



Joseph S. Diedrich

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OVERVIEW

An award-winning legal writer and seasoned oral advocate, Joe gives clients the upper hand on appeal and in complex litigation.

Joe has briefed appeals in the U.S. Supreme Court; the U.S. Courts of Appeals for the D.C., Seventh, Eighth and Federal Circuits; and the Wisconsin Supreme Court, the Georgia Supreme Court, the Wisconsin Court of Appeals and the Illinois Appellate Court. He has orally argued appeals in the Seventh Circuit, the Eighth Circuit, the Federal Circuit and the Wisconsin Court of Appeals. Joe also litigates administrative appeals and high-stakes disputes in trial courts across the country. No matter the forum, Joe draws on a unique background in freelance journalism and music composition, bringing unmatched creativity to analyzing complex legal issues.

Joe specializes in challenges to government action, including judicial review of decisions issued by federal agencies, state agencies and local governments. He also has significant experience defending class actions and litigating cases involving issues of constitutional law; land use, zoning and property rights; and international trade law. He serves clients in various sectors, including food and agribusiness, telecommunications infrastructure, and traditional and renewable energy, among others.

In addition to writing as an advocate for his clients, Joe regularly publishes scholarly and popular articles on issues of constitutional law, legal interpretation and appellate practice. His latest article, "Judicial Deference to Municipal Interpretation," was published in the *Fordham Urban Law Journal*. His written work has also appeared in the *SMU Law Review*, the *Villanova Law Review*,

Industries

Manufacturing

Technology

Transportation

Services

Appellate

Class Action Defense

International Trade & Supply Chain

Land Use

Litigation & Alternative Dispute Resolution

Commercial Litigation

Telecom

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the *University of Cincinnati Law Review*, the *Yale Journal on Regulation Notice & Comment*, *Wisconsin Lawyer* (where he serves on the editorial board), the *Foundation for Economic Education*, *InBusiness Madison*, *Law360*, *Our Lives* and elsewhere. Joe's articles have been cited in state and federal judicial opinions.

Case Studies

Commonwealth of the Northern Mariana Islands

Husch Blackwell put together a coalition to help clarify CERCLA in an influential U.S. Supreme Court amicus brief.

CityDeck Landing LLC

Our team filed a rare petition for a supervisory writ with the Wisconsin Supreme Court—and won the case.

CSC Sugar LLC

Our team secured a first-of-its-kind decision from the U.S. Court of International Trade.

Experience

FEDERAL APPELLATE EXPERIENCE

- Briefed, orally argued, and won appeal in *Louis DeGidio Inc. v. Industrial Combustion, LLC*, 66 F.4th 707 (8th Cir. 2023), on behalf of manufacturer of institutional boilers and burners in commercial dispute with former distributor. The Court affirmed summary judgment, cementing a complete defense victory on claims for violation of the Minnesota Franchise Act, breach of contract, and promissory estoppel.
- Won appeal in *Stockbridge Munsee Community v. Ho-Chunk Nation*, 922 F.3d 818 (7th Cir. 2019), a case brought by one American Indian tribe against another over the latter's right to conduct gaming under the Indian Gaming Regulatory Act. Affirming the district court's ruling in favor of the Ho-Chunk Nation, the Court held that the plaintiff-tribe's claim was both outside the statutory zone of interests and barred by the statute of limitations.

Experience

- Authored successful amicus brief in *Guam v. United States*, 141 S. Ct. 1608 (2021), a case providing important guidance on the interpretation of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA, or Superfund). Filed on behalf of a politically and geographically diverse coalition of 26 states and territories in support of the prevailing party (Guam), the brief was discussed in detail at oral argument.
- Authored successful amicus brief in *Bostock v. Clayton County*, 140 S. Ct. 1731 (2020), which held that Title VII of the Civil Rights Act of 1964 prohibits employment discrimination based on sexual orientation and transgender status. The brief was filed in support of the prevailing employees and stressed many of the textual, logical, and institutional arguments the Court ultimately found persuasive.
- Authored several other amicus curiae briefs in the U.S. Supreme Court, including at the merits stage, at the petition stage, and in support of emergency applications.
- Presented oral argument in the U.S. Courts of Appeals for the Seventh, Eighth and Federal Circuits—including an en banc oral argument in the Seventh Circuit.

STATE APPELLATE EXPERIENCE

- Won appeal in the Supreme Court of Wisconsin in *CityDeck Landing v. Circuit Court*, 2019 WI 15, on behalf of a real estate developer in a case announcing important limits on a trial court's authority to interfere with private arbitration proceedings.
- Won appeal in the Supreme Court of Wisconsin in *Enbridge Energy Co. v. Dane County*, 2019 WI 78, which held that a local government exceeded the scope of its land-use authority when it imposed unlawful conditions on an energy pipeline company's permit.
- Won appeal in the Wisconsin Court of Appeals in *Red Rock Granite, Inc. v. Kafka Properties, LLC*, 2019AP1633, in which Court held that our client's mineral fabrication facility was a permissible use of property under a restrictive covenant.

