

**STATE OF THE JUDICIARY
ADDRESS
1997**



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Annual meeting of the Wisconsin Judicial Conference

September 24, 1997

Pewaukee, Wisconsin

**State of the Judiciary Address
Chief Justice Shirley S. Abrahamson**

**1997 Judicial Conference
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Welcome to the 1997 meeting of the Wisconsin Judicial Conference. I am honored to be Chief Justice of Wisconsin and to be delivering my second State of the Judiciary Address.

I want to thank conference chairs Judge Edward R. Brunner of the Circuit Court for Barron County, and Judge Emily S. Mueller of the Circuit Court for Racine County, as well as the conference planning committee and the staff in the Office of Judicial Education, for what promises to be an excellent program.

One hundred fifty years ago, in 1847, Wisconsin territorial Governor Henry Dodge convened a special session of the legislative assembly to take the steps necessary to gain statehood for Wisconsin. A convention was elected to form a constitution for submission to the people of the territory and to the United States Congress. The constitution was drafted in seven weeks and on May 29, 1848, President James K. Polk signed the bill admitting Wisconsin to the union. Thus, in 1998 the state, including the entire court system, shall be celebrating the sesquicentennial (the 150th year) of Wisconsin's statehood.

The constitution of 1848 created five judicial circuits and allowed the voters of each district to elect a judge. The five circuit judges would also sit as the supreme court. The constitution provided that this arrangement would last for five years, at which time the legislature could institute a separate supreme court.

The 1848 constitution provided for popular election of all judges, which was then a "radical innovation," a pioneer step. From the earliest times in American history all judges had been appointed.

As we celebrate our sesquicentennial in 1998, the Wisconsin judiciary is comprised of 70 judicial circuits with 233 elected circuit court judges, a court of appeals with 16 elected judges and a supreme court with 7 elected justices.

The judicial branch looks different in 1998 from the way it looked in 1848, or for that matter in 1948. Yet the core responsibilities of our branch of government have not changed.

Our first and foremost obligation remains the fair and efficient adjudication of disputes and administration of justice in this state.

Our second responsibility is to continue our partnership with the public, whose confidence is essential to the work of the courts.

Our third responsibility is to collaborate with our partners in government—the executive and legislative branches which, like the judicial branch, have a duty to serve the people effectively.

In this State of the Judiciary speech, I report to you, from an administrative and operational perspective, about the ways in which the third branch is meeting its responsibilities and the initiatives we are undertaking to foster independent, fair and efficient adjudication and to encourage the openness, accessibility and public understanding essential to the court system.

It is impossible, in the amount of time allotted, to update you thoroughly on all the many programs and projects now underway in the court system. If you do not hear about something you are interested in, I encourage you to pick up a copy of my speech. I have appended brief updates on some of the matters I do not have time to address this morning, along with information on the contact person for the program.

I.

Fair and Efficient Adjudication and Administration of Justice

The mission of the judicial system is to provide the people with an independent, open, fair and efficient system for the just resolution of disputes. We carry an awesome responsibility as we touch the lives of real individuals, families and businesses.

Fair and efficient adjudication depends in large part on the quality of our judges. Throughout my 21 years on the bench I have been impressed with the high quality of Wisconsin's judiciary. My first year as chief justice has only heightened my regard for you, my colleagues.

The Wisconsin judiciary is working harder and deciding more cases than ever before. I am proud of the judges at all levels of this state's judiciary. They are able and courageous men and women who carry out their daily tasks with ability and integrity. They deserve the support and respect of the people of this state.

The Judicial Family

It is a tradition at the Judicial Conference to take notice of the changes that have occurred within our judicial family.

We note with sadness the passing of Retired Supreme Court Justice Robert Hansen, Judge James B. Schwalbach of Washington County and Judge George A.W. Northrup of Dane County, all of whom served Wisconsin long and well.

While we express sadness at losing colleagues, there is joy in welcoming new colleagues. We extend a warm welcome to new members of the bench.

At the Court of Appeals, the third district welcomes Michael Hoover, who served with distinction for nine years as a Marathon County Circuit Judge.

Eight circuit court judges were elected in April 1997:

Jeffrey A. Conen - Milwaukee County

J. Mac Davis - Waukesha County

Jean W. DiMotto - Milwaukee County

Michael J. Dwyer - Milwaukee County

Eugene D. Harrington - Washburn County

Edward Ernest Leineweber - Richland County

Rod Smeltzer - Dunn County

Donald R. Zuidmulder - Brown County

Five circuit court judges were appointed since our last Judicial Conference:

Dorothy L. Bain - Marathon County

James R. Beer - Green County

William D. Dyke - Iowa County

Patrick L. Willis - Manitowoc County

Annette K. Ziegler - Washington County

Continuing a practice begun last year, the Supreme Court justices had breakfast with the new circuit judges this morning. We look forward to continuing these breakfasts in future years.

This past August I met many of the new circuit court judges at the Judicial College. Besides participating actively in the education programs, they composed and sang songs. The judges' class of 1997 displayed excellent legal and judicial skills—and they are entertaining, too.

To assist all of us in getting to know our judicial colleagues, this year we are producing this year, for the first time, a judicial directory with photographs, biographies, and telephone/fax/e-mail information. (As usual we are doing this project in the most cost effective manner possible.) If it proves useful, the directory will be updated annually and may be expanded to include reserve judges. So get your photos taken and your biographies completed, please.

To the new judges I say, on behalf of all of us, "Welcome. May your judicial careers be rewarding, both to you and the people of Wisconsin whom we all serve."

There are more than enough cases to keep us all busy. The 1996 statistics for case filings and disposition in the circuit courts, Court of Appeals and Supreme Court are available to you on a table in the lobby.

I am not here to recite statistics. I prefer to speak about judicial system initiatives aimed at ensuring the fair and efficient operation of our courts.

