



News

Hinshaw Legal Team Prevails on Behalf of Prosecutors in Lawsuit Brought by Ex-Aide to Governor Scott Walker

August 30, 2017

An appellate and trial team led by Joel Bertocchi, Steven Puiszis, Jeffrey Fertl, Tomislav Kuzmanovic and Michael Russart, prevailed this week on behalf of a team of Wisconsin prosecutors who had been accused in a lawsuit by a former aide to Governor Scott Walker of violating her Constitutional rights. The case had been dismissed by a U.S. District Judge last year, with the judge finding the prosecutors were immune from suit. That decision was unanimously affirmed by a Seventh Circuit Court of Appeals panel on Tuesday, August 29, 2017.

At issue in the lawsuit was a police search of the ex-aide's home, pursuant to a search warrant obtained by the prosecutors as part of a "John Doe" criminal investigation into allegations of illegal fundraising and bidding irregularities on two Milwaukee County projects. The initial probe eventually resulted in six convictions for campaigning with public resources, exceeding political donation limits, stealing from a veterans fund and other crimes. After the ex-aide's home was searched and evidence obtained, she was later granted immunity and was not charged with a crime.

In her lawsuit, the ex-aide argued that the search was in retaliation for her political views and violated her rights under the First and Fourth Amendments. Under federal law, government officials are immune from civil damages liability unless they violated a statutory or constitutional right that was clearly established at the time of the challenged conduct. The Seventh Circuit panel ruled that the ex-aide did not meet her burden of proving such a violation occurred. Furthermore, the panel ruled that there was "nothing in the [ex-aide's] complaint to suggest that [her] personal support of Governor Walker played a role in the investigation."

The case is *Cynthia Archer v. John T. Chisholm et. al.*, case no. 16-2417, in the U.S. Court of Appeals for the Seventh Circuit. [Download a copy of the decision \(PDF\)](#)

Media coverage of the case includes:

"Court won't revive lawsuit against John Doe prosecutors brought by ex-aide to Gov. Scott Walker" (Milwaukee Journal Sentinel)

"Ex-Aide to Wis. Gov. Walker Can't Sue Over Search of Home" (Law360 – subscription required)

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" [Former Walker Aide, Target in John Doe Probe, Loses Seventh Circuit Appeal](#)" (State Bar of Wisconsin)

"[Former Walker aide Cindy Archer loses federal appeal](#)" (Associated Press)