

## **EVOLUTION OF RACINE COUNTY'S JUSTICE SYSTEM WISCONSIN'S FEDERAL JUDICIAL SYSTEM DEVELOPMENT UP TO 1848**

Federal Judge Appointees over entire Wisconsin Area Territory:

James Duane Doty

1823-1832

David D. Irvin

1832-1836

Territorial Supreme Court Appointees:

Charles Dunn, Chief

1836-1848

David D. Irvin

1836-1848

William C. Frazer

1836-1838

Andrew G. Miller

1838-1848

In addition to the early federal court system, Wisconsin had a pre-state territorial probate court. This court commenced in 1838 and three Judges exercised jurisdiction in the ten years before statehood. Penney's Wisconsin Reports reflect the decisions of this early judicial entity. The elected judges of this territorial court were:

Judge Volney French (1838-1839)

Judge Samuel Hale (1840-1843)

Judge Ezra Birchard (1843-1844)

Judge Volney French (1844-1846)

After Wisconsin became a state, the Probate Court continued as a special jurisdiction trial court. This is understandable given the importance society then placed on allocating fee title to property. Wealth in the new state was commonly reflected in land ownership. The prominence of the Probate Court, from before statehood until Court unification in 1978 (a period of 140 years), relates to a new society's needs regarding real estate as a dominant form of wealth and its passage to succeeding generations.

Racine County was within the jurisdiction of the early Federal court and the Territorial Probate Court. In this pre-statehood period, no separate court system existed for Racine County apart from these larger systems.

### **FROM 1848 THROUGH THE END OF THE 19th CENTURY**

When Wisconsin became a state, the court system was initially divided into six circuits. In 1848, Racine County covered the area that now includes both Kenosha and Racine Counties. The population of Racine County in 1850 was 14,973. The First Judicial Circuit, at that time, included the counties of Racine, Walworth, Rock and Green. These four counties continued to

comprise the First Judicial Circuit for Wisconsin until 1871. In that year, the 12th Judicial Circuit was created and it encompassed Rock and Green Counties. Racine stayed in the First circuit. Formal county status was accorded to Kenosha in 1850. That is the same year that Racine County came to have the boundary lines that presently reflect its jurisdiction and area.

The initial Wisconsin Court system had six Judges, one for each of the six circuits. The Judge for the First Circuit was Edward V. Whiton. In addition to serving as a Circuit Judge, these six persons also comprised our State Appellate Court from August 1848 to June 1853. Here again, as with the earlier Federal Territorial Court, the trial and appellate bench were homogeneous. In 1853 a separate Supreme Court was established and Judge Whiton became its first Chief Justice.

It can be said with pride that Racine's (one of the four counties in the first circuit) initial Circuit Judge was the first Chief Justice of the Wisconsin Supreme Court.

### **RACINE COUNTY AS A PART OF THE COUNTY, PROBATE AND MUNICIPAL COURT SYSTEM (1848-1900)**

#### **PROBATE SYSTEM**

Josiah Bond----->Andrew G. Chatfield  
(1848-1849)      (1849-1850)

#### **COUNTY COURT SYSTEM**

Wm. E. Wording---->John B. Adams---->Elbert O. Hand---->Charles A. Brownson---->Philo  
Belden---->  
(1850-1861)      (1861-1868)      (1869-1881)      (1881-1882)      (1883-  
1889)  
Ellsworth Belden---->  
(1889-1901)

#### **MUNICIPAL COURT SYSTEM**

David H. Flett  
(1897-1903)

### **RACINE COUNTY AS A PART OF THE EARLY WISCONSIN CIRCUIT COURT SYSTEM (1848-1900)**

Edward V. Whiton---->Wyman Spooner---->James R. Doolittle---->Charles M. Baker---->John  
M. Keep  
(1848-1853)      (1853)      (1853-1856)      (1856-1857)  
(1857-1859)  
David Noggle---->William P. Lyon---->Robert Harkness---->Ira Payne---->John T.  
Wentworth---->  
(1859-1865)      (1865-1871)      (1871-1875)      (1875)      (1883-1891)  
John B. Winslow---->Frank M. Fish  
(1883-1891)      (1891-1902)

In the last half of the 19th century, a separate Wisconsin appellate court structure was developed and accepted institutionally as our state came to have its own coequal existence with the other states.

The trial court's progress was less even in its development. For the first two years after statehood, the trial court system had two levels, the circuit court and the probate court. Essentially all death transfers of property were handled by the probate court. All the other disputes were resolved by the six road-circuit Judges.

Then in 1850, the probate court merged into a new creation called the county court system. The county courts took jurisdiction over probate matters and minor disputes. The circuit courts were viewed as being responsible for serious, non probate disputes and constitutional writ matters. In time, the basic practical difference between the circuit and county courts became:

A. Circuit Courts - large claim civil disputes, writs and the review of some county court decisions.

B. County Courts - criminal, family, probate, small claims and juvenile matters.

At the very end of the nineteenth century, Wisconsin created a third level for the trial court system in Racine County. It was the municipal court system. In 1897 Judge David H. Flett was elected as our first municipal court judge. The jurisdiction of this court initially included traffic, misdemeanor and family matters. Later this court also dealt with juvenile cases.

