

# **GREGG M. HERMAN**

Loeb & Herman, S.C.

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## **Education**

- B.A., University of Wisconsin, 1974
- J.D., University of Wisconsin, 1977

## **Employment**

### **1991 - Present**

Shareholder, Loeb, Herman & Drew, nka, Loeb & Herman, S.C.

### **1984 - 1990**

Senior Associate, Leonard L. Loeb, S.C.

### **1977 - 1984**

Assistant District Attorney, Milwaukee County, Head of Consumer Fraud Unit

### **1978 - 1979**

Felony Trial Attorney (1980 - 1984)

## **Current Activities**

- Retained Counsel, Office of Lawyer Regulation
- Family Law Columnist, Wisconsin Law Journal
- Pro bono counsel to the Wisconsin Chapter of the Make-a-Wish Foundation.
- Fellow, American Bar Foundation
- Fellow, Wisconsin Law Foundation
- Editor, Family Law in Wisconsin: A Forms and Procedure Handbook, State Bar of Wisconsin

## **Selected Former Positions**

- Board of Governors, State Bar of Wisconsin, 1999-03, 2004-06, 2015-19

- Board of Governors, American Academy of Matrimonial Lawyers, 2012-17
- Parliamentarian, ABA Family Law Section, 2010-11
- ABA Family Law Section, Immediate Past Chair, 2008-09, Chair, 2007-08, Chair-elect, 2006-07, Vice-chair, 2005-06, Secretary, 2004-05
- Board of Directors, Wisconsin Chapter of AFCC (2015-2019)
- Founder and first Chair, Cooperative Divorce Institute, Inc., 2003-5
- Founder and First Chair, Collaborative Family Law Council of Wisconsin, Inc., 2000-01
- Council, American Bar Association Family Law Section, 1996-2003
- Wisconsin Chapter, American Academy of Matrimonial Lawyers, Treasurer, 1996, Secretary, 1997, President-elect, 1998, President, 1999
- Family Law Section, State Bar of Wisconsin: Chair, 1996-97; Chair-elect, 1995-96; Vice-chair, 1994-95; Secretary, 1993-94
- Editor-in-Chief, Wisconsin Journal of Family Law, 2003-2004
- Contributing Editor, American Journal of Family Law, 2003-2020
- Milwaukee Bar Association, Board of Directors, 1993-96; Vice-President, 1996-97; President-elect, 1997-98, President, 1998-99
- Chair, State Bar of Wisconsin Section Leader's Advisory Council, 1995-96, 1997-04
- Board of Directors, Milwaukee Bar Foundation, 1995-98
- Member, State Bar of Wisconsin Communications Committee, 1995-01, Chair of Pamphlet Series Subcommittee
- Member, State Bar of Wisconsin Public Affairs Advisory Committee, 1996-99
- Member, State Bar Commission on Violence and the Justice System, Chair of Family Courts Subcommittee
- Chair, Committee on Guardian ad Litem Rules and Requirements, State Bar of Wisconsin, Family Law Section, 1987-98
- Member, State Bar of Wisconsin Bench Bar Committee, 1992-96
- Chair, Product Development Committee, ABA Family Law Section, 2000-04

- Chair, Membership Committee, American Bar Association, Family Law Section, 1993 - 1996
- Co-Chair, ABA Family Law Section Law in the Fifty States Committee, 1993-94
- Executive Member, Interdisciplinary Project to Promote the Best Interest of the Child Committee, ABA Family Law Section (1992-94)
- Board of Directors, State Bar of Wisconsin, Family Law Section, 1989-93
- Co-Chair, Committee on Marriage and Cohabitation, American Bar Association Family Law Section, 1991-1992; Chair, Committee on Cohabitation, 1992 - 1993
- Editor, "Family Law Corner," Milwaukee Lawyer, 1985 - 1992
- Chair, Family Law Section, Milwaukee Bar Association, 1988-89
- Chair, Society of Family Lawyers, 1989 - 1990
- Chair, Milwaukee Bar Association, Family Law Section, Bench-Bar Committee, 1987 -1989