Throughout my remarks, I will be naming members of the court staff who have played key roles over the year. I want to pause here to remind you that many unnamed staff have made equally important contributions. To all of them, too numerous to mention, our heartfelt thanks.

Legislative Activities and Rule Making

I begin my description of judicial system initiatives with a discussion of current legislative activities which may affect the availability of the resources necessary for the courts to do their work, and of some activities relating to court-adopted rules.

1. The Biennial Budget

Although the judiciary is a separate and co-equal branch of government, this branch feels the impact of the actions of the executive and legislative branches. Every time legislation or an administrative rule is adopted, every time appropriations are made, our ability to provide service to the people may be directly affected. The Wisconsin courts, like many courts across the country, are struggling to ensure an adequate source of funding for their operations. The legislature has the power to

tax and spend, but it also has the responsibility to ensure that the courts have sufficient funding to operate effectively and to serve the people.

The bottom line is that the courts must be adequately funded. Yet, in past years, the percentage of this state's general tax-supported budget appropriated to the judiciary has been decreasing to about eight tenths of one percent. It is not enough. We must persuade the legislature to appropriate adequate funds for the effective operation of the courts and the maintenance of a strong judicial system.

At this time the budget still has not passed the legislature. While the Assembly has passed its version of the bill, the Senate must still pass its own version and the differences between the two houses must be reconciled before the bill can go to the Governor. The resulting uncertainty about our funding level has made the operation of the courts, as well as the rest of state government, difficult.

As things now stand, the budget is a mixed bag for the courts. On the positive side, a stable personnel base is established for the Circuit Court Automation Program (CCAP), along with improved funding for replacement of old equipment. In addition, there is improved staffing for the clerk's office and for human resources, and increased funding for book purchases for the State Law Library. We continue to work to keep these items in the budget. On the other hand, we were unable to secure law clerks for circuit court judges, additional staff attorneys for the Court of Appeals or much needed staff assistance for District One in Milwaukee. But we are in the budget process for the long haul; these issues may be gone for now but they are certainly not forgotten.

Although the budget process is always difficult, it has had highly successful aspects this year. For the first time in anyone's memory, we opened the budget preparation process internally, inviting comments from all judges. I assure you that the Supreme Court and the staff considered each comment.

The Court met several times to discuss budget priorities and make difficult choices. The entire Court met with Secretary Mark Bugher of the Department of Administration, and I met with Secretary Bugher, the Governor, and all the members of the Joint Finance Committee. In addition, PPAC, the Supreme Court's Planning and Policy Advisory Committee, was involved throughout the process to ensure that budget priorities were in line with long-range goals.

We continue the process of reviewing internal funding priorities and will adapt to the budget as necessary to maintain essential court functions. As always, we will keep you informed as the budget makes its way to the Governor.

I need to speak bluntly about judges' pay. Judging, as we well know, is a demanding profession. Adequate judicial compensation is a wise investment by the state because it helps ensure that Wisconsin will attract and retain good lawyers as judges.

Over the past few months, the Court has worked hard to obtain the salary increases we believe are necessary to reflect the value of our judges. The staff developed an excellent analysis of judicial salaries in relation to those of federal judges, judges in neighboring states and government-employed attorneys. We supplied this information to the Wisconsin Trial Judges' Association and the executive and legislative branches.

The Supreme Court and the Wisconsin Trial Judges' Association worked together—and in complete agreement every step of the way—in meeting with the Department of Employment Relations, with the members of the Joint Committee on Employment Relations (JCOER), and with the Governor. Numerous judges communicated with their own legislators. We have been united in asking for a 5% increase in each year of the biennium as a minimum increase needed for us to keep pace with the salaries of government attorneys. The Department of Employment Relations has recommended a 3% salary increase each year of the biennium.

We still do not know the results of our efforts. Twice in the past month the JCOER has deferred action on a judicial pay plan. This does not necessarily point to a bad outcome. JCOER has deferred action on pay raises for all elected officials until the budget has been passed.

Regardless of the ultimate result, which we hope will be favorable, I take this opportunity to say job well done to all those who worked so hard—to the justices and judges, to the staff, to our many friends in the executive and legislative branches, to the attorneys and private citizens who worked on our behalf. If pay raises were given on the basis of written justification and our joint persuasive efforts, judges salaries would be many times our present ones.

I assure you, we will not abandon our efforts to increase judicial salaries. The strong, united team we have assembled is still in place and will continue to pursue salary increases.

2. Other Legislation

As soon as the work on the budget is complete, we will be introducing our judgeship bill. We plan to ask the legislature for six new judgeships, one in each of the following counties: Fond du Lac, Jefferson, La Crosse, Lincoln, Milwaukee and Rock. [An Oconto county judgeship was included as part of the budget bill.]

The Court is well aware that a number of other counties deserve to be part of the judgeship bill, but to reduce the size of the bill and its impact upon the state, hard choices had to be made.

To assist us in examining proposed legislation, the Legislative Committee of this conference has expanded its internal communication system to inform judges and other court personnel more effectively and promptly of legislative issues that affect the courts, and to seek their suggestions and comments.

This effort has already provided valuable input from the jury instructions committees, the benchbook committees, PPAC, the chief judges and the records management committee. Their input and expertise are key to better understanding the significance of proposed legislation and to informing the Director of State Courts Office about positions to take on the legislation.

I encourage you to work with the Legislative Committee and Sheryl A. Gervasi, our legislative liaison, in this important endeavor. We need you.

* * *

I now turn briefly to the Court's own initiatives in the area of administrative rule making, namely the Code of Judicial Conduct.

Clear standards of judicial conduct are of great concern to both judges and the public. As you know, effective January 1, 1997, the Supreme Court adopted a comprehensive revision of the Code of Judicial Conduct.

