

STATE OF WISCONSIN  
COURT OF APPEALS  
DISTRICT IV

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APPEAL NO. 2009AP000728

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WISCONSIN MEDICAL SOCIETY, INC.  
and DAVID M. HOFFMANN, M.D.,

Plaintiffs-Appellants,

v.

MICHAEL L. MORGAN,

Defendant-Respondent.

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**MOTION OF THE MEDICAL COLLEGE OF WISCONSIN  
FOR LEAVE TO FILE AN AMICUS CURIAE BRIEF**

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The Medical College of Wisconsin (“MCW”) submits this motion for leave to file an amicus curiae brief in this matter, pursuant to Section 809.19(7) of the Wisconsin Statutes. In support of this motion, MCW states as follows:

1. The Plaintiffs-Appellants challenge the constitutionality of the Act which removed \$200 million from the Injured Patients and Families Compensation Fund (“Fund”) for use elsewhere in the state budget. This case presents important legal and constitutional

questions relating to this action, including legislative takings, sovereign immunity, contractual rights and equal protection. The amicus curiae brief of MCW will provide the court with a slightly different viewpoint on the significant issues presented in this case.

2. MCW is one of two medical schools in the state, and the only private medical school in the state. It has more than 1,200 students enrolled, and its faculty supervises approximately 650 physicians in residency training and 200 physicians in fellowship training through MCW Affiliated Hospitals. More than 1,100 MCW physicians provide patient care, practicing at MCW Affiliated Hospitals and clinics in the Milwaukee area. MCW has a particular interest in this case because the withdrawal of \$200 million from the Fund will not only increase the assessments of MCW's physicians into the Fund, but will increase the costs of practicing medicine in Wisconsin, will increase the likelihood of physicians choosing to practice medicine in other states, and will adversely impact the ability of MCW to attract and retain the most qualified faculty and physicians.

3. MCW participated in this case as an amicus curiae in the circuit court, submitting an amicus curiae brief and an affidavit of the Dean of MCW, Dr. Jonathan I. Ravdin.

4. Under these circumstances, MCW wishes to participate in this appeal as amicus curiae and present its views on the significant issues raised in this appeal. MCW believes that its perspective may be helpful to the Court in deciding the important issues at stake in this appeal, and some of the broader implications for the medical community.

WHEREFORE, the Medical College of Wisconsin respectfully requests that this motion for leave to file an amicus curiae brief in this appeal be granted. The proposed Amicus Curiae Brief of the Medical College of Wisconsin accompanies this motion.

Dated this 25<sup>th</sup> day of June, 2009.

MALLERY & ZIMMERMAN, S.C.  
Attorneys for the Medical College of  
Wisconsin

By: Wm L Shenkenberg  
Sean Lanphier, SBN 1010752  
William L. Shenkenberg, SBN 1025133  
Michael A. Marx, SBN 1057107

P.O. ADDRESS:

731 North Jackson Street, Suite 900  
Milwaukee, WI 53202-4697  
Telephone: 414-271-2424  
Fax: 414-271-8678  
e-mail: [slanphier@mzmilw.com](mailto:slanphier@mzmilw.com)  
[wshenkenberg@mzmilw.com](mailto:wshenkenberg@mzmilw.com)  
[mmarx@mzmilw.com](mailto:mmarx@mzmilw.com)