

Coalition of Retired Judges to Ask Wisconsin Supreme Court to Adopt Standards to Limit Cash Influence in Judiciary

MADISON—A group of 54 former Wisconsin judges with over 1100 years of combined judicial experience, announced today they have filed a petition with the Wisconsin State Supreme Court seeking new recusal (disqualification) rules for judges when campaign contributions they have received pose conflicts of interest. The group, which includes 12 former Chief Judges appointed by the Supreme Court, and retired circuit and appellate court judges, is taking this unusual step in response to growing spending in Wisconsin’s judicial elections, as well as recent changes that have loosened contribution limits to judicial candidates and recusal standards for Supreme Court justices.

Wisconsin’s judicial recusal rules changed dramatically in 2010, when the State Supreme Court issued a decision finding that justices need not disqualify themselves from cases simply because of campaign contributions they have received—no matter how great the amount. In a 2014 study, the Center for American Progress was highly critical of Wisconsin’s recusal standards. It ranked only three states lower for their handling of real or perceived conflicts of interest posed by campaign contributions.

The retired judges have submitted their petition to the State Supreme Court requesting strong new rules for when judges must disqualify themselves in order to remove even the appearance of bias. These standards would detail at what amount a contribution promoting a judge’s election should necessitate recusal. The petition proposes \$10,000 for Supreme Court candidates, \$2,500 for Appeals Court candidates, \$1,000 for Circuit Court candidates, and \$500 for Municipal Court candidates. It also includes procedures for reporting contributions in the context of a specific case involving contributors or donors who sought to promote the election of the judge or justice presiding over their case. Retired Judge Michael J. Skwierawski, a former Chief Judge for Milwaukee County has said, “ the new proposed bright line rules will establish standards to restore the public’s confidence in the independence and impartiality of the courts in Wisconsin. They will go a long way to eliminate concerns as to whether any judge who has received substantial contributions can preside over a case involving that contributor or a related party.”

In the words of Judge Richard Brown who was on the Second District Court of Appeals for 37 years, with 8 of them as Chief Judge of the entire Court. “I know, firsthand, from talking to people outside the law, that the perception of judicial favoritism towards litigants who’ve given lots of money, is real. Many tell me that, if they have to go to court, all they want is a fair shake. But they don’t trust the courts to keep the scales of justice balanced in those situations. Those of us who have devoted our lives to the Wisconsin Judiciary feel deep grief in this erosion of public trust. We must change our recusal rules.”

I will call you this week to answer any questions you might have and to discuss the Petition in more detail. I can also forward to you a copy of the complete Petition. I can be reached via this email or by telephone at: . Thank you for your consideration of this very important issue for all Wisconsin courts and the public who depend on the courts for fair treatment and a consistent application of the rule of law.

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