



2011 ASSEMBLY JOINT RESOLUTION 129

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.

- 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.].

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)