

# The Third Branch



A PUBLICATION OF THE WISCONSIN JUDICIARY

Vol. 6, No. 2

www.courts.state.wi.us

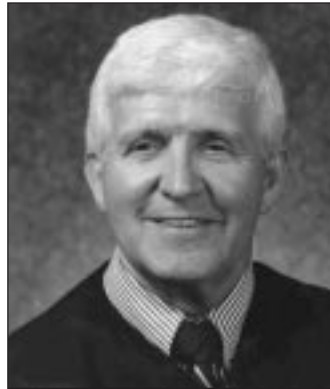
Spring 1998

## Appointment to Supreme Court Pending

Attorney Donald Leo Bach, former Representative David T. Prosser and Judge Gerald C. Nichol are the finalists for appointment to the Wisconsin Supreme Court. There is no word on how quickly Governor Tommy G. Thompson will choose, but he has said that he would like to have the new justice in place by September 4, when Justice Janine P. Geske leaves the Court.



Attorney Donald L. Bach



Judge Gerald C. Nichol



Attorney David T. Prosser, Jr.

On May 7, in Madison, the Governor's Advisory Council on Judicial Selection interviewed the 12 people who applied for Geske's seat on the Wisconsin Supreme Court. That same day, according to Chairman Bill Curran, the Council chose the three finalists.

While there is no standard format for questions, Council members probe areas of scholarship, demeanor, work ethic and  
*continued on page 16*

## Governor Signs Judgeship Bill

The Governor on April 27 signed 1997 Wisconsin Act 203 into law, creating judgeships in Fond du Lac, Jefferson, La Crosse, Lincoln, Marathon and Milwaukee Counties. The new judgeships take effect August 1, 1999.

The signing took place in La Crosse with the entire Supreme Court and a number of circuit court judges present.

The bill is good news for all the counties. According to the most recent weighted caseload study, Milwaukee County needs 61.67 judges (currently has 46), Jefferson County needs 4.11 (currently has three), Fond du Lac needs 4.84 (currently has four), La Crosse needs 5.2 (currently has four), Lincoln County needs 1.49 (currently has one) and Marathon County had a 6.35 need (currently has four).

The Assembly passed the judgeship bill on March 10 by a vote of 85-7, following the Senate's 30-2 vote on the bill in February. ❖



Governor Tommy G. Thompson signed the judgeship bill in La Crosse County. Pictured behind the Governor, left to right, are: Justice William A. Bablitch, Justice Ann Walsh Bradley, Justice Jon P. Wilcox, Justice Donald W. Steinmetz, Chief Justice Shirley S. Abrahamson, Senator Brian D. Rude, Rep. Michael D. Huebsch, Chief Judge Earl W. Schmidt, District Court Administrator Steven R. Steadman and Rep. Mark Meyer.

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# Courts Step into Cyberspace

Looking for up-to-the-minute Wisconsin Supreme Court and Court of Appeals opinions? Want to get involved in the court system's sesquicentennial celebration, learn about initiatives in other courthouses or steer a *pro se* litigant to the forms necessary to bring a small claims action? It's all on the Wisconsin court system's new website:

[www.courts.state.wi.us](http://www.courts.state.wi.us)

The Wisconsin courts officially went on-line March 23. More than 1,000 Internet users accessed the website in its first month of operation. Director of State Courts J. Denis Moran said the response has been gratifying. "We've heard from educators, lawyers, business executives and just interested people from as far away as Alaska and from all over Wisconsin. They're telling us that the site is going to be very helpful. We're pleased that the information we

have provided seems to be exactly what people are looking for," he said. "The talent and enthusiasm of the people who have built this site have made it, in my opinion, a model for the nation."

Opinions for both the Wisconsin Supreme Court and the Wisconsin Court of Appeals may be searched by key word, date, docket number, county or judge of the trial court and case disposition. The Supreme Court opinions go back to October 1995 and the Court of Appeals to June 1995. In the planning stages is development of a database of state Supreme Court opinions that will go back to 1941 and a Court of Appeals database that will date to 1978, when that court was created.

Full audio of past Supreme Court oral arguments was just made available as well. The site's 68 forms promise to be one of its more popular elements. While the forms cannot yet be filed electronically, they can be downloaded and completed for filing. ❖

## Waukesha Judge Appointed Dean of State Judicial College, Milwaukee Judge is New Associate Dean



Judge Robert G. Mawdsley

Judge Robert G. Mawdsley, Waukesha County Circuit Court, was appointed dean of the Wisconsin Judicial College in March. Chief Justice Shirley S. Abrahamson made the appointment after Justice Janine P. Geske, who had been dean, announced she would be stepping down from the bench as of September 4. Geske will still be an instructor at the College.

Held in various locations around the state in late summer or early fall each year, the College

focuses on the tools and techniques of judging. It is designed as an introduction to the bench for newly elected or appointed judges

and a refresher for sitting judges, each of whom is required to attend at least once every six years. Sessions are lively and interactive, with experienced judges sharing their solutions to the new and recurring problems that arise in litigation and their insights on judicial decision making. Newer judges, in turn, are able to share their perspective on private, corporate and government practice of law from the other side of the bench.

Mawdsley, a circuit court judge for nearly ten years, had been associate dean of the Judicial College. A graduate of Marquette University Law School and a former corporation counsel and assistant district attorney in Waukesha, Mawdsley is also presiding judge of the courts' civil division in Waukesha County.

Judge John J. DiMotto, Milwaukee County Circuit Court, has been appointed associate dean of the College. DiMotto, on the bench in Milwaukee County since 1990, has been an active member of the faculty of both the state and national judicial colleges. ❖

## Voelker to Be Chief Justice's Personal Assistant



John Voelker

On July 1, John Voelker will become special assistant to Chief Justice Shirley S. Abrahamson. Voelker has served as a senior policy analyst in the Director of State Courts Office since January 1992. In this role, he has been primary staff for the Supreme Court's Planning and Policy Advisory Committee (PPAC).

In his new position, Voelker will assist Abrahamson in building new programs within the court system. He will also continue to work on initiatives already underway, including videoconferencing,

federal court improvement programs, consumer research and the Great Lakes Court Summit.

In addition, Voelker will help to carry out administrative responsibilities associated with the chief justice's office, including staffing special committees, representing Abrahamson at meetings and monitoring the work of various committees and task forces.

Prior to working for the courts, Voelker spent four years evaluating state government programs as an analyst with the Wisconsin Legislative Audit Bureau.

He will replace Trina E. Haag, who has served as the chief justice's interim assistant for the past nine months. Haag was filling the role on a temporary basis following the return to private practice of the chief justice's previous special assistant, Reserve Judge Nancy E. Wheeler.

Prior to serving in this position, Haag filled in for the court information officer for three months and also served as an intern to the court information officer for a year before that. ❖

# Wingspread Sparks New Focus on Children and Families

**A**nna," a 15-year-old girl, wants to be adopted. Her father is unknown, her mother has not been active in her life and she has lived outside the home since she was five.

"Raymond," a three-month-old baby from the same county, has been in foster care since his arm was broken, allegedly by one of his parents.

Both children will have their cases reviewed by the court in their county in June. The reviews are among the first under a new speedy review system for CHIPS (children in need of protection or services) cases in Dane, Trempealeau and Vernon Counties.

The quicker reviews (every 90 days in Dane and every 60 days in Trempealeau and Vernon, as opposed to every six months) should shorten the time it takes to give children like "Anna" and "Raymond" the permanent homes they want and need; in the meantime, it will give judges a chance to ensure that ordered services are being provided.

When parents are working hard to meet conditions for reunification, the new system will give them the chance to demonstrate that. For children like "Anna," the speedy reviews may result in a quicker

termination of parental rights, clearing the way for her adoption.

Before the project began in Trempealeau and Vernon, a three-pronged evaluation that included court observation, reviews of CHIPS case files and a survey was completed with the assistance of the American Bar Association's (ABA) Center on Children and the Law.

The projects are a result of the November conference, *A Coordinated Approach to Family Law Cases* at Wingspread. The conference brought together a broad range of people who work with children to find ways to improve the handling of CHIPS cases.

Other results of the conference include:

- **Lunch-Hour Education.** Two Dane County attorneys who attended the Wingspread conference asked the juvenile court judges and human services providers in their jurisdiction to meet regularly to identify ways to improve the handling of CHIPS cases. Their meetings have resulted in the organization of a bi-monthly *Brown-Bag Lunch Education Series*. The first program was held on March 24, 1998, and provided education on current research regarding the impact of trauma on a child's brain development.

A second program on May 26, 1998, addressed issues that should be considered when drafting dispositional orders involving parents with mental health problems.

- **TPR Work Group.** Judge Gerald P. Ptacek, Racine County Circuit Court, participated in Wingspread and has now established a multi-disciplinary work group to identify and eliminate delays in termination of parental rights (TPR) proceedings. The group is currently developing recruitment strategies to increase the number of adoptive homes available in Racine County.

- **Termination Barriers Project.** The results of a ten-year study of barriers to the termination of parental rights were presented at Wingspread by Anne Marie Lancour, legal training director at the ABA Center on Children and the Law. Conference participants from Milwaukee, interested in learning more about the Termination Barriers Project, invited Lancour to discuss with them the possibility of bringing the project to Wisconsin.

A summary of the Wingspread conference is available on the Wisconsin court system website at [www.courts.state.wi.us](http://www.courts.state.wi.us) or by calling (608) 266-1557. ❖

## Wisconsin Team Learns How to Better Serve Families in Crisis

**N**ot too long ago, Judge Fred Hazlewood had an experience in his courtroom in Manitowoc County that reinforced the need for a more unified approach to serving families in court.

Within the course of a single week, Hazlewood saw two members of a family (one a parent, one a child) on unrelated criminal matters and two other children from the same family on CHIPS (children in need of protection or services) cases.

Not long after, he presided over a divorce hearing for one of the parents of the two CHIPS children.

"You have multiple parents and multiple siblings coming and going and it is sometimes hard to track them because the children often have different last names," Hazlewood said. "My colleagues can all tell similar stories, I am sure."

Families and children in crisis often end up in multiple courts and as parties in many different cases. The unified family court model, endorsed by the American Bar Association in 1994, is one

*continued on page 23*

## Grants Will Help Communities with Projects

*by: Michelle M. Jensen  
Court Improvement Program Coordinator*

**I**t is anticipated that eight grants will be distributed through the Court Improvement Program to projects designed to improve the handling of cases involving abused or neglected children. More than 20 proposals were received prior to the April deadline.

Award recipients will likely begin implementing their projects this spring.

The Wisconsin Supreme Court developed this new grant system in an effort to be responsive to the needs of different communities when improving the processing of CHIPS (children in need of protection or services) cases.

The grants will be given to projects that fit into the categories below, which are based on areas identified as needing improvement:

- Alternatives to Court
- Court Process Improvements
- Cultural Responsiveness

*continued on page 17*

In February 1996, then-Chief Justice Roland B. Day asked all court employees to share their good ideas. Because a survey showed that readers want more information on programs that they might replicate, good ideas will be shared in *The Third Branch*. Please send your good ideas to Amanda Todd at the address on the back cover.

## Calculating Post-Divorce Finances



Judge J. Mac Davis

Judge J. Mac Davis, Waukesha County Circuit Court, has developed a computer program that helps to calculate child support and maintenance payments.

"This has not been good for the CPA business," Attorney Gregg Herman, past chairman of the family law section of the State Bar of Wisconsin, told the *Waukesha Freeman*, "(but) I think it's the best thing that's happened in family law in many, many years."

To use the program, the judge or lawyer keys in information about the couple, such as their ages, tax filing status, tax exemptions, number of children, income, mortgage interest and rent costs. The program automatically figures the after-tax income of each person.

Davis developed the program in 1990 and now teaches it as part of a regular program at the Wisconsin Judicial College. He receives stacks of mail from judges and lawyers around the state asking for copies.

To order a free copy, send a 3.5" blank, formatted disk and a self-addressed, stamped envelope to: Judge J. Mac Davis, 521 Riverview Ave., Room JC103, Waukesha, WI 53188. ❖

## Credit Card Payments by Phone

Waukesha County Clerk of Circuit Court Cynthia Ernst is making it easier for people to pay what they owe. In January, the Criminal/Traffic Division of the Waukesha County Clerk of Circuit Court Office expanded its policy on permitting payment by credit and debit cards.

