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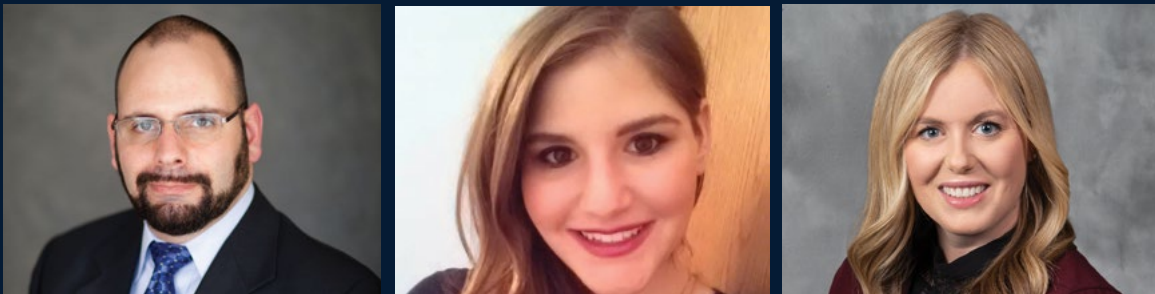
MARCH 2024



THE POWERLIST

WISCONSIN LAW JOURNAL

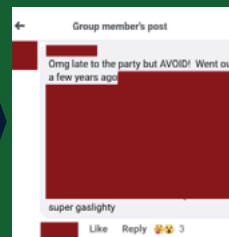
FAMILY LAW & ESTATE PLANNING ATTORNEYS



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THE POWERLIST

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FAMILY LAW & ESTATE PLANNING ATTORNEYS

MARCH 2024

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The POWER List - Family Law and Estate Planning Attorneys

Welcome to the POWER List, a new feature from the Wisconsin Law Journal that examines the power brokers who lead and influence various parts of the Wisconsin legal community.

For this edition of the POWER list, we're focusing on family law and estate attorneys. In the list, we highlight those whose mere presence on a case signifies the stakes, who have influenced the direction of the law, whose leadership in the community is pervasive and whose respect within the bar is undeniable. To create this editorial-selected list, we interviewed respected attorneys and other leaders around

the state, reviewed outcomes of significant cases handled by these and other attorneys, and consulted the archives of the Wisconsin Law Journal to highlight people whose achievements and influence we recognize as powerful attorneys in Wisconsin.

The profiles in the section were written by Law Journal Managing Editor Steve Schuster and legal freelance writers MaryBeth Matzek and Ali Teske.



SHANNON CORALLO KARP/IANCU S.C.

After 12 years of working as a public defender in the Milwaukee Trial Division, Shannon Corallo transitioned into family law, seeking to maintain her direct, personal contact with clients.

"I like advocating for clients but I also enjoy helping to empower them so they advocate for themselves," said Corallo, an attorney with Karp/Iancu S.C.

That can mean connecting them to other experts including financial advisors, therapists or other attorneys.

Corallo said family law is deeply personal whether she's in mediation or as adversary counsel. She feels she is "truly helping someone in perhaps the most difficult time of their life."

No two cases are alike and Corallo said she learns something new from every one. In her early days working in family law, she was frequently a guardian ad litem representing the best interest of children in family matters.

Corallo, who is also a certified divorce mediator, said the GAL experience helps her in mediating custody and placement disputes and helping her own clients see things from the other parent's perspective.



JENNIFER D'AMATO REINHART

Practicing estate planning was not on Jennifer D'Amato's radar while in law school, but a case early in her career changed that.

D'Amato worked at a securities litigation boutique firm in Chicago when it selected her to handle an estate administration where a senior partner had been named a personal representative. The decedent had three adult children and a girlfriend who was 30 years younger. He left a \$3 million life insurance policy to his girlfriend and another \$3 million to his children.

The case, where the girlfriend received the full insurance amount while the three children ended up splitting \$500,000 three ways after paying expenses and taxes, fascinated D'Amato.

"I decided estate planning was more interesting than securities fraud litigation," she said.

D'Amato holds a master of law in tax, providing her with extra expertise to serve her clients, who are primarily business owners and ultra-high-net-worth clients.

D'Amato chairs Reinhart's Trusts and Estates Practice and Trust Services Group and co-chairs the Fiduciary Litigation Service Group. She was also the first woman to serve on the firm's board of directors. She is licensed to practice in both Wisconsin and Illinois.



JOHN P. D'ANGELO ONE LAW GROUP S.C.

John P. D'Angelo, an attorney with One Law Group S.C. in Green Bay, strives to provide clients with quality personal service to comfort them while they are going through a difficult period.

He's been successful in providing his clients during their time of need in family law issues. D'Angelo provides legal services for divorces, as well as defending restraining orders.

D'Angelo joined One Law Group in 2004 after graduating from the Creighton University School of Law. In addition to family law, he also has a criminal defense practice ranging from defending simple traffic violations to operating while intoxicated charges. D'Angelo also argued before the 7th Circuit Court of Appeals, where he defended his client against tax fraud allegations.

D'Angelo is the treasurer of the Brown County Bar Association and a member of the Apartment Association of Northeast Wisconsin and the Wisconsin Association of Criminal Defense Lawyers. In addition to being a member of the Wisconsin Bar, he's also been admitted to the U.S. District Court, the Eastern District of Wisconsin, the Western District of Wisconsin and the 7th Circuit.

A graduate of Leadership Green Bay, D'Angelo is a board member for the Children's Museum of Green Bay and is active with Tiletown Business Connect.



DIANE S. DIEL DIANE S. DIEL S.C.

A lesson in perspective following a "victory" in a divorce custody case led former State Bar president Diane S. Diel to Collaborative Practice and mediation.

Diel sees law as a helping profession, marrying her passion for family law with a team approach style that involves mental health professionals and financial professionals. The relationship she's cultivated allows for a creative approach to family law that changes lives in a meaningful way.

"The most rewarding part of my career is that I have been able to be on the ground floor of developing and growing Collaborative Divorce and mediation," said Diel.

Dividing her solo practice work between mediation, collaborative divorce and litigation cases, Diel finds time to balance it all with public and professional service. She was appointed to the Access to Justice Commission in 2017 and is currently the chair of the commission's Systems Reform Committee.

Instrumental in the creation of the pro bono membership category through her work with the commission and the State Bar Membership Committee, Diel helped to create the pro bono emeritus membership category.



JAMIE EPSTEIN
JAMIE EPSTEIN LAW

Jamie Anne Epstein has been practicing family law in southeastern Wisconsin for nearly a decade.

“At this point most of my work is as a Guardian ad Litem, representing the best interests of children,” Epstein said, noting she has a contract with Racine County and takes cases in Milwaukee, Ozaukee, Waukesha and surrounding counties.

According to Epstein, the most fulfilling part of her job is helping families navigate difficult periods in their lives.

“The two most personal topics for many people are their children and their finances, and family law focuses on both,” Epstein said.

Epstein’s role as Guardian ad Litem allows her to help clients understand how the court analyzes the statutory factors based on the facts of a particular case. She also has experience working with overlapping areas of law, including criminal matters and Child in Need of Protection and/or Services.

“I make a conscious effort with each client to minimize the amount of conflict added by my involvement in their case,” Epstein said.

Having begun her legal career advocating for low-income individuals, Epstein strives to help clients reach realistic goals in a cost effective and professional manner.



CHELSEA GATTERMAN
CORDELL & CORDELL

Although Chelsea Gatterman has only been with Cordell & Cordell for less than a year, she is a Wisconsin native with more than a decade of family law experience.

Gatterman said she witnessed first-hand the professionalism of Cordell & Cordell as opposing counsel while in court, and that prompted the move from her previous firm.

“They were smart and super professional. That’s part of the reputation I would like to be a part of,” Gatterman said.

According to Gatterman, she focuses exclusively on divorce law. While most of her new clients are men, she also brought over several female clients from her previous firm. Gatterman noted her prior firm’s paralegal and another associate attorney also moved over to Cordell & Cordell recently.

She said often times in family law matters, litigants “are not behaving at their best.”

“It’s a very traumatizing, difficult time for my clients so I try to make the process as easy as possible,” Gatterman said, noting how her undergraduate background is in social work.

In 2022, she received a Rising Star Award.



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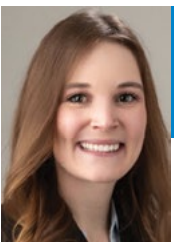
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CORA GENNERMAN
CORDELL LAW LLP

Cora Gennerman graduated from DePaul University College of Law in 2020 and was admitted to practice in Wisconsin on April 28, 2021.

Gennerman works as an associate attorney out of Cordell Law’s Madison office, where she focuses exclusively on divorces. Gennerman said she discovered her passion for helping children and families while interning with the Illinois Department of Children and Family Services and the Domestic Violence Legal Clinic, according to the firm’s website. Family law was a natural fit, she noted.

Gennerman possesses a calm demeanor and cares deeply for her clients. She also takes pride in keeping them informed throughout the divorce process, fighting “diligently on their behalf,” the firm website states.

“Should a client’s case need to be litigated, I am an aggressive advocate and will work hard to ensure a persuasive presentation to the court,” Gennerman said. “However, I do believe in the value of resolution before trial,” Gennerman added on the firm’s website.

Prior to joining Cordell Law, Gennerman worked as an associate attorney in Chicago at Feinberg Sharma P.C. Previously she also worked as a Law Clerk at Goldberg & Schulkin Law Offices.



JEFF GOLDMAN
DEWITT

A trusts and estates class at the University of Wisconsin Law School inspired Jeff Goldman to pursue a practice focused on wills, probates and trusts.

At DeWitt, Goldman is chair of the Trusts & Estates practice group, and a member of the firm's executive committee. He enjoys the complexity and broad nature of trust and estate law, which draws upon numerous other areas of the law, including tax, business, real estate, litigation and charitable organizations.

Goldman's combination of experience in the courtroom handling complex and routine estate and trust administration issues and drafting a variety of estate plans for his clients gives him a special perspective that sets him apart from his peers.

Goldman knows no one looks forward to planning for their death, but it is one of the most important things a person can do to ensure their financial, family and philanthropic goals in life are met — even after they are gone. He works with clients to ensure what they have is passed on to the appropriate beneficiaries.

A fellow of the American College of Trust and Estates Council and a fellow of the Wisconsin Law Foundation, Goldman has spent his entire career focused on trusts and estates.



PHIL HALLEY
HUSCH BLACKWELL

Resolving disputes involving estates and trusts requires creativity and experience. With more than 40 years of practice, Phil Halley, of counsel at Husch Blackwell, brings both to the table when

working with clients.

"My work combines the opportunity to employ my analytical skills along with meaningful client interaction," he said, adding he became interested in estate planning after taking a course in estates and trusts during law school.

Halley said estate disputes can be complicated. He recalled a case where he represented the beneficiaries of a woman who died while going through a difficult divorce. The woman had numerous claims concerning marital property and Halley was successful in pursuing the claims to a favorable conclusion.

"That led to a number of engagements representing beneficiaries and/or fiduciaries in estate and trust controversies, and ultimately to work as a mediator with respect to those kinds of disputes," said Halley, who also serves as a trained mediator.

Halley has served as an adjunct faculty member at Marquette University Law School and was a co-author of the State Bar of Wisconsin's "Marital Property Law in Wisconsin."

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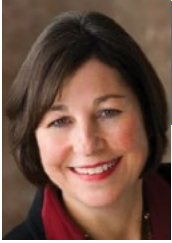


Becker, Hickey & Poster attorneys deliver high quality, personalized legal services. We represent clients in divorce, custody disputes, sophisticated property division, marital property issues, and in all aspects of elder law including special needs and disability work, public benefits for long term care, estate planning, probate and trust work.

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MARGARET HERLITZKA
HALE, SKEMP, HANSON, SKEMP & SLEIK

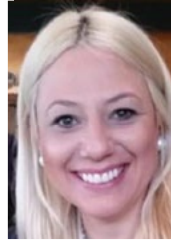
Margaret “Peggy” Herlitzka recalls being in a store when an adult child of a past client approached her, expressing gratitude for the help she provided years before and that their parent and siblings were now thriving.

“This encounter happened while I was in the middle of another emotionally taxing case involving domestic violence, and served to remind me of the positive impact my work can have — on not just my client, but also their children,” said Herlitzka, a partner at Hale, Skemp, Hanson, Skemp & Sleik in La Crosse.

For more than 30 years, she has worked in family law, litigating hundreds of complicated issues including custody, placement, child support, maintenance/spousal support and division issues. In addition to her private practice, she serves as a Supplemental Court Commissioner for La Crosse County.

“I take pride in establishing a personal connection with my clients, serving not only as their legal advocate but also as a compassionate guide through what is likely the most challenging period of their lives,” Herlitzka said.

She works with her clients to obtain viable custody and placement schedules for their children and feel secure about their finances.



KSENIJA KOKANOVIC
IVANOVIC LAW OFFICES

Growing up in the former Yugoslavia, Ksenija Kokanovic began playing chess at age 7. Her dominance in the game led her to be named the Under 19 National Champion and compete in two world championships as a junior.

Kokanovic now uses the intellect and quickness that made her a chess champion to outmaneuver her courtroom opponents.

“I love my work as a family lawyer — it reminds me of my chess competitions when I was younger,” said Kokanovic, who competed in and won several U.S. Open Chess Tournaments after moving to the United States.

In her practice, she takes on a variety of family law cases, including divorce, legal separation, custody, paternity and post-judgment motions. Kokanovic also works on immigration and consumer bankruptcy cases.

“I enjoy doing family law as it offers me the opportunity to understand my client’s personal and legal issues firsthand. When I get a favorable outcome for them in court, I am thrilled as I know they feel satisfied,” she said.

Practicing family law since 2006, Kokanovic is a member of the Wisconsin State Bar, Milwaukee Bar and American Bar Associations.



