

Wisconsin Justice Initiative Application for Supreme Court Justice

The following is a shortened version of the state's application form for judicial appointment. It's been lightly edited – a few questions from the application form have been eliminated, but none have been added.

The Wisconsin Justice Initiative will be reporting on the candidates competing in the 2018 race for Wisconsin Supreme Court.

We ask that you, as an applicant to the electorate, complete the following questionnaire and provide your resume to allow WJI to educate the voters of Wisconsin about you prior to the February primary.

WJI will post on its website (www.wjiinc.org) your resume and completed applications form as submitted unless editing is necessary because an answer exceeded length limits.

Please submit your electronically completed application to gretchen@wjiinc.org on Jan. 13, 2018. If you have any questions, please contact Gretchen Schuldt at 414-331-0724.

WJI's mission is to advocate for progressive change in the Wisconsin justice system by educating the public about its real-life impacts and partnering with other organizations to achieve more just outcomes.

**Wisconsin Justice Initiative
Application for Supreme Court Justice**

APPLICATION FOR THE SUPREME COURT

(Please attach additional pages as needed to fully respond to questions)

DATE: January 13, 2018

WISCONSIN BAR NO.: 1023956

I. GENERAL:

1. Name: **Rebecca Dallet**
2. Date admitted to practice law in Wisconsin: **09/20/1994**
3. Date admitted to practice law in other states: **n/a**
4. Current employer and title: **Milwaukee County Circuit Court Judge**
5. Work address: **Milwaukee County Courthouse, 901 N. 9th St, Room 403**
City: **Milwaukee**
State: **Wisconsin** ZIP: **53233**
6. Residential municipality: **Whitefish Bay**
7. Length of time at this residence: **16 years**
8. List all previous residences for the past ten years: **none**
9. Place of birth: **Cleveland, Ohio**
10. Spouse's name: **Brad Dallet**
11. Spouse's occupation: **Attorney**
12. Are you a registered voter at your current address? **Yes**
13. Answer yes or no to the following questions. Attach a separate page explaining any affirmative answers.

Do you currently have a physical or mental impairment that in any way limits your ability or fitness to properly exercise your duties as a	Yes	No <input checked="" type="checkbox"/>
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**Wisconsin Justice Initiative
Application for Supreme Court Justice**

member of the judiciary in a competent and professional manner?	
In the past 10 years, have you unlawfully used controlled substances as defined by federal or state laws? Unlawful use includes the use of one or more drugs and/or the unlawful possession or distribution of drugs. It does not include the use of drugs that were prescribed to you and taken under lawful supervision of a licensed healthcare professional.	Yes No ✓
Since leaving high school, have you, for other than academic reasons, ever been denied enrollment, disciplined, denied course credit, suspended, expelled, or requested to terminate your enrollment by any college, university, law school, or other educational institution?	Yes No ✓
Have you failed to meet any deadline imposed by court order or received notice that you have not complied with substantive requirements of any contractual arrangement?	Yes No ✓
Have you ever been held in contempt or otherwise formally reprimanded or sanctioned by a tribunal before which you have appeared?	Yes No ✓
Are you delinquent in your mandatory continuing legal education?	Yes No ✓
Have you ever been a party to a	Yes No ✓

