

RETAIN JUSTICE LOUIS  
**BUTLER**  
WISCONSIN SUPREME COURT

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**Untrue Ads Must Come Down**  
**60% Figure Found to be Completely False**

MADISON – A detailed analysis of all criminal cases heard by the Supreme Court finds the figure that the Coalition for America’s Families and the Gableman campaign has used to discredit Justice Butler – that he has “sided with criminals in nearly 60 percent of the cases taken up by the Supreme Court” – to be completely false. The analysis examines all criminal cases the Supreme Court heard and decided from August 2004, when Justice Butler joined the court, to the present.

“We call on the Coalition for America’s Families, the Gableman campaign, and their allies to live up to the pledge Gableman signed, remove this figure from their advertisements and press releases, and immediately apologize to Justice Butler and the voters,” said Sachin Chheda, Senior Advisor at Friends of Justice Louis Butler.

“Gableman and his third-party allies seem to have trouble with basic math,” said Butler communications director Erin Ceello. “In this dirty, sleazy, misleading campaign, we’ve seen nothing from Gableman to suggest he is qualified to do the job of a Supreme Court justice.

“Gableman and his third-party allies are apparently willing to do whatever it takes – even going as far as fabricating statistics – to buy a seat on Wisconsin’s Supreme Court,” said Ceello. “That’s clearly not conduct befitting a Supreme Court justice. Michael Gableman needs to clean up his act, stop using made-up statistics, and demand his third-party cronies do the same.”

Below is a table of 70 criminal cases certified and taken up by the Supreme Court during this period. Justice Butler voted to overturn criminal convictions less than 20 percent of the time, and only when the law required. In addition, he voted to deny the appeals in about 75 percent of cases.

Convictions/Issues Reviewed	Number	Percentage
Total	106	
Justice Butler ruled against conviction	20	18.9
Justice Butler ruled to uphold conviction	86	81.1

  

Cases Reviewed	Number	Percentage
Total	70	
Justice Butler ruled against conviction	18	25.7
Justice Butler ruled to uphold conviction	52	74.3

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In addition to cases the Supreme Court actually heard arguments in and decided, the Court reviews hundreds of petitions from criminal appellants who are trying to get their conviction overturned, and denies those appeals without a hearing. If those cases are included, as they should be (the Court does vote to accept or deny those appeals), then Justice Butler has voted to uphold criminal convictions in 97 percent of all cases the court has considered.

In criminal matters that come before the court, Justice Butler is in the majority 89 percent of the time – the second highest rate of any justice on the court. (Source: *Wisconsin Law Journal*, “Crooks Still Supreme Court’s Swing Vote,” August 20, 2007).

“Despite repeated attempts by the media and observers to get the Gableman campaign or their ally, the Coalition for America’s Families, to substantiate the ‘60 percent’ figure, they have never done so,” Celello said. “They have not offered one shred of evidence for this blatant falsehood. In this case, the next step is clear – there is no reasonable way to analyze the body of work acted upon by the Wisconsin Supreme Court and end up with a result of ‘nearly 60 percent of the time,’ and the ads must come down immediately.”

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