Sam Mitchell

Partner | Chicago

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Areas of Practice

Litigation / Trial Practice | Appellate Practice | Class Action Litigation | Labor & Employment

Sam Mitchell is a Partner in the Litigation Practice of Smith, Gambrell & Russell, LLP.

Sam is a seasoned litigator and trusted advisor for sophisticated companies facing high-stakes commercial and employment disputes, with extensive experience in state and federal courts and administrative agencies nationwide. His practice spans a wide range of industries, including healthcare, higher education, manufacturing, real estate, automotive, and financial services.

Sam handles the full spectrum of business-critical and sensitive employment matters: disputes involving senior executives, restrictive covenant violations, trade secret misappropriation, business torts, discrimination and harassment claims, retaliation, whistleblowing, and wrongful termination. He also handles class and collective action litigation, including claims under the Biometric Information Privacy Act (BIPA), Genetic Information Privacy Act (GIPA), and the Fair Labor Standards Act (FLSA). He excels in matters where the legal stakes and the reputational stakes are equally high, and clients rely on his sharp judgment, steady leadership under pressure, and ability to craft strategies that account for the full picture inside and outside the courtroom.

Sam also litigates at the cutting edge of artificial intelligence law. His AI-related practice encompasses liability disputes involving developers, deployers, and infrastructure providers; product liability and design defect theories as applied to AI systems; algorithmic bias claims in employment decisions; First Amendment questions arising from AI-generated content; and the protection of AI-driven innovation through trade secret law. His deep familiarity with the underlying technology and the evolving legal landscape surrounding it allows him to approach these matters with a level of technical understanding and strategic clarity that this area of practice demands.

Beyond litigation, Sam counsels companies on the governance and compliance challenges that accompany AI deployment. He advises on building defensible AI use policies, managing algorithmic bias risk in employment decisions, structuring contractual frameworks that allocate AI-related risk across developers and deployers, and implementing governance programs that can withstand both regulatory scrutiny and litigation stress-testing. For multinational organizations, Sam brings particular depth on the EU Artificial Intelligence Act and its extraterritorial reach, advising U.S.-based companies on compliance obligations, vendor relationships, and exposure under both European and domestic law as the global and national regulatory landscape continues to take shape.

Sam earned his J.D. from the University of Wisconsin Law School, where he served as Managing Editor of the Wisconsin Law Review and held leadership roles in Moot Court. He holds a B.A. from the University of Notre Dame. His admissions include Illinois, Wisconsin, the U.S. Court of Appeals for the Seventh Circuit, and multiple federal district courts.

Outside of work, Sam is a passionate wine enthusiast and collector with a particular interest in exploring the world's great wine regions firsthand. He and his wife share a love of world travel and exceptional culinary experiences. At home, he enjoys spending time with his wife, daughter, and their four-legged good boys — Gus the dog and Henry the cat — who have strong opinions about work-from-home days. He also follows politics, current events, and Notre Dame and Packers football with enthusiasm.

Admissions

Wisconsin

Illinois

U.S. Court of Appeals for the Seventh Circuit

U.S. District Court for the Northern District of Illinois (General and Trial Bars)

U.S. District Court for the Eastern District of Wisconsin

U.S. District Court for the Western District of Wisconsin

Recognitions

Best Lawyers: Ones to Watch in America — Labor and Employment Law (Employee – 2026; Management – 2024–2026); Litigation – Labor and Employment (2024–2026)

Illinois Super Lawyers — Rising Stars (2025-2026)

Wisconsin Super Lawyers — Rising Stars (2021–2023)

Wisconsin Pro Bono Honor Society (2019–2020)

Memberships

American Bar Association

Defense Research Institute

Chicago Bar Association

Wisconsin Bar Association

Publications and Speaking Engagements

Coauthor, "*EEOC Rescinds 2024 Enforcement Guidance on Harassment in the Workplace*," January 22, 2026.

Author, "*President Trump's new AI executive order: What business leaders should know (and do next)*," Land News, December 22, 2025.

Coauthor, "*Expansion of Illinois Workplace Transparency Act Requires Update to Employment Agreements*," November 6, 2025.

Coauthor, "*Seventh Circuit Raises the Bar for Collective Actions, Gives Employers New Tools at the Notice Stage*," August 15, 2025.

Coauthor, "*DOJ Issues Sweeping Guidance on "Illegal DEI": Key Legal Risks and Compliance Priorities for Federal Funds Recipients*," August 8, 2025.

Coauthor, "*Legal Perspectives on Executive Order 14173, DEI, and the False Claims Act*," August 2025.

Coauthor, "*Protecting AI Innovation: Why Trade Secrets are Outpacing Patents in IP Portfolios*," July 17, 2025.

Coauthor, "*Federal Judge Certifies Interlocutory Appeal on Retroactivity of BIPA Amendments*," June 20, 2025.

Coauthor, *U.S. Supreme Court Unanimously Rejects Heightened Standard for "Reverse Discrimination" Claims*," June 6, 2025.

Author, "*Supreme Court Poised to Strike Down Reverse Discrimination Standard*," February 28, 2025.

Coauthor, "*AI and Workplace Discrimination: What Employers Need to Know after the EEOC and DOL Rollbacks*," February 2025.