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REFORMING GOVERNMENT

# CASES TO WATCH

PENDING CASES. LASTING CONSEQUENCES.  
WHERE WISCONSIN'S FUTURE IS BEING DECIDED.







## ABOUT THE INSTITUTE FOR REFORMING GOVERNMENT'S COURT WATCH INITIATIVE

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The Institute for Reforming Government's Court Watch initiative tracks the activity of Wisconsin Courts and informs the public on their importance. From decisions on election laws, to school choice, to regulations impacting our freedoms, the courts play a crucial role in our everyday lives. Often overlooked, the courts have a quiet but giant role in nearly everything we do, yet most Wisconsinites are unaware of what they do or who even sits on the various benches.



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# OVERVIEW

IRG Court Watch tracks the litigation that will reshape how Wisconsin is governed. The cases below—drawn from the Wisconsin Supreme Court, the Court of Appeals, the state’s circuit courts, and the federal courts—are the matters most likely to redraw the boundaries between Wisconsin’s branches of government, the integrity of its elections, the scope of its administrative agencies, the protection of constitutional rights, and the climate for civil liability and public-policy reform.

For each case, we cover three things: the issue, why it matters, and what’s next. This is a living document. It will be updated as cases are filed, briefed, argued, and decided.

## PENDING AT THE WISCONSIN SUPREME COURT

Decisions from Wisconsin’s highest court bind every lower court and every state agency. The cases pending here will define Wisconsin constitutional and statutory law for years to come.

### Can the Attorney General fund his agency outside the state budget?

[\*Wisconsin State Legislature v. Kaul\*](#)

*Wisconsin Supreme Court | No. 2022AP431 | Separation of Powers; Appropriations*

**The issue.** After the Wisconsin Supreme Court’s June 2025 decision (2025 WI 23) unanimously stripped the Joint Finance Committee of its authority to pre-approve Department of Justice settlements, the Legislature’s last remaining check on settlement revenue is the requirement that the DOJ deposit those funds into the state’s general fund. The Legislature alleges Attorney General Josh Kaul is evading that mandate by routing settlement money—including portions of Wisconsin’s \$420 million share of the national opioid settlement—into a DOJ-controlled program-revenue subaccount, where it is shielded from biennial-budget oversight.

**Why it matters.** If the Court sides with the Attorney General, AG-driven settlements become a permanent self-funding regulatory engine outside the appropriations process. Whoever holds the Attorney General’s office would, in effect, control a parallel budget the Legislature cannot reach—funded by settlements that themselves function as quasi-regulatory enforcement tools in consumer, environmental, and pharmaceutical matters. This is the last meaningful test of legislative power over executive-branch settlement revenue.

**What’s next.** Oral argument heard March 11, 2026. Decision expected by the end of the June 2026 term.

## Can Wisconsin still hand out college aid by race?

[\*Konkanok Rabiebnna v. Higher Educational Aids Board\*](#)

Wisconsin Supreme Court | No. 2022AP2026 | Equal Protection; Race-Conscious State Spending

**The issue.** Wisconsin Statute § 39.44 restricts a state college-grant program—the Minority Undergraduate Retention Grant—to students of specified racial and ethnic backgrounds. After the U.S. Supreme Court’s 2023 decision in *Students for Fair Admissions v. Harvard* prohibited race-conscious college admissions, five Wisconsin taxpayers represented by the Wisconsin Institute for Law & Liberty challenged the grant under Wisconsin’s equal-protection guarantee. The Court of Appeals (District II) struck the program down in February 2025.

**Why it matters.** This is the first state-supreme-court case in the country to test whether *SFFA* reaches state spending. A reversal would restore race-restricted state aid in Wisconsin and signal that race-conscious supplier-diversity programs, public-employee pipelines, and procurement preferences also survive Wisconsin equal-protection review. An equally damaging side route is taxpayer standing: a narrow ruling under *Fabick v. Evers* would gut the principal vehicle for citizen challenges to Wisconsin spending programs, far beyond DEI.

