



**AMC 2025**

**Closing Plenary**

**The End of Deference? Tetra  
Tech, Loper Bright, and  
Judicial Review of Agency  
Decisions**

**Presented by:**

***Moderator:***

*James E. Goldschmidt, Quarles & Brady LLP, Milwaukee*

***Panelists:***

*Hon. Shelley J. Gaylord (Ret.), Dane County Circuit Court, Madison*

*Hon. Daniel Kelly, New Civil Liberties Alliance, Arlington, VA*

*Professor James B. Speta, Northwestern Pritzker School of Law, Chicago, IL*

## About the Presenters...

**Judge Gaylord** was born and raised in Youngstown, OH. She graduated from the University of Michigan - Ann Arbor in 1977, and from the University of Wisconsin Law School in 1980. She was in private practice from 1980-1991, where she had the opportunity to argue before the Wisconsin Supreme Court. She was a University of Wisconsin Law School Clinical Instructor in the Legal Defense Project from 1991-1993. She was elected and served as a Madison Municipal Judge from 1993 to 2003 when she was elected as a Dane County Circuit Judge. She was re-elected in 2009 and 2015 serving until retiring in 2020. She served on a variety of statewide committees, Benchbook and Records Management Committees, and she published a variety of articles.

**James Goldschmidt** helps clients litigate and win complex disputes by crafting clear, persuasive legal briefs and arguments. With a core focus on energy and utility law and environmental litigation, James also advises more generally on appellate matters, judicial review of agency decisions, and critical motions practice. James chairs Quarles' national Appellate Practice Group and has served as the chair of the State Bar of Wisconsin's Appellate Practice Section. He also serves on the Board of Governors for the Seventh Circuit Bar Association, the Board of Governors and Executive Committee of the State Bar of Wisconsin, and the Supreme Court of Wisconsin's Planning and Policy Advisory Committee. James has won numerous cases in the United States Court of Appeals for the Seventh Circuit, the Supreme Court of Wisconsin, and the Wisconsin Court of Appeals, including several cases of statewide interest. He's also advised on complex civil, regulatory and tax appeals, with a focus on reducing difficult issues to understandable concepts for decision makers. James has fully briefed dozens of 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 four times before the Wisconsin Supreme Court. In addition to his appellate practice, James advises public utility clients on a wide variety of matters, from cases before the Public Service Commission of Wisconsin (PSCW) to hydroelectric permit disputes before the Federal Energy Regulatory Commission (FERC) to utility disputes with the Wisconsin Department of Transportation (WisDOT). He also advises and defends potentially responsible parties in CERCLA Superfund litigation. James graduated from Harvard Law School and received his undergraduate degree from Harvard College.

**Hon. Daniel Kelly**, Senior Litigation Counsel, New Civil Liberties Alliance, Arlington, VA. Justice Daniel Kelly was appointed to the Wisconsin Supreme Court in 2016 by Gov. Scott Walker to fill the vacancy created by the retirement of Justice David T. Prosser, Jr. He served in that capacity until August, 2020. A native of Santa Barbara, California, Justice Kelly grew up in Arvada, Colorado. He came to Waukesha, Wisconsin to study at Carroll College (now Carroll University), where he earned a bachelor's degree in Political Science and Spanish in 1986. He earned his law degree from Regent University School of Law in Virginia Beach, Virginia in 1991. Before joining the Supreme Court, he spent most of his career at one of the largest and oldest law firms in the State of Wisconsin, where he represented clients in courts across the country, including the Wisconsin Supreme Court and the U.S. Supreme Court. Early in his legal career, Justice Kelly was a law clerk and then staff attorney for the Office of Special Masters of the U.S. Court of Federal Claims, from 1992 to 1996. He worked as a law clerk for the late Wisconsin Court of Appeals Judge Ralph Adam Fine from 1991 to 1992. Justice Kelly has recently served as Senior Fellow in Constitutional Governance at the Institute for Reforming Government, where he authored "The Legislator's Guide to Legislative Oversight," a ground-breaking work that introduced a methodology for conducting oversight investigations and hearings that will lead to real-world results. Justice Kelly is a member of the board of advisors and past president of the Milwaukee Lawyer's Chapter of the Federalist Society. He is married and has five children. He lives in North Prairie, Wisconsin, where he enjoys intriguing books, the comfortably warm fellowship of good friends and interesting people, all things equestrian, and – above all – his family.

**Professor Jim Speta** is the Elizabeth Froehling Horner Professor at Northwestern Pritzker School of Law, where he has been on the faculty since 1998. Jim's research areas include Administrative Law, Antitrust, Internet and Telecommunications Policy, and Market Organization. He teaches across the curriculum, from Ad Law and Antitrust to Business Associations and Torts. Jim is currently Co-President of the Law Schools Global League and previously served as Interim Dean, Vice Dean, and in other leadership positions at Northwestern Law. Jim is of counsel to EimerStahl LLP and previously practiced at Sidley Austin, working at both on appellate, complex litigation, antitrust, and other matters.