The office has accepted Visa and MasterCard since November 1996, but used to require that the card be presented in person. Now, telephone payments using credit and debit cards are accepted in

most instances. Telephone payments may not be used to post bail on charges that result from a failure to appear; they are also inappropriate for appeal fees, because paperwork must accompany the payment.

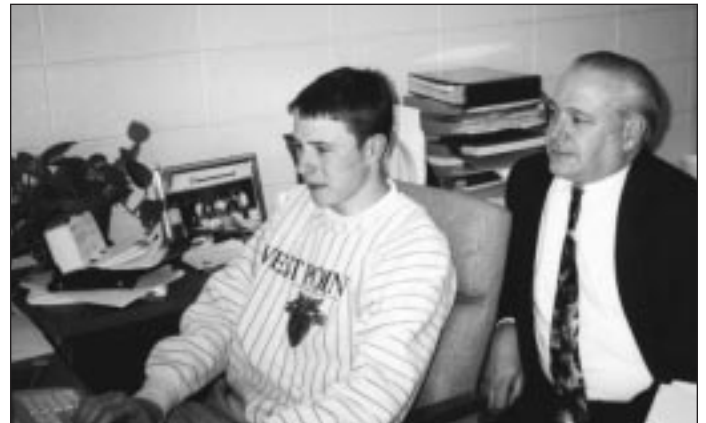
In 1997, customers paid \$224,299.28 in person using a credit or debit card; Ernst said she believes the telephone service option will increase that number significantly. ❖

## Circuit Court Web Page

Trempealeau County Clerk of Circuit Court Angeline Sylla knew just where to turn when she and Judge John A. Damon decided the Trempealeau courts should have a presence on the World Wide Web. Sylla asked her son, Ben, to create the website.

The site ([www.indps.k12.wi.us/circuitcourt.htm](http://www.indps.k12.wi.us/circuitcourt.htm)) offers a history of the courthouse, a description of the court system, a listing of Trempealeau County court officials and court rules and links to related sites. It is updated periodically with Trempealeau County court announcements and upcoming events.

"The web page is a result of the teamwork of our court with the school system," Angeline Sylla said. "I am proud my son was able to help us. This provides another method to reach the taxpayers at no cost." ❖



Ben Sylla updates the Trempealeau County Circuit Court website with the guidance of Judge John A. Damon.

### Correction:

Judge Arlene Connors will not officially retire until the end of her term, July 31, 1998. The winter edition of *The Third Branch* reported an anticipated last day as her official retirement day. ❖

## ***Election Results***

# Challengers Fall Away, Voters Send Five New Judges to Bench



**Judge-Elect  
Karen E. Christenson**



**Judge-Elect  
Barbara Hart Key**

Voters in the April 7 election backed incumbents in all five challenges to sitting judges. The incumbents who were challenged are: Judge William D. Dyke, Iowa County Circuit Court; Judge Patrick L. Willis, Manitowoc County Circuit Court; Judge Dorothy L. Bain,

Marathon County Circuit Court; Judge James L. Carlson, Walworth County Circuit Court and Judge William H. Carver, Winnebago County Circuit Court.

Carver, who said this term will be his last, kept his seat by 197 votes. The other incumbents won by larger margins.

In the five races for open seats, voters elected three women to the bench: Karen E. Christenson, an assistant district attorney, Milwaukee County Circuit Court; Mary Kuhnmuensch, an assistant city attorney, Milwaukee County Circuit Court and Barbara Hart Key, a court commissioner, Winnebago County Circuit Court. Key is Winnebago County's first female judge.

In the remaining two races, Richard D. Delforge, a court commissioner and director of the Family Court Counseling Services, was elected in Oconto County and Bill Stewart, an attorney in private practice and former assistant district attorney, was elected in Dunn County. ❖



**Judge-Elect  
Mary Kuhnmuensch**



**Judge-Elect Bill Stewart**

## Justice on Wheels Pulls Into La Crosse

The Wisconsin Supreme Court took its show on the road in late April, hearing six oral arguments in the La Crosse County Law Enforcement Center.

The *La Crosse Tribune* reflected the community's enthusiasm for Justice on Wheels when it called this program, "(One) of the most imaginative and thorough public awareness efforts we have ever seen regarding the court system." An estimated 900 people turned out to watch the proceedings.

This was the Court's fifth Justice on Wheels trip; it has also sat in Green Bay, Eau Claire, Wausau and Milwaukee.

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***"(One) of the most  
imaginative and thorough  
public awareness efforts  
we have ever seen  
regarding the court system."***

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While in La Crosse, the Court attended the signing of the judgeship bill (see cover story) and participated in the local Law Day celebration.



***Interns Jennifer Kennedy, Matthew Peterson and Michele Schroeder worked hard to make Justice on Wheels a success. The visit gave them an opportunity to meet not only the Supreme Court but also Rep. Michael D. Huebsch, R-West Salem.***

Local schools were enthusiastic about the Court's visit and had their students produce essays and posters that decorated the courthouse. In addition, the award-winning La Crosse Central Mock Trial Team put on a short demonstration for the justices.

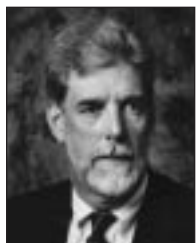
Local high school and college students helped to organize Justice on Wheels and acted as tour guides, parking monitors and runners during the Court's visit.

Many La Crosse-area lawyers also participated in the trip, visiting schools ahead of time to discuss the cases, giving "warm-up" sessions for the crowd before each oral argument and judging an essay contest. In addition, the local bar sponsored a reception in the Court's honor at Viterbo College.

The Court's next trip will be to Superior in October. ❖

# WISCONSIN CONNECTS TO THE NATION

## Wisconsin Represented on Federal Mandate Task Force



*Director of State Courts  
J. Denis Moran*

**D**irector of State Courts J. Denis Moran has been appointed to a national task force that is studying the impact of federal mandates on state court systems.

Mandates such as those imposed by the Brady Act (which requires criminal history checks for prospective gun buyers) and the Jacob

Wetterling Act, Megan's Law and the Pam Lynchner Act (which require states to establish sex offender registration and community notification programs) are being examined.

"My colleagues and I began this effort because these issues are of great concern to states and, in particular, to trial court judges," Moran said.

The group—officially called the National Task Force on Federal Legislation Affecting the State Criminal History System—is conducting a comprehensive

review of federal statutes, regulations and programs that mandate or imply reporting by states or localities.

The review is particularly critical because some federal funding for state and local agencies is tied to compliance with the mandates.

The task force, convened by the National Consortium for Justice Information and Statistics known as SEARCH and the National Center for State Courts, will produce a report that documents its findings, conclusions and recommendations. ❖

## Chief Justice Chairs New DNA Commission

**C**hief Justice Shirley S. Abrahamson is chairwoman of the newly formed National Commission on the Future of DNA Evidence, created by the National Institute of Justice.

Commission members include, among others, Professor James Crow, of the University of Wisconsin Department of Genetics; Lloyd Cutler; Norman Gahn, an assistant district attorney from Milwaukee

County; Attorney/Professor Barry Scheck; Baltimore Mayor Kurt L. Schmoke, University of Wisconsin Law School Professor Michael Smith, and Salt Lake County Sheriff Aaron D. Kennard. ❖

## Judges to Attend Child Abuse and Neglect Institute in Nevada

**J**udges Thomas R. Cooper, Milwaukee County Circuit Court, and Michael J. Rosborough, Vernon County Circuit Court, will attend the *Child Abuse and Neglect Institute: Role of the Judge* training program in Reno, Nev., this spring. The trip is part of the Wisconsin Court Improvement Program.

The conference, sponsored by the National Council of Juvenile and Family Court Judges, will offer sessions on issues such as child and family development, the impact of substance-affected parents on permanency planning and case flow management.

As part of the training, participants will conduct mock court hearings. ❖



*Judge Thomas R. Cooper*



*Judge Michael J. Rosborough*

## Judge Gonzalez to Attend Seminar on Sentencing



*Judge Ramona A. Gonzalez*

**J**udge Ramona A. Gonzalez, La Crosse County Circuit Court, will represent the Chief Justice at a U.S. Department of Justice seminar in June.

The national workshop, *Sentencing and Corrections Challenges: Problem Solving with Your Peers*, will be held in St. Petersburg, Fla.

The workshop will focus on such areas as handling serious juvenile offenders who have been sent to the adult system. Invited from each state were: chief justices, governors, state budget officers, corrections officials and legislative leaders. ❖

## Judges, Court Administrators Attend Symposium on Children and Child Support

**C**hief Judges Philip M. Kirk, Waupaca County Circuit Court and Mark S. Gempeler, Waukesha County Circuit Court, will join District Court Administrator Jim Seidel and Attorney Charlene Allen of the Office of Court Operations at a national symposium in Denver.

The National Symposium on Children, Courts and the Federal Child Support Enforcement Program will take place in September. The federal Office of Child Support Enforcement, the Conference of Chief Justices and the Conference of State Court Administrators are sponsoring the event.

The team was nominated by Chief Justice Shirley S. Abrahamson. ❖



*Judge Philip M. Kirk*



*District Court Administrator Jim Seidel*

## Chief Justice Travels to Brazil and Ireland

Chief Justice Shirley S. Abrahamson shared material and discussed educational exchanges with the President and First Lady of Brazil, the incoming Brazilian chief justice and the president of the Brazilian Judges' School in March.

Abrahamson, who traveled to Sao Paulo for an international meeting, said the Brazilian leaders were "very interested" in exploring joint programs and judges' exchanges and in learning more about Wisconsin's initiatives on videoconferencing.

Shortly after Abrahamson returned to Wisconsin, Judge Alfredo Attie, Jr., of the Tribunal de Justicia in Sao Paulo, visited Madison to learn more about alternative dispute resolution and public outreach. He met with Abrahamson, Randy Sproule, director of the Medical Mediation Panels, and Chief Judge Daniel R. Moeser.

The Chief Justice also traveled to Belfast in mid May, where she spoke at an international seminar, sponsored by The British Council, entitled *Human Rights: Their Protection at a National Level*. She presented *The Protection of Human Rights in the United States of America*.

Dr. Jutta Limbach, President of the Constitutional Court of Germany, spoke on *The Protection of Human Rights in Germany* and Lord Lester of Herne Hill, QC, spoke on *The Human Rights Act: A Constitutional Watershed*.

Abrahamson was sponsored by the United States Information Agency. ❖

## Judges DiMotto and DiMotto Teach in China



Judge John J. DiMotto

Judge John J. DiMotto joined a growing list of Wisconsin judges who are teaching abroad when he spent nearly two weeks in Beijing this month teaching Chinese judges about the American justice system. DiMotto and his wife, Judge Jean W. DiMotto, who traveled with him, also conducted a presentation with a German judge.

The DiMottos brought along their 12-year-old daughter, Anne, who attended school with children of diplomats in China.

Other Wisconsin judges who have taught in China recently are: Chief Justice Shirley S. Abrahamson; Judge John R. Storck, Dodge County Circuit Court and Chief Judge Barbara A. Kluka, Kenosha County Circuit Court. Judges Moria Krueger, Dane County Circuit Court and Patricia D. McMahon, Milwaukee County Circuit Court, participated in exchanges with Latvia and Russia respectively last year. ❖

## Judge's Trip to Russia Provides Close-Up Look at Crime

by: Judge Charles B. Schudson  
*Court of Appeals, District I*

*Editor's note: The Wisconsin Court of Appeals is 20 years old this year. In honor of this milestone, each 1998 issue of The Third Branch will feature stories by, or about, the people who work there.*

Mugged in Moscow. Sounds like a bad movie. But I wasn't in the cinema when a man grabbed me and attempted to pull me into an apartment two blocks from the Kremlin at about noon and only a few doors away from the office of those sponsoring my ten days in Russia: the American Bar Association and the United States Department of Justice.

