



Reinhart Boerner Van Deuren s.c.
P.O. Box 2965
Milwaukee, WI 53201-2965

1000 North Water Street
Suite 1700
Milwaukee, WI 53202

Telephone: 414-298-1000
Facsimile: 414-298-8097
reinhartlaw.com

April 8, 2021

Laura A. Brenner
Direct Dial: 414-298-8342
lbrenner@reinhartlaw.com

SENT VIA EMAIL AND U.S. MAIL

Clerk of Supreme Court
Attention: Deputy Clerk-Rules
P.O. Box 1688
Madison, WI 53701-1688

Dear Clerk:

**In re Creation of a Pilot Project for
Dedicated Judicial Dockets for Large Claim
Business and Commercial Cases and Rule
Petition 16-05D**

Attached is a PDF containing emails that I received in response to Judge Niess' articles concerning the Commercial Court Pilot Project as of 3 p.m. on Friday, April 8, 2022. At the conclusion of his articles, published in various outlets (with titles like "Shadowy Business Courts Corrupt Justice System" and "Stain on our Courts"), he invited readers to send comments to me as a member of the Commercial Court Advisory Committee instead of directing them to the procedure for providing comments with the Court. Many of the comments reflect some misperceptions about the Pilot Program created by the articles.

We provide these copies as a courtesy to the Court. They do not reflect the opinion of the Commercial Court Advisory Committee. The Committee will provide its own response by April 15, 2022 in accordance with the Court's Letter dated March 11, 2022.

Yours very truly,

Laura A. Brenner, Chair of the Commercial
Court Advisory Committee

[REDACTED]

From: EricNancy Liljequist [REDACTED]
Sent: Sunday, April 3, 2022 1:36 PM
To: Laura A. Brenner
Subject: [EXTERNAL] Business Court Pilot Project

Hello, Attorney Brenner,

I am writing to share with you my feelings about the Business Court Pilot Project. I object to the proposal to extend and expand the project for another two years. In fact, I object to the very idea of the proposal itself. I do not feel that there should be a specialty court for big business. To me this seems like stacking the circuit-court deck in favor of business interests without allowing input from non-business interests - people like me, for example - who as a consumer ultimately does have an interest in how business law is written, and especially if business law decisions are made with the transparency required by a democracy.

I oppose the request to expand the project for another two years, and I oppose the Business Court Pilot Project itself, and I support the idea of abolishing the project as soon as possible.

Thank you for your consideration.

Sincerely,

Eric Liljequist

[REDACTED]

From: Deidre Dunn [REDACTED]
Sent: Sunday, April 3, 2022 8:40 AM
To: Laura A. Brenner
Subject: [EXTERNAL] Wisconsin Business Court

Good day,

I just learned Wisconsin has a shadow business court established by our Supreme Court. Decisions made by this court should be made by elected or appointed officials that have been thoroughly vetted. This smells of fascism not democracy. This project should not just be discontinued but every ruling made needs to be reevaluated.

Thank you for your consideration,
Deidre Dunn
[REDACTED]

Sent from my iPhone

[REDACTED]

From: linda lane [REDACTED]
Sent: Sunday, April 3, 2022 9:18 AM
To: Laura A. Brenner
Subject: [EXTERNAL] Business court

The purpose of this email is to state my opposition to extending the business court beyond June 30, 2022. The business court was adopted without public input and against Wisconsin open meeting law. Wisconsin needs a fair court system for all (business and individual), not one that is only controlled by business interests. Thank you for allowing me to express my opinion, if further questions please contact me at via the address below or this email.

Linda lane
[REDACTED]

Sent from my iPad

[REDACTED]

From: R CoCle [REDACTED]
Sent: Sunday, April 3, 2022 10:44 AM
To: Laura A. Brenner
Subject: [EXTERNAL] No to WI Business Court extension for another 2 years

Attny Brenner,

I am writing to encourage the discontinuation of the WI Business Court. Wisconsinites deserve a fair court system where all are treated fairly. The Business Court created a two-tiered system biased towards favorable outcomes for big business: WI citizens deserve better. Do not extend this biased court system for another 2 years.

Sincerely
Rebecca Cole

[REDACTED]

From: Linda Olson [REDACTED]
Sent: Sunday, April 3, 2022 11:00 AM
To: Laura A. Brenner
Subject: [EXTERNAL] Business Court

After reading Richard Niess's column in the Wisconsin State Journal, I would like to add my voice in opposition to the expansion of the Business Court Pilot Project for two more years. We deserve transparency and equal justice at all levels.

Linda Olson
[REDACTED]

[REDACTED]

From: Melanie Foxcroft [REDACTED]
Sent: Sunday, April 3, 2022 12:27 PM
To: Laura A. Brenner
Subject: [EXTERNAL] Business-Friendly Judge Selection

I strongly condemn the off-record process allowing and facilitating the ability of litigants to select “business friendly” judges to hear their cases, circumventing the standard process used for selection of judges assigned to hear cases. The unstated goal of this process is clearly to influence case outcomes to favor business over non-business litigants. It would be interesting to see an analysis of decisions made by “business-friendly” judges to document the role of this process on decisions made by these biased judges.

Melanie Foxcroft

[REDACTED]

Sent from my iPhone

[REDACTED]

From: Brian Butler [REDACTED]
Sent: Friday, February 25, 2022 5:46 PM
To: Laura A. Brenner
Subject: [EXTERNAL] Business Court

Laura,

I just read Rick Niess's article in the Wisconsin Lawyer. I agree with him completely. Let me know if there's anything I can do.

Best regards,

Brian

[REDACTED]

From: Jean Rawson [REDACTED]
Sent: Sunday, April 3, 2022 8:39 PM
To: Laura A. Brenner
Subject: [EXTERNAL] Pro-business court

Dear Attorney Berner,

Please use all your powers of persuasion to stop the two-year extension of the secretive pilot program that has given big businesses undue leverage in cases pertaining to their self-interest.

Thank you.

Jean Rawson
[REDACTED]

--
Sent from Gmail Mobile

From:
Sent: Friday, April 8, 2022 10:00 AM
To:
Subject: FW: [EXTERNAL] New submission on HubSpot Form "Contact Us"



From: HubSpot Forms [REDACTED]
Sent: Sunday, April 03, 2022 8:59 PM
To: Donna J. Crangle [REDACTED]
Subject: [EXTERNAL] New submission on HubSpot Form "Contact Us"



New submission on HubSpot Form "Contact Us"

Page submitted on: [Contact Us - Reinhart Boerner Van Deuren](#)

First Name:

Janice

Last Name:

Knapp-Cordes

Phone Number:

[REDACTED]

Email:

[REDACTED]

Company Name:
Not a company

Job Title:
retired

Country:
United States of America

State/Region:
[REDACTED]

Inquiry is Regarding:
Other - Please Explain Below

Comments:
Dear Counselor Brenner,

I'm writing to express my astonishment and strenuous objection to both the Business Court Pilot Project and its extension. This is the most undemocratic undertaking that I have heard of since Mitch McConnell denied Merrick Garland a hearing for a seat on the Supreme Court.

Large corporations control much of American life by what they manufacture and sell. They also make enormous donations to politicians and thereby have oversized influence on the legislative branch of our country. Now they are being given unfettered control of the courts that adjudicate their affairs. No! Just, no!

I can understand that there may be intricacies of business law that would seem to call for specially trained judges following procedures tailored to business problems. But there is no representation for labor, for customers, or for the public in general. And it's denigrating the abilities of judges in general to assume that they can't handle such intricacies.

This is my country and I don't want an oligarchy! Please do everything you can to reverse this Project.

Respectfully,
Janice Knapp-Cordes

Opt-In Consent:
Yes

View in HubSpot



- **CONTACT**
- Janice Knapp-Cordes

This message was sent to [REDACTED] because your preferences are set to receive notifications like this. You can change it in your [notification preferences](#) page.

[reinhartlaw.com](#) (Hub ID: 2652691)

HubSpot, Inc.



[REDACTED]

From: Terry E. Johnson [REDACTED]
Sent: Monday, April 4, 2022 9:55 AM
To: Laura A. Brenner
Subject: [EXTERNAL] business law court

I am writing to provide my comments on the proposed extension of the Business Court.

I believe that the extension should not be granted for multiple reasons.

First and foremost in my mind, it is entirely unnecessary. While I do not mean to criticize any of the judges handling the cases assigned to this Court, if the purpose of the program was to create a better or more efficient way to handle business litigation, my own experience with it has demonstrated that that has simply not occurred for the obvious reason—there never was any reason to think that creating specialized branches of the circuit court to handle business litigation would result in better administration of justice. There is not now and never was any reason to believe that business litigation, particularly of the type conducted in our state courts, required or would benefit from specialized handling by judges with special concentration in that area. While I have seen nothing wrong with the performance of the judges assigned to these Courts, there is similarly no sign of improvement. Good judges handle litigation of all types well; below average judges do not. There is no evidence that concentrating a judge’s attention on a particular area of litigation changes or ever will change that.

Second, while I don’t know who to hold responsible, some of the procedures adopted were poorly thought out and counterproductive. Whoever designed the case management report that I have seen should never be permitted to do anything like that again. I could do a better job in 15 minutes. If that is representative of what this Court is going to accomplish through specialization, please bring back generalization asap.

Third, even if it is not the fact, the creation of these Courts creates the impression that business do not get a fair shake in other courts. That is simply not true and never was. If anything, the assignment of hand-picked judges to handle business litigation creates the impression—or, worse yet, the reality of favoring of businesses.

Whether this was a good idea to try as an experiment or not—a proposition that I consider dubious—the experiment should be declared over and abandoned.

Thanks for your kind consideration of these thoughts.

Terry E. Johnson | Attorney
von Briesen & Roper, s.c.

[REDACTED]

[REDACTED]

vonbriesen.com

This message (including attachments) is privileged and confidential. If you are not the intended recipient, please delete it without further distribution and reply to the sender that you have received the message in error.

[REDACTED]

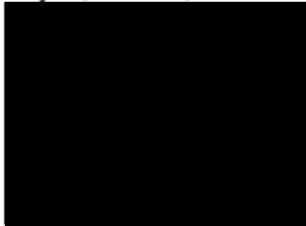
From: Bruce Schultz [REDACTED]
Sent: Monday, April 4, 2022 10:15 AM
To: Laura A. Brenner
Subject: [EXTERNAL] Business Court Pilot Project

Laura,

In the interest of transparency, Rick Niess and I practiced together for more than 15 years prior to his appointment to the bench. We were not always in agreement, but as it relates to the Business Court I agree 100% with Rick's comments that appeared in the April 3 edition of the Wisconsin State Journal.

