

**STATE OF WISCONSIN  
BEFORE THE ELECTIONS COMMISSION**

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**IESHUH GRIFFIN,**

**Complainant,**

v.

**Case No. EL 23-05**

**CITY OF MILWAUKEE ELECTION COMMISSION,**

**Respondent.**

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**VERIFIED RESPONSE AND REQUEST TO DISMISS OF RESPONDENT  
CITY OF MILWAUKEE ELECTION COMMISSION**

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**INTRODUCTION**

Respondent City of Milwaukee Election Commission, (“MEC”), acting by and through Assistant City Attorney Kathryn Z. Block, hereby submits the following response and asks the Wisconsin Elections Commission (“WEC”) to dismiss in its entirety the January 18, 2023, verified complaint (“Complaint”) of Complainant Ieshuh Griffin (“Griffin”).

**FACTUAL BACKGROUND**

On January 6, 2023, Griffin, filed a timely verified complaint to challenge the nomination papers of Candidate Phil Chavez for the Office of Municipal Court Judge, Branch 3 in the City of Milwaukee (“Challenge”). (Complaint Ex. 1) Chavez is the current incumbent and a candidate for the office of Municipal Court Judge in Branch 3. The sole basis for the Challenge<sup>1</sup>

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<sup>1</sup> Griffin claims her Challenge is based on EL 2.07(3)(d), which allows a challenger to base a challenge to nomination signatures on a basis other than those listed in the remainder of that section. Chavez filed a timely response to the Challenge on January 9, 2023, (“Response”), (Complaint Ex. 3), alleging the Challenge should be dismissed for various procedural grounds, including the failure on Griffin’s part to cite a proper statutory basis for

is that Chavez is not currently licensed to practice law in the State of Wisconsin as required by § 3-34-2-b, of the Milwaukee City Charter,<sup>2</sup> which provides: “Eligibility. A municipal court judge shall be an attorney licensed to practice law in Wisconsin.”<sup>3</sup> Griffin additionally argued

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her Challenge pursuant to Wis. Adm. Code § EL 20.03(1). While the MEC agrees the section of the Administrative Code cited by Griffin does not apply, rather than dismiss the Challenge on any procedural basis, the MEC decided the Challenge on its merits. It should be noted the MEC heard a challenge from Chavez, based Griffin’s own failure to meet the requirement set forth in MCO 3-34-2-b, based on Wis. Stat. § 8.30, which provides, in relevant part:

**8.30 Candidates ineligible for ballot placement.**

(1) Except as otherwise provided in this section, the official or agency with whom declarations of candidacy are required to be filed may refuse to place the candidate’s name on the ballot if any of the following apply.

...

(c) The candidate, if elected, could not qualify for the office sought within the time allowed by law for qualification because of age, residence, or other impediment.

(Emphasis added.) In fact, the challenge filed by Chavez is the subject of an appeal by Griffin in EL 23-03, and will be referenced herein. The MEC will address the merits of Chavez’ procedural arguments herein.

<sup>2</sup> Chapter 3-34 of the Charter Created the Milwaukee Municipal Court pursuant to the authority granted by Chapter 755 of the Wisconsin State Statutes.

<sup>3</sup> Supreme Court Rule 40.02 which lays out the qualifications to be admitted to the practice of law in Wisconsin. That Rule provides:

**SCR 40.02 Qualifications generally.**

A person who meets all of the following qualifications shall be admitted to practice law in this state by order of the supreme court:

- (1) Has attained the age of majority under law of this state.
- (2) Satisfies the legal competence requirements by diploma privilege (SCR 40.03), bar examination (SCR 40.04 or 40.055) or proof of practice elsewhere (SCR 40.05).
- (3) Satisfies the character and fitness requirements set forth in SCR 40.06.
- (4) (a) Takes the oath or affirmation prescribed in SCR 40.15 in open court before the supreme court or a justice thereof.  
(b) For individuals unable to appear at an in-person court ceremony and upon receipt of notification from the Board that an applicant has been certified for admission, a qualified applicant may request to take the oath or affirmation prescribed in SCR 40.15 remotely via audio-visual communications technology before the Wisconsin Supreme Court or a justice thereof. Qualified individuals may also request that they be permitted to take the oath or affirmation prescribed in SCR 40.15 before a member of the highest court of another jurisdiction or a person authorized by that jurisdiction to administer the attorney’s oath for bar admission there or before a judge of the U.S. District Court of Appeals or a justice of the U.S. Supreme Court. Any such requests shall be sent to the Clerk of the Supreme Court.
- (5) Subscribes the roll of attorneys maintained by the clerk of the supreme court or has his or her name entered thereon by the clerk.

