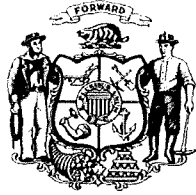


**STATE OF WISCONSIN
JUDICIAL COMMISSION**



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August 12, 2021

CONFIDENTIAL

Justice Jill Karofsky
Wisconsin Supreme Court
16 East State Capitol
Madison, WI 53701

Dear Justice Karofsky:

This letter is to notify you that, pursuant to Wis. Stat. § 757.85, and JC 4.03, Wisconsin Administrative Code, the Judicial Commission has authorized an investigation of information that it received about your conduct.¹ The Commission has a statutory obligation to investigate allegations of judicial misconduct.

Please be assured that this inquiry in no way implies that the Commission or its staff have made any decision with regard to the propriety of your conduct. At this point, the Commission is simply trying to ascertain facts so that the matter can be evaluated further.

Wis. Stat. § 757.93 provides that Commission proceedings in this matter are confidential.

The Commission has received information that you and the other justices on the Supreme Court presided over December 12, 2020 oral arguments, concerning Appeal No. 20 AP 2038. During the oral arguments, the following three incidents occurred involving yourself and Attorney James Troupis:

First Incident (00:03:20 – 00:06:26)²

The hearing recording reflects that, approximately one minute after Attorney Troupis began his oral argument, the following exchange occurred:

¹ Commissioners William Brash, Eileen Burnett, Kendall Kelley, and Joseph Olson did not participate in this decision.

² The time stamps provided in this letter correspond to the time stamps on the video recording (with audio) of the December 12, 2020 oral arguments, enclosed on a thumb drive with this letter for reference.

ATTORNEY TROUPIS: [...W]hat is particularly interesting, is if one looks at the actual statutes involved here. If you look at Section 5.01, it says "except as otherwise provided, chapters 5 to 12, shall be construed to give effect to the will of the electors. But then, if you look at 6.84 -

JUSTICE KAROFISKY: Mr. Troupis, let me ask you a question. Um - that section, 5.01, that, of course, applies statewide, does it not?

ATTORNEY TROUPIS: Yes, it does.

JUSTICE KAROFISKY: All 72 counties, correct?

ATTORNEY TROUPIS: Yes.

JUSTICE KAROFISKY: Not just all counties in the state, except for Dane County and Milwaukee County, am I right?

ATTORNEY TROUPIS: Yes.

JUSTICE KAROFISKY: All the will of all the voters, including the voters in Dane and Milwaukee Counties, count, am I right?

ATTORNEY TROUPIS: Absolutely.

JUSTICE KAROFISKY: And yet, in your lawsuit, what you have done here is you have targeted the vote of almost a quarter of a million people, a quarter of a million people, not statewide in Wisconsin, but a quarter of a million people who live only in Dane County and Milwaukee County - two of our 72 counties, two counties that are targeted because of their diverse populations, because they're urban, I presume because they vote Democratic. **This lawsuit, Mr. Troupis, smacks of racism.**

And I do not know how you can come before this Court and possibly ask us for a remedy that is unheard of in American history, a remedy asking us to say to 227,000 of our fellow Wisconsinites, "Your vote doesn't matter. We don't care that you think you followed all the rules." You know, to borrow a phrase from Senator Cory Booker in another proceeding that had the effect of eroding the confidence in our democracy, "This is not normal."

It is not normal for us to be sitting here on a Saturday, less than 48 hours before an election, excuse me, before the Electoral College sits. It is not normal for only two out of 72 counties to be at risk for losing their voice in this election. This election is not - this case is not about election fraud. It's not about anyone in this state doing anything wrong. This case is about not just seeding, but watering and nurturing doubt about a legitimate election.

Mr. Troupis, I would - I'm very interested in knowing of one person in Dane County, or one person in Milwaukee County, who engaged in election fraud on November 3, 2020.

It is also alleged that, during the latter part of the exchange, which could be characterized as a speech, you did not ask a question, and you repeatedly glanced below your camera and/or computer screen at prepared notes or remarks.

