

CE500

by Ce500 Ce500

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Judicial Case Study Analysis; *Michael Gableman vs Citizen's Action of Wisconsin.*

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CIVIL LAW,HUMAN RIGHTS AND ETHICAL ISSUES

Introduction

In my previous topic outline, I focused on the inadvertent synthesis of civil law and human rights; from an ethical-based trajectory. Primarily, the study found considerable implications of ethical values in the overall judicial process. In essence, factors such as autonomy and equitability in the disbursement of legislative facets were identified. The purpose of this assignment is to shed a light on human rights and judicial ethics, as propagated from a past, existential civil case; *Michael Gableman vs Citizen's Action of Wisconsin*. In this case, Michael Gableman was the accused while the Citizen's Action of Wisconsin was the plaintiff. Primarily, Gableman had been accused of issuing inciting remarks on a televised campaign advertisement, leveraged against his then competitor, Mr. Butler. The ad comprised Butler's picture, placed adjacent to a formerly released rapist. The controversial advert claimed that Mr. Butler, Gableman's competitor, had accentuated the rapist's release, who further went ahead to commit rape. The initial court proceedings were unsuccessful, pending lack of quorum from the 6 justices involved. However, the plaintiff pressed for a jury hearing to decide Gableman's verdict. Thus, this assignment will intricately assess the dynamics of judge-jury roles, expert witness involvement, and affiliated ethical-legal paradigms.

Judge and Jury Roles

The judge in charge of this particular case was Justice Shirley Abrahamson, of the Wisconsin judicial fragment. However, a panel of 5 justices were recalled to offer insights into the case. In US law, a panel of judges is often used to decide the ruling of a pending case, by objectively taking sides. The most imploring outcome of the initial verdict was that there was an even tie in the proceedings. On the other hand, the jury is considered as a case-assessment panel,

but operating in specific regard to neutrality in the subsequent dispensation of judicial outcomes. The jury is often sort as a last resort fragment to decide the outcome in somewhat dilemmatic disputes. The role of the jury is to engage in constructive criticism of an impending legal issue, and further offer a verdict. In some instances, it is compulsory that the jury collectively agree on the verdict to be issued (Sykes, 2008). Overtly, tie breakers may be incorporated to accentuate the advancement of due legal processes in the courtroom. It is worth noting that the jury corresponds to strict oath taking, and the promise to digress from communicating court procedures outside of the court. Furthermore, neutrality and articulate understanding of the law must be considered. The role of the judge is to issue directives, based on law requirements and conclusively offer a verdict on the case' progress.

Expert Witnesses

In the case of *Michael Gableman vs Citizen's Action of Wisconsin*, there were no expert witnesses to offer input into the case proceedings. However, the justices involved offered credible information regarding the rights and freedoms pertinent to communications issuance. One of the fronts argued that the involved advert was an exercise of communication freedom, as idealised through the legal provision of the first amendment (Sample, 2010). On the other hand, the the second front offered that the assertions in the ad were purely delagatory and aimed at defaming Mr. Butler's reputaion to influence the election outcome. In my opinion, expert witnesses are entirely liable for inaccurate information while testifying. Ideally, a case such as Gableman's is dilemmatic in nature, particularly ofered the provisions of the first amendment and exclusive rights and freedom of self expression. Thus, in the event that an expert witness bases their argument on one side, it is most likely that the information collected is biased and unfit for accentuating verdicts in a judicial process. Expert witnesses do not necessarily possess the

CIVIL LAW, HUMAN RIGHTS AND ETHICAL ISSUES

monopoly to decision power in terms of ruling, but caution must be taken to ensure aversion of subsequent bias. Inadvertently, fair and autonomous rulings can be realised from the judicial process therein.

Ethical Issues

In this particular case, one of the most outstanding ethical issues realised was the issue of equality. In spite of the fact that no quorum was identified to boost the proof of burden against Gableman, it should be noted that the panel involved did not necessarily illustrate equality and justice. The imminent lack of a tie-breaker that led to the case being dropped illustrates bias and favoritism in the judicial system involved (Sample, 2010). In my opinion, politicians such as Gableman and his opponent possess requisite influence in the decision making process, a factor that causes internal rifts and strife within the judicial facet involved. In the advancement of autonomy and neutral judicial fragments, the panel should have been able to reach an odd-even tie breaker and thus disseminate justice as per the provisions of stipulated law (Popovski, 2016). In another twist within the case's proceedings, the plaintiff offered that they were inclined to pressing for a jury hearing. However, their request was denied and thus, the case was dropped without 'objective' evidence and benchmarks for law attributes.