Racine was busily involved in the development of its own court system in the period from 1848 to 1900. By 1900, the population of Racine County had reached 45,644. The county had one probate/county judge position and one circuit judge position throughout this time. In addition it had a municipal judge for three years. These judicial positions over the years were filled through elections as follows: Two probate judges, six county judges, eleven circuit judges and one municipal judge.

## **EVOLUTION OF RACINE COUNTY'S JUSTICE SYSTEM FROM 1900 THROUGH 1962**

During the first half of the 20th century, Racine County continued with a three level court system. The county court system had five additional judges who held this one judgeship position during this 6 -decade period. By 1950, the population of Racine County had increased to 109,585. The Municipal Court system had four additional judges who would complete or end this phase of judicial service in 1962, when the County Municipal system was merged into the County Court System.

## **RACINE COUNTY AS A PART OF THE COUNTY AND MUNICIPAL COURT SYSTEM (1900-1962)**

County Court System

Max W. Heck---->Walter Palmer---->Elmer E. Gittins---->Allen J. Simpson---->Frances  
Wendt---->

(1901-1913)

(1904-1926)

1926-1929)

(1929-1956)

(1956-1969)

## Municipal Court System

William H. Smieding---->E. Roy Burgess---->Elmer D. Goodland---->Floyd Monk---->Howard Durocher  
(1904-1919)                      (1919-1942)                      (1941-1952)                      (1952-1955)                      (1956-1962)  
---->1963

The Circuit Court system continued to serve the County in this one-judge position for almost 70 years with three judges. Racine County was provided with its own circuit effective 1952, by legislative act in 1951. The old circuit consisted of Racine, Kenosha and Walworth Counties. The establishment of the new court was expected to relieve some of the load on the Municipal Court which was then given limited circuit court jurisdiction

## **RACINE COUNTY AS A PART OF THE WISCONSIN CIRCUIT COURT SYSTEM (1900-1962)**

Ellsworth B. Belden---->Alfred L. Drury---->Elmer D. Goodland  
(1902-1939)                      (1939-1952)                      (1952-1966)

## **EVOLUTION OF RACINE'S JUSTICE SYSTEM**

From 1962 through 1996 --adding new branches

In 1962 a new court system emerged in which the existing County Court position was designated County Court - Branch #1. The Municipal Court merged into the County Court system as Branch #2 and two additional Branches (#3 and #4) were added under the Court Reorganization Act of 1959. The two additional courts were to absorb the work of the Justice of the Peace Courts that lost most of their jurisdiction as of January 1, 1962. These four branches along with the single branch Circuit Court comprised the two levels of the court system until 1968, when a second branch was added to the Circuit Court system. By 1970, the population of Racine County had increased to 170,838. In 1972 and 1976 two additional branches (#5 and #6) were added to the County Court system. In 1990, Racine County's population had again increased to 175,034. Branch #9 was created in 1991 and Branch #10 commenced in 1994. In the year 2000, Racine County's population reached 188,831 and by 2010, the population was 195,408. As of 2012, no additional branches have been created to accommodate the increased population. Administratively the state was divided, by the State Court Administrator, into 12 districts in 1970 and Racine County was then placed in District 1.

In 1978 legislative changes proclaimed an all-Circuit Court system of the eight branches for Racine County. In addition, Racine County was placed within the 2nd Judicial District for administrative purposes. The state now has 10 Judicial Districts in total. We are joined with Kenosha and Walworth Counties. The linkage of these 3 counties, in terms of Court activities, has been consistent since statehood in 1848.

Also in 1978, an intermediate Court of Appeals was created. Racine County is jurisdictionally located in District 2 of this Court of Appeals. The new Appellate Court handles most (about 95%) appeal matters and the Supreme Court has broad discretion regarding the cases it hears on appeal.

**EVOLUTION OF RACINE'S JUSTICE SYSTEM  
RACINE COUNTY AS A PART OF THE WISCONSIN COUNTY COURT SYSTEM  
(1962-1978)**

Co. #1

Francis Wendt---->Gilbert N. Geraghty---->Jon B. Skow---->  
(1956-1969) (1969-1976) (1977-1978)

Co.#2

Howard DuRocher---->William F. Jones---->Dennis D. Costello---->  
(1962-1966) (1966-1978) (1978)

Co.#3

Thomas Corbett---->Richard G. Harvey, Jr.---->  
(1962-1968) (1969-1978)

Co.#4

John C. Ahlgimm---->---->  
(1962-1978)

Co. 5

James Wilbershide....>  
(1972-1978)

Co. #6

Dennis J. Flynn---->  
(1976-1978)

**RACINE COUNTY AS A PART OF THE WISCONSIN CIRCUIT COURT SYSTEM  
(1962-2012)**

Cir. #1

Elmer Goodland---->Howard DuRocher---->John C. Ahlgrimm---->Gerald Ptacek---->  
(1952-1966) (1966-1978) (1978-1988) (1988- )

Cir. #2

Thomas Corbett----.Stephan Simanek-----> Eugene Gasiorkiewicz----> ---->  
(1968-1980) (1980-2010) (2010- )

Cir. #3

Jon Skow---->Emily Mueller---->---->  
(1978-1992) (1992- )

Cir. #4

Emmanuel Vuvunas---->John S. Jude  
(1978-2004) (2004- )

Cir. #5

Richard Harvey, Jr.---->.Dennis Barry---->---->Michael Nieskes  
(1978-1980) (1980-2011) (2011- )

