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Sentencing Commission holds first meeting

by Nancy M. Rottier, legislative liaison

Gov. Jim Doyle in late August named seven appointees to the Sentencing Commission, including its chair, Atty. Susan Steingass. Steingass, a former Dane County judge and past president of the State Bar of Wisconsin, has presided over the commission's first meeting on Nov. 21 in Madison.

Doyle's appointees, each of whom will serve a three-year term, include two judges and replace the individuals named in late 2002 by former Gov. Scott McCallum.

The commission is currently interviewing candidates for the positions of executive director and assistant, Steingass said. Executive director candidates Mike Connelly and Jim Pingle addressed the commission at its November meeting.

In addition to Steingass, Doyle appointed Circuit Court Judges Louis B. Butler Jr., Milwaukee County, and Peter J. Naze, Brown County. The governor's other appointees are Ann



Atty. Susan Steingass

Sykes' nomination is official

President George W. Bush officially nominated Justice Diane S. Sykes to the U.S. Court of Appeals for the Seventh Circuit on Nov. 14. There is no word on the Senate's timetable for her confirmation to the post.

If Sykes resigns on or before Dec. 1, the governor's appointee will need to stand for election in April 2004. If she resigns after Dec. 1, the appointee will not have to run until 2008. The Wisconsin Constitution only allows that one Supreme Court seat be filled in any spring election; because sitting justices have terms expiring in 2005, 2006, and 2007, the appointee would not have an open election until 2008.

Sykes, who has been a member of the state Supreme Court since 1999, issued the following statement: "I am deeply honored by the President's nomination, and look forward to the Senate confirmation process. It has been a

great privilege to serve the people of Wisconsin for the past 11 years as a Milwaukee County Circuit Court judge and as a justice of the Wisconsin Supreme Court. I would be honored to have the opportunity to serve the



"It has been a great privilege to serve the people of Wisconsin for the past 11 years. . ."

Justice Diane S. Sykes

people of Wisconsin, Illinois and Indiana on the United States Court of Appeals for the Seventh Circuit."

Sykes began her judicial career in 1992, when she became a judge on the Milwaukee County Circuit Court. She served in the Misdemeanor, Felony, and Civil Divisions before her 1999 appointment to the Wisconsin Supreme Court. In 2000, she won a 10-year term on the Court.

If confirmed, Sykes will replace Judge John L. Coffey on the Federal Court of Appeals. Coffey also served on the Wisconsin Supreme Court – from 1978-81 – and has served for 22 years on the U.S. Court of

see **Commission** on page 21

see **Sykes** on page 3

Courts' Web site will be revamped

By spring, the Wisconsin court system will have a new presence on the World Wide Web. The courts' Web site, www.wicourts.gov, is being updated, redesigned, and organized with an eye on more intuitive navigation.

Consolidated Court Automation Programs (CCAP) is working with a Madison firm, Clotho Advanced Media, Inc., to redevelop the site. It is a monumental task, with more than 13,000 pages to be redone within the new architecture. CCAP expects to unveil the new Web site (and a new CourtNet – the courts' Intranet site) by the end of March 2004.

Throughout the process, newly hired Web Administrator Amanda Faessler will ensure design

continuity and consistent writing style and page layout.

The unveiling of the new site will mark the culmination of many months of work. The first phase of the project got underway last May, when a diverse group of court employees began participating in regular Wednesday afternoon meetings to develop a proposal. The committee tackled everything from the site's color scheme to its architecture, with an eye on simplicity and intuitive categories for sorting the content.

CCAP Computer Support Analyst Mary Feldman directed the project in cooperation with the Web Site Oversight Committee, chaired by Pam Radloff, deputy director for management services. ■



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Director's column: Judicial compensation debate is older than Wisconsin

During 2003, a variety of special projects have been undertaken to mark the 150th anniversary of the separate Supreme Court. The year celebrated famous cases, judges who have left meaningful legacies, and interesting stories concerning the history of the legal system. As I listen to accounts of our past, I am intrigued by what we can learn from it. Recently, as I was reading information we had collected concerning the current status of judicial compensation, I decided to check the history on the question of judicial pay. What I found is that it is not a new question. In fact, it was being discussed before Wisconsin became a state. Let's take a look.



A. John Voelker

As the Wisconsin Constitution was being constructed, numerous debates occurred on the structure of the judiciary. On April 28, 1846, the *Racine Advocate* weighed in on the issue of judicial salaries as follows: "Nothing perhaps can be more important to a state than a well-paid, independent judiciary. In this department, and in that of common schools, liberality is the greatest possible economy, and it is only by paying both well and forcing both to avoid entanglement in politics that we can assure ourselves of the pure administration and understanding of the laws." In the same year, the *Lancaster Wisconsin Herald* stated: "Have cheap fences if you will – slop clothing if you will – cheap watches if you will – but for god's sake don't have cheap judges!"

In 1973, the Citizens Study Committee on Judicial Organization also debated judicial salaries. The final report included the following comment: "...our objective should be to compensate all judges at an adequate level without over compensating them." The report went on to identify a specific formula for the adequate level of compensation which

today would pay a Supreme Court justice \$164,000, a Court of Appeals judge \$137,760, and a circuit court judge \$131,200.

The Compensation Study Committee established by 1983 Act 27 "... was to review compensation of elected officials for the purpose of determining what compensation was fair and reasonable." Ultimately, the committee made salary recommendations after considering all financial and non-financial aspects of the position. The committee noted: "the State of Wisconsin has an interest in maintaining and independent, competent, experienced, and effective judiciary." It went on to say that "if the compensation level is not brought current, kept current in future years, and freed of the uncertainties of the political process, the trend will emerge for younger, less experienced lawyers running for judicial office and then leaving the bench as they gain experience and public recognition."

What I find interesting are the common denominators that exist in these examples. First, the foundation for each assessment was to determine what was best for the state. Second, the conclusions were from an independent source in the sense that judges were not part of the discussion. Third, each concluded that adequate judicial compensation was important to an independent judiciary.

The same points are relevant today. As the *Milwaukee Journal Sentinel* editorialized on January 5, 2003: "It is obvious that the quality of justice in our society depends in significant measure on the quality of the judges who mete it out. Equally obvious is the notion that many of the best lawyers will not become judges if doing so requires them to make a huge financial sacrifice." ■

Judges helping judges

by Margaret Brady, human resources officer



Reserve Judge Patrick L. Snyder

On Oct. 14, a group of 22 judges met to begin the important work of developing a Judicial Assistance Committee for the Wisconsin court system. Once fully formed and operational, the committee will act as an informal, confidential intake and referral source for any judge who may be having problems with alcohol and/or drug abuse, or other personal issues. By establishing an outlet for addressing these problems, we hope to minimize or eliminate their impact on the judge's job.

The driving force behind the development of this committee is Reserve Judge Patrick L. Snyder, who served in Waukesha County Circuit Court from 1978 until 2003. For over 10 years prior to his retirement, Snyder served as an informal judicial assistance resource, along with former Director of State Courts J. Denis Moran and former Human Resources Officer Cheri Timpel. Snyder recognized that this would cease with his retirement, and his concern about the lack of resources to assist judges led him to propose a small

self-help committee.

With the approval and support of Chief Justice Shirley S. Abrahamson and Director of State Courts A. John Voelker, a training session for judges interested in serving on the committee was developed. The one-day session featured presentations from: Attys. James R. Cole and Gary L. Bakke, both representing the State Bar of Wisconsin's Lawyer Assistance Program, WisLAP; Mickey Gabbert, Chemical Dependency Program director from Rogers Memorial Hospital in Oconomowoc; James Alexander, executive director of the Judicial Commission; and Snyder.

At the conclusion of the training session, volunteer judges were recruited to assist in the development of the committee with Judge Stuart A. Schwartz, Dane County Circuit Court, agreeing to serve in a leadership capacity. Over the next few months, these judges will develop a plan to serve Wisconsin's judiciary. ■

Those interested in obtaining more information about the Judicial Assistance Program or in participating in this committee's activities may contact Human Resources Officer Margaret Brady at (608) 267-1940 or margaret.brady@wicourts.gov.

Dollars and cents issues take center stage

by Dan Wassink, senior policy analyst

In 2001, it didn't even register on the radar screen. But in 2003, it's the number one issue on the minds of court staff. "It" is the impact of funding constraints on state and local government, and therefore on the ability of the courts to do their job effectively.

The issue easily came out on top in a summer survey conducted by the Planning and Policy Advisory Committee's (PPAC) Planning Subcommittee. Appellate judges, circuit court judges, and clerks of court all ranked the funding constraints issue above the other 16 critical issues compiled by the subcommittee and included in the survey. Only district court administrators bucked the trend; they ranked funding constraints second, behind issues associated with making the court record.

A total of 165 individuals completed and returned the survey. That number included 86 circuit court judges, 42 clerks of court, seven appellate court judges, and six district court administrators. Another 24 respondents were either circuit court judges or clerks of court (their surveys were returned by fax without means of positive identification).

Survey recipients were asked to rank each issue using one of five numbers: 0, 1, 2, 4 or 8, with 0 defined as "not an issue; should not be pursued," and 8 defined as "critical and essential; one of the vital few issues that should make the short list." Among all respondents, the top 10 issues along with their mean (average) score were:

- Funding constraints: 4.38
- More *pro se* litigants: 3.87
- Overcrowded prisons and pressure to establish alternatives to incarceration: 3.84

- Fee and collection issues: 3.79
- Making the court record: 3.70
- Court security: 3.68
- Judicial discretion: 3.54
- Greater diversity among court users: 3.37
- Rising cost of using courts – access to courts: 3.37
- Better use of information technology: 3.35

At the Judicial Conference in October, participants discussed these results, focusing mostly on the funding constraints issue and the practical implications to individual counties. Judges engaged in a lively debate and relayed their concerns about the effect of budget cuts on items such as court commissioners, reserve judge usage, the quality of justice, courthouse security, clerks of court, technological innovations, and staff morale. Several judges also argued that the court system must be more aggressive in asserting its position as an independent, third branch of government in order to obtain the funding needed to perform its constitutional duties.

The planning subcommittee conducts the survey of court staff every other summer as part of its work to identify the critical issues facing the court system. Subcommittee members will use the results, along with feedback from the Judicial Conference session and separate surveys of court users and attorneys, as they prepare a final report to the Wisconsin Supreme Court next year. ■

Sykes *continued from front page*

Appeals.

