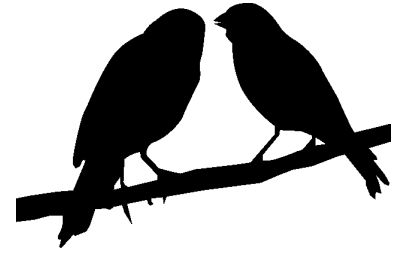


# THE INFORMANT

Saint Croix Valley Bar Association Newsletter

May 2012  
Volume 22, No. 4



## From the President's Desk

By Christine Rasmussen

Dear Members,

This will be my last message to the association. The year has flown by. Your association has put on many great activities this past year, including the annual lunches with the St. Croix and Polk County judges, multiple happy hours, and our annual holiday party. The association also hosted the first annual Lunch with the Registers for the transaction sector of our association. The turnout was fabulous and we plan to make it a recurring event.

The year will end with two final activities including a lunch with Judge Boles/Drug Court presentation, and a boat cruise on the St. Croix River. Look for flyers for both June activities in the near future. The Pierce County Lunch with Judge Boles/Drug Court Presentation is scheduled for June 12 at the River Falls Public Library. Our final event of the year will be a 2 ½ hour cruise aboard the Sweet Afton, a 64 foot luxury vessel. A couple weeks ago, our association sent out an email inquiring as to the memberships' interest in the cruise and the members' availability. Based on the responses, we have scheduled the event for June 21. More details to follow.

Note also that the association will hold its annual officer election at our final meeting, the boat cruise on June 21, 2012. Any member of the association interested in running for the position of Social Media Director should contact Bridget Finke at [bfinke@bakkenorman.com](mailto:bfinke@bakkenorman.com).

On August 1, 2011, the St. Croix County Circuit Court Judges approved certain revisions to the

### MISSION STATEMENT

Our mission is to promote a legal system whereby the rights and privileges of all persons are asserted and protected. We are dedicated to strengthening public trust in our legal system. We promote high ethical standards, civility, and professionalism amongst all attorneys. We encourage our members to serve the public. As officers of the court, we have an important role in assisting courts in the administration of justice.

Check the SCVBA Website  
for updates at

[www.stcroixvalleybar.org](http://www.stcroixvalleybar.org)

Or "like" our page on Facebook or join our groups on Facebook or LinkedIn.



### OFFICERS

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St. Croix County Circuit Court Rules (effective September 1, 2011). The local rules are available on the bar association's website.

Finally, thank you to the members of the bar association for allowing me to serve as an officer for the past four years. I have enjoyed getting to know the membership and I look forward to continuing to participate actively in the many wonderful events that the St. Croix Valley Bar Association has to offer.

-Christine Rasmussen

***St. Croix Valley Bar Association  
Treasurer's Report***

Checking Balance as of May 2012:  
\$4,943.96.

The CD has a renewal maturity date of May 27, 2012, and has a projected renewal balance of \$3,281.47.

**Upcoming Events:**

**Pierce County  
Judicial Forum**

Tuesday, June 12 at noon  
Lower Level, River Falls  
Public Library

Please RSVP your lunch choice to Liz  
(see flyer attached)

**Summer Event**

Thursday, June 21  
(evening)  
Details to follow.

**Milestones**

Jim Drill, Doar, Drill & Skow, S.C., celebrated 50 years in the practice of law in June 2011. The Honorable C.A. Richards celebrated 50 years of practice in 2012. Congratulations to both Mr. Drill and Judge Richards!

**New Guidelines**

The new OAR/OWS Guidelines for District 10 are attached. They were adopted and approved for use in the 10th Judicial District effective May 11, 2012.

**Wills for Heroes Update:**

Thank you for the generous donations/pledges from Patricia Miller (laptop), Bakke Norman (2 laptops) and Doar, Drill & Skow (\$500). We appreciate the contributions and are very close to being able to get this program running in NW Wisconsin. If you or your firm have gently used laptops or cases to donate or are interested in making a cash donation, please let us know.

