

# BISKUPIC & JACOBS S.C.

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Milwaukee, WI 53202  
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May 19, 2016

**Via email to:**

[GovJudicialAppointments@Wisconsin.gov](mailto:GovJudicialAppointments@Wisconsin.gov).

Michael B. Brennan, Chairman  
Governor's Judicial Appointments Committee  
309 N. Water Street, Suite 700  
Milwaukee, WI 53202

**Re: Application of Daniel Kelly for Judicial Appointment**

Dear Chairman Brennan:

With respect to the application of Daniel Kelly for appointment to the Wisconsin Supreme Court, I write to inform you and the Committee that I know Dan and have litigated cases with him both as co-counsel and as an adversary. In all instances, both personally and professionally, I have found Dan to be of the highest character. He has a deep concern for the proper direction of the law, including the role of the judiciary. There is no doubt that he is a long-time adherent to a philosophy of judicial conservatism. My experience with him leads me to strongly recommend him for such an appointment.

Thank you for your consideration. Please feel free to contact me with any further questions or concerns.

Very truly yours,



Steven M. Biskupic

**RAYMOND P. TAFFORA**

1630 FORDEM AVENUE #312  
MADISON, WISCONSIN 53704

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May 20, 2016

Office of Governor Scott Walker  
Attn. Chief Legal Counsel  
115 E. State Capitol  
Madison, Wisconsin 53702

Re: Application of Daniel Kelly for Supreme Court Justice

To Whom This May Concern:

I write to recommend for your consideration Daniel Kelly for appointment as a Supreme Court Justice to fill the vacancy left by the retirement of Justice David T. Prosser, Jr.

I have known Dan Kelly since 2002, when we were co-counsel on an elections-related matter while I was in private law practice. Since then, both in my service as Deputy Attorney General at the Wisconsin Department of Justice and as Vice Chancellor for Legal Affairs at UW-Madison, I have interacted with Dan on a number of matters. Dan is an exceptionally capable lawyer, with a keen mind, even temperament, and self-effacing wit. Dan would be an excellent Supreme Court justice. Any organization or governmental body with which he associates will be all the better for it.

I recommend Dan for your consideration without hesitation or qualification.

Sincerely,



Raymond P. Taffora

RPT/cm



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

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Milwaukee, WI 53202-3197

Telephone: 414-298-1000  
Fax: 414-298-8097  
Toll Free: 800-553-6215  
reinhartlaw.com

May 23, 2016

Joseph J. Balistreri  
Direct Dial: 414-298-8221  
jbalistreri@reinhartlaw.com

Office of Governor Scott Walker  
115 East State Capitol  
Madison, WI 53702

Dear Governor:

Re: Daniel Kelly

I am writing to provide my whole hearted recommendation of Daniel Kelly for appointment to the Wisconsin Supreme Court to succeed Justice David Prosser. I worked with Dan in private practice over a significant number of years and have found him to be extremely competent as well as a man of profound character and integrity. I believe Dan would be a terrific appointment to the Court.

Yours very truly,

A handwritten signature in black ink, appearing to read "Joseph J. Balistreri", is written over a horizontal line. The signature is fluid and cursive, with a large, sweeping "J" and "B".

Joseph J. Balistreri

34124050

Stephen A. Ingraham  
Room 530  
517 East Wisconsin Avenue  
Milwaukee, Wisconsin 53202

May 23, 2016

*via electronic mail only*  
The Honorable Scott Walker  
Office of the Governor  
State of Wisconsin  
115 East Capitol Street  
Madison, Wisconsin 53703

Re: Recommend Daniel Kelly to be appointed to the Wisconsin Supreme Court

Dear Governor Walker:

This is to recommend Wisconsin attorney Daniel Kelly to be appointed to fill the vacancy on the Wisconsin Supreme Court.

Mr. Kelly and I have been acquainted for about the last ten years in both personal and private contexts. I am a federal prosecutor, working in Milwaukee.

In his professional life, Mr. Kelly is a lawyer of the highest caliber: smart, hard-working, dedicated, and resourceful. He has been committed to conservative principles throughout his professional life in both the organizations he has affiliated with, such as the Federalist Society, and the cases he has taken. Consequently, if appointed to the Wisconsin Supreme Court, Mr. Kelly could be expected to apply the law as written when deciding particular cases, rather than try to advance a narrow personal or group agenda. His written opinions would be models of clarity and obvious fidelity to the law.

Since collegiality makes for a more effective Supreme Court justice, Mr. Kelly's personal warmth and affability would frequently find him being persuasive to his colleagues. But his moral courage will also enable him to take an unpopular stand when necessary.

In his private life, Mr. Kelly is a devoted husband and father, which his wife and children strongly reciprocate. With both feet on the ground, and with close ties to loved ones, he has a strong stake in the future of Wisconsin.

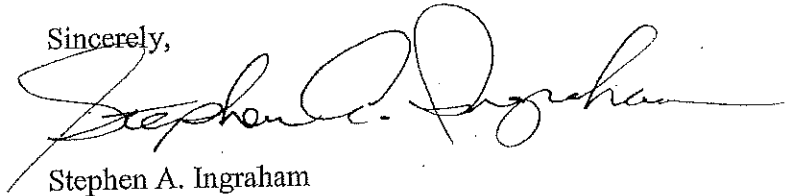
As a citizen of Wisconsin by choice -- he is a native Californian -- Mr. Kelly would also bring a somewhat unusual and helpfully broad perspective to the Supreme Court. Perhaps more than one who has always lived here, Mr. Kelly perceives and appreciates the great strengths of Wisconsin's civic and political culture, and would be dedicated to doing what he could on the Court to preserve those unique and highly positive traits.

