These programs and others like them are being developed in counties across the state. The common thread is the leadership of judges and court staff who see a problem and envision a solution. In her annual State of the Judiciary Address, Chief Justice Shirley S. Abrahamson highlighted the achievements of judges and court staff who have enhanced court services through innovations at both the state and county level. She then challenged the audience of more than 200 judges and staff to become leaders in improving the administration of justice.

“In the day-to-day work...we might lose sight of our role as leaders on the bench and off the bench for fair and impartial justice, for access to the courts, for an effective and efficient system providing equal justice for all,” Abrahamson said. “As judicial leaders we must tell the people we serve about our strengths and acknowledge the shortcomings in the judicial system and try to correct them. That’s the way to maintain public trust and confidence.”

Abrahamson discussed what she called the five principles of judicial leadership: recognizing problems and identifying creative solutions; bringing together diverse groups to work towards a shared vision; fostering collaboration among parties that must participate in order for a program to work; turning words into action; and celebrating success by sharing lessons learned so that innovations can be replicated. The toughest step for judges, she acknowledged, might be taking action in these administrative matters.

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Lundsten Appointed to Court of Appeals



Judge Paul Lundsten

Assistant Attorney General Paul Lundsten, who worked for the Department of Justice since he graduated law school in 1983, has been appointed to the Court of

Appeals, District IV. He began in the new position on Nov. 6 and will seek election to the post in April 2001.

He replaces Judge William Eich, who retired effective Oct. 1 after serving 26 years on the bench.

Within the Attorney General’s Office, Lundsten worked in the Medicaid Fraud,

Employment, Consumer Protection, and Criminal Appeals units. The vast majority of the approximately 400 cases he handled were criminal matters. From 1988 to 1999, he served on the governor’s Pardon Advisory Board, which advises Gov. Tommy Thompson on clemency applications from people convicted of crimes.

He was the recipient of the 1992 “United States Supreme Court Best Brief Award” from the National Association of Attorneys General for his work before the U.S. Supreme Court on *Wisconsin v. Mitchell*, a hate crimes case.

Lundsten was one of three finalists for the appointment. The others were Maureen McGlynn Flanagan, also an assistant attorney general, and Paul W. Schwarzenbart, with the law firm of Lee, Kilkelly, Paulson & Younger. ❖

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Action Plan on Public Trust and Confidence in the Wisconsin Justice System is Released

“Court personnel speak in monotone voices about matters severely critical to our lives, without showing a great concern for the impact of their judgments.”

“I would trust Wisconsin courts more than any other court system.”

“Police, and others in the system, should be more active in the community. If they came to community events, other than during election time, I’d trust them more.”

“Our juvenile system doesn’t know what it’s supposed to be doing. Does it punish? Does it rehabilitate? No one knows.”

“The jury system is hard on people who work. I am a solo veterinarian. I had to arrange for another vet to cover my clinic and I had to pay him for the day so I could report for jury duty. I ended up not getting called—but I still had to pay for someone to cover my business.”

On the left are the words of Wisconsin residents who participated in a project to examine the state of public trust and confidence in the justice system. A plan recommending actions to address issues such as equal treatment, judicial involvement in the community, satisfaction with the juvenile justice system, and more was released at the Wisconsin Judicial Conference on Oct. 27.

“We have confirmed that we are doing some things very well. Most citizens, for example, are confident that the Wisconsin justice system is free from overt bias and dishonesty,” said Chief Judge Joseph M. Troy, chair of the Public Trust and Confidence Steering Committee that developed the action plan. “It is humbling, however, to learn of the deep alienation felt by some citizens and to realize how ineffective we have been in educating the public about their system of justice.”

The initiative began in response to a national conference and studies of public confidence in the justice system. Chief Justice Shirley S. Abrahamson, Director of State Courts J. Denis Moran, the State Bar of Wisconsin, and the Wisconsin League of Women Voters developed *Public Trust and Confidence in the Justice System: The Wisconsin Initiative*, and each appointed members to the 10-person steering committee (see sidebar) that was charged with researching and identifying issues concerning public trust and confidence, gathering input from public focus groups, and creating a public trust and confidence action plan. The study was funded by the American Bar Association and the State Bar of Wisconsin.

After identifying 12 issues that create barriers to public trust and confidence, the committee arranged for five focus group studies to be held in Milwaukee (two), La Crosse (one), and Appleton (two). More than 50 people participated, including

former litigants and jurors, former offenders and their families, and several randomly selected individuals who may or may not have had experience with the courts. They were asked questions about court process and environment, cost and access issues, race and class bias concerns, and how the system could be improved.

Based on research as well as findings from the focus groups, the committee’s action plan recommends strategies to improve public confidence in the courts. The plan addresses five areas:

- equal treatment in the justice system;
- judicial/attorney involvement in the community;
- satisfaction with the juvenile justice system;
- empathy in the justice system; and
- selection and treatment of jurors.

The steering committee also recommends convening a leadership forum in 2001 to bring together leaders of the judiciary, the organized bar, law enforcement, local government, and community groups to discuss strategies for carrying out the action plan.

“The responsibility for increasing trust and confidence in the judicial system,” Troy said, “rests most squarely with those of us who work in the system.” ♦

Public Trust & Confidence in the Justice System, The Wisconsin Initiative Action Plan is available on the Wisconsin court system Web site at www.courts.state.wi.us, under “What’s New.” For more information, contact Executive Assistant to the Chief Justice John Voelker at (608) 261-8297 or Trina E. Gray, public affairs coordinator for the State Bar of Wisconsin, at (608) 250-6025.

The Wisconsin Initiative

Steering Committee Members

Chief Justice and Director of State Courts Appointees

Chief Judge Joseph M. Troy, Outagamie County Circuit Court (chair)

Judge Carl Ashley, Milwaukee County Circuit Court

Judge Patience D. Roggensack, Wisconsin Court of Appeals, District IV

Clerk of Circuit Court Claudia Singleton, Jackson County

State Bar of Wisconsin Appointees

Attorney Derek C. Mosley, assistant district attorney, Milwaukee County

Attorney Eileen A. Hirsch, assistant state public defender, Appellate Division Office, Madison

Attorney/Milwaukee County Supervisor Thomas A. Bailey, Bailey Law Offices

Wisconsin League of Women Voters Appointees

Deb Augustyn, Fond du Lac County League of Women Voters

Melanie Ramey, Dane County League of Women Voters

Attorney Cheryl Daniels, Dane County League of Women Voters

Judicial Selection Committee Prepares to Submit Report



Professor Charles D. Clausen, Marquette University Law School, explains research on how selection methods change the diversity of the judiciary. Clausen serves as research reporter for the Judicial Selection Committee, of which Judge Maxine A. White (seated next to Clausen) is chair. On the far left is Chief Judge Michael J. Skwierawski.

When Thomas Jefferson drafted the Declaration of Independence in 1776, he specifically listed as a grievance the power of the executive (at that time, King George III) to appoint and remove judges. By the time Wisconsin joined the Union in 1848, election of all officials—including judges—by the people was the norm. Popular election of judges appealed to Wisconsin's founders and they wrote this system into the first Wisconsin Constitution. Wisconsin continues to elect its judges, although

approximately half of those currently on the bench were initially appointed by the governor to fill a mid-term vacancy.

This system has built a well-qualified, but not diverse, judiciary. To address this issue, the Legislature in the 1999-2001 budget bill created a nine-member Committee on Judicial Selection. It charged the committee with finding ways to increase the number of qualified minority candidates for judgeships. Specifically, the committee was asked to study judicial subdistricts and other methods of judge selection that would result in increased racial and ethnic diversity of the state's judges.

To determine where people of color are encountering detours, the committee is looking at the path between high school, college, law school, law practice, and the bench. It has examined research suggesting that judicial selection methods do not alone explain the lack of minority representation on the bench, and is exploring other places that roadblocks might exist. The committee will submit its findings and recommendations to the Legislature, the Governor's Office, and the Supreme Court by the end of the year.

The following judges serve on the committee: Angela B. Bartell, Dane County Circuit Court; Dennis J. Flynn, Racine County Circuit Court; M. Joseph Donald, Stanley A. Miller, Michael J. Skwierawski, and Maxine A. White (chair), Milwaukee County Circuit Court; and Neal P. Nettesheim, Wisconsin Court of Appeals, District II. Attorney Gerald P. Boyle, Mequon, and Professor Frank De Guire, Marquette University Law School, are also members. ❖

Professor Charles D. Clausen contributed to this story.

Summit Will Focus on Judicial Campaigns

The National Conference of Chief Justices is organizing a summit that will examine ways to address judicial elections as they affect public trust and confidence in the justice system.

Wisconsin Supreme Court Chief Justice Shirley S. Abrahamson was invited to participate. She said she and her counterparts hope to learn from one another. "The political, legal, and election culture are different in each of these states. Each state will have to address its own issues. It has to be individualized, but we can learn from each other," she said. "Something that works in one state might be adapted."

In addition to Abrahamson, chief justices from the following states will participate: California, Florida, Georgia, Illinois, Indiana, Michigan, Missouri, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Texas, and Washington.

The summit will be held in Chicago in December. ❖

We Need You!

The Supreme Court is seeking judges who are willing to put their experience and expertise to work for the numerous boards, committees, commissions, and organizations (see examples below) that exist within the judicial branch. The topics they deal with include court forms, technology, planning, legislation, ethics, and more.

In November, we will be soliciting judge-volunteers. When you receive that mailing, please take the time to review the list and let us know where you would like to help. Your service will be greatly appreciated.

American Judges Association ■ American Judicature Society ■ Benchbook Committees ■ Board of Bar Examiners ■ Circuit Court Automation Program Steering Committee ■ Federal-State Judicial Council ■ Judicial College Planning Committee ■ Judicial Commission ■ Judicial Conduct Advisory Committee ■ Judicial Conference Planning Committee ■ Judicial Education Committee ■ National Association of Women Judges ■ National Bar Association ■ National College of Probate Judges ■ National Conference of State Trial Judges ■ National Council of Juvenile and Family Judges ■ The Planning Subcommittee of the Planning and Policy ■ Advisory Committee ■ The Special Committee on Gender Neutrality ■ Wisconsin Court Records Management Committee ❖

Interpreting Committee Issues Recommendations

Justice Felix Frankfurter, who served on the U.S. Supreme Court from 1939 to 1962, once made the following observation: “[W]ords are the material out of which laws are made, out of which the Constitution was written. Everything depends on our understanding of them.”

A growing number of Wisconsin residents do not speak English well enough to understand and fully participate in a court proceeding. The interpreters brought in to assist them vary widely in their abilities, and there are emerging doubts about the skill level and types of interpreters traditionally used. Consider the following stories—just a small sample—told to the Committee to Improve Interpretation and Translation in the Wisconsin Courts:

- an interpreter confused “hat” and “gloves” until corrected by an observer in the gallery;
- a judge asked a woman to interpret for the woman’s husband during their divorce trial;
- a judge asked an arresting officer to interpret for a prisoner;
- an interpreter asked the non-English speaking person to pay him, even though he was already being paid by the court.

Because qualified interpreters are necessary to ensure equal access to the courts by all people, Director of State Courts J. Denis Moran appointed the multi-disciplinary committee in October 1999 to study foreign and sign language interpreting issues in the state and municipal courts and to make recommendations for improvement.

The committee soon identified an increasing dissatisfaction with the inadequacy of existing statutory language, and growing frustration with the practical difficulties of identifying interpreters, evaluating their qualifications, scheduling them, and paying them. At the same time, the committee identified new interpreter-related resources being developed nationwide that the Wisconsin courts could be using.

The committee submitted its report last month. It contains the following key recommendations:

1. The director should pursue revision of interpreter-related statutes. The major modifications proposed will:
 - provide for appointment of interpreters at all in-court and other court-ordered proceedings;
 - provide interpreters in all case types for all parties, witnesses while testifying, parents or guardians where necessary, and deaf jurors;
 - eliminate indigency as a standard for court appointment of an interpreter; and

- increase the rate of interpreter reimbursement to the counties with the majority of costs to be paid by the state.
2. The Supreme Court should adopt a code of ethics governing court interpreters.
 3. The Supreme Court should adopt rules governing the appointment of interpreters and require that courts appoint certified interpreters whenever available.
 4. The director should establish technical specifications and guidelines for using interpreting technology.
 5. The director should initiate a court-sponsored training and testing program for foreign language and sign language interpreters, culminating in a certification exam in the languages most commonly used. The Director’s Office should develop a roster of trained and tested interpreters whom judges and clerks of circuit court may use.
 6. The Office of Judicial Education should develop and conduct training for judges, commissioners, and clerks of circuit court related to the use and appointment of interpreters. The State Bar should be asked to provide similar training for attorneys.

