# The Bar Report

Executive Director's Report to the Board of Governors



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State Bar of Wisconsin Mission: We support our members in a dynamic and diverse society in delivering valued professional services, promoting access to justice and pursuing professional satisfaction.

# From the desk of ...



# Larry J. Martin, Executive Director



*"Be the catalyst for others to make a difference. Look around you and invite others to join you in your service. If each of us reaches out to one other person and invites them to serve us and join in the work of our profession and our communities, Imagine the impact."* 

-Michelle Behnke on Sept. 29, 2022, during the Wisconsin Law Foundation's Fellows Dinner where she was honored with the Charles L. Goldberg Distinguished Service Award.

Michelle Behnke is a leader among leaders. As a past president of the State Bar of Wisconsin (2004-05) and former treasurer of the American Bar Association, her commitment to pro bono work, teaching and leadership roles is legendary. Michelle has served in 17 positions within the State Bar, 23 with the ABA, 11 in professional service organizations, 17 on nonprofit boards, and four on corporate boards, over her professional career.

Her exceptional leadership qualities have long been recognized, and I'm thrilled to see her nominated for the presidency of the American Bar Association in 2025. Michelle's journey exemplifies the impact of service, and we're proud to call her a dear friend and one of our own. Let's offer her our full support and best wishes as she pursues this critically important national office.

With Michelle as a role model, we also need to keep focused on identifying, mentoring and supporting our next generation of leaders. The State Bar and the Wisconsin Law Foundation focuses on leadership training to develop these leaders though the *G. Lane Ware Leadership Academy and the State Bar Leadership Summit.* I encourage you to learn more about these programs and consider joining me in donating to a campaign to expand and enhance these critically needed programs. Learn more about our efforts on page 12 to raise additional funds by March 31, 2024.

Please continue to stay well, and, as always, ever forward!

## Larry

#### In case you missed my recent columns in *Wisconsin Lawyer*<sup>™</sup> magazine

- Guardians of the Rule of Law: It took a visit oversees to bring home the significance of our own democratic rights and how important and fragile democracy is.
- Paralegal Certification Program Expands Access to Justice: Wisconsin lawyers can help themselves, their practice, and the public by encouraging paralegals to become certified. (January 2024)



#### Board of Governors' Meetings

- April 12, 2024: State Bar Center, Madison
- June 19, 2024: Hyatt Regency, Green Bay

### **Upcoming Webcast Replays**



- Step-by-Step Estate Planning II 2024 Webcast Seminar (6.5 CLE)
- Effective Legal Writing 2023 Webcast Seminar (3.5 CLE)
- Forensic Justice Institute 2024 Webcast Seminar (8 CLE/1.5 EPR)

For all in-person CLE seminars and conferences, visit Marketplace.



Educate: We're Developing Skilled Legal Professionals

#### PINNACLE Updates

Discover the latest updates in Wisconsin legal literature with the newly revised versions of *Wisconsin Condominium Law Handbook* and *Wisconsin Discovery Law & Practice*, accessible in print and online. Additional revisions are planned for Fiscal Year 2024, including a new 2<sup>nd</sup> edition of *Minor Guardianships of the Person: Wisconsin Children's Court Practice and Procedure* coming later this winter.

Conveniently access most PINNACLE<sup>®</sup> titles (with some exceptions) in print and online through **Books UnBound**<sup>™</sup> providing access by phone, tablet, or laptop, from virtually anywhere.

Questions? Contact Publications Manager Carol Chapman.

#### AMC: All Roads Lead to Titletown!

Mark Your Calendars: June 19-21, Hyatt Regency & Ki Center, Green Bay

Join your colleagues and judges from around the state to connect, learn and relax together at the largest State Bar gathering of the legal profession!

**The Opening Plenary:** Technology has never changed as quickly as we are presently experiencing with artificial intelligence. As a result, this year's opening plenary will



Judge Scott Schlegel, 5th Circuit Court of Appeals Louisiana, is the AMC Opening Plenary speaker.

focus on Artificial Intelligence and its impact on the legal

profession both in the courts and in law firms. Both speakers come from a place of familiarity with technology and AI, understanding the risks involved, and awareness of ethical considerations.

