



**Ed Fallon**

**1) Why are you running for the Wisconsin Supreme Court?**

The Justices serving on our Wisconsin Supreme Court reflect too narrow a set of legal experiences and too narrow a set of life experiences to truly represent all the people of Wisconsin. When Justice Shirley Abrahamson retired, the Court lost the perspective of a law professor who held the political branches of our government accountable to the voters. The Court does not have any member who has substantial experience as a criminal defense attorney. Right now, the Court does not have a single member who has focused during their career on serving persons of modest means – such as working families and immigrants. And there are currently no racial or ethnic minorities represented on our Court – we have no Justices of color. I am a Latino and an experienced lawyer who has fought for decades to help working families and immigrants in the legal system. I want to bring that experience to the Wisconsin Supreme Court.

**2) What makes you better qualified to serve as a Supreme Court justice than the other candidates?**

I have been a Constitutional Law professor at Marquette Law School for over two decades. I advised Senator Herb Kohl on four United States Supreme Court nominations. In addition, when the Merrick Garland nomination to the U.S. Supreme Court was blocked by the Senate, the Obama White House asked me to speak out against the obstruction at a nationwide press conference. During my career I have led numerous nonprofit organizations that seek to improve access to justice for working families and that fight to protect the civil rights of immigrants. My passion to help working families and the immigrant community comes from my own upbringing as the child of a father who was a public school teacher and a mother who immigrated to the United States from Mexico. My

diverse experience is what makes me the most qualified candidate.

**3) What is your approach to deciding cases?**

Judges wield great power, so it is important for judges to use their power wisely. I believe in judicial restraint, which is the principle that judges should not decide major constitutional questions unless necessary in order to resolve the case before them. I also believe that humility is an important quality in judges – a judge should recognize that he does not know everything. And I believe that a judge should be open-minded and give both of the parties before her the opportunity to make their best argument.

**4) Do you have an overarching judicial philosophy?**

I am an independent thinker, who believes that the law is derived from human experience and not from abstract theory. As a Justice I would seek to advance three basic principles of justice. First, it is the job of the Wisconsin Supreme Court to interpret the law in a way that preserves the fundamental ability of the people to govern ourselves. Second, the guiding principle of our system of justice is “equal treatment of all persons under the law.” Third, I believe that the Court must do a better job of acting in ways that demonstrate that it is nonpartisan and independent as an institution – especially at a time when the voters of our state are so divided on political issues.

**5) What are some of the important issues that you believe might come before the court the next few years?**

Voting rights is an important issue, and I expect that the Wisconsin Supreme Court will be called upon to decide cases involving purges of voters from the voting rolls and the drawing of legislative districts. The Court will also likely face issues relating to access to reproductive health care for women. Finally, I believe that the Court will be called upon to decide First Amendment issues relating to hate speech and online harassment.

**6) What experience or knowledge do you have with federal Indian law and the rights of Native Americans and Indian tribes?**

As President of the Wisconsin Hispanic Lawyers Association, I worked closely with Native American leaders to oppose proposed English-Only laws. As President of Centro Legal, a nonprofit legal services provider, I led a community-based organization where approximately two percent of our clients each year were Native American. While I have not practiced under the Indian Child Welfare Act, I am familiar with that law and I support the law’s recognition of a tribal interest in questions concerning the custody and placement of Native American children.