



# Supreme Court of Wisconsin

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Shirley S. Abrahamson  
Chief Justice  
Ann Walsh Bradley  
N. Patrick Crooks  
David T. Prosser, Jr.  
Patience Drake Roggensack  
Annette Kingsland Ziegler  
Michael J. Gableman  
Justices

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Clerk of Supreme Court

May 11, 2012

Attorney John R. Dawson, Chair  
Wisconsin Judicial Commission  
c/o Foley & Lardner LLP  
777 East Wisconsin Avenue  
Milwaukee, WI 53202-5306

Dear Attorney Dawson:

We regret to inform you that the Supreme Court, over our objections, has voted not to reappoint you to a second full term on the Wisconsin Judicial Commission, which you currently chair. The court's long-standing practice has been to retain appointees for the entire period for which they are eligible if they have served the public well. In your case, the court is deviating from its practice.

In nominating you, the Appointment Selection Committee followed the procedure for reappointment set out in the Supreme Court Internal Operating Procedures. This requires that the committee weigh three factors in determining an eligible person's nomination for reappointment: 1. Whether the member regularly attended meetings of the board, committee or other entity; 2. Whether the person made a significant contribution to its work; and 3. Whether the person is willing to accept reappointment. The committee found that you met all of these criteria.

As you know, the role of the Appointment Selection Committee is a critical one. The court created this committee as part of the reorganization of the lawyer regulation system 12 years ago to ensure the integrity of the appointment process and avoid any perception that individual members of the court are interested or involved in the selection of specific individuals. The court's concern for the integrity of the appointment process was so strong that it set up the Appointment Selection Committee as completely independent of the court to ensure that no member of the court would be "in a position to exert influence over any member of the Appointment Selection Committee or any of its decisions...."

You are eminently qualified. Your legal experience, your long public service, your past service on the Judicial Commission, and your institutional knowledge are unmatched. We have reviewed your attached resume.

Racine County Circuit Court Judge Emily Mueller, writing on behalf of the nominating committee of the Judicial Commission, has urged the court to reappoint you because of your leadership skills so that you may again be nominated as chair of the Commission. The nominating committee is composed of a judge, a lawyer and two public members recently appointed by the Governor. See Judge Mueller's letter attached.

As you know, the Judicial Commission performs a very significant and difficult task investigating and prosecuting allegations of judicial misconduct and disability. The public and the judges must be assured that members of the Commission are selected solely on the basis of their integrity, intelligence, experience and commitment.


Appointments to the Judicial Commission are especially sensitive now. In 2007, 2009 and 2012, while you have been on the Commission, formal disciplinary complaints were filed against three justices of the Supreme Court. One complaint is awaiting appointment of a panel. Furthermore, news stories indicate that the Commission presently may have requests to investigate possible misconduct by one or more justices. Under these circumstances your reappointment by the court would have promoted public confidence in the integrity of the Judicial Commission and the integrity and impartiality of the Supreme Court. Unfortunately, it is not meant to be.

The Commission, the judiciary and the State will miss the benefit of your services. Our sincere and deep thanks for your work.

Sincerely yours,



Shirley S. Abrahamson  
Chief Justice



Ann Walsh Bradley  
Justice



N. Patrick Crooks  
Justice

cc:

Judicial Commission:

Atty. Michael J. Aprahamian  
Dr. Saied Assef  
Dr. Mark Barrett  
Eileen Burnett  
William E. Cullinan  
Lynn M. Leazer  
Hon. Emily S. Mueller  
Hon. Paul F. Reilly

Appointment Selection Committee:

Atty. John P. Casey  
Atty. Susan A. Hansen  
Atty. Gayle Branaugh Jebbia  
Atty. Charles M. Kernats  
Atty. Theodore Bernard Kmiec, III  
Atty. Thomas M. Kubasta  
Atty. James Patrick O'Brien  
Hon. Amanda Rockman  
Mr. Charles Tubbs, Sr.

