

## Joseph L. Olson

Partner

### Overview

Joe is a trial attorney practicing primarily in the areas of products liability, class action defense, wage and hour litigation, employee benefits litigation, regulatory compliance, shareholder/member litigation, and complex commercial litigation. In this capacity, he:

- Handles complex product liability matters in numerous fields including construction/farming equipment, consumer products, home construction products, food products and medical devices
- Counsels clients on compliance with complex environmental regulations and permitting schemes including challenging denials of permits and the legality of rules, regulations and standards
- Routinely helps clients deal with class actions suits across all subject matters
- Handles all aspects of complex employment litigation including wage and hour suits arising under the federal Fair Labor Standards Act (FLSA) and applicable state laws, plus benefits litigation including claims arising under the Employee Retirement Income Security Act (ERISA)
- Helps clients navigate the intersection of business and government, including negotiations and litigation with both government regulators and private entities under complex regulatory schemes
- Counsels clients on compliance with various anti-trust laws, conducts internal investigations into possible violations, and litigates anti-trust matters when necessary
- Counsels clients on compliance with the numerous state dealership laws, negotiates agreements to maximize any advantages available under those dealership laws, and helps clients ensure any changes to a dealership relationship are made in accordance with the appellate laws and litigates dealership cases when necessary
- Counsels clients on political giving, including the creation of political action committees (PACs) and compliance with federal and state campaign finance laws



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### Milwaukee

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### Legal Assistant

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### Practices

Campaign Finance & Political Law  
Class Action, Collective Action &  
Multidistrict Litigation  
Commercial Litigation  
Environmental & Natural Resources  
Environmental Enforcement  
Defense & Litigation  
Government Relations, Political Law  
& Public Policy  
Litigation  
Michael Best Strategies LLC  
Products Liability Defense  
Regulatory  
Regulatory Law  
Wage and Hour Compliance &  
Defense

- Helps clients enforce their shareholder/member rights in the face of majority shareholder oppression, in breach of fiduciary duty lawsuits, and when businesses are dissolved

In addition to his trial practice, Joe has handled numerous appellate cases in state and federal court and has had the honor of arguing before the Wisconsin Court of Appeals, the Seventh Circuit Court of Appeals and the Wisconsin Supreme Court.

Joe is also the Vice President of Michael Best strategies, the firm's dedicated government relations subsidiary. Before joining the firm, he served as a legal intern for Justice N. Patrick Crooks of the Wisconsin Supreme Court.

## Experience

### **Protecting Wisconsin's dairy farmers from regulatory overreach**

Joe and Michael Best Attorney Dave Crass were hired by the Wisconsin Dairy Business Association to challenge the Wisconsin DNR's creation and enforcement of new standards regulating runoff from feed storage piles and calf hutch lots. Joe drafted and filed a detailed complaint that carefully walked the court through the DNR's lack of legal authority to impose these new standards. In the face of the complaint, the DNR immediately capitulated and agreed to a settlement agreement admitting the new standards were illegally imposed and agreeing to cease enforcement of the standards. In the words of Dairy Business Association President Mike North, "More than anything, this is a victory for the rule of law."

### **Establishing the Wisconsin pleading standard**

Joe successfully litigated the case that clarified the pleading standard for Wisconsin courts. Wisconsin's pleading standard had been in flux since the U.S. Supreme Court announced the *Twombly/Iqbal* standard. Joe represented the lead defendant in *Cattau vs. MidAmerica Administrative & Retirement Solutions, Inc., et al*, 2019 WI 46. The case reached the Court of Appeals twice and was ultimately decided by the Wisconsin Supreme Court. Joe successfully argued the case, securing a victory for his client and clarifying the pleading standard. Commentators have noted that this case is one of the most significant decisions the Wisconsin Supreme Court has issued in the last 25 years.

### **Defending Wisconsin's collective bargaining reforms**

Joe was appointed Special Counsel to assist the Wisconsin Attorney General in defending the constitutionality of Wisconsin's recent reforms of the collective bargaining privileges for public employees. These reforms dramatically restricted public sector collective bargaining, resulting in 2.7 billion dollars in tax savings over a the first two years of the reforms. These reforms also spurred six lawsuits, four of which reached the Wisconsin Supreme Court or the Seventh Circuit Court of Appeals. Joe and his team successfully defended all six cases.