**What’s next.** Oral argument heard February 11, 2026. Decision expected by the end of the June 2026 term.

## Can the public verify that ineligible voters are removed from the rolls?

[\*Wisconsin Voter Alliance v. Secord\*](#)

Wisconsin Supreme Court | No. 2023AP36 | Election Administration; Public Records

**The issue.** When a Wisconsin circuit court adjudicates a person incompetent to vote in a guardianship proceeding, it should notify the Wisconsin Elections Commission so the registrant can be removed from the voter rolls. The Wisconsin Voter Alliance—a conservative election-integrity group—sought records from thirteen counties to verify that those removals are actually happening. Courthouse officials in Walworth County refused, asserting categorical confidentiality under Wis. Stat. § 54.75.

**Why it matters.** A confidentiality ruling would foreclose every parallel petition statewide and effectively make WEC’s compliance with court-ordered voter-roll removals auditable by no one outside WEC itself. Wisconsin’s Public Records Law would also be narrowed beyond its statutory text. Notably, mainstream press organizations—including the Milwaukee Journal Sentinel, Scripps/TMJ4, and the Wisconsin Freedom of Information Council—have joined WILL on the disclosure side. The cross-aligned coalition signals the case is about transparency, not partisan advantage.

**What’s next.** Oral argument heard April 21, 2026. Decision expected by the end of the June 2026 term.

## Is an unborn child a “patient” under Wisconsin civil law?

[\*Brekke v. Midwest Medical Insurance Co.\*](#)

Wisconsin Supreme Court | No. 2023AP498 | *Informed Consent; Civil Personhood*

**The issue.** Charlie May Brekke, an eleven-year-old child carried by a surrogate, suffered permanent shoulder and brachial-plexus injuries during delivery. He alleges his physician never had the informed-consent discussion required by Wis. Stat. § 448.30 about the comparative risks of vaginal versus cesarean delivery, despite the baby’s projected eleven-pound size. The trial court dismissed the informed-consent claim on the theory that an unborn child is not a “patient” with statutory rights.

**Why it matters.** A holding that an unborn child is a Wis. Stat. § 448.30 “patient” would be the first time the Wisconsin Supreme Court recognizes an unborn child as a legal person in a civil-rights and statutory-rights context—a significant doctrinal marker after *Dobbs* and after *Kaul v. Urmanski* (2025 WI 32). The case cuts in opposite directions for the conservative coalition: pro-life advocates have a generational doctrinal opportunity, while tort-reform interests face the prospect of a new theory of obstetric malpractice liability with extended limitations periods.

**What’s next.** Court of Appeals certified the case directly to the Supreme Court, which heard arguments on April 21, 2026. Reporting from oral argument suggests the Court may resolve the case on narrower surrogate-as-patient grounds, leaving the personhood question for another day. Decision expected by the end of the June 2026 term.

## Can state agencies regulate without going through rulemaking?

[\*Sierra Club v. Wisconsin Department of Natural Resources\*](#)

Wisconsin Supreme Court | No. 2024AP673 | *Administrative State; Rulemaking Discipline*

**The issue.** The Wisconsin Department of Natural Resources designates “background concentration” zones for ambient air quality through an internal “Protocol” it has used since 2007–08. The Protocol has never been promulgated as a rule under Chapter 227—never subjected to the gubernatorial-approval, public-hearing, or fiscal-estimate requirements that govern Wisconsin agency rulemaking. The Court of Appeals (District IV) held the Protocol is, in fact, an unpromulgated rule.

**Why it matters.** The strategic puzzle: Sierra Club is the plaintiff, but the small-government, Act 21–respecting outcome is to affirm. Combined with the liberal majority’s broad reasoning in *WMC v. DNR*, 2025 WI 26 (PFAS), a reversal here would functionally eviscerate Act 21’s explicit-authority requirement and unlock rulemaking-by-decision across CAFO permitting, NR 140 enforcement, PFAS designations, and similar programs. Wisconsin agencies would be free to operate substantial regulatory programs through “guidance,” “protocols,” and “internal methodologies” without legislative or executive oversight.

**What’s next.** Case in briefing at the Supreme Court. Oral argument not yet scheduled; decision likely in the 2026–27 term.

