



JUDICIARY

The judicial branch: profile of the judicial branch, summary of Supreme Court decisions, description of Supreme Court, lower courts and judicial service agencies

JUDICIAL BRANCH

A PROFILE OF THE JUDICIAL BRANCH

History. The basic powers and framework of the court system in Wisconsin were laid out in Article VII of the Constitution when Wisconsin became a state in 1848. Judicial power was vested in a Supreme Court, circuit courts, courts of probate and justices of the peace. The Legislature was granted power to establish municipal and inferior courts and, subject to certain limitations, to determine their jurisdiction. By the 1848 Constitution, the state was divided into 5 judicial circuit districts. The 5 judges presiding over the circuit courts were to meet at least once a year at Madison as a Supreme Court until the Legislature established a Supreme Court as a separate body. In 1852 the Legislature established a separate Supreme Court consisting of 3 justices. The number of justices was increased to 5 in 1877 and in 1903 to 7, its present number.

Over the next 100 years, the Legislature acting pursuant to constitutional authority created a large number of statutory courts with varying amounts of jurisdiction. As a result of all the special laws, there existed no uniformity among the counties in either procedure or jurisdiction. In addition, there was overlapping jurisdiction between the different types of courts in a single county. Court procedure in the various courts was not the same either. Furthermore, a number of special courts sprang up in the heavily urban areas such as Milwaukee County, where the judicial burden was the greatest. By 1958, the Legislature had created 29 municipal courts and many inferior courts, viz.: 2 superior courts, several small claims courts, and in Milwaukee County a civil court with 6 branches, a district court with 2 branches and a children's court. Police justice courts were also established by municipalities for enforcement of local ordinances; and there were some 1,800 justices of the peace courts, many of which were virtually inactive.

Reorganization. This apparently confused pattern led the 1951 Legislature to direct the Judicial Council to study and make a recommendation for

a court reorganization plan. As a result of thorough study, the 1959 Legislature enacted Chapter 315, Laws of 1959, effective January 1962. This law provided for the primary reorganization of the court system. The Legislature has since refined this plan by a series of acts.

The jurisdiction of the Supreme Court and circuit courts remained unchanged. The most significant change in the reorganization was the abolition of the special statutory courts (municipal, district, superior, civil and small claims). All the separate acts relating to the county courts were repealed, and the county court was reestablished with uniform jurisdiction and procedure throughout the state. Where the special courts operated full time and had a full-time judge presiding, a branch of county court was created to absorb and continue their function.

Another important change provided the machinery for the administration of the court system. One of the problems under the old system was that the case load was uneven—heavy in some areas and light in other areas. Sometimes, too, the work load was not evenly distributed between the judges of a single area. Chapter 315, Laws of 1959, provided machinery to improve the efficiency of the courts. The Chief Justice of the Supreme Court was authorized to assign circuit and county judges to serve temporarily in either the circuit or county courts when needed. The 1961 Legislature took one step further and established the office of court administrator (Chapter 261).

A third major change in the court system was the abolition of the constitutional justices of the peace. This amendment was ratified by the electorate in the April 1966 election.

Structure. As reorganized, Wisconsin's court system consists of a Supreme Court, circuit courts, county courts and municipal justice of the peace courts.

The judicial branch is headed by a Supreme Court of 7 justices elected state-wide for terms of 10 years. Although primarily the appellate court for the state, the Supreme Court also has original jurisdiction for a limited number of cases of state-wide concern. It is also the final authority on the State Constitution.

Courts of original jurisdiction in the state include the 70 county courts and the 26 circuit courts. The circuit courts are the principal trial courts. A circuit court district may comprise one county or several counties, and a circuit court may have several branches. Most counties have a county court, and some county courts have several branches. All county courts have uniform jurisdiction. They have civil jurisdiction concurrent with the circuit courts up to a specified amount, criminal jurisdiction similar to that of circuit court except for treason and certain Milwaukee County matters, and exclusive jurisdiction in probate matters, most juvenile matters, and adoptions. Some cases can be appealed from a county court to a circuit court.

A total of 207 municipal justice courts have been created by cities, villages and towns. Their jurisdiction is limited.

Judges. Justices of the Supreme Court and judges of the circuit and county courts are elected on a nonpartisan basis in April. When 3 or more candidates file nomination papers for an office of judgeship, a primary election is held 4 weeks prior to the April election. All these judges must be less than 70 years old and licensed attorneys. In addition, the Supreme Court Justices and circuit court judges must have at least 5 years' experience as attorneys to qualify for office. Vacancies in the offices of judges are filled by the Governor until a successor is elected. In elections held to fill vacancies, judges are elected for full terms instead of the remainder of the unexpired terms.

The 7 Supreme Court Justices are elected at large; the judges of county and circuit courts are elected in their respective counties or circuit court districts.

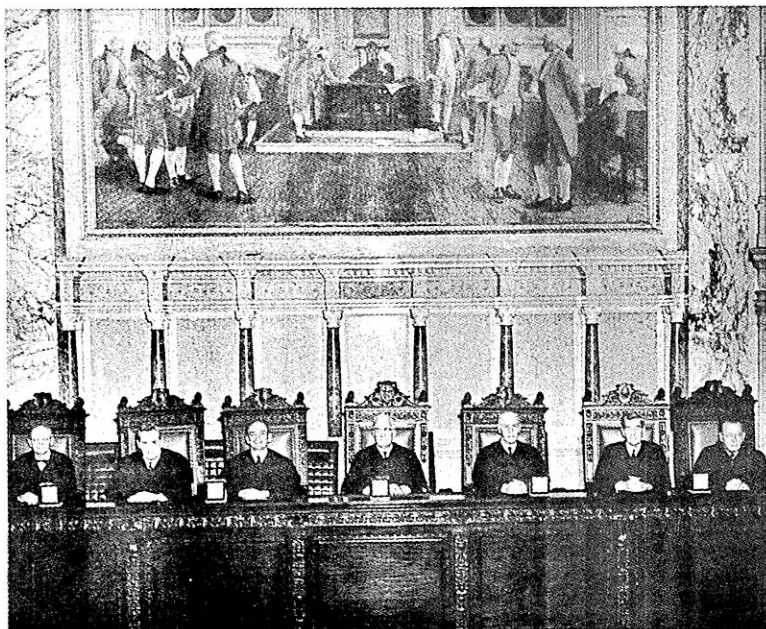
The municipal justices of the peace are also elected in April but candidates for these offices need not be attorneys to qualify. They are usually not full-time positions.

Judicial Service Agencies. The Judicial Branch is aided in its function by numerous agencies, composed, for the most part, of judges and attorneys.

The Supreme Court appoints the Administrator of Courts, Public Defender, State Bar Commissioners and the Committee for Promulgation of Procedures to Implement the Code of Judicial Ethics; and constitute—along with the Attorney General—the Board of Trustees for the State (law) Library. Other agencies forming a part of the Judicial Branch include the Court Commissioners; Judicial Council; Administrative Committee for the Court System; Judicial Conference; the Boards of Circuit Court Judges, County Judges, Criminal Court Judges, and Juvenile Court Judges; and the State Bar of Wisconsin.

Their shared primary concern is to improve the organization, operation, administration and procedures of the state judicial system. Other functional areas of some of these agencies relate to raising professional standards, judicial ethics, legal research and law reform, defending the indigent, investigating complaints and disciplining misconduct.

The 1970 Wisconsin Supreme Court in session. From left to right are Justices C. T. Hansen, Heffernan and Wilkie, Chief Justice Hallows, and Justices Beilfuss, Hanley and R. W. Hansen. The mural on the wall behind the dais is the Albert Herter painting, "The Signing of the Constitution."



SUMMARY OF SIGNIFICANT WISCONSIN SUPREME COURT DECISIONS

1967-69 Biennium

Frederick T. Olson and Charles D. Clausen
Marquette University

Introduction

The Supreme Court of Wisconsin receives relatively little public attention as compared to that received by the Supreme Court of the United States. Certainly, the reason is not that the court is idle. On the contrary, during the 1967 term, the seven justices who comprise the court disposed of 280 cases. In the 1968 term, the court produced 285 written decisions. These figures do not include the court's work on the Code of Judicial Ethics, work on amendment to Bar Rules, action on original writs, or the many miscellaneous tasks which occupy the time of the justices. The apparent lack of knowledge by the citizen of the work of the Wisconsin Supreme Court is probably best explained by the types of cases handled by the court. While many U. S. Supreme Court decisions have repercussions reaching deep into the life-pattern of every citizen (one man—one vote, school desegregation, school prayer, etc.), many of the state Supreme Court decisions are essentially private; that is, they immediately affect only the parties to the law suit. But these statements are generalities which necessarily suffer from overbreadth. The U. S. Supreme Court and the Wisconsin Supreme Court have much more in common than they have distinguishing them.

