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'An Extraordinary Decision'

If one advances confidently in the direction of his dreams, and endeavors to live the life which he has imagined, he will meet with a success unexpected in common hours. —Henry David Thoreau

The day after Wisconsin Supreme Court Justice Janine P. Geske went public with what the *Milwaukee Journal Sentinel* called "an extraordinary decision that will shock the legal community," one of her former colleagues, a Milwaukee judge, spoke volumes in a short message: "As much as we stood to gain from six more years of your published opinions," he wrote, "I suspect you conveyed more of value in the one unwritten decision I read about in the paper yesterday."

Reaction to Geske's announcement that she will leave the bench on September 5, 1998, has been swift and strong. She has been inundated with calls, letters and e-mails (not to mention job offers, pleas to run for Congress and interview requests). Much of the correspondence has come from people whom the justice has never met. Many have indicated that Geske's decision has inspired them to take stock of their own lives.

In announcing her decision in a *Milwaukee Journal Sentinel* column by Bill Janz, Geske said: "I believe. . . I can best use my talents outside the formal court structure. I'm not leaving for a more prestigious, more-income kind of job. I need to find things more important to me, which will give me the opportunity to touch people's lives."

She said she plans to mediate state and federal civil disputes, get involved more in her community and help people, especially the poor. She has talked about mediating disputes in Third World countries and opening a center for spirituality in the workplace.

Among the responses she has received, many stand out:

- Please know how many of us also abundantly blessed people are re-inspired by your public affirmation of priorities. . . . (a lawyer).
- I (have) quietly included you on my short list of heroes. (a court staffer).
- I admire your courage and appreciate your drive to reach out to those in need. (a U.S. senator).
- Your life continues to be a marvelous story and it took a great deal of courage to make the decision which you did. For this I am sure you are the pride of your family and you certainly have the admiration of so many, especially myself. (a priest).
- Adults need heroes too! And, in your scenario, we have an opportunity to witness someone accepting, believing, and performing

God's will. (a member of the public).

- What you did and how you did it could change the world. (a fellow Gesu parishioner).

- Thank you from the bottom of my heart for what you are about to do for so many, and for what you have already done for others. (a member of the public).

- I noted the importance of having someone on the Supreme Court who has spent time working with the poor. Now I can say with confidence that it is good having someone work with the poor who has spent time on the Supreme Court. (a lawyer).



Justice Janine P. Geske

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Chief Justice's Statement on Geske Resignation

Chief Justice Shirley S. Abrahamson read this statement at a February 15, 1998, press conference where Justice Janine P. Geske announced her intention to resign from the Court.

I speak from two perspectives on the resignation of Justice Janine Geske. First, I speak as Chief Justice. Second, I speak as a close personal friend of Janine Geske.

Justice Janine Geske has been an important voice on this court, bringing to the court her vast experience as a trial judge, her specialized training as a mediator and her extraordinary gifts as a judicial educator. As important, she has brought to the court her personal qualities—she is a warm, wonderful human being who cares deeply about all the people of the state, about the judicial branch of government and about judicial independence.

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Judge Barry Named Judge of the Year

Judge Dennis J. Barry, who has spent 17 years on the bench in Racine County, was named 1997 Judge of the Year by the State Bar of Wisconsin.

"His dedication and experience have gained him the respect of his colleagues on the bench as well as the respect of the practicing bar," a spokeswoman for the bar told the *Racine Journal Times*.

Barry, 50, was nominated by Judge Wilbur Warren III, Kenosha County Circuit Court. Not knowing he had been

nominated, Barry was surprised when Justice Jon P. Wilcox called with the good news.

"There are so many hardworking judges in the state, I just feel very grateful for the award," Barry said. "I feel stunned and very pleased."

Barry served as chairman of the Wisconsin Juvenile Justice Study Committee, which helped to re-write the state's juvenile code.

He started his career in law as an assistant district attorney in Kenosha County and then served as Racine County district attorney before his appointment to the bench in 1980.

In announcing the award, the State Bar said of Barry: "During his 17-year tenure on the court, he has demonstrated professional excellence, high ideals, personal character and a willingness to advance the quality of justice by the creation or implementation of innovative programs." ❖

Supreme Court Appoints Skwierawski Chief Judge



Judge
Michael J. Skwierawski

The Wisconsin Supreme Court has appointed Judge Michael J. Skwierawski chief judge of the First Judicial Administrative District. Skwierawski will assume the position August 1, when Chief Judge Patrick T. Sheedy retires.

Skwierawski, 55, has been on the bench in Milwaukee County since his appointment by Governor Martin Schreiber in 1978. He was elected in 1979 and re-elected in 1985, 1991 and 1997. He has been active in the administration of the Milwaukee courts for many years, serving as deputy chief judge from 1986 to 1990, as presiding judge of the Civil Division from 1991 to 1996 and as chairman of a number of committees.

Skwierawski earned his law degree at Georgetown University Law Center in 1967, worked in private practice and, for a short time, as an assistant district attorney in Milwaukee County prior to joining the bench. ❖

Judge is Given Fulbright



Judge
Frederic W. Fleishauer

Judge Frederic W. Fleishauer, a Portage County Circuit Court judge since 1981, has been awarded a Fulbright grant to lecture at the Center for Judicial Studies in Montevideo, Uruguay.

During his judicial tenure, Fleishauer has served on numerous committees, including Judicial Education, Judicial Ethics, Circuit Court Automation and Criminal Jury Instructions. He currently serves as vice-chair of the National Conference of State Trial Judge's Ethics Committee.

Fleishauer is one of approximately 1,600 U.S. grant recipients who will travel abroad for the 1997-98 academic year under the Fulbright program. The recipients are selected based on their academic and professional qualifications and their ability and willingness to share ideas and experiences with people of diverse cultures.

The program is named for former Senator J. William Fulbright of Arkansas and designed to increase mutual understanding between the people of the United States and citizens of other countries. ❖

Dane County Circuit Court and COA District IV Exchange Judges

A pilot program to exchange judges between the Dane County Circuit Court and the District IV Court of Appeals got underway in early February.

Court of Appeals Judge Charles P. Dykman took pleas, conducted preliminary hearings, issued temporary restraining orders and handled a variety of civil and criminal motions as well as some stipulated divorces and a small claims de novo.

Dane County Circuit Court Judge P. Charles Jones sat on a Court of Appeals panel on February 4 and more circuit court judges are scheduled to participate on the Court of Appeals through the spring.

The Judicial Exchange Program allows appellate judges to sit on the trial bench and trial judges to sit on the Court of Appeals. The length of each exchange depends on the type of cases assigned.

The program was started last year in the Ninth Judicial District, which exchanged with the District II Court of Appeals. Judges from both courts gave the program high marks.

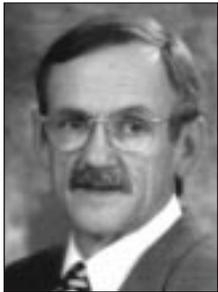
Other participating Court of Appeals judges, who will be receiving circuit court assignments in the next several months, are Chief Judge William Eich and Judge David G. Deiningner. Other participating circuit court judges are: Angela B. Bartell, Mark A. Frankel, Gerald

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Spring Election Features Ten Contests

Editor's note: The varying amount of information on each candidate reflects each person's submission. The general election is April 7.

Stewart, Thedinga Contest Dunn County Circuit Court



Attorney Bill Stewart

The race to replace Judge Donna J. Muza, 70, who is retiring after 19 years on the bench, attracted four Dunn County lawyers. Those emerging from the primary election are an assistant prosecutor and a corporation counsel.

Bill Stewart, 49, served as an assistant Dunn County district attorney from 1988 to 1992. While in that position, Stewart also served as deputy corporation counsel and child support director/enforcement attorney.

He is currently a partner with Schembera, Rivard & Stewart Law Office in Menomonie. His practice emphasizes family and criminal law, employment and discrimination, personal injury, business law, elder law and juvenile law.

Stewart is also a consultant/adviser/trainer in the areas of disability, vocational rehabilitation and special needs educational programs. He is a volunteer mediator for the Department of Justice and for the Equal Employment Opportunities Commission.

Stewart received his undergraduate degree in psychology from the University of Wisconsin-Stout in 1970. He has also received two master's degrees from Stout and earned his law degree from William Mitchell College of Law in St. Paul in 1988.

Stewart is married with one daughter.

Stewart will face William Thedinga, 49, in the general election. Thedinga has maintained a general law practice in Dunn County since 1977. Prior to that, he practiced with a large Boston firm.

Thedinga has served for many years as Dunn County corporation counsel. He is also village attorney for several villages and town attorney for a number of Dunn County townships. He served as chairman of the Dunn County Condemnation Commission and is on the Jail and Space Needs Committee.

Thedinga holds a bachelor's degree from the University of Wisconsin-Madison and graduated from Harvard Law School (where he was president of the Harvard Legal Aid Bureau) in 1973.

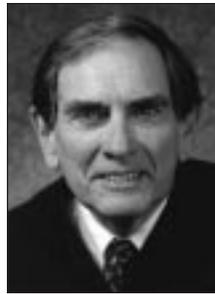
He told the *Dunn County News* that the opportunity to serve the public motivated him to seek election to the bench. "Commitment to serve the public," he said, "is the cornerstone of the judicial system."

Thedinga is married with three children.

Smith Challenges Dyke Iowa County Circuit Court

Judge William D. Dyke, appointed a year ago to fill the vacancy created by the retirement of Judge James P. Fiedler, is facing Carolyn L. Smith, the longest-serving prosecutor in Iowa County history.

For more than 30 years before his appointment to the bench, Dyke practiced law in Mineral Point. His background also includes



Judge William D. Dyke



Attorney Carolyn L. Smith

two terms as Madison mayor (1969-73) and a race for governor in 1974.

Almost immediately upon taking the bench in Iowa County, Dyke began working — with the help of an intern — to set up Teen Court. It started processing cases in October after a month of training sessions and mock trials. Funded with a \$50,000 grant from the state, it now involves all eight school districts in Iowa County.

Dyke, a graduate of DePauw University and the University of Wisconsin Law School, has a son and two daughters.

Smith, Iowa County district attorney for the last 12 years, is emphasizing her extensive courtroom and jury trial experience as well as her working relationship with the police, the clerk of circuit court, the child support and juvenile intake offices and other courthouse personnel.

