


## Barret V. Van Sicklen

Partner

**Madison, Wisconsin**

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### Service Areas:

- Appellate
- Construction
- Labor & Employment Relations
- Litigation
- Real Estate, Land Use & Construction

### Education:

- J.D., University of Wisconsin Law School
- B.A., University of Chicago

### Admissions:

- Wisconsin
- Supreme Court of Wisconsin
- U.S. Court of Appeals for the 7th Circuit
- U.S. District Court for the Eastern and Western Districts of Wisconsin

Barret litigates complex commercial disputes as well as employment matters. Co-Chair of the firm's Litigation practice group, he takes pride in providing effective, efficient, and creative solutions to complex legal problems. He routinely represents clients in "bet-the-company" cases involving shareholder/partnership disagreements, disputes between or within companies, and contract issues. Clients describe him as approachable, relatable and able to convey complex legal issues in a manner that can be easily understood.

Barret handles a wide array of sophisticated commercial litigation matters. He has been the lead attorney and argued before the Wisconsin Supreme Court multiple times. Notably, in a decision that received national attention, he successfully argued before the Wisconsin Supreme Court to end giving deference to agency's conclusions of the law. The decision reversed Wisconsin's half-century practice of deferring to state administrative agencies' interpretations of the laws.

Barret has expertise helping businesses and individuals with non-compete agreements, non-solicitation agreements, confidentiality provisions, and trade secret issues. He has handled dozens of cases involving thorny post-employment issues, including theft of company information, computer crimes, unfair competition, and conspiracy, and helps clients obtain or avoid temporary restraining orders and injunctions in these situations. Additionally, he routinely advises and represents construction companies in a variety of areas, including contract disputes, indemnification issues, bid process, lien rights, and collecting on unpaid accounts. His practice also includes guiding landlords through the eviction process and helping businesses collect on outstanding accounts.

Barret is a former collegiate soccer player and was inducted into the University of Chicago Athletics Hall of Fame. When not in the office, he spends his free time with his wife, chasing after their three children and dog.

## Affiliations

- Board Member - RISE Wisconsin
- Dane County Bar Association
- Middleton United Board of Directors
- Co-Chair Litigation Practice Group
- Chair of Associate Mentor Committee

## Articles & Presentations

- "Down Goes Deference" – DeWitt Employment Law News, January 23, 2019
- "END OF AN AGE: Courts Halt Deference to Agencies' Conclusions of Law" – Wisconsin Law Journal, October 9, 2018
- Presenter: "The Lifecycle of an Employment Relationship in Six Acts" – DeWitt Fall Employment Law Seminar, October 2018
- "EEOC's Strategic Enforcement Plan Adds Priority Regarding Independent Contractor Relationships" – DeWitt Employment Law News, December 15, 2016
- "DOL's Proposed Changes to FLSA Overtime Rules Expected to Be Published in July 2016 and Become Effective in September 2016" – DeWitt Employment Law News, March 10, 2016
- "Department of Labor Proposes Changes to FLSA Overtime Rules" DeWitt Employment Law News, July 29, 2015
- "Update to previous article – Wisconsin Supreme Court Set to Tackle Non-Compete Case" – DeWitt Employment Law News, May 7, 2015
- "Wisconsin Supreme Court Set to Tackle Non-Compete Case" – DeWitt Employment Law News, August 18, 2014
- "Proposed Bill Would Eliminate Flu Shot Requirement for Healthcare Workers in Wisconsin"– DeWitt Employment Law News, February 6, 2014
- "US Senate Passes Employee Non-Discrimination Act to Prohibit LGBT Workplace Discrimination" – DeWitt Employment Law News, November 11, 2013
- "AMA Designates Obesity as a Disease" – DeWitt Employment Law News, August 12, 2013
- "New Twist in the 'Irresistible Employee' Case" – DeWitt Employment Law News, July 26, 2013
- "Buying a Company? Be Wary of FLSA-Based Liabilities" DeWitt Employment Law News, May 31, 2013
- "Janie's Got a Gun...Unless She Sees a Sign or Her Employer Prohibits It" – DeWitt Client Alert, July 14, 2011
- Presenter, "FMLA Update: What Employers Need to Know from an Employment & Employee Benefits Perspective" – DeWitt HR Roundtable, September 21-22, 2011
- Presenter at a Lorman Seminar regarding Lien Law

## Awards & Recognitions

- University of Chicago Athletics Hall of Fame, Men's Soccer
- Wisconsin Rising Stars® (Employment and Labor Law) – Since 2011

## Client Recommendations

"Barret has helped me on more than one occasion resolve some landlord/tenant and collection issues. He has resolved these with positive results in an effective, timely and professional manner. I highly recommend Barret and his law firm, and I will use him again in the future if need be." – John McGrady, Vice President (Dean Realty Group, Inc.)

## Clients

Barret provides skilled representation throughout the court system of Wisconsin. He also routinely practices in the Western and Eastern Districts of Wisconsin and the United States Court of Appeals for the 7th Circuit. Additionally, he routinely helps shareholders advise and represent construction companies in a variety of areas, including: contract disputes, indemnification issues, bid process, lien rights, and collecting on unpaid accounts. His labor and employment practice focuses on protecting companies' confidential information, non-compete disputes, and wage and hour issues. His practice also includes guiding landlords through the eviction process and helping businesses collect on outstanding accounts.

## Notable Representations

- Successfully argued in front of the Wisconsin Supreme Court to end giving deference to agency's conclusions of the law in Tetra Tech EC, Inc. v. DOR. The court agreed with his arguments and its decision received national attention in reversing its nearly half-century practice of deferring to state administrative agencies' interpretations of the laws the agencies are responsible for enforcing
- Successfully represented a construction company as a plaintiff in a lawsuit against another construction company alleging, among other claims, breach of contract, unjust enrichment and misrepresentation
- Represented a Wisconsin electronics company that skillfully obtained an injunction against a former employee from using its confidential information. The suit involved allegations of unfair competition, tortious interference with business expectancy and theft
- Represented a construction company as a plaintiff against a sub-contractor involving indemnification and insurance coverage issues
- Aided several nursing homes to obtain and collect on judgments throughout Wisconsin
- Successfully defended a dairy company from a wrongful refusal to rehire claim
- Regularly assists contractors and design professionals with respect to lien rights
- Successfully defended real estate developer on breach of contract and foreclosure on bond claims
- Assisted a construction company in an arbitration proceeding related to alleged design defects
- Successfully represented engineering company on breach of fiduciary duty, breach of contract, and related claims
- Routinely assists construction and design professional companies with respect to collection matters