Some preliminary consideration must be given to the jurisdiction of the court, that is, its power to act in certain situations. That power is derived from the state Constitution, which provides that the Supreme Court shall have original and appellate jurisdiction. Appellate jurisdiction refers to the court's power to review lower court decisions for errors of law. The bulk of the cases handled by the Supreme Court are brought to the court by appeal from lower court decisions. However, in certain circumstances, the court may act even though no lower court has rendered a final judgment. For example, one who has been imprisoned illegally pending trial may petition the Supreme Court for a writ of habeas corpus commanding the petitioner's jailer either to justify the imprisonment or to release the prisoner. Since, in such a situation, the court is not reviewing an inferior court's judgment, the Supreme Court's jurisdiction is said to be original.

Jurisdictional Cases

The jurisdiction of a court is often the most important issue in a case. For example, in *Outagamie County v. Smith, State Treasurer*, appearing in Volume 38 of the Wisconsin Supreme Court Reports, 2nd Series, at page 24 (38 Wis. 2d 24), Outagamie County and certain individuals sought a circuit court review of the actions of a special committee, which was created by the Legislature and whose members were appointed by the Governor. The committee's purpose was to recommend a site for a new university in northeastern Wisconsin. The plaintiffs believed that the committee had not based its decision on the proper criteria in recommending a site in the Green Bay area. The state, as defendant, argued that the circuit court was without jurisdiction to resolve this type of dispute. The circuit court ruled that it had ju-

risdiction, but on appeal the Supreme Court reversed. The Supreme Court held that the location of a campus site for an institution of higher learning is within the province of the Legislature and that the courts must not interfere with the conduct of legislative affairs in the absence of a constitutional mandate to do so, or unless there is involved a deprivation of constitutionally protected rights. It is easily seen that questions of jurisdiction can involve substantial problems of "balance of power" between the judicial branch of government on the one hand and the executive and legislative branches on the other.

In the *Outagamie County* case, it was the plaintiffs who tried unsuccessfully to convince the court that the subject matter of the case was within the court's jurisdiction. In *In re City of Fond du Lac*, 42 Wis. 2d 323, it was the Legislature itself that unsuccessfully tried to confer jurisdiction by means of a statute. Chapter 66 of the Wisconsin Statutes provides that, in certain circumstances, a county court may determine whether the establishment of a metropolitan sewerage district is in the best interest of the metropolitan area, and, if so, what the boundaries of the district should be. In striking down a lower court judgment establishing a sewerage district for the Fond du Lac area, the Supreme Court ruled that the Legislature's attempt to delegate to the court the authority to determine the public interest and to establish boundaries was unconstitutional. The resolution of such problems, said the court, must be made by the Legislature.

The jurisdictional cases are interesting in illustrating the court's role vis-a-vis the other branches of state government. Most cases, however, do not involve serious jurisdictional disputes. Cases are often grouped according to their subject matter, e.g., contracts, probate, divorce, etc. However, it is useful in discussing the functions of the Supreme Court to categorize cases according to the parties to the suit. Accordingly, the cases will fall into three classifications: (1) those involving disputes between governmental units, (2) those involving disputes between citizen and governmental units, and (3) those involving disputes between private individuals. A fourth group of cases illustrates the Supreme Court's role in controlling professional standards for judges and attorneys.

Suits Between Governmental Units

An interesting case involving disputes between governmental units is *West Allis v. County of Milwaukee*, 39 Wis. 2d 356. The state Legislature authorized Milwaukee County to develop a county-wide incinerator system and to levy property taxes to finance the system. The City of West Allis, which is a part of Milwaukee County and has its own refuse disposal system, objected to the plan on the ground, among others, that the plan calling for duplication of functions by county and municipal governments was unconstitutional under the state constitution. The court upheld the constitutionality of the plan on the basis of the Legislature's determination that it was in the interest of the public generally to have an adequate county-wide system of refuse disposal to meet the unique needs of Milwaukee County. While the case is less than earth-shaking in its implications for the average citizen, nonetheless it illustrates that legal disputes can arise almost as easily between governmental units as between private citizens.

Suits Between Citizens and Governmental Units

It should not be thought that the Supreme Court's role is limited to the

somewhat rarefied atmosphere of intergovernmental disputes, however. Another function the court fulfills is that of resolving disputes between individuals and their government. If this still seems to keep the court aloof from everyday experience, it might be helpful to consider the variety of forms in which the government and one of its citizens can be at odds. Of course, the criminal vs. society conflict is perhaps the most apparent. Thus, in *McKinley v. State*, 37 Wis. 2d 26, the court was confronted with an appeal brought by a defendant who alleged that her conviction for second-degree murder in the stabbing of her boyfriend was aided by the "psychological coercion" attendant upon her forced viewing of the victim in the morgue. If the facts seem a little extreme, it should be noted that the court had been faced with a similar situation only a few months before in *Bradley v. State*, 36 Wis. 2d 345, and had there set down some guidelines for such cases; while the confession in *Bradley* had been found to be "voluntary" because five hours elapsed between the morgue viewing and the confession, the conviction in *McKinley* was reversed, because the confession was not necessary for identification and because it had so immediately followed the viewing. Pointing out that a defendant is entitled not only to a due process which insures reliable "determination of . . . guilt or innocence . . . , [but] a due process which respects his human dignity," the court held that the confession was "the result of such psychological pressure as to render the same involuntary."

McKinley serves to illustrate that national concern with the rights of the individual accused of crime has been paralleled in Wisconsin. However the results of this concern are viewed, the court, at least, has chosen not to take—as well it might—a passive role that would make it somewhat oblivious to the national problems that are presented in Wisconsin on a smaller scale. And the court's action takes different routes—as different as the facts that make up the cases with which it is faced. Thus, in *State v. Leonard*, 39 Wis. 2d 461, the court was presented with a defendant who was sentenced to four three-year terms for forgery, the sentences to be served concurrently. But when the sentence was vacated because the defendant had not been given his constitutional right to counsel at sentencing, the county court resentenced him to, in effect, three additional years. The issue thus presented was: "On resentencing, may a defendant be given a harsher sentence than the one originally imposed?" Pointing out that the United States Supreme Court had not yet decided this issue, the Wisconsin Court went on to hold that on resentencing, a trial court will be barred from imposing an increased sentence unless new events occur, or unless the court is given additional facts warranting a harsher penalty.

It was in *Hawthorne v. State*, 43 Wis. 2d 82, that the defendant alleged he had been "entrapped" into giving a police officer a packet of marijuana. Normally a finding of entrapment (i.e., that the defendant acted only at the instigation of the police) precludes conviction. The court upheld Hawthorne's conviction for the sale of marijuana by applying "the origin of intent" test to determine whether an entrapment had occurred. Such test has been adopted by the United States Supreme Court and states that if the police agent induced the accused to commit the offense charged, he (the accused) has not been "entrapped" if he was yet "ready and willing without persuasion" and "awaiting any propitious opportunity to commit the offense." That is, he has not been "entrapped" if the state can "show beyond a reasonable doubt [as it did in *Hawthorne*] that the accused had a prior disposition to commit the crime."

McKinley, *Leonard*, and *Hawthorne* also show that a concern with matters

constitutional does not belong solely to the United States Supreme Court. In *State v. Groppi*, 41 Wis. 2d 312, the Wisconsin Court was once again concerned with a constitutional issue: whether Wisconsin's change-of-venue statute, limited as it is to changes because of community prejudice only in cases involving felonies, violated the due process and equal protection clauses of the Fourteenth Amendment in cases where the defendant was charged with a misdemeanor. The court found no such violation, basing its decision upon a determination that little community prejudice attaches to misdemeanors and that, because of the large number of misdemeanors in comparison with felonies, their prosecution has been much simplified because "society demands that efficiency in the administration of justice be given consideration along with absolute fairness." Further, sufficient opportunity exists for one convicted of a misdemeanor to show that he was denied a fair and impartial trial.

