



CHAMBERS OF  
JANET C. PROTASIEWICZ,  
JUSTICE

## Supreme Court of Wisconsin

STATE CAPITOL, 16 EAST  
P.O. BOX 1688  
MADISON, WISCONSIN 53701  
608-266-1884

September 21, 2023

**To:**

Daniel S. Lenz  
Electronic Notice

Elizabeth M. Pierson  
Electronic Notice

Scott B. Thompson  
Electronic Notice

Douglas M. Poland  
Electronic Notice

\*Distribution List Continued on Page 3-4

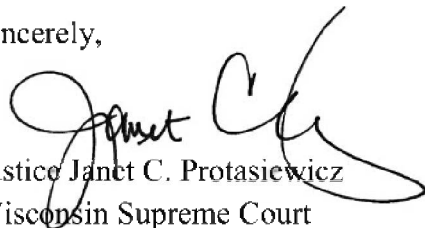
Re: No. 2023AP1399-OA, Clarke v. Wisconsin Elections Commission  
No. 2023AP1412-OA, Wright v. Wisconsin Elections Commission

Dear Counsel:

I write this letter to disclose that I have received a written communication from members of the Wisconsin Legislature, which is a proposed intervenor in the two above-referenced cases.

I have attached copies of the letter I received and of my response. I am also sending copies of this letter, with the attachments, to the other Supreme Court Justices and to the Clerk of the Supreme Court, Samuel Christensen. I ask Mr. Christensen to file this letter, with the attachments, into the record of the above-referenced proceedings.

Sincerely,

  
Justice Janet C. Protasiewicz  
Wisconsin Supreme Court

Page 2

September 21, 2023

No. 2023AP1399-OA Clarke v. Wisconsin Elections Commission

No. 2023AP1412-OA Wright v. Wisconsin Elections Commission

cc: Chief Justice Annette Kingsland Ziegler  
Justice Ann Walsh Bradley  
Justice Rebecca Grassl Bradley  
Justice Rebecca F. Dallet  
Justice Brian K. Hagedorn  
Justice Jill J. Karofsky  
Samuel Christensen, Clerk of Supreme Court

Page 3

September 21, 2023

No. 2023AP1399-OA

No. 2023AP1412-OA

Clarke v. Wisconsin Elections Commission

Wright v. Wisconsin Elections Commission

Distribution List Continued:

Jeffrey A. Mandell  
Electronic Notice

Benjamin Phillips  
Electronic Notice

T.R. Edwards  
Electronic Notice

Hayden Johnson  
Electronic Notice

Mark P. Gaber  
Electronic Notice

Nicholas O. Stephanopoulos  
Electronic Notice

Ruth M. Greenwood  
Electronic Notice

John Freedman  
Electronic Notice

Steven C. Kilpatrick  
Electronic Notice

Elisabeth S. Theodore  
Electronic Notice

Thomas C. Bellavia  
Electronic Notice

Sarah A. Zylstra  
Electronic Notice

Charlotte Gibson  
Electronic Notice

Tanner G. Jean-Louis  
Electronic Notice

Karla Z. Keckhaver  
Electronic Notice

Jessica Amunson  
Electronic Notice

Jessie Augustyn  
Electronic Notice

Sam Hirsch  
Electronic Notice

Tamara Packard  
Electronic Notice

Arjun Ramamurti  
Electronic Notice

Eduardo E. Castro  
Electronic Notice

Elizabeth Deutsch  
Electronic Notice

Annabelle E. Harless  
Electronic Notice

Kevin M. St. John  
Bell Giftos St. John LLC  
5325 Wall Street, Suite 2200  
Madison, WI 53718

Brent Ferguson  
Electronic Notice

Daniel J. Schneider  
2707 W. Augusta Blvd., Unit 2  
Chicago, IL 60622

Page 4

September 21, 2023

No. 2023AP1399-OA Clarke v. Wisconsin Elections Commission

No. 2023AP1412-OA Wright v. Wisconsin Elections Commission

Scott A. Keller  
Shannon Grammel  
Gabriela Gonzalez-Araiza  
Lehotsky Keller Cohn LLP  
200 Massachusetts Ave., NW  
Ste. 700  
Washington, DC 20001

Adam K. Mortara  
Lawfair LLC  
40 Burton Hills Blvd., Ste. 200  
Nashville, TN 37215

