

Wisconsin Judicial Elections

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1. Two candidates for the Wisconsin Supreme court, Diane Sykes and Louis Butler, pledged to run positive campaigns. Based on her reading of the judicial code of ethics, Sykes has declared that she will not comment on pending cases or legal issues that might come before the court in the future. Sykes stated that recent races for the state high court have become similar to legislative races, with candidates taking positions on legal issues. She added, "I will not discuss cases or legal issues, period." Doing so, she said, "risks compromising the integrity, the independence and the impartiality of the judiciary." Butler agreed with Sykes, but said a candidate's record, qualifications, even personal opinions are all fair game. Richard P. Jones, *Sykes, Butler Vow Positive Campaigns for High Court*, Milwaukee Journal Sentinel, January 4, 2000.
2. Columnist argues that Wisconsin Supreme Court candidate Louis Butler "is far more qualified to sit on the state's high court bench than the appointed justice he is challenging, conservative judicial activist Diane Sykes." The piece argues, however, that Butler should refrain from criticizing Sykes' ex-husband, Milwaukee radio talk show host Charlie Sykes. Butler recently suggested that Diane Sykes should publicly repudiate her ex-husband's on-air comments about the judicial race. The columnist states, "It's silly to suggest that Diane Sykes is responsible for what her ex-husband says. And it is equally silly to suggest that Charlie Sykes is pushing Diane's candidacy any more aggressively than he has those of past conservative candidates for the court." John Nichols, *Charlie Sykes Upfront About Right-Wing Bent*, Wis. St. J., March 14, 2000.
3. Op-ed by Thomas W. Still argues that "determining how to vote in a judicial election is more difficult [than elections for other public offices] -- and more perplexing. In judicial races...the candidates often avoid talking about 'issues'.... for fear their words will come back to haunt them if they are elected to serve on the bench." The author wonders, then, how is it possible for voters to "judge the judges." According to the piece, "That's the challenge facing those relatively few Wisconsin voters who will go to the polls on April 4" to choose the next Wisconsin Supreme Court justice. The author notes that "a seven-person 'jury' of Wisconsin citizens" will have an important opportunity to "ask how the courts affect their daily lives" when the candidates -- Milwaukee Municipal Judge Louis Butler and Justice Diane Sykes -- appear before them at the television forum on March 24. Thomas W. Still, *Judging Supreme Court Candidates Isn't Easy*, Wis. St. J., March 19, 2000.
4. Editorial criticizes the Wisconsin Supreme Court for being mostly composed of appointed justices, even though the state constitution calls for an the election of

- justices. In Wisconsin, the governor appoints Supreme Court justices when there is a vacancy created by a death or retirement. According to the editorial, because of this development, “the court that once brought honor to the state as a body occupied by better legal minds than just about any state judicial body in the country is now the punchline for jokes.” The editorial asserts that Wisconsin’s current system is not the one envisioned by the state’s founders, who thought that judicial appointments would only be used in emergencies. To restore credibility to the court, the editorial calls on the voters to choose Milwaukee Municipal Judge Louis Butler over current Wisconsin Supreme Court Justice Diane Sykes in the upcoming election. *Elect Butler to Restore Credibility*, Wis. St. J., March 26, 2000.
5. Editorial argues that Wisconsin Supreme Court Justice Jon Wilcox shares some blame for misconduct by his campaign committee, “despite a finding by the [Wisconsin] Elections Board that he personally ‘did nothing illegal’ to get elected in 1997.” Wilcox’s campaign allegedly collaborated with an independent group in a \$200,000 get-out-the vote drive in the final days of the election without disclosing its participation. The board concluded its two-year investigation by authorizing the Justice Department to sue the Wilcox campaign and its principals. According to the editorial, the gravest consequence of Wilcox’s loss of control over his campaign is the perception that his independence has been compromised on issues such as school vouchers. *Cloud Hangs Over Wilcox Campaign*, Milwaukee Journal Sentinel, March 28, 2000.
  6. Article reports that it remains to be seen whether Wisconsin Supreme Court Justice Diane Sykes’ landslide victory in a “civil, low-spending campaign sets an example for...future [judicial elections] or simply provides a breather from more acrimonious free-for-alls.” Both candidates accepted public financing, which bound them to adhere to spending limits, for their campaigns. The article states that Sykes’ victory may actually persuade future candidates to take a more combative stance than the one taken by Sykes’ opponent, Louis Butler Jr. Although Butler does not regret the manner in which the campaign was conducted, he does believe that “[o]ne of the problems [Sykes and I] both had was media coverage that didn’t come because we weren’t being nasty to one another.” According to Sykes, “I felt strongly that we needed to reverse the trend of recent campaigns that had become far too costly and far too negative.” Dennis Chaptman, *Civil Supreme Court Campaign Hailed As Template for Future Races*, Milwaukee J. & Sentinel, April 9, 2000.
  7. Brian Christianson, a campaign advisor to Wisconsin Supreme Court Justice Diane Sykes, writes that this year’s election between Sykes and Judge Louis Butler was too “mild,” and failed to provide any of the traditional drama usually associated with elections. Christianson points to public financing as the force that “killed the drama of a truly exciting matchup.” According to the author, public

