

2025 Spring Conference

April 10-11, 2025

The American Club
419 Highland Dr.
Kohler, WI 53044

Program Chair:
Chester Isaacson
American Family Insurance Co.

*Program Agenda &
More Information
inside!*

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Table of Contents

Program Agenda.....	4
Speaker Biographies.....	6
Sponsors.....	12

Thursday, April 10

1:00 - 1:50 PM

A Peek Behind the Curtain:

The Jury Trial Experience from The Jurors' Point of View Part 1

Heather Nelson, Everson, Whitney, Everson & Brehm, S.C., and Jurors..... 14

2:00 - 2:50 PM

A Peek Behind the Curtain:

The Jury Trial Experience from The Jurors' Point of View Part 2

Heather Nelson, Everson, Whitney, Everson & Brehm, S.C., and Jurors

3:00 - 3:50 PM

Generational Changes: Teaching An Old Dog New Tricks and A Young Dog Old Tricks

*Mike Crooks, von Briesen & Roper, S.C., Alexander Gordon, Bell, Moore & Richter, S.C.,
Ashleigh Johnson, American Family Insurance Company, Ryan Johnson, Everson,
Whitney, Everson & Brehm, S.C., & Brent Smith, Johns, Flaherty & Collins, S.C.....* 37

Friday, April 11

9:00 - 9:50 AM

Forensic Accounting: Don't Be Afraid of Math - It Might Help You Defend Your Personal Injury Case

John G. Peters, CPA, Peters Financial Consulting, Inc..... 55

10:00 - 10:50 AM

The Personal and Professional Benefits of Pro Bono Advocacy

*Megan McKenzie, American Family Insurance Company,
Katie Mertiz, Marquette University Law School, Maggie Niebler-Brown, Legal Action of WI.....* 62

11:00 AM - 11:50 AM

Anxiety, Your Practice, And You:

How to Manage One of The Profession's Most Common Mental Health Challenges

Matt Shin, Sidebar Counseling, LLC..... 69

Schedule of Events

Thursday, April 10, 2025

12:30PM
Registration

12:55 - 1:00 PM
Opening Remarks

1:00 - 1:50 PM
A Peek Behind the Curtain: The Jury Trial Experience from The Jurors' Point of View Part 1
Heather Nelson, Everson, Whitney, Everson & Brehm, S.C., and Jurors

1:50 - 2:00 PM
Break
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2:00 - 2:50 PM
A Peek Behind the Curtain: The Jury Trial Experience from The Jurors' Point of View Part 2
Heather Nelson, Everson, Whitney, Everson & Brehm, S.C., and Jurors

2:50 - 3:00 PM
Break
Sponsored by Bell, Moore & Richter, S.C. and Don Engels, with Ringler Associates in WI

BMR BELL MOORE & RICHTER SC
RINGLER ENGELS TEAM

3:00 - 3:50 PM
Generational Changes: Teaching An Old Dog New Tricks and A Young Dog Old Tricks
Mike Crooks, von Briesen & Roper, S.C., Alexander Gordon, Bell, Moore & Richter, S.C., Ashleigh Johnson, American Family Insurance Company, Ryan Johnson, Everson, Whitney, Everson & Brehm, S.C., & Brent Smith, Johns, Flaberty & Collins, S.C.

4:00 PM - 5:30 PM
Cocktail Reception
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Friday, April 11, 2025

8:15 - 9:00 AM
Registration & Continental Breakfast
Sponsored by Crivello, Nichols & Hall, S.C.

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NICHOLS & HALL, S.C.**
ATTORNEYS

9:00 - 9:50 AM
Forensic Accounting: Don't Be Afraid of Math - It Might Help You Defend Your Personal Injury Case
John G. Peters, CPA, Peters Financial Consulting, Inc.

9:50 - 10:00 AM
Break
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Reporting LLC**
S&D
Simpson & Deardorff, S.C.

10:00 - 10:50 AM
The Personal and Professional Benefits of Pro Bono Advocacy
Megan McKenzie, American Family Insurance Company, Katie Mertiz, Marquette University Law School, Maggie Niebler-Brown, Legal Action of WI

10:50 - 11:00 AM
Break
*Sponsored by Engels Team
at Ringler in WI and
Weiss Law Office, S.C.*

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11:00 AM - 11:50 AM
Anxiety, Your Practice, And You: How to Manage One of The Profession's Most Common Mental Health Challenges
Matt Shin, Sidebar Counseling, LLC

11:50 AM
Adjourn

B

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Speaker Biographies

Mike Crooks is a Shareholder in the von Briesen's Litigation and Risk Management Practice Group. He focuses his practice on commercial litigation, legal malpractice and other professional negligence claims, accounting malpractice, insurance defense and coverage issues, bad faith litigation, product liability work, premises liability, breach of contract, personal injury defense and third-party recovery. Mike is also an experienced mediator and is frequently called upon to resolve disputes.



Mike is a frequent lecturer for many organizations including the State Bar of Wisconsin, the Wisconsin Judicial College, the Wisconsin Defense Counsel and the University of Wisconsin Law School.

Alex Gordon joined Bell, Moore & Richter as an associate in 2024. Alex's practice focuses on civil defense litigation, working primarily on general liability, insurance defense, and medical malpractice.



Alex grew up in Detroit, MI and earned his Bachelor of Arts degree from the University of Michigan in 2017 with a double major in Political Science and Spanish. Before moving to Madison for law school in 2021, Alex taught middle school Language Arts for 4 years. His time as a teacher provides him with a unique approach to understanding clients of a variety of backgrounds.

While at the University of Wisconsin Law School, Alex worked as a teaching assistant for the undergraduate legal studies program. Alex was the Vice President of Outreach for the Mock Trial team and the Executive Director of the Black Law Students Association. Alex is currently co-chair of the DEI Committee for Wisconsin Defense Counsel (WDC).

Ashleigh Johnson is a Trial Attorney with American Family Mutual Insurance Company. She received her undergraduate degree in Criminal Justice from the University of Wisconsin-Eau Claire and went on to work as a law enforcement dispatcher full-time before continuing part-time while attending law school at the University of Wisconsin Law School. She interned with American Family during law school and was hired as an associate attorney with the company after graduating in 2022. She currently serves as the Social Media Representative and the Young Lawyer Committee Vice Chair for WDC. In her free time, Ashleigh coaches youth soccer and also plays soccer in multiple competitive adult leagues.



Ryan Johnson is a litigator who defends insurance companies and their insureds. In addition to his defense work, Ryan is active in the legal community. He is the chair and helped establish WDC's Wellness committee and is the chair for the Young Lawyer's Program as well as the Vice President of the Honorable Robert J. Parins Legal Society of Northeast Wisconsin.



Ryan graduated Magna Cum Laude from Ohio Northern University Pettit College of Law. He was born and raised in Wisconsin and is proud to be back home with The Everson Law Firm after completing law school and beginning his insurance defense career in Ohio. He was an active participant in Moot Court, led award-winning teams, and was individually recognized for his trial advocacy skills. Ryan has been a board member for several organizations, including Law Review. He had two case notes and a legal article published, was a teaching and research assistant, and was an ambassador for the Pettit College of Law. Ryan gained experience in environmental law after interning with the USDA and Fair Shake Environmental Legal Services. He also interned with Legal Aid of Western Ohio where he primarily provided advocacy for survivors of domestic violence.



Speaker Biographies continued

Prior to his legal career, Ryan earned a Master of Fine Arts degree in creative writing and advocated for at-risk youth as the high school program director for a paramilitary school in Milwaukee, Wisconsin. He was a self-defense instructor and is hoping to continue developing those skills and providing classes in the Green Bay area in the near future. He is an avid reader and writes fiction. Ryan loves to cook and enjoys the outdoors and spending time with his dogs, family, and friends.

Megan McKenzie is a Senior Corporate Litigation Attorney with American Family Insurance Company. She has worked in the American Family litigation department for the past 10 years. Her current role involves supervision of corporate litigation matters, including employment cases, class actions, agency errors and omissions, and other various types of cases. She also serves as the corporate discovery attorney where she oversees corporate discovery requests, 30b(6) deposition requests, and corporate subpoenas. In addition, she works with a team that peer reviews dispositive motions, appeals, and declaratory judgments across the division.



Previously, Megan worked for American Family as staff counsel in the Madison office, conducting all stages of litigation defense and trial work. Before that time, she worked for Habush, Habush & Rottier in Madison for a year and a half representing the plaintiffs in a large environmental mass tort case. Megan began her practice in San Diego for a small insurance defense firm, handling complex personal injury, products liability, medical malpractice, and construction defect cases as an associate attorney.

Megan is licensed to practice in state court in California and Wisconsin, as well as the Southern District Court in California and Western District Court in Wisconsin. She is an active member and serves on the Board of Directors and multiple committees of the Wisconsin Defense Counsel.

Katie Mertz is the Director of Pro Bono and Public Service at Marquette University Law School, where she leads efforts to engage law students in pro bono work and advance access to justice in the Milwaukee community and beyond. In her role, Katie oversees the operation of the Marquette Volunteer Legal Clinics, which provide free legal services to nearly 6,000 clients each year. These clinics offer vital assistance in areas such as family law, landlord-tenant disputes, and consumer protection, while giving law students hands-on experience in serving underserved populations. With a strong commitment to increasing access to justice, Katie collaborates with attorneys, community organizations, and other stakeholders to create opportunities for law students to give back while developing their legal skills.



Before transitioning into her current role, Katie practiced corporate bankruptcy and real estate law, where she gained valuable insight into the legal needs of businesses and individuals. Katie earned her Juris Doctor (J.D.) from Marquette University Law School, where she was inducted into the Posner Pro Bono Society in recognition of her commitment to public service. She also holds a Bachelor of Arts (B.A.) from the University of Wisconsin-Madison.

