Reflecting on 50 Years in Practice

Many aspects of law practice are nearly unrecognizable in 2026 as compared to 1976. Diane Diel highlights some of the changes.

BY DIANE S. DIEL

I started my first job as a lawyer as an associate in a small downtown-Milwaukee business law firm in May 1976. I was the youngest lawyer in the office and the first woman. My office contained a desk, a rotary dial telephone, a thick telephone book, a Dictaphone, a few legal pads, and a leather-bound diary for handwritten billing entries.

My billing rate was $30 per hour. The "secretaries" had the latest technology on their desks – electric typewriters with correction ribbons. One "memory" typewriter was used for documents with repeated language, such as trustee powers.

Shortly after I started in practice, my former tax law professor, Shirley Abrahamson, was appointed to the Wisconsin Supreme Court and became the only female judge in the entire state.

Lawyers did not advertise in 1976 because advertising was unethical. We know where that stands today.

I started in tax law, representing clients in audits in which the IRS disallowed deductions for alimony. Soon after, I shifted to family law and became a divorce lawyer.

In 1976, Wisconsin was a "fault" divorce state; to get divorced, a party had to prove they had grounds for divorce. Grounds included things such as cruel and inhuman treatment, habitual drunkenness, adultery, and commitment to a mental institution.

In 1977, the Wisconsin Legislature passed a no-fault divorce law; the act also created a presumption of equal property division. Alimony awards were low and far from sharing income with the lower-income spouse. In 1987, the Wisconsin Supreme Court ruled that maintenance awards needed to consider both support and fairness, and 50-50 division of income became a starting point in numerous negotiations.

Before the passage of the no-fault divorce law, it was the exception for a party to file for divorce without a lawyer. Now an estimated 75% of parties in divorces do not have lawyers.

In 1984, the legislature enacted Wis. Stat. section 802.12, which authorized courts to order clients to use alternative dispute resolution tools, such as mediation, before going to trial. Collaborative practice, an out-of-court interdisciplinary settlement process, was introduced in Wisconsin in 2000, and divorce lawyers started focusing on settlement processes. Then, in 2017, the Wisconsin Supreme Court approved ethics rules that allow lawyer mediators working with self-represented couples to draft and file all divorce documents including the parties' final marital settlement agreement.

As of November 2025, a divorce can be granted in Wisconsin by affidavit, without the previously required final court hearing, if the parties are both represented by lawyers or worked with a mediator.

The legal changes, advances in technology, numbers of self-represented parties, growth of alternative dispute resolution processes, and now AI have made the practice of divorce law unrecognizable from the practice in 1976. This evolution has brought us creativity, interdisciplinary practice, and child-focused solutions. Interest-based negotiation facilitates resolutions. Collaborative practice and mediation are accepted and growing. Lawyers truly can have peacemaking practices.

Fifty years have passed quickly. My practice has changed drastically. The rotary dial phone is gone and so is my billing diary. There are now six women on the Wisconsin Supreme Court. I am lucky to be a lawyer. **WL**

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