

## Dedication to the institution

Justice Ann Walsh Bradley reflects on her 30 years of service on the Wisconsin Supreme Court

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Tatiana Shirasaki

## Justice Ann Walsh Bradley giving a speech.

Bradley: ‘The independence of the judiciary is not a partisan value.’

Speaking to an audience of hundreds of people packed into the state Capitol rotunda on June 12, Ann Walsh Bradley, the chief justice of the Wisconsin Supreme Court, put in a good word for “adherence to the rule of law” and a few bad words for “attempts to bully and intimidate” individual judges.

“The independence of the judiciary is not a partisan value, it is a constitutional imperative,” Bradley told the gathering, convened to fete her 30 years of service on the state’s highest court, which is now drawing to an end. “Federal judges are not monsters,” she added, invoking one of President Donald Trump’s recent pronouncements (he actually [called](#) them “monsters who want our country to go to hell”). “They are not communists, as some proclaim.” Rather they are performing an essential role in “providing the checks on the balance of power.”

Bradley found a way, amid the inevitable pomp of the occasion, to say something important. And, as usual, she did it in a manner that was principled but not pugnacious, assertive but not astringent. Bradley, the first female justice to join the court by way of election and not appointment, participated in more than 28,000 cases in her three decades on the court, writing nearly 600 opinions.

On May 1, she became chief justice, a position she relinquished on July 1. Her final day on the court will be July 31. We spoke in her chambers in late June. She was, as always, gracious, articulate, and respectful of her colleagues.

How has the court changed since she joined it in 1995? “Facially, there are differences,” Bradley says, starting with the fact that six out of the court’s seven members are now women, up from two before she began. But beyond that, she credits her colleagues with maintaining “the same dedication to the institution and to their role as justices.”

Bradley even rejects efforts to taint justices as being in “lockstep” with political parties. “For me, it is justices trying to look at the facts, trying to do their best in interpreting the law. It’s not a matter of siding with one side or the other,” she says. “The public may see it that way. You may see it that way, but I don’t see it that way. I see it as people having a different perspective on the law and applying that perspective in their opinions.”

But there are differences in how the court’s members see their role, based on their ideological leanings. While Bradley believes the judiciary is a co-equal branch of government, some justices, she says, “see the legislative branch as the voice of the people that has some preeminence.” The court has been controlled by liberals since 2023 and is assured of remaining so through at least 2028.

Rebecca Bradley, one of the court’s three remaining conservatives, recently [claimed](#) her liberal colleagues “make political decisions all the time. They rule 100% for the Democratic Party in every case that is presented to them.” Ann Walsh Bradley says that’s “not correct. Sometimes we have decisions that are in accord with the arguments of the Democratic Party, and there are occasions when we [don’t].” Just last year, for example, the court [dismissed](#) a case brought by Democrats seeking to remove the Green Party’s candidate from the state’s presidential ballot.

(Two days after our interview, the court’s liberals joined with conservatives in delivering two sharp defeats to state Democrats, rejecting challenges to gerrymandered Congressional voting maps and striking down Gov. Tony Evers’ use of his veto power to order the release of school reading performance funds, a decision the governor called “unconscionable.”)

“It undermines public trust and confidence when such disparaging comments are made of colleagues,” Bradley says. “The only currency we have is public trust and confidence. So I really see it as destructive to the integrity of our institution.”

**Wisconsin’s April 1 election** to pick Bradley’s replacement, in which liberal Susan Crawford handily beat conservative Brad Schimel, [generated](#) more than \$100 million in spending, including at least \$25 million from Trump’s sometimes pal Elon Musk. It was the most expensive judicial race in U.S. history, doubling the [previous record](#) of \$51 million, set two years earlier in another Wisconsin Supreme Court election.

Bradley [agrees](#) there is so much spending in these races that both sides end up canceling each other out: “There is a point of diminishing returns, where it just becomes noise and is ineffective.” She supports campaign spending that “enhances good, old-fashioned retail politics — in other words, helping people on the ground go door to door and to meet with others” — but admits this is a small share of the total.