### **Creating a new judicial review standard for retiree benefit plans**

Together with his partners, Paul Benson and Charlie Stevens, Joe handled a case that resulted in the creation of a new and more favorable standard of judicial review of an employer's modification to retiree benefit plans. As a result of the successful outcome of the case, employers may now legally update retiree benefit plans as long as the updates are "reasonably commensurate" with the previously provided benefits when taking into account changes to the landscape of employee benefits over time.

### **Favorable settlements for healthcare class action lawsuits**

Joe represented two hospital systems in two separate class action lawsuits seeking a combined \$100 million in damages. The suits claimed hospitals were charging uninsured patients unreasonable rates. Joe managed successful early stage litigation yielding very favorable settlements for the clients.

### **Fighting paid sick leave ordinances**

On behalf of the Metropolitan Milwaukee Association of Commerce, Joe challenged the constitutionality of an ordinance requiring private sector employers to provide paid sick leave. Joe's team successfully obtained an injunction in the trial court preventing the law from taking effect. While the injunction was in effect and the case worked its way through the appellate courts, Joe's team worked with the Wisconsin legislature and the governor to pass a state law preempting any local ordinances dealing with sick leave, saving millions of dollars for the individual members of the chamber of commerce.

## Honors & Recognitions

- "Super Lawyers" list by *Super Lawyers Magazine*, 2016-present
- *The Best Lawyers in America*®, Commercial Litigation, 2015-present
- Rising Star, Employment Category, *Law360*, 2015
- Who's Who Legal: Management, Labour & Employment, International Law ABA Section, 2011-present
- Wisconsin "Rising Stars" list, *Super Lawyers Magazine*, 2006, 2008-2009, 2013
- "Leading Lawyers" list, Milwaukee's *M Magazine*, 2012-present

## Professional Activities

- Member, Wisconsin Bar Association
- Member, Milwaukee Bar Association
- Member, Seventh Circuit Bar Association
- Member, Federalist Society
- Member, DRI

## Education

- University of Wisconsin Law School, Juris Doctor (J.D.), cum laude, 2003
- University of Wisconsin-Stevens Point, Bachelor of Science (B.S.), cum laude, 2000

## Admissions

- Wisconsin
- United States Court of Appeals, Seventh Circuit
- United States Court of Appeals, Federal Circuit
- United States District Court, Eastern District of Wisconsin
- United States District Court, Western District of Wisconsin

- Supreme Court Wisconsin

## Community Involvement

- Elder, Our Savior Evangelical Lutheran Church
- Director, Concordia Publishing House, Inc.
- Youth Hockey Coach, Milwaukee Winter Club
- Director, Wisconsin Carry, Inc.
- Member, Wisconsin Parents Association

## Related News

### **PUBLICATION**

July 10, 2020

Wisconsin Supreme Court Considers Separation-of-Powers Issues in Upholding Most of So-Called “Lame Duck” Legislation

### **PUBLICATION**

May 26, 2020

Coronavirus Food Assistance Program (CFAP) Application Period Begins Today

### **PUBLICATION**

May 14, 2020

Wisconsin Supreme Court Strikes Down Extended Safer at Home Order

### **PUBLICATION**

April 16, 2020

Wisconsin Extends and Modifies Safer At Home Order

### **EVENT**

March 19, 2020

Contract Performance in the Age of Coronavirus

### **PUBLICATION**

March 19, 2020

COVID-19: Resource for Supply Shortages

### **PUBLICATION**

March 4, 2020

The Coronavirus: Protecting Your Business from a Sick Supply Chain

### **NEWS**

August 15, 2019

Michael Best Attorneys Named The Best Lawyers in America© 2020



**PUBLICATION**

May 22, 2019

Supreme Court Empowers Judges to Resolve Preemption Defenses in Failure-to-Warn Drug Labeling Cases

**NEWS**

August 15, 2018

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