

# Municipal Law Newsletter

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## In this issue

- *Remembering our Colleague - Mike May*
- *Remembering Mike May*
- *Making a Difference*
- *Ikigai*
- *Mike's Gal*
- *A Municipal Law Tour de Force*

## Remembering our Colleague - Mike May

Longtime Madison city attorney Mike May was remembered for his deep love of all things Madison, sharp legal mind, dedication to family and playful sense of humor.

May, 68, died early October 3, 2022 from complications of pancreatitis, his wife, Briony Foy, said.

“Family, the people, the culture, the sports, the law,” Foy said when asked what it was that kept him in the city of his birth. “The support I have received from family, friends, the city and the legal community during his illness has been overwhelming.”

Among his favorite phrases was “I love the law,” she said.

“Mike May had a great impact on the Madison community as a lawyer and during his long tenure as city attorney,” Mayor Satya Rhodes-Conway said. “His colleagues and the city benefitted from his wise and steady leadership and mentorship. He helped to shape the legal careers and skills of countless attorneys, and the principles he championed continue to have an influence on the City Attorney’s Office.

Born at St. Mary’s Hospital, May never lived more than 25 miles from his hometown, his obituary says. He grew up in Monona, and from an early age, he wanted to be a Roman Catholic priest. In 1968, at age 14, he left home to live and study at Holy Name Seminary. He was class valedictorian in 1972 and won a National Merit Scholarship that he used to attend UW-Madison.

May earned his bachelor’s degree in journalism and mass communications from the university in 1975. After working for a year, he enrolled at the University of Wisconsin Law School, graduating cum laude in 1979. He was a member of both the Wisconsin Law Review, and the Wisconsin Law Revue, a rag-tag group of law students that performed risqué skits.

His law career spanned 43 years. He was an associate, partner, and then managing partner at Boardman, Suhr, Curry and Field. After 25 years in private practice, then-Mayor Dave Cieslewicz appointed May city attorney in 2004, a position to which he would be reappointed under

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*Continued on page 2*

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## Remembering our Colleague - Mike May

*Continued from front page*

mayors Paul Soglin and Rhodes-Conway. He retired from the city in 2020.

“Mike May combined a keen understanding of the law with a sense of fundamental fairness and decency,” Cieslewicz said. “He told me what I could and couldn’t do under the law, but he also had a way of letting me know what might be legal but unwise. He was universally respected among anyone who had contact with city government.

“Most importantly for me, on a personal level, he was fun,” Cieslewicz said, recalling the time he joined the mayor and some friends at a Badgers basketball game wearing red-and-white striped overalls and a red beret.

“That’s our new city attorney,’ I told my friends,” Cieslewicz said. “Very distinguished legal scholar. Really.”

One of May’s most famous opinions concerned whether a proposed city sign rule might ban the Oscar Mayer Wienermobile. “You know, I don’t know,” May said, effectively killing the proposal.

“Mike was recognized around the state and the country as a leader in municipal law, and his outgoing personality and great sense of humor built relationships that not only benefitted the city but also enriched the experiences of those he interacted with,” said May’s successor as city attorney, Michael Haas.

Ald. Mike Verveer, the City Council’s longest-serving member, said May was able to deliver keen legal advice while maintaining his sense of humor, even in tense moments. “He was just a special person to be around,” Verveer said. “It’s shocking to lose him this young.”

“Mike staffed over 360 City Council meetings during his tenure, which equates to a little over one year of his life in council chambers, and would regularly mark Halloween by attending meetings in a wizard costume,” Rhodes-Conway said. “We will all miss not only his expertise and energy but also his optimism and humor.”

May ended his legal career at Boardman Clark, the successor of Boardman, Suhr, Curry and Field, as

senior counsel to the firm.

“He’s probably regarded around the state as one of the finest attorneys in the municipal field,” said his co-worker and friend Steve Zach, of Boardman Clark, which “lent him to the city for 16 years.”