Conflicts between individuals and the government are, however, by no means limited to criminal matters. For example, a dispute over the taxability of property formed the basis of the action in *Milwaukee Protestant Home for the Aged v. City of Milwaukee*, 41 Wis. 2d 284. The court was asked to consider whether a retirement home, which charged several thousand dollars as an entrance fee, plus a substantial monthly maintenance charge, qualified for tax exemption under statutes exempting benevolent or charitable institutions. Pointing out that the Legislature had specifically included retirement homes in its "exemption statute," the court then had to decide whether the home in question qualified under the standards the statute sets forth. Since the home was clearly a benevolent association whose property was used exclusively for the purposes of the association, the big stumbling block was whether the home was "operated 'for pecuniary profit'." The court held that "Where there is no element of gain to anyone and where all of the net income is devoted exclusively to carrying on the benevolent purposes of the institution, it is not operating 'for pecuniary profit',"—even though the institution does not provide free admission or free services to all or some of its residents.

A different type of problem was presented to the court in *Stacy v. Ashland County Department of Public Welfare*, 39 Wis. 2d 595, where a mother's assistance under Aid to Families with Dependent Children was suspended because she refused to take work in a nursing home after receiving nurse's aide training under a federal program. Judicial review may be had from the decisions of almost all state administrative departments, including those of the Department of Health and Social Service. The court noted that the mother's objection to working outside the home was that her children and aged mother might thereby be neglected. While each case must be determined on its own facts, in *Stacy* the court held that the mother's part-time work would not interfere with the care and supervision of her children, especially because the county welfare department had offered to provide baby-sitting service and would have made up any budgetary deficit brought about by the work.

Bisenius v. Karns, 42 Wis. 2d 42, presented the court with a challenge to the constitutionality of Wisconsin's recently-enacted statutes requiring motorcyclists to wear eye and head protection and to equip their motorcycles with handlebars that rise no more than fifteen inches above the driver's seat. The question sought to be resolved was whether the Legislature can, in effect, protect someone against himself, even without, as the plaintiff charged, a corresponding benefit accruing to society at large. The court had no trouble

with the eye protection and handlebar requirement—clearly, proper vision and adequate control are in the best interests of the rest of society, too, for a blinded cyclist, or one who cannot control his machine, poses a real threat to other drivers. But the headgear requirement is harder to justify from the standpoint of the welfare of the general populace. Can a cyclist take his own chances if he wants? No, the court said, for the danger to an unhelmeted driver from flying objects should be apparent. If this is so, would not a windshield requirement be better? It may be, the court said, but the choice between alternatives in highway safety is for the Legislature, not the court. Furthermore, studies have demonstrated the efficacy of helmets, and “Certainly all users of a highway have . . . a definite interest in how serious are the consequences, not only to themselves but to others, of any accident in which they may become involved.” And while the court said that it was not reaching the question of whether “it is invariably and inescapably fatal” for a statute to protect people against the consequences of their own actions, “if this were . . . the test to be used in determining the validity of a police-power statute,” many other similar statutes would also have to be scrutinized: e.g., those requiring hunters to wear bright jackets, those requiring certain numbers of life preservers in boats, and those requiring goggles in some hazardous occupations.

It is clear that disputes between individuals and government can take innumerable forms; the fact that those involving the alleged criminal are perhaps the most publicized should not obscure the many others involving the landowner and the city condemnation proceeding, the motorcyclist troubled by the state’s “overprotectiveness,” or the aggrieved taxpayer worried about his assessment. The variety of the court’s devices for dealing with the myriad of problems that daily face it is as diverse as the cases themselves.

Suits Between Citizens

Yet another “resolution” the court must effect are those between individuals: the personal injury disputes, the litigation between neighbors, the actions between creditor and debtor. Of course, as with all the other cases discussed, the Supreme Court sees only a few of the thousands brought each year, and their diversity is as taxing as in the cases involving other “types” of litigants.

Occasionally, exceptionally important cases are decided—exceptional at least from the standpoint of the legal precedents they set. One such case was *Dippel v. Sciano*, 37 Wis. 2d 443, in which a coin-operated pool table collapsed on the foot of a tavern patron who was helping to move it. The injured plaintiff sued the manufacturer of the table, the amusement company that leased the table to the tavern owners, and the tavern owners themselves. He alleged that all parties were negligent, but also that the manufacturer and lessor had breached what he alleged was an implied warranty of fitness. The defendants said that there was no warranty as to the plaintiff because of a lack of what the law calls “privity”: that is, a kind of special relationship existing between two parties *because of* a contract between them. Since no one, especially the manufacturer and the lessor, had a “contract” with the plaintiff—indeed, had never heard of him before the action—they could not be liable. The court, recognizing the rapid changes the law has made in this area, largely in response to the argument that in today’s complex society, where consumers use products whose manufacturer is completely alien and upon whose “quality” they must rely, adopted a rule of “strict liability” that states that a plaintiff, as in this case, must demonstrate that the product in

question: (1) was defective when it left the seller's control; (2) was unreasonably dangerous to the user or consumer; (3) caused his injuries; (4) was sold by a seller engaged in selling such a product; (5) was one which the seller expected to, and did, reach the consumer in substantially unchanged condition. The court held that "[T]he rule which requires privity of contract in products liability cases should not be used to defeat a claim based upon a defective product unreasonably dangerous to a nonprivity user."

Another especially significant—and publicized—case was *Family Finance Corp. of Bay View v. Sniadach*, 37 Wis. 2d 163, in which Wisconsin's garnishment-before-judgment-law was upheld by the Wisconsin Court against constitutional challenge. In a decision that was to be reversed in the summer of 1969 by the United States Supreme Court, the Wisconsin Court held generally that wage garnishment before judgment does not constitute a taking of property without due process, largely because the defendant's title to the property is not destroyed. But the debtor in *Sniadach* also argued that the failure of the garnishment statutes to give her an immediate hearing on the propriety of the garnishment was also denial of due process. This was not exactly so, the court said, for the possibility of judicial review to check potential abuses did exist in that period between garnishment and the time the principal action was concluded. The majority opinion (there were 2 dissenters) did remark upon pending legislation to correct the "abuses" and "undue hardships" that have resulted from Wisconsin's before judgment garnishment statutes.

[In its short opinion of June 9, 1969, reversing the Wisconsin Supreme Court in *Sniadach*, the United States Supreme Court confined itself to the question whether there had been a taking of property without the procedural due process required by the Fourteenth Amendment. The majority opinion briefly set out the hardships that often result when wages are garnished and with little further discussion concluded, "[I]t needs no extended argument to conclude that absent notice and a prior hearing . . . this prejudgment procedure violates the fundamental principles of due process." Mr. Justice Harlan concurred, and Mr. Justice Black dissented.]

Kiefer v. Fred Howe Motors, 39 Wis. 2d 20, presented the question of whether a twenty-year-old married father could disaffirm a contract for the purchase of a used car. The Supreme Court held he could, adhering to the centuries-old common-law rule that "the contract of a minor, other than for necessities, is either void or voidable at his option." The car dealer had argued that the court should adopt a rule that "emancipated" minors (i.e., minors no longer subject to parental control) over 18 years of age should be made responsible for their contracts. The court, in turn, agreed that paradoxes have resulted from the somewhat arbitrary way in which society defines the maturity of young adults on the basis of age (i.e., they are mature enough to *drive* a car at sixteen, but not mature enough to *buy* one without protection until they are 21), but said that the dealer should turn to the Legislature for the change he sought. Even the fact that the contract contained a clause that the signer represented that he was 21 years of age or older presented no obstacle to disaffirmance here, for the dealer failed to demonstrate that the plaintiff had intended to defraud him; thus there was no misrepresentation and no recovery for damages that would otherwise have been awarded to the dealer.