Katie's passion for pro bono work and social justice continues to drive her mission to increase the availability of legal services to those who need them most.

Heather Nelson is President and Shareholder of Everson, Whitney, Everson & Brehm, S.C., in Green Bay. She currently serves as WDC President, having served on the Board of Directors and Executive Committee as well. Heather is an experienced trial attorney, having successfully tried cases before juries in state and federal courts throughout Wisconsin and Illinois. She obtained her J.D. from DePaul University College of Law in Chicago and launched her legal career in the Chicago area. Heather became licensed



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Speaker Biographies continued

to practice law in Wisconsin in 2000, defending cases in both Illinois and Wisconsin. Joining The Everson Law Firm in 2016 brought Heather back home to her Green Bay roots. Her practice areas include motor vehicle accident, premises liability, wrongful death and insurance coverage. Heather has been active in presenting CLE topics at WDC conferences, for the State Bar of Wisconsin, and at the North Central Region Trial Academy.

Maggie Niebler-Brown joined Legal Action of Wisconsin in 2014 as the Coordinator of the Volunteer Lawyers Project (VLP), where she oversees and manages pro bono efforts across Legal Action's 39-county service area. She recruits, trains, and provides technical support for volunteer attorneys and law students.



Since 2016, Legal Action has received several Pro Bono Innovation Fund grants from the Legal Services Corporation, funding its three largest pro bono initiatives: the Eviction Defense Project, Student Legal Aid Project, and Consumer Debt Defense Project. These projects mobilize pro bono resources to address Legal Action's key civil legal aid priorities: housing stability, eliminating barriers to education and employment, and defending against unfair debt collection lawsuits.

Maggie earned her law degree from Rutgers University School of Law - Camden. She received an Independence Fellowship to work at HIAS Pennsylvania, where she represented immigrant survivors of domestic violence, human trafficking, and violent crime. She also helped launch HIAS PA's Youth Advocacy Project, focusing on legal representation for unaccompanied immigrant children.

John G. Peters is in the twilight of a 47-year career exclusively dedicated to forensic accounting. He has worked on the accounting aspects of at least 10 personal injury loss claims since the 1970's throughout the US and abroad.

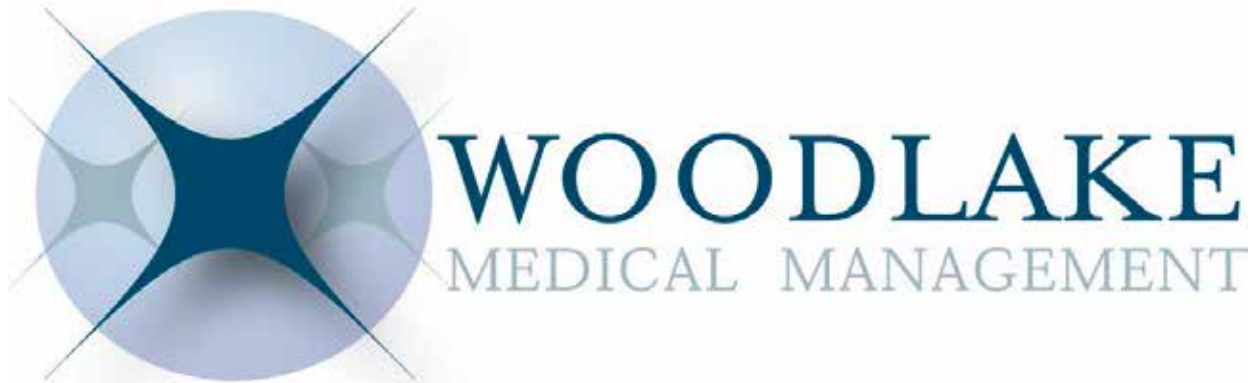


Matt Shin is a psychotherapist, professional wellness consultant, and a formerly practicing attorney. Matt owns and operates Sidebar Counseling LLC out of Wausau, Wisconsin where he focuses his practice on all matters relating to happiness, satisfaction, and performance in work and careers. Through Sidebar, he leverages his past experience practicing law for over ten years along with evidence-based approaches to fostering wellness and high-level functioning to provide counseling and consulting services to individuals in high pressure roles, teams, and broader organizations. In his previous life, Matt operated a solo intellectual property practice, was in-house counsel supporting the R&D function at Mars Wrigley Confectionery, and practiced patent prosecution and IP litigation at Foley & Lardner. He obtained his J.D. from Washington University in Saint Louis School of Law and a Master's in Counseling from Northwestern University.



Brent Smith is the managing partner of the La Crosse area law firm Johns, Flaherty & Collins, S.C.. He graduated from the University of Wisconsin Law School in 1978 and joined what is now Johns, Flaherty & Collins, S.C. that same year.





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A Peek Behind the Curtain: The Jury Trial Experience from the Jurors' Point of View

*Heather L. Nelson
Everson, Whitney, Everson & Brehm, S.C.*

- I. The trials
 - a. Duening v. Wilco Cabinet Makers, Brown County, May 2024
 - b. Estate of Hartson v State Farm, Lincoln County, February 2025
- II. The jurors
- III. Jury summons
- IV. Voir dire
- V. Judge
- VI. Attorneys
- VII. Trial (before closing)
- VIII. Closing
- IX. Deliberations
- X. Final questions and takeaways
- XI. Audience Questions

Agnes and Mark Duening v. Wilco Cabinet Makers, Inc., SECURA INSURANCE

Brown County Case No. 22 CV 1516

Trial Dates: May 6-9, 2024

I. FACTS

On January 9, 2020, 55-year-old Agnes Duening walked from the parking lot, across the sidewalk and into the defendant's showroom to pick out cabinets for a bathroom remodel project. Earlier that day it had rained and/or misted off and on and the sidewalk was wet with no observable ice upon entry. When she came out less than an hour later to get her phone out of her car, she slipped and fell, fracturing her left distal femur (open/comminuted). She had already had a total knee replacement surgery on the left knee seven months prior but had returned to work without restrictions (infusion/cancer nurse) approximately five months before her fall. Ultimately there was no testimony suggesting the prior total knee replacement had a role in her fall nor was there testimony that it was adversely affected by the femur fracture.

She underwent an ORIF the day of the fall but ultimately – after much physical therapy in Wisconsin and in Arizona - developed a nonunion requiring two more surgeries approximately two years and two months later—one to remove the old hardware and check for infection (none) and one to insert a titanium rod and screws into the femur.

Plaintiff was an infusion nurse whose husband, a consortium plaintiff, had just the day before her fall announced his intention to retire. They already had a winter/vacation home in Arizona. She testified she had intended to increase her 27 hours a week schedule to 40 after her husband retired and to stay in nursing another 10 years as it was her passion. The Duenings moved full time to their Arizona home in September 2020 to avoid future ice encounters, especially given her long recovery and ongoing claim that she tires easily, cannot walk/shop more than an hour without fatiguing and has to take stairs one by one. The treating surgeon did not give any restrictions to plaintiff; either she or her attorney had her undergo a FCE in Arizona. FCE physical therapist considered her totally disabled from all work. Defense had her seen by Dr. Thomas Viehe due to suggestions during discovery that her treating surgeon told her she needed a new knee replacement as a result of this fall (ultimately her surgeon did not offer this opinion). Dr. Viehe offered some restrictions which took her out of her prior job but left her employable in the health care field, including many remote options (plaintiff claimed she could not sit more than 15 minutes at a time and got up often during trial to stand). Plaintiff vocational expert Bruce Schuyler opined her past wage loss was \$326,820 and her future loss of earning capacity was \$364,530. Defense vocational expert Dr. Leanne Panizich calculated past wage loss of

\$190,965.60 and future loss of earning capacity \$60,596.64 to \$69,722.64 (differential between her prior job as an infusion nurse and the remote positions available to her for 9.5 years of work life expectancy). There was an argument that any ongoing or future physical complaints were unrelated to this fall.

II. ISSUES FOR TRIAL:

Defendant denied liability under the Safe Place Act and argued no actual or constructive notice of the apparent slippery patch on which she fell. Defendant had an employee who checked all entrances at specific intervals and who did not slip during pre-fall walkarounds that day but threw salt on his 3 prior walkarounds of the area in case freezing occurred. Plaintiff's interior designer (who accompanied her to the store that day) and defendant's salesman, both of whom assisted her after her fall, did not see ice nor did they slip while assisting her. Plaintiff testified that one of them was slipping and the responding emergency personnel were slipping (interior designer and salesman both denied all of this).

All medical bills relating to the three surgeries for the femur fracture were admitted; causation of ongoing complaints into the future disputed, vocational loss disputed.

III. AT TRIAL

The jury found defendant not negligent. The jury also found plaintiff not negligent.

Jury awarded

- \$281,240.63 past medical expenses (stipulated);
- \$220,000 past lost wages (plaintiff requested \$326,820, defense suggested \$190,965.60);
- \$29,000 for future loss of earning capacity (plaintiff requested \$364,530, defense suggested \$0 - \$69,722.64)
- \$7,000.00 future medical (plaintiff stated, "up to you"; defense suggested no evidence, zero dollars; verdict likely reflective of OTC pain medications);
- \$180,000 past pain, suffering, disability and disfigurement (plaintiff requested \$1.5 Million, defense suggested \$100,000 - \$200,000);
- \$50,000 future pain, suffering, disability and disfigurement (plaintiff requested \$500,000, defense suggested "less than the amount for past pain, suffering, disability and disfigurement").

Total damages verdict for Agnes - \$767,240.63 (plaintiff requested \$3,022,590.63).

As to consortium for Mark - total damages awarded - \$10,000 (plaintiff requested \$50,000; defense suggested \$0 - \$5,000).

