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March 29, 2010

To:

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Judicial Commission
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Hon. Michael J. Gableman
Wisconsin Supreme Court
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Hon. Richard S. Brown
Chief Judge, Court of Appeals- Dist. II
2727 N. Granview Blvd., Ste. 300
Waukesha, WI 53188-1672

You are hereby notified of the following order:

2008AP2458-J

Wisconsin Judicial Commission v. Michael J. Gableman

Before N. Patrick Crooks, J.

I have given careful consideration to the motion of Justice Michael J. Gableman for my recusal from participation in Case No. 2008AP2458-J. I have reviewed the writings in State v. Allen, 2007AP795, including those that are quoted in the motion, as well as relevant federal and state case law on recusal, including Liteky v. United States, 510 U.S. 540 (1994). There is a "presumption of honesty and integrity in those serving as adjudicators." Withrow v. Larkin, 421 U.S. 35, 47 (1975). See also Bridges v. California, 314 U.S. 252, 273 (1941) ("[T]o impute to judges a lack of firmness, wisdom, or honor" is a premise "which we cannot accept") and Milburn v. State, 50 Wis. 2d 53, 62, 183 N.W.2d 70 (1971) (recognizing a presumption that a

judge "in fidelity to his oath of office, will try each case on its merits"). Having considered the motion, I have determined that under Wis. Stat. § 757.19(2)(g) and SCR 60.04, recusal is not warranted or required;

IT IS ORDERED that the motion for recusal is hereby denied.

David R. Schanker
Clerk of Supreme Court