Prior to the 1963 decision of *Goller v. White*, 20 Wis. 2d 402, a child could not sue his parent for negligence in Wisconsin. But in abolishing the

doctrine of parent-child immunity, the court in *Goller* established an effective date of June 28, 1963, such that the change was limited only to causes of action "arising on or after" that date. In *Dupuis v. General Casualty Co.*, 36 Wis. 2d 42, the minor children of the defendant (their father) argued, however, that the court should also overrule *Goller's* effective date, since they were injured in an automobile accident on December 8, 1962. The court refused, largely because inherent in a decision making application of a rule of law prospective only, is what the court calls the "reliance factor": "to make a decision effective retroactively would manifestly adversely affect great numbers of individuals and institutions that had correctly relied upon their expressed immunity in the conduct of their affairs."

It is evident that the few cases selected as representative of the court's role in the resolution of disputes between individuals differ radically in their facts and in the principles the court has used to decide them. Yet the differences are merely indicative of the nearly infinite variety of situations in which people find themselves in conflict and which, thus, can tax the resources of the court to find the solution that will most justly dispose of the matter.

Supreme Court Control of Judicial and Legal Standards

A further—and little known—role the Wisconsin Supreme Court plays is that of insuring that those who practice the law in Wisconsin conform to such standards as will best effect the administration of justice. The Wisconsin Constitution expressly gives the Supreme Court a superintending power over the state's lower courts. But, in addition, the court has an "inherent power to control and regulate the members of the bar as officers of the court to promote high standards of practice." What rules is the practising attorney to follow? The answer is found in State Bar Rule 9, where the American Bar Association's Canons of Professional Ethics, supplemented by pronouncements of the Wisconsin Court, are designated as standards of conduct for Wisconsin attorneys. Further, it should not be thought that such standards are posted, but not enforced. The Wisconsin Supreme Court, to which all state attorneys are responsible, aware that improper conduct on the part of one of its members debilitates the entire profession, can mete out punishment resulting in reprimand, suspension, or disbarment, the latter two meaning that the recalcitrant attorney is denied his livelihood.

As noted above, the court has a constitutional mandate to superintend the state's lower courts. With this in mind, in November, 1967, the court "promulgated" a Code of Judicial Ethics that became effective, with one exception, on January 1, 1968. The Code "governs judicial acts of a judge in his official capacity and certain personal conduct which interferes or appears to interfere with the proper performance of his judicial conduct. This power, inherent in the supremacy of the court and implied from its expressed constitutional grants of supervisory power, embraces all members of the judiciary including members of this court. . . ."

SUPREME COURT

E. HAROLD HALLOWS, *chief justice*, 266-1883.
 HORACE W. WILKIE, *associate justice*, 266-1885.
 BRUCE F. BEILFUSS, *associate justice*, 266-1888.
 NATHAN S. HEFFERNAN, *associate justice*, 266-1886.
 LEO B. HANLEY, *associate justice*, 266-1882.
 CONNOR T. HANSEN, *associate justice*, 266-1884.
 ROBERT W. HANSEN, *associate justice*, 266-1881.

Clerk: FRANKLIN W. CLARKE.

Mailing Address. 231 East, State Capitol, Madison 53702.

Telephone Number. (608) 266-1880.

Number of Employees. 31 unclassified.

Total Budget 1969-71. \$927,500.

Publications. Wisconsin Reports.

Organization. The Supreme Court consists of 7 justices. They are elected in April for a 10-year term and take office the following January. The justice who has continued as a member of the Supreme Court for the longest time serves as the Chief Justice. The courtroom and offices of the court are located in the State Capitol. The justices' salaries are fixed by statute and may be changed during the term of office. The current annual salary is \$28,000 (Chief Justice \$29,000).

The court appoints the Clerk of the Supreme Court, a constitutional officer, who keeps the court's records and serves as secretary of the Board of Bar Commissioners. A deputy clerk, marshal and reporter are also employed by the court. In addition, each justice has a private secretary and a law examiner.

The Supreme Court holds one term, beginning in August, and is in session almost continuously from August to the following July. The term is dated by the year in which it began.

Functions. Under the Constitution the Supreme Court has original jurisdiction in a limited number of cases of state-wide concern and appellate jurisdiction in all other cases. It is the final authority on the State Constitution and the highest judicial tribunal for any action begun in the state courts, except when a Federal question, allowing an appeal to the U. S. Supreme

Classification of Cases in Which The Supreme Court Wrote Opinions, 1968 Term

Type of Case	Number	Percent
Criminal	72	25.8
Contracts	46	16.3
Auto accidents	36	12.7
Administrative reviews	26	9.2
Other injury to person or property	24	8.5
Real estate	20	7.0
Probate	13	4.6
Divorce	11	3.9
Juvenile and adoptions	1	.3
Other civil cases	33	11.7
TOTAL	282	

Court, is raised. No testimony is taken in the Supreme Court. The court disposes of cases brought to it on appeal on the record made in the trial court, with printed briefs and oral arguments by counsel. The court takes up cases in turn, according to a calendar arranged by the clerk. Decisions are in writing and are published in the *Wisconsin Reports* and, unofficially, in the *North Western Reporter*. During the August 1968 term, the court wrote reported opinions in 282 cases (72 criminal and 210 civil) plus 5 original actions.

The Supreme Court appoints the Board of State Bar Commissioners, licenses attorneys to practice law, and, after hearing, may disbar attorneys for cause. Since 1929 it has promulgated rules of pleading, practice, and procedure for all courts of the state. The Judicial Council acts in an advisory capacity. The Justices of the Supreme Court together with the Attorney General constitute the Board of Trustees of the State Library.

The Chief Justice or some other justice designated by the Supreme Court is to keep informed of the status of judicial business in the courts of the state. The Chief Justice may designate and assign circuit and county judges to serve temporarily in either circuit or county courts when a calendar is congested; when a judge is on vacation, disqualified or unable to act; or when a vacancy in the office occurs. The office of Administrator of Courts is established to help in these matters. The Supreme Court also employs a state Public Defender.

Terms of Current Justices

Name	Supreme Court Justice Since	1st Elected Term Began January	Term Expires January
E. HAROLD HALLOWS, <i>Chief Justice</i>	1958*	1960	1980
HORACE W. WILKIE	1962*	1965	1975
BRUCE F. BEILFUSS	1964	1964	1974
NATHAN S. HEFFERNAN	1964*	1966	1976
LEO B. HANLEY	1966*	1969	1979
CONNOR T. HANSEN	1967*	1971
ROBERT W. HANSEN	1968	1968	1978

*Initially appointed by the Governor.

CIRCUIT COURTS

The circuit court is the principal trial court of the state. The 72 counties of the state are divided into 26 judicial circuits. The counties of Kenosha, Milwaukee, Dane, Racine, Waukesha and Walworth each serve as a single circuit, and the rest of the circuits are composed of multicounty units. Where judicial business is particularly heavy, a single circuit may be divided into several branches with a judge presiding over each. There are currently 7 circuits with more than one branch: the 1st Circuit (Kenosha County) with 2 branches, the 2nd Circuit (Milwaukee County) with 17 branches, the 3rd Circuit (Calumet and Winnebago Counties) with 2 branches, the 9th Circuit (Dane County) with 4 branches, the 14th Circuit (Brown, Door and Kewaunee Counties) with 3 branches, the 21st Circuit (Racine County) with 2 branches and the 22nd Circuit (Waukesha County) with 2 branches.

