

Michelle Behnke: Incoming ABA President Finds Collaboration ‘Invigorating’

Bringing people with different experiences and backgrounds together to collaborate on solutions and sharing a vision to move forward are hallmarks of leadership. Former State Bar of Wisconsin president Michelle Behnke checks all the boxes as she takes the helm at the American Bar Association in August.

BY ED FINKEL

Shortly before Michelle Behnke served as president of the State Bar of Wisconsin in 2004-05, she attended the American Bar Association’s Bar Leaders Institute, an information and training venue to prepare soon-to-be state and local bar leaders, typically attended by about 300 people each year from across the country.

“We were all, in various ways, thinking very similar thoughts about, ‘Why did I think I could do this?’” recalls Behnke,

a business, commercial real estate, and estate planning attorney with the Boardman Clark firm in Madison, who most recently spent 26 years as a solo practitioner before joining the firm.

“We were building friendships and connections, so that you could connect with people who might be facing similar issues. I just thought that was an incredible experience.”

Behnke, who in August will become the second Wisconsinite sworn in as

ABA president, was involved with the ABA as a young lawyer but took time away while raising her family, so the Bar Leaders Institute was her reintroduction. She subsequently asked for an appointment to the Committee on Bar Leadership (then called the Committee on Bar Activities and Services), which put on the Bar Leaders Institute, and the ABA has been a consistent focus for Behnke since then.

“I just kept going,” she says. “Much like I did at the State Bar level, I found it very invigorating that lawyers were coming together to serve the public, to serve the profession, and to serve the judicial system. We were all trying to work together to solve a problem.”

ABA Involvement

Behnke became a member of the ABA’s House of Delegates in 2008, serving as Wisconsin’s State Delegate; she was on the Board of Governors from 2010 to 2013, serving for a time as chair of the Operations and Communications Committee; she was treasurer from 2017 to 2020; and then chaired the ABA Commission on Racial and Ethnic Diversity in the Profession.

Her work on that commission is probably what Behnke is most proud of, but it’s far from the only aspect of her bar work. She appreciates “the ability to connect people who have different experiences and help them understand that the end product is better when we



have a broad spectrum of experiences and views,” she says. “The ABA does a broad spectrum of things.”

For example, Behnke recently visited the U.S.-Mexico border, where the ABA has a program called ProBAR that provides general information to people who want to immigrate to the U.S., as well as some direct representation. More broadly, the ABA offers “everything from the Bar Leaders Institute to the substantive law sections that help people be a better lawyer or help them run their law practices, to these substantive areas like immigration, or homelessness and poverty.”

With a membership that topped 400,000 at its peak, the ABA turns to its nearly 600-member House of Delegates to be the policy-making body that determines, through its resolutions, the issues the association should lobby in favor of and the topics the president should cover in speaking appearances, Behnke says.

To become a candidate for president, one must submit a letter of intent, speak to the members of the Nominating Committee at both the Mid-year and Annual Meetings, and make calls to all 69 committee members to discuss issues facing the association and the profession and answer questions, she says, with the goal to gain the support of each of the committee members. Once the Nominating Committee votes on the nomination, the House of Delegates votes at the ABA’s Annual Meeting, and winning candidates take office immediately afterward. Through this process, Behnke became president-elect in August 2024.

Agenda as President

During her year as ABA president, Behnke does not plan to create any programs out of whole cloth but to focus on what the organization already does well and highlight work that’s already underway. She reflects that the ABA has done two important things for her: provide resources to help her run her solo

practice and connect her to national-level work that sparks her interest.

“The ABA supported me in very concrete ways in my practice,” said Behnke, who spent five years with a medium-sized law firm and five years as an in-house counsel early in her career. “I want to make sure that the ABA is there to do that for other lawyers and that other lawyers know how much the ABA has to offer them in support. Some of that is law practice, some is substantive law – helping you be a good, competent lawyer by staying up to date.”

The ABA also gave Behnke opportunities to give back. “If somebody is interested in contributing on a national level, I want to make sure that we connect them to the kinds of issues that really spark their passions,” she says. To that end, she plans to “talk to members and to connect members so that they understand the resources that the ABA has to support them.”

As the nation plans to celebrate its 250th anniversary next summer, Behnke also plans to lift up and celebrate the role of lawyers in democracy and problem-solving in the judicial system and in government as a whole. “Sometimes it seems like lawyers’ roles in the rule of law and holding systems accountable is not always appreciated,” she says. “Figuring out how we continue in that important role, and help people understand the role that we serve, and why it’s important, will certainly be something that we face over the next few years.”