Additionally, Woodall-Vogg noted Supreme Court Rule 10.01(1), which provides:

that it is the Wisconsin Department of Safety and Professional Services, (“WDSPS”) (not the Wisconsin Supreme Court or the State Bar) that is responsible for licensing attorneys in Wisconsin, and that Chavez did not take the bar exam.

After the Challenge was filed, Woodall-Vogg undertook an investigation<sup>4</sup> to see if Chavez was an attorney licensed to practice law in Wisconsin and made recommended findings to the MEC. (Attachment A) Woodall-Vogg determined that Chavez graduated from the University of Wisconsin-Madison Law School and was listed as a member in good standing with the Wisconsin State Bar on the Wisconsin State Bar Website.

<https://www.wisbar.org/directories/pages/lawyerprofile.aspx?Memberid=1031967>. Woodall-Vogg therefore recommended to the MEC that Griffin’s Challenge be rejected.

At the January 9, 2023 hearing of the MEC,<sup>5</sup> the MEC voted unanimously to reject Griffin’s Challenge. (Attachment B)

### ARGUMENT

Contrary to her Complaint in EL 20-03, here Griffin apparently concedes that candidates for Branch 3 of the City of Milwaukee Municipal Court must in fact be attorneys licensed to practice in the State of Wisconsin. Instead, she argues it is the WDSPS that is responsible for licensing attorneys in the state. For all of the reasons previously noted in MEC’s response to Griffin’s Complaint filed in EL 23-03, it is clear that the Wisconsin Supreme Court is the arbiter of who may practice law in this state. *See, e.g., State ex rel. Reynolds v. Dinger*, 14 Wis. 2d 193 (1961). Here, it is clear that Chavez was admitted to practice in Wisconsin via the diploma

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**SCR 10.01 State Bar of Wisconsin.** (1) There shall be an association to be known as the “state bar of Wisconsin” composed of persons licensed to practice law in this state, and membership in the association shall be a condition precedent to the right to practice law in Wisconsin.

<sup>5</sup> It should be noted that the MEC’s hearings are not recorded by voice or video. An unofficial copy of the minutes of the January 9, 2023 MEC meeting is provided as Attachment B.

privilege and is a member of the State Bar in good standing. Neither Chavez (nor Griffin, for that matter) could obtain a license from the WDSPS to practice law in Wisconsin, for that Office does not issue licenses to attorneys. See, <https://dsps.wi.gov/Pages/Professions/Default.aspx>

Chavez's Response to the Challenge raised only procedural defects on which the MEC did not rule. One of these (a lack of statutory basis) has already been addressed. Another two, citing Wis. Adm. Code §§ EL 20.03(1) and (5) were apparently due to an oversight by the MEC.<sup>6</sup> The MEC notes that the Challenge did not appear to comply with Wis. Adm. Code § EL 20.03(4), in that it lacked the addresses of both Griffin and Chavez.

Griffin claims she was not provided a copy of Chavez' Response, however, one was not due until January 9, 2023, pursuant to Wis. Adm. Code § EL 2.07(2)(b), (the date it was filed) and it was provided to Griffin at the hearing. Lastly, Griffin raises a new argument here that she was not provided with a copy of Chavez' bond. At issue here, however, is ballot placement, and Wis. Stat. § 755.03(1) provides that a municipal court "...judge shall, *after* election...execute and file an official bond...." (Emphasis added.)

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<sup>6</sup> It appears the MEC failed to forward the third page of Griffin's Challenge to Chavez.

## CONCLUSION

For the foregoing reasons the WEC should dismiss Griffin's Complaint in its entirety.

Dated this 7<sup>th</sup> day of February, 2023

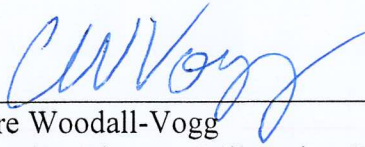
Respectfully submitted,

*Electronically signed by Kathryn Z. Block*  
Kathryn Z. Block (State Bar No. 1029749)  
*Attorney for Respondent Milwaukee Election*  
*Commission*  
CITY OF MILWAUKEE  
200 E. Wells St., Room 800  
Milwaukee, WI 53202-3515  
Telephone: (414) 286-2601  
Facsimile: (414) 286-8550  
[kblock@milwaukee.gov](mailto:kblock@milwaukee.gov)

**VERIFICATION**

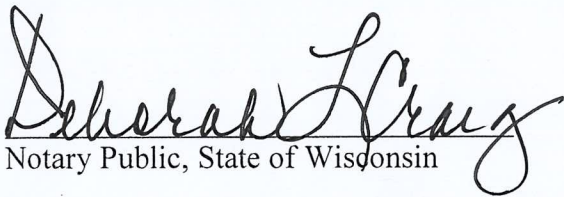
I, CLAIRE WOODALL-VOGG, being first duly sworn upon oath, state that I personally read the above Verified Response and Request to Dismiss and Impose Sanctions and that it is true and correct based upon my personal knowledge.