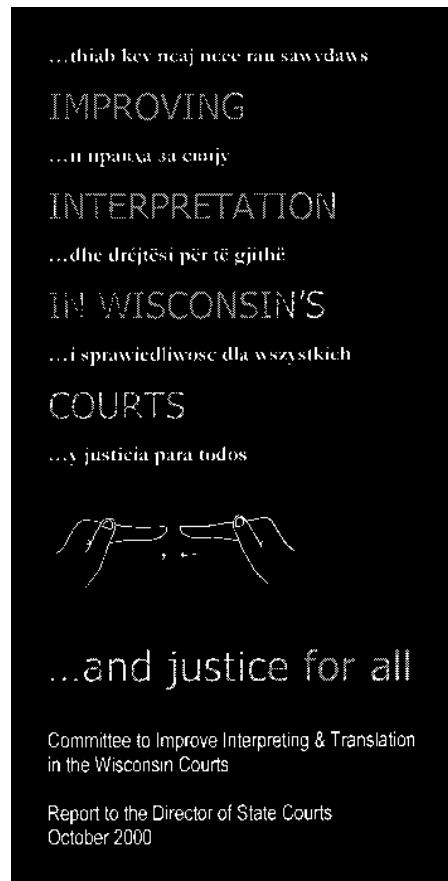
Judge Elsa C. Lamelas, Milwaukee County Circuit Court, chairs the committee; Judge Richard S. Brown, Court of Appeals, District II, is vice-chair. Committee members include circuit and municipal judges, district court administrators, clerks of circuit court, practicing interpreters, attorneys, legislators, and members of linguistic minority communities. Interested citizens and interpreting professionals have also attended meetings and voiced their concerns to the committee.

The committee has received training from interpreting experts from the National Center for State Courts, conducted procedural and financial surveys in the Wisconsin courts, researched interpreting policies and statutes from other states,

heard reports from other Wisconsin entities involved in training interpreters, and investigated technologies and their costs.

The committee will continue to work on drafting the proposals and petitions necessary to present its recommendations to the Supreme Court, director of state courts, governor, and Legislature, and will help implement recommendations once adopted. ❖

Marcia L. Vandercook, Office of Court Operations, is staff to the committee. She can be reached at (608) 267-7335, or marcia.vandercook@courts.state.wi.us. A copy of the report may be requested from Court Operations at (608) 266-3121. It is also available on the court system Web site, www.courts.state.wi.us.



Supreme Court Adopts Alternatives to Discipline Program



Justice Jon P. Wilcox questions BAPR Interim Director James Martin as Martin explains his proposal for a new Central Intake Unit program in the Office of Lawyer Regulation.

On Sept. 12, the Wisconsin Supreme Court voted unanimously to create a new program that will make the state's lawyer regulation system more accessible and responsive to people who have concerns about the conduct of a lawyer. This new program was established by the adoption of revised Supreme Court Rules Chapters 20 and 21.

The Central Intake Unit, part of the Office of Lawyer Regulation (OLR) that replaced the Board of Attorneys Professional Responsibility (BAPR) on Oct. 1, will operate a toll-free number for people to call with complaints. It is anticipated that the phone line will be taking calls by January 2001. Callers will be able to provide information about a lawyer's services, and staff will check for other grievances against the attorney and assign the matter to an investigator. After talking with the grievant, the investigator will

determine whether the allegation, if proven, would constitute misconduct. Then, one of the following courses of action will be taken:

- If the grievant is complaining about something that clearly **does not constitute misconduct** (such as a phone call not being returned the same day), the investigator will explain why the matter should not receive further action, and close it.
- If the allegation **might constitute misconduct**, the investigator will contact the lawyer and look into the matter. When information has been received from both the lawyer and the client, the investigator will either facilitate a discussion between the two to bring the matter to a resolution, or (in cases where serious misconduct may be involved) launch a full investigation.
- If the allegation **might constitute minor misconduct** (something that would warrant a private reprimand or less), the respondent may be diverted into the new Alternatives to Discipline program. This program will make available an array of options such as mediation, fee arbitration, monitoring of the attorney's practice, ethics school, continuing legal education, assessment for substance abuse treatment, and more.

The Court took action to create the new program following a public hearing. The program will begin after Jan. 1, 2001.

The Court will accept written comments on the rules creating the OLR until March 2001. A public hearing will be held on the rules in April 2001 to review proposed amendments, corrections, or additions to the rules. ❖

The framework of the new Lawyer Regulation System can be found on the court system Web site at www.courts.state.wi.us/olr/index.html. Written comments may be submitted to: Cornelia Clark, clerk of the Supreme Court, P.O. Box 1688, Madison, WI 53701-1688. To receive copies of the rules by mail, call (608) 266-1880.

Attorney Misconduct Referees Wanted

The Wisconsin Supreme Court is requesting applications from lawyers and reserve judges who are interested in serving as referees in cases regarding allegations of lawyer misconduct or medical incapacity, and on petitions for license reinstatement.

The Supreme Court appoints referees to conduct hearings and make findings, conclusions, and recommendations for the Court's review. The referees also review agreements between lawyers and the Office of Lawyer Regulation (OLR) for consensual discipline, and examine determinations of the preliminary review panels when the panels decide that a case should not be pursued.

Referees must be licensed to practice law in Wisconsin and need 10 years of legal experience as well as experience in

hearings conducted under the rules of civil procedure and the rules of evidence. Prior or pending professional discipline will eliminate candidates from consideration. Preferred candidates include: litigation lawyers, reserve judges, administrative law judges, hearing examiners, arbitrators, and mediators. Pay is comparable to reserve judge pay, currently \$35.50 per hour. ❖

For further information on the lawyer regulation system and the role of referees, see Supreme Court Rules Chapters 21 and 22 on the OLR Web page at www.courts.state.wi.us/olr/index.html. To apply, send a cover letter and resume to: Cornelia G. Clark, clerk of the Wisconsin Supreme Court, PO Box 1688, Madison, WI 53701-1688.

Supreme Court Appoints Members of Two OLR Bodies

The Wisconsin Supreme Court has filled the positions on the new committee and board that it created under the Lawyer Regulation System. The Court acted on nominations from the Appointment Selection Committee, which it created last spring to promote quality and diversity in candidates for service on boards and committees.

The Preliminary Review Committee (PRC) and the Board of Administrative Oversight (BAO) will split the responsibilities of the former Board of Attorneys Professional Responsibility (BAPR). Both bodies are composed of 12 people, including eight lawyers and

four non-lawyers. Members serve staggered three-year terms with a limit of two consecutive terms.

The PRC will review the results of investigations of attorney misconduct or medical incapacity and determine whether there is cause to proceed in the matters. The BAO will monitor the fairness, effectiveness, and efficiency of the attorney regulation system and will propose substantive and procedural rules related to the system for consideration by the Court. The BAO also will assess the public's and the bar's perception of the integrity of the lawyer regulation system, and will inform and educate the public and the bar about the operation of the system. ♦

Members of the Preliminary Review Committee

Michael S. Ariens, Brillion

Michael S. Ariens is chairman of the board of Ariens Company, a manufacturer of outdoor power equipment that has been located in Brillion since 1933. Ariens has been with the company since 1959. He is also very active in the business community and in the Catholic Diocese of Green Bay.

Attorney Wayne A. Arnold, Rice Lake

Wayne A. Arnold is deputy first assistant of the Trial Division of the State Public Defender's Office in Rusk County. He has served as a supervisor for the State Public Defender since 1985, overseeing operations at various times in Barron, Burnett, Polk, Sawyer, and Washburn counties, in addition to Rusk. Arnold has been active in his community, serving on various court-related committees and building and operating his own radio station, WFCL-AM in Clintonville.

Attorney Thomas W. Bertz, Stevens Point

Thomas W. Bertz is a partner in Anderson, Shannon, O'Brien, Rice & Bertz. He began his law career by clerking for Chief Justice Timothy Brown, who served on the Wisconsin Supreme Court from 1949 to 1964. Bertz is active in his community, serving as president of the Stevens Point Rotary Foundation.

Attorney John R. Dawson, Milwaukee

John R. Dawson is a partner in Foley & Lardner, where he has worked since 1970. His practice emphasizes commercial litigation and media law. He is listed in *The Best Lawyers in America* in the areas of business law and First Amendment law and is active on the boards of directors of the Milwaukee Public Museum and the Better Business Bureau of Wisconsin.

Attorney James D. Friedman, Milwaukee

James D. Friedman is a partner in Quarles & Brady, where he is coordinator of the Financial Institutions Practice Group. Friedman is a former member of the Board of Governors and executive committee of the State Bar of Wisconsin. He is a director of Partners Advancing Values in Education, Inc., and the Equal Justice Coalition, Inc., and is listed in *Who's Who in the World*, *Who's Who in America*, *Who's Who in American Law*, *Who's Who in the Midwest*, and *Who's Who in Finance and Industry*.

Attorney Karri L. Fritz-Klaus, Milwaukee

Karri L. Fritz-Klaus runs her own Milwaukee law office and specializes in divorce and family law, and mediation. She is past-chair of a BAPR district committee and past-president of the Association for Women Lawyers. She has served as an editor and research assistant at the Smithsonian Institution and as an advisor and consultant to the National Museum of African Art.

Reverend Steven K. Gjerde, Spencer

Steven K. Gjerde is pastor at St. John's Lutheran Churches in the Wausau-area communities of Spencer and Riplinger. He has taught ethics at the Luther Seminary in St. Paul, and served in the Department of Chaplain Services at the Mayo Clinic. Gjerde is active in his community, serving as chaplain for the Spencer Fire Department and on the advisory board to the King Food Pantry.

Joan Greendeer-Lee, Tomah

Joan Greendeer-Lee has been a tribal court judge and president of the Wisconsin Tribal Judges Association. Trained as a paralegal, Greendeer-Lee holds a degree in geography. From 1985 to 1999, she served as an assistant manager for the U.S. Census Bureau, where she focused on mapping techniques for identifying American Indian and Alaska Native lands.

Attorney Bernard T. McCartan, Madison

Bernard T. McCartan is regional claim counsel for American Family Insurance Co., managing the company's Wisconsin legal department. He currently serves as chair of the Professional Ethics Committee of Civil Trial Counsel of Wisconsin and has authored several articles on topics related to ethics. He is active in his community, serving as a youth athletics coach and volunteering as counsel to Milwaukee's Irish festivals.

Professor M. Tambura Omoiele, Madison

M. Tambura Omoiele, Ph.D., is an assistant professor at Edgewood College, where she specializes in sociology and criminal justice-related topics. She has also taught at universities in Kansas and Ohio, and has conducted numerous faculty development workshops throughout the Midwest. She has been listed in *Who's Who in the World*, *Who's Who in the Midwest*, and *Who's Who of American Women*.

Attorney Frank D. Remington, Madison

Frank D. Remington is an assistant attorney general with the Wisconsin Department of Justice, where he has worked since 1987. He began his law career as a clerk to Wisconsin Supreme Court Justice Donald W. Steinmetz, who served on the Court from 1980 to 1999. Remington recently completed two terms on a BAPR district committee.

Attorney James D. Wickhem, Janesville

James D. Wickhem is a partner in Meier, Wickhem, Lyons & Schulz in Janesville. He specializes in civil litigation, including personal injury, business litigation, products liability, and insurance disputes. Since 1991, he has served on a BAPR district committee, most recently as chair. Wickhem has been active in his community, serving on the Janesville Police and Fire Commission and on the board of directors of Big Brothers/Big Sisters of Rock County. ♦

Members of the Board of Administrative Oversight

Attorney Burneatta L. Bridge, Madison

Burneatta L. Bridge has worked for the Wisconsin Department of Justice since 1985. She is currently deputy attorney general, a position she has held since 1993. Bridge is very active in the affairs of the State Bar, where she currently sits on the Board of Governors. She is currently co-chair of the Attorney General's Task Force on Children in Need. From 1993 to 2000, she served as a member of a BAPR district committee. Bridge is also a former president of the Legal Association of Women.