IV. PLAINTIFFS' FINAL PRETRIAL DEMAND (OFFER OF SETTLEMENT)

Agnes - \$650,000; Mark - \$24,999

V. DEFENDANTS' FINAL PRETRIAL OFFER (OFFER OF JUDGMENT)

\$300,000

VI. VERDICT

\$0.

Lincoln County Case No. 2022 CV 28, Estate of James M. Hartson, Angela Hartson, and Steven Hartson v. State Farm Mutual Automobile Insurance Company

Case Type: Wrongful Death

Trial Dates: April 4-6, 2025

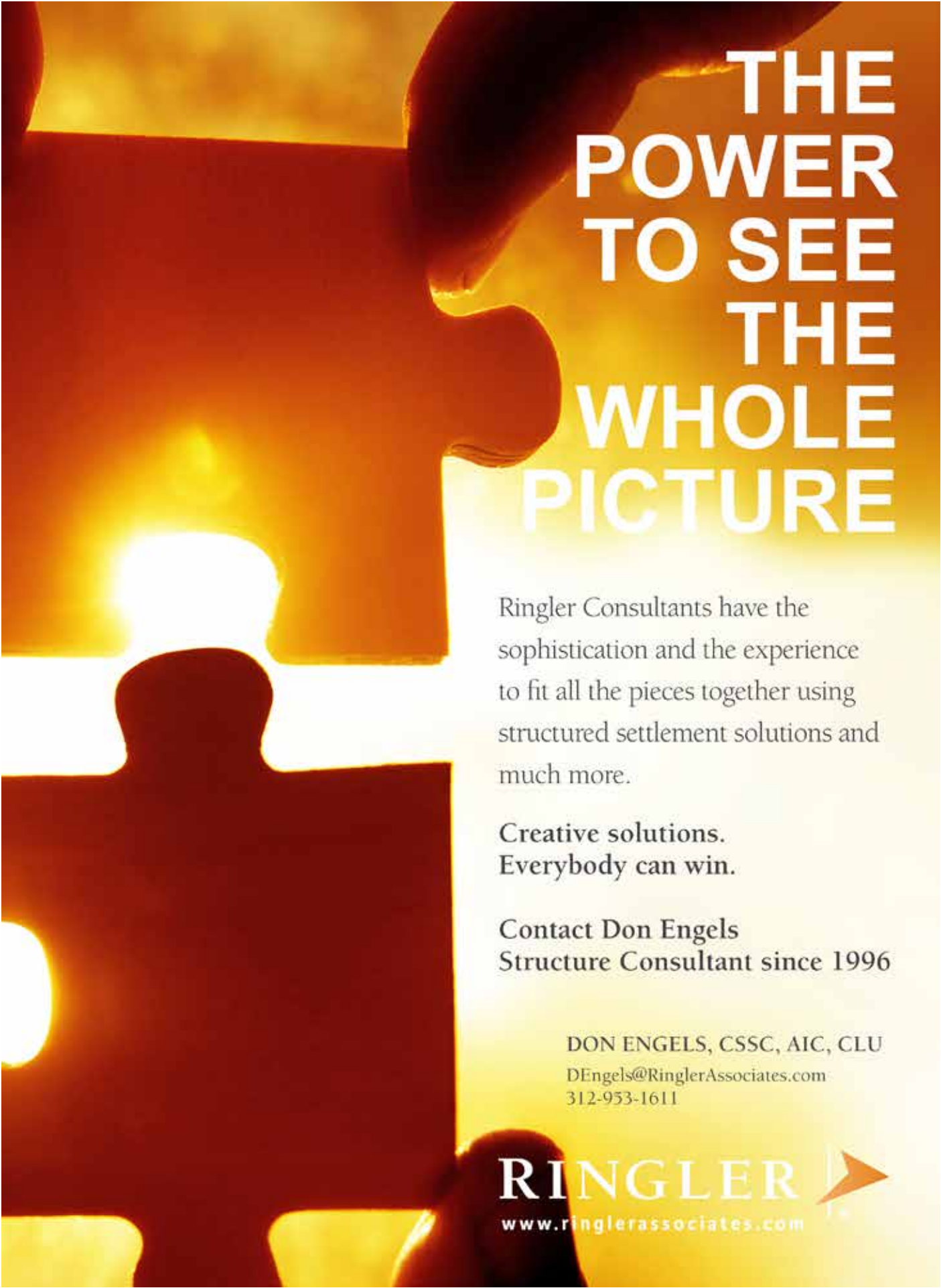
Plaintiff Attorneys: John Hansen and Kyle Frank from Gruber Law Offices

Defense Attorneys: John Shull from Kramer Shull Reeths LLP and Heather Nelson from Everson Law Firm

This is a wrongful death case stemming a motor vehicle versus pedestrian accident which occurred approximately 8:00 pm on State Highway 64 east of Merrill, Wisconsin. Weather conditions were clear and dark. 84-year-old James Hartson and his adult grandson were traveling westbound on Highway 64 and struck a deer. The Hartsons pulled their pickup truck off onto the shoulder next to the westbound lane. The grandson exited the truck to look for the deer. A few minutes later, James exited the truck and walked across the westbound lane and into the eastbound lane of 64 where he was struck by a 2016 Ford Focus driven by State Farm's insured, Janice Klatt. Janice had her cruise control set at 59

mph. She applied the brakes less than ½ second before impact with Hartson. Hartson was thrown onto the Ford Focus before coming to a rest on the shoulder next to the eastbound lane. Hartson was apparently conscious and screaming for help for a few minutes following the collision. Alcohol was not a factor as Janice testified she consumed no alcohol and blood tests confirmed it. Cell phone usage was not a factor as Klatt testified she was not using her cell phone and a forensic examination of the cell phone confirmed there was no cell phone usage in the hour prior to the accident. The defense had two experts testify during trial: Dr. David Curry, a human factors and lighting expert, and (2) Paul Erdtmann, a professional engineer who performed an accident reconstruction.

The defense stipulated to \$13,429.01 in funeral expenses. During closings the plaintiffs' counsel asked the jury to award \$1,000,000 to \$3,000,000 for conscious pain and suffering and \$500,000 to \$700,000 for loss of society and companionship. The jury found both Hartson and Klatt causally negligent but attributed 60% causal negligence to Hartson and 40% to State Farm's insured, Klatt. The jury awarded the \$13,429.01 for funeral expenses, \$200,000 for conscious pain and suffering, and \$50,000 for loss of society and companionship. Total award was \$263,429.01, but the plaintiffs recovered nothing since Hartson was more negligent than State Farm's insured, Klatt.



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QUESTION NO. 3: Was the Plaintiff, Agnes Duening, negligent with respect to her own safety on January 9, 2020?

No (Yes ☒ No)

~~**QUESTION NO. 4:** If you have answered Question No. 3 "Yes," then answer this question: Was the Plaintiff, Agnes Duening's negligence a cause of injuries her injuries?~~

~~_____ (Yes / No)~~

~~**QUESTION NO. 5:** If you answered Question Nos. 2 and 4 "Yes," then answer this question: Assuming the total negligence which caused Agnes Duening's fall to be 100%, what percentage do you attribute to:~~

~~A. Wilco Cabinet Makers, Inc.?~~ _____ %

~~B. Agnes Duening?~~ _____ %

~~Total: 100%~~

Regardless of how you answered any of the previous questions, answer these questions:

QUESTION NO. 6: What amount of money will fairly and reasonably compensate Agnes Duening with respect to:

A. Past medical expenses?	\$ <u>281,240.63</u>
B. Past wage loss?	\$ <u>220,000.00</u>
C. Past pain, suffering, disability and disfigurement?	\$ <u>180,000.00</u>
D. Future medial expenses?	\$ <u>7,000.00</u>
E. Future loss of earnings?	\$ <u>29,000.00</u>
F. Future pain, suffering, disability and disfigurement?	\$ <u>39,500.00</u>

QUESTION NO. 7: What amount of money will fairly and reasonably compensate Mark Duening with respect to:

A. Loss of consortium

\$ 10,000

Respectfully submitted this 9 day of May, 2024.



Foreperson

JACOB PLENNES

Print Name of Foreperson

DISSENTING JURORS (IF ANY):

AS TO QUESTIONS:

STATE OF WISCONSIN : CIRCUIT COURT : LINCOLN COUNTY

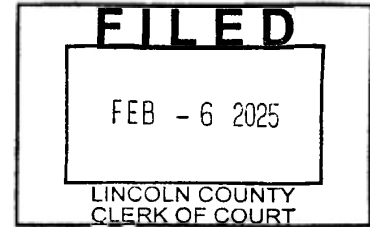
THE ESTATE OF JAMES M. HARTSON
ANGELA HARTSON
STEVEN HARTSONCase No.: 2022CV000028
Case Code No.: 30101, 30105

Plaintiffs,

v.

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY

Defendant,



SPECIAL VERDICT FORM

QUESTION NO. 1: At or immediately prior to the time of the collision was Janice C. Klatt negligent in the operation of her motor vehicle?

ANSWER: yes
Yes or No

QUESTION NO. 2: If you have answered Question No. 1 yes, then answer this question, otherwise, do not answer it. Was such negligence a cause of the accident?

with 2 Dissenters
Jury # 203 & 64
ANSWER: yes
Yes or No

QUESTION NO. 3: At or immediately prior to the time of the collision was James Hartson negligent?

ANSWER: yes
Yes or No

QUESTION NO. 4: If you have answered Question No. 3 yes, then answer this question; otherwise, do not answer it. Was such negligence of James Hartson a cause of the accident?