A number of interested candidates have come forward in recent weeks, including Milwaukee County Circuit Court Judges Louis B. Butler Jr., who was elected to the circuit court in 2002 after running against Sykes for the Supreme Court; Jean W. DiMotto, a former nursing professor who was elected to the circuit court in 1997; Christopher R. Foley, who was initially appointed to the circuit court in 1985 by Gov. Anthony S. Earl; and Maxine A. White, who was initially appointed to the circuit court in 1992 by Gov. Tommy Thompson; Dane County Circuit Court Judge Angela B. Bartell, who was initially appointed in 1978 by Gov. Martin J. Schreiber; Kenosha County Circuit Court Judge S. Michael Wilk, who was elected to the circuit court in 1994; Barron County Circuit Court Judge Edward R. Brunner, a chief judge who has served on the circuit court since his 1988 election and who lost a race for the Supreme Court to Justice Patience Drake Roggensack last spring; and Reserve Judge Ness Flores, a former Waukesha County Circuit Court judge. ■



Gov. Jim Doyle talks with Chief Justice Shirley S. Abrahamson following his remarks at the Wisconsin Judicial Conference. Doyle's presentation emphasized the need to identify alternatives to incarceration, especially for people with drug and alcohol dependency. His speech echoed the chief justice's State of the Judiciary address, in which she emphasized the need for a wide array of sentencing options and the importance of safeguarding judicial discretion by establishing advisory – not mandatory – sentencing guidelines. The State of the Judiciary is available at www.wicourts.gov/media/reports/StJudiciary.htm.

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APPOINTMENTS

Bain, Sullivan are chief judges

Chief Judge Dorothy L. Bain



Chief Judge Michael P. Sullivan

The Wisconsin Supreme Court has appointed Judges Michael P. Sullivan, Milwaukee County Circuit Court, and Dorothy L. Bain, Marathon County Circuit Court, as chief judges. Sullivan will serve District One, which is comprised of Milwaukee County. Bain will serve District Nine, which encompasses 12 northeast Wisconsin counties including: Florence, Forest, Iron, Langlade, Lincoln, Marathon, Menominee, Oneida, Price, Shawano, Taylor, and Vilas.

Sullivan will be eligible to serve a maximum of three, two-year terms. Bain is serving in an interim role to fill a vacancy; her term expires July 31, 2004 and she will be eligible to serve additional terms.

Chief judges manage the flow of cases, supervise personnel, develop budgets, and meet bimonthly as a committee to work on issues of statewide importance. With the exception of Milwaukee, where the chief judge is a full-time administrator, chief judges and their deputies maintain court calendars in addition to handling administrative matters.

Sullivan, who had been Milwaukee's deputy chief judge, was appointed following the retirement of Chief Judge Michael J. Skwierawski. He appointed Judges David A. Hansher and Kitty K. Brennan to share the role of deputy chief.

The Supreme Court asked Bain to step in as District Nine chief judge after Chief Judge James B. Mohr announced his intention to resign his judgeship this fall (*see separate story*). Bain, who has served as a judge since 1997, appointed Judge Glenn H. Hartley, who has served in Branch 2 of the Lincoln County Circuit Court since 1999, to be her deputy.



Judge David A. Hansher Judge Kitty K. Brennan



Judge Glenn H. Hartley

Abrahamson tapped for two national roles

Chief Justice Shirley S. Abrahamson, who has served on the Wisconsin Supreme Court since 1976 and has been chief justice of the seven-member court since 1996, has been selected for two national leadership positions.

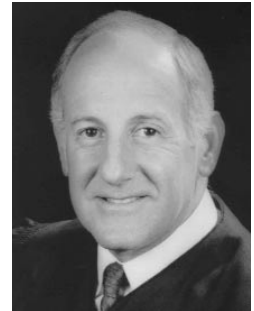
First, her fellow chief justices made her president-elect of the national Conference of Chief Justices. She will begin her one-year term as president in August 2004, succeeding California Chief Justice Ronald George.

Second, the prestigious National Academy of Sciences appointed her to its Science, Technology and the Law panel. Composed of lawyers, judges, and scientists, the panel meets twice a year to discuss the intersection of science, technology, and law.

Abrahamson is well established as a national judicial leader. She serves on the board of directors of the National Center for State Courts and on the board of the Institute of Judicial Administration at New York University School of Law. In addition, she chaired the National Institute of Justice's National Commission on the Future of DNA Evidence. ■



Chief Justice Shirley S. Abrahamson



Chief Justice Ronald George

Reminder on uniform traffic citations changes

The state Department of Motor Vehicles is reminding clerks of circuit court that they no longer need to send the standard cover letter when submitting citations to the Department of Transportation.

This change comes as the result of a June legislative revision to the Administrative Code on uniform traffic citations. The revision, requested by the Department of Transportation, eliminates the following section:

Safeguards. To ensure the court record copy of the uniform traffic citation is true and correct, each clerk of court shall submit a signed, dated letter with each group of adjudicated citations indicating the disposition entered on the citations it embraces are true and correct to the best of his or her knowledge. ■

Questions may be addressed to the Court Hotline at (608) 267-1854.

RETIREMENTS

Judge Robert A. Haase Winnebago County Circuit Court



Judge Robert A. Haase

As reported in the spring 2003 edition of *The Third Branch*, Judge Robert A. Haase, an Eagle Scout, barbershop quartet singer, and master punner, will retire in January 2004 after more than 21 years on the bench in Winnebago County. Because Haase is retiring mid-term, the governor will appoint a replacement; at press time, 12 attorneys had applied.

In his years on the bench, Haase has earned a reputation as a hard worker who delights in sharing jokes and sometimes painful puns. His strong interest in court administration led the Supreme Court to appoint him as chief judge of the Fourth Judicial Administrative District, a post he held for six years. He also served for 10 years on the Records Management Committee, which recommends guidelines for the retention of court records and necessary statutory or rule changes relating to records management, devises new forms, reviews new and existing forms for their legal sufficiency, and establishes standards and guidelines for effective management of court records.

Haase described his administrative work – especially his service on the Records Management Committee – as “a lot of fun.” He said the work helped him to keep current on trends in the law and improved his understanding of court management issues.

Haase’s staff is planning a retirement party in his honor for Jan. 2, 2004.

The 12 attorneys seeking appointment to the vacancy are: Public Defender Eugene Bartman; John E. Birmingham; Court Commissioner Daniel J. Bissett; Neenah Municipal Judge Leonard D. Kachinsky; James A. Kearney; Public Defender David W. Keck; Calumet County District Atty. Kenneth R. Kratz; Court Commissioner Karen L. Seifert; Steven L. Toney; William R. Wilde; Scott C. Woldt; and John S. Zarbano.

Judge John H. Lussow Rock County Circuit Court



Judge John H. Lussow

After 24 years on the bench in Rock County Circuit Court, Judge John H. Lussow will retire at the end of his term in July 2004. The election will be held April 6, 2004; the primary is set for Feb. 17, 2004.

Lussow, 62, told *The Janesville Gazette* that he decided to retire after Court Commissioner Barbara W. McCrory announced that she would run against him. He had begun to consider retirement after suffering an illness that led to a three-month medical leave last spring.

Lussow won a hotly contested race for the seat in 1979, but did not take office until 1980. He sought the judgeship after working in private practice for 11 years. Lussow was reelected without opposition three times.

During his years on the bench, Lussow was active in judicial administration. He served as deputy chief judge of the Fifth Judicial Administrative District and presiding judge in Rock County, and was director of the Wisconsin Trial Judges Association.

Also seeking election to the post are Attys. R. Alan Bates, William J. Hayes, and James D. Wickhem.

Chief Judge James B. Mohr Vilas County Circuit Court

Chief Judge James B. Mohr, on the bench in Vilas County Circuit Court since 1983, resigned effective November 21 to take a job with the Forest County Potawatomi tribe. Mohr, 53, will help the tribe to improve its court and work on fostering improved state-tribal communications.

As a circuit court judge, Mohr actively worked with local tribes to determine jurisdiction in various types of cases and build new programs for dispute resolution. He held court on the Lac du Flambeau reservation every month to assist litigants there who had difficulty getting to the courthouse in Eagle River. He also was a member of the Federal-State-Tribal Court Forum, a group that began meeting in March 1999 to improve communication and cooperation among the various courts.

Mohr was 33 years old when Gov. Anthony Earl appointed him to the bench. He was elected to the post seven times without opposition. “It has been an incredible, exhilarating, rewarding and fascinating journey and I will certainly miss serving the people of Vilas County,” Mohr told the *Vilas County News-Review*.

Six attorneys applied for gubernatorial appointment to the vacancy. They include: Melanie Parks Alberts; Court Commissioner Ralph Koopman; Steven M. Lucareli; District Atty. Albert Moustakis; Court Commissioner Ginger Murray; and Neal A. Nielsen.

Judge J. Michael Nolan Lincoln County Circuit Court

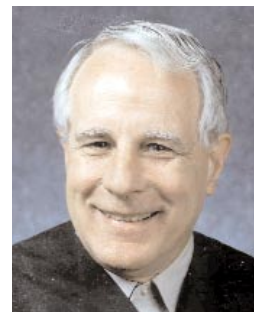
After 23 years of service on the bench in Lincoln County Circuit Court, Judge J. Michael Nolan has announced that he will retire when his term ends on July 31, 2004. The election will be held April 6, 2004; the primary, if one is necessary, will be held Feb. 17, 2004.

Nolan was elected in 1980 after a 17-year career in law. He served as Lincoln County’s only judge until a second branch was created five years ago. Judge Glenn H. Hartley was elected in 1999 as the first judge to serve in the new branch.

During his career on the bench, Nolan, 66, was active in judicial administration. He served on the Civil Jury Instructions Committee, was a member of the Supreme



Chief Judge James B. Mohr



Judge J. Michael Nolan

Fall
2003**LEADERSHIP****Judge, court reporter team up on recruitment**

Judge William M. Gabler and Official Court Reporter Jill M. McLaughlin are working in partnership with a local high school to spread the word about the court reporting profession.

Gabler, who has been a judge for four years, and McLaughlin, a 20-year veteran court reporter, recently met with students over lunch at Eau Claire Memorial High School. Gabler set up the visit by contacting Krisan Vine, a Memorial teacher who coordinates a "Lunch and the Law" program. Gabler's children had been students in Vine's classes.

This meeting followed a February "Career Day" session where Gabler and McLaughlin met with about 150 students. They hope this will be the first of several meetings, and are planning to pursue other contacts in different schools.

"Twenty-five years of practicing law have impressed upon me the importance of maintaining the record," Gabler said. "When the governor called me in the summer of 1999 [to appoint him to an open judgeship]," Gabler said, "the first person I called was Jill."

At the luncheon, Gabler discussed the importance of maintaining a good record and McLaughlin talked about the

qualifications, skills, pay, and opportunities in captioning. She brought along her machine and gave a demonstration. Afterward, about 11 students – boys and girls – came up to ask McLaughlin more questions about her career. The students' enthusiasm helped McLaughlin to overcome some initial hesitation. "Court reporters work behind the scenes," she said. "Our job is to be unnoticeable, and we have a difficult time sometimes making the transition to a more public role."

McLaughlin said her sister, Sandy, an Illinois court reporter, has inspired her to recruit young people into the profession. "She transcribes from tapes," she said, "and the quality is not good. She doesn't know who is talking and [the transcripts] end up liberally sprinkled with 'inaudible'."

