



Linda S. Schmidt

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Practice Areas

Appellate

Contract/Commercial

ERISA Litigation

Insurance & Reinsurance

Admissions

New York

Vermont

Washington, D.C.

Wisconsin

Education

Juris Doctor, Columbia
University School of Law,
2003

Master of Arts, Georgetown's
School of Foreign Service,
1998

Bachelor of Arts, University
of California, Santa Barbara,
1993, *magna cum laude*, Phi
Beta Kappa



Linda is a commercial litigator who regularly helps clients resolve their most difficult disputes, particularly in the areas of insurance and constitutional law. Since joining the firm, Linda has successfully represented clients in a variety of venues, including before the state and federal courts of Wisconsin and courts in Arizona, Illinois, New York, North Dakota, Utah, Washington, D.C. and elsewhere.

Linda represents a variety of insurers, including in complex coverage matters involving significant bodily injury, construction defect, environmental contamination, employee benefits liability, employment practices liability, directors and officers liability, and professional liability claims. She also represents insurance companies in cases alleging bad faith or improper industry- or company-wide claims handling practices. Linda has submitted briefs and argued before state and federal appellate courts in precedent setting insurance cases, and she has reviewed and advised insurance clients on proposed legislation before the Wisconsin legislature.

In recent years, Linda has successfully defended a commercial liability insurer against claims for breach of contract and bad faith after it declined to defend a fast-food restaurant franchise owner in six New York based class actions alleging that the owner underpaid delivery drivers and withheld tips. She obtained a no coverage decision for claims arising out of an insured manufacturer's provision of faulty component parts for a power plant's ductwork; and she successfully argued before the Wisconsin Supreme Court on behalf of the Wisconsin Insurance Alliance, as *amicus curiae*, that an insured's hosting of an underage drinking party, at which one attendee assaulted another, was not an "occurrence" or accident for purposes of liability coverage.

Linda has represented and advised religious institutions throughout the state, particularly with respect to their rights under the Wisconsin and U.S. Constitutions and the Religious Freedom Restoration Act.

Linda is committed to pro bono service. She helped draft Godfrey & Kahn's pro bono policy and recently served as a trustee on the Dane County Bar Association's Pro Bono Trust Fund, including five years as chair. Linda has also represented several clients pro bono, including in a ground-breaking case before the Wisconsin Court of Appeals that established what procedures a state court should follow and what interests to weigh when evaluating a petition by the State to force feed a prisoner.

Prior to joining the firm, Linda worked in the government affairs practice group of a Washington, D.C. based firm. She spent a summer during law school in Azerbaijan researching barriers to and advocating for freedom of association rights. She also lived several years in Germany and is fluent in German.

Representative Experience

V&J Emp't Serv., Inc. v. Liberty Mutual Ins. Co., 2021 WI App 27, 397 Wis. 2d 243, 959 N.W.2d 87 (unpublished, authored opinion) (successfully defended breach of contract and bad faith claims where insurer client declined to defend insured against multiple class actions alleging delivery drivers were under-reimbursed and tips withheld).

Blesener v. Linton, 2018 WI App 21, 380 Wis. 2d 508, 913 N.W.2d 514 (obtained summary judgment ruling, upheld on appeal, that homeowners policy did not coverage alleged misrepresentations in sale of real estate)

Marks v. Houston Cas. Co., 2016 WI 53, 369 Wis. 2d 547, 881 N.W.2d 309 (represented amici curiae in case holding that an insurer that unilaterally disclaims coverage is not estopped from relying on policy exclusions if subsequently sued for breach of a duty to defend and overruling prior case law that suggested otherwise)

Schinner v. Gundrum, 2013 WI 71, 349 Wis. 2d 529, 833 N.W.2d 685 (represented amicus curiae in case establishing insured's hosting of underaged drinking party was not an "occurrence" for purposes of liability coverage)

S.V. v. Kratz, E.D. Wisconsin, Case No. 10-C-919 (J. Griesbach) (obtained summary judgment declaring that homeowners and umbrella policy excluded coverage for equal protection claims arising out of insured district attorney's sexual harassment of domestic violence victim)

Lisowski v. Hastings Mut. Ins. Co., 2009 WI 11, 315 Wis. 2d 388, 759 N.W.2d 754 (represented amicus curiae in case holding that business liability policy's "for a covered auto" language was permissible under Wisconsin's omnibus statute and precluded UIM coverage for insured's son's injuries arising out of use of a non-covered auto)

Dairyland Power Coop. v. Merrill Iron & Steel, Inc., La Crosse Co. Case No. 09-CV-1030 (secured summary judgment determination that liability policies excluded coverage claims arising out of insured's allegedly faulty component parts)

Employers Ins. Co. of Wausau v. Century Indem. Co., 443 V.3d 573 (7th Cir. 2006) (represented insurer in case of first impression addressing whether courts or arbitrators should decide whether consolidated arbitration is appropriate)

Court Admissions

United States Court of Appeals, Seventh Circuit
United States Court of Appeals, Tenth Circuit
United States District Court, Eastern District of Wisconsin
United States District Court, Western District of Wisconsin

Professional Association Memberships

ABA
DRI
District of Columbia Bar Association
New York State Bar Association
Seventh Circuit Bar Association
Vermont Bar Association
Western District of Wisconsin Bar Association
Wisconsin Defense Counsel

Activities

Dane County Bar Association Pro Bono Trust Fund – Chair / Board of Trustees (2016 - 2021)
Hilltop Montessori School – Vice Chair / Board of Directors (2014 – 2015)
Brambleton Outing Club, Cross-Country Ski Committee (2014 – 2015)
Leadership Greater Madison (2012)
Insulindependence – Board of Directors (2011 – 2013)
V.A. Kids - Board of Directors (2008 – 2010)
Dane County CASA - Board of Directors (2006-2007)