

# TRI-COUNTY BAR

Buffalo, Jackson, Pepin & Trempealeau

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## TRICOUNTY BAR NEWS

A flashmob of Occupy Durand, a movement attempting to shed light on legal excess and greed, will spontaneously assemble on Friday, January 13, 2012 at Club 10, Durand.

(For those over 30, a flashmob is a group of people who assemble suddenly, perform an unusual and seemingly pointless act for a brief time, then disperse. That sounds like the TCB. Flashmobs are organized via social media, or viral emails. However because no one in the TCB knows how to Twitter, word about this flashmob is being spread by this newsletter.)

“We need signs,” argues TCB President Hillestad. “How can we have a protest movement without really cool signs?” Here are some of the movement’s demands:

- Holding the large law firms accountable for stealing TCB attorneys and destroying families and communities, or at least making them feel really, really guilty about it.

- More hours in the day or,

alternatively, fewer hours of work.

- Shorter, or less frequent newsletters.
- A TCB participant in *Dancing with the Stars*.
- Cheaper and more readily available beverage of choice.
- A better list of demands so that we can make up more interesting signs.

For those who need a break from protest, lunch is available from the menu. The program begins at 1:00 pm and the business meeting is at 4:30, followed by dinner and a program.

Club 10 is cleverly located on State Highway 10 between Mondovi and Durand, at W4570 US Highway 10, Durand. Bring your bowling balls.

Attorneys Paul Millis and Mark Skolos have joined the Eau Claire law firm of Weld, Riley, Prenz & Ricci. Millis and Skolos previously practiced law out of their Black River Falls office. The two firms have merged, and the Black River Falls office will serve as a satellite location for Weld, Riley, Prenz & Ricci. Millis and Skolos will work out of both locations, serving existing clients and Weld, Riley, Prenz & Ricci clients.

Nick Heike joined Ruder Ware in Eau Claire, leaving the Mondovi practice of Seifert and Schultz in December. His main focus will be in estate planning, probate, and trust administration. He will be missed as a regular part of the Buffalo County Bar. He will be resigning as Treasurer for the TCB, before the audit is complete.

The Board of Bar Examiners approved 4 CLE credits for the 2011 Winter meeting in Black River Falls for those who were paying attention. They know. They have a naughty list, just like Santa.

Why is this issue so slim?



1. The Court of Appeals and Supreme Court took the entire fall off from issuing opinions, or;
2. I took the entire fall off from reading them, or;
3. There was nothing particularly interesting in the opinions that I did read, or;
4. I didn't understand anything I read so I just ignored them.
5. All of the above

Anyway, it is good for you. Not much boring stuff here.

## CIVIL

**CAP ON STATUTORY ATTORNEY FEES** Certain statutes permit the prevailing party to be awarded attorneys fees, such as landlord tenant security deposit claims, consumer act claim, false advertising, lemon law etc. 2011 Act 92, effective 12-21-11, created a presumption that when statutes permit fee shifting, attorneys fees should be no more than three times compensatory damages.

**VENUE IN ACTIONS AGAINST THE STATE** 2011 Act 61 makes changes to the venue statute for actions in which the sole defendant is the state, any state board or commission, or any state officer, employee, or agent acting in an official capacity. Those actions had been venued in Dane County; under Act 61 those action are venued in the county

designated by the plaintiff, except for actions commenced by prisoners.

**INTEREST RATES ON CIVIL JUDGMENTS** Effective 12-2-2011, 2011 Act 69 changed the interest rate on civil judgments from the current annual rate of 12% to a rate equal to the prime rate plus one percent. The interest rate is adjusted twice each year.

**PARTNERSHIP MAY FILE NUISANCE ACTION** Individuals who operated as partners in a farm partnership that owned the real estate, and the shareholders of the farm corporation that operated the dairy operation had a "possessory interest" entitling them to private nuisance damages in a stray voltage case. The Court rejected the argument that the individuals were merely 'representatives' of the corporation. *Bollant v. Scenic River Energy Co.*, No 2010 AP 1758

## MUNICIPAL

**LIQUOR LICENSE DESCRIPTION SUFFICIENCY** In 2004 a liquor license was issued to the "Wisconsin Dolls Resort, 4179 State Highway 13, All 8 acres of the resort" and then renewed three times. In the fourth renewal, the town voted to issue the license if the application was amended to restrict the premises

to the main bar building and storage area. The business appealed alleging that removing "all 8 acres" from the license was a revocation requiring certain statutorily prescribed reasons. The Court of Appeals affirmed the town finding that "all 8 acres" did not sufficiently describe the premises where alcohol would be served and therefore was void. *Wisconsin Dolls LLC v. Town of Dell Prairie*, No. 2010 AP 2900.

## FAMILY LAW

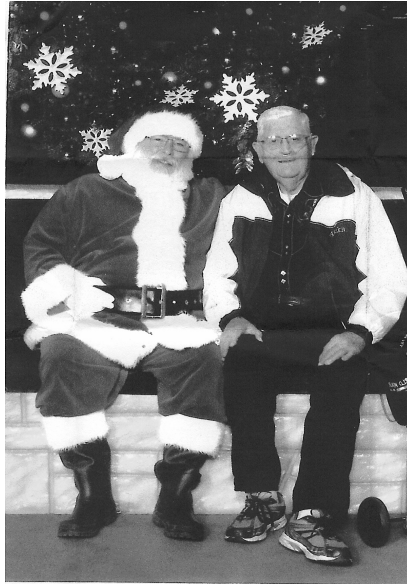
**POWER OF ATTORNEY FOR CHILD CARE** 2011 Act 87 creates a power of attorney procedure by which a parent may, without court involvement, delegate to another person, for a period not to exceed one year, most of his or her powers regarding the care and custody of their child, effective 12-9-11.

## MISCELLANEOUS

Denver Judge Claudia Jordan caused panic in her court when she passed a note to her clerk that read: "Blind on the right side. May be falling. Please call someone." The clerk rang for emergency help. Informed that paramedics were on the way, the judge pointed to the sagging Venetian blinds on the right side of the room. "I wanted someone from maintenance," she said.



Randy Morey, retired Mondovi attorney, is now living as a survivalist in a mountain cabin somewhere in Montana. He claims he is the one on the right. You decide.



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Jaime Duvall, Editor.

