

2025-26 Wisconsin Legislature: Board of Governors & Section Advocacy Lobbying Highlights

The State Bar of Wisconsin struck a balance between increased funding for courts and avoiding access-to-justice issues by ultimately taking a neutral position on an act that raised court filing fees and surcharges. The State Bar remains committed to other legislation with fiscal impacts, such as advocating for more support for public defenders and district attorneys and their staff.

BY CALE BATTLES, LYNNE DAVIS, AND DEVIN MARTIN

As another legislative session comes to an end, the State Bar of Wisconsin’s Government Relations team reflects on what, by most standards, would be considered a strong showing. For better or for worse, many issues have been put to bed while others are expected to return, with common themes beginning to emerge.

State Bar Board of Governors Issues

The policy issue the State Bar’s leadership and lobbyists engaged on most in the 2025-26 legislative session was, by far, 2025 Wisconsin Act 179,¹ which primarily raises court filing fees and other surcharges. The State Bar’s Board of Governors opposed the legislation as introduced, mainly because the increased revenue was not directed back to the court system. After months of conversations and negotiations, the legislation was amended to address this concern, ensuring that the revenue generated is used to support court services in the county where it was collected. Additionally, many of the largest or most impactful fees and surcharges were either removed from the bill or significantly reduced. Striking a balance between increasing funding for courts and avoiding access-to-justice issues was the primary goal in creating a law on which the Board of Governors could ultimately take a neutral position.

ADA and SPD Positions and Workload Issues

An ongoing issue for the State Bar’s Board of Governors is support for attorneys in Wisconsin State Public Defenders (SPD) and district attorneys’ offices, whether through increased

salaries, additional positions, or addressing workload issues. This session, legislators sought to address the latter two by introducing Assembly Bill 514/Senate Bill 546,² adding dozens of assistant district attorney and SPD attorney and support staff positions over the next biennium, while also creating more circuit court branches in certain counties. Though the legislation did not ultimately pass, it raised awareness of the need for more attorneys serving in these roles ahead of the 2027 budget discussions.

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Wrongful Conviction Compensation

A piece of legislation that came up late in the session was an effort to increase the compensation limits for victims of wrongful convictions, AB 583/SB 577. The Board of Governors has long supported increasing these limits and giving exonerees the tools needed to reintegrate into society after suffering injustice within the court system and testified as such during the public hearings on this legislation.

While the legislation was not enacted this session, the renewed focus on remedying this injustice brought hope to proponents of this change for the next legislative session.

State Bar Lobbying Sections' Engagement

The State Bar has 13 sections that fully participate in the lobbying program. Joining a lobbying section, like all section membership, is completely voluntary. Each section has its own section member-elected board.

The sections also can vote to take reactive positions to support, oppose, or actively monitor legislation that is pending in the Wisconsin Legislature. The goal of engagement by sections is to

positively affect the process and assist legislators who might be unfamiliar with a subject by explaining the potential effects of policy decisions. These discussions often lead to very positive outcomes either through legislative support and partnerships or by assisting in the drafting of amendments to improve legislation. There are also occasions when sections do not find common ground and oppose legislative efforts.

Business Law. The Business Law Section Board is working on drafting changes to the Uniform Commercial Code (UCC) amendments and a new Article 12. UCC Article 12 addresses digital assets as collateral and updates the UCC for emerging currencies.

Bankruptcy, Insolvency & Creditors' Rights (BICR). The BICR Board monitored numerous legislative initiatives this past session, including efforts to increase both the jurisdiction of small claims limit by \$5,000 and the limits on consumer credit transactions in the Wisconsin Consumer Act to amounts financed at \$50,000 or less. The legislative bill was successful on the limit changes and is now 2025 Wisconsin Act 105. The Board continues to review changes to Wis. Stat. chapter 128 and efforts to eliminate the 13-week garnishment notice (SB 300), which was vetoed by Governor Evers.

Children & the Law. The Children & the Law Section board continued to push back against an effort (in SB 388/AB 390) to grant adult adoptees unredacted access to their original birth certificates. This perennial legislation concerns attorneys due to the retroactive nature of the proposed changes: Many birth parents wish to remain anonymous, sometimes because of the circumstances surrounding the pregnancy. This change would upend the commitment to privacy that the state made to birth parents who made one of the most significant decisions anyone can ever make. The board also has concerns that it would chip away at the anonymity of safe-haven laws.

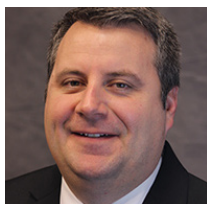
The section also provided feedback to both legislators and the courts on numerous proposals affecting their practice area and engaged in their own discussions for legislative initiatives, all of which are intended for introduction in a future legislative session.

Civil Rights & Liberties. The Civil Rights & Liberties Section board renewed its opposition to several pieces of legislation, all of which were vetoed by Governor Tony Evers. The first, Senate Bill 25, would restrict a court's ability to issue criminal complaints in officer-involved deaths, therefore hindering a victim's ability to seek justice. The board had numerous concerns with the proposed changes, including removal of judicial discretion, separation-of-powers issues, ex parte communication concerns, and eroding the rights of victims and their family members.

Additionally, the board continued to raise concerns with legislation prohibiting transgender female athletes from participating in sports designated for women in K-12 schools (AB 100) and the collegiate level (AB 102). The board noted concerns with the constitutionality of the proposed change, citing *Bostock v. Clayton County*³ to support their argument.

