



# Appellate

## Handling high-stakes appellate litigation in courts across the country.

Appellate advocacy is not merely another phase of litigation. It is an entirely new challenge—the outcome of which frequently produces rules of law that can transcend the parties' dispute and impact an entire industry. Appellate input—before the trial court's judgment is handed down—is often the key to success. That is why the appellate attorneys of Hinshaw are an integral part of the firm's litigation practice.

### Decades of Experience

For nearly six decades, Hinshaw's appellate lawyers have been representing businesses and individuals at all levels of state and federal reviewing courts throughout the country. Hinshaw's appellate attorneys have written briefs and argued cases before the U.S. Supreme Court, the U.S. Courts of Appeals in 12 circuits, as well as the reviewing courts of more than a dozen states. Over the years, Hinshaw appellate attorneys have participated in a significant number of landmark decisions and successfully appealed several multi-million dollar cases. Hinshaw's Appellate Team handles new appeals that arise from the firm's trial practice, along with many referrals from other law firms or direct engagements by clients who recognize the importance of involving highly-experienced appellate counsel, whether they won or lost in the trial court.

A significant number of our appellate victories have been precedent-setting decisions. Many others provided favorable, cost-effective outcomes at the trial level for clients through sound advice, critical dispositive motions, tactical use of interlocutory appeals, and the ability to gain leverage through carefully executed post-judgment strategies.

### A Proactive Partner

In addition to crafting appellate briefs and presenting oral arguments, appellate attorneys at Hinshaw have deep experience in the following areas:

- Preparing and arguing case-dispositive motions, both pre- and post-trial
- Drafting and arguing motions in limine, jury instructions, and motions for judgment as a matter of law
- Taking interlocutory appeals related to discovery orders, immunity defenses, class certifications, and venue
- Securing extraordinary relief through mandamus and supervisory orders
- Staying the enforcement of judgments

### Attorneys

Nicholas J. Ajello  
Robert D. Bailey  
Alexandra E. Boland  
Steven L. Boldt  
Dana B. Briganti  
Robert M. Buchholz  
Christopher "Kipper" Burke  
Natalie Burris  
Margaret J. Cascino  
Laurence P. Chirch  
Brittany N. Christianson  
William P. Cunningham  
Eric A. Cunningham III  
Michael Danon  
Marissa I. Delinks  
Kyle A. Ferachi  
Matthew C. Ferlazzo  
Sarah Hafeez  
Richard C. Harris  
Arian Hashemi  
David T. Hayek  
Amber S. Hemberger  
Lexi T. Holinga  
Peter L. Isola  
Alexandria A. Kaminski  
James S. Koehler  
Spencer Y. Kook  
Schuyler B. Kraus  
Evan M. Kwarta  
R. Wardell Loveland  
Brian E. Mahoney



- Providing tactical and strategic recommendations and support to set up or head off an appeal
- Handling appellate mediations
- Responding quickly to short-fuse projects such as appeals from temporary restraining orders and injunctions

## National Recognition

Hinshaw attorneys have received widespread recognition over the years for their appellate skills. *U.S. News & World Report* “Best Law Firms” has ranked Hinshaw’s Appellate practice as a National Tier One firm *every year* since 2011. That recognition of our ability—and the value it brings to clients—is shared by attorneys outside our firm who frequently recommend us to advocate for their clients when the battle lines have shifted from the trial level to the reviewing court.

One of our partners is also a Fellow of the American Academy of Appellate Lawyers (AAAL). Membership in AAAL is limited to the 500 experienced appellate advocates in the nation who have demonstrated the highest skill level and integrity, according to the AAAL.

As a result of the widespread recognition of our appellate skills, special interest groups and trade associations call upon us to prepare amicus curiae briefs in various reviewing courts, including the U.S. Supreme Court. Our appellate attorneys also regularly provide pro bono services to the indigent in federal criminal appeals.