ANSWER: yes
Yes or No

QUESTION NO. 5: If you have answered Question Nos. 2 and 4 yes, then answer this question; otherwise, do not answer it. Taking the combined total negligence to be 100%, what percentage of negligence do you attribute to:

a) Janice C. Klatt

b) James Hartson

TOTAL

*2014
1 - Dissent Jury # 203*

40%

60%

100 100%

REGARDLESS OF HOW YOU HAVE ANSWERED QUESTIONS 1 THROUGH 5 ABOVE, YOU MUST ANSWER THE FOLLOWING QUESTIONS:

QUESTION 6: What sum of money will fairly and reasonably compensate The Estate of James M. Hartson for the injuries and damages resulting from the October 1, 2021, accident for the following:

a) Past Funeral Expenses

\$ 13,429.01

b) Conscious Pain & Suffering of James Hartson

\$ *200,000*

2 Dissent Jury # 64 & 203

REGARDLESS OF HOW YOU HAVE ANSWERED QUESTIONS 1 THROUGH 6 ABOVE, YOU MUST ANSWER THE FOLLOWING QUESTIONS:

QUESTION 7: What sum of money will fairly and reasonably compensate the plaintiffs Angela Hartson and Steven Hartson, for loss of society and companionship of their father, James M. Hartson?

ANSWER:

\$ *50,000*

Dated at Lincoln County, Wisconsin this 6 day of Feb, 2025.

[Signature]
FOREPERSON

DISSENTING JURORS:

As to Question Number

Juror # 64 Answers # 2, 6B, & 7
Juror # 20 ? # 2B, 6B, 7,

QUESTION # 6 B

I Feel the compensation
is to high for the
Pain and suffering

JURY # 64

QUESTION # 7

I Believe the family
should NOT be compensated

JURY # 64

Question # 2

Speed was NOT a cause
OF The accident

JUROR # 64

Dessert. 90

Question # 5.

I feel James Harrison
was Responsible For 95%
Of Accident

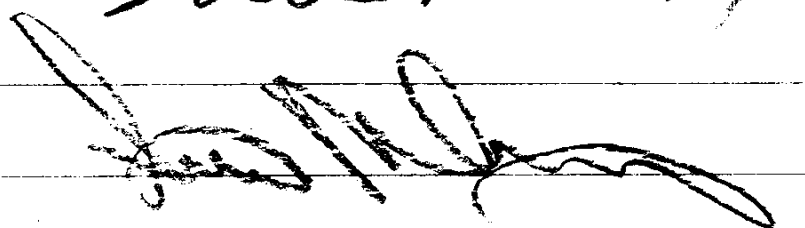
Juror 203


Steven M. Anthony

Question 2 Defendant.

NO Negligent Due to
Accident.

Jury 203

Steve Anthony


Verdict.

6 B

Against Monetary

Amount of \$200,000.00

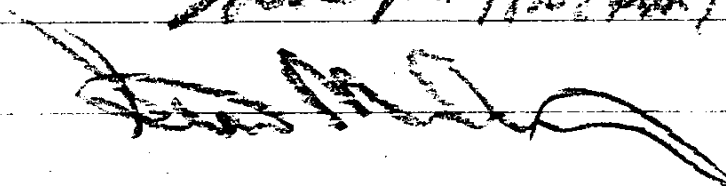
7

Against Monetary

Amount of \$50,000.00

Juror #203

Steve M. Hurlburt

A handwritten signature in black ink, appearing to be "Steve M. Hurlburt", with a long, sweeping flourish extending to the right.

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A Peek Behind the Curtain: The Jury Trial Experience from the Jurors' Point of View

Attorney Heather L. Nelson, Everson, Whitney, Everson & Brehm
And Esteemed Jurors

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1

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Unless you have a bench trial, it is the jurors who decide your case. So, pay lots of attention to the men and women "behind the curtain," and whenever possible, look to your jurors for feedback, whether you received a favorable or less than favorable verdict.



2

What can you learn from talking to jurors?



3

The cases

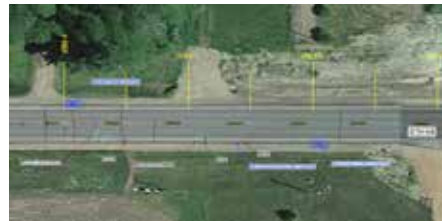
4

Duening v Wilco Cabinet Makers
Brown County, May 2024



5

Estate of Hartson v. State Farm
Lincoln County, February 2025



6

The Jurors



7

Jury Summons



8

Voir Dire



9

The Judge



10

The Attorneys



11

Trial (before closing)

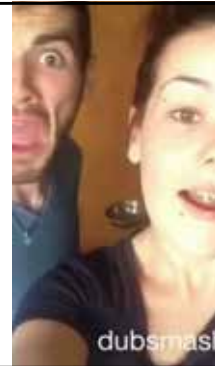


12

Closing Argument



13



14



15

Jury Deliberations



16



17

Do not research any information that you personally think might be helpful to you in understanding the issues presented. Do not investigate this case on your own or visit the scene, either in person or by any electronic means .

Wis. JI-Civil 50 - Preliminary Instruction: Before Trial

18

Members of the jury, you will consider the case fairly, honestly, impartially, and in the light of reason and common sense. Give each question in the verdict your careful and conscientious consideration. In answering each question, free your minds of all feelings of sympathy, bias, or prejudice. Let your verdict speak the truth, whatever the truth may be.

Wis. JI-Civil 191 Closing: Long Form

19

Final Questions and Takeaways



20

Questions from the Audience???



21



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OUTLINE

I. DEALING WITH DIFFICULT JUDGES

A. Substitute in State Court

1. Wis. Stats. § 801.58 – only 60 days from service;
 - a. See attached motion
2. Send an e-mail before doing so to firm;
3. See if you can get someone else to do it.

B. Stipulation to Magistrate in Federal Court

1. Fed. R. Civ. P. 73;
 - a. Need consent of all parties.

C. No Out – Behave Like a Professional

1. Avoid confrontation while making necessary record;
2. Use the clerk.

D. Follow the Rules

1. Local rules;
 - a. Index attached;
2. Personal Procedure;
 - a. Call the clerk;
 - b. Call other lawyer;
 - i. See attached examples.

E. Code of Judicial Ethics

1. SCR Chapter 60.

STATE OF WISCONSIN CIRCUIT COURT DANE COUNTY
BRANCH 17

JAMES M. SCHUCHARDT and
KIM SCHUCHARDT,

Plaintiffs,

vs.

Case No: 2019-CV-003088
Personal Injury-Other: 30107

BGHA, INC. d/b/a BIG GAME TREE STANDS,
MAINSTREAM HOLDINGS, MENARD, INC.,
ABC CORPORATION, one or more fictitious
corporations, DEF INSURANCE COMPANY, one
or more fictitious corporations, and
THE KOHLER CO. MEDICAL PLAN, by its
plan administrator, UNITEDHEALTHCARE
INSURANCE COMPANY,

Defendants.

**DEFENDANT'S MOTION FOR SUBSTITUTION
OF JUDGE AS OF RIGHT**

NOW COME the Defendant, BGHA, Inc. d/b/a Big Game Tree Stands and Mainstream Holdings, and respectfully moves to substitute Judge Peter C. Anderson as of right and in support states as follows:

1. The lawsuit at issue was filed on November 6, 2019, and the case was assigned to Judge Peter C. Anderson.
2. Defendant has the right to substitution of judge pursuant to Wis. Stat. § 801.58(2).
3. The Defendant respectfully moves to substitute Judge Peter C. Anderson as a matter of right within 60 days from filing of the lawsuit, or by January 6, 2020.

WHEREFORE, Defendant respectfully requests the substitution of Judge Peter C. Anderson as a matter of right.

Dated at Madison, Wisconsin, this 3rd day of January, 2020.

Respectfully submitted,

von BRIESEN & ROPER, s.c.

Electronically signed by Michael P. Crooks

Michael P. Crooks
10 East Doty Street, Suite 900
Madison, WI 53703
(608) 287-3926
mcrooks@vonbriesen.com

CLARK HILL PLC
Barry B. Sutton, *PHV Admission pending*
Ellisse S. Thompson, *PHV Admission pending*
151 S. Old Woodward Avenue, Suite 200
Birmingham, MI 48009
Sutton: (313) 965-8577
Thompson: (248) 988-5850
bsutton@clarkhill.com
ethompson@clarkhill.com

Attorneys for Defendants, BGHA, INC. d/b/a Big Game Tree Stands and Mainstream Holdings

Case 2019CV003088

Document 31

Filed 01-03-2020

Page 1 of 3

FILED
01-03-2020
CIRCUIT COURT
DANE COUNTY, WI
2019CV003088

DATE SIGNED: January 3, 2020

Electronically signed by Peter C. Anderson
Circuit Court Judge



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Federal Rules of Civil Procedure

2020 Edition

[FRCP Home](#) » [2020 Federal Rules of Civil Procedure – Table of Contents](#) » [Title IX – Special Proceedings \(Rules 71-73\)](#) » Rule 73 – Magistrate Judges: Trial by Consent; Appeal

Rule 73 – Magistrate Judges: Trial by Consent; Appeal

(a) **Trial by Consent.** When authorized under 28 U.S.C. §636(c), a magistrate judge may, if all parties consent, conduct a civil action or proceeding, including a jury or nonjury trial. A record must be made in accordance with 28 U.S.C. §636(c)(5).

(b) **Consent Procedure.**

(1) *In General.* When a magistrate judge has been designated to conduct civil actions or proceedings, the clerk must give the parties written notice of their opportunity to consent under 28 U.S.C. §636(c). To signify their consent, the parties must jointly or separately file a statement consenting to the referral. A district judge or magistrate judge may be informed of a party's response to the clerk's notice only if all parties have consented to the referral.

(2) *Reminding the Parties About Consenting.* A district judge, magistrate judge, or other court official may remind the parties of the magistrate judge's availability, but must also advise them that they are free to withhold consent without adverse substantive consequences.