## Can tribal sovereign immunity void recorded property covenants?

[\*Legend Lake Property Owners Ass'n v. Keshena\*](#)

Wisconsin Supreme Court | No. 2022AP937 | Tribal Sovereign Immunity; Property Rights

**The issue.** The Menominee Restoration Act allows individual tribal members to transfer fee land in or adjacent to Menominee County to the United States to hold in trust for the Tribe, but expressly provides that “such property shall be subject to all valid existing rights” and “shall be subject to foreclosure or sale pursuant to the terms of any valid existing obligation in accordance with the laws of the State of Wisconsin.” MRA § 6(c). Around 2017–2018, the Menominee Tribe directed enrolled member Guy Keshena to acquire 33 lots in the Legend Lake residential development—lots originally platted in the late 1960s with recorded restrictive covenants governing building and use, common-area maintenance, dues, and HOA enforcement. The 2009 amendments added an express tribal-immunity waiver, a Menominee County Circuit Court choice-of-forum clause, and an in rem subjection-to-covenants provision. Keshena conveyed the lots to the United States, which accepted them into trust. The Legend Lake Property Owners Association sued for a declaration that its non-transfer covenants bind the trust parcels. The Menominee County Circuit Court (Sloma, J.) dismissed on tribal sovereign immunity and Restoration Act preemption grounds. District III certified the case to the Supreme Court on January 22, 2025.

**Why it matters.** The case presents four independently significant doctrinal questions. First, whether Wisconsin recognizes the common-law immovable-property exception to tribal sovereign immunity—a question the U.S. Supreme Court expressly left open in *Upper Skagit Indian Tribe v. Lundgren* (2018) and currently pending before the Washington Supreme Court in *Flying T Ranch v. Stillaguamish Tribe*. A Wisconsin ruling adopting the exception would be the first by any state supreme court in the country. Second, whether tribal sovereign immunity can be waived by recorded restrictive covenants attached to land a tribal member voluntarily acquires, including against a tribal constitution that forbids waiver in state court. Third, whether MRA § 6(c)'s “valid existing rights” clause preempts enforcement of private covenants or, conversely, gives covenants teeth against subsequent trust transfers. Fourth, the reach of state-court jurisdiction over property disputes that arose off-reservation but now affect parcels in Indian country, applying *Oklahoma v. Castro-Huerta* (2022) to the Menominee restoration framework. Practical implications extend well beyond Menominee County: Wisconsin's eleven federally recognized tribes routinely take fee land into trust under broader statutory authorities than the MRA, and an immunity-absolutist ruling would meaningfully erode the certainty of property records and HOA governance in every Wisconsin development bordering tribal land.

**What's next.** Oral argument heard October 13, 2025. Reporting from the argument suggested the liberal majority is skeptical of the property owners' theories: Justices Crawford and Dallet pressed on whether a private HOA can “tie up” tribal land for a century; Justice Hagedorn questioned how the Court could resolve federal property questions without the United States as a party. Decision expected by the end of the June 2026 term.

## PENDING AT THE WISCONSIN COURT OF APPEALS

The Court of Appeals is where Wisconsin appellate doctrine is built. The case below is the next front in the fight over the most consequential conservative reform of the Walker era.

### Will the new Supreme Court majority undo Act 10?

[\*Abbotsford Education Association v. WERC\*](#)

*Wisconsin Court of Appeals | No. 2025AP114 (related to 2024AP2429) | Public-Sector Labor; Act 10*

**The issue.** In December 2024, a Dane County circuit judge struck down core provisions of 2011 Wisconsin Act 10, holding the statute’s distinction between “public safety employees” (who retain full collective bargaining) and “general employees” (who face sharply limited bargaining, annual recertification, and no automatic dues deduction) violates Wisconsin’s equal-protection clause. Act 10 is the foundational fiscal and labor reform of the Walker era, credited with \$18 billion to \$35 billion in cumulative taxpayer savings.

**Why it matters.** If Act 10 falls, multi-issue bargaining returns for general public employment, annual recertification disappears, automatic dues deduction is reinstated, and Wisconsin’s public-sector cost structure realigns with cascading effects on school district budgets, municipal pensions, and the biennial budget. This is the foundational test of whether the new liberal Supreme Court majority will overturn its own 2014 *Madison Teachers, Inc. v. Walker* precedent. WILL has injected a First Amendment compelled-association cross-claim that, if successful, could expand Act 10’s protections rather than strike them down—a potential conservative offensive vehicle even on appeal.