My forty-four year career in Wisconsin has primarily been civil litigation in both state and federal jurisdictions. I have tried a variety of civil cases including commercial cases, professional malpractice, class actions, tobacco and pharmaceutical litigation, personal injury, contract disputes, and utility litigation. Based upon my personal experience in courts throughout the state, the suggestion that special business courts are needed or would benefit the citizens of Wisconsin is meritless. I would be happy to share my reasoning if so requested.

Bruce A. Schultz
Coyne, Schultz, Becker & Bauer, S.C.



[REDACTED]

From: Steve Anderson [REDACTED]
Sent: Friday, April 1, 2022 9:44 AM
To: Laura A. Brenner
Cc: Robert Dallman
Subject: [EXTERNAL] Business courts

After over 50 years in a wide variety of Milwaukee industries, I found the Urban Milwaukee article today on business courts to be a to very narrow and one-sided plea for terminating a good idea. Most journalists at least try to be "balanced ". Not this one.

With so many years of experience on business focused cases, it would be a shame to walk away empty handed. I agree these courts should be transparent for those who have an interest in what they are doing; however, that can be achieved easily by opening the doors and involving stakeholders that can contribute to fair and just outcomes. Often well intended people with no understanding of how a lemonade stand works, are making bad decisions in complex business situations.

In summary, if it is broken, maybe it should be fixed.

Steve Anderson w

[REDACTED]

PS Bob, you must opine on this with your vast, relevant experience. All well on my end.

[REDACTED]

From: Jim [REDACTED]
Sent: Wednesday, April 6, 2022 10:17 AM
To: Laura A. Brenner
Subject: [EXTERNAL] Business Court

Greetings,

Having just read the article in the Capital Times I'm very disappointed in how the Wisconsin Supreme Court is conducting its 'business'. This high level secrecy only confirms the belief that our government and courts are being run by people in the shadows.

Transparency in all aspects of government needs to be affirmed and maintained. This is not how the Wisconsin Supreme Court is operating at this time.

Sincerely,

James Bucket

[REDACTED]

From: Tania Banak [REDACTED]
Sent: Thursday, March 31, 2022 9:20 PM
To: Laura A. Brenner
Subject: [EXTERNAL] Business Court

Hello, just a quick note to voice my opposition to extending the secret Business Court pilot project. This should not be continued. Transparency is necessary to prevent corruption. And truly, there are times when alternative interests can have useful input/ideas, if given the opportunity. Better than having foxes guard the hen house. Thanks for listening.

Tania Banak, [REDACTED]

[REDACTED]

From: Stephanie Govin-Matzat [REDACTED]
Sent: Friday, April 1, 2022 12:03 PM
To: Laura A. Brenner
Subject: [EXTERNAL] Business Court

I am definitely opposed to this court and the process by which it was created.

STEPHANIE GOVIN-MATZAT
[REDACTED]

"To be kind, you need to know the truth." NAIA

[REDACTED]

From: Chris Thomas [REDACTED] on behalf of Chris Thomas [REDACTED]
Sent: Friday, April 1, 2022 4:50 PM
To: Laura A. Brenner
Subject: [EXTERNAL] business court

I was outraged to learn that a Business Court Advisory Committee has set up a specialty court that favors big business over workers, consumers and the general public. This Business Court undermines fairness and equality here in Wisconsin and should not be allowed to stand. There was no public notice of this specialty court being set up, which is very underhanded in my opinion. The pilot program should not be extended. Our state's court should stand for equality and fairness for all – not just for special interest groups.

Thank you,
Christine Thomas

[REDACTED]

Sent from [Mail](#) for Windows

[REDACTED]

From: Chuck Barnhill [REDACTED]
Sent: Sunday, April 3, 2022 3:44 PM
To: Laura A. Brenner
Subject: [EXTERNAL] Business Court

Please convey my opposition to what is being called the business court. The creation of such a court is completely antithetical to the concept of one system of justice for all. Chuck Barnhill.

Sent from my iPad

[REDACTED]

From: Ann Plata [REDACTED]
Sent: Monday, April 4, 2022 6:39 PM
To: Laura A. Brenner
Subject: [EXTERNAL] Business Court renewal

Dear Ms. Brenner,

I'm writing in regards to the Business Court Pilot Project renewal before The Wisconsin State Supreme Court. Why should there be a two court system in our state? If a corporation is essentially the same as a person (in the eyes of the court) then there is no need for a "special" business court. A business should have to bring it's case in front of a regular judge and jury just like the rest of us. We need more transparency and we need these cases determined in front of the people. I strongly oppose extending the pilot program and we should let it expire on June 30, 2022.

Sincerely,
Ann Plata

[REDACTED]

From: Fred Lehmann [REDACTED]
Sent: Thursday, April 7, 2022 10:30 AM
To: Laura A. Brenner
Subject: [EXTERNAL] Business Court Pilot Project

Laura Brenner;
Please put my name as being very much against the Business Court Pilot Project.
What a horrible idea that big businesses can have a secret court.
Thanks Fred Lehmann

Sent from my iPhone

[REDACTED]

From: Glenda Moran [REDACTED]
Sent: Thursday, April 7, 2022 9:38 AM
To: Laura A. Brenner
Subject: [EXTERNAL] Business Court pilot project

Reading the Cap Times this morning, I learned about the Business Court pilot project for the first time and am outraged at our state supreme court. I am speechless.

This is so wrong and wrecks of corruption, partisanship, lack of moral values and decency.

This has to stop. We need to restore transparency to our courts.

I grew up in WI when I trusted government to do the right thing. This is beyond the pale.

Thank you for allowing me to comment .

Glenda Moran

[REDACTED]

From: Carol Masanz [REDACTED]
Sent: Wednesday, April 6, 2022 7:10 PM
To: Laura A. Brenner
Subject: [EXTERNAL] Business Court Pilot Project

Laura,
We read your article about the business court pilot project. We do not agree that special justices have been coached to oversee litigation for big businesses. We do not think they should expand the project. We need transparency in our judicial system. There are too many secrets already in our state. Everyone should be treated the same and not differently because they are big business. Big businesses have had so many breaks in the past few years. It is time they are treated the same.

Carol and Dick Masanz
[REDACTED]

[REDACTED]

From: Hon Ip [REDACTED]
Sent: Monday, April 4, 2022 3:33 PM
To: Laura A. Brenner
Subject: [EXTERNAL] Business Court Pilot Project

Dear Ms Brenner,

I am writing in protest of the idea of the continuation of the Business Court Pilot Project. The idea of a hidden process where justices are hand-selected and not subject to a rotation schedule is offensive to the idea of judicial fairness.

I urge you to support the abandonment of this pilot project.

Sincerely,

Hon Ip
[REDACTED]

[REDACTED]

From: Jack Bowhan [REDACTED]
Sent: Sunday, April 3, 2022 3:51 PM
To: Laura A. Brenner
Subject: [EXTERNAL] Business Court Pilot Project

Dear Ms. Brenner,

I am writing as a concerned citizen in response to the April 3rd Wisconsin State Journal Op-Ed article by Rick Niess. I am wholly in agreement with Mr. Niess's concerns, particularly the lack of transparency in the development of the pilot project as well as the lack of input from labor or consumer advocates or other concerned citizens at a public hearing.

A business court may be the correct solution to business law issues, but without adequate transparency and input from other stakeholders, the current version of the Business Court looks shady at best.

Thanks for the opportunity to share my thoughts,

Jack Bowhan

[REDACTED]

From: Reid Jorgenson [REDACTED]
Sent: Monday, April 4, 2022 12:03 PM
To: Laura A. Brenner
Subject: [EXTERNAL] Business Court Pilot Project

Dear Attorney Brenner,

After reading the Niess editorial about the Business Court Pilot Project, I Googled a bit.

I didn't see any clips suggesting that this project was good for workers, consumers, or the general public.

I did find clips suggesting the opposite. In the State Bar article, "Commercial Litigation: Business Court Pilot Project Still Open for Business," Judge Morrison states, "more attorneys and their business clients should take advantage of the commercial docket." The article's title itself, by using a buzz phrase popularized by Scott Walker, suggests the political orientation of the court. Judge Morrison's political history suggests the same.

Justice Roggensack's retaining exclusive authority to appoint the Advisory Committee suggests that she doesn't want to risk that the Court will serve equal justice for the broad citizenry of Wisconsin.

Please do not expand the pilot.

Thank you,
Reid

[REDACTED]

From: Susan Duehl [REDACTED]
Sent: Monday, April 4, 2022 11:29 AM
To: Laura A. Brenner
Subject: [EXTERNAL] Business Court Pilot Project

Please do not renew the undemocratic Business Court Pilot Project.

Businesses need to be accountable. When they screw up it affects many citizens, and generally involves more money than the average criminal act.

We don't need a 2-tier court system in this state.

Sincerely,

Susan Duehl
[REDACTED]

[REDACTED]

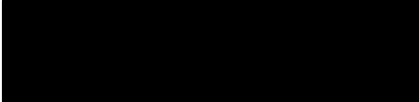
From: Paul D. Curtis [REDACTED]
Sent: Thursday, April 7, 2022 6:55 AM
To: Laura A. Brenner
Subject: [EXTERNAL] Wisconsin Business Court

Ms. Brenner – I understand you are fielding comments regarding the proposed two-year extension of the Wisconsin Business Court. I confess that I have no first-hand experience with the court but I have done some reading on the topic and attended a lecture presented by Judge Niess. In short, I oppose to the extension of the business court in its current form for the simple reason that it gives the appearance of being unfair and unethical. Hand-picked judges and “special” education at out-of-state institutions funded by special interests just smells funny. Trust in the judicial system is essential. In my opinion, the business court in its current form promotes distrust and, therefore, it should not be extended. Thank you for your time.

Paul

AXLEYATTORNEYS

Paul Curtis
Attorney



www.axley.com

Unless otherwise indicated or obvious from the nature of this transmittal, the information in this transmission is confidential and protected from disclosure by the attorney-client privilege, attorney work-product doctrine, privacy laws, or by its proprietary nature. This transmission is intended for the exclusive use of the named recipient. If you are not the named recipient or responsible to deliver it to the named recipient, you are notified that any use, copying, disclosure, dissemination, or other distribution of the information is strictly prohibited and you may be subject to legal restrictions or sanctions. If you have received this communication in error or are not sure whether it is confidential, please immediately notify us by return email or telephone at [REDACTED] and destroy all copies. To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this communication (including any attachments) is not intended to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

[REDACTED]

From: Will Stites [REDACTED]
Sent: Thursday, April 7, 2022 11:46 AM
To: [REDACTED] Laura A. Brenner
Subject: [EXTERNAL] Wisconsin "Business Court"
Attachments: OpenPGP_signature.dat

Dear Supreme Court Clerk and Ms. Brenner:
(My information source is unclear about whom to contact.)

