

Voiland vs. Wolfgram judicial race heats up

Written by BILL SCHANEN IV
Wednesday, 27 March 2013 18:46

<http://www.ozaukeepress.com/images/032813/judgeSM.png> **Challenger continues to focus on recall petition, longtime judge says opponent's experience doesn't measure up**

In his more than 18 years on the bench, Ozaukee County Circuit Judge Tom Wolfgram has built a resume that he is more than happy to submit as Exhibit 1 in his case for re-election.

But his challenger in next week's Tuesday, April 2, election, Joe Voiland, an attorney with a Milwaukee law firm and Town of Grafton resident, has all but ignored Wolfgram's record as a judge, choosing instead to focus his campaign on a single issue — Wolfgram's decision to sign the petition seeking to recall Gov. Scott Walker.

"They (the Voiland campaign) are not criticizing my work as a judge," Wolfgram said. "They have never pointed to a single case where I failed to apply the law as passed by the Legislature because they can't."

What Voiland is criticizing is Wolfgram's judgment.



"A judge's obligation is to enforce the law, not to force recalls to nullify it," Voiland said. "A judge should not lend his name to the type of vicious behavior exhibited in the recalls, and a judge should not put himself in the position where he may have to recuse himself from the cases the people pay him to hear."

Wolfgram has criticized Voiland for injecting partisan politics into a nonpartisan race and said his signature on the recall petition has no impact on his job as a judge.

"It was a private matter," Wolfgram said of signing the recall petition, "that had absolutely nothing to do with my ability to be a fair and impartial judge, which is something I've demonstrated in the tens of thousands of cases I've handled."

The race for Branch II judge, one of three circuit court judges in the county, should hinge on experience, said Wolfgram, 61, who began his law career in 1977 as an assistant district attorney in Ozaukee County, held the same position in Washington County and was Ozaukee County district attorney before being appointed judge in 1994 by then-Gov. Tommy Thompson.

He was elected judge in 1995 and re-elected in 2001 and 2007, each time without opposition.

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“Experience, track record and recognition by the people who use the court system should be the issues in this race,” Wolfgram said.

Wolfgram has the support of Ozaukee County Sheriff Maury Straub and all the police chiefs in the county, as well as District Attorney Adam Gerol, who in a letter Ozaukee Press this week addresses Voiland’s attacks on Wolfgram for signing the recall petition.

“We don’t need to throw out an extremely talented judge who makes good decisions in his courtroom as some sort of ‘act of faith’ to show how strongly we believe in Gov. Walker,” wrote Gerol, who calls himself a strong supporter of Walker. “Casting away 18 years of sound judicial experience just to prove a point would be counterproductive to our justice system and downright foolish.”

Among those in the Voiland’s camp are Republican state lawmakers Alberta Darling of River Hills, whose district includes a portion of Mequon, and Rep. Jim Ott of Mequon, as well as former state senator David Opitz of the Town of Port Washington.

In a letter to Ozaukee Press endorsing Voiland, Opitz writes that he supports Voiland now even though he recommended Wolfgram for judicial appointment in 1994.

“Above all else we expect our judges to exhibit sound judgment and to act with impartiality,” Opitz wrote. “Wolfgram’s signing of the Gov. Walker recall petition fails on both accounts.”

Wolfgram said Voiland’s singular focus on the recall petition distracts from the real issue — how he has done his job for the last 18 years.

In 2008, Wolfgram, who is the county’s presiding judge, was named Judge of the Year by the State Bar of Wisconsin.

According to a statement issued by the Bar at the time, Wolfgram “is praised for his patience at giving litigants the opportunity to make a good records and his diligence at setting forth findings of fact as well as conclusions of law that demonstrate an intimate knowledge of the appropriate legal standards and how they interact with the matter presented. His peers often look to him for guidance on judicial ethics.”

Wolfgram noted that as district attorney he lobbied for and won approval from the Ozaukee County Board in the mid-1980s for a victim witness coordinator program that protects the rights of victims and guides them through the legal system.

“Experience is absolutely critical for a judge, especially in Ozaukee County,” said Wolfgram, adding that Voiland has never appeared on a case in the county. “In Ozaukee County, each judge handles every type of case — criminal, family, civil, juvenile, paternity, small claims and traffic.

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“We’ve focused our campaign on my body of work. He (Voiland) doesn’t have a body of work. We don’t know what he would do as a judge.”

But Voiland, 40, a lawyer since 2002, said he has the experience needed to be a judge. He has served as counsel to the State of Wisconsin in litigation regarding the 2011 congressional and legislative redistricting and to Wisconsin Supreme Court Justice David Prosser during the recount of votes cast in the 2011 Supreme Court election.

Voiland has also touted his experience as a special prosecutor for the Milwaukee County District Attorney’s Office. He said he worked on a case-by-case basis prosecuting about 50 civil cases that sought to terminate parental rights in instances of abused or neglected children.

Voiland currently specializes in financial services litigation for the law firm Reinhart, Boerner, Van Deuren.

“I have represented some of the nation’s largest accounting and actuarial firms in litigation across the state and across the country,” Voiland said. “These businesses do not hire inexperienced lawyers. Justice David Prosser does not hire an inexperienced lawyer to represent him in the election contest of his life.”

Voiland said the recall petition, which was widely seen as a reaction against Act 10 legislation, is a legitimate campaign issue because by signing it Wolfgram may have compromised his ability to hear some cases because of conflicts of interest.

Wolfgram noted that signing the petition did not violate ethical rules governing judges and will not impact his ability to do his job.

Responding to a complaint from a legal advocacy group, the Wisconsin Judicial Commission ruled last year that judges who signed the petition did not violate the Wisconsin Code of Judicial Conduct or act in a manner that would reflect adversely on impartiality, according to a letter sent to judges. The commission does not publicly release its rulings.

“I can say that I have faithfully applied the laws as passed by every legislative session, including the latest one, in the tens of thousands of cases I’ve handled and will continue to do so,” Wolfgram said.

The League of Women Voters of Ozaukee County will host a candidates forum for the judicial race from 7 to 8 p.m. Thursday, March 28, in the boardroom of the Ozaukee County Administration Center, 121 W. Main St., Port Washington.

Both candidates will make an opening statement, then answer questions submitted by the audience.

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