

**WISCONSIN SUPREME COURT
CALENDAR AND CASE SYNOPSIS
MAY 2020**

NOTICE: Due to the COVID-19 pandemic, oral argument before the court on May 5 will be conducted via video/audio conferencing. The Supreme Court Hearing Room will not be open to the public. The media and public may view the proceedings live on WisconsinEye or via a link to be provided on www.wicourts.gov.

The case listed below originated in the following county:

Dane

TUESDAY, MAY 5, 2020

10:00 a.m. 20AP765-OA Wisconsin Legislature v. Andrea Palm

Note: The Supreme Court calendar may change between the time you receive this synopsis 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. The synopsis provided is not a complete analysis of the issues.

WISCONSIN SUPREME COURT
May 5, 2020
10 a.m.

20AP765-OA

Wisconsin Legislature v. Andrea Palm

On April 21, 2020, the Wisconsin Legislature submitted an emergency petition for original action, asking the Wisconsin Supreme Court to exercise its original jurisdiction (i.e., without any proceedings in a lower court) to decide certain issues regarding the issuance of Emergency Order No. 28 concerning the COVID-19 pandemic (the extension of the “Safer at Home” order) by the Secretary-designee of the Department of Health Services (DHS), Andrea Palm.

On May 1, the Supreme Court voted to accept jurisdiction over the case and agreed to hear argument on the following issues, which were set forth in the Legislature’s petition:

1. Whether the DHS violated Wis. Stat. § 227.24, governing emergency rules, by issuing Emergency Order No. 28 without complying with § 227.24’s procedures; and
2. Even if DHS did not violate § 227.24, whether Emergency Order No. 28 exceeds the Department’s authority by closing all “nonessential” businesses, ordering all Wisconsin persons to stay at home, and forbidding all “nonessential” travel.