This is a comment on Rule Petition 16-05D, In re Creation of a Pilot Project for Dedicated Trial Court Judicial Dockets for Large Claim Business and Commercial Cases.

The "business court" is an undemocratic idea that needs to be abandoned. It unjustly advantages wealthy corporations that already have other unjust advantages in our court system (like **money**, let's be serious). Governance of the business court system is grossly stacked in favor of powerful business interests with no meaningful input from the public or other stakeholders.

This project SHOULD NOT be extended. The petition should be denied.

Will Stites
[REDACTED]

[REDACTED]

From: kevin cronin [REDACTED]
Sent: Tuesday, March 15, 2022 12:15 PM
To: Laura A. Brenner
Cc: [REDACTED]
Subject: [EXTERNAL] Why the Current Business Court Needs Reform / Comment / Support Judge Niess View

Dear Attorney Brenner,

Judge Richard Niess's piece in the recent Wisconsin Lawyer, "Why the Current Business Court Needs Reform," caught my eye as but one of the members of the bar who is one of the many trustees and guardians of the rule of law in our state. His information ". . . the chief justice (of the Wisconsin Supreme Court), *sue sponte* and without warning, ordered that Dane County's commercial litigation would be handled by only three judges she personally selected without input from her business court advisory committee," to be trained as the article describes. This is very disturbing and concerning on many levels. Such judge "planting" ought to be reversed and terminated for many reasons.

Notably the judge "planting" undermines the concepts of justice administration and its dispute resolution trials in our legal system that includes an impartial and objective duly elected state court judge who enables each client to present his/her/its case for decision based on its facts and the applicable law in our adversary process. This ideal, which I believe in as a litigator myself who has tried and appealed cases in the states of Wisconsin, Illinois, California, and Hawaii over my more than 50 years of practice, becomes undermined, as I see it, by judge "planting" of preselected persons to be trained as described who more likely than not will in fact or as a matter of appearance become tainted with a pro-business bias.

Why are such trained judges better able to resolve such commercial cases that competent counsel present and argue than the people's duly elected state court judges whose sworn duty is to be impartial and objective under their judicial rules of conduct?

To view such trained judges as better able to resolve such business cases because of their special training as it may be is establish the real risk of rendering such judges and their decisions during a proceeding less worthy of respect because of the likely taint on their decisions arising from at least the appearance of bias in favor of commercial interests at the expense of the case on its merits.

The CJ's practice as Judge Niess describes ignores the will of the people who elect their judges when she clearly made the assumption when she selected ted such judges that she knows better than the judicial electors who chose their judges. This is not our way of administering justice, in my opinion.

I support Judge Niess's proposed solution. I urge the Business Court Advisory Committee on which you serve to recommend to the CJ to discontinue her efforts alone to select judges for the business court.

Thank you.

Kevin
WSB 1012339

[REDACTED]

From: [REDACTED]
Sent: Monday, April 4, 2022 11:14 AM
To: Laura A. Brenner
Subject: [EXTERNAL] Transparency-Supreme Court

Dear Attorney Brenner

The law of our land, and how we arrive at it, is an important process. I strongly favor a transparent process, with an open meetings policy. The Business Court Pilot Project does not promote transparency and diversity of opinion, and has the very real potential to shut out important stakeholders in very important decisions that affect us all. I do not support expanding the project for another 2 years.

Respectfully,

Anne Walker
[REDACTED]

[REDACTED]

From: Kurt Stege [REDACTED]
Sent: Friday, April 1, 2022 3:29 PM
To: Laura A. Brenner
Subject: [EXTERNAL] The request to expand the business court

This is a bad idea.

Training at the Antonin Scalia School of Law at George Mason University is a clear indication that the selected judges are going to advance a particular political perspective.

Thank you.

Kurt Stege
UW Law School Class of 1978

[REDACTED]

From: Judy Aubey [REDACTED]
Sent: Friday, April 1, 2022 12:01 PM
To: Laura A. Brenner
Subject: [EXTERNAL] The Business Court model

This attempt to hijack a part of our court system lacks proper judicial independence and does not provide equal treatment to those seeking justice. No transparency, no access to administrative rules conferences, and no likelihood that any of the Business Court actions will be accessible to the public, including our business reporters.

This judicial model is undemocratic, and further separates the general public from what is happening in business that can change our lives.

Please indicate my extreme disgust with this attempt to further distance our citizens from those who should be serving, not ruling our country.

Judith Aubey
[REDACTED]

[REDACTED]

From: Jean Radtke [REDACTED]
Sent: Friday, April 1, 2022 1:36 PM
To: Laura A. Brenner
Subject: [EXTERNAL] Stop the Business Courts Corrupt Business System

Dear Attorney Laura Brenner:

As a Wisconsinite, and former small business owner for 40 years, I was upset and reading about the Business Courts corrupt business system in our state.

The Business Court Pilot Project launched by our Wisconsin Supreme Court is poor public policy, granting large commercial interests outsized influence over our court system's handling of their cases. Having our Chief Justice, currently Annette Ziegler, receive recommendations from big business and select a limited number of hand-picked judges who have received training from special interests aligned with big business, it absolutely outrageous.

It provided Wisconsin with a two-tiered court system - one controlled by big business and one for everybody else. The process largely bypasses voter-controlled, random judicial case assignments. Ignoring the Supreme Court's own internal operating procedures designed to promote transparency and diversity of opinion in appointing court committees, the chief justice stacked the committee with lawyers representing business interests.

The committee included no labor or consumer advocates, no one representing the viewpoints of the public, and no one speaking for other stakeholders in our circuit court system.

This has got to stop. A cardinal principle is underpinning our court system - that everyone should be treated equally when he or she comes before the court.

Please let me know how I can help.

Sincerely,

Jean Radtke

Rise above.

[REDACTED]

[REDACTED]

[REDACTED]

From: kathy wehrle [REDACTED]
Sent: Friday, April 1, 2022 3:02 PM
To: Laura A. Brenner
Subject: [EXTERNAL] Stop the business court process

Hello, I read an opinion piece on the Madison.com website written by Richard Ness. It explains the system he referred to as the business court created in WI in the last five years. It seems clear to me that this process gives certain entities undue influence in the court system and creates a process that is opaque to our citizens. It should not be allowed to expand. Judges should not be appointed and educated by private entities who are trying to seek a back door access to the courts

Sincere,
Kathy Wehrle

[REDACTED]

[REDACTED]

From: John Markson [REDACTED]
Sent: Wednesday, April 6, 2022 6:29 AM
To: [REDACTED]
Cc: Laura A. Brenner
Subject: [EXTERNAL] Rule Petition 16-05D, Business Court Pilot Project
Attachments: Business court comment.docx

Good morning,

I attach my comment to the petition in Microsoft Word format.

I will hand deliver the original and nine copies to the Clerk of the Supreme Court today.

I'm sending a copy to Attorney Laura A. Brenner, Chair, Business Court Advisory Committee, who filed the petition.

Respectfully,
John Markson

April 6, 2022

John Markson

Chief Justice Ziegler and Justices of the Wisconsin Supreme Court
c/o Clerk of Supreme Court
Attention: Deputy Clerk-Rules

[REDACTED]
(Sent electronically to [REDACTED] and hand delivered, 4/6/22)

Re: Rule Petition 16-05D – Business Court Pilot Project

Dear Honorable Chief Justice Ziegler and Honorable Justices of the Wisconsin Supreme Court:

Thank you for the opportunity to comment on the petition to extend the business court pilot project. I respectfully suggest that this project was ill-conceived and should not continue.

By way of background, I have been a member of the Wisconsin Bar since 1978. After a clerkship with this court (Justice William Callow), I practiced as a civil trial lawyer in Madison for 28 years, and then served as a circuit court judge for Dane County for ten years before retiring in 2017. Since then I have mediated and arbitrated civil disputes, including commercial cases. My work as a trial lawyer was mostly insurance defense, and over time, I concentrated on medical malpractice defense. I did handle some commercial cases. On the bench, I spent about half my time in the civil rotation, including commercial cases.

I was honored to be invited to fellowship in the American College of Trial Lawyers and to membership in the Wisconsin Chapter of the American Board of Trial Advocates (ABOTA). I was named ABOTA's Wisconsin trial judge of the year in 2016.

I respectfully offer three points:

First, this business court is entirely unnecessary. Sound, conservative principles of judicial administration counsel that we should continue established traditions that work, supplanting them only if they no longer serve their purpose. Since statehood we have had elected judges, chosen by the people in the court's jurisdiction to hear and decide their disputes. While procedures for assignment of cases may vary depending on the number of judges in a county, the general idea of random assignment of cases to judges within a division preserves the perception of fairness. Any change that does away with this and instead allows certain persons to assign certain judges to certain types of cases, should only be made for compelling reason. Here there is none.

Business cases are no different than other cases. Of course, the judge must learn the substantive law that applies to any case. It is the responsibility of the trial judge to do the homework, and it is the responsibility of the trial lawyer to help the judge understand the governing legal principles. The principles of law in business cases are no more difficult than those in products liability cases, medical malpractice cases, administrative law cases, or most any other area of the law. Likewise, while the nature of the facts will vary, of course, from case to case, there is nothing inherently more complicated about business disputes compared with other cases, which may involve engineering, medicine, and other specialized knowledge. We have always counted on judges and lawyers to do their jobs and learn the material, and that is true regardless of the type of case.

When I was trying medical malpractice cases, we often had cases before judges who had not handled a malpractice case before. Some of those judges were among the finest judges I appeared before. They were prepared. They read the law. When they didn't know something they asked the lawyers, and if we knew, we helped. These judges understood the facts. They knew how to hold the lawyers and parties to a schedule and how to run a trial. I am confident these judges would do just as fine a job with a commercial case.

Likewise, the procedures for handling business cases are no more demanding than those for other cases. Proponents of the business court project have suggested that a business court might handle a business case more efficiently. Not so. I'm sure the business court judges do a fine job, but that's not because they are business court judges, it's because they are good judges, period.