She’s optimistic the court will be able to make progress on revamping its rules for when justices ought to recuse themselves from hearing cases.

In 2010, the court’s then conservative majority [adopted](#) recusal rules written by powerful special interest groups that made individual justices the sole decider of whether to stay on cases for which they arguably have a conflict. Bradley wrote what she recalls, correctly, was “[a very strong dissent](#).” She’s optimistic the court will be able to address what some observers have flagged as the nation’s worst recusal rules. But she acknowledges this is a complex task, given concerns that interest groups might be able to use stronger rules to disallow justices who they believe will vote against them.

Bradley endorsed Crawford in the race for her soon-to-be-former seat. But she is still weighing whether to join other court liberals in endorsing Chris Taylor, a circuit court judge and former state lawmaker who is running in next spring’s Wisconsin Supreme Court election for the seat now held by Rebecca Bradley, saying “I’m not convinced that my endorsement would add any potency to anyone’s campaign.”

In 2011, during a heated argument in state Supreme Court chambers over the state’s bill stripping most state and local workers of their collective bargaining rights, conservative Justice David Prosser [put his hands](#) on Bradley’s neck. The matter was investigated for possible [criminal charges](#) as well as [disciplinary action](#), neither of which happened. Bradley says Prosser, who [died](#) late last year, never apologized. But the two of them appeared together at events, sometimes at the same table. “I’ve made peace with that whole situation,” she says.

**During her brief stint as chief justice**, Bradley says she devoted a lot of time to addressing the shortage of attorneys in some Wisconsin counties, particularly in rural areas. “It is a crisis,” she says. “Some counties in northern Wisconsin have only two or three attorneys in private practice that are really available to the public. Eight or nine counties in the state have no attorneys who are certified to do public defender cases. I mean, there is a dearth of access to legal services.”

Bradley is also concerned about the [dwindling](#) number of cases decided by the state Supreme Court — just 14 in 2023-24, down from the usual 40 to 60. But she notes that many of the cases the court does take on are “huge cases” that take a lot of time and energy. “I don’t want to take cases for the sake of taking cases,” she says. “We take the cases that need to be taken.”

Bradley is most proud of the decisions she’s written that upheld individual rights, often dealing with the Fourth Amendment protections against unreasonable searches and seizures. She also recalls writing a lone [dissent](#) arguing that proponents of a state constitutional amendment affirming victims’ rights “misled voters in several respects by neglecting the amendment’s impact on the rights of criminal defendants.”

“It’s not very popular to write against the constitutional amendment for victims’ rights,” Bradley says. “But to me, it was an example of holding government accountable.”

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*Below is an edited version of the author's interview with Ann Walsh Bradley on June 23.*

**How would you describe the difference between the court that you joined in 1995 and today's court?**

**Ann Walsh Bradley:** There are differences facially. Six out of the seven members of the court are [now] women. But in terms of their dedication to their jobs and to their role as justices, there's real similarities. I agreed with some of them when I started 30 years ago, and disagreed on occasion with others, and the same holds true. But I strongly believe that everyone is approaching [the job] now as they did 30 years ago, with how they believe both in the institution of the court and how the case law should unfold. There's still the same dedication to the institution and to their role as justices.

**Q: You said in 2023, just after the election of Justice Janet Protasiewicz, that you had "never served on the court that is labeled a liberal majority, one that sees the role of government democracy the way I do." So tell me: Now that liberals have the majority and will continue to have one until 2028 at least, what difference does it make?**

**Bradley:** Well, one of the differences is the role of the judiciary. I strongly believe that there are three equal branches of government and that the judicial branch is co-equal to the other branches. Some justices see it differently. Some justices see the legislative branch as the voice of the people that has some preeminence. I think that that makes a difference in terms of how you see not only the institution, but how cases may evolve.