She serves as chief prosecutor on violent crimes and drug offenses and established the Iowa County Victim/Witness Program. She also developed the Iowa County Domestic Violence Task Force and is a founding member of the Iowa County Juvenile Justice Committee.

Smith is a graduate of the Antioch School of Law in Washington, D.C., where she received the Reginald H. Smith Legal Services Corporation Fellowship.

Greig, Willis Contest Manitowoc County Circuit Court



Judge Patrick L. Willis

Patrick L. Willis, appointed to fill the seat of retired Judge Allan J. Deehr last August, is facing opposition from a sole practitioner from Manitowoc in his first bid for election.

Prior to his appointment, Willis served as Manitowoc city attorney for 20 years. He is past state chairman of the League of Wisconsin Municipalities' Attorneys Section.

Willis graduated with honors in 1975 from the University of Wisconsin Law School, where he was an editor of the *Wisconsin Law Review*.

Willis is married with a son and two daughters.

Opposing Willis is Raymond R. Greig, a sole practitioner emphasizing real estate, estates, personal injury, family law, commitments and guardianships. Greig, a practicing lawyer since 1971, has served as a mediator on the Medical Mediation Panels.



Attorney Raymond R. Greig

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Greig is also an instructor in the business and paralegal programs at Lakeshore Technical College and a business law instructor at Lakeland College.

Freeburg Challenges Bain Marathon County Circuit Court



Judge Dorothy L. Bain

Dorothy L. Bain, 45, was appointed to fill the seat of Judge Michael W. Hoover, who moved to the District III Court of Appeals last August. In her first election, she is faced with a challenge from Philip Freeburg, a private attorney from Schofield.

In a three-way primary, Bain garnered about 70 percent of the vote, with Freeburg and the third candidate closely splitting the remainder.

Before her appointment, Bain worked in private practice for eight years. Most recently, she practiced family and civil law as a litigator with Ruder, Ware & Michler in Wausau.

Bain has served on the board of directors of Judicare, an organization which provides legal assistance to low-income individuals and served as a coach with the State Bar of Wisconsin's mock trial program for eight years.



Attorney Philip Freeburg

Bain grew up in Michigan and came to Wisconsin for law school, which she started at age 33. She is married with a son and two stepsons.

She is opposed by Philip Freeburg, who currently serves as city attorney for Abbotsford and Schofield, village attorney for Rothschild, Marathon and Edgar and also represents the Town of Rib Mountain and the Everest Metro Police.

He served as district attorney in Langlade County until 1988 when he decided to return to Wausau, his home town. He received his law degree from the University of Wisconsin Law School in 1981.

Freeburg spoke with Wausau's *City Pages* newspaper, detailing his philosophy on the role of a judge: "I remember one judge was talking to some students and they asked why everyone stands up in court when the judge walks in," he said. "he said 'to show respect for the judge.' No. The reason is to show respect for the law, and that represents what our community feels is important. It is not *your* courtroom. You represent something bigger."

Freeburg is married with four children.

Christenson, Cimpl Contest Milwaukee County Circuit Court



Attorney
Karen E. Christenson

This race, for the seat of Judge Arlene D. Connors (who retires May 20) pits a judicial court commissioner against an assistant district attorney.

Karen E. Christenson, 53, has been an assistant district attorney in Milwaukee County since 1985. She practices in misdemeanor, felony and children's court. While in the DA's office, she has been assigned to: the domestic violence unit, the organized/



Commissioner
Dennis R. Cimpl

white-collar crime unit and the sensitive crimes unit.

Before joining the district attorney's office, Christenson worked in private practice in the areas of probate, real estate, estate planning and family law. Christenson is married with two children.

Dennis R. Cimpl, 47, has been a judicial court commissioner in Milwaukee County since 1995. In that capacity, he has handled small claims, intake and juvenile court. He is currently assigned to felony preliminary hearings.

From 1975 to 1995, Cimpl was a sole practitioner in West Allis. He had an extensive trial practice, handling both criminal (including first degree intentional homicide) and civil matters.

Cimpl served on the Panel of Bankruptcy Trustees in the Eastern District of Wisconsin for 15 years. He has also been a medical malpractice mediator and recently completed four years of service on the State Bar of Wisconsin's Board of Governors. In addition, he is on the bench-bar committees of both the State Bar of Wisconsin and the Milwaukee Bar Association.

Kuhnmuensch, Petersen Contest Milwaukee County Circuit Court



Attorney
Mary Kuhnmuensch

This race will fill the seat of retiring Chief Judge Patrick T. Sheedy, who has served on the bench in Milwaukee County for 19 years. The race features a Milwaukee city attorney and an attorney who works for the Milwaukee Metropolitan Sewerage District.

Mary Kuhnmuensch, 41, has been an assistant Milwaukee city attorney for the last eight years. She has represented the city in labor and employment matters, including labor arbitrations, administrative hearings and employment litigation. For the past four years, she has served as a city prosecutor handling drunk driving, assault and battery and disorderly conduct in both municipal and circuit court.

Kuhnmuensch is an adjunct professor in the Business and Management department of Alverno College and has taught business law for nine years.

A Milwaukee native, Kuhnmuensch is a 1983 graduate of the New England School of Law in Boston and a 1978 graduate of St. Marys College, Notre Dame, Ind.

She is running against James H. Petersen, who has worked for the Milwaukee Sewerage District since 1979 and has been involved in complex litigation involving tens of thousands of documents set up in databases. In 1996, he served as co-counsel before the Public Service Commission in proceedings that ultimately concluded in the FLOW litigation. He is also a lobbyist for the District.

From 1973 to 1979, Petersen worked as an assistant state attorney general and tried numerous civil rights lawsuits and worked with prisoner litigation.

Petersen is a 1971 graduate of Marquette University Law School.

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People in the News

Calumet County Circuit Court Judge **Donald A. Poppy** was applauded by *The Post-Crescent* (Appleton) for “shedding daylight on the juvenile court system.” Poppy decided to open his courtroom to the news media for certain portions of proceedings relating to a CHIPS matter which has received national attention. He said, “it’s important that the public knows what goes on in juvenile court” so that they can begin to understand it better.

Judge **David G. Deininger**, District IV Court of Appeals, was pictured in the *Monroe Times* with his dog Abby. He likened the job of a Court of Appeals judge to a bomber who makes a large impact from high above and compared his former post as Green County Circuit Court judge to a soldier doing battle on the front lines. “There are aspects of the trial court I miss,” he said. “And, there are parts of it I don’t miss.”

Judge **Charles B. Schudson**, District I Court of Appeals, has been doing more reading lately. Schudson has immersed himself in a batch of **Spiderman** comic books. The National Committee to Prevent Child Abuse, for which he served on the board of directors for six years, produces a series of the comic books to help children in grades four through six to prevent, understand and cope with such issues as peer pressure, abuse (physical, sexual, verbal) and bullying. The Committee asked Schudson to write the teaching manual for the Spiderman comic book on fatherhood, which underscores the importance of positive male role models for children. The books are distributed nationally and internationally which, Schudson said, can present an editorial challenge because of language and cultural differences. For example, he said, in the Hmong culture, corporal punishment is acceptable while isolating a child as punishment is considered abusive.

Debate continues regarding the revised juvenile code, reported *The Journal Times* (Racine). Dane County Circuit Court Judge **Gerald C. Nichol** told a reporter, “Kids grow up faster. I have no problems seeing 17-year-olds in adult court,” while Judge **Sarah B. O’Brien**, Dane County Circuit Court, said she is cautious: “We don’t have any options specially designed for that age group. Sentencing options as they are now are designed for people with adult living skills.”

Earlier this year the Rock County Bar Association presented the county with a portrait of retired Judge **J. Richard Long**. Long retired from Rock County Circuit Court in 1996. At the dinner, the judge was honored for his integrity, intelligence, hard work, dignity “and of course, punctuality.” Long’s portrait was hung in the Rock County Courthouse in February, reported the *Beloit Daily News*.

Wisconsin State Journal’s “Snoop” caught Wisconsin Supreme Court justices at play after a snowstorm. Eyewitnesses reported that Justice **Ann Walsh Bradley** “lobbed a high hard one” at state Representative **Tammy Baldwin**. Chief Justice **Shirley S. Abrahamson** and Justice **N. Patrick Crooks** reportedly either joined in the fun or watched in horror, depending upon the source.

Eau Claire County Circuit Court Judge **Thomas H. Barland** wants to see the crime of fleeing from an officer reduced from a felony back to a misdemeanor, according to *The Daily Reporter*. Barland said since the law was changed in 1994 he has noticed longer court time for those charged with fleeing and fewer plea

agreements. He said the “young men caught in these situations are not criminals or likely to become offenders again.”

At the 13th annual City-County Observance Honoring Dr. **Martin Luther King, Jr.**, Dane County Circuit Court Judge **Paul B. Higginbotham** urged listeners: “It is imperative that we embark on a new civil rights strategy and the word for today’s civil rights strategy is action.” He encouraged the audience to vote, to get an education, to protect affirmative action and equal opportunity housing and to serve on juries, according to *The Capital Times*.

The Dodge County Courthouse recently installed a video conferencing network which allows a defendant or witness to give and hear testimony without actually being in the courtroom, reported the *Daily Citizen* (Beaver Dam). This new technology is expected to save time and money and increase security. The system includes a video evidence presenter which allows juries to view the evidence charts and other items on the 10-foot screen. “Too often the jury feels left out,” said Dodge County Circuit Court Judge **John R. Storck**. “The presenter gets the jury more involved.”

A reporter from *The Daily Reporter* interviewed Wisconsin Supreme Court Justice **Donald W. Steinmetz** at his Lake Okauchee home. The justice, who began practicing law in 1951, when asked about his work style said, “I write everything longhand. When we had ordered the last batch of computer equipment for everybody, I said, ‘Why don’t you just cancel my order and give me two boxes of No. 2 pencils? That’s all I need for the job.’”

Circuit Court Judge **Michael W. Gage** was pictured in *The Post-Crescent* (Appleton) trying out equipment to assist hearing impaired jurors at the Outagamie County Justice Center. The goal, Gage said, is to have as many people as possible eligible to serve as jurors. An alternative is real-time court reporting, where the proceedings may be read from a computer screen.