Judge Scott Schlegel is considered a technology pioneer in Louisiana's courts and is recognized for his work in creating one of the most technology-advanced courts in the country for delivering justice online.

He currently serves as Chair of the Louisiana Supreme Court Technology Commission among several other court-related committees and task force groups. He is presently serving on the Advisory Council of the ABA Task Force on the Law and Artificial Intelligence.



In 2021, Judge Schlegel received the Annual William H. Rehnquist Award for Judicial Excellence, one of the highest judicial honors in the country, given by the National Center for State Courts.

He was also recognized in 2021 by the ABA as a Legal Rebel, a designation given to 10 individuals in the legal profession who helped bring change in the judicial system by establishing a blueprint for courts to better serve the public.



Prof. David Kemp Rutgers Law School



Meg Bucaro Communications Strategist

**Prof. David Kemp** is an adjunct professor at Rutgers Law School teaching courses in Critical Legal Analysis, Professional Responsibility, lawyering skills courses, and upper-level legal writing.

He teaches a two-week intensive summer course for law students on how to use ChatGPT and generative Al tools effectively in law firms.

The combination of his experience in legal writing, professional responsibility and critical legal analysis has provided him with great insight into harnessing artificial intelligence.

Prof. Kemp will be conducting a separate breakout session on the practical aspects of using AI in your law firms including how to form queries, how it can be safely used, and how to incorporate it into your practices.



*Join us in Titletown for a taste of green and gold at our not-to-be-missed legendary "Lawyers at Lambeau" event, Thursday, June 20.* 

**Closing Plenary**: Meg Bucaro is a communications strategist passionate about empowering people to perform at their highest level by communicating with power and influence.

Ms. Bucaro has served as a Professor of Communications for 19 years and has been a part of the Northern Illinois University Faculty.

She has coached and trained a variety of legal professionals. She's worked with lawyers regarding courtroom testimony and presentations skills, including body language and non-verbal language; she has created communications training and refreshers for law enforcement professionals; and she has coached candidates running for election on effectively communicating with voters.

Look for more information on registration and CLE topics in InsideTrack

**FEBRUARY 2024** 



Groups: We're Working Together for the Common Good

#### Section Reports

The **Bankruptcy**, **Insolvency & Creditors' Rights Section** is hosting its Annual Educational/Social Retreat at the American Club in Kohler, Wisconsin on Feb. 29 and March 1. Attendees will interact with Wisconsin bankruptcy judges, get updates on recent legal developments through the National Case Law Update and participate in CLE sessions covering topics like Trends in Financial Distress, CH 13: Issues, Small Business Insolvency Dilemmas, and Tax Questions Answered.

The Indian Law Section created a Legal Education Scholarship for any law student that will continue practicing in Indian Law upon graduation. Applications are accepted until March 1, 2024. Information: Christine Casey, section coordinator.

On Feb. 8, The **International Practice Law Section**, in collaboration with the Madison International Trade Association, hosted a CLE on "Avoiding Pitfalls in Trade and Business Transactions with Turkey." The featured presenter was Dr. Vahit Bicak from Bicak Law Office in Cankaya, Turkey.

The Labor & Employment Law Section resumed their luncheon series on Feb. 21. Topics included recent National Labor Relations Board (NLRB) developments, with a focus on the scrutiny of separation agreements in the wake of the NLRB decision in *McLaren Macomb.* Additionally, the session addressed the heightened scrutiny of handbook policies following the NLRB decision in *Stericycle, Inc.* The program also provided an update on the NLRB's joint employer rule.

On Friday, Jan. 12, **the Section Leaders Council (SLC)** gathered to gain insights from Judge Kori Ashley about the Diversity Inclusion Oversight Committee, recognizing the significance of diversity in Sections, and navigating challenging conversations. President-elect candidates spoke to SLC

members regarding the importance of mental health and diversity, and outlining their plans to incorporate these priorities if elected president-elect. Group discussions centered on re-engaging Section members, exploring potential section benefits and optimizing current benefits.