CATHERINE LA FLEUR
LA FLEUR LAW

From the ballet barre to passing the bar, a big win early in her solo practice career gave Catherine La Fleur the confidence she needed to know she’d made the right decision.

While dancing five hours a day at the Milwaukee Ballet and attending college, La Fleur’s international law professor convinced her to go to law school. Making the 180-degree switch, she’s never looked back.

After an eye-opening conversation with her then-3-year-old son involving a birthday pinata and assessing the number of hours she was working, La Fleur opened her own practice in Milwaukee in 1996. Six months later, she retained a case in Door County with a pre-trial demand of \$750,000, but after a week-long trial it ended in a defense verdict in favor of La Fleur’s client.

“My first love is jury trials, but I really feel like I can help people move forward in family law,” said La Fleur.

La Fleur Law is a certified woman-owned law firm and a member of the National Association of Minority and Women Owned Law Firms (NAMWOLF). She specializes in civil litigation, family law, alternative dispute resolution, and appellate law. La Fleur credits NAMWOLF for continuing to find meaningful case work.



AARON LAMBERTY
CORDELL & CORDELL

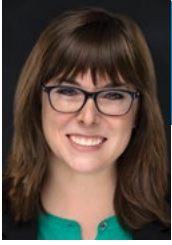
Before joining Cordell & Cordell, Aaron Lamberty served as deputy family court commissioner for the Wisconsin Judiciary in Racine County and as a litigation attorney for the state of Wisconsin for Racine County Child Support Services.

Lamberty said it’s been quite an adjustment going into private practice, dealing with opposing counsel and having continued client interactions.

“There is a common belief that Wisconsin tends to favor one person over another; I’m continually trying to dispel that rhetoric. Our laws are intended to be applied equally; there is simply Parent A and Parent B. The goal is to ensure each child is left in the best care possible, whether that is with Parent A, Parent B, or both.” Lamberty said.

Although he initially focused on intellectual property law, Lamberty said it took just one family law course to see how important and fulfilling the work can be.

“Clients are going through something not only complex legally, but also emotionally, it’s a unique challenge to help clients successfully navigate both. Guiding clients to a final resolution is the most satisfying aspect,” he said.



KRISTEN LONERGAN CROOKS LAW FIRM S.C.

Kristen Lonergan originally pursued a personal injury caseload with a little family law on the side but soon discovered the demand for family law practitioners was so great it filled up nearly all her

time.

Lonergan, an attorney with Crooks Law Firm S.C. in Wausau, found the things she enjoyed about personal injury — going to court and helping people solve their problems — also applied to family law.

“With family law, I can still help people feel supported during difficult times in their lives, and I can still be a creative problem-solver,” she said.

Lonergan applies the skills she honed in litigating personal injury cases to her family law workload.

“I am always looking at ways to build a case for trial and I enjoy providing a road map for my clients to achieve their goals,” she said.

The mentorship and camaraderie from other women in the legal field also shaped Lonergan’s practice.

She is active outside of her practice in several organizations, including serving as board secretary for the Litigation Section of the State Bar, the statewide mock trial program, the Wisconsin Association for Justice and participates in the Women’s Caucus.



ROBERT B. LOOMIS HERRLING CLARK LAW FIRM

Word travels fast about the expertise of Robert B. Loomis, a senior shareholder and firm president with the Herrling Clark Law Firm in Appleton. Obtaining new clients primarily from referrals,

Loomis specializes in divorce, post-divorce, and family law.

He is board-certified as a family law trial advocacy specialist by the National Board of Trial Advocacy in addition to a family law mediator after completing the Family Law Mediation program from the University of Wisconsin–Madison Division of Continuing Studies.

“I always tell people, good family law attorneys are problem-solvers first and litigators second,” said Loomis in a morning news interview.

With more than 40 years of experience, he understands the approach required to successfully mediate and navigate the high stakes of family law.

He has been rated as one of the “Best of the Bar” by his peers in a survey conducted by Fox Cities Magazine.

When not practicing law, Robert’s other passions include his family, music, and running. Robert has been married for more than 30 years. He and his wife have three children and two grandsons.

Herrling Clark Law Firm has more nationally board-certified trial attorneys located in northeast Wisconsin than any other law firm.



GREGORY MAGER MAGER FAMILY LAW

While in high school, one of Gregory Mager’s mentors encouraged him to find a career where he could use his skills to help people going through life challenges. He views his practice as one way

to do just that.

“My goal in going to law school and becoming a lawyer was to match my desire to be a lawyer with what my mentor encouraged me to make the focus of my career. It turns out that meant, for me, becoming a family law attorney,” said Mager, who owns Mager Family Law LLC in Bayside.

“I want to know the ‘why’ of something or someone, and I want to be able to figure it out myself. People are very interesting and challenging. Working with others offers the opportunity to learn and be creative,” he said.

Mager’s practice includes all family law matters, including helping clients find resolutions in their divorce, paternity, custody, placement and support matters.

“I really enjoy seeing the light go on for a client who has been struggling but then begins to see how to turn the struggle into a strength and engages the opportunity to move beyond it,” he said.



KATE MCCHRYSTAL GAGNE MCCHRYSTAL DE LORENZO & BURGHARDT

Creativity is at the core of Kate McChrystal’s family law practice at Gagne McChrystal De Lorenzo & Burghardt.

She joined the firm as an associate right out of law school in 2010, becoming a partner five years later. During her career in education, McChrystal felt she was only a blip in a student’s life, never knowing their life outcome. This inspired her legal approach to find a basis in beginnings and endings while recognizing there’s no formula to seeing a case through.

“This is what I love about family law – there are infinite ways to get a positive result once you understand your client’s interests,” she said.

Her time clerking inside Judge Michael J. Dwyer’s courtroom remains the most impactful part of her career. Watching the emotional turmoil of marriages ending and co-parenting negotiations solidified for McChrystal that she must wear many hats for her clients while helping them to create new family or life paths, financial stability and the complex practice of moving through the emotions of divorce.

McChrystal understands that kindness and aggressive advocacy are not mutually exclusive. “Family court cases are won by being knowledgeable and prepared, not by shooting barbs,” she said.



KATHRYN MULDOON QUARLES & BRADY

Practicing estate law allows attorneys to develop close relationships with their clients — something Kathryn Muldoon, a partner with Quarles & Brady appreciates.

“I like working with people and navigating perspectives and emotions as I develop a solution to fit their needs,” she said. “I think of my work as a puzzle that requires me to be creative and figure out how to apply the tax code in a way that will be most beneficial to a certain family. Since each family is different, each solution is unique.”

Muldoon was introduced to estate planning during a course on trusts and estates in law school. While she originally took it to prepare herself for the bar exam, Muldoon enjoyed it so much that she decided to pursue it as a practice focus.

“My practice allows me to work with different generations of families, and I find it satisfying to help take care of families and people,” she said. “There are not a lot of practice areas where you are the first person a client calls when something significant happens in their life.

“I know that I have done my job well if we have created a structure that sets the business on a path for future success and also preserved family harmony,” Muldoon said.



HOLLY MULLIN STERLING LAWYERS

Holly Mullin’s personal experience shaped her low-conflict approach to family law.

Mullin’s parents’ divorce when she was growing up taught her that the cases are more than a court proceeding or financial contract, they are also about a family’s future.

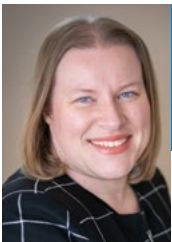
“My role is to find a resolution for my client and not add to the animosity,” said Mullin, managing partner at Sterling Lawyers. “Having that personal experience of growing up with two households and watching co-parenting happen in everyday life absolutely helped shape my approach.”

She said the way divorce cases are handled can change relationships between family members forever, which is why she makes preventing unnecessary battles a priority. Mullin is also certified to practice collaborative divorce and mediation.

“A divorce case isn’t just about fighting for a financial future, but a healthy and productive family life as well,” she said.

Mullin enjoys helping her clients solve their problems and find a way forward.

“Often when clients first come to me for an initial consultant, they are at a really low point, sometimes with little hope or optimism,” she said. “I love getting them through to that light at the end of the tunnel.”



MAUREEN O’LEARY-GUTH O’LEARY-GUTH LAW OFFICE S.C.

In Maureen O’Leary-Guth’s opinion, a well-thought-out estate plan is the best gift a person can leave their family.

The owner of O’Leary-Guth Law Office in Mequon, she has practiced estate planning for more than 30 years and enjoys helping clients understand their options and craft an estate plan that is right for them.

“A good estate plan is invaluable. It can provide peace of mind and direction to loved ones. It can help prevent or resolve conflict. It can help minimize taxes,” she said. “It can set up future generations for success.”

When not helping her clients, O’Leary-Guff helps advance the field of estate planning by mentoring law students and associates. A fellow of the American College of Trusts and Estates Counsel (ACTEC), she serves as president of the Milwaukee Estate Planning Forum. O’Leary-Guff was also named the 2023 Professional Advisor of the Year by the Greater Milwaukee Foundation.

“I’ve implemented multi-generational estate planning and have formed strong relationships with our clients and their families,” she said.



HEATHER POSTER BECKER, HICKEY AND POSTER S.C.

With mentors like attorneys Margaret Hickey and Barbara Becker, joining an estate planning firm was a natural fit for Heather Poster. Poster joined the firm as a law clerk and eventually as an associate. That was 22 years ago for the now-partner at Milwaukee’s Becker, Hickey and Poster S.C.

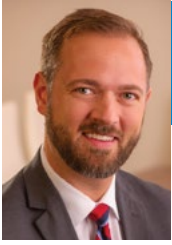
Poster specializes in elder and special needs law, making client autonomy and capacity her primary focus when accepting cases. She also consults as a third-party expert in divorce cases where one party has a disability and public benefits considerations.

Caring and advocating for her clients comes naturally, as Poster attributes her areas of focus to the relationship with her grandparents and her mother’s 30-plus-year career working with those who struggle with mental health challenges. However, a case that still sticks with her involves a couple who came to see her in their late 50s shortly after one was diagnosed with dementia.

“It completely changed my view of the typical elder law client,” she said.

She lives up to her title as counselor as she practices in the rule of thirds — 1/3 lawyer, 1/3 therapist and 1/3 social worker.

“I cannot imagine practicing any other way,” she said.



JARED POTTER STAFFORD ROSENBAUM

Drawing inspiration from the cranberry marshes of his family's multi-generational business, Jared Potter is motivated to aid others in transitioning businesses and their estates to the next generation.

Potter is a partner at Stafford Rosenbaum's Milwaukee office, specializing in estate planning and family law. In serving his clients, he believes that informed decision-making and education are crucial as he stays even-tempered while his clients battle judgments clouded by emotion.

"So many people talk to their friends, family members and other professionals who tell them what they have without understanding their personal, unique circumstances," he said. "I have had many clients say that they have had other consultations with attorneys who did not take the time to educate them regarding all the options available to them."

Regarding family law, Potter continues to work extensively with the Collaborative Family Law Council of Wisconsin, the Family Law Section of the State Bar, and the Collaborative Foundation of Wisconsin to expand the practice of collaborative divorce, which is a feat that has proved most impactful for him in his career.



JANE PROBST PROBST LAW OFFICES

After graduating from law school, Jane Probst worked at a general practice law firm where she was assigned mostly family law cases. She later took on criminal defense cases and estate planning, but later decided family law was her strong suit.

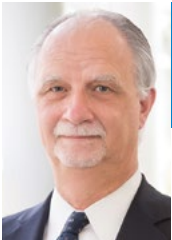
"There is no way that an attorney can competently practice in all areas of the law because of the intricacies in each area of the law. You need to find where your talents lie," said the owner of Probst Law Offices, which is located in Brookfield. "For me, that was in family law — the termination of parental rights, adoptions and guardianships."

Probst loves seeing adoptions finalized and being in the courtroom with children and their families.

"Sometimes, the road to get there is emotionally and mentally draining, but the happy result in the end is worth it," she said.

Juvenile guardianship is another focus of Probst's practice. Largely due to substance abuse, she said, there's an epidemic of parents not being able to care for their children. Fortunately, many times there is a relative who can care for the children, providing them with a stable life.

While divorces and custody cases are challenging, Probst focuses on providing children the best possible outcomes.



CARL J. RASMUSSEN BOARDMAN CLARK

Carl J. Rasmussen did not start out planning to be a trust and estate practice attorney. He was a second-year associate at Boardman Clark when the firm's two lead trust and estate lawyers left.

The partners asked Rasmussen if he wanted to take on the area as his specialty.

"The rest is history," he said.

At Boardman Clark, Rasmussen's practice includes estate planning and drafting, probate and trust administration, taxation, mediation and litigation. He frequently works with high-net-worth clients to negotiate and resolve complex tax and succession issues.

"I enjoy helping people. In this area, we work with clients who are sometimes in difficult or traumatic situations. I appreciate the opportunity to serve clients as a counselor as well as a legal advisor," he said. "I like the intellectual challenge of navigating the Internal Revenue Code and I also enjoy writing and this area requires a lot of writing in a variety of contexts."

Rasmussen's influence extends beyond his work at Boardman Clark. As a former chair of the Real Property, Probate and Trust Section of the State Bar of Wisconsin, he played a key role in some significant changes in the state's trust and estate law.



DAVID REINECKE FOLEY & LARDNER

David Reinecke views himself as more than an attorney; rather, he sees himself as a trusted advisor to his estate planning clients.

"The aspect of estate planning I find most appealing ... is creating strong bonds and personal relationships with the client and the client's other trusted advisors to find the best tax and estate planning solution for each client's unique situation," said Reinecke, a senior partner at Foley & Lardner's Madison office. "This trusted advisor role often leads to providing legal services to many generations."

Reinecke works in all areas related to estate planning, including trusts and estates administration, gift and estate tax controversy work and marital property planning.

"I enjoy confronting and solving complex problems for clients and their extended families," he said. "These problems are varied and often arise at a time of most critical need for the client or a member of the client's family, such as after the death of a loved one."