**Q: One of your colleagues, Rebecca Bradley, regularly attacks the court's liberals as being in the back pocket of the Democratic Party. She recently said: "They make political decisions all the time. They rule 100% for the Democratic Party in every case that is presented to them. What is your response to that?"**

**Bradley:** Not correct. Sometimes we have decisions that are in accord with the arguments of the Democratic Party, and there are occasions when we [don't].

**Q: Can you think of an example?**

**Bradley:** Well, one that comes to mind right away is the Green Party. The Democratic Party didn't want the Green Party candidate on the [November 2024 presidential] ballot and that was not our ruling. I mean, that was a real political issue. It wasn't under cover of some more obtuse issue that is stated in legalese. This is raw politics.

**Q: Clearly, when the court had a conservative majority, there were times that it somewhat predictably sided with Republicans. Is that the same dynamic as with liberals and Democrats? Or is it different?**

**Bradley:** You know, a lot of this is *deja vu* all over again. It seems to me that when one side has more control, oftentimes the dissent sees it as your [being in] lockstep with the political party. Is it the same thing, or is it different? For me, it is justices trying to look at the facts, trying to do their best in interpreting the law. It's not a matter of siding with one side or the other. I don't see it that way. The public may see it that way. You may see it that way, but I don't see it that way. I see it as people having a different perspective on the law and applying that perspective in their opinions.

**Q: For as long as I've been covering the court, there have been obvious internal tensions going back to Justice William Bablitch mixing it up with Justice Shirley Abrahamson. It seems to me that these tensions are as acute as ever. Do you agree? Do you think that some members of the court are inappropriately disrespectful of their colleagues?**

**Bradley:** I think that it undermines public trust and confidence when disparaging comments are made of colleagues. The only currency we have is public trust and confidence. So I really see it as destructive to the integrity of our institution.

**Q: Do you think that the court's liberal majority is going to toughen the standard for recusal, undoing the loosening of the standard that was adopted by the court's conservatives in 2010?**

**Bradley:** I'm hopeful that they will. When that was passed, in 2010, I wrote a very strong [dissent](#). And some legal observers would indicate that our recusal rules are the worst in the nation, so they need addressing, and I would hope that they will be addressed. It's not easy.

**Q: Why hasn't it happened already? You've had two years.**

**Bradley:** I guess we've been faced with some other things, to say it mildly. The issue of recusal is not easy. In 2008, the League of Women Voters brought forth a [petition](#) that had a contribution limit of \$1,000. If someone gives above that amount, then apparently, you know, you're off the case. But is that your friend or your foe that's trying to get you off the case? It's a tough issue, but it's an issue that has to be addressed. Again, it goes to maintaining public trust and confidence in the judiciary.

**Q: I've floated the idea that there is so much spending in Wisconsin Supreme Court races that it has ceased to be a deciding factor. Both sides have way more money than is needed to run a successful campaign. So things just sort of even out. Do you agree with that? Do you think that the outcome of any recent state Supreme Court election would have been different if there wasn't so much spending?**

**Bradley:** To the extent that spending enhances good, old-fashioned retail politics — in other words, helping people on the ground go door to door and to meet with others — [I am supportive of it]. But that's not the hundreds of thousands of dollars. I think you're right: There is a point of diminishing returns, where it just becomes noise and is ineffective.

**Q: Did you ever make peace with Justice Prosser? Did he ever apologize for what happened in June 2011?**

**Bradley:** He never apologized, but have I made peace? Yes, I've made peace with that whole situation. And over the years, Justice Prosser and I would be at different events, even sitting at the same table. That was a difficult time for me, Bill — you were there, so to speak, as a reporter — but I've certainly made peace with it.

