



## Sam Mitchell

Partner | Chicago

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### Areas of Practice

Litigation / Trial Practice | Appellate Practice | Class Action Litigation | Labor & Employment | Cybersecurity and Data Privacy

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Sam Mitchell is a partner in Smith, Gambrell & Russell's Chicago office. He represents companies, executives, private equity funds, investors, and institutional leaders in high-stakes commercial and employment disputes in federal and state courts and administrative agencies across the country. His practice spans restrictive covenant and trade secret litigation, complex fraud and business tort claims, senior executive and founder breakups, discrimination and retaliation defense, class and collective actions, and privacy litigation. He handles matters across a diverse range of industries—including healthcare, higher education, manufacturing, automotive, insurance, financial services, private equity, and real estate—for both plaintiffs and defendants. His experience on both sides gives him a strategic edge: he anticipates and counters opposing strategies before they take shape.

Sam has delivered results for his clients at every stage of litigation, from motions to dismiss through trial, appeal, and settlement. He won dismissal for a private equity fund group and its principals in Delaware Superior Court in a fraudulent inducement, breach of fiduciary duty, and conspiracy action arising from the acquisition of an insurance business. He secured a favorable settlement in the District of Delaware in a high-stakes breach of stock purchase agreement, fraudulent inducement, and trade secret misappropriation dispute. He has represented an automotive group in prosecuting fraud, trade secret misappropriation, tortious interference, and breach of contract claims against former employees who launched a competing business, achieving a favorable outcome in multi-district federal litigation. He obtained a judgment for an investment group enforcing contractual rights against a private equity counterparty in a failed transaction. In the Seventh Circuit, he successfully defended a tribal non-profit consortium against employment claims, securing affirmance of dismissal on sovereign immunity grounds.

Sam has particular depth in restrictive covenant and trade secret litigation. He secured a preliminary injunction in the Middle District of Florida enforcing non-compete and confidentiality agreements against a former senior executive who departed to a direct competitor, and obtained a temporary injunction in a trade secret and non-compete action against

former employees who formed a competing business. He has obtained summary judgment enforcing non-compete covenants in the healthcare sector and has prosecuted and defended trade secret claims under the Defend Trade Secrets Act, the Delaware Uniform Trade Secrets Act, and the Wisconsin Uniform Trade Secrets Act. At any given time, he is handling multiple restrictive covenant matters across jurisdictions.

Sam is equally formidable in employment litigation. He has obtained summary judgment defending employers against Title VII and ADA disability discrimination claims, religious discrimination and retaliation claims, and Dodd-Frank whistleblower retaliation and wrongful discharge claims. He won a published defense verdict in the Wisconsin Court of Appeals establishing that an employer's verbal disclosure of an employee's COVID-19 status does not violate Wisconsin's patient health records confidentiality statute or privacy laws. He handles class and collective action litigation, including claims under the Biometric Information Privacy Act, the Genetic Information Privacy Act, and the Fair Labor Standards Act, including obtaining dismissal of a class action under GIPA brought against a Fortune 500 company. He has also defended employers in dozens of EEOC charges and state agency proceedings around the country, consistently achieving favorable outcomes.

Sam has tried cases to verdict and first-chaired many adversarial hearings in federal and state courts. He second-chaired a jury trial in a complex contract formation and restrictive covenant dispute and a personal injury defense trial that resulted in a favorable outcome. His experience handling cases from initial investigation through trial and appeal gives him perspective that shapes how he litigates from day one.

Sam is deeply engaged in artificial intelligence law. He has written and spoken extensively on AI liability for developers, deployers, and infrastructure providers; product liability and design defect theories as applied to AI systems; algorithmic bias in employment decisions; First Amendment questions arising from AI-generated content; and the protection of AI-driven innovation through trade secret law. He brings to these issues the perspective of a trial lawyer who has spent his career in complex commercial and employment disputes, and a command of the underlying technology that allows him to engage with AI systems at a level the legal landscape increasingly demands. Sam counsels companies on the governance and compliance challenges that accompany AI deployment, advising on defensible AI use policies, algorithmic bias risk management, contractual frameworks that allocate AI-related risk across developers and deployers, and governance programs built to withstand regulatory scrutiny and litigation stress-testing.

