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GOVERNMENT AFFAIRS

THE WRA ENDORSES DAN KELLY FOR STATE SUPREME COURT

The WRA has endorsed incumbent Justice Daniel Kelly for a full 10-year term on the Wisconsin Supreme Court. The general election will be held on April 7.

Kelly was appointed to the court in 2016 by former Gov. Scott Walker. Prior to his appointment to the state's highest court, Kelly was vice president and general counsel for the Kern Family Foundation. Kelly also has private sector experience as a former business litigator with the law firms Rogahn Kelly LLC and Reinhart, Boerner, Van Deuren S.C.

The WRA's political strategy group, the REALTORS® Political Action Committee (RPAC) trustees and the board of directors all voted to support Kelly.

WHY KELLY?

The WRA's endorsement decision was based on a thorough review of all candidates running for Wisconsin Supreme Court. The WRA leadership and relevant committees reviewed all three candidates' records and available legal opinions, conducted interviews with the candidates and evaluated detailed questionnaires, all focused around the issues that impact WRA members and the real estate industry. In the end, they endorsed Kelly as the best choice for the real estate industry. The Kelly endorsement is based primarily on the following:

Judicial record: During his four-year stint on the court, Kelly ruled on 25 cases important to the real estate industry and the WRA. In 14 of those cases, Kelly ruled in a manner beneficial to the real estate industry or property owners; in six of those cases, the rulings were a draw, depending on perspective; and in five of those cases, the rulings were unfavorable. Kelly's record illustrates a strong commitment to private property rights and upholding contracts where possible.

Favors private property rights: Kelly's application for justice included the following question: "In 500 words or less, name one of the worst United States or Wisconsin Supreme Court opinions in the last thirty years and explain why you feel that way." Kelly named the U.S. Supreme Court case of *Kelo v. City of New London*, 545 U.S. 469 (2005), citing the case as "the worst opinion in the last 30 years," and expressed his concern by stating, "In concluding that a private 'taking' is justifiable upon the government's belief



that the transferee will put the property to a more economically productive use, it exercised legislative — not judicial — authority. And in doing so, it simultaneously offended both the implicit and explicit limitations on governmental authority." The WRA strongly agrees with Kelly's position on this high-profile case.

Judicial philosophy: When asked to describe his judicial philosophy, Kelly explained, "Our constitutional republic, and the rule of law, can thrive only when the judiciary operates within its proper boundaries. Chief Justice Roberts, in his confirmation hearing memorably analogized the judicial role to baseball. He observed that 'judges are like umpires. Umpires don't make the rules; they apply them.' He then promised he would 'remember that it's my job to call balls and strikes, and not to pitch or bat.' While this is a good and pithy summary of judicial conservatism, its power comes from the truth that lies at its foundation."

VOTE FOR KELLY ON APRIL 7

The general election is April 7. Please mark your calendar and vote on Election Day. We urge your support in this important election for Justice Dan Kelly.

Joe Murray is Director of Political and Governmental Affairs for the WRA.