

KREKELER LAW REPORT



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National Farmers Day

October 12 was National Farmers Day. This observation dates back to the 1800s and was previously known as Old Farmer's Day.

Farmers work hard, and often for very little income or profit. They face struggles different from other business owners.



Photo credit: Janis Knorr/Pexels

Because of their unique problems, farmers (and commercial fishermen) have a specific chapter of bankruptcy devoted to restructuring their debts. That chapter is Chapter 12, which was added to the Bankruptcy Code in 1986 due to the problems farmers encountered during the farm crisis of that decade.

There are relatively few Chapter 12 cases filed each year. In 2019, there were 147 filed in the U.S., and Wisconsin lead the nation with fifty-seven*. Our firm filed six of those cases.

We find Chapter 12 to be a strong and useful tool we use to keep Wisconsin farmers farming. The State Bar has asked us to write about this unique relief program a number of times, including in the following blog articles:

[October 2020: The Changing Face of Farming and Agriculture](#), and [August 2019: Chapter 12 Bankruptcy Relief Now Available to More Farmers](#).

Contact us for a copy of either or both articles.

*Source: <https://www.wisfarmer.com/story/news/2020/01/31/wisconsin-continues-lead-u-s-farm-bankruptcies/4625866002/>

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- Happy Farmers Day!
- Domestic Violence Awareness Month
- Debt and Mental Health
- Where's Krekeler? ...plus more!

National Domestic Violence Awareness Month

October is National Domestic Violence Awareness Month. This year the focus may be more important than ever.

COVID-19 has greatly increased the level of domestic violence all around the world. For example:

- In Hubei, China, domestic violence reports doubled.
- At the outset of the pandemic lockdown, Britain saw the highest number of domestic killings at any time in the last 10 years.^[1]
- A Massachusetts hospital study of radiology scans found physical abuse had roughly doubled.²

We have had a number of clients who were domestic abuse victims. Some were even registered with the Department of Justice Safe at Home program. Safe at Home provides the victim with the residential address in a county different from the one she actually resides in. The program is designed to prevent the prior abuser from being able to locate the victim.

This runs counter to bankruptcy policy, though. Bankruptcy requires the debtor to provide a full, complete, and truthful disclosure of information. This really is the principal duty the debtor has in order to receive the benefits of bankruptcy.



Photo credit: cottonbro/Pexels

This does not necessarily mean that we cannot protect our clients. The Bankruptcy Code contains a provision which permits the Court to protect an individual's information if disclosure would create an undue risk of identity theft or any other unlawful injury to the individual or the individual's property. The kind of information which could be protected includes any means of identification.

The financial impact of domestic violence is huge. The lifetime economic cost associated with medical services, lost productivity from paid work, criminal justice, and other costs, was \$3.6 trillion. The cost of domestic violence over a victim's lifetime was \$103,767 for women and \$23,414 for men.

Source: <https://www.forbes.com>

There are several ways we can try to protect our client. One might be getting the Court to authorize using our office address as the debtor's address. In some circumstances, we may be able to use the published Safe at Home address. We could also file all papers under seal and request that the address be redacted.

We can also request that the Court enter an Order to protect our client, sealing the debtor's information and anything else which might lead to discovery of the true address.

Our Wisconsin Bankruptcy Courts are receptive to reasonable means to protect debtors who may be in danger. As lawyers, we simply need to be aware of the need and take the necessary steps.

Our government leaders need to recognize that lockdowns and stay-at-home orders create their own sets of risks and dangers. Government edicts do not end domestic violence, nor do they protect victims.

If you or someone you know needs help with partner violence, please see these resources:

1. **Domestic Abuse Intervention Services**
2102 Fordem Avenue, Madison, WI
<https://abuseintervention.org/>
608-251-4445 or 800-747-4045
2. **National Domestic Violence Hotline**
<https://www.thehotline.org/>
1-800-799-SAFE (7233)
3. **The National Network to Eliminate Domestic Violence** <https://nnedv.org/>
4. **Department of Justice, Office of Women's Health** <https://www.womenshealth.gov/>
5. **Prevent Child Abuse America**
<https://preventchildabuse.org/>
6. **Stronghearts Native Helpline**
<https://www.strongheartshelpline.org/> or
1-844-762-8483

[1] *Financial Times* (8/12/20)

[2] *U.S. News and World Report* (8/18/20)

Debt and Mental Health

You wouldn't think that taking a walk, talking to a caring friend, or taking more photos with your phone could make you richer, would you? But research has shown that in a round-about way, simple, pleasurable, non-guilt-inducing activities like these can make you happier, and that being happier can make you wealthier.

