

**League of Women Voters
Beloit and Janesville, Wisconsin Chapters**

**Judicial Candidate Questions and Responses
Rock County Circuit Court 2012 Primary Race**

Following are three questions that were submitted in writing to each of the six judicial candidates for Rock County Circuit Court by the League, Beloit and Janesville chapters. The responses from the candidates follow the questions in alphabetical order by last name.

Question 1. The mission of Wisconsin's court system is to protect individual's rights, privileges and liberties, to maintain the rule of law, and to provide a forum for the resolution of disputes that is fair, accessible, independent and effective.

It is the responsibility of the circuit court to fulfill this mission in Rock County. The circuit court is a trial court, handling civil and criminal matters. In Rock County there are seven branches divided into three divisions: civil, criminal and juvenile. Circuit court judges serve six-year terms and are elected on a nonpartisan basis.

In light of the mission and nature of the circuit court in Rock County, what experiences have you had that make you a good candidate for the bench?

Tod Daniel response to Question 1: My experience has prepared me to be able to take over the operation and administration of Circuit Court Branch 7. My experience in the US Army and my experience on the Janesville School Board have equipped me to manage personnel, manage schedules, and to preside over proceeding such as trials.

Bar Admissions and Occupational History:

- Admitted to WI State Bar June 5, 1967
 - Admitted to State of WI, US District Court for the Eastern District of WI
 - Admitted to State of WI, US District Court for the Western District of WI
- United States Army 1967-1969
Campbell, Brennan, Steil & Ryan, S.C. Janesville, WI 1969-1972
Hempe & Daniel 1972-1975
Tod O. Daniel Law Office 1975 to Present

Education:

St. Norbert College 1960-1964 - B.S.
Marquette University Law School 1964-1967 – J.D.
Honors: Thomas More Scholarship

Nature of Practice:

A general practice with emphasis on family law and criminal defense.

Public Offices Held:

Janesville School Board Member, appointed June 18, 1987; elected to three subsequent terms to April, 1997; President 1996-1997.

Mike Haakenson response to Question 1: I have a history degree from the University of Wisconsin – Madison. I graduated with honors from the University of Wisconsin Law School, and I was a Law Clerk for Justice Roland Day of the Wisconsin Supreme Court. I've handled a variety of legal matters including criminal cases, family law matters, CHIPS & TPR proceedings, probate cases, and other civil matters. I am in court almost every day. I've been a court-appointed Guardian ad Litem since 2001, and in that capacity I represent the best interests of children and incompetent individuals. I was an instructor in a paralegal

program. I've had regular contact with individuals with mental health and/or addiction problems as well as professionals who address those issues.

Jack C. Hoag response to Question 1: The administration of justice requires thoughtful and decisive action. My experience in 30 plus years of handling civil, criminal and family matters provides me with a great background to be an excellent Trial Court Judge. Of the candidates for Judge I have the most courtroom experience handling the greatest number of cases. I have tried cases in Circuit Courts throughout the state as well as in Federal Court. I have argued before the Wisconsin Supreme Court. I have tried a number of complex civil and criminal matters including first degree intentional homicide. At present I'm the only private attorney in Rock County certified by the State Public Defender's office to handle First Degree Intentional Homicide cases. I have an excellent understanding of the Evidence Code and the responsibilities of the Judge. I have been a presenter at the Judicial Seminar. I have tried cases in courtrooms throughout the state and have had the ability to observe a number of Judges in various situations. All of this experience will assist me in being an excellent Trial Judge.

Barbara McCrory response to Question 1: I am the only candidate with judicial experience. As a court commissioner, I fulfill the Mission of the Wisconsin court system on a daily basis. For the past 12 years I have conducted thousands of hearings and make decisions that affect people's lives. I listen to the facts, apply the law and make a ruling. On the weekends, I review criminal complaints and decide whether someone arrested without a warrant should stay in custody.