Another ethical factor realised from the case is the lack of accountability in the judicial process. Often, human beings place high esteem with those bestowed with the responsibility of candid, sensitive matters in society. Thus, the sheer drop of case proceedings augmented an impending, but dangerous reality of non-subscription to pertinent matters of the law. The advancement of lawful proceedings must be predisposed to legality in terms of trusting the sole institution charged with the responsibility of safeguarding and interpreting law facets. In my

opinion, the lack of potent decision making processes is a failure in not only the judiciary, but also legislators and citizen lobbyists. Judicial systems demand articulate solicitation of facts, logic and evidence to push for legal process verdicts. In the event that a case lacks in of the aforementioned qualities, cases are thence liable to augmented delays, as well as the likelihood of issuing biased rulings.

Favoritism is also evident in the case of *Michael Gableman vs Citizen's Action of Wisconsin*. However, this could be attributed to the lack of accountability and inefficient legislations for matters that are considered gray in similar judicial proceedings. Thus, the inability to grant the plaintiff an appeal for a jury hearing represents biased rulings based on meritocracy, ignorance and even potential corruption (Lamphier, 2011). In some instances, rich politicians offer fiscal and gift 'bribes' to judicial officers in a bid to earn their favor in judicial rulings.

Verdict and Appeals

In the case of *Michael Gableman vs Citizen's Action of Wisconsin*, there was no apparent, objective verdict realised. Citizen lobbyists and critics offer that nobody really won the case. However, based on the fact that no additional justices could be found to shift the previously made decision, it was idealised that Mr. Gableman won the case. In effect, if the judicial outfit fails to solicit additional justices to partake a tie-breaking tally, illogically implies that there is no existential proof of burden therein (Spaulding, 2016). Thus, Gableman was released on the grounds that he was exercising his freedom of expression as per the provisions of the first amendment.

The plaintiff, obviously distraught by the imminent verdict, sort to push for a jury hearing to no avail. Ideally, case appeals should only be considered in dilemmatic, gray aspects of civil

CIVIL LAW, HUMAN RIGHTS AND ETHICAL ISSUES

and criminal law. Public pressure mounted on the judicial system may also serve as a provision for the entry requirements of appellate court cases (Sample, 2010). Law is a systemic domain marred with numerous social, legal and ethical aspects that must be put into consideration before accentuating rulings. Thus, in the effect that a ruling fails to demonstrate fairness, equality and respect for law, it is most likely that an appellate process will ensue. In my opinion, all cases, whether civil or criminal are subject to appeals (Godbout, 2009). Essentially, appeals benefit our legal system in the sense that justice is finally sort, after long periods of upheaval. On the flipside however, appeals may activate coercion practices amidst the waiting process, thus leading to unfair rulings within the judicial process. Thus, all appeals must follow non-partisan, neutral and law-abiding procedures for imminent attainment of justice.

Involved Laws

One of the laws affiliated to this case is the Code of Judicial conduct, Canon 7, 3 (e) (2) that specifically prohibits a judicial officer from knowingly misrepresenting facts affiliated to an opponent. In essence, Gablemann broke this law by inappropriately representing Butler's former affiliation to a rapist. However, the first amendment law of the constitution leverages the provision of express freedom of communication and expression (Popovski, 2016). Thus, this provision partly buffered Gableman's imminent sentencing as a result of information misrepresentation.

Conclusively, the jury is considered as a case-assessment panel, but operating in specific regard to neutrality in the subsequent dispensation of judicial outcomes. The jury is often sort as a last resort fragment to decide the outcome in somewhat dilemmatic disputes while the role of the judge is to issue directives, based on law requirements and conclusively offer a verdict on the case's progress. In the case of *Michael Gableman vs Citizen's Action of Wisconsin*, there were no

expert witnesses to offer input into the case proceedings. However, the justices involved offered credible information regarding the rights and freedoms pertinent to communications issuance. One of the fronts argued that the involved advert was an exercise of communication freedom, as idealised through the legal provision of the first amendment. The lack of accountability, equality and imminent favoritism were identified as the main ethical factors in the case. Often, human beings place high esteem with those bestowed with the responsibility of candid, sensitive matters in society. Thus, the sheer drop of case proceedings augmented an impending, but dangerous reality of non-subscription to pertinent matters of the law. In the case of *Michael Gableman vs Citizen's Action of Wisconsin*, there was no apparent, objective verdict realised. Citizen lobbyists and critics offer that nobody really won the case. However, based on the fact that no additional justices could be found to shift the previously made decision, it was idealised that Mr. Gableman won the case. In effect, if the judicial outfit fails to solicit additional justices to partake a tie-breaking tally, illogically implies that there is no existential proof of burden therein. Thus, Gableman was released on the grounds that he was exercising his freedom of expression as per the provisions of the first amendment.

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