My mugging was unremarkable; the response, however, was revealing. "Shouldn't we call the police?" I asked. "They won't do anything," the sympathetic American and Russian officials replied. When I pointed out that the mugger lived nearby and might pose a threat to the staff,

they recounted their own attacks, some similar and some more serious, and said mugging was part of Moscow life and that I was fortunate not to have been injured.

Under the auspices of the American Bar Association/Justice Department's CEELI program (Central and East European Law Initiative), I had been assigned to present lectures—first, to judges and prosecutors in Tula, a city about two hours from Moscow, and next, to Russia's chief judges who had convened in Moscow. I was required to address only the subjects specified by the judges: organized crime, public corruption, court security and judges' safety.

While not an intended part of my orientation, my Moscow mugging helped me appreciate the gravity of Russia's circumstances. My more formal preparation was provided by a former high-ranking KGB official who cautioned, "Remember, half the judges in your audience receive bribes on a regular basis, and the other half worry about their lives because they don't."



Judge Charles B. Schudson stands outside the Tula Courthouse with (left) Todd Hornik, judicial training specialist with CEELI and (center) Chief Judge Igor A. Konorev, chairman of the Tula Regional Court of Justice.

I learned about murders of judges and others, both in the public and newly private  
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# Sessions, Sessions and More Sessions

by: **Sheryl A. Gervasi**  
*Legislative Liaison*



Sheryl A. Gervasi

Although the Legislature wrapped up its regular session at the end of March, the Capitol buzzed with activity through mid May. Legislators passed a flurry of bills, including two to protect fetuses, one to permit judges to order pharmacological treatment of certain sex offenders and the much debated truth-in-sentencing bill.

Lawmakers in early May were at work in an extraordinary session (called by the

new Republican leadership), a special session (called by the Governor) and a veto review session, normally scheduled for this time of year.

The Governor called the special session to tackle the budget trailer bill, the troubled Milwaukee public school system, campaign finance reform and truth-in-sentencing.

All the sessions began April 28 and wrapped up May 20.

All the new laws have been sent out to affected court personnel via legislative bulletins. The new bills will be sent, along with an excerpt of AB 768 (the budget trailer bill), as soon as the Governor signs them. ❖

### New Laws

The following are some of the new laws passed in the regular session:

**Act 80**—a CHIPS trailer bill;

**Act 84**—a revision of the operating after suspension or revocation laws which the Department of Transportation has two years to implement;

**Act 89**—which raises the wrongful death claim limit;

**Act 104**—revision of the adoption laws;

**Act 133**—relating to prisoner litigation reform;

**Act 135**—the railroad crossing improvement assessment, which is to be applied to certain railroad crossing violations;

**Act 148**—relating to judgments for unpaid forfeitures, costs, etc. and the time period for payment of fines and other costs;

**Act 181**—the crime victim rights bill (for an in-depth analysis of this bill, see Judge Patrick J. Fiedler's column in this edition of *The Third Branch*);

**Act 187**—which increases the time to serve a summons and complaint and a responsive pleading;

**Act 191**—the federally required revision of child support enforcement laws;

**Act 203**—the creation of six additional branches of circuit court (see separate story);

**Act 205**—the juvenile justice code trailer bill;

**Act 220**—the "date rape drug" bill and

**Act 232**—relating to discretionary release of convicted misdemeanants pending appeal. ❖

### Bills Awaiting Governor's Action

**SB 96**—relating to the penalty for homicide by the intoxicated use of a vehicle;

**SB 173**—creates an alternative method of establishing continuing need of protection or services for termination of parental rights;

**AB 191**—relating to granting credit against child or family support;

**AB 221**—relating to creating penalties for causing harm or death to an unborn child;

**AB 351**—the truth-in-sentencing bill which increases the maximum penalties for felonies, eliminates parole and creates a criminal code study committee, which is to make recommendations for felony and Class A misdemeanor penalties, and the creation of a sentencing commission to make advisory sentencing guidelines. The bill will become effective December 31, 1999;

**AB 463**—which gives the juvenile court jurisdiction over unborn children whose mothers are using alcohol or controlled substances to the extent that there is substantial risk to the health of the child;

**AB 505**—creates a "two strikes and you're out" provision for persons who are convicted of two serious child sex offenses;

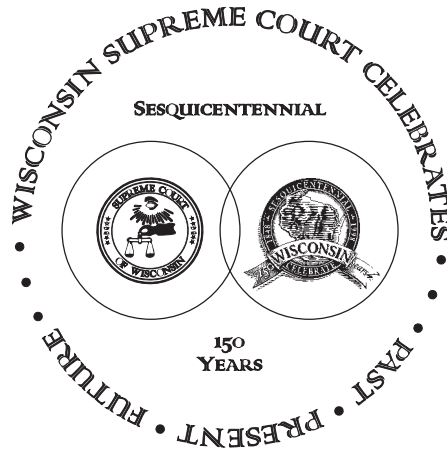
**AB 577**—allows pharmacological treatment to be ordered for persons who have been convicted of certain child sex offenses;

**AB 621**—allows a court to take the testimony of a child witness in a criminal trial using closed circuit audiovisual equipment in certain situations;

**AB 660**—relating to lifetime supervision for certain sex offenders and

**AB 686**—which revises the truancy laws. ❖





## Sesquicentennial Update

### Eclectic Cast Featured in *Rope of Sand*

Take one NASCAR public relations director, add a retired municipal court judge, stir in an expert on water chemistry, an assistant attorney general, an opera singer, a Navy officer, a UW athletic advisor, an MATC student, an inner-city youth mentor and a Supreme Court commissioner...and you have the cast of *Rope of Sand*, the Wisconsin Supreme Court's sesquicentennial play.

Written by Marc Kornblatt and directed by Betty Diamond, *Rope* was produced with a grant from the Wisconsin Sesquicentennial Commission.

It is based on the famous fugitive slave case, *Ableman v. Booth* (1854). The play is a modern-day interpretation of the dramatic events surrounding the arrests of Joshua Glover, a fugitive slave, and Sherman M. Booth, an ardent abolitionist and newspaper publisher.

All three Madison Civic Center performances sold out quickly and a fourth show, added to accommodate a large waiting list, was sold out.

Cast members (in the order mentioned above) are: Jim Moc, Andy Somers, Chris Babiarz, Dave Flanagan (brother of Judge Mel Flanagan), Linda Franklin, Woody Stanley, Craig Hudson, Bryan Ellingson, Nate Stampley and Joe Wilson. Ellen Castro, who works in the Supreme Court/Court of Appeals' Clerk's Office, is stage manager.

Several judges, lawyers and professors spoke to the community prior to the play to educate them on the legal issues and others led "talk-back" sessions with the audience after each performance.

Judge Gregory E. Grau, Marathon County Circuit Court, spoke with 75 students from Spencer Junior High School about the *Booth* case and had the class stay to observe a morning in court.

Supreme Court Commissioner Joe Wilson, who is in the play, visited with 20 seniors at Oakwood Village who attended

*Rope of Sand*. Wilson also gave a brown-bag lunch presentation at the Department of Administration.

Madison Attorney Joseph A. Ranney, who has authored several articles related to the *Booth* case, spoke to 40 8th graders at Cherokee Middle School.

Attorney Gerald C. Sternberg, director of the Board of Attorneys Professional Responsibility, talked with students from Serenity School in Stoughton. Sternberg also facilitated a talk-back session.

Other facilitators included: University of Wisconsin Professor Nellie McKay, an authority on African-American history and heritage; Dane County Circuit Court Judges Angela B. Bartell and Judge Paul B. Higginbotham. ❖

### Book Will Bring Supreme Court Justices to Life

Chief Justice Alexander Stow, of Fond du Lac, was the first chief justice of the Wisconsin Supreme Court after statehood. An eccentric man, Stow preferred meat that was well-ripened. He hung chickens from the window sill until the stench pervaded his home and their bills turned green.

Stow is just one of the 76 justices who have served on the Wisconsin Supreme Court since 1848. All of their stories, accompanied by color portraits and photographs, appear in *Portraits of Justice: Wisconsin Supreme Court 1848-1998*. The book is due out in June.

The book is a sesquicentennial project of the Wisconsin Supreme Court and is being published with additional funding from the State Bar of Wisconsin and the Wisconsin Humanities Council.

With the available funds, the Court is producing 1,000 copies of the book to be distributed to public libraries, county courthouses, local bar associations and historical societies throughout the state, free of charge.

Questions or comments may be directed to Trina E. Haag, interim special assistant to the chief justice, at (608) 261-8297. ❖

*More Sesquicentennial news on page 17*

# New Law Expands Victims' Rights

by: Judge Patrick J. Fiedler  
Dane County Circuit Court



Judge Patrick J. Fiedler

The Wisconsin Legislature has enacted new legislation, signed by Governor Tommy G. Thompson on April 27, 1998, which greatly expands the rights of victims. Assembly Bill 342 will become effective on December 1, 1998.

One of the major changes brought by the new law relates to §950.04, entitled *Basic Bill of Rights for Victims and Witnesses*. In the past, the victim of a felony had the right to have the court provided with information pertaining to the economic, physical and psychological effect of the crime upon the victim and to have that information considered by the court. AB 342 deletes the language specifying a felony, so that this important right now applies to victims of all crimes, be they misdemeanors or felonies. Additionally, §950.04 will now have a new subsection, designated (1v), entitled *Rights of Victims*. Some of the rights created include the following:

1. To have the interest of the victim considered when the court is deciding whether to grant a continuance;
2. To attend court proceedings;
3. To have the interest of the victim considered by the court in determining whether to exclude persons from a preliminary hearing;
4. To be notified of hearings or court proceedings;
5. Upon request, to have the opportunity to consult with the prosecution in a criminal case;
6. To a speedy disposition of the case;
7. To have the district attorney attempt to contact the victim concerning the victim's right to make a statement;
8. To provide statements concerning sentencing;
9. To have the person preparing the pre-sentence investigation attempt to contact the victim;
10. To request information from a district attorney concerning the disposition of the case;

11. To complain to the Department of Justice concerning their treatment and to request review by the crime victims rights board of the complaint mediation conducted by the Department of Justice.

Victims who feel their rights have been violated may file a complaint with the Department of Justice. The department will have the authority to seek to mediate complaints and, with the consent of the involved parties, may actually mediate complaints regarding the treatment of crime victims by public officials, employees or agencies, or under crime victim and witness assistance programs. The department may act as a liaison between crime victims and others when seeking to mediate these complaints and may request a written response from the subject of the complaint. If asked by the department to provide a written response regarding a complaint, the subject of the complaint shall respond to the department's request within a reasonable time.

The new legislation creates a Crime Victims' Rights Board. This board has the authority to review a complaint made to the Department of Justice regarding alleged violations of the rights of the crime victim, if the involved party makes a request. Based upon its review, the board has the authority to do any of the following:

1. Issue private and public reprimand to public officials, employees or agencies;
2. Refer to the Judicial Commission a violation or alleged violation by a judge;
3. Seek appropriate equitable relief on behalf of the victim if such relief is necessary to protect the rights of the victim;
4. Bring civil actions to assess a forfeiture under §950.11. Such a forfeiture action shall be brought by the board in the circuit court for the county in which the alleged violation occurred. A public official, employee or agency that intentionally fails to provide a specified right to a victim of a crime may be subject to a forfeiture of not more than \$1,000.

Under this legislation, judges are subject to the jurisdiction of the Crime Victims' Rights Board. What is most noteworthy is that the actions of the board are not subject to approval or review by the attorney general or anyone else, and that the board has the authority to promulgate its own rules establishing procedures for the exercise of its powers. ❖

## History of Victims' Rights in Wisconsin

The last two decades have seen a recognition and an escalation of the rights of victims in the criminal justice system. Legislative and constitutional enactments have elevated the rights of a victim to a plane similar to those of an accused.

