



Joseph M. Russell

Attorney

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Joseph Russell is a Shareholder in the Litigation and Risk Management Practice Group. He has litigated a wide variety of cases in state and federal courts throughout the country, including commercial, environmental, mass tort, vaccine injury, product liability, franchise, consumer fraud, healthcare, shareholder, trade secrets, campaign finance and civil rights cases. Joe has served as liaison counsel in several multi-district litigation matters, coordinating the joint defense of those cases.

Joe also represents corporations, management, governmental entities, and individuals in connection with government investigations (both federal and state), enforcement actions and internal investigations. The subjects of these investigations range from health care fraud and data breaches to sexual misconduct.

Joe serves as the firm's Ethics Counsel. In this role, he addresses ethics and risk management issues for our firm. The Wisconsin Supreme Court has appointed Joe to the Wisconsin lawyer regulation system's Board of Administrative Oversight, which monitors the fairness, effectiveness and efficiency of the attorney regulation system in Wisconsin. Joe also serves on the State Bar of Wisconsin's Standing Committee on Professional Ethics.

Prior to joining von Briesen, Joe was a partner in the Chicago office of Kirkland & Ellis LLP and, earlier in his career, worked in the Civil Division (Torts Branch) of the United States Department of Justice.

Joe is a member of the American Bar Association, the State Bar of Wisconsin, the Milwaukee Bar Association (Member, Fee Arbitration Committee), the Seventh Circuit Bar Association, the Eastern District of Wisconsin Bar Association and the Association of Professional Responsibility Lawyers.

Joe is active in both pro bono and charitable endeavors. He has litigated and settled civil rights cases in the federal district courts of Wisconsin. He has also briefed and argued criminal appeals in the U.S. Court of Appeals (7th Circuit) and served as class counsel for over 4,000 individuals who resided in state-funded institutions for mental disease who now have the opportunity to move into and receive services in community-based housing (*Williams v. Quinn*, N.D. Illinois). He was the recipient of the Access Living 2012 "Lead On!" Award for representing individuals with mental illness. Locally, Joe serves as the Vice Chair of the Pastoral Council of Lumen Christi, a Catholic parish and school in Mequon, Wisconsin.

Representative Matters

- *Collins v. City of Milwaukee et al.* (E.D. Wisconsin). Represented the City of Milwaukee, the Chief of Police and the Milwaukee Fire & Police Commission in class action alleging the unconstitutional racial profiling of motorists and pedestrians by Milwaukee law enforcement. A favorable settlement was approved in July 2018.
- *Wisconsin Club for Growth v. Schmitz et al.* (E.D. Wisconsin): On behalf of the State of Wisconsin, represented a "John Doe" Special Prosecutor in federal civil rights lawsuit arising from five-county criminal investigation of coordinated issue advocacy during Wisconsin's 2011-2012 senatorial and gubernatorial recall elections. Successfully appealed (Nos. 14-1888, 14-2012) district court's denial of motion to dismiss and preliminary injunction in the U.S. Court of Appeals for the Seventh Circuit, which remanded the case with instructions to dismiss the lawsuit in its entirety. Plaintiff's Petition for Certiorari denied by the U.S. Supreme Court.
- *MDL 2179: In re Oil Spill by the Oil Rig Deepwater Horizon* (E.D. Louisiana): Represented BP in the spill response and multidistrict litigation arising from the explosion of the Deepwater Horizon oil rig on April 20, 2010.
- Regional counsel for large pharmaceutical company in multidistrict litigation regarding company's pharmaceutical products.
- Represented County governments in internal investigations leading to the suspension or resignation of officials who engaged in misconduct.
- *Mucha v. City of Milwaukee et al.* (E.D. Wisconsin): Represented the City of Milwaukee and the City of Milwaukee Employees' Retirement System in federal civil rights lawsuit. Successfully appealed (No. 14-3619) district court's denial of motion to dismiss in the U.S. Court of Appeals for the Seventh Circuit.
- *General Motors Dealer Arbitrations*: Represented General Motors in binding dealership arbitrations with Wisconsin dealers who had franchises terminated as a result of General Motors' bankruptcy proceedings and who petitioned for reinstatement under newly enacted federal legislation.
- *Gill v. City of Milwaukee et al.* (E.D. Wisconsin): Represented Milwaukee police officer in federal civil rights lawsuit arising from homicide investigation. Claims set forth against police officer dismissed in full.
- *Flying J Inc.*: Represented Flying J - a fully integrated oil company with operations in the field of exploration, production, refining, transportation, wholesaling and retailing of petroleum products - in various suits and creditor disputes arising out of its Chapter 11 case in the U.S. Bankruptcy Court, District of Delaware.
- *Shakib v. Discover Financial Services* (Superior Court of California, County of San Francisco): Represented Discover Financial Services and Discover Bank in state class action in which plaintiffs alleged information-sharing practices constituted unfair competition and violated the privacy rights of California credit card numbers.
- *Duncan Services v. ExxonMobil* (S.D. Maryland): Represented Exxon in successfully defeating injunction request and underlying action brought by dozens of Exxon franchisees seeking to block proposed divestment of retail service stations in Maryland.
- *Brown v. SBC Communications, Inc.* (S.D. Illinois): Represented SBC in successfully defeating class certification in action alleging violation of state consumer fraud statutes in regard to third-party charges appearing on subscriber telephone

bills.

