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Gableman's Suspicious Appointment

One Wisconsin Now Investigation Shows Party Regular Benefited from Partisan Connections

Contributions, Fundraising Preceded Gableman's Leap Ahead of Local Candidates; Standard Procedure Ignored to Hand Out Judgeship on Opposite Side of the State

Milwaukee - An investigation by One Wisconsin Now into the appointment of Michael Gableman to the Burnett County Circuit Court by former Republican Governor Scott McCallum raises serious questions about the current Supreme Court candidate's judicial ethics and qualifications.

After hosting a fundraiser and making a substantial contribution to Governor McCallum, Gableman leapt over six announced local candidates for a Burnett County Court for a vacancy which he had not applied through the established process. Gableman's job at the time was located in Appleton, nearly 300 miles from Burnett County.

"One Wisconsin Now analyzed documents from the State Historical Society and open records requests to investigate Michael Gableman's three-month odyssey from Ashland to Appleton to the Burnett County bench," said Scot Ross, Executive Director of One Wisconsin Now. "Michael Gableman either discovered an incredibly new way to rise up the ranks, or he used a very old one."

The discovery of a campaign memo inside Governor McCallum's official government records at the State Historical Society reveals the larger scope of Gableman's political connections and his fundraising role for the Governor during the appointment period. Gableman was a leading Republican Party official in his role as chair of the Ashland County Republican Party.

In late April 2002, Burnett County Circuit Court Judge James Taylor announced he would resign effective July 31, 2002. Gableman, who served as an Administrative Law Judge in Appleton for just ten weeks, was appointed by Governor McCallum to fill the Burnett County position, which he continues to hold today. One Wisconsin Now's investigation has verified that:

- **Gableman did not go through the process for selecting judges** established by McCallum through two Executive Orders issued earlier in his term. In appointing him to the Burnett County Circuit Court, McCallum allowed Gableman to bypass the process set in those Executive Orders, which stated that the Governor's Advisory Council on Judicial Selection was to interview all applicants and forward names of two or three finalists to the Governor for final selection. [[McCallum Executive Order 6, 4/27/01, page 2](#); [McCallum Executive Order 19, 7/20/01](#)]
- **Gableman had not applied for the judgeship by the** deadline established by the Governor's Notice of Judicial vacancy of May 22, 2002. [[Notice of Burnett County Vacancy, 5/02](#)]
- **Gableman was not one of the two finalists** selected by Governor's Advisory Council on Judicial Selection. On June 7, 2002, the Advisory Council forwarded to the Governor the names of two local district attorneys, Ken Kutz of Burnett County and Mark Biller of Polk County, to the Governor. [[McCallum Advisory Council on Judiciary Selection, 6/7/02](#)]

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- **Gableman served as a Republican fundraiser for Governor McCallum in the midst of the judicial selection process.** Gableman was on the host committee at a McCallum fundraiser on June 12, 2002 and sat with and introduced the Governor. Gableman resigned as Ashland County District Attorney in mid-May and began a new job in Appleton as an Administrative Law Judge. Gableman had previously hosted a separate fundraiser for McCallum in November 2001. [[Northwoods Regional Governor's Club Event Memo, 6/12/02](#)]
- **Gableman donated \$2,500 to Governor McCallum's campaign.** Gableman made a \$1,250 contribution on December 31, 2001 and a \$1,250 contribution on June 18, 2002. Gableman's second contribution came less than two weeks after beginning his Administrative Law Judge assignment. [[Gableman Contributions to McCallum, 12/31/01 & 6/18/02](#)]
- **No records of Gableman being interviewed by Governor McCallum for the position could be found.** While McCallum personally interviewed the two recommended candidates on June 27, 2002, neither an open records request with the state nor the Historical Society documents include any record of McCallum conducting a similar interview of Gableman prior to the appointment.
- **No records of Gableman's application for the position could be found.** Again, complete applications for the six candidates interviewed by the Governor's Advisory Council on Judicial Selection have been located. The only document located either at the Historical Society or through open records requests of the Governor's records is a resume faxed by Gableman to Governor McCallum's office on July 26, 2002. This document contains no explicit mention of the judicial opening. [[Gableman Fax to McCallum, 7/26/02](#)]
- **Gableman arranged and attended a private breakfast with Governor McCallum at the Executive Residence in late March 2002.** Gableman's memo sent to McCallum on the official stationery of the Ashland County District Attorney's office identified Gableman and three of the participants by their titles and involvement with Republican politics. Gableman listed himself as chair of the Ashland County Republican party for the March 29 event. [[Governor's Residence Event Fax, 3/26/02](#)]
- **Gableman sent his resume to Governor McCallum's Appointments Director a month prior to the fundraiser.** The fax includes a note from Gableman to Nora Weber, Governor McCallum's Appointments Director/Records Officer: "Thank you very much, Nora. I appreciate your help. Please let me know if there is anything else I can send." [[Gableman Fax Including Weber Notes](#)]
- **Gableman continued his close contact with Governor McCallum's office.** Within a week of the fundraiser, records from the Governor's office show McCallum's staff made telephone calls on behalf of Gableman in an effort to keep him on two state commissions. Notations made by the Governor's staff on a fax previously sent by Gableman indicate the calls happened June 19 and 20. Phone records from Gableman's office as Administrative Law Judge show a call to McCallum's office on June 14, just two days after the fundraiser. [[Gableman ALJ Phone Records](#); [Gableman Fax Including Weber Notes](#)]

"This investigation shows Michael Gableman's judicial appointment followed none of the establish procedures designated by Governor McCallum," said Ross. "Instead, public documents suggest campaign contributions and political connections, not merit, were Gableman's most compelling credentials."

The records indicated McCallum bypassed two local candidates with strong credentials who were recommended by McCallum's own advisory council. Not surprisingly, the appointment of Gableman was greeted with a great deal of surprise and skepticism in the local press at the announcement.

"It is not uncommon for those selected as judges to have previously contributed to organizations or officials," said Ross. "But in this case, the established selection process was ignored to favor a partisan fundraiser with marginal credentials from the other side of the state."

One Wisconsin Now is committed to ensuring Wisconsin has a judiciary with the highest judicial standards and qualifications. As One Wisconsin Now's investigation into the conflict of interests of Judge Annette Ziegler has demonstrated, the court system is ill-served by judges who do not adhere to the highest possible standard of ethical conduct.

Documents obtained by One Wisconsin Now included in this release are available at:
<http://www.onewisconsinnow.org/page/content/suspiciousappointment>.

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