Wisconsin traces its recognition of victims' rights back to November 1, 1980,

when Chapter 950, Wis. Stats., *Rights of Victims and Witnesses of Crime* became law. In April 1993, Article I, Section 9m of the Wisconsin Constitution, *Victims of Crime*, was ratified, signaling that Wisconsin has recognized the rights of victims not only statutorily but also constitutionally. Because of this, it is

absolutely essential that courts have a basic knowledge of the rights of victims. This knowledge can be acquired by reviewing Article I, Section 9 of the Wisconsin Constitution and Chapter 950 of the Wisconsin Statutes, as amended by Assembly Bill 342. ❖

# Case Examples Illustrate Law's Effect

The effect that AB 342 is going to have on the court system is illustrated with the following case examples. The opinions presented are solely those of the author, Judge Patrick J. Fiedler.

## Case #1: Battery

*The defendant has been held in jail for 30 days due to an inability to post cash bail. The prosecution and the defense have stipulated to a plea as charged and a recommendation of a time served sentence. The victim has not been notified as to the proposal or the hearing.*

**Q:** May the court proceed with the plea and sentencing?

**A:** It is questionable. This situation illustrates one of the problems that will arise now that the legislation has passed. This case is typical of situations which happen in courts throughout the state. AB 342 creates § 950.04(1v), which gives the victim of a crime the right to be notified of all hearings and court proceedings, the opportunity upon request to consult with the district attorney, the right to have the district attorney attempt to contact the victim concerning the victim's right to make a statement, and the right to provide statements concerning sentencing. The problem here is obvious. If this is a first time offense and the injuries are not egregious, the defendant may have already served more time than he would have normally received, if he had been able to post cash bail. Yet the proposed new law gives the victim the right to know of the proposal before it is proposed to the court, and the court is required, pursuant to § 972.14(2m) and (3)(a), to determine whether the district attorney has complied with the obligation to notify the victim, and to determine whether the victim wants to make a statement in court or to submit a written statement to be read in court.

## Case #2: Embezzlement

*There are 6,000 investor/victims. The pre-sentence investigation report indicates that only ten victims were contacted by the agent. Prior to the sentencing, the court has received letters from 300 victims. At the time of the sentencing hearing, the district attorney hands the court an additional 250 letters. At the hearing, 100 angry victims show up and demand that they be allowed to make a statement.*

**Q:** May the court rely upon the PSI when the agent has only contacted ten victims out of 6,000?

**A:** Technically, no. § 950.04(1v)(pm) states that victims of crime have the right to have the court provided with information pertaining to the economic, physical and psychological effect of the crime upon the victim, and have that information considered by the court. § 972.15(2m) states that the person preparing the pre-sentence investigation report shall attempt to contact the victim to determine the economic, physical, and psychological effect of the crime on the victim.

AB 342 creates § 950.04(1v)(m) which declares that the victim has the right to provide a statement concerning sentencing. This

further underscores the right of a victim of any crime (not just a felony) to provide information to the court and would require the court, prior to relying upon the pre-sentence investigation report, to be satisfied that the agent has made a good faith effort. AB 342 also puts the burden upon the district attorney to contact the victim, so the court would have to be satisfied that, likewise, the district attorney has made a good faith effort to make contact, prior to proceeding with the sentencing.

However, common sense and logic makes strict compliance with the law in this situation impossible. So hold this thought for the moment.

**Q:** Does the court have to read 300 letters received prior to the sentencing hearing?

**A:** Technically, yes. Pursuant to the same authority given in the previous answer, I am of the opinion that the right to provide information carries with it the inherent duty of the sentencing court to consider that information. This right is further strengthened as AB 342 has created § 972.14(2m) which requires the court to ask the district attorney whether any victim requested to be notified of the sentencing hearing, and whether the district attorney provided the required notice. § 972.14(3)(a), as amended by AB 342, further requires that the court determine whether the victim wants to make a statement, and if so, the court shall allow the victim to make a statement in court or to submit a written statement to be read in court. However, common sense and logic makes strict compliance virtually impossible in this case example.

**Q:** Does the court have to set over the sentencing hearing because at the time of the hearing the district attorney hands the court an additional 250 letters from victims?

**Q:** Does the court have to allow 100 victims to speak at the time of the hearing?

**A:** This example illustrates that in a case involving so many victims, the court is well advised to conduct a pretrial hearing which would involve the district attorney, the defense attorney, the victim advocate and the agent preparing the pre-sentence report.

Although I have no authority for this position, I am of the opinion that common sense and logic would give the court the discretion in a case involving this many victims to set out parameters ahead of time. The court, after considering input from all those present at the pretrial, would then determine how and when input is to be forwarded to the court and how many people would be allowed to speak at the sentencing hearing.

Since the Legislature has declared its intent that the rights of victims are to be recognized in a manner no less vigorous than the rights of defendants, it is my opinion that it is appropriate to have the victim advocate at the pretrial. The court will then have the victim advocate's input in establishing a procedure as to how the rights of victims are to be recognized in a case of this magnitude. ❖

# People in the News

by: **Karen Leone de Nie**

*Administrative Assistant to the Supreme Court*

Sauk County's new Victim Impact Panel is bringing victims and drunk drivers face-to-face. Sauk County Circuit Court Judge **Virginia A. Wolfe**, who presided over the first panel, told the *Baraboo News-Republic* that the idea emerged when she sentenced a young man who killed someone while driving drunk. Participation is now required before an offender's driver's license will be returned.

Some old faces will be putting in an appearance at the Brown County Courthouse. Portraits of 31 former Brown County judges already hang in the 3rd floor hallway. They will soon be joined by six new photographs which date back as far as 1824, reported *The Green Bay News-Chronicle*. A plaque with the names of the 11 other judges whose pictures could not be found will also be hung.

A *Kenosha News* article declared local judges to be hard workers. According to a report generated by District Court Administrator **Kerry Connelly**, well over half of last year's cases in Kenosha County were settled within the Wisconsin Supreme Court's recommended time frame.

Rollerblading may be the new pastime of retiring Register in Probate **Nancy Virnig**, reported the *Waupaca County Post*. After serving the Waupaca County Circuit Court for almost 24 years, Virnig is leaving to take care of her elderly parents.

"The Winning Plan: From Suffrage to the 21st Century—Women Who Make a Difference," an exhibit sponsored by the Wisconsin Humanities Council and the Wisconsin Sesquicentennial Commission, is traveling the state this spring and summer, reported *The Oshkosh Northwestern*. Included in the exhibit is Wisconsin Supreme Court Chief Justice **Shirley S. Abrahamson**.

A gourmet chef in our midst? District IV Court of Appeals Judge **William Eich** was the answer to a trivia question in *Wisconsin Lawyer* (March 1998). The question was: "Which appellate judge has published a recipe in *Gourmet Magazine*?" See the September 1997 issue for Eich's Herbed Meat Loaf.

A new plan for handling initial court appearances will debut in August at the Winnebago County Courthouse, reported *The Oshkosh Northwestern*. Winnebago County Circuit Court Judge **Robert A. Haase** and Winnebago County Sheriff **Michael Brooks** will test this plan to separate court appearances of the general public from defendants who are housed in the Winnebago County Jail. They hope to improve safety and decrease waiting time.

Reserve Judge **William Buenzli** is said to be a "marrying kind of judge," according to *The Capital Times*. Over the past 59 years he has married more than 6,000 couples and has collected more than a few strange stories along the way. For example, he married a couple who later won first place in the *National Enquirer's* "Strange Wedding" contest. At the ceremony the couple was dressed as characters from **The Munsters**.

Dodge County Circuit Court Judge **Daniel W. Klossner** issued a notice to local organizations and individuals: "If you need bodies, we have 'em." He was speaking of the Responsibility Adjustment Program (RAP), which brings ten to 15 juvenile offenders into the community on the first Saturday of each month to perform services. They are supervised by Dodge County Circuit Court Judges

Klossner, **Andrew P. Bissonnette**, **John R. Storck** and others in law enforcement. These supervisors also roll up their sleeves and work on the task at hand, reported the Beaver Dam *Daily Citizen*. Winnebago County's RAP program will start later this year with the help of Circuit Court Judges **Robert A. Hawley**, **Bruce K. Schmidt** and **Barbara Hart Key**. Hawley told *The Oshkosh Northwestern* that the program will show youth that judges have "two hands, two legs and can laugh and work just like anyone else."

Judge **Edward R. Brunner**, Barron County Circuit Court, led a discussion panel on "Family Preservation and Support: Perspectives and Challenges," sponsored by the Barron County Family Preservation and Support Coalition. According to the *Rice Lake Chronotype*, Brunner defined the new American family, identified those at risk, offered some ideas for changes in legislation and finally urged the community to get involved. "Enforcers cannot be nurturers," Brunner said. "We need to bring problem-solving back to the community."

Lancaster High School students were part of a "little experiment" by District IV Court of Appeals Judge **Patience D. Roggensack**, reported the *Grant County Herald Independent*. While visiting the school, she had students act as the jury in a fictional automobile accident case. Roggensack said: "I have a personal mission, and it is that all people should be more interested in our court system."

Dubbed the "silent sentinels" by *The Chippewa Herald*, Chippewa County court reporters **Tom Howard** and **Eric Olson**, veterans of the profession, explained their "dual life" in the courtroom. While they take down every word spoken in the courtroom, they often do not know what is actually going on. "If you start listening to the story," warns Olson, "your mind will start drifting, and you're not going to get what they say."

*The Daily Reporter* recently ran a judicial profile of Wisconsin Supreme Court Justice **N. Patrick Crooks**. Crooks talked about his years as a trial court judge in Brown County, saying, "The courtroom would really come to life when you had a jury there." While he said he misses the intensity of jury trials, he said of his work on the Supreme Court: "You've got a regular diet here of challenging, interesting cases."

Bloomfield Township Municipal Court Judge **Harold Foreman** was pictured in the *Lake Geneva Regional News* with three Junior Girl Scouts. He recently talked to the troop about the judicial system, explaining how it works and sharing some of its history.

Washington County Circuit Court Judge **Annette K. Ziegler** talked to the *West Bend Daily News* about her first year on the bench. "To be effective," she said, "a judge needs to be experienced, hard working, deserving of respect and respectful of others that come before the court. And for the first year I've worked hard to bring those attributes to the bench." Ziegler is the first female judge in Washington County.

Video arraignment recently debuted in the Walworth County Courthouse, reported *The Whitewater Register*. The new system, costing \$70,000, links the courthouse to the Walworth County jail three miles away in an effort to save time and money, according to the county board.

District II Court of Appeals Judge **Richard S. Brown** was shown swearing in the first female president...of "Virtualville." The fictional

*continued on page 18*

# VOLUNTEERS IN THE COURTS:

## A Partnership for Justice

by: Trina E. Haag  
Interim Assistant to the Chief Justice

### Second Edition of Volunteers Catalog Will Feature Dozens of New Programs

The Wisconsin Supreme Court and the State Bar have teamed up once again to produce a second edition of the *Volunteers in the Courts* catalog that debuted last April.

Close to 50 new programs appear in the 1998 catalog. Some are pilot programs, some are replicated models of existing programs and some were not discovered in time for the first edition.

The catalog is a useful directory for people who are looking for volunteer opportunities, as well as people who may benefit from the services and communities who may want to offer new programs.

*Volunteers in the Courts* is an initiative of the Wisconsin Supreme Court, under the direction of Chief Justice Shirley S. Abrahamson. It is designed to increase public understanding of the court system by involving them in the work of the courts.

The 1997 catalog, and other information about *Volunteers in the Courts*, can be found on both the court system's website at [www.courts.state.wi.us](http://www.courts.state.wi.us) and the State Bar's site at [www.wisbar.org](http://www.wisbar.org). The new catalog will be available in June. For more information, please call Interim Assistant to the Chief Justice Trina E. Haag at (608) 261-8297. Also see listing on page 21. ❖

### Volunteers in the Courts

#### A listing of court-related volunteer programs in Wisconsin

**Adams:** Hope House; **Ashland:** Center Against Sexual and Domestic Abuse; **Barron:** Barron County Jail Inmate Training Program, Court Community Service Project, Time-Out Shelter; **Bayfield:** Center Against Sexual and Domestic Abuse, Teen Court; **Brown:** Brown County Sexual Assault Center, Brown County Teen Court, Brown County Victim/Witness Assistance Program, CASA of Brown County, CHIPS Supervised Visitation Program, Community Service Volunteer Program, Family Violence Center, Guardianship Program, Juvenile Court Compliance Monitoring Program; **Burnett:** Volunteer Legal Advocates and Court Watch; **Chippewa:** Family Support Center Courtwatch; **Columbia:** Hope House, Volunteer Lawyer Project; **Dane:** Case Mediation Program, Court Information Desk, Dane County CASA Program,

*continued on page 21*

### Volunteer Guardianship Monitoring Program Opens in La Crosse

This spring, 17 court volunteers were trained to act as the eyes and ears of the La Crosse County Circuit Court, monitoring guardianships to help support and assist guardians and wards of the court.