Every case is different and requires its own solution, he said.

Reinecke was attracted to estate planning and stayed with it for five decades because he thought that his best competitive advantages are being a good listener and an effective communicator.



JEFF RIESTER GODFREY & KAHN

Jeff Riester, of counsel in Godfrey & Kahn's Appleton office, uses complex, innovative techniques to help his clients meet their estate planning objectives.

Riester primarily focuses on estate planning. He works with clients to prepare wills and establish trusts and related instruments to achieve their personal and tax planning goals. In addition, Riester handles the settlement of many estates, including the disposition of estate tax matters.

He also helps businesses and estates with succession planning to ensure the retention of wealth by families and businesses.

A founding member of the Community Foundation for the Fox Valley Region in Appleton, Riester frequently counsels charitable organizations, including both private and community foundations.

Riester's practice is not limited to estate planning. He provides counsel to owners of closely held or family owned companies related to the sale and purchase of businesses and executive compensation matters. Riester also provides counsel to a Northeast Wisconsin healthcare system.

He is a member of the American Bar Association, Outagamie County Bar Association and the State Bar of Wisconsin.



JODI ANDREA SANFELIPPO MUNICIPAL COURT

A former Milwaukee County Circuit Court judge, attorney Jodi Andrea Sanfelippo currently sits on the bench for the West Milwaukee Municipal Court.

Through her practice, Jodi Andrea Sanfelippo serves the Milwaukee community with specialty areas in juvenile law, criminal defense and divorce matters. She graduated from Marquette Law School in 2001.

In 2016, Sanfelippo was recognized as a Wisconsin Pro Bono Honor Society member. The recognition is provided by the Wisconsin Access to Justice Commission to attorneys who perform a minimum of 50 hours of qualified pro bono legal services.

According to the State Bar of Wisconsin, Sanfelippo was admitted to practice in 2001.



MARK SHILLER CERTUS LEGAL GROUP

When Mark Shiller's children were young, he tried to find a way to describe what he did for a living as an estate planner.

"The best I came up with is that I helped people take care of their kids and their money and I think that's still not a bad answer to what it is to be an estate planning attorney," said Shiller, an attorney with Certus Legal Group, a boutique estate planning firm he started 10 years ago with Cathy Priebe.

Shiller uses his expertise in preparing wills, trusts, family limited partnerships, marital property agreements, powers of attorney and other estate planning techniques to help clients achieve their goals of reducing administrative hassles, avoiding taxes and structuring a positive inheritance.

"I have been incredibly blessed to have the clients I've had over the years," he said. "It's also been a privilege to have the honest and sometimes difficult conversations that go along with managing and transitioning wealth generationally and an honor to walk alongside individuals and families as they go through some of the toughest seasons of their lives."

Shiller is releasing a book titled, "How to Not Ruin Your Kids with Money," this spring.



CARLTON D. STANSBURY BURBACH & STANSBURY S.C.

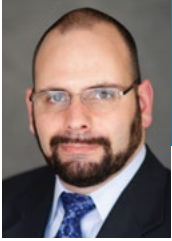
Carlton D. Stansbury decided to practice family law for a simple reason: He wanted to help people.

"I realized early in my career that when legal issues and personal issues overlap, the legal and personal decisions made at that time can impact not only the clients, but also their families for many years," said Stansbury, the co-founder of Burbach & Stansbury S.C.

He guides clients through all aspects of divorce and its complex property division. In addition to being an attorney, he is also a mediator.

"Every person I come into contact with has an interesting and unique story and perspective. People's histories, choices, careers and how they have handled adversity has been fascinating to hear," he said. "I have had the opportunity to work with some amazing and interesting people. ... I truly feel that my life has been enriched by all of the clients and professionals that I have worked with for the last 30-plus years."

When working with clients, Stansbury wants the process to be as positive as possible, likely making the long-term impact more positive as well.



EIDO WALNY
WALNY LEGAL GROUP

Eido Walny's boutique Bayside law practice has grown a national client-base.

"We have been very fortunate to build a practice with a national footprint," said Walny, noting, "We have developed contacts and clients across the country."

In 2020, Walny was elected as president of the village of Bayside.

In his free time, Walny serves on several boards, including the Froedtert President's Advisory Committee, the American Cancer Society Planning Giving Board, and the Greater Milwaukee Foundation's Herbert J. Mueller Society, when he's not restoring classic cars.

Walny credits his firm's growth to growing up with a business background.

"My father and grandfather owned businesses, none went to college, but all had a PhD from the school of hard knocks," Walny said. "I learned many positive and negative lessons. There were things I liked and didn't like," Walny added.

"Part of reason our firm is successful is that we are pretty good at judging how people will react before they do it," Walny said. "We adjust to changes in law quickly, and it's just worked really well."



CAROL J. WESSELS
WESSELS & LIEBAU

Carol J. Wessels said her estate planning practice grew naturally from her work in elder and special needs law, and seeing firsthand what can happen when people do not have an estate plan

in place.

"I've handled guardianship cases, as well as probates when a person did not have adequate estate planning done and things don't always go well," said Wessels, founder of Wessels & Liebeau LLC in Mequon. "That is why I try to encourage my clients to have their estate planning done well and to get it done before there are concerns about capacity."

Wessels enjoys working with individuals facing an early dementia diagnosis and helping them organize their plans.

"It's such an overwhelming time and I want to help them get their legal matters in the best shape possible," she said.

Wessels gained personal experience of what many of her clients go through while caring for her own mother, Velma, who had Alzheimer's.

"After many years of working in elder law, being personally involved in the caregiving process gave me a much better understanding of what my clients go through," she said.

Congratulations



Attorney Jared M. Potter

Wisconsin Law Journal
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MICHAEL S. WINTER ATTORNEY MICHAEL S. WINTER

Michael S. Winter has navigated the emotionally taxing and complex areas of family law estate planning for over 40 years. Milwaukee based, he operates his private practice firm, dividing his caseload between Family Law, Criminal and Traffic Defense, and litigation in commercial and probate cases.

He earned his bachelor's in finance from the University of Wisconsin-Madison before attending UW's Law School. He now aids in navigating the intricacies of solving the financial problems that come with real estate and estate planning matters.

Winter built his practice on the principle of one goal: to help people. Valuing the relationships built over his extensive career, he credits his experience and repeat handling of multifaceted cases to his success.

Winter is a member of the Milwaukee Bar Association and the Society of Family Lawyers.

An anonymous client testimonial on his firm's website reads, "Looking for a smart and tough attorney? Michael Winter is that lawyer. In my years as the CEO of a company, I have used Mr. Winter on ... various business transactions. I have found him to be a relentless advocate for my position in court as a client."



KAREN ZIMMERMANN ZIMMERMANN LAW OFFICE

Since 1982, Karen Zimmermann has focused exclusively on family law.

Whether representing a client in a divorce, custody dispute or a support and property division, Zimmermann said, "Kids always come first."

"It's all about the client," she said, noting that her children, Mari and Nathan, also work at the Milwaukee family law firm. Mari Zimmermann has also been named a Power 30 Family law and Planning Attorney by the Wisconsin Law Journal.

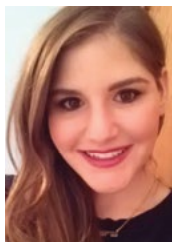
Karen Zimmermann's practice focuses exclusively on Milwaukee, Ozaukee, Waukesha and Washington counties, and is an experienced mediator, arbitrator and Guardian ad Litem.

She is a member of the State Bar of Wisconsin and Milwaukee and Ozaukee bar associations.

Zimmermann said over the past four decades, she's found the work to be extremely fulfilling.

Zimmermann also said she is very selective about the clients with whom she represents.

"I only accept referrals, and they must agree to go to therapy," she noted.



MARI R. ZIMMERMANN ZIMMERMANN LAW OFFICE

Milwaukee Attorney and Marquette Law School alum Mari R. Zimmermann has been practicing family law in the Badger State for more than a decade, putting children first.

"If there are children, the goal is to not just meet my client's interest but do so in a way that puts their children first," Zimmermann said.

Graduating from George Washington University in Washington, D.C., Zimmermann initially intended to work in campaign finance law.

She began shadowing her mother, Karen Zimmermann, during what was supposed to be a relaxing gap year post law school.

"I saw the profound difference that (Karen) was making on a daily basis. I lost count of the number of people who told me Karen saved their lives or helped their children because of her work as a party attorney or Guardian ad litem, Mari Zimmermann said.

Being a family law attorney is not easy, and isn't for anyone, Zimmermann noted.

"When the life someone has planned for themselves is being dismantled and rebuilt often for reasons beyond their control, it is disorienting and scary," she said.



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WISCONSIN SUPREME COURT

Attorney Disciplinary Proceedings

WI Court of Supreme Court

Case Name: Office of Lawyer Regulation v. David Patton

Case No.: 2024AP000154-D

Focus: Attorney Disciplinary Proceedings

On January 29, 2024, Attorney David Patton filed a petition, pursuant to Supreme Court Rule (SCR) 22.34(11), for the indefinite suspension of his license to practice law in Wisconsin due to his medical incapacity. The Office of Lawyer Regulation filed a memorandum in support of the petition and an appendix, labelled Appendix A, filed under seal, summarizing the medical incapacity allegations being investigated. Attorney Patton acknowledges that he cannot successfully defend himself against the medical incapacity allegations. Based upon these considerations,

The petition is granted and Patton's license to practice law in Wisconsin is indefinitely suspended.

Decided 02/27/24

Attorney Disciplinary Proceedings

WI Court of Supreme Court

Case Name: Office of Lawyer Regulation v. Erick R. Tyrone

Case No.: 2023AP001332-D

Focus: Attorney Disciplinary Proceedings

The Office of Lawyer Regulation (OLR) and Attorney Erick R. Tyrone have filed a stipulation pursuant to Supreme Court Rule (SCR) 22.12,1 that Attorney Tyrone's license to practice law in this state should be suspended for a period of six months, as discipline reciprocal to that imposed by the Court of Appeals of Maryland. The Supreme approves the stipulation and imposes the stipulated reciprocal discipline. The OLR does not seek costs.

Attorney Tyrone was admitted to the practice of law in Wisconsin in 2009. He was admitted to the practice of law in Maryland in 2012 and in the District of Columbia in 2016. His Wisconsin law license has been suspended since 2012 for failure to pay State Bar dues, failure to file an OLR trust account certification certificate, and failure to comply with continuing legal education requirements. Attorney Tyrone has no prior discipline in Wisconsin.

Decided 02/27/24

Attorney Disciplinary Proceedings

WI Court of Supreme Court

Case Name: Office of Lawyer Regulation v. Paul A. Strouse

Case No.: 2023AP001032-D

Focus: Attorney Disciplinary Proceedings

The supreme court reviews Referee V.L. Bailey-Rihn's report recommending that the court declare Attorney Paul A. Strouse in default and revoke his license to practice law in Wisconsin due to professional misconduct. The referee also recommends that Attorney Strouse pay the full costs associated with this proceeding, which are \$2,456.45 as of November 28, 2023.

Since no appeal has been filed, the supreme court reviews the referee's report pursuant to Supreme Court Rule (SCR) 22.17(2).1 The court agrees with the referee that, based on Attorney Strouse's failure to answer the complaint filed by the Office of Lawyer Regulation (OLR), or otherwise appear in the proceeding, Attorney Strouse is in default; and also concludes that revocation of Attorney Strouse's license is an appropriate sanction for his professional misconduct. Finally, the court agrees with the referee that Attorney Strouse should be assessed the full costs of this proceeding.

Decided 02/27/24

Ballot Inclusion for Presidential Primary

WI Court of Supreme Court

Case Name: Dean Phillips v. Wisconsin Elections Commission

Case No.: 2024AP000138-OA

Focus: Ballot Inclusion for Presidential Primary

Phillips, a U.S. representative from Minnesota and a declared Democratic presidential candidate, sought to be listed on Wisconsin's ballot after being included in New Hampshire's Democratic primary. However, the Selection Committee, without discussion, chose only to list Joseph Biden for the Democratic ballot, disregarding Phillips among other potential candidates. Phillips petitioned the court, arguing the Committee failed to properly exercise its discretion in excluding him based on his national media recognition.

Respondents argued against the court's intervention, suggesting Phillips delayed seeking judicial relief and lacked standing as the statute provides a mechanism for candidates to petition for ballot inclusion via signatures. They also contended that mandamus was inappropriate as it would improperly substitute the court's discretion for that of the Selection Committee.

The court, referencing the precedent set by *McCarthy v. Elections Board*, determined the Selection Committee failed to apply the statutory standard properly, thereby abusing its discretion. The court dismissed the respondents' defenses, including laches and standing challenges, and directed that Phillips' name be placed on the Democratic presidential preference

ballot. This decision emphasizes the inclusionary intent of the law governing ballot placement and underscores the judiciary's role in ensuring statutory standards are appropriately applied.

Mandamus relief granted
Decided 02/02/24

WISCONSIN COURT OF APPEALS

Termination of Parental Rights

WI Court of Appeals – District I

Case Name: State of Wisconsin v. H. C.

Case No.: 2023AP001950

Officials: Colón, J.

Focus: Termination of Parental Rights

Appeals from an order of the circuit court terminating her parental rights to her son, John.² On appeal, H.C. argues that WIS. STAT. § 48.426(3) is unconstitutional on its face because it does not define a specific burden of proof for the State at the dispositional phase of a proceeding to terminate parental rights. She further argues that the circuit court erroneously exercised its discretion following the disposition hearing when it found that it was in her son's best interest to terminate her parental rights.

Upon review, the appeals court concludes that due process requires that the best interest of the child be proven by a preponderance of the evidence at the dispositional phase. However, the appeals court also concludes that the circuit court did not erroneously exercise its discretion when it found that it was in John's best interest to terminate H.C.'s parental rights.

Affirmed.

