



# **WISCONSIN JUDICIAL COLLEGE SUSTAINABILITY AND PLANNING GUIDE**

Modified May 8, 2019

Appendix A

# INTRODUCTION

The Wisconsin Judicial College has been providing quality judicial education to Wisconsin judges since 1959. Over the years the college has developed into one of the premier judicial colleges in the country. Many presenters have taught judicial education to national audiences, and in some cases, have taught internationally.

The Wisconsin Judicial College is the only college in the country that annually brings new and experienced judges together for a unique and highly interactive learning experience. The college concentrates on teaching substantive law while building judicial bench skills. Various teaching methods are used to encourage all participants to become involved in sharing experiences and asking questions. This interactive approach allows judges to practice the practical application of the law to fact situations they will regularly encounter on the bench. Experienced judges assist in the instruction and act as role models for the new judges. Mentoring relationships are fostered and new judicial friendships are created.

This guide has three purposes:

1. To provide for the sustainability of the Wisconsin Judicial College as judicial education personnel and College faculty change throughout the years.
2. To be a resource for presenters.
3. To assist in orienting new deans, associate deans and presenters to the college.

This Sustainability and Planning Guide is intended to be just that – a guide. It provides an outline for the college as it has existed, but is also intended to permit flexibility in planning and development of the college to meet the changing needs of the Wisconsin judiciary.

## **WISCONSIN JUDICIAL COLLEGE MISSION STATEMENT**

The Mission of the Wisconsin Judicial College is to provide a unique and interactive learning environment that will foster mentoring relationships, inspire participants, and provide them with the skill set to manage their judicial duties and their lives both on and off the bench.



# TABLE OF CONTENTS

Introduction.....	i
<b>Mission Statement .....</b>	<b>ii</b>
<b>Table of Contents.....</b>	<b>iii</b>
<b>Criteria for Attendees, Dean Selection, Topics and Theme.....</b>	<b>1 - 2</b>
Attendees .....	1
Associate Dean Selection .....	1
College Dean Selection.....	2
Topic Selection for Presentations – Including Subtheme Information .....	2
College Dean Selection.....	2
College Dean Selection.....	2
<b>Judicial College Planning Schedule .....</b>	<b>3</b>
<b>Judicial College Agenda Overview &amp; Specifics .....</b>	<b>4 - 20</b>
New Judge Orientation.....	4
Judicial College Daily Agenda.....	4
Welcome Breakfast for New Judges .....	5
Day One Opening.....	6
Case Management .....	7
Criminal Law: Pretrial Problems & Procedures .....	8
Judicial Ethics.....	9
Experience in Evidence.....	10
New Judge Resource Session .....	11
Tribal Court Presentation .....	12
Making a Record .....	13
Language Matters: The Complexities of Working with Your Interpreter in Your Courtroom .....	14
Jury Trial Problems and Procedures.....	15
Graduation Dinner.....	16
Judicial Sentencing Skills .....	17
Maintenance.....	18
Nuts and Bolts.....	<b>19-20</b>

## CRITERIA FOR ATTENDEES, DEAN SELECTION, TOPICS AND THEME

### Attendees

- ❖ Wisconsin Judicial College (**WJC**) preferred attendance is 45 with no more than 50 attendees. A smaller group facilitates discussion.
- ❖ First priority is given to all judges elected or appointed since the prior Judicial College.
- ❖ Second priority is given to experienced judges who must attend due to the need to obtain required credits prior to expiration of their six-year term.
- ❖ New Court of Appeals Judges and Supreme Court Justices are invited to attend and participate with the new judges as space permits. Court of Appeals Judges and Supreme Court Justices are invited to observe the college each year.
- ❖ **New Judge Orientation** – required participation for new judges each year.
- ❖ **Maintenance and Nuts and Bolts Sessions** – held in July or early August as part of New Judge Orientation. If the group of new judges numbers less than 15, experienced judges may be allowed to attend as a refresher. However, with the addition of the experienced judges the total number in the maintenance session should not exceed 15.