financing does not provide the candidates with sufficient funds to disseminate their message to all Wisconsin voters. Christianson argues that, “as long as the Judicial Code trumps the First Amendment,” Wisconsin should adopt a system of merit selection. According to the piece, 75% of eligible voters in Wisconsin did not vote in the judicial elections. Thus, “Merit selection would give voters a higher profile campaign -- the race for governor -- as their outlet for judicial preferences.” Brian Christianson, *If We Won’t Finance Judicial Races, Let’s Just Appoint Justices*, Wis. St. J., April 16, 2000.

8. Article discusses “the dramatic rise in costly, privately financed judicial campaigns wherein the preponderance of money comes from lawyers and others with a direct stake in the judge’s decisions.” The article singles out last year’s campaign for Chief Justice of the Wisconsin Supreme Court, in which spending totaled \$1.3 million, and the 1996 race for the Alabama Supreme Court, in which the two candidates spent more than \$2 million, as examples of the spiraling cost of judicial campaigns. The article asserts that the amount of money being poured into judicial campaigns has slanted justice “toward the wishes of a minority of the wealthiest citizens whose role in funding elections is disproportionately large.” According to the article, since the First Amendment prevents the imposition of spending limits on judicial candidates, the best solution is the merit selection of all state judges, saying, “[Merit selection] comes closest to achieving the goals of quality personnel! , public accountability, and judicial independence.” Failing that, the author supports public funding of judicial campaigns. Alexander Wohl, *Justice for Rent*, *The American Prospect*, May 22, 2000.
9. Article reports that the American Bar Association has created the Commission on Public Financing of Judicial Campaigns to investigate options to the private funding of judicial campaigns. Commission reporter Charles Geyh, Professor of Law at Indiana University, states that the commission is “not in the business of being a shill for public funding. It’s premature to say where we will end up.” He notes that public funding has had a mixed record. In Wisconsin, where campaigns are funded by voluntary tax donations, judicial campaigns are underfunded. But the opposite is true in Arizona, where campaigns are funded by surcharges on criminal fines. Jeffrey Ghannam, *Judging Alternatives*, A.B.A. Journal, January 5, 2001.
10. Article reports that “the Wisconsin Supreme Court was deeply split” when considering a proposed rule to prohibit judicial candidates from commenting on past decisions made by their opponents. Three justices opposed the rule. One Justice asserted that if the rule were adopted judicial campaigns would turn into “beauty contests” and “an incumbent’s dream.” Three other justices supported the measure, claiming that it is necessary to maintain an independent judiciary. The seventh justice is undecided. The court will vote on the proposal at its next