The program is already in operation in a number of other counties, including Dane, Eau Claire, Sauk and Waukesha. It enables the participating courts to enhance and expand service to their communities.

The purpose of the program, according to District Court Administrator Steven R.

Steadman, is to ensure that wards are receiving proper care and that their dignity and autonomy is maintained. The program also places significant emphasis on the well-being of the person acting as guardian, to make sure he or she has help and support and does not become overwhelmed.

To accomplish the goals of the program, trained volunteers interview the guardians, the wards and any care-givers who may be involved in the case. The volunteers prepare status reports for the court and make

recommendations for positive changes in the placement. The court takes action when warranted.

The program also trains volunteers to act as auditors and researchers. These people review guardianship files to assist the visitors and the court.

This is just one of many programs that appears in the *Volunteers in the Courts* catalog due out in June. ❖

### Volunteer Summer Law Clerks Assigned

The volunteer law clerk program, which matches law students from around the nation with trial and appellate judges, is kicking off its second year with 40 confirmed interns and 81 participating judges as of late May.

Judge Robert A. Haase, Winnebago County Circuit Court, will have an opportunity to practice his Mandarin Chinese (his college major) with his summer law clerk, Jian Chou. Jian is a Chinese

lawyer who is studying at the University of Wisconsin Law School. He will live with the Haase family during his clerkship.

The Office of Court Operations received 98 applications from students at 46 law schools.

The initiative provides students who have completed one or two years of law school with practical, hands-on experience working in the judicial system. ❖

# Restorative Justice: Healing Victim, Community and Offender

by: *Karen Leone de Nie*  
*Administrative Assistant*  
*to the Supreme Court*

On July 22, 1991, two teenage boys dropped a 35-pound rock from an Interstate 94 overpass just outside of Eau Claire. The rock smashed through the windshield of a motor home, killing 56-year-old Maynard Bloomer of Minnesota.

The teens were charged with negligent homicide by use of a weapon, found guilty and sentenced to up to two years at Lincoln Hills. Judge Gregory Peterson called it, at the time, “the most difficult case I’ve had in my nine years as a judge,” saying, “my decision in this case has to be one that best serves justice. My job is not to forgive sins or extract vengeance.”

A year later, Peterson was still receiving angry calls from the victim’s family. The victim’s wife told the local newspaper that she wanted “to meet those boys, and really see them cry, and say they’re sorry—and you can kind of tell they are—it will help the healing process.”

Realizing the criminal justice system had not addressed the family’s needs, Peterson tried to arrange a meeting between the Bloomers and the teens. While this meeting never materialized, the idea grew.

“I don’t think the criminal justice system deals with it from the victim’s point of view,” the judge said. Then, he heard about Restorative Justice at a conference.

Restorative Justice is a community-based response to crime and violence. Focusing on solving problems instead of assigning blame, the program is an effort to mend the damage done to both victims and the community. It attempts to show the offender the often-hidden impact of his or her actions, while helping to restore a sense of safety in the community and promoting public understanding of the complex nature of crime.

Restorative Justice programs are usually collaborative efforts among the courts, district attorneys, prosecutors, law enforcement, social workers and community groups. Some deal with property crimes, retail theft and minor assault, while others confront larger crimes. Frequently these



*Volunteers in Dane County’s Victim-Offender Conferencing program engage in role-playing to help them prepare for mediating discussions between victims and offenders.*

programs use trained volunteers who work as mediators, mentors and supervisors for community service projects.

“We have wonderful volunteers,” said Sheri Lynch, coordinator of Victim Offender Conferencing in Dane County. Volunteers in Dane County’s program receive 16 hours of training, including an explanation of the justice system and the program, and mediation techniques and mock conferencing situations. The volunteers shadow experienced mediators until they feel comfortable enough to lead a session. There are also monthly in-service meetings. Volunteers handle about one case each month, which is usually a six-hour commitment.

Restorative Justice programs come in many forms. In Racine County, first-time juvenile offenders are given the option of appearing before a panel of community volunteers who work with the juvenile to establish a set of obligations that must be completed as restitution instead of being referred to juvenile court. Volunteers and judges in Dodge and Winnebago Counties supervise juveniles on weekend court-ordered community service projects in the Responsibility Adjustment Program (RAP). And in La Crosse County, trained volunteers facilitate face-to-face meetings

between adult and juvenile offenders and victims as part of the Franciscan Skemp Healthcare Mediation Services.

Jim Moeser, Dane County Juvenile Court administrator, warned that these programs should not be used to divert cases from the courts. The focus, he said, should remain on fulfilling the needs of the victims and not on serving as many cases as possible. “It’s not for everyone,” Moeser said. “It shouldn’t be forced on people.” That is why programs stress that victim participation is strictly voluntary.

Peterson cautioned that some might think Restorative Justice is lenient, but volunteer mediators disagree. In victim-offender mediation, the offender must face the people he or she has hurt, admit the crime and talk about why they did it.

“They are looking at each other...feeling out questions and answers. It’s a really hard thing to do,” said Lisa Rickert, Dane County Victim Offender Conferencing mediator and advisory board member. Rickert said offenders often admit that their acts were stupid and random, and they express shame. The offender is usually just as afraid of the process as the victim. He or she expects to be confronted by anger, but often encounters something much different.

Victims and offenders “make a connection” during the conference, said Beth Lewis, an education consultant for the Department of Public Instruction and a volunteer mediator in Dane County. Often the victim asks the offender, “What can I do to make their life better?” Victims offer forgiveness, the meeting “restores, it replants some of the pain so they can move on,” Lewis said.

Half-day seminars on starting a Restorative Justice program are coordinated by the University of Wisconsin Law School’s Restorative Justice Project, a component of the Frank J. Remington Center. The Project, under Director Bruce Kittle, provides training and technical support to counties interested in starting similar programs. They are currently working with the Department of Corrections to offer victim offender conferencing for adult offenders in Dane County.

At present most of Wisconsin’s Restorative Justice efforts are directed at juveniles. Whether that is because the juvenile system is easier “to get your hands around,” as one judge said, or because early intervention is the goal is debatable.

Just this year, over 20 more Restorative Justice programs have been identified in Wisconsin and interest is growing. Judge Edward R. Brunner, Barron County Circuit Court, is meeting with community leaders to design a program that will best meet the county’s needs.

Lewis sees other venues for victim-offender conferencing and recommends that schools make conferencing a requirement for expulsion students. “It’s a stepping stone to good,” she said, “opposed to another kick when they’re down.” ❖

## For more information on Restorative Justice

### University of Wisconsin Law School Restorative Justice Project

University of Wisconsin, Law Building  
Madison, WI 53706  
(608) 262-1002

### University of Minnesota’s Center for Restorative Justice and Mediation

386 McNeal Hall, 1985 Buford Avenue  
St. Paul, MN 55108-6144  
(612) 624-4923  
<http://ssw.che.umn.edu/ctr4rjm/>

To find out about Restorative Justice programs using volunteers see the *Volunteers in the Courts* Catalog. The second edition will be available in June. To receive a copy call the State Bar of Wisconsin at (800) 362-8096 or see the Wisconsin court system website: [www.courts.state.wi.us](http://www.courts.state.wi.us)

## Videoconferencing Project Moves Forward with Racine Demo



Judge Gerald P. Ptacek

Racine County’s state-of-the-art videoconferencing technology was demonstrated for officials from around the state on May 8 as part of an effort to develop standards for the use of videoconferencing.

Racine County is one of a handful of counties in Wisconsin that has a fully functional videoconferencing system linking county departments and outside agencies. The Racine system links ten locations, enabling juvenile defendants, for example, to appear in court without leaving the cor-

rectional facility at Lincoln Hills.

The project, led by the Supreme Court’s Planning and Policy Committee (PPAC) in partnership with the Wisconsin Counties Association (WCA), is designed to prevent problems with future connectivity of videoconferencing by involving all potential users of the technology in the development of the standards before it is used on a widespread basis.

The committee brings together people from the justice system, county personnel and technology experts to document the political, policy and technical issues involved in implementing videoconferencing.

The videoconferencing committee first met on March 11 in Madison. The standards of good practice it is developing will be

published in a reference manual. The committee intends to meet every other month through January.

Members are: Chief Justice Shirley S. Abrahamson, Wisconsin Supreme Court; Marcia Baird, UW Extension, Madison; Pat Brummond, District Court Administrator, Waukesha; Dave Bubier, Office of Court Operations, Madison; Michael Burks, Manager, Operations Division of Racine County Human Services Department; Bob Campbell, Director, AIM (Automation and Information Management), Dodge County; Sarah Diedrick-Kasdorf, WCA; Sheriff Gary Hamblin, Dane County; District Attorney Scott Horne, La Crosse County; County Executive Jean Jacobson, Racine County; Attorney James A. Jaeger, Madison; Senator Robert Jauch, D-Poplar; Alan Kesner, Department of Justice; Judge W.M. McMonigal, Green Lake County Circuit Court; J. Denis Moran, Director of State Courts; Senator Mary Panzer, R-West Bend; Mark Pennow, Green Bay; Judge Gerald P. Ptacek, Racine County Circuit Court; Clerk of Court Sheila Reiff, Walworth County Circuit Court; Bill Retert, State Public Defender’s Office, Fond du Lac; Steve Sell, Director, Office of Justice Assistance, Madison; Dick Strand, Department of Administration; John Voelker, Senior Policy Analyst, Director of State Courts Office; Attorney David Whitcomb, Legal Counsel, Department of Corrections; Supervisor Gene Wurtz, Dodge County Board; Sheriff Robert Zebro, Dunn County. ❖

# Open Seat Draws Diverse Group

The opening on the Wisconsin Supreme Court drew judges and attorneys from around the state, with Milwaukee heavily represented.

The unsuccessful candidates were: Judge Ted E. Wedemeyer, Jr., District I Court of Appeals; Judge Patience D. Roggensack, District IV Court of Appeals; Judge Richard J. Dietz, Brown County Circuit Court; Judges Dominic S. Amato, Stanley A. Miller and Maxine

Aldridge White, all Milwaukee County Circuit Court; Judge David V. Jennings, Milwaukee Municipal Court; Attorney Sharren Rose, Green Bay and Attorney Stephen D. Willett, Phillips (Price County).

Judge Dennis J. Barry, Racine County Circuit Court, applied for the spot but took himself out of the running after, he said, deciding that the timing was not right for his family. He has children ages 14 and 16 and a father who is in poor health.