Before joining Smith, Gambrell & Russell, Sam was a partner at Husch Blackwell LLP, where he built a national practice representing both plaintiffs and defendants in high-stakes commercial and employment disputes.

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, son, 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.

## Representative Experience

- Represented an automotive group in prosecuting fraud, trade secret misappropriation, tortious interference, and breach of contract claims against former employees who launched a competing business, achieving a favorable outcome in multi-district federal litigation in the Eastern District of Wisconsin and Western District of Missouri.
- Secured a preliminary injunction in the Middle District of Florida for a national vehicle rental company enforcing non-compete, non-solicitation, and confidentiality agreements against a former senior executive who departed to a direct competitor.
- Won dismissal for a private equity fund group and its principals in Delaware Superior Court in a fraudulent inducement, fraud, breach of fiduciary duty, and conspiracy action arising from the acquisition of an insurance business.
- Secured a favorable settlement in the District of Delaware in a high-stakes breach of stock purchase agreement, fraudulent inducement, and trade secret misappropriation action arising from a former stockholder's launch of a competing construction management business.
- Obtained a judgment in the Delaware Court of Chancery for an investment group enforcing contractual rights against a private equity counterparty arising from a failed transaction.
- Obtained a temporary injunction in Texas state court for a healthcare services company in a trade secret and non-compete action against former employees who formed a competing business.
- Represented a commercial laundry equipment manufacturer in trade secret misappropriation and restrictive covenant litigation in the Northern District of Florida against former employees who defected to a competitor.
- Won a published defense verdict in the Wisconsin Court of Appeals establishing that an employer's verbal disclosure of an employee's COVID-19 status does not violate Wisconsin's patient health records confidentiality statute or privacy laws.
- Obtained summary judgment for a regional healthcare system defending Title VII national origin discrimination and ADA disability discrimination claims brought by a former physician.
- Obtained summary judgment for a major academic medical institution defending religious discrimination and retaliation claims.
- Obtained summary judgment for an engineering university defending Dodd-Frank whistleblower retaliation and Wisconsin wrongful discharge claims.
- Obtained dismissal of a class action under the Illinois Genetic Information Privacy Act brought against a global Fortune 500 agricultural company alleging unlawful collection of employees' genetic information

during pre-employment physicals.

- Secured a favorable settlement for a Wisconsin performance-products manufacturer defending a former senior executive's claims of fraud, wrongful discharge, and employment discrimination.
- Obtained summary judgment and dismissal for a major academic medical institution defending defamation and tortious interference claims.
- Obtained dismissal of a defamation action brought against a major private university.
- Obtained summary judgment enforcing physician non-compete covenants in Wisconsin state court on behalf of a regional healthcare system.
- Defended a design and creative services firm in a collective action under the Fair Labor Standards Act involving wage and hour claims, achieving a strategic settlement.
- Represents clients in multiple pending matters involving breach of restrictive covenants, tortious interference, and unfair competition arising from the departure of senior personnel.
- Successfully defended a Seventh Circuit appeal affirming dismissal of employment discrimination claims against a tribal non-profit consortium on sovereign immunity grounds.
- Appointed by the Wisconsin Court of Appeals to represent a client pro bono in a published appellate matter; the court commended counsel's "diligent and thorough work."

## 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 — Labor and Employment Law – Management, Litigation – Labor and Employment (2024–2026); Labor and Employment Law – Employee (2026)

Illinois Super Lawyers Rising Stars (2025–2026)

Wisconsin Super Lawyers Rising Stars (2021–2023)

## Memberships

American Bar Association

Defense Research Institute  
Chicago Bar Association  
Wisconsin Bar Association  
State Bar of Wisconsin, Employment Law Section (Past Board Director)

## 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.