Experience

- Won appeal in the Illinois Appellate Court in *Prairie Surgicare v. Encompass Specialty Network*, 2021 IL App (3d) 200176-U, which affirmed the trial court's discretionary denial of sanctions.
- Authored successful amicus brief in the Supreme Court of Georgia in *Raffensperger v. Jackson*, 888 S.E.2d 483 (Ga. 2023), in which the Court declared a restrictive occupational licensing law unconstitutional as an unreasonable infringement on an individual's due process right to pursue a lawful profession.
- Authored amicus brief in the Supreme Court of Wisconsin in *Michels v. Lyons*, 2019 WI 57, a case implicating individual liberty interests under the Fourteenth Amendment. The brief was discussed at oral argument and cited in an opinion.
- Authored multiple successful petitions for review to the Supreme Court of Wisconsin.
- Presented oral argument in the Wisconsin Court of Appeals.

ADMINISTRATIVE APPEAL & TRIAL EXPERIENCE

- Won trial in *Campbell v. Kallas*, 2020 WL 7230235 (W.D. Wis. 2020), a civil rights lawsuit involving constitutional questions under the Eighth Amendment and the Equal Protection Clause. Our client, a transgender inmate with diagnosed gender dysphoria, was awarded an injunction against state officials, requiring them to provide medically necessary gender confirmation surgery.
- Won favorable judgment and vacatur of government action in *CSC Sugar LLC v. United States*, 317 F. Supp. 3d 1334 (Ct. Int'l Trade 2019), on behalf of sugar refiner in a case challenging the Department of Commerce's approval of countervailing and antidumping duty trade agreements.
- Won favorable judgment and injunctive relief for telecommunications carrier in suit against city government for violations of the federal Telecommunications Act of 1996 related to city's denial of permits to install small-cell wireless facilities in public plaza.

Experience

- Won summary judgment for a telecommunications developer in a land-use dispute with a local government, allowing the developer to move forward with two telecommunications tower construction projects, each valued at over one million dollars.
- Won summary judgment and attorneys' fees for a professional organization in a copyright infringement suit that hinged on whether the organization's volunteers were agents under the "work made for hire" doctrine.
- Obtained favorable settlement for grocery store chain in class action involving greenwashing claims.

Recognition

- *In Business* Madison, Forty Under 40, 2024
- Best Lawyers: Ones to Watch, Appellate Practice, Commercial Litigation, Mass Tort Litigation / Class Actions - Defendants, 2024
- Capital Pro Bono Honor Roll, High Honors, 2022
- Hon. Charles Dunn Author Award, 2019
- Terence T. Evans Prize for Humor and Creativity in the Law, 2017
- Wisconsin Access to Justice Commission, Pro Bono Honor Society, 2017-2022
- Western District of Wisconsin Pro Bono Honor Roll, 2018
- Wisconsin Super Lawyers, Rising Star, Appellate, 2019-2023

Education

- J.D., University of Wisconsin Law School
 - *summa cum laude*
 - Order of the Coif
 - *Wisconsin Law Review*, articles editor
 - Ray and Ethel Brown Award in Legal Writing
 - Best Brief Award
- B.M., University of Wisconsin-Madison
 - Music Composition
 - with distinction

Admissions

- U.S. Supreme Court
- U.S. Court of Appeals, District of Columbia Circuit
- U.S. Court of Appeals, Federal Circuit
- U.S. Court of Appeals, Fourth Circuit
- U.S. Court of Appeals, Fifth Circuit
- U.S. Court of Appeals, Sixth Circuit
- U.S. Court of Appeals, Seventh Circuit
- U.S. Court of Appeals, Eighth Circuit
- U.S. Court of Appeals, Tenth Circuit
- U.S. Court of International Trade
- U.S. District Court, Eastern District of Wisconsin
- U.S. District Court, Western District of Wisconsin
- Wisconsin
- District of Columbia

Community Leadership

Joe serves as Chair of the board of directors of the Wisconsin Chamber Orchestra. Among other programs, the orchestra performs the widely popular Concerts on the Square series, which attracts upwards of 250,000 audience members per season.

Joe also maintains an active pro bono practice and has been an advocate for LGBTQ+ rights in and out of court. For example, he authored an amicus brief before the U.S. Supreme Court on behalf of 10 Wisconsin-based advocacy organizations; successfully represented a transgender inmate in a civil rights lawsuit involving constitutional questions under the Eighth Amendment and the Equal Protection Clause; and is a frequent speaker and author on LGBTQ+ legal issues.



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