Daniel Kelly would prove to be a fine addition to the Wisconsin Supreme Court. With the passage of time, you would come to recognize him as having been one of your finest appointments, whose positive influence on Wisconsin would last a generation or more.

Thank you for giving favorable consideration to this outstanding person.

Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen A. Ingraham". The signature is fluid and cursive, with a large, stylized initial "S".

Stephen A. Ingraham  
(414) 297-1722  
[stephen.ingraham@usdoj.gov](mailto:stephen.ingraham@usdoj.gov)

## GOV Judicial Appointments

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**From:** Roger Clegg <rclegg@ceousa.org>  
**Sent:** Monday, May 23, 2016 1:47 PM  
**To:** GOV Judicial Appointments  
**Subject:** Recommendation of Daniel Kelly for the Wisconsin Supreme Court

**Importance:** High

May 23, 2016

The Honorable Scott Walker  
Office of Governor Scott Walker  
115 East State Capitol  
Madison, WI 53702

Dear Governor Walker:

I am writing to recommend respectfully and enthusiastically that you appoint Daniel Kelly to the Wisconsin Supreme Court.

I have known Mr. Kelly for many years in both personal and professional capacities, and his character and legal acumen are praiseworthy in absolutely every way.

I first met Mr. Kelly when he represented my organization – a conservative nonprofit that focuses on public issues involving race and ethnicity – in a matter involving a freedom-of-information request we had filed with the University of Wisconsin. The university was, unfortunately, uncooperative, but thanks to Mr. Kelly we eventually won a resounding and unanimous victory before the Wisconsin Supreme Court. This was not an easy case, but thanks to Mr. Kelly we won despite very stubborn resistance.

Since that time, I have continued to work with Mr. Kelly on a variety of political and legal issues and to correspond with him. He has a profound understanding and appreciation of the law and, in particular, the role of the judiciary. At his invitation, I spoke on a number of occasions to the chapter of the Federalist Society of which he is president; I recommended him for the Wisconsin state advisory committee to the U.S. Commission on Civil Rights, where he has served; and I know that he also serves on the board of the Wisconsin Institute for Law and Liberty, a fine organization with which I also work. He has been a trusted advisor to me whenever my work has involved, in particular, matters in Wisconsin.

This letter is about Mr. Kelly and not about me, but to put things in context I should mention that I am myself a lawyer and, besides running the Center for Equal Opportunity, also worked in the U.S. Department of Justice for over a decade during the Reagan and Bush 41 administrations -- after I graduated from Yale Law School, worked in the 1980 campaign for the Republican National Committee, and clerked for a federal court of appeals judge. I should also mention that the Center has for many years enjoyed the support of the Bradley Foundation, and that I have spoken at its events from time to time.

To segue back to Mr. Kelly, among the jobs I had at the Justice Department was to help screen applicants for judicial vacancies, and if someone like Mr. Kelly had come along we would have snapped him right up. His intellect, integrity, energy, and enthusiasm leave no doubt that he will be a first-rate judge. I cannot recommend him highly enough!

May 23, 2016

OFFICE OF GOVERNOR SCOTT WALKER  
115 East State Capitol  
Madison, Wisconsin 53702  
GovJudicialAppointments@Wisconsin.gov

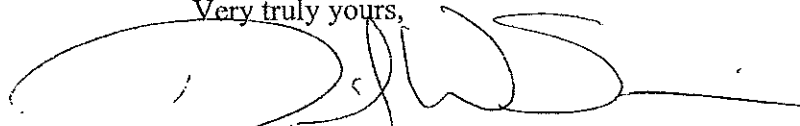
To whom it may concern:

I write to enthusiastically endorse Dan Kelly for appointment to the Wisconsin Supreme Court.

I have known Dan for almost 10 years. We have been friends and colleagues, interacting on client matters, in connection with Federalist Society events and activities, and socially.

Dan has an exceptional legal and scholarly mind. His deeply held and exceptionally well-considered conservative views would make him a powerhouse on the Supreme Court for decades to come. Moreover, he has the other qualities I know the Governor is looking for in a judge – he is careful, empathetic, understands the appropriate role of a judge in our system, and is positive and of good cheer.

Very truly yours,

A handwritten signature in black ink, appearing to read 'D. Simon', with a long horizontal flourish extending to the right.

David W. Simon

Office of Governor Scott Walker  
115 East State Capitol  
Madison, WI 53702

May 21, 2016

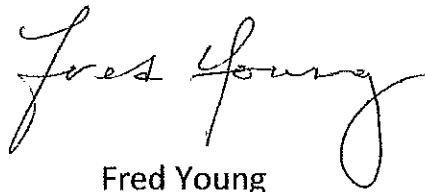
Subject: Daniel Kelly, Applicant for Appointment to WI Supreme Court

To whom it may concern,

I offer my endorsement of Daniel Kelly for appointment to the WI Supreme Court to replace the retiring, Justice Prosser.

He is known to me through membership in the Federalist Society where he has been President of the Milwaukee Lawyer's chapter. I am not a lawyer, but am a former business owner (Young Radiator Company, a first tier supplier to the automotive industry) and an active promoter of a limited government, free market, individual responsibility and personal liberty political philosophy.