Cir. #6

Dennis D. Costello---->Wayne Marik---->---->  
(1978-1985) (1985- )

Cir. #7

James Withershide---->Nancy Wheeler---Charles Constantine---->  
(1978-1989) (1989-1996) (1996- )

Cir. #8

Dennis Flynn---->Fay Flancher--->---->  
(1978-2002) (2002- )  
Cir. #9  
Allan B. Torhorst---->---->  
(1991- )  
Cir.@10  
Richard J. Kreul---->---->  
(1994- )

Racine County judges have been innovators in the legal field. Judge Dennis J. Barry was instrumental in the development of the Wisconsin Juvenile Justice Code, which was created in 1995 by Wisconsin Act 77 [Ch. 938, Stats.] The code governs delinquent juveniles and juveniles who need protection or protective services. The code imposed rules on a statewide basis. Judge Barry was also selected as the State Bar Association of Wisconsin's first Judge of the Year.

In the mid 2000s some counties were developing special drug courts. Judge Gerald P. Ptacek was instrumental in the development of a Drug and Alcohol Treatment Court in the Racine circuit courts. Judge Gerald Ptacek identified a need for court intervention for individuals suffering from alcohol, drug, and mental health issues, who appeared to be candidates for treatment rather than incarceration. On February 2, 2006, the Racine County Drug and Alcohol Treatment Court held its first court hearings.

The Wisconsin Lawyer article in the March 2006 edition states:

**....the Drug Court team, comprising 10 representatives from the legal and health professions, evaluates fourth-offense drunk drivers for participation in the treatment court. After an alcohol, drug, and mental health assessment, the team determines if the individual is suitable for Drug Court. Once accepted, the person enters a plea and is given a sentence that makes use of probation with conditions to include jail time and treatment to meet the offender's needs. The individual appears every two weeks before the judge. Prior to each court appearance, the Drug Court team meets to evaluate the person's progress. Individuals who are succeeding receive praise and encouragement and earn incentives, while those who are not may be ordered to attend additional self-help group meetings, perform community service work, serve additional jail time, or even be removed from the program and returned to the traditional criminal justice system. Completion of the program can take from 13 to 24 months.**

**"After more than a year of planning and training, the Drug Court Team has established a pilot project serving between five and 10 individuals," said Chief Judge Gerald Ptacek. "We can now go forward to build on this base and apply for funding in order to expand the drug court to reach our goal of handling up to 50 cases per year."**

**The Racine County Drug Court team received a \$5,000 federal grant to participate in a year-long national Drug Court training program that included visits to several drug courts in other states. By the time the training had concluded, the team had designed the Racine County Drug and Alcohol Treatment Court and written a policy and procedure manual for the program.**

**National figures show that drug courts have a positive effect on communities by reducing recidivism, improving participants' lives, and saving money and resources.**

In early 2012, there were 25 active participants at any given time. The Racine County Drug and Alcohol Treatment Court has been a tremendous success, but it lacks the necessary resources to expand the program as much as Judge Ptacek had envisioned.

Judge Charles Constantine serves as an assistant dean of the Wisconsin Judicial College. He teaches maintenance to new judges, as well as evidence at the college.

Judge Eugene Gasiorkewicz is leading the effort to get a Veterans Court established in Racine County. There is also a movement to establish a Mental Health Court.

**DEVELOPMENT OF WISCONSIN'S APPELLATE COURT SYSTEM THROUGH 2012**

<b>1853</b>	<b>1877</b>	<b>1908</b>	<b>1978</b>	<b>1996 – Wis.</b>
Supreme Court 3 Justice Abrahamson	5 Justice	Supreme Court Increased to 7 Justices	Court of Appeals System initiated	Chief Justice Justice Steinmets Justice Bablitch Justice Wilcox Justice Geske Justice Walsh
Bradley				Justice
Crooks				

- 2012 – Wisconsin Supreme Court
- Chief Justice Shirley Abrahamson (1976)
  - Ann Walsh Bradley (1995)
  - Patrick Crooks (1996)
  - David T. Prosser, Jr. (1998)
  - Annette Ziegler (2007)
  - Michael Gableman (2008)

**COURTHOUSE LOCATION**

Racine's first courthouse was built in 1839. It was located on the west side of what now is Monument Square. A deal was struck between the Governor of Michigan and Mr. Gilbert Knapp for Racine to become the county seat. It involved Mr. Knapp losing a substantial amount of property unless he would build a courthouse and jail. He did, and thus became a private benefactor to our early court system. In 1876 a larger building was needed and Racine County had it built on that same property.

The present location of the County Courthouse, which was erected in 1853, formerly was the site of Racine High School and the County's first public school. Racine County had the first High School building in the State of Wisconsin.

The original courthouse was put on rollers and removed to a nearby location. Although your authors have tried, they have not been able to determine its present location. Perhaps some reader will be able to come up with that piece of history. If the building still exists, it can not be too far from the original location. Interestingly, the first courthouse and jail was sold for \$50.00 according to local newspaper reports. In 1931 the third courthouse was built on Wisconsin Avenue between 7th and 8th Streets.

