

SUPREME COURT OF WISCONSIN

Wisconsin Judicial Commission v. David T. Prosser, Jr.

345 Wis. 2d 615, 2013 WI 18 · No. 2012AP566-J · Decided February 13, 2013

SUMMARY

Justice Ann Walsh Bradley grants her motion to recuse herself from proceedings concerning the Wisconsin Judicial Commission's judicial-misconduct complaint against Justice David T. Prosser, Jr. The order describes the alleged workplace incident and broader workplace-safety concerns involving the Wisconsin Supreme Court, and discusses procedural and institutional concerns surrounding the disciplinary process.

CASE DETAILS

COURT	Supreme Court of Wisconsin
WRITING FOR THE COURT	Ann Walsh Bradley, J.
JURISDICTION	Wisconsin
DECIDED	February 13, 2013
DOCKET	2012AP566-J
DISPOSITION	other
PROCEDURAL POSTURE	The Wisconsin Judicial Commission filed a judicial misconduct complaint against Justice David T. Prosser, Jr. Justice Prosser moved for recusal of every member of the Wisconsin Supreme Court. Justice Ann Walsh Bradley granted her own motion to recuse from determining whether to impose discipline.
PRECEDENTIAL VALUE	Published Wisconsin Supreme Court opinion; precedential value of the recusal order and its stated reasoning is not otherwise specified in the text.
PARTIES	Wisconsin Judicial Commission v. David T. Prosser, Jr.

TOPICS

[appellate procedure](#) [appellate jurisdiction](#) [employment law](#)

PRACTICE AREAS

[judicial discipline](#) [judicial ethics](#) [recusal](#) [appellate procedure](#) [employment law](#)

QUESTIONS PRESENTED

1. Whether Justice Ann Walsh Bradley should recuse herself from determining whether to impose judicial discipline on Justice David T. Prosser, Jr.

HOLDINGS

1. Justice Ann Walsh Bradley granted her motion to recuse herself from determining whether to impose discipline on Justice David T. Prosser, Jr., pursuant to Wis. Stat. § 757.91.

KEY QUOTATIONS

“A motion for recusal in general, and this motion for recusal in particular, can be evaluated only in context.”
(345 Wis. 2d 616)

“Accordingly, it is hereby ordered: I grant the motion requesting that I recuse myself from a determination of whether to impose discipline pursuant to Wis. Stat. § 757.91 in the case of judicial misconduct brought against Justice Prosser by the Wisconsin Judicial Commission.” (345 Wis. 2d 620)

FACTUAL BACKGROUND

The opinion concerns an alleged June 13, 2011 incident in Justice Bradley's office during which she asserted that Justice Prosser placed both hands around her neck. Bradley described the incident as part of an escalating history of alleged abusive workplace conduct and stated that prior concerns had been raised with court administrators and law enforcement. Because of her personal involvement, her stated workplace-safety concerns, and the possibility that the court would be unable to obtain a quorum, Bradley granted her motion for recusal.

PROCEDURAL HISTORY

The Judicial Commission filed a complaint alleging that Justice Prosser violated three provisions of the Wisconsin Judicial Code and committed judicial misconduct. The matter was pending before the Wisconsin Supreme Court when Justice Prosser sought recusal of all members of the court. Justice Bradley concluded that the recusal motion had to be evaluated in the context of the alleged workplace incident and related events, and ordered her recusal.

DISPOSITION

other