For example, as a trial judge, I had several cases where one party appeared, usually late in the day, and often it seems on a Friday, seeking a TRO in a commercial dispute. We took care of those requests promptly, usually reaching an interim solution with input from the other party whenever possible, and then scheduling a hearing the following week. If I had to move other things on the calendar, so be it. That's just the kind of commonsense calendar management that judges and their staff do all the time.

Why create a new set of rules and procedures, and handpick certain judges to handle business cases, when we don't do that for other cases? Why deprive litigants of their right to have their cases decided by those judges who are elected by them and by their fellow citizens and assigned more or less randomly to hear their cases?

I began by invoking the bedrock principle of sound, conservative judicial administration; put a little differently it comes down to the old maxim, "Don't fix what ain't broke." Our system ain't broke, and we should leave well enough alone.

My second point addresses an attitude some may have that there's no harm in continuing to give this project a try. Why not extend it another two years? I suggest there are at least three reasons to stop it now:

- There was never a good reason to undertake this in the first place, and the fact that it now exists, doesn't change that. This project has reached the end of its original pilot period, and therefore is on schedule to expire now, unless approved to continue. It should be allowed to expire. The petition does not supply a compelling reason to continue an unnecessary project.
- When the judiciary expends time and resources, there are opportunity costs. Why not spend the time and resources – including the considerable expertise of those serving on this committee -- on something more promising? For example, if business lawyers think judges are not well enough trained in the substantive law or principles of case management, why not work within our exemplary judicial education framework to create programs to be offered at the annual judicial conference, the civil law seminar, or even perhaps the judicial college?
- Most important, with this project the Wisconsin judiciary has squandered its most precious asset – its credibility as a beacon for equal justice for all. How does the public not look at this without believing that the court is putting its thumb on the scales of justice in favor of business? Why don't injured parties and those that have been denied their civil rights get the same treatment? The way in which this project came about -- without transparency, without diversity of input, without public hearing, without public comment, without public notice that it was scheduled for a vote -- surely contributes to the stain it leaves on the judiciary. Other unfortunate aspects, such as the judicial training provided at the Antonin Scalia School of Law, do little to dispel the perception that this is an ideologically-driven device to give business interests more favorable treatment by the judiciary than the rest of the people get. These were deeply unfortunate, unforced errors, to be sure, but the entire project seems an unforced error, and it's time to correct that.

Rather than ask, why not let this project continue, I respectfully suggest a better question would be, why not let it expire?

My final point is that the court should not be misled by the facile and disingenuous comparison to treatment courts, which, unlike the business court, serve a real need and are rigorously evidence-based. I worked in treatment courts for a combined total of ten years, and was honored to receive the 2017 Aulik Award for leadership in treatment courts in Wisconsin. Treatment courts are not for adjudicating disputes. Rather, once a drug or alcohol addicted criminal offender has acknowledged responsibility, treatment courts provide a closely supervised program of treatment and accountability in lieu of jail or prison. The model works in significant part because of the relationship established between the offender and the judge. Treatment courts were developed to solve the problem (in fact, they are sometimes called problem-solving courts) that locking people up does not address the addiction that is associated with their criminal behavior. In contrast, the business court project remains a solution in search of a problem.

Thank you for the opportunity of presenting my views on the petition to extend this pilot program. I do hope the court will conclude that this misbegotten project has run its course and should be allowed to expire.

Respectfully submitted,

John Markson

cc: Attorney Laura A. Brenner, Chair, Business Court Advisory Committee



[REDACTED]

From: Joseph Humphrey [REDACTED]
Sent: Wednesday, April 6, 2022 10:21 AM
To: Laura A. Brenner
Subject: [EXTERNAL] Opposition to the extension of the Wisconsin Business Court project

Attorney Brenner and the Business Court Advisory Committee,

I am writing this in opposition to the extension of the Business Court project. The Business Court, as it is currently structured, is unnecessary to the practice of law in the State of Wisconsin and creates an appearance, if not a reality, of capture and unfairness that our legal system can ill afford in the current environment.

As a litigator and counsel to business and commercial clients I have never considered using the Business Court to resolve disputes. In presenting the option of using the Business Court with clients, I struggle to explain the upside. In my practice I have never found any Circuit Court Judge to be unable or incompetent to preside in complex litigation or business/commercial law issues. Almost all business and commercial issues can be boiled down to basic legal interpretation of long existing legal principals or interpretation of statutes, the type of tasks that all Courts do on a daily basis. In my experience, if a Judge is having difficulty following an issue it is because I have failed in my job. If a truly complex business or commercial issue arises in which specialized knowledge is required arbitration in front of an individual with such specialized knowledge is always an alternative.

When discussing the existence of the Business Court with clients or other non-lawyers, the assumption of non-lawyers is that the Business Courts rule in a way favorable to the largest businesses and are captured by business interests and not the law. Even if this is not the reality, the mere creation of a separate system to handle large business and commercial disputes perpetuates the appearance on unfairness and unequal application of the law. In this time where Courts and the Wisconsin Bar are stretched thin in providing equal access to underprivileged and economically disadvantaged citizens who present a majority of legal matters in the system, creating a separate, streamlined system for monied interests communicates the wrong message.

I oppose the Business Court project. Instead of creating different tracks for different interests, our Wisconsin Circuit Courts should strive to be the best forum for all litigants and all matters. Equal justice means equal forums for the application of justice.

Thank you for considering my thoughts.

Joseph Humphrey
GEIER HOMAR & ROY, LLP

[REDACTED]

[REDACTED]

[REDACTED]

From: Mike D [REDACTED]
Sent: Thursday, April 7, 2022 2:26 PM
To: Laura A. Brenner
Subject: [EXTERNAL] No to the Business Court Pilot Scheme Extension

For the attention of Laura Brenner

No to the Business Court Pilot Scheme Extension

With regard to the Business Court pilot scheme, it should **not** be extended in July of this year.

We now have a two tier court system and the Business Court is not in any way transparent nor does it report to the general public. It appears that big business has serious sway over the outcomes of big business cases, using a select committee not formed from voters from the general public and Judges receiving out of state training from interested business parties.

There seems to be more closed door and less transparent activities from the GOP and our legal system seems to favour closed door policies.

We need more transparency in all government and legal issues so that people know what is going on and that our State is a fair and equitable place to live in.

Mick Dowd

[REDACTED]

From: P Wehrle [REDACTED]
Sent: Friday, April 1, 2022 3:29 PM
To: Laura A. Brenner
Subject: [EXTERNAL] Disband the "Business Court"

To Whom it May Concern - Wisconsin deserves an open, honest and transparent judicial system. The establishment of the "Business Court" does away with each one of those values. We should not have a two-tiered system of justice, in which business interests can select their judge and dictate the terms of engagement with the justice system without any transparency or oversight from the public.

We don't need another two year trial period to know that The Business Court needs to be disbanded.

Thank You,

Peter Lawrence-Wehrle
[REDACTED]

[REDACTED]

From: Ward Richter [REDACTED]
Sent: Monday, April 4, 2022 3:58 PM
To: Laura A. Brenner
Subject: [EXTERNAL] Dedicated business courts

I oppose them. They are a distortion of each parties' constitutionally guaranteed rights to equal access. I understand that each side has a right to be heard, even in biased business oriented courts, but there is the problem. They are being heard, but by judges hand selected by the business interests. This is wrong.

Sent from my iPhone

[REDACTED]

From: Raphael Schlesinger [REDACTED]
Sent: Monday, April 4, 2022 12:16 PM
To: Laura A. Brenner
Subject: [EXTERNAL] Dane County Business Court

Let the Dane County Business Court Pilot Program expire in 2022.

It's way too shadowy for courts to operate with special considerations for businesses. This court was created with no input from consumers or the public. Where was the state legislature when this happened?

I've taught Civics classes, and this business court business seems to circumvent transparency in government.

Raphael Schlesinger
[REDACTED]

[REDACTED]

From: Joan Kemble [REDACTED]
Sent: Thursday, April 7, 2022 2:10 PM
To: Laura A. Brenner
Subject: [EXTERNAL] Business courts

Dear Ms Brenner,

For the first time yesterday I learned of business courts--to my dismay. No transparency for that undemocratic court system by & for business.

Please help to stop its' extension. It is important.

Thank you,

[REDACTED]

[REDACTED]

From: Sheila Palinkas [REDACTED]
Sent: Thursday, April 7, 2022 7:51 AM
To: Laura A. Brenner
Subject: [EXTERNAL] Business Court

Dear Attorney Brenner,

I read an article about his process which I had no idea existed. Having been heavily involved in a number of government related projects at the state, county and local level, I can see how this process is a horrible idea. There is already far too much business involvement in our government processes. Allowing business to worm it's way into our legal system is criminal, in my opinion. Please share my remarks as appropriate to hopefully, all this to expire.

Thank you for your time and consideration.

Regards,

Sheila M. Palinkas

[REDACTED]

From: Len Hansen [REDACTED]
Sent: Saturday, April 2, 2022 9:57 AM
To: Laura A. Brenner
Subject: [EXTERNAL] Business court system

Thank you for investigating this and bringing it to our attention. As a voter and citizen of WI, I want the public to be involved in these decisions. We are being overrun and overruled by policy makers giving businesses the upper and controlling hand.

Please continue to find a way for 'regular' Wisconsinites to be involved.

Mary Hansen

Sent from my iPhone

[REDACTED]

From: Tom Cox [REDACTED]
Sent: Wednesday, April 6, 2022 9:43 AM
To: Laura A. Brenner
Subject: [EXTERNAL] Business Court renewal

Dear Laura,

The Business Court project should **NOT** be renewed. The benefit to the people of Wisconsin is dubious at best, and potentially detrimental to the majority of citizens. At this time, the court obviously needs greater transparency not less.

Thank you.

Tom Cox

[REDACTED]

[REDACTED]

From: Sharon Gaskill [REDACTED]
Sent: Thursday, April 7, 2022 12:34 PM
To: Laura A. Brenner
Subject: [EXTERNAL] Business Court Pilot Project

4/7/22

Re: Extension of the Business Court Pilot Project

People:

Only recently did I become aware of the Business Court Pilot Project, created by the Wisconsin Supreme Court in 2017 in Waukesha County and the 8th Judicial District and expanded to other areas, including Dane County in 2020.

Let the record show that I am writing to express my surprise and displeasure at this court system, whose judges appear to be chosen to favor businesses over the interests of the general public.

Where did this idea come from, and how did it get put in place without public discussion? Much is said about transparency these days, but it seems ill-advised to the max to ignore long-assumed and practiced court structure and create a court for the business community, largely picked by this same group, trained by business interests and all done without the chance for public awareness or comment. We citizens, after all, pay the bills and usually have been the ones to evaluate and choose judges.

