



Nina Cortell

Senior Counsel

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PRACTICES Appellate, Litigation

For more than four decades, Nina Cortell has represented corporations, public entities and individuals in cases that have put her at the forefront of Texas litigation practice. *Chambers USA*, Chambers and Partners, notes her “superlative reputation” and ranks her as the top appellate lawyer in Texas, with a “star” rating (2016-2021). *Best Lawyers* (published by Woodward/White, Inc.) recognizes her as the 2020 “Lawyer of the Year” for bet-the-company litigation in Dallas/Fort Worth.

Nina’s record includes recent significant victories in both state and federal appellate courts, as well as in trial courts. In two decisions, in 2020 and 2019, the Texas Supreme Court upheld the constitutionality of reforms instituted by the Dallas Police and Fire Pension System, critical to preserving the system’s solvency. In the Court’s 2016-2017 term, she secured two wins for ExxonMobil in cases involving the Texas Anti-SLAPP statute and agency law. In the Fifth Circuit (also in 2017), she represented Trinity Industries in a landmark reversal of a \$636 million False Claims Act judgment and Texas Capital Bank in defeating multi-million-dollar lender liability claims. In state courts of appeals, she secured significant wins for Matador Resources Company (in two oil and gas disputes). Her recent trial court victories include dismissals in shareholder suits for AT&T and ExxonMobil.

Nina also places a high priority on community service. She is proud of her role as a co-founder of the Center for Women in Law at the University of Texas School of Law, which is devoted to enhancing the success of women in law and serves as a national resource to convene leaders, generate ideas, and lead change. Nina also works actively with the judiciary to improve the judicial process. Her current work includes her service on the prestigious Texas Supreme Court Advisory Committee, which is comprised of judges and attorneys from across the state and advises the Court in connection with its rule-making authority.

Nina is honored to have received the 2016 Greg Coleman Outstanding Appellate Lawyer Award from the Texas Bar Foundation, the 2013 Jack Pope Professionalism Award from the Texas Center for Legal Ethics (given annually to one lawyer who personifies the highest standards of professionalism and integrity in the field of law), the 2012 University of Texas School of Law Distinguished Alumnus Award for Community Service, and the 1999 Louise B. Raggio Award for significant contributions toward the advancement of women in the legal profession.

QUALIFICATIONS

EDUCATION

- J.D., University of Texas School of Law, 1976, *cum laude*; Associate Editor, *Texas Law Review*; Teaching Quizmaster
- B.A., University of Texas at Austin, 1973, *summa cum laude*, Plan II (liberal arts honors program)

ADMISSIONS

- Texas
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PROFESSIONAL AFFILIATIONS AND ENGAGEMENTS

- Fellow, American Academy of Appellate Lawyers
 - President (2005-2007) and Master, Patrick E. Higginbotham Inn of Court
 - Member, Texas Supreme Court Advisory Committee
 - Member, American Law Institute
 - President (2008-2009), University of Texas School of Law Alumni Association
 - President, Board of Directors of the Texas Law Review Association (2012-2013)
 - Founder and past President, Center for Women in Law at the University of Texas School of Law
 - Trustee, University of Texas Law School Foundation (2013-2017)
 - Trustee, Dallas Bar Foundation (2011-2014)
 - Advisory Board Member, Dallas Women Lawyers Association (2000-2009)
 - Chair, State Bar Task Force on Hiring, Retention and Promotion of Women and Minorities in Law Firms and Corporations (2006)
 - Former Chair, Fellows of Dallas Bar Foundation
 - Former Chair, Judiciary and Courthouse Facilities Committee of the Dallas Bar Association
 - Former member of boards of Temple Emanuel Dallas (and member of executive committee), American Jewish Committee, and American Jewish Congress
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SELECTED CLIENT REPRESENTATIONS

