

Wisconsin Manufacturers & Commerce: Fights back against big government special interests

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MADISON – The Wisconsin Supreme Court, on Thursday, will hear several cases of interest to the state’s business community. Two cases with very different facts, *Mayo v. Wisconsin Injured Patients and Families Compensation Fund* and *Porter v. State of Wisconsin*, both ask a similar legal question: what is the appropriate level of review that the Court should apply when analyzing the constitutionality of a law?

In both *Mayo* and *Porter*, the plaintiffs are asking the Court to adopt a new standard that would make it easier for courts in our state to strike down laws. Special interest groups on both the right and the left are involved and are asking the Court to expand its power. Wisconsin Manufacturers & Commerce (WMC) filed an amicus brief in *Mayo* asking the Court to respect the constitutional separation of powers and leave it up to the legislature to decide what the best policies are for our state.

“The cases before the Supreme Court today raise important legal questions that will have a profound impact on our state in the years to come. Special interest groups are asking the Court to strike down laws they disagree with but have been unable to convince the legislature to change,” said WMC General Counsel Lucas Vebber.

“The anti-combo law at issue in the *Porter* case is a dumb and anti-competitive law, there’s no doubt. But the courts do not exist to protect the public from dumb laws solely because someone disagrees with them, and dumb laws do not become unconstitutional simply because a special interest was not able to get their way

before the legislature,” said WMC Senior Vice President of Government Relations Scott Manley.

“Our system of government relies on checks and balances. The proper place for these kind of policy debates is the floor of the legislature, not the Supreme Court. People who want to change the law should call their legislator, not their lawyer. Pushing judicial activism, regardless of which side of the political spectrum is going to benefit, is wrong,” continued Manley.

“If the court sides with these special interests, it will have usurped the proper role of the legislature and taken for itself the ability to decide what policies are best for our state. That would set a terrible precedent for the future, which is why WMC weighed in to protect the rule of law and maintain the separation of powers as laid out in the Wisconsin Constitution,” concluded Vebber.

Oral argument on the cases is Thursday, with a decision from the Court expected in the coming months.

A copy of WMC’s brief in the Mayo case can be found by clicking [here](#).
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