



Joseph V. Schaeffer
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Area of Emphasis

Joseph Schaeffer is a shareholder in the Litigation Group and Co-Chair of the firm's Appellate Practice Group of Babst Calland. He focuses his practice on environmental, energy, and complex commercial litigation and has tried these cases before environmental hearings boards, courts, and juries. Mr. Schaeffer also has an active appellate practice and has served as co-counsel or lead counsel in appellate matters before in Pennsylvania and West Virginia State Courts, the United States Courts of Appeals for the Third and Fourth Circuit, and the Supreme Court of the United States.

Mr. Schaeffer has significant experience working with clients on overcoming obstacles that can hinder their commercial development projects. He has served as lead trial counsel in several land use disputes involving zoning ordinances and was lead appellate counsel in a precedent-setting West Virginia Supreme Court decision that established the constitutional limits of municipal zoning. He has counseled clients on other land use disputes involving annexation, deannexation, and state and federal preemption issues. Mr. Schaeffer developed the legal strategy and served as co-trial counsel for an industrial manufacturer in a successful constitutional challenge to a government agency's attempted misuse of eminent domain powers to take a facility. And he has represented clients in multiple property tax valuation and exemption appeals, including service as co-counsel or lead counsel in three precedent-setting West Virginia Supreme Court decisions affirming the legal structure used by state economic development authorities to offer property tax incentives.

Mr. Schaeffer regularly represents clients on regulatory matters that can affect their businesses. He has served as lead trial counsel for an industrial manufacturer in the defense of citizen appeals from environmental enforcement orders, construction stormwater permit registrations, and multisector permit registrations before the West Virginia Environmental Quality Board. Mr. Schaeffer has served as co-counsel for industrial manufacturers and oil and gas companies in regulatory disputes before the Pennsylvania Environmental Hearing Board. He has represented a commercial developer in the negotiation of stream mitigation credits with the EPA under the Clean Water Act and defended clients against toxic tort claims arising from industrial operations. Mr. Schaeffer has been lead counsel for a coal-fired power plant in a petition for review of an EPA rulemaking before the United States Court of Appeals for the Third Circuit. And he has represented electrical utilities in various matters within the jurisdiction of PennDOT.

Mr. Schaeffer also regularly advises clients on commercial disputes and tort claims. He has worked on several royalty and quiet title disputes for producers and individuals in the natural gas and extractive industries. He served as lead counsel for an industrial manufacturer in an arbitration over a uniform services contract. And Mr. Schaeffer has assisted businesses in a wide variety of complex litigation matters involving products liability, construction errors and omissions, bid protests, and breach-of-contract.

Mr. Schaeffer volunteers with Neighborhood Legal Services' Protection from Abuse Program in Allegheny County, Pennsylvania, and has provided *pro bono* representation to individuals and organizations, including a national voluntary bar association in *amicus curiae* filings in the Supreme Court of the United States.

Background

Mr. Schaeffer graduated from West Virginia University, *summa cum laude* and Phi Beta Kappa, with a Bachelor of Arts in Foreign Languages (German) and a Bachelor of Arts in International Studies. While at West Virginia University, Mr. Schaeffer interned for the West Virginia European Office in Munich, Germany, and studied abroad

at the Technical University Dortmund in Dortmund, Germany. His capstone, *Vergangenheitsbewältigung and the Danzig Trilogy*, an exploration of post-war Germany's reckoning through the work of Nobel Prize-winner Günter Grass, received the Honors College Award for Exceptional Inquiries into the Humanities and was selected for publication in the *Mountaineer Undergraduate Research Review*.

Mr. Schaeffer graduated from the University of Pittsburgh School of Law *cum laude* with his Juris Doctorate. While in law school, he was the Energy & Mineral Law Foundation Scholar and a Managing Editor with the *Journal of Environmental & Public Health Law*. Mr. Schaeffer was also an editor with JURIST, a legal intern with the law school's Environmental Law Clinic, and the recipient of the CALI Excellence for the Future Award in Evidence.

In his free time, Mr. Schaeffer is an avid reader and enjoys spending time with his family and dogs, hiking, photography, and skiing.

Memberships and Affiliations

Mr. Schaeffer is admitted to practice in the District of Columbia, Pennsylvania, Virginia, and West Virginia. He is also admitted to practice before numerous federal courts, including the United States Courts of Appeals for the District of Columbia, Third and Fourth Circuits, and the Supreme Court of the United States.

Mr. Schaeffer is a member of the Allegheny County, American and Federal Bar associations. He currently serves as the co-chair of the ABA Litigation Section's Pretrial Practice & Discovery Committee and was a co-author of the West Virginia chapter in the 2021 edition of the American Bar Association's Property Tax Deskbook.

In 2024, Mr. Schaeffer was invited to become a Fellow of the American Bar Foundation. He has also received a *Best Lawyers®*: Ones to Watch recognition from BL Rankings for Commercial Litigation since 2024.

Selected Cases

- *University Park at Evansdale, LLC v. Musick*, 238 W. Va. 106, 792 S.E.2d 605 (2016)
- *Musick v. University Park at Evansdale, LLC*, 241 W. Va. 194, 820 S.E.2d 901 (2018)
- *City of Morgantown v. Calvary Baptist Church*, 243 W. Va. 578, 849 S.E.2d 150 (2020)
- *Jefferson County Foundation, Inc. v. West Virginia Economic Development Authority*, 247 W. Va. 24, 875 S.E.2d 162 (2022)

Publications/Presentations

Co-Author, "In Memoriam: The Modern Administrative State," *Law360*, July 8, 2024.

Co-Author, "U.S. Supreme Court Issues Three Decisions Charting New Path for Federal Administrative Law," Babst Calland *Firm Alert*, July 1, 2024.

Co-Author, "Supreme Court of Appeals Addresses Burden of Proof in Design-Defect Products Liability Cases," Babst Calland *Litigation Alert*, June 18, 2024.

Moderator, "Upon Further Review: A Look Back at the Last Year in the Third, Fourth, and D.C. Circuits," Babst Calland Webinar, May 17, 2024.

Co-Author, "Appellate Lineup: Looking Back at Recent Pennsylvania Cases of Note and Forward to Those on Deck," Babst Calland *Litigation Legal Perspective*, April 4, 2024.

Co-Author, "New to Whom? The Fifth Circuit strikes down EPA's attempt to regulate ongoing uses of PFAS under TSCA's 'significant new use' provision," Babst Calland *Environmental Alert*, March 27, 2024.

*View online profile for full list of Publications/Presentations.