



# LEAGUE OF WOMEN VOTERS® OF WISCONSIN EDUCATION NETWORK

122 State Street, #201A  
Madison, WI 53703-2500

Phone: (608) 256-0827  
lwwwisconsin@lwwwi.org

<http://www.lwwwi.org>

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## **Contact:**

Andrea Kaminski, Executive Director

608-256-0827; [kaminski@lwwwi.org](mailto:kaminski@lwwwi.org)

### **Justices should improve court functioning in open session**

By Melanie G. Ramey

As a student of human behavior my attendance at the Supreme Court's open administrative meeting last week offered an opportunity to observe the justices' body language and I could not help but notice the odd way the justices were seated around the table. The seating chart is a matter of tradition, with the Chief Justice at the head of a rectangular table and three justices lined up on each of the two long sides. The Chief is by definition the justice who has been on the court the longest. The others are seated by seniority, with the two newest justices across from one another at the far end.

As one observes the justices in their deliberations there is plenty of time to ponder the dynamics of the seating chart. With a painfully divided court, the placement of the two perceived "factions" is striking. At one end sit Chief Justice Shirley Abrahamson and Justices Ann Walsh Bradley and N. Patrick Crooks, who have been on the court the longest. The other four justices are more recent additions to the court.

At this meeting there were two justices who were leaning so far away from the colleague on one side of them that they were practically sitting in the lap of the justice on the other side. This would appear to get uncomfortable after a few hours.

I have an idea...change to a round table! It is a lesson from the Paris Peace Accords of 1973, established to discuss how to end to the Vietnam War. There were bitter divisions and disagreements over the kind of table and how participants should be seated that had to be worked out before any talks could begin. The solution was a round table, with some modifications. The talks were able to proceed once the hierarchy issue was resolved.

A round table for the Supreme Court would mix up the justices and give a more equitable and collegial framework to their discussions. Since the justices serve 10 year terms it might also work to rotate the role of Chief Justice every three years.

The justices seemed to agree last week that they generally work well together the vast majority of the time the court is in session. However the problems are apparent in their administrative conferences, which is where they need to work out various important issues not related to specific cases but rather to policy and their responsibility for overseeing the state judicial system. The decisions made at these conferences affect the whole court system and as a result the lives of Wisconsin citizens. These conferences should not be closed to the public.

It was quite disappointing to hear the discussion in opposition to bringing in an expert in group and organizational development, as it is obvious that external help is needed. This is a very common practice in business with which the justices seemed unfamiliar. The Court needs to conduct its affairs with greater efficiency. It should also acknowledge that the current situation has caused an increasing number of people to lose faith in the court's ability to arrive at fair and impartial decisions. This is disastrous in a democratic society as the judiciary is one of the pillars of government.

People have a right to feel they can trust that the court is operating in the interest of society and that it is guided by ethical principles. They should trust that the court's decisions are based on legal precepts and a clear understanding of the constitution without bias or self-serving considerations.

As elected officials accountable to the voters, the justices should continue to conduct their administrative conferences in the public eye. They also should be open to new ideas that would resolve hierarchy issues and improve the efficiency of the court.

*Melanie G. Ramey is president of the League of Women Voters of Wisconsin Education Network, a nonprofit, nonpartisan membership organization that promotes informed and active participation in government. There are 16 local Leagues in Wisconsin. To join or for more information, go to our website at [www.lwvwi.org](http://www.lwvwi.org).*

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