## Experience

- Prepared an amicus curiae brief on behalf of the Association of Public Health Laboratories, an internationally recognized leader in laboratory science and practice. The amicus brief presented APHL’s position on, and the science affected by, the plaintiffs’ constitutional challenge to a public health department’s use of residual dried bloodspot (DBS) screening specimens to detect heritable disorders in newborns and children. The court dismissed the complaint at issue. [Kanuszewski v. Michigan Dept. of Health & Human Services, No. 18-cv-10472, U.S. District Court for the Eastern District of Michigan](#)
- Successfully secured dismissal of a multi-million dollar insurance subrogation claim brought against a Taiwanese insurance company because the insurer was not subject to the jurisdiction of the Wisconsin court. [Lexington Insurance Co. v. Zurich Insurance \(Taiwan\) Ltd., 286 F. Supp. 3d 982 \(W.D. Wis. 2017\)](#). The Seventh Circuit affirmed that dismissal, holding that “Neither the presence of an additional insured in Wisconsin, nor a worldwide territory of coverage provision under insurance policy could be considered purposeful contacts with the State of Wisconsin sufficient to subject Taiwanese insurer to personal jurisdiction in Wisconsin courts. [Lexington Insurance Co. v. Hotai Insurance Co., 938 F.3d 874 \(7<sup>th</sup> 2019\)](#)
- Successfully obtained reversal of appellate court decision that permitted a worker to maintain a common law wrongful death action for unlimited damages against his employer if the time had expired to seek limited statutory damages from the employer for latent occupational diseases. [Folta](#)

Stephen Mehr  
Danielle Mikhail  
Caroline A. Mondschean  
Ellis M. Oster  
Brian A. Paino  
Ben Z. Raindorf  
Christopher J. Raistrick  
Anthony P. Scali  
Jason R. Schulze  
Kate Scolaro  
Esther J. Seitz  
Carly E. Shannon  
Christiane Sinclair  
Stewart Spielman  
Kyle B. Stefanczyk  
Gregg D. Stevens  
Lauren Swanson  
Aimee G. Szygenda  
Stephanie Laird Tolson  
Andrew P. Trevino  
Abby U. Van Grinsven  
Joshua G. Vincent  
Paula L. Wegman  
Catherine Basque Weiler  
Aaron M. White  
James H. Wyman  
S. Sherry Xia  
Mitchell E. Zipkin

## Related Services

Commercial Litigation  
Labor & Employment  
Professional Liability



*v. Ferro Engineering*, 2015 IL 118070

- In a case whose outcome created a circuit split between the Seventh and Third Circuits, the court of appeals sustained the employer's position that the union's demand for payment of certain union officials' salaries under terms of CBA was illegal under section 302(a) of the Labor Management Relations Act, vacating contrary decisions by the district court and arbitrator. *Titan Tire Corp. v. United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union*, 734 F.3d 708 (7th Cir. 2013)
- Affirmed the dismissal of a complaint alleging that a religious order aided and abetted the World War II Yugoslav regime's plundering and banditry more than sixty years before the lawsuit was filed. The court of appeals determined that subject matter jurisdiction under the Alien Tort Statute was lacking because the plaintiffs' claims that the defendant aided and abetted the Nazi puppet regime's war crimes did not involve violations of the law of nations and because the plaintiffs' human rights claims presented non-justiciable political questions. The court also concluded that it lacked diversity jurisdiction under 28 U.S.C. § 1332(a) because the complaint included both foreign plaintiffs and a foreign defendant. *Alperin v. Franciscan Order*, 423 Fed. Appx. 678 (9th Cir. 2011)
- Successfully secured reversal of a bankruptcy court order sanctioning a creditor and her attorneys for violating the bankruptcy discharge injunction. The district court reversed the sanction, holding that the creditor and her attorneys did not violate the discharge injunction by seeking an order from the Washington probate court ratifying the assignment of a probate judgment to the creditor. *In re Taylor*, 526 B.R. 719 (N.D. Ill. 2014). The Seventh Circuit affirmed, noting that the creditor and her attorneys had sought the ratification order as support for an anticipated Rule 60(b) motion to vacate the dismissal of their adversary claim in the bankruptcy proceeding. The Seventh Circuit held that gathering evidence to support a Rule 60(b) motion, in order to argue that a debt is not dischargeable, is not the same as taking action to collect on the debt and therefore did not violate the discharge injunction. The court further held that a purported settlement between an insurance carrier and the debtor did not render the appeal moot as neither the creditor nor her attorneys consented to the settlement. *In re Taylor*, 793 F.3d 814 (7th Cir. 2015)

