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Details:

(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

2007-08

(session year)

Senate

(Assembly, Senate or Joint)

**Committee on ... Campaign Finance Reform, Rural
Issues, and Information Technology (SC-CFRRIT)**

COMMITTEE NOTICES ...

- [Committee Reports ...](#) **CR**
- [Executive Sessions ...](#) **ES**
- [Public Hearings ...](#) **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- [Appointments ...](#) **Appt** (w/Record of Comm. Proceedings)
- [Clearinghouse Rules ...](#) **CRule** (w/Record of Comm. Proceedings)
- [Hearing Records ...](#) bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- [Miscellaneous ...](#) **Misc**

Senate

Record of Committee Proceedings

Committee on Campaign Finance Reform, Rural Issues and Information Technology

Senate Bill 170

Relating to: a notice to parties in civil actions of the Supreme Court rule regarding judicial recusal and regarding access to a statement of economic interests.

By Senators Hansen, Lehman, Taylor and Kreitlow; cosponsored by Representatives Sinicki, Grigsby, Schneider, Travis and Berceau.

April 27, 2007 Referred to Committee on Campaign Finance Reform, Rural Issues and Information Technology.

May 1, 2007 **PUBLIC HEARING HELD**

Present: (5) Senators Kreitlow, Erpenbach, Lassa, Kanavas and Kapanke.

Absent: (0) None.

Appearances For

- Dave Hansen — Sen, 30th Senate District
- Beverly Speer, Madison — Wisconsin Democracy Campaign
- Angela Dentice, Madison — Wisconsin Academy of Trial Lawyers

Appearances Against

- None.

Appearances for Information Only

- None.

Registrations For

- Peter Cannon, Madison

Registrations Against

- None.

Registrations for Information Only

- None.

May 8, 2007

EXECUTIVE SESSION HELD

Present: (5) Senators Kreitlow, Erpenbach, Lassa, Kanavas
and Kapanke.

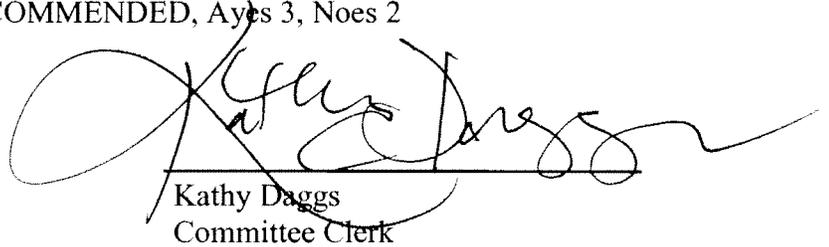
Absent: (0) None.

Moved by Senator Kreitlow, seconded by Senator Lassa that
Senate Bill 170 be recommended for passage.

Ayes: (3) Senators Kreitlow, Erpenbach and Lassa.

Noes: (2) Senators Kanavas and Kapanke.

PASSAGE RECOMMENDED, Ayes 3, Noes 2



Kathy Daggs
Committee Clerk

Vote Record

Committee on Campaign Finance Reform, Rural
Issues and Information Technology

Date: 05/08/07

Bill Number: SB-170

Moved by: Kreitlow Seconded by: Lassa

Motion: Passage

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Senator Pat Kreitlow, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Jon Erpenbach	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Julie Lassa	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Ted Kanavas	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Dan Kapanke	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>3</u>	<u>2</u>	<u> </u>	<u> </u>

Motion Carried

Motion Failed

PRESIDENT
Robert L. Jaskulski, Milwaukee
PRESIDENT-ELECT
Christine Bremer Muggli, Wausau
VICE-PRESIDENT
Mark L. Thomsen, Brookfield
SECRETARY
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Keeping Wisconsin Families Safe
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Testimony
of
M. Angela Dentice
on behalf of the
Wisconsin Academy of Trial Lawyers
Before the
Senate Committee on Campaign Finance Reform,
Rural Issues and Information Technology

Senator Pat Kreitlow, Chair
on
Senate Bills 170 and 171
May 1, 2007

Senator Kreitlow and members of the committee, my name is M. Angela Dentice. I am a practicing attorney in Milwaukee and a Past President of the Wisconsin Academy of Trial Lawyers (the Academy). I will speak in favor of Senate Bill 171, also referred to as "The Impartial Justice Bill." Thank you for holding a hearing on these important bills.

