

## RAISING THE BAR

PAIR OF CANDIDATES VIE FOR ORGANIZATION'S TOP SPOT

By Erika Strebel

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A Minocqua family attorney and Oshkosh bankruptcy lawyer are competing for one of the top spots at the State Bar of Wisconsin.

John Danner and Paul Swanson accepted nominations in December to run for State Bar president-elect in the upcoming State Bar Board of Governors election.

Ballots in the election will be mailed out by April 8, and bar members will be able to vote until April 22.

The winner will take office July 1.

Both candidates recently spoke with the Wisconsin Law Journal about their goals and reasons for running. The interviews have been condensed and edited for space.

### John Danner

John Danner is an attorney at Harrold, Scrobell & Danner S.C., of Minocqua. He earned his degree from the University of Iowa College of Law and has practiced in Wisconsin since 1979. His areas of practice include family law, real estate and general litigation.

In his spare time, Danner, a former broadcast journalist, officiates at wrestling matches, something he has done for 30 years.



STAFF PHOTO BY KEVIN HARNACK

State Bar of Wisconsin candidates John Danner (left) and Paul Swanson meet at the group's headquarters in Madison on Jan. 15. Bar members will decide on their next leader in April. The winner will take office on July 1.

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## RIDING OFF INTO THE SUNSET

DEVISING A PLAN WILL LEAD TO HAPPY GOLDEN YEARS

By Jessica Stephen

Special to the Wisconsin Law Journal

When it comes to retirement planning, Gary Bakke has some simple advice.

"Do as I say, not as I do. Plan!" deadpanned Bakke, a former shareholder at Bakke Norman in New Richmond.

"It would be an exaggeration to say I had a plan," said Bakke, who spoke during the State Bar's 2015 Solo and Small Firm Conference about his decision to gradually withdraw from legal practice. "The way I live my life, I wake up in the morning and see what's going to happen. I'm not good at planning. I pretend to but I'm not, so it kind of grew."

Scaling back came slowly for Bakke. It all started around 2000, when he became president-elect and then, later, president of the Wisconsin Bar Association.

From there, he gradually withdrew from practicing

### MORE TIPS FOR RETIREMENT:

Read Ed Poll's Lawbiz Coaches Corner commentary. **Page 13**

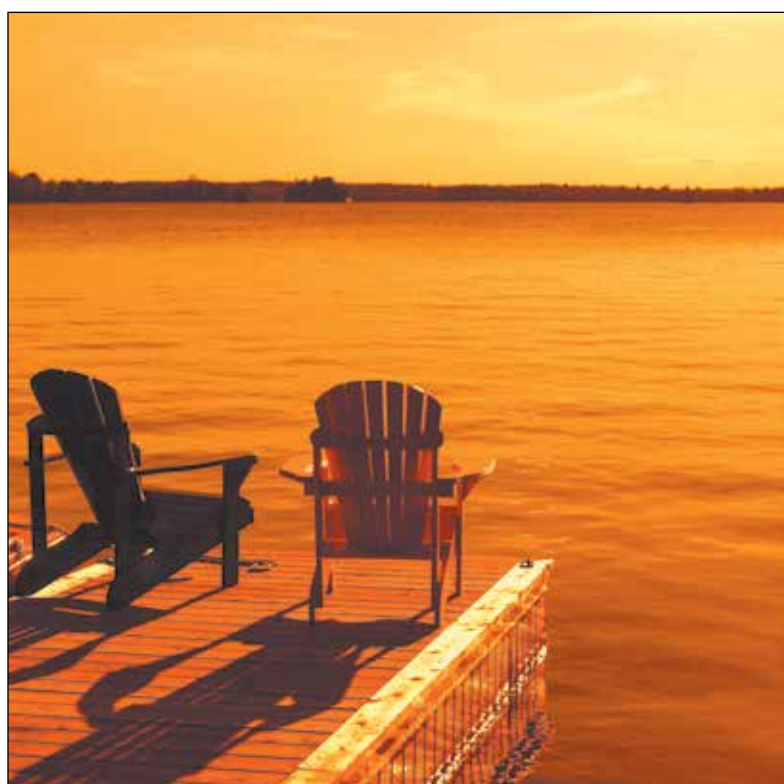
until, at the age of 65, he sold his interest in the firm. Today, at 76 and with more than 50 years in practice, he works essentially part-time, often as second chair on major litigation.

