

Wisconsin Supreme Court Candidate Forum 3 21 2023

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[00:00:00] News three now presents a debate between Daniel Kelly and Janet Protasiewicz in the race for State Supreme Court. Here's moderators susan Simon.

[00:00:16] Good afternoon and welcome from our. The State bar of Wisconsin wispolitics.com and WISCTV. We are proud to sponsor this debate between the candidates for Wisconsin Supreme Court. We also welcome viewers in lacrosse on W K B T T V statewide on Wisconsin Eye and Wisconsin Public Radio. And our in-person guests who are joining us this afternoon in the auditorium on Tuesday, April 4th, Wisconsin voters will choose between these two candidates.

[00:00:55] One of them will be filling a 10 years. seat being vacated when [00:01:00] Justice Pat Rogensack retires. Later this year. Dan Kelly graduated from Regent University Law School, worked as an attorney at various firms before establishing his own practice in 2014. Dan Kelly served as a justice on the State Supreme Court for four years after being appointed.

[00:01:24] To the position by Governor Scott Walker, Janet Protasiewicz graduated from Marquette Law School. She, uh, she served more than 25 years as an assistant district attorney in Milwaukee, in Milwaukee County before being elected the Milwaukee County, uh, to the Milwaukee County bench, where she currently presides over family.

[00:01:51] Thanks to both of you for being here today. We appreciate your time very much. Here are the rules for today's debate, to which [00:02:00] everyone has agreed. We'll have one minute opening and closing remarks. We will then, uh, we'll be asking the questions from three journalists. The questions will be directed at each specific candidate.

[00:02:14] Who will then have one minute to respond. Now the other candidate will then have one minute. The other candidate will have a minute to respond and there will be an opportunity for a 30 second rebuttal. If a candidate mentions their opponent by name in the response to the question, the candidates will receive time cues.

[00:02:35] From a monitor and the order of the responses for the opening and closing remarks was determined before the debate began by a coin toss. And we will begin with pro. I wanna introduce you first to our panelists who will be

answering the questions. JR Ross is the editor of wis politics.com. Emily Fanon, capital [00:03:00] correspondent for WD J t, CBS B 58 in Milwaukee.

[00:03:04] And political reporter will Kaeli of W I S C T V News three now in Madison. And we will begin with 62nd opening remarks and we'll begin with Judge Protasiewicz. Thank you very much and thank you everyone. I am absolutely delighted to be here with you today. I thank you so very much. Is the timer on the back supposed to be queuing us?

[00:03:31] Just wanna make Yes. Is there a count? Yes. Okay. Cause I'm not seeing it. I'm not seeing the countdown. It's green and is it gonna give seconds? Oh, it's just gonna stay the one minute. It'll turn. Alright, so I'm sorry to take everybody's with that clarification. I hopeful that we would have a little bit of a countdown.

[00:03:49] I'm absolutely delighted to be here with all of you today. I'm currently a judge in Milwaukee County. I have been in the uh, assistant district attorney's office for more than quarter of a [00:04:00] century. And I have centered my entire career on being fair and impartial in following the law and upholding the constitution.

[00:04:11] So last year when I started thinking about this race, the reason I decided to run for this seed was really pretty simple. I thought our democracy, I'm sorry, your time is up. Thank you. Judge. Uh, judge, judge Kelly. Good afternoon everyone, and thank you so much for the host for doing this. Thank you for you being here and all those who are watching.

[00:04:34] I came to Wisconsin 40 years ago to study at Carroll College. Never been here before. Didn't know a soul in the state, and yet when I came here, I fell in love with the people of Wisconsin on the very first day because of the very first people that I met, young families from Sheboygan Falls, and they were the most warm welcome.

[00:04:54] Generous people you ever hope to meet. I learned from them that Wisconsinites are the people of the open hand [00:05:00] and generous heart. That's one of the reasons it's been such a privilege and an honor to serve you as one of your Supreme Court justices. Now, I'm looking forward to our conversation this afternoon, and I'm hopeful that it'll be helpful to you in deciding who your next Supreme Court Justice.

[00:05:19] Thank you Justice Kelly. Our first question this afternoon will be from JR Ross and it is for Justice Kelly. Uh, they begin both for being here,

excuse me, my parole Justice Kelly, the state bar, Wisconsin subject case of constitutional crisis. A shortage prosecutors of public defenders. Lead erosion of the right to fair and speed trial.

[00:05:39] The court of 2018 pledge to increase hourly rates or court appointed attorneys, but declined the same for state fund public defenders lawmakers have simply boost. That said, should the court visit the issue and raise re state funded defenders again to address the shortage of [00:06:00] representation? Yeah, I think the shortage is critical.

[00:06:03] And the question about, um, pay belongs of course to the legislature, uh, in our form of government. And with the separation of powers, questions of expenditures belong to legislature. And, uh, I, I think that if we do not remedy this shortfall, that the wheels of justice will start to grind slower and slower.

