

GOP legislators rack up \$1.5M in legal bills in first five months of 2019

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GOP legislators racked up \$1.5 million in legal bills over the first five months of the year as they relied on outside counsel to represent them in lawsuits over the lame-duck session, abortion restrictions and the environment.

And taxpayers aren't just covering the costs to draft briefs or appear in court in the more than half-dozen cases now winding their way through the legal system.

A WisPolitics.com review of the legal bills submitted so far this year shows a Chicago firm charged taxpayers \$6,719 for a plane ticket to fly a witness in from Madrid, Spain, for the upcoming redistricting trial in July.

That same firm included \$1,617 for meals, according to the bills it submitted to the Legislature. Bartlit Beck, which lawmakers retained in the fall for the redistricting case, signed a contract that capped its legal fees at \$840,000. But there are no limits on the expenses it can charge taxpayers while working on the suit with a provision in the contract that states out-of-pocket costs "will be passed through to you dollar for dollar."

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Among the firms retained in the suits, Bartlit Beck was the only one to regularly list meals among the expenses it submitted for reimbursement outside of when lawyers were traveling. There were eight charges for what were billed as "working meals."

Senate Minority Leader Jennifer Shilling, D-La Crosse, called the \$6,719 charge for a plane ticket "outrageous" and challenged GOP legislative leaders to defend sticking taxpayers with the bill for such an expense.

The legal bill doesn't include details of the flight other than the dates of July 17-20

and the name of one attorney working on the case. The trial is currently scheduled for July 15-18 in federal court in Madison. A WisPolitics.com check of Expedia.com found several flights leaving Madrid, Spain, July 17 for Madison and returning July 20 for less than \$2,500 with a single stop in Atlanta for both legs of the trip.

“The Republicans just have an insatiable appetite of using taxpayer dollars to pay their attorneys at a time when they’re not fixing our roads, they’re cutting our schools and cutting our university system,” Shilling said.

But Kit Beyer, a spokeswoman for Assembly Speaker Robin Vos, R-Rochester, said the ticket is for a redistricting expert who is teaching in Spain. Because the courts “set their own timetable, it had to be a refundable ticket that could be changed,” she said.

Senate Majority Leader Scott Fitzgerald, meanwhile, continued to place the blame for the legal bills on those who brought the suits.

“We didn’t pick any of these fights – liberal groups suing us did,” said Fitzgerald, R-Juneau. “We wouldn’t need any lawyers at all if Democrats and their front groups would drop their numerous lawsuits against bills enacted by the duly elected Legislature.”

And those bills will only climb higher. Republicans in recent weeks signed a new contract with outside counsel in a union lawsuit over Act 10, while several other suits continue to wind their way through the courts.

Republicans have turned to outside counsel in several cases, charging they can’t trust new Dem AG Josh Kaul to adequately defend state law and represent their interests.

Still, the biggest drivers of the legal bills this year have been an ongoing redistricting lawsuit and several lame-duck lawsuits. The redistricting contracts pre-date Kaul, and the Dem AG has declined to represent any parties in the extraordinary session suits because they deal with the powers of his office and he would have a conflict representing others.

With the federal redistricting case scheduled for trial in July, lawyers have turned in legal bills totaling \$834,492 since Jan. 1, according to a WisPolitics.com records request.

Most of that has been billed by Bartlit Beck. The firm has now hit its cap of \$840,000 in legal fees with \$600,000 of that rolling in since Jan. 1.

The firm has also charged \$71,000 in expenses since Jan. 1, including the plane ticket from Spain and the meals. The biggest expense, however, has been \$33,214 for transcript fees.

The firm's flat fee of \$840,000 is also based on a trial date occurring before Sept. 1. If it comes later or there is an appeal, the Legislature and firm would negotiate any additional fees.

This month, a federal appeals court put off deciding whether Assembly Speaker Robin Vos has to provide a deposition in the long-running suit until after the U.S. Supreme Court rules in two cases involving similar issues. Those decisions are expected sometime this summer.

The firm also has indicated it would seek to have the plaintiffs reimburse taxpayers for its legal fees if GOP lawmakers prevail.

