

IN THE SUPREME COURT  
OF THE STATE OF WISCONSIN

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In the Matter of Judicial Disciplinary  
Proceedings Against the  
Honorable John A. Zodrow

Wisconsin Judicial Commission,  
Complainant,

v.

The Honorable John A. Zodrow,  
Respondent.

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**COMPLAINT**

Case No. \_\_\_\_\_

The Wisconsin Judicial Commission by its attorney, James C. Alexander, for its complaint against the Honorable John A. Zodrow, states as follows:

1. The Wisconsin Judicial Commission (“Commission”) is organized under Wis. Stat. §§ 757.81 to 757.99 (2007-08)<sup>1</sup> and is charged with the responsibility of investigating allegations of misconduct by members of the Wisconsin judiciary. Upon a finding of probable cause that a judge has engaged in misconduct, the Commission is required to file a complaint with the Supreme Court.

2. At all times material to this complaint, the Honorable John A. Zodrow (“Judge Zodrow”) was a judge for the City of Cudahy, Wisconsin and thus a judge within the meaning of Wis. Stat. § 757.81(3).

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<sup>1</sup> All subsequent references to the Wisconsin Statutes are to the 2007-08 version unless otherwise indicated.

3. On January 9, 2009, the Commission notified Judge Zodrow that it was investigating allegations of his possible misconduct and on September 23, 2009 the Commission presented Judge Zodrow with written allegations of misconduct, which included the substance of the allegations contained in this complaint.

4. Judge Zodrow responded to the allegations with a written submission dated October 14, 2009 and by appearing in person before the Commission on October 23, 2009. Those responses were considered by the Commission.

5. The Commission has found probable cause to believe that Judge Zodrow has engaged in judicial misconduct by willfully violating SCR 60.04(1)(h), Wisconsin Code of Judicial Conduct and by his willful or persistent failure to perform official duties.

#### **First Allegation of Judicial Misconduct**

6. Repeat and re-allege paragraphs 1 through 5 above and incorporate the same herein by reference.

7. The City of Cudahy Municipal Court has an annual case load of approximately 4000 cases. There exists in the City of Cudahy Municipal Court a massive backlog of citations in Judge Zodrow's office that have not been adjudicated. This backlog dates back to at least 2002. The clerk of the City of Cudahy Municipal Court recently counted approximately 3,500 cases in Judge Zodrow's office awaiting decision.

8. As of October 23, 2009, Judge Zodrow did not know how many cases he had pending or for how long they have been pending. His best guess on that date was between 1,000 and 1,500 cases, some dating back to 2002 and perhaps a few dating back earlier.

9. Judge Zodrow has repeatedly been advised of this backlog by city officials, court staff, and court officials but has not taken significant action to reduce the backlog. In November 2008, Judge Zodrow was advised by an audit of the Cudahy Municipal Court, conducted by Virchow Krause and Company, of the large backlog of cases dating from 2002. Despite such notice, Judge Zodrow refuses to timely decide cases or reduce his case backlog.

10. Supreme Court Rule 60.04(1)(h), Wisconsin Code of Judicial Conduct provides, "A judge shall dispose of all judicial matters promptly, efficiently and fairly." The conduct described above constitutes a willful violation of SCR 60.04(1)(h), Wisconsin Code of Judicial Conduct and therefore, judicial misconduct pursuant to Wis. Stat. § 757.81(4)(a).

### **Second Allegation of Judicial Misconduct**

11. Repeat and re-allege paragraphs 1 through 10 above and incorporate the same herein by reference.

12. Since on or about May 9, 2009, Judge Zodrow has been refusing to adjudicate any parking ticket stipulation cases as a protest of the City of Cudahy's Police Department's action in cutting off police department computer access to the Municipal Court. Judge Zodrow has said that he puts parking stipulation cases in a box and "they can sit and collect dust until hell freezes over for all I care." As of October 23, 2009, Judge Zodrow estimates there are two boxes full of stipulated parking ticket cases that have not be adjudicated during his protest.

13. The conduct described in the above paragraphs constitutes a willful or persistent failure to perform official duties and thus judicial misconduct pursuant to Wis. Stat. § 757.81(4)(b).

WHEREFORE, the Judicial Commission requests that this matter be determined according to law and that appropriate discipline be imposed.

Dated this \_\_\_\_\_ of November 2009

Wisconsin Judicial Commission  
State of Wisconsin

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