James Alexander  
All Justices

## **Resume of John R. Dawson**

**John R. Dawson** is a retired partner in Foley & Lardner LLP's Milwaukee office. He served as the managing partner of the Milwaukee office from 1994 to 1999 and previously served as the national chair of the firm's Litigation Department from 1986 to 1994. At the time of his retirement in 2005, Mr. Dawson was listed in The Best Lawyers in America® in the areas of alternate dispute resolution, business litigation and First Amendment law. His practice experience encompassed a broad range of commercial litigation and regulatory issues. Mr. Dawson served on the committee of State Bar members assessing for legislative introduction the Revised Uniform Arbitration Act. He is the author of two published articles on mediation: "Why Mediation Works When Negotiations Don't," *Wisconsin Law Journal* (Dec. 2003); and "Deciding When to Mediate Business Disputes," *Wisconsin Lawyer* (March 2005). From its formation in 2000 through September, 2006, Mr. Dawson served as a member of the Preliminary Review Committee of Wisconsin's Office of Lawyer Regulation upon appointment by the Wisconsin Supreme Court. Mr. Dawson chaired the Eastern District of Wisconsin Advisory Group on the Civil Justice Reform Act of 1990 under appointment by the chief judge of the district. Mr. Dawson is an adjunct professor at the Marquette University Law School, teaching a course on media law. He also served as president of the Milwaukee Bar Association in 1994-1995. He received his bachelor's degree in business administration from Northwestern University in 1963. Following active duty as a junior officer in the United States Naval Reserve in 1964-1967, Mr. Dawson received his J.D. degree in 1970 from Duke University School of Law. He was appointed to the Judicial Commission in November 2006.

Source: Wisconsin Judicial Commission



RACINE COUNTY COURT HOUSE  
1931

730 Wisconsin Avenue

**RACINE, WISCONSIN**

53403

**CIRCUIT COURT BRANCH 3**  
**EMILY S. MUELLER, JUDGE**

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May 3, 2012

Chief Justice Shirley Abrahamson  
Justice Ann Walsh Bradley  
Justice N. Patrick Crooks  
Justice David Prosser Jr.  
Justice Patience Drake Roggensack  
Justice Annette Kingsland Ziegler  
Justice Michael J. Gableman

Dear Justices:

I write as Chair of the Nominating Committee of the Wisconsin Judicial Commission. At our meeting earlier this week, the committee voted unanimously to nominate John Dawson, current Chair of the Judicial Commission, to serve as Chair for an additional one year term commencing August 1, 2012. Our recommendation will be made and voted on by all commissioners at the next full Commission meeting in June.

The Nominating Committee consists of four members of the Commission: two members appointed by the Supreme Court (Attorney Michael Aprahamian and myself) and two of the five new members recently appointed by Governor Walker (Dr. Saied Assef and Ms. Eileen Burnett). They have authorized me to advise you of our nomination since we understand that Mr. Dawson's current term on the Commission ends August 1, 2012 but that he is eligible to serve another three year term. He is one of the four commissioners appointed by the Supreme Court.

We understand that earlier this year Mr. Dawson was contacted by email by your program assistant, Sara Foster, inquiring whether he would be willing to serve another term on the Commission. He confirmed with us (as he had earlier with Ms. Foster) that he would be honored to do so. We are hopeful that his reappointment could be confirmed by the Court prior to the Commission's next meeting on June 22.

The Nominating Committee's unanimous recommendation was made after discussion of John Dawson's considerable experience and even-handed leadership. The Commission finds itself in unique circumstances: of the nine current commissioners, all but Mr. Dawson have served for fewer than 18 months, with five attending their first meeting just last week. We value Mr. Dawson's steady leadership and his commitment to the Judicial Commission, and believe that his continued service as Chair at this time would be an asset to the Commission.

Thank you for your consideration.

Sincerely,

Emily S. Mueller, Circuit Judge

Cc: Michael Aprahamian  
Eileen Burnett  
Saied Assef  
James Alexander