



Judicial Campaign Watch

Wisconsin
Judicial Campaign
Integrity Committee

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Timothy F. Cullen
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Citizen committee will promote sound standards for 2008 state Supreme Court election campaign

Wisconsin voters will gain new tools to help them make informed choices in the April 2008 state Supreme Court election under an initiative announced by State Bar of Wisconsin President Tom Basting. At a State Capitol press conference today, Basting introduced a bi-partisan "Wisconsin Judicial Campaign Integrity Committee" that will both educate voters about the unique role of judges and monitor campaign-related activities of candidates and their supporters.

The seven-member committee includes:

- Former Appellate Court Judge and Legislator David G. Deininger (Vice-Chair);
- Former Governor Anthony Earl;
- Former gubernatorial aide Bill Kraus;
- Professor Joe Heim;
- Community activist Carol Toussaint;
- Former State Senator Timothy F. Cullen; and
- Professor Dennis Dresang.

Basting will serve as the panel's non-voting Chair.

"It is essential for voters to understand that judges are different than other elected officials, such as county board members, legislators and governors," Basting stressed. "Other elected officials represent various constituencies and advocate policy goals, but the role of judges in our system of government is to fairly and impartially apply the rule of law – in other words, to 'call the balls and strikes.' This means that the standards voters typically use when deciding who to cast their ballots for simply do not apply to judges.

"It also means that judicial candidates – and their supporters – should focus their campaign messages on the candidates' record of public service and similar judicial qualifications, rather than signaling how they or their opponents are likely to rule on matters that could come before the court," Basting said.

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Basting added that the committee's sole focus in 2008 will be on the state Supreme Court election in April 2008, but its scope could be expanded to include other judicial campaigns in future years. He noted that other state bars have chartered similar committees to scrutinize statewide judicial elections and that the Wisconsin initiative is modeled on one such successful project in Ohio.

In addition to educating the public about the unique roles and responsibilities of judges, the committee will actively and publicly seek pledges from candidates to adhere to the Judicial Code of Conduct (adopted by the state Supreme Court), which defines permissible judicial campaign activities. The committee will also review judicial campaign materials produced by candidates and their supporters, either on complaint or their own initiative, to determine if any such materials violate the code by, for example:

- Partisan political activity;
- Conduct that undermines the integrity and independence of the judiciary;
- Promises and commitments that are inconsistent with impartial justice; or
- Knowingly misrepresenting facts concerning a candidate or opponent.

The Committee may ask a candidate to withdraw any non-compliant judicial campaign materials (if controlled by the candidate) or it may take other action it deems appropriate, such as asking a candidate to publicly repudiate non-compliant judicial campaign materials produced by third parties.

"We respect the First Amendment rights of judicial candidates and their supporters to express personal opinions, but no citizen should ever feel that arguing their case before a Wisconsin Court is an exercise in futility because a judge has already taken a position on the case's merits," Basting explained. "That's why we intend to exercise our First Amendment rights as concerned citizens to uphold our traditional Wisconsin standards of judicial integrity, independence and excellence."

Basting said that the committee will use a website (www.WiFairCourts.com), press releases and other electronic and print resources to disseminate its educational message and findings. It will actively encourage the media, civic organizations and other groups to highlight this information for Wisconsin voters.

"It's no secret that the nature of judicial campaigns has changed dramatically here in Wisconsin and across the country in recent years; including the infusion of large amounts of cash into campaigns from interest groups that seek to tilt the courts in one direction or another," Basting said. "To the extent that these developments impugn the neutrality of our courts and erode public confidence in them, this trend must be resisted. As U.S. Supreme Court Justice Anthony Kennedy warned in 2002:

'The legal profession, the legal academy, the press, voluntary groups, political and civic leaders, and all interested citizens can use their own First Amendment freedoms to protest statements inconsistent with standards of judicial neutrality and judicial excellence. Indeed, if democracy is to fulfill its promise, they must do so.'

"I and the seven members of Wisconsin's new Judicial Campaign Integrity Committee invite others across the state to join us in accepting Justice Kennedy's challenge," Basting concluded.

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