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**Angling for 2023 state Supreme Court race already underway**

By WisPolitics.com

Former conservative Justice Daniel Kelly is still seriously considering another run for the state Supreme Court.

But liberal Appeals Court Judge Rachel Graham is out.

Meanwhile, other progressives are looking at their options for the 2023 race, when control of the court will be up for grabs for the first time since conservatives took a full majority in 2008.

Though some are still doing deep dives into the spring election results, others are already beginning to lay the groundwork for the 2023 state Supreme Court race, when conservative Justice Pat Roggensack’s seat will be open.

As Kelly began talking earlier this year about running for the court, Roggensack confirmed the long-expected news that she won’t seek another 10-year term. First elected to the bench in 2003, the former chief justice turns 82 in July.

Former Gov. Scott Walker appointed Kelly to the state Supreme Court in 2016 to fill the seat of fellow conservative David Prosser, who stepped down before his term was over. He lost his 2020 bid to retain the seat to liberal Jill Karofsky.

“Over the past year, I’ve enjoyed traveling around the state and listening to what grassroots activists and our fellow Wisconsinites are saying,” Kelly wrote in an email to WisPolitics.com. “I’ve been humbled by the widespread encouragement I’ve received to run for the Supreme Court next year when Justice Roggensack retires. I’m seriously considering this opportunity, and will make a decision this summer.”

Roggensack’s daughter, Milwaukee Circuit Court Judge Ellen Brostrom, was considered another possible conservative candidate for the pending vacancy. But she told supporters earlier this year she was passing on a bid. Some conservatives have questioned whether Kelly is the strongest candidate after losing his 2020 race by more than 10 points.

Others, though, have argued Kelly faced difficult terrain with the Democrat presidential primary driving turnout. Plus, analysts say he improved over the course of the race as a first-time candidate. Justice Rebecca Bradley, a favorite among both the conservative grassroots and the legal community, is expected to back Kelly. And that would leave little oxygen for another conservative campaign to take off. Legal observers have said the one exception would be if a candidate emerged from the “stop the steal” wing of the party.

On the progressive side, several names have circulated most frequently as possible candidates, including Graham. Democrat Gov. Tony Evers appointed her to the Madison-based appeals court in 2019, and she won a full term in 2020. She’s also a former clerk for liberal Justice Ann Walsh Bradley.

“Although I’m grateful for the encouragement to pursue a seat on the Wisconsin Supreme Court, I will not be running in 2023,” Graham wrote in a recent email to WisPoiltics.com. “My focus now is on the important work before me as a judge on the court of appeals.”

She declined to comment when asked if she would consider a Supreme Court run in the future.

Several circuit court judges have also been mentioned as possible candidates. Dane County’s Everett Mitchell seems the most active in beginning to put together a possible bid. He would be seeking to become only the second Black justice in Wisconsin history and the first to be elected to the court. Then-Democrat Gov. Jim Doyle appointed Louis Butler to the bench in 2004, but he lost in his attempt to hold the seat in 2008.

Some progressive operatives have raised concerns about how opponents would use his participation in a 2020 protest against him. According to coverage of the march in the wake of George Floyd’s death, Mitchell led chants of “No justice/No peace/No racist police.”

Progressives have mentioned fellow Dane County Judge Susan Crawford as another possible candidate. Democrats have said they don’t believe both Crawford and Mitchell would run at the same time.

Racine County Circuit Court Judge Kristin Cafferty is considered another possible candidate. Evers appointed her to the bench in 2021 after she spent 16 years as a partner at Habush, Habush & Rottier. She was unopposed on April 5 for a full term.

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