[00:06:26] And as a result, that'll make our communities less safe, uh, and our criminal defendant. Uh, less able to present their cases, uh, when they need to. So I'm looking forward to the possibility of the legislature stepping in and being responsible, uh, with this question. Now, of course, that is not a, uh, decision for the court to make.

[00:06:48] That's a decision for the people of Wisconsin to make a conversation with the legislators. Thank you Justice Kelly. Judge, what? Same question to you. I absolutely, positively believe the public [00:07:00] defenders need a higher rate of pay. You know, I just came out of criminal court. I spent three years handling homicide and sexual assault cases before that, two years dealing with really intense drug dealing cases.

[00:07:12] And I can tell you that the shortfall impacted my courtroom each and every day, each and every. The public Defender's office would send me a letter and say, dear Judge Janet, we contacted 700, 800, 600 potential attorneys to see if we could find someone to represent the accused, and they frequently couldn't.

[00:07:35] Justice was delayed. We had to adjourn cases over and over and over because there were not enough public defenders or public defender appointments in the system. The rate absolutely has to be. Thank you very much. Our next question is from Emily Fanon, and it'll be for judge. Wisconsin Manufacturers and Commerce has spent more than 3 million on ads [00:08:00] trying to grant you from joining the court.

[00:08:02] Justice Kelly, the State Democratic Party has transferred at least 2.5 million to your opponent in attempt to defeat you. How can either of you hear

cases involving groups so invested in defeating you? I would say this, I have been very, very clear that we need a recusal rule for our supreme. Extremely clear.

[00:08:25] I'm also well aware of the amount of money that the Democratic Party has contributed to my campaign, and I have indicated and pledged that I will recuse myself from any case in which the Democratic Party is a party to a case. I think that that's absolutely critical. I would also note that I think we need a strong recusal.

[00:08:48] The last time this issue came before the Supreme Court, my opponent voted against even having a hearing for a recusal rule. We absolutely need a fair recusal rule for our Wisconsin [00:09:00] Supreme Court so that the people in the state of Wisconsin can understand and trust their judiciary once again, so they can have integrity in their judiciary.

[00:09:10] We need that recusal rule, and I will recuse myself on cases involving the Democratic. Justice Kelly, your response. We have a First Amendment for very good reason, and it protects a broad and robust conversation. I don't, uh, resent at all, uh, organizations trying to, uh, keep me from coming to the Supreme Court.

[00:09:30] This is what our constitution protects. This is the best tradition of democracy in our country. And so, as I look at this, uh, I think one of the most important responses to it is to have a, an understanding of the court's. That insulates it from the effects of anyone's outside interest. And so, as I've described time after time, uh, it involves understanding that everyone has political beliefs, but you need to set those aside and you need to have a methodology [00:10:00] so that when you analyze cases and write opinions, that it squeezes out all personal views and personal politics to make sure that the conclusions are commanded.

[00:10:11] Law rather than being infected by personal views. Our next question is from Will Ling and it'll be for Justice Justice Kelly in interview on election. The state after that, And an appearance after at the Wisconsin Counties Association, several weeks later, you said that you would welcome the party support.

[00:10:33] Are you now accepting funds from the state and would you hear cases involving the party if elected? So, I'm, uh, I'm welcoming anyone's support. I'm not accepting funds from the state. And I think one of the reasons

for that is because it gives the appearance that, um, that Justin's is bought and paid for by the political party.

[00:10:52] And I, so I. Now I understand my opponent has been accepting millions of dollars from the Democratic Party in Wisconsin, and I [00:11:00] think that presents a major problem going forward. If she were to be elected to the Supreme Court, she would forever afterwards be known as being bought, paid for by the Democratic Party in Wisconsin.

[00:11:12] That's why, uh, although I invite support from everyone, I won't. Uh, funds, uh, in those kinds of quantities from the Republican party of Wisconsin. Um, just briefly with 15 seconds, do you mind how defining support that you're receiving? Sure. If they, uh, wanna go out and have conversations, uh, with the people of Wisconsin, encourage them to come out and go.

[00:11:32] Now because of our con uh, our campaign finance has to be reported as an in-kind contribution, but it's really just them doing their. Uh, as I'm sorry. That's fine, judge. I think that's charge your response, judge Kirk. Okay. Let's talk about bought and paid for and impartial. My opponent was still on the payroll of the Republican Party of the state of Wisconsin in December of 2022.

[00:11:59] My re, [00:12:00] my opponent went on a election quote, fraud tour sponsored by the Republican party. With Michael Gableman of all people, Michael Gablemen. This summer and this spring, my opponent has accepted more than \$120,000 in payments from the Republican party. And the top, the real taper. First time Justice Kelly, you have 30 seconds for rebuttal.

[00:12:28] Thanks so much. So first off, you obviously don't know the difference between having a client and being on. Never been on the payroll and state party. I've had clients because as it turns out, I'm a lawyer. Um, and I don't know what you're talking about, going on a tour with Justice Gable didn't do any such thing.