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[Title III – Pleadings and Motions \(Rules 7-16\)](#)

[Title IV – Parties \(Rules 17-25\)](#)

[Title V – Disclosures and Discovery \(Rules 26-37\)](#)

[Title VI – Trials \(Rules 38-53\)](#)

[Title VII – Judgment \(Rules 54-63\)](#)

[Title VIII – Provisional and Final s 64-71\)](#)

[I Proceedings \(Rules](#)

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1/13/2020

Rule 73 - Magistrate Judges: Trial by Consent; Appeal | 2020 Federal Rules of Civil Procedure

(3) *Vacating a Referral*. On its own for good cause—or when a party shows extraordinary circumstances—the district judge may vacate a referral to a magistrate judge under this rule.

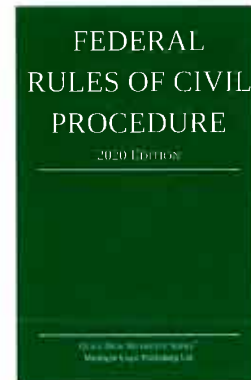
(c) **Appealing a Judgment**. In accordance with 28 U.S.C. §636(c)(3), an appeal from a judgment entered at a magistrate judge's direction may be taken to the court of appeals as would any other appeal from a district-court judgment.

(As added Apr. 28, 1983, eff. Aug. 1, 1983; amended Mar. 2, 1987, eff. Aug. 1, 1987; Apr. 22, 1993, eff. Dec. 1, 1993; Apr. 11, 1997, eff. Dec. 1, 1997; Apr. 30, 2007, eff. Dec. 1, 2007.)

[Title XI – General Provisions \(Rules 81-86\)](#)

[Title XII – Appendix of Forms \[Abrogated\]](#)

[Title XIII – Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions \(Rules A-G\)](#)



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TABLE OF CONTENTS

CIRCUIT COURTS

Rule	Page
Brown County	1
Dane County	11
Eau Claire County	33
Fond du Lac County	43
Kenosha County	49
La Crosse County	57
Marathon County	69
Milwaukee County	83
Outagamie County	159
Portage County	195
Racine County	203
Rock County	225
Sheboygan County	235
St. Croix County	249
Walworth County	279
Washington County	295
Waukesha County	305
Winnebago County	335

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PART I. CIVIL PRACTICE

400. Motion Review
401. Motions - General Filing Requirements
402. Contention Motions
403. Pre-answer Motions
404. Motion for Summary Judgment
405. Discovery Motions
406. Default Judgment
407. Motions for Extension
408. Trial
409. Scheduling
410. Continuance of Trial Date
411. Extrajudicial Waiver
412. Harassment Restraining Orders and Injunctions
413. Foreclosure Modification

PART II. CRIMINAL LAW PRACTICE

500. Arraignment of Cases
501. Continuances
502. Motion Practice

503. Court Standard Discovery
504. Failure to Comply with Discovery Requirements
505. Written Statement of Discovery Requirements (Given by 11/2/12)
506. Attachment Motions
507. Notice to Child Support Agency
508. Educational Program (Concerning also subject on a Child of Disposition of a Marriage)
509. Psychological Examinations
510. Review of Family Court Guidelines for Disposition

PART III. POLICY AND PROCEDURES REGARDING THREATS AGAINST THE JUDICIARY AND SECURITY INCIDENTS IN THE COURTS

600. Threats Defined
601. Security Incident Defined
602. Reporting
603. Court Security Officer
604. Penalties
605. Criminal Justice Training Report Form (CJTR)
606. Threat Notices
607. Telephone Threats
608. Review of Security Incident
609. Appeal to CPAC

PART I. PUBLICATION AND REVISION OF CIRCUIT COURT RULES

Rule 100. [Public Review of Proposed Rules]
Proposed rules shall be posted for public review in the Brown County Courthouse by the clerk of circuit court and V

copies shall be forwarded to the president and secretary of the Brown County Bar Association in their respective offices to be made

FILED

JUL - 5 2016

DANE COUNTY CIRCUIT COURT

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH 16

DANE COUNTY

Billy M. Luke, et al,
-Plaintiffs

Vs.

Case No. 15CV1787

Cincinnati Ins. Co., et al,
-Defendants.

**STANDING ORDER REGARDING CONTENTS OF
MOTIONS FOR SUMMARY JUDGMENT,
RESPONSES TO MOTIONS FOR SUMMARY JUDGMENT,
AND REPLIES TO RESPONSES**

This order is issued for the purpose of compelling the parties to present summary judgment arguments, both legal and factual, in a coherent, orderly manner. If a party believes that compliance with this order will not advance that purpose, such party may, prior to filing the motion, request a different procedure. However, a request for a different procedure will not affect any statutory or court-imposed time limits, unless otherwise ordered by this court.

This court prefers that the motion and supporting memorandum be filed as a single document. This order describes the required format and contents of a combined motion and memorandum. If the moving party submits a separate supporting memorandum, such memorandum becomes the key document and it must, except for the caption, fully comply with this order. Stated differently, the required contents of a separately filed memorandum are the same as the required contents of a combined motion/memorandum.

Nothing in this order should be construed as affecting a party's obligation to comply with WIS. STAT. § 802.08, other applicable statutes, case law, and local circuit court rules, except that the page limits in Dane County Circuit Court Rule 115 shall apply only to the "argument" sections of the parties' submissions.

A. REQUIREMENTS APPLICABLE TO A PARTY SEEKING SUMMARY JUDGMENT

Caption

This court prefers that summary judgment motions and supporting argument be filed as a single document, that is, a combined motion and memorandum. A combined motion and memorandum shall be captioned with at least the following information:

Motion for Summary Judgment and Supporting Memorandum filed by [party name]

The caption and partial summary judgment. Summary judgment is often a valuable tool used to limit the number of claims or defenses. When a party moves for partial summary judgment, the caption shall specify that the motion is for partial summary judgment and shall identify which claims or defenses are the subject of the motion.

Supporting Papers

On or before the date of the moving party files the motion and memorandum, he or she shall file full copies of all affidavits, depositions, or other papers permitted under WIS. STAT. § 802.08(3) and (4). Assertions in affidavits shall be in evidentiary form, such that they would be admissible at a trial.

If a party wishes to supply portions of the supporting papers for the court's easy reference, the party shall submit such portions bound separately as an appendix to the combined motion and memorandum.

Contents of Combined Motion/Memorandum or Separate Memorandum

Either a combined motion/memorandum or separate memorandum shall contain the following five sections:

- Introduction
- Claims (or Defenses)
- Proposed Undisputed Facts
- Argument
- Relief Sought

The required content of these sections is described below.

The "Introduction" section:

This section shall identify the parties and provide any procedural facts necessary to the resolution of the motion.

This section shall also contain a brief summary of arguments.

The “Claims (or Defenses)” section:

This section shall contain a list of the claims and/or defenses that are the subject of the summary judgment motion.

Elements of claims or defenses. If granting summary judgment in favor of the moving party requires a determination that there is no material factual dispute regarding the elements of a claim or a defense, the moving party shall list all the elements of any such claim or defense. Defenses, such as governmental immunity and statutes of limitation, typically have component elements, and they must be listed. The elements listed must be supported by citation to legal authority, such as case law or standard jury instructions. This listing shall be in the following format:

- A. [name of claim or defense]
 - 1. [first element] (citation to legal authority)
 - 2. [second element] (citation to legal authority)
 - 3. etc.

Exception to the elements listing requirement. If none of the moving party’s theories supporting summary judgment necessitate an analysis of the elements of a claim or defense, the moving party need not list the elements. When elements are not listed, this section shall include a sentence stating that an analysis of the elements is unnecessary to any of the moving party’s theories.

The “Proposed Undisputed Facts” section:

The moving party must provide a listing of all undisputed facts necessary for granting summary judgment. This court will not search the record for evidence.

Stipulated facts. If pertinent facts are the subject of a stipulation, this section shall begin with a paragraph explaining that the parties have stipulated to facts. Such paragraph shall be followed by numbered paragraphs containing the stipulated facts.

Proposed undisputed facts. Proposed undisputed facts shall be set forth in numbered paragraphs. To the extent practical, each paragraph should contain a single factual assertion.

If proposed undisputed facts follow a listing of stipulated facts, the paragraph numbering for proposed undisputed facts must begin where the stipulated facts numbering left off.

All factual assertions must be supported by record cites. The most common cite sources are the following:

- affidavits
- depositions

- answers to interrogatories
- admissions obtained by requests for admissions
- documentary evidence attested to by affidavit or stipulation

Citations to the record must include clear identification of the document and its date and specific references to pages, paragraphs, and line numbers.

Example:

20. John Smith first experienced neck pain at the back of his neck on August 24, 2003.

Smith Affidavit, January 14, 2004, p. 3, ¶9. Smith Deposition, March 5, 2004, p. 15, lines 2-6.

All proposed undisputed facts must be supported by reference to admissible evidence. In particular:

- The record must unambiguously support the particular fact asserted. An interpretation of underlying evidence may only be offered as an undisputed fact if the interpretation is the *only* reasonable interpretation.
- Facts must be evidentiary facts – not ultimate or conclusory facts. That is, facts must be in a form that would be admissible at trial.
- Foundational facts supporting a hearsay exception must be set forth if the moving party is relying on hearsay.
- Pertinent expert qualifications must be listed if a party is relying on the expert's opinion.

Important: First, the "Proposed Undisputed Facts" section **may not contain argument**. If a party anticipates a dispute regarding a proposed fact, he or she should address that anticipated dispute in the "Argument" section. Second, the "Proposed Undisputed Facts" section is not a substitute for a full factual discussion with record cites in the "Argument" section. Rather, the purpose of the "Proposed Undisputed Facts" section – and the corresponding required fact section in the response – is primarily to avoid the common situation in which parties mix legal and factual arguments in a manner that makes it difficult or impossible for this court to determine whether parties agree or disagree about particular facts that the court may deem important.