I strongly protest that this specialized court pilot project may be continued and expanded. Random assignment of cases may not serve special interests, but it has served the public well. The court has no business cutting the public out of the equation, the public that has the right to expect fairness and judicial independence.

I urge the end of this Business Court Pilot Project this June.

Respectfully,

Sharon Gaskill
[REDACTED]

[REDACTED]

From: Cris Plata [REDACTED]
Sent: Monday, April 4, 2022 3:54 PM
To: Laura A. Brenner
Subject: [EXTERNAL] Business Court pilot program

I'm writing in regards to the Business Court Pilot Project renewal before The Wisconsin State Supreme Court. We need more transparency, not big business taking over circuit court commercial litigation in secrecy. I strongly oppose extending the pilot program and we should let expire on June 30, 2022.

Sincerely,
Cris Plata

[REDACTED]

From: George Perkins [REDACTED]
Sent: Thursday, April 7, 2022 8:59 AM
To: Laura A. Brenner
Subject: [EXTERNAL] Business Court Pilot - Terminate as Failure

Laura Brenner:

The non-transparent business court pilot project came to my attention via Circuit Court (retired) Judge Richard G. Niess' recent opinion column published by the Wisconsin Freedom of Information Council (wisfoic.org), a group dedicated to open government. I consider myself to generally be well-informed regarding the government and legal system in Wisconsin. I was shocked to only learn of the Business Court Pilot now, almost five years after its inception.

This project has been conducted out of public view, with our Supreme Court rapidly and fundamentally changing circuit courts' democratic structure for handling commercial litigation. It is degrading judicial independence and undercutting the principle that everyone should be treated equally when he or she comes before the court.

I oppose the process and the intent of this effort. The business court pilot should be terminated.

Should the pilot be extended, then it must expand and restructure the review committee to include labor and consumer advocates, viewpoints of the public, and contain other non-business stakeholders from our circuit court system. The conduct of the court, the review of the pilot must be public and widely publicized with open meetings and extensive public input forums.

Thank you for your recording my opposition to the separate business court.

George Perkins
[REDACTED]

[REDACTED]

From: grandpadan.dcb [REDACTED]
Sent: Monday, April 4, 2022 12:40 PM
To: Laura A. Brenner
Cc: Dan Bubolz
Subject: [EXTERNAL] Business Court expansion for 2 more years

This email is written in response to an article written by Richard Niess, in Sunday's Wisconsin State Journal newspaper, on the captioned subject, concluding with his request to send written comments to you.

I also shared these same comments with State Representative Sondy Pope, State Senator Jon Erpenbach, US Senator Tammi Baldwin, US House Rep. Mark Pocan.

"Dear Attorney Laura Brenner:

Please add my name to the list voicing outrage over how a process to litigate court cases involving big business has been reportedly created without public transparency, and moreover by a Chief Justice of Wisconsin's Supreme Court who should fully understand the need for fair and open discussions, due process, and equal treatment under the law for all.

I do not know if everything Mr. Niess wrote in the WSJ article is accurate. I trust it is, but here's my point.

The office of Chief Justice owes the public a full disclosure and vetting of this pilot project, including who sat at the table during the procedural drafting and how many cases were decided, with a breakout of which were found in favor of big business, and also if the pilot process might lessen or prejudice the rights of some litigants to even be able seek due process under the pilot project's procedural law.

And before this program is ever renewed, or expanded, in the name of fairness and equity its pilot operations must be studied, including being fully audited by state legislative impartial body, to ensure that its procedural operations do not favor one litigant over another.

Best regards,
Danford Bubolz

[REDACTED]

Sent from my U.S.Cellular® Smartphone

[REDACTED]

From: Eric Schulenburg [REDACTED]
Sent: Monday, April 4, 2022 11:24 AM
To: Laura A. Brenner
Subject: [EXTERNAL] Business court consideration

Hello Attorney Brenner. I write to you in your capacity as the Chair of the Business Court Advisory Committee. It is my understanding that there is a petition seeking an extension of that court. In the belief that comments regarding that extension be sent to you, I include some comments.

The area of the law I have pursued for years....ok, a whole lot of years...is criminal defense. I have not dabbled, at all, in business law. However, I do read of the work done in those areas of the law I don't frequent. The business court, for that reason, caught my attention. It appears that the business court is organized to operate in a way unfamiliar to other areas of the law. Let me take my area as an example. As a criminal defense attorney, I might welcome a "criminal defense court" that would be staffed by defense attorneys trained by criminal defense advocates. No other courts of general jurisdiction would be allowed to try criminal cases. As an advocate for my small area of the law, I might like that. As a lawyer who seeks a fair and impartial application of the law, I would not. I would not wish to have a small cadre of judges handle all the criminal cases any more than I would wish to have specialized juries. The opinions and life experiences of the community at large keep the system fair. A small hand picked set of arbiters risks the closing of doors through which litigants seeking impartial fairness cannot walk. In short, I ask that you consider whether a specialized business court needs to continue. I ask for a business court sunset without extension.

On a completely separate note, you are due a bit of praise. The practice of law is a consuming endeavor. Agreeing to be on a committee, or even more chairing that committee, is worth a thank you. It is an agreement to try and make a difference at the inevitable cost of losing time that can, and would, be spent elsewhere. I wish you a peaceful passage into a Wisconsin spring.

Eric

Eric Schulenburg
Schulenburg and Father: Underdawg Law

[REDACTED]

[REDACTED]

From: Kristy Solovey [REDACTED]
Sent: Tuesday, April 5, 2022 9:36 AM
To: Laura A. Brenner
Subject: [EXTERNAL] "Business Courts"

Please make every effort to get rid of the Business Court in Wisconsin. It represents a travesty of justice in a system that is designed to hold "all people equal in our courts "

If this system is so beneficial for "the people", let it see the light of day. Until then, it needs to be abolished!!

Kris Solovey

Sent from my iPhone

[REDACTED]

From: Val [REDACTED]
Sent: Thursday, April 7, 2022 8:17 PM
To: Laura A. Brenner
Subject: [EXTERNAL] iWconsin Supreme Court Business Court Pilot

Dear Ms. Brenner,

I would anticipate you have received a plethora of messages regarding action on this pilot project.

Wisconsin residents deserve nothing less than total transparency and advocacy for all citizens of this state. As this committee and specialty court currently operates, they are only beholden to business interests. Public notice and the opportunity for public comment are important tenants of our legal system. Every person in Wisconsin deserves fair representation, therefore this pilot should NOT be extended and should actually be dissolved immediately if possible. The pilot has failed the citizens of Wisconsin in too many ways.

Thank you for your attention to this matter.

Valerie Schend
[REDACTED]

"When inspiration calls, listen carefully."

[REDACTED]

From: Betty [REDACTED]
Sent: Thursday, April 7, 2022 5:54 PM
To: Laura A. Brenner
Subject: [EXTERNAL] Business Court

Sent from [Mail](#) for Windows

I just heard about the WI Supreme Court pilot business court. Since when is our court system secret and set up to serve special interest only? It is bad enough that big business deep pockets makes it difficult to get justice but big business gets away with paying no taxes, polluting our environment and having a front row seat at law making. It is bad enough the National Supreme court has turned into a Political animal that it was never intended to be. The WI supreme court is worse. I am totally opposed to this pilot program since it totally leaves us, John Q Public, in the dark.

Thank you,

Betty Reininger

[REDACTED]

From: Rick Meyers [REDACTED]
Sent: Friday, April 8, 2022 9:08 AM
To: Laura A. Brenner
Subject: [EXTERNAL] Wisconsin Supreme Court "Business Courts"

Really? No public comment? Undermining Circuit Court's democratic structure? One step closer to autocracy/oligarchy. Shameful. Get rid of it.

Thank you for your time and consideration.

Sincerely, Richard Meyers

Sent from [Mail](#) for Windows

[REDACTED]

From: Kathleen Marsh [REDACTED]
Sent: Friday, April 8, 2022 7:55 AM
To: Laura A. Brenner
Subject: [EXTERNAL] Secret Court

This is how democracy dies. It is why our state is caught in the stranglehold of greedy "job creators" (a ridiculous focus-group-shopped term if there ever was one) who care about nothing and no one except themselves and their ever-growing obscene wealth. It has caused Wisconsin to return to the days of the early 20th Century when the land and lumber barons owned everything and people worked for pennies per hour. Ashcan this Court idea before it reduces our beloved Badger State to ashes.

Kathleen Marsh
[REDACTED]

[REDACTED]

From: J P [REDACTED]
Sent: Friday, April 8, 2022 8:42 AM
To: Laura A. Brenner
Subject: [EXTERNAL] Business courts

Separate courts for business are a terrible idea. Businesses frequently impose conditions that require arbitration or mediation in settings where business has an advantage over consumers and smaller business suppliers.

Not only are separate business courts inequitable, they will surely lead to further corruption within the political and, inevitably, in the judicial systems.

There has been an erosion of the tradition of open government in Wisconsin in the last decade. End this malformed experiment immediately.

There are many real issues and problems in the court system that require attention. Holding the hand and providing solace and special care to business is not one of them.

Janice P. Pasaba, Esq.

--

Sent from Gmail Mobile

[REDACTED]

From: Darwin Stetzer [REDACTED]
Sent: Friday, April 8, 2022 8:28 AM
To: Laura A. Brenner
Subject: [EXTERNAL] Business Court Pilot Project

Dear Attorney Brenner,

As citizen of Wisconsin, I would like to express and leave record of my extreme disgust at the legal perversion, privatization and corruption which the Business Court Pilot Program engenders. Please let this program expire and cease to exist.

This brings to mind the case of Steven Donziger an environmental lawyer who won a case against Chevron and was later targeted by Chevron through a hand-picked judge and prosecuted by a private law firm. See link below:

<https://theintercept.com/2020/01/29/chevron-ecuador-lawsuit-steven-donziger/>

Please confirm receipt of this email.

Respectfully,

Darwin Stetzer

[REDACTED]

[REDACTED]

From: Dennis Neumann [REDACTED]
Sent: Friday, April 8, 2022 7:34 AM
To: Laura A. Brenner
Subject: [EXTERNAL] Business court

Whoever “dreamed” this system should explain why it is good and get that message to all to see .
Then let the people vote on it as we set the rules and the Supreme Court abides by them and interprets them NOT they
make the rules and pick how it is carried out,

This is the USA not Russia !