[00:12:46] Uh, my client at the time asked me to address, uh, various groups around the state, uh, about how our election system works, and I was happy to do that. That was part. My job in representing a giving court [00:13:00] counsel, justice Kelly, that's time. Our next question is for Ross and Judge, uh, judge

[00:13:15] Values, sorry. Now still Planned Parenthood and Emily's list have endorsed you this race and they clearly expect if elected you would vote to overturn the. Why would they be spending so much money on your behalf unless they expect you to swipe down that van If you want to. First of all, I

would say this, I have been very clear about my values to the electorate because I think the electorate deserves to know what a person's values are rather than hiding them.

[00:13:42] I think the electorate deserves to know. I've also been very clear that any decision that I render will be made based solely on the law and the constitution. I have told. I am making no promises to you. No promises. Emily's list has endorsed [00:14:00] me. Planned Parenthood has endorsed me. I'm not aware of any campaign contribution from either of those entities, but I can tell you that if my opponent is elected, I can tell you with 100% certainty that 1849 abortion ban will stay on books.

[00:14:17] I can tell you that. Take a look at Wisconsin right to Life's. There's a picture of him is there're an endorsed candidate with the language that he has pledged, pledged to uphold their values. Justice Kelly, you're responsible. Yep. That's absolutely not true. Once again. So this seems to be a pattern for you, Janet.

[00:14:36] Just tell me so you don't know what I'm thinking about that you have no idea these things you do not know. What I know is. The endorsements that I receive are entirely because of conversations that I have with individuals and organizations in which they ask me, what kind of adjustments will you be? And I explained to them at length the role of a juror instead of [00:15:00] talking about politics, which is all Justice Kelly, that's Time Judge Pro 32nd rebuttal.

[00:15:07] I would say, anybody hold out your phone when you're done and look at the Wisconsin Right to Live website. You will see his picture. You will see that they indicate that they endorse candidates who pledge to uphold their values. It's right there in writing. Thank you. Our next question is from Emily Fanon, and it'll be for Justice Kelly.

[00:15:27] Staying on the topic of abortion, justice Kelly, you have been endorsed by Pro-Life, Wisconsin and Wisconsin Right to Life. Both have prerequisites and to earn their endorsements, including up the. Pledge to champion pro-life values. You have accused judge proto seitz of indicating how she would rule on the state's 1849 criminal abortion ban by talking about her values.

[00:15:49] Mm-hmm. , haven't you telegraphed how you rule by making commitments required to land these endorsements of these two anti-abortion groups? Absolutely not. So there's a [00:16:00] misrepresentation by my opponent about what it takes to get those endorsements. So I had no

conversations about, with those organizations, about how I would rule on any issue, including the abortion issue.

[00:16:10] So their statement about endorsements, uh, being dependent on the pledge, that's for legislative endorsements. I'm not a. Cause I don't talk about my politics. I understand what a court is supposed to do and that's resolving legal questions. So those endorsements had nothing to do with the pledges that are required of those who run for political office.

[00:16:33] The conversations we had. We're this, will you pledge to follow the law? Will you uphold the constitution? Will you do the job of the justice? And simply using existent law to decide the cases that come before the court. Now that's the same pledge I make to everyone, regardless of the issue involved. That might come before the, before the court.

[00:16:54] And so they can be confident just like everyone else in. The decision [00:17:00] based on the law judge per, what's your response? Well, my response is pretty clear. This is a big room of people. You can be the jurors, you can decide, I've told you what the website says. I've, you've heard what he has to say. I've been also very clear about what my views are, what my personal opinion is in regard to a woman's right to choose.

[00:17:20] My personal opinion is that should be the woman's right to make the reproductive health decision. Justice Kelly, would you like to respond? Nope. That's. Okay. Our next question is from Will and it go first to judge. So Judge,

[00:17:49] I'm reaching those decisions using, as an example, the case where you gave no present time to a woman who stopped your child. Can you explain your thought process in making those sentencing decisions? I will tell.

[00:18:00] That those commercials are unfair. My entire life has been rooted in protecting our community and my sentences as well.

[00:18:09] I haven't sentenced hundreds, but I have sentenced thousands of people, and it's interesting that a handful of cases have been cherry picked and selected and twisted and insufficient facts have been provided to the electorate. I have one case where somebody re-offended. That is the case where I indicated hindsight is 20.

[00:18:30] I have spent my entire career protecting this community as both an assistant district attorney and as a judge. And I can tell you, I can tell you I would not have been in homicide and sexual assault court for three years if the

parties, the people, the community, and the rest of my colleagues thought I wasn't handing down sufficient sentences to take care of our.

[00:18:53] So just, uh, with 15 seconds here, can you explain your thought process in making those sentences? Every single case [00:19:00] you look at the serious nature of the crime, the need to protect the public and the character of the defendant. That is what case law tells you to look at. That is what I evaluate in each and every case.

[00:19:09] Justice Kelly, your response. There's a case in, uh, a man raped. A 15 year old came to you for sentencing. You said No prison time at all. Cause Covid. There's no way the Covid provides a get outta jail free card. For a man who raped a woman, another man sexually assaulted a 13 year old child, videoed himself doing it, posted it to Facebook, where it will live forever.