Second Incident (00:15:20 – 00:16:25)

The hearing recording also reflects that the following exchange occurred between you and Attorney Troupis:

ATTORNEY TROUPIS: Well to begin with, the statute provides that the - in 6.86(ar), that in fact, and I'm quoting, the clerk shall not issue a ballot unless he receives a written application. Now, when we deal with in-person voting, if you look at that same sect--

JUSTICE KAROFISKY: Mr. Troupis, I'm going to stop you right there. The form I'm looking at - Do you have a copy of the L122 with you?

ATTORNEY TROUPIS: Yes, I do.

JUSTICE KAROFISKY: Okay. And, up - can you look at the very, very top of it? There's a box at the top.

ATTORNEY TROUPIS: Yes.

JUSTICE KAROFISKY: Okay. What does it say?

ATTORNEY TROUPIS: Well, if you're referring to the official absentee ballot application certification, yes. I could --

JUSTICE KAROFISKY: **Just 'cause you say it super-fast doesn't mean that the word, "application," A-P-P-L-I-C-A-T-I-O-N [spells word] doesn't exist at the top of that form.**

ATTORNEY TROUPIS: I didn't - I apologize if I spoke too quickly. Let's focus for a minute on [...].

It is alleged that, during this exchange, you also made a facial expression that could be characterized as a slight smile or a smirk.

Third Incident (01:33:44 – 01:35:09)

Finally, the hearing recording reflects that, towards the end of the oral argument, after interrupting Attorney Troupis, you made the following statement:

I want to go back to the statement that you made prior to Justice Bradley's question. You said that there was fraud in this election.

I cannot believe that you are going to come forward and you are going to accuse our fellow Wisconsinites from engaging in fraud in this election. The people of Wisconsin should be thanked for exercising their civic duty, for doing what is asked of them in coming to vote. We should be thanking them. We should be thanking the poll - the election workers, and the canvassers, and the local officials who soldiered on through this historic election during a global pandemic. In this state, we accept the will of the voters and they spoke. And for you to come forward today and start just using, throwing out allegations of fraud with zero evidence whatsoever. What - What is America? It is not self-government. I'm sorry, it is self-governance. It is not governance from a king. **And what you want, is you want us to overturn this election so that your king can stay in power. And that is so un-American. And for you to say that anyone is Wisconsin engaged in fraud, for you to perpetuate that fallacy on the people of Wisconsin and the people of the United States of America in what has been called the most significant election of our lifetime, is nothing short of shameful.**

It is alleged that, during this speech, you did not ask a question, and you repeatedly glanced below your camera and/or computer screen at prepared notes or remarks.

Allegations and the Code of Judicial Conduct

It is alleged that, during all three incidents, you failed to exhibit "patience, dignity, and courtesy" towards Attorney Troupis, contrary to Supreme Court Rule 60.04(1)(d).

It is further alleged that your comments during Incidents #1 and #3, made prior to any court ruling in the case, exhibited bias and/or prejudice against Attorney Troupis, his clients, and/or individuals of his political persuasion, contrary to Supreme Court Rule 60.04(1)(e).

Finally, it is alleged that, during all three incidents, you failed to comply with Supreme Court Rule 60.03(1), which requires judicial officials to "act at all times in a manner that promotes public confidence in the integrity of the judiciary," and Supreme Court Rule 60.02, which requires judicial officials to "observe [high standards of conduct] so that the integrity and independence of the judiciary will be preserved."

Please note that the allegations made concern both: (1) the specific portions of the referenced dialogue highlighted in bold type in this letter; and (2) the entirety of each referenced incident, including the highlighted dialogue.

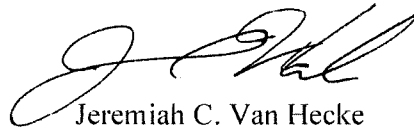
The Commission requests that you provide a written response to the allegations. In your response (or attached to it), you may provide the Commission with any other information that you deem appropriate, and you may be represented by counsel in these proceedings.

The Commission requests your response on or before October 12, 2021.

Should you wish for any future correspondence from the Commission to be sent to you at an alternative address, please provide that address with your written response.

The Commission appreciates your cooperation regarding this matter. If you have any procedural questions or need additional time to respond, please do not hesitate to contact me in writing.

Very truly yours,

A handwritten signature in black ink, appearing to read 'J. Van Hecke', with a large, stylized initial 'J'.

Jeremiah C. Van Hecke
Executive Director

Enclosure