Dane County Circuit Court Judge **C. William Foust** recently appointed **John C. Albert** as Dane County court commissioner, reported *The Star* (Sun Prairie).

Wisconsin Supreme Court Justice **Jon P. Wilcox** was given an opportunity to reminisce at the dedication of the new and remodeled facilities in the Wild Rose School District, where he was raised and attended school. He recalled what was once the gymnasium and cafeteria where he delivered his valedictorian speech. It is now the wrestling training room and extra commons.

Dane County Circuit Court Judge **Daniel R. Moeser** and District Court Administrator **Gail Richardson** gave a brief civics lesson in *McFarland Community Life*. “We do try very hard to make sure people realize that this is their court system,” said Richardson. While Moeser said that he is concerned about keeping the courts open and accessible to citizens, he warned that the courts “are not the solution to all ills in the world.”

The *Wisconsin State Journal* talked to the judges of Dane County’s experimental Drug Treatment Court, a program mostly funded by a federal grant. The program seeks to end the “revolving door of criminal drug courts.” If offenders opt to join the treatment program they must submit to urine tests, counseling, frequent court appearances (before the same judge), home visits, job checks and caseworker interviews. Currently, participants

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come before circuit court judges **Steven D. Ebert** and **Stuart A. Schwartz**. While the process demands a lot of participants and it is too early to declare it a success, Ebert said it feels good to watch the graduation of participants who have worked their way through the program.

Journalist turned jurist describes Milwaukee County Circuit Court Judge **Diane S. Sykes**. Sykes, who worked for the *Milwaukee Journal* for 18 months before going to law school, told *The Daily Reporter*, "Journalism not only teaches you to write thoroughly, but also to discover facts," she said. "That's what lawyering is all about and that's what the trial process is intended to do." She has been on the bench since 1992.

The *Leader-Telegram* reported on the upcoming retirement of Dunn County Circuit Court Judge **Donna J. Muza**, who is stepping down at the end of her term in July. According to Muza, retirement plans include spending more time with her husband, Robert, continuing her well-known hobby of knitting mittens (which adorn her Christmas tree and are offered to anyone who wants them) and serving as a reserve judge.

Circuit Court Judge **Elsa C. Lamelas** is the "one and only Hispanic elected official in both the city and county of Milwaukee," according to an article in the *Milwaukee Journal Sentinel*. A Cuban refugee who came to the United States at the age of 10, Lamelas remembers her mother's words as she boarded the plane for Florida 32 years ago: "... never forget where you come from." That could explain why she regularly speaks to Hispanic groups, why she is proud to be a role model for Hispanic children and why a small Cuban flag stands in her china cabinet.

As Municipal Judge **Edmund Nix** prepares to step down from the bench in April he shared some advice in a *La Crosse Tribune* article. Nix is known for sentencing juvenile shoplifters with writing an essay about why stealing is wrong. "I find that about 95 percent of the (children) opt voluntarily to do the essay, and many of the essays are inspiring," he said. "And I've found the recidivism rate is extremely low. That is the most gratifying thing."

The Walworth County Bar Association dedicated a plaque in memory of Judge **Ernst John Watts**, who held the bench from 1960 to 1973. After leaving his judicial post he served as dean of the American College of the State Judiciary at the University of Nevada, Reno. Later, he traveled the world lecturing and training judges. Watts died on February 2, 1997. Walworth County Circuit Court Judges **Michael S. Gibbs**, **John R. Race** and **James L. Carlson** were pictured in the *Elkhorn Independent* attending the ceremony.

The *Capital Times* photographed Wisconsin Supreme Court Justice **N. Patrick Crooks** swearing in fifteen students from Mendota Elementary School as "peer mediators." These students are part of the PEACE (Peers in Education Addressing Conflict Effectively) program sponsored by the State Bar of Wisconsin and Attorney General **James Doyle**.

Trempealeau County Circuit Court Judge **John A. Damon** reported on the first year of small claims mediation in *The Blair Press*. The program has received positive evaluations from participants. "It has been great in saving court time and it has allowed greater participation in the court system by our citizens," he said.

One of Milwaukee County Circuit Court Judge **Patricia D. McMahon's** biggest influences was the civil rights struggle of the '60s. It led her to become one of only four women in the 1968 class at Emory University Law School in Atlanta. She graduated first in

her class. According to McMahon, "the South was not particularly receptive to women lawyers," so her search for work brought her to Foley & Lardner in Milwaukee, she told *The Daily Reporter*. Still interested in constitutional law, McMahon was recently recommended for a vacancy on the U.S. District Court for the Eastern District of Wisconsin. She did not receive the nod.

Last October, Chief Justice **Shirley S. Abrahamson** asked Chief Judge **Barbara A. Kluka**, Kenosha County Circuit Court, to join a group of judges who were traveling to China to teach judges there about the American judicial system, an invitation Kluka gladly accepted. Upon Kluka's return she was interviewed by the *Kenosha News*. The purpose of this trip, which was sponsored by the Ford Foundation, was to bring the perspective of foreign judges to China as they consider reforming their judicial system.

Manitowoc's *Herald Times Reporter* reminded readers: "Court isn't only way to end disputes." The paper was talking about Alternative Dispute Resolution (ADR). "The idea is to end disputes quickly and not incur substantial costs preparing for a trial neither party wants," said Manitowoc County Circuit Court Judge **Fred H. Hazlewood**.

Langlade County Circuit Court Judge **James P. Jansen** gave an overview of the U.S. Constitution, referring to the document as a "work of art," at the Langlade County Historical Society's annual meeting, reported the *Antigo Daily Journal*.

Dorothy L. Bain, recently appointed Marathon County Circuit Court judge, was awarded the Athena Award, reported the *Wausau Daily Herald*. The award is given annually to top Wausau business and professional women. Bain is the second judge to receive the award. In 1990, the award was given to Wisconsin Supreme Court Justice **Ann Walsh Bradley**.

District I Court of Appeals Judge **Charles B. Schudson** attributes much of his career success, according to *The Daily Reporter*, to two early failures in his life. That is why Schudson said he tells students, "The question is not 'Will you fail?' Of course you will—many times. The question is 'How will you deal with failure?'. . . And can you, as the saying goes, take those lemons and make lemonade?"

Dodge County Circuit Court judges were congratulated for their creative juvenile sentencing strategy by state Senator **Scott Fitzgerald** in *The Reporter*. Fitzgerald was talking about Dodge County's Responsibility Adjustment Program (RAP) initiated and supervised by judges **Andrew P. Bissonnette**, **David W. Klossner** and **John R. Storck**. Each month, judges, local law enforcement and volunteers supervise approximately 80 youth offenders in a community service projects.

Wisconsin Supreme Court Justice **Ann Walsh Bradley** studied religion, English and philosophy in college, she told *The Daily Reporter*. After graduation, she taught religion at Aquinas High School in La Crosse, but her interest in the law made her return to school. "There is, with this kind of background, almost a natural attraction toward a system of justice," Bradley said. "You're concerned with ethics. You're concerned with reflecting on the law and reflecting on the facts."

In January, Judge **Gregory A. Peterson**, Eau Claire County Circuit Court, served on a panel to discuss issues of life and morality such as physician-assisted suicide, living wills, cloning, the right to die, human dignity and "do not resuscitate" orders. The panel

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Courts' Sesquicentennial Celebration Moves Forward

Colorful Court, Legal Lore Comes to Life

Think it's difficult to build a courthouse today? In 1882, ten months after the Wood County Board appropriated funds for a new courthouse, the building sat partially built and the workers went without pay as a legal battle over the expenditure wore on.

The local paper wrote: "Let rather the accursed building be sold to the highest bidder and the debts be paid, and let us hold court in a log house or on some hospitable lumber pile, where the curses of the toilers and the cries of the children for bread will not reach our ears; where the Great Judge will not frown, holding us to account for such inequity."

Courthouse security concerns? In Clark County's first courthouse, county officers were seldom in their offices, so residents needing information from county records simply entered the building and helped themselves. On the rare occasion when the door was locked, they would crawl through the window, which was always open.

This and other colorful information on local court history and legal lore has been distributed to every judge and court administrator in the state. Each individual received information on his or her home county, but may request additional counties. The quality and quantity of material located on each county varies greatly.

The Wisconsin Supreme Court and the Director of State Courts Office — with help from many judges, clerks of circuit court, attorneys, local historical societies and Supreme Court interns — collected and distributed the material in hopes that it will be useful in speeches or for handouts or plaques in honor of the state's sesquicentennial.

The material is now part of a permanent archive at the state Supreme Court. Further contributions are welcome and

should be sent to Karen Leone de Nie at P.O. Box 1688, Madison, Wis., 53701-1688.

Publications Tailored for Sesquicentennial

A number of publications have been, or will be, produced in honor of the state's sesquicentennial. These include:

- The *1998 Law Day Kit, Sesquicentennial Edition*. This was mailed to local bar associations, county courthouses and others interested in organizing Law Day events. The kit includes synopses of 23 famous Wisconsin Supreme Court cases, local court history/legal lore, mock trial transcripts, 20 articles on important people/events in Wisconsin's legal history and other useful material for counties to use in Law Day/sesquicentennial activities. Call (608) 264-6256 to obtain a copy.
- A biography book, illustrated with portraits and photographs of all Wisconsin Supreme Court justices since statehood, is in production. Two judges have volunteered their time to help edit the book. They are Judge Paul C. Gartzke and Judge Thomas E. Fairchild. For more information, call (608) 261-8297.
- A packet of biographies of Wisconsin's deceased chief justices since statehood is available now to visitors of the court and by calling (608) 266-1298.
- A special sesquicentennial version of retired Chief Justice Roland B. Day's brochure on the artwork of the Supreme Court has been produced with funding from the Statehood Day Commission. These are available in bulk to all courthouses; call (608) 266-1298.
- Simple, low-cost visitors' guides for local courthouses continue to be produced through the State Bar of Wisconsin.

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The guides feature maps, phone numbers, courthouse history and more. For more information on how to put one together for your county, call (608) 264-6256.