*Editor's note: The following information is meant to introduce the candidates; it is not a complete representation of their experience and activities.*

## Donald L. Bach

- **Age:** 51
- **County of residence:** Dane
- **Current position:** Attorney, DeWitt Ross & Stevens, S.C. (since 1992 and 1975-1986)
- **Other experience:** Legal counsel and advisor to the Governor (1986) Acting chief of staff to the Governor (1986) Chairman, Governor's Pardon Advisory Board (1986) Acting chairman, Wisconsin Parole Board (1987) Deputy secretary, Wisconsin Dept. of Revenue (1988-1992)
- **Education:** University of Wisconsin University of Wisconsin Law School
- **Activities:** Member, State Council on Alcohol and Other Drug Abuse Member, State Information Technology Strategic Planning Advisory Board Editor, *Wisconsin Environmental Compliance Update* Chairman, State Bar's Bench-Bar Committee
- **Personal:** Vietnam veteran (U.S. Naval Reserve); married to Holly Bach; father of Brenton, 7

## Gerald C. Nichol

- **Age:** 62
- **County of residence:** Dane
- **Current position:** Judge, Dane County Circuit Court (since 1988) Deputy chief judge for Fifth Judicial District (since 1994)
- **Other experience:** Chief juvenile judge (1991-1994) Attorney, Lee Johnson, Kilkelly & Nichol, SC (1979-1988) Municipal court judge, Town of Madison (1974-1987) Dane County district attorney, (1971-1972)
- **Education:** University of Michigan University of Wisconsin Law School
- **Activities:** President, Dane County Bar Assn. (1987-1988) Special counsel, Board of Attorneys Professional Responsibility Special counsel, Wisconsin Ethics Board Originated Dane County District Attorney's First Offender Program Past chairman, Madison Legal Aid Society Chairman, Children Come First Society
- **Personal:** Served in U.S. Army; married to Kathryn P. Nichol, M.D.; father of Peter, Elena, Willard

## David T. Prosser, Jr.

- **Age:** 55
- **County of residence:** Dane and Outagamie
- **Current position:** Commissioner, Wisconsin Tax Appeals Commission (1997-present)
- **Other experience:** Legislator (state Assembly) (1979-1996) Assembly speaker (1995-1996) Assembly minority leader (1989-1994) Outagamie County district attorney (1977-1978) Attorney—sole practice in Washington, D.C. and Appleton (1975-1976)
- **Education:** De Pauw University University of Wisconsin Law School
- **Activities:** Co-chairman, Joint Committee on Employment Relations (1995-1996) Member, Joint Committee on Finance (1985-1988) Member, Judiciary Committee (1979-1984) Member, Criminal Justice and Public Safety Committee (1979-1984)
- **Personal:** Not provided

## Supreme Court Appointment

*Continued from page 1*

electability, Curran, a Mauston attorney, said. They also require a minimum of three references and question those people carefully.

Council members are all attorneys. For this appointment, former Justice Louis J. Ceci was added to the Council to replace

William G. Bunk, who could not participate due to his health. Attorney Kim Marie Wacek of Green Bay was also added.

Other members are: Judith Hartig-Osanka, Racine; Reserve Judge Leah M. Lampone, New Berlin; Thomas F. Mallery, Wausau; George K. Steil, Sr. and George K. Steil, Jr., Janesville; Jonathan T. Swain, Milwaukee and Raymond Taffora, Madison. ❖



# Oral History Project Gives a Voice to Courts' Past

by: **Trina E. Haag**  
*Interim Assistant to the Chief Justice*

Sitting in his bright corner office that overlooks the capital city, Senior Judge Edward T. Fairchild candidly spanned nearly 60 decades of colorful court history and state politics with amusing anecdotes.

Fairchild, who has been on the U.S. Court of Appeals 7th Circuit since 1966 and prior to that served eight years on the Wisconsin Supreme Court, participated in an oral history interview in April.

Fairchild recalled afternoon tea time in the chambers of his father, who served on the Wisconsin Supreme Court from 1930-1957. He also spoke of his own years on the bench when the state's high court heard 28 or more cases a month and "got [opinions] out one way or another."

Fairchild's transcript, documented by Court Reporter Sarah Finley, adds to an ongoing Supreme Court sesquicentennial project to record the history of the court system through interviews with long-serving judges statewide.

Judge William Buenzli, who served Dane County as a justice of the peace, superior court judge, county and circuit court judge from 1938 until 1979, also provided an interview. Court Reporter Guin Brown produced the manuscript.

Buenzli talked with excitement about his years in traffic court, where he helped establish uniform traffic tickets and traffic safety school in Wisconsin. Buenzli worked with Madison Area Technical College to establish the traffic school in 1962. He offered it as an alternative to fines and/or point reductions in his court a decade before the Department of Transportation adopted it as rule.

Buenzli never tired of hearing traffic cases, he said he liked the daily interaction with people. "I learned that you can fine people and still please them, it's just the way of how you approach it or what you do. You can be nice to them and people appreciate it."

Judge Joseph Riedner, 93, who served as Pepin County judge from 1944 to 1974, provided an interview at his Durand home. Judge John A. Damon, Trempealeau County circuit court, conducted the interview and Court Reporter Barbara J. Nestigen transcribed it.

Other judges who have provided interviews are: John Ahlgrimm, John G. Buchen, William E. Crane, Robert F. Curtin, Edwin C. Dahlberg, Roland B. Day, Thomas E. Fairchild, Paul C. Gartzke, Harry F. Gundersen, Gerald W. Jaeckle, Ronald D. Keberle, Ernest C. Keppler, Robert W. Landry, Russell J. Mittlestadt, Peter G. Pappas, Robert Parins, Robert F. Pfiffner, James Wilbershede and David Willis.

In addition, Justice William A. Bablitch and Judges Thomas H. Barland, Frederick Kessler and James W. Rice participated together in an interview about the court reorganization of 1978.

The transcripts are collected, along with the judges' biographies, in an oral history archive that will be available at the Wisconsin State Law Library, the State Historical Society and the University of Wisconsin and Marquette Law Schools this summer.

The oral history project continues. Interviewers and interviewees are being sought. Call Amanda Todd at (608) 264-6256. ❖



*Reserve Judge  
Peter G. Pappas*

## Court Information Officer Represents Wisconsin at National Assembly

Court Information Officer Amanda K. Todd was invited to participate in the Assembly of Court Associations in Washington, D.C. in June.

The Assembly will explore ways to build a closer working relationship among state court associations. The goal is to increase

networking and communication opportunities across state lines to share good ideas.

The National Center for State Courts is sponsoring the meeting, which will bring together judges and leaders of court associations from around the nation. ❖

## Court Improvement Grants

*Continued from page 3*

- Judicial Education
- Parent/Family Programs
- Technology

Funded projects will be highlighted in future issues of *The Third Branch*.

Prior to the development of the formal grant process, the Court Improvement Program funded two CHIPS pilot projects in February 1998:

- The Milwaukee County District Attorney's Office used Court Improvement Program funds to purchase computer software to prepare and distribute individualized CHIPS dispositional orders in a timely fashion. It is anticipated that the hundreds of backlogged orders will be brought up to date within 90 days of implementation.
- The Dane County Court Appointed Special Advocate program (CASA) developed a public information bulletin to explain the purpose of CASA, list resources for developing a CASA program and give information about the programs already in place. The bulletin was mailed to judges, human services providers and legislators across the state. ❖

# Great Lakes Court Summit Set for September

Supreme Court justices and court administrators from Indiana, Iowa, Minnesota, Wisconsin and Canada will meet in Madison on September 24 and 25. The meeting, *Great Lakes Summit*, is being sponsored by the Wisconsin Supreme Court and Director of State Courts Office to foster communication among court jurisdictions.

The draft agenda includes the following topics:

- The Politicization of the Judiciary: A Transnational Perspective
- The Role of the Judge: Different Constitutions and Different Perspectives on Judicial Independence

- Judicial Ethics: A Transnational Approach
- Conflict of Laws: Enforcing Judgments Across Borders
- Transjudicial Communication: Comparative Law and the Information Superhighway (a discussion of the role of the internet in legal research).

While the faculty is still be finalized, it promises to have an international flavor with speakers from Canada and France. For more information about the *Summit*, call John Voelker, senior policy analyst, at (608) 266-8861. ❖

## BBE Welcomes New Deputy Director

The Board of Bar Examiners recently named Ruth Janto-Wolter its new deputy director. She replaces Myra Hajny and joins the staff after spending ten years with the University of Wisconsin-Madison Engineering Career Services Office.

As deputy director, Janto-Wolter will oversee the Wisconsin mandatory continuing legal education (CLE) requirements. Approximately 14,000 lawyers report CLE compliance biennially, with nearly 5,000 approved courses available to fulfill the

mandatory requirements. This information, including legal ethics and professional responsibility (EPR) credit hours, is processed and verified by the BBE each year.

Janto-Wolter communicates with lawyers seeking CLE compliance rule interpretation or instruction, course approval, readmission, reactivation, and reinstatement. Additional duties include assisting with the Wisconsin bar admissions function, interacting with the Board, the State Bar of Wisconsin, the Supreme Court

Clerk's Office, and the Board of Attorneys Professional Responsibility and managing the agency's office operations.

Prior to joining the BBE, Janto-Wolter served as assistant director of the cooperative education and internship program for the College of Engineering at UW-Madison. She instructed students on the job search process and helped them obtain relevant engineering experience prior to graduation. ❖

## People in the News

*Continued from page 12*

hamlet is the product of a joint venture between Cushing and Wales elementary schools, according to *The Freeman*. Students from both schools campaigned for various public offices via e-mail and websites. They learned about government and computer technology.

*The Capital Times* ran an interview on truth-in-sentencing with Dane County Circuit Court Judge **Daniel R. Moeser**. When asked if change was needed in the structure of prison terms, Moeser replied: "I think the answer is yes and no. The current law gives judges a lot of flexibility and a lot of discretion. And we need that to come up with the right sentence. What's wrong with the current law, in my opinion, is that it is very hard for the public to understand."

Divorcing parents with minors in Trempealeau County are now required to attend an educational program called "Children in the Middle," reported *The Blair Press*. The program, intended to reduce the impact of divorce on children, teaches parents how to keep their children out of the dispute.

Instead of a fine and jail sentence, people convicted of drunk driving, disorderly conducting and other violations in Eau Claire County may now find themselves working in the public library or elsewhere in the community, reported the *Leader-Telegram*. The new community service program is trying to relieve overcrowding in the jail and connect community groups with non-violent offenders, said Judge **Benjamin D. Proctor**, Eau Claire County Circuit Court. "It's an attempt to do something positive. That's the bottom line," said Proctor.

Judges, county officials and media were given a sneak preview of Vernon County Courthouse's renovation project by Circuit Court Judge **Michael J. Rosoborough**, reported the *Vernon County Broadcaster*. Joining them was Wisconsin Supreme Court Chief Justice **Shirley S. Abrahamson**. Abrahamson remarked: "This is a tribute to all the people of Vernon County and the state. It's a fine example of the county board and the judges working together." An open house is scheduled for July.

La Crosse County Circuit Court Judge **Ramona A. Gonzalez** was given an award of excellence by an organization called Education: A Family Affair. The group and its sponsors strive "to increase access to educational and cultural opportunities to members of newly arrived, economically marginal and underrepresented communities." Gonzalez's award reads: "In Recognition Of Her Devotion And Commitment to Jurisprudence To The State Of Wisconsin And Serving As An Exemplary Role Model For Young Women In The State." She was one of four recipients this year.

Walworth County Circuit Court Judge **James L. Carlson** was pictured in *The Whitewater Register* receiving a commendation, signed by Lieutenant Governor Scott McCallum, for his work with local youth. Carlson is involved in the Walworth County D.A.R.E. Program and the county's Fair Teen Dance. ❖



Judge James L. Carlson

# Wisconsin Celebrates Law Day

People in courthouses around the state celebrated Law Day 1998 in many ways. Here is a small sample of the activities:

In **Barron County**, Judge Edward R. Brunner moved court to a local high school for Law Day. After conducting hearings, Brunner showed the students a videotape of vignettes from the local news. The vignettes centered on crimes and tragedies involving local teens (including an Eau Claire rock throwing incident and a Barron car accident that killed four students).

Brunner put the tape together with the help of News Director John Hoffland of WEAU-TV in Eau Claire. After the students watched the tape, Brunner spoke with them about their rights and responsibilities.

In **Dane County**, District Court Administrator Gail Richardson worked with the local bar association to reprise last year's successful "Day in the Life of a Criminal Case" program. This event allows several classes of middle school students to walk through the court process, meeting with everyone who is normally involved as a criminal case unfolds—from the police to the court commissioner to the prosecutor and defense attorney and the judge.

The students then all participate in a mock trial based on a shoplifting case. If the "defendant" is convicted, the bailiff leads the entire class on a special tour of the jail.

The Dane County Bar Association also sponsored an information and advice booth from 9 a.m. to 4 p.m. in the courthouse lobby.

In **Dodge County**, Judges Daniel W. Klossner, John R. Storck and Andrew P. Bissonnette put together a tour program that ran several times throughout the afternoon. The tours included a walk through the court facility, a short presentation and a technology demonstration.