- administrative conference. Cary Segall, *Court Is Split on Judicial Campaign Rule*, Wisconsin State Journal, January 12, 2001.
11. Op-ed by Cynthia Gray, Director of the American Judicature Society Center for Judicial Conduct Organizations, defends guidelines restricting the speech of judicial candidates: “The code of judicial conduct is often criticized as imposing a ‘gag rule’ in judicial campaigns [that] . . . leaves candidates unable to communicate effectively and leaves voters unable to make informed choices. That criticism, however, is based on a fundamental misunderstanding.” Gray argues that codes of conduct allow a candidate to assure voters that he will be “a fair-decision maker after the election” by preventing “statements that expressly or by implication signal what decisions they would make on issues in cases if elected.” Thus, candidates may pledge to eliminate patronage or to run courtrooms more effectively. Candidates may also criticize their opponents, provided that the criticism “is scrupulously truthful and does not relate to the opponent’s decisions in specific cases. For example, a candidate may criticize an opponent’s delay in rendering decisions.” Gray concludes that if speech restrictions are lifted, then judicial campaigns will devolve into routine political campaigns, and the public, as a result, “may no longer be willing to accord the judiciary the independence that is a necessary balance to legislative and executive power.” Cynthia Gray, *‘Gag Rule’ Accusation Unfair*, Wisconsin State Journal, January 22, 2001.
  12. Article reports that Wisconsin Supreme Court Justice Jon Wilcox has agreed to personally pay \$10,000 to settle his campaign finance violations case. The state Elections Board alleged that Justice Wilcox’s campaign illegally coordinated last-minute get-out-the-vote efforts with Wisconsin Citizens for Voter Participation, purportedly an independent interest group. The group, Wilcox’s campaign committee, and his campaign manager settled their case for \$60,000. In his statement announcing the settlement, Justice Wilcox denied personal responsibility but explained: “I have a responsibility for the conduct of my campaign staff.” Elections Board member David Halbrooks observes: “we now have a Supreme Court Justice who has essentially pled no contest to the biggest campaign finance corruption case in the history of the Elections Board.” Former Elections Board President Don Illis contends that Justice Wilcox has no reason either to resign or to recuse himself from cases involving the Elections Board. David Callendar, *Wilcox to Pay \$10,000 Fine for Campaign*, Madison (Wi.) Capital Times, March 6, 2001.
  13. Editorial demands that Wisconsin Supreme Court Justice Jon Wilcox resign due to his involvement in “the most serious campaign finance scandal Wisconsin has seen in decades.” The editorial charges: “The justice’s campaign . . . worked with a team of dirty-tricks specialists who proceeded to mount a campaign that violated Wisconsin campaign finance law and badly damaged the credibility of the court.” Responding to Justice Wilcox’s claims of ignorance, it asserts: “how much