- A poster which will feature photographs of about 20 of the state's roughly 40 historic courthouses is in the works. The 20 are the best examples of the various types of architecture reflected in Wisconsin's courthouses. The Director of State Courts Office will distribute these to courthouses statewide. The State Historical Society is producing the poster.

Oral History Project Well Underway

The project to record an oral history of the Wisconsin court system is continuing, with Trina E. Haag, interim assistant to the chief justice, interviewing long-serving judges. The latest interview subject was Senior Judge Thomas E. Fairchild of the U.S. Court of Appeals.

The project began at the Judicial Conference last fall, where 21 judges met with reporters to discuss the campaigns they ran, the qualities a judge should have, the best/worst parts of the job, their most high-profile cases, their relationship with the media and the bar, and much more.

The transcripts will be donated to the State Historical Society and the law schools at Marquette University and the University of Wisconsin to be used by researchers. In addition, the material may be used as the basis for newspaper articles on the history of the courts during the state's sesquicentennial year. Portions of the videotaped interviews may be edited into an educational piece for schools, but this will not be completed as a project for the sesquicentennial.

The following judges have provided general interviews covering their years on the bench: 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. Mittelstadt, 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. Bablitch, who was Senate Majority Leader at the time, shepherded the reorganization through the Wisconsin Legislature.



Linda Franklin



James McDuffie

Rope of Sand Tickets Now Available

The Glover/Booth story will be brought to life in an original play, *Rope of Sand*, which will be performed at the Madison Civic Center, Starlight Room, on Thursday, May 28 (7:30 p.m.) and Friday, May 29 (1 p.m. and 7:30 p.m.).

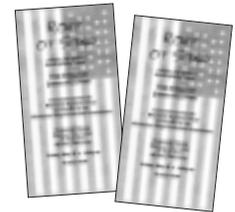
The play, commissioned by the Wisconsin Supreme Court with a grant from the Wisconsin Sesquicentennial Commission, is by Madison playwright Marc Kornblatt and directed by Betty Diamond. Vocalist Linda Franklin will serve as music director and will play one of several Joshua Glover roles written, Greek-chorus style, into the play. Ellen M. Castro, an employee of the office of the Clerk of Supreme Court and Court of Appeals, will be stage manager.

Rope of Sand was recently read for the first time at the Wisconsin Supreme

Court, with Franklin, along with Madison firefighter James McDuffie and former Madison Affirmative Action Director Eugene Parks reading the lead roles. University of Wisconsin Law Professor Gordon B. Baldwin, Reserve Judge Paul C. Gartzke, Supreme Court Commissioner Joseph M. Wilson, Interim Assistant to the Chief Justice Trina E. Haag and local actors Mark Bluel, James Buske, Robert Curry, Patrick Fernan, Jack Math and Steven Montagne all read parts.

Tickets for *Rope of Sand* are \$3 and may be ordered by writing: Rope of Sand, P.O. Box 1688, Madison, Wis. 53701-1688. Checks should be made out to *Wisconsin Supreme Court*. Please indicate a first and second choice for show date and time, along with a telephone number and the number of seats requested.

Anyone interested in auditioning for a part may call Betty Diamond at (608) 257-5548. Those willing to volunteer for a variety of duties at the show should call Amanda K. Todd, court information officer, at (608) 264-6256.



The Glover/Booth Story

When it was still in its infancy, the Wisconsin Supreme Court became involved in one of the major northern struggles against slavery. The case centered on a fugitive slave named Joshua Glover who sought freedom in Wisconsin only to be tracked down by his former owner, captured in Racine and jailed.

A Milwaukee newspaper publisher, Sherman Booth, who fought for Glover's freedom, was arrested for violating the Fugitive Slave Act.

The legal battle over Booth's role in Glover's eventual escape from the Milwaukee jail (after a crowd of citizens broke down the jailhouse door) pitted the

Wisconsin Supreme Court against the federal courts and dramatically framed the argument over states rights versus the ultimate authority of the federal government as the nation faced civil war.

The play *Rope of Sand* will retell this important story on May 28 and 29 (see above).

Glover/Booth Video in Production

A different treatment of the Glover/Booth story (taking less dramatic license and weaving in more Civil War history) is being produced with Wisconsin Public Television, also with a grant from the Wisconsin Sesquicentennial Commission.

The show will be either a half-hour or one hour long, depending upon the material uncovered and the availability of several well-known African-American actors who have expressed preliminary interest in being part of the project. Harvard University Professor Richard Newman, who recently published a book on African-American spirituals, is consulting on music for the production.

The piece will include interviews with Chief Justice Shirley S. Abrahamson, University of Wisconsin Law Professor Gordon B. Baldwin, University of Wisconsin African-American Studies Department Chair Richard Ralston, historian/scholar Ruby West Jackson (who is working on a book about Joshua Glover) and more, and will air statewide when it is completed next fall.

It will also be made available through the Department of Public Instruction to schools statewide along with teaching materials on the state and federal courts and on the case.

Articles Feature Key Moments, People in State's Legal History



Attorney/Author
Joseph A. Ranney

Forty-seven articles on important people and events in the history of the Wisconsin courts and legal system have been distributed to newspapers around the state.

The articles, by attorney/author Joseph A. Ranney, are part of a series which the Wisconsin Supreme Court is making available to the press and interested members of the public as a public service for the sesquicentennial.

They are also posted on the following websites: Wisconsin Newspaper Association (www.wnnews.com), Wisconsin Sesquicentennial Commission (www.150years.state.wi.us), State Bar of Wisconsin (www.wisbar.org/sct/) and—this spring—the court system website (www.courts.state.wi.us).

It is important to note that the viewpoints expressed in these articles are the author's alone.

Wisconsin's History Through the Eyes of the Law

The following are the titles of the articles contained in Attorney Joseph A. Ranney's series. To order a free set of the articles, call Karen Leone de Nie at (608) 266-1298.

- Thomas Jefferson and the Northwest Ordinance
- Law and Wisconsin's Indians
- James D. Doty: Wisconsin's First Judge
- Wisconsin's Bank Wars
- The Beginnings of Wisconsin's Progressive Tradition: The 1848 Constitution
- Great Wisconsin Judges: Edward V. Whiton
- Wisconsin Abolishes the Death Penalty
- Byron Paine, Wisconsin's First Civil Rights Leader
- Black Wisconsinites' Struggle for the Vote
- The Impeachment of Judge Levi Hubbell
- The War of the Governors: Bashford vs. Barstow
- Wisconsin's Fight for Fugitive Slaves: The Booth Case
- Chief Justice Luther S. Dixon and the States Rights Movement
- Civil Liberties and the Civil War
- Legislators for Sale: The Railroad Scandal of 1856
- "Will Her Thoughts be Wrapped up in his Happiness?" / Wisconsin Women's Struggle for Property Rights
- Lavinia Goodell, Wisconsin's First Woman Lawyer
- Olympia Brown and Wisconsin Women's Struggle for the Vote
- Chief Justice Ryan Tames "An Empire Within an Empire"
- Great Wisconsin Lawyers: Matt Carpenter
- Great Wisconsin Lawyers: John C. Spooner
- Law "on the Circuit" in the 19th Century
- Demon Rum and Sunday Lager: The Temperance Movement in Wisconsin
- Of Bibles and Bennetts: Battles Over Language and Religion in the 1890s
- The Bay View Riots and the Beginning of the Wisconsin Labor Movement
- The Direct Primary and the Fight Against Party Bossism
- Civil Service Reform and the Beginning of Wisconsin's Tradition of Clean Government
- Champions of the "Wisconsin Idea" / Charles McCarthy
- Champions of the "Wisconsin Idea" / John R. Commons
- Financing Reform: The Overhaul of Wisconsin's Property Tax
- How the Income Tax Came to Wisconsin
- Taming the Jungle of Public Utilities
- Reforming the Workplace
- The Nation's First Workers' Compensation System
- Great Wisconsin Judges: John B. Winslow
- A "Constructive Conservative"
- Great Wisconsin Judges: Roujet D. Marshall
- World War I and the Assault on Free Speech in Wisconsin
- Victor Berger: A Reluctant Martyr for Free Speech
- Great Wisconsin Judges: Marvin B. Rosenberry, Apostle of Administrative Law

- To Help the Victim: Wisconsin Modernizes its Injury Law
- The Wait Case and Equal Rights for Women
- The Nation's First Unemployment Compensation Law
- Beating the Great Depression: Wisconsin "Little New Deal"
- Great Wisconsin Judges: Edward T. Fairchild
- Traditional Values and No-Fault Divorce
- "Looking Further Than the Skin" / Wisconsin's Struggle Over Segregation
- Attorney Lloyd Barbee

Supreme Court History Showcased at Sesquicentennial Reception

History came to life for close to 400 people who attended a sesquicentennial reception at the Supreme Court held in conjunction with the State Bar's Midwinter Convention in January. Lawyers, judges, legislators, clerks of circuit court, court staff and other guests gathered in the Supreme Court Hearing Room and chambers, and the State Law Library, as live jazz and classical music from a grand piano filled the air.



Guests toured the Wisconsin State Law Library and admired the special sesquicentennial displays organized by the staff.

In preparation for the event, mahogany and oak furniture, commissioned in the early 1900s for the Supreme Court, was brought back to the Court from other state offices and storage units and arranged as it might once have looked.

Artwork long kept in boxes, depicting former justices and courtrooms, now decorates the walls. Since 1848, there have been 76 justices on the high Court. The Court located missing portraits of five out of the six justices from the Court's early days who have never hung with the rest. Old newspaper clippings, *Blue Book* entries and memorial addresses were used to create brief biographies of the justices that now hang alongside their portraits. These biographies and portraits are being reproduced in a booklet.

Each justice has an interesting story. For example, the Court traced a picture of Justice Theodore Lewis (who served on the

Court in 1934) from relatives in Florida, to California, to Oregon. Lewis was a successful Madison lawyer who served as district attorney in Dane County and city attorney in Madison. He was a young justice, appointed to the Court at the age of 43. Unfortunately he died of pneumonia 20 days into his term, without ever having heard a case.

The Court is still missing a portrait of Justice Wiram Knowlton, from Prairie du Chien, who served from 1850 to 1853. Anyone with information on Knowlton should please call Trina E. Haag at (608) 261-8297.

