

Split Supreme Court restores GOP redistricting contracts

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GOP legislative leaders can restart legal contracts they signed in anticipation of a redistricting lawsuit after a split state Supreme Court put on hold a lower court ruling.

The justices also granted Republicans' request to take over the case on the merits, bypassing the appeals court.

The decision allows the contracts to resume while the justices weigh the merits of whether lawmakers had the power to sign the deals before a lawsuit was filed. Senate Majority Leader Devin LeMahieu, R-Oostburg, and Assembly Speaker Robin Vos, R-Rochester, had argued that a stay was needed because it was unlikely the courts would resolve the merits of the case before a lawsuit is filed. Even the Dane County judge who originally overturned the contracts noted lawmakers would have the power to hire attorneys once a suit was filed.

According to legal bills tracked by WisPolitics.com, taxpayers had been billed \$103,830 for the contracts before they were paused in late April. They also had been billed \$163,689 for services performed through the end of April by private counsel LeMahieu and Vos hired to represent them in the lawsuit challenging the contracts.

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The high court ruled 4-3 late yesterday Dane County Judge Stephen Ehlke had performed the wrong analysis in declining to stay his ruling overturning the contracts because he believed LeMahieu and Vos were unlikely to succeed in their appeal on the merits of the decision.

What's more, the court found the potential harm to the Legislature from not having

legal assistance for the specialized task of redistricting was greater than that taxpayers may suffer if they're forced to pay for "legal services contracts that are ultimately declared void."

Conservatives Rebecca Bradley, Brian Hagedorn, Pat Roggensack and Annette Ziegler were in the majority.

Writing for a minority that includes fellow liberals Ann Walsh Bradley and Jill Karofsky, Justice Rebecca Dallet accused the majority of "baseless speculation" that redistricting law was too complex for lawmakers to use public attorneys. She also noted the contract signed with the Virginia-based firm Consovoy was limited to possible litigation. Meanwhile, the contract with the Madison-based firm of former Deputy AG Kevin St. John explicitly stated that its representation "does not include ... the drawing of redistricting maps."

See the ruling granting the stay:

<https://www.wispolitics.com/wp-content/uploads/2021/07/210715Stay.pdf>

See the ruling accepting the appeal:

<https://www.wispolitics.com/wp-content/uploads/2021/07/210715Appeal.pdf>