### **Selected Other Achievements**

- Board Certified Family Law Trial Attorney by The National Board of Trial Advocacy
- Leader, Rule of Law Delegation for People-to-People to Cuba, October, 2013
- Leader, Rule of Law Delegation for People-to-People to Rwanda, December, 2011
- Leader, Family Law Delegation for People-to-People to Vietnam and Cambodia, October, 2010
- Leader, Family Law Delegation for People-to-People to South Africa, October, 2009
- Court Commissioner, Branch 46, Milwaukee County Circuit Courts, (1994-2014)
- President, Northshore Rotary Club, 2008-09 and co-President, 2013-14
- Recipient of "Leaders in the Law" award from Wisconsin Law Journal, 2007
- Rotarian of the Year, North Shore Rotary, 2006

- Recipient of 2003 Chair's award from the ABA Family Law Section for "meritorious service exceeding what is expected of our leadership"
- Instructor and Lecturer at University of Wisconsin Law School and Marquette University Law School
- Cited in "Best Lawyers in America", Milwaukee Magazine surveys of Best Divorce Lawyers in Milwaukee, Super Lawyers and other such listings on multiple occasions.
- Primary author of 1993 Wis. Act 78, creating an automatic stay in family law actions, and co-author of 1995 Wis. Act 70, amending Wisconsin's removal laws.
- Articles cited by Wisconsin Court of Appeals, Texas Tech Law Review, Connecticut Law Review and other publications

### **Partial List of Recent Publications**

- Gregg M. Herman and Kenneth H. Waldron, "Beyond the Divorce: Crafting Successful Settlement Agreements," 93 Wis. Law. 34 (December 2020).
- "The Role of a Family Law Attorney in Settlement Negotiations", Family Law Quarterly, Vol. 52, Nos. 1 and 2 (Spring/Summer, 2019)
- "Third-party Visitation: A Historical Perspective", Wisconsin Lawyer, May, 2019 (co-written with FCC Mark Fremgen).
- "Person-to-Person: Preparing the Client for Settlement", 35 WJFL 2 (December, 2016)
- "Negotiations: Creative Settlement Techniques", American Journal of Family Law, Vo. 28, No. 2, Summer, 2014
- "Valuing a Business in Divorce", Wisconsin Lawyer, Vol. 87, No. 1 (January, 2014)(co-written with Atty. Sandy Swartzberg)
- "The Ultimatum Game and Divorce Negotiations" American Journal of Family Law, Vol. 27, No. 2 (Summer, 2013)
- Settlement Negotiation Techniques in Family Law: A Guide to Improved Tactics and Resolution, American Bar Association

- “Trends in Family Law” Family Lawyer Magazine, Premier issue, 2012.
- “The Email Revolution: More Than Just a Smiley Face” Wisconsin Law Journal, Vol. 26, Vol. 4 (April, 2012)
- “Legal Effects of Same-Sex Marriage and Divorce” American Journal of Family Law, Vol 26, No. 1 (Spring, 2012)
- “Mediation in Wisconsin Family Law,” Behind the Bar, Vol. 47, Issue 5 (Fall, 2011)
- “An Asset so Nice, It Should be Counted Twice, 31 W.J.F.L. 1 (Winter, 2011)
- Co-Editor, “Families, Divorce, Contempt and Parenting”, Behavioral Sciences and the Law, Vol. 28, No. 4, July-August, 2010.
- “The Law of Contempt”, 30 W.J.F.L. 2 (Spring, 2010)
- “Family Law in the 2009 Economy”, American Journal of Family Law, Vol. 23, No. 1 (Winter, 2010)
- Editor, “101+ Practical Solutions for the Family Lawyer, 3rd Edition,” ABA Publications, 2009
- “ADR and Family Law”, Dispute Resolution Magazine, Spring and Summer, 2008
- “Lawyers for Children in a Perfect World”, American Journal of Family Law, Vol. 21, No. 4 (Winter, 2008)
- “Dishonoring Honore”, Wisconsin Journal of Family Law, July, 2007
- “Representing Children in Family Law Cases”, Wisconsin Law Journal (4 article series, July - August, 2007)
- “Dissipation and Financial Fault”, Wisconsin Journal of Family Law, Vol. 26, No. 4 (October, 2006)
- “Cooperative Divorce”, 19 Am.J.Fam.L. 3 (Fall, 2005)
- “Fitting the Forum to the Family Fuss: Choosing Mediation, Collaborative Law, or Cooperative Law for Negotiating Divorce Cases, 42 Fam. Ct. Rev. 280 (2004) (co-written with Prof. John Lande)