This facility met our needs until 1982 when the Law Enforcement Center was constructed. There was also a period of 6 years (1976-1982) when the Juvenile Court and Small Claims Court were located at 730 Main Street. In 1994 there was much discussion and controversy regarding the relocation of the two Juvenile Courts to the Massey Ferguson building which is situated about 2 miles from the present courthouse buildings. In addition court matters in Burlington are heard both at the County Services Building and in the new chambers of the city council at the corner of Jefferson Street and Dodge Street. In past years Burlington hearings were conducted above the old Police Department located approximately at the intersection of Pine Street and Jefferson Street.

## **COURTHOUSE SECURITY**

Although courthouse security has always been an issue, in the late 1970s and early 1980s, it was getting additional focus. The Wisconsin Supreme Court handed down rules in 1979, which addressed courtroom security. It was recommended that courts consider security planning and develop a policy. In 1980, the Racine County Safety Building had two courtrooms built with bullet proof judicial benches, closed circuit television cameras monitored by deputy sheriffs, and silent alarms that a judge could activate.

Judge Dennis Flynn served on the Courtroom Security Committee representing Racine, Kenosha, and Walworth Counties. Discussions centered on security, including propositions for spectator screening, judges carrying guns, and even judges being assigned body guards. Judge Jon Skow advocated for carrying guns. Judge Richard Harvey acknowledged that he kept a gun in his desk drawer. At the request of Judge Skow, the Attorney General Bronson C. Lafollette was asked for a legal opinion on the issue. The opinion was issued advising that judges could not pack guns.

In 1994, a task force was created to study courthouse security. The task force panel recommended every county put two deputies in criminal courts and implement metal detector screenings. The panel also recommended the construction of safe rooms for victims and witnesses. Some organizations were lobbying at the time for increased security in family courtrooms. Studies were reviewed which indicated that the presence of trained security officers were the single greatest deterrent to violence in courtrooms.

In June of 1995 Supreme Court Rules 70.38 and 70.39 established standards for circuit court security. Although the Supreme Court did not mandate changes because of the age, configuration, and lay out of so many courthouses, the recommendations were very beneficial to the circuit courts. As a result, Racine County adopted additional courthouse security measures. In 1996, Judge Emily S. Mueller indicated that the standards on courtroom design were of great help in providing an understanding of the needs of judges, staff, and the public in participating in the legal proceedings. She further indicated that Racine County had used the standards developed by the Supreme Court many times in the courtroom construction process.

In 1997, in response to some courthouse shootings outside of Racine County, a Commission on Violence and the Justice System was established. In June, it recommended that the courts establish reasonable controls on courthouse access, utilize metal detectors, limit



number of courthouse entrances, use metal detector wands in smaller counties if metal detectors were too expensive, and utilize silent alarms, video surveillance, video conferencing, construct safety screens, such as bullet proof glass, and use uniformed officers, and secure and separate waiting rooms.

Based on the recommendations, the Supreme Court required courts to establish security requirements and facilitate security committees. It recommended rather than mandated that two security officers be used in court. They also suggested that court officers should have two way radios and metal detectors. In addition, the Justices felt Courts should use alarm systems and install public address systems and external surveillance. The Justices recommended single courthouse entrances, check points for weapons, courtroom benches designed to deter attacks, and secured rooms for witnesses and victims. They further recommended routine, daily searches of the courthouse for weapons and explosives, and establishment of reporting and responding systems. Lastly, they recommended development of safe methods for collection of fines and court fees.

In the late 1990s, the Racine County Law Enforcement Center added metal detectors and an x-ray machine. The county also purchased hand held metal detecting wands. It further implemented many of the recommendations. Barrier went up for collections of fines and fees. Despite increased security in the Law Enforcement Center, the courthouse has remained open and barrier free. Based on its construction, there are essentially two public entrances on the west and east sides. As of 2012, despite a lot of discussions and meetings on security, no agreement has been reached on which entrance to close off or whether to purchase equipment to secure both entrances. Finances are always an issue.

Some courthouses are implementing surveillance systems in conjunction with other tools such as access control. These tools along with metal detectors and magnetometers are changing the security environment. New high tech cameras enable security to see high resolution images of people and objects that were not available several years ago.

There is some hope that courthouses will get more secure through federal funding. The Local Courthouse Safety Act was proposed in February of 2012. The federal bill would provide resources for safety equipment like metal detectors.

As for judges packing, Concealed Carry passed the legislature in 2011. Licensed judges, district attorneys, and assistant district attorneys can now legally carry guns in courtrooms.

In March of 2012 court officers were issued tasers for the purpose of restraining prisoners and controlling violent and unruly courthouse spectators. Also, a program was initiated to train courthouse personnel on safety should an incident occur.

## **TECHNOLOGICAL ADVANCES**

The first speaker phone in court was utilized in 1976 by Judge Flynn in Juvenile Court. That same year, computers came into use in the Racine Court system in the areas of word processing and jury management. Throughout the court system much planning is now underway

regarding the use of new technology. In 1991 each Judge was provided a computer, and Court software, through the CCAP project. Since 1996, video conferencing is being used to allow juveniles and staff to appear in court from the Human Services Department which, is located in the old Massey Ferguson building, more than two miles from the courts. This was developed primarily by Judges Ptacek and Wheeler. The juvenile is brought to a room in Juvenile Detention where the video conferencing equipment is used to place a telephone call to equipment in the courtroom. Human services staff will also call the courtroom and 'appear' in court at the same time. Use of this technology reduces operating costs and makes Juvenile Detention more secure.

