

Chuck Hatfield Speaks to *Missouri Independent* on Missouri Attorney General's Refusal to Appeal Judge's COVID-19 Ruling

In the News
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Partner [Chuck Hatfield](#) was recently quoted in the *Missouri Independent* regarding Missouri's state health director's plan to appeal a judge's COVID-19 ruling. Despite the request, Attorney General Eric Schmitt will not appeal the court ruling that limits local health department powers to stop the spread of COVID-19.

In the article published on December 2, Hatfield, who has experience working in the attorney general's office under Jay Nixon, said that going against the Department of Health and Senior Services (DHSS), the client in the court ruling, would be "extremely unusual" for the attorney general's office.

The article notes that on November 23, DHSS Director Donald Kauerauf had requested that the ruling be appealed, but a week later, the attorney general's office still had not communicated their intent to appeal. On Dec. 2, the attorney general's office confirmed the attorney general's decision to not pursue an appeal.

Hatfield stated, "The idea that the attorney general can just go in personally, and because of his own personal feelings, stop appeals and dictate policy — if you allow that to happen, you basically have an attorney general running the entire state." Hatfield went on to say, "That's never how it's worked before, and it's not how it should work."

The COVID-19 ruling is not final until Dec. 22. Though DHSS did not clarify if they have been given permission to use counsel outside of the attorney general's office, Hatfield mentioned "a third party could also attempt to intervene in the lawsuits and file an appeal."

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There is much uncertainty regarding how much authority, if any, health department officials have after this ruling. Hatfield said, "It's a big deal. It takes away a lot of authority that I think has been taken for granted in non-COVID situations."

Hatfield leads Stinson's Coronavirus Task Force, where he provides guidance to clients nationwide on matters related to the pandemic. He draws on 25 years' experience litigating and negotiating high profile cases, primarily involving government action, to help offer clients a broad and insightful perspective on Missouri's government and judiciary. He has represented dozens of clients in Missouri's initiative petition process, writing proposed changes to Missouri law and litigating initiative petition and signature challenges, and frequently advises on election law.

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