Judge Kori Ashley

#### Division Reports

**Nonresident Lawyers Division** members potentially impacted by disasters in Rhode Island, Tennessee, and Maine in January and February received emails from the State Bar with offers of assistance through the Practice 411 and WisLAP programs.

The **Young Lawyers Division** (YLD) 14<sup>th</sup> Annual Young Lawyers Conference is set for March 8, 2024, at the Monona Terrace Community and Convention Center in Madison. Open to YLD members and law students, the conference offers a day of educational programming developed to address common questions and concerns raised by young and new lawyers. Awards for Outstanding Mentor and Outstanding Young Lawyer will be presented, followed by a networking reception. **Register here.** 

#### Committee Reports

**Bar Relations Committee:** The Rural Practice Subcommittee is launching the **Rural Practice Clerkship Pilot** in summer 2024. Twenty-five first- and second-year law students from Wisconsin and Minnesota have applied to be in the program to date, with 10 employers offering clerkships. Learn more: Contact Member Engagement Manager **Kim Burns.** 

**Diversity Inclusion & Oversight Committee (DIOC):** More than 40 lawyers gathered at the Italian Community Center in Milwaukee for the State Bar of Wisconsin's 2023 Diversity Counsel Program on Monday, Dec. 4, 2023. Read more about it in *InsideTrack*.

**Leadership Development Committee:** The G. Lane Ware Leadership Academy, Session 3, is set for April 19-20. The following topics will be covered:

- Addressing Sensitive Topics
- Leadership and the Impact of Emotional Intelligence
- Leadership Skills in Your Community
- Changing the Culture of the Legal Profession
- State Bar's Direct Services and What They Can Do For You



Sherri Charleston, J.D., Ph.D., Harvard University's first chief diversity officer, gave the keynote address at the State Bar's Diversity Counsel Program on Dec. 4, 2023.

Participants will give their individual presentations. The program concludes with lunch and the keynote speaker, the Hon. Maxine Aldridge White, Chief Judge of the Wisconsin Court of Appeals.

**Diversity Clerkship Program (DCP):** Twenty-one employers will be paired with 23 law students from U.W. and Marquette law schools this year. The Wisconsin Dept. of Justice is offering multiple clerk-ships.

Law Student Outreach: "Just the Facts," a law student associate member newsletter, published in December. Check it out here!



## Lobbying For Increased Judicial Security, Expungement Reform

The legislature's return to work after the holiday break began at a rapid pace and has been dominated by swift legislative action on several bills being actively supported, opposed, or monitored by the State Bar and its lobbying Sections.

On Jan. 16, AB 965, 966, and 967 (SB 926, 927, and 928) were introduced by Reps. Tusler (R-Harrison) and Stubbs (D-Madison), and Sens. Wanggaard (R-Racine) and Taylor (D-Milwaukee), who has since resigned. These bills were designed to help protect judges, increase court security, and prevent acts of violence or intimidation from interfering with the judicial process. AB 965 will create penalties for picketing at a judge's residence. AB 966 will protect the privacy of personal information of judicial officers, and, similarly, AB 967 will exempt judicial security profiles from public access. The State Bar supports efforts to protect judges and other judicial



*On Jan. 24, 2024, President Dean Dietrich testified before the Assembly Committee on criminal justice and public safety.* 

#### Help Us Educate Lawmakers

The continued support and voice of our members is critical to educating lawmakers about issues that impact the legal profession and access to justice.

All State Bar Governors are encouraged to **send a message** on priority issues, and to encourage your colleagues and constituent State Bar members to do the same. If you have already sent a message, we encourage you to send a follow up. officials, and on

Jan. 24, President Dean Dietrich testified before the Assembly Committee on Criminal Justice and Public Safety in favor of the bills.

