

GOP leaders seek to intervene in federal Act 10 lawsuit

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GOP legislative leaders are again seeking to intervene in a federal lawsuit challenging a state law, this time because they have concerns Dem AG Josh Kaul won't adequately defend Act 10.

It's another example of GOP lawmakers citing the lame-duck laws they passed in December giving them the power to intervene in a challenge of a state statute in asking a federal judge to include them in a case. Those laws were debated before the state Supreme Court earlier this week.

In their motion last month, GOP attorneys cited those extraordinary session laws in arguing they should be allowed to intervene in the challenge filed by the International Operating Engineers Local 139. They also argued there was "special reason" to believe Kaul may not adequately defend the law restricting collective bargaining powers, citing his campaign contributions in the 2018 from unions.

"Unions' support for the current Attorney General has paid off in other litigation," the brief argues, citing past cases DOJ has handled since Kaul became AG.

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GOP leaders previously sought to intervene in a Planned Parenthood suit challenging abortion restrictions. That request was denied by a federal judge in Madison, though that decision is currently on appeal before the 7th Circuit.

In a response last week, Kaul countered GOP lawmakers have provided no proof that the DOJ will fail to vigorously defend the law and that both legislators and the agency share the same goal of upholding Act 10. He also noted the lawmakers' filing called the initial DOJ filings commendable.

“This recognition, and the reality behind it, defeats their motion,” Kaul wrote.

DOJ is representing the chair of the Wisconsin Employment Relations Commission, which is the defendant in the union suit.

Read lawmakers’ brief [here](#).

Read the DOJ response [here](#).