

# *The Informant*

THE ST. CROIX VALLEY BAR ASSOCIATION NEWSLETTER

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## MISSION STATEMENT

Our mission is to promote a legal system whereby the rights and privileges of all persons are asserted and protected. We are dedicated to strengthening public trust in our legal system. We promote high ethical standards, civility, and professionalism amongst all attorneys. We encourage our members to serve the public. As officers of the court, we have an important role in assisting courts in the administration of justice.

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## CALENDAR

**5/24/2007:** Happy Hour on the SCVBA. 5:30 pm at Pier 500.

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## THE PRESIDENT'S MESSAGE

Greetings Everyone!

I hope that you have found our meetings this year to be interesting, helpful to your practice and at the very minimum something new. Next year I believe we intend on keeping the Judge's forums, but have discussed adding a whole day or half day CLE into the rotation as well. There are still months which are wide open, so if anyone has a topic of interest, please contact one of the officers.

I am sorry to report that the roast scheduled for May 15th honoring Guy Ludvigson has been canceled. After further review, Guy felt the roast was premature as he is still practicing and not yet retired. We will try to resume the roast next year, but it has been very difficult to find a seasoned attorney in the area

willing to be put on the hot seat. Some members of our bar have indicated that the roast could be done without the person's consent, but I think some cooperation is needed from the roastee in order to really secure the help of family and friends and make the event a real celebration. Once again, if anyone is willing to be roasted next year, please contact one of the officers so that we can start planning the event.

In lieu of the roast, we will be having another happy hour on May 24th at Pier 500 in Hudson starting at 5:30 p.m. Appetizers will be served compliments of the SCVBA. We hope to see many of you there. We will then take a break from regular meetings for the summer months and start up again in September.

At the St. Croix County Judges Forum, the issue of needing a fourth judge and the steps being taken to secure a judge was addressed. The local legislators and county board are very supportive of the growing need for a fourth judge in the

county and are taking this matter to the state legislature. Discussions also took place regarding criminal procedure and the diversion program in the District Attorney's office.

The St. Croix County Drug Court presentation was very informative and we appreciate the insight given to us not only by drug team members but also two of the drug court participants as well. It took a lot of courage to speak to a room full of attorneys about one's problem with drug addiction and how the drug court has helped the participant become sober, find employment and housing. Unfortunately we ran out of time before the drug court team could get into more procedural information but I am told that any questions may be directed to one of the team members or information can be found on the St. Croix County website.

The Polk County Judges Forum on April 4th was a lively and informative event. Judge Rasmussen and Judge GaleWyrick informed the bar association that Polk County is in the process of developing local rules similar to those used in Dunn County. The input of local attorneys is welcome. The judges also discussed the possibilities of setting up a Collaborative Justice Committee to look into the viability of Drug Court and/or Restorative Justice Program as most members agreed that the time was ripe

for one of those programs. There was some healthy disagreement amongst the group about the role of judges in plea agreements, especially in OWI cases; while there was no ultimate solution, the dialogue was certainly appreciated.

We also discussed scheduling and the judges' preferences for attorneys, rather than legal assistants to handle the scheduling conferences. Moreover, for anything other than a standard scheduling conference, the attorney actually involved with the file should be the one to handle the telephone conference.

I am happy to report that our clothing drive was a huge success! Donations from members of the bar and the public filled up a large conference room and most items were in very good condition. Over half of the items, mostly business casual clothes and accessories, were taken by Grace Place, a local homeless shelter run by the Salvation Army in Somerset. We still have many men's and women's business suits, sport coats, ties and blazers which need to find their way to Madison or Milwaukee in the next couple of weeks. If any of you are heading to the State Bar Conference in Milwaukee in May, there will be a drop off site for clothing there and we need your help transporting some of these items. In addition, items can be dropped off at the bar center in Madison so if

anyone is heading to our State capitol in the next couple of weeks, we would greatly appreciate it if you could take some items with you. Please contact Angela Olson to arrange these details as the clothes are currently being stored in her office at Bakke Norman. Again thank you for your donations and help with this clothing drive.

