



## **2015 WSSFC Pre-Conference – Session 3**

# **If I Knew Then What I Know Now**

*Moderator:*

*Mark B. Hazelbaker, Kasieta Legal Group LLC, Madison*

*Panelists:*

*John B. Kiel, Law Office of John B. Kiel LLC, Salem*

*Christopher T. Van Wagner, Christopher T. Van Wagner S.C., Madison*

*Travis James West, PIA Anderson Dorius Reynard & Moss, Milwaukee*

## About the Presenters...

**Mark B. Hazelbaker** is an experienced litigator and counselor to small business and local governments in Wisconsin. Attorney Hazelbaker attended the University of Wisconsin - Madison, earning degrees in Journalism, 1979 and law, 1982. During law school, he worked as a Research Assistant in the UW-Extension, working with Wisconsin counties to implement the then-new Farmland Preservation Program. He also worked with the correctional officer training staff at UW Extension writing a handbook on jailer liability. While still in Law School, he worked as Executive Assistant to the Dane County Executive, assisting in budget and management analyses. He served as the Executive's liaison to the Cuban émigré community addressing the impact of the 1980 Mariel Boatlift in Dane County. Mark served the United Council of UW Students as Legislative Director from 1980-81. As lobbyist for UW students, he succeeded in persuading the Legislature to reduce planned cuts to the UW System by half, restoring many important programs for students. Mark clerked at a small Madison law firm, and subsequently was hired as the Legal Counsel of the Wisconsin Counties Association 1983 to 1986. While with the WCA, Mark led lobbying efforts to modernize county government by creating cabinet government at the County level. When controversy arose over implementation of Native American Treaty rights to off-reservation hunting and fishing, he was designated by the county officials in the affected area to represent them in the matter with the Department of Natural Resources and the Tribes. He also successfully led efforts to win approval of the ½ percent optional county sales tax in 1986 as a response to the loss of general revenue sharing. Mark moved to Manitowoc, Wisconsin to take a position with Manitowoc County as County Attorney and Personnel Director. He oversaw implementation of the sale of a county nursing home to private operators and successfully defended the sale in Court. He managed all legal and human resource matters for the County until 1989, when he was promoted to the newly created position of Administrative Coordinator of Manitowoc County from 1986 to 1992. He continued to act as County Attorney. Mark returned to Madison to enter private practice in 1992, working for large law firms for seven years before opening his own firm. In 2013, he joined Kasieta Legal Group, reuniting with Robert J. Kasieta, with whom he had practiced for several years. Attorney Hazelbaker has trained and advised local officials and is a frequent speaker at continuing legal education classes. He has continued to advise and work with student organizations throughout his legal career, including filing an amicus brief in the landmark *Southworth* case. His career experience includes hundreds of court trials and dozens of jury trials. His practice emphasizes small business and municipal law, but he is willing to put the breadth of his experience to use in a wide range of matters.

**John B. Kiel** started his legal career well into an earlier career as a professional firefighter. He graduated from the University of Wisconsin in 1992. Ever since, he has maintained a professional practice focused on labor and employment law, with an emphasis on representation of protective services personnel. Now retired from fire service, he has dedicated himself to the practice of law on a full time basis.

**Christopher T. Van Wagner** specializes exclusively in defending people accused of serious crimes & drunk driving. Chris has been named "Warrior of the Year" in Dane County and thrice awarded the Martin Hanson Advocate's Prize for winning acquittals in homicide cases. Attorney Chris Van Wagner has been an expert criminal law guest commentator on national TV shows, including *Nancy Grace*, MSNBC's *Dan Abrams*, and *The Today Show*. He regularly appears on Madison talk radio to hold forth on crime, guns and self-defense. Since graduating law school Mr. West has worked at both large and small law firms, where he learned to combine the fortitude he developed in the military with the trial skills necessary to become a successful litigator. Mr. West joined the firm of Pia Anderson Dorius Reynard & Moss in 2014, which has allowed him to offer the expertise and resources that clients have come to expect from large firms with the flexibility of a small firm. Mr. West has represented corporate and individual clients in complex business and commercial litigation, product liability litigation, regulatory actions, employment disputes, criminal, and collection matters. Although much of his practice focuses upon advocacy for his clients in court, he has also developed an expertise with assisting business clients with respect to corporate governance, commercial disputes, risk management, employment issues, and litigation avoidance.

**Travis James West.** Like most attorneys, Travis spent years in law firms big and small to develop the trial skills he needed to become a successful litigator. Unlike most attorneys, however, Travis also spent a few years as a member of the army's elite 75th Ranger Regiment. He is a highly skilled and experienced attorney with the character and discipline of an elite special operations veteran. Travis has represented corporate and individual clients in complex business and commercial litigation, product liability litigation, regulatory actions, employment disputes, criminal, and collection matters. In addition, a generous portion of his practice focuses on assisting fellow veterans with VA disability claims, using his litigation expertise to represent veterans before the Board of Veterans Appeals, Court of Appeals for Veterans Claims, and the US Court of Appeals for the Federal Circuit.

