



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,

A handwritten signature in black ink, appearing to read "Janet C.", is written over the typed name.

Justice Janet C. Protasiewicz
Wisconsin Supreme Court

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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

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September 21, 2023

No. 2023AP1399-OA

No. 2023AP1412-OA

Clarke v. Wisconsin Elections Commission

Wright v. Wisconsin Elections Commission

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September 21, 2023

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

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

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Supreme Court of Wisconsin

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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.", followed by a large, stylized flourish.

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.

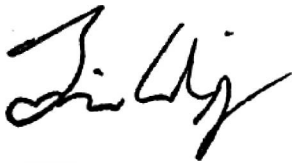
Sincerely,



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