

Rebecca Kiefer for Milwaukee County Circuit Court Judge Branch 29

1. What judicial philosophy will you bring to the court and what in your life led you to that philosophy?

Honesty, Integrity, Humility in all I do. Fairness and Respect to all who come before me.

My judicial philosophy is one of restraint with deference to the rule of law. Truly, the sum of my life experiences leads me to this philosophy. I hold a bachelor of science and am trained in the scientific method. I have over 15 years of experience as an assistant district attorney, where every day I am charged with evaluating evidence, applying the facts presented to me to the applicable statutes and case law, and making a determination as to whether I can prove the case to the requisite burden of proof required under the law.

I believe that the role of a circuit court judge is to understand what everyone in the courtroom needs and ensure that people are treated fairly. I do not think judges should have an agenda. I believe it is the role of a circuit court judge to listen, without bias or prejudice, to the case before them, and adjudicate the matter fairly using the applicable law as their guide, without bringing any outside agenda into the courtroom.

The cornerstone of this belief is fairness to all parties. To allow all litigants the time to be fairly heard and advance their case, while at the same time moving cases along so that all may receive the finality of judgment in a reasonable time.

I do not believe that the role of a circuit court judge is to make all parties happy, or to move or advance an issue agenda. Rather, I believe the role of a circuit judge is to look at each case on its merits, to apply the law to the facts, and render a decision that is fair, clear and supported by the facts and the law.

2. What special or unique quality would you bring to the Circuit Court bench?

The unique quality I will bring to the Circuit Court bench is my perspective, which comes directly from my experience working cases that involve Milwaukee County's most vulnerable citizens. As a Milwaukee County ADA, I strive to be clear and concise when on the record, ever cognizant that each word I use is recorded and that victims, litigants and the citizens of Milwaukee are counting on me to make each one of those words count. Litigants, victims and the general public deserve to be able to understand what the ruling is, and why the judge is ruling in the way that they are. Conveying complex and often confusing legal concepts in clear, everyday language is a hallmark of my legal practice, and is an important component of a successful judge.

Throughout much of my career, my focus has been on achieving just outcomes for children in foster care and victims of domestic violence. All kids deserve stability and an equal footing in the world. They should never be in foster care a minute longer than necessary, and it is my job to ensure the best possible outcome for them in the most expedient way, under the law. As a judge, I will use this experience to always remember that the goal is increased stability and harmony in our society, and that the law must always be applied equally and fairly.

I see every day the impact of the addiction crisis, mass incarceration and housing insecurity on many of our neighbors in Milwaukee County. I have dedicated the vast majority of my legal career to seeking justice for those most unfairly impacted by these issues, and I believe that judges should be full partners in addressing them. I will bring this unique perspective to help find solutions that will move Milwaukee forward.

3. Describe your legal practice during your career (volume, area of law) and how has it prepared you for the Circuit Court bench?

I am a seasoned attorney with more than 16 years of experience practicing law. I attended Marquette University Law School, where I was both a paralegal and an intern at the Milwaukee County District Attorney office, writing and editing portions of the Wisconsin Domestic Violence Prosecutors Manual and representing the state in domestic violence cases through a third-year practice certificate.

After graduation from law school, I went to work with my father, Gerald Kiefer, at Kiefer Law Office, which is recognized as the first father/daughter law firm in Washington County history. There I was an assistant town attorney for the Town of Wayne, an assistant village attorney for the Village of Kewaskum. The Kiefer Law Office is the quintessential small town general practice law firm, where I gained exposure to all areas of the law, including probate/wills, estate planning, personal injury, corporate/business, family law, real estate, municipal prosecution, criminal and traffic defense, and income tax preparation.

I have been an Assistant District Attorney for Milwaukee County since April 19, 2004, where I have successfully represented the state in over 100 jury and bench trials in both criminal and civil matters, and multiple appellate matters, including arguments to the Wisconsin Supreme Court in State v. Shirley E., 290 Wis.2d 193, 711 N.W.2d 690 (2006). I was promoted to team captain of my unit in 2015, where I work with new ADA's to do not what they can, but what is right. My current assignment involves trial and appellate prosecution of termination of parental rights cases, helping children in the foster care system find permanence in stable and loving homes. All of this has prepared me to be a fair and impartial jurist in our Milwaukee County Courts.

4. Share a significant case you argued before the court. What did you learn from it?

One of the most significant cases that I have been involved with is State v. D.P.V., Appeal No. 2016AP2037. This is a termination of parental rights case where the court granted the petition, but stayed entry of the order pending further review by the court. I filed a motion with the court to reconsider the stay, which was denied. Upon careful consideration of the statutes and case law, and with the full support of my office, I pursued appellate review of this circuit court decision. The Court of Appeals agreed with my position, struck the stay and ordered immediate implementation of the TPR order.