**What’s next.** The Wisconsin Supreme Court denied the bypass in February 2025, sending the case to the District II Court of Appeals first. The December 2024 judgment is stayed pending appeal, so Act 10 remains in force. Briefing is complete; no final decision is likely before the end of the 2025–2026 school year.

## PENDING IN WISCONSIN CIRCUIT COURT

Trial-court litigation is where factual records are built and where the legal theories that drive appellate decisions are first tested. The cases below are the early-stage fights that will define which cases reach the higher courts next.

### Can the Attorney General settle state lawsuits without legislative approval?

*Kaul v. Wisconsin State Legislature Joint Committee on Finance*

Dane County Circuit Court | No. 2026CV001100 | Separation of Powers; Litigation Control

**The issue.** On April 7, 2026—ten months after the Wisconsin Supreme Court’s unanimous *Kaul I* decision (2025 WI 23) struck down the Joint Finance Committee’s veto over Department of Justice settlements in two categories of cases—Attorney General Josh Kaul, DOJ, and Governor Evers filed a fresh complaint in Dane County Circuit Court asking Judge Ryan Nilsestuen to extend *Kaul I* to two new categories: all remaining plaintiff-side civil actions DOJ prosecutes (Wis. Stat. § 165.08(1)) and defense-side cases involving injunctive relief or consent decrees (Wis. Stat. § 165.25(6)(a)1.). The complaint targets the last meaningful remnants of Act 369’s litigation-control regime.

**Why it matters.** If plaintiffs prevail, JCF loses oversight over essentially every category of state civil litigation. The Attorney General would gain unilateral authority to (a) join multistate progressive lawsuits against federal policy and dismiss them on his own terms, (b) enter binding consent decrees that constrain the Department of Corrections, the Department of Administration, and other agencies for years without legislative review, and (c) settle Title VII, ADA, Eighth Amendment, and similar claims with operational concessions that effectively legislate from the courthouse. Two further dimensions sharpen the stakes: the case is assigned to Judge Nilsestuen, who served as Governor Evers’s chief legal counsel before his 2023 appointment to the bench; and the complaint expressly preserves a challenge to the “beyond a reasonable doubt” presumption in separation-of-powers cases, teeing up a Supreme Court invitation to retire the doctrine in inter-branch disputes. Combined with the pending Wis. Stat. § 165.10 settlement-deposit case (2022AP431) at the Supreme Court, this is the second front in the post-*Kaul I* dismantling of Act 369.

**What’s next.** Defendants’ answer due roughly mid-May 2026. Because the legal questions track *Kaul I* directly and turn on pure questions of law, expect early cross-motions for summary judgment. Trial-court ruling likely by late 2026, with appellate review — almost certainly via bypass petition to the Supreme Court—to follow.

## Was post-2020 Wisconsin election lawyering a felony?

[\*State v. Troupis \(Chesebro, Roman\)\*](#)

*Dane County Circuit Court | No. 2024CF1295 | Election Integrity; Prosecutorial Discretion*

**The issue.** Attorney General Josh Kaul charged James Troupis, Kenneth Chesebro, and Michael Roman—three lawyers central to the 2020 Trump campaign’s post-election strategy in Wisconsin—each with eleven counts of felony forgery for drafting and transmitting a “Certificate of the Votes of the 2020 Electors from Wisconsin.” The certificate was signed by ten Republican electors and conveyed to Vice President Pence on January 6, 2021.

**Why it matters.** Wisconsin is now the most viable surviving state prosecution in the alternate-electoral ecosystem after Michigan’s dismissal and Georgia’s collapse. Conviction would create Wisconsin precedent equating contingent-electoral certificates with felony forgery, deterring future post-election litigation strategy. The case also raises core conservative questions about the Attorney General’s charging authority versus that of county district attorneys, and about First Amendment and Petition Clause protection for campaign-litigation work. The defendants face up to 66 years of cumulative confinement exposure plus near-automatic professional-responsibility consequences.

