

Sen. Wanggaard: Shocking Supreme Court emails reveal Liberal hypocrisy

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MADISON - [Emails released by Wisconsin Watch](#), a “nonpartisan, nonprofit investigative news outlet” show the new liberal Supreme Court majority initially refused to share the changes the majority approved with the Chief Justice and abandoning traditional court practice.

“These emails show that four Supreme Court Justices don’t think the supreme court rules, precedent or even the law applies to their new majority,” said Senate Judiciary & Public Safety Chairman Van Wanggaard (R-Racine). “The fact that the majority initially refused to share their changes with three justices completely exposes their lie that the changes were meant to improve ‘transparency and accountability.’”

Wanggaard pointed to the following exchange of emails on August 4, 2023 as evidence:

1:43pm - Justice Dallet	Attached are the IOP and SCR changes approved by a majority of the court on August 4, 2023. Although the changes have been adopted effective immediately, we are still open to discussion and I ask AKZ to add the new IOP and SCR changes to the agenda for September 7, 2023 for further discussion. RFD
2:00pm - Justice Dallet	Apologies there is one small correction to the IOP revisions. Attached is the correct version. RFD
2:30pm - Chief Justice Ziegler	What is the correction. Please send me the tracked doc.

2:52pm -Matt
Woleske (staff for
Justice Dallet)

Per Justice Dallet:
These changes will not be released today.

2:59pm - Chief
Justice Ziegler

So you refuse to give me what you passed today?

Fifteen minutes later. Dallet's staff emailed the track changes version of the Internal Operating Procedures.

The following workday, August 7, 2023 at 3:44pm, Nancy Kopp, on behalf of the Court Commissioners, tries to defuse the tensions and reinstate traditional court practices to the process.

To the court:

The commissioners recognize that there is a difference of opinion among the justices about the effect of Friday's vote to make changes to the SCRs and the IOPs. As I told the court during another period of intense disputes among justices, the commissioners cannot be put in the crossfire of the court's disagreements. As this office has done in the past, we will follow the directions of a majority of the court, subject to the court's consistent practice of not releasing orders until all justices have voted on a matter and have been given an opportunity to attach a writing if they so choose. In this instance Justice Hagedorn has stated that he will be writing dissents to the orders implementing the SCR and IOP changes. It is possible there may be other writings.

Consequently, consistent with past practice, Tim Barber has prepared a draft order amending the changes to the SCRs, which he will be circulating to the court shortly. In addition, in the past where there has been a dissent to revisions to the IOPs, an order has been prepared for those changes, to which the dissent to those changes is then attached. Tim Barber is also preparing a draft order on the IOP changes, which will also be circulated to the court. As always, the orders will be issued when all separate writings have been completed and attached to the orders.

Nancy Kopp for the commissioners

The next day, Justice Dallet and the majority rebuffs Kopp's efforts to lower tensions and Dallet takes upon herself the duties of Chief Justice.

8/8/2023 1:49pm – Justice Dallet

I approve both orders.
On August 4, 2023, a majority of the court voted to amend our IOPs effective immediately. The preamble to the IOPs provides that “these procedures may be changed without notice as circumstances require.” As such, the norm is that no order need be issued to effectuate IOP amendments. Nevertheless, the order Tim sent was prepared for the purpose of providing a platform to which the dissenters may attach their writings. The other order Tim prepared contains the amendments to the SCRs that were voted on by a majority of the court on August 4, 2023. Those changes are effective as of the date of the order as is our normal practice. Any separate writings to these orders should be circulated by Tuesday, August 15, 2023. If any writings are not circulated by that date, the orders will be issued with the notation “separate writings to follow.”
RFD

8/8/2023 2:01pm – Justice Protasiewicz

I approve both orders. Thanks.

8/8/2023 2:03pm – Justice Karofsky

I approve both orders.

8/9/2023pm – Chief Justice Ziegler

I will remind you that Rebecca Dallet has no constitutional authority to act as chief justice and set deadlines.
Sent from AKZ

“Unlike the legislative and executive branches, the judicial branch is supposed to be nonpartisan and unbiased. It is supposed to uphold the law, not bend it to use as it sees fit,” added Wanggaard. “Who holds supreme court justices accountable when they act in violation of the constitution, the law and supreme court rules?”

“Judicial Commissioners are supposed to hold justices accountable, but their actions must be approved by the same justices that appeared to violate their oaths. My committee will hear the nominations of two Commissioners next week to hear their thoughts. The voters only get to hold a single justice accountable every 10 years, and the next election isn’t for two more years. And the legislature’s only way to hold justices accountable is the very serious step of impeachment.”

“I don’t know what the right answer is to restore the rule of law in the Wisconsin

Supreme Court, but all options need to be on the table.”

Note - The original reporting by Wisconsin Watch can be reviewed [here](#). As of 8/29/2023, the three justices of the Wisconsin Supreme Court had not acknowledged the open records request of Wisconsin Watch.