



CHAMBERS OF
REBECCA FRANK DALLET, JILL
J. KAROFKY, and JANET C.
PROTASIEWICZ,
Justices

Supreme Court of Wisconsin

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January 11, 2024

State of Wisconsin Judicial Commission
Jeremiah C. Van Hecke
Executive Director
110 East Main Street, Suite 700
Madison, WI 53703

Dear Mr. Van Hecke:

Thank you for your letters dated January 10, 2023. We appreciate that the Judicial Commission finally dismissed the meritless complaints filed by Judge Randy Koschnick. We respectfully request, however, that the Commission take further action in order to protect judicial independence in the State of Wisconsin.

Your letters twice reminded us that the Commission's process is confidential by law. As you know, we, and only we, can waive our confidentiality. Please consider this our waiver of confidentiality as it relates to these complaints, per Wis. Stat. Section 757.93(1)(a) and Administrative Rule JC 3.01.

In August of 2023, Judge Koschnick engaged in a publicity stunt by immediately announcing to the media that he filed complaints with the Commission regarding the selection of Milwaukee County Circuit Court Judge Audrey Skwierawski to serve as interim Director of State Courts. Judge Koschnick's antics were nothing more than a partisan attempt to undermine the court's authority to hire his successor.

Judge Skwierawski is eminently qualified for this position and, as your letter outlines, lawfully served as interim Director. What's more, Judge Koschnick's announcements were in direct violation of Wis. Stat. Section 757.93(1)(a), which protects our confidentiality in these matters. The purpose of these confidentiality laws is to prevent the Commission from being used as an anti-democratic political weapon. We are disappointed that it took five months to address these meritless complaints and there is seemingly no consequence for Judge Koschnick's actions. Judge Koschnick's behavior should have prompted a dismissal of the allegations outright back in August. The Commission should have also admonished Judge Koschnick, or taken other appropriate disciplinary action pursuant to Administrative Rule JC 3.01. Unfortunately, without such discipline as a deterrent, Judge Koschnick felt free to illegally disclose the existence and substance of his complaints a second time in December.

We urge the Commission to rectify this oversight and now clearly signal both to Judge Koschnick, and any others tempted to flout the confidentiality laws, that such violations will bring swift and sure public admonition and discipline. The Commission exists to protect the public by holding judges to account when they flout the law. Should the Commission fail to act here, it will allow itself to continue to be an arrow in the quiver of partisan activists, reducing the public's confidence in the judiciary.

Justice Karofsky warned of partisan actors hijacking the Commission for political gain in a letter she submitted to the Commission less than a year ago, regarding another frivolous and partisan complaint:

Finally and perhaps most importantly, this complaint is very likely a harbinger. This baseless complaint was dragged out for 16 months only to end in a dismissal. The Commission cannot allow partisan actors to proceed in bad faith and hijack the disciplinary system, in an attempt to silence a justice who rightfully tried to stop frivolous and dangerous arguments that undermined our democracy. We believe the Commission risks setting a dangerous precedent. By allowing the Commission to be weaponized in this fashion, the Commission became a pawn of those determined to undermine an independent judiciary.

We implore the Commission to take all steps necessary to ensure that it does not continue to be used as a weapon against judicial independence. Frivolous complaints must be dismissed with expediency and those who violate the rules and statutes governing the Commission must be held to account. The people of Wisconsin, the judiciary, and our democracy demand nothing less.

Sincerely,



Justice Rebecca Dallet
Wisconsin Supreme Court



Justice Jill J. Karofsky
Wisconsin Supreme Court



Justice Janet C. Protasiewicz
Wisconsin Supreme Court