[00:19:40] Came to you for sentencing. You said no prisons. That's time. Time is done. Judge Pro, would you like rebuttal time? I can tell you that sentences take hours sometimes half a day, sometimes a day. There is no way. I would've said In any case, you're not going to prison. Covid, that's an outright lie. I can tell you each and [00:20:00] every case where I have sentenced someone, I have evaluated all of the pertinent.

[00:20:05] Very, very carefully. I'll also tell you in sexual assault cases, those are challenging cases. Those victims frequently don't wanna come to court. There are frequent recantations of sophisticated area of law to work in as a judge. Our next question is from JR Ross and Justice Kelly. You will go first.

[00:20:25] Justice Kelly. Uh, you'll be sharing the balance. April, the constitutional amendment on bail. Why should judges or should. Receive more lineup. Bail. Well, I think it's important that the judicial system have the broadest, uh, array of tools to keep communities safe as they go about doing their business. So currently the constitution prohibits judges from considering, uh, the defendant's criminal record, their danger to society.

[00:20:53] Uh, the constitutional amendment will take away those prohibitions and will allow judges to take those factors into [00:21:00] account in setting cash. And I think that's a, uh, I think it's good and useful change because what we're trying to do in the criminal justice system is get through the work as quickly and as sufficiently as possible, but also in a way that will protect our communities as we do it.

[00:21:16] So having the, that ability to consider those, uh, those aspects of the criminal defendants appearing before them, I think. Judge Pro, what's your response? Yeah, I agree with that. I absolutely agree with that constitutional amendment. You know, as a judge in those courts, very challenging to set bail based solely on the question of whether or not the defendant is going to return to court.

[00:21:38] Absolutely. Other factors should be able to be considered. I actually would go a step further, quite frankly, if I were drafting that a step further and allow in certain. For extremely dangerous offenders to be held in custody without even being able to post bail. So I agree with that, but I go a step further.

[00:21:58] Our next question is from [00:22:00] Emily Fanon and Judge per you'll go first. We're gonna move on to redistricting Judge. Proto you pledge to recuse yourself from any case involving the State Democratic Party after a transfer 2.5 million to your campaign. You said the public deserves the appearance of fairness, even if you could be impartial still.

[00:22:19] You said you would sit on a challenge to the current legislative. Drawn by Republicans, even though he them rigged. If a challenge is filed, Republican lawmakers would be sure to argue those facts meet requirements under state and federal law. How could they expect to get a fair hearing from you and the appearance of fairness to the public considering your criticism of their maps?

[00:22:44] Well, I think the map issue has really kind of easy. Actually. I don't think anybody thinks those maps are. Anybody in 2011, duke University said that the Wisconsin maps are really the [00:23:00] playbook for the worst gerrymandered maps in the country, and now they're even worse. So we know that the maps are not fair.

[00:23:07] We have battleground elections. We know they're not, but the question is, am I able to fairly ma make a decision on a case? Of course I am. It's what I've spent my entire career. To follow laws. I don't always necessarily like or agree with you follow the law. That's what you do. I can assure you that every single case that I will ever handle will be rooted in the law 100%.

[00:23:33] You look at the dissent in that maps case, that dissent is what I would tell you. I agree with. Well, I think she's just told you how she would resolve the case. See, this is the problem that you have when you have a candidate who does nothing but talk about her personal politics. She's already told each and every one of you how she will approach this, and although she says the

formulated words that she will follow the law, she's never said one thing in this campaign that would lead to any [00:24:00] reasonable belief that that's what she would do.

[00:24:02] See, this is a judicial election. You should be talking about things that the courts do, the constitution, the rule of. Judicial philosophy, what it takes to be a urist, how you do the analysis to squeeze out personal views. Justice, uh, judge Court, would you like to re 32nd rebuttal? No. Thank you. Okay. Our next question is from Will Can and Justice Kelly.

[00:24:24] We'll go first. So Justice Kelly, the majority of the redistricting lawsuit set the foundation for the map submitted to the court required a approach to by Republicans in 20. Now the majority argued that that approach was neutral and apolitical at the same time. A lease change approach does not appear anywhere in the Wisconsin Constitution.

[00:24:46] Understanding that you're deferring to those maps, how do you remove the politics from that case, from adopting that standard and deciding future cases? Sure. You decide the legal questions and not the political questions. So, um, the way you draw those lines is [00:25:00] almost entirely political, except that there are some legal requirements here, me.

[00:25:04] So if you take a look at, for example, article four, section four of our Wisconsin Constitution, it tells us that we have to have equal population. That's a. It has to be reasonably compact. This district, that's a legal standard, um, continuous territory. You have to comply with the Voting Rights Act. These are all legal standards and because those are legal standards, the court can address those.

[00:25:27] So I understand the least change, um, uh, phraseology to express the idea that you address the legal questions that relate to the map. But leave the political questions to the legislature where. Judge, pro se, what's your response? Well, my response is that that methodology is totally unfair. We are a battleground state.