## News

[Catherine Basque Weiler Elected President of the Appellate Lawyers Association](#)

June 12, 2024

[Hinshaw Adds Experienced Financial Services Partner Ellis Oster in New York](#)

May 29, 2024

[Hinshaw Boosts West Coast Capabilities With Addition of Two Partners in Los Angeles](#)

April 25, 2024

[State Bar of Wisconsin Features Sara Butler in a "Pro Bono Volunteer Spotlight"](#)

April 16, 2024

[Hinshaw Partner Catherine Basque Weiler Elected as a Fellow of the American Academy of Appellate Lawyers](#)

March 11, 2024

[Gregg Stevens Joins Hinshaw as a Consumer Financial Services Partner in Dallas](#)

March 7, 2024

[Three Hinshaw Partners Selected to Crain's Chicago 2024 Notable Women in Law](#)

February 20, 2024

[Hinshaw Adds Experienced Financial Services Litigator in New York](#)

January 31, 2024

[Steve Puiszis Weighs in on Proposed Fifth Circuit Rule Requiring Lawyers to Certify Generative AI Content](#)

December 19, 2023



[Hinshaw Recognized as "Distinguished in Litigation" in BTI Consulting's Litigation Outlook 2024 Survey](#)  
November 16, 2023

[Law360 Pulse Covers Headcount Growth in Hinshaw's South Florida Offices](#)  
November 15, 2023

[Hinshaw Receives Recognition in 2024 "Best Law Firms" Directory](#)  
November 2, 2023

[Appellate Spotlight: International Creditor Secures Favorable Eleventh Circuit Ruling in Case Involving Petition to Enforce \\$8M in International Arbitration Awards Under The New York Convention](#)  
October 19, 2023

[Appellate Spotlight: Client GeoVera Secures Florida Appellate Court Affirmation of Summary Judgment Win Over Limited Water Damage Exclusion](#)  
October 19, 2023

[101 Hinshaw Lawyers Recognized in 2024 Editions of Best Lawyers in America and Ones to Watch](#)  
August 17, 2023

[Experienced Aviation Partner Evan Kwarta Joins Hinshaw in New York](#)  
July 24, 2023

[Gretchen Harris Sperry Discusses Illinois Supreme Court Case Regarding Liability Over Drug Manufacturers' Warning Labels](#)  
January 5, 2023

[Gretchen Harris Sperry Elected Secretary of the American Bar Association Council of Appellate Lawyers](#)  
November 23, 2022

[U.S. News – Best Lawyers Recognizes Hinshaw in 2023 "Best Law Firms" Directory](#)  
November 2, 2022

[Veteran Insurance Partner Joins Hinshaw in Houston](#)  
September 29, 2022

[Eighty-Seven Hinshaw Lawyers Recognized in 2023 Editions of Best Lawyers in America and Ones to Watch](#)  
August 18, 2022

[Gretchen Harris Sperry and William Hardy Author Chapters in IICLE Handbook on Civil Appeals](#)  
August 11, 2022

[Joshua Vincent named a 2022 BTI Client Service All-Star MVP](#)  
February 9, 2022

[Gretchen Harris Sperry Discusses Key Illinois Appellate Law Developments With Law360](#)  
January 31, 2022

[Hinshaw Partner Gretchen Harris Sperry Named to Crain's Chicago Business' 2021 Notable Gen X Leaders](#)  
November 22, 2021

