

Rep. Hebl: Introduces fair courts package

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Proposals Would Restore Credibility to Wisconsin's Justice System

(MADISON) - Rep. Gary Hebl (D-Sun Prairie) today announced that he has reintroduced a comprehensive reform package that will help protect the impartiality of Wisconsin's judicial system.

Hebl said these proposals will begin to rebuild the public's trust in the impartiality and fairness of our state's justice system, which has been greatly undermined in recent years.

"Out of control campaign spending and many high-profile judicial recusal and discipline cases in recent years have demonstrated the need for reforming Wisconsin's judicial discipline and recusal standards," Hebl said. "This reform package would ensure our citizens have access to a functional and fair judicial system."

The judicial package includes eight proposals which would:

- 1. Create an objective standard for judicial recusal.**

[Assembly Bill 132](#): Wisconsin's current recusal standards are out of line with federal standards and most other states, which have set objective standards for judicial recusal. Current Wisconsin law requires recusal only when judges subjectively determine that they cannot act impartially. This proposal requires a judge or justice to disqualify themselves from presiding over a legal proceeding if a reasonable person would question whether the judge or justice could act in an impartial

manner.

2. Increase transparency and accountability for campaign contributions.

[Assembly Bill 135](#): Require mandatory recusal in cases involving campaign contributors. If, within the previous four years, a party to an action has contributed \$1000 or more directly to the judge's campaign fund or disbursed \$1000 or more on independent expenditures advocating for the judge's election or for the defeat of the judge's opponent, the judge or justice must recuse himself or herself. 54 Wisconsin judges and justices [recently came out in favor](#) of a similar proposal.

[Assembly Bill 137](#): Require that whenever an interested party in a case makes a political contribution to a judge in a proceeding over which the judge or justice presides, or to the personal campaign or authorized support committee of a presiding judge or justice, the donor must notify the judge and every party to the case within five days.

3. Increase transparency and accountability for recusal decisions.

[Assembly Bill 136](#): Allow entire Supreme Court to review recusal decisions of other justices. Provides that if a Supreme Court justice denies a motion to disqualify himself or herself from an action, the Supreme Court may review that decision to deny the motion, and may either affirm or reverse the justice's decision.

[Assembly Bill 133](#): Require a judge or justice who does not disqualify himself or herself after a motion for disqualification is filed by a party in the action to file in writing the reasons he or she did not disqualify himself or herself. This proposal will require judges to more effectively and openly address whether they are capable of being impartial in a given case. It will also promote transparency in the decision-making process for both litigants and the general public.

4. Increase effectiveness and enforceability of judicial discipline proceedings.

[Assembly Bill 134](#): Lower Court Decision Prevails if Supreme Court Divided: In cases where the Supreme Court is equally divided on the question of appropriate discipline or action, the findings of fact, conclusions of law, and recommendations of the panel of judges are binding on the disciplined or disabled judge.

The bills have all been referred to the Assembly Committee on Judiciary.

Rep. Gary Hebl represents the 46th Assembly District, which includes the Cities of Sun Prairie and Stoughton, the Village of Cottage Grove, and the Townships of Cottage Grove, Dunkirk, Pleasant Springs, and Sun Prairie.

Contact Rep. Hebl with any questions or concerns you may have at [\(608\) 266-7678](tel:6082667678) or via email at Rep.Hebl@legis.wi.gov.

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