Gabler said addressing the court reporter shortage – recently ranked as one of the most critical issues facing the court system in a poll of judges and court staff – is going to require leadership from judges and lawyers around the state. "Somebody's got to do it," he said. "I think that unless the legal profession – judges and lawyers – get out there, we're going to be in trouble." ■



Judge William M. Gabler

RETIREMENTS *continued from page 5*

Court's Planning and Policy Advisory Committee, and was chair of the Judicial Conference Nominating Committee.

At press time, only one candidate – Lincoln County Corporation Counsel Donald J. Dunphy – had announced his intention to seek the position.

**Judge Emmanuel J. Vuvunas
Racine County Circuit Court**

Judge Emmanuel J. Vuvunas, who has served in Racine County Circuit Court for 25 years, will retire at the end of his term in July 2004. The election will be held April 6, 2004; the primary is set for Feb. 17, 2004.

Vuvunas, 61, was appointed in 1979 and elected four times. Prior to becoming a judge, he was a family court commissioner and an assistant district attorney.

He said he is retiring now so that he will have the time, energy, and good health to pursue his many interests. He told *The Journal Times* (Racine) that he plans to play in bridge tournaments, travel with his wife, and possibly form a mediation/arbitration business.

Several attorneys have announced their intention to seek election to the post, including: Public Defender Jennifer Bias, Georgia L. Herrera, John S. Jude, Jay Nixon, and Michael J. Piontek.

**Judge Lee E. Wells
Milwaukee County Circuit Court**

Judge Lee E. Wells, who has served in Branch 35 of the Milwaukee County Circuit Court since 1981, will retire

effective Feb. 14, 2004. Because Wells is leaving mid-term, Gov. Jim Doyle soon will begin taking applications for appointment to the vacancy. The appointee will serve through July 31, 2005.

Wells and his wife, a pension specialist for a private investment firm, both are retiring on the same day. They plan to spend more time with their four adult children and six grandchildren, enjoy their home in Florida, and travel.

At 62, Wells acknowledged that he is young for retirement and that "I am giving up a job I love to do." But, he said, he and his wife want to leave full-time employment while they still have good health and the energy to pursue their hobbies – which include biking, hiking, tennis, golf, and cheering for the Badgers and Packers.

Wells currently serves in Milwaukee's Civil Division, but has sat in every division during his 22-year tenure and hopes to serve as a reserve judge. A former chair of the Wisconsin Sentencing Commission, he has taught continuing education seminars for judges and lawyers on evidence and sentencing.

"I always enjoyed attending the conferences, seeing friends and colleagues, and learning from them," Wells said. "I'm going to miss the 'people' aspect of the job tremendously." ■



Judge Lee E. Wells



Judge Emmanuel J. Vuvunas

AWARDS

Johnson honored at WCRA convention

Edward H. Johnson, an official court reporter for 22 years, a leader in both state and national court reporting associations, and a stand-up comedian, received the Wisconsin Court Reporters Association's (WCRA) '2003 Distinguished Service Award' at the WCRA's fall convention in Madison.

Johnson began his career with the courts in 1981 as reporter for Judge William M. Donovan in Marinette County. In 1987, he moved to Port Washington to work for Judge Warren A. Grady, and now reports for Grady's successor, Judge Tom R. Wolfgram.

As a state and national leader among his peers, Johnson has put in countless hours of volunteer time and has traveled the country to speak at court reporter meetings – where he



Edward H. Johnson, an official reporter in Ozaukee County Circuit Court and a longtime stand-up comedian, accepts the WCRA award honoring his service to the profession.

pulls in standing-room-only crowds for his comedy routines. Once a stand-up comic in nightclubs (and at Summerfest in Milwaukee), Johnson now performs only for court reporters and other justice-system-related groups. His humor is well-suited to the audience. Some of his latest material lampoons the 'captioning' craze: "At our last court reporting seminar, we had a great seminar on captioning. I learned that in captioning, it doesn't have to be 100

percent verbatim. You just have to get the gist of things. I'm thinking to myself, 'just get the gist of things?' I could be a captioner. I've been getting the gist of things for 23 years. In fact, I'm paid quite handsomely by the State of Wisconsin to be the official court gister."

Johnson has been president of the WCRA and currently chairs the group's Legislative Committee. He also is legislative liaison to the National Court Reporters Association, for which he helps to organize "Legislative Boot Camps" in Washington, D.C. Court reporters from across the country attend boot camp to learn how to testify, how to meet with legislators and write effective letters, and more.

Johnson and his wife, Kathryn – a special education teacher at Port Washington High School – have two sons, Derek (a freshman at the University of Wisconsin-Madison), and Trevor (a sophomore at Port Washington High School).

Sullivan is 'Jurist of the Year'

During its October 12 Columbus Day celebration, the Wisconsin Justinian Society of

Lawyers – an affiliate of the National Italian American Bar Association – honored Chief Judge Michael P. Sullivan, Milwaukee County Circuit Court, as 'Jurist of the Year.'

Sullivan, who has served as a judge in Milwaukee County since 1978, was appointed chief judge for District I (which encompasses the Milwaukee County Circuit Court) this year after the retirement of Chief Judge Michael J. Skwierawski. Prior to his election as judge, Sullivan was a court commissioner for five years.

Milwaukee County Circuit Court Judges John J. DiMotto and Kevin E. Martens, Court of Appeals Judge Charles B. Schudson, Supreme Court Justice Diane S. Sykes, and Reserve Judge Raymond Gieringer all took part in the event.

Also honored by the Justinian Society of Lawyers were Sam Balistreri, who was made 'Justinian Person of the Year' and Archbishop Timothy Dolan, named 'Person of the Year.'



Chief Judge Michael P. Sullivan, Milwaukee County Circuit Court, stands fourth from the left, posing with (left to right): Atty. Joseph G. Alioto; Sam Balistreri; Archbishop Timothy Dolan; Atty. Dominic Frinzi (kneeling); Atty. Cirino Bruno, president of the National Italian-American Bar Association headquartered in New York; and Atty. Mark Cameli, president of the Justinian Society of Lawyers.

La Crosse County courts win distinguished service award

The La Crosse County Circuit Court, whose innovative programs to improve outcomes for families and children in court have become a model for the nation, has received the Wisconsin Association of Mediators' (WAM) Distinguished Service Award for incorporating mediation into everyday court processes. They are the first ever to receive the award as a group.



Judge Dennis G. Montabon, La Crosse County Circuit Court, accepts the Wisconsin Association of Mediators' award on behalf of the La Crosse courts.

Accepting the award at a November 6 ceremony in Madison were Atty. Megan De Vore, assistant corporation counsel for La Crosse, and Judge Dennis G. Montabon, who has been on the bench in La Crosse County for 25 years and who helped to lead the effort to use mediation in cases involving abused and/or neglected children (CHIPS cases). "We began trying mediation in family court cases in 1979, and we have built the program slowly and steadily over these 25 years," Montabon said. "The key to our program's success has been

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Fall
2003

Court reporters' conference focuses on outreach to young and old alike

by Roberta Bitler, official court reporter
Burnett County Circuit Court

The Wisconsin Court Reporters Association (WCRA) held its fall convention in Madison on October 17-19. We were joined by close to 100 student reporters from Madison Area Technical College and Lakeshore Technical College. It was very exciting to have the students at the convention, mingling with working reporters, asking questions, and meeting new friends.

We had seminars on research techniques, captioning, and a history of court reporting in Wisconsin from longtime reporter Coley Griffin. Gayle Martinson, the Archival Collections manager from the Wisconsin Veterans Museum, talked to the reporters about oral histories of the veterans in our state and how they are preserved.



The WCRA Board of Directors, from left to right, are: Teri Novotny Hockersmith, Monroe County Circuit Court; Cindy Brandt, Jackson county Circuit Courts; Tammy Uhl, captioner; President-elect Kelly Powers Johnson, Dane County Circuit Court; President Roberta Bitler, Burnett County Circuit Court; Michelle Stello, Vernon County Circuit Court; Secretary Karlye Canfield, District 10 floater; Treasurer Ann Albert, Dane County Circuit Court; Mary Burzynski, Marathon County Circuit Court; Christine Willette, freelance reporter; and Past-President Taulia Northouse, freelance reporter.

Reporters in Wisconsin took the lead in volunteering their time to make written transcripts of these audio and videotapes so they are preserved. Wisconsin court reporters also have transcribed interviews with long-time judges for the court system Oral History Project. These efforts have become a national model; a representative from the National Court Reporters Association (NCRA), while visiting one of our conventions, was so impressed that she took the idea back to Washington, where the NCRA is now partnering with the Library

of Congress to preserve veterans histories by reporters across the country. ■

Bitler is president of the Wisconsin Court Reporters Association.

Pro se issues discussed at probate conference

by Kay F. Morlen, register in probate
Washington County Circuit Court

Registers in probate attending the fall conference in Waupaca heard from Chief Justice Shirley S. Abrahamson on the need to improve services for self-represented litigants. The chief justice noted that probate has been a forerunner in the wave of *pro se* litigation.



Registers in probate pause for a photo opportunity during their fall conference in Waupaca.

Also on the program was Judge John P. Hoffman, Waupaca County Circuit Court, who welcomed members of the association. Waupaca Register Angela Dahle and Deputy Register LeAnn Wisbrocker hosted the conference with Wood County Register Sherry Masephol.

Registers were also provided an impressive tour by residents and staff of the Wisconsin Veterans Home.

Finally, the association honored Genevieve Mikula of Rusk County for 35 years of service, and expressed gratitude to outgoing officers Sally Lunde, Waukesha County, and Kathy Powell, Jackson County. ■

Juvenile court clerks learn about restorative justice

by Connie M. Haefs, juvenile court clerk
Brown County Circuit Court

Members of Wisconsin's Juvenile Court Clerks Association gathered in Wausau in October for a program that touched on many critical issues facing the courts. Becky Byer of Lincoln County hosted the program; one highlight was a tour of the Lincoln Hills School and a presentation by juveniles who have been sent there.

The presenters were enrolled in CAP (the Cadet Achievement Program). These young men did a great job telling us about their background, why they were sentenced to Lincoln Hills School and when they would be discharged. One statement that really made me think was, "These are good kids; they just made the wrong choice." How true that is. Because so much of our job is processing the paperwork, I forget these are young kids who have simply made bad choices.

On the day following the CAP presentation, we toured Lincoln Hills. We learned about restorative justice programs, saw the inside workings of the facility, and talked to staff and juveniles. What a learning experience.

Other parts of our program included: an update on the Adoption and Safe Families Act; a presentation on Northcentral Technical College's alcohol and drug education program for young adults; and an introduction to the Adoption Search Program that is available through the Wisconsin Department of Health and Family Services to people who are searching for information on an adoption.

The juvenile clerks elected new leadership as follows: President Ericka Nelson, St Croix County; Vice President Karen Nord, Washburn County; and Treasurer Sue Thompson, Vernon County. ■

Haefs is secretary of the Wisconsin Juvenile Court Clerks Association.

