

# **GOP leaders seek stay of decision voiding redistricting lawsuit contracts, file notice of appeal**

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The private attorneys for GOP legislative leaders have indicated plans to appeal a ruling the lawmakers illegally contracted with two law firms in anticipation of a redistricting lawsuit.

They've also asked Dane County Judge Stephen Ehlke to put last week's ruling on hold during the appeal.

The attorneys for Senate Majority Leader Devin LeMahieu, R-Oostburg, and Assembly Speaker Robin Vos, R-Rochester, on Friday filed a notice of appeal with the Wausau-based 3rd District. The conservative court has become the one Republicans are most likely to go to for appeals of rulings involving state government.

The attorneys also filed a motion with Ehlke to request an emergency stay, asking for a ruling by no later than Friday. The filing indicates they would immediately go to the court of appeals if Ehlke shoots down the request.

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In their motion, the GOP attorneys argued Ehlke misinterpreted a state Supreme Court ruling he cited in his decision and improperly found that lawmakers could sign contracts for various things, but not to retain counsel for a lawsuit that hasn't yet been filed.

Ehlke found the contract with Virginia-based Consovoy McCarthy clearly violated state law because it was solely in anticipation of a suit that hadn't been filed yet. He wrote the Bell Giftos St. John contract was more complex because it also included a

pledge to provide legal advice “regarding constitutional and statutory requirements and principles relating to redistricting” in addition to assisting Consovoy with an anticipated suit. But he found reading the contract as a whole suggested the primary purpose was pre-litigation work.

“No legitimate public interest is served by interpreting the Constitution to allow the Legislature to engage counsel to advise on whether redistricting legislation would survive a legal challenge, but prohibit the Legislature from engaging that same counsel for advice on a certainly impending action, including if the Legislature has a demand letter in hand,” the GOP attorneys wrote.

[See the brief.](#)