



Michael D. Freeborn

Partner Emeritus | Chicago

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Areas of Practice

Litigation/Trial Practice

Michael D. Freeborn is a Partner Emeritus in the Litigation Practice of Smith, Gambrell & Russell, LLP. He was a founding member of the Chicago law firm of Freeborn & Peters, which grew from six lawyers in 1983 to more than 130 before combining with SGR in 2023.

Mr. Freeborn has been a trial lawyer for more than 50 years. He has represented individuals and companies in business litigation at both the trial and appellate level and has extensive experience in antitrust, commercial, employment, environmental, product liability and securities litigation.

He is the only lawyer in history to win a jury trial for a company in a "fraud on the market" securities class action, despite evidence that directors and officers of the company were selling shares prior to a disappointing earnings announcement. *Grassi v. Information Resources, Inc.*, 63 F.3d 596 (7th Cir. 1995). The defendant's successful use of a "shadow jury" during trial of the case was featured in a front-page article of the *National Law Journal*.

During another trial, the district court abruptly dismissed the case even before the plaintiff had rested. On appeal, the U.S. Court of Appeals for the Seventh Circuit recounted that the plaintiff's luck suddenly "went south" only after being subjected to a "withering cross examination." Mr. Freeborn conducted that examination. *Hrobowski v. Commonwealth Edison Co.*, 203 F.3d 445 (7th Cir. 2000) (reversed and remanded for further proceedings).

The publisher of *Chicago Lawyer* magazine honored Mr. Freeborn as one of 10 lawyers who, during the preceding decade, "raised the bar" in the Illinois legal profession. "From the courtroom, to complicated transactions, each attorney selected made an impact on the legal profession, as we know it," according to the award summary.

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Based on a peer review process conducted by *Leading Lawyers*, a division of Law Bulletin Media, Mr. Freeborn has repeatedly been recognized as one of the Top 100 Lawyers in the state of Illinois.

He has seen firsthand the value of pro bono work and how individual lawyers and their law firms can change the world through strategic alignment with important causes. He is a co-founder of the Willow Creek Legal Aid Ministry, a *pro bono* organization in suburban Chicago which serves more than 1,000 low-income clients per year.

Mr. Freeborn is no longer a Partner in the Firm. However, in recognition of his accomplishments, the Firm has conferred upon him the honorary title of Partner Emeritus, the first ever to be so honored.

Mr. Freeborn earned his J.D. from the Indiana University McKinney School of Law where he served as Associate Editor of the Law Journal, and later on the Board of Visitors. He earned his M.B.A. from the University of Chicago and his B.S. from the United States Air Force Academy.

Representative Experience

- Successfully defended a large home improvement chain and its owner against multi-billion dollar claims for breach of contract, unjust enrichment and promissory estoppel, in state court in Wisconsin.
- Successfully represented a large privately-held company in the food industry against a hostile takeover attempt by a minority shareholder, through enforcement of a disputed buy-sell agreement.
- Served as lead counsel on a team of lawyers successfully defending more than 100,000 asbestos lawsuits in nine Midwestern states.
- Successfully represented the owner of an ethanol plant in "true lease/disguised financing" litigation in a chapter 11 case in the U.S. Bankruptcy Court for the District of Kansas.
- Successfully defended employers in multiple cases of alleged employment discrimination in federal court in Chicago.
- Successfully represented an electric utility in breach of contract, fraud and RICO litigation against the supplier of a computerized payment processing system that was defective.

Admissions

Illinois

United States Supreme Court

United States Court of Appeals for the Third, Sixth, Seventh and District of Columbia Circuits

United States District Court for the Northern District of Illinois

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Memberships

Fellow Emeritus, Litigation Counsel of America

Co-Founder, Willow Creek Legal Aid Ministry

Vice Chairman and Board Member of Voices for Illinois Children (former)

Boards of the Constitutional Rights Foundation of Chicago (former) and Chicago Youth Centers (former)

Board Member of ORPHANetwork, serving abandoned and vulnerable children in Nicaragua (former)

Recognitions

Illinois Super Lawyers - Business Litigation (cited in multiple years)

Leading Lawyers magazine - The Top 100 Attorneys in Illinois

Fellow Emeritus - *Litigation Counsel of America*

Martindale-Hubbell legal ability/ethical standards rating ("A-V") - Highest possible rating

Benchmark Litigation - 2019 Local Litigation Star