Second District lays groundwork for improving CHIPS process

by Kerry Connelly, district court administrator

A conference on improving child protective services in the Second Judicial Administrative District (Kenosha, Racine, and Walworth counties) has sparked ideas for simple procedural tweaks and plans for long-term work on several major issues.

The program brought together a group of 28 judges, prosecutors, clerks of circuit court, social workers, court staff, and attorneys. Their discussions focused on two primary factors that must be considered in assessing the processing of CHIPS (child in need of protection and/or services) cases: performance and judicial workload.

Performance in these cases is measured by progress in meeting a variety of improvement deadlines and other goals. Judicial workload analysis tracks the resources the courts have, versus what they need in order to make major gains in performance.

After a morning of discussions on performance and workload issues, the participants were grouped by occupation and worked in these smaller teams to identify key issues.

Following are the issues that each profession saw as most important for safety, permanency, due process, and timeliness:

Judges

- Clarify the Adoption and Safe Families Act (ASFA) as it relates to Chapter 938 cases;
- Create uniform data system to keep track of crucial dates for out-of-home placements;
- Recruit more good foster and adoptive homes;
- Coordinate licensing for foster care and adoption;
- Examine alternatives to guardianships, an overused and non-permanent solution;
- Determine whether Chapter 880 or Chapter 48 offers



Photo credit: Brad Jaeck, Photographic Design

Judge Mary Kay Wagner,
Kenosha County Circuit Court

better alternatives;

- Improve legal representation of parents: the system is inadequate and underfunded; and
- Recruit and train court interpreters.

Social workers

- Develop timelines for establishing permanency;
- Involve parents in the case plan;
- Educate about role of child protective services workers; they assess safety and need and provide services, but do not substantiate child abuse and neglect allegations;
- Improve ASFA language in court orders (should be made more specific including reasonable efforts language).

Attorneys

- Address lack of representation of the parents;
- Improve accountability of social workers and parents in the system;
- Ensure that courts are willing to conduct review hearings to ascertain whether parties are meeting their obligations.

Clerks

- Set up in-court processing so no one leaves courtroom without an order;
- Retrieve better client information out of CCAP;
- Form an oversight committee to review/monitor data that are produced.



Photo credit: Brad Jaeck, Photographic Design

Children's Court Improvement Program Director
Michelle Jensen Goodwin

see CHIPS page 13

Making changes

Representatives from the three counties participating in the Second District conference worked together to identify at least three changes they could make to improve the processing of CHIPS (child in need of protection and/or services) cases.

In **Kenosha County**, a committee will be formed to clarify how the Adoption and Safe Families Act (ASFA) relates to Chapter 938 cases; this work will be completed in six weeks. Kenosha also will establish, by January 2004, a speakers' bureau to recruit foster parents and adoptive homes. An assessment of legal representation of parents in CHIPS cases – involving an examination of contracts and costs – also is slated for January. Finally, Kenosha plans to provide training for social workers on timelines for completion of responsibilities.

In **Racine County**, to improve accountability, review

hearings will be set at the time of the disposition. In addition, legal representation for parents involved in CHIPS cases will be examined. Racine also will plan a bus trip to recruit foster and adoptive parents and will make presentations to faith communities to improve recruitment through a "one church/one child" program. Racine also will open a dialogue between judges and investigators on the standards used to assess child abuse.

In **Walworth County**, the Clerk of Circuit Court's Office will notify the Public Defender's Office of all temporary physical custody hearings. Legal counsel will have forms ready prior to the hearings in CHIPS matters to improve efficiency, and there will be less stacking of cases. The district attorney and corporation counsel will meet and work out scheduling issues. ■

Earned Release Program to open doors in '04

Wisconsin's new Earned Release Program (ERP), designed for non-violent offenders who have a history of significant drug and/or alcohol abuse that is fueling their crimes, will open its doors in March 2004. Corrections Secretary Matthew J. Frank is working with his staff to develop an implementation plan for the program.

Department staff discussed the program with the Committee of Chief Judges at their October meeting.

Gov. Jim Doyle proposed the program and the Legislature included it in the biennial budget bill as a way to reduce prison populations and give judges another sentencing tool.

The six-month program will be located in the Drug Abuse Corrections Center, a 244-bed minimum-security facility in Winnebago. Inmates must be classified as minimum or minimum community custody in order to be eligible.

While the statute opens the program to Truth-in-Sentencing (TIS) and non-TIS inmates, the Department of Corrections (DOC) initially will consider only TIS applicants, as non-TIS offenders are eligible for parole.

The program applies to offenders sentenced on or after July 26, 2003, the effective date of the law; offenders convicted prior to that date may petition the court for participation in the ERP if they meet the statutory requirements and have the approval of the DOC, but the program will not initially serve this population.

Inmates who are placed in the program will spend seven hours a day, five days a week, in structured

activity. The curriculum includes three tracks that group offenders according to their level of criminal sophistication, need for social skills training or cognitive behavioral intervention, and their substance abuse history.

The program also emphasizes reintegration readiness. "It's not just

four walls and keep them contained," said Department of Corrections Policy Initiatives Advisor Anthony Streveler. "This program is designed to better prepare inmates for successful release to the community." This component of the program will cover basics such as securing

a social security card and a form of identification, working with the family and formal community support linkages, finding employment, appropriate housing, and more. The core of the reintegration process, starting at admission to the program, will focus on developing a comprehensive pre-release plan that addresses all critical success factors, engages the inmate, their family and community support network in an effort to better prepare the inmate for successful release and reintegration into the community.

Each inmate will be incarcerated initially for at least six months or 25 percent of his/her confinement time and then transferred into the ERP. Inmates who drop out of Challenge Incarceration Program are barred from the ERP, and vice versa, to ensure against 'program shopping'. ■

For more information on the ERP, contact Anthony Streveler at (608) 240-5801 or anthony.streveler@doc.state.wi.us.



*Corrections Secretary
Matthew J. Frank*

ERP protocol

- ❑ The offender is convicted of a non-violent (Chapter 940 crimes and the following Chapter 948 offenses are not eligible: 948.02, 948.025, 948.03, 948.05, 948.055, 948.06, 948.07, 948.075, 948.08, 948.095).
- ❑ The Department of Corrections (DOC) determines eligibility for the Earned Release Program (ERP) and makes a recommendation in the pre-sentence investigation. In developing criteria to determine eligibility, the DOC has decided that no offender who has previously been incarcerated for a violent crime will be eligible. Also ineligible are offenders whose current conviction involves a weapon, such as illegal possession of firearm. Still to be determined is whether read-in charges will count against the offender for purposes of ERP eligibility.
- ❑ At sentencing, the court makes a determination on eligibility.
- ❑ The eligible offender is incarcerated for at least 25 percent of his/her confinement time or six months. Assuming good behavior, minimum custody classification, and an available bed, s/he will be transferred into the ERP.
- ❑ After the offender successfully completes the ERP, the process is identical to that for the Challenge Incarceration Program. The judge receives a notice from the DOC and, within 30 days of receiving the notice, is required to modify the bifurcated sentence to place the person on extended supervision. This is accomplished by reducing confinement and lengthening extended supervision without changing the total sentence.
- ❑ For offenders who are already incarcerated and petition for inclusion in the program, judges shall grant or deny the petition no later than 90 days after receiving it. There is no clear word on how a non-response from the judge will be handled.

PEOPLE

"After release, no annual day in jail," proclaimed a headline in the Oct. 24 edition of the *Wisconsin State Journal*. The story quoted from a newly released opinion of the Court of Appeals, District IV, which nixed the practice

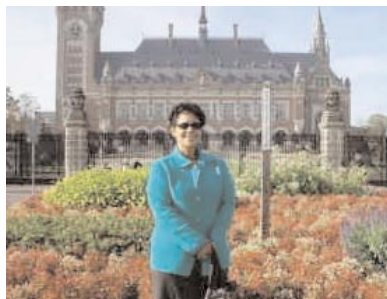


Judge Charles P. Dykman

of sending defendants back to jail for one day a year as a way of marking the anniversary of their crime. Judge **Charles P. Dykman** wrote the opinion reversing Rock County Circuit Court Judge **James P. Daley's** order. Daley had required a drunk driver to spend the anniversary of the deadly crash in jail, but the Court of Appeals said

Wisconsin's Truth-in-Sentencing law does not permit a court to impose confinement as a condition of supervision.

"DAs to fight layoffs edict," a story in the Oct. 30 *Milwaukee Journal Sentinel*, discussed the intention of some district attorneys to ask the Supreme Court to accept original jurisdiction in the DAs' fight with the governor over position cuts. The DAs did file the petition, and the Supreme Court has ordered a December response from the administration. Waukesha County District Atty. **Paul Bucher**, who was ordered to fire three prosecutors, and Racine County District Atty. **Robert Flancher**, who was ordered to fire one, "have vowed to take the lead in launching litigation over the way the administration has parceled out the 15 prosecutor cuts statewide," according to the newspaper.



Judge Ramona A. Gonzalez in The Hague, Netherlands.

Assistant district attorneys also have been ordered cut from Dunn, Manitowoc, Marquette, Milwaukee, Pierce, Rock, St. Croix, Sauk, Vernon, and Waupaca counties.

Judge **Ramona A. Gonzalez's** recent trip to The

Hague, Netherlands, was highlighted in a front-page story in *The Milwaukee Spanish Journal*. Gonzalez, La Crosse County Circuit Court, was one of seven U.S. judges chosen to participate in an international conference on kidnapping in October.

"Before **William R. Moser** was an attorney – or presiding judge of the Wisconsin Court of Appeals – he was a young man without a legal name." So began a *Milwaukee Journal Sentinel* story about the fascinating life of the man who served on the Court of Appeals from 1978 until 1992, spending 11 of those years as presiding judge. Moser, the story says, was born in a Chicago orphanage and abandoned there. He was brought to Milwaukee, a ward of Catholic Social Services. He lived in the old St. Vincent Orphanage and foster homes until getting a permanent foster home at

age 5. He was never adopted, remaining a ward of Catholic Social Services. After graduating from high school at 17, he could not enter the military because he did not have a last name. "That was the loneliest experience of my life . . . going into the courthouse, explaining the situation, and paying \$18.75 for a name," he later said. Moser was the name of his permanent foster family. Moser died of a rare blood disease April 11 at age 75. A memorial service was held for him in late October.

Judge **James M. Mason**, Wood County Circuit Court, recently had to deal personally with the IRS. After filing a civil judgment against a litigant for submitting false documents in 1993, Mason received a notice from the IRS that a form had been filed against him stating that he had not reported a \$2,000 transaction. He contacted the IRS to find out what actions to take to correct the problem. "I actually got the person whose name was on the letter and she helped me through things,"



Judge James M. Mason

Mason told the *Daily Tribune* (Wisconsin Rapids). "It was a pleasant experience with the IRS." He was then a witness at the litigant's trial in September – an unusual occurrence for a judge. "It was a very interesting experience for me," Mason said.

