

Wisconsin Institute for Law and Liberty: Files Response to Recusal Petition with State Supreme Court

Posted on Friday, Apr 7, 2017

>> **WisPolitics is now on the State Affairs network. Get custom keyword notifications, bill tracking and all WisPolitics content. [Get the app or access via desktop.](#)**

April 7, 2017 – Milwaukee, WI – Today the Wisconsin Institute for Law & Liberty filed a response to the recently submitted petition from fifty-four retired judges relating to recusal rules triggered by otherwise legal campaign contributions. In January, these fifty-four judges submitted a petition to the Wisconsin Supreme Court to change recusal rules for a judge who has received campaign contributions.

WILL opposes the petition because the proposed changes are inconsistent with an elected judiciary and the concomitant First Amendment rights of Wisconsin citizens to support judicial candidates and express themselves on issues that are pertinent to judicial elections. Further, the proposed changes are unnecessary given the practicalities of Wisconsin's current judicial system. WILL's response comes two days after eleven retired judges and justices filed their own response opposing the petition.

"Wisconsin's founding fathers debated the merits of an elected judiciary versus an appointed judiciary almost 170 years ago – and they settled on the former as the one most capable of delivering sound and impartial justice," noted WILL Associate Counsel Jake Curtis. "The petition would accomplish one thing, and one thing only – unconstitutionally restricting the ability of voters to participate in the selection of judges and justices. For that, and the other reasons set forth in our response, WILL stands alongside the people in opposition to the petition."

"The petition is simply a solution in search of a problem," observed WILL President and General Counsel Richard Esenberg. "The petition is nothing more than hyperbole. Mechanisms already exist which allow litigants at the circuit court level

to substitute on a judge. And as we explained, petitioners have utterly failed in establishing campaign contributions have the type of negative affect on judges and justices they argue is rampant throughout the judicial system.”

The matter has been placed on the court's April 20, 2017 open rules conference agenda for preliminary discussion.