



GENERAL INFORMATION

I am currently a partner at Perkins Coie LLP in Madison and licensed in Wisconsin, Illinois and Missouri. My national practice has been focused on making insurance companies live up to their promises to their policyholders.

My wife and I have chosen Middleton to raise our family. Pam and I have been married for over twenty years and have three children.

EDUCATION

I received a B.A. in History from Weber State University and a J.D. from the University of Missouri-Columbia in 1991. I attended law school on a full academic scholarship. I was on the editorial board of the Missouri Law Review.

LEGAL EMPLOYMENT

I'm not a lawyer's kid. I am the grandson of Mississippi sharecroppers. My father was forced out of school by poverty in the fifth grade. My mother in the tenth grade, but I grew up in a time when a minimum wage job could still support a family. Public education and public libraries built by the broad middle-class economy of my childhood gave me the opportunity to become a successful attorney.

I was one of the handful of graduating law students chosen for a prestigious clerkship with a judge on the United States Court of Appeals. Accordingly, I'm the only candidate with experience working on an appellate court. I also have both prosecuted and defended criminal cases, but my experience starts there, it doesn't end there.

I've built a national practice as one of America's leading attorneys in standing up to massive insurance companies. I have been hired by major businesses in three dozen states and ten foreign countries to handle their most sensitive liability and insurance issues, but I've also represented regular working people in class actions seeking to hold insurance companies accountable for financial fraud. Today, it is my experience that is most needed on the Wisconsin Supreme Court. I know how to hold massive corporations in check because I know how they work, inside and out.

PREVIOUS PARTISAN OR NON-PARTISAN POLITICAL INVOLVEMENT

I'm a first-time candidate, but a longtime Democratic donor. I have previously made financial contributions to candidates such as Senator Baldwin, Senator Feingold, Congressman Pocan, Senator Sanders, Secretary Clinton, President Obama, Senator Kerry and Vice President Gore.

I serve as a national board member for the American Constitution Society, a progressive lawyer organization focused on constitutional issues.

HONORS, PUBLICATIONS, AND PROFESSIONAL AND OTHER ACTIVITIES

I've written dozens of articles on insurance litigation and I have co-authored two books on the subject. For the past several years, Chambers USA has listed me as one of the top 25 attorneys in my field.

I've chaired several committees for the American Bar Association, including the ADR Task Force, the Fair and Impartial Courts Committee and the Insurance Coverage Litigation Coverage Committee. I'm a member of the American Law Institute. For the past fifteen years, I've been teaching the board members of many American businesses at Stanford University's Directors College and the Director Consortium of Stanford's Law School, the University of Chicago and Dartmouth University.

I've done various pro-bono work over the course of my career, including handling trial court proceedings in what began as a capital murder case and initially authoring the Wisconsin Supreme Court rules petition in 2010 to raise the hourly rate for court-appointed attorneys defending indigent clients. I'll also will never forget the days I spent in Florida leading a legal team and interviewing voters who had difficulty voting in the 2000 Presidential election.

ADDITIONAL INFORMATION

I'm running for the Wisconsin Supreme Court for five reasons:

First, in the span of my adulthood, equal opportunity for the children of people who struggle has disappeared in our country. It has been replaced by a system where most new income and wealth goes to the top 1% and everyone else works longer and harder for less and less. The inequity is astounding, and our rubber stamp Wisconsin Supreme Court is part of the problem. Governor Walker's Act 10 is a perfect example. It has had a negative impact on teachers and public employees across the state. The courts are the final authority in this country, and ours has been bought and paid for by the Koch Brothers and WMC. The Wisconsin Supreme Court is looking out for corporations and special interests while leaving the rest of us behind.

Second, our courts, including the Wisconsin Supreme Court, have sat by, and in many cases assisted, the destruction of our broad middle-class economy by allowing corporate power and wealth to become too concentrated in this country and by undermining the major components of a strong middle-class economy: workers' rights and worker unions, small farms, small businesses, public education, and vibrant diverse communities. One needs to look no further than the Wisconsin Supreme Court decision upholding Act 10 to understand the dangers that a rightwing, rubber-stamp judiciary poses to a middleclass economy and a democracy. MTI's victory in the Dane County Circuit court was the right decision.

Third, I'm running because this is the Court that upheld a photo ID law that cost Hillary Clinton Wisconsin's electoral votes. As Alexis de Tocqueville wrote in the 1830s, every major political decision in this country sooner or later finds its way into the courts. If we don't take back the courts, we will never truly get our state back to its best traditions.

Fourth, I'm running because Trump is packing our federal courts with extreme rightwing judges, and the Senate is confirming them at a rapid pace. We can no longer count on the federal courts to protect our basic rights, such as the right to vote, workers' rights, civil rights, LGBTQ rights, and reproductive rights. Increasingly, we will need to turn to state courts, like the Wisconsin Supreme Court, for such protections. I will be a justice who protects those rights.

