

2013 DRAFTING REQUEST

Assembly Joint Resolution

Received: 12/26/2012 Received By: smiller
Wanted: As time permits Same as LRB:
For: Gary Hebl (608) 266-7678 By/Representing: Mike Murray
May Contact: Drafter: smiller
Subject: Constitutional Amendments Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Rep.Hebl@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

A panel of court of appeals judges in disciplinary proceedings

Instructions:

2011 AJR 129 (11-3732)

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	smiller 12/26/2012	kfollett 1/14/2013	rschluet 1/14/2013	_____			
/1				_____	srose 1/14/2013	srose 4/1/2013	

FE Sent For:

<END>

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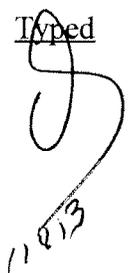
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FE Sent For:

<END>

Miller, Steve

From: Murray, Mike
Sent: Wednesday, December 26, 2012 11:51 AM
To: Miller, Steve
Subject: redraft requests

Hi Steve,

Rep. Hebl was hoping to redraft LRB 3732/1 and 3733/1 for the upcoming session. He does not need any changes to the drafts.

Thanks for all of your help and please let me know if you need any other information. I hope that you are having a nice holiday season.

Mike

Mike Murray
Office of Rep. Gary Hebl
46th Assembly District



State of Wisconsin
2011 - 2012 LEGISLATURE

Wed

09/12/11



LRB-3732/1

SRM:kjf:jm

(per com)

SRM:kjf

~~2011 ASSEMBLY JOINT RESOLUTION 129~~

in 12/26

March 8, 2012 - Introduced by Representatives HEBL, JORGENSEN, ROYS, C. TAYLOR, BERCEAU, TURNER, PASCH, RICHARDS, BEWLEY, POPE-ROBERTS and KESSLER, cosponsored by Senators S. COGGS and C. LARSON. Referred to Committee on Judiciary and Ethics.

Regen

- 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 2011 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.].

2013

2010

X This amendment was prepared for the Joint Legislative Council's Special Committee on Judicial Discipline and Recusal.

A constitutional amendment requires adoption by two successive legislatures, and ratification by the people, before it becomes effective.

1 ***Resolved by the assembly, the senate concurring, That:***

2 **SECTION 1.** Section 11 of article VII of the constitution is amended to read:

3 [Article VII] Section 11. Each justice or judge shall be subject to reprimand,
4 censure, suspension, removal for cause or for disability, by the supreme court
5 pursuant to procedures established by the legislature by law. Each justice shall be
6 subject to reprimand, censure, suspension, or removal for cause or for disability, by
7 a panel of 3 judges of the court of appeals, pursuant to procedures established by the
8 legislature by law. The supreme court shall appoint the panel of 3 judges of the court
9 of appeals by seniority from all persons who are eligible to be appointed. No justice
10 or judge removed for cause shall be eligible for reappointment or temporary service.
11 This section is alternative to, and cumulative with, the methods of removal provided
12 in sections 1 and 13 of this article and section 12 of article XIII.

13 ***Be it further resolved, That*** this proposed amendment be referred to the
14 legislature to be chosen at the next general election and that it be published for three
15 months previous to the time of holding such election.

16 (END)

Rose, Stefanie

From: Murray, Mike
Sent: Monday, April 01, 2013 9:06 AM
To: LRB.Legal
Subject: Draft Review: LRB -0912/1 Topic: A panel of court of appeals judges in disciplinary proceedings

Please Jacket LRB -0912/1 for the ASSEMBLY.