I developed forms and instructions for unrepresented people to use to get into court long before the forms were available on line. I manage my caseload to make sure that hearing get scheduled in a timely manner.

Thomas McDonald response to Question 1: I started working at McDonald Law Office in January of 2007. I am a trial attorney and serve as a guardian ad litem. Before going to law school and becoming a lawyer, I earned a Masters Degree in Accounting and worked as an accountant at a large health insurance company. Judges are often dealing with numbers, money, and finances in a variety of claims (tax issues, fraud cases, divorce/family disputes, contested estates, injury claims, contract disputes, and others). My strong financial background is a great complement to my legal education and experience.

During the past four years I have also been a member of the Janesville City Council. There are many aspects of this legislative branch of government that transition nicely into the judicial branch of government; making difficult decisions, understanding the roles and responsibilities of being a civil servant and an elected official, and the quasi-judicial function of the City Council and various city committees. When performing a quasi-judicial function, the City Council has been empowered to act in a judicial role while being a legislative branch of government. During these times, the council (or city committee) will listen to facts, gather evidence, allow each side to explain their position, and then make a decision on the rights of an individual. This is very similar to the role played by the judicial branch of government.

My education will also help make me an effective judge. In addition to the law degree that all circuit court judges must have, I also earned a Masters Degree in accounting. Furthermore, by the time the new judge takes office in August of 2012 I will be the only candidate who has received a formal legal education and been to law school in the past 20 years or more. A lot has changed in law, in technology, and in the world over the past two decades, so the more recent education and training will be a great advantage for me as judge when combined with my professional experience.

Harry C. O'Leary response to Question 1: I have the broadest range of community service and legal experience among the candidates, which would allow me to be an effective judge who would

treat all people equally, fairly, and the respect and dignity we all deserve. I will be 50 years old in February and am a product of this community having been born and raised in Janesville. I graduated from Parker High School in 1980; obtained a B.B.A. in Accounting from U.W. Madison in 1984; and graduated from Marquette University Law School in 1988. Upon graduation in 1988, I married my wife Connie Cretney O'Leary and began practicing law at the O'Leary Law Office where I have worked for the last 23 years. Connie has taught science at Parker High School and currently teaches math at Saint William School. Together, we have raised two children, Catherine, who is a Junior at Bradley University, and John, who is a freshman at U.W. Madison.

My 23 years of legal experience have provided me the opportunity to serve clients in a wide spectrum of legal matters. While my primary focus has developed into the areas of estate planning, probate, and elder law, I have helped clients in legal matters relating to adoption, business incorporation and transactions, civil litigation, criminal defense, divorce, guardianship, parental rights, personal injury, real estate transactions, and taxes.

Within the community, I served on the Janesville City Council for 12 years; on the Janesville Plan Commission for 8 years; on the Board of Directors for Forward Janesville; and am currently serving on the Rock County Zoning Board of Adjustments and Appeals to which I was appointed.

Throughout my legal practice and community service, I believe I have developed a reputation of studying the issues at hand; being prepared; and being straightforward and honest with my clients or those that appeared before me on council or board matters. My 23 years of experience have taught me to listen to both sides of any issue even when the arguments are heated; to treat my clients and those on the other side with courtesy and respect; and make the tough decisions when necessary, all of which would help me be an effective and fair judge.

Question 2. What do you think are the key attributes or qualities of a good circuit court judge, and what do you believe will be your strengths and weaknesses if you are elected?

Tod Daniel response to Question 2: There are a number of qualifications that go into making a good trial judge. The first component is to be learned in the law.

One component of being learned in the law is education. I graduated from St. Norbert College with a Bachelor's Degree in American History. I attended Marquette University Law School on a Thomas More Scholarship and graduated at the top of my class. I received top grades in courses varying from real estate law to constitutional law to various procedural classes.