Dennis Neumann
Sent from my iPad

[REDACTED]

From: David Marks [REDACTED]
Sent: Friday, April 8, 2022 6:55 AM
To: Laura A. Brenner
Cc: kathy cruice [REDACTED]
Subject: [EXTERNAL] Big Business Secret Court

Attorney Laura Brenner,

I just read an article by Richard Niess published in the April 7 issue of the Reedsburg Independent. It is titled "Pull the plug on shadowy business courts" If accurate it appears there is some real shenanigans going on here. With no public input the Public Court Pilot Project was launched in 2016. Designed to shield big business commercial litigation from public view benefiting only Big Business is fundamentally not right. As author Niess states "The big business takeover of circuit court litigation...". Please oppose extending this big business focused and non transparent debacle.

Sincerely,
David K Marks

[REDACTED]

Sent from my iPhone

Subject Opposition to the extension of the Wisconsin Business Court project

From Joseph Humphrey [REDACTED]

To: [REDACTED]

Date Apr 6 at 10:21 AM

Attorney Brenner and the Business Court Advisory Committee,

I am writing this in opposition to the extension of the Business Court project. The Business Court, as it is currently structured, is unnecessary to the practice of law in the State of Wisconsin and creates an appearance, if not a reality, of capture and unfairness that our legal system can ill afford in the current environment.

As a litigator and counsel to business and commercial clients I have never considered using the Business Court to resolve disputes. In presenting the option of using the Business Court with clients, I struggle to explain the upside. In my practice I have never found any Circuit Court Judge to be unable or incompetent to preside in complex litigation or business/commercial law issues. Almost all business and commercial issues can be boiled down to basic legal interpretation of long existing legal principals or interpretation of statutes, the type of tasks that all Courts do on a daily basis. In my experience, if a Judge is having difficulty following an issue it is because I have failed in my job. If a truly complex business or commercial issue arises in which specialized knowledge is required arbitration in front of an individual with such specialized knowledge is always an alternative.

When discussing the existence of the Business Court with clients or other non-lawyers, the assumption of non-lawyers is that the Business Courts rule in a way favorable to the largest businesses and are captured by business interests and not the law. Even if this is not the reality, the mere creation of a separate system to handle large business and commercial disputes perpetuates the appearance on unfairness and unequal application of the law. In this time where Courts and the Wisconsin Bar are stretched thin in providing equal access to underprivileged and economically disadvantaged citizens who present a majority of legal matters in the system, creating a separate, streamlined system for monied interests communicates the wrong message.

I oppose the Business Court project. Instead of creating different tracks for different interests, our Wisconsin Circuit Courts should strive to be the best forum for all litigants and all matters. Equal justice means equal forums for the application of justice.

Thank you for considering my thoughts.

Joseph Humphrey



[REDACTED]

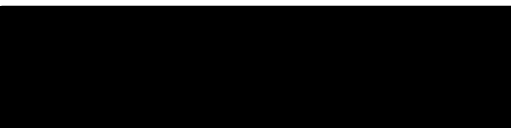
From: John P. Starkweather [REDACTED]
Sent: Wednesday, February 16, 2022 10:45 AM
To: Laura A. Brenner
Subject: [EXTERNAL] Wisconsin Commercial Court Pilot Program

I write to you as the designated member of the Wisconsin Business Court Advisory Committee to say that I share the concerns of Judge Niess and to express my agreement with each of the five steps that he outlined in the recent Wisconsin Lawyer article for reforming that court. The views I express are my own and not those of my firm.

John P. Starkweather, Madison WI



JOHN P. STARKWEATHER
ATTORNEY



BOARDMAN & CLARK LLP



BOARDMANCLARK.COM

This is a transmission from the law firm of Boardman & Clark LLP and may contain information which is privileged, confidential, and protected by the attorney-client and/or attorney work product privileges. If you are not the addressee, note that any disclosure, copying, distribution, or use of the contents of this message is prohibited. If you have received this transmission in error, please destroy it and notify us immediately via email at [REDACTED] or via telephone at (608) 257-9521. The sender does not accept liability for any errors or omissions in the contents of this message which arise as a result of e-mail transmission.

From: Timothy J. Casper [REDACTED]
Sent: Monday, March 7, 2022 5:13 PM
To: Laura A. Brenner
Subject: [EXTERNAL] Business Court

Hi Laura! I write to express my opposition to the Business Court and any extension of the pilot project for that court. I have a variety of concerns about this court, but I will give you one real-world example. I practiced law in Texas for twenty years, primarily as a civil litigator. The large counties in the state do not have courts of general jurisdiction, but specialized courts. This siloed system creates a cadre of lawyers who need to be employed before certain judges, or things become VERY difficult, and the playing field uneven. In fact, before lawyers are hired for cases, the first question that is asked is, "Who is the judge?" I often suggested courts of general jurisdiction (but with emphasis in a few areas similar to those that we have in Dane County) in the same courthouse to solve this problem. These suggestions fell on deaf ears for obvious reasons. Further, these specialized courts begin to ignore various court rules and do things as they please, because that is how things are done.

I'd be pleased to discuss these and other issues at your convenience. Thank you for your involvement in this matter.

Timothy J. Casper
MURPHY DESMOND S.C.



[REDACTED]
[website](#) | [map](#) | [email](#)



CONFIDENTIALITY NOTICE: This electronic transmission (including any files attached hereto) contains information that is legally privileged, confidential, and exempt from disclosure. It is intended for use only by the individual or entity named above. If you are not the intended recipient or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any disclosure, dissemination, copying, distribution, or the taking of any action in reliance on the contents of this confidential information is strictly prohibited. If you have received this communication in error, please destroy it, remove it from your computer and/or network and immediately notify me by email. Thank you. Receipt by anyone other than the named recipient(s) is not a waiver of any attorney-client, work product or other applicable privilege, protection or doctrine.

[REDACTED]

From: lundsten [REDACTED]
Sent: Tuesday, March 8, 2022 12:55 PM
To: Laura A. Brenner
Subject: [EXTERNAL] Business Court Pilot Program

Dear Attorney Brenner,

I am writing in opposition to the extension of the Business Court Pilot Program. I agree with Judge Niess that the program is contrary to important principles of fair and equal access to the judicial system in Wisconsin.

I spent 17 years reviewing circuit court decisions as an appellate court judge. I agree with Judge Niess that there is nothing uniquely complicated about the categories of business cases that are being directed to a small number of hand selected business court judges.

There can be no doubt that limited court resources are being directed to a limited set of civil litigants who do not merit special treatment. Indeed, these are litigants who are already best able to take advantage of our high functioning trial and appellate courts.

This is not just the appearance of favoritism, this is actual favoritism. No fair-minded person looking at the full picture could conclude otherwise.

Sincerely,

Paul Lundsten
Judge, Wisconsin Court of Appeals, Retired.

[REDACTED]

From: Matthew T. Roethe [REDACTED]
Sent: Tuesday, March 22, 2022 12:33 PM
To: Laura A. Brenner
Subject: [EXTERNAL] Opposition to Business Courts

Ms. Brenner:

My name is Matt Roethe and I am a Wisconsin licensed attorney and practice in Edgerton, Wisconsin. I am also the Stoughton Municipal Judge in Stoughton, Wisconsin.

I have listened to the presentation of Judge Richard Niess. I am opposed to the establishment of a separate Business Courts in Dane County Circuit Court or in any other Circuit Court. These Business Courts permit an unequal treatment of litigations and affect the impartiality of the Judges. I am particularly concerned that Judges are required to receive training from only approved seminars. My fear is these seminars are promoted by business special interest groups.

If you have any questions, please email me or call me at [REDACTED]

Sincerely,

Matt Roethe

[REDACTED]

From: Frank Miller [REDACTED]
Sent: Friday, April 8, 2022 9:46 AM
To: Laura A. Brenner
Subject: [EXTERNAL] Business court

Thank you for the opportunity to comment on the proposed extension of this court. Its existence is alarming because it violates basic American principles of an electoral democracy and equal protection under the law. If it continues, it should be challenged in federal court, possibly as a violation of 14th amendment rights. At a minimum, the SC justices responsible for this very Unamerican approach to justice will be held accountable at the polls.

Sent from my iPhone

[REDACTED]

From: Deborah Rosenberg [REDACTED]
Sent: Friday, April 8, 2022 10:49 AM
To: Laura A. Brenner
Subject: [EXTERNAL] Business Court Pilot

Ms. Brenner,

A separate system for business court proceedings should not be allowed. Do not grant the request to expand the system.

Deborah Rosenberg

Sent from my iPhone

[REDACTED]

From: clyde filas-mortensen [REDACTED]
Sent: Friday, April 8, 2022 11:13 AM
To: Laura A. Brenner
Subject: [EXTERNAL] Business courts in the shadows no more, no extension

This egregious decision of the Supreme Court to rapidly and fundamentally change our democratic structure for handling big business commercial litigation,, degrading judicial independence and corrupting the principle that everyone should be treated equally when he or she comes before the court MUST STOP.

Clyde & Patricia Filas-Mortensen

[REDACTED]

From: Brian W Blanchard [REDACTED]
Sent: Wednesday, February 16, 2022 12:34 PM
To: Laura A. Brenner
Cc: [REDACTED]
Subject: [EXTERNAL] Business Court Advisory Committee

Dear Attorney Brenner,

I write in strong support of each of the suggestions provided by Judge Niess in his current Wisconsin Lawyer essay (Feb. 2022). His points resonate with me about the reality, as well as the damaging optics, of the current operation of this pilot.

Please allow me to amplify one of his core points. It rises from my daily work reviewing records in appeals. I'm often struck by the abilities of circuit court judges to navigate obscure or potentially complicated areas of Wisconsin law that the judges have never confronted before. How is it that these judges routinely manage to come up with sensible, timely, effective resolutions to issues in unusual cases across the very wide range of legal topics (property law, divorce, probate, contracts, torts, criminal law, the list goes on)?

There are of course many contributing factors. But it's clear that the judges have access to quality judicial education and resources, equipping them to address a wide range of issues regardless of their particular professional and personal backgrounds. Beyond that, of course, they have every incentive to try hard to maintain their reputations for fairness, acuity, and efficiency among their judicial colleagues across the state, members of the bar, and the public at large.

Business disputes can certainly get complicated. But so can divorces. As Judge Niess points out, judicial education is important for all complicated areas of law. But in my experience, a complicated set of maintenance and property division disputes in a heavily litigated divorce case can be more difficult—sometimes much more difficult—for a circuit court judge to resolve in an effective and timely fashion than the types of business disputes that I see routinely litigated in our state courts.

Thank you in advance for considering and sharing these thoughts with others working on these issues.