It's an arrangement that's good for him and for his firm. It's also one that, Bakke acknowledged, allowed him to meander into retirement instead of hurtling headlong toward it.

Not all attorneys are so lucky.

"Things happen — illness, accidents, change of law, change of being welcome in your own firm. And people don't do a very good job of planning for that unexpected,

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## SUNSET

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forced retirement,” Bakke said.

The importance of planning is something that Harvey Wendel has repeatedly stressed in retirement seminars organized by the State Bar of Wisconsin and the University of Wisconsin Law School.

“Sometimes it’s an accident. Sometimes it’s health reasons. But I would say the best advice is to not have to do it on an instant. Plan for it,” said Wendel, who is currently of counsel at Murphy Desmond in Madison.

Several sections of the state Supreme Court’s rules outline steps attorneys should take before retiring. From confidentiality and trust accounts to the responsibilities of partners and subordinate lawyers, even the sale of a practice, there are rules governing what attorneys can and must do before leaving the law.

“You have ethical responsibilities when you retire, and what’s important is going to depend on the circumstances of your retirement. But you can’t walk away without thinking about your ethical obligations,” Bakke said.

But, for many, deciding where to start planning for retirement really depends on how a lawyer is employed.

“For a sole practitioner, transitioning clients to a new attorney is the most important,” Bakke said. “If you’re in a firm, that is pretty much automatic because clients are clients of the firm, so it’s a smooth transition. But if you’re a sole practitioner — and this is especially true if your retirement is unplanned or sudden — very few solo practitioners have a plan in place for how clients should be handled, and that’s by far the biggest issue that happens to your client.”

Wendel agreed. “You can’t just say, ‘I’m closing my files.’ If you’re a solo, I’ve always said, ‘Find yourself another attorney or small firm and join them, or let them join you.’”



*“You have ethical responsibilities when you retire, and what’s important is going to depend on the circumstances of your retirement. But you can’t walk away without thinking about your ethical obligations.”*

### Gary Bakke,

Wisconsin Bar Association former president

That’s essentially what Wendel did in 1999, when his firm, Wendel Center, merged with Murphy Desmond.

After nearly 35 years in practice, Wendel decided a couple of years before the merger that he wanted to cut back. When the merger went through, he became of counsel and reduced his hours. At 76, he continues to work, but has emeritus status with the State Bar.

The long journey toward a career’s sunset is

one that, Wendel said, often starts by asking other lawyers if they know of any new or established firms that are interested in acquiring existing cases. Some simply call a law school, whereas others take out an advertisement.

Wendel said that one might state, for instance, that “I am a 65-year-old attorney solo practitioner in Rhinelander. I’m retiring, and I’m looking for an attorney or a firm looking to merge my practice or take over my practice.”

Once the transition team is in place, the next step is getting in touch with clients.

And there are other considerations.

“I think some lawyers think that practices are valuable and can be sold for significant money, and that’s almost never true,” Bakke said. “You can’t sell your clients. And your desk and computer probably aren’t worth a lot, so thinking you are going to cash out of a practice, unless you have an income-continuation agreement with a firm, hardly ever works out.”

In fact, many solo attorneys continue to pay for the privilege of retirement.

“After you retire you still have a need for insurance,” Bakke said. “The insurance industry calls that a tail policy, and that obligation can continue as long as you can still be sued even though you’re retired, so you can’t stop insurance coverage without some risk.”

## BAR

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Although he generally considers this use of his leisure time to be a stress reliever, he acknowledged that there have been times when coaches have lost themselves in the heat of the moment and got in his face.

“I just say, ‘Hey, I’m a divorce lawyer. I deal with that on a daily basis. You’re fine,’” Danner said. “And they laugh, and we get along.”

**Wisconsin Law Journal:** Why are you running?

This is my first year on the Board of Governors and I thoroughly enjoyed the opportunity to serve the bar. I’m humbled by the nomination, which is not something I sought. But now that I’ve been asked, I am deeply honored and feel that I have the capability of serving the bar as a whole. When I was a child growing up, my parents instilled in me the philosophy that if you can help, do so and be involved, and I am.

**WLJ:** If elected, what would be your goals for the bar? What kinds of things would you like to do?

It is our job to uphold the law. It is our job to seek the proper administration of justice for the benefit of clients, as well as the public as a whole. And we need to reassert ourselves in the minds of the general public that that is our role, that we are necessary to that process and that there’s more about the law than winning and losing a lawsuit.