- Upheld constitutionality of pension reforms. *Degan v. Dallas Police and Fire Pension System* (Tex. 2020) and (5th Cir. 2020) and *Eddington v. Dallas Police and Fire Pension System* (Tex. 2019).
- Reversed \$16.5 million award and obtained denial of injunctive relief in trade secrets dispute. *Clinton W. ("Buddy") Pike v. Texas EMC Management* (Tex. 2020).
- Obtained vacatur of penalty issued by the U.S. Treasury Department. *ExxonMobil v. Steven Mnuchin* (N.D. Tex. 2019).
- Obtained dismissal of shareholder class action. *Block v. InterOil Corporation*, 373 F.Supp.3d 683 (N.D. Tex. 2019).
- Persuaded the Texas Supreme Court to hold Texas Anti-SLAPP statute applicable in employment setting to statements made by employees in connection with safety concerns. *ExxonMobil Pipeline Co. v. Coleman*, 512 S.W.3d 895 (Tex. 2017).
- Obtained take-nothing judgment for ExxonMobil in complex employment-discrimination case. *Exxon Mobil Corporation v. Gilberto Rincones*, 520 S.W.3d 572 (Tex. 2017).
- Part of team that reversed a \$663 million False Claims Act judgment stemming from a whistleblower's claim. *U.S. ex rel. Harman v. Trinity Industries Inc. et al.*, 872 F.3d 645 (5th Cir. 2017).
- Affirmed take-nothing judgment for banking client in suit by borrower seeking millions of dollars in damages. *In re Dallas Roadster, Ltd.*, 846 F.3d 112 (5th Cir. 2017).
- Procured \$7.5 million coverage ruling in favor of insured. *RSUI Indem. Co. v. Lynd Co.*, 2015 Tex. LEXIS 442 (Tex. 2015).

- Reversed \$14.2 million contract claim against oil and gas client. *MRC Permian Company v. Three Rivers Operating Co.*, 2015 WL 4639711 (Tex. App.—Dallas 2015, pet. denied).
- Upheld choice of law clause, permitting enforcement of forfeiture-for-competition clause in non-contributory profit sharing plan. *Exxon Mobil Corp. v. Drennen*, 452 S.W.3d 319 (Tex. 2014).
- Reversed judgment based on unenforceability of provision in fracking contract. *Matador Prod. Co. v. Weatherford Artificial Lift Sys.*, 450 S.W.3d 580 (Tex. App. 2014, pet. denied).
- Invalidated \$29 million liquidated damages provision in renewable energy contract. *FPL Energy, LLC v. TXU Portfolio Mgmt. Co., L.P.*, 426 S.W.3d 59 (Tex. 2014).
- Reversed venue order. *Union Pac. R.R. Co. v. Stouffer*, 420 S.W.3d 233 (Tex.App. - Dallas 2013).
- Obtained dismissal of shareholder derivative suits in the trial court. *Pierce v. Stephenson*, 193rd Judicial District Court, Dallas County (2016); *In re AT&T, Inc. Shareholder Derivative Litigation*, Dallas County Court of Law No. 3 (2013).
- Obtained \$7 million summary judgment on guaranty, overcoming claims that guaranty was fraudulently procured. *Texas Capital Bank v. Tri-County Autoplex*, 162nd Judicial District Court, Dallas, Texas (2012).
- Reversed temporary injunction on ground that agreements were not enforceable as a matter of law; after court of appeals' ruling, opponent dismissed its suit. *Anland North, L.P., et al v. Center Operating Company*, Cause No. 05-12-00128-CV (Tex. App. - Dallas 2012).
- After filing of opening appellate briefs, opponent agreed to settle commercial dispute for almost \$200 million less than its judgment. *i2 Technologies, Inc. v. Dillard's*, Cause No. 05-10-01645-CV (Tex. App. -Dallas 2011).
- Persuaded Fifth Circuit Court of Appeals to dismiss appeal of \$3.6 billion bankruptcy plan of reorganization, which was challenged by a competing bidder and the company's union. *In the Matter of Asarco L.L.C.*, Cause No. 09-41259 (5th Cir. 2010).
- Obtained remittitur in the district court prior to appeal, reducing punitive damages award by \$77.6 million. *IRCC, et al. v. Harold Simmons, et al.*, 192nd Judicial District Court, Dallas, Texas (2009).
- Obtained mandamus review in the Texas Supreme Court on behalf of a large bank group in \$26 billion dispute. *In re Citigroup*, Cause No. 08-0289 (Tex. 2008).
- Reversed \$8.5 million judgment adverse to client and obtained rendition of \$2.5 million judgment in favor client. *Blockbuster Inc. v. C-Span and Sunil Dharod*, 276 S.W.3d 482 (Tex. Civ. App. – Dallas 2008, pet. granted and judgment vacated pursuant to settlement).