[00:25:53] We have very, very close statewide elections. Yet you look at our state assembly, you look at our [00:26:00] state senate, two thirds of the seats are red. You look at Congress, you know we have eight seats, six are red, two are blue. In a battleground. So we know something's wrong. We know that this lease change rule certainly inhibits people's ability to cast a vote and a vote that counts.

[00:26:19] We are a representative democracy, just that a representative democracy, everybody's vote should count. And with this lease change rule, everybody's vote is not voting. I think it's unfortunate that my opponent sanctions this, quite frankly, unfortu. All right, so this is the picture that you wanna see. She just told you that she's going to steal the legislative authority and use that in the courts.

[00:26:48] Fairness of the maps is a political question. Political questions along in the legislature. We all know that since grade school, the schoolhouse rock. But she just [00:27:00] told you she's gonna take that authority that does not belong to her, that the people of Wisconsin did not give to the judiciary. And she's gonna use that to usurp the role of the legislation.

[00:27:10] Justice Kelly, that is time we're going to move on. The next question from JR Ross or Judge. Uh, judge, the past dozen years, the Supreme Court have cases involving Act 10 voter. Uh, drop boxes have, do ballots, governs emergency powers, setting precedent, legally speaking. What is your view of unprecedented establish when these will return?

[00:27:35] Well, precedent, obviously, we all follow precedent all the time. That's what you wanna do. You want people to have an ability to understand what a court is likely going to. You know, that's the rule of law. That's the starry decisis. That's what we all follow. But, you know, precedent changes. Precedent changes over the years.

[00:27:55] You know, you look back at um, you know, separate but equal [00:28:00] and what were we taught in grade school? No separate. Always separate, never equal. Right? That case was then overturned. Plessy versus Ferguson with Brown versus the School of Education, school board. You know, precedent changes when things need to.

[00:28:16] To be fair and work well for Absolutely. You know, everybody in our society and everybody in our community. So of course we give great, great weight to precedent, but it doesn't mean that it doesn't change from time to time. Justice Kelly, same question to you. That answer was entirely un from the law is the principle that we follow, uh, decisions that have been made before.

[00:28:38] To the extent that they're correct, however, If in the wrong hand stare decisis can become an error propagation doctrine and we should never follow an opinion that was incorrect when it was made. So the time that you ev you overrule a precedent is when you go back to the original authority, whether

[00:29:00] it's a statute, a constitutional provision, you compare that precedent to that authoritative statement of law.

[00:29:07] And if they don't, Your responsibility as a jurist is to overturn that prior case and do it correctly. We don't want to simply follow what's been done before if we know it's wrong. To do that will just be to propagate errors from now until the end of time, and that's not the rule and that's not the rule of the court.

[00:29:28] Emily Fanon has our next question, judge, you'll go first. Oh, excuse me, I'm sorry. Justice Kelly. Justice Kelly, you've said in several forums that you expect outside groups to provide significant support through campaign ads. It begs the question of how you know this. Are you or your campaign communicating with independent groups and their intentions in this race?

[00:29:51] If so, what steps are you taking to ensure you don't violate state? That allow communications to bring campaigns and groups. But not [00:30:00] coordination. Yeah, that's a great question. So I, we have no, uh, communication with the outside groups. So what I do is I read the press just like everybody else does, and I see the reports, uh, and I see, uh, which organizations and individuals are saying what kind of support they're going be bringing.

[00:30:14] And then of course we, we look at things that are, uh, also available to the public, add buys and have placements and whatnot. And you get a sense of how much, uh, money is coming in from that. So, uh, so I listen to what's publicly. And that's where I get the information from. Judge, per same question to you.

[00:30:33] That doesn't sound truthful to me. During the primary Justice Kelly braved that the money would be following him, that he needed to get through the primary, but the outside money, millions and millions, maybe up to 20 million would be following him and not who considered his opponent in the primary judge.

[00:30:53] So I don't think that the answer that he just provided to this room, quite frankly, is truthful, and that's [00:31:00] because you are not looking at the public record. So they've actually said that in the, it's been reported in the newspaper. So now again, this is you being quick to law. This has been apparent in all of your ads against me.

[00:31:18] It's been apparent every time you speak about. It just full of deceit and dishonesty. I call on you to do better. JR has the next question, and we'll

start with Judge. Oh, excuse me. It's will. My apologies. Will. Um, a question on advertisements to you, uh, judge, um, and an ad paid for by campaign. You refer to your opponent as a monster who representing individuals who were charged with sex child sexual crimes.

[00:31:48] How does that factor when you see similar defendants come before you in your own courtroom? I'll tell you that ad was meant for one reason, and that is to point out the hypocrisy [00:32:00] of my opponent. That reason he's going around the state telling people. That I'm not tough on crime. My record relies that I have spent my entire career protecting this community 25 years in the district attorney's office.

[00:32:17] 10 years of handling extremely challenging, complicated cases as a circuit court judge, three years handling just those kind of cases that we see on tv, those homicide cases, those sexual assault. My only client has ever been the people of the state of Wisconsin. So when a person is doing that, certainly I am going to respond and point out that he has represented some very, very dangerous people.

