

HUPPERTZ & DOROW, S.C.

Law Offices at River's Edge
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Amy N. Kunz, Legal Assistant

Of Counsel:
Peter G. Duffey

November 25, 2011

Office of Governor Scott Walker
Attn: Chief Legal Counsel
115 East State Capitol
Madison, WI 53702

Re: Application for Judgeship
Waukesha County Circuit Court Branch II

Dear Governor Walker:

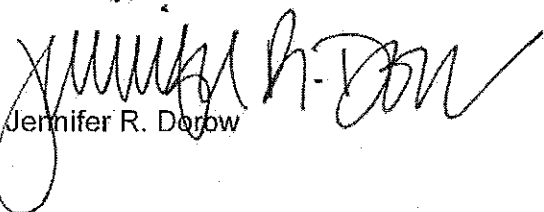
Enclosed please find my judicial application for your consideration, along with the required submissions.

I am seeking your appointment to the Circuit Court in Waukesha County because I want to make a positive contribution to the quality of justice in Waukesha County. A judge should possess the intellect and experience to understand the cases before her, and the integrity and character to apply the law fairly. I have 15 years experience as a litigator in a broad array of areas. I hold strong conservative values that will guide me as a judge and ensure that all litigants are treated fairly under the law. I do not believe in legislating from the bench, and subscribe to the principle of judicial restraint. I also possess the intellect, character and poise needed by a member of the judiciary.

Thank you for the opportunity to apply for the appointment. It would be an honor and privilege to serve the citizens of Waukesha County as their next circuit court judge.

Please note that additional letters of recommendation will be sent from District Attorney Brad Schimel and State Senator Rich Zipperer early next week..

Sincerely,



Jennifer R. Dorow

APPLICATION FOR APPOINTMENT TO THE COURT
(Please attach additional pages as needed to fully respond to questions)

DATE: November 25, 2011

WISCONSIN BAR NO.: 1027891

I. GENERAL:

1. Name: Jennifer R. Dorow Email: [REDACTED]
2. Date admitted to practice law in Wisconsin: 10/04/1996
3. Date admitted to practice law in other states: N/A
4. Current employer and title: Partner, Huppertz & Dorow, S.C.
5. Work address: W240 N1221 Pewaukee Road
City: Waukesha County: Waukesha State: WI ZIP: 53188
Telephone: 262-549-5979
6. Residential Address: 2704 Burries Road
City: Hartland County: Waukesha State: WI ZIP: 53029
Length of time at this residence: 6 years
Home telephone: [REDACTED]
Cell phone: [REDACTED]
7. List all previous residences for the past ten years
W227 S4465 Patricia Lane, Waukesha, WI 53189
8. Place of birth: Milwaukee, Wisconsin
Date of birth: [REDACTED] 1970 Age: 41
9. Are you a registered voter at your current address? Yes ☒ No ☐
10. Wisconsin driver's license number [REDACTED]

11. Marital status: Married

If married: Spouse's name: Brian M. Dorow

Date of marriage: 07/11/1998

Spouse's occupation: Associate Dean, Waukesha County Technical College

If ever divorced, please provide all former spouses' names and current addresses, the dates and places of divorce, and the court and case numbers for the divorces.

N/A

12. List any children (including stepchildren).

<i>Name</i>	<i>Age</i>	<i>Occupation</i>	<i>Residential address</i>
Michael	8	n/a	[REDACTED]
Jonathan	7	n/a	[REDACTED]
Angelina	1	n/a	[REDACTED]

13. Answer yes or no to the following questions. Attach a separate page explaining any affirmative answers.

a) Yes ☐ No ☒

Do you currently have a physical or mental impairment that in any way limits your ability or fitness to properly exercise your duties as a member of the Judiciary in a competent and professional manner?

b) Yes ☐ No ☒

In the past ten years, have you unlawfully used controlled substances as defined by federal or state laws? Unlawful use includes the use of one or more drugs and/or the unlawful possession or distribution of drugs. It does not include the use of drugs that were prescribed to you and taken under lawful supervision of a licensed health care professional.

c) Yes ☐ No ☒

Since leaving high school, have you, for other than academic reasons, ever been denied enrollment, disciplined, denied course credit, suspended, expelled, or requested to terminate your enrollment by any college, university, law school, or other educational institution?

Application for Judgeship

- d) Yes ☐ No ☒ Have you failed to meet any deadline imposed by court order or received notice that you have not complied with substantive requirements of any contractual arrangement?
- e) Yes ☒ No ☐ Have you ever been held in contempt or otherwise formally reprimanded or sanctioned by a tribunal before which you have appeared?
- f) Yes ☐ No ☒ Are you delinquent in your mandatory continuing legal education?
- g) Yes ☒ No ☐ Have you ever been a party to a lawsuit either as a plaintiff or as a defendant? If yes, please supply the jurisdiction and/or county, case number, nature of lawsuit, whether you were the plaintiff or defendant, and disposition of each lawsuit.
- h) Yes ☐ No ☒ Has there ever been a formal complaint filed against you, a finding of probable cause, citation, or conviction issued against you, or are you presently under investigation by the Wisconsin Judicial Commission, the Supreme Court of Wisconsin, the Office of Lawyer Regulation, or any other state or federal equivalent, or any court, administrative agency, bar association, or other professional group, in any jurisdiction?
- i) Yes ☐ No ☒ If you are a quasi-judicial officer, have you ever been disciplined or reprimanded by a sitting judge?
- j) Yes ☐ No ☒ In the past five years, have you ever been cited for a municipal or traffic violation, excluding parking tickets?
- k) Yes ☐ No ☒ Have you ever failed to timely file your federal or state income tax returns?
- l) Yes ☐ No ☒ Have you ever paid a tax penalty?
- m) Yes ☐ No ☒ Has a tax lien ever been filed against you?
- n) Yes ☐ No ☒ Have you ever filed a personal petition in bankruptcy or has a petition in bankruptcy been filed against you?
- o) Yes ☐ No ☒ Have you ever owned more than ten percent of the issued and outstanding shares, or acted as an officer or director, of any corporation by which or against which a petition in bankruptcy has been filed?

II. EDUCATION:

14. List secondary schools, colleges, law schools, and any other professional schools attended.

<i>School</i>	<i>Dates Attended</i>	<i>Degree(s) Earned and GPA</i>
Waukesha South High School	1985-1988	High School Diploma 3.344 GPA
Drake University	1988-1990	2.76 GPA
Marquette University	1990-1992	B.A. Broadcast & Electronic Comm 3.555 GPA
Regent University School of Law	1993-1996	Juris Doctor 3.31 GPA

List and describe academic scholarships, awards, honor societies, and extracurricular involvement. Note any leadership positions.

Varsity Letter Winner Track and Field, Waukesha South High School, Drake University and Marquette University. 1988 WIAA Division I State Champion 100 m High Hurdles and State Record Holder for 21 years.

Varsity Cheerleader

National Honor Society, Waukesha South High School

AHEPA scholarship recipient (Annunciation Greek Orthodox Church) 1988

Partial Academic Scholarship Drake University 1988-1989

Dean's List Marquette University

Intervarsity Christian Fellowship Small Group Leader (Marquette University)

Fellowship of Christian Athletes (Marquette University)

Alpha Sigma Nu, Marquette University

Dean's List Regent University School of Law

Cum Laude, Marquette University and Regent University School of Law

James Kent American Inns of Court (Regent University)

Regent University Law Review

III. MILITARY EXPERIENCE:

15. List all military service (including Reserves and National Guard).

<i>Service</i>	<i>Branch</i>	<i>Highest Rank</i>	<i>Dates</i>

Rank at time of discharge:

Type of discharge:

List any awards or honors earned during your service. Also list any citations or charges pursued against you under the Uniform Code of Military Justice.

IV. PROFESSIONAL ADMISSIONS:

16. List all courts (including state bar admissions) and administrative bodies having special admission requirements to which you have ever been admitted to practice, giving the dates of admission, and, if applicable, state whether you have ever been suspended or have resigned.

<i>Court or Administrative Body</i>	<i>Date of Admission</i>
State Bar of Wisconsin	10/4/1996
Eastern District of Wisconsin	12/4/1997
Seventh Circuit Court of Appeals	11/2/1998

V. NON-LEGAL EMPLOYMENT:

17. List all previous full-time non-legal jobs or positions held in the past eight years.

<i>Date</i>	<i>Position</i>	<i>Employer</i>	<i>Address</i>
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VI. LEGAL EMPLOYMENT:

(If you are a sitting judge, answer questions 18–23 with reference to before you became a judge.)

18. State the names, dates, and addresses of all legal employment, including law school and volunteer work.

<i>Date</i>	<i>Position</i>	<i>Employer</i>	<i>Address</i>
January 1, 2010 to present	Partner	Huppertz & Dorow, S.C.	W240 N1221 Pewaukee Road, Waukesha, WI 53188
September 7, 2004 to December 31, 2009	Associate Attorney	Law Offices of Matthew H. Huppertz, S.C, f/k/a Huppertz & Kuhary, S.C.	W240 N1221 Pewaukee Road, Waukesha, WI 53188
March 2000 to July 2004	Assistant District Attorney	Waukesha County District Attorney's Office	515 W. Moreland Boulevard, Waukesha, WI 53188
November 1997 to March 2000	Associate Attorney	Fuchs, Snow, Destafanis, S.C. (f/k/a Fuchs, Snow, O'Connell & DeStefanis, S.C.	1233 N. Mayfair Road, Wauwatosa, WI 53226

19. Describe your legal experience as an advocate in criminal litigation, civil litigation, and administrative proceedings.

Since March of 2000, I have served as an advocate in the criminal justice system. From March of 2000 to July of 2004, I was employed as an Assistant District Attorney in the Waukesha County District Attorney's Office. From September of 2004 to the present, my practice has largely focused on criminal and traffic defense, and includes virtually all aspects of criminal defense, including juvenile matters, probation/extended supervision revocation proceedings, reincarceration hearings, restitution hearings, motion hearings, plea and sentencing hearings,

post-conviction motions, administrative proceedings, court trials and jury trials. I also prosecute and defend clients in restraining order matters, and represent parents in CHIPS cases. Prior to March of 2000, I spent more than three years practicing with a civil litigation firm, where my practice was devoted to municipal prosecution and civil litigation, including police officer discipline and duty disability eligibility matters, both of which were primarily before arbitrators and administrative bodies.

I also devote a portion of my private practice to serve as a court appointed Guardian ad Litem in Waukesha County in CHIPS, TPR, guardianship, adoption, paternity and restraining order matters.

20. What percentage of your legal career has been in:

Court		Area of Practice	
Federal appellate:	<u>0%</u>	Civil:	<u>0%</u>
Federal trial:	<u>0%</u>	Criminal:	<u>85%</u>
Federal other:	<u>0%</u>	Family:	<u>5%</u>
State appellate:	<u>0%</u>	Probate:	<u> </u> %
State trial:	<u>85%</u>	Other:	<u>10%</u>
State administrative:	<u>5%</u>		
State other:	<u>10%</u>		
TOTAL		<u>100 %</u>	<u>100 %</u>

21. In your career, how many cases have you tried that resulted in a verdict or judgment?

Jury: 15-20

Non-jury: 50-100

Arbitration: 5-10

Administrative bodies: 25-30

22. How many cases have you litigated on appeal? Please provide case names and case numbers. If you have litigated less than twenty cases, please describe the nature of each case, your involvement, and each case's disposition.

See attached.

23. List and describe the two most significant cases in which you were involved; give the case number and citation to reported decisions, if any. Describe the nature of your participation in the case and the reason you believe it to be significant.