Entry Into the Profession

Behnke first began to contemplate a law career in high school, after a guidance counselor noticed her tendency to ask questions and engage in debates. “This counselor kind of suggested that maybe law was the area that I should pursue,” she says. “I don’t think she actually meant that as a good thing when she said it, but that planted the seed for me.”

Although Behnke didn’t know exactly what lawyers did, she noticed that when she said she wanted to be a lawyer,

people reacted positively. “I just kept saying it,” she says. As an economics major at U.W.-Madison, where she later attended law school, “I came in contact with people who, when I talked about becoming a lawyer, asked me why. They asked me some more questions, and that really gave me the opportunity to learn more about what lawyers did.”

Behnke always liked math and had an interest in business, which led to her current practice areas. But she recalls that her father and other people in communities of color assumed she might become a district attorney or criminal defense attorney, “with the thought that having diverse people involved in these critical roles could increase confidence in the decisions that were being made, or the discretion that was being exercised.”

And Behnke did clerk in the Dane County District’s Attorney’s Office after her first year of law school. “It was really interesting. I learned a lot,” she says. “But it confirmed that was not the practice area for me. I really liked business and real estate.”

Appeal of Her Practice Areas

What appeals to Behnke about the practice areas she did choose is the ability to help people who seek her counsel to achieve their goals in life, during a time when they want help.

“When somebody wants to start a business, or somebody wants to protect their family so that at that moment of loss, things are clear and organized, that’s really satisfying to me,” she says. “They’re coming to me and saying, ‘Hey, I want to accomplish ‘X,’ and I know that I need help. Could you be part of my team?’”

Behnke sees online forms now available to potential clients as a mixed bag. “Very often, they’ve done some research online, and they have some idea of what might be involved; in fact, for some people, they think they know exactly what’s involved,” she says. “And so, the good news is, they do have some appreciation of the legal issues, and they’re coming to you because they want to ensure that it’s done right.”

But sometimes, clients try to do it on their own, Behnke says. “And they don’t necessarily appreciate that in the law, one little fact difference could make the path very different,” she says. According to Behnke, a new client may say, “My friend did it this way,” and Behnke might respond, “without knowing all the facts about your friend, I can’t say why it was done that way for your friend, but based on what you’ve told me, it doesn’t work for your situation.”

State Bar Involvement

Behnke first became involved with the State Bar of Wisconsin’s Young Lawyers Division, at the encouragement of her first law firm.

“I really didn’t understand what bar associations did or what bar work involved,” she says. “But I quickly learned that there were other people who were at the same stage of career as I was, same stage in life, young children, that kind of thing involved in the Bar. And it was helpful to me to talk to people who were similarly situated to validate what you might be experiencing.”

Connecting with younger attorneys to find out how they had solved similar dilemmas, or just to gain their camaraderie and encouragement, prompted her to pay it forward. “If I could turn around and do that for somebody else, that felt really good,” she says. “Collaboration with other lawyers is really what continued to propel me in bar work. It was just amazing to me that you could get all these people in a room, who had their day job, who were still willing to contribute their thought and energy to



Ed Finkel is a freelance writer based in Evanston, Ill. Access the digital article at www.wisbar.org/wl.

edfinkel@edfinkel.com

solve some issue for the profession or their communities.”

When Pamela Barker was sworn in as the first woman president of the State Bar in June 1993, she told younger lawyers in attendance that they didn’t have to wait 30 years to be at the table and contribute, which Behnke found inspiring – but also a call to action. She approached Barker after the latter’s speech and noted that there didn’t seem to be many “who looked like me” serving on bar committees and in bar leadership.

“And she said, ‘Well, what do you want to do about it?’” Behnke recalls. “That spurred creation of the [originally named] Diversity Outreach Committee, which was an effort to throw open the doors of bar work and invite people of all different perspectives into the bar and help them understand that we needed their viewpoints and involvement. And to look at our justice system to see how lawyers of color fared in courtrooms, and in board rooms, and in law firms. ... That has become part of my bar work since then.”

During her year as State Bar president, Behnke continued to lean into diversity-related initiatives and also emphasized pro bono work, at a time when the petition circulated to assess a fee on lawyers in support of the Wisconsin Trust Account Foundation (WisTAF).

“That was an interesting time,” she recalls. “Because everybody agreed that providing civil legal representation for those of limited means was important, and access was important, but ... some lawyers, particularly in rural areas of the state, had challenges – [and] clients who were themselves facing challenges in terms of access, or the ability to pay.”

A mandatory assessment to support legal services was difficult for some lawyers in smaller communities, Behnke notes. “So, it was a challenge to represent the association, and the lawyers of the association, and represent their varied views – and at the same time, to be working for greater access for those who had even less,” she says.