Decided 03/05/24

Postconviction Relief-Sentence Modification

WI Court of Appeals – District I

Case Name: State of Wisconsin v. Kenneth Darrell Lyons

Case No.: 2023AP000173-CR

Officials: White, C.J., Donald, P.J., and Colón J.

Focus: Postconviction Relief-Sentence Modification

Lyons appealed his conviction and the denial of his postconviction motion for sentence modification. Lyons had pleaded guilty to possessing heroin and cocaine with intent to deliver, following a narcotics investigation. He was sentenced to five years, eligible for the Challenge Incarceration Program but deemed ineligible for the Substance Abuse Program due to a lack of evidence of a substance abuse problem at sentencing.

Lyons sought to modify his sentence based on a Department of Corrections report that classified him as a high priority

for substance use disorder treatment, arguing it was a new factor. However, the court concluded that any substance abuse issues would have been known to Lyons at sentencing, thus not constituting a new factor. The court highlighted that a defendant must demonstrate that a new factor is both previously unknown and justifies a sentence modification. Lyons' awareness of his drug use at sentencing and his lack of claims about a substance abuse problem negated his argument.

Additionally, the report's findings, including Lyons' self-reported cessation of marijuana use and no alcohol consumption, undermined the claim of a substance abuse disorder justifying sentence modification. The appeals court ruled that Lyons had not demonstrated the existence of a new factor warranting a change in his sentence.

Affirmed.
Decided 03/05/24

Employment Law

Case Name: Michael S. Peden v. City of Milwaukee Board of Fire and Police Commissioners

Case No.: 2022AP001086

Officials: White, C.J., Donald, P.J., and Geenen, J.

Focus: Employment Law

On June 17, 2020, MFD Chief Mark Rohlfing terminated Peden from his position as a heavy-equipment operator. Rohlfing alleged that Peden had violated multiple rules and regulations stemming from an incident on June 5, 2020. Peden appeals a circuit court order affirming a decision of the City of Milwaukee Board of Fire and Police Commissioners ("the Board"), which upheld the termination of Peden's employment with the City of Milwaukee Fire Department ("MFD"). Peden was terminated for his refusal to comply with a direct order to transfer to a different station for the duration of his shift during civil unrest. As the City argued in closing at the administrative hearing, "[t]his case boils down to was [Peden] given a direct order? Was he capable of following that direct order? Did he choose not to follow that direct order?" The circumstances surrounding the sexual assault case against Peden were not relevant. Affirmed.

Decided 03/05/24

Evidence

WI Court of Appeals – District I

Case Name: Robert Cronwell v. City of Glendale

Case No.: 2022AP001308

Officials: White, C.J., Donald, P.J., and Colón, J.

Focus: Evidence

The City of Glendale appeals from an order of the circuit court granting summary judgment in favor of Robert Cronwell and ordering the City to produce an unredacted version of the application to sell alcohol beverages submitted by PrimeTime Events, LLC. On appeal, the City argues that the circuit court erroneously applied the balancing test to grant Cronwell access under the open records law to personal information of PrimeTime's managing member that the City redacted from the application.

As a result of the nature of this case, the appeals court considers the public's oversight of this governmental function in reviewing and issuing a license to sell alcohol beverages crucial and, in turn, it considers the public to have a unique interest in knowing the details of the applicants for a license to sell alcohol beverages that would allow the public to ensure that the application meets the requirements of WIS. STAT. § 125.04. It would, therefore, take more than the mere possibility of identity theft and the mere possibility of a chilling effect to outweigh the public's interest in knowing the details of the applications to sell alcohol beverages submitted to the government.

Affirmed.
Decided 03/05/24

Warrantless Search

WI Court of Appeals – District III

Case Name: State of Wisconsin v. Ashley Jean Campbell

Case No.: 2020AP001813-CR

Officials: Gill, J.

Focus: Warrantless Search

Law enforcement stopped a vehicle driven by Ashley Campbell. While an officer drafted citations for traffic infractions, another officer arrived with a police canine and ordered Campbell and her passenger out of the vehicle. As Campbell exited the vehicle, she left open her driver's side door.

The officer twice led the canine on a leash around the vehicle's exterior and, on each occasion, the canine entered through the open door and "alerted" to the presence of narcotics in a purse located on the vehicle's floor. A subsequent search of the purse revealed suspected marijuana. Campbell argues that the canine's warrantless "searches" of the vehicle violated her rights under the Fourth Amendment to the United States Constitution, and that the circuit court erred by denying her motion to suppress the results of those searches. The appeals court concludes that both of the canine's entries into Campbell's vehicle constituted searches under the Fourth Amendment. Therefore, the State was required to either obtain a warrant prior to the searches or rely upon an exception to

the Fourth Amendment's warrant requirement in order to justify the warrantless searches

Reversed and remanded.
Decided 03/05/24

Sufficiency of Evidence

WI Court of Appeals – District I

Case Name: State of Wisconsin v. Marquis Hudson

Case No.: 2021AP000948-CR

Officials: White, C.J., Geenen and Gill, JJ

Focus: Sufficiency of Evidence

Hudson was convicted by a jury of second-degree reckless homicide as a party to a crime (PTAC). The jury also acquitted Hudson on the charges of attempted armed robbery and being a felon in possession of a firearm. Hudson argues on appeal that: (1) there was insufficient evidence to support the jury's verdict convicting him of second-degree reckless homicide (PTAC); (2) his trial counsel was ineffective due to a conflict of interest, for failing to pursue certain defenses and jury instructions, and for not eliciting certain impeaching testimony; (3) the State committed a Brady violation by not disclosing material impeaching evidence; and (4) the trial court erroneously exercised its discretion at sentencing.

The appeals court rejects Hudson's arguments and affirms his judgment of conviction and the order denying his motion for postconviction relief. The court concludes that there was sufficient evidence to support the jury's verdict convicting Hudson of second-degree reckless homicide (PTAC).

Affirmed.
Decided 03/05/24

Involuntary Commitment

WI Court of Appeals – District III

Case Name: Burnett County v. B. S.

Case No.: 2023AP001811-FT

Officials: Hruz, J.

Focus: Involuntary Commitment

Brian appeals an order extending his involuntary commitment pursuant to WIS. STAT. § 51.20. Brian argues that Burnett County failed to provide sufficient evidence to prove that he is currently dangerous under § 51.20(1)(a)2. Brian contends that while the County presented the testimony and report of a psychiatrist at the extension hearing, the psychiatrist provided only generalized statements that were insufficient to meet the County's burden of proving his dangerousness by clear and convincing evidence.

The appeals court notes that the record on appeal is devoid of sufficient factual support for the expert's opinions regarding

Brian's current dangerousness and the resulting court order relying upon them. The law requires a fuller record—including sufficient explanations and connection to other facts in evidence—in order to prove, by clear and convincing evidence, that someone currently meets the statutory criteria necessary to continue involuntarily committing that individual.

Reversed and Remanded.
Decided 02/27/24

Termination of Parental Rights

WI Court of Appeals – District I

Case Name: State of Wisconsin v. S. N.

Case No.: 2023AP002366

Officials: White, C.J.

Focus: Termination of Parental Rights

Sally appeals from circuit court orders terminating her parental rights to her children, Amanda and Terry. The circuit court, after hearing testimony, found Sally unfit due to her ongoing issues and determined that termination was in the best interests of the children, noting their bond with the foster parents and the potential trauma of removing them from their foster home. The court also considered the likelihood of the children's adoption, their health and needs, and the stability and permanence offered by adoption compared to their current situation.

Sally argues that the circuit court erroneously exercised its discretion when it determined that the termination of Sally's parental rights was in the best interests of the children. Specifically, Sally argues that termination was not in the children's best interests due to testimony indicating a substantial relationship between Sally and her children, a good relationship between the children and their great-grandfather, Marvin, and a lack of direct evidence of the children's wishes.

Despite Sally's claims, the appellate court found that the circuit court had properly exercised its discretion, weighing all required factors and concluding that terminating Sally's parental rights would serve the children's best interests. The court's decision was supported by evidence of the children's current well-being in foster care, Sally's inconsistent visitation, and the lack of a substantial relationship with their biological family. The appellate court affirmed the termination orders, emphasizing the focus on the children's best interests throughout the process.

Affirmed.
Decided 02/27/24

Contracts-Real Estate

WI Court of Appeals – District III

Case Name: D Kayseri LLC – c/o Arda Yanik v.

510 Main Street LLC – c/o Mary Wolske

Case No.: 2022AP002220

Officials: Stark, P.J., Hruz and Gill, JJ.

Focus: Contracts-Real Estate

D Kayseri LLC, represented by Arda Yanik, appealed a summary judgment that denied its claim for specific performance of a real estate purchase contract for a property owned by 510 Main Street LLC, whose sole member is Mary Wolske. The circuit court had granted summary judgment to Mary Wolske, concluding that no legally enforceable real estate contract existed between the parties due to the absence of a written conveyance that satisfied the statute of frauds (WIS. STAT. § 706.02) and that mutual consent to a legally binding real estate contract could not be proven by Yanik. Therefore, Yanik could not claim equitable relief under WIS. STAT. § 706.04.

The case background involves negotiations between Yanik and William Wolske for the purchase of the property, during which a leaseback arrangement for William, who operated his law office from the property, was a key issue. Despite reaching what Yanik claimed to be a "finalized" agreement, none of the relevant documents were signed by either party, leading to the dispute after William's death.

The appeals court affirmed the circuit court's decision, emphasizing that the parties did not reach an agreement on all material aspects of the transaction, as evidenced by the lack of signed documents by either party. Furthermore, the court found that the March correspondence, including various unsigned documents related to the transaction, did not satisfy the statute of frauds or demonstrate mutual consent for the transaction. Consequently, Yanik's claim for equitable relief under WIS. STAT. § 706.04 was also denied, as he could not prove all the elements of the transaction were clearly and satisfactorily established, particularly mutual consent to the transaction.

Affirmed.
Decided 02/27/24

Contracts-Negligence

WI Court of Appeals – District III

Case Name: TJ Prop, LLC v. Tim Mueller Mason Contractor, LLC

Case No.: 2022AP000514

Officials: Gill, J.

Focus: Contracts-Negligence

TJ Prop, LLC, entered into separate contracts with various entities for the construction of a custom-built house. Ultimately, TJ Prop sued all but one of those entities, claiming, among other things, that they did not use the correct house wrap as required by the contracts and that this failure caused water to seep into the

house and behind the walls over a period of several years. Specifically, TJ Prop alleged negligence claims against Tim Mueller Mason Contractor, LLC (Mueller), Crivitz Lumber, LLC (Crivitz), and the Estate of Jeffrey Zahorik (d/b/a Jeffrey Z Construction) (Jeffrey Z); breach of contract and warranty claims against Mueller and Jeffrey Z; and misrepresentation and fraud claims against Crivitz.

Jeffrey Z and Crivitz filed separate motions to dismiss, arguing that TJ Prop's tort claims were barred by the economic loss doctrine. They also asserted that TJ Prop's contract claims were time barred under the applicable statute of limitations. Alternatively, they argued that the statute of repose barred all of TJ Prop's claims. Similarly, Mueller moved summary judgment, raising the same legal arguments as Jeffrey Z and Crivitz. The circuit court granted all three motions against TJ Prop, concluding that the economic loss doctrine barred the tort claims and that the remaining contract claims were untimely filed.

Affirmed.
Decided 02/27/24

Contempt- Unfair Sales Act-Sanctions

WI Court of Appeals – District III

Case Name: State of Wisconsin v. Pine Ridge Wausau, LLC v. Krist Oil, Co.

Case No.: 2022AP001793

Officials: Stark, P.J., Hruz and Gill, JJ.

Focus: Contempt- Unfair Sales Act-Sanctions

Krist Oil, Co., appeals from a judgment awarding \$705,093.54 to Pine Ridge Wausau, LLC, and Carkelsy, Inc., based on Krist's violations of an injunction. Krist argues that the circuit court erred by: (1) imposing a remedial contempt sanction under WIS. STAT. ch. 785 (2021-22); (2) retroactively applying the supreme court's holding in Tetra Tech EC, Inc. v. DOR, 2018 WI 75, 382 Wis. 2d 496, 914 N.W.2d 21; and (3) citing Wisconsin's Unfair Sales Act as an alternative basis for awarding damages to Pine Ridge and Carkelsy.

The appeals court rejects Krist's arguments and affirms the circuit court's judgment, and remands for the court to determine the amount of the attorney fees and costs that Pine Ridge and Carkelsy are entitled to recover in connection with this appeal, as provided in the parties' settlement agreement and the injunction. The appeals court denies Pine Ridge and Carkelsy's motion for sanctions under WIS. STAT. RULES 809.25(3) and 809.83(2).

Affirmed and remanded.
Decided 02/21/24

Fraud-Contract-Retaliation

WI Court of Appeals – District III

Case Name: Glendale Stewart v. Mike Pozorski
Case No.: 2022AP000202

Officials: Stark, P.J., Hruz and Gill, JJ.

Focus: Fraud-Contract-Retaliation

Stewart purchased a vehicle from Power Sports (owned by Pozorski) for a total amount of \$7,349. As part of his purchase, Stewart signed two documents noting that the vehicle was sold "AS IS." After purchasing the vehicle, Stewart encountered issues with the vehicle in July and October 2018. Specifically, Stewart noticed water leaking into the vehicle, and he called Power Sports to discuss the issue. Both times, Power Sports attempted to help Stewart resolve the problem. After losing control of vehicle Stewart files a second complaint with the DOT against Power Sports, and the DOT noticed corrosion but the DOT could not make a determination that the vehicle frame was in the same condition as when it was purchased. Stewart, pro se, appeals the circuit court's granting of summary judgment to Mike Pozorski, Elizabeth Ebert, Eric Hillmann, and Power Sports Plus, LLC (collectively, "Power Sports") and denying summary judgment to Stewart. Stewart argues that the court erred by granting summary judgment to Power Sports and that the court erroneously exercised its discretion in numerous ways. The circuit court did not err by granting summary judgment in favor of Power Sports, as the plaintiff failed to show an issue of material fact on his claims.