I had the privilege of working for a women charged with a domestic abuse crime and an ordinance violation for disorderly conduct for altercations with the same man. In addition to the

criminal case, the woman filed a request for a domestic abuse restraining order against the man who was the named victim in the criminal complaint. After the woman filed her request for a restraining order, the man responded by filing his own request for a domestic abuse restraining order. This woman was the victim of repeated acts of domestic abuse and yet she found herself charged with a domestic abuse crime and an ordinance violation based on altercations with her abuser. In the end, the criminal and forfeiture charges were dismissed, the restraining order sought by her abuser was dismissed and an injunction was issued against the man. Moreover, I was able to encourage this woman to seek counseling and move forward with her life. Obtaining dismissal of the criminal charges was a tremendous legal victory for this woman and satisfying to me as an attorney; helping this woman regain her confidence, leave her abuser and move toward healing was enormously rewarding.

State of Wisconsin v. Jennifer E. Rath, 2010CM1763
Jennifer R. Rath v. Troy J. Wilkening, 2010CV4821
Petitioner v. Jennifer E. Rath, 2010CV5021
County of Waukesha v. Jennifer E. Rath, 2010FO1361

When I left the Waukesha County District Attorney's Office to take a job in the private sector, I was acutely aware that my soon to be new clients would look to me to not only represent them during a difficult time and protect their rights, but obtain the best results possible. The very first case for which I was hired was a juvenile delinquency matter. I was entrusted by the family with the outcome of a young man's case. It was both exciting and daunting. Like any first, the case was memorable and significant and an experience that has helped shape who I am as an attorney and how I practice. I learned early on in my career as a criminal defense attorney that three principles should guide my representation of the accused: trust, respect and communication. These ideals were instilled in me from my boss and now partner, Matt Huppertz. I "cut my teeth" beginning with this juvenile case and carry the experience, and the experiences of the hundreds of cases since, into my representation of every new client that walks into my office.

Please note that I am not providing the name of the case due to the confidentiality of juvenile matters.

VII. PRIOR JUDICIAL EXPERIENCE:

24. Have you ever held judicial or quasi-judicial office? If so, state the court(s) involved and the dates of service.

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<i>Dates</i>	<i>Name of Agency/Court</i>	<i>Position Held</i>

- A. List the names, phone numbers, and addresses of two attorneys who appeared before you on matters of substance.
- B. Describe the approximate number and nature of cases you have heard during your judicial or quasi-judicial tenure.
- C. Describe the two most significant cases you have heard as a judicial officer. Identify the parties, describe the cases, and explain why you believe them to be significant. Provide the trial dates and names of attorneys involved, if possible.

VIII. PREVIOUS PARTISAN OR NON-PARTISAN POLITICAL INVOLVEMENT:

25. Please list all instances in which you ran for elective office. For each instance, list the date of the election (include both primary and general election), the office that you sought, and the outcome of the election. Include your percentage of the vote.

N/A

26. Have you ever held a position or played a role in a judicial, non-partisan, or partisan political campaign, committee, or organization? If so, please describe your involvement.

Marianne Becker Re-election campaign committee member

Paul Bucher AG campaign committee member
Brad Schimel DA Annual Golf Outing volunteer
Dan Trawicki Sheriff Annual Golf Outing volunteer
Brian Dorow assembly seat campaign committee member
2004 Presidential Election Day Volunteer Lawyer with the State Republican Party
Republican Party of Waukesha member
Republican Women of Waukesha County member

27. Please list all judicial or non-partisan candidates that you have publically endorsed in the last six years.

Mark Gundrum
Lloyd Carter

IX. HONORS, PUBLICATIONS, AND PROFESSIONAL AND OTHER ACTIVITIES:

28. List any published books or articles, giving citations and dates.

None.

29. List any honors, prizes, or awards you have received, giving dates.

2007 Super Lawyer Up and Coming Lawyer Recognition
2008 AV Rating
2012 AV Rating

30. List all bar associations and professional societies of which you are a member; give the titles and dates of any office that you may have held in such groups and committees to which you belong or have belonged.

State Bar of Wisconsin
Waukesha County Bar Association
Wisconsin Association of Criminal Defense Lawyers
Justinian Lawyers Association

31. Describe any additional involvement in professional or civic organizations, volunteer activities, service in a church or synagogue, or any other activities or hobbies that could be relevant or helpful to consideration of your application.

Waukesha-Ozaukee-Washington Youth Council, past member and past chair

Waukesha-Ozaukee-Washington Workforce Development Board, past member

Preventing Alcohol Related Crashes (PARC) Task Force, member

PARC Drive Safe Drive Sober (DS2) Event, organizer and volunteer

Waukesha County Community Foundation Women of Distinction Luncheon Committee

Kiwanis International, Waukesha Noon Chapter, Board Member

Safe & Sound Waukesha volunteer

Westbrook Church Women's Ministries Small Group Facilitator (Women's Bible Study Leader)

32. Describe any significant pro bono legal work you have performed in the last five years.

I routinely accept appointments in criminal cases from the Circuit Court judges in Waukesha County for individuals who are indigent but who do not qualify for public defender representation. I also routinely take on cases for reduced fees or costs only for those who would not otherwise be able to afford my legal services.

33. Describe any courses on law that you have taught or lectures you have given at bar association conferences, law school forums, or continuing legal education programs.

None.

34. Describe any other speeches or lectures you have given.

While employed at the Waukesha County District Attorney's Office, I regularly volunteered to lecture at police officer in-service training on various legal topics, including confession law, traffic law and vehicle seizure law and procedures.

X. FINANCIAL INVOLVEMENT:

35. If you or your spouse are now an officer, director, or otherwise engaged in the management of any business enterprise, state the name of such enterprise, the nature of the business, the nature of your duties, and you or your spouse's intended involvement upon your appointment or election to judicial office.

My husband, Brian Dorow, is on the Board of Directors for Landmark Credit Union. This is a volunteer position. He currently has no plans to step down. If appointed, I would recuse myself from hearing any case involving the credit union.

36. Describe any business or profession other than the practice of law that you have been engaged in since being admitted to the Bar.

None.

37. Describe any fees or compensation of any kind, other than for legal services rendered, from any business enterprise, institution, organization, or association of any kind that you have received during the past five years.

None.

XI. ADDITIONAL INFORMATION:

38. Explain in one page or less why you want to become a judge/justice.

I want to be a judge at the trial court level for a number of reasons, not the least of which is to attain a career goal. I became intrigued with the role of judge and the third branch of government in law school. I have now practiced as a litigator for 15 years. I see first hand the importance of having judges who are knowledgeable, fair, predictable, and who honor their role in the third branch of government. I want to serve the citizens of Waukesha County in this capacity, and I will do it well, as I have the temperament, experience, intellect and dedication that is required.

39. In one page or less, name one of the best United States or Wisconsin Supreme Court opinions in the last thirty years and explain why you feel that way.

A significant recent case from the Wisconsin Supreme Court is *State ex rel. Ozanne v. Fitzgerald*, 334 Wis. 2d 70 (2011). The decision in this case is rightly based on the doctrine of separation of powers, and serves as an excellent example on the limits of the judiciary. A judge should not impose her will on matters of legislative policy. In this case, the trial court did just

that by blocking publication of the Governor's budget repair bill. The Wisconsin Supreme Court reversed the decision of the trial court, thereby allowing publication of the bill and the legislative process to continue.

40. In one page or less, name one of the worst United States or Wisconsin Supreme Court opinions in the last thirty years and explain why you feel that way.

In my opinion, the U.S. Supreme Court decision in *Lawrence v. Texas*, 539 U.S. 558, 123 S.Ct. (2003), is a prime example of judicial activism at its worst. In *Lawrence*, a majority of the court went well beyond the four corners of the U.S. Constitution to declare a new constitutional right. The decision cites to the European Convention on Human Rights and an advisory committee to the British Parliament as legal justification for establishing the right to extramarital sexual acts – a right found nowhere in the text of the U.S. Constitution. This decision was then used by the Massachusetts Supreme Court as legal justification in mandating the issuance of same sex marriage licenses under the Massachusetts Constitution.

41. In one page or less, describe your judicial philosophy.

The words of Chief Justice John Roberts from his opening statement before the Senate Judiciary Committee Hearing on September 12, 2005 sum up the proper role of a judge: “[j]udges are like umpires. Umpires don’t make the rules; they apply them....”

In my opinion, a judge should be guided by the principle of judicial restraint. As Rick Esenberg described it in his White Paper entitled “The Court Unbound? The Recent Jurisprudence of the Wisconsin Supreme Court,” judicial restraint is “the notion that judges ought to base their decisions upon a source of authority that is outside of themselves and their own notions of the just.” For example, in matters of statutory interpretation, a judge should first and foremost look to the text itself for the plain meaning of the statute. There is no need to examine the policy considerations behind a statute, especially in those circumstances where the constitutionality of the statute is at issue. Even when a statute's meaning is unclear, a judge should limit herself as to where she looks for guidance. While legislative history may, in certain circumstances, provide insight into the meaning of a statute, a judge should not consider the wisdom, or lack thereof, of the policy considerations the legislature relied upon in enacting the statute. On the contrary, a judge should give deference to the legislative policy considerations so long as the policy makers have stayed within their limits as defined by the Wisconsin and U.S. Constitutions. In the words of Justice Antonin Scalia, a judge should interpret the text “reasonably, to contain all that it fairly means.”

The principle of judicial restraint equally applies to the application of case law to the contested issues before a trial court judge. A trial judge should honor the precedents of higher courts in deciding matters before her. In doing so, she brings fairness, consistency and predictability to her position and the litigants who appear before her.

42. If you have previously submitted a questionnaire or application to this or any other judicial nominating commission, please give the name of the commission and the approximate date of submission.

N/A

43. Describe any other information you feel would be helpful to your application.

As a litigator, I am in court on behalf of clients numerous times each week, many of which are contested hearings. In addition to my current practice in the area of criminal defense, I also devote a significant percentage of my practice to Guardian ad Litem appointments in CHIPS, TPR, guardianship, restraining order, paternity and adoption cases.

WAIVER AND AUTHORIZATION:

I hereby authorize any person acting on behalf of the Governor or his staff to seek information related to my interest in appointment as judge. I further authorize any recipient of a request for information from the Governor or his staff to provide such information for consideration of my application.

11/25/11
(Date)

Julius B. Don
(Signature of Applicant)

NOTICE OF DISCLOSURE:

I acknowledge and understand that this application and supporting materials, when submitted to the Governor of Wisconsin, generally becomes public record. I therefore understand that this means my name, the fact that I have applied to be appointed as a judge, and my application materials could be released to the public.

11/25/11
(Date)

Julius B. Don
(Signature of Applicant)

Please note that under certain, limited circumstances, applications for appointed positions may be exempt from disclosure under the public records law. If you wish your application to remain confidential to the extent allowed by law, please send a request to that effect in writing along with your application.

Such a request does not ensure that your application will remain confidential. In general, you should expect that all materials submitted will be disclosed. But the Governor's Office will honor such a confidentiality request to the extent the law allows. A request for confidentiality will not adversely affect your application for appointment.

13.

(e) I was sanctioned for citing to unpublished cases by the court of appeals.

(g) I was a third party defendant in a personal injury lawsuit, Anne Bucher et al. v. WBHG LLC et al, Washington County Case No. 2008CV231. The case settled out of court, with judicial approval of the minor settlement.

18.