Surveys taken in La Crosse County on jury duty are showing that most people are taking their civic duty seriously. **Pam Radtke**, clerk of circuit court, told the *La Crosse Tribune* that exit surveys reveal jurors are leaving with a positive reaction. "What's interesting is that we see many people change their mind about it after they serve," Radtke said. Judge **Michael J. Mulroy** reassures potential jurors who express concern about their abilities, telling them that thousands of their fellow citizens also have served.

"Criminal charges jolt traffic offenders," appeared on the front page of the Sunday, October 19, *Milwaukee Journal Sentinel*. The story described the impact on Milwaukee County of a change in state law last year that criminalized operating after revocation (OAR). The report said Milwaukee County prosecutors are filing charges in 320 OAR cases every day, and that the county's Misdemeanor Division has handled more than 7,000 additional cases since the law took effect.

District Court Administrator **Bruce Harvey** told the newspaper that defendants in OAR cases face a catch-22: they need to work in order to pay off their court costs and fines,



Judge Michael J. Mulroy



Bruce Harvey

see **People** on page 17

VOLUNTEERS IN THE COURTS

Portage County launches peer court program

When a young man steps in front of his peers to talk about gang problems he is having, the entire class is put at ease by the knowledge that they are not alone. Recently, in a Stress Anger Management class in Portage County, a boy recounted how he decided not to fight back when a gang wanted to brawl. Later, at school, a group of friends tried to talk him into helping them take revenge. When he refused, he found that those who were true friends fully supported his decision.

Sasha Vieth, Peer Court program director for Portage County, believes this is the kind of experience kids need to hear from their peers to validate these types of decisions. "I could see his story had a positive effect on others in the class," she said. "It helps others to hear someone their age discuss real-life issues and how they handled it."

The class is part of a peer court program that recently got underway in Portage County and already is a big hit. Organizers were hoping to start

with 20 volunteers, but ended up with a group of 35. A panel of 31 volunteer students was chosen; they range in age from 14 to 18. Involving the community and keeping recidivism below 10 percent are the goals of the peer court. The Office of Justice Assistance is funding the pilot program through a grant for \$27,574. No tax dollars are used.

Organized and operated by the



Sasha Vieth



Judge John V. Finn

Boys & Girls Club of Portage County, the program took a year to plan and recently was approved by the Justice Coalition and Stevens Point Area Public School District. Judge John V. Finn, Portage County Circuit Court, helped to organize the peer court with the Boys & Girls Club and serves as chair of the Peer Court Committee. Finn appeared before the school board to explain the initiative. "He's been great," said Vieth.

The program focuses on teens – ages 12 to 16 years old – who receive citations on school grounds. The most

see **Peer Court** on page 13

Teen Court will be sorely missed

While Portage County is launching a peer court, others are struggling to keep funding. "Teen Court will be sorely missed" was the headline in Sheboygan when word got out that the Sheboygan County Teen Court program was officially cut. The program already had cut its hours in half over the summer due to budget constraints (*see* The Third Branch, *summer 2003*).

In Waupaca County, the story is the same. The teen court is losing funding and is currently not accepting new cases. Although one school district has offered to contribute \$1,000 to the teen court, other groups have withdrawn about \$35,000 in contributions since the Waupaca County Board voted against funding for the program in January.

Victim impact panels are "powerful stuff"

In La Crosse recently, about 75 people who had been convicted a minimum of two times for drunken driving gathered to hear a presentation that the local judges hoped would put them on a better track.

The offenders heard from John Ottens, a quadriplegic who has spent the last 24 years in a wheelchair. He was injured when a drunken 18-year-old who was driving about 110 miles per hour broadsided his car. The driver, who had been bar hopping to celebrate his birthday, was killed in the crash.

"I'm only here because of you," the *La Crosse Tribune* quoted Ottens as telling the group. "I want to help you so that you or someone you love doesn't end up like me."

Joining Ottens in the presentation was Janet Dias, who drank with her boyfriend one evening in June 2000 and then joined him for a motorcycle ride that left her critically injured and killed him.

La Crosse County Circuit Court Judge Dale T. Pasell sat quietly in the back of the room during the meeting, watching

the reactions of some of the offenders he had ordered to attend. "This is very powerful stuff," he told the newspaper. "We're doing our part to bring home the point that 'there go I, but for the grace of God.'"

La Crosse began holding these sessions, called victim impact panels, in 1997, and presents them four times each year. They are designed to give offenders an up-close look at the devastation that can result from drunk driving. Victims spend about an hour relating their stories as offenders listen. According to an Outagamie County study, 14.7 percent of offenders who attended a victim impact panel committed another drunk driving offense; the recidivism rate among those who did not attend was 36.4 percent. ■

The University of Wisconsin Law School's Resource Center on Impaired Driving has published a reference manual on victim impact panels. To order a copy, call (800) 862-1048 or (608) 265-3411.

VOLUNTEERS IN THE COURTS

Staff attorney's carnival safaris boost charity

Staff Atty. Ron Hofer, Court of Appeals, District II, has an unusual hobby that provides stuffed animals for a children's cancer charity.

For more than 10 years, Hofer and his high school friend, Bob Clark, a small business owner, have been winning approximately 100 stuffed animals a year for the Women for MACC Fund (MACC stands for Midwest Athletes Against Childhood Cancer).

"I've always been fascinated by carnival games, and a dozen or so years ago, I began fabricating copies of them in my workshop. I focus on the ones that involve hand-eye coordination and skill," Hofer said. "Bob and I now have six or so games that we are very, very good at. And, of course, life holds few joys sweeter than beating a carnny at his own game."

For years, Hofer and Clark frequented the State Fair and church festivals, but recently, they rely almost exclusively on Great America, which has four of the games that they



The minivan, after a particularly successful day at the fair.

prefer. "We usually win 15-20 large or jumbo animals each visit, although our personal best was 37," Hofer said. "We lash them together with shoestrings, but even so, we usually have to hire kids to help us schlep them out to the truck." ■

CHIPS *continued from page 9*

Funded by the Children's Court Improvement Program and the Johnson Foundation, the program was organized by the Office of Chief Judge Gerald P. Ptacek in cooperation with District Court Administrator Kerry Connelly, Michelle Jensen Goodwin of the Director of State Courts Office, and Christopher Beem of the Johnson Foundation. ■

Attendees at the conference heard about a soon-to-be-published guide from the National Center for State Courts that will help courts assess their performance in child abuse and neglect cases. It is part of the "Packard Project," and is being developed by the David and Lucile Packard Foundation, the American Bar Association, the National Center for State Courts, and the National Council of Juvenile and Family Court Judges. For more information, contact Senior Court Research Associate Brenda Uekert at the NCSC, (757) 259-1861.

Peer Court *continued from page 12*

common cases the program expects to see are disorderly conduct, theft, and truancy. Cases that involve drugs or alcohol will not be referred to the peer court.

The first sessions were held in October with four offenders coming before the newly created panel. An additional four were scheduled to appear in November. All four teenagers who went through the peer court in October are currently in the required life skills class, where the curriculum includes decision making, stress anger management, value of education, and traits of a leader. Some offenders could be ordered to perform community service, write an apology, work on projects related to the offense, or attend victim offender classes. The panel looks at each case individually to decide the sentence that juvenile must carry out.

The peer court also works on projects to raise awareness. At Halloween, for example, the volunteers organized a haunted house. Currently

the program is working on a program called "Fatal Fad" to raise awareness of the dangers of tobacco. The volunteer panel is currently working on posters for this effort, but offenders could be assigned to work on this type of project in the future.

There are currently more than 30 teen courts in Wisconsin in the following counties: Barron, Bayfield, Brown, Buffalo/Pepin, Chippewa, Clark, Dane, Dodgeville, Fond du Lac, Iowa, Jackson, Jefferson, LaCrosse, Marinette, Oconto, Polk, Price, Rusk, Taylor, Trempealeau, Vernon, Vilas, Waupaca, Wausau, and Winnebago Counties. ■

For more information on the program contact Vieth at (715) 341-4386 or e-mail peercourt@ameritech.net.

NEW FACES

**Amanda Faessler
CCAP Web Administrator**

The court system's new Web Administrator is Amanda Faessler, who works four mornings per week, Monday-Thursday.

Prior to joining the courts, Faessler worked for the Department of Transportation where she was the Internet and communications coordinator for the Division of Transportation Districts for five years.

Faessler came to Madison in 1995 to attend the University of Wisconsin. While earning her journalism degree, she played saxophone in the marching band and traveled to the Rose Bowl, Penn State, Big Ten schools, Packers games, and more.

Faessler and her husband, Aaron, live in Cross Plains with their 10-month-old daughter, Malia.

**Judge James L. Martin
Dane County Circuit Court**

Judge James L. Martin

Gov. Jim Doyle has appointed former Madison City Atty. James L. Martin to the Dane County Circuit Court. Martin will begin serving Dec. 1 and will seek election to the post in April 2004.

He fills the vacancy left by Judge Paul B. Higginbotham's appointment to the Wisconsin Court of Appeals, District IV.

Martin has been with the Madison City Attorney's Office since 1977, working first as an assistant city attorney and then as city attorney. During his 25 years with the city, he served as a prosecutor, represented the city in litigation, provided advice and counsel, and drafted and interpreted legislation.

In 2000, he took leave from the City Attorney's Office to serve as interim director of the Board of Attorneys Professional Responsibility (BAPR). In that role, Martin made use of his experience as chair of the State Bar of Wisconsin's Committee on Professional Ethics to help guide the Supreme Court in its work to redesign the lawyer discipline system, now called the Office of Lawyer Regulation.

Martin also is a former Racine schoolteacher and a former assistant football coach at the University of Wisconsin, and has worked as a high school and college basketball official for over 20 years. He received a bachelor's degree from the University of Dubuque in 1967 and a law degree from the University of Wisconsin Law School in 1977.

Martin and his wife, Debra, live in Madison and have one son, David.

**Atty. Nancy M. Rottier
Legislative Liaison**

Atty. Nancy M. Rottier joined the Director of State Courts Office as legislative liaison in September. She replaces Sheryl A. Gervasi, who has been promoted to the position of deputy director of Court Operations.

Before joining the Director of State Courts Office, Rottier was in private practice in Madison. She also practiced law in Oshkosh. Rottier served as research director for the Wisconsin Academy of Trial Lawyers for 17 years where she was responsible for research on federal and state legislative proposals affecting the court system and the legal profession. She also worked as a legislative assistant for the state Senate. She holds a bachelor's degree in political science and a law degree from the University of Wisconsin.

When she is not working, she enjoys playing bridge and following sports of all kinds. She and her husband, Gary Goyke, have two sons.



Atty. Nancy M. Rottier

**Judge Glenn H. Yamahiro
Milwaukee County Circuit Court**

Gov. Jim Doyle appointed Judicial Court Commissioner Glenn H. Yamahiro to the Milwaukee County Circuit Court, filling the vacancy created by the resignation of Judge Jacqueline Schellinger. Yamahiro was sworn in Nov. 12 and will run for election in April 2004. The state Elections Board reported that former Judge Robert Crawford also intends to seek election to this branch.

