

County judicial candidates face off

By Ryan Whisner, Union regional editor | Posted: Thursday, March 13, 2014 10:27 am

JEFFERSON — Candidates seeking to become Jefferson County's Branch III circuit judge faced off during a public debate Wednesday in Jefferson.

Held in the Fort Community Credit Union's Puerner Room, the event was co-sponsored by the Fort Atkinson and Jefferson chambers of commerce, WFAW Radio and the Daily Jefferson County Union. Moderating was WFAW news director Michael Clish.

Judge David Wambach is being challenged by attorney Joann Miller of Jefferson. The two will appear on the April 1 election ballot.

Gov. Scott Walker appointed Wambach to the bench in June, filling the seat vacated by Judge Jacqueline R. Erwin, who retired in January after 34 years of public service as both a prosecutor and judge.

Prior to his appointment, Wambach served as an assistant attorney general with the Wisconsin Department of Justice since November 2008, and as Jefferson County district attorney from 1997 to November 2008.

Wambach earned his bachelor's degree from University of Wisconsin-La Crosse in 1981 and his law degree from Marquette University in 1985.

He began his legal career as an assistant district attorney in Wood County from 1985-88 and then was hired as an assistant district attorney by then-District Attorney Jacqueline Erwin.

Wambach noted that he has 28 years of experience in law.

"In all that time, I have noted that it is extremely important for there to be a difference between excellence and competence. Excellence begins at the basis with experience," he said. "Excellence is more than simply time in the office. Excellence is what you have done to distinguish yourself during your career."

Four times he has received statewide awards for various prosecutions, he said, adding that 20 different times he has been invited to teach other lawyers how to be excellent in court at both the state and national levels.

The judge noted that Miller has never been asked to teach other attorneys nor won any statewide awards for excellence in the courtroom.

“Reputation is also a reflection of excellence,” Wambach said. “I have a long list and broad base of endorsements and support,” he said, noting that the 12 different judges from circuit court to Wisconsin Supreme Court justices endorse his candidacy.

Wambach pointed out that the majority of state officeholders that represent Jefferson County endorse him, as do the majority of county board and town chairpersons.

“That is a reflection of the excellence I have strove to bring to the legal profession and all I’ve done as I’ve served,” he said. “Vote for excellence on April 1, vote for David Wambach.”

Born in Fort Atkinson and raised in Whitewater and Cambridge, Miller has lived almost her entire life in Jefferson County. She also raised her children here.

Since 2009, Miller has served as the municipal judge for the City of Jefferson, Village of Johnson Creek and towns of Aztalan and Sumner.

She also maintains a full-time private practice as an attorney and is actively involved in the community as president of the Jefferson Rotary Club and a board member for the Rock River Free Clinic, the Jefferson Housing Authority and Greater Jefferson Arts Alliance.

“I began my legal education later in life than my opponent did,” Miller said, acknowledging that he was right in saying that she does not have 28 years of experience, but, rather, eight years.

“Prior to that, I spent my life learning about life,” she said. “I have spent my life working in a factory, I have worked in public service, I have worked for a government agency collecting child support for Walworth County and I have been a small business owner.”

Miller said has been a single mother raising children, working full time and taking classes at night.

“I have balanced work as a law clerk, law school and caring for a terminally ill husband,” she said. “I have the perspective and understanding to be compassionate and hold people responsible. I know what it’s like to struggle through life, I know what it’s like to pull your life together and I know what it’s like to be responsible for the choices you make in your life.”

Miller pointed out that her practice is different than that of Wambach, who has spent his entire career as a prosecutor.

“I come from the emotional trenches of family law, children protective services and of guardianship work,” she said. “I see how the law gets applied each and every day to people’s lives. My unique traits provide me with the traits necessary to be an excellent judge. It is far more than knowing the law; it is knowing the people that do both.”

Questions

The candidates were asked what they thought were the most important issues facing the court system in Jefferson County and what changes they would like to see.

