



# Rob Hutton

STATE REPRESENTATIVE • 13<sup>TH</sup> ASSEMBLY DISTRICT

## **Testimony of Representative Rob Hutton in Support of Assembly Joint Resolution 1**

The Chief Justice of the Supreme Court is named in our state Constitution as the administrative head of the judicial system of our state. Currently, the sole determination for Chief Justice is based on seniority, which is the Supreme Court Justice who has served longest on the Supreme Court. Wisconsin's seniority system is rare and only seen in 4 other states.

Assembly Joint Resolution 1 would allow the justices to elect the Chief Justice for a term of two years. This puts Wisconsin in line with 23 other states with a similar peer vote process for Chief Justice. Those states include our neighbors Iowa, Illinois and Michigan.

Peer selection will promote collegiality within our Supreme Court. While a peer selection process may not be perfect it provides a great incentive for each justice to conduct themselves in a manner that promotes healthy cooperative relationships within the court. This allows each equally elected justice the flexibility to determine who will lead their branch of government and what direction they will set for the State of Wisconsin.

This proposed change to our state constitution is about improving the efficiency and effectiveness of our courts. By changing how the administrative head of the judicial system is chosen we will be bringing the position of Chief Justice to the foundation of the democratic process.

This legislation is not about one branch of government determining how another branch of government operates. Recent polling of Wisconsin citizens has clearly indicated a growing level of dissatisfaction with the job performance of the Wisconsin Supreme Court. This resolution is about giving all Wisconsinites a say in improving the functionality in our Supreme Court.



# TOM TIFFANY

STATE SENATOR • 12TH SENATE DISTRICT

## **Testimony on Assembly Joint Resolution 1 Assembly Committee on Judiciary January 8, 2015**

I would like to thank Chairman Ott and members of the committee for taking the time to hear Assembly Joint Resolution 1 today.

Assembly Joint Resolution 1 is the second consideration of the constitutional amendment that would modify the way the Chief Justice of Wisconsin's Supreme Court is chosen. Currently, the Chief Justice is selected based on seniority where the longest, continuous serving member of the court serves as the Chief Justice.

Assembly Joint Resolution 1 would amend the Constitution of Wisconsin to require that the Chief Justice be elected for a term of two years by a majority of justices then serving on the court.

This constitutional amendment represents the democratic process at its very foundation. Having a peer vote will allow the justices to elect their leader and promote a healthier relationship amongst the members of the court.

I want to thank Representative Hutton for all his hard work on this issue. My thanks also to all of you for your time and consideration, and to the Chairman for holding this hearing.



**Testimony in Opposition to Assembly Joint Resolution 1**

**Scot Ross**

**Executive Director, One Wisconsin Now**

**January 8, 2015**

Members of the Assembly Judiciary Committee, I present this testimony on behalf of One Wisconsin Now's more than 80,000 online supporters across the state in strong opposition to Assembly Joint Resolution 1.

This resolution is little more than an effort by the Republican legislative majority to oust Chief Justice Shirley Abrahamson because she is ideologically divergent from the Republican legislature and their special interest allies. What they could not achieve at the ballot box in four statewide elections spanning back to 1979, they are trying to do through legislative fiat.

Our state Supreme Court has been politicized enough. Seventy-two year-old Justice and former Republican Assembly Speaker David Prosser physically attacked his female colleague. Conservative Justices Michael Gableman and Annette Ziegler have been the subject of ethics investigations into their misconduct. Justice Roggensack's recent campaign was overseen by a lobbyist for special interests. The Wisconsin Manufacturers and Commerce and Wisconsin Club for Growth have spent \$8 million to secure a pro-corporate star chamber and then wrote the Court's recusal rules adopted by this corporate bloc.

Enough is enough.

I note while this resolution is being fast-tracked by the Republican legislative majority, not one word has been spoken by the resolution's authors about a true crisis of confidence that faces the Wisconsin State Supreme Court regarding the on-going John Doe investigation of criminal collusion involving Republican Governor Scott Walker and a number of the special interest funding mechanisms that have ensured the Republican lock on power in state government.

In April, One Wisconsin Now filed a formal letter with the seven justices of the Wisconsin Supreme Court, urging four of the court's justices to recuse themselves from a legal request by the campaign of Gov. Scott Walker related to the ongoing John Doe investigation surrounding allegations of illegal coordination between Republican-aligned groups during the recall of Walker.

In our letter, One Wisconsin Now noted that two of the groups reported by media to be involved in the investigation, Club for Growth and Wisconsin Manufacturers and Commerce (WMC), financed over \$8 million in spending to elect the four justices, who constitute a conservative majority on the court.

Involvement of a party, like Club for Growth or Wisconsin Manufacturers and Commerce that has spent substantial sums to elect the judge or justice hearing their case results in the appearance of bias if not actual bias.

Our letter notes that both the Wisconsin Club for Growth and Wisconsin Manufacturers and Commerce were extremely active in the Supreme Court races in support of each of the most recent electoral efforts of Justices Annette Ziegler, Michael Gableman, David Prosser and Patience Roggensack. The four were elected to 10-year terms in campaigns from 2007 to 2013. According to figures compiled by the non-partisan Wisconsin Democracy Campaign:

- Club for Growth and WMC spent a combined \$7.3 million in support of those four justices' campaigns' for the Supreme Court. In addition, \$985,000 was spent by Citizens for a Strong America on behalf of the 2011 campaign of Justice David Prosser. A review of Club for Growth's 2011 Internal Revenue Service 990 form shows that Club for Growth contributed \$4.6 million to Citizens for a Strong America - the organization's entire operating budget.
- In all four cases of these justices' election campaigns, the percent of spending by these two entities was a substantial portion of the support these campaigns received. A Wisconsin Democracy Campaign total of the spending on behalf of Justice Prosser, including his own campaign, showed that spending of Club for Growth, WMC and the Club for Growth -financed Citizens for a Strong America, provided 75 percent of the \$3.5 million in spending on behalf of Justice Prosser. If the public financing grant obtained by Justice Prosser is removed as "spending," this figure leaps to a jaw-dropping 85 percent.
- A similar review of spending on behalf of Justice Michael Gableman, shows a similar and stunning lopsided percent from Club for Growth and WMC. These two entities provided in excess of 70 percent of the \$3.2 million spent on his 2008 election campaign to the court.

Simply said: There is an \$8 million weight on the scales of justice if the conservatives on the court move forward to shield the very entities that put them on the court.

If the Republican-controlled legislature is seeking to have an open and honest discussion about challenges facing the other branches of state government, including the state Supreme Court, it may want to start here, instead of this power grab, that if it were undertaken in another country, would be rightfully deemed a "coup."