

SUPREME COURT OF WISCONSIN

Wisconsin Judicial Commission v. The Honorable Annette K. Ziegler, 2008 WI 47

750 N.W.2d 710 (2008) · No. 2007AP2066-J · Decided May 28, 2008

SUMMARY

The Wisconsin Supreme Court held that Judge Annette K. Ziegler committed judicial misconduct by presiding over 11 cases involving West Bend Savings Bank while her spouse was a bank director, in violation of SCR 60.04(4)(e)1. The court concluded that the recusal rule was mandatory and imposed a public reprimand. The decision discusses the purposes of judicial discipline, mitigating and aggravating circumstances, and the importance of public confidence in judicial impartiality.

CASE DETAILS

COURT	Supreme Court of Wisconsin
WRITING FOR THE COURT	Per curiam
JURISDICTION	Wisconsin
DECIDED	May 28, 2008
DOCKET	2007AP2066-J
DISPOSITION	other
PROCEDURAL POSTURE	Judicial disciplinary proceeding in which the Wisconsin Judicial Commission charged a Wisconsin circuit judge with willfully violating the Code of Judicial Conduct. The Supreme Court reviewed the Judicial Conduct Panel's findings, conclusions, and recommendation for discipline.
STANDARD OF REVIEW	The Supreme Court accepts the Judicial Conduct Panel's factual findings unless clearly erroneous, but independently decides legal questions, application of the Code of Judicial Conduct, and the appropriate discipline.
PRECEDENTIAL VALUE	Published Wisconsin Supreme Court opinion; precedential
PARTIES	Wisconsin Judicial Commission v. The Honorable Annette K. Ziegler

TOPICS

statutory interpretation

plain meaning rule

constitutional law

PRACTICE AREAS

judicial discipline

professional responsibility

judicial ethics

recusal and conflicts of interest

QUESTIONS PRESENTED

1. Whether Judge Ziegler's presiding over 11 proceedings in which West Bend Savings Bank was a party while her spouse was a bank director violated SCR 60.04(4)(e)1.
2. Whether the violation was willful misconduct under Wis. Stat. § 757.81(4)(a).
3. What discipline was appropriate for the violations.

HOLDINGS

1. SCR 60.04(4)(e)1. is a clear, mandatory, bright-line rule requiring a judge to recuse from a proceeding when the judge's spouse is an officer, director, or trustee of a party, unless the permitted waiver procedure is followed.
2. A violation of SCR 60.04(4)(e)1. constituted judicial misconduct because it was willful under Wis. Stat. § 757.81(4)(a).
3. A public reprimand was the appropriate discipline for Judge Ziegler's willful violations.

KEY QUOTATIONS

“Judge Ziegler's conduct in presiding in the 11 cases falls within the plain meaning of the mandatory rule of the Code and constitutes misconduct as defined by the legislature.” (at 713)

“The text of SCR 60.04(4)(e)1. is clear and mandatory; it contains no exceptions.” (at 721)

“IT IS ORDERED that the Honorable Annette K. Ziegler is publicly reprimanded for conduct violating SCR 60.04(4)(e)1.” (at 738)

FACTUAL BACKGROUND

While serving as a Washington County circuit judge, Annette K. Ziegler presided in 11 cases involving West Bend Savings Bank while her husband was a paid director of the bank. She did not disclose the relationship to the parties, recuse herself, or obtain a waiver of recusal. The cases occurred from 2001 through 2006 and included foreclosure, replevin, summary-judgment, default-judgment, and contempt matters. The record did not show that Judge Ziegler or her family received a financial benefit or that any litigant sought to reopen a case.

PROCEDURAL HISTORY

The Judicial Commission filed its complaint on September 6, 2007, and Judge Ziegler admitted the allegations in a stipulation and joint recommendation for a public reprimand. The Supreme Court referred the matter to a three-judge Judicial Conduct Panel, which recommended a public reprimand after reviewing the documentary record and hearing argument without taking testimony. The Supreme Court independently reviewed the legal issues and discipline and imposed a public reprimand.

DISPOSITION

other

CASES CITED

- In re Judicial Disciplinary Proceedings Against Crawford, 2001 WI 96, 245 Wis. 2d 373, 629 N.W.2d 1
- In re Judicial Disciplinary Proceedings Against Gorenstein, 147 Wis. 2d 861, 873, 434 N.W.2d 603 (1989)
- In re Judicial Disciplinary Proceedings Against Dreyfus, 182 Wis. 2d 121, 129, 513 N.W.2d 604 (1994)
- In re Judicial Disciplinary Proceedings Against Aulik, 146 Wis. 2d 57, 77-78, 429 N.W.2d 759 (1988)
- In re Judicial Disciplinary Proceedings Against Laatsch, 2007 WI 20, 299 Wis. 2d 144, 727 N.W.2d 488
- In re Judicial Disciplinary Proceedings Against Crivello, 211 Wis. 2d 435, 564 N.W.2d 785 (1997)
- In re Judicial Disciplinary Proceedings Against Tesmer, 219 Wis. 2d 708, 728-733, 580 N.W.2d 307 (1998)
- In re Complaint Against the Honorable Christ T. Seraphim, 97 Wis. 2d 485, 513, 294 N.W.2d 485 (1980)
- In re Judicial Disciplinary Proceedings Against Breitenbach, 167 Wis. 2d 102, 120, 482 N.W.2d 52 (1992)
- Merco Distrib. Corp. v. O & R Engines, Inc., 71 Wis. 2d 792, 795-796, 239 N.W.2d 97 (1976)
- In re Judicial Disciplinary Proceedings Against Aulik, 146 Wis. 2d 57, 429 N.W.2d 759 (1988)
- In re Mathesius, 188 N.J. 496, 910 A.2d 594, 608 (2006)
- In re Seaman, 133 N.J. 67, 96-97, 627 A.2d 106 (1993)
- In re Proceeding under AS 22.30.070(c) in Relation to Karl S. Johnstone, 2 P.3d 1226 (Alaska 2000)