More change is anticipated, particularly through the Circuit Court Automation Project. Judge Gerald Ptacek served on the committee that manages the statewide CCAP effort. The first computer actually used in a Racine courtroom itself, occurred with Judge Flynn in Family Court in 1986. In 1996 there were computers in all 10 of the Racine courtrooms. In 1986 its primary use was to ascertain payment records and arrearages in child support for noncustodial parents who were picked up on nonsupport warrants or charged with contempt. They were then installed in all of the courtrooms. The 1990's and early 2000's also brought innovation with fax machines, printers, modems, flat TV screens with VHS video playback capabilities and other equipment. This equipment was routinely used to assist with data retrieval and communication. In 2010, the courts' telephones systems were updated to allow judges and court commissioners to conduct telephonic conference calls.

In 2010 the courts started allowing electronic filings and 2011 brought electronic citations. In 2012, the courts are using CCAP to publish docketing, update court proceeding information, publish significant case specific events, and publish future calendaring. The public can actually follow along with court proceeding updates, including filings, motions, trial witnesses, and verdicts. Although specific information is not provided, in time, this too may be available on CCAP. In 2012, it is anticipated the ten (10) Racine Circuit Court Branches will have two media carts (with a dvd player, flat screen TV, and computer adaptability) and one Elmo Digital Visual Presenter which can be hooked into either media cart. There will be one cart in the law enforcement center and one in the courthouse for use in the courts. This is subject to final approval by the county executive. Racine County lags other counties in southeastern Wisconsin which have more advanced technology, such as Elmos in all courtrooms, court rooms wired for computers (laptops and tablets), and LCD and LED televisions. However, with budget constraints, the courts are doing what they can with the resources provided. More change regarding how disputes are handled will occur, in all likelihood, within the next 25 years in our courtrooms than in the past 1,000 years. The objective of fairly resolving conflicts, however, remains a constant.

## **JUSTICE OF THE PEACE SYSTEM**

The Justice of the Peace system was a constitutionally created system required in each village, town and city within the boundaries of the state of Wisconsin. It was a part-time position with the Justices hearing minor court controversies and performing marriage ceremonies. The Justice of the Peace system was repealed April 1966.

## **THE CALL OF THE CALENDAR**

This procedure, under which attorneys were called upon to review the current status of their pending cases with the Judges so as to schedule dates on the calendar for various proceedings, originated with the circuit rider Judges who traveled around the various circuits. They would come into the county seat and gather all the attorneys together to decide who was ready to go forward with their cases and who was not. This was particularly useful when the Circuit Judge was responsible for Racine, Kenosha and Walworth Counties.

This practice continued in Racine County in the Circuit Court system until the early 1970's, long after the circuit riders had disappeared from the scene. There were two terms (Fall and Spring) at the beginning of which all attorneys with cases to go before the Judge were called for a status recital and calendaring of dates. This practice has been replaced with the present day individual scheduling conferences that occur all year long. Court management has itself become a discipline in the 1980s and 1990s.

The original Call of the Calendar has changed significantly from a status and calendaring event to a ceremonial event. The tradition of attorneys meeting with the judges has been carried forward by the Racine County Bar Association, which now uses the Call to gather judges and lawyers to eulogize deceased bar members, welcome new members to the bar, and publish portraits of retired judges. At the Call, deceased members are eulogized by one individual selected by the departed's family. Eulogies date back to the 1800s. New members are sworn into the bar and are asked to sign the bar roll book, which dates back to the 1800s. In 2011 the Board of Governors for the bar association voted to start funding the costs of portraits of retired judges. With the untimely death of Honorable Dennis Barry in 2011, the bar decided to present the portraits at the Call of the Calendar. The portraits can be found hanging in Branch 5 on the fourth floor of the courthouse.

## **THE CLERK OF CIRCUIT COURT**

The Clerk of Circuit Court is a statutorily created position. The clerk's duties include court proceedings record management; jury management; collections of fines, fees, forfeitures, assessments and surcharges as ordered by the court. The Clerk of Circuit Court is accountable for the budgeting and administering of trial court resources, developing effective policies and procedures and maintaining courteous, proficient and professional services in the operations of the circuit court system.

Rose Lee is the Racine County Clerk of Circuit Court. She was appointed the county's Clerk of Circuit Court in 2008, and was thereafter elected in an unopposed election. She replaced Clerk of Circuit Court Taraesa Wheary, who died of lung cancer.

## **THE HEARING OF CIRCUIT COURT CASES IN BURLINGTON**

The holding of court in the City of Burlington as a regular practice began in 1965, with Judge Wendt when he began hearing Probate matters there quarterly. Traffic and Misdemeanor cases were heard there beginning in 1969 by Judge Harvey. Judge Flynn initiated the hearing of Juvenile and Small Claim matters in 1976, and Family Court was included by Judge Vuvunas in 1979. All current Racine Judges are committed to and involved in conducting court business regularly in Burlington for the convenience of citizens who live in the western part of Racine County. Judge Torhorst resides in Burlington and maintained a law office there for over 20 years before being elected a circuit judge.

## **WATERFORD PROBATE HEARINGS**

Judge Jon Skow held probate hearings in Waterford every other month during his judgeship in Probate Court. This was a commitment he kept because of wanting to provide better service to our citizens and because of a campaign promise.