[Hinshaw Partner Marissa Delinks Named to Massachusetts Lawyers Weekly 2021 Top Women of Law](#)  
November 18, 2021

[Hinshaw Recognized in 2022 U.S. News – Best Lawyers "Best Law Firms" Directory](#)  
November 4, 2021

[Hinshaw Adds Experienced Litigation Partner in Baton Rouge](#)  
September 27, 2021



Sixty-Seven Hinshaw Lawyers Recognized in 2022 Edition of Best Lawyers  
August 19, 2021

ACA International: David Schultz and Justin Penn Byline Reviews Oral Arguments in SCOTUS TransUnion v. Ramirez FCRA Class Certifications Case  
March 31, 2021

Joshua Vincent named a BTI Client Service All-Star for 2020  
December 10, 2020

Hinshaw Client Success Named Among "Top Ten Most Influential ARM Cases" of 2020 by Collector Magazine  
December 2, 2020

Hinshaw Recognized in 2021 U.S. News – Best Lawyers "Best Law Firms" Directory  
November 5, 2020

Hinshaw's Josh Vincent Discusses the Launch of Illinois Free Legal Answers for Civil Appeals  
August 24, 2020

Sixty-Five Hinshaw Lawyers Recognized in 2021 Editions of Best Lawyers and Best Lawyers: Ones to Watch  
August 20, 2020

Hinshaw Client Success: New York Court Invokes Sovereign Immunity To Dismiss \$15 Million Claims Against The University of Arizona And One Of Its Professors  
May 14, 2020

Gretchen Sperry Previews Oral Argument in SCOTUS Review of CFPB's Constitutionality  
March 9, 2020

Hinshaw's Gretchen Harris Sperry Moderates Debate Between Illinois Supreme Court Candidates  
January 31, 2020

Gretchen Harris Sperry Discusses Illinois' Biggest Decisions of 2019  
January 2, 2020

Gretchen Harris Sperry Elected to Board of The Council of Appellate Lawyers  
December 5, 2019

Hinshaw Recognized Nationally and Regionally in 2020 U.S. News – Best Lawyers "Best Law Firms" Directory  
November 1, 2019

2019 Midyear Report: Hinshaw's Gretchen Harris Sperry Reviews the Biggest Legal Decisions in Illinois  
July 12, 2019

Hinshaw's Gretchen Harris Sperry Assumes Presidency of the Appellate Lawyers Association, Discusses Importance of Upholding the Rule of Law  
July 8, 2019

Client Success: Illinois Restaurant Association Helps Defend City of Chicago Food Truck Ordinance against Constitutional Challenge  
May 28, 2019

Illinois Restaurant Association Backs City of Chicago Food Truck Ordinance in Amicus Brief  
February 4, 2019

Illinois Appeals Court Affirms Win by Hinshaw Legal Team in \$4 Million Legal Malpractice Case Filed by Minor League Baseball Association  
January 4, 2019



[Hinshaw's Gretchen Harris Sperry Reviews Illinois' Biggest Decisions of 2018 and Illinois Cases to Watch in 2019](#)  
January 2, 2019

[Gretchen Harris Sperry Appointed National Co-Chair of New ABA Council of Appellate Lawyers Subcommittee](#)  
December 17, 2018

[Hinshaw & Culbertson Partner Joshua Vincent Named Winner of American Lawyer Best Mentor Award](#)  
December 6, 2018

[Hinshaw Recognized Nationally and Regionally in 2019 U.S. News – Best Lawyers "Best Law Firms" Directory](#)  
November 1, 2018

[Illinois Supreme Court Appoints Adam Vaught to the Illinois Judicial Conference](#)  
October 25, 2018

[Hinshaw & Culbertson Partner Joshua Vincent Named a Fellow in the American Academy of Appellate Lawyers](#)  
October 4, 2018

[Media Summary: Kim Jansen Discusses Landmark U.S. Supreme Court Case Involving Web Retailers](#)  
May 4, 2018