[00:32:49] So thank you for your frankness. I appreciate that. So what you're telling the state of Wisconsin, is that what I tell people about what you've actually done? The sentences that are a [00:33:00] matter of public record that they can look. That your response to that is to lie about me, to slander me and not only slander me, but slander all attorneys who handle criminal defense cases.

[00:33:13] What you're telling them, what you're telling all the people of Wisconsin is that you believe the criminal defense attorneys only take the cases because they liked the crimes their, their clients were. Of committing, so your response to an accurate fact healed, truthful expose of your judgment. Janet has been to lie in slander, and that's a pat.

[00:33:38] Judge. Pros, you have rebuttal with you. Thank you. I felt my career on integrity and being truthful. That ad points out just what I was saying earlier. I have a strong respect for the criminal defense. My friend who traveled with me is a criminal defense attorney Last weekend, as I campaigned my [00:34:00] campaign treasurer is a criminal defense attorney, but don't go around slamming someone on community safety when you have defended people that most of the people in this community that think should be incarcerated JR.

[00:34:11] Has the next question. Or justice. Uh, justice Kelly, uh, three in the court right now enforce, um, all four conservative now at court, served with. Yet

only Justice Rebecca Bradley's public endorsed your campaign. Why have they not coming back? Your join the court if they're the people who partly know best for vocations justice.

[00:34:31] So I'll get to that in just a moment. I just wanna follow up with that. Again, that is a remarkable answer I want everybody to hear. I want you to bookmark this and listen to it over and over again. So when she says that the reason she did that, Anne, is to point out hypocrisy. There's no hypocrisy. I re, I represented someone who was accused of a crime.

[00:34:53] I handled a couple of pretrial matters and I left that firm who went to the one I spent the most of my career. But how is [00:35:00] it hypocrisy, Janet, to point out your weak on crime sentences and then, um, and have that pointed out by someone who understands and respects the role of the criminal defense attorney, but you don't respect them.

[00:35:14] Either that or you just don't care, and you're willing to say. To get what you want, because that ad was slanderous of the entire p defense bar. It did not show respect. It showed profound disrespect. I'm sorry, what was your question? So, 15 seconds, why the people knew the best this race? Yeah. So, um, most of the, uh, most of the individuals in the so-called constitutionalist block of the court generally don't do public endorsements, and I don't have any problems with.

[00:35:48] Uh, I am thrilled to have the endorsement of Justice Bradley, who's just a rockstar Judge Pro with same question to you, and we'll give you an extra 15 seconds as well. Well, I'm delighted to have the [00:36:00] endorsements of, you know, justice, Rebecca D, who's here, justice Jill Kakis here. Justice Anne Walsh Bradley, who's not able to join us today, and so many other people, thousands of people across our entire state, community leaders.

[00:36:17] Attorneys, people across our entire state have banded together to endorse my candidacy, and the reason that they have done so is because they believe that I am fair. They believe I am impartial, and they believe I will uphold the law and apply it equally to everyone. That is time. Thank you. Our next question is from Emily Fanon, who we'll begin with Judge.

[00:36:44] You applied for a judicial appointment twice while Scott Walker was governor. In your applications, you praise conservative jurors such as Pat Roben, Antonin Scalia, and Clarence Thomas for the writings advocating against expanded or against [00:37:00] expanding the rights of the accused. Do you truly align with their thinking in the cases you cited or were you seeking to

gain favor with a Republican governor who was making the appointment at that?

[00:37:11] I absolutely agree with, um, what I said in that application. I carefully selected cases that I thought would be appropriate and also talk about what I think in regard to community safety. Those are our community safety cases. I agree with the justices that, um, rendered those decisions. Again, I wanna talk to you about community safety and how I have rooted my entire life in.

[00:37:39] In order to respond to Dan Kelly's latest comment, I've told you I've sentenced not hundreds with thousands of people I know. The Republican Party of the state of Wisconsin didn't open records request for every case that I touched, and they found a handful that they thought they could use in commercials and use against me.

[00:37:55] I haven't heard anything about the people that I've sentenced to life terms of [00:38:00] imprisonment. I haven't heard anything about people that I've sentenced to decades of imprisonment. I haven't heard anything like, All I've hear heard is a sketch of a handful of cases that they thought they could use at a time.

[00:38:13] Justice Kelly, same question. Um, how would you like me to address that? I mean, this is, um, look, once again take, take you up on your, uh, queue here. Um, there's not enough time in this debate. There's not enough time left in the campaign to detail every single one of your cases, so necessarily people will have to pick out representative.

[00:38:36] But it's the reasoning that goes behind those sentences. It's problematic. So when the, when the young man raped his cousin and came to you for sentencing and gave him a poultry one year and two months in prison, and then you looked at him, and this is in the sentencing transcript, after the victim had testified how she couldn't work anymore, how she [00:39:00] saw every day, how her boyfriend had abandoned her as damaged.