- Wilcox knew is . . . inconsequential; what matters is that when it became clear that his aides were mounting an illegal campaign, Wilcox adopted a ‘don’t tell me what you’re doing, but keep doing it’ attitude.” Noting that the funds in question came from supporters of school voucher programs, the editorial faults Justice Wilcox for not recusing himself from state Supreme Court cases involving challenges to such programs, “a conflict of interest so severe that the court’s credibility as an honest broker [in school voucher cases] remains seriously in question.” It concludes: “If Justice Wilcox has any respect for the law and for what remains of Wisconsin tradition of clean politics and an independent judiciary, he must resign.” *Wilcox Must Step Down*, Madison (Wi.) Capital Times, March 7, 2001.
14. Article reports that lawyers, state court judges and justices convened at the University of Toledo, Ohio to discuss judicial selection methods. North Carolina appellate judge James Wynn, twice nominated by President Clinton to the U.S. Court of Appeals for the Fourth Circuit, contended that judicial elections compromise a judge’s integrity. Wisconsin Supreme Court Justice Diane Sykes lamented that “court races are now resembling legislative races, both in terms of their rhetoric and their expense.” Michigan Supreme Court Justice Clifford Taylor attributed the rise in campaign spending to the “breathhtaking” influx of contributions by trial lawyers. Justice Taylor also questioned the link between elections and accountability: “Campaigning is a humbling experience but [offers] only a token accountability because most voters don’t know enough about the candidates to make intelligent decisions.” Steven Hantler, assistant general counsel for DaimlerChrysler Corporation, defended judicial elections: “Today, we all have so much at stake in how our courts now operate. The very foundation of corporate America hangs in the balance of how courts now operate.” Fritz Wenzel, *Judicial Experts at UT Law Forum Divided on Value of Elected Bench*, Toledo Blade, March 31, 2001.
15. Article reports that calls are mounting for an expansion of Wisconsin’s public financing system for state Supreme Court candidates. Judge Ted Wedemeyer, who launched an unsuccessful bid for the state Supreme Court last year, opines, “it’s just not a level playing field.” The article asserts that “the system is chronically underfunded, providing little incentive for candidates to accept the money in exchange for agreeing to a \$215,000 spending limit in state Supreme Court races.” Currently, candidates are eligible for \$97,031 if they agree to the limits. However, the fund, which relies upon \$1 contributions from state income tax returns, was short of cash and thus, last year’s candidates received only \$13,535.63 each from the fund. Although last year’s candidates followed the limits, both the 1998 and 1999 races broke spending records. J.R. Ross, *Reform for State Races? Some Say More Public Money Is Needed*, Wisconsin State Journal, April 2, 2001.

16. A new study reports that, during the past decade, attorney contributions and personal wealth were the chief sources of campaign funds for candidates for the Wisconsin Supreme Court. The study, sponsored by the non-partisan group, Wisconsin Citizen Action, also found that nearly 75% of the high court's cases during the past 10 years involved at least one campaign contributor. However, no connection was found between campaign donations and court decisions. The study was released in support of an "impartial justice" bill which will provide up to \$900,000 in public funding for state Supreme Court candidates. Associated Press, *Personal Wealth Fueled Campaigns, Study Says*, Milwaukee Journal-Sentinel, May 15, 2001.
17. Article reports that several states have initiated efforts to "rein in aggressive politicking by judicial candidates, spurred on by last year's judicial elections, which were fiercer and more expensive than ever." Geri Palast, Executive Director of Justice at Stake, opines: "There is an understanding that this situation is going to escalate, so it's a moment when you want to draw a line in the sand." Some states, such as New York, are planning to provide voter guides, monitor interest-group advertising against judicial candidates, and create campaign oversight panels. Wisconsin and North Carolina are considering full public financing of judicial elections. Susan Armacost, Legislative Director of Wisconsin Right to Life, opposes full public financing: "we don't want our state tax dollars going to candidates who don't agree with our positions." In other states, calls for merit selection are growing, with supporters including Gov. John Engler (R., Mi.), Gov. Tom Ridge (R., Pa.), and the chief justices of Michigan, Ohio, and Texas. William Glaberson, *States Taking Steps to Rein In Excesses of Judicial Politicking*, The New York Times, June 15, 2001.
18. Wisconsin State Senator Gary George (D.) has proposed the division of Milwaukee County into two judicial districts so that more minority judges will be elected. Currently, all judges are elected at the county level. Michael Skwierawski, chief judge of the Milwaukee County Circuit, warned that the proposal would "endanger[] the independence of the judiciary" because it would encourage judges to respond to the needs of their voters rather than the community at large. Fellow circuit judge David Hansher dismissed the proposal as "absurd and unconstitutional," noting that a state task force on diversifying the bench warned against "subdistricting" counties. Tom Kertscher, *George Wants Judge Elections Split*, Milwaukee Journal-Sentinel, June 29, 2001.
19. The Wisconsin State Senate Judiciary Committee has passed a bill increasing public funding for state Supreme Court candidates. The current system, which relies upon voluntary contributions from taxpayers, has been criticized for being chronically under-funded. The maximum grant available is \$97,031 but candidates have often received far less. For example, last year, candidates Louis Butler and Diane Sykes received \$13,500 each. The new bill gives each state