In **Marquette County**, Judge Richard O. Wright, Clerk of Circuit Court Mary Lou Schmidt, Public Defender Eric Schulenburg and the Marquette County Bar Association developed a mock trial centering on a fictional fugitive slave arrest in 1858. Included in the packet for teachers and attorney-coaches was a description of *In Re: Booth*, a real case involving fugitive slave Joshua Glover and the newspaper publisher who was prosecuted for helping him escape.

In **Racine County**, Judges Dennis J. Barry and Richard J. Kreul presided over



*Justices Jon P. Wilcox and N. Patrick Crooks joined their colleagues on the Supreme Court in a Law Day celebration that brought hundreds of children and adults to tour the Hearing Room and private chambers. The justices and staff who gave tours highlighted the art and furniture on display in honor of the state's sesquicentennial. This was the first time in 20 years that the Court had opened the chambers to the general public.*

mock trials authored by Attorneys Terrance Kallenback and Sally Hoelzel, both of whom are active in the local theater guild.

Approximately 100 high school students participated in the trials and were treated to lunch by the Racine County Bar Association.

In honor of the state's sesquicentennial, exhibits of flags and old photographs were erected in the courthouse and Law Enforcement Center.

In **Richland County**, Judge Edward E. Leineweber and local attorneys staged a mock trial with local 5th graders serving on the jury. The children participated in a poster contest and Clerk of Circuit Court Ann Robinson decorated the courthouse with the artwork, which focused on the First Amendment.



*Judge Dennis J. Barry*



*Judge Robert A. Haase*

Courthouse staff all brought refreshments which were shared with groups touring the courthouse.

In **Sheboygan County**, Attorney William Holbrook dressed up as Judge  
*continued on page 21*

## Registers in Probate Forge Partnership to Improve Preservation of Court Records

by: **Peter Gottlieb, State Archivist**  
**WHRAB Deputy Coordinator**

Every register in probate has to keep important records. But many registers have not had opportunities to learn the current recommended record keeping practices. To remedy this situation, the Registers in Probate Association has begun working with the Wisconsin Historical Records Advisory Board (WHRAB) to improve registers' knowledge and skills in managing probate court records.

WHRAB is a volunteer organization of ten members (appointed by the governor) which works with the State Historical Society of Wisconsin. WHRAB promotes the appreciation of Wisconsin's historical records and works with a variety of groups to improve access to, and preservation of, the state's records. It also serves to make federal funds for records preservation and access available in Wisconsin.

WHRAB invited the Registers Association in 1996 to join the Best Practices Project, designed to improve preservation of Wisconsin's historical records. The registers organized a task force, met regularly with Project staff (WHRAB provided travel expenses and prepared meeting materials) and helped to organize a two-hour workshop that took place this month as part of the registers' spring meeting.

At the workshop, registers received a new manual on storage environments. For a copy of the manual, call David E. Bubier, Office of Court Operations, (608) 266-8635.

The time volunteered by the registers in probate who served on the task force has been most important factor in the partnership's success. The task force members are: Sally Lunde, chairwoman, Waukesha County Circuit Court; Joan Maxwell, Columbia County Circuit Court; Susie Soukup, Marathon County Circuit Court; Jane Stetzer, Jefferson County Circuit Court; Joy Legro-Pecha, Langlade County Circuit Court; Eyvonne Ebert, Menominee and Shawano County Circuit Court; Carol Mills, Racine County Circuit Court and David E. Bubier, Office of Court Operations.

The partnership in the Best Practices Project has been ideal. The Wisconsin Historical Records Advisory Board has realized its goal of teaming up with an organization which has an important role in keeping court records and the Registers Association has been able to learn the current best practices for storage environments.

By the conclusion of the Best Practices Project, the Registers in Probate Association will have gotten the workshop, the manual on storage environments and a curriculum that it can use to teach the workshop on future occasions.

*WHRAB is looking for other statewide groups of court and local government officers who might benefit from the workshop and the manual developed for the registers. WHRAB also has some new ideas for helping the courts and local governmental agencies carry out their responsibilities for the records they keep. Gottlieb can be reached at the State Historical Society, (608)264-6480 or via e-mail at Peter.Gottlieb@cmail.adp.wisc.edu ❖*

## Manitowoc Court History Book Reprinted

Judge James Sibree Anderson served on the bench in Manitowoc County from 1895 to 1901 and was a local attorney for more than 50 years. He personally knew every judge and lawyer who practiced in Manitowoc County since statehood in 1848 and recorded his personal recollections of these people in a series of articles first published in *The Manitowoc Pilot* in 1920 and 1921.

In honor of the 50th anniversary of Anderson's admission to the bar, the Manitowoc County Bar gathered the articles and published them in 1921 as the book *Pioneer Courts and Lawyers of Manitowoc County, Wisconsin*. Over the years, the book went out of print and was not available to the general public.

Now, with a gift from the family of deceased Judge Leon H. Jones, who served in Manitowoc County from 1959 to 1988, the book has been reprinted.

The idea for the memorial came from Judge Darryl W. Deets and Court Reporter Leland J. Guetschow, who served more than 28 years with Jones. Deets wrote a preface for the book and Guetschow contributed a biographical sketch of Jones.

The book is a paperback and is being sold for \$9.95. All proceeds go to the Manitowoc County Historical Society. ❖

## CHIPS Guides Available on the Internet

The demand for the *Practical Guides to CHIPS Case Processing* developed in Kenosha, La Crosse, St. Croix and Sawyer Counties has exceeded expectations, with more than 200 copies distributed to judges and social services directors.

To receive one of the guidebooks, call (608) 266-1557 or view the guides on the Wisconsin court system website at [www.courts.state.wi.us](http://www.courts.state.wi.us) ❖

# New Directory Lists Programs for Adolescents

The Wisconsin Association of Family and Children's Agencies (WAFCA) has published a directory of adolescent day treatment programs and alternative schools.

The directory is intended as a resource for anyone who works with youth in need of specialized academic programming and mental health treatment.

Day programs can provide a structured, cost-effective alternative to residential services and juvenile correctional institutions in appropriate cases.

For each program, the directory identifies the client/student profile as well as individuals who would not be considered for enrollment. It also lists each program's diagnostic and evaluation services as well as educational and treatment services and geographic service areas.

For a free copy of the directory, call the WAFCA office at (608) 257-5939, or e-mail [www.globaldialog.com/~wafca](http://www.globaldialog.com/~wafca) or write to: WAFCA, 131 W. Wilson St., Suite 901, Madison, WI 53703. ❖

## Law Day

*Continued from page 19*

David Taylor, the county's most prominent figure in law in the mid 1800s. Holbrook—in character—told visiting children about the county's legal history.

Holbrook's special appearance added a sesquicentennial twist to Law Day. Students also participated in a mock trial, learned about courtroom security and sat in on court proceedings.

In **Washington County**, the Court of Appeals, District II, conducted oral arguments at the historic Washington County

Courthouse on April 28 as an early kick-off for the local Law Day celebration. The arguments were preceded by a lunch with the Washington County Bar Association at the Old Court House Inn in West Bend.

In **Winnebago County**, Judge Robert A. Haase starred in the play *Out in the Darkness* by Milwaukee playwright John Schneider. The play is based on the 1898 trial of three people charged with conspiracy to harm the Paine Lumber Co.

Haase played Clarence Darrow, who came to town to represent the defendants. The play was performed at the historic Oshkosh Grand Opera House on May 1, 2 and 3. ❖

## Volunteers in the Courts

*Continued from page 13*

Dane County Victim/Witness Unit, Dane County Volunteers in Detention and Shelter Home, Family Violence Unit, Guardianship Mediation Project, Permanency Plan Review Panels, Victim/Offender Conferencing, Volunteer Guardianship Monitoring Program, Volunteer Lawyer Project, Volunteers in Probation; **Dodge**: Dodge County Victim/Witness Program, Responsibility Adjustment Program, Volunteer Lawyer Project; **Door**: Brown County Sexual Assault Center, Door County Volunteer Guardianship Program, Door County Volunteer Mentoring Program; **Douglas**: Center Against Sexual and Domestic Abuse, Child Intervention Center Supervised Visitation; **Dunn**: Courtwatch Program, Volunteer Guardian Program; **Eau Claire**: Bolton Refuge House Courtwatch, Triniteam Family Focus Supervised Visitation, Triniteam Parent Education Series, TRY Mediation, Inc., Volunteer Guardianship Monitoring Program; **Fond du Lac**: Fond du Lac Conflict Resolution Center, Inc., Fond du Lac County CASA, Victim/Offender Mediation Program; **Grant**: Community Service Program, Court Watch, Family Advocates; **Green**: Volunteer Lawyer Project; **Green Lake**: Regional Domestic Abuse Services; **Iowa**: Court Watch, Crime Victim Witness Volunteer Coordinator, Family Advocates, Teen Court, Volunteer Guardian Program; **Iron**: Lac Du Flambeau Domestic Abuse Program; **Jackson**: Jackson County Court Watch; **Jefferson**: People Against Domestic Abuse, Real Life: Marriage and Divorce, Victim/Offender Mediation, Volunteer Lawyer Project; **Juneau**: Hope House; **Kenosha**: Municipal Court Bailiffs Program, Victim/Offender Restoration Program, Volunteer Guardian Program, Volunteer Lawyer's Project; **Kewaunee**: Violence Intervention Project; **La Crosse**: Community Work Experience Program, Domestic Violence Intervention Project, Families First, Franciscan Skemp Healthcare Mediation Services, La Crosse County Bar Association Truancy Program, La Crosse County CASA, La Crosse County Peer Court, New Horizons Advocacy Program, Small Group Conferencing, Volunteer Guardian Program, Volunteer Guardianship Monitoring Program; **Lafayette**: Court Watch, Family Advocates; **Langlade**: A. V. A. I. L., Inc., Community Service Program; **Lincoln**: Haven, Inc.; **Manitowoc**: Victim/Offender Mediation Program; **Marathon**: Division of Justice Programs, Women's Community Court Watch Program; **Marinette**: Volunteer Guardian Program; **Marquette**: Hope House, Parent Aide Program; **Milwaukee**: Appellate Mediation Program, Citizens Advisory Council, Domestic Abuse Court Advocacy Program, Guardian Advocacy and Instruction Networking Project (GAIN), Kindcare, Inc., Milwaukee Bar Association Divorce/Adoption Project, Milwaukee Bar Association Mediation Project, Milwaukee CASA, Pro Se Forms Assistance, Real Life: Marriage and Divorce, State Public

Defender Intake Program, Task Force on Family Violence, Volunteer Lawyer Project; **Oconto**: Brown County Sexual Assault Center, Guardianship Program, Volunteers in Probation; **Outagamie**: Juvenile Diversion Program, Juvenile Restitution and Community Service, Outagamie County Volunteer Guardian Program, Sexual Assault Crisis Center, Victim Impact Panel of Outagamie County, Volunteers in Offender Services (VIOS), Women and Children's Advocate Program; **Ozaukee**: Advocates, Inc.; **Pierce**: Pierce County Victim/Witness Program; **Polk**: Kinship of Polk County, Volunteer Legal Advocates and Court Watch; **Portage**: Juvenile Detention Mentor Program, PRISM, Volunteer Guardian Program; **Price**: Time-Out Shelter; **Racine**: Alternate Care Review Panels, Community Panels, Dispute Settlement Center of Racine County, Kindcare, Inc., Volunteer Guardian Program, Volunteer Lawyer Project, Volunteer Lawyer's Project; **Richland**: Community Service Project, Passages, Richland County Courthouse Resource Center; **Rock**: Volunteer Lawyer Project, YWCA Alternatives to Domestic Violence; **Rusk**: Time-Out Shelter; **Sauk**: Hope House, Volunteer Guardianship Monitoring Program; **Sawyer**: Center Against Sexual and Domestic Abuse, Time-Out Shelter; **Shawano**: County Jail Domestic Violence Education Program for Women; **Sheboygan**: Domestic Abuse Court Watch Program, Teen Court, Volunteer Guardian Program; **St. Croix**: Small Claims Mediation Service; **Taylor**: Legal Advocate Program, **Trempealeau**: Court Mediation Service, Juvenile Victim/Offender Mediation, New Horizons, Teen Court; **Vilas**: Lac Du Flambeau Domestic Abuse Program, Teen Court, **Walworth**: Administrative Review Board Panel, Juvenile Court Advisory Board, Volunteer Guardianship Program, Volunteer Judicial Student Interns, Volunteer Lawyer Project, Volunteer Lawyer's Project; **Washburn**: Center Against Sexual and Domestic Abuse, Time-Out Shelter; **Washington**: Friends of Abused Families, Inc., Guardianship Services Program, Project Payback-Restitution, Community Service and Mediation, Washington County Victim/Witness Program; **Waukesha**: Children's Activity Program, Healthy Families: Bridges Program, Mediation Center of Waukesha County, Volunteer Guardian and Trustee Program, Volunteer Guardianship Monitoring Program, Volunteer Lawyer Project, Waukesha County Victim Impact Panel; **Waupaca**: Volunteer Guardian Program; **Waushara**: Regional Domestic Abuse Services, Volunteer Guardianship Services Program; **Winnebago**: Father Carr's Supervised Visitation Program, Regional Domestic Abuse Services, Responsibility Adjustment Program, Teen Court, Volunteers in Probation, Winnebago Conflict Resolution Center, Inc.; **Wood**: PRISM, Restitution/Community Service; **La Lac Courte Oreilles Reservations**: Time-Out Shelter; **Lac du Flambeau Reservations**: Lac Du Flambeau Domestic Abuse Program; **Menominee Reservations**: Tribal Youth/Elder Project; **Statewide**: Volunteer Summer Law Clerk Program, Wisconsin Victim Resource Center ❖