**Q: Have there been any particular actions or initiatives that you took during the two months that you've been chief?**

**Bradley:** Well, the brevity of this position has not allowed me to engage in long-term activities. But during the short period that I have been chief justice, I have put a lot of time into advancing the issue of the attorney shortage in central and northern Wisconsin, particularly in rural Wisconsin. It is a crisis. We don't have enough attorneys to serve the population. Just this past week, I learned that in my hometown, Richland Center, there are only four attorneys in private practice. Period. Some counties in northern Wisconsin have only two or three attorneys in private practice that are really available to the public; eight or nine counties in the state have no attorneys who are certified to do public defender cases. I mean, there is a dearth of access to legal services. And so I've talked to groups. Last week, I gave a speech about it. The week before, I met with a group talking about it. Later today, at two o'clock, I'm going to have a conference call. So it's an issue that I'm pushing.

**Q: In its last term, 2023-24, the state Supreme Court decided just 14 cases, down from usually about 40 to 60. Do you feel that the court should be taking on more cases?**

**Bradley:** The number of cases concerns me. It concerns me from the position of, again, how does the public see it? [Recently] I had the opportunity to go through, as we do once a month, petitions for review to determine what cases we're going to be taking. There was not one recommendation of denial that I disagreed with. I strongly want to take more cases, but I don't want to take cases for the sake of taking cases. We take the cases that need to be taken.

Now, the cases that we've taken in the last couple of years, many of them are huge cases. Someone told me, I don't know that this is accurate, that in the few cases we had we still had almost the same number of opinions because of all the separate writings, which is an area of concern also. So I think we take the cases that [we need] to take. I know personally, if I'm on the fence, I vote to take it, because I think we should be taking more cases.

**Q: Can you articulate for me why the decision was made to select Justice Jill Karofsky to take over as chief and not Justice Rebecca Dallet, who would have been next in terms of seniority?**

**Bradley:** Now that's an internal matter that I won't discuss.

**Q: Do you think that filling this position based on majority vote and not seniority, as it was once done, is a better way to go?**

**Bradley:** I'm not convinced at all that it's a better way to go.

**Q: So it made matters worse to have the Legislature take it upon itself to make you switch?**

**Bradley:** (Laughs.) The Legislature took it upon itself at the urging, I think, of some of my colleagues, to change the Constitution. It was clearly a constitutional amendment not to enhance good government, but rather to get rid of Shirley Abrahamson.

**Q: Can you cite one decision that you authored that had a particularly consequential impact on the people of Wisconsin and that you're particularly proud of?**

**Bradley:** I am particularly proud of not one decision, but areas of decision, of upholding rights, individual rights. I had a lot of Fourth Amendment dissents, holding government accountable. Those are the areas that are most important to me. A good example was the case that dealt with the constitutional amendment for victims rights and whether or not the description of what the voters were given covered all the necessary, or what we call material, information. I didn't think so. And, of course, I was the lone [dissent](#).

It's not very popular to write against the constitutional amendment for victims rights. But what happened, in that case, is that the statutory rights of defendants were diminished, and I thought that was material. Now would [my dissent] change anyone's vote? Not necessarily, but what's important is that when the wording of a referendum is before the people that it carefully, conscientiously describes all the material information that's necessary for a voter to vote. So I thought that was a good example of trying to hold government accountable.

**Q: Your liberal colleagues have already come forward to endorse Judge Chris Taylor, who's seeking election to the court next year. Why have you not joined them? Do you think you will at some point make an endorsement in that race?**

**Bradley:** I endorsed, certainly, Susan Crawford, in part because that was what I call my seat, given the importance of the election. I thought she would best reflect what I believe in and what I've worked for in terms of administration of the court and the early years. I also ended up endorsing Janet [Protasiewicz] beyond that. [But now] I'm not convinced that my endorsement would add any potency to anyone's campaign.

**Q: So you may not endorse in the race next year?**

**Bradley:** That's right. I see my future is, by and large, not endorsing. I'm not able to say to you that I won't endorse, but I am able to say to you I won't endorse [anytime] in the near future, and I may not endorse at all. I just don't have that resolved for the future.