## **COUNTY MUNICIPAL COURT SYSTEM**

The current Municipal Court system, used by most of the county's villages, townships and cities, is an outgrowth of and a replacement for the constitutionally created Justice of the Peace system (repealed in 1966) which each local governmental unit had since the initial days of our statehood. The present Municipal Court system is optional, created by the unit's ordinances. The Judges/Justices are elected and do not have to be attorneys. The courts meet on a regular, though less than full-time basis. The Municipal Courts have jurisdiction over municipal ordinance violations that may result in forfeitures. As of 2012, there were fifteen (15) municipal courts in Racine County.

## **VILLAGES**

### **Elmwood Park**

Incorporated as a village on June 27, 1960. Has never had a Municipal Justice nor Justice of the Peace system.

### **Mount Pleasant**

Became a township in 1838. At that time, Yorkville and Mt.Pleasant were combined. In 1842 Yorkville was "broken away" from the township. The township of Mt.Pleasant initiated its Municipal Justice system in January 1962, with the appointment of Jerome Konicek. Mt. Pleasant incorporated as a Village on September 16, 2003. William Binetti served as the Municipal Justice for many years before stepping down. Michael Phegley was appointed to replace him and won re-election to the position.

### **North Bay**

Became a Racine County village in 1951. Historically, North Bays never had its own Municipal Justice nor Justice of the Peace system. In recent years, Wind Point has shared its Municipal Justice John W. Knuteson with North Bay.

### **Rochester**

Became a Racine County village in 1912. Has never had a Municipal Justice nor Justice of the Peace system.

### **Sturtevant**

Became a village in 1907. Deborah Schenkenberg was the Municipal Justice. Currently, Robert E. Niemiec is the municipal judge.

### **Union Grove**

Became a Racine County village in 1893. Began its current Municipal Justice system in 1979. Before that, a Justice of the Peace system was used. Charles A. Bullis was the Municipal Judge. Rod Koenen was the municipal judge, but he lost a contested election to Melanie Reichert in 2011.

### **Waterford**

Became a village in 1906. The village of Waterford created its Municipal Court in October 1977. Gregory Miller serves as a Municipal Justice.

### **Wind Point**

Became a village in 1954. Judge Richard G. Harvey was the Justice of Peace system until a Municipal Court system was created in October of 1982. Joseph Kivlin, Jr. was the Municipal Justice. The position is currently held by John W. Knuteson.

## **TOWNSHIPS**

### **Burlington**

Became a township in 1839. The Town of Burlington formed its first Municipal Court system in October 1993. Cheryl Mick helped establish the court and was appointed as the first Municipal Justice. In April 1994 Richard Scholz, a Burlington attorney, was elected municipal judge in an uncontested race. In the April 13, 1994 edition of the Racine Journal Times, it was reported that initial revenue projections by the police department expected the new court to generate about \$7,000 per year. In reality, between October 1993 and April 1994, the court had generated \$15,377 in fines and other related costs. Currently, Richard Scholze is the municipal judge.

### **Caledonia**

Named a township by Governor James Doty in 1842. David W. Paulson is the current Municipal Justice, and he has held that position for many years.

### **Dover**

Became a township sometime after February 2, 1846. On that date, Governor Dodge approved an act defining the boundaries of the Town of Yorkville, which included the eastern half of the present Town of Dover. Captain John Todd Trowbridge became Justice of the Peace in 1843. Rosalyn Calek was the municipal judge in 1996 and for some time thereafter. The township's municipal judgeship is now under the direction of Judge Richard J. Barta.

### **Norway**

Became a township in 1847. Norway had a Municipal Justice system but dissolved it in 1987. In 1993 an ordinance was passed recreating the Municipal Justice system. It became effective in May 1994 and attorney John Riester was the Judge. Now, Douglas P. Pachucki holds the position.

### **Raymond**

Became a township in 1846. Glenn Staeger was the municipal judge. Joseph M. Purpero is the current Municipal Justice.

### **Rochester**

Became a Racine County Township in 1838 or 1839. Has never had a Municipal Justice nor Justice of the Peace system.

### **Waterford**

Became a township in 1847. Jill A. Mitchell is the Municipal Justice.

### **Yorkville**

Organized as a township by the Wisconsin State Legislature on February 17, 1844. Incorporated as a township in 1846. In 1961 the Town of Yorkville discontinued the office of Justice of the Peace. A Municipal system was created. Richard J. Barta is the Municipal Judge.

## **CITIES**

### **Burlington**

The village of Burlington was established in 1839. In 1900 it became the City of Burlington. It started its Municipal Court system about 1987. Before that, the Racine County Circuit Court would hold court in Burlington monthly. Tom Dolatowski was the first Municipal Judge. Marvin V. Daniel is the current Judge.

### **Racine**

The village of Racine was established in 1838. It became the city of Racine in 1848. The City of Racine has the largest Municipal Court system in Racine County and one of the largest in the state. It was created in 1974, and has a one-half time judgeship position with Robert Michelson being its original Judge (in 1994). The current Municipal Judge is Mark F. Nielsen.

## **UNINCORPORATED COMMUNITIES**

The following unincorporated communities did not establish a separate Municipal system.

