



GIMBEL • REILLY • GUERIN • BROWN LLP

Writer's Direct E-mail  
fgimbel@grglaw.com

May 11, 2012

VIA FACSIMILE: 608-267-0640  
AND FIRST-CLASS MAIL

Ms. Diane M. Fremgen, Clerk  
Wisconsin Supreme Court  
110 East Main Street, #215  
Madison, WI 53703

RECEIVED  
MAY 11 2012  
CLERK OF SUPREME COURT  
OF WISCONSIN

Re: *Wisconsin Judicial Commission v. The Honorable David T. Prosser, Jr.*

12 AP 506-J

Dear Ms. Fremgen:

On May 10, 2012, this office received a copy of correspondence from Attorney Reak to Justice Gableman in the captioned matter. I am miffed to understand under what procedure a litigant can correspond with a single justice of a seven-justice body, seeking that justice to take a position concerning his role in a decision-making process. In my 52 years as a lawyer, I have never observed such a tactic.

On behalf of the Judicial Commission, my client in the captioned action, I object to the method of communication employed by Attorney Reak. While this office received a copy of that correspondence, the correspondence nonetheless smacks of an ex parte communication.

With respect to the merits of the position expressed by Attorney Reak, I ardently object to the following statement, "I believe it would be pointless for the Supreme Court to initiate a proceeding that must come back to a court when it is known now that every member of the Court is disqualified by law." Attorney Reak's personal view that the complaint filed in the captioned action should not be heard in a public forum is inconsistent with the legislative framework that provides for the State Judicial Commission to undertake its role as an institution that provides oversight of judicial behavior.

By this correspondence, I seek to put on record that the Judicial Commission strongly opposes any approach to resolution of the issues raised in the Judicial Commission's complaint that does not involve having a three-judge panel of appellate court judges address the merits of the allegations of the

TWO PLAZA EAST  
SUITE 1170  
330 E. KILBOURN AVE.  
MILWAUKEE, WI 53202  
P: 414-271-1440  
F: 414-271-7680  
WWW.GRGLAW.COM





complaint and the answer of Justice Prosser thereto in a public proceeding. It is regretful that Justice Roggensack has opted out of participating in this proceeding and it is the view of the Judicial Commission that Justice Gableman ought not to follow suit.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Franklyn M. Gimbel', written over a horizontal line.

FRANKLYN M. GIMBEL

FMG/KAK

cc: Honorable Richard Brown  
Attorney Kevin Reak  
Mr. James Alexander

*cv/judicialcommission/c/reak2012-05-10*