Court Commissioner Dennis R. Cimpl, Milwaukee

Dennis R. Cimpl has been a judicial court commissioner for Milwaukee County since 1995. Prior to this, he spent 20 years in private practice. Cimpl served on the State Bar's Board of Governors for four years and served on the BAPR Study Committee. He also served on a BAPR district committee and was a member of the Milwaukee Bar Association's Fee Arbitration Committee for 16 years. Cimpl is active in child welfare issues, and serves on the Board of Directors of the Southside Guadalupe Dental Clinic, Inc.

Claire A. Fowler, Hubertus

Claire A. Fowler owns Gemini Employee Leasing, Inc., which she founded in 1981. Fowler is very active in her community, and serves on numerous professional boards and committees including the Wisconsin Business Women's Coalition, of which she is a founder. The Coalition recommended her appointment to the BAO. Fowler also has served on the State Job Training Coordinating Council and the Women's Advisory Council of the Small Business Administration.

Krista L. Ginger, Madison

Krista L. Ginger is executive assistant to State Public Defender Nicholas L. Chiarkas. Ginger has worked in this capacity for three years. Prior to this, she worked for the Department of Corrections, where she served as staff to the Governor's Task Force on Corrections. Ginger worked from 1989 to 1994 as a clerk in the Wisconsin Supreme Court and Court of Appeals Clerk's Office.

Attorney John W. Holzhuter, Janesville

John W. Holzhuter is a partner in Consigny, Andrews, Hemming & Grant, where he specializes in business law, including commercial and residential real estate, banking, corporate law, and the acquisition and sale of businesses. He has been with the firm since his graduation from law school in 1983. Holzhuter is also a member of the Janesville Liquor License Advisory Board and chair of the Janesville Downtown Council.

T. James Kennedy, Kenosha

T. James Kennedy owns and manages Senior Citizen Services, which provides financial consulting and management for senior citizens. From 1968 until 1997, when he opened his current business, Kennedy worked for banks in Florida, Illinois, and Wisconsin in positions ranging from financial planning officer to president. As a bank trust officer, Kennedy frequently worked with attorneys. Kennedy has served on numerous boards and committees, including the Board of Directors of the National Endowment for the Arts.

Attorney W. H. Levit Jr., Milwaukee

W.H. Levit Jr. is a partner and chair of the International Practice Group at Godfrey & Kahn, where he has worked since 1983. He is very active in international arbitration, and served as a substitute arbitrator at the Iran-U.S. Claims Tribunal in The Hague from 1984 to 1988. He currently serves on the panel of arbitrators of the New York Stock Exchange. Levit began his career in law as a criminal defense attorney at the Legal Aid Society in New York City. Levit has served on a BAPR district committee and is former chair of the State Bar's Committee on Resolution of Fee Disputes.

Attorney Truman Q. McNulty, Milwaukee

Truman Q. McNulty is a partner in Whyte Hirschboeck Dudek, where he specializes in business, governmental, and municipal law, as well as commercial litigation. In his lengthy legal career, McNulty has served as president of the State Bar (1978-79) and on the Board of Governors of both the State Bar and the American Bar Association (ABA). He also has served on numerous professional discipline and ethics committees of both the State Bar and the ABA, and on the editorial board that produced the *Lawyers Manual on Professional Conduct*. McNulty is a veteran of World War II.

Attorney James W. Mohr Jr., Hartford

James W. Mohr Jr. is founder, managing partner, and president of Mohr & Anderson in Hartford. He specializes in business law, school law, real estate, and corporate and commercial transactions. Prior to starting this firm, Mohr was counsel for Heritage Mutual Insurance Company in Sheboygan. He also was an associate and partner in Whyte & Hirschboeck for eight years. Mohr is currently president of the Washington County Bar Association. He is also founder and director of a community theater.

Michael J. O'Neill, Mayville

Michael J. O'Neill is a mechanical engineer with John Deere in Horicon. He specializes in product safety design and holds 10 patents. O'Neill began his career in 1958 with the U.S. Army Ordnance Corps and then worked in General Motors' Cadillac Army Tank Division. He is a past member of the Mayville Police and Fire Commission and the Mayville School Board.

Attorney Ann Ustad Smith, Madison

Ann U. Smith is a partner with Michael Best & Friedrich, where she specializes in bankruptcy, commercial litigation, and constitutional litigation. She is a member of the Ethics Committee, which offers analysis and advice on ethics issues to the firm's attorneys. In 1989, Smith served as staff to the Governor's Blue Ribbon Commission on Ethics and Lobbying Laws. A past member of a BAPR district committee, Smith also represented BAPR on open records issues in 1999.

Attorney Deborah M. Smith, Madison

Deborah M. Smith is legal counsel for the State Public Defender's Office. She has held management positions within the office for eight years, and has worked for the public defender since her graduation from law school in 1980. Smith helped to start the Dane County Drug Treatment Court, and has served on a variety of courthouse committees and the State Bar's BAPR Study Committee. ♦

Children's Court Improvement Program Funds New Efforts

Four new programs recently received grants from the Court Improvement Program, a federal grant program that has allowed the Wisconsin court system to assess its strengths and weaknesses in handling children in need of protection and/or services (CHIPS) cases. The grants are given to communities for pilot projects, improvements to existing programs, and educational sessions around the state.

Early Intervention in Oneida County

A federal study conducted in 1996 showed that 28 percent of the nation's estimated 166 million drivers drank alcohol, used drugs, or indulged in both within two hours of driving.

It is likely that at least some of those offenders were parents of minor children, and those individuals are targeted by a new program in Rhinelander. "There is reason to believe, based on years of judicial experience, that there is a connection between parents with convictions for Operating While Intoxicated (OWI) and children in need of protection or services (CHIPS)," Judge Robert E. Kinney, Oneida County Circuit Court, wrote in an application for project funding.

In October, the Oneida County Pre-CHIPS Family Intervention Project received a grant from the Court Improvement Program. The project will identify families that include at least one adult who abuses alcohol and at least one minor child for whom that adult is responsible. The courts will then work with the county Human Services Department and Family Partners, a private agency that provides social services, to offer in-home services such as parenting classes, homemaking instruction, and anger management programs.

"It is anticipated," Kinney wrote, "that the early intervention will prevent CHIPS cases by teaching parents and children how to work together to make the family function as a unit."

Peacemaking in St. Croix County

Peacemaking is a traditional Native American approach to mediation. The term is most closely associated with the Navajo Nation, the largest Indian nation in the United States. Leaders of the Navajo Nation testified before Congress in 1997 about the nation's intense and growing gang problem, and discussed the success that peacemaking was demonstrating with juveniles in gangs.

In Wisconsin, the St. Croix Tribal Court is developing a peacemaking process for CHIPS cases that is appropriate to its own culture, history, and circumstances with a grant from the Children's Court Improvement Program. The tribal court has been handling CHIPS cases from the reservation since 1998 and operates with a Children's Code that is similar to Wisconsin's but allows referral to a peacemaker. After the peacemaking process is established, the tribe will train peacemakers in both Native American and Western mediation techniques.

A Model System for Handling CHIPS Cases in Milwaukee

A project to create a model system for handling child abuse and/or neglect cases in Milwaukee County has received funding from the Children's Court Improvement Program. The model will consist of a prosecutor, a case manager, and a victim advocate working together

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Special Legislative Council Committees Examine GAL System, OWI Statutes

New special committees of the Wisconsin Legislative Council began work in September on the guardian *ad litem* (GAL) system and on laws relating to operating while intoxicated (OWI).

The Special Committee on Guardians Ad Litem in Actions Affecting the Family is examining the appointment, role, supervision, training, and compensation of GALs. The study will review the necessity of GAL appointment in contested custody or placement cases and look at whether professionals with specialized expertise in the emotional and developmental phases and needs of children should be appointed to act as GALs.

This committee will prepare a report on any recommended legislation and petition the Wisconsin Supreme Court to consider rules for reforming the GAL system. The committee's deadline for reporting to the Joint Legislative Council is Jan. 1, 2001.

Sen. Kimberly L. Plache (D-Racine) and Rep. Mark Gundrum (R-New Berlin) co-chair the 18-member committee. Clerk John Barrett, Milwaukee County Circuit Court, and Judges Philip Kirk, Waupaca County Circuit Court, and Gerald P. Ptacek, Racine County Circuit Court, are also members.

The Special Committee on Recodification of Operating While Intoxicated and Safety Laws Pertaining to Motor Vehicle, All-Terrain Vehicle, Boat or Snowmobile Operation is examining current statutes related to OWI. The committee's task is to reorganize, simplify, modernize, and clarify these laws. In addition, the committee will study whether enforcement mechanisms need to be stepped up to ensure compliance of all-terrain vehicles, boats, and snowmobiles.

This committee will prepare a report for the Joint Legislative Council by Jan. 1, 2001.

Sen. Brian Burke (D-Milwaukee) and Rep. Stephen J. Freese (R-Dodgeville) co-chair the 19-member committee. Members include attorneys, toxicology experts, a physician, motor vehicle industry representatives, and a Marquette University Law School professor. ❖

The minutes of these and other 2000 study committees are available at www.legis.state.wi.us/lc/2000studies.htm.

Conference Targets High-Conflict Custody Cases

Ask a judge what kind of proceeding he or she enjoys most, and the answer is almost invariably, “adoptions.” Ask the opposite question, and nearly always the response is, “acrimonious divorces with children involved.”

In September, 35 lawyers, child advocates, family court judges, researchers, and mental health professionals came together at Wingspread in Racine to look for ways to handle high-conflict custody cases to better meet the needs of the children involved.

Chief Justice Shirley S. Abrahamson chaired the conference, which the American Bar Association’s Family Law Section and the Johnson Foundation sponsored.

Judge Emily S. Mueller, Racine County Circuit Court, joined other participants in workshops identifying models for handling

high-conflict custody cases that have proven effective and discussing innovations in mediation, parent education, and custody evaluation. At press time, the group had drafted a report containing preliminary recommendations (*see sidebar*) and was close to completing a final report.

In addition to Wisconsin, the invited participants came from Arizona, California, Connecticut, the District of Columbia, Florida, Illinois, Kansas, Massachusetts, New York, Philadelphia, and Texas. Lawyers from Canada, England, and Ireland also attended. ❖

The report will be published in the winter issue of Family Law Quarterly and the spring issue of Family Court Review. An electronic copy of the report may be requested from Distinguished Professor of Law Linda D. Elrod, Washburn University, at zzelro@washburn.edu.

Early Recommendations on High-Conflict Custody Matters

The 35-person group that came together in Racine (*see main story*) to look for ways to reduce damage to families and children in high-conflict child custody cases developed preliminary recommendations and expected to finalize its report in late October.

Overall, the group favored implementing the unified family court model, where one judge handles all of a family’s diverse cases. Some lawyers, however, expressed concerns that the one judge per family model might lead to decisions being made based on past conduct, and that a fresh start might be beneficial to some families.

One preliminary recommendation is that specialized education and training be developed for judges handling high-conflict custody matters. Other draft recommendations include:

Improve case management by:

- using short assessment tools in a screening process to identify high-conflict cases from the start and, in some instances, prioritize them;
- using technology to facilitate communication between the courts and agencies about cases;
- coordinating and monitoring the multiple forums, services, and deadlines in high-conflict cases; and

- requiring timely development and submission of parenting plans.

Improve services to families without regard to wealth by making the following available through the courts or by referral:

- mediation;
- neutral and independent mental health evaluations (preference is for one child-custody evaluation conducted by a mutually agreeable neutral party appointed by the court);
- investigations;
- specialized parent education;
- parenting monitors;
- group and individual mental health treatment with specific goals;
- supervised visitation and transfer;
- drug and alcohol screening and treatment referrals;
- domestic violence services; and
- trained children’s representatives.

Law Day 2001: In the Best Interests of Our Children

In the Best Interests of Our Children is the theme for Law Day 2001. Since the advent of a formal juvenile justice system in 1899, American courts have taken actions based on the best interests of children. This year, Law Day will reflect on how the justice system can better protect children and promote the well being of families. Today more than 9,000 children in Wisconsin are in foster/kinship care, and over 500 children are waiting to be adopted.

To address the theme, the Wisconsin *Law Day Planning Kit* will feature materials on adoption and foster care that can be adapted

for use in handouts and speeches. Courts across Wisconsin and the nation will celebrate Law Day on or around May 1.

