

# Year in Review: Hot Topics for Government Lawyers

Co-produced with the Government Lawyers Division of the State Bar of Wisconsin and endorsed by the Administrative and Local Government Law Section of the State Bar of Wisconsin

This half-day program dives into three developing issues you need to know from 2018 – cell tower regulations, administrative agency deference, and the First Amendment rights of public employees when they're on the job.

## Towering obstacles?

As cellular service providers prep for a 5G future, they are running up against regulatory changes at the state and federal levels. Take a closer look at the municipal regulation of cell towers, including:

- The FCC's Small Cell Order
- Cell tower leases
- Right-of-way ordinances

## Wait, can they do that?

Examine First Amendment protections for teachers and coaches when they involve:

- On-the-job protests, like taking a knee during the national anthem
- On-the-job religious practices, like prayer before/during/after a school event

## Open to interpretation?

Examine the Wisconsin Supreme Court *Tetra Tech* decision which ended a tradition of deference to state agency determinations of law. Hear from a panel of judges and prominent practitioners on what this means for review of agency decisions in Wisconsin.

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## Schedule

**8:00 AM Registration**

**8:30 AM Can I Take a Knee? This and Other First Amendment Questions for Government Lawyers**

- What happens when school teachers or coaches engage in symbolic protests similar to Colin Kaepernick's silent protests during the national anthem?
- *Kennedy v. Bremerton School District*
  - ▶ Did a school district refuse to rehire a coach because he engaged in post-game prayer at the 50 yard line after football games?
  - ▶ Was the coach speaking as a public employee or a private citizen?
  - ▶ Does the U.S. Supreme Court's denial of cert give us a glimpse into how the Court may treat similar cases in the future?  
*Tony J. Renning, Chad P. Wade*

**9:20 AM Sea Change in Administrative Agency Review: A Discussion on the Wisconsin Supreme Court's *Tetra Tech* Decision**

- Examine *Tetra Tech EC, Inc. v. Wisc. Dep't of Revenue*, which overturned decades of precedent and ended deference to state agency conclusions of law
- How are practitioners and judges deciphering the new regime?
- What does *Tetra Tech* mean for review of agency decisions in Wisconsin?  
*Moderator: Hon. JoAnne F. Kloppenburg*  
*Panelists: Steven C. Kilpatrick, Hon. Richard J. Sankovitz, Misha Tseytlin*

**10:35 AM Break**

**10:50 AM Municipal Regulation of Cellular Towers**

- Overview of Wisconsin's statutory regulation, review of legislation, and developments at the federal level
- Cell tower leases and the municipal landlord
- The upcoming deployment of 5G, the FCC's Small Cell Order, and right-of-way ordinances
- Review of recent and pending court decisions
- Practical considerations  
*Remzy D. Bitar, Adam C. Koenings*

**11:40 AM Program Concludes**

*Following start time, webcast replay schedule will vary slightly from above listed times.*

## Faculty

### Program Chairs

**Julie P. Wilson**  
Milwaukee City Attorney's Office,  
Milwaukee

**Jacob J. Wittwer**  
Wisconsin Department of Justice,  
Madison

### Presenters

**Remzy D. Bitar**  
Municipal Law & Litigation Group, S.C.  
Arenz, Molter, Macy, Riffle, Larson &  
Bitar, S.C., Waukesha

**Tony J. Renning**  
Strang Patteson Renning Lewis & Lacy,  
S.C., Oshkosh

**Hon. Richard J. Sankovitz**  
Milwaukee County Circuit Court (Ret.)  
Resolute Systems, Inc., Milwaukee

**Steven C. Kilpatrick**  
Assistant Attorney General  
Wisconsin Department of Justice,  
Madison

**Misha Tseytlin**  
Former Wisconsin Solicitor General  
Troutman Sanders, LLP, Madison

**Hon. JoAnne F. Kloppenburg**  
Wisconsin Court of Appeals, Madison

**Chad P. Wade**  
Strang Patteson Renning Lewis & Lacy,  
S.C., Oshkosh

## Dates Location

### LIVE SEMINAR:

Wednesday, April 24, 2019  
**Madison** – State Bar Center  
5302 Eastpark Blvd.  
(608) 257-3838

### LIVE WEBCAST:

Wednesday, April 24, 2019

### WEBCAST REPLAYS:

Tuesday, May 7, 2019  
Monday, May 13, 2019  
Wednesday, May 22, 2019  
Thursday, May 30, 2019  
Friday, June 7, 2019

## Credits

This program has been submitted to the Wisconsin Board of Bar Examiners for up to **3.5 CLE credits**. It does not qualify for EPR credit. The live seminar and live webcast on April 24, 2019 will also be submitted for Minnesota credit.

## Registration

**ONLINE:** [www.wisbar.org/seminars](http://www.wisbar.org/seminars) » credit card or Ultimate Pass only

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### Course materials for those attending the seminar:

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## Who should attend:

- Government lawyers
- Municipal attorneys
- Civil rights practitioners
- School lawyers
- Labor and employment lawyers

## How you'll benefit:

- Navigate recent local, state, and federal developments in the regulation of cell towers
- Advise your clients on the legal ins and outs of upcoming deployment of 5G cell technology
- Adapt to the *Tetra Tech* decision and its effects on the review of administrative agency decisions
- Understand First Amendment applications to on-the-job, symbolic protests by teachers/coaches

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Priority Code: **S 3 7 2 0 B**

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**Seminar Date/Location:**

- Live Seminar:** Wednesday, April 24, 2019 – Madison
- Live Webcast:** Wednesday, April 24, 2019
- Webcast Replay:** Tuesday, May 7, 2019
- Webcast Replay:** Monday, May 13, 2019
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**7.5 CLE**

**Live Seminar and Live Webcast:** Apr. 17, 2019 – Madison  
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May 28, 2019 | Jun. 13, 2019 | Jun. 19, 2019

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**Program dates start April 24. Register today!**