A spiritual man, May joined the First Unitarian Society of Madison, serving as president of the congregation from 1991 to 1995. He also served on many committees, on Unitarian organizations in the Midwest and as the head of the FUS Preservation Committee for the Frank Lloyd Wright Unitarian Meeting House. He later served on the board and as president of the Friends of the Meeting House.

He was active in the legal community, serving on several boards or divisions of the State Bar of Wisconsin. He spent many years on the Board of Visitors of the University of Wisconsin Law School and was a Fellow of the Wisconsin Law Foundation. He was a member of Downtown Madison Rotary, where he served on the board of directors. He also served on the board and was president of the Downtown Rotary Foundation. He was sponsor of a popular Rotary Book Club, and a member of Rotary’s Lew Harned Society.

As a fan of University of Wisconsin sports, May held football, men’s hockey and women’s hockey season tickets for years. He attended more than 20 Wisconsin bowl games, traveled for Badger rivalry games and hockey’s Frozen Four.

May was also known for playfulness. For years, he hosted a party to celebrate the resignation of President Richard Nixon, asking guests to toast “the demise of our favorite unindicted co-conspirator.” He was quick with a story, a joke and to hoist a glass of scotch, his obituary says.

His sister, Carol, said his favorite on the list of all the things he loved about Madison — family, the law, the Wisconsin Badgers — could change depending on how each was doing, she quipped.

“He loved this city incredibly,” she said.

May and Foy were married 21 years. May leaves behind three grown children and two granddaughters.

— *Article by Dean Mosiman for the Wisconsin State Journal, October 4, 2022*

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## ***Remembering Mike May***

When I arrived at Boardman as a new Associate in June of 1998, I had no idea I'd be working with Mike May on behalf of municipal utilities. Yes, I'd clerked the previous summer and even did a research project on something called "Order 888" (for Mike Stuart, the other Mike at the time). Luckily, I managed to dodge Mike's trick assignment for Boardman summer clerks where he had you search for a nonexistent case in an obscure area of law until you were brave enough to admit you couldn't find it (or smart enough to realize that no such case existed (not sure which quality Mike was looking for). But nothing else I did that summer prepared me for the assignment Mike gave me on that first day—which was to "ride herd" on a bunch of discovery requests in a "FERC 206" case against a big IOU represented by a big DC law firm. I wasn't quite sure what a "municipal utility" was, or an "IOU," so Mike gave me a book to read about the history of "public power" (I was a recovering academic and Mike loved books, so it worked). I also didn't know how to figure out when discovery requests were due, let alone what a "FERC 206" case was, so Mike gave me a copy of the Code of Federal Regulations and told me to read the Rules. And that was my introduction to what became the rest of my career.

I loved working for municipal utilities (still do), and I loved working with Mike. He was good at explaining stuff ("capacity is like the garden hose, and energy is like the water running through it"). And he was a lawyer's lawyer, thinking through all the angles of a legal problem, convening impromptu office conferences to talk through an issue, routing a photocopy of a new decision or article with a handwritten scrawl marking it for the MEUW Legal Memo file. But he was also hard-nosed and practical. He knew when to hold tough in a settlement negotiation, and when to compromise. He was authoritative, without being overbearing. And he relished the company of his clients, always quick with a *bon mot*, a wry anecdote or a joke (the condemned engineer to the executioner: "I think I know what your problem is"). Mike made it easy to love what I did and the clients I did it for. He made it feel like we were all involved in something unique and worth committing to.

*Continued on page 4*

## ***Making a Difference***

Mike hired me in 1981 as a law clerk for Boardman when he was in charge of that program for the firm. He and I were associates, partners, and senior counsel at Boardman since, except for his stint with the City of Madison at which time I was his client. To say he was an excellent attorney is an understatement. He had that rare combination of raw intelligence, practical sense, and people skills which made him perfect for navigating the legal terrain of municipal law. It did not hurt that he really liked working for municipalities and their electric utilities and his passion and skills made him one of the best practitioners in that field.