The *Kit* will also include information and suggestions for planning Law Day activities, resources for handouts and certificates, mock trial scripts, and more. Contact persons for each county will receive their *Kit* in early February. ❖

For more information on Law Day 2001 or to get involved in your county’s activities, contact Court Information Officer Amanda Todd at (608) 264-6256 or amanda.todd@courts.state.wi.us.

Justice Programs Attract State/Federal Grants for Wisconsin Counties

More than \$3 million in state and federal grants has been allocated to start or expand justice-related programs throughout the state, ranging from community service programs to a teacher-training institute.

Grant Helps Barron County Become Restorative Justice Hub

Barron County received a \$132,457 Juvenile Justice and Delinquency Prevention Act grant to add and expand several restorative justice programs. The project includes developing victim-offender conferencing, victim impact panels, community restorative panels, and a teen court. In addition, the Community Service Project, which helps offenders sentenced to community service find a work site, will be expanded to match juvenile offenders to specific projects that will help integrate them into their communities.



Chief Judge
Edward R. Brunner

The programs will take referrals from the court, schools, law enforcement agencies, the district attorney's office, the department of human services, and community groups.

Barron County has brought these services under one non-profit agency, Restorative Justice Programs, Inc., which believes that establishing close ties to the community is critical to its mission. "When you bring everyone on board, you're not [just] serving a small minority of the kids," said Polly Walner, co-director of Restorative Justice Programs, Inc. "We don't do anything without a lot of community input."

Restorative Justice Programs, Inc. incorporated in June 1999 in Rice Lake (see *The Third Branch, fall 1999*). Barron County Circuit Court Chief Judge Edward R. Brunner received funds to start the project in the form of a Juvenile Accountability Incentive Block Grant, and then turned over formation and operation of the project to a nine-member volunteer board to encourage community support and ownership. "It is essential," Brunner said, "that this be a grassroots program fostered and furthered by the community."

For information contact Walner or Co-Director Connie Doyle of Barron County Restorative Justice Programs, Inc., at (715) 736-0940.

Brown, Dane, and Waupaca Counties Receive Grants for Teen Courts and More

First-time juvenile offenders charged with vandalism, tobacco possession, or another minor offense, may soon be sentenced by their peers instead of a judge in the **Dane County** municipalities of Sun Prairie and Monona. The municipal courts are teaming up with Community Adolescent Programs, Inc. (CAP) of Madison to start two teen/peer courts.

With approximately \$22,000 in grant funds from the Juvenile Accountability Incentive Block Grant program, the teen courts will train youths to serve on four-person tribunals to determine sentences for juvenile offenders. CAP Program Coordinator Elise

Schaffer started training volunteer teens in November, with hopes that the courts will hear their first cases before the end of the year. CAP also plans to expand the program to an additional municipality in Dane County.

CAP is involved in several court-related juvenile programs, including the Youth Restitution Program and Victim-Offender Conferencing, where juvenile offenders meet with the individuals affected by their offenses.

For information on the Sun Prairie and Monona programs, contact Schaffer at (608) 245-2550, ext. 203.

The **Green Bay Public School District** received a \$2,785,350, three-year grant from the *Safe Schools/Healthy Students Initiative* (SSHS) for a project that will provide services to more than 18,000 at-risk students and their families. The community-wide project will bring together the school district with several Brown County agencies and organizations, including the sheriff's department's drug unit, juvenile court, family services, Boys and Girls Club, and Big Brothers/Big Sisters; additional organizations will be involved in the planning.

continued on next page

What is a Teen Court?

It's no secret that peer pressure is a powerful force. It can determine dress, hairstyles, and behavior. The teen court concept harnesses that power in the hope that juvenile offenders will be more apt to respond positively to the judgment of their peers rather than that of an adult authority figure.

Typically, teen courts determine sentencing in the cases of juveniles between the ages of 10 and 17 who have committed one non-violent offense and who have voluntarily entered the teen court process. While there are several types of programs, all use trained volunteer youths to listen to cases and determine appropriate sentences—ranging from jury duty to community service to counseling for drug/alcohol abuse or decision making. In court, offenders, parents or guardians, and/or victims explain what happened to help the court determine the impact of the offense and whether the juvenile feels remorse. The goals are restitution to the community and victims, accountability, and development of responsible citizens.

Teen Courts: A Focus on Research

An October 2000 Office of Juvenile Justice and Delinquency Prevention (OJJDP) bulletin profiles teen court characteristics and implementation challenges derived from a national survey of teen courts. It is designed to assist communities considering the merits of teen courts. ❖

Teen Courts: A Focus on Research is available online at www.ncjrs.org/pdffiles1/ojjdp/183472.pdf or by calling the Juvenile Justice Clearinghouse at (800) 638-8736.

Services will include an after-school program with tutoring and mentoring, outreach and services for truant youth, alternative education options, mental health services, a parent resource directory, and a youth court (an expansion of the existing teen court) to include offenders ages eight to 11. The youth court will be convened in a courtroom in the Brown County Courthouse.

SSHS is a collaboration of the U.S. Departments of Education, Justice, and Health and Human Services.

To learn more about this project, contact Sue Todey at Green Bay Public School District at (920) 448-2184.



Judge John P. Hoffmann

Waupaca County has received a \$71,822 Juvenile Justice and Delinquency Prevention Act grant to start a teen court. The grant makes it possible to hire a teen court coordinator and an advocate who will work with the families of juvenile offenders as they move through the justice system.

"The advocate will be working to make certain they are complying with the dispositional alternatives of the teen court and refer juveniles and families to programs

that would benefit them," said Waupaca County Circuit Court Judge John P. Hoffman.

With the support of local schools, the police department, the public, and media, the teen court will initially use a tribunal model where a panel of trained youths will hear cases and determine sentencing. Hoffmann said he expects the court to start hearing cases sometime later this year or early next year, and to sit approximately two times per month in the late afternoon or evening.

To learn more about Waupaca County's teen court, contact Hoffmann at (715) 258-6425.

Trempealeau County Circuit Court Receives State/Federal Grants

In 1999, more than 150 juvenile offenders in Trempealeau County were ordered to complete some type of community service. Of those, only 40 percent successfully completed this part of the sentence. The low completion rate has been attributed to the lack of work sites, the lack of supervision available at those sites, and the fact that offenders are responsible for finding their own community service opportunities. That is about to change, thanks to a new position that will provide much-needed structure for the community service program.

Trempealeau County Circuit Court received \$23,474 combined in the form of a Juvenile Justice and Delinquency Prevention Act

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Judges Receive ASFA Training



Child Welfare Assistant Director Mimi Laver of the American Bar Association Center on Children and the Law leads a training session on the requirements of the Adoption and Safe Families Act.

Congress passed the Adoption and Safe Families Act (ASFA) in 1997 to reform the foster care and adoption systems so children can find permanent homes more quickly.

To prepare for these changes, judges and court administrators attended training sessions on Sept. 8 in Madison and Milwaukee. The sessions focused on rule requirements for judicial determinations, documentation procedures, and the processes of the upcoming compliance reviews.

The state Department of Health and Family Services will conduct a review prior to the 2002 audit by the federal government. ♦

The act can be found at www.ggw.org/cap/emancipated.html.

Wisconsin Participates in National Domestic Violence Conference



Chief Judge
Barbara A. Kluka

A team of Wisconsin judges and court administrators recently attended a program in Jackson Hole, Wyo., called *The First National Summit: Exploring Effective Interventions in Domestic Violence & Child Maltreatment*.

"I came away with the sense that judges can exercise a lot of leadership in putting together innovative ways to get services to children and their mothers, who may be victims of domestic violence," said Chief Judge Barbara A. Kluka, Kenosha County Circuit Court.

Other participants from the Wisconsin court system included: District Court Administrator Kerry M. Connelly, District Two; Michelle M. Jensen, director of the Wisconsin Children's Court Improvement Program; Judge Dennis G. Montabon, La Crosse County Circuit Court; and Steven R. Steadman, District Seven court administrator. In addition, staff from the Wisconsin Department of Health and Family Services and the Wisconsin Department of Justice attended. ♦

VOLUNTEERS IN THE COURTS: _____

A Partnership for Justice

Brown County Mediation Center Now Serving Families, Neighborhoods

*by: Diane Legomsky
Brown County Community Mediation Center director*

A new program at the Brown County Community Mediation Center is giving residents of Brown County a place to turn when family and neighborhood problems seem unsolvable.

The center first opened in March 1999, providing mediation to people representing themselves in small claims cases (*see The Third Branch, fall 1999*). In response to numerous requests for services beyond court referrals, the center began to mediate informal disputes between neighbors, agencies, and family members in May 2000. By August, with 25 disputes mediated and a 92 percent resolution rate, the center decided to expand and formalize this new service, calling it the Family and Neighborhood Mediation Program.

The program works to address the impact of unresolved disputes on families and neighborhoods, emphasizing early mediation before positions become too rigid, additional individuals become involved, or violence occurs. Mediators focus on finding realistic, long-term resolutions that address the interests of both parties and on helping craft resolutions that can withstand challenges the parties will continue to face in their ongoing relationships. The program will also facilitate neighborhood discussions on issues of

potential or actual conflict—such as proposed developments and zoning issues.

To better ensure its success, the Family and Neighborhood Mediation Program will be neighborhood-based. The center is partnering with Neighborhood Watch, community policing officers, family resource centers, neighborhood associations, and local YWCAs. These groups will refer disputants to the center, recommend potential mediators, and provide a venue for discussing racial and ethnic diversity issues and presenting conflict resolution programs.

The center will train and mentor community members who will mediate within their own neighborhoods, but not on their own blocks. The goal is to train 40 mediators in 2001, and an additional 40 in 2002. The center will also build a network of local resource people to assist in arranging mediation sessions and to attend sessions, offering advice and support. Other mediation programs have found such resource people to be highly effective in creating a sense of comfort and a spirit of cooperation.

The center has received city approval for a \$4,000 block grant from the U.S. Department of Housing and Urban Development and is looking for additional funding. ❖

For more information, contact Legomsky at (920) 438-7067.

Senior Volunteers Working with Justice Programs

A 1999 nationwide study by Independent Sector, a coalition of non-profits, foundations, and corporations, found that almost 48 percent of all people 55 and over perform volunteer work. The survey also found that, if asked, almost 84 percent of seniors will volunteer their time and talents, but in 1999 only 45 percent of seniors were asked to volunteer.

Older adults possess a wealth of experience and expertise, and are more likely to have time to share these gifts with others. Justice-related programs have tapped into this resource, with senior volunteers doing everything from serving as bailiffs in the Kenosha Municipal Court to visiting wards of the court as part of several guardianship monitoring programs. In some cases, senior organizations and agencies are the sponsors and administrators of volunteer programs.

Following are examples of local programs that recruit senior volunteers:

Court Information Desk. The Retired Seniors Volunteer Program (RSVP) of Dane County coordinates, trains, and provides volunteers for the information desk at the Dane County

Courthouse. Volunteers direct individuals to the correct court or government office. The Sheboygan County Department on Aging operates a similar program.

Municipal Court Bailiffs Program. In Kenosha, volunteers from RSVP serve as bailiffs in the municipal court, checking in parties and escorting them to the courtroom. The program is sponsored by the local chapter of RSVP and funded by the Corporation for National Service, the State Bureau on Aging, and private donations.

Volunteer Guardian Program. The program trains volunteers from the American Association of Retired Persons (AARP) and RSVP to act as the eyes and ears of the courts by monitoring guardianship cases (where an individual has been found incompetent). These programs help ensure that wards are receiving proper care and that their dignity and autonomy are maintained, and they prioritize the well-being of the persons acting as guardians by offering support. Some programs also audit wards' accounts to ensure that finances are being handled properly.

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Networking for Volunteers in Probation Programs

On Sept. 20, a meeting was held in Oshkosh to discuss criminal justice volunteerism and, specifically, the Volunteers in Probation (VIP) program. The program uses volunteer mentors to help offenders complete their court-ordered obligations and learn to cope with life's challenges. The group will meet again on Dec. 6 in Oshkosh.

The conference, sponsored by Outagamie County's Volunteers in Offender Services (VIOS), looked at relevant state statutes, funding sources, and the status of existing programs. VIP programs are operating in Brown, Marathon, Oconto, Outagamie, and Winnebago counties.

