

Supreme Court candidates trade barbs in first debate

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MILWAUKEE — The three candidates for state Supreme Court traded barbs Monday about their judicial philosophies and records during their first debate ahead of next month's primary.

Sauk County Circuit Court Judge Michael Screnock took the first shot during opening statements, saying he's dedicated to upholding the separation of powers and the rule of law and that his opponents, Milwaukee County Circuit Court Judge Rebecca Dallet and Middleton attorney Tim Burns, don't share that view.

"One of them has called the notion of an impartial judiciary a fairy tale, the other has referred to the rule of law as garbage, and both of them have been actively campaigning on the political issues that they hold dear," Screnock said. "And I find that practice deeply troubling."

Dallet fired back at Screnock, saying he mischaracterized what she said and that she "absolutely" believes in the rule of law and has been applying it every day.

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She said the "rule of law" is Screnock's mantra, "yet he does not believe in the rule of law if it does not fit his political views."

She said Screnock defended Act 10 and gerrymandering while he was an attorney at Michael Best & Friedrich, and that he believes the Supreme Court case shutting down the John Doe investigation was correctly decided.

"That's siding with your political allies, not following the rule of law," Dallet said.

Dallet also took a shot at Burns, saying that with him, "the rule of law is going to be

subject to his political views as he's already stated in his opening statement."

Burns acknowledged several times throughout the debate that he intends to fight for liberal, democratic and progressive values on the court if elected. He said the court needs to "step up as a separate branch of government" in cases affecting the Bill of Rights, the workings of democracy and when laws impact historically marginalized groups.

But he took issue with Screnock suggesting Burns had called an impartial judiciary a fairytale. Rather, Burns said a non-partisan or non-political judiciary was a fairytale. He pointed to major decisions involving Social Security, unemployment compensation, minimum wage, working hours and affordable health care as all being 5-4 decisions along political lines.

"And yet we still try to convince people that the political values of judges do not matter," Burns said. "It is just nonsense."

Screnock said his approach would be to follow the law where it leads.

"I do not care what my preferences are," Screnock said. "And I am telling you and I am committing to you that I will set those aside."

Screnock defended his work helping the state defend Act 10, saying his role as an attorney was to be an advocate of his client's interests.

"I'm proud of that work," Screnock said. "I know Act 10 inside and out. I know the legal arguments that were raised inside and out. And I know that the 7th Circuit Court of Appeals said there was no constitutional impediment, no constitutional problem with Act 10; our state Supreme Court said the same thing."

Dallet said it is important to state your values, but not take positions on issues as Burns has done, which she said could force him to have to recuse himself from a case.

"There's nothing fair about that, there's nothing just about that, and there's nothing progressive about that," Dallet said.

Burns fired back, "My problem with Judge Dallet's position is that it changes every other day."

He said in 2013 Dallet backed now Chief Justice Pat Roggensack, a conservative, but now calls her court broken. He said Dallet also talks to many audiences about her own progressive values.

“We need someone on this court that will stand up to Gov. Walker and the Republican Legislature when they act outside the law,” Burns said. “And when you go back and forth on every issue in this campaign depending on what your polling shows you or depending on whatever, it shows none of the resilience that you need to actually stand up and say ‘no’ to big business, ‘no’ to the Legislature, ‘no’ to the governor when that is warranted.”

Dallet said she’s been consistent during her campaign and noted she’s backed liberal justices Ann Walsh Bradley and Shirley Abrahamson. She accused Burns of cherry picking.

“And that is something that judges can’t do,” Dallet said. “And I can’t expect Mr. Burns to know that because he is not a judge.”

Burns also went after Dallet for her ruling that police were justified in their search of a black man who was waiting outside of a convenience store in a high-crime area. The search, which turned up a handgun, was ruled improper on appeal.

Burns said that rather than admit that she made a mistake, Dallet’s response focused on the man having a weapon. “For every person that was searched where we find a weapon, think of the number of people who were searched who their very dignity was violated by the search,” Burns said.

Dallet replied that she’s had more than 10,000 cases and that there are tough decisions that are sometimes overturned.

But she said despite Burns “blatantly calling me a racist” she has won the support of African-American leaders.

“I have been working for years to make our system more just and more fair — the hard work, not political rhetoric,” Dallet said.

Burn’s attacks weren’t only directed toward his opponents, but also at the Federalist Society, which hosted the debate. During his opening statements, Burn said the group “would resurrect the doctrine of survival of the richest into our law,” “provided the brain power for the re-concentration wealth in our society,” and in so

doing, “weakened our democracy to the point that we elected a perverse show-dog named Trump to lead our great country.”

“You now help that demagogue pack our federal courts,” Burns said. “And you sit silently by as he destroys our moral standing in the world.”

The Feb. 20 primary will pare the field to two candidates, who will advance to the April 3 general election to fill the seat of conservative Justice Michael Gableman.