Wisconsin Justice Initiative Application for Supreme Court Justice

<p>lawsuit either as a plaintiff or as a defendant? If yes, please supply the jurisdiction and/or County, case number, nature of lawsuit, whether you were the plaintiff or defendant, and disposition of each lawsuit.</p>	
<p>Has there ever been a formal complaint filed against you, a finding of probable cause, citation, or conviction issued against you, or are you presently under investigation by the Wisconsin Judicial Commission, the Supreme Court of Wisconsin, the Office of Lawyer Regulation, or any other state or federal equivalent, or any court, administrative agency, Bar Association, or other professional group, in any jurisdiction?</p>	<p style="text-align: center;">Yes No ✓</p>
<p>If you are a quasi-judicial officer, have you ever been disciplined or reprimanded by a sitting judge?</p>	<p style="text-align: center;">Yes No ✓</p>
<p>In the past five years, have you ever been cited for a municipal or traffic violation, excluding parking tickets?</p>	<p style="text-align: center;">Yes ✓ No</p>
<p>Have you ever failed to timely file your federal or state income tax returns?</p>	<p style="text-align: center;">Yes No ✓</p>
<p>Have you ever paid a tax penalty?</p>	<p style="text-align: center;">Yes No ✓</p>
<p>Has a tax lien ever been filed against you?</p>	<p style="text-align: center;">Yes No ✓</p>
<p>Have you ever filed a personal petition in bankruptcy or has a petition in bankruptcy been filed against you?</p>	<p style="text-align: center;">Yes No ✓</p>

Wisconsin Justice Initiative Application for Supreme Court Justice

Have you ever owned more than 10% of the issued and outstanding shares or acted as an officer or director, of any corporation in which or against which a petition in bankruptcy has been filed?	Yes No ✓
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II. EDUCATION:

14. List secondary schools, colleges, law schools, and any other professional schools attended.

<i>School</i>	<i>Dates Attended</i>	<i>Degrees Earned and GPA</i>
Ohio State University	1987-1991	Bachelor of Arts (GPA: 3.87)
Case Western Reserve University Law School	1991-1994	Juris Doctorate (GPA: 3.92)

List and describe academic scholarships, awards, honors societies, and extracurricular involvement. Note any leadership positions.

- **Full Tuition Merit Scholarship to Case Western Reserve University School of Law**
- **Contributing Editor for Case Western Reserve Law Review**
- **Graduated Case Western Law School *summa cum laude* with class rank of 6/185**
- **Member Order of the Coif**
- **Member Public Interest Law Society**
- **Member Jewish Law Students' Society**

- **Merit Scholarship to The Ohio State University**
- **Graduated The Ohio State University *summa cum laude* with honors**
- **Member Phi Beta Kappa**
- **Membership Director Alpha Xi Delta**

III. MILITARY EXPERIENCE:

15: List all military service (including Reserves and National Guard).

**Wisconsin Justice Initiative
Application for Supreme Court Justice**

<i>Service</i>	<i>Branch</i>	<i>Highest Rank</i>	<i>Dates</i>

Rank at time of discharge: **n/a**

Type of discharge: **n/a**

List any awards or honors earned during your service. Also list any citations or charges pursued against you under the Uniform Code of Military Justice.

IV: PROFESSIONAL ADMISSIONS:

16. List all courts (including state bar admissions) and administrative bodies having special admission requirements to which you have ever been admitted to practice, giving the dates of admission, and, if applicable, state whether you have ever been suspended or have resigned.

<i>Court or Administrative Body</i>	<i>Date of Admission</i>
Wisconsin State Bar	09/20/1994
Eastern District of Wisconsin	12/20/1999

LEGAL EMPLOYMENT:

(If you are a sitting judge, answer questions 18-23 with reference to before you became a judge.)

17. State the names, dates, and addresses of all legal employment, including law school and volunteer work.

<i>Date</i>	<i>Position</i>	<i>Employer</i>	<i>Address</i>
2008 - Present	Circuit Court Judge	Milwaukee County Circuit Court	821 W State St, Milwaukee, WI 53233
2007 - 2008	Presiding Court Commissioner	Milwaukee County Circuit Court	821 W State St, Milwaukee, WI 53233

**Wisconsin Justice Initiative
Application for Supreme Court Justice**

2006-2008	Adjunct Professor	Marquette University Law School	1215 W. Michigan St., Milwaukee WI
1999 - 2002	Special Assistant District Attorney	United States Attorney's Office	517 E Wisconsin Ave # 530, Milwaukee, WI
1996-1999, 2002-2007, and Summer 1994	Assistant District Attorney	Milwaukee County District Attorney's Office	821 W. State St., Milwaukee, WI 53233
1994 - 1996	Judicial Clerk	United States Magistrate Judge Aaron Goodstein	517 E Wisconsin Ave # 530, Milwaukee, WI
1992-1994	LEXIS Student Representative	Case Western Reserve Law School	11075 East Blvd Cleveland, OH
Summer 1993	Law Clerk	Calfee, Halter and Griswold	1405 E. 6th St. Cleveland, OH

18. Describe your legal experience as an advocate in criminal litigation, civil litigation, and administrative proceedings.