The Wisconsin Academy of Trial Lawyers (the Academy) is a voluntary, statewide bar association whose 1,000 members are attorneys who represent injured consumers in personal injury litigation. The Academy's Board of Directors has endorsed the Impartial Justice Bill, which provided full public financing for the office of justice of the Supreme Court, since 1999.

The Academy supports full public financing for the office of Supreme Court Justice. Like everyone here, Academy members are concerned about the escalating costs of running

for Supreme Court Justice. We believe that fundraising inevitably raises questions of bias, partiality and judicial independence which tend to undermine public confidence in the integrity of judicial officers and the judicial process. Public financing of Supreme Court campaigns is a way to combat this perception.

A trend of bruising multimillion-dollar contests for judicial races across the country is cropping up. Wisconsin became the latest front in the war against judicial independence in the last election. Wisconsin saw it this Spring, but it has also occurred in Michigan, Ohio, West Virginia, Illinois and Mississippi. Attack advertising, independent expenditure campaigns, and issue advertising have now entered the realm of judicial campaigns. This is reported in "The New Politics of Judicial Elections 2004: How Special Interests Pressure on Our Courts Has Reached a 'Tipping Point'—and How to Keep Our Courts Fair and Impartial," issued by Justice At Stake, which I have attached. Corporate interests have now targeted judicial races hoping to exert the same level of control over judicial races as they attempt to assert over Legislative and Executive races. Left in the current form, candidates for Supreme Court will be facing virtually unlimited resources of corporate interests, while the interests of consumers are left voiceless and powerless. We see the power of "big money" in campaigns for Governor, Attorney General and the Legislature, which make the elections appear more like auctions than elections. Do we really want the same corrupting influences brought to judicial races? If we want a fair and impartial judiciary, the answer must be a resounding NO.

One of the most encouraging aspects of the report is a profile of North Carolina. (pages 38-39) In 2002 North Carolina adopted a public financing system similar to that found in Wisconsin's Impartial Justice Bill. It applies to Supreme Court Justices and Court of Appeal Judges. In 2004, 14 of the 16 candidates eligible for public financing participated in the program and 12 of the candidates ultimately received public financing. As the report notes, "The surest sign of a well-structured reform is confidence in the new system expressed, even by losing candidates. One defeated candidate noted:

With . . . North Carolina Public Campaign Financing, judicial candidates now have a public financing option and do not have to risk falling victim to allegations of undue influence of large campaign or special interest contributors. North Carolina is ahead of other states in terms of offering the option of full public financing for Appellate judicial elections.

WATL also believes the bill is important because it provides for the scenario of a third party spending money on independent expenditure ads. Our concern is whether this proposed legislation also includes expenditures from so-called "issue ads." This last election, expenditures by the Club for Growth and WMC were aired under the auspices of "issue ads," in which donors were never disclosed, nor the amount raised or spent by the groups reported. It appears that the expenditures by the two groups exceeded the spending of both candidates for office. One must ask whether issue ads are appropriate in any race of a Supreme Court Justice. What issue is the group trying to influence? Issue ads attempting to lobby legislative or executive candidates may be fair game, but ads or other communications asking people to call a Judge to show support, appear to call into question the integrity and independence of the judiciary.

Wisconsin desperately needs an alternative scenario for Supreme Court races. That is why WATL supports full public financing for candidates running for the office of justice of the Supreme Court. We believe it can relieve the pressure of an "arms race" mentality that pervaded the recent Supreme Court election.

Additionally, the Academy voices support for Senate Bill 170, which requires that parties be notified of Supreme Court rules regarding recusal, impartiality and access to judges' statements of economic interests. We think parties will benefit from having this information and we support this bill. Current Supreme Court rules are quite clear that judges must either step aside or reveal a conflict to the parties and obtain a waiver to continue on the case. As demonstrated in the last Supreme Court election, that does not always appear to be happening, so SB 170 appears to be a valuable tool for civil litigants.

Thank you and if you have any questions, I would be happy to try and answer them.