Supreme Court Will Host Open House for Law Day

The art and antique furniture that has been restored to the Wisconsin Supreme Court Hearing Room and chambers will provide the backdrop for a special Supreme Court open house on Law Day, May 1.

While details are still being worked out, the open house will run for much of the day. The general public, school groups, media and anyone else with an interest is welcome to attend.

Members of the Court will be on hand to give tours and answer questions and a variety of court-related publications will be available.

Writing Contest Will Net Law Student \$1,500

The Wisconsin Supreme Court, in cooperation with both the University of Wisconsin Law School and Marquette University Law School, is sponsoring a writing contest which will focus on the importance of law in our lives, how the law has shaped American society and how progress and change have shaped the types of cases the courts handle.

Professors Arthur McEvoy (UW) and Gordon Hylton (Marquette) have developed the materials and are overseeing the contest.

A private, anonymous donor has put up a \$1,500 prize for the winning essay. The winner will be announced on Statehood Day, May 29, 1998.

Chief Justice to be Featured in March "Sesquicentennial Minute"

Chief Justice Shirley S. Abrahamson will be featured during the week of March 15 in a one-minute spot on Lavinia Goodell, the first woman admitted to practice before the Wisconsin Supreme Court. The piece is part of a 52-part series by Wisconsin Public Television.

Goodell, a Rock County lawyer, petitioned for admission to the bar of the state Supreme Court in 1875. Chief Justice Edward George Ryan initially denied the application, writing: "There are many employments in life not unfit for the female character. The profession of the law is surely not one of these. . . ."

Shortly after, the state Legislature passed a bill to admit Goodell to the bar. When her application again came before the Supreme Court, Ryan dissented but two justices agreed and she was admitted. ❖

Law Clerks Bring Myriad Life Experiences to Court

by: **Karen Leone de Nie**

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 about the Court and the people who work there. Judge Patricia S. Curley suggested the first feature subjects.

Law clerks Hays Ellisen and Sara J. MacCarthy have spent the past year researching and editing opinions and learning about the Wisconsin Court of Appeals. Like many of their colleagues in the appellate courts, Ellisen and MacCarthy bring to the job a fascinating array of life experiences. In this case, those experiences include advocacy for migrant farmworkers, a Peace Corps stint in Cameroon and a teaching job with kids so frightening that turning one's back to write on the chalkboard was risky.

Before accepting a clerkship with Judge Patricia S. Curley at District I of the Court of Appeals, Ellisen spent more than a year as a legal intern for the Migrant Farmworker Justice Project in Belle Glade, Fla. He visited labor camps to talk with the Latino and Haitian workers about their living and working conditions. These farm laborers, who acquire special certification to work seasonally in the United States, do not have union organizing rights, Ellisen said. The Justice Project advocates for the rights of these laborers who perform jobs, it says, that most American workers would not.

His next clerkship took him to Detroit from 1995 to 1996. As part of the National Lawyers Guild-Sugar Law Center, Ellisen worked with local community groups and the National Association for the Advancement of Colored People (NAACP) to halt construction of a wood-burning incinerator in Flint, Mich. The incinerator was slated to take the wood waste, often containing lead-based paint, from buildings being demolished in Detroit. While they did not stop the construction, they did win a court ruling that the incinerator's emissions must be regularly monitored.

Ellisen won his first jury trial as a student attorney at the Child Advocacy Law Clinic in Ann Arbor, Mich., where he successfully argued a termination of parental rights case. At the clinic, he worked closely with abused children and with parents accused of neglect or abuse.

Born in New York and raised in Appleton, Ellisen attended the University of Minnesota with plans to pursue a degree in English, but later decided that the field, as he said, "was kind of murky." He graduated *summa cum laude* in 1993 with a bachelor's degree in philosophy and a minor in Norwegian.

Reviewing his educational background, Ellisen realized that he could either teach philosophy or move to Norway. Because neither option was appealing, he decided to take the LSAT. He graduated from the University of Michigan Law School in December 1996.

Since June of last year, Ellisen has served as a law clerk in the Court of Appeals. He said the job has helped him to learn Wisconsin law. While he may eventually return to practice social justice law, he acknowledged the burden of law school loans and hopes to find litigation work with a Milwaukee firm.

Ellisen, a die-hard bicyclist, rides through the winter (which has not been too difficult this year). He also enjoys reading, playing guitar and cheering on the Green Bay Packers. When asked about his family, Ellisen replied: "single, but looking."

Down the hall in Judge Charles B. Schudson's chambers, Sara J. MacCarthy has brought her own colorful credentials to the Court of Appeals. Said Schudson: "I never thought that I would hire a law clerk who was fresh out of law school and I had countless applicants and I was ready to hire any one of them and she just blew them all away. She has been everything I had hoped for and more.

"Despite the fact that she had just come out of law school, she had wonderful life experience, and particularly life experience outside of law that I consider to be a critical asset," he said. MacCarthy said Schudson has helped her improve her editing skills and has taught her self discipline and how to work as part of a team. As she drafts an opinion, MacCarthy said that Schudson frequently reminds her, "What do you want the court and the human being [the defendant, victim, attorney] to take away from the opinion?" He has taught her to move away from the legalese and get directly to the essence of the issue.

As a Peace Corps volunteer, MacCarthy was stationed in Cameroon, Africa, for



**Law Clerk
Hays Ellisen**



**Law Clerk
Sara J. MacCarthy**

more than two years, teaching English to French-speaking youth. There, she witnessed vast differences between the African and American cultures. For example, she said, the profession of teaching was highly respected in Africa and her colleagues boasted master's and doctorate degrees from well-known European institutions. She also found that the people of Cameroon place less priority on their work and more on their families and personal relationships.

MacCarthy said the Peace Corps gave her an opportunity to explore other cultures and gain a new perspective. "I would encourage everyone, especially retiring judges, to join the Peace Corps," she said.

A native of central Massachusetts, MacCarthy was inspired to learn about other cultures while still in college. An anthropology professor, whom she described as a "fantastic mentor," helped her decide to pursue a degree in anthropology. She also earned a minor in French. For her senior thesis, MacCarthy studied second language acquisition in the Hmong people and taught English as a second language to young men.

Upon her return to the United States in 1991, she found work as a school counselor and substitute teacher at Robert F. Kennedy Action Corps in Lancaster, Mass. Her students were victims who had become offenders and there she faced new challenges. The discipline problems were so severe that she felt she could not turn her back to the class to write on the chalkboard. The experience was, she said, "very sad and very frightening."

While MacCarthy acknowledged she did not have the heart for this work, the job did convince her to enroll in law school. Any

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VOLUNTEERS IN THE COURTS:

A Partnership for Justice

Volunteer Work With Children Gives Judge New Insights

by Judge Margaret J. Vergeront
Court of Appeals, District IV



Judge
Margaret J. Vergeront

Monday noons find me having lunch at Franklin Elementary school with 100 5- and 6-year-olds. I am there because I participate in the O.K. (Our Kids) Mentor Program and I am Jimmy S's mentor.

We meet once a week and have lunch together; then I help him learn to read. The program pairs children identified by parents or teachers as needing more attention with adults who are interested in providing that. The idea is that the mentor will build a long-term relationship with the child, encouraging and supporting the child in his or her schooling and being a friend.

Jimmy is the third child with whom I have been paired during my several years of participation. (Both the other children moved from Madison due to traumatic family circumstances). With each child, it took some time to develop trust and to find activities that engaged the child and that we could enjoy together. With Joey, it was puzzles and being read to. With Sam

it was recording his singing (with back up) and science experiments (preferably the kind that fizzed and sparked and made a mess). With Jimmy, so far, it is drawing and learning the alphabet. With each child, a real bond developed. I still think often of Joey and Sam, and if either comes back to Madison, I would like to reestablish a relationship.

Meanwhile, when Jimmy sees me at the classroom door each Monday, he races over with a grin and a hug.

As judges, we regularly volunteer our time to professional organizations and to speaking in our communities on judicial and legal topics. I think it is just as important that we participate as citizens in our communities by volunteering in programs for children that need assistance. Participating in our communities outside of our judicial roles may give us insights, knowledge and relationships that we might miss if we limit ourselves to our usual professional and social circles.

We see in the courtroom all the time the results of children not having the adult guidance and support that every child needs. I am guessing that there are programs in all of our communities that are trying to address this: Big Brothers and Big Sisters, after school or evening tutoring and mentor programs through service organizations, to name just a few.

As citizens, we have a stake in the stability and health of our communities, which means, to a large extent, the well-being of the children. As individuals, we have much to offer because of our particular life experiences. Because of our fortunate circumstances, we are in a position to make contributions of time and energy. Finally, there is the satisfaction that comes from making a difference in a child's life.

There are, of course, constraints that we judges operate under in our community activities that other citizens don't have. We do not want to be involved in advocacy organizations that are, or might be, involved in litigation and we must be careful not to use the influence of our office in ways that would violate our code of ethics. The constraint of time, of demanding work schedules, is also significant. But if we look, we can find ways to participate in volunteer activities in our communities that are consistent with our ethical obligations and our schedules.

I would like to encourage other judges to write about their volunteer experiences in their communities and to let the rest of us know of programs that are suitable for judges' participation and need volunteers. No doubt there are stories that would enlighten and inspire us as we go about our work of judging. ❖

Tell Us Your Story

April is National Volunteers Month. In celebration, we are producing a special *Volunteers in the Courts* newsletter that will highlight volunteer work in the judiciary as well as successful court-related volunteer programs.

We want to hear about your volunteer activities. A form to assist you in responding has recently been mailed. If you did not receive one and would like to submit a story, please contact Trina E. Haag, interim assistant to the chief justice, at (608) 261-8297. You may also mail a brief story to: Trina E. Haag, Wisconsin Supreme Court, P.O. Box 1688, Madison, Wis. 53701-1688 or fax to (608) 261-8299. ❖

VOLUNTEERS IN THE COURTS:

A Partnership for Justice

Chair, Chief Justice Shirley S. Abrahamson
Program Coordinator, Trina E. Haag, Interim Assistant to the Chief Justice
Assistant Program Coordinator, Karen Leone de Nie, Administrative Assistant

To receive a recent report on *Volunteers in the Courts* or to share information about court-related volunteer programs contact Trina E. Haag at (608) 261-8297. Information is also available on the court's website at: <http://www.courts.state.wi.us> ❖

Community Service Sentencing Catching on Statewide

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



Judge
Edward R. Brunner

A few years back, a young woman in Barron County was in financial trouble. Convicted of welfare fraud, she served a short jail term and was then placed with a public housing

agency to perform community service. Now, she has a full-time job as assistant director of the agency.