This will be my last message as president as my term expires in May. I have enjoyed my four years of service to our local bar association and will continue to be an active participant. If anyone is interested in running for secretary, please contact one of the officers as we will vote on this matter at the May meeting. I hope you all have a safe and relaxing summer!

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#### **TREASURER'S REPORT**

Current Checkbook Balance (as of April 26, 2007): \$3614.33.

Thank you to the following members who have paid their 2006-2007 dues:

Annie Brose  
William Radosevich  
Gary Bakke  
Timothy O'Brien  
Timothy J Scott  
David C. Schoenberger  
Daniel P. Steffen  
Maureen Wegleitner  
Angela Olson  
Bridget Finke  
Thomas R. Schumacher  
Peter M. Reinhardt  
Robert G. Walter

Robert J. Richardson  
 Brian D. Byrnes  
 Autumn Lindquist  
 Rolv Slungaard  
 Thomas McCormack  
 Tracy Tool  
 Dean Rohde  
 Chuck Bye  
 Robert Parsons  
 Steve Goff  
 Ardell Skow  
 Terry Gherty  
 Susan Gherty  
 Mark Gherty  
 Nick Vivian  
 James Krave  
 Kenneth Pletcher  
 W. I. Doar, Jr.  
 Howard W. Cameron  
 Michael P. Wagner  
 Michael Waterman  
 Rose Allen  
 Lisa Wiebusch  
 Joel Porter  
 D. Peter Seguin  
 Barry Lundeen  
 Brent Johnson  
 James Johnson  
 Tom Jacobson  
 Jennifer O'Neil  
 Phil Todryk  
 James H. Krave  
 Tim Heckmann  
 Michelle Heckmann  
 Kristina O'Boyle  
 Henk Van Dyk  
 Ronald Siler  
 James Drill  
 Aaron Nelson  
 Anne Schmiede  
 Matthew Biegert  
 Michael Brose  
 Joseph D. Boles  
 Bradley Lawrence  
 Barry Hammarback  
 Michael Jacobson  
 Daniel Murray  
 Carol Law  
 Daniel DeMaio  
 Tom McCormick  
 Phillip Todryk

Charles White  
 Warren Wood  
 Judith Remington  
 James Remington  
 Stephen Dunlap  
 Keith Rodli  
 Leo Beskar  
 Stuart Krueger  
 Gwen Kuchevar  
 Catherine Munkittrick  
 Carol Skinner  
 Joel Skinner  
 William Schembera  
 Kathleen M. Gionis  
 Gerald Gust  
 Timothy Sempf  
 Jason Whitley  
 Hugh Gwin  
 Roberta Dale-Wozniak  
 Barbara Miller  
 Brian Sande  
 Sam Cari  
 Chris Anderson  
 Ryan Cari  
 Jason Fey  
 James Bartholomew

If you have not already done so, you can still send your 2006-2007 dues to SCVBA Treasurer Robert Parsons (better late than never). Dues are \$35.00 for the year.

If you believe you have already paid your dues, yet your name does not appear on the list, please contact: Bob Parsons at [Robert@byegoff.com](mailto:Robert@byegoff.com)

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### HOLIDAY PARTY SURVEY RESULTS

As you may know, we conducted a survey to ascertain what people prefer for the Holiday Party in terms of month, location, day of the week, and time of year. The results are in!

#### Month, 16 responses

December: 13  
 January 3

#### Day of the week, 18 responses

Thursday: 13  
 Wednesday: 1  
 Friday: 2  
 Saturday: 2

#### Location, 18 responses

Hudson: 11  
 New Richmond: 2  
 Rotate year-to-year: 3  
 Any of the above: 2

#### Time of year, 16 responses

Around the holidays: 10  
 Summer: 0  
 Both: 6

Also, we received comments regarding the entertainment, for example hiring a stand up comedian.

For summer events, a Saints' game, St. Croix Cruise, St. Croix vs. Eau Claire Bar softball game, and happy hour were all suggested.

Next year's officers will discuss the results and do our best to plan successful events! Please feel free to contact any officer with further questions, comments or concerns.