The "Argument" section:

The "Argument" section must contain a complete legal and factual discussion. The moving party should not assume that the court has in mind specifics regarding claims, elements, or facts set forth in previous sections. Stated differently, the moving party should not expect the court to put together the pieces of a puzzle. Rather, the moving party's "Argument" section must provide all legal arguments and all factual information necessary to the conclusion that the moving party is entitled to summary judgment.

All facts relied on in the "Argument" section must be listed in the "Proposed Undisputed Facts" section.

Fact cites are required in "Argument" section. Each reference to a fact in the "Argument" section must be supported by a cite to the paragraph number of the corresponding proposed undisputed fact (PUF) or stipulated fact (SF).

Example:

John Smith averred that he first experienced neck pain at the back of his neck on August 24, 2003 (PUF ¶ 20).

Headings and sub-headings. The moving party should make liberal use of headings and sub-headings. This court will appreciate the moving party's effort to break his or her arguments and alternative arguments into their component parts.

The "Relief Sought" section:

The moving party should specify the relief requested. Usually, this will simply be an order granting summary judgment and dismissing all of the plaintiff's claims, or an order granting summary judgment and entry of judgment against the defendant. The moving party should be very specific about the relief or alternative forms of relief sought.

**B. REQUIREMENTS APPLICABLE TO A PARTY RESPONDING TO
A MOTION FOR SUMMARY JUDGMENT**

If no date has been set by the court, the responding party has 30 days after service to file supporting papers, if necessary, and a response to a motion for summary judgment. Do not file copies of supporting papers that have already been filed by the moving party.

If the responding party is also moving for summary judgment, the responding party is encouraged to file a combined response and cross-motion for summary judgment.

Except as indicated below, the response and any cross-motion for summary judgment shall comply with the requirements set forth in Section A, above.

The response shall be captioned with at the following information:

**Response of [responding party's name]
to the Motion for Summary Judgment
filed by [moving party's name]**

Supporting Papers

If a responding party is relying on any supporting papers not filed by the moving party, the responding party shall file full copies of such additional papers at or before the time the response is filed. An appendix, as described in Section A above, is permitted.

Contents

The response shall contain five sections corresponding to the moving party's sections:

- Introduction
- Response to Claims (or Defenses)
- Response to Proposed Undisputed Facts
- Argument
- Relief Sought

The required content of these sections is described below.

The "Introduction" section:

If there is no dispute regarding the parties or the procedural facts, the responding party shall first state that there is no dispute. If there is a dispute, the responding party shall begin by explaining that dispute.

The responding party shall briefly summarize his or her responsive arguments.

The "Response to Claims (or Defenses)" section:

If not disputed. The responding party shall state there is no dispute.

If disputed. The responding party must identify all disputed claims, defenses, and elements. If the responding party believes a claim or defense has not been raised by the pleadings, he or she shall make that assertion. If the responding party believes the moving party has misstated the elements of a claim or defense, the responding party shall list the elements using the format specified for the moving party.

Important. This section is not the place for argument. The responding party shall provide a full argument regarding disputed claims or defenses in its "Argument" section.

The "Response to Proposed Undisputed Facts" section.

The responding party shall respond separately to each numbered proposed undisputed fact using the same paragraph numbers.

Responses shall be in one of the following forms.

- 20. Not disputed.
- or**
- 20. Disputed. Contrary Evidence.

John Smith told Dr. Roberta Jones on September 2, 2003, that he first began experiencing neck pain in January or February of 2003.

Jones Deposition, March 17, 2004, p. 5, lines 6-21.

John Smith admitted that he could think of no incident which would have cause injury to his neck during the year 2003.

Smith Deposition, March 5, 2004, p. 32, lines 20-24.

or

20. Disputed. Not supported by record cite provided.

or

20. Disputed. Not based on admissible evidence .

or

20. Disputed. Not an evidentiary fact, but instead a disputed inference.

or

20. Disputed. Based on "sham affidavit."

Important. No argument is permitted in this section. Explanations for these responses belong in your "Argument" section.

Additional proposed undisputed facts. If the responding party presents additional proposed undisputed facts, the paragraph number for such facts shall begin where the moving party's numbered paragraphs left off.

The "Argument" section:

The requirements of a moving party's "Argument" section apply, with the obvious difference that it is responsive argument (see Section A above).

The "Relief Sought" section:

The requirements of a moving party's "Relief Sought" section apply (see Section A above).

**C. REQUIREMENTS APPLICABLE TO A MOVING PARTY'S
REPLY AND RESPONSE TO A CROSS-MOTION FOR SUMMARY JUDGMENT**

A reply to a response shall be filed within 15 days after service of the response, unless a different time limit has been set by the court.

If the responding party files a combined response and cross-motion for summary judgment, a combined reply and response to the cross-motion shall be filed within 30 days

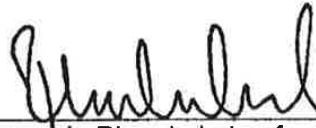
after service, unless a different time limit has been set by the court. If there is no cross-motion, reply briefs may only be used to respond to factual or legal assertions in the responsive brief. All replies and responses to cross-motions for summary judgment shall comply with the above requirements where applicable.

All summary judgment filings should be hard copied to our office.

ANY FILINGS THAT DO NOT ABIDE BY THIS ORDER MAY BE STRICKEN FROM THE RECORD OR OTHERWISE DISREGARDED.

Dated this July 5, 2016

BY THE COURT:

A handwritten signature in black ink, appearing to read 'Rhonda L. Lanford', written over a horizontal line.

Honorable Rhonda L. Lanford
Circuit Judge, Branch 16

CC: All attorneys of record



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Accountants and Personal Injury Claims 4/11/2025

Topical Outline

1. The whole tax return
2. Other causes v fishing expedition
3. A dent and its timing v DOL
4. Once a salesperson always a salesperson
5. Personal & corporate tax return timing
6. Impact (or not) of topical research
7. Gambling, taxes & injury claims
8. Gross v net v marginal income
9. Sub S wages
10. SSS-the big picture
11. Long term growth presumption v history
12. A \$ now v a \$ later



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ACCOUNTANTS & INJURY CLAIMS

John Peters CPA – Peters Financial Consulting, Inc. - Brookfield

1

1979

- A modestly injured traveling salesperson
- Sch C is the only tax data you need to know
- Business revenue did go down-claim based on that decline
- Claim numbers traced back to tax data-no problems
- Restless energy and likely annoying requests
- That Sch D came out of nowhere
- History is important and things change
- The whole tax return and nothing but

2

The Mid 1980's

- A modestly injured marketer/entrepreneur & really cool sunglasses
- Got the whole personal tax return, no need to go past pg 1 – million \$ baby
- Big limits but a decline (dent) of uncertain correlation
- The personal return and the corporate return; and some monthly data
- Healthy topical research – easy now but innovative then
- The downside may have predated the loss by some; not our problem?
- The get-together and the fess-up; and then the end-around
- Taking a brief rest break
- Bravado and accounting standards

3

25 Years Later but not dissimilar result

- Green & Young to Over-The-Hill & Hired Gun
- An unfortunately deceased husband/wife and their heirs
- Page 1 of the 1040 Personal Tax – the dreaded “G” word
- Anatomy of the G word
- Would money have gone to heirs or to casino but-for the accident
- Judicial ruling & non-disclosed deposits
- Empathetic jury & over-ruled accountant
- Bravado of a different kind

4

Tax Return Lightning Round

- Schedule C gross or net income
- Gross wages v net wages (take-home-pay)
- Pay no attention to those tax returns behind the curtain
- Sub-S wages v profit
- Profitable farmer is an oxymoron
- Get an early start at the first hint of lost wages/income
- Try consulting – read the return & tell me what you think (#'s & changes)
- Troubles requesting the return and the whole return

5

SSS

- Lifetime history,
- 4pgs,
- “easy” to get
- Date of birth
- Future benefits maybe relevant



6

SSS

- Is this all there is
- Where's the dent

Example: Market

Market data for the S&P 500 index from 1926 to 2000. The table shows the year, the closing price, and the dividend per share. The data is sourced from the S&P 500 index.

Year	Price	Dividend
1926	100	0.00
1927	100	0.00
1928	100	0.00
1929	100	0.00
1930	100	0.00
1931	100	0.00
1932	100	0.00
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2000	100	0.00

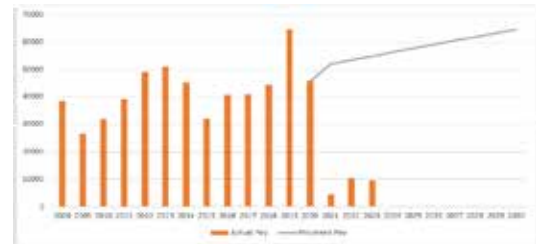
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2000	100	0.00