## Trip to Russia

*Continued from page 7*

sectors. I learned about a criminal justice system without resources—without cars, phones, offices or experienced personnel (many of whom, like the former KGB official, were now employed by foreign organizations). I learned about a disorganized society trying to fight organized criminals who had been operating comfortably in Communist Russia's black market economy and who now were enjoying virtually unlimited reign as communism's criminal justice controls disappeared.

I learned about specific organized crimes, two of which offer chilling and dramatically different examples of the deadly threats to Russia and the world: apartment theft and weapons theft.

### Apartment Theft

Yes, some Cold War propaganda was true. The communist government did not provide sufficient housing. In major cities like Moscow, where sprawling apartment complexes seem to stretch for miles, many Russians remain on waiting lists for years before qualifying for adequate apartments. Some senior citizens, however, after waiting many years, and after seeing their parents die and their children move out, occupy the nicer apartments.

But when communism ended, rules and regulations slid and some members of the rapidly growing class of young, ambitious, rich Russians found a way to obtain better apartments—without delay. With little more than a walk-through-the-Yellow-Pages effort, they contact organized criminals, specify the size and location of the desired apartment, pay, and wait—briefly. The organized criminals then locate an apartment occupied by senior citizens, abduct them, force them to sign it over and kill them.

### Weapons Theft

Communist Russia built an arsenal of conventional and nuclear weapons. To do so, Russia also developed a weapons industry that depended on sophisticated technology and countless, highly skilled workers.

But when communism ended and the Cold War subsided, Russia's weapons industry lost its number one customer. Russia, however, had no plan to ease into a peace-time economy; no plan for re-tooling and re-training. Those designing, building and guarding weapons materials and systems—conventional and nuclear—faced unemployment and even starvation. Might they sell their wares? Might they want to keep working? Might a few be willing, for a price, to turn the other way to permit a breach of security? Might parents want to feed their children?

Hyperbolic? Consider Tula. This city of 600,000 has been Russia's primary arms-producing center for centuries. On the one hand, because of its special industry, Tula has been one of Russia's most restricted cities, virtually off-limits to foreign visitors. On the other hand, because of the dangers inherent in its special industry, Tula's judges and prosecutors were the first selected to hear my presentation—to help them cope with organized crime, public corruption, courthouse security and threats to their own safety.

In all of Tula, I never saw a single store of any kind, except gas stations and kiosks selling cigarettes, newspapers, candy and other small items. Walking into the dark and seemingly lifeless building on Tula's main downtown street where a luncheon for our group was hosted by Tula's chief judge, I passed the only "grocery store"

I saw—one elderly woman, huddled behind one folding card table, selling a few dozen jars of home-grown vegetables. To see the streets and faces of Tula is to see desperation.

But as we finished our three days in Tula, the very gracious chief judge presented several gifts, one of which was a 66-page, high-gloss, full-color catalog, *Special Issue/Military Technology/Tula Region/Russia*. Published in Germany in 1995, the catalog states that it "is available to qualified circles within government, military related organizations and industries." Promoting investment opportunities in Tula's weapons industry, it features articles about, and advertisements for, weapons including missile launchers, artillery and missile defense systems and radar surveillance systems. It includes an interview with the chairman of Russia's State Committee for Defense Industries, titled, "Tula is Looking to a Good Future." The entire catalog is printed in only two languages: English and Arabic.

Thus, it should come as no surprise that A. M. Rosenthal titled his Op-Ed column "Only a Matter of Time" (*New York Times*, November 22, 1996) and wrote:

*[Russian General] Aleksandr I. Lebed used one word to describe Russia's efforts to prevent its nuclear warheads and materials from being stolen for terrorists or by rogue missile crews: "unsatisfactory."*

*But when it came to talking about what would then happen, he could not find concrete words in him. Nobody had ever lived in such a world, he said—horrors unseen, dangers never conceived. When he said this to a few Russian and American journalists ... I felt this man ... was even more shaken than we were, because he knows more.*

*At Harvard, Prof. Graham Allison also knows what he is talking about. Normally milder than a Russian general, on nuclear terrorism he is writing and talking even more plainly—not "if" it happens, but when. He writes ... that it is only a matter of time before a terrorist detonates a bomb in America.*

*In late October, Vladimir Nechai, director of Russia's Chelyabinsk-70 nuclear complex, shot himself. He died ashamed at the failure of the Government even to pay scientists the \$50 a month they earned. The lesson was inescapable: In a society where bitterness and humiliation can kill a top nuclear director, there can be no security.*

But, were this not enough, the chaos that is Russia reveals additional dangers of daily life. Indeed, in big, busy, bustling, magnificent Moscow, a visitor may go to the Bolshoi Ballet, as I did, and may even meet President Clinton (attending the G-8 nuclear conference) at the Moscow Radisson, as I did, but following neither occasion can a visitor locate a taxi. Instead, because Moscow has no marked taxis, a visitor must rely on a Muscovite to hail one of the countless, unmarked cars driven by entrepreneurs—some honest, some not—who will briefly "interview" the driver to determine whether he seems sober and safe.

And should a woman be assaulted while walking Moscow's majestic streets or traveling its superb subways, what should she do? Go to the police—unlikely, because they probably would blame her for her "provocative" manner or dress. Instead, if she can identify the assailant, she may report the rape to her family, who then may assign one of its male members to rape a woman in the perpetrator's family.

Now, in the midst of these and other overwhelming dangers, Russia's judges have asked for help. They, along with lawmakers attempting to establish legal standards and systems, have asked foreign lawyers and judges for information and guidance.

That alone, I think, is breathtaking. Imagine the hypothetical counterpoint: an American president announces, "Congress and I have concluded that, despite 200 years of effort, constitutional democracy simply cannot provide for our citizens. Therefore, tonight, we declare the Constitution null and void. Tomorrow, we will begin developing a better system and, fortunately, we will have the help of Russian experts who will help us understand their communist system."

The Russian request for help is courageous. Despite seeing what I believe is an entire society suffering from trauma and depression, I was meeting Russian officials who somehow maintain amazing determination. Although my impressions remain tentative (and certainly must be qualified by my limited time in, and knowledge of, Russia), I sense that Russia's judges appreciate the historically pivotal challenges they face, the personal risks they take and the just cause that perhaps only they can advance.

The women of Russia's new judiciary may soon have the chance to lead a long-overdue Russian revolution. For years, most Russian judges were women, in part because judges—often merely rubber stamps for prosecutors—occupied positions of relatively low status in government. Now the women remain and their judicial authority is increasing. Further, Russia recently opened its first battered women shelters and began to examine issues surrounding sexual assault and child abuse.

Advancing the cause of justice—writing the laws defining due process and enforcing the laws protecting individual liberties—becomes an even more delicate process cast against the background of totalitarianism.

The irony is haunting. As I described the special judicial/criminal justice powers that the United States has found essential to the investigation and prosecution of organized crime—grand juries,

subpoenas, search warrants, wiretaps, grants of immunity, threats of contempt—the reaction was palpable. At the very time Russia is most threatened by organized crime and public corruption, and at the very time the chief judges are attempting to design a legal system that will be honest, safe, and effective, the chief judges wince at the thought of expanded authority for searches and seizures. Isn't that what they just escaped?

Russia—from the Bolshoi to Tolstoy, from St. Petersburg to Vladivostok—a country of rich resources, resplendent history and culture, and resilient people. And Russia—from the "minor" muggings to the terrifying thefts of apartments and armaments—a country without statutes or common law, without dependable police, without justice system resources, without adequate security from organized criminals and international terrorists, without safety for judges, without food for all its people.

Russia needs time. It needs time to stabilize so that it can establish fair standards and effective legal systems that will earn the respect of its people. It needs substantial economic aid to "buy the time" to stabilize. It needs the help not of condescending or exploitative "ugly Americans," but rather, of thoughtful Americans and other foreign guests who care deeply enough to respond when Russian officials seek guidance.

This is about Russia, but this is about America, too. After all, if one is willing to re-evaluate our "overly litigious" citizens who, indeed, do turn to the rule of law to resolve their differences, if one cares to rekindle pride in our independent judiciary, if one needs to discover a new "connectedness" to citizens and legal systems around the world, if one pauses, like General Lebed, to be "even more shaken" by the reality of what we would want to deny but need to know, one might consider Russia. Our children's lives may depend on whether, and how, we do. ❖

*Editor's note: Schudson spent ten days in Russia. His comments reflect his experiences there and discussions with Russian police, prosecutors, judges, domestic violence counselors and other justice system officials.*

## Serving Families in Crisis

*Continued from page 3*

of several alternatives available to help the courts deal with the myriad problems one family may present. The model suggests that one family's cases should be handled by just one judge.

Hazlewood believes a more unified approach to serving families might help the courts to target resources where they can help the most; however, the intake system in Manitowoc County makes the one judge-one family approach difficult at best. Hazlewood still believes there should be a way to deliver full information on each family to each judge handling that family's cases. He planned to discuss ways to do that at the *ABA Summit on Unified Family Courts* in Philadelphia.

He was one member of a team appointed by Chief Justice Shirley S. Abrahamson to attend the summit and report back. Other team members were:

- Tom Stanton, Manitowoc Department of Human Services
- Attorney Gloria Doyle, La Crosse
- Mary Geske, La Crosse Family Court Mediation
- Anne Arnesen, Wisconsin Council on Children and Families
- John Voelker, Wisconsin Supreme Court

The Wisconsin team joined similar groups from around the country to work on adopting all or part of the unified court model, making choices appropriate to each jurisdiction and examining how the courts can better address family violence and related substance abuse issues. ❖

# The Third Branch

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*The Third Branch* is a quarterly publication of the Director of State Courts office, providing news of interest to the Wisconsin Judiciary. Send questions and comments to: Amanda K. Todd, Court Information Officer, P.O. Box 1688 Madison, WI 53701-1688. Phone (608) 264-6256. E-mail: atodd@itis.com

# On the Move

**A** number of central staff offices have moved; please make these changes to the addresses. All phone and fax numbers remain the same. The Tenney Building is 110 East Main Street, Madison, WI 53703.

## ***BAPR (Board of Attorneys Professional Responsibility):***

Old: Suite 410 Tenney Building

New: Suite 315 Tenney Building

## ***BBE (Board of Bar Examiners):***

Old: 119 Martin Luther King, Jr. Blvd.

New: Suite 715 Tenney Building

## ***CCAP (Circuit Court Automation Program):***

Old: Suite 215 Tenney Building

New: 5th Floor Tenney Building

## ***Clerk's Office, Supreme Court and Court of Appeals:***

Old: Suite 715 Tenney Building

New: Suite 215 Tenney Building

## ***OCO (Office of Court Operations):***

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