**10<sup>th</sup> District OAR/OWS Guidelines and Penalties**

as required by Wis. Stat 343.44(2)(d) & SCR 70.34  
for violations on or after March 1, 2012<sup>1</sup>

Nature of the Offense & Statutory Range	Statutes	Aggravated Nature of Offense	Monetary Penalty (+ Costs)	Jail	Drivers License Action <sup>2</sup>
<b>OAR first or repeated</b> <ul style="list-style-type: none"> <li>▪ \$0 - \$2,500</li> <li>▪ Non-criminal forfeiture</li> <li>▪ 0-6 months suspension</li> <li>▪ Court may revoke for 4<sup>th</sup> or +<sup>3</sup></li> </ul>	343.44(1)(b) & 343.44(2)(ar)1. 343.30(1g)(a)	Low	\$0 - \$300	N/A	0 – 6 months suspension
		Moderate	\$250 - \$1,000	N/A	0 – 6 months suspension
		High	\$500 - \$2,500	N/A	6 months revocation
<b>OAR &amp; prior revocation due to intoxicated driving offense</b> <ul style="list-style-type: none"> <li>▪ \$0 - \$2,500</li> <li>▪ Misdemeanor</li> <li>▪ 0-6 months suspension</li> <li>▪ Court may revoke for 4<sup>th</sup> or +<sup>3</sup></li> </ul>	343.44(1)(b) & 343.44(2)(ar)2. 343.30(1g)(a) 343.307(2)	Low	\$0 - \$500	0 – 60 Days	6 months suspension
		Moderate	\$350 - \$1,000	5 – 180 Days	6 months suspension
		High	\$500 - \$2,500	30 – 360 Days	6 months revocation
<b>OAR causing great bodily harm</b> <ul style="list-style-type: none"> <li>▪ \$5,000-\$7,500</li> <li>▪ Misdemeanor or Class I felony</li> </ul>	343.44(1)(b) & 343.44(2)(ar)3. 343.30(1g)(c)&(d)	Low	\$5,000-\$6,000	60 – 180 Days	6 months revocation
		Moderate	\$5,500 - \$6,500	180 – 270 Days	6 months revocation
		High	\$6,500-\$7,500	270 – 360 Days	6 months revocation
		Knowingly <sup>4</sup>	\$6,500-\$7,500	Class I felony	6 months revocation
<b>OAR causing death</b> <ul style="list-style-type: none"> <li>▪ \$7,500 - \$10,000</li> <li>▪ Misdemeanor or Class H felony</li> </ul>	343.44(1)(b) & 343.44(2)(ar)4. 343.30(1g)(c)&(d)	Low	\$7,500-\$8,500	90 – 210 Days	6 months revocation
		Moderate	\$8,000-\$9,000	210 – 300 Days	6 months revocation
		High	\$9,000-\$10,000	300 – 360 Days	6 months revocation
		Knowingly <sup>4</sup>	\$9,000-\$10,000	Class H felony	6 months revocation
<b>Aggravating &amp; mitigating factors applicable to OAR</b>					
<b>Statutory aggravating factors for OAR in 343.44(2)(b):</b> <ul style="list-style-type: none"> <li>▪ Class of vehicle operated</li> <li>▪ Number of prior convictions under this section within 5 years</li> <li>▪ Reason for revocation, including for offense that may be counted under 343.307(2)</li> <li>▪ Conviction for moving violations from this incident</li> </ul>		<b>Other aggravating factors that may be adopted under 343.44(2)(d):<sup>5</sup></b> <ul style="list-style-type: none"> <li>▪ Prior OAR/OWS convictions</li> <li>▪ Accident, aggravated driving</li> <li>▪ Injury to person/property</li> <li>▪ Alcohol, controlled substances present</li> <li>▪ Attempt to elude officer</li> <li>▪ Prior OWI/PAC convictions</li> <li>▪ Record of unsafe driving</li> </ul>		<b>Mitigating factors that may be adopted under 343.44(2)(d):</b> <ul style="list-style-type: none"> <li>▪ No prior OAR/OWS convictions</li> <li>▪ Not OWI related</li> <li>▪ No unsafe driving/ good prior record</li> <li>▪ Cooperation with arresting officer</li> <li>▪ Reinstated license before hearing</li> <li>▪ History of payment of fines</li> <li>▪ Remedial action since incident</li> </ul>	