Experience in the law is the second component. I started my practice in Janesville with a law firm and I trained under two highly qualified and respected attorneys, Glen Campbell and Jim Brennan. After getting that practical experience, I have generally been a sole practitioner in various types of litigation; family law, criminal law and administrative law. I have been involved in a number of high-profile criminal cases.

The third component is a combination of independence, integrity, and temperament. As a sole practitioner with a general practice, I have not formed attachments that would compromise my independence.

My reputation for integrity is well earned. My word has been my bond for over 40 years of practice.

Temperament is also an element that you gain from years of practice. I have demonstrated a judicial temperament in the Courts of Rock County for over 40 years.

Also, as President of the Janesville School Board and chairman of various committees, I have presided over numerous public meetings, private hearings, etc., with dignity and decorum.

A temperament that allows you to preside over some rather contentious issues in a disciplined and respectful manner is important. I have presided over school board meetings where there were hot topics and emotional issues with the dignity fitting a Court of law. I have also presided over expulsion hearings which have a similarity to trials.

Mike Haakenson response to Question 2: Good Circuit Court judges know the law and court procedure. They are calm and comfortable in court and treat everyone fairly and with respect. A good judge carefully listens to the evidence and the arguments made by the parties, and they don't reach a final decision until the end of the trial/hearing. A good judge reviews the evidence and applicable law, explains the reasons for their decision, and makes a decision that is clear and understandable.

My strengths are that I'm interested in learning about things from multiple sources/viewpoints. I am regularly in court, and I feel comfortable in the courtroom. I have been involved in a wide variety of legal matters. As a Guardian ad Litem I have experience assessing evidence and applying the relevant law. I understand a judge's decision can have a significant impact on a person's life. It is important for the integrity of the court system that the parties believe their positions were heard and considered by a fair and impartial judge. The parties should also understand the reasons for a decision and the decision itself. Sometimes I don't like to make an immediate decision. There are occasions when I want to more information about a situation and/or I want additional time to think about what to do.

Jack C. Hoag response to Question 2: Judges have to deal with the complex emotions of people coming to court. These individuals, including the litigators, often times feel very strongly about their position. It is important a Judge not only be known for being fair and diligent, as well as having experience, they also need patience, compassion and an ability to deal with all the emotion. The Judge should attempt to provide an environment where all people feel their case has been decided in a fair, impartial, patient and compassionate way.

In practicing law and being involved in the community over these past 30 years I believe I'm known for exhibiting all of those qualities. It is that daily demonstration over the past 30 years which will serve me well as a Judge.

In addition to demonstrating those qualities professionally over the past 30 years, I have also demonstrated them in my work with youth in the community. I have been known to be a patient and caring instructor/coach. This ability to work with our youth, often times dealing with difficult emotions, will serve me well as a Judge.

Barbara McCrory response to Question 2: Any case is really a story that needs to be told. A judge's place is to make sure the story is told within the confines of the law and give the story its ending. A judge must apply the law to the facts, be even tempered, sensitive to difficult situations and let the parties tell their story.

I have a reputation of being even-tempered and fair. I try to treat all people with respect. I understand the procedural rules and apply them to everyone. When I make my decisions, I explain what I am doing and why I am doing it. People may not like my decisions, but they understand why I made the decision I did.

A professional hazard is becoming overwhelmed by the sad stories and difficult situations I hear about each day. This phenomenon is known as compassion fatigue. I make sure that I have outside interests. I also volunteer with the State Bar of Wisconsin's lawyer and judicial assistance program.

Thomas McDonald response to Question 2: For an effective judge, demeanor and character are equally as important as the experience of an individual. A judge should be hard working, honest, fair, knowledgeable in the law, impartial, unbiased, a good listener, able to grasp concepts and understand situations quickly, serve with integrity, make informed decisions, and have common sense. One of my great strengths is that, not only do I exemplify these characteristics, but I have the track record to prove it. Because of my work as a trial lawyer, my volunteer activities around the county, and my service on the Janesville City Council, my actions and character have been in public, on tv, in newspapers, on the radio, and on the internet. People know exactly who they are getting with me as a judge.

