

One Wisconsin Now: Will State High Court Clean Up Its Act and Reform Rules on Judicial Recusal?

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MADISON, Wis. — To protect the integrity of our courts and maintain public trust in the justice system, judges ought not decide cases involving large campaign contributors. But the current rules governing the Wisconsin state courts and the conduct of judges fall short in preventing the appearance of, or actual, corruption. That's why One Wisconsin Now has submitted a letter to the Wisconsin Supreme Court in support of an effort initiated by 54 retired Wisconsin judges to change the court's judicial recusal rules, joining other state and national judicial watchdog groups in supporting the petition.

"Even the appearance of corruption is corrosive and undermines public trust that our courts will act in a fair and impartial manner," said One Wisconsin Now Research Director Jenni Dye. "That's why it's so important for our state courts to have clear, strong rules requiring judges to recuse themselves in cases involving campaign contributors."

At issue are rules originating from a 2010 proposal from the Wisconsin Manufacturers and Commerce and the Wisconsin Realtors Association to the Wisconsin Supreme Court to guide judges in deciding when they ought to recuse themselves from cases before them because of conflicts of interest – and when they did not need to do so. The conservative court majority subsequently adopted the rules, literally written by the special interests that spent big money to get them

elected, allowing them to participate in cases involving parties that helped their campaigns.

Utilizing a court petition process, 54 retired judges from across the state and the political spectrum have called on the Wisconsin Supreme Court to reconsider the rules on judicial recusal. Their request is for "... an objective standard requiring recusal or disqualification of a judge when he or she has received the benefit of campaign contributions or assistance from a party or a lawyer ..."

The judges advocating for reform note how important it is for our courts to be free from corruption, or even the appearance of corruption. Setting objective rules on recusals in cases involving groups or people that spent significant sums to help elect judges sends an important message to Wisconsin regarding our justice system.

Dye noted that the recusal rule reform petition is scheduled to be considered by the state high court during an open judicial conference on April 20.

She concluded, "It's time for the court to take real action to clean up their image. Their choice is a simple one: accept the petition and begin to restore faith that our courts can be counted on to treat everyone equally under the law and act as a check on overreaches by the legislative and executive branches. Or reject the petition and defend a status quo where members of this Court and other judges can reap electoral rewards of massive special interest spending with no concern for the appearance, if not the existence, of actual corruption."