**What’s next.** Trial court denied motions to dismiss in August 2025, rejected recusal motions in December 2025, and bound Troupis and Roman over for trial after a December 15, 2025 preliminary hearing. Chesebro was severed for separate evidentiary proceedings. Trial date not yet set; defense delays could push trial past November 2026.

## Can a court compel Wisconsin to deliver and mark absentee ballots electronically?

[\*Disability Rights Wisconsin v. Wisconsin Elections Commission\*](#)

*Dane County Circuit Court | No. 2024CV001141 | Election Integrity; ADA Preemption State Election Law*

**The issue.** Disability Rights Wisconsin, the League of Women Voters of Wisconsin, and four individual plaintiffs, challenge 2011 Wisconsin Act 75, which limits electronic delivery of absentee ballots to military and overseas (UOCAVA) voters. Plaintiffs argue that withholding electronic delivery and at-home electronic marking from voters with “print disabilities” violates Title II of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, the Wisconsin Constitution’s secret-ballot and equal-protection guarantees, and the First and Fourteenth Amendments. The complaint expressly carves out electronic *return* for “subsequent motions.”

**Why it matters.** This is the wedge case for dismantling Act 75—the foundational post-2011 election-integrity reform that confined electronic absentee balloting to UOCAVA voters. The theory is that federal disability law requires Wisconsin to build electronic ballot infrastructure for a new, judicially-defined voter class, and a win for plaintiffs would establish (a) that ADA Title II and Section 504 can override state election-administration statutes whenever a restriction disparately affects voters with disabilities, (b) that the “meaningful access” doctrine reaches beyond polling-place accommodations and into the design of the absentee-ballot pipeline itself, and (c) the infrastructure precedent needed for follow-on litigation seeking electronic return. The plaintiff coalition—Stafford Rosenbaum, WilmerHale, and Law Forward, with LWV-WI as an organizational plaintiff—is the same machine running *Wisconsin Business Leaders for Democracy* and *Wisconsin PTA*. Trial-court findings made before a friendly Dane County judge will define the appellate record for an eventual Supreme Court review.

**What’s next.** Judge Everett Mitchell (Dane Cty. Branch 4) granted plaintiffs a temporary injunction on June 25, 2024, ordering WEC to deliver electronic, accessible absentee ballots to voters with print disabilities. The Wisconsin Court of Appeals stayed the injunction on August 19, 2024, and reversed on the merits on March 12, 2025. A separate Court of Appeals decision in July 2025 reversed the trial court’s grant of legislative intervention and remanded for proper findings. The case is back before Judge Mitchell on remand. Trial begins July 27, 2026. Bypass to the Supreme Court likely after judgment.

## Will Wisconsin’s congressional map be redrawn before 2028?

[\*Wisconsin Business Leaders for Democracy v. WEC\*](#)

*Dane County Circuit Court/Wisconsin Court of Appeals | No. 2025CV2252 | Congressional Redistricting*

**The issue.** Despite the corporate-sounding name, Wisconsin Business Leaders for Democracy is a progressive-aligned redistricting plaintiff represented by Law Forward and the Election Law Clinic at Harvard Law School. WBLD is the third post-2024 attempt to redraw Wisconsin’s congressional map—which has produced a 6-2 Republican delegation for over a decade—this time on a novel “anti-competitive gerrymandering” theory distinct from partisan gerrymandering.

**Why it matters.** If the liberal Supreme Court majority reverses on appeal, “anti-competitive gerrymandering” becomes a new state-constitutional cause of action with national redistricting implications, and Wisconsin’s congressional map could be redrawn before the 2028 election cycle—potentially flipping one or two seats with U.S. House-control consequences. WILL represents the GOP-voter intervenor-defendants; the Wisconsin Legislature also intervened. The companion *Bothfeld v. WEC* dismissal (March 31, 2026) gives the defense a twin-track precedent on appeal.

**What’s next.** On April 28, 2026, a three-judge panel dismissed the case, holding the theory is barred by *Johnson v. WEC* (2022). Plaintiffs filed notice of appeal the same day. Likely route is the Court of Appeals first, with a bypass petition to the Supreme Court expected.