From 1996-2007 when I became a judicial officer, I was an advocate in criminal litigation as detailed above. I have spent almost every day of my legal career in a courtroom.

19. What percentage of your legal career has been in:

Court	Area of Practice
Federal appellate: 2%	Civil: 35%
Federal trial: 13%	Criminal: 65%
Federal other: 0%	Family: 0%

**Wisconsin Justice Initiative
Application for Supreme Court Justice**

State appellate:	2%	Probate: 0%
State trial:	83%	Other: 0%
State administrative:	0%	
State other:	0%	
 TOTAL	 <u>100%</u>	 <u>100%</u>

20. In your career, how many cases have you tried that resulted in a verdict or judgment?

Jury: **75** Non-jury: **thousands**

Arbitration: Administrative bodies:

21. How many cases have you litigated on appeal? Please describe, in general terms, your involvement in these cases. In how many cases were you successful?

As an Assistant District Attorney, I did appellate work in the area of misdemeanors, domestic violence and sexual predator cases. As a Special Assistant United States Attorney, I did criminal appellate work. I believe I prevailed on all of these cases.

22. List and describe the two most significant cases in which you were involved; give the case number and citation to reported decisions, if any. Describe the nature of your participation in the case and the reason you believe it to be significant.

VI PRIOR JUDICIAL EXPERIENCE:

23. Have you ever held judicial or quasi-judicial office? If so, state the court(s) involved and the dates of service.

<i>Dates</i>	<i>Name of Agency/Court</i>	<i>Position Held</i>
2008 - present	Milwaukee County Circuit Court	Judge
2007 - 2008	Milwaukee County Circuit Court	Presiding Court Commissioner

A. Describe the approximate number and nature of cases you

Wisconsin Justice Initiative Application for Supreme Court Justice

have heard during your judicial or quasi-judicial tenure.

Over the last decade, I have presided over more than 10,000 cases and 236 jury trials in a wide range of areas from domestic violence and misdemeanor court, to homicide and drug court, and civil and small claims court.

- B. Describe the two most significant cases you have heard as a judicial officer. Identify the parties, describe the cases, and explain why you believe them to be significant. Provide the trial dates and names of attorneys involved, if possible.

I presided over a case at the forefront of the opioid epidemic involving a 23 year old, Matthew Laughrin, who gave a 15-year-old girl suboxone which, mixed with other drugs she took, killed her (Case: 09CF1131). He saw her in distress before she died and instead of calling for help, called his dad, who helped him drag her to and leave her on a driveway outside to die in the freezing cold. I sentenced the father to prison for child neglect, and Laughrin to 12 years for second degree reckless homicide and possession with intent to deliver controlled substances. This case was especially difficult to preside over as it took place in my neighborhood, involving a girl the age of my daughters who suffered from drug addiction.

Laughrin pled guilty but then asked to withdraw his plea, arguing that his attorney was ineffective for failing to find an expert to say he wasn't reckless. I found that Laughrin's attorney was not ineffective and therefore there was no basis to withdraw his plea. The case was appealed and I was affirmed. Laughrin's attorney was Robin Shellow and the prosecutor was Adam Gerol.