Prior to becoming a judge, Yamahiro was a judicial court commissioner assigned to Milwaukee County's Domestic Violence Court, which was created as part of the Judicial Oversight Initiative to improve the handling of these cases. In 2001, he received an award for his work on this initiative. Yamahiro also has served in Milwaukee Small Claims Court, and is a former staff attorney for the trial division of the Milwaukee branch of the State Public Defender's Office. He received a bachelor's degree from the University of Wisconsin-Eau Claire in 1983 and a law degree from the University of Wisconsin Law School in 1991.

When he finds spare time, Yamahiro likes to golf, hike, and read. He and his wife Deborah S. Vishny live in Glendale with their nine-year-old daughter, Hana. ■



Judge Glenn H. Yamahiro

The best judicial Web sites?

An organization called TheJudiciary.org recently completed a review of judicial Web sites around the nation and found six to be particularly impressive. Wisconsin's site, which was not among the top picks, will soon undergo a renovation (see story on front page). While the sites were not scored or ranked, those that the reviewers found to be "exceptional in virtually every area examined" were:

Administrative Office of the U.S. Courts www.uscourts.gov



This site allows the user to quickly choose the level of court s/he wishes to access – Supreme Court, Court of Appeals, District Court, or Bankruptcy Court. Within each section are links to the courts' individual Web pages. These pages contain information for a variety of different audiences, explaining everything from filing fees and post-judgment interest rates to the dates and locations of the federal court interpreter examination.

California www.courtinfo.ca.gov



This site includes an extensive self-help center in both English and Spanish; a list of court-related legislation with brief descriptions of each bill; and a juror information page that provides county-by-county contacts for jurors who have questions or need to request postponements.

Hawaii www.courts.state.hi.us/index.jsp

A prominent link on this home page allows the user to pay fines with a major credit card. Numerous other links allow searches of court records and opinions; provide access



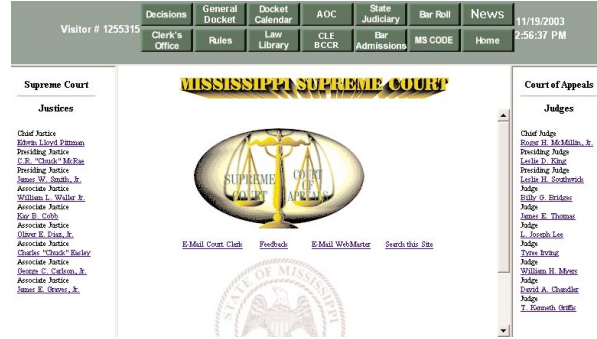
to downloadable court forms; and provide detailed information on topics such as filing for a temporary restraining order.

Maine www.courts.state.me.us



"If we had to pick just one exceptional Home Page out of the 52 reviewed to date, this would be the one," the reviewers wrote. Prominent on the home page are driving directions to each county's courthouse; a "How Do I?" section with information for self-represented litigants; family court handbooks for guardians ad litem, lawyers, and parents; and more.

Mississippi www.mssc.state.ms.us



This site has a search engine that permits the user to find an attorney by name, city, or ZIP code. Extensive directories offer contact information not only for judges at all levels of court, but for district attorneys, the federal courts, the workers' compensation division, and many other offices that litigants might be looking for.

see Web sites on page 23

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WISCONSIN CONNECTS

Gonzalez participates in conference at The Hague

Judge Ramona A. Gonzalez, La Crosse County Circuit Court, was one of seven U.S. judges invited to participate in an international judicial conference on child abduction in The Hague, Netherlands.

Gonzalez, who became a La Crosse judge in 1995, is considered the Wisconsin judiciary's expert on international child kidnapping. She conducted training sessions on the topic for her colleagues around the

state following her participation last April in a five-day course on international kidnapping at the National Judicial College in Reno, Nev. Her performance in that course led to the invitation to represent the U.S. courts at the international conference.

Other members of the U.S. group were Judges Lourdes G. Baird, U.S. District Court, Central District of California; James Garbolino, Superior Court of California; Mary W. Sheffield, Phelps County Circuit Court, Missouri; Fern M. Smith, U.S. District Court, Northern District of California; Paul A. Suttell, Rhode Island Supreme Court; and John Tunheim, U.S. District Court, Minneapolis.

The U.S. judges worked side-by-side with judges from Germany, Austria, France, Netherlands, Spain, Sweden, Switzerland, Turkey and the United Kingdom. They examined the growing problem of international child abduction, which occurs most frequently when a couple divorces and one of the parents takes the children to his or her native country. Political and judicial differences between countries as well as differing societal views on gender roles make child abduction cases difficult for judges. The U.S. State Department's Bureau of Consular Affairs sponsored Gonzalez's trip.

Chief justice, court info officer speak in Victoria, B.C.

Chief Justice Shirley S. Abrahamson and Court Information Officer Amanda K. Todd were invited speakers at the American Bar Association's International Appellate Judges' Conference in Victoria, British Columbia, in October.

Abrahamson, a member of the conference planning committee, participated in a session entitled "Judging as a Craft," which examined the attitudes and virtues of master craftspeople and found similar qualities in judges.

Todd participated in sessions on public outreach and responding to criticism. In addition to discussing case-specific criticism, she showed examples of behavior-related criticism, including clips from a Colorado television station

that secretly followed judges who were attending a judicial conference and found them golfing, hiking, biking, and visiting a spa during the education sessions.

Judge Ted E. Wedemeyer, Wisconsin Court of Appeals, District I, was among the attendees; he received a scholarship for part of the expense and paid the rest himself.

The American Bar Association sponsored the presenters' trips.

Court leaders meet with visiting dignitaries

Justices Patience D. Roggensack and N. Patrick Crooks, along with Judicial Commission Director James C. Alexander and Director of State Courts A. John Voelker, met with a group of political leaders from El Salvador and Nicaragua at the state Capitol in September. The group visited Wisconsin under the auspices of the American

Council of Young Political Leaders (ACYPL), a non-profit, bipartisan educational exchange organization whose aim is to enhance foreign policy understanding and exposure among rising young American political leaders and their counterparts around the world.

After a dizzying schedule of meetings, the group had an opportunity to partake of some real Wisconsin traditions: they shopped at Madison's Farmers' Market, attended a Chili Cook-Off, and then toured a cheese factory and the Berghoff Brewery in Monroe.

Staff attorney teaches in Guam

by Ronald Hofer, staff attorney
Court of Appeals, District II

I recently spent a week in Hagatna, Guam, teaching writing, research, and opinion structure to the justices and judges of Guam, American Samoa, Palau, Marshall Islands, Commonwealth of the Northern Mariana Islands, Federated States of Micronesia, Pohnpei, Kosrae, Chuuk, and Yap. The judiciaries of these island groups, which span thousands of miles of the Pacific, all comprise the Pacific Judicial Council, and I was lucky enough to be asked to serve as one of five faculty members for its latest biennial conference. The conference was under the aegis of the National Judicial College, which helped pay for my trip in conjunction with the Ninth Circuit Court of Appeals and the Department of the Interior.

Of the 80 or so judges, perhaps half had law degrees and sat in courts that we might find familiar. The other half, however, were the tribal judges, very quiet and reserved, with little or no formal education, whose courtrooms might literally have no walls or floors, because the perfect tropical

see **Connects** on page 19



Judge Ramona A. Gonzalez (3rd from the right) was in The Hague, Netherlands to attend a judicial conference on child abduction.



Director of State Courts A. John Voelker and Judicial Commission Director James C. Alexander meet with political leaders from El Salvador and Nicaragua.

PEOPLE *continued from page 11*

but in order to work they need to drive. If they are caught driving, they miss work and lose their jobs. "It's insurmountable for many people," Harvey said.



Justice David T. Prosser Jr.

The Judicial Branch section of the new Wisconsin Blue Book has been expanded for 2003-04. The new edition includes six additional pages of information on some of the court system's more active committees. Justice **David Prosser Jr.** asked that court staff work on expanding the committees' Blue Book presence following a discussion at one of the Supreme Court's monthly brown-bag lunches with employees. Blue Book Editor **Lawrence S. Barish** and his staff at the Legislative Reference Bureau made the expanded section possible.

A visit to the state Supreme Court in September helped **Abby Bar-Lev** of Fox Point continue her role as justice at



Abby Bar-Lev during her visit with Chief Justice Shirley S. Abrahamson

Badger Girls' State and National Girls' State. Bar-Lev watched two oral arguments in criminal matters from Milwaukee and had lunch with Chief Justice **Shirley S. Abrahamson**. Bar-Lev aspires to be a state Supreme Court justice, a U.S. senator, and a justice on the U.S. Supreme Court, and carries a pocket copy of the

Constitution with her at all times, as did one of her favorite justices, **Hugo L. Black**.

Municipal Judge **Len Kachinsky**, Town of Menasha, has been named team chief for Team 6 of the 91st Legal Support Organization, which drills at the Silver Spring Army Reserve Complex in Milwaukee. Kachinsky, a lieutenant

colonel in the Army Reserve Judge Advocate General Corps, recently completed a six-month tour of duty in support of Operation Iraqi Freedom at Fort Eustis, Va.

"Court program fears for security," a story in *The Post-Crescent* (Appleton), revealed that participants in the Family Court Mediation Program have brought concealed firearms to the sessions. The sessions, which leaders

described as sometimes volatile, take place in the Outagamie

County Human Services Building. Security in the mediation room consists of a panic button that **Barb Barczak**, the program supervisor, described as not very effective. Outagamie County Sheriff **Brad Gehring** plans to meet with members of the County Board's Law Enforcement Committee to explore means of tightening security at these sessions.

Judge **David G. Miron**, Marinette County Circuit Court, made the news recently when he requested that the Sheriff's Department consider assigning an additional court security officer to the courthouse. The request was made in a letter to county officials because the Sheriff's Department is moving away from the courthouse and into the new Law Enforcement Center across the street. Deputy **Darwin Brown**, who is currently the sole officer assigned to the courthouse, agreed with the need for on-site help, especially for the sake of deterrence. Sheriff **Mike Kessler** told the newspaper he agreed with the need for additional courthouse security because often the most dangerous situations arise quickly and unexpectedly in routine matters such as child support and small claims.

Rapidly rising caseloads and more contentious family cases are contributing to a budget crunch for the circuit court in St. Croix County. The County Board heard from Judge **Eric J. Lundell** and Clerk of Circuit Court **Lori Meyer**, both of whom requested additional help. Lundell asked the board to increase the court commissioner's hours and salary to bridge the gap while the county begins the process of requesting a fourth judge. Meyer, whose staff of 13.5 clerks has not grown in spite of the addition of a court commissioner and a judge in the last decade, told the board she lost four new hires in the past year because they could not keep up with the work.