Affirmed.

Decided 02/21/24

7TH CIRCUIT COURT OF APPEALS

Evidence-Sentencing Guidelines

7th Circuit Court of Appeals

Case Name: United States of America v. Anthony Bender, Jr.

Case No.: 23-1878

Officials: Rovner, Brennan, and Pryor, Circuit Judges.

Focus: Evidence-Sentencing Guidelines

Anthony Bender, Jr. was convicted of unlawful possession of a firearm, resulting in a 96-month prison sentence. The conviction arose from an incident where Bender fled a traffic stop and was observed by an officer pulling a handgun from his sweatpants and discarding it. Although the dashboard camera footage did not capture the gun, it recorded the sequence of events. Bender contested the government's conduct during the trial, questioned the jury's credibility, and challenged the judge's sentencing decision.

On appeal, Bender raised three main points: alleging the government's failure to disclose specific video evidence violated due process, contending that the disclosed

video contradicted the arresting officer's testimony, and arguing that his sentence was unreasonable. However, the court found no merit in these arguments and upheld Bender's conviction and sentence.

The court ruled that the government had not violated due process by withholding footage from another squad car, as it simply did not exist and therefore couldn't have depicted the gun on the ground. Additionally, the court determined that although the evidence of possession relied solely on the officer's testimony, it was not beyond the realm of possibility, and thus the jury's credibility in accepting it was justified. Lastly, Bender's sentence, falling below the recommended guidelines range, was considered reasonable and not unduly harsh.

Affirmed.

Decided 03/07/24

Gender Identity Support- Due Process and Free Exercise Clauses of the U.S. Constitution

7th Circuit Court of Appeals

Case Name: Parents Protecting Our Children, UA v. Eau Claire Area School District, Wisconsin

Case No.: 23-1534

Officials: Wood, Scudder, and St. Eve, Circuit Judges.

Focus: Gender Identity Support- Due Process and Free Exercise Clauses of the U.S. Constitution

Parents Protecting Our Children, an organization of parents, sought to halt the implementation of the Eau Claire Area School District's Administrative Guidance for Gender Identity Support. The parents contended that the policy violated their rights under the Due Process and Free Exercise Clauses of the U.S. Constitution, impeding their authority to make decisions for their children. However, the District Court dismissed the case, citing a lack of jurisdiction, as the parents couldn't demonstrate any specific instances where the policy had infringed upon their parental rights.

The Court of Appeals upheld the lower court's decision. It ruled that the parents' concerns about potential future applications of the policy weren't sufficient grounds for legal action unless there was evidence of actual harm or an imminent risk of harm. The court noted that the parents had brought a challenge against the policy before it had been enforced, and without any proof that the School District had used it in a manner detrimental to parental rights.

Additionally, the court emphasized that the Administrative Guidance didn't mandate excluding parents from discussions or decisions regarding a student's gender

expression at school. It concluded that the alleged harm relied on speculative scenarios, which didn't meet the requirements for Article III standing.

Affirmed.

Decided 03/07/24

First Amendment Retaliation Claim

7th Circuit Court of Appeals

Case Name: David Schlemm v. Brendan Pizzala

Case No.: 21-2860

Officials: Hamilton, Brennan, and Kirsch, Circuit Judges.

Focus: First Amendment Retaliation Claim

Schlemm, an inmate, had filed a First Amendment retaliation claim against Brendan Pizzala, Jay Van Lanen, and Michael Donovan. Schlemm's claim stemmed from allegations against him regarding the theft of sage from the chapel of the Green Bay Correctional Institution, which resulted in a conduct report being issued against him. However, the report was later dismissed after another correctional officer testified that he had given the sage to Schlemm. Subsequently, Schlemm filed complaints against the defendants through the Inmate Complaint Review System (ICRS), alleging retaliation.

Initially, the lower court dismissed Schlemm's case, citing it as time-barred due to the six-year statute of limitations. The court observed that Schlemm's lawsuit, filed in 2019, exceeded six years from the 2012 search of his cell. On appeal, the defendants conceded that Schlemm had properly exhausted his administrative remedies but contended that his action was time-barred because of the six-day gap between the accrual of his claim and the filing of his administrative complaints.

Upon review, the Appeals Court conducted a de novo examination of the district court's dismissal. It concluded that the defendants had waived their specific statute of limitations argument concerning the six-day gap. Notably, they raised this argument for the first time on appeal, having previously argued that Schlemm had not exhausted his administrative remedies properly. Consequently, the court overturned the dismissal and remanded the case for further proceedings, highlighting that it did not need to address whether the gap between claim accrual and grievance filing falls within the tolling period due to the defendants' waiver of their argument.

Reversed and remanded.

Decided 03/05/24

Fair Debt Collection Practices Act

7th Circuit Court of Appeals

Case Name: Gabriel Brown v. Cach LLC

Case No.: 23-1308

Officials: Easterbrook, St. Eve, and Jackson-Akiwumi, Circuit Judges.

Focus: Fair Debt Collection Practices Act

Bank of America sold to CACH a consumer debt account that was in arrears. The Bank declined to make any representations about the accuracy of the \$5,246.21 balance that it had calculated. CACH attempted to collect the debt without announcing that the Bank had not verified the balance.

Gabriel Brown (the asserted debtor) and her brother Ivan Brown (who pretended to be Gabriel during one phone call) then sued CACH under 15 U.S.C. §1692e, part of the Fair Debt Collection Practices Act (FDCPA). The Browns did not allege that they had paid a penny to CACH, suffered a lower credit rating, or incurred any other concrete loss. Instead, Gabriel filed an affidavit stating that she had “interrupted my self-employment” to “mull over my memories” and “scour my records” about the asserted debt. The case proceeded to summary judgment. But when the judge requested supplemental briefs with details, such as what Gabriel’s self-employment entailed and how any interruption led to a

loss of income or other tangible detriment, she declined to provide additional information. The judge then dismissed the complaint for lack of standing to sue. 2023 U.S. Dist. LEXIS 29299 (N.D. Ill. Jan. 17, 2023).

Affirmed.

Decided 02/29/24

Family and Medical Leave Act 7th Circuit Court of Appeals

Case Name: Marianne Wayland v. OSF Healthcare System

Case No.: 23-1541

Officials: Wood, Kirsch, and Lee, Circuit Judges.

Focus: Family and Medical Leave Act

Wayland contended that her former employer, OSF Healthcare System, violated her rights under the Family and Medical Leave Act (FMLA) by neglecting to adjust performance expectations to accommodate her reduced hours during approved medical leave, subsequently terminating her employment. The Central District of Illinois ruled in favor of OSF, granting summary judgment and concluding that

Wayland’s termination was justified based on her performance.

Wayland appealed arguing that there existed a genuine dispute regarding the amount of approved leave she had taken. The Circuit Court concurred, finding that if Wayland’s testimony regarding her leave duration is accepted, a jury could potentially determine that OSF unlawfully failed to modify its performance expectations by appropriately considering her leave period during performance evaluations.

Furthermore, the Circuit Court observed that a jury could reasonably find that OSF interfered with or retaliated against Wayland’s use of leave by maintaining the same standards as when she worked full-time and subsequently terminating her employment for failing to meet those standards. It determined that there was adequate evidence to raise doubts about the legitimacy of OSF’s grounds for terminating Wayland, noting that OSF did not explicitly inform her that poor performance would result in dismissal and established goals that may have been unattainable.

Vacated and remanded.

Decided 02/28/24



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‘Are we dating the same guy’ federal lawsuit moves forward



Deposit Photos

Steve Schuster

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A preliminary hearing has been scheduled for April 8 in a federal lawsuit against 27 women who posted negative comments about a man in the private Facebook group “are we dating the same guy.”

Longtime former Assistant Illinois Attorney General and Cook County States Attorney Daniel Nikolic is representing Nikko D’Ambrosio in the civil case.

During an interview with the *Wisconsin Law Journal* on March 18, Nikolic said the original civil case was dismissed by a federal judge due to a jurisdictional issue, however the case was refiled a few hours later. According to Nikolic, he attempted to resolve the matter prior to commencing litigation by sending letters via certified U.S. mail to the Facebook group moderators with a cease and desist, demanding the group take down the false and damaging Facebook comments made by 27 women.

“They (the moderators) ignored my letters,” Nikolic said, noting he then filed the federal lawsuit.

Nikolic said he remains optimistic that his client and other men who have had similar experiences will seek justice from what he calls an underground Facebook group “are we dating the same guy,” which has chapters across the country.

“This whole secret society knows all of these lies about men,” Nikolic said, noting a recent call from a Washington Post reporter who was anticipating this lawsuit for months.

According to Nikolic, the groups provide little recourse for the male victims of lies and exaggerated gossip that damages reputations.

“You can get graded on a date, and you get a bad grade, then all of a sudden no one wants to date you based on one person’s opinion, even if it’s a lie. Then men have no recourse,” Nikolic said, noting “If had gotten judged on every date I’ve been on, I would never leave the house.”

“God forbid I do something wrong and not even know what I did, and they go on the internet and shame me,” the former prosecutor added.

Although D’Ambrosio was recently convicted for tax fraud in the same federal courthouse he is suing dozens of women for defamation, the civil case is moving forward, Nikolic said noting his client is “still a victim.”

The criminal case says D’Ambrosio underreported income he “earned” while distributing “sweepstakes” gaming machines for a company with ties to Chicago mob figures.

According to court documents obtained by the *Wisconsin Law Journal*, D’Ambrosio’s case suing 27 women claims they posted false and damaging negative reviews about him damaged his reputation. The lawsuit also names

admins to the group who reside in New York, as well as Meta, the parent company of Facebook.

According to defamation attorney Brian Spahn with Godfrey & Kahn in Milwaukee, the plaintiff will have a difficult time recovering damages from Meta and/or Facebook. However, time will tell about the other defendants named in the suit.

“When it comes to social media, Section 230 of the Communications Decency Act provides immunity to social media platforms for statements made by third-parties,” Spahn said, noting this is the case in most jurisdictions.

Nikolic said he believes the law was appropriate in the 1990s when it was first enacted, but needs to be updated.

“In 2024 giving immunity to Facebook is bullsh*t,” Nikolic said, noting the social media platform is notorious for its algorithms of moving content around to prioritize visibility of stories based on Meta’s profits.

“They have to be accountable to somebody,” Nikolic said, noting he is not afraid of taking on big corporations like Meta.

“We recently also sued a university and the Chicago Bears for discrimination,” Nikolic said, noting his firm Trent Law Firm is handling the matter. Marc Trent is the firm’s founding partner.

The civil lawsuit further alleges defendants acted with willful misconduct, malice, fraud,

wantonness and oppression.

In the civil Illinois case, the plaintiff is seeking \$75,000 in damages and injunctive relief.

Apparently, no man is immune from being called out in the “Are we dating a same guy” Chicago Facebook group, as government officials and police officers have also been named in the group, even without any criminal misconduct. Although many of the posts have since been deleted, some screenshots are still floating around the web.

Wisconsin Defamation law

If a similar post had occurred in Wisconsin, what options would be available to Wisconsin law enforcement or prosecutors if they themselves or others were named in a Facebook post?

In the recent post in the Facebook group “Are we dating the same guy Chicago” with a picture of a Chicago police officer in uniform, a woman with a likely fictitious name “Karen Bunnie,” commented on the photo, “Honestly, just steer clear of dating cops, a lot of them are cheaters and players.”

Chicago defamation attorney Joe Hoolihan, of Goldberg Kohn, said, “There can sometimes be liability for a general statement about a group of people if it is clear from the context that the speaker is actually making a factual claim about a specific person. Here, the commenter is likely safe from civil liability since it appears from the context that she was not targeting this police officer specifically.”

Chief Deputy Milwaukee District Attorney Kent Lovern said although the Milwaukee County District Attorney’s office receives few referrals for defamation, there are several other statutes applicable to anyone posting damaging statements to social media.

“If someone depicts images of another person through digital technology (including social media) that can be charged as a misdemeanor or a felony,” Lovern said, noting it depends on the facts of the case.

During an interview with the Wisconsin Law Journal, Lovern said, “There are more detailed statutes available for those specific uses of technology.”

If the statement posted on social media is mostly false, but still has “a grain of truth,” Lovern said there are other statutes people can be charged under that would be more appropriate than a defamation statute.

The Milwaukee County District Attorney’s office said roughly 42% of the small number of cases referred for defamation have had charges that followed. However, to date, Lovern noted social media defamation cases have not been prosecuted under the defamation statute in Milwaukee County, yet.

According to Milwaukee Defamation Attorney Stephen E. Kravit, of Kravit, Hovel & Krawczyk, there are three powerful Wisconsin statutes “that are relevant to seeking justice for damaging statements made in the “Are we dating the same guy” Milwaukee/Madison Facebook group.

Both Hoolihan and Kravit agreed that pursuant to Wis. Stat. 942.01, defamation is a crime in the state of Wisconsin and is a misdemeanor. Both Hoolihan and Kravit, as well as Wisconsin

district attorneys, said to date there is not much case law in Wisconsin for prosecuting such a crime (as defamation from a Facebook post).

Kravit said the Wisconsin defamation law is very broad and allows a lot of prosecutorial discretion.

However, according to Kravit, a second statute is even more powerful for prosecutors as justice can be sought for defamation through a harassment statute.

“A much more powerful statute is Wis. Stat. 947.013, which is applicable to online harassment,” Kravit said.

“If the intent of the Facebook comments is to intimidate someone, they can be prosecuted under 947.013,” Kravit said.

Depending upon the severity of the comment, the person authoring the comment could face felony charges in Wisconsin, he said.

However, a third, lesser-known Wisconsin statute can be successful when seeking justice for defamation, Kravit said.