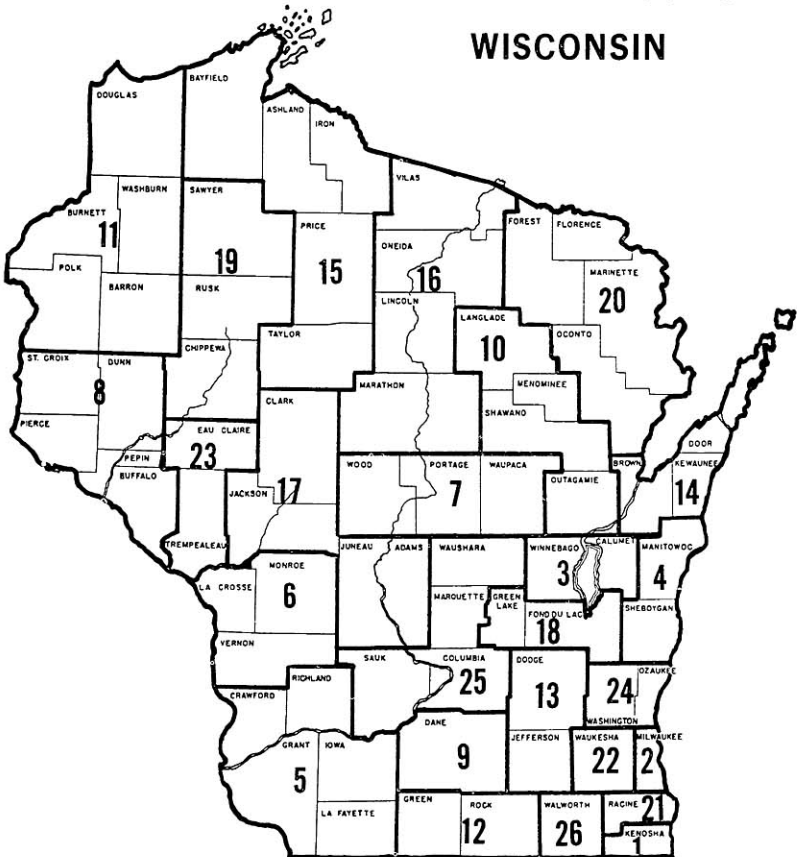
Circuit judges are elected on a nonpartisan basis for a 6-year term at the April election and take office the 1st Monday of the following January. Salaries, which are paid by the state, are fixed by statute and may be changed during the term of office. The current annual salary is \$21,000. All of the

counties are authorized to pay additional compensation, as determined by each county, based on work load and judicial services performed. Circuit judges in Milwaukee County must be paid an additional \$1,000. The salaries of circuit court reporters and the traveling expenses of the judges and reporters are paid by the state.

The circuit court holds court at least once each year in every county in the circuit. The terms of circuit court are prescribed in the statutes and vary in number and length according to the usual business to come before the circuit court in the county.

The circuit court has both criminal and civil jurisdiction in all actions unless the exclusive jurisdiction is given to some other court. It has concurrent jurisdiction with the county courts in some areas including matters relating to marriage. Cases may be transferred between the circuit and the county court in actions where they have concurrent jurisdiction. There is some spe-

JUDICIAL CIRCUITS WISCONSIN



cialization of jurisdiction in the branches of the circuit court of Milwaukee County.

The circuit court also sits as an appellate court, hearing some appeals from county courts and from municipal justice of the peace courts. Appeals from decisions of the circuit court go directly to the Supreme Court.

Judges of Circuit Courts, January 1970

Circuit	Counties in Circuit	Branches in Circuit	Judge	Term Expires January
1st	Kenosha	1st	M. Eugene Baker	1974
		2nd	Harold M. Bode	1972
2nd	Milwaukee	1st	George D. Young	1974
		2nd	Max Raskin	1971
		3rd	John A. Decker	1975
		4th	Robert C. Cannon	1972
		5th	Elmer W. Roller	1975
		6th	Robert W. Landry	1973
		7th	Ronald A. Drechsler	1973
		8th	William I. O'Neill	1974
		9th	Robert M. Curley	1976
		10th	Harvey L. Neelen	1973
		11th	Herbert J. Steffes	1974
		12th	John L. Coffey	1974
		13th	Maurice Spracker	1976
		14th	Leander J. Foley, Jr.	1976
		15th	Marvin C. Holz	1972
		16th	William R. Moser	1972
		17th	Hugh R. O'Connell	1974
3rd	Calumet & Winnebago	1st	William E. Crone	1974
		2nd	Edmund P. Arpin	1976
4th	Sheboygan & Manitowoc		Ferdinand H. Schlichting	1971
5th	Crawford, Grant, Iowa, Lafayette & Richland		Richard W. Orton	1973
6th	La Crosse, Monroe & Vernon		Peter G. Pappas	1971
7th	Portage, Waupaca & Wood		James H. Levi	1975
8th	Buffalo, Dunn, Pepin, Pierce & St. Croix		John G. Bartholomew	1974
9th	Dane	1st	Richard W. Bardwell	1975
		2nd	Wilmarth L. Jackman	1975
		3rd	Norris Maloney	1971
		4th	William C. Sachtjen	1972
10th	Langlade, Outagamie & Shawano		Andrew W. Parnell	1976
11th	Barron, Burnett, Douglas, Polk & Washburn		Allen Kinney	1976
12th	Green & Rock		Arthur L. Luebke	1973
13th	Dodge & Jefferson		Henry G. Gergen, Jr.	1972
14th	Brown, Door & Kewaunee	1st	Donald W. Gleason	1974
		2nd	Robert J. Parins	1974
		3rd	William J. Dufy	1974
15th	Ashland, Bayfield, Iron, Price & Taylor		Lewis J. Charles	1972
16th	Lincoln, Marathon, Oneida & Villas		Ronald D. Keberle	1976
17th	Adams, Clark, Jackson & Juneau		Lowell D. Schoengarth	1976
18th	Fond du Lac & Green Lake		Jerold E. Murphy	1974
19th	Chipewa, Rusk & Sawyer		Robert F. Pfiffner	1974
20th	Florence, Forest, Marinette & Oconto		James A. Martineau	1972
21st	Racine	1st	Howard J. DuRocher	1974
		2nd	Thomas P. Corbett	1974
22nd	Waukesha	1st	William E. Gramling	1976
		2nd	Clair Voss	1972
23rd	Eau Claire & Trempealeau		Merrill R. Farr	1976
24th	Ozaukee & Washington		Milton L. Meister	1972
25th	Columbia, Marquette, Sauk & Waushara		Robert H. Gollmar	1974
26th	Walworth		Ernst John Watts	1971

COUNTY COURTS

With the exception of Menominee County, which is attached to Shawano County, and Forest and Florence Counties, which share a full-time judge, each county in the state has a county court. Many counties have several branches of the county court, each with a presiding judge. As of January 1970, 25 counties have more than one branch, including Milwaukee County with 13 branches. There are 123 county judges in the state.

County judges are elected on a nonpartisan basis at the April election. The term of office is 6 years. All county judgeships are full-time positions with salaries fixed by statute at a minimum of \$18,500 annually. The county pays one-half of this amount and the state the rest. Counties may also pay each county judge an additional amount. The judge's travel expenses are paid by the county when on judicial duty within the county, and by the state when on duty in another county or attending meetings as authorized by statute.

The terms of the county court, unless otherwise provided by statute, are held the 1st Tuesday of each month except July or August. Court is held regularly at the county seat and elsewhere as provided by court rule when there is sufficient business to warrant it.

The jurisdiction of the county court is established by general statute and is uniform throughout the state. Civil jurisdiction of the county court is set out in detail in Section 253.11, Wis. Stats. In general, civil jurisdiction is concurrent with that of the circuit court up to a \$100,000 limit. In addition, the county court has exclusive jurisdiction in probate matters, most juvenile matters, children's and adult adoptions and abandonment under Section 52.03, Wis. Stats. Where there is more than one branch of the county court, the first branch is designated as the probate court; in Milwaukee County, the first and second branches are so designated. Criminal jurisdiction of the county court under Section 253.12, Wis. Stats., is concurrent with the circuit court except for treason, or for the 13 branches of the Milwaukee County court, where some of the branches are designated to specialize in certain types of actions.

The statutes provide for transferring actions between circuit and county courts. Whenever any action is brought in county court which is beyond its jurisdiction, it shall be transferred to circuit court.

Court Commissioners

The judges of the circuit and county courts are authorized to appoint court commissioners in each county. In counties other than Milwaukee, each judge shall, as nearly as possible, appoint an equal number of commissioners within the county. In Milwaukee and Dane Counties each judge may appoint not more than 2 such commissioners. All such appointments are subject to the approval of a majority of the circuit judges in the county, and a majority of the county judges. A court commissioner serves at the pleasure of the judge who appointed him, and the term of office expires with the judge's term, or when a successor is appointed.

Court commissioners have power to issue subpoenas and other process, administer oaths, take depositions and testimony when authorized by law and fix bail. They may allow writs of habeas corpus and certiorari and may grant some injunctions. The commissioners perform all duties required by the court and fulfill those responsibilities which are the proper exercise of the powers expressly granted to them. He has additional duties in single-county circuits. Every county judge also has the powers of a court commissioner.