The Supreme Court thanks the individual judges, the Municipal Judges' Association and others for their comments, which allowed us to make important modifications to the code before its effective date:

The new code does not, as you know, revise the former code's provisions concerning the political and campaign activity of judges and candidates for judicial office. As promised, the Court has appointed a blue ribbon Commission on Judicial Elections and Ethics composed of 27 judges, lawyers and public members, and chaired by Judge Thomas E. Fairchild.

The commission's initial report identifying the issues it believes should be the subject of rule making is expected this fall. After we have reviewed the report, the Supreme Court will direct the commission about the issues for which it should propose rule recommendations. The Court will, of course, hold a public hearing prior to adopting any amendments to the political activity provisions in the code.

Also, as promised last year, the Court has established a Judicial Ethics Advisory Committee, chaired by Circuit Judge Thomas H. Barland, to advise judges seeking personal guidance on the propriety of contemplated conduct.

The committee has already issued two formal opinions. These opinions and other formal opinions will be accumulated and distributed annually to all judges by the Director of State Courts Office. Copies of formal opinions, as they are issued, are being provided to the Chief Judges, the State Law Library and the State Bar of Wisconsin.

Judicial Enhancement

Beyond keeping you apprised of the legislative and rule-related matters that affect judges' work and working conditions, the Court and I personally are committed to finding other ways to enhance judicial careers in Wisconsin. We demonstrate our commitment by developing programs that will have a positive impact on judges and the people we serve, whether by assisting judges with their daily workload or by offering them opportunities to expand their professional horizons. Following are updates on several such programs.

1. Student Assistance to Judges

This summer, as I promised last year, the staff implemented a program through which law student volunteers provided judges with some much-needed relief. Sixty-eight judges from 30 counties and 47 law students from 25 law schools participated.

According to the evaluations from students and judges, the program was a success, and we received good suggestions for improvements. Students expressed appreciation for the learning experience; judges for the most part reported great satisfaction with the students' work; judges also appreciated the opportunity to help educate the lawyers of the future.

Based on the initial success of the program, the University of Minnesota has expressed interest in placing a student law intern to work in Pierce County during the school year.

We plan to offer an improved summer law intern program again in 1998 and will soon be surveying judges to determine who is interested. Again, no guarantees. We cannot assure a student volunteer for every judge, but we will make as many matches as we can.

Kathleen Murphy, Deputy Director for Court Operations, will continue to manage this program. I urge you to contact her for more information. I hope you will also take the opportunity at

this conference to talk with your colleagues about their experiences.

2. Judicial Exchange Program

Our pilot program to exchange judges between the circuit courts and Court of Appeals has been successfully tested in north-central Wisconsin. Six circuit judges have sat on appellate panels in District III of the Court of Appeals, and all three appellate judges of that district have sat in the circuit courts for intake, trial and miscellaneous matters.

The objectives of the program for both appellate and circuit judges have been met. One downside was that reserve judges had to assist the circuit judges during the time they were writing opinions in their appellate cases.

I am studying whether to expand this program and would appreciate your comments. Again, I hope you will take the opportunity to discuss the pros and cons of the exchange experience with those who have taken part in it.

3. Judicial Programs Abroad

I continue to search for opportunities for Wisconsin judges to participate in educational and technical programs abroad.

I mentioned Judge Moria Krueger's trip to Lithuania last year. Since the last Judicial Conference Judge Patricia McMahon D. went to Moscow on an educational program. Three of our circuit judges were selected to go to Cambodia, but the mission was halted by the outbreak of hostilities (over which the Court had no control).

This summer Judge John R. Storck and I went to China to teach judges in Shanghai and Xian about our trial and appellate courts. As a result of our visit, several judges from Shanghai will visit Wisconsin in November. Our working relationship with the Ford Foundation and the Chinese judges is continuing and there is a possibility that other Wisconsin judges will have an opportunity to go to China.

Although I cannot predict when or where other international opportunities will present themselves, I shall continue working on this program and I welcome any suggestions you may have.

4. Involvement in National Organizations

The Executive Committee of the Judicial Conference is helping judges get involved in national organizations including the National College of Probate Judges, the American Judges Association, the State Trial Judges Association, the National Women Judges' Association, the National Bar Association, the ABA

Appellate Judges' Conference, the National Council of Family and Juvenile Judges, and the American Judicature Society. We want Wisconsin judges to be aware of and have input on the major issues at the state and national levels.

5. Great Lakes Court Summit

I am pleased to announce that the State Justice Institute has recently funded a multi-jurisdictional educational program that will bring together supreme court justices and court administrators from four states (Iowa, Minnesota, Indiana and Wisconsin) and Canada in the fall of 1998 with the objective of fostering communication among court jurisdictions

In our region, this type of communication among state court systems has not occurred since the Tri-State Conference of Justices in July 1986. Needless to say, times have changed. A conference of justices and administrators from four states and Canada will provide an opportunity to discuss new approaches to the common issues that arise in fulfilling the dual responsibilities of court administration and case deciding.

Major Initiatives

I want to describe for you now two broad-based, multi-year initiatives the Supreme Court has undertaken.

1. Wisconsin Families, Children and Justice

Family problems that require court intervention constitute an increasingly large portion of the work of Wisconsin courts. Because of changing family structures and weakening support systems, families facing a wider variety of problems are coming to the courts in ever-greater numbers. Each family often faces several legal issues including family dissolution, custody and visitation, child support, paternity, adoption, domestic violence, child abuse and neglect, alcohol and other drug dependency, status offenses, juvenile delinquency and termination of parental rights.

Although everyone agrees that serving families in crisis is one of the most important functions of the court system, there is growing national concern that the services these families receive may not be adequate.

The Wisconsin Supreme Court has been involved since 1995 in an effort to address this concern, an initiative now entitled Wisconsin Families, Children and Justice.

As a first step in this initiative, the Supreme Court applied for and received funding under the federal Court Improvement Program to conduct a statewide assessment of the

strengths and weaknesses of our handling of Child in Need of Protection or Services (CHIPS) cases.