I was at the forefront of the influx of human trafficking cases into the State of Wisconsin, and I used that knowledge to help write the jury instructions now used by judges across the state. The case that stands out to me involved Mario A. Harris (Case: 11CF2966). He trafficked many vulnerable women and girls, and I learned of the horrors of human trafficking: the branding, the hierarchy of the girls, the power and control used by their traffickers, and the lingo used which include animal terms to refer to

Wisconsin Justice Initiative Application for Supreme Court Justice

the victims. I presided over his jury trial after which Harris was convicted on most counts. I sentenced him to 35 years in prison and denied his postconviction motion. The case is currently on appeal.

Also challenging in the Harris case was Harris' behavior. He would not cooperate with his attorney and wanted to represent himself. I allowed him to do so and he refused to come into the courtroom. Standby counsel proceeded on his behalf until he threatened standby counsel, and I had to declare a mistrial. We conducted a second trial with Russell Jones as his attorney. The prosecutor was Sara Lewis.

VII: PREVIOUS PARTISAN OR NON-PARTISAN POLITICAL INVOLVEMENT:

24. Please list all instances in which you ran for elective office. For each instance, list the date of the election (include both primary and general election), the office that you sought, and the outcome of the election. Include your percentage of the vote.

Milwaukee County Circuit Court, Branch 40

- **Election Date: 4/1/2014; Results: won 98.87% of the vote**
- **Election Date: 4/1/2008; Results: won 66.88% of the vote**

25. Have you ever held a position or played a role in a judicial, non-partisan, or partisan political campaign, committee, or organization? If so, please describe your involvement.

Yes, I worked on the successful campaign for Attorney General for Senator Lee Fisher (D) in Ohio in 1990.

26. Please list all judicial or non-partisan candidates that you have publicly endorsed in the last six years.

**Jill Karofsky for Dane County Circuit Court (2017)
Scott Wales for Milwaukee County Circuit Court (2017)
Michelle Havas for Milwaukee County Circuit Court (2016)
Ann Walsh Bradley for Wisconsin Supreme Court (2015)
Patience Roggensack for Wisconsin Supreme Court (2013)
Lindsey Grady for Milwaukee County Circuit Court (2012)**

VIII: HONORS, PUBLICATIONS, AND PROFESSIONAL AND OTHER ACTIVITIES:

**Wisconsin Justice Initiative
Application for Supreme Court Justice**

27. List any published books or articles, giving citations and dates.

Contributing author and editor of Wisconsin Criminal Jury Trial Instructions (2009-present)

“Foucha v. Louisiana: The Danger of Commitment Based on Dangerousness” 44 Case W. Res. I. Rev. 157 (1993).

“Taking the Ammunition Away from the ‘War on Drugs:’ A Double Jeopardy Bar to 21 U.S.C section 881 after Austin v. United States,” 44 Case W. Res. I. Rev. 157 (1993).

28. List any honors, prizes, or awards you have received, giving dates.

- **Dallet award for serving youth at Congregation Shalom (2014)**
- **Women in the Law Honoree (2012)**
- **White House Leadership Project Women Rule! Recipient (2008)**
- **Pasch Meritorious Service Award (2005)**

29. List all bar associations and professional societies of which you are a member; give the titles and dates of any office that you may have held in such groups and committees to which you belong or have belonged.

**Wisconsin Judicial College
Associate Dean 2016-present**

**Wisconsin Criminal Jury Instruction Committee
Member (2016-present)**

**Association of Women Lawyers
Secretary (2016-2018)
Member (2006- present)**

**Milwaukee Trial Judges Association
President (2015- present)
Vice President (2013-2015)
Secretary (2012-2013)
Board of Directors (2011-2012)**

Thomas E. Fairchild American Inns of Court

**Wisconsin Justice Initiative
Application for Supreme Court Justice**

**Ex Officio Director (2013- present)
Member (2006- present)**

**Supreme Court Judicial Education Committee
(2009-2013)**

Milwaukee Bar Association (2006-present)

**Eastern District of Wisconsin Bar Association
Ex Officio Direction (2013-present)
Member (2006-present)**

**Milwaukee Young Lawyers Association
Programming Co-Chair (1995-1996)
Member (1994-1999)**

30. Describe any additional involvement in professional or civic organizations, volunteer activities, service in a church or synagogue, or any other activities or hobbies that could be relevant or helpful to consideration of your application.