Nature of the Offense & Statutory Range	Statute	Aggravated Nature of Offense	Monetary Penalty (+ Costs)	Jail	Drivers License Action <sup>2</sup>
<b>OWS first or repeated</b> <ul style="list-style-type: none"> <li>▪ \$50 - \$200</li> <li>▪ Noncriminal forfeiture</li> <li>▪ 0-6 month suspension</li> <li>▪ Court may revoke for 4<sup>th</sup> or + <sup>3</sup></li> <li>▪ Knowledge not an element<sup>6</sup></li> </ul>	343.44(1)(a) & 343.44(2)(ag)1. 343.30(1g)(a)	Low	\$50 - \$100	N/A	0 – 6 months suspension
		Moderate	\$100-\$200	N/A	0 – 6 months suspension
		High	\$200	N/A	6 months revocation
<b>OWS causing great bodily harm</b> <ul style="list-style-type: none"> <li>▪ \$5,000-\$7,500</li> <li>▪ Misdemeanor or Class I felony</li> </ul>	343.44(1)(a) & 343.44(2)(ag)2. 343.30(1g)(c)&(d)	Not knowingly	\$5,000-\$6,500	N/A	6 months revocation
		Knowingly <sup>4</sup>	\$6,000-\$7,500	Class I felony	6 months revocation
<b>OWS causing death</b> <ul style="list-style-type: none"> <li>▪ \$7,500 - \$10,000</li> <li>▪ Misdemeanor or Class H felony</li> </ul>	343.44(1)(b) & 343.44(2)(ag)3. 343.30(1g)(c)&(d)	Not knowingly	\$7,500-\$9,000	N/A	6 months revocation
		Knowingly <sup>4</sup>	\$8,500-\$10,000	Class H felony	6 months revocation
<b>Aggravating &amp; mitigating factors applicable to OWS</b>					
<b>Aggravating factors:</b> <ul style="list-style-type: none"> <li>▪ Prior OAR/OWS convictions</li> <li>▪ Accident, aggravated driving</li> <li>▪ Injury to person/property</li> <li>▪ Alcohol, controlled substances present</li> <li>▪ Attempt to elude officer</li> <li>▪ Prior OWI/PAC convictions</li> <li>▪ Record of unsafe driving</li> </ul>			<b>Mitigating factors:</b> <ul style="list-style-type: none"> <li>▪ No prior OAR/OWS convictions</li> <li>▪ Not OWI related</li> <li>▪ No unsafe driving/prior record good</li> <li>▪ Cooperation with arresting officer</li> <li>▪ Reinstated license before hearing</li> <li>▪ History of payment of fines</li> <li>▪ Remedial action since incident</li> </ul>		

<sup>1</sup> From July 27, 2005 to July 1, 2009, there were two kinds of OAR: OAR 1<sup>st</sup> was noncriminal and subsequent offenses were criminal. From July 1, 2009 to February 29, 2012, there were primarily two kinds of OAR based on the reason for the underlying revocation: OAR was noncriminal if the revocation was not alcohol or drug related and criminal otherwise. See prior tables for violations occurring during these periods.

<sup>2</sup> Any revocation shall be for 6 months unless court states reasons for less on the record. 343.30(1g)(d).

<sup>3</sup> If person has 3 or more prior OAR/OWS convictions within 5 years, court may revoke license for 6 months. 343.30(1g)(b).

<sup>4</sup> “If the person knows at the time of the violation that his or her operating privilege has been suspended” or revoked. 343.44(2)(ag)2. & 3.; 343.44(2)(ar)3. & 4. “No person whose operating privilege has been duly revoked ... may knowingly operate a motor vehicle upon any highway...” 343.33(1)(b).

<sup>5</sup> Guidelines must treat commercial drivers at least as stringently as other drivers. 343.44(2)(d).

<sup>6</sup> For OWS without great bodily harm or death, “a person’s knowledge that his or her operating privilege is suspended is not an element of the offense ...” 343.44(1)(a).