“It’s that statute no one knows about,” he said.

“If someone disseminates information whether true or false that humiliates someone, they are guilty of a felony,” Kravit said, noting, “although the statute is on the books, it hasn’t been used often,” yet, anyway.

Copyright infringement

Although the Illinois case focused on defamation, what about using someone’s private photos without their permission?

Is taking a screenshot of someone’s personal photos from a dating app and posting it to a Facebook group “fair use” or copyright infringement?

Milwaukee attorney Christina M. Lucchesi (von Briesen & Roper, s.c.) said, “Copyright protects original works of authorship fixed in a tangible form. In the case of a photograph, the author of the work is the photographer; the subject of the photo does not possess a copyright in the photograph.”

“If the photograph is a ‘selfie,’ the subject of the photo and the photographer are one and the same. The subject, in this case, would be the copyright owner, because s/he is also the photographer,” Lucchesi added.

There are a number of factors to consider. “You really have to weigh multiple factors,” said Laura Lamansky, an attorney with Michael Best who specializes in copyright law.

Attorney Heidi R. Thole, who specializes in copyright law, is a shareholder at Reinhart.

According to Thole, “As an individual in Wisconsin you have a right to be left alone, but that can go out the window when you post photos to dating app.”

According to Thole, Fair Use is taken by courts on a case-to-case basis, but when money gets involved such as the Gofundme that defendants have set up, that can weigh against or negate the defense.

According to legal experts, a misappropriation of image could be claimed since a for-profit angle was established as the defendants have set up the Gofundme page.

“There is some unpredictability even if you think you have a decent fair use claim,” Thole said.



Chicago police officer screenshot posted in the “Are We Dating The Same Guy” Chicago Group. NOTE: The Wisconsin Law Journal blurred the officer’s face.

Lamansky added, “It’s important to note that fair use is a not a positive right to use someone’s copyrighted work.”

There are some disadvantages to using a fair use defense, according to Thole.

“While it can be a powerful tool, you are almost starting on backfoot because it’s already a defense to an infringement,” Thole said.

According to both Thole and Lamansky, in some cases, the terms of service of the dating app dictate whether or not a plaintiff has an actionable copyright infringement claim.

“Most users of dating apps don’t read the fine print when uploading their images,” Lamansky said, noting that “many people unknowingly give up some of their rights.”

Lamansky and Thole both noted that each dating app or website has its own contract with users for how images may be used on or off the respective platform.

“At this point it becomes not a matter of copyright law, but a matter of contract law,” Lamansky said.

The attorney would need to review the terms of service with the respective dating app to determine if a breach of the contract occurred, and therefore copyright infringement.

Copyright infringement is not really at issue in the Illinois case, Lamansky said.

“It seems the real heart of the issue is emotional distress and reputational harm. Copyright law doesn’t get to the issue. If a photograph was found to be in violation of copyright law, the remedy would be to remove the posted photograph. However, that would not address the reputational harm that has already occurred,” Lamansky added.

Wisconsin attorneys publish first-ever Civil Procedure book



Founding Weiss Law Partner Monte Weiss (right), attorney Kristen Scheuerman and attorney Erik Pless with One Law Group S.C. (Photo courtesy of Weiss Law)

Steve Schuster

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Most attorneys at some point in their careers have authored articles for publication. However, only the chosen ones will have a book published by a large organization such as LexisNexis.

Count Wisconsin attorneys Monte Weiss, Kristen Scheuerman and Erik Pless among the chosen ones who have successfully published a book for wide distribution among Wisconsin attorneys.

Published by LexisNexis on March 7, 2024, the newly released book by three Wisconsin attorneys provides the next generation of tools for civil practitioners.

The new book “Wisconsin Pretrial Civil Procedure” went on sale to the public on March 7 and is currently only available for purchase directly from LexisNexis.

The goal of the book is to arm the next generation of attorneys with the knowledge and efficiency needed to provide clients with the best possible outcome.

“It was written to decrease the grade of the learning curve,” Weiss said during an exclusive interview with the Wisconsin Law Journal.

“It will save young practitioners from going down rabbit holes resulting in unnecessary billable hours,” he added.

Pless agreed.

“It’s an excellent roadmap for where you need to go, with some real-life experience,” Pless said.

“The secret sauce that we bring is 80 years of collective trial practice,” he added.

Unlike other Wisconsin civil procedure books, the newly published LexisNexis book allows readers to obtain sample pleadings, forms, and other documents in a paint-by-numbers fill in the blank manner.

The State Bar’s “Books UnBound are great, but what they don’t have that we tried to include are sample motions based on our practice experience or form pleadings or what you’re going to actually need to include in a brief,” Scheuerman said, noting that the new book fills a gap in guidance for young attorneys.

“I thought to myself that our target audience is likely solo practitioners or young lawyers who are trying to figure out civil litigation,” Pless added.

Weiss, who has also worked on an Office of Lawyer Regulation committee, went a step further.

“In the back of my mind the book will also benefit the solo practitioner or young lawyer who is trying to stay out of a legal situation where a malpractice suit could ensue if they don’t understand what to do,” Weiss said.

“The book will really benefit younger practitioners who may not be in a large firm with

partners to rely on and ask, hey what do I do here,” Weiss added.

All three Wisconsin attorneys who authored the newly published book said writing and editing took hundreds of hours. Add in editing and Scheuerman said, the project easily totaled 1,000 hours for the group collectively.

The attorneys did not do it for the money. “It was a labor of love,” Pless said.

The three authors noted LexisNexis set the retail price of the book at \$475, but paid the authors a flat fee, plus modest royalties based on sales.

“I consciously and personally did not keep track of the hours I was spending because I did not want to be depressed that I was working for less than \$15 an hour,” Pless said, noting that LexisNexis paid the three authors a flat fee, plus a small percentage on book sales.

Weiss agreed and joked, “I’m counting on the smidgen of residuals to buy me cups of coffee in my 60s,” Weiss said.

All three attorneys said in writing the book they all “learned a lot,” and the process has been fulfilling.

“I can’t believe I’ve practiced as long as I have without knowing some of this,” Scheuerman said.

Birth of a book and challenges

Pless said the idea for the book first

originated in a western Wisconsin pub where he settled a case with opposing counsel and was then invited to collaborate on a civil procedure primer project. The other attorney later backed out of the book deal but Pless roped in Scheuerman, who agreed to write and edit, and then she included her colleague, Weiss. From that point, it took the three attorneys approximately two years to write and edit all of the content. The bulk of the editing was completed by Scheuerman.

Initially, Scheuerman drafted and sent out a table of contents and the three Wisconsin attorneys divided and conquered.

However, the project was not without challenges. All three attorneys noted they went through six different editors at LexisNexis during the project, while still having to manage their normal caseloads.

Eventually, James Hardin became the final editor. "He did a nice job keeping us on track," said Pless, noting Scheuerman "did an equally nice job keeping us on track."

However, that did not mitigate the work/life balance challenge each attorney faced while writing the book, nor did it assist with the balance of booming law practice demands.

"We still had to stay on top of deadlines, attend hearings and have briefs written while we were editing and writing the book," Weiss said, noting he wished he could have had the luxury of taking off several weeks from his law practice to focus exclusively on the book.

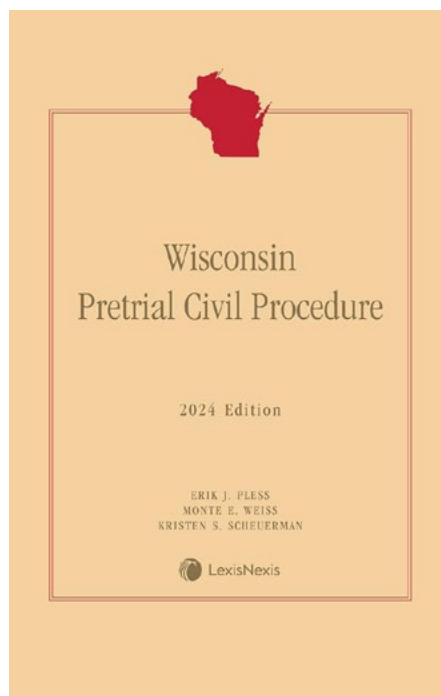
Scheuerman went one step further, saying it would have been ideal to have taken years off her practice to write.

"I wish we could have put our practices on hold for two years. We could have gone further in the weeds. I learned so much as it was, but it was frustrating. We would hit the tip of iceberg while writing, and then we had to get back to our regular law practice," Scheuerman said.

The challenges did not end there. The three attorneys also had to stay in close contact with the Judicial Council in Madison to make sure the current Wisconsin Statutes pertaining to civil procedure were not going to be modified anytime soon.

Backing up three or four years ago, "there was some indication from the Judicial Council that they would overhaul Wisconsin's civil procedure chapter," Scheuerman said. However, the project never came to fruition and there were many changes the council itself, she noted. Without any firm date on the horizon for an overhaul, the authors began writing.

Scheuerman also noted Wisconsin's current civil procedure laws contain "inconsis-



(LexisNexis photo)

tent Band-aids for e-filing."

"It could really use a systematic overhaul," Scheuerman added.

All three authors have extensive civil litigation experience:

Erik Pless

Pless is an attorney with One Law Group SC, where he primarily focuses on insurance defense in northeastern Wisconsin.

Pless is AV rated through Martindale-Hubbell, and for decades has consistently been named in Wisconsin Super Lawyers. He is also board certified as a Civil Trial Specialist since 2004 by the National Board of Trial Advocacy. Trial law board certification is a comprehensive evaluation that officially recognizes extensive education, training, courtroom experience and actual trial experience as lead counsel.

Kristen Scheuerman

Scheuerman has more than a decade of experience, including successfully arguing cases before the Wisconsin Supreme Court. In 2014, her successful representation determined the rights of injured parties to access UIM and UM insurance coverages during the "Truth in Auto" era. The outcome of matter and its companion-cases remains to this day one of Scheuerman's proudest achievements because of the impact that decision had on Wisconsin law and injured parties throughout

the State.

Although the bulk of her experience has been in personal injury and civil litigation, she has also served as a municipal prosecutor and currently serves as a mediator and GAL in minor settlement matters.

Scheuerman said having worked in both insurance defense and on the plaintiff's side, "makes me a better lawyer. I have good working relationships with both sides."

Authoring and editing "Wisconsin Pretrial Civil Procedure" seemed natural for Scheuerman, as one of her greatest passions is legal education. In 2019, she was regularly featured on WHBY's radio segment, The Lawyers, with Josh Dukelow and the two co-hosted a podcast called Civic Revival.

Monte Weiss

Weiss is the founding partner of Weiss Law Office S.C., where for the past several decades he has focused almost exclusively on the defense of bodily injury, property damage, and products liability cases on behalf of insurance companies and self-insured entities.

His courtroom experience includes a myriad of jury and court trials throughout the Badger State, including arguing cases before the Wisconsin Court of Appeals and the Wisconsin Supreme Court.

Weiss has a proven track record for drafting multiple personal lines property and casualty insurance policies, including homeowner and automobile policies.

In 2009, he received a request from then-Chief Justice Shirley Abrahamson to assist with the regulatory system that governs the conduct of Wisconsin's attorneys.

After his acceptance, he has since served on District Investigation Committee Two of the Office of Lawyer Regulation. Weiss' involvement with District Investigation Committee Two helps him to effectively serve his clients in the defense of legal malpractice claims as well as grievances with and complaints filed by the Office of Lawyer Regulation.

Team effort

According to Pless, both Scheuerman and his paralegal Alicia Stern were assets making the book publication a reality. Pless noted Stern is a State Bar of Wisconsin Certified Paralegal.

Future

Pless said at this point he does not have plans to author another book, but says it's reasonably foreseeable there will be future updates to the March 7, 2024, edition.

"In the back of my mind the book will also benefit the solo practitioner or young lawyer who is trying to stay out of a legal situation where a malpractice suit could ensue if they don't understand what to do. The book will really benefit younger practitioners who may not be in a large firm with partners to rely on and ask, 'Hey what do I do here?'"

Monte Weiss,
founding partner of Weiss Law Office S.C.

Wisconsin Supreme Court justice issues dire warning, judge warns Democrats stifling First Amendment



Liberal Wisconsin Supreme Court Justice Jill Karofsky and former Director of State Courts Judge Randy Koschnick. (AP File Photos)

Steve Schuster

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A Wisconsin Supreme Court justice has issued a warning — democracy is under attack in the Badger State.

“They (right-wing extremists) are trying to weaponize the judiciary through threats, and trying to intimidate us on how to decide a case,” said Wisconsin Supreme Court Justice Jill Karofsky during an exclusive interview with the Wisconsin Law Journal.

Karofsky is referring to a complaint filed by former Courts Director, Judge Randy Koschnick.

Koschnick’s complaint was filed with the Wisconsin Elections Commission over the selection of Milwaukee County Circuit Court Judge Audrey Skwierawski to serve as interim Director of State Courts while Skwierawski was a sitting judge.

Ironically, the liberal majority Wisconsin Supreme Court tapped the former Scott Walker appointee for the role.

Liberals are saying Koschnick’s actions of speaking to the press is a threat to democracy as it violated their own privacy in what was intended to be a sealed complaint.

“This is putting their thumb on the scales of justice. This is a threat to our democracy,” Karofsky told the Wisconsin Law Journal.

Democrats claim pursuant to Wisconsin statutes complaints are secret to protect the privacy of both parties, however, Koschnick spoke to the news media about the complaint, in what Koschnick said is within his First Amendment rights.

Koschnick contends that the secrecy only applies to proceedings and not the complaints.

Koschnick pointed out confidentiality of proceedings, as required by Wisconsin statutes, is very different than discussing a complaint that he wrote himself on his home computer.

“My complaint is not a proceeding, as discussed in the Wisconsin statute. I never discussed any proceedings with the media. I only released to the media what I had written on my own computer,” Koschnick said.

