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## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

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**2011 Assembly Joint  
Resolution 49**

**Assembly Substitute  
Amendment 1**

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Under the Wisconsin Constitution, the justice who is the longest continuous member of the Wisconsin Supreme Court is designated as the chief justice.

**2011 Assembly Joint Resolution 49** is a constitutional amendment, proposed to the 2011 Legislature on first consideration, that provides that the chief justice is selected by the justices of the Wisconsin Supreme Court. Under the joint resolution, the court elects a chief justice each time a justice is elected or reelected and takes the oath of office.

**Assembly Substitute Amendment 1** is also a proposed constitutional amendment, and it replaces the content of Assembly Joint Resolution 49 with content that relates to disqualification of justices and judges. Specifically, the substitute amendment provides that a Supreme Court justice, court of appeals judge, or circuit court judge must disqualify himself or herself in any civil or criminal action or proceeding when any of the following occurs:

- When a reasonable person would question whether the justice or judge can act in an impartial manner.
- When a justice or judge has received, as a candidate for judicial office and within the past four years, campaign financial support from a party to the action or proceeding in an amount of \$1,000 or more, including campaign contributions, independent contributions made on behalf of the justice or judge, and independent contributions made against the justice's or judge's opponent.

In addition, Assembly Substitute Amendment 1 provides a procedure by which the parties to the action or proceeding may waive the disqualification of a justice or judge under the second bulletpoint, above, thus allowing the justice or judge to participate in the action or proceeding.

**Legislative History**

Assembly Substitute Amendment 1 was offered by Representative Hebl and others. On March 6, 2012, the Assembly adopted the substitute amendment on a voice vote. On that same date, the Assembly tabled Assembly Joint Resolution 49, as amended.

JKR:ksm