## Can a court order the Legislature to spend more on schools—and dismantle school choice in the process?

[\*Wisconsin PTA v. Wisconsin Legislature\*](#)

*Eau Claire County Circuit Court | No. 2026CV103 | School Finance; School Choice*

**The issue.** Law Forward and WEAC, on behalf of a 19-plaintiff coalition led by the Wisconsin PTA and including five school districts and four local teachers' unions, have sued Republican legislative leadership claiming Wisconsin's school-finance system—revenue limits, the equalization formula, special-education reimbursement rates, and voucher-program growth—violates the Wisconsin Constitution's "uniform common schools" clause. Plaintiffs disclaim any direct attack on vouchers, but the complaint expressly faults voucher growth as a contributing cause.

**Why it matters.** The threat to Wisconsin school choice is existential. A merits ruling for plaintiffs would force massive court-supervised K-12 spending increases—potentially hundreds of millions to billions of dollars annually if special-education reimbursement is restored to historical levels—and trigger collateral attacks on the Wisconsin Parental Choice Program, the Milwaukee and Racine programs, and the Special Needs Scholarship Program. The Wisconsin Supreme Court's unanimous 2000 ruling in *Vincent v. Voight* upheld this same finance system; reversal under the liberal majority would convert school adequacy from a political question into a justiciable constitutional command, and would mark a major retreat from legislative-branch primacy on appropriations.

**What's next.** Filed February 23, 2026. Republican Legislature, WILL clients, and School Choice Wisconsin Action all moved to dismiss April 13, 2026. Plaintiffs' responses to the motions to dismiss are forthcoming; bypass to the Supreme Court likely after the trial court rules.

The Supreme Court’s rulemaking authority over the practice of law and the conduct of the bench produces orders every bit as consequential as judicial opinions. The petition below is the most important rules matter pending in 2026.

### Who has to step off the bench when their campaign donors come to court?

*In re: Petition for Amendments to Campaign-Related Rules*

*Wisconsin Supreme Court | Rule Petition 26-01 | Judicial Recusal; Campaign Integrity*

**The issue.** Nine retired Wisconsin circuit judges, supported by the Brennan Center, the League of Women Voters, and Common Cause Wisconsin, have petitioned the Wisconsin Supreme Court to amend SCR 60.04 to require—rather than merely permit—recusal of judges and justices when a party, attorney, or law firm has provided campaign contributions or independent expenditures that “raise a reasonable question concerning the judge’s ability to be impartial.” The current rule, adopted 4-3 in 2010, was supported by Wisconsin Manufacturers & Commerce and the Wisconsin Realtors Association.

**Why it matters.** The petition cuts both ways and creates real risk for conservatives. Supporters argue a tightened rule could compel Justices Protasiewicz and Crawford to recuse themselves from cases involving the Wisconsin Democratic Party, which routed roughly \$10 million through party channels to Protasiewicz and far more to Crawford. But the rule will be drafted and applied by the same liberal majority. A broadly worded mandatory-recusal standard with subjective triggers could be selectively wielded against conservative justices receiving center-right support but waived against liberals receiving Democratic Party support. Importantly, Wisconsin does not substitute justices when one recuses. Such an outcome could be used as leverage to entrench the liberal majority’s policy preferences on redistricting, abortion, Act 10, and immigration cases by knocking remaining conservative justices off the bench.

**What’s next.** Petition filed January 30, 2026. Public hearing scheduled for 9:30 a.m. on June 4, 2026—the principal opportunity to push for objective dollar thresholds, symmetrical application to party-channel contributions, and neutral review of recusal determinations. Written comments accepted in advance.

## FEDERAL CASES IMPACTING WISCONSIN STATE GOVERNMENT

Federal litigation routinely produces rulings that bind Wisconsin state and local officials, restrain or expand the state's enforcement authority, or determine the legality of Wisconsin election administration. The three cases below are the federal proceedings most likely to affect how Wisconsin is governed in the next eighteen months.