Sec. 757.93(1)(a) provides that “proceedings” of the judicial commission are confidential.

“My complaints were not ‘proceedings’ of the commission. By contrast, ‘proceedings’ of the commission would include, for example, the proceedings which are actually listed in secs. 757.85 – 757.89, such as investigations, issuing of subpoenas, issuing orders for medical examinations (all under sec. 757.85), jury panel proceedings (under 757.87), conducting hearings (under 757.89), etc.,” Koschnick said.

“The filing of a complaint by a whistleblower, such as myself, is not included in this statutory listing of proceedings. Further, publicizing such a complaint about illegal, corrupt behavior by a public official, such as a Supreme Court justice, is certainly protected by the First Amendment. I did nothing wrong. I did not violate any rule or statute. I never disclosed any information to anyone about any such proceedings,” Koschnick added.

According to the actual pertinent text of sec. 757.93(1)(a), “All proceedings under ss. 757.81 to 757.99 relating to misconduct or permanent disability prior to the filing of a petition or formal complaint by the commission are confidential unless a judge or circuit or supplemental court commissioner waives the right to confidentiality in writing to the commission. Any

such waiver does not affect the confidentiality of the identity of a person providing information under par. (b).”

In mid-March, the Republican-controlled Wisconsin Senate removed four members of the Judicial Commission, as well as a number of other liberal gubernatorial appointments. The removals come months after a liberal majority took over the Wisconsin Supreme Court, in what other media reports referred to as a rush “to exert its newfound influence.”

The emails reveal previously unknown details of how the liberal majority rushed to exert its newfound influence and the conservatives, no longer in the majority for the first time since 2008, tried to slow things down.

Meanwhile, back on the Supreme Court, according to the liberal justices, in August of 2023, “Judge Randy Koschnick engaged in a publicity stunt by immediately announcing to the media that he filed complaints with the Commission regarding the selection of Milwaukee County Circuit Court Judge Audrey Skwierawski to serve as interim Director of State Courts. Judge Koschnick’s antics were nothing more than a partisan attempt to undermine the court’s authority to hire his successor,” the liberal justices said in August of 2023.

During an exclusive interview with the Wisconsin Law Journal on March 12, Koschnick said, “I am a whistleblower, simply alerting the public that four justices have violated the state constitution. They allege I violated the statutes (by talking to the media). They are wrong about that.”

As far as the allegations of being a threat to democracy, attempting to intimidate the Court, Koschnick disagreed, and said it’s quite

the opposite, as he is defending democracy by exposing the corrupt behavior of the liberal Supreme Court.

"That doesn't make any sense. How would I intimate them (the liberal Supreme Court justices) to decide a case differently?" Koschnick asked, noting, "I didn't even have a case before the Court."

"It's nonsensical. What would I have intimated them about?" Koschnick added.

As for Koschnick's First Amendment claim, Karofsky said that doesn't make sense.

"Everyone knows the First Amendment doesn't mean you can just say anything to anyone at anytime," Karofsky said, noting that what Koschnick did not only violate her own personal privacy, but was likely also in direct violation of Wisconsin statutes and the Administrative code."

Koschnick previously served as a Jefferson County Circuit Court judge prior to his appointment as courts director in 2017.

Koschnick said there was no formal conference or meeting of the justices, but yet he was removed from the job before the conclusion of his six-year term and without a formal meeting, calling the move "unprecedented."

Koschnick was given an award by the State Bar of Wisconsin for his work in 2020 to keep state courts running during the pandemic through the use of technology. He also was instrumental in resolving the court reporter shortage in Wisconsin and, as previously reported, had a passion for keeping Wisconsin safe by proposing sweeping cyber security initiatives protecting courts and hospitals. Koschnick spoke of hospital cyber security threats well before the recent attacks.

Justices demand action

Three Wisconsin Supreme Court Justices — Rebecca Dallet, Jill Karofsky and Janet Protasiewicz — demanded the Wisconsin Judicial Commission take action against Koschnick.

In a copy of a letter obtained by the Wisconsin Law Journal, the justices are calling for protection for judicial independence.

"We respectfully request ... the Commission take further action in order to protect judicial independence in the State of Wisconsin," the justices wrote.

"We urge the Commission to rectify this oversight and now clearly signal both to Judge Koschnick and any others tempted to flout the confidentiality laws, that such violations will bring swift and sure public admonition and discipline," the Justices wrote.

"We implore the Commission to take all steps necessary to ensure that it does not continue to be used as a weapon against judicial independence. Frivolous complaints must be dismissed with expediency and those who violate the rules and statutes governing the Commission must be held to account. The people of Wisconsin, the judiciary, and our democracy demand nothing less," the justices added.

'Hijack the (judicial) disciplinary system'

Judicial complaints are confidential under Wisconsin law, but Karofsky herself released documents to The Associated Press just last

month on Feb. 11. The released documents show a retired Maryland attorney filed a complaint against Karofsky in 2021 with the Wisconsin Judicial Commission. The commission decided in November 2022 not to discipline her, but warned her to remain neutral and avoid making sarcastic remarks from the bench.

Karofsky's attorney, Stacie Rosenzweig, admonished the Judicial Commission in her Feb. 7 letter for letting partisan actors "hijack the (judicial) disciplinary system, in an attempt to silence a justice who rightfully tried to stop frivolous and dangerous arguments that undermined our democracy."

Skwierawski's response

In August of 2023, Skwierawski issued a statement affirming her commitment to deliver justice for Wisconsinites.

"For the past 30 years, I have worked hard every day to deliver justice for the people of Wisconsin, as a local prosecutor, as an assistant attorney general, and as a judge," Skwierawski wrote in a statement obtained by the Wisconsin Law Journal.

"When I was asked to continue that mission as interim Director of State Courts, I carefully read the relevant statutes, ethics opinions, and cases to ensure I met the qualifications. I consulted numerous colleagues, attorneys, judges, about the challenges of our system — so that I bring more than my own experience," Skwierawski continued.

"And I consulted legal experts to ensure that as a judge, I could serve in this position. Based on all those conversations, and in large part on the ethics opinion by my former boss, Attorney General J.B. Van Hollen, I believe that serving as interim director is legally, ethically, and constitutionally sound."

"More than that, it is my honor and privilege to answer this call to serve the Supreme Court, the Court of Appeals, and our Circuit Courts, and to work alongside the hundreds of judges, commissioners, court reporters and staff members who strive each day to make real the promises of our justice system for the people of Wisconsin," Skwierawski added.

However, both conservative members of the Supreme Court and the Wisconsin Legislature disagreed and said it is illegal under Wisconsin law for Skwierawski to hold that position under Article VII, Section 10 of the Wisconsin Constitution and Wis. Stat. § 757.02(2).

Wisconsin Supreme Court Justice Rebecca Bradley was critical of Koschnick's termination, calling it an "abuse of power" that is "unprecedented and illegitimate."

"Political purges of court employees are beyond the pale. Four or five justices secretly voting on court matters without the court actually meeting breaches universal judicial norms. This abuse of power is unprecedented and illegitimate. It should be condemned by all judges," Bradley wrote.

Legal community reaction

Fond du Lac County District Attorney Eric Toney, who serves as president of the Wisconsin District Attorney's Association, also spoke out against the termination on social media, calling it "sad but unsurprising

considering the newest Justice campaigned on her political values. If this firing happens it could be the first step in a left-wing politicization of the court. This should concern all Wisconsinites and it makes the 2025 Supreme Court race crucial."

In an Aug. 3, 2023 letter obtained by the Wisconsin Law Journal, Speaker Robin Vos and Senate Majority Leader Devin LeMahieu said, "Judge Skwierawski cannot serve as the Director of State Courts until the expiration of her term in the Milwaukee County Circuit Court. Her appointment, effective August 3, 2023, was unlawful and should be rescinded. The constitution demands no less."

According to the letter, the Wisconsin Constitution art. VII, §10(1) stipulates, "No ... judge of any court of record shall hold any other office of public trust, except a judicial office, during the term for which elected."

Pursuant to Wis. Stat. § 757.02(2), the same prohibition states: "The judge of any court of record in this state shall be ineligible to hold any office of public trust, except a judicial office, during the term for which he or she was elected or appointed."

In other words, a judge or justice in Wisconsin is prohibited from holding another office of public trust unless it is a judicial office during their term. Skwierawski went from her role as a judge to holding the office of director of state courts.

Additionally, Wisconsin Supreme Court Rule (SCR) 70.01 (1) stipulates, "the director of state courts shall be the chief nonjudicial officer of the court system in the state."

Skwierawski retained counsel Matthew O'Neill.

In December of 2023, O'Neill issued a public statement condemning Koschnick's alleged violation of Wisconsin law.

"Judge Randy Koschnick violated Wisconsin law by publicly disclosing that he filed a complaint against Audrey Skwierawski with the Wisconsin Judicial Commission. Such complaints are strictly confidential, specifically to protect judges from baseless allegations of misconduct and to prevent the Judicial Commission's complaint procedure from being used for political purposes. That is precisely what Judge Koschnick did when he first publicized his complaint in August, and again when he publicly commented on the matter today," O'Neill wrote in a statement obtained by the Wisconsin Law Journal.

Koschnick disagreed.

"I have a right to talk about this. They have a right to respond. The First Amendment is designed in part, to keep government officials accountable," Koschnick said, noting, "I have not violated any statute or administrative code."

In January of 2024, the Judicial Commission considered a complaint alleging Supreme Court Justice Rebecca Dallet's administrative appointment of former Judge Audrey Skwierawski as interim Director of State Courts while on leave of her position as a Milwaukee County circuit court judge amounted to violations of the Code of Judicial Conduct, including SCRs 60.02, 60.03(1), 60.04(1)(b), 60.04(1)(hm), and 60.04(2).1



Sweet Home Alabama? Not So Much

Let me start with the good news (which seems to be in short supply right now): The Alabama Supreme Court decision on IVF does not apply in Wisconsin.

Given Gov. Evers' veto power and the makeup of the Wisconsin Supreme Court, it's not likely to be the law here anytime soon. For that matter, the decision does not even apply to Alabama anymore, as it was quickly reversed by legislation.

Still, the decision raises some interesting issues worth considering.

On Feb. 16, 2024, the Alabama Supreme Court ruled that embryos created through in vitro fertilization should be considered children.

The plaintiffs were three couples who underwent IVF treatment at a fertility clinic in Alabama. They became pregnant and gave birth to healthy babies. However, as is typical for IVF, several embryos were left over. These additional embryos were frozen and preserved by the fertility clinic.

In December 2020, a patient entered the fertility clinic's cryo-preservation unit and opened one of the tanks in which frozen embryos were stored in subfreezing temperatures. For unknown reasons, the patient put his hand in and grabbed some of the embryos, dropping and destroying them.

The Supreme Court of Alabama held that the Wrongful Death of a Minor Act applies "to unborn children who are not located in utero at the time they are killed." Essentially, the court held that life begins at conception.

While this was a civil lawsuit, the concept would have vast implications for family law and criminal cases as well. Just as one example, in a divorce case, if frozen embryos are children, the court would have to make custody/placement orders, as it is required to do so for all children. Worse, use of certain types of birth control that prevent implantation of a fertilized egg may be manslaughter. As may be the accidental dropping of embryos.

More disturbing than the chaos that would be caused by "life begins at fertilization" is the language employed by the court, to wit:

"We believe that each human, being from the moment of conception, is made in the image of God, created by Him to reflect His likeness. It is as if the People of Alabama took what was spoken of the prophet Jeremiah, and applied it to every unborn person in the state."

And:

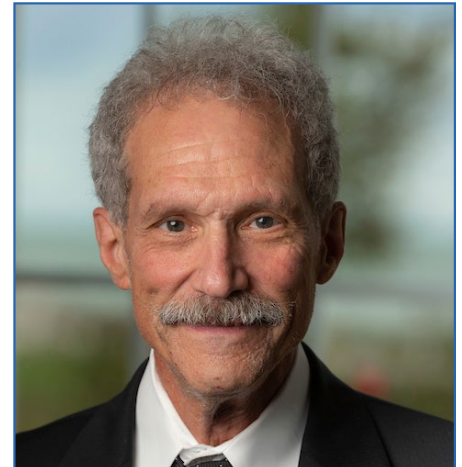
"Carving out an exception for the people in this case, small as they were, would be unacceptable to the People of this State, who have required us to treat every human being in accordance with the fear of a holy God, who made them in His image."

This language is even more scary than the holding itself (which is plenty scary). If you're keeping score at home, the court used the word "God" a total of 41 times in its decision. Whatever happened to separation of church and state? Maybe they thought they were an ecclesiastical

court as opposed to one who is supposed to dispense justice equally to all – including those who believe in a different god or, horrors, no god at all.

The end result of this episode is likely more political than legal. It's difficult to see any other state adopting this holding, and it didn't even last very long in Alabama. Politics is another matter, as it gives Democrats a talking point, in an election year where we already have a lot of shouting.

For us non-politicians? Well, despite the issues with our Legislature and Supreme Court, it sure makes me happy that I live in Wisconsin!



Gregg Herman is a neutral arbitrator and mediator at JAMS located in its Milwaukee office, specializing in resolution of family law disputes. A past chair of the ABA Family Law Section, Herman is a certified family law mediator, a senior Family Law trial Specialist by NBTA and an adjunct professor at Marquette Law School. He can be reached at gherman@loebherman.com or GHerman@jamsadr.com.

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State Bar Board displays ‘irresponsibility, buffoonery and ineptitude’



Milwaukee attorney Nick Zales serves as the District II Member of the State Bar of Wisconsin Board of Governors.

The budget discussion at the State Bar Board of Governors’ Feb. 23, 2024, meeting was an exhibition of irresponsibility, buffoonery and ineptitude.

I want to focus on our discussion of the Fiscal Year 2025 budget. Just months after giving away \$5 million and receiving nothing in return, we suddenly need more money! In an act of gross fiscal irresponsibility, we gave away millions to “protect” it and now are planning on raising our members’ dues again.