“On a side note, because I’m a

transactional lawyer, appearing before the Wisconsin Supreme Court to argue on that petition – that was outside my comfort zone, for sure.”

A True Leader

Those who have worked alongside Behnke during her years of bar leadership testify that serving as ABA president will be well within her comfort zone.

Bill Bay, the current ABA president and a partner at Thompson Coburn in St. Louis, first knew Behnke when he joined the then-Committee on Bar Activities and Services after she had become chair, and they’ve gotten to know one another better while rising through the ABA’s leadership track.

While bar work sometimes veers too far toward either staff doing everything or volunteers doing everything, “Michelle follows a very different style,” Bay says. “It’s a team effort where staff and volunteers are all contributing to value.” In her committee leadership, “There was a relentless focus on what our goal was, so people walked away saying, ‘This was well worth our time.’ Sometimes that meant improving what we were doing. Sometimes it meant taking a whole different approach. You can only do that if you understand people and listen.”

Behnke’s energy and enthusiasm are crucial given that all attorneys have day jobs and personal lives. “Sometimes bar work just feels like one more thing we have to do,” Bay says. “I remember walking into a meeting and realizing, ‘What we are doing matters.’ You walk out with a sense of purpose.”

Amy Elizabeth Wochos, pro bono coordinating attorney with the Legal Services of the Hudson Valley in White Plains, New York, who spent most of her career in Milwaukee, has known Behnke since serving on the board of the State Bar’s Young Lawyers Division.

“She is always willing to provide guidance, mentorship, an ear, a shoulder, if necessary, to attorneys both in her practice area and those who are interested in bar leadership, whether the State Bar

of Wisconsin or the ABA,” Wochos says. “She goes out of her way if someone indicates an interest in something she has a hand in. ... And she puts her money where her mouth is: ‘Let me help you figure out what that is or introduce you to somebody who can help you.’”

When Behnke returned to speak to the Young Lawyers Division, “Her enthusiasm was contagious,” Wochos recalls. “The belief that changes could be made, that the profession didn’t have to stay stagnant and could evolve – especially for a young lawyer, that’s exactly what you want to hear.” She adds, “Anecdotally, when you see Michelle at an ABA conference, she is always dressed impeccably, she always has heels on, and she walks faster than anyone I know.”

Larry J. Martin, State Bar executive director, says Behnke brings a vision for moving the mission and purpose of an organization forward, inspiring others to

work together to achieve a set of goals, and taking risks and challenging the status quo to achieve something greater.

“There is not a better role model of a civically engaged lawyer than Michelle,” Martin says. “While stepping up in leadership and service to the legal profession throughout her career, she has simultaneously volunteered and given back, through a variety of roles, with her community. Michelle represents the very best of the legal profession. It is with no small amount of pride that the State Bar of Wisconsin claims her as one of our own.”

“We’ve become good friends. We share the joys and burdens of what we do,” Bay adds. “I thank Wisconsin for sharing her with the entire profession. It’s not about being the best president of all time – it’s being the right one at the right time. She gets that.” **WL**

State Bar Hosts Receptions in May to Honor Michelle Behnke

Join Us! Please join the State Bar of Wisconsin at receptions honoring incoming ABA president Michelle Behnke and benefiting the Wisconsin Law Foundation:

Madison: Wednesday, May 7, 5:30 p.m. to 7 p.m. Boardman & Clark LLP, 1 S. Pinckney St., Suite 410, Madison (US Bank Building on the Capitol Square).

Milwaukee: Tuesday, May 13, 5:30 p.m. to 7 p.m. Wisconsin Club, 900 W. Wisconsin Ave., Milwaukee. **WL**



THE NATIONAL ACADEMY OF DISTINGUISHED NEUTRALS

2024 WISCONSIN CHAPTER MEMBERS



Emile Banks
Milwaukee



Danielle Carne
Madison



John Claypool
Appleton



Hon. Jeffrey Conen
Milwaukee



Michael Crooks
Madison



Hon. Mark Frankel
Madison



Timothy Hawley
Green Bay



Michael Jassak
Oak Creek



Hon. David Jones
Milwaukee



Hon. Charles Kahn
Milwaukee



Hon. James Kieffer
Brookfield



Terry Lyons
Janesville



Robert McCracken



Hon. Richard Sankovitz
Milwaukee



Jim Smith
Brookfield



Jill Sopha
Pewaukee

The State’s Top-Rated Mediators now posting their Available Dates Calendars at

www.WisconsinMediators.org

For more information on the National Academy of Distinguished Neutrals, please visit www.NADN.org/about