In past legislative sessions, expungement reform (AB 37 and SB 38) struggled to gain enough traction for a vote in the state Senate. This session, AB 37 had a public hearing and was unanimously recommended for passage by the Assembly Committee on Criminal Justice and Public Safety on Jan. 17. The bill has yet to receive a committee vote in the Senate. Time is running short for a chance at passage before the legislature wraps up its business in late March.

Other grassroots advocacy highlights over the past months included a presentation on understanding and engaging in the legislative process with the Sheboygan County Bar Association in January.



#### Facilitate: We're Helping the Public Access the Legal System

#### Consumer Protection Update

The State Bar's **Fee Arbitration Program**, overseen by the Committee on Resolutions of Fee Disputes, offers an affordable and efficient dispute resolution service for lawyers and clients in Wisconsin. Trained volunteer arbitrators assist in resolving disputes over attorney fees.

Before arbitration, both parties are required to complete an application. Recently, the application was revised to enhance clarity on the program fee, timeline, and specific details of the fee dispute. Overall, the application has been streamlined so that consumers may more easily complete the application.

**The Wisconsin Lawyers' Fund for Client Protection** (WLFCP) is designed to provide reimbursement to clients who have incurred financial losses due to the dishonest conduct of their attorneys. Between Dec. 1, 2023, and Jan. 22, 2024, WLFCP processed 20 new claims from consumers.

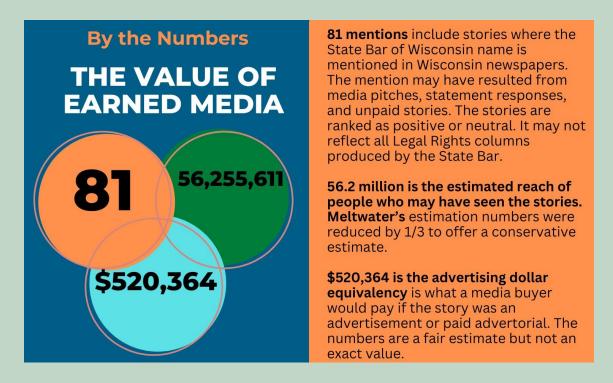
#### Lawyer Referral & Information Service At a Glance



#### Helping the Public Understand Legal Issues

Know Your Legal Rights, a bimonthly legal newspaper column written by members of the State Bar and distributed by the Wisconsin Newspaper Association, appeared in newspapers 16 times between Dec. 1 and Feb. 5, 2024. Stories included:

- Is Your Online Shopping Secure? Protect Yourself with These 8 Tips (Z. Usman, Usman Law)
- New Year, New Legacy: 6 Resolutions for Smart Estate Planning (Sydney Shaffer, Schott, Bublitz & Engle, PC)
- Decoding Medicaid for Your Long-term Care Needs (Ben Wright, Wright Elder Law)
- The Role of Lawyers is No Laughing Matter (Dean Dietrich, Weld Riley, S.C.)



Why is earned media important? Educating the public about legal issues is one of the purposes of the State Bar as an organization. Media placements also allow the State Bar to showcase members as leaders, emphasizing the value of hiring lawyers and their contributions to the communities they serve.

#### Facilitating and Promoting Media Coverage

The State Bar was involved in the following media stories:

- Wisconsin Law Journal: Suing over Facebook comments. Is Wisconsin Next?
- Cap Times. Is 75 to old to be a Wisconsin judge? These legislators think so.
- Associated Press and 41 other Wisconsin media outlets: Lawsuit alleges State Bar of Wisconsin minority program is unconstitutional.

#### New Social Media Civics Campaign

The State Bar aids the courts in educating the public about the legal system. To this end, Public Relations has created a new Civic Connect public information campaign about the Spring Primary Election on Feb. 20. Plans also include a campaign on the fall election, democracy, working with government, and combatting misinformation. If you see future posts, please feel free to share. Questions? Reach out to Mike Wiltse, public relations manager.

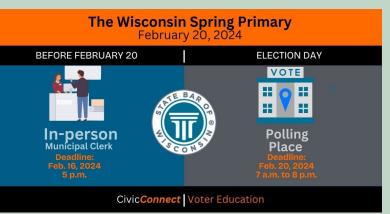
Educating Voters: What is a spring primary election?