Not only that, we will go and beg the trust we gave the \$5 million to for \$200,000. Had we kept that \$5 million and put it in a bank account, at 5% interest we could be receiving \$250,000 a year in interest alone.

But no, we are receiving nothing from that \$5 million.

After years of being badgered at board meeting after board meeting that we had to raise dues, we accumulated a nice reserve of over \$6 million. Then suddenly, in January of 2023, we were told that we needed to “protect” our reserves.

From whom?

Various groups were named, and they kept changing. Maybe it was our members, or the Legislature, or some other group we were not

aware of. It was a phantom threat that arose seemingly from out of nowhere.

State Bar of Wisconsin Secret Group

In any case, without the knowledge, much less approval of, the Board of Governors, a secret group had been planning and spending our money for years to create a special purpose trust and place our members’ money in it. The board, which only learned of the plan after it was virtually fully formed, was prohibited from reviewing any of the draft trust documents outside of limited times at the bar center.

Under the guise of the attorney-client privilege, board members were prohibited from even discussing it outside of a board meeting until a few weeks before it was up for a vote. At the June 2023 board meeting, the trust plan was approved by one vote. Five million dollars was transferred from the bar’s control to that of a trust. In return, the bar received nothing.

I was not surprised that after giving away millions of dollars the bar would be coming after its members for more dues money. What surprised me was the gall of doing it and proclaiming it was the epitome of fiscal prudence. That paying only \$296 a year to

practice law was a wonderful bargain. The nonsense flowed freely.

First, lawyers do not pay only dues to practice law. They also pay assessments to the Wisconsin Supreme Court of about \$265 a year. That makes the real cost about \$565. The bar could have lowered dues by \$45 a year for five years and ended up fiscally in the same place we are now.

We could have fixed our aging website, offered discounted CLE, or offered free or discounted section memberships, like we did years ago. But no, we gave away money to “protect” it.

We were told that full disclosure of the trust, its trustees and initial finances would be provided to our members. It has not. Now we are like the beggar child in “Oliver” asking “Please, sir, I want some more.”

No business operates like this. Our members deserve better. Giving away large amounts of money and then turning around and saying we need more money is the height of fiscal irresponsibility. We had the money and gave it away. Now in April, we will vote on next year’s budget. I encourage people to contact their bar governors and tell them to vote no. That they are tired of dues increases that do not benefit them in any way.



Hayden Halter, then a freshman wrestler for Burlington High School, has his hand raised in February 2018 by a referee after his victory en route to the 106-pound state championship at the Kohl Center in Madison. (Amber Arnold/The Journal Times via AP)

Wisconsin Court of Appeals: WIAA acted arbitrarily and violated its own written appeal procedure

Steve Schuster

sschuster@wislawjournal.com

The Wisconsin Court of Appeals-District II has decided the Wisconsin Interscholastic Athletic Association (WIAA) acted arbitrarily and violated its own written appeal procedures regarding how an individual should serve a sanction. The result of the decision reinstated a 2019 state wrestling title for Hayden Halter.

Halter was represented by Milwaukee-based Halling & Cayo Shareholder Stacie Rosenzweig.

"We are pleased," Rosenzweig said, during an interview with the Wisconsin Law Journal. "Whenever you are appealing from something you didn't win at the (Racine County) Circuit Court, it always feels uphill. We are pleased we managed to get this good result.

"I think that this decision speaks well for the proposition that even rules pertaining to sports intended to be followed by children need to be enforced consistently

and not arbitrarily, and that's what this court decision has done," Rosenzweig added.

Stevens Point Attorney Brent W. Jacobsen at Anderson and O'Brien represented the WIAA. Jacobsen said he was unable to comment as the matter was still pending.

The Wisconsin Law Journal then asked Jacobsen since the Court of Appeals already reached a decision if what was pending was a further appeal before the Wisconsin Supreme Court. Jacobsen responded that he was unable to confirm or deny if the case was being appealed to the Wisconsin Supreme Court. He then deferred questions to the WIAA.

The Wisconsin Law Journal attempted to reach WIAA officials in late February, but no one was available for comment.

According to court documents obtained by the Wisconsin Law Journal, Halter and his father, Shawn Halter, appealed a lower court judgment in favor of the (WIAA).

The lower court initially ruled titles and points from a 2019 WIAA state wrestling tournament were revoked, following his suspension at a prior meet.

The dispute arose after Halter was ejected from the Feb. 2, 2019, Southern Lakes Conference meet following two unsportsmanlike conduct violations.

After conducting an evidentiary hearing in May 2021, the Circuit Court ruled in favor of the WIAA "in all respects," denying the Halters' motions for certiorari, declaratory judgment and a permanent injunction, according to court documents.

The Halters appealed the Circuit Court judgment, seeking reinstatement of Halter's 2019 wins and state title.

The Court of Appeals then ruled that the WIAA is a state actor with respect to this appeal because it is pervasively entwined with the state of Wisconsin.

Schuster wins top honor from Wisconsin Newspaper Association



A Wisconsin Law Journal (WLJ) and The Daily Reporter investigative article authored by WLJ Managing Editor Steve Schuster earned a first-place award on March 15 from the Wisconsin Newspaper Association in Madison.

The article investigated how a Department of Natural Resources permit to build a new Kohler golf course was fast-tracked by former Gov. Scott Walker, despite the discovery of Native American remains and wide-spread environmental impact.

A Wisconsin Law Journal investigation revealed Kohler Co. executives donated more than \$80,000 to Walker prior to his fast-tracking the permit.

Approximately four months after the article's publication, the Wisconsin Court of Appeals upheld the lower court's decision to deny Kohler Co. the wetland permit to build the golf course.

The newspaper association judges who reviewed Schuster's article said, "Love that investigative work led to the information in this report. The

reader also has a good idea of what is happening and what the impact of the story is high up, which is great. Not only that, but the story is written in an interesting way that pulls the reader through to the end."

The award marks Schuster's third in journalism; previous awards were received from the Maryland D.C. Press Association and the Midwest Broadcast Journalists Association.

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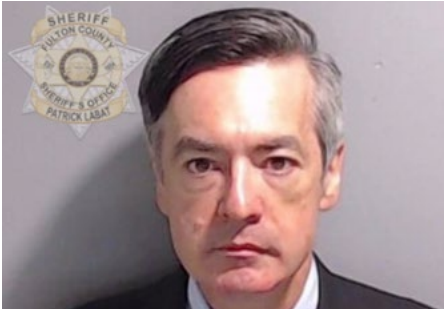
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Chesebro, Troupis settle in election interference case



Kenneth Chesebro mug shot from Aug. 23, 2023. (Photo courtesy of the Fulton County Sheriff's Office)

Steve Schuster

sshuster@wislawjournal.com

Two Wisconsin natives and attorneys who were allegedly central to a plot to overturn the 2020 presidential election have reached a settlement, a source familiar with the case told the Wisconsin Law Journal.

Kenneth Chesebro, who unsuccessfully attempted to void President Joe Biden's victory in seven states, and former Dane County Judge Jim Troupis, who led Trump's Wisconsin legal strategy, reached a settlement in early March.

Chesebro also unveiled 1,400 pages of legal documents never seen before by the public.

Both attorneys admitted no liability, but agreed to not engage in similar actions during

future elections, according to court documents obtained by the Wisconsin Law Journal.

"Under the terms of the settlement, Defendants Troupis and Chesebro are prohibited from participating in the execution or transmission of electoral college votes by presidential electors whose candidate has not been certified the winner under state law without an express provision indicating that the ballots are contingent on successful litigation that would change the outcome of the election in the state. The ballots, certified and transmitted by the 10 Wisconsin Trump-Pence electors in 2020, contained no such contingency, and were the basis for efforts to overturn the results on January 6," said Attorney Jeff Mandell, partner at Stafford Rosenbaum and Law Forward board president.

According to court documents, various communications including text messages and emails reveal how Troupis and Chesebro collaborated to what prosecutors have called "a multistate conspiracy to prevent Biden from taking office."

"The entire fake-electors scheme was conducted at highest level of the Trump administration, in an attempt to undermine a free and fair election in the state of Wisconsin," said Wisconsin Elections Commissioner Ann Jacobs during a phone interview with the Wisconsin Law Journal.

Others agreed.

"Troupis and Chesebro orchestrated an egregious and unprecedented scheme to undermine the will of the voters, in Wisconsin and beyond," said Mandell.

"This case was the first to seek accountability for those individuals who tried to overturn the will of Wisconsin voters. Through this litigation we have been able to reveal the details of the scheme and those who were responsible, to ensure this never happens again," Mandell said.

According to Mandell, the settlements with Troupis and Chesebro "come on the heels of a settlement in December with the defendants who acted as Wisconsin's fraudulent electors, whereby they also agreed to a number of restrictions, including to never serve as presidential electors or participate in the execution or transmission of electoral votes in any U.S. presidential election featuring Donald J. Trump."

Two Wisconsin (Democrat) electors, along with a voter, filed the 2022 lawsuit claiming Trump and his supporters conspired to overturn his electoral loss.

According to The Associated Press, Trump lost Wisconsin by less than 21,000 votes. However, as a part of the alleged conspiracy, the electors claimed he had won the state.



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Racine attorney has license suspended indefinitely

On Feb. 27, the Wisconsin Supreme Court ordered Racine Attorney David Patton's law license suspended indefinitely, according to court documents obtained by the Wisconsin Law Journal.

On Jan. 29, Patton filed a petition, pursuant to Supreme Court Rule (SCR) 22.34(11), for the indefinite suspension of his license to practice law in Wisconsin due to his medical incapacity, according to court documents.

The Office of Lawyer Regulation filed a memorandum in support of the petition under seal, summarizing Patton's medical incapacity allegations being investigated.

Patton said he is unable to defend himself against the medical incapacity allegations.

Patton's website has been shut down.

However, a cached copy of the Patton Law's website obtained by the Wisconsin Law Journal revealed Patton's practice ranged from defending sex offenders and domestic violence offenders to defending those accused of drug crimes and child abuse.

Kenosha County Eye reported Patton abruptly closed the doors to his law firm in October, leaving criminal defendants, family court litigants, employers of the firm and others in limbo.

Former Racine Council President John Tate, "liked (Patton) so much, that they gave him a government loan to buy a large office building in Racine. ... (Tate and the mayor) were present for the ribbon cutting, according to Kenosha County Eye.

The Milwaukee Journal Sentinel reported Tate, who later became the Wisconsin Parole Commission chair, was charged with felony public corruption. Those charges were dropped in April 2023.

According to the State Bar of Wisconsin, Patton's license has been suspended.

Principal confesses to teacher murder-for-hire plot

A school principal admitted he hired a hitman to kill a teacher he was having an affair with after discovering she was pregnant with his child, allegedly using school funds to pay for the murder, reports the New York Post.

Cornelius Green, the former principal of Carr Lane Visual and Performing Arts Middle School in St. Louis, Missouri, pleaded guilty to one count of murder-for-hire and one count of conspiracy to commit murder-for-hire for the 2016 killing of Jocelyn Peters, according to Law & Crime.

The St. Louis Circuit Attorney's Office

agreed to dismiss state murder charges if he was sentenced to life in prison on the federal charges.

Green had started an "ongoing romantic relationship" with Peters while he was married to another woman in late 2015, according to court documents.

On Feb. 29, 2016, Green sent Cutler a text message asking him to come from Oklahoma to Missouri at the end of March, to which Cutler responded, "Ok, that will work, u gonna b sending the paege (sic)," according to court records obtained by Law & Crime.

He had paid Culter \$2,500, funds which he allegedly stole from the middle school, to finalize the deal, the New York Post reported.

Wisconsin revokes attorney's license for mishandling trust funds

John Ifediora, a retired University of Wisconsin-Platteville professor and Madison attorney, had his license to practice law in Wisconsin revoked in January for professional misconduct.

Ifediora, a naturalized American originally from Nigeria and now living in Virginia, is also required to pay the full costs of the proceedings, which came to a total of \$12,305.23. According to court documents obtained by the Wisconsin Law Journal, Ifediora, who had his license suspended in 2016 for failing to comply with continuing legal education requirements, committed 11 counts of misconduct related to the handling of funds and one count of practicing law while his license was suspended.

After failing to receive his funds, Osita Anthony Aboloma, Ifediora's cousin, filed a federal civil lawsuit in U.S. District Court for the Western District of Wisconsin against Ifediora, USFP and others, seeking a refund of his investment money. Ifediora subsequently reached a settlement with all parties to pay back the funds.

In January 2020, Aboloma filed a grievance against Ifediora with the OLR. An evidentiary hearing was held in March 2023. The OLR representative found numerous aspects of Ifediora's testimony at the evidentiary hearing to be "incredible," according to court documents. For example, while Ifediora claimed he was merely acting as Aboloma's agent and not as his attorney, the OLR referee noted that in emails that Ifediora sent to Aboloma, he expressly said he was acting as his lawyer. The referee also found Ifediora represented himself to third parties as Aboloma's attorney.

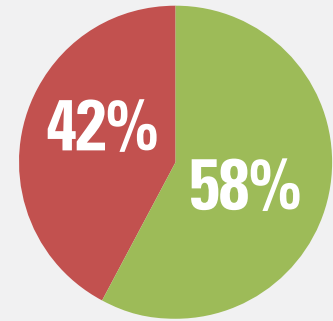


WHAT'S HOT

POLL

Should Hollywood and Nashville stay out of politics?

- Yes – 58 percent
- No – 42 percent



TOP FIVE TRENDING

1. Steven Avery's attorney Zellner files 'bombshell' Manitowoc motion
2. Steven Avery's legal team files appellate brief
3. Wisconsin Supreme Court justice issues dire warning, judge warns Democrats stifling First Amendment
4. Jessica Lynott announces candidacy for Racine County Judge
5. Milwaukee attorney loses law license in scathing Supreme Court decision



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