[00:39:07] You looked at him and said you saw a good man in him and then you said you didn't think he was a danger to society. The woman, your time was his cousin. Time is judge per, have 30 seconds for rebuttal. If you, well, I certainly would like to see that transcript in total. That is certainly doesn't sound like anything that I would do.

[00:39:28] I've told you that I work very, very hard to keep our community safe and guess. I also do see some good in the defendants and the accused who come before our courts. I have worked very hard to keep our community safe each and every day that I am on the bench. Will Cane has our next question and it will go first to judge.

[00:39:50] Um, Yes, judge, your endorsements and supporters make it clear where your politics lie. With the issue of impartiality being raised by [00:40:00] both campaigns. Can you think of a case where you disliked the outcome or made a decision that did not align with your beliefs, but where the law applied correctly? The question does go to Justice Kelly.

[00:40:11] First we apologize for the order. Do you want us to repeat the question? Uh, no. That. Um, so I generally don't talk about the, uh, the results that I like or don't like. What I can tell you though is that there are those, uh, who people think are generally in line with me who don't like some of the decisions that I come to.

[00:40:31] So, for example, the S E I U versus vasque, and in which, um, the issue there was whether the legislature could controlled the executive branch provocation, uh, in adoption of. And, uh, it exerted a significant amount of control over that process. And I looked at that and Justice Rebecca Bradley, uh, looked at that and he said, that's unconstitutional because the guidance document as described by and defined by [00:41:00] statute, was simply the executive's understanding of how the law functions and the legislature cannot dictate to the.

[00:41:08] His understanding of how the law functions, and so we shut that down as unconstitutional. I understand there are those who did not like that judge Port say, what's your response? You know, when you're in court every day, you have to follow the law. That's what you do as a circuit court judge. You follow the law.

[00:41:25] You know, we have an expungement statute that I find extremely challenging. Our expungement statute states that at the time of sentencing, the court has to make a determin. As to whether or not an offense is gonna be ab expunged that would be removed from a person's record. That's really hard to do at the time of sentencing because what you want to do is give a person an opportunity to be placed on probation or supervision and see if they're actually going to conform their conduct to what you expect them to do.

[00:41:56] Are they gonna do the drug and alcohol treatment you want them to do? Are they gonna [00:42:00] leave the victim alone? Are they gonna come back and pay the restitution that you've ordered them to? No, those are just some examples. Have you done the counseling? I want you to do all of these matters that you could look at after the person has completed that term and make that decision.

[00:42:16] I don't like that law that I have to make that decision, the time of sentencing. Thank you. JR has the next question and Judge, uh, judge, uh, checked 33 million in. That more than three times spent is more than twice the previous national record, um, tab also.

[00:42:45] Do you believe that

[00:42:49] and should.

[00:42:53] All right, so that's a pretty long question For a one minute response. I'll tell you this. I'll start off with, I do not think [00:43:00] Supreme Court Justices should be appointed, and this is why I've been traveling this entire state for the past year, talking to people, talking to about, to them, about their concerns, talking to them about issues that they think are important.

[00:43:14] and I would not be able to understand them in the same way as I can. After I've spoken with people and I've talking, I've talked with Native Americans on the reservations about how they feel about their land. I've talked with people who own small farms and tell me how they want to pass that farm. It's the only progeny down generation to generation, but they can't do it if the forever chemicals are in the soil.

[00:43:37] So I think that, you know, it's a long bruising. Running for one of these seats. We're both doing this for almost a year. It's a long process. I can't think of a better way to do it though. I really just can't. Justice Kelly, your response. So I like the idea that servants, and that's what we're, we're servants and you all are the bosses.

[00:43:58] I like the idea that the [00:44:00] servants need to come back regularly to their bosses and give a report on what they've done with the authority that they were loans, because that's all we do. We use loaned authority to. Your cases and in the judiciary it is learned to us to decide legal questions now press to political conversations.

[00:44:20] It's for us to decide legal questions. The founders set this up so we separated the law making function from the law adjudicating function, and so the conversations we have should follow that. I don't have any problem with the, with the outside groups coming in, having the conversation. What I do want. Is to have it relevant to the work of the court.

[00:44:43] Let's talk about the constitution and the rule of law in judicial philosophy and what a jurist does not. Politics. Emily Fanon has our next question, and uh, justice Kelly. We'll go first. Justice Kelly, this race has become increasingly [00:45:00] partisan and we have seen justices or candidates for the court appear at political events such as the state party conventions in recent years.

[00:45:07] If elected, would you avoid attending or speaking at political or partisan events to maintain the image of impartiality? Yes, of course. So during elections, what we do is we go to where people. And it turns out they gather quite frequently around, um, political organizations, events, and so we follow where the people of Wisconsin go.

[00:45:29] And so, um, the race has not become size on my because literally all I do when people ask me about political issues and how I would decide specific issues that come before the court is to tell. That, that's not our job. That's a job that belongs to the legislature, which is why I talk about constitutions and constitutional theory.