Mike and I talked when he was contemplating a move to become City Attorney for Madison, a switch that was financially significant for him, but, as he put it, gave him the opportunity to make a difference. Which he did.

Mike made a difference in a lot of people's lives, both those with whom he worked professionally, and those of us who got to know him personally, even when he was wearing his kilt and beret. His zest for municipal law and the clients he served was second only to that he had for life, which he lived fully and with few regrets. The outpouring of well wishes to his wife, Briony, and to those of us at Boardman was amazing and a fitting testament to a great lawyer and person.

*— Steven C. Zach*

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## ***Ikigai***

Mike May was an exceptional lawyer, advisor, colleague, role model, mentor and friend. He lived life in a way we all would like to emulate – intellectual interested, thoughtful, engaged, energized, and sometimes a bit outrageous. His obituary (which I understand he wrote) reveals he undoubtedly was successful in achieving his “ikigai.”

“Ikigai” (ee-key-guy) is a Japanese concept

that I just learned about. It combines the terms *iki*, meaning “alive” or “life,” and *gai*, meaning “benefit” or “worth.” The combined term is often translated to “your reason for being.”

Ikigai is traditionally described by a diagram which shows your ikigai to hold the central position of four overlapping spheres that represent what you love, what you are good at, what the world needs, and what you can get compensated for.

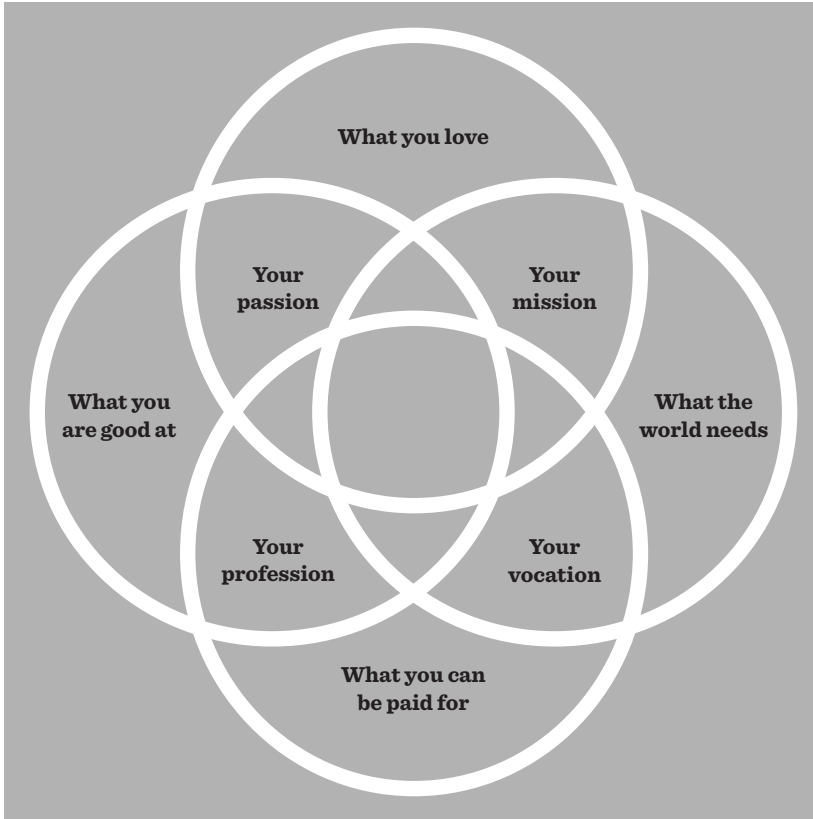
For Mike, his ikigai was the practice of municipal law.

He loved the law, public policy, the political process, and the City of Madison. In his role as the Madison City Attorney he found the sweet spot where his skills and interests overlapped with what the city he loved needed.