**Beaumont** – Located in Town of Dover

**Caldwell** - Located in Town of Waterford

**Cedar Park** – Located in Town of Burlington

**Eagle Lake Manor** – Located in Town of Dover

**Franksville** – Became part of the newly-established Village of Caledonia on March 20, 2006.

**Husher** – Located in Village of Caledonia

**Ives Grove** – Located in Town of Yorkville

**Kansasville** – Located in Town of Dover

**Kneeland** – Located in town of Raymond

**North Cape** – Located in Towns of Norway & Raymond

**Rosewood** – Located in Town of Dover

**Sylvania** – Located in Town of Yorkville

**Tichigan** – Formerly know as Waterford North

**Union Church** – Located in Towns of Norway & Raymond

## **JUDICIAL COURT COMMISSIONER**

Court commissioners assist the courts in the administration of justice. The chief judge of a judicial administrative district is required to appoint officers of the court to perform limited judicial and quasi-judicial functions under the direction and authority of the chief judge and the judges of the circuit.

Racine County's Judicial Court Commissioner is usually assigned as needed in the following judicial areas: juvenile, criminal and traffic, probate, and civil.

James Drummond was the original judicial court commissioner. His duties expanded to meet the needs of the judges. Following his retirement in 2005, Alice Rudebusch was appointed Juvenile and Judicial Court Commissioner.

Other Court Commissioners assisting the courts with the administration of justice include: John M. Bjelajac, Joe Kremksoski, John champion, Wynne Laufenberg, Domino Cruz, Mark Lukoff, Timothy Daley, Lincoln Murphy, Jerry Delcore, Bruce Fishbain, Christopher Page, Michael Phegley, and Robert Goepel. County of Racine, 2010 Official Directory of Public Officials.

## **FAMILY JUDICIAL COURT COMMISSIONER**

In 1909 the Wisconsin Legislature enacted Ch. 323 of the Wisconsin Statutes which created the office of "divorce counsel." The chief duty of the office was to actively represent the interests of the public in all divorce actions. That meant insuring that proper grounds for divorce existed and efforts at reconciliation had been attempted. In 1959 the legislature changed the title of the office to the "Family Court Commissioner" and increased the duties to include a variety of "quasi-judicial" functions such as presiding at the initial stages of divorce actions. Racine was served by several divorce counsel including Earl Buelow in the mid 1920's to the mid 1930's. Harold Konnak from the mid 1930's to the early 1940's, Donald Butchart from 1943 to 1945, Floyd Monk from 1945 through the early 1950's when Harold Sheets was appointed.

In Racine County the office of divorce counsel was part-time up to and through its transformation as the office of Family Court Commissioner. In 1959 Harold Sheets was appointed by the Judges of Racine County as the first Family Court Commissioner. However, it was not until 1980 that the position was made a full time office of County government.

Commissioner Sheets took the sparse definitions and mandates of the newly enacted statutes in 1959, and created an organized, efficient office of Family Court Commissioner. He helped bring much needed clarity to the office of Family Court Commissioner and the interrelationship as a county and state entity.

In 1972 Attorney J. Lester Johnson was appointed to replace retiring Commissioner Sheets. He introduced family court counseling services, general public presentations on topics such as alcoholism, domestic abuse, and family budgeting, standard forms for orders to show cause to enforce support and temporary orders in pending divorces, individual calendaring of divorce cases for initial appearances to avoid congestion and provide an atmosphere of individualized treatment for each family. It was during Commissioner Johnson's tenure that Racine began to develop its national reputation as a leader in child support, establishment and

enforcement, largely through the efforts of his assistant, (later Circuit Court Judge) Emmanuel "Butch" Vuvunas.

In 1980 then Assistant District Attorney Kevin Van Kampen was selected as Family Court Commissioner. He has emphasized close work with the Circuit Court Judges, State Bar, State Child Support Agency and County Board. This has resulted in the development of an office that can be looked upon as the prototype for the entire State, blending aggressive advocacy on behalf of the public and modern, innovative, quasi-judicial techniques to provide the public an accessible forum for resolving family disputes.

Under Commissioner VanKampen the following system developments occurred:

- (1) The Family Court Counseling Service was expanded to include three full time, on staff family court investigators to assist courts in custody and placement decisions.
- (2) Legislatively mandated mediation was implemented to provide families an alternative to costly litigation of custody and placement disputes.
- (3) Child support enforcement functions, handled for many years by part-time Commissioners. Thomas Tollaksen (later West Milwaukee City Administrator) and Nancy Wheeler (later Racine County Circuit Judge) were shifted to a child support agency freeing up the Commissioner and his assistants to handle high volume divorce, paternity and child support actions which freed up the Family Court Judge to concentrate on complex family court litigation.
- (4) The Family Court Commissioner's office began presiding at stipulated divorce and paternity hearings for entry of judgment, as well as domestic abuse injunction hearings and return appearance on arrest orders to support matters.
- (5) Six guardian ad litem were hired to represent the interests of children in actions affecting the family.
- (6) Two full time assistant Family Court Commissioners were hired to work in the office - - Willian H. Honrath and Julie O. Pasteur.

In addition, this office, primarily through the renowned research abilities and advocacy skills of Deputy Family Court Commissioner William H. Honrath, handled successfully many significant appellate cases which improved and clarified family law state wide.

Racine, in August 1994, had two Circuit Court Judges, three attorneys in the Family Court Commissioner's office, three mediators, six part-time Guardians ad Litem and a Child Support Office (directed by attorney Gail Lorenzen).