### Associate College Dean Selection

- ❖ Appointed by the Chief Justice.
- ❖ Three-year terms. May serve no more than two consecutive full terms. May complete unfinished term of a prior Dean, and then up to two subsequent full terms.
- ❖ Candidates should have a minimum of five years on the Circuit Court bench.
- ❖ Should have expressed a desire to teach and a track record of successful teaching.
- ❖ Completed faculty development training.
- ❖ Geographical, gender, racial and jurisdiction size diversity are encouraged. The following are recommended:
  - One Associate Dean from Milwaukee
  - One Associate Dean from a one-judge county
  - One Associate Dean from a northern Wisconsin county
  - One Associate Dean from central Wisconsin or Fox River Valley
  - One Associate Dean from southwest Wisconsin

- One Associate Dean from Dane, Waukesha, Racine, Kenosha or Rock Counties

**Note:** One Dean may fulfill several of the above criteria.

1

### College Dean Selection:

- ❖ Appointed by the Chief Justice.
- ❖ Six-year term. May serve two consecutive full terms.
- ❖ Prior experience as an Associate Dean, so long as a current or former associate dean is willing to serve. In the event no current or former associate dean is willing to serve, the dean appointed shall have significant experience in planning and teaching judicial education programs and meet the criteria discussed below for appointment as an associate dean. A supreme court justice may not serve as dean.

### Topic Selection for Presentations:

- ❖ Topics must lend themselves to teaching how to make correct legal decisions and “**live life on the bench**”. Topics may change over time based upon developments in the law, and expressed needs/requests of the judiciary.
- ❖ Topics should not be duplicated in other judicial education.
- ❖ A variety of subjects are encouraged to educate on all aspects of Circuit Court responsibilities.
- ❖ Presentation topics should lend themselves to be both substantive and taught interactively.
- ❖ Topics must be of value to new and experienced judges.

#### **Access to Justice is the Primary Theme. Sub-theme Selections:**

- Must be significant to all judges.
- Capable of being incorporated into all presentations.
- Deal with newer issues that confront the judiciary.
- Consider input from all judges and court staff.

## JUDICIAL COLLEGE PLANNING SCHEDULE

MONTH	ACTION	DATE COMPLETED	MISC.
September to November	Email prior year's College evaluations to all presenters		
January	Confirm Dean meeting date and location, and notify College Faculty of date and location of College Faculty Development		
	In alternate years send invitations to judges for Train the Trainer Faculty development session		
Late January or early February	<b>Deans Meeting:</b> <ol style="list-style-type: none"> <li>1. Review prior year's evals and discuss changes to overall College and each session</li> <li>2. Consider new Associate Dean recommendations</li> <li>3. Develop annual College theme</li> <li>4. Develop agenda</li> <li>5. Consider new presenters</li> <li>6. Review future College locations</li> <li>7. Review and modify Sustainability and Planning Guide</li> <li>8. Plan College social activities</li> <li>9. Plan New Judge Orientation</li> </ol>		
	Provide Chief Justice with new Associate Dean recommendations for appointment		
March	Welcome new Associate Deans and presenters		
	Send invites for WJC Faculty Development w/Agenda		
April/May	<b>College Faculty Development</b> – prepare for College		
	<b>Faculty Development Workshop</b> – alternate years for new Faculty		
May	Email invitations for New Judge Orientation and Judicial College		
July	Prepare New Judge Orientation and College presentations and materials and provide to JE		
	Determine if oath can be administered at College opening		
Late July or early August	<b>New Judge Orientation</b> in Madison		
Early August	Finalize schedule for Deans to evaluate sessions,		



	prepare welcome letters and email with pre-College "homework" assignments		
	Order plaques for presenters who have taught three years		
	Order t-shirts for new Deans		
	Arrange for security		
	Invite local judges to social events		
August/September	College and debriefing		

## **JUDICIAL COLLEGE AGENDA OVERVIEW THEME - ACCESS TO JUSTICE**

### **New Judge Orientation**

#### **Day One**

1. Introduction to Director of State Courts and Operations staff
2. Sexual Harassment Training

#### **Day Two**

1. CCAP computer orientation
2. Family Law Workshop session

#### **Day Three**

1. Nuts and Bolts sessions:
  - a. Criminal Law
  - b. Juvenile law
  - c. Small claims and injunctions
  - d. Conducting a jury trial

### **Judicial College Daily Agenda**

#### **Day One**

1. Case and Calendar Management

2. Criminal Law: Pretrial Problems and Procedure

#### **Day Two**

1. Judicial Ethics: Code of Judicial Ethics and Disciplinary Process
2. An Experience in Evidence

### Day Three

1. Judges Session in the morning  
– topic changes each year
2. Experienced Judges –  
afternoon off
3. New Judges Attend New Judge  
Resource Session in the  
afternoon