Judge Edward R. Brunner implemented Barron County's community service program in 1992. It allows judges to impose community service in lieu of jail time and/or fines in certain cases involving minor criminal charges or traffic violations.

Community service sentencing has long been an option, but there was not an organized way to do it. Now, in an average month, Barron County has between 50 to

60 offenders completing approximately 400 hours of community service at 20 to 30 sites. Usually two to three offenders are referred back to court.

Brunner said community service sentencing saves tax dollars and improves community life.

Each summer in Barron, for example, the Kiwanis Club organizes flower planting throughout the city. Juvenile offenders, ordered by the court into community service, plant and water the flowers. The youth spend time with potential role models while providing tangible benefits to the community.

Those benefits come in many forms. In 1997, Barron County saved \$71,486 in jail and detention costs (it costs \$130 per day to place a juvenile in secure detention and \$65 per day to jail an adult) by carefully placing selected offenders in community service sites. Brunner noted that the program also allows offenders to forge positive relations within their communities and build self-esteem.

Key to the program's success, according to Brunner, is for judges to play a visible role. Brunner said that community agencies

respect the bench and appreciate the judges' active participation. This means maintaining contact with the agencies and resolving problems quickly.

Last April, at the *Volunteers in the Courts* conference in Madison, Brunner gave a presentation on the Barron County community service program. After the conference, about 70 people requested packets of material about the program. Almost a year later, word continues to spread. Brunner said the Barron County program has been flooded with phone calls.

Eau Claire is one of several counties interested in implementing the Barron County model. The Eau Claire Circuit Court judges, at the request of Judge Benjamin D. Proctor, invited members of the community to the county courthouse on March 11 to gauge interest and encourage discussion. They hope to develop a network of governmental agencies and non-profit organizations to provide placement options for offenders.

To receive an informational packet on the community service sentencing program, contact Judge Edward R. Brunner or Coordinator Bruce Sockness at (715) 537-6399. ♦

Love, Marriage and Divorce at Jefferson High School

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

This year, 16 students enrolled in Jefferson High School's Contemporary Family Relations Course. However, the success of a new program incorporated into the class, "Real Life: Marriage and Divorce," has more than doubled the class size for next year.

The program, a joint effort between the Jefferson County Bar Association and the school board, uses volunteer attorneys, social workers, judges and divorcees in a six-week module that educates students about the realities of marriage and divorce, including partner selection, sexual relations, financial difficulties and child custody battles.

A similar program, organized by Attorneys Raymond E. Krek and Richard Podell, was piloted at Shorewood High School in 1993 to address high divorce rates. The program is now running at Jefferson High School under the direction of teacher Carolyn Behrens and Attorney Bennett Brantmeier.

"The growth in my kids has been amazing. . . they absolutely loved the course and have talked it up so much that other kids are signing up," Behrens said.

Two sophomore students at Jefferson High School said that because of the course they are better listeners, take fewer things for granted and believe that teenagers are too young to be thinking about marriage.

Behrens said that they used the 1993 program as a model, but altered several components. For instance, instead of discussing problems with sexual intimacy in marriage, she asked a social worker to talk collectively about sex, love and friendship. Her objective was for students to understand the relative importance of sex in a relationship and realize that companionship helps make a marriage work.

The local bar association arranged all the speakers and Behrens wrote objectives ahead of time, to direct the discussion. The group of lawyers, Behrens said, was "very committed, present at all the events. . . just terrific to work with."

A major component of the program was a mock divorce trial at the county courthouse. Reserve Judge Arnold Schumann acted as the presiding judge. Four Jefferson County lawyers acted as litigants and counsel and convincingly played out the drama. Schumann used a "humorous, honest and straightforward approach" to connect to the students, Behrens said.

Continued on page 16

Wingspread Ideas: CHIPS Resource Guide, Child Advocacy Team, Expanded CASA and More

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

Addressing a diverse crowd of nearly 60 child welfare professionals attending the *Coordinated Approach to Family Law Cases* conference U. S. Health and Human Services Secretary Donna Shalala stressed that the courts, the government, educators, human services and law enforcement must stop protecting their own turf and work together to win the battle against child abuse and neglect.

"We need a seamless system so that no child ever falls through the cracks," said Shalala.

Shalala, keynote speaker at the three-day conference held at the Wingspread facility in Racine, advocated a child welfare strategy of prevention, protection and permanency that would support existing families when possible and create new families when necessary.

The purpose of the conference was to increase participants' understanding, through presentations and dialogue, of the problems and potential for improving services for families in court. Also, through a series of facilitated small group exercises, participants were asked to develop a comprehensive inventory of projects that could be implemented over the next few years as part of the Court Improvement Program.

During one session, a panel of biological parents, foster parents and young adults shared what it was like for them to go through the child abuse and neglect system. Moderated by Rosemarie Carbino, Clinical Professor of Social Work at the University of Wisconsin-Madison, the panel members indicated that:

- families involved in the system often do not understand what is happening to them and the process itself creates as many problems as it attempts to address;
- sensitivity towards cultural differences should be an important component of the child welfare system;
- problems need to be addressed quickly and comprehensively before they become serious crises;

A panel of biological parents, foster parents and young adults shared what it was like for them to go through the child abuse and neglect system.



U.S. Health and Human Services Secretary Donna Shalala was keynote speaker at the conference, which explored the problems and potential for improving services for families in court.

- judges, attorneys and human services practitioners need to better understand the lives of people caught-up in the system, particularly the lives of people with very limited resources.

When developing potential court improvement projects, participants were divided into four multi-disciplinary work teams, with judges, attorneys, human services providers, law enforcement officials, educators, legislators and child advocates in each group. Below are a few of the suggested projects:

1. develop and implement an ongoing inter-agency CHIPS training program;
2. prepare a comprehensive CHIPS resource guide;
3. establish a child advocacy team;
4. conduct a statewide conference on Native American and other diverse cultural perspectives on responding to

child abuse and other family problems;

5. establish a series of county CHIPS improvement projects and
6. create more Court Appointed Special Advocate (CASA) Programs.

The Wingspread conference, sponsored by the Wisconsin Supreme Court, the Johnson Foundation and the U.S. Department of Health and Human Services, is one many projects being undertaken as part of the Court Improvement Program. The Court Improvement Program is a federal grant program designed to help states assess and improve the handling of Child in Need of Protection or Services (CHIPS) cases.

Anyone wishing to receive a summary of the Wingspread conference or more information about other Wisconsin Court Improvement Program activities may call Michelle Jensen at (608) 266-1557. ❖

Fall Conference Slated

In order to maintain the momentum generated from the Wingspread Conference, a second conference has been scheduled for November 2 & 3, 1998, at the Monona Terrace Convention Center in Madison. The conference will showcase pilot projects developed and implemented as a result of Wingspread and will expand the network of child welfare professionals working to improve the system. ❖

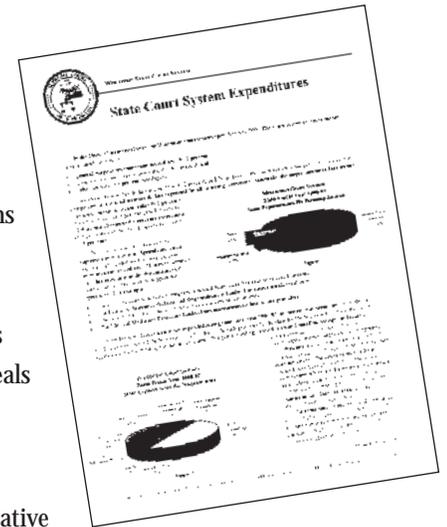
Quick Reference Sheets Available

The Wisconsin Supreme Court and Director of State Courts Office have produced a series of informational sheets designed to improve understanding—both within and outside of the courts—of the many offices of the court system.

Following is a list of sheets now available. More are in production. Packets containing all these sheets were sent to all judges, clerks of circuit court and district court administrators in the state. Anyone needing additional packets should call (608) 266-1298.

- Board of Bar Examiners
- Circuit Court Automation Program (CCAP)
- Clerk of Circuit Court
- Clerk of Supreme Court and Court of Appeals
- Court-Connected Alternative Dispute Resolution
- Courthouse Security, Facilities and Staffing
- Judicial Education
- Juror Use and Management
- Medical Mediation Panels

- Planning and Policy Advisory Committee (PPAC)
- Public Outreach Programs
- Volunteer Mediation
- Volunteers in the Courts
- Wisconsin Circuit Courts
- Wisconsin Court of Appeals
- Wisconsin Court System Expenditures
- Wisconsin Families, Children and Justice Initiative
- Wisconsin Judicial Conference
- Wisconsin Municipal Courts
- Wisconsin State Law Library
- Wisconsin Supreme Court ♦



Exchange Judges

Continued from page 2

C. Nichol, Michael W. Nowakowski and Paul B. Higginbotham. Other trial judges may participate in future years.

The program is modeled on an exchange program that has been on-going in the federal courts. Federal judges who participated in the program found it to be a rewarding, but humbling, experience. When U.S. Supreme Court Chief Justice William H. Rehnquist presided over a civil rights trial in Richmond, Virginia—marking the first time this century that a U.S. Supreme Court justice had presided over a trial—he was reversed on appeal. Judge Richard Posner, of the U.S. Court of Appeals, volunteered to preside over a case involving copyright infringements and he, too, found his ruling overturned.

Judges from both courts are anticipating that the program will be a success and that it will make the judges more aware of the issues faced by colleagues at different levels in the system.

“This program will enable appellate judges to broaden their understanding of the practices, procedures and problems faced by trial judges, and this experience will assist us in reviewing cases on appeal,” said Eich. “Trial judges must make their rulings, many of them involving complex rules of law, from the bench, in the urgency of trial; it can only benefit appellate judges to gain some first-hand experience with the actual conditions and pressures under which the trial judges must carry out their responsibilities on a daily basis.”