Criminal Law. The Criminal Law Section board was heavily engaged this legislative session, taking numerous positions on criminal law matters, primarily in opposition. The first, Assembly Bill 85, would have taken a "one size fits all" approach to violations of extended supervision, parole, or probation in certain circumstances, which the section believed would lead to unjust outcomes and possible constitutional concerns. Governor Evers vetoed this legislation in August 2025.

Another bill concerning criminal law practitioners vetoed by the governor for the second successive session was Senate Bill 76. This legislation would have undermined the ability of district attorneys' offices to negotiate criminal charges for certain crimes without



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judicial approval. The board expressed concerns about the removal of discretion from those who know individual cases best – prosecutors and criminal defense attorneys.

Elder Law and Special Needs (ELSN).

The Elder Law and Special Needs (ELSN) Section continues to work on elder abuse issues. The ELSN opposed continued efforts (AB 972) to grant financial institutions broad authority to freeze consumer transactions and to reject valid power-of-attorney documents.

The ELSN also opposed changes to Assembly Bill 598, which would circumvent the adult guardianship process for the admission of patients to certain long-term care facilities. The legislature, on its last day of session, passed Assembly Bill 598, which Governor Evers signed into law as 2025 Wisconsin Act 115.

Family Law. The Family Law Section board struck a balance of both initiating legislative changes and taking positions on introduced bills. They advocated successfully for changes allowing for divorces and legal separations by affidavit (2025 Wisconsin Act 40) and brought greater transparency to income notification requirements for parties involved in child support or maintenance orders (2025 Wisconsin Act 84). Both proposals received widespread bipartisan support in the legislature and were supported by stakeholders impacted by the proposed changes.

The board also supported legislation codifying case law clarifying how miles are calculated for the purpose of parent relocation (2025 Wisconsin Act 81), and expressed concerns about ongoing legislative efforts to shift the standard by which placement for minor children is granted away from the best-interest-of-the-child standard to one that creates a presumption of equal placement, SB 161/AB 151, or requiring findings of fact when the court grants anything less than 50-50 placement, SB 263/AB 262.

Real Property, Probate and Trust Law (RPPT). RPPT continues to be proactive in looking at both real

estate changes and estate planning. Members of RPPT are also working on the adoption of the Uniform Powers of Appointment Act, the Uniform Directed Trust Act, and trailer legislation on the Uniform Trust Act (2013 Wisconsin Act 92). The board is also reviewing the Uniform Partition of Heirs Act.

Taxation. Taxation Section board members worked on several proactive legislative efforts during the session. Board members initiated bill drafts on offers in compromise on tax liabilities for victims of financial exploitation. The board continues to work on drafts dealing with statutes-of-limitation changes and the issuance of certificates of closing.

Court Interpreters

One issue affecting the court system that is of widespread interest and concern to a broad spectrum of State Bar sections dealt with court interpreters. Numerous bills were introduced proposing changes, including Assembly Bill 377/Senate Bill 357 (requiring the use of artificial intelligence (AI) in lieu of live interpreters), Assembly Bill 148/Senate Bill 147 (allowing use of remote interpreter at trials), and Assembly Bill 292/Senate Bill 295 (allowing use of AI translation in court proceedings). Multiple section boards, including Litigation, Civil Rights & Liberties, Criminal Law, and Public Interest Law, voiced concerns with these bills, ultimately taking positions opposing the changes.

While none of the aforementioned court interpreter bills were enacted into law, the previously discussed court fees legislation, 2025 Wisconsin Act 179, included an amendment that will shift the default to remote interpreters for all phases of proceedings in civil matters, excluding those involving Wis. Stat.

chapters 48, 51, 54, and 55. Judges will be required to notify the parties of their ability to object to the use of remote interpreters and will have the final say as to whether one is used if a party exercises that right.

Early Session Budget Victories

Worthy of repeating is the State Bar’s success in the 2025-27 state budget, passed early in the legislative session. The budget includes the following:

- Pay progression for both district attorneys’ and SPD offices,
- 54.5 new assistant district attorney positions in 23 counties across Wisconsin,
- 12.5 support staff positions in the SPD’s office,
- Staff attorney position created for the Wisconsin Judicial Council, and
- Continued \$1 million in state funding for civil legal aid.

Engaging with Lawmakers at the End of Session

Though the legislature has wrapped up the main portion of its work this session, it is still a great time for State Bar members to reach out to their lawmakers and engage with them on topics affecting the practice of law, access to justice, and support for the justice system. The State Bar’s advocacy team will continue to work with lawmakers over the coming months on these issues, and State Bar members are encouraged to reach out directly using the Advocacy Network at www.wisbar.org/GovRelations. Options there allow users to easily introduce themselves or send a message to their elected officials on any topic they wish. If you have any questions or would like help, reach out to Grassroots Outreach Coordinator Devin Martin at dmartin@wisbar.org. **WL**

ENDNOTES

¹All 2025-26 Wisconsin Acts are available at this webpage: <https://docs.legis.wisconsin.gov/2025/related/acts> (last visited May 5, 2026).

²2025-26 Assembly Bills are available here: <https://docs.legis.wisconsin.gov/2025/proposals/reg/asm/bill>. 2025-26 Senate Bills are available here: <https://docs.legis.wisconsin.gov/2025/proposals/reg/sen/bill>.

³*Bostock v. Clayton Cnty.*, 590 U.S. 644 (2020). **WL**