As much as we need to improve our image to the general public, we need to improve our image to the lawyers that we serve. We are a mandatory bar. I also belong to a voluntary bar

in Iowa. I think that we need to have this bar present itself to members so members want to be members in spite of the fact that they have to be members. And that’s going to take some work.

**WLJ:** What do you see as the biggest challenges that attorneys are faced with in Wisconsin? What should the bar’s role be in fighting those challenges?

The challenges facing lawyers, to a certain degree, vary by age. In Wisconsin and law schools around the country, fewer lawyers graduate from law school. On the other end of the spectrum, lawyers who are older are seeking to end their careers through retirement. There will come a time when we will end up having more lawyers that are retired than those coming into the state. So, as a bar, we need to think about how to survive as an entity with fewer dollars coming in from dues because we have fewer lawyers.

If you look nationwide at lobbying efforts by the health care professions and education professions, they have successfully encouraged Congress to allow student debt to be forgiven if they practice in certain areas with certain demographics. I would like to see the bar pursue that same benefit.

**WLJ:** What legislative change would you champion if elected president?

I serve on the judicial elections steering committee. In 2013, The Board of Governors nearly unanimously approved an effort to seek a constitutional amendment to modify how members of the state Supreme Court are elected. That is something I would continue to support because I believe in it. It’s good government. It’s not political government. It’s just the right thing to do.

**WLJ:** What are your thoughts on the ongoing arbitration over non-mandatory bar dues?

My position is that the legal system will work. Lawyers are entitled to object to the portion of the dues that are assigned to non-mandatory bar-related things. Whatever the outcome is, I’ll support it.

**WLJ:** Thoughts on the Netflix series on Avery?

I have not seen it. I don’t watch Netflix. I will say parenthetically that I visited my daughter one time — they don’t have regular TV, they have Netflix — and I saw *The West Wing*. I watched the last two years.

### Paul Swanson

Swanson is an attorney at Steinhilber, Swanson, Mares, Marone & McDermott, of Oshkosh. He earned his degree from the University of Wisconsin Law School in 1979. He primarily represents debtors and specializes in bankruptcy and insolvency.

In his spare time, Swanson enjoys skiing, sailing, biking and planning continuing legal education programs that are meant to be both fun and informative.

“I believe we should advance ourselves educationally, but we should also enjoy it,” Swanson said. “It should be entertaining, intellectually challenging and include some social interaction.”

**Wisconsin Law Journal:** Why are you running?

To be honest, I’ve always wanted to. I’ve been in leadership in the bar pretty much my entire professional life. It’s a goal I aspired to. It’s a worthwhile professional organization, and I’m proud of it. It would be a privilege to be the president.

**WLJ:** If elected, what would your goals be for the bar? What kinds of things would you like to do?

I really would like to provide more resources to the bar’s different sections, like the young lawyers division, to let them really do more. The bar does support the sections, but it’s my feeling that we could direct more resources

and staff time to the sections. I’d like to give the sections an institutional person who is the rock, the person that has been around a long time and understands where the section has been.

Likewise, we do not support the young lawyers division like we should. We should give them more resources to do their thing. I was a young lawyer once. We used to have to fight tooth and nail for a budget. We really need to encourage our young lawyers because they are the leadership of tomorrow and, likewise, the sections.

**WLJ:** What do you see as the biggest challenge facing attorneys in Wisconsin? What can the bar’s role be in fighting those challenges?

The big challenge is to deliver the level of services with the resources we have access to. We can’t continue to raise dues. We need to live with what we have.

**WLJ:** What legislative change would you champion if elected president?

There are a couple. There’s the adult court waiver issue. Former Bar president Pat Fiedler really championed that issue. I believe it’s important. We’ve got too many people in prison right now. And then the Supreme Court 16-year term. I think that’s a little more difficult to do.

**WLJ:** What are your thoughts on the ongoing arbitration over non-mandatory bar dues?

I’m kind of a libertarian. I don’t believe we should force anyone to pay for something they don’t believe in. The arbitration process is expensive. I wish we could work it out. I have no problem at all refunding a portion of the dues related to non-core activities. If you don’t believe it, you shouldn’t be forced to pay.

**WLJ:** Thoughts on the Netflix series on Avery?

It’s so one-sided. The evidence on the other side of the ledger is so overwhelming. The series was not exactly fair and balanced. It does not show the system in a good light. It’s intentional and unfortunate that they haven’t told the whole story.



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