The CHIPS assessment study was completed in April 1997. It concluded that CHIPS cases must be viewed in the context of the entire family dynamic. The study further concluded (1) that the ways in which the other problems of any given family are being handled in the state court system must be more integrated with the work of several agencies, including social services and schools, and (2) that there is a need for automated tracking and management information systems coordinated among all the entities involved in the CHIPS process.

In response, we are utilizing federal funding to implement pilot projects around the state to address these issues. Pilot projects in Sawyer, Kenosha, La Crosse and St. Croix Counties will seek to develop new collaborative approaches to processing CHIPS cases. Results of the pilot projects will be compiled in a manual for all participants. The manual can be adapted for use in other counties.

In a related development, we are holding preliminary discussions with the Department of Health and Family Services (DHFS) to explore interfacing between CCAP and the DHFS Statewide Automated Child Welfare Information System (SACWIS).

Another important component of the CHIPS project is a three-day statewide conference entitled "A Coordinated Approach to Family Law Cases," scheduled to be held at the Wingspread facility in Racine. Led by Judge Gerald P. Ptacek, the conference will bring together people representing a broad range of disciplines, so that all who work to assist troubled families and children throughout the system can be involved in improving it.

We envision as an outcome of this statewide conference a series of conferences, manuals, pilot projects and training programs involving all the participants in the system and focusing on families and children in the Wisconsin courts and the problems courts face in serving them effectively.

As another outgrowth of our CHIPS project and the Wisconsin Families, Children and Justice initiative, the State Justice Institute recently awarded the Center for Public Policy Studies a grant to conduct a unified family court project in two Wisconsin counties.

One accepted principle of the unified family court movement is that a one family-one judge approach works more effectively than the current system in dealing with the complicated issues of troubled families. The pilot programs will evaluate this approach and will also evaluate how other principles of the unified family court movement can be implemented in the current Wisconsin court structure. These principles include an aggressive case processing

and management system, maximum use of non-adversarial methods of family dispute resolution and maximum use of community services.

The Office of Judicial Education is also involved in the families and children initiative. In December 1997 the office will co-sponsor a major seminar with the Wisconsin County Human Service Association entitled "Common Issues for Courts and Human Services." The seminar, offered in place of our regularly scheduled Juvenile Law Seminar, will give Wisconsin judges a valuable opportunity for cross-professional training. The program will feature five plenary presentations and nearly 30 break-out sessions including topics and materials that will be developed at the Wingspread conference.

In March the Office of Judicial Education is offering a special seminar on domestic violence. Supported by a grant from the Wisconsin Office of Justice Assistance with funds from the Violence Against Women Act, this seminar will broaden judges' knowledge and skills in sentencing, treatment and case management issues relative to domestic violence.

Also dovetailing with the families initiative is the Court's recently adopted rule requiring that guardians ad litem take special continuing legal education. In addition, the Court-Appointed Special Advocates (CASA) volunteer program is expanding. The specially trained CASA volunteers provide valuable assistance in monitoring actions involving children. Judges can benefit from the information provided by these specially screened and trained volunteers.

In keeping with our family law initiatives, another Wisconsin Families, Children and Justice conference will be held on November 2-3, 1998, at the Monona Terrace Convention Center in Madison. At this event an expanded network of professionals committed to improving the processing of troubled children and families in the court system will assess our efforts to date.

2. Information Technology Strategies

Past and present court automation activities in Wisconsin have focused primarily on enhancing the effectiveness of internal court users. The Circuit Court Automation Program (CCAP) was created in 1987 to automate and streamline the burdensome paper-intensive record keeping of judges, clerks of circuit court and registers in probate. The major components of CCAP—software for case management, jury management and financial management—are now functioning throughout Wisconsin, making our circuit courts some of the most fully automated in the nation.

We will continue to seek enhancements to the CCAP system. For example, we must join other states in experimenting with electronic filings in trial and appellate courts to reduce our reliance upon burdensome and easily misplaced paper files. We

must remember, however, that accomplishing such a significant change will require funds for the new technology, changes to existing statutes, and more fundamentally, to the entire court culture as we know it. The "paperless courthouse" is difficult to imagine, especially for those of us who began our legal careers during the typewriter era, but we must all join together in moving forward.

Another goal of future automation efforts must be to extend the benefits of automation to external court users and to the general public. With the rapid rise of the Internet, providing public access to court information is no longer impractical or prohibitively expensive.

As you know, our appellate decisions have for the past two years been released electronically and now, with the cooperation of the State Bar, are available on the Internet at <http://www.wisbar.org/sct/>.

CCAP is working to upgrade and restructure its application systems, making them fully compatible with the Internet environment. Once "connected" we can create and maintain our own Web site, offering numerous kinds of information to attorneys, other participants in the courtroom process and the public. We look forward to having the capacity to provide Internet e-mail to authorized court personnel.

The future of court automation in Wisconsin looks bright. We look forward to continued improvements in applications designed for judges and internal court staff, and we welcome the potential that automation holds for improving court service to external court users and the citizens of this state.

II.

Partnership with the Public

I turn now to the second responsibility of the court system, our partnership with the public. Our partnership with the public is a three-pronged effort (1) to determine whether people who use the court system are satisfied with our performance; (2) to educate the public about the court system; and (3) to involve the people in the work of the courts.

Measuring Court-User Satisfaction

To make the courts user-friendly and accessible to the people, judges and court staff must look at our roles from the perspective of those people who appear before us and of the entire community we serve. The public's views do not dictate how we rule in cases, but the public's perceptions of the system of justice are very important: Were the users of the court system treated fairly and with respect? Were their claims promptly and

efficiently resolved according to the law? In short, are our courts perceived as this society's chosen forum for resolving disputes and achieving justice?

