



Linda Coberly

Partner
Chair of Appellate and Critical Motions Practice

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Linda is one of the nation’s top appellate lawyers, as recognized by *Chambers USA*, *The Legal 500 US*, and *The Best Lawyers in America®*. Clients describe her as “a tremendously talented, thoughtful lawyer, very assertive about defending her clients’ interests.”

Linda is a business litigator and leads the firm’s Appellate & Critical Motions Practice. She is known for her strong business sense, clear briefs, and compelling oral advocacy. She has argued nearly 70 appeals, including in the U.S. Supreme Court, eight different federal courts of appeals, and a variety of state appellate and supreme courts. She leads strategic, motions-intensive litigation matters at the trial court level and frequently serves in an appellate-lawyer-at-trial capacity in trial courts around the country.

A significant portion of Linda’s practice centers on advising and representing clients with respect to proceedings in the U.S. Supreme Court, drawing on her experience as a law clerk to Justice Stephen G. Breyer. She recently argued for the petitioner in *Macquarie Infrastructure Corp. v. Moab Partners, LP*, which deals with the scope of the private right of action under the federal securities laws. And she also served as lead appellate lawyer and led the briefing in the firm’s 9–0 victory for a class of student-athletes in their antitrust challenge to the NCAA’s amateurism rules.

Key Matters

SELECTED APPELLATE VICTORIES IN ARGUED CASES:

- Second Circuit, 2023: Defeated an appeal in a putative class action attempting to assert claims under a state consumer fraud statute based on an alleged omission of information about the presence of trace amounts of heavy metals in dog food.
- Seventh Circuit, 2022: Obtained a win for a government contractor in a billion-dollar municipal contract in an appeal from the dismissal of an antitrust lawsuit on the basis of state-actor antitrust immunity.
- Eighth Circuit, 2022: Prevailed on appeal in a long-standing contract dispute case relating to a confidentiality agreement.
- Fifth Circuit, 2022: Obtained affirmance of a take-nothing judgment in a contract dispute worth more than US\$200 million between an oil producer and a manufacturer of drilling equipment, earning runner-up status for *The American Lawyer's* Litigator of the Week.
- Eighth Circuit, 2021: Defeated a demand for a preliminary injunction (and the ensuing appeal) against a new and beneficial policy for allocating donated kidneys for transplant.
- Second Circuit, 2021: Secured a resounding win in a massive coverage dispute arising out of flood damage caused by Superstorm Sandy.
- Ninth Circuit, 2021: Defeated an appeal concerning the standards for an award of fees under California's § 1717 in the context of a bankruptcy confirmation proceeding.
- Wisconsin Supreme Court, 2020: Obtained discretionary review and reversal in the Wisconsin Supreme Court of a jury award of punitive damages based on a trial court's entry of a sanction of liability following an alleged discovery violation.
- Seventh Circuit, 2020: Defeated an appeal from a grant of summary judgment in a case relating to a decades-old contract allocating environmental liabilities among railroads.
- Eleventh Circuit, 2019: Obtained reversal of a district court's interpretation of a critical administrative regulation applying to the Organ Procurement & Transplantation Network, in defense of a new and highly beneficial organ allocation policy.
- Fifth Circuit, 2019: As appellate counsel for most of the national banking industry, succeeded in defending the dismissal of a qui tam lawsuit against the banks arising out of Treasury regulations relating to the banks' receipt of federal benefits payments.
- Seventh Circuit, 2019: Successfully defended the denial of class certification in a Rule 23(f) appeal in a case involving alleged violations of a state right-of-publicity statute.
- Federal Circuit, 2019: Obtained a significant win for a Fortune 500 manufacturer in an appeal from a decision of the PTAB invalidating the patents of a party claiming infringement.
- Wisconsin Court of Appeals and Supreme Court, 2018 and 2019: Won reversal of a decision precluding insurance coverage for claims for copyright infringement and unfair trade practices, defeating application of a "knowing violation" exception.
- California Court of Appeals, 2013 and 2018: Won two decisive victories in protracted litigation between a lender and the trustee of a large family trust, defeating an attempt to accelerate a US\$325 million promissory note.
- Ninth Circuit, 2017: Obtained a reversal on a critical issue in a bankruptcy-related appeal relating to collateral estoppel, standing, and mootness, as well as to whether certain changes to a confirmed plan were permitted under the Bankruptcy Code.
- Ninth Circuit, 2014: Represented Apollo Group, the parent company of the University of Phoenix, in a putative securities class action asserting claims under Section 10(b) based on alleged false statements related to Apollo's

enrollment, revenue growth, and recruiting. The decision was the first in the Ninth Circuit to hold that loss causation must be pleaded with specificity under Federal Rule of Civil Procedure 9(b).