"[Mentors] give options and alternatives, not advice...so [probationers] may make better choices," said Stu Driessen, Outagamie County VIP coordinator. By helping probationers learn life management skills, the mentors hope to make a first offense the last. According to research by the National Institutes of Health, probationers who are matched with volunteer mentors are 11.5 times less likely to re-offend.

The VIP concept was started in the early 1960s by Keith J. Leenhouts, a circuit court judge in Royal Oak, Mich. (See *Navigating the Internet: Useful Web Resources on page 23 for a recent publication by Leenhouts, Misdemeanor Courts, Hope for Crime Weary America*). ❖

For more information about VIP programs, call Driessen at (920) 832-5248.

Court Improvement

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to overcome geographic barriers, information voids, and a lack of staff time to better investigate allegations of child maltreatment.

The Milwaukee County Children's Justice Initiative is a collaboration between the Milwaukee County District Attorney's Office and the Wisconsin Department of Justice's Crime Victim Services Unit.

Kenosha to Begin Mediation in CHIPS Cases

On Jan. 20, 1997, 17-month-old Drake London died as the result of a beating at the hands of his mother's boyfriend. The baby had spent the first nine months of his life in foster care, and was returned to his mother eight months prior to his death.

In response to the tragedy, Kenosha County started a Court-Appointed Special Advocates (CASA) program that it calls Voices for Children. The program trains volunteers from the community to act as the eyes and ears of the court to help monitor the welfare of children who have been found to be in need of protection and/or services. Voices for Children recently expanded with a grant from the Children's Court Improvement Program.

Another response to the tragedy came from the Legislature, in the form of the Drake London Law, which gives court-appointed volunteers who have been assigned to visit the homes of abused children the same liability protections as teachers and health care professionals in reporting child abuse. The law also permits the

Wisconsin Team Participates in 14-State Pro Se Conference

Teams from 14 states—including Wisconsin—were invited to New Orleans, Oct. 24-26, for a conference on making courts more understandable and accessible to people without lawyers.

Conference sponsors—the State Justice Institute, the Legal Services Corporation, and the Soros Foundation's Open Society Institute—supported six-person teams from each state invited to participate. The goal of the conference was to promote collaboration and reduce duplication of efforts within each state, and to provide examples of successful programs nationwide.

The states were chosen for their leadership on issues involving self-represented litigants. Finding new and creative ways to help people without lawyers has become a top priority of the Wisconsin court system. The *Pro Se* Working Group, appointed by Chief Justice Shirley S. Abrahamson, is studying potential state and local responses to the increasing number of individuals who choose to represent themselves in court. The group has reviewed successful initiatives and the growing body of research on the subject with the goal of producing a report outlining court responses to self-represented litigants. The report will be released in November.

Examples of *pro se* projects already underway in Wisconsin include the Self-Represented Litigants Initiative in the Tenth Judicial Administrative District, the Court Assistance Program in Waukesha County, and the Dane County Court Assistance Center.

The Wisconsin team included: Alan Ells, Legal Services of Northeastern Wisconsin; David Groose, Wisconsin Judicare; District Court Administrator Gregg T. Moore; and Attorney Timothy J. O'Brien, Bakke Norman SC, New Richmond; and John Voelker, executive assistant to the chief justice. ❖

courts to make periodic checks of previously abused children a condition of placement, and requires childcare workers to report to the court if they encounter resistance from the child's guardian when they try to check a child for abuse.

Now, Kenosha is poised to add another tool to its toolbox—mediation services for some of the 250 CHIPS cases the county files each year. The project, to be run by Kenosha Juvenile Intake Services with a grant from the Children's Court Improvement Program, will be similar to projects in Dane and La Crosse counties and will involve one or more family law attorneys who are trained in mediation. The project will also use student interns to gather background information on parents and potential caregivers for presentation to the court at the time of the detention hearing.

"This will give us a chance to get people into services 30 to 60 days earlier," said Chief Judge Barbara A. Kluka, Kenosha County Circuit Court, who championed the effort along with fellow Kenosha Judge Mary K. Wagner-Malloy. "When these cases come to court, it can be two to three months before there is final adjudication, and then the families may be put on waiting lists for services. The whole objective of mediation is to get services to children and parents as quickly as possible." ❖

To learn more about the Children's Court Improvement Program, contact Program Director Michelle M. Jensen at (608) 266-1557 or michelle.jensen@courts.state.wi.us.

Staff Attorney Teaches Judicial Writing Seminar in Jamaica

by: *Ronald R. Hofer*
staff attorney
Court of Appeals, District II



From left: Staff Attorney Ronald R. Hofer, Court of Appeals, District II, met with Chief Justice Lensley Wolfe of Jamaica's Supreme Court and Chief Justice Robert E. Rose of the Nevada Supreme Court during a judicial writing seminar.

Over Labor Day, I was fortunate to teach a seminar on judicial writing for the Supreme Court of Jamaica in Kingston. The seminar was a joint venture of the National Judicial College and the United States Agency for International Development, which underwrote the project. The other faculty member was Chief Justice Robert E. Rose of the Nevada Supreme Court.

In Jamaica, the supreme court is a trial court, and the judges in attendance constituted most of the trial judges in the country. Although its formal connection to England is largely gone, the

Voelker Presents Pro Se Information to Chief Justices

John Voelker, executive assistant to Chief Justice Shirley S. Abrahamson, gave a presentation on *pro se* issues to the National Conference of Chief Justices at their annual meeting in Rapid City, South Dakota.

Along with a judge from Maricopa County, Arizona, Voelker presented ideas on how to approach the issues raised by self-represented litigants. The Arizona judge described how to approach the issue on a local level, while Voelker gave a regional and statewide perspective.

Voelker is staff to the *Pro Se* Working Group, which is studying potential state and local responses to the increasing number of individuals who choose to represent themselves in court. The group has reviewed successful initiatives and the growing body of research on the subject with the goal of producing a report outlining court responses to self-represented litigants. The report will be available in November. ❖

Jamaican judicial system still bears unmistakable ties to the English system. The courtrooms still have prisoners' docks, the judges (and I think the lawyers) still wear wigs, and the opinions are still written in the florid and somewhat rangy style that many might remember from some of the ancient English cases assigned in law school. Chief Justice Rose and I decided that our 'mission' was to encourage more reader-friendly decisions. As steeped in tradition as they are, the judges were somewhat resistant to our attempts to 'Americanize' their decisions. Currently, most of their decisions have no real introduction, set out facts in a witness-by-witness format, and do not give the holding of the case until the very end. I suppose only time will tell whether they change their usual format.

Although the judges were very friendly and warm, they tended to maintain a professional reserve culturally unlike our own. Even after three days of classes, no one was on a first name basis except for Bob Rose and me. I was invariably addressed as "Professor Hofer," despite our attempts to be more informal. Decorum and ceremony are clearly important to them, as witnessed by formal opening (with a speech by the minister of justice and national security, the Hon. K.D. Knight) and closing ceremonies.

My wife, Kathy, and I went a couple of days early to take in the sights. Kingston, the site of the seminar, is something like the Detroit of the West Indies—not quite a tourist trap. So the chief justice arranged for an undercover policeman to drive us to Ocho Rios and back. Perhaps the most authentically Jamaican part of the trip was that drive—a 50-mile, two-and-a-half hour trip over crazily winding roads with drivers who must have learned their skills (and I use that term loosely) on bumper cars. If nothing else, I returned to Wisconsin with a newfound regard for the relative skill and sanity of American drivers. ❖

Information Officer Returns to Slovakia

When Court Information Officer Amanda K. Todd taught judge/media workshops in Slovakia in June, she ended the conference by calling for volunteers to form a committee to continue working on public outreach and media relations efforts.

The committee worked throughout the summer, setting six goals—ranging from the easy and affordable (posting court calendars so the media and the public could know what was happening in court) to the harder and more expensive (starting a Web site). But the committee had trouble translating their goals into a plan of action and brought Todd back in October to help.

Todd conducted four days of workshops with judges, journalists, law students, and members of the public in both Bratislava and Kosice. In the workshops, participants identified what the courts do well, what they do poorly, and things they need to start and stop doing in order to build public trust and confidence in their courts. By the end, the court system had developed a detailed plan for improving public outreach. ❖

Retirements

Barland Farewell Packs the House

More than 200 people including Chief Justice Shirley S. Abrahamson and Justices Jon P. Wilcox, Ann Walsh Bradley, David Prosser Jr., and Diane S. Sykes, attended a Sept. 28 farewell party for Judge Thomas H. Barland, who retired from Eau Claire County Circuit Court in August.

At Barland's insistence, the list of speakers was kept short and each presenter had just five minutes. The master of ceremonies was Court of Appeals Judge Gregory A. Peterson, District III, a former Eau Claire County Circuit Court judge. Speakers included Abrahamson; Attorney Ladd Wiley, chief legal counsel to the governor; Howard Ludwigson, chairman of the Eau Claire County Board of Supervisors; and Attorney Michael Schumacher, president of the Eau Claire County Bar Association. Just days after the party, Barland was married and departed for a honeymoon in Hawaii.

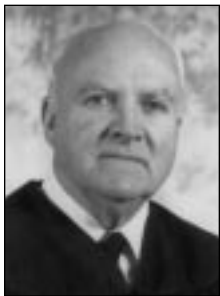
After 26 Years Cross Leaves Columbia County Court

Mary Ellen Cross, who started with the courts as a traffic and criminal clerk, was appointed Columbia County Clerk of Circuit Court in 1974 and has won in unopposed elections ever since.

"There's been a lot of changes," says Cross, speaking of her 26 years as clerk. A 1990 courthouse renovation relieved the cramped conditions in the clerk's office. "When someone had to get up, we'd have to look around to make sure we didn't hit anyone with our chair," she said. Cross also ushered in several technology and filing system changes.

Cross lost her husband to cancer two and a half years ago. She has two daughters, who both live in Wisconsin, and a son, who lives in Texas. In retirement, she plans to travel with friends and dedicate more time to working in her garden. "I'd like to know what it's like to be bored," she said.

Doherty to Leave Mid-Term



Judge
Thomas P. Doherty

Judge Thomas P. Doherty, known for his hard work and sense of humor, is planning to retire next summer after 21 years on the bench in Milwaukee County Circuit Court. His term expires in 2005, so the governor is expected to appoint a replacement.

During his tenure, Doherty has presided in criminal misdemeanor, civil, probate, and children's court. He said his rotation in children's court, where he has been for two and a half years, has "expedited" his departure.

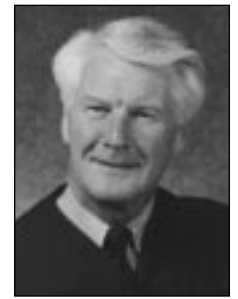
"The people here are great, very collegial, but to deal with these terrible scenarios every day is very stressful," he said. "I'm about to go out and sentence a 16-year-old boy who raped his two-year-old brother, and that's what you see here."

As for retirement plans, Doherty may do some mediation work but beyond that, he said, "I thought I'd do nothing until I got bored. If I never get bored, I'll keep doing nothing."

Heath to Step Down in January

Judge Charles D. Heath has presided over many significant cases in his 23 years on the bench in Marinette County, but no case brought him greater satisfaction than a relatively minor matter.

"It was a civil case brought by one brother against another brother," Heath recalled. "They were adjoining landowners who were feuding over a fence line. In fact, they had not spoken to one another since their mother's funeral, eight years before. After about 20 minutes of testimony from the first witness, it just didn't seem right to me that brothers should be resolving their differences in a court. With the consent of counsel, I persuaded the brothers to meet with me alone in chambers. After about a 30-minute meeting in which each brother aired his grievance, I was able to persuade the two to make up. They shook hands, hugged each other, and walked out with arms around each other. To this day, I still feel good about that."



Judge Charles D. Heath

When Heath was first elected in 1977, the circuit covered Florence, Forest, Marinette, and Oconto counties. Court reorganization in 1978 placed him on the bench full-time in Marinette County.

Heath will retire effective Jan. 5, 2001. In retirement, he plans to do some reserve judging and mediation work, spend time with his grandchildren, and golf.

Mallmann Was Manitowoc Court Reporter for 24 Years



District Court Administrator Jerry Lang (right) presents Court Reporter Lou Mallmann with a certificate of appreciation for his 23 years of service.

Court Reporter Louis L. Mallmann, who worked for six judges during his tenure in the Manitowoc and Sheboygan counties, retired Sept. 1 to focus on running his own court reporting company.

