

FILED
10-18-2024
CLERK OF WISCONSIN
SUPREME COURT

No. 2024AP2038-J
STATE OF WISCONSIN

IN THE SUPREME COURT

In the Matter of Judicial Disciplinary Proceedings
Against the Honorable Ellen K. Berz: Wisconsin Judicial Commission v. Honorable Ellen K. Berz.

October 18, 2024

To:

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Jeremiah Claude-Benedict Van Hecke
Judicial Commission
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You are hereby notified that the Court has entered the following order:

Before Donald, P.J., Neubauer, and Gundrum, JJ., Judicial Conduct Panel

On October 9, 2024, the Wisconsin Judicial Commission filed a complaint against the Honorable Ellen K. Berz, along with a joint stipulation. Judge Berz admits the factual allegations and legal conclusions as pleaded in the complaint. There is no need for an answer to the complaint or an evidentiary fact-finding hearing in this matter.

The joint stipulation recognizes that in prior cases, “judicial conduct panels have concluded that they ‘would likely be assisted by briefs from the parties on the issue of discipline, including a discussion of published decisions addressing similar judicial misconduct.’” The stipulation suggests that if such briefing is requested, the Commission should file an initial brief, Judge Berz should file a response brief, and the Commission should have the option of filing a reply brief.

The Panel agrees that it would benefit from briefing on the issue of discipline that discusses prior published decisions and similar judicial misconduct. The parties shall indicate in their briefs whether oral argument is requested. After briefing is completed, the Panel will determine whether oral argument may be appropriate before the Panel makes its recommendation. Therefore,

IT IS ORDERED that the Wisconsin Judicial Commission shall file a brief by November 12, 2024, and Judge Ellen K. Berz shall file a responsive brief within twenty-five days of receipt of the Commission’s brief. The Commission shall file a reply brief, or a statement that a reply brief will not be filed, within ten days of receipt of Judge Berz’s brief. All briefs shall be filed with the Clerk of the Supreme Court. The parties shall file an original and one copy of their briefs, and the Clerk will provide electronic versions of the briefs to the Panel.

Samuel A. Christensen
Clerk of Supreme Court and Court of Appeals