- Second Circuit, 2014: Obtained an appellate victory on behalf of the producer of Emma Thompson’s film *Effie Gray*, defeating claims that Ms. Thompson’s screenplay infringed a copyright.
- New York Court of Appeals and Second Circuit (2010): Won an outright dismissal of a US\$2 billion malpractice and aiding and abetting lawsuit against an accounting firm by a litigation trustee appointed in the bankruptcy of brokerage giant Refco, and secured a critical precedent for defendants on the issue of *in pari delicto* in corporate fraud cases, on certification to New York’s highest court.

Recent Experience

Triumphed for Relevant Sports Before Second Circuit, Reviving Antitrust Suit Against FIFA, USSF

Secured Headline-Grabbing Win Blocking Enforcement of Texas Governor’s Order Prohibiting Masks in Schools During Pandemic

Recognitions

Linda is one of the nation’s top appellate lawyers, as recognized by *Chambers USA*, *The Legal 500 US*, and *The Best Lawyers in America*®. She is a member of the American Law Institute and a Fellow of the American Academy of Appellate Lawyers. She is listed among *Lawdragon’s* “500 Leading Lawyers in America” and *Benchmark Litigation’s* “Top 250 Women in Litigation.” She is listed by *Illinois Super Lawyers* as one of the top 100 lawyers in the state, and by *Benchmark Litigation US* as an “Illinois Litigation Star.”

In 2021, Linda was named to *The American Lawyer’s* inaugural list of Midwest Trailblazers. In 2020, she was named a “BTI Client Service All-Star,” and Chicago Magazine recognized her as one of the “50 Most Powerful Women in Chicago,” based on her role in the Chicago legal community and her work in securing the state’s recent ratification of the Equal Rights Amendment. In 2019, Linda was selected as an honoree for *Corporate Counsel’s* 2019 “Women, Influence & Power in Law Awards” in the Innovative Leadership Category, which honors general counsel, in-house leaders, and law firm partners who have demonstrated a commitment to advancing the empowerment of women in law.

In recognition of her pro bono work in the area of immigrant justice and human rights, Linda was the recipient of the 2018 “Edward J. Lewis II Pro Bono Service Award” from the Chicago Bar Foundation and 2014 “Human Rights Practitioner Award” from the National Immigrant Justice Center. Linda received the 2022 “Ruth Goldman Award” from the Chicago chapter of the American Constitution Society in recognition of her work in advocating for the rights of women.

Activities

Linda serves by appointment of the Chief Justice on the Advisory Committee for the Federal Rules of Appellate Procedure. In addition, she serves by appointment on the Illinois Supreme Court's Commission on Access to Justice, including as chair of its Rules Committee. She also serves on the Boards of the ERA Coalition and the Fund for Women's Equality, and she chairs the Coalition's Legal Task Force, made up of lawyers and constitutional scholars working toward ratification and recognition of the Equal Rights Amendment.

In the Chicago community, Linda is Chair of the Board of the United Way of Metro Chicago, serves as President of the Board of Chicago's Goodman Theatre, and is on the Board of Advisors for the Chicago chapter of the American Constitution Society. She is also past chair of the Board of Directors of Heartland Alliance, the largest human rights organization in the Midwest, and she recently led the city-wide Investing in Justice campaign for the Chicago Bar Foundation, raising millions of dollars for legal aid organizations.

“Extremely bright, quick to learn case-specific intricacies, and very hands-on in the way she litigates.”

The Best Lawyers in America[®] client testimonial

Credentials

EDUCATION

Linda received a J.D., *magna cum laude*, from the University of Michigan Law School, where she served as editor-in-chief of the *Michigan Law Review* and was a member of the Order of the Coif. She received an A.B. from Princeton University.