Judge Daniel R. Moeser, chief judge of the Fifth Judicial District, said the program will be equally valuable for the trial judges. “I



**Chief Judge
William Eich**

**Chief Judge
Daniel R. Moeser**

think we will see trial judges coming through this program with a deeper understanding of what it takes to create a trial court record that will pass appellate review,” he said. “The exchange will offer judges a truly unique opportunity for continuing education and the bottom line will be improved service to the people of the state.” ♦

A Court of Appeals Judge Takes the Circuit Bench

*by Charles P. Dykman,
District IV Court of Appeals Judge*

I have asked a number of times to spend a week or so as an acting circuit court judge. I felt that this would be helpful to me when I reviewed transcripts of trial court proceedings.

The experience was even better than the idea. Overall, I am impressed with the

volume of work which gets done in a very short time. When I discussed this with a circuit judge, he put it in familiar terms—the struggle between quantity and quality.

Monday morning I “took charge of” about 20 misdemeanors which had been scheduled for a jury trial that week. Chief Judge Moeser explained that only a few of these cases would actually go to trial and this was correct. Of the 20 or so cases, all

of which could not be settled earlier because one or both parties would not accept a negotiated plea, two went to trial. I picked a jury for one of them and Judge Moeser picked the other. (I had told Judge Moeser that I would prefer not to try a jury trial, though I now think that I was being too conservative).

We accepted pleas on the remaining 18 or so cases, which was no easy task for me.

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Extraordinary Decision

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- Thanks for your integrity, courage and compassion. (a doctor).
- I admire your willingness to give up the security of your position in order to be of more direct service to ALL of the people of this state. (a teacher).
- Your experience will make others remember why we are here and will give us courage to put understanding into action. Your influence will be more powerful than you can imagine. (a state senator).

- Janine, your old Sunday School teacher is proud of you. God bless you and may you find true happiness in your new endeavor. (a teacher).
- The example you set so far outweighs the loss that congratulations are in order, not lamentations. (a judge).
- You were one of my heroes before your decision and even more so now. You also challenge me to use my talents in the best manner possible. (a judge).
- Bravo!! (a judge).

Chief Justice Shirley S. Abrahamson added a simple and eloquent statement to the mix (see full text accompanying this story): “We have been close personal friends and agreed on cases and administrative matters. We have been close personal friends and disagreed on cases and administrative matters. That’s what being close personal friends and being judges is all about. I have over many months urged her to complete her term. She has decided not to do so. I will miss my friend more than I can tell you.” ❖

Love, Marriage. . .

Continued from page 13

Schumann, 66, was a perfect candidate to be involved in the program—he has been married for 46 years. He said he volunteered his time to the program because he enjoys educating children about the work of the courts. Schumann was a circuit court judge

in Jefferson County for 12 years before retiring in 1995

Brantmeier, who coordinated this effort with the Jefferson County Bar, said Reserve Judge Schumann was “fantastic.” The judge’s involvement let the students know that judges command respect, but are approachable. In addition to participating in the mock trial, the judge came to school a week

later to discuss in more depth what the students observed.

If you have questions on the program, or if you would like a copy of the curriculum guide and/or the 20-minute promotional video from the Jefferson County program, please contact Attorney Bennett Brantmeier at (920) 674-4567. ❖

Geske Resignation

Continued from page 1

Justice Geske has in her tenure on the Court made a difference. She has made a difference in the oral arguments, in the written opinions and at the conference table.

We will miss her. We wish her well. We know that whatever career paths she takes, she will do her work extraordinarily well and that she will continue to serve the people and the state in important ways.

Let me now speak as a friend—I knew of Janine Geske and had met her several times before Governor Thompson appointed her to the Wisconsin Supreme Court. When we began to work together on the Court Janine and I became close personal friends.

We have been close personal friends and agreed on cases and administrative matters. We have been close personal friends and disagreed on cases and administrative matters. That’s what being close personal friends and being judges is all about.

We will continue to be close personal friends, but we both know it will be different.

I have learned a great deal from Janine about life and law.

I have over many months urged her to complete her term. She has decided not to do so. I will miss my friend more than I can tell you.

As the Chief Justice of the Wisconsin Supreme Court and as Janine Geske’s friend, I accept, with great reluctance, Justice Geske’s decision to resign as Justice of the Supreme Court of Wisconsin. ❖

Law Clerks

Continued from page 11

time something went wrong, “the first person they [the students] called for was their lawyer,” she said.

She returned to Wisconsin to attend Marquette University Law School (she also received her bachelor’s degree at Marquette) and graduated in 1996. MacCarthy was a student intern in the Wisconsin State Public Defender’s office in Milwaukee for one year while in law school. There, she handled motions and briefs, argued evidentiary motions and assisted in pretrial plea negotiations and client interviews. MacCarthy said the number of people in the system and the slow and deliberate pace can make it easy to become callous. She tried to remember that, while the cases might be routine for the attorneys, they can be very traumatic for the people involved.

This experience raised her comfort level in the courtroom and helped her decide where she eventually hopes to work—in the public defender’s or district attorney’s office.

When asked how she handled stress, she recalled a phone call from her brother in Los Angeles. He saw a billboard that made him think of her. It read, “The softest pillow is a clear conscience.” With that in mind, MacCarthy said she focuses on doing her best and doing what she enjoys.

MacCarthy is married to Paul Tiffin, who works in the Milwaukee County District Attorney’s Office. They enjoy taking long walks with their dogs Buster Brown and Nico (named after the singer from the *Velvet Underground*) and making great dinners. MacCarthy and Tiffin plan to stay in Wisconsin. MacCarthy said, “I love the Midwest. . . the people are very kind, sincere.” ❖

Spring Election

Continued from page 3

Delforge, Waggoner Contest Oconto County Circuit Court



Attorney
Vance M. Waggoner

The race will determine who will sit in Oconto County's new Branch 2. It pits a court commissioner against a city attorney.

Richard D. Delforge, commissioner in family, circuit and probate court since 1993, is also director of the Family Court Counseling Services.

A partner with Krueger and Delforge, he received his law degree from Gonzaga School of Law in 1977 and his undergraduate degree from the University of Wisconsin-Stevens Point.

Delforge is a member of the Oconto County Domestic Abuse Task Force and the County Courthouse Security Committee. He is also involved in Ducks Unlimited and coaches Little League.

Delforge is running against Vance M. Waggoner, 57, city attorney for Oconto Falls and a general practice sole practitioner who handles personal injury litigation, family law, guardianship and real estate matters. He also works as a guardian ad litem.

Waggoner practiced in Green Bay for 17 years before moving to Oconto Falls. There, he built a civil trial practice in the circuit courts throughout northeastern Wisconsin and in the U.S. District Court. He is also an appellate practitioner, appearing before the state Court of Appeals and Supreme Court.

He received his law degree from the University of Wisconsin Law School in 1967 and his undergraduate degree from Wabash College in Indiana in 1963.

Sibbing Challenges Carlson Walworth County Circuit Court



Judge James L. Carlson

Judge James L. Carlson, on the bench in Walworth County since 1979, is being challenged by Lake Geneva Attorney Henry A. Sibbing.

Carlson, 54, spent three years as district attorney for Walworth County before taking the bench. He also served as assistant city attorney in Whitewater and spent several years in private practice.

He is currently Walworth County's presiding judge and chairman of the Probate Benchbook Committee.

Carlson is a graduate of the University of Wisconsin Law School and received his undergraduate degree at the University of Wisconsin-Madison.

He is active in his church and is a member of the Elkhorn Kiwanis and Whitewater Knights of Columbus. He is single.

Carlson is being challenged by Henry A. Sibbing, 54, a circuit and small claims court

Attorney
Henry A. Sibbing

commissioner in Walworth County and former (eight-term) city attorney for Lake Geneva.

Sibbing has been a sole practitioner since 1976, practicing family, juvenile and criminal law as well as real estate and probate.

Sibbing earned his law degree from Southwestern University School of Law and did undergraduate work at Marquette University and the University of Southern California.

Sibbing is active in his church and its school board and is an avid runner who has completed seven marathons. He is married with five children.

Gritton Challenges Carver Winnebago County Circuit Court



Judge
William H. Carver

Judge William H. Carver, 59, is being challenged by Deputy District Attorney Thomas J. Gritton. This is the first contested judicial election in Winnebago County since Carver defeated James Sitter 24 years ago.

Carver, who was elected Winnebago County judge in 1973 and re-elected in 1980, 1986 and 1992, is a former Winnebago County district attorney. He also worked in private practice for five years.

Carver earned both his bachelor's and law degrees from the University of Wisconsin.

He is currently a member of the Wisconsin Criminal Jury Instruction Committee and the Intensive Sanctions Committee of the Department of Corrections.

Gritton, 34, has been deputy district attorney for Winnebago County since 1994. Prior to that, he was an assistant district attorney for four years. As a prosecutor, he has tried in excess of 40 cases and has handled more than 15,000 cases.

Gritton worked for two years in private practice, first in Reedsburg and then in Menasha.

Gritton earned his bachelor's degree from the University of Wisconsin-Stevens Point and his law degree from Hamline University School of Law in 1988.

He is married with two children.

Key, Wallace Contest Winnebago County Circuit Court



Judge
Thomas S. Williams

This race will determine who will replace retiring Judge Thomas S. Williams, who has served on the bench in Winnebago County since 1974. It pits a court commissioner against a private practitioner.

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Clerks of Circuit Court News

Clerk Barczak Retires

Milwaukee County Clerk of Circuit Court Gary J. Barczak announced his retirement from office in January. Barczak retired after a drug arrest.

District One judges voted to keep Chief Deputy Clerk Jon W. Sanfilippo on in the role of acting clerk.

The outcome of the fall election will determine who becomes Milwaukee County's clerk of circuit court. Four others expressed interest in the post, although it is not known if they plan to seek election. They are: County Treasurer Tom Meauz (a former supervisor and legislator); Register of Deeds Walter Barczak (not related); Attorney John Barrett, who works for the Milwaukee County Department of Child Support Enforcement and Attorney Joe Dannecker.

New Clerk for Brown County

Brown County's circuit court judges have chosen Paul G. Janquart, 49, to be the new clerk of circuit court. Janquart was selected from a field of nearly 40 candidates

to succeed Clerk Lynn Verheyen, who resigned in November to spend more time with her daughter and pursue other career interests.

