



## 2011 ASSEMBLY JOINT RESOLUTION 115

February 23, 2012 – Introduced by Representatives ROYS, YOUNG, POCAN and C. TAYLOR. Referred to Committee on Assembly Organization.

1 **Relating to:** address to remove Justice Michael J. Gableman from office.

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2 **ADDRESS**

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3       Whereas, article VII, section 13, of the Wisconsin Constitution provides that  
4 any justice may be removed from office by address of both houses of the legislature,  
5 if two-thirds of the members elected to each house concur in the justice's removal by  
6 address; and

7       Whereas, article VII, section 13, of the Wisconsin Constitution requires that,  
8 before being removed from office by address, a justice must receive a copy of the  
9 charges that are the grounds for his or her removal by address and be given an  
10 opportunity to be heard on the charges; and

11       Whereas, Wisconsin Supreme Court Justice Michael J. Gableman did not pay  
12 for legal services provided for him by the law firm of Michael Best & Friedrich, LLP,

1 from July 2008 to July 2010 regarding the case of *Wisconsin Judicial Commission*  
2 *v. Michael J. Gableman*, 2010 WI 61; and

3 Whereas, Justice Gableman violated the standards of conduct for state public  
4 officials under section 19.45 (3) of the statutes by accepting free legal services from  
5 Michael Best & Friedrich, LLP, which can reasonably be expected to influence his  
6 official actions or judgment; and

7 Whereas, after retaining and accepting free legal services from Michael Best &  
8 Friedrich, LLP, Justice Gableman participated in the following 11 cases before the  
9 Wisconsin Supreme Court involving other clients of Michael Best & Friedrich, LLP:

10 1. *State of Wisconsin ex rel. Ismael R. Ozanne v. Jeff Fitzgerald, et al.*, 2011 WI  
11 43, 334 Wis. 2d 70, 798 N.W.2d 436.

12 2. *Godoy ex rel. Gramling v. E. I. Du Pont de Nemours and Co.*, 2009 WI 78, 319  
13 Wis. 2d 91, 768 N.W.2d 674.

14 3. *Zellner v. Herrick*, 2009 WI 80, 319 Wis. 2d 532, 770 N.W.2d 305.

15 4. *Estate of Sheppard ex rel. McMorrow v. Schleis*, 2010 WI 32, 324 Wis. 2d 41,  
16 782 N.W.2d 85.

17 5. *Milwaukee Symphony Orchestra, Inc. v. Wisconsin Department of Revenue*,  
18 2010 WI 33, 324 Wis. 2d 68, 781 N.W.2d 674.

19 6. *Ehlinger v. Hauser*, 2010 WI 54, 325 Wis. 2d 287, 785 N.W.2d 328.

20 7. *Maryland Arms Limited Partnership v. Connell*, 2010 WI 64, 326 Wis. 2d 300,  
21 786 N.W.2d 15.

22 8. *Metropolitan Milwaukee Association of Commerce, Inc. v. City of Milwaukee*,  
23 2010 WI 122, 329 Wis. 2d 537, 789 N.W.2d 734.

24 9. *Nestle USA, Inc. v. Wisconsin Department of Revenue*, 2011 WI 4, 331 Wis.  
25 2d 256, 795 N.W.2d 46.

1           10. *Andersen v. Wisconsin Department of Natural Resources*, 2011 WI 19, 332  
2 Wis. 2d 41, 796 N.W.2d 1.

3           11. *Metropolitan Associates v. City of Milwaukee*, 2011 WI 20, 332 Wis. 2d 85,  
4 796 N.W.2d 717; and

5           Whereas, in multiple instances, after receiving free legal services from Michael  
6 Best & Friedrich, LLP, Justice Gableman cast the deciding vote in cases involving  
7 parties represented by Michael Best & Friedrich, LLP; and

8           Whereas, by accepting free legal services from Michael Best & Friedrich, LLP,  
9 and later ruling in cases involving parties represented by Michael Best & Friedrich,  
10 LLP, Justice Gableman violated the Code of Judicial Conduct under Supreme Court  
11 Rules 60.03 (1) by failing to act at all times in a manner that promotes public  
12 confidence in the integrity and impartiality of the judiciary; and

13           Whereas, by accepting free legal services from Michael Best & Friedrich, LLP,  
14 and later ruling in cases involving parties represented by Michael Best & Friedrich,  
15 LLP, Justice Gableman violated the Code of Judicial Conduct under Supreme Court  
16 Rules 60.05 (4) by engaging in financial dealings that can reasonably be perceived  
17 to exploit his judicial position and that involve frequent transactions with lawyers  
18 or other persons likely to come before the Wisconsin Supreme Court; and

19           Whereas, the fact that Justice Gableman ruled in cases involving parties  
20 represented by the law firm of Michael Best & Friedrich, LLP, after he received free  
21 legal services from the law firm is misconduct for which Justice Gableman may be  
22 removed by address from his office; and

23           Whereas, pursuant to article VII, section 13, of the Wisconsin Constitution and  
24 section 17.06 (2) of the statutes, this resolution specifies the charges against Justice

1 Michael J. Gableman alleging misconduct for which Justice Gableman may be  
2 removed by address; and

3 Whereas, pursuant to article VII, section 13, of the Wisconsin Constitution and  
4 section 17.06 (2) of the statutes, Justice Michael J. Gableman has received a copy of  
5 this resolution and been given an opportunity to be heard on the charges specified  
6 in the resolution; now, therefore, be it

7 ***Resolved by the assembly, the senate concurring, That*** pursuant to article  
8 VII, section 13, of the Wisconsin Constitution and section 17.06 (1) and (2) of the  
9 statutes, the Wisconsin Legislature finds Justice Michael J. Gableman has  
10 committed misconduct in the performance of his duties as a Wisconsin Supreme  
11 Court justice; and, be it further

12 ***Resolved, That*** Wisconsin Supreme Court Justice Michael J. Gableman is  
13 hereby removed by address from his office. The assembly chief clerk shall present  
14 copies of this resolution to Justice Michael J. Gableman and to the chief justice of the  
15 Wisconsin Supreme Court.

16 (END)