**Neubauer defeat dashes liberals’ hope for Supreme Court majority**

***Editor’s note:****This column is provided to Wisconsin Newspaper Association members by WisPolitics.com. Proper attribution to WisPolitics.com is appreciated. Also, please publish the tagline that is included at the end of the column.*

Lisa Neubauer conceded to Brian Hagedorn on April 10, a week after Democrats woke to a shocking result.

Liberals and Democrats had a money advantage, a template from Rebecca Dallet’s big court victory in 2018, and a turnout boost through various school spending referendums, contested mayoral races in Madison and Green Bay and a Democratic primary in the Kenosha seat once held by former Assemblyman Peter Barca.

On top of that, the traditional conservative coalition that had helped engineer a solid court majority for the right fell apart over Hagedorn’s controversial past writings on gays.

But grassroots conservatives, the state GOP and late money from out of state woke up the Christian right and the WOW counties around Milwaukee to give Hagedorn a narrow upset win.

Hagedorn, age 41, will take over for longtime liberal Justice Shirley Abrahamson, 85, who is dealing with cancer and decided against seeking another 10-year term. She had been on the high court since 1976.

So Hagedorn not only takes Abrahamson’s seat to the delight of conservatives who have railed against her for years, but he dashes the hopes of liberals who had dreams of taking back the court majority.

Dallett’s win got liberals closer, to a 4-3 edge. Then Neubauer was supposed to keep Abrahamson’s seat. And in 2020, when Democrats statewide turn out for a presidential primary, they would complete the task by dispatching Justice Daniel Kelly, appointed to the court by Scott Walker. Republicans were so fearful of this scenario that they even thought about changing the date of the spring elections next year.

That liberal dream is now kaput. When Hagedorn gets sworn in this summer, the conservative court majority will be back to 5-2 and give conservatives a cushion should Kelly lose.

The win was narrow — some 6,000 votes — but enough for a liberal loss. This can be added to the list of “what ifs” that includes Hillary Clinton in 2018 and JoAnne Kloppenburg in 2011.

“Judge Hagedorn said that he was running to get partisan influences out of our courts, and I hope he lives up to his promise,” Neubauer said. “Our courts are strongest when politics are set aside, and we follow the law regardless of personal views.”

In a message to supporters, Hagedorn said he was “deeply humbled and grateful.” Throughout the campaign, he said a justice should “say what the law is, not what the law should be,” that partisan politics have no place at the court, and he would uphold the constitution as written.

“I meant every word, and I will endeavor to fulfill these promises with all my ability,” said Hagedorn, a former Walker aide appointed by the then-governor to the state appeals court in 2015.

Neubauer spokesman Tyler Hendricks said she won’t run for the state Supreme Court next year, when Kelly is up for a full 10-year term. She instead will look at seeking another six-year term to the 2nd District Court of Appeals, where she served alongside Hagedorn.

TV numbers shared with WisPolitics.com and a check of filings with the state Ethics Commission detailing independent expenditures show outside groups backing Neubauer outspent those supporting Hagedorn by nearly 2-to-1. Still, Neubauer bemoaned the role of outside money, saying she hoped future races would see less influence from “outside special interests.”

The Republican State Leadership Committee’s Judicial Fairness Initiative spent more than $1.2 million over the last week of the race on TV, digital ads, mail and other advertising backing Hagedorn.

“With more than $1 million poured in against me with false and misleading attacks in the final week alone, it’s not hard to imagine that is what made the difference,” Neubauer said.

*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.*

*Copyright © WisPolitics.com*