This line of thinking may seem like quite the stretch, but the momentum that a person's habits and behaviors take truly can propel a person's direction to health, satisfaction, and success, or to unhappiness and frustration.



Photo credit: energpic.com from Pexels

Mental Health day was October 10. Research has shown that financial problems and mental health concerns are often closely associated¹, and an increase in one can have a pendulum effect of increasing the other. People with severe debt are twice as likely to develop major depression than

those who are not having financial troubles². People who are experiencing serious debt issues are more suicidal than people without debt issues. The greater the debt issues, the greater the depression, and so on and so forth.

Half of adults in problem debt also have a mental health problem.

The first step to breaking this pattern is to let go of the stigma associated with mental health problems. Most people will experience highs and lows, anxiety, the feeling of being "caught in a rut," or more seriously debilitating mental health problems at some point in their lives. These problems can affect physical health, careers, relationships, and finances. Reaching out for help is the best way to begin to turn things around.

If you or someone you love is experiencing devastating debt issues that are related to mental health struggles, there's help for you. We pride ourselves on solving financial problems and helping our clients to wealth and success.

Resources:

- 1. NAMI (National Alliance for the Mentally Ill)**
4233 W Beltline Hwy, Madison, WI
(608) 268-6000 www.namiwisconsin.org
- 2. National Suicide Prevention Line: 800-273-8255**

[1] <https://pubmed.ncbi.nlm.nih.gov/24121465/>

[2] <https://www.moneyandmentalhealth.org/wp-content/uploads/2017/06/Money-and-mental-health-the-facts-1.pdf>

LOVE YOUR LAWYER DAY

November 6 is Love Your Lawyer Day! To celebrate, we're going to pay it forward by giving away some free food gift cards. We'll be drawing random winners from our newsletter subscribers and Twitter followers. To get your name in the running, just [follow Krekeler Law on Twitter](#) or [subscribe to our newsletter](#).



WHERE'S KREKELER?



Congratulations to our attorney May LaRosa, for having recently been admitted to practice law with the U.S. Tax Court.

FUN FACT about the US Tax Court: Typically, U.S. Tax Court trials for Wisconsin residents take place in Milwaukee. However, state residents don't have to stick with their own state. For instance, if a person lived closer to St. Paul, Minnesota than Milwaukee, they could choose to visit St. Paul instead. (However, due to COVID-19, all U.S. Tax Court trials are currently happening as Zoom meetings.)



A *Milwaukee Journal Sentinel* article by Agya K. Aning about commercial bankruptcies recently quoted David Krekeler extensively. Here's [The Daily Reporter's reprint of this article](#).

David was also interviewed by Christopher Shattuck for a Wisconsin State Bar article on Law Firm Profitability during a pandemic. [Here's a link to this article in case you missed it](#).

Apple picking served as great inspiration for [David's Farming and Agriculture blog article for the Wisconsin State Bar](#) that just came out on October 12.

He had recently gone apple picking with his family, including his granddaughters. Here's one of them here on the photo to the right, and that's David in the background.



DID YOU KNOW: The Supreme Court has been in the news often lately, with the recent passing of Ruth Bader Ginsburg and the nomination of Amy Coney Barrett. According to a recent Fox News poll, 22% of registered voters cannot name any of the Supreme Court justices. How many can you name?

<https://www.supremecourt.gov/about/biographies.aspx>

Have a question or an idea for a future article? If you ask for it, we will write it! Email us at: htierney@ks-lawfirm.com

HUH?



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WE SOLVE FINANCIAL PROBLEMS.

This is an advertisement for legal services. We have been designated by Congress as a debt relief agency and can help people file for relief under the Bankruptcy Code.

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