My biggest weakness as a judge may be my desire to move cases too quickly through the court system. I always try to finish projects quickly, efficiently, and properly. Unfortunately, sometimes cases cannot be moved quickly and efficiently through the court system, yet still be done properly. Having been a trial attorney for many years I realize that some cases take time to investigate and develop. Sometimes it can take weeks or even months to coordinate schedules between judges, lawyers, witnesses, and parties. While I would want to move things through the system quickly and efficiently, I must also make sure that things are done properly. I would need to make sure that the parties have been given ample time to prepare their cases.

Harry O'Leary response to Question 2: A judge is most often a person's only link between our government and the enforcement of its laws upon which civilized society is based. For most, appearing before a judge is a single lifetime experience and one that is most often a tense and uncomfortable situation. A judge must have the necessary knowledge and life experiences to effectively serve; however, I believe the most important attribute is the disposition, or temperament, a judge brings to the bench. When someone appears before a judge, that judge has a duty to see that he or she is treated equally, fairly, and with the respect and dignity each of us deserve. If a judge possesses this attribute, anyone that appears before him or her, regardless of the outcome, will come away from their experience with the belief that their story was heard; the law was applied fairly; and our system is just. I believe those that know me would say I have the requisite knowledge, experience, and most importantly, the compassion and respect of others necessary to serve as an effective judge.

Question 3. Please describe your voluntary professional and community service activities.

Tod Daniel response to Question 3: My two most significant experiences in public service have to do with my service in the US Army, a tour of duty in Vietnam, and my 10 years on the Janesville School Board.

I was commissioned an officer in the US Army upon graduation from St. Norbert College in 1964. My active duty was deferred while I attended law school at Marquette University and I served on active duty from 1967 to 1969. The second year of my service was a tour of duty in Vietnam as a Captain in the Military Police, where I was awarded the Bronze Star for meritorious service.

Serving in Vietnam was probably the most sobering, educational, and maturing experience in my life. I dealt with tremendous responsibility making life-and-death decisions. I experienced a foreign culture and how cultures are related. I watched young men develop under difficult circumstances and learned the value of our culture and our way of life.

I served on the Janesville School Board from 1987-1997 which, no pun intended, was an educational experience. The Janesville School District is a large enterprise with a multi-million dollar budget, hundreds of employees in various professions and occupations and a student body from Pre-K to seniors in high school.

During my tenure on the School Board, I was chairman of the Buildings and Grounds Committee, chairman of the Personnel Committee and served as President of the Board. During that tenure, I established relationships with professional organizations, with labor unions, with parent

organizations, all of which taught me to deal with people and to solve problems on an individual basis and on a system wide basis.

Additionally, I served as President of the Men's Society at my parish, was involved in various YMCA activities with my children, various recreational activities, etc.

I have generally retained my independence and do not have a long list of things I have joined in the community.

Mike Haakenson response to Question 3: I am on the Board of Directors of Spotlight on Kids, a children's theatre organization. I've been a panel member at the State Public Defender's Annual Conference, and I've made presentations about the law to local organizations. I've also talked with local high school students for the bar on Law Day.

Jack C. Hoag response to Question 3: I have been an active member of the Rock County community since 1978. Early in my career I served as the Membership Drive Chairman for the YMCA, a member of the Boys and Girls Club Board and a member of the Salvation Army Advisory Board. Since 1985 I have served as a volunteer coach for Janesville High School athletes as well as Janesville Youth Football, Janesville Youth Baseball and YMCA traveling baseball. During that time I have worked one on one with a vast number of student athletes many of whom are now contributing members of our community. I have been an instructor in my church, a fund raiser for various sport programs and a contributor to the YMCA and the Hedberg Public Library.