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### SCVBA HOLDS FREE LEGAL CLINIC

St. Croix Valley Bar Association is staffing a free legal clinic the second Monday of every month for the purpose of providing general legal information to members of the community. The next free legal clinic is

Monday, May 14, 2007, and will be held in the St. Croix County Community Room (south entrance at the lower level of the St. Croix County Government Center) from 6:00 pm to 7:30 pm. If you would like to volunteer to provide general information to individuals in the areas of employment law, family law, landlord/tenant, small claims, criminal/traffic, estate planning, elder law, probate, real estate, business law, and debtor/creditor, please contact **Maureen Wegleitner at Bakke Norman, S.C. at (715)246-3800**

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**STATE BOARD OF  
BAR GOVERNORS  
MEETINGS**

Please find the attached Board of Governors Report from our representative, Jim Ducheim. The State Board of Bar Governors is authorized by the Supreme Court Rules to manage and direct the affairs of the State Bar of Wisconsin. The report outlines what has occurred at the last four Board of Governors' meetings. If you have additional questions, comments or concerns regarding the issues dealt with by the Board of Governors, feel free to contact Jim Ducheim at [jim@eauclairerlaw.com](mailto:jim@eauclairerlaw.com).

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**BRIEFLY FROM THE  
SECRETARY**

Do you have e-mail? You can receive your next copy of *The Informant* via email. If you are interested, send your email address to Angela Olson at [aolson@bakke-norman.com](mailto:aolson@bakke-norman.com)

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*The Informant is a publication of the St. Croix Valley Bar Association. Any statements or opinions expressed in this newsletter are those of the authors and not necessarily the views of the St. Croix Valley Bar Association.*

## BOARD OF GOVERNORS REPORT

The State Board of Bar Governors is authorized under Supreme Court Rules Chapter 10 to manage and direct the affairs of the State Bar of Wisconsin. As to Board of Governors composition, there are three (3) seats earmarked for public members (non-lawyers) and the Wisconsin Supreme Court has appointment authority to all three (3) of these seats. In addition, the Board of Bar Governors is composed of: 34 members elected by lawyers from the State Bar's 16 districts, one (1) member selected by the Young Lawyers Division of the State Bar, one (1) lawyer selected by the Government Lawyers Division of the State Bar, and three (3) members selected by the non-resident lawyers. The Board of Governors is required by Supreme Court Rule to meet five (5) times per year. The Board meets during the State Bar's annual conference (held at various locations throughout the State) and on additional dates as set by the Bar President.

Since my election as a representative of our District #8 (St. Croix/Pierce/Dunn/Eau Claire Counties), I have attended four meetings of the Board of Governors. From my observation, the process of governance (as to varied issues before the Board) typically (although not always) involves a three-step procedure; i.e.: An agenda which includes Reporting Items (informational in nature and to alert Board Members of issues which the Board is likely to have to consider in the future), Discussion Items (regarding issues likely requiring a vote at the next meeting) and Action Items (where the Board of Governors votes to take a position as to varied issues). Further, the meetings also involve regular reports; i.e.: President's Reports, Strategic Planning Committee Report, Financial Committee Report, and an Executive Director Report. Finally, other reports are often (but not regularly) provided to the Board such as varied State Bar Committee Reports and a Legislative Report.

At my first meeting on 07/21/06, the following actions were taken:

1. Unanimously approved the recommendation by the Ethics 2000 Response Study Committee to not oppose any portion of the Supreme Court's proposed changes to the Rules of Professional Conduct for Attorneys.
2. Unanimously approved the request of the Appellate Practice Section to submit an amicus brief in Wambolt v. West Bend Insurance Company.
3. Approved the reconsideration of the Multijurisdictional Practice Recommendations defeated at 60 percent threshold at the May, 2006 Board meeting for purposes of discussing the issue at the July, 2006 meeting and possible future action.

At the meeting of September 29, 2006, the following actions were taken:

1. Approved by a 60% majority, the filing of the Multijurisdictional Practice Working Group's Petition with the Supreme Court.
2. Unanimously approved the adoption of the recommendations of the Appellate Practice Section with regard to Supreme Court Order 06-02 regarding proposed

amendments to Wis. Stats. 809.19(3) and convey this as the Board of Governors position to the Supreme Court.

