



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-0279/1
MLJ:amn

2021 ASSEMBLY BILL 349

May 27, 2021 - Introduced by Representatives HEBL, ANDERSON, BALDEH, CONLEY, EMERSON, POPE, S. RODRIGUEZ, SPREITZER, STUBBS and SUBECK, cosponsored by Senators RINGHAND, ERPENBACH and JOHNSON. Referred to Committee on Judiciary.

1 **AN ACT** *to create* 757.19 (4m) of the statutes; **relating to:** authority of the
2 Wisconsin Supreme Court to review a decision of a justice to deny a motion to
3 disqualify the justice.

Analysis by the Legislative Reference Bureau

Current law requires a supreme court justice and a judge in the court of appeals, in circuit court, and in municipal court (judge) to disqualify himself or herself from a civil or criminal action or proceeding (action) under certain circumstances, including when a judge is related to any party or counsel to the action, when a judge is a party or a material witness in the action, when a judge has a significant financial or personal interest in the outcome of the action, and when a judge determines that he or she cannot, or it appears he or she cannot, act in an impartial manner.

This bill provides that, if a Wisconsin Supreme Court justice denies a motion to disqualify himself or herself from an action, the supreme court may review that decision to deny the motion, and may either affirm or reverse the justice's decision.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 757.19 (4m) of the statutes is created to read:
5 757.19 (**4m**) Upon motion of any party, the supreme court may review the
6 decision of a supreme court justice to deny a motion to disqualify himself or herself

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SECTION 1

1 from a civil or criminal action or proceeding, and may affirm or reverse the decision
2 of the justice to deny the motion for disqualification.

3 (END)