Sincerely,

Brian Blanchard
Judge, Wisconsin Court of Appeals, D-IV

[REDACTED]

From: Michael Skwierawski [REDACTED]
Sent: Saturday, January 8, 2022 10:58 AM
To: Laura A. Brenner
Subject: [EXTERNAL] Business Court Advisory Committee
Attachments: Business Court Proposal MS2.docx

Ms. Brenner, It is my understanding that you are the contact for the Supreme Court's business Court Advisory Committee. I have attached my personal position paper on the proposed business court rules. Please distribute it to the Advisory Committee. Thank you. If you have any questions, I can be reached via this email or by cell phone at [REDACTED]

Mike Skwierawski

To: Supreme Court Business Court Advisory Committee

From: Michael J. Skwierawski, Reserve Judge, Retired Chief Judge District 1

I have been a practicing lawyer in Wisconsin for 55 years. I retired after 25 years on the bench in Milwaukee County, District 1. I spent seven years as the head of the Civil Division in Milwaukee County and 5 years as the Chief Judge for District 1. In the last 17 years since my retirement, I have mediated over 400 cases involving commercial business litigation. I write to express my opposition to the Business Court Rules as currently proposed to the Wisconsin Supreme Court as unnecessary, unwise, and likely to do serious long term damage to the public's perception of Wisconsin's courts as impartial arbiters of the law and legal disputes.

In the late 1990s, the courts in Milwaukee were presented with a proposal to establish a "business court" similar to what is being proposed now. The proposal included serious limitations on depositions, written discovery and motion practice including limitations on dispositive motions. It was all designed to speed up the process of large claims and reduce expenses for the litigants. We took a serious look at it and rejected the idea. The proposal came from large metropolitan courts where the standard time from filing to trial in large claims cases was 4-6 years. At that time, District 1's large claims civil cases were taking approximately 18 - 24 months to conclusion. There was no need to speed up our process. The severe truncation of pretrial discovery and motion practice was unnecessary and counter productive as limitations on discovery have always been available to Wisconsin litigants. Courts work with the attorneys to tailor pretrial scheduling orders to suit the needs of a particular case, and Judges work hard to ensure Wisconsin Courts are never forced to put up with wild goose chases and fishing expeditions. Replacing this discretion with the one size fits all approach of the proposed rules will not be productive. I might also add that during the past 17 years of my mediation practice it has become abundantly clear that the biggest impediment to early settlement of major commercial lawsuits is the lack of meaningful disclosure of facts and documents that

support or undermine the parties' legal theories and fact arguments. The more the process gets artificially speeded up, the less likely it can be settled early. This current proposal is unnecessary today just as it was 20 years ago when presented to the Courts in Milwaukee County.

There are two other serious problems with the current proposal. The first is the proposed selection of the judges for the "Business Courts" by the Chief Justice of the Supreme Court. This is a bad idea because the Chief Justice almost never has detailed information about and experience with trial judges in every district. The only person in the system who has that kind of detailed interaction with the trial judges to assess the strengths and weaknesses and performance of all judges is the Chief Judge of each district. They should make that appointment as they have always done in every other kind of case assignment. The suggestion that an outside committee could somehow assist the Chief Justice in these appointments would only make a bad idea worse. Empowering outside groups or individuals to play an important role in selecting judges for "special" cases will only confirm and support the arguments of those who criticize the Business Court proposal as surrendering the courts to special interest groups whose goal is to create courts that will lean in the "right direction" in close cases.

The second additional serious problem is the proposal that the judges "selected" for the Business courts should be "educated" by outside special interest groups with their own publicly announced agendas. Again, this will be interpreted as an attempt to tip the scales in favor of businesses in the Business Courts. It comes at a time when the Wisconsin legislature is "investigating" the donation and use of private funds to "assist" government employees to do their jobs during the 2020 election, something that has been called illegal and a bad idea in lawsuits. Perhaps the proposed funding of the "education" of business court judges will have to be added to the list to be "investigated" because it appears to be cut from the same cloth. Who will decide that case if the Wisconsin Supreme Court has already endorsed this concept of private funding for judicial education?

For all of the 25 years that I served on the bench, Wisconsin was nationally recognized as a leader and model for judicial education. Our judges have always been interested, willing and eager to explore new ideas in case management. This proposal should be placed on a shelf but the ideas for better management of business cases should be a topic for new and additional programs run by our own managers of judicial education. If any district wants to establish a business calendar, let judges apply to serve on that calendar and require them to attend our own programs on this topic. We could then escape or at least minimize the stain on the public's perception of the impartiality of our Wisconsin courts.

One last critical suggestion: if any business court rules are adopted, we should not allow any case to be assigned to a "Business Court" unless all parties to the lawsuit consent and are in fact business entities. If one side is a business and the other side is an individual or a non-business entity, there will be no way to convince the non-business parties or the public at large that the system is not stacked in favor of the business litigants. That perception will damage our courts' reputation and the public's acceptance of our decisions for generations to come.

Michael J. Skwierawski, Retired Chief Judge, District 1

I am authorized to state that the following retired judges and attorneys join and support these positions:

Dennis Cimpl	Michael Malmstadt	Richard S. Brown
David Flanagan	Dale Pasell	Patrick Willis
Sarah O'Brien	Daniel Moeser	Diane Sorenson
James Miller	Michael J. Dwyer	Att. Paul Gossens
David Hansher	Robert Kinney	Moria Krueger
Gary Carlson	William Stewart	Francis Wasielewski
Charles Kahn		

[REDACTED]

From: Dave Flanagan [REDACTED]
Sent: Sunday, March 6, 2022 7:52 PM
To: Laura A. Brenner
Subject: [EXTERNAL] Commercial Court Pilot Program

Dear Attorney Brenner,

Thank you for the opportunity to submit the following comment with regard to the Commercial Court Pilot Program. I have been a member of the Wisconsin Bar since 1974. I practiced as a trial attorney for 24 years and served as a circuit court judge for 17 years.

To begin, the Commercial Court concept creates, at the very least, the appearance of favoritism and improper influence. The concept is an impairment of judicial independence and is an unjustified misallocation of judicial resource. Finally, and of extreme importance, the silent process, actually lack of process, by which this idea was implemented is a sad affront to the goal of honest, open government.

Yours very truly,

Dave Flanagan, Reserve Judge

[REDACTED]

From: JoAnne F. Kloppenburg [REDACTED]
Sent: Friday, April 8, 2022 12:12 PM
To: Laura A. Brenner
Cc: [REDACTED]
Subject: [EXTERNAL] Business Court Advisory Committee
Attachments: business court letter 04.08.22..docx

Dear Attorney Brenner,

Please see attached my letter commenting on the Business Court Pilot Project.

Thank you in advance for sharing this letter with the Business Court Advisory Committee for their consideration.

Take care,

JoAnne Kloppenburg
Judge, Wisconsin Court of Appeals, D-IV

Dear Attorney Brenner,

I write in strong opposition to continuing the Business Court Pilot Project, and in strong support of the points made by others who question the concept behind and premise of a separate business court, including Judges Niess in his recent Wisconsin lawyer essay (Feb. 2022), Blanchard in his recent email to you (Feb. 2022), and Stark in her letter to the Supreme Court several years ago when the business court was first proposed.

Among the most prominent comments that resonate with me are the following. First, our judiciary is premised on, strengthened by, and gains its respect in the eyes of the bar and the public from the demonstrated ability of our judges, from the circuit courts to the supreme court, to handle with understanding, common sense, and skill the many different kinds of disputes that parties bring to be resolved. The preferential treatment of business disputes compromises that respect.

Second, no evidence has been presented showing any deficiency in the handling by the judiciary, at all levels, of any of the many different kinds of cases of varying levels of complexity that come before the courts. In particular, no evidence has been presented that shows the courts, again from the circuit courts to the supreme court, have been deficient in terms of either efficiency or acumen in dealing with business disputes.

The court system and the state bar have both excelled at providing judicial education in all of the varied, and often complicated, areas of procedural and substantive issues that arise across the board spectrum of judicial decision-making. No evidence has been presented that a dearth of judicial education has compromised in any way the circuit courts' handling of the business disputes that come before them.

Third, a separate business court that prioritizes business disputes shares no similarity to the various diversion courts that have been developed, based on evidence, to address the debilitating societal and individual effects of mental illness and substance use in the context of criminal conduct. There is no evidence of any societal or individual benefit to prioritizing business disputes over all other disputes, many if not most of which are no less consequential to the parties involved.

Fourth, the supreme court has crossed over to the legislative lane in deciding which kinds of cases are to be prioritized by the circuit courts. The legislature has itself specified certain kinds of cases that the courts are to prioritize. *See, e.g.*, as to circuit courts:

- WIS. STAT. §§ 87.16 (requiring that circuit court “give preference to” any action relating to flood control projects);
- 66.0413(1)(g) (providing that a hearing on an action to enforce a raze order “shall be given preference” by the circuit court);
- 66.02162(6) (providing that “[a]n action contesting an incorporation [of a town] shall be given preference in the circuit court”);
- 66.0217(11)(b) (providing that “[a]n action contesting an annexation shall be given preference in the circuit court”);

157.06(15)(e) (providing that circuit “shall give priority on its docket and expedited review” to an action alleging discrimination regarding use of anatomical gifts);
767.235(1) (providing that “[c]ustody proceedings have priority in being set for hearing”);
767.82(7m) (providing that “[t]he court shall give priority to an action under s. 767.80 [determination of paternity]”);
806.05(1) (requiring that circuit “make a summary examination” of a complaint alleging the distribution of obscene matter).

See also, e.g., as to appellate courts:

Wis. Stat. §§ 809.104(2)(f)4. and 5. (requiring that court of appeals certify within three days of filing of reply brief in appeal of decisions relating to electronics and information technology manufacturing zone, and that supreme court “give preference to” the certification);
809.105(8) (requiring that court of appeals decide appeal in proceedings related to parental consent prior to performance of abortion “within 4 calendar days after the appeal has been filed in the court of appeals”);
809.107(6)(e) (providing that appeals in proceedings related to termination of parental rights “shall be given preference and shall be taken in an order that ensures that a decision is issued within 30 days after the filing of the appellant’s reply brief”);
809.107(6)(f) (providing that supreme court “shall give preference to a petition for review of an appeal” related to termination of parental rights).

Notably, in none of these statutes has the legislature designated special courts to address these cases to be prioritized. If the legislature sees fit to direct that the circuit courts are to prioritize business disputes, or to create special business courts, then such proposed legislation can be fully vetted in the public eye.

