

# U.S. Supreme Court ruling likely closes door on Wisconsin redistricting case

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GOP legislative leaders are hailing a U.S. Supreme Court decision that appears to shut the door on a Wisconsin suit challenging Assembly district lines.

They also pledged to explore seeking reimbursement for the legal costs they've incurred defending the maps.

Meanwhile, the lead attorney who filed the Dem lawsuit said he was working on a possible joint motion with GOP attorneys to dismiss the Wisconsin lawsuit. But he didn't think Republicans would be successful in recovering the hundreds of thousands of dollars they've spent on private attorneys in the long-running suit.

In Thursday's decision, the U.S. justices ruled 5-4 the courts can't police alleged partisan gerrymanders, rejecting challenges to maps in North Carolina that critics said helped Republicans and lines in Maryland that were pro-Dem.

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Both suits raised similar issues to the Wisconsin challenge, which reached the U.S. Supreme Court last year only to have the justices return the case to district court after finding the Dems challenging the lines lacked standing. The case was scheduled for a July trial, contingent upon what the U.S. Supreme Court ruled in the Maryland and North Carolina cases.

"We hope the high court's ruling puts an end to the litigation in Wisconsin associated with redistricting," Senate Majority Leader Scott Fitzgerald, R-Juneau, and Assembly Speaker Robin Vos, R-Rochester, said in a joint statement. "The Supreme Court has now confirmed what we have said all along - that it was not a

matter for the federal courts to second guess the Legislature on these issues.”

Gov. Tony Evers called the ruling “devastating for our democracy, our system of government, the right to participate in the democratic process, and the notion that people should come before politics.”

Meanwhile, Doug Poland, who represents those who filed the suit, said attorneys for GOP lawmakers Thursday approached him about filing a joint motion to dismiss the case. Poland said attorneys were in the process of contacting the several dozen plaintiffs to get their permission before proceeding. Still, he said the U.S. Supreme Court ruling in Thursday’s case made clear the court’s position on such challenges.

“There is no real reason to believe that our claims wouldn’t meet the same fate,” he said.

Lawyers representing GOP lawmakers in the long-running suit had billed taxpayers more than \$1.6 million through the end of May, according to a WisPolitics.com tally. That includes \$912,979 from the Chicago law firm Bartlit Beck, which signed a contract with lawmakers last fall for a flat fee of \$840,000, not including expenses, to help represent them in the suit. Former Deputy Attorney General Kevin St. John has also represented lawmakers since 2017 in the suit.

Fitzgerald and Vos said their next step would be to ask the state to investigate recovering costs and fees, calling the lawsuit “a distraction and a waste of taxpayer resources.”

Bartlit Beck’s contract with the state notes the flat fee in the deal was less than it would charge in a commercial matter. If the Legislature was entitled to recover legal fees, the firm indicated it would seek payment for its normal rates.

St. John, meanwhile, didn’t return a call Thursday seeking comment.

According to the U.S. Department of Justice website, the so-called “American Rule” states that each party must pay its own attorney’s fees. But there are exceptions such as when a party in the suit has acted in bad faith.

Read the decision:

[https://www.supremecourt.gov/opinions/18pdf/18-422\\_9o11.pdf](https://www.supremecourt.gov/opinions/18pdf/18-422_9o11.pdf)

See the U.S. DOJ page on attorney’s fees:

<https://www.justice.gov/jm/civil-resource-manual-220-attorneys-fees>

See more reaction to the decision in the press release section:

<https://www.wispolitics.com/2019/06/27/?arcf=cat:19>