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April 21, 2026
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Madison, WI 53701

APR 30 2026

CLERK OF SUPREME COURT
OF WISCONSIN

Also sent electronically to clerk@wicourts.gov

Re: Rule Petition 26-01, In re Amendments to SCR 60.04(4)-(8) Regarding Judicial Campaign-Related Recusal Rules

Dear Honorable Justices:

Wisconsin Justice Initiative Action respectfully submits this statement in support of Rule Petition 26-01, a well-crafted and thoughtfully designed proposal to amend Wisconsin's recusal rules. The petition appropriately shifts the presumption in favor of recusal and establishes an important procedural requirement that recusal decisions be made on the record and available to the public.

WJI Action promotes criminal and civil legal structures, policies, practices and personnel that seek to improve the quality of justice for all people in Wisconsin. We envision a legal system that is fair, accessible, and impartial, in which no person is overlooked or counted out. We strive for transparent government, courts that are accessible to everyone, and greater civic participation in justice matters.

For several years, a core project for WJI Action has been strengthening recusal rules for justices and judges assigned to cases involving their campaign donors. WJI Action advocates for courts to adopt policies that strengthen public confidence in the judiciary and reinforce the legitimacy of judicial decisions and actions.

Public trust is essential because courts rely on legitimacy—not force—to function. When people trust the judicial system, they are more likely to accept court decisions and maintain confidence in the rule of law. If the public believes our judges and justices are fair, impartial, and free from influence by money or politics, they are more likely to follow the law, serve on juries, and engage with the legal process in good faith. Without that confidence, compliance weakens and the authority of the law is diminished.

For more than a decade, the sharp rise in campaign contributions and outside spending in judicial elections has fueled a growing perception that courts are influenced by wealthy donors. Put plainly, many Wisconsinites believe that judges and justices are effectively bought and paid for

by big-money donors. This perception erodes public trust—not only in the courts, but also in the broader justice system and the rule of law itself.

Wisconsin's current recusal rules do not foster the independence and impartiality of the judiciary. Nor do they promote public trust that processes are objective and decisions fair. The proposed changes, however, will enhance public confidence by reducing the perception that big money contributions impact decisions. Specifically, the proposed additions of SCR 60.04(4)(h) and (i) establish clear and reasonable factors for judges to consider when making recusal decisions involving campaign contributions, support, or independent communications. These criteria not only assist judges in making informed determinations but also help build public trust by ensuring that such factors are formally considered.

Additionally, WJI Action strongly supports and encourages the Court to adopt the proposed changes to the Procedure section, particularly those requiring judges to disclose the facts and circumstances considered and to make recusal decisions either in writing or orally on the record.

- Proposed SCR 60.04(5)(c) requires a judge to inform the parties of any facts or circumstances that may be relevant as a potential basis for recusal, even if the judge ultimately determines that recusal is not necessary. This requirement for public disclosure helps build confidence that judges will not conceal potential conflicts of interest.
- Proposed SCR 60.04(5)(d) establishes procedures for parties who believe recusal is warranted. It allows parties to place their facts and arguments on the record. After the parties have had the opportunity to be heard, the judge is required to issue a decision—either in writing or orally on the record—explaining the reasons for recusing or declining to recuse.

Over the past 15 years, the public has too often encountered news reports of judges and justices failing to disclose potential conflicts of interest or making recusal decisions without explanation. Requiring judges to create a public record of their recusal decisions would go a long way toward restoring public trust in the judiciary.

Adopting the proposed rules will give Wisconsinites greater confidence that their judges and justices are making impartial decisions, free from the influence of campaign contributions or financial relationships. For these reasons, WJI Action strongly supports Rule Petition 26-01.

Finally, WJI Action suggests that as the petition moves forward the Court consider questions of an appropriate appeal procedure for a judge's recusal determination and the duty of a judge to be aware of campaign contributions so as to know when to raise the recusal procedure sua sponte.

Respectfully submitted:



James Gramling
Board President



Charles F. Kahn, Jr.
Board Member



Jill Kastner
Board Member

cc: Petitioners