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THE JOURNAL OF APPELLATE PRACTICE AND PROCESS DEVELOPMENTS

MORE JUDICIAL OUTREACH: "JUSTICE ON WHEELS" FROM THE SUPREME COURT OF WISCONSIN

Ingrid A. Nelson*

The judicial branch has long been the least seen, and consequently the least understood, of the three branches of government. Outside of television, movies, and novels, most people have no idea what really goes on in a trial court, let alone an appellate court. The Wisconsin Supreme Court is trying to change that by taking its "show" on the road and providing those outside of Madison, the state's capital, an opportunity to learn what goes on in the state's highest court.

The "Justice on Wheels" program brings Supreme Court oral arguments to various counties around the state. For several days each year, the Court leaves its hearing room at the state capitol and hears arguments in a distant locale before an audience of local residents who otherwise might never have the opportunity to observe the Court in action.

"Public outreach is very important to me," says Chief Justice Shirley S. Abrahamson. "I've always advocated for judges doing things outside the courtroom."¹ Indeed, when she

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1. Interview with Shirley S. Abrahamson, C.J., Wis. S. Ct. (Dec. 8, 2004).

was appointed to the Court in 1976, her investiture ceremony was held not in the Supreme Court Hearing Room, as was then customary, but in the Wisconsin Assembly chambers, which can hold a larger audience. Since then, other justices have followed suit, and Chief Justice Abrahamson was sworn in as chief in the state capitol rotunda, which can accommodate a much larger crowd than either the hearing room or the Assembly chambers.

Chief Justice Abrahamson floated the idea of a road trip a few times over the years without success. It wasn't until 1993 that the idea was finally put to a vote. With three of the seven justices dissenting, the Court determined that it would hear arguments outside of Madison for the first time in its history.

The chief justice chose the first destination: the city of Green Bay, with a population of 100,000. The hearings were conducted in an elegant courtroom in the local courthouse and were attended by over 300 people. Both the community and the justices considered the experiment a great success.² Since then, the Court has heard arguments in Eau Claire, Wausau, Milwaukee, La Crosse, Superior, Janesville, Kenosha, Baraboo, Juneau, Rhinelander, Appleton, Stevens Point, Racine, and Fond du Lac.³

In choosing a location for a Justice on Wheels visit, the Court looks for a city with a courtroom that can accommodate seven justices and a large audience. The Court also considers the availability of media outlets to publicize the visit, and the proximity of schools and colleges whose students might take the opportunity to see an appellate court's proceedings. Planning for a trip typically takes five months and involves figuring out how to stretch a one-judge courtroom to accommodate seven judges, meeting with the local sheriff about parking and security issues, and working with the trial court to ensure a minimum of disruption in the courthouse.

2. See Brian M. Kerhin, *Court Is In Session*, Green Bay News-Chronicle 1A (Oct. 13, 1993); Kathleen McGillis, *Students Witness Justices in Action*, Green Bay Press-Gazette A-1 (Oct. 13, 1993).

3. The response to the Fond du Lac visit in April 2005 was so enthusiastic that all available seats were reserved a week before the Court's visit. See Press Release, Wis. S. Ct. (Apr. 5, 2005) (*Supreme Court Headed for Fond du Lac; 350 People Have Signed up to Watch Proceedings*) (available at <http://www.wicourts.gov/news/archives/2005/scfonddulac040505.htm>) (accessed June 9, 2005; copy on file with Journal of Appellate Practice and Process).

The cases to be heard during a Justice on Wheels visit are chosen with several considerations in mind. If possible, cases that originated in the host county or surrounding counties are placed on the docket. The Court also considers what types of cases would be most interesting for the audience, choosing, for example, a search-and-seizure case over a case involving an issue of appellate procedure. Teachers planning to bring students to observe the arguments receive synopses of the cases and information about the Court ahead of time, and the cases are described in press releases sent to local media. Local attorneys are recruited to study the cases. They make themselves available for in-depth presentations in the schools and provide ten-minute “warm-up” presentations to the audience immediately before the arguments.

In addition to hearing arguments, the Court typically plans other events in connection with a Justice on Wheels visit. The Court holds a press conference at which the justices respond to questions, and the chief justice speaks about the history of the Court and the host community. Other events might include a reception with the local bar associations of the host county and surrounding counties, meetings or luncheons with community organizations and school groups, and an essay contest for students.⁴

Despite the careful planning that goes into a Justice on Wheels trip, there are occasional mishaps. In the spring of 2004, the justices visited Racine and agreed to let a newspaper photographer follow them around behind the scenes as they prepared for argument. The next day, the paper ran a large photograph of Chief Justice Abrahamson sorting through files in a United States Postal Service box.⁵ Calls and letters started coming in, chastising the chief justice for misappropriation of government property. The Court has since purchased its own file

4. The press conferences and associated activities sometimes lead to articles in local newspapers that can educate even more people about the Court and its important work. See e.g. Paul Chronis, *High School Students Get a Glimpse of High Court in Action*, Stevens Point J. 3A (Apr. 9, 2003) (noting, among other things, that the Court’s session on that day was held during its first-ever visit to Portage County).

5. Jeff Wilford, *State Justices Hold Court in Racine*, Racine J. Times (Apr. 6, 2004) (featuring a photograph accompanied by the caption, “Chief Justice Shirley S. Abrahamson looks through case files for Wednesday’s cases before attending a press conference”).

boxes that bear the Wisconsin Supreme Court seal, and the USPS boxes have been returned to the Madison post office.

Justice on Wheels is part of the Wisconsin Supreme Court's program to maintain public trust and confidence in the judicial system. "The judiciary is generally held in high regard in this state," says Chief Justice Abrahamson. "We cannot take our positive image for granted, though, and must always work to ensure the people of Wisconsin that the judiciary of this state is independent and decides cases fairly and impartially according to the law. The Court believes that conducting its work in an open and visible manner is one of the best ways to do that."⁶



6. Abrahamson interview, *supra* n. 1.