- *June et al. v. Union Carbide* (D. Colorado): Represented Union Carbide in Colorado federal lawsuit by more than 200 plaintiffs alleging various personal injuries for radiation exposure arising out of Union Carbide's uranium mining and milling operations in the town of Uravan in Western Colorado.
- *Oldsmobile Phase-Out Litigation*: Represented General Motors in litigation - in both federal and state court - arising from General Motor's phase-out of its Oldsmobile Division and the subsequent expiration of all Oldsmobile dealer agreements.
- *Neways, Inc. v. Thomas Mower* (D. Utah): Represented Neways, Inc., a multi-level marketing organization that manufactures and distributes personal care products and nutritional supplements, in successfully enjoining former owners of company from using product formulas and distributor lists.
- *In re Hanford Nuclear Reservation Litigation* (E.D. Washington): Represented contractors involved in building and operating nuclear weapons facilities in successful defense of actions alleging exposure to nuclear waste materials.

Representative Publications and Presentations

- Co-Presenter with Hon. David E. Jones, "I'm Calling the Court! - Deposition Ethics & Techniques," Ethics CLE Seminar, December 2018
- Presenter, "Wisconsin's Attorney Disciplinary System - Updates & Trends," Ethics CLE Seminar, von Briesen & Roper, November 2018
- Presenter, "Conflicts of Interest and the Screening Process," Ethics CLE Seminar, von Briesen & Roper, December 2016
- Presenter, "Legal Ethics: Top Mistakes that Lead to Malpractice," Ethics CLE Seminar, National Business Institute, November 2016
- "When to File Under Seal," Civil Committee of the Eastern District of Wisconsin Bar Association (Moderator for panel including Chief Judge William Griesbach), November 2016
- "Filing Under Seal," Civil Committee of the Eastern District of Wisconsin Bar Association (Moderator for panel comprised of Hon. Pamela Pepper, Hon. David E. Jones, Kelly Barton Terry (Clerk's Office, E.D. Wisconsin) and T. Wickham Schmidt (EDWBA President)), September 2016
- "Filing Under Seal—How, When and Why (and Why Not)," The Seventh Circuit Bar Association (Moderator for panel comprised of Hon. William Conley, Hon. Pamela Pepper, Hon. David E. Jones, Hon. Peter Oppeneer), May 2016
- Presenter, "Legal Ethics: Top Client Challenges," Ethics CLE Seminar, National Business Institute, May 2016
- Presenter, "National Vaccine Injury Compensation Program," CLE Seminar, Milwaukee Bar Association, May 2016
- Presenter, "Ethics for Government Lawyers," Wisconsin Municipal Mutual Insurance Company, May 2016
- Presenter, "Legal Ethics: Top Challenges," Ethics CLE Seminar, National Business Institute, December 2015
- Co-Author, "What You Need to Know About the New Rules of Federal Court Practice," von Briesen Legal Update, November 2015
- Presenter, "Internal Investigations," Ethics CLE Seminar, von Briesen & Roper, November 2015
- Presenter, "Legal Ethics," Ethics CLE Seminar, Marquette University Law School, November 2015
- Co-Presenter (with Milwaukee Chief of Police Edward Flynn and Fire & Police Commission Executive Director, MaryNell Regan), "Police Conduct and Public Protests," Milwaukee Bar Association, September 2015
- Co-Author, "Ethical Considerations of Representing Multiple Parties in a Bankruptcy," American Bankruptcy Institute Journal, May 2015
- Election Law, Association of Municipal Attorneys, May 2015
- "Obtaining Emergency Injunctive Relief," The Seventh Circuit Bar Association (Moderator for panel comprised of Hon. Diane Sykes, Hon. Rudolph Randa, Hon. William Conley, Hon. Margaret Dee McGarrity), May 2015
- "Health Care Fraud: Trends in Enforcement," Milwaukee Bar Association, April 2015
- "Crude-By-Rail Keeps Rolling," ABA Section of Environment, Energy and Resources, February 2015
- "Wisconsin's November Elections: A Look Back at the Hot Issues Shaping Wisconsin Politics," Milwaukee Bar Association, December 2014
- "Frac Sand Forecasts," ABA Section of Environment, Energy and Resources, December 2014
- "Wisconsin Election Law & Campaign Finance Regulation," Milwaukee Bar Association, September 2014
- "Getting Along: Wisconsin's Frac Sandbox," *Wisconsin Lawyer*, July/August 2014
- The Ethics of Social Media, Ethics CLE Seminar, von Briesen & Roper, November 2014
- Co-Presenter (with Deb Dix of Wisconsin's Department of Natural Resources), "Regulating Wisconsin's Frac Sand Industry," Milwaukee Bar Association, March 2014

Other Legal Experience

During law school Joe served as an extern to U.S. District Court Judge Ruben Castillo (Chief Judge of the Northern District of Illinois).

Practice Areas:

- Appellate
- Class Actions
- Commercial and Business Litigation
- Environmental Law and Litigation
- Government Enforcement and Corporate Investigations
- Government Law
- Litigation and Risk Management
- Product Liability
- Professional Liability
- Strategic Risk and Crisis Management
- Toxic Tort

Education:

- Northwestern University School of Law, J.D., 2003; Senior Manuscript Editor, Northwestern Law Review
- University of Wisconsin, M.A., 1997
- Trinity College, University of Dublin, M. Phil., 1996
- Georgetown University, B.A., *magna cum laude*, 1993; Phi Beta Kappa

Bar Admissions:

- Illinois
- Wisconsin
- U.S. Court of Appeals, Seventh Circuit
- U.S. District Court, Eastern and Western Districts of Wisconsin, Northern District of Illinois
- U.S. Supreme Court
- U.S. Court of Federal Claims