[Hinshaw Files Amicus Brief in Support of SCOTUS Review of Ninth Circuit Decision Limiting Federal Judicial Review of Civil Rights Violations by Tribal Authorities](#)  
November 8, 2017

[Hinshaw Achieves National and Regional Recognition in 2018 U.S. News - Best Lawyers® "Best Law Firms" Directory](#)  
November 1, 2017

[Hinshaw Legal Team Prevails on Behalf of Prosecutors in Lawsuit Brought by Ex-Aide to Governor Scott Walker](#)  
August 30, 2017

[Hinshaw Garners More Than Thirty Rankings in 2017 U.S. News - Best Lawyers® "Best Law Firms" List](#)  
November 1, 2016

[Hinshaw Obtains Appellate Victory for Sangamon County Deputy Sheriff in Section 1983 Excessive Force Lawsuit](#)  
August 29, 2016

[Thirty Hinshaw Lawyers Named to 2017 Edition of The Best Lawyers in America®](#)  
August 15, 2016

[Gretchen Harris Sperry Elected Illinois Appellate Lawyers Association Treasurer](#)  
July 11, 2016

[Hinshaw Lawyers Rack Up Appellate Victory](#)  
April 29, 2016

[Kimberly Jansen Discusses Implications of U.S. Supreme Court Ruling in Luis v. United States](#)  
April 15, 2016

[Joshua Vincent Named a 2016 "BTI Client Service All-Star"](#)  
February 8, 2016

[Hinshaw & Culbertson LLP Garners More Than Two Dozen Rankings in U.S. News – Best Lawyers' 2016 "Best Law Firms"](#)  
November 2, 2015

[William Hardy and Gretchen Sperry Contribute to IICLE's Civil Appeals \(Illinois\): State and Federal](#)  
October 28, 2015



[Twenty-Eight Hinshaw Lawyers Named to 2016 Edition of The Best Lawyers in America](#)  
August 17, 2015

[U.S. Supreme Court Upholds Ethical Rule on Judicial Elections: Hinshaw Lawyers Write Amicus Brief for the ABA in Support of the Rule](#)  
May 6, 2015

[Hinshaw & Culbertson LLP Receives Several Tier One Rankings in Multiple Practice Areas by U.S. News - Best Lawyers 2015](#)  
November 3, 2014

[Twenty-Two Hinshaw Lawyers Chosen as Best Lawyers in America 2015](#)  
August 19, 2014

[Joshua G. Vincent Invited to Serve on the Illinois Supreme Court Commission on Access to Justice's Forms Subcommittee](#)  
July 25, 2014

[Joshua G. Vincent Featured on Illinois Supreme Court Commission's Lawyer Spotlight](#)  
July 24, 2014

[Seventeen Hinshaw Lawyers Chosen as Best Lawyers in America 2014](#)  
November 1, 2013

[Hinshaw & Culbertson LLP Recognized as U.S. News - Best Lawyers 2014 "Law Firm of the Year" in Ethics and Professional Responsibility Law](#)  
November 1, 2013

## Events

[William Hardy and Gretchen Sperry to Present at IICLE's Civil Appellate Practice Institute](#)  
November 5, 2015  
Holiday Inn Mart Plaza, 350 West Mart Center, Chicago, IL 60654

## Publications

[Illinois Appellate Court Affirms Default Judgment Against Attorney After He Repeatedly Fabricated Expert Witness Disclosures "From Whole Cloth"](#)  
April 22, 2024  
Lawyers for the Profession®

[Colorado Appellate Court Affirms Summary Judgment on Plaintiff's Claim of Defendants' Negligence in "Inadequate Settlement" Case for Lack of "But For" Causation](#)  
March 25, 2024  
Lawyers for the Profession®

[Florida Appellate Court Invalidates Arbitration Provision in Fee Agreement for Violating Florida Bar Rules](#)  
January 4, 2024  
Lawyers for the Profession®

[U.S. Supreme Court Maintains Prohibition on Post-Patent Expiration Accrued Royalties](#)  
June 24, 2015