September, 1996 to November, 1997

Law Clerk and Attorney
Schober & Schober, S.C.,
2835 S. Moreland Road, New Berlin, WI 53151

School Year 1995-1996

Research Assistant to Professor Kenneth E. North
Regent University Law School
1000 Regent University Drive, Virginia Beach, VA 23464

Summer 1995

Internship with the Honorable John L. Coffey
Seventh Circuit Court of Appeals
619 U.S. Courthouse and Federal Building
517 E. Wisconsin Avenue, Milwaukee, WI 53203

Summer 1994

Law Clerk
Attorney Thomas E. Hayes
161 W. Wisconsin Avenue, Milwaukee, WI 53203

22.

I have been involved with 19 cases in various stages of appeal, the majority of which I worked as a research assistant for the lead attorney. Three of the cases involved post-conviction motions (one of which is a pending case), fourteen involved appeals to the court of appeals, one involved a writ of habeas corpus in federal court and one involved an appeals to the Seventh Circuit Court of Appeals. The cases in 1997-1998 are cases I worked on while employed with Attorney John Fuchs. The cases in 2000-2003 are cases I worked on while at the Waukesha County District Attorney's Office. The cases from 2005 to the present are cases I worked on with my current employer.

Following is a list of the Wisconsin cases:

2011XX000135	State v. Thomas F. Kafer
2009AP001779	County of Milwaukee v. Caleb L. Manske
2006AP000510	State v. Damon L. Belton
2005AP001221	State v. Matthew D. Olson

<u>2005AP001195</u>	State v. Todd R. Martin
<u>2003AP002421</u>	State v. Kris A. Westberg
<u>2003AP002364</u>	State v. Robert J. Brown
<u>2003AP001223</u>	State v. Ibrahim Begicevic
<u>2002AP002206</u>	State v. Kris A. Westberg
<u>2002AP000483</u>	State v. Donald R. Riddle
<u>2001AP003439</u>	State v. Daniel J. Phillips
<u>2000AP003542</u>	State v. Michael J. Phillips
<u>2000AP003541</u>	State v. Michael J. Phillips
<u>1998AP002668</u>	Granville Rodgers v. City of Milwaukee
<u>1998AP002288</u>	Anne Loren Kane v. The City of Milwaukee
<u>1998AP000142</u>	Group Health Cooperative of Eau Claire v. Wisconsin Department of Revenue
<u>1997AP002276</u>	Timothy Oddsen v. City of Milwaukee

Following is a list of the federal cases:

Wozny v. Jess, 05-C-0739 (Writ of Habeas Corpus)

Balcerzak, et al. v City of Milwaukee, et al., 98-1602, decision found at 163 F.3d 993 (1998)

JENNIFER R. DOROW

2704 Burries Road • Hardland, WI 53029 • Phone: [REDACTED] • E-Mail: [REDACTED]

EXPERIENCE

Huppertz & Dorow, S.C., Waukesha, Wisconsin

January 1, 2010 - present

- Partner
- 85% practice devoted to Criminal and Traffic Defense.
- 15% practice devoted to Guardian ad Litem appointments in juvenile court for CHIPS, TPR guardianship, restraining order, paternity and adoption matters.

Law Offices of Matthew H. Huppertz, S.C.

Huppertz & Kuhary, S.C., Waukesha, Wisconsin

September 7, 2004 - December 31, 2009

- Associate Attorney
- 85% practice devoted to Criminal and Traffic Defense.
- 15% practice devoted to Guardian ad Litem appointments in juvenile court for CHIPS, TPR guardianship, restraining order, paternity and adoption matters.

Waukesha County District Attorney's Office, Waukesha, Wisconsin

March, 2000 - July, 2004

- Assistant District Attorney
- 100% practice devoted to criminal, juvenile and traffic prosecution.

Fuchs, Snow, O'Connell & DeStefanis, S.C., Wauwatosa, Wisconsin

November, 1997 - March, 2000

- Associate Attorney
- 25% practice devoted to municipal prosecution.
- 25% practice devoted to administrative law specifically related to police officer discipline and duty disability eligibility.
- 50% practice devoted to civil litigation.

Schober & Schober, S.C., New Berlin, Wisconsin

September, 1996 - November, 1997

- Law Clerk/Attorney
- 100% practice devoted to civil litigation support.

EDUCATION

Regent University School of Law, Virginia Beach, Virginia

Juris Doctor, May 1996

- 3.31 GPA
- Cum Laude
- Law Review
- James Kent American Inns of Court

Marquette University, Milwaukee, Wisconsin

Bachelor of Arts Communications, August 1992

- 3.555 GPA
- Cum Laude
- Alpha Sign Nu
- Significant course work transferred from Drake University

JENNIFER R. DOROW

2704 Burries Road • Hartland, WI 53029 • Phone: [REDACTED]

E-Mail: [REDACTED]

Waukesha South High School, Waukesha, Wisconsin

High School Diploma, June 1988

- 3.344 GPA
- National Honor Society

LEGAL MEMBERSHIPS

State Bar of Wisconsin

Waukesha County Bar Association

Wisconsin Association of Criminal Defense Attorneys

Justinian Lawyers Association

COMMUNITY INVOLVEMENT

Westbrook Church Women's Ministry, Small Group Leader

Kiwanis International, Waukesha Noon Chapter, Board Member

Waukesha County Community Foundation, Women of Distinction Event Committee

Republican Party of Waukesha County, Member

Republican Women of Waukesha County, Member

Preventing Alcohol Related Crashes (PARC) Task Force, Board Member

PARC Drive Safe Drive Sober Event (DS2), Organizer and Volunteer

Waukesha-Ozaukee-Washington Workforce Development Board, Past Member

Waukesha-Ozaukee-Washington Workforce Development Youth Council, Past Member and Chair

JENNIFER R. DOROW

2704 Burries Road • Hartland, WI 53029 • Phone: [REDACTED] • E-Mail: [REDACTED]

REFERENCES

Honorable Michael O. Bohren
Waukesha County Juvenile Center
521 Riverview Avenue
Waukesha, WI 53188
[REDACTED]

Mr. Stephen Ziegler
Chief Executive Officer
In Pro Corporation
S80 W18766 Apollo Drive
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STATE OF WISCONSIN,

Plaintiff,

v.

Case No. 02-CF-5670

DAMON L. BELTON,

Defendant

RULE 809.30(2)(h) MOTION FOR POST-CONVICTION RELIEF

The defendant, Damon L. Belton, by the undersigned counsel, Huppertz & Kuhary, S.C., by Attorneys Jennifer R. Dorow and Matthew H. Huppertz, moves this court pursuant to Rule 809.30(2)(h), Wis. Stats., for an order permitting the defendant to withdraw his pleas of guilty entered in this matter.

In order to more fully develop the factual backdrop for this issue, Belton requests a hearing pursuant to State v. Machner, 92 Wis.2d 797, 285 N.W.2d 905 (1979). To demonstrate the need for this hearing, Belton offers the following.

I. FRAMEWORK OF ANALYSIS FOR PLEA WITHDRAWAL

Whether to permit a defendant to withdraw a no contest plea lies within the sound discretion of the trial court. State v. Giebel, 198 Wis.2d 207, 212, 541 N.W.2d 815 (Ct. App. 1995). Postconviction plea withdrawal is permitted only to correct a manifest injustice. Id.; State v. Booth, 142 Wis. 2d 232, 235, 418 N.W.2d 20 (Ct. App. 1987). The manifest injustice test is satisfied by a showing that the defendant received ineffective assistance of counsel. State

v. Bentley, 201 Wis. 2d 303, 311, 548, N.W.2d 50 (1996). The defendant bears the burden of showing the necessity for plea withdrawal by clear and convincing evidence. Id.

A. INEFFECTIVE ASSISTANCE OF COUNSEL

The United States Supreme Court in Strickland v. Washington, 466 U.S. 668 (1984) established a two-prong test of ineffective assistance of counsel.

A convicted defendant's claim that counsel's assistance was so defective as to require reversal of a conviction or death sentence has two components. First, the defendant must show that counsel's performance was deficient. . . . Second, the defendant must show that the deficient performance prejudiced that defense. Id. at 687.

In order for the deficient performance to rise to the level of constitutional violation, "the deficient performance must undermine out confidence in the fairness of the trial and the reliability of the result." State v. Pitsch, 124 Wis.2d 628, 633, 369 N.W.2d 711, 714 (1985).

It is not necessary, of course, to demonstrate total incompetence of counsel, and the defendant makes no such claim here. Rather, a single serious error may justify reversal. Kimmelman v. Morrison, 477 US. 365, 383 (1986); See United States v. Cronin, 466 U.S. 648, 657 n.20 (1984). "[T]he right to effective assistance of counsel . . . may in a particular case be violated by even an isolated error . . . if that error is sufficiently egregious and prejudicial." Murray v. Carrier, 477 U.S. 478, 496 (1986). The deficiency prong of the Strickland test is met when counsel's performance was the result of oversight rather than a reasoned defense strategy. See State v. Moffett, 147 Wis.2d 343, 433 N.W.2d 572, 576 (1989).

The Court in Strickland found that the court must give great deference to counsel's "strategic choices made after thorough investigation of law and facts relevant to plausible options." Strickland, 466 U.S. at 690. However, "[s]trategic choices made after less than

complete investigation are reasonable precisely to the extent that reasonable professional judgements support the limitations on investigation. In other words, counsel has a duty to make reasonable investigations or to make a reasonable decision that makes particular investigations unnecessary." Id. See also State v. Pitsch, 124 Wis.2d 628 638, 369 N.W.2d 711 (1985). See also Sims v. Livesay, 970 F.2d 1575, 1580-81 (6th Cir. 1992)(the court held that counsel's performance was deficient when he failed to seek an expert or otherwise challenge the governments's theory regarding physical evidence).

In this case, Belton asserts that his trial counsel, Attorney Roberto Ledesma, was ineffective because Attorney Ledesma failed to investigate and pursue the identities of the confidential informants, advised Belton to plead guilty and withdraw all pretrial motions without explaining the guilty plea waiver rule, including a Motion to Suppress Physical Evidence and a Motion to Compel Identify of Informant, and failed to challenge the reliability of the photographic identification of one of the confidential informants, which was impermissible and highly suggestive.

B. FACTUAL BASIS

On October 7, 2002, Damon Belton was arrested by two Vice Control Division officers following a five month long investigation. The following is taken directly from the narrative report of Detective Mitchell Ward.

In the past five months, I, P.O. Ward along with my partner, P.O. Bodo Gajevic had received information from a confidential source regarding a drug dealer known a [sic] "D" who sells pounds of marijuana from his auto. This source further statede that he had accompanied another subject who had purchased one pound of marijuana from "D". This transaction took place in side of "D's" auto, which was parked in front of 2710/2712 W. Clark St. During this transaction, the source observed a large frame pistol in the waistband of "D". The

source described "D's" auto as red Ford Bronco with tan top. After this conversation, I then checked the department of transportation records and learned the plate number provided to me listed to Damon Belton on a 1999 Ford Bronco. The confidential source was then shown a "booking" photo of Damon Belton who he identified as "D".

In the month of July 2002, I, P.O. Ward directed a second confidential source to 2710/2712 W. Clarke St. This source was able to make two separate controlled buys from a subject at 2712 W. Clark St. In both buys, the source purchased small amounts of marijuana from an individual who told the source to come back when you see the red Bronco with the peanut butter top parked in front, that's when the "big weed" is here. The source had attempted to purchase larger quantities of marijuana on both occasions.

