

# Wisconsin Institute for Law & Liberty: WILL at the Wisconsin Supreme Court in *Koschkee v. Evers*

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*Hearing to determine who will represent defendant Superintendent Evers precedes important debate on merits*

Milwaukee, WI – Today, Wisconsin Institute for Law & Liberty president and general counsel, Rick Esenberg, will participate in a hearing at the Wisconsin Supreme Court to determine the question of who will represent the defendant, Superintendent Tony Evers, in WILL's case, *Koschkee v. Evers*.

The question of representation arose after WILL filed suit against the Wisconsin Department of Public Instruction and Superintendent Tony Evers for ignoring Wisconsin's REINS Act, a newly enacted law meant to curb the power of state agencies.

In response to today's hearing, Esenberg noted that, "Currently there is no controlling legal principle delineating the constitutional limits on the legislature to define the scope of rulemaking by the State Superintendent and it's important that the Court has agreed to review the case. Once the representation issue is sorted out, we look forward to proceeding to argue the merits of the case. Who represents the state and who must participate as an intervenor or amicus party is a matter of statutory interpretation."

WILL sued, on behalf of several taxpayers, when records obtained by WILL indicated that Evers and the DPI are violating the REINS Act by refusing to send scope statements for proposed rules to the state Department of Administration. The REINS Act, passed in 2017, requires statements of scope for proposed rules to be submitted to the state Department of Administration for an analysis of whether the agency has authority to promulgate the proposed rule.

Today's hearing can be seen on WisconsinEye at 9:45 AM CST. A date for oral argument has not yet been set.