

# MacIver Institute: Dane County court's new level of judicial activism throws Wisconsin into chaos

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**MacIver Institute**  
The Free Market Voice for Wisconsin

MADISON — In two jaw-dropping decisions last week, a liberal Dane County Judge recklessly overturned last December's extraordinary session laws, a move that could invalidate hundreds of other laws passed during extraordinary session over the decades by both parties. To make matters even worse, the judge then refused to stay his dubious decision, immediately throwing everything into chaos.

Dane County Circuit Court Judge Richard Niess issued a decision that invalidated three December 2018 extraordinary session laws and vacated 82 appointments made during that period.

Despite the certainty it would be appealed, Niess chose not to stay his decision to give the higher court a chance to review it. It went into effect immediately, and Evers, also ignoring the inevitable appeal, acted as if it were a done deal.

The Evers administration moved so quickly it almost seems as if they knew about the decision before it was made.

In response to the decisions and the curious rapid-fire chain of events, **Maclver Institute President Brett Healy issued the following statement:**

*"As anyone who has ever worked in the Legislature will tell you, Judge Niess' initial decision is legally on very shaky ground. The extraordinary session was properly noticed and it is certainly within the rights of the Legislature to use it as they see fit. The judiciary generally over the years has not meddled in the internal rules and procedure of the Legislature. This decision will not stand."*

*"The public needs to remember that Gov. Evers seemed to know that these groups would file this challenge before the fact. Read the Journal Sentinel's [article](#) on his slip of the tongue. Couple that with how quickly the Evers administration magically worked to take advantage of the decision and taxpayers must feel as if the fix is in."*

*"I'm sure, now that Gov. Evers has had the weekend to review the decision, he will move to recoup the \$250 million that government gave the Milwaukee Bucks for the FiServ Forum, which of course was passed in extraordinary session. After all, what is more important, \$250 million or a bunch of appointments?"*

*"If, however, the Governor fails to act on the FiServ Forum money, taxpayers will know for sure that this whole extraordinary session debacle was pre-planned and coordinated with his radical progressive comrades."*