All three Manitowoc County judges, along with attorneys, court staff, and family and friends from both counties, attended a retirement party held in Mallmann's honor at the Capital Civic Center in Manitowoc on Aug. 30.

Mallmann began working as a court reporter in Sheboygan County in 1976 and worked for Sheboygan County Judges Ernest C. Keppler (now a reserve judge), John Bolgert (the father of current Sheboygan County Judge James J. Bolgert), Daniel P. Anderson (now on the Wisconsin Court of Appeals, District IV), and Gary J. Langhoff. In 1992, Mallmann accepted an offer to join Judge Allan J. Deehr in Manitowoc County, and, since Deehr's retirement in 1997, Mallmann has worked for Judge Patrick L. Willis.

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Retirements

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Mann Ends Long Career with Supreme Court

Wisconsin Supreme Court Commissioner William Mann stepped down Sept. 29 after nearly 23 years with the state's high court.

Commissioners are lawyers who perform research, prepare memoranda, and make recommendations to the Court on various matters brought within its appellate jurisdiction. Mann was responsible specifically for analyzing attorney discipline cases and performing a variety of administrative tasks for the Court. The other three commissioners—Nancy A. Kopp, Gregory S. Pokrass, and Joseph M. Wilson—analyze petitions for review and make recommendations to the Court on which cases to take.

While court commissioners generally work behind the scenes, Mann found himself the focus of media attention after the Court assigned him to conduct an inquiry into the functioning of the Board of Attorneys Professional Responsibility (BAPR). The "Mann Report," as it became known, contained allegations that members of the board were engaging in favoritism and cronyism, handling grievances in which they had conflicts of interest, and adopting policies that limited the rights of grievants. The Court has since dismantled BAPR and replaced it with the Office of Lawyer Regulation.

McNeal Moves on to Federal Court

Vickie McNeal, secretary to Judge William Eich for 14 years, left the state court system on Sept. 8 to join the staff of Judge John C. Shabaz at the U.S. District Court in Madison. She will be Shabaz's personal secretary.

"I never dreamed I would be leaving the court after all these years," McNeal said, "but after meeting with Judge Shabaz and the clerk it sounded more like an opportunity I couldn't refuse."

McNeal began her position with Shabaz on Sept. 18, using the time between jobs to polish the shorthand skills she will need for the new job.

Judge Tesmer Ends Long Career in Public Service

Judge Louise M. Tesmer, who began her career on the bench at the age of 23, has decided not to seek re-election to the Milwaukee County Circuit Court when her term expires in Aug. 2001.

Tesmer won a contested election in 1966 to sit on the municipal bench in the City of St. Francis, a suburb southeast of Milwaukee. At the same time, she was made a prosecutor in the Milwaukee County District Attorney's Office, where she became the first woman to do trial work.

By age 30, Tesmer had won a seat in the Wisconsin Assembly, where she was elected by her colleagues to be speaker *pro tempore*. This position backs up the presiding officer in the Assembly (the speaker) and presides when the speaker is not available. Tesmer said she was the first woman in either party to serve in a leadership position in the Assembly, and she recalled receiving a standing ovation as she took on the new role. Tesmer served in the Assembly—surviving three contested elections—for 17 years. During her tenure, she was the prime sponsor of numerous bills including "Life Means Life" and a measure to ban housing and employment discrimination based on personal characteristics.

In 1989, Tesmer moved over to the judicial branch after running in a hotly contested race for a newly created branch of circuit court. Among her opponents were two lawyers who are now her colleagues on the bench, Judges Daniel L. Konkol and Robert Crawford. During her tenure, she has presided in criminal misdemeanor, small claims, civil, and family court. While in the Civil Division, she handled the so-called "Seinfeld" case in which a Miller Brewing Company executive sued the company for firing him after he offended a co-worker by talking about an off-color episode of the show.

In 1998, the Supreme Court voted 5-2 to give her a reprimand, the least-severe form of discipline it imposes, because she let a friend who was a law professor act as a law clerk, helping her draft opinions. The dissenting justices, arguing that use of a law professor for research and drafting did not violate any rule of conduct, said they would not have imposed discipline.

While she intends to stay busy in retirement, and is considering options such as reserve judging, teaching, and mediation, Tesmer has committed only to a slower pace and less stress. "I have some minor health problems that need attending to," she said, "and the more intelligent thing, the more rational thing, the more balanced thing to do is to take the time to take care of myself." ❖



Judge
Louise M. Tesmer



Court of Appeals Judge William Eich was roasted and toasted at a retirement party on Sept. 27 in Madison. Among the speakers were Judge Moria Krueger, Dane County Circuit Court, who provided Eich with a copy of Betty Friedan's *The Feminine Mystique*, Judge Margaret J. Vergeront, Court of Appeals, District IV, who read a limerick, and Chief Justice Shirley S. Abrahamson. Several justices and most of the Court of Appeals were in attendance.

District Court Administrators Are Honored



District Court Administrator Gregg T. Moore is surprised with an award from his fellow court administrators for his service on the board of directors of the NACM. From left to right: Director of State Courts J. Denis Moran, Moore, District Court Administrator Jerry P. Lang.

District court administrators Gregg T. Moore and Steven R. Steadman were recently honored with awards for their hard work and dedication to well-run courts.

Moore's award came from his fellow district court administrators, who were impressed with his tireless efforts to improve the National Association for Court Management (NACM) to benefit the group's members.

Steadman's award came from NACM, to thank him for his service on the Professional Development Committee.

Moore administers District Ten, which encompasses the circuit courts in Ashland, Barron, Bayfield, Burnett, Chippewa, Douglas, Dunn, Eau Claire, Polk, Rusk, St. Croix, Sawyer, and Washburn counties. Steadman administers District Seven, which covers Buffalo, Crawford, Grant, Iowa, Jackson, La Crosse, Monroe, Pepin, Pierce, Richland, Trempealeau, and Vernon counties. ❖

Primary Proves Decisive for Clerks' Seats

Two incumbent clerks of circuit court lost their seats in the September primary, and two others who retired will be replaced by candidates who won in the primary and did not face opposition in the general election. One additional clerk lost his seat in the general election, and two others had opponents in the general election. Here is the election rundown:

In Brown County, Clerk of Circuit Court **Paul Janquart** overcame a challenge from **William H. Nauta** of Denmark, Wis. Brown County's judges appointed Janquart, who worked as Green Bay city clerk for 23 years, to replace Lynn Verheyen, who resigned in 1997. Janquart was then elected to a full term.

In Burnett County, Clerk of Circuit Court **Terri A. Stone** lost her seat in the primary to Judicial Assistant **Trudy Schmidt**. Stone was first elected in 1986, when she ran against two opponents to replace the retiring clerk.

At press time, Stone was looking at opportunities to work as an advocate for people with disabilities—an interest that comes from caring for her 13-year-old daughter, who has a disability. Stone and her husband, Russell, also have two sons.

In Chippewa County, Clerk of Circuit Court **Katherine "Kay" Stelzner** lost to **Karen J. Hepfler** in the primary by about 350 votes. Stelzner was register in probate when she won a contested election for the clerkship in 1998.

The clerk-elect is a teacher who plans to graduate in December with a business degree from the University of Wisconsin-Stout. She did not face opposition in the general election. Hepfler told *The Chippewa Herald* that one of her professors inspired her to seek office. "It's a perfect fit with my background," she said, citing her work with the public, her education, and experience with automated accounting. "It's a people position, and I'm very strong in that area," she added. Hepfler also had the support of Janet Rubenzer-Pike, who served as clerk of circuit court in Chippewa County for 16 years before retiring in 1998.

In Columbia County, Clerk of Circuit Court **Mary Ellen Cross** decided to retire after 33 years in the office (*see separate story*).

Two of Cross's deputies—**Renee Koss** and **Susan K. Raimer**—ran for the seat in the primary, which Raimer won. Raimer joined the office in 1991, after Branch 3 was created, and has served since as judicial assistant to the three judges and as a deputy clerk. Prior to joining the courts, Raimer spent 20 years working in law firms. A lifelong resident of Portage, Raimer is married to David, a roofer/sider, and has three adult children and one grandchild.

In Green County, **Carol K. Thompson**, who had been appointed to replace retiring Clerk Donna Heiser, retained her seat in a close primary election. Her chief deputy clerk, **Susan Dahl**, was her opponent. She had no opposition in the general election.

In Jefferson County, **Kenneth Schopen**, clerk of circuit court since 1968, won in the general election against challenger **Jeff Rammelt**, chairman of the Jefferson County Democratic Party.

In Kewaunee County, Clerk of Circuit Court **David Brusky**, in office for 26 years, faced opposition from Register in Probate **Lorraine Reimer**. Reimer won the general election by 58 votes.

In Sauk County, Clerk of Circuit Court **Donna Mueller** prevailed easily over her opponent, **Sandra Harrison**, who is judicial assistant in Branch 1.

In Sawyer County, Clerk of Circuit Court **Ricki Briggs** was elected without opposition to replace **Steve Hand**, who retired. Briggs has served as clerk since April, when Circuit Court Judge Norman L. Yackel appointed her to replace Hand. Briggs joined the courts in 1982 as judicial assistant, deputy register in probate, and deputy juvenile clerk. A lifelong resident of Hayward (the Sawyer County seat), Briggs is married to Randy, who works for the County Highway Department, and has two adult children and one grandchild. ❖

People in the News



Judge
Maryann Sumi

This fall, Madison-area Urban Ministry is turning community attention to the juvenile justice system with the forum series, *The Peace-filled Community: What Does Justice Require of Us?* The six-session series will use the fictional characters of “Calvin” and “Sophie,” whose lives have become intertwined in the justice system, to illustrate how prevention and early intervention services can help. Dane County Circuit Court Judges **Paul B. Higginbotham** and **Maryann Sumi** will help facilitate two sessions, reported *The Capital Times*. The series will also feature artistic presentation from local youth.

Milwaukee County Children’s Court Commissioner **Lindsey D. Draper**’s work with the People’s Law School earned him recognition in the *Milwaukee Bar Association Salute to Public Service*. The People’s Law School, which Draper reestablished in the early 1990s, is a six-to-10 week long series of free workshops presented by the Wisconsin Association of Minority Attorneys. Volunteer lawyers, judges, police officers, and others facilitate sessions on various topics, such as custodial rights, tax issues, worker’s compensation, criminal procedures, and domestic violence. Draper also incorporates a call to civic responsibility—get out the vote—and urges participants to stay out of trouble. He is now considering starting a Youth Law School.

After more than 20 years on the bench, Racine County Circuit Court Judge **Stephen A. Simanek** is contemplating retirement, according to *The Journal Times* (Racine). When his term ends in 2004, Simanek will head north in his 1962 corvette to enjoy the great outdoors. “I’m not saying I don’t like the job,” he said. “It’s just nice having a choice.” He also plans to serve as a reserve judge throughout the state.

This fall, **Sherie A. Sasso**, administrative assistant to Justice **Ann Walsh Bradley**, co-taught a course on Microsoft Word at the State Bar of Wisconsin’s Law Office Technology Workshop Series. The class was intended for WordPerfect users who are making the transition to Word. Sasso is an active member of the Wisconsin Association for Legal Professionals and the Dane County Association for Legal Personnel.

A more than 20-year veteran of the state court system, **Cornelia G. Clark** was featured in the “Public Worker” column in *The Capital Times* in September. Clark became clerk of the Wisconsin Supreme Court and Court of Appeals in April. “[She] has taken us from the paper and pencil state to computer technology,” said Chief Justice **Shirley S. Abrahamson**.

“Being a judge in my home town is a dream come true,” Clark County Circuit Court Judge **Jon M. Counsell** told a *Marshfield News-Herald* reporter. Since taking the bench in 1999, Counsell has initiated several court-related public outreach efforts, including hearing cases in area high schools to give students an opportunity to see the courts in action, and expanding the mediation program. He is also considering the court’s need for a community service coordinator.

For 25 of the last 39 years, Judge Schieffer has presided in Lannon Municipal Court in Waukesha County. From 1961 to 1974

and from 1988 to 1995, **Robert Schieffer** was judge. In 1995, he passed the gavel on to his daughter, **Peg Schieffer**. Speaking of her judicial philosophy, Peg Schieffer told the *Sussex Sun*, “I want to educate people on the law...helping to uphold the law. I want to make Lannon a better place to be.”

