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Orders Without Borders: Universal Injunctions in Federal and State Courts



The recent nationwide injunction against enforcement of the Corporate Transparency Act has caught the attention of many in the legal community.

It is not the first nor will it be the last instance of such a court order being requested and granted in the United States. This article discusses the "fierce and ongoing debate" about the legality and propriety of nationwide injunctions and examines whether the same arguments apply to statewide injunctions in Wisconsin.

A universal injunction, sometimes called a "nationwide injunction," is an equitable remedy that extends beyond the parties in a lawsuit. Courts and commentators use those terms to refer to an injunction against the government that prevents it from implementing or enforcing a statute against anyone.

Federal courts have issued nationwide injunctions about immigration, health care, and the environment, sparking national debate.¹ State courts have also issued "statewide injunctions," although those have received considerably less attention. We discuss both.

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