

HURLEY, BURISH & MILLIKEN, S.C.  
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April 7, 2005

Common Council Organizational Committee  
City County Building  
210 Martin Luther King, Jr. Blvd.  
Madison, WI 53703

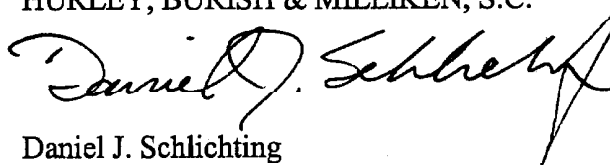
Re: Madison Lobbying Ordinance Changes

Dear Committee:

I sent the enclosed letter to Mayor Cieslewicz, among others. The Mayor expressed no opinion on the matter and suggested I forward this correspondence to you. Here it is.

Very truly yours,

HURLEY, BURISH & MILLIKEN, S.C.



Daniel J. Schlichting

DJS:kal  
K:F:DJS:PERSONAL:COMMON COUNCIL050407

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March 30, 2005

David Cieslewicz  
Mayor of Madison  
City-County Building  
210 Martin Luther King, jr. Blvd.  
Madison, WI 53703

Michael May  
City Attorney, City of Madison  
210 Martin Luther King, Jr. Blvd. #401  
Madison, WI 53703

Alderman Paul Van Rooy  
District 18  
Dane County Courthouse  
210 Martin Luther King, Jr. Blvd. #417  
Madison, WI 53703

Gentlemen:

I am a lawyer. I understand a modification to the city's existing lobbying ordinance removing the attorney exemption is pending. I shouldn't be surprised, I suppose, that a more rational view has not been taken.

I have contacted city agencies on behalf of clients. I have also appeared before committees and commissions on behalf of client proposals. It has not, so far, occurred to me to conceal either my identity, or that of my client.

HURLEY, BURISH & MILLIKEN, S.C.

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Mayor David Cieslewicz  
Michael May, City Attorney  
Alderman Paul Van Rooy  
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Neither, until now, has it occurred to me that I should, or even could, file with a government entity detailed records reflecting the nature of my discussions with my clients, descriptions of the work I perform for them, the time I spend performing this work, and the fees we have agreed I will be paid for performing this work.

Until now my clients could reasonably expect that communications between us and work product prepared during the course of representation would be privileged. I also believed I had a statutory obligation to maintain confidentiality of client matters.

Evidently, those protections and constraints now fall away when I step through the metal detectors, or dial a phone that rings, at 210 Martin Luther King, Jr. Blvd.

Let's be clear. If I assist a client in submitting an application for a liquor license to the ALRC I am practicing law. The Supreme Court rules, which assign rights to clients and duties to lawyers, define this transaction as the practice of law. Just because no statute or regulation requires a non-lawyer to be licensed to practice law if he chooses to assist my client in the license application does not allow the city of Madison to define my activity as legal practice or not. That I am not required to be a lawyer to do this work does not allow you access to my client's records because I do this work.

The change to the ordinance was a bad idea. The bad idea stands to result in bad law.

Very truly yours,

HURLEY, BURISH & MILLIKEN, S.C.



Daniel J. Schlichting