As of 2012, the structure of Family Court has not changed. However, Kevin Van Kampem has become Family Circuit Court Commissioner on a part-time basis. In January of 2012, Anissa Dunn was appointed Family Court Commissioner. Georgia Herrera serves as the Deputy Family Court Commissioner. Another assistant court commissioner will be appointed. Applicants are being interviewed.

According the Racine County website, the Family Court Commissioners duties include the authority to issue temporary orders in divorce actions. Parties filing a divorce action must appear before the Family Court Commissioner who issues orders concerning child custody, child support, visitation, and the use of property during the transitional period.

The Family Court Commissioner conducts hearings on all post-judgment motions brought to modify and enforce custody and child support orders, domestic abuse injunction hearings, all divorce pre-trials and most stipulated divorces.



Court Commissioner hearings and clerical support are provided by the Racine County Child Support System for all actions brought to establish and enforce child support obligations including all paternity actions. Beginning May 2000, the office also began entering orders in all paternity cases for custody and placement pursuant to legislation passed in 2000.

By the provisions of Sec. 767.11 Stats., the office also operates the Family Court Counseling Service of Racine County. Mediation and evaluation services are provided in child custody and child placement disputes by the Family Court Social Workers, whose offices are located on the fifth floor of the courthouse.

In 2012, injunctions for harassment hearings were moved from the courthouse to the Racine County Law Enforcement Center for security reasons.

## **JURY SERVICE**

Jury service is part of every citizen's civic duty. The right to trial by jury is a usually public event, but the proceedings can be closed if certain circumstances warrant it. Jurors are paid a mileage fee and a nominal fee of \$16.00 for a full day and \$8.00 for a half of day of their service. Many employers compensate jurors for being absent from work, but it is not a legal requirement. However, State law precludes employers from firing, demoting, or harassing a citizen for participating in jury service.

Some juries in Racine County have been sequestered (not allowed to go home at night), but this is a rare occurrence. A sequestered jury would most likely occur in a high profile criminal case. A sequestered jury in civil case would be a unique occurrence. Most trials only last one to two days, and jurors are permitted to go home. Although most trials do not go into the evening hours, on some occasion's judges keep juries longer than the typical 5:00 p.m. This can be because of witness scheduling issues, court calendaring issues, or jury deliberations being allowed to extend beyond the normal hours. There can be other reasons, but these are the most prevalent.

Jury pools are selected from throughout Racine County. In 1996, prospective jurors were asked to be available for six weeks. They had to assemble each day in the jury selection area on the 8<sup>th</sup> floor of the courthouse. At any time during the six weeks of service, a prospective juror could be selected to be on a jury. The juror would then be required to sit on a jury for the duration of the trial. At the conclusion of the trial, the juror would be excused from further jury service. In the early 2000s the term of service was reduced to two weeks. Prospective jurors were asked to report to the jury assembly area every day. If there were not any trials or not all citizens reporting were necessary, the potential jurors would be excused for the day. They were required to report again the following day. This would occur for the first few days of the week. Thereafter, citizens were usually excused for the remainder of the week because few trials started in the later days of the week. More recently, the jury service term has been reduced to one week. The courts have become more cognizant of the burden lengthy jury service places on its citizens. Reduced length of service has increased participation.

Another recent change involves jurors being "on call" for the term of their service. Prospective jurors are asked to call a recording each evening after 6:00 p.m. to find out whether they will be required to report to the jury room the following day. This change has especially helped citizens traveling to downtown from western Racine County. It has reduced travel time and the expense of the trip. The adoption of the "on call" juror has greatly diminished the inconvenience of jury service.

In 2010 the Racine County Circuit courts adopted mandatory mediation in civil cases. Judges now require litigants to seek alternative dispute resolution before going to trial. Mediation has facilitated compromise and settlement at earlier stages in litigation. With the adoption of mediation, more civil cases are being settled. With less jury trials, the need for lengthy jury service has been diminished.

In 2011 the Racine County Bar Association asked the downtown business community to assist jurors by supplying information about local eateries and businesses. Jurors are now supplied with packets of information and discounts for utilizing the services of downtown businesses. It has made jury service more enjoyable and less daunting when a judge says, "You are hereby dismissed for the lunch hour" or "We need to take a two hour break." Jurors now have more options for passing time when court is not in session.

## **ALLOCATION OF DUTIES AMONG CIRCUIT COURTS**

In 1994 the 10 Circuit Court positions were, under local court rules, divided into five work areas with teams of two judges assigned to each area. Racine County has a judicial rotation system under which a judge stays in an assignment for 2 years and then moves to another assignment. The work areas:

- A. Traffic and Misdemeanor – 2 Judges
- B. Family and Probate – 2 Judges
- C. Juvenile – 2 Judges
- D. Felony – 2 Judges
- E. Civil - large and small claim matters – 2 Judges

In 2010 the 10 Circuit Court positions, under local court rules, remained in five divisions. The judicial rotation has remained the same, with the rotation occurring on August first of each even numbered year. Work area percentages for the judges:

- A. Traffic and Misdemeanor (50/50) – 2 Judges
- B. Family and Probate (60/40) – 2 Judges
- C. Juvenile (70/30) – 2 Judges
- D. Felony (40/40/20) – 2 Judges, but juvenile Judge picks up 20%
- E. Civil (50/50) - large and small claim matters – 2 Judges