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IRG: *Wisconsin State Legislature v. Kaul* Ruling Creates AG Slush Fund

Wisconsin Supreme Court Allows Attorney General to Control Settlement Funds

Delafield, Wis. — The Institute for Reforming Government (IRG) issued the following analysis in response to Friday's Wisconsin Supreme Court (SCOWIS) decision in [*Wisconsin State Legislature v. Kaul* \(2026 WI 28\)](#).

WHAT HAPPENED

The Wisconsin Supreme Court held that Attorney General Josh Kaul complies with Wisconsin law when he credits settlement funds to DOJ program appropriations without legislative approval after depositing them in the General Fund. As a result, future DOJ settlement funds are insulated from the general legislative appropriations process. The decision allows the funds to be later credited by the Attorney General to an appropriation within the General Fund.

In her dissent, Justice Rebecca Bradley argued that the progressive majority has an “almost unbroken winning streak” in cases involving separation-of-powers disputes, consistently siding with Democratic Governor Evers or Democratic AG Kaul against the Republican Legislature. She argued that the majority ignored Wisconsin state law that requires money deposited to go to the general fund unless the *legislature* passes a law that states otherwise. The majority simply ignored it.

THE QUOTE

“Wisconsin's Constitution entrusts the people's elected representatives in the legislature with budgeting state funds. Today's *Kaul* decision permits the Attorney General to evade accountability by looping settlement funds back to his personal slush fund, effectively insulating those funds from legislative appropriation. That decision is contrary to the statutes and more importantly to the constitutional design. Moreover, it is part of a disturbing trend of recent decisions gutting legislative oversight and accountability of the bureaucracy.” — **Jake Curtis, General Counsel, IRG**



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