On Monday, October 7, 2002 I had received information from a confidential source that "D" would be in the area of N. 27th St and W. Clarke St delivering a large amount of marijuana to 2710/2712 W. Clarke St. At approximately 1:15 pm I along with P.O. Bodo Gajevic responded to the area of N. 27th St & W. Clarke St., which is adjacent to the Clarke Street School. Both P.O. Gajevic and myself observed the Ford Bronco described by the confidential source parked at 2629 N. 28th St. The auto had one registration plate of 434-CRS affixed to the rear bumper and the other registration plate was lying on the front dash. The auto was unoccupied and parked just around the corner from 2710/2712 W. Clarke St. At this time, P.O. Gajevic and myself watched the residence at 2710/2712 W. Clarke St. At approximately 1:30 pm we observed Damon Belton walk from the front porch of 2710/2712 W. Clarke St. And walk west on Clarke Street towards N. 28th St. We then approached Belton as he sat in his auto, and observed that Belton was leaning over the rear seat area where we later recovered large quantities of both marijuana and cocaine base. Belton was unaware of our presence up until we exited our squad and stood by Belton's driver's door. I then verbally identified myself as a police officer. At which time, Belton immediately took his right hand and quickly reached into his waistband. I then drew out my weapon and ordered Belton to put his hands up in the air. Belton then raised his hands however, as we came closer to the auto Belton lowered both of his hands. I then began to raise my weapon up and order Belton to put his hands back up. As I did this, P.O. Gajevic was able to observe Belton placing a large framed pistol next to Belton's seat. After placing the gun next to the seat, Belton then put his hand back up while stating, "don't shoot, I'm cooperating, you got me." Belton was then taken into custody. Once Belton was taken into custody, P.O. Gajevic then recovered a loaded .9mm Smith & Wesson pistol where he observed Belton put it. P.O. Gajevic also located a "Beck's beer Box" behind the passenger seat of Belton's auto. P.O. Gajevic was able to see a gallon sized "zip-lock" bag sticking out of the top of the box. This bag contained a plastic sandwich bag that contained what appeared to be one ounce of marijuana. P.O. Gajevic then removed the gallon sized "zip-lock" bag from the

box and discovered that it also contained six other corner but baggies containing suspected cocaine base, in addition to the ounce of marijuana visible from the top of the box. Under the "zip-lock" bag P.O. Gajevic recovered two white plastic bags that each contained what appeared to be one pound of marijuana each. I then requested a squad to convey Belton to the Police Administration Building. Before placing Belton in the conveying auto I preformed [sic] a custodial search of Belton. During which, I recovered a cell phone from Belton's jacket. As I was searching Belton, he stated, "Man, I ain't got nothing else. Didn't you find enough? If I had anything else it would have been in the box. I then explained to Belton that people sometimes secret drugs on their person and that I just wanted to be sure he did not have any on him. Belton then stated, "Man, I ain't go no more dope on me. You already got it all." I also briefly asked Belton if he wanted to help himself. Belton responded by saying, "just take me down. You got me. That's all the shit I have. I ain't gonna help you with anything else.

Belton along with the evidence recovered from Belton's auto was then conveyed to the Vice Control Division. The box contained a total of 3 bags of suspected marijuana and 6 corner cut bags of suspected cocaine base. I P.O. Ward field-tested the suspected marijuana for the presence of THC, which tested positive with a total weight of 896.77 grams. The two large bags had a weight of 444.30 grams and 425.07 grams. The smaller bag had a weight of 27.40 grams. The 6 bags of suspected cocaine base also tested positive for the presence of cocaine base with a total weight of 60.66 grams. There were three larger bags with weights of 27.22, 14.12 and 13.87 grams and three smaller bags with weights of 3.38, 3.45 and 1.62 grams.

Identification Technician Delores Strong with negative results processed all the box and original containers for the suspected marijuana and cocaine base for latent fingerprints. The suspected narcotics were placed on inventory #204346 and the pistol was placed on inventory #205294.

It should also be noted that 2629 N. 28th St is located just to the east of Clarke Street School located at 2816 W. Clarke Street. In addition I did not observe any Wisconsin Department of Revenue tax stamps affixed to any of the narcotics recovered from Belton's auto.

Officer Ward also included the following information in the "Details of Arrest" section on the booking form.

This report was written by Police Officer Mitchell G. Ward, Vice Control Division on 10-07-02. I P.O. Ward had spoke to a confidential informant who told me that a black male driving a Ford Bronco would be delivering a large amount of marijuana to 2710 W. Clarke. At about 1:15 pm I along with P.O. Bodo Gajevic observed the auto parked at 2629 N. 28th St. Shortly after which I saw Belton walk from 2710 W. Clarke to his auto. Upon approaching Belton in

his auto P.O. Gajevic observed Belton stuffing a large frame semi auto pistol next to his seat. Belton was taken into custody. P.O. Gajevic then observed a Becks Beer box behind the passenger seat, with a bag of marijuana sticking out of the top. The box contained 2 white plastic bags containing marijuana and a freezer bag containing 6 c/c bags of cocaine base. The suspected marijuana tested positive for the presence of THC 896.77 grams and the suspected cocaine base tested positive for cocaine 60.66 grams by P.O. Ward.

This information was the only substantive information concerning the facts and circumstances surrounding Belton's arrest. No other information concerning the "confidential sources" was supplied.

Subsequently, Belton was charged in Milwaukee County Circuit Court with three counts: Possession with Intent to Deliver Controlled Substance - Cocaine (more than 40 grams but not more than 100 grams), contrary to Wis. Stat. §§ 961.16(2)(b)(1) and 961.41(1m)(cm)4, Possession with Intent to Delivered Controlled Substance - Tetrahydrocannabinols (Marijuana) (more than 500 grams but not more than 2500 grams), contrary to Wis. Stat. §§ 961.01(14), 961.14(4)(t) and 961.41(1m)(h)2, and Carrying Concealed Weapon, contrary to Wis. Stat. § 941.23. On October 10, 2002, Belton appeared in custody and with Attorney Roberto Ledesma for an initial hearing. Cash bond in the amount of \$ 10,000 was set and subsequently posted by Belton on October 17, 2002. A preliminary hearing was also scheduled. On October 21, 2002, Belton waived his right to a preliminary hearing and was bound over for trial.

On October 28, 2002, a scheduling conference/arraignment hearing was held. Belton entered not guilty pleas to all counts contained in the information, which were identical to the charges levied in the criminal complaint. On November 12, 2002 a status conference was held at which time the court scheduled a final pre-trial/motion hearing for January 30, 2003 and a jury trial for February 17, 2003. The court also ordered any defense motions to be filed by December

13, 2002, and any response by the State to be filed by January 21, 2003. On December 12, 2004, Attorney Ledesma filed various motions with the trial court, including a Motion to Compel Identify of Informant, a Motion to Suppress Illegal Stop, a Motion to Suppress Illegal Arrest and a Motion to Suppress Physical Evidence, along with a Statement on Motions. On January 27, 2003, the State filed a Response to Defense Motion to Suppress.

On January 30, 2003, Attorney Ledesma withdrew his request for a motion hearing and the parties informed the court a resolution had been reached. The court subsequently accepted Belton's guilty pleas to all three counts and scheduled a sentencing hearing for April 4, 2003. That date was later adjourned and rescheduled to July 8, 2003. On July 8, 2003, Belton was sentenced to 8 years imprisonment on count one, 5 years of initial confinement and 3 years of extended supervision, 4 years of imprisonment on count 2, 2 years of initial confinement and 2 years of extended supervision, concurrent with count 1, and 9 months of imprisonment on count 3, concurrent with counts 1 and 2.

On July 25, 2003, Attorney Ledesma filed a Notice of Intent to Pursue Post Conviction Relief with the trial court. Belton now files this Motion for Post-Conviction Relief claiming his trial counsel was ineffective for failing to pursue the pretrial motions before advising Belton to withdraw the motions and plead guilty to all three counts.

C. ARGUMENT

Belton posits that Attorney Ledesma's performance was both deficient and prejudicial because had Belton been properly advised on the merits of his pretrial motions and the effect of the guilty plea waiver rule, Belton would not have plead guilty and, instead, insisted upon pursuing the motions. Specifically, Belton believes that the trial court would have ruled in his

favor on both the Motion to Suppress Physical Evidence and the Motion to Compel Identity of Confidential Informant.

Although Belton withdrew his pretrial motions at the plea hearing on January 30, 2003, both he and the State briefed some of the issues raised in the motions, including the suppression and confidential informant motions. Additionally, the narrative portions of the police reports are quoted above. As a result, we have a fairly good idea what the State would have presented at the hearing.

Essentially, the State would have claimed that the officers had reasonable suspicion to approach Belton's vehicle for an equipment violation, i.e., not properly displaying a front license plate, based on State v. Krier, 165 Wis. 2d 673 (Wis. App. 1991). However, the State's reliance is misplaced. Belton's vehicle was legally parked. As such, he was not operating his motor vehicle on a highway, a prerequisite to an equipment violation of this nature. See Wis. Stat. § 341.14(3)(b). Thus, the stop of Belton cannot be justified under Krier.

This does not end the inquiry, however, as we must also look at the real reason the officers approached Belton on October 7, 2002: a tip from a confidential informant that a subject identified as "D", a black male driving a Ford Bronco, would be delivering a large amount of marijuana to 2710/2712 W. Clarke Street in Milwaukee. We know from the investigative reports that in addition to the "tip" received on October 7, 2002, Officers Mitchell and Gajevic had been investigating the activities of a subject believed to be Damon Belton for approximately five months prior to his arrest. The investigation rested on information from three confidential sources. The initial information was apparently provided at the beginning of the investigation, or five months prior to Belton's arrest. This "source" was not able to provide a name for the drug

dealer other than "D". However, the source did provide a description of a vehicle driven by "D", including a license plate number. From this information, the officers learned the suspect vehicle was registered to the defendant.

What happened next is critical to Damon's claim that he received ineffective assistance of counsel. Officers Ward and Mitchell showed the source a booking photo of the defendant. The confidential source identified Damon Belton as "D". This is the only identification made throughout the course of the investigation. For reasons that are articulated below, this identification was impermissible and highly suggestive, and therefore unreliable.

In July of 2002, the officers received information from a second confidential source regarding drug transactions at 2712 W. Clarke Street. This source made two controlled buys during the month of July at this address from an unidentified subject. The source apparently tried to purchase larger quantities of marijuana, but was unable to do so. However, according to the source, the individual selling the marijuana told the source to come back when a red bronco with the peanut butter top was parked in front, that's when the "big weed" is here. No information was provided regarding the identify of the seller or the owner of the red Ford Bronco.

Then, on October 7, 2002, the officers received information from yet another confidential source that "D" would be in the are of N. 27th and Clarke Street delivering a large amount of marijuana to 2710/2712 W. Clarke Street. The source apparently also described this person as being a black male and driving a red Ford Bronco. It is unclear at what time the officers received this information. Nonetheless, we know that the officers responded to the area of N. 27th and W. Clarke Street at approximately 1:15 p.m. The officers observed an unoccupied red Ford Bronco with Wisconsin registration of 434-CRS parked in front of 2629 N. 28th Street. At approximately

1:30 p.m., the officers observed the defendant walk from the front porch of 2710/2712 W. Clarke Street to the red Ford Bronco parked on 28th Street, a short distance away. The officers then approached the defendant, who was seen leaning over the rear seat area of the parked vehicle. Accordingly to the reports, Officer Ward identified himself as a police officer and Belton immediately took his right hand and quickly reached into his waistband. Officer Ward then drew his weapon and ordered Belton to put his hands in the air.

According to the reports, as the officers drew closer to the Bronco, Belton lowered his hands and Officer Ward instructed him to raise them. According to the reports, as Belton raised his hands, Officer Gajevic observed Belton place a large frame pistol next to the seat. After doing this, the reports further indicate that Belton put his hands back up while stating, "don't shoot, I am cooperating, you got me." Belton was then taken into custody.

