

May 16, 2016



Donald K. Schott
Nominee to the United States Court of Appeals for the Seventh Circuit

President Obama nominated Donald K. Schott to the United States Court of Appeals for the Seventh Circuit on January 12, 2016. If confirmed, Schott will fill the nation’s oldest circuit court vacancy—a seat that’s been empty since Judge Terence T. Evans assumed senior status over six years ago on January 7, 2010. A litigator with over 30 years’ experience, Schott was approved by the bipartisan Federal Nominating Commission that Wisconsin Senators Ron Johnson and Tammy Baldwin established in 2013. The American Bar Association gave Schott its highest rating of “unanimously well-qualified.”

Biography

Schott was born in Lynwood, California in 1955 and was raised in Port Edwards, Wisconsin. He received a B.A. from the University of Wisconsin in 1977 and graduated *cum laude* from Harvard Law School in 1980.

Schott has spent the overwhelming majority of his career as an attorney in the Madison office of Quarles & Brady, LLP where he is currently a partner. Schott left the firm from 1983 to 1985 to serve as Legislative Liaison for Wisconsin Governor Tony Earl. Schott became a partner of Quarles & Brady in 1987 and is chair of the Madison-office Litigation & Dispute Resolution Group and a member of the firm’s governing Executive Committee.

Legal Experience and Expertise

During over 30 years as a litigator, Donald Schott has developed experience in federal and state courts at both the trial and appellate level. He has represented both plaintiffs and defendants, and worked on both civil and criminal matters. Most of his cases involve commercial litigation and he has built significant expertise in securities, healthcare, and environmental disputes.

Schott’s healthcare representation includes his defense of the American National Red Cross in one of the first suits relating to the transmission of HIV by blood transfusion. The plaintiffs sought to compel the Red Cross to reveal the names of blood donors and also disputed the statute of limitations. Schott presented oral argument on the statute of limitations question before the Wisconsin Supreme Court. Though the Red Cross lost at the Wisconsin Supreme Court and the case ultimately settled, Schott and his co-counsel were able to secure a protective order ensuring that the Red Cross could keep the names of its blood donors confidential.¹

¹ Doe v. Am. Nat’l Red Cross, 176 Wis. 2d 610 (Wis. 1993); United States Senate Committee on the Judiciary Questionnaire for Judicial Nominees, Donald Karl Schott, *available at* <http://www.judiciary.senate.gov/download/schott-senate-questionnaire-final>.

Schott has also represented plaintiffs in malpractice suits. In one such case, Schott represented three children whose father died after his doctors failed to diagnose his perforated colon until they performed an exploratory surgery.² Schott secured a jury award of over \$500,000 (including money for the children to attend college), which he successfully defended before the Wisconsin Court of Appeals.

Schott has also briefed and argued constitutional claims. For example, he argued before the Wisconsin Supreme Court on behalf of Northwest Airlines in a challenge to a state statute that exempted airlines from an ad valorem tax if they operated a hub facility in Wisconsin.³ The exemption was worth approximately \$2 million annually to Wisconsin-based carrier Midwest Airlines. Plaintiff Northwest Airlines argued that the tax exemption violated the dormant Commerce Clause and the Equal Protection Clause of the U.S. Constitution, and the Uniformity Clause of the Wisconsin Constitution. Over a dissent by then-Chief Justice Shirley Abrahamson, the Wisconsin Supreme Court upheld the validity of the statute.⁴

Schott has made several appearances before the Seventh Circuit in both civil and criminal cases. For example, he successfully defended a family-owned trucking business that was sued for breach of contract by two employees who had hoped to buy the company until the negotiations stalled.⁵ He also successfully convinced the Seventh Circuit to overturn a district court dismissal and reinstate a bank's suit alleging that a broker misrepresented the investment risk of securities the bank had purchased.⁶

Schott has also appeared before the Seventh Circuit on behalf of criminal defendants and prisoners. For example, he represented a prisoner seeking to restore his Social Security disability benefits by participating in a physical rehabilitation program that would make the prisoner employable upon his release.⁷ Schott also convinced the Seventh Circuit to reverse a conviction for conspiracy to distribute cocaine.⁸

Professional and Community Activities

Schott is active in his firm's pro bono practice. He has supervised several cases in which the firm has represented prisoners either on appeal or in challenges to their conditions of confinement including a case in which a prisoner challenged his denial of medical treatment. The case resulted in a settlement and Schott's firm received an award from the Western District of

² *Gegan v. Backwinkel*, 417 N.W.2d 44 (Wis. Ct. App. 1987).

³ United States Senate Committee on the Judiciary Questionnaire for Judicial Nominees, Donald Karl Schott, *available at* <http://www.judiciary.senate.gov/download/schott-senate-questionnaire-final>.

⁴ *Northwest Airlines, Inc., v. Wisconsin Dep't of Revenue*, 717 N.W.2d 280 (Wis. 2006).

⁵ *Denil v. deBoer, Inc.*, 650 F.3d 635 (7th Cir. 2011).

⁶ *Associated Randall Bank v. Griffin, Kubik, Stephens & Thompson, Inc.*, 3 F.3d 208 (7th Cir. 1993).

⁷ *U.S. v. Osborne*, 988 F.2d 47 (7th Cir. 1993) (interpreting the statute that governs the payment of social security to qualified prisoners and holding that the prisoner must first get his rehabilitation program approved by the Social Security Administration and *then* can seek the approval of the sentencing court).

⁸ *U.S. v. Kimmons*, 917 F.2d 1011 (7th Cir. 1990).

Wisconsin for its pro bono work on the case.⁹ Schott was one of fourteen attorneys specially recognized by the Western District of Wisconsin for his outstanding pro bono work in 2012-2013.¹⁰

Schott's other pro bono activities include the submission of two amicus briefs to the Wisconsin Supreme Court. One, filed on behalf of the Wisconsin LGBT Chamber of Commerce and four lesbian couples, defended the limited but important rights granted to same-sex couples in domestic partnerships.¹¹ Three years after Wisconsin banned same-sex marriage via referendum, the state established domestic partnerships for same-sex couples and extended some rights of married people to domestic partners. Wisconsin Family Action and Alliance Defense Fund (now Alliance Defending Freedom) brought suit and argued that the marriage ban prevented this limited extension of rights to same-sex couples. As amicus, Schott successfully argued that the marriage ban did not prevent the state from establishing same-sex domestic partnerships and granting them some of the same rights as married couples.¹² Schott also provided pro bono advising on liability exposure to a community education center and free representation to women seeking domestic abuse restraining orders.¹³

⁹ United States Senate Committee on the Judiciary Questionnaire for Judicial Nominees, Donald Karl Schott, *available at* <http://www.judiciary.senate.gov/download/schott-senate-questionnaire-final>.

¹⁰ Pro Bono Representation, Western District of Wisconsin <http://www.wiwd.uscourts.gov/pro-bono-representation> (last visited May 16, 2016; see link for list of recognized attorneys).

¹¹ Brief for Wisconsin LGBT Chamber of Commerce et al. as Amici Curiae Supporting Respondents, *Appling v. Walker*, 853 N.W.2d 888 (Wis. 2014) *available at* <https://aclu-wi.org/sites/default/files/resources/documents/ACLU%20amicus%20brief%20-%20Appling.pdf>.

¹² *Appling v. Walker*, 853 N.W.2d 888 (Wis. 2014).

¹³ United States Senate Committee on the Judiciary Questionnaire for Judicial Nominees, Donald Karl Schott, *available at* <http://www.judiciary.senate.gov/download/schott-senate-questionnaire-final>.