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September 18, 2012

BY HAND DELIVERY

Attorney General J.B. Van Hollen
114 State St. # Capitol
Madison, WI 53702

RE: *Madison Teachers, Inc., et al. v. Scott Walker, et al.*,
Dane County Circuit Court Case No. 11CV3774

Dear Attorney General Van Hollen:

We represent Madison Teachers, Inc., in *Madison Teachers, Inc., et al. v. Scott Walker, et al.*, Dane County Circuit Court Case No. 11CV3774. As you know, on September 14, 2012 the Circuit Court, the Honorable Juan Colás presiding, issued a decision granting the Plaintiff's Motion for Summary Judgment.

Your client, Governor Scott Walker, made public statements to the media shortly after the decision was issued in which he accused Judge Colás of having a political bias and advancing a political agenda with the decision. Specifically, Governor Walker described Judge Colás as "a liberal activist judge in Dane County wants to go backwards and take away the lawmaking responsibilities of the Legislature and the governor." The Governor reiterated his position in a fundraising letter he sent over the weekend to his supporters, a copy of which is attached.

You have declined to state whether you share your client's view that the judge who decided the case is biased and prejudiced against your client. Therefore, we assume from your silence that you acquiesce in your client's view.

As you are well aware, Judge Colás was a highly respected assistant attorney general who served under you and previous attorneys general before ascending to the bench. As you well know, there is nothing in Judge Colás' conduct, either before he became a judge or since, that would even remotely suggest that he is biased or prejudiced against any party in this case or any other case. You have no facts whatsoever to show otherwise.

Consequently, because through your silence you have adopted Governor Walker's statement that Judge Colás is biased and prejudiced and because you have no facts to support such a claim, you may have violated Supreme Court Rule 20:8.2(a) which states, in relevant part,

A lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning . . .the integrity of a judge . . .

Today on behalf of the Governor and the other defendants, you filed a motion with Judge Colás asking him to stay his September 14 decision. Thus, the circuit court proceedings are ongoing and Judge Colás will be required to make additional rulings in the case. It is incumbent on you to publicly clarify whether your clients accept the authority and qualification of the presiding judge to adjudicate this case and, if not, why not.

It is unacceptable and inconsistent with the Rules of Professional Conduct for an attorney to stand by silently while his client makes public statements accusing a judge of bias and prejudice in an ongoing case if the attorney does not intend to move for the judge's recusal or disqualification. For you as the elected Attorney General and chief law enforcement officer of this state, carrying out your statutory and constitutional responsibility to represent state officials in court proceedings, to stand mute in the face of an attack by your client on the integrity of a judge, undermines public confidence in the judiciary and in the rule of law.

If you do not intend to file a motion seeking Judge Colás' recusal, we expect that you, as Attorney General on behalf of the people of the State of Wisconsin and on behalf of your clients, will inform the court immediately that you accept the court's authority as an impartial and unbiased decision maker.

If you decline to do so, we will raise the issue with the circuit court at the earliest opportunity to permit a record to be made that clarifies the defendants' position. It will be wholly unacceptable for you or your designees to appear before Judge Colás on the

motion for stay and then, if he rules against the defendants have your client, Governor Walker, once again impugn Judge Colás' integrity.

Very truly yours,

CULLEN WESTON PINES & BACH LLP



Lester A. Pines

Enclosure

cc: *By E-mail and U.S. Mail*
AAG Steven C. Kilpatrick
Eric McLeod
Joseph Olson
Michael Screnock
M. Nicol Padway
John Weigman
Madison Teachers Inc.
Peggy Coyne
Thomas C. Kamenick
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Milton L. Chappell
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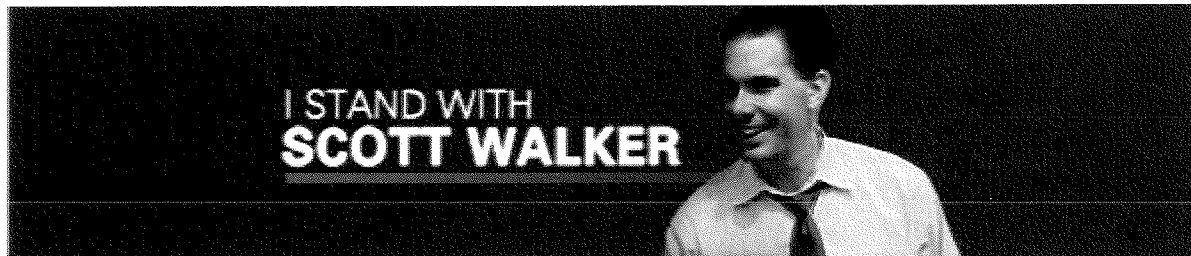
From: "Gov. Scott Walker" <info@scottwalker.org>

Date: September 15, 2012 4:04:01 PM CDT

To:

Subject: This isn't over

Reply-To: info@scottwalker.org



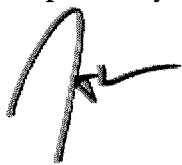
Dear Friend,

Late yesterday, a liberal activist judge in Madison overturned the will of the people and imposed his personal political beliefs on all of us. Sadly, this is what liberals do when they can't win at the ballot box - they legislate from the bench to achieve their goals. We can prevent the Madison liberals from taking us backward with your generous contribution of \$100, \$50, \$20 or whatever you can afford.

Don't worry, this isn't over. The liberal activist judge who chose to put politics over the law will have his decision appealed, and I am confident we will prevail.

You, the people of Wisconsin, clearly spoke on June 5 and you chose to join me in moving our state forward. It is time to unite once again to ensure the will of the people remains the law of the land.

Respectfully,



Scott Walker
45th Governor of Wisconsin

P.S. Elections matter and they have consequences. Help me send that message to the liberal Madison Democrats today with a generous contribution of \$100, \$50, \$20 or whatever you can afford by clicking here.