Fifth, and returning to the first comment above, the business court pilot project compromises the authority of the court system as a neutral arbiter of all disputes, without fear of or favor to the persons or interests involved. To elevate business disputes above other cases that may involve less moneyed and powerful interests sends a dangerous message that, regardless of the constitutional, personal, or societal issues at stake, disputes that are not between businesses matter less than those that are. It is important that circuit court judges, who face the full range of legal issues in real time (as well as the appellate judges who review an equally wide range of cases), display to the lawyers, the parties, and the public, that everyone and every dispute matters equally. There is no evidence that circuit court judges have not met this challenge with admirable efficiency and effectiveness.

I appreciate the opportunity to offer these thoughts for the consideration of the good folks who are working on these issues.

Sincerely,

JoAnne F. Kloppenburg
Judge, Wisconsin Court of Appeals, D-IV

Dear Attorney Laura Brenner,

I wish to provide comment on the Business Court pilot project, which I find to be unquestionably unfair. I am dismayed to find any system here in Wisconsin that lacks basic common sense, especially one created by our highest court. Common sense to me can be summed up as what even a young child inherently could tell is right or wrong.

Can it possibly be true that our Wisconsin Supreme Court:

- purposefully created a court for one high-powered, wealthy, special interest group, namely big business? Would such a court create suspicion of bias?

Could even a young child identify bias when two children who did the same exact thing were sent to different “judges”. One was talked to by the familiar and supportive teacher while the other was sent to the principal. Could a young child easily see through different results for the favored?

Can it possibly be true that our Supreme Court:

- found it to be acceptable, much less prudent, that the Chief Justice should receive recommendations from this very same group, big business, as to who should become judges in this court?

Could even a young child see the danger in having the wolf guarding the hen house?

Can it possibly be true that our Supreme Court:

- then stacked such a court with biased judges made up of these hand-picked lawyers; lawyers representing that very same special interest group?

Could even a young child see that this is tantamount to taking a vote on everyone getting vanilla versus strawberry ice cream when the majority of the “specially selected” voters are vanilla lovers?

Could it possibly be true that our Supreme Court:

- then found it acceptable that these hand-picked judges received out-of-state training from special interests aligned with big business?

Could it possibly be true that our Supreme Court:

- actually allows these judges to follow court procedures drafted by big business lawyers?

Could even a young child see the unfairness of a game when the person who owns the ball creates rules that favor their style of play or scores points differently for each team?

Could such a biased court of judges reasonably be suspected of having undue influence over the court's handling of cases for these special interests?

Could even a young child recognize a umpire who calls only balls for one team while the other team only gets strikes for the same pitches?

Can it possibly be true that our Supreme Court:

- supports a process that largely bypasses the voter-controlled and otherwise random judicial assignment of cases, creating a two-tiered court system?

Could even a young child tell which classmates are getting preferential treatment; like always being called on first versus those who are never called on, essentially creating two different levels of educational opportunities?

Is it true that our state Supreme Court ignored its own internal operating procedures for transparency and diversity of opinions in appointing court committees?

Would justice be more likely had the initial committee included various parties that make up our communities; like labor, consumer advocates, and people who represent the views of the general

public?

Were these important procedures pushed under the rug when the Business Advisory Committee was initially stacked with lawyers for big business?

Does one wonder why this happened? What does it say for the virtue of our Supreme Court and its immensely important role in justice for our state issues?

Can the child who loves strawberry ever feel that the vanilla cone was chosen fairly?

What will the impact of that clear prejudice be for our future, for the need for fair trials?

Can it possibly be true that our Supreme Court:

- adopted this Business Court model without so much as a public hearing, without public comment, without even public notice that the petition was scheduled for a vote?

Does this smack of what we are seeing on a bigger world stage with autocratic thinking?

Is this dangerous to democracy?

Does this degrade judicial independence?

The key question here is, does this Business Court model allow for everyone to be treated equally before the court? Does it provide equal access to unbiased justice?

This led me to try to find the oath each Supreme Court justice must swear to. Forgive me if I have an incorrect version. This one does appear to state the precepts expected of a fair justice system. Below is what I located: 2020 Wisconsin Statutes & Annotations Chapter 757.

General provisions concerning courts of record, judges, attorneys and clerks.

757.02 Justices and judges and municipal judges; oath of office;

Universal Citation: WI Stat § 757.02 (2020) 757.02 Justices and judges and municipal judges; oath of office; conservators of peace.

(1) Every person elected or appointed justice of the supreme court, judge of the court of appeals, judge of the circuit court or municipal judge, shall take, subscribe and file the following oath:

State of Wisconsin, County of

I, the undersigned, who have been elected (or appointed) to the office of, but have not yet entered upon the duties thereof, do solemnly swear that I will support the constitution of the United States and the constitution of the state of Wisconsin; that I will administer justice without respect to persons and will faithfully and impartially discharge the duties of said office to the best of my ability. So help me God.

I did expect to find an oath with courageous and valued sentiments just like those expressed above. I repeat them because I consider them to be the cornerstone of our legal system:

**“I will administer justice without respect to persons
and will faithfully and impartially
discharge the duties of said office to the best of my ability.”**

If it is true that my Wisconsin Supreme Court justices swore this oath, then it becomes very clear to me how the court must proceed when this pilot program expires on June 30, 2022.

It is clear, but only if this Supreme Court values democracy; and only if this Supreme Court values equal treatment under the law; which means equal access, and random judicial assignment of cases to equitable courts.

Sincerely,
Linda Smulka

[REDACTED]

From: [REDACTED]
Sent: Friday, April 8, 2022 12:45 PM
To: Laura A. Brenner
Subject: [EXTERNAL] Business Court pilot

Please stop this pilot! I read the opinion piece by Richard Niess this morning, and reviewed information on the Supreme Court website. Drug courts aren't designed and run by addicts, and commercial courts shouldn't be run by business interests. Where is the consumer input here? And where is the transparency? A separate class of justice structured like this is not equal.
Barbara Hanson
[REDACTED]

[REDACTED]

From: Jacki Lewis [REDACTED]
Sent: Friday, April 8, 2022 12:32 PM
To: Laura A. Brenner
Subject: [EXTERNAL] business courts

To whom it may concern, -

I wholeheartedly agree that the business aspects of litigation can be complicated and that many of our judges, just like much of the public, may not have the background to fully understand the intricacies of business activities without additional education. However, it is totally inappropriate for additional training to be specified by one-sided interests, and totally inappropriate for the selection of judges to be trained and hearing these cases to be less than totally open, unbiased, and fair to the general public. Perhaps it might be more appropriate to allow certain cases, based on fully transparent and pre-determined criteria, to be heard only by judges with a JD/MBA. Since there might be a shortage of JD/MBAs, the qualification might be expanded to include an MBA from a highly creditable school, such as a nationally top-20 per US News Report and/or the University of Wisconsin system. To further expand the pool, perhaps we could ease judge's workloads if they are taking a new MBA, limited to those being from the University of Wisconsin system. Allowing potentially highly-biased interests to skew training that could easily continue to bias cases will only further damage the public trust in the courts.

Jacki Lewis
[REDACTED]

--
Jacki Lewis
[REDACTED]

[REDACTED]

From: Robert Tocco [REDACTED]
Sent: Friday, April 8, 2022 1:43 PM
To: Laura A. Brenner
Subject: [EXTERNAL] Business Court project

Hello,

I am writing to express my ire at this Court Advisory Committee and I want my voice heard that it should be allowed to expire on June 30th.

How can this even be constitutional? Just another example of the rich getting richer while the rest of us struggle in the dark. The light of truth should shine bright on this so called "project".

It sounds to me like fraud and those involved (judges (state supreme court no less!), business lawyers and business people) should be in jail.

Sincerely,
Robert Tocco
[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: Friday, April 8, 2022 1:55 PM
To: Laura A. Brenner
Subject: [EXTERNAL] Business court

OMG, how can this continue. This is just another example of politics and secrecy going on in our judicial system, and that our politicians do not listen to the voters as a whole. It is no wonder that most do not trust our supreme courts any longer. It must come to an end throughout the state.

Jeff kowalski
[REDACTED]

Sent from my iPhone

[REDACTED]

From: Michael Rosborough [REDACTED]
Sent: Friday, April 8, 2022 1:53 PM
To: Laura A. Brenner
Subject: [EXTERNAL] Business Courts

Dear Attorney Brenner,

I retired from the circuit court bench in 2017, having served 31 years. While I may not share his passion about the Business Court Project, I agree with sentiments expressed by my friend and colleague, Rick Niess.

Where is the evidence to support the need for business courts in Wisconsin? It appears that the court system is pandering to special interests when time and resources should be directed to issues of more pressing concern to the public.

For example, at the February Chief Judge's meeting the main topic was the looming backlog of criminal cases. This issue and many others are of far greater importance to Wisconsin judges and the public than the creation of business courts.

The project should be terminated, and the resources should be directed elsewhere. Business Courts are a solution in search of a problem.

Respectfully Submitted,

Michael J. Rosborough

[REDACTED]

From: [REDACTED]
Sent: Friday, April 8, 2022 2:54 PM
To: Laura A. Brenner
Subject: [EXTERNAL] End the Business Court pilot project

Dear Atty Laura Brenner,

I couldn't agree more with The Cap Times article (https://captimes.com/opinion/guest-columns/opinion-pull-the-plug-on-shadowy-business-courts/article_112dca96-cbd9-558a-8095-9e285a8e2236.html?utm_source=The+Capital+Times&utm_campaign=027b4bdf03-EMAIL_CAMPAIGN_2022_04_07_02_16&utm_medium=email&utm_term=0_43dda86fb8-027b4bdf03-396289849) on how it's time to pull the plug on this wretched idea that big businesses should be treated differently than everybody else when they are brought before a court. For the Chief Justice to get recommendations from the very same special interests that come before the court and have these hand-picked judges then receive training out-of-state from special interests aligned with big business is repugnant. And that they follow court procedures drafted by big business lawyers without any public input is shameful. This process largely bypasses the voter-controlled and otherwise random judicial assignment of cases. It creates a two-tiered court system — one controlled by business interests and one for everybody else.

It's companion piece is the pernicious U.S. Supreme Court decision in Citizens United that promotes the legal fiction that corporations are people and thus have free speech rights. Thus these entities can contribute money to federal and state candidates without any limit. It's not surprising that, like me, many people have little faith in the highest court in either Wisconsin or the U.S. This is a real danger to our democracy and must be stopped!

Sincerely,

Bonnie L. Block, JD
[REDACTED]