Meanwhile, GOP attorneys have turned in legal bills for work since Jan. 1 charging:

*\$510,042 in a pair of lame-duck lawsuits filed in state courts. Those contracts have no caps on the legal bills, and former state solicitor general Misha Tseytlin is making \$500 an hour for his services.

*\$120,420 in a federal lawsuit Dems filed over the extraordinary session actions. Last week, a federal magistrate granted a request from GOP lawmakers to stay discovery in a trial challenging actions taken in the December lame-duck session as a judge decides whether to dismiss the case. The lawsuit, filed by the state Dem Party, is currently expected to go to trial in late summer or early fall 2020. Tseytlin is also the lead attorney in that case, and his contract includes no cap.

*\$50,350 as GOP lawmakers look to intervene in a lawsuit Planned Parenthood filed seeking to overturn abortion restrictions. Last month, GOP lawmakers asked the 7th Circuit Court of Appeals to hear oral arguments in a judge's decision denying legislators' motion to intervene in a lawsuit Planned Parenthood filed challenging abortion restrictions. It is the first time a federal court has rejected a motion to intervene from lawmakers since Republicans gave themselves the power during the lame-duck session to step into lawsuits challenging a state law. The contract with

the Virginia law firm Consovoy McCarthy Park includes a rate of \$500 an hour for all attorneys and two caps on the expected legal fees. If the courts ultimately deny the Legislature's motion to intervene, the costs would go no higher than \$100,000. But if the motion is ultimately granted, they could climb as high as \$500,000.

*\$22,071 in two environmental cases before the state Supreme Court. One deals with the DNR's decision to allow a Kewaunee County dairy farm to expand to more than 6,000 cows in an area where concerns have been raised over groundwater pollution. The other addresses the agency's approval of eight high-capacity wells. Eric McLeod, a partner at Husch Blackwell, signed a contract that doesn't include caps on legal bills. It also doesn't clearly lay out his hourly fee, instead noting that Husch Blackwell partners make between \$310 and \$820. Still, a WisPolitics.com check of the bills he's submitted so far shows he's being paid \$540 an hour.

So far, there have been no bills submitted in the lawsuit Operating Engineers Local 139 filed challenging Act 10. The union argues the 2011 law violates the First Amendment, because it has to represent workers who aren't paying dues.

Republican leaders signed contracts with McLeod and Tseytlin, of Troutman Sanders, to represent them in that suit.

Tab for 2011 maps nears \$4 million

With the latest legal bills submitted to the Legislature, the overall tab to defend the maps Republicans drew in 2011 is now nearly \$3.8 million.

The biggest chunk of that is the \$2.1 million Republicans spent to defend the maps in an initial suit, according to a 2013 story from the Milwaukee Journal Sentinel. That suit resulted in a three-judge panel ordering a change to two Assembly districts on Milwaukee's south side, finding the original districts violated the rights of Hispanic voters.

Along with legal bills, that tab included covering the attorneys' fees for those who sued as well as other charges.

The latest legal bills stem from the lawsuit Dems filed in 2015 challenging the maps as an unconstitutional gerrymander.

A three-judge panel agreed with those suing, but the U.S. Supreme Court ruled the Dems didn't have standing to file the suit and sent that case back to the lower

court. A trial is scheduled for July, though that could depend on a pair of cases the U.S. Supreme Court is expected to rule on this summer. Both deal with similar issues, and if the justices rule against those challenging the maps in those states, it could undercut the challenge filed by Wisconsin Dems.

Legal bills WisPolitics.com obtained through the open records law show taxpayers have been charged more than \$1.6 million in the second case.

That includes \$912,979 in bills from the Chicago firm Bartlit Beck, as well as \$429,701 that former Deputy Attorney General Kevin St. John has charged the Legislature while presenting GOP leaders since early 2017.

Assembly Minority Leader Gordon Hintz, D-Oshkosh, said Republicans should be feeling the heat from taxpayers over the mounting legal bills. But he said the very maps they're spending taxpayer money to defend ensure they won't, because they're so tilted in the GOP's favor.

"The fact that these guys don't feel any of the consequences speaks to the fact they know they're insulated from this," Hintz said. "They're increasingly comfortable doing whatever they want as they remain intoxicated with power."