These facts are what the State argued in its response established articulable and reasonable suspicion that Belton was involved in criminal activity on October 7, 2002, based on the totality of the circumstances. However, the ability of the officers to even approach Belton on the day of his arrest hinges upon the reliability of the information provided by the confidential informants, including the photographic identification of Belton some five months prior to his arrest. This identification was not proper.

Officers Ward and Gajevic showed a single booking photo to the first confidential source, otherwise known as a "showup."¹ That photo was of Damon Belton. The confidential source identified Belton as "D". Identification through a photo array was not obtained, even though the

¹"A 'showup' is an out-of-court pretrial identification procedure in which a suspect is presented singly to a witness for identification purposes." State v. Dubose, 2005 WI 126, ¶ 1, n. 1.

officers had ample time in which to do so, as their investigation continued for some five months prior to Belton's arrest. The Wisconsin Supreme Court recently held that "evidence obtained from an out-of-court showup is inherently suggestive and will not be admissible unless, based on the totality of the circumstances, the procedure was necessary. State v. Dubose, 2005 WI 126, ¶ 33.² The Court went on to state that, "[a] showup will not be necessary, however, unless the police lacked probable cause to make an arrest or, as a result of other exigent circumstances, could not have conducted a lineup or photo array." Dubose at ¶ 33. "A lineup or photo array is generally fairer than a showup, because it distributes the probability of identification among the number of persons arrayed, thus reducing the risk of misidentification. Id. (citations omitted). In this case, the police had ample time to conduct a photo array. Thus, the showup identification was impermissible. This was the only identification made during the course of the investigation into a drug dealer known only as "D". As a result, the information relied upon by the police to approach Damon Belton on October 7, 2002 was unreliable, making the stop and arrest of the defendant unlawful. This, in turn, taints the seizure of the physical evidence which formed the basis for the charges against the defendant. Without such evidence, the State would have no choice but to dismiss the charges. For all of these reasons, Attorney Ledesma's failure to pursue the suppression motion and instead counsel Belton to withdraw the pretrial motions and plead guilty was deficient and prejudicial.

Moreover, Attorney Ledesma failed to investigate the circumstances surrounding Belton's arrest, including whether any witnesses saw the arrest. Had Attorney Ledesma done so, he could

²Although this decision was issued in July of this year, the Wisconsin Supreme Court relied on Stovall v. Denno, 388 U.S. 293 (1967). Thus, Attorney Ledesma's conduct should be evaluated in light of Dubose.

have secured the statements of two witnesses, Jermel H. Gordon and Christopher Davis, both of whom saw Belton being arrested by the police on October 7, 2002, and both of whom dispute, to some extent, the circumstances surrounding the officers' approach of Belton. Gordon and Davis's statements are attached to this motion and incorporated herein by reference.

Lastly, Attorney Ledesma was ineffective for failing to pursue the Motion to Compel Identity of Confidential Informant. The entire investigation rested on information provided by not one, but three confidential informants. Given the problems with the showup identification of the defendant by the first confidential source, Attorney Ledesma should have vigorously pursued the identities of the "sources". Moreover, the information provided by the confidential source in July of 2002 may even be exculpatory, as the source made two controlled buys from an individual other than "D". In fact, neither Damon Belton's name nor "D" is mentioned as being involved. Admittedly, a vehicle matching the description of the defendant's vehicle is mentioned, but no concrete information was provided that tied Belton to the transactions. The police reports fail to identify the seller. It is likely that the confidential source could have provided that identification. Even though the information provided by the third confidential source provided officers with a reason to believe a large amount of marijuana would be delivered via the red Ford Bronco, the officers believed Damon Belton was their suspect based on the impermissible showup identification of Belton by the first source. Moreover, it is entirely possible that these sources could supply exculpatory information due to the lack of information on just who "D" was. Given all of these factors, Attorney Ledesma should have pursued the identities of the confidential informants. His failure to do so was both deficient and prejudicial.

CONCLUSION

For all of the foregoing reasons, Belton requests a hearing pursuant to State v. Machner, 92 Wis.2d 797, 285 N.W.2d 905 (1979) to determine if he was denied effective assistance of counsel in violation of the Sixth and Fourteen Amendments to the United State Constitution and Article I, Section 1 and 7 of the Wisconsin Constitution.

Dated this 16th day of September 16, 2005.

Respectfully Submitted,

/s/

Jennifer R. Dorow
State Bar No. 1027891

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October 11, 2011

Honorable William J. Domina
Circuit Court Branch 11
Waukesha County Courthouse
515 W. Moreland Boulevard
Waukesha, WI 53188

Re: State of Wisconsin v. Thomas Kafer
Case No. 2009CF000812

Dear Judge Domina:

I am in receipt of District Attorney Brad Schimmel's letter to you regarding the proposed testimony of Attorney Robert LeBell. Following is my response to his objection.

First, I disagree with the characterization of Attorney's LeBell proposed testimony. Attorney LeBell is not being called as an expert on domestic law. Rather, he is being called to testify on the standards of professional conduct, and how the performance of Mr. Kafer's trial counsel fell below those standards. Attorney LeBell will testify, among other things, about the uniqueness of child sexual assault cases and the need to approach these types of cases differently than other types of cases, the need to consult with an expert in child sexual assault cases, the steps he takes in investigating child sexual assault allegations, and the steps he takes in representing clients accused of sexually assaulting a child or children. He will also discuss the importance of reading and being able to utilize the research on forensic interviews of children in the course of the representation.

Ultimately, it is this Court that will determine whether Mr. Kafer received effective assistance of counsel. The standard for assessing counsel's effectiveness has been described as follows:

"Effective representation is not to be equated, as some accused believe, with a not-guilty verdict. But the representation must be equal to that which the ordinarily prudent lawyer, skilled and versed in criminal law, would give to clients who had privately retained his services."

State v. Fencel, 109 Wis.2d 224, 228, 325 N.W.2d 703, 706 (1982) (quoting *State v. Harper*, 57 Wis.2d 543, 557, 205 N.W.2d 1 (1973)). The proposed testimony of Attorney LeBell is directly on point to this issue, and, more importantly, will aid the court in reaching its decision. In other words, the testimony will be helpful to the court, as the trier of fact at a Machner hearing, in considering whether Mr. Kafer received ineffective assistance of counsel.

Second, the issue of whether expert testimony should be admitted or excluded is one left to the discretion of the trial court. *State v. Hamm*, 146 Wis.2d 130, 142, 430 N.W.2d 584, 590 (Ct. App. 1988); *see also* sec. 907.02, Stats. Expert testimony is generally admitted when it will be helpful to the trier of fact. *Id.* As noted by Justice Shirley Abrahamson in her concurring opinion in *State v. Fencel*, the standards for professional legal services are analogous to the standards for professional medical and dental services, and that one would therefore expect the testimony of expert witnesses as to the degree of care and skill required of an ordinarily prudent lawyer. *Fencel* at 246.

Therefore, it for the above stated reasons that Mr. Kafer respectfully requests this Court allow the testimony of Attorney Robert LeBell at the continued hearing in this matter.

Sincerely,

JSI

Jennifer R. Dorow

cc: Mr. Thomas Kafer
Attorney Brad Schimel
File



OFFICE OF THE SHERIFF



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DANIEL J. TRAWICKI, *Sheriff*

November 16, 2011

Office of Governor Scott Walker
Attn: Chief Legal Counsel
115 East State Capitol
Madison, WI 53702

To Whom it May Concern:

Please accept this letter as a wholehearted recommendation and endorsement for Jennifer Dorow for the upcoming judicial vacancy in Waukesha County. I have known Jennifer Dorow both professionally and personally over the course of my career and find her to be not only a great and trusted member of the community, but also a highly regarded member of the bar here in Waukesha County.

I understand that with the selection of Judge Gundrum to the Wisconsin Court of Appeals, there are many different people that will be seeking this appointment. This letter just shows my support for Jennifer Dorow in this regard.

Should you have any questions regarding this recommendation, or follow up regarding Ms. Dorow as a candidate, please feel free to contact me.

Sincerely,

A handwritten signature in dark ink, appearing to read "Daniel J. Trawicki". The signature is fluid and cursive, with a large loop at the end.

Daniel J. Trawicki, Sheriff
Waukesha County Sheriff's Department

DT/dlh

An Accredited Law Enforcement Agency

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November 30, 2011

Office of Governor Scott Walker
Attn: Chief Legal Counsel
115 East State Capitol
Madison, WI 53702

By Email and regular mail

RE: Application of Jennifer Dorow for Waukesha Circuit Court Branch II Appointment

To Whom It May Concern:

I am the District Attorney for Waukesha County. I write in support of Jennifer Dorow in her application for the appointment to the Circuit Court seat vacancy created by the appointment of the Honorable Mark Gundrum to the Court of Appeals.

I have known Jennifer Dorow for approximately 12 years. We first became acquainted through her work as a municipal attorney, and discovered that her husband, then an officer with the Waukesha Police Department, and I were colleagues who worked together frequently. We then discovered that she and my wife were high school classmates. We later got the opportunity to work together closely and regularly when Attorney Dorow joined the Waukesha County DA's Office as an Assistant DA in 2000. In the DA's Office, she had an opportunity to spend a tremendous amount of time in the courtroom honing her skills as a litigator.

Attorney Dorow has distinguished herself as an ethical, capable and hard-working member of the Bar in Waukesha County. Since leaving the DA's Office, she has gained a wide range of legal experience in private practice, where she represents clients in many different types of cases.

I know Attorney Dorow has the intellect, work ethic and demeanor that will make her an outstanding jurist. She has done an admirable job of balancing her successful legal career with raising her three young children and has been active in our community. I have worked closely with her in her commitment to the Waukesha County PARC (Preventing Alcohol Related Crashes) Task Force, and my wife has worked closely with her in their service on the Waukesha County Community Foundation Women of Distinction Awards Event Committee.

Jennifer Dorow was born and raised here in Waukesha County and has dedicated her career to serving the legal needs of the people who live here, both as a prosecutor and a private bar lawyer. She has demonstrated her commitment to making this community a better place.

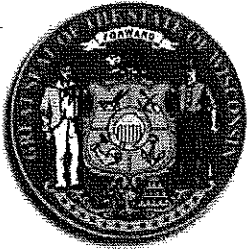
Jennifer Dorow and her husband Brian were instrumental in assisting me in my campaign to become Waukesha County District Attorney, and our families have become close friends. She and her husband have been actively involved in many other election campaigns, as well, and I know that she has the ability to run a successful campaign to retain this seat if she is appointed.

The Honorable Governor Scott Walker
November 30, 2011
Page 2

Thank you for your kind consideration of my recommendation of Jennifer Dorow for the judicial appointment for Waukesha County Circuit Court Branch 2. If you should have any questions or concerns, please do not hesitate to contact me.

Very truly yours,

Brad Schimel
Waukesha County District Attorney
515 W. Moreland Blvd.
Waukesha, WI 53188
Personal cell: [REDACTED]



MICHAEL O. BOHREN
Circuit Judge, Branch 1, Waukesha County
Juvenile Court Center
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Court Reporter
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Lauren Kozlowski
Legal Clerk
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November 25, 2011.

Governor Scott Walker
State Capitol
Madison, Wisconsin 53707

Re: Jennifer Dorow
Waukesha County Circuit Court Branch 2

Dear Governor Walker,

I write today to endorse and recommend Jennifer Dorow as your appointment to Branch 2 of the Waukesha County Circuit Court.