- “Family Law Urban Legends”, American Journal of Family Law, Vol. 18, No. 2, Summer, 2004
- “Are Divorce Settlement Negotiations Like Games?”, American Journal of Family Law, Vol. 18, No. 1, Spring, 2004
- “Who Represents Your Child”, Family Advocate, Vol. 26, No. 1, Summer, 2003
- “Divorce and Suicide Bombers”, American Journal of Family Law, Vol. 17, No. 2, Summer, 2003
- 101+ Practical Solutions For the Family Lawyer, Editor, ABA Family Law Section Publications (1996); Second Edition (2003)
- “Math Games and Collaborative Law”, The Collaborative Review, Vol. 4, No. 2, October, 2002
- “Dividing Children”, Wisconsin Journal of Family Law, Vol. 22, No. 2, April, 2002
- “Appreciating the Appreciation of Separate Property”, Wisconsin Journal of Family Law, Vol. 22, No. 1, January, 2002
- “Collaborating Can Mitigate Divorce Damage”, The Third Branch”, Spring, 2001
- “Collaborative Divorce: A Short Overview”, Divorce Litigation, April, 2001
- “Third Party Visitation in Wisconsin”, Wisconsin Lawyer, Vol. 74, No. 3, March, 2001 (co-written with Lucy Cooper)
- “Divorce Settlement Negotiations”, GP Solo, Vol. 17, No. 7, October/November, 2000
- “Discovery in Family Law Cases”, American Journal of Family Law, Vol. 14, No. 3, Fall, 2000
- “Dividing the Miles”, Wisconsin Journal of Family Law, July, 2000
- “Informal Discovery Proper for Divorce”. Wisconsin Opinions, June 7, 2000.
- “Clinton v. Clinton: The Divorce Scenario”, Divorce Litigation, April, 2000
- “Useful Family Law Websites”, MBA Messenger, April, 2000

- “Removal After Kerkvliet”, Wisconsin Journal of Family Law, April, 2000 (Co-written with Atty. Judith Hartig-Osanka)
- “Equity and Professional Degrees”, Wisconsin Opinions, April 5, 2000 “Stock Options and Child Support”, Fairshare, Vol. 19, No. 11, November, 1999
- “Court's Approval Key for Predivorce Agreements”, Wisconsin Opinions, October 13, 1999 .
- “Is There Anything Funny About Divorce?” Fairshare, Vol. 19, No. 9, September, 1999
- “Maintenance Isn’t An Entitlement”, Wisconsin Opinions Special Supplement, August 11, 1999
- “Stock Options in Divorce”, Wisconsin Journal of Family Law, July, 1999
- “Guardians ad Litem Essential in Family Court”, Wisconsin Opinions, April 28, 1999
- “Ten Rules of Effective Domestic Negotiations”, The Practical Litigator, Vol. 9, No. 3, May, 1998, reprinted in Writ of Assistants, October, 1998
- “Do Settle - Don’t Try - a Large Asset Divorce”, Wisconsin Opinions, April 1, 1998
- "Privilege and The Therapist", The Clinician, March, 1997
- The Joy of Settlement, Editor, ABA Family Law Section Publications (1997)
- “Representing Children in a Perfect Universe”, Fairshare, Vol. 17, No. 1, January, 1997
- Author, "Serving as a Guardian ad Litem in Family Court", State Bar of Wisconsin, Family Law Section, 1997
- "Ten Divorce Tax Tips", The Compleat Lawyer, Summer, 1996 (co-written with Sharon Drew)
- "Wisconsin's New Removal Law", Wisconsin Lawyer, Vol. 69, No. 4, April, 1996

- "Representing The Best Interests of Children: The Wisconsin Experience", Journal of the American Academy of Matrimonial Lawyers, Vol. 13, No. 1, Summer, 1995 (co-written with Judge Patricia S. Curley)