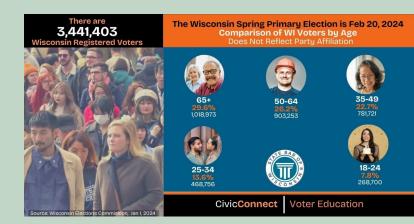
Directing voters to resources on local candidates and ballot issues



# Informing voters to key registration dates



#### Providing voter information



## Fueling Tomorrow's Leaders: Join the Wisconsin Law Foundation's Call for Support



*The 2023-24 G. Lane Ware Leadership Academy Class* 

As one generation prepares to retire, it is critical to develop the next generation of leaders who will step up and serve.

The Wisconsin Law Foundation is seeking your financial help in growing critically needed funds in support of the Law Foundation's *G. Lane Ware Leadership Academy.* To meet our obligations, we need to add \$16,818 to our endowment by March 31, 2024.

A few years ago, the Law Foundation created an endowment fund to support leadership development

programs at the State Bar of Wisconsin. The very first contribution came from a gift Lane Ware designated in his will.

With the fund's establishment, two programs were created: the G. Lane Ware Leadership Academy and the State Bar of Wisconsin Leadership Summit. Both programs focus on identifying up and coming leaders in the legal profession, and providing them the skills, resources, and connections needed to step into leadership roles in their communities and local bars, as well as the State Bar.

Since their inception, 366 lawyers have participated in these valued programs. Almost all have gone on to volunteer with their local and State Bar and become involved in the civic life of their communities. Many have served on State Bar committees, boards and on the Board of Governors, including as officers. In addition, numerous nonprofit organizations have benefited from their leadership.

Our leadership development efforts have been highly successful. But like everything else, it takes resources to sustain these efforts.

The Law Foundation is actively soliciting current and past State Bar leaders to support this Important cause. We hope you will consider making a donation that can be added to a permanent endowment that will fund our efforts into the future. Any amount you give will be greatly and deeply appreciated. To donate, visit wisbar.org/wlfdonate.



Help Grow Our Next Generation of Leaders!

# G. Lane Ware Leadership Academy

We need to raise \$16,818 <sup>By</sup> March 31, 2024

Any donation received will be added to our permanent endowment

#### Wisconsin Law Foundation Continues to Grow



It took 62 years, but in 2013 the Law Foundation, hit the \$1 million mark in assets. Now, ten years later, the Wisconsin Law Foundation has grown to assets exceeding \$3 million. This is a great achievement. However, there is a need to continue funding important programs as the Foundation caps annual grants at 4 percent of the corpus to ensure financial sustainability for future grants.

The Law Foundation's impact continues to grow exponentially, thanks to your continued support. This has empowered us to fund programs like mock trial, leadership development, and diversity

efforts, as well as grants to worthy programs promoting law-related education and public service programs across Wisconsin.

To the thousands of State Bar of Wisconsin members who have stepped up and supported their foundation, THANK YOU!

#### Six Easy Ways to Give to Your Law Foundation

- Donate online at wisbar.org/wlfdonate
- Mail a check: Wisconsin Law Foundation, 5302 Eastpark Blvd; Madison, WI 53718-715
- Call us: (608) 250-6171 or (800) 444-9404 ext. 6171
- Check the box on your State Bar mileage reimbursement form
- Designate a donation via your State Bar Author/Speaker reimbursement.
- Use your phone camera to scan the QR code:
  - To scan the code, open the camera app on your phone, then point the camera at the QR code and a banner will appear.
  - When you tap the banner, it opens the donation webpage on WisBar.org.