Vilas County Circuit Court Judge **James B. Mohr**, who is chief judge of the Ninth Judicial District, and Tribal Court Chief Judge **Ernest St. Germaine** are “Doing Justice on the Reservation,” according to a headline in *The Daily News* (Rhineland). When Mohr became a judge in 1983, he found that many Native Americans failed to appear for court in Eagle River, almost 50 miles away from the reservation. So Mohr began hearing cases in Lac du Flambeau as well. Almost every week, Mohr travels to the reservation where he works with St. Germaine. “I think the tribe and tribal judge have discretion to do many things that are culturally important for them and to be much more flexible than the state court,” Mohr said. For example, a person convicted of non-payment of child support in tribal court could be ordered to cut firewood for an ex-spouse.

“All of a sudden, I woke up one day and I was a judge,” said Waukesha County Circuit Court Judge **Mark S. Gempeler** in an article that appeared in *The Daily Reporter*. He was speaking of his winding career path from assistant district attorney, to private practice, to assistant U.S. attorney, to corporation counsel, to the bench in 1983. Commenting on the 1978 court reorganization, “when we did away with courts of lesser jurisdiction, we now have these illegitimate children,” Gempeler said. “I call them that because the Supreme Court has taken the position that court commissioners aren’t to have any expanded duties. They don’t quite know what to do with them...If the Supreme Court joins in the process to enhance the position of court commissioners, they’ll basically undo what happened in 1978 with trial court



Judge Mark S. Gempeler

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The Wisconsin Supreme Court heard three of its cases in the Sauk County Courthouse in Baraboo in October for the Justice on Wheels program. An estimated 270 people turned out for the oral arguments. As part of the trip, the Court had lunch with the Baraboo Kiwanis and a reception with the Sauk County Bar Association. Here, Justice David Prosser Jr. addresses the Kiwanis group.

Chief Justices Abrahamson and Ryan Attend the Antiques Roadshow

by: Roxanne Nelson
Supreme Court project liaison
State Capitol Restoration and Renovation Project



In 1855, about a decade before his work made him famous, the artist Samuel Marsden Brookes (1816 – 1892) painted a small oil portrait of a Milwaukee lawyer and political activist named Edward George Ryan. Ryan brought the portrait with him when he was appointed to the Wisconsin Supreme Court in 1874 and it adorned the walls during and after his service as a justice and chief justice.

It was shortly after Ryan's service began that he issued the opinion for which he is best remembered. That opinion denied the application of Janesville Attorney Lavinia Goodell to practice before the state Supreme Court. Ryan was a progressive in many areas but not on women's rights. He was a fierce defender of women's traditional role and had stormy relationships with women all his life. Ryan held that women could not practice in the state Supreme Court because it had never been done and the Legislature had passed no law allowing it. He then went on to give his personal seal of approval to the traditional role:

The law of nature destines and qualifies the female sex for the bearing and nurture of the children of our race and for the custody of the homes of the world and their maintenance in love and honor. And all life-long callings of women, inconsistent with these radical and sacred duties of their sex, as is the profession of law, are

departures from the order of nature; and when voluntary, treason against it.

Goodell then successfully lobbied the Legislature to pass a law prohibiting denial of admission to the bar based on gender, and when her admission once again came before the Supreme Court it was all but guaranteed. Indeed, she was admitted—over a strong dissent from Ryan.

Seventy-five years after Ryan's death, his portrait departed the Capitol with retiring Supreme Court Clerk Arthur A. McLeod, who served from 1915 to 1955. At that time it was common for long-term public servants to receive cherished items from their Capitol offices as retirement gifts.

In 1998, I came upon the Ryan portrait and a treasure trove of paintings and photographs of Supreme Court justices from the late 1800s and early 1900s at a consignment shop. Their whereabouts from 1957, when McLeod died, until they were returned to the Supreme Court in 1998 remain a mystery.

The portrait was removed once again from the Supreme Court collection—this time very briefly—for a trip to the Antiques Roadshow, the popular public television program that made a stop in Madison on Aug. 26. Chief Justice Shirley S. Abrahamson and I were among the 7,000 Roadshow revelers who showed up with treasures in tow to meet with one of the show's 60 to 70 appraisers who cover 20 specialties.

Our appraiser recognized the artist as Brookes, who, he said, had emigrated from England with his parents in 1835 at age 16. He worked as a portraitist in Chicago and Milwaukee until 1845, when he returned to England for further training. He returned to Wisconsin and continued to work as a portraitist and then moved to California in 1863, where he became quite famous for his still-life work.

The appraiser told us a Brookes landscape would be worth \$50,000 today, but appraised the Ryan portrait at \$5,000—not a bad return on a \$50 investment. The appraisal of the portrait was not filmed for the television show.

While we were pleased to know the value of the piece, the chief justice emphasized her appreciation that this and the other portraits have come back to the Supreme Court where they belong. ❖

The Madison episodes of the Antiques Roadshow are scheduled to air on Wisconsin Public Television on April 30, May 7, and May 14, 2001.

State of the Judiciary

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“Everyone associated with the courts is, by definition, supposed to be judicious. We want to have all the facts before us; we want to work through all the options. We are uncomfortable embarking on a project without a definite sense of the end result, without

knowing every single step in the process, and without being assured of a successful completion. But some problems of judicial administration are so large, some needs so pressing, that after some study we must start dealing with them. Action is eloquence.” ❖

The State of the Judiciary Address is available on the court system Web site at www.courts.state.wi.us/media/reports/00stjud.html.

Revisiting Tradition, the Calling of the Calendar

PHOTOS: STATE HISTORICAL SOCIETY OF WISCONSIN



Chief Justice Alexander W. Stow, Wisconsin Supreme Court 1848-1851



Justice Timothy O. Howe, Wisconsin Supreme Court 1851-1853

Alexander W. Stow, the first chief justice of the Wisconsin Supreme Court, and Timothy O. Howe, a Supreme Court justice from 1851-1853, were very different men on the court. Stow, an opponent of an elective judiciary, served on the court

very briefly because he refused to stand for election. After stepping down, he led so quiet a life that historical accounts differ on whether he resumed the practice of law or simply retired. Howe, on the other hand, was a born politician who ran not only for the bench but twice for the U.S. Senate and ended his career in the high-profile position of U.S. postmaster general.

Stow and Howe served as judges at a time when the circuit court judges of the five districts of Wisconsin met annually as the state's Supreme Court to hear appeals of their own cases. Because they both served in the Fourth Judicial Circuit, which included Brown

County, they shared the stage, in a manner of speaking, at the second annual *Revisiting of Tradition* ceremony Sept. 27 in Green Bay. The ceremony, which included a roll call of Brown County's circuit court judges since statehood, evoked the old calling of the calendar from when judges traveled the circuit to schedule the cases to be heard in each county in the upcoming session.

The tradition was rekindled last year by the Brown County Circuit Court, the Brown County Bar Association, and the Inns of Court.

Judges, attorneys, and community members gathered in the ornate Branch 1 courtroom of the Brown County Courthouse with Brown County Circuit Court Judge John D. McKay presiding. Speakers included: Chief Judge Joseph M. Troy, who spoke about the current structure of the courts; Reserve Judge Robert J. Parins, who recalled traveling from Brown, Kewaunee, and Door counties as a circuit judge before the 1978 court reorganization; and Brown County Circuit Court Judge Donald R. Zuidmulder, who discussed the evolution of the single-level trial court.

"It's a tradition used to bond the bar and reflect on the community," Zuidmulder said. During the ceremony local attorneys renewed their oaths and a motion was made to admit them to local practice. The event also memorialized Brown County attorneys who had died in the preceding year. ❖

No Better Thing Under the Sun...

In the early 1940s, when the world was at war, Ruth Anne Dykman wrote a letter to Eleanor Roosevelt. Her request was simple: please ask the federal government to declare a uniform jar size.

Like many women in that era, Dykman had learned the art and science of preserving food as a young girl; she had helped her mother prepare jars of applesauce for her father, who wanted one jar for every week of the year. When she had children of her own, she put them to work every fall preparing apples and tomatoes for canning.

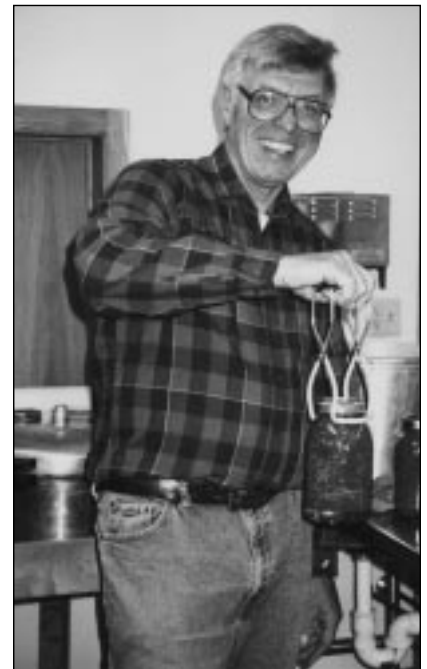
"We canned tomatoes, vegetable juice, and applesauce," said her son, Judge Charles P. Dykman, Wisconsin Court of Appeals, District IV. "I don't recall being enthusiastic about it."

In time, however, that changed. Now, Dykman cans all of the foods his mother did—including 30 to 40 gallons of vegetable juice and 20 quarts of tomatoes each season—and has added chicken, tomato sauce, beef stew, and sauerkraut to the list. He grows much of the food in his garden. The harvest includes tomatoes, bell peppers, hot peppers, beets, carrots, parsley, and some of the ingredients in his vegetable juice.

Dykman has gone public with his hobby, and now is an attraction at the Cross Plains Old Time Meet (held the third Saturday in September) where he demonstrates sauerkraut making. He also recently taught his first canning classes, which were held at the Willy Street Co-op and Olbrich Gardens in Madison. "Since both are on the way to work, I stopped in late last winter and suggested the classes," he said. "[They] agreed, although I had to give references. I gave Judge [Patience] Roggensack as a reference. She is quite a cook."

Dykman's mother, too, is still quite a cook and, at 85, sometimes still helps her son during canning season. They can enough to stock both of their pantries and Dykman shares what is left over with a neighbor and his colleagues on the court.

Ruth Anne Dykman does not recall whether Eleanor Roosevelt ever answered her letter. But she does know that she gave her son a gift during those lean times and now, nearly 60 years later, her skills are being passed on to a new generation by a son who understands, as the parable goes, that whatever is not given is lost. ❖



Judge Charles P. Dykman shows off a jar of freshly canned tomatoes for his students at the Olbrich Gardens canning class.

Senior Volunteers

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In 1999, a volunteer guardian for the La Crosse County Circuit Court found a \$400,000 discrepancy in a ward's 1998 account. In response to this "red flag," the court directed the guardian *ad litem* to investigate and report back to the court and the monitor on the apparent discrepancy. Fortunately, the investigation turned up answers that alleviated the court's concerns, but the incident demonstrates how volunteers can help the court system monitor guardianships.

Guardianship programs are operating in Eau Claire, La Crosse, Portage, Sauk, and Waukesha counties.

Youth/Senior Mentoring. The Portage County Department on Aging and RSVP run the Grandparent Visitor Program, which arranges for seniors to spend time with young people at the county juvenile detention center. Volunteers are selected for their ability to advise, teach, and impart life experiences without lecturing.

The Great Lakes Inter-Tribal Council, Inc. operates a similar program, the Tribal Youth/Elder Project, where at-risk youth are matched with volunteer elders to help the juveniles develop self-esteem, respect for others, and self-control. ♦

For more information, contact the Wisconsin Department of Health and Family Services at (608) 266-2536 or AARP in Wisconsin at (608) 251-2277, TTY (608) 286-6333. For information on court-related volunteer opportunities, contact the Wisconsin Supreme Court at (608) 266-1298, or visit the Volunteers in the Courts Web page at www.courts.state.wi.us/media/vol_courts.html.

State Justice Institute Scholarships

State Justice Institute (SJI) scholarships were awarded to Grant County Circuit Court Judge Robert P. Van De Hey to attend a course on general jurisdiction and Acting Co-State Law Librarian Jane E. Colwin to participate in *Court Library Management: Making the Invisible Visible*.

SJI awards scholarships to state court judges and managers to attend out-of-state, court-related educational programs to enhance the skills, knowledge, and abilities of court officials, particularly in areas of importance to courts nationwide. ♦

For more information, visit the SJI Web site at www.statejustice.org or call (703) 684-6100.