1. Tribal Court Session
2. Making a Record by Appellate  
Court Judge
3. Interpreter Session
4. Jury Trial Problems and  
Procedure

### Day Five

- ❖ One-half day – Judicial  
Sentencing Skills

4

### Day Four

## Welcome Breakfast for New Judges

### Purpose:

To introduce the Dean and Associate Deans and orient new judges to the College

### Agenda:

1. Welcome
  - a. Introduce Dean and Associate Deans
  - b. Discuss accommodations
  - c. Introduce the new judges
2. College agenda overview and expectations
  - a. Practical
  - b. Not standard CLE
  - c. Interactive – participation expected
  - d. Skill building and substantive education – learning to live life on the bench
  - e. Mandatory attendance
  - f. Materials reviewed
  - g. Homework discussed
3. Extra curricular activities discussed
4. Homework assigned
5. Skit discussed and mentors assigned

6. Associate Dean comments and welcome

5

## Day One Opening

1. New judge investiture, *when possible*
2. Welcome
3. Associate Dean Introductions
4. All attendee introductions
  - a. Jurisdiction
  - b. Number of years/months/days experience
  - c. Provide reasons you chose to become a judge/why you continue or a goal you hope to accomplish
5. Administrative comments – Director of Judicial Education
  - a. Emphasize timeliness
  - b. Homework assignments
6. Discuss College theme – Commitment to Judicial Excellence - and sub theme (Changes each year) Life Management and Living Life on the Bench
7. Discuss extra curricular activities

## Case Management

### Learning Objectives:

1. Embrace and incorporate procedural fairness into all proceedings
2. Appreciate the benefits of sound case management
3. Identify techniques for effectively meeting legal requirements and predictable case and calendar management challenges
4. Tailor techniques to fit the judge and the judge's county requirements and the needs of the parties
5. Manage cases and caseloads fairly and effectively

### Teaching Methods:

- ❖ Mini-lecture
- ❖ Brainstorm
- ❖ Role-Play a case scenario (related to the College theme)

- ❖ Case management problems (family, civil, criminal and juvenile) discussed in small groups, then debriefed with class as a whole.
- ❖ Wrap-up

### Topics Covered:

- ❖ New judge best and worst-case management experiences.
- ❖ How to set and maintain good case management practices in your court.
- ❖ How to conduct a scheduling conference.
- ❖ Recommended practices to deal with case management issues in family, civil, criminal and juvenile matters from case start to completion.

7

## Criminal Law: Pretrial Problems & Procedures

### Learning Objectives:

1. To apply correct legal standards to each task Criminal Court judges perform from Initial Appearance to Guilty Plea
2. To handle Criminal Court tasks competently, fairly and efficiently
3. To make an "appeal proof" record
4. To apply current legal developments to court procedures

### Teaching Method:

- ❖ Provide vignettes
- ❖ Use interactive i-clickers to facilitate discussion
- ❖ Provide applicable law and checklists

### Topics Covered:

- ❖ Initial Appearances/Bail
- ❖ Counsel Issues
- ❖ Competency to Proceed
- ❖ Suppression Motions
- ❖ Taking a Plea

## Judicial Ethics

### Learning Objectives:

1. Commit to independence, impartiality, and integrity of Wisconsin's judiciary
2. Identify major problem areas and analyze applicable rules and laws
3. Incorporate those standards into your behavior on a daily basis

### Teaching Methods:

- ❖ Three presenters for this training including an experienced circuit court judge, the Executive Director of the Judicial Commission, and someone well versed in general ethics requirements for public officials
- ❖ Interactive use of an ethics survey to facilitate discussion of potentially recurring ethics issues
- ❖ Lecture (with hypotheticals and group discussion)

- ❖ Small diverse group discussion of more in depth hypotheticals followed by a large group discussion

### Topics Covered:

- ❖ Overview of the Judicial Commission and the Code of Judicial Conduct
- ❖ Discussion of available resources designed to assist judicial officials in compliance with the Code of Judicial Conduct and other ethical guidelines (including provided handouts and electronic resources)
- ❖ Ethics survey designed to alert participants to frequently recurring ethical issues on and off the bench with audience participation
- ❖ Conflicts (recusal) and ethical obligations of public officials (lectures with interactive discussion and short hypotheticals)
- ❖ Small groups discussion of three problems (historically, topics have included: (a) involvement with civic organizations; (b) challenges with pro se litigants; and (c) responsible social media use)
- ❖ Provided materials include the Code (for easy reference when discussing problems), ethics survey, materials on ethical issues common to new judges; and a list of Wisconsin Judicial Conduct Advisory Committee opinions

9

## Experience in Evidence

### Learning Objectives:

1. Correctly analyze and rule on evidence and objections with confidence
2. Apply the Wisconsin Rules of Evidence to enhance the fairness of the proceedings
3. Understand and utilize new developments in Wisconsin evidentiary law.

