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IRG Asks Federal Court to Strike Down Wisconsin's Permanent Gag on Judicial Complaints

Motion argues Wisconsin's permanent confidentiality rules violate First Amendment

Delafield, Wis. — The Institute for Reforming Government (IRG), represented by the Wisconsin Institute for Law & Liberty (WILL), moved for summary judgment on Monday in its First Amendment lawsuit against the members of the Wisconsin Judicial Commission.

The motion, filed in the United States District Court for the Eastern District of Wisconsin, asks the Court to decide whether the state can permanently prohibit complainants from discussing their own judicial complaints, even *after* the Judicial Commission has completed an investigation and closed a case. The case is ***Institute for Reforming Government Inc. v. Keppel***, No. 2025-CV-1384 (E.D. Wis.).

IRG filed a complaint with the Commission more than a year ago. The Commission closed the file. State law still forbids IRG from saying what the complaint said.



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FIRST AMENDMENT LAWSUIT

IRG CHALLENGES WISCONSIN'S PERMANENT GAG ON JUDICIAL COMPLAINTS

“THE FILE IS CLOSED. THE GAG IS NOT.”

WHAT IT IS

IRG argues that the rules are unconstitutional content-based restrictions on speech. The motion asks the Court to declare Wis. Stat. § 757.93(1)(a) and Wis. Admin. Code JC § 3.01 unconstitutional and to permanently prevent the Commission from enforcing them. Both provisions make everything about a complaint confidential unless and until the Commission files a formal complaint in the Wisconsin Supreme Court. The Commission is authorized to take action against any complainant who violates the confidentiality provision.

THE QUOTES

“IRG is a think tank. Communicating with the public is our job,” said **Jake Curtis, IRG General Counsel and Director of the Center for Investigative Oversight (CIO)**. “We brought a concern to the Judicial Commission, the Commission looked at it and closed the file, and more than a year later a state agency prohibits IRG from saying a word about our own filing. The file is closed. The gag is not.”

“We are not asking a federal court to reopen the investigation or to second-guess the Commission’s judgment,” Curtis added. “We are simply asking for the right to speak about it.”

“Holding government accountable is vital work,” said **Lucas Vebber, Deputy Counsel at the WILL**. “These unconstitutional state law gag orders make that work harder. We are proud to be working with IRG to defend the First Amendment and fight these anti-speech regulations.”

WHY IT MATTERS

This case is not just about IRG. The rules at issue apply to everyone who brings a complaint to the Judicial Commission, from a party in a divorce case to a court reporter to a statewide organization. Wisconsinites who go to the Commission potentially surrender their ability to speak about the matter for good. As IRG's brief argues, the operations of the courts and the conduct of judges are matters of the utmost public concern, and the First Amendment does not permit a state to remove that subject from public discussion by declaring it confidential.

THE BACKGROUND

IRG identified what it believed was serious misconduct by a sitting Wisconsin judge and did what a watchdog organization does. It filed a Request for Investigation with the Commission. The request concerned the judge's public statements. It did not concern any pending case or anything the judge did on the bench.

That is very nearly all IRG is permitted to say under the current rules. IRG cannot describe what it alleged, cannot correct the record if someone else describes the filing inaccurately, and cannot publicly criticize how the Commission handled the matter. Before filing suit, IRG asked the Commission through counsel to confirm in writing that it could discuss its own filing without punishment. The Commission refused. The Commission later closed the matter and reaffirmed that everything about it remains confidential, with no end date.

The statute does not run both ways. Wis. Stat. § 757.93(2) allows the Commission to issue public statements about a matter that has become known to the public, including statements correcting what the Commission considers misinformation. The person who filed the complaint has no comparable right to speak.

IRG's motion for summary judgment and supporting brief are available online [here](#).



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