

Law Forward: Wisconsin taxpayers sue Wisconsin Legislature over unconstitutional spending on private lawyers

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New lawsuit challenges Legislature's repeated illegal expenditures of taxpayer funds

MADISON, Wis. — Law Forward has filed a lawsuit on behalf of Wisconsin taxpayers challenging the Republican-controlled Legislature's practice of using public dollars to hire private legal counsel. This clear violation of the Wisconsin Constitution has resulted in the illegal expenditure of tens of millions in taxpayer funds and usurping the role of the Wisconsin Department of Justice in representing the state in litigation and providing the Legislature legal representation.

The complaint was filed February 19th in Dane County Circuit Court. It has been previously reported that since 2019 the Legislature has spent more than \$26 million on private law firms to pursue legal interests that are wasteful, partisan, or serve no legitimate public purpose.

In 2018, the Republican-controlled Legislature used a lame-duck session to pass a series of laws attempting to aggrandize its own powers by wresting core authorities from the executive branch once Democrats won control of those offices in statewide elections. The Legislature crammed through a raft of extreme measures in an extraordinary session, including provisions giving a handful of its leadership unilateral authority to hire private counsel with unlimited public funds, but without oversight or requirement for a legislative vote or the governor's approval.

The use of these attorneys and the extent of their costly bills have been hidden from the public. The lawsuit alleges this has resulted in years of unconstitutional spending: on interventions even where the Legislature had nothing to add, on partisan investigations that produced nothing, and on litigation that a federal judge found the Legislature had no standing to bring.

“Wisconsin taxpayers deserve to know their money is being spent lawfully to advance a valid public purpose,” **said Law Forward President and General Counsel Jeff Mandell**. “This lawsuit challenges the tens of millions in taxpayer funds, most of which is wasted by the Republican-controlled Legislature on private legal counsel in pursuit of private interests, in clear violation of the Wisconsin Constitution’s public purpose doctrine and Wisconsin’s system of divided government.”

To cite just one example, from a case in Green Bay, even after a federal judge dismissed the Wisconsin State Senate as a party “clearly lacking standing,” private lawyers continued to prosecute this partisan case with bills exceeding \$150,000 a month, paid by Wisconsin taxpayers.

“The Legislature wrote itself a blank check to pay private law firms. Our clients are suing to vindicate the rights of all Wisconsin taxpayers and curtail the Legislature’s abuse of power,” **said Kacy Gurewitz, Staff Counsel for Law Forward**.

The lawsuit names Assembly Speaker Robin Vos, Senate Majority Leader Devin LeMahieu, Senate President Mary Felzkowski, and other legislative leaders as defendants, along with the Assembly, Senate, and the Department of Administration. It seeks court orders declaring the spending scheme unconstitutional and blocking the Department of Administration from processing future payments that violate those rulings.

[Read Law Forward’s full complaint here.](#)