Miller cited the county's heroin epidemic that had been referenced by the candidates vying for contested seats on the Jefferson County Board of Supervisors (see related story on page A1).

"It really is a very serious situation in Jefferson County," she said. "It has made the headlines lately; it has been a topic of discussion and become a part of our committees to see how we are going to handle it and bring the departments together."

She said that as a family law attorney and a child protective services attorney, she has been watching the epidemic for the past several years.

"It has grown substantially in my private practice," Miller said, noting that she supports the effort to bring county departments to work together with the court system to try and stem the epidemic in a way that focuses on treatment and not simply putting people in jail.

Conversely, Wambach said one of the issues he identified once appointed as the Branch III judge was a lack of suitable guardians for those in need of them. The judge said those who need guardians are children, the elderly and persons who are developmentally disabled.

Wambach said he convened a roundtable discussion to brainstorm how to address the issue.

As a short-term goal, Wambach said, the public and current guardians were asked to help recruit more volunteer guardians. He said the response was immediate and allowed the ability to raise the level of guardianship and those needs that those three populations have at their core.

Turning to another question, the two judicial candidates appeared divided as to the level, if any, that partisanship appears in Jefferson County courts.

Wambach, who always ran as a Republican for Jefferson County district attorney, said that in his personal experience as a judge, there is no partisanship.

"There is a dedication, as I see it, to commit to justice, fairness, that it be equal, impartial and that it be driven by a desire for justice," he said. "That's the background that I bring from all of my years as a prosecutor. I've been dedicated to justice."

Unlike Miller, whom he said serves the best interests of her clients, Wambach said he has served the best interest of justice for 28 years.

"The U.S. Supreme Court and Wisconsin Supreme Court have indicated that prosecutors are the only position that is quasi-judicial, meaning most like a judge," he said. "For 28 years, I have been training and practicing to be most like a judge and now I am a judge and I'm putting that experience to work every day."

While Miller agreed that the judges she has appeared before in Jefferson County have not shown partisanship in the courtroom, she suggested that she has seen partisanship as part of the judiciary in Jefferson County.

She pointed out that Wambach appeared on the front page of the Daily Union in its coverage of the Jefferson County Republican Party Lincoln Day Dinner.

“His campaign manager is a proud Republican and he has run in the past as a Republican,” Miller said of her opponent. “I’m not backed by any political party. I haven’t attended any political event and I have no one on my campaign committee who is a member of any political party.”

She said she feels strongly that the judiciary must be impartial and nonpartisan, especially at the circuit court level.

Continuing, the two candidates were asked to share why they chose a legal career.

“There are some days I ask myself that question, as every lawyer out there will agree with,” Miller quipped.

She said she came to the law later in life, starting college at age 40 and law school at 43.

“It was a decision that was a long time coming for me,” Miller said. “When I decided to become a lawyer, it was because I wanted to help people, particularly children. I wanted to help them navigate the legal system and transform from one part of their life to another. I wanted to make a difference.”

She acknowledged to getting off track a bit early in her career.

“I was able to find my way back not only to the type of law that I not only practice well, but I know transfers to the bench very well,” Miller said. “That is, I became a mediator and practice collaborative-type divorce.”

Miller said all of those traits transfer well to the bench.

“They give me the ability to listen and listen carefully at what people say,” she said. “They have given me the ability to listen fully and let people have their say in court.”

As municipal court judge, she said, every person who comes before her has an opportunity to tell his or her full story.

“That is so important because at the end of the day when that decision is rendered, if that person feels that they’ve had their story heard, they are much more able to handle the decision, whether it is in their favor or not,” Miller said.

“I continue to help people every day of my law career. By becoming circuit court judge, I would be able to expand that and touch far more lives than I’m able to touch as a private practice

attorney handling the limited number of cases I can handle as an attorney, and that is my goal to continue to help the people of Jefferson County,” she added.

Looking back to when he first became interested in this career, Wambach recalled hearing from an attorney at a school job fair when he was in ninth grade. He said the attorney said that lawyers need to be good with their words, they need to be wordsmiths, as they use words as tools of their trade.