The Dane County Law Library made headlines in the *Wisconsin State Journal* in September when it held a press conference with Chief Judge **Eric J. Lundell** and Judge **Michael N. Nowakowski** to announce a new name – the Dane County Legal Resource Center – and a new focus on serving self-represented litigants. Nowakowski, along with Judge **Moria Krueger**, Law Librarian **Paula Seeger**, Dane County Bar President **Michael Davis**, and Professor **Walter Dickey** of the University of Wisconsin Law School, revealed two initiatives that are in the works to improve service to *pro se*



Judge David G. Miron



Sheriff Mike Kessler



Judge Eric J. Lundell

see **People** on page 18

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2003**PEOPLE** *continued from page 18*

litigants at the resource center. First, the bar is recruiting volunteer lawyers to offer advice on a regular basis in the center and second, the UW Law School is working with the judges to design a program to begin a law clinic staffed by students.

District Court Administrator **Scott K. Johnson**, a U.S. Air Force major who returned in August from a five-month tour of duty in the Middle East in support of Operation Iraqi Freedom, presented a special U.S. flag to the state Supreme Court in honor of Veterans Day. The flag was raised over Iraq on April 18, 2003, on the 29th day of the war. The flag is now on permanent display in the Supreme Court's reception area in the state Capitol. ■

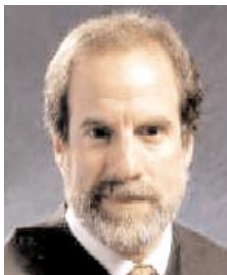


District Court Administrator Scott K. Johnson, center, presents a flag and plaque to the Supreme Court during a break in oral argument. Joining Johnson was Colonel Gary Ebben, vice wing commander, 115th Fighter Wing. They presented the flag on behalf of the forces deployed to the Al Minhad Airbase in the United Arab Emirates.

Milwaukee chosen for national judges' meeting

After four years of effort, Milwaukee has been chosen to host the July 2006 annual conference of the National Council of Juvenile and Family Court Judges (National Council).

The announcement came shortly after Judge Charles B. Schudson, Court of Appeals, District I, traveled to the National Council conference in San Antonio to make a presentation on Milwaukee's behalf. Along with Denver and New Orleans, Milwaukee had been selected as a finalist from among many candidates. "With the promise of cool lakes and breezes, and capped by Sprecher root-beer floats (the Greater Milwaukee Convention and Visitors' Bureau actually brought the suds to San Antonio), we won," Schudson reported.



Judge Charles B. Schudson



Judge Christopher R. Foley

Also influencing the decision was the national reputation of the Wisconsin judiciary, and the leadership of Judge Christopher R. Foley, presiding judge in Milwaukee Children's Court. National Council President Len Edwards, a juvenile court judge in California, met Foley and other Milwaukee County judges during a visit to Milwaukee last year. "Judge Edwards had come to be very impressed with [Foley's] leadership and the very creative and determined efforts of many folks he met," said Schudson, who will serve as "host judge" for the event.

Milwaukee competed three years ago for this honor and was a finalist. This was the first year the city was eligible to try again. ■

AWARDS*continued from page 7*

its collaborative nature. The judges, the defense bar, the District Attorney's Office, the Department of Human Services – we all work together to make the process better for children and families."

Mediating CHIPS cases involves bringing together the people involved in the case – the parents, the child's guardian, attorneys, social workers, perhaps extended family, foster parents, probation and parole agents or a minister – to develop a solution that focuses on resolving the problem and finding ways to prevent future incidents. The proposed solution then goes to a judge for approval. The judge remains involved, reviewing the case every 60 days, until the family is back together or the child is adopted. La Crosse County now handles all of its CHIPS cases through mediation, which generally means they are resolved more quickly and with less acrimony.

While many Wisconsin courts encourage mediation, and some mandate it for certain types of cases such as small claims, no other county has woven mediation so seamlessly into the fabric of the court process. La Crosse County Circuit Court uses mediation in divorce, child custody disputes, small claims court, victim/offender conferences, and termination of parental rights cases. Such mediation is either strongly encouraged or required depending on the case.

"La Crosse County was one of the first to adopt mediation as a regular part of the court process, and now I think you will find no other county which uses mediation to the extent we do," said Atty./Mediator Thomas L. Rhorer, who is a member of the WAM board of directors.

Among the other states that have studied the La Crosse model are California and Florida. In addition, La Crosse was selected in 2002 as one of six courts in the nation to help create a guidebook for improving how family court cases are handled. ■

WISCONSIN CONNECTS *continued from page 16*

climate makes them unnecessary. Trying to find a common ground between them was no small order.

Adding to the challenge was the tribal judges' in-class use of the betel nut, which turns out to be the planet's fourth most widely used drug, after nicotine, ethanol and caffeine. Having, at one time or another, used the other three, I accepted when one tribal judge offered me a sample from his bag of 'fixins.' You take half a betel nut, about the size of a large walnut, sprinkle lime on it (that's calcium oxide, not anything from a tree), wrap it in a pepper leaf, cram it in your mouth, crunch down on it, and see how long you can



Ron Hofer discusses courtroom civility with judges from Yap, Chuuk and Pohnpei.

endure an agonizingly bitter taste, which just happens to produce blood-red saliva, which you then spit into a can. If you like sweating, and the sensation that your head has been filled with warm mineral oil, then betel nut could be your drug of choice. I rather suspect, however, that, like tobacco, one's first experience of it has little in common with that of the habitual user.

Equally surprising were some of the cultural mores still observed on some of these islands. A judge from Palau told me of a recent case that had garnered great public interest. At a public meeting, a tribal chief had an argument with some elected official and ordered him to leave. When he did not do so, the chief retrieved a baseball bat and hauled off on him, breaking his arm and a few lesser bones. The chief was charged with battery, but his defense was simple: "I am a tribal chief. I may kill anyone who does not do my bidding. This fellow was lucky; I only hit him with a bat." Surprisingly, this defense did not fly in court, and the chief was sentenced to a year in jail. However, the local people were incensed that a tribal chief (who, it turns out, actually may kill anyone who doesn't do his bidding) would be convicted. In fact, the uproar caused the governor to pardon the chief the following day. When I asked this judge whether tribal chiefs often kill those who disobey them, she replied sweetly, "Not very often."

Legal research, which was one of the topics I taught, is very much a "catch as catch can" endeavor in many of the islands. One uses as authority whatever one has on hand, which might be an outdated set of the Pacific Reporter, or the Federal Reporter, or who knows what. Few can afford to do computer assisted legal research. And those who can must suffer with extremely slow Internet connections. What passes for 'high speed' in the islands would disappoint even a dial-up user over here.

The chief justice of Guam expressed some interest in having me back someday. Perhaps by then I will have

forgotten the bone weariness that only two eight-hour plane rides and a trip over the International Date Line can provide.

Sumi lectures in China

Judge Maryann Sumi, Dane County Circuit Court, traveled to Shanghai in late September to participate in a training program for judges of the Shanghai High People's Court. She worked with Professor John Ohnesorge of the University of Wisconsin Law School to develop and present the materials.



Judge Maryann Sumi

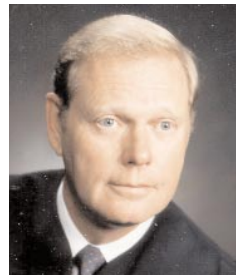
The law school's East Asian Legal Studies Center sponsors the program under the leadership of Director Charles Irish. This was the second time a Dane County judge was invited to participate. In 2002, Chief Judge Michael N. Nowakowski was on the faculty for the program. This year, as in 2002, the Shanghai judges followed the session with a trip to Wisconsin to observe court and meet with judges here. That took place in mid-November.

The goal of the program, one of the first of its kind, is to provide the Chinese judges with an introduction to the American judiciary to assist them in improving the performance of their own judiciary. For the past two decades China has been involved in a massive undertaking to reshape its laws and legal institutions. Education of the judges is key to the success of this effort, and the UW Law School and Wisconsin judiciary are playing an important role.

Chief Justice Shirley S. Abrahamson presided over a formal signing ceremony in May 2002 that formalized the training agreement between the law school and the Shanghai High People's Court. Abrahamson participated in two weeks of judicial education in Shanghai and Xian in 1997, and also has lectured at the East China Institute of Politics and Law in Shanghai. "These experiences gave me a deep appreciation for the work that China's judges have done to improve the justice system," Abrahamson said. "This is no small task, but it is a worthy one. We pledge to continue our exchange of ideas in honor of our commitment to justice for all people."

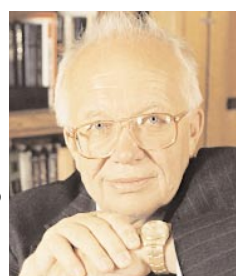
Cane, Khrushchev join Boston gathering

Wisconsin Court of Appeals Chief Judge Thomas Cane traveled to Boston in October for the Chief Judges Annual Seminar where Professor Sergei Khrushchev of Brown University gave a presentation entitled, "Cultural and Civil Differences between the United States and Russia and Cultivating Democracy." Khrushchev is the son of the late Soviet leader Nikita Khrushchev.



Chief Judge Thomas Cane

The conference was sponsored by the Council of Chief Judges of Courts of Appeal in partnership with the American Bar Association; Cane recently was reappointed for another year to the Council's Judicial Education Committee. Cane received a partial scholarship from the U.S. Department of Justice and paid for the remainder out of his own pocket. ■



Professor Sergei Khrushchev

Fall
2003**CELEBRATING THE SESQUICENTENNIAL****Supreme Court closes sesquicentennial year**

Here is a parting glance at Wisconsin's 2003 history celebration by the numbers: more than 40 speeches, two dozen oral history interviews, 20 articles in various publications, seven public service announcements, two exhibits, one book, and one video.

The project has become a model for court systems around the nation, and, in September, one of the projects – the Supreme Court Traveling Exhibit – received a national award from the American Judicature Society. Aimed at improving the public's understanding of the courts, the yearlong celebration was accomplished through the hard work of existing court staff and without the use of state funds.

In addition to marking the 150th anniversary of the first sitting of the separate Wisconsin Supreme Court, 2003 was the 125th anniversary of the creation of the State Bar of Wisconsin and the 25th anniversary of the creation of the Wisconsin Court of Appeals.

The Wisconsin Legal History Committee, organized by Chief Justice Shirley S. Abrahamson and State Bar Past-President Patricia Ballman, provided oversight for the projects. The committee will continue its work in 2004 to



Sheri Carter, who works in the Office of Lawyer Regulation, lends her voice to the Supreme Court videotape. The video, like all of the sesquicentennial projects, presented many opportunities for participation by court staff.

develop projects with an "Access to Justice" theme in honor of the 50th anniversary of Brown v. Board of Education.

District II celebrates 25 years

Present and former judges, law clerks, secretaries, and staff attorneys dating back to the 1978 formation of the

District II Court of Appeals got together at Merrill Hills Country Club in Waukesha to celebrate the court's 25th anniversary.

