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2011 Guide to the Wisconsin Supreme Court,

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WCJC's mission is to promote fairness and equity in Wisconsin's civil justice system. Often we must fight against an aggressive anti-business agenda being advanced by the plaintiffs' bar that would weaken the state's ability to attract new or keep existing businesses.

Our success is predicated on financial and lobbying support from the WCJC Board members and our vital partners. To date, this leadership and solidarity among the business and professional communities has resulted in sweeping victories. But help is always needed.

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WISCONSIN CIVIL JUSTICE COUNCIL, INC.

Promoting Fairness and Equity in Wisconsin's Civil Justice System



*Protecting Wisconsin's Business
Climate through Leadership and
Solidarity*

**2011
Guide to the Wisconsin
Supreme Court**

Prepared by:
WISCONSIN CIVIL JUSTICE COUNCIL, INC.
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**Wisconsin at a Crossroads:
2011 Guide to the
Wisconsin Supreme Court**

The power of the Wisconsin Supreme Court to impact individuals and businesses can equal or exceed that of the Legislature or the Governor. Yet, few people understand who the Justices are and how their decisions shape our lives and economy.

The Wisconsin Civil Justice Council (WCJC) has undertaken a biennial Judicial Evaluation of the Wisconsin Supreme Court. Our purpose is to educate WCJC's members and the public by providing a summary of the most important decisions issued by the Court which have had an effect on Wisconsin's business climate and to identify trends in how individual Justices voted.

Our 2011 analysis shows the Court at a crossroads between a judicially conservative Court that favors business growth and judicially liberal control that threatens Wisconsin's economic climate.

Major Findings

When Justice David Prosser stands for re-election in April, the balance of the Court will be decided for the next two years.

From 2004-07, the Justices whose votes made it most difficult to operate a business in Wisconsin held a 4-3 majority in most cases. During this time, the *Wall Street Journal* called Wisconsin 'Alabama North' because of the advantage given to plaintiffs in suing businesses.

Methodology and Analysis

Cases were chosen through the Wisconsin Civil Justice Council Appellate Program process. Input on case selection was provided by attorney and non-attorney representatives from the 17 business associations that make up the WCJC, as well as other experts on the issues most important to Wisconsin businesses. In general, decisions with a positive impact on one type of business and a negative impact on another business were excluded.

WCJC selected 14 cases, that involved the following issues of import to businesses:

- Torts (Product Liability)
- Family Leave or Medical Leave Act
- Lemon Law (Excessive Damages)
- Statutory Construction
- Constitutional Law
- Torts (Liability of Independent Contractors)
- Worker's Compensation
- Civil Procedure (Default Judgments)

About Wisconsin Civil Justice Council

WCJC is a broad coalition of organizations interested in civil liability issues. Our goal is to achieve fairness and equity, reduce costs, and enhance Wisconsin's image as a place to live and work. To learn more about WCJC, visit the website at <http://www.wisciviljusticecouncil.org>.

Wisconsin Supreme Court Members

Chief Justice Shirley Abrahamson was appointed to the Supreme Court by Gov. Patrick Lucey in 1976 and has won election to the Court in 1979 and re-election in 1989, 1999, and 2009. Since August 1, 1996 she has been Chief Justice, and in that capacity serves as the administrative leader of the Wisconsin Court System.

Justice Ann Walsh Bradley was elected in 1995 and re-elected in 2005. Justice Bradley is up for re-election in 2015.

Justice N. Patrick Crooks was elected in 1996 and re-elected in 2006. Justice Crooks is up for re-election in 2016.

Justice David T. Prosser, Jr. was appointed by Gov. Tommy Thompson in 1998, and elected to a 10-year term in 2001. Justice Prosser is up for re-election in 2011.

Justice Patience Roggensack was elected in 2003. Justice Roggensack is up for re-election in 2013.

Justice Annette Kingsland Ziegler was elected in 2007. Justice Ziegler is up for re-election in 2017.

Justice Michael Gableman was elected in 2008. Justice Gableman is up for re-election in 2018.