Cultivate: We're Planning Together for the Future

#### Providing Ethics Guidance

The Ethics Program provides guidance regarding Wisconsin's Rules of Professional Conduct for Attorneys. Ethics Counsel Tim Pierce delivered nine presentations, two were PINNACLE productions., between Nov. 7, 2023, and Jan. 22, 2024. A sampling includes:

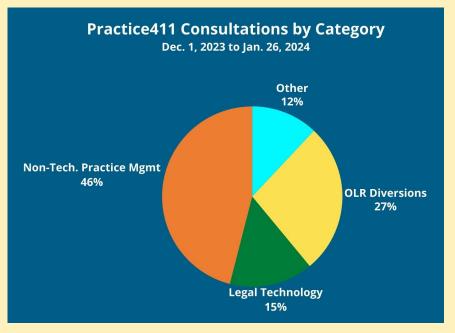
- "Guardian Ad Litem" (PINNACLE)
- "Conflicts in Representing Business Entities" (PINNACLE)
- "Fee Agreements in Shifting Cases"
- "Confidentiality in Estate Planning"
- "Responding to Online Criticism"

In December, the Standing Committee on Professional Ethics met Dec. 5, 2023, and Ethics Counsel contributed an Ethical Dilemma to *Wisconsin Lawyer,* "Dilemma: CLE Shenanigans May Constitute Dishonest Conduct."

#### Practice411: Guiding Law Practices with an Eye on the Future

Practice 411<sup>™</sup> activities included:

- A virtual Practice Management Roundtable to discuss recent announcements from legal technology companies regarding artificial intelligence (AI) integrations. Topics included how law firms are addressing use of AI, and a review of AI guidance from government entities, courts, and bar associations.
- The annual Practice Management Roundtable Holiday gathering, which was well attended.
- A survey to gauge feedback and input on the Practice Management Roundtables and suggestions for future roundtable discussions. The survey included members of the Practice411, the Solo/Small Firm and General Practice elists.
- A presentation on "Cybersecurity in the Law Office: Updates, Best Practices, and Technology Competence" to staff at the Office of Lawyer Regulation.



Practice411 continues to offer confidential member consultations. Consultations related to "Nontechnology Practice Management" made up the most frequent consultation category at 46 percent.

**About Practice 411:** The State Bar's Practice411 Practice Management Program helps lawyers improve their efficiency and effectiveness in delivering legal services and implementing systems and controls to reduce risk and enhance client relations. It provides members with resources and support in managing their law practice.

#### WisLAP: Advancing Mental Well-being in the Legal Profession

WisLAP continues to fulfill its vital role in supporting members dealing with workplace or personal stress, life changes, challenges, and mental health and substance use concerns. Additionally, WisLAP collaborates with the Board of Bar Examiners and the Office of Lawyer Regulation to offer monitoring to attorneys at risk of suspension.

The WisLAP Committee met on Dec. 6, 2023, in a hybrid meeting format, introducing Amber Ault, Ph.D., MSW, as the new WisLAP manager and initiating planning efforts for 2024.

WisLAP staff activities in December and January included:

- Writing an article, "What Lawyers Need to Know About Mental Health Therapists" (InsideTrack)
- Producing a story, "Staying Balanced When the World is Off Kilter" (Just the Facts Law Student Newsletter)
- Writing and publishing the Dec. 2023 WisLAP newsletter, wellNEWS.
- Participating in a Senior Lawyers Division CLE seminar
- Arranging CLE programming focused on law-related mental health topics across the state, catering to local bar associations and professional organizations.