In 1996, as you know, we checked on the health of our partnership with the public by administering a consumer survey to randomly selected individuals who had participated in civil, family, small claims and traffic cases in 10 counties. We collected information by mail survey, exit survey and phone survey. The response rate was nearly 40%.

This summer, thanks to funding support from the State Justice Institute, A. John Voelker and UW Professor Herbert Kritzer published a report on the results of the survey.

I cannot in the time I have today report fully on the survey results, but they are encouraging. For example, over 60 percent of the respondents in the mail survey agreed with the following statements:

Court personnel were friendly and courteous to me.

I did not have to wait too long while I was in court.

The judge treated me with respect.

I felt safe in the courthouse.

I did not have trouble finding the right place to be.

I understood what was happening to me.

I had an adequate opportunity to explain my situation.

I am confident that the court followed the law.

Unfortunately, some elements of the survey results were not as positive. For example, over 80% of the mail survey respondents said it costs too much to go to court; over 70% said court decisions take too long; and over 70% did not know what to do if they had a complaint about something that happened in court.

The information provided by this survey research will help us more directly focus our efforts to be more responsive to the public that uses our system.

Public Education and Outreach

Court Information Officer Amanda K. Todd continues to play a vital role in initiating and continuing programs to educate the public and the news media about the courts. I shall briefly touch on a number of them, but first I want to report, with just a touch of modesty, that Wisconsin's outreach efforts have been

receiving extensive national attention, and we are receiving numerous requests to share our programs with other states.

1. Court with Class

Our Court with Class program, carried out in cooperation with the State Bar, brought nearly 1000 students from 55 public and private high schools throughout the state to the Supreme Court. Students attend a session of oral argument and then meet with a justice over the lunch hour.

This one-year-old program was recently recognized with a Public Service Achievement Award from the National Association of Bar Executives. Some districts of the Court of Appeals are now offering the program to high schools in their areas.

2. Justice on Wheels

The Supreme Court will hit the road again, this time to the new La Crosse Courthouse in April. On behalf of the Court, I want to thank the many judges who have invited us to sit in their counties. We are doing our best to visit all parts of the state.

3. Localized Court Visitors' Guides

A year ago August we started a program with the State Bar to provide local courthouses with simple, low-cost court visitors' guides containing maps, telephone numbers, history of the courthouse and any other information the local courts deemed appropriate. Jackson County was our guinea pig and did a terrific job. Since then, Bayfield, Buffalo, Door, Fond du Lac, Kewaunee, Lincoln, Milwaukee, Outagamie, Pepin, St. Croix, Sauk, Trempealeau, Walworth, Waushara and Winnebago Counties have taken advantage of this opportunity to make their courthouses more user-friendly, and a number of other counties have guides in the works.

4. Law Day

We are again working with the state and local bar associations, the circuit judges and the district court administrators to prepare for Law Day, May 1, 1998. For Law Day 1997, the court information officer produced the first-ever state Law Day Kit to promote a unique statewide celebration of this important day. All told, 80% of the counties participated in 1997 by hosting essay contests, giving tours, putting on mock jury trials, offering free legal advice from the local bar, hosting radio shows, etc.

We have many success stories from Law Day '97. You may expect another Law Day Kit for 1998, this time with a sesquicentennial theme.

5. Media Relations

We continue to work with the media for better understanding of our respective jobs. As you know, we are conducting sessions with the media in conjunction with the Judicial Conference. We hope you all will attend the Friday morning panel moderated by Harvard Law Professor Arthur R. Miller, whom you may have seen on Good Morning America and a number of PBS specials. Trina E. Haag, my Interim Assistant, has played a key role in putting the panel together.

Last March, in a joint venture between the Court and journalists' professional organizations, about 45 news reporters and managers from TV, radio and print media from around the state came to Madison for our first appellate law media seminar.

The session was designed to help the media better understand the state's appellate courts. Chief Judge William F. Eich and I gave primers on our respective courts, and then reporters toured the State Law Library and were given a behind-the-scenes tour of the Supreme Court. Follow-up evaluations from seminar participants were positive.

In the coming year, we plan to hold regional seminars and conduct a sentencing exercise with media and circuit and appellate judges.

6. Sesquicentennial Activities

The sesquicentennial of Wisconsin statehood offers us many opportunities for outreach and education activities in the coming year. (It also gives us one year of grace before we are forced to jump on the "New Millennium" bandwagon with everyone else.)

"Art of the Supreme Court Hearing Room," a color brochure written by Retired Chief Justice Roland B. Day and produced this year, has been reproduced with a sesquicentennial logo.

With the cooperation of the UW and Marquette law schools, the Supreme Court will host a writing contest about the history of the court system. A private donor has graciously agreed to award \$1500 to the winner.

With assistance from the State Historical Society, we are working on a poster displaying photographs and information on Wisconsin's historical courthouses. We are also preparing a 52-part series on Wisconsin legal history to be made available to relevant magazines and all newspapers in the state.

The Sesquicentennial Commission has given the court a grant to present a Statehood Day, May 29, 1998, reenactment of Abelman v. Booth, a well-known fugitive slave case that went from our Court to the U.S. Supreme Court. In addition, we are working with

Wisconsin Public Television to produce a video documentary to be distributed to schools.

We are also compiling an oral history of the courts based on the recollections of retired and sitting judges in the state, to be entitled "Justice in Their Own Words." Twenty-two interviews are being conducted during this conference; if they prove successful, we will do more. We believe this project offers us a unique opportunity to preserve our institutional memory and assist legal historians of the future.

Finally, in anticipation of the sesquicentennial, the State Law Library has begun an in-depth historical look at the law governing its administration, collection, staff and services, from its beginning in 1836 to the current time. Publication is anticipated during the sesquicentennial. The Supreme Court is also planning, in conjunction with the State Bar's midwinter meeting, a sesquicentennial reception at the Capitol

Involving the People in the Work of the Courts

Efforts to improve public understanding of the courts are important, but they alone are not sufficient to build confidence in the justice system or to maintain our partnership with the public. The final prong in our approach to our partnership with the public is to involve the public directly in the work of the courts.