ADMISSIONS

- Illinois

CLERKSHIPS

- USCA - D.C. Circuit for the Honorable Chief Judge Douglas H. Ginsburg
- US Supreme Court for the Honorable Justice Stephen G. Breyer

Related Insights & News

- “The Realities of Mass Torts: In-House Perspectives,” speaker, Winston & Strawn Product & Mass Torts Summit, June 7, 2022
- “Supreme Court Update,” panel presentation for Dallas Assembly Program, April 9, 2022
- “Ideas for New Constitutional Amendments,” Featured Letter to the Editor in *The New York Times*, Aug. 14, 2021
- “Biglaw’s Push for the Equal Rights Amendment,” featured guest on *The Jabot*, a podcast of *Above the Law*, July 2020
- “Why the time has finally come to ratify Equal Rights Amendment,” *The Hill*, Feb. 11, 2020
- “Congress Can and Should Take Action on the ERA,” *ACS Expert Forum Blog*, Feb. 11, 2020

- “The Equal Rights Amendment,” Keynote Address at the ABA Women in Litigation Conference, Nov. 2019
- “Can the Equal Rights Amendment Be Revived?” a conversation about constitutional issues with Jeffrey Rosen on the National Constitution Center’s *We the People* podcast, Feb. 2019
- “The Year in Litigation,” panel presentation at the ALI Accountant’s Liability Seminar, Oct. 2018
- “The Art and Craft of Legal Writing,” panel presentation for the ABA, Aug. 2018
- Commentary on Supreme Court matters on MSNBC and *Chicago Tonight*
- “The Trial of Mordred: Insurrection in Camelot,” mock trial hosted by the Shakespeare Theater in Washington D.C., June 2018 (oral argument against the current U.S. Solicitor General, before a panel including Justices Ginsburg, Breyer, and Kagan of the U.S. Supreme Court)
- “Standing Together: A Conversation about Equity,” panel discussion hosted by BMO Harris and Heartland Alliance, with female change agents from government, business, and non-profits, May 2018
- Testimony supporting the Equal Rights Amendment, subject matter hearing before the Human Services Committee of the Illinois General Assembly, May 2018

NEWS

Winston Team Wipes Out Pure Omission Liability With Unanimous Supreme Court Ruling

APRIL 15, 2024

PRESS RELEASE

Winston & Strawn Names New Litigation and Transactions Department Co-Chairs

FEBRUARY 26, 2024

BLOG

Winston’s Women Partners Hone Their Business Development Skills With Sara Holtz and Joan Fife

FEBRUARY 22, 2024

IN THE MEDIA

Linda Coberly Argues on Behalf of Macquarie Infrastructure Corp. in SEC Financial Disclosure Case

JANUARY 19, 2024

RECOGNITIONS

Winston Attorneys Featured on the 2024 *Lawdragon* 500 Leading Lawyers in America List

JANUARY 12, 2024

RECOGNITIONS

Winston Shortlisted for *Benchmark Litigation* U.S.’s 2024 Illinois Firm of the Year

JANUARY 8, 2024

RECOGNITIONS

Winston & Strawn Recognized in 2024 *Benchmark Litigation*

OCTOBER 6, 2023

RECOGNITIONS

Three Winston Teams Featured in Litigator of the Week Column

SEPTEMBER 29, 2023

RECOGNITIONS

Winston Attorneys Recognized in *The Best Lawyers in America*® 2024

AUGUST 17, 2023

RECOGNITIONS

Winston Partners Named to *Benchmark Litigation's* 2023 List of the Top 250 Women in Litigation

AUGUST 3, 2023

CLIENT ALERT

The Supreme Court Confronts the Scope of The Confrontation Clause

JULY 20, 2023

NEWS

Supreme Court Holds that Trial-Level Proceedings Must Be Stayed Pending Arbitration Appeals

JULY 19, 2023

Capabilities

Appellate & Critical Motions

Litigation/Trials

Securities, M&A & Corporate Governance Litigation

Commercial Litigation & Disputes

Class Actions & Group Litigation

Government Program Fraud, False Claims Act & Qui Tam Litigation

Financial Services

Professional Services

Media & Entertainment

Insurance

Medical Devices