

## James E. Goldschmidt

### Partner

James helps clients win complex cases by crafting clear, persuasive legal briefs and arguments in civil, regulatory, and tax appeals. His appellate and regulatory practice focuses on energy law, environmental litigation, and utility property disputes. He has fully briefed over 40 appeals in Wisconsin, Illinois, Florida, and the Seventh, Ninth, and Federal Circuits; briefed and argued cases before the Illinois Appellate Court and the Seventh Circuit Court of Appeals; and argued three times before the Wisconsin Supreme Court. James chairs the firm's appellate practice group.

Recent appellate experience includes:

- Won reversal by Wisconsin Supreme Court in favor of Internet freedom of speech under federal Communications Decency Act.
- Supported affirmance by Seventh Circuit Court of Appeals of judgment dismissing core antitrust claims against beer manufacturers under act of state doctrine.
- Convinced Wisconsin Court of Appeals to reverse administrative ruling by trial court in connection with public utility rates.
- Protected favorable ruling for public utility against municipality on review in Wisconsin Court of Appeals.
- Defended trial court's denial of default judgment and dismissal of business tort action on review in Wisconsin Court of Appeals.

James' appellate experience also includes amicus briefing in cases of statewide interest, with recent amicus clients including the Bond Dealers of America (securities litigation), the Wisconsin Utilities Association (transmission easement dispute), the Metropolitan Milwaukee Association of Commerce (insurance coverage dispute), and the Illinois, Indiana, and Wisconsin Health Care Associations (nursing facility litigation).

On the regulatory side of his practice, James assists regulated public utility clients in a wide variety of matters, from general and special-purpose rate cases before the Public Service Commission of Wisconsin (PSCW) to hydroelectric permit disputes before the Federal Energy Regulatory Commission (FERC), and from permit reviews before the Wisconsin Department of Natural Resources (DNR) to utility right-of-way disputes with the Wisconsin Department of Transportation (WiDOT). His recent regulatory experience includes the following:

- Defended favorable PSCW ruling for public utility client in regulatory appeal relating to cost allocation for fuel conversion at cogeneration plant.
- Developed testimony and crafted briefing in support of merger



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- between two multi-state investor-owned utilities.
- Secured recovery of public utility's costs in spent nuclear fuel litigation.
- Investigated warranty claims relating to defects at generating station.

In addition, James has a growing practice in the area of CERCLA Superfund litigation, representing manufacturers and successor entities identified as potentially responsible parties (PRPs) in connection with historically contaminated sites. In this arena, his particular focus is historical and archival research in pursuit of successor claims and defenses.

### **Legal Services**

- Appellate
- Energy, Environment & Natural Resources
  - Remediation – Superfund and Sediments
  - Water Rights and Discharge Permits
  - Electric and Natural Gas Utilities
  - Energy Development & Transactions
  - Litigation & Appeals
- Class Action Defense
- Litigation & Dispute Resolution

### **Education and Honors**

- Harvard Law School (J.D., 2012)
- Harvard University (A.B., *summa cum laude*, 2009)
  - Phi Beta Kappa Society
  - Thomas Temple Hoopes Prize (Outstanding Scholarly Work or Research)

### **Bar Admissions**

- Wisconsin

### **Court Admissions**

- U.S. Supreme Court, 2021
- U.S. Court of Appeals, 7th Circuit, 2013
- U.S. District Court, Western District of Wisconsin, 2013
- U.S. District Court, Eastern District of Wisconsin, 2012

### **Professional and Civic Activities**

- State Bar of Wisconsin, member
  - Appellate Practice Section, chair
- Seventh Circuit Bar Association, member
  - Board of Governors, member

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- American Bar Association, member
  - Center for Urban Teaching, board member
  - Wisconsin Lutheran High School, secretary

### **Professional Recognition**

- State Bar of Wisconsin – Pro Bono Honor Society, 2013-2016
- Wisconsin *Super Lawyers*® - Rising Stars Edition, Appellate, 2016-2020
- “Up and Coming Lawyer” by the *Wisconsin Law Journal*, 2018
- *The Best Lawyers in America*® "Ones to Watch" list, Appellate, 2021
- Milwaukee Bar Association Distinguished Service Award, 2020

### **Languages**

- Italian

### **Selected Published Decisions**

*Daniel v. Armslist, LLC*, 2019 WI 47, 386 Wis. 2d 449, 926 N.W.2d 710