AWARDS AND RECOGNITION

- Recognized in *Chambers USA*, Chambers and Partners, for Litigation, Appellate (Texas), Star rating, 2016-2021 and Band 1, 2008-2015
- Included in *Benchmark Litigation's* 2020 listing of Top Female Litigators, 2020.
- Selected by *Lawdragon* for inclusion in the Lawdragon Hall of Fame, Lawdragon Inc., 2019
- Awarded Fellows Justinian Award by Dallas Bar Foundation, 2019
- Recognized in *The Best Lawyers in America*, Woodward/White, Inc., in Appellate, Bet-the-Company Litigation and Commercial Litigation, 2006-2022
- Recognized by *Best Lawyers* as a 2020 "Lawyer of the Year," Woodward/White, Inc.
- Recognized in 2018 for having been included in *Super Lawyers*, Thomson Reuters, top-attorney lists for 10 years or more
- One of the top appellate lawyers in Dallas, *D Magazine*, D Magazine Partners, 2003-2021
- Recognized as a "[Lion of the Texas Bar](#)" by *The Texas Lawbook*, 2017
- Recognized as a "Lawyer of the Year" by *Best Lawyers*, Woodward/White, Inc., in Appellate Practice, 2017
- Recognized as one of the Top 250 Women in Litigation, *Benchmark Litigation*, Legal Media Group, Euromoney Institutional Investor, 2012-2019, and as a "Local Litigation Star" in Appellate, General

Commercial, Securities, 2019

- Selected by *Lawdragon* as one of Lawdragon's 500 Leading Lawyers in America, Lawdragon Inc., 2016-2017
- *Texas Super Lawyers*, Thomson Reuters, 2003-2020: Top 100 in Texas, 2018-2020; Top 10, 2010-2016; Top 100 in the Dallas/Fort Worth Region, and Top 50 Female, 2003-2020
- Recipient of a 2016 Professional Excellence Award for Lifetime Achievers from *Texas Lawyer*, ALM Media Properties, LLC
- Named the Gregory S. Coleman Outstanding Appellate Lawyer by the Texas Bar Foundation, 2016
- Named by *Texas Lawyer*, ALM Media Properties, LLC, as one of 20 "Winning Women" in the state, 2014
- Chosen by the Texas Center for Legal Ethics (TCLE) to receive one of two 2013 Jack Pope Professionalism Awards, which annually recognize one lawyer and one judge who personify the highest standards of professionalism and integrity in the field of law
- Best Lawyers' 2015 Dallas Appellate Lawyer of the Year and 2013 Dallas Bet-the-Company Litigation Lawyer of the Year, Woodward/White, Inc.
- Named "Top Notch Appellate Lawyer" in *Texas Lawyer's Go-To Guide*, ALM Media Properties, LLC, 2012
- Selected by Dallas Bar Association as "Outstanding Lawyer of the Year," 2009
- University of Texas School of Law Distinguished Alumnus Award for Community Service, 2012
- Higginbotham Inn of Court's 2012 selection to Honorary Serjeant's Inn, in recognition of significant contributions to the profession and community
- State Bar of Texas Presidential Citation for leadership in furthering the Bar's diversity initiatives, 2007
- Louise B. Raggio Award for significant contributions toward the advancement of women in the legal profession, 1999
- *Martindale Hubbell Law Directory* with a Peer Review Rating of AV Preeminent