*Save The Date!* May 31, 2024

Mental Health Literacy For Lawyers

*Understanding and Helping Your Clients During Difficult Times* 

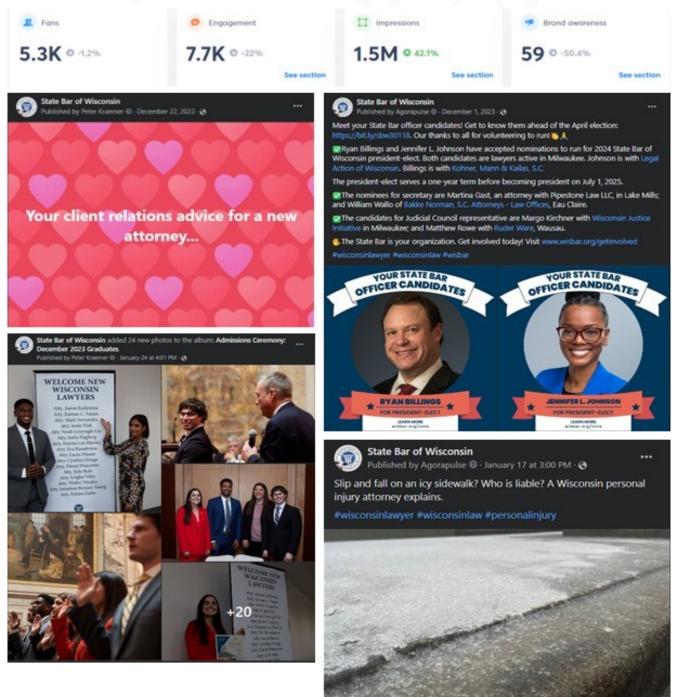
Daylong seminar @ the State Bar of Wisconsin

# Social Media: A Look at Top Content

Increasingly, our members engage with the State Bar and each other through our social media channels. Join the conversation; connect with us on Facebook, Twitter (@statebarofwi), LinkedIn, and Instagram (@statebarofwi). Here are some recent metrics and examples that demonstrate how social media plays a role in advancing our mission.

#### Facebook

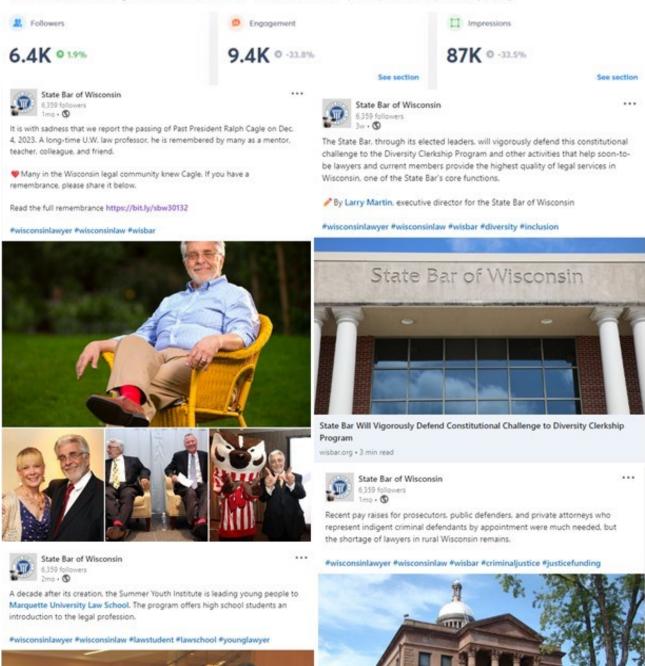
Posts and metrics from Nov. 12, 2023 - Jan. 25, 2024 (compared to period prior)



CBSSB.COM Who is liable if you slip, fall on icy sidewalks? Local personal injury attorney explains answer

### LinkedIn

Posts and metrics from Nov. 12, 2023 - Jan. 25, 2024 (compared to period prior)