### Teaching Methods:

- ❖ Provide various fact patterns
- ❖ Use i-clicker to vote on sustaining or overruling objections

- ❖ Facilitate audience discussion of each scenario

### Topics Covered:

- ❖ Proceedings in which the Wisconsin Rules of Evidence apply
- ❖ The proper method to rule on objections
- ❖ Offers of proof
- ❖ Quantum of proof necessary to admit evidence
- ❖ Hearsay – police reports
- ❖ Hearsay – confrontation rights
- ❖ Hearsay – steps in the analysis
- ❖ Lay witness opinion testimony
- ❖ Expert witness opinion testimony
- ❖ Character evidence – other acts
- ❖ Character evidence – prior convictions
- ❖ Credibility determinations
- ❖ The Wisconsin Rules of Evidence in small claims actions

10

## New Judge Resource Session

### Learning Objectives:

1. Identify the resources available to judges
2. Obtain answers/advice for questions/concerns you have
3. Identify the strengths and weaknesses you bring to the bench

### Teaching Methods:

- ❖ Keirsey Bates Personality Inventory results analyzed  
[http://www.keirsey.com/4temps/overview\\_temperaments.asp](http://www.keirsey.com/4temps/overview_temperaments.asp)
- ❖ Basic Evidence Based Decision Making (EBDM) presentation



- ❖ Security presentation
- ❖ Informal question and answer session with new judges informed by Words of Wisdom submitted by the prior year's new judges, advice from the Associate Deans and the goals and objectives survey completed by all of the new judges earlier in the week

### Topics Covered:

- ❖ Individual personality profiles discussed to assist judges in learning the best methods for communication with others and live their lives on and off the bench
- ❖ Basic evidence-based decision making concepts that judges will encounter on the bench including the proper use of risk assessment tools
- ❖ Security risks in and out of the courthouse and the proper methods to address them
- ❖ Practical issues that confront judges day to day with advice from the Dean and Associate Deans

## Tribal Court Presentation

### Learning Objectives:

1. Appreciate the history of tribal courts in Wisconsin
2. Recognize and correctly analyze and determine jurisdictional issues
3. Recognize Indian Child Welfare Act issues..

### Teaching Methods:

- ❖ Lecture

### Topics Covered:

- ❖ Brief overview of Indian law and Public Law 280
- ❖ The role of tribal courts in Wisconsin
- ❖ Discretionary transfer of jurisdiction rule (Wis. Stat. s. 801.54) and *Teague and Kroner* cases
- ❖ Overview of Indian Child Welfare Act and Wisconsin Indian Child Welfare Act.

### Making a Record

#### Learning Objectives:

1. Identify the necessary elements of a good record
2. Develop techniques to make a solid record
3. Recognize standards of review

### Teaching Methods

- ❖ Use of fact scenarios and PowerPoint to facilitate discussion

### Topics Covered:

- ❖ The basics on making a record that is intelligible and reflects all that occurred in the courtroom
- ❖ Use of stenographer versus DAR
- ❖ Making a record of juror issues
- ❖ Alternative bases for rulings
- ❖ Covering credibility issues
- ❖ Implicit findings
- ❖ In camera inspections

# Language Matters: The Complexities of Working with Your Interpreter in Your Courtroom

## Learning Objectives:

1. Understand the role of interpreters in your courtroom as part of your judicial team.
2. Analyze the interpreting process with an eye toward credibility.
3. Discuss the unique challenges that arise when language barriers exist.
4. Provide proper accommodations for deaf individuals in court.

## Teaching Methods:

- ❖ PowerPoint to facilitate large group discussion
- ❖ Video vignettes to demonstrate problem issues
- ❖ Individual work
- ❖ Role-play

## Topics Covered:

- ❖ Breaking down the interpreting process
  - Accuracy and completeness
  - Scope of practice
  - Reasonable accommodations
- ❖ The right to a qualified interpreter
  - Federal and state law overview
  - Understanding the “right” to an interpreter
  - Who is a “qualified” interpreter
- ❖ Judicial mannerisms that make interpreting difficult.

