

SUPREME COURT OF WISCONSIN

Wisconsin Judicial Commission v. Kenneth W. Gorski

Gorski, 2020 WI 5 (Wis. 2020) · No. 2019AP199-J · Decided January 30, 2020

SUMMARY

The Wisconsin Supreme Court reviewed a Judicial Conduct Panel's findings that part-time court commissioner Kenneth W. Gorski committed judicial misconduct. The court held that he willfully violated provisions of Wisconsin's Code of Judicial Conduct by failing to recuse himself or disclose a close friendship with an attorney and by making inappropriate comments to a self-represented litigant, and imposed a public reprimand.

CASE DETAILS

COURT	Supreme Court of Wisconsin
JURISDICTION	Wisconsin
DECIDED	January 30, 2020
DOCKET	2019AP199-J
DISPOSITION	other
PROCEDURAL POSTURE	The Wisconsin Supreme Court reviewed a Judicial Conduct Panel's findings of fact, conclusions of law, and recommendation for discipline in a judicial misconduct proceeding.
STANDARD OF REVIEW	The court reviewed the Judicial Conduct Panel's findings of fact, conclusions of law, and recommendation for discipline under Wis. Stat. § 757.911 (2017-18), applying the Wisconsin Supreme Court rules governing civil-case review.
PRECEDENTIAL VALUE	Published Wisconsin Supreme Court opinion; precedential.
PARTIES	Wisconsin Judicial Commission v. Kenneth W. Gorski

TOPICS

[administrative law](#)[appellate procedure](#)[judicial review of agency action](#)[standard of review](#)

PRACTICE AREAS

[judicial ethics](#)[judicial discipline](#)[recusal and disqualification](#)

QUESTIONS PRESENTED

1. Whether the admitted facts established that Gorski willfully violated the specified provisions of the Wisconsin Code of Judicial Conduct and thereby committed judicial misconduct.
2. Whether a public reprimand was the appropriate discipline for Gorski's failure to recuse or disclose his close friendship with counsel and for his angry and sarcastic comments to a self-represented litigant.

HOLDINGS

1. The admitted factual allegations established that Gorski willfully violated SCR 60.04(4)(a), SCR 60.04(4), SCR 60.04(1)(d), SCR 60.03(1), and SCR 60.02, thereby constituting judicial misconduct under Wis. Stat. § 757.81(4)(a).
2. A public reprimand was an appropriate and sufficient sanction for Gorski's judicial misconduct.

KEY QUOTATIONS

“A fair and impartial judge is the cornerstone of the integrity of the judicial system. Even the appearance of partiality can erode the public's confidence in the integrity of the judiciary.” (¶21)

FACTUAL BACKGROUND

Gorski was a part-time Wood County circuit court commissioner who presided over a small claims case in which his close personal friend, Attorney Timothy Gebert, represented one party. While the case was pending, Gorski traveled overseas with Gebert, did not disclose the friendship or trip to the self-represented opposing party, and failed to recuse himself. During trial, Gorski made angry and sarcastic comments to the self-represented litigant. Gorski admitted the allegations, including that he had also presided over other proceedings involving Gebert.

PROCEDURAL HISTORY

The Wisconsin Judicial Commission filed a complaint alleging that Kenneth W. Gorski violated several provisions of the Wisconsin Code of Judicial Conduct. Gorski admitted the factual allegations and alleged violations in his answer, so the Judicial Conduct Panel found no disputed factual issues requiring an evidentiary hearing. The panel recommended a public reprimand, and the Wisconsin Supreme Court adopted the panel's findings and imposed that discipline.

DISPOSITION

other

CASES CITED

- In re Judicial Disciplinary Proceedings Against Tesmer, 219 Wis. 2d 708, 729, 580 N.W.2d 307 (1998)
- In re Judicial Disciplinary Proceedings Against Laatsch, 2007 WI 20, 299 Wis. 2d 144, 727 N.W.2d 488