

WISCONSIN SUPREME COURT CALENDAR AND CASE SYNOPSIS MAY 2022

The case listed below will be heard in the Supreme Court Hearing Room, 231 East, State Capitol. The case originated in Dane County.

TUESDAY, MAY 24, 2022

11:00 a.m. 2020AP1032 John Doe 1 v. Madison Metro School District

Note: The Supreme Court calendar may change between the time you receive it and when a case is heard. It is suggested that you confirm the time and date of any case you are interested in by calling the Clerk of the Supreme Court at (608) 266-1880. If your news organization is interested in providing any type of camera coverage of Supreme Court oral argument, you must contact media coordinator Logan Rude at WISC-TV, (608) 271-4321. The synopses provided are not complete analyses of the issues presented.

WISCONSIN SUPREME COURT
May 24, 2022
11 a.m.

2020AP1032

John Doe 1 v. Madison Metro School District

This is a review of a decision of the Wisconsin Court of Appeals, District IV (headquartered in Madison), affirming the Dane County Circuit Court’s interlocutory order, Judge Frank D. Remington presiding, denying plaintiffs’ request to proceed with their lawsuit anonymously, but allowing them to file an amended complaint with their identifying information under seal that would be subject to review only by the court and counsel for the parties.

The subject of this case is a document adopted by the Madison Metropolitan School District (MMSD) in April 2018 entitled, “Guidance & Policies to Support Transgender, Non-binary & Gender-Expansive Students” (“the Policy”). Under the Policy, MMSD allows children of any age to change their gender identity at school by selecting an “affirmed name and pronoun” to be used at school “regardless of parent/guardian permission.” Parental/guardian consent is required before students may change their name and listed gender in official school records. If a student selects a new name and pronoun, the Policy requires that name and pronoun be used by all teachers and district staff.

The petitioners, who are certain parents of children enrolled in schools that are part of the MMSD, sued MMSD over the Policy in February of 2020, alleging that the Policy violated their constitutional rights to direct the upbringing of their children, including their right to raise their children in accordance with their religious beliefs and to choose a treatment approach for any child who experiences gender dysphoria. The complaint refers to the parents as John and Jane Does (with a number identifier). Accompanying their complaint, the parents filed a motion asking the circuit court to allow them to proceed anonymously in this fashion, asserting they wish to protect themselves and their children “from likely harassment and other injury.” The circuit court denied the parents’ motion to proceed anonymously in part. The court required the parents to disclose their identities to the court and to the attorneys for the MMSD, but ruled that the identities would remain sealed and therefore protected from public disclosure. Therefore, if the parents wished to proceed with the action, they must file an amended complaint stating their identities, which would be filed under seal.

The parents appealed the circuit court’s order. The Court of Appeals affirmed, concluding that the parents failed to show that the circuit court erroneously exercised its discretion.

The following issues are presented for review:

- 1) May plaintiffs in Wisconsin courts use pseudonyms in appropriate cases, and if so, when and how? Did the lower courts erroneously deny the petitioners’ anonymity request?
- 2) Whether the lower court erred by declining to enjoin a significant violation of constitutional rights without consideration petitioners’ likelihood of success or properly weighing the serious harms petitioners identified.