Attorney Dorow has appeared before me in civil, criminal, family and juvenile cases advocating her client's position as well as a Guardian ad litem. In addition, through mutual civic activities I know her and her family outside of the courtroom. She presents herself as a seasoned attorney prepared through education and experience to rise to the judiciary. I know many attorneys, and have a sense of what makes a good attorney and what makes a good judge.

As a lawyer she shows initiative, ingenuity, legal acumen, scholarly inquisitiveness, and empathy for clients. In the community Attorney Dorow is a leader at her church and community. I have worked with her for the benefit of the Salvation Army and the Food Pantry.

In her role as Guardian ad litem in both family and juvenile cases, I have observed her apply the law to facts and make discretionary decisions. She shows patience and an understanding of the gravity of the proceedings. Attorney Dorow is poised to apply her training and experience as a judge.

She understands what a judge is and isn't; in the grand scheme of justice Attorney Dorow embodies Francis Bacon's words: "Judges ought to remember that their office is to interpret law and not to make law."

I am happy to review Attorney Dorow's qualifications further.

Respectfully yours,

Michael O. Bohren
Circuit Court Judge

COUNTY OF WAUKESHA

HON. PATRICK C. HAUGHNEY
Judge

CHRIS FRISKE
Deputy Clerk
(262) 548-7564

CHRISTINE L. GRAUER
Court Reporter
(262) 970-4768

JENNIFER THOMAS
Calendar Clerk
(262) 548-7548

CHAMBERS OF
CIRCUIT COURT BRANCH 6
515 W. Moreland Boulevard
PO Box 1627
Waukesha, WI 53187-1627

November 22, 2011

Governor Scott Walker
Attn: Judicial Selection Committee
PO Box 7863
Madison, WI 53707-7863

RE: Appointment for the Waukesha Judicial Vacancy
Recommendation for Jennifer Dorow

Dear Governor Walker:

I write today to support and endorse Jennifer Dorow for appointment to the bench. Jennifer Dorow has appeared before me as an Assistant District Attorney and as a private attorney. She has appeared before me in Criminal, Juvenile and Family Court matters. She is an outstanding lawyer, which is one of the reasons I have appointed her as a Guardian ad Litem in various cases.

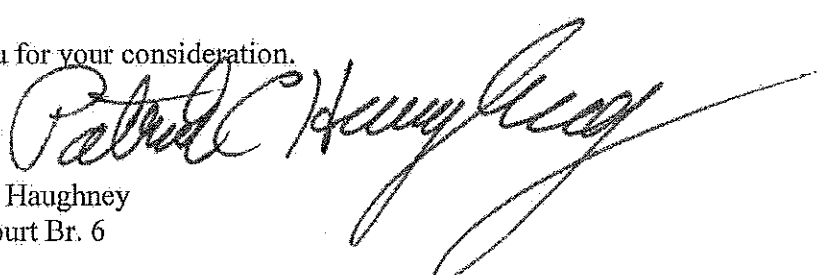
In addition to being a good lawyer, she has numerous community contacts that will ensure that she can be elected to the bench. The reason she has substantial community support is that she is recognized as a leader in the community. Her personality is such that she has an easy way with people.

I appreciate that the committee has volumes of material to review, thus I have intentionally kept this letter short. However, I will be happy to elaborate further by phone if desired. Although I have told others that I am willing to write a letter of recommendation for them as well, I wish to emphasize that Jennifer Dorow is my number one choice.

Thank you for your consideration.

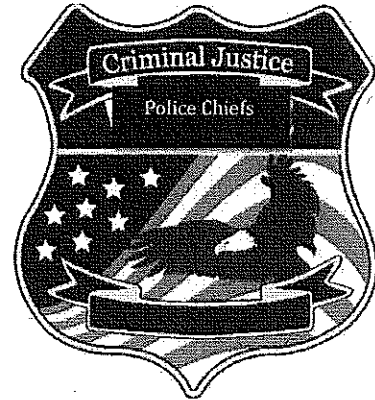
Sincerely,

Patrick C. Haughney
Circuit Court Br. 6



November 23, 2011

Governor Scott Walker
Attn: Chief Legal Counsel
115 East State Capitol
Madison, WI 53702



Dear Governor Walker:

On behalf of the following Waukesha County Law Enforcement Executives and Chief Wiemer, please accept this letter of recommendation in support of Jennifer Dorow.

Jennifer is highly respected and has the support of the Waukesha County Law Enforcement Community. She is known for her strong conservative values, integrity and dedication to her profession. In her 15 years of experience, Jennifer has served the citizens of Waukesha County as an Assistant District Attorney, a small business owner and a community volunteer. Jennifer has the experience, intellect, and temperament to be a judge.

This is why we strongly encourage you to appoint Jennifer Dorow as the next Waukesha County Circuit Court Judge.

Sincerely,

Chief Don Wiemer
Village of Oconomowoc

Chief Robert Rosch
Village of Hartland Police

Chief Bob Douglas
Village of Chenequa Police

Chief Joe Reider
City of New Berlin Police

Captain Tim Imler
Town of Brookfield Police

Deputy Chief Mark Stigler (Retired)
City of Waukesha Police

Chief Paul Geiszler
City of Muskego Police

Chief Mike Neuens (Retired)
City of New Berlin Police

Chief Dan Noordyk (Retired)
City of New Berlin Police

Captain Rich Piagentini (Retired)
City of Waukesha Police

†
Westbrook
- CHURCH -

November 23, 2011
To: Governor Walker
Attention: Chief Legal Counsel
115 East State Capital
Madison, WI 53702


Dear Governor Walker,

I am writing this letter on behalf of Jennifer Dorow. I have known Jennifer and her family for over three years as their neighbor, pastor, and friend. In that time, I have been impressed with Jennifer's ability to balance motherhood, her profession and her faith. Jennifer lives with strong convictions, but not to the point of becoming overly opinionated. She is passionate about upholding truth with her life and profession and expects the same from the others around her.

Jennifer is very bright and has demonstrated a tremendous ability to think critically about tough issues while possessing an openness to new ideas and perspectives. Jennifer is tenacious when it comes to issues that require tenacity, but also compassionate in areas that require compassion. While Jennifer's intellect is impressive, her steadiness is one of her most admirable qualities.

Our church was fortunate to have Jennifer as our legal counsel earlier this year. The church I lead filed a restraining order against an individual because of some threats he posed against me, some of our leaders, and a member of our congregation. Jennifer handled the situation in a timely manner, and did a wonderful job of representing the interests of Westbrook Church. In the courtroom Jennifer demonstrated all of the same characteristics and qualities I have consistently seen in the other areas of her life.

I would be pleased to see Jennifer serving as a judge in the area I reside. I am confident that she would serve the courts and our community very effectively as a judge. Please contact me if you have any questions. I would be delighted to speak with you about Jennifer.

Sincerely,

Rev. Scott Grabendike
Senior Pastor
Westbrook Church
Hartland, WI 53029

westbrookchurch.com



to know Him... and to make Him known

262) 367.8422 1100 Highway 83
262) 367.8411 fax Hartland, WI 53029



November 23, 2011

Office of the Governor Scott Walker
ATTM: Chief Legal Counsel
115 East State Capitol
Madison, WI 53702

Dear Governor Walker:

I'm contacting you relative to the open vacancy in Waukesha County for Circuit Court Judge. I'm aware that Attorney Jennifer Dorow has submitted her name to replace the Honorable Mark Gundrum, who now has been appointed to the Court of Appeals. I am sending you this letter of recommendation on behalf of Jennifer Dorow because I believe in her abilities and I have known Jennifer virtually almost all my legal career. Jennifer was an Assistant District Attorney in my office when I was the District Attorney and have since worked with Jennifer on many cases in her private capacity with Huppertz & Dorow. She has been involved in not only the legal community, but outside the legal community, and is well-respected. She is highly qualified, in my opinion, to serve the citizens of Waukesha County as a Circuit Court Judge, and I would highly recommend her to you for appointment to the vacant position. If you have any questions or concerns relative to this letter of recommendation, I, of course, am available at any time to speak to you.

On a side note, I'm very proud of what you've been able to do and wish you the best of luck. If there is anything I can do to help you, let me know.

Very truly yours,

BUCHER LAW GROUP, LLC


Paul E. Bucher
Attorney at Law

PEB/dm

355 Austin Circle, Suite 110, Delafield, WI 53018 / (262) 303-4916 / (262) 303-4079
1011 North Mayfair Road, Suite 307, Wauwatosa, WI 53226

John J. DiMotto
[REDACTED]
Greendale, WI 53129

November 22, 2011

Office of Governor Scott Walker
Attn: Chief Legal Counsel
115 East State Capitol
Madison, WI 53072

Re: Jennifer R. Dorow: Applicant for Appointment to Waukesha County Circuit Court
Branch 2

Dear Governor Walker:

I write on behalf of Jennifer Dorow who has applied for appointment to the vacancy in Branch 2 of the Circuit Court for Waukesha County.

I have known Ms. Dorow since the late 1990's. She is an intelligent, hard working attorney who has broad experience in the practice of law, with special expertise in criminal, family and juvenile law. She is highly respected by both the bench and the bar. She has a passion for the law and its use to help people. She knows how to persuade others to understand and embrace the law. She is articulate, enthusiastic and exhibits professionalism and ethics in her work.

As a Circuit Court Judge myself, I believe that it is critical that the trial judges throughout the State of Wisconsin be the most qualified individuals in their communities. Jennifer Dorow has the legal acumen, temperament and commitment to justice that qualifies her for the position of Circuit Court Judge. I recommend her appointment to Branch 2.

Sincerely,

John J. DiMotto



Governor Scott Walker
Office of the Governor
Atten: Chief Legal Counsel
115 East State Capitol
Madison, WI 53702

Dear Governor Walker:

It is with great honor that I write this letter of recommendation for Jennifer Dorow to be appointed Waukesha County Circuit Court Judge.

I have known Jennifer since 2002, while she was working with the Waukesha County District Attorney's Office, in her capacity as Assistant District Attorney. At that time, my business provided language communication services to the Waukesha Court System. I am well acquainted with the quality of her work having observed her performing her duties on a regular basis.

Jennifer always demonstrated accuracy and professionalism. She modeled excellence on a consistent basis. After that vocational experience, her career development led her to a successful private law practice.

She continues leading by example and people in our county find her integrity inspiring and motivating.

Regarding Jennifer's personal life, she is a loving wife and mother of three children. In addition, Jennifer is an active citizen in our community, serving as a board member in many non-profit organizations including Waukesha County Community Foundation, Kiwanis and Waukesha-Ozaukee-Waukesha Workforce Development Board.

I believe that Jennifer exhibits a broad knowledge of law practice. That knowledge will serve the State of Wisconsin well in Jennifer's capacity as Waukesha County Circuit Court Judge.

Sincerely Yours,

Barbara Soto
Executive Director
The City of Waukesha Chamber of Commerce
(262) 993-2611
410 Arcadian Ave., Waukesha, WI 53186



LA CASA
de Esperanza, Inc.