Taylor A.R. Meehan  
Daniel M. Vitagliano  
Rachel C. Tucker  
Consovoy McCarthy PLLC  
1600 Wilson Blvd., Suite 700  
Arlington, VA 22209

Matthew H. Frederick  
Lehotsky Keller Cohn LLP  
919 Congress Ave., Ste. 1100  
Austin, TX 78701



CHAMBERS OF  
JANET C. PROTASIEWICZ,  
JUSTICE

## Supreme Court of Wisconsin

STATE CAPITOL, 16 EAST  
P.O. BOX 1688  
MADISON, WISCONSIN 53701  
608-266-1884

September 20, 2023

VIA HAND DELIVERY

Chairman Van Wanggaard  
Vice-Chairman Andre Jacque  
Senator Eric Wimberger  
Senator Jesse James  
Senator Dan Knodl  
Wisconsin State Senate

Dear Chairman Wanggaard, Vice-Chairman Jacque, and Senators Wimberger, James, and Knodl,

I am in receipt of your letter dated September 8, 2023 (attached). In its first paragraph, that letter refers to my having released a May 31, 2023 letter from the Wisconsin Judicial Commission. I did so in the Order for supplemental briefing that I issued in *Clarke et al. v. WEC et al.*, No. 2023AP001399-OA and *Wright et al. v. WEC et al.*, No. 2023AP001412-OA. Because several of you are named parties in those cases, and because your letter therefore overlaps with the subject matter of proceedings in the litigation, it would not be proper for me (under the rules of judicial practice) to correspond with you about these matters.

Sincerely,

A handwritten signature in black ink, appearing to read "Janet C. Protasiewicz".

Justice Janet C. Protasiewicz  
Wisconsin Supreme Court



# WISCONSIN LEGISLATURE

P. O. Box 7882 Madison, WI 53707-7882

September 8, 2023

***VIA HAND-DELIVERY***

The Honorable Justice Janet Protasiewicz  
Wisconsin Supreme Court

Dear Justice Protasiewicz,

Congratulations on your recent election to the Wisconsin Supreme Court.

Earlier this week, you released a May 31, 2023 letter from the Wisconsin Judicial Commission (“the Commission”) stating that it had “considered several complaints” alleging that you violated various Supreme Court Rules and the Code of Judicial Conduct. The letter also stated the Commission dismissed “these complaints without action.”

Per Wis. Stat. §757.93 (1)(a), Under Wisconsin Statutes, Judicial Commission proceedings are confidential unless a “judge...waives the right to confidentiality in writing to the commission.”

In the interest of transparency, we ask that you inform the Commission in writing by Monday, September 18, 2023 that you waive your right to confidentiality in the complaints which were dismissed by the Commission pursuant to the May 31, 2023 letter.

As you know, your conduct and comments have been the subject of great discussion across Wisconsin. You may not be aware that the appointment/reappointment of five members of the Judicial Commission are currently before the Senate Committee on Judiciary and Public Safety (“Committee”).

By releasing the Commission’s May 31, 2023 letter, you have concluded that the public’s interest in the Judicial Commission’s activity outweighs any personal privacy interest you wish to protect. But releasing only the conclusion and one of the “several” complaints made against you leaves the public with an incomplete record and invites speculation.

By formally waiving your right of confidentiality of these complaints, it will allow the Commission to release records and shed light on a number of subjects, including: your alleged conduct during the campaign for Supreme Court and its interaction with Supreme Court Rules, the Code of Judicial Conduct and its enforcement, and the operation and rationales of the Judicial Commission. On this last subject, the Committee has received frustratingly little insight, despite more than four hours of testimony from the Commission-nominees.

We look forward to your waiver of confidentiality, and to learning more about the Commission and its process.

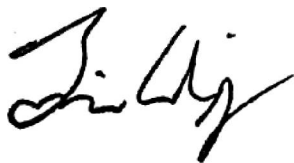
Sincerely,



Van Wanggaard  
Chairman  
Committee on Judiciary and Public Safety



Andre Jacque  
Vice-Chairman  
Committee on Judiciary and Public Safety



Eric Wimberger  
Member  
Committee on Judiciary and Public Safety



Jesse James  
Member  
Committee on Judiciary and Public Safety



Dan Knodl  
Member  
Committee on Judiciary and Public Safety