- Supreme Court candidate \$100,000 for primary elections and \$300,000 for general elections. Carolyn Castore, with Wisconsin Citizen Action, applauds the measure: “In an effort to clean up the way Supreme Court races are funded, the committee has taken a giant step towards ensuring the impartiality and independence of the Wisconsin Supreme Court.” The bill is expected to be considered by the full Senate in October. Anita Weier, *Court Hopefuls May Get Funds*, (Madison, Wi.) Capital Times, July 20, 2001.
20. Article reports that public funding of judicial campaigns has considerable support in Wisconsin. Wisconsin Citizen Action, a union-supported interest group, sponsored a poll finding that 76% of respondents support the “Impartial Justice” bill pending in the state legislature. The bill would make available grants of \$400,000 to candidates who choose to participate. It would also require sponsors of “issue ads” to report expenditures to the state Elections Boards if they air ads within 60 days of an election. The state Senate Judiciary Committee has approved the measure, but the proposal is expected to meet resistance in the Republican-controlled General Assembly. David Callender, *Voters Want Public Funding of Court Races*, Madison (Wi.) Capital Times, September 10, 2001.
  21. The American Bar Association (ABA) has adopted a recommendation to support public financing of judicial elections. (See Court Pester, July 24, 2001.) Alfred P. Carlton, Jr., President-elect of the ABA, asserts: “Public funding can reverse the corrosion that taints our courts when judicial candidates must turn for campaign contributions to the very individuals and organizations that have an interest in the outcomes of cases those candidates may decide as judges.” Currently, only Wisconsin provides public financing for judicial campaigns. In addition, the ABA reiterated its preference for merit selection over judicial elections. *American Bar Association Adopts Recommendation Calling for Public Financing of Judicial Campaigns*, ABA Division for Media Relations and Communication Services, February 5, 2002.
  22. Editorial calls Wisconsin’s canon barring judicial candidates from speaking about issues likely to come before them in court “insulting.” Noting that the Supreme Court’s pending decision in *Republican Party of Minnesota v. Kelly*, which challenges a similar canon in Minnesota, could have “a profound impact on Wisconsin judicial elections,” the editorial asserts that the reason no state judicial candidate has ever challenged Wisconsin’s code must be that “deep in their heart of hearts, they like hiding behind its skirts.” The ban confuses voters and produces “an extraordinarily high level of voter apathy--and correspondingly low voter turn-out--in judicial elections.” *Let Judges Speak, and Voters Decide*, Wisconsin State Journal, May 21, 2002.
  23. Janine Geske (retired justice of the Wisconsin Supreme Court and law professor at Marquette University) and Nathan Heffernan (retired chief justice of the