Children's Programs

(Ages 6 weeks - 12 years)

Early Head Start
Early Childhood Education
1st and 2nd Shift Child Care
4K
Before and After School
Summer Camp
Summer Food
Transportation

Youth Programs

(Ages 13 - 18)

After School Club
Career Development
College Exploration
Financial Education
Summer Program
Tutoring

Workforce Development

Employment Assistance
Family Self-Sufficiency
Financial Stability Education
VITA Free Tax Service
YouthBuild

**La Clinica Outpatient
Services**

AODA Treatment
Mental Health Treatment
Counseling Services

Housing Services

La Casa Village I & II

Weatherization Services

Milwaukee, Waukesha &
Jefferson Counties
City of Milwaukee

*La Casa's mission is to
provide opportunities for
low-income individuals
to achieve full social and
economic participation in
society, with emphasis on
the Hispanic population.*



November 18, 2011

Governor Scott Walker
Office of Governor Scott Walker
Attn: Chief Legal Counsel
115 East State Capitol
Madison, WI 53702

Dear Governor Walker:

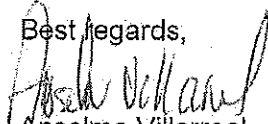
I am writing this letter today as President & CEO of La Casa de Esperanza, Inc. and as a person very familiar with the needs of disadvantaged people in Waukesha and the Greater Milwaukee area. I am asking you to strongly consider Attorney Jennifer R. Dorow for appointment as Waukesha Circuit Court Judge.

Attorney Dorow has a great deal of legal and technical expertise as well as practical experience. Attorney Dorow has been practicing law in Wisconsin for 15 years as an Assistant District Attorney, an Associate Attorney, and now Partner in Huppert & Dorow, S.C.

Even more importantly, from my perspective, is her track record of remaining in touch with the issues in our communities. Attorney Dorow is a life-long resident of Waukesha County. She has extensive experience working with juveniles in the criminal justice system. She is a member of the Board of Directors of the Waukesha Noon Kiwanis and an active member of Westbrook Church. She is a past member of The Waukesha-Ozaukee-Washington Workforce Development Board and Youth Council, as well as the Waukesha County Preventing Alcohol Related Crashes Task Force and DS2 event committee. She is sensitive to the issues of the economically disadvantaged and consistently advocates for the rights of those most in need in our communities. Attorney Dorow has volunteered her services to clients of La Casa de Esperanza and has overwhelming support from the Latino community.

Attorney Dorow is a true role model and community leader. I cannot think of anyone more worthy of this appointment. Thank you for strongly considering Attorney Dorow for appointment to the Circuit Court in Waukesha.

Best regards,


Anselmo Villarreal
President & CEO

LAW OFFICES OF
ARENZ, MOLTER, MACY & RIFFLE, S.C.

720 N. EAST AVENUE
P.O. BOX 1348 (53187-1348)
WAUKESHA, WI 53186
Telephone: (262) 548-1340
Facsimile: (262) 548-9211
Email: jmacy@ammr.net

DALE W. ARENZ
DONALD S. MOLTER, JR.
JOHN P. MACY
COURT COMMISSIONER
H. STANLEY RIFFLE
COURT COMMISSIONER
ERIC J. LARSON

RICK D. TRINDL
PAUL E. ALEXY
JULIE A. AQUAVIA
R. VALJON ANDERSON

November 23, 2011

Office of the Governor Scott Walker
Attn: Chief Legal Counsel
115 East Capitol
Madison, WI 53702

Re: Circuit Court Judge in Waukesha County

Gentlemen:

I write in support of the appointment of Jennifer Dorow to the position of Circuit Court Judge in Waukesha County. I have known Jennifer for many years. I find that she has the qualities needed to serve as a Circuit Court Judge in Waukesha County.

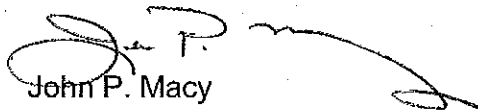
I have been personally involved in numerous judicial elections over the last 30 years and have worked on almost all of the sitting Waukesha County Circuit Court Judge campaigns. As you know, the quality of the Judiciary in Waukesha County is outstanding. I believe that Jennifer meets these standards.

She is conservative, hard-working, and will not legislate from the bench.

I wholeheartedly recommend her to you. If you have any questions of me in this regard, please feel free to contact me.

Yours very truly,

ARENZ, MOLTER, MACY & RIFFLE, S.C.


John P. Macy

JPM/lf

C:\MyFiles\JPM\lfr.walker.11-23-11.docx



**THE
Women's
CENTER**

Safety. Shelter. Support.

President

Kristine Havlik

President-Elect

Jeanine Kes Bode

Secretary

Sandy Wysocki

Treasurer

Mara Roberts

Directors

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Marsha Block

Robert DiDonato

Al Froehlich

Bill Humphreys

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Pat Kandziora

Dr. Ellen Langill

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Dr. Ann Bartos Merkow

Lynn Revoy

Dr. Shaila Singh

Linda Graebner Smith

Rhonda Matthews Ware

Louise Ladd Whitson

Sharon Wood

Student Members

Gabe Merkow

Teah Welsch-Rainek

Executive Director

Marie Kingsbury

505 North East Avenue

Waukesha, WI 53186

Phone 262-547-4600

Crisis Line 262-542-3828

www.twcwaukesha.org

November 22, 2011

Office of Governor Scott Walker

Attn: Chief Legal Counsel

115 East State Capitol

Madison, WI 53702

To Whom It May Concern:

It is with pleasure that I write this letter to recommend Attorney Jennifer R. Dorow for the Circuit Court Branch 2 judgeship.

I have known Ms. Dorow since the early 2000's. At the time, Ms. Dorow was an Assistant District Attorney for Waukesha County. As the executive director of The Women's Center, Inc. providing social services to victims/survivors of domestic and sexual assault and abuse, our nonprofit organization frequently interacted with the District Attorney's Office as well as law enforcement agencies in our work assisting victims. My agency had an excellent and cooperative relationship with the attorneys in the DA's office, all of which was of benefit to our clients, abused women and children.

I also know Ms. Dorow through our membership and involvement with the Waukesha Kiwanis service club. Ms. Dorow is an active member, participating in the club's volunteer activities with the Waukesha Food Pantry, the Salvation Army, and other charitable community projects sponsored by the club. Currently she is also a board of director for the club which requires additional commitment on her part.

In addition, Ms. Dorow has made herself available to my organization, The Women's Center, in legal matters on a pro bono basis. She offers needed advice and guidance to us on some of the more complicated legal matters of our clients, who usually cannot afford legal counsel.

While I have known Ms. Dorow in her professional capacity, I feel I can comment specifically on what I know of her as an individual, mother, community member and volunteer. How she manages to juggle her professional, personal and community commitments is admirable. She is devoted to her family and is held in high regard by those who know her professionally. She is smart, articulate, fair and even-handed. She is reliable and hard working. She is uniquely qualified because of the experience, commitment to community and dedication she would bring to the position of Circuit Court Judge.

I have no doubt that Ms. Dorow would be a fine and fair judge, and a credit to the community and county in which she was born and raised. I highly recommend her.

Most Sincerely,


Marie F. Kingsbury
Executive Director



BOY SCOUTS OF AMERICA®
POTAWATOMI AREA COUNCIL

November 18, 2011

Governor Scott Walker
Office of the Governor
Attention: Chief Legal Counsel
115 East State Capital
Madison WI 53702

To Whom It May Concern,

The recent vacancy in Waukesha County Circuit Court will allow the Governor to nominate someone with a strong legal background that is also respected and a community leader. I believe this person is Jennifer Dorow.

I have come to know both Jennifer and Brian as individuals that are committed to our local community, great parents and the next generation of leaders in Waukesha County. Jennifer's background in the District Attorney's office and in private practice provides her with a strong background to be our next Circuit Court Judge. Her dedication outside to community organizations is exemplary and is a credit to her and those she serves.

As an Eagle Scout, I can honestly tell you that Jennifer is a leader and would serve Waukesha County and the State of Wisconsin well as a Circuit Court Judge.

Sincerely,

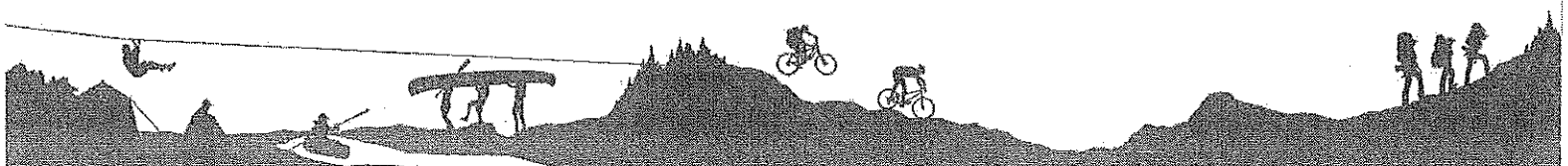
Patrick Scherer

Scout Executive/CEO

Potawatomi Area Council, B.S.A.

804 Bluemound Road
Waukesha, WI 53188-1698
262-544-4881
www.pacbsa.org

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WAUKESHA COUNTY BUSINESS ALLIANCE

Advocate

Develop

Network

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November 22, 2011

The Honorable Scott Walker, Governor
State of Wisconsin
Attn: Chief Legal Counsel
State Capitol – Room 115 East
Madison, WI 53702

Dear Governor Walker,

I am writing to recommend Jennifer R. Dorow for a judicial appointment to the Circuit Court bench in Waukesha County.

Jennifer's solid legal background and lifelong commitment to Waukesha County make her ideally suited for such an appointment. Currently an attorney with Huppert & Dorow, S.C., Jennifer previously served as Assistant District Attorney in the Waukesha County District Attorney's office from 2000 to 2004.

I am pleased to offer my personal support for Jennifer and appreciate your consideration.

Sincerely,



Suzanne Kelley

November 21, 2011

Office of Governor Scott Walker
Attn: Chief Legal Counsel
115 East State Capitol
Madison, WI 53702

To Whom It May Concern:

It is my pleasure to recommend Jennifer Dorow for the judicial vacancy in Waukesha County Circuit Court.

As a proud lifelong resident of Waukesha County, Jennifer is actively involved in community organizations that allow her to share her skills and talent while making a positive difference in the lives of Waukesha County residents. I currently serve with Jennifer on the Board of Directors for the Waukesha Kiwanis Club and have witnessed her leadership abilities as well as her enthusiasm and knowledge of Waukesha County.

Jennifer is also a proud and very involved mother of three active children. She includes her children in many community outreach programs, recognizing the value of educating and exposing them early to the socio-economic needs and opportunities in Waukesha County. Jennifer is committed to being a positive role model to her children, raising them to be respectful, involved and active citizens.

Overall, Jennifer will provide professionalism, experience, community knowledge and a high level of commitment to the Waukesha County Circuit Court. She has shown great initiative and perseverance as she looks to advance her legal career to the benefit of Waukesha County residents.

Thank you for your consideration. If I can be of further assistance, please do not hesitate to contact me.

Yours Sincerely,

Tammy L. Tritz

Tammy L. Tritz


HUPPERTZ & DOROW, S.C.

Law Offices at River's Edge
W240 N1221 Pewaukee Road
P.O. Box 215
Waukesha, Wisconsin 53187-0215
www.waukeshacriminalattorneys.com

Matthew H. Huppertz
Jennifer R. Dorow
Mark P. Powers

Telephone: (262) 549-5979
Fax: (262) 970-0298

Gloria J. Bralick, Paralegal
Amy N. Kunz, Legal Assistant

Of Counsel:
Peter G. Duffey

November 25, 2011

Office of Governor Scott Walker
Attn: Chief Legal Counsel
115 East State Capitol
Madison, WI 53702

Re: Appointment for the Waukesha Judicial Vacancy
Recommendation for Jennifer Dorow

Dear Governor Walker:

I am writing to you in support of Jennifer Dorow to fill the judicial vacancy in the Waukesha County Circuit Court. Jennifer has my unqualified endorsement for this position.

I have known Jennifer since she was an Assistant District Attorney in Waukesha; as my associate in the law firm of Huppertz & Kuhary, S.C.; and currently as my partner in Huppertz & Dorow, S.C. Throughout the many years certain attributes present themselves which make her the ideal candidate to fill the current judicial vacancy in Waukesha County.