**WSSFC 2015 – OCTOBER 21, 2015**

**PRECONFERENCE SESSION 3  
“IF I KNEW THEN WHAT I KNOW NOW “**

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**FIFTEEN SIMPLE PRACTICE TIPS I WISH SOMEONE HAD TOLD ME  
WHEN I STARTED MY SOLO AND SMALL PRACTICE CAREER**

**1. *CALL EVERY SINGLE POTENTIAL CLIENT BACK IMMEDIATELY, REGARDLESS  
OF THE DAY OR TIME YOU GET THE CONTACT.***

- First impressions matter most.
  - Learned only after 5 years in a small practice.
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**2. *MAKE AT LEAST ONE RETURN CALL OR EMAIL TO EACH CLIENT OR LAWYER  
WHO CONTACTS YOU THAT SAME DAY. STAY AT THE OFFICE OR ON THE CAR  
BLUETOOTH UNTIL YOU DO.***

- Best insurance ever against an OLR allegation of non-communication.
  - Learned only after 12 years in private practice, FROM my car insurance claims adjustors' voicemails, NO LESS.
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3. *NEVER TAKE MONEY FROM SOMEONE YOUR GUT SAYS WILL MAKE YOUR LIFE AND YOUR PRACTICE MISERABLE. UNLESS IT'S A MILLION BUCKS.*

- Safest way to never plan a homicide. Or curse out a client who will use it against you.
- I have to re-learn this every 5 years.

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4. *IF THE POTENTIAL CLIENT IS CALLING YOU FROM ANOTHER TOWN WHERE THERE ARE LOTS OF GOOD LAWYERS, DOUBLE THE FEE QUOTE.*

- You will be in your car and on the learning curve far more hours than you think.
- Learned 25 years ago from a great boss who's now a CLEAN judge in Cook Co Ill.

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5. *IF THE CLIENT HAS PREVIOUSLY HAD A GOOD LAWYER, WAIT AT LEAST 24 HOURS BEFORE AGREEING TO TAKE THE CASE.*

- If this client either fired or lost a better lawyer than you, there is a reason.
- Learned from a mentor before I hung out my first shingle. Has never been wrong.

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6. *LOOK AT YOUR EXPENSES AND FINANCIAL SOFTWARE ONCE A MONTH.*

- I am never too busy to see where your money comes from and goes to. Cut. Cut. Cut.
- Learned after 5 years and only then from my one law partner, who had as good an eye for costs and revenue-generation as anyone in the business.

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7. *WHEN CASH FLOW IS DOWN, DOUBLE THE FEE QUOTE.*

- It works because people want a Cadillac, not a Rambler.
- ALSO learned from the one law partner I have ever had.

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8. *NEVER, EVER TAKE A CASE IN A PRACTICE AREA OTHER THAN MY OWN.*

- I went to law school 35 years ago. I do not want to go back. Refer. It pays you back.
- Learned the hard way from a ginseng case. As Nancy Reagan said, JUST SAY NO.

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9. DO NOT TOO QUICKLY GET “MARRIED” TO A LAW PARTNER.

- We all fall in love many times, but get married slowly and just once in a while.
  - This was sage advice from a mentor before going out on my own 25 years ago.
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10. AS OFTEN AS POSSIBLE, HANDLE INBOX ITEMS THE SAME DAY

- When I set an item aside for “later”, “later is always “later” than I meant. The pile never shrinks.
  - I force myself to remember this every week, and most mornings. My current habit is to stay until I have cleared it or, at the least, placed a post-it on it with the action.
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11. USE A SET TIME OF DAY FOR ROUTINE CLIENT CALLS AND MEETINGS.

- Mornings are my best hours for clear-headed work, so I only take emergency calls from clients in the morning. I formally schedule all non-urgent client callbacks for the late afternoon or evening, or when I am driving (which is a lot: 30k+ miles per year).
  - Taking unscheduled calls from existing clients just because they call allows them to run your practice – right into the ground.
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12. READ THE RULES, STATUES AND CASES BEFORE CALLING A MENTOR

- I always research a novel issue first, before calling my trust lawyer-advisers.
- Younger lawyers have taught me the hard way that no one (especially me) wants to give a 100-level seminar without also getting teaching credit. That is proven by the number of younger lawyers who have heard my bark for their failure to do so. some have worn out their mentoring welcome as a result.

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13. FIND AT LEAST 3 GOOD LAWYERS TO CONSULT, ESPECIALLY IF SOLO.

- Really great or creative ideas must be vetted or they can implode.
- When I first went solo in 1994, with no clients and little money, I made it a point to rapidly cultivate three of four consultation sources, so I could vet my ideas before running with a strategic scheme. You need different views and also need to spread around the work for those mentors.

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14. TAKE TIME BEFORE & AFTER COURT TO GET TO KNOW EVERYONE THERE.

- The Golden Rule applies double in courthouses. They talk about you after you go.
- Being mostly Irish, I have always been gifted with gab. And so I love to talk to people around the courthouse – bailiffs, clerks, clerical personnel downstairs. Asking a few things about a person leaves them liking you and, sometimes, accepting a filing that is a few minutes late. Never act as if you live in a class-oriented world.

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15. WISCONSIN IS ONE BIG SMALL TOWN WITH VERY BIG EARS.

- Not a single person in the legal community has seen drunk. None ever will.
- I did not attend law school here, but I DID have two law school roommates from Wisconsin: they taught me about heavy drinking. And day drinking. And morning drinking. And after bar drinking. And they are both millionaires. They are the lucky ones. You won't be and neither will I.

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