### **Partial List of Recent Speeches and Programs**

- "Ten Commandments of Divorce Settlement Negotiations" and "Game Theory and its Application to Divorce Settlement Negotiations", North Carolina AAML, Raleigh, North Carolina, February 22, 2019
- "Thought Leadership Breakfast: OLR/Ethics", Wisconsin Law Journal, Milwaukee, Wisconsin, October 17, 2018
- "Preaching Against the Choir: What Attorneys Don't Like About Mediation (and how we can change the perception)", Wisconsin Association of Mediators, Madison, Wisconsin, March 16, 2018
- "Through the Lens of Adversity: Help Clients See Better", WILMIC fall seminar, Madison, Wisconsin, November 7, 2017
- "The Voice of the Child in Litigation," Kentucky Bar Association FLS, Louisville, KY, April 28, 2017
- "The Cooperative Divorce Trial", DCI Conference, November 11, 2016, Delafield, Wisconsin
- "Game Theory and its Application to Divorce and Other Areas of Law", Ozaukee County Bar Association, October 5, 2016
- "Game Theory and its Application to Divorce", Milwaukee Bar Association FLS, September 29, 2015
- "Managing Expectations – From Client Selection to Fee Disputes: Avoiding OLR Complaints and Learning From Mistakes", WILMIC Summer Seminar, Madison, Wisconsin, August 27, 2015
- "Separating Yourself from the Crowd Using Unpublished, but Citable Opinions," Wisconsin State Bar Litigation, Dispute Resolution and Appellate Practice Institute, Milwaukee, May 22, 2014



- “The Ten Commandments of Divorce Settlement Negotiations” ABA Family Law Section fall meeting, Deer Valley, Utah, October 19, 2013
- “Tax and Tax Fraud Issues in Family Law” State Bar of Wisconsin, Madison, January 11, 2013
- “Case Law Update” Family Law Judicial Seminar. April 26, 2012, April 2, 2014, June 3, 2015, March 30, 2017, February 9, 2018
- Moderator, “Milwaukee Family Court Judges Live and In Concert”, Milwaukee Bar Association, March 26, 2010
- “Tough Times Force Change”, Wisconsin Lawyers Mutual Insurance Company, November 13, 2009
- “Family Law Case Update”, Family Law Judicial Seminar, Stevens Point, April 17, 2009
- “When the Trial Court Seems to Hate Your Client”, Milwaukee Bar Association, September 19, 2008
- “It Doesn’t Have to Be War of the Roses”, ABA Connection Teleconference, June 18, 2008
- “A Family Lawyer’s Search for the Truth”, Oregon Family Law Section, Salishan Resort, Oregon, October 20, 2007
- “A Wish List for Trial Court Judges and Anyone Else Willing to Listen”, Wisconsin Judicial Conference, Appleton, Wisconsin, April 19, 2007
- “Business Valuation in Divorce, Wisconsin Institute for Certified Public Accountants, Brookfield, Wisconsin, October 23, 2006
- “Cooperative Divorce”, Milwaukee Bar Association, March 14, 2006
- “Tax Aspects of Divorce in Wisconsin”, National Business Institute, Milwaukee, Wisconsin, June 2, 2005
- “Advanced Financial Divorce Issues” (Seminar Co-chair), Professional Education Systems Institute, Brookfield and Madison, Wisconsin, September 21 and 22, 2004

- “Settlement Paradigms and How Courts Can Help (Or Hurt)”, 2004 Family Law Settlement, Office of Judicial Education, April 22, 2004
- “All in the Family: Handling Divorce Cases”, Building for Success, State Bar of Wisconsin, January 14, 2004
- “The Joy of Settlement” Strategies, Tools and Games for Settling Family Law Cases”, Anchorage, Alaska, November 12, 2003
- “Complex Issues in Divorce for the Wisconsin Practitioner”, National Business Institute, Milwaukee, Wisconsin, September 19, 2003
- “New Family Relationships: A Reality in Search of the Law”, ABA Annual Meeting, San Francisco, August 8, 2003
- “Tax Aspects of Divorce in Wisconsin”, National Business Institute, Milwaukee, Wisconsin, June 6, 2003

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