

# The Reasonably Prudent and Competent Lawyer

**In a recent column, I wrote about the satisfaction I experience in solving clients' problems. I think it is now appropriate to address solving our own problems.**

BY DAN D. GARTZKE

I've heard the phrase "give yourself grace" the last few years, including on the Bottom Up Podcast, produced by the State Bar of Wisconsin. It's a more eloquent way to tell yourself that, "stuff happens, don't worry about it." Know when to let it go. But a bad mistake can lead to a lost case, a lost client, a lost job, or a legal malpractice claim.

SCR 20:1.1 says lawyers must provide "competent representation," which "requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation." SCR 20:1.3 says "a lawyer shall act with reasonable diligence and promptness in representing a client."

Under 20:1.0(k), "reasonable" or "reasonably" means "conduct of a reasonably prudent and competent lawyer." State Bar ethics counsel Tim Pierce and Sarah Peterson can tell you more about how those rules have been applied in practice, and Dean Dietrich talks about "absolute" rules later in this issue.

Earlier this year, in a *Wisconsin Lawyer* column, Matt Beier of Wisconsin Lawyers Mutual Insurance Company wrote that the top three errors leading to malpractice claims in 2024 were "failure to know or properly apply the law, failure to follow client instructions, and calendaring mistakes," which accounted for 60% of claims. The State Bar can help you avoid having stuff happen in these areas.

The first is continuing legal education (CLE), which can help you keep up with the law in your areas of practice. The State Bar has a boatload of CLE options. If you do not find a course you want, please reach out to the State Bar's director of professional development, Theresa Elliott, and make a suggestion. They are always looking for new topics and, if it is something

you are interested in learning about, others may welcome it too.

As to client communication or calendaring mistakes, Beier says, "[i]mproved training, diligent documentation, and robust calendaring systems can help reduce these common mistakes." These are not areas they teach us in law school, and if you need assistance, contact the State Bar's Law Office Management Program (Practice 411™). This program too has many tools to help you avoid costly mistakes.

And if you are experiencing personal problems that interfere with your practice, the State Bar's Wisconsin Lawyers Assistance Program (WisLAP) is a service that can aid. The service is free, confidential, and effective.

As Jill Rothstein notes in her column: "Ask us for help." The State Bar is here to help you meet the standard of being "reasonably prudent and competent." I myself have used the above State Bar programs, and others, from time to time, and I'm glad I did.

Happy holidays, and we'll see you next year. **WL**



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