7

SSS



8

Discounting

5% CDR			12% Stock Fund/11%			12% Stock Fund/11%		
Year	Balance	Earnings	Year	Balance	Earnings	Year	Balance	Earnings
2026	\$ 100	\$ 5	2025	\$ 100	\$ 12	2025	\$ 100	\$ 8
2026	\$ 105	\$ 5	2026	\$ 112	\$ 13	2026	\$ 105	\$ 9
2027	\$ 110	\$ 6	2027	\$ 125	\$ 15	2027	\$ 112	\$ 10
2028	\$ 115	\$ 6	2028	\$ 140	\$ 17	2028	\$ 120	\$ 11
2029	\$ 120	\$ 6	2029	\$ 157	\$ 19	2029	\$ 130	\$ 12
2030	\$ 125	\$ 6	2030	\$ 176	\$ 21	2030	\$ 140	\$ 13
2031	\$ 130	\$ 7	2031	\$ 197	\$ 24	2031	\$ 150	\$ 14
2032	\$ 135	\$ 7	2032	\$ 221	\$ 27	2032	\$ 160	\$ 15
2033	\$ 140	\$ 7	2033	\$ 248	\$ 30	2033	\$ 170	\$ 16
2034	\$ 145	\$ 8	2034	\$ 277	\$ 33	2034	\$ 180	\$ 17
2035	\$ 150	\$ 8	2035	\$ 311	\$ 37	2035	\$ 190	\$ 18
2036	\$ 155	\$ 8	2036	\$ 348	\$ 42	2036	\$ 200	\$ 19
2037	\$ 160	\$ 9	2037	\$ 390	\$ 47	2037	\$ 210	\$ 20
2038	\$ 165	\$ 9	2038	\$ 436	\$ 53	2038	\$ 220	\$ 21
2039	\$ 170	\$ 10	2039	\$ 489	\$ 59	2039	\$ 230	\$ 22
2040	\$ 175	\$ 10	2040	\$ 547	\$ 66	2040	\$ 240	\$ 23

9

Wisconsin Defense Counsel Spring Conference

April 11, 2025 – Kohler, Wisconsin

Pro bono: it's good for everyone: The Lawyer's Duty & Opportunity to Narrow the Justice Gap in Wisconsin

Panelists:

- Katie Mertz, Director of Pro Bono at Marquette Law School (katie.mertz@marquette.edu)
- Maggie Niebler-Brown, Volunteer Lawyers Project at Legal Action of Wisconsin (MNB@legalaction.org)
- Megan McKenzie, Senior Attorney at American Family Mutual Insurance Company (mmckenzi@amfam.com)

Introduction and Overview: 11:00 – 11:15

It's good for your professional development & your legacy

- Preamble (6), Rules of Professional Responsibility
- SCR 20:6.1 Voluntary pro bono publico service

Pro bono work comes with perks

- CLE credit: Free classes and for volunteering (5 pro bono hours = 1 CLE credit)
- Recognition: Wisconsin State Bar Pro Bono Honor Roll (50+ pro bono hours)
- Brings lawyers together: mentoring relationships, SCR 10.03 allows inactive, emeritus, and in-house attorneys licensed outside of Wisconsin to volunteer
- Incredible outcomes to clients and benefits for volunteers
- Limited legal aid resources – pro bono attorneys are needed

Pro bono is good for everyone. But am I good for it? 11:15 – 11:35

- Competence: SCR 20:1.1
 - ABA Comment [1] and [5]
 - Resources available to ensure meeting competence requirements:
 - Training and written guidance available
 - Expert support – often onsite or available by from the referral source
 - Access to experienced mentors
- Lawyer as Advisor, SCR 20:2.1
 - ABA Comment [1]

Additional Support for Pro Bono Work 11:35 -11:50

- Limited Scope Representation 20:1.2
- Ghostwriting is allowed SCR 20:1.2

- Special rule for conflicts of interest SCR 20:6.5
- Malpractice Insurance – pro bono programs provide coverage!
- There is something for everyone. Select the experience that meets your needs and interests.

Questions for the panel

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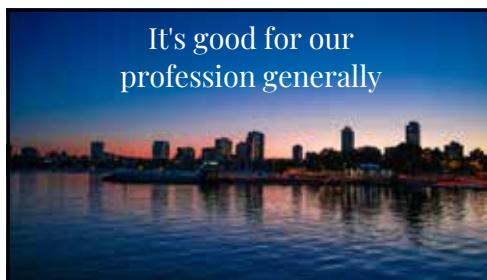
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11



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13



14

Client Outcomes
We know pro bono interventions make a difference in people's lives

 INCREASED AGREEMENTS, LESS LITIGATION	 CHILD SUPPORT PAID, CHILD SUPPORT RECEIVED
 INCREASED ACCESS TO JUSTICE	 DRIVER'S LICENSES RECOVERED
 DECREASED BARRIERS TO EMPLOYMENT	 FEWER EVICTIONS
 JUDGMENTS PAID, JUDGMENTS COLLECTED	 DEBT DISCHARGED

15

“

I am infinitely grateful for the help I've received today. I was very fearful of an eviction. Your attorney helped me immensely. Thank you very much.”

EVICTED HOMELESS PROJECT CLIENT

16

“

This project got me all the way through the pardon process. I can't believe I have been pardoned. I can be an example to others with challenges and in recovery that life can move on.”

PARDON CLINIC CLIENT

17

“

The lawyer and student called the creditor and they agreed to reduce the debt and to dismiss the lawsuit. I was about to lose this case until I came here. Thank you!”

MARQUETTE VOLUNTEER LEGAL CLINIC CLIENT

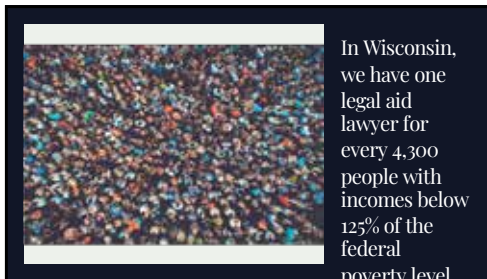
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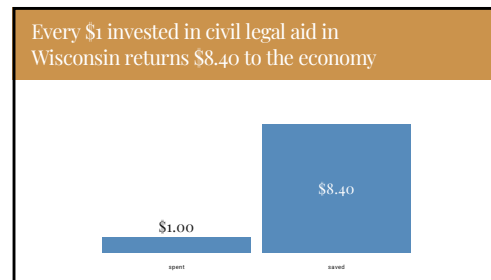
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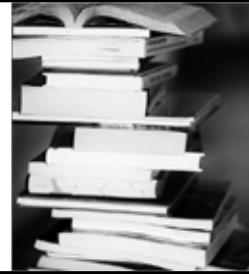


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Pro bono is good for
everyone.
But am I good for it?

25

You don't
realize how
much you
already
know.



26



27

Competence

SCR 20: 1.1

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.



Expert-level knowledge is not required

28

Competence: Relevant factors

Relevant factors in determining whether a lawyer employs the requisite knowledge and skill in a particular matter are listed in ABA Comment [1] under the Competence rule.

The relative complexity and specialized nature of the matter,
The lawyer's general experience,
The lawyer's training and experience in the field in question,
The preparation and study the lawyer is able to give the matter, and
Whether it is feasible to refer the matter to, or associate or consult with, a lawyer of established competence in the field in question.

Comment [5]:
The required attention and preparation are determined in part by what is at stake.

29

Lawyer as Advisor

SCR 20: 2.1

In representing a client, a lawyer shall exercise independent professional judgment and render candid advice. In rendering advice, a lawyer may refer not only to law but to other considerations such as moral, economic, social, and political factors that may be relevant to the client's situation.



More than just
legal advice.

30

Lawyer as Advisor

ABA Comment [1] states: "... Purely technical legal advice, therefore, can sometimes be inadequate. It is proper for a lawyer to refer to relevant moral and ethical considerations in giving advice. Although a lawyer is not a moral advisor as such, moral and ethical considerations impinge upon most legal questions and may decisively influence how the law will be applied."

31

Rules Supporting Pro Bono Work

Supreme Court Rules Making Pro Bono Practice Easy

SCR 20: 1.2 LIMITED SCOPE REPRESENTATION A lawyer may limit the scope of representation if the limitation is: reasonable under the circumstances & the client gives informed consent	SCR 20:1.2(c)(m) GHOSTWRITING IS ALLOWED A lawyer may prepare pleadings, briefs, and other documents to be filed with the court so long as such filings clearly indicate therein that "This document was prepared with the assistance of a lawyer."	SCR 20:6.5 SPECIAL RULE FOR CONFLICTS OF INTEREST A special rule for lawyers participating in advice-only clinics. No need to check for conflicts. You only have a conflict to current and former clients if you know you have a conflict. You have an imputed conflict only if you know you know another lawyer in your firm is disqualified.
---	---	--

32

"I don't have malpractice insurance."

In Wisconsin,

- Coverage through:
 - State Bar of Wisconsin (any qualified pro bono program under SCR 31)
 - Marquette Law School (civil, family, and estate planning clinics)
 - Legal Action of Wisconsin (Eviction, Debt Collection, Driver's License, Bankruptcy, Eviction Defense, Tax Clinic, other referrals)

Nationally:

Image courtesy of the Pro Bono Institute

33

There is something for everyone.

Select the experience that meets your needs and interests.

NO COURTROOMS FOR ME	NO FAMILY LAW FOR ME	I'D LIKE TO WORK WITH OTHERS	I PREFER TO FOCUS ON WRITING
I ENJOY FACE-TO-FACE WORK WITH CLIENTS	I'M ONLY AVAILABLE FOR REMOTE WORK	I'D LIKE TO GET AWAY FROM MY DESK	I MUST HAVE REAL TIME CONSULTATION

34

"I wish everyone knew how great this is."

MARQUETTE VOLUNTEER LEGAL CLINIC ATTORNEY VOLUNTEER

35

Try it out.

Pro bono opportunities await you.

36

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Anxiety, Your Practice, and You:

How to Manage the Profession's Most Common Mental Health Challenge

Attorney Wellness is Relevant to at Least Two Rules of Professional Conduct:

SCR 20:1.1 – Competence: A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

SCR 20:1.3 – Diligence: A lawyer shall act with reasonable diligence and promptness in representing a client.

ABA COMMENT [2] A lawyer's workload must be controlled so that each matter can be handled competently.

