

**Sports Law****Certiorari – Scope – Reasonableness**  
***Halter v. Wisconsin Interscholastic Athletic Ass'n*, 2025 WI 10 (April 8, 2025)**

**HOLDING:** The Wisconsin Interscholastic Athletic Association (WIAA) acted reasonably when it decided that under its rules an athlete was ineligible to compete in a wrestling match.

**SUMMARY:** Halter was ejected from a varsity wrestling match for unsportsmanlike conduct. Under the WIAA's rules, Halter was also suspended "at the next competitive event," which happened to be the state regional competition. As the reigning state champion in his weight class, Halter

had to compete in the regional competition to defend his title. To satisfy the WIAA rule and also compete in the regional competition, Halter entered a junior varsity event as his "next competitive event." The WIAA objected, but the circuit court granted a temporary restraining order that permitted Halter to compete in the regional competition. In later litigation involving a permanent injunction, the circuit court ruled in favor of the WIAA, but the Wisconsin Court of Appeals reversed the ruling. See 2024 WI App 12.

The Wisconsin Supreme Court reversed the court of appeals in a majority opinion authored by Justice Hagedorn. The primary issue was whether a writ of certiorari

was the proper means of reviewing the WIAA's decision. Certiorari is "a procedure generally reserved for review of the decisions of lower tribunals," in particular whether the decision "was within reason or was arbitrary" (¶ 2). Without deciding whether certiorari was the proper means of reviewing a ruling by the WIAA, the court held that the WIAA had acted reasonably in the interpretation and application of the rules in Halter's case.

First, Halter did not develop an argument that he had a "legal" interest that entitled him to declaratory relief (see ¶ 21). Second, the supreme court declined to address Halter's undeveloped argument "as to why Wisconsin courts should entertain review of a voluntary association's internal rules" (¶ 22). Third, the supreme court saw "no need" to address whether the WIAA was a "state actor"; the supreme court was unconvinced that this was a "threshold inquiry for Halter's certiorari claim" (¶ 23). In assuming that certiorari was appropriate, the court found nothing unreasonable in the WIAA's rules on punishing athletes for "flagrant" and "unsportsmanlike" conduct or their application in this instance (that is, varsity athletes must serve their suspension at the varsity level) (¶¶ 33-35).

Justice Protasiewicz and Justice Karofsky filed a concurring opinion in which they concluded that certiorari review cannot be used for decisions by a "private organization governed by contract" (¶ 46).

Chief Justice Ziegler dissented, joined by Justice R.G. Bradley, on the ground that the majority's decision illustrates why review of this case was improvidently granted. **WL**

**BLINKA****HAMMER**

In this column, Prof. Daniel D. Blinka and Prof. Thomas J. Hammer summarize all decisions of the Wisconsin Supreme Court (except those involving lawyer or judicial discipline).

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