3. Approved by a 31 to 11 show of hands a motion to oppose the Wisconsin Department of Revenue's petition to the Supreme Court regarding the adoption of a procedure to suspend or deny the license to practice law of a person certified as delinquent in payment of Wisconsin state taxes (Supreme Court Order 06-05).
4. Unanimously approved by voice vote to support the petition filed with the Supreme Court by the Board of Bar Examiners to amend Supreme Court Rules 31.01 and 31.05 relating to continuing legal education (Supreme Court Order 05-09).
5. Unanimously approved by voice vote the request from the Group and Prepaid Legal Services Committee to file a petition with the Supreme Court to amend SCR 11.06.
6. Approved a motion that the State Bar suspend all sales of on-line forms to nonmembers until the Executive Committee and the Board of Governors reach a final determination.

At the meeting of December 8, 2006, the following actions were taken:

1. Approved by voice vote by a greater than 60% majority the filing of the UPL Policy Committee's proposed petition on the unauthorized practice of law with the Supreme Court.
2. Unanimously approved the principle of comity for CLE filings as proposed by the Board of Bar Examiners and the State Bar BBE Review Committee.
3. Failed to adopt by a 60% majority (24-15) a motion to oppose Supreme Court Order 05-05 to Create Wis. Stat. 802.12(5) Relating to Memorializing Settlements Reached by Way of Alternative Dispute Resolution. Also failed to adopt by a vote of 15-24 a motion to take no position. Unanimously approved a motion by a simple majority to allow the ADR Section, the Litigation Section, and the Family Law Section to appear before the Supreme Court at the December 11 public hearing on this petition to state their various positions.
4. Unanimously approved by voice vote a motion to support the negotiated position outlined in the December 7, 2006 memo to the Supreme Court from BBE Director John Kosobucki on Supreme Court Order 05-09 to amend Supreme Court Rules 31.01 and 31.05 relating to Continuing Legal Education.
5. Approved by voice vote of greater than 60% majority to amend SCR 10.05 to permit five members of the Board of Governors from the Non-Resident Lawyers Division

instead of the current three and to require they be selected by popular election of active members of the division. Failed to adopt by a greater than 60% majority (26-19) roll call vote an amendment to SCR 10.04 permitting non-resident lawyers to serve as State Bar officers. Previously failed to adopt by a vote of 20-25 an amendment permitting non-resident lawyers to serve only as secretary, treasurer, and chairperson of the Board.

As of the last Board of Governors meeting (on March 9, 2007), you are informed as to the following:

A. Action Items:

1. Unanimously approved the Keller dues reduction amount recommended by the Finance Committee.
2. WisTAF Assessment Task Force Report:
  - (a) Approved by a greater than 60% majority vote the WisTAF Assessment Task Force proposal to permit donations of \$50.00 or more to a law-related civil legal service entity as an amendment to SCR 13.015; and
  - (b) Approved by a greater than 60% majority vote the WisTAF Assessment Task Force proposal to include Judge's as payors of the WisTAF Assessment; and
  - (c) Failed to adopt via voice vote the WisTAF Assessment Task Force proposals to permit credit for non-resident members for similar assessments in their home State, allow members to certify that they have provided pro bono services instead of paying the assessment, and modify the amount of the assessment owed based upon years of practice; and
  - (d) Failed to adopt for lack of a motion the WisTAF Assessment Task Force proposal to create an entity separate from WisTAF to accept, manage, and disseminate assessment funds; and
  - (e) Approved by a greater than 50% majority voice vote the filing of a petition with the Supreme Court requesting approval of the first two proposals [see (a) and (b) above] of the WisTAF Assessment Task Force.

