



Donald Leo Bach

Attorney

dlb@dewittllp.com

608-252-9346

Madison

Administrative law may seem remote and mundane – but not to those clients who fall under its ever-expanding and often complex regulatory reach. Don Bach understands this full well. From rulemaking to agency contracts, to permitting decisions and challenges, to enforcement actions to executive clemency, Don has been in the middle of it all during his career as a lawyer.

He has first-hand knowledge of the inner operations of government which also gives him an added perspective in the area of administrative law. He served in a number of capacities while working for the state of Wisconsin including Legal Counsel to Governor Tommy Thompson, Acting Chief of Staff, Pardon Counsel and Chairman of the Governor's Pardon Advisory Board, Acting Chairman of the Wisconsin Parole Board, Administrator of the Division of Administrative Services in the Wisconsin Department of Revenue, Administrator of the Division of State Agency Services in the Wisconsin Department of Administration and Deputy Secretary of the Wisconsin Department of Revenue.

From 1997 to 1999, Don served as Chairman of the State Bar's Bench-Bar Committee, a committee of lawyers and judges tasked with evaluating and making recommendations for changes in Wisconsin's system of justice. He also served as Chairman of its Survey Committee. In May 1998 he was named by the Governor's Advisory Council on Judiciary Selection as "one of the three best qualified candidates" for appointment to the Supreme Court of Wisconsin. In 2004, Don was appointed by the Wisconsin Supreme Court to the Wisconsin Judicial commission, the entity which investigates judicial misconduct and disability. He served as its Chair in 2007.

Clients

Don represents clients ranging from individuals to small businesses to multi-national corporations.

Notable Representations

- Don served as co-counsel in defending against a multi-jurisdictional challenge to a major distribution center in Waukesha County. All challenges were denied, including a challenge to an air permit brought in an administrative law contested case proceeding. All necessary permits were successfully obtained and the distribution center is currently operating.
- Don was a lead counsel in successfully fighting off a multi-party administrative law contested case challenge against the siting a major power line from Duluth, Minnesota to Wausau, Wisconsin. All necessary permits were issued as a result of the evidence presented at the contested case adverse hearing and the challenge was denied.
- When a marina on Castle Rock Lake faced challenges to its DNR permit Don stepped in to assist. Don took on the opponents in a contested case hearing before an Administrative Law Judge and the permit was sustained. This proceeding was the latest of numerous pier/shoreland development contested cases Don has undertaken over the years.
- Acting as co-counsel representing a mining company before an Administrative Law Judge, he helped the client obtain a Certificate of Completion of Reclamation.

Articles

- “The *Rapanos* Rap: Grappling With Plurality Decisions,” *Bloomberg BNA: United States Law Week*, October 2012
- “Closed Session, Open Book: Sifting the Sands Case,” *Wisconsin Lawyer*, October 2009
- “Vox Populi: Wisconsin’s Direct Legislation Statute,” *Wisconsin Lawyer*, May 2008
- “Landing In The Alphabet Soup: The A.B.C.G. Compulsory Counterclaim Trap,” *Wisconsin Lawyer*, March 2006
- “To Forgive, Divine: The Governor’s Pardoning Power,” *Wisconsin Lawyer*, February 2005

Presentations

- “Order in the Court: What Every Lawyer Should Know About Wisconsin’s Judicial Ethics Code,” DeWitt Annual Ethics Seminar (Fall 2018)
- How to Take the Deposition of an Opposing Expert, DeWitt
- Issues on the Waterfront II: Two Years Later And Still Making Waves, State Bar of Wisconsin
- Chemical Vulnerability Information, Federation of Environmental Technologists
- Contacting former Employees of a Represented Organization, Co-Presenter, State Bar of Wisconsin
- Issues on the Waterfront (Chapter 30 and Shoreland Regulation), State Bar of Wisconsin
- Current Issues in Storm Water Regulation, Lorman Education Seminars
- Ethics, James E. Doyle Inns of Court

- Hot Topics in Wisconsin Water Law (and Ethics), National Business Institute
- Electronic Filing in the Eastern District, DeWitt
- Provisional Remedies, Declaratory Judgment And Remedies Without Trial, DeWitt
- Scope of Discovery, DeWitt
- Judicial Civil Law Seminar, Wisconsin Supreme Court
- Environmental Law, University of Wisconsin Law School
- Minority Clerk Workshop, State Bar of Wisconsin
- Ethics, University of Wisconsin Law School
- Fifth Annual Water Law Conference, University of Wisconsin Extension
- Water Rights Symposium, Western States Water Association
- Water Quality Protection, Northeast Wisconsin Technical Council

Expertise

- Administrative Agency Law
- Environmental Law
- Government Relations
- Administrative Law
- Litigation

Education

- J.D., *cum laude*, University of Wisconsin Law School
- B.A., University of Wisconsin - Madison

Admissions

- State Bar of Wisconsin

Affiliations

- Former Chairman of the State Bar's Bench-Bar Committee and its Survey Committee
- Inns of Court
- Knights of Columbus (3rd degree)

- Retired Captain – United States Naval Reserve
- Volunteer – Annual EAA Air Venture

Honors

- *Best Lawyers® - Best Lawyers in America - Water Law - Since 2007*
- Charles L. Goldberg Distinguished Service Award
- Super Lawyer
- *Best Lawyers® - Madison Best Lawyer of the Year 2012, 2015 - Water Law*
- Leader in the Law by the Wisconsin Law Journal
- "Top Lawyer" (administrative law) - *Madison Magazine*
- Governor's Advisory Council on Judiciary Selection as "one of the three best qualified candidates" for appointment to the Supreme Court of Wisconsin
- He was also appointed by the Wisconsin Supreme Court to the Wisconsin Judicial Commission which handles judicial misconduct and disability matters.