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Testimony on Senate Bills 77, 170, 171 before the Senate Committee on Campaign Finance Reform, Rural Issues and Information Technology

Tuesday, May 1, 2007

Thank you for holding this hearing today. We appreciated the opportunity provided to our Executive Director, Mike McCabe, to give detailed testimony on the need for campaign finance reform at the April 10 committee hearing. Today, I will simply highlight that testimony and our support for each of the three bills before the committee today. Please refer to the April 10th testimony for additional arguments, as well as the Brennan Center for Justice Report we distributed to the committee that provides an excellent assessment of Wisconsin's campaign finance laws and makes a strong case for reforms that make our system useful and attractive to candidates and the public alike.

This past election for Justice of Supreme Court was by far the ugliest, most partisan and expensive Supreme Court race our state has ever seen. After final campaign reports are filed in July, spending on the Supreme Court race will top \$6 million, coming on the heels of a \$32 million race for governor and more than \$8 million attorney general's election campaign. Most of these expenditures were on negative ads that said nothing of the candidate's ability to meet the responsibilities and duties of our highest court.

More than half of the spending was done by a handful of interest groups. The candidates themselves broke the spending record by a wide margin for Supreme Court candidates, yet were outspent by a long shot by special interest groups. Of the amount we have been able to account for so far, with two weeks of candidate fundraising and several late interest group ad buys yet to be counted, a single interest group is responsible for more than 40% of all spending in the race.

We must first start reform with truth in campaigning. **Senate Bill 77** addresses the need for full disclosure of all election related activities. It honors the public's right to know who is trying to influence the outcome of elections, who is bankrolling campaigns, how much is being spent, and where the money comes from. In the \$6 million Supreme Court race, the origins of as much as \$2 out of every \$3 used to influence the outcome of this election were concealed from public view.

To suggest that this campaign reform limits free speech or is even unconstitutional is undemocratic. Campaign finance reform is critical to free speech because political speech has become anything but free. The cherished First Amendment right to free speech is being turned into a privilege -- a commodity that is bought and sold. The skyrocketing cost of campaigns

prices people of modest means out of the democratic process. We need a level playing field that allows everyone to participate in our democracy. Such notions that money is speech and secrecy is freedom counter the fundamental precepts of our democracy.

Because voters are losing faith that justice is really blind, it is imperative that we maintain and safeguard impartial justice. We appreciate the lead taken by Senator Kreitlow and members of the freshman class in the Assembly by introducing **Senate Bill 171** calling for public financing of state Supreme Court races. Impartial Justice has already been instituted in North Carolina and is working extremely well. New Mexico also recently enacted similar reform. Statewide campaigns for judicial offices are now being conducted in North Carolina for no more than a few hundred thousand dollars and judges are expressing relief that they no longer have to seek special interest dollars and are no longer perceived to be under the influence of campaign supporters when they rule on cases.

Further, as acknowledged with Senate Bill 77, transparency and citizens' right to know are paramount to a functioning democracy. **Senate Bill 170**, the **Judicial Right-to-Know Act**, is one additional step to ensure impartial justice and rebuild public trust in our courts. By requiring judges follow the rules relating to conflicts of interest, the bill empowers citizens as parties to a civil suit with information that ensures impartial consideration in their court case.

What has happened in the aftermath of the recent Supreme Court election – namely the complaint filed against Judge Annette Ziegler by the Ethics Board and the investigation launched by the Judicial Commission in response to a complaint we filed – speaks powerfully to the need for the Judicial Right-to-Know bill. Conflicts of interest cut to the heart of judicial integrity because of their capacity to seriously undermine public confidence in the fairness and impartiality of judges and our courts.

We look forward to working with the committee on future discussions relating to comprehensive reform for Wisconsin that would restore voter-owned elections for all state offices. With donor-owned elections you get a public that believes their own elected representatives are more beholden to their cash constituents than their own voting constituents. The Democracy Campaign supports both Senate Bill 12 – the Ellis/Erpenbach bill – and the Pocan/Risser Clean Elections bill modeled after the highly successful systems already up and running in Arizona and Maine and recently adopted in Connecticut.

These three proposals before the committee today each work to rebuild public trust and confidence in our government by supporting transparency and empowering citizens so imperative to a healthy democracy. Please support Senate Bills 77, 170, and 171.