Janquart said he will seek election to a full two-year term in the fall.

Janquart has spent the last 23 years as Green Bay city clerk. Prior to that, he was a city alderman and a county board supervisor. He is also past-president of the League of Wisconsin Municipalities' Clerks / Treasurers / Finance Officers section.

Janquart, who graduated from the University of Wisconsin-Green Bay, hopes to work on improving service to all the various constituencies that use the Clerk of Circuit Courts Office.

Janquart is married to Donna Janquart, an elementary school teacher, and has two children. His son, Christian, is a sophomore at the University of Wisconsin-Madison and an Assembly page. His daughter, Andrea, is a high-school junior.

In his spare time, Janquart enjoys landscape gardening and reading.

Changes in Clerks' Association

Clerks' Association officers and the Association's executive and legislative committees have changed composition.

The officers are as follows: President Gail Gentz (Kenosha); Vice president Judy Coleman (Dane); Secretary Claudia Singleton (Jackson); Treasurer Sheila Reiff (Walworth).

The executive committee membership is as follows: Jon Sanfilippo, District One; Taraesa Wheary, District Two; Joan Zirbes, District Three; Bruce Van Buren, District Four; Donna Heiser, District Five; Bernadette Flatoff, District Six; Carolyn Olson, District Seven; Ruth Janssen, District Eight; Donna J. Seidel, District Nine and Janet Rubenzer Pike, District Ten.

Members of the legislative committee are: Judy Coleman (Dane) and Cynthia Ernst (Waukesha) (co-chairwomen); Jon Sanfilippo (Milwaukee), Sheila Reiff (Walworth), Barbara Grube (Calumet), Mary Ellen Cross (Columbia), Ann Robinson (Richland), Sally A. Ayers (Vilas), Clara Minor (Dunn) and George Jorgensen (Waupaca). ❖

Appeals Judge Takes the Circuit Bench

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Judge Charles P. Dykman

Assuring that a defendant is making a knowing and informed decision to enter a guilty plea takes time and thought. It is easy enough to say that a defendant should make a knowing and voluntary waiver of a trial and enter a plea, but another thing to do it, knowing that a mistake may jeopardize a future case which depends upon a valid conviction. This is done with attorneys and defendants milling around, all of them with time constraints.

I also worked intake and set bail and, again, the number of cases impressed me. Most of the answers were easy, but several cases raised problems of liberty versus availability for trial.

Harassment injunctions (temporary restraining orders, or TROs), are perhaps the most difficult matters I faced. Most litigants are *pro-se*, which requires the judge to develop the facts. I was told that these hearings are of vital importance to the persons bringing them and that was the case in one that I tried. I had

thought that determining witness credibility would be easy, but I was quite wrong. These cases can also be used as a vehicle for harassment. One of the cases to which I was assigned might well have been an attempt at revenge.

One of the week's more interesting moments came during a hearing on a TRO. The case could be described as a girlfriend suing a wife for an injunction to prevent the wife from driving back and forth in front of the girlfriend's home, calling the answering machine and running the tape out and doing something with a pager.

The husband, in jail at the time for violating a TRO brought by the wife, was living with the girlfriend and needed the answering machine for his business.

The husband and wife were in the middle of a divorce. The first document the girlfriend submitted was a certified copy of a name change showing she had changed her last name to that of the husband and the wife in anticipation of marrying the man as soon as the divorce was final.

In a final twist, the wife's attorney wanted to call the girlfriend's attorney as a witness, because at trial it came out that the vehicle in question had been signed over to the girlfriend's attorney as compensation.

Though perhaps amusing to an outsider, this was very serious for the parties and their attorneys. I was a bit taken aback at the reactions when I concluded that the girlfriend had failed to meet her burden of proof. ❖

Obituaries

Judge Richard Bardwell Dane County Circuit Court

Retired Judge Richard Bardwell, known for his imposing size and dry wit, died February 27 of cancer. He was 82.

Bardwell retired in 1987 after 30 years on the bench. His retirement was hastened by injuries he suffered in a 1986 bicycle accident.

Friends told the *Wisconsin State Journal* that the turning point in the judge's recovery from the devastating accident came when a hospital visitor suggested that he retire early and allow Governor Anthony Earl to appoint a successor.

Bardwell, who is said to have abhorred the appointment of judges, immediately began to rip the bandages off his head (or so the story went).

Bardwell is survived by his wife, Elizabeth (Wells) Bardwell, a daughter and son and five grandchildren. He was preceded in death by another daughter and son.

Judge William E. Chase Ashland County Circuit Court

Retired Judge William E. Chase, who took the bench in Ashland County in 1976 and remained there until his mid-term retirement in 1993, died February 17 after a long illness. He was 66.

Chase was appointed to the bench by Governor Patrick J. Lucey after having served as Ashland County family court commissioner for eight years and as Ashland County district attorney for 11 years. He won election to the bench in 1984 and 1990.

Spring Election

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Commissioner
Barbara Hart Key

Barbara Hart Key has been a Winnebago County Circuit Court commissioner since 1991. She presides over small claims, criminal bond, juvenile, probate, traffic, ordinance, paternity, harassment restraining order, mental and alcohol commitment hearings.

Before becoming a court commissioner, Key worked for a short time as supervising attorney in the State Public Defender's office. She also worked for six years as a prosecutor, first in Wood County and later in Winnebago.

Key is president of the Winnebago Conflict Resolution Center and sits on the board of directors of the Exchange Club Center for the Prevention of Child Abuse.

Key is running against John H. Wallace, III, 36, who has practiced since 1988 with his father, John H. Wallace, Jr. Wallace's practice covers bankruptcy, family law, estate law, personal injury and criminal law.

Wallace is married with five daughters. ❖



Attorney
John H. Wallace

An outdoorsman, Chase spent his spare time camping, hunting, planting trees, and gardening. He also did a lot of international traveling and was an avid photographer.

Judge Robert D. Sundby Dane County Circuit Court

Reserve Judge Robert D. Sundby, who sat on the Court of Appeals, District IV, from 1986 to 1996, died December 12 after a battle with cancer. He was 72.

Sundby had hoped to devote his retirement to working with juveniles at risk. He was recently involved with the "Wisconsin Cares" program for teenage mothers and was past president and an honorary board member of Big Brothers/Big Sisters of Dane County.

Prior to joining the Court of Appeals, Sundby was a partner in the law firm Dewitt, Sundby, Huggett, Schumacher and Morgan for 25 years. He was also a lecturer at the University of Wisconsin Law School and city attorney for Monona and Evansville. He served as general counsel for the Wisconsin League of Municipalities for a decade.

Sundby was also an avid bridge player and Bridge Master. He authored several books on bridge and also published a book of poetry. He enjoyed a wide variety of activities, from fishing and Scrabble to Shakespeare and Mozart.

He is survived by his wife, Analee "Casey" Grove-Sundby; four children: Debra, Dana, Michael and Scott, and stepchildren and grandchildren. ❖

36 Judges Not Facing Opposition

The following judges will be elected or re-elected without opposition in April:

Court of Appeals Judges Charles B. Schudson, District I, Harry G. Snyder, District II and Charles P. Dykman, District IV. Circuit Court Judges James C. Eaton, Barron County; Sue E. Bischel, Brown County; Donald A. Poppy, Calumet County; Steven D. Ebert, Stuart A. Schwartz, C. William Foust and Sarah B. O'Brien, all Dane County; Peter L. Grimm, Henry B. Buslee and Steven W. Weinke, all Fond du Lac County; John W. Brady, Juneau County; Dennis J. Mleziva, Kewaunee County; J. Michael Nolan, Lincoln County; Daniel L. Konkol, Thomas P. Donegan, Diane S. Sykes, Charles F. Kahn, Jr., Christopher R. Foley and Michael J. Barron, all Milwaukee County; Michael J. McAlpine, Monroe County; Robert W. Wing, Pierce County; Stephen A. Simanek and Emmanuel J. Vuvunas, Racine County; John H. Lussow and Michael J. Byron, Rock County; Frederick A. Henderson, Rusk County; James Evenson, Sauk County; Gary L. Carlson, Taylor County; Michael S. Gibbs, Walworth County; Annette K. Ziegler, Washington County; Joseph E. Wimmer, Waukesha County; John P. Hoffmann, Waupaca County; James M. Mason, Wood County. ❖

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The Third Branch

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People in the News

Continued from page 6

was part of a seminar sponsored by St. Olaf Parish, reported the *Leader-Telegram*.

"Yapping dogs, overgrown gardens, noisy cars. . . there's no end of things to fight about with the folks next door." These are just a sample of the "bad-neighbor" stories featured in the March issue of *Good Housekeeping*. The article tells of two couples feuding over a shared driveway, roaming animals, noisy kids and more. They were ordered into mediation at the **Winnebago County Conflict Resolution Center**, where they reached an agreement, "but we're still not speaking much," said one of the neighbors.

Judge **Sarah B. O'Brien**, Dane County Circuit Court, was "blessed with Solomon-like wisdom" in an election law case involving the Wisconsin Manufacturers and Commerce, according to the *Grant County Herald Independent*. O'Brien ruled that this

organization did not violate state election rules when it spent \$400,000 against Democrats running for the Legislature in 1996 because the state Elections Board's rules were not specific enough.

Sawyer County Circuit Court Judge **Norman L. Yackel** told a reporter from the *Sawyer County Record* that the most unusual place he has ever spoken the words, "I do now pronounce you husband and wife," was in the mouth of the big fish at the Fishing Hall of Fame.

"Lawyers need to realize that bad writing loses cases," said District II Court of Appeals Judge **Neal P. Nettesheim** during an interview for an article in *The Daily Reporter*. Nettesheim said that while being a good litigator and a good writer do not "automatically go hand in hand," it is important to develop good writing skills in order to write effective briefs. ❖

Advisory Opinions Now Available in TB

The opinions of the Judicial Conduct Advisory Committee, which was set up pursuant to Supreme Court Order 95-05, will now be made available quarterly in *The Third Branch*, beginning with this issue.

Committee Chairman Judge Thomas H. Barland and Director of State Courts J. Denis Moran have been committed to wide distribution of these advisory opinions, believing that they might be helpful to the judiciary as a whole. ❖

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