Judges of County Courts, January 1970

County	Judge	County	Judge
Adams	Fulton Collipp	Milwaukee, Cont.	
Ashland	Walter H. Cate	Branch 4	Christ T. Seraphim
Barron	Lee C. Youngman	Branch 5	David V. Jennings, Jr.
Bayfield	Walter T. Norlin	Branch 6	Thaddeus J. Pruss
Brown		Branch 7	Elliot N. Walstead
Branch 1	Clarence W. Nier	Branch 8	Donald W. Steinmetz
Branch 2	James W. Byers	Branch 9	Robert J. Miech
Branch 3	Richard J. Farrell	Branch 10	John A. Fiorenza
Branch 4	John C. Jaekels	Branch 11	George A. Bowman, Jr.
Buffalo	Gary B. Schlosstein	Branch 12	F. Ryan Duffy, Jr.
Burnett	Harry F. Gundersen	Branch 13	John F. Foley
Calumet	David H. Sebor	Monroe	James W. Rice
Chippewa	Marshall Norseng	Oconto	Edward P. Herald
Clark	Richard F. Gafney	Oneida	George A. Richards
Columbia		Outagamie	
Branch 1	Daniel C. O'Connor	Branch 1	Urban Van Susteren
Branch 2	James M. Daley	Branch 2	Nick Schaefer
Crawford	William A. O'Neil	Branch 3	Raymond P. Dohr
Dane		Ozaukee	
Branch 1	Carl Flom	Branch 1	Charles L. Larson
Branch 2	William L. Buenzli	Branch 2	Warren A. Grady
Branch 3	Russell J. Mittelstadt	Pepin	Joseph H. Riedner
Branch 4	Ervin M. Bruner	Pierce	William E. McEwen
Branch 5	William D. Byrne	Polk	Charles D. Madsen
Branch 6	Michael B. Torphy	Portage	Robert C. Jenkins
Dodge		Price	Carl E. Bjork
Branch 1	Joseph E. Schultz	Racine	
Branch 2	Clarence G. Traeger	Branch 1	Gilbert N. Geraghty
Door	Edwin C. Stephan	Branch 2	William F. Jones
Douglas		Branch 3	Richard G. Harvey, Jr.
Branch 1	Donald A. Rock	Branch 4	John C. Ahlgrimm
Branch 2	Harry E. Larsen	Richland	Kent C. Houck
Branch 3	Henry N. Leveroos	Rock	
Dunn	William H. Bundy	Branch 1	Sverre O. Roang
Eau Claire	Thomas H. Barland	Branch 2	John J. Boyle
Florence and		Branch 3	Edwin C. Dahlberg
Forest	Allan M. Stranz	Branch 4	Mark J. Farnum
Fond du Lac		Rusk	Rodney Lee Young
Branch 1	J. Peter McGalloway, Jr.	St. Croix	Thomas J. O'Brien
Branch 2	Hazen W. McEssey	Sauk	
Branch 3	Eugene F. McEssey	Branch 1	Harland H. Hill
Forest	(See Florence)	Branch 2	James R. Seiring
Grant	William L. Reinecke	Sawyer	Alvin L. Kelsey
Green	Roger L. Elmer	Shawano-Menominee	
Green Lake	David C. Willis	Branch 1	Michael G. Eberlein
Iowa	John A. Walsh	Branch 2	Ken Traeger
Iron	Arne H. Wicklund	Sheboygan	
Jackson	Richard F. Lawton	Branch 1	Joseph W. Wilkus
Jefferson		Branch 2	John G. Buchen
Branch 1	Charles E. Kading	Branch 3	John Bolgart
Branch 2	William Brandel	Taylor	Peter J. Seidl
Juneau	William R. Curran	Trempealeau	Albert L. Twesme
Kenosha		Vernon	Olga Bennett
Branch 1	Floyd H. Guttormsen	Vilas	Frank W. Carter, Jr.
Branch 2	Earl D. Morton	Walworth	
Branch 3	Urban J. Zievers	Branch 1	John D. Voss
Kewaunee	John A. Curtin	Branch 2	Erwin C. Zastrow
La Crosse		Washburn	Warren Winton
Branch 1	Eugene A. Toepel	Washington	
Branch 2	Leonard F. Roraff	Branch 1	J. Tom Merriam
Lafayette	Joseph F. Collins	Branch 2	Robert J. Stoltz
Langlade	Thomas E. McDougal	Waukesha	
Lincoln	Donald E. Schnabel	Branch 1	David L. Dancy
Manitowoc		Branch 2	William G. Callow
Branch 1	Leon H. Jones	Branch 3	Harold J. Wollenzien
Branch 2	Harold W. Mueller	Waupaca	
Marathon		Branch 1	Wendell McHenry
Branch 1	Robert W. Dean	Branch 2	Nathan E. Wiese
Branch 2	Joseph C. Kuricek	Waushara	Boyd A. Clark
Marinette	Harry E. White	Winnebago	
Marquette	Andrew P. Cotter	Branch 1	Herbert J. Mueller
Menominee	(See Shawano)	Branch 2	James G. Sarres
Milwaukee		Branch 3	James V. Sitter
Branch 1	William J. Shaughnessy	Wood	
Branch 2	Michael T. Sullivan	Branch 1	Byron B. Conway
Branch 3	Louis J. Ceci	Branch 2	Frederick A. Fink

MUNICIPAL JUSTICE COURTS

The state constitution was amended in April 1966 to abolish the constitutional office of justice of the peace. The constitutional justice is different from the municipal justice, which the governing body of cities, villages and towns are by statute authorized to establish. The municipal justice of the peace is elected for a 2-year to 4-year term, as determined by the municipality, beginning on May 1. A salary which shall be in lieu of fees is fixed by the local governing body. There is no requirement that the office be filled by a lawyer. Court may be held daily or as provided by ordinance. It is not a court of record.

These courts have exclusive jurisdiction over offenses against ordinances of the town, village or city where they are located and where legal relief only is sought. If equitable relief is demanded, the action must be brought in a court of record. Every justice has county-wide jurisdiction. He is not a magistrate except for the purpose of issuing warrants. In counties of less than 500,000, the defendant in municipal court may, at any time before trial, transfer the cause to the county court. A municipal court may render judgment by ordering payment of a forfeiture plus any costs of prosecution or by imprisonment in default of such payment.

JUDICIAL AGENCIES

Administrator of Courts, Office of

Administrative Director: EDWIN M. WILKIE.

Mailing Address. Room 32 North, State Capitol, Madison 53702.

Telephone Number. (608) 266-3501.

Number of Employees. 7 unclassified.

Total Budget 1969-71. \$170,800.

History. The office of Administrator of Courts was created by Chapter 261, Laws 1961. Chapter 247, Laws 1967, made the administrative director or his deputy or assistant ex officio executive secretary of the Judicial Council. Chapter 154, Laws 1969, made the administrative director a member of the Judicial Council rather than ex officio executive secretary.

Organization. The administrative director is appointed by the Supreme Court for an indefinite term. His salary is fixed by the court but may not exceed the salary of circuit judges. He is required to have actively practiced law for 10 years and, preferably, to have had judicial or trial work experience.

Functions. The administrative director assists the Chief Justice or other designated justice in the over-all administration of the courts, collects statistics and performs such other duties as the Supreme Court directs.

Judicial Council

Members: GLENN R. COATES (representing State Bar), *chairman*; JAMES J. BURKE (ex officio, revisor of statutes), *vice chairman*; JUSTICE CONNOR T. HANSEN (representing Supreme Court); JUDGE MERRILL R. FARR (representing Board of Circuit Court Judges); JUDGE MARK J. FARNUM (representing Board of County Court Judges); JUDGE HERBERT J. STEFFES (representing Board of Criminal Court Judges); JUDGE JOHN A. WALSH (representing Board of Juvenile Court Judges); EDWIN M. WILKIE (ex officio, court administrator); SENATOR RAYMOND C. JOHNSON (ex officio designee, Senate Judiciary Committee); REPRESENTATIVE ROBERT O. UEHLING (ex offi-

cio designee, Assembly Judiciary Committee); WILLIAM A. PLATZ (ex officio designee of Attorney General); JOHN E. CONWAY (ex officio designee of dean, University of Wisconsin Law School); ROBERT F. BODEN (ex officio, dean, Marquette Law School); JOHN FETZNER ex officio designee of president-elect of State Bar); REUBEN W. PETERSON, JR., ROBERT H. GEE (representing State Bar); JUDGE RICHARD W. ORTON, ERNEST J. PHILIPP (public members appointed by Governor).