Justice Programs

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Judge John A. Damon

grant and Juvenile Accountability Incentive Block Grant. The money is being used to fund a position to administer alternative sentencing programs for juveniles and adults.

The county created a part-time director of court services position in 1997 to support the victim/offender mediation program. With the new grant, the position has been expanded to full-time and will now also support a supervised community service work program.

"We are pleased that the state, through a competitive process, selected our community service work program for a grant," Trempealeau County Circuit Court Judge John A. Damon said. "We have hard-working and well-qualified coordinators in Barbara Nimmer and Ann Bechard." Through a job-share arrangement, Nimmer administers the victim/offender mediation program and community service program for juveniles, and Bechard coordinates the community service program for adults.

The court expects that the expanded position will help close most of the cases with community service requirements from last year.

For more information, contact Nimmer at (715) 538-2311, ext. 322.

Grant will Fund a Guide for High School Teachers

The Wisconsin Humanities Council awarded \$8,505 to the Director of State Courts Office for the Justice Teaching Institute, *From the Courtroom to the Classroom*. The purpose of the Institute is to provide educators in Wisconsin's secondary schools with the knowledge and resources to effectively teach students about the rule of law and the court system.

This grant, along with funding from the State Bar, will make it possible to add a teaching guide and a Web site to the Institute. The guide and Web site will make the materials developed for the Institute available to educators throughout the state.

The Teaching Institute will be held Feb. 22-24, 2001, at the State Bar Center in Madison. The program is sponsored by the State Bar of Wisconsin Law-Related Education Committee, the University of Wisconsin Department of Curriculum and Instruction, the Wisconsin Law Foundation, and the Wisconsin Supreme Court.

For more information about the Teaching Institute, contact Court Information Officer Amanda K. Todd at (608) 264-6256. ♦

For information about many justice-related state and federal grant opportunities, contact the Wisconsin Office of Justice Assistance at (608) 266-3323, or visit their Web site at oja.state.wi.us.

Stand the Storm, a “Must-see”

Stand the Storm is a ‘must-see,’ thirty-minute video for any Wisconsin high school social studies class that is studying the Civil War,” wrote David Powell, a teacher at Milwaukee Vincent High School. The review appeared in the *Badger History Bulletin* (fall 2000), a publication of the State Historical Society of Wisconsin.

The Emmy-nominated documentary tells the story of a fugitive slave named Joshua Glover who escaped from a plantation in Missouri to Wisconsin in 1852, but was captured two years later and jailed in Milwaukee to await return to Missouri. Local abolitionists, led by newspaper publisher Sherman Booth, broke down the jail door and freed him. Glover went on to Canada and freedom, but Booth faced a protracted legal battle, *In Re: Booth*, for his part in the escape. The documentary plays out this tug of war between the state and federal courts.

Stand the Storm, produced by Wisconsin Public Television in cooperation with the Wisconsin Supreme Court, made its statewide debut on Dec. 16, 1998, on Wisconsin Public Television. Interviewed for the piece were: Chief Justice Shirley S. Abrahamson; Milwaukee Judge Carl Ashley; University of Wisconsin Professors Richard Ralston (African-American Studies) and Michael McManus (Civil War History); and Historian Ruby West Jackson. The documentary juxtaposes the modern civil rights movement with the events that surrounded this court battle and puts into context this important moment in the state’s history. The project was funded by a grant from the Wisconsin Sesquicentennial Commission.

“*Stand the Storm* tells a story that we all should have learned in our classrooms years ago,” said Powell. ❖

The documentary can be purchased for \$9.95. To order a copy, call Wisconsin Public Television at (608) 263-4575.

People in the News

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unification.” On a less serious note, the article touched on Gempeler’s affinity for clowns and clown-related items.

As president of Polish Festivals Incorporated, the organization that operates the annual Polishfest, Chief Judge **Michael J. Skwierawski** has helped Milwaukee earn the title “City of Festivals.” “Skwierawski’s duties have ranged from re-writing the organization’s bylaws to managing the festival’s souvenirs,” according to the *Milwaukee Bar Association Salute to Public Service*.

The *International Herald Tribune* reported on a “Wisconsin judge who ordered a 74-year-old grandmother to sew a quilt for charity in lieu of serving jail time for snatching her grandson from his parents.” The judge was Iowa County Circuit Court Judge **William D. Dyke**. Dyke altered the original sentence of 23 days in the county jail when the woman fainted upon hearing it.



Judge
Donald R. Zuidmulder

This summer, Brown County Circuit Court Judge **Donald R. Zuidmulder** spent two and a half weeks on a solo bike trip along the Baltic Coast. Merging his passions for history and fitness, Zuidmulder pedaled more than 400 miles to celebrate Bastille Day in Paris, reported the *Green Bay Press-Gazette*.

This summer, **Jane E. Colwin** and **Connie M. Von Der Heide**, Wisconsin State Law Library, attended the annual conference of the American Association of Law Libraries in Philadelphia. The conference, *Gateways to Leadership*, included programs on leadership, management, technology, and resource identification and allocation. In addition, Von Der Heide, reference/outreach services librarian, was a presenter at the *Tort and Technique Update* program of the Wisconsin Academy of Trial Lawyers in Madison on Oct. 20. She spoke on Internet use in litigation.

The Dane County Bar Association (DCBA) is now operating a Family Law Assistance Center to offer one-on-one assistance to self-represented litigants. The center’s staff provides assistance with forms and procedures, and refers users to appropriate community resources, according to the *DCBA Newsletter*.

Marc Simon Rodriguez, a law student at the University of Wisconsin Law School, won the J. Willard Hurst Essay Prize in Wisconsin Legal History for his paper on migrant farmworkers in Wisconsin. The paper focused on the work of the Governor’s Committee on Migrant Labor, which Professor **Elizabeth Brandeis-Raushenbush** chaired. As an attorney, Chief Justice **Shirley S. Abrahamson** had worked with Brandeis-Raushenbush on this project. Abrahamson was interviewed for the paper. ❖

DOT Requests License Numbers

The state Department of Transportation is asking court clerks to include the driver license number on orders of suspension for individuals convicted of drug violations.

“Currently, over half the orders we receive for drug convictions do not include the driver license number of the individual being suspended. Most of the names forwarded to us in the ‘drug’ category do have a driver license number on our driver database,” the department said in a written release.

Including the driver license number on the order of suspension will speed up the Division of Motor Vehicles’ processing of these orders. ❖

Navigating the Internet: Useful Web Resources

American University's Justice Programs Office www.american.edu/academic.depts/spa/justice/

The Justice Programs Office (JPO) at American University provides technical assistance, research, and technology transfer services to government agencies and organizations. The Web site offers information on technical assistance opportunities, as well as numerous reports on, and evaluations of, innovative court programs and management models. JPO also houses the Drug Court Clearinghouse and Technical Assistance Project, with a comprehensive list of evaluative materials on adult, juvenile, family, and tribal drug court programs available online.

Assessing E-Government: The Internet, Democracy, and Service Delivery by State and Federal Governments www.insidepolitics.org/egovtreport00.html

Assessing E-Government rates federal and state government Web sites based on delivery of information and online services. Darrell M. West of Brown University wrote the report and posted it on his *Inside Politics* site. It is based on a study of 1,813 government Web sites. Each site was examined for 27 different features and ranked on a 100-point scale. The top-ranked state was Texas, with 51 percent, and the lowest was Rhode Island with 29 percent. Judiciary sites generally ranked lower than those of other branches, most notably for their lack of contact information. The report concludes with practical suggestions for improvements.

The Electronic Courthouse, a Law Journal Extra www.ljx.com/courthouse/electronic/

This site provides links to articles on electronic filing, the paperless brief, and the wired courtroom—including reports on videoconferencing and real-time reporting.

Federal & State Government Resources wsll.state.wi.us/other.html

The Wisconsin State Law Library dedicates a section of its Web site to federal and state government information. It includes links to the most useful court, legislative, and executive online resources. Of particular note are the section's 12 links to information on Native American Law, including tribal codes, constitutions, court forms, and court decisions.

Misdemeanor Courts, Hope for Crime Weary America www.olemiss.edu/depts/mjc/Misdemeanor.pdf

This book discusses how to begin using volunteers as mentors in misdemeanor courts, and how to let these programs develop into effective tools to assist the courts and the community. Using examples of volunteers and probationers, *Hope for Crime Weary America* provides real-life advice on how to recruit, use, and manage volunteers. There are also suggestions on adapting the program to juvenile court. (Note: This 90-page document, available as a PDF file, may take several minutes to download.)

Picturing Justice www.usfca.edu/pj/index.html

Picturing Justice gives law school professors, attorneys, and others an opportunity to take a critical, and sometimes humorous, look at how movies, television, and books portray legal professionals and justice. A recent "Big Screen" installment offers an analysis of the film *Gladiator* as a lawyer's allegory. Sections on the "Small Screen" and "News & Views" offer commentaries on everything from *Ally McBeal* to *To Kill a Mockingbird*. ♦

Hands-on, Internet-Based CLE Program

Continuing Legal Education (CLE) staff from the State Bar of Wisconsin and members of the Law Librarians Association of Wisconsin (LLAW) have collaborated to create a series of four Internet-based CLE programs: Internet Bootcamp, Public Records and Corporate Information, Wisconsin Legal Resources, and Federal Legal Resources.

Wisconsin State Law Librarians Connie M. Von Der Heide, reference/outreach services, and Heidi T. Yelk, reference/electronic services, participated in the development and presentation of the hands-on series offered by the State Bar. Von Der Heide and Yelk, both LLAW members, worked on the Wisconsin and federal programs. The series runs through December.

For more information on the series and how to register, contact the State Bar of Wisconsin at (608) 257-3838 or (800) 728-7788.

WebNews is Available

The Director of State Courts Office has started a free Internet scout service called **WEBNEWS**. This service e-mails weekly information and links to research, reports, and Web sites that address some of the issues facing the Wisconsin court system. **WEBNEWS** is not intended to be an exhaustive reference, but rather a time-saver for judges, court administrators, and others in the justice system.

To receive **WEBNews** weekly by e-mail, simply send a blank e-mail with "web news" on the subject line to Court Information Officer Amanda K. Todd at amanda.todd@courts.state.wi.us.

The Third Branch

Chief Justice

Shirley S. Abrahamson

Director of State Courts

J. Denis Moran

Editor

Amanda K. Todd

Associate Editor

Karen Leone de Nie

Contributing Writers

Attorney Ronald R. Hofer, Diane Legomsky,
and Roxanne Nelson

Editorial Committee

Hon. Michael J. Rosborough

Vernon County Circuit Court

Gregg T. Moore

District Ten Court Administrator

Carolyn Olson

Iowa County Clerk of Circuit Court

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

Send questions, comments, and article ideas

to: Amanda K. Todd, Court Information
Officer, P.O. Box 1688, Madison, WI
53701-1688. Phone (608) 264-6256.
E-mail: amanda.todd@courts.state.wi.us.

Office of Judicial Education Tentative Program Calendar 2001

FEBRUARY

21-23 **Clerks of Circuit Court Institute**
Ramada Inn, Fond du Lac

APRIL

4-6 **Criminal Evidence Workshop**
Valley Inn, Neenah
20 **Prison Tour**

MAY

18 **College Faculty Development Workshop**
Heidel House, Green Lake
22 **Traffic Seminar***
Radisson Inn, La Crosse
23-25 **Criminal Law and Sentencing**
Radisson Inn, La Crosse

JUNE

6-8 **Humanities Seminar: Technology and the Human Being**
Heidel House, Green Lake
13-15 **Science and the Law**
InnTowner, Madison

AUGUST

20-24 **Judicial College** (*enrollment open to judges only*)
Radisson Inn, La Crosse

SEPTEMBER

TBD **Statutory Interpretation: a one-day seminar for judges, legislators,
and legislative council staff**

OCTOBER

24-26 **Meeting of the Wisconsin Judicial Conference**
Lake Lawn Lodge, Delavan

NOVEMBER

14-16 **Civil Law**
Country Inn, Pewaukee

DECEMBER

5-7 **Juvenile Law***
Paper Valley Hotel, Appleton

* Registration open to circuit court commissioners

For further information, contact the Office of Judicial Education at (608) 266-7807.

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Wisconsin Supreme Court
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