

# Zach Standish Whitney

3545 W. Verona Court  
Milwaukee, WI 53215



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## LEGAL EMPLOYMENT

***Kohner, Mann & Kailas, S.C.***, *Shareholder*, Milwaukee, Wisconsin, 5/21/12 — Present.

Represent clients in commercial disputes. Advise companies on contracts and other business matters. Investigate claims, draft pleadings, conduct trials, handle discovery, locate witnesses, develop experts, and engage in motion practice, mediation and settlement negotiations.

Representative matters include:

- Represented a commercial lender through trial in a complex dispute over the scope of real property collateral securing a promissory note and the reformation of the applicable security instruments.
- Prepared appellate briefs and presented oral argument to the Seventh Circuit Court of Appeals in a disagreement between a bank and an investment advisory firm over the sale of an underperforming loan portfolio.
- Successfully prosecuted multiple civil fraud claims involving attempts by debtors to defraud creditors by improperly transferring assets to third parties.

***Milwaukee County District Attorney's Office***, *Assistant District Attorney*, Milwaukee, Wisconsin, 4/5/04 — 5/18/12.

Advised law enforcement officers on investigative strategies. Prepared and reviewed search warrants. Interviewed victims and witnesses of crimes. Issued charges, drafted motions and prepared legal documents in connection with criminal investigations and prosecutions. Tried a variety of offenses to juries including shootings, firearms offenses, robberies, narcotics offenses, arsons, kidnappings, witness tampering and intimidation offenses, home invasions, car thefts, felonious assaults and various conspiracies. Representative prosecutions include:

- ***State v. Thames***, 366 Wis. 2d 807, 874 N.W.2d 346 (Ct. App. 2015) (unpublished). Directed a multi-agency investigation into an elaborate conspiracy headed by a major narcotics dealer to kill the State's primary civilian witness against him. Defendant engaged other members of his drug distribution network in the conspiracy through the use of encoded messages. Issued multiple search warrants against numerous targets, oversaw the collection of evidence, and interviewed witnesses and co-conspirators. The investigation into the conspiracy resulted in criminal convictions against seven co-conspirators including defendant, whom the jury found guilty of conspiracy to commit first degree intentional homicide, possession with intent to deliver large quantities of heroin and cocaine, and multiple firearms offenses. The prosecutions prevented defendant and his co-conspirators from carrying out their homicidal objective.
- ***State v. Prescott***, 2012 WI App 136, 345 Wis. 2d 313, 825 N.W.2d 515. In connection with a gang-related turf war, defendant shot into a residence multiple times, striking a 12-

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year-old girl three times, including once in her left chest. Worked closely with Milwaukee detectives to identify defendant's fellow gang members, to secure their cooperation with the prosecution, and to amass forensic and demonstrative evidence. A jury ultimately convicted defendant for shooting the child.

- ***State v. Baldwin***, 2010 WI App 25, 331 Wis. 2d 697, 797 N.W.2d 546. Defendant was a persistent domestic violence offender who had evaded successful prosecution for many years. Monitored defendant's communications from jail and discovered his extensive efforts to prevent the victim from cooperating with authorities. Issued search warrants and collected evidence to convince the Court that defendant's conduct caused the victim's absence from trial. Moved the Court to admit the victim's out of court statements to others at trial (which would have otherwise been barred by the Confrontation Clause and the hearsay rule) under the doctrine of forfeiture by wrongdoing. The jury convicted defendant and, on review, the Wisconsin Court of Appeals adopted the doctrine of forfeiture by wrongdoing in the published decision cited above.

***United States Court of Appeals for the Seventh Circuit, Law Clerk to Hon. John L. Coffey***, Chicago, Illinois, 1/2/03 — 1/23/04.

Provided legal research and furnished written analysis regarding cases and legal issues presented to the Court. Drafted court documents. Prepared points of discussion for oral argument. Supervised law student interns.

### **OTHER RELEVANT EXPERIENCE**

***Milwaukee County District Attorney's Office***, Guest Lecturer on Witness Intimidation, 2013.

***Thomas E. Fairchild American Inn of Court***, Associate/Graduate, Milwaukee, 2010 — 2013.

***Wisconsin Coalition for Advocacy***, Volunteer, Milwaukee, 2002.

***Palmetto Carriage Works***, Licensed Tour Guide, Charleston, South Carolina, 1998 — 2000.

### **EDUCATION**

***J.D., Marquette University Law School***, Milwaukee, Wisconsin

*Magna Cum Laude*, December 2002

- Rank: 6/168; GPA: 3.741; Dean's List all semesters.
- Marquette Law Review: Articles Editor, 2002; Associate Editor, 2001.
- Highest Grade Awards: Federal Income Tax; Sales; Law and Economics.
- Published Work: Comment, Regulatory Takings: Distinguishing Between the Privilege of Use and Duty, 86 Marq. L. Rev. 617 (2002).
- Delegate, International Academy of Comparative Law, Brisbane, Australia, 2002.

***B.A., Hanover College***, Hanover, Indiana

Major: Art History, May 1997

- Richter Grant recipient: Puuc Architecture, Yucatan, Mexico 1996.
- Renaissance Art and Architecture, Florence, Italy, 1997.