Executive Secretary: JAMES E. HOUGH.

Mailing Address. Room 48 North, State Capitol, Madison 53702.

Telephone Number. (608) 266-1319.

Number of Employees. 2 unclassified.

Total Budget 1969-71. \$66,000.

Publications. Biennial Report; Judicial Statistics (biennial).

History. The Judicial Council was created by Chapter 392, Laws 1951. Chapter 247, Laws 1967, provided for the administrator of courts or his deputy or assistant to serve ex officio as executive secretary of the council. This was changed, however, by Chapter 154, Laws 1969, which increased the membership of the council from 17 to 18 to include the administrator of courts, but removed the provision making him executive secretary.

Organization. The council appoints the executive secretary outside the classified service. The council membership includes a Supreme Court justice selected by the Supreme Court; a judge selected by each of the Boards of Circuit Judges, County Judges, Criminal Court Judges and Juvenile Court Judges; 8 ex officio members or their designees; the chairmen of the Senate and Assembly Judiciary Committees, the Attorney General, the revisor of statutes, the deans of the Wisconsin and Marquette Law Schools, the president-elect of the State Bar of Wisconsin and the court administrator, 2 citizen members appointed by the Governor and 3 members selected by the State Bar. The last 5 members serve 3-year terms.

The council meets monthly except in July and August. It operates through several committees which usually meet monthly.

Functions.

1. Study the rules of pleading, practice and procedure, and advise the Supreme Court as to changes which will simplify procedure and promote a speedy determination of litigation.

2. Survey and study the organization, jurisdiction and methods of administration and operation of all the courts of this state.

3. Recommend to the Legislature any changes in procedure, jurisdiction or organization of the courts which can be put into effect by legislative action only.

4. Advise the Supreme Court and Legislature on any matter affecting the administration of justice in Wisconsin.

Public Defender, State

State Public Defender: JAMES H. McDERMOTT.

Mailing Address. 10-12 North, State Capitol, Madison 53702.

Telephone Number. (608) 266-3440.

Number of Employees. 2 unclassified.

Total Budget 1969-71. \$88,600.

History. Chapter 476, Laws 1965, provided that the Supreme Court employ a state public defender. The program was initiated in May 1966, partially financed by a Ford Foundation grant. It is now entirely supported by state funds.

Organization. The state public defender is appointed by the court for a term of 5 years.

Functions. The state public defender:

1. Determines the indigency of prisoners who petition the court or the public defender for relief from his conviction or imprisonment.
2. Institutes post-conviction remedies on behalf of such indigents if there is merit to the proceedings.
3. When authorized by the court, represents any person confined to Central State Hospital in any proceedings for reexamination of his mental condition whom he determines to be indigent.

State Bar Commissioners

Commissioners: W. WADE BOARDMAN, *president*; GEORGE P. ETTENHEIM, CLARENCE E. FUGINA, JOHN P. McGALLOWAY, THERON P. PRAY.

Secretary: FRANKLIN W. CLARKE, clerk of the Supreme Court.

Counsel: RUDOLPH P. REGEZ.

Mailing Address. Supreme Court Chambers, State Capitol, Madison 53702.

Telephone Number. (608) 266-1887.

Total Budget 1969-71. \$65,200.

Publications. Statutes and Rules relating to Admissions to the Bar.

History. The Board of State Bar Commissioners was created by Chapter 63, Laws 1885, and began operation the following year. After creation it was variously called the Board of Examiners for Admission to the Bar, the Board of Bar Examiners, and, in 1927, the State Bar Commissioners. Prior to enactment of the original law, attorneys were admitted to the bar upon examination and licensing by a district court judge or examiners appointed by him. Throughout the territorial and early state history of Wisconsin there had been varying provisions on qualifications for the practice of law. These ranged from requiring licensing by the Governor or Supreme Court to requiring admission of any person of good moral character. The latter provision, enacted in 1849, lasted for 10 years. In 1871 the specific provision requiring examination by circuit courts was enacted, entitling one to practice in any court except the Supreme Court, which issued its own license. In 1870 there was enacted the first law authorizing admission to the bar by graduation from the University Law School. Approved law school graduates in the state were admitted to the bar by diploma under Chapter 60, Laws 1933.

In 1919 (Chapter 16) the board was authorized to investigate complaints of misconduct by attorneys and file a complaint; in 1927 (Chapter 314) procedures were set forth for disbarment proceedings; while Chapter 412, Laws 1949, provided for the commencement of disbarment proceedings by county bar associations.

Organization. The board consists of 5 members appointed by the Supreme Court for terms of 5 years. The clerk of the Supreme Court is *ex officio* secretary of the board.

Functions of the Board.

1. Conduct and administer the annual bar examination.
2. Investigate complaints against attorneys who appear to have been guilty of professional misconduct and file a complaint with the Supreme Court if the facts so warrant. Such complaints are prosecuted in the name of the state by counsel for the board.

3. Recommend to the Supreme Court the suspension of any attorney who is incapacitated for practice by mental infirmity, mental illness or addiction to intoxicants or drugs.

4. Advise the Supreme Court, on request, on matters in connection with admissions to the bar.

State Library

Board of Trustees: E. HAROLD HALLOWS, HORACE W. WILKIE, BRUCE F. BEILFUSS, NATHAN S. HEFFERNAN, LEO B. HANLEY, CONNOR T. HANSEN, ROBERT W. HANSEN (ex officio, Supreme Court Justices); ROBERT W. WARREN (ex officio, Attorney General).

State Librarian: WILLIAM KNUDSON.

Assistant: THOMAS C. WELBY.

Mailing Address. Room 303-316 East, State Capitol, Madison 53702.

Telephone Number. (608) 266-1424.

Number of Employes. 4.5 unclassified.

Total Budget 1969-71. \$186,300.

History. The State Library was established by the congressional act of 1836 which created the Wisconsin Territory. The purpose of the library was to supply books for the Supreme Court and the Legislature. Originally the library also contained miscellaneous and nonlegal material, but since about 1866 its holdings have been limited to legal material.

Organization. The library is administered by a board of trustees, which is composed of the Justices of the Supreme Court and the Attorney General. The board establishes all policies and appoints the librarian and other personnel.

Functions. The library functions strictly as a reference library and does not circulate books. The legal research facilities which it provides are available to the Supreme Court, other courts, the Legislature, state departments, members of the bar and the public.

Holdings. The holdings of the State Library consist of:

1. Court reports, digests, and statutory material. Fairly complete coverage for almost all common law jurisdictions of the world. Considerable holdings of administrative rules and regulations also available.
2. Legal and bar periodicals. Fairly complete runs of about 300 publications.
3. Legal treatises and encyclopedias. Several thousand volumes, including old editions.
4. Appeal papers. Cases and briefs for almost all Wisconsin Supreme Court cases. None for other jurisdictions.

JUDICIAL COMMITTEES

Administrative Committee for the Court System

Members: E. HAROLD HALLOWS (Chief Justice), *chairman*; ROBERT C. CANNON, DAVID DANCEY, ROBERT LANDRY, FERDINAND H. SCHLICHTING, ALBERT L. TWESME, ERWIN C. ZASTROW (all judges).

The administrative committee was created by Chapter 315, Laws 1959, to review the administration, methods of operation, volume and condition of business in all the state courts and to plan expeditious handling of judicial matters. The committee was directed by Chapter 154, Laws 1969, to make a biennial report to the Governor, the Legislature and the Supreme Court, analyzing judicial workload problems and recommending the creation or elimi-

nation of courts and branches. Section 251.183 (1), Wis. Stats., as implemented by the Supreme Court on April 17, 1963, provides that this committee is to be composed of 7 members as follows: Chief Justice of the Supreme Court, or such other justice as the Supreme Court designates, the chairmen of the Board of Circuit Judges and the Board of County Judges, 2 additional county judges and 2 additional circuit judges selected by the respective boards. The administrative committee shall meet at least 4 times a year at the call of the chairman.