Dated this 7<sup>th</sup> day of February, 2023.

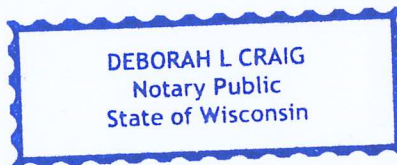


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Claire Woodall-Vogg  
Executive Director, Milwaukee Election Commission

Subscribed and sworn to before me this  
7<sup>th</sup> day of February, 2023.



\_\_\_\_\_  
Notary Public, State of Wisconsin



My commission expires 3/23/23



**Commissioners:**  
Terrell Martin, Chair  
Patricia Ruiz-Cantu  
Douglas Haag

**Executive Director:**  
Claire Woodall-Vogg

January 9, 2023

TO: Milwaukee Election Commissioners  
FROM: Claire Woodall-Vogg, Executive Director  
RE: Chavez vs. Griffin & Griffin vs. Chavez

1. Phil Chavez filed a verified complaint on Friday, January 6, alleging that if Ms. Griffin were to be elected to the office of Municipal Judge Branch 3, she would not be able to qualify for the office sought within the time allowed by law because of "other impediment." Chavez referred to City of Milwaukee Charter, 3-34-2(b) which states that a Municipal Court Judge shall be an attorney licensed to practice law in the State of Wisconsin. Chavez alleges that Ms. Griffin is not currently a licensed attorney, nor will she become one within the time allowed by law to take office.
2. Wis. State Statute 8.30 outlines situations where a Candidate may be ineligible for ballot placement:
  - (1) "Except as otherwise provided in this section, the official or agency with whom declarations of candidate are required to be filed may refuse to place the candidate's name on the ballot if any of the following apply:  
  
...  
(c) The candidate, if elected, could not qualify for the office sought within the time allowed by law for qualification because of age, residence, or other impediment."
3. Ieshuh Griffin filed a complaint on Friday, January 6, alleging that Phil Chavez is not a licensed attorney because any license would need to be issued by the Wisconsin Department of Safety and Professional Services.
4. Supreme Court Rule 40.02 lays out qualifications generally to be admitted to the practice of law in Wisconsin:

**SCR 40.02 Qualifications generally.**

A person who meets all of the following qualifications shall be admitted to practice law in this state by order of the supreme court:

- (1) Has attained the age of majority under the law of this state.
- (2) Satisfies the legal competence requirements by diploma privilege (SCR 40.03), bar examination (SCR 40.04 or SCR 40.055) or proof of practice elsewhere (SCR 40.05).211
- (3) Satisfies the character and fitness requirements set forth in SCR 40.06.
- (4) (a) Takes the oath or affirmation prescribed in SCR 40.15 in open court before the supreme court or a justice thereof.



ATT. A

(b) For individuals unable to appear at an in-person court ceremony and upon receipt of notification from the Board that an applicant has been certified for admission, a qualified applicant may request to take the oath or affirmation prescribed in SCR 40.15 remotely via audio-visual communications technology before the Wisconsin Supreme Court or a justice thereof. Qualified individuals may also request that they be permitted to take the oath or affirmation prescribed in SCR 40.15 before a member of the highest court of another jurisdiction or a person authorized by that jurisdiction to administer the attorney's oath for bar admission there or before a judge of the U.S. District Court or Court of Appeals or a justice of the U.S. Supreme Court. Any such requests shall be sent to the Clerk of the Supreme Court.

(5) Subscribes the roll of attorneys maintained by the clerk of the supreme court or has his or her name entered thereon by the clerk.

5. Furthermore, Supreme Court Rule 10.01 states, "There shall be an association to be known as the "state bar of Wisconsin" composed of persons licensed to practice law in this state, and membership in the association shall be a condition precedent to the right to practice law in Wisconsin.
6. Because both candidates have raised concerns related to the other's qualifications, I have completed my due diligence to confirm who is a licensed attorney within the State of Wisconsin.
7. Per the State Bar of Wisconsin, Phil Chavez is a licensed attorney in good standing.
8. Per the State Bar of Wisconsin, there is no record of Ieshuh Griffin being a licensed attorney.

