



Abt Swayne Law

SOUTHWEST WISCONSIN

TO: Mayor Todd Coppernoll
FROM: Attorney Michael S. Windle
DATE: August 1, 2023
RE: Service as Richland Center City Attorney

Dear Mayor Coppernoll:

First, thank you for reaching out to me regarding this opportunity and allowing me to furnish you with a proposal. As requested, this is intended to inform you and those with whom you might share it about Abt Swayne Law, LLC and myself and to outline the advantages and disadvantages of retaining us to serve as City Attorney for Richland Center. Once you've had the opportunity to review it, I am of course available to answer any additional questions there may be.

Abt Swayne Law, LLC

I describe us as a “two-and-a-half” attorney firm, consisting of myself, Attorney Nikki Swayne and Attorney David Abt (semi-retired, hence the “half”), as well as our paralegals and legal assistant. Our firm was founded in 1986, and between our attorneys we have more than 50 years of experience – more than 100 if you add in our paralegals’. This means that while I am relatively new to practice, compared to my contemporaries in the area, I can draw on a vast reservoir of legal knowledge in addition to my own.

Our firm is currently contracted for legal services with Richland and Vernon counties, as well as the City of Westby. We also serve other municipalities within the area on an as-needed basis.

“Municipal law” is something of a misnomer – by its very nature it encompasses many different areas of law such as employment, environmental, labor, tax, etc. and requires knowledge of state and federal law and regulation. The complexity of municipal representation means our experience in dealing with such issues is invaluable, and frankly, unmatched.

Attorney Michael Windle

While I appreciate that I've apparently made a positive impression during the opportunities we've had to work together, I thought it important I introduce myself more thoroughly. On the personal front, I have been a resident of Richland Center since graduating law school in 2019, living first in Panorama Estates and now owning a home off of Allison Park. I'm originally from the mid-Atlantic region, specifically Philadelphia and Newark, Delaware.

I have been licensed to practice law since March 2020, and have worked at Abt Swayne for the entire time. At this time, I do have a private practice, where I mostly do family and real estate law,

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but I would say I spend the majority of my time working with our municipal clients and am eager to expand that area of practice. Given the unpredictable nature of municipal matters, I have restricted my private caseload and would do so further if I were to represent the City.

My legal philosophy is that my job is to provide a service, not to be a director or manager. I try to approach problems with an eye towards achieving the client's goal, rather than trying to tell someone what can't or shouldn't be done. I would characterize myself as often irreverent, this is because I have found it makes me more approachable than other attorneys. That is important because people then come to me with questions before an undertaking, rather than trying to do it on their own and needing me to come in and fix something later. Having a sense of humor does not mean I don't take my job very seriously.

Advantages

- Price – \$125 per hour. I know costs are an endemic concern for municipalities, and we offer a significant discount from our private rates due to the volume of work that municipalities bring in. Importantly, that number is all-inclusive. My State Bar membership, malpractice insurance, CLE classes, support staff, all of that is covered by that number. Also, I don't charge for work I don't do, so there'd be no retainer fee or anything like that. Finally, since I want to preserve the relationships with our municipal clients, I actively look for opportunities *not* to have to bill for things.
- Experience – While the majority of our work has been for counties, we have been representing smaller towns and cities, and are the designated City Attorneys for Westby. I would be able to hit the ground running in terms of experience, since there is significant overlap between cities and counties within statute. I, specifically, have knowledge of and experience with issues facing the City gleaned from my representation of the County that other attorneys lack. I also have pre-existing relationships with some of the personnel I'd expect to be working most directly with.
- Local Representation – I live here. Everything I do to help improve this community benefits me directly. While I do split my time between my home office and our office in Westby, the vast majority of the time I am right here, a phone call and a 5-8 minute drive away. The partners and I are very used to working collaboratively but remotely, so I am easily able to draw upon their experience even while remaining here in Richland.
- Responsiveness – It's difficult for me to gauge this, but I have been told that I am very responsive compared to other attorneys. I greatly prefer texts and emails, but I try my best to respond to any message promptly, even if it's to let the person know I'd need a little more time or to look at something further.
- Synergy – Forgive the buzzword, but it applies here. Richland Center and Richland County work closely together, and there are advantages to having the same attorney represent both entities. For example, if I'm working on a project representing a collaboration between the two, I could bill half to each entity, but both would receive the full value of my services.

Disadvantages

- Conflict – The flip side to synergy is that if the two entities are ever in conflict over an issue, I cannot ethically represent both. Should a conflict arise, I would need to determine whether it's an issue that can be resolved via conflict waiver or whether a different attorney would need to be brought in. These would be on a case-by-case basis, so even if I were conflicted on one matter that wouldn't completely negate by representation of the City.
- Meetings – Currently, the Richland County Board of Supervisors and Richland Center Common Council hold meetings on the same night. I am capable of much, but I've not yet cracked how to be in two places simultaneously. I would plan to attend the Council's meeting on the first Tuesday of the month and the Board's on the third but given the importance of these meetings the discussion needs to be had as to whether the City can operate with an attorney who can only attend half the Council's meetings.

Proposal

My proposal would be to contract with the City of Richland Center for one year for the provision of legal services, specifically service as City Attorney, at a rate of \$125 per hour (billed to the nearest tenth). The initial contract would be non-renewing, so both parties would have the chance to evaluate how things are going at the end of the year, but our contracts are typically for two years from there. I would be the primary attorney for the City, but at times may need to rely on support from Attorney Swayne for times when I may not be available for whatever reason. We try to keep our contracts pretty simple, but if there are other terms you'd like to see we can certainly negotiate those.

Again, I thank you for the opportunity to submit this proposal and hope to be working with you soon. I am available to answer any questions or address any concerns about any aspect of our proposed representation.

Sincerely,

/s/

Michael S. Windle