### Can Wisconsin sheriffs cooperate with ICE?

[\*Voces de la Frontera v. Gerber\*](#)

Wisconsin Supreme Court/U.S. District Court for the Western District of Wisconsin | No. 2025AP2121-OA (state) | Immigration Enforcement; Sheriff Authority

**The issue.** The Milwaukee-based immigrant-rights group Voces de la Frontera has sued five Wisconsin sheriffs — Walworth County's Dave Gerber, Brown County's Todd Delain, Marathon County's Chad Billeb, Kenosha County's David Zoerner, and Sauk County's Chip Meister—alleging they have no authority under Wisconsin state law to honor civil ICE detainers and continue holding individuals past their state-law release dates. The five sheriffs collectively accounted for roughly a quarter of all ICE detainer responses by Wisconsin sheriffs in the first seven months of 2025.

**Why it matters.** A merits win for Voces at the liberal Supreme Court majority would, in effect, install a court-imposed sanctuary regime statewide—judicially overriding the policy choice of dozens of (mostly Republican) sheriffs and a Republican-controlled Legislature that has passed legislation withholding state funds from non-cooperating counties. ICE detainer compliance would end across Wisconsin's seventy-two counties, exposing sheriffs to retroactive false-imprisonment damages and creating a state-law/federal-law conflict that ICE could only address through expensive 287(g) Jail Enforcement Model agreements or judicial warrants.

**What's next.** Supreme Court accepted the case as an original action 4-3 on December 3, 2025. Sheriffs removed to federal court December 30, 2025. Plaintiffs' remand motion has been fully briefed since February 2026 and remains pending—the immediate fight is whether the case stays in federal court (where federal preemption is the strongest defense) or returns to a Supreme Court whose composition presents *Caperton*-style recusal questions for Justices Protasiewicz and Crawford.

## Can Washington force Wisconsin to hand over the voter rolls?

[\*United States v. Wisconsin Elections Commission\*](#)

*U.S. District Court for the Western District of Wisconsin | No. 3:25-cv-01036 | Voter-List Disclosure; Federalism*

**The issue.** The Trump Department of Justice has sued the Wisconsin Elections Commission under Title III of the Civil Rights Act of 1960 to compel production of Wisconsin’s full unredacted statewide voter registration list—including dates of birth, residential addresses, driver’s-license numbers, and the last four digits of voters’ Social Security numbers—notwithstanding a Wisconsin statute (Wis. Stat. § 6.36(1)(b)) that restricts disclosure. WEC voted 5-1 against producing the data, with Republican commissioner Don Millis joining the Democrats and citing Wisconsin law.

**Why it matters.** A WEC win entrenches state secrecy over voter rolls heading into the 2026 federal midterms and insulates WEC from federal list-maintenance oversight at a moment when noncitizen voting and stale-registration concerns are most acute. But an adverse ruling on Tenth Amendment or Elections Clause grounds—the most likely federalism off-ramps—could backfire against future Republican-controlled DOJ efforts to oversee state elections. DOJ has already lost parallel suits in California, Oregon, Massachusetts, Rhode Island, and Michigan.

**What’s next.** Cross-motions on dismissal and on the DOJ’s motion to compel have been fully briefed since March 2, 2026. Chief Judge James Peterson has the case under advisement. A Seventh Circuit appeal is virtually certain regardless of how Peterson rules.

## Can a state judge be prosecuted for blocking a federal arrest?

[\*United States v. Hannah Dugan\*](#)

*U.S. District Court for the Eastern District of Wisconsin | No. 2:25-cr-00089-LA | Federal Prosecution of State Judge; Immigration Enforcement*

**The issue.** A federal jury convicted former Milwaukee County Circuit Judge Hannah Dugan of felony obstruction (18 U.S.C. § 1505) on December 18, 2025, for directing an ICE-warrant subject—Eduardo Flores-Ruiz, a previously deported Mexican national charged with misdemeanor domestic battery—out a non-public courtroom exit while ICE agents waited in the public hallway. The jury acquitted on the misdemeanor concealment count. Dugan resigned January 3, 2026.