Respectfully submitted,  
Claire Woodall-Vogg  
Executive Director



**Meeting of the City of Milwaukee Board of Election Commissioners**  
**Monday, January 9, 2023, 5:00pm**  
**City Hall, 200 E Wells St, Room 501**

**Minutes:**

1. The meeting was called to order by Chair Martin at 5:12pm.
2. Executive Director Woodall-Vogg took a roll call; Commissioner Martin, Ruiz-Cantu, and Haag were all present.
3. Approval of polling place changes for Spring 2023
  - a. Commissioner Haag motioned to approve the polling place change of Ward 50 to Villard Library; seconded by Commissioner Ruiz-Cantu. Motion carried without a negative vote.
4. Review of Verified Complaints and Challenges to Nomination Papers
  - a. Jackson v. Hart
    - i. Executive Director presented a summary of the issues.
    - ii. Commissioner Martin provided Mr. Jackson and Ms. Hart the opportunity to make an oral statement.
    - iii. Commissioner Haag asked if any circulators of Ms. Hart's nomination papers were present. Melissa Zombor and Kristina Funa identified themselves as circulators for Ms. Hart's papers.
    - iv. Executive Director placed Ms. Zombor and Funa under oath. Commissioner Haag asked if any voters were confused as to Ms. Hart's committee and candidate names. Neither Zombor nor Funa found any voters were confused.
  - b. Reaves v. Milwaukee Election Commission
    - i. Executive Director Woodall-Vogg presented that she was changing her recommendation regarding ballot placement for Hendricks Reaves. A video on Getting on the Ballot on the Wisconsin Election Commission's (WEC) website refers to counting "supplemental signatures," beyond the maximum threshold established by state statute. While Woodall-Vogg and Assistant City Attorney Block both think that state statute and administrative rules are very clear regarding the maximum number of signatures, the Commission has a long history of following the standards set by WEC.
    - ii. Commissioner Martin provided Hendricks-Reaves with the opportunity to make an oral statement.
  - c. Chavez v. Griffin & Griffin v. Chavez

- i. Executive Director Woodall-Vogg presented a summary of Mr. Chavez's complaint and Ms. Griffin's complaint. She specifically reviewed the City of Milwaukee Charter that requires Municipal Judges be licensed attorneys in Wisconsin, along with State Statute 8.30 that outlines reasons someone may be ineligible for ballot placement.
    - ii. Commissioner Martin provided the representative of Mr. Chavez, Michael Maistelman, and Ms. Griffin the opportunity to make an oral statement.
    - iii. Executive Director placed Ms. Griffin under oath for the Commissioners to ask additional questions.
    - iv. Commissioner Ruiz-Cantu ask Ms. Griffin to explain her qualifications to occupy this office in light of the evidence presented that she is not a license attorney.
    - v. Ms. Griffin cited her written response to the challenge, including Keller v. State Bar of California and the separation of powers clause regarding the City's inability to establish such a rule. She also asserted that she is a paralegal, has assisted people in court, and that the court grants waivers for attorneys.
  - d. Commissioner Haag motioned that the Board convene into closed session, per Wis. Statute 19.85(1)(a) for the purpose of deliberating concerning a case which was the subject of a quasi-judicial hearing before the Commission. Commissioner Ruiz-Cantu seconded. Motion carried with a roll call vote all in favor.
  - e. Commissioner Martin called the meeting back to order at 6:07pm with all commissioners present.
  - f. Commissioner Ruiz-Cantu moved to dismissed the challenge of Jackson v. Hart; Commissioner Haag seconded. Motion carried without a negative vote.
  - g. Commissioner Haag moved to grant Ms. Hendricks Reaves request and place her on the ballot for School Board District 1 based upon her supplemental signatures; Commission Ruiz-Cantu seconded. Motion carried without a negative vote.
  - h. Commissioner Martin turned the meeting over to Commissioner Haag to act as chair.
  - i. Commissioner Martin motioned to remove Ms. Griffin from the ballot for Municipal Judge Branch 3 based upon the evidence that Ms. Griffin would not be able to meet the qualifications to hold office by May 1, 2023 if elected; Commissioner Haag seconded. Motion carried without a negative vote.
    - j. Commissioner Martin motioned to dismiss the challenge of Griffin v. Chavez; Commissioner Ruiz-Cantu seconded. Motion carried without a negative vote.
    - k. Commissioner Martin resumed leading the meeting as the Board's chair.
5. Certification of Candidates for 2023 Spring Election and 2023 Special Election

- a. Commissioner Haag motioned to certify the candidates as presented by Executive Director Woodall-Vogg; Commissioner Ruiz-Cantu seconded. Motion carried without a negative vote.
6. Executive Director Woodall-Vogg commenced the ballot order draw for all contests with multiple candidates:
  - a. School Board Director District 3
  - b. School Board Director At-Large
  - c. Municipal Judge Branch 2
  - d. Municipal Judge Branch 3
  - e. Alderperson District 1, 5, 9
7. Commissioner Haag motioned to adjourn at 6:25pm; Commissioner Ruiz-Cantu seconded. The motion carried without a negative vote and the meeting was adjourned at 6:25pm.

UNAPPROVED