**National Council of Juvenile and Family Court Judges - Faculty
(2013-present)**

Criminal Law and Evidence Workshops - Faculty (2013)

**Violence Against Women Act Justice System Training - Advisory
Committee (2013)**

**Wisconsin State Bar Association Young Lawyers Leadership
Conference- Panelist (2013)**

**Association for Women Lawyers Conference "Get Your Gavel"-
Panelist (2013)**

**Joint Legislative Council Special Committee on Supervised
Release and Discharge of Sexually Violent Persons- Public
Member (2013)**

Volunteer, Pearls for Teen Girls (2010-2012)

Volunteer, Wisconsin Humane Society (2010-2012)

Women's Court and Civic Conference of the Greater Milwaukee

Wisconsin Justice Initiative Application for Supreme Court Justice

Area- Keynote Speaker (2009)

Congregation Shalom, Milwaukee- Board of Directors (1996-2000), Youth Advisor/Director (1995-2013), Eighth Grade Sunday School Teacher (1997-2005)

Jewish Community Federation, Milwaukee- Co-chair Weinstein Fellowship Leadership Development (2017-2018), Women's Philanthropy Committee (2015-present), Kesselman Scholarship Committee (2012-present), Board of Directors (2005-2007)

Join Legislative Council Special Committee on Sexually Violent Persons Commitment- Public Member (2004)

Jewish Beginnings Preschool, Milwaukee- President (2005-2007), Board of Directors (2003-2005).

31. Describe any significant pro bono legal work you have performed in the last five years.

I am prohibited from doing pro bono legal work because I am a sitting judge. However, I have been an active volunteer in my community for years. I have mentored law students almost every semester that I have been on the bench.

32. Describe any courses on law that you have taught or lectures you have given at bar association conferences, law school forums, or continuing legal education programs.

I was an Adjunct Professor of Law in Trial Advocacy at Marquette University Law School from 2006 to 2009. I currently serve as the Associate Dean of the Judicial College helping judges across the state sharpen their skills. I teach on the topic of domestic violence to judges around the country as faculty for the National Council of Juvenile and Family Court Judges. I have appeared on numerous panels and taught many times for Wisconsin Judicial Education. and Marquette University Law School.

33. Describe any other speeches or lectures you have given.

- **Guest speaker at law and engineering conference at University of Wisconsin on the topic of the vanishing civil jury trial.**
- **Keynote speaker at the Women's Court and Civic Conference**

**Wisconsin Justice Initiative
Application for Supreme Court Justice**

of the Greater Milwaukee Area.

IX: FINANCIAL INVOLVEMENT:

34. If you or your spouse are now an officer, director, or otherwise engaged in the management of any business enterprise, state the name of such enterprise, the nature of the business, the nature of your duties, and you or your spouse's intended involvement upon your appointment or election to judicial office.

No, we are not.

35. Describe any business or profession other than the practice of law that you have been engaged in since being admitted to the Bar.

None.

36. Describe any fees or compensation of any kind, other than for legal services rendered, from any business enterprise, institution, organization, or association of any kind that you have received during the past five years.

None.

X: ADDITIONAL INFORMATION:

37. Explain in one page or less why you want to become a justice.

Our State Supreme Court is broken and dysfunctional. Our values are under attack. Civil rights are threatened, and equal protection under the law is in question. Working people have lost basic protections, and threats to women lead the headlines. Our expectations for clean air and water are endangered.

Judges are challenged every single day: to weigh the facts, examine the evidence and deliver a decision. With so much at stake here in Wisconsin, inexperience is not an option if we want to protect our values at the highest level. I am the candidate with the most and best experience in the courtroom.

I was raised by a single mom, and today, my husband and I are raising three daughters. I think about their future every single day,

Wisconsin Justice Initiative Application for Supreme Court Justice

and the kind of Wisconsin I want for them. We've seen a state that bends to the whims of special interests.

