

SUPREME COURT OF WISCONSIN

No. 19-23

**In re Amendment of SCR 60.04, Relating to
Performing the Duties of Judicial Office
Impartially and Diligently.
(Amendment of SCR 60.04)**

FILED

MAR 3, 2021

Sheila T. Reiff
Clerk of Supreme Court
Madison, WI

On November 25, 2019 the Honorable D. Todd Ehlers, on behalf of the Judicial Conduct Advisory Committee (JCAC) filed this rule petition proposing changes to the Wisconsin Code of Judicial Conduct, Supreme Court Rule (SCR) 60.04. The petition was filed at the behest of the Committee of Chief Judges Municipal Court Subcommittee, which was tasked with conducting a review of the statutes and SCRs related to municipal courts and the role of chief judges and district court administrators in the administration of municipal courts.¹

The court discussed the petition at a closed administrative rules conference on January 17, 2020. It voted to seek written comments.

¹ On August 14, 2019, the Committee of Chief Judges sent a letter to the JCAC proposing three amendments to the Code of Judicial Conduct to bring these rules into conformity with the ABA Model Code of Judicial Conduct. Recognizing that changes to the Code of Judicial Conduct would impact not only municipal judges, but the entire judiciary, the Committee of Chief Judges requested that the JCAC review the suggested changes to determine whether they would improve the integrity of the entire judiciary. After reviewing the suggested changes, the JCAC voted to file this rule petition.

The court issued its standard interested persons letter on January 24, 2020. The court received responses from the Honorable Robert Kupfer, President, on behalf of the Wisconsin Municipal Judges Association, and the Honorable Barbara H. Key, Chief Judge, Fourth Judicial Administrative District, both supporting the petition.

The court discussed the matter again at a closed administrative rules conference on May 28, 2020 and voted to schedule a public hearing. The court conducted the public hearing on October 6, 2020. The Honorable D. Todd Ehlers, presented the petition to the court on behalf of the JCAC. Chief Judge Key also spoke in support of the petition, and submitted a follow-up letter dated October 16, 2020, stating additional reasons for the proposal to create an anti-retaliation clause in Wisconsin Code of Judicial Conduct. The court discussed the petition in closed administrative conferences following the public hearing and voted to deny the petition.

Therefore,

IT IS ORDERED that rule petition 19-23 is denied.

ANN WALSH BRADLEY and REBECCA FRANK DALLET, JJ., dissent.

JILL J. KAROFSKY, J., dissents in part to denying Sections 1 and 3, (amend SCR 60.04(1)(d) and create SCR 60.04(9), to extend a judge's duty of courtesy to include staff and court officials); and Section 4, (create SCR 60.04(10) to add an anti-retaliation clause).

Dated at Madison, Wisconsin, this 3rd day of March, 2021.

BY THE COURT:

Sheila T. Reiff
Clerk of Supreme Court