1. Juror Management

Implementation of the ABA Standards Relating to Juror Use and Management is a good example of how we can bring more people into contact with the courts by improving a part of the court system. In January 1997 the Supreme Court revised provisions dealing with jury service, the preparation of prospective juror lists and the selection of juries.

The complete juror use and management standards went into effect July 1, 1997. Using CCAP's jury management software, Wisconsin's clerks of circuit court can now efficiently select and notify jurors, process payments and monitor the entire jury process.

Wisconsin has won a national American Bar Association award in recognition of our achievements in jury reform. I believe these recent changes represent a major step forward in improving jury service: the maximum length of service is limited to one month; the ineligibility period is extended from two to four years; and we have committed to at least an annual evaluation of the management of the local jury systems.

CCAP provides the tools to make the new jury management mechanisms work and to evaluate them. The Director of State

Courts Office is available to answer questions and provide technical assistance.

If the new jury system is to be effective, judges and clerks must work together to re-examine, and in some instances change, old habits. Please make the effort to use and assess the new system before demanding a return to our old ways. I assure you that the new jury management provisions will be re-evaluated, and if need be, modified.

2. Volunteers in the Courts: A Coalition for Justice

Our Volunteers in the Courts program continues to grow, and the past year saw a number of successes.

In April, about two hundred people attended the court-sponsored Volunteers in the Courts educational program. A highlight of the day was the debut of our catalog of Wisconsin court-related volunteer programs, which we published in cooperation with the State Bar. Our compilation, the first of its kind in the nation, is now a national model.

Since the volunteers conference we have continued working to nurture and expand the number of programs using volunteers in the courts.

Several counties, after learning about Teen Court at the conference, expressed interest in replicating the program. This summer Iowa, Trempealeau and Sheboygan Counties each took steps toward implementing a Teen Court.

In conjunction with the American Association of Retired Persons (AARP), the Voluntary Guardianship Monitoring Program has been successfully implemented in Waukesha and Eau Claire Counties. Training is scheduled this month in La Crosse and possibly Dane Counties.

In May 1997 our volunteers program received a boost when U.S. Attorney General Janet Reno paid us a visit. Ms. Reno met with volunteers and juvenile offenders in the Dane County Juvenile Detention Center and also visited with CASA volunteers in the Supreme Court conference room.

We are looking forward to the first-ever Wisconsin Volunteer Summit organized by First Lady Sue Ann Thompson and modeled after the National Presidential Volunteer Summit held in Philadelphia last spring. The state summit, scheduled for October 6, 1997, will bring together delegates from each county to discuss ways to develop community resources necessary for young people to be successful. Increasing volunteer services is one key to this success. The Wisconsin court system has played an active role in long-term planning for the summit and will be featured at the conference.

* * *

We cannot expect Wisconsin citizens to support the mission of the courts, or to advocate for adequate resources for the courts, unless our citizens understand the operations of the courts, unless users of the court system believe we are striving to be user-friendly and unless members of the community feel that they have a stake in the courts. I believe that our three-pronged approach to our partnership with the public will lead to a court-community relationship based on mutual understanding and trust.

I repeat the late Justice Thurgood Marshall's words: "We must never forget that the only real source of power that we as judges can tap is the respect of the people."

III.

Collaboration with the Executive and Legislative Branches of Government

I turn now to the third responsibility of the court system, collaboration with our partners in government. We recognize that we are only one part of a system of justice that includes men and women who work in executive and legislative branches at the state and local levels of government. All of us carry the responsibility to maintain public safety and order, to protect the rights of the many and the few, and to apply the law fairly and promptly. We will continue to search for ways to do our diverse jobs better and more efficiently.

We have initiated a number of programs aimed at collaboration with the executive and legislative branches of state and local government. I will highlight only a few of them here.

CCAP/BJIS Partnership

The partnership between CCAP and the Department of Administration Bureau of Justice Information Systems (BJIS) continues into its second year, to the benefit of both the executive and judicial branches of government. Under a Memorandum of Understanding between DOA and the Director of State Courts Office, CCAP has provided technical support services to district attorneys throughout the state on behalf of BJIS.

Thus CCAP, and the court system, has achieved high visibility within the Department of Administration and the executive branch as a whole. We have felt this impact directly in the budget process, where executive branch agencies have supported favorable treatment for CCAP in the advancement of its budget initiatives.

The CCAP/BJIS partnership is a model for inter-branch cooperation and the corresponding benefits that can result from such cooperation.

Ongoing Dialogue

1. Three Branch Discussion Group

We continue our efforts to establish ongoing dialogue among the three branches of state government. The three-branch discussion group organized by Senator Joanne B. Huelsman and myself, which I described to you last year, continues to meet with an expanded membership of more legislators and executive agency heads. In our most recent session we discussed municipal courts and court commissioners. At our next meeting, we hope to conduct a sentencing exercise, with legislators and executive officers playing the judges.

2. Supreme Court Meetings with Legislative Committees

This year for the first time, the Supreme Court met with the Assembly Judiciary Committee, the Assembly Criminal Justice Committee and the Senate Judiciary Committee. With no set agenda, the purpose of each of these meetings was to identify issues of mutual concern and to discuss questions each group had about the other in an effort to improve legislative-judicial relations.

After our meeting with the Assembly Judiciary Committee, Rep. Mark Green wrote: "In summary, the coffee and bagels were good, but the company was better. Names and offices became people and colleagues. Challenges became more concrete and understandable, and opportunities for governing partnerships became more clear. Of course, a partnership is not a single event, but an ongoing relationship. To that end, the committee hopes meetings between the Legislature and the Wisconsin Supreme Court will become at least an annual event."