[00:45:52] I talk about, um, judicial philosophy. I talk about the rule of law and what that means to our ability to live together in [00:46:00] society and freedom and what the prospect and prosperity, and so these are the things that we should be talking about in judicial. As opposed to politics. Judge Pro, what's your response?

[00:46:11] My response is absolutely I would not be attending partisan events, but I am running against probably one of the most extreme partisan characters in the history of this state. This is somebody who advised the Republican Party about the fake elector scheme. This is somebody who was running his former office outta the Republican Party headquarters.

[00:46:32] This is somebody who's given legal advice to the Republican Party over and over, and. But the real cherry on the top is that fake elector scheme, that fake elector scheme. Andrew Hit, who was the head of the Republican Party, testified in the January 6th hearings that he had extensive conversations

with my opponent, extensive, extensive conversations with him about the fake electors.

[00:46:59] He is [00:47:00] a true threat to our democracy. Justice Kelly, you have a 32nd. Sure. So once again, you're lying. Um, so you might not know this, um, but the Republican party had multiple defendants. His, his testimony was he had extensive conversations with his attorneys, plural. His testimony was also that he had one conversation with me, 30 minutes in which he asked if I were, was in the loop on the altered electors slate.

[00:47:29] I told him I wasn't, cause it wasn't, and that was the end of the. So I think that what we, your time is up. Your time is up. Thanks. I apologize. No worries. Emily. Emily, uh, you have our final question and we're gonna start with justice. You have called your opponent a sloppy and irresponsible judge and have accused her of most profoundly a dishonest campaign for the court.

[00:47:56] Yes, judge Proto Seitz. Your ads have accused your opponent of being [00:48:00] corrupt and putting justice up for sale. In the past dozen years, the court has seen its reputation take hit with the. We have had physical altercation between two justices. There have been complaints filed against members of the court over ethics.

[00:48:15] Considering the tone of this campaign, if elected, how will either of you restore public confidence in the court? I think first by winning. So when I say that my opponent has told sloppy, irresponsible lies, I mean that in every possible way. So they are, um, they're false, they're defamatory, and they.

[00:48:36] Incredibly soggy, and I say they're lippy because anyone literally in the world with a few taps on the keyboard could find out what the truth is about the lies that she's telling about me and I, I say she's irresponsible because we look at the sentences that she is imposed and the reasoning that she used to reach those conclusions.

[00:48:56] And that's just irresponsible to allow [00:49:00] dangerous, convicted criminals back out so easily with no repercussions. And to the communities they just got done victimizing. Now as far as, um, conduct going forward, so I have been, uh, concentrated a hundred percent on making sure that everything that we say is promptly true and I'll continue doing that going forward.

[00:49:20] It might make my opponent uncomfortable to have the truth tone about here, but I will not stop doing your time is up. Judge, per Well. I think

there are a number of things that we can do to restore the integrity of our Wisconsin Supreme. First of all, the justices treating each other, you know, with respect and dignity.

[00:49:38] Secondly, I think you really need to look at that recusal rule and come up with a rule that, um, we are going to bind ourselves too. So the public starts to believe that we are fair and independent as we are supposed to be. You know, third, I think we really start to, we need to start to look at reopening to the public.

[00:49:59] [00:50:00] You know, the conferences that the Supreme Court. When my opponent was on the Supreme Court, he voted to close a number of the administrative conferences. Most conferences should be open. You know, we need to be transparent, we need to be independent. And I think slowly but surely, the um, people in the state of Wisconsin will regain confidence in their Supreme Court.

[00:50:20] Justice Kelly 32nd phone. Okay. I'm sorry, we're, we're too tight for time now we're gonna go now to closing statements. Each candidate will have 60 seconds to make a closing remark and Judge will begin with you again. I wish to thank everybody. I'm sorry I was a little bit off the uh, clock when we started.

[00:50:38] I haven't had the opportunity to thank my husband, Greg for being here with me. He has just been a stalwart. During the time that I have been running this campaign for the last year, he's just been amazing. But I wish to thank all of you. I hope you'll take the time to back check what we all said here today.

[00:50:55] I promise you I will be a fair, impartial justice on your [00:51:00] Supreme Court. Thank you so much Justice Kell. I understand that all the authority that we exercised on the Supreme Court is on loan to us. You've loaned it through your Constitution. You've been extraordinarily clear about what we're to do on your behalf.

[00:51:15] You've told us that we have one job and one job only, and that is to decide your cases according to the existing law. Without respect to what we think about that, whether it's wise or effective or not. You've reserved to yourselves the right to change the law in conversation with your. Which is why we must not talk about politics as we go about the work of the court.

[00:51:40] Confidence in the work of the court comes from ensure uncertain knowledge that everything we do is concentrated on the law, on the law alone without regard to personal views or personal politics. That has been my commitment as one of your Supreme Court justices, the record of my accomplishment in, [00:52:00] in actually doing that.

[00:52:02] According to the law without regard to personal politics is on the public record. Justice Kelly, thank you. With that, we wanna thank both of our candidates, justice.