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The Capitol Report

**Abrahamson leaves legacy to remember**

When Shirley Abrahamson leaves the state Supreme Court next year, she will leave a legacy to remember.

Fans and critics agree: the first woman to serve on the state high court had a huge impact.

So big that Republicans adopted a constitutional amendment to push her out of the chief justice role.

On May 30, the 84-year-old Abrahamson announced she wouldn’t seek re-election next year but will fill out her 10-year term.

She became the first woman to serve on the Wisconsin Supreme Court with her appointment in 1976 and then rose to chief justice. But she recently has been hearing cases via teleconference.

"It is the right decision for me. More importantly, it is the right decision for the state," Abrahamson said.
When liberal Milwaukee County Judge Rebecca Dallet joins the Supreme Court later this year, it will close the conservative majority to 4-3. Holding Abrahamson's seat in 2019 will be key for liberals if they want a shot at flipping the court's majority in 2020, when conservative Justice Daniel Kelly would face voters.

Already, conservative Appeals Court Judge Brian Hagedorn, who was appointed to the bench by Gov. Scott Walker, has indicated he's considering a run next year.

Following Abrahamson's announcement, Court of Appeals Chief Judge Lisa Neubauer said she will consult with "colleagues, friends and family" about making a decision on a bid quickly. She added Abrahamson's "legacy will be top of mind as I explore a run for the Supreme Court. Neubauer's husband is a former chair of the state Democratic Party, while her daughter Greta in January was elected to an Assembly seat representing Racine as a Democrat.

Abrahamson has been praised by liberals as a trailblazer and has sometimes drawn the ire of conservatives over her four decades on the court.

She vowed to continue expressing her point of view on the bench and "if principles and values integral to the great state of Wisconsin and its courts continue to be challenged, I will also express my views off the bench, if necessary and as appropriate."

"When I joined the court, I was given a voice ­— a voice that I have not hesitated to use," Abrahamson said. "The best expression of appreciation I can give the people who have elected and repeatedly re-elected me is to continue to speak with the clarity, forthrightness and compassion that come from a life I have tried to devote to service and to justice for all."

Abrahamson noted in her announcement that she won full, 10-year terms on the bench with at least 55 percent of the vote each time and once hit 65 percent. Along the way, she earned a reputation as a trailblazer for female judges and built a national fundraising network that was unique among state Supreme Court justices.

Her time as chief justice was also marked with controversy. Voters approved a GOP-authored constitutional amendment in 2015 to allow the justices to select who leads the court rather than bestowing that honor to the longest-serving member. Despite conservatives flipping control of the control, Abrahamson continued to hold onto the chief justice's office, and she filed a lawsuit seeking to prevent the amendment from taking effect until after her 10-year term ended in 2019. That effort was rejected, and conservative Pat Roggensack has served as chief justice since 2015.

Abrahamson's 1999 re-election bid also laid bare tensions on the court as justices Bill Bablitch, Pat Crooks and Jon Wilcox supported her challenger, Green Bay attorney Sharren Rose. Abramson went on to win re-election by an almost 2-to-1 margin.

Madison attorney Lester Pines, who often represented Democratic causes before the court, called Abrahamson "one of the finest justices, if not the finest, who has served on the Wisconsin Supreme Court." He said Abrahamson sided with individual rights even as courts in Wisconsin and nationally began sided more with corporate and monied interests.

"I think that history will look back at Shirley Abrahamson as a stalwart of individual rights," Pines said.

Former Supreme Court Justice Janine Geske, who was appointed to the court by GOP Gov. Tommy Thompson and served with Abrahamson, said the outgoing justice had a deep impact on Wisconsin's judicial system. Geske said Abrahamson worked to modernize how the courts operate and sought to make the courts accessible to the public. Geske said that includes often insisting people call her by her first name, rather than chief justice when she led the court.

"She is an incredible scholar and brilliant, brilliant jurist who really taught me so much about being a judge and being a leader," Geske said. "She's left her fingerprints on a whole lot of what the Wisconsin courts are today."

Rick Esenberg, president of the Wisconsin Institute for Law & Liberty, said conservatives in the legal community often disagreed with Abrahamson's rulings, but they also respect how effective she's been on the court.

"She was an effective champion for her view of the law," Esenberg said. "She had a long career and a great impact on the court, and I wish her well in retirement."

*The Capitol Report is written by editorial staff at WisPolitics.com, a nonpartisan, Madison-based news service that specializes in coverage of government and politics, and is distributed for publication by members of the Wisconsin Newspaper Association.*

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