Having been involved in public speaking since eighth grade, he said, he thought it was a skill set he already had.

In addition, Wambach said, the lawyer appeared proud of the work that he did and Wambach said he wanted to be proud of the work that he could do.

“Unlike my opponent, I’ve had the great fortune of never once, ever a single day, questioning my being a lawyer,” Wambach said. “It is a noble profession. When I was a prosecutor, I knew I had a chance to look in the mirror and say ‘I go to work and I do what’s right.’ That is the only goal that I have.”

He said doing what’s right gives a person the opportunity and sense of satisfaction to know that you are helping other people and doing what is best for the defendant, victim and community.

“You have to balance all of those interests, sometimes competing and pulling you in different directions,” Wambach said. “It has always been extremely gratifying and an absolutely wonderful experience to be able to fight for victims in court and see that they got their day and a wrong that had occurred to them could be righted. To see that a jury would return a just verdict by making sure I prosecuted every case in an ethical fashion and in a fashion that would stand up on appeal.”

Wambach said none of the homicide convictions he got as a prosecutor have been reversed on appeal.

“I knew I was playing by the rules and I knew I was doing justice and doing it in an ethical fashion,” he said.

To close the debate, Clish allowed the two candidates a few minutes to offer closing remarks.

“It is important that everyone have a chance to be heard prior to making a sound decision,” Miller said.

She thanked the organizers of the forum for the opportunity to tell her story.

“When I made the decision to become a lawyer, it was to help people,” Miller said. “While I’ve had an impact on many lives, whether in private practice or as a municipal judge, becoming your circuit court judge will allow me to touch even more lives.”

She noted that being circuit court judge is a public service to provide residents with a venue to air their grievances, move from one part of their life to another or be held accountable for breaking the laws that operate the community.

“While I’m greatly involved in my community and my county, being your circuit court judge will afford me the ability to give back at a much greater and much farther-reaching way than I am able to do now,” Miller said.

Addressing Wambach’s statement of his endorsements and ethics, she encouraged area residents to talk to those on the list of endorsements noted on his website and find out where they really stand.

“See how their names made it to those lists, because I think it speaks volumes to my opponent’s ethics on how some of those names got on those lists,” she said.

Continuing, Miller said her roots were planted deeply in Jefferson County since she was born in Fort Atkinson. She started in Whitewater and her family moved to Cambridge, where she graduated from high school.

She returned to Fort Atkinson in 1986, moving back to Jefferson in 2007.

“I am a Jefferson County girl through and through,” Miller said. “I care about the people of Jefferson County and I want what is best for them. As my opponent said, I’ve spent my legal career looking out for the best interests of not my clients, but my wards; the court has appointed me to represent those people.”

As judge, Miller said, she would continue to look out for the best interests of the people of Jefferson County.

“I want a judge for the people of Jefferson County who listens, who treats everyone who comes before them with respect, is compassionate, holds people responsible, holds solid judgement and insight and a calm and steady demeanor on the bench,” Miller said. “I am that judge and I hope you vote for me on April 1.”

Wambach pointed out Miller’s listing her experience as a municipal judge.

He illustrated the difference between a municipal judge and circuit judge, noting that per state statute, municipal judges are not required to have a law license. Comparatively, circuit court judges must not only have a law license, but also a minimum of five years of experience.

Also, Wambach said that when a circuit court judge’s decision is appealed, it goes to the Court of Appeals. An appeal of a municipal judge’s decision goes to the circuit court judge to decide.

“In my education for excellence throughout my career, I’ve always said that competence was not enough,” he said. “The people I serve, that I was sworn under oath to serve as a prosecutor and now as a judge, deserve the very best they can get.”

Wambach said he has worked very hard at being the best lawyer he could be and now the best judge he can be every day.

“When I put that robe on, I put on the mantle of responsibility of giving the people who appear before me the very best,” he said. “Keep excellence working for you in Jefferson County; vote for David Wambach.”