



2013 ASSEMBLY JOINT RESOLUTION 19

April 15, 2013 – Introduced by Representatives HEBL, RICHARDS, PASCH, WACHS, ZEPNICK, MASON, BILLINGS, BERCEAU, C. TAYLOR, WRIGHT, OHNSTAD and KAHL, cosponsored by Senators LEHMAN and L. TAYLOR. Referred to Committee on Judiciary.

- 1 **To amend** section 11 of article VII of the constitution; **relating to:** a panel of court
- 2 of appeals judges in disciplinary proceedings involving a supreme court justice
- 3 (first consideration).

Analysis by the Legislative Reference Bureau

Article VII, section 11, of the Wisconsin Constitution, provides that justices and judges are subject to reprimand, censure, suspension, or removal for cause or for disability by the supreme court pursuant to procedures established by the legislature.

This constitutional amendment, proposed to the 2013 legislature on first consideration, provides that a supreme court justice is subject to discipline by a panel of three court of appeals judges, rather than the supreme court. The supreme court appoints the panel of court of appeals judges by seniority.

Under current statutory law, the judicial commission is charged with investigating the alleged misconduct or permanent disability of a judge. If the judicial commission finds probable cause that a judge is engaging or has engaged in misconduct, it files a formal complaint with the supreme court. If the judicial commission finds probable cause that a judge has a permanent disability, it files a petition with the supreme court [s. 757.85, stats.].

After the judicial commission finds probable cause of misconduct or permanent disability and before it files a complaint or petition, the matter is heard by a panel consisting of either three court of appeals judges or two court of appeals judges and one reserve judge or by a jury. The supreme court reviews the findings of fact, conclusions of law, and recommendations submitted following the hearing and determines appropriate discipline or action [ss. 757.87 and 757.91, stats.].

