

Supreme Court takes over appeal in lame-duck suit

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A divided state Supreme Court today decided to take over an appeal that had been filed in one of two lame-duck lawsuits originating out of Dane County even though the justices hadn't been asked to do so.

The court earlier this week granted a request to take up another extraordinary suit.

In an order late Friday afternoon, the court wrote it had taken notice of the appeal pending in the 3rd District Court of Appeals that was filed in the lawsuit brought by SEIU and others. The court decided "the interests of the state would be best served by the appeal bypassing the court of appeals and proceeding in this court."

In the suit impacted by Friday's ruling, a Dane County judge temporarily enjoined parts of the laws Republicans approved in the extraordinary session, including one requiring the attorney general to get legislative approval before settling cases.

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On Monday, the court granted a motion to bypass the 3rd District Court of Appeals to hear arguments in the other Dane County decision impacting lame-duck session laws. In that case, a judge ruled the Legislature improperly convened in extraordinary session and thus all of the actions were null. That decision has been stayed on order of the 3rd District.

In this case, the court decided Friday to hear the appeal without first receiving a motion asking it to do so. In the process, it took over the entire appeal, including motions that were already pending in the 3rd District. That includes a request for temporary relief that the justices will decide on the briefs already filed.

Liberal justices Shirley Abrahamson, Ann Walsh Bradley and Rebecca Dallet

dissented on the court's decision to take the case on its own motion, writing in the short order they would have allowed the case to proceed in the 3rd District Court of Appeals.

"Further, this court should not reach down and assume jurisdiction of the appeal without giving the parties notice and an opportunity to be heard," they wrote.