

November 9, 2015

Statement of Shirley S. Abrahamson, Wisconsin Supreme Court

Last April, Wisconsin voters were asked whether the state constitution should be amended to direct that the chief justice of the supreme court be elected by a majority of the justices then serving on the court. The voters said yes. I have always accepted the vote and the amendment. The only question has been, when does the amendment start to operate? It doesn't say and the voters weren't asked.

Based on established principles of constitutional law and on the advice of my attorneys, nationally recognized constitutional lawyers, I brought a federal civil rights law suit to determine whether the amendment can change the term of office of the chief justice then serving under the state constitution. As a nation governed by the rule of law, we submit unresolved legal questions to our courts. Although I disagree with the federal district court's decision, it was thoughtful and, like all judicial decisions, deserves our respect—even when we disagree.

I continue to believe that we have a strong case on the federal constitutional issue. Under these circumstances I ordinarily would vigorously pursue the case to the final steps to uphold this important constitutional principle.

I could continue the appeal. Some have urged me to do so. But I will not.

The question here is remedy. A ruling in my favor and that of the other plaintiffs may be a hollow victory. Briefs, argument, a written judicial decision, and further federal review could take a very long time. By that time my 10-year term will be close to ending.

Accordingly, I have decided not to continue the appeal. However, I very definitely will continue to discharge my duties on the Wisconsin Supreme Court as the people of this state four times have elected me to do. The commitment I made to myself 40 years ago and in four successful elections since then remains: Be independent, impartial, and non-partisan, and help the court system improve. I will continue to implement that commitment—in the courtroom, in my opinions, whether in the majority or in dissent, in administrative proceedings, and in appearances throughout the state.

My work to ensure access to the courts for all people and equal justice for all will go forward in various ways. My extensive program with federal and state agencies and non-governmental entities to protect Wisconsin's vulnerable populations from abuse and financial exploitation is moving forward. I will be working with judges in Wisconsin, across the country, and across the globe on issues of judicial selection and judicial conduct. In this way I will continue to honor the oath of office I took and the commitment, that I hope we all share, to fair, impartial, and non-partisan justice.

Each justice is only one voice of seven, and I will continue to be one. But it will not be a timid voice as I continue to serve the people of the State of Wisconsin.