First, Jennifer has a passion for fairness that she has consistently demonstrated over the years. Jennifer has the ability to sift through all of the facts pertinent to a case and focus on what is fundamentally fair and equitable in crafting a resolution.

Second, Jennifer has a wide range of experience in many different areas of the law. She practiced in family law, criminal prosecution as an Assistant District Attorney, criminal defense with me, estate planning and juvenile law as both an advocate and as a Guardian ad Litem. Whatever the nature of the law, she has the ability to present effective, well reasoned legal positions. Her breadth of legal experience is an asset few possess.

Third and finally, Jennifer is simply a wonderful person. She is an excellent wife and mother to three children; she is actively involved in the community with various charities; and she possesses a sense of humor which is greatly appreciated by all who have met Jennifer and worked with her.

Please consider this letter as my professional and personal endorsement of Jennifer for the current judicial appointment in Waukesha County. Simply put, Jennifer will make a fantastic judge that will make you and the community very proud for many years.

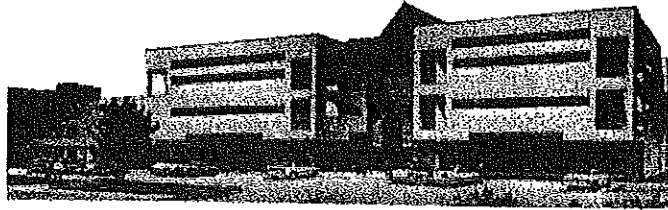
Sincerely,

HUPPERTZ & DOROW, S.C.


Matthew H. Huppertz



OFFICE OF THE SHERIFF



515 W. Moreland Blvd.
Box 1488
Waukesha, WI 53187

Waukesha County Jail
Box 0217
Waukesha, WI 53187

Waukesha County Huber
1400 Northview Road
Waukesha, WI 53188

DANIEL J. TRAWICKI, *Sheriff*

November 16, 2011

Office of Governor Scott Walker
Attn: Chief Legal Counsel
115 East State Capitol
Madison, WI 53702

To Whom it May Concern:

Please accept this letter as a wholehearted recommendation and endorsement for Jennifer Dorow for the upcoming judicial vacancy in Waukesha County. I have known Jennifer Dorow both professionally and personally over the course of my career and find her to be not only a great and trusted member of the community, but also a highly regarded member of the bar here in Waukesha County.

I understand that with the selection of Judge Gundrum to the Wisconsin Court of Appeals, there are many different people that will be seeking this appointment. This letter just shows my support for Jennifer Dorow in this regard.

Should you have any questions regarding this recommendation, or follow up regarding Ms. Dorow as a candidate, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script, reading "Daniel J. Trawicki".

Daniel J. Trawicki, Sheriff
Waukesha County Sheriff's Department

DT/dlh

An Accredited Law Enforcement Agency

Administration: 262-548-7126 Records: 262-548-7156 Process: 262-548-7151 Jail: 262-548-7170 Huber: 262-548-7181 Fax: 262-548-7887

[REDACTED]
Waukesha, Wisconsin 53189
November 25, 2011

Office of Governor Scott Walker
ATTN: Chief Legal Counsel
115 East State Capital
Madison, WI 53702

Dear Sir:

I am pleased to write this letter of recommendation for Jennifer Dorow to be appointed to the judicial opening in Waukesha County. As past chair and current member of the Board of Trustees of the Women and Girls Fund of Waukesha County, I have worked with Jennifer on our Women of Distinction event for the past four years. As a volunteer, she was committed to fulfilling her responsibilities, even bringing her newborn baby daughter to meetings.

The Women and Girls Fund is an endowed fund that provides grant support to non-profit organizations providing services in Waukesha County for women and girls of all ages and all socio-economic levels. This is an efficient way to address local needs. The Women of Distinction event is our major fundraising event that raises significant money to support our grant-making process.

The event is also a premier luncheon at which we honor women in Waukesha County who have demonstrated qualities of outstanding leadership and excellence. The importance of this event is apparent in that it has helped to fund grants totaling more than \$300,000 to about 43 non-profit organizations in the past seven years.

The success of this event depends on the commitment and hard work of a committee that is dedicated to improving the lives of women and girls in Waukesha County, and Jennifer Dorow exemplifies this woman. She is the type of woman who serves as a role model for other women and girls who are struggling to discover their potential, overcome obstacles and achieve success. Even with a young family and busy law practice, Jennifer finds time to fill her role on this important committee, and we are grateful for her involvement.

From what I have observed at committee meetings over the years, Jennifer would make an excellent judge, serving the community well with hard work, thoughtfulness and fairness.

Sincerely,



Kay M. Lettenberger

November 30, 2011

Office of Governor Scott Walker
Attn: Chief Legal Counsel
115 East State Capitol
Madison, WI 53702

By Email and regular mail

RE: Application of Jennifer Dorow for Waukesha Circuit Court Branch II Appointment

To Whom It May Concern:

I am the District Attorney for Waukesha County. I write in support of Jennifer Dorow in her application for the appointment to the Circuit Court seat vacancy created by the appointment of the Honorable Mark Gundrum to the Court of Appeals.

I have known Jennifer Dorow for approximately 12 years. We first became acquainted through her work as a municipal attorney, and discovered that her husband, then an officer with the Waukesha Police Department, and I were colleagues who worked together frequently. We then discovered that she and my wife were high school classmates. We later got the opportunity to work together closely and regularly when Attorney Dorow joined the Waukesha County DA's Office as an Assistant DA in 2000. In the DA's Office, she had an opportunity to spend a tremendous amount of time in the courtroom honing her skills as a litigator.

Attorney Dorow has distinguished herself as an ethical, capable and hard-working member of the Bar in Waukesha County. Since leaving the DA's Office, she has gained a wide range of legal experience in private practice, where she represents clients in many different types of cases.

I know Attorney Dorow has the intellect, work ethic and demeanor that will make her an outstanding jurist. She has done an admirable job of balancing her successful legal career with raising her three young children and has been active in our community. I have worked closely with her in her commitment to the Waukesha County PARC (Preventing Alcohol Related Crashes) Task Force, and my wife has worked closely with her in their service on the Waukesha County Community Foundation Women of Distinction Awards Event Committee.

Jennifer Dorow was born and raised here in Waukesha County and has dedicated her career to serving the legal needs of the people who live here, both as a prosecutor and a private bar lawyer. She has demonstrated her commitment to making this community a better place.

Jennifer Dorow and her husband Brian were instrumental in assisting me in my campaign to become Waukesha County District Attorney, and our families have become close friends. She and her husband have been actively involved in many other election campaigns, as well, and I know that she has the ability to run a successful campaign to retain this seat if she is appointed.

The Honorable Governor Scott Walker
November 30, 2011
Page 2

Thank you for your kind consideration of my recommendation of Jennifer Dorow for the judicial appointment for Waukesha County Circuit Court Branch 2. If you should have any questions or concerns, please do not hesitate to contact me.

Very truly yours,

Brad Schimel
Waukesha County District Attorney
515 W. Moreland Blvd.
Waukesha, WI 53188
Personal cell: [REDACTED]

Alberta Darling
Wisconsin State Senator
Member, Joint Committee on Finance

December 2, 2011

Office of Governor Walker
115 East Capitol
Madison, WI 53702

Dear Governor Walker,

I am writing in regard to Ms. Jennifer Dorow's application for the open Waukesha County, Branch 2, Circuit Court appointment. Her experiences and professional background demonstrate her qualifications for this judgeship.

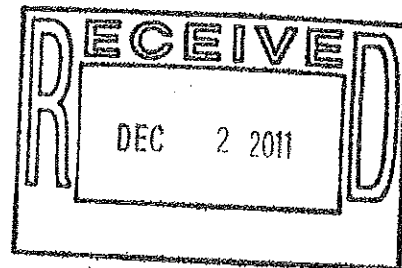
Ms. Dorow's credentials include graduating Cum Laude from the Regent University School of Law in Virginia Beach, VA. In addition to her educational background, Jennifer has experience working in the Waukesha County District Attorney's Office from 2000 to 2004. Recently, Jennifer advanced to partner of Huppert & Dorow, S.C., formerly Huppertz & Kuhary, S.C, and Law Offices of Matthew H. Huppertz, S.C., where she worked as associate attorney for five years.

Jennifer's active involvement in the community is demonstrated through her involvement in organizations such as the Waukesha's County Community Foundation, Kiwanis International, and the Westbrook Church Women's Ministry, as well as her service on the Waukesha-Ozaukee-Washington Workforce Development Board. Such involvement shows Ms. Dorow's passion for the community and the people residing in it.

Ms. Dorow's application for the Waukesha County judgeship demonstrates her impressive work experience, community involvement and educational achievements. I hope that you will consider these qualifications as you review her application for this judgeship.

Sincerely,

Alberta Darling
Alberta Darling
State Senator
8th Senate District



Capitol Office:

P.O. Box 7882
Madison, Wisconsin 53707-7882
Phone: 608-266-5830
Fax: 608-267-0588

Toll-free: 1-800-863-1113

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N88 W16621 Appleton Avenue, Suite 200
Menomonee Falls, Wisconsin 53051
Phone: 262-250-9440
Fax: 262-250-8510

John J. DiMotto
[REDACTED]
Greendale, WI 53129

November 22, 2011

Office of Governor Scott Walker
Attn: Chief Legal Counsel
115 East State Capitol
Madison, WI 53072

Re: Jennifer R. Dorow: Applicant for Appointment to Waukesha County Circuit Court
Branch 2

Dear Governor Walker:

I write on behalf of Jennifer Dorow who has applied for appointment to the vacancy in Branch 2 of the Circuit Court for Waukesha County.

I have known Ms. Dorow since the late 1990's. She is an intelligent, hard working attorney who has broad experience in the practice of law, with special expertise in criminal, family and juvenile law. She is highly respected by both the bench and the bar. She has a passion for the law and its use to help people. She knows how to persuade others to understand and embrace the law. She is articulate, enthusiastic and exhibits professionalism and ethics in her work.

As a Circuit Court Judge myself, I believe that it is critical that the trial judges throughout the State of Wisconsin be the most qualified individuals in their communities. Jennifer Dorow has the legal acumen, temperament and commitment to justice that qualifies her for the position of Circuit Court Judge. I recommend her appointment to Branch 2.

Sincerely,


John J. DiMotto



STATE SENATOR

RICH ZIPPERER

November 29, 2011

The Honorable Scott Walker
115 East Capitol
Madison, WI 53702

Dear Governor Walker,

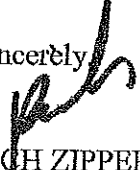
I write today in reference to Jennifer Dorow who is seeking an appointment to the District Court of Waukesha County. As you know, Judge Mark Gundrum has been appointed to the Court of Appeals, District 2, creating a vacancy on the District Court.

I know Ms. Dorow to be an experienced lawyer and active member of the Waukesha County community. Having worked as a practicing attorney in the area since 1996, including serving as an Assistant District Attorney from 2000-2004, Ms. Dorow is well qualified to serve as a judge of the District Court.

Ms. Dorow has also been active in the Waukesha Noon Kiwanis, and a member of the Waukesha-Ozaukee-Washington Youth Council and Workforce Development Board. Ms. Dorow has shown through her community involvement that she has the credentials and experience necessary to serve as a judge in Waukesha County.

Please consider Ms. Dorow's outstanding qualifications as you consider this appointment.

Sincerely,


RICH ZIPPERER
Wisconsin State Senate

RAZ:ltv