3. Judicial District Meetings and Judicial Ride-Along

The several judicial districts have also increased their efforts to improve inter-branch communication, holding annual informational meetings with area state legislators and county board members. And circuit judges are continuing the Judicial Ride-Along program.

Videoconferencing Court Proceedings

In June 1997 the Supreme Court, with the support of law enforcement, the Department of Corrections, county boards and PPAC, submitted a grant application to the federal Department of Justice to implement a model videoconferencing project. Through this technology, persons institutionalized in state or county facilities can appear in court for certain proceedings without leaving the institution, thereby reducing security risks and saving the government thousands of dollars in transportation costs. Travel time for judges who must cross county lines for hearings or meetings can also be reduced. In short, even though many proceedings will still require personal attendance, videoconferencing offers great potential for increased efficiency in the justice system.

The statewide response to our proposal—from judges to sheriffs to corrections officials to county board members to clerks of court—has been overwhelmingly supportive.

Improving County Law Library Services

During the past year, under the direction of Marcia J. Koslov, the State Law Library has provided assistance to more than fifteen counties who are interested in changing the format of their law library collections from print to online and CD-ROM format. The switch to online and CD-ROM services often saves the county space, funds and staff time. Additional counties are on a waiting list for assistance.

Courthouse Security

Since 1995 when the court adopted the Security and Facilities Rule (SCR 70.39), the circuit judges have been working with the county boards towards providing a safe and secure environment in the courthouses for the public and for court staff. The counties are periodically reporting their level of compliance with the stated standards and progress is being made.

Since January 1997, six of reporting counties had completed major courthouse renovations, 14 of reporting counties were planning either new construction or major courthouse renovations, and 21 of reporting counties had implemented new security initiatives.

We hope you will continue to work with county officials toward improving the security systems and toward full compliance with the periodic reporting requirements. Steven R. Steadman continues to lead an effort to provide training to county teams.

* * *

These are just a few of the wide-ranging outreach efforts we are making to further collaboration with other state and local officials. I believe the partnerships we form today will enable us to better serve the state in the next century.

Conclusion

I conclude by saying that challenges and opportunities lie ahead. I know that this state's outstanding judges and court personnel are equal to the task of assuring justice to the people of Wisconsin. I am proud of our accomplishments last year and confident about our future.

I look forward to working with you all in the years ahead. Remember, I'm in the phone book. Give me a call (608/266-1885). I need and welcome your help.

Addendum: Other Programs and Initiatives

Because of time constraints, a number of court system programs and initiatives could not be included in the body of the State of the Judiciary Address. They are highlighted below.

Speakers Bureau

The Speakers Bureau continues to be very active, setting up about two speeches a week for judges around the state. Louisiana and Iowa are working on replicating our Speakers Bureau.

Drug Courts

An estimated 50-70% of crimes are committed by individuals testing positive for alcohol or drugs. Many believe that the current "revolving door syndrome" in which those arrested for drug use cycle in and out of the criminal justice system has not been successful in protecting the public or helping users break the addiction.

In a drug court, certain offenders are diverted from the prison system and given alternative dispositions including admissions to treatment programs and intensive supervision.

The Dane County Circuit Court has recently received a grant from the federal Office of Justice Programs to establish a drug court. We need to monitor the drug courts in Wisconsin and elsewhere, evaluate their results, and determine the feasibility of establishing additional pilot drug courts.

Alternative Dispute Resolution

We are in the process of evaluating the operation of the court's rule for court-annexed alternative dispute resolution. Part of the Judicial Conference is devoted to this evaluation.

Recording Court Proceedings

The Supreme Court has directed the Director of State Courts Office to develop guidelines for the use of alternative means of making a verbatim record of court proceedings. These guidelines will be submitted to the Supreme Court for adoption as rules of judicial administration.

State Law Library Projects

The State Law Library has undertaken a number of new projects assisting judges, lawyers and the public.

1. Computer Training

Jane Colwin, a regular faculty member at the Judicial College and Judicial Education seminars, is working directly with judges throughout the state to train them on software for computer research.

2. Technology Partnership with the State Bar

The State Law Library, the UW Law School Library and the Marquette Law School Library are exploring expanding their partnership with the State Bar in a project known as the Wisconsin Legal Information Network (WLIN). The goal is to provide the bench, bar and general public with immediate access to legal information available in all four resources.

3. Appellate Briefs on CD-ROM

For several years the State Law Library has been scanning the briefs filed in the Supreme Court and Court of Appeals to create an "imaged" version. In late May, the library reached the one million page mark! During the coming fiscal year, those images will be transferred from an optical disc format to CD-ROM and should be available for downloading directly from our server to either a printer or a fax copy for the user.

4. Pro Se Forms

Staff at the Milwaukee Legal Resource Center funded by Milwaukee County (primarily Terry Mackey) and the State Law Library (Marcia Koslov) are working with Milwaukee family court commissioners and attorneys to develop simplified forms for use in family court proceedings by pro se litigants.

Diversity

1. Interpreters

Wisconsin courts are serving a population which is both larger and more diverse (racially, ethnically, culturally, linguistically and economically). The implications for the courts are many. One critical area is the growing need for qualified foreign language interpreters. In a first step toward addressing this problem we have asked the legislature for funds to join a consortium with several other states to explore a professional training and certification program for foreign language

interpreters. We also have an ad hoc group working on redrafting our existing interpreter handbook.

2. Judicial Education

We join other courts in this country in developing and implementing a diversity education program within the judiciary (including at this conference).

3. Special Committee on Gender Neutrality

Last year, at the request of the Supreme Court, the Executive Committee of the Judicial Conference created a Special Committee on Gender Neutrality, chaired by Court of Appeals Judge Thomas Cane. The committee consists of four circuit judges, a district court administrator, a lawyer and a nonlawyer public member (currently a municipal judge). Judge R. Thomas Cane will report on the special committee's work to date at the Judicial Conference business meeting.