Challenges in the Legal Profession and Attorney Characteristics Present Risks to Well-Being:

Nature of Practice is Such That:

- Attorneys are always on
- Client demands can be difficult
- Attorneys can significantly impact client well-being
- The nature of practice is often adversarial
- A decline of civility in the profession has been recognized
- Consequences of mistakes can be significant

Attorneys Also Tend to Be:

- Skeptical
- Argumentative
- Self-protective
- High in urgency
- Impatient
- Low in sociability
- Low in resilience
- Over-committed

- Over-engaged

Emotions, Including Anxiety, Provide Information and Resources

- **Happiness** – Things are going well and I want more of it.
- **Surprise** – This is unexpected and I want to learn about it for future reference.
- **Sadness** – I lost something and I need to reconcile my expectations with the post-loss world.
- **Anxious** – There is a threat and I need to avoid it or reduce the potential harm from it.

The Underlying Threats of Anxiety Are Diverse

- Threats that give rise to anxiety can span a wide variety of domains including life and death, senses of identity and pride, and career security. Examples include:
 - Death
 - Injury
 - Scarcity
 - Loss
 - Damage to sense of security
 - Damage to others
 - Damage to job/career/achievements
 - Damage to self-worth/reputation/pride
 - Being unprepared or incapable
 - Change
 - Making a mistake
 - Sudden gain/loss of work
 - Anxiety itself

Anxiety Gives Rise to Stress, but Not All Stress and Anxiety is Bad

- Anxiety can be understood as providing (1) no stress, (2) eustress, or (3) distress.
- No stress is a state of low or no anxiety. These are good times for prioritizing rest and recovery.
- Eustress is a form of good stress, where a manageable amount of anxiety provides energy and motivation. These are good times to leverage anxiety for productivity.

- Distress can be understood as excessive stress that impedes productive functioning. These are times where anxiety needs to be managed and de-escalated.

De-escalate & Manage Distress

- Leverage mindfulness to focus on the present instead of past mistakes and future threats
- Leverage sensory inputs to appeal to compensatory, calming emotional responses
- Leverage breathing exercises to create physiological cues to encourage psychological calming

Balance and Leverage Eustress

- Upon detecting anxiety, determine whether there is a genuine threat and whether actions can be taken to reduce the risk or extent of harm. If there is no actual threat or if a threat is not actionable, focus on de-escalating anxiety.
- For determining whether there is an actual threat, consider whether a cognitive distortion is giving rise to a perceived risk of harm more than an objective risk. Example distortions include all-or-nothing thinking, mind reading, and catastrophizing.
- If a threat is actionable, the next step to recognize the opportunity and leverage the resources that anxiety provides to take corresponding action.
- If a threat is not genuine or not actionable, de-escalation can be accomplished by any of the strategies described for managing distress, in addition to:
 - Leveraging cognitive skills to negotiate and neutralize heightened anxiety
 - Leveraging psychological distance to reduce the influence of rumination
 - Leverage gratitude to appeal to soothing emotional processes
 - Expend the energy that anxiety provides through recreation, productivity, hobbies, or other bodily movement

Capitalize on Opportunities for Rest and Recovery in Times of No Stress

- Intentionally take opportunities to detach from work, responsibilities, and accessibility to others, even for a matter of minutes
- Engage with community and connect with others, whether in personal or professional settings
- Consider professional support to develop tailored strategies for practicing sustainably.

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A FRESH LOOK

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UNIFORMITY

By updating our logo and branding, we aim to achieve uniformity across all our communication channels and materials. This will create a more cohesive and consistent brand presence, making it easier for agents and policyholders to recognize and engage with our brand.

IMPROVED APPEAL

We understand the importance of staying connected with our policyholders. The refreshed branding is designed to enhance our appeal to existing policyholders while also attracting new customers who are looking for a trusted and forward-thinking insurance provider.

MODERN STYLE

Our new branding features a modernized look, text, and color palette that reflects our commitment to improved innovation and staying current with industry trends. These changes will help us stand out in a competitive market and appeal to a broader audience.

RELIABILITY

It's important to emphasize that while our branding is evolving, our core values and commitment to providing excellent service remain unchanged. The new look symbolizes our evolution and readiness to embrace the future while continuing to deliver the same high-quality products and support you have come to expect from us.

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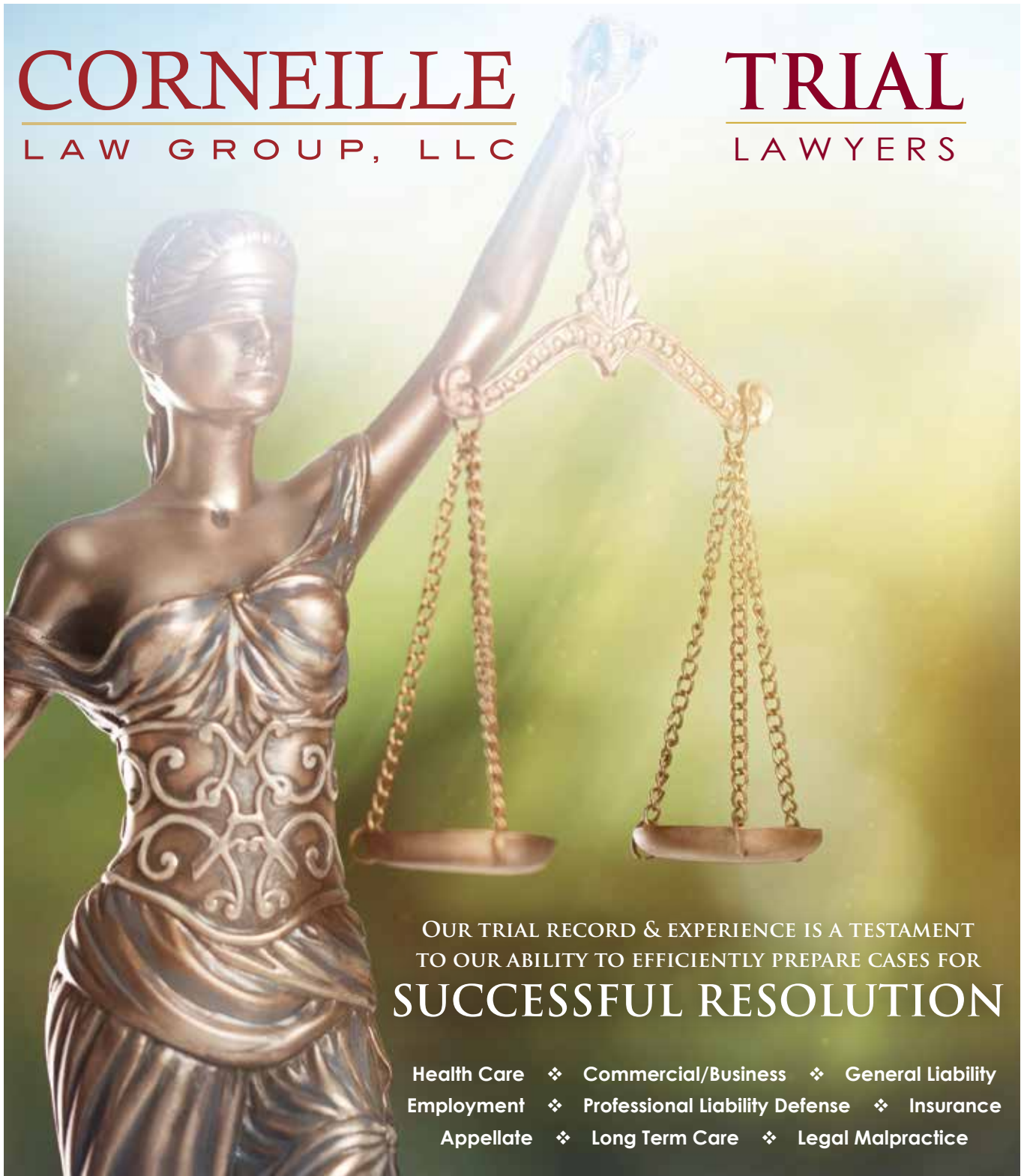
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A photograph of two scientists, a woman and a man, wearing lab coats and safety glasses, working in a laboratory. The woman is in the foreground, wearing a blue lab coat with a 'Sara' name tag, and is using a tool to work on a piece of equipment. The man is behind her, also wearing a lab coat and safety glasses, looking at the same equipment. The background shows various laboratory instruments and equipment.

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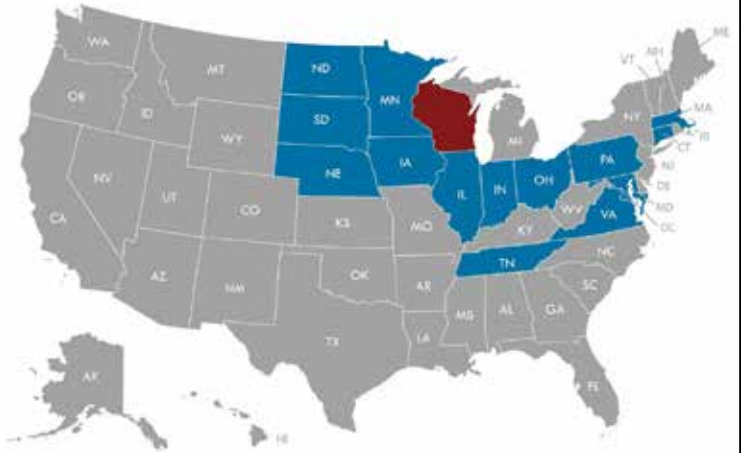
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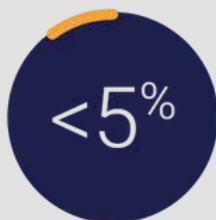
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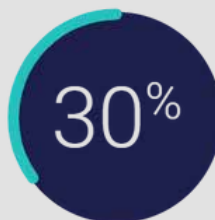
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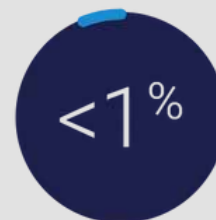
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