**Why it matters.** This is the bellwether federal prosecution of a state judge for obstructing immigration enforcement, the first of its kind in Wisconsin and one of very few nationally. The outcome on appeal will set the rules for ICE courthouse operations across the country. The case directly intersects with *Voces v. Gerber*: if Wisconsin sheriffs lose detainer authority and Dugan’s conviction is reversed on judicial-immunity grounds, the practical effect is near-blanket immunity for state actors who frustrate federal immigration arrests. The defense team—Steve Biskupic and former U.S. Solicitor General Paul Clement—signals Supreme Court ambitions, as judicial-immunity-from-criminal-prosecution doctrine has not been squarely addressed by the U.S. Supreme Court.

**What’s next.** Judge Lynn Adelman denied post-trial motions April 6, 2026, rejecting Dugan’s renewed claim of absolute judicial immunity. Sentencing is set for June 3, 2026 (sentencing memos due May 27, 2026). Seventh Circuit appeal will likely follow.

# QUICK-REFERENCE INDEX

Court/ Venue	Case Number	Caption	Issue Area	Counsel of Record
<b>CATEGORY 1 — Pending at the Wisconsin Supreme Court</b>				
Wis. S. Ct.	2022AP431	<i>Wisconsin State Legislature v. Kaul</i>	Separation of Powers	Troutman Pepper Locke LLP
Wis. S. Ct.	2022AP2026	<i>Konkanok Rabiebna v. Higher Educational Aids Board</i>	DEI/Equal Protection	Wisconsin Institute for Law & Liberty (WILL)
Wis. S. Ct.	2023AP36	<i>Wisconsin Voter Alliance v. Secord</i>	Election Administration	Thomas More Society
Wis. S. Ct.	2023AP498	<i>Brekke v. Midwest Medical Ins. Co.</i>	Pro-Life/Informed Consent	Tennyson Law Firm
Wis. S. Ct.	2024AP673	<i>Sierra Club v. Wisconsin DNR</i>	Administrative State	Midwest Environmental Advocates
Wis. S. Ct.	2022AP937	<i>Legend Lake POA v. Keshena</i>	Tribal Immunity/Property	Eminent Domain Services LLC
<b>CATEGORY 2 — Pending at the Wisconsin Court of Appeals</b>				
Wis. Ct. App.	2025AP114	<i>Abbotsford Education Ass'n v. WERC</i>	Act 10/ Public-Sector Labor	Stafford Rosenbaum / Law Forward / Bredhoff & Kaiser
<b>CATEGORY 3 — Pending in Wisconsin Circuit Court</b>				
Dane County	2026CV001100	<i>Kaul v. Wis. Legislature Jt. Comm. on Finance</i>	Separation of Powers Litigation Control	Wisconsin Department of Justice
Dane County	2024CF1295	<i>State v. Troupis (Chesebro, Roman)</i>	Elections/Alternate-Elector Prosecution	Wisconsin Department of Justice
Dane County	2024CV001141	<i>Disability Rights Wisconsin v. WEC</i>	Elections/Electronic Absentee Ballots	Stafford Rosenbaum/WilmerHale/Law Forward
Dane Co. / Ct. App.	2025CV2252	<i>Wis. Business Leaders for Democracy v. WEC</i>	Congressional Redistricting	Law Forward/Stafford Rosenbaum/Harvard Election Law Clinic
Eau Claire Cty.	2026CV103	<i>Wisconsin PTA v. Wisconsin Legislature</i>	Education/School Funding	Law Forward/WEAC
<b>CATEGORY 4 — Wisconsin Supreme Court Orders and Rule Petitions</b>				
Wis. S. Ct.	Rule Pet. 26-01	<i>In re: Petition for Amendments to Campaign-Related Rules</i>	Judicial Recusal/ Campaign Rules	Retired Wis. Circuit Judges (pro se); lead filer Judge Niess)
<b>CATEGORY 5 — Federal Cases Impacting Wisconsin State Government</b>				
Wis. S. Ct. / W.D. Wis.	2025AP2121-OA	<i>Voces de la Frontera v. Gerber</i>	Immigration Enforcement	ACLU of Wisconsin
W.D. Wis.	3:25-cv-01036	<i>United States v. Wisconsin Elections Commission</i>	Election Administration	U.S. DOJ, Civil Rights Division
E.D. Wis.	2:25-cr-00089-LA	<i>United States v. Hannah Dugan</i>	Immigration / Federal Obstruction	U.S. Attorney's Office, E.D. Wis.







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