

# **GOP leaders ask Supreme Court to clarify law regarding Kaul's handling of settlement funds**

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GOP legislative leaders are asking the state Supreme Court to force Dem AG Josh Kaul to abide by their interpretation of new restrictions they placed on his power during December's lame-duck session.

In a motion filed late yesterday, the GOP leaders say Kaul has informed them he doesn't need to give lawmakers oversight of actions he settles in certain circumstances. The AG also informed lawmakers in correspondence this summer that he believes only settlement funds from a "narrow subset of cases" must be deposited in the general fund rather than kept at DOJ.

Attorneys for the GOP lawmakers argue in the filings that Kaul's interpretation is wrong, and they are asking the state Supreme Court to take original jurisdiction in the case to clarify the law.

According to the filing, the AG had received about \$20.2 million in settlement funds during the first five months of 2019 but hadn't deposited any money into the general fund. Still, the brief says Republicans aren't asking the court to determine how much the AG is inappropriately withholding from the general fund.

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"This is the people's money, not the Attorney General's, and the Legislature has the constitutional authority to determine how this money should be spent," the GOP attorneys argued.

But Kaul fired back, "This an attempt by the legislature to use vague and poorly written statutory language to substantially cut the budget for the Department of

Justice, undermining public safety in Wisconsin. The legislature is wrong on the law, and it is simply incorrect that the Department of Justice has not attempted to involve the Joint Committee on Finance in the resolution of certain cases.”

The brief and memo submitted to the state Supreme Court yesterday were signed by private attorneys Misha Tseytlin and Eric McLeod, who Republicans have retained to represent them in a series of lawsuits.

Spokesmen for Senate Majority Leader Scott Fitzgerald, R-Juneau, and Assembly Speaker Robin Vos, R-Rochester, didn't immediately respond to a request late yesterday to confirm the lawyers have signed a contract to represent lawmakers. Past legal bills reviewed by WisPolitics.com show Tseytlin, the former solicitor general under AG Brad Schimel, is being paid \$500 an hour in other cases, while McLeod's rate is \$540 an hour.

Read the filings:

<https://www.wispolitics.com/wp-content/uploads/2019/08/190801Action.pdf>

<https://www.wispolitics.com/wp-content/uploads/2019/08/190801Petition.pdf>