- Wisconsin Supreme Court) praise the legislature's "belated" push for campaign finance reform. However, they argue that legislators have so far failed to take the idea of public financing for Supreme Court elections seriously, even though "we face a Supreme Court election for an open seat next spring that could be the most expensive and ugliest court race ever in our state." Geske and Heffernan cite several "warning signs," including rapidly increasing expenditures on state Supreme Court races and the decision of a candidate in a previous race to drop out of contention, "saying he did not have that kind of personal wealth to put into a campaign." They endorse a recently proposed bill that would significantly increase public financing for judicial candidates. Janine Geske and Nathan S. Heffernan, *Legislature Must Pass Full Public Financing for High Court Races*, Wisconsin State Journal, May 24, 2002.
24. Editorial decries "yet another" Wisconsin Supreme Court primary election in which "special interest dollars are defining the competition." Judge Higginbotham and Judge Ed Brunner "are struggling to keep pace" with Judge Patience Roggensack's "big-budget campaign." The editorial argues that judicial races "should not be influenced in any way by special interest giving" since "jurists are required, to a greater extent than any other elected officials, to maintain their independence." To that end, the editorial endorses "a new drive to pass the impartial justice campaign finance reform bill, which would guarantee public funding for candidates for Wisconsin's highest court." *Clean Up Court Races*, Capital Times (Madison, Wisc.), January 28, 2003.
25. Article reports that the three candidates for Wisconsin Supreme Court were "split" on the issue of whether Supreme Court candidates should take donations from political action committees during a luncheon meeting of the Dane County Bar Association. Judge Edward Brunner argued that "we need to keep special interest money out of this race," since "we are going to be under the microscope as judges." His opponents, Judge Paul Higginbotham and Judge Patience Roggensack, disagreed. Asked about abortion rights, Judges Brunner and Higginbotham discussed their personal pro-choice views. After noting that she would uphold *Roe v. Wade* as matter of law, Judge Roggensack said, "I happen to feel it is improper to take a position on a substantive issue that may come before the court." Matt Pommer, *Three Make Case for High Court Seat*, Capital Times (Madison, Wisc.), January 29, 2003.
26. Column argues that the "ultra-right" takes unfair advantage of the low public interest in Wisconsin's judicial elections to target candidates who threaten their agenda. Judge Paul Higginbotham, a candidate in the upcoming primary for the Wisconsin Supreme Court and an African-American "who has found [school] vouchers in violation of our Constitution in a brilliantly written opinion," has been the subject of intense criticism, including a gossip column that blasted him for taking time off for back surgery and paternity leave. "Laziness? Is this the



- subliminal message? You know (wink, wink), ‘they don’t work as hard as we do.’” The columnist argues that the connections between Milwaukee’s only daily newspaper, the Milwaukee Journal Sentinel, and right-wing organizations make a fair hearing impossible for Judge Higginbotham. Ed Garvey, *Milwaukee Media Do Hatchet Job on Higginbotham*, Capital Times (Madison, Wisc.), February 4, 2003.
27. Article reports that Judges Ed Brunner and Pat Roggensack, candidates running for a seat on the Wisconsin Supreme Court, “traded challenges to limit campaign spending” in their first debate since the primary. Saying she would accept no money from political action committees, Roggensack “challenged Brunner to ask special interest advocacy groups not to make any independent expenditures” on his behalf. Brunner responded by arguing that without spending limits, only the “economic elite” would win office. Both candidates “said they supported a bill that would fully fund state Supreme Court races with public money, though Roggensack said she doubted it could pass given the state’s \$3.2 billion budget deficit.” Jenny Price, *Wisconsin Supreme Court Race*, St. Paul Pioneer Press, February 23, 2003.
28. Article reports on the race between Wisconsin Court of Appeals Judge Pat Roggensack and Barron County, Wisc. Circuit Judge Ed Brunner for a seat on the Wisconsin Supreme Court. The winner “will fill a pivotal seat on the court, since it often splits, 4-3, on the 70 or 80 cases it decides each year.” Roggensack has called Brunner “a judicial ‘activist’,” arguing that the positions he has taken during the campaign “on school choice and abortion mean he won’t be able to impartially decide further cases on those issues and will have to withdraw from those cases.” Citing a U.S. Supreme Court decision striking down a Minnesota canon limiting the speech of judicial candidates, Brunner defended his outspoken campaign. “When you run for office, people ought to know who you are,” he said, adding, “So, is the idea to trick [voters] so you slip onto the court, and then you pop out with your perspective?” Steven Walters, *Supreme Court Candidates Stand Apart*, Milwaukee Journal Sentinel, March 23, 2003.
29. Article reports that “lawyers and judges contributed more than \$28,000 to the two candidates for the Wisconsin Supreme Court, setting up a potential conflict should their cases come before the state’s highest court once the winner takes a seat on the bench.” Former state Supreme Court Justice Janine Geske, who supports a bill that would “fully fund state Supreme Court races with public money,” said of the contributions, “From the perception of the public, it’s a problem.” The bill would dedicate the state’s existing public financing fund solely to Supreme Court races and would raise the check-off on tax returns from \$1 to \$5. Raymond Krek, a lawyer who donated \$250 to Appeals Court Judge Pat Roggensack’s campaign, does not believe his donation will cause a conflict of interest. He said, “Anybody who thinks that you can buy a Supreme Court justice in Wisconsin ... for a few