I'd rather live in a Wisconsin where every person has an opportunity to thrive, where our values are advanced and protected in our highest court, and where every citizen is treated equally under the law. I especially want a Wisconsin where little girls know they won't be held back regardless of what the President does or tweets.

We need someone who knows how to do the job on day one and someone who understands the challenges we are facing. I am that candidate. That's why I've earned the support of more than 340 judges and elected officials across the state.

38. In one page or less, name one of the best United States or Wisconsin Supreme Court opinions in the last thirty years and explain why you feel that way.

***Obergefell v. Hodges*, 135 S. Ct. 2584 (2015)**

One way the Supreme Court helps to advance justice is to recognize when society has made leaps in extending the protections of civil society to groups that have previously been discriminated against and clarifies law and constitutional application to ensure equal protection under the law. This was the case when the United States Supreme Court ensured that "separate but equal" no longer met constitutional muster when it decided *Brown v. Board of Education* in 1954. This was the case when a series of decision in the 1950s ensured districts were of equal voting population. And this was the case when the Court decided that the Constitution no longer accepted treating lesbian and gay people differently when it came to basic rights such as marriage.

39. In one page or less, name one of the worst United States or Wisconsin Supreme Court opinions in the last thirty years and explain why you feel that way.

One of the worst cases to come before the Wisconsin Supreme Court was the John Doe II decision. Corporate special interests are spending massive amounts to buy judges on the court to serve their interests, not the interests of the citizens of Wisconsin.

Wisconsin Justice Initiative Application for Supreme Court Justice

Right now, justices do not have to recuse themselves from cases involving a conflict of interest. If one of their campaign mega-donors or former clients has a case in front of the Supreme Court, Justices aren't required to recuse themselves. And they fight against transparency at every level.

This is what we saw in the John Doe II investigation: Justices Gableman and Prosser refused to recuse themselves. There was a clear conflict of interest. They benefited from millions in campaign contributions, and they ruled to shut down the investigation into coordination with special interest money and politics.

We should all care about the coordination of special interest money with politics. No one should be allowed to purchase justice. The fact that the Wisconsin Supreme Court shut down the John Doe investigation was a complete abomination. Special interest money should not be allowed to influence our courtrooms.

40. In one page or less, describe your judicial philosophy.

I made a decision early on in my career that I wanted to help people, work for those who need their voices heard and who need justice – and not work to represent the interests of corporate clients. That's why I entered public service.

I know what it's like to work day in and day out in our courtrooms. I see the challenges our neighbors face: moms like me working two jobs, but still not able to make ends meet; families losing their homes when someone gets sick and the medical bills stack up; victims of violent crime, especially in our poorest neighborhoods, struggling to find a way as guns and drugs devastate their community. And I see neighbors trying to get their lives back on track, but stuck in a criminal justice system that needs reform.

Over the years, I've admired Justice Ann Walsh Bradley's career on the Wisconsin Supreme Court and believe we share a commitment to eliminating special interests and partisan politics in our courtrooms. As the first woman to serve on the U.S. Supreme Court, Justice Sandra Day O'Connor has always been a role model paving the way for women in our judicial system.

Wisconsin Justice Initiative Application for Supreme Court Justice

I agree with the judicial philosophy of Ruth Bader Ginsberg, who, at her confirmation hearing, described the Constitution as not just for the passing hour, but also for the expanding future. She stated “I think the Framers were intending to create a more perfect union that would become ever more perfect with time.”

41. If you have previously submitted a questionnaire or application to this or any other judicial nominating commission, please give the name of the commission and the approximate date of submission.

District Court Judge, Eastern District of Wisconsin 2013

42. Describe any other information you feel would be helpful to your application.

I hope that you will join me by supporting our campaign for Wisconsin Supreme Court. Together, we can take experience to the Supreme Court, to protect our values, advocate for victims, and stand up for our fundamental rights.