Joseph Fogel
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Areas of Practice

Litigation/Trial Practice | Intellectual Property Litigation | Arbitration | Products Liability Defense | Trademark Law

Joseph Fogel is a Partner in the Litigation Practice of Smith, Gambrell & Russell, LLP where he serves as a member of the Alternative Fee Arrangement Committee. Mr. Fogel was a Partner at Freeborn & Peters, which combined with SGR in 2023.

Mr. Fogel has extensive experience litigating a multitude of complex business and commercial disputes in state and federal courts and arbitral forums around the country. Mr. Fogel joined the Firm in 1994 after having been associated with the law firms of Jenner & Block and Skadden, Arps, Slate, Meagher & Flom.

While at Freeborn (now SGR), Mr. Fogel served as a member of the Executive Committee, Firm Co-Managing Partner, as well as a member and Chairperson of the Firm's Compensation Committee.

Mr. Fogel earned his J.D. from DePaul University's College of Law graduating with honors where he also served as Contributing Editor of the Law Review. He earned his B.A. from the University of California, San Diego.

Representative Experience

- Obtained preliminary injunction in trademark infringement action precluding defendants from using the client's corporate logo in a 30-page ruling from the United States District Court in Massachusetts.
- Successfully prosecuted complex patent license arbitration through multi-week hearing resulting in arbitration award for client of over $50 million.

Continued

- Prosecuted complex trade secret and trademark infringement litigation resulting in a consent injunction requiring return of all trade secret information and other intellectual property.

- Represented plaintiff bank in a legal malpractice action against its former counsel in connection with a portfolio of SBA loans resulting in substantial seven-figure settlement.

- Represented plaintiff bankruptcy trustee in an investigation and prosecution of complex claims in connection with multi-billion dollar Ponzi scheme resulting in substantial settlements.

- Represented the plaintiff in a legal malpractice action, against a now defunct large Chicago-based law firm, in a case involving the alleged mishandling of an arbitration and the drafting and implementation of the terms of employment and shareholder agreements resulting in substantial eight-figure settlement.

- Represented international law firm in legal malpractice and breach of fiduciary duty case arising out of a high-profile corporate separation resulting in favorable settlement for client.

- Defended publicly-traded client in defamation action by a former employee that resulted in the former employee's claims being dismissed as sanction for failure to prosecute after the Court ordered the former employee to produce the hard drive of his personal computer for forensic examination.

- Represented corporate client in enforcing the terms of a squeeze down provision of an LLC Operating Agreement and obtained summary judgment in federal litigation relating to the same.

- Enforced multi-million dollar promissory note claims in complex litigation involving UCC Article 9 foreclosure and obtained summary judgment in client's favor.

- Defended former CFO of a publicly-traded company in complex securities fraud action resulting in favorable settlement.

- In bankruptcy litigation involving international provider of services to the energy industry, represented creditors in litigation regarding approval of a plan of reorganization.

Admissions

Illinois

United States Court of Appeals for the Seventh Circuit

United States District Court for the Northern District of Illinois (including Trial Bar)

Recognitions

Illinois Super Lawyers - 2021 - Business Litigation, Intellectual Property Litigation, Securities Litigation (cited in multiple years)

The BTI Client Service All-Star Team for Law Firms 2009 – Member

Illinois Legal Times - Fifteen Rising Star Litigators

Illinois Leading Lawyers - 2020 (cited in multiple years)