- hundred bucks is crazy.” Jenny Price, *Lawyers, Judges Contribute to Judicial Candidates*, Duluth News-Tribune, March 31, 2003.
30. Article reports that newly elected Wisconsin Supreme Court Justice Pat Roggensack, who defeated Circuit Judge Ed Brunner 51 percent to 49 percent, “will have something in common with four other justices” on the court: “a potential conflict of interest in the pending legal case against state Rep. Scott Jensen [R.]” Jensen contributed \$200 to Roggensack’s 1995 campaign for the 4th District Court of Appeals. Mike McCabe, executive director for the Wisconsin Democracy Campaign, said, “Five justices have a cloud hanging over them now. It clearly will raise doubts in the minds of the general public whether they can hear cases relating to the Capitol corruption scandal objectively.” If all five justices were recused, the court would lack a quorum, something that occurred “for the first time in more than 100 years in December 1999, with five of the seven justices withdrawing from considering an election contribution case involving Justice Jon Wilcox.” Jenny Price, *5 Justices Have Ties to Jensen*, St. Paul Pioneer Press, April 3, 2003.
31. Column discusses the early fund-raising efforts of Wisconsin appellate Judge Charles Schudson, who has solicited campaign funds from “lawyers sitting at the plaintiff’s table as well as the defense – no favorites there.” The column suggests that Judge Schudson has not been sufficiently vigilant in avoiding soliciting donations from attorneys involved with cases before him. Judge Schudson said that he advocates a public financing system for judicial elections. However, he said that “if at this point I were to say, ‘Look, I’m not going to accept any contributions from attorneys,’ that would implicitly impugn the integrity of virtually every one of our judges in Wisconsin who does accept.” Cary Spivak and Dan Bice, *Judge Looks over Courtroom and Sees Dollars*, Milwaukee Journal Sentinel, July 13, 2003.
32. Column criticizes the practice of candidates for Wisconsin judgeships lining up “as many lawyers as they can to endorse them and send them money to buy radio and TV ads during the campaign.” The columnist compares the system to “a team slipping the referee a few bucks before the ballgame. There’s no guarantee the ref will give you the decision when the game is close, but it sure doesn’t look good.” Arguing that the practice “undermines – in the eyes of an already skeptical public – the integrity of the system,” the columnist concludes that “the way around this conundrum is to publicly finance our judicial elections, removing the necessity for judicial candidates to beg for money from the very people they will someday judge.” Dave Zwiefel, *Judges, Campaign Cash Shouldn’t Mix*, Capital Times (Madison, Wisc.), July 21, 2003.
33. Article reports on a heated campaign for a seat on the Wisconsin Appeals Court. Former U.S. Attorney Joan Kessler has charged that her opponent, incumbent

Appellant Judge Charles Schudson, and his campaign “tampered with a page from her Web site to make it look as if she violated an ethics rule prohibiting judicial candidates from directly soliciting funds.” Kessler’s campaign manager said they “may ask prosecutors to review the matter.” However, Judge Schudson’s spokesman said, “Absolutely nothing was tampered with. Either they are very badly misinformed about their internal campaign procedures or they’re lying.” University of Wisconsin-Madison political science professor Don Kettle called the allegations unusual, noting that “candidates in judicial races, especially at the appellate level, tend to treat each other with kid gloves.” The election will take place on April 6. Jessica McBride, *Claims of Misdeeds Rip Race for Judge*, Milwaukee Journal Sentinel, January 19, 2004.