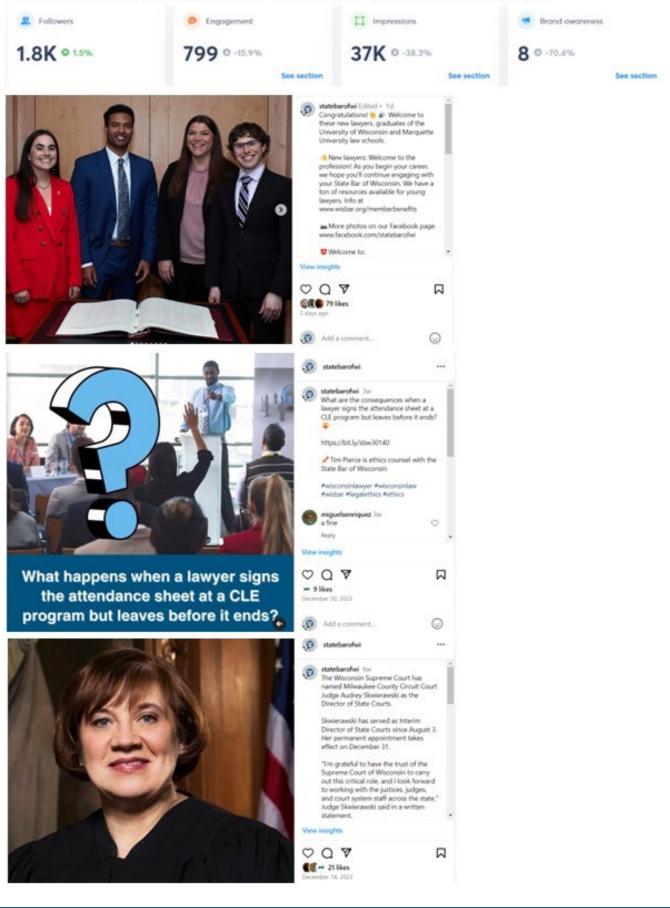
'We're Here Now' | Marquette Today today.marquette.edu • 7 min read



Despite Pay Raise, Attorney Shortage Still a Problem in Rural Counties wisbacorg + 9 min read

#### Instagram

Posts and metrics from Nov. 12, 2023 – Jan. 25, 2024 (compared to period prior)



### Larry is on Twitter!

Larry Martin is actively engaging with members and thought-leaders on Twitter (@LarryJMartinED). Connect with him! A selection of his recent tweets are below.



State Bar of Wisconsin @ @StateBarofWI - Dec 27, 2023 Regardless of political affiliation, lawyers have a vital role to play in educating the public about how elections and governing work in the U.S.

bit.ly/sbw30138

Nean R. Dietrich, president of the State Bar of Wisconsin

#wisconsiniawyer #wisconsiniaw #civics #legaled



#### On Supporting Civic Education:

Having knowledge about the law ... is an advantage for lawyers but not if other people do not care about how governments function and the reasons for a democratic society. DEAN DIETRICH

PRESIDENT, STATE BAR OF WISCONSI

1 Larry J. Martin reposted

Odalo J. Ohiku @OdaloJOhiku - Nov 28, 2023 -Need an idea for a holiday gift? I wrote a chapter in a recently published book titled Reduce Your Risk: A Guide to Personal Safety and Security for the Legal Community. My chapter is about personal safety in your workplace. It is a thoughtful gift. markstplace.wisbar.org/Books/PINNACL



THE BAR REPORT

## Twitter

#### Posts and metrics from Nov. 12, 2023 – Jan. 25, 2024 (compared to period prior)

Promote

Promote

State Bar of Wisconsin 🥥 9

onsinLaw provides some protections against adverse employment actions for employees who have disabling illnesses or conditions that affect their work. A recent Court of Appeals case demonstrates that employers must act in good faith when employees request disability accommodations in the workplace.

1:03 PM - Jan 19, 2024 - 165 Views



State Bar of Wisconsin 😋 @StateBarofWI

Have a paralegal? A Wisconsin lawyers can help themselves, their practices, and the public by encouraging them to become certified.



9:00 AM - Jan 21, 2024 - 124 Views



State Bar of Wisconsin 🥏 @StateBarofWI



Is Modification of Custody or Placement a Remedy for Contempt?





lyLaw attorneys: Understand the key components of #divorce and be prepared to address common scenarios. Register now 👇

Stafford Rosenbaum @Stafford\_Law - Jan 25

#Attorney Amy Collins O'Hara presents on #divorce terms, jurisdictions, alternatives to #court & an overview of property division, maintenance & children's matters-tomorrow @StateBarofWI's "Handling a Basic Divorce 2024.\* Read more & register: staffordiaw.com/blog/family-la... #familylaw





Becoming a Great Negotiator: 6 Tips for Lawyers

David W. Simon (@FoleyandLardner) & John Burrows (@UChicago)

Promote