I'm the progressive Democrat in this race. Before being appointed to the bench by Governor Walker in 2014, Judge Screnock worked as an attorney to create the current Gerrymandered legislative maps, he helped defend Act 10 in front of the Wisconsin Supreme Court, helped defend the Republican senators during the recall, and was twice arrested for protesting outside an abortion clinic – a decision that as an adult, he does not regret. It is clear he is just as extreme as his judicial hero, Justice Scalia. My other opponent, Judge Dallet, endorsed Chief Justice Roggensack her 2013 race against Ed Fallone. A study conducted by Gannet News/USA Today Network showed that Judge Dallet is one of the three harshest sentencers in the state. As a father of three children of color, I find her ruling in *Wisconsin v. Ryan Erik Diggins* extremely offensive. Individuals should not be subject to search because they are a person of color standing in a public location for five minutes. Wisconsin is the epicenter of mass incarceration in this country, we now spend more on the Department of Corrections than we do the University of Wisconsin System, and Judge Dallet is part of the problem

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.

One of the best Wisconsin Supreme Court decisions in the past thirty years was the opinion of the Court in *State vs. Dubose*, 272 Wis. 856 (2005). There, the Wisconsin Supreme Court truly acted as independent branch of government and a great protector of the rights of Wisconsinites to a fair trial. Our Supreme Court overturned a trial court's decision denying a criminal defendant's motion to suppress unnecessarily suggestive out-of-court identification evidence. In doing so, the Court refused to interpret provisions in the Wisconsin Constitution in lockstep with the United States Supreme Court's interpretation of similar provisions of the federal Constitution. The Wisconsin Supreme Court recognized that in post-Warren Court decisions, the United States Supreme Court has become less protective of the due process rights of criminal defendants with respect to witness identification evidence, despite the fact that, at the same time, modern scientific studies have shown greater and greater problems with the reliability of such evidence. Thinking for itself, the Wisconsin Supreme Court rejected the approach of what had become a more rightwing United States Supreme Court in favor of the earlier Warren Court approach. With Donald Trump currently packing our federal courts with rightwing ideologues, *State vs. Dubose* offers a good example of how Wisconsin courts can continue to protect the rights of Wisconsinites.

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.

The Wisconsin Supreme Court decision upholding Act 10 is one of the worst decisions in the Wisconsin Supreme Court's history. There are many, many problems with the Court's decision, and some of those problems are laid out in the dissent. But, in my view, the biggest problem with the decision is one that concerns the role of courts in our democracy. Courts are an independent branch of government and have an obligation to protect our democracy from intrusions by other branches of our government. Act 10 was a blatant attack on two of the cornerstones of a middle-class economy, which is a precondition to a thriving democracy in this country: workers unions and public education. Although courts should give deference to the other branches with respect to ordinary economic legislation, when the other branches act in a way that harms our democratic processes and in a way that our democratic processes are not likely to readily fix, our courts must act like an independent branch of government and overturn the law that weakens our democracy. See *United States v. Carolene Products Co.*, 304 U.S. 144 at note 4 (1938).

In one page or less, describe your judicial philosophy.

The courts are a branch of government and they have the final say in whether our collective efforts to govern ourselves are permissible.

In order for our democracy to work though, courts have to give deference to the other branches with respect to ordinary economic legislation. For example, our courts should not invalidate a tax law because the court thinks the tax rate should be 10% while the legislature thinks it should be 15%.

There are circumstances though in which courts must act to check the legislative and executive branches.

First, if laws are passed or executive action taken that prevent the ordinary democratic process from correcting the laws, courts should intervene. For example, a law gerrymandering legislative districts in a manner inconsistent with the one person, one vote principle is very difficult to fix through the ordinary democratic process, so courts should intervene. Similarly, we cannot have a thriving democracy without a broad and strong middle-class. Courts are the third branch of government and have an independent duty to protect that middle-class economy by making sure that the other branches do not harm the cornerstones of that middle-class—worker movements, small farms, small businesses, public education, and thriving diverse communities.

Courts also have an obligation to ensure that vulnerable groups and individuals without real political power are not harmed by the other branches of government. Courts have an obligation to ensure a level playing field, and they have an obligation to strive for more than just equality. Progressive courts can ensure equity, which is one of the largest challenges facing public education today.

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

I believe that judicial candidates should be accountable to voters. Historically, candidates for the Wisconsin Supreme Court pledge their impartiality, rack up hundreds of endorsers from both sides of the aisle and never discuss any of the issues facing our state. Candidates were hesitant to speak out on their beliefs and values due to Wisconsin’s Code of Judicial Conduct. However, that judicial code of conduct was effectively gutted by a U.S. Supreme Court case, *Republican Party of Minnesota v. White*, which states that not only are judicial candidates able to speak on political and legal issues of the day, they are encouraged to do so in order to inform and engage voters. As we have seen time and time again in races across the country, we have to offer positive alternatives to appeal to voters. My campaign is built around a message of economic populism, protecting those who are most vulnerable in our state and battling back against special interests and concentrated wealth.