

FILED
10-24-2022
Clerk of Circuit Court
Outagamie County
2000CF000403

STATE OF WISCONSIN CIRCUIT COURT OUTAGAMIE COUNTY

STATE OF WISCONSIN

Plaintiff,

VS.

KENNETH A. HUDSON

Defendant.

DA Case No.: 2004OU006401

Assigned DA/ADA: Melinda Tempelis

Agency Case No.:

Court Case No.: 2000CF000403

**MOTION TO DISQUALIFY
ATTORNEY BALSUS**

For Official Use

The State of Wisconsin, by District Attorney Melinda Tempelis moves the court for an order disqualifying Attorney Balskus as counsel for the defendant herein on the following grounds:

1. At the time of the trial herein Balskus was an Assistant District Attorney in the Outagamie County District Attorney's Office. He left the Outagamie County District Attorney's Office in 2003 after the prosecution of the defendant.
2. As a former government employee Balskus is forbidden from representing a client in connection with a matter in which the lawyer has participated personally and substantially. SCR 20:1.11
3. Balskus represented himself to the public in a series of podcasts entitled "Open and Shut," as a person with inside knowledge of the Outagamie's District Attorney's Office run by former District Attorney Biskupic. <https://wnanews.com/2022/05/19/open-and-shut-episode-7-deals-vince-biskupic-made-as-a-prosecutor-and-judge-raise-questions-of-fairness-in-wisconsins-justice-system/>
4. Balskus publically commented on the evidence in this case stating "It seemed like a pretty much, open shut case." <https://www.wpr.org/openandshut/transcript-episode-5-the-circus>
5. Balskus admitted to reviewing files of the District Attorney's Office while an Assistant District Attorney in an attempt to discredit District Attorney Biskupic. <https://www.wpr.org/openandshut/transcript-episode-7-the-scandal> This was done as opposition research for Wisconsin Watch, a media outlet that is advocating for the defendant.
6. It was further represented that his review of files was so extensive that he could be fired at any moment and was taking a great risk. This presumably would have included review of attorney work-product. <https://www.wpr.org/openandshut/transcript-episode-7-the-scandal>
7. It was further represented he has "boxes and boxes" of documentation he collected from the Outagamie County District Attorney's Office during his tenure including during the time this case was tried. <https://www.wpr.org/openandshut/transcript-episode-7-the-scandal>

8. It was further disclosed that he reviewed files that were not assigned to him. In fact, he sent an anonymous memo regarding one of Biskupic's plea agreements to Wisconsin Watch on the eve of the Attorney General election in 2002. He is described as a "whistleblower." <https://www.wpr.org/openandshut/transcript-episode-7-the-scandal> and <https://www.wpr.org/openandshut/deals-vince-biskupic-made-prosecutor-and-judge-raise-questions-fairness-wisconsins-justice-system>
9. The State believes the extensive access Balskus had of the files of the District Office, the retention of records, the drafting of an anonymous memo to Hudson's advocacy group, the conducting of opposition research and his self-assumed status as a whistleblower for which he risked his career show that Balskus personally and substantially participated in reviewing and monitoring all cases of the District Attorney's Office including this case. In this case he had access to the file and remarked "it seemed like an open, shut case." He also would have had access to attorney work product as well as day to day internal conversations with attorneys who were trying the case. <https://www.wpr.org/openandshut/deals-vince-biskupic-made-prosecutor-and-judge-raise-questions-fairness-wisconsins-justice-system>
10. While Attorney Balskus did not appear on this case, the State believes that extensive access to, review of and retention of records from in the District Attorney's files create a conflict which the State is not willing to waive.

cc: Attorney Balskus

Date Signed: 10/24/22

Electronically Signed By:

Melinda Tempelis

District Attorney

State Bar #: 1032157