[Trial Court's Error Constituted an Intervening Cause of Plaintiff's Claimed Damages](#)  
March 28, 2014  
Lawyers for the Profession® Alert



[Medical Litigation Newsletter - December 2013](#)  
December 17, 2013

[Medical Litigation Newsletter - August 2013](#)  
August 21, 2013

[Medical Litigation Newsletter - June 2013](#)  
June 10, 2013

[The Report Card - February 2013](#)  
February 28, 2013

[Medical Litigation Newsletter - December 2012](#)  
December 18, 2012

[The Professional Line - December 2012](#)  
December 17, 2012

[Illinois Supreme Court to Consider Whether Cook County Human Rights Ordinance Authorizes Punitive Damages](#)  
December 5, 2012  
The Appellate Angle Alert

[The Lawyers' Lawyer Newsletter - Recent Developments in Risk Management - November 2012](#)  
November 13, 2012

[Illinois Supreme Court to Consider Whether Punitive Damages Under the Telephone Consumer Protection Act Are Insurable](#)  
October 1, 2012  
The Appellate Angle Alert

[The Lawyers' Lawyer Newsletter - Recent Developments in Risk Management - September 2012](#)  
September 5, 2012

[Medical Litigation Newsletter - July 2012](#)  
July 2, 2012

[The Lawyers' Lawyer Newsletter - Recent Developments in Risk Management - June 2012](#)  
June 13, 2012

[Federal Circuit Holds That Federal Court Has Exclusive Jurisdiction Over Legal Malpractice Claim Arising out of Patent Prosecution](#)  
May 31, 2012  
Lawyers for the Profession® Alert

[Illinois Supreme Court to Consider Whether Illinois Has Jurisdiction Over a French Component Part Manufacturer](#)  
May 31, 2012  
The Appellate Angle Alert

[Medical Litigation Newsletter - March 2012](#)  
March 19, 2012

[Illinois Supreme Court to Consider Whether a Court-Appointed Psychological Evaluator Is Immune From Suit](#)  
January 27, 2012  
The Appellate Angle Alert

[Medical Litigation Newsletter - December 2011](#)  
December 23, 2011

[The Professional Line - December 2011](#)  
December 12, 2011





[Medical Litigation Newsletter - September 2011](#)  
September 30, 2011

[Employment Practices Newsletter - August 2011](#)  
August 1, 2011

[Medical Litigation Newsletter - July 2011](#)  
July 22, 2011

[The Professional Line - May 2011](#)  
May 31, 2011

[Medical Litigation Newsletter - April 2011](#)  
April 4, 2011

[Employment Practices Newsletter - March 2011](#)  
March 4, 2011

[Lawyers' Professional Liability Update - February 2011](#)  
February 25, 2011

[Products Liability Bulletin - February 2011](#)  
February 15, 2011

[The Professional Line - January 2011](#)  
January 31, 2011

[Lawyers' Professional Liability Update - December 2010](#)  
December 28, 2010

[Lawyers' Professional Liability Update - November 2010](#)  
November 23, 2010

[Products Liability Bulletin - November 2010](#)  
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[Lawyers' Professional Liability Update - October 2010](#)  
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[The Professional Line - September 2010](#)  
September 14, 2010

[Products Liability Bulletin - August 2010](#)  
August 16, 2010

[Lawyers' Professional Liability Update - July 2010](#)  
July 29, 2010

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June 23, 2010

[Lawyers' Professional Liability Update - May 2010](#)  
May 27, 2010

[Products Liability Bulletin - May 2010](#)  
May 18, 2010

[Lawyers' Professional Liability Update - April 2010](#)



April 30, 2010

[The Professional Line - April 2010](#)

April 15, 2010

[Lawyers' Professional Liability Update - March 2010](#)

March 24, 2010

[Lawyers' Professional Liability Update - February 2010](#)

February 24, 2010

[Products Liability Bulletin - February 2010](#)

February 1, 2010

[Lawyers' Professional Liability Update - January 2010](#)

January 29, 2010