Clerk of Court Orientation Program

The Wisconsin Clerk of Circuit Court Association, in cooperation with the Director of State Courts Office and the District Court Administrators, provided a first-ever formal one-day orientation program for new clerks of court. This highly successful effort last January provided incoming clerks with valuable information for effectively discharging their court management responsibilities.

Program Directory

Following is a summary listing of the programs and initiatives described in the State of the Judiciary Address and Addendum, along with information about the people with whom to communicate:

Administrative Rule Making

William A. Mann, Court Commissioner, 608/266-7711

Alternative Dispute Resolution

Randy F. Sproule, Administrator, Medical Mediations Panels,
608/266-7711

William A. Mann, Court Commissioner, 608/266-6708

Biennial Budget

David Suchman, Budget and Management Officer, 608/267-0702

Circuit Court Automation Program

Rick L. Godfrey, CCAP Director, 608/266-9409

CCAP/BJIS Partnership

Rick L. Godfrey, CCAP Director, 608/266-9409

Clerk of Court Orientation

Janet Rubenzer Pike, Chippewa County Clerk of Court, 715/726-7769

Code of Judicial Conduct

William A. Mann, Court Commissioner, 608/266-6708

Commission on Judicial Elections and Ethics

Prof. Charles Clausen, Marquette Law School, 414/288-7090

Court with Class

Amanda K. Todd, Court Information Officer, 608/264-6256

Courthouse Security

Planning and Policy Advisory Committee (PPAC)

A. John Voelker, Senior Policy Analyst, 608/266-8861

Steven R. Steadman, District VII Court Administrator, 608/785-9546

Drug Courts

Judge Maxine A. White, Milwaukee County Circuit Court, 414/278-4482

Judge Kitty K. Brennan, Milwaukee County Circuit Court, 414/278-4506

Judge Stuart A. Schwartz, Dane County Circuit Court, 608/267-2517

Great Lakes Court Summit

Chief Justice Shirley S. Abrahamson, 608/266-1885
A. John Voelker, Senior Policy Analyst, 608/266-8861

Information Technology Strategy

Rick L. Godfrey, CCAP Director, 608/266-9409

Interpreters

Judge Elsa C. Lamelas, Milwaukee County Circuit Court, 414/278-4554
Gregg T. Moore, District X Court Administrator, 715/839-4826
Kathleen M. Murphy, Deputy Director for Court Operations,
608/267-9733

Involvement in National Organizations

Executive Committee of the Judicial Conference
Sheryl A. Gervasi, Legislative Liaison, 608/266-6984

Judicial District Meetings with Legislators and County Boards

Chief Judge of the District

Judicial Education

Justice Janine P. Geske, 608/266-1882
David H. Hass, Director of Judicial Education, 608/266-7807

Judicial Ethics Advisory Committee

Judge Thomas H. Barland, Eau Claire County Circuit Court, 715/839-4809

Judicial Exchange Program

Judge R. Thomas Cane, Court of Appeals District III, 715/845-6404
Chief Judge Earl W. Schmidt, District IX, 715/526-9352
James E. Seidel, District IX Court Administrator, 715/842-3872

Judicial Programs Abroad

Chief Justice Shirley S. Abrahamson, 608/266-1885

Juror Standards

Judge Thomas H. Barland, Eau Claire County Circuit Court, 717/839-4809
Gail Richardson, District V Court Administrator, 608/267-8820
William A. Mann, Court Commissioner, 608/266-6708

Justice on Wheels

Amanda K. Todd, Court Information Officer, 608/264-6256

Law Day

Amanda K. Todd, Court Information Officer, 608/264-6256

Legislation and Rule Making

J. Denis Moran, Director of State Courts 608/266-6828
Sheryl A. Gervasi, Legislative Liaison, 608/266-6984

Localized Court Visitors' Guides

Amanda K. Todd, Court Information Officer, 608/264-6256

Measuring Court-user Satisfaction

A. John Voelker, Senior Policy Analyst, 608/266-8861

Media Relations

Amanda K. Todd, Court Information Officer, 608/264-6256

Recording Court Proceedings

J. Denis Moran, Director of State Courts, 608/266-6828

Sesquicentennial Activities

Trina E. Haag, Interim Assistant to Chief Justice, 608/261-8297

Speakers Bureau

Amanda K. Todd, Court Information Officer, 608/264-6256

Special Committee on Gender Neutrality

Judge R. Thomas Cane, Court of Appeals District III, 715/845-6404
William A. Mann, Court Commissioner, 608/266-6706

State Law Library Projects

- Appellate Briefs on CD-ROM
- Computer Training
- County Law Libraries
- Pro Se Forms
- Technology Partnership with State Bar of Wisconsin

Marcia J. Koslov, State Law Librarian, 608/266-1424

Summer Law Intern Program

Kathleen M. Murphy, Deputy Director for Court Operations,
608/267-9733

Supreme Court Meetings with Legislative Committees

Chief Justice Shirley S. Abrahamson, 608/266-1885

The Third Branch

Amanda K. Todd, Court Information Officer, 608/264-6256
Trina E. Haag, Interim Assistant to Chief Justice, 608/261-8297

Three-branch Discussion Group

Chief Justice Shirley S. Abrahamson, 608/266-1885

Videoconferencing

Planning and Policy Advisory Committee (PPAC)

A. John Voelker, Senior Policy Analyst, 608/266-8861

Volunteers in the Courts: A Coalition for Justice

Trina E. Haag, Interim Assistant to Chief Justice, 608/261-8297

Wisconsin Families, Children and Justice

Chief Justice Shirley S. Abrahamson, 608/266-1885

Judge Gerald P. Ptacek, Racine County Circuit Court, 414/636-3708

A. John Voelker, Senior Policy Analyst, 608/266-8861