After retiring from his position as City Attorney, he continued his attainment of ikigai by returning to Boardman where he provided other municipalities with his wise counsel, mentored younger lawyers, and engaged with his old Boardman colleagues from earlier years. We were so fortunate to be able to have Mike back with us.

We will miss him greatly. But we are grateful that he chose Boardman (twice) to be part of his ikigai .

– *Lawrie Kobza*



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## **Remembering Mike May**

*Continued from page 3*

Mike left Boardman to become Madison’s City Attorney in 2004, but he was never really gone. Of course, I ran in to Mike from time to time at State Bar functions, around town or at City Council meetings where he presided in strict conformity with Robert’s Rules. And there were his comprehensive outlines on public bidding, utility bankruptcy and utility governance, still consulted on a regular basis (not to mention the countless files of MEUW legal memos). But for me at least it was also the idea of Mike that never really left, the idea that you could love being a lawyer while being true to yourself.

Thus, it seemed somehow inevitable that when Mike retired from being City Attorney in 2020, he returned to Boardman where he could continue, as he told me, to advise clients (mostly municipalities now, as opposed to municipal utilities), as well as to mentor younger lawyers and provide “good counsel”. As much as I will always admire Mike’s skills as a lawyer and his prodigious intellect, it’s that Mike I will miss the most -- Mike the teacher and mentor.

– *Richard A. Heinemann*

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## ***Mike's Gal***

I first met Mike in 1988 in an interview at the law school. I was about to graduate and was looking for my first position as a lawyer, and Mike was scouting for talent for Boardman, Suhr, Curry and Field, a law firm I'd never heard of. Mike was different from the other lawyers I interviewed with. For one thing, he wore cowboy boots and not wing tips. He was open and straightforward and easy to talk to. And, at the end of the interview, he advised me to revamp my resume and remove all my academic writings off the resume (apparently, law firms couldn't care less about scholarly papers on language acquisition). Little did I know then that Mike would become one of my most important mentors at Boardman.

It was Mike who introduced me to the MEUW, the association of municipal electric utilities, and to the utility managers that would become clients. I will always remember the very first MEUW board meeting Mike took me to. In those days, the board met regularly in Wisconsin Rapids at the Mead Inn. At the start of the meeting, the board president introduced me (the only woman in the room) as "Mike's gal." I cringed a bit at that introduction and wondered how I would ever win the respect of all those managers. Some 30 years later, I can say that I eventually did in no small part due to Mike's mentorship.

What I learned from Mike was invaluable. Yes, he was smart and worked hard. But more than that, he truly loved what he did and he cared very much about the people and municipal institutions that he worked for. Addressing legal issues was no longer just an academic exercise. Rather, Mike showed me that it was important to understand your clients and the work they were charged with so that your legal advice was practical and helpful rather than sterile and impenetrable. Your job was not just to find an answer to a hypothetical legal question. It was to apply your legal knowledge and experience to find a meaningful and helpful solution to real problems.

I am very fortunate to be an attorney that actually enjoys what she does and am so very

grateful and proud to work on behalf of municipalities and their utilities. It all started one day in 1998 in a law school interview room with Mike. I'm sad he's no longer around to continue to lead me and the newer attorneys at the firm by his example.

— Anita T. Gallucci

### ***A Municipal Law Tour de Force***

I had the good fortune of working with Mike for small Wisconsin community-owned electric utilities during the tumultuous and unpredictable period when radical deregulation of the WI electric industry was on the table in the mid to late 1990s. Mike's advice was always spot on, based on sound legal reasoning and with a good dose of reality thrown in. His ability to add a bit of humor into the mix, even while discussing what would otherwise be dry subjects such as a 200-page FERC Notice of Proposed Rulemaking on some mundane electricity topic, was second to none. Mike was also a high master at teaching and explaining Robert's Rules of Order to municipal leaders; he truly enjoyed demystifying Robert's Rules. His work in that area will be relied on for decades (I still keep his Robert's Rules crib sheet handy when chairing Shorewood Hills Village Board meetings).

— David J. Benforado



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