The reason why this case is so significant is that it highlights my judicial philosophy; that of restraint and deference to the rule of law. In this case, there was no Wisconsin case law that supports a stay of a TPR order, and there was no express statutory authority for a stay of a TPR order. The legislature had acted by spelling out what outcomes may occur at a dispositional hearing. See Wis. Stat. § 48.427(1). When the legislature has acted, the judiciary is limited to applying the policy the legislature has chosen to enact, and may not impose its own policy choices. Progressive Northern Ins. Co. v. Romanshek, 2005 WI 67 at ¶ 60. Public policy on a given subject is determined either by the Constitution itself or by statutes passed within constitutional limitation. Id. When acting within constitutional limitations, the legislature settles and declares the public policy of a state, not the court. Id. This case reinforced the importance of speaking up when something is wrong, that the law constrains all actors, and all must act within the laws or risk decisions being overturned when challenged on appellate review.

5. What demeanor will you bring to the bench?

I will bring a calm, fair judicial demeanor to the bench. I treat all people with kindness, dignity and respect. I speak in clear, concise terms, and I know how to build a record that is clear and easy to understand when a decision is challenged on appeal. I will take the same approach on the bench. Litigants, victims and the general public should be able to understand what a ruling is, and why the judge is ruling the way that they are. Conveying complex and often confusing legal concepts in clear, everyday language is a hallmark of my legal practice, and an important component of a successful judge.

I am a servant of the law. A servant of the law has no interest in the outcome of the case, but to see that justice be done. See Berger v. United States, 295 U.S. 78 (1935). This is a belief I hold as an assistant district attorney for the State of Wisconsin, and I would continue to employ as a circuit court judge. The cornerstone of this belief is fairness to all parties, to allow all litigants the time to be heard and advance their case, while at the same time moving cases along so that all may receive the finality of judgement in a reasonable time. I know that judges can't make all parties happy, nor should they try. But every litigant should feel heard, and have the opportunity to be heard. I don't think we need assembly-line justice in civil or criminal court. We need judges who will adhere to

the law, and ensure that agendas are set aside. Most importantly, we need judges who will treat everyone with kindness, dignity and respect. I aspire to be that kind of judge.

6. Describe your involvement in the legal community and the greater Milwaukee community. How will that assist in your interactions with those who appear before you?

In addition to working over 15 years in the Milwaukee County Courts to achieve justice for the most vulnerable citizens in our society, I currently serve as Chair of the Children & the Law Section of the State Bar of Wisconsin. This is my second term serving as chair of this litigation section. I am a Director for the Association for Women Lawyers and the Government Lawyers Division, and I am a member of the task force on Diversity and Inclusion for the State Bar of Wisconsin. I train attorneys from across Wisconsin on issues dealing with children and the law. I currently serve as an alternate on the Milwaukee Commission on Domestic Violence and Sexual Assault. I am a member of the Milwaukee Bar Association and Serjeants' Inn. I am active in Fairchild Inn of Court and I am a Wisconsin Law Fellow.

I'm a member of the Milwaukee Downtown Rotary Club, where I am the co-chair of the Reading is Fundamental Program. I serve on the board of the Fox Point Foundation. I am active at my children's school, with our PTO, and my daughters Girl Scout troop. I am also deeply involved with the community, attending meetings like Community Brainstorming on a regular basis.

My involvement in the legal community and the greater Milwaukee community will assist in my interactions with those who appear before me, because I am a part of our Milwaukee community and truly dedicated to achieving justice and best outcomes for all citizens in Milwaukee. I understand the issues and concerns of those in our community because I am part of that community. I believe it is important for judges to be connected to the community they serve, and I pledge to remain connected after I am elected as a Circuit Court Judge.

7. What is the most difficult decision you ever made in your life? Describe the decision-making process you used and how would you describe your decision making style.

My approach to decision making is analytical and rigorous, evidence-based and fact driven. I do not allow any particular outcome to determine the decisions I make in my work. I let the facts and the law lead me to my conclusions. As an assistant district attorney, every day I am charged with evaluating evidence, applying the facts presented to me to the applicable statutes and case law, and making a determination whether I can prove the case to the finder of fact. This is a natural process for me, and one that I greatly enjoy. I have a bachelor of science in biology, and am trained in scientific writing and reasoning. The details and routine that to many is mundane, is to me the framework for how excellent results are achieved. The challenge of new legal questions and

difficult decisions is something that I excel in, as I employ a rigorous analytical approach that was ingrained in me during both my undergraduate and legal studies.

One of the most difficult decisions I've made in my life was to leave practice with my father at Kiefer Law Office to pursue a career as an assistant district attorney for Milwaukee County. I truly loved litigating and working with my father, but ultimately my dedication to justice and desire to make a real and fundamental difference in my Milwaukee County community pulled me to decide to join the DA's office in 2004. It is this same commitment to justice for all in Milwaukee that drives me to do more for my community and pursue a position as a Circuit Court Judge. Judges can help to strengthen our community. I am deeply concerned with keeping our community safe, and I'm also insistent on issues of equity and equality. I respectfully ask for your vote.