



Wisconsin Department of Justice

Division of Legal Services

Winn Collins is the new Deputy Administrator for DLS

Winn has over 20 years of legal experience working with the State of Wisconsin. During that time, he has held several leadership roles, including unit director for criminal appeals, general counsel for one of the state's largest agencies and district attorney. In those roles he gained extensive criminal and civil litigation experience, in both state and federal courts.

Winn also happens to be an extraordinarily nice person who finds joy in a job well done. Winn is an excellent addition to our management team!

DLS Highlights

- 1) The Criminal Litigation Unit has had several successful prosecutions, including the David Steffen case. After a four-day jury trial in St. Croix County, Daniel Steffen, a former Assistant District Attorney for Burnett County, was convicted of multiple felonies for Steffen's production of surreptitious recordings of himself having sex with women on various occasions, including one woman who was a criminal defendant Steffen was prosecuting at the time he recorded their sexual encounters. Victim services were provided from OCVS. The case stemmed from a months-long investigation conducted by DCI. Sentencing is scheduled for July 24.
- 2) The Civil Litigation Unit had an extraordinary dismissal of a case due to abusive discovery practices by the Plaintiff's counsel. The Plaintiff sought \$10 million in damages. Given the work that went into this case, the case team's other work needed to be shifted around and many unit members took on extra work. It was a true team effort.
- 3) The Special Litigation Unit overcame a motion to dismiss in *Kaul v. Urmanski* - a case challenging the criminalization of abortion in the State of Wisconsin.

- 4) The Special Litigation Unit had a hard-fought victory in a case challenging DNR's regulatory authority to sample discharges into state waters from facilities that are required to have a permit under the Wisconsin Pollutant Discharge Elimination System (which is Wisconsin's version of the Clean Water Act). DNR was conducting sampling of effluent from those facilities to determine levels of PFAS being discharged, with the goal of establishing water-quality standards for some types of PFAS compounds. Wisconsin Manufacturers in Commerce argued that because there were no existing numerical standards for PFAS, DNR did not have authority to sample effluents for PFAS. The case was partially won on summary judgment. By the appeal phase, the rulemaking process had run its course and the water-quality standards had been finally promulgated, so special litigation argued, and the appeals court agreed that the case is moot.

Collaborative Efforts

- 1) A years-long, team effort of AAGs across criminal appeals and criminal litigation, as well as prosecutors from around the state resulted in the overruling of *State v. Shiffra* and all subsequent cases following it to the extent they permit *in camera* review of a victim's or witness' privately held, privileged health records in a criminal case. Through two rounds of briefing and two rounds of oral argument, AAGs Sarah Burgundy and Lisa Kumfer from criminal appeals and AAGs Shelly Rusch and Rebecca Sommers from criminal litigation collaborated closely in *TAJ v. Johnson*. Together, the AAGs decided to take the position that the standing issue raised in the case was a red herring for the true issue—a wrongly decided Court of Appeals case from the early 1990s *State v. Shiffra*, that disproportionately harmed victims of sexual abuse, domestic abuse, and child abuse. Immediately after the Court issued its landmark decision overturning *Shiffra*, the AAGs worked to quickly deliver guidance and sample pleadings that halted pending motions across the state. The significance of the teamwork on this case, the resultant outcome and impact on criminal prosecutions and crime victims cannot be overstated.
- 2) DLS released a new Wisconsin Prosecutor's Restitution Guide in May 2023. This was a significant undertaking that consolidated and updated old outlines and materials into a single resource on restitution law in Wisconsin. Many attorneys and paralegals in the Criminal Appeals Unit worked on the guide

with additional contributions from an attorney in the Medicaid Fraud Control and Elder Abuse Unit.

- 3) On May 23, 2023, the Wisconsin Court of Appeals (District III) presented an appellate advocacy training for members of Wisconsin DOJ's Criminal Appeals Unit and the Wisconsin State Public Defender's Office's Appellate Division. Coordinated by members of those offices and all three District III judges, the session provided valuable insight into the differences between effective trial and appellate advocacy, how to organize an effective legal argument, and the ways one can improve briefing readability and tone. At the end, judges also set aside time to answer questions from members of both offices.
- 4) The Criminal Litigation Unit sponsored a four-day Statewide Prosecutors Education and Training (SPET) Conference in May, which was a huge success. Critical to the success of the SPET Conference were Amy Thornton, Stacy Lenz, Kathy Hernandez and Deb Hippler who stepped up to assist. There's no way this conference would have happened without their help. They all went above and beyond to help with anything we needed in setting up and running the conference. It went seamlessly, and we are so grateful for their support. This conference featured more than 30 separate presentations, including presenters from criminal litigation, criminal appeals, OCVS, training and standards (T&S), the Wisconsin State Crime Lab, the Office of Open Government, the State Bar of Wisconsin, the Office of Lawyer Regulation and numerous state prosecutors. AAG Rebecca Sommers created and lead a one-and-a-half-day Sexual Assault Trial Skills training at the conference. The faculty featured AAGs Shelly Rusch and Jim Kraus from criminal litigation, AAG Miriam Falk (T&S) and Susan Kanack, Deanna Grundl, and Lynn Cook from Wisconsin DOJ's Office of Crime Victim Services, Liz Ghilardi from Childrens Wisconsin, and state prosecutors. Students shared that they found the training incredibly helpful and felt better equipped to try a sexual assault case to a jury after attending.