## Jury Trial Problems and Procedures

### Learning Objectives:

1. Be comfortable presiding over a jury trial
2. Maintain integrity and fairness
3. Make a proper record of the proceedings
4. Try each case only once

### Teaching Methods:

- ❖ Discussion
- ❖ PowerPoint
- ❖ I-clickers

### Topics Covered:

- ❖ Constitutional aspects: Federal and Wisconsin
- ❖ Open and public court
- ❖ selecting jurors; *Voir Dire*,
- ❖ types of jurors: alternates, anonymous
- ❖ Note taking
- ❖ Questions from jurors during trial
- ❖ Interplay of Exhibits
- ❖ Instructions
- ❖ deliberation
- ❖ verdict
- ❖ Polling
- ❖ Topics suggested by the participants in pre-questionnaire
- ❖ Inter- relationship of each

## Graduation Dinner

1. Welcome
2. Introduce guests
3. Dean gives thanks to Judicial Education and Associate Deans and summarizes important events from the College
4. Remarks and awarding of College diplomas by Supreme Court Chief Justice
5. New judge skit

## Judicial Sentencing Skills

### Learning Objectives:

1. Consider issues that arise between the plea and sentencing.
2. Prepare for the sentencing hearing, including a review of sentencing factors.
3. Properly conduct the sentencing hearing.
4. Pronounce a legal and appropriate sentence.

### Methods Used:

- ❖ Lecture on recent case law developments that affect sentencing
- ❖ Role-play a sentencing hearing
- ❖ Use of i-clickers to consider sentencing ranges between participants and discussion concerning the factors considered and the ranges of sentences

### Topics Covered:

- ❖ Update on law (short lecture and group discussion)
- ❖ Plea discussion and issues between plea and sentencing (group discussion)
- ❖ Preparing for the sentencing hearing, including sentencing factors (short lecture and group discussion - checklists)
- ❖ Conducting the sentencing hearing: (group discussion)
- ❖ Pronouncing sentence: (group discussion) 30 min
- ❖ Sentencing Exercise:
  1. Experienced judge as Sentencing Judge
  2. Four experienced judges to act as: DA, Victim, PD, and Defendant
  3. Victim gives up to 2 min. comment and DA gives up to 5 min. argument

4. PD gives up to 5 min. argument and Defendant gives up to 2 min. statement
  5. Experienced judge states what his/her sentence is and why
- ❖ All judges use transponders i-clickers to answer questions about sentence they would have given
  - ❖ Sentence commentary

17

## Maintenance

### Learning Objectives:

1. Understand the fairness and support objectives in determining whether to award maintenance, for how long and in what amount
2. Calculate child support and maintenance awards based upon the statutory factors
3. Gain competency in calculating child support, maintenance and property division awards with the use of computer programs

### Teaching Methods:

- ❖ The course is taught by a combination of judges (active and retired) and lawyers who are experts in family law
- ❖ Each participant has access to a computer to assist in calculating appropriate awards
- ❖ The format is simple:
  1. Brief overview of the topic
  2. Problem given
  3. Participants work on problem with the assistance of Faculty
- ❖ Problem discussed

### Topics Covered:

There are usually four or five problems presented and analyzed. There are brief discussions between problems on calculating child support, maintenance considerations from initial order to final award, the relationship of maintenance and child support, post judgment maintenance modifications and issues, making a



record in a family law case and why ruling from the bench is important in family law cases.

18

## Nuts and Bolts

### Small Claims

#### Learning Objectives:

1. Learn basic small claims procedures
2. Become familiar with statutory and regulatory requirements in common claims

#### Teaching Methods:

- ❖ PowerPoint Lecture
- ❖ Role-playing demonstration

#### Topics Covered:

Basic small claims procedures with an emphasis on:

1. Landlord/Tenant issues
2. Vehicle repairs
3. Home improvements

## Restraining Orders and Injunction Hearings

#### Learning Objectives:

1. Learn basis grounds for restraining orders
2. Become familiar with procedures for TROs, injunctions and firearms surrender

#### Teaching Methods:

- ❖ PowerPoint lecture with discussion
- ❖ Role-playing demonstration

#### Topics Covered:

1. Types of restraining orders
2. Procedure or issuance of TROs
3. How to conduct injunction hearings
4. Firearms surrender procedures
5. Resources for judges

## Conducting a Jury Trial

### Criminal Law

### Juvenile Cases