More than 70 people attended the dinner, including alumni from as far away as California and North Carolina. Ron Hofer, staff attorney for District II and a former law clerk to both Judge Richard S. Brown and former Chief Judge John Decker – the Court of Appeals' first chief judge – was master of ceremonies.

The program began with a collection of "war stories" told

by each of the present judges in District II and former Chief Judge Burton Scott. Then, beginning with the "Class of 1978," the clerks had their turn telling their favorite stories.

What was envisioned to be a "short" program turned into an hour-and-a-half of laughter. After the program, reunions continued long into the night.

The program was the highlight of a two-day event that began with an informal get-together. All in attendance promised to be there for the 50th. ■



Current and former Court of Appeals staff had plenty of catching up to do at a recent reunion. Here, from left to right, are Deborah J. Watkins, judicial assistant to Judge Daniel P. Anderson; Margaret Hanrahan, former law clerk to Anderson; spouse Tom Hanrahan; Staff Atty. Ron Hofer; and Chief Staff Atty. Peg Carlson.



Dorothy Fox, left, retired administrative assistant in District II, spent the evening with former colleagues including Chief Judge Burton A. Scott (far right), who served from 1980-91. Other current and former court employees are (standing): Patrick Knight, former law clerk to Judge Harold M. Bode; Brian Anderson, former Scott law clerk; and Staff Atty. Jennifer D. Andrews.

Commission *continued from front page*

Hraychuck, Polk County sheriff; Ronald Malone, superintendent of the Milwaukee County House of Correction; Atty. Gerald Mowris; and Richard Myers, Appleton chief of police.

In addition to the gubernatorial appointments, Atty. General Peg Lautenschlager recently appointed Daniel P. Bach, deputy attorney general, as her designee on the commission; William M. Lennon, Winnebago County district attorney, as the prosecutors' representative; and Patti Seger, Coalition Against Domestic Violence, as the crime victims' representative.

The Supreme Court, along with leaders in both houses of the Legislature, the State Bar of Wisconsin, and the State Public Defender's Office, previously had named their appointees to the commission.

In addition to its 18 voting members, the Sentencing

Commission has three non-voting members: Director of State Courts A. John Voelker; Steven A. Casperson, administrator of the Division of Adult Institutions (designee of Department of Corrections Secretary Matthew J. Frank); and Parole Commission Chair Lenard Wells.

The Sentencing Commission was created by 2001 Wisconsin Act 109 to adopt advisory sentencing guidelines for felonies, provide data regarding the costs associated with sentencing practices, study whether race is a factor in sentencing, and analyze sentencing statistics by region throughout the state. ■

Editor's note: Atty. Nancy Rottier is the court system's recently appointed legislative liaison. She can be reached at (608) 267-9733 or nancy.rottier@wicourts.gov.

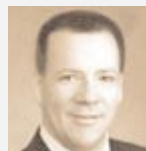
Meet the commissioners

Susan R. Steingass, chair, is director of Communication and Advocacy Programs as well as an instructor at the University of Wisconsin Law School. She also is of counsel at Habush, Habush & Rottier in Madison. Steingass served for eight years as a circuit court judge in Dane County, is a former president of the State Bar of Wisconsin and is currently president of the Wisconsin Alumni Association and the Fund for Equal Justice.

Daniel P. Bach is the deputy attorney general. He previously served as assistant U.S. attorney for the Western District of Wisconsin.



Garey Bies is a Republican state representative from Sister Bay. He is in his second two-year term in the Assembly, and chairs the Committee on Corrections and the Courts.



John A. Birdsall of Milwaukee has been a trial attorney since 1989, concentrating his practice in criminal defense. Since 1995, he has been chief lobbyist and a member of the board of directors for both the Wisconsin Association of Criminal Defense Lawyers (currently president-elect), and the Criminal Law Section of the State Bar of Wisconsin (currently chair).



Louis B. Butler Jr. has been a Milwaukee County Circuit Court judge since his election in 2002. Previously, he served as a Milwaukee municipal judge for 10 years.



Patrick J. Fiedler has been a Dane County Circuit Court judge since his appointment in 1993. He previously served as secretary of the Department of Corrections and also as U.S. attorney for the Western District of Wisconsin. Fiedler also served on the Criminal Penalties Study Committee that rewrote Wisconsin's criminal code in preparation for Truth-in-Sentencing.



Ann Hraychuck of Balsam Lake is serving her second term as Polk County sheriff and has been employed by the Polk County Sheriff's Department for 30 years.



Elsa C. Lamelas has been a Milwaukee County Circuit Court judge since her appointment in 1993. She previously served as deputy U.S. attorney and assistant U.S. attorney for the Eastern District of Wisconsin, as well as assistant district attorney in Milwaukee County. Lamelas also served on the Criminal Penalties Study Committee.



William M. Lennon is district attorney of Winnebago County. Prior to his election to this post in 2002, Lennon served as an assistant district attorney in Waupaca County for 16 years.



Ronald Malone, Oak Creek, is superintendent of the Milwaukee County House of Correction.

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2003

Daytime court shows give skewed view

Once the stronghold of soap operas, daytime TV is now given over to 'reality' court shows. There are currently at least 10 such programs and in many television markets it is possible to watch them nearly all day. All are hosted either by former judges or by lawyers who dress up in black robes.

Cheap to produce and popular with viewers (they are outpacing the soaps in ratings), these shows are raising concerns among judges, lawyers, and academics. What effect, they ask, might these portrayals of court proceedings have on the perceptions and expectations of jurors and litigants?

The question has been explored in articles such as *Judging Judy, Mablean and Mills: how courtroom programs use law to parade private lives to mass audiences* (UCLA Entertainment Law Review, summer 2001); and *Should we blame Judge Judy? The messages TV courtrooms send viewers* (Judicature, summer 2002).

This fall's Wisconsin Judicial Conference featured a discussion on the subject, moderated by Judge Mel Flanagan, Milwaukee County Circuit Court. Panelists included Professor Donald H.J. Hermann, who teaches *Law and Popular Culture* at DePaul University College of Law. Hermann had not previously considered the effect of these shows and, after watching a full day of them, decided to revamp his syllabus. He saw "judges" who:

- Called female litigants "sweetie"
- Encouraged litigants to digress from the proceedings to demonstrate skills such as rapping
- Liberally peppered their remarks with racist observations such as – to a white man having trouble with his Hispanic in-laws – "don't they know crackers and beans go together?"

He discussed research that shows frequent viewers expect judges to interrupt litigants with pointed questions and to articulate their personal beliefs about the litigants' credibility. When judges are silent, Hermann said, these frequent viewers tend to read into that silence agreement with one side or the other.

Assistant District Atty. Miriam S. Falk, who prosecutes sex crimes in Milwaukee County, told the audience that televised trials – actual or fictional – have resulted in some acquittals in cases that she thought were airtight. For example, she said, an accused child molester was acquitted by a jury that decided police should have strung crime-scene tape around the family's home.

Atty. Ed Garvey, who has been involved in many high-profile cases, and Judge Kitty K. Brennan, Milwaukee County Circuit Court, also participated on the panel. Both urged the judges in the audience to address jurors on these issues during *voir dire*. It is important, Brennan said, to explain that real court is nothing like 'reality' court (*see sidebar for one judge's approach to this*). ■

Judge Joe Brown's Web site. Brown, a former criminal court judge in Memphis, Tenn., is one of TV's most popular judges.

One judge's approach

Editor's note: Milwaukee County Circuit Court Judge John DiMotto gives the following remarks to his juries to try to mitigate the impact of television depictions of the justice system:



Judge John DiMotto

What occurs here is not what you see on TV. I love to watch TV dramas like "Law and Order" but they are not the real world and things don't operate like that. On TV, court proceedings begin promptly at 9 p.m. and everything is neatly wrapped up at five minutes to 10 with commercial breaks every quarter hour. If only life were so simple.

We are not operating according to a script. Sometimes we have emergencies and other things that come up that must be handled immediately, for this isn't the only case I have on my docket. So, there may be times that we shall ask for your patience as we handle another matter and you will be asked to wait in the jury room.

The good news, for those who have watched some of those "judge" shows such as "Judge Judy" or "Judge Joe Brown," is that judges do not really act like that. We do not yell at people in court. We do not conduct ourselves in the sarcastic and arrogant manner of the TV judges. They unfortunately create a misimpression about our courts.

We value your time and the public service you are performing here. This is not Hollywood. It is real life, and you are playing a lead role. Thank you. ■

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Shirley S. Abrahamson

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Gwendolynne S. Moore is a Democratic state senator from Milwaukee. She has served in the Senate since 1993, and has been a member of the Joint Committee on Finance for four years. She served four years in the Assembly before being elected to the Senate.



Gerald W. Mowris is a partner at Pellino, Rosen, Mowris & Kirkhuff, S.C. in Madison and is also a former president of the State Bar of Wisconsin.



Richard Myers has been the chief of police in Appleton since 1995. He is the past president of the Wisconsin Chiefs of Police Association.



Peter J. Naze has been a Brown County Circuit Court judge since his election in 1987. He is the judicial representative to the Wisconsin Crime Victims Council and has been the council's chair since 2000.

Patti Seger is policy development coordinator for the Coalition Against Domestic Violence, which recently celebrated its 25th anniversary.



David M. Travis is a Democratic state representative from Madison. Travis has been a member of the state Assembly since 1978. From 1991-94, he served as majority leader, and in 1995, chaired the previous Sentencing Commission.



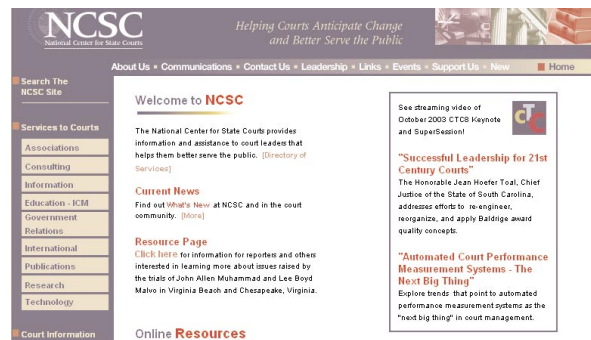
L. Michael Tobin of Madison has been director of the Trial Division in the State Public Defender's Office since 1994 and with the office since 1979. He has also served as a member of the Supreme Court's Planning and Policy Advisory Committee since 2001.



David A. Zien is a Republican state senator from Eau Claire. Zien is the assistant majority leader of the state Senate and chair of the Committee on the Judiciary, Corrections and Privacy. He has served in the Senate since 1993; prior to his election to the Senate, Zien served four years in the state Assembly. ■

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National Center for State Courts
www.ncsconline.org



The NCSC's home page presents links for a variety of audiences, from court administrators and judges to journalists and members of the general public. A continually changing Resource Page contains information on the issues raised in current high-profile trials. The CourtTopics section contains an alphabetical list of 100 topics, each with links to research reports, experts, educational programs, and more. ■

To view the Web sites from all 50 states, along with brief comments from the reviewers, go to www.thejudiciary.org/web_eval/web_eval.html.