



Written by [Alex Newman](#) on May 27, 2011

Union-linked Judge Impedes Wisconsin Law

A county judge whose son has worked for the SEIU and the AFL-CIO struck down a Wisconsin law that would have limited some of the collective-bargaining privileges of government-employee unions, sparking outrage from lawmakers who are determined to salvage the legislation in an effort to tackle the state's multi-billion dollar budget crisis. But despite the ruling, the battle over reform is still far from over.



Claiming that legislators violated state open-meeting rules, Dane County Circuit Judge Maryann Sumi (picture, left) officially decided on May 26 to strike down the bill after issuing a [temporary restraining order](#) against it in March. In her 33-page decision, Sumi [said](#) the local district attorney, a Democrat, offered "clear and convincing evidence" that a procedural violation had occurred.

The case largely revolved around whether a legislative committee was allowed to circumvent a state provision which normally requires 24-hour notice before public meetings. If there is good cause, however, the rules say two hours can suffice.

For the meeting in question, approximately two hours notice was indeed given. And lawmakers also argue that legislative rules, not open-meeting laws, apply in this case.

But Sumi rejected that state's arguments. "The Legislature and its committees are bound to comply with the open meetings law by their own choice," Sumi [wrote](#) in the ruling. "Having made that choice, they cannot now shield themselves from the provisions that give the law force and effect."

Lawmakers are, of course, free to pass the bill again. But for now, the county court ruling represents a temporary setback while the appeals process occurs.

"Obviously, we're disappointed in the ruling," the state Attorney General's executive assistant [told](#) the *Milwaukee Journal Sentinel*, noting that courts do not have the authority to strike down laws unless they violate the state Constitution. "We do think it reflects a number of legal errors, but it's for the appellate courts at this point."

Analysts said the state Supreme Court would likely have the final say. The Speaker of the state House and the Senate Majority Leader both issued statements saying they believed the high court would rule in favor of the legislation.

And Republican Gov. Scott Walker, who pushed the legislation, said that even without the courts, the reforms would eventually be implemented. "Either it will be resolved like that through the Supreme Court — or we'll look at alternatives with the legislature," Walker told reporters. How much tax money



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is being spent on union efforts to stop the bill remains unclear.

The original debate on the legislation led to a [swarm of government employees skipping work to descend on the state capitol](#). The protests ended up costing the state millions of dollars for security and repairs. Numerous tax-funded schools had to shut down, too, because so many government teachers skipped work to [intimidate lawmakers](#).

Democrat state Senators even [fled Wisconsin to prevent the quorum](#) required to vote on fiscal matters. Recall petitions against state Senators on both sides of the aisle [started picking up steam](#), too. But eventually, after weeks of protests and debate, the so-called budget repair bill [was passed](#) in both houses and signed by the Governor.

Soon afterwards, however, democratic District Attorney Ismael Ozanne filed suit. [That case](#) eventually led to county judge Sumi's ruling.

State Department of Justice attorneys and critics [suggested](#) the judge should have recused herself from the case because of her son's [intimate ties](#) to the nation's largest unions. But despite the apparent conflict of interest, Sumi refused to step down.

Now the case is heading for appeal. On June 6, the state Supreme Court will hear arguments about whether it should take up the matter. But even if the law is struck down based on the alleged technical violation, legislators will almost certainly just pass the bill again.

Despite the fact that the ruling is only a temporary setback for the reform, however, government-union bosses celebrated anyway. "It tells legislators: 'You can't be arrogant,'" [claimed](#) Marty Beil, the executive director of the state's largest government-employee union. "You have to do it in the light of day. You can't take stuff away from people in a backroom deal."

The government-teacher's union boss also applauded the ruling, saying she hoped it would force legislators to reconsider the law. "We've seen how this issue has polarized our state," she [said](#), presumably referring to [taxpayers versus extremely well-compensated government employees](#).

[The law](#) would have limited the collective-bargaining privileges of most government employees — public-safety workers not included — to salary negotiations. It would also force government workers to contribute slightly more to their generous health and pension benefits while making union membership and dues optional.

Several other lawsuits against the law are still pending. And depending on the outcome of [recall elections](#), more than a few state Senate seats could switch parties. But for now, it still appears as though the reforms will eventually succeed.

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Photo: Dane County Circuit Judge Maryann Sumi halts Assistant Attorney General Maria Lazar's opening remarks at the Dane County Courthouse in Madison, Wis., March 29, 2011.: AP Images



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