Chapter 315, Laws 1959, also provided for a county board of judges in counties over 200,000 population (Milwaukee and Dane Counties). This board, composed of all judges of the courts of record, reviews judicial business. It may make rules and transfer actions between the county and circuit courts where concurrent jurisdiction exists. A circuit judge is elected chairman of such a board.

Committee to Recommend Rules on Use of Sound and Camera Equipment in the Courtroom

Members: DAVID FELLMAN, *chairman*; ROBERT BODDEN, JUDGE JAMES W. BYERS, DUANE W. HOPP, ROGER W. LeGRAND, RAY T. McCANN, JUDGE ROBERT F. PFIFFNER, HARVEY W. SCHWANDER, WILLARD S. STAFFORD, JUDGE HERBERT J. STEFFES, JUDGE DONALD W. STEINMETZ.

The committee was created by the Supreme Court January 27, 1970, to make recommendations for specific rules concerning the use of sound equipment and cameras by the news media in the courtroom. The recommendations will be advisory to the Supreme Court in its consideration of the motion to modify Rule 14, which now prohibits such equipment.

Judicial Conference

The Wisconsin Supreme Court created by order, effective May 1, 1964, the Judicial Conference of Wisconsin. The conference is made up of the Justices of the Supreme Court and the judges of the circuit and county courts. The conference meets at least once a year. An administrative committee and the court administrator are in charge of planning the meeting. The administrative committee can appoint such committees as are deemed necessary. The Chief Justice presides at the meeting. The purposes of the conference shall be: to consider the problems pertaining to the administration of justice in this state and to make recommendations for its improvement, to conduct programs and seminars at its annual meeting in order to better equip the members of the conference in the performance of their judicial duties and to set up committees to study particular aspects of the administration of justice and report their conclusions to the next meeting of the conference.

Board of Circuit Judges

Officers: ROBERT C. CANNON, *chairman*; RICHARD W. BARDWELL, *vice chairman*.

Chairman's address: Milwaukee County Courthouse, Milwaukee.

All circuit judges of the state and the judge of any court having unlimited jurisdiction concurrent with the circuit court either in civil or criminal matters constitute a board known as the Board of Circuit Judges. Members of the board meet at least once in each year. They make rules and regulations not inconsistent with the statutes or the rules of practice adopted by the Justices of the Supreme Court to promote administration of the judicial business.

The board elects a chairman to expedite the work of the judges. Every circuit judge reports monthly to the chairman, giving such information as the chairman requests relating to the condition of judicial business in the circuit. The expenses of officers and members of the board are reimbursed by the state.

The board designates a member to represent it on the Judicial Council and one to represent it on the Administrative Committee for the Court System.

Board of County Court Judges

Officers: ERWIN C. ZASTROW, *chairman*; ROBERT J. MIECH, *1st vice chairman*; FREDERICK A. FINK, *2nd vice chairman*; CARL FLOM, *secretary*; HAROLD J. WOLLENZIEN, *treasurer*.

Chairman's address: Walworth County Courthouse, Elkhorn.

The county judges of the state constitute the Board of County Judges and shall meet at least once each year. The board elects a chairman, secretary and other officers considered necessary and may establish sections for judges interested in specialized fields of law. The chairman is reimbursed by the state for expenses incurred in the performance of his duties, and the travel expenses of judges attending meetings are paid by the state.

The board designates a member to represent it on the Judicial Council and a member to represent it on the Administrative Committee for the Court System.

Board of Criminal Court Judges

Officers: THOMAS CORBETT, *chairman*; L. D. SCHOENGARTH, *vice chairman*; E. C. ZASTROW, *secretary*.

Chairman's address: Racine County Courthouse, Racine.

The Board of Criminal Court Judges consists of all the county and circuit court judges in the state having criminal jurisdiction. The board shall elect a chairman, secretary and such other officers as are needed. It meets at least twice a year and provides a vehicle for the exchange of ideas and experience of the judges. The board designates a member to represent it on the Judicial Council.

Board of Juvenile Court Judges

Officers: DAVID C. WILLIS, *chairman*; HARRY E. WHITE, *vice chairman*; HARLAND H. HILL, *secretary*; JAMES G. SARRES, *treasurer*.

Chairman's address: Green Lake County Courthouse, Green Lake.

The Board of Juvenile Court Judges consists of all the judges in the state having jurisdiction over juveniles. The county courts exercise exclusive jurisdiction in these matters. The statutes prescribe that the board is to meet at least twice a year and to elect a chairman, secretary and such other officers as are needed. The board shall make any rules it deems advisable which are not inconsistent with the statutes. The board designates a member to represent it on the Judicial Council.

STATE BAR OF WISCONSIN

Board of Governors: *District 1:* REX CAPWELL, RODNEY KITTELSEN, ROBERT LOVEJOY; *District 2:* JACK DE WITT, RICHARD HUNTER, EARL J. McMAHON, WARREN H. STOLPER; *District 3:* CHARLES P. CURRAN, LAWRENCE M. ENGELHARD; *District 4:* JOHN H. AMES, IRVIN B. CHARNE, GERALD T. HAYES, KENNETH K. LUCE, EDWARD H. MELDMAN, LOUIS L. MELDMAN, PAUL L. MOSKOWITZ, REUBEN W. PETERSON, JR., RALPH J. PODELL, DAVID J. SCHOETZ; *District 5:* JOSEPH D. DONOHUE, ROBERT W.

LUTZ; *District 6*: HIRAM D. ANDERSON, JR., WALTER H. PIEHLER; *District 7*: STANLEY R. GABERT, VICTOR A. MILLER; *District 8*: JOHN W. FETZNER, JOHN D. KAISER; *District 9*: JOHN L. DAVIS, GEORGE C. RUSSELL.

Officers: JOHN C. WICKHEM, *president*; JAMES D. GHIARDI, *president-elect*; RICHARD P. TINKHAM, *past president*; THOMAS G. RAGATZ, *secretary*; JAMES E. GARVEY, *treasurer*; JOHN B. MCCARTHY, *staff counsel*; WARREN H. RESH, *general counsel*; H. MITCHELL BLISS, *public information director*; DALTON W. MENHALL, *staff assistant*.

Executive Director: PHILIP S. HABERMANN.

Mailing Address. 402 West Wilson Street, Madison 53703.

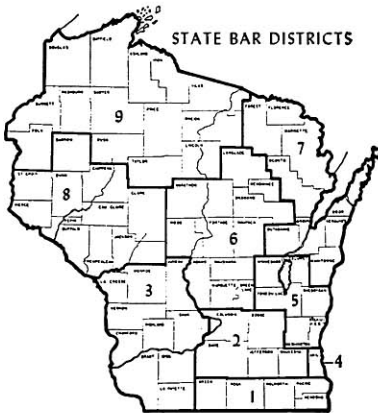
Telephone Number. (608) 257-3838.

Publications. Wisconsin Bar Bulletin; WisBar Newsletter; The Law and You.

History. On June 22, 1956, the Supreme Court ordered organization of the bar into a formal organization known as the State Bar of Wisconsin, effective January 1, 1957. This organization acquired the facilities, records, property, and staff organization of the former Wisconsin Bar Association.

Organization. Subject to rules prescribed by the Supreme Court, the State Bar is governed by a Board of Governors, consisting of the officers and 29 members selected by the members of the State Bar from the 9 districts of the state. The 9 districts correspond to the boundaries of the old (1962) congressional districts except that Milwaukee county is one district. The Board of Governors selects the executive director.

The State Bar consists of all attorneys and judges entitled to practice before the state courts. Attorneys are admitted to the bar by the full court or by a single Justice of the Supreme Court. As of July, 1969, there were 8,025 members of the State Bar. Once admitted, members of the bar are subject to the rules of ethical conduct prescribed by the Supreme Court, whether they practice before a court and administrative body or in consultation with clients not involving court appearances.



Functions of the Bar

1. Processes and investigates grievances and forwards requests for disciplinary action to the Board of State Bar Commissioners.
2. Investigates complaints concerning practice of law by those not qualified to practice.
3. Through its committees, works toward raising professional standards, improving the administration of justice, providing legal assistance for those unable to pay for it, and furnishing continuing legal education to lawyers.
4. Sponsors an extensive program of legal research into law reforms.