3. Unanimously approved the creation of State Bar of Wisconsin Audit Committee.
4. Children and Law Section Request that the Board of Governors actively support legislation raising from 17 to 18 the age at which a person is subject to Circuit or Municipal Court jurisdiction. Approved by a greater than 60% majority voice vote adoption of a State Bar public policy position raising from 17 to 18 the age in which a person is subject to Circuit or Municipal Court jurisdiction
5. Approved by a greater than 60% majority voice vote a motion to oppose the petition of the Social Security Administration Administrative Law Judges to change membership status.
6. Approved a motion by a 36-2 hand vote to oppose three proposed constitutional amendments to prohibit the Supreme Court from assessing lawyers to pay for civil legal services to the poor, to prohibit the Supreme Court from requiring attorneys to join or pay dues to a Bar Association, and requiring the Supreme Court to open its case conferences to the public and publicly notice issues to be considered.

B. Discussion Items:

1. Section Leaders Council and Legislative Oversight Committee recommendation on section administrative and lobbying fees. Unanimously approved by a voice vote a motion to refer the Section Leaders Council and Legislative Oversight Committee recommendations on section administrative and lobbying fees to the Executive Committee and have the Executive Committee report back at the May Board Meeting with one recommendation.

C. Informational Reports:

1. Supreme Court Order 06-07, the Creation of a Court Rule Authorizing Use of Electronic Signatures by Court officials. The Supreme Court has scheduled a public hearing on this.
2. Supreme Court Order 06-08, the Creation of a Court Rule Authorizing use of Electronic filing by Court officials. The Supreme Court has scheduled a public hearing on this.
3. Supreme Court Order 06-11 Regarding Interim Court Rules Governing the Pilot Project to Develop and Test Digital Audio Recording of Court Proceedings. An Order issued extending the Digital Audio Recording of the



Court Proceedings Pilot Project. The Order was not ordered to be published

4. Supreme Court Order 06-06 Regarding the Petition of the State Bar of Wisconsin to Amend Chapter 20 of the Supreme Court Rules. An Order scheduling a public hearing on the State Bar's Petition dealing with Multijurisdictional Practice is set for April 12, 2007, beginning at 9:30 a.m.
5. Supreme Court Order 04-07 Regarding the Petition for Amendment to Supreme Court Chapter 20 - Rules of Professional Conduct for Attorneys. A copy of the Order Creating the new Ethics Rules for Attorneys is available. The Rules become effective July 1, 2007.
6. Supreme Court Order 03-04 Regarding Amendment of Supreme Court Rule 20:1.5(b) and Creation of Supreme Court Rule 20:1.5(f) Regarding Written Communication on Fees and the Amendment of Supreme Court Rule 31.02 Regarding Continuing Legal Education Credits for Ethics. An Order issued dismissing this petition. The Order was not ordered to be published.
7. Supreme Court Order 06-05 Regarding the Adoption of a Procedure to Suspend or Deny the License to Practice Law of a Person Certified as Delinquent in Payment of Wisconsin State taxes. An Order dismissing the petition of the Department of Revenue issued.
8. Supreme Court Order 05-08 Regarding Amendment to Supreme Court Rule 40.14 Relating to Technical Changes in Language Regarding Board of Bar Examiners. An Order dismissing this petition issued. The Order was not ordered to be published
9. Supreme Court Order 05-09 Regarding Amendment to Supreme Court Rules 31.01 and 31.05 Relating to Continuing Legal Education. A copy of the Order Creating Rules to Permit up to 10 Hours of CLE Credit for Viewing "repeated on-demand" CLE Programs is available.
10. Supreme Court Petition to Revise SCR 11.06 Concerning Group and Prepaid Legal Services Plans. A copy of the State Bar petition regarding Revisions to the Group and Pre-Paid Legal Services Rule as approved unanimously by the Board of Governors at the September meeting is available. No hearing date has been set by the Supreme Court.
11. Supreme Court Petition to Amend SCR 10.05(1) Regarding Non-Resident Members serving on the Board of Governors. A copy of the State Bar petition Increasing Non-Resident Lawyer Representation on the Board of

Governors to five from the current three is available. No hearing date has been set on this by the Supreme Court.

Should any of you be desirous of further input (or literature) with reference to previously approved issues brought before the Board of Governors, contact me. Should any of you have any input with reference to discussion or reporting items (likely to come for a vote before the Board of Governors) in the future, do not hesitate to contact me.

Jim Duchemin