I have been involved in the Janesville community because I truly enjoy working with people to help them better their lives and to help make Janesville a better community. Community service is invaluable for all members of the community. It makes the lives of everyone better while having the unique secondary benefit of making the person serving better. While none of my community service was ever given with running for Judge in mind, it has made me a better person and helped define who I am.

Barbara McCrory response to Question 3: I am a regular presenter at judicial and legal education programs. I teach judges and court commissioners about changes in the law and information that will help them conduct effective hearings. I also present a case law update to lawyers each year. I am a board member of the Family Law Section of the State Bar and the Wisconsin Family Law Journal.

The judicial code of ethics limits my ability to participate in community activities. I am an active member of Cargill United Methodist Church. I am a lay leader, sing in the choir and work with the youth. Every summer I take a week vacation and travel with our senior high students on mission trip. I have gone on ten trips with the youth and look forward to traveling to West Virginia this summer. I am also a member of the Choral Union and sing with the group every fall.

Thomas McDonald response to Question 3: My life has been dedicated to community and public service. For as long as I can remember I have been volunteering and getting involved. Since completing my education and coming back to Rock County to raise a family and have a career, I have been involved in many service activities. I build homes around Rock County with Habitat for Humanity, work with ECHO, the Salvation Army, and the GIFTS homeless shelter. I volunteer as an usher at the Janesville Performing Arts Center and am very active around my church. I am also a member and on the executive board of the Janesville Noon Rotary Club.

In addition to all these other community service activities, for the past four years I have been on the Janesville City Council, which is an unpaid volunteer position. While serving on the city council I have also spent time on the Plan Commission, Alcohol License Advisory Committee, Sustainable Janesville Committee (chairperson), Transportation Committee, Community Development Authority, Leisure Services Advisory Committee, and Janesville Area MPO (chairperson). I have tried to serve

on as many city committees and commissions as possible because I wanted to broaden my knowledge and obtain a complete understanding of how city government operates.

Although I have enjoyed my time being involved in a legislative branch of government, it is time for me to move on. I hope to continue my community and public service by transitioning from the legislative branch of local government into the judicial branch. I think my experience, education, character, and wiliness to serve would make me an effective judge, and I would be honored if the residents of Rock County would afford me that opportunity.

Harry C. O’Leary response to Question 3: My background includes the following: Education: Graduate of Parker High School in 1980; Graduate of U.W. Madison with a B.B.A. in Accounting in 1984; and a Graduate of Marquette University Law School receiving my J.D. in 1988.

As for my Personal Background: I have been married for 23 years to Connie Cretney O’Leary, who previously taught in the Science department at Parker High School and now teaches math at Saint William School. We have two children, Catherine (Catie), who is a Junior at Bradley University; and John, who is a Freshman at U.W. Madison.

My Business Background includes: I have been in private practice with the O’Leary Law Office in Janesville, Wisconsin, for 23 years. While my primary focus has developed into the areas of estate planning, probate, and elder law, I have helped clients in legal matters pertaining to adoption, business incorporation and transactions, civil litigation, criminal defense, divorce, guardianship, parental rights, personal injury, real estate transactions, and taxes.

My Community Involvement and Service includes: The Janesville City Council from 1991 to 2003; the Janesville Plan Commission from 1995 to 2003; Chair of the Janesville Police Department Design Committee responsible for the Janesville’s new facility; Member of Forward Janesville Board of Directors; Member of the Janesville Riverfront Design Committee; Member of the Janesville Industrial Development Board; Appointed Member to the Rock County Zoning Board of Adjustments & Appeals; Member of Saint William Parish Council & Finance Committee; Cubmaster for Saint William Pack 539; Assistant Scoutmaster for Saint William Troop 539 and currently the Community Organization Representative; a 4th Degree Member of the Knights of Columbus; a Member of the Janesville Elks Lodge #254; and for many years a youth sports coach through the YMCA, Saint William School, and Parker High School.