Based on my personal involvement with Mr. Kelly, my knowledge of his reputation and a review of his resume and application for the position, I am confident that he would be an able and principled member of the WI Supreme Court. I fully expect that he would bring dignity, seasoned legal intellect and faithfulness to the constitution and statutes, as written, to the Court.

A handwritten signature in cursive script that reads "Fred Young". The signature is written in dark ink and is positioned above the printed name.

Fred Young

One Main St., Ste. 390  
Racine, WI 53403  
262-632-3310





Reinhart Boerner Van Deuren s.c.  
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reinhartlaw.com

May 23, 2016

Michael G. Goller  
Direct Dial: 414-298-8336  
mgoller@reinhartlaw.com

SENT BY E-MAIL

Office of Governor Scott Walker  
State of Wisconsin  
115 East State Capitol  
Madison, WI 53702

Dear Governor Walker:

Re: Recommendation submitted on behalf  
of Daniel Kelly

I write to you in order to recommend that Daniel Kelly be appointed to the Wisconsin Supreme Court succeeding Justice David Prosser. I have known Dan Kelly for over 15 years. We have practiced law together and I have firsthand knowledge of his skills as a litigator. I also point out that Dan is of the highest moral and ethical character. He is a knowledgeable and ethical attorney. I have seen him vigorously advocate on behalf of his clients, while still not losing his moral compass.

I believe that the residents of the State of Wisconsin would be well served if Dan is appointed to the State Supreme Court.

Yours very truly,

A handwritten signature in blue ink, appearing to read "M. Goller", is written over a horizontal line.

Michael G. Goller

34124249



1232 North Edison Street, Milwaukee, WI 53202  
Phone: 414-271-1870 Fax: 414-271-1478  
[www.barrycre.com](http://www.barrycre.com)

May 24, 2016

VIA EMAIL

Office of Governor Scott Walker  
Attn: Chief Legal Counsel  
115 East State Capitol  
Madison, WI 53702

RE: Application of Daniel Kelly for Wisconsin Supreme Court

Dear Governor Walker:

It has come to my attention that Attorney Daniel Kelly has applied confidentially for a position as a Justice on the Wisconsin Supreme Court.

I have known Dan Kelly for many years and I strongly recommend that you consider appointing him to this position. Dan is very highly regarded in the Milwaukee legal community and has a reputation as an excellent lawyer. Dan has an outstanding record as an attorney, having successfully argued numerous cases in the Wisconsin Supreme Court. As President of the Milwaukee Lawyer's Chapter of the Federalist Society, and in other leadership roles, Dan has been a staunch advocate for upholding the rule of law and applying the law as it is written, not as he thinks it should be written. Finally, I believe that Dan would have an excellent judicial temperament on the bench. He is a thoughtful, fair, and hardworking attorney and I am confident that these attributes would serve him well as a judge.

In sum, Dan Kelly would be an excellent choice for this open seat on the Wisconsin Supreme Court and I highly recommend that you give his appointment your strongest consideration.

If there is anything further I can do to support Dan's application, please feel free to contact me.

Sincerely,

James T. Barry III



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Fax: 414-298-8097  
Toll Free: 800-553-6215  
reinhartlaw.com

May 24, 2016

Donald J. Christl  
Direct Dial: 414-298-8108  
dchristl@reinhartlaw.com

Governor Scott Walker  
Office of the Governor  
115 East State Street  
Madison, WI 53702

Dear Governor Walker:

Re: Appointment to State Supreme Court

This letter endorses Daniel Kelly to succeed David Prosser as an Associate Justice of the State Supreme Court.

Having practiced law in Wisconsin for fifty years, I participated in numerous civic and professional activities. Those activities included serving on, and chairing, bodies created by the Supreme Court. In my volunteer and professional capacities, I have interacted with the Court on multiple occasions, becoming familiar with its personnel and method of operating.

(In another capacity, President of the Milwaukee Bar Association, I interacted with you, Scott, from time to time (you have scaled many heights since then). As County Executive and to recognize her efforts on behalf of the Milwaukee Symphony, you once named a day after my wife, an honor she still treasures.)

I also had the pleasure of practicing with Daniel Kelly for a number of years and observed his professional expertise as well as personal characteristics. Mr. Kelly is a candidate to succeed Justice Prosser on the Supreme Court. My knowledge of Mr. Kelly and understanding of the Court induce me to recommend, without reservation, Mr. Kelly for the Court. He has displayed a keen legal mind, an appreciation of the issues facing our society and personal principles consistent with the law and the standards necessary for the optimal functioning of our state and judiciary.

Please consider Daniel Kelly favorably for the vacant position on the State Supreme Court.

Thank you for your attention. (I wish you the best in your own pursuits and future heights to scale.)

Yours very truly,

A handwritten signature in black ink, appearing to read "Don Christl", with a horizontal line drawn underneath.

34123366



Reinhart Boerner Van Deuren s.c.  
P.O. Box 2265  
Waukesha, WI 53187-2265

N16 W23250 Stone Ridge Drive  
Suite 1  
Waukesha, WI 53188-1194

Telephone: 262-951-4500  
Fax: 262-951-4690  
Toll Free: 800-928-5529  
reinhardtlaw.com

May 26, 2016

J. Bushnell Nielsen, Esq.  
Direct Dial: 262-951-4514  
bnielsen@reinhardtlaw.com

Office of Governor Scott Walker  
115 East State Capitol  
Madison, WI 53702

Dear Governor Walker:

Re: Daniel Kelly as nominee for Wisconsin  
Supreme Court vacancy

I write to respectfully support your appointment of Daniel Kelly to the Wisconsin Supreme Court, as successor to retiring Justice David Prosser.

I am a shareholder at Reinhart Boerner Van Deuren s.c. I worked with Mr. Kelly a number of times when he was a member of our firm. At my request, Mr. Kelly argued a case to our Supreme Court (successfully) on behalf of one of my clients. I also worked with Mr. Kelly on a number of other lawsuits in which he very ably represented our mutual clients.

I have worked with and hired a lot of lawyers in my 35-year career, in which I have been both a law firm client and a lawyer in private practice. Mr. Kelly is one of the best legal scholars I know. He is extremely thorough, intellectually deep and perceptive, honest and fair-minded. He understands substantive law as well as courtroom and appellate procedure. He has appeared in a wide variety of courts.

I also know Mr. Kelly personally. We attended the same church for many years. When I served as a church elder, he asked me questions about how our church believed that a person of faith should respond to certain recent court rulings. His understanding of those constitutional issues was so strong that our elder board invited him to explain the issues to us. His very perceptive and thoughtful analysis was very helpful to our board members.

I believe that Mr. Kelly would be a fair, honest and intellectually rigorous justice. I also believe that he has the personal qualities that would allow him to be liked and highly respected by the other justices, as well as by the attorneys and litigants who appear before that court seeking justice. Thank you for considering my suggestion.

Yours very truly,

J. Bushnell Nielsen

34149533

## GOV Judicial Appointments

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**From:** Jordan Lorence <jlorence@adflegal.org>  
**Sent:** Friday, May 27, 2016 10:10 AM  
**To:** GOV Judicial Appointments  
**Subject:** Recommendation for Daniel Kelly as a justice on the Wisconsin Supreme Court

Governor Walker:

I want to recommend the appointment of Daniel Kelly as an associate justice on the Wisconsin Supreme Court. I am an attorney originally from Minnesota, a graduate of the University of Minnesota Law School, who now works in Washington, D.C. on First Amendment cases at the U.S. Supreme Court. Dan Kelly sat second chair with me in 1999 in a case I argued before the Supreme Court, *Southworth v. The Regents of the University of Wisconsin*. He played a major role in preparing me for that case. I have worked with Mr. Kelly in a number of other lawsuits in Wisconsin state courts and federal court. I have found his legal work to be outstanding and excellent in quality.

Dan Kelly shows the intelligence, wisdom and character of one eminently qualified to serve the people of Wisconsin on the Wisconsin Supreme Court. I wholeheartedly urge that you appoint him to this important post.

Jordan Lorence



Jordan Lorence  
Senior Counsel  
202-393-8690 (Office)  
202-347-3622 (Fax)  
[jlorence@ADFlegal.org](mailto:jlorence@ADFlegal.org)  
[ADFlegal.org](http://ADFlegal.org)

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May 23, 2016

OFFICE OF GOVERNOR SCOTT WALKER  
115 East State Capitol  
Madison, Wisconsin 53702  
GovJudicialAppointments@Wisconsin.gov

MAY 27 2016

To whom it may concern:

I write to enthusiastically endorse Dan Kelly for appointment to the Wisconsin Supreme Court.

I have known Dan for almost 10 years. We have been friends and colleagues, interacting on client matters, in connection with Federalist Society events and activities, and socially.

Dan has an exceptional legal and scholarly mind. His deeply held and exceptionally well-considered conservative views would make him a powerhouse on the Supreme Court for decades to come. Moreover, he has the other qualities I know the Governor is looking for in a judge – he is careful, empathetic, understands the appropriate role of a judge in our system, and is positive and of good cheer.

Very truly yours,



David W. Simon

David G. Hanson  
8027 North Navajo Road  
Fox Point, Wisconsin 53217

May 31, 2016

Office of Governor Scott Walker  
115 East State Capitol  
Madison, WI 53702

Sent via email to: [GovJudicialAppointments@Wisconsin.gov](mailto:GovJudicialAppointments@Wisconsin.gov)

Dear Governor Walker:

I am pleased to write in honor of my friend and former colleague Daniel Kelly, whom I encourage you to consider for appointment to the Wisconsin Supreme Court.

I was lucky to come to know Dan well during the 15 years we worked together in private legal practice at Reinhart Boerner Van Deuren s.c. As I interacted with him in formal and informal settings, two of his many qualities stood out.

First, Dan is a life-long student and lover of the law. He believes in the power of the rule of law and marvels at every phase of it, from the trenches of civil litigation and the legislative process to the intricate and polished arguments of appellate advocacy. More than a mere lover of words -- and he certainly is that -- Dan respects the role words play at the center of a complex, ordered society. He has the technical gifts, enthusiasm, and professional experience to be an outstanding Justice.

Second, Dan operates in good faith. Whatever the issue, those around him know where he stands, and where he finds someone with a different stand, Dan acts with a civility and grace that leaves the relationship, and mutual respect, intact. It was no accident, when our firm lost a beloved partner to brain cancer, that it was Dan who led a grieving circle of co-workers with words of assurance hope perfectly appropriate for the setting and moment.

I wish you well in making this important appointment.

Yours respectfully,

A handwritten signature in black ink, appearing to read "David G. Hanson". The signature is fluid and cursive, with a large initial "D" and "H".

David G. Hanson



## GOV Judicial Appointments

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**From:** Terrence Berres <berrestr@gmail.com>  
**Sent:** Tuesday, May 31, 2016 2:16 PM  
**To:** GOV Judicial Appointments  
**Subject:** Daniel Kelly application for Supreme Court Justice

Office of Governor Scott Walker  
115 East State Capitol  
Madison, WI 53702

Sir:

Mr. Kelly and I know each other through our membership and leadership positions in the Federalist Society's Milwaukee Lawyers Chapter. Our chapter was founded in the mid-1990s. As commonly happens, the founding members also become the leadership team. As also commonly happens, eventually the need for new leadership arises. Mr. Kelly was among those who stepped up and took on one of those positions. He now serves as chapter president.

Justice Antonin Scalia characterized the United States Supreme Court as a "committee of nine" in his dissenting opinion in 'Obergefell v. Hodges'. While not his immediate purpose, he reminds us that appellate courts are a kind of committee. I have seen Mr. Kelly at work in another committee of lawyers, our chapter's board of directors.

As chair of its meetings, he has consistently seen that we are working from a clear agenda, that all present have opportunities to be heard, that the discussion advances the resolution of the questions before us, and that all this is done within the scheduled time. If I had a preferred position on an issue or action, it did not always prevail. But I never left thinking my position had not been fairly or adequately considered. To me this reflects well on Mr. Kelly's ability and temperament. It likely also reflects what he has learned from the experiences described on his resume, including his opportunity to observe the workings of an appellate court from the inside.

The above is, among other things, an indication of Mr. Kelly's ability to contribute to the collegiality of the court. In that regard, I also note he described his successful appeals by saying "we won" not "I won" (see Resume p. 3).

The 'First Things' exchange and book chapter the Mr. Kelly included with his resume show that his life experience includes the life of the mind. Justice Scalia once noted that an appellate court is not a panel of "philosopher kings". As I read Mr. Kelly's writings, the time he has devoted to thinking and writing on legal and philosophical issues has reinforced his disinclination toward any such temptation.

Very Truly Yours,

Terrence Berres  
8203 South 58th Street  
Franklin, Wisconsin 53132-9290  
(414) 458-8369



May 31, 2016

Office of Governor Scott Walker  
115 East State Capitol  
Madison, WI 53702

Dear Members of the Selection Committee for the appointment to the Wisconsin Supreme Court,

I am writing in support of Dan Kelly's application for appointment to the Wisconsin State Supreme Court.

All of the applicants who have submitted their application for the opening are indeed qualified and would serve the state well.

Dan Kelly is someone who I have known professionally for many years and who has provided great counsel to Wisconsin Right to Life in legal matters, as well as to a previous employer of mine, and has done great work with the Federalist Society in Wisconsin. His professionalism, thoughtfulness, and sense of applying the law as written will serve all the residents of Wisconsin to the fullest.

He is well versed as a litigator and fully comprehends the role of an adjudicator. Whoever replaces our current Justice must fully understand that the courtroom is not the place to create law, but rather the place to simply interpret it. I firmly believe Dan embraces this understanding of the role of a Justice, and will demonstrate this with each case brought before him.

As a leader of an organization who is working each day to protect our freedom of speech, we know that Dan is the right person to ensure this right is protected. We also understand that he will take seriously his task to interpret the law rather than create it, which is important regardless of the issue at hand in any given case.

I know that as you consider applicants, you are aware of the impact the next Justice will have on our state for potentially decades to come. I highly support Dan Kelly in his application and the appointment to fill the vacancy.

Regards,

Heather Weininger  
Executive Director, Wisconsin Right to Life



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

May 31, 2016

Paul J. Stockhausen  
Direct Dial: 414-298-8186  
pstockhausen@reinhartlaw.com

SENT BY E-MAIL

Office of Governor Scott Walker  
115 East State Capitol  
Madison, WI 53702

Dear Governor Walker:

Re: Recommendation of Attorney Daniel  
Kelly for Appointment to the Wisconsin  
Supreme Court

I write to recommend that you consider appointing Attorney Daniel Kelly to the Wisconsin Supreme Court to succeed Justice David Prosser. I have known Dan for nearly two decades and practiced law with him at Reinhart Boerner Van Deuren in Milwaukee for many of those years. While I'm aware that there are several eminently qualified candidates to succeed Justice Prosser, I unreservedly recommend Dan Kelly as best possible successor to Justice Prosser's legacy.

Dan is possessed of an uncommonly serious mind and a penetrating perception, both harnessed by a depth and quality of character now all too rare. For all his qualities, Dan is a humble man, not motivated by avarice or pride. Over uncounted hours talking through issues, both professional and societal, what comes through most clearly is that Dan is principled. By that I mean not only that he is a man who lives by his principles, but, far more uniquely as relates to being an ideal candidate for the Court, that he approaches every issue, every legal question, every decision from the perspective of first principles.

The greatest threat to our system of justice, and thus ultimately to our way of life, is the encroachment of outcome-oriented thinking into the judiciary. Justices now called "activist" decide what they want the law to be or, even more often, what outcome they might prefer in each given case. They allow their decisions to be guided by current preferences rather than the proper first principles. I am convinced that if made a Justice of the Wisconsin Supreme Court, Dan would never stray from those first principles, would never allow the weathervane of society's temporary whims or preferences to sway his judgment.

In my opinion, you could not find a better example of a good man, with the required intellect and credentials, who so clearly possesses the proper judicial philosophy to maintain the

Office of Governor Scott Walker  
May 31, 2016  
Page 2

Wisconsin Supreme Court as a conservative, respectful and respected Court, just as Justice Prosser sought to make it.

If you have any questions or would like to discuss any further thoughts regarding Dan Kelly's candidacy for appointment to the Wisconsin Supreme Court, I would be happy to make myself available at your convenience. Thank you for your consideration of this matter and thank you for your fine service to the State of Wisconsin.

Yours very truly,

A handwritten signature in black ink, appearing to read "P. Stockhausen", with a long horizontal flourish extending to the right.

Paul J. Stockhausen

34166918



## WISCONSIN COURT OF APPEALS

DISTRICT I

330 EAST KILBOURN AVENUE, SUITE 1020  
MILWAUKEE, WISCONSIN 53202-3161

Chambers of  
WILLIAM W. BRASH III, Judge

Telephone: (414) 227-4683  
TTY (800) 947-3529  
Fax: (414) 227-4051  
Email: William.Brash@wicourts.gov

May 31, 2016

**VIA ELECTRONIC MAIL**

Governor Scott Walker  
115 East State Capitol,  
Madison WI 53707

Re: Wisconsin Supreme Court

Dear Governor Walker:

I have been asked by Mr. Kelly to write a letter in support of his candidacy to fill the vacancy created by the departure of Justice Prosser.

I have known Mr. Kelly in excess of ten years when he was first assigned to my court by the District Attorney's Office, while he was on loan from the firm of Reinhart, Boerner, Van Deuren, S.C. It is my understanding that the firm would send one or two individuals per year that were on a partnership track to the District Attorney's Office for the purpose of obtaining much needed and valued trial experience.

As noted, Dan was first assigned to my court but within a relatively brief period of time, he was actively moving between numerous courts in an effort to conduct as many jury trials as he possibly could during his assignment to what I understand is a highly sought-after position

Needless to say I was extremely impressed by his work effort and growing trial presence, as well as his knowledge of the law and enthusiasm in pursuit of the same.

Thereafter I have stayed in contact with Dan through various events and activities, which included his leaving Reinhart, taking another position with a foundation, and ultimately ending up as a named partner in his own firm.

Dan has always proved to be a tireless advocate with a tremendous understanding of the law and the application of the same, and whom I believe would serve as a credit to the State of Wisconsin and follow in the proud tradition as established by Justice Prosser and his predecessor.

I have no doubt that you will give Mr. Kelly thorough consideration for this position, as you have in the past, and I wish to thank you on his behalf for your thoughtful review of his application.

Sincerely,

William W. Brash III

WWB/smy



Reinhart Boerner Van Deuren s.c.  
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May 26, 2016

J. Bushnell Nielsen, Esq.  
Direct Dial: 262-951-4514  
bnielsen@reinhartlaw.com

Office of Governor Scott Walker  
115 East State Capitol  
Madison, WI 53702

Dear Governor Walker:

Re: Daniel Kelly as nominee for Wisconsin  
Supreme Court vacancy

I write to respectfully support your appointment of Daniel Kelly to the Wisconsin Supreme Court, as successor to retiring Justice David Prosser.

I am a shareholder at Reinhart Boerner Van Deuren s.c. I worked with Mr. Kelly a number of times when he was a member of our firm. At my request, Mr. Kelly argued a case to our Supreme Court (successfully) on behalf of one of my clients. I also worked with Mr. Kelly on a number of other lawsuits in which he very ably represented our mutual clients.

I have worked with and hired a lot of lawyers in my 35-year career, in which I have been both a law firm client and a lawyer in private practice. Mr. Kelly is one of the best legal scholars I know. He is extremely thorough, intellectually deep and perceptive, honest and fair-minded. He understands substantive law as well as courtroom and appellate procedure. He has appeared in a wide variety of courts.

I also know Mr. Kelly personally. We attended the same church for many years. When I served as a church elder, he asked me questions about how our church believed that a person of faith should respond to certain recent court rulings. His understanding of those constitutional issues was so strong that our elder board invited him to explain the issues to us. His very perceptive and thoughtful analysis was very helpful to our board members.

I believe that Mr. Kelly would be a fair, honest and intellectually rigorous justice. I also believe that he has the personal qualities that would allow him to be liked and highly respected by the other justices, as well as by the attorneys and litigants who appear before that court seeking justice. Thank you for considering my suggestion.

Yours very truly,

J. Bushnell Nielsen

34149533

David O. Krier  
N110 W5255 West Highland Drive  
Cedarburg, Wisconsin 53012

May 31, 2016

Governor Scott Walker  
Office of Governor Scott Walker  
115 East State Capitol  
Madison, Wisconsin 53702

Dear Governor Walker,

I am honored and delighted to recommend Mr. Daniel Kelly for appointment to the Wisconsin Supreme Court. I have worked closely with Dan for over ten years, including several years as one of his litigation partners at the Reinhart Boerner Van Deuren law firm. Not only is Dan a highly skilled and effective lawyer, but he is a man of impeccable character, dedication and patience.

I had the privilege of working directly with Dan as we served our clients. Dan truly is a master of the law, and a highly skilled litigator at all levels, from developing factual and legal arguments to writing and arguing briefs and trying cases. But Dan never lets his exceptional skill and success get the best of him; he is always very thoughtful and respectful. Unlike many partners in large law firms, Dan is an excellent and patient teacher, and was a confident, calming influence at our firm.

In addition to his exceptional legal skills and dedication to the rule of law, I believe that Dan's professional, thoughtful, and respectful demeanor makes him uniquely qualified to serve on the Supreme Court. Dan gets along very well with people, and when they disagree with him, his strength is in patiently, respectfully, logically, and confidently moving people his side. This is true even with people who hold contrary political and philosophical beliefs—Dan is always congenial and respectful, even when the opponents are obviously (even obnoxiously) wrong.

Sincerely, and With Deepest Appreciation,



David O. Krier



Northwestern Mutual®

**Gordon P. Giampietro**  
Assistant General Counsel

720 East Wisconsin Avenue  
Milwaukee, WI 53202-4797  
414 665 3643 office  
414 625 3643 fax  
gordongiampietro@northwesternmutual.com

May 31, 2016

Via Email: [GovJudicialAppointments@Wisconsin.gov](mailto:GovJudicialAppointments@Wisconsin.gov)

Governor Scott Walker  
115 East State Capitol  
Madison, WI 53702

*Re: Recommendation in Support of Daniel Kelly's Application for  
Appointment to the Wisconsin Supreme Court*


Dear Governor Walker,

Your prior judicial appointments reflect your deep understanding of the proper role of the judiciary in a democratic society. Too often, the judicial branch, state and federal, has imposed its policy preferences on society rather than apply the law faithfully. A great justice must possess legal acumen, broad experience, and judicial humility -- which is particularly important during times of partisan acrimony. Dan Kelly exemplifies those qualities.

I am familiar with, and know personally, many of those who have applied to succeed Justice David Prosser. The list reflects the strength of Wisconsin's conservative movement. I have known Dan personally for many years, and I am well-acquainted with his outstanding legal work in high-profile matters. Beyond his substantial legal abilities, Dan has a great love for our state and country; a love that drives his respect for the rule of law. That phrase is often casually invoked, but it means everything to Dan, and those of us who share his view. In brief, the law is an expression of the will of the people, and should be frustrated only in the rare case. And the law must be applied impartially regardless of outcome. Dan embraces these principles at his core.

Finally, in addition to his intellectual gifts, Dan's integrity and personality will foster collegiality among the justices and restore the public's respect for the Wisconsin Supreme Court. I support Dan's application without reservation.

Very truly yours,

  
Gordon P. Giampietro  
Assistant General Counsel



David E. Frank  
Gierke Frank Noorlander LLC  
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6.1.16

Office of Governor Scott Walker  
[GovJudicialAppointments@Wisconsin.gov](mailto:GovJudicialAppointments@Wisconsin.gov)  
115 East State Capitol  
Madison, WI 53702

Dear Selection Committee,

I am writing today to provide my strongest recommendation for Daniel Kelly for his application to succeed Justice Prosser on the Wisconsin Supreme Court. I have known and worked with Dan for over a decade, and can say I have not met or worked with a finer lawyer. But Dan is so much more than an excellent lawyer, he is a superb person.

I think there are three critical things to look for when selecting a judge: intelligence, integrity and temperament. Dan meets all of these factors.

I have first hand knowledge of Dan's intellectual acumen. Dan and I first met at Reinhart Boerner Van Deuren s.c. I had the opportunity to work on a number of cases with Dan and witnessed first hand Dan's intelligence and his intense passion for the law. We have continued to work on cases together throughout the years, and I regularly refer clients to him because I know he will provide exemplary legal work. Dan is someone I reach out to for counsel when dealing with a difficult issue myself. Dan truly sets himself apart through his unabashed love of the law. His outside interests even involve the law, whether it's the Federalist Society or researching book topics. He is intellectually curious and is always in pursuit of learning. I cannot think of another lawyer who is so fully committed in the law.

Integrity is also a critical quality for a Judge. This is a quality that cannot be learned, but is core to who a person is. In the years of knowing Dan, I have learned the kind of person he is, and witnessed him prove his integrity. I have enjoyed the opportunity to engage in discussions (and sometimes debate) with Dan. Though we may not have always agreed on all points of view, Dan is a formidable thinker who treats those who may have differing views with respect. I would leave a discussion with Dan knowing that his position was supported by sincere beliefs and critical assessment and, even if we didn't see eye to eye, that there was no personal animus between us.

Lastly, Dan's temperament is perfectly aligned with an ideal judicial candidate. I have witnessed Dan deal with exceptionally difficult situations, both personal and professional, with honesty, grace and class. He is a caring, empathic and deeply principled person who loves the law and would be an excellent addition to the



Wisconsin Supreme Court.

In short, I cannot more emphatically recommend Dan for this position. He will be a credit to the State of Wisconsin and make you proud. Please feel free to contact me with questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Frank', with a long horizontal flourish extending to the right.

David E. Frank

## GOV Judicial Appointments

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**From:** Patrick J. Hodan <phodan@reinhardtllaw.com>  
**Sent:** Wednesday, June 01, 2016 5:48 PM  
**To:** GOV Judicial Appointments  
**Subject:** Daniel Kelly

To whom it may concern:

I had the pleasure of working with Dan Kelly for many years. His is extremely bright, a very fine writer, and a zealous advocate. His keen intellect, large heart and sense of fairness would make an excellent addition to the Wisconsin Supreme Court. Anyone who knows Dan well will tell you that he is passionate about the law, and he would serve on the court with great distinction.

Patrick Hodan

Patrick J. Hodan  
Reinhart Boerner Van Deuren s.c.  
1000 North Water Street, Suite 2100  
Milwaukee, WI 53202  
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June 7, 2016

**VIA E-MAIL**

Governor Walker  
115 E State Capital  
Madison, WI 53702  
[govjudicialappointments@wisconsin.gov](mailto:govjudicialappointments@wisconsin.gov)

**Re: In Support of Application of Daniel Kelly for Appointment to Office of Justice**

Dear Governor Walker:

I write in support of Attorney Daniel Kelly's application for the office of justice of the Wisconsin Supreme Court. While you have received applications from several impressive lawyers and jurists, I believe that Daniel Kelly is the applicant who can best serve the people of the State of Wisconsin at this time.

I have known Mr. Kelly for approximately five years. When I served as Deputy Attorney General during J.B. Van Hollen's second term as Attorney General, Attorney Kelly was retained as special counsel to provide assistance to the Attorney General's office in a high profile, complex constitutional litigation. During this representation, I observed Attorney Kelly's lawyering and personal skills and found him to be highly intelligent, skilled, professional, and capable. Attorney Kelly was able to both understand the law's nuance while simultaneously reducing noise to illustrate the law's fundamentals. Attorney Kelly's written and oral advocacy skills were outstanding and are among the best I have seen in my many years working with some of the best lawyers in the state.

Attorney Kelly's demeanor also impressed me. In a case that was intense and public – often with plaintiffs' counsel appearing to try the case as much in court of public opinion as the courtroom – Attorney Kelly remained calm, professional, and above the fray while continuing to engage the substance. This demeanor will well serve him, litigants, his colleagues, and the public at large if appointed to the Supreme Court.

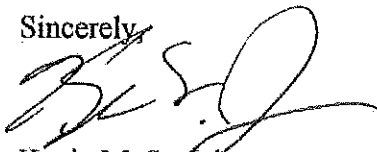
Over the past few years, Attorney Kelly and I have continued to see each other periodically. In these discussions, I've learned more about Attorney Kelly's judicial philosophy. I can report that Attorney Kelly cares deeply about the law. It is not an overstatement to say he bears reverence and respect for the law. He carries a firm belief that it is the role of the judiciary to say what the law is and not what it should be. Further, he possesses superior understanding that the manner in which a case is decided can be important to future litigants and jurisprudential development as a case's particular holding. Importantly, he has the legal acumen and communication skills to apply the law correctly and clearly.

Governor Walker  
June 7, 2016  
Page 2

On a more personal note, I find Attorney Kelly to be a man of high integrity and good humor. He treats others respectfully, whether they are aligned or adversarial in interest. He is the type of man who can take his work seriously without taking himself too seriously, and he has the ability to see beyond personality or passions of the moment.

I have had the privilege of representing five of the current justices of the Wisconsin Supreme Court. While there is a great deal of public misperception about the court, I can report that it is comprised of excellent lawyers who take their oaths and responsibilities seriously. It is my belief that Attorney Kelly will be an excellent peer and colleague to the current sitting justices, and his appointment would contribute positively to the Court's current trajectory in restoring public confidence and recovering its reputation as among the finest courts of last resort in the country. Without reservation, I support Attorney Kelly's application for the office of justice.

Sincerely,

A handwritten signature in black ink, appearing to read "K. St. John", with a stylized flourish at the end.

Kevin M. St. John  
Partner, Bell Giftos St. John LLC

June 10, 2016

Rev. Joe Medina  
2216 Sunkist Ave.  
Waukesha, WI 53188

Office of Governor Scott Walker  
115 East State Capitol  
Madison, WI 53702

Re: Daniel Kelly, Recommendation for Judicial Nomination

Dear Governor Walker,

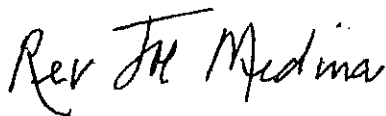
I am writing this letter of recommendation on behalf of my dear friend, Daniel Kelly. I have known Daniel and his family for over fifteen years. I first became connected to Daniel through church, as one of his pastors. We expanded our relationship through church ministries and Bible studies. At times I sought out his legal counsel.

I worked with Daniel, through the church, mentoring couples and families. Daniel and his wife Elisa set an example in their family life by raising five wonderful children who are serving in the church, two of whom are now in college with the other three soon to follow.

In my personal relationship with Daniel and while observing him professionally he is thoughtful, intelligent, studious and a good listener. These characteristics are consistent and enable him to offer wise counsel which are the essentials for a great Supreme Court justice.

Wisconsin needs to continue to appoint objective judges who do not seek to further their own agenda. Daniel Kelly has the character, wisdom and impartiality for this appointment. I strongly recommend and thank you for your consideration of Daniel for this appointment.

Sincerely,

A handwritten signature in black ink that reads "Rev Joe Medina". The signature is written in a cursive, slightly slanted style.

Rev. Joe Medina