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THE 411 ON TAX ASSISTANCE
Plenty of local free services available to help filers / FOX VALLEY INC. E-1

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Sunday THE POST-CRESCENT

Appleton | Fox Cities, Wisconsin Continuous updates at www.postcrescent.com Sunday, March 11, 2007

Spring ahead
Did you remember to set your clocks ahead one hour before going to bed Saturday? Most of the nation returned to daylight saving time at 2 a.m. today.



INSIDE TODAY



Sports
New London girls drop heartbreaker
Bulldogs lose in state final after leading by 13 points late / B-1

UW's Tucker leads on, off the court
Badgers' all-time leading scorer has cooled lasting legacy / B-1

Life!
Hoops fans battle March Madness
Ed Berthiaume's 16-point guide helps you not cross the line / D-1

Good Neighbors



Students organize clothing drive
Appleton teens collect snow gear to benefit children in need / D-3

Have a story?
Need help getting your news in the paper? E-mail the Reader Help Desk at readerhelp@postcrescent.com or call 920-996-7222.

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Page After News Edition

IN THE DARK

Legal bills shine light on Weyauwega-Fremont School District's attempts to block the public's access

By Dan Wilson
Post-Crescent staff writer

Last year, the relatively small Weyauwega-Fremont School District spent \$18,000 on attorneys' fees, double the year's legal tab of the region's largest district, with 13 times as many students.

Nearly a third of Weyauwega-Fremont's legal expenses went toward restricting the public's access to the district's dealings, including its use of attorneys.

The revelations come from recently released documents *The Post-Crescent* obtained from the district through a lawsuit.

Using the state's Open Records Law, the newspaper fought for 10 months to see detailed invoices for attorney services after the district released heavily redacted copies and demanded hundreds of dollars.

The initially released bills referred to things like "health insurance grievance," "special education matters" and "general labor" and provided total dollar amounts.

Clearly missing were details — what specifically the small taxpayer-funded school system paid for that would equal the amount it costs to hire two teachers.

The lack of access is familiar to Dan Wilson, a district resident who has waged his own battles with school leaders over public records.

"Getting information was like pulling teeth," said Wilson (no relation to *Post-Crescent* staff writer Dan Wilson), who is fighting in court to get records related to a school board recall election. "All I got was stonewalling and delays for every request."

District officials maintain they have not broken the law nor spent money irresponsibly, that the media is hyping the issue, and a handful of antagonistic residents are digging for dirt where none exists.

"We have willingly and openly responded promptly to more than 30 open records requests in the last year," school board president Steve Loehtke wrote in an e-mail to *The PC* this past week.

As for the legal expenses, Loehtke said: "We can demonstrate savings to the district in both current and future expenditures that far exceed costs incurred." He said, however, school officials still were compiling that evidence.

See LEGAL BILLS, A-12

Avery's attorneys not in job to be liked
Defending the accused is viewed by Strang, Buting as special calling

By Andy Nelson
Staff Writer

CHILTON — Dean Strang and Jerome Buting take a certain comfort knowing many people in the room think they're trying to keep a misdeed out of prison.

The criminal defense lawyers. It comes with the job.

And their job now — defending Steven Avery on charges of homicide, false imprisonment and mutilation of a corpse — comes with some attacks, personal — as well as professional.

"You're either a defense lawyer or you're not," said Strang, 46, if you're a defense lawyer you're somebody who instinctively and as a matter of principle and not self-interest, throughout the day or week, I'm on the side of the guy even if everybody's after you."

Four updates on the side of the 411

who's on the night on the trial

A photo gallery

An early-morning video on his side as a record that escapes the matter of in-previous day and looks ahead, plus video updates

Both men before noon and in late sat down after afternoon proceedings

Inside

Week in review / A-3

extended interview to Cassville Wisconsin Newspapers before making a trip to the jail to see their client.

See AVERY, A-11

About Sunshine Week
The Post-Crescent is taking part this week in the first annual nationwide effort to raise awareness about the public's right of access to government information. The initiative is spearheaded by the American Society of Newspaper Editors. For more on the effort, visit www.sunshineweek.org.

SUNSHINE WEEK

INSIDE: Timeline of the Weyauwega-Fremont School District's public-records trouble / A-12
A guide to using local, federal records laws / A-13

Five-part series
TODAY: School district keeps public in dark about legal bills.
Monday: Many watching complaints to the state go unheeded.
Tuesday: Some state agencies trip on first step to open government.
Wednesday: Woman fights for records about son's death.
Thursday: How Gov. Jim Doyle's office performed on public records in '06.

Changes in TV This Week

Revisions of the Post-Crescent's weekly television section, TV This Week, will notice something different today.

We've merged the weekly program guide for shows that air from 7 a.m. to 5:30 p.m. into a master grid that covers Monday-Friday evening programming. That weekly grid appears on page 4 of TV This Week.

For programming that changes daily you'll see "Monday Programming" listed in that one slot on the grid.

Weeknight prime-time programming, from 6 to 11:30 p.m. will be listed separately by each day. Saturday and Sunday listings, daytime and prime-time, also are listed separately.

Time for Some Good News

If you're concerned about your insurance coverage but haven't had time to call around, Valley Insurance Associates and Auto-Owners Insurance have some good news. There is a quick, convenient way to get a personalized review of your insurance plan—the Good News Review. Call us in Appleton at 733-4944 or Kaukauna at 766-5511 for details!




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STEVEN AVERY TRIAL
The Post-Crescent, Appleton-Fox Cities, Wis. • A.11

AVERY: Lawyers forced to balance business responsibilities during six-week trial

From A-1

Each has left his home — Strang in Milwaukee and Bating in Brookfield — and moved into apartments in the Appleton area for the six weeks of Avery's trial.

"I think we knew exactly what we were getting into and we talked about it going in," Strang said. "This would be just a rough, hand-drawn, emotionally draining case. This isn't one — and Jerry (Bating) and I just don't practice law this way anyway — where some defense lawyers would get together with the prosecution and say, 'Let's work this out.'

"This isn't a case where you copy up and figure out how to spit the ball."

Both men practice criminal defense work exclusively.

Bating, 50, says he's a fine who isn't being popular in polite society. Hate must don't face him.

"I think it's to be expected if you take on an unpopular case for the right reasons," Bating said. "You're going to be — I don't know if hate's the right word. I hope we're not ultimately going to be hated — but I hope people are going to see another side of this case no matter what happens, so that the public has a different view of what happened beyond what happened."

Kratz

special prosecutor Ken Kratz says, however,

"Sometimes I feel I must do the right thing if I'm in that role because too much of society is sound bites and a very narrow view of very complicated issues. People sort of make snap judgments without knowing what's going on."

Avery is accused of killing Terrell Hubbard on Halloween 2005 and burning her body to conceal the crime. Hubbard's death came two years after Avery's release from prison after he served 18 years for rape that DNA tests later proved he didn't commit.

Embroided in the case is controversy about the 2004 lawsuit Avery filed against Manitowish County and officials there, claiming \$36 million in damages for the 1985 wrongful conviction.

The lawsuit provides the motive for defense allegations that blood evidence was planted in Hubbard's vehicle using a sample of Avery's blood housed in Top of the Manitowish County Clerk of Courts. DNA testing revealed last week during the trial suggests the blood in Hubbard's car-4 sport utility vehicle could not have come from

"In the end, in a case like this, you realize that the other side is going to come at you and stick as many knives as they can in your chest. You're just hoping they're not sticking them in your back, too."

DEAN STRANG, Avery defense lawyer

terly against the client and where the stakes are huge.

"You have to do it if you want people to see you as being a very good lawyer, better than the rest go," Strang said.

Strang's firm has 11 lawyers, eight of whom do civil litigation, the bread and butter of most law firms. Bating's firm has two other lawyers, one of whom is Bating's wife. That's made taking six weeks out of the Avery case a much bigger job.

"You have to balance other business responsibilities," Bating said. "You've got rent to pay, you've got employees that need to be paid and you've got existing clients who have to be serviced. You can't just be there. It takes a fair amount of scheduling and structuring to be able to get your mind into a way that you can disappear for six weeks on one thing. That's pretty tricky."

Bating said he was intimately aware of the complexities of defending Avery. Bating sat on the Avery Commission, a group assembled after Avery's 2003 release from prison to evaluate how the wrongful conviction happened and recommended measures to ensure it couldn't happen again.

Strang and Bating were meeting in Strang's office to hammer out details of their temporary partnership when news surfaced of Dasey's arrest. The suggestion arose that Dasey might need a good lawyer, too.

"I don't know if we said it, but we looked at each other sort of like, 'Are we pregnant already?' Are we in too far with Steven Avery case — you're just going to lose money on it," Strang said. "You see, Am I getting enough so I can take the loss and what will it do to the rest of my practice?"

"There is a certain professional kind of issue, too, in the sense that if you want people to hire you and you want other lawyers to see you as being one of the top of the criminal defense bar, you have to step up and take tough cases where you're going to be in the glare of the media and where there's

STEVEN AVERY (center) talks to his attorneys, Jerome Bating (left) and Dean Strang, during a court recess at the Calumet County Courthouse on Feb. 21 in Chilton.

the blood tied drawn in January 1996 but not uncovered until July 2006.

Avery's nephew, Brendan Dasey, 17, has implicated himself in Hubbard's death with a statement outlining a brutal attack on the 25-year-old freelance photographer. He is set to go to trial April 16.

The case arguably is one of the most high-profile and legally thorny homicide cases in modern Wisconsin history.

"Why did we take the case? There's all kinds of reasons that have to do with Mr. Avery himself and what we believe is his innocence and the whole story behind his background," Bating said. "Here he's wrongfully convicted once and now is back being wrongly accused again.

"If you step back and look at what criminal defense attorneys do — why we do it — this case is exactly the kind of case people should do."

This is a "whodunnit?" They have nothing more than a circumstantial case that's weak," Bating said. "It's been a fascinating case to work on and I don't regret getting involved one bit, despite the huge commitment of time and financial resources to it. You need to do that."

The men said they have a working relationship with the prosecution and have found a way to communicate "without having to draw swords over everything," Strang said.

"In the end, in a case like this, you realize that the other side is going to come at you and stick as many knives as they can in your chest," he said. "You're just hoping they're not sticking them in your back, too."

Strang said that working cases like Avery's is calling. "If you really have the heart and the soul of a criminal defense lawyer, this is where you want to be and you feel like you got privileged because you've been chosen to do it."

"If we're the least popular people in northeastern Wisconsin after our client, that's where I belong."

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Tom Brokaw, NBC News

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