

## **FAIR COURTS PETITION**

### **WHAT IS THE FAIR COURTS PETITION?**

It is a petition to the Wisconsin Supreme Court to amend the Judicial Code, which governs the conduct of judges from the Supreme Court down to municipal judges.

### **WHO IS FILING THE PETITION?**

League of Women Voters of Wisconsin Education Fund

### **HOW DOES THE LEAGUE WANT THE JUDICIAL CODE AMENDED?**

We are asking the Supreme Court to adopt rules for when justices and judges must recuse themselves from cases in which one of the parties or their lawyers or law firms donated to the justice or judge's election campaign or inserted themselves into the election in support or against one of the judicial candidates.

### **WHY IS THIS NECESSARY?**

There is a growing concern that private organizations are having undue influence on the election of judges. Standard rules for recusal would remove any perception that justices and judges are beholden to those who contribute to their campaigns. People who go before a judge should be able to trust that the judge is a fair and impartial decision maker.

### **WHAT RULES FOR RECUSAL IS THE LEAGUE RECOMMENDING?**

The League is asking the Court to exercise its authority and amend the Judicial Code to achieve three goals: 1) Create rules for recusal that increase public confidence that campaign contributions will not influence a judge's decisions; 2) Give notice to those who spend money to influence campaigns that their election activities will trigger recusal rules; and 3) Create a procedure that allows the non-contributing party in a case to waive the recusal rules.

One of the proposed rules holds that if a party, or a lawyer or law firm, in a case previously made a campaign contribution of \$1,000 or more for a justice or judge presiding in the case, that the justice or judge must recuse himself or herself. The rules also apply to money spent on a media campaign relating to a judicial election.

### **WHERE DID THE PROPOSED RULES FOR RECUSAL COME FROM?**

The recommendations are based in part on a report issued in April 2008 by the Brennan Center for Justice titled, "Fair Courts: Setting Standards for Recusal." The dollar figure of \$1,000 or more is tied to the financial disclosure requirements in the Wisconsin Code of Ethics for Public Officials and Employees.

### **WHAT HAPPENS NEXT WITH THE PETITION?**

The Supreme Court has scheduled a public